The Weekly North-Carolina Standard.

"Liberty and Union, now and forever, one and inseparable."—Daniel Webster.

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The Weekly Standard.

W. W. HOLDEN. J. W. HOLDEN.

W. W. HOLDEN & SON,

Editors of the Standard, and authorized publishers of the Laws of the United States.

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W. W. HOLDEN & SON,
Raleigh, N. C.

The Editor of the *Sentinel* says he "would have signed Mr. Badger's ordinance, which Mr. Holden preferred, but whether he could have been induced to sign the secession ordinance we are not sure." *We* are sure, if the Editor is not. He would have signed it. He was not a better Union man at that time than were Mr. Badger, Mr. Graham, Mr. Starbuck, Mr. Dick, Mr. Brown, Mr. Warren, Mr. Cannon, Mr. Gilmer, and others who might be named; and he is not possessed of more moral courage than the gentlemen mentioned. If he had refused to sign it he would have been hissed out of the State. He would have been turned out of his Church. He would have been hunted like a wild beast.

The writer of this did not want to sign it. It was the saddest and most reluctant act of his life. He became a member of the Convention, with other Union men, in the hope that something might be done to preserve liberty; and though opposed to both coercion and secession, and though he "went with his State" under the strongest physical and moral duress, he never ceased to hope and to believe that the result would be—at times he could not foresee how—the establishment of one great common government for the North and South. When the proper time arrived he struck for peace, and just here he separated from the Editor of the *Sentinel*. The latter preferred subjugation to restoration, while we longed for restoration as the only means for preserving the liberties and property of our people. If the Editor and his friends had gone with us in 1863, we should have saved slavery for a time, or if we had failed in that, we should have obtained compensation for our slave property; but, what is of infinitely more importance, we should have saved two hundred thousand valuable lives on each side, and we should have escaped the awful ruin and devastation occasioned by invading armies. We urged this course in the most earnest terms, and we did so for years at the constant risk of life and property; our neighbor opposed it, promising the people day by day that the "Yankees" would be vanquished, and independence achieved. And now, after having gone with those who caused all this ruin, he boasts of his wickedness and treason, for he says *he* "did not cowardly desert" the State "as soon as the game seemed to be against her." We regret that we were a rebel, and we plead in extenuation the overruling circumstances that surrounded us; he boasts that he was one, and claims that he is a better Unionist than we are! He is proud that he did not sink his own pride of opinion to save his section from utter ruin, and denounces as cowards the peace men or true Unionists of the State. We will tell our neighbor who the cowards were. They were those who bowed the knee to Davis and his minions, and who would have attended him, cap in hand, as he ascended the throne of imperial power, as he expected to do, in these Southern States. Of all the cowardice that ever disgraced a civilized people, that was the worst on the part of those Southern leaders who acknowledged Mr. Davis as their master. Every thing he ordered they did. He conscripted them, he impressed them, he plundered them, he beggared them, he tore their tender boys from their embraces to fight for him and his minions; he insulted and degraded their States, and threatened to pour his troops upon them if they should dare to assert the very right for which they were fighting, that of secession; he told them at last they must depend on their own slaves to achieve their independence; and so abject were they in spirit, so fanaticized, so sectionalized, and so set in their hatred to the "Yankees," that they shouted amen! and still hailed him as their benefactor and saviour. Our neighbor did all that; and yet he calls us a coward, because we desired peace under the flag and in the Union of our fathers. And our neighbor, be it remembered, is the organ of Gov. Worth, and of six of the nine members of Congress who are knocking for admission from this State.

