

ANDERSONVILLE AND THE TRIAL OF HENRY WIRZ¹

[In 1884 Ex-Lieutenant Governor Benj. F. Gue of Iowa visited the site of Andersonville Prison and compiled from the cemetery register the number of burials of Iowa soldiers in the cemetery. He found the names of two hundred Iowa men, representing twenty-eight regiments. The names of these men, with company and regiment, were published in the *Iowa State Register* of April 16, 1884. The list was republished, together with a description of the prison stockade, in the *Annals of Iowa*, Third Series, Vol. I, pp. 65-87.—EDITOR.]

I have been introduced to you as the sole survivor² of the Court that tried Captain Henry Wirz, the keeper of the Andersonville Prison, and I have been asked to tell you something of the prison and its management. Were it not for reasons herein given my preference would be to say nothing on the subject, not because I would shirk the responsibility of having participated in the trial of Wirz, but because for more than fifty days during his trial I sat and listened to the terrible story of the sufferings and death of our brave boys at Andersonville, and when the end was

¹ This paper was read by General John Howard Stibbs at Iowa City, Iowa, on May 30, 1910. The military record of General Stibbs as shown in Vol. I of the *Historical Register and Dictionary of the United States Army* is as follows: Mustered into the United States Service as Captain of Twelfth Iowa Infantry Volunteers, November 25, 1861; as Major, May 2, 1863; as Lieutenant Colonel, September 25, 1863; as Colonel, September 18, 1865; as Brevet Colonel United States Volunteers, March 13, 1865, for distinguished gallantry in the battles before Nashville, Tennessee; Brevet Brigadier General, United States Volunteers, March 13, 1865, for meritorious services during the war; and was honorably discharged, April 30, 1866. For a more detailed sketch of General Stibbs, see below under "Contributors".

² Since the preparation of this paper it has been learned that the Judge Advocate, General N. P. Chipman, who prosecuted the case against Captain Wirz, is still living as a resident of Sacramento, California.

reached I felt that I would like to banish the subject from my mind and forget, if I could, the details of the terrible crime committed there.

On innumerable occasions since the Civil War I have been urged, and at times tempted, to say or write something in relation to the trial of Wirz, but it has always seemed to me a matter of questionable propriety. The record of the trial had been published to the world; and on occasions when the action of the Court has been criticised, or condemned, I have felt that it was the duty of our friends to defend those who had served as members of the Court rather than that we should speak for ourselves. Then, too, I have been in doubt as to the extent of my obligation, taken when I was sworn as a member of the Court, and as a result I have remained silent on the subject for nearly forty-five years; but as time passed and one after another of those who served with me passed off the stage, leaving me the sole survivor of the Court, and after a monument was erected to perpetuate the memory of Wirz and he was proclaimed a martyr who had been unfairly tried and condemned, I concluded to lay aside all question of propriety and obligation and accede to the request of some of my Iowa friends who were urging me to prepare a paper. I will add that one of my chief reasons for yielding in this matter was that I wanted to describe the personnel of the Court; to tell who and what the men were who composed it; and to tell, as I alone could tell, of the unanimous action of the Court in its findings.

I will not attempt to describe fully the horrors of Andersonville, but will simply give you an outline description of the place and the conditions existing there. With that picture before you, your own imagination will supply the details.

In the fall of 1863 the rebel prisons in the vicinity of Richmond had become overcrowded, and a new prison was located with a view, as was claimed at the time, of making more room for our men and of placing them as far as possible from our lines, where they could be cared for by a comparatively small guard and where provisions were most accessible. But the evidence presented before the Wirz Commission satisfied the Court beyond a doubt that while this prison was being made ready, if not before, a conspiracy was entered into by certain persons, high in authority in the Confederate service, to destroy the lives of our men, or at least subject them to such hardships as would render them unfit for further military service.

