



Role - Sheet

Defense Team

The Trial of Henry Wirz
Mock Trial Curriculum



Louis Schade - Defense Attorney for
Henry Wirz

You are the defense team for Captain Henry Wirz. You are a civilian attorney that has been assigned by the United States government to defend Wirz against charges that he violated the laws of war. You must convince the members of the military tribunal that although conditions were bad at Andersonville, Henry Wirz did the best he could under the circumstances and did not intentionally mistreat prisoners or violate the laws of war.

Your case:

1. Capt. Henry Wirz did not have command of the hospital or the medical care at Andersonville. Surgeons and other officers that outranked Wirz were responsible for those functions.
2. Capt. Henry Wirz was not responsible for who was sent to Andersonville; therefore he cannot be held responsible for the overcrowding.
3. Although there were shortages of food and clothing, Capt. Henry Wirz did the best he could to ensure that these supplies were given to the prisoners in a fair way. He was not responsible for the shortages. These resulted from the deteriorating economy of the Confederacy at the end of the war.
4. Capt. Henry Wirz did not beat, kill, or torture prisoners, or order others under his command to do so.
5. Capt. Henry Wirz was a member of the Confederate Army, and therefore cannot be held on trial by the United States Army, which he was not a member of.

Prior to the day of the trial, you will want to carefully read each witness's testimonies and prepare your questions for each witness in advance. You should ask questions that highlight points that prove your case. You cannot ask questions that are not addressed as part of the witness' statements. If you are acting as a part of a defense team, you may consider dividing this task up amongst the members of your team. At appropriate times during your questioning of witnesses, you may want to show members of the military tribunal pieces of evidence that support your case.



Role - Sheet

Prosecution Team



Norton Park Chipman
Chief Prosecutor & Judge Advocate
The Trial of Henry Wirz

You are a veteran officer of the Union Army during the Civil War. Your task is to prosecute Henry Wirz. You must convince the jury that the laws of war were violated and that Henry Wirz is responsible for these violations that resulted in the deaths of nearly 13,000 American soldiers and the sufferings of thousands more.

Your case:

1. Henry Wirz failed to provide adequate medical care to the prisoners.
2. Henry Wirz intentionally withheld food, clothing, and shelter from the prisoners.
3. Henry Wirz personally mistreated prisoners by cursing at, beating, torturing, or killing prisoners, or by ordering others to do so.
4. What happened at Andersonville is an atrocity; a failure of human rights to be protected, and as commander of Andersonville, Henry Wirz should bear that responsibility.

Prior to the day of the trial, you will want to carefully read each witness's testimonies and prepare your questions for each witness in advance. You should ask questions that highlight points that prove your case. You cannot ask questions that are not addressed as part of the witness' statements. If you are acting as a part of a prosecution team, you may consider dividing this task up amongst the members of your team. At appropriate times during your questioning of witnesses, you may want to show members of the military tribunal pieces of evidence that support your case.



Role - Sheet

Military Tribunal Member



Major General Lew Wallace
Chairman of the Military Tribunal
The Trial of Henry Wirz

You are a member of the military tribunal that has been assigned to hear the case of Henry Wirz. Your job is to hear the case and serve as a jury. The defendant, Captain Henry Wirz (CSA), has been charged with violating the laws of war, and if found guilty he will be sentenced to hang. As a military tribunal member, keep in mind that you are an officer in the United States Army. You have spent the last four years fighting against the Confederate Army. Captain Wirz was a member of this army that you were fighting against, although the war is over now.

A military tribunal is different from a traditional civilian courtroom. You have heard of Henry Wirz and you have read newspaper accounts of how bad Andersonville was. You may be entering this tribunal with a bias against Henry Wirz, but be open to changing your mind. Another difference is that unlike a traditional jury member, you have the privilege to speak and ask questions of the prosecution and the defense.

Your task is to:

1. Take careful notes and pay attention to both sides of the argument
2. Ask questions of the prosecution and the defense if you feel it is necessary.
3. Weigh all of the evidence and decide if Henry Wirz violated the laws of war. You will vote on this. For the purposes of this mock trial, a simple majority is all that is necessary to convict him.



The Witnesses

The Trial of Henry Wirz
Mock Trial Curriculum



Sgt. Major Robert Kellogg, 16th CT Infantry. Both the prosecution and the defense considered Kellogg to be very honest, and both sides called him to testify as a key witness.

All together, more than 135 witnesses were called to testify in the Wirz Trial. These included former prisoners, Union and Confederate officials, guards, and civilians who had knowledge of Andersonville. For the purposes of this classroom activity, eleven have been selected. Their testimonies presented in this mock trial are taken directly from the historic Wirz Trial transcripts. These are their actual words. Historians have often labeled witnesses as either defense or prosecution witnesses. However, many witnesses were called to testify by both sides.