The Editor of the *Sentinel* not only calls us a coward on account of our consistent Unionism, but he claims that the Senator from Sampson and himself are better Union men than we are. This provokes us to say what we would have avoided if we could. We have borne these taunts and comparisons long enough. We now declare that the Editor of the *Sentinel* and those for whom he speaks, are *not* Union men.—They are simply whipped, unsubdued, incorrigible secessionists. They submit as Satan did, when "hurled headlong flaming from the etherial sky;" and if they cannot approach the portals of the Union and knock for admission in their own way, with their own men, they do not wish to approach them at all. Their motto before and during the war was, rule or ruin; and now, having ruined, they intend to rule. They boast that they keep the letter of their oath while they disregard its spirit. In their hearts they hate the President. In their hearts they hate the "radicals" and moderate Republicans. In their hearts they love all secessionists, all malcontents, and all copperheads. For one, as a friend to the Union, having suffered persecutions, contumely, and outrage on account of our Union principles, *we do not want such men to rule over us.* Why, where were these people nine months ago? In the very dust of submission. The President told them then, as he tells them now, that the "friends of the sick man must nurse the sick man"—that those who were conspicuous in making and conducting the war must not be entrusted with the work of restoration—that *his* particular friends, the true Unionists—the "*unmistakably* loyal, if only five thousand in a State," are the proper persons and the only persons to perform this work. Nine months ago not one of these persons would have aspired to the office of constable. To all appearances they were submissive and loyal. They seemed entirely to concur with the President in his determination to restore the State through the instrumentality of loyal men. Their behaviour was such as, if possible, to have "deceived the very elect." They crowded to Raleigh and Washington for favors and pardons, and they seemed pleased that genuine Union men had taken the work of restoration in hand. They felt then that they were conquered—they had got what they bargained for; they knew in their hearts that if they had been the conquerors they would have scourged the Northern people after they had surrendered, and they feared that even their lands and houses would be taken from them. They were *then* in a condition to be "reconstructed." But behold the change! It is useless to describe the present condition of things. It is sufficient to say that the original secessionists and latter-day war men have complete control of the State; that the true Union men are under the ban, and are denounced as cowards, because they desired to stop the war and restore the Union; that every candidate for Congress except Mr. Jones, who told the people he could take the test oath, rendered himself odious, and was beaten by an immense majority; that the member of Congress from the metropolitan District, an unpardoned rebel, defeated a true Union man, and declared upon the stump that he would not support Andrew Johnson for re-election to save his life; and that generally and specially, the spirit of disaffection and of hatred to the Northern people is on the increase in this State. Some bold, great-hearted man, like Mr. Senator Carter, now and then makes a thoroughly loyal speech and defends the Union cause; but, as a general thing, though there are many sincere Unionists in the present Legislature, the current is against them, and it is not popular to be an outspoken, unconditional Union man.

We deplore this state of things as much as any one, but the truth must be told at all hazards. We trace all these evils to the Editor of the *Sentinel* and his associates. They are responsible not only for the calamities of the rebellion, but for the exclusion of the State from the Union. If they had remained quiet, as they promised to do, during the last six months, and had permitted the "*unmistakably* loyal" men to perform the work of restoration, North-Carolina would have been admitted with Tennessee—the President would have been sustained—no breach would have been forced between him and any portion of the Republican party, and the day would been at hand when our State would have entered on the enjoyment of all her rights and privileges as a member of the Union.—But as it is, no one can foresee the result. Our whole State government may be swept away a second time, and we may be placed for an indefinite period under military rule.

[BY OUR OWN SPECIAL REPORTER.]

Trial of Major John H. Gee.

TENTH DAY.

MORNING SESSION.

March 5th, 1866.

The Court met pursuant to adjournment—all the members being present.

The Journal of Friday was read and approved.

(Defense asked the privilege to summon a number of witnesses to testify as to character of the prisoner, which the Judge Advocate had refused to have subpœnaed. The Judge Advocate stated his reasons for refusing to subpœna the witnesses named. The Court took time to deliberate on the petition.

Joseph Long called and sworn—I am 35 years of age—live in Edgecombe county, was a prisoner in Salisbury in 1864, for desertion I suppose, I was what was called a convict—I worked outside some, under guard—assisted in burying the dead about three weeks—went out in the last of October, I think it was.

Q. State how the dead were buried, in regard to number in a certain space of ground.

[Objected to, objection overruled.]

A. There was a trench dug I suppose about six feet wide, we put them down side by side thick as we could lay them, sometimes one on top between two, what I call doubling—the length of trenches we filled during the three weeks I was there was perhaps, a hundred yards long—we finished two, and started another which was I think, about half filled.

[Witness pointed out from the map the way the trenches were dug, namely, running from the railroad towards the creek, and the trenches succeeding each other westward.]

CROSS EXAMINED.

We were under the guard when we went to bury the dead; did'nt have a regular guard, but went under whatever guard was sent—don't know who the guard received their orders from; never heard them say—the sergeant of the guard there furnished us the implements to work with—the dead were generally laid side by side; they were laid crossways of the ditch—the political prisoners and others in the prison were not buried in the same way the prisoners of war were—the rebel prisoners were buried in coffins the time I stayed there—there were a good many of these perhaps 25 or 30, buried in this way during the three weeks I was assisting them. The guard gave us orders how to bury the dead, we were under them and worked by their orders—we had two or three different sergeants, and we had a new guard every day.

