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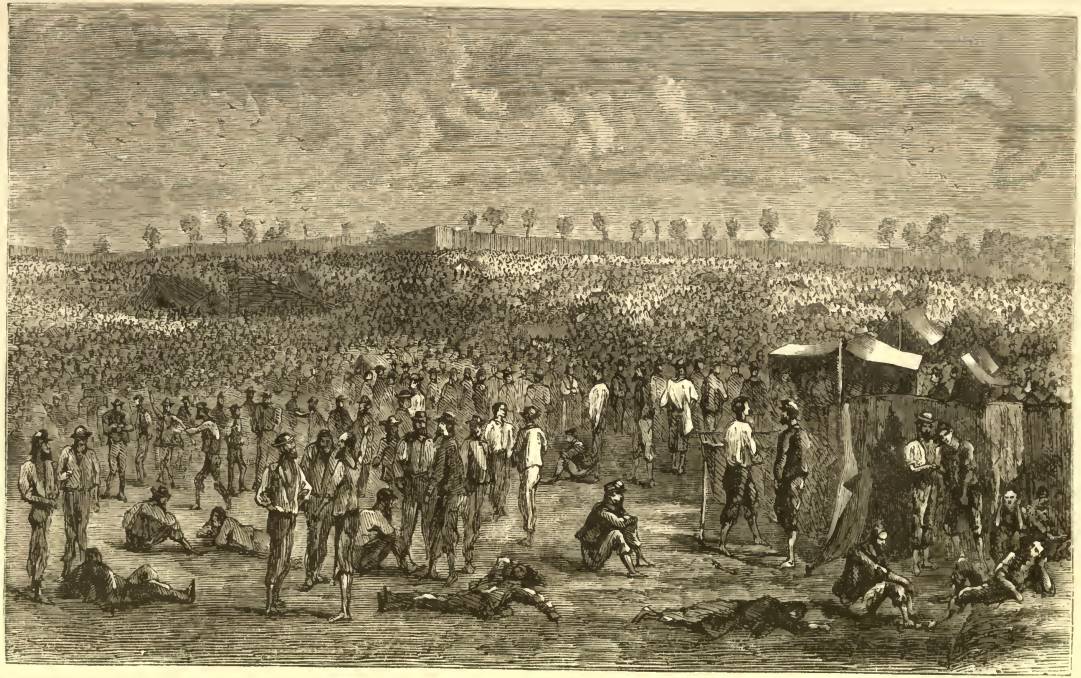

VIEW FROM THE MAIN GATE AT ANDERSONVILLE—(FROM A PHOTOGRAPH)

A

NARRATIVE OF ANDERSONVILLE,

DRAWN FROM THE EVIDENCE ELICITED ON

THE TRIAL OF HENRY WIRZ,

THE JAILER.

WITH THE ARGUMENT OF COL. N. P. CHIPMAN,

JUDGE ADVOCATE.

BY AMBROSE SPENCER.

NEW YORK:

HARPER & BROTHERS, PUBLISHERS,

FRANKLIN SQUARE.

1866.

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DEDICATION.

TO THE FEW BRAVE MEN

WHO HAVE SURVIVED THE HORRORS OF THEIR

IMPRISONMENT AT ANDERSONVILLE,

THIS IMPERFECT RECITAL OF THEIR WRONGS AND SUFFERINGS

IS RESPECTFULLY INSCRIBED BY

THE AUTHOR.

Americus, Georgia, 1866.

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PREFACE.

In placing this "Narrative" before the public, I have no apology to make except for the manner in which the work has been executed. It is a source of regret to me that I have been unable to clothe in proper language the story of the great wrongs perpetrated in the Andersonville Prison. It is cause of still greater regret that I have been forced to repeat and publish that which it would have been better to bury forever from public sight. The choice was not permitted me, for a true narrative required a full disclosure of words as well as deeds to satisfy the demand for information of what was there done.

The facts contained in these pages have been drawn from the evidence elicited at the trial of Henry Wirz before the Military Commission appointed for that purpose, together with personal knowledge which a near residence to the spot would necessarily give.

My object in this publication is not to minister to a morbid curiosity, but to place on record how outrages and murders have been committed under the fictitious plea of a struggle for independence.

The entire evidence taken on the trial was too voluminous to be given in detail, and I have therefore adopted the style of narrative, through which I could better condense the facts proved.

It will be seen that free use has been made of the able argument of the Judge Advocate upon the trial of Wirz; and the author may well express his obligations to Colonel N. P. Chipman for the aid he has given him, as for his argument, which he has made a part of his Narrative. As to its value, it is deemed sufficient to insert here the opinion of the Hon. Joseph Holt, Judge Advocate General, page 1004, Report of the Secretary of War, 1865–6:

"As it would be impossible to present, in the limits of a brief official report, even an abstract of the evidence upon this trial, a copy is herewith submitted of the argument of Colonel N. P. Chipman, Judge Advocate, which, while containing a lucid discussion of the questions of law involved, exhibits also a most faithful summary of the testimony, much of which, indeed, is set forth in the very language of the witnesses.

"It is submitted whether a publication of the record of this case (similar to that undertaken by private enterprise in the instance of the trial of the assassins), or of an abridgment of the same, prepared by some proper person, may not well be authorized by Congress, not only that a permanent memorial of the testimony and proceedings may be preserved, but also that the facts of such testimony may be made accessible to every student of the rebellion.

"A peculiar characteristic of these state trials, and that which must invest them with a deep historical importance, is the fact that, while the accused were in each case adjudged to have been guilty of the crimes with which they were charged, the *complicity* in those crimes of the *chiefs of the rebellion* was declared by the court in their

findings, and upon testimony which is deemed to have fully warranted the conclusions reached. In each case the proof justified the conviction that the prisoners before the court were not merely personal criminals, but *conspirators;* that they were the hirelings and accomplices of the cabal of traitors, of whom Davis was the acknowledged chief; and that these traitors were in fact as well as in law, equally with the accused, responsible for the detestable deeds which were adduced in evidence."

With such authority to sustain him, the author considers that no apology is necessary for inserting the argument.

AMBROSE SPENCER.

AMERICUS, Georgia, 1866.

CONTENTS.

CHAPTER I.

Introductory.—Anderson, Account of.—Climate.—The Prison and Location.—Howell Cobb first suggested it.—Its Architect and Builder ..... Page 15

CHAPTER II.

First Prisoners.—Their Reception.—Curiosity of the People.—Commandant of Prison.—A College of Girls visit it.—Episode 23

CHAPTER III.

Feeling of the People.—Their Hostility to the Prisoners.—Preachers.—Searches for Money and Watches.—Popular Huckstering 32

CHAPTER IV.

Change of Administration.—Appointment of Winder.—His Antecedents.—Fitness for the Place.—His Staff.—Son and Nephew 43

CHAPTER V.

Wirz the Jailer.—His early History.—Residence in America.—His Character.—Duties as Jailer.—New Orders.—The Dead Line.—Stringent Regulations 55

CHAPTER VI.

Increase of Prisoners.—Their Condition.—The Hospitals.—Precautions for Guarding.—Winder's Disposition of Artillery to rake the Stockade.—Stoneman's Raiders.—Their Robbery and Destitution 63

CHAPTER VII.

Routine within the Prison.—Escaped Prisoners.—Blood-hounds.—Composition of the Pack.—The Story of Achuff.—Wirz on a Hunt.—Death of the Cripple "Chickamanga."—The Burying-ground 75

CHAPTER VIII.

Kindness of Confederate Surgeons.—Contributions by the Ladies.—Contrasts.—Refusal of Winder to permit Aid for the Sick.—A Churchwarden's Language. — Attempt to obtain an Injunction. — The Result.....Page 85

CHAPTER IX.

Effect of the Injunction.—Commission to examine the Hospitals.—Report. —Counter-testimony. — Cumulative Evidence. — Poisonous vaccine Matter.—Stimulants.—Provisions..... 99

CHAPTER X.

Wirz's Shooting, Beating, and Stamping.—Starvation.—Duncan.—Story of Hamilton. — Twenty-fourth New York Battery. — Exchanging Meat.—Did the Confederate Government know of these Things? —Proof 109

CHAPTER XI.

Result of this Treatment on the Prisoners.—Moral Restraint destroyed.—Scenes within the Prison.—Wirz afraid.—Tunneling.—Robbery and Murder.—Executions..... 126

CHAPTER XII.

The Winter of 1864.—Its Rigor.—Personal Experiences.—Escaped Prisoner.—He is saved.—Efforts of the Masons to relieve the Suffering.—Success..... 136

CHAPTER XIII.

The End at Last.—Peace.—Wirz in Fear.—Letter to General Wilson.—His Apprehension and Trial.—Constitution of the Court.—Effect of the Evidence.—Findings.—Order for Execution..... 143

CHAPTER XIV.

Argument of Judge Advocate.—Jurisdiction of the Court.—Reasons of Force.—Constitutional Argument 163

CHAPTER XV.

Sufferings at Andersonville.—The Stockade.—The Cook-house.—The Hospital.—Dr. Jones's Evidence.—Dr. Hopkins's Report..... 184

CHAPTER XVI.

Colonel Chandler's Report.—Colonel Gibbs's Testimony.—Evidence of Rebel Officers and Soldiers.—Condition of the Hospital..... Page 208

CHAPTER XVII.

Charge of Conspiracy.—The Law implicating Co-conspirators.—Davis.—Seddon.—Winder.—Intimacy of Davis and Winder..... 228

CHAPTER XVIII.

Reflections on the Argument.—Findings of the Court.—Confirmation of the Sentence.—Order of the President of the United States.—The Murderer's Fate.—Tables of Mortality..... 265

ANDERSONVILLE.

CHAPTER I.

Introductory.—Anderson, description of.—Climate.—The Prison and Location.—Howell Cobb first proposing it.—Its Architect.

THE morning of the 27th of April, 1865, beamed brightly over the country of Southwestern Georgia as the rays of a glorious sun poured their genial warmth and life into the houses and cabins of the dwellers in that favored land, lighting up their hearts with a sense of final release from the fears that four years had almost made familiar to them. The same sun looked down upon a stockade of unhewn logs, surrounding an area within whose limits crouched, or crept, or staggered about ten thousand living men, prisoners of war.

The chill winds of a spring night had been but indifferent companions to those whose health and constitutions had been shattered by a long confinement there, while they had proved beneficent protectors of the sick, the wounded, and the dying there crowded together. To the first class their scanty provision of blankets and rags did not avail to ward off the piercing scrutiny of the northeastern airs which penetrated through their skins and tingled in their flesh as they muttered curses upon the authors of their unquiet.

The others had often blessed the breezes of the night, that bore insensibility to pain and torture, and left them the luxury of senselessness, paralyzed to the consciousness of suffering; and yet that morning light and sun brought liberty to all of them—life to many, and the grateful alleviation of medicine and nourishment to the sick and dying.

It was the morning of the day upon which Joseph E. Johnston, the leader of the remnant of the rebel army, had surrendered to General William T. Sherman, in command of the United States forces. The telegraph had notified the land that peace had at length dawned—that the boon of freedom was at last granted to the wretched occupants of the prison upon which the beams of that April sun were shining. The prison was at Anderson. Of that stockade and its unfortunate inmates the following pages propose to treat.

The little hamlet of Anderson, so called from John W. Anderson, Esq., of Savannah, one of the pioneers of internal improvements in the section where it is located, received its name in 1853 from George W. Adams, Esq., then superintendent of the Southwestern Railroad. Its original name has received an addition from the Post-office Department, and is now known as *Andersonville.* It is situated in about latitude 32° 10′ N., and longitude 7° 20′ W. from Washington, in the heart of the richest portion of the cotton and corn-growing region of Georgia, upon the Southwestern Railroad, sixty-two miles south from Macon, and nine miles north of Americus, the shire-town of the county of Sumter. The population, at the time of locating the prison, did not exceed twenty per-

sons. The locality is healthy, being upon an elevated ridge of light sandy soil, with rolling hills all around it, remarkable for the dense growth of pine and different varieties of oak. Throughout this immediate region, the beholder is impressed with the appearance of gigantic trees, towering in their symmetrical height, with their closely clustering stems, which form an apparently impervious obstacle to free passage or to distinct vision. The country is thickly settled by enterprising farmers and planters, while the counties adjacent to Sumter are noted for the fertility of the soil, as well as for the immense crops of cotton and corn which it produces.

The climate is mild, although subject to extremes of both heat and cold, the temperature ranging, during the months of May, June, July, August, and September, to 88° of Fahrenheit in the shade, while, with an external exposure, the thermometer would indicate, in the same months, 110°. The coldest weather of that region is during December and January, when the ordinary range is about 42°, although the mercury has exhibited a minimum of 18°, when ice of two inches in thickness has been made. Rain is not exceptional here, for during the year 1864 there were one hundred and eight rainy days, during which there fell 54.205 inches, while there were ninety-four humid or moist days. By barometrical observations, Andersonville is three hundred and twenty-eight feet above tide-water. The wells, and springs, and clear streams in its neighborhood are remarkable for the coolness, pleasant taste, and crystal transparency of their contents, as for their abundant supply.

Here, on the 27th day of November, 1863, W. S. Win-

der, a captain in the rebel army, and who was selected for the purpose, came and located the grounds for a "Confederate States Military Prison." The first suggestion for its establishment in Southwestern Georgia is due to Howell Cobb, at that time in command of the military district of Georgia and Florida.

The accumulation of prisoners of war at Richmond and Salisbury was so great as to cause serious inconvenience to the rebel authorities, congregated as the prisoners were at and near the centre of their military operations at one extremity of the Confederacy, exposed to recapture, and requiring the detail of a large force for their safe keeping. The greatest disadvantage arising from the concentration of so many thousand prisoners at the seat of the Confederate government was the consumption of provisions destined for their army, together with the difficulty of transporting immense stores to that point, over single lines of roads with insufficient capacities, and for a thousand miles from the region where they were produced. These roads were liable to be broken, as they ultimately were, by the Union forces, and thus the means of provisioning their army, as well as the prisoners, be entirely cut off.

Under these circumstances, it was determined to establish military prisons at points more remote from the theatre of war. A correspondence was opened between the War Department of the rebel government and Howell Cobb, then having his head-quarters at Macon, Georgia, which resulted in the final selection of Andersonville for one *dépôt* or prison. An examination was made by W. S. Winder of other localities, among them a place near

the town of Albany, in Dougherty County, where a bold and abundant spring was pointed out and examined by him. It is supposed, however, that the opposition of those holding interests near that place, coupled with arguments of its unhealthfulness, was sufficient to prevent its selection.

Another spot, singularly formed by nature for the establishment and erection of such a strong-hold as would be required for the purpose, was brought to the notice of the locating officer, but rejected. Magnolia Springs, twelve miles west of the town of Americus, was the place indicated. Here an ever-flowing spring, discharging sixty gallons of the coldest and purest water every minute, in close proximity to a clear and abundant stream of good water, situated within a natural amphitheatre, surrounded by gentle eminences heavily wooded, seemed to offer all of the conditions required for such a purpose. This, in its turn, was also declined, and, as before observed, Andersonville received the choice as the site for the future prison.

To the east of the railroad, distant about sixteen hundred feet therefrom, upon the side of a red clay hill looking to the south, the first stakes to mark its limits were driven. The area, thus laid out, comprised twenty-two acres. At the base of the declivity there ran a small stream of water, about five feet in breadth and not exceeding six inches deep, which took its rise in a swamp or morass about fifty feet farther to the east, and consisted of a matted, tangled growth of hay and swamp-myrtle, with small tussocks of grass and logs of decaying wood. The borders of the stream were also of a swampy, miry

character, while its course was tortuous and sluggish, and its water at no time fit for use; but, as is well known in that country, the prolific parent of disease and death, flowing, as it did, from a reservoir steeped in decaying vegetable matter, and noisome from the taste of the mould through which it was filtered. A portion of this stream, with its generating marsh, was confined within the limits of the prison bounds, which also extended up the adjacent hill farther south, the two sides making an inclination toward each other with a gradual slope, and at their bases it ran out of the western side. It will be well to bear in mind the localities here given, in order to a correct understanding of future details, with which they will be intimately connected.

When the site was definitely established, it was found to be covered with a thick growth of pines and oaks, which a good taste would have left in their natural state, not only as an ornament to the inclosure about to be erected, but as a shelter and protection to those who were destined to confinement there. An appreciative humanity would, it is thought, have been led to their retention under any circumstances. It was, indeed, suggested to W. S. Winder by a disinterested spectator of his preliminary proceedings, but who nevertheless looked forward to the possible sufferings in store for the future occupants of the place, that the shade afforded by the trees would prove grateful protections to the prisoners. The reply was characteristic of the man and prophetic of their future fate. "That is just what I am not going to do! I will make a pen here for the d—d Yankees, where they will rot faster than they can be sent!" He

was a son of John H. Winder, of whom more will be said hereafter. The trees were leveled to the ground, and the space was cleared, and the construction of the prison began.

A demand was made upon the planters of the adjoining country for a portion of their able-bodied slaves—one man out of every four; agents were appointed to collect and forward them, while Howell Cobb, as the general commanding the district, issued orders enforcing their impressment. A number amounting to about six hundred was then, in a short period, gathered together, and, under the requisite foremen, soon had the material ready for erection.

It was determined to construct the prison in the form of a parallelogram, of pickets composed of solid trees, twenty-four feet in length; these were planted close together, in a trench five feet deep, with the earth afterward thrown up around their bases; the tops of the pickets were roughly pointed with the axe.*

Within the limits thus surrounded, no buildings, barracks, houses, or huts of any kind were built. The canopy of the sky was the only covering. Not a tree was left, nor a bush, to break the sameness or diversify the utter dreariness of this destined and carefully-erected abode for brave and intelligent men. The bare hill-side, void of any encumbrance, lay exposed, awaiting the wearied tread of the thousands whom the reverses of war

* At the distance of one hundred and twenty feet, another stockade of the same kind, but only twelve feet high, was erected as a protection for the inner one. The prison proper was fifteen hundred and forty feet long and seven hundred and fifty feet wide, after an addition had been made to it, which will be noticed hereafter.

would soon hurry upon its unsheltered space. From above, the bright burning sun could look down and scorch every thing its rays reached; and as it passed in slow and apparently toilsome march up and over that bare red hill, its beams reflected from that barren surface, little, indeed, was left within the blank inclosure that it did not parch, as the cautery of its sheen blazed over the utter emptiness there.

Withering as these influences would be to those who were to be exposed to them, no executive foresight looked forward to the providing of shelter or protection from the drenching, fever-bearing rains of that region. The laws which regulate civilized warfare, and demand kind attention for those taken in arms—which place the safety, life, and comfort of a prisoner of war upon the same broad footing as the honor of the people who hold him, were intentionally and cruelly disregarded. The heats of Georgia's suns, and the influences of its climate, were left to do their work upon those who were bold enough to court their power, and unfortunate enough to be exposed to their influences.

And so the stockade at Andersonville was considered complete, and ready for the occupation of such as the fate of war should empty into its soulless confines. Its architect and builder, Captain W. S. Winder, of the Confederate Army, satisfied that he had erected a monument of engineering skill, departed for Richmond. He did not know that he had built an exponent of cruelty, which would stand, for long years after he was gone, an enduring record of malevolence and barbarity—that he left behind him a memorial that would be a shame to the very country in which it was placed!

CHAPTER II.

First Prisoners.—Their Reception.—Curiosity of the People.—Commandant of Prison.—A College of Girls visit the Prison.—Episode.

On the 15th of February, 1864, the first detachment of Federal prisoners were received at the "*Confederate States Military Prison at Andersonville.*" It was composed of captured soldiers of the New Hampshire, Connecticut, New Jersey, and Michigan regiments of infantry of the United States Army. Among them were men from other states, while some of the nationalities of Europe were more or less represented. Germans, Frenchmen, and Irishmen comprised the larger quota of the foreign element, and were, perhaps, the most numerous as a class. Among them were two Russians, old war men, who had faced the storm of battle in the Crimea, and their bronzed faces looked as if they could face yet other storms, while their stalwart forms endured the pledge their countenances bore.

This detachment, numbering in all eight hundred and sixty men, had been confined in the prisons of Richmond from the commencement of the war, and were captured at Manassas and Bull Run. Their long sojourn at the seat and centre of military despotism had exhausted all of the money or means that they might once have possessed, and their clothing was rags, or patches of shreds; their shoes, or foot-covering, the impromptu suggestion

of dire necessity. Few of these men had a coat, fewer still had a blanket; now and then a torn, ragged, greasy overcoat might be recognized among them—emblems of Fortune's fickleness in that tattered crowd. Their faces begrimed with smoke and dirt, their long, wiry, and uncombed hair, exhibited, all taken together, a picture of want and filth strange and abhorrent. They betrayed no emotion, however, as, shouldering their packs of wretched remnants, they shuffled down from the cars that whirled them to their future home. The unsubdued composure, the defiant port, and the perfect silence which they displayed, was in marked contrast with the shouts and jeers of the crowds of gaping spectators who saluted their descent from the train. They showed themselves men, if they were prisoners.

Shouldering their meagre bundles, and falling into column two abreast, they were marched toward the gates, guarded on each flank by portions of a regiment of Alabama troops, and followed by hundreds whom curiosity led thither to witness their advent. The two Russians before referred to were the last of the long line. It was a strange sight to see these veterans as they stalked to their prison, and strange thoughts and visions of their far-off land and their various fortunes crowded upon the mind. Whatever these may have been, here they were, representatives of adventure it may be, perhaps willing seekers of a change that would bear unfavorable comparison with the tyranny and hardships of their own country. Yet, under the flag of a Union about to be broken, they had yielded to their fate, and their liberty was exchanged for imprisonment.

As the column passed through the gates, the veterans halted and looked about, and gazed upon the dreary prospect before them. One turned to a soldier at his side, and exclaimed,

"Hillo! what's this?"

"Your prison," replied the soldier, "and I reckon you'll stay here a while!"

"Prison!" ejaculated the Muscovite, with scorn; "in my land they wouldn't put a hog in such a place!"

"You'd better have staid there then," rejoined Confederate; "what did you come here for?"

"To teach you how to treat a prisoner of war decently," said the Russian, as he proudly limped by his rude guardian.

The commandant of the post and prison at this time was Colonel A. W. Persons, formerly of Fort Valley, Georgia, and who was in temporary command of the Alabama regiment then stationed as a guard. The authority of Colonel Persons was not of long duration, but, during the continuance of his command, no special complaints were made by the prisoners of cruel treatment. His orders were mainly directed to the safe keeping of the prisoners and the supply of their commissariat.

He allowed the prisoners to provide themselves with bushes and poles, with which they could erect arbors and shelters against the weather. He permitted squads to go out daily for the purpose of obtaining fuel, which was abundant near the prison; and it is believed that, as far as his knowledge and experience of the requirements of his position permitted, he expended all the facilities in

his power to mitigate the condition in which his prisoners were placed.

But he did nothing more. He could not provide lumber to erect shelter and protection for those under his charge, because he did not make such representations in time to head-quarters of the deficiencies and necessities of the post as his station and duty required. He ought to have urged the erection of barracks, however rough, to shield his prisoners from the elements. He did what, in his experience, he conceived to be his duty—he carefully fed and guarded those committed to his care. Their health, their exposure, their sufferings, were not recommended to his notice in the orders which assigned him to the post, nor did they enter into his understanding of the obligations of a commander of a military prison. Within these limits he regarded his duty as fulfilled.

The author wishes to be regarded, in the statements which he makes, as impartial and unprejudiced as his sentiments and near residence to the seat of the miseries which he must depict will permit him to be; and he desires it may be remembered that he is actuated by the same feelings of opposition to the usurping authorities of the South that were well known to control him during the entire rebellion. But he trusts to his sense of what is due to every man, the opportunity of giving his own version of events that he controlled or associated with, that no unjust or partial narration may prejudice the minds of readers, or do injury to his humanity. With this view, and an unswerving intention, which his correspondence will show, he addressed a note to Colonel Persons, asking him to give a statement of his adminis-

tration of the post at Andersonville, in order that he might correct or modify the official accounts which the author had at hand. The reply which was received, and a subsequent personal interview, resulted in affording no additional information to what was within the reach of, and officially given to the author. He hoped that calmness and reflection would have induced a plain and unrestrained communication of motives and conduct, that must have added to the character which Colonel Persons enjoyed while in command of the prison. In default of other means of information, the Narrative will depend, necessarily, upon the evidence at hand.

The arrival of this detachment of prisoners created unusual excitement in the region of the prison. Daily crowds rushed to the stockade to look through the chinks of the pickets, and gaze on those within. Upon the adjacent hills and eminences multitudes could be seen staring and glowering upon the prisoners, and watching each motion of the unfortunate occupants. Women went there day after day; forsaking more pressing demands upon their time at home, and bearing their suckling babes upon their bosoms, they might be seen squatting upon the ground and gossiping, in the intervals relieving the hours with dipping snuff or nursing their offspring, while they knitted socks and gloated over the novel sight, or speculated upon the prospect before them.

Old men and boys trudged miles to this Mecca of sights to look at the "Yankees," and they loitered and lounged around, while their plows stood idle in the furrows of their neglected fields, and grass was smothering

their neglected but needed crops; or, perchance, their ill-fed and half-starved mules stood patiently near, awaiting their return to work and starvation. Negroes of all sexes, ages, and appearance sauntered around and stared, with eyes turned inside out, at the ragged representatives of those who had marched into captivity in order to set them free. They shouted, and cheered, and wrestled with each other as in a holiday, in the exuberance of their glee, just as if they were witnessing the sports in the ring of a circus, and yelled out their choicest bits of wit upon the wretched men they insulted.

Ladies, who made a boast of superior refinement and prided themselves upon their intelligence—who had ridiculed the pretensions and fashions of the North, but afterward willingly adopted them—who deemed all the virtue and patriotism of the country centred in some undefined spot, sought the charmed precincts of Andersonville, followed by their menial attendants bearing shawls and baskets, to gloat over the captured prisoners, or to congratulate each other that *their* virtue was secure, for a time at least, from those ravishing marauders who were safe from their attractions.

There was a high school—college it is called here in the South—for girls, that emptied its walls of its innocent but curious inmates, and in detachments, as the force of circumstances required, some loading the cars upon the railroad, others easily gliding in luxurious carriages, and many lumbering along in such conveyances as could be improvised, accompanied by the president and guardian professors, hurried in expectant curiosity to the centre of attraction. When there, they chattered, flirted,

stared, and ate their sandwiches, and took notes of what they saw as themes for their next weekly compositions.

Amid the throng Cupid came, the arch boy. His quiver was not well filled, for volunteering and impressment had deprived the traitor of one half of his victims. But his armory was not unsupplied. He shot the commandant of the post and one whom he destined as his mate, and with a single shaft transfixed the two. The first yielded up his arms; the other simpered, simply courtesied—both were captives.

With others of the crowd of curious visitors, there was one, a young miss of sixteen, somewhat more forward than young ladies of that tender age are supposed to be, well known in the place where she lived for her strong secession proclivities as well as for her fair face. Frequent pilgrimages to this shrine of loyalty had apparently satisfied the curiosity which attracted others, for her attentions seemed to be directed to other objects than those within the prison bounds, and her presence there was evidently a redundant offering of beauty to valor and misfortune.

One day, when there was more than the usual assemblage of gazers, she was observed mounting the steps which led to a sentinel's platform on the outside of the stockade, followed by a diminutive specimen of female Africanism. The natural black of the attendant's features was placed in vivid contrast with a snowy turban wound around her head, which, together with her big, rolling white eyes and glittering teeth, brought out the ebony of her complexion to an extraordinary degree. Beckoning the dusky satellite to her side, and looking over the

top of the palisades down into the area beneath where the prisoners were congregated, she cried out to the poor fellows within,

"Look here, Yanks!"

Startled at the fair apparition, they all gazed up at her.

"Do you see this nig?" she shouted, pointing to her follower.

"Well, she's your sister; do you know it?" and exclamations of delight at this unexpected display of delicacy and wit resounded through the throng of outside admirers as the refined exhibitor slowly descended from her conspicuous perch.

Thus, for many days after its first occupation, the stockade was the centre of attraction for the surrounding country. Nor did the curiosity of the people ever entirely abate during the time it was inhabited, or did they cease to throng about it to wonder and speculate.

The prison could now be considered as fairly initiated, and the absolute wants of those first sent there were supplied in so far as food alone was concerned. But yet no steps were taken to provide quarters or shelter. This neglect upon the part of the rebel authorities, of the officer who planned and erected it, and of its present commandant, can not be excused upon ordinary grounds. The materials for the construction of barracks existed near at hand, in the superabundant timber with which the whole country was supplied. Cabins, or huts of logs, such as answer the necessities and requirements of many of the inhabitants of that country, and which afford ample and comfortable abodes, might have been built easily and expeditiously by the negroes who raised the

stockade. But there was no necessity of resorting to this plan even. Mills for sawing timber were numerous in the immediate neighborhood of Andersonville; one was established and at work, propelled by steam, when the site of the prison was determined upon, within sixteen hundred yards; another, also driven by steam, and which continued work during the entire war, was located five miles from that place, upon the railroad. There were four other steam saw-mills within twenty miles, also situated upon the railroad, whose combined production of lumber has been estimated at over twenty thousand feet per day.

The facilities for transportation were equal to any at the South, while labor, that of negroes especially, could be obtained without difficulty. Material, such as nails, was already in the possession of the authorities, and nothing but a willingness was wanting to provide such plain but necessary coverings for the prisoners as common humanity dictated.

This was not done then nor at any subsequent period, and the interior of the stockade remained, as it has been already described, a vast open parallelogram, whose interior was unencumbered save by the unfortunates there incarcerated, and who were destined to remain there, with thousands of others subsequently added, exposed to the burning suns of summer, the drenching rains of autumn, and the cold blasts of winter, unprotected and uncared for.

CHAPTER III.

Feeling of the People.—Searches for Money and Watches.—Preachers.—Popular Huckstering.

In a narrative of all of the circumstances and events connected with the treatment and abuse of the prisoners of war confined at this place, it has occurred to the author that an exposition of the sentiments of the people who lived in its immediate vicinity would not be misplaced. He is well aware of the tender ground upon which he is about to tread, and anticipates the strictures to which he will be subjected in entering upon this portion of his subject. It has long been a prevalent principle, to which he enters his protest, that individual opinion is sacred from exposure, and exempt from the test of a public examination. This, in the abstract, may be true; but when that opinion operates directly so as to influence momentous human interests, it is liable to inquiry, and, if detrimental to these interests, it ought to be exposed to censure.

It is not without reluctance, but still with a stern determination to do his entire duty, that the author has resolved to record such opinion and sentiment. He will not extenuate them, for that would be contrary to his own sense of propriety; he cannot exaggerate them, for that would be impossible. It is proper that the world should not forget or overlook the great wrong which has

been committed through the direct operation of this same individual opinion, and under the sacred name of liberty. It is right that the crimes which sprung from the prevalence of opinions so bitter should be remembered, traced to their source and pondered, and that its tyranny should be guarded against. This despotism, constantly growing younger as it increases in age, reproduces itself at every epoch, but wears the same impassable, rigid face which it has always worn, and it can not be too critically examined, particularly when it paints its own portrait, and when the secret operation of its influence is confessed by the acts of those whom it has controlled.

It is evident that the public sentiment of the country in regard to the prisoners at the Andersonville stockade would produce its legitimate effects in the exact measure that it operated upon the minds of the officials who had them under their control, and must have a greater or less influence over their fate.

It is a well known peculiarity of the human mind that, however strong may be the sense of right, or however powerful the restraint that law may exercise over a man, there is a tendency to set aside both. When the feelings of an entire population agree with those of one holding almost unlimited power, it does not require an extended argument to prove that the preponderance of such an influence will be the guide.

The associations which daily intercourse between the officers of the post and the people of the country engendered, the interchange of courtesies, and the unrestrained communication of opinions in the streets of towns, in places of business, and the free expressions uttered around

the firesides, could not fail to produce their fruits upon the conduct of those officers.

That the views of the people who resided near the prison were characteristically hostile to all who savored of an inclination for the Union and government of the United States is too patent to demand more than its assertion. These hostile feelings, however, were carried far beyond the mere fact of condemning those who opposed the war of secession; they were directed with an intensity which meets no parallel against individual actors. The soldiers who composed the Federal army were the special objects of their animadversion. Not alone did the common people indulge in expressions of hate and vindictiveness toward them, but men of education and intelligence, those occupying high and leading positions, and especially the clergymen and preachers, availed themselves of every opportunity to unleash the Nemesis of their unforgiving rancor.

The captives were termed invaders, robbers, brigands, highwaymen, and ravishers in their addresses, sermons, and prayers. The people were invoked to cut them off and slay them *wherever* met with, and they were held up to public detestation and destruction. A Federal soldier was a synonym for every thing that was vile, and heaven might be approached somewhat nearer, in their estimation, by him who aided in their taking off.

Humanity exhibited to one of the proscribed class was considered as disloyalty to the government they were striving to erect.

One preacher of influence in his denomination, and who stood forth as a shining light of religion, proved

from the Scriptures that kindness shown to a Union prisoner was treason to God! With such a state of public opinion, it is not surprising that the officers in command at Andersonville should become infected with the moral poison that pervaded the community. And they were, as the event will prove.

For some time before the occurrences to be detailed transpired, the effect of the opinions adverted to became manifest, and it was not uncommon to hear suggestions that the provisions which the prisoners consumed ought to be saved for the use of the rebel armies; that shooting every one who attempted his escape and was caught; poisoning those who were prostrated by disease, to rid the Confederacy of their sustenance by food or medicine; hanging those who were mutinous, and thus, after an improved supplement to the plan of Furioso, "take them off in detail," and so clear the country of their presence. Food of the coarsest character, such as a master would be ashamed to dole out to his slaves, was begrudged them; not that its supply would detract from what was required for their army, but because it was universally thought that the prisoners were not fit to live.

Such was the feeling of a large, very large proportion of the inhabitants living in the county and country adjoining the Andersonville stockade. Its practical effects will be noticed in their order in subsequent chapters.

Meanwhile more prisoners were arriving, as the casual successes of the Confederate arms reaped their harvests. The trains of the Southwestern Railroad daily poured out their living freight at the *dépôt* of war-worn, sick, and wounded soldiers. Buildings for the accommodation of

the requisite officers of the post were rising up, others for store-houses of provisions and tools began to appear, and the once quiet hamlet, aroused only by the daily whistle of the locomotive as it passed or stopped in its current travel, now quickened into life with the busy stir of the multitudes that met there for trade, duty, or curiosity. Extra trains were arriving, bearing from fresh fields those who had fallen captives to the rebel arms, and were emptied into the hands and turned over to the tender mercies of their new jailers.

As the guards received them, such valuables as could be found upon them stood but a poor chance from their scrutinizing eyes and prying hands, as they deftly found their way into the prisoners' pockets. Greenbacks and watches began to make an appearance where formerly nothing but Confederate money or empty fobs preponderated; and that prisoner was indeed fortunate whose sagacity and cunning had contrived a secure hiding-place for either. In this early history of the prison, those well-conducted, nicely-contrived, and perfectly-executed systems, which regulated like machinery all of the details of search and appropriation, which were so marked a characteristic of its subsequent management, were not proclaimed. It was reserved for the succeeding commander to devise those refined peculations, the fruit of which, instead of being generally distributed, was gathered into the private garners of its projector. Before their advent, and at the period of which we now treat, there was no organized plan to despoil the poor fellows destined to this prison. Carelessness, or a disregard to his own personal emoluments, had not led Colonel Persons

to provide for the spoliation of the men sent to him before they were conveyed to their prison.

The consequence was, that the guard of Confederate soldiers searched for and seized whatever they could find upon the persons of the new-comers, and strange scenes were witnessed as the result of the scrutiny.

On the 10th day of March three trains of cars arrived full of fresh captives. The platform upon which they were landed, not more than sixty feet long and twenty broad, was crowded. Around this, as guards, were stationed one company of infantry; but the curious spectator would have searched in vain for the full complement. There were some men with arms *at port*, who made a show of doing duty; the rest could be seen intermingled with the prisoners in unusual activity upon the platform.

From the dress and appearance of the captives, it could be easily surmised that they were either new recruits, or that but a short time had elapsed since they had received their pay and clothing. Their uniforms were but little worn or soiled, their knapsacks were shining and apparently well filled, and their feet were shod in substantial shoes. There were three hundred and fifty in all; they had been captured from the Army of the Tennessee by Bragg during his forced retreat from Murfreesboro' and across the river; and, although veterans, their semi-annual allowance had been given their division but two days before the engagement that resulted in the loss of their liberty. It was evident that they were old stagers, and had an eye to their own interests, if they were prisoners.

"I see you there, Reb!" cried one; "come out of my

pocket, will you?" grasping a hand that had obtruded itself into the sacred precincts. "There's nothing there, I'll swear, so come out."

"What are you talking of? Ain't in yer pocket," says Reb.

"Yes ye are; now jis give up that watch, will you?"

"Hain't got nary watch—leastaways none o' yourn," he asserted in return, as he pocketed the coveted article.

"Now, darn you!" vociferated another, "give up my pocket-book; I felt you when you took it."

"I didn't," replied the accused; "it just fell down, so; and, 'sides, I hain't seen it," he muttered. "Anyways, you bloody raiders hev no use er sich things here."

"If I had you the other side of Tennessee, I'd show you how to steal a fellow's money," rejoined the prisoner.

"Don't tell me I stole," said Confed; "'twon't be good for you."

"Well, you did," replied the soldier; "and that ain't all—you're so used to it down here in Dixie you don't know when you *do* steal." But the anathema and charge produced no effect, and the porte-monnaie and its contents changed hands.

"Give me back my shoes, there!" shouted a poor fellow, who, seated upon the edge of the platform, was engaged in solacing his travel-worn feet, aggravated by a pair of new shoes which he had received but a short time before his capture, and which he had deposited temporarily at his side.

"Give back them shoes!" he vociferated, as the depredator was wending his way out of the throng with his booty under his arms.

"Who's got this man's shoes?" exclaimed another.

"Yes, who's got 'em, I say!" shouted a third.

"Here's a pair of old 'uns I'll give for 'em!" cried one.

"I'll give one hundred dollars for those shoes," echoed another, "in a horn!"

"I'd like to see him find 'em again!" said a barefooted guard, who doubtless envied the possessor of the valuable articles.

"Yes, that's just the way of you darned fools of Rebs," said the despoiled one, solacing himself with his objurgation; "you haven't seen sole-leather for so long you'd take it off a dead nigger's foot, I'll be bound."

"Now shut up, Yank! none of your gas here," replied one of his guardians.

"Of course not," rejoined the undismayed fellow; "you've got so much of that last article down South here, you don't want any more brought in for fear of spiling the trade!"

"I say, Yank!" hailed one of the guard, "two coats is one more than the law allows; anyhow, it's one too many for *you*. Loan me that 'ere big 'un for a day or so?"

"Nary loan, Reb," returned he of the overcoat.

"Well, I'll tell you what, I'll just take care of it for you till you want it again. You see, there's a set of darned thieves up in the stockade yonder, and you'll lose it sure."

"I reckon I'll keep it," said the prejudiced owner.

"No you don't," replied his banterer; and, so saying, he seized upon the coveted article, and it disappeared from its proprietor's sight forever.

