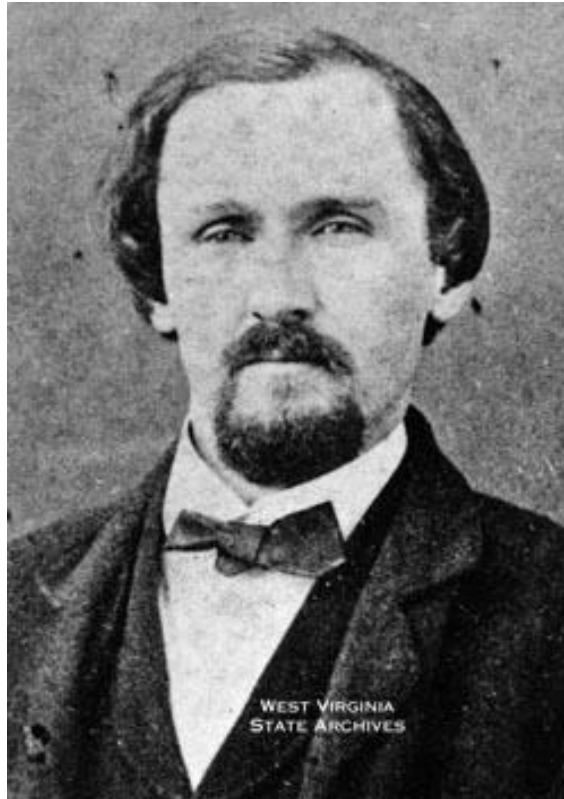


ON THIS DAY IN WEST VIRGINIA HISTORY FEBRUARY 24



On February 24, 1865, Jefferson County native John Yates Beall was executed at Governor's Island, New York, as a Confederate spy.

CSO: SS.8.22, ELA.8.1, ELA.8.7

Investigate the Document: (*Memoir of John Yates, 1865, RB 973.782 L933*)

1. What were the two charges brought forth against John Yates Beall? List two specifics listed as the rationale for each charge.
2. Did Beall plead guilty or not guilty?
3. The owner of the steamboat *Philo Parsons* was brought forth to testify against Beall and claimed he was part of a wide-spread scheme to do *what*?
4. Define insurgent.
5. What individual's orders did Beall use to justify his actions, declaring it was done under his authority? What is the significance of the individual he names? What role did he serve in the Confederacy?

Think Critically: What sort of information did spies pass along during the Civil War? What gave the North an advantage in gaining military intelligence? Was Beall's sentencing customary for the crimes he was accused of?

PROCEEDINGS

IN THE

CASE OF JOHN Y. BEALL.

SPECIAL ORDERS,
No. 14.

HEADQUARTERS DEPARTMENT OF THE EAST,
NEW YORK CITY, Jan. 17th, 1865.

6. A Military Commission, to consist of the following named officers, will assemble at Fort Lafayette, N. Y. H., at 11 a.m., on Friday, January 20th, 1865, or as soon thereafter as practicable, for the trial of such cases as may be brought before it, by orders from these Headquarters, to sit without regard to hours, and to hold its sessions in New York city, if the convenience of the service require it; four members to constitute a quorum, for the transaction of business.

DETAIL FOR THE COURT.

Brig. General FITZ HENRY WARREN, U. S. V.

“ W. H. MORRIS, U. S. V.

Colonel M. S. HOWE, 3d U. S. Cav.

“ H. DAY, U. S. A.

Brev. Lieut. Col. R. F. O'BIERNE, 14th U. S. Infant.

Major G. W. WALLACE, 6th U. S. Infantry.

Major JOHN A. BOLLES, A. D. C., is appointed Jge. Adv.

By command of Major Gen. Dix.

D. T. VAN BUREN,

Assistant Adjutant General.

Fort Lafayette for a week. I send this by my friend William H. Ryan, Esq.

Yours truly,

JAMES T. BRADY.

Mr. Ryan being present, the Commission inquired of him if Mr. Brady would be able to be present and act as counsel for the accused, in case the trial were adjourned for one week; and Mr. Ryan answered that he would.

The Judge Advocate exhibited to the accused three letters which purported to come from him, and which were addressed to persons in Toronto, Canada West, and in Richmond, Va., and informed the accused that, if he would reduce to writing in the form of an affidavit a statement of the facts he expected to prove by the persons or documents named in those letters, he should probably admit that the witnesses or documents, if presented in Court, would so say, and thus save the Government the delay, and the accused the trouble and expense of getting them here.

