

President Lincoln

AND THE

Case of John Y. Beall

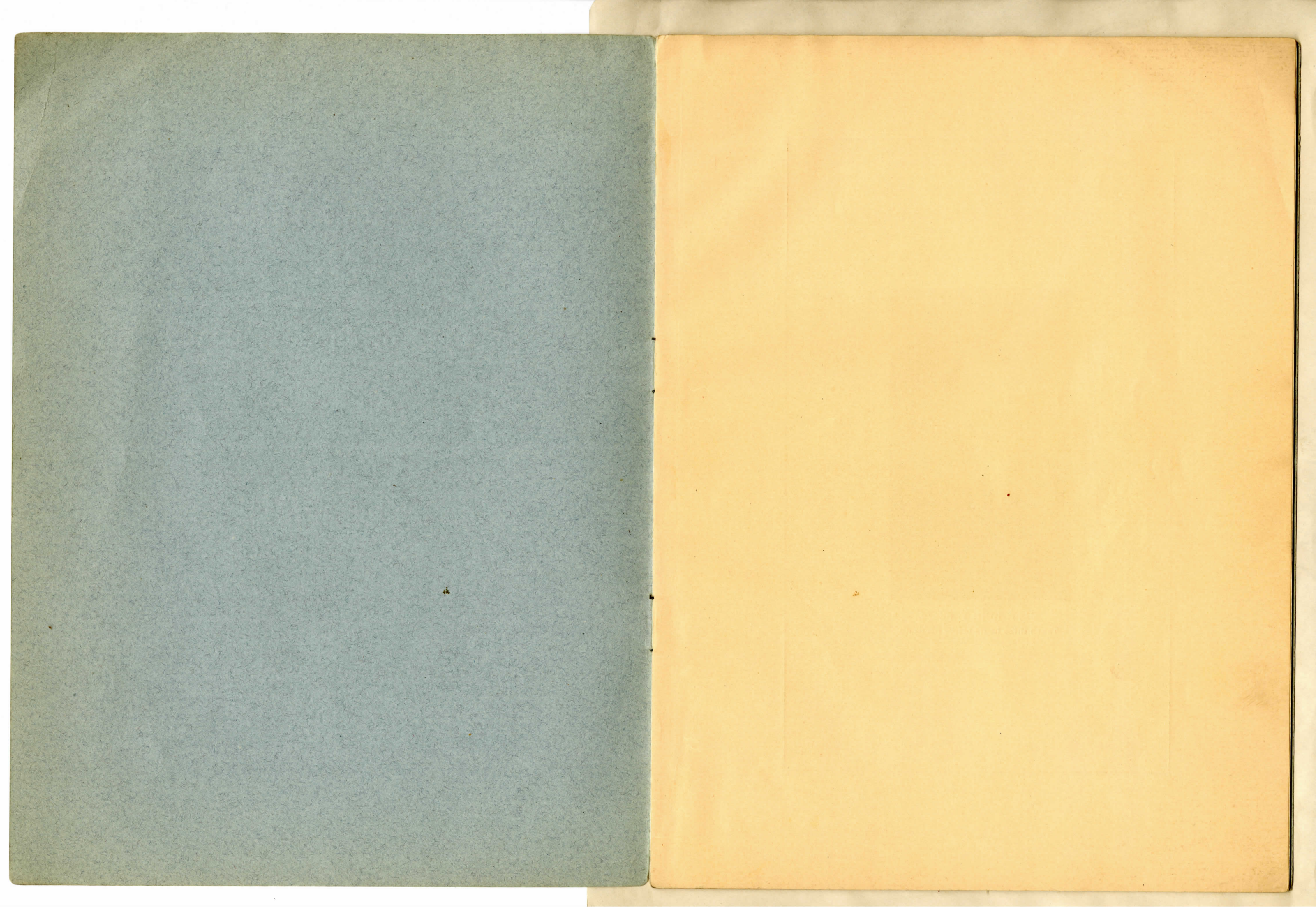
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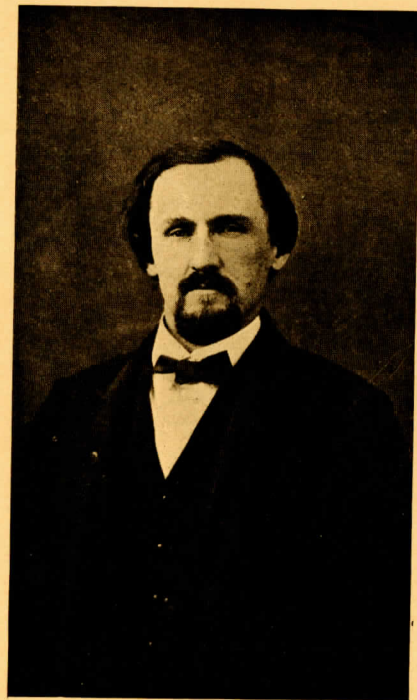
ISAAC MARKENS

