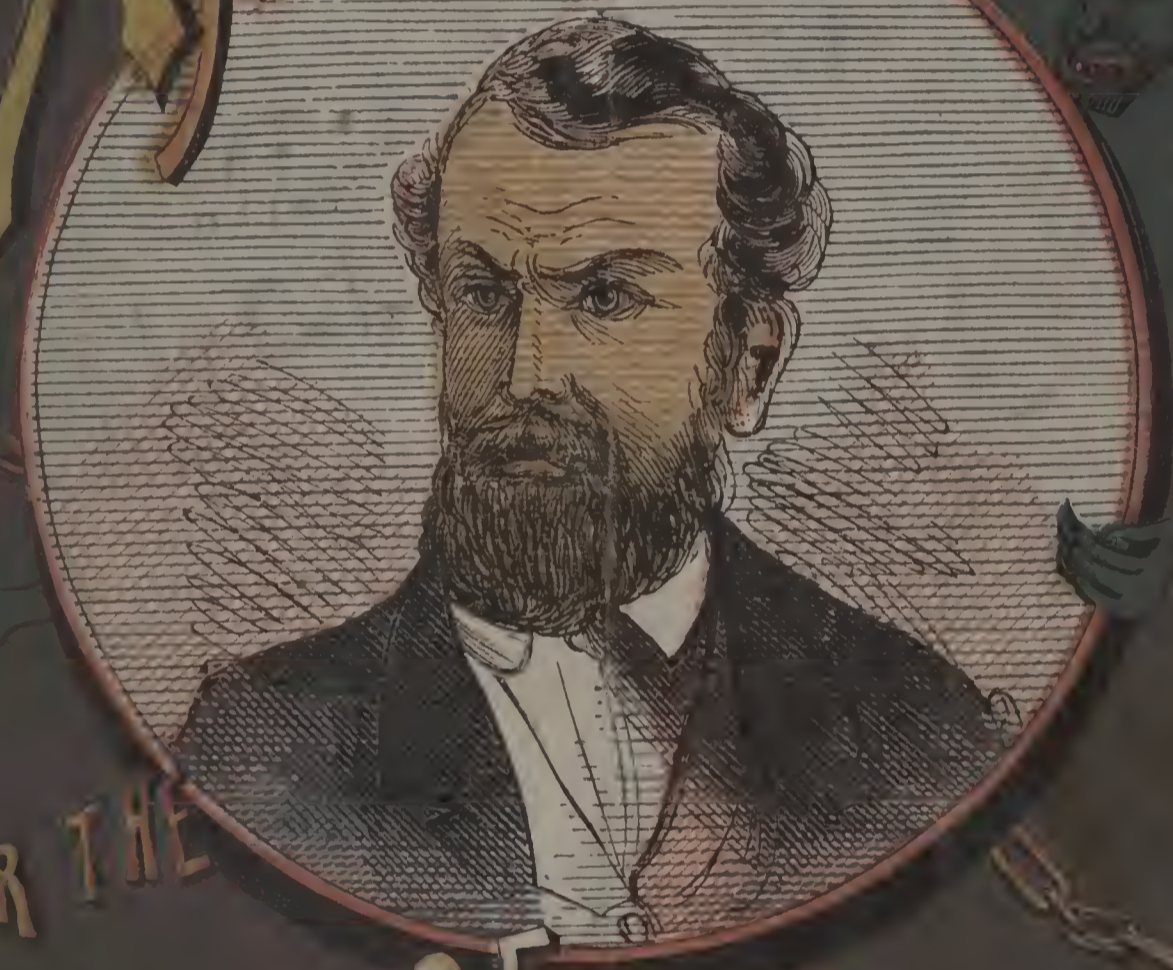


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THE DEMON
OF
ANDERSONVILLE



OR THE

TRIAL OF
WIRZ

PHILADELPHIA:
BARCLAY & CO.

No. 602 ARCH STREET.

THE
DEMON OF ANDERSONVILLE;

OR, THE
TRIAL OF WIRZ,

FOR THE
CRUEL TREATMENT AND BRUTAL MURDER OF HELPLESS UNION
PRISONERS IN HIS HANDS.

Henry Wirz, defendant.
THE

MOST HIGHLY EXCITING AND INTERESTING
TRIAL OF THE PRESENT CENTURY.

HIS
LIFE AND EXECUTION.

CONTAINING ALSO

A HISTORY OF ANDERSONVILLE, WITH ILLUSTRATIONS, TRUTH,
FULLY REPRESENTING THE HORRIBLE SCENES OF
CRUELTY PERPETRATED BY HIM.



PHILADELPHIA:
BARCLAY & CO., PUBLISHERS

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Eastern District of Pennsylvania.



DIAGRAM OF ANDERSONVILLE PRISON PEN.

THE TRIAL.

THE FIRST DAYS PROCEEDINGS—THE CHARGES AND SPECIFICATIONS—STATEMENT OF THE PRISONER'S COUNSEL—THEY DENY THE JURISDICTION OF THE COURT.

THE special Military Commission convened on Monday afternoon, August 21st, in the Court of Claims room, at the Capitol; Major-General Wallace, President, and Colonel Chipman, Judge-Advocate.

At one and a-half o'clock, Captain Wirz, the prisoner to be tried, was brought into the room, guarded on each side by a soldier. The prisoner was requested to rise, when Colonel Chipman said:

"Captain Wirz, you are to be tried by this Military Commission. Have you any personal objection to any of its members?"

Judge Hughes, of the counsel, said he proposed to make no objection of a personal character. They would, however, at a subsequent stage of the proceedings, ask to be heard on the plea of general jurisdiction, especially objecting to the mode of constituting the Court. But if the prisoner was to be tried by a Military Commission, he would as soon be tried by this one as any other.

The members of the Commission were then sworn.

The Judge-Advocate informed the prisoner that he was arraigned for trial under the name of Henry Wirz. Was that the name?

The prisoner replied that it was.

Judge Hughes desired to say that the charges and specifications were not delivered to the prisoner until yesterday afternoon, and were not seen by his counsel until this morning; therefore they had not sufficient time to examine them.

Colonel Chipman said the counsel could ask for delay after the arraignment, and then proceeded to read the charges and specifications preferred against Henry Wirz, as follows:

CHARGE FIRST—Maliciously, wilfully, and traitorously, and in aid of the then-existing armed rebellion against the United States of America, on or before the 1st day of March, A. D. 1864, and on divers other days between that day and the 10th day of April, 1865, combining, confederating, and conspiring, together with Robert E. Lee, James A. Seddon,

John H. Winder, Lucius D. Northrop, Richard B. Winder, Joseph White, W. S. Winder, R. R. Stevenson, — Moore, and others unknown, to injure the health and destroy 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 Robert E. Lee, James A. Seddon, John H. Winder, Lucius H. Northrop, Richard B. Winder, Joseph White, W. S. Winder, R. R. Stevenson, — Moore, 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, 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 1st 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; 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 afore-

said, 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 Robert E. Lee, James A. Seddon, John H. Winder, Lucius H. Northrop, Richard B. Winder, Joseph White, W. S. Winder, R. R. Stevenson, — Moore, 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 number 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, wilfully 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 water, reeking with the filth and garbage of the prison and prison-yard, 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: 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, maliciously, and wilfully, 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 wilfully subject the prisoners aforesaid to cruel, unusual, and infamous punishment upon slight, trivial, and fictitious pretences, 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 by the said Wirz, still wickedly pursuing his evil purposes, 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, 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 tops of small and insecure stakes or posts, he, the said Wirz, instructed the prison guards stationed around the 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 cruel purpose, did keep and use ferocious and blood-thirsty beasts, dangerous to human life, called blood-hounds, to hunt down prisoners of war aforesaid, who made their escape from his custody, and did then and there wilfully 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 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 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 conspirators aforesaid, the said Wirz then and there did.

CHARGE SECOND.—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 8th day of July, A. D. 1864, then and there being commandant of a prison there located, by the authority of 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, wilfully, 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 thereafter 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 20th 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, wilfully, 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 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 13th day of June, A. D. 1864, then and there being commandant of a prison there located by the authority of the 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 thereafter 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 30th 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 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 thereafter 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 20th day of August, A. D. 1864, there and then 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 with an instrument of torture called "the stocks," a soldier belonging to the army of the United States in 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 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 1st day of February, 1865, then and there being commandant of a prison there located by authority of the 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 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 20th 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 persons, 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, 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 15th day of May, A. D. 1864, then and there being a 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, wilfully, 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 aforesaid, held as a prisoner of war, inflicting upon him a mortal wound with the musket aforesaid, of which the said prisoner soon thereafter 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 and forethought, 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 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 20th day of August, A. D. 1864, then and there being commandant of a prison there located, in 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, with a musket loaded with gunpowder and bullet, then and there fired at the said soldier, so as aforesaid held a prisoner of war, inflicting upon him a mortal wound, with the said musket,

of which he, the said prisoner, soon thereafter 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 1st day of July, A. D. 1864, then and there being commandant of a prison there located by 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 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 27th 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 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 said mortal wound he, the said prisoner, soon thereafter 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 beating and bruising aforesaid, and the mortal wounds caused thereby, the said soldier soon thereafter died.

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

Colonel Chipman asked the prisoner, What answer have you to make?

Judge Hughes replied, that the charges were delivered to the prisoner only yesterday afternoon, and were not seen by his counsel, namely, Messrs. Hughes, Denver, Peck, and Louis Schade, until this morning. He submitted the question whether a reasonable time should not be given to the prisoner to prepare for defence or not. What made an extension of time still more important, was that three or four weeks ago a totally different set of charges were served to those who proposed to defend him, and on which preparations to that end alone had been made.

The charges just read were different in substance and form, and certainly twenty-four hours' notice was not sufficient to consider them.

Colonel Chipman felt it to be his duty to state that the charges served two or three weeks ago embraced precisely the substance, but not the form of those just preferred. The only addition is the charge of conspiracy, which includes the acts heretofore alleged. Therefore the counsel should be prepared to meet them. There should be no unreasonable delay. We had subpoenaed a number of witnesses from the South, and one hundred witnesses for the Government were now in attendance.

Judge Hughes replied that the counsel designated no time. They asked no undue or unnecessary indulgence, but wished to facilitate the business of the Commission. As to the substance of the charges to which the prisoner pleads not guilty, they were different from those heretofore prepared. One set called upon him to defend his own life only, but the other just read to this Court required him not only to defend his own life, but that of General Lee, and half a dozen others.

Colonel Chipman desired the gentleman to indicate for whom he appeared.

Judge Hughes replied: "We appear for the prisoner now on trial. The Judge-Advocate was no doubt aware that when the proof of a conspiracy is once made out, the prisoner is responsible for the acts of all engaged in it."

Colonel Chipman desired the entry to be made that these gentlemen appear only for the prisoner, and it should be understood

whether, without authority, they should defend anybody else.

Judge Hughes:—We only desire to defend Captain Wirz. We may object to the form of the charges, the first of which is a conspiracy, and not only a conspiracy but actual crimes under it. The other charge is murder, with thirteen specifications. If these specifications of murder come under the civil law, then we propose that this Court cannot take jurisdiction, but if they come under military law this Court might take jurisdiction. I wish to submit to the Court that they lay down some rule by which they are to be governed during this trial. This is an order emanating from the President of the United States, appointing a Military Commission, not to try a particular case, but any case that may be brought before it, and it does not appear that this case has been sent here. The one statute gives Military Courts jurisdiction over civilians in cases where persons are found lurking about as spies. No jurisdiction is conferred in cases of conspiracy. The prisoner is charged with treasonable conspiracy and murder. Then do we know that it was the intention of the President to send such a case here? We have no evidence that the charges emanated from any other source than the Judge-Advocate of this Court.

Judge Chipman said that while not designing to answer the fallacy of Judge Hughes, he would merely remark that the practice has been to try any case properly coming before the Court. The order reads, "for the trial of such prisoners as may be brought before the Court." All the books lay down the rule that the Judge-Advocate shall prepare the cases for adjudication. Several cases have already been decided; the point is not a new one. The case is not required to be formally prepared to be sent to the Court. The Court is constituted for the trial of such prisoners as may be brought before it; and the prisoner is here to be tried.

The Court with closed doors, decided to overrule the plea of the counsel for the accused.

Judge Hughes, in order, as he said, to facilitate proceedings, filed several pleas. *First.* Denying the jurisdiction of the Court to try the prisoner, it having no authority to do so either by statute or well established usage. *Second.* That this case is not brought before it by competent authority. *Third.* That the prisoner is a naturalized citizen, and was never in the land or naval service of the United States, now being at peace, and civil war ceased, there is no authority to punish him. The prisoner protests he ought not, therefore, to be tried, but discharged from custody. He also claims that just before the time of his arrest at Andersonville, Captain Noyes, on duty near that place, applied to him for information, which he cheerfully communicated to him, and he accompanied Captain Noyes to General Wilson's quarters, the former promising him safe conduct, and giving him

assurance that he should not be arrested. The prisoner relied on the good faith of Captain Noyes but, notwithstanding the above repeated assurances, the prisoner was seized, held in confinement, and brought to Washington. The prisoner further protests that he ought not to be held any longer, for the reason as set forth at length, that he came within the terms of the capitulation between General Johnston and General Sherman. The defendant also asks the Court to quash the several charges and specifications, because they are each and every one uncertain and indefinite as to the time and the offence; and the allegations are so indefinite and vague that he ought not to be tried upon them; and further, that they do not charge him with any offense punishable under the laws of war.

Mr. Denver inquired what rules were to govern, whether the rules of court-martial or some other rules.

General Wallace, the President of the Court, replied that the Court would serve the counsel with a copy of the rules relative to the argument and the motions.

The Court adjourned till the next day.

TUESDAY, AUGUST 22d.

When the motion to quash the charges and specifications against Captain Wirz, made by the defendant's counsel, was argued, principally by Judge Hughes, who contended that they were too general and uncertain, and that the offences charged were cognizable by civil, and not military courts—

The Commission overruled the motion, and the prisoner then pleaded "Not guilty" to the charges against him.

Colonel Chipman, the Judge-Advocate, today suggested that the prisoner be remanded to the Old Capitol, and that the Court now adjourn.

In this the Court, without a formal vote, acquiesced.

Judge Hughes wished to know to what time the Court had adjourned.

Colonel Chipman replied that he would notify counsel of the reassembling of the Court, and then requested the witnesses in attendance to give information as to where they resided, and instructed them not to leave the city until properly discharged.

Judge Hughes said he wanted likewise to be heard.

Colonel Chipman replied that under the parliamentary law there could now be no debate.

Major-General Wallace said: "The Court stands adjourned, consequently there can be no argument."

Judge Hughes:—The prisoner having been arraigned, we enter our protest against breaking up the Court, or an indefinite adjournment. We ask for the discharge of the prisoner, or that the Court proceed with the trial.

Major-General Wallace repeated that the Court had adjourned.

During this colloquy, the prisoner was removed from the court-room by the military guard.

The adjournment, without a day having been named for the reassembling of the Court, took the counsel and spectators by surprise.

ON WEDNESDAY, AUGUST 23d.

The Court reassembled at eleven o'clock.

Judge Hughes, of counsel for the accused, said that as the prisoner should be brought into Court, he would submit a motion.

Major-General Wallace remarked: "Time enough will be given for that purpose."

Judge Hughes:—"I will present it at the earliest moment.

The prisoner was, at this stage of the proceedings, brought into Court in custody of a military guard.

Judge-Advocate Chipman called the roll of members, all of whom answered to their names.

He then read an order from the War Department, dated the 22d of August, in substance that the Military Commission, which was to convene on the 20th instant, is, by order of the President of the United States, dissolved; and then read another order, dated yesterday, convening a Special Commission, to assemble to-day, at eleven o'clock, for the trial of Henry Wirz, and such other prisoners as may be brought before it, the detail of officers being the same as that of the previous commission.

Major A. A. Hosmer has, on application of Colonel Chipman to the proper authority, been appointed assistant Judge-Advocate.

Judge-Advocate Chipman asked the prisoner whether he had any objection to the members of the Court.

Mr. Peck, of counsel, said that there was none, personally, to the members.

The members, judge-advocates, and the official reporters were then sworn, promising, in addition to an impartial performance of duty, that they would not improperly disclose the secret proceedings and sentence of the Court.

Judge-Advocate Chipman, addressing the prisoner: You are charged under the name of Henry Wirz. Is that your name?

The prisoner said it was.

Judge-Advocate Chipman:—The charges and specifications will now be read.

Major-General Wallace, the President of the Court:—Let the prisoner stand up.

Captain Wirz rose to his feet, when the charges and specifications were read.

They are substantially the same as those upon which he was arraigned on Monday.

He is first charged with maliciously, wilfully, 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 10th 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 destroy 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.

The above differs from the former charge in this, namely: that the names of Robert E. Lee, James E. Seddon, and Lucius D. Northrop are now omitted.

The other charge is that of murder, produced by heartless, brutal, and cruel treatment.

The specifications are fourteen in number.

Judge-Advocate Chipman asked the prisoner what answer he had to make to the charges.

The prisoner gave no reply.

Judge Hughes, of counsel, said that these new charges and specifications, or the fact that any amendments or changes had been made in those heretofore presented, reached him now for the first time. The counsel had received an official note this morning from the Judge-Advocate, which he would read, accompanied by a copy, as he supposed, of these charges. This note was received at eight o'clock, or a little sooner, this morning, addressed to the firm of which he was a member, viz.: Hughes, Denver & Peck, dated August 23d, 1865.

The note from Judge-Advocate Chipman is in substance briefly as follows:

"I inclose a copy of the charges and specifications, with such changes as may be presented to-morrow. It is proper to say now what could not be said sooner, viz.: the Court will assemble to-morrow at eleven o'clock, in the Court of Claims room, and I will proceed without further delay with the case. The objections made by you will in part be removed by the orders of to-morrow. There remain but two points raised by you to be settled:

"1st, As to the jurisdiction of the Court, and, 2d, as to the immunity of Captain Wirz, claimed under the arrangement with Captain Noyes, and the capitulation as concluded between Johnston and Sherman.

"These, I hope, will be disposed of to-morrow, or as soon as we get into the evidence."

Judge Hughes said the note was not dated yesterday, but to-day, this being the 23d.

Judge-Advocate Chipman said the note was written yesterday, but was wrongly dated in the hurry.

Judge Hughes remarked that he saw, by a morning paper only, that the Court was to meet to-day, and it was mere accident that he came here. The authorities were ample that the prisoner should have time to plead and prepare for defence, and to consult counsel, and, on the prisoner's behalf, he

asked the Commission to give him sufficient time. The prisoner, without any fault of his, would now be under the necessity of employing new counsel, as he (Judge Hughes) was inclined to think that he had rendered all the professional service required by his obligations. It was necessary for him to give the reasons for withdrawing from the case, but this ought not to prevent the Court from determining the question of giving further time.

Judge-Advocate Chipman did not object to his note being read as an official paper. He placed the amendments of the charges in the hands of the counsel as soon as possible. The note was written at dark, and sent by an old and faithful orderly, and delivered at the office, which he supposed the gentlemen occupied during the day; but they may have been out at the time. He had nothing to say against a proper adjournment to enable the prisoner to prepare for defence. He should certainly part from the gentlemen with regret, yet he did not feel that either himself or the Court ought to be intimidated by the threats of counsel. If there was any hard grievance, he supposed the Court would proceed properly and legally. He proposed to curtail no right, or cut off any privilege to which counsel are entitled. He left the question of postponement to the Court.

Judge Hughes remarked that this was a new Court, just brought into being. The Court would not subject the prisoner to the disadvantages of the reorganization of the Court, and deny him the benefits which might result from it. This Court knew nothing of the other or former charges. If he had said any thing calculated to intimidate the Court, as intimated by the Judge-Advocate, he was not aware of it. Even had he been so disposed he would have had an admonition in the countenances of the officers composing the Court, and in the past conduct of these gentlemen, that it would be labor lost; they had been in the smoke of battle. Perhaps he would make a similar remark applicable to his friend, the Judge-Advocate, if he was aware that the latter had ever been in battle; but he had not heard of it.

Mr. Peck, one of the counsel for the defence, suggested to the Court that the recent action would bring up an entirely new class of defence, and would necessarily take up more time.

Judge Hughes here took up his hat, and, placing a pile of law-books under his arm, walked out of the court-room.

Mr. Peck, resuming, said, as the prisoner had once been arraigned, and his life placed in jeopardy, he was entitled now either to an acquittal or trial on the former charges. He believed that all the authorities, civil and military, were conclusive on the point that, if not acquitted, the prisoner, under the circumstances, was entitled to all the benefits of an acquittal.

The President of the Court inquired of

Mr. Peck whether he was still here in the relation of counsel.

Mr. Peck replied that he was not.

The President said the Judge-Advocate was here as the counsel of the defendant, the gentleman and his associates having withdrawn.

Judge-Advocate Chipman said, as the responsibility now attached to him of appearing for the prisoner, he asked an adjournment until to-morrow. He was not unmindful of the rights of the prisoner. He regretted the retiring of the counsel. Judge Hughes had left on record the remark that he made no allusion to him as a soldier, not being aware that he had been in battle. In reply to that he merely referred to the official record on file in the War Department.

The Commission adjourned until twelve o'clock to-morrow noon.

THURSDAY'S PROCEEDINGS.

WASHINGTON, August 24.—The Wirz Commission met at noon to-day.

Judge-Advocate Chipman asked the prisoner if he had counsel.

Louis Schade, Esq., begged permission to make a personal explanation. He said he had been engaged as counsel with Messrs. Hughes, Denver & Peck. Those gentlemen had the case in hand three or four weeks, but he was not so fortunate; having been called in at a late hour, they had withdrawn and left him all alone. Why they had abandoned the case was well known to the gentlemen of the Court.

Major-General Wallace replied the Court did not know, nor was it necessary they should know the reason.

Mr. Schade, resuming, said he would have followed them if it had not been that he had a regard for his honor; but being an adopted citizen, like the prisoner, he never would forsake one so helpless, especially as he believed, from the testimony in his possession, that the defendant was innocent; he at the same time was fully convinced of his inability to alone compete with the array of talent on the other side. He fully appreciated the momentousness of the issue at stake, and the high responsibility which rested upon him. He for the reason just stated respectfully asked the Court for a postponement of the trial for about eight days, so that the prisoner might procure additional counsel, and the latter have opportunity and time enough to examine into the facts of the case, believing as he did, that justice and right are the chief ingredients of American liberty, and that under the Government, and under the present enlightened statesman who now controlled the destinies of the nation, no citizen, no matter how humble, should be deprived of the right of a fair and impartial trial. The present excitement will soon pass away, and if we do a harsh thing now, history, the great and impartial judge, will soon punish us for the wrong

Judge-Advocate Chipman said the Court were aware that the gentleman who had just addressed them was associated with the retiring counsel for some time. It could not, therefore, be properly or safely presumed that he was uninformed of the proceedings and facts in this case; the Court were bound to believe that he was prepared, and to go on with the trial. He (Colonel Chipman) thought that the Court should come to an issue to-day, and that the prisoner should be called upon to plead. He did not ask that the prisoner be urged to a hasty trial, but counsel was fully informed of the theory of the prosecution, and as to what would be brought out in proof against the prisoner; he would not argue the motion, as it presented itself to the discretion of the Court.

Mr. Schade appealed to the generosity of the Court for a postponement. They would appreciate his position, and the responsibility resting upon him.

The Court, by a vote, decided against the motion, and that the prisoner should at once plead.

O. S. Baker, Esq., who was in the courtroom, volunteered his services as assistant counsel for the defence.

Mr. Schade then presented several pleas—First. That the prisoner is entitled to his discharge, in consequence of the promise of Captain Noyes, of the staff of Brevet Major-General Wilson, in command at Macon, Georgia, that if he (Wirz) would accompany him to head-quarters for the purpose of giving certain information, he should not be arrested, or held a prisoner. The accused accepted the offer, and claims to have since been held in violation of the pledge of his personal liberty.

Second. The prisoner denies the jurisdiction of the Court to try him on these charges and specifications.

Third. That the war is ended and civil law restored, and that there is no military law under which he can be tried.

Fourth. He moves to quash the charges and specifications upon the ground of their vagueness and indefiniteness concerning the time, place and manner of the offences charged.

Fifth. That on the 21st of August, 1865, he was arraigned and put on trial. On his plea of not guilty to these charges before a Military Commission composed like this, that the Commission was broken up without his agency or consent, and adjourned without a record. Having been once put in jeopardy on these charges, the prisoner claims that he cannot now be arraigned again as before, but is entitled to the benefit of an acquittal.

Sixth. He claims that he should be discharged because he was an officer of the so-called Southern Confederacy, and entitled to the benefit of the terms agreed to between Generals Sherman and Johnston, which were complied with by him, and in accordance with which he is ready to give his obligation in

writing not to take up arms against the Government.

Mr. Schade said they were not disposed to discuss these pleas now, but wished them to go over to the final argument.

Judge-Advocate Chipman desired that the gentlemen, if they had anything to say, should do so now; there was but one plea (the question of jurisdiction) which could properly go over; the others constitute a plea in bar, and should be decided before the Court could hear the case. It was proper that they should argue all at this time, except the plea of jurisdiction.

Mr. Schade said that if the Commission insisted on the argument before proceeding further with the trial, he must ask for an adjournment till to-morrow, so as to afford the counsel, Mr. Baker, who had just come in, an opportunity to examine the case.

Mr. Baker said that it was but a few moments since he had anything to do with the case. The Court would readily see that he would have no information as to the pleas put in, or the charges against the prisoner; he had not even read the charges; he was almost inclined to consent to go on, in view of the changes and delay that had already taken place, but he could not think he would be doing his duty to the prisoner if he should attempt to argue the pleas that he had not read; this was a grave offence charged; it might cost the prisoner his life, and after the sudden termination of his case yesterday, and he might say some result, they ought not to go on without affording the time to counsel; if, however, the Court decided it not to be proper to adjourn over one day, he would proceed to argue the case to the best of his ability.

The Judge-Advocate remarked that the leading counsel was present at the previous arraignments, and must be familiar with the case.

Mr. Baker, resuming, said the principal plea to be discussed was the motion to quash the proceedings, in consequence of the vagueness and indefiniteness of the charges and specifications. The Court, however, was not going to discharge the prisoner on a technicality, nor would it convict him on such, and with the Court's consent he would let the argument of the case go over until the close of the testimony.

The Judge-Advocate insisted that the defence should close up the plea now.

Mr. Schade said he would waive argument, and join issue at once on the simple plea of not guilty.

Mr. Baker said he was also ready to put in the plea of not guilty alone, if the Court would let the argument on the pleas go over, and thus not waste time.

The Judge-Advocate stated that he would enter a demurrer to the pleas interposed, with the exception of the plea of jurisdiction.

The President, General Wallace, asked the

Judge-Advocate if he could not reach the pleas by a motion as well as a demurrer.

The Judge-Advocate answered yes.

President—A demurrer is not known in Courts of this character; it is not intended to introduce the formalities of civil courts.

The Judge-Advocate accepted the suggestion and moved that the pleas, with the exception of that of jurisdiction, be overruled.

Mr. Baker hoped that if the Court passed at all on the pleas it would do so without arguments written or oral by the Judge-Advocate, as the counsel would be as unable to answer them in so short a time as they were to argue the pleas.

The Judge-Advocate said after making that motion he supposed he had the right to mention his reasons, so that he might be placed properly on the record. A vote was then taken by the Court resulting in permission for the Judge-Advocate to proceed with his arguments on the motion to overrule.

The Judge-Advocate said that aside from the custom of jurisdiction there remained really but four questions:—First, a motion to quash the charges and specifications for vagueness and indefiniteness; as this question had already been decided by the Court on a previous occasion he would not make any remarks upon the subject. Second, that the Court, constituted of the same members, having taken cognizance of the case, and the prisoner having been once arraigned and his life put in jeopardy, therefore the Court could not now proceed to try the prisoner.

In reply to this, Colonel Chipman said he would only read an official opinion from Judge Holt, the chief of the bureau of military justice, who is the law expounder so far as the army is concerned, and all cases arising under it. This opinion is in substance that a party who has been arraigned should not be regarded as having been tried until the Government has pursued the case to a conclusion, and he has been actually acquitted or convicted, and the judgment of the court thereon announced. There must be a formal acquittal or conviction.

The next question raised by the counsel for the defendant was, that the prisoner should not be held to trial, but ought to be discharged, because Captain Noyes, an officer of the staff of General Wilson, had promised Captain Wirz that if he should give certain information, which he did, to General Wilson, he should have safe conduct, going and returning, to his home, and the final question was, that the agreement between Generals Johnston and Sherman absolved the prisoner from the consequence of the violation of the laws of war.

In support of his motion that the pleas were insufficient, and should be overruled, Colonel Chipman read an argument which he had reduced to writing. If, he argued, there was a violation of a compact between a staff officer and Wirz, the latter's remedy was against General Wilson, and not before

this Court. If, after the defendant was brought to General Wilson, it was discovered that Wirz was guilty of great crimes, he would have been answerable to his superior for letting him off. General Wilson had no power to absolve the prisoner from crime. A promise of safeguard did not work a pardon of offence. The plea presents the case of a police officer, who says, "Come with me to the magistrate; I will see that you are not injured."

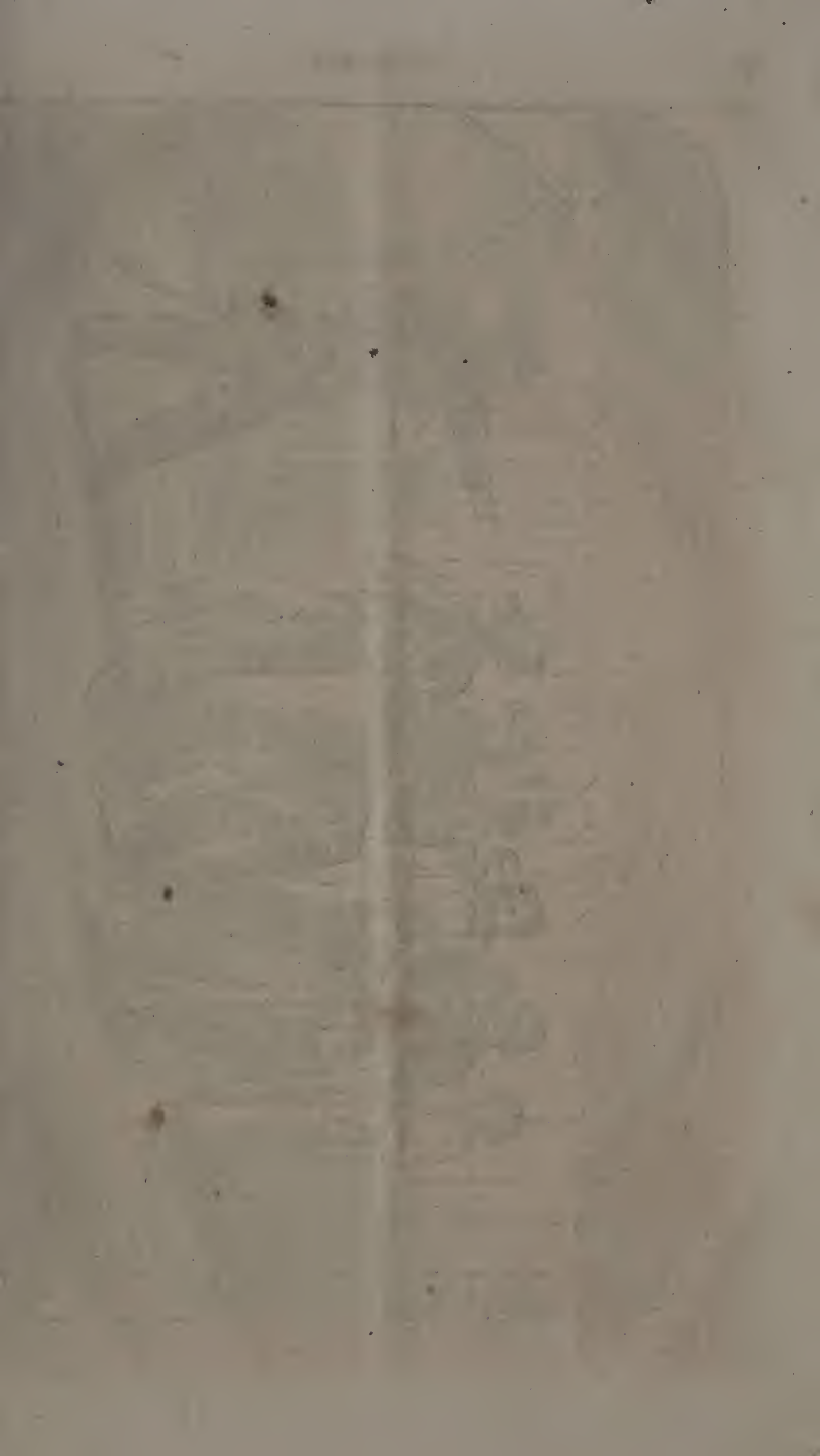
The magistrate, discovering that the man is guilty of a crime, takes means for the trial of the prisoner. It was not alleged that Captain Noyes acted on the instructions even of General Wilson. The cases were similar, therefore. The plea should be overruled. The Court must bear in mind that the plea in bar does not assume that there has in this case been a formal acquittal or conviction. There now remains only one plea based on pardon, according to Archibald's and Wharton's criminal law. The plea must set out in form the pardon granted. In the absence of this the plea of the counsel is, therefore, bad. It was very certain, by the action of the Government and the opinion of the Attorney-General, that neither the amnesty proclamation of the President, nor the terms of surrender between Generals Grant and Lee and Sherman and Johnston, were intended to pardon those who had been guilty of great crimes.

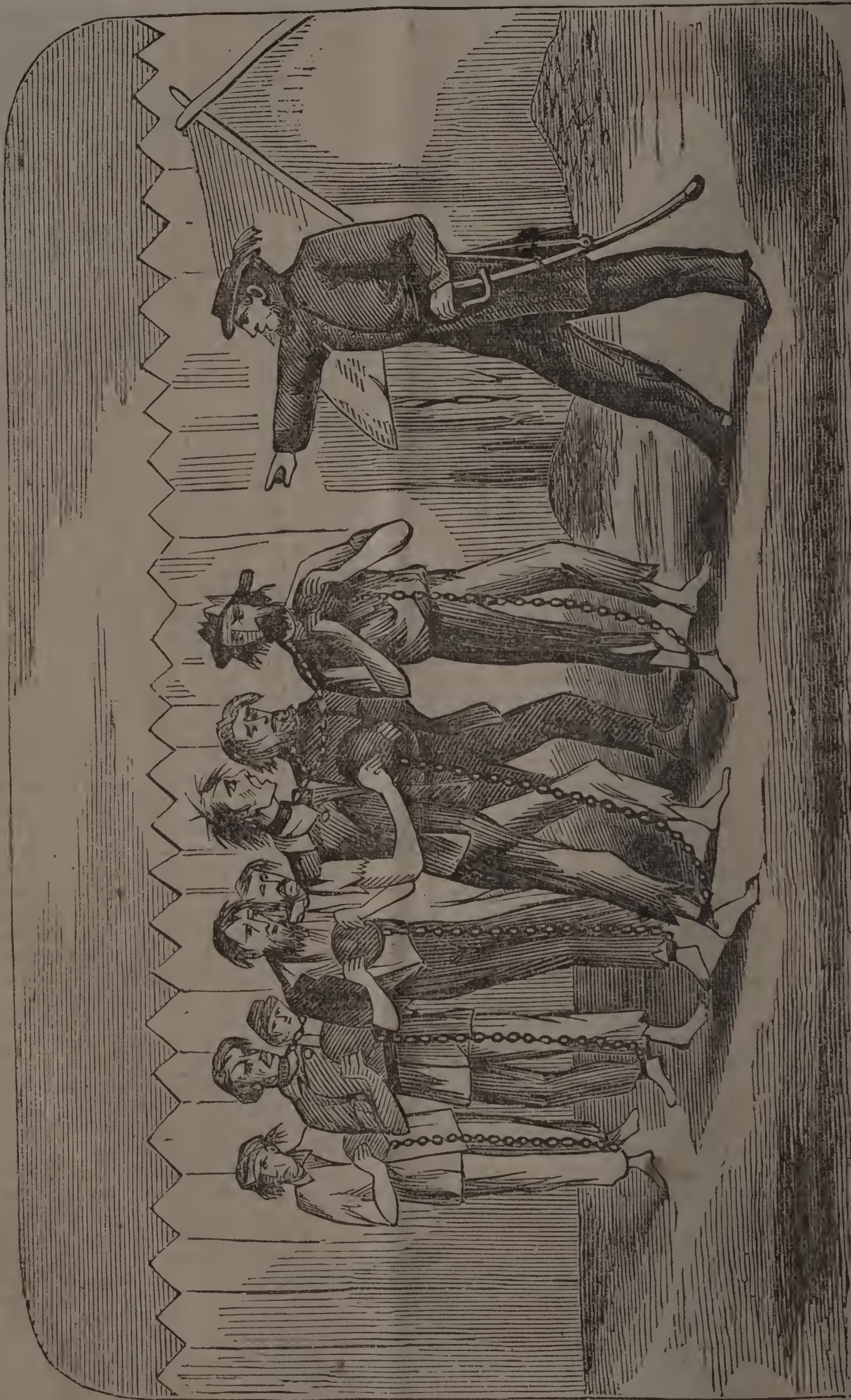
The later proclamation of the President showed that these capitulations did not work pardon to those coming within their terms, else why did they see men who had been engaged in the rebellion every day besieging the President and asking pardon? It would be recollected that a judge of the United States' Court had charged the jury to inquire into offences under the rebellion, and in the criminal court of this district the attorney-general pronounced the rebellion still existing.

Suppose the assassin of the late President had been a rebel soldier, and after committing the act had escaped and returned to Johnston's army, was it supposed the terms of the capitulation would prevent the assassin from being brought to trial?

Mr. Baker, of counsel, supposed that according to the universal custom of law proceedings they were required to say something in answer to their adversaries.

In the first place the prisoner was a humble servant, in the employment and under orders of an officer of the so-called Southern Confederacy; distasteful as it might be, we must look upon it as a fact that there was a civil war for four long and distressful years. The prisoner, he repeated, was a servant and instrument in the hands of the Southern authorities; as such he had charge of our prisoners. In defending the prisoner he must do his duty. The defendant, though criminally charged, was not convicted. He is charged with atrocious crimes which may never be





proven to be facts. It would be a most inhuman thing to take it for granted at the threshold that he is guilty.

The charges are merely on paper, and it was the duty of the Court to investigate and see whether they are true; it was alleged that he as an individual starved the Union prisoners; his counsel deny that he did it at all, but he was there; the Union prisoners were starved; some come away, and some never returned; would any member of this Court say that any lieutenant or major-general in the Union army should be held accountable to any tribunal for every outrage and indecency, for every murder under the laws of war, perhaps unknown to them, perhaps, as he had seen it, under their very eyes.

In some instances they might, but not for all the atrocities. The charge against the prisoner is that he committed these acts. If one half of what is alleged against the prisoner should be proven true, he should suffer to the full extent of the law. The prisoner was invited to come within the Union lines, and was promised he should have safe conduct to depart. What justification could there be for a violation of the usages of civilized warfare. Where would they find the pledge of a commanding officer violated.

The Judge-Advocate had said a commanding general can violate or set aside his orders, but if any commanding general well deserving of his stars should invite an humble servant to come within his lines, and should then violate his promise of safe conduct, and hold him a prisoner, and try him for murder, would it not be one of the most atrocious violations of the rules of war and of good faith? Where did the Judge-Advocate get his authority? Certainly not in the books or under the authority of the United States.

This was one of the points of the defence. The prisoner was held wrongfully. The counsel would say this with respect. This prisoner was enticed within our lines, and the pledge given to him of safe conduct broken. There might be an excuse for the officer breaking his pledge, but this should inure to the benefit of the accused. The learned Advocate compared the bringing of the prisoner, under promise he shall not be harmed, into our lines, to a constable enticing a party before a magistrate, who holds them for trial; most assuredly and certainly the gentleman did not design to bring this cause to such a low and degrading condition. But the difficulty in the first place, is that the magistrate has no right to make the promise, and no right to break it; in the second, a commanding general has the right to make the promise, and then, according to the law of God and man, he is required to respect it; as to the plea of the unconstitutionality of trying a man after once being put on his trial, he would not argue the point.

He could not twice be put in jeopardy of his life. If the Court should concur in his

pleas he should be gratified; if not he should be content to go on with the case.

The Court was cleared for deliberation, and when the doors were re-opened it, was announced by the President that the Court overruled the pleas, except as to jurisdiction which is not yet argued.

Mr. Baker—We plead the general issue not guilty of the charges and specifications.

Judge-Advocate Chipman.—The Government is now ready to go on with the case.

The rules adopted by the Court were read, providing among other things that the hour of meeting shall be ten A. M., and at one o'clock a recess till two; that the examination of witnesses shall be by one of the Judge-Advocates and one of the counsel for the prisoners; arguments to occupy five minutes on each side.

The Judge-Advocate said he would offer in evidence a letter dated Andersonville, Georgia, October 9, 1864, and signed by the accused.

Martin E. Robinson having been sworn, testified that he is clerk to the Military Commission. The letter was shown to the witness; this, he said, was the letter he exhibited to the prisoner at the Old Capitol last Sunday, the first time he ever saw him; he asked the prisoner on that occasion whether that was the letter which he wrote to General Wilson; the prisoner replied it was a copy, a true copy of the one which was sent. The Court overruled an objection made by Mr. Baker, when the letter was read, as follows:

ANDERSONVILLE, GA., May 7, 1865.

GENERAL: It is with great reluctance that I address you these lines, being fully aware how little time is left you to attend to such matters as I now have the honor to lay before you, and if I could see any other way to accomplish my object I would not intrude upon you. I am a native of Switzerland, and was before the war a citizen of Louisiana, by profession a physician. Like hundreds and thousands of others, I was carried away by the maelstrom of excitement, and joined the Southern army. I was very seriously wounded at the battle of the Seven Pines, near Richmond, Virginia, and have nearly lost the use of my right arm. Unfit for field duty, I was ordered to report to Brevet General John H. Winder, in charge of Federal prisoners of war, who ordered me to take charge of a prison in Tuscaloosa, Alabama.

My health failing me, I applied for a furlough and went to Europe, from whence I returned in February, 1864; I was then ordered to report to the commandant of the military prison at Andersonville, Georgia, who assigned me to the command of the interior of the prison; the duties I had to perform were arduous and unpleasant, and I am satisfied that no man can or will justly blame me for things that happened here, and which were beyond my power to control; I do not think that I ought to be held responsible for the shortness of rations, for the over-crowded

state of the prison, which was in itself a prolific source of the fearful mortality, for the inadequate supplies of clothing, want of shelter, &c., &c.; still I now bear the odium, and men who were prisoners here seem disposed to wreak their vengeance upon me for what they have suffered, who was only the medium, or I may better say the tool, in the hands of my superiors. This is my condition, I am a man with a family; I lost all my property when the Federal army besieged Vicksburg; I have no money at present to go any place, and even if I had I know of no place where I could go; my life is in danger, and I most respectfully ask of you help and relief. If you will be so generous as to give me some sort of a safe conduct, or what I should greatly prefer, a guard to protect myself and family against violence, I shall be thankful to you, and you may rest assured that your protection will not be given to one who is unworthy of it. My intention is to return with my family to Europe as soon as I can make arrangements. In the meantime, I have the honor, General, to remain, very respectfully, your obedient servant. H. Y. WIRZ, Captain C. S. A.

MAJOR-GENERAL J. H. WILSON, *United States Army Commanding Macon, Georgia.*

The witness was cross-examined by Mr. Baker. He was sent to the prison to serve a copy of the charges and specifications; was clerk to the Commission; he took the letter to Captain Wirz to ascertain whether it was a copy or the original; Colonel Chipman gave it to him for that purpose; the prisoner did not read all of it, only a portion; he sketched or skipped over it; he did not read it aloud; could not swear that he read a single word, but to the best of his knowledge he thought the prisoner did, but he could not swear positively.

Captain H. E. Noyes sworn—I am captain and adjutant to General Wilson; have seen the letter before at General Wilson's headquarters; an officer was sent for to Andersonville, and brought this paper to General Wilson; the indorsement bears the signature of that officer.

Cross-examined by Mr. Baker—I was at the Lanier House, in Macon, when I saw the letter; it was handed to me to read by General Wilson's adjutant-general; I returned it; this was about the first of May; I won't be certain; I again saw the letter within a week or two; it was delivered to me by General Wilson's adjutant-general; I put it into my pocket and brought it to Washington; I gave it to General Townsend, the assistant adjutant-general of the army; I never saw it again until yesterday; I do not know whether it is in Captain Wirz's handwriting.

