

Why President Lincoln Spared Three Lives

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PRINTED FOR THE AUTHOR
62 BEAVER STREET
NEW YORK
1911

For Mr. Daniel Fish,
four Issue markers.
June 1st 1911

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Within the fortress whose defiant flag inspired the lines of Key's immortal national anthem three Confederate spies, awaiting execution in the closing year of the Civil War, were snatched from the gallows by a stroke of President Lincoln's pen. This act of Executive clemency was the sequence to an interesting incident during Mr. Lincoln's journey to Washington to assume the presidency in 1861, when the rampant spirit of secession prevailing in Maryland forbade all preparations for official welcome in that State.

Thus it came that the President-elect and his family arranged for a short stop in Baltimore as the guests of a private citizen, John S. Gittings, banker and President of the Northern Central Railroad, by which line he was scheduled to reach that city. As is well known, information of an assassination plot induced Mr. Lincoln to leave his fellow-travelers at Harrisburg, secretly return to Philadelphia by special train, accompanied by a sole companion, Ward H. Lamon, and there board the regular midnight train for Washington, where he arrived unrecognized in the early morning of February 23.

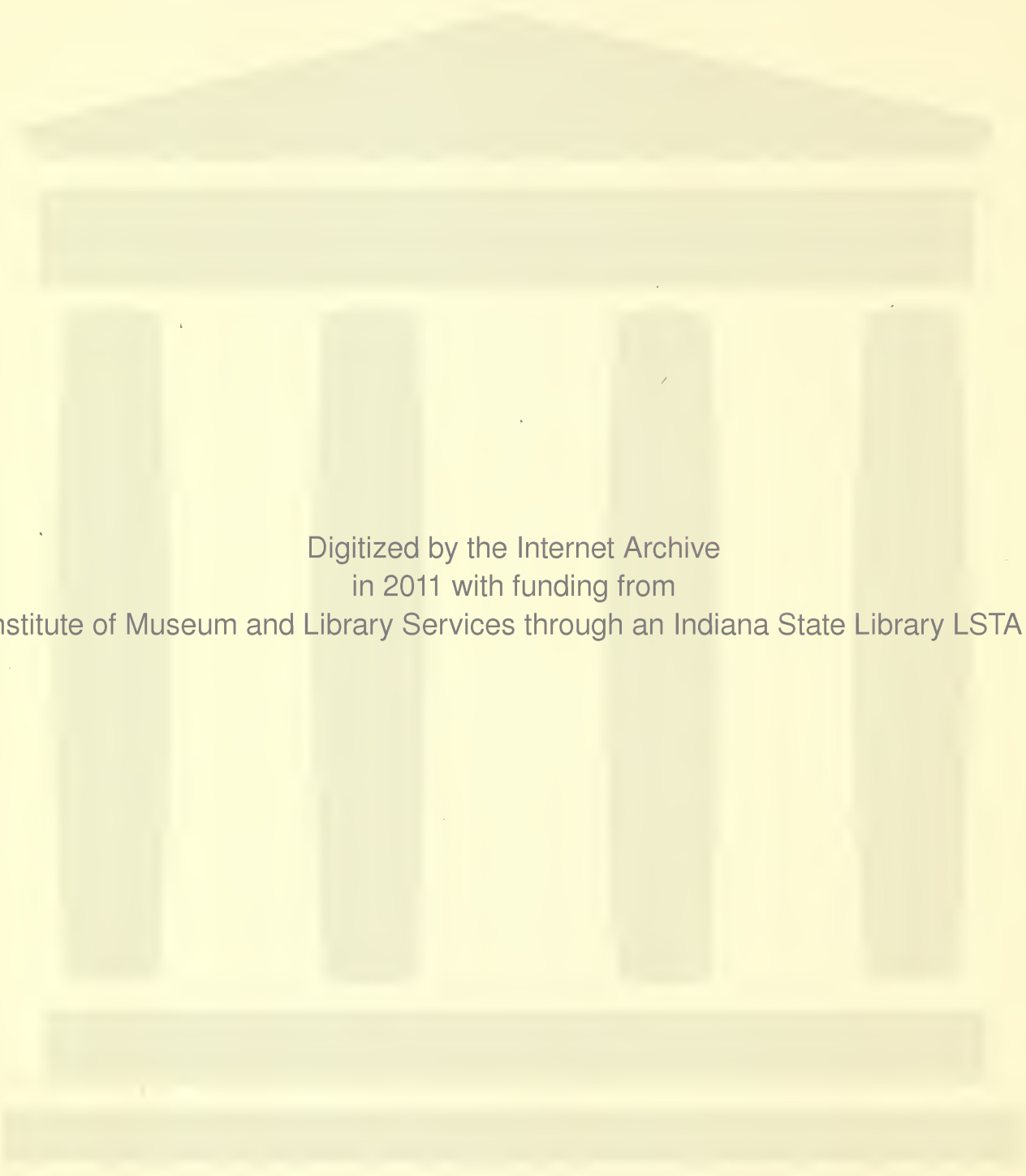
Adhering to the original program, the presidential party, including Mrs. Lincoln and her sons, Robert, Willie, and "Tad," went from Harrisburg to Baltimore, where their train was greeted by an immense crowd which rolled in about it like a vast tidal wave. Some of the more unruly element were bold enough to invade Mrs. Lincoln's private car until driven out by John Hay, who locked the door amidst an outburst of oaths and obscenity which swelled in intensity and volume when it became known that Mr. Lincoln was not with the party, but had stolen a march and was already in Washington.