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CAPT. JOHN Y. BEALL
Taken three hours before his death

PRESIDENT LINCOLN AND THE CASE OF JOHN Y. BEALL

BY ISAAC MARKENS

"The proceedings, finding and sentence are approved and the accused John Y. Beall will be hanged by the neck till he is dead, on Governors Island, on Friday the 24th day of February, 1865."

SUCH was the endorsement dated February 18, of John A. Dix, Major General commanding the Department of the East on the proceedings of a military commission convened by his order, in the city of New York for the trial of Beall for violation of the laws of war and acting as a spy.* Beall's execution in conformance with the sentence, was therefore the first incident of the kind in the vicinity of New York since that of Nathan Hale eighty-nine years before. From the beginning of the war Beall had engaged in exciting adventure but of a character in keeping with his reputation as a man of refinement and culture. Towards the close he swerved from what was deemed consistent with lawful warfare and for this he paid the penalty with his life.

One of the most interesting phases of Beall's case was its disclosure of President Lincoln in a light that refutes most forcibly the popular impression of his pliancy, lacking in backbone and as easily swayed by appeals for mercy in spite of his four years' previous temporizing with transgressors of every conceivable type. In no instance was his firm and unimpressionable side so strikingly demonstrated as in the case of Beall when Heaven and earth were moved to save the life of a brave but misguided soldier. Never before did Lincoln so turn a deaf ear to supplications from all quarters without regard to party, rank or station.

"For days before the execution," it was said "the President closed the doors of the executive palace against all suppliants,

*Saturday, February 18th, was originally named for the execution. The change to Friday, February 24th, was owing to certain technical errors in the proceedings.

male or female, and his ears against all appeals, whether with the tongue of men or angels in behalf of the unfortunate prisoner. From the first Mr. Lincoln had responded to all applications for his interposition—"Gen. Dix may dispose of the case as he pleases—I will not interfere!" Gen. Dix on his part replied "All now rests with the President—as far as my action rests there is not a gleam of hope." Thus they stood as the pillars of the gallows, on which Beall's fate was suspended and between them he died."

The man who thus wrought a change in the attitude of the chief magistrate, heretofore so susceptible, John Y. Beall, was one of seven children of a prominent family of Jefferson County, Va. He inherited wealth and social position, was of exemplary habits, well-read, active in Church work and of philosophic mind. He had taken a three years course in the University of Virginia and while there studied law. A man of action, enamored of movement and change he joined a Virginia regiment early in the war, and was shortly thereafter wounded in the lungs. Thus incapacitated from regular service he embarked in a series of independent enterprises which culminated in his tragic death. He passed much of his time in Canada, the rendezvous of Confederate agents and sympathizers and it was there, presumably, that he conceived the idea of privateering on the Lakes, levying and burning some of the adjacent cities and releasing Confederate prisoners on Johnson's island in Lake Erie. He flitted between Canada and Richmond, held conferences with the Confederate authorities and was finally given a commission as acting master of the Confederate Navy. As such he soon attracted attention by numerous exploits in Chesapeake Bay and adjacent waters, such as the capture of little Yankee vessels with prisoners and stores, cutting submarine telegraph cables and partially destroying Cape Charles Light House. He was eventually caught, placed in irons in Fort McHenry and when released joined an organization of Confederates armed with revolvers and hatchets who captured two regular freight and passenger steamers on Lake Erie, confiscated the cargoes and money, scuttled one of the steamers and put all on board under duress.