Andersonville is situated on the Southwestern Railroad about sixty miles south from Macon, Georgia. In 1864 the place contained not more than a dozen houses. The country round about was covered with a heavy growth of pine timber, and in the midst of this timber, a short distance from the station, the prison was laid out. Planters in the neighborhood were called upon to send in their negro men; and with this force trenches were dug inclosing an area of eighteen acres, which subsequently was enlarged to about twenty-seven acres. The timber was cut down and the trees trimmed and set into the trenches, forming a stockade about eighteen feet high. Inside the stockade, about twenty feet from the wall, was established a dead-line, formed by driving small stakes in the ground and nailing on top of them a strip of board; and the orders were to shoot down without warning any prisoner who crossed this line. Every tree and shrub within the inclosure was cut down, and it contained no shelter of any kind. Colonel W. H. Persons, who was the first commandant, ordered a lot of lumber with which to build barracks for the men; but before any work

was done he was succeeded by Brigadier General John H. Winder, and the lumber was used for other purposes. Although there was a steam saw-mill within a quarter of a mile and four mills within a radius of twenty miles, no buildings or shelters of any kind were erected within the inclosure while our men remained there, save two barren sheds at the extreme north end of the stockade which were used for hospital purposes. On the outside of the stockade, and near its top, there were built a series of platforms and sentry boxes at intervals of about one hundred feet in which guards were continually posted. They were so close together that the guards could readily communicate with each other; and from where they were posted they had an unobstructed view of the interior of the prison. At a distance of sixty paces outside the main stockade, a second stockade, about twelve feet high, was built, and the intervening space was left unoccupied. This was designed as an additional safeguard against any attempt of the prisoners to escape. Surrounding the whole was a cordon of earthworks in which seventeen guns were placed and kept continually manned. The guard consisted of a force of from three to five thousand men, chiefly home guards, and they were encamped west of and near to the stockade. A creek having its source in a swamp or morass, less than half a mile from the stockade, ran from west to east through the place at about the center. The water in this creek was not wholesome at its source, and before it reached the stockade there was poured into it all the filth from the camp of the Confederate guard, the hospitals, and cook houses; and to this was added all the filth and excrement originating within the prison pen. For a time this creek was the only source from which our men obtained water; but in time the creek bed and fully an acre or more of land

bordering it became a putrid mass of corruption, into which the men waded knee-deep to secure water from the running stream. In this extremity many of the men set to work and with their knives and pieces of broken canteens they dug wells, some of them seventy feet deep, and thereafter such as were fortunate enough to have an interest in a well were supplied with wholesome water.

When the place was first occupied the ground was covered with the stumps of the trees that had been cut down; but there was such a scarcity of wood with which to cook their food and warm their numb fingers that our men went to work with their knives and the rude implements at hand and cut out the stumps, digging far into the ground to secure the roots, until not a vestige of a stump remained.

On February 15, 1864, the first lot of prisoners, 860 of them, were turned into the stockade. In April following, the number had increased to 9577; which number was doubled a month later; and in August, 1864, there were more than 33,000 men within the inclosure.

Think of it! Picture it if you can! A great barren field so filled with men that there was scarcely room enough for all of them to lie down at the same time — without a shelter of any kind to shield them from a southern sun or frequent rain; without a seat on which to rest their weary bodies when too tired to stand; without blankets, and in many instances without sufficient clothing to cover their nakedness; with scant rations of the coarsest food, many times uncooked; and with nothing to do but to stand around waiting for death, or a possible exchange. Is it a wonder that men became sick under such conditions? The wonder to me is that any one of them lived through it. Here the question is suggested, What means were provided for the care and treatment of our men when they became sick?

As a prelude to my answer I will state that during the trial of Wirz one hundred and forty-six witnesses were sworn, and of this number nearly one hundred had been confined as prisoners in the stockade. One after another they told their experiences as prisoners and of the conditions existing in and about the stockade, until we had the picture complete from their standpoint; and had there been no other evidence in the case, the story told by their combined testimony might with some show of fairness have been discredited because of the fact that all had been sufferers and supposedly were prejudiced and biased. But we had other witnesses, two score or more of them, who had been in the Confederate service and were at the prison as guards, officers, surgeons, etc., and some of them had made official reports, telling of the horrible condition of the prison and its inmates. A number of these reports were found and introduced as evidence before the Court, and the parties who made them were called in to testify concerning what they had written. This evidence served to corroborate in the fullest particular all that had been testified to by those who had been prisoners concerning the general conditions in the prison. I feel that it will answer my purpose if I quote from their testimony alone in my efforts to place before you a comprehensive picture of Andersonville as it existed in the summer of 1864.

