The War of the Rebellion
Official Records
Series II Volume VIII

CITY POINT, VA., *August 25, 1864—7.30 p. m.*

Maj. Gen. H. W. HALLECK, *Chief of Staff:*

I see by the Richmond Examiner of to-day that General Canby is about exchanging the prisoners captured at Fort Gaines. I hope General Canby will be instructed to make no more exchanges. It is giving the enemy re-enforcements at a time when they are of immediate importance to him.

U. S. GRANT,
Lieutenant-General.

CITY POINT, VA., *January 16, 1865.*

Maj. Gen. H. W. HALLECK, *Chief of Staff:*

My order to send prisoners to Fort Monroe does not include the 500 sent to Morris Island.

U. S. GRANT,
Lieutenant-General.

CITY POINT, VA., *February 5, 1865—11.30 p. m.*

Hon. E. M. STANTON, *Secretary of War:*

Will you please say to the President that Lieutenant Markbreit has been released from prison and is now on his way North.

Arrangements for exchange of all prisoners are now complete and exchanges will go on rapidly. All but two of those who were in close confinement in Richmond are now on the steamer New York.

I am also in receipt of communication from General Hayes, acknowledging receipt of supplies of clothing for our prisoners, and the completion of arrangements for transportation and distribution.

U. S. GRANT,
Lieutenant-General.

[Indorsement.]

This has the appearance of being a special case, but it was a trial case, persevered in with the view of securing the release of all of the same class, and which was accomplished.

E. A. HITCHCOCK,
Major-General of Volunteers, Commissioner of Exchange.

WAR DEPARTMENT,
*Washington City, November 22, 1865.**

Mr. PRESIDENT: * * * The Commissary-General of Prisoners reports that between the 1st of January and the 20th of October there were in our custody 98,802 prisoners of war. Of these 1,955 enlisted into the U. S. service, 63,442 were released after the cessation of hostilities, and 33,127 were delivered in exchange. Besides these, 174,223 prisoners surrendered in the different rebel armies, and were released on parole, viz:

Army of Northern Virginia, commanded by General R. E. Lee	27,805
Army of Tennessee and others, commanded by General J. E. Johnston	31,243
General M. Jeff. Thompson's army of Missouri	7,978
Miscellaneous paroles, Department of Virginia	9,072

* For portion of this report here omitted see Series III.

Paroled at Cumberland, Md., and other stations	9,377
Paroled by General McCook in Alabama and Florida	6,428
Army of the Department of Alabama, Lieut. Gen. R. Taylor	42,293
Army of the Trans-Mississippi Department, General E. K. Smith	17,686
Paroled in Department of Washington	3,390
Paroled in Virginia, Tennessee, Georgia, Alabama, Louisiana, and Texas	13,922
Surrendered at Nashville and Chattanooga, Tenn	5,029
Total	174,223

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EDWIN M. STANTON,
Secretary of War.

[NOVEMBER 23, 1865.—For Holt to Stanton in the matter of the application of Hon. William Marvin for the pardon (or parole) of D. L. Yulee, S. R. Mallory, and A. K. Allison, see inclosure No. 2, Holt to Stanton, January 18, 1866, p. 862.]

FORTRESS MONROE, *November 23, 1865.*

His Excellency ANDREW JOHNSON,
President of the United States of America:

Mr. PRESIDENT: I have now been during nearly seven months a prisoner in close confinement and under guard, for such was my condition en route to this place. By letters dated the 30th of June, 19th of August, and 1st of October, I asked a trial for my imputed complicity in the murder of Mr. Lincoln, to neither of which have I had any answer. Had your proclamation charged me with the very act of Booth I should not have been more surprised and amazed than I was at being charged with concerting the crime. I had then been absent from Canada nearly six months; had never known or heard of Booth or either of those charged as immediate accomplices, and had not to my knowledge or belief ever seen him or either of them. Conscious of my innocence of either concerting, consenting to, conserving, or being privy to this crime, or anything base, cowardly, or dishonorable, or unwarranted by the laws of war and the example of the United States; confident that no act or word of mine could be tortured into complicity in any such crime, and trusting and expecting that I would ere long be allowed means and opportunity of removing from my name a stain more painful than any wound you could have inflicted on my body, I parted from those who have escaped arrest (despite their dissuasions and admonitions that I would be made to suffer severely), traveled back to Macon, Ga., 170 miles distant, and surrendered myself to Major-General Wilson. I felt and feel that neither liberty nor life is valuable with a dishonored name. I knew that my own people would not credit my guilt, but I was unwilling that the great world, who did not know me, should doubt my innocence. I flattered myself that neither you nor Mr. Seward would yield credence to this accusation without strong evidence of it. I had shared his hospitality, and according to the morals of barbarians, Arabs, or Indians could not assassinate him. I had been tendered yours and was indebted to you for relief when in distress at your own town. Besides I thought you accorded me at least courage and integrity, which are utterly irreconcilable with the crime imputed to me. I therefore surrendered myself with the expectation that I would long since have been relieved from a disgraceful charge that has weighed