Finally Mrs. Lincoln, Willie, and "Tad" entered Mr. Gittings's carriage and were driven to his home, Robert Lincoln and others of the party having meanwhile gone to a hotel in a

special omnibus which awaited them. Hostile demonstrations in the form of yells, cat calls, and cheers for the Southern Confederacy followed Mrs. Lincoln's entrance into the Gittings house, albeit it was known that the master of the house was one of the earliest and strongest of Democrats. It was likewise no secret that Mrs. Gittings was a woman of pronounced Southern sentiments—by birth a Virginian, the daughter of Thomas Ritchie, deceased, a distinguished Richmond journalist, active politician, and advocate of Southern States rights. Distinguished for her generosity, agreeable personality, and thorough understanding of her social duties, Mrs. Gittings could well assume the rôle of hostess of the future mistress of the White House under such peculiar circumstances. It followed that Mrs. Lincoln was handsomely entertained, despite the rabble outside.

In due course the Gittings carriage was again at her disposal for conveyance across the city to the Camden Street Station of the Baltimore and Ohio Railroad, where she took the train for Washington. Thus terminated all intercourse between the President's family and his Baltimore friends for a period of several years, when Mr. Lincoln's gratitude for his wife's entertainment by the Gittings family was manifested in a remarkable manner.

It was on the night of August 28, 1864, that a number of ladies and gentlemen trooped into the Gittings house, the scene of Mrs. Lincoln's visit in 1861. They made known that they had come to confer about the case of three Confederate soldiers, John H. R. Embert, Braxton Lyon, and Samuel B. Hearn, all privates of Company B, 1st Maryland Cavalry Regiment of the Confederate army, who had been tried, convicted, and sentenced by a court-martial to be hanged as spies at Fort McHenry the following morning. Mr. Gittings's good offices were invoked to prevent the execution. Various extenuating circumstances were set forth, which, in the judgment of the visitors, favored a remission of the sentence. They referred to the fact that Secretary Stanton had been appealed to without avail, and Gen. Lew Wallace, Commander of the Maryland Department, had likewise turned a deaf ear to all appeals. The pending execution was a subject of considerable discussion in the newspapers, and it was well known that President Lin-



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coln had for some days been approached by many influential citizens of Baltimore, who begged for a commutation of the death sentence, with no result beyond his patiently listening to their pleadings, and many were the rumors afloat as to his intentions in the matter. Nevertheless, Mr. Gittings's callers felt that his efforts might bear fruit; and to expedite matters, they had a special train in readiness at the railroad station to take them to Washington.

There was much pleading with Mr. Gittings, who was averse to making the trip because of the lateness of the hour. Moreover, and what was of far greater importance, he declared, was his lack of influence with the President in a matter of this kind. Mr. Gittings proving obdurate, the visitors now concentrated their energies on his wife, and after much persuasion the two consented to accompany the party, which was composed of Thomas A. Embert and Valentine B. Clements, brother and brother-in-law of the prisoner Embert, William Goldsborough, and Lemuel Roberts, of Queen Anne County, Md.; Charles Gwynne, Beverly Johnson, and Garrett W. Brown, of Baltimore. All of these, together with Judge Richard Grayson, of Baltimore County, and C. Hart and George Sykes, of Washington, had previously presented the case to the President, and had been favorably impressed by their kind reception and Mr. Lincoln's assurance that he would give the case his best attention. Furthermore he told them that he was opposed to hanging except when duty compelled. Samuel W. Smith, Director of the Baltimore & Ohio Railroad, and a number of clergymen had also sent petitions to the President.

The road to Washington was soon covered, but bitter was their disappointment to learn at the White House that the President was not there, but at his summer retreat, "The Soldiers' Home," in the suburbs of the capital. Time was precious, the lives of three men hung in the balance, the President must be reached without delay, and at all speed the party hurried to the "Soldiers' Home" and aroused the inmates. In response to a message that a party from Baltimore wished an interview on a matter of importance, the President sent word that he would soon come down. Presently the tall figure of the Chief Magistrate appeared at the head of the stairway, clad in decidedly scant attire, and holding a candle high over his head.

Mr. Lincoln was just about descending the stairs when made aware of the presence of ladies in the party, whereupon he beat a retreat and soon reappeared in more appropriate apparel. Joining his visitors, he inquired the object of their call, whereupon the spokesman of the party proceeded to give an outline of the case, with which the President was, of course, in a general way familiar. Having had his say, he then presented Mr. and Mrs. Gittings. The latter at once engaged in an eloquent appeal for the lives of the prisoners, Mr. Lincoln paying close attention to all she had to say. He then inquired of Mrs. Gittings whether the Secretary of War had been seen about the case, and was told that all sources of authority had been appealed to without avail.