Not often, however, did the greedy Confederates tarry to ask for any article they wanted, or use even the semblance of a word in order to possess themselves of the property of the prisoners; and so they were deprived of their money, watches, and clothing before they had fairly entered upon the trials before them, either by systematic pilfering or more open robbery. There could be no doubt entertained of the liberality of the United States government toward its soldiers in its supplies of clothes and blankets, if the persons of Confederate soldiers and citizens were any evidence, for the national blue of the Union army was the prevailing color for negroes and secessionists every where in the neighborhood of Andersonville. If a stranger had been suddenly thrown into the midst of this people, and had tried to form an opinion of the prevalence of loyal sentiment from the preponderating hue in dress, the positions of the belligerents would unquestionably have been reversed, so completely had the two parties changed, in so far as habiliments could change them. The price in Confederate currency for a pair of pantaloons, such as was provided for the Federal soldiers, would have purchased an entire suit of the best broadcloth before the war, and yet they were as common in the country as the indigenous productions of sheep's-gray or butternut jeans. This deprivation of their clothing was a most serious loss to the prisoners in other ways than through the discomfort produced, and, as the sequel will show, this was no small privation. The scarcity of materials in the Confederacy from which clothes could be made, the high prices demanded in the worthless, dishonored currency of the country, placed the means of

supplying necessities beyond the reach of most every one, except those known as speculators or fire-eaters, for the terms are convertible.

If the prisoners had been allowed to retain such surplus as they could conveniently spare, it would have given them the means of obtaining such necessaries and supplies as the greed of gain induced the people of the country to sell or barter, for every day crowds of such huckstering spirits might be seen with barrels and baskets of vegetables, meat, and poultry, thronging around the stockade and seeking opportunities to trade. Women, who ranked at home as *ladies*, and whose daintiness compelled the use of a carriage to transport them ten rods to a meeting-house, deprived themselves and families of flour, sugar, and molasses, to make up for sale cakes and pies for the Andersonville market. Their gardens were stripped of their produce to supply their stock in trade, and their household interests were suffered to go by default that their servants might be sent with their contributions to this emporium. Nor did their profits disappoint their expectations. The troops on duty as guards to the prisoners caught the spirit of speculation, and became ready purchasers, to sell again to the captives, or to exchange with them for their rags and soleless shoes. Thus a brisk market was opened for the mercenary traders of the neighborhood, who only aped the example set them by more expanded capitalists, and so another class was added to the hungry swarm of money-loving patriots who were engaged in dissolving the Union.

It must not be inferred from a preceding remark that the scarcity in clothing material extended to the States or

to the Confederate government. Both of these, through agents abroad, had procured and were purchasing large amounts of cloth and shoes. Add to this the uncontrolled resources of the government in fabricating money, or what passed for money, the unrestrained enforcement of laws for impressing, seizing, or pretended purchasing granted to its agents at home, to its commissaries and quarter-masters, of which every town contained enough to form a company of infantry, afforded the government all the supplies that it required. When this unscrupulous purchaser came into the market with his inexhaustible means and unsatisfied wants, the price of all commodities rose beyond the reach of most persons, and put their purchase out of their power.

To this cause was it principally owing that such great anxiety was manifested by the people in obtaining the clothes of the Federal soldiers for their own use; not that the national color tallied so well with their loyalty, but that the coats and pantaloons of the prisoners enabled them to present a somewhat decent appearance in public.

CHAPTER IV.

Change of Administration.—Appointment of Winder.—His Antecedents.—Fitness for the Place.—His Staff.—Son.—Nephew.

TOWARD the end of the month of March, 1864, it was rumored that a change in the command of the post at Andersonville was to be made, and the name of John H. Winder, a brigadier general in the Confederate army, was associated with the report.

As over some bright plain, when the sun is passing downward in his western course, the shadow of a mountain is visibly projected—the precursor of its antitype, which holds darkness and desolation in its hand—so before his actual advent the shadow of his influence was cast from the extreme limits of the Confederacy, a spectre menacing a sterner rule and a fiercer despotism, and more undreamed of death than any which mere physical agencies could ever compass.

His coming was heralded to the Southwest by the "Richmond Examiner" in these words:

"THANK GOD THAT RICHMOND IS AT LAST RID OF OLD WINDER! GOD HAVE MERCY UPON THOSE TO WHOM HE HAS BEEN SENT!"

With such a harbinger from the last theatre of his service, it did not require a great amount of foresight to appreciate the full value of the acquisition. He made his appearance on the 10th day of April as commander

of the post at Andersonville, and of the county of Sumter, in which it was situated.

The change thus effected was due to several causes, not the least notorious of which was the fact that Winder had made himself so obnoxious at Richmond, where, in his capacity of provost marshal and Superintendent of Military Prisons, he had transgressed and trampled down every law, usurped all the authority of his office, and violated every principle of official decorum.

For these acts he was repeatedly complained of and reported to the Secretary of War. But he was the personal friend and willing tool of Jefferson Davis, by whom he had been appointed to office and commissioned, and a pliant servant, whose constant access to his master's presence permitted him to drop his crafty insinuations like pebbles into his restless soul, and heap up the waters of bitterness to their overflow; so he held over his protegé his protecting hand. He was too valuable an auxiliary to be dispensed with for venial offenses only, and his services could not remain entirely unemployed.

Another and more potent reason for giving him the appointment was, that Winder's own solicitations effected what sheer necessity would have required. He sought a sphere of action where, unrestrained by official inquisitiveness or supervision, he could indulge his rapacity in reaping such pecuniary harvests as a position like this would afford him.

He had left his native state of Maryland, and sought to better a fortune which was always bad by mixing himself with the excitement that the rebellion had occasioned. Never possessing either means or position at home,

he thought to secure both by linking his fate with treason. A field so promising in its yield, and so removed from officious interference as Andersonville, did not escape his avaricious eye, and the place was bestowed upon him.

An examination of records shows that his early education was not deficient in these acquirements, which go very far to aid in throwing off the restraint which law and a respect for its behests demand. In the year 1818, John H. Winder was a cadet of the United States Military Academy at West Point, and while there was engaged in a meeting and joining in a combination against his superior officers. He was then barely twenty-one years of age, and nothing but the extreme construction applied to his offense by John C. Calhoun, then Secretary of War, saved him from the punishment due to such misdeeds.

Thus early did he display that disregard of necessary authority which became so marked a characteristic of his subsequent and notorious career. The curious in such matters will find all of the details of the case above referred to in "Documents, Legislative and Executive, Class V., Military Affairs, vol. ii.," published by the authority of Congress. Contemporary accounts assign to him a conspicuous position in the memorable riots at Baltimore, in which the same disposition to override law and trample upon human rights was pre-eminently manifest under the title of a "Plug-Ugly." Such seed, planted and nourished in boyhood, growing up into prolific bearing in middle age, bore its expectant fruit at seventy years of his life, at Andersonville, in 1864; for future his-

tory must identify him with the whole infamous machinery of persecution, starvation, and death, which he either originated there, or made warmly his own.

That the power which appointed him to office must, from the very nature of things, have been advised of the antecedents of the man, can not be denied. The well-known scrutiny which Jefferson Davis exercised in all of his selections—the fact that Winder received his commission as a brigadier general in the Confederate Army at an early period of the war; that he never was intrusted with a command in the field at any time during the rebellion; the extreme difficulty of obtaining high appointments from the President, all go to demonstrate the fact that he was supplied with rank, without a command, from his peculiar fitness for the work to be required of him. It is well known that he did not disappoint his master in the execution of the duties assigned to him, and it is doubtful if, within the limits of the so-called Confederacy, another man could be found so well fitted for the performance of the mission to which he was destined.

With an exterior and countenance repulsive by superannuation, and unsoftened by that suavity or courtesy of manner that marks the comity of a gentleman; with a roughness of demeanor and a rudeness of speech that bespoke the bear instead of the officer, his presence shed around him an air of ungracious churlishness, that repelled the intimacy which his position ought to have invited. Unpolished and uncivil in his manners, his speech was, if possible, more ill bred. The vocabulary of invective might have been searched in vain for a novelty in

imprecation which was not familiar to his lips; and, as the oaths rolled from his tongue in the most ordinary conversation, a listener could well be excused for the manifestation of astonishment at the fertility of the general's language, and the varied plenitude of his maledictions.

This is no overdrawn picture of Winder; and if the shadows are dark, and the *oscuro* of his character is unrelieved by a single line of light, to him, not to his painter's charge, be laid the defect. And yet this person, so marked amid thousands, and so characterized by the special traits that shone around him, was courted and idolized by the men and women of the country most conspicuous for their secession proclivities and their hate of the Union. To such a degree was this hero-worship carried, that the sacredness of a high office in the Church was polluted by electing him to its functions.

In the choice for wardens and vestrymen of a newly-organized congregation at Americus, the priest, who controlled the election, forced him upon the members as one of the wardens, observing from the altar that he had seen him partake of the Holy Eucharist in an Episcopal church at Richmond.

The author of this successful attempt to link an emissary of evil with a holy cause—Staley is his name—has lived long enough to see his efforts crowned with entire triumph; for by this act he blasted the prospects of a rising congregation by thus forcing a reprobate into their vestry.

I have been thus particular in the exposition of this man's attributes, for to him will be traced all of the hor-

rors that this Narrative will recite. It has been considered necessary that those who favor this work with a perusal may learn who the agent was, and who was the principal in the nefarious outrages that will always mark this spot as one excepted in all the annals of human atrocity, pre-eminently superior for its unmitigated cruelty and the deaths that resulted, and for the woes endured by the tens of thousands of brave men who suffered under the devilish grasp of this arch-fiend of prisons, John H. Winder.

With him came his son, W. S. Winder, who was installed as adjutant of the post; his nephew, Richard B. Winder, the quarter-master and commissary; HENRY WIRZ, "*Superintendent of the Confederate States Military Prison at Andersonville*," the future jailer and executioner of his orders in regard to the prisoners; Dr. White, as surgeon-in-chief, and who afterward had the management of the hospitals; James W. Duncan, of New Orleans, and W. J. Humes, of Baltimore, who were selected as the examiners of boxes, clothing, and pockets of the prisoners as they arrived, together with three police detectives, taken from the Richmond experts, to spy out and report to him the utterances and shortcomings of the people of the country. The services of these latter were in constant requisition, and they proved efficient aids.

As adjutant of the post, his son, or Sid Winder, as he was generally called, had charge of the execution of the details and military orders which applied to the troops on duty there as guards to the prisoners, keeping the records of the post, and the performance of such other duties as is required by military usage and discipline. In ad-

dition to this, the provost marshal was under his orders, and received his instructions from him. This officer, whose name was Reid, a lieutenant in the army, a youth of about twenty-two years of age, and a supple tool in the hands of his superiors, may be mentioned and dropped here at the same time, as undeserving even such a notice as his compeers must receive.

The adjutant was the second man in authority, because his relationship with the commandant secured him an influence which his position and rank could not have given him; he was the mouthpiece, legally as well as naturally, of his father. Sid Winder, who established and supervised the erection of the prison in 1863, was about thirty-five years of age, rather below the ordinary size in stature, of no prepossessing appearance, and in many characteristics resembling his sire.

Richard B. Winder, as quarter-master and commissary, held the next important position of any other, in so far as the opportunities for gain were offered. Through his hands all of the supplies passed, the clothing for troops and the money; with him was the selection and appointment of the sutlers of the post—indeed, the charge of every thing that related to the provisions of the troops stationed there and the prisoners. To him, therefore, must we look for those deficiencies in food which will be hereafter shown to have been one of the chief causes of suffering and death among the unfortunate men confined there.

It was notorious that he shared a partnership with the sutler of the post and the sutler of the prison, and divided with them the proceeds of their gains. He fixed the

prices of all produce, such as butter, eggs, meat, poultry, vegetables, every thing that the people of the country brought there to sell. He did more—he allowed no one to purchase what was thus offered until his sutlers had obtained all that they required; this was, most generally, all that was brought to be sold. He did *not* fix prices that should be charged upon these articles by the sutlers; that was left to their discretion, to the demand and supply, and to the value of Confederate money at the time. Butter, for instance, could not be charged more than twenty-five cents per pound, Confederate currency, by the market-women who brought it there; it was sold by the sutlers at one dollar and a half.

The yield from this harvest was greatest within the stockade. There the first requirement was for *greenbacks*, provided the poor prisoners' pockets had escaped examination and robbery before they passed within the gates. The same article of butter, for which his partners paid twenty-five cents in Confederate money, was sold to a prisoner for one dollar in greenbacks. At this time the difference in value was as twenty to one; so, what cost twenty-five cents in worthless paper, was sold for twenty times as much in United States currency to starving prisoners of war. Collards as they are called in Georgia—colewort, a species of cabbage not maturing to a head, a coarse kind of greens in general use at the South, were put down in Quarter-master Winder's tariff at ten cents per bunch of three stalks; inside the prison fifty cents in Federal money was demanded, or one dollar and a half in the currency of the country. It does not require great financial astuteness to estimate the profits upon such trans-

actions. All kinds of produce raised in the country was thus estimated and sold.

At this period there was a law passed by the Confederate Congress prohibiting, under heavy penalties, the sale, purchase, or traffic in United States money, or national currency, "*except in cases specially authorized by the President.*" It was made a test of loyalty to buy or sell, and it was denounced as treason against the government, to be punished by severe penalties; yet into the hands of R. B. Winder & Co. flowed thousands of this traitorous money, and, being ostracized by law and so rendered worthless, their losses must necessarily have been great. But the reader need not prepare his sympathies for this patriotic firm—he need not commence an estimate and foot up the ruin that a loyal quarter-master must have suffered from such transactions! He and his partners had a very simple scheme by which to save themselves from bankruptcy, and his incorruptible uncle, the general, from shame at the result of their financiering. They *sold* the odious greenbacks to those who knew their value for what their market price demanded, and by these two operations cleared about one thousand per cent. upon their labors.

If any unfortunate purchaser of the prohibited currency was suspected of using it for remittance to the North, to pay his debts contracted before the war, the same men who had sold him the funds, and who had received their pay for them, would enter a complaint in form before a justice of the Superior Court of the county, who resided conveniently near the post, and the unlucky operator was arrested under the law, torn from his family, and turned

over to the tender mercies of the provost marshal, and by him imprisoned until the importunities, the security, or the money of friends could release him from his confinement.

Cases like this were of daily occurrence; and if the business became dull, the detectives that General Winder brought out with him were set to work, and some ignorant subject was inveigled into the snare which was artfully contrived for him, and, while engaged in a bargain for the denounced money, would be arrested and marched off for punishment, by being mulcted in black mail, or confinement until the next grand jury of the county met to investigate his case, and probably indict him. If he proved to be made of pliable stuff, and sought to escape farther annoyance, he compromised the matter with W. S. Winder, the adjutant, by paying him a round sum, besides forfeiting into his lenient hands the greenbacks which he had obtained from his cousin; but if the accused was obstinate, he was at once arrested by a warrant granted by the convenient justice above referred to, and, under heavy bonds, awaited the issue of his trial.

The records of the court of Sumter County yet exhibit numerous indictments which were found for violating this law of the Confederacy, when the defendants had proved too contumacious for the manipulations of the adjutant.

One case may be cited as an instance and proof of all others. An Israelite, not entirely "without guile" on the question of good money, was approached by one of these detective harpies of General Winder's, and induced to go up to Andersonville, where the victim was told in great

confidence that he could purchase any quantity of the coveted greenbacks from the sutler. Arrived there, they entered the store, the door was closed and locked, and the transaction began. Twenty-five for one was asked and given; the national currency safely deposited in the purchaser's pocket, the loyal money placed in the sutler's till. Just at this critical moment a signal cough was given, a body was projected through an open window, the Jew was in the grasp of a detective, and was marched off to the provost marshal's, and by him sent to the guard-house. For three days the prisoner suffered durance, when he at last succeeded in gaining an interview with Adjutant Winder. The result of the conference was that he gained his liberty, but he paid into that officer's hands the three thousand dollars of disloyal money which he had purchased from R. B. Winder's sutler, with two thousand five hundred dollars of Confederate currency in addition, and then went his way to his home, a poorer but certainly a wiser man. He had been taught a lesson in *cent. per cent.* by a Gentile which excited his wonder, if it did not arouse his envy at the skill displayed. That this and similar transactions were "*specially authorized by the President*" the author is not informed.

The stern integrity of General Winder was carried to such an extent that any person who fell under his suspicions as dealing in the contraband currency was exposed to the whole fury of his amiable wrath. One gentleman of high social position at Americus, esteemed for his moral worth and business character, but who labored under the misfortune of having been born north of Mason and Dixon's line, although he had resided for many

years at the South, visited the stockade one day to satisfy himself of the reports in relation to the treatment of the prisoners. He was met by the general with an expressive objurgation and query of what he was doing there. The gentleman mildly replied, and told him his reasons for visiting the place — mildness of manner and the extremest courtesy of speech was a characteristic with him. He was informed, with a battery of oaths, that he was not only a d—d Yankee, but that he was suspected of dealing in greenbacks; that he had better look out; and, with an oath that fairly made his hair stand on end, was ordered to depart the charmed precincts.

These details are considered necessary, as having an important bearing upon, and connection with, this Narrative of the Andersonville Prison. They show the outer life and practices of those assigned to duty there as important officers and high in the confidence of the Confederate authorities, and they are regarded as links in the chain which bound, and ground, and cankered the life and flesh of those incarcerated there. It is supposed that a better insight into the characters of those intrusted with such great interests will be thus given than by mere statements. They are parts and parcels of the stupendous fraud and wrong which culminates in the person of the jailer of the prison, HENRY WIRZ.

CHAPTER V.

Wirz the Jailer.—His early History.—Residence in America.—His Character.—Duties as Jailer.—New Orders.—The Dead Line.—Stringent Regulations.

THIS individual, since become so fearfully notorious as one of the principals who dealt out with an unsparing hand all of the horrors of disease, pollution, and death to captives of war, was a native of Switzerland. He was born at Zurich in the year 1822, and emigrated to America in 1849. When he landed in the United States to seek a home among its citizens and protection under its laws, he was unable to speak a word of our language, but, having some knowledge of woolen manufactures, he obtained employment in a shawl factory in Lawrence, Massachusetts. Here he remained for some years, when he emigrated to Louisville, Kentucky, and became a clerk or attendant to a homœopathic physician, where he acquired the information upon which he subsequently practiced. From Kentucky he removed to Louisiana, and commenced his career as a physician, offering his service[illegible] the plantations of the section where he located. there

When the war broke out he became a violent par[illegible]e at- of the rebel cause, and first turned up as a clerk of t[illegible]e. Libby Prison at Richmond. Here his acquaintance with John H. Winder first began, and through him he obtained his commission as captain, and was placed on his staff

as assistant adjutant general. As a deputy provost marshal, he was sent on an inspecting tour in the year 1862–3 of the prisons and prisoners throughout the South. In the summer of the latter year he was deputed by Jefferson Davis, at the instigation of Winder, to carry secret dispatches to the rebel commissioners, Mason in England, and Slidell in France, and to the financial agents of the Confederate government in Europe. He returned in January, 1864, and soon after, in the train of his benefactor Winder, he came to Andersonville with him, and was placed in immediate charge of the prisoners there confined as "Superintendent of the Confederate States Military Prison at Andersonville."

The appearance and physiognomy of Wirz was neither attractive or interesting save by its repulsiveness. In height he was five feet eight inches, with a slender weazened form, stooping shoulders, and emasculated gait. His features were pinched and disagreeable, rendered more unpleasing by a light gray eye, surmounted by a heavy protruding brow, restless, unfixed, and incapable of a manly, self-sustained look at the person with whom he happened at the time to be conversing. His low, retreating forehead, with head of small size, displayed a greater amount of animal than intellectual nature, and was a fitting apex to one destined hereafter to become so notorious of th

Wirz, as superintendent, was committed the entire charge of the stockade and its inmates. His reports, whenever they were made, were always to General Winder, without passing through the hands or office of the adjutant, while his orders were sent direct to him, with-

out the interposition of any other officer. Between General Winder and Wirz there was always the most cordial understanding; and while there were bickerings and reproaches that marked the intercourse of the commanding officer and his son, the adjutant, a contrast was exhibited in the steady, unruffled flow of official relations between these two.

His assumption of duty was marked by a radical change in the guarding, feeding, and treatment of the prisoners under his charge, and a corresponding change for the worse in their condition. Worse, for there was a degree in human suffering and human misery yet lower than they had reached that his keen appreciation had marked out for them.

To the reader, sitting, it may be, surrounded by the comforts and conveniences of civilized life, the idea of grades in human wretchedness, where it was already reduced to a grossness that was merged into bestial, is not probably intelligible. When told that men bred to the comprehension and enjoyment of the same comforts as themselves, and who had proved their manhood amid the roar and carnage of battle-fields, were penned up within an open inclosure, exposed to the varying elements, without shelter, save such as burrows and holes in the ground could afford, and with filthy, noisome water to drink, and insufficient food to eat, it may not be conceived that there was a lower degree still of human misery yet to be attained—that the lowest had not been reached in the scale. Such must not be surprised to learn that there were within the means of Wirz a compass so immeasurably below their conceptions that the index on the scale of

comfortless torture could vibrate without a check while the fertile brain of the new jailer could invent plans to chafe the suffering or madden the disconsolate wretches there.

The first invention of his genius was the erection of the *dead line*. Before his advent, the prisoners had been permitted access to the sides of the stockade to converse with those visitors whom curiosity or business brought to the outside. In order to prevent this practice, posts three feet high were planted ten feet apart, and thirty feet within and from the stockade, upon which was pinned a railing extending all around the inclosure. Notification was given the prisoners by Wirz himself that no one should pass beyond this barrier under pain of instantaneous death to him who should transgress. The sentinels upon the exterior platform were imperatively ordered, each time the relief was placed on duty, to be vigilant in detecting and shooting, without warning, the unlucky violator of this line of life and death. It was not necessary to call forth the murderous bullet that the entire person should be exposed or beyond the assigned limits. The protrusion of an arm to dip up water from some spot more undefiled than another, the reaching under to snatch a worthless rag which a breeze had borne beyond the reach of its proprietor, or the half-exposed body of a prisoner whom a struggle with his mates had forced out of the prescribed limits, were enough to secure the shot of the sentinel and the death of the transgressor.

With grim cunning, he had so placed the railing that a portion of it crossed or intruded upon the little stream which entered from one side and furnished water for the

prisoners. And this point was where the water was deeper and purer than at any other part of its course, and necessarily more inviting to the thirsty palates who hankered for it. To reach this water the *dead line* must be obtruded on—to do this was death.

In the almost torrid heats of a Southern summer, with a sun pouring down his burning rays that literally blistered the skin exposed to them, with a foul and putrid stream of water to supply the demands of a thirst that could not be assuaged, but almost maddened the martyr to its torments, there was reserved one spot less noisome than any other, and whose tempting waters beckoned to their enjoyment. But the malignity of Wirz had interdicted that spot by death! The sufferings of Tantalus were real enjoyments compared with what these prisoners endured, for he was cooled by the flowing tide even to his throat, but they burned to their vitals with consuming thirst, and their parched bodies were uncomforted by even a dip into the coveted element.

At this fated spot the ghosts of many poor fellows went shrieking their death-gasp away over those filthy waters as their emaciated forms sought a temporary refreshment nearer to their source.

The illustration conveys but a meagre idea of the temptation offered, or of the heartless penalty affixed for him who should risk its acceptance.

It is the proper place here to state that all of the dispositions made for the guarding and safe-keeping of the prisoners, the amount and kind of rations issued to them —every thing, indeed, which concerned those within the stockade, emanated from Henry Wirz, who was responsi-

ble to his superior officer for them. The reader is requested to bear this in mind. Winder was chief of the post of Andersonville. To his subordinates was allotted their respective duties, under the general instructions always issued and usually understood by military men. To the subordinates of this post the same orders were given, and it was understood that they would not be held responsible for any dereliction, provided only that they kept themselves within a liberal construction of very indefinite rules, but, above all, that they "looked upon the Yankees like so many d—d Wahoes."*

But to Wirz special orders were given, and posted in writing at the gates of the prison and at the office of the provost marshal. They are as follows:

"*Orders No.* 9.

"Head-quarters, Confederate Military Prison,
Andersonville, April 12, 1864.

"Captain Henry Wirz is assigned to the superintendence and management of the prisoners at this post, and will take charge of their custody.

"Supplies for their maintenance will be issued only upon his requisition and under his orders. Passes to visit the stockade will be granted by him alone, and all arrangements connected with its interior will be controlled by him.

"Captain Wirz will report directly to these head-quarters. By order of

"JOHN H. WINDER, Brigadier General.

"W. S. WINDER, Assistant Adjutant General."

* Winder's verbal orders to Wirz, April 15.

From this it will be seen that the entire control of the prisoners was devolved upon Wirz, reporting only and directly to the general in command. It may be asked by those more conversant with military affairs than the author pretends to be, why such unlimited powers were granted to one man by him who was appointed to the duty by his superiors. The question can be answered but by assigning as a reason the results that flowed from thus transferring authority. It may be that age, which was telling with unmistakable marks upon the form of the superior, was willing to delegate cruelty and murder to a ripe maturity which could compass both; or, perhaps, the cunning that a nearer view of his grave induced wished to shift a responsibility he was unable to bear. It may be that ulterior views of profit in the administration of his commandery led him to think that his time would be required in looking after his personal interests, and in hoarding the rich harvests which son and nephew would reap from such a well-cultivated field.

Whatever the intention may have been, it is certain that one portion of his power was delegated, and his mind was freed from the care which its duties involved, and left to riot in such forms as he chose to assume.

In any event, the management and control — the life and death of the Federal prisoners at Andersonville were committed to their superintendent and manager, Henry Wirz, who acquitted himself of his delicate charge as became the new instances that have been given, and which marked his iron reign. It is not out of place to say here that Wirz often asserted, during his supremacy, that he alone was responsible for the management of the prison-

ers, and if any blame attached he was willing to bear the brunt of it.

He did bear the brunt, alas! but in a different form from what, in his assumed safety, he had boasted. His ghost and the spirit of his general have doubtless commingled ere now in other spheres, and it is not unfair to suppose that, if disembodied essences can feel the poignancy that tortures a mortal, repentant tears have been shed by the twain enough to wash from their souls the blood of more than ten thousand starving victims.

CHAPTER VI.

Increase of Prisoners.—Their Condition.—The Hospitals.—Precautions for Guarding.—Winder's Disposition of Artillery to rake the Stockade.—Stoneman's Raiders.—Their Robbery and Destitution.

THE month of May has now arrived—a month which in this latitude is especially trying upon those who are unaccustomed to its peculiarly enervating influences, and where the mean of the thermometer is 80° in the shade. The eastern winds come laden with their burden of languor, relaxing the energies, debilitating the strength, and blunting the edge of effort even to those accustomed to their effects. The sun, gathering renewed power after his hibernal impotence, pours down his rays, and forces into premature being the buried seeds of life and death. The germs of disease, which have lurked unregarded, perhaps unsuspected in the human system, are quickened into a fatal growth, and in this season of almost spontaneous development they sprout with a rapidity unknown in higher latitudes.

The prisoners felt the sickening influences, and, yielding to their empire, drooping under their grasp, they began to surrender and die. And now, for the first time since the organization of the prison, a hospital was organized. This term is used, in the absence of any other, to designate a receptacle for the sick and diseased who could neither stand up nor live within the prison bounds; but

it is not intended to convey the idea of protecting shelter, comfortable cots, soft blankets, or nourishing food, which are the generally understood concomitants of such establishments. It was organized as the result of sheer necessity, not from motives of humanity. The shelter at first was heaven's canopy, subsequently pine boughs, and finally ragged tents. The cots upon which emaciated and diseased forms were to repose and seek relief were holes worn into the ground by the wretched patients as they writhed in pain or rolled in the paroxysms of fever; the blankets consisted of such vermin-infested, ragged clothing as the rapacity of their captors had left them; the nourishing food was a piece of bread two and a half inches square, composed of corn and cow-peas ground together into meal, with a small piece of fat bacon. Upon such sustenance sick and dying patients were nourished—thus nursed and protected. And now Death was busy. Deputing other agents to the superintendence of battle-fields where they gathered mighty harvests, he presided at this chosen spot, and reaped the fruits which inhumanity had planted for him. The hecatombs which were daily offered up to the destroyer did not for a moment arrest the course which his prime functionary, Wirz, had marked out and still persisted in.

Dr. Joseph White, a surgeon upon Winder's staff, had control of this hospital, under command of his superior, and after him Dr. R. R. Stevenson was the medical director. The details of occurrences, of deaths, of filth, and of starvation in this place are too repulsively shocking to be embodied within these pages, or to meet the public eye in all their naked specifications, and the author is ready to

regret the task which he has undertaken, and to throw down the pen in disgust at what is before him. A stern determination, however, urges him forward as he reflects that it is due to the truth of a history yet unwritten that these repugnant facts should be made known, not to purvey to a morbid feeling of curiosity or a taste for the horrible, but as portions that go to make up the history of a momentous event. It will be the aim of the author so to prune off and shape his materials as to shear the loathsomeness of the details of their most offensive parts, that the general reader may preserve his sensibilities from too rude a shock in their perusal.

It is in evidence from every Confederate surgeon who has been examined that the filth and destitution of the patients was of the extremest character. Dr. John E. Bates, who was on duty there, says that when he first entered a ward of the hospital he was shocked. Men were lying partially naked, dirty and lousy, in the sand, wasting under gangrene, putrid from fever-sores, and literally dying from starvation, crowded together in small and unserviceable tents. They asked for a teaspoonful of salt; they begged for some of the siftings of meal; they even entreated to be allowed to gnaw a bone as they lay in their filth, destitute of medical attendance as of every thing else. They were suffering with scurvy, dropsy, diarrhœa, gangrene, pneumonia, and almost the entire catalogue of diseases, while the effluvium from the hospitals was sickeningly offensive; and if by any accident the doctor's hands were abraded, he refused to go into his ward without properly protecting them from contagion.

The systems of the patients were so reduced by in-

action and disease, that if by any mischance the hand should be scratched or a wound created, gangrene would immediately supervene. One of his patients, a prisoner of but sixteen years of age, was down with both gangrene and scurvy. He talked of and cried for his absent mother, and prayed for her tender hands and gentle care to soothe his anguish or dress his sores, and as he moved his restless, emaciated body, seeking a repose that was denied him, the sand would rub into his sores and disfigure the very pollution which was destroying him. Although it was against specific orders to give the patients any food or what might help their condition, yet the doctor now and then smuggled into his little patient's hand a potato or a biscuit to appease his ravenous hunger; but, notwithstanding, to use the witness's simple but heartrending words, "*his sores gangrened, and, what with the scurvy and want of food, and from lice, he died!*"

The scurvy was next to rottenness. Many of the patients could not eat because there was no mastication; their teeth were loose, and they were constantly asking him for something to eat that would not cause pain. The rations for the sick were less than twenty ounces for the twenty-four hours—not enough to keep a man alive, especially if the food was "monotonous" and consisted of but few articles; many starved to death on account of the unwholesomeness and paucity of the rations. During this enactment of horror the medical director manifested no interest in the relief of the necessitous, but, as was proved, entertained his visitors at his quarters with choice viands, and placed before them copious draughts of the whisky that had been provided for his rotting, dying patients.

Dr. William Balser, an assistant surgeon at Jacksonville, Florida, gave his experience of the climax of this "treatment of patients" after they had been definitely released from their prison. He attended a large number of the cases from Andersonville, and gave a graphic but sickening account of their horrible condition when they came into his hands. The larger portion of them were mere skeletons. Of three thousand three hundred released prisoners, there were not two hundred who did not require medical treatment, and not one half of those who survived would ever be fit to resume their former occupations. Some of those afflicted with the scurvy were idiotic, while bones had to be removed from the jaws and other parts of the bodies of the sufferers.

Such is an eliminated statement of the condition of the hospitals and the treatment of the inmates at this period. In due chronological order we must recur, however unwillingly, to these receptacles again.

But Wirz, the superintendent, was not idle, for day after day he could be seen riding upon his well-known pony into the shambles which he controlled, or to the trenches which he had ordered dug, where his victims were hurriedly deposited "after life's fitful fever was over," their winding-sheets a basketful of quick-lime, their only requiem the oaths of the man who superintended their burial. He was, indeed, "*doing more than a dozen regiments at the front!*"

By the end of the month the number of prisoners amounted to eight thousand nine hundred and fifty, but before it was expired their number was swelled up to nineteen thousand. On some days the railroad would

be blocked up with trains loaded with captives of war destined for Andersonville. The condition in which they arrived was deplorable enough. They had passed the ordeal of search and plunder by their original captors; they had to run the gauntlet of the swarms of rapacious guards who accompanied them to their destination; but now they had to pass the critical examination of their future jailer, whose keen scent could not well be avoided, and when they left his hands his satellites assumed the privilege of picking what was left. By the time they passed within the gates of their prison, a scavenger would have been poorly repaid for a search among what yet remained to them.

The numbers now congregated within the inclosure were so great as to induce increased circumspection on the part of Wirz in guarding them, because, if they had been aware of the fact that the mere exercise of their own unaided physical force was sufficient to have burst the barriers that confined them, they would doubtless have effected their liberation. Wirz was afraid of this, and also afraid of mutiny, and he employed all the means that his ingenuity could suggest to prevent the one or to suppress the other. He instituted a system of punishments, the most efficacious of which, in his estimation, were the stocks and the chain-gangs. The former were a rude but improved imitation of those in use more than a century ago. They were constructed of a heavy frame-work of timber six feet in height; at the top a two-inch plank was arranged so as to be opened, with a hole, one half of which was contained in the upper and the other half in the lower and stationary plank, the circumference of the

hole being the size of a man's neck. The upper plank being raised, the neck of the culprit was inserted, the board was lowered and fastened, and the prisoner secured. If Nature had given sufficient altitude to the sufferer, he could stand upon his feet without danger of being choked; but if, unfortunately, his stature was under the limit, he could only mitigate the torture of his punishment by touching his toes to the ground, and thus give himself some relief.

Often five and six men could be seen standing or reaching through the apertures, their heads protruding on the other side, and exposed to a scorching sun for six hours; and frequently the poor wretches would faint from exhaustion before the terms of their punishment had expired, or, when released, would sink down in a swoon, and be borne back to their prison.

It will scarcely be credited that one poor fellow was taken from the *hospital*, by Wirz's orders, for some trivial offense, borne by two men to the stocks, where he was left until death, more merciful than his jailer, relieved him from his sufferings in one hour.

The chain-gang was another contrivance to punish and humiliate the manhood of his defenseless prisoners. Sometimes ten men could be seen, each one with a heavy chain passed around his neck, crossing behind his back, and united in front to another, which was connected with hand-cuffs on the wrists and by another chain, attached to a thirty-two-pound iron ball, which dragged upon the ground. Two and three weeks was the ordinary limit of this species of punishment, the victims meanwhile being exposed to sun and rain, and limited to one half their usual scanty rations.

The refinement of his cruelty in devising punishment consisted in the foot-stocks, constructed somewhat similar to those above described for the neck, but intended for the confinement of the ankles. Seated upon the ground, his limbs elevated at an angle of about forty degrees, the feet were firmly locked between two boards, and the prisoner was forbid to rest his wearied body by reclining at length upon the ground; if he attempted this he was punished with stripes by the guard, or liable to a bullet from the ever-ready revolver of Wirz himself, should he pass by and find the sufferer in this position.

To complete his precautions for the safe-keeping of his charge, or to quell any disposition to revolt, he had placed, through General Winder's orders, a battery of six pieces of artillery, which commanded the whole interior of the prison, and which was kept charged with grape and canister, ready for instant service. The orders to the officer in command were to "sweep the stockade" if there was any appearance of mutiny, or any unusual crowding together of its inmates.

The artillerists were on duty night as well as day, and were relieved at their guns as regularly as were the customary sentinels on guard. The position of the battery, upon a hill and overlooking the prison, while it commanded its whole interior, was such that, if the order had ever been given to fire, its hurtling grape would have borne death and desolation to many thousands.

When General Kilpatrick, of the Union army, was expected to advance in his raid as far as Andersonville, the following order was issued. It is given here, out of its chronological order, to show the *animus* of all concerned

in the administration of the government of the prison, and as evidence of the precautions taken to prevent the release of the prisoners:

"*Orders No.* 13.

"Head-quarters, Confederate States Military Prison,
Andersonville, July 27, 1864.

"The officer on duty and in charge of the battery of 'Florida Artillery' at the time will, upon receiving notice that the enemy have approached within seven miles of this post, open fire upon the stockade with grape-shot, without reference to the situation beyond these lines of defense.

"It is better that the last Federal be exterminated than be permitted to burn and pillage the property of loyal citizens, as they will do if allowed to make their escape from the prison. By order of

"JOHN H. WINDER, Brigadier General.

"W. S. WINDER, Assistant Adjutant General."

It is not out of place to remark here that, upon the promulgation of this sanguinary and barbarous order, a citizen of Sumter County, and an arch-secessionist, who happened to be with the militia force called out by the Governor of Georgia for the defense of Andersonville, remonstrated with General Winder against its inhumanity. The reply was, "Sir, I will kill the last d—d Yankee in that stockade before Sherman or Kilpatrick shall release them! God d—n my soul if I would not rather see those twenty thousand scoundrels blown to hell than go to heaven myself!"

No comment is made upon this reply except that the author was extremely reluctant to transfer Winder's exact words to his pages, and only consented because they exemplified so completely the spirit which actuated him both as a warden in a church and a commander intrusted with the fate of men of the same mould as himself.

We will return, in point of time, to an extraordinary accession of prisoners which now took place.

The result of General Stoneman's efforts to penetrate into Georgia, his defeat and capture, his imprisonment at Macon, and his subsequent exchange, is matter of history, and belongs to another recital. But with his men, or at least a part of them, who composed his command, it is now the duty of the author to treat. Stoneman's advance had not only been anticipated, but it was thought to be provided against; and, strange as it may sound to military men, a hastily collected, badly armed, and worse drilled militia effected the capture. The news of the unexpected success spread like the reports of Fame of old, and eager crowds from miles around rushed to the prison to witness the arrival of the captives.

Four trains of cars successively came loaded down with the men who were destined to play such a conspicuous part in the drama which was to be enacted at this place. Especial care had been taken by the authorities to receive them, and the cars were stopped some distance above the usual halting-place, while extra guards were stationed around the spot.

As each train arrived, squads of ten men were taken into a detached building near by, where Wirz, R. B. Winder, and W. S. Winder were assembled. There each man

was searched by Duncan and Humes, was stripped to his shirt, if he possessed one, his shoes were closely scrutinized and the soles examined, and the shoes themselves appropriated if they were found worthy; the linings of the waistbands were inspected; of course the pockets of the pantaloons were turned inside out and their contents appropriated. The proceeds derived from this search were turned over to Wirz for temporary deposit, afterward to be divided fairly.

The squads were then turned over to the sergeants of the guard, and such miscellaneous articles as their superiors did not require, or did not deign to take, were appropriated. Thence they were passed to the outside guard to be marshaled into procession for the prison. If these last harpies found any thing upon the persons of the prisoners worthy of their regard, it was incontinently taken, and, by the time the poor wretches formed into column, the regiment that Falstaff once raised would have shone in comparison with these.