G. C. Gibbs, having been sworn, said he had been in the army of what was the Confederate States Government; he resided at Andersonville, and was on duty there as the commandant of the post of Camp Sumter; an order was shown to him, which he recog-

nized as the original one, assigning him to duty; it is dated October 9th, 1864, and signed by General John H. Winder; the witness also identified a pass in the handwriting of Captain Wirz, who was the commander of the prison at Andersonville; the witness had no control over the prison; Wirz had control exclusively of him; Wirz was in command of the prison when he went there; in the absence of the witness sometimes Wirz commanded the post; he did not know whether the prisoner granted furloughs or not; the witness visited the prison before he was assigned to the post, about the middle of August last; he saw that the prisoners were very much crowded; did not go into, but could see the interior of the stockade from the battery; he never saw so many men together in the same space in his life; it was more like an ant-hill than anything else; the surgeons of the prison hospital received their orders from Captain Wirz, and he had seen those issued to them; the only instance of punishment he witnessed was of a man who failed to report the escape of a prisoner; the man was put in the stocks a little while, until the surgeon interfered; a dead line was established; he did not know whether Wirz had any thing to do with its construction; the object of the dead line was to keep prisoners from approaching the stockade; the stockade was built of hewed timber, projecting from the ground ten or eleven feet, and inclosed sixteen or seventeen acres of land; a stream ran near the centre of it; the stockade was surrounded by several batteries; there were guns on only two of the four sides; it was built as well for the security of prisoners as to defend the place; there were twelve pounder howitzers and six pounder guns, and perhaps some rifle pieces; there was an outer stockade, and ways leading from battery to battery; the witness walked into the prison very often; the prisoners at the time were comparatively few, six or seven thousand—they were bad off for clothing and shelter; the accused told him that twelve or thirteen thousand prisoners had died there some time in the spring; Wirz was in command of the prison about one year; thirty-three thousand prisoners subsequently were confined there; witness knew General J. H. Winder, who was at Andersonville several months, probably in October, 1864; he commanded the military prisons east of the Mississippi river; Winder and Wirz were both at Andersonville together; shortly after the witness went there Winder left; the witness knew Richard B. Winder, who was a quartermaster at one time, a quartermaster on duty at Andersonville; he found on duty there in October, 1864, Captain Lawson, who was captain and quartermaster; the witness knew Joseph White; he was a surgeon at Andersonville; W. S. Winder was a captain, and his father's assistant adjutant, and was also on duty at Andersonville, but left there; R. R. Stevenson, after White left, was the surgeon at that

place; he was there till the senior surgeon came in; the two Captain Winders located the Andersonville prison probably about the commencement of November or December, 1863; dogs were kept at the prison, intended for the tracking of escaped prisoners; they were subsisted on food furnished by the commissary; they were mustered in the same as horses; a man named Dunn had them in charge; the witness did not know what has become of him; he saw the instruments called the stocks; the prisoner never told him the use of them; Wirz told him, however, of the ball and chain, and he had heard the prisoner at the bar speak of the chain gang, and that there had been such an one.

Cross-examined by Mr. Baker—The witness said that he thought he went to Andersonville on the 10th or 12th of October last, and remained there until the 19th of the ensuing April; Wirz was there all that time, excepting one or two days. The witness was Wirz's superior in rank. In many respects Wirz was under his command, but so far as the prison was concerned he was not; he knew there was food enough to feed all; the rations served to the troops and the prisoners were equal; he could not tell exactly what the ration was; he did not remember then his own ration; the ration, however, included meat, corn meal, peas (you call them beans), molasses and flour; the ration ought not to have varied; the requisition was made daily; witness did not know of any change in the rations; if the quality of the ration was unsound a board of survey could have been summoned to condemn it.

General Wallace said it was understood that the witness now on the stand was for the defendant.

Mr. Baker—If so, we dismiss him.

Judge-Advocate Chipman—This witness was subpoenaed by the defendant.

Mr. Baker—But was not put on the stand by the defendant. When we come to cross-examine the witness, we are not to be told he is to be considered our witness. It is arbitrary, and contrary to the books. We are not to be switched off and told the witness is ours. Do you not know—to the witness—that Captain Wirz complained to the board on account of bad food?

Judge-Advocate Chipman objected.

The Court, after deliberation with closed doors, sustained the objection.

Major-General Wallace remarked the understanding of the Court was that when the question was asked as to the ration the counsel for the defendant adopted the witness as their own, but for that understanding the Court would not have permitted the interrogatory to be made.

Mr. Baker—Then we strike out all questions asked since.

Major-General Wallace—You can't strike out any thing in a military court.

Mr. Baker—We can't allow ourselves to be entrapped.

Major-General Wallace—Your language is not of the most respectful kind. If there is any "trapping" it is not on the part of the Court. I am of the opinion it is a mistake of the counsel for the defence.

Mr. Baker—In my mind I can conceive how the Judge-Advocate would make use of it.

The cross-examination was resumed by Mr. Baker.

The witness said the dead line was established previous to his going to Andersonville he did not know of Captain Wirz shooting any one at the dead line, nor did he know of Wirz giving an order to execute any one; the dogs spoken of as an adjunct to the prison were the ordinary farm or plantation dogs, not bloodhounds; perhaps not more than six or seven of them; they were kept about the eighth of a mile from the prison; he believed they were part and parcel of the prison discipline; he did not know by whose orders they were kept; Turner had charge of them, and was acting under the orders of Wirz. He never knew of Wirz using them himself; Turner was a detailed soldier; the dogs were little, middle-sized, and big; he did not know whether they were ferocious. The witness was further cross-examined.

Dr. John C. Bates testified substantially as follows:—I have resided four or five years in Georgia; I have been a practitioner of medicine since 1860; I was an acting assistant surgeon, called a contract surgeon, at Andersonville prison; reported for duty there on the 22d of September, 1864, and left there on the 26th of March. (The witness here was shown and identified a pass given by Captain Wirz, October 17th, 1864, to Assistant Surgeon Bates.) I was ordered to report to J. H. White, the surgeon in charge, but, as he heard, was injured by a railroad accident; I reported to R. R. Stevenson; on going into Ward 15 of the hospital, I saw a number of men, and was rather shocked; many of them were lying partially naked, dirty, and lousy, in the sand; others were crowded together in small tents, the latter unserviceable at the best; I examined all who were placed in my charge; on a further investigation of matters, to make myself acquainted with the mode of doing business, the disagreeable impression at first made on me more or less wore off, as I was becoming familiar with the effects of misery; I inquired into the rations and talked about them; I felt disposed to do my duty and aid all the sufferers I could; they frequently asked me for a teaspoonful of salt, or for orders for a little sifting that came out of meal, as they wanted to make some bread; if I found something better than siftings I ordered it; I spent considerable of my time in writing orders; the meat ration was cooked at a different part of the hospital; the men would gather around me and ask for a bone; clothing we had none; the living were supplied with the clothing of those who had died of vermin or lice there

was a prolific crop; I understood the term lousy from personal experience; on returning from the hospital I examined myself; it was impossible for a surgeon to leave there without bringing some with him; as to medical attendance, I found the men destitute of clothing and bedding; of fuel there was only a partial supply; as officer of the day, shortly after I arrived there I was in supreme command, and it was my business to rectify any thing wrong; I found the men as a general thing, destitute, partly naked, sick and diseased; their disposition only was to get something to eat; they asked me for orders for potatoes, biscuits, siftings of meal, and other things; on the following morning I sat down and made a report on the condition of things I found at the hospital; the report was sent up; being a novice, for some of the things I said I received a written reprimand signed by Dr. Dillard for Dr. R. R. Stevenson; medicines being scarce; I drew on indigenous remedies, and gathered up large quantities of what were the best attainable anti-scorbutics, as well as to soothe the alimentary canal, and to cure gangrenous complaints; I think the reports was not heeded; my attention was called to a patient in my ward who was only fifteen or sixteen years old; I took much interest in him, owing to his youth; he would ask me to bring him a potatoe, bread, or biscuit, which I did; I put them into my pocket; he had the scurvy and gangrene; I advised him not to cook the potatoe, but to eat it raw; he became more and more emaciated; his sores gangrened, and for want of food and from lice he died; I understood that it was against the orders to take any thing in to the prisoners, and hence I was shy in slipping food into my pockets; others in the wards came to their death from the same causes; when I went there there were two thousand or twenty-five hundred sick; I judge twenty or twenty-five thousand prisoners were crowded together; some had made holes and burrows in the earth; those under the sheds were doing comparatively well; I saw but little shelter excepting what ingenuity had devised; I found them suffering with scurvy, dropsy, diarrhœa, gangrene, pneumonia and other diseases; when prisoners died they were laid in wagons head foremost to be carried off; I don't know how they were buried; the effluvia from the hospital was very offensive; if by accident my hand were abraded I would not go into the hospital without putting a plaster over the affected part; if persons whose systems were reduced by inanition should perchance stump a toe or scratch the hand, the next report to me was gangrene, so potent was the regular hospital gangrene; the prisoners were more thickly confined in the stockade, like ants and bees; the dogs referred to were to hunt the prisoners who escaped; fifty per cent. of those who died might have been saved; I feel safe in saying seventy-five per cent. might have been saved if the patients had been properly cared for.

The effect of the treatment of prisoners was morally as well as physically injurious. There was much stealing among them. All lived each for himself. I suppose this was superinduced by their starving condition; seeing the starving condition of some of them, I remarked to my student I cannot resuscitate them, the weather is chilling, it is a matter of impossibility; I found persons lying dead sometimes among the living; thinking they merely slept, I went to wake them up, but found they had taken their everlasting sleep; this was in the hospital; I judge it was about the same in the stockade; there being no dead-house, I erected a tent for that purpose, but I soon found that a blanket or quilt had been clipped off of the canvass, and as the material could not readily be supplied for repairs, the dead-house had to be abandoned; I don't think any more dead-houses were erected; the daily ration was less in September, October, November, and December, than it was from the 1st of January to the 26th of March; the men had not over twenty ounces of food for twenty-four hours.

Without concluding the examination, the Court, at five o'clock, adjourned till to-morrow morning at ten o'clock.

FRIDAY'S EVIDENCE

WASHINGTON, Aug. 25.—The court-room was crowded with spectators, including many ladies.

Captain Wirz was brought in at a few minutes to eleven o'clock.

The record of yesterday having been read at length, the examination of Dr. John C. Bates was resumed. Speaking of the Andersonville prison, he said the scurvy there was next to rottenness; some of the patients could not eat because there was no mastication; their teeth were loose; they frequently asked him to give them something to eat which would not cause pain; while Dr. Stevenson was medical director, he did not manifest much interest in the relief of their necessities; the rations were less than twenty ounces in twenty-four hours; he did not know but what a man would starve to death on it, especially if the food was of few articles and monotonous; sometimes the meat was good, and sometimes it was bad; in consequence of the paucity and unwholesomeness of the rations some of the men starved to death; the amputation and reamputation, owing to gangrenous wounds, were numerous; there was plenty of wood in the neighborhood, which might have been cut to answer all demands; there was on one occasion an altercation between Dr. James and Captain Wirz; on going into the hospital Dr. James learned that his chief clerk had been arrested and ordered to the buck and gag; the clerk was bucked, and was sent outside the gate; on inquiry Dr. James found that the clerk had neglected to report a man who was missing; Dr. James wrote a letter

speaking of Wirz's tyranny, and the clerk still continued to be punished.

A sketch in pencil, drawn by one of the inmates of the prison, was here exhibited to the witness, who said:—Here was Dr. Bates (No. 1) examining the beef; here is Dr. Bates (No. 2) giving meat bones to the cripples; it was his prerogative as officer of the day to supervise the cooking; when rations were to be issued he would frequently go to the place; sometimes twenty or a hundred would surround him imploring for bones; he was represented as distributing bones; that was of frequent occurrence; the sketch was accurate as far as it went; there ought to be twenty or forty figures in the space where one only appeared; the men sketched hobbled along on crutches; others crawled on the ground with tin cups in their mouths, because they could carry these articles in no other way; they wanted to mash up the bones to procure their contents for food.

Mr. Baker remarked that Dr. Bates looked much better on the witness stand than he did in the sketch.

The witness thanked the gentleman for the compliment.

The Judge-Advocate proposed to offer in evidence a morning report of the surgeon acting as officer of the day, and asked the witness to examine the handwriting.

Mr. Baker objected, saying the prisoner was charged with conspiracy and murder. If the defendant had conspired with other parties these must be before the Court. No Court could put in testimony in relation to other parties and try them in their absence. Whatever is put in must bear on the person before the Court. He asked whether the Court could try persons not before it. The evidence sought to be introduced was not strictly applicable to the defendant. There was nothing to connect Captain Wirz with this morning report, and with the surgeon in charge.

The Judge-Advocate supposed the gentleman was perfectly aware that parties to a conspiracy could be tried singly. To save time he would recommend to the counsel "Russell on Crime" and "Starkie on Evidence."

Mr. Baker replied that these authorities showed that where conspirators were to be tried the Court might, on application of counsel, elect to separate and try the parties separately, but in this case the alleged conspirators have never been before the Court to ask for a separation. They were not even in custody. They were at large. It was not known that they ever would be tried. In a civil Court he could ask that the charges be quashed.

The Court decided to admit the paper, which was read, as follows:—

First Division—C. S. M. P. Hospital, Sept. 5, 1864.—Sir:—As officer of the day for the past twenty-four hours I have inspected the hospital, and found it in as good condition as the nature of the circumstances will allow.

A 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 bakers, being made up without sifting is wholly unfit for the use of the sick, and often, as in the last twenty-four hours, upon examination, the inner portion is found to be perfectly raw. The meat and beef received by the patients does not amount to over two ounces a day, and for the last three or four days no flour has been issued. The corn bread cannot 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 half a pint of rice soup 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 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, &c, we have literally nothing except water in our wards. Some of them are filled with gangrene, 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—this 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 sufferings of the sick. I am sir, very respectfully, your obedient servant,

(Signed)

J. DREWS PELOT,

Ass't Surgeon O. A. C. S., and Officer of the Day.

To SURGEON E. D. ELLAND, in Charge First Division C. S. M. P. Hospital.

AFTERNOON SESSION.

The Court, at one o'clock, took a recess till two o'clock, when the direct testimony of Dr. Bates was concluded.

Cross-examined by Mr. Baker—Is a resident of Louisville, Jefferson county, Georgia, and was there when the war broke out; up to June, 1864, remained at home as a practicing physician, being in consequence of his profession, exempted from service in the Confederate army; he had had no sympathy or wish to go into it; he did not vote or do any thing else to bring on the war; he accounted himself a Union man; seeing that Governor Brown was resolved to bring all males between fourteen and sixty years into the State militia, he became a contract surgeon, to keep out of the State trenches; he took an oath to the confederacy; it was forced upon him at the point of the

bayonet, and being under duress at the time, he did not consider it was now binding upon him.

Requisitions were made on Dr. Clayton for hospital supplies, and not on Captain Wirz; never heard any blame attached to the prisoner about the badness of rations, nor his name mentioned in that connection; Captain Wirz had always treated the witness kindly, and he never saw him use any harsh means on anybody; the Confederate soldiers had several wells on the outside of the prison; the witness did not think they were supplied with water from the same source that the Union prisoners were, the latter drawing their supplies from the stream running through the prison; he judged the stream of itself was not unhealthy, but the lower part of it might have been from the drainage of the camps; Andersonville was merely a railroad station until the war commenced, when military shanties were put up. The witness was asked if he had any opinion that there was a conspiracy there to cause the death of Union prisoners.

The Judge-Advocate objected to the question. It might as well be asked whether the witness believed the prisoner guilty. It was of no consequence.

Mr. Baker replied that the question was of sufficient importance to cause an objection from the learned gentleman.

The Court decided not to sustain the objection.

The witness was then asked whether he knew of any persons who by their conduct conspired to murder or otherwise cause the death of Union prisoners? He replied he had never been so impressed. He had always objected to the insufficiency and character of the rations. The shortness of the allowance was owing to its having been furnished by the Southern Confederacy; further supplies could not be furnished except by going to the country, and none of the officers had the right to go foraging. The surgeons always did the best they could, and frequently complained to the surgeon-general about the insufficiency of means furnished.

By the Court—Supplies were received from the North from the Sanitary Commission, and he saw some of the prisoners wearing the clothes which had been furnished.

Dr. A. W. Barrows sworn—He testified that he had served as a physician to the twenty-seventh Massachusetts; was taken prisoner at Plymouth, and finally found his way to Andersonville, where he was paroled by Captain Wirz, and placed in charge of two wards of the hospital; he remained there six months, till the 9th of October, when he made his escape, since which time he had practiced medicine at home; when he went to Andersonville there were six or seven hundred patients lying on the ground; they were partially naked; some had broken limbs and gangrene, scurvy and chronic diarrhoea; nine-tenths of the patients were lying on the ground, while the others had insufficient shel-

ter; Captain Wirz would say, when a prisoner escaped or attempted to escape, that he would starve every — Yankee for such attempts; the prisoners were punished either in the stocks or the chain-gang; the stock consisted of a frame work six feet high, with boards shut together with room for a man's neck; men thus fastened could some of them stand on their feet, while others merely touched the ground with their toes; the chain-gang was sometimes composed of six men, and sometimes eighteen; they were handcuffed, and chains passed around their necks and legs, and to those chains a thirty-two pound ball was fastened; the gang would be held together one or two weeks, the meantime being exposed to the sun and rain which had the effect of weakening and reducing them; he had no doubt of the fact that some died in consequence; another kind of punishment was putting the feet in stocks the feet being elevated, and the other part of the body on the ground; the witness never got from Dr. White what he asked for, there always being some evasive answers; anti-scorbutics were much needed but not supplied he proposed, but the authorities refused to allow the witness to take men and cut timber which could have been procured ten rods distant. Hounds were kept near the hospital to get the trail of escaping prisoners, who when caught, were brought back and put in the stocks. The witness knew of a case where a man under such circumstances was mangled in the face by one of the dogs, but recovered. Another case came under his observation; it was in August or September, 1864, when a Union prisoner was wounded by one of the hounds; he died indirectly from the bite, but directly from the gangrene; he had seen Captain Wirz on horseback with hounds, but Turner seemed to have direct charge of the dogs; he had heard Wirz order Sergeant Smith to start the hounds, as somebody had got away; sores as large as his hand had resulted from vaccination; the matter used was poisonous, and many deaths and amputations resulted; the ration when he went there was small, two ounces of bacon, a small potato, corn bread, two and a half inches square; no coffee, tea, sugar and flour; sometimes there was a little rice soup, a gallon of rice in thirty gallons of water; in July they got a few vegetables, not a spoonful a day; the morals of the prisoners were corrupted by the cruel treatment; men would steal from each other something to eat, and would work among the filth even for potato parings or any thing else; a Union man in his ward was shot within the hospital by a Confederate soldier, and wounded in the thigh; the limb was amputated, and the man died next day when a raid was expected from General Kilpatrick the witness heard Captain Wirz give an order to fire upon the prisoners if they huddled together. There were from thirty-three to thirty-six thousand prisoners there at the time, and in the month of August, a

appeared from the official report, nearly three thousand died; on the removing of the prisoners from Andersonville one of them fell back, when the witness saw Captain Wirz knock the man down and stamp upon him; this was in September, 1864; Wirz had a revolver in his hand, but the witness did not know that Wirz used it to knock the prisoner down.

The Court, at quarter to four o'clock, adjourned till to-morrow.

SATURDAY'S TESTIMONY.

WASHINGTON, August 26.—The Wirz Commission assembled to-day.

After the reading of the record of yesterday, Mr. A. W. Burrows having heretofore been sworn, identified a certain paper offered as in the handwriting of Josiah H. White.

The Judge-Advocate accordingly moved to amend the first charge on which the prisoner is arraigned, by substituting the name of Josiah H. White for Joseph White, as one of the persons with whom the defendant is charged with conspiring to cause the death of Union prisoners.

Mr. Baker objected to the motion to supply the misnomer. He argued that the prisoner was arraigned on these charges by order of the President, and that until the original authority should supply the deficiency no further testimony could be received affecting Dr. White and the prisoner at the bar.

The Court overruled the objection, when the error in the christian name of Dr. White was corrected.

Mr. Baker said the name of John H. Winder also appeared as one of the alleged conspirators. The fact was notorious that Winder is dead, and therefore this Commission was sitting here trying a man not in existence. He moved to strike out the name.

The Judge-Advocate asked: Do you appear for Winder?

Mr. Baker—No.

The Court—Do you hold that Winder is on trial?

Mr. Baker replied—I hold that Winder, who is dead, cannot be tried for conspiracy.

The Judge-Advocate—We have not been informed that Winder is dead.

Mr. Baker—It is a notorious fact, of which the world has taken cognizance.

The Judge-Advocate said that Booth was dead when the other conspirators were tried, yet in that case the counsel for the defence made no objection to Booth's name in the charges.

Mr. Baker replied—A military commission could do many things not common for a civil court, but they could not try a dead man.

The Court overruled the motion to strike out the name of John H. Winder.

Dr. Burrows further testified that at Andersonville prisoners were arrested for buying green corn, which the guard took away from them. Corn is an anti-scorbutic in cases of scurvy, and is a useful diet. The slops from

the cook-houses were thrown into the stream which ran through the prison, the exhalations from which were horrible and very unhealthy. Besides, the sinks overflowed, owing to the rains, rendering the premises still more intolerable. Human bodies sometimes lay unburied for three days. The stench was terrible, sensibly affecting the atmosphere, and was worse than from any dissecting room. Complaints of these things were frequently made to headquarters; dead men were in the morning frequently found among the living. The largest number of deaths in the stockade for one day, in August, 1864, was two hundred and seven. The witness found Captain Wirz in charge of the prison when he went there, and left him there at the time he made his escape. Rations were cut off from the entire number of the thirty thousand prisoners for an entire day, owing to alleged offences of a few others. The witness remembered that Wirz said to him he (Wirz) was of more service to the Confederate Government than any poor rebels in front.

Cross-examined by Mr. Baker—Was a medical student at Amherst, Massachusetts, on the breaking out of the war, and had been licensed since he was mustered out, on the 7th of December last; the witness had never seen our men in the army wearing a ball and chain, nor had he seen them punished in any other way than by detention in the guard-house; he had seen men in our hospitals affected with syphilis, and none of the cases so bad as those at Andersonville; our cases were primary, while those in the rebel prison were secondary, as a general thing. The cross-questioning was further continued, to show that the rebel hospital was deficient of medical remedies.

The Court, at one o'clock, took a recess till two o'clock.

It is proper to say that Mr. Baker did not voluntarily appear as counsel for the defence, as has been stated, but entered upon the duties after consultation with Judge Hughes, who had just retired from the case.

On the reassembling of the Court the cross-examination of Dr. Burrows was resumed. Lying in dirt, and owing to insufficient medicines and diet, the chances of recovery were against those who had syphilis. The questions and answers were numerous on this point, involving the treatment of disease. Assistant Judge-Advocate Hosmer here said he did not see the relevancy of these questions. Mr. Baker replied, he had asked the witness with what disease the patient suffered, and how the diseases manifested themselves after the patients were sent to the hospital, and whether syphilis was owing to the vaccine matter used upon them; he was cross-examining the witness on this very point.

The Court—You don't give the witness an opportunity to answer. You frequently put words into his mouth.

Mr. Baker—I have a right to thus draw from him any information he has.

The Court—We are disposed to be very liberal, but you must not suppose at the same time that we will not take exception as to the manner of examining witnesses.

Mr. Baker—I will pursue the cross-examination in the proper way. If I do not the Court will excuse me.

The Court—The witness must answer in his own words.

Mr. Baker—I must pursue the course laid down in the books, or must stop.

The Court—Go on.

The cross-examination was further continued, when the Court interrupted the counsel by saying, here is another lecture altogether unbecoming and uncalled for.

Mr. Baker—I beg the Court's pardon.

The Court—You beg pardon? It is granted.

Mr. Baker—I hope you will not hold me strictly to the rule.

The Court—Say nothing more about that, but go on.

The cross-examination was resumed and finished.

The Court interrogated the witness, who said that the rebel force at Andersonville was between three and five thousand men; the fuel for them was cut by a large force of colored men; there were axes enough to supply our men for a like purpose. The witness gave as his honest opinion that if there had been proper food, clothing, quarters, and other necessary supplies, from seventy-five to eighty per cent. of the deaths might have been prevented. In the dispensary he had seen supplies which had come by the way of Richmond, such as dried beef, say two or three hundred pounds, and some Bologna sausages; he saw several boxes at the depot; nobody in his ward got any of the clothing; once or twice a little of the dried beef was brought in, but it did not afford each man in the ward half an ounce. The witness did not know who used the remainder of the beef and sausage.

Robert H. Kellogg, sworn—Said he was captured at Plymouth, and with about four hundred others, taken prisoner to Andersonville; this was on the 3d of May, 1864; the only other prisoners there at the time were those who had been brought from Belle Isle and Libby Prison, and other points; they were ragged and destitute of clothing; many were nearly naked, and totally unprovided with shelter, except tattered blankets; the men were mere skeletons; the prison appeared to be crowded, though thousands were brought there afterward; the men were in a filthy condition; there was a poor opportunity to keep clean; there was very little soap; the men would get smoked over the pine fire while cooking, and for want of soap could not remove the stain; plain water would not take it off; the nights were cool when he first went there, but as the season advanced the weather became intensely hot; there were twenty-one rainy days in the month of June; the prisoners were not supplied regularly or

sufficiently with fuel; sometimes a squad would be allowed to go out and bring in pine roots to make a fire; sometimes the rations furnished were raw, with no wood to cook them; the penalty of trespassing on the dead line was death; he remembered seeing a man who was shot for this cause by the sentinel; if any one crossed from the prison to the swamp he would be shot at; once he stepped to the brook to wash his hands, when the sentinel fired at him; the piece missed of its object, and he got out of the reach of danger.

Mr. Baker objected to a question asked by the Judge-Advocate, saying somebody was hurt, not killed, therefore somebody must be hung. The Court rebuked the counsel, saying such remarks were excessively improper, and there was a remedy to prevent their repetition. The objection of counsel was not sustained by the Court. The witness said he did not remember whether the man shot for drawing water out of the brook was killed that day or not; the quality as well as the quantity of the ration was irregular, some days they got nothing at all, some days short allowance, and on others the full quantity, such as it was; thirty-two out of the squad of ninety men to which he was attached were unable to stand when ordered to fall in line by the sergeant; their inability to do so, rose principally from scurvy and diarrhœa; their limbs were contracted, and therefore they could not keep their feet; the brook running through the prison was exceedingly filthy; the surface was covered with grease; he often went into it barefooted; nearly three hundred out of four hundred who accompanied him to Andersonville died a few days after they were paroled; the Twenty-fourth New York battery, captured at Plymouth, were nearly annihilated at this prison.

Commission adjourned till Monday

SECOND WEEK OF THE TRIAL—MONDAY'S PROCEEDINGS.

WASHINGTON, August 28, 1865.—The reason assigned by those who ought to know, for the withdrawal of the names of Robert E. Lee, and several others, from the charge of conspiracy with Wirz, is that these persons are actually or constructively in the custody of the United States, though not on trial.

It was seen from the time Mr. Baker entered as counsel for Captain Wirz, that he would not long enjoy amicable relations with the Commission; and on repeated occasions sharp words passed between them. To-day he with his associate Schade withdrew. This is the second time within a week that Wirz's counsel have deserted him.

Wirz was very much hurt at this, and imploringly said to Mr. Baker—"You might stay to help me, and you should not mind even if the Court does sometimes overrule you." In the absence of other counsel it now devolves

on Judge Advocate Chipman to see that he has fair play.

The cross-examination of Robert H. Kellogg was resumed by Mr. Baker. The witness said he entered the United States service on the 11th of March, 1862, and was discharged on the 1st of June, 1865.

Q. Were you at any other prison than Andersonville? A. I was at Charleston and Florence.

Q. Was the treatment at those places materially different from that at Andersonville.

Judge-Advocate Chipman objected.

Mr. Baker—I thought my question a little out of the way, but that no objection would be made.

The Judge-Advocate—This manner of cross-examination will not be tolerated. If the counsel persists, I ask for the enforcement of the rule that he reduce his questions to writing.

Mr. Baker—The intention of my question was to show that the treatment of prisoners was equally good as that at the other prisons.

Judge-Advocate—That is a part of your defence, but not proper in a cross-examination.

Mr. Baker—The indictment charges Captain Wirz with acting contrary to the laws and usages of war. This is the gist of the whole thing. No matter how destitute the prisoners were, or how they suffered, if we show nothing was done contrary to the laws and usages of war, then this man cannot be punished, as we think.

The Judge-Advocate—The question is improper. There is no evidence as to the treatment in other prisons.

The Court sustained the objection.

The cross-examination was resumed, and long continued, during which the witness said that unless men sent out to cut wood were strongly guarded they would overpower the guard, and would have been fools if they had not attempted to make their escape. The proper guard for a squad of twenty men would be an armed corporal and six men. He did not know, of his own knowledge, that Captain Wirz prevented men from going out to cut wood. He knew that the men dug one well with whatever they could get—such as half-canteens, and tin plates, and spoons. The water of the wells was fair; there was not room enough to dig all the wells which were needed; the space was required for the prisoners. He never saw Captain Wirz order or take away from the prisoners any thing which contributed to their health and comfort. He thought the police regulations might have been better. On one occasion Captain Wirz did him a kindness—he had been in the woods and had left his knife there, and Captain Wirz was the means of his recovering it. He did not himself know, from his own observation, of any wilful or inhuman act by Captain Wirz.

Thomas C. Aleock was sworn, and testified that he was captured and sent to Anderson-

ville prison in some part of December, 1864. On arriving there he was searched by Captain Wirz, the prisoner, whom he now recognized at the bar, who took from him his belt, containing one hundred and fifty dollars in gold, two hundred and eighty dollars in greenbacks, a jack-knife, a breast-pin, and gold ring, and his pocket-book; these were never returned to him. On one occasion a weak man asked Captain Wirz to let him go out for some fresh air; Wirz asked what he meant, and turned round, pulled a revolver out of his pocket, and shot him down; the man died two or three hours afterward; the witness spoke in condemnation of this act to Wirz, who said he would put him in the same place; the witness replied he was not afraid of it; Wirz then called a corporal and two guard, who put upon him a ball and chain; he gradually, by working at the ball and chain, freed himself of the weight, and then made his escape; the man that was shot was named Wright, and belonged to the eighth Missouri. The prisoners would sometimes get water from the stream or brook by attaching their vessels to the end of poles; while doing so they were often fired at with shell.

Cross-examined by Mr. Baker—Q. Where did you get the one hundred and fifty dollars in gold? A. I captured it in Jackson, Mississippi.

Mr. Baker—And Captain Wirz captured it from you. Had not he a right to do so?

The Witness—No. [Laughter.]

Mr. Baker—That is your opinion.

The witness, on being further interrogated, said he found the gold at the root of a tree in the woods; a negro showed him where the money was; he did not know to whom it belonged. The witness was a native of and lived in Ohio, when he joined a regiment from that State. The man to whom he had referred as having been killed by Captain Wirz, saluted the Captain in the usual way, and asked that he might go out of the crowd to get some fresh air; Captain Wirz asked abruptly what he meant; the man murmured, when Wirz said, in the "Dutch" language, "Look out!" the man was only a few paces from Captain Wirz, face to face, when Captain Wirz drew his pistol and shot the man, who died soon afterward from the effects of the wound; the witness remained at the prison two months after the man was shot.

Sergeant Boston Corbett testified that he was in the United States service; was captured at Centreville, Virginia, and conveyed to Andersonville, where he arrived in July. Before he and his companion entered the stockade, having remained some time, they were divided into detachments; he was exceedingly thirsty, and asked a man near Captain Wirz for a drink of water; the man was one of our own prisoners on his parole of honor for a different occupation, but could not give me the water. Another man was sick in the stockade, and asked the lieutenant of the squad whether he could not be sent to the

nospital; the officer informed him that nothing could be done till to-morrow, and that he must go into the stockade with the others. After he entered the stockade he found nine men of his company, who had been brought there three months previous; within two months six of these men died; of fourteen men who were taken to Andersonville when he was, only two returned alive; he was one of them. When he reached there he saw forts and guns; he noticed several men near the headquarters in chains with balls, exposed to the heat of the sun; he still bore the marks of the sun, by exposure, on his shoulders. He had seen the stocks, but did not remember seeing any person in them; the dead-line was a slight wooden structure three or four feet high, running twelve or fifteen feet from the stockade; the place where the stream entered the stockade was broken down; he had seen men shot and killed there. The prison was in a horrible condition of filth; the swamp on each side of the stream was so offensive, and the stench so great, that he wondered every man there did not die; he believed it was the cause of the death of many of our men; the maggots were a foot deep. The soldiers dug up roots; they were dried in the sun, and used for fuel. The sick lingered around the swamp as soldiers lie down to rest after a march; going to that locality he would find dead men; the feet of others were swollen; gangrenous sores were without bandages; the sores were filled with maggots and flies; the men were unable to move, lying in their filth; they generally chose that position, and would prefer being near the sink. In one case a man, he was certain, died from lice, which were as thick as the man's garments. The food was insufficient, even when double rations were served for calling the roll or attending the sick. When the witness was sick within the stockade, no medicine was given to him; they however gave him sour meat and water, and called it vinegar; our own men made a better article, which they called sour beer. The sick men were carried out at the south gate; in some cases men would die while waiting to be carried out. In regard to removing the dead, four men were assigned to that duty, and in return they were allowed to bring in wood, which if they chose they could sell inside for a dollar; the men became so hardened that they would say, "That's right, sell off a dead man for wood!" The water passing through the camp was filthy generally, and not good to drink; at times those who had wells gave him a drink; at times they would not, and were so rude that he would drink the stream-water rather than be abused. He had seen onions sold for twenty-five, fifty, and seventy-five cents each. The effect of this treatment was to demoralize the men; some became idiotic. The nearer the stockade the clearer was the water; some men would go over the dead line where it was broken without knowing it, and had they not been warned would have been shot. Hounds were kept there to

hunt and recapture those who attempted to escape. Prisoners were allowed to go out in certain numbers to collect wood; the witness told his comrades that the first time he got out of the stockade he would try and escape; he made the attempt, and was hunted, but not immediately found; he lay concealed an hour or two, and heard the yelping of hounds in the distance—then nearer and nearer; they came so close as actually to rub his nose, and then made a circle around him until the hunters came up; the hunter, or soldier, said the witness must go with him; the soldier said the old captain told him to make the dogs tear him, (the witness,) but having once been a prisoner himself, he felt for those who were in that condition; when witness was brought before Captain Wirz, the latter asked the soldier why he did not make the dogs tear him—when he replied, "I guess the dogs hurt him enough;" Wirz then ordered the witness to be taken back to the stockade.

The Court here took a recess until 2 o'clock. On re-assembling, the examination of witness was resumed, as follows:

The scurvy was the general disease; some of the men would be obliged to crawl, and others to walk on crutches. He thought that in September or October last, a large number of men, two or three hundred, were taken from the stockade to work outside on a building said to be designed for a hospital; if the same number of men had been employed in cutting wood, they might have built comfortable quarters; the men would have been glad of a chance to cut wood. The men being fed on insufficient food, and sorghum and molasses, they took sick, and died in front of the building; the number was large; they died in cords.

The Court—What do you mean by cords?

Witness—I mean that if they had been piled up like wood, they would have made several cords.

Cross-examined by Mr. Baker—The witness had seen maggots in the food, and had himself washed them off in the stream; maggots, too, were in sores, and in such a way not fit to describe; the swamp was filled with maggots, occasioned by the filth of the men who could not reach the sink. One night, while the men were being removed to another prison, one of them fell down; the witness heard Captain Wirz swearing; being night he could not see the blow, but yet knew of the occurrence.

The counsel, Mr. Baker, was several times interrupted by the Court, who objected to his mode of cross-examination; and he finally declined to continue the cross-examination.

L. D. Brown, captured at Plymouth and taken to Andersonville, testified that on or about the 15th of May, 1864, having written a letter to his parents, and being about to take it to the letter-box, he saw a cripple with one leg, who asked the sentinel to call Captain Wirz; the captain came; the man asked him to let him go out; the captain never answered, but turned to the sentinel and said:

"Shoot the one-legged Yankee devil!" the shot was fired, and a part of the man's head was blown off, and he died in a few minutes. The blood-hounds were taken round every morning, Captain Wirz riding with them on horseback, in company with the keeper; the witness had seen a man who had been lacerated by these dogs. When he went to Andersonville his watch and one hundred and seventy-five dollars in money were taken from him; and for one day the prisoners were deprived of food, until they had arrested about three hundred men, who from starvation had made a raid on the supply wagons.

Jacob B. Brown, a brother of the former witness, and late a prisoner at Andersonville, testified that on the 27th of July, 1864, he saw Wirz in the sentry-box; when a man came beyond the dead-line to get water, Wirz ordered that he be shot down—the sentinel fired and killed him, the bullet taking effect in the head. The witness mentioned another case, for a similar reason; the ball which was fired took effect in the man's breast; he did not see the man die, but had no doubt the wound was fatal. He had heard men threatened by Captain Wirz; the latter said that if the men did not fall into the ranks they would be shot down; the men accordingly hurried into the ranks. The witness stated cases where the prisoners were deprived of rations from the 1st to the 4th of July, 1864.

Mr. Baker declined to cross-examine the two witnesses last named, having taken offence at the Court. He said: "I desired that my relations should be amicable with the Court; but after what has taken place, I think I can be of no further assistance to the prisoner by remaining any longer. I had hoped the mass of testimony in my possession would have—"

The Court (interrupting)—Do you decline; what is your purpose?

Mr. Baker—I must state that we leave the prisoner to himself.

The Court—We don't desire to have you.

Judge-Advocate Chipman—I should like to know whether the counsel have abandoned the case?

The Court—We don't understand that Mr. Schade has abandoned the case.

Mr. Schade—I have tried to stay here as long as possible.

The Court—Do you abandon the case?

Mr. Schade—I follow the example of my colleague, believing we cannot do any thing more for our client.

The Court—Then you will take your seat. We understand distinctly that the counsel have abandoned the case.

Mr. Baker—We do not; but leave him in the hands of the Court and the Judge-Advocate.

The Court—Not another word from you. You are now a mere spectator.

Judge-Advocate Chipman—I will try to adapt myself to the interests of the prisoner.

The Court said—We will now adjourn if

the Judge-Advocate desires, to enable him to take such steps as he may think proper.

The Judge-Advocate assented, and at a few minutes to three o'clock the Court adjourned till to-morrow.

TUESDAY'S PROCEEDINGS.

WASHINGTON, Aug. 29.—The Military Commission reassembled this morning.

The prisoner, Wirz, was brought into the Court at half-past ten o'clock.

Judge-Advocate Chipman said he had a communication from the prisoner, which read as follows:—

OLD CAPITOL PRISON, WASHINGTON CITY, D. C., Aug. 29.—Col. N. P. Chipman, Judge-Advocate Military Commission:—I most respectfully ask the Commission, as I am here alone, to send for my counsel, Messrs. Schade and Baker, as I understand that, on my most fervent entreaties, they have consented again to appear for me. They understand my whole case, and know my witnesses and papers. Hoping that the Commission will grant my request, I sign myself, most respectfully,

Your obedient servant, H. WIRZ,
Late Captain, A. A. G., C. S. A.

Major-General Wallace said, if there was no objection the gentlemen would be sent for.

No objection being made, and the Commission being disposed to afford every proper means for defence, an orderly was despatched for Messrs. Baker and Schade.

The Court was then cleared for about three-quarters of an hour, and when the doors were opened, the record of yesterday was read.

Messrs. Baker and Schade again appeared in Court as counsel for Wirz.

The room was more crowded than heretofore with spectators, many women being in the crowd.

Dr. J. G. Roy was called, and being examined by Assistant Judge-Advocate Hosmer, testified that he was on duty at Andersonville; he was under the immediate charge of Dr. Stevenson; the hospital was in a deplorable condition, there not being a sufficient supply of tents and bunks; there were no comforts; he was told that there were between thirty and thirty-five thousand prisoners there; he did not find much difficulty in obtaining medicines, excepting a few rarer articles; the men presented the most horrible specimens of humanity he ever saw; a large number of them were affected with the worst forms of scurvy; he attributed the sickness to long confinement, exposure, and the absence of the comforts of life; there were maggots in the swamp near the hospital, the malaria from which had a most fatal effect upon the patients; the insects, or white ants with wings, were such as result from decayed animal and vegetable matter; they were so numerous that it was dangerous for a man to open his mouth at sundown. The witness heard that there was a dead-line, and one of his patients had been killed, but he did not

see him shot; he stated the circumstances under which the prisoner said he had command of him in the administration of his duties as surgeon, and all the surgeons came to the conclusion that Captain Wirz had full authority over the prison, under General Winder; he had seen the chief clerk of Dr. James bucked, and on inquiring the reason, was informed that the punishment was inflicted by order of Captain Wirz.

Cross-examined by Mr. Baker—The hospital fund about which he had testified, and with which delicacies for the sick were purchased, was in existence at Andersonville when he went there; during the month of February or March last five thousand dollars in Confederate money was drawn from the fund; at that time a one dollar greenback would purchase twenty of Confederate money; the witness was at Andersonville six months, and the bucking was the only instances of cruelty he had seen. The medical condition of the hospital was better after Dr. Clayton came there; Captain Wirz exercised no more influence over the former physicians than he did over Dr. Clayton.

The Court at one took a recess till two o'clock.

On reassembling, Dr. B. A. Vanderkief testified that he was on duty at Annapolis from May 26th, 1863, to May 28th, 1865; he attended to more than two thousand of the returned prisoners from Andersonville; they were suffering from chronic diarrhœa, scurvy, and other diseases; some were in a dying condition, and others had to be treated in the hospital before they acquired strength enough to be taken home; the disease from which death ensued more than from any other cause was chronic diarrhœa; this resulted from insufficient and improper food, and from exposure; very little attention was paid to their condition at Andersonville; he was shown a photograph of a living skeleton, and said he had seen many of the returned prisoners in a similar condition.

Cross-examined by Mr. Baker—He knew officially that the persons were from Andersonville; had seen men reduced to the condition as represented by the photograph. The witness was regularly educated in Germany as a physician.

Martin E. Hogan testified as to his having been a prisoner at Andersonville; the men were in a miserable condition, as bad as possibly could be; the men were so thick they could scarcely elbow their way; some lay in their own filth, calling for water and crying for food, but no attention was paid to them.

He also testified to other circumstances attending the prison, showing the miserable quality of the food and its injurious effects, such as half-baked corn bread, which was sour; the beef, when it was served, being of an inferior quality; men afflicted with scurvy would crawl upon the ground; the sight was horrible; very many were insufficiently clad, and having no shelter, burrowed in the

ground: As to hounds, he was brought back to prison through their agency. He had seen Wirz with hounds trying to strike the trail of an escaped prisoner. For attempting to escape from prison about the 8th of October, 1864, after the most obscene abuse from Captain Wirz, he was fastened by neck and feet, and remained there sixty-eight hours.

He heard Captain Wirz give orders that he should not have food, but he did obtain food from paroled comrades who stole it for him; he had seen three comrades put in the stocks at the same time; one man was put in the stocks because he asserted his manhood by resenting the abuse of a Confederate soldier; when the prisoners were being removed from Andersonville to Millen, the witness saw Captain Wirz take a man by the collar because he would not walk faster; the man was so worn by disease that he could not; throwing the man on his back he stamped upon him with his feet; he saw the man bleeding, and he died a short time afterward; in the dissecting room he saw students, in pursuit of knowledge, sawing open the skulls of deceased prisoners, and opening the bodies.

Cross-examined by Mr. Baker—When he escaped he took with him a knife to protect himself from harm, if necessary; it was a Confederate surgeon's knife which he had taken without leave; his companions who attempted to escape were provided with revolvers; five loads were fired at the party who first pursued, and who were sending the dogs after them; he was put in the stocks from personal revenge, because he had tried to escape; the paper he signed before he attempted to escape he did not consider a parole of honor; he did not know what he was signing.

Q. Do you believe that you could have passed out of the prison without signing that paper? A. If I had signed a parole of honor I should have respected it.

The cross-examination was further continued.

Joseph D. Keyser testified that he was in the United States service; was captured and sent to Andersonville; he arrived there with the first party of four hundred men; there was sufficient accommodations then, but as others were added affairs became bad, and men began to be afflicted with diarrhœa, dysentery, scurvy, and gangrene; they lay on the ground and were not protected from the weather; in April or May, 1864, supplies were received from the North, and some mouldy cake or bread was thrown over the dead-line; one man reached beyond the line for a piece of the bread, when the guard shot him through the head; witness saw another man after he had been shot in the abdomen; he had seen men in the chain-gang with iron collars around their necks; some of them were thus punished for attempting to escape; the prisoner (Wirz) was profane and overbearing towards our men on the slightest provocation; he had seen men bucked by Captain Wirz's orders;

witness had seen General Winder at the prison when a number of the prisoners rushed up to see him, and Winder told them to stand back, and gave orders to the guard to fire on those who approached the gate nearer than fifteen feet.