In August, 1864, Dr. Joseph Jones, an ex-surgeon of the Confederate army whom Jefferson Davis, in an article published in *Belford's Magazine* in January, 1890, referred to as being "eminent in his profession, and of great learning and probity", was sent to Andersonville to investigate and report his observations; and his official report made to Surgeon General Moore was very full and complete. In it he gave a minute description of the stockade, and the hospital

adjacent; of the number of prisoners and their crowded condition; of the lack of food, fuel, shelter, medical attendance, etc.; of the condition of the men in the stockade and in the hospital; of the deaths and death rate; and in fact, as I remember, he went over the entire ground. His report was introduced in evidence, and identified by him when called as a witness. He frankly admitted that he did not go to Andersonville with a view of ameliorating the sufferings of the prisoners, but purely in the interest of science for the "benefit of the medical department of the Confederate armies", and that his report was intended for the sole use of the Surgeon General. I will quote briefly from his report. On pages 4340 and 4341 of the *Record*, he says:

I visited two thousand sick within the stockade, lying under some long sheds which had been built at the northern portion for themselves. At this time only one medical officer was in attendance, whereas at least 20 medical officers should have been employed.³

Further on, after referring to the sheds in the stockade which were open on all sides, he says on page 4348 of the *Record*:

The sick lay upon the bare boards, or upon such ragged blankets as they possessed, without, as far as I observed, any bedding or even straw. Pits for the reception of feces were dug within a few feet of the lower floor, and they were almost never unoccupied by those suffering from diarrhoea. The haggard, distressed countenances of these miserable, complaining, dejected, living skeletons, crying for medical aid and food, . . . and the ghastly corpses, with their glazed eye balls staring up into vacant space, with the flies swarming down their open and grinning mouths, and over their ragged clothes, infested with numerous lice, as they lay amongst the sick and dying, formed a picture of helpless, hopeless misery which it would be impossible to portray by words or by the brush.⁴

³ Copied from the *Trial of Henry Wirz, Executive Documents*, 2nd Session, 40th Congress, No. 23, pp. 623, 624.

⁴ Copied from the *Trial of Henry Wirz, Executive Documents*, 2nd Session, 40th Congress, No. 23, p. 626.

Again, referring to the hospital inclosure of less than five acres he says on pages 4350, 4351, and 4354 of the *Record*:

The patients and attendants, near two thousand in number are crowded into this confined space and are but poorly supplied with old and ragged tents. Large numbers of them were without any bunks in the tents, and lay upon the ground, oftentimes without even a blanket. No beds or straw appeared to have been furnished. The tents extend to within a few yards of the small stream, the eastern portion of which . . . is used as a privy and is loaded with excrements; and I observed a large pile of corn bread, bones, and filth of all kinds, thirty feet in diameter and several feet in height, swarming with myriads of flies, in a vacant space near the pots used for cooking. Millions of flies swarmed over everything and covered the faces of the sleeping patients, and crawled down their open mouths, and deposited their maggots in the gangrenous wounds of the living, and the mouths of the dead. Mosquitoes in great numbers also infested the tents, and many of the patients were so stung by these pestiferous insects, that they resembled those suffering with a slight attack of the measles.

The police and hygiene of the hospital was defective in the extreme. . . . Many of the sick were literally encrusted with dirt and filth and covered with vermin. When a gangrenous wound needed washing, the limb was thrust out a little from the blanket, or board, or rags upon which the patient was lying, and water poured over it, and all the putrescent matter allowed to soak into the ground floor of the tent. . . . I saw the most filthy rags which had been applied several times, and imperfectly washed, used in dressing recent wounds. Where hospital gangrene was prevailing, it was impossible for any wound to escape contagion under these circumstances.⁵

These statements of Dr. Jones were fully corroborated by Doctors B. G. Head, W. A. Barnes, G. G. Roy, John C. Bates, Amos Thornburg, and other surgeons who were on duty at Andersonville. Dr. G. G. Roy when called on to describe the appearance and condition of the men sent from

⁵ Copied from the *Trial of Henry Wirz, Executive Documents*, 2nd Session, 40th Congress, No. 23, pp. 626, 627.

the stockade to the hospital said on pages 485 and 486 of the *Record*:

They presented the most horrible spectacle of humanity that I ever saw in my life. A good many were suffering from scurvy and other diseases; a good many were naked . . . their condition generally was almost indescribable. I attributed that condition to long confinement and the want of the necessaries and comforts of life, and all those causes that are calculated to produce that condition of the system where there is just vitality enough to permit one to live. . . . The prisoners were too densely crowded. . . . There was no shelter, except such as they constructed themselves, which was very insufficient. A good many were in holes in the earth with their blankets thrown over them; a good many had a blanket or oil-cloth thrown over poles; some were in tents constructed by their own ingenuity, and with just such accommodations as their own ingenuity permitted them to contrive. There were, you may say, no accommodations made for them in the stockade.⁶

The death register kept at the prison during its occupancy, and still in existence at the Andersonville cemetery, gives, supposedly, the cause of death in the case of each man who died at the prison. I have found upon examination of six hundred names, taken haphazard, the cause of death was given as follows: Diarrhoea and Dysentery, 310, Scrobustus, 205; Anasarca, 20; and all other causes 65—total, 600.