I was conscripted into the rebel service, under the first conscript act, in July 1863; I think I was enrolled in July—I deserted near Fredericksburg, soon after the Fredericksburg fight; it was in March; I think it must have been 1863—I belonged to Co. C. 2nd N. C., Regiment, Capt. Whitfield, when I deserted—I suppose it was in 1864 I buried the dead—I think it was in the months I have named, because, I know it was; because I was there, and I know it was—I know it was the time I said because this is 1866, and last year was 1865, and I know I stayed at home last year—that is the only way I fix the month I was there—I live in Edgecombe county, N. C.; my post office is Tarboro' or Rocky Mount, either one—I was summoned to be a witness here, is how I come to be one.

REDIRECT.

I had been in the army five or six months when I deserted.

Edmund Ireland called and sworn —— years old; resides in Medford, Mass.—was taken prisoner the 19th Aug., 1864, on the Wilmington railroad—I belonged to Co. C, 29th Mass., Regiment—was carried first to Libby: stayed over night, and was then carried to Belle Island—stayed there six weeks and was then carried to Salisbury—reached Salisbury about 8th Oct.—there were then about 5000 or 6000 prisoners there—a few days after more came—there were 400 or 500 went in the squad I did—there were some there when we arrived, and more came afterward—went to Salisbury on 8th Oct., and was released 22nd Feb.—sixteen men of my company entered the prison there with me—half this number died during their confinement. When we first went, there was no shelter, a little while after, about two weeks or more, the squad I was in got fly tents, open at both both ends—the were 16 of the squad I was in—generally the prisoners had very poor tents, many of them burrowed in the ground, most of them built fire-places with the mud, for their tents—those that could, crawled under the buildings in the yard—don't think more than a third of the men had tents—rations were generally bread and soup—drew meat about once a fort-night, I think; a piece about as large as my two fingers—the meat was the poorest part of the animal, generally the head—sometimes tripe uncleaned—the soup was rice boiled in water in proportion of two spoonfuls of rice to a pint of water—when meat was issued, the soup was a little greasy—drew about two spoonfuls of molasses at a time, three times—potatoes once, four small ones to each man,—as to the suffering it was unspeakable—have seen men pick up bones out of human excrement, clean them and crack them for the grease inside—have seen them pick up corn and eat it raw—what we got for one day's rations was not enough for one good meal—sometimes we went a day without rations—at one time 56 hours with only a cup of rice soup—the prisoners were organized into Divisions of about a thousand except the 9th and 10th, which had about 500 each—each Division was divided into ten squads—there was no regularity in drawing rations—we got it when we could, just as the divisions were called, sometimes in the morning, sometimes at noon and sometimes in the middle of the night. Rebel officers came in several times to recruit for the rebel army—they usually came when we had been without rations for some time—they offered a bounty of $50 Confed., and a loaf of bread—the wood was received by a detail of from one to four to bring it for the squad of 100—they had to go about the eighth of a mile for it—usually on the coldest day the least number had to go—we got it in large and small sticks of oak or pine—generally divided it into two or three fires to each squad—they cut it up with railroad spikes in the squad I was in. Water was very poor—there, were I think, nine wells in the yard—some times we were allowed to go to a brook, and bring water in barrels—this water was very good, that in the wells was bad and nasty and by sitting would get a scum on top—we called it magnesia-water—we drew water from the wells with little dippers, taking some of our garments and tearing them up to make strings. The sinks were on South side of the camp, it was a ditch forming part of the dead line—it had rafters laid across, with one plank laid along on them—I never saw any means used to cleanse or purify the sinks, it was generally very nasty around them, and they could be smelt all over the camp—the prison grounds were dirty at first—about the 1st December there was a police force detailed to clean the camp and they drew extra rations for doing it.