Thus far Beall's exploits while reprehensible were far less

open to censure than his subsequent doings which comprised three attempts to derail passenger cars near Buffalo, N. Y., with a view of liberating a number of Confederate officers—prisoners of war—being transferred from Johnson's Island to Fort Warren, Boston harbor. By what psychological process this man of excellent antecedents could be brought to engage in operations of this character surpasses comprehension. The fact remains that after two unsuccessful attempts and escape he was after the third operation on December 14th, 1864, caught while lingering at the railroad station at Suspension Bridge, N. Y., by a local policeman, all of his companions having escaped. He was sent to New York, confined in Police Headquarters and then lodged in Fort Lafayette in the lower bay. There he occupied a room with Gen. Roger A. Pryor recently captured in Virginia. Beall wished Pryor to act as his counsel. Charles A. Dana, as assistant secretary of war objected on the ground that "under no circumstances can a prisoner of war be allowed to act as counsel for a person accused of being a spy." Thereupon James T. Brady, a foremost member of the New York bar, was selected as Beall's counsel. Five witnesses testified for the prosecution. No witnesses were offered by the defense. Brady contended that Beall was no spy nor was he amenable to a military commission. The Judge Advocate, Major John Bolles took the ground that there was nothing of Christian Civilization and nothing of regular warfare in Beall's operations. Beall's conviction followed in quick order and he requested his friend to send to the President a copy of the record of the trial and attach to it this statement: "Some of the evidence is true, some false. I am not a spy or guerrillero. The execution of the sentence will be murder."

Beall's friends were aroused to action, either through Gen. Dix or President Lincoln. It was manifest from the first of Beall's life rests with the former there was no escape. Dix, the man of resolution and iron-will, author of the famous order promulgated on the eve of the war—"If any one attempts to haul down the American flag shoot him on the spot!" was none of the yielding kind. Moreover in his approval of the death sentence he had said that "a want of flexibility in executing the sentence of death would be against the outraged civilization and

humanity of the age'' and let it be understood from the start that he would not recede.

At this point the tide turned in the direction of the White House with two close friends and schoolmates of Beall in the University of Virginia in the lead—Albert Ritchie in later years Judge of the Baltimore Supreme Court and James A. L. McClure at a subsequent period prominent in Maryland politics. Andrew Sterrett Ridgely of Baltimore, son-in-law of Reverdy Johnson, was an early caller on the President in behalf of Beall, the result of which confirmed him that Dix was to have his way. Francis L. Wheatly, a leading Baltimorean, went to Washington and joined numerous New Yorkers in a conference with the President. Congressman R. Mallory, of Kentucky, and a party of ladies were received by Mr. Lincoln. There was in Washington at this time Orville H. Browning of Illinois, a close personal friend of the President who had served in the United States Senate as successor of Stephen A. Douglas and his services were retained by Beall's friends. Browning prepared a statement to be laid before the President and called at the White House with Ritchie and others. At one of these interviews Browning was closeted for an hour with the President. On another visit he brought with him a petition bearing the signature of 85 members of the House and another signed by 6 members of the Senate many of which were obtained by the aid of the Rev. Dr. John J. Bullock, of the Franklin Street Presbyterian Church of Baltimore. These petitions together with a letter of Browning, all hitherto unpublished read as follows:

WASHINGTON, D. C., Feb. 17, 1865.

THE PRESIDENT:

Capt. John Y. Beall has been tried by a court martial at New York, found guilty and sentenced to be hung as a spy and guerrilla.

The sentence was approved by Major General Dix on the 14th Feb'y, and directed to be carried into execution tomorrow the 18th.

This is brief time for preparation for so solemn and appalling an event. The friends of Capt. Beall desire to appeal to your clemency for a commutation of the sentence from death to im-

prisonment and that they may have the opportunity to prepare and present to your consideration the reasons which they hope may induce to a commutation.

They now beseech you to grant the unhappy man such respite as you may deem reasonable and just under the circumstances. As a short respite is all that is asked for now and as that can in no event harm, I forbear at present to make any other suggestion.

Most respectfully your friend,

O. H. BROWNING.

Since writing the foregoing the Rev. Dr. Bullock and others have placed in my hands a petition signed by ninety-one members of Congress including Speaker Colfax, which I submit herewith.