When they at last reached the stockade and were turned into the gates, the remnants that were left to them by the rapacious crew through whose hands they had passed were not sufficient to cover their nakedness. But there was slight comfort left the poor devils in the reflection that they were no worse off than the twenty thousand who had preceded them into this Gehenna of earthly misery, and none of these could boast themselves of being possessed of more than themselves.

The picture is but faintly drawn, as the author most willingly confesses; for there are such demands upon his pencil that the hand wearies, and the natural tints that

he has taken fresh from the palette fail to spread themselves upon his canvas at his bidding. If by one dash of his brush he can depict the trophies secured on this memorable occasion, he will do so by saying that two carpet or traveling sacks were filled with watches, gold and silver, daguerreotypes, and miniatures taken from these prisoners. And, by a strange consistency of events, even while the trial of one of the principals in this transaction was occurring at Washington in 1865, a police detective captured from a man, a friend of R. B. Winder, on board of a James River steam-boat, the two identical sacks with the watches therein. The amount of greenbacks obtained will never be known; but, if surmise may be allowed its range, and judging from the brisk trade that followed this foray upon the pockets of the captives, it was not a small one.

If the unsuccessful raiders had accomplished nothing else in their hazardous enterprise, they may now have the satisfaction of knowing that their advent to Andersonville opened a trade in disloyal currency which fully satisfied the avaricious cravings of those who reaped the greatest profits from the transaction.

CHAPTER VII.

Routine within the Prison.—Escaped Prisoners.—The Blood-hounds.—Composition of the Pack.—The Story of Achuff.—Wirz on a Hunt.—Death of the Cripple "Chickamauga."—The Burying-ground.

'THE prisoners were divided into messes or squads of about ninety men, under the charge of a sergeant or other non-commissioned officer, who paraded them daily, that the rolls might be called and the absent noted. The rations for one day generally consisted of two ounces of bacon, a sweet potato when in season, a piece of bread two and a half inches square, composed of corn and cow-peas ground together into meal and unsifted.

If, at roll-call, any of the squad did not answer to their names, and no satisfactory reason could be assigned for their absence, particularly if any had made their escape, the rest of the mess were usually deprived of their rations for twenty-four hours or longer, as the case might be, notwithstanding that those present were entirely innocent of the causes of their comrades' absence.

The arrangements for apprehending escaped prisoners were as perfect as the ingenuity of Wirz, aided by the skill and interest of others, could make them. To effect recaptures dogs were employed—hounds. The first pack was organized under the superintendence of Wesley W. Turner, a citizen of Sumter County, and numbered *nine*. For the use of his dogs and managing them, taking them

to track and catch prisoners, he was paid by Wirz seven hundred and fifty dollars per month. During the month of May, however, the control of the hounds was transferred to Benjamin Harris, who managed them during the remainder of the time that they were required. There were other volunteer packs within a distance of twenty or thirty miles, whose services were occasionally used by their owners, and who were paid fifteen dollars a head for all captures returned to the prison. At one time Harris's pack attained the number of twenty-two, and among them were dogs of pure Cuban blood.

The constitution of a pack of hounds is somewhat peculiar. It is requisite to assort them in such a way that every advantage may be taken of their different abilities and powers of endurance. Some are needed to trace the steps of the fugitive and point out the course he has taken; their scent must be keen and their muscle good. To supply any failure on the part of these, others are needed, who will take up the scent and "keep it warm." After these come the "catch dogs"—the real bloodhounds, who, following at a more leisurely pace, keep within hearing of those who head the course, and when the quarry comes to bay, or "is treed," are generally up in time to take the prey. These dogs are naturally very ferocious, and require no other stimulus to display their savage characters than a sight of the chase which they have been pursuing.

Often, after an "exciting" hunt, when his horse had given out from the length and severity of the ride after an American citizen, the owner of the pack would come upon the fugitive standing at bay, with club in hand,

vainly endeavoring to beat off the ferocious brutes, who, with dripping jaws, were closely pressing upon him, or, it may be, they had already succeeded in breaking in his guard, and were engaged in tearing and mangling their defenseless victim. Blows only could force off the ravenous pack, and the exhausted, terrified fugitive would be captured, and for a long time would bear about his emaciated body the ghastly signs of his captor's rapacity, provided his rough treatment did not terminate in death.

Joseph R. Achuff, of a Massachusetts regiment and a prisoner, succeeded in making his escape one day. He was one of three who had been permitted to go out under charge of a guard to gather wood, and when they reached the forest he suddenly jumped upon the soldier, and his two companions disarmed him and tied him. The three separated and made off in pursuit of their liberty. Soon the deep voices of the hounds opened upon their ears, and Achuff took to the swamp, thinking that his tracks could be less easily followed through the water and morass. But these were of little avail to him, and in a short time the dogs and their yelling owner were upon him, and he came to bay, his back against a tree, and a slight, rotten stick in his hand. His only clothing consisted of a shirt and pair of pantaloons made from two meal sacks, which he had secreted in the prison. Five hounds attacked him, and with the first blow his weapon broke; meanwhile the two drivers came up. For ten minutes this hard-beset man struggled against these suckers of his blood with his fists alone, the owner of the pack urging the brutes to their fiendish work with en-

couraging yells. When at last he could contend no more from exhaustion, and the hopelessness of the contest unnerved him, he fell, and the bloodthirsty animals tore and bit him, with their frothing muzzles in his face and their fangs fastened to his cheeks, until the brutal ferocity of the leader was at length satisfied, and he called off his hounds. The taste of blood which they had made them deaf to orders, and they would not yield up their prey. They were at length *torn* off by the hind legs, and with them came, too, portions of his flaccid flesh and hard-earned pantaloons.

He was bound and led back to Wirz, who punished him with the stocks for thirty-six hours, exposed to the sun, bloody, wounded, sore as he was, while his parched throat was relieved with but two drinks of muddy, foul water during that entire period. Wirz passed him once during his torture; and when he appealed to him for a release, and complained of the cruel treatment to which he was subjected, he was told to "dry up, or he would blow his d—d brains out!" This is not an isolated case; it is, unfortunately, but one out of the many which were of daily occurrence.

The sport of hunting escaped prisoners was regarded by Wirz as a relaxation from the monotony of his torturing and daily duty, and it was no unusual thing for him to "follow the hounds" in their run after human game for twelve hours at a stretch. The relief which this afforded from official routine was enjoyed by the coursing captain with a zest which would have excited the admiration of the keenest sportsman of meaner prey.

When notice was given him that a prisoner had es-

caped, word was passed to Harris, and the animating sounds of yelping hounds and braying horns gave signal that "game was up." With canteen well filled with hospital whisky, and haversack stuffed with meat and biscuit, his pouch of tobacco dangling from a button-hole, and his revolver buttoned in its holster, the jailer would mount his pony and hurry away to the exciting sport. Leading the dogs around the stockade with encouraging words, they soon strike the scent, while the deep bay of the pack proclaims that it is warm, and the rout dash off with eagerness on the track. Now and then, in the distance, can be heard the loud mouth of the leading dog, signaling the rest, and showing that his unerring nose is tracing out the game.

If the run is long, and the fugitive has obtained a good start, and the heat and ride has wearied the captain, he will, perhaps, rest for a brief space near some stream, and invigorate his hopes of success with a dram, and then renew the hunt with fresh energy. Toward the close of day, repeated calls upon the canteen will have diminished its contents, and the haversack will have been emptied of its store; but the sight of some friendly house will cheer him with the prospect of a fresh supply, that the energetic huntsman may not suffer from want or weariness, and he urges on the chase. At length, through swamps, over old fields, and through dense woods, the loud voices of the hounds, mingled with the sounds of horns, give notice from afar that the "game is treed," and the persevering captain hurries up his jaded pony that he may be in "at the death." There would be the poor hunted wretch, throttled by the dogs and lacerated

by the blood-hounds, sick unto death from his race, his fright, and his wounds, the trophy of the day. Confronted with the director of the rout, wondrous oaths and curses would be showered upon his head, perhaps blows upon his wearied body, with threats of his revolver, and he would be led back to suffer yet more in the stocks or the chain-gang for his temerity in daring to escape from the wretchedness that was his fate.

This is no fancy-drawn sketch; the whole country around Andersonville has been often awakened by the braying of the huntsman's horns, and the echoes startled with the yelping cries of the hounds, as they opened upon the track of a fugitive prisoner. The evidence taken before the Military Commission was overwhelming upon this point, and its recapitulation here would be but a repetition of what has been already written. The facts which were given in evidence in relation to the use of hounds, and the sufferings endured from them, would fill a volume by themselves, and among the very few admissions made by Wirz this was one. The simple truth is repulsive enough without drawing upon fancy to aid its effects, or without copying the official reports of Wirz to Winder, from one of which the foregoing epitome has been deduced.

In all this time filth and misery reigned supreme within the stockade, and starving wretchedness stalked around, or was hauled out to its last receptacle in the trenches. *Twenty-seven thousand nine hundred* men were now confined in the prison limits. Their destitution and misery can not be conceived; their desire for some mitigation of their discomforts, and their unceasing appeals for trivial

privileges, which did not invade the most unyielding inhumanity, were piteous.

It was deemed necessary to enlarge the area of the prison bounds, so that at least standing-room might be given to the prisoners, and it was, in consequence, extended toward the north so as to include five more acres. It is true that this afforded somewhat more space, but its immediate occupation by the overcrowded captives seemed scarcely to diminish the press of men within the walls. In the expressive words of a witness, a Confederate officer, "the human beings there looked more like so many ants, and their burrows like so many ant-hills, than any thing else."

"Or say," said Wirz's counsel, "like so many bees?"

"No, sir," replied the witness, "bees are notoriously clean—the prisoners were offensively filthy!"

Many of the poor fellows had dug holes in the slope of the hill large enough to allow about four men to lie down close to each other. The dirt taken out by the excavations was appropriated by others to plaster up the shanties they had erected of poles and brush, and by this means they were enabled to exclude the weather. Some improvised temporary coverings of blankets and clothing, under which the occupants crouched and panted in the midday when the sun poured down all his rays, or under their shelter sought protection from the drenching rains.

Others, whom apathy, which long-suffering had induced, and with entire disregard to comfort, however poor, that weariness of life instigated, sat sullenly around during the hot hours of the day, or lay down at night

wherever sleep or exhaustion overtook them, careless whether the sun and the dews bred disease or not.

The continuous stir and the ceaseless movement among the prisoners, the constant crossing and intermingling of the thousands as they passed and repassed to and fro, most naturally prompted the comparison with ants which the witness made. An increasing vibration was kept up among the throng, relieved from its monotonous sough by the dull hum of confused voices that rose from that overcrowded place, while the spectator might weary himself with the vain attempt to disintegrate the noises which assailed his ears.

Now and then these sounds would be diversified by the occasional *thug* of a musket, as some watchful sentinel spied an infraction of the *dead line*, and sent his bullet into the transgressor's brain. A shriek, a convulsive twitch of the victim's limbs, a crimson stream down the cheek, glaring eyes and paling lips—a rush and crowd of hundreds to the spot where he lay—it was only one more who had paid the penalty of reaching a pole with cup on end to dip up some clearer water beyond that fatal line.

On the 15th day of May, a poor fellow, a member of the 8th Missouri Regiment, who had lost a leg at the battle of Chickamauga, and who was named thereafter, and who, in consequence of the want of good sense, was also nicknamed by his fellows "Mutton-head," asked the sentinel to call Captain Wirz, for he had been so worried and badgered by his mates that he must seek some escape from them. Wirz came, and "Chickamauga" proffered his request to be allowed to go outside on parole. Wirz

cursed him, and threatened to shoot him if he ever again bothered him with such a request. In a whining, supplicatory tone, the half-witted cripple reiterated his petition, and told him that "he would rather be shot than stay there any longer—the men plagued him to death!" Turning to the sentinel on the platform, Wirz cried out, "Shoot the one-legged Yankee devil!" The guard fired, the ball shattering the man's head, and in two minutes he died. His useless crutches were seized by his former companions for fuel, while the crippled imbecile was "hauled out by his leg," to be borne away to the quicklime and the trench.

Shall we go with the wagon and its loathsome load of mortality to this last receptacle of man, and see the witless "Chickamauga" placed in his grave? It is a repulsive duty, but it must be, for it is part of what is doing here now, and, besides, the tenants of that spot were fast pressing by their numbers upon the precincts of the living, and they deserve some notice at our hands.

See that great, high-bodied wagon, drawn by four mules, lumbering along, and creaking under its load of mortal men, on its way to the long home! It stops for a moment while two attendant negroes lift up, not reverently and silently, as is wont with the dead, what remains of the shallow-brained "Chickamauga," but as one would seize the carcase of a dog they grasp him by hair and leg, and toss him over into the body of the wagon, and it lumbers onward to the prison cemetery!

Here, in long trenches, lay those who had preceded him to their "narrow home." Some twenty have been already cast in, and with the load just arrived this trench will be

filled. One by one they are roughly thrown into the excavation, some in their descent falling upon the head, others rolling doubled up together, and others again sprawling upon their faces. The attendants threw the Missouri idiot with a force that sent him seated with his back resting against the side of the trench, his head hanging on one side, and his glazed, unclosed eyes glaring upon the companions of his tomb. An awful sight he was as he sat there in his grim wretchedness, hideous and spectral, imitating the life which had left him in position and vestment, but sitting there only to claim his privilege of being hid away under the ground, to find the repose denied him upon earth! A striking commentary upon the "deep damnation of his taking off."

With a careless kick of the foot from a negro, the limp form fell prone, and was at last at rest. A few basketsful of quick-lime were scattered over all, a few shovelsful of dirt cast upon the recumbent misery there, and without a prayer, "uncoffined and unknelled," poor "Chickamauga" sleeps until the last *reveille* shall awaken him and his brother dead.

CHAPTER VIII.

Kindness of Confederate Surgeons.—Contributions by the Ladies.—Contrasts.—Refusal of Winder to permit Aid for the Sick.—A Churchwarden's Language.—Attempt to obtain an Injunction to abate the Nuisance.—The Result.

We gladly turn from the revolting details that have been forced upon us to a brighter view, which falls like a beam of light upon the dark shadows that have obscured the pictures we have been compelled to draw. It may be asked by the susceptible reader if the foregoing delineations have been given merely to excite superfluous horror? If this condensed statement of what has been verified under oath is not intended to keep alive the bitterness which occasioned the miseries described?

The answer is, Are the outrages committed upon defenseless prisoners of war, and the sufferings endured by the obscure soldiers of the Union, to be passed over as mere incidents of the rebellion? Are the nauseating details of their captivity, misery, and death beneath the dignity of narration?

Perhaps it might be better to deal with oppression and murder in the abstract, and not to enter into the special details of their perpetration — to suffer the "dead" past "to bury its dead," and to cast into one oblivious stream all that is repugnant to enlightened humanity, that it may sink and be unrecorded to the prejudice of manhood.

If mere sensibility was regarded — if it was sought to combine the fifty thousand tragedies enacted at Andersonville into one sentence of condemnation, and then permit them to pass into forgetfulness, perhaps it might be well to follow such instigation.

But it must be remembered that these statements are no inconsiderable part of the history of the great rebellion that brought them into such vivid life; that these hideous recitals furnish the clew to that inner life and motive which was the cause of the mighty movement by which a vast tyranny was sought to be erected, and the great republic of the world destroyed.

State documents, dignified accounts of important battles doubtless possess great value — oftentimes they are hardly worth the paper upon which they are written. As a connecting link between the battles fought for their release from captivity and the sufferings of over fifteen thousand literal victims, this narrative is given. That it may be realized that the documents which have been issued from the government having reference to this prison had a value in themselves, the woes and miseries of nearly forty thousand prisoners are detailed. The dignity of the accounts of battles will not be lessened, the author believes, by giving, as one of their results, the rescuing of twenty thousand men from horrors that almost unmanned them, and by adding that, although but few of them live, perhaps some may yet aid in building up a state whose corner-stone shall rest upon an active humanity, drawn from the lessons of its violation at Andersonville, and whose influence will affect the future treatment of prisoners of war throughout the world.

But, aside from all such excuse, it is enough to know that the government of the United States has not considered it beneath its dignity to arraign the men who were guilty of the crimes which these pages unfold, and to punish them for their commission. The embodiment of these offenses, with an attempt to smooth over their most offensive features, is all that has been done in this Narrative, and the major violation of humanity must be merged into the minor error of disclosure if it is made responsible for the horrors which it recites.

We repeat, then, that it is with unaffected satisfaction that we are allowed to look upon a fairer picture than has yet been painted.

Amid all the destitution and neglect which characterized this place, there were some to be found who allowed the simple dictates of humanity to influence them under the restraints of military discipline. There were not wanting in the wards of the hospital a few men whom their profession as physicians had taught the secret of success in the healing art. It has been observed that orders were issued prohibiting the administering of comforts of any kind to the sick Union soldiers. Whether these orders came from the commanding officer of the post, or from the chief medical director, Dr. White, does not fully appear from the evidence.

Every one, however, who testified to this fact, and there were *five* who did so, concurs in stating that such orders were issued, and it is unreasonable to conclude, under all the circumstances of delegated authority which marked the management of the prison and its accessories, that they emanated from the medical director. Notwithstanding,

it was not unusual for a very few of the surgeons to supply from their own means simple but grateful necessaries to the wretched patients under their care, and thus to a very limited extent, it is true, afford some amelioration of their extreme destitution and want.

Conspicuous among these surgeons was Dr. B. J. Head, of Americus, Georgia, who had the management of a ward in one of the hospitals, and who was so horrified and disgusted with the filthy condition of his future patients, that at first he determined to resign his post and leave, rather than face the misery and degradation that met his eyes.

Dr. Head was a physician of many years' practice, and it was and is well known that his experience has brought him among as much suffering as generally falls to the lot of a medical practitioner. He had been conversant with much that would shock and repel one less unaccustomed than himself to human misery; he imagined that he had sounded by professional familiarity the depths to which repellant foulness reached, and could look unmoved upon human impurity. He overrated his powers, and was satisfied, when he entered these head-quarters of filth, that there was yet something for him to learn.

He reflected that by his presence and influence he might be able to mitigate the sufferings of the wretched beings there, and he remained. He carried from his home such food and nourishment as his weakened patients could more easily swallow than the coarse prison fare roughly given to them; his basket was daily supplied with biscuit and light bread, tea, and rice, which he distributed to the most needy of his ward, as far as they

would go. During their season, vegetables, and especially tomatoes, proved most grateful to his scurvy-stricken patients, and these he supplied as liberally as he dare, with the fear of positive orders against it before his eyes. To his everlasting credit be it said, Surgeon E. D. Eland, in charge of the division, connived at these violations of orders, and winked at, if he did not assist in, the humane deceptions of Dr. Head.

In all of these kindly efforts the doctor was most cordially and zealously seconded by his good wife, whose discriminating judgment and willing assistance showed how deeply her feelings were enlisted in favor of the unfortunate prisoner-patients. She could not content herself with such contributions as her own restricted means permitted, and she was unwilling that the sweet solace of knowing that humanity could be vindicated by woman should be confined to her alone. She sought to interest other ladies in the cause of relieving human woe, and in the contributions of such comforts as they could spare for the poor, naked, dying prisoners, and she made a tour of the county, urging and soliciting their aid.

It need not surprise the reader to learn that she met the usual difficulties which arise in the path of the benevolent missionary. But she faltered not in her course, and was rewarded by finding a very few warm hearts and ready sympathies among the women of Sumter County, who eagerly responded to this call upon their charities, while they poured out their offerings into a common store. Old linen, clothes, stockings, were contributed, together with bread, tea, coffee, and food, while the tender-hearted lady who had inaugurated the step

superintended their conveyance and distribution to the objects for whom they were intended. Not once only was this mission successful, but often were the donations of these few and most excellent women transmitted to Andersonville.

Perhaps it may be thought these acts do not merit exaggerated praise; for, although spontaneous, they were only such evidences as were due from womanly sympathy for human suffering, and they should be regarded as but the natural consequences which a recital of the prisoners' condition would produce on commiserating hearts.

It must be borne in mind, however, that many of these ladies had husbands, and sons, and brothers in the war; that many hearts which were melted to pity were even then bleeding for the loss of some near and dear one; that often a tear would steal forth from eyes already red with weeping, and, gently trickling down, fall upon the package that she made up for those, perhaps, who had caused her sorrow.

It required a moral courage on the part of the ladies concerned in this deed of mercy which can not be expressed, to fortify them to stem the torrent of hatred that was poured out against the Federal prisoners by nearly all classes, male and female, and upon the head and against the motives of their agent and leader of benevolence. Insults and aspersions from the proud, and arrogant, and ignorant of her own sex; the denial of the commonest offices of humanity, and the refusal of the most trifling articles which were not needed, and could not be consumed by the owner; the being told that vegetables should rot upon the vines before they should

go to the solace of a dying prisoner, were not uncommon returns for efforts in their behalf.

And so, without exaggerating the virtues that shone so brightly forth in these acts, prominence is given to their insertion, and it is believed that they will be regarded as the brightest beams that have been shed upon this otherwise dark picture.

It was at least due to that loyalty to humanity, which is an ever-present excellence in woman every where, to show that it did not fail them at a period and under circumstances when its non-observance could well have been excused.

Considerable circumspection had to be observed in transmitting the articles thus collected to the intended recipients, and negroes were generally made the medium of conveyance. These could pass with their baskets without challenging much suspicion from the guards or scrutiny from officious officers, and thus the stores reached their destination.

One negro man was conspicuous in the assistance which he rendered. He had been in the hospital before with his master the doctor, and with him had been horrified at the sights which there met his eyes. His simple account of one visit that he made with a basketful of comforts contains in itself all that is needed to convey an idea of the misery and destitution that characterized the place.

"My God!" said he, and the tears stood in his eyes as he said it, "I never thought to see a white man so low down as those there. Why, sir, there was one whose bones were through his skin, and he was lying right on

the bare ground! Yes, sir, he'd made a hole where he'd turned and rolled. . . . . There were two holes, sir, just so he could roll on to one and off into the other. . . . . He didn't have more than a rag on him; and as for the lice . . . . When I give 'em what I had in the basket, and after they'd ate it all, one got down on the ground and picked up what was scattered, like a dog!"

At length the Rev. Mr. Davies saw General Winder, and told him what some of the ladies of the county had done and what they wished to continue doing, and Winder apparently entered cordially into their views, and gave his consent that provisions and clothes could be sent to the hospital patients. Two lots were sent and distributed, and active exertions were made by the few ladies before referred to to prepare another and a larger supply. A third stock was accumulated, and several ladies, with three gentlemen, proceeded up to Andersonville with them to superintend their proper distribution. The gentlemen were Dr. B. J. Head, Messrs. Stephen Daniels, and Wills C. Godwin. The last named had been particularly requested by the doctor to accompany him.

When they reached the post, the supplies were left in the charge of Mr. Daniels to be unloaded, while the doctor and Mr. Godwin proceeded to the office of the provost marshal for a permit to carry the things through the line of sentinels. With an oath, Lieutenant Reed, the provost, swore "he would give no pass for any such d—d traitorous purpose." He was told that it was by authority of General Winder. "I don't believe it," said he; "he's not such a d—d fool as that." Sitting in his office were several rebel officers unconnected with the post—some

prisoners of war on parole. One of these swore that the doctor "ought to be hung for his Yankee sympathies, and he was ready to put the rope on his neck then and there." Another threatened to shoot him, as "he was no better than a Yankee."

Driven from the offices by such and other menaces, he proceeded to General Winder's quarters, and stated to him his object and that of the ladies, and requested a pass to take the things to the Federal hospital.

"I'll see you in hell first!" returned the general. "You are a d—d Yankee sympathizer, and all those connected with you."

"You are mistaken, general," said the doctor. "You know that *I* am no Yankee sympathizer, sir. I do sympathize with suffering humanity, and this is a mission of mercy."

"God d—n your mission of mercy!" cried the general. "I wish that you and every other d—d Yankee sympathizer, and every G—d d—d Yankee too, were all in hell together!"

"But, general," rejoined the doctor, "we are here by your express permission given to Mr. Davies."

"It's a d—d lie!" replied he. "I never gave him or any one else permission to keep the d—d ——— from starving, and rotting too, if they choose."

"Well, general, will you allow the provisions to go in this time, now that they are up here?"

"No, by God! not the first d—d morsel shall go in," returned the general.

At this moment the little provost marshal, Reed, entered the office hastily, and said,

"General, give me an order to have these goods confiscated?"

"I don't think I've got the power to do that, Reed," replied he, "but I have got the power to prevent the d—d Yankees from having them, and, by God! they sha'n't."

Seeing that he could not procure the requisite pass, and fearing, from the threatening language of Winder, the scorching looks and oaths of other officers, that the ladies and himself might be subjected to personal restraint, if not to personal abuse, he reluctantly advised them to give up the attempt and to return home, which they did.

The load of necessaries which was carried up on this occasion filled a four-mule wagon. They were taken and used at the post.

The above-detailed conversation took place in the hearing of the ladies, whose presence and whose mission failed to restrain the blasphemy of Winder or the curses of his officers. It has been copied from the evidence, and is only given in its detailed deformity that the world can judge of what is requisite to constitute a good and well-qualified church-warden, as well as what does not make a gentleman.

After such a repulse, it is not surprising that these kind-hearted women ceased in their efforts to mitigate the sufferings of the patients, or were unwilling to expose themselves to another so gross affront. The few comforts which could and would have been supplied to the suffering ones there were thus ruthlessly denied them, and the fiat had gone forth that this receptacle, where

no feeling or act of humanity was permitted to enter, over which the dark wings of Azrael were brooding and shading with death, was to be left to the tender mercies of those who knew not what fellow-feeling was.

It was shown by Wirz upon his trial that during the month of August he was sick and not in command of this prison; that its temporary charge was turned over to one Davis, and for this period he could not be made responsible for what occurred there. But it appears from an official report made by Wirz himself for this month to Winder, and having the indorsement of the latter upon it, that "the aggregate of prisoners at that time was *thirty-four thousand seven hundred and fifty*, out of which number *two thousand two hundred and ninety-three died within the month*, and twenty-five escaped prisoners were taken up by the *dogs*." From his own showing, he rebuts the evidence which he introduced to exculpate himself from the terrible mortality of this period, and it is well that there is corroborative evidence, derived from the principals themselves, to substantiate what otherwise human credence would be slow to receive.

By dividing the number of deaths by the days in this month, it will be seen that the incredible number of *seventy-four* victims of relentless cruelty passed away each day, or nearly two every hour! It might be imagined that a benevolent desire to mitigate human suffering, respect for one's own self, a regard for the ultimate verdict of his fellow-men, and for the mighty account hereafter to be rendered, would have stayed this horrible mortality, and have shut down the flood-gates of destruction to arrest the torrent which was sweeping the hospitals at

such tremendous rate. We have placed before the reader one series of efforts made by disinterested persons to stop this flow of death; let us turn to another attempt made by a single individual.

After relinquishing, in the spring of the year, to his successor, General Winder, the command of the post, Colonel A. W. Persons had been isolated from any interest in its management. But the complaints of residents near the place of the effluvium which was wafted in every direction from it, threatening pestilence through the infected air, whose taint could be perceived for two miles, and the reports which were current through the country of the destitution and death which reigned there, attracted Colonel Persons's attention. His inquiries resulted in applying for and obtaining from the judge of the Southwestern Circuit an injunction at law against the Andersonville stockade and burying-ground as a public nuisance. He was, however, kindly warned by the judge of the consequences which would accrue to him personally if he persisted in demanding an inquiry and hearing.

The storm of abuse, the danger to which he would be exposed, not only from those officially connected with the prison, but from the *people* of the country, induced him to pause in his humane effort, and finally to withdraw his proceeding. He very properly considered that one person alone would be quickly swept away by the hurricane of wrath which would be raised against him, and he would not have the poor consolation of feeling that he had stirred even the surface of public sentiment in his vain attempt to point the finger of justice. He desisted, but his motion produced some results, which will be de-

tailed in a subsequent chapter. And he might well pause and reflect before he entered upon the Herculean task of cleaning out such an Augean den!

The burying-ground, to which a slight reference has been made, was probably the most horrible place under that name which can be well conceived. The corpses of the dead were not buried; they were only slightly covered with loose dirt, quick-lime having been previously scattered over them to insure more rapid decomposition. On any day the curious visitor to this necropolis could be satisfied how little was required to dispose of a mortal man after his spirit had left his body.

The trenches into which the remains were cast were dug not more than three feet deep, frequently not more than two, and were in long lines parallel to each other. Into these were thrown the bodies of the Federal soldiers —no box or coffin was permitted—no decent shrouding even in the ragged blanket was allowed. The dead-wagon, drawn by four horses, went constantly back and forth from the hospital to the trenches bearing its load of death, and supervised by negroes. When about twenty feet of mortality was huddled side to side, lime was scattered upon the bodies, and the earth carelessly thrown over all. A few days of rain, or the depredations of animals, would here and there have exposed some luckless limb, or arm, or head of the dead ones, and, as the torrid heats of the summer suns poured down their decaying powers, a taint and effluvium of corruption would pervade the atmosphere for miles around.

Here, over this ghastly spot, could be seen at almost any time countless hosts of sluggish buzzards, now pois-

ing themselves on untiring wing, now slowly hovering over and looking down upon the festering heaps which invited to their horrid repasts, as, blackening the dead limbs of some distant tree, they sat and regaled their sight with what their gloated appetites had already feasted on. And the legs, and arms, and skulls, which could be seen protruding all over this vast grave, were the only signal-marks of the last resting-places of an army of martyrs.

On the first day of September there had been deposited in this necropolis *nine thousand two hundred and eighty* human bodies!

CHAPTER IX.

Effect of the Injunction.—Commission to examine the Hospitals.—Report. — Counter-testimony. — Cumulative Evidence. — Poisonous vaccine Matter. —Stimulants.—Provisions.

INFORMATION had been conveyed to Howell Cobb at Macon, then in command of the Military District of Georgia, of the movement made by Colonel Persons as to the injunction against Andersonville as a public nuisance. Complaints had also been forwarded to the authorities at Richmond, which contained general but correct statements of the desolation which Winder and Wirz were creating. Rumors throughout the country gave currency to the extent of the suffering of the hordes of prisoners there confined, and, in some cases, newspapers in the vicinity heralded, some with boastful pride, others with reprehension, the enormous mortality which was daily occurring there.

One commissioner had been sent by the War Office at Richmond to examine into and report the condition and treatment of the prisoners. Another was about to start, under orders from General Cobb, to examine into the arrangements of the hospitals, and the provision made for the care of the patients therein. Many circumstances cooperated to force this display of regard to the welfare of the prisoners upon the officials most remote from the scene, and spurred up the lagging carelessness which characterized the general conduct of the rebellion.

But the general in command of the military district within whose limits the prison was situated knew that he would be held responsible for the mismanagement, corruption, and desolation which were being enacted within sixty miles of his head-quarters. The complaints of the prisoners had reached him through unofficial sources, and the reports which daily came to his notice advised him of gross wrong at this point; and, it may be added, his own eyes, from constant passing in view of the stockade, forced upon him the necessity of at least making a show of remedying the abuses which prevailed there.

He appointed one of his staff, with orders to proceed to Andersonville and examine into the condition of the hospitals, and report to him the result. What *that* report was can not now be ascertained, but the conclusions which the commanding general drew from it are before us in his own report to the authorities at Richmond.

He states that he had sent Surgeon Eldridge, of his staff, to make an examination of the condition of the hospitals at Andersonville, and from his report he is satisfied that every thing has been accomplished which could be done for the comfort and medical care of the prisoners; that nothing is required more than has been provided for the treatment of patients; and that the medical director deserves especial thanks for the energy he has displayed in organizing and providing the necessary requisites of medicines and hospital essentials.

At the very time this *examiner* was discharging his important duty, the following daily report was made by a surgeon in this same hospital:

"First Division C. S. M. P. Hospital,
September 5, 1864.

"SIR,—As officer of the day for the past twenty-four hours, I have inspected the hospital, and find it in as good condition as the nature of the circumstances will allow. A large majority of the bunks are still unsupplied with bedding, while in a portion of the division the tents are *entirely destitute of either bunks, bedding, or straw, the patients being compelled to lie upon the bare ground.* I would earnestly call your attention to the article of diet; the corn-bread received from the bakery, being made up of *corn and cow-peas without sifting*, is wholly unfit for the sick, and often, as in the last twenty-four hours, upon examination, the inner portion is found to be *entirely raw.* The meat (beef) received by the patients does not amount to over *two ounces a day;* and for the past three or four days no flour has been issued. The corn-bread can not be eaten by many, for to do so would be to increase the diseases of the bowels from which a large majority are suffering, and it is therefore thrown away. All their rations received by way of sustenance is *two ounces of boiled beef and the soup from it per day.* Under these circumstances, all the skill that can be brought to bear upon their cases by the medical officer will avail nothing.

"Another point to which I feel it my duty to call your attention is the deficiency of medicines. We have but little more than the indigenous barks and roots with which to treat the numerous forms of disease to which our attention is daily called. For the treatment of wounds, ulcers, etc., we have literally nothing except water. Our wards, some of them, are wild with gan-

grene, and we are compelled to fold our arms and look quietly upon its ravages, *not even having stimulants* to support the system under its depressing influence, *the article being so limited in supply that it can only be issued for cases under the knife.* I would respectfully call your earnest attention to the above facts, in the hope that something may be done to alleviate the suffering of the sick.

"I am, sir, very respectfully your obedient servant,
"J. CREWS PILOT, Asst. Surgeon P. A. C. S.,
and Officer of the Day.

"To Surgeon E. D. ELAND, in charge of First Division C. S. M. P. Hospital."

To this may be appended the statement of Dr. W. A. Barnes:

"In the month of August and September there were over *three thousand* patients *lying upon the ground, partially naked;* some had broken limbs and gangrene, scurvy, and chronic diarrhœa. That the matter used for vaccinations was *poisonous*, and amputations almost invariably resulted from its use; and although freely and constantly used in the prison hospitals and in the prison, it was enjoined upon surgeons to apply for *other matter* when Confederate soldiers were to be treated. Green corn, which was an anti-scorbutic, was taken away from the patients and prisoners, the latter of whom were arrested and severely punished for buying it. In regard to 'stimulants to support the system,' there were in September *forty-three* barrels of whisky under the order of the medical director and intended for hospital uses, but it was reported that visitors to Drs. White and Stevenson

had all that they did not drink themselves. The greatest number of deaths in any one day was in August—they were *two hundred and seven*, or more than *eight and a half* each hour of the day. With proper care, from 70 to 80 per cent. of the deaths might have been prevented!"

Dr. Roy also testifies to entire neglect in providing medicines, and said "that, with the exception of very rare articles, there was no difficulty in obtaining medicines."

Dr. Head gave the same testimony, and said: "I found the diseases in the hospital to result more from inattention and improper diet than any thing else. When I first went on duty there I made a thorough diagnosis of all the cases in my ward, and wrote out my prescriptions for them, but I did not obtain the medicines I ordered. When I inquired into the reason for this neglect, I was told that I must go according to a prescribed formula, and ask only for such medicines as certain numbers indicated for a specified disease. For instance, I must put down, for gangrene, No. 10; diarrhœa, No. 3, etc. This I considered as taking away all discretion from the physician, and leaving it in the power of the medical director, who arranged the system of practice to have given bread-pills or poison, as he might choose; the ward physician only reporting the disease, and the director prescribing for it, but the physician who administered could not know what he gave. Any body could practice with that formula before him, even if he had never seen a medical book, and I consequently refused to comply with the instructions." For the want of medicines, I had frequently to prescribe red-oak bark, and such other barks as could be got out of the woods. Patients died for the

want of stimulants, and the suffering there was well known throughout the state."

Dr. Thornburg, another surgeon on duty in the hospital, coincided in his testimony with the other physicians, but went somewhat more into details respecting the *stimulants*, saying that "*the whisky was drank by the medical director and his friends;* and Dr. Stevenson was reported as having embezzled the money sent for the patients and the hospital fund to the amount of nearly *eighty thousand dollars.*" "The condition of the hospitals was horrible, and the patients were in as filthy a state as they could well be."

All these things, it must be remembered, were transpiring at the time of the examination ordered by General Cobb, and who reported, from the information given him by his "*examiner*," that nothing was required there!

Connected with the question of *stimulants*, so much needed in the treatment of gangrenous cases, we refer to the evidence of Benjamin B. Dykes, who was the railroad agent at Andersonville during the year 1864, and had been since 1861. He had his railroad books with him, which contained the original entries from the freight lists of goods and stores unloaded at his dépôt.

In the month of July there were sixty-four barrels of whisky left at his agency, of which *forty-three* were for the medical director. In August there were ninety-six barrels, *sixty* of which went to Dr. White for hospital use. In September there were *thirty-six* barrels, all for the hospital. Here, then, in three months only, there were one hundred and thirty-nine barrels of this so-much-called-for *stimulant* deposited in the hands of the medical

director for the necessities of the hospital. What became of this five thousand gallons of *stimulant?* The answer is to be sought in the testimony of the respectable physicians, who suspected or knew where it went—down the throats of Dr. White and his friends.

Referring back to Dr. Pilot's daily report to inquire whether it was impossible to supply proper food for the patients in those wards which he tersely characterizes as "wild with gangrene," we take the testimony of Uriah B. Harrold, a commissary of the Confederate government stationed at Americus, and who was in court with his "abstracts of shipments of provisions to Andersonville," on the requisition of the proper authorities there.

In the month of July he shipped to that place as follows:

Bacon.....	102,000 lbs.	Rice.....	14,000 lbs.
Meal.....	63,000 bush.	Sirup.....	94 bbls.
Flour.....	1,200 sacks.	Whisky.....	15 "

In August:

Bacon.....	113,000 lbs.	Rice.....	10,000 lbs.
Meal.....	90,000 bush.	Sirup.....	131 bbls.
Flour.....	1,000 sacks.	Whisky.....	20 "

In September:

Bacon.....	124,000 lbs.	Rice.....	6,000 lbs.
Meal.....	70,000 bush.	Sirup.....	150 bbls.
Flour.....	1,500 sacks.	Whisky.....	30 "

These shipments were made by but one commissary, it will be remembered, while there were fifty others to answer any requisitions upon them from the officials at Andersonville for the supply of that post and prison. The commissary stores at Albany, fifty miles from Andersonville, it was shown, were much larger than at Americus, and the warehouses there were literally breaking down

from the weight and quantity of stores assembled there. The commissaries at other points, near and easily accessible to Andersonville, were continually sending supplies to that point, as the requisitions were made upon them.

The stores shipped from Americus alone will be seen to have been amply sufficient for the alleviation of that want which all of the surgeons were daily deploring, if they had been properly applied to the purposes for which they were intended. The article of rice amounted to thirty thousand pounds in ninety days, or more than three hundred pounds for each day; the flour, estimating the three thousand seven hundred sacks at fifty pounds each, would make over two thousand pounds for each day for the same period; the sirup, rating the three hundred and seventy-five barrels at forty gallons each, would have afforded more than twenty pints per day; and the whisky would give more than three hundred pints per day for the use of the patients in the hospitals.