like an incubus upon my spirits; but I am still in prison, as ignorant of the grounds of accusation as when I came here, for I have been allowed to see no paper that alluded to it and have heard nothing implicating me from my wardens. My condition has been not unlike that of one whose wife or daughter was forced from him into outer darkness to death or dishonor, while he was lying bound, gagged, and blind-folded within his home. I have borne such anguish of soul while enduring the pains of physical disorders and infirmity greatly aggravated by my prison discipline. I have suffered long and severely, enough I think, to satisfy the vengeance of my worst enemy. Now, I submit to you whether public justice requires that I should longer endure such punishment. If there be no evidence to warrant this imputation, should not my family, if not I, be relieved from the reproach of it? If there be any, should not I be allowed means to rebut it and vindicate myself? The long delay of my trial persuades me that the evidence of my complicity, if any, is insufficient to warrant a prosecution. But the greater rigor with which I am treated, if I may credit newspaper reports of privileges accorded political prisoners elsewhere, impresses me with the belief that I am regarded as more criminal than they are.

Of those professing my faith in the sovereignty of the States and the right of secession, and acting with me, some with more power and efficiency and in higher positions, it appears that many have suffered no imprisonment or arrest, no confiscation or seizure of their property, while others have undergone shorter and less rigorous imprisonment and are now at liberty. I was educated in that faith, held it religiously, maintained it honestly and unselfishly; gave it both my hands and all my heart; sacrificed to it an ample fortune and a seat in the U. S. Senate, which I could have held during my life. I still think the States did not surrender that right in adopting the U. S. Constitution, and I know that the power of coercing them is not granted in that instrument, and was refused when asked. I have ever regarded the States' rights dogma as conservative of popular liberty and personal rights. But the subordination of the States and supremacy of the General Government has been established in the court of last resort—the field of battle—and its judgment is conclusive and final. The established theory now is that the citizen owes his highest and first allegiance to the General Government. Such is the fact, and none should dispute it. I should deprecate any effort to revive defunct principles and obsolete ideas that can never prevail, but may irritate the wounds and aggravate the sufferings of the conquered States. No rebellion, insurrection, or resistance to the U. S. Government could be excited, in my opinion, in either of the Southern States. They have not only been overcome and subjugated, but quite disabled for self-protection. Emancipation has paralyzed their mutilated limbs. They are not only powerless to resist the will of the majority of States, but I fear to preserve domestic peace, tranquillity, order, law, and justice within her own limits. It will, at all events, require all their moral and physical resources, with the aid of the General Government, to do so. They have not only to reorganize governments in new forms, but to recast society and create strange and hitherto repugnant relations between blacks and whites, conceding to the former rights heretofore denied, and maintaining them, and restraining the latter from exercising accustomed rights by prohibiting and punishing them as wrongs. A revolution so radical can scarcely be effected without great distress, serious difficulties, anxious disquietude, and common distrust. It will

demand almost superhuman wisdom and virtue to mature the new social and political system and preserve harmony and respect for each other's rights between the two races. Both have not only to learn new lessons of political and social rights and duties, but to unlearn old ones, and it is easier to teach ignorance than to correct error. Any wrong, real or imaginary, even a blunder or erroneous suggestion of overzealous friends in Northern States, may cause scenes of bloodshed such as have lately been exhibited in Jamaica. To borrow Mr. Jefferson's figure, "The South no longer holds the wolf by the ears." He is loose and she must keep ever on the watch. Hence the General Government will be necessary as a guardian of the people of the Southern States, especially where there is a large negro population. If such is not the prevailing sentiment now, it will be of necessity ere long. Entertaining these opinions, I would not if I could countervail your efforts to reconstruct the Union on the new basis. You offer the best remedy in your judgment (I doubt not) for the present disorganization and disorders of the South. It is bitter to me, I confess; but emancipation being achieved, it is necessary to prevent continual convulsions and preserve what is left.