I think it proper to say, however, that the Court, in deliberating on the evidence heard during the trial, were unanimous in the conclusion that the death register would better have represented the facts if in a very large percentage of cases the death cause had been shown by the one word STARVATION — the causes named being simply complications.

The evidence presented to the Court showed conclusively that the food furnished our men in the stockade, in quality

⁶ Copied from the *Trial of Henry Wirz, Executive Documents*, 2nd Session, 40th Congress, No. 23, p. 82.

and quantity, was not sufficient to sustain life for an indefinite time. I will not attempt to show specifically the rations furnished the men in the stockade; but will give a couple of extracts from the testimony of Confederate surgeons, showing the kind and amount of food provided for the men in the hospital, and will leave you to draw your own conclusions.

Doctor John C. Bates, on page 125 of the *Record*, said:

The meat ration was cooked at a different part of the hospital; and when I would go up there, especially when I was medical officer of the day, the men would gather around me and ask me for a bone. . . . I would give them whatever I could find at my disposition without robbing others. I well knew that an appropriation of one ration took it from the general issue; that when I appropriated an extra ration to one man, some one else would fall minus. . . . I then fell back upon the distribution of bones. They did not presume to ask me for meat at all. . . . they could not be furnished with any clothing, except that the clothing of the dead was generally appropriated to the living. . . . there was a partial supply of fuel, but not sufficient to keep the men warm and prolong their existence. Shortly after I arrived there I was appointed officer of the day . . . it was my duty as such to go into the various wards and divisions of the hospital and rectify anything that needed to be cared for. . . . As a general thing, the patients were destitute; they were filthy and partly naked. . . . The clamor all the while was for something to eat.⁷

Doctor J. C. Pelot in an official report directed to the Chief of his Division, dated September 5, 1864, and filed as Exhibit No. 9 of the *Record*, said:

The tents are entirely destitute of either bunks, bedding or straw, the patients being compelled to lie on the bare ground. I would earnestly call attention to the article of diet. The corn bread received from the bakery being made up without sifting, is wholly

⁷ Copied from the *Trial of Henry Wirz, Executive Documents*, 2nd Session, 40th Congress, No. 23, p. 28.

unfit for the use of the sick; and often (in the last twenty-four hours) upon examination, the inner portion is found to be perfectly raw. The meat (beef) received for the patients does not amount to over two ounces a day, and for the past three or four days no flour has been issued. The corn bread 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 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.⁸

The foregoing I think is quite enough to convince you that our men were left to suffer all the horrors of the stockade, with practically no medical treatment or attention, until their condition became such that their removal to the hospital was only a stepping stone from the stockade to the cemetery.

Immediately after the place was occupied our men began to die. In April, 1864, as shown by the Confederate records, there were 592 deaths; and in August following 2992 of our brave boys passed to their final resting place. In one day, August 23rd, 127 of them answered the final call. Some of them in desperation deliberately crossed the deadline, and were shot down; while others who had become crazed and demented by their sufferings, blindly blundered across the fatal line, and they too were killed without a challenge. The records show that 149 died from gunshot wounds. We can only guess at the number of these who were killed on the deadline, but the evidence showed that deaths from that cause were of frequent occurrence. Only a part of these men were taken to the hospital for treatment; fully one-half died in the stockade without having

⁸ Copied from the *Trial of Henry Wirz, Executive Documents*, 2nd Session, 40th Congress, No. 23, pp. 37, 38.

received medical aid, and their comrades carried them to the gate where they were thrown, one on top of another, on a wood rack, hauled out to the burying ground, and placed in trenches where, during the occupancy of the prison, more than 13,000 of our men were buried — more than twenty-eight per cent of the entire number of those confined in the stockade. This statement, appalling as it may appear, does not represent by any means the aggregate loss of life sustained by our men as a result of the cruel treatment imposed on them at Andersonville. Evidence presented before the Court showed conclusively that fully 2,000 of our men died after leaving the prison, and while on their way home; and we know as a natural result that hundreds, possessed of barely enough life and strength to enable them to endure the journey home, must have died within a few days, weeks, or months after reaching home.