From these facts it may fairly be gathered that there was no want of supplies in the country; and the question arises, What was done with those that were sent to Andersonville? The testimony of Dykes will go far to clear up one branch of this inquiry. He said that "he knew James W. Duncan, who was in charge of the bakery and cook-house, and who was also a detective under Winder. He offered to sell me some sirup, ten barrels at one time, and said that Bowers, another detective, would show it or bring it to me. He told me that he had a large lot of flour which he wanted me to sell for him."

The question very naturally arises why the person sent by General Cobb to "inquire into the condition and

treatment of the patients" in this hospital did not perform his duty, and ascertain from the means within his reach facts so accessible? If *stimulants* were required, why did he not ask the simple question if a requisition had been made for them? He very well knew that there were *five* distilleries in the county of Sumter alone, working under special contract with the government, a portion of whose produce *must* go to its agents, to be dealt out, on requisition, for hospital purposes. If the requisition had or had not been complied with, it was his duty to have reported the fact to his superior. In the same way he could have ascertained why no flour, or rice, or sirup was provided, for the means of doing so were within reach, and his duty was plain.

The truth is, that during the whole rebellion, self-interest and self-aggrandizement, with a proportional display of official consequence, shining in buttons and lace, or riding on blooded horses, monopolized the time and thoughts of most of those in authority, and especially those who were removed from the dangers of the front.

The starvation, the suffering, hideous, horrible enough to awaken a cry that reached from one end of the Confederacy to the other, was not sufficient to turn from frivolous pleasure those to whom important interests had been committed, and whose duties, properly performed, might have mitigated the horrors which will always rest upon the civilization of the country as one of the foulest blots that history records.

Favoritism, nepotism, every influence that could be brought to bear to advance personal interests, were rampant, while due performance of duty was the exception to

the reigning rule. While men rotted with gangrene, the surgeon was drinking the whisky intended to keep up life; while the scurvy loosened the teeth and decayed the bones of its victim, the rice and flour provided for his nourishment were made up into puddings for the delectation of the surgeon's visitors; and when a cooling food or drink was needed for the fevered patient, the baker was engaged in selling the sirup which would have afforded it.

And so, robbed, starved, polluted by disease, denied even straw to lie upon, rolling in a filth which was repugnant even to a negro's notions of cleanliness—after due examination of such patients and their condition, the commanding general of the district reported, from information of one of his subordinates, that every thing had been accomplished which could be done for the comfort and medical care of the prisoners—that nothing is required more than has been provided for the treatment of patients, and that the medical director deserves especial thanks for the energy he has displayed in organizing and providing the necessary requisites of medicines and hospital essentials!

After this, what could be done for the wretched victims of a policy which seemed premeditated, and which, if continued, would make corpses of the last one of them?

And this place, where sick and wounded men festered in their filth and degradation, was to be continued in the condition and under the auspices it was, and the whisky was to be drank, the money embezzled, the rice and flour to be made into puddings, and the sirup sold, to the everlasting shame of those concerned, and to the detriment of the fair fame of the South, its chivalry and its humanity.

CHAPTER X.

Wirz's Shooting, Beating, and Stamping.—Starvation.—Duncan.—Story of Stewart.—Twenty-fourth New York Battery.—Exchanging Meat.—Did the Confederate Government know of these Things?—Proof.

MEANWHILE the crowds within the stockade had attained the highest limits as to numbers which was reached during its continuance, there being in the month of September thirty-six thousand four hundred and eighty in all. With this increase there was a corresponding augmentation of their sufferings. The rains of the autumn season, together with the constant tread of so many men, converted the interior at times into one vast bed of muddy slush nearly a foot deep—an aggregation of semi-liquid filth, through which the miserable prisoners unceasingly tramped in their unvarying round of pointless existence. Then for some days the hot sun would pour down upon this quagmire, feculent with putrefaction, and draw from its depths vapors saturated with the fetid stench that it exhaled, and which corrupted the air they had to inhale.

With their faces begrimed with smoke and dirt, their clothes in tatters and impregnated with vermin, shoeless and hatless, now up to their knees in mud, then breathing the pestilential atmosphere which a September sun had evoked, the wonder is that human nature did not succumb more rapidly and in greater numbers than the irresponsible death-registers indicated.

As if all this combination of miseries for the extirpation of human life would not suffice, Wirz personally aided in the dispatch of his victims with other means.

Thomas C. Alcock testifies that "on one occasion a sick man asked Captain Wirz to let him go outside for some fresh air. Wirz inquired what he meant. Then turning round and saying to him, 'Any air is too good for a d—d Yankee,' pulled out his revolver and shot him down. The man died in two hours afterward, and he spoke in condemnation of this act to Wirz, who told him 'he would put him in the same fix;' he replied that he was not afraid of it. Wirz then called a corporal and two guards, who put a ball and chain upon him. The man who was shot was named *Wright*, and belonged to the Eighth Missouri."

James H. Davidson also saw this deed. He says that "Wright was sick, and lying upon the ground. He asked Wirz to let him go out for some purpose, when Wirz cursed him and shot him with his revolver, and said 'he was killing more Yankees at Andersonville than Lee was at Richmond.'"

Who that witnessed it will ever forget the scene which was enacted in the Court of the Military Commission when a citizen was examined in relation to the shooting of a prisoner at the dead-house on the outside of the stockade? This witness had been sent on to Washington by General Thomas from Nashville, Tennessee, and was examined the day after his arrival in the city. As was his custom, Wirz was reclining upon the sofa in the court-room.

The judge advocate, Colonel N. P. Chipman, asked,

"Do you know Henry Wirz?"

"I have seen him."

"Would you recognize him if you should see him again?"

"I would, readily."

"Prisoner, stand up and confront the witness!"

With real or affected weakness, Henry Wirz slowly arose from his recumbent position, and, with vacillating look, stood before the witness, but cowered under his gaze, while his trembling limbs seemed almost to deny him support.

"Who is that man?"

"That is Henry Wirz, of Andersonville."

"Are you positive of it?"

"I am positive of it, for I have seen him riding at Andersonville; and he was pointed out to me, when I first went there, as Captain Wirz."

Here Wirz made a sign for water, when a glass was handed him by an attendant.

"State under what circumstances you have seen him that you can identify him now."

"I have seen him often at Andersonville, but I know him as the man who shot my comrade, William Stewart."

With a convulsive gesture of dissent, with both hands and arms extended, his fingers spasmodically working, as if they sought to grasp the witness, Wirz gurgled some unintelligible words to his accuser.

"Silence, prisoner!" sternly ordered the president; "your counsel will speak for you."

His head sank upon his breast, and his arms hung nerveless by his sides as he obeyed.

"Look up, prisoner," said the judge advocate, "and regard the witness!"

Slowly and languidly he raised his dull, glassy, deep-set eyes, and vacantly looked at the witness.

"Go on and state the circumstances of the shooting."

"Stewart and I had brought a dead body out to the dead-house without being ordered to do so, when Wirz came up and asked what we were doing there. Stewart replied that we had brought out a dead body. Wirz said it was a lie; that we were trying to make our escape. Stewart said it was not so; we had come out for the purpose he had stated; when Wirz told him if he said that again he would blow his d—d brains out. Stewart repeated what he had said before, when Wirz drew his revolver and shot him."

"No! no! I—I—" stammered the prisoner, wildly throwing his arms about, as if to beat off the phantom of his murdered victim that floated in ghastly form before him, his eyes glaring and rolling in their meaningless distraction, foam issuing from his quivering jaws, as his trembling limbs yielded to the weight they could not support, and he sank to the floor.

"Bailiffs, sustain the prisoner!" echoed the deep voice of the president, as two officials, one on either side, raised up his crouching form, and so supported it.

"How far off was Stewart from the prisoner when he was shot?"

"About eight feet, sir."

"Where did the ball strike him?"

"In the breast."

"How long did he survive the shot?"

"Not half an hour."

"What else occurred at that time?"

"Not much more, sir;" but, from the deeply-drawn breath and slow utterance of the witness, it was evident he was pondering the sad episode of his comrade's slaughter, for his voice was low. "I told him I thought that was hard, when he said if I didn't look out he would blow my brains out." Once more, with convulsive gesticulations and incoherent voice, the prisoner broke upon the hushed stillness of the crowded court-room; but accusing conscience was stronger than the relaxed voice or trembling frame, and he sank swooning into the bailiffs' arms.

"Give the prisoner some brandy. Officer, clear the room. The court is adjourned for the day," ordered the president; and the crowd slowly passed out, while an attendant physician sought by restoratives to summon back the ebbing spirit of the murderer Wirz.

William Harrington was lying upon the ground one day sick, when Wirz passing by, Harrington asked him for some materials with which to make a tent. As he proffered his request, Wirz jumped upon him with his heavy-heeled boots several times, and stamped upon his breast, while the poor invalid screamed with agony. "There, G—d d—n you! ask me for tents again!" cried Wirz, as blood and froth poured from the wan prisoner's mouth. He was taken to the hospital, and left it only in the dead-wagon.

On another occasion, as the men were being divided into squads, one of the prisoners, from extreme exhaustion, did not or could not fall in, when Wirz told him,

with the usual oath, if he did not "get into line and stay there, he would beat his brains out!" The man replied that he could not stand up. "Then lie there, G—d d—n you!" and repeatedly struck him over the head and face with the butt of his revolver. His skull was broken, the dark tide flowing out from an aperture over the right temple, and he died just where he lay.

Here let us stop. There has been too much, Heaven knows, already recited to harrow up the coldest sensibilities, to satisfy the most morbid tastes in this accumulation of cold-blooded, deliberate murders. The mind sickens with the regale that such a feast affords, and the hand wearies with recording the crimes.

All this time the starvation among the prisoners continued, and their necessities became so great that resorts were had to practices to obtain something to eat which no false delicacy must prevent being made known. It is in evidence "that men were frequently seen picking up particles of food—peas—which had passed undigested through the systems of others, washing and eating them."

Thomas Walsh, of the 47th New York, had been able to retain in his possession a Testament, upon the blank leaves of which and along the margins he had written short terse sentences—a species of diary of the events occurring of greatest moment in his dread prison life. Here are some of the extracts:

"March 26, no rations to-day; March 27, rations not served till three o'clock; April 1, no rations issued; April 2, issued at five P.M., meal and mule flesh; April 19, no meat; April 27, a man shot for getting over the line; May 2, our friend the cavalryman shot dead." Witness

explained that in this instance some boxes had been sent through Richmond from the North for the prisoners, and some one had thrown mouldy bread across the dead-line, and the man who was shot had reached over to get it. "May 15, the singular cripple, 'Chickamauga,' shot dead inside the dead line; May 18, orders read that if any one attempts to break out, the artillery will fire into the stockade indiscriminately—order signed by Wirz; the captain vigorously looking out for tunnels; the men in a most deplorable condition; never knew but one man who ever returned to the stockade after being taken to the hospital. July 3, no rations; July 4, rations full of maggots, and had to be thrown away; July 13, a man shot dead at the dead line; August 6, a man went to the brook, reached over the line with a pole and cup, and was shot — water colored with his blood; September 10, my God, why hast Thou forsaken me? September 12, no rations; September 14, rations served at five P.M.; September 18, no rations; we have had no rations since day before yesterday; September 23, the boys are starving." And so it proceeds, the soiled but well-worn Gospel covered on all of its margins with such jottings down of the progress of starvation. It is unnecessary to quote more of this sad diary, but that little book is a compendium of all the horrors that all the prisons whose stories have been written can not equal for unmitigated and relentless barbarity.

Martin G. Hogan testified that "the men were in a miserable condition—as bad as possibly could be; they were so thick that they could scarcely elbow their way; some lay in their filth calling for water and crying for

food, but no attention was paid to them. The quality of the food was miserable, and eating it produced a most injurious effect, because the half-baked corn-bread was sour, and the beef, whenever it was furnished, was of very inferior quality, and more than half the time had maggots in it. Men afflicted with the scurvy would crawl upon the ground and pick up what passed through others—the sight was horrible; very many were without clothing, and, having no shelter, burrowed in the ground."

Samuel M. Riker, a prisoner, "was detailed to work in the bake-house, and was there for some time. There were great quantities of provisions there, and I never knew the commissary to be empty. On one occasion Captain Wirz sent down a large lot of spoiled pork and had it exchanged for good pork — the bad pork was issued to the prisoners; I tried to eat some of it, and it made me sick. James W. Duncan was in charge of the bakery and cook-house, and was also a detective under Wirz. Duncan, Bowers, and Humes were together, and they used to take the provisions intended for the prisoners and sell them. Duncan used to accept bribes of money and watches from the prisoners to let them escape, and then would tell Wirz of their intention and they would be punished. Duncan boasted that he was making more money by selling provisions and sirup than any one else at Andersonville."

This man, James W. Duncan, is or was in the Old Capitol Prison for murdering and inhumanly treating the prisoners. He had been summoned to Washington as a witness for Wirz, when, on his becoming known to the judge

advocate, he ordered his arrest upon the testimony which follows. This scene transpired on that occasion.

Mr. Baker, Wirz's counsel, objected to any testimony with regard to Duncan, unless it could be first shown that he was an agent of Wirz, and acting under his orders.

General Thomas: "We are trying a conspiracy, and other persons besides Wirz are charged."

Mr. Baker: "I do not lose sight of that fact, but I pay no attention to that part of the first charge which charges unknown persons. It was well known that it could not be sustained in law, and therefore I pay no more attention to it than I do to the idle wind."

General Wallace: "Mr. Baker, you inform us that you pay no attention to this first charge. This is what we are trying the case under, and, if we were disposed to be curt, we may be induced to pay no attention to what you say."

It was shown that on one occasion Duncan came into the stockade with bread as usual. The witness who testified was detailed to go and bring the bread for his squad, with a man from a Tennessee regiment to assist him. After they had received their quota of bread, and Duncan was dealing out to another squad, a piece of crust broke off and fell under the wagon. The Tennessee man stooped to pick it up, when Duncan leaped to the ground, and kicked and beat the man so severely that soon after he died. Some time from that Duncan was again issuing bread, and a poor half-witted fellow was standing near, looking on, but saying nothing. Duncan asked him, with an oath, what he wanted there? He replied, "Nothing." "Well, here's something for you," said the

ruffian, when he knocked him down and stamped upon him, then threw him over the dead line, when a sentinel shot and killed him.

On another occasion Duncan and Bowers seized upon James Armstrong, and put him in the spread-eagle stocks for saying that he did not get his full rations of bread. They robbed him of his money and a picture of his sister, which Armstrong begged might be returned to him. In six hours they returned and released him, when he again asked for his sister's likeness, but was told by Duncan, with an oath—all swore there, from Winder down to the negro who blacked his boots—"that he might consider himself d—d lucky to get off with his life;" and threatened to put a ball and chain on him if he said any thing more to him about it. The amount of money that Duncan stole was nine dollars in greenbacks.

But perhaps the most pitiable meanness, where meannesses were so common, was a trick which this man Duncan played off upon a poor, scurvy-stricken prisoner, James Hamilton. It has been observed that orders were issued prohibiting the purchase of any vegetables by the prisoners, and if any were obtained in contravention of these orders, if the transgressor could be pointed out, not only were his hard-earned vegetables confiscated, but he was severely punished for an infraction of the rule. Hamilton was one day lying upon the ground, calling, in his weariness and distress, for his mother, and begging for some vegetables to eat, for his instinct told him they would be better for him than any medicine. Just then Duncan drove into the stockade with the daily rations of bread, and passed near where Hamilton lay, having

upon him an overcoat of somewhat better appearance than was usual there. Duncan inquired of him what he wanted there? He replied that he wanted some onions, and would give any thing for them. Duncan told him if he would give him his overcoat he would bring him some, and the poor fellow eagerly accepted the offer, and took off his coat and gave it him.

Duncan told Wirz of it, and on the following day, when he went in with the bread, Wirz accompanied him. He threw two bunches of *shalots* to Hamilton, exclaiming, "There are your onions; I've done my part." Wirz stepped up and seized the vegetables, and bore them off with him. But he did not stop here; he had Hamilton taken out, and, weak, exhausted as he was, placed him in the foot-stocks, and kept him there for twelve hours in the broiling sun. He went stark, staring mad; and, with horrid imprecations upon the robber of his coat, mingled with piteous appeals to his *mother* in her far-off home —these two thoughts alone rioting in his mind, which insanity had not driven from their strong-hold—thus he lingered and died. Not too soon for him, alas! for death resolved all his cares and his pain, while his poor emaciated body no more needed the garment which heartless rascality had deprived him of.

It has been shown that the quality as well as the quantity of the rations was bad and irregular. Some days the prisoners received nothing at all, on others a short allowance, and again full rations, such as they were.

The squad to which Thomas H. Kellogg was attached originally consisted of ninety men, and so reduced were they by starvation, that when the sergeant ordered them

to form into line, only thirty-two were able to stand up. Their inability to do so arose primarily from want of food, which had brought on scurvy and diarrhœa; their limbs were so contracted that they could not get up on their feet. The stream running through the stockade was as filthy as all the wash and excrement from it could render it, and the surface of it was covered with grease. Out of four hundred men who were captured with him more than three hundred died, while the Twenty-fourth New York battery, which was captured at Plymouth, North Carolina, and afterward sent for imprisonment to Andersonville, was nearly annihilated there through starvation and disease.

It would seem to be almost incredible that such a long-continued system of wrong and barbarity could be persisted in for month after month, with investigations going on under orders from the Richmond authorities, and examinations under Cobb, without some facts becoming known to the Confederate government; that, when Confederate surgeons have been sworn, where twelve thousand died, nine thousand six hundred might have been saved by using the most ordinary care, some rumors of such dreadful mortality must have found their way to the ears of those who held the remedy in their hands.

Incredulity may rest its doubts upon this point, for *all* was known by the authorities at Richmond, and the sufferings that we have detailed were preconcerted there.

From an article in the *Richmond Examiner* of the 30th of October, 1863, it would appear that the wholesale slaughter of Andersonville was *designed*, and that the Northern prisoners were to be systematically extermi-

nated by their rebel jailers. That paper recommended, under the above date, that "*the Yankee prisoners be put where the cold weather and scant fare will thin them out in accordance with the laws of nature!*" This was no irresponsible utterance of wild, murderous counsels by an individual fanatic, which passed as they were read, without carrying weight or influence with them—they were the foreshadowings of the mighty crime which was to be perpetrated—instigations to be followed of the wholesale extermination of the thousands who suffered in consequence of them.

As corroborative of this, *Henry S. Foote*, a representative in the Confederate Congress, has given his testimony in a letter dated "Montreal, June 21, 1865."

"Touching the Congressional report referred to, I have this to say: A month or two anterior to the date of said report, I learned from a government officer of respectability that the prisoners of war at Richmond and Andersonville were suffering severely for want of provisions. He told me farther that it was manifest to him that a systematic scheme was on foot for subjecting these unfortunate men to starvation; that the commissary general, Mr. Northrup (a most wicked and heartless wretch), had addressed a communication to Mr. Seddon, the Secretary of War, proposing to withhold meat altogether from military prisoners then in custody, and to give them nothing but bread and vegetables; and that Mr. Seddon had indorsed the document containing this recommendation affirmatively.

"I learned farther that by calling upon Mr. Ould, the commissioner for exchange of prisoners, I would be able

to obtain farther information upon the subject. I went to Major Ould immediately, and obtained the desired information. Being utterly unwilling to countenance such barbarity for a moment—regarding, indeed, the honor of the whole South as concerned in the affair, I proceeded without delay to the hall of the House of Representatives, called the attention of that strangely constituted body to the subject, and insisted upon an immediate committee of investigation."

But the evidence does not terminate here, for it is in our power to show that the Confederate Secretary of War, James A. Seddon, was fully and officially advised of the circumstances which have been detailed in these pages, and knew as well as any one else the horrible suffering that his minions were inflicting upon the wretched prisoners there.

Colonel D. T. Chandler, assistant adjutant general and inspector general of the rebel army, was specially detailed by the War Department, under Seddon, to visit, examine, and report upon the condition of the various prison-pens in which captured Northern soldiers were confined. This detail was made in consequence of the complaints which had reached Richmond that our prisoners were most inhumanly and murderously maltreated. Colonel Chandler was an officer occupying a high position and great confidence in the rebel service, and in this mission acted with honor, conscientiousness, and ability. His report was made through the usual military channel—the office of the adjutant general—to the Secretary of War. There can be no question that every report from so distinguished an officer, serving on an inspection tour of such import-

ance, must have been specially and personally submitted on its receipt to James A. Seddon, the chief of the War Department.

This report of Colonel Chandler is dated at Andersonville, August 5th, 1864, and recommends "a change in the officer in command of the post, Brigadier General J. W. Winder, and the substitution in his place of some one who unites both energy and judgment with *some feelings of humanity and consideration* for the welfare and comfort (so far as is consistent with their safe-keeping) of the vast number of unfortunates placed under his control—some one, at least, who does not *advocate, deliberately and in cold blood, the propriety of leaving them in their present condition until their number has been sufficiently reduced by death to make the present arrangements suffice for their accommodation;* who will not consider it a matter for self-laudation, boasting that he has never been inside the stockade — a place *the horrors of which it is difficult to describe, and which are a disgrace to civilization* — the condition of which he might, by the exercise of a little energy and judgment, even with the limited space at his command, have considerably improved."

Such was the language of Colonel Chandler in his special report; and by all who have had acquaintance with the strictly formal and reticent character of official military documents — more especially when an inferior is criticising a superior officer — it must be conceded that language of bolder or more startling censure has rarely, if ever, been employed. Not only did it give technical grounds sufficient to call for and justify General Winder's removal, but it was full of an honest and warm in-

dignation, such as a frank soldier would feel upon witnessing the horrible misery and destitution that met his eyes. It was caused by Winder's remark to Colonel Chandler when the latter urged that the prison-pen should be enlarged, the water purified, and sheds erected, more fuel, wood, and medical stores supplied, that he, General Winder, "thought it would be better to let one half die, so that they could take care of the remainder without trouble!"

The question recurs, what, on this report, was the action of James A. Seddon, the Secretary of War of the rebel government? Was the monster commanding at Andersonville relieved of his charge, and ignominiously dismissed the service as a disgrace to humanity and to the soldierly profession? Were any measures taken to check what Colonel Chandler had denounced as the protracted murder of our prisoners — "deliberately and in cold blood" — under a system, as he adds, "the horrors of which it is difficult to describe, and which are a disgrace to civilization?" Any such thoughts were far from Seddon's mind, for he was doubtless aware that Winder was faithfully discharging the behests of higher authority; and so little was the desire of removing or punishing him on this report of his atrocities, that in a few weeks after — as if Colonel Chandler's denunciation had been accepted for a testimonial of honor—James A. Seddon issued an order which promoted Winder to be commissary general and commander of all military prisons and prisoners throughout the Confederate States!

In the light of this evidence, it is very difficult to conceive how the commander-in-chief of the armies of the

Confederacy could remain in ignorance of such reports as that of Colonel Chandler; how, as President of the Confederate States, he could not but have known that such a state of affairs existed, without applying the remedy which his position placed in his hands and made his highest duty; how, as an officer practically wielding supreme power over all of the affairs of the rebel government, personally interfering in the details and management of every important concern, daily visiting and carefully inspecting the reports and papers of the War Office, this report of Colonel Chandler could have escaped his scrutiny and not have come to his knowledge, will challenge no weak credulity.

But, for fear that such credulity may find an excuse for the Confederate authorities at Richmond, it will be sufficient to know that Colonel Chandler swore that he went in person to the Secretary of War and urged that his report should be taken up and acted upon, thus bringing home, without a chance of evasion, a knowledge of the hellish atrocities which were in course of enactment at Andersonville.

It is not a pleasing task to be compelled to enlarge upon this subject, for it is humiliating to humanity to know that men claiming to be civilized, boasting of a chivalry and refinement beyond all the rest of the world, could, in this nineteenth century, in this age and upon American soil, be guilty of a barbarism such as has been sketched, and which would have been a reproach to an Algerine in the palmiest days of his cruelty.

The evidence is before the reader, direct and conclusive, for the facts of this odious guilt are equally proved as they are confessed.

CHAPTER XI.

Effect of this Treatment on the Prisoners.—Moral Restraint destroyed.—Scenes within the Prison.—Fears of Wirz.—Tunneling.—Robbery and Murder.—Executions.

It will readily be supposed that, under circumstances such as have been narrated, where no regard was had for the comfort or health of the prisoners, and where the simplest and most obvious laws of hygiene were not only overlooked, but most systematically disregarded, that a corresponding effect would be produced, and exhibit itself in the conduct and in the minds of the prisoners. A body of men, counted by tens of thousands, destitute of clothing, destitute of shelter, starving, unrestrained by any authority beyond what was requisite to keep them penned up, except their own unregulated impulses, could not be herded together for any great length of time without manifesting some of the very worst features of human nature, and rapidly retrograde to the normal condition of the species, and display all the characteristics of savages.

Such, indeed, was the effect produced by the treatment of these prisoners at Andersonville. The daily, hourly degradation to which they were forced; the withdrawal or withholding of all moral restraint; the filthy, groveling life which they led, uncheered by one solitary hope of amendment, slowly sunk them deeper and deeper into

despondency, turned their manhood into apathy, and debased their courage into brutality. They were converted into so many wild beasts, and each was animated but by one purpose—sought to accomplish but one object—prolonging their miserable lives by preying upon their comrades in misfortune.

All of the restraints that education and moral training had thrown around them were swept away, conscience swung loose from its hold on responsibility, and they acted as if there was no more human accountability to hamper the full play of every vicious tendency that might impel them. There were men confined in that stockade who had been well born and tenderly nurtured, who had enjoyed all of the kindly influences that good example and refined associations generate or suggest, whose educations fitted them to adorn society and mingle in the higher walks of life, and whose memories of pleasant homes, loving mothers, and gentle sisters would even there well up in their hearts, to vindicate, as it were, the supremacy of their better natures.

These suffered from the contamination of grosser minds, and were sunk to their level; their integrity was sapped by the treacherous effects of constant intercourse, while their manliness was overwhelmed by the brutalizing results of their imprisonment; and it would not be too harsh a judgment to pronounce the thirty-five thousand men there herded together as but one degree removed from absolute savages. In some respects they did not reach the savage level, for he can boast of his endurance, but their manhood was gone; he can pride himself upon his courage, theirs was broken by an accumulation of

miseries under which the savage himself would have sunk.

Wirz had carefully marked the gradual development of these dangerous tendencies, and was at last satisfied that they had culminated into the utter demoralization of the wretched subjects which he controlled, and he began, coward as he was, to fear their sudden exhibition toward himself. His visits to the inside of the stockade, never frequent, were now seldom made, and then with extreme precautions for his own safety. He well appreciated the danger of thrusting himself into the midst of these starving, maddened, reckless men, for he knew that his life would not be worth a minute's purchase in the hands of these unutterably wronged soldiers, and he was, in consequence, seen only upon the platforms of the sentinels, outside the walls. He was afraid of any unusual assemblage of the prisoners, and his orders to the guards were imperative to prevent their congregating together, and to hinder any combinations for an escape. He kept vigilant watch to frustrate attempts at tunneling under the stockade, and patrols, armed to the teeth, made frequent explorations within the prison for that purpose.

This scrutiny was not always unrewarded, for frequently excavations and tunnels were discovered, with channels leading from them, in a state of completion which would soon insure a free passage to the outside. One such was detected more elaborately accomplished than any previously attempted. The throat of the passage was begun under cover of one of the shanties which some of the men had erected for their dwelling. The orifice was about three feet in circumference, and was

sunk nearly twelve feet perpendicularly, commencing about forty feet from the side of the stockade posts, where it shot off at a right angle toward the posts, with a slight inclination downward. The work had advanced a distance of nearly sixty feet, and had extended under and beyond the stockade, whence it began gradually rising toward the surface, and wanted but twelve feet more of excavation to have brought it to a successful exit above ground. The interior of the horizontal passage was nearly six feet in circumference, and the earth removed from it was so carefully bestowed, or used for plastering up shanties, as to have escaped the watchful eyes of Wirz and his sentinels. This work had been steadily progressing for nearly three months, the only tools used being scraps of tin from old cups, buckets, and plates, with knives and their hands. Only two men were enabled to work at a time as it progressed, while others behind them assisted in removing the débris to the throat, others carrying it away in blankets and in the bosoms of their shirts, and disposing of it to the best advantage.

When the discovery was made Wirz was furious. The greater portion of the garrison was called to arms, the platforms overlooking the stockade were filled with soldiers, each with forty rounds of ball cartridge, while four hundred were marched within the gates and drawn up two deep, with arms at a *ready*. A squad proceeded to the spot where the excavation was commenced, and arrested all of the prisoners who were near it and those who occupied the shelter where it was begun, while workmen and teams were at once summoned to refill the hole, at which they labored night and day for three days.

The investigation which followed failed to elicit any thing more than the fact itself demonstrated; but Wirz was resolved not to be balked in his vengeance upon some one for such a daring attempt to evade his grasp, and, in default of finding the real executors of the work, he arrested the proprietors of the shanty, and proceeded to punish them. There were six of them. Their meagre rations were reduced to *two ounces* of bread daily, with one pint of water; nothing else was given them for twenty-one days. They were placed in the inclined stocks for thirty-six hours, with no intermission for rest night or day; and for the remainder of their term of punishment, nineteen days, they were linked together with chain and ball. Two of their number sank under the terrible severity of the punishment and died. In order that the rest of the prisoners might feel the weight of his power, and at the same time be deterred from making any more similar attempts, their rations were stopped for one day.

The operation of all the combined cruelty and oppression which has been detailed in these pages so worked upon the mental and physical powers of the prisoners as to render a stay in the stockade dangerous even to themselves. It has been remarked that there was no restraint thrown around them save the restless impulses of their own unregulated passions. Men who were disposed to be orderly were rendered riotous by association with the disorderly, while those who were habitually regardless of any ruling principle were reduced to unbridled recklessness of conscience and conduct.

Scarcely an hour of the day passed at this period that robberies of the most flagrant character were not com-

mitted. The stealing of food and clothes was unremitting; nothing was secure from plunder—nothing sacred from appropriation. Whatever the voracity of the outside thieves had spared was doomed to another spoliation at the hands of their miserable, half-famished companions within the stockade; and when cunning failed to secure any coveted article, force was resorted to to obtain it.

Toward the close of the year 1864 several murders were committed in the prison by an organized band of reckless men, who spread terror even among these despairing, broken-hearted prisoners by their wild outrages. To such a pitch had their conduct proceeded, that it became necessary for the better-disposed class to adopt some course by which a stop might be put to excesses which threatened to convert the prison into a pandemonium, and from the danger of which no one felt himself free; they therefore appealed to Wirz for protection.

He responded by giving them permission to punish the aggressors themselves and in their own way, characteristically suggesting that "if they would hang a thousand or two he wouldn't care, as it would save him the trouble!"

A court was therefore organized by the prisoners by selecting three judges, appointing a prosecutor for the republic of wretchedness, and impanneling a jury of eighteen to try those accused of the crimes specified. Four men were seized and brought before this extemporized court for trial. It was proved that these four were the ringleaders in all the murders and robberies which had been committed—indeed, were the actual criminals whose hands were stained with the blood of their

starving companions. There was but one course left for the court to pursue: the guilty ones could not be turned out of the stockade, for Wirz would not permit that, and it would have been no punishment to give them liberty; they could not be subjected to the ordinary penalties which Wirz inflicted, because he reserved for himself the luxury of using his own engines to punish those who rebelled against *his* authority—they must not be monopolized for the protection of the prisoners against their own members; they could not consistently and safely be turned loose again after having been convicted of such heinous crimes, for this would be making a mockery of the justice which their fellows had invoked; it was therefore adjudged that they should be hung!

The day came upon which those miserable men were to expiate the crimes of which they had been proven guilty. Wirz had ordered a rough gallows to be erected within the stockade, and in the presence of all the prisoners, with the sentinels' platforms crowded by soldiers, and the adjoining hills lined with curious spectators, eagerly watching the scene, these four wretched, debased men were executed, maintaining to the last their preference for death, even such a death as that, to living such a life as they had led in that prison.

It is a problem for the ethical philosopher to solve whether justice had been fairly meted out in this instance — whether these four were more guilty before heaven than he who had brought them by persistent cruelty to the degradation which forced crime upon them?

In answering it, that man may be considered fortunate who is permitted to look upon crime as committed only

within the spheres of enlightened communities, and to weigh the influence of the slight temptations which led to it. The conclusions to which he must come are unavoidable, and his judgment must go against the transgressor. But place the same individual upon the standpoint that the judges and jury in this case occupied, from which he has to regard crime as instigated, forced upon one, not by the slow growth of an immedicable perversity, but by the delinquency and transgression of every law by one who controls the very life of the criminal, and who has urged its commission almost as a means of maintaining life, and he will be perplexed how to decide upon the propriety of this act.

However this may be, the effect of this summary vindication of personal rights was plainly evident from this time forth, and a greater degree of safety for person and property began to be felt in the prison. But nothing could soften the hard heart of the jailer of Andersonville, or force him to change his policy toward his luckless prisoners. Gaunt famine stalked more ghastly within and around that pen; disease continued with increasing strides to claim its victims, while the shouts and imprecations of miserable maniacs harried the ears of the disconsolate men who pined away there and foreshadowed their own fate. It would be impossible to say how many were insane, or how few there were whose intellects were not disordered by the treatment they received.

The recollection of the sights in that prison will haunt the mind years after its last post shall have rotted away, and grass has grown upon the graves of its humble dead. The sight of one whose light of reason has been extin-

guished is sad at any time, but sadder far is it when the mind is forced to an eclipse through cruelty, starvation, and disease.

Within the limits of that twenty-seven acres of peopled life they could be seen, with idiotic stare and driveling simper, wandering about, or gazing in listless apathy around; now shouting an insane defiance to some imagined foe; now stealthily hiding in tattered garments some well-polished, often-gnawed bone; now sitting aloof while insensate tears glided down their expressionless cheeks as some ray from their far-off home lightened up their darkened minds, or weakly summoned memory back; now tramping to and fro in gloomy haggardness, while they raved with incoherent curses, or laughed with maniacal glee at a misery which made strong men weep. All this and more could be witnessed here day after day, until the sights almost became familiar, and ceased to awaken the horror their exhibition would otherwise suggest.

To this condition were the prisoners at length reduced. Starvation, nakedness, cruel treatment had done their worst, and these were the results upon brave and heroic men. For they were brave men all; and they were heroes too, who had taken their lives in their hands—their once young and happy lives, bright with the dreams of anticipated success, joyous with tender loves—who had been calm amidst the roar of musketry, quiet when the shrieks of the wounded and dying arose around them on the battle-field—who had faced honorable death with a smile.

But here they are, martyrs to a fate which the wildest

imagination had not pictured, with no soothing encouragement but the empty consolation of deserted homes and broken hearts, to which they return in memory, to find all the beauty, all the fragrance, all the song departed forever, while they wait here in lonely trust until the Rest comes to them at last.

CHAPTER XII.

The Winter of 1864.—Its Rigor.—Personal Experiences.—Escaped Prisoner.—He is saved.—Efforts of the Masons to relieve the Suffering.—Success.

As the months of winter approached, other misfortunes began to gather around the occupants of that pen, and more misery was ready prepared to aid in thinning out their already attenuated ranks. The first frost of the year occurred on the 25th of September, as a foretaste of what was in store as the winter advanced. On the 3d and 4th of December the season had clearly marked itself by two days of extreme cold, accompanied with cutting, freezing winds, while during the nights thick ice was made over the surface of still and exposed waters. From this period, through January, the severest weather was experienced that had ever visited that region of country. With all the care and appliances that ingenuity could suggest or devise, it was utterly impossible for the prisoners at Andersonville to maintain themselves in any comfort, or shield themselves from the cold, which threatened the lives of even the strongest among them.

The long confinement, the scanty food, poor and unrefreshing, had reduced their systems to such a degree that the blood within them coursed in feeble, fitful throbbings, scarcely bearing life in its limpid secretions. Haggard and naked, they were unfit subjects for the rigors of that memorable winter, which made strong men draw their

garments closer around them, or seek the friendly shelter and warmth of glowing fires. Yet, with all their haggardness and nakedness, those shrunken forms must endure the frosts and the chilling blasts with what resources they best could, upon the exposed and unsheltered hill-side where they were confined.

With forests of great extent, within whose limits the woodman's axe had scarcely made its mark, at a distance of but a few hundred feet from the stockade, Nature had provided an unlimited supply of fuel of the very best character. Nothing was required but the permission of Wirz to the prisoners, when they could have supplied themselves with that which would in some measure have mitigated the terrors of that season. This permission was withheld, or, if granted, was accompanied with such restraints as to render it a worthless boon when the terms were accepted.

A few men only at a time were allowed to go outside to gather wood. The time of these was limited, while no tools or axes were provided with which the timber could be cut or brought in. Such refuse and decaying wood as could be gathered on the ground was all that was allowed them, and, as successive parties made their daily excursions, so the scanty supply became by degrees exhausted in the immediate neighborhood of the prison, and necessitated a wider range and a longer time to obtain the needed fuel.

The greater the distance to which they were compelled to go, the smaller the loads with which they returned, and at last it became difficult to procure wood enough to suffice for the slender cooking which they required. Day

after day that shrunken, pallid crowd might be seen standing in shivering groups over exhausted embers, which failed to impart warmth or comfort to their freezing bodies, while they wistfully gazed at the towering trees, which seemed to mock their misery, at a stone's throw from them. Wirz was literally carrying out the edict of the *Richmond Examiner* of just one year before, and he was permitting "*the cold weather to thin them out in accordance with the laws of Nature!*" They were thinned out, poor fellows! for the dawn of every morning would display them lying close huddled together for warmth, with here and there the stiffened, frozen form of one out of whose attenuated body the breath of life had passed, hugging his neighbor, who breathed unconscious of the dead mass beside him.

Wood could have been provided with no expense and no trouble. It did not require a printed form of requisition upon a quarter-master to obtain it, for even bounteous Nature had lavishly reared the trees at hand. The man who boasted in his defense that he was always animated by "an angelic influence" in his treatment of these prisoners withheld what the yielding earth had offered, and the "angel" looked grimly on as he saw the bodies of his frozen victims borne forth, unawakened from their last sad sleep.

And so the winter passed on, the strongest and most hopeful breasting the cold and nerving themselves to the endurance of what they could neither escape or alleviate.

Now and then one did escape, preferring the risk of the sentinel's bullet or the hound's fangs, of death itself

outside the prison, to the slow, lingering, but certain extinction which awaited him if he remained there.

One case of successful escape from the prison fell under the personal notice of the author, and will be impressed upon his memory as long as it lasts.

The night of the 5th of January, 1865, was marked as one of the coldest that had been experienced in that country for many years. The ground was frozen solid, ice covered the standing water, while the biting blasts of a north wind penetrated the houses, and sent a chill to the hearts of all who listened to its wild moanings amid the pine-trees that bowed to its power. The mercury showed 16° above zero soon after the sun had sunk to his lurid couch. The constant lowing of cattle, with the plaintive bleatings of sheep, and the restless voices of the huddled swine, gave token that the ice king was forth as he is seldom seen in that region. The North had in reality visited and subjugated the South, a forerunner of what was to come when its real power should be manifest in its armies.