Witness was for a long time cross-examined by the defence. He had never seen Captain Wirz commit an assault on any individual prisoner, but he had heard the prisoner give orders to the guard, one of them to confine a prisoner in the stocks for attempting to escape. Wirz called him a ————. The man spoke back, when Wirz drew a revolver, and told him he would fix him. The man was sent to the stocks, where he remained twelve hours.

The Court at quarter past four, P. M., adjourned till Wednesday morning.

WEDNESDAY'S PROCEEDINGS.

WASHINGTON, Wednesday August 30.—The record of yesterday having been read, General Thomas, a member of the Commission, said he understood that the prisoner had been kept handcuffed at night, while in prison. The accused should be at liberty to prepare his business previous to attendance before the Court. He did not know who had charge of the accused, but as he was attended constantly by guards, he could see no necessity for continuing the rigid treatment. He made this suggestion with the view that the condition of the prisoner might be ameliorated.

Judge-Advocate Chipman stated that the rigor alluded to was adopted as a matter of precaution, at the suggestion of the counsel for the defence, who said that otherwise, the prisoner might commit suicide. This conversation occurred the same day the gentleman retired as his counsel. Acting on the suggestion of the counsel, and upon his own judgment, he asked the keeper to put the handcuffs on the prisoner. It was not done that night, because the sentry constantly attended him; but it was subsequently done. It was not unusual for persons, accused as the prisoner was, to be kept in close confinement and handcuffed. He was sure such treatment was well known to the prisoner himself. It seemed the Court should not dictate what treatment the prison-keeper should adopt. The Court was responsible for him only while he was here. He did not want to subject the prisoner to cruel treatment. He did not propose to apply the *lex talionis*. If the Court thought that no such treatment as that complained of should be continued, he felt satisfied that Colonel Colby would accommodate himself to their wishes. He repeated, the handcuffing was only a matter of precaution, for the reason stated. He was sorry to learn that the handcuffs, last night, injured the prisoner; but it was certainly unintentional, and could not have been known to Colonel Colby.

General Thomas would distinctly state that

the motion was brought to his attention by the counsel for the accused.

Mr. Baker said that on that day, the prisoner was so distracted in mind, that he himself (Mr. Baker) did not know what he would do. The prisoner threatened frequently to him, that if the counsel did not return, or deserted him, he would never again come into the presence of the Court. During the confusion and excitement of the prisoner's mind in speaking to the Judge-Advocate he made the remark that he did not know what the prisoner would do unless the counsel returned. He did not know but that the prisoner might be confined closely. From this the mistake arose. Last night, however, when there was no necessity for it, the prisoner was handcuffed. It was only intended for a temporary circumstance. If he had had more calmness at the time, he might perhaps not have made the suggestion. It was proper to say, the prisoner made no complaint of harsh treatment. From what he had seen of the guards in attendance, they had given the prisoner every attention demanded. There was no necessity hereafter to put him in any unnecessary confinement. He was rather sorry that his associate suggested anything of that kind. If it had come to his knowledge he would have let it pass. If the prisoner had not been in an unhealthy condition, no injury would have occurred to him by the treatment. No one, however, is to blame for it.

The Judge-Advocate — The Government must take its own course.

Mr. Baker presumed the placing of the prisoner in handcuffs would not again occur, in consequence of any statement of his own.

Alexander W. Peissons, being sworn, said that he had served as Lieutenant-Colonel of the fifty-fifth Georgia volunteers; he was on duty in Andersonville from some time in February, 1864, till the first of June, of the same year; he was first sent there to command troops, and afterward was assigned as post-commander; Captain Wirz came direct from Richmond, by order of General Winder, to command the prison; the latter, in his letter or order, said that Captain Wirz was an old prison officer, reliable, and therefore capable of conducting the prison; it was dated some time in February or March; the witness, as commander of the post, made a requisition upon the commander of the troops for soldiers to guard the prison; these soldiers thus passed under the control of Captain Wirz; the prison was laid out by W. S. Winder, son of General Winder, and its capacity was for ten thousand men; Richard Winder was the quartermaster of the prison; but the number there was from fifteen thousand to twenty thousand prisoners; the witness undertook to erect additional shelter; he was just about to do so by hauling timber, when he was relieved, and never went back, except as counsel for some of the men; the timber had then been cut down from within the prison; he had command at Andersonville in the earlier and better days;

the witness drew a bill of injunction to abate the prison nuisance, owing to the stench and effluvia, and unhealthy influence; the judge to whom he applied, said he would appoint a day to hear the argument in chambers, and the witness made his preparations accordingly; General Howell Cobb, who commanded the Department of Georgia, and the Georgia militia, sent him a communication, asking him whether the bill was to be charged to him or against the Government; he informed General Cobb he had drawn the bill, which was to be charged to himself; Cobb replied, through his adjutant-general, that he thought it inconsistent with his duty as a Confederate officer to take such legal proceedings; discovering that he would be court-martialed if he persevered, he said to General Cobb, "If you deem it unofficerlike, I will abandon the case;" he chose to do this rather than be driven from the case; this was in July or August, 1864.

Cross-examined by Mr. Baker—The capacity of the prison was for ten thousand men, and beyond that number no more ought to have been placed on the ground, even after the enlargement; Captain Wirz was not to blame for the size of the prison; one of the reasons for desiring to abate the prison as a nuisance, was the almost insufferable stench and filth, caused in part of the grave-yards; the green flies were as thick as locusts; the great blunder was on the part of the Confederate Government in sending so many prisoners there without proper preparations.

Q.—Do you think one or more individually were responsible? if so, who are they? A.—I think some of the high officials were responsible; I sent a communication to General Winder, saying the prison was worked beyond its capacity, but no attention was paid to the remonstrance; an order came from General Cooper, adjutant and inspector-general, addressed to General Winder, the purport of which was to organize a prison department; an officer was put in charge on the other side of the Mississippi, and General Winder was put in charge on this side; no officer had a right to interfere with him, and it was made the duty of the commanders of the adjoining posts to furnish troops for the prisons; General Winder had supreme control and dominion; I read the order, but do not recollect whether it was issued by direction of President Davis or not; it was, however, signed by General Cooper.

By Mr. Baker—There were not more than eight hundred or one thousand troops when I was there, and the greatest number of prisoners from eighteen thousand to twenty thousand.

By Judge-Advocate Chipman—The dead-line originated after Captain Wirz took command of the prison.

By Mr. Baker—It was called the dead-line, because if a prisoner went beyond it he would be shot, and there was no difference in principle between this and the imaginary line of a sentinel; the reason for the dead-line, was to

prevent prisoners from undermining and making their escape.

Benjamin F. Clark, who had been in the Confederate medical purveyor's office, was examined and cross-examined as to the supplies of medicines; they had to resort to indigenous preparations, while chemicals were obtained by blockade running or importations.

James Van Valkenburg, residing ten miles from Macon, Georgia, testified that the crops were more than an average in 1864; Macon is sixty-five miles from Andersonville, and Americus nine miles from the latter place; the provisions were more plentiful than in previous years, because no cotton was planted.

The Court, at one o'clock, took a recess till two.

On reassembling, Van Valkenburg was

Cross-examined by Mr. Baker—What he knew of the crops was derived from observation, and the Macon newspapers; he believed the supplies for the army plenty in Georgia the last two or three years; although in 1863 there was some failure in the crop; he could count five or six wheat mills on the route from Macon to Americus.

By the Court—The witness had seen large piles of government flour at Macon.

Sergeant Boston Corbett was recalled.

By the defence—He could not name any individual shot, but had seen prisoners shot every month he was in prison; desperadoes from among our own prisoners would knock down men for the slightest offence; the men would be taken to what is called, the "barber shop," and their hair shaved; when he first arrived at the depot he was told that six of the raiders or desperadoes, had been hung the day before by peaceable prisoners; men were thrown together promiscuously, and killed or maimed one another as they chose.

Q.—If Captain Wirz had been more careful to protect the innocent from the desperadoes, would he not have been obliged to be more strict in his discipline? A.—I never knew a man more atrocious than Captain Wirz.

The Court said to the witness that they did not want his opinion, but simply an answer.

The witness replied to the question that if the offender had been promptly punished and divided from the others, such scenes would not have occurred.

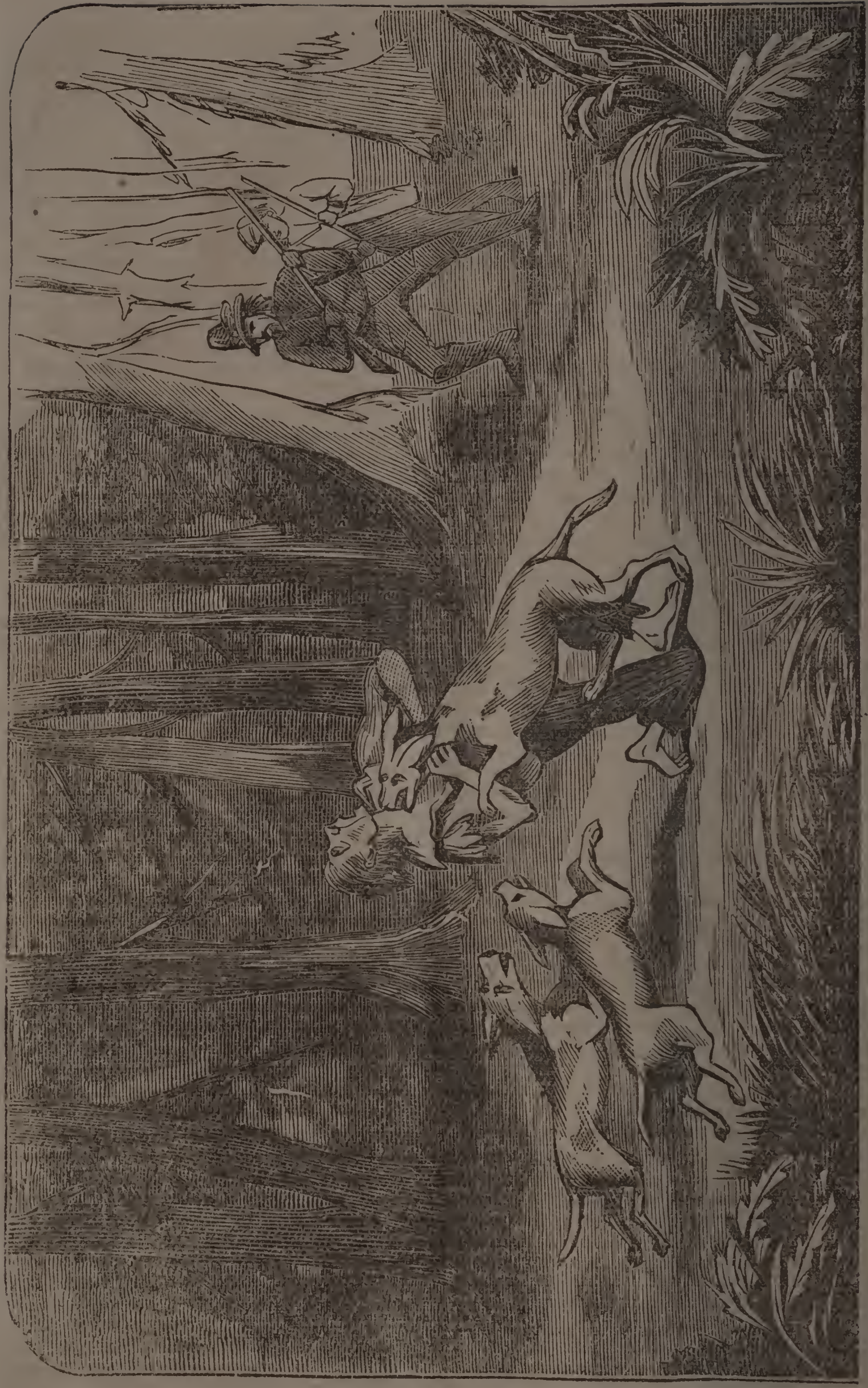
Q.—In order to protection, would Captain Wirz have been obliged to arrest them more frequently according to your ideas of discipline? A.—Yes, sir.

Q.—Then it would be necessary for him to be more strict? A.—Yes, in reference to the few; but kindness to the many.

Q.—You say that on one occasion when you lay concealed, one of the hounds rubbed against your nose; why did he not bite you? A.—The same power that kept the lions from tearing Daniel in pieces, is the same in whom I trust. (Laughter.)

Dr. Catlin testified: He was for two years in the Confederate army, and from May to September last, on service at Andersonville;





THE DEMON WIRZ'S BLOODHOUNDS TEARING A UNION PRISONER TO PIECES

he saw Captain Wirz, at the time the prisoners were being removed, seize a man who had fallen out of the ranks, and strike him once or twice; on another occasion, he saw a man bitten by dogs; the man was in a tree; he was ordered to come down, when the dogs seized him; Captain Wirz was there at the time.

Cross-examined—Did not know that Captain Wirz was to blame for the awful condition of the prison; did not know that Captain Wirz waded up to his knees in water to keep the dogs from biting the man; did not see the prisoner seize the dogs; the dogs were common foxhounds.

Andrew S. Spring, a prisoner at Andersonville, testified to the filthy condition of the place and the bad quality of the food, some of which was full of maggots; vegetables were not issued with the rations, and he succeeded in smuggling some in which he had procured from a Georgia regiment; he thought there was plenty of green corn in the neighborhood, there being a farm of seventy-five or one hundred acres; a strict order against trading was issued by Captain Wirz; peaches, he judged, were plentiful; the guard would seize peaches and vegetables which had been smuggled in, and take them to Captain Wirz's headquarters; the effect of the treatment, made idiots of some of the men and crippled others; one of the prisoners ventured to ask Captain Wirz to give him employment outside, that he might draw an additional ration; Captain Wirz replied: "you G—d— Yankee son of a b—h, if you don't go in, I'll starve every one of you to death;" this was a common mode of reply to prisoners; on another occasion, he said to a prisoner who had endeavored to escape: "if you ever do that again, I'll shoot you as sure as I'll go to hell—and I know I shall go there;" rations were furnished to the dogs from the bakery; he saw a man brought in by these dogs attended by Captain Wirz and Turner; he had some men working in the chain-gang, and one of them was so reduced that he was taken to the hospital, and died; witness had seen men in the stocks; about the 15th of May, he saw a man shot from a sentry-box; and Captain Wirz soon appeared, and drawing his revolver, swore he would kill every man who did not get away from the gate; another man who was asleep, rolled under the dead line, and was shot; he had seen one of our negro soldiers whipped fifty or seventy-five lashes for refusing to work, he being sick.

Cross-examined—There were about twenty negroes in the squads; I never saw Captain Wirz shoot anybody; Captain Wirz might have been attracted to the ground after the shooting to which he had referred; he did not think that Wirz remonstrated with the sentry for the shooting, and removed him; the men were put into the chain-gang because they had attempted to escape.

Q.—Did you ever see anybody shot who was not committing an offence against the regulations? A.—Yes; the man who was

asleep and rolled over the lines. In the course of the examination, the witness said the men of the fifty-fifth Georgia were good Union men, and friendly to our prisoners, allowing things to be smuggled in. They told him that every sentinel who shot a man received, as a reward, a furlough for thirty days. There are members of that Georgia regiment in Court who can verify this assertion. Six or eight times he had been to the storehouse, which was three hundred or four hundred feet long, and always found it filled with supplies, two-thirds of which, he supposed, was corn-meal; there were at the time, about thirty-two thousand prisoners, and from five hundred to two thousand Confederate troops there.

The Court, at four o'clock, adjourned until Friday morning.

LETTER FROM WIRZ.

[From the New York News, August 30.]

OLD CAPITOL PRISON,
WASHINGTON CITY, D. C. Aug. 27, 1865. }

TO THE EDITOR OF THE NEW YORK NEWS:

Although a perfect stranger to you, I take, in my unfortunate and helpless condition, the liberty to address you this letter, knowing that as a friend to the downtrodden South, you cannot but have some sympathy for a man who, as he believes, is innocently about to be sacrificed—a sympathy which I hope will prompt you to interest yourself in his behalf.

I am a native of Switzerland, and, having been for years before the war a resident of Louisiana, could not do otherwise than take up arms to defend the State and country of my adoption when it was invaded. I joined the Confederate army in 1861, and served faithfully the cause I considered to be a right-ful one. In 1862 the United States troops destroyed my home, and my wife and three children had to seek shelter among friends. I lost all I possessed but a few negroes, who still remained faithful. In 1864 I was ordered to report to the officer of the military prison at Andersonville, Georgia. By this officer I was put in command of the prison, and remained in that position from April, 1864, until 1865. When the South ceased the struggle I was still in Andersonville with my family, believing myself fully protected by the terms of the agreement between Gens. Sherman and Johnston, and never dreaming that I, a poor captain and subaltern officer, would be made to answer with my life for what is now alleged to have been done at Andersonville. I was, in violation of a safe conduct which was given me by a staff officer of Gen. Wilson, arrested in Macon, Georgia; was kept there in confinement for two weeks, and then sent on to Washington, and am now, by order of the President of the United States, brought before a Court to be tried under the most atrocious charges. I have no friends here. I am helpless; and unless I can get help, will have to loose the last thing which I possess in this world—my

good name and my life. My conscience is clear. I have never dealt cruelly with a prisoner under my charge. If they suffered for want of shelter, food, clothing and necessaries, I could not help it—having no control over these things—things which the Confederate Government could give only in very limited quantity, even to our own men, as everybody knows who will be just and impartial. My legal advisers, (Messrs. Schade and Baker,) seeing my helplessness, have undertaken to conduct my defence. They are both doing it from generosity and compassion, knowing full well that I have not the means to remunerate them for their trouble. But I cannot expect them to furnish the means which it absolutely requires in the conducting of a cause of such importance. Copies of depositions have to be made, messengers have to be sent here and there to get up testimony; and how can this be done without money? I have none to give; and, no doubt, my case will be lost—my life sacrificed—for the want of the money to defray the expenses of such a trial. But my counsel believe, from the evidence already in their possession, that if the necessary means can be obtained, my acquittal must be the result. On this condition I take the liberty to appeal to you to assist me; and let me not be the victim of injustice. Your influence is such that it will not require very great efforts to collect the necessary means for a vigorous carrying on of the defence. I am, myself, without clothes, without any means to alleviate the hardships of a close confinement. My health is bad, and the prison fare is not calculated to benefit a sick, or at least a suffering man. Still, these things I have borne without murmuring, and hope, with the help of God, to bear yet for a while longer.

Hoping that this petition will receive a favorable reception on your part, and assuring you again that nothing but the direst necessity could induce me to address you, I remain, sir, with the greatest respect, your obedient servant,

H. WIRZ.

Late Capt. and A. A. G., C. S. A.

FRIDAY'S PROCEEDINGS.

WASHINGTON, September, 1.—The Wirz trial was resumed this morning.

Nazareth Allen testified that he was for a time in the Confederate service at Andersonville, and was a guard there attached to the third Georgia reserves; he knew that Captain Wirz was commander of the prison; he had seen men in the stocks and in the chain-gang; one man died in the stocks; he was thus punished for trying to escape; on one occasion a prisoner stepped out of the ranks to ask Captain Wirz to transfer him to another mess, when Wirz immediately ordered him back, cursing and threatening to shoot him. The witness testified at length to the filthy condition of the prison. He and others made complaints to their officers

on the subject; a man who was sick, lying on the ground, calling in his distress on his mother, asked the witness for tent materials, but he could not give the articles, as was against orders; the prisoners were deprived of vegetables, including onions which they had purchased at the gate; he knew that hounds were kept at the prison to scent those who had escaped.

Cross-examined by the defence—Witness was conscripted into the Confederate service; he had never seen any of the prisoners shot; nor did he shoot any of them; he never had orders to shoot prisoners who crossed the "dead-line." The hounds were common plantation dogs, and not particularly ugly or savage; he had never seen a man bitten by them.

Captain J. Heath, who had been on duty in the Andersonville prison, in the Confederate service, testified that in August, 1864, Wirz sent thirteen men to him to be ironed; they were brought by a provost-marshal attached to General Winder's headquarters; the next day twelve of the men were ironed; one of them had got away, when the hounds were put upon his scent; the man was discovered up a tree, and a pistol was fired at him; Wirz commanded him to come down; the man asked that the dogs might not be permitted to bite him; the dogs, however, attacked him when he descended, biting his legs; Wirz could have taken the prisoner but did not call the hounds off; he recollects of a sick man being put in the chain-gang; he did not know whether the man died or not; he did not like to tell what ailed the man, there being ladies in the court-room.

Judge-Advocate Chipman said the witness could modestly tell what ailed the man.

The witness then said the man had typhoid diarrhoea, and those with whom he was chained said they "would be damned if they would be fastened to such a man;" they had to travel at the same time to the same place for the same purpose, namely, to the sink; the witness had seen the prisoner knock down two or three persons; once, when the movements of the prisoners commenced, because one of them tried to get out in a squad which he did not belong,

The witness was cross-examined at some length by defence, saying, among other things that before the stockade was extended he heard Captain Wirz say if any more prisoners were sent thither there would not be room enough for them.

The Court took a recess from one till two o'clock.

When the Court reassembled, General Thomas, a member of the Court, called attention to an article which appeared in yesterday's *Evening Star*, in reference to the loss of records, and said he wanted the prisoner tried fairly, and therefore asked whether it was true that the records had been lost or stolen.

Colonel Chipman replied that the hospital

records and the register of deaths, with one exception, were in charge of the clerk of the Commission. He did not know on what the article in the *Star* was based. The Government intended to produce the records at the proper time.

Mr. Baker said he knew nothing about them.

Colonel Chipman remarked that the allegation in the *Star* was so indefinite, that it was impossible to tell whether the papers alluded to have ever been in the possession of the Government or not. He repeated, the hospital and death registers were not stolen, and would be introduced at the proper time.

Mr. Baker knew nothing about the statements in the newspapers. He had read them. So far as the counsel for the prisoner was concerned they would be happy to have produced all records bearing upon the Andersonville prison. He asked that all the prisoner ever did be laid before the Court.

Colonel Chipman said the article could not relate to the papers in his custody.

Mr. Baker asked, if not inconsistent with the Judge-Advocate's duty, that the records should be placed where the counsel for the defence could have access to them.

After some argument Colonel Chipman said, it is not now consistent with my duty to produce the papers.

Mr. Baker—We made the request civilly for information. We need all the papers very much.

William Dilliard, late in the service of the Confederate army at Andersonville, testified to the filthy state of the prison, and the miserable condition of the prisoners, owing to the want of the necessaries of life, and from other causes. He gave facts in connection with men in the chain-gang, or hunted by hounds.

Captain Honeycuth, who was also in the rebel service at Andersonville, said he saw Captain Wirz draw his pistol and threaten to shoot a man who was sick for not starting up in line; prisoners attempting to escape were hunted by hounds; he saw one who was torn in the leg by them; another man was whipped on the bare back with a stick, because he blacked his face and attempted to escape with a gang of negroes.

James Mahan, who was also in the Confederate army, and on duty at Andersonville, testified that he and the assistant provost-marshal took thirteen men to the blacksmith shop to have iron collars and chains fastened on them; he received his verbal orders from Captain Wirz, through an orderly sergeant; one of the men called "Frenchy," however, made his escape; Captain Wirz said, when he heard of it "That d—d Frenchy has escaped again," and he sent for the dogs, which got on the trail of the man, who was captured near the stream; Wirz got off his horse and went alongside of the dogs; the witness judged that it was Wirz who fired the pistol at the man; the man's trowsers were

torn by the dogs; he did not know whether the flesh was injured; witness had heard Wirz remark that he wished all the prisoners were in hell, and himself with them.

The witnesses above-named were cross-examined at length. The last one said it was a laborious and vexatious task to take care of the prisoners, and he didn't think that any one would be ambitious to have the situation.

Judge Daniel Hall, of Georgia, residing ten miles from Andersonville, testified: He frequently visited the vicinity of the prison in December, 1864; the place was so crowded that there really seemed to be no room for more; over Captain Wirz's office was a sign bearing these words: "Commandant of the Interior Prison;" while there he saw him draw requisitions for rations; the act of the Confederate Congress required one tenth of the farm products to be delivered to the government and paid in as tax; the act was generally complied with; the supplies were gathered at Oglethorp, which is ten miles from Andersonville.

Mr. Decker, in the cross-examination, asked the witness if he knew how the prison became so crowded. The witness replied that he only knew from what General Winder told him, viz: That the prison was built for ten thousand only, but that the rush of additional prisoners from Libby, Belle Island, and other points nearer Richmond, in consequence of Dahlgren and Kilpatrick's raid, overcrowded the prison. General Winder was proceeding to enlarge the prison, but he found he could not procure sufficient timber and labor. The general informed him that he had impressed all the saw-mills he could, and was unable to furnish all the prisoners with shelter. The witness was asked by General Winder to contract for two houses at Oglethorp, in which to place some of the sick from Andersonville, but he could not succeed in renting the premises.

At four o'clock the Court adjourned until to-day.

SATURDAY'S PROCEEDINGS.

WASHINGTON, September 3.—The trial of Wirz was resumed yesterday.

O. S. Belcher testified that he had served in the sixteenth Illinois cavalry, and was a prisoner at Andersonville from the 6th of March until September, 1864; he thought that Captain Wirz assumed command about the 1st of April; on one occasion Wirz came into the stockade, when a crippled man, walking on crutches, approached him and asked to go outside; the request was refused, and the cripple said he would rather be shot than stay there; the witness soon heard Wirz halloo to the sentinel, and told the man if he did not go back he would shoot him; the man did not return, when the sentinel fired, and shot him in the jaw; the cripple was known by the name of "Chickamauga;" Wirz afterward

threatened to shoot the other men if they did not go away.

On another occasion, while the prisoners were being divided into squads of nineties and hundreds, one of the men, owing to sickness, did not fall in, and Wirz threatened to shoot and did shoot him; the ball went through the man's hat; prisoners were kept in the sun all day, and were not allowed to procure water; if the guard could not give a satisfactory account of one of their missing numbers, they were deprived of their rations; this was the case for three days early in July; there was not sufficient room in the prison, scarcely enough for men to stand upon; the limits were enlarged on the north side; there were forty-two thousand prisoners there at one time; he had heard Wirz say he was killing more Yankees than those who were serving at the front, and had seen twenty-five or thirty men shot over the dead-line, and others fired into who were not over the dead-line.

Cross-examined by the defence—Q. Were there not desperadoes there, men who would steal and commit other offenses, and was not the cripple to whom you referred one of them? A. There were troublesome characters there, but I don't know whether that man belonged to them; I don't think that a cripple on a crutch was a good man to steal. (Laughter.)

During a further examination the witness spoke of a man at whom the sentinel fired.

Q. Did you see the ball hit him. A. A man must have very good eyes to see the ball when it strikes a man. (Laughter.) The witness gave various instances of men being shot; one was shot while in his tent, and for merely stretching his arm over the dead-line, and another was shot for treading over the line; he had heard Captain Wirz order the sentinel to shoot the cripple; some of those shot at were killed, and others were taken to the hospital.

James H. Davidson testified that he was a member of the fourth Iowa cavalry, and taken as a prisoner to Andersonville on the 8th of March. He described the filthy condition of the prison and the great mortality among the prisoners; for a week he drove the dead wagon; sometimes twenty-five men were thrown into it like wood; on the return he would bring wood or rations in the same cart; he had seen rebels with blankets, shoes, and shirts on, sent thither by the Sanitary Commission for the use of our men; Captain Wirz, he knew, made a breakfast on some of the crackers, cheese, and dried beef sent there for our prisoners; he had seen four or five hundred boxes at the depot with supplies; they were marked U. S.; it was a common thing for men to be put in the chain-gang; a man died in the chain-gang with an iron collar around his neck; he had seen the hounds; there were two kinds, catch dogs and bull terriers; one of the dogs badly tore the flesh from a man's legs; while another man was hanging up his clothes which he had washed, to dry, one of the pieces blew over the dead-

line; he stepped beyond the line to get the piece, when he was fired upon and shot in the breast; another man had reached beyond the dead-line for some crumbs of bread when he was shot in the head; Wirz shot a man a short time after he assumed command of the prison; the latter was sick, lying on the ground, and asked Wirz something, when Wirz shot him; Wirz remarked that he was killing more — Yankees there than Lee was at Richmond; this was said in August; Wirz was at the time with the witness in the grave-yard, in the wagon with the dead men; the witness had seen men starved to death; food was so scarce at one time that some of the men picked up particles of food that had already passed through the system.

On cross-examination by the defence the witness said the grave-yard comprised twenty-five or thirty acres, and when he left Andersonville, on the 11th of September last, it was about two thirds full.

The Court, at one, took a recess until two o'clock.

On reassembling, the cross-examination of Davidson was renewed. He had never seen Captain Wirz shoot more than one man. The grave-diggers were Union soldiers.

By the Court—The dead were buried about two feet and a half deep; some were buried with and some without clothing; he had never seen any of the dead stripped before they were buried; men were buried in trenches, on one occasion, one hundred and fifty bodies in a single trench.

Captain J. H. Wright and Colonel Fanning, formerly in the rebel service, testified as to the signatures of General Winder and Captain Wirz to a consolidated return for August last, which was exhibited to them.

Major Hosmer, Associate Judge-Advocate, was sworn, and testified that he obtained the paper from the chief having custody of rebel papers at the War Department. The paper was read in evidence, as follows:

“Consolidated Return for Confederate States Military Prison, Camp Sumter, Andersonville, Georgia, for the month of August, 1864:

Prisoners on hand on last of August, 1864, In camp, twenty-nine thousand nine hundred and eighty-five; in hospital, one thousand six hundred and ninety-three; total, thirty-one thousand six hundred and seventy-eight. Received from various places during August, three thousand and seventy-eight; recaptured, four; total, three thousand and eighty-two; making in the aggregate thirty-four thousand seven hundred and sixty. Died during the month of August, two thousand nine hundred and ninety-three; sent to other prisons, twenty-three; exchanged, twenty-one; escaped, thirty; making three thousand and sixty-one, of all of which there are, on the thirty-first of August, in camp, twenty-nine thousand four hundred and seventy-three; in hospital, two thousand two hundred and twenty; total, thirty-one thousand six hundred and ninety-three.

"The same complaint has to be made against the carelessness and inefficiency of the guard. Of the thirty prisoners, eleven escaped while on parole of honor not to escape as long as they would be employed to work outside. The balance of the nineteen escaped, some in bribing the sentinels with greenbacks, some simply walking off from the guard while returning from the place where the tools are deposited at night that are used on the stockade in the daytime; perhaps twenty-five more escaped during the month, but were taken up by the dogs before the daily return was made out, and for that reason they are not on the list of escaped nor recaptured. That only four were recaptured is owing to the fact that the guard nor the officers of the guard reported a man escaped. The roll-call in the morning showed a man missing, but it was too far gone to be tracked. As we have no general court-martial here, all such offences go unpunished, or nearly so. The worthlessness of the guard force is on the increase day by day.

H. WIRZ,

"Captain Commanding Prison."

The indorsement on the paper is, "Respectfully forwarded to General S. Cooper, Adjutant, and Inspector-General.

"JOHN H. WINDER, Brigadier-General.

"September 5, 1864."

Thomas Hall testified that he belonged to the marine corps, and was a prisoner at Andersonville; he had charge of a squad of ninety prisoners, but only one out of the entire number survived; they gave him another squad from the new stock; men died off rapidly; a good many sunk from exhaustion and starvation, and could not get up: Wirz threatened that if they did not rise he would blow the brains out of the ——— Yankees: Wirz threatened to fire grape and canister into them; he had seen a man's leg that had almost been torn off by one of the hounds; men were vaccinated in their arms, and soon thereafter sores appeared twice as large as a silver half dollar, and filled with maggots; he heard a sentinel remark, after shooting a man, "I'll have a furlough of thirty days for that, and if I thought I could get a furlough for sixty days I would shoot another."

Dr. William Batzer testified that he acted in the United States army as assistant surgeon; when at Jacksonville he attended a number of the cases from Andersonville, and described the horrible condition of the sufferers; the larger portion of them were mere skeletons; of three thousand three hundred of the released prisoners whom he saw at the place there were not two hundred who did not require medical treatment; that one half of those who survive will never be fit to resume their former occupations; some of those affected with the scurvy were idiotic, and bones had to be removed from the jaws and other parts of the body of the sufferers.

James Clancy, of the twenty-eighth New York, a prisoner at Andersonville, testified to

the shooting of men for crossing the dead-line, and to other facts previously established.

Oliver B. Fairbanks, of the Ninth New York cavalry, testified that he was a prisoner at Libby, and afterward taken to Andersonville; the treatment at Libby was better in every respect than it was at Andersonville. He was examined on other points corroborating previous descriptions of the prison and its inmates. He said that Captain Wirz generally saluted the men with, "you — Yankee sons of bitches;" the step-father of the witness was in the prison, affected with scurvy; was lying on the ground; could not straighten his arms; Wirz, approaching him, said, "You — Yankee son of a bitch, I won't give you any thing to eat," and stopped his rations for twenty-four hours; Wirz kicked his step-father, causing him great pain; the father of the witness died in prison about a month after the occurrence; this step-father made a statement to him about ten minutes before he died; the witness placed his hand on the paper and wrote what was now presented to the Court, as follows:

"CAMP SUMTER, ANDERSONVILLE, GEORGIA, August 27th, 1864.—Oliver:—I die from sheer starvation, and don't for the world tell your mother of the awful condition which I am compelled to die in.

(Signed,)

RICHARD FAIRCLOUGH.

The witness further testified that he refused to be vaccinated, when Captain Wirz cursed him and punished him by putting him in the chain-gang; in order to be released from the punishment he consented to be vaccinated, but when the vaccination was performed he washed the matter out with soap and water, and thus escaped poisoning. He told others what he had done, and they washed out the poison in the same way.

The Court adjourned till Tuesday.

THIRD WEEK OF THE TRIAL—TUESDAY'S PROCEEDINGS.

WASHINGTON September 5.—The Wirz trial was resumed from Saturday.

J. Nelson Clarke testified that he was taken as a prisoner to Andersonville about the 28th of May, 1864, and confirmed the previous evidence as to the crowded and filthy condition of the stockade, the sufferings of the prisoners, the course, dirty, and insufficient amount of rations, &c. In August of the last year he counted one hundred and eighty-four dead men in the stockade.

The witness mentioned the case of an insane soldier, who wandered up and down by the stream, refusing to wear clothes, and who had not sense enough to know that he must cook his rations, and who ended his life by suicide. Another prisoner destroyed himself by hanging, having previously declared that he would rather die than remain in the stockade. Forty-one men in witness' company when captured were taken to Anderson-

ville; twenty-two of them died, principally at that prison; he saw six men shot at different times, two of them he knew died; one of them extended his arm too far out over the dead-line while dipping water out of the stream, when the sentinel fired; another of the prisoners happened to get slightly beyond the dead-line; the sentinel fired, but instead of hitting him struck a man who was lying in a tent. The witness mentioned the circumstances attending the shooting of the other four prisoners; they crossed the dead-line; he did not, however see or hear Captain Wirz give the order for shooting.

Vincent Forné, of the seventy-second New York, who was a prisoner at Andersonville, having been conveyed there on the first of March, 1864, testified that while at Captain Wirz's headquarters he heard Wirz give orders to have men put in the chain-gang, and to have irons placed round their feet, and also to the guard to shoot the first man who should cross the dead-line; Wirz threatened to shoot any man who would not promptly fall into line. The witness testified he had seen the marks on the bodies of men bitten by the dogs, and described the pitiable condition of one hundred and fifty men who had been vaccinated with a poisonous matter.

On the cross-examination by the defence the witnesses said some of the men in the chain gang had previously attempted to escape.

Edward P. Kellogg, one-hundred-and-twenty-ninth New York cavalry, testified that he saw four men shot for crossing the dead-line, and such shooting was quite a common occurrence; the witness was bucked for six hours because he had failed to report a man who had escaped, and another prisoner was bucked at the same time; bucking consists in tying the wrists together, and then fastening the arms over the knees.

Cross-examined by the defence—He never saw a man bucked in the United States army, although he had heard such things had been done; the reason why he was bucked was he did not comply with the rule for reporting those who attempted to escape.

Joseph R. Achuff, twenty-fourth Ohio regiment, a prisoner at Andersonville, testified that having gone out with a rebel guard, he jumped on the rebel's back, while the two prisoners who accompanied him took away his gun; hearing the dogs in chase, he and his two companions scattered. The witness ran into a swamp and soon saw five hounds, and seven rebels on horseback; the hounds were not taken off of him for fifteen minutes, during which time he had to fight them with his fists; he had nothing upon him but a pair of pantaloons, made of two rebel mail sacks; he still carried the marks of the biting on his legs; the horn was blown as a signal to tear the hounds off; he was taken before Captain Wirz, who ordered him to be put in the stocks; he was exposed to the sun, though they pretended to give him shade; he was

thus punished for thirty-six hours, and during that time had only two drinks out of the muddy creek; when he spoke to Wirz about this treatment, he was told to "dry up, or he would have his brains blown out;" the witness, after being taken out of the stocks, was ironed, the rings passing around his ancles, and the legs separated by an iron bar eighteen inches long; the legs of the witness were sore and scurvy fell into them; he was kept thirty-two days in irons by order of Captain Wirz; it was pretended that the irons were removed by direction of a rebel surgeon; the fact was, they were afraid of Sherman, and had a white flag hanging out all the time; this was in July, and when a squad of Sherman's men were brought in, they were stripped of every thing except pants and shirt; even their buttons were split open, Wirz saying he had heard of money sometimes being stowed away in buttons; the men were sent into the stockade, and Wirz said they were raiders, and ought to be hung; they belonged to Stoneman's cavalry; Wirz struck a Michigan boy over the head with his revolver, the result of which was that the boy died of fits; the witness said he saw the man called Chickamauga killed; the men had nick-named him "mutton-head;" he belonged to Illinois, and was silly, and had lost a leg; the boys having plagued him, he applied to Wirz to go on parole; Wirz cursed him and threatened to blow his brains out; the man was at the time inside of the dead-line; Wirz ordered the guard to blow his brains out; the guard fired, the shot striking the man in the left side; the victim was carried out and died.

The witness saw Wirz lay out the dead-line in April, 1864, and heard him give orders at that time if any man crossed the line to shoot him; the first night he went into the stockade, on the 20th of March, 1864, he saw Wirz kicking a poor skeleton around there, and heard Wirz cursing him; he named four officers who also witnessed the same cruel occurrence; the squad of ninety men to which the witness was attached, being in tolerably good physical condition, could stand up in line pretty well, but others could not; Wirz said he would not give the latter any thing to eat for forty-eight hours, and kept his word; on the 3d, 4th and 5th of July rations were cut off throughout the whole stockade, because some one had escaped; the number of prisoners there at the time was thirty five thousand; on the 15th of July there was a great crowd at the gate; men trying to get out with the sick; only one could pass out at a time; there were at that place two guards between the dead-line and the stockade; Captain Wirz gave orders if any one stepped over the dead-line to blow him through; the guard said he could not keep the crowd from encroaching upon the line; the sentinel at the time had the muzzle of his gun at the stomach of a fine-looking Pennsylvanian, when he was ordered to fire, and shot the man dead; whenever a man was wounded and carried to the hospital, he would

never come back; George White, of German-town, Pennsylvania, belonging to the marine corps, after being wounded, was carried off to the hospital; the young man requested him to tell his mother he was not afraid to die; subsequently he saw White's dead body at what was called the dead-house, where Wirz was in company with two guards; witness asked him whether he could not take a lock of his hair? "No." said Wirz, "If you do I'll blow your—brains out;" about one hundred and fifty of our prisoners were down the creek bathing; a woman on an eminence was seen to nod and wave her handkerchief to a sentinel, who fired and shot one of them in the head; the sentinel for this obtained a furlough for thirty days; so he had been informed by a Georgia soldier.

The witness described the character and suffering of the prisoners. He applied to Wirz to have the filthy grease stopped from being thrown into the stream, as the water was thus injured. Wirz replied that the water was good enough for Yankees, and that the witness did not deserve such.

AFTERNOON SESSION.

After the recess, Achuff was cross-examined by the defence. The witness was in the stockade six months, but was never in the hospital. As to the guard whom he and his two companions overpowered, and whose gun they took away, they did not hurt him, but only choked him a little. The guard ran back to the prison crying murder; he never heard or saw a soldier in our own army placed in irons. A half dozen other persons accompanied Captain Wirz when the dead-line was laid out.

The witness did not hear Wirz give orders for taking watches and other valuables from our prisoners, but saw him himself searching the men and appropriating their possessions; the prisoners were stripped of clothing jackets, boots and hats in the presence of Captain Wirz; he had previously been robbed by General Wheeler of his pocket-book, containing thirty-five cents and three postage stamps; Major-General Hindman also robbed him, taking off his hat and placing it upon his own head.

Daniel W. Bassenger testified when he and his companions were conveyed to Andersonville they were during four hours exposed to the burning sun; some of the men were sun-struck, and Wirz, who was there, gave orders that if any stepped out of the line they should be shot; Wirz also said if any asked for water they should be shot, accompanying the remark with a denunciation of the—Yankees; while men lay fainting, Wirz said if it was in his power he would make the victory complete; he saw a man shot early in July for getting water, although he was not over the dead-line, and another man was shot while lying in his tent; the rations of some sick men were stopped, and the witness shared his

rations with them; three of them died namely, Hugh Lynch, William Riger, and William Waterhouse, of the third Pennsylvania cavalry; the distress among the men was great; he had seen prisoners searching in the filth which had passed through men for the undigested particles of food, and for scraps from the jailor's camp; he had seen vegetables, such as potatoes, onions, peas, and also apples, peaches and melons, in the vicinity of the camp; two men were buried inside the stockade; the body of one of them, which had laid four days, was too much putrified to be taken out.

Thornton B. Turrell, seventy-second Ohio regiment, testified that he was taken to Andersonville on the 19th of June; Wirz threatened the men, using vile language and calling the men—Yankees; a man who showed Captain Wirz his ration of corn bread, and asked whether better could not be furnished, was met with the response,—"—you, I'll give you bullets for bread;" there was not sufficient accommodation for one twentieth part of the prisoners. The swamp was more than a foot deep with human excrement, and this spoiled the water in the wells; on one occasion he saw forty-six corpses in the dead-house, on another, seventy-five or a hundred; the bodies were thrown into the creek like dead hogs, fifteen or twenty being a load; when the prisoners went there Wirz came forward and read the rules, saying the prisoners would be shot if they entered the dead-line, and that any one speaking to a guard would be shot by the guard; Wirz also, if any of the Yankees traded with the guard, and did not get what they bargained for, and then complained to him, would say, "Good for the Yankee, and bully for the guard;" they were also informed that if any of our men were found disturbing things the rations would be cut off until the perpetrators were found and punished; about the middle of March, when an exchange was talked of, some of our men gave money to the guard; twenty dollars or less for the first chance.

On the cross-examination the witness said he did not know that Captain Wirz had forbidden the acceptance of money.

Robert Merton, belonging to a Pennsylvania regiment, testified that he had seen Captain Wirz wearing shirts sent to our prisoners by the Sanitary Commission; it was a common thing for our men to be put in the chain gang, and he had never seen the stocks empty; he saw one man receive seventy-five lashes for carrying onions into the hospital; saw Wirz kick a sick man, and heard the dying statement of a black man who was shot in the back; a young man was shot by a guard, who said he would shoot another if he could get sixty days furlough; Wirz remarked if he could have his own way, not twenty-four men on the Southside would get away either by exchange or parole.

On being cross-examined the witness said, rations were stopped because some of the

men, twenty-five of them, had been engaged in digging a tunnel, in order to make their escape; the tunnel was dug with tin plates, oyster shells, and whatever the men could get.

Frank Mattox, colored, belonging to the thirty-fifth United States, testified that after he received his wounds in the head and foot, he was put to work at the prison; a colored man was whipped with two hundred and fifty lashes; he was stripped naked, and laid upon a log, and whipped all over; the man was afterward ironed; he related the circumstance of a man who had blackened his face, and mixed with the gang of colored men, in order to make his escape; the man was discovered and whipped, Wirz saying as the man blacked himself to be a negro, he would give him the negro's law, namely, thirty-nine lashes; the witness had seen twelve men together in the chain-gang for an entire week; he had seen a man torn by the dogs in a shocking manner; the man was nearly dead, and was put in the stocks; a couple of days after the witness buried the man; this was in September, 1864; Wirz, while in the graveyard with several other officers, said "We have given the Yankees the land they came to fight for," meaning six feet of ground; this was in October; Wirz, with some of the doctors who were with him in the grave-yard, looking at corpses whose skulls had been sawed off, and green appearance of the bodies which had been vaccinated, laughed at the sight exhibited, and the killing of the men; he had seen thirteen of the boxes sent by the Sanitary Commission, and Wirz had on one of the shirts and pair of pantaloons.