The witnesses used for this mock trial are:

1. Dr. John Bates - A Confederate doctor at Andersonville.
2. Dr. M.M. Marsh - A Union doctor who worked for the US Sanitary Commission, charged with sending supplies for the prisoners.
3. Felix de la Baume - A former prisoner, and President of the recently formed Andersonville Survivors' Association.
4. Frank Maddox - A former prisoner. One of the few African American soldiers held prisoner at Andersonville.
5. Mary Rawson - A civilian from Plains, GA who was a frequent visitor to Andersonville.
6. Nazareth Allen - A guard at Andersonville.
7. Father Peter Whelan - A Catholic priest who frequently visited Andersonville
8. Robert Kellogg - A former prisoner. Kellogg was called by both the defense and the prosecution as a key witness. Both sides considered him very trustworthy.
9. Samuel Hall - A civilian who lived near Andersonville.
10. W. D. Hammock - A guard at Andersonville.
11. William Bull - A former Prisoner
12. Henry Wirz, Defendant, and former commandant of the stockade at Camp Sumter Military Prison at Andersonville, Georgia.



Witness

Dr. John C. Bates

I have been residing for the past four or five years in the State of Georgia. I am practitioner of medicine, and have been engaged in that profession since 1850. I have been on duty at the Andersonville prison as acting assistant surgeon. I was assigned there on the 19th of September, 1864, and left there on the 26th of March, 1865.

Upon going to the hospital I went immediately to the ward to which I was assigned, and, although I am not an over-sensitive man, I must confess I was rather shocked at the appearance of things. The men were lying partially nude and dying and lousy, a portion of them in the sand and others upon boards which had been stuck up on little props, pretty well crowded together, a majority of them in small tents.

Clothing we had none; the patients could not be furnished with any clothing, except that the clothing of the dead was generally appropriated to the living. We thus helped the living along as well as we could.

The morning after making my first tour as officer of the day, I sat down and made a report, the language of which I do not now recollect, but the substance was based upon the condition in which I found the hospital. That report was sent up, and I being a novice in military matters, for some things which I had said in that report I received a written reprimand. I continued to make those reports, but I think they were not heeded.

I had been so often arrested that I thought it necessary to sneak food to the patients. I would put a potato in my pocket and would turn around and let it drop to this man or others. I did not wish to be observed by anybody. When I first went there, I understood that it was positively against the orders to take anything in. The prisoners in the stockade and the hospital were not very well protected. As to the prisoners generally, their only means of shelter from the sun and rain were their blankets, if they had carried any along with them. I regarded that lack of shelter as a source of disease.

At the time I came there I understood that General Winder was in command, but shortly afterwards Colonel Gibbs was. Captain Wirz did not have anything to do with the medical department that I knew of. I did not recognize him as having any right whatever to do so. He never interfered with me in any way. I have no hard feeling towards him; he always treated me very respectfully and kindly.

I may say that we had no medicines. They were numbered. I asked Dr. Shepherd about it. He said that they had not medicines, and that their formulas were made up of indigenous remedies; that by these numbers it was easier to prescribe; that there were sometimes 80, sometimes 150, and sometimes 200 cases to prescribe for, and this means was adopted in order to facilitate matters. For a scurvy case we would order specific No. 14 or 24, as the case might be. 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 as to food, clothing, bedding, &c.

I desire to make a single remark to rectify some influences which have been made in reference to myself. It has been claimed on the one hand that I am here as a witness against Captain Wirz, and on the other hand that I am a witness for him. I wish simply to say that I am here to tell the truth, and I have done it regardless of consequences.



Witness

Dr. M.M. Marsh

For the last two or three years I have had charge of the United States Sanitary Commission matters in the State of Florida, Georgia, and the Carolinas. I was stationed at Beaufort, SC. While I was there, we received sanitary stores for prisoners in the custody of the rebel government and purchased also of a United States quartermaster. . .I forwarded clothing and provisions, sanitary stores, to Andersonville, GA, for the use of the prisoners there. I made a memorandum of the amount of the articles sent there, or had it made. . .we were sending to five other points at the same time. . .I made a list of what was sent to Andersonville between August and November 1864. . .This paper is submitted as evidence.

A portion of these articles were sent in the month of July; but a small portion of them. We began to send them quite regularly up to around the 1st of November, 1864. I have no evidence these letters were ever received at Andersonville; All I know respecting it is that I either personally or through some agent – passed the stores over to some agent of the Confederate government to receive them.

I ceased to send provisions to Andersonville in November; there came an order from Washington forbidding it.