Midnight had arrived, when a voice was heard, as if in distress, asking aid and admittance to shelter. Upon inquiry, it was found to proceed from a Union prisoner, who had made his escape from Andersonville three days before. In a few moments he was seated by the side of a blazing fire, whose heat hardly sufficed to penetrate the chilled form which shivered in its glow. He proved to be a soldier from Lexington, Kentucky, and who had been recaptured once since making his escape, but had again freed himself while being returned to his detested prison. He had heard the far-off baying of the hounds

that had been put upon his track often during that day, but Fortune favored his efforts, and he succeeded in eluding their scent. A friendly negro man whom he encountered divided his *pone* of corn-bread and bacon with him, and gave him directions to the author's house.

"He's a Yankee from de Norf, and he'll 'sist you sure!" said Isham to the wearied, hound-hunted man.

"Won't he be afraid to help me?" queried the doubting fugitive.

"Bless you! not he. Dere's no one 'bout here he's feared of. I tell you, boss, he's a real Yankee, an' no mistake."

And to that Yankee's house the tracked man at last came, and found what he feared would be denied him—sympathy and material aid.

The kind-hearted wife exerted herself to provide substantial food and hot coffee for her exhausted guest, who sat once more at a table, and refreshed himself with the comforts of refined life. So long time had he been deprived of the use of knives and forks, that it demanded some exertion before he could manipulate to advantage with them. But hunger is a master of all formalities, as the encouraging smile and moistened eye of the attentive hostess urged the soldier to eat, and proved his aptitude to learn.

Not here did she terminate her ministrations to his wants, but with keen foresight, such as none but "the kind of heart" possess, the good wife and sympathizing lady made provision for the soldier's future needs. From the smoke-house ample supply of bacon was brought, and corn-bread prepared by her own hands, and the hav-

ersack was filled. Tobacco, matches, and money was given to solace his lonely tramp beyond the lines of danger, or to aid in procuring his necessary food.

And then the gentle eyes scanned the worn, patched suit of blue flannel—so worn, indeed, that it would have served for a summer's dress from its tenuity, but ill adapted to the rigors of that wintry night. Over all was fitted the warm clothing of a soldier son, while thick stockings and sound shoes were given to protect the soil-worn feet. With a well-replenished fire, the wearied man laid down to a short rest, and soon sunk into profound slumber—deeper, perhaps, than any he had enjoyed since he left his Kentucky home.

Before the dawn of day he was aroused, and his way to St. Mark's, Florida, was pointed out, while he was cautioned to travel only by night. With a *God speed*, he stepped manfully forth into the shadows of the forest, lighter of heart and better prepared to stem the troubles that were before him until his liberty should be secured.

When that excellent woman at last returned to her rest, an invocation was heard from her pure lips to Him who watches over the helpless that the soldier-prisoner might be under his protection in his lonely bivouac as in his eternal sleep.

The attention of several masonic bodies in Georgia was directed to the destitute condition of brethren of the order who were confined at Andersonville, and corresponding means were taken to relieve their wants and minister to their sufferings. The Lodges at Thomasville and Albany were conspicuous in their efforts to seek out and aid the masons in prison and hospital. Delegations from

these bodies went to Andersonville, and, not without difficulty, found the names of many who required their fraternal assistance. Money, clothing, and food was provided by the Albany Lodge, and the destitute brothers were cheered by the kind attentions of their friends, relieved by their bounty, solaced by their care, or buried with the mystic ceremonies of the order. The Lodge at Macon contributed clothing, and rendered such other services as their means permitted, while individual members of other Lodges exerted themselves in the cause of humanity, and rescued many from their undeserved suffering.

It is pleasant to be permitted to record such acts of unselfish benevolence; for, although the total of those who were thus relieved was small in comparison with the vast amount of destitution there exhibited, it nevertheless goes to swell the aggregate of that noble band who will be cheered with the divine salutation, "Inasmuch as ye have done it to one of these."

CHAPTER XIII.

The End at Last.—Peace.—Wirz in Fear.—Letter to General Wilson.—His Apprehension and Trial.—Constitution of the Court.—Effect of the Evidence.—Findings.—Order for Execution.

And thus the thirteen months of the existence of this abode of wretchedness and death wore wearily on to their close as the great events of the war reached their culmination.

Changes had occurred in the internal administration of the prison, and others assumed the positions which their predecessors had vacated. The arch-director of prisons had met with a change of more momentous importance to himself than to any whom he had left behind him. *His commission was revoked.* John H. Winder was no longer a brigadier general in the Confederate army. He had been summoned to answer for his crimes before a court whose jurisdiction could not be questioned, and whose judgment was irrevocable. He was dead—dead, with all the hideous accumulation of unrepented sins which he had scored up against himself there at Andersonville. His record was made out by his own hand, and he died too soon for human justice, too late for divine mercy. His name will go down forever linked with the terrible but just censure of Colonel Chandler as *one who advocated murder deliberately and in cold blood*, and with the enduring execrations of every man of sensibility who ever had an hour's intercourse with him.

The author does not subscribe to the paganism which forbids censure of the bad because no good can be uttered of the dead, nor will he be misled by the drivel of "magnanimity" when he sums up the character of a deliberate torturer and slayer of helpless prisoners of war. He accepts the rule as laid down by Carlyle: "Above all things, let us rid ourselves of cant;" and, in dismissing the man Winder to the infamy which must ever be his, he bids farewell to the leading subject in a panorama of public horror, which will rival the most revolting of Dante's conceptions, because the pictures from his hand were real and conceivable.

The weary months at last reached April in their recurring order, when the sun of the twenty-seventh shone down upon the exhausted, degraded remnant who yet peopled that filthy stockade. Peace had at length come to them, but not in her poetical garb of purity. Her garments were defiled as she passed through that inclosure, where a holocaust of corruption had been offered up for thirteen months; her smile was changed to sadness as she gazed upon the wrecks of humanity whose feeble voices welcomed her approach. But she bore them the tidings of freedom, and from that moment they felt their manhood return to them again—they were free at last!

The jailer Wirz had continued his residence near the stockade with his family, and there the peace found him, terrified, trembling at the future that he saw before him. His occupation was gone; his companions in crime had left him the sole occupant of the theatre of his past atrocities, to confront by himself the scorn and vengeance of an outraged nation. He quailed before the terrors of the

storm he had invoked, and the haughty, cruel lord of thirty thousand lives sank into the whining suppliant for grace to his trebly forfeited, worthless carcase. He addressed a letter to General James H. Wilson, commanding at Macon, and sought his protection from the justly exasperated prisoners whom he had tortured. He plead that he had acted under orders, and should not be held accountable for the results. Upon the reception of this letter, General Wilson ordered his arrest by Captain Noyes, United States Army, and his transference to Macon. He was shortly afterward removed to Washington, and confined in the Old Capitol Prison, and there detained.

In due course the following order was issued:

Special Orders, No. 453.

"War Department, Adjutant General's Office,
Washington, August 23, 1865.

"3. A special Military Commission is hereby appointed to meet in this city at 11 o'clock A.M. on the 23d day of August, 1865, or as soon thereafter as practicable, for the trial of Henry Wirz, and such other prisoners as may be brought before it.

"Detail for the Commission:

"Major General L. Wallace, U. S. Volunteers.
"Brevet Major General G. Mott, U. S. Volunteers.
"Brevet Major General J. W. Geary, U. S. Volunteers.
"Brevet Major General L. Thomas, Adjutant General U. S. Army.
"Brigadier General Francis Fessenden, U. S. Volunteers.
"Brigadier General E. S. Bragg, U. S. Volunteers.

"Brevet Brigadier General John F. Ballier, Colonel 98th Pennsylvania Volunteers.

"Brevet Colonel T. Allcock, Lieutenant Colonel 4th New York Artillery.

"Lieutenant Colonel J. H. Stibbs, 12th Iowa Volunteers.

"Colonel N. P. Chipman, additional aid-de-camp, Judge Advocate of the Commission, with such assistants as he may select, with the approval of the Judge Advocate General.

"The Commission will sit without regard to hours.

"By order of the President of the United States.

"E. D. Townsend, Assistant Adjutant General."

Before this court, which was acknowledged to be, beyond cavil, the most talented that had ever been assembled, and as to rank above exception, the jailer, whose current crimes have been delineated, was brought for trial. The charges and specifications were read to him. It is not considered necessary to give any explanation of them, as the reader can judge for himself. They are as follows:

Charge 1.

Maliciously, willfully, and traitorously, and in aid of the then existing armed rebellion against the United States of America, on or before the first day of March, A.D. 1864, and on divers other days between that day and the tenth day of April, 1865, combining, confederating, and conspiring together with John H. Winder, Richard B. Winder, Joseph White, W. S. Winder, R. R. Stevenson, and others unknown, to injure the health and de-

stroy the lives of soldiers in the military service of the United States, then held and being prisoners of war within the lines of the so-called Confederate States and in the military prisons thereof, to the end that the armies of the United States might be weakened and impaired, in violation of the laws and customs of war.

Specification.

In this, that he, the said Henry Wirz, did combine, confederate, and conspire with them, the said John H. Winder, Richard B. Winder, Joseph White, W. S. Winder, R. R. Stevenson, and others whose names are unknown, citizens of the United States aforesaid, and who were then engaged in armed rebellion against the United States, maliciously, traitorously, and in violation of the laws of war, to impair and injure the health and to destroy the lives—by subjecting to torture and great suffering, by confining in unhealthy and unwholesome quarters, by exposing to the inclemency of winter and to the dews and burning sun of summer, by compelling the use of impure water, and by furnishing insufficient and unwholesome food—of large numbers of Federal prisoners, to wit, the number of thirty thousand, soldiers in the military service of the United States of America, held as prisoners of war at Andersonville, in the State of Georgia, within the lines of the so-called Confederate States, on or before the first day of March, A.D. 1864, and at divers times between that day and the tenth day of April, A.D. 1865, to the end that the armies of the United States might be weakened and impaired, and the insurgents engaged in armed rebellion against the United States might

be aided and comforted: And he, the said Henry Wirz, an officer in the military service of the so-called Confederate States, being then and there commandant of a military prison at Andersonville, in the State of Georgia, located by authority of the so-called Confederate States for the confinement of prisoners of war, and as such commandant fully clothed with authority, and in duty bound to treat, care, and provide for such prisoners held as aforesaid as were or might be placed in his custody, according to the law of war, did, in furtherance of such combination, confederation, and conspiracy, and incited thereunto by them, the said John H. Winder, Richard B. Winder, Joseph White, W. S. Winder, R. R. Stevenson, and others whose names are unknown, maliciously, wickedly, and traitorously confine a large number of such prisoners of war, soldiers in the military service of the United States, to the amount of thirty thousand men, in unhealthy and unwholesome quarters, in a close and small area of ground, wholly inadequate to their wants and destructive to their health, which he well knew and intended; and while there so confined, during the time aforesaid, did, in furtherance of his evil design, and in aid of the said conspiracy, willfully and maliciously neglect to furnish tents, barracks, or other shelter sufficient for their protection from the inclemency of winter and the dews and burning sun of summer; and with such evil intent did take and cause to be taken from them their clothing, blankets, camp equipage, and other property of which they were possessed at the time of being placed in his custody; and with like malice and evil intent, did refuse to furnish or cause to be furnished food, either of a

quality or quantity sufficient to preserve health and sustain life; and did refuse and neglect to furnish wood sufficient for cooking in summer, and to keep the said prisoners warm in winter, and did compel the said prisoners to subsist upon unwholesome food, and that in limited quantities entirely inadequate to sustain health, which he well knew; and did compel the said prisoners to use unwholesome water, reeking with the filth and garbage of the prison and prison guard, and the offal and drainage of the cook-house of said prison, whereby the prisoners became greatly reduced in their bodily strength, and emaciated and injured in their bodily health, their minds impaired, and their intellects broken; and many of them, to wit, the number of ten thousand, whose names are unknown, sickened and died by reason thereof, which he, the said Henry Wirz, then and there well knew and intended; and so knowing and evilly intending, did refuse and neglect to provide proper lodgings, food, or nourishment for the sick, and necessary medicine and medical attendance for the restoration of their health, and did knowingly, willfully, and maliciously, in furtherance of his evil designs, permit them to languish and die from want of care and proper treatment; and the said Henry Wirz, still pursuing his evil purposes, did permit to remain in the said prison, among the emaciated sick and languishing living, the bodies of the dead, until they became corrupt and loathsome, and filled the air with fetid and noxious exhalations, and thereby greatly increased the unwholesomeness of the prison, insomuch that great numbers of said prisoners, to wit, the number of one thousand, whose names are unknown, sickened and died

by reason thereof: And the said Henry Wirz, still pursuing his wicked and cruel purpose, wholly disregarding the usages of civilized warfare, did, at the time and place aforesaid, maliciously and willfully subject the prisoners aforesaid to cruel, unusual, and infamous punishment upon slight, trivial, and fictitious pretenses, by fastening large balls of iron to their feet, and binding large numbers of the prisoners aforesaid closely together, with large chains around their necks and feet, so that they walked with the greatest difficulty; and, being so confined, were subjected to the burning rays of the sun, often without food or drink for hours and even days, from which said cruel treatment large numbers, to wit, the number of one hundred, whose names are unknown, sickened, fainted, and died: And he, the said Wirz, did further cruelly treat and injure said prisoners by maliciously confining them within an instrument of torture called "the stocks," thus depriving them of the use of their limbs, and forcing them to lie, sit, and stand for many hours without the power of changing position, and being without food or drink, in consequence of which many, to wit, the number of thirty, whose names are unknown, sickened and died: And he, the said Wirz, still wickedly pursuing his evil purpose, did establish and cause to be designated within the prison inclosure containing said prisoners a "dead line," being a line around the inner face of the stockade, or wall inclosing said prison, and about twenty feet distant from and within said stockade; and having so established said dead line, which was in many places an imaginary line, and in many other places marked by insecure and shifting strips of boards nailed upon the top

of small and insecure stakes or posts, he, the said Wirz, instructed the prison guard stationed around the top of said stockade to fire upon and kill any of the prisoners aforesaid who might touch, fall upon, pass over, or under, or across the said "dead line." Pursuant to which said orders and instructions, maliciously and needlessly given by said Wirz, the said prison guard did fire upon and kill a large number of said prisoners, to wit, the number of about three hundred. And the said Wirz, still pursuing his evil purpose, did keep and use ferocious and bloodthirsty beasts, dangerous to human life, called bloodhounds, to hunt down prisoners of war aforesaid who made their escape from his custody, and did, then and there, willfully and maliciously suffer, incite, and encourage the said beasts to seize, tear, mangle, and maim the bodies and limbs of said fugitive prisoners of war, which the said beasts, incited as aforesaid, then and there did, whereby a large number of said prisoners of war who, during the time aforesaid, made their escape and were recaptured, and were by the said beasts then and there cruelly and inhumanly injured, insomuch that many of said prisoners, to wit, the number of about fifty, died: And the said Wirz, still pursuing his wicked purpose, and still aiding in carrying out said conspiracy, did use and cause to be used, for the pretended purpose of vaccination, impure and poisonous vaccine matter, which said impure and poisonous matter was then and there, by the direction and order of said Wirz, maliciously, cruelly, and wickedly deposited in the arms of many of said prisoners, by reason of which large numbers of them, to wit, one hundred, lost the use of their arms, and many of

them, to wit, about the number of two hundred, were so injured that they soon thereafter died: All of which he, the said Henry Wirz, well knew and maliciously intended, and in aid of the then existing rebellion against the United States, with the view to assist in weakening and impairing the armies of the United States, and in furtherance of the said conspiracy, and with the full knowledge, consent, and connivance of his co-conspirators aforesaid, he, the said Wirz, then and there did.

CHARGE 2.

Murder, in violation of the laws and customs of war.

Specification 1.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the eighth day of July, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, willfully, and of his malice aforethought, did make an assault, and he, the said Henry Wirz, a certain pistol called a revolver then and there loaded and charged with gunpowder and bullets, which said pistol the said Henry Wirz in his hand then and there held, to, against, and upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, then and there feloniously, and of his malice

aforethought, did shoot and discharge, inflicting upon the body of the soldier aforesaid a mortal wound with the pistol aforesaid, in consequence of which said mortal wound, murderously inflicted by the said Henry Wirz, the said soldier thereafter, to wit, on the ninth day of July, A.D. 1864, died.

Specification 2.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the twentieth day of September, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, willfully, and of his malice aforethought, did jump upon, stamp, kick, bruise, and otherwise injure with the heels of his boots, a soldier belonging to the army of the United States in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, of which said stamping, kicking, and bruising, maliciously done and inflicted by the said Wirz, he, the said soldier, soon thereafter, to wit, on the twentieth day of September, A.D. 1864, died.

Specification 3.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the thirteenth day of June, A.D. 1864, then and

there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, and of his malice aforethought, did make an assault, and he, the said Henry Wirz, a certain pistol called a revolver then and there loaded and charged with gunpowder and bullets, which said pistol the said Henry Wirz in his hand then and there had and held, to, against, and upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, then and there feloniously, and of his malice aforethought, did shoot and discharge, inflicting upon the body of the soldier aforesaid a mortal wound with the pistol aforesaid, in consequence of which said mortal wound, murderously inflicted by the said Henry Wirz, the said soldier immediately, to wit, on the day aforesaid, died.

Specification 4.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the thirtieth day of May, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, and of his malice aforethought, did make an assault, and he, the said Henry Wirz, a certain pistol called a revolver then and there

loaded and charged with gunpowder and bullets, which said pistol the said Henry Wirz in his hand then and there had and held, to, against, and upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, then and there feloniously, and of his malice aforethought, did shoot and discharge, inflicting upon the body of the soldier aforesaid a mortal wound with the pistol aforesaid, in consequence of which said mortal wound, murderously inflicted by the said Henry Wirz, the said soldier, on the thirtieth day of May, A.D. 1864, died.

Specification 5.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the twentieth day of August, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, and of his malice aforethought, did confine and bind within an instrument of torture called "the stocks," a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, in consequence of which said cruel treatment, maliciously and murderously inflicted as aforesaid, he, the said soldier, soon thereafter, to wit, on the thirtieth day of August, A.D. 1864, died.

Specification 6.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the first day of February, A.D. 1865, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, and of his malice aforethought, did confine and bind within an instrument of torture called "the stocks," a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, in consequence of which said cruel treatment, maliciously and murderously inflicted as aforesaid, he, the said soldier, soon thereafter, to wit, on the sixth day of February, A.D. 1864, died.

Specification 7.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the twentieth day of July, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, and of his malice aforethought, did fasten and chain together several per-

sons, soldiers belonging to the army of the United States in his, the said Henry Wirz's, custody as prisoners of war, whose names are unknown, binding the necks and feet of said prisoners closely together, and compelling them to carry great burdens, to wit, large iron balls chained to their feet, so that, in consequence of the said cruel treatment inflicted upon them by the said Henry Wirz as aforesaid, one of said soldiers, a prisoner of war as aforesaid, whose name is unknown, on the twenty-fifth day of July, A.D. 1864, died.

Specification 8.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the fifteenth day of May, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, willfully, and of his malice aforethought, did order a rebel soldier whose name is unknown, then on duty as a sentinel or guard to the prison of which said Henry Wirz was commandant as aforesaid, to fire upon a soldier belonging to the army of the United States in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown; and in pursuance of said order so as aforesaid, maliciously and murderously given as aforesaid, he, the said rebel soldier, did, with a musket loaded with gunpowder and bullet, then and there fire at the said soldier so as afore-

said held as a prisoner of war, inflicting upon him a mortal wound with the musket aforesaid, of which he, the said prisoner, soon thereafter, to wit, on the day aforesaid, died.

Specification 9.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the first day of July, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, and of his malice aforethought, did order a rebel soldier, whose name is unknown, then on duty as a sentinel or guard to the prison of which said Wirz was commandant as aforesaid, to fire upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown; and in pursuance of said order so as aforesaid, maliciously and murderously given as aforesaid, he, the said rebel soldier, did, with a musket loaded with gunpowder and bullet, then and there fire at the said soldier so as aforesaid held as a prisoner of war, inflicting upon him a mortal wound with the said musket, of which he, the said prisoner, soon thereafter, to wit, on the day aforesaid, died.

Specification 10.

In this, that the said Henry Wirz, an officer in the

military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the twentieth day of August, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, and of his malice aforethought, did order a rebel soldier, whose name is unknown, then on duty as a sentinel or guard to the prison of which said Wirz was commandant as aforesaid, to fire upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown; and in pursuance of said order so as aforesaid, maliciously and murderously given as aforesaid, he, the said rebel soldier, did, with a musket loaded with gunpowder and bullet, then and there fire at the said soldier so as aforesaid held as a prisoner of war, inflicting upon him a mortal wound with the said musket, of which he, the said prisoner, soon thereafter, to wit, on the day aforesaid, died.

Specification 11.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the first day of July, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting

as said commandant, feloniously, and of his malice aforethought, did cause, incite, and urge certain ferocious and bloodthirsty animals called bloodhounds to pursue, attack, wound, and tear in pieces a soldier belonging to the army of the United States in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, and in consequence thereof the said bloodhounds did then and there, with the knowledge, encouragement, and instigation of him, the said Wirz, maliciously and murderously given by him, attack and mortally wound the said soldier, in consequence of which said mortal wound he, the said prisoner, soon thereafter, to wit, on the sixth day of July, A.D. 1864, died.

Specification 12.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the twenty-seventh day of July, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, and of his malice aforethought, did order a rebel soldier, whose name is unknown, then on duty as a sentinel or guard to the prison of which said Wirz was commandant as aforesaid, to fire upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, and in pursuance of said order so as aforesaid, maliciously and mur-

derously given as aforesaid, he, the said rebel soldier, did, with a musket loaded with gunpowder and bullet, then and there fire at the said soldier so as aforesaid held as a prisoner of war, inflicting upon him a mortal wound with the said musket, of which said mortal wound he, the said prisoner, soon thereafter, to wit, on the day aforesaid, died.

Specification 13.

In this, that the said Henry Wirz, an officer in the military service of the so-called Confederate States of America, at Andersonville, in the State of Georgia, on or about the third day of August, A.D. 1864, then and there being commandant of a prison there located by the authority of the said so-called Confederate States for the confinement of prisoners of war taken and held as such from the armies of the United States of America, while acting as said commandant, feloniously, and of his malice aforethought, did make an assault upon a soldier belonging to the army of the United States, in his, the said Henry Wirz's, custody as a prisoner of war, whose name is unknown, and with a pistol called a revolver, then and there held in the hands of the said Wirz, did beat and bruise said soldier upon the head, shoulders, and breast, inflicting thereby mortal wounds, from which said beating and bruising aforesaid, and mortal wounds caused thereby, the said soldier soon thereafter, to wit, on the fourth day of August, A.D. 1864, died.

By order of the President of the United States.

N. P. CHIPMAN, Colonel and A. A. D. C.,
Judge Advocate.

To the above charges the prisoner put in pleas in bar to the effect,

1st. That he had been offered protection by General J. H. Wilson, and that he should not be held a prisoner. The accused accepted the offer, and claims to have been since held in violation of his personal liberty.

2d. He denied the jurisdiction of the court to try him.

3d. That the war being ended and civil law restored, there is no military law under which he could be tried.

4th. He moved to quash the charges for vagueness as to time, place, and manner of the offenses.

5th. That he had been on the 21st of August put upon trial to these charges, and that the court had been broken up without his agency or consent. Having once been put in jeopardy, he can not now be arraigned as before, but is entitled to an acquittal.

6th. He claimed a discharge, because as an officer in the Confederate army he was entitled to the terms agreed to between Generals Sherman and Johnston upon the surrender of the latter.

These several pleas, except as to the jurisdiction of the court, were overruled, and the prisoner then put in the plea of "Not Guilty."

To sustain the charges there were examined one hundred and seven witnesses. The trial was concluded on the 4th of November, having continued for seventy-three consecutive days.

CHAPTER XIV.

Argument of Judge Advocate.

May it please the Court:

Deeply sensible of the importance and solemnity with which you have clothed this trial, and quickened, as I know you are, to a high sense of duty by the obligation you have taken to "well and truly try and determine, according to the evidence, the matter now before you between the United States of America and the prisoner to be tried, and to duly administer justice according to your conscience, the best of your understanding, and the custom of war," no word of mine is needed to increase the impressiveness of this occasion.

In many of its aspects and bearings this trial presents features more startling, more extraordinary, and more momentous than are found in the whole annals of jurisprudence. The charges and specifications here laid accuse this prisoner and other persons, named and unnamed, with having "maliciously, traitorously, and in violation of the laws of war, conspired to impair and injure the health, and to destroy the lives, by subjecting to torture and great suffering, by confining in unhealthy and unwholesome quarters, by exposing to the inclemency of winter, to the dews and burning sun of summer, by compelling the use of impure water, and by furnishing insufficient and unwholesome food, of large numbers of

soldiers in the military service of the United States, held as prisoners of war at Andersonville, Georgia, by the so-called Confederate States of America, to the end that the armies of the United States might be weakened and impaired, and the insurgents engaged in armed rebellion against the United States might be aided and comforted."

I invoke, gentlemen, your calm deliberation, your most dispassionate and humane judgment, while I unfold the proofs of guilt.

In a field so broad, presenting so many issues and involving so many persons, it has been a question of grave thought with me how to present the argument in this case, my desire being only to give to the Court a perspicuous and faithful analysis of the testimony, nothing extenuating, and setting down naught in malice.

With this view, I have thought it best to notice,

1st. Such legal objections as have been made to the Commission as a judicial tribunal, and such other objections as may be deemed worthy of notice touching the manner in which the case has been tried.

2d. To present a truthful analysis of the testimony, without regard to the responsibilities of the parties, for the purpose of ascertaining, as nearly as language can portray them, the horrors of Andersonville, that we may be prepared to appreciate fully the fearful responsibility of those inculpated by the evidence.

3d. To examine charge first, alleging conspiracy; in this connection showing the extent of the conspiracy, its purposes, and the criminality of each of the conspirators; and,

4th. To show the guilt of the prisoner at the bar under charge second, alleging murder in violation of the laws of war.

Jurisdiction of the Court.

Among the numerous special pleas filed by the counsel denying the right of the court to try the prisoner, there is but one, I believe, which has not been abandoned: this is the plea to the jurisdiction.

I can hardly suppose that any member of this Commission entertains a doubt on this point, yet I do not feel at liberty to pass unnoticed a question so seriously made, and about which honest and loyal men differ. If there be neither law, safe precedent, nor right upon which to base this proceeding, then it is a serious assumption of power, and alike dangerous to yourselves and the prisoner, and one in the exercise of which the order of his excellency the President will not protect you. While I have yet to read the adverse opinion of a single lawyer given outside the court-room who speaks from the standpoint of one who knows from the teachings of experience how strong has been, and is still, the necessity of checking and punishing crimes against the laws of war committed in rebellious districts during and in aid of rebellion against the government, yet it must be conceded that there is color of reason in the argument, and it is because with great persistency your right to proceed is denied that I shall presume to address myself to this question.

As we recede from a state of actual war and approach a condition of profound peace, we doubtless travel away

from the corner-stone upon which the Military Commission as a judicial tribunal rests; but that your right to try the case before you is disturbed by a mere suspension of hostilities on the part of rebels in the field, while the spirit of rebellion is still rampant, I do not for a moment suppose, and in a very brief resumé of the argument on the subject I hope to make it so appear. As I view this question of jurisdiction, it is one of both law and fact, to determine which each case must rest upon its own merit.

It involves a question of law in determining whether a court of this kind can be legally constituted, and a question of fact as to whether the present case can be thus tried; for a military court may be properly constituted, yet the case brought before it not properly triable by it.

If this be true, the subject may be disposed of in the examination of the following questions: 1st. Has the President of the United States the constitutional power to convene a Military Commission for the trial of military offenses committed in time of war? 2d. Is the case triable by a Military Commission?

I believe it is not claimed by any that the power assumed by the President in Convening this Commission for the purpose named in the order dwells in him except in time of war and great public danger, or during insurrection or rebellion.

Your jurisdiction is a special one, resting upon no written law, but derived wholly from the war powers of the President and Congress, which are themselves derivable from the Constitution. If it can be shown to safely

rest upon these, you become invested not only with a right, but a high duty to sustain it in due obedience to the proper order of your commander-in-chief. On an examination of the opinions expressed against the right claimed, you will discover the argument rests upon the negative declarations or prohibitory clauses of our fundamental law, denying to Congress the exercise of certain powers, as, for example, "no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury," etc.; "in all criminal prosecutions the accused shall enjoy the right of a speedy and public trial by an impartial jury," etc. (Articles V. and VI., Amendments to the Constitution); "the trial of all crimes, except in cases of impeachment, shall be by jury," etc. (Art. II., Sect. 2, Constitution).

Whatever else may be brought into the argument, these and kindred clauses are the real source of complaint whence a misguided loyalty, a supertechnical judgment have found reason for withholding this approval of the measures adopted by the government to the Military Commission to aid in suppressing a rebellion for its overthrow.

And hence you are told gravely the act of the President is a usurpation of power—this court without a legal existence—your proceedings a nullity. For a moment let us try and ascertain the purpose of those who framed the Constitution, and by fair interpretation arrive at the true meaning of that great chart of liberty.

Alexander Hamilton wrote at the time the Constitution was being canvassed before the people for final adoption, "The circumstances that endanger the safety

of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. . . . . This is one of those truths which, to a correct and unprejudiced mind, carries its own evidence along with it, and may be obscured, but can not be made plainer by argument or reasoning. The *means* ought to be proportioned to the *end;* the person from whose agency the attainment of any end is expected ought to possess the means by which it is to be attained."—*Federalist*, No. 23.

Mr. Madison, in speaking of the impossibility of anticipating the exigencies which might arise, and the futility of legislating for what could not be anticipated, at the same time that the powers as granted to the President and Congress are now ample for every emergency, says, "It is vain to impose constitutional barriers to the impulse of self-preservation. It is worse than in vain, because it plants in the Constitution itself necessary usurpations of power."—Ibid., No. 41. Many years later, and after its adoption, with such light flooded upon it as the great minds of those early days could shed, Mr. Adams, in unequivocal phrase, enunciated the same idea. In speaking of the authority of Congress in time of war, he says, "All the powers incident to war are by necessary implication conferred upon the government of the United States. . . . . There are, then, in the authority of Congress and of the executive, two classes of powers, altogether different in their nature, and often imcompatible with each other — the war power and the peace power. The peace power is limited by regulations and restricted by provisions prescribed within the Constitution itself.

The war power is limited only by the laws and usages of nations.

"This power is tremendous: it is strictly constitutional, but it breaks down every barrier so anxiously erected for the protection of liberty, of property, and of life."

These are bold words, uttered when civil war was not impending, when a powerful rebellion to overthrow this great nation could hardly have been anticipated—the opinion of a great mind and a pure patriot, with judgment free from tyranny of partisan clamor, they come to us with all the force of law itself.

Do you find difficulty in reconciling these constitutional incompatibilities? Your statute punishes assault and battery; yet a law underlying the statute, not expressed, says you may resist force with force, and this well-grounded rule will allow you to defend yourself even to the slaying of your antagonist. Necessity knows no law inadequate to its demands, and self-preservation antedates all laws.

Who shall say that a government in whose perpetuation rest the hopes of the world; a Constitution broad enough and liberal enough to protect the rights of all over whom it reaches; a people whose confidence in the perfection of this form of government four years of internecine war have not shaken—who shall say that these are denied nature's first law; no, those lawgivers and wise men of olden and modern times spoke truly when they laid the doctrine down that the principle of self-preservation belongs to nations no less than to individuals, and that it is not in the power of a nation to cede away this right.

The Supreme Court of the United States has in numerous decisions declared that Congress and the executive possess the right to do whatever the public safety may require to suppress rebellion or repel invasion (4 Wheaton, 420; 12 Wheaton, 119–128; 8 Cranch, 15).

This opinion was entertained by the fathers of the Constitution, and is found embodied in Congressional legislation as early as 1792, reiterated in 1795 and 1807, which seem to have been statutes made to meet just such an emergency as this war brought upon us. (In statutes at large, vol. ii., p. 264, 424; vol. iv., p. 419.)

In 12th Wheaton (Martin *vs.* Mott), Mr. Justice Story, in an opinion sustaining the constitutionality of these laws, says: "The President is the exclusive judge of the exigency, and his action must be conclusive of the exigency," thus taking from the Supreme Court the right to impeach the President's judgment. This same opinion is sustained in Luther *vs.* Borden (Howard, 42, 43).

I suppose it will not be denied that war changes the relations of all parties brought into antagonism as belligerents by it. No one can attack me without forfeiting his right for redress if I injure him by proper resistance without resorting to the forms of law to make him keep the peace, and no one can levy war upon our government without placing himself beyond the protecting ægis of the Constitution.

It must be remembered, when objection is made to the exercise of this necessary power by the President, that what might be a good plea for a loyal citizen who has committed a civil offense against the criminal statutes of the land, is not a good plea for a traitor who is on trial

for the commission of a military offense against the laws of war.

As we are endeavoring to determine whether the President can by right exercise the power to organize a court for the trial of military offenses committed by those not in the military service, it may not be necessary to pursue this line of argument farther. Let me, however, place by antithesis some things expressly prohibited in the Constitution, but which is generally conceded may be done in time of war.

"The United States shall guarantee to every state a republican form of government. . . . and shall protect each of them against invasion" (Constitution, Article IV., Section 4); yet the whole power of the government has been concentrated in one grand invasion of the South for four years.

"The right of the people to be secure in their persons, houses, papers, etc., against search, etc., shall not be violated, and no warrant shall issue but upon probable cause supported by oath," etc. (Amendment to the Constitution, Article IV.); yet I suspect an action of trespass would not lie against the officer who broke open certain escritoirs, bringing to light the proofs of conspiracies entered into by leading rebels South and North to poison, burn, assassinate.

"No soldier, in time of war, shall be quartered in any house without the consent of the owner but in a manner to be prescribed by law" (Amendment to the Constitution, Article III.); yet it was hardly expected that our generals in an enemy's country would consult the statutes "in such case made and provided."

"The right of the people to keep and bear arms shall not be infringed" (Ibid., Article II.); yet that general or executive who would, fearing to violate this right, permit the Knights of the Golden Circle or any other hostile combination to organize and menace the government, could hardly defend himself before his country.

"The freedom of speech shall not be abridged" (Ibid., Article II.); yet who would hesitate to say that the inciter of treason by speech is no less a traitor than he who raises his hand against his government?

"Private property shall not be taken without just compensation" (Ibid., Article V.); yet during the rebellion millions of dollars' worth have been seized and used for military purposes without any process of law whatever, and millions more have been libeled under the Confiscation Act of Congress, and converted to public use without just compensation. Who so bold as to deny the principle upon which this has been done?

Article IV., Section 11, of the Constitution provides for the recapture of slaves escaping to free states; and the Supreme Court of the United States has also pledged the Federal government to protect the right thus secured to slaveowners; against and in violation of which rises like a pillar of fire the Proclamation of Freedom, apotheosizing its author—the crowning glory of his administration—the highest proof that our cause is approved in the *Forum conscientiæ*. How can there be such antagonism in our Magna Charta? How are these things defensible? They are the incompatibilities of which Mr. Madison speaks.

We see here the harmony, at the same time the con-

flict, between the war powers and the peace powers of which Mr. Adams speaks; and there is presented in strong light the adaptation of means to ends which Mr. Hamilton insists upon; and, above all, that inherent power which spurns all barriers, and grounds itself upon great first principles; dwells always with the source of all power, and is inseparable from it—the people; and declares as fearlessly as it battles that, in times of war, of great public danger, laws and constitutions are silent if they stand in the way of the nation's life.

But it is said that Congress may have the power to create Military Commissions; yet, as it has not done so, or conferred that right upon the President, it is therefore an unwarrantable assumption.

It seems to me that, as the Constitution expressly confers no power of this kind upon Congress, it matters little whether Congress or the President exercise it; and if one can do so, with equal right can the other.

The whole question still rests upon necessity, to meet which the neglect of one will not excuse the other. Still inquiring whether this can be done in any case, let us recur a moment to opinions contemporaneously with the Constitution.

We began our struggle for independence under the Articles of Confederation, and it is well known that the colonies reserved all rights to themselves not expressly delegated to the Confederacy.

Then, as now, there were traitors, whose crimes, partaking of the nature of military offenses, were made punishable by military courts. If you will examine the legislation of the country, it will be found that, from 1775

down to the present time, authority has been conferred upon military courts to try civilians for the commission of certain offenses. (See Acts of Congress, 7th November, 1775; 17th June, 1776; 27th February, 1778; 23d April, 1800; 10th April, 1806; 13th February, 1862; 17th July, 1862.) Congress conferred this jurisdiction on both courts-martial and Military Commissions, until during this war, however, resorting to the court-martial.

Now it has been frequently decided by the Supreme Court that a court-martial is a tribunal provided for in the rules and articles of war, but with a jurisdiction limited to military persons as well as military offenses, so that it is as much a usurpation to try a civilian by court-martial as before a Military Commission. Admitting this, we find ourselves strongly fortified by these early enactments, especially in the light of the decision of the Supreme Court.

Stewart *vs.* Laird (2 Cranch, 299) decides that "a contemporary exposition or construction of the Constitution, acquiesced in for a period of years, fixes it beyond the reach of doubt;" and we are compelled to conclude that the power assumed grows out of a necessity of which Congress or the President must judge at the time.

Many things are proper to be done in time of peace which in time of war become high crimes. No criminal code and no civil criminal tribunal can reach these; they are incident to, and grow out of, a state of war.

Every student of history, whether or not he may have studied law, understands this. It is a timid loyalty, a yielding to doubtful and hasty clamor, that during this war questioned a practice sanctioned by all nations, and

begun on this continent contemporary with the Constitution.

But, again, a declaration of war institutes a code of laws for the government of the belligerents known as the law of nations. And this is true of an insurrection as well as of foreign war, so that we are to look more to the customs of nations than to our own Constitution for our guides. We have enumerated some of our constitutional guarantees intended to protect all persons, but it will hardly be pretended that rebels, war-traitors, assassins in aid of rebellion, banditti, guerrillas, and spies could plead them, or derive any immunity by them. The true guide and the highest law is the law of war and the customs of civilized nations. From a recent opinion of the present attorney general, given in support of the commission for the trial of the President's assassins, taking this view, I extract the following: "A military tribunal exists under and according to the Constitution in time of war. Congress may prescribe how all such tribunals are to be constituted, what shall be their jurisdiction and mode of procedure. Should Congress fail to create such tribunals, then, under the Constitution, they must be constituted according to the laws and usages of civilized warfare, and they may take cognizance of such offenses as the laws of war permit.

"That the law of nations constitute a part of the laws of the land is established from the face of the Constitution upon principle and by authority." (See also Opinions of Attorney General, vol. i., page 27; 5th Wheaton, 153.)

He there proceeds to show that an army has to deal

with two classes of enemies, one of which is the open, active belligerent or soldier in uniform, who observes the laws of war; the other is a violator of the laws of war and usages of civilized nations, who, when caught, may be shot down as an enemy to the human race, or tried by military courts, and subjected to such punishment as the laws of war authorize. Here, as before, we see that the only safe rule is to place in the hands of the commander-in-chief of the army, or his subordinates acting under proper orders, full and exclusive discretion as to the means to be used to protect the existence of his army, subject only to be held responsible for the abuse of the discretion so conferred.