Cross-examined by the defence—The witness had seen four or five of the colored prisoners whipped with thirty-nine lashes. The trenches were seven feet long and three feet deep; the dead men were laid side by side, with faces up, and the earth thrown in. A Confederate sergeant superintended the burial, and gave instructions to pack the bodies in close, which was decently done; there were no coffins nor boards with which to make them.

By the Court.—The doctors in the grave-yard with Captain Wirz were speaking about the shocking effects of the vaccination, when Wirz said, "Yes, ——— them, we gave them the land they came to fight for."

The Court adjourned till to-morrow.

WEDNESDAY'S PROCEEDINGS.

WASHINGTON, September 6.—After the record of yesterday had been read, Mr. Baker remarked that on looking over the testimony he was so much impressed that a great deal of it was illegal that he now asked the Court when they came to examine it to treat it accordingly. This applied to two thirds of the testimony, and a motion in a civil Court to strike it out would be granted. But as nothing could be stricken out of the record

of a military Court, he would ask that the Court discard the illegal testimony.

Assistant Judge-Advocate Hosmer said was proper that the reasons for the request should be stated.

Mr. Baker replied that he noticed in several pages of the testimony where the Judge-Advocate asked a leading question and the witness said "Yes," or "No." Another reason was the witnesses, after thus replying to the questions, would add rumors or hearsay which had nothing legally to do with the case, or as affecting the prisoner.

Assistant Judge-Advocate Hosmer presumed that a Court, constituted like this, was capable of judging what was and what was not testimony.

Mr. Baker supposed he had a right to object to what was wrong, and to exercise the same privilege that he would in a civil Court.

The official reporters made a minute of Mr. Baker's suggestions.

Joseph Adler testified as to instances of suffering of the sick similar to those heretofore narrated by other witnesses; he mentioned the case of a man who had been assailed by the dogs; the throat had been torn to pieces, and the blood was running from the wounds; Wirz, Drs. White and Stevenson, and others, were near the man at the time; they did not seem to have any compassion for him; Wirz said it "Served the ——— man right;" the man died on the spot the same day some of the prisoners had been digging a tunnel with a view to escape; one of their number betrayed them, saying to Captain Wirz that he would communicate good news if the captain would give him something to eat; Wirz promised to do so and came with six others to fill up the tunnel. Wirz carried a loaf of corn bread under his arm to give to the informer; a man almost dead with the diarrhœa, seeing Wirz, got up from the ground and said, "Please give me something to eat, I have been too sick to get for my food;" Wirz had a riding whip in his hand, with which he struck the man over the head; the man went into fits, and was taken to the hospital; two days after that he died. The witness had seen men suffering in the stocks; of the seventy-one men who accompanied him to the prison, all excepting twelve died; on one occasion he saw Wirz with a sentinel; a man having crossed the dead-line Wirz asked the sentinel why he did not shoot and instructed him to shoot whether the man was over the dead-line or not; he further said if the sentinel did not shoot he would have him punished; the sentinel then shot the man, the ball taking effect in the breast; the prisoners near by conveyed the wounded man to the hospital.

The witness confirmed the statements concerning the shooting of the one-legged man called "Chiekamauga;" He was cross-examined by the counsel for the defence.

William H. Jennings, a negro soldier belonging to the eighth United States, testified that

the wound which he received in his left thigh was not dressed after he was taken to Andersonville; he was whipped in the month of March, 1864, for not going to work; this was by order of Captain Wirz; a month after he was imprisoned he was not able to work, having caught a heavy cold by working in the swamp; the man Turner, who had charge of the dogs, whipped him, giving him thirty lashes on the bare back; he was then put in the stocks for a night and a day, with nothing to eat or drink; after being released, he was again put in the stockade; he could not walk; when in the hospital the witness saw a man who had been shockingly bitten in the head by the dogs, and who died soon after.

Cross-examination—The witness said he was captured at Oluskee; his wound was never dressed, but healed up.

Thomas N. Way, belonging to an Ohio regiment, said while at Andersonville he was punished for fifteen minutes by being tied by the thumbs and held up, his toes barely touching the ground; he attempted to escape, and was captured; encountering Wirz, the latter said, "Well; you're back again;" the witness replied, "I guess so;" when Wirz continued, "I'm going to take care of you this time; I'll put you in the stocks;" the witness said, in a joke, after that was over, "I'd rather be carried than walk;" when Wirz replied, "You ————, if you give me any more of your lip I'll shoot you;" Wirz then put him in the stocks four days longer; his head and feet were fastened in the stocks, his back on the ground, and his face exposed to the sun; the punishment was inflicted because he attempted to escape; he knew personally about the hounds; he had been captured by them three or four times; a young fellow, named Preddy, seventeen years old, was caught by the foot, and afterward torn all to atoms by the dogs.

The witness and another companion in the escaping party climbed a tree, but they were caught and brought back; this was in the latter part of August, 1864; Turner, who was with the hounds, said, "Good for you, you ——— of ———; I wish the dogs had torn all of you to pieces;" the witness said he was bucked, and didn't know but that he deserved it, for being late at roll-call. He explained at some length bucking and gagging, and gave his experience in the chain-gang. In September, 1864, while forming line, a sick man could not find his place, and ran up to the head of the line, where he was met by Wirz, with the exclamation: "You ——— Yankee ——— of a ———, if you don't get in the ranks I'll shoot you;" he struck the man with his revolver and knocked him some feet; the man being weak could not get up; this was the only time he saw Wirz use his pistol; the witness was in ball and chain, with four others, for twenty-five days, for attempting to make his escape.

The Court, at one, took a recess till two o'clock.

When the Court reassembled, John H. Stearns testified that shots were frequently fired into the stockade by the sentinels; he saw, on August 5th, men who had received gunshot wounds and were sent to the hospital, and described the shocking condition of the prisoners who were placed in the hospital, some of whom were almost naked; and he remembered one case especially where the most offensive filth had got between the man's clothes and his skin, penetrating his nose, mouth, and rectum, causing him intense pain, as was evident from his actions; the man was delirious, and died; many others became delirious from disease; amputation was frequently performed, resulting almost invariably in death; he did not remember any cases of recovery where amputation had been performed; the effect of the vaccine was syphilis, some cases as marked in their character as that disease itself.

Alexander Kennell, who was a prisoner at Andersonville, testified he had seen men with ball and chain, and had seen them bucked and gagged, and in the stocks; a man who belonged to a Pennsylvania regiment, about the 15th of February, was put in the stocks at four o'clock in the afternoon, and was brought back to the stockade at nine o'clock; the man did not eat any thing after he came in, and told him he had been chilled thoroughly; the man soon died, in consequence of the exposure to the weather; another man, to his knowledge, died from injuries received in the chain-gang.

William Willis Scott testified to the cruelty of Captain Wirz. In the latter part of August, a sick man, sitting on a bank, asked Captain Wirz to be sent to the hospital, when the latter cursed the invalid, and struck him a violent blow over the head; the man went into his tent and died a day or two after. The witness mentioned another case, where one of the guard threw a brickbat and struck Wirz on the shoulder. Wirz, without stopping to make inquiry, drew his revolver and shot a Union man.

L. H. Pond, of the second New York heavy artillery, testified that he took the names of men who had been robbed of blankets and canteens at Andersonville; the witness saw Wirz take the picture of a lady and two children from a Michigan soldier, and throw the photograph on the ground and tramp it beneath his heel; the soldier's wife was dead, and this was all he had to remember her with; another picture was taken from a young man; it was that of the lady he was waiting upon; it was passed around; the rebel officer making vulgar remarks about it, the young man asked that the picture be returned to him, but the rebel officer retained it, and, pulling out his revolver, threatened to shoot him; the witness mentioned cases of shooting men at the dead-line, of hounds being sent out after prisoners, and of Wirz's cruelty to a sick man.

Rufus Monday, seventy-fifth Ohio, testified

that on the 22d of February he saw Wirz pick up a brickbat and with it strike a sick man on the lower part of the ear; and on the 10th of March he kicked a young man who had sat down, and whose nose and mouth bled in consequence of the assault.

Abner A. Kelly, fortieth Ohio, testified that when he and his fellow prisoners were taken to Andersonville they were robbed of their blankets, canteens, and watches, which were removed to Captain Wirz's headquarters; they were never returned to their owners; a crazy man having been shot, the sentry was asked why he did so, when he replied he was acting under orders of Captain Wirz; the latter, on being asked by a prisoner whether he expected the men to live with such usage and unwholesome food as was shown to him, replied, "It is good enough for you ——— Yankees;" the prisoner, in August, 1864, saw a sick man at the gate, with a sore on him as large as the crown of his hat, filled with maggots, and fly-blown; the man had been at the gate twenty-four hours; the sergeant asked Captain Wirz to have the man carried to the hospital; "No," said Wirz, "let him lie there and die;" the man was afterward carried out a corpse.

Sydney Smith, fourteenth Connecticut, saw Wirz knock a man down with his revolver; another man, who was sick, received a severe bayonet wound; almost every time a sentry shot a man he was relieved on thirty days furlough.

Goodfeldt Brunner, fourteenth Connecticut, testified the prisoners were treated well until Captain Wirz assumed command of the prison; Wirz used to come into the stockade every morning, and if one man was missing, the whole detachment would be deprived of food until he was accounted for; the witness being sick one day, was not at morning roll-call; Wirz came into his tent and called him a Yankee ———, drew his revolver, and threatened to kill him on the spot; the witness replied it would be better if Wirz would kill him; whereupon Wirz kicked him out of bed; some ladies who had assembled at the gate asked our men what they came there to fight for? One of the prisoners made them a speech, at which they became angry; Wirz coming up, said, "Get away, you ——— Yankees; I've got enough powder and ball to kill all of you."

Thomas A. Howe testified as to the blankets, coats, watches, money, &c., having been taken away from the prisoners and handed to Wirz; when the prisoners arrived at Andersonville it was difficult for him to find a place to lie on, the ground being so thickly covered with prisoners; he could not at first sleep, owing to the wounds and groans of the sick; when he woke in the morning he saw dead men all around him.

The above-named witnesses were cross-examined.

The Court, at four o'clock, adjourned till to-morrow.

THURSDAY'S PROCEEDINGS.

WASHINGTON, September 7.—The record of yesterday having been read, Bernard Collogan, second Ohio regiment, testified as to the shooting and killing of five or six Union prisoners in the stockade, during July and August, 1864. One of the men was in the act of washing his clothes, and another was trading boots with his guard. Wirz struck the witness for not answering to his name which was incorrectly called, and then tied his arms and legs together with his own hands, fastening them with a stick; he was kept in that position two hours and a half. The witness had seen a man who was badly bitten by the hounds.

Cross-examined by Mr. Baker.—He was present at the hanging of the six raiders by our own men; he had nothing to do with the trial of the raiders; the time he was bucked was on the 17th of May, for no other offence than that he failed at roll-call to answer to a wrong name.

John W. Case, forty-seventh New York regiment, testified that on the 17th of September those who were sick and wounded were told that if they could get to the depot without assistance they might do so; they were to be exchanged. The witness could not readily get into the car with his crutches when Wirz called him — Yankee ———, and threatened to blow his brains out. Somebody shot at him previously, but struck another person; he was not near the dead line. The sentinel called out, "Halt, Yankee I'm going to shoot;" he saw four or five shot, one of them was trying to build a fire, and the other was taking down the corners of his blanket; the latter was shot in the head. Shooting men was a common occurrence every night; he frequently heard men crying "murder."

Cross-examined by Mr. Baker.—The witness heard a sentinel say that he received a furlough of thirty days for every Yankee he killed; he knew men were shot during the night, because he saw the bodies the next morning.

Q. Captain Wirz never hurt you? A. No.

Q. He only threatened you? A. That's what's the matter. (Laughter.)

Edward Richardson, a resident of Albany, Georgia, for twenty-three years, testified, that place is forty-five miles from Andersonville; he was at Andersonville every month in the year of 1864, until August; there was a good corn crop in 1864, but not much wheat; there were many sweet potatoes; in 1864 a large wheat crop was planted, but the rain destroyed it; the plantations in the vicinity of Andersonville were large, and farmers raised vegetables for their own use.

Cross-examined by Mr. Baker.—The witness saw in the two warehouses at Andersonville considerable bacon, syrup, and corn meal; there was not much garden truck in 1864; there was difficulty in obtaining seed.

Mr. Baker said this was one of the witnesses for the defence, and would not be used any further at present.

By the Court—It is a corn-growing country; there was a good crop in 1864, and more corn was planted than in any previous year.

Charles T. Williams, first New Jersey cavalry, testified that the medical treatment was better under Dr. Clayton, the post-surgeon, than under his predecessors, Drs. White and Stevenson. He had seen two men shot in the stockade, and one in the hospital; he did not know the month, but shooting was a common occurrence; Chickamauga was among those killed, and also another cripple, who had approached the guard for the purpose of trading; some of the clothing sent by the Military Commission was distributed to the prisoners in one of the hospital wards, while blankets and pants were appropriated by the rebels.

Cross-examined by Mr. Baker—Had seen Captain Wirz interfere with a man in the hospital, but he used no personal violence; a Confederate sutler brought Irish and sweet potatoes and green corn into the stockade, and took them to another sutler, one of our prisoners; if our men could not buy them they had to go without; a Yankee was not allowed to enter the storehouse at Andersonville; but looking in he saw goods and groceries piled up.

Mr. Baker said the prisoner was unwell to-day, suffering with pains in the head and breast, and troubled with bowel complaint. If the Court could now adjourn for the remainder of the day it would be a great favor to him.

The Court at one o'clock adjourned, Major-General Wallace saying that the prisoner would receive medical attendance.

FRIDAY'S PROCEEDINGS.

WASHINGTON, Sept. 8.—The Wirz trial was resumed this morning.

Judge Advocate Chipman read the Commission the following letter from the prisoner:

OLD CAPITOL PRISON, WASHINGTON, D. C., Sept. 8, 1865.—Colonel N. P. Chipman, Judge Advocate: You will, I hope, excuse my liberty to address you these lines, but not knowing to whom to appeal I refer the matter to you. I am now a prisoner since the 7th day of May, 1865. I have been deprived of all the chances to receive the consolations of religion even necessary to anybody, and truly more so to a man charged with crimes so heinous, so terrible, that the mere thought of them makes me shudder.

Although I know myself full well that I am wrongfully accused, that an all-seeing, all-knowing God knows my innocence, still I need some encouragement from others not to sink under the heavy burden which is placed upon me. Under these circumstances I most

respectfully ask that permission be granted to Rev. Fathers Wheelan and Hamilton to visit me, and administer such spiritual comforts as my unfortunate position requires. They are both men of integrity, and will not profit by the occasion to see or do any thing but what their duties as ministers of the Gospel will permit. Hoping that this, my humble request, may be favorably received, and the permission be granted, I remain, colonel, most respectfully, your obedient servant,

(Signed) H. WIRZ.

Colonel Chipman said that the reverend gentlemen mentioned were here as witnesses for the prosecution. They were Roman Catholic chaplains at Andersonville in the summer of 1864. He did not think they would abuse the privilege asked. The Court certainly had no objection to the request, but they had no power to grant the permission, as the prisoner was not in their custody. Colonel Chipman said he would then refer the communication to the War Department for its action thereon.

Major-General Thomas remarked that if the prisoner was more ill than he was yesterday, it might be a question whether they could not get along better by granting a little respite. It might be desirable to have a day's rest.

Assistant Judge-Advocate Hosmer said—So far as comfort was concerned the prisoner was as well off here as he would be in prison. If he was not able to sit up he could lie down. If he was not able to lie down, but required medical attendance all the time, of course the trial could not go on. This room, he repeated, has more ventilation, and is certainly preferable to the prison.

The Court, in reply to the suggestion of a member, said it would not be proper to put on the face of the paper an indorsement of the approval of the Court, but there was no doubt the request would be granted.

Lieutenant Prescott Tracy testified as to his experience and observations as a prisoner at Andersonville; he never saw Captain Wirz shoot a man, but heard him give the order to shoot a man named Robert A. Treshfish, or Newcomer; not knowing the rules the latter went to get a drink from the stream; the banks being muddy he went within six inches of the dead-line, when Wirz halloed to the sentinel and asked why he didn't shoot the ———; the sentinel fired, the ball going into the top of the head and coming out of the back of the neck, and the man died; this was in August, 1864; some men died from the effects of being put in the stocks, and from the consequent exposure to the weather; Captain Wirz never gave the prisoners a good word; the witness having asked the prisoner for better rations, the latter replied he "would race the witness into——."

Cross-examined by Mr. Baker—Never knew of a prayer-meeting or the reading of the Bible on Sunday.

The witness was further interrogated, coun-

ael wishing to show that the stocks were never erected within the stockade. There was no means of telling one day or one hour from another, all the watches having been taken away by "our worthy friend."

Question—Do you mean to say you don't know of a watch being in the prison?

Assistant Judge-Advocate Hosmer objected to thus resuming the examination in chief, and the point was sustained.

William Krouse, seventh Pennsylvania reserves, testified that he saw Captain Wirz knock a man down; knew that a man who had been in the stocks died the day after being relieved; stated the particulars attending the shooting of five men at as many different times; the sentry said "shoot the ———."

Colonel Chipman said he now proposed to introduce some documentary evidence, to show that the Department at Richmond had knowledge of the condition of the prison at Andersonville in May last.

Captain C. M. Selph, who was in the Confederate States army, and four years in the Adjutant-General's and Inspector's Department, identified the handwriting of General Howell Cobb in the following letter, namely:

HEADQUARTERS GEORGIA RESERVES, MACON, GA., May 5th, 1864.—General S. Cooper, Adjutant-General, Richmond, Va.—General: Under your orders to inform myself of the condition of the prison at Andersonville, with a view of furnishing from the reserve corps the necessary guard for its protection and safety. I made a visit there, and have just returned, and now submit the result of my examination. There are now in the prison about twelve thousand prisoners, in an area of less than eighteen acres, with a stockade around it about fifteen feet high. I presume the character of the prison is well understood at Richmond, and therefore give no description of it. The danger of the prisoner's escaping is not so great as I have supposed. With a guard of twelve hundred men, four pieces of artillery, and a cavalry company, all apprehensions of escape would be quieted.

I have arranged to send two regiments of infantry there within the next week, which, with the detached companies of Col. Parson's regiment, will be an ample infantry force. Captain Gamble's battery is there, but I would recommend that it be returned to Florida, and Captain Tiller's battery be sent in its place. The reason mainly for this recommendation is that Captain Gamble's battery is very well supplied with horses, and they are not needed at Andersonville, whereas, Captain Tiller's horses have been so reduced that he is unable to move his battery in the field; the exchange of these batteries would be of a decided advantage to the service. I recommend the cavalry company because its presence would have a salutary effect in restraining the prisoners from any attempt to escape knowing the means are at hand to

pursue them, and in the event of the escape of any considerable number, the cavalry would be absolutely necessary to their successful pursuit.

I took the liberty of making several suggestions for rendering the prison more secure, and if the tools could be had, I would recommend that the entire prison grounds should be surrounded by fortifications, which could be put up by the troops, whose health would be promoted by the employment. The most important change is the one suggested in the accompanying report of my chief surgeon, Dr. Eldridge, that is the erection of a hospital building outside of the prison; upon that point there cannot be two opinions among intelligent men. It ought to be done at once, and such is the opinion of every sensible man that has examined the prison. The prison is already too much crowded, and no additional prisoners should be sent there until it can be enlarged. The effect of increasing the number within the present area must be a terrible increase of sickness and death during the summer months.

I understand that an order has been given for enlarging the prison. If it was possible to make another prison it would be much better, for I doubt very much whether the water will be sufficient for the accommodation of the increased number of prisoners. The general management of the prison under Col. Parsons is good, and he manifests a laudable desire to discharge his duties in the most efficient manner. The duties of the inside command are admirably performed by Captain Wirz, whose place it would be difficult to fill. I still think the rank of the commanding officer of the post should be a brigadier-general. In view of the number of troops that will be under his command, it seems to me he should have that superior rank over those who may be ordered to report to him. I take the liberty of inclosing a copy of Dr. Eldridge's report. I am General, very respectfully,

HOWELL COBB,

Major-General Commanding, et

Dr. Eldridge's report is dated Macon, Ga., May 6, 1864, and is addressed to Major Lamson Cobb, of the Georgia reserve corps. Speaking of his visit to the camp at Andersonville under instructions from General Cobb, he says he found the prisoners in his opinion too much crowded for the promotion, or even continuance of their present health, particularly during the approaching summer months. The condition of the Belle Island prisoners on their arrival, was such as to require more attention to their diet and cleanliness than the actual administration of medicines, very many of them suffering from chronic diarrhoea, combined with the scorbutic disposition with extreme emaciation as the consequence. The hospital being within the inclosure, it had been found impracticable to administer such diet, and give them such attention as they require, as unless constantly watched, such d

is prepared for them is eaten and eaten by the other prisoners. In consequence of the state of affairs generally, he suggests various improvements, and the writer pays a compliment to Dr. White's medical ministrations.

The following paper was also put in evidence:

CAMP SUMPTER, ANDERSONVILLE, GA., May 3, 1864.—Major: I have the honor to make the following report in regard to the Confederate States military prison at this post. I was assigned to the command of the prison by Col. A. W. Parsons, the commandant of the post, on the 27th of March, 1864, having reported to him for duty by order of General J. H. Winder, commanding Confederate States prisoners. I found the prison in a bad condition, owing to the want of tools, such as axes, spades and lumber, to erect proper buildings. The first commandant of the post, Captain W. S. Winder, and his successor, Colonel A. W. Parsons, had left nothing untried to supply these so important articles.

Only two weeks ago I received axes, spades, &c., from Columbus, Ga., and went to work cutting ditches, &c. I hope to have every thing in the interior of the prison completed in two weeks. The bakery, which could not be completed for want of lumber, is now in operation. The necessity of enlarging the stockade is unavoidable. I shall commence as soon as I can gather a sufficient number of negroes. I would most respectfully ask you to present to the authorities at Richmond the impediment thrown in my way by having the hospitals inside of the prison.

The number of prisoners on the first day of April was seven thousand one hundred and sixty. I received up to to-day from various points, five thousand seven hundred and eighty-seven; recaptured, seven. Total, twelve thousand nine hundred and fifty-four. The number of dead from the 1st of April to 8th of May, is seven hundred and twenty-eight, and escaped thirteen, leaving on hand twelve thousand two hundred and thirteen. I consequently lost six prisoners. I would also call your attention to the danger of having our present guard forces withdrawn, and their places supplied by the reserve forces of Governor Brown.

In conclusion, allow me to make a few remarks concerning myself; I am here in a very unpleasant position, growing out of the rank which I now hold, and suggest the propriety of being promoted. Having the full control of the prison, and consequently, of the daily prison guard, the orders which I have to give are very often not obeyed with the promptness the occasion requires, and I am of the opinion that it emanates from the reluctance of obeying an officer who holds the same rank as they do. My duties are manifold, and require all my time in daytime, and very often part of the night, and I would most respectfully ask that two commissioned officers (lieutenants) would be assigned to me for duty.

I am, Major, most respectfully, your obedient servant,

H. WIRZ,

Captain Commanding prison.

Major Thomas Turner, C. S. A.

The following letter was also offered in evidence:—

CAMP SUMPTER, ANDERSONVILLE, GA., July 21, 1864.—General S. Cooper, Adjutant and Inspector-General.—General: Your indorsement on the letter of Lieutenant S. R. Davis relating to the strength of the guard at this post, contains a very severe censure, which I am sure would not have been made if you had a clear comprehension of this post, of its wants and its difficulties. Reflect for a moment. Twenty-nine thousand two hundred and one prisoners of war, many of them most desperate characters; a post a mile long by a mile wide. The stockade for prisoners within one hundred and sixty yards of a mile in circumference; numerous avenues leading to the post to be guarded, public property to be cared for, guards for working parties, and the ordinary camp grounds for the troops, and you can form some estimate of the number it would require for these purposes.

The following are the daily guards required, and they cannot be reduced, but ought to be increased: Stockade, sixteen hundred yards around, fifty-two posts, ten supernumeraries, one hundred and sixty-six enlisted men, two commissioned officers. Hospitals, two uninclosed, one thousand seven hundred and thirty-five patients and attendants, guards seventy-three. Twenty-three posts, sixty-nine men four supernumeraries and one commissioned officer. Pickets around the stockade, two hundred and six; this picket is indispensable, to prevent escape by tunneling. Outlying pickets and railroad bridge guard, forty-three men and six commissioned officers. Guard with party cutting wood, daily, one hundred. Guard with working parties, twenty-five; this does not include accidental guards and camp guards. Total, five hundred and thirteen. Strength of guard July 2, four hundred and twenty-one, including the prisoners' guard detained here, from which deduct five hundred and seventeen sick, daily duty two hundred and twenty-seven, and the artillery company, one hundred and twenty-six—eight hundred and seventy; leaves one thousand five hundred and fifty one.

You will observe that since Lieutenant Davis' report the detained prisoners guard have been added to the strength of the guard. This gives the most favorable report at this post and the duties required of it. 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 between four and five square yards to the man. This includes streets and two acres of ground about the stream. Respectfully your obedient servant,

JOHN H. WINDER,
Brigadier-General.

A letter was also read in evidence from Acting-Adjutant and Inspector-General Chandler, dated Andersonville, July 5, 1864, addressed to Colonel R. H. Chilton, assistant-adjutant and inspector-general at Richmond. He gives an account of his inspections of the prison for Federal prisoners of war and post Andersonville. He says that under the pressure of their necessities, they have dug numerous wells within the inclosure, from which they obtain an ample supply of water to drink, of good quality, excepting the edges of the stream. The soil is sandy and easily drained, but from thirty to fifty yards on each side of it the ground is a muddy marsh, totally unfit for occupation, and having been constantly used as a sink since the prison was first established.

It is now in a shocking condition, and cannot fail to breed pestilence. An effort is made by Captain Wirz to fill up the marsh and construct a sluice, the upper end to be used for bathing, etc., the lower as a sink; but the difficulty of procuring lumber and tools very much retards the work, and threatens soon to stop it. 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 reach of the prisoners, nor has it been possible, from the over crowded state of the inclosure, to arrange the camp with any system.

Each man has been permitted to protect himself as best he can, by stretching his blanket, or whatever he may have, above him, on such sticks as he can procure. Of other shelter there has been none. There is no medical attendance within the stockade. 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 the wagon load, and buried without coffins; their hands, in many instances, being first mutilated with an axe in the removal of any finger rings they may have. Raw rations have to be issued to a very large portion, who are entirely unprovided with proper utensils, and furnish so limited a supply of fuel they are compelled to dig with their hands in the filthy marsh before mentioned for roots, etc. No soap or clothing has ever been issued.

After inquiry the writer is confident that by slight exertions green corn and other antiseptics could readily be obtained; the present hospital arrangements were only intended for the accommodation of ten thousand men, and are totally insufficient both in character and extent for the present needs, the number of prisoners being now more than three times as great. The number of cases requiring medical treatment is on an increased ratio. It is impossible to state the number of sick, many dying within the stockade whom the medical officers never saw nor heard of till their remains are brought out for interment. The transportation of the

post is also represented to be entirely insufficient, and authority is needed by the quartermaster to impress wagons and teams, and saw mills, when not employed by the Government and kept diligently occupied, and instructions given to the quartermaster in charge of transportation to afford every facility practicable for transporting lumber and supplies necessary for prisoners.

A supplemental report was made by the same officer, in which he says that the conduct of Captain Wirz is entitled to commendation, and that he is properly qualified for his position. Captain Wirz is recommended for promotion. It appears from other papers, that the assistant-secretary of war (Campbell) indorsed the report, saying, "they show a condition of things which calls for the interposition of the Department; the prison being a reproach to the Confederates as a nation," &c.

Judge-Advocate Chipman offered in evidence the report of the rebel Surgeon-General Moore, to show that the fault at the hospital was owing to Dr. White, the latter having failed to send his requisition direct to the medical purveyor; not having received supplies was owing to his own neglect. Colonel Chandler, it appears from another document, suggested the removal of General Winder as superintendent of the prisons, and the substitution of some one who has feelings of humanity, and who will not, like Winder suffer the prison to remain as it was, in order that the excess of prisoners may be removed by disease and death. The discomfort and suffering are represented to be almost incredible, with a frightful per centum of mortality, thus showing a criminal indifference on the part of those charged with their care and comfort. Captain Selph also swore to the official character of other rebel documents which were offered in evidence, to show that General Winder had power to make impressments for the comfort of the prisoners.

This, Colonel Chipman said, concluded the chapter for to-day.

The witness, Captain Selph, was cross-examined by Mr. Baker, and mentioned the names of the bureaus to which he sent extracts from Colonel Chandler's report; answers were received from all; that he only recollected that the one from the surgeon-general's office was to the effect that the hospital at Andersonville should be placed in the same condition as the hospitals for the Confederates.

The Commission adjourned at four o'clock till to-morrow.

SATURDAY'S PROCEEDINGS.

WASHINGTON, Sept. 9.—In the military Commission, to day, the following paper was put in evidence by Judge-Advocate Chipman.

ANDERSONVILLE, Aug. 5, 1864.—Colonel R. H. Chilton, Assistant Adjutant and Inspec-



VIEW OF ANDERSONVILLE PRISON PEN OR WIRZ'S SLAUGHTER HOUSE.

tor General, C.S.A., Richmond, Va.—Colonel: The following additional report of my inspection at this point is respectfully submitted: Colonel Henry Furnes, in immediate command of the guard forces, deserves especial mention as an active, intelligent, energetic and zealous officer. Captain Henry Wirz, in immediate command of the prison, is entitled to commendation for his untiring energy and devotion to the discharge of the multifarious duties of his position, for which he is pre-eminently qualified. I respectfully concur in the recommendation which has been forwarded by General Winder for his promotion, and further recommend that not less than three Captains or subalterns, specially selected for their fitness for the position, be furnished him as assistants.

Captain J. W. Armstrong, A. C. S., left the post shortly after my arrival on sick leave, locking up nearly all his books and papers. I was consequently unable to make a satisfactory examination into his affairs. Enough information, however, was elicited to show that he is a very inefficient officer, and entirely incompetent for the discharge of the duties of his position, and should at once be removed.

Captain R. B. Winder, A. Q. M., is an energetic and efficient officer, whose whole time and attention are requisite for the duties strictly appertaining to his position. The additional duties devolved upon him by the instructions from the quartermaster general's office, requiring him to establish and supervise a large shoe factory, should be imposed on some other officer of the department. The other staff officers at this post seem intelligent and efficient in the discharge of their duties, with the exception of Captain Samuel S. Bailey, A. A. G., who is mentally and physically incapacitated for their performance, and Surgeon E. Sheppard, and Assistant Surgeons R. E. Alexander and A. Thornbaugh, who are represented by the chief surgeon as being incompetent and inefficient.

My duty requires me respectfully to recommend a change in the officer in command of the post, Brigadier-General J. H. 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 numbers of unfortunates placed under his control; some one who at least will 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 a matter of self-laudation boasting that he has never been inside the stockade, a place, the horrors of which it is difficult to describe, and which is 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 obedience to instructions, I shall next proceed to the head quarters of the army of the Tennessee, and request that any communications for me be forwarded there, to the care of the chief of staff. I am, colonel, very respectfully, your obedient servant,
D. L. CHANDLER,
A. A. and I. G.

Colonel Chandler, being sworn, said he had been in the Confederate service; he had no retraction to make as to any thing in his report; during his inspection he had a conversation with General Winder, who seemed very indifferent to the welfare of the prisoners, and was indisposed to do any thing; he remonstrated with General Winder as well as he could; when the witness spoke to him of the great mortality, and suggested that as the sickly season was coming on, the swamp should be drained, better food furnished, and other sanitary measures adopted, General Winder replied to him he thought it would be better to let one half die, so they could take care of the remainder; his (Chandler's) assistant, Major Hall, had previously reported to him that General Winder had made a similar expression to him; the witness remarked, he thought this was discreditable, when Major Hall said General Winder had repeated that expression to him several times. The R. B. Winder, quartermaster, spoken of in his report is the cousin of General Winder; the witness said soon after his arrival at Andersonville, he rode around the stockade and found that the stream was very offensive; he wanted General Winder to have an examination made in order that it might be drained; this would have contributed to the health of the prisoners; more wood might have been furnished; if there had been no other means of procuring it, he would have turned the prisoners out to bring it in, guarded by the soldiers; he should have removed the cook-house much earlier than it was removed, and placed it on another stream in the vicinity; the commissary might have compelled the purchase of green corn; there was plenty of it there: cabbage in limited quantities might have been purchased; there was a difficulty in getting lumber; from the crowded condition of the prison much shelter could not be put up; Winder might have compelled medical officers to reside at the post; there were fifteen or eighteen of such officers at the prison; on his suggestion about nine hundred of the sick were put under the trees; he urged upon the department the removal of General Winder, believing that if there was another head, a good deal might be done; Winder had not the inclination to exert himself; the witness had also urged the removal of the assistant commissary, because of his physical inability, and because he was satisfied of his inefficiency and want of experience; his name was Armstrong; when he in his

report spoke in commendation of Captain Wirz he had no suspicion of the facts subsequently developed; he at that time saw nothing to indicate cruel treatment to the prisoners; he had himself been a prisoner, and knew how unwilling prisoners were to make complaints in the presence of the officers for fear of being punished; he took some of the prisoners aside and personally interrogated them; none made complaints against Captain Wirz; they complained of the want of food, and insufficient clothing and shelter.

Question by the Judge-Advocate—How long was it after your report was made that General Winder was promoted to the supreme command of the prison? Answer—Not till after two months and a half; he was made commissary-general of prisons, which gave him the control over the large number, but removed him from the immediate command of them. The witness said he went to Judge Campbell, the assistant secretary of war, and wanted him to take up his report, but he believed it was never acted upon; he had no evidence that the report went to the President; he believed it did not.

Cross-examined by Mr. Baker—James A. Seddon was secretary of war when the witness went to inspect the prison; Captain Wirz showed him the rules, to one of which he objected, namely, punishing men who attempted to escape; he thought that to be wrong, but he considered the orders to be General Winder's, though Captain Wirz's name was attached to them; he thought General Winder's bitter feeling toward the prisoners was such as to render him indifferent to the comfort of the men, and hence their sufferings; the bake-shop which he visited was clean, with good police, and the bread as good as could be made with unbolted meal; the bake-house and cook-house should have been removed from the stream, as their presence affected the water running past them; while he was on his inspection there was no complaint made to him about the drinking water; the prisoners pointed to the wells.

By the Court—General Winder was considered in supreme command of the post and prison; the medical officers were under the orders of General Winder and the surgeon-general; the prison regulations were signed by Captain Wirz, as the commandant, although he believed General Winder was responsible for them.

Q. Was there any thing in the regulations which authorized Captain Wirz to shoot prisoners without trial? A. that would depend on the circumstances, for instance in self-defence; there was, however, nothing in the regulations which went to that extreme.

Q. Was there any thing in the regulations which established the dead-line without qualification? A. I suppose the dead-line was established certainly with the knowledge and consent, if not under the instructions of General Winder; I do not recollect the language

establishing the dead-line, but think it was the effect that any man crossing it, would be shot, without qualification.

In the course of the further cross-examination the witness said he supposed each little squad had its own well, and that there was drinking water enough for all; he obtained the impression from random conversation with some of the men; he visited the bake-house twice, and also the cook-house; the meat was very rusty there, as it was everywhere else in the South; the water in the stream was unfit for washing purposes; the established ration was the same as that at Richmond, but he did not know whether the prisoners received the full allowance; he could not, after trying, ascertain that fact the quality was the same as he had been eating himself; the bread was made of unbolted meal; it was impossible to procure a sufficient number of sieves.

By Mr. Baker—What he had seen in Captain Wirz left the impression that the latter was desirous that the prisoners should have better food.

The Court took a recess until two o'clock.

On reassembling, John Pasque, of the naval service, testified as to a man's dying in the chain-gang; he was told by a rebel sentinels that for every Yankee he shot he received thirty days furlough and three months extra wages.

John A. Marshal, of the forty-second New York regiment, testified that he saw two prisoners shot for approaching the dead-line; in such cases the sentries were released to go on furlough. Rations were stopped if the men would not form in line in such a way as to please Captain Wirz; he knew of a man who died from the effects of dog bites, the hounds being kept to hunt out men.

W. M. Peble, of Southwestern Georgia who was detailed as clerk to Colonel Forno, a rebel officer in command, testified that while riding out he saw a man in the stocks who he thought would drown, as a heavy rain was falling upon his face; the witness held his umbrella over him for a while, and then went to Captain Wirz to express his apprehension; Wirz said, "Let the Yankee drown;" in a few minutes thereafter however, an officer was sent from Captain Wirz's headquarters, who took the man out of the stocks; the crops were not so good in 1863 as in the year before, but the farmers had a surplus.

W. W. Crandall, of the fourth Iowa infantry, testified as to a man being badly bitten in the calves by the dogs, and soon thereafter fastened at each ankle with a chain and ball; the man having been kept in this condition several weeks, the witness went to Wirz and pleaded for the release of the prisoner, but Wirz said he could not do it; the legs were swollen, and had a putrefied look; a rebel surgeon being appealed to, said he could not conscientiously take off more than one chain which he did; the man finally died; the

witness, as one of the detailed sextons, helped to bury thirty or forty of the men who had been shot; during the time General Sherman was marching from Atlanta to the coast, the prisoners were of course very anxious to hear the news; a report came that Sherman and his staff and fifteen thousand prisoners had been captured; Captain Wirz said he hoped this was true, and that if the prisoners were sent there he could take care of more — Yankees than four regiments in front; on one occasion a barrel of rotten pork was sent to the commissary's office, to be used by the Yankees; the witness was employed in that office; the next day he received an order to weigh out the same number of pounds of beef, and turn it over to Captain Wirz, who wanted the best, saying it was for his own eating; he knew the pork came from Captain Wirz's headquarters; prisoners who had money could procure food; one of them bought a pie, but soon vomited it up; another prisoner near by grabbed up the ejected pieces and ate them.

Cross-examined by Mr. Baker—The dead were buried by Union prisoners, under the superintendance of a rebel sergeant; the bodies were not treated indecently, excepting that they were carted like logs of wood in order to get a full load, as there was only one wagon; officers and soldiers frequently came to the grave-yard, and upbraided them for not burying the dead in better style, saying they ought to work night as well as day; there were not more than thirty men employed in burying the dead, and in vain they had endeavored to procure more help; some of the visiting rebels said this grave-yard would make a good vine-yard, the Yankee bones affording good manure; let us invite their Yankee friends to come and eat the grapes; he himself was put in the stocks for attempting to escape; he had proceeded one hundred and sixty miles before he was apprehended by scouts as a rebel deserter; fearing he would be hung for being a rebel, he told them he was a Yankee; this was in September, 1864.

Willis Van Buren, of the second New York cavalry, testified as to blankets and pants from the Sanitary Commission having been appropriated by the rebels; Wirz said to him that he could take care of more — Yankees than Lee at the front; Wirz had threatened to shoot witness for some trivial offence, and ordered the guard to fire upon a man who stepped out to pick up a piece of wood; the man hastened back to the ranks before the guard could shoot; the witness said among other things that prisoners were reduced to skeletons, and would go to the sinks to pick up undigested particles of food; he mentioned several cases of shooting men; one of them was said by at least twenty men to have been shot by Captain Wirz himself.

The Court adjourned till Monday.

THIRD WEEK OF THE TRIAL.

MONDAY'S PROCEEDINGS.

WASHINGTON, Sept. 11.—After the record of Saturday had been read, Mr. Baker brought to the attention of the Commission a matter in relation to witnesses for the defence, which he thought it would be better to attend to at this time. The Judge-Advocate had suggested to him that it might be a subject outside of his own authority, and therefore properly belonging to the Court. Some time before this trial commenced the gentlemen who were then acting as the prisoners counsel requested that a number of witnesses for the defence should be sent for, and on their application this was done. Some of them could not be found, and others who were found had not reported. The reason for this neglect the counsel of course did not know.

Since the trial had been progressing matters were developed which showed the necessity of other witnesses being summoned, in order to meet new points brought out in the trial. Those witnesses were scattered mostly in Georgia, and may be found within a few days, but in some places there were no mails or other means of reaching them by written communications, therefore it was not probable they could be reached by the time they were wanted to testify in this Court. Under these circumstances it was for the Government to say whether the defendant should have the facilities which the Government could afford, or whether he must be deprived entirely of those witnesses. It was an absolute necessity that the defendant should have the witnesses in this way or not at all. Counsel believed this defendant could show an ample defence. This was their sincere belief, and it was for them to ask that the prisoner have the means of making his defence. "Members of this Court, if they could be induced to believe the defendant had a defence, would not refuse to give him an opportunity to make it." He believed this was the generosity of every man's heart. If it was within the jurisdiction of this Court, he asked that a messenger be despatched with subpoenas for such persons whom he felt it absolutely necessary to summon for the defence of the accused.

The Judge-Advocate had shown every disposition to procure the attendance of witnesses, so far as making out subpoenas was concerned, and so far as it was within the means of the defence to give their names, as had been required by the Judge-Advocate. Some sixty or seventy were in New York. After sifting them, they came to the conclusion that only seven or ten of them would be required. And now that the trial was approaching an end, he repeated that the witnesses he had asked for were absolutely necessary for the prisoner's defence. They would not put the Government to any unnecessary expense. So far as relates to New York, Richmond, and in the neighborhood, the witnesses would be sent for at the expense

of the defence, but further South, there being greater difficulties and increased expenses, it became absolutely necessary that the Government should grant the accommodation in the manner requested. He (Mr. Baker) would be ready with the list of witnesses to-morrow, in order that the messenger might leave at once.

Judge-Advocate Chipman replied that the Court were aware that from time to time he had urged that the rule be complied with, namely, that a list of witnesses be furnished; that had not been fully done, and this morning the Court was called upon to meet a request of counsel that another special messenger be sent South. He said four weeks ago that one would be despatched to secure witnesses more for the defence than for the prosecution. Those for the latter were mainly here. At the time the bailiff went to the Old Capitol prison, and after the defendant had been furnished with a copy of the charges and specifications against him, a list of witnesses was made out by the prisoner, supervised by Messrs. Hughes, Denver & Peck, at that time his counsel, to which was attached this indorsement by Captain Wirz: "The above-named witnesses are all I require in my case."

All of these witnesses, excepting four or five, were here; their absence was accounted for by the fact that several are in Europe and the others in Texas. He had only to say that if in the progress of this trial it was believed by the counsel for the defence that additional witnesses were necessary, it was only fair to the Government that the counsel should give a list of the witnesses and where they could be found, and also what they expect to prove by them. He asked them that there be no delay and no unnecessary expenses to the prosecution in this matter. The Government was trying to do what was fair. Witnesses South could be procured by telegraphing to the nearest military posts. On Saturday he subpoenaed forty witnesses for the defence, and placed postage stamps in the envelopes for mailing. As fast as counsel had furnished him with names of witnesses he had issued subpoenas. He did not know what more the Government could do.

The Court, after deliberating with closed doors, announced its decision relative to the witnesses, namely: The defendant should present to the Court affidavits to the names of the several witnesses, the places of their residence, and a reasonable ground that they can be found; and, secondly, the facts he expects and believes he can prove by each of them. From this the Court may determine the materiality of the evidence, and order the witnesses accordingly.

Mr. Baker said the Court understood from his remarks that with all the time counsel could give to the subject, they could not, with their other duties, now draw up separate affidavits. He was willing, however, to do any thing in his power to give the prisoner a

fair defence, and must from necessity, after the prosecution has closed, ask for a few days in order to attend to what the Court require even if he had to work day and night, so that the subpoenas might be sent as soon as possible.

The Court said it would be better to grant the time now than after a while, and not when the prosecution is closed. That involved time to make the affidavits, and to send a messenger to Georgia, Texas, and elsewhere.

Mr. Baker replied they had no witnesses beyond New Orleans.

The Court said they were disposed to grant the time, but the question was whether they should do so now or after a while.

Mr. Baker suggested that if they waited till after the prosecution was ended, many things will have been developed for which they could provide in their summoning of witnesses, but if the Court adjourned now counsel would lose a great deal of time; but after the prosecution should close, counsel must have time to look over what the Government witnesses have testified to, and if they had an opportunity they could confine the witnesses for the defence to particular points. The Court repeated that an affidavit as to what the prisoner proposed to prove must be appended to the name of each witness, or the prisoner could state his belief.

Mr. Baker said the President of the Court being a lawyer, knew that lawyers always shaped the affidavits.

Major-General Wallace—And there are two of you.