The accused stated that he wrote the letters, and that he would prepare the statement suggested, and so far as Mr. Brady was concerned, would be ready for trial on Wednesday, February 1st.

On motion of a member of the Commission, the application of the accused for delay was granted, and the trial was postponed until Wednesday at 11 o'clock a.m., February 1st, 1865, with the understanding that at that time the trial should proceed.

The Commission then adjourned until to-morrow, January 26th, at 12 o'clock m., to meet at Department Headquarters for the transaction of other business.

JOHN A. BOLLES, Major and A.D.C.,

Judge Advocate.

FORT LAFAYETTE, NEW YORK HARBOUR,

11 o'clock a.m., Wednesday, Feb. 1st, 1865.

The Commission met pursuant to adjournment.

Present all the members.

Present, also, the Judge Advocate, and the accused John Y. Beall, who was brought in for trial.

By leave of the Commission James T. Brady, Esq., appeared as counsel for the accused.

The Judge Advocate inquired of the accused if he was ready to plead to the charges and specifications, and the accused answered that he was.

The accused was then arraigned on the following charges and specifications, which were read aloud in his presence and hearing, and to which after they were so read the accused pleaded that he was not guilty.

CHARGES AND SPECIFICATIONS AGAINST JOHN Y. BEALL.

CHARGE 1st. *Violation of the laws of war.*

Specification 1. In this that John Y. Beall, a citizen of the insurgent State of Virginia, did on or about the 19th day of September, 1864, at or near Kelley's Island, in the State of Ohio, without lawful authority, and by force of arms, seize and capture the steamboat *Philo Parsons*.

Specification 2. In this that John Y. Beall, a citizen of the insurgent State of Virginia, did on or about the 19th day of September, 1864, at or near Middle Bass Island, in the State of Ohio, without lawful authority, and by force of arms, seize, capture, and sink the steamboat *Island Queen*.

Specification 3. In this that John Y. Beall, a citizen of the insurgent State of Virginia, was found acting as a spy at or near Kelley's Island, in the State of Ohio, on or about the 19th day of September, 1864.

Specification 4. In this that John Y. Beall, a citizen of the insurgent State of Virginia, was found acting as a spy on or about the 19th day of September, 1864, at or near Middle Bass Island, in the State of Ohio.

Specification 5. In this that John Y. Beall, a citizen of

the insurgent State of Virginia, was found acting as a spy on or about the 16th day of December, 1864, at or near Suspension Bridge in the State of New York.

Specification 6. In this that John Y. Beall, a citizen of the insurgent State of Virginia, being without lawful authority, and for unlawful purposes, in the State of New York, did in said State of New York undertake to carry on irregular and unlawful warfare as a guerilla; and in the execution of said undertaking, attempted to destroy the lives and property of the peaceable and unoffending inhabitants of said State, and of persons therein travelling, by throwing a train of cars and the passengers in said cars from the railroad track on the railroad between Dunkirk and Buffalo, by placing obstructions across said track; all this in said State of New York, and on or about the 15th day of December, 1864, at or near Buffalo.

CHARGE 2d. *Acting as a Spy.*

Specification 1. In this that John Y. Beall, a citizen of the insurgent State of Virginia, was found acting as a spy in the State of Ohio, at or near Kelley's Island, on or about the 19th day of September, 1864.

Specification 2. In this that John Y. Beall, a citizen of the insurgent State of Virginia, was found acting as a spy in the State of Ohio, on or about the 19th day of September, 1864, at or near Middle Bass Island.

Specification 3. In this that John Y. Beall, a citizen of the insurgent State of Virginia, was found acting as a spy in the State of New York, at or near Suspension Bridge, on or about the 16th day of September, 1864.

JOHN A. BOLLES, Major and A.D.C.,
Judge Advocate.

New York, 17th January, 1865.

HEADQUARTERS DEPARTMENT OF THE EAST,
NEW YORK CITY, January 17th, 1865.

The above-named Beall will be brought for trial before the

Military Commission of which Brig. Gen. F. H. Warren is President.

JOHN A. DIX,
Major General.

To these charges and specifications the accused pleaded not guilty, and thereupon the Judge Advocate called WALTER O. ASHLEY, a witness for the prosecution, who, being duly sworn, in presence of the accused, testified as follows:—

Question by Judge Advocate. State your name, place of residence, and occupation.