And whether he resort to a Military Commission, court-martial, drum-head court, summary and instantaneous execution, right reason and wise public policy must sustain him so long as he keeps within the code of civilized nations. I do not think it necessary to notice the distinction made between martial law and military law, your guide being, as I conceive it, the law of nations rather than either.

I might remark, however, that *military law* is a part of the law of the land in times of peace and war; but *martial law* is an incident of war, and may or may not be declared. I do not rest your right, however, to sit as a Military Commission upon the action of the President in this particular. He may not have declared martial law to be in force, still your existence be legal. He may not have suspended the writ of *habeas corpus*, still your jurisdiction be undisturbed. To declare martial law is one act of war power, to suspend the writ of

habeas corpus another, to order this court to try the prisoner before it another.

It is an error to suppose there must be an enemy menacing you *pendente lite*, a declaration of war, a suspension of trial by civil tribunal, before you can proceed. The civil courts may be in never so complete operation, the enemy in a remote part of the country, and the place of trial in the midst of a peaceful portion of the land; still, if there be a necessity, and the offense be properly punishable by the laws of war, the duty at once falls upon the proper officer to meet that necessity as the public safety may require. I believe this view to be sustained by the best military writers, and a legitimate sequence of the argument in support of Military Commissions.

The practice of European powers confirms this opinion, the right having never been seriously questioned, but its abuse being provided for by bills of indemnity. If farther precedent be required, it is amply presented in the action of President Washington during the "Whisky Insurrection" of 1794 and 1795, of President Jefferson during the "Burr Conspiracy" of 1806, of General Jackson in 1814 at New Orleans, and afterward in Florida; in all of which cases, though of infinitely less moment compared with the exigencies growing out of the present war, it was enunciated that whatever the existing necessity demands must be done. (See Halleck, International Law, page 371, 380, and cases cited.)

SECOND. Having presented sufficient reason for concluding that the President has usurped no authority and violated no law in constituting you a military court for

the trial of military offenses, it remains to notice whether the present case comes within the scope of your jurisdiction. Here, I think, we will have less difficulty, as it is more a question of fact than law.

This prisoner is charged with the perpetration of offenses, many of them unknown to common law or statute law; they were committed by a belligerent in his own territory, in the exercise of a commission assigned him by the enemy, and given in violation of the laws of war, the execution of the orders of his superiors. The government he served never did or can try him; no civil tribunal is possessed of power; the duty, then, as I think, devolves upon you. But it is said the war is over; there is no longer any necessity of military tribunals; and however proper in times of war and public danger to assume the functions of civil courts, there is now no reason for doing so.

If it were necessary, I would traverse the fact. The war is not over. True, the muskets of treason are stacked, the armies of the rebellion are dissolved, some of the leaders are in exile, others are in prison, but by far the largest portion, sullen, silent, vengeful, stand ready to seize every opportunity to divide the loyal sentiment of the country, and, with spirit unbroken and defiant, would this day raise the standard of rebellion if they dared hope for success. This opinion of the war still existing is not mine alone. The attorney general, in his return to Judge Wylie's writ of *habeas corpus* issued for the surrender of the body of Mrs. Surrat, spoke of it in that sense.

Congress, in many of its enactments, provided for a

state of war after a cessation of hostilities. The whole policy of the government toward the Southern States sustains this idea.

The President, by suspending Judge Wylie's writ in the Burch case on the 16th of September, since this trial began, adherence to President Lincoln's proclamation of martial law, and his declining to take any action that might be construed into a proclamation of peace, all show beyond doubt that the time of public danger has not passed.

But, however this may be, with the fact you have nothing to do. The President, by constituting you a court to try this prisoner, has by that act alone declared the presence of a public danger, and that a necessity exists to still cling to military tribunals for the punishment of military offenses, and it is beyond your power to dispute his judgment. You may, perhaps, pass upon the question as to whether you are a court, but as to the emergency requiring you to try and punish this prisoner, if guilty, the President is the sole judge. The Supreme Court has so decided, as we have before seen.

I hope then, gentlemen, you may find it not against your consciences or judgment to proceed to a final verdict in this case, and that you may illustrate the wisdom expressed in the judicial opinion of one of our most eminent jurists, given in 4 Wheaton, 316: "The government of the Union is a government of the people; it emanates from them, its powers are granted by them, and are to be exercised for their benefit; and the government which has a right to do and act, and has imposed upon it the duty of performing the act, must, according to the dictates of reason, be allowed to select the means."

Having thus disposed of the question of jurisdiction, I ask indulgence a moment to notice some of the objections which have been made by the counsel for this prisoner during the progress of the trial.

I am not prepared to believe that this court would stultify itself by declaring that their action, after argument *pro* and *con* as to admissibility of evidence, overruling of motions or pleas, or sustaining the same, was wrong, and that they now desire to correct it; however, as the conduct of the case has been somewhat criticised, and as the counsel who declined to argue the defense intimated that a large part of his address would have been directed to those objections, and has asked that they be not wholly overlooked, I think it not entirely out of place to review at this time very briefly the points of objection. It has been frequently asserted in court by counsel that the whole power of the government was concentrated upon the prosecution of this prisoner, and that he, single-handed and without the aid of the government, has been conducting his defense. It is well known that witnesses for the defense receive a per diem and their actual expenses in coming to the court and returning to their homes. The record of this court will show that every subpœna asked for has been given except in the cases of a few rebel functionaries, who, for reasons stated at the time, were not subpœnaed. Of this, however, there should be no complaint, as the facts which those witnesses were expected to establish were shown by other witnesses, and as a proposition was made by the judge advocate to admit that those witnesses thus excluded would testify here to the same facts—a propo-

sition which was declined by the counsel. The records of this court will also show that there have been one hundred and six witnesses subpœnaed for the defense, of whom sixty-eight reported. Of these, thirty-nine, many of them soldiers of our army and sufferers at Andersonville, were discharged without being put upon the stand, the counsel, for reasons only known to himself, declining to call them. Besides this, the government has, without a precedent, furnished, at great expense, to the prisoner a copy of the record from day to day during the progress of the trial. The government has also given his counsel the benefit of its clerical force, and, in short, shown the prisoner indulgences which should forever close the mouth of one whose treatment of its soldiers was in such striking contrast that he must have felt the more deeply his guilt.

Again, it has been frequently complained of during the trial that the Court has excluded the declarations of the prisoner made in his own behalf, and has refused to allow him, in other instances, to show what he did. I think the Court will remember that in every case the whole of any particular transaction has been given for and against the prisoner, and that the *res gestæ*, properly so called, has never been excluded. All the prison records in the possession of the government which could throw any light upon the case are in evidence.

The prisoner has been allowed to show acts of kindness wherever they could with any legal propriety be given, as, for instance, the taking of drummer-boys out of the stockade because of their youth; the allowing Miss Rawson to administer to the wants of one soldier;

the giving of passes to ministers of the Gospel to enter the stockade; his letters and reports with reference to the wants of the prison; his kindness to the prisoners whom he detailed for duty outside the stockade, and many other things, all of which we shall show hereafter, are not incompatible with the idea of his guilt. But, even admitting more than is claimed or proved for the prisoner in regard to his urging Winder and the rebel authorities to do certain things, the law is clear that if a party remain in a conspiracy, though protesting against it, and seeking to escape from it, or if he continue in an unlawful enterprise, insisting that he does not mean to do harm, yet, if harm results, or serious and criminal consequences follow, he is nevertheless responsible. If, in the course of one year's pursuit of an illegal business, a stupendous crime indeed, the perpetrators could show less than this prisoner has shown in his favor, he would not be entitled to the human name.

It would be strange, indeed, if this record of five thousand pages, of thirty-eight days of weary, laborious trial, presented no wrong rulings, no improper exclusion or admission of evidence in a greater or less degree pertinent to some issue made; but I assert with all confidence, and with honest belief, that the interests of this prisoner have not been and can not be affected injuriously by such action in any instance that can be named.

It must not be forgotten, and to this I call the special attention of the counsel and of the Court, that nowhere in this record can there be found the exclusion of a scintilla of evidence bearing on the defense to the charge of murder, and to which this prisoner is more especially

called to answer. There is another fact to which I would also call the attention of the counsel and the Court, and it is this: that if, after a careful examination of the evidence, there be sufficient legal proof legally spread upon the record, you must proceed with your finding without regard to any illegal evidence, and not, as the counsel would insist, declare the whole record vitiated. This is sustained by reason and by law, wherever it comes up to the true standard, which, after all, is but the perfection of human reason. The only instances in which appellate courts remand cases for new trial is where, from the bill of exceptions presented, they can not determine whether the jury were or were not misled by the evidence improperly admitted; but where they find that the errors complained of were not material, or where the verdict is sustained after disregarding the errors, no court will subject the parties to a second trial, or interpose to save the complainant.

Out of place as this may be in the order of my argument, I have deemed it just to say thus much.

CHAPTER XV.

Sufferings at Andersonville.

2d. We come now to notice the evidence spread upon the record with regard to the sufferings of Union prisoners at Andersonville.

Character of Testimony.

It is argued that the evidence presenting the horrors of Andersonville is not of that class which is entirely reliable; that those who were in the rebellion have been brought here forcibly by the government, and made to testify in anticipation of reward by pardon, or through fear of being themselves punished; and that the evidence of soldiers who were sufferers at Andersonville was highly colored, testifying as they did under a sense of the injuries inflicted upon them while prisoners, and warmed to enthusiasm in the enumeration of their wrongs.

I need only say in reply that the careful observer of this trial must have discovered how utterly powerless has been the language of witnesses to describe the real condition of affairs at Andersonville; that where science has spoken through her devotees, where inspectors have tried to convey a correct idea, where the artist has sought to delineate, or the photographer to call the elements to witness, they have all uniformly declared that, with all these appliances, nothing has presented in their true light

the horrors of that place. The evidence before you is of the highest character. It consists of many kinds, from many directions: from persons speaking in the interest and for the good of the rebel government; from persons under a strong sense of the wrongs done these miserable wretches; from disinterested observers neither in the one nor in the other army; and from the injured themselves. And yet there is a most striking concurrence in all this testimony, all agreeing that history has never presented a scene of such gigantic human suffering. If I can succeed in presenting to your mind a faithful picture of Andersonville as it was, or make such an analysis and grouping of the testimony as to show to the civilized world, in a tithe of its horrors, the suffering endured, I shall have accomplished all I can hope, and shall have done more than I fear I am able to do.

The Stockade.

The stockade at Andersonville was originally built, as we learn from many sources, with a capacity for ten thousand, its area being about eighteen acres. It continued without enlargement until the month of June, 1864, when it was increased about one third, its area then, as shown by actual survey, being twenty-three and a half acres. The prison, as described by Dr. Joseph Jones, a surgeon of the rebel army, in his official report to the surgeon general, consisted of a strong stockade in the form of a parallelogram, twenty feet in height, formed of strong pine logs firmly planted in the ground, with two smaller surrounding stockades, one sixteen and the other twelve feet high, these latter being, as he says, "intended for

offense and defense. If the inner stockade should at any time be forced by the prisoners, the second forms another line of defense; while, in case of an attempt to deliver the prisoners by a force operating upon the exterior, the outer line forms an admirable protection to the Confederate troops, and a most formidable obstacle to cavalry or infantry" (Record, page 4328). To show more clearly the strength of this stockade, I quote again from Dr. Jones's Report: "The four angles of the outer line are strengthened by earth-works upon commanding eminences, from which the cannon, in case of an outbreak among the prisoners, may sweep the entire inclosure" (Record, pages 4328 and 4329).

On the outside of the inner stockade were erected thirty-five sentry-boxes or watch-houses overlooking the area within, which were so constructed as to protect the sentries from the sun and rain. From Colonel Chandler's Inspection Report, dated August 5th, 1864, I quote the following:

"A railing around the inside of the stockade, and about twenty feet from it, constitutes the 'dead line,' beyond which prisoners are not allowed to pass. A small stream passes from west to east through the inclosure, about one hundred and fifty yards from its southern limit, and furnishes the only water for washing accessible to the prisoners. Bordering this stream, about three quarters of an acre in the centre of the inclosure are so marshy as to be at present unfit for occupation, reducing the available present area to about twenty-three and a half acres, which gives somewhat less than six square feet to each prisoner;" and, he remarks, "even this is being constantly reduced by the additions to their number."

From the beginning to the close, the only shelter in the prison was such as the ingenuity of the prisoners could devise, all the standing timber and undergrowth having been cut away; and, with the exception of a small shed, covered but not inclosed, stretching across a portion of the north end of the stockade, nothing whatever existed to protect the prisoners from the inclemency of the weather or the intolerable heat of that climate.

The prison was entered by two gates, called the north and south gates; the first situated a short distance north of the bakery, the other a short distance from the southwest corner, and on the west side.

The Cook-house.

Immediately above the stockade, and on the stream passing through it, was situated an immense cook-house, at which all the rations provided for the prisoners, if cooked at all, were prepared. The drainage and offal of this bakery passed immediately into the stream running through the prison. Still above, and on the same stream, were located, at distances varying from five hundred yards to half a mile, several rebel encampments. These washed into the stream, and their sinks were located on it.

The Hospital.

The hospital, which was erected some time in June, 1864, prior to which time the sick were treated under the shed already referred to inside the stockade, was a stockade inclosure similar to the prison, situated on the south side of the prison, about four hundred yards from

the southeast corner, and containing five and a half acres. A stream of water passing through its southeast corner emptied itself into the stream crossing the stockade a few yards from the east side of the stockade. Within this inclosure were erected for hospital buildings long sheds constructed of poles, with roofs made of pine boughs, and in some instances of planks, without any siding or other protection. In some cases wall and fly tents, much worn and in very bad condition, were used. This constituted the shelter furnished the sick.

The Dead-house.

The dead-house was a building similar to one of the hospital sheds, except that it was partially inclosed by boards and puncheons nailed on its sides. To this place the dead were conveyed upon litters, blankets, stretchers, and by such other means as the prisoners could devise, and were conveyed thence in army wagons, about twenty-five in each load, piled up "like cord-wood," or "as a Western farmer hauls his rails," as one of the witnesses told you, to the burying-ground, which was situated a few hundred yards northwest of the stockade.

Condition of the Stockade.

Having thus given an outline of the stockade, the hospital, and their surroundings, let us inquire into the condition of each of these places, taking first the stockade. It will be remembered that the testimony is drawn from many sources. I present,

1st. The opinions of medical officers in the service of the rebel government on duty at Andersonville and else-

where at the time these sufferings are alleged to have been endured.

2d. The opinions of rebel officers assigned to the special duty of investigating the condition of affairs at Andersonville, together with the records of the prison.

3d. The opinions and observations of officers and soldiers of the rebel army on duty at Andersonville.

4th. The observations of persons residing in the vicinity during this period, and who paid frequent visits to Andersonville; and,

5th. The testimony of the prisoners themselves.

I shall endeavor to present the subject in the order above mentioned.

Testimony of Medical Officers.

Among the earlier official inspections given to this prison was that of Surgeon E. J. Eldridge, who made a report pursuant to instructions of Major General Howell Cobb, and which accompanied the report of that general made upon the same subject to the adjutant general of the rebel government for the information of the War Department, and which reached that department May 21st, 1864. (See Exhibit 15, A.) He says:-"I found the prisoners, in my opinion, too much crowded for the promotion or for the continuance of their health, particularly during the approaching summer months. The construction of properly-arranged barracks would, of course, allow the same number of men to occupy the inclosure with material advantage to their comfort and health. At present their shelter consists of such as they can make of the boughs of trees and poles covered with dirt. The

few tents they have are occupied as a hospital. . . . . I found the condition of a large number of the Belle Island prisoners on their arrival to be such as to require more attention to their diet and cleanliness than the actual administration of medicine, very many of them suffering from chronic diarrhœa, combined with scorbutic disposition, with extreme emaciation as the consequence. The hospital being within the inclosure, it has been found impracticable to administer such diet and give them such attention as they require, as, unless constantly watched, such diet as is prepared for them is stolen and eaten by the other prisoners."

He then proceeds to urge upon the authorities in Richmond the necessity of removing the hospital. On this point he says, "I consider the establishment of a hospital *outside* of the present inclosure as essential to the proper treatment of the sick, and most urgently recommend its immediate construction." And to meet an objection which he says was made at Richmond to do this, because additional guards would be required, he says, "Nurses could be detailed with such discretion that but few would attempt to escape, and, with frequent roll-calls, they would not be absent but a few hours before detected, and would be readily caught by the dogs, always at hand for that purpose."

Up to this time no baking for the prisoners existed, their rations being issued to them raw, as will appear from the following paragraph in the report: "The bakery just being completed will be a means of furnishing better prepared food, particularly bread, the half-cooked condition of which has doubtless contributed to the con-

tinuance of the bowel affections." The mean strength of prisoners at the date of this report, as shown by the journal kept by the prisoner, was about fourteen thousand.

—Thus we see that the sufferings at Andersonville were anticipated as early as May, and the rebel government duly warned. Of that question, however, hereafter. —

Without pretending to analyze the evidence of each particular medical gentleman who has testified upon this subject, as they all concur in the general facts in relation to the condition of the stockade, I select the report of one of the most intelligent of their number, quoting him somewhat fully. The gentleman who speaks through the report I am about to give is Dr. Joseph Jones, Professor of Chemistry in the Medical College of Georgia, a graduate of the University of Pennsylvania, and a man of eminence in his profession. He went to Andersonville under the direction of the surgeon general of the Confederacy, pursuant to an order dated Richmond, Virginia, August 6th, 1864, in which the surgeon general uses the following language:

"The field of pathological investigation afforded by the large collection of Federal prisoners in Georgia is of great extent and importance, and it is believed that results of value to the profession may be obtained by a careful investigation of the effects of disease upon the large body of men subjected to a decided change of climate and the circumstances peculiar to prison life" (Record, pp. 4324 and 4325). From this it will be seen there was authority from a high source for his proceedings, certifying a knowledge of the condition of things at An-

dersonville, in the surgeon general's office, if it does not especially commend the humanity of that office.

After making some remarks in regard to the character of the soil, the internal structure of the hills, and so forth, Dr. Jones proceeds to give a table illustrating the mean strength of prisoners confined in the stockade from its organization, February 24, 1864, to September, 1864.

This computation, I may remark, is only approximately accurate, and is arrived at by adding together the number of prisoners at the first, middle, and the last of each month, and dividing the result by three. His table, however, shows the following as the mean result:

March	7,500	June	22,291
April	10,000	July	29,030
May	15,000	August	32,899

He says: "Within the circumscribed area of the stockade the Federal prisoners were compelled to perform all the offices of life, cooking, washing, urinating, defecation, exercise, and sleeping. . . . . The Federal prisoners were gathered from all parts of the Confederate States east of the Mississippi, and crowded in the confined space, until, in the month of June, the average number of square feet of ground to each prisoner was only 33.2, or less than four square yards" (Record, p. 4331).

"These figures," he says, "represent the condition of the stockade in a better light even than it really was, for a considerable breadth of land along the stream flowing from west to east, between the hills, was low and boggy, and was covered with the excrement of the men, and thus rendered wholly uninhabitable, and, in fact, useless

for every purpose except that of defecation" (Record, pp. 4331 and 4332).

It will be remembered that besides this swamp must be excluded the space between the dead line and the stockade, which, together with the bog, must be taken from the whole area. Colonel Chandler, in his official report, makes a computation showing that the actual space allowed to each prisoner was only six square feet, there being scarcely room for the prisoners all to lie down at the same time. Dr. Jones's report continues:

"With their characteristic industry and ingenuity, the Federals constructed for themselves small huts and caves, and attempted to shield themselves from the rain, and sun, and night-damps, and dew. But few tents were distributed to the prisoners, and those were in most cases torn and rotten. In the location and arrangement of these tents and huts no order appears to have been followed; in fact, regular streets appeared to be out of the question in so crowded an area, especially, too, as large bodies of prisoners were from time to time added suddenly, without any previous preparation. . . . . The police and internal economy of the prison was left almost entirely in the hands of the prisoners themselves, the duties of the Confederate soldiers acting as guards being limited to the occupation of the boxes or look-outs arranged around the stockade at regular intervals, and to the manning of the batteries at the angles of the prison" (Record, pp. 4333 and 4334).

Again: "Even judicial matters pertaining to themselves, as the detection and punishment of such crimes as theft and murder, appear to have been in a great

measure abandoned to the prisoners. A striking instance of this occurred in the month of July, when the Federal prisoners within the stockade tried, condemned, and hanged six of their own number who had been convicted of cheating, and of robbing and murdering their fellow-prisoners. They were all hung upon the same day, and thousands of prisoners gathered around to witness the execution. The Confederate authorities are said not to have interfered with these proceedings. In this collection of men from all parts of the world, every phase of human character was represented. The stronger preyed upon the weaker, and even the sick, who were unable to defend themselves, were robbed of their scanty supplies of food and clothing. Dark stories were afloat of men, both sick and well, who were murdered at night, strangled to death by their comrades for scant supplies of money and clothing. I heard a sick and wounded Federal prisoner accuse his nurse — a fellow-prisoner of the United States Army — of having stealthily, during his sleep, inoculated his wounded arm with gangrene, that he might destroy his life, and fall heir to his clothing. . . . .

"The large number of men confined within the stockade soon, under a defective system of police and with imperfect arrangements, covered the surface of the low grounds with excrement. The sinks over the lower portions of the stream were imperfect in their plan and structure, and the excrement was in large measure deposited so near the borders of the stream as not to be washed away, or else accumulated upon the low boggy ground. The volume of water was not sufficient to wash

away the fæces, and they accumulated in such quantities in the lower portion of the stream as to form a mass of liquid excrement.

"Heavy rains caused the waters of the stream to rise, and, as the arrangements for the passage of the increased amounts of water out of the stockade were insufficient, the liquid fæces overflowed the low grounds, and covered them several inches after the subsidence of the waters.

"The action of the sun upon this putrefying mass of excrement, and fragments of bread, and meat, and bones, excited most rapid fermentation, and developed a horrible stench. Improvements were projected for the removal of the filth and for the prevention of its accumulation, but they were only partially and imperfectly carried out.

"As the forces of the prisoners were reduced by confinement, want of exercise, improper diet, and by scurvy, diarrhœa, and dysentery, they were unable to evacuate their bowels within the stream or along its banks, and the excrement was deposited at the very doors of their tents.

"The vast majority appeared to lose all repulsion to filth, and both sick and well disregarded all the laws of hygiene and personal cleanliness.

"The accommodations of the sick were imperfect and insufficient" (Record, pages 4333, 4334, 4335, 4336). Again he says: "Each day the dead from the stockade were carried out by their fellow-prisoners, and deposited upon the ground under a bush arbor, just outside of the southwestern gate. From thence they were carried in carts to the burying-ground, one quarter of a mile north-

west of the prison. The dead were buried without coffins, side by side, in trenches four feet deep.

"The low grounds bordering the stream were covered with human excrement and filth of all kinds, which in many cases appeared to be alive with working maggots.

"An indescribable sickening stench arose from the fermenting mass of human dung and filth" (Record, p. 4339).

And again: "There were nearly five thousand seriously-ill Federals in the stockade and Confederate States Military Prison Hospital, and the deaths exceeded one hundred per day; and large numbers of the prisoners, who were walking about, and who had not been entered upon the sick report, were suffering from severe and incurable diarrhœa, dysentery, and scurvy. . . . . I visited two thousand sick within the stockade, lying under some long sheds which they had built at the northern portion for themselves. At this time only one medical officer was in attendance, whereas at least twenty medical officers should have been employed" (Record, pp. 4340 and 4341).

By comparing two very interesting tables of statistics given in this connection by Dr. Jones, it will be observed that, although the number of sick in the stockade was the same as that in the hospital, while the number of surgeons in attendance in the stockade was greatly below that in the hospital, the deaths occurring were about the same in each; or, in other words, the prisoners died as rapidly with treatment as without it. This is confirmed by the opinions of several surgeons, among them Dr. Roy, Flewellen, Head, Rice, and others, who have stated

that medicines were of little use, and that more could have been done by dieting.

Again Dr. Jones says: "Scurvy, diarrhœa, dysentery, and hospital gangrene were the prevailing diseases. I was surprised to find but few cases of malarial fever, and no well-marked cases of typhus or typhoid fever. The absence of the different forms of malarial fever may be accounted for in the supposition that the artificial atmosphere of the stockade, crowded densely with human beings and loaded with animal exhalations, was unfavorable to the existence and action of the malarial poison. The absence of typhoid and typhus fevers among all the causes which are supposed to generate these diseases appeared to be due to the fact that the great majority of these prisoners had been in captivity in Virginia, at Belle Island, and in other parts of the Confederacy, for months, and even as long as two years, and during this time they had been subjected to the same bad influences, and those who had not had these fevers before either had them during their confinement in Confederate prisons, or else their systems, from long exposure, were proof against their action" (Record, p. 4343).

A most striking fact is here presented, which illustrates, perhaps, in as strong a light as is possible, the terrible condition of our prisoners. The report shows that, in a region of country favorable to malarial fevers, persons lying in the open air, on the border of a swamp, without shelter, drinking unwholesome water—in short, with every surrounding conducive to malaria, still the poison of that atmosphere, made so by peculiar circumstances, overcame all those influences, and rendered the

place comparatively free from fevers of a malarial nature.

After describing at some length the effects of scurvy and hospital gangrene, the report proceeds: "The long use of salt meat, oftentimes imperfectly cured, as well as the almost total deprivation of vegetables and fruit, appeared to be the chief causes of the scurvy.

"I carefully examined the bakery and the bread furnished the prisoners, and found that they were supplied almost entirely with corn-bread from which the husk had not been separated. This husk acted as an irritant to the alimentary canal, without adding any nutriment to the bread" (Record, p. 4346).

After speaking of the sheds used for the sick in the stockade, which were open on all sides, he says: "The sick lay upon the bare boards, or upon such ragged blankets as they possessed, without, as far as I observed, any bedding or even straw. Pits for the reception of fæces were dug within a few feet of the lower floor, and they were almost never unoccupied by those suffering with diarrhœa. The haggard, distressed countenances of these miserable, complaining, dejected living skeletons, crying for medical aid and food, ... and the ghastly corpses, with their glazed eyeballs staring up into vacant space, with the flies swarming down their open and grinning mouths and over their ragged clothes, infested with numerous lice, as they lay among the sick and dying, formed a picture of helpless, hopeless misery which it would be impossible to portray by words or by the brush" (Record, p. 4348).

It would hardly seem necessary, if indeed it were pos-

sible, to add coloring to the picture here drawn. I can not refrain, however, from noticing farther the condition of these prisoners, as we learn it from the same class of testimony. Dr. Amos Thornburg, a rebel surgeon on duty at Andersonville from the 14th of April until the prison was finally broken up, fully confirms every thing said by Dr. Jones. After speaking of the terrible mortality among the prisoners, and in reply to the question, "To what do you attribute it?" he says, "I attribute it to the want of proper diet; the crowding together of too many men in the prison and in the hospital; the lack of shelter and fuel, and consequent exposure. While I prescribed at the stockade, after the hospital was moved outside, the number of sick who could not be admitted into the hospital became so great that we were compelled to practice by formulas for different diseases, numbering so that, instead of a prescription, a patient was told to use No. —" (Record, p. 2321).

Manifestly improper as this method of treating diseases must appear to every one, it did not escape the criticism of the more conscientious even of those at Andersonville. Dr. Head, persisting in giving a prescription in each case, as he thought his duty as a conscientious physician required, and not willing to accept a number prepared for all stages of any one disease, was told, on asking why he could not be permitted to pursue the safe course, "That he was not to practice in that way; that he had to practice according to the formulas and numbers that they had" (Record, p. 2500).

In reply to the question, "Why did you object to it?" he says, "Because I could not prescribe properly for my

patients, I looked upon it as utter quackery; any body, whether he had ever read medicine or not, could practice according to the formulas. It was often doubtful whether a prescription would suit a case in its present condition. The doctors, however, had to take that or nothing."

Dr. G. L. B. Rice, another surgeon on duty there, speaking on the same point, says: "I commenced prescribing as I had been in the habit of doing at home, but was informed that I would not be allowed to do that. I was handed a lot of formulas and numbers from one up to a certain point, and we had to use those. My opinion was that we could do very little good with that kind of prescription. It was very unsafe practice. I knew nothing about the ingredients in them, and had no means of knowing it; I made complaints, but the chief surgeon would not allow a change" (Record, p. 3604).

The testimony of Dr. Thornburg, and other surgeons who prescribed at the stockade, shows that after the hospital was moved outside, patients were not treated in the stockade at all, but only those who were able to crowd their way through that living mass to the south gate, or could induce their companions to carry them there, or, as happened in rare instances, could have medicines sent in to them, received any medical attendance whatever. Hundreds and thousands, as appears from the concurrent testimony of all the witnesses, sickened, languished, and died in that terrible place, without any medical attendance whatever. Horrible as this may appear, the hospital register bears indubitable proof of its truth.

Let me, in this connection, refer to an exhibit show-

ing certain computation made from that register. The phrase "died in quarters" in the column of remarks, Dr. Thornburg says, describes those cases just alluded to, and they are shown to have amounted to the frightful number of 3727.

These dead, as we learn from Dr. Thornburg's testimony, after being brought out, were examined, and, as far as possible, the diseases from which they died were entered on the hospital register for a purpose so diabolical that one shudders at the thought, and which I shall hereafter notice. Others, the causes of whose deaths could not even be guessed at, or, as Dr. Jones describes it, *morbi varii*, were marked on the register "unknown." Prisoners would often die on their way to the sick-gate, or while waiting their turns at the gate, or on the way from the gate to the hospital; and although in some cases such men might have been prescribed for, they could not afterward be identified, but had to be carried to the grave-yard and buried among the nameless. To prevent, if possible, this utter annihilation of memory, name, and fame, Dr. Thornburg instituted a system of placards, by which he sought to prevent, if possible, this reckless wiping out of all traces of the dead, and which prevented its occurrence, he thinks, after June, 1864; but there had already gone to their last home, as Captain Moore, who reinterred the dead at Andersonville, tells us, four hundred and fifty-one of our brave soldiers. Who they are the Andersonville register tells not, but there is a register where they are all recorded in letters of light, and one by one will these unknown rise in judgment against those who are responsible for their deaths.

Another frightful feature brought out by the testimony of Dr. Thornburg and others, and confirmed by nearly every soldier who testified before this court, is this, that only the worst cases were allowed to enter the hospital; and so closely was the line drawn discriminating against these supplicants, that often prisoners who had been refused admission into the hospital died on their way back to their quarters. I will not stop now, as I am not inquiring into the responsibility of parties, to notice the ineffable cruelty of compelling the sick to remain in the stockade until they were in a dying condition, as some of the witnesses say, before they were eligible to a space as large as their own persons in what was falsely termed a hospital.

Nor did the rigors and sufferings of this prison cease till its very close. Their shelter continued the same—no more; while the treatment in and out of the stockade was not perceptibly better. From a temperature ranging during the summer up to near 150° Fahrenheit in the sun, as Dr. Thornburg tells you, during which there were many cases of sun-stroke, it fell in the winter to a temperature much below the freezing-point, nothing being left these miserable creatures with which to resist the inclemency of the weather but diseased and emaciated bodies, and ragged, worn-out clothing. Dr. Thornburg says that during the winter there was weather sufficiently severe to have frozen to death men with the scanty supplies these prisoners had, and in their emaciated condition; and Dr. Rice, after stating that the prisoners were exposed more or less during the whole winter, says, "I knew a great many to die there who I believed died from

hunger and starvation, and from cold and exposure" (Record, p. 2606). This is more than confirmed also by Dr. Bates (Record, p. 164). And to the eternal infamy of the man who registered it, and of the heartless wretches who caused it, let it be spread before the world that on the hospital register there appears this entry: "T. Gerrity, 106th Pennsylvania, frozen to death; admitted January 3d; died January 3d — died in the stockade;" showing that he not only froze to death in the stockade without medical treatment and without shelter, but that he was admitted into the hospital after death for a purpose which I shall hereafter show.

Wishing only to get at the truth of these things, and desirous particularly that the parties responsible shall be judged, as far as possible, out of their own mouths, I must trespass upon the patience of the court for a moment to notice the evidence of Dr. G. G. Roy, a rebel surgeon who was on duty from the 1st of September until the close of the prison. In response to the question, "What was the condition of the men sent to the hospital from the stockade? Describe their diseases and appearance," he says, "They presented the most horrible spectacle of humanity that I ever saw in my life: a good many were suffering from scurvy and other diseases; a good many were naked; a large majority barefooted; a good many without hats; their condition generally was almost indescribable." And he goes on to say, "I attribute this condition to long confinement, want of the necessaries and comforts of life, and all those causes that are calculated to produce that condition of the system where there is just vitality enough to permit one to live.

The prisoners were too densely crowded; there was no shelter, except such as they constructed themselves, which was very insufficient; a good many were in holes in the earth, with their blankets thrown over them; a good many had a blanket or oil-cloth drawn over poles; some were in tents constructed by their own ingenuity, and with just such accommodations as their own ingenuity permitted them to contrive; there were, you may say, no accommodations made for them in the stockade" (Record, pp. 485 and 486).

Speaking of the east side of the stockade, along the stream, he says: "It is composed of marsh, and was blocked with trees, which had been cut down, acting as an obstruction to all deleterious animal and vegetable matter that passed after heavy weather through this stream; it accumulated and became very noxious, and was a very fruitful source of malaria."

He then speaks of the large quantities of insects and vermin which resulted from a decay of animal or vegetable matter, and to such an extent was this place a breeder of insects, that he says musquitoes—rarely heard of in that vicinity—so filled the air "that it was dangerous for a man to open his mouth after sundown." He speaks also of the multitude of fleas there, and says "the fleas were as bad as musquitoes, and several weeks after the evacuation of the stockade they emigrated, and came up to the private houses in the vicinity, so that the occupants had to leave on account of them."

When we remember the facts brought out in such bold relief by the elaborate report of Dr. Jones as to the effect of slight abrasions of the skin on men under the pe-

culiar condition of body that most of these prisoners labored under, it would seem to have been almost useless for them to have attempted to resist the destroyer. Farther along in his testimony Dr. Roy says, "This marshy place I spoke of was just in the rear of the hospital, and the winds, of course, blew the odors from there across the hospital, and it was not until late in the winter, if at all, that any attempt was made to drain it." Still pursuing our inquiries in this direction, I desire to quote from a report made by Dr. G. S. Hopkins and Surgeon H. E. Watkins, addressed to General Winder, and which was made pursuant to his suggestion, as embracing in a concise form many of the causes of the disease and mortality at Andersonville.

Causes of Disease and Mortality.

"1st. The large number of prisoners crowded together.

"2d. The entire absence of all vegetables as diet, so necessary as a preventive of scurvy.

"3d. The want of barracks to shelter the prisoners from sun and rain.

"4th. The inadequate supply of wood and good water.

"5th. Badly-cooked food.

"6th. The filthy condition of the prisoners and prison generally.

"7th. The morbific emanations from the branch or ravine passing through the prison, the condition of which can not be better explained than by naming it a morass of human excrement and mud."

PREVENTIVE MEASURES.

"1st. The removal immediately from the prison of not less than 15,000 prisoners.

"2d. Detail on parole a sufficient number of prisoners to cultivate the necessary supply of vegetables; and, until this can be carried into practical operation, the appointment of agents along the different lines of railroad to purchase and forward a supply.

"3d. The immediate erection of barracks to shelter the prisoners.

"4th. To furnish the necessary quantity of wood, and have wells dug to supply the deficiency of water.

"5th. Divide the prisoners into squads; place each squad under the charge of a sergeant; furnish the necessary quantity of soap, and hold these sergeants responsible for the personal cleanliness of his squad; furnish the prisoners with clothing at the expense of the Confederate, and, if that government be unable to do so, candidly admit our inability, and call upon the Federal government to furnish them.

"6th. By a daily inspection of bake-house and baking.

"7th. Cover over with sand from the hill-sides the entire morass, not less than six inches deep; board the stream or water-course, and confine the men to the use of the sinks, and make the penalty for the disobedience of such orders severe."

I will not stop now to notice with what flippancy and recklessness the practical suggestions made by these surgeons were put aside and totally disregarded both by General Winder and Chief Surgeon White.

I can hardly think that farther proof, inasmuch as the proof is already made cumulative from this class of witnesses, is needed. There have been examined, with regard to the condition of the stockade and hospital, over seventy witnesses, and an examination of their testimony will, as I before stated, show a complete and perfect concurrence.

CHAPTER XVI.

Colonel Chandler's Report.—Colonel Gibbs's Testimony.—Evidence of Rebel Officers and Soldiers.—Condition of the Hospital.

In July there seems to have been some correspondence between the rebel adjutant general and General Winder, who was then on duty at Andersonville. From a letter written by General Winder to Adjutant General Cooper, dated July 21st (see Exhibit No. 17), I extract the following: "You speak in your indorsement of placing the prisoners properly. I do not comprehend what is intended by it. I know of but one way to place them, and that is to put them in the stockade, where they have between four and five square yards to the man. This includes streets, and two acres of ground about the stream."

It will be observed that General Winder was very careful not to mention the strip twenty feet wide cut off by the "dead line." At the close of this month, from what motive we can only conjecture, Colonel D. T. Chandler, of the Rebel War Department, was sent to inspect the prison at Andersonville, and on the 5th of August, 1864, he made a full report. This report is no stronger than others from which we have already quoted, but, as it is destined to figure extensively in this case at other points in the argument, I beg to make a few extracts from it. He says:

"A small stream passes from west to east through the

inclosure, furnishing the only water for washing accessible to the prisoners. Some regiments of the guard, the bakery, and the cook-house, being placed on rising ground bordering the stream before it enters the prison, renders the water nearly unfit for use before it reaches the prisoners. . . . . From thirty to fifty yards on each side of the stream the ground is a muddy marsh, totally unfit for occupation; being constantly used as a sink since the prison was first established, it is now in a shocking condition, and can not fail to breed pestilence. No shelter whatever, nor materials for constructing any, have been provided by the prison authorities, and the ground being entirely bare of trees, none is within the reach of the prisoners."

Again: "The whole number of prisoners is divided into messes of two hundred and seventy, and subdivisions of ninety men, each under a sergeant of their own number; and but one Confederate States officer, Captain Wirz, is assigned to the supervision and control of the whole. In consequence of these facts, and the absence of all regularity in the prison grounds, and there being no barracks or tents, there are and can be no regulations established for the police, consideration for the health, comfort, and sanitary condition of those within the inclosure, and none are practicable under existing circumstances. . . . . There is no medical attendance furnished within the stockade."

He says farther: "Many—twenty yesterday—are carted out daily who have died from unknown causes, and whom the medical officers have never seen. The dead are hauled out daily by wagon-loads, and buried without

coffins, their hands in many instances being first mutilated with an axe in removal of any finger-ring they may have. The sanitary condition of the prisoners is as wretched as can be, the principal causes of mortality being scurvy and chronic diarrhœa, the percentage of the former being disproportionately large among those brought from Belle Island. Nothing seems to have been done, and but little, if any effort made to arrest it by procuring proper food. . . . . Raw rations have been issued to a very large proportion who are entirely unprovided with proper utensils, and furnished with so limited a supply of fuel that they are compelled to dig with their hands in the filthy marsh before mentioned for roots, etc."