Mr. Baker—It is impossible to do so now.

General Bragg said the counsel must have been apprised of the names of witnesses, and what they would swear to, or else the application was made in bad faith. If the defendant found out the names of the witnesses, all that was necessary to be done was to consult with the defendant, and draw out the facts which he expected to prove by those whose names he handed in this morning.

Mr. Baker replied that required time, and the Court could give it to him by adjourning. He must have time to know how to shape things.

Major-General Thomas said this question was pretty well opened the first week; he knew it as well then as he did now; he knew what the defence would be, and it was too late at this day to ask the Court for further time.

Mr. Baker—I only asked the Court to send a courier.

The Court—You heard the ruling.

Mr. Baker repeated what to his mind appeared the difficulty in the way.

General Bragg—How long will it require you to draw the affidavits?

Mr. Baker—Two or three days, working steady. There are twenty or thirty witnesses I could state generally what we expect to prove, and do this at the Judge-Advocate's office, with the aid of a reporter. This could

be done without an adjournment of the Court.

The Court—Very well, the question is settled.

Judge-Advocate Chipman requested that a portion of the remarks of the counsel be read, reflecting upon himself and associate, Major Hosmer.

Mr. Baker said he would not have the Judge-Advocate rest under a wrong impression.

The official reporter then read the exceptional words given in a former part of this report.

Mr. Baker—There is no reflection there.

The Judge-Advocate—The language is improper, as it censures the Judge-Advocates, and leaves a clear inference that the counsel believe that they, in the preliminary examination, used improper means to influence the witnesses. I pronounce the whole thing false.

The preliminary examination was conducted by Major Hosmer and myself, and was made with all fairness and courtesy, and in the presence of the officers of the Court and reporters and witnesses. I do not recollect of any such case, and I am sure nothing has occurred to justify the remark, which I pronounce false. I ask the Court to order an investigation, so that the counsel may sustain his speech by proof, and that the officer or officers found derelict in the particular of acting unprofessionally may be dealt with by this Court. This is due to the Judge-Advocate.

Major-General Thomas—We should know the names of the witnesses referred to by the counsel.

Mr. Baker—I thought I was careful in giving the impressions of the witness' talk to me after taking hold of my arm. I thought I was very careful not to leave any impression that the Judge-Advocate could be guilty of any such thing. It may be enough for me to say that I have too high an opinion of the Judge-Advocate to believe that he did any such thing; but when witnesses come here they feel they are under these restraints, which we cannot feel, because we are not in their positions. I must let them go for what they are worth. I do not think the Judge-Advocate is guilty of this thing, and I want no such construction put on my language.

Major-General Wallace—The language is equivalent to a charge, not only against the Judge-Advocate, but against some person connected with this Government; and if not made in the form of a charge by the counsel, it comes at least as an accusatory statement from witnesses. If the things stated are true, it is certainly in the power of counsel to give the names of the witnesses.

Mr. Baker—I don't know them.

Major-General Wallace—It is necessary to have an investigation as to whether any improper attempt has been made by persons belonging to this Court to influence witnesses

in their testimony. It is an impeachment of the Judge-Advocate of the Court, and an impeachment directly of the Government, in whose name this prosecution proceeds. For my part I think the motion of the Judge-Advocate eminently proper.

After further conversation by members of the Court, General Bragg said that as Mr. Baker made the charge he was under obligation to substantiate it.

Mr. Baker—You are a lawyer, and therefore know what the usual courtesy is. I thought I guarded my language very carefully.

Major-General Wallace—If any officer has used any improper means to influence witnesses, you may be sure he will be punished.

Mr. Baker—I have at no time charged that any officer connected with this Court is guilty of any such thing.

Major-General Wallace—We understand you, then, to retract.

Mr. Baker—I retract any inference that the Judge-Advocate did any such thing.

Major-General Wallace—Or anybody else?

Mr. Baker—Why, surely I cannot take my words back.

Judge-Advocate—I hope you will sustain them by proof.

Mr. Baker—I make no charges.

Judge-Advocate Chipman—Certain journals, adverse to the Government, have gathered up just such charges against it and the Court, and unless the officers demand some proof of the truth of the charges which have been made here so flippantly, the Judge-Advocate must rest under the imputation. Unless the counsel should retract altogether, the Court should demand the proof.

Mr. Baker—If the gentlemen can find the charge, let them do so.

Judge-Advocate Chipman—You say improper influences have been used.

Mr. Baker—The reporter has got what I said. It is the language of the witnesses.

The Court—We want to know who the witnesses are.

Mr. Baker—How can I know? They take me aside and tell me. There are no charges made. I have denied any intention or thought of making any charges.

Major-General Wallace—We are to infer that you used your language with care. You must have matured it.

Mr. Baker—By reading my remarks, it can be seen how careful I was.

Major-General Wallace—You cannot then give us the name of a single witness?

Mr. Baker—I know none of my own witnesses excepting two or three.

Judge-Advocate Chipman—Such remarks did not come from any soldiers who had been at Andersonville.

Mr. Baker repeated that the exceptional remarks had been made by a couple who caught him by the arm. He meant no disrespect by the repetition, but merely mentioned them in illustration.

Major-General Geary—There are but two

classes of witnesses. To which did they belong?

Mr. Baker—I don't know. I did not ask whether they were witnesses or not.

Several other members of the Court took part in the conversation.

Major-General Wallace—I suggest that the Court give until to-morrow morning to enable the counsel to furnish the name of the witnesses.

Mr. Baker—If I can think of the name of the witness I will.

Major-General Wallace—If such language is used it is proper you should call our attention to it.

Mr. Baker—If I can I will furnish the name.

Major-General Wilson was called to the stand. He testified that he was a captain of engineers and a major-general of volunteers; he had been operating in Alabama and Georgia with a cavalry corps, in the military division of the Mississippi; he was now stationed at Macon; the rebels, during the war, drew supplies from Central Alabama and Georgia, which could have been sent in sufficient supplies to Andersonville; there were ample means of affording comforts at the prison, which he examined on the 1st of July; he saw the remnants of only ten sheds; the barracks for the troops were fair; shelters could easily have been erected for the Union prisoners, as there was plenty of timber in the neighborhood, just such a place as troops would like to encamp, for wood and water, if they wanted to winter.

It would not have been necessary to transport timber more than a mile; there was plenty of black labor in that country; the difficulty was in getting rid of the negroes; thirty men a day would have cut wood enough for fifteen thousand men; in winter the allowance of wood in our army is just double what it is in summer, and, therefore, sixty men a day could have cut enough for fifteen thousand men; on his arrival at Macon, his first inquiry was as to the condition of Andersonville prison, and who was responsible for it; he sent two officers there, Lieutenant Vanderbrook and Captain (now Major) Noyes.

On their return they reported that the man Wirz was still there; he immediately ordered Major Noyes to return and arrest Captain Wirz, which he did, and brought him to Macon, where he was kept several days; when Wirz was brought before him he remanded him to prison, and requested that he be brought to trial; no protection was ever granted to Captain Wirz through General Wilson, who ordered his arrest for the purpose of bringing him to trial, and excepted him from the benefit of the capitulation of Johnston to Sherman.

The witness gave a particular description of the grounds at the Andersonville prison, stating that the men had burrowed in the ground for shelter, particularly on the hill side. These holes were about the size of the

ordinary shelter tents, holding two or four men.

On the cross-examination he said he stepped down into several of the excavations; he saw no tunneling under the stockade; he wrote a letter, simply saying the man Wirz had been arrested, and that he believed him guilty of the infliction of punishment on the prisoners at Andersonville, and that the miscreant should be brought to justice, in order that the whole matter might be investigated; he wished the Court to understand that he had great latitude as to power; he was there to do as he pleased, and as the interests of the Government required; there were two hundred and fifty Union prisoners at Andersonville when he reached there; they were nothing but shadows, and could not be moved without endangering their lives; many died after they were brought into his lines.

By Major-General Geary—Q. Did you offer any safe conduct for Captain Wirz's return?

A. No, except to protect him until I delivered him into such hands as the Secretary of War might direct; my officers said they had risked their own lives to protect him, and but for Major Noyes the post guards at Chattanooga would have killed him.

Willis Van Buren was cross-examined, and said he saw clothing, sent by the Sanitary Commission, on rebel soldiers.

George Walling testified as to the resources of the country in and around Andersonville.

Patrick Bradley testified what he had seen at Andersonville in the matters of cruelty.

John H. Fisher (negro) and Henry C. Lusk also testified regarding events in the same locality.

The Court then adjourned until to-morrow morning.

TUESDAY'S PROCEEDINGS.

WASHINGTON, September 12.—In the Military Commission to-day Mr. Baker, in accordance with the ruling of the Court yesterday presented a partial list of the witnesses whom he desired to have subpoenaed.

Mr. James Orman, of Atlanta, Georgia, whose name was on the former paper, but the messenger could not find him, and therefore now required a little looking up. He was adjutant from the middle of July, 1864, to April, 1865, and could give full and minute accounts of all transactions while at Andersonville.

James Armstrong of Macon, Georgia, was one of those whom the courier could not find. He was commissary of the post before Captain Wirz was placed in charge of the prison, and until April, 1865, excepting one month, and could state the condition of the commissary supplies all the time. Major Proctor, of Mammoth Cave, Kentucky, was acting commissary during Armstrong's sickness, and could swear that no supplies could be purchased for the hospital, as the fifty thousand dollars due from the commissary to the hospital fund could not be procured.

James H. Sullivan, of Bardstown, Georgia, who was in the quartermaster's department, in charge of the carpenter and blacksmiths' shops, could testify that as long as there was any lumber there, it was used for coffins, and one time a shed was torn down for that use; Captain Wirz frequently complained of the fewness of tools, and urged new ones in place of those which were broken. Several others whom Mr. Baker named, all immediately under Captain Wirz, could testify as to the searching of Union prisoners; they were also very minute at the headquarters of Captain Wirz.

Mr. Baker said what he had stated would show the materiality of these witnesses. He had only selected those deemed to be the most important; the list was not yet complete.

The Court said that what several of the witnesses could swear to was not proper evidence.

Mr. Baker—I suppose that is for us to judge.

The Court—That is for the Court.

Mr. Baker—I hope the Court will give to us very consideration.

The Court—We will give you whatever is proper.

Mr. Baker—We can show hundreds of other things by these witnesses.

Felix de la Baum, seventy-ninth New York, testified, among other things, of Captain Wirz firing two shots at two men who were drawing water; he saw one of them in a dying condition; Captain Wirz accompanied the act with the exclamation, "that's the way I get rid of you — —." The witness related other perpetrations of cruelty, such as keeping men for long periods without water, putting men in the stocks, fastening them with ball and chain, bucking and gagging, and then hunting by the hounds. He saw two men killed at the dead-line; as for himself, when he was conveyed to the prison, he weighed one hundred and fifty-eight pounds, but when he left, he weighed only ninety pounds, and was a mere skeleton; he owed the saving of his life to Dr. Bates, an acting assistant surgeon at the hospital. Owing to the starved condition of the prisoners, rats were a great delicacy; Dr. Bates managed to get them something to eat, and therefore no more rats were caught.

Rev. Father Hamilton, of the Roman Catholic church, residing in Macon, testified in relation to his acting as a missionary at the Andersonville prison, and gave many points of interest similar to those heretofore elicited during the trial, including the distressing condition of the Union prisoners by sickness and suffering, and great mortality; the witness stated that General Howell Cobb had asked him what he would recommend should be done; he advised that officer to parole all the prisoners on their word of honor, and send them to Tallahassee, Florida; he gave General Cobb a particular account of affairs at the prison; publications on this subject, appeared in all the the newspapers of the South.

Judge-Advocate Chipman—The law protects you from disclosing the secrets of the confessional. Please state, if you feel authorized to do so, to what cause the sick men under your ministrations ascribed their dying condition.

Father Hamilton—I cannot answer the question, for the confessional is one of the most sacred and inviolable of our institutions; I do not decline to answer because I want to take any advantage, but because outsiders might charge I had violated the confessional; therefore I respectfully decline to answer. The witness desired to make a correction. He and Father Wheelan were not chaplains of Andersonville prison, but had rendered gratuitous services there as priests.

Charles E. Tibets, of the fourth Iowa, testified to the cruelties of Captain Wirz, and the filthy condition of the grounds; the filth was buried from a foot to eighteen inches deep, but when the rain fell, it was washed out, filled with lice and maggots, and this extended throughout the prison. On one occasion Wirz said to witness and his companions, "Bring me Bill Crandell and I'll give you five hundred dollars out of my own pocket; and you young — —, I'll make you smell — — before night. You are sentenced to work in the grave-yard every day, put on half rations, stand in the stocks at night, and be the last men exchanged. If you don't work I'll put you on the top of the dead and cover you up." The next day Captain Wirz, in pursuance of orders, sent them to Florence.

John H. Goldsmith, of the fourteenth Illinois infantry, a prisoner at Andersonville, testified that he was detailed to perform clerical duty in Captain Wirz's office. An order was issued by Wirz for the guards to fire upon any one who spoke to them, and a verbal order was given to the rebel sergeants that in case Union prisoners should fail to report any of the missing men, they should be placed in the stocks, or bucked or gagged. The rations to the prisoners were just half in quantity to each man as those issued to the rebel troops. For three days Captain Wirz increased the ration of meal and peas to a pound and a quarter a day, and then put them back to the old standard, remarking that as the Yankees were getting — — saucy, he would bring them to their milk.

The witness heard Captain Wirz say that he was doing more good there than in the field, and that he whipped more men than General Johnston did; this was in the latter part of January last; the witness, while employed in Wirz's office, made out a furlough for a rebel soldier, who said he had earned it by killing a Union prisoner; the rebel soldier's name was Scott, and the name of the prisoner he killed Henry Lockmire, of the Pennsylvania Reserves.

On the cross-examination the witness said Captain Wirz ordered him to write out a furlough for thirty days, the rebel soldier saying that he had earned it.

Jasper Culver, of the first Wisconsin, among other instances of cruelty, mentioned that a chain-gang of twelve men complained because one of their number was very offensive from diarrhœa; this man was detached and left to himself, the thirty-two pound ball still fastened to his leg, and the iron collar round his neck; the irons were not taken from the man until after he died. The witness heard Captain Wirz declare that he was doing more for the Confederacy than any general in the field.

The Commission then adjourned till to-morrow.

WEDNESDAY'S PROCEEDINGS.

WASHINGTON, Sept. 13.—On the opening of the Military Commission this morning, Colonel Chipman submitted the following communications:

OLD CAPITOL PRISON, WASHINGTON, Sept. 13. — Colonel Chipman, Judge-Advocate—Sir: Captain Wirz has been pronounced by the surgeon at this place, to be too much prostrated to be able to appear before your Court to-day.

Very respectfully, your obedient servant,
GEORGE WEST,

Captain and Military Superintendent of Old Capitol Prison.

OLD CAPITOL PRISON, WASHINGTON, D. C., Sept. 13.—Captain West, Superintendent of Old Capitol Prison—Captain: I have the honor to inform you that Captain Wirz is unable to leave his room to-day. He is suffering from nervous prostration.

Very respectfully, your obedient servant,
C. M. FORD,

A. A. Surgeon, U. S. A.

After the reading of the record of yesterday, the Court asked Mr. Baker whether he was prepared to furnish the names of the witnesses who, on Monday, he charged had been tampered with.

Mr. Baker replied that it was impossible for him to know the witnesses by name, excepting three or four of them. He would, if he could, give their names with the greatest of pleasure.

Major-General Wallace, the President of the Court, appeared to be satisfied with the inference drawn from the fact that the counsel is unable to give the names of any of the witnesses alleged to have been tampered with, and let it be placed before the public.

Judge-Advocate Chipman read a letter from Chief Justice of the Court of Claims, Causey, showing that this gentleman had given his willing consent that the Commission should occupy the room of the Court of Claims.

The object of Colonel Chipman was to show that the Commission occupied the room by courtesy, and that the Commission had not taken possession of it for the purpose of the trial.

Owing to the sickness of Captain Wirz,

the Commission adjourned till to-morrow morning.

THURSDAY'S PROCEEDINGS.

WASHINGTON, Sept. 14.—Colonel Chipman this morning read to the Military Commission a note addressed to him by George West, captain and military superintendent of the Old Capitol prison, dated to-day, and inclosing a communication from Dr. Ford, surgeon of the post, relative to the condition of Captain Wirz, in which he states that the prisoner is somewhat better, but unable to leave his room to-day.

The Commission being desirous of obtaining further information on the subject, despatched an orderly in quest of Dr. Ford, who this morning could not be found, either at the Old Capitol or at his residence. After a recess the messenger returned, saying he could not find that gentleman.

Mr. Baker said he saw Captain Wirz yesterday afternoon, at four o'clock. His mind was evidently much deranged, and he could not concentrate it on any subject. He (Mr. Baker) took hold of his limbs, which seemed entirely without strength. He held them up, and letting go, they fell like those of a dead person. The prisoner did not seem to have much control over himself. So far as he (Mr. Baker) was able to judge, Wirz seemed like a man broken up.

He supposed the prisoner was under the influence of opiates. Though Wirz might be able to come here to-day, the physical exertion and mental excitement might again prostrate him, and the Commission would have to adjourn over, but by adjourning over now for a few days the prisoner might acquire strength enough to go on without further interruption. The defendant was most anxious that the trial should be brought to an end.

In reply to a question of the President of the Court, Mr. Baker said the prisoner was as comfortable as he could be, in the Old Capitol, and the officers were very kind to him.

The Commission, owing to the sickness of the prisoner, adjourned till Monday, September 18.

MONDAY'S PROCEEDINGS.

WASHINGTON, Sept. 18.—Captain Wirz was brought into the Court-room attended by a military guard. He continues very sick, being unable to sit, and was allowed to lie on a sofa.

The physician of the Old Capitol prison was in attendance and administered ether to the prisoner.

In consequence of the absence of Major-General Geary, a member of the Commission, an adjournment took place until to-morrow. The Roman Catholic priests whom Captain Wirz requested should visit him, have not yet done so, there being a delay in obtaining passes from the War Department for that purpose.

TUESDAY'S PROCEEDINGS.

WASHINGTON, Sept. 19.—The Wirz Military Commission reassembled this morning.

Mr. Baker mentioned the names of several witnesses whom he asked might be called for the defence. One of them, he said, would testify in relation to the scarcity of provisions in the South as connected with the Andersonville department, and another in regard to the impossibility of obtaining medicines, even for the Confederate service. He asked that subpoenas might be sent to these and other witnesses heretofore named by a special messenger. Some of them, perhaps, could be reached by mail.

Judge-Advocate Chipman said that one messenger could not reach these witnesses in six weeks to serve the subpoenas. He therefore suggested that telegrams be sent to the nearest military posts to summon the witnesses. This would save a large amount of time, and be equally efficacious as despatching a special messenger.

Mr. Baker said he had been informed that the railroads were now in such a condition that the heart of Georgia could be reached in three days.

The Court, after secret deliberation, decided that the Judge-Advocate issue subpoenas for the persons named to the commandants of Southern departments.

The examination of witnesses was then resumed.

R. G. H. Kean testified that he was employed under the Confederate Government until April of the present year as chief of the bureau of war; he identified the handwriting of Secretary of War Seddon and Assistant-Secretary of War Campbell in connection with the report of Colonel Chandler relative to the abuses at the Andersonville prison. [This document was heretofore received as evidence.]

The witness had a conversation with Judge Campbell on the subject, but did not know that it was acted upon by the secretary of war, although the document lay upon his table; he thought he would have known if the paper had been acted upon by that officer.

Walter T. Davenport, residing in Americus, Ga., testified that he was the agent for four of the counties, and that in the year 1864 he received as tithings two hundred and forty-seven thousand seven hundred and sixty-eight pounds of bacon, thirty-eight thousand nine hundred bushels of corn, three thousand five hundred and sixty-seven bushels of wheat, three thousand four hundred and twenty pounds of rough rice, eight hundred and seventeen bushels of peas, three thousand seven hundred gallons of sorghum, and one thousand one hundred and sixty-six pounds of sugar; from the 1st of January to the 19th of April he received from the same counties one hundred and fifty-five thousand seven hundred and twenty-six pounds of bacon, thirteen thousand five hundred and ninety-one bushels of corn, eighty-six bushels of wheat of the old crop, two thousand and seventy-seven pounds of

rice, eight hundred and fifty-four bushels of peas, five thousand and eighty-two gallons of syrup and fifty-six pounds of sugar; there was also a depot at Andersonville; the witness said he had heard that the ladies near Andersonville had made two successful efforts to relieve the prisoners; but the third time they were repulsed by General Winder with insult.

Major Noyes was called to certify as to the facts touching the plea of counsel, which they have pressed with gravity, that at the time of the arrest of Captain Wirz the Government pledged its faith that the prisoner should not be prosecuted if he would consent to go to Macon. In relating all the circumstances of the arrest, the witness said he went to Wirz's house at Andersonville, where he found him with his wife and two daughters; it was a hard thing to take a man from his family; the women were crying, and there was much trouble; the arrest was made as quietly as possible; he informed Captain Wirz and his family that if General Wilson found that Captain Wirz had done nothing more than his duty, and acted in obedience to orders, he would probably be released; General Wilson did not direct or authorize the witness to give the prisoner any promises, and he did not think that he did; the prisoner remained under guard all the time, and was never on his parole; on the way from Chattanooga to this city the prisoner's life was repeatedly threatened, and he would have probably been killed by incensed soldiers, if he had not all the time been under guard.

Captain Jas. M. Moore, assistant-quarter-master United States army, testified that the number of burials at Andersonville was twelve thousand nine hundred and twelve; four hundred and fifty-one bodies were unknown; the number of graves in the small-pox cemetery was sixty-four; these included all he had been able to find; the bodies were buried in trenches from one hundred to two hundred yards long, and so closely that the tablets, containing the names and rank of the deceased, almost touched; the graves of those last buried were not found marked; no disinterments were made for reburial.

John M. Yonker, twelfth United States infantry, testified that at Andersonville a sick man who had escaped from the hospital was recaptured by bloodhounds; his right ear was almost bitten off, and other serious injuries inflicted; witness took a piece of his shirt and tied up the wounds; the man gave a likeness to a companion to deliver to his mother in the event of his death, which occurred the next morning; the deceased had travelled thirty or forty miles when he was pursued by the dogs; he endeavored to climb a tree, but was unable from weakness to do so; lying prostrate the hounds attacked him with the result already mentioned; the witness said he met the old fellow who had charge of the hounds in the grave-yard; he asked the man why he committed such cruelties, to which he replied that it was by order of Captain Wirz,

who told him not to bring back any of the Yankee sons of bitches.

Mr. Baker asked the Court to disregard the last portion of the witness's statement, but the Commission overruled the objection.

The witness said that on the first day of his arrival at Andersonville he saw Captain Wirz, who was threatening and cursing, and he came at once to the conclusion that Wirz was a rough customer. The witness saw a piece of tin lying on the ground, and being a blacksmith thought he could make himself a saw of it. Wirz, seeing him reaching for the tin, called out to the guard, "Why don't you shoot the Yankee son of a bitch?" He did not get the tin. Witness spoke of the misery that he and others endured at Andersonville, the stoppage of rations, the chain-gang, the shooting of men at the dead-line, &c.

James P. Stone, second regiment Vermont volunteers, testified as to his observations at Andersonville, mentioning several cases of cruelty similar to those heretofore stated.

George Conway, third New York artillery, swore that he saw Captain Wirz himself, while in a sentry box, shoot at a man who tried to recover his tin cup from the stream into which he had accidentally dropped it.

N. D. L. Orcutt and others were examined as to the cruelties at Andersonville, when the Court adjourned.

Wirz appeared slightly better at the trial to-day, and as the major part of the evidence for the prosecution will be concluded within the next two days, it is probable that the prisoner will become animated with renewed vigor and hope while the evidence summoned for the defence is being brought out.

WEDNESDAY'S PROCEEDINGS.

WASHINGTON, September 20.—Dr. Thornburg testified that he had been in the Confederate army as a private; was appointed an assistant surgeon, and promoted to surgeon; he was assigned to duty at the Andersonville hospital, and among the reports which he made was the following:—

CONFEDERATE STATES MILITARY HOSPITAL,
ANDERSONVILLE, GEORGIA, September 26, 1864.

SIR: I would most respectfully call your attention to the very bad sanitary condition of the second division, as well as the whole hospital, to the immense quantity of filth accumulating in the streets, and to the filthiness of the tents and patients, and to the fact that it cannot be otherwise until we are furnished with the means with which to work: patients lying on the cold ground, without bed or blanket, and 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. Hoping that the proper steps may be taken to remedy these defects, I am, sir, your obedient servant,

A. THORNBURG.

Assistant Surgeon to R. R. Stevenson, Surgeon in Charge P. A. C. S.

The witness had made several similar reports to Dr. White. He frequently saw the prisoners have pants made out of what little bed-clothing they could get. During the administration of Dr. White but few vegetables were issued, and those in small quantities: knew there was an order from the War Department placing the prison hospital on the same footing as the Confederate hospitals. The hospital fund could have been drawn, and it would have supplied the hospital with vegetables. The meal issued was very coarse and unsifted. Under the administration of Dr. Stevenson things were very little better than they were under Dr. White. It was very difficult to procure medicines, and when requisitions were made it was some days before they were filled, the medicines most needed frequently not being furnished at all. The mortality was great, and the witness attributed it to want of proper diet, the crowding of men in small space, and the lack of shelter and fuel. The worst cases were brought from the stockade to the hospital. There would be forty or fifty or sixty deaths per day; their places would be filled by sick men from the stockade. Deaths frequently occurred in the stockade. Some died who had never received medical attention. Persons waiting at the stockade gate for medical attention would die before being carried to the hospital.

Witness was here shown the hospital register, and stated that he recognized the book as being the hospital book kept at Andersonville. Saw no marks to indicate that it had been tampered with except some pencil marks, which he supposed to be check marks.

The book was here offered in evidence by Colonel Chipman. It is a record of the hospital at Andersonville.

Frederick M. Jayne, a clerk to the Commission, testified that he had prepared an exhibit of the number of deaths from the book. In doing this he made the check mark referred to by the witness.

Dr. Thornburg, resumed—The number returned to the stockade from the hospital was very small; many who got well were detailed as nurses or on some duty outside of the stockade; witness had frequently seen men brought out of the stockade, and no one knew what they died with; one half of those who died could have been saved had proper diet, shelter and accommodations been furnished; in August five or six buildings were erected in the northwest corner of the stockade; in the beginning of this year some four or five other sheds were erected in the south part of the stockade; witness knew nothing about the capacity of the sheds, nor how many men they would hold; many of the prisoners built shelter from boughs, old blankets, or any thing they could get; there was some frost and a little ice during the winter; in the emaciated condition of the prisoners the weather was cold enough to freeze them to death; during the summer of 1864, the hottest weather, the thermometer stood about 96 or 100 in the

ade; in the summer of 1865 it was much warmer.

Colonel Chipman here called attention on the register to the name of O. Jerrefy, of the one-hundred-and-sixth Pennsylvania regiment, who was frozen to death during the winter of 1864.

By Mr. Baker—Witness thought the buildings were erected in the stockade by order of Captain Wirz; the register offered in evidence was the property of the hospital, and in charge of Dr. White; frequently the prisoners would die sick when they arrived. Witness never treated a person who had received a gun-shot wound inside the stockade; saw a man's leg amputated who had been shot by the sentinel, but for what cause did not know; he had frequently seen men brought out of the stockade with wounds upon them; he saw some who had their skulls fractured. Witness had treated one or two who had been wounded in the stockade by their comrades; in the early part of June he treated five hundred patients per day. Was never interfered with by Captain Wirz, but thought he showed a disposition for the surgeons to do all they could for the prisoners; large quantities of vegetables were entered on the hospital books as bought, but they were never brought into the hospital; the vegetables were bought with the hospital fund, and there must have been fraud committed; if the amount of hospital fund allowed by the Government had been drawn, it would have been enough to supply all necessary things to the hospital.

The hospital fund should have been drawn from the commissary. Witness stated if it had been his duty, and he had been furnished with the money, he could have bought plenty of vegetables; all kinds of vegetable diet was required for the hospital, with eggs, butter, chickens, &c., which would have been suitable for sick men; sometimes they got wheat bread, that is such patients as it was prescribed for; in the fall of 1864 several priests were allowed to visit the sick and administer to the prisoners; they also gave the prisoners money, and sent a large quantity of flour, which was baked in the bakery and distributed to the prisoners.

There was an order forbidding any citizen to go into the hospitals without a pass from Captain Wirz; citizens were not allowed to trade with the prisoners. Witness received some blankets for his division which had been furnished by the United States Sanitary Commission; the rules were more strict while Winder was at Andersonville than afterward.

A. D. Blair, twenty-second New York regiment, testified, among other things, that he reached over the dead-line to procure water, when the sentry fired at him, and the bullet passed over his head, striking two men, one of whom, in his tent, was mortally wounded; Wirz planted a range of flags inside of the stockade, and gave the order that if a crowd of two hundred should gather in any one spot

beyond those flags he would fire grape and canister upon them.

Cross-examined—He told the prisoners he would fire if they got inside of those flags in crowds.

Charles H. Russell testified that he was in the service of the United States, company E, first Wisconsin cavalry, and was taken to Atlanta, where he stayed in the hospital two weeks; he was then taken to Andersonville, arriving there May 27th, 1864; when conveyed to Captain Wirz' headquarters, Wirz told his orderly to "take every thing that the Yankee cavalry——— had," and threatened to shoot witness because he spoke to him about the bad bread; Wirz had a pistol in his hand, and presented it to witness' head and threatened to shoot him; witness had seen men shot by the sentinels; one man fell and his arm went under the dead-line, and the guard fired at and killed him; saw Captain Wirz go up to the sentry and shake his hand after he had shot a man, and called him a "bully fellow;" witness had seen men vaccinated; one man belonging to the same regiment as the witness was vaccinated, and died about the 1st of September; he had no other disease, but sores were all over him on his arms and legs; the swamp was eighteen inches or two feet deep with maggots, and the men had to pass through it frequently; he had often seen men in there digging roots; heard Wirz about the 4th of June say Johnston had cleaned out Sherman and taken him prisoner; Wirz said he had been an orderly sergeant in an Illinois regiment, and was under Sigel.

The Court then adjourned.

THURSDAY'S PROCEEDINGS.

WASHINGTON, Sept. 21.—Captain Wirz is somewhat improved in health to-day.

J. Burns Walker testified, among other things, that General Howell Cobb came to Andersonville on the 4th of March, and the paroled prisoners outside were notified that if we desired to hear the general we could go down; a good many of us went down, I among the others; I found General Cobb in the midst of the crowd; the second Georgia regiment I think was down at the shed that was being built for a brick-yard. He made a speech in which he referred to the prisoners, saying he was sorry that any prisoners had been captured, and that he should hang every prisoner if he had his own way; he further said: "If the prisoners come up to your house to take your chicken or your pig, hang them; if a prisoner comes up to your house to speak to your women, hang him." He then referred to President Lincoln, saying: "If President Lincoln ever gets me he will hang me, and if I ever get President Lincoln I will hang him."

In referring to the conduct of Captain Wirz, he said that he "was glad to find the state of things around Andersonville to be such as he did," and recommended Captain Wirz as being a very meritorious and efficient

officer, doing his duty, and doing it well. He said to the Confederate troops around him: "Look over into the stockade," pointing his finger directly to it, "go look over there, and compare yourself with those men, and go home and kiss your wives and sweethearts, and see if you cannot gain your independence." He further said, in connection with the grave-yard and the treatment he would give to the prisoners: "I would treat the prisoners here well; I would feed them well; I would care for them." His voice, when he said that he would care for them, assumed a stentorian tone; he spoke harshly, and as if with deep meaning; pointing at the same time with his hand to the grave-yard, as if meaning that that would be the care that he would give them. The speech was received with some hurrahing, but not so enthusiastically as I have seen speeches received in other places.

Ambrose Spencer, residing nine miles from Andersonville, testified that he visited the prison every month, and had ample opportunities of ascertaining its condition, which was as wretched and degrading as the mind could well conceive; the odor from the stockade could be detected at a distance of two miles; that section of country was well supplied with mills, both for grain and lumber; it was probably the most densely wooded of any in the United States, and as to fertility, he believed Southwestern Georgia was regarded as the garden spot of the Confederacy and from which immense quantities of supplies were drawn for the army; there was an uncommonly large supply of vegetables in the summer of 1864, some of which were taken from Americus to Andersonville for the use of Confederate officers; the witness had knowledge of the ladies in the neighborhood gathering clothing and food for the relief of the prisoners; General Winder in the presence of himself and wife, and several other ladies, said, with an oath, that he "believed the whole country was becoming Yankee," and that he would "be — if he wouldn't put a stop to it; if not one way, he would another;" the witness replied that "the exhibition of humanity was no evidence of the fact of that assertion; Winder said it was a slur on the Confederate Government, and a covert attack upon himself; the witness informed him that the supplies were forwarded at the request of Rev. Mr. Davies, when General Winder replied, "that's a — lie; as for himself he would as soon the — Yankees should die there as anywhere else; he believed it would be better," General Winder's language on this occasion was utterly unfit to be repeated in the presence of ladies; but the meaning was that he could very easily make loyal women of them by putting them in a certain condition.

In a subsequent conversation with R. B. Winder, Lieutenant Reed and Captain Wirz, Reed observed that if General Winder had done as he wanted him to do, he (Reed) would

have made a good speck out of the clothing and supplies. Captain Wirz said if he had his own way he would have a house built for a certain infamous purpose, in which he would place those benevolent women. R. B. Winder concurred in this remark by laughing. At the laying out of the prison W. S. Winder was there superintending. The witness asked him if he was going to erect sheds and shelter, and why he was cutting down the trees, to which he replied, "I am going to build the pen so as to destroy more — Yankees than can be destroyed at the front." General J. H. Winder always swore whenever the name of Andersonville was mentioned. The witness described him as bereft of feeling of humanity, in fact a brutal man.

Dr. B. J. Head, who was on duty as surgeon at Andersonville in July and August, 1864, testified in relation to affairs at the hospital, including the sufferings of prisoners from disease, and for the want of proper diet, shelter, and medicine; men would often die for the want of stimulants; when he visited his home at Americus, he mentioned to his wife the sufferings of the prisoners, and she went around the town and gathered considerable supplies, which were forwarded to Andersonville; General Winder expressed himself as glad that such things had been sent; this cleared the way for a second contribution, which was larger than the first; the third time his wife went about the country and gathered provisions and clothing, and some of the ladies went up with them to the Andersonville depot; Lieutenant Reed swore that the goods should not go into the prison; some said that he (Dr. Head) should be shot, and others that he should be hanged for his agency in procuring these supplies; the witness then called on General Winder, and informed him that it was in accordance with his permission that supplies had been carried into the stockade; General Winder got out of his chair, turned round and said, "I do not know how in the — and — there are so many sympathizers for the — Yankees;" to this the witness replied, "This is only a mission of charity and mercy," when General Winder exclaimed "Every — Yankee sympathizer and — Yankee ought to sink into —;" when the train came down with Confederate soldiers the provisions were distributed among them, and the ladies returned to their homes.

Charles H. Russell was recalled, and related two instances of cruelty by James Duncan, a rebel in charge of the distribution of bread in the quartermaster's department; a prisoner stooped to pick up a crust, when Duncan jumped from the wagon and kicked him three or four times; the man died several days thereafter in the stockade; another poor fellow who asked for bread, was similarly treated by this same Duncan; the witness was asked if Duncan was now in Court, when he responded in the affirmative, and pointed him out: Duncan, after standing up to show himself, was requested to take a seat, and the

Court informed Duncan that he must remain here.

W. W. Crandell was recalled, and swore that Duncan took a picture from a prisoner named Armstrong, who was in the spread-eagle stocks, the picture being that of a near friend; that the prisoner pleaded most earnestly for its return, when Duncan said he might consider himself fortunate if he got out of the stocks at all; Duncan also helped himself to the prisoner's money.

Samuel M. Riker testified that prisoners were robbed at Richmond before they were conveyed to Andersonville; at the latter place the government equipage was taken from the soldiers, and also money over a certain amount; Duncan was on duty in more than one capacity; he was in charge of the bakery and cook-house, and was also a government detective under Captain Wirz.

E. G. Smith testified he heard Captain Wirz order a sentinel to shoot a man who had reached beyond the dead-line for water; the sentinel hesitated, when Wirz said if he did not shoot the — Yankee he (Wirz) would shoot him; the sentinel then fired, the ball taking effect in the man's head, and killing him instantly.

Benjamin B. Dyke, rebel railroad agent at Andersonville, testified, there was a good deal of provisions on hand there at all times, excepting when the place was first opened; the freight trains were regular, from one to six, according to circumstances, running every day; vegetables in plenty were brought to the depot; the hounds used at the prison belonged to Ben. Harris, who had employed them in catching negroes; the witness knew Duncan, who had arranged with him to sell sundry barrels of syrup.

Ambrose Henshaw testified as to men being shot for approaching the dead-line. After one had been killed because he reached out for a crumb of bread the witness asked Captain Wirz if he might remove the body. "Yes," said Captain Wirz; "take him, and go to — with him."

Thomas Walsh, who kept a memoranda book at Andersonville, read therefrom, at the request of the Judge-Advocate, by which it appeared that no rations were issued on the 26th of March, 1865, and not served until three o'clock the next day, and that he had made the entry: "A number of sick, weak and hungry—a sad thing for us all." No rations were issued on the 1st of April, but the next day, at five o'clock, a pint of meal and two or three ounces of mule flesh were issued as a ration. The witness said that by paying three dollars to the guard, a prisoner could get out to gather wood. He did not know of any man who was sent to the hospital who came out alive. On the fourth of July the prisoners got rations, but being full of maggots they threw them away. Captain Wirz said, on one occasion, "May G — d A — y — me forever and forever if I do not shoot with

my revolver the first man who attempts to leave the ranks."

The Commission then adjourned.

FRIDAY'S PROCEEDINGS.

WASHINGTON, Sept. 22.—Dr. Hopkins testified that on the 22d of July, 1864, he was assigned to duty in the hospital at Andersonville. He, together with Surgeon White, was ordered to make a thorough inspection of the prison and hospital, with a view to their improvement. The witness here read the following letter, as the report which he had made:

ANDERSONVILLE, GA., Aug. 1, 1864.—Brigadier General John A. Winder—General: In obedience to your order of the 28th of July, requesting us to make examination of the Federal prison and hospital at this place, and to ascertain and report to you the cause of disease and mortality among the prisoners, the measures necessary to prevent the same, has been complied with, and we respectfully submit the following causes of disease and mortality: First. The large number of prisoners crowded together in a small compass. Second. The entire absence of all vegetables as diet, so necessary as a preventative of scurvy. Third. The want of barracks to shelter the prisoners from sun and rain. Fourth. The inadequate supply of wood and good water. Fifth. Badly cooked food. Sixth. The filthy condition of prisoners and prison generally. Seventh. The morbid emanations from the branch or ravine passing through the prison, the condition of which cannot be better explained than by naming it a morass of human excrement and mud. Preventive measures: First. the removal immediately from the prison of not less than fifteen thousand prisoners. Second. Detail or parole a sufficient number of prisoners to cultivate the necessary supply of vegetables; until this can be carried into practical operation, the appointment of agents along the different lines of railroad to purchase and forward a supply. Third. The immediate erection of barracks to shelter the prisoners. Fourth. To furnish the necessary quantity of water, and have wells dug to supply the deficiency. Fifth. 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 Government, and if that Government be unable to do so, candidly admit our inability, and call upon the Federal Government to furnish them. Sixth. By a daily inspection of bake-house and cookery. Seventh. 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 disobedience of such orders severe. For the hospital, recommend, First. That the tents be floored with plank; if plank

cannot be had, with puncheons; and if this be impossible, then with fine straw, to be frequently changed. Second. Find an adequate supply of stool-boxes, and recommend that the number be increased, and that the nurses be required to remove them as soon as used, and before returning them see that they are well washed and limed. Third. The diet for the sick is not such as they should have, and we recommend they be supplied with the necessary quantity of beef soup, with vegetables. Fourth. We also recommend that the surgeons be required to visit the hospital not less than twice a day.

We cannot too strongly recommend the necessity for the appointment of an efficient medical officer to the exclusive duty of inspecting daily the prison hospital and bakery, requiring of him daily reports of their condition to headquarters.

We have the honor to remain, general, very respectfully, your obedient servant,

(Signed)

L. H. HOPKINS,

Acting Assistant Surgeon.

Dr. Hopkins further testified that he submitted this report to Dr. White for his signature. The latter said that it contained the truth, and that he would sign it and send it to General Winder, but he did not sign it, and the witness did not know that any thing had been done to carry out the suggestions.

Judge-Advocate Chipman then submitted a general order of General Winder, addressed to Dr. Hopkins, to show that the Richmond authorities had knowledge of the condition of the Andersonville prison, and that General Winder had authority to apply a remedy.

Cross-examined by Mr. Schade.—The witness said he did not know who was to blame; Captain Wirz signed the orders as commander of the interior of the prison; he could see no great difficulty in the way of improvement; it was the implicit confidence which General Winder had in Wirz that caused the state of things to exist, otherwise General Winder would have visited the prison.

N. B. Harold, who was a shipper of supplies at Americus, testified he did not think they were ever out of bacon and meal; there was as much there as could be shipped.

Cross-examined—He said the provisions furnished to the prisoners were the same as furnished the Confederate army.

Dr. G. L. Rice, on duty at Andersonville, testified to the terrible condition of the stockade; men died from starvation, cold, exposure and other causes; medicines were not furnished in the professional way, but by a formula or number, according to the rules of the prison; for instance, instead of mentioning the medicine, the prescription would be for number one or two, or any other number, a specific for every disease being designated by a number; there was no other way in which medicines could be obtained; Dr. Stevenson, who had been in charge of the

hospital, was tried and found guilty of embezzling the hospital fund, which amounted from one hundred thousand dollars, to one hundred and fifty thousand dollars.

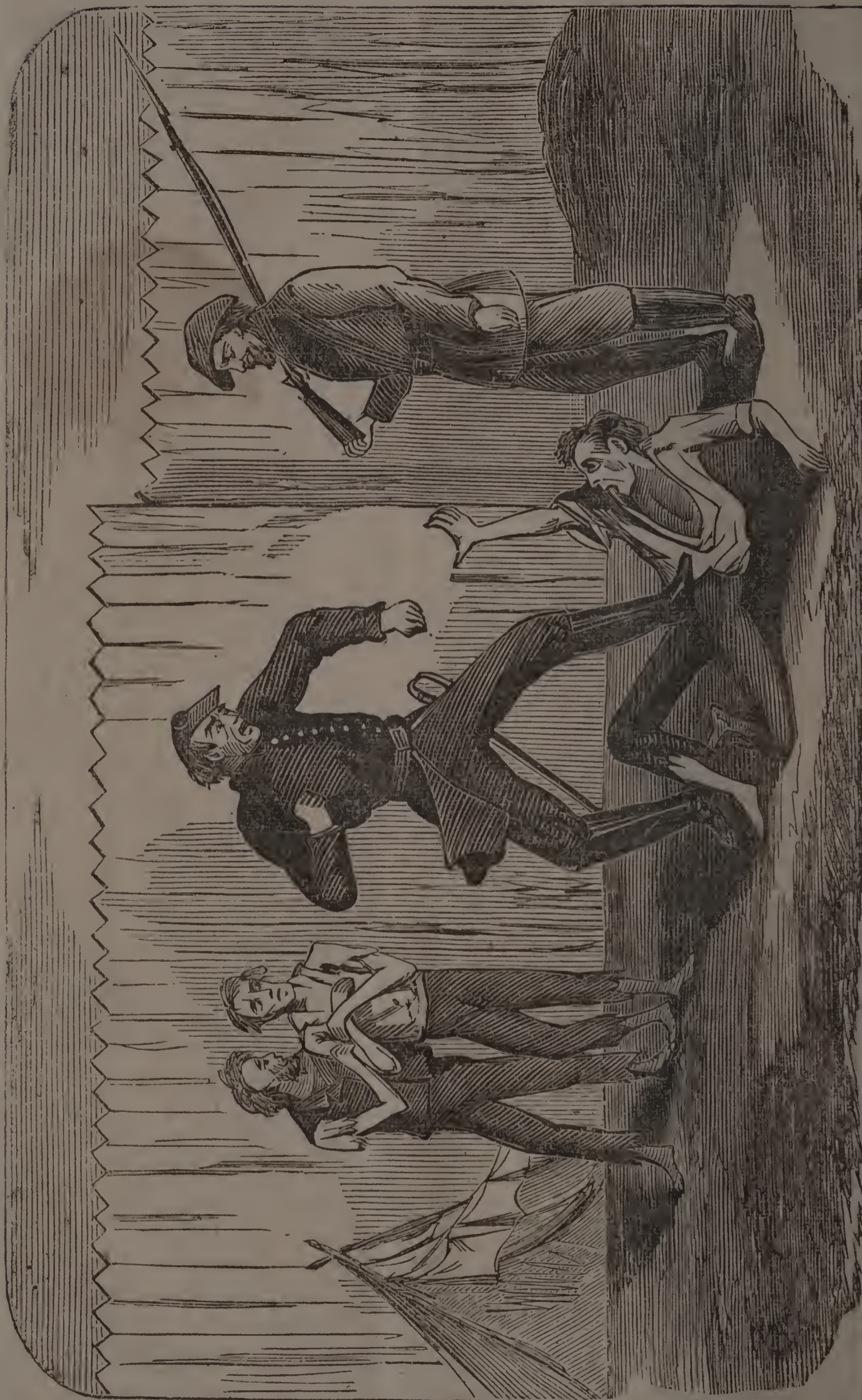
Captain Wilson French, seventeenth Connecticut, testified that he, with sixty-five other officers, were confined in a room sixty feet long and twenty-five feet wide; they were there five weeks; if they had not had the privilege of buying provisions they would have starved to death from insufficiency.