This is only part of the horrible story, but it is enough. And now some one asks, could these horrors have been prevented or averted? I reply, yes — scarcely having patience to answer the question. This prison was located in one of the richest sections of the State of Georgia. Supplies were abundant, the prison was surrounded with a forest, and yet some of our men froze to death for lack of fuel, which they would gladly have gathered had they been permitted to do so. Among those confined in that stockade were men possessed of all the training and ability necessary to construct anything from a log cabin to a war-ship; and they would have considered it a privilege to have done all the work necessary to enlarge the stockade, build barracks, and provide a supply of pure water had they been provided with tools and materials and given the opportunity. I am convinced beyond a doubt, that the lives of more than three-fourths of those who died at Andersonville might have been

saved with proper care and treatment; and to this opinion I will add that of Acting Assistant Surgeon J. C. Bates, an educated gentleman who had been a medical practitioner since 1850 and who was on duty at Andersonville for a number of months. He was asked by the Judge Advocate to state from his observation of the condition and surroundings of our prisoners — their food, their drink, their exposure by day and by night, and all the circumstances which he had described — his professional opinion as to what proportion of deaths occurring there were the result of the circumstances and surroundings which he had narrated. And his reply was as follows:

I feel myself safe in saying, that 75 per cent of those who died, might have been saved, had those unfortunate men been properly cared for as to food, clothing, bedding, etc.⁹

In order to make the situation at Andersonville plain to you I will say that John H. Winder was a General who never was given command of troops in the field. He was the special and particular friend and protégé of Jefferson Davis, who early in the war made him a Brigadier General and assigned him to duty in Richmond, Virginia, as Provost Marshal and Superintendent of Military Prisons, in which capacity he made himself notorious by his harsh and brutal treatment of prisoners committed to his care. No words of mine would more fittingly describe this man's character than his own language used in his celebrated order, No. 13, about which much has been said and written. When General Kilpatrick's command moved in the direction of Andersonville, in July, 1864, and it was expected that in his raid he would reach the prison, the following order was issued:

⁹ Copied from the *Trial of Henry Wirz, Executive Documents*, 2nd Session, 40th Congress, No. 23, p. 38.

ORDER NO. 13

HEADQUARTERS, CONFEDERATE STATES, MILITARY PRISON
ANDERSONVILLE, JULY 27, 1864

The Officer on duty and in charge of the Battery of Florida Artillery, at the time, will upon receiving notice that the enemy has approached within seven miles of this Post, open fire upon the stockade with grape shot, without reference to the situation beyond these lines of defense. It is better that the last Federal be exterminated than be permitted to burn and pillage the property of loyal citizens, as they will do if allowed to make their escape from the prison.

BY ORDER OF JOHN H. WINDER,
BRIGADIER GENERAL.

W. S. WINDER,
ASSISTANT ADJUTANT GENERAL.

General Winder had much to do with the location of the prison at Andersonville. First, his son, Captain W. S. Winder, was sent out to locate and construct the prison; and while so employed, as was shown by competent evidence, when it was suggested to him that he leave standing some of the trees in the stockade, he replied: "That is just what I am not going to do; I will make a pen here for the damned Yankees, where they will rot faster than they can be sent." He served as Assistant Adjutant General on his father's staff.

On March 27, 1864, Captain Henry Wirz, who was a member of General Winder's staff, was sent from Richmond with orders to assume command of the prison proper; and one of his first acts was to establish and construct the dead-line, which prior to that time had not existed. On April 10, 1864, General Winder made his first appearance at Andersonville and assumed command of the post and the county in which it was situated; and among his first formal published orders was one assigning Captain Henry Wirz to the superintendence, management, and custody of the prisoners at Andersonville.

When General Winder left Richmond to assume command at Andersonville the *Richmond Examiner* had this to say of him: "Thank God that Richmond is at last rid of old Winder; God have mercy upon those to whom he has been sent." This, I think, is enough to convince you that from the outset our men at Andersonville were at the mercy of one who by his cruelty and barbarism had already made himself obnoxious to the better element.