Surgeon Isaiah H. White, chief surgeon at the prison, in a report to Colonel Chandler, which was made an inclosure of his report to Richmond, says:

"The lack of barrack accommodations exposes the men to the heat of the sun by day and the dews by night, and is a prolific source of disease. . . . . The point of exit of the stream through the wall of the stockade is not sufficiently bold as to permit the free passage of ordure when the stream is swollen by rains. The lower portion of this bottom-land is overflowed by a solution of excrement, which subsiding, and the surface exposed to the sun, produce a horrible stench."

Evidence of Rebel Officers and Soldiers.

I turn now to the evidence of rebel officers and soldiers on duty at Andersonville.

Colonel Alexander W. Persons, of the rebel army, the first commandant of the post, who remained there until

the latter part of May, says that after he was relieved he returned there again and drew a bill for an injunction, and when called upon to explain for what reason, replied, "To abate a nuisance: the grave-yard made it a nuisance; the prison generally was a nuisance from the intolerable stench, the effluvia, the malaria that it gave up, and things of that sort."

The view here presented must strike the court as graphic indeed, when, without the question of humanity or inhumanity involved, persons living in the vicinity of Andersonville could gravely begin a legal proceeding to abate the prison as a nuisance on the ground mainly that the effluvia arising from it was intolerable!

Colonel George C. Gibbs, who afterward commanded the post, gives evidence on this point no less important. He was assigned to duty in October, 1864, and, although the number at that time was greatly diminished, he speaks of the prisoners being badly off for clothing and shelter, and in other respects destitute. Prior to this time—some time in July—he had visited the stockade, and he uses this language in regard to its appearance then:

"I rode around it on three sides, I think, and could see into it from the batteries that commanded it. I never saw so many men together in the same space before; it had more the appearance of an ant-hill than any thing else I can compare it to" (Record, p. 84).

Nazareth Allen, a rebel soldier on duty at Andersonville during the summer of 1864, fully corroborates these opinions; and farther, in relation to the location of troops above the stockade, and its effects upon the prisoners, says:

"The cook-house was above the stockade, and a good deal of washing was done up the branch, consequently a great deal of filth went down. Some of the troops were encamped on the stream above, on the side of the hill, and the rain would wash the filth of the camps and sinks into the stream, which would carry it to the stockade. I have seen the prisoners using it when it was in this filthy condition. . . . . The stench was very bad. I have smelt it when I was at our picket camps, about a mile in a straight line. It was so bad that it kept me sick pretty nearly all the time I was around the stockade. The soldiers preferred picket duty to sentry duty on that account."

William Williams, another rebel soldier on duty at the time, fully confirms this. He was on duty both on parapet and on picket, and had opportunity of observation. In reply to a question as to the condition of the stockade, he says,

"It was as nasty as a place could be. On one occasion I saw a man lying there who had not clothes enough on him to hide his nakedness. His hip bones were worn away. He had put up two sticks, and fastened his coat over them, to keep the sun off his face. There were a good many lying down sick, and others waiting on them. The crowded state of the men and the filthiness of the place created a very bad odor. I have smelt it at the dépôt, about a mile from the stockade" (Record, p. 801).

Again he says: "The stream that passed through the stockade ran down between the 1st and 2d Georgia regiments and Furlow's battalion, and passed the bake-house. All the washings from the bake-house went right through

the stockade, and also the washings from the camps. The pits used by the men were not five feet from the stream. Sometimes when it was rainy it was thick with mud and filth from the drainings of the camps inside the stockade."

Calvin Honeycutt, another rebel soldier, on duty from April, 1864, to April, 1865, who was on duty on the stockade and also on picket, corroborates the testimony of his comrades.

James Mohan, a rebel private, afterward made a lieutenant, who was on duty at Andersonville for about five months during the summer of 1864, gives similar testimony; and John F. Heath, regimental commissary with the rank of captain, on duty from May till October, 1864, fully confirms the testimony upon this point already given.

Evidence of Residents of Georgia.

Samuel Hall, a prominent gentleman residing in Macon, Georgia, whose sympathies, he tells us, were from the beginning with the rebellion, and who held a high civil official position, says, "When first I saw it (the prison) in the month of August, it was literally crammed and packed; there was scarcely room for locomotion; it was destitute of shelter, as well as I could judge, and at that time there was a great mortality among the prisoners" (Record, p. 864).

Rev. William John Hamilton also gives important testimony as to the condition of the stockade, which he visited in the capacity of a priest. He was there in May, and at different periods subsequently. He says:

"I found the stockade extremely crowded, with a great deal of sickness and suffering among the men. I was kept so busy administering the sacrament to the dying that I had to curtail a great deal of the service that Catholic priests administer to the dying; they died so fast, I waited only upon those of our own Church, and do not include others among the dying. . . . . The stockade was extremely filthy, the men all huddled together and covered with vermin. The best idea I can give the court of the condition of the place is perhaps this: I went in there with a white linen coat on, and I had not been in there more than ten minutes or a quarter of an hour when a gentleman drew my attention to the condition of my coat: it was all covered over with vermin, and I had to take it off and leave it with one of the guards, and form my duties in my shirt-sleeves, the place was so filthy" (Record, p. 1969).

Again, giving an illustration of the sufferings of the prisoners, and especially of the intense heat of the sun, he says, "I found a boy not more than sixteen years old, who came to me for spiritual comfort, without jacket or coat, or any covering on his feet, suffering very much from a wound in his right foot. The foot was split open like an oyster, and on inquiring the cause I was told it was from exposure to the sun in the stockade, and not from any wound received in battle. On returning to the stockade a week afterward I learned that he stepped across the dead line and requested the guard to shoot him. . . . . He had no medical treatment, nor had any others, so far as I could see, to whom I administered the sacrament in the stockade."

Again he says: "On my second visit, I was told there was an Irishman at the extreme end of the stockade who was calling out for a priest. . . . . I tried to cross the branch to reach him, but was unable to do so, as the men were all crowding around there trying to get into the water to cool themselves and wash themselves, and I had to leave the stockade without seeing the man. . . . . The heat was intolerable. There was no air at all in the stockade. The logs of which the stockade was composed were so close together that I could not feel any fresh air inside, and with a strong sun beaming down upon it, and no shelter at all, of course the heat must have been insufferable; at least I felt it so. The priests who went there after me, while administering the sacrament to the dying, had to use an umbrella, the heat was so intense" (Record, p. 1981).

Ambrose Spencer, a gentleman of prominence in his state, residing near Andersonville during the war, and a frequent visitor to that place, gives us a graphic picture of the prison which I can not refrain from quoting.

He says, "I had frequent opportunities of seeing the condition of the prisoners, not only from the adjacent hills, but on several occasions from the outside of the stockade, where the sentinel's grounds were."

And in reply to a question asking him to describe the condition of the prisoners, he says, "I can only answer the question by saying that their condition was as wretched as could well be conceived, not only from exposure to the sun, the inclemency of the weather, and the cold of winter, but from the filth—from the absolute degradation which was evident in their condition. I have

seen that stockade after three or four days' rain, when the mud, I should think, was at least twelve inches deep. The prisoners were walking or wading through that mud. . . . . The condition of the stockade can, perhaps, be expressed most accurately by saying that, in passing up and down the railroad, if the wind was favorable, the odor of the stockade could be detected at least two miles" (Record, p. 2455).

There are others of this class who testify upon this point, but it would seem useless to give farther extracts.

It is not my purpose, in this connection, to enter into a detail of the sufferings, the acts of cruelty inflicted, and the inhuman treatment they received, or to inquire by whom these things were done. Reserving that for its proper place in the argument, I shall simply refer to this testimony to assist us in ascertaining more certainly the horrors to which these brave men were subjected.

Dr. A. W. Barrows, hospital steward of the 27th Massachusetts Regiment, and acting assistant post surgeon at Plymouth, North Carolina, arrived at Andersonville on the 28th of May, and remained there six months. Owing to his knowledge of medicine and efficiency, he was paroled by the prisoner, and assigned to duty in the hospital. His testimony is important, as showing the condition of the hospital mainly; but he has also given some material evidence with regard to the stockade, and from it I make the following extract:

"I remember when there have been as many as seventy-five to one hundred who died during the day in the stockade, and who were never taken to the hospital. That was in the month of August."

Robert H. Kellogg entered the prison on the 3d of May, 1864, and remained there until the following September. He says:

"We found the men in the stockade ragged, nearly destitute of clothing, totally unprovided with shelter except that which tattered blankets could afford. They looked nearly starved. They were skeletons covered with skin. The prison seemed very crowded to us, although there were thousands brought there after that. . . . . They were in a very filthy condition—indeed, there were but two issues of soap made while I was there. . . . . When we first went there the nights were very cold. That soon passed away as the season advanced, and during the summer it was intensely hot. There were twenty-one rainy days in the month of June. Our supply of fuel was not regular nor sufficient. We were allowed to go several times under guard, six men from a squad of ninety, to bring in what we could find in the woods on our shoulders; but the greater part of the time we had to rely upon our supply of roots, which we dug out of the ground or grubbed for in the swamp—pitch-pine roots. . . . . Rations were issued raw, many times without fuel to cook them. The squad of ninety, of which I was sergeant, went from the 30th of June to the 30th of August without any issue of wood from the authorities" (Record, pp. 361 and 362).

Again he says: "The quality of the rations was very poor; the quantity greatly varied. There were days when we got nothing at all. I made a note of at least two such days. . . . . There were other days when we got but very little; other days enough, such as it was.

When my regiment went there the men were healthy. They gradually sickened, until, I remember, one morning at roll-call, out of my ninety there were thirty-two who were not able to stand up. This resulted principally from scurvy and diarrhœa. This was on the 21st of August, a number of the men of my squad having died up to that time. The mass of the men had to depend on the brook for their water. It at many times was exceedingly filthy. I have seen it completely covered with floating grease, and dirt, and offal. After the prisoners had been there some time they dug some wells, and there were some springs along the south side of the prison, on the edge of the hill by the swamp, but the supply from that source was entirely inadequate; they supplied the wants of a few. . . . . Of the four hundred men captured with me, more than three hundred are dead; they died in prison, or a few days after being paroled, and that is a larger percentage of living than there is in many regiments. The 24th New York Battery, which was captured at Plymouth, was nearly annihilated" (Record, p. 367).

This is the simple unvarnished narrative of perhaps as intelligent a witness as has been upon the stand. He has written a book, entitled "Life and Death in Southern Prisons," which has been used extensively by counsel for the accused.

I do not want to burden the record with a recapitulation of all that these witnesses have testified to, but I think it can be safely said that not one word of Robert H. Kellogg's has been or can be disproved. There are many of his comrades who fully confirm him, without

adding any special facts that would tend to elucidate this point. These I shall omit in this connection. There are others, however, who give additional facts bearing on this subject, and I beg your indulgence while I refer to them.

Boston Corbett's testimony brings out some facts to which I first will call your attention. Speaking of the heat, he says, "It was so great that I have the marks upon my shoulders yet" (Record, p. 425). Of the brook, and the swamp bordering it, he says, "It was a living mass of putrefaction and filth; there were maggots there a foot deep; any time we turned over the soil we could see the maggots in a living mass. I have seen the soldiers wading through it, digging for roots to use for fuel; I have seen around the swamp the sick in great numbers, lying pretty much as soldiers lie when they are down to rest in line after a march; in the morning I could see those who had died during the night; and in the daytime I could see them exposed to the heat of the sun, with their feet swelled to an enormous size—in many cases large gangrene sores, the sores filled with maggots and flies which they were unable to keep off; I have seen men lay there in an utter destitution, not able to help themselves, lying in their own filth. They generally chose that place (near the swamp), those who were most offensive, because others would drive them away, not wanting to be near those who had such bad sores. They chose it because of its being so near to the sinks. In one case a man died there, I am satisfied, from the effects of lice; when the clothes were taken off his body, the lice seemed as thick as the garment—a living mass."

Again: "The water in the stockade was often very

filthy. Sometimes it was middling clear. At times I would go to those who had wells dug; sometimes they would give me a drink, sometimes they would not; they used such rough language to me that I turned away parched with thirst, and drank water from the stream rather than beg it from the men who had wells" (Record, p. 437).

Again: "The minds of the prisoners were in many cases so affected that the prisoners became idiotic" (Record, p. 439).

On page 452 of the Record, he says, "I have taken food given me to the stream and washed the maggots from it. I have seen them in the sores of soldiers there, and I have seen them in such a way that it is hardly fit to describe in this court."

Too terrible for belief as this may seem to be, it stands confirmed by at least fifty witnesses.

Martin E. Hogan is a witness whom the court will remember as among the more intelligent, and, at the same time, truthful and candid. His observations were confined mainly to the hospital, but I feel impelled to make a brief extract from his testimony in regard to the stockade.

He says: "At the time of my arrival there (speaking of the stockade) it was very much crowded, so much so that you could scarcely elbow your way through the crowd in any part of the camp. I noticed a great many men lying helpless on the ground, seemingly without care, without any body to attend to them, lying in their own filth; a great many of them calling for water; a great many crying for food; nobody apparently paying any

heed to them; others almost destitute of clothing, so numerous that I could not begin to say how many" (Record, p. 515).

Then follows testimony similar to that of Boston Corbett in regard to the swamp and vermin in it.

Andrew J. Spring, who went to Andersonville in May, 1864, says that, upon entering the stockade, "I found the prisoners destitute of clothing; I could not tell, in many cases, whether they were white men or negroes."

On the 27th of the same month he was detailed for duty outside. After being outside the stockade about six weeks, he says, "I applied to the lieutenant of the guard at the gate, and gave him twelve dollars in greenbacks to let me go in and stay an hour to see our boys. I went in, and spent an hour inside the stockade. A great many of the boys were very poor. They were some of my own best friends, whom I could not recognize till they came and shook hands with me, and made themselves known; even then I could hardly believe they were the same men. I have seen men, acquaintances of mine, who would go around there, not knowing any thing at all—hardly noticing any thing; I have seen men crippled up so that they had scarcely any life in them at all; they would lie on the ground, to all appearance dead; I went up to several who I thought were dead, but I found they had a little life in them."

James H. Davidson (Record, p. 936½), speaking of the condition of the stockade, says, "I have seen men who had the appearance of being starved to death. I have seen men pick up and eat undigested food that had passed through other men all through the camp. It came from

men who were not able to go to the slough, and they would find it all through the camp." This, it will be remembered, is testified to by very many.

Daniel W. Burringer says, "I have seen men eat undigested food that had passed through other men; they would wash it and eat it—pick it up from the sinks" (Record, p. 1125).

Condition of the Hospital.

It is not proposed to enter as fully into the condition of the hospital as might be done from the reports and evidence before us. Sufficient will be given, however, to warrant the conclusion that it was very little better than that of the stockade itself; and, in view of the discrimination which the surgeons were directed to make in the admission of men from the stockade into the hospital, we can readily understand why the prisoners almost uniformly bade their comrades farewell when they were taken from the stockade to the hospital. The evidence which I shall bring to your recollection will also justify the remark made by one of the surgeons, who says that it really was no hospital.

Here, also, we have recourse to the official report of Dr. Joseph Jones, in which we find his remarks upon the condition of the hospital quite as lucid and elaborate as those in reference to the stockade.

After speaking of the stream running through one corner of the hospital stockade, and stating that its upper portion was used for washing by the patients, and the lower portion as a sink, he remarks:

"This part of the stream is a semi-fluid mass of hu-

man excrement, and offal, and filth of all kinds. This immense cess-pool, fermenting beneath the hot sun, emitted an overpowering stench. . . . . North of the hospital grounds, the stream which flows through the stockade pursues its sluggish and filthy course. The exhalations from the swamp, which is loaded with the excrement of the prisoners confined in the stockade, exert their deleterious influences on the inmates of the hospital."

Within the hospital inclosure, less than five acres, he says, "The patients and attendants, near two thousand, are crowded, and are but poorly supplied with old and ragged tents. A large number of them are without any bunks in the tents, and lay upon the ground, oftentimes without even a blanket. No beds or straw appear to have been furnished."

The tents extended to within a few yards of the small stream, which, as he before observed, was used as a privy, and was loaded with excrement.

"I observed," he says, "a large pile of corn-bread, bones, and filth of all kinds, thirty feet in diameter, and several feet in height, swarming with myriads of flies, in a vacant space near the pots used for cooking. Millions of flies swarmed over every thing, and covered the faces of the sleeping patients, crowded down their mouths, and deposited their maggots upon the gangrenous wounds of the living and the mouths of the dead. Musquitoes in great numbers also infested the tents, and many of the patients were so stung by these pestiferous insects that they resembled those suffering with a slight attack of measles. The police and hygiene of the hospital was defective in the extreme" (Record, pp. 4350–4351).

Again: "Many of the sick were literally incrusted with dirt and filth, and covered with vermin. When a gangrene wound needed washing, the limb was thrust out a little from the blanket, or board, or rags upon which the patient was lying, and water poured over it, and all the putrescent matter allowed to soak into the ground floor of the tent. . . . . I saw the most filthy rags, which had been applied several times and imperfectly washed, used in dressing recent wounds. Where hospital gangrene was prevailing, it was impossible for any wound to escape contagion under the circumstances" (Record, p. 354).

Of the treatment of the dead, he says, "The manner of disposing of the dead is also calculated to depress the already despondent spirits of these men . . . . The dead-house is merely a frame covered with old tent-cloth and a few bushes, situated in the southwestern corner of the hospital grounds. When a patient dies, he is simply laid in the narrow street in the front of his tent until he is removed by the Federal negroes detailed to carry off the dead. If the patient dies during the night, he lies there until morning; and during the day, even, the dead were frequently allowed to remain for hours in these walks. In the dead-house the corpses lay on the bare ground, and were in most cases covered with filth and vermin" (Record, p. 4355).

Farther on he says, "The cooking arrangements are of the most defective character. Two large iron pots, similar to those used for boiling sugar-cane, appeared to be the only cooking utensils furnished by the hospital for the cooking of near two thousand men, and the pa-

tients were dependent in a great measure on their own miserable utensils. . . . . The air of the tents was foul and disagreeable in the extreme, and, in fact, the entire grounds emitted a most noxious and disgusting smell. I entered nearly all the tents, and carefully examined the cases of interest, and especially the cases of gangrene, during the prosecution of my pathological inquiries at Andersonville, and therefore enjoyed every opportunity to judge correctly of the hygiene and police of the hospital" (Record, p. 4357).

To show that this frightful condition of affairs did cease after a great portion of the prisoners were removed, Dr. Jones observes: "The ratio of mortality continued to increase during September; for, notwithstanding the removal of half the entire number of prisoners during the early portion of the month, seventeen hundred and fifty-seven deaths were registered from September 1st to the 21st, and the largest number of deaths upon any one day occurred during this month, on the 16th, viz., one hundred and nineteen.

Afterward, remarking upon the causes of the great mortality among the Federal prisoners, he says, "The chief causes of death were scurvy and its results, bowel affections, and chronic and acute diarrhœa, and dysentery. The bowel affections appeared to have been due to the diet and habits of the patients, the depressed, dejected state of the nervous system and moral and intellectual powers, and to the effluvia arising from decomposed animal and vegetable filth" (Record, p. 4372).

He says also: "Almost every amputation was followed finally by death, either from the effects of gangrene, or

from the prevailing diarrhœa and dysentery. . . . . So far as my observation extended, very few of the cases of amputation for gangrene recovered" (Record, p. 4378).

The evidence of Dr. John C. Bates is important as showing the condition of the hospital. He was a rebel surgeon, on duty at Andersonville from the middle of September, 1864, to the last of March, 1865, embracing a period when it is claimed the sufferings were much lighter than they had been. This, we have already seen by Dr. Jones's report, was not true, even after thousands of the prisoners had been sent away, and we shall see from the testimony of Dr. Bates that it is wholly incorrect. He says:

"Upon going to the ward to which I was assigned, I was shocked at the appearance of things. The men were lying partially nude, and dying, and lousy; a portion of them in the sand, and others upon boards which had been stuck up on little props, pretty well crowded; a majority of them in small tents. . . . . I would go to other parts of the hospital when officer of the day. The men would gather round me and ask for a bone. I would give them whatever I could find at my disposition without robbing others. I well knew that an appropriation of one ration took it from the general issue; that when I appropriated an extra ration to one man, some one else would fall *minus*. I then fell back upon the distribution of bones. They did not presume to ask me for meat at all. So far as rations are concerned, that is the way matters went along for some time after I went there. . . . . They could not be furnished with any clothing except the clothing of the dead, which was generally appropriated to

the living. There was a partial supply of fuel, but not sufficient to keep the men warm and prolong their existence. As medical officer of the day, I made examinations beyond my own ward, and reported the condition. As a general thing, the patients were destitute, filthy, and partly naked. The clamor all the while was for something to eat" (Record, p. 125).

Dr. G. G. Roy, whose testimony was before referred to, in speaking of the hospital, says, "I found it in a very deplorable condition. There was no comfort attached to it whatever. Many of the tents were badly worn, torn, and rotten, and, of course, permitted the water to leak through. The patients were not furnished with bunks, or bedding, or bedclothing, or any thing of that sort" (Record, p. 480).

He speaks, as did all the other medical officers on duty there, of the great dearth of medicines, but also concurs with most of them in the opinion that medicine was not so much needed as proper diet; and he confirms generally the description given by Dr. Jones.

On the 26th day of September, Dr. Amos Thornburg, assistant surgeon, in a report to Dr. Stevenson, the surgeon in charge (see Exhibit No. 30), calls special attention to the very bad sanitary condition of the hospital. He reports "that patients are lying on the cold ground without bedding or blankets; also, that we have a very scanty supply of medicines, and that the rations are not of the proper kind, and not issued in proper quantity."

CHAPTER XVII.

Charge of Conspiracy.—The Law implicating Co-conspirators.—Davis.—Seddon.—Winder.—Intimacy of Davis and Winder.

The Charge of Conspiracy.

We come now to the consideration of the third branch of the subject. Having presented a faithful representation — faithful, because the witnesses themselves have given it—of the condition of the stockade and the hospital, we shall proceed to unfold the extent of the conspiracy, the purposes of the conspirators, and the cruel and devilish means resorted to to accomplish their ends.

I confess to you, gentlemen, that I enter upon this branch of the argument with regret and reluctance. I confess that, to a greater or less extent, our nationality and the good name we bear are involved in the issue; but I do not fear to present to the world on this account this great conspiracy of treason, this confederation of traitors, though it shock the moral sentiment of the universe; for, however much we may deplore the fact that at its head and front were Americans, once prominent in the councils of the nation, they have forfeited all rights —they have ceased in any way to represent the true spirit of Americanism—they are outlaws and criminals, and can not, by their crimes, attaint our fair escutcheon. It is the work of treason, the legitimate result of that sum of all villainies, and which, by many, very many proofs during the past four years, has shown itself capable of

this last one developed. When we remember that the men here charged, and those inculpated, but not named in the indictment, are some of them men who were at the head of the late rebellion from its beginning to its close, and, as such chiefs, sanctioned the brutal conduct of their soldiers as early as the first battle of Bull Run—who perpetrated unheard-of cruelties at Libby and Belle Island—who encouraged the most atrocious propositions of retaliation in their Congress—who sanctioned a guerrilla mode of warfare—who instituted a system of steamboat burning and firing of cities—who employed a surgeon in their service to steal into our capital city infected clothing—who approved the criminal treatment of the captured garrisons at Fort Pillow, Fort Washington, and elsewhere—who were guilty of the basest treachery of sending paroled prisoners into the field—who planted torpedoes in the paths of our soldiers—who paid their emissaries for loading shells in the shape of coals, and intermixing them in the fuel of our steamers—who ordered an indiscriminate firing upon our transports, and vessels, and railroad trains, regardless of whom they contained—who organized and carried to a successful termination a most diabolical conspiracy to assassinate the President of the United States: when we remember these things of these men, may we not, without hesitancy, bring to light the conspiracy here charged?

Before, however, entering into a discussion of the evidence, let me present the law governing in cases of conspiracy. I quote from the very able argument of Hon. John A. Bingham, delivered for the prosecution in the trial of the conspirators for the assassination of President

Lincoln, whose law propositions and authorities given can not be gainsaid.

"If the conspiracy be established as laid, it results that whatever was said or done by either of the parties thereto in the furtherance or execution of the common design, is the declaration or act of all the other parties to the conspiracy; and this, whether the other parties, at the time such words were uttered or such acts done by their confederates, were present or absent."

The declared and accepted rule of law in cases of conspiracy is that, "where several persons are proved to have combined together for the same illegal purpose, any act done by one of the party in pursuance of the original concerted plan and in reference to the common object, is, in the contemplation of law as well as of sound reason, the act of the whole party, and therefore the proof of the act will be evidence against any of the others who were engaged in the same general conspiracy, without regard to the question whether the prisoner is proved to have been concerned in the particular transaction" (Phillips on Evidence, p. 210).

The same rule obtains in cases of treason: "If several persons agree to levy war, some in one place and some in another, and one party do actually appear in arms, this is levying of war by all, as well those who were not in arms as those who were, if it were done in pursuance of the original concert, for those who made the attempt were emboldened by the confidence inspired by the general concert, and therefore these particular acts are in justice imputable to all the rest" (1 East, Pleas of the Crown, p. 97; Roscoe, 84).

In *ex parte* Bollman and Swartwout, 4 Cranch, 126, Marshall, chief justice, rules, "If war be actually levied —that is, if a body of men are actually assembled for the purpose of effecting by force, for treasonable purpose, all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be considered as traitors."

In the United States *vs.* Cole *et al.*, 5 McLean, 601, Mr. Justice McLean says: "A conspiracy is rarely, if ever, proved by positive testimony. When a crime of high magnitude is about to be perpetrated by a combination of individuals, they do not act openly, but covertly and secretly. The purpose formed is known only to those who enter into it. Unless one of the original conspirators betray his companions, and give evidence against them, their guilt can only be proved by circumstantial evidence. . . . . It is said by some writers on evidence that such circumstances are stronger than positive proof. A witness swearing positively, it is said, may misapprehend the facts or swear falsely, but that circumstances can not lie. . . . . The common design is the essence of the charge; and this may be made to appear when the defendants steadily pursue the same object, whether acting separately or together, by common or different means, all leading to the same unlawful result. And where *prima facie* evidence has been given of a combination, the acts or confessions of one are evidence against all. . . . . It is reasonable that where a body of men assume the attribute of individuality, whether for commercial business or the commission of a crime, that the association should

be bound by the acts of one of its members in carrying out the design."

"It is the rule of law, not to be overlooked in this connection, that the conspiracy or agreement of the parties, or some of them, to act in concert to accomplish the unlawful act charged, may be established either by direct evidence of a meeting or consultation for the illegal purpose charged, or, more usually, from the very nature of the case, by circumstantial evidence" (2 Starkie, 232).

Lord Mansfield ruled "that it was not necessary to prove the actual fact of a conspiracy, but that it may be collected from collateral circumstances" (Parsons's Case, 1 W. Blackstone, 392).

"If," says a great authority on the law of evidence, "on a charge of conspiracy, it appears that two persons by their acts are pursuing the same object, and often by the same means, or one performing part of the act, and the other completing it for the attainment of the same object, the jury may draw the conclusion there is a conspiracy. If a conspiracy be formed, and a person join in it afterward, he is equally guilty with the original conspirators" (Roscoe, 415).

"The rule of the admissibility of the acts and declarations of any one of the conspirators, said or done in furtherance of the common design, applies in cases as well where only part of the conspirators are indicted and upon trial. Thus, upon an indictment for murder, if it appear that others, together with the prisoner, conspired to commit the crime, the act of one, done in pursuance of that intention, will be evidence against the rest" (2 Starkie, 237). "They are alike guilty as principals"

(Commonwealth *vs.* Knapp, 9 Pickering, 496; 10 Pickering, 477; 6 Term Reports, 528; 11 East, 584).

Let us see what the evidences are of a common design to murder by starvation these hapless, helpless wretches. First, then, who are the officers, high and low, civil and military, whom the evidence implicates in this great crime? As I shall show you by the testimony, there are associated in this conspiracy, as directly implicated and as perpetrators, the prisoner at the bar, Brigadier General John H. Winder, Surgeon Josiah H. White, Surgeon R. R. Stevenson, Dr. Kerr, Captain R. B. Winder, Captain W. S. Winder, Captain Reed, James H. Duncan, W. W. Turner, and Benjamin Harris. Remote from the scene, but no less responsible than those named—nay, rather with a greater weight of guilt resting upon them, are the leader of the rebellion, his war minister, his surgeon general, his commissary and quartermaster general, his commissioner of exchange, and all others sufficiently high in authority to have prevented these atrocities, and to whom the knowledge of them was brought.

Chief among the conspirators and the actual participators in the crime, the immediate tool first and last of the rebel government, we shall see, was General Winder. It is proper, therefore, that we should know who he was, and the precise relations he bore to the government which he represented.

We learn from many sources that he had for a long time prior to the organization of the Andersonville prison been at the head of the military prisons in and around Richmond, holding also the position of provost marshal of that important centre of the rebellion.

We learn from the witness J. B. Jones (Record, p. 2531) that his rule as provost marshal was almost a reign of terror; that his authority was so great he could arrest men indiscriminately even in distant states, and that he was constantly sustained and supported by Jefferson Davis, and his confidential adviser and premier, Mr. Benjamin.

The witness Cashmeyer (Record, pp. 2840–41), the confidential detective and constant companion of General Winder till the close of the rebellion, says, "Their relations (those of Davis and Winder) were very friendly indeed, and very confidential; I often heard General Winder say so; I often saw him go there and come from there." About the time General Winder's reign of terror was at its climax, and there was great opposition felt and expressed toward him both in and out of the rebel Congress, a combined effort was made to have him relieved and sent away, Generals Bragg and Ransom being prominent in the movement.

At this time Cashmeyer says, "President Davis was his (Winder's) especial friend; when the order relieving General Winder came from the War Department, he took it and went up to Mr. Davis. President Davis indorsed on it, as well as I can recollect, that 'it was entirely unnecessary and uncalled for.'" Some time after this it was thought wise by the rebel authorities to organize the Andersonville Prison, and the whole matter was placed in the hands of General Winder by orders issued from the War Department for that purpose. General Winder himself did not go to Andersonville until about the 1st of June, but he sent forward, as we learn

from the testimony of Cashmeyer (Record, p. 2842), of Spencer (Record, p. 2454), of Colonel Persons (Record, p. 600), of Captain Wright (Record, p. 790), and others, his son Captain W. S. Winder, of his staff, as his special executive officer, and, as we learn from the testimony of Colonel Persons (Record, p. 613), "with absolute discretion in the location of the prison." This was in the latter part of December, 1863.

Shortly after, another staff officer of General Winder's, a nephew of his, Captain R. B. Winder, a quarter-master, arrived at Andersonville, and assumed the duties of his office. Captain Wright, in speaking of him (Record, p. 2447), says: "He told me that he had no orders to report to any quarter-master at all; that he reported directly to Richmond, and received his instructions from Richmond." Subsequently, in the month of March, 1864, General Winder sent still another of his staff officers, the prisoner at the bar, who, as we learn from his report, made May 8th (see Exhibit No. 16), was assigned to the command of the prison on the 27th of March.

Of him Colonel Persons says (Record, p. 602 and following), "He came direct from Richmond—my understanding was, by order of General Winder. I saw an official order to that effect. I received a communication, about the time Captain Wirz reached there, from General Winder. It stated that Captain Wirz was an old prison officer, a very reliable man, and capable of governing prisoners, and wound up that I would give him command of the prison proper."

From the return of staff officers made by General Winder after he had himself arrived at Andersonville, and

who, he says, were acting under orders of Brigadier General John H. Winder, commanding the post at Andersonville, Georgia, commanding the camps and stockade containing Federal prisoners of war, and the guard troops for the same, the prison of Federal prisoners of war at Macon, etc., etc., we find that Dr. Isaiah H. White, also on his staff, was assigned to duty at Andersonville, by orders of the War Department at Richmond, as chief surgeon in charge of the prison hospital. He arrived at Andersonville about the same time as the two Captains Winder.

This comprises the original corps of officers sent from Richmond to carry out the hellish purposes of the rebel government, and which, as we shall see as we advance, was most faithfully done by them. Can there be any doubt as to what the original purpose of the rebel government was? Let us go to the very origin of the prison.

You will remember that when Colonel Persons was on the stand, he told you that, assuming to do what the law and the army regulations made it the duty of the quarter-master to do, and which, in his case, Captain Winder had wholly neglected to do, he sent to the different sawmills along the line of the railroad for lumber, moved, as he tells you, by a feeling of humanity, and a desire to alleviate, in some way, the sufferings of the prisoners. He says (Record, p. 608): "I had concentrated there, I suppose, about five or six train-loads of lumber; I suppose nearly fifty car-loads." I quote farther from the Record the following:

"*Q.* Were you permitted to erect a shelter?

"*A.* I was in the act of doing so—was just carrying the lumber, when I was relieved.

"*Q.* By whom?

"*A.* By General Winder.

"*Q.* Had he arrived on the same day?

"*A.* He arrived there about that time.

"*Q.* Was your plan carried out?

"*A.* I went into the stockade several times after I was relieved from duty, and I saw no shelter there. I saw forty or fifty houses springing up outside of the grounds. The lumber disappeared in that way."

At this time the journal of the prison shows there were over nineteen thousand prisoners in the stockade. This was the first official act of General Winder on his arrival. It was the third time Colonel Persons had given mortal offense, and he was no longer to be tolerated. What could more strongly present the unmitigated diabolism of that friend of President Davis—that man, upon the order relieving whom the rebel chief wrote, "It is entirely unnecessary and uncalled for?" This was the man who found a ready advocate in the rebel premier, Mr. Benjamin, and who was not only sustained from the first to the last by his chief, but was rewarded for official conduct that will place his name among those of the most infamous of any age or clime. General Winder's second act was to establish himself comfortably, and at a respectful distance from the prison, where he remained from the first of June until early in the fall.

Notice now, as we advance, how the sufferings of this prison increased—how every thing from which torture and death could result was resorted to—how all those

methods of inhuman punishment instituted by the prisoner were approved and sanctioned by General Winder, and that, during the whole period of his command, not a single act is recorded which does not prove him to have been not only "a brutal man," as Mr. Spencer says he was, but that he was the chief instrument in the hands of a wicked, treasonable conspiracy to murder the prisoners of war in his custody. He came there with authority unlimited, with discretion to do whatever circumstances required to carry out the purpose of his command. In an appeal published by him to the citizens of the surrounding counties (see Exhibit No. 29), he calls for "two thousand negroes, properly supplied with axes, spades, and picks, and supported by the requisite number of wagons and teams," for the purpose of rendering more hopeless the imprisonment of our soldiers, holding over the people of that vicinity the terrors of impressment, which, in this appeal, he claims to have authority to make. Yet, with all this power, with all these appliances at hand, and within reach of his call, not a single shelter did he ever erect—not a ditch did he dig to drain that horrible cesspool below the stockade and within it—not a tithe of the wood absolutely necessary did he cause to be taken into the stockade—not once did he visit that place over which he had supreme control—not a well did he cause to be dug within it—not one order did he issue to abate one jot or tittle of the frightful rigors of that prison-pen—not a kindly or humane sentiment is he shown, during that whole time, to have uttered toward these prisoners in his custody. On the contrary, he scattered to the four winds, as we have seen, that immense

pile of lumber accumulated by Colonel Persons for the purpose of erecting shelters in the stockade; he approved all that had been done by his subordinate, the prisoner, even recommending him for promotion; he legalized the detail of Turner, who was a Confederate soldier, to take command of a pack of hounds to run down prisoners, and afterward permanently detached him from his regiment for that purpose; he authorized and ordered the hanging of six prisoners of war within the stockade, which, by all the laws of war, was no more nor less than murder, so far as he was concerned; he brutally refused the philanthropic ladies of Americus twice in their attempts to render assistance to the sick at the hospital, even intimating on one of those occasions to those ladies of the highest respectability that a repetition of their humane efforts would bring upon them a punishment too infamous to be named. Is it still contended that there was no conspiracy; that these things evinced no common design to destroy; that of all these things the Richmond government was in blissful ignorance? Let us see. On the 21st of July, 1864, General Winder addressed a letter to the War Department at Richmond (see Exhibit No. 17), dated Andersonville, in which he uses the following language, before quoted: "You speak in your indorsement of placing the prisoners properly. I do not exactly comprehend what is intended by it. I know of but one way to place them, and that is to put them into the stockade, where they have four or five square yards to the man."

Is it possible that he did not comprehend what was intended by the War Department? Can it be that he

knew of but one way to place those prisoners properly?

His government did not dare to speak more definitely, nor was it necessary to such a man as General Winder, occupying the position he did, and with the letter of Robert Ould in his private desk, written as early as March, 1863—a private letter written by himself, and indorsed by his own hand. The *one* way was the way given by his original instructions; it was the way understood by W. S. Winder when he said it was the intention to kill more Yankees at Andersonville than they did at the front; it was the way meant and well understood by General Winder when he said to Mr. Spencer that, for his own part, he would as lief the damned Yankees would die there as any where else; that, upon the whole, he did not know that it was not better for them (Record, p. 2467), and which he afterward disclosed to Colonel Chandler in the remark, "It is better to leave them in their present condition until their number has been sufficiently reduced by death to make the present arrangements suffice for their accommodation;" it was the way well understood by the rebel government when, in the teeth of the protests of humane officers, and in the face of the official reports of the mortality of that place, they continued to forward prisoners train-load after train-load to an already overcrowded prison; it was the way dictated to the agent of that government, Robert Ould, and revealed by him in his letter to Winder (see Exhibit No. —), when he declares, speaking of exchanges, "*The arrangement I have made works largely in our favor; we get rid of a set of miserable wretches, and receive in return some*

of the best material I ever saw;" adding, "*This, of course, is between ourselves.*"

It was the way understood perfectly by General Howell Cobb when, in a speech at Andersonville, he pointed with terrible significance to the grave-yard, remarking, "That is the *way* I would care for them."

It was the way well understood by the prisoner at the bar, who is shown to have uttered sentiments similar to those expressed by W. S. Winder on more than one hundred occasions; it was the way, and the only way, ever indicated by the chief of the rebel government and his Secretary of War, else why did he, with this frightful picture before him, deliberately fold General Winder's letter, indorsing it "Noted—file. J. A. S.?"

Let us advance another step in the evidence connecting the Richmond government with these atrocities. Colonel D. T. Chandler, of the rebel War Department, pursuant to an order of his chief of July 25th, 1864, directing him to make an inspection at Andersonville and other places in the Confederacy, submitted a report dated Andersonville, August 5th, 1864, and which reached the War Department August 17th, 1864. This officer, from whose report we have already quoted, gives a graphic description of the sufferings of the prisoners of war, and in earnest terms beseeches his government that no more be sent forward to that place, and that immediate steps be taken to relieve the sufferings of those prisoners already there, making many practical suggestions for their comfort which he thought could be readily carried out. In a supplemental report, also dated August 5th, and which was received with the report first named, he says,

"My duty requires me respectfully to recommend a change in the officer in command of the post, Brigadier General John H. Winder, and the substitution in his place of some one who unites both energy and good judgment with some feelings of humanity and consideration for the welfare and comfort (so far as is consistent with their safe-keeping) of the vast number of unfortunates placed under his control — some one, at least, who does not advocate, deliberately and in cold blood, the propriety of leaving them in their present condition until their number has been sufficiently reduced by death to make the present arrangements suffice for their accommodation, and who will not consider it a matter of self-laudation and boasting that he has never been inside the stockade — a place the *horrors* of which *it is difficult* to describe, and which are a *disgrace* to civilization — the condition of which he might, by the exercise of a little energy and judgment, *even with* the limited *means* at his command, have considerably improved."