I judge the average number of deaths was forty a day from the time they went there till they left—I think about 5000 died—I never was in the hospital as a patient, but have been in to look round—don't know as to the general accommodation for sleeping—in my squad there was about half a blanket apiece, and I think we were about as well off as any—I don't think they were allowed much to buy food from citizens—they sometimes bought, and I have sometimes seen them refused—sometimes saw what they had bought taken away from them—when we went after water we saw women with things to sell, but they were not allowed to sell them—I weighed 135 when captured and I weighed 90 pounds on arrival at Wilmington, I judge I weighed about 130, when I arrived at Salisbury—we left Salisbury on the 22nd of February, and arrived at Wilmington, 2nd of March—went from Salisbury to Greensboro on foot, and the rest of the way by Railroad—there was no other body of prisoners marched from Salisbury, to Greensboro,' besides the one I accompanied; I judge there were about two thousand of them.

[The Court was cleared for consultation. When the doors were re-opened the witness again took the stand.]

CROSS EXAMINED.

There was a sutler at the prison at Salisbury.—The sergeant of the squad I belonged to was named Currier, of the 59th Massachusetts regiment—don't know the name of the Sergeant Major of the division—Sergeant Currier is dead—he did not die in prison, I think he lived at Natick. I do not know the accused. I have made no statements, since I reached Raleigh, to any one, contradictory to the statements I have made in my evidence. I do not know that the wells in the prison were at any time furnished with curbs and buckets—I did not see any there. The suffering I speak of was greatest in the last of October.

Wm. Smith called and sworn—26 years old—resides in Boston, Massachusetts. I was a soldier of the United States army, and taken prisoner on 16th of August, 1864 at Deep Bottom, Va., I belonged to 4th New Hampshire, I was taken to Richmond, Va., from there to Belle Isle, and from there to Salisbury—reached there on October 7th 1864. I recognize the accused, Maj. Gee—have seen him at the prison at Salisbury.—There were between 9000 and 10,000 prisoners confined at Salisbury, I think—I left Salisbury, February 20th 1865—soon after I went to Salisbury, part of the time I had charge of a party of fifty men, don't know how long, near a month—I then acted as nurse in a hospital. As chief of this squad I drew the rations—we drew sometimes in the morning, and sometimes in the afternoon, there was no regularity—we drew half a loaf of bread to a man, and once a fortnight, I should judge, we drew meat, and for 100 men, four pails of rice soup—that was all we drew generally—we had tripe once as a rarity. The half loaf of bread I never saw weighed—the soup was of rice boiled in water, with fat which came off the pots in the morning—sometimes thick, sometimes burnt and sometimes it was pretty thin.

I have seen where the soup was made—when I went to draw the rations, saw the boiled rice dipped out of the pot and put in the hot water to make the soup. I was nurse in Hospital No. 9, the second one of the four inside—patients had fever and diarrhœa, and some cases of frozen toes were treated in that hospital—in that hospital the patients lay on the floor, generally they had no blankets—they were pretty bad off when brought in—they were laid on the floor, part of the time on straw, and part of the time without straw—we had nothing to take care of them with—had medicines about half the time—that hospital would have accommodated thirty-five—at times we had over forty in it—can't tell the number of deaths in it from my own personal knowledge, nor the number discharged from it. The diet of the sick was some better than that of the other prisoners, at least as to amount, but not as good for sick men—it was about the same in quality, the sick received more meat than the prisoners outside.—The Surgeon's call was generally in the morning, between eight and nine o'clock—the Surgeons visited the hospitals daily—there were no facilities allowed for keeping the hospitals clean—they did once or twice issue us bunch brooms to sweep the hospitals with. Don't know the proportion of those who died outside the hospitals to those who died in them. We drew rations from the hospital cook-house, which was distinct from the other cook-house—we got the bread from the bakery—we drew for the sick and the nurses—sometimes got twelve or fifteen rations more than belonged to us in order to get enough—this was done by the ward-master continuing on his list the names of those dead or discharged, in sending in his reports—during my stay in this hospital, the deaths in it were between 300 and 325—that is during the time I was there, from the latter part of October to the 22d day of February. Straw was furnished the hospital twice or three times, can't say as to the amount at each time—lying on the floor generally created in the patients what are called "bed sores"—these sores are on the hips, near the hip-joint, making a hole in the flesh—have seen them on men in that hospital. The patients generally had enough water to drink.

The Court then adjourned to 7½ o'clock this evening.

EVENING SESSION.

Monday, March 5, 1866.

Wm. Smith resumed the stand on direct examination. The witness wished to explain—we received potatoes, a dozen times, coffee, some seven or eight times and tea, about the same, in addition to the other rations received in the hospital.