Now, I do not think these views would disturb the peace and order of Southern society if I should publish them. If not, in your judgment, why should I be kept in close confinement? I am sure I should not break my parole, if my prison bounds were enlarged to the limits of Alabama. The release of other prisoners and your treatment of leading secessionists throughout the South assures me that your official conduct is not controlled by any vindictiveness of spirit. I know no cause of personal bitterness to me, and do not attribute to such feelings my continued close confinement, but to your sense of public duty under unfavorable impressions created by false accusations. If such be the fact, I think I should be given opportunity to admit or deny them and sustain my answer. I have done nothing that I would deny or conceal. If in your judgment the public interest requires my longer imprisonment I concede that I should not be released. But in that case I hope, in consideration of my asthmatic habit, you will have me removed to some fortress farther south, where I will suffer less bodily pain, because I can enjoy more fresh air. The approaching cold weather will make it necessary in this latitude to keep the doors and windows closed, and consequently the confined air, impregnated with gas from coal and coal-oil, will cause me great distress from oppression of my chest and difficult respiration, if it do not bring on the agonizing spasms, terrible as death, under which I so long suffered. I have written this under severe and unremitting pain, and may not have expressed myself as I would have done if well, but I submit it, confiding in your disposition to do me justice, and trusting that you will take some action on my application ere winter begins.

I am, very respectfully, your obedient servant,

C. C. CLAY, JR.

NEW YORK, *November 23, 1865.*

Lieutenant-General GRANT:

GENERAL: I respectfully submit the accompanying statement* in the full belief that the writer is entitled to protection under the convention between Major-General Sherman and myself, approved by you. As you understand better than I the value of the promise of protection

* Not found.

given in this case by the authorized agents of the Government I will trouble you with no attempt at argument, but ask the interposition of your great influence and authority in favor of Mr. R. B. Winder.

Most respectfully, your obedient servant,

J. E. JOHNSTON.

[Indorsement.]

WASHINGTON, D. C., *December 21, 1865.*

In the absence of the Secretary of War respectfully referred to the President of the United States.

In my opinion the paroles given to the surrendered armies lately in rebellion against the Government should be held inviolate, unless in cases where all rules of civilized warfare have been violated, and in case of such charges an immediate trial should be had. I would respectfully recommend, therefore, that Captain Winder either have an immediate trial or that he be released on bonds for his appearance when called on for trial.

Very respectfully,

U. S. GRANT,
Lieutenant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 23, 1865—1.35 p. m.

Maj. Gen. J. B. STEEDMAN, U. S. Volunteers,
Commanding Department of Georgia, Augusta, Ga.:

The President of the United States directs that A. G. Magrath and James A Seddon, prisoners confined in Fort Pulaski, be released on taking the oath of allegiance to the Government of the United States, prescribed in the amnesty proclamation of President Johnson, and giving their paroles to remain, Magrath within the State of South Carolina and Seddon within the State of Virginia, and abide the orders of the President of the United States. Transportation will be furnished them accordingly. You will please report the receipt and execution of this order.

By order of the President:

E. D. TOWNSEND,
Assistant Adjutant-General.

Deposition of Farnum B. Wright, taken at the office of the Judge-Advocate-General on the 23d of November, 1865.

The deponent being duly sworn, deposes as follows:

Question. What is your age and of what country are you a native?

Answer. I am thirty-two years of age and am a native of Glasgow, Nova Scotia.

Question. How long have you been in the United States?

Answer. I came into the United States in 1862; went South and engaged there in speculations.

Question. Were you at any time in the service of the so-called Confederate States; if so, how long and in what capacity?

Answer. I was from the early part of 1863 until August of that year in the service of the rebel General Winder at Richmond. My duties were to arrest deserters, spies, and other characters deemed dangerous to the so-called Confederate Government.

Question. What knowledge, if any, have you of an arrangement or conspiracy entered into in 1863 for the kidnaping and, if necessary, the killing of the President of the United States? State fully all the knowledge and information you have on the subject.