Now, in answer to the question whether it was clearly shown that the horrible conditions existing at Andersonville were made known to those high in authority in the Confederate government, I will say that the Court listened to a mass of evidence upon this point. The report of Doctor Jones was sent to the Surgeon General; and other reports, from time to time, had been made to those in authority, in which the horrors and needs of the prison were set forth. I will refer to only one other witness. After the capture of Richmond there was discovered a report made by Colonel D. T. Chandler, Assistant Adjutant General and Inspector General of the Confederate army, dated at Andersonville, August 5, 1864, in which he gave a very graphic description of the conditions existing at Andersonville and of the sufferings of our men; and he recommended immediate action to relieve the suffering of the prisoners, offering many practical suggestions. In closing his report he said:

My duty requires me respectfully to recommend a change in the officer in command of the Post, Brig. General John H. Winder, and the substitution in his place of some one who unites both energy and good judgment with some feeling of humanity and consideration for the welfare and comfort (so far as is consistent with their safe keeping) of the vast number of unfortunates placed under his control; some one who at least will not advocate deliberately and in cold blood the propriety of leaving them in their present con-

dition until their number has been sufficiently reduced by death to make the present arrangements suffice for their accommodation; who will not consider it a matter of self-laudation and boasting that he has never been inside of 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 judgement, even with the limited means at his command, have considerably improved.¹⁰

On the back of this report was endorsed the following:

Adjutant and Inspector General's Office, August 18, 1864. Respectfully submitted to the Secretary of War. The condition of the prison at Andersonville is a reproach to us as a nation. The Engineer and Ordnance Departments were applied to, and authorized their issue, and I so telegraphed General Winder. Col. Chandler's recommendations are coincided in. By Order of General Cooper.

(Signed) R. H. CHILTON, A. A. & I. G.

Following this was another endorsement:

These reports show a condition of things at Andersonville, which call very loudly for the interposition of the Department, in order that a change be made.

(Signed) J. A. CAMPBELL,
Assistant Secretary of War.

And finally there was endorsed: "Noted — File. J. A. S." The initials are those of James A. Seddon, Secretary of War.

This original report was introduced before our Court, and Colonel Chandler was brought there to testify concerning it. He was an officer who had been educated at West Point, a polished gentleman in manner and speech; and his testimony, given in a frank, straightforward way, made a deep impression on the Court. He swore that he wrote the report and that the statements embodied in it were true.

¹⁰ Copied from the *Trial of Henry Wirz, Executive Documents*, 2nd Session, 40th Congress, No. 23, p. 227.

He told of his very minute inspection of the stockade, of his measurements and computations, showing the amount of space allowed each inmate, and of the horrors he encountered on every hand. The picture he drew of the place served to confirm the stories of the men who had been held there as prisoners. He told of calling on Winder and remonstrating with him regarding the care of the prison, and of Winder's infamous language in connection therewith. He said that when he mailed his report to the Secretary of War he confidently expected that General Winder would be removed from the command of the prisoners, and that he felt disgusted and outraged when he learned that instead of being removed Winder had been promoted to be Commissary General and Commander of all Military Prisons and prisoners throughout the Confederate States.

When Colonel Chandler was at Andersonville he was under orders to inspect all the prisons in the South and West, and considerable time elapsed before he got back to Richmond. He then made an investigation and found that his report, relating to Winder, had been received and considered by Seddon, the Secretary of War. He threatened to resign unless his report was taken up and acted upon; but at about that time Seddon was succeeded by Mr. Breckenridge as Secretary of War, and soon thereafter General Winder died. Then followed the closing days of the War and collapse of the Rebellion.

Now a word as to the personnel of the Court. I have examined a number of books purporting to give the truth concerning Andersonville and the trial of Captain Henry Wirz; and in all of them, as I remember, occurs the same error that General E. S. Bragg of Wisconsin is named as a member of the Court that tried and condemned Wirz. The truth is that while General Bragg was named in the orig-

inal detail for the Court, he was relieved from further service at an early stage of the trial and took no part in the deliberations and findings of the Court.¹¹

The Court met first on August 21, 1865, pursuant to instructions in Special Order No. 449, and Wirz was arraigned and entered a plea of not guilty. Without further action the Court adjourned until the following day. On reassembling an order was received from the Secretary of War dissolving the Court, and a day later it was called to meet again under Special Order No. 453, dated August 23, 1865. In the meantime the charges and specifications had been materially changed and amended by striking from the list the names of several persons who had been charged with having conspired with Wirz to destroy the lives of our soldiers. Wirz was again arraigned and his plea of not guilty was entered; but at this juncture his counsel made a determined effort to secure his discharge on the ground that he had been placed in jeopardy during his first arraignment, and that under the Constitution he could not legally be placed on trial a second time. After a full hearing the Court decided that the action taken by the War Department was in conformity to the law and precedents, and so the trial proceeded.