J. R. Griffin, Sergeant J. E. Alden, Robert Tate and others testified relative to affairs at Andersonville, and the cruelties of Captain Wirz; after which the Commission adjourned.

At the close of the proceedings in the Wirz trial to-day a remarkable scene took place. The witness on the stand, an Indiana cavalryman named George W. Gray, had been testifying to some outrage on the part of Wirz that had not been put in evidence before. He stated that the party of prisoners whose company he arrived at Andersonville were ordered to place their blankets, knapsacks, haversacks, canteens, etc., in one place, when an officer, mounted on a gray horse, rode up and told the Confederate soldiers to help themselves, and let the prisoners have the remainder.

The Confederates helped themselves, and there was nothing left; he was not certain whether the mounted officer was Wirz or not. In June or July, 1864, the witness and a young fellow named Underwood, of the seventh Indiana cavalry, went to the sutler's tent; Wirz was there, and Underwood asked for something to rub his wound with; the sutler said he would give it, when Wirz said, "No, he cannot have it unless he pays me a dollar;" Underwood gave him his only money which was a ten dollar bill; when he asked for the change Wirz kicked him out of the door; the witness was put in the stocks for days for attempting to escape; he knew a man to die in the stocks in August or September, 1864; the negroes took him out of the stocks after he was dead, threw his body into a wagon, and hauled it off; he knew Wirz to shoot a young fellow named William Stewart, of the ninth Minnesota infantry, when he and the witness had gone out of the stockade with a dead body which they had begged when they met Captain Wirz, who rode up to them after they had left the body in the dead-house, and asked them by what authority they were out there.

Stewart replied that they were there by proper authority; Wirz said no more, but drew his revolver and shot him; after Stewart was dead the guards took from his body twenty or thirty dollars, and Wirz took the money from the guards and rode off, telling them to carry the witness to prison; it was the witness' determination to escape if he could, and for that reason he had gone out, but was not attempting to do so at the time; when the prisoners were being removed to the cars



to be exchanged, Wirz gave orders to Lieutenant Davis to bayonet any man who laid down in the road, and witness had seen men who were crawling on their hands and knees to the cars bayoneted by the guards; witness heard one of the surgeons ask Wirz when he was going to remove the Yankees, and Wirz's reply was, "—these Yankees, they will all be dead in a few days, anyhow;" witness had seen a prisoner, who had been caught by the dogs, with part of his cheek torn off, and his arms and legs gnawed so that he only lived twenty-four hours; the first time that he had known Wirz personally was one day he heard Lieutenant Davis call his name at the gate.

Colonel Chipman said, "Captain Wirz, will you be good enough to stand up?"

The prisoner, who had been lying all day on a lounge, squirmed round, partly raising himself, till his eyes lit up with a wild andaggard expression, and yet glaring like those of a wild animal brought to bay, met the eyes of the witness.

Colonel Chipman to the witness, "Do you recognize that man as the man who shot your comrade?"

The witness slowly and emphatically said: "That is the man."

The prisoner here made an effort to contradict the witness, muttering some incoherent expressions about not having been seen by the witness with Lieutenant Davis.

He was with difficulty restrained and silenced by the officers having him in charge. The Judge-Advocate, apparently not satisfied with the opportunity which the witness had for identification, asked the prisoner to rise. Gathering up as well as he could his loose, ill-jointed frame, which appeared as if it might fall to pieces, the prisoner tottered to his feet, and was supported in that attitude by the officer of the guard, while his eyes wore such a wild expression that it was hard to repress sympathy with the unfortunate man.

Again the Judge-Advocate repeated his question to the witness, whose reply this time was more hesitating. "I think that is the man." Another wild and fruitless attempt at contradiction was made by Wirz, when he was partly drawn and partly sank on the lounge, where, by order of General Wallace, he was furnished with cold water, and was fanned by the officers. The Court thereupon adjourned, (General Wallace ordering the room to be cleared instantly so that the fainting and apparently dying man might have more air. The halls and lobbies were filled with persons waiting to see Wirz as he might be carried past.

The prosecution will probably close to-morrow, but it is doubtful whether Wirz will live to see the case closed on this side of the grave.

THE WITNESS DUNCAN.

James W Duncan, who had ill-treated some of the Andersonville prisoners, causing the death of one of them, and who was arrested in the court-room yesterday, has been committed

to the Old Capitol prison. This man was summoned hither as a witness for Captain Wirz.

SATURDAY'S PROCEEDINGS.

WASHINGTON, September 23.—Captain Wirz immediately after being brought into Court, lay down upon the sofa, still being too weak to sit up.

Sergeant Gray, whose testimony toward the close of the proceedings yesterday caused the prisoner so much distress, was cross-examined to-day. In reply to a question by Mr. Schade, he said he believed in punishment after death. When he arrived at Andersonville as a prisoner, his pocket-book and cavalry coat were taken from him; his boots had been removed from his feet at the time of his capture. The witness gave an affecting account of the sufferings of the prisoners.

Captain J. H. Wright, of the fifty-fifth Georgia, was recalled, and testified that in the absence of the commander of the post Captain Wirz had the command, and countersigned furlough papers. The witness superintended the extension of the prison grounds, eleven acres having been added. Captain Wirz made a requisition upon him for axes, which he had no difficulty in supplying. Fuel could have been supplied if the prisoners had been allowed to go out after it under guard.

Cross-examined by Mr. Schade—Furloughs were approved by Captain Wirz; when the latter acted in place of General Winder, he could give furloughs for thirty days, and when acting for Colonel Parsons, furloughs for seven days; they never had sufficient transportation at Andersonville.

Lewis Dyer, of the twelfth United States colored troops, testified that Captain Wirz proposed to the colored prisoners that if they took the oath to the South, they could choose their own masters, and some of the guards said that Captain Wirz declared he would make the white prisoners join the Confederates by starving them; the witness was for some time a servant at the house of Dr. White, ordered thither by Captain Wirz, and for which he received no pay; Captain Wirz brought to Dr. White's three thousand letters, addressed to Union prisoners; he handed them to Captain Reed's wife, who was staying there; she took every thing out of the letters, such as money, needles, thread, pictures, &c. Mrs. Reed laughed at the contents of the letters, making fun of them, and then ordered him to burn them; he had seen Confederates wearing the clothing which had been sent to the prisoners; he heard the surgeons at Dr. White's say "I have poisoned five Yankees to-day;" and another would say, "I have poisoned ten." They were laughing and drinking at the time; he also heard the surgeons say they were going to vaccinate and take off the arms of the Yankees; they would be laughing about the poison; Mrs. Reed took from the letters four hundred or five hundred dollars, which she kept in a box until the prison was broken up; he did not know what became of the money.

Mr. Baker asked the Commission to adjourn for at least one week from next Tuesday, for the following reasons—

First. That not coming into the case at the day of its opening, I have had no time to do more than to keep along daily with the examination of witnesses put upon the stand by the prosecution. I have had no time to inform myself of what witnesses the defence have had, nor what they will testify to generally, nor upon what points any certain witnesses will testify. Upon all these matters I must inform myself by calling our witnesses together, and learning from them what they know, and upon what facts in the case they can testify. To do this requires time, which I must ask of the Court.

Second. There are many points in the prosecution just closed, as there always are in every case, and more especially in cases of the magnitude of this, which admit and require at our hands complete refutation and contradiction. This I know can be done, but it necessitates the labors of overlooking the testimony and documents of the prosecution, which number several thousand pages, and requires much research and time. And the third reason, and which I regret to offer, is that the labors devolving upon me in the case have proved quite too heavy, and my own health requires that I should have a few days' rest. I regret very much to ask any favors of this Court for reasons personal to myself, but when I state to the Court that I am unable to go further with the case without rest, I trust the Court will do me the honor to believe that the statement comes not from a wish, but from my impaired condition.

A fourth reason, and the all important one in our defence, is this, and to give it more weight with the Court by being more clearly seen, I must state it in comparison with the means and powers of the Government. The Government has shown a commendable disposition to do in the general what could be made strongly to appear to be necessary for the defendant, but it should bear in mind that it had employed many months before the trial commenced in preparing this prosecution.

The learned gentlemen conducting the prosecution have had the advantage of all the facilities coming from that most efficient department known as the Bureau of Military Justice, and I may add, with honor rather than disrespect, the advantage of the advice and judgment of that truly able and worthy public servant, Judge Holt, in devising the path for them to pursue. They have had money untold at their command. They have had agents, servants, clerks and reporters for every convenience and every want. They have had the whole or any portion of the detective and military force of the country to search up and bring before them any and every person who could in any way or by the slightest word give them any light upon their side of the case. In a word, then, they have had all that a great, earnest and all-powerful

Government could, with prudence, bestow accumulating the whole debris of the fact of the Southern Confederacy upon the head of Captain Wirz.

But of this I do not complain, for I recollect it only in comparison. How is it now with the defence? Captain Wirz lies before you with a mind so shattered that he is unable even to give his counsel reliable information upon the most vital point of his defence. He has not even the means to procure the necessities of a sick man, much less to defray the expenses incidental to a trial like this. He has books and documents, but they have until to-day been kept from his counsel by the Government. He has witnesses, like the Government, in all positions, and in almost every State and village in the country. Some of them have come at his request, but many more are kept away, even after being subpoenaed, because of their want of means to come.

Others again write and say, "We have seen the charges, and we can say, from our long stay at Andersonville, that such and such ones are not true, but we have no means to come unless you send it to us." The places of residence of others who are the most important are known, but they can only be caught by sending messengers to find them and accompany them. But this is not possible. Some who have already arrived here, from the necessities of their families and the difficulty of meeting their expenses, have been and gone away, while others have been detained only by advances of money made by their counsel themselves. Other witnesses agree to write from a distance, under fictitious names, asking if they will be protected if they come to testify. Others, who are most important, will not come, unless, at great expense, we send some one to bring them here. Here is sickness and misery struggling against ignorance and power. Here is abject poverty grappling with untold millions. Here is the poor, destitute, distracted and shut-up prisoner, with powerless and inefficient counsel, endeavoring to compete with all the ability and power and means that the most powerful Government can bestow to crush him. Truly, gentlemen, I may say that I am as his counsel, in all our good intentions, but presumptuous. We, in our weakness, do not insult the majesty of our Government when we attempt so much. For these reasons, then, I ask that the Court give us at least until a week from next Thursday before we enter into the defence, and if, during that meantime, for the want of means, we cannot get together the distantly separated elements of our defence, I, for one, I fear, shall feel it my duty to relinquish it entirely. Lest a misconception be put upon my language, and it be said I want confidence in our case, I must reiterate that I believe Captain Wirz has a good and complete defence.

Colonel Chipman said the last remark of the gentleman was an insult to the hundred

United States soldiers who had testified in this case. It was, in effect, a charge that they had testified falsely.

Mr. Baker replied that there could be no such inference drawn from his remarks. He would say the prosecution could not make the horrors of Andersonville too bad by the language or proof of any of the witnesses. We may admit every thing charged to have been done, but we may also deny that Captain Wirz did it.

Colonel Chipman—If you had witnessed the closing scene here yesterday, you would not have made the speech you did.

Major-General Thomas said that Mr. Baker had drawn a comparison between the power of the Government and the helplessness of the prisoner. He believed that every thing had been done by the Government to assist the defence.

Mr. Baker—We admit it.

General Thomas—You cannot expect the Government to pay your expenses.

Colonel Chipman—The Government pays citizens as witnesses three dollars a day and their mileage.

Mr. Baker—The Government, I admit, has shown a commendable disposition.

Colonel Chipman—I felt bound by my own honor to make the remark I did, and in justice to the witnesses.

Mr. Baker—I made no insinuation in any way. I respect my Government and those concerned under it too much to treat them improperly. If I should say something which may look disrespectful, the amenities of the Court should be extended to me, in order that a harmless meaning may be attached to all I may say.

The Court, after deliberating with closed doors, announced their decision on the application of the counsel, namely, overruling the motion for an adjournment for a week, but agreeing to adjourn until next Tuesday morning, in consideration of the delicate health of Mr. Baker.

The Court then adjourned till Tuesday morning.

FOURTH WEEK OF THE TRIAL—TUESDAY'S PROCEEDINGS.

THE DEFENCE.

WASHINGTON, September 26.—Several additional witnesses were this morning examined for the Government. Dr. M. Marsh testified that he had been employed as an agent of the Sanitary Commission for the States of Georgia, Florida and the Carolinas, from January, 1862, until the close of the rebellion. The witness had sent from Beaufort, large supplies of clothing, such as shirts, drawers, pantaloons and hats, and also crackers, condensed milk, coffee, tea, and other articles of food. The arrangement for sending the relief to the pris-

oners was made by General Foster with General Sam Jones, according to which the goods were passed over to the agent of the Confederate Government at Charleston. It was known in June, 1864, that there was suffering at Andersonville, as escaped prisoners gave the information. The witness had no evidence that the goods were received by the prisoners. In November, an order was received from Washington not to send them any more supplies.

Cross-examined—After the goods passed from the Sanitary Commission they went into the hands of the Confederate agents.

Judge-Advocate Chipman put in evidence a letter of Captain Wirz, dated at Andersonville, November 12, 1864, addressed to Captain Neely, assistant quartermaster Confederate army, in which the writer acknowledged the receipt of eighteen packages of clothing, five bales of blankets, one box of shoes, four boxes of pants, three boxes of drawers, socks and shirts, and stated that he should distribute them without delay.

John B. Jones testified that he had been a clerk in the rebel War Department; with regard to General Winder, that officer was very unpopular; efforts were made to remove him, but unsuccessfully; he did not know whose particular favorite General Winder was; the latter frequently went to President Davis' and Secretary Benjamin's offices; as there was a clamor for Winder's removal as provost marshal, and as Winder was not removed, the presumption was that he was sustained by President Davis.

Philip Cashmeyer testified that he was in the rebel service four years, and was employed as a detective under General Winder; the relations between General Winder and President Davis were friendly; he had often heard General Winder say so, and had frequently seen him go to Davis' house; when the order came from the War Department to relieve General Winder as provost marshal, he went to President Davis, who indorsed the order with the words, "It is entirely unnecessary and uncalled for," or words to that effect; General Winder was sent to Goldsboro' to take the field, and afterward had his powers extended by being appointed commissioner general; the witness continued with General Winder until he died, in South Carolina; General Winder was sent by Secretary Seddon to Andersonville, to lay out the prison.

Dr. Lewellyn testified that, as a surgeon at Andersonville hospital, he prepared a full report of its condition for the benefit of the medical director, making suggestions as to how an improvement might be effected.

Cross-examined.—Dr. White was the chief surgeon of the military prisons, and left Andersonville about the time General Winder died.

Judge-Advocate Chipman then asked the counsel for the defence to call their witnesses.

Mr. Baker said they were not prepared to

go on, but if the Court thought it best they would do so.

Colonel Chipman said that for the last fortnight stringent rules and regulations had been adopted, so as to prevent the reception by the prisoner of any thing clandestinely; so much so that he could not have an interview even with his wife, excepting in the presence of an officer. Two or three instances had occurred in which the rules had been violated. A note or letter from the prisoner had been delivered by Mr. Schade, one of his counsel, to Mrs. Wirz without having been examined, and after a remonstrance from the officer to Mr. Schade, the latter was seen to hand the prisoner money and a slip of paper, which he crushed in his hand. This morning a letter was passed by the prisoner to Mr. Schade and handed to Benegotti, one of the witnesses. Such practice was improper.

The Court asked Mr. Schade whether he could give the contents of the letter.

Mr. Schade did not think it was any harm to hand a letter from Captain Wirz to his wife, as it related only to private matters, perhaps clothing. He gave the money to the prisoner out of his own pocket to buy him food, and as he did this innocently and so frequently, he did not hesitate openly to declare it. This morning he received a letter in the presence of the officers, and told the prisoner there was nothing wrong in it. Not having time to carry the letter to Mrs. Wirz, he handed it to one of the witnesses for that purpose. He should have that letter produced, so that the Court may see for themselves that there is nothing improper in it.

The Court requested Mr. Schade to hand the letter to the Judge-Advocate.

Mr. Schade replied he would.

Mr. Baker said that he had only heard there had been sharp words. He had requested the Judge-Advocate to bring out the facts. He knew nothing more of the matter than what had just been stated.

The Judge-Advocate said they had often heard of the bribing of sentries. Money was not a very ready means for that purpose. Counsel must not assume things of that kind when the prison officer informs him that such practices are against the rule.

Mr. Schade replied he had not given the prisoner more than five dollars at any time, and this was done on the prisoner's assuring him that there was a necessity for his procuring better food.

Colonel Chipman—He gets all he desires.

Mr. Schade—He says he does not.

The Court to Judge Chipman—We wish you would inquire into that, and see whether the prisoner is suffering from any deprivation.

Mr. Baker—I am satisfied the captain fares as well as any one could under the circumstances, with the exception of such little delicacies as a man in his feeble condition requires. I hope nothing more of the kind will come up.

Mr. Schade—The prisoner says he only got two cups of milk and two eggs.

The Court—Mr. Schade, you must get the letter.

Father Hamilton, called for the defence testified that while he was engaged in his ministerial duties at Andersonville, Captain Wirz was doing every thing in his power to promote the physical and spiritual comfort of the prisoners.

Father Wheelan testified to the same effect. He saw Captain Wirz commit no personal violence, although he had made use of profane language; men were hunted by the dogs, but he never heard that any one was torn by the hounds; Captain Wirz gave him permission to distribute supplies among the prisoners; while he was there he never heard of Captain Wirz killing or striking a man with his pistol, kicking a man so that he died or was laid up.

Cross-examined by Colonel Chipman—He did not say that Captain Wirz did not do such things, but that if he did it was probable he should have heard of the facts; he heard from the prisoners that Captain Wirz was vicious and harsh.

Direct examination resumed—Several other clergymen were also at the prison.

By the Court—The witness said he bought some flour in January; it was for the benefit of the prisoners, without distinction of sect or creed; he had frequently heard prisoners complain that they did not get enough to eat; he did not know whether spoiled meat was furnished or not, as he was too much engaged looking after souls; he could not say positively to how many persons in prison he had administered spiritual relief; perhaps fifteen hundred or two thousand; perhaps not so many.

Mr. Baker said he understood these two witnesses had made exertions to visit Captain Wirz as his spiritual advisers, but they could not obtain permission to do so until after they had testified as witnesses. He desired that they be furnished with certificates that they had testified.

The Court said they had nothing to do with that. It was for the officer of the prison under arrangement with the Secretary of War; therefore the application of counsel was superfluous.

Mr. Baker—The Secretary of War said he would give the permission.

The Court—That is for the Secretary, and not for the Court.

Colonel Fannin, of the first regiment of Georgia reserves, under orders from Brigadier-General Cobb, went to Andersonville on the 9th of May, 1864, and remained there until the middle of September; at first the guard did not number more than two or three hundred, but it was increased as the number of prisoners increased, until there were from twelve to fifteen hundred men; their arms were in great part flint and steel locks; Captain Wirz could not punish or reward them.

wards for any thing they had done; he could not apply for furloughs only when he might be temporarily acting as commandant of the post; the witness never heard while in command of a furlough being given to a guard for shooting a Union prisoner.

Question by Mr. Parker—Did Captain Wirz ever apply to you to have a furlough given to a guard for shooting a Union prisoner?

The Court sustained the objection as raised by the Judge-Advocate.

Q. Did ever a guard apply to you for a furlough on the ground of shooting a Union prisoner? A. I do not know of such application upon that ground.

The witness said that Turner, the owner of the dogs which had been alluded to during this trial, belonged to his regiment; this man in July was commanded by General Winder to report to him, which he did, and General Winder ordered him to procure a pack of dogs; these dogs were employed to hunt Confederate as well as Union deserters; the sentences of Confederate court-martials for offences were hanging up the swamps and the ball and chains; Captain Wirz had kicked, shot and maltreated prisoners, it is probable that he should have heard of it; he frequently made requisitions of the quartermaster for tools, but was unable to obtain them; there was a good deal of rumbling among the troops about the rations, and desertions occurred from that cause; Captain Wirz was sick last summer near Ander-ville, and was absent from the post some weeks; this was in August; the witness frequently heard whipping in the stockade at night from the sound of the lick, screams and ranting going on; this was at the time the soldiers so much disturbed the camp; six of the latter were hanged, Captain Wirz having previously turned them over to a jury of the Union prisoners.

The Commission then adjourned.

WEDNESDAY'S PROCEEDINGS.

WASHINGTON, Sept. 27—The examination of Colonel Fannin was resumed from yesterday where it left off, and the witness testified for the defence.

Mr. Baker asked the witness whether he had heard General Cobb in his speech at Ander-ville, make use of the remarks attributed to him by the witness, Mr. Walker.

Judge-Advocate Chipman objected to the question for reasons which he stated, and the objection was sustained by the Court.

The witness then testified that he heard General Cobb make a speech about the 4th of March, 1865. He could not precisely repeat what the General said, but his address was more to the troops than to others, as there had been great disaffection in the camp, the men were constantly deserting. He indicated that the soldiers should do their duty.

Question by Mr. Baker—Did you or not at that time hear General Cobb make use of such language—

Judge-Advocate Chipman (interrupting) requested that the question be reduced to writing and that the witness retire; whereupon the witness retired.

Mr. Baker regarded this as a personal insult to him.

Colonel Chipman replied that the practice was not unusual, and that it was a greater insult for the counsel to insist on asking improper questions.

Mr. Baker said that the Government witnesses had, day in and day out, been examined in the presence of one another, and now that those for the defence were to be examined, counsel were to reduce their questions to writing, and the witnesses to retire until this was done. If this was insisted upon by this Court he must stop.

The Court remarked that Mr. Baker took a rather unfair view of the subject. The Judge-Advocate did not ask him to put all his questions in writing, but only this one.

Mr. Baker—I never made such a request when the witnesses for the Government were under examination.

Colonel Chipman—If you do not do your duty that is no reason I should not do mine.

The Court—State what you want.

Mr. Baker—I must reply to the Judge-Advocate.

The Court—We don't want any speeches. Let the room be cleared.

When the doors were reopened the witness came in, and the President of the Court read from De Hart's Military Law to show that the Judge-Advocate was justified in the course he had taken. Besides, when the Judge-Advocate anticipated a question of a leading character, he had a right to require the question to be reduced to writing, and submitted to him. He was right either in asking that the room be cleared, or that the witness temporarily retire.

Mr. Baker—To that I have no objection.

The Court—That settles the point.

Mr. Baker—But I object to the witness again being sent away.

The Court—The witness may again be requested to retire and the question be reduced to writing, if it should be thought proper to do so.

Mr. Baker—Before doing so the Judge-Advocate should hear my questions, or give notice that he will make—

The Court—We remarked that the Court will take care of its own honor and dignity.

Mr. Baker—I do object to the sending of our witnesses away.

The Court—The question is very well settled.

Colonel Chipman—I said "Colonel Fannin will please retire."

Mr. Baker—I ask the same civility I extend to you.

Colonel Chipman—Have I not done it?

Mr. Baker—I don't think so, although I know your heart is good in that respect.

Mr. Baker waived his questions, and Colonel

Fannin was then further examined with reference to affairs at Andersonville.

Colonel Chipman read to the Court the following letter, addressed to him:

OLD CAPITOL PRISON, WASHINGTON D. C.,
September 27, 1865—Sir: Your communication, dated the 26th instant, in which you state that the counsel for Wirz stated to-day, in defence for his giving money, &c., to the prisoner to procure something to eat, that he could not get at the Old Capitol those things he needed, and intimating he was not well cared for by you, and requesting me to report instantly what treatment he receives. I have the honor to inform you that Captain Wirz is treated in every respect as leniently as is consistent with his position and compatible with my duties. He is furnished with a cot and bedding such as are used in the United States medical department, and furnished with a mosquito bar; if he chooses to eat the prison fare, he is furnished with the same rations allowed soldiers of the United States army, with the addition, four times per week, of the principal fresh vegetables in the market.

If unwell, he is supplied with such diet as may be prescribed by the surgeon of the prison, which is procured from the prison funds. He is also permitted to procure such eatables as he may be able to purchase. He is also allowed any books that can be procured. The only restraint to which he is subjected is that placed upon his liberty, and such precautions as will preclude his committing any injury to himself. I think if Captain Wirz is interrogated he will verify this statement.

Very respectfully, your obedient servant,
GEORGE WEST.

Capt. and Military Sup't Old Capitol prison.
To Col. CHIPMAN, Judge-Advocate Military
Commission for trial of Wirz.

It will be recollected that Colonel Chipman yesterday called attention to the fact that Mr Schade, one of the counsel for Captain Wirz, had received two letters from the prisoner for delivery to his wife, and had spoken of such proceedings as improper. He to-day read to the Court one of those letters, as follows:

OLD CAPITOL PRISON, Sept. 26, 1865—My dearest Wife: I have been hoping to see you on Sunday, and also yesterday. God only knows how I wish to see you. Lize, I have one thing to ask of you, and do it immediately, if you can. Send Mr. Schade ten dollars. It is for a certain purpose. I send you an envelope directed to him. Just put the money in; you need not write; all that it requires is to put a post stamp on it, and send it off. I am somewhat better. I hope to see you to-morrow.

Yours,

H. Wirz.

Mr. Schade remarked it was true he took letters from the prisoner to be delivered to his wife, but knew nothing of their contents. He certainly acted with the most innocent intention.

The Court was cleared for deliberation, when the doors were reopened Major-General Wallace, the President of the Court, addressing Mr. Schade, said his conduct in premises was fully appreciated by every member, but considering the stage of trial, and fearing that any further action would be detrimental to the prisoner, they had concluded to let the matter drop. "I am of opinion," he added, "that you are now sufficiently warned."

Lieutenant John F. Heath, of the third Georgia reserves, testified that in the summer of 1864, Captain Wirz was sick and expected to die. He had seen the defendant take from a box of Federal prisoners, one half of the vegetables which they had bought.

Doctor Caslen testified there was a great deal of complaint among the troops about insufficient rations; the clothing was very inferior, and there was no diet suitable for the sick. He had never heard of Captain Wirz maltreating prisoners, and knew of no cases of starvation, emaciation, and wasting away. There was much complaint in North Carolina and elsewhere about impure virus for vaccination.

Mr. Baker said they could show that from this cause many private families were starved and expected to die.

The witness said that the order to vaccinate was imperative, Dr. Cummings coming to Andersonville under the orders of the surgeon-general for that purpose.

Colonel Parsons testified he was first sent to Andersonville as commandant of the post by General Winder, in February, 1864; Captain Wirz came there in March; the latter's local orders were framed by himself, but the general orders came from General Winder. Captain Wirz urged that the hospital be moved out of the stockade; the witness petitioned General Winder to permit this to be done, and his impression was that General Winder declined, when the witness assumed the responsibility of having the hospital moved; afterward General Winder gave permission; Captain Wirz protested against crowding any more prisoners at Andersonville; General Winder ordered the dogs to be employed; the witness never saw Turner's but had seen Harris' dogs; they were common rabbit dogs, and sometimes used in catching negroes; Captain Wirz expressed great displeasure at the meagreness of supplies and the deficiency of the quartermaster's department. The witness never heard of Captain Wirz giving furloughs for shooting Union prisoners; if such had been given he would have heard of it; the witness, as commander of the post, gave furloughs for under several days, but all over that time were granted by General Winder; if any extraordinary lenience had been practiced by Captain Wirz he would have heard of it; there was great difficulty in obtaining lumber for the prisoners.

The Commission then adjourned.

THURSDAY'S PROCEEDINGS.

WASHINGTON, Sept. 28—The examination of Col. Parsons was resumed. While he commanded at Andersonville boxes of supplies from the Sanitary Commission had reached there; he had them sent in to the prisoners, for which they thanked him; the witness never knew of Captain Wirz being absent with the dogs; it was a penitentiary offence for the Confederates to trade for greenbacks; he thought this was so declared by Congress, and by a statute of the State of Georgia; the country around Andersonville was poor, and as a consequence vegetables were scarce; soon after some negroes had reached Andersonville he addressed a communication to General Winder, asking what disposition should be made of them; the reply was that the question was held in abeyance at Richmond, and until it was settled they should be treated as prisoners of war; the witness did not know whether sentries were relieved after shooting Union prisoners; such information never reached him; in the rules and regulations for the government of the prison, signed by Captain Wirz, trading by the prisoners was interdicted.

Cross-examined by Judge Chipman—The witness was first assigned to the command of the troops, and next to the post; a great effort was made to build accommodations; Captain Wirz assumed the responsibility of erecting the dead-house.

The Judge-Advocate—Would it not have been more humane to build a shelter for the living?

The witness—I think it was impracticable for Captain Wirz to furnish all the shelter required.

The Judge-Advocate—You do not answer my question.

The witness—Then I answer yes; some shelter might have been built. I think the quartermaster had not sufficient energy; I never exercised the right to punish a prisoner; Captain Wirz never received any order for that purpose from me; the latter was responsible for what he did there; Captain Wirz drew up the orders and regulations, and they had my approval; Captain Wirz labored indefatigably; whether or not he accomplished all he desired I do not know, but I do know the prison was not half cared for; I think the responsibility rests on those who crowded so many prisoners there.

By the Court—Captain Wirz drew up the prison rules by his own authority; the witness approved of them because he thought they were right; there was no dead-line therein provided for; it was subsequently erected by virtue, he supposed, of Captain Wirz's own rank.

Nazareth Allen, third Georgia reserves, who had been examined for the prosecution, was now called for the defence—There was a good deal of sickness in his regiment; owing to the heavy duty required much dissatisfaction ex-

isted, and some of the men strayed away; the effect of the bad rations was diarrhoea and other diseases among the troops; he saw some of his men wearing old clothing which they had purchased from the Union prisoners; when Stoneman's captured raiders were brought to Andersonville they were searched, and jewelry, paper money, ladies' shawls, pocket-books, gold, tablespoons, and forks, and daguerreotypes taken from them; witness never heard that a furlough could be obtained for shooting Union prisoners.

Cross-examined by the Judge-Advocate—The witness knew of no soldier dying from starvation, or emaciated because of insufficient food.

Question—Was the clothing you saw on rebel soldiers taken from the dead bodies of Union soldiers? Answer. I do not know, but believe so.

Mr. Baker—Tell us all about it.

The Judge-Advocate objected, saying the witness had answered the question.

Mr. Baker insisted the witness should tell all about it.

The Court—Mr. Baker, your question is very improper.

Mr. Baker—The Judge-Advocate stopped the witness.

The Court—He is the Judge-Advocate's witness.

Mr. Baker—I must call the attention of the court to—

The Court, interrupting—We don't want to hear it. It is very improper.

Mr. Baker—Let us have the whole of the answer.

The Court—Let the witness proceed. We don't need any assistance of yours at all.

The Judge-Advocate—The witness said he did not know of his own knowledge.

Mr. Baker said the Judge-Advocate asked the witness a question, but before he had half answered it stopped him. The Court when Boston Corbett was before them, ordered him to go on and complete his answer under circumstances similar to these now pending.

The Court said it was not to be presumed that the Judge-Advocate would violate the rules of the Court.

The Judge-Advocate repeated that the witness had answered the question.

The Court asked the witness—Were they opinions or facts you were about to state?

The witness—My opinions.

The Court—We have already decided we don't care about opinions.

Mr. Baker—I ask that the Court pass on it.

The Court—We have done it repeatedly. We don't care about the opinions of witnesses unless they are professional.

Mr. Baker—The witness was stopped in the midst of his answer.

The Court—We have decided the question. I tell you again we need no argument. If you will take your seat I will take the question

The Court voted, when the result was announced, in these words: "The Court don't care about the opinions of witnesses."

Other witnesses were then examined for the defence, and the Court adjourned.

FRIDAY'S PROCEEDINGS.

WASHINGTON, September 29.—After the Commission assembled this morning, a note was received from a member thereof, General Bragg, stating that he was sick, and in consequence unable to be in attendance. The Commission, after carefully considering the case with closed doors, adjourned till to-morrow.

The Rev. Fathers Wheelan and Hamilton, who were brought hither to testify in the Wirz case, have left Washington for their homes in Georgia. It will be recollected that Captain Wirz requested that they be permitted to visit him as his spiritual advisers. It is said for some reason unexplained, they failed to obtain permission to visit the Old Capitol prison for that purpose, and that the Rev. Father Boyle of this city has been alike unsuccessful. Father Wheelan is responsible for the repayment of sixteen thousand dollars which he had borrowed to purchase supplies in alleviation of the prisoners at Andersonville.

SATURDAY'S PROCEEDINGS.

WASHINGTON, September 30.—The Wirz trial was resumed to-day. Captain Wright, ex-quartermaster at Andersonville was recalled for the defence, and testified that he succeeded R. B. Winder at that post. The tents of his regiment were taken for the use of the hospital, and he sought but failed to obtain more for that purpose. As to lumber, he was equally unsuccessful, the owners not having been paid for what had been previously furnished. An injunction was served upon him and others to prevent him from cutting timber. He had never seen Captain Wirz kick prisoners,

Mr. Baker—Did you hear Captain Wirz complain of the bad condition of affairs?

Judge-Advocate Chipman objected to the declaration of the prisoner.

Mr. Baker said he did not ask for Captain Wirz's declaration, but his acts.

Colonel Chipman remarked that Mr. Baker had asked about complaints.

Mr. Baker said it was competent according to the rules of law to show the kindly disposition of the accused, in order to refute the allegations that he wilfully and maliciously murdered and maltreated the prisoners.

The Court remarked they had over and over again overruled the question.

Mr. Baker said he desired to show that Captain Wirz accompanied his complaints by acts to ameliorate the condition of the prisoners. He then withdrew that question, and prepared another, namely: "Do you know of any acts

on the part of Captain Wirz to ameliorate the condition of the prisoners?"

The witness replied that he could not think of any, and among other things said he never heard that soldiers received furloughs for shooting Union prisoners; he had frequently carried vegetables into the stockade for their relief, after showing Captain Wirz what he had; the Captain permitted Masonic honors to be paid to a deceased prisoner; Lieutenant Davis was in charge while Captain Wirz was sick.

Cross-examined by Colonel Chipman—The witness had no personal knowledge of what Captain Wirz did in the stockade, but outside of the stockade he knew that the accused put prisoners in the stocks and the chain-gang; Turner, who had charge of the dogs, told the witness that Captain Wirz had promised him thirty dollars apiece for capturing prisoners, but the witness refused to pay him, not believing him to be entitled to the money.

Judge Hall, of Georgia, who had testified for the prosecution, was now called as a witness for the defence. He stated that he had been employed by a man named Dykes, against Colonel Gibbs and Captain Wright, to restrain them by injunction from using Dykes' ground for burial purposes, and cutting timber on it. Dykes subsequently withdrew his bill voluntarily, when the witness used his influence to have Dykes paid by the Confederate Government for any loss he might have sustained. The witness described the land in the immediate vicinity of Andersonville as a poor pine barren. Its chief value consisted in its timber, which could be sold to railroad companies for fuel or cross-ties. Captain Wirz had applied to the witness to prosecute some men who had been appropriating provisions and other things of that sort belonging to the prisoners. He took out a search warrant to find the stolen property, but thought the process was unsuccessful. In August, 1864, he saw Captain Wirz, whose appearance was that of a man just recovered from a spell of sickness; he was feeble and emaciated. Dogs, in Georgia, are used for tracking trifling felons, violators of the law, and runaway slaves, but by the laws of that State nobody could be pursued by vicious and savage dogs.

Colonel Chipman objected to the witness proceeding on that point, as the subsequent was irrelevant. He resented it as unjust to our soldiers, who had periled their lives for their country, that they should be put upon the ground of and pursued as common felons.

Mr. Baker said the use of the hounds was first authorized and made legal by the laws of the United States. The commanding general was authorized to track human beings with dogs.

Major-General Thomas said he knew all about that.

The Court said you mean in Florida.

Mr. Baker said he did, and might follow up the question to show that the people of the South were bound by law to do whatever was

commanded by the superior military officers.

The Court having voted, sustained the objection raised by the Judge-Advocate.

The witness, in the course of the further examination, said that by the laws of Georgia it was made a capital felony to harbor or entertain Federal prisoners.

Cross-examined by Colonel Chipman—The witness said his sympathies had been with the rebellion; he was a secessionist, and remained as such until the close of the rebellion; he was active, and did all he could for it; he had not been acting as counsel for the accused; he had, however, been asked questions about law, and answered them, and had been in Mr. Baker's office several times; he went with him to the library of the Supreme Court, and pointed out the decision of Judge Lampkin.

Mr. Baker objected to these questions, saying that they did not touch any thing which had been done in the direct examination. Although the witnesses for the prosecution were open to reflection, he called the Court to witness that he had not reflected upon them.

Colonel Chipman said the gentleman surely did not understand the status to be because he did attack the credibility of witnesses. This could be done by the prosecution. He argued that he had a right to test this witness's credibility and respectability in every thing excepting the actual conviction of crime, and in that event he must produce the record.

Mr. Baker replied the Judge-Advocate had a right do to any thing permitted by law, but he had no right to investigate his (Mr. Baker's) character as counsel and discuss it. It was known that with counsel every thing was sacred.

Colonel Chipman—I did not know your office was a *sanctum sanctorum*.

Mr. Baker said he was discussing this case so that such proceedings might be stopped.

The Court—Everybody knows the custom in examining witnesses.

Mr. Baker—Then why lug these things in?

The Court—Why do you take offence?

Mr. Baker—Because it looks unkind and very bad.

The Court, after voting, announced the objection not sustained.

Examination by Mr. Baker—The witness said he had not acted as counsel or adviser for Captain Wirz, nor had he advised how the defence ought to be shaped; he had not intimated any thing about the defence, any thing more than in conversation as a witness.

W. D. Hammond, of the rebel army, testified he never saw any of his men shoot Federal prisoners, but had seen them after they were shot; Captain Wirz never, to his knowledge, promised furloughs for shooting prisoners; the order was that if the squads could not account for their men, they should be deprived of their rations; no order was issued to take from Stoneman's raiders any thing more than money, knives and forks, and such other articles as it was supposed they had stolen from

the residents of the country through which they had passed; Confederate soldiers were punished like the Union prisoners.

The Commission then adjourned till Monday

Ere the Court adjourned, subpoenas were issued for Robert E. Lee, Joe Johnson, Howell Cobb, and Robert Ould, to attend as witnesses.

FIFTH WEEK OF THE TRIAL—MONDAY'S PROCEEDINGS.

SECOND WEEK OF THE DEFENCE

WASHINGTON, October 2.—W. D. Hammock, connected with the late rebel service, testified that the Confederates could buy overcoats and other articles of the Union prisoners. On one occasion the paroled prisoners obtained a suit of clothes apiece from the supply of the United States Sanitary goods received at Andersonville.

On his cross-examination by Colonel Chipman, the witness said that he never saw Captain Wirz beat any of the prisoners of war, but he had seen him take hold of men occasionally, and throw them into their places, speaking to them in a profane manner, he being of a violent temper. Witness had smuggled onions, etc., into the stockade, selling them at a profit to the prisoners.

After the examination of this witness, General Bragg retired from the Court-room.

Judge-Advocate Chipman then read an order from the War Department relieving General Bragg from duty on the Military Commission.

Mr. Baker—What is the reason for this? I should like to know it.

The Court—You cannot ascertain. It is none of your business.

Mr. Baker—Can I not be permitted to address a few words to the Court?

The Court—No sir, nor make a motion. It is none of your business. You have nothing to do with the orders of this Court.

Mr. Baker—Then I must object to your action.

The Court—There is no objection about it. Go on with your examination.

Vincent Bardo, an Italian, testified that he was the man who blacked his face in order to make his escape. He hoped, after having blacked his face, by mixing in with a gang of out-going negroes, to get away; but he was caught and punished by twenty-five lashes, and being put in the chain-gang.

Mr. Baker to Captain Wirz—Captain, stand up.

Mr. Baker to the witness—Is this the man who ordered you to be whipped and put in the stocks?

The witness—No, sir; that is not the man; I know that old Dutch captain; I do not know who issued the order for my punishment.

Other witnesses were then examined, when the Commission adjourned.

TUESDAY'S PROCEEDINGS.

WASHINGTON, October 3.—Joseph Thuringer, eighteenth veteran reserve corps, testified that from December 21, 1861, to March 4, 1862, he was a prisoner at Tuscaloosa, Alabama; there were five hundred prisoners there under charge of Wirz, who was at that time a sergeant.

Mr. Schade said he was going to show by this witness that Wirz, at that place, received seven or eight hundred dollars in gold from the prisoners, the witness being one of them, and that they were permitted to draw money from time to time, and the balance returned to them without any reduction whatever.

Judge-Advocate Chipman supposed the counsel proposed to prove good reputation, but such a defence was an improper one. A man may be honest up to twenty-four hours of the time that he may meditate murder. Good characters can be shaken only by general reputation. The offences charged, occurred at Andersonville, and no prior conduct could be admitted. He repeated, particular acts could not be offered to show good reputation. Wirz might have committed four kind acts, but also ninety-six cruel ones.

Mr. Schade said the prisoner was charged with high crimes, and therefore it was necessary to show that the defendant was a good man four years ago, while in charge of a prison at Tuscaloosa.

The witness then, in reply to the question "Are you acquainted with the character of Captain Wirz for humanity and kindness?" said he knew nothing about it; never even heard any particular remarks on the subject.

Mr. Schade said that when the prosecution closed, and the defence was about to commence, the counsel for the prisoner asked that there be an adjournment of eight days, in order that they might make the requisite preparation. He now asked that the Commission adjourn until to-morrow week. This was necessary, in order to do justice to the prisoner, as well as to themselves. With a view to save expense, they had discharged several witnesses whose testimony would come under that character which had been ruled to be irrelevant. By an adjournment the Government would not be the loser, for they would be able to finish the trial much sooner.

The Court—We understand you have witnesses in the city.

Mr. Schade—We have.

The Court—Then go on.

Mr. Schade—We will have to wait till the witnesses come.

Judge-Advocate Chipman—The Court is not responsible for the delay of witnesses; he knew from experience that preliminary examination of witnesses could progress at the rate of twenty-five a day. Every adjournment of the Court had been of as much benefit to

the defence as to the prosecution. Some of the witnesses for the defence had been here more than a month, and every power which the Government possessed had been employed to enable the defendant to bring them hither. He took occasion to say that certain parties mentioned in the newspapers (meaning Generals Lee and Johnson and others) had not been subpoenaed, but he had been informed that application would be made to bring them into Court. The prosecution had been more than usually liberal, including the furnishing to the counsel for the defence of a copy of the daily record. There being two gentlemen engaged as counsel, one of them could devote his time to the preliminary examination of these witnesses, while the other could be in constant attendance in Court. The record showed that every indulgence had been granted to counsel, both within and outside of the law.

Mr. Schade alluded to the fact that the record of the prosecution occupied three thousand five hundred and eighty pages, nearly twenty-nine hundred of which are devoted to the prosecution. It was, therefore, necessary the defence should have time to preliminarily examine witnesses on the many points involved in so large a mass of testimony.

Several members of the Court expressed themselves to the effect that ample time had already been given.

The Court, after deliberating with closed doors, informed Mr. Schade that they understood seventeen witnesses for the defence were now in the city, exclusive of those who had been examined and discharged, and under these circumstances the Court were of the opinion the counsel must go on until the examination of these seventeen witnesses was exhausted. If not, the Court would take the matter into their own hands and assign the Judge-Advocate to the examination of these witnesses.

Mr. Schade remarked he could not say any thing until he had consulted his colleague.

The Court—It is his duty to be here. As he knows the hours of business the Court cannot wait on him.

None of the witnesses being in attendance excepting an Italian, who could not speak to be understood, they were sent after, the Court declaring a recess of a half an hour to await their coming. Mr. Baker, after whom an orderly had been despatched, arrived during the recess.