Witness

Felix de la Baume

I was in the military service of the United States, in the 39th New York volunteers. I was prisoner of war at Andersonville from July. 8, 1864, till April 19, 1865. I know the prisoner, Captain Wirz. On the 8th of July I arrived at Andersonville, with three or four hundred other prisoners, most of them sick and wounded. We were brought up to Captain Wirz's headquarters. The guards had orders to let none of us go to the water. One of the prisoners was attacked with epilepsy or fits; he fell down; some of his friends or neighbors standing near him ran down to the creek after water. First I heard a shot fired, without seeing who fired it. After hearing that shot fired I looked down to the left and I saw Captain Wirz fire two more shots, wounding two men. Captain Wirz had a revolver in his hand. I was perhaps twenty paces distant from him. I am certain I saw Captain Wirz discharge the pistol in his hand. After this Captain Wirz pointed out the man, and said, "That is the way I get rid of you damned sons of bitches."

The first time I came into the stockade I received no treatment whatever for my wound. I showed Captain Wirz my leg and told him that my wound had not been dressed since I left Richmond, and I wished for a bandage before I should go into the stockade. He said, "I'll be damned if I don't send everyone of you to hell." That was before I was put into the stockade, on the 8th of July, in the forenoon about 11 or 12 o'clock.

In the month of December 1864, when it was so very cold, we did not receive any wood in the hospital. I obtained the parole pass of another prisoner. On that pass I used to go outside of the hospital enclosure to gather up some wood, so as to have some fire in the tent where I stopped. Going out of the hospital one day, I saw a man named Edler, a private in the 39th New York volunteers. I saw him tied, with an iron collar round his neck, to a post. I heard this man say something to Captain Wirz, whereupon Captain Wirz said, "One word more, and I will blow your damned brain to hell," holding a pistol towards his head.

I remember about the hounds. In the month of September, 1864, I was allowed to go out after wood. At that time Captain Wirz allowed squads of twenty-five to go out after wood about a mile distant from the stockade. I went out with Louis Holm, of the 5th New York cavalry. When we came out Holm suggested that we should hide ourselves and go to some farm to obtain something to eat. Holm and I hid ourselves in a very large tree, and remained there for over an hour; then we heard the dogs bark. My comrade was torn by the dogs very badly; we were brought in by a sergeant and by the men who had the dogs. Captain Wirz sent us back to the stockade and gave orders to the sergeant of the detachment not to let us go out any more.

I have seen a great many men shot in the stockade near the dead-line, inside the dead-line; I mean between the dead-line and the inner stockade, having crossed the dead-line, between the dead line and the inner stockade. When we were there we did not know one day from another, and I cannot state the day definitely. I know positively of two whom I myself saw killed on the dead-line by the sentries; one was a friend, and another was a corporal of the 125th New York; He was killed while reaching under the dead-line for clean water; I do not know to what company he belonged.

When I first went to Andersonville we received corn-meal. We received as much as a pint, sometimes, a cup-full. I received this meal and about two ounces of bacon a day. Most of the time I was obliged to eat that meal raw, mixing it up with water and some salt if we had any. We received every three or four days three teaspoonfuls of salt. I was obliged like thousands of others to eat that meal and that bacon raw. Men who had money could buy for 25 cents enough wood to cook a cup of coffee or mush.

Rumors have long persisted that Felix de la Baume was a fraud and a deserter from another unit. However, military service records indicate that Felix de la Baume, 39th New York was captured and held at Andersonville. After the war, many of the witnesses were attacked by Wirz supporters. De la Baume later became President of the Andersonville Survivors' Association



Witness

Frank Maddox - African American Prisoner

I was at Andersonville, GA, as a prisoner. I was there about eleven months. I was taken there April 1, 1864 and I left there February 2, 1865. When I was taken there I was put in the stockade and stayed there about two months. . . I was then taken out and put to work. . . burying the dead. . . We helped to enlarge the stockade.

I know Captain Wirz. I head Captain Wirz make threats as to what he would do with us. One morning. . . they sent us to the swamp to ditch. It was very cold and the boys did not want to go. Captain Wirz told the sergeant in charge of us, if we did not go, to take a club, and kill the last d---- one of us, and let the buzzards eat us. I am speaking of the colored men. . . I did not complain. I saw no use in complaining. Those who did complain did not get anything done for them. I heard men complain to Captain Wirz about their suffering from the cold. . . One morning the sergeant asked him to let us go out and get some [firewood]. He said he was not going to do it; that he did not care a d---- if we all died. The sergeant intimated to us that Captain Wirz gave the men a thirty days' furlough every time they shot a Yankee. He would never treat us boys as Captain Wirz wanted him to treat us. He wanted him to be whipping us and knocking us about. . . Captain Wirz ordered him to do it. I have seen him many times when he gave the orders. I looked right at [Capt Wirz] when the words came out of his mouth. I never saw colored men put in the stocks or the chain gain. When they wanted to punish them, they would put them across a log and whipped them half to death and put them back to work. . .