In this connection I think it proper to state that the charges under which Wirz was first arraigned embraced the names, as co-conspirators, of Jefferson Davis, James A. Seddon, Howell Cobb, and Robert E. Lee. These names were stricken from the charges as amended; but when the Court made up its findings, being satisfied beyond question that a conspiracy had existed as charged, and believing it to be our duty to include in our verdict the names of any

¹¹ Copied from the *Trial of Henry Wirz, Executive Documents, 2nd Session, 40th Congress, No. 23, p. 511.*

of those prominent in the Confederate government who were shown to have been directly or indirectly connected with this conspiracy, we amended the specification to Charge No. 1, by adding the names of Davis, Seddon, and Cobb. We took it for granted that if our verdict was approved by the President the government would accept our finding as an indictment of the persons named, and that they would be brought to trial. I am pleased to say, however, that the Court found no evidence showing that General Lee was cognizant of, or was in any measure a party to, this conspiracy, and his name was not included in the verdict.

The Military Commission that met and tried Wirz held their sessions in the rooms of the Court of Claims in the Capitol Building at Washington, D. C. It was made up as follows (omitting the name of General Bragg for the reason stated):— At the head of the table sat Major General Lew Wallace, the President of the Court. He was at that time a man of mature years, a lawyer by profession, and of recognized ability. On his right at the table sat Major General G. Mott, who subsequently became Governor of New Jersey. He was a man then of forty-five or fifty years, a lawyer, and a man of excellent judgment and discretion. Opposite him sat Major General Lorenzo Thomas, the Adjutant General of the United States Army. He was then fully sixty-five years of age, had been for many years connected with the regular service, and was an acknowledged authority on military law and the rules and usages of war. On General Mott's right sat Major General J. W. Geary, who after his discharge from the military service was made Governor of the great State of Pennsylvania—a man aged fifty or more, and possessed of more than ordinary ability. Opposite him sat Brigadier General

Francis Fessenden of Maine, son of old Senator Fessenden, a man aged about thirty-five, a lawyer, and one who in every sense might have been called an educated gentleman. On General Geary's right sat Brevet Brigadier General John F. Ballier of Philadelphia, Pennsylvania, an educated German, aged fifty or more, who had commanded the Ninety-eighth Pennsylvania Infantry. On his right sat Brevet Colonel T. Allcock of New York, a man of forty or more, and a distinguished artillery officer, and finally on the opposite side of the table, was placed the boy member — your humble servant. Possibly it might have been truthfully said of me that I was too young and inexperienced to fill so important a position, since I was then only in my twenty-sixth year; but I had seen four years of actual warfare, had successfully commanded a regiment of Iowa men, and I thought then, as I think now, that I was a competent juror. The Judge Advocate of the Commission was Colonel N. P. Chipman, who early in the war served as Major of the Second Iowa Infantry. He was severely wounded at Fort Donnellson in February, 1862. When sufficiently recovered to return to duty he was promoted and became Chief of Staff for General S. R. Curtis, and later was placed on duty in Washington. He was a lawyer by profession, a man of superior education and refinement, and withal one of the most genial, kind-hearted, companionable men I have ever had the good fortune to meet.

The average level-headed citizen while considering the verdicts rendered in an ordinary criminal case is generally ready to say: "The jury are the best judges of the evidence, they heard it all as it was given, had an opportunity to judge of its value and estimate the credibility of the witnesses, and their judgment should be accepted as correct and final." It seems to me that the American people, and

especially the future historian, should be equally fair in dealing with the Wirz Commission. Indeed, I do not see how it would be possible for an intelligent, unprejudiced, fair-minded reviewer to conclude that such a Court could or would have rendered a verdict that was not in full accord with the evidence presented. I assure you that no attempt was made to dictate or influence our verdict; and furthermore, there was no power on earth that could have swerved us from the discharge of our sworn duty as we saw it. Our verdict was unanimous. There were no dissenting opinions. And for myself I can say that there has been no time during the forty-five years that have intervened since this trial was held when I have felt that I owed an apology to anyone, not even to the Almighty, for having voted to hang Henry Wirz by the neck until he was dead.