The conversation now took a new turn, and the President continued: "Pardon me, madam; are you not a Southern woman?"

Mrs. Gittings, fully equal to the occasion, replied: "Yes, Mr. President. I am the daughter of Thomas Ritchie, of Richmond, whose name and reputation are well known to you."

Just now it must have dawned upon Mr. Lincoln that the woman so earnestly pleading before him was none other than the erstwhile befriender of Mrs. Lincoln in 1861. As the interview proceeded, it was made clear that the Gittings family had not escaped the espionage of the Federal authorities in their endeavors of the past three years to repress the disloyal element in Baltimore. It was equally evident that the President had not lost sight of the Gittings family during this period. That he was fully conversant with Mrs. Gittings's political attitude in the community was attested by his next statement: "Madam, I have heard that you sympathizers are keenly active for the Southern cause, and, further, that you are suspected of sending material aid and succor to your Southern friends."

Not at all disconcerted, Mrs. Gittings responded: "Yes, Mr. President, my kinsfolk and acquaintances are suffering, and I do what I can to relieve them."

Here the conversation was for a moment suspended, Mr. Lincoln assuming a reflective mood, his visitors meanwhile in suspense as to the issue. The denouement suggests that the President was revolving in his mind the happenings in Balti-

more just preceding his inauguration. Deep was the relief of the party when, breaking the silence, he abruptly announced to Mrs. Gittings: "Madam, I owe you a debt. You took my family into your home in the midst of a hostile mob. You gave them succor and helped them on their way. That debt has never been paid, and I am glad of the opportunity to do so now, for I shall save the lives of these men."

Instructions were forthwith issued for a suspension of the execution, and the Adjutant General, E. D. Townsend, on August 31 issued this order:

"The sentence, to be hanged by a military commission, promulgated in General Order No. 61, Headquarters Middle Department 8th Army Corps, Baltimore, Md., August 8, 1864, in the cases of Samuel P. (B.) Hearn, Braxton Lyon, and John R. H. Embert, citizens—is commuted by the President of the United States to confinement at hard labor in the penitentiary during the war. The penitentiary at Albany, N. Y., is designated as the place of confinement to which the prisoners will be sent under suitable guard by order from this department commander and delivered to the warden for execution of their sentence.

"BY ORDER OF THE SECRETARY OF WAR."

In accordance with these orders, the three prisoners were transferred to the Albany penitentiary on September 4. On January 6, 1865, the warden of the penitentiary was notified by the commissary general of prisoners to send them to Fort Monroe for exchange. Their parole followed, and on July 12 Adjutant General Townsend announced in General Orders the remission of their sentence and immediate discharge upon taking the oath of allegiance.

President Lincoln of course had no hand in the disposal of the men after April 14. His leniency may have been influenced by the protest of the Confederate authorities through Robert Ould, Commissioner of Exchange, who gave notice "that unless the men are released prompt and efficient measures of retaliation will be taken." The widow of Embert informs the writer that a son of Governor Curtin, of Pennsylvania, was one of three Federal officers held as hostages in Richmond until the case was disposed of.

Ould had as early as September 9, 1864, informed Major General Hitchcock, the Federal agent for exchange, through General Butler that Embert, Lyon, and Hearn had left their command the previous March to visit their relatives in Maryland, expecting to return in a short time, and that they were in no sense spies, and that the fact could be proved.

For some unexplained reason, designedly or otherwise, there was no promulgation of President Lincoln's commutation of Embert's, Lyon's, and Hearn's sentence before the men were marched to the gallows at the hour designated for the execution. Then they were shown the boxes prepared for their burial, and the reprieve was for the first time read to them.

By a curious coincidence Mrs. Gittings on the night of February 23, 1865, the fourth anniversary of her entertainment of Mrs. Lincoln, again appeared as a suppliant for clemency at the hands of the President. This time she went in behalf of John Yates Beall, a Confederate officer from Virginia, about to be executed at Governor's Island, New York Harbor. Beall's friends everywhere were on the move. Scores of prominent people from various cities had for days besieged the White House about the case. Ninety members of Congress, irrespective of party, united in a petition for a commutation of sentence. The clamor from all quarters became intolerable. To escape incessant importunities, the President finally closed the doors of the White House to all visitors in Beall's behalf.

It was at this juncture that Mrs. Gittings appeared, accompanied by Montgomery Blair, former Postmaster General in Lincoln's Cabinet. She too was denied a hearing. The President, from the first averse to interference, continued inflexible in his purpose not to stay the execution. It was, therefore, not surprising that Mrs. Gittings was not exempted from his preannounced determination to turn away all such interceders. Furthermore, Mr. Lincoln had not long since subordinated the demands of public duty to the discharge of a personal obligation in the case of Embert, Lyon, and Hearn, for which he had expressed due appreciation. Having fully liquidated that debt, the President was free to ignore Mrs. Gittings's present visit. Before the lapse of many weeks Lincoln had forever passed beyond the reach of pardon seekers.