On reassembling, Mr. Baker said that when the defence commenced they had witnesses who had previously been privately examined. Their testimony was of such a character that they were able to go on thus far. The Court, yesterday, could not fail to see the difficulties under which they labored. The most important witnesses had yet to be called for the defence. They could not put them upon the stand until they go over and arrange their testimony. It could not be expected that the witnesses should be examined at random. A reasonable time should therefore be allowed this morning. He suggested to his associate

that he was trying to obtain an assistant who should come into Court and assist him in the examination of witnesses, while he (Mr. Baker) would remain at his office and prepare for the testimony in the form of questions.

Major-General Wallace said that in civil Courts nothing was more common than to continue cases, but it was not thought that any cases could be found by which time was given to counsel to arrange questions and answers of witnesses. He thought the decision of the Court to-day was right.

Mr. Baker—I did not hear the ruling of the Court, being absent.

General Wallace directed the ruling to be read for Mr. Baker's information.

Mr. Baker said that if it came to the point that he must go on without knowing to what the witnesses would testify, he must give up the case. He had bestowed much labor upon it, and was still willing to do all in his power for his client.

After further conversation the room was cleared for deliberation, and when the doors were opened, at fifteen minutes of the usual hour of adjournment, General Wallace said, to facilitate your labors, Mr. Baker, the Court will transact no business to-day, and will adjourn till ten o'clock to-morrow morning. The Court accordingly adjourned.

WEDNESDAY'S PROCEEDINGS.

WASHINGTON, Oct. 4.—A. Moesner testified that after he had been taken prisoner to Andersonville he was paroled and sent to Captain Wirz's office as clerk; he had to carry orders to the stockade, and the morning reports to General Winder's headquarters; the requisitions were made out every day; they stated the number of prisoners inside, and those on duty outside the stockade; the quantity of rations was left blank; the Commissary could see how many men were present, and he would then know the number of rations he had to furnish; every morning a list was made out of the number of rations each detachment had to get from the cook-house; the witness carried that list to Duncan, and left it with him; he did not remember of the rations being stopped for the entire camp; they were sometimes stopped in a squad when a man was reported missing; as soon as the Federal sergeant could answer for the man the rations were returned; boxes from the North arrived three times; some were sent by the Sanitary Commission, and some by the friends of the prisoners; the witness saw many boxes outside of the stockade, and one of the clerks told him those boxes were for men who could not be found, or who had died; when the second lot of boxes was received Lieutenant Davis was in command, and gave the contents of the boxes to the men outside of the stockade.

There were thirty-three thousand prisoners inside the stockade at that time; the third lot of boxes was received in November, and

contained blankets and clothing; these were taken to the storehouse near Captain Wirz's office; he sent down for all the paroled men, about one hundred and fifty, and every one of them got a whole suit of clothes, excepting shoes; about fifty pairs of shoes were received, and we gave them to those who were most in need of them; the other things were turned over to the hospital. The witness had seen some colored men get things, but not all; a Confederate sergeant was in charge of the colored men, and he came over and obtained some clothing; there may have been thirty or forty boxes belonging to prisoners who could not be found; Captain Wirz had nothing to do with the boxes after they were turned over to the surgeons. Witness had sold a pair of pants he had received from Wirz to a Confederate sergeant for five dollars, with which he had bought a blanket; General Winder gave an order to search Stoneman's raiders.

The boxes were searched to ascertain whether they contained liquors; Captain Wirz gave Duncan some tools, picks and shovels, in order that the prisoners could dig wells; he also gave Duncan orders to provide the prisoners with barrels to put in the wells to keep the dirt from falling in; there was a detail of one hundred and fifty men to clean the camp; it was a very hard matter to obtain shovels and picks, but he finally obtained about seventy-five; it was a common thing to see some of the tools broken; about forty or fifty boys were in the stockade, and Wirz requested Dr. White to take them into the hospital to help the nurses and cooks; he said if he had his way he would send these boys into the Union lines, as it was of no use to keep them prisoners of war, and that they would only get sick and die; these boys were then taken to the hospital; on one occasion the witness was sick with the dysentery, and asked the doctor for some medicine, when the doctor replied that he had been sick himself with the same disease, but had no medicine; he, however, told the witness to go and get blackberries, which he did, and was cured; Captain Wirz gave an order that these boys should gather blackberries for the sick, which they did; the witness afterward understood that the nurses made pies out of them, and that the sick got none; Dr. White, as the small-pox was increasing, gave orders that the prisoners should be vaccinated; Captain Wirz said to a man who refused to be vaccinated that he did not care if the latter should die, the order not having been given by himself; the chain-gang was formed under Winder's orders; when a plot had been matured by the prisoners to escape, Captain Wirz said he would abstain from shooting as long as he could.

Captain Wirz was sick in July, and also during August. So far as the witness recollected, Lieutenant Davis was in command.

In September Wirz came back very sick; the witness never heard of anybody dying at

Wirz's headquarters, nor of his having beaten or shot a man.

Mr. Baker asked the witness if such a thing had been done, was he not in such a relation that he would have known of the circumstance?

Colonel Chipman objected to the question, for the reason, mainly, that the acceptance of the answer would be placing too much reliance on the negative testimony of the witness, which was simply an opinion.

Mr. Baker briefly argued that the question was a legitimate one, and in all criminal prosecutions could be asked.

The Court sustained the objection.

The witness among other things testified that the hospital attendants serenaded Captain Wirz and Surgeons Stevenson and White.

Cross-examined by Judge-Advocate Chipman—Witness came from Germany in 1862, and gave the particulars of his entering the United States service; he applied to Captain Wirz for clerical duty, stating in his letter that he was acquainted with about four languages; he also stated that he was a German from Frankfort-on-the-Main; the position of clerk was better outside than confinement inside the stockade; if, while serving as a clerk, Captain Wirz had asked him to do any thing inconsistent with his oath to the United States he would have refused it; he served Captain Wirz as far as that oath permitted; the witness received double rations, one of which he sold to Captain Wirz for eighty cents Confederate money; he did not know what Wirz did with it: Wirz had the power to both issue and stop the rations to the prisoners, and he exercised it; Wirz never signed or approved requisitions for hospitals, as he did not exercise control over rations for them.

Judge-Advocate Chipman asked a question relating to General Winder's order about the chain-gang.

The witness went on to speak about some other matter, and had evidently commenced a long story.

Colonel Chipman requested him to confine himself to the question.

Mr. Baker wanted his witness a full opportunity to explain. If the gentleman did not treat the witness fairly, he would put no more on the stand.

Major-General Geary thought Mr. Baker ought to have more sense. He was becoming tired of that course of the counsel, and would not stand it. At every turn the counsel threatened the Court. It was a little too much, and he was disposed to stop it if nobody else would. It was an outrage on the Court.

Mr. Baker said he had not threatened the Court.

General Geary replied—Counsel had repeatedly threatened not to do this or that unless the Court should accede to his wishes, and that he would put no more witnesses on the stand.

Mr. Baker, in explanation, said he had

asked the Judge-Advocate to stop, but the latter paid no attention to him. If he was thus to be treated, there was but little use in putting witnesses on the stand.

The President informed Mr. Baker that he had been repeatedly told he must make his objection to the Court, and not to the Judge-Advocate.

The cross-examination was resumed. The witness testified positively that Wirz was not on duty from the 4th to the 20th of August.

George W. Frehnor testified he was taken prisoner as a spy in Tennessee, made his escape, but was recaptured in Mississippi, and sent to Richmond, and afterward to Andersonville, where he arrived in June, 1864; he acted as a prison sutler, and also as a magistrate; before him men were brought for stealing, and were punished by flogging, being set to work, and washed; a number of men were banded together, and took by force what was not their own, such as watches, money, clothing, food, and tin cups; a police force was organized called the "regulators," to put down the raiders; on one occasion the raiders tried to put down the "regulators," when the latter called for and obtained assistance, from Captain Wirz; eleven of the raiders were arrested, six of whom were hanged, and five placed in the chain-gang.

The witness, among other surprising statements, said there were five or six working shoemakers in the stockade, as many tailors, and two watchmakers, and the streets of the camp were filled with soup-jobbers, and at the roughly constructed tables could be bought ham and eggs, tea, coffee, &c.; there were five hundred bakers in the stockade who baked and sold pies and cakes; there was plenty of flour, saleratus, &c.: the witness had an establishment called the "novelty" store; he had a greater variety than any other person in camp, and sold flour, hams, chickens, pepper, sorghum, beans, peas, &c., besides medicines.

The witness further testified that there was a half million of greenback currency in camp; there were also in camp barbers' shops, clothiers, brokers, engaged in buying paper money, checks, and gold and silver; in one of the jeweler's shops he saw fifty watches and breastpins and rings to be repaired; the owner of this shop kept a journeyman. The witness said that there were fuel and lumber merchants also at the prison at Andersonville, and that lots were purchased at reasonable rates within the stockade, on which shanties were erected; there were also gamblers there, who had runners out to hunt up victims. The witness testified to many other things showing extensive trade and thrift at the prison; men suffered from exposure, but he could not say men suffered from hunger; there were about a thousand dealers in various kinds of food and goods.

The Court then adjourned.

THURSDAY'S PROCEEDINGS.

WASHINGTON, Oct. 5.—George W. Trebner, who yesterday testified before the Commission to the thriving business affairs at Andersonville, &c., was cross-examined by Judge-Advocate Chipman. He said he was living at Cincinnati, Ohio, before he entered the service at Lagrange, Kentucky, in the second Kentucky mounted infantry, in September, 1862, and was captured the same month at New-castle, Kentucky; he was acting as second lieutenant; never received any pay or bounty from the Government; there were only twenty men in witness's company and one hundred and twenty-four in the whole regiment; the regiment was unorganized, and was on its way to central Kentucky for recruits; they were surrounded by rebel guerrillas, and went into the fight unorganized; all had muskets, officers and all; the witness and his regiment were fighting equal numbers, and fought one hour, but were finally obliged to surrender; no one of witness's regiment was killed or wounded in the fight; Colonel Morris was colonel of the regiment; a rebel soldier claimed that he recognized witness, and they arrested him as a spy; they took from witness a *fac simile* of Confederate money and a parole; the parole was not to take up arms against the Confederacy while the rebels were in Kentucky.

The witness arrived at Andersonville on June 1st, 1864, and had nothing with him but his clothes; he started business there by selling his daily rations of corn bread for ten cents, and subsisted on the balance of his ration, which was bacon and a pint of raw beans; about the tenth of June, witness purchased sixteen dozen of eggs at three dollars and fifteen cents per dozen; purchased them on tick; that could be done there among men of honor, and witness always considered himself a man of honor wherever he went; the witness did not rob any one; he always considered it consistent with his honor to trade with any man; witness generally gave a portion of the money he made to his friends; when he left Andersonville, on August 4th, he had five hundred and twenty dollars in greenbacks; at one time he had five thousand dollars; witness purchased and sold flour, beans, peas, potatoes, apples, butter, onions, sorghum syrup, &c.; had purchased two barrels of sorghum; flour was seventy dollars per sack, and witness purchased a sack each day, and some days his sales of flour amounted to one thousand; potatoes were fifty dollars per sack, and onions were sixty dollars per sack; they were purchased of the post adjutant; witness bought onions and potatoes daily.

The witness said he never committed, nor was he ever charged with any crime, and was never in the penitentiary; he did not take the oath to the rebel Government, or make promises to it; he deliberately falsified on entering the stockade at Andersonville, in claiming to

be treated as an officer; there were at Andersonville, fifty wells and four hundred and fifty springs, none of which, however, yielded a bucketfull at a time; the water was pure and clean; there were five hundred bakers in the stockade, all of whom had bake-houses; Andersonville was a city; there were half a dozen real estate dealers in the stockade, who sold sites on the principal avenues and streets; everybody in turn was a wood merchant; he had seen thirty on the streets at a time.

The dealers sold ham and eggs, beefsteaks, honey, fruit, cakes, beer, &c.; any one could get a meal for ten dollars in greenbacks, and be furnished with biscuits, tea or coffee, fried steak, onions and potatoes; a thimblefull of whiskey sold for three dollars; he had seen as many as twenty barber-shops at one time; some of the barbers acted as doctors, and had medicines for sale, and also dyed the prisoners' whiskers; he had seen men cut their own throats and die; he did not know the reason, excepting they were skin and bone, and in a destitute condition.

Judge-Advocate—Did you not say yesterday you never knew a prisoner to suffer from hunger?

Witness—I said so yesterday.

Judge-Advocate—Will you explain the inconsistency in your two statements?

Witness—The men were wasted by sickness in Washington.

The Judge-Advocate wanted the witness to confine himself to affairs at Andersonville.

The witness said the dealers could get out by paying the sergeant at the gate five dollars. He used to make purchases at a house five miles distant, of butter, eggs, honey, plums, apples and tobacco, to be sold to customers in the stockade. He used to sell medicine for the diarrhoea, a dollar and a quarter or a dollar and a half for a cupfull. He also sold medicines for retail to the barbers. The witness said he sold the bread portion of his ration, and ate the remainder.

Judge-Advocate Chipman asked him whether he was sure of that.

The witness (with apparent anger) asked "am I under oath?"

The Judge-Advocate replied, if he asked his opinion, it did not look as if it mattered whether he was under oath or not.

The Court informed Colonel Chipman that that remark was improper.

Mr. Baker—Never mind; I am going to object.

The Court—There is no need of objection.

Mr. Baker—Have I not a right?

The Court—We have already reprimanded the Judge-Advocate.

Major-General Wallace asked if clothing was so plentiful there, how was it so many men were ragged? The witness replied, because they had no money to buy; he saw men in the stockade without shoes, stockings and hats; about one-half of the men might be called ragged; one-fourth of the men there had among them five hundred thousand dollars.

FRIDAY'S PROCEEDINGS.

WASHINGTON, Oct. 6.—Augustus Klech, of the eighth Pennsylvania cavalry, testified that he was taken as prisoner to Andersonville; that Captain Wirz was sick in August, and continued so for a month; in the meanwhile Lieutenant Davis was in command; he never heard nor saw Captain Wirz shoot or injure a man.

Cross-examined by Colonel Chipman—The witness was the hostler of Captain Wirz, and obtained the place outside the stockade because there was not enough to eat within; those outside obtained double rations; he drew clothing twice; he knew Captain Wirz was sick in August, because he heard so; Wirz would curse a man for nothing at all hardly, and would pull fellows along roughly.

Martin S. Harris, of the fifth regiment New York cavalry, testified that he was a prisoner at Andersonville, from July 29th to November 1st, 1864; he was a sergeant of a gang of ninety; on the 16th of September, the prisoners commenced removing the dead-line; it continued down until the middle of October; the prisoners had unrestricted intercourse with everybody; about this time Captain Wirz ordered a sutler to leave the stockade for extortion, telling the boys to help themselves from the stock of goods, but reserving the potatoes and other vegetables for the sick; Captain Wirz said to him and other sergeants that the camp had been reorganized, and that the provisions would be more abundant and regular; the Captain also increased the rations and supply of wood, and permitted the men in squads, under guard, to go out every day and cut and bring in wood; such prisoners as had no blankets and tents were permitted to gather pine-tops; he never heard of Wirz shooting or maltreating prisoners; he did not see him commit actual violence, but had heard him "cuss" the men; the main avenue was lined with stores and trading places, while there were many itinerant venders of soap, candles, knives and other things; salt was sold by the bakers to the traders; it was thrown over the wall at night in bags; about the middle of October he wrote a note to Captain Wirz, saying that owing to the way salt was disposed of, the prisoners could not obtain a sufficient supply, and requesting that some action be taken by him in the premises. Captain Wirz issued an order prohibiting the sale of salt in the stockade, and confiscating the supply in traders' hands; after this there was a perceptible taste of salt in the bread.

Cross-examined by Colonel Chipman—There were plenty of wells in the stockade, but those who acquired them by purchase, or dug them, kept them for their own use; they would sell a cup of water for a chew of tobacco, and this article was sold, a piece two inches square and very thin, for twenty-five cents; the water in the creek was never fit to drink; not being a trader, he had no extended opportunity for seeing all that was going on

in the stockade; about twenty out of the division of ninety under charge of the witness died, ten of them in the stockade, principally with diarrhœa; six of the remainder were too sick to travel to Millen; he saw men die for want of proper food, and not because of a lack of a sufficient quantity; they could not eat the corn beef because their mouths were too sore with scurvy; the witness was never in any battle. He was captured by Early's advanced guard; there was not lying by him at the time either a jug or bottle of whisky; he, however, could not tell how drunk he was at the time of capture; he was lying with his face down, asleep, when the rebels took him. The witness said that he had written several letters to the *New York News*, purporting to give a plain statement of facts, to see justice done to a fellow-man. He selected that paper because he was acquainted with the editor, who was a personal friend.

Question—Do you not know that that paper was in sympathy with the rebellion during the war?

Answer—I do not.

Question—Did you not know it was called a Copperhead sheet, and justly so, and did you not know that it continually attacked the Government during the war?

Answer—I never knew its character until recently; I did not know when I wrote the letter what kind of a paper it was; I was asked by one of the editors to give the public any information on the subject I could.

Mr. Schade, one of the prisoner's counsel, interposed, saying he found that the *Daily News* was a loyal paper, supporting the President's policy. He, therefore, did not know why it should be called a disloyal sheet.

Colonel Chipman replied he was very well aware why Mr. Schade did not see it.

Mr. Schade said no objection was taken when newspapers attacked the prisoner; but when one of them defended him offence was taken.

Colonel Chipman remarked that a witness' competency was the basis of all testimony. If he be in sympathy with rebellion without being in the war, and put himself in connection with those against the Government, and seek an interview with editors of rebel sheets, proffering his services, and writing letters in accordance with his sympathies, it was proper to show that he was not a competent witness. This witness on the stand would be shown in sympathy with the rebellion.

Mr. Baker said he had not thus endeavored to impeach the witnesses of the Government. When he did so, might he be pitched out of the window.

Colonel Chipman remarked that when such a cloud of witnesses had testified as to the horrors of Andersonville, and when he found this witness, their comrade in arms, had testified that Andersonville was a land flowing with milk and honey, he suspected such a witness, and would attack him under all circumstances because he did not believe the

presumption was in his favor. He owed this much to those suffering Union prisoners who periled their lives in defence of their country, and against whom there was not a shadow of discredibility.

Mr. Baker replied, what the Judge-Advocate proposed to do was legitimate, but the manner in which it was conducted did more credit to his heart than to his head. As an adviser of the Court, the gentleman did not do justice to the prisoner. He was governed too much by his zeal.

Colonel Chipman said as to the duties of a Judge-Advocate, while in theory, according to the writers on military law, he is both the counsel for the accused and for the Government, that theory is exploded when the accused himself selects counsel. When this defendant is attended by friends and counsel in the front and rear, it removes the obligation of the Judge-Advocate to act as his counsel.

The cross-examination was resumed. The witness said he saw Ben Wood, the proprietor of the *News*, twice in his office; he went to him to make a correction in his letters; he published in the *News* two letters about affairs at Andersonville; he did not know how he came to be subpoenaed; the witness further said he wrote letters for the *Brooklyn Eagle*, and, in reply to a question asked by Colonel Chipman, added, he did not know that the *Eagle* was more disloyal to the Government than the *News*; anticipating the trial, he had written a defence of Wirz.

Q. Don't you think it was remarkable that you selected the *News* and the *Eagle*?

A. I had never heard the character of the *News* for loyalty questioned, and I considered the *Eagle* a first-rate Democratic paper.

Miss Mary Rawson testified that she lived near Andersonville, and frequently carried food to one of the Union prisoners; Captain Wirz had never refused or denied her any privilege; he was always agreeable, and willing she should bring any thing there; she never heard of Captain Wirz treating any lady in an unkind way; the name of her prisoner, as she called him, was Peter Kean, of the sixteenth Iowa.

Rev. E. R. Duncan, minister of the gospel, attached to the Tennessee Methodist Conference, testified that in August, 1864, he preached to the Union prisoners in the stockade, having obtained a pass from Captain Wirz to go in at will; the witness also visited Andersonville in the following February; he stayed there a week each time; his mission proper was to preach to the Florida artillery.

Cross-examined by Colonel Chipman—When his State (Tennessee) went out of the Union, he was identified with the act; he went with his country; he was a man of one work, preaching to souls everywhere, and never thought that religion should be mixed up with politics.

Colonel Chipman asked a question affecting the witness' loyalty.

The reverend gentleman asked whether that was proper?

Colonel Chipman said it was, and informed the witness he was at liberty to refuse to answer any question involving him in the crime of treason.

The witness replied he was subject to the powers that be, and that ought to be a sufficient answer.

Colonel Chipman asked, "Did you ever take an oath of allegiance to the Confederate Government?"

A. I did not; I never was connected with the army in any way.

The Court adjourned.

SATURDAY'S PROCEEDINGS.

WASHINGTON, Oct. 7.—The newspapers have made a mistake in the name of the defendant's witness who on Wednesday and Thursday testified to the thriving business affairs, &c., at Andersonville. The name is George W. Fechnor, but at the prison he assumed the name of Charles W. Ross.

This morning Captain Selph was recalled, and testified that some of the boxes with Sanitary goods for soldiers were broken open on the way to their destination. The command of the witness with the Rebel army at Vicksburg were vaccinated for small-pox, but those who had the small-pox recovered quicker than those who had been vaccinated; vaccine matter was at that time very scarce in the South.

Mr. Baker asked that an adjournment take place till Thursday. He was satisfied that if the time were granted he could so arrange matters that the business would be facilitated.

Colonel Chipman suggested that the Court adjourn till Thursday, and that then, and thereafter, they sit without regard to regular hours, and thus make up the time lost by an adjournment over.

The Court acquiesced in the suggestion.

Dr. Joseph Jones, Professor of Chemistry in the Medical College of Georgia, was placed on the stand, and produced a report which he made under the permission of the Rebel authorities, concerning the diseases, &c., at Andersonville. It appears that his object was to illustrate facts relative to gangrene, malaria fevers, and camp and other diseases.

This report shows the frightful mortality, the number of deaths during one period being as large in the stockade as in the hospital. He describes the men as miserable, hopeless and abject in the extreme, very many of them mere skeletons, incrustated with dirt, and covered with vermin. Some of them cursed their own Government for refusing to consent to an exchange of prisoners. It was, he said, impossible to depict the scene.

Captain Gilmore, on duty at Norfolk, testified as to the seizure of watches, silver spoons, forks, watch-chains, lockets, photographs, &c., taken from a man named Garrison, on the Eastern Shore of Virginia, who claimed to be counsel for R. B. Winder. A watch chain,

with medal attached, was exhibited to the witness to connect these articles with the plundering at Andersonville. It belonged to Darius Morris, of the New York volunteers.

The Court then adjourned until Thursday morning, October 12th.

THURSDAY'S PROCEEDINGS.

WASHINGTON, Oct. 12.—The Wirz Military Commission reassembled to-day.

Mr. Schade, counsel for the prisoner, read from the letter-book of Captain Wirz, the following :

HDQRS. COMMANDER OF PRISONERS, }
CAMP SUMTER, June 6, 1864. }

CAPTAIN: I most respectfully call the attention of the colonel commanding the post, through you, to the following facts :

The bread which is issued to prisoners, is of such an inferior quality, consisting of one eighth husk, that it is almost unfit for use, and it is increasing the dysentery and other bowel complaint.

I would wish that the commissary of the post be notified to have the meal bolted, or some other contrivance arranged to sift the meal before issuing it. If the meal, such as is now used, was sifted, the bread rations would fall short fully one quarter of a pound.

There is a great deficiency of buckets. Rations of rice, beans, vinegar, and molasses, cannot be issued to prisoners for the want of buckets, at least eight thousand men being in the stockade without any thing of the sort. If my information is correct, any number of buckets can be got from Columbus, Ga., if the quartermaster of the post would make the requisition for the same.

Hoping that you will give this your attention as soon as possible. I remain, Captain, most respectfully your obedient servant,

H. WIRZ,

Captain Commanding Prison.

Capt. A. D. CHAPMAN, A. Adjutant of the Post.

Judge-Advocate Chipman objected to this letter being received as evidence, on the ground that the prisoner could not testify in his own behalf. The Government, however, would allow the natural inference from his acts, whether favorable or otherwise. The Judge also referred to the agreement heretofore made between himself and counsel, that the letter-book of Captain Wirz was to be put in evidence, subject to any proper objection.

Mr. Schade also read the following from the same letter-book.

HDQRS. COMMANDER OF PRISONS, }
CAMP SUMTER, Feb. 26, 1865. }

SIR: I have the honor to call your attention to the following facts: There is at this post a large number of paroled prisoners of war, who are doing work for the Government, which if not done by them, would have to be done by impressment or hire, and thus be a heavy expense to the Government. These men are almost, without exception, barefooted, having been so long at work that what shoes they have, are entirely worn out.

I wish to know if I cannot be authorized to make a requisition on the quartermaster department to supply their wants in this line or else buy the leather through the quartermaster, and have the shoes made, as there are plenty of shoemakers among the prisoners.

Recommending the statement to your favorable consideration, I am sir, very respectfully, your obedient servant, H. WIRZ,

Captain Commanding Prison
To G. W. McPHAIL, A. D. C. and A. A. G.

Judge-Advocate Chipman made the same objection to this letter as he did to the first one, but the Court refused to sustain the objection.

Mr. Baker desired that the prosecution would conclude the examination of their remaining witnesses, in order that the defence might have the remaining time without interruption.

The Court said that Mr. Baker had heretofore agreed that the prosecution should introduce witnesses after the defence commenced and now he wanted to cut off the Judge-Advocate from the privilege granted. Nothing was more frequent than to examine witnesses in the way of accommodation to both sides.

The Judge-Advocate said that he had subpoenaed other witnesses who would be here in a day or two. They were not so important to the defendant as to the general charge.

Colonel F. G. Ruffin testified that he resided near Richmond, and during the war was lieutenant-colonel in the subsistence department of the Confederate States army; there was a deficiency of commissary supplies, and from the beginning of the war, more or less scarcity; he would not say that any one was on the point of starvation, but that there was much privation; thirty thousand barrels of flour had accumulated at Richmond in the spring of 1864, but the whole of that reserve was consumed by the Union prisoners; therefore, the army of General Lee had to subsist on corn-bread, the meal having to be brought mainly from Georgia; at Coal Harbor, vegetables were so scarce that General Lee made an urgent application for them to the War Department; the men, for want of vegetables, were suffering from scurvy, diarrhoea, &c.; their recovery was necessary in order that they might return to the field; the commissary department then imported onions from the island of Bermuda through the blockade.

The witness also testified that supplies were short throughout the entire South.

Cross-examined by Col. Chipman—Witness knew nothing about the Andersonville prison; but the prisoners were removed from Richmond thither, because supplies were principally derived from Georgia; he did not know that any of the Confederate soldiers starved because of an insufficiency of food, but he had heard that some of them lost their lives because of its unwholesomeness.

R. H. Kellogg, who had testified for the prosecution, was called for the defence.

Q. During the time that you were at Ander-

Andersonville, did you ever hear or know of Capt. Wirz kicking, striking, or shooting a man so that he died? A. I did not.

Cross-examined—Wirz had a character for cruelty and brutality, and was profane and insulting to the prisoners; they were badly treated, and naturally supposed that he was responsible for the abuses; Sherman's raiders who had been brought in were robbed of nearly every thing they had; some had on merely shirts and pants; witness did not say that Captain Wirz did not kill or shoot any one, but that he did not see him do it.

At the suggestion of Judge-Advocate Chipman, the cross-examination of the witness was suspended, in order that the book written by Mr. Kellogg relative to the sufferings of and cruelties to the Union prisoners at Andersonville could be sent for.

Major S. B. French, an officer in the Confederate commissary department, testified to the deficiency of supplies in the winter of 1863, and spring of 1864. The rations in the army were reduced, and vegetables imported from Bermuda through the blockade. For five months preceding the evacuation of Richmond there was never ten days' supplies on hand for the army of Gen. Lee. Gen. Lee complained of the reduction of the ration.

Cross-examined—Witness said that it was owing to the want of transportation facilities that corn was scarce in Richmond; they did not import wheat flour; he knew nothing about Andersonville; the meal furnished to the army of Gen. Lee was not bolted.

By the Court—Gen. Lee had bread every day, but several times the telegraph to Richmond stated that he was without meat; in such instances the people of Richmond would collect a supply; Gen. Lee informed him (witness) that he had frequently been prevented from moving because of not having subsistence for his army.

Dr. Ray was recalled for the defence. Captain Wirz, he said, was sick two thirds, if not the whole of September; he had never dressed in the Andersonville hospital the wounds of a man who had been wounded with a pistol or revolver; witness said he told Captain Wirz that he ought to have his right arm treated, but the captain thought it would get well by his own treatment, he being himself a doctor.

Capt. Wirz, at the request of Mr. Baker, here took the stand, and exposed his right arm, which is much swollen and inflamed.

Dr. Ray, after looking at the arm, said that it was as bad as the first day he saw it; he looked on it as a gangrenous ulcer; two of the fingers were disabled then, as now; he thought the prisoner could not strike anybody with that arm, or with any thing in it; he might feebly defend himself, but could not grapple any one with that arm.

Cross-examined—Witness never saw the prisoner in any beligerent position; he judged of the condition of Capt. Wirz's arm from the appearance of it; he examined the arm for the first time in September, 1864, but had no idea

what caused the wound; Capt. Wirz, during that month, came to the prison whenever he could—probably once or twice a week.

Mr. Kellogg here returned with a copy of his book, and resumed his place on the stand.

Q. By Colonel Chipman—Did I understand you to mean, by saying you never heard of certain things having been done by Captain Wirz, that such things did not occur?

A. Not by any means; we understood that Captain Wirz was a brutal, cruel and overbearing man.

The witness further said, that after the six "Raiders" were hanged, they had a season of comparative peace; but the prisoners soon learned to look on the "Regulators" as equally bad. It was "diamond cut diamond"—they were the same class of men. The "Regulators" did good at first by hanging the "Raiders."

Colonel Chipman intended to, but did not, examine the witness as to any part of the book.

J. W. Armstrong, Jr., of Macon, Georgia, a captain in the commissary's office of the Confederate service, testified that when he first went to Andersonville the rations issued to the Confederate soldiers and the Union prisoners were the same; several boards of survey condemned the food there; Captain Wirz had nothing to do with the commissary supplies, excepting to receive them; Wirz made a remonstrance against the quality of the food; Wirz was sick in July; how long, he could not say, but he was out of his head; witness knew nothing about Wirz being sick in August, as he left the post the first of that month; he never heard of Captain Wirz beating or shooting a prisoner, so that he died; nor did he ever hear of a Confederate soldier obtaining a furlough for shooting a Union prisoner.

Cross-examined—He did not know whether the same rations he delivered at the post were supplied to the prisoners; he had not so much difficulty in procuring subsistence as transportation; he would not be familiar with the matter of issuing furloughs if it had been done.

Dr. Bates, who testified for the prosecution, was examined for the defence; the witness said that he might say that they had no medicines at the prison; the surgeons were not permitted to prescribe, excepting by numbers, the remedies having been previously prepared from roots and berries, and designated for various diseases; vaccine virus was a poison, even in the normal system, and its insertion produced deleterious effects; such was the depraved condition of the system, owing to the filth, insufficient and unwholesome food, and the absence of shelter, that the slightest abrasion of the skin produced gangrene; as a case in point, he said that a prisoner accidentally struck his comrade with his elbow, while they were lying together; by this the skin was abraded near the teeth; in three hours gangrene set in, and in three days the man died.

The witness characterized the country around Andersonville as a poverty-stricken section, ten acres being required to produce a bale of cotton, and only four or five bushels of corn raised to an acre.

Cross-examined—Comparing the prisons at Macon and Andersonville, he gave the preference to the latter, where he himself was confined, having been arrested in August, 1864; he did not know for what he was arrested, and he was going, *if he could*, to find out—but he was discharged, under a writ of *habeas corpus*, issued at Petersburg; while he was at Andersonville, he said, if they would give him proper diet, room and cleanliness, he would make no further requisitions for medicines; the vaccination took place prior to his being on duty at Andersonville; looking at the peculiar susceptibility of the prisoners to disease, it became a serious matter with him whether he would have vaccinated them; if they took the small-pox it was certain death; but if he thought he could have saved even one in fifty he should have resorted to vaccination; in other words, only to save life.

FRIDAY'S PROCEEDINGS.

FRIDAY, Oct. 13.—The Wirz Military Commission reassembled this morning.

Mr. Schade read two letters from the letter-book of Captain Wirz.

One of these letters, dated December, 1864, is addressed to Assistant Quartermaster Neeley, and says that he (Wirz) had received eighteen packages of clothing for the Federal prisoners, including blankets, shoes, pants, sacks, shirts, and that he would proceed to distribute them without delay.

The other letter, dated January 20, 1865, was addressed to Assistant Adjutant Thomas, asking that the guard to escort men gathering wood be increased from twenty-five to sixty men.

Benjamin Lilley, of Pennsylvania, testified that he was admitted clerk in Captain Wirz's office, and his business was when prisoners arrived to make out the descriptive roll; he was also a wardmaster, having charge of one hundred and fifty men and twenty nurses; there was much trading in beans, pork, bacon, flour, meal, peanuts, sweet potatoes, segars, tobacco, etc.; clothes were taken from the dead by our own men and sold to the rebels; witness never heard of the stocks being inside the stockade; Confederates as well as Yankees were forbidden to wash in the stream; Captain Wirz made an ineffectual effort to impress five hundred slaves for the purpose of enlarging the stockade, and our own men refused to work for fear of compromising themselves.

Among other things witness said that Captain Wirz condemned rice and corn bread, remarking that he would not feed his negroes on them, and that the men who sent the corn meal to Andersonville should be court-martialed, as they were robbing their own government; Captain Wirz was sick during August and off and on in July.

Witness never heard of Captain Wirz shooting or beating prisoners so that they died; did he ever hear of furloughs being given Confederate soldiers for shooting prisoners?

Cross-examined—Witness made application to Captain Wirz to be detailed as a clerk, having been sick with diarrhœa; Wirz was a very excitable, cross old fellow, and therefore he did not have much to do with him; in March he asked Dr. White to vaccinate him for small-pox, but the doctor intimated that the matter was impure, and said he expected to procure good matter from the arm of a clerk in the country; the small-pox was prevalent in that same month.

Witness said that the capital for trading purposes was limited to the "Raiders;" there were five hundred of them, who would knock down the prisoners and rob them of their money; after Wirz had packed the men there in the stockade, some of them came out and helped to enlarge it; there was no difficulty finding tools to build the fortifications, but there was a scarcity of them to improve the stockade; Wirz gave orders against the Confederate soldiers trading with our men for clothing, but the witness did not know that persons were threatened for doing so as was intimated; Duncan and others committed the robbery of commissary goods; it was against the orders of Captain Wirz to trade, and therefore it was carried on secretly.

Direct examination—The treatment of prisoners was better at Andersonville than at Belle Isle, as at the latter place men starved to death.

By the Court—Witness made money by trading in greenbacks and Confederate money; he started in business by selling his overcoat for twenty-five dollars; he bought greenbacks for three or five dollars inside, and sold them outside at from eight to ten dollars; he kept a sutler's store, and thus made some of his money.

Captain Wirz did not give him any extraordinary privileges more than he did to eight or ten other clerks; he was allowed to go a mile in the country from the prison; trading was contrary to orders to make money, and he made it mostly from our own men; all suffered in the stockade for want of food, and he had seen men die in consequence.

Witness came away from Andersonville with one hundred and forty dollars in greenbacks and a forty-five dollar watch.

Witness said he had seen Duncan speculating in stolen whisky and other things; Duncan knocked down and struck a couple of prisoners, and would seize men in the middle of the night and place them in the stocks.

Duncan and his right-hand man, Rich, reported the tunnels, and they would advise Captain Wirz what should be done to men for such and such things; on two different occasions witness saw Dr. Mudd hold his thumb on an artery and while the amputating operator was tying the artery, the doctor would remove his thumb and let the blood spurt in the operator's face.

and the doctor would laugh, as if it was something funny; Dr. Carr, a rebel steward, would come into the hospital disguised as one of our own men, sometimes in a good and at other times in a bad humour; witness saw him twice strike men over the face with his heavy pistol and talking with the guard; that doctor robbed a sick man of his buttons; vegetables were also stolen from the sick.

Cross-examined by Mr. Baker—Witness saw Duncan take the whisky; he had heard Duncan advise Wirz to punish with bucking and the ball and chain the men who had spoken favorably of General Fremont and old Abe.

F. W. Hile was called for the prosecution to impeach the testimony of George W. Fechnor.

Colonel Chipman asked the witness whether he knew of Fechnor refusing to give dying men food?

Mr. Baker objected.

Colonel Chipman said that Fechnor, alias "Baron Munchausen," swore that he never saw any of the prisoners die, and that he never refused to give them food.

Colonel Chipman said he wanted to show that men died before the face of Fechnor, who refused to give them any thing to eat, and also that Fechnor was a gambler and a rough generally.

Mr. Baker replied that the fact that Fechnor did not assist the prisoners and was a gambler did not affect his credibility.

Colonel Chipman asked numerous questions of the witness, who contradicted Fechnor's testimony in the following particulars:

That Fechnor, contrary to his own statements, was a gambler, and every one called him a mean man, and that he fleeced or cheated the prisoners out of their money; as an instance, a starving man craving for something to eat, was compelled to give a fifty dollar watch to Fechnor for two dollars, for which sum Fechnor sold him six small cakes for twenty-five cents a piece and an ounce of butter; Fechnor had a board with numbers up to nine upon it, where men gambled, and he was also in partnership with a sutler; Fechnor was the chief of the "Regulators," who, after the six "Raiders" were hanged, robbed and stole more than the "Raiders" themselves; so far from Fechnor giving food to hungry men, the witness said that a man was lying near Fechnor's shanty, in a starving condition, and on having been appealed to that the man might be furnished with food, Fechnor remarked, "Let him die, I don't care." The man died.

Cross-examined—Witness lived in Philadelphia, and was at Andersonville from June to September, 1864; he was often in Fechnor's shop or shanty, which contained onions, tobacco, eggs, cheese, butter, and many other things; Fechnor was known by that name, and not as Ross; the sign on the shanty was Fechnor and Company.

The Court then adjourned.

SATURDAY'S PROCEEDINGS.

WASHINGTON, Oct. 14.—Edward Wellington Boate testified that he belonged to the forty-second New York volunteers, and was prisoner both at Belle Isle and Andersonville; the latter was better than the former; the prisoners carried with him from Belle Isle were sick, and some of them died on the way; the rations at Andersonville became smaller as the number of prisoners increased; the bread was bad, burned on the outside, and raw within; the prisoners sometimes eat it and sometimes threw it away; the swamp was improved after he arrived there by ditching it; there was comfort and convenience for the first two or three months, the men using pine boughs and erecting tents for themselves; in March there was a general count of prisoners; after the hundreds on the north side had been counted they were dismissed to their quarters, but instead of proceeding thither, they went to the south side, the consequence was that the rations were stopped until the count could be fixed correctly, otherwise from seventeen hundred to two thousand more rations would have been required; Captain Wirz said to those who spoke to him on the subject:—"You know why I stopped the rations, and I was obliged to do it;" some of the men had a small supply of rations from the day before; the witness never heard of Captain Wirz assaulting the prisoners; Captain Wirz appealed to the prisoners to help to enlarge the stockade, saying he wanted to give them ten instead of four feet each.

The witness said he was one of a delegation of six prisoners appointed to come to Washington and present a petition to the United States authorities for an exchange of prisoners, General Winder and Captain Wirz assenting to the errand.

Colonel Chipman objected, saying there was no evidence to show that the original petition ever reached the United States authorities or of having been destroyed, and besides there was no evidence to show the paper now offered was an exact copy.

Mr. Baker said that so far from conspiring, Captain Wirz was taking active measures, and actually sending Union prisoners to the United States Government, to effect an exchange.

The room was cleared for deliberation; and after the doors were re-opened the opinion of the Court was announced as follows:—"There is not sufficient proof to show that the paper sought to be introduced was ever put into the hands of the Government or reached them.-- In the next place, if there is sufficient evidence to leave the presumption that it did reach the Government properly or in any manner, there is not sufficient proof of the loss of the original paper to justify the introduction of this supposed copy. In order that the counsel may not lose any benefit, the Court had directed the Judge-Advocate to apply to the proper officers of the Govern-

ment to ascertain whether such a paper had ever come into their hands, in order that at any time during the trial the paper may be introduced."

Mr. Baker remarked that he would go on to show that the Government had notice of such a petition, and that the delegation were here for three days knocking at the doors of the President, and could not obtain admission.

The witness testified that on arriving at New York with Tracy, one of the delegates, they applied to Major-General Dix for transportation to Washington but were refused.

Mr. Baker said they offered to show by the witness that the latter received a letter from Tracy, dated Washington, in substance that a delegation were here waiting on the authorities, and making known their business, but were refused permission to confer with them upon the subject. He meant by the authorities the President or Secretary of War, or both.

Colonel Chipman replied that the witness did not come to Washington but the proposition was to be proved in an unheard of way. He could scarcely believe a man of the fame and heart and unimpeachable character of President Lincoln refused admission to anybody on a subject of that kind, and the Court must not allow a slander of that nature to be repeated against so great and good a man as the late President Lincoln. While he did not wish to exclude any fact, he hoped the Court would require the counsel to prove it in the legal way.

Mr. Baker replied that the remarks of the gentleman did not refer to his offer. The stump speech about President Lincoln was out of the line of this proposition. The Judge-Advocate had no more reverence for that great man than he had. He, therefore, would be the last man to reflect upon President Lincoln or any one else; but his duty was to show that his client was not guilty of the enormities charged against him; and if he showed that Captain Wirz and others were trying to get prisoners released in order that they might return to their friends, then he did away with the charge of intention of wrong or cruelty against them. He would seek to follow this up to show that a proposition was made to send fifteen thousand prisoners from Andersonville without asking an equivalent, so great was the anxiety to get rid of these prisoners. This was refused. His intention by this was to do away with the charge of conspiracy, when, in fact, an effort was made to have the prisoners released.

Colonel Chipman said Mr. Baker ought to have asked for a subpoena for Mr. Tracy.

The Court asked whether his whereabouts were known?

Colonel Chipman replied that he could be sent for in twenty-four hours.

Mr. Baker then asked that he be produced, and he asked for Colonel Ould.

Colonel Chipman remarked that the counsel did not want Colonel Ould.

Mr. Baker replied that he had said he would not delay the trial, but when he was turned upon he asked for additional testimony to clear his client.

Colonel Chipman said the only practical point was that Winder and Wirz made efforts leading to the coming of a mission to Washington. What the mission did had not to do with this case, or whether the Government was right or wrong. If this course were pursued, another month would be consumed to show whether the Government was to blame or the man on trial. If Tracy had been asked for he would have been subpoenaed but now, toward the close of the trial, they were asked in a boisterous manner to produce points which seem to have been specifically reserved.

Major-General Thomas remarked that the counsel knew our Government would not change prisoners while the Rebel Government refused to recognize colored prisoners, soldiers, and murdered them.

Mr. Baker said he wanted to show that Winder and Wirz were not guilty of conspiracy.

The Court sustained Colonel Chipman's objection.

Mr. Baker offered in evidence a copy of the proceedings and sentence of the court-martial which tried the raiders, and which was approved by General Winder. It was not in his power to produce the original, which was either lost or destroyed. This record would remove much of the blame which had been cast on these officers, and was altogether favorable to the defence.

Colonel Chipman objected, saying the trial was irregularly conducted, in the midst of a mob, and approved by Gen. Winder in direct violation of the laws of war. The proposition was to introduce an assumed copy of the record, either for Winder's defence or to allow vague testimony to be used to exculpate this prisoner.

The objection of Colonel Chipman was sustained by the Court.

The witness was cross-examined, when Mr. Baker said that in previous remarks he alluded to Major Bogle and not Major Bowles.

Colonel Chipman said the Government here rested its case in the prosecution of this prisoner. He wished to make a statement in behalf of himself and associate, namely: They proposed to let the counsel for the prisoner make out an affidavit as to what they would have proved by those whom they wished to be subpoenaed. The Court, of course, would judge of its propriety or relevancy. [No objection.—This was understood to be Generals Lee, Johnston, Cobb and others.]

The Court said it had never refused or decided in any manner that those witnesses should not be brought here.

Colonel Chipman remarked that Mr. Baker had said, on the whole, he would not ask that those parties be subpoenaed.

Mr. Baker said, whatever had passed let

go. So far as there had been any thing of a personal nature, he would not here or outside refer to it. The Judge-Advocate had personally treated him with kindness, although he had treated the case of the defendant roughly.

The Court said both sides now rested. The Court permitted counsel for the defence to sum up in behalf of the prisoner, to be replied to by the Judge-Advocate, both to be in writing. The only thing which remained to be done was to fix the time for the hearing of the argument.