Wirz was tried on two charges. The first charge was that he had conspired with John H. Winder and others to injure the health and destroy the lives of our soldiers who were held as prisoners of war. And the second charge was "Murder in violation of the laws and customs of war". The Court found him guilty of both of the charges and of ten of the thirteen specifications. Throughout the trial the prisoner was treated with the utmost fairness, kindness, and consideration by the Court and the Judge Advocate. When our verdict was rendered and the record made complete it was submitted for review to General Joseph Holt, Judge Advocate General, a man noted for his high character, patriotism, and ability as a lawyer and a judge. I quote but a paragraph or two from his review. He said:

Language fails in an attempt to denounce, even in faint terms, the diabolical combination for the destruction and death, by cruel and fiendishly ingenious processes, of helpless prisoners of war who

might fall into their hands, which this record shows was plotted and deliberately entered upon, and, as far as time permitted, accomplished by the rebel authorities and their brutal underlings at Andersonville Prison.¹²

And in closing his review, after reference to the high character of the men composing the Court and of the fairness of the trial, he said:

The conclusion reached is one from which the overwhelming volume of testimony left no escape.

This paper does not demand nor will it admit of further reference to the vast mass of testimony listened to by the Court. In conclusion I will refer to a single incident of the trial. For weeks after the trial began the Judge Advocate presented only such testimony as went to show the general conditions existing at the prison and which tended to establish the charge of conspiracy, and he held back until near the close of the trial the evidence on which he depended to establish the fact that Wirz had by his own acts been guilty of willful murder. As a result Wirz evidently concluded that no such evidence had been found, and on repeated occasions he addressed the Court through his counsel, saying that he was ready to admit the truth of all evidence that had been presented, but that he was not personally responsible for the conditions shown to have existed in the prison; that he had simply acted in conformity to the orders of his superior officers, and should not be held responsible for them; and he therefore asked for an acquittal and discharge. These requests, one after another, were denied by the Court.

Early in the trial Wirz became sick, and a lounge was brought into the room on which he was permitted to re-

¹² Copied from the *Trial of Henry Wirz, Executive Documents*, 2nd Session, 40th Congress, No. 23, pp. 809, 814.

cline; and during many days of the trial he lay on the lounge with his handkerchief over his face, apparently oblivious to all that was taking place. Finally a witness was placed on the stand who told of his escape from the stockade in company with a comrade whose name he did not know, of their pursuit by the blood hounds, and of their recapture and return to the Confederate camp. He said that when brought to Wirz's tent and their escape and recapture was reported, Wirz became furious, and rushing from his tent he began cursing and damning them for having attempted to escape. The comrade, who was nearly dead from exposure and suffering, had staked his last effort on this attempt to regain his freedom, and the recapture had discouraged him completely and caused him to feel that death itself, was preferable to a return to the stockade. Like a caged animal he turned on Wirz and gave him curse for curse, challenged him to do his worst, and told him he would rather die than return to the hell hole from which he had escaped. This so enraged Wirz that he sprang at the man, knocked him down with his revolver, and then kicked and trampled him with his boot heels until he was dead. When the witness began this story Wirz became interested. First he removed the handkerchief from his face; then propped himself on one elbow; and as the story progressed he gradually rose up until he stood erect. His fists were clenched, his eyes were fairly bursting from their sockets, and his face presented a horrible appearance. As the witness finished his story Wirz fairly screamed at him: "You say I killed that man." "Yes sir", replied the witness. "You tramped him to death in my presence". At this Wirz threw up his hands and exclaimed, "Oh my Gott", and fell back in a faint on the lounge.

This was one of a number of stories that told of Wirz's personal acts of cruelty. In addition he was directly chargeable with the unwarranted punishments which he caused to be inflicted on men who attempted to escape or in other ways violated the rules of discipline which he had established. These punishments consisted of stopping of rations, establishment of a dead-line, use of the stocks, the chain-gang, use of hounds, bucking and gagging, tying up by the thumbs, flogging on the bare back, and chaining to posts, from all of which causes deaths were shown to have resulted.

"Mister Johnny Reb", as we called him in war time, the man who bared his bosom to our bullets and challenged us to come on, was a big-hearted, generous fellow whom I have always believed fought for the right as he saw it. I know by my experience that he was as brave a soldier as ever carried a gun; and prisoners who fell into his hands on the battle field were invariably treated with kindness and consideration. It was only men of the Wirz-Winder type, bushwhackers, and home guards, that presumed to offer insult and abuse to our men in captivity. I make this closing remark because of the fact that with the passing of years the bitter feeling that had existed between the North and the South has been practically wiped out and the remnants of the old fighting forces on both sides have been coming together and shaking hands as friends, and I would be sorry to know that in this address I have uttered a word that will serve to mar in the least the spirit of harmony existing between these old veterans.

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