Answer. My name is Walter O. Ashley. I am clerk and part owner of the steamboat *Philo Parsons*; residence, City of Detroit, State of Michigan.

Q. Look at the accused; have you ever seen him before?

A. I have. On the 19th day of September last I saw him the first time.

Q. State the circumstances under which you saw him. State the transaction which brought you first into company with the accused, beginning on the 18th of September.

A. On Sunday, the 18th of September, about six o'clock in the evening, I was on board the steamboat *Philo Parsons*, in the cabin alone, at the boat's dock in Detroit; she being a boat sailing from Detroit to the city of Sandusky, touching regularly at the Canadian port of Amherstburgh, and occasionally at Sandwich. On the evening of Sunday, Mr. Bennett G. Burley came aboard the boat, and inquired for Ashley. I told him my name was Ashley. He then said he intended to go down as a passenger, in the morning, to Sandusky; that three friends were going with him; and he requested that the boat would stop at Sandwich, a small town on the Canada side of the river below Detroit, and take on those three friends as passengers. I remarked that it was not customary for the boat to stop at Sandwich. He then asked it as a personal favour that the boat would stop and take on his friends. I then agreed, providing he, Burley, would take the boat himself at

scientious' prisoner and his worthy associates, who with a force of five men, armed with five revolvers, a sledge-hammer, and a cold chisel, expected to capture a train of fifteen cars and fifteen hundred passengers, and to plunder the express-man's iron safe! It is a glaring absurdity. Why, sir, the moment the train halted and they saw the approach of three or four lanterns, this squad of express robbers jumped into their sleigh and fled for the Canada border!

All the evidence in this case, may it please the Court, tends to show that the accused was part and parcel of a wide-spread scheme of unlawful and irregular warfare along our whole Canadian line; whose purpose was, in any way and in every way, except by open and honourable hostility, to endanger the lives, destroy the property, and weaken the strength of those Yankee citizens whom these brigands of the border so bitterly hate.

The piracy of the lake, and the outrage on the railroad, were parts of that system of irregular warfare, under the fear of which no man, woman or child can sleep with any feeling of security in our midst. Such atrocities are attempts, on the part of the rebel officers and soldiers who engage in and countenance them, to bring back war to its old condition of barbarism—to imitate the stealthy cruelty of the North American savage, who creeps under cover of midnight upon his unsuspecting victim, and smites him to death ere the sound of approaching footsteps has roused that victim from slumber. With the accused this savage purpose takes form in the robbery of steamboats and the destruction of railroad trains and travellers. In other hands, it manifests itself in midnight attempts to burn great cities. There is nothing of Christian civilization, nothing of regular warfare, nothing of a high, noble, bold, manly, chivalrous character about it. It is an outbreak of passions so bad and violent that they have overcome all the native elements of manliness, and have led men, of whom four years ago to have suspected such things

possible would have been a calumny and a crime, to indulge in atrocities from month to month and year to year, such as have not stained the pages of warfare for two hundred years. And you sit here to-day, and I stand here to-day, as the representatives of recognized law and honourable warfare, to see that such outrages, when they are clearly and distinctly brought home to the guilty party by the evidence adduced upon the trial, shall not escape unpunished.

These proceedings having been submitted to Major Gen. John A. Dix, the Major General in command of the Department, he endorsed thereon his approval, and issued the following order:

The order of Maj. Gen. Dix upon this case is as follows:
GENERAL ORDERS,

No. 14.

HEADQUARTERS DEPARTMENT OF THE EAST,
NEW YORK CITY, Feb. 14th, 1865.

I. Before a Military Commission which convened at Fort Lafayette, New York Harbour, by virtue of Special Orders No. 14, current series from these headquarters, of January 17, 1865, and of which Brigadier General FITZ HENRY WARREN, United States Volunteers, is President, was arraigned and tried JOHN Y. BEALL.

[Here follow the charges and specifications, and the finding of sentence.]