There was a disturbance gotten up by some fifteen or 20 of the prisoners who made an attack upon the relief guard coming into the yard, took away their guns and made a rush upon the large gate—at the same time trying to rally the prisoners, but they would not rally. Quite a number were killed and a number wounded by the guard; the artillery fired three times, the firing continuing from fifteen to twenty minutes—the efforts of the prisoners continued not more than ten minutes. I saw Maj. Gee on the platform there at that time, over one of the pieces of artillery—the men that were killed were in the open space enclosed by the buildings, some five or six of them—I saw them after the disturbance was all over not at the time they were killed.

On December 8th, there was firing on the prisoners which commenced about dusk, and continued an hour or more—it was a pretty dark night; they fired about once in four or five minutes—the weather was warm. I don't know that any one was killed by this firing. The men went, at different times, 48 hours without rations—32 men besides myself of my regiment entered the prison with me; seventeen of them died there—the supply of wood was generally from two to four feet, that is, from a quarter to a half cord per day to the hospital; once, when very cold, for a day and night, we had no wood at all, and the sick suffered very much from cold. The night they had no wood one man had his feet frozen.

CROSS EXAMINED.

I refer to the prisoners outside of the hospital, when I say, we went 48 hours without rations.—On the 25th of November, when the outbreak occurred, I was between the citizens' building and the large gate, behind a well. Don't know how many of the guards were killed at that time, or how many were wounded. I did not hear Major Gee order the firing to cease when I saw him at the time of the outbreak.

Q. How do you know there were only twenty prisoners engaged in the outbreak?

A. I don't know it certainly; Sergeant Beaston who led them, told me so—I can not swear, of my own knowledge, there were only 20 men engaged. I saw the men rallying to the space enclosed by the buildings, but they would not rally on the fence—I should judge 200 or 300, perhaps more, rallied to this place; the cannon where I saw Maj. Gee, was the one at the north angle of the prison—he was standing with the guard who were standing in the corner of the fence, not over fifteen feet from the gun; I would not say whether to the south of the gun or the north—this was after the firing had all ceased, that I saw him standing there. I do not know the cause of the firing on the 8th of December—[Witnessed marked the place on the map where he stood during the firing on the 25th of November; on the South-west side of the "citizens'," house] I fixed the date of the firing in December, by having put it down in my diary, which I kept while in prison. I never met Maj. Gee personally, but once in the hospital, then he did not speak a word to me nor I to him. I have not stated, since I arrived in Raleigh, that I did hear Maj. Gee give orders for the firing to cease. The Ward-master in my hospital, was a prisoner of war.

BY THE COURT.

The Cooks were prisoners of war, I don't know their names. The 15 or 20 men who begun the attack, I think were fully ten minutes before they were done—they rushed toward the gate.

John Kennedy, called and sworn, age 31 years, resides in Somerville, Mass.,—I was in the army in 1864, 39th Mass. Reg., taken prisoner on Weldon R. R., 19th August 1864—was taken to Libby prison and thence to Belle Isle thence to Salisbury on the 8th Oct. There were about 8000 prisoners there when I reached there—I can't tell how many went there when I did, there were two trains of them—there was not much sickness among them at that time, most of them could stand up for their rations—we got no shelter for two or three weeks, then had two tents for 100 men, sometime after there was another tent—the tents were sibly, fly-tents and common wall tents—no other shelter but what the men provided for themselves—the holes were 4 feet deep excavated round, and could sit down in them, but not stand up, and had fireplaces to them with holes punched for chimneys—think one-third lived in this way—these holes though damp were more comfortable than tents, as they got clear of the wind—they built a little porch over the mouths of these holes to turn off the rain, but in a hard rain some of these would cave in, as they were built of mud.