In his examination touching this report, Colonel Chandler says, "I noticed that General Winder seemed very indifferent to the welfare of the prisoners, indisposed to do any thing, or to do as much as I thought he ought to do to alleviate their sufferings. I remonstrated with him as well as I could, and he used that language which I reported to the department with reference to it—the language stated in the report when I spoke of the great mortality existing among the prisoners, and pointed out to him that the sickly season was coming on, and that it must necessarily increase unless something was done for their relief; the swamp, for instance, drained, proper food

furnished and in better quantity, and other sanitary suggestions which I made to him. He replied to me that it was better to see half of them die than to take care of the men."

And to show that he can not be mistaken in what he avers, Colonel Chandler speaks of Major Hall, his assistant, having first reported to him similar language used by General Winder to him, and remarks, "I told Major Hall that I thought it incredible—that he must be mistaken; he told me no; 'that he had not only said it once, but twice;' and, as I have stated, he subsequently made use of this expression to me."

Now let us see what the rebel government had to do with this report. As I before remarked, it reached Richmond on the 17th day of August. Immediately on its reception, as we learn from Captain C. M. Selph, of the rebel War Department, it was carefully briefed, and extracts made and sent to the heads of the different bureaus, the commissary general and the quarter-master general; a report of Dr. White, an inclosure of Colonel Chandler's report, being sent to the surgeon general. The entire report was then laid before the Secretary of War, Mr. Seddon, and, there can not be the shadow of a doubt, was immediately, and fully, and seriously considered; nor can there be any doubt that Mr. Davis and his war minister conferred together with regard to this subject.

Captain Selph, speaking of a conversation between himself and Colonel Woods, a staff officer of Jefferson Davis, in regard to the prison at Andersonville, says, "During that conversation I obtained that impression

that President Davis had some knowledge of it" (Record, p. 1565). "This," he says again, "was subsequent to the receipt of Colonel Chandler's report." To the question, "Would a paper of this kind, on a subject of this magnitude, find its way to the President of the so-called Confederate States in the ordinary way of proceedings?" he answered, "Yes, sir, I think it would."

It will not do to say that this report was buried among the multitude of papers that arrived daily in the War Office, or that it lay upon Mr. Seddon's table unnoticed.

Mr. J. B. Jones, private secretary of Mr. Seddon, says (Record, p. 2836) that he remembers when the report was received, but only read the headings, enough to see the purport of it, and adds that he thinks it was sent for by the Secretary of War.

Mr. K. I. H. McKean, Chief of the Bureau of War, says that he saw it lying on the secretary's table. He also speaks of a conversation between himself and the assistant secretary of war, Judge Campbell, and in which the report was spoken of, and in which Judge Campbell, speaking of the fearful mortality, remarked, "This looks very bad." Captain Selph also testifies that the report excited general excitement in the department.

But we are not left with this evidence alone. This report was not sent in like ordinary inspection reports, but especial attention was drawn to it by three officials. On the day of its receipt it was submitted to the Secretary of War, as the following indorsement proves beyond all doubt:

"Adjutant and Inspector General's Office,
August 18th, 1864.

"Respectfully submitted to the Secretary of War. The condition of the prison at Andersonville *is a reproach to us as a nation.* The Engineer and Ordnance Department were applied to, and authorized their issue, and I so telegraphed General Winder. Colonel Chandler's recommendations are coincided in.

"(Signed) By order of GENERAL COOPER.
"R. H. CHILTON, A. A. and I. G."

The report passed through the hands of R. B. Wellford, a confidential clerk employed in the War Department for his legal abilities, who also made a brief analysis strongly seconding Colonel Chilton, Mr. Wellford's analysis being again indorsed, and the whole laid before the secretary by J. A. Campbell, Assistant Secretary of War, with the following indorsement:

"These reports show a condition of things at Andersonville which call very loudly for the interposition of the department, in order that a change be made.

"(Signed) J. A. CAMPBELL, Ass. Sec. of War."

What more could have been needed, or what more done, to bring authoritatively and strongly before the proper authorities at Richmond the subject of the Andersonville sufferings? Here were an intelligent inspecting officer of high rank, Colonel Chandler; the chief of the inspecting bureau, Colonel Chilton; the chief of the bureau of war, McKean; a confidential clerk, Mr. Wellford; and the assistant secretary of war, Judge Camp-

bell, all pressing in the strongest terms the necessity of an immediate interposition by the department, and not hesitating to declare the prison at Andersonville "a reproach to them as a nation." These appeals might have moved hearts of stone; but, addressed as they were to these representatives of a government based upon wrong and injustice, that had its origin in a treasonable conspiracy to overthrow the best government on the face of the earth, however much they may have moved the hearts of those representatives as individuals, they seem to have still felt it their duty to adhere to a purpose so cruelly and wickedly begun, and thus far so faithfully carried out; and they dared not, or would not abandon, even then, this atrocious conspiracy.

McKean says he is not aware the report was ever acted upon. Captain Selph says the same; and we learn from the testimony that the report remained with the secretary, never having come back to the Inspector General's Department, where it properly belonged, till about the time Mr. Breckinridge succeeded Mr. Seddon, some time in 1865, when Colonel Chandler having returned and demanded that some action should be taken on the report, or he would resign, it was brought to light and laid before Mr. Breckinridge, who would have acted upon it, as Captain Selph thinks, but for the rapid change of affairs in the Confederacy, and the dissolution of their government soon after.

And here let us diverge a moment, and follow a portion of this remarkable report to the Surgeon General's Office. We find indorsed upon Exhibit No. 24 the following:

"Surgeon was authorized some time since to send his requisitions for supplies directly to the medical purveyors. Not having supplies is his own fault; he should have anticipated the wants of the sick by timely requisitions. It is impossible to order medical officers in place of the contract physicians. They are not to be had at present. S. P. MOORE, Surgeon General."

This is the flippant indorsement of the surgeon general, and the only evidence showing his notice of the condition of things at Andersonville, and that is all that he seems to have done in the matter while Dr. White was allowed to remain in charge of the hospital, which, as described by the surgeons who were on duty with him, seems to have been little less than a dead-house—this Dr. White, whose recklessness, brutality, and crime are so closely interwoven with that of General Winder, the prisoner at the bar, and his associate staff officers, that it is hard to discriminate between the cruelty of the one and that of the others. It is strange, truly, that the surgeon general passed over this matter with so slight a notice of it, when we remember that several weeks previously it is shown that he had the whole matter before his office, and took action upon it, which makes him no less culpable than the others we have mentioned. He had called into his counsels an eminent medical gentleman, of high attainments in his profession, and of loyalty to the rebel government unquestionable. Amid all the details in this terrible tragedy, there seems to me none more heartless, wanton, and void of humanity than that revealed by the surgeon general to which I am about to

refer. I quote now from the report of this same Dr. Joseph Jones, which he says (Record, p. 4384) was made "in the interest of the Confederate government for the use of the Medical Department, in the view that no eye would ever see it but that of the surgeon general."

After a brief introduction to his report, and to show under what authority it was made, he quotes a letter from the surgeon general, dated "Surgeon General's Office, Richmond, Virginia, August 6th, 1864." The letter is addressed to Surgeon J. H. White, in charge of the hospital for Federal prisoners, Andersonville, Georgia, and is as follows:

"SIR,—The field of pathological investigation afforded by the large collection of Federal prisoners in Georgia is of great extent and importance, and it is believed that results of value to the profession may be obtained by careful examination of the effects of disease upon a large body of men subjected to a decided change of climate and the circumstances peculiar to prison life. The surgeon in charge of the hospital for Federal prisoners, together with his assistants, will afford every facility to Surgeon Joseph Jones in the prosecution of the labors ordered by the surgeon general. The medical officers will assist in the performance of such *post-mortems* as Dr. Jones may indicate, in order that this great field for pathological investigation may be explored for the benefit of the Medical Department of the Confederate States armies.

"S. P. MOORE, Surgeon General."

Pursuant to his orders, Dr. Jones, as he tells us, pro-

ceeded to Andersonville, and on September 17th received the following pass:

"Andersonville, September 17, 1864.

"CAPTAIN,—You will permit Surgeon Joseph Jones, who has orders from the surgeon general, to visit the sick within the stockade that are under medical treatment. Surgeon Jones is ordered to *make certain investigations which may prove useful to his profession.*

"Very respectfully.

"By order of GENERAL WINDER.

"W. S. WINDER, A. A. G.

"Captain H. Wirz, Commanding Prison."

When we remember that the surgeon general had been apprised of the wants of that prison, and that he had overlooked the real necessities of the prison, shifting the responsibility upon Dr. White, whom he must have known was totally incompetent, it is hard to conceive with what devilish malice, or criminal devotion to his profession, or reckless disregard of the high duties imposed upon him—I scarcely know which—he could sit down and deliberately pen such a letter of instructions as that given to Dr. Jones. Was it not enough to have cruelly starved and murdered our soldiers? Was it not enough to have sought to wipe out their very memories by burying them in nameless graves? Was it not enough to have instituted a system of medical treatment the very embodiment of charlatanism? Was not this enough, without adding to the many other diabolical motives which must have governed the perpetrators of these acts this scientific object, as deliberate and cold-blooded as one

can conceive? The surgeon general could quiet his conscience, when the matter was laid before him through Colonel Chandler, by indorsing that it was impossible to send medical officers to take the places of the contract physicians on duty at Andersonville, yet he could select at the same time a distinguished gentleman of the medical profession, and send him to Andersonville, directing the whole force of surgeons there to render him every assistance, leaving their multiplied duties for that purpose. Why? not to alleviate the sufferings of the prisoners; not to convey to them one ounce more of nutritious food; to make no suggestions for the improvement of their sanitary condition—for no purpose of this kind, but, as the letter of instruction itself shows, for no other purpose than "that this great field of pathological investigation may be explored for the benefit of the Medical Department of the Confederate armies!"

The Andersonville Prison, so far as the surgeon general was concerned, was a mere dissecting-room, a clinic institute, to be made tributary to the Medical Department of the Confederate armies.

But let me return from this digression. One can hardly believe all these things of a government pretending to struggle for a place among civilized nations, yet, horrible as it seems, the facts can not be resisted.

Do I do injustice to the leaders of the rebellion? Have I drawn inferences that are unwarrantable? Is it indeed true that these men, high in authority, are not responsible? I think not. Motives are presumed from actions, and actions are louder than words. What was the action of Mr. Davis and his war minister upon these reports?

The papers were pigeon-holed in the secretary's office, not even being dignified by being placed upon the regular files in the proper offices, while General Winder, the chief accomplice, instead of being removed immediately and broken of his commission, and tried for a violation of the laws of war, for cruelty, inhumanity, and murder —instead of being held up by that government as a warning to others, giving a coloring of justice to their cause, was promoted, rewarded, and given a command of a wider scope and greater power, but still in a position to carry out the purposes of his government toward prisoners of war. History is full of examples similar in character, where a government, carrying out its ends, has selected as tools men not unlike General Winder, and history, faithful in the narrative of the facts, is faithful also in fixing upon the government who employed such persons, and sustained and rewarded them, the responsibility for the acts of their agents. James II. had his Jeffreys; Philip II. his Duke of Alva; Louis XIV. his Duke de Louvois; the Emperor of Austria his Haynau; and *Jefferson Davis* his *Winder*.

The closest scrutiny of the immense record of this trial will show that, up to the very close of that prison, there were no steps taken by the rebel government, by General Winder, or by any of the officers of his staff clothed with proper authority, to alleviate in any material particular the great sufferings of that place. You will remember the uniform testimony of the medical officers, as well as of the prisoners who remained there during the winter of 1864–5, that there was no perceptible change in the condition of the prison, and an examination of the hos-

pital register will show that the mortality even was greater during that period, in proportion to the number of prisoners confined, than it was during the months of its most crowded condition. From the prison journal, kept by the prisoner himself, we find that in September, the mean number of prisoners being seventeen thousand, the deaths were two thousand seven hundred; in October, the mean strength being about six thousand seven hundred, the number of deaths was one thousand five hundred and sixty—nearly one out of every five; in November, the mean strength being two thousand three hundred, the deaths were four hundred and eighty-five; while those who remained to the very close — till the prison was broken up, are described by General Wilson and others as having been "mere skeletons" — "shadows of men." Nor must it be forgotten that the marks of this cruelty were so indelibly stamped upon its victims, that thousands who survived are yet cripples, and will carry to their graves the evidence of the horrible treatment to which they were subjected. The surgeons of our army who treated these shadows of men when they arrived within our lines at Jacksonville and Hilton Head tell you of hundreds who died before they could be resuscitated; of others permanently disabled; of others, on their partial recovery, being started upon their way homeward, and being treated again at Annapolis.

Dr. Vanderkieft, of our army, speaks of the condition of those prisoners while under his treatment at that place. He says: "They were reduced, suffering from chronic diarrhœa and scurvy; some of them in a dying condition; some of them died a few days after they arrived, and

those who did recover were obliged to remain a long time in hospital before they were able to return to their homes" (Record, p. 505).

And with that certainty with which science reasons from effect to cause, oftentimes after describing the condition of the men, as it has been brought out in this testimony, he concludes, "The symptoms and condition of the patients presented cases of starvation."

Nor must it be forgotten, in the summing up of the cumulative proof of the Andersonville horrors, that numerous photographs of returned prisoners were introduced here, and identified by Drs. Vanderkieft, Balser, and others, as representing cases no worse than hundreds and thousands they had seen. So impressive, indeed, and so strong seemed this evidence of rebel cruelty, that the counsel for the prisoner sought in his cross-examination to show that they were fancy sketches. Are we told that these were improbable, and can not be believed, because it is said Mr. Davis is a *good man*—not capable of such cruelty? Are we told that no direct order of his is shown, and therefore, notwithstanding all these facts and circumstances narrated, he must be acquitted of all blame? The law governing cases of conspiracy does not require us to show a direct order; circumstances from which guilt may be inferred are sufficient. The rebel chief did not find it necessary to issue direct instructions, nor, indeed, could it reasonably be expected. He was too wary, too sagacious for that.

Michelet relates an anecdote of Louis XV. not malapropos. "The illustrious Quesnay, physician to Louis XV., who lived in the house of the latter at Versailles,

saw the king one day rush in suddenly, and felt alarmed. Madame Du Haurret, the witty femme-de-chambre, inquired of him why he seemed so uneasy. 'Madame,' returned he, 'whenever I see the king, I say to myself there is a man who can cut my head off.' 'Oh,' said she, 'he is *too good*.'" The ladies' maid thus summed up in one word the guarantees of monarchy. The king was too good to cut a man's head off; "that was no longer agreeable to custom; but he could with one word send him to the Bastile, and there forget him. It remains to be seen whether it is better to perish with one blow, or to suffer a lingering death for thirty or forty years."

Mr. Davis was not capable of being the instrument of death; he was *too good* to be the keeper of a prison, and withhold from starving men their scanty rations, but he could send them out of his sight, away from the prison in plain view of his residence, into the dense forests of Georgia, and there forget them. If Jefferson Davis be ever brought to trial for his many crimes — and may Heaven spare the temple of justice if he is not — it will not do for him to upbraid and accuse his willing tools, Winder and Wirz, as King John did Hubert for the death of Prince Arthur; they will turn upon him and say,

> "Here is your hand and seal for all I did,
> And in the winking of authority
> Did we understand a law."

Before advancing farther in the argument, let me define briefly the laws of war, which, it is alleged by the government in its indictment against this prisoner and his co-conspirators, have been inhumanly and atrociously violated. One would suppose that an enlightened con-

science would not consult the opinions of writers upon laws or ethics to determine the violation of rules governing civilized warfare with sufficient certainty to condemn the treatment of prisoners at Andersonville; yet, as the averment is traversed by the prisoner, and it is insisted that no violation of the humane principles governing nations in war is shown, I must trespass upon the court a moment before proceeding. In the *forum* of nations there is a higher law—a law paramount to any rule of action prescribed by either of them, and which can not be abrogated or nullified by either. Whatever the peculiar forms or rights of this or that government, its subjects require no control or power other than is sanctioned by the great tribunal of nations. We turn, then, to the code international, where the purest morals, the highest sense of justice, the most exalted principles of ethics, are the corner-stones, that we may learn to be guided in our duty to this prisoner.

Grotius derived the *jus gentium* from the *practice* of nations; and, living in an age when the greatest cruelties were practiced in the operations of warfare, his rules, as laid down, often seem to have been the inspiration of barbarity itself rather than law which should govern nations; yet even he, in Books three and four, insists that all acts of violence, which have no tendency to obtain justice or determinate the war, are at variance both with the duty of the Christian and with humanity itself.

Manning, an author of great force and clearness, says, (p. 164), "At the present day a mild and humane treatment exists with regard to prisoners of war, which is,

perhaps, in some degree, attributable to the deference paid to the writing of Vattel, who appears to have been the first author who established the true principle upon which prisoners should be treated. He says that 'as soon as your enemy has laid down his arms and surrendered his person, you have no longer any right over his life, unless he should give you such right by some new attempt, or had before committed against you a crime deserving death.' 'Prisoners of war,' he says, 'may be secured, but can not be made slaves unless for personal guilt which deserves death; nor slain, unless we be perfectly assured that our safety demands such a sacrifice.'"

After having discussed at some length this subject, he sums up the whole question thus (p. 165):

"It may be remarked, in conclusion, that the same principles which have been appealed to in the preceding chapter afford also a clew to the right treatment of prisoners of war. The usages of former ages proceeded upon the supposition that any violence was allowed in warfare, and that the right of the victor upon the vanquished was unlimited; and that, having the right to deprive his antagonist of life, the captor had a right to impose any treatment more lenient than death upon his prisoner. But we have seen that, so far from the rights of the belligerent being unlimited, the law of nature strictly limits them to such violence as is necessary; that thus, when an antagonist no longer resists, there can be no longer any right to use violence toward him, and that whenever purposes of warfare are not frustrated by the granting of quarter, the belligerent can not refuse to give quarter without a direct violation of the law of nations, which

warrant no farther hardship toward prisoners than is required by the purpose of safe custody and security."

Another author remarks: "Prisoners of war are indeed sometimes killed; but this is not otherwise justifiable than as it is made necessary either by themselves, if they make use of force against those who have taken them, or by others who make use of force in their behalf, and render it impossible to keep them; and as we may collect from the reason of the thing, so it likewise appears from common opinion, that nothing but the strongest necessity will justify such an act, for the civilized and thinking part of mankind will hardly be persuaded not to condemn it till they see the absolute necessity of it" (Rutherford's Institutes, p. 525).

Kent, in speaking of the barbarous usages of war, kicked and done away with by the progress of civilization, says:

"Public opinion, as it becomes enlightened and refined, condemns all cruelty, and all wanton destruction of life and property, as equally useless and injurious, and it controls the violence of war by the energy and severity of its approaches. Grotius," he says, "even in opposition to many of his own authorities, and under a due sense of the obligations of religion and humanity, placed bounds to the ravages of war, and mentioned that many things were not fit and commendable though they might be strictly lawful, and that the law of nature forbade what the law of nations (meaning thereby the practices of nations) tolerated. Montesquieu," he says, "insisted that the laws of war give no other power over a captive than to keep him safely, and that all unnecessary rigor is

condemned by the reason and conscience of mankind. Vattel," he says, "has entered largely into the subject, and he argues, with great strength, and reason, and eloquence against all unnecessary cruelty, all base revenge, and all mean and perfidious warfare; and he recommends his benevolent doctrine by the principles of exalted ethics and sound policy, and by illustrations drawn from the most pathetic and illustrious examples."

To the same effect writes Wheaton (p. 586) and Halleck (p. 425 *et sequitur*).

So strongly did the principles here laid down impress themselves upon our government, that, during General Jackson's administration, Mr. Livingston, then Secretary of State, instructed Mr. Buchanan, our minister in Russia, to insert in the treaty proposed to be negotiated stipulations, "in order to restrain citizens or subjects of the one or the other of the high contracting parties respectively from infringing any of the known rules of modern warfare;" and, among other things, mentions, "for injuries offered to the bearers of flags of truce; for the massacre of prisoners who have surrendered; for the mutilation of the dead; for other breaches either of this treaty or of the laws of nations; for preserving peace or lessening the evils of war."

The object of this, Mr. Livingston said, was "to express a national reprobation of the doctrine which considers a state of war as one of declared hostilities between every individual of the belligerent nations respectively. . . . . To massacre an unresisting and unarmed enemy, to poison his provisions and water, to assassinate a prisoner, and other similar acts, are universally acknowledged

to be breaches of international law, and to justify retaliation and an increase of the horrors of war" (Ex. Doc., No. 111, 1st Sess. 33d Congress, II. Rep.).

It would seem that these teachings, so long recognized, so long practiced by civilized nations, ought to have found some advocate even among the councils of treason. Whatever the form of government may have been to which the leaders of the Confederacy so-called aspired, whatever of wrong and injustice they sought to embody in their system, with whatever of oppression and tyranny they might grind down their subjects, the moment they asked a place among nations they were bound to recognize and obey those laws international, which are, and of necessity must be, applicable alike to all. With what detestation, then, must civilized nations regard that government whose conduct has been such as characterized this pretended Confederacy? An ordinary comprehension of natural right, the faintest desire to act on principles of common justice, would have dictated some humane action, would have extorted from some official a recognition of international rules of conduct.

It was not retaliation, for they had the example of our government in sending to their homes on parole whole armies that had been captured; it was not punishment, for these unfortunate prisoners had been taken in honorable battle; it was not ignorance of the law, for they had constantly with them all those great rights just quoted; and if these failed to convince, they could have found recorded back of these, "If thine enemy hunger, feed him;" and still farther back they might have found an example worthy of imitation which I can not refrain from

here giving. A large number of Syrians had been, by a cunning piece of strategy, taken captives, and became prisoners of war, whereupon the following dialogue occurred: "And the king of Israel said unto Elisha, when he saw them, My father, shall I smite them? shall I smite them? And he answered, Thou shalt not smite them: wouldest thou smite those whom thou hast taken captive with thy sword and with thy bow? Set bread and water before them, that they may eat and drink, and go to their master. And he prepared great provisions for them; and when they had eaten and drunk, he sent them away, and they went to their master" (2 Kings, ch. vi.).

No, gentlemen, it was neither retaliation, punishment, nor ignorance of the law; it was the intrinsic wickedness of a few desperate leaders, seconded by mercenary and heartless monsters, of whom the prisoner before you is a fair type.

I have thus, without regard to the evidence under Charge First, presented the evidence under Charge Second as spread upon the record, showing that this accused, while acting as commandant of the prison at Andersonville, deliberately, wantonly, and maliciously destroyed the lives of eighteen prisoners of war in his custody. I confess myself too much overcome with the melancholy details of this trial and its frightful disclosures to dwell longer on so sad a theme.

If this accused still answer that, admitting the facts charged, he did these things in the exercise of authority lawfully conferred upon him, and that what he did was necessary to the discipline and safety of the prisoners, I

answer him in the language of Lord Mansfield in an important case,

"In trying the legality of acts done by military officers in the exercise of their duty, particularly beyond the seas, where cases may occur without the possibility of application for proper advice, great latitude ought to be allowed, and they ought not to suffer for a slip of form if their intention appears by the evidence to have been upright. It is the same as when complaints are brought against inferior civil magistrates, such as justices of the peace, for acts done by them in the exercise of their civil duty. There the principal inquiry to be made by a court of justice is *how the heart stood*, and if there appear to be nothing wrong there, great latitude will be allowed for misapprehension or mistake. But, on the other hand, if the heart is wrong, if cruelty, malice, or oppression appear to have occasioned or aggravated the imprisonment, or other injury complained of, they shall not cover themselves with the thin veil of legal forms, or escape under the cover of justification the most technically regular from that punishment which it is your duty to inflict on so scandalous an abuse of public trust" (Wall *vs.* Macnamara).

May it please the Court,—I have hastily analyzed and presented the evidence under Charge Second. If we had not traveled through the history of those long, weary months of suffering, torture, starvation, death, and become familiar with each day's roll of those who passed away, the mind could not contemplate this last though briefer roster of the dead without feelings of the utmost horror. Mortal man has never been called to answer be-

fore a legal tribunal to a catalogue of crime like this. One shudders at the fact, and almost doubts the age we live in. I would not harrow up your minds by dwelling farther upon this woeful record. The obligation you have taken constitutes you the sole judge of both law and fact. I pray you administer the one and decide the other, meting out to those involved in this crime of the universe all justice, without fear, favor, or partiality, and without regard to position, high or low, of those proved guilty.

NOTE FROM THE JUDGE ADVOCATE.

Washington, D.C.

AMBROSE SPENCER, Esq., Americus, Ga.:

DEAR SIR,—I am in receipt of your note requesting for publication a copy of the argument submitted to the military court convened for the trial of Henry Wirz, and which you propose to incorporate in your "Narrative of Andersonville."

Permit me to say, in cheerfully acceding to your request, and as a reason for so doing, the public have as yet but a very imperfect idea of rebel cruelties perpetrated at Andersonville, Ga. These can never be known entirely to those not sufferers; but a grouping of the evidence, preserving the language of the witnesses as far as possible, will do much to correct as well as deepen the popular impression. The address asked by you is not so much an argument as it is an analysis of testimony, and for this reason, it is hoped, will contribute to the object of your book in the point mentioned.

Again: While the evidence adduced convicts Wirz of contributing directly to the death of over TEN THOUSAND UNION SOLDIERS, and with his own hand and by his direct order committing THIRTEEN individual murders, the evidence also presents the horrible fact that he was but an instrument in the hands of Jefferson Davis, James A. Seddon, and other prominent rebels; and while Wirz suffered deservedly, there are those yet unpunished richly worthy an ignominious death. These are, some of

them, solemnly indicted by the commission who sentenced Wirz, and the paper you ask presents a part of the evidence upon which that indictment rests.

Again: If to convict Wirz of murder had been the only object, the court need not have sat a fortnight. As I conceived the purpose of the commission, however, a wider range of inquiry was intended, and hence the wearisome details of horror spread upon five thousand folios, implicating many, and presenting a continuous scene of suffering which Dante's Inferno nowhere equals.

But for your book, the lessons of Andersonville would pass away and be forgotten. As I am informed, every effort to secure the publication of the record or the argument you now ask, either as a private enterprise or in any other way, has hitherto been unavailing. A copy of the argument was made a part of the annual report of the Judge Advocate General, and its publication, together with an abbreviation of the record, urgently recommended, yet it was omitted, through some influence, from the published report of that officer. In giving to the world this history, you are performing a duty which the country has failed to discharge, but which it owes to the survivors and the slain of Andersonville, while you are also erecting an enduring monument to the infamy of their murderers.

If the paper asked can contribute to this end, you are at liberty to use it.

You will remember that after the trial began I was ordered to strike from the charges the names of certain high rebel functionaries, and I was severely rebuked by the press, North and South, for presuming to connect these personages with the cruelties at Andersonville. I say to you now that those names were placed in the indictment upon evidence in my possession at the time, and the finding of the court replacing them as conspirators is my vindication.

You will remember, too, that during the trial I was subjected to the most mendacious assaults by certain papers, North and South, for manifesting undue zeal in the case and for other reasons. And especially was I denounced as "unworthy my high office" for having expressed in open court the wish "that every man, woman, and child in the South had been vaccinated with poisonous matter and had died"—this in connection with the evidence touching Wirz's guilt in using poisonous vaccine matter. I hope I will be pardoned for this personal allusion; but justice to myself and friends—many of whom were shocked to see such a monstrous senti-

ment attributed to me—demands that I deny squarely the infamous imputation. I have the certificate of the whole court to its fabrication.

I may have, and did, perhaps, prosecute the case with zeal. I felt the wrongs perpetrated upon Union prisoners—not more, however, than did some who were Wirz's associates. I would have been less than human and more than satanic to have gone through that trial with stoical indifference. I was warmed to unusual interest by taking the preliminary evidence, and confess to no abatement during the trial; but so far from perverting or abusing my position, or exhibiting such a spirit as was charged by the slanderous statements above, the record is full of acknowledgments, both from the prisoner and his counsel, of my uniform fairness and professional courtesy.

Believing that your book will have a historic value in perpetuating the proofs of guilt, and at the same time will absolve the mass of the South from a participation in one of the most stupendous crimes of which any age and any time furnishes a record, I wish it and you every success.

Very truly your friend,

N. P. Chipman.

CHAPTER XVIII.

The Findings of the Court.—Notice of the Argument.—Order of the President of the United States.—The Murderer's Fate.—Tables of Mortality.

THE argument of the judge advocate, Colonel N. P. Chipman, as here introduced, pays but a poor compliment to the intellectual ability or legal talent displayed in its preparation. The author has assumed a liberty that admits of but one apology—insufficient for the advocate, he is willing to acknowledge—the want of space to give the whole. In curtailing it, however, he has omitted nothing except what is contained in the Narrative, a repetition of which might weary the already tired attention of the reader.

It may not be improper to say that the effort was pronounced by competent judges one of the ablest that has been given by an officer of the government since the commencement of the rebellion, in any case arising from it.

The portions omitted were only abstracts of the evidence given at the trial of Wirz, and which, if introduced, would only recall what has been recited. The legal points have been retained as delivered. These will demand the careful consideration of those who question either the right or the power of government to punish men who have placed themselves under the control of military law by the operation of that law. The argu-

ment upon the jurisdiction of the court removes any doubts that may have been entertained as to its powers.

"*General Court-martial.—Orders No.* 607.

"War Department, Adjutant General's Office,
Washington, November 6, 1865.

"Before a Military Commission which convened at Washington, D. C., August 23, 1865, pursuant to paragraph 3, Special Orders No. 453, dated August 23, 1865, and paragraph 13, Special Orders No. 524, dated October 2, 1865, War Department, Adjutant General's Office, Washington, and of which Major General Lewis Wallace, United States Volunteers, is President, was arraigned and tried Henry Wirz.

"FINDING.—The Commission, having maturely considered the evidence adduced, find the accused, Henry Wirz, as follows:

"Of the specification to Charge I., 'GUILTY,' after amending said specification to read as follows: In this, that he, the said Henry Wirz, did combine, confederate, and conspire with them, the said Jefferson Davis, James A. Seddon, Howell Cobb, John H. Winder, Richard B. Winder, Isaiah H. White, W. S. Winder, W. Shelby Reed, R. R. Stevenson, S. P. Moore, —— Kerr, late hospital steward at Andersonville, James Duncan, Wesley W. Turner, Benjamin Harris, and others, whose names are unknown, citizens of the United States aforesaid, and who were then engaged in armed rebellion against the United States, maliciously, traitorously, and in violation of the laws of war, to impair and injure the health, and to destroy the lives—by subjecting to torture and great suffer-

ing, by confining in unhealthy and unwholesome quarters, by exposing to the inclemency of winter and to the dews and burning sun of summer, by compelling the use of impure water, and by furnishing insufficient and unwholesome food—of large numbers of Federal prisoners, to wit, the number of about forty-five thousand soldiers in the military service of the United States of America, held as prisoners of war at Andersonville, in the State of Georgia, within the lines of the so-called Confederate States, on or before the 27th day of March, A.D. 1864, and at divers times between that day and the 10th day of April, A.D. 1865, to the end that the armies of the United States might be weakened and impaired, and the insurgents engaged in armed rebellion against the United States might be aided and comforted.

"Of Charge I., 'GUILTY.'

"Of Specification first to Charge II., 'GUILTY.'

"Of Specification second to Charge II., 'GUILTY.'

"Of Specification third to Charge II., 'GUILTY.'

"Of Specification four to Charge II., '*Not Guilty.*'

"Of Specification five to Charge II., 'GUILTY.'

"Of Specification six to Charge II., 'GUILTY.'

"Of Specification seven to Charge II., 'GUILTY.'

"Of Specifications eight and nine to Charge II., 'GUILTY.'

"Of Specification ten to Charge II., '*Not Guilty.*'

"Of Specification eleven to Charge II., 'GUILTY.'

"Of Specification twelve to Charge II., 'GUILTY.'

"Of Specification thirteen to Charge II., '*Not Guilty.*'

"Of Charge II., 'GUILTY.'

"SENTENCE.—And the Commission does therefore sen-

tence him, the said Henry Wirz, 'to be hanged by the neck till he be dead, at such time and place as the President of the United States may direct, two thirds of the court concurring therein.'

"II. The proceedings, findings, and sentence in the foregoing case having been submitted to the President of the United States, the following are his orders:

"'Executive Mansion, November 3, 1865.

"'The proceedings, findings, and sentence of the court in the within case are approved, and it is ordered that the sentence be carried into execution by the officer commanding the Department of Washington on Friday, the 10th day of November, 1865, between the hours of 6 o'clock A.M. and 12 o'clock noon.

"'ANDREW JOHNSON, President.'

"III. Major General C. C. Augur, commanding the Department of Washington, is commanded to cause the foregoing sentence in the case of Henry Wirz to be duly executed in accordance with the President's order.

"IV. The Military Commission, of which Major General Lewis Wallace, United States Volunteers, is President, is hereby dissolved.

"By command of the President of the United States.
"E. D. TOWNSEND, Assistant Adjutant General."

On the 10th of November, 1865, Henry Wirz suffered the penalty due to his crimes at Andersonville.

The expiation thus made does not necessarily shield the character of the jailer of that prison from investiga-

tion and censure, but it would be ascribing too great importance to his name or position to dwell upon it at greater length than has been already done. Above his ignominious grave will ever float the remembrance of his thousand crimes, to mark the resting-place of a willing tool and murderer, while his memory will be handed down pre-eminent among the bad men of the world, but especially notorious as the *Jailer of Andersonville.*

Exhibit from Hospital Register, Andersonville Prison Records.

Whole Number of Deaths as shown by Hospital Register.	Total Number of Deaths in Hospital.	Total Number of Deaths in Stockade.	Cases returned from Hospital to Stockade.	Per Cent. of Deaths to Number admitted to Hospital.	Proportion of Deaths for each Month of the 13 during which the Prison existed.
12,462	8735	3727	3469	$69\frac{12}{17}$	958

Diseases and Number of Deaths resulting from each Disease.

Diarrhœa	3952	Constipation	5
Scurvy	3574	Ophthalmia (Eye)	5
Dysentery	1648	Nephritis (Kidneys)	4
Unknown	1268	Vaccine Ulcers	4
Anasarca (General Dropsy)	377	Laryngitis (Throat)	4
Typhoid Fever	229	Icterus (Liver)	3
Pneumonia	221	Ictus Solis (Sun-stroke)	3
Debility	198	Diphtheria	3
Intermittent and Remittent Fever	177	Asthma	3
Gun-shot Wounds	149	Scrofula	3
Pleurisy	109	Gonorrhœa	3
Bronchitis	93	Dyspepsia	2
Rheumatism	83	Home Sickness	2
Varioloid	63	Fistula	2
Catarrh	55	Diabetes	2
Ulcers	51	Measles	1
Phthisis	36	Paralysis	1
Ascites, or Abdominal Dropsy	24	Fever and Ague	1
Erysipelas	11	Hydrocele, or Dropsy of Testicles	1
Syphilis	7	Consumption	1
Asphyxia	7	Hemorrhoids (Piles)	1
Jaundice	6	Fracture	1
Wounds	6	Stricture	1
		Gangrene	63
		Total	12,462

Exhibit from Journal, Andersonville Prison Records.

Month.	Number of Prisoners received at Andersonville in Month of	Total Number of Prisoners on Hand end of each Month.	Number of Deaths during the Month of	Number of Escapes during the Month of	Largest Number in Prison any one Day and Date.	Largest Number of Deaths any one Day and Date.	Average Number of Deaths per Day during the Month of	Per Cent. of Deaths per Month based on No. in Prison each Month.	Proportion of Deaths to Living in Month of	Per cent. of Deaths to whole Number received.
1864, April	3,024	9,577	592	8	33,000 August 9th, 1864.	127 August 23d, 1864.	40	.05[31]	1 : 16 or $\frac{5}{81}$	28[73]
May	9,624	18,454	711	31				.03[70]	1 : 26	
June	9,187	26,367	1,203	47				.04[35]	1 : 22	
July	7,076	31,678	1,742	20			56	.05[21]	1 : 18 or $\frac{5}{91}$	
August	3,085	31,693	2,992	30			97	.08[6]	1 : 11	
September	282	8,218	2,700	84			90	.08[44]	1 : 3 or $\frac{22}{67}$	
October	444	4,208	1,560	28			50	.18[01]	1 : 2	
November	49	1,359	485	30				.11[39]	1 : 2 or $\frac{1}{13}$	
December	3,534	4,706	160	26				.03[27]	1 : 29 or $\frac{1}{39}$	
1865, January	743	5,046	200	10				.03[67]	1 : 25 or $\frac{1}{136}$	
February	1,035	5,851	149	12				.02[45]	1 : 39 or $\frac{1}{116}$	
March	142	3,319	118	2				.01[97]	1 : 28 or $\frac{1}{197}$	
April	6,657	51	32					.003[19]	1 : 2	
	44,882		12,644	328						

The following Table, compiled from Official Records, gives the Number of British Soldiers killed in Action, or who perished from Wounds.

Years.	Battles.	Total Strength engaged.	Estimated Deaths.
1809	Talavera	22,100	1,445
1811	Albuera	9,000	1,358
1812	Salamanca	30,500	770
1813	Vittoria		
1815	Ligny Quatre Bras Waterloo Wavre	49,900	3,245
1854	Crimea		4,595
1815	New Orleans	6,000	625
Total number of deaths from wounds			12,928

The official records of the British army show that but 2755 men and officers were killed in action during the whole Crimean War.

THE END.

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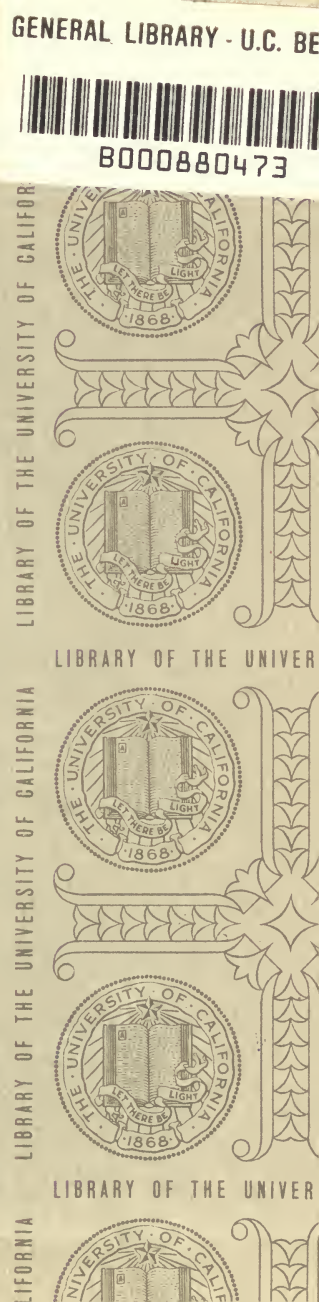
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