II. In reviewing the proceedings of the Commission, the circumstances on which the charges are founded, and the questions of law raised on the trial, the Major General commanding has given the most earnest and careful consideration to them all. The testimony shows that the accused, while holding a commission from the authorities at Richmond as Acting Master in the navy of the insurgent States,

embarked at Sandwich, Canada, on board the *Philo Parsons*, an unarmed steamer, while on one of her regular trips, carrying passengers and freight from Detroit, in the State of Michigan, to Sandusky, in the State of Ohio. The Captain had been induced by Burley, one of the confederates of the accused, to land at Sandwich, which was not one of the regular stopping-places of the steamer, for the purpose of receiving them. Here the accused and two others took passage. At Malden, another Canadian port, and one of the regular stopping-places, about twenty-five more came on board. The accused was in citizen's dress, showing no insignia of his rank or profession, embarking as an ordinary passenger, and representing himself to be on a pleasure trip to Kelly's Island, in Lake Erie, within the jurisdiction of the State of Ohio.

After eight hours, he and his associates, arming themselves with revolvers and hand-axes, brought surreptitiously on board, rose on the crew, took possession of the steamer, threw overboard part of the freight, and robbed the clerk of the money in his charge, putting all on board under duress. Later in the evening he and his party took possession of another unarmed steamer (the *Island Queen*), scuttled her, and sent her adrift on the lake. These transactions occurred within the jurisdiction of the State of Ohio, on the 19th day of September, 1864.

On the 16th day of December, 1865, the accused was arrested near the Suspension Bridge, over the Niagara River, within the State of New York. The testimony shows that he and two officers of the insurgent States, Colonel Martin and Lieutenant Headley, with two other confederates, had made an unsuccessful attempt, under the direction of the first-named officer, to throw the passenger train coming from the West to Buffalo off the railroad track, for the purpose of robbing the express company. It is further shown that this was the third attempt in which the accused was concerned to

accomplish the same object; that between two of these attempts the party, including the accused, went to Canada and returned, and that they were on their way back to Canada when he was arrested. In these transactions, as in that on Lake Erie, the accused, though holding a commission from the insurgent authorities at Richmond, was in disguise, procuring information, with the intention of using it, as he subsequently did, to inflict injury upon unarmed citizens of the United States and their private property. The substance of the charges against the accused is, that he was acting as a spy, and carrying on irregular or guerrilla warfare against the United States; in other words, he was acting in the two-fold character of a spy and a guerrillero. He was found guilty on both charges, and sentenced to death; and the Major General commanding fully concurs in the judgment of the Commission. In all the transactions with which he was implicated—in one as a chief, and in the others as a subordinate agent—he was not only acting the part of a spy, in procuring information to be used for hostile purposes, but he was also committing acts condemned by the common judgment and the common conscience of all civilized States, except when done in open warfare by avowed enemies. Throughout these transactions, he was not only in disguise, but personating a false character. It is not at all essential to the purpose of sustaining the finding of the Commission, and yet it is not inappropriate to state, as an indication of the *animus* of the accused and his confederates, that the attempts to throw the railroad train off the track were made at night, when the obstruction would be less likely than in the daytime to be noticed by the engineer or conductor, thus putting in peril the lives of hundreds of men, women, and children. In these attempts three officers holding commissions in the military service of the insurgent States were concerned. The accused is shown by the testimony to be a man of education and refinement, and it is difficult to account for his agency in

transactions so abhorrent to the moral sense, and so inconsistent with all the rules of honourable warfare.

The accused, in justification of the transaction on Lake Erie, produced the manifesto of Jefferson Davis, assuming the responsibility of the act, and declaring that it was done by his authority. It is hardly necessary to say that no such assumption can sanction an act not warranted by the laws of civilized warfare. If Mr. Davis were at the head of an independent government, recognized as such by other nations, he would have no power to sanction what the usages of civilized states have condemned. The Government of the United States, from a desire to mitigate the asperities of war, has given to the insurgents of the South the benefit of the rules which govern sovereign States in the conduct of hostilities with each other; and any violation of those rules should, for the sake of good order here, and the cause of humanity throughout the world, be visited with the severest penalty. War, under its mildest aspects, is the heaviest calamity that can befall our race; and he who, in a spirit of revenge, or with lawless violence, transcends the limits to which it is restricted by the common behest of all Christian communities, should receive the punishment which the common voice has declared to be due to the crime. The Major General commanding feels that a want of firmness and inflexibility, on his part, in executing the sentence of death in such a case, would be an offence against the outraged civilization and humanity of the age.

It is hereby ordered that the accused, JOHN Y. BEALL, be hanged by the neck till he is dead, on Governor's Island, on Saturday, the 18th day of February, inst., between the hours 12 and 2 in the afternoon.

The commanding officer at Fort Columbus is charged with the execution of this order.