The rations were generally half loaf of either wheat or corn bread and sometimes what was called sorghum bread, supposed to be made of sorghum seed—⅓ pint rice soup, sometimes seemed to be boiled after meat, generally 3 or 4 spoonfuls rice in ⅓ pint water, without salt except sometimes—once we got meat 3 days in succession, at other times we got none for 15 days—sometimes we got a gill of molasses in lieu of meat; I judge, while we stayed there we had meat about 15 or 16 times—molasses about the same—one time we got bread about 7 in the morning and got nothing but rice soup till 12 next night, when we got about a pint of flour—sometimes when we had flour we were furnished green pine wood to cook with—sometimes we made minute pudding, sometimes dumpling and sometimes ash-cake. When we got meat got perhaps 3 or 4 ounces—sometimes we got tripe, which came as extra and did not count as meat—there were 34 men in my tent—we had a Sibly tent, about ⅔ of them slept on the bare ground—part of them had blankets, there were two or three men came in the tent afterwards, seventeen of these men died at Salisbury—at first six men went out to get wood for 100—then five—then four—then three—and then two went out for wood—these went generally once every day—what the three men could lug in would be divided among the three tents—after awhile there were only three or four men able to go for wood, on account of the men getting so weak and sickly. There was no clothing furnished us by the authorities, we used to take the dead men's clothes. I had a friend who died by my side of typhoid fever, and we took his good clothes and put old clothes on him, I took his shirt, one took his pants and one his gloves.

Rebel officers came in on several occasions and got recruits, large numbers of them—once near the big gate, a large crowd was there, and several asked what they got outside, and a man, I supposed to be an officer, said they got a loaf of bread and piece of meat outside to all that went out.

There were men who had their feet frozen. I can't tell the number. One of these lodged under one of the prison hospitals, which was 3 or 4 feet above the ground and served for a lodging place for quite a number. The sick were not all taken to the hospitals, I think half the sick were in the tents—one of the sick we took to the hospital to sleep under the bunks at night and took him away again next morning; we did this for 3 or 4 nights and he then died—can't tell the average number of deaths outside the hospitals.

The sinks I think were in the southern portion of the enclosure—they were ditches five or six feet wide, and perhaps as many or more deep—never knew any lime used at them. We had six or seven wells, used so much they were quite low and muddy—there was a brook about ¾ of a mile off where we used to go and get it in barrels—there was not water sufficient for bathing or washing—what two men could bring would furnish the squad about a pint dipper to the man—we had to wait our turn and it took about ¾ of an hour to each trip—I knew on several occasions 16 barrels to go at one time, two men to each barrel.

The direct examination closed and the Court adjourned to 10 o'clock to-morrow morning.

ELEVENTH DAY.

MORNING SESSION.

Tuesday, March 6th, 1866.

The Court met pursuant to adjournment—all the members being present.

The journal of yesterday was read and approved.

The witness, Ireland, who was examined yesterday, was re-called to explain a point not fully understood, in regard to the amount of water brought at one time, and explained that he meant that two men could not carry more than half a barrel at a time and this quantity was what was allowed to a hundred men.

John Kennedy was then re-called and his direct examination continued.

There was a disturbance in the prison on the 25th November 1864, in the afternoon—was informed that there was to be a break out, but I put no confidence in it. I was in the tent—don't suppose a tenth of the men knew anything about it, as they were in the tents, cleaning themselves, some with shirts off. I heard yelling and pretty soon firing of musketry, and three shots of artillery—I started and ran for the big gate—when I got there the gate was closed and there seemed to be no demonstration—returned to the big hospital and heard "we give up—we are done" but the firing still continued—don't know how many were killed, saw one man lying near the Sutler's tent, saw them carrying men from the tents towards the hospitals, supposed to be wounded men—day before and on day of outbreak and for five days, we had got only ½ loaf of bread and ⅔ pint of soup a day.

CROSS EXAMINED.

I was merely a prisoner, and held no position in the prison. John Mahony, of the 104th N. Y. Vols., was Sergeant of my squad, and Moses Palmer was Sergeant Major of the Division until he was paroled, and I don't know the name of the one after.

Q. Do you know the accused?

A. His face does not look familiar—do not recollect having any personal intercourse with him at Salisbury. I do not recollect what the cry was, at the time of the outbreak there was a tremendous yelling—there seemed to be no system about it, they were running about like a flock of sheep. There was a rush toward the water gate by a part of them—there were some running in every direction. I was not in the same squad with Smith, the last witness—I don't recollect that I saw any wounded men brought out of the tents.

BY THE COURT.

The stockade was made of posts about seven feet high, with three railings, to which inch plank was nailed, and on the outside was a walk for the guard about three feet from the top; I do not know that the stockade was supported from the outside except by this platform. At the time of the outbreak, the plan was to capture the guard, and break out at the gates opposite the large hospital and the water gate—the gates were of the same structure with the wall.