Answer. I first learned from General Winder himself that a plot had been formed for kidnaping the President of the United States. I think this was in the summer of 1863. Afterward, while walking down one of the streets of Richmond, I heard loud talking in a drinking saloon, which I entered, and found a man named McCulloh talking to a crowd of persons, and saying that there was a plot laid to kidnap or kill the Yankee President, and that they would have him at Richmond inside of a month to split the wood, to cook the Yankee officers' grub in Libby Prison. I felt it my duty to arrest him, which I did and took him to Castle Thunder. When Mr. Davis, the President of the so-called Confederate States, heard of this he sent to General Winder to know why this arrest had been made. This I learned from General Winder, who told me that I had better go to Mr. Davis' office and explain the matter. I told him I did not care to do so, but he insisted, saying that McCulloh's father was a particular friend of Mr. Davis. I then went and saw Mr. Davis in his office, General Winder accompanying me. General Winder said to Mr. Davis that I was the man who had made the arrest and would explain to him all about it. In reply to Mr. Davis' questions I then related to him what McCulloh had said and that I had felt it my duty to arrest him. Davis seemed much excited about it, and General Winder said that their plans and schemes would be let out by such damned drunken characters as McCulloh and that he ought to be hung. By this time several other gentlemen, Patten, Lamar, and Powell, had come in, having heard what was going on. General Winder continued talking and said that they must now strike immediately before the Yankee Government heard of their plans. He said they must bring "the monkey," meaning President Lincoln, soul and body to Richmond, but that if they could not bring him alive, they must bring his scalp. Mr. Davis then spoke up, saying, "Gentlemen, you must capture him and bring him, if possible, to Richmond, without hurting a hair of his head, but if an attempt is made to recapture him you must see that he never reaches Washington alive." Mr. Patten observed that they would require more means than they had to carry out their purposes, to which Mr. Davis answered by saying to General Winder that he must furnish all necessary means to carry the plan into execution at once. All the gentlemen present were understood to be engaged in it. I then left Mr. Davis' office, the other persons remaining. Before I did so, however, Mr. Davis said I must arrest certain persons present in the drinking saloon, supposed to be blockade runners, who had heard McCulloh's declarations. I made an attempt to find them, but failed to do so.

Question. Do you know why this scheme for kidnaping or killing the President was not carried out at the time?

Answer. I do not. I left General Winder's service soon afterward, and was not again in a position to be informed of what was going on in connection with the proposed capture of the President. I have since seen one of the men engaged in it—John Patten—who was present at our interview with Mr. Davis. He told me he had been promised complete indemnification by Davis' friends for all he had lost from his connection with the enterprise, and that if these promises to him were not fulfilled he would expose all the papers in relation to the matter which he then had in his possession. He resides in Saint Louis.

F. B. WRIGHT.

Sworn and acknowledged at Washington, D. C., this 23d of November, 1865, before me.

GEO. C. THOMAS,
Notary Public.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
November 23, 1865—3.12 p. m.

COMMANDING OFFICER FORT DELAWARE, DEL.:

The President of the United States directs that F. R. Lubbock, a prisoner confined at Fort Delaware, be released on taking the oath of allegiance to the Government of the United States prescribed in the amnesty proclamation of President Johnson, and giving his parole to proceed to the place of his residence and remain there to abide the

orders of the President of the United States. Transportation will be furnished him to his place of residence. You will please report the receipt and execution of this order and the place to which Colonel Lubbock proposes to go.*

By order of the President:

E. D. TOWNSEND,
Assistant Adjutant-General.

OLD CAPITOL PRISON, *Washington, November 23, 1865.*

GEORGE T. GARRISON, *Accomac Court-House, Va.:*

MY DEAR GEORGE: I have postponed answering your letter for a few days because I had hoped to be able to give you some favorable news, and *entre nous* I still have hopes. An application has been made to the Secretary of War for my release either unconditionally or by parole, giving bail, if it should be required. Yesterday I received a message from the Secretary saying that my application had not been rejected and that they had the matter under consideration. I have good reasons for knowing that my case has been up before a meeting of the Cabinet and will again be up on to-morrow. Of course I cannot say what their decision will be, but my counsel, Mr. William Linn Brown, who is one of the counselors of the Supreme Court of the United States, thinks that it will be favorable. I yesterday gave him your address as well as Bunting's, and you will soon receive a letter from him in regard to my giving bail if it should be required. I have good reasons for knowing that there has been an order to convene a military commission to try me and I also know that the order has been suspended. Of all these matters I want you to keep a strict silence. In the meantime I want you without fail to have everything of mine removed both from ——— and Higgins. This, George, must be done at once. I have good reasons for it, which I hope I will be able to give you when we meet. Please do not delay this matter a second, and write me at once that it has been done, I do not feel like writing this morning, but will give you a long letter shortly.

Your devoted friend.

R. B. WINDER.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 24, 1865—5.30 p. m.

Maj. Gen. GEORGE H. THOMAS, U. S. Army,
Nashville, Tenn.:

General Grierson reports from Huntsville, Ala., the arrest of Frank B. Gurley, convicted of murdering General R. L. McCook, and sentenced to be hanged. (See General Court-Martial Orders, No. 505, of September 6, 1865, from Adjutant-General's Office.) On the 29th of August, 1865, the President ordered the sentence of death to be executed in this case. You will please see that it is done. Report receipt and execution.