Captain Wirz never inflicted any punishment of any kind on me but he did to others. One he had whipped. I was up at the office in the morning to get an order for rations for the boys who would be out at work. He thought I was the man and commenced to curse me. The sergeant told him I was not the man, and called up Isaac Hawkins and asked him what he had been doing. He told him nothing. Captain Wirz hauled back and knocked him to the side of the tent and told Turner to take him, strip him, and give him five hundred lashes. . . they gave him two hundred fifty lashes. . . The man was then loosed, and taken to the blacksmith shop, and had about two feet of chain put on him, and was sent to the graveyard to work, being told that if he stopped five minutes during the day, he would get two hundred fifty more. . . I never saw Captain Wirz abuse any colored men unless they had done something wrong; I have seen him have some of them whipped, but whether they did anything wrong I cannot tell. . . I heard there were charges against them.

Captain Wirz was out in the graveyard one day in October 1864; some officers were out there with them and they were looking at the men who had been inoculated – how green their corns had turned. Captain Wirz said, "The G-D Yankee Sons of B----;" he had given them the land they had come out to fight for, he had given them six feet. He referred to those who had died from vaccination; that was in October. . . I saw Captain Wirz in the graveyard with the surgeons two or three times; they were laughing over the effects of the vaccination one day; the doctor had been examining, and had cut some bodies open and had sawed some heads open; in some cases a green streak from the arm had extended to the body; they were laughing about its killing the men so; I mean the surgeons and Captain Wirz. . .

I saw thirteen boxes (railroad boxcars) of [supplies] come here [from the north]. I helped to unload them and them in Captain Wirz's office. I do not know what became of them. They gave the men at the cook-house some and some were sent to the hospital. I do not know what became of the balance. I saw Captain Wirz wearing blue pants and sanitary commission shirts. We asked him for some of the clothes and he would not give them to us. . .

Maddox was a member of the 35th USCT. The United States Colored Troops (USCTs) consisted of both former slaves and African Americans who were born free. Although the official Confederate policy was to execute or sell into slavery captured USCTs, around one hundred African Americans were held prisoner at Andersonville. These men were used by the Confederate command as labor outside the prison stockade. They did tasks ranging from burying the dead to building earthworks and prison buildings. Frank Maddox was one of four African American prisoners to testify at the Wirz Trial.



Witness

Miss Mary Rawson

I reside on the plains of Dura, Georgia. I have been at Andersonville, I cannot say exactly how many times, while the Union prisoners were there. I commenced going in January, 1865. I generally went about once every two weeks. My object in going there was to feed a prisoner. I saw Captain Wirz sometimes when I went there. I was there in the month of March, 1865. I had on a brown dress. Captain Wirz never at any time refused or denied me any privilege of taking things in to prisoners there. He was always agreeable, and told me I could bring anything in to the prisoner I was going to see. I had one particular prisoner I was going to see. When I first went there I met Captain Wirz at the depot. I thought then he was a colonel. I asked him if I could visit a prisoner who was sick. He told me I could. At that time he gave a pass to one of the paroled men in the office. My charity was confined to one prisoner there. His name was Peter Kean. He belonged to the 16th Iowa regiment. He was a private soldier in the stockade. I used to tie up a bushel basket and leave it, and my prisoner said that that would last him two weeks. After two weeks I would go again. The captain always recognized me and asked me if I was going to see my prisoner. I would say "Yes," and I would carry another basket up and leave it. He never refused me. He generally treated my prisoner, as I called him, very courteously. He gave him the only chair in the room, and I sat on the bench. I never heard of Captain Wirz treating any other lady, who went there, in an unkind way.



Witness

Nazareth Allen - Guard, 3rd GA Reserves

I know the prisoner, Captain Wirz; he was commander of the prison.

I have seen the stocks, and seen men in them; I have seen several put in the stocks, and some ten or twelve in the chain-gain; I know that one prisoner died in the chain gain or stocks; I won't be certain which, but I think it the stocks; I think it was sometime August 1864. ...The stocks were between Captain Wirz's headquarters and the stockade, on the road you would take going into the stockade.

I saw a prisoner step out from ranks to speak to Captain Wirz for an exchange into a mess, when they were counting them out. ...Captian Wirz ordered him back and threatened to shoot him. He did not shoot him; he threatened to shoot and he cursed him.