Isaac H. Martin called and sworn—Aged —— years, resides in Rockingham county, N. C.—was a prisoner at Salisbury from 1st May, 1864 until 17th January, 1865—was confined about one month, and was out the balance of the time as foreman of the workshops—these shops were moved outside about the 1st of October, when the prisoners of war came. I was out on pledge that I would not leave nor assist any one else in getting away, but gave no written parole—I remained out of the prison, as foreman of the shops, about two months and a half—I was sent by Maj. Moffit to get the shovels that the dead line was being cut with, to have them repaired—when I got on the parapet, a prisoner called to me and asked for a piece of bread; I told him I had none—I got down and bought a ginger cake—got back and called him nigher, so I could throw it to him—he came up in some 3 or 4 feet of the dead line, when the sentinel halted him, and cocked his gun as if to shoot him; I asked him not to shoot him. I then got the shovels and returned to the shops. I had been to Maj. Moffit's office in town, and on my way back to the arsenal I met two guards, who told me that Maj. Gee had sent two other guards after me—as soon as I heard that, I went and reported to Maj. Gee, before the guard found me, and asked him what he wanted—he asked me if I had given a prisoner a piece of bread—I told him I had—he then asked, did I not know it was against orders? I told him I did not. He then said he would have to put me back in the prison, and ordered a sergeant of the guard, Berry, I think, to take me back, and I was taken back into the garrison through the gate; this was about the 17th of January, 1865.

CROSS EXAMINED.

I suppose I could have given the prisoners food by taking it to the officer of the day or to the guard—this had been done, and I don't know that that order had ever been changed—I cant say whether there was a standing order or not, for persons wishing to send food to the prisoners to send it through the officer of the guard or the officer of the day, but I know they generally got it in that way—I understood that my offense was giving the prisoner food over the fence; don't know that it was merely in giving him food—I was paroled outside of the prison for the use of my tools; blacksmith and carpenter's tools. I suppose tools were so scarce they could not get them anywhere else.

RE-DIRECT.

Provisions were allowed to go in through the officer of the day, with a guard to go with the box—I don't know that provisions were allowed to go in to prisoners of war in the same way.

This witness was subpœnaed for the defense.

Milton F. Roberts called and sworn, was a prisoner at Salisbury from the 6th of October, 1864, until the 20th of February 1865 belonged to the 39th Massachusetts regiment—while there I was prisoner in the yard, till 12th of November, and was then detailed to nurse the sick in hospital, No. 2, which was on the second floor in the large brick building. While I was in the squad from 6th of October to 12th of November we had no covering of any account—we had a piece of canvass the last few days, which we cut and made a tent of, about nine by ten feet, in which some fifteen of us lived. The rations were a half loaf of bread, about a gill of soup, or rice and water, and once in a while a piece of meat, some tripe. One of the men had an ox eye for his rations, and he has since died an idiot—don't know whether that caused his death. We went once, into the third day without food, excepting soup; I am not sure if we got that or not. We went often forty eight hours without food.

When I went in the hospital, there were about 150 patients laying along the room and there were ten or twelve nurses—had no fires, nor door nor windows to the hospital; after awhile we got frames covered with cotton cloth to put up at the windows. Some of our men were at work building a chimney—the chimney fell by bulging out at bottom on account of the softness of the brick, and killed thirteen men. The patients had little or no clothing, and had not half dozen blankets; some had rags sewed together for covering, and thus lay on the straw. It was difficult to get a man into the hospital until he was two-thirds dead. We got straw, I think, four times, enough to spread over the floor, and this was used until it became dusty and moved with vermin. I have seen men die there on boxes—there were, when I went into this hospital, 150 patients there, but they decreased in number sometimes to not more than 100. We took in there, I think, over 800 men, and about 500 of them died, and most of those who were discharged died afterward. The patients had a half loaf of bread, a piece of meat, and two gills of soup as regular rations; sometimes these were drawn early in the morning, and sometimes the last thing at night—they did not get meat every day, but when we didn't get meat we got fish—a few times we got potatoes, some rye coffee and once in a while we got tea.