By command of Major Gen. Dix.

D. T. VAN BUREN, Col. A.A.G.

On the 17th February the execution of the sentence against Beall was suspended by the following order, viz.:

HEADQUARTERS DEPARTMENT OF THE EAST,
NEW YORK CITY, Feb. 7th, 1865.
Commanding Officer Fort Columbus,
New York Harbour.

You will suspend the execution of the sentence of John Y. Beall until further orders.

By command of Major General DIX.
(Signed) D. T. VAN BUREN,
Colonel and Assistant Adjutant General.

On the same day an order was issued reconvening the Commission. This order and the proceedings of the Commission in obedience thereto, appear from the following record:

HEADQUARTERS DEPARTMENT OF THE EAST,
NEW YORK CITY, Feb. 20th, 1865, 11 o'clock, a.m.

The Commission appointed by Special Orders No. 14, par. 6, from these Headquarters, dated Jan. 17, 1865, reassembled in obedience to the following order:

SPECIAL ORDERS,
No. 42.

HEADQUARTERS DEPARTMENT OF THE EAST,
NEW YORK CITY, February 17th, 1865.

1. The Military Commission, of which Brigadier General Fitz Henry Warren, U. S. Vols., is President, and which was convened pursuant to Special Orders No. 14, current series from these Headquarters, N. Y. City, will reassemble at these Headquarters to-morrow at 10 o'clock, a.m., or as soon hereafter as practicable, for the purpose of reconsideration of the finding in the case of *John Y. Beall*, for reasons more particularly set forth in communication herewith enclosed from the Major General Commanding the Department.

By command of Major General DIX.
(Signed) D. T. VAN BUREN,
Assistant Adjutant General.

Present, all the members of the Commission, viz. :

Brig. General FITZ HENRY WARREN, U. S. V.
 Brig. General W. H. MORRIS, U. S. V.
 Colonel M. S. HOWE, 3d U. S. Cav.
 Colonel H. DAY, U. S. Army.
 Brev. Lieut. Col. R. F. O'BIERNE, 14th U. S. Infantry.
 Major G. W. WALLACE, 6th U. S. Infantry,

Present, also, the Judge Advocate. The Commission was cleared for deliberation.

The foregoing order was read aloud by the Judge Advocate.

The President then read the following communication from the Major General Commanding :

HEADQUARTERS DEPARTMENT OF THE EAST,
 NEW YORK CITY, February 18th, 1865.

GENERAL : I have suspended the order for the execution of John Y. Beall, and have reconvened your Military Commission, that I might send the proceedings in that case back to the Commission for a revision of the findings therein.

I would particularly call the attention of the Commission to the finding upon the 3d. Specification under Charge 2d.

A familiar rule of law requires that the finding should meet, and affirm or deny, every averment in the Specification. This is not done by the present finding, except by implication. The finding negatives the averment of date, and omits all mention of the other averments, leaving it to be inferred that the Commission considered the Specification sustained by the proof in every other particular. If such were the opinion of the Commission, the rule of law to which I have referred would be complied with by finding the accused "Guilty, omitting the word September, and substituting the word December;" or, "Not Guilty as to the day averred,

but guilty of acting as a spy, at or near Suspension Bridge, in the State of New York, on or about December 16, 1864."

The Commission may deem it well to consider and determine once more whether the proof under Specifications 1 and 2, charge 2d, establishes the characteristics of a spy, viz., an enemy clandestinely within our lines to obtain information to be used for hostile purposes.

I do not make this last suggestion for the purpose of raising a doubt in regard to the correctness of the finding, but that the judgment of the Commission may be placed beyond all question.

I am, very respectfully, yours,

JOHN A. DIX,
Major General.

Brig. General FITZ HENRY WARREN,
President Military Commission.

The Commission then reopened the case of John Y. Beall, and re-considered the finding upon Specification 3d under Charge 2d.

Upon careful consideration of the evidence recorded in the proceedings, the Commission find the accused, John Y. Beall, of Specification 3d under charge 2d not guilty as to the day averred, but guilty of acting as a spy at or near Suspension Bridge, in the State of New York, on or about Dec. 16, 1864.

After careful deliberation the Commission find no reason to reconsider their finding on either Charge, or any other Specification, and do therefore reaffirm their sentence, two-thirds of the members of the Commission concurring therein.

(Signed) FITZ HENRY WARREN,
Brigadier General U.S. Volunteers, President.