I know a great many prisoners died there. They had no shelters inside the stockade much more than they made for themselves out of their blankets and pine tops. I was on duty at the stockade as a sentry. I had the means of observing the condition of the camp inside the stockade; I could see it from the stoop where I was. Some few had shelters made out of their blankets or such as they had built themselves with pine tops which they had carried in. There was no other shelter that I saw. ... A portion of the stockade near the branch (stream) was a very miry, boggy, muddy place. The swamp was not cleanly. ...a good deal of filth went through the stockade. The cook-house was above the stockade and a good deal of washing was done up the branch, consequently a good deal of filth went down. Some of [our] camps were above; some of them washed into this stream. Some of the sinks (bathrooms) were on that stream just above the stockade, on the side of the hill. When heavy rains came I should suppose some of it went through the stockade. Sometimes the prisoners in the stockade were compelled to use that water. ...

The prisoners were complaining all the while in consequence of their treatment; but I don't know to whom they made their complaints. I made complaints, as well as other soldiers of the rebel (Confederate) service. We complained merely to our own officers, but they could not help us any about that. I never complained to Captain Wirz. ...Colonel Harris and Colonel Moore were the colonels of our regiment. ...Our regiment was not composed of unhealthy men. Some of all the regiments were sick there. I don't know how many were sick; I had no means of knowing; I didn't pay any attention to the hospital. ...I do not know who gave the officers orders where to lay out our camp when we went there. We cleaned up the ground by order of our officers. Colonel Moore commanded us to do it. Captain Wirz had nothing to do with the locating of our camp that I know of. I don't know that he had anything to do with our men washing or bathing in the water there. He was commander of the prison; he might have had a right to have forbidden it. I don't know whether he had the right to interfere with command of our camp. He would always send an officer to our camp for what he wanted. I never knew him to be up there. I never knew him to be up there. ...

I was on guard or picket duty every other day. I never shot any one; I never saw any one shot while I was on duty. I got orders when I was on the stoop to shoot the prisoners if they crossed the deadline. I had no orders to shoot anybody if he did not violate some police regulation. The shooting of any one crossing the deadline was part of the police regulation of the prison. I would not have shot anyone if he did not violate some part of that regulation. ...If I was guarding a body of prisoners anywhere, small or large, and they did not obey me, I would threaten them. I would threaten to bayonet them or shoot them. When Captain Wirz threatened these men I suppose it was not more that I or any one else would d, if they did not obey me.



Witness

Father Peter Whelan

My office is that of a priest; I was in Andersonville from the 16th of June, 1864 until near the 1st of October.

Father Hamilton had visited the place in May, seen the condition of the prisoners, and written to the bishop at Savannah to send a priest there. He asked me to go and visit the prisoners. According to his request I went. . . I stayed until the vast portion of the prisoners were removed to other points; I would have stayed longer if the prisoners had been retained; my duties were those of a Catholic Priest – nothing more; I had no commission from the government. I went there voluntarily, without pay or remuneration further than merely to receive rations. These were nearly the same rations which the soldiers who were on guard there received, and also the prisoners in the stockade. Perhaps I might have had something more in quantity, but not as to quality. My labors were performed inside the stockade and in the hospital outside. I never saw Captain Wirz inflicting any personal violence on any prisoner; neither did I hear of it during my stay there. I might have heard reports that he used profane language, but I never saw or heard of him using any personal violence so as to produce death; it is the highest probability that such a thing could not have occurred without coming to my knowledge.

Captain Wirz afforded me every facility to visit the prisoners and afford them any relief that was in my power. He never put any obstacles in my way, whether physical or spiritual. My means of giving aid to them were very limited. But afforded me every facility with regard to the prisoners. . . He gave me the facilities, and that fact was evidence of his willingness to do so. So far as his will was concerned, that was an operation of his own mind of which I could have no knowledge. He always did it cheerfully. He never refused. He never showed any objection to give me at any time a pass to go into the stockade or hospital. . . I borrowed \$16,000 and went down to Andersonville. I spoke to Captain Wirz and he freely gave me permission to purchase flour for the prisoners.

I think I never saw Captain Wirz within the stockade except the time the men (the six Raiders) were hanged. . . He was always calm and kind to me. . . I have seen him commit no violence. He may sometimes have spoken harshly to some of the prisoners. . . There have been some violences charged upon him here which I never heard of being committed by him. I never heard of his killing a man, or striking a man with a pistol, or kicking a man to death. During my time in the stockade I never heard of it. I never heard, either inside or outside, during my stay there, that he had taken the life of a man by violence; that he shot a man or kicked him to death.