Mr. Baker said he must ask for two weeks time to prepare his argument. He had not yet a single thing laid out for it.

Colonel Chipman, in reply to a question by the Court, said he would want only twenty-four hours after the reading of the counsel's argument.

The Court, after being cleared for deliberation, informed Mr. Baker they had decided to give him until next Tuesday week.

Mr. Baker said it was impossible for him to prepare it in so short a time.

The Court said they could not extend the time.

Mr. Baker replied, then he must submit. He asked the Court to review its decision, when the room was again cleared, and after deliberation, the Court informed Mr. Baker that they would give him twelve days, or until the 26th inst.

Mr. Baker was not satisfied; he wanted two weeks, he could not accept that time.

Colonel Chipman, on being asked what time he wanted, said until next Wednesday. If the counsel would not argue at all, he would endeavor to cover all the points in the case.

The Court then adjourned till the 18th.

WEDNESDAY'S PROCEEDINGS.

WASHINGTON, Oct. 18th.—The trial of the monster was resumed on this day. Judge-Advocate Holt was present.

THE MONSTER PLEADS IN HIS OWN BEHALF.

The following is the plea made by the prisoner.

The accused says he appears to put on record his answer to the charges on which he is arraigned, and to protect and vindicate his innocence. He was there to answer for all his official and personal acts at Andersonville, and, if he could, convince the Court that they had been void of offence before God and man. He trusted that he would not be held responsible for the official or personal misdeeds of others. He would be judged by his own acts; and if they had been such as to warrant his conviction on any of the charges, let him be visited with punishment commensurate with the offence. He did not ask for mercy, but he demanded justice. In analyzing the evidence he would endeavor to be simple and concise, and above all things frank and truthful.

There are three distinct parts in which the prosecution and defence are necessarily comprised. These are: First. Had he, as charged, maliciously, wilfully and traitorously combined, confederated and conspired with John H. Winder and others to injure the health and destroy the lives of soldiers in the military service of the United States? Second. And was he the person who was officially responsible for the privations and sufferings of the Federal prisoners at Andersonville? And, third. Had he committed the crime of murder, or perpetrated all or any of the atrocities laid to his charge?

As to the first, he was not conscious of a particle of testimony going to substantiate the charge of conspiracy. Of the one hundred and sixty witnesses who have testified, no one ever heard him utter a syllable, or do an act indicative of his knowledge of the existence of some hellish plot; nor was there the least scrap of paper found in his office, or a word in the archives of the Confederacy, to show that such a conspiracy existed. Even if all the specifications which are grouped under the charge of conspiracy were literally true, there is not a shadow of evidence that the suffering was the result of a conspiracy. Captain Wirz argues that the Government itself did not believe in the existence of the conspiracy, from the fact that the names of Robert E. Lee, James A. Seddon, Lucius Northrop and Dr. Moore, who were indicted with the accused when he was first arraigned, had been stricken out. If the charge was true now, it was true then; and if there was guilt anywhere, it certainly lay more deep and damning on the souls of those who held high positions than on him who was a mere subaltern officer. He believed that what the Judge-Advocate principally relied upon as proof of the conspiracy, was the expression attributed to him (Wirz) that "he was of more service to the Confederate Government than any regiment in the front," connected with the equally wicked and significant expressions attributed to General Winder, General Cobb, and Captain W. S. Winder. As to the remark attributed to himself, he would refer to that in another part of the defence. General Winder has gone to the great judgment seat. Howell Cobb was not allowed to come here and have an opportunity of contradicting the testimony referring to him. The Judge-Advocate thus virtually admitted what it was expected to prove by him. As to W. S. Winder, he was under the jurisdiction of the United States Government. Surely he could not be held to answer for their rash and imprudent expression. Furthermore, if he, as a subaltern officer, simply obeyed the legal orders of his superiors in the discharge of his official duties, he could not be held responsible for the motive that dictated such orders. And if he overstepped them, and violated the laws of war, and outraged humanity, he should be tried and punished according to the measure of his offence.

He further argued that, from his position at

Andersonville, he should not be held responsible for the crowded condition of the stockade, the unwholesome food, &c., and adduced the following reasons, among others. viz: That he was not responsible for the selection of the location, as it was located by W. S. Winder in 1863, while Wirz was yet in Europe; that he did not assume command until March, 1864; that Colonel Parsons, one of the principal witnesses for the prosecution, testified that the stockade was sufficiently large and properly located for the accommodation of ten thousand prisoners; that Colonel Parsons' testimony fully exonerated him (Wirz) from complicity in the selection of the location, overcrowding the stockade, or failure to provide proper shelter for the prisoners; that Dr. Bates exonerated him from all blame on account of the condition of things in the hospital, and that his testimony was corroborated by Dr. Roy, and that Colonel D. T. Chandler, in his report to Richmond, never once attached blame to Wirz for the condition of affairs at Andersonville.

As to the third charge, that of murder, he hoped to be able to show the Court that he was not guilty, and that he was not the monster he had been depicted; but that on the contrary, he did what little lay in his power to diminish or alleviate the miseries of the prisoners. The specifications accused him of no less than thirteen distinct crimes of the grade of murder; yet in no instance were the name, date, regiment or circumstances stated in the specifications, and in the whole mass of the testimony, there were but two cases of this character that could be fixed with any definiteness; and in these two cases he was prepared to make his defence. The two referred to were the actual, real case of "Chickamauga," and the mythical case described by the name of "William Stewart," who, it is alleged, was shot at the gate near the guard-house.

With regard to Chickamauga, he would make the following correct statement: On the evening referred to, an officer went to his (Wirz's) headquarters, and said there was a man in the dead-line jawing the guard and creating a great deal of excitement. He rode to the stockade, dismounted, and went inside and asked Chickamauga in a rough way, "What in the hell he was doing there?" Chickamauga replied that "he wanted to be killed." He (Wirz) replied that "If that was all he wanted, he would soon have it." He then drew his revolver to menace Chickamauga, and the latter became frightened and went outside the dead-line. Wirz then ordered the guard to fire upon the cripple if he again approached the dead-line. He never supposed that Chickamauga's friends would allow him again to go near the forbidden line. Wirz then went out of the stockade, and was on his way to his quarters when he heard the report of a musket, and going back and mounting the sentry-box, he found that Chickamauga had been shot. He was shot for a violation of a rule of prison discipline; a rule absolutely

necessary at Andersonville, and one not unusual, for it was enforced in nearly all military prisons in the South; beside, rules were printed and posted in conspicuous places.

With regard to the other alleged case shooting, it differed from that of Chickamauga in that the alleged victim, "William Stewart," had the good fortune never to have been at the Andersonville stockade. The man could not be found on the books of the prison, the hospital record, or the death register. Captain Wirz argues that as this testimony came from a man named Gray, who prevaricated overmuch, his statement was not entitled to the least credence.

He argues in a similar manner as to the evidence of Alcocke, who testified to having been robbed, and to Wirz ordering men to be bayoneted on the occasion of their removal for exchange. Captain Wirz adduces the testimony of Colonel Fanning to show that he had nothing to do with the employment of the dogs.

The allegation that furloughs were granted to soldiers for shooting prisoners is pronounced an absurd camp rumor. He denies that the prisoners were ever deprived of rations as a punishment.

On only one occasion was the whole camp deprived of rations, and that was on the 4th of July, when there was a difficulty with the raiders, and the quartermaster could not distribute the rations. He denies the exercise of personal violence toward the prisoners. His physical condition was such that he could not have knocked a man down, and he quotes from the testimony of Father Whalen, Dr. Roy, and others who had opportunities of observation, to show that such a thing never occurred as his beating or shooting a prisoner.

He also quotes from Colonel Chandler's report to show that when the prisoners were inquired of as to their treatment, they never once mentioned his (Wirz's) name. He acknowledges that two of the prisoners were whipped, viz: Bardo for disguising himself as a negro, (but not by Wirz's order, as appears by Bardo's own acknowledgment;) and the negro Hawkins, for offering a gross insult to a white lady. He denies having used any expression that he was doing more for the Confederacy than any regiment at the front. The remark made was that he had a larger command than any general in the field, and that he was tortured into the remark first above mentioned. The remark at the graveyard that "the Yankees were getting the land that they came for," was actually made; but not by him (Wirz), but by another officer who was present.

After referring in complimentary terms to the members of the Commission, Captain Wirz concludes thus:

"The statement which I now close will probably survive me and you alike; it will stand as a complete answer to all the mass misrepresentation heaped against me. My

God so direct and enlighten you in your deliberations, that your character for impartiality and justice may be protected, my character defended, and the few days of my natural life spared to my helpless family."

After the prisoner had finished the reading of his plea, the Court adjourned till the 20th of October, to give Colonel Chipman time to prepare his summing up argument for the Government.

THE ARGUMENT FOR THE PROSECUTION.

The Court re-assembled on the 24th, when Colonel Chipman delivered the following able and graphic argument:

He spoke as follows: In a field so broad, presenting so many issues and involving so many persons, it had been a question of serious thought with him how to present the argument in this case, his 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, he had thought it best to notice: First. 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.

Second. To present a truthful analysis of the testimony with regard to the responsibilities of the parties, or 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.

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

Fourth. To show the guilt of the prisoner at the bar under charge second.

Colonel Chipman first argued the jurisdiction of the Court, quoting numerous authorities to show that the President had the constitutional right to convene military commissions to try civilians for certain offences incident to and growing out of a state of war. In answering some objections which had been made, he said witnesses had been summoned for the defence, and their expenses, while in attendance at the Court and coming from and returning to their homes, had been paid. Every subpoena which had been asked for had been given, with the exception of a few rebel functionaries, for reasons already given. Of one hundred and six witnesses summoned, sixty-eight reported, and forty-two others, many of them soldiers and sufferers at Andersonville, were discharged by the defence, and never put upon the stand.

Mr. Baker here interposed, saying he would not allow of exaggeration.

The Court remarked that the record would settle that.

Col. Chipman said that was the record, and added, besides what he had stated, that great expense had been incurred by furnishing counsel a complete copy of the record from day to day. Much indulgence had been extended to the defendant, which, contrasted with his cruel treatment of our soldiers, must make him more fully feel his guilt.

Colonel Chipman proceeded at length to notice the evidence with regard to the prison at Andersonville, to show, by the credibility of some witnesses, the horrible condition of that place, and the sufferings inflicted.

He then proceeded, as he said, to unfold the extent of the conspiracy, the purposes of the conspirators, and the cruel and devilish means resorted to for the purpose of accomplishing their ends. He said he entered upon this branch of the argument with regret and reluctance. He confessed, to a greater or less extent, our nationality and the good name we bear are involved in the issue, but he did not fear to present to the world, on this account, this great conspiracy of treason, the 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, criminals, and cannot, by their crimes, taint our fair escutcheon. It is the work of treason, the legitimate result of that sum of all villainies, slavery, which, by 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 Isle; who encouraged the most atrocious propositions 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 of Fort Pillow, Fort Washington, and elsewhere; who were guilty of the basest treachery in sending paroled prisoners into the field; who planted torpedoes in the paths of our soldiers; who paid their emissaries for loading shell in the shape of coal, 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, believe this case to be part of the conspiracy here charged? Let us see, said Colonel Chipman, what the evidences are of common design to murder, by starvation, these helpless, helpless victims.

First. Who are the officers, high and low, civil and military, whom the evidence implicates in the great crime? As he should show by the evidence, there are associated in this conspiracy, as directly implicated, and as perpetrators, the prisoner at the bar, Brigadier-General John H. Winder, Surgeon Isaiah 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 Ben. Harris. Remote from the scene, but no less responsible than those named: nay, with a greater weight of guilt resting upon them, 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 perpetrators in the crime, the immediate tool, first and last, of the rebel government, we shall see was General Winder. It was proper, therefore, to know who he was, and the precise relations he bore to the government which he represented. It was ascertained, 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. One of the witnesses testified 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 President Davis and his confidential advisers and premier, Mr. Benjamin.

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. The evidence was quoted at length to show General Winder's unlimited control of the prison, and the heartless expressions, both of himself and sons, concerning the cruel treatment of the prisoners, Captain W. S. Winder saying, when he was laying out the stockade, "I'm going to build a pen here that will kill more — Yankees than can be destroyed in the front." Colonel Chipman proceeded to show how this plan had been emphatically carried out, quoting from the evidence for that purpose. It was not credible that such an immense prison as that at Andersonville, used as a receptacle for prisoners from all parts of the south, was

unknown to the — that the whole matter of the prisoners, that every thing, was left in the hands of a before obscure man, now — said that during these statements James T. — prisoner and the other officers charged were doing all in their power to alleviate the sufferings so well known at Richmond and Andersonville. Without now stopping to inquire what could have been done, and what was shown, by a cloud of witnesses, to have been in their power, Colonel Chipman noticed what was done in furtherance of the conspiracy, insisting that Captain W. S. Winder remained true to his purpose, as he declared, and in many ways than one demonstrated how true was his purpose "to build a pen that would kill more — Yankees than could be destroyed in the front." The prisoner at the bar, despite his pretended protests at the time, despite the individual and widely separated instances of humanity which have been paraded here, remained as he truly said in his letter to Major-General Wilson, which was the first item of evidence introduced in this trial, "the tool in the hands of his superiors."

He had introduced himself to the prisoners by stopping their rations the first day he was on duty. He had instituted between that time and the time of General Winder's arrival a system of the most unheard-of cruel and inhuman punishment. He had made his name a terror among the prisoners, and his society a reproach to his comrades upon whom he inflicted it. He had established the dead-line and all its accompanying horrors. He had given to prisoners a foreshadowing of the stocks, of the balls and chains, and the chain-gang of starvation, as a punishment, and all that black catalogue of cruelty and suffering, unknown even to a Draconian code. He had declared to several of the prisoners engaged in the burial of the dead, "This is the way I give the Yankees the land they come to fight for."

He had scores of times told the prisoners when maltreating them, that he intended to starve them to death. He had boasted that he was doing more for the Confederacy than any general in the field. He had paraded the chain-gang for the amusement of his wife and daughters. He had, with drawn pistol to a prisoner who dared to complain of the rations, said, "— you; I'll give you bullets for bread." Are you not, Col. Chipman asked, prepared, then, to believe that, at the time of General Winder's arrival, the prisoner was in the execution of the common design, with knowledge of its object, and acting in harmony with its chief instrument, General Winder? This is Andersonville in part.

The sufferings of our prisoners in part, and something of the evidence of the conspiracy begun and continued up to the time of General Winder's arrival, would enable the Court to see whether the law governing this question, after the recital of the facts which fo

lowed, do not direct them to find a verdict of guilty. The way to kill Yankees was well understood by General Winder when he said to Mr. Spencer, when a protest was made against crowding the pen, namely, for his own part, he would as lief the — Yankees would die there as anywhere else; that, upon the whole, he did not know but what it was much better for them, 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, where he declares, speaking of exchanges, "The arrangements I have made work largely in our favor—get rid of a set of miserable wretches, and relieve 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 take care of them." It was very well understood by the prisoner at the bar, who is shown to have uttered sentiments similar to that expressed by W. S. Winder, on more than a hundred occasions. It was the way, the only way, 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 filed, J. S. S.

Colonel Chipman at length proceeded to show that the evidence further connected the Richmond government with these atrocities. Instead of General Winder having his commission taken from him, 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 color of justice to their cause, he was promoted, rewarded, and given a command of wider scope and greater power, but still in a position to carry out the purposes of this government toward prisoners of war.

History is full of examples similar in character, where a government seeking to carry out its ends, has selected as tools men like 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. The closest scrutiny of the immense record in this trial would show that, up to the very close of that prison, there were no steps taken by the rebel gov-

ernment, by General Winder, or by any of the officers of his staff, clothed with proper authority, to alleviate in any material particulars, the great sufferings of that place.

It would be said that Jeff. 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 own 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 be not, it will not do for him to upbraid and accuse his military 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."

Colonel Chapman next proceeded to examine into the cruelties practiced upon the prisoners, in order more certainly to connect Captain Wirz with the conspiracy, and to enable him more understandingly to examine the second charge, namely, that of murder in violation of the laws and custom of war. Each day's record bore witness to an accumulation of horrible details which there could be no necessity for now repeating, and to give all of which would require almost the entire proceedings to be duplicated, but he might perhaps to some purpose present briefly the proofs of each phase of cruelty alleged, which he did.

These included the stocks, the stoppage of rations, and the dead-line. It would be remembered that during the whole course of this trial no instances had been shown where a soldier confined in the Andersonville stockade was shot at the dead-line while making any attempt to escape, while the cases were numerous where prisoners wholly unoffending were thus shot.

The law governing in cases of this kind is as well defined as the law upon any other point, and it will be seen upon an examination that nothing would justify a soldier on duty in shooting a prisoner under this charge, unless the prisoner was attempting to escape, or the guard had reasonable cause to believe that that was his purpose. Every act of shooting which resulted in death under the orders given in this instance, was murder on the part of the officer giving the order, and of the soldier who executed it.

After tracing the cruelties inflicted, Colonel Chipman asked—"Can we safely stop here, and ask that the prisoner at the bar be recorded as one of the conspirators? I know it is urged that during all this time he was acting under General Winder's orders; and for the purpose of argument, I will concede that he was so acting. A superior officer cannot order a subordinate to do an illegal act; and if a subordinate obey such an order, and disastrous consequences result, both the su-

perior and subordinate must answer for it. General Winder could no more command the prisoner to violate the laws of war than could the prisoner do so without orders.

The conclusion is plain that, where such orders exist, both are guilty, and "*a fortiori*," where the prisoner at the bar acted upon his own motion, he was guilty. You cannot conclude that the prisoner was not one of the conspirators because he is not shown to have been present, and to have acted in concert with all the conspirators. If he was one of the conspiracy to do an illegal act, it matters not whether he knew all his co-conspirators, or participated in all that they did. It is not necessary to prove any direct concert of action, or even meeting of the conspirators. A concert may be proved by evidence of a concurrence of the acts of the prisoner with those of others, connected together by a correspondence in point of time, and their manifest adaptation to effect the same object. These rules of law place beyond a doubt the guilt of the prisoner in every respect there is plainly discernible a correspondence in point of time, and a manifest adaptation to effect the same object in all that he did, and these principles apply not only to the prisoner, but to all others on duty at Andersonville whose acts concurred with those of others of the conspiracy, and were adapted to effect the same object.

Colonel Chipman then proceeded to notice the guilt of Surgeons White and Stevenson, in their ill-treatment of the sick, and in innoculating them with poisonous vaccine matter, Wirz standing by with pistol in hand to have this done; all showing the wicked intent, not only in this, but in starving men to death in a region of plenty. His conclusion on this branch of the subject is as follows:—This is the record of history against the charnel house of Andersonville. Let the mouths of those who would defend these atrocities by recrimination, charging the United States Government with like cruelties, forever hereafter be closed—Fort Delaware and Johnson's Island with their two per cent. of dead; Andersonville with eighty-three per cent.

Look upon that picture and then upon this, and tell me there was no design to slay! Let no mind, be it warped never so much by treason and treasonable sympathies, doubt this record. For if "damned costume have not brazed its soul that it, be proof and bulwark against sense," it must believe; it cannot deny these things. May it please the Court, I have done with the argument under charge first. I leave it with you to answer by your verdict whether the charge of conspiracy, solemnly and seriously preferred, can be frittered away and disposed of without a single explanatory line in defence. I place before you, gentlemen, on the one hand, the protestations of this accused, who speaks for himself and his co-conspirators; on the other, the testimony of Dr. Bates, where he declared, as you remember, with faltering tone and feelings overpowered:

"I feel myself safe in saying that seventy-five per cent. of those who died might have been saved had those unfortunate men been properly cared for." I leave it with you to say whether the prisoner at the bar can acquit himself and his associates in crime by declaring the charge here laid to be, as he told you, a myth, a phantasy of the brain, a wild chimera, as unsubstantial as the baseless fabric of a vision."

The Court adjourned till the next day, before Colonel Chipman had concluded his masterly effort.

WASHINGTON, October 21.—Judge-Advocate Chipman proceeded to read his argument in the case on his second point, alleging murder in violation of the laws or customs of war and treating the subject under four heads.

First. The various cases of death resulting from mutilation by hounds.

Second. Those resulting from confinement in the stocks and chain-gang.

Third. The case of killing of prisoners by the guards, pursuant to the direct orders of the accused at the time; and fourth, the cases of killing by the prisoner's own hand.

He briefly figured the responsibility of the accused, and that every death was a murder for which he was accountable. The use of the means, and the means themselves, being a gross violation of the laws and customs of war.

Colonel Chipman quotes from the evidence to show the cruelties inflicted which had a fatal result. In every case where it was asked to hold the prisoner responsible the testimony would be found positive, direct and clear, and therefore the commission were not asked to find him guilty on vague and indefinite evidence.

The deaths resulting from the use of the stocks and the chain-gang, or an indiscriminate punishment for the hearty and the sick, the strong and the feeble, and the deaths consequent upon the pursuit of captured prisoners with furious hounds, were but the natural and probable consequences of the act of the prisoner in maintaining and carrying out the barbarous system of discipline.

What more natural and probable than that a prisoner, maddened by disease and starvation, should, when confined in the chain-gang or the stocks, die from such confinement? What more natural and probable than that the ferocious dog, when pursuing an escaping prisoner, should tear and mortally mutilate such prisoners, particularly if he was in the debilitated condition which was characteristic of most of the prisoners at Andersonville? and when death results under such circumstances, and from the adoption of such methods of treatment, then an intention to kill on the part of him who adopts them is a necessary and rightful presumption of the case, just as an intended murder is conclusively inferred from the deliberate use of a deadly weapon.

Again, it has been laid down that the crime of murder is consummated whenever any one wilfully endangers the life of another by any act or omission likely to kill, and which does kill. It has also been declared by high lawful authority it is not essential that the hands of the party should immediately occasion the death. It is sufficient if he be proved to have used any mechanical means likely to occasion death, and which do ultimately occasion it; as if a man lay poison for another, with the intent that he should take it, by mistake for medicine, or expose him against his will in the severity of the weather, by means of which he dies.

Colonel Chipman quoted from other authorities, saying, from these principles it follows that when we show the prisoner's responsibility for this use of the chain-gang and the stocks, and for the employment of the hounds, we show that every death resulting from these was a murder for which he was to be held responsible,

Colonel Chipman proceeded at length to show that the prisoner at the bar encouraged those under him to murder. That picture of his brutality in the case of the killing of Chickamauga was painted by his own hands, and gave a loose rein to the debased passions.

The Colonel contented himself with a brief analysis of the other testimony bearing upon the cruelties of Wirz in connection with the dead-line, &c., leaving the Court to arrive at their own conclusion. The argument maintained that in eighteen instances mentioned, deliberate murders were committed by Captain Wirz's own hands.

The Judge Advocate, in conclusion, said if we had traveled through the history of these long, weary months of torture, starving and 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 on to answer before a legal tribunal to a catalogue of crime like this. One shudders at the fact, and almost doubt the age we live in. I would not harrow up your minds by dwelling farther upon this awful 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.

FINDINGS AND DEATH SENTENCE.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, WASHINGTON, Nov. 6, 1865.—General Court-martial Orders, No. 607.—II—Before a Military Commission which convened at Washington, D. C., August 23d, 1865, pursuant to paragraph 3, Special Orders No. 453, dated

August 23d, 1865, and paragraph 13. Special Orders No. 524, dated October 2d, 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.

Charge 1.—Maliciously, wilfully, 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 10th 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 destroy 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.

Charge 2.—Murder, in violation of the laws and customs of war.

Plea.—To which charges and specifications the accused, Henry Wirz, pleaded "Not Guilty."

Finding.—The Commission, having maturely considered the evidence adduced, find the accused, Henry Wirz, as follows:—

Of the specification, to charge "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 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 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; 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 a 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 laws of war, did, in furtherance of such combination, confederate-

toin and conspiracy, maliciously, wickedly and traitorously confine a large number of prisoners of war, soldiers in the military service of the United States, to the number of about forty-five 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 designs and in aid of the said conspiracy, wilfully 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 or sustain life, and did refuse and neglect to furnish wood sufficient for cooking in summer, and to keep the 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 intellect broken, and many of them, to wit, about 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, wilfully and maliciously in furtherance of his evil designs, permit them to 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 numbers of said prisoners, 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 wilfully 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 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 numbers whose names are unknown, sickened, fainted, and died. And he, the said Wirz, did farther cruelly treat and injure said prisoners by maliciously tying them up by their thumbs and wilfully confining them with 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, 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 established said dead line, which was in some places an imaginary line, and in 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 fall upon, or 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 number of said prisoners. And the said Wirz, still pursuing his evil purpose, did keep and use ferocious and bloodthirsty dogs, dangerous to human life, to hunt down prisoners of war aforesaid, who made their escape from custody, and did then and there wilfully and maliciously suffer, incite and encourage the said dogs to seize, tear, mangle and maim the bodies and limbs of said fugitive prisoners of war, which, as aforesaid, then and there did escape, whereby a large number of said prisoners of war, who during the time aforesaid, made their escape and were recaptured, died. And the said Wirz, still pursuing his wicked purpose, and still aiding in carrying out said conspiracy, did cause to be used for the pretended purpose of vaccination, impure and poisonous vaccine matter, which said impure and poisonous vaccine 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 lost the use of their arms, and many of them 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 a full knowledge and consent, and connivance of his co-conspirators aforesaid, he, the said Wirz, then and there did.

Of charge I, "Guilty," after amending said charge to read as follows—"Maliciously, wilfully and traitorously, and in aid of the then existing armed rebellion against the United States of America, on or before the twenty-seventh 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 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 unknown, to injure the health and destroy 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."

Of specification first, to Charge II, "Guilty, adding the words 'or about' immediately before the phrase 'the ninth day of July.'"

Of specification second to charge II, "Guilty."

Of specification third to charge II, "Guilty, after striking out 'June,' and inserting, instead, 'September.'"

Of specification four to charge II, "Not guilty."

Of specification five to Charge II, "Guilty, after striking out the phrase 'on the thirteenth day,' and inserting instead the phrase, 'on or about the twenty-fifth day.'"

Of specification six to Charge II, "Guilty, after striking out the word 'first' and inserting 'fifteenth,' and also striking out the phrase 'on the sixth day,' and inserting instead the phrase, 'on or about the sixteenth day.'"

Of specification second to charge II, "Guilty, after striking out the words 'twentieth,' and inserting in-

stead the word 'first,' and also after inserting 'on or about' immediately before the phrase of the 'forty-fifth day.'"

Of specifications eight and nine to charge II, "Guilty."

Of specification ten to charge II. "Not guilty."

Of specification eleven to charge II, "Guilty, after striking out the word 'first,' and inserting instead the word 'sixth;' after striking out also the phrase 'invite and urge,' and the phrase 'encouragement and instigation,' and by adding the words 'or about' after the word 'on,' where it last occurs in the specification: and also after striking out the phrase, 'animals called bloodhounds,' and inserting the word 'dogs;' and also striking out the word 'bloodhounds' where it afterward occurs, and inserting 'dogs,' and also striking out the words 'given by him.'"

Of specification twelve to charge II, "Guilty."

Of specification thirteen to charge II, "Not guilty."

Of the second charge, "Guilty."

Sentence.—And the Commission does therefore sentence 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 members of the Court concurring therein."

II. The proceedings, findings and sentences in the foregoing case having been submitted to the President of the United States, the following are his orders:

EXECUTIVE MANSION, Nov. 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.

A SKETCH OF THE LIFE AND EXECUTION OF HENRY WIRZ, THE DEMON OF ANDERSONVILLE.

Henry Wirz, whose name for all time to come will be loaded with execration by all true Americans, and by all men of whatever nationality, who possess in their bosoms a spark of human mercy or compassion, was born at the town of Zurich, in Switzerland, November, 1823, of respectable and well to do parents. He wished to become a physician, but to this his father would not consent, and he was placed in a commercial house at Zurich. To better his condition he emigrated to the United States in 1849, landing at New York; here he endeavored to become a physician; failing in this, he went to Lawrence, Mass., and obtained work as a weaver in one of the numerous mills of that town. While

here he became acquainted with the proprietor of a water cure establishment at Northampton, in the same state. Here he picked up his first ideas of the healing art. From this institute of hydropathy, he went to Kentucky, and obtained a situation in a drug store at Louisville, where he finished his medical education. We next find him in Mississippi, practicing as a doctor on a plantation, and in this vocation he continued till the outbreak of the rebellion.

During the secession agitation which preceded the open acts of hostility on the part of the rebels, Wirz gained for himself a little local notoriety by his rabid denunciations of the United States Government, and the loyal people of the North. His intense defamation of the Government to which he had voluntarily sworn fealty gained him little respect even among the secessionists by whom he was surrounded.

When actual hostilities began, Wirz, although he was a physician, and the South was greatly in need of doctors, could not obtain a surgeon's commission in the rebel forces. But his innate cruel nature thirsted for blood, and he voluntarily entered the army of treason as an enlisted soldier.

The rebel leaders possessed the discriminating faculty of selecting the most depraved men that could be found, to execute to the full, their devilish works.

In the latter part of 1861, and beginning of '62, Wirz first made himself infamous, as a military prison keeper; at this time he held the rank of sergeant-major, and had the immediate charge of the Union prisoners of war confined in Libby prison. Among the brave boys who were then incarcerated at Richmond, were those who had the misfortune to be taken prisoners at first Bull Run and Ball's Bluff. At that early stage of the war, our prisoners spoke of Wirz as the "infernal Dutch Sergeant." The captured heroes of Ball's Bluff, or Bull Run, who experienced the cruelties of Wirz at Libby, describe him as a man of a violent and ungovernable temper, of a cruel and ferocious disposition, and habitually venting his demoniac rage on the unarmed and helpless men in his power. His profanity is spoken of as horrible, and was freely launched at the unoffending heads of our men. His atrocious conduct and devilish disposition while at Libby won the admiration of his rebel masters, and as a reward for his brutality, he had conferred upon him the commission of second lieutenant.

To baptise his shoulder straps, he was sent to the front during McClellan's operations before Richmond in the spring and summer of '62. At the battle of Fair Oaks he was wounded in the arm with a fragment of a shell. This wound, from some unexplained reasons, procured the Swiss subaltern a furlough to go to Europe. And he returned to his native Switzerland. He might have remained there had he wished, for he alledged on his trial that he was forced to enter the

rebel army, and could not get out. Yet for over a year he lingered in Europe, beyond the reach of the myrmidons of Jeff. Davis. But he voluntarily returned to the United States, and to Richmond in the spring of 1864.— Before he came back, General Winder, the rebel chief of prisoners of war, had perfected the plan of murdering the Union soldiers in rebel hands as prisoners, by starvation, by overcrowding, and by exposure to all weathers. The obscure village of Andersonville, in the heart of Georgia, was chosen as one of the places where to carry out this hellish plan. The largest prison pen was here erected, and here of course the most men were to be tortured to death. And of all the men engaged in the rebel cause, the obscure Swiss Lieutenant Wirz was chosen as the most fitting man to put into thorough execution this crime of all crimes.

Wirz would have remained in Europe, had not General Winder, with the full knowledge and sanction of the rebel authorities, written to him, telling him that he was wanted to torture and murder at his discretion the Union soldiers whose fate it was to be captured in battle by the rebels. Wirz could not withstand the offer of employment that suited his brutal nature so well. He left Europe at once, and hastened back to the rebel headquarters. Here he was clothed with the additional rank of captain, and sent at once to the place, the very name of which he was destined to associate with all that is barbarous, inhuman, cruel, depraved, horrible, and devilish. Humanity shudders at the very mention of the name of Andersonville. The atrocities he committed there would pass belief, were they not fully attested and vouched for before an impartial military Court, the official proceedings of which are fully set forth in the preceding pages.

When Johnston had surrendered to Sherman, and treason lay vanquished and bleeding at the feet of triumphant liberty and union, Wirz endeavored to steal out of the country under a safeguard. The monster had the assurance to claim immunity for his numberless deeds of cruelty and murder, on the ground that he was a rebel officer, and included in the terms of Johnston's surrender. This important point was justly overruled. The Demon was arrested, brought to Washington, and confined in the Old Capital prison.

After the assassins of the beloved and lamented President Lincoln were hung, the charges and specifications against the monster were prepared, a military court convened, and the murderous wretch brought face to face with justice. During the trial he took an intense interest in the proceedings, and closely watched every witness.

HIS APPEARANCE

Wirz was five feet ten inches in height, of a thin, spare figure, which made him seem taller than he really was. His complexion

was dark; hair, beard, and moustache, black, mixed with gray. During the trial he was dressed in a black cloth coat and pantaloons, with white shirt, collar turned down, *a la* Byron, over a thick, heavy black silk handkerchief. His head gear consisted of a well-worn, greasy-looking old silk hat, and this, with his seedy looking, threadbare clothes, gave him a shabby genteel appearance.

THE BEGINNING OF THE END.

On the 6th of November, he was informed by General Augur, that he was sentenced to be hanged, and would suffer the penalty of his crimes on the 10th. Wirz received the news of his doom with perfect unconcern, merely remarking, "Well, I suppose it must be done;" he then went to the door of his cell and called out to General Briscoe, who was confined on the opposite side of his cell, "General, I am to be hung on Friday." As General Augur was leaving him he said, "after I am dead I will come back and haunt all of you."

Having been born in the Roman Catholic faith, a priest was sent to him, to prepare him for his end. He received the ministrations of the priest apathetically; expressed no sorrows for his hideous cruelties, scoffed at the United States Government, and on the night before his execution, he remarked to Colonel Baker, that the "American Eagle was a d—d turkey buzzard. He slept soundly during his last night on earth, but was aroused at three o'clock by his spiritual comforters to engage in prayer, and prepare for the end. He listened to the prayers, insisted he was innocent, and would not forgive any one.

IN THE PRISON YARD.

On the morning of the 10th of November, the preparations were all complete, one hundred civilian spectators were present, and a battalion of soldiers. The latter were arranged in a hollow square about

THE GALLOWES.

This instrument of justice was made of heavy timber, and presented a somewhat weather worn appearance. Its extreme height was twenty-two feet; the platform was twelve feet from the ground, and twelve feet square; in the centre of this platform, and elevated one foot above it, was the fatal drop; a chair stood upon it, and from the stout beam overhead dangled a noose of fine manilla rope.

THE END APPROACHING.

At fifteen minutes past ten o'clock, the prisoner emerged from his cell, walking between father Boyle and Wiget. He had a loose robe of black cambrie thrown over his person, carried his right arm in a sling, had no manacles of any kind upon his person, and walked with a light, careless step, toward the gallows. He ran briskly up the steps, and walked at once toward the chair, and seated

himself directly under the fatal noose. The roofs of the surrounding houses were packed with people, who looked in upon the punishment of the monster.

Major Russel took his station directly in front of him, and read in a clear, loud tone, the charges, specifications, findings, and sentence. During this long reading, Wirz listened, shaking his head and smiling occasionally. No shade of sorrow or remorse flitted across his countenance. The reading ended, he was asked if he had anything to say; he replied with a broad grin "No, I have nothing to say to the public."

THE END.

The priests whispered their parting admonitions; the black cap was drawn over the face of the condemned; he was told to stand up; the rope was fastened around his neck, and his legs and arms secured with cords. At twenty minutes to eleven o'clock, Major Russel made a signal, and on the instant the trap fell, and the demon of Andersonville was swinging between heaven and earth. The clatter of the falling trap was answered by a loud yell from the crowd congregated outside of the prison walls. A few convulsive jerks, and life was extinct. At eleven o'clock the corpse was taken down, examined by the physicians, and officially declared dead. It was then placed in a coffin, and given to father Boyle. And thus ended the career of a faithful servant of the Devil and Jeff. Davis.

ANDERSONVILLE.

NAME, HISTORY, ETC.

Strange as it may seem, this, the most infamous spot on the American soil, has its name from one of the most honorable actors in American history. In 1852, a station and postoffice were established here, and the superintendent of the southwestern railroad, for coincidence's sake, named it Andersonville. The station is in Sumter county, and Major Anderson, a friend of his, had lately assumed command of Fort Sumter.

At the beginning of the war, Andersonville consisted of four dwelling-houses, a church, and a post-office. I cannot learn the precise time when it was selected as a site for a prison-pen. At any rate, a force of three hundred negroes were employed many months in constructing it, and the first prisoners were put in it on Washington's birth-day, 1864, and the first man died in it on February 27th, 1864. At first it was intended for ten thousand men, and contained but sixteen acres; but afterward it was enlarged to its present dimensions. The last man died in it April 28th, 1865.

LOCATION AND GROUNDS.

Andersonville is sixty miles below Macon, on the southwestern railroad. Here the road runs nearly due south, the cemetery and stockade being on the east side, and about a third of a mile from it. The cemetery is about half a mile north of the stockade, on considerably higher ground, in an old cleared field.

When the cars are opposite it they are in a deep cut, so that nothing can be seen except the great bright flag which floats in the centre of the cemetery. Approaching nearer the station, the white fence and the thousands of white head boards are seen a little in the rear, while somewhere in advance of the train, through the pine trees, the grim walls of the stockade make their appearance. Every eye is strained, and every voice is hushed while the train slowly rolls forward to the station.

THE INTERIOR

presents now an appearance much as if it had been burrowed by prairie-dogs. On the sides of the banks the men excavated little pits, large enough for one, two, three, or four, propping up the roof with boards and poles, and sometimes trusting to the firmness of the sand alone for support. So smooth and so hard are these walls, in many cases, that they have graven their names upon them. Some built little fire-places in the wall, with a chimney ascending through the ground, and slept with their feet toward it. Others placed the chimney beside the narrow door. Evidently they "smoked" badly, as the walls are blackened over. On the level surface they placed a pole on two stakes, leaned against it a few boards, and covered them with straw and sand, leaving only a narrow entrance at one end. All took care to place the chimney so that they could sleep before it. Others still, mixed clay and sand, and moulded from it, with their hands, rude bricks, with which they built "Dutch ovens," that appear to have served a good purpose. After the interior was well beaten, they drew out the fire and put in their meat. Little square plates, roughly bent together from a sheet of iron, and punched with holes, for sieves; ox-horns, furnished with strings, serving for salt-cellar or drinking-vessels; wooden paddles, small pieces of iron beaten thin, preciously preserved for many uses, and small scraps of iron, furtively hid in convenient crevices, lie scattered about. The bones which they had picked were broken to pieces for the marrow.

WELLS AND SPRINGS.

The number of wells is stated at fifty. It was difficult to find them. It is the tradition here, among the negroes and the inhabitants, that the prisoners used split peach-tree twigs, after the manner of "water-kungers," as the negroes have it, to ascertain where they should dig—and with true Yankee shrewdness, the boys seem to have frequently "discovered indications" close to the dead-line. By digging here they would be enabled to burrow out—and I am surprised that the guard should allow them to do it. One of these wells is still shown where a number of the prisoners made a long tunnel, at least twelve feet under ground, and escaped. All these wells have Scripture names, as "Jacob's well," &c.

Let's Drink, is a fine clear shaft of water, bubbling up right in the channel of the creek, and furnishing a stream of three inches in diameter. Provokingly enough, it comes up just outside of the dead-line, and I can well imagine that more than one poor fellow has paid the penalty of his life for seeking to taste its clear waters at the fountain-head. Prisoners' Comfort seems to have been a providential gift to the prisoners, since it broke out in a place where none had been before, while they were most in need of water. It, too, comes out a few inches outside of the fatal dead-line; but a trough was placed in such a way that it was carried inside the line and made available to the prisoners.

The margins of the creek are now covered with willows and sedges, but when it was trodden by the prisoners it was a bed of miry mud. One of my informants, who had seen the prisoners once while there, told me he had seen the whole channel of the creek, and the cool, oozy mud beside it, covered with

men, lying flat, who sought thus some refuge from the heat. When they did this, the scant supply from the wells, and the single trough, was their only resort for water to drink. Frequently the sick lay for hours in this creek, as the most comfortable place they could select. A considerable length of the creek, near where it issues from the stockade, was converted into a sink.

THE CEMETERY.

In a well-chosen, level piece of ground, half a mile to the north of the stockade, and surrounded on all sides by walls of pine, the dead of Andersonville lie buried. It is creditable to their comrades that such a spot was selected, and that such care and taste was exercised in burying them. The lot is now inclosed by a picket-fence, whitewashed, which is completed on three sides, and will soon be on the fourth, where there is now a temporary structure of boards. It is estimated to contain fifty acres. The principal entrance now is on the south side, toward the stockade; but it is intended, when it is completed, to have it on the west side, toward the railroad. The plan at present is, that the lot shall be divided into four sections, by two roads crossing in the centre, at which point is to be erected a splendid monument, now being designed at Washington. A road will be cut through the thick pines to the railroad, and the side of the cut leveled, so that travellers may catch a sight of the monument as they pass. Entering at the south gate, we pass up along the road. On the right are three sections of graves, of about three-quarters of an acre each, divided by two alleys; and on the left are two of equal extent. All the dead lie facing the east. The head-boards are two feet and a half high, and ten inches wide, with space between of four inches, allowing fourteen inches to each body; and between the foot of each row of graves and the next line of head-boards, is a brick walk. The graves are finished in a common level, and will be neatly sodded. The head-boards are painted white, and lettered on the inside with black. In the northeast corner is a solid section of an acre and a quarter, and in the northwest corner are the graves of one hundred and fifteen rebel soldiers, from the garrison. On the right of the gate, as you enter, is a placard bearing these words:

“NATIONAL CEMETERY, ANDERSONVILLE.”

On the left is another, with the following:

“On fame’s eternal camping-ground
The silent tents are spread,
And Glory guards, with solemn round,
The bivouac of the dead.”

Where the first alley crosses the road, on the right, is:

“Whether in the prison drear,
Or in the battle’s van,
The fittest place for man to die
Is where he dies for man.”

On the left:

The hopes, the fears, the blood, the tears,
That marked the battle-strife,
Are now all crown’d by victory,
That saved the nation’s life.”

At the second, on the right, is:

“A thousand battle-fields have drank
The blood of warriors brave,
And countless homes are dark and drear
Thro’ the land they died to save.”

On the left:

“Then shall the dust
Return to the earth as it was; and
The spirit shall return unto God, who gave it.”

At the corner of the section in the northeast corner, is:

“Through all rebellion’s horrors
Bright shines our nation’s fame;
Our gallant soldiers, perishing,
Have won a deathless name.”

In a place by themselves, lie six men—buried side by side—on each of whose head-boards is written, below their names, “Hung July 11, 1864.” Could human imagination conceive a record more infamous than that men should have been hung in Andersonville for robbing and murdering their fellow-prisoners! They were tried and hung by the prisoners, with the consent of General Winder. So the hideous tale is told. I was told by a Union captain who was present at the time, several months ago, that they were hung by placing them on a narrow board over the mouth of a well, to which was tied the rope, and which, after allowing them five minutes for prayer, was jerked from under them, precipitating them into the well to the length of the rope. Their necks were then wrapped about with cloths and besmeared with mud, so that the marks of the rope escaped the notice of the surgeons and the guard.

The first prisoner who died in Andersonville was J. Swarner, Company H, second New York cavalry, February 27th, 1864. On the first of March there was one death; on the second, one; and so on to the fifth, when there were seven; on the sixth, four. On the thirtieth of August there died eighty-two; on the thirty-first, eighty-four; on September first, one hundred and five. The last death was that of R. Hanson, Company F, first Wisconsin, April 28th, 1865. The exact number of deaths at Andersonville, including those from small-pox (sixty-four) and the rebel soldiers (one hundred and fifteen), is thirteen thousand and sixty-one. Since the number has been so often misstated, I ascertained it with accuracy from the head-boards themselves.

THE SENTIMENTS OF THE PEOPLE

are decidedly hostile to the brothers Griffin, who have so faithfully looked after this historic spot, and to whom we undoubtedly owe its preservation from partial or total obliteration. They consider that no southern man should have identified himself with this place, and there are mutterings and threats accordingly. It was not deemed safe to leave these two men without a guard—they have therefore a squad of eight or ten men to protect them from any violence that might be offered. One B. B. Dykes, formerly postmaster here, and who has not received his pardon, is said to be plotting to disturb and to finally dispossess them, in order that he may turn the business into one of profit to himself. He owns the land on which the cemetery stands; and though the Government might, with perfect consistency, declare so much of it confiscated, it is doubtful yet whether they do not intend to pay him for it. The inhabitants are not at all communicative, and it is to little profit to ask them any questions concerning the prison. Beyond pointing out Wirz’s headquarters, little can be learned from them. I found, however, that it is the general conviction, among southerners and northerners alike, that the real culprit has long since gone to his grave, General Winder, while Wirz was only a passionate and irritable, though not an unusually malicious, tool to his bidding.



THE DEMON WIRZ'S BLOODHOUNDS TEARING A UNION PRISONER TO PIECES.

Edmund 16

Edmund 16

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