By order of the President of the United States:

E. D. TOWNSEND,
Assistant Adjutant-General.

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*For reports and correspondence relating to the capture and imprisonment of Lubbock, see Series I, Vol. XLIX, Parts I and II.

EXECUTIVE OFFICE, *Washington, D. C., November 24, 1865.*

Maj. Gen. JAMES B. STEEDMAN, *Augusta, Ga.:*

I am free to say that it would be exceedingly impolitic for Mr. A. H. Stephens' name to be used in connection with the senatorial election. If elected he would not be permitted to take his seat, or in other words, he could not take the oath required, other difficulties being out of the way. He stands charged with treason and no disposition has been made of his case. His present position will enable him to do far more good than any other. Mr. Stephens knows that there is no one whose personal feelings are more kind than mine and have been so since we first met in Congress. The information we have here is that all the members elect to Congress from Georgia will not be able to take the oath of office, and a modification of the oath by the present Congress is exceedingly doubtful. I hope you will confer with Mr. Stephens on this subject freely, not as coming from me. There seems in many of the elections something like defiance, which is all out of place at this time.

ANDREW JOHNSON.

EXECUTIVE OFFICE, *Washington, D. C., November 28, 1865.*

Major-General GRIERSON, *Commanding, &c., Huntsville, Ala.:*

You will suspend the execution of Frank B. Gurley until further orders.

ANDREW JOHNSON,
President of the United States.

RICHMOND, VA., *November 28, 1865.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I most respectfully ask permission to visit Mr. Jefferson Davis, prisoner of state at Fortress Monroe, in the capacity of his pastor and spiritual adviser. More than four years ago Mr. Davis attached himself to my congregation in Richmond, and in the spring of 1862 he became a communicant of the church. You, Mr. Secretary, will understand that the interest thus created in him is a sacred one, independent of outward conditions, and also that the ministrations of his own pastor, who has been a witness to his religious experience and received his vows to the Head of the Church, may be supposed to be more effectual and more edifying than those of any other clergyman; nor will you think it strange that both my sympathy and my sense of duty lead me to ask for permission to minister to him the consolations of the gospel in his adversity. Feeling assured that under the proper circumstances the Government would cheerfully award to him this privilege, and hoping that the time has arrived when, in its judgment, it may be allowed, I venture to make this application to you, with the earnest prayer that you will give it a favorable consideration.

My petition itself implies that it is limited to the ministerial and pastoral character of the proposed visit, exclusive of every other object. I could not be so presumptuous as to expect an interview with Mr. Davis for any other purpose; nor would I desire it, as it is not in itself pleasant to witness distress. I will give every guarantee in my power that I will not abuse the privilege if granted, and I pledge my word of honor as a gentleman and Christian minister that I will in no way be

a medium of communication between him and the outer world; that I will observe the strictest silence as to the interview, and avoid all modes of publication, not only as to what passes between us, but, if it be desired, even as to the fact of the visit itself.

Hoping that you may deem it consistent with the interests of the country to grant my petition, and assured that you will rejoice in every act of kindness with which you can relieve the weightier duties of your office, I sign myself with the highest respect,

Your obedient servant,

CHS. MINNIGERODE.

DECEMBER 1, 1865.

I do not see any objection to granting the foregoing request.

JAMES SPEED,
Attorney-General.

[Indorsement.]

WAR DEPARTMENT, *December —, 1865.*

Referred to Adjutant-General to issue order of permission.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 29, 1865.

Maj. Gen. C. C. AUGUR,
Commanding Department of Washington, Washington, D. C.:

SIR: By direction of the President of the United States the following prisoners will be sent under suitable guard without delay and delivered to the officers indicated for trial:

J. W. Duncan, to be delivered to Major-General Steedman, commanding Department of Georgia, for trial at Savannah; R. B. Winder, to Maj. Gen. A. H. Terry, commanding Department of Virginia, at Richmond; J. H. Gee, to Maj. Gen. T. H. Ruger, commanding Department of North Carolina, at Raleigh.

The Secretary of War directs that the Old Capitol Prison be immediately broken up and some other suitable place will be selected by you as a place of confinement for prisoners. You will please report for the Secretary's information the dates of departure of the prisoners Duncan, Winder, and Gee, and the execution of the order breaking up the Old Capitol Prison.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *December 2, 1865—3 p. m.*

Maj. Gen. A. H. TERRY,
Commanding Department of Virginia, Richmond, Va.:

R. B. Winder has been sent, by direction of the President, to Richmond to be reported to you for trial. The papers containing charges will be forwarded by mail as soon as received from the Judge-Advocate-General.

E. D. TOWNSEND,
Assistant Adjutant-General.