Witness

Sgt. Major Robert Kellogg

I was at Andersonville, Georgia; I entered there on the 3d day of May, 1864, and left there on the 10th of September of the same year; I went with a body of prisoners; I think there were some four hundred of us; I was taken from Plymouth, North Carolina, to Andersonville by railroad.

We entered the prison on the 3d of May, 1864. Where was no shelter provided for us at that time, or at any other time while we were in the prison. We were fortunate enough to be allowed to retain our blankets, and with them we erected shelters which protected us from the heat of the sun, but not from the rain. They did protect us from the rain for a few days, but soon they become so worn as to be utterly useless against the rain. Of the four hundred men captured with me, nearly three hundred are dead.

I have seen Captain Wirz in the prison frequently. He usually came in more often than otherwise mounted on horseback. He would ride inside the dead line and examine the prison. I never heard him give any orders. I was in the stockade all the time; I did not go out of it with the exception of few times for wood.

I recollect the dead line there. The effect of trespassing upon it was death. I have seen the penalty enforced-I have seen sentries shoot. I came near being shot myself once. I have seen sentries fire from the sentry posts at men. I have seen them firing at men who were dipping water out of the brook, just under the "dead line." Shooting by sentries was a frequent occurrence; so that, after a while, we did not notice it so much as we did when we first went there.

The most of the men had to depend on the brook for their water, and that, at many times, was exceedingly filthy. I have seen it completely covered, almost, with floating grease, and dirt, and offal. I have gone in barefoot, when it was so dirty that I had to go out, as I was getting all over with grease and filth.

There were two days I remember when we got nothing to eat, the 3d of July and the 11th of August; I don't remember now the cause. I don't know that Captain Wirz had anything to do with my not having anything to eat.

I do not say that I never heard any complaint made with regard to Captain Wirz's brutal treatment of prisoners. His character was cruel and brutal, and we all understood that perfectly well. We understood that from hearing his language, which was insulting and profane; and from the general treatment there in the prison. We saw that we were badly treated and miserably provided for; and we naturally supposed that he, as commandant of the prison, was, in a great degree at least, responsible for it; we supposed, of course that somebody was responsible for it.

I do remember one instance of cruelty. Some of Sherman's raiders were captured, and were brought into prison robbed of nearly everything. I have seen some of them with merely a shirt and pants, no hat, shoes or coat; and I have heard statements of those men that they were searched outside before they were brought into prison, and robbed of everything, even their pocket-knives, photographs, pictures, and things of no value; and I have heard the statement of other prisoners who have come in there destitute of nearly everything, telling how they have been robbed of them. Captain Wirz was always very rough and brutal in his mode of conducting business, so far as I saw; and he was not very choice in his selection of names for the Yankees.



Witness

Samuel Hall

I reside in Macon county, Georgia. I have lived there during the rebellion, ten miles from Andersonville. I visited the prison at Andersonville frequently, from August, 1864, till April, 1865. I observed the condition of the prison at a distance, near enough to give an opinion with regard to the condition of the prison. When I first saw it in the month of August it was literally crammed and packed; there was scarcely room for locomotion. It was destitute of shelter, as well as I could judge, and at that time there was great mortality among the prisoners. I met Captain Wirz while I was there. I infer that he was in command of the prison from circumstances which I can state to the court. When I saw him he was writing in an office that had a sign above the door of it "Commandant of the Interior Prison."

I know of a rule in the southern confederacy during the rebellion in regard to levying tithes of products; there was an act of the confederate congress that required one-tenth of all the farm products to be paid in as a tax. It was very rigidly enforced. There was a considerable amount of provisions accumulated in that way. My business called me through that part of the country; I passed through it frequently. The government had a butcher-pen in Oglethorpe, at which I think in the winter of 1863-'64 they slaughtered some 5,000 head of hogs, perhaps a less number. In the winter of 1864-'65 pork was slaughtered there; what amount I don't precisely remember. The only other commissary's or quartermaster's stores that they had there, that I know of, were those received from the tithes, which were bacon, corn, oats, fodder, wheat, peeled peas, ground peas, perhaps sirup. The stores were hauled off as rapidly as they were gathered to the railroad depots, and sent to the armies of Tennessee and Virginia. Oglethorpe is about ten miles from Andersonville. I do not think that the one-tenth which they impressed in that way could have supplied the enormous wants of the confederate government; I know it could not..