TO THE PRESIDENT:

The undersigned members of the House of Representatives respectfully ask your Excellency to commute the sentence of Captain John Y. Beall, now under sentence to be hung on Governor's Island on the 18th (tomorrow).

J. A. Cravens (Ind.)	Nathan F. Dixon (R. I.)
W. E. Fink (O.)	John L. Dawson (Pa.)
Joseph K. Edgerton (Ind.)	Geo. Bliss (O.)
A. L. Knapp (Ills.)	James S. Rollins (Mo.)
W. R. Morrison (Ills.)	H. A. Nelson (N. Y.)
John R. Eden (Ills.)	Francis Kernan (N. Y.)
Dwight Townsend (N. Y.)	E. Dumont (Ind.)
John V. L. Pruyn (N. Y.)	A. McAllister (Pa.)
M. F. Odell (N. Y.)	H. W. Tracy (Pa.)
Anson Herrick (N. Y.)	K. V. Whally (W. Va.)
Wm. Radford (N. Y.)	John Ganson (N. Y.)
H. W. Harrington (Ind.)	I. Donnelly (Minn.)
Benj. G. Harris (Md.)	R. Mallory (Ky.)
L. D. M. Sweat (Me.)	A. Harding (Ky.)
Daniel Marcy (N. H.)	H. Grider (Ky.)
John McNeill (?)	Joseph Baily (Pa.)
Charles Denison (Pa.)	Austin A. King (Mo.)

Geo. H. Yeaman (Ky.)	James E. English (Conn.)
W. A. Hutchins (O.)	James S. Brown (Wis.)
J. W. White (O.)	Wm. Johnson (O.)
Jas. R. Morris (O.)	W. H. Randall (Ky.)
J. F. McKinney (O.)	Brutus J. Clay (Ky.)
W. G. Steele (N. J.)	Lew W. Ross (Ills.)
John B. Steele (N. Y.)	E. C. Ingersoll (Ills.)
Geo. H. Pendleton (O.)	W. H. Wadsworth (Ky.)
J. W. Chanler (N. Y.)	C. M. Harris (Ky.)
John Law (Ind.)	James T. Hale (Pa.)
Martin Kalbfleisch (N. Y.)	Wm. G. Brown (W. Va.)
J. C. Allen (Ill.)	M. Russell Thayer (Pa.)
S. P. Ancona (Pa.)	Alexander Long (O.)
Fernando Wood (N. Y.)	G. Clay Smith (Ky.)
W. P. Noble (O.)	Thos. T. Davis (N. Y.)
Aug. C. Baldwin (Mich.)	Henry T. Blow (Mo.)
John A. Griswold (N. Y.)	I. K. Moorhead (Pa.)
Lu Anderson (Ky.)	S. F. Miller (N. Y.)
A. H. Coffroth (Pa.)	R. P. Spaulding (O.)
J. N. Broomall (Pa.)	E. R. Eckley (O.)
J. A. Garfield (O.)	D. Morris (N. Y.)
Sam'l S. Cox (O.)	F. W. Kellogg (Mich.)
John T. Stewart (Ills.)	A. J. Rogers (N. J.)
S. Colfax (Ind.)	W. B. Allison (Iowa.)
C. A. Eldridge (Wis.)	T. A. Jenckes (R. I.)
Wm. H. Miller (Pa.)	C. H. Winfield (N. J.)

Among the foregoing names will be recognized many who attained higher honors in later years including that of James A. Garfield whose signature is preceded by a note reading: "I recommend a temporary reprieve at least."

Henry T. Blow wrote before signing: "I hope that time for preparation will be extended to this man," and J. K. Moorhead the following signer wrote: "So say I."

D. Morris (Daniel Morris of Yates County, N. Y.) took the precaution before appending his endorsement to insert the words: "If the public safety will admit I concur."

This petition Mr. Browning presented to the President, re-

taining a copy which he later endorsed as follows: "Feb. 17, 1865. Called on the President and read the original of this paper to him, and left it, together with petition signed by 91 members of Congress with him."

The appeal of the six Senators was in the following language:

WASHINGTON, February 17th, 1865.