I have been to the brook, myself, when I was not allowed to buy food, although I tried. I was in the hospital at the time of the outbreak on the 25th of November—my clothes off, and engaged in hunting lice—was told there was going to be a break; presently heard hallooing near the big gate, but did not dare to go to the window for fear of being shot; some one spoke and said we had better take the gun from the guard at the door—two of them took hold of the gun, and I took a pole and brought near his head, and he turned it loose; we afterward poured water in it and saturated the powder so that it would not fire. On looking out at the window, I saw men hiding in corners, and saw one batch of prisoners standing against the hospital, while they were shooting in among them—saw men lying round; the firing continued for twenty minutes—it occurred about two o'clock in the afternoon, and we were not allowed to go out of the hospital until four o'clock. I don't know the number engaged; I should think about two or three hundred were running for the big gate. I saw three men that were killed, don't know the number wounded—two were brought to our hospital who died that night—I saw a number at the dead house next morning—two of the men killed were by the sutler's shop, and one lay in the yard.—Just previous to this outbreak the prisoners had a quarter of a loaf of bread per day; on the day of the break they had nothing.

At the time the chimney fell, as soon as it fell, the guards were placed thick between our hospital and the Sutler's Shop and ordered the men to clear away from the hospital, and if they went over a certain line they would shoot them; one man who had been discharged from hospital, came in, he said, after something he had left, and he was shot—I don't know that he died.

[Witness marked the place where he was shot, on the map, northeast from and near the big brick hospital—the one in which the chimney had fallen.]

I don't know the name of the man shot; he was a prisoner of war—was shot in the shoulder—don't know what hospital he was taken to—saw no one but the guard on the fence at the time of the break. This was sometime in December, I think.

CROSS EXAMINED.

I did not see the two men near the Sutler's Shop and the one in the yard, killed.

Louis H. Buis called and sworn—reside in Salisbury—26 years old. I was at Salisbury when the prisoners were sent off, awhile before Stoneman came, I think it was in February—was at the cars the time they left.

Q. State all that occurred at the cars at the time, in connection with yourself.

[Objected, to, on the ground that what occurred there at that time had no connection with the charges and specifications. The question was argued at some length, and the objection was overruled.]

A. I was there about half an hour—saw a prisoner sitting down. (Do not know what guard had charge of the prisoners.) This prisoner was afterwards taken back to the prison—he told me he was hungry; I sent home and had some food brought for him to eat—I went to give it to him and the guard told me I could not go there—that citizens were not allowed to go among the prisoners—I was standing waiting to get a chance to give it to him, when an officer came along and told me I must not interfere with the prisoners—after he passed, I gave the food to the prisoner; he ate part of it and carried the balance back to the garrison with him.

CROSS EXAMINED.

I did not see this prisoner go back into the prison, but I saw him going back with 25 or 30 others who went back—some of these were sick and some could not get on and had to wait for the next train—I don't recollect the day nor the month; it was in 1865.

Court adjourned to 7½ o'clock.

EVENING SESSION.

Tuesday, March 6th, 1866.

Luke Blackmer called and sworn—I reside in Salisbury—by profession a lawyer, and at present a member of the Legislature—have lived in Rowan county and the town of Salisbury eighteen years—I visited the prison in 1864, I think in December—I was there, and a servant was there with a basket of provisions—I accompanied a number of ladies to see the prisoners. One of the ladies desired me to ask Maj. Gee to allow the provisions to be given to the prisoners. I asked Maj. Gee and he declined—stating there was not enough to do the large number of prisoners any good, and it would probably make a fuss to give some provisions, when there was not enough for all—this is about the substance of what was said. The servant had a large market basket that appeared to be filled with cooked sweet potatoes—half a bushel, I suppose.

CROSS EXAMINED.

During the Spring Summer and Fall of 1864, myself and others sent provisions, and I think after Maj. Gee came to Salisbury. Capt. Blackmer, then a member of my family, sent provisions to the prison to an old acquaintance of his, who was a prisoner—I think this was allowed for a few days after the large number of prisoners came there—I cannot say that these provisions were taken to the prison, but Capt. Blackmer asked my wife to put them up for that purpose. I went to Richmond in the month of August and remained there to the month of October, for the prisoners at Salisbury—I mean prisoners from the federal army and other prisoners, both; but my original object was for the federal prisoners. I was in Richmond afterwards, but not in connection with that business. When I first went to Richmond, Maj. Gee had not been assigned to Salisbury—I did not at that time, but afterwards made application to the Confederate authorities for a prisoner called "The Count." Maj. Gee did not allow me to go in to visit prisoners, but I had business with some prisoners and Maj. Gee had them come to Head Quarters to see me. I think I was allowed to go into the prison once, but am not certain. I have no recollection of any endorse-