I reside at Oglethorpe, in Macon county; it is northward from Andersonville. I was at Andersonville several times in August; I don't know how many times. I was inside the prison last December; it was at that time literally crammed. I can form no estimate of how many were inside except from what the officers told me. I never saw men as closely packed as they were. I only know from what General Winder told me as to how they came to be there at that time. General Winder stated to me that that prison was built for the accommodation of about 10,000 men; that before it was completed the prisoners at Richmond and other points in Virginia were extremely unsafe, by reason of a raid; they were rushed out from Libby, Belle Island and elsewhere, and put into that prison. He regretted that it was so crowded; he wanted to build other prisons, and stated that he was proceeding to do it as rapidly as the means at his command would enable him to do so.

He spoke about the deficiency of his means; he stated that he could not get the timber, that he could not get the labor, that he had impressed all the sawmills in that country that he could impress; that he had got timber from every quarter where he could get it, and that he could not even furnish those who were there with shelter. I got a pass to go inside the stockade. It was certainly necessary to have that pass system. If he had allowed intercourse with the prisoners from everybody outside, I don't suppose he could have kept them there very long. That I think must be obvious.

I am not a native of Georgia; I am a native of South Carolina, but I have resided in Georgia for thirty years. So far as I saw, the prisoners inside the stockade at Andersonville had no shelter at all except such as they made themselves by digging holes and putting up blankets. From the road I have seen the guard camps with log huts, brush arbors, and things of that sort put up. They had more shelter than the prisoners.



Witness

W. D. Hammock - Guard, 55th GA Inf.

I went to Andersonville on the 14th of February 1864 and left on the 7th of April 1865. I was over a year there. I was detailed on the 9th of July 1864, and reported to Captain Wirz the next day. I did not shoot prisoners at Andersonville. I saw a man who was shot, but did not see him shot; I saw him directly afterwards. I have seen other men shot besides that one. I heard of it and I saw the men. Captain Wirz never ordered me to shoot prisoners, nor did he ever promise to give me a furlough for shooting a prisoner.

When we had orders Captain Wirz would order us to read them to the nineties inside the stockade; sometimes we would give them to the sergeant of the ninety to read, and if we had enough, we would give each division a copy. All orders connected with the prison were published there. I did not know anything about any orders being given in relation to particular parts of the stockade. I never received any orders or directions in regard to the stockade. . . There was a general order that prisoners should not cross the deadline.

Our instructions from Captain Wirz were to call the roll. . . if their number was not correct, and the sergeant could not account for them, we were to just go along and leave them standing until they got correct. . . The order was that if they could not account for the men they would lose their rations. I know that some men who were called "Stoneman's Raiders" were searched, and one squad before that. I don't know where they came from; their knapsacks were taken from them. . . I never received any orders from Captain Wirz to take away any man's blanket, clothing, or anything of that kind, or to deprive a man of any other comfort that he had, unless they were "Stoneman's Raiders. . ." I understood the orders to search "Stoneman's Raiders" came from General Winder.

I know something about Captain Wirz being absent for a time. He left there some time about the last of July; Davis took command sometime about the last of July, and Captain Wirz did not return till perhaps the last of August. . . I saw Captain Wirz in September, he looked sick and feeble and bad. He was in a feeble condition before he gave up as sick.

Captain Wirz never shot or beat or kicked a prisoner of war while I was on duty there to my knowledge. I have said that I have seen him take hold of men like any officer would, when the men were standing in full ranks, and draw them to their places if they were not exactly right. He generally spoke very short to them. He did not speak kindly to anybody; he always spoke short. He was very profane, one of the profanest men I ever saw. He had a very severe temper. I never saw him mistreat a prisoner of war. . . I am not positive that he cursed him at the same time, but it is more than likely he did, because that was his natural style of conversation. . . I have seen a pistol in his hand a good many times. I do not know that I ever saw him draw it; I know he would draw it for a whole squad, and would threaten to shoot them if they did not do so and so; but I do not think I ever saw him draw it on one man.

Confederate soldiers were treated in the same way as federal prisoners, with the exception of their being chained together. I know that Confederate soldiers have had on ball and chain, but I have not seen them chained to one another. I never saw Confederate soldiers in a chain-gang, but I have seen them with ball on chain on. I have seen them in the stocks. . . I saw Confederate soldiers there very often. . . They took a barrel, knocked out one head of it, cut a hole in the other large enough for a man's head to go through, and put it on them. That punishment was inflicted by order of court-martial.

Some clothes came there by the sanitary commission, marked as such, but I do not recollect what time they came. I did not wear any of them; Captain Wirz never gave me anything in his life. . . I never obtained any clothing in that way; I don't know any of the Confederate soldiers that did. I have seen Confederate soldiers wear them, but they never procured them from Captain Wirz; I think all of the paroled prisoners drew them. I was there when they went in to get their suits of clothes.



Witness

William Bull

I have been in the military service of the United States in Company A, Means Independent London Rangers, from the State of Virginia. They were loyal. I was a prisoner at Andersonville. When I got there I was put in the stockade...I then got out on parole.

I was at the depot in Andersonville in January, February, and March, 1865. I saw storehouses there. There was plenty of pork, beans, and peas in them. I saw vegetables outside the stockade during the summer of 1864 for sale. The articles were cabbage, corn, and potatoes. I saw melons and peaches too. I helped carry a barrel of rotten pork from Captain Wirz's house to the depot. It was rotten, and stunk bad, and was placed among the rations that were sent into the stockade. I helped to take back a barrel of fresh pork in place of it. The pork was exchanged by order of Captain Wirz. I worked for Colonel Thomas, next door, and was sent in to help take it down. The bad pork was put into a pile, and was issued out that afternoon to the stockade.

I saw sanitary clothing there. Out of every hundred men about ten got a little – pants or something of that kind. I saw rebels have it on – pants, shoes, and blankets. I do not know how they got them. I saw some rebel sergeants have them...The clothing was brought there while we were getting out of the route of Sherman. It was distributed in the hospital; and I suppose that which was in Captain Wirz's hands was the remains of what was not given out. I saw this clothing on Confederate soldiers. I suppose these got them from the boxes. I saw some of them wearing sanitary shoes. I saw three or four every day with a new pair of shoes on. Captain Wirz had about a half dozen boxes in his house. I think some were ordinary shoe boxes and some clothing boxes. I looked into only one.

Captain Wirz gave me orders, when I went to Colonel Thomas's house, not to go into his house. Mrs. Thomas Thomas, the lady I was working for, told me one day to go over there. I told her what Captain Wirz had said. She said that it made no difference, and she sent me over with a note. I passed through two or three rooms in Captain Wirz's house, and in one room I saw two or three boxes. I had heard that he had some shoes there. I looked into one box and saw some sanitary shoes in it. I do not know what was in the other boxes. I saw sanitary shoes on his [slave]'s feet which he had given to her. I saw two or three pair that she had got.



Defendant

Captain Henry Wirz

I am here to answer for all my official and personal acts at Andersonville, and if I can convince this court that they have been void of offense before God and man, I trust that I shall not be held responsible for the official or personal misdeeds of others. That is all I ask. By my own acts let me be judged, and if they have been such as to warrant my conviction on anyone of the charges or specifications preferred against me, let me be visited with punishment commensurate with the offense. I do not ask mercy, but I demand justice.

I believe that that which the proof of the existence of a conspiracy is the expression attributed to me by some of the witnesses, that I was of more service to the confederate government than any regiment at the front, connected with equally wicked and significant expressions attributed to General Winder, General Howell Cobb, and Captain W. S. Winder. General Winder has gone to the great judgment seat to answer for all his thoughts, words, and deeds; and I surely am not to be held culpable for them.

I think I may also claim as a self-evident proposition, that if I, a subordinate officer, merely obeyed the legal orders of my superiors in the discharge of my official duties, I cannot be held responsible for the motives which dictated such orders, and if I overstepped them, violating the laws of war and outraging humanity, I am to be tried and punished according to the measure of my offense. As well might every general, colonel, and captain in the rebel service be held criminally responsible as a co-conspirator with the chiefs of the rebellion as I, who simply held a subordinate position at Andersonville, be held to answer with my life for the motives which may or may not have inspired my superior officers.

For all these causes I humbly, but confidently submit that on the first charge a verdict of “not guilty” must be rendered.

I now come to the second charge: Am I the person who, from my position at Andersonville, should properly be held accountable for the crowded condition of the stockade, the want of shelter, the unwholesomeness of food, the impurity of the water, the inadequacy of hospital accommodation, and the lack of medicine and medical supplies, all which causes combined led to the dreadful mortality which prevailed at that place? The only question with me here, as it is all through the case, is, was I to be blamed for the existence of those things? If I have violated the laws of war, if I have outraged humanity, if I have perpetrated any of the murders or atrocities laid to my charge, let me suffer. A poor subordinate officer should not have had the ordinary performance of his routine duties treated and characterized as proof of his being a conspirator; nor should he have been called upon to bear upon his over-burdened shoulders the faults or misdeeds of others.

I was not the monster that I have been depicted as being; that I did not cause or delight in the sad spectacle of the sufferings, woes, and death of Union prisoners; that I did not contribute to their sufferings, but that, on the contrary, I did what little lay in my power to diminish or alleviate them. As to the charge of murder, it cannot be expected that I should be able to defend myself against the vague allegations, the murky, foggy, indefinite, and contradictory testimony, in which the so called murders are wrapped. The truth in this matter is to be found, as usual, midway between the two points.