TO HIS EXCELLENCY THE PRESIDENT:

Your petitioners respectfully represent that John Yates Beall of Jefferson County, Virginia, was arrested on the 16th day of December last and taken to the City of New York and there tried by a military commission appointed by Maj. Gen'l Dix upon charges, 1st of a violation of the laws of war, and 2nd "Acting as a spy," and after a hasty trial was found guilty and is sentenced to be hung on Saturday the 18th inst. As it is admitted that the said Beall is a Captain regularly commissioned in the rebel service and that Jefferson Davis by a manifesto of the — day of — assumed all responsibility for the acts of Captain Beall and Comrades in capturing the Steamer Philo Parsons and the Island Queen, and thus publicly asserted that the several acts specified in the charges against said Beall were done under his authority and direction, we therefore respectfully recommend your Excellency a commutation of the sentence of death pronounced against him.

Very respectfully,

L. W. POWELL (Ky.)

C. R. BUCKALEW (Pa.)

J. A. McDOUGALL (Calf.)

WM. WRIGHT (N. J.)

GEO. READ RIDDLE (Del.)

GARRETT DAVIS (Ky.)

As might be supposed Browning's influence with Lincoln in this instance, went for naught. As a result of his numerous interviews he brought to Beall's friends no more assurance than a possible commutation of sentence should the inexorable Dix be induced to approve. The President was uninfluenced by the visits of Richard S. Spofford, librarian of Congress, John W. Garrett, President of the Baltimore and Ohio Railroad, Mr. Riskey, the law partner of Browning, Thaddeus Stevens of Pennsyl-

vania, Gov. John Andrew of Massachusetts, George W. Grafflin and Edward Stabler, both prominent citizens of Maryland. When James T. Brady, Beall's counsel, who had served without compensation, sought an interview he was told by the President's secretary that the case being closed he could not be seen. Montgomery Blair was disposed of in like manner despite the fact that he had been Postmaster General in Lincoln's cabinet and the venerable Frances P. Blair of Maryland, who held confidential relations with Lincoln gained nothing by his visit. Accompanying Montgomery Blair was Mrs. John S. Gittings, wife of a well-known Baltimore banker and railroad President. The Gittings were no strangers to the President, Mrs. Lincoln and her two younger sons having enjoyed the hospitality of their home on Mount Vernon place Baltimore when the President elect made the secret night journey to Washington four years before. This fruitless visit of Montgomery Blair with Mrs. Gittings was on the night preceding Beall's execution—February 23d.

The same night witnessed a most remarkable gathering at the White House—a joint call of John W. Forney, Republican editor, Washington McLean, Democrat editor and Roger A. Pryor, Confederate Brigadier, the latter fresh from imprisonment in Fort Lafayette where he had met Beall. The purpose of this call was a double one—to secure the parole or exchange of Pryor and discuss with the President the case of Beall. Lincoln paroled Pryor in the custody of Forney at whose house he remained as a guest for several weeks until he left for Virginia. Next the party took up the case of Beall at great length. Forney, McLean and Pryor urged a respite. Lincoln was much interested in all Pryor had to say of the young man's social standing and high reputation. Finally he showed a telegram from Dix stating that Beall's execution was necessary for the security of the community. Dix undoubtedly had in mind the recent attempt to burn the city of New York and the suspicion that Beall had a hand in it despite Beall's assurance to Pryor that such was not the case. Finding the President obdurate the party withdrew.

Pryor had with him Beall's diary which he gave to McLean. A copy of this he kept and another copy he gave to Gen. W. N.

R. Beall. On his arrival in Richmond three week's later Pryor had an interview with President Davis to whom he fully explained his conference with Lincoln. He then went to Petersburg his old home which was shortly afterward occupied by Gen. Grant. The President at this time made a flying visit to that town. While there he expressed a wish to have Pryor call and see him. Pryor, fearing that his people at this peculiar juncture might misconstrue his motive and resent his intercourse with the "Yankee President" deemed it best to decline the invitation.

This visit of Forney, McLean and Pryor to the White House was probably the last in behalf of Beall and Dix had his way the execution of Beall taking place as ordered on February 24th. In striking contrast with Dix's firm stand against Beall was his complaisance in the distribution of passes to witness the execution. These were given out without question, promiscuously and for the mere asking, the writer of this article being one of the many thus favored.

The execution was scarcely over before the President had before him a letter from Robert C. Kennedy, under sentence of death in Fort Lafayette. He was one of a group of nine Confederates engaged in the plot to burn the city of New York in November, 1864. Kennedy in his letter to the President raised the novel plea that death was too severe a punishment for his offense, that Beall's execution served all purpose. This absurd contention, of course, availed nothing. His execution followed one month after Beall's.

Writing some four months after Beall's death a close friend and school-mate, Daniel B. Lucas, subsequently United States Senator from West Virginia, and judge of the United States Supreme Court of that State, said of President Lincoln's course in the Beall case: "There was one expedient which might have been successful had it been adopted, that was to have purchased the more influential of the Republican journals of New York over in favor of mercy. There was one influence to which President Lincoln never failed to yield when strongly directed against him, the voice of his party; this he did upon principle as the head of a popular government. Unfortunately, neither Beall nor his friends belonged to that party, hence the doors of mercy were

closed against him." Lucas was a practicing lawyer in Richmond when Beall was awaiting trial. He wrote to Dix asking that he be allowed to act as Beall's counsel, but Dix made no reply. What Lucas sets forth as to Lincoln's vulnerability must not be too seriously taken, since it was written at a time when party passion ran high and the writer had not yet recovered from the crushing blow occasioned by the execution of his dearest friend. Lincoln in this instance, could not well defy public opinion, supplemented as it was with Dix's previously quoted declaration that "a want of firmness would be against the outraged civilization and humanity of the age," and the no less forcible report of Judge Advocate General Joseph Holt, that "Beall's last enterprise was a crime of fiendish enormity which cries loudly for the vengeance of the outraged law."

From the execution of Beall and the assassination of Lincoln has sprung a weird and lurid story for years industriously circulated and eagerly devoured—that Booth's deed was inspired by the President's broken promise of a pardon made to Booth. These in brief are the alleged facts: Beall and Booth were bosom friends, were before the war much together—as Damon and Pythias—and they had attended the same school. During the war Booth was with Beall on his Lake Erie expedition. When Beall was captured Booth sought Washington McLean, of Ohio, then in Washington, John P. Hale, United States Senator from New Hampshire, and John W. Forney, to aid in Beall's release. Forney was induced to implore the President to exercise clemency. Hale, McLean and Booth, were driven at midnight to the White House, the President was aroused and there was not a dry eye in the room as Booth knelt at the feet of Lincoln, clasped his knees and begged him to spare Beall's life. All present joined in the request. At last Lincoln with tears streaming down his face took Booth by the hands and promised Beall's pardon. The next morning, Seward said when informed by Lincoln what he had done, that public sentiment in the North demanded that Beall should be hung and he threatened to resign should the President interfere. Seward carried his point and Beall was hanged. The effect on Booth was terrible. He brooded over schemes of vengeance and the assassination followed.

Such is the substance of this remarkable theory of Booth's motive which for years found currency in numerous newspapers and periodicals. The Virginia Historical Society regarded the story as of sufficient importance for incorporation in its official publications. Its genesis is uncertain but there is reason for believing that it was conceived in the brain of Mark M. Pomeroy, the notorious editor of "Pomeroy's Democrat," a sensational weekly published shortly after the war. John W. Forney in 1876 publicly branded the story so far as it relates to his knowing or meeting Booth during his lifetime, as an utter fabrication and he incidentally mentions the name of "Mr. Pomeroy" as the author of the story as originally printed not long before. Forney adds that if Lincoln made such a promise to Booth as alleged he would have fulfilled it at all hazards and that Seward would have been the last man in the world to ask him to break his word.

It is a matter of common knowledge that Booth's designs on Lincoln antedated Beall's operations by a quite remote period. Extensive research fails to disclose the slightest evidence of any acquaintance or intercourse of Beall and Booth prior to or during the war. Finally, the question of Booth's motive in killing Lincoln so far as it involves Beall is disposed of by Booth's own record in his so-called diary of his movements after the assassination wherein is found under date of April 21 the entry: "I knew no private wrong. I struck for my country and that alone." This diary is in the possession of the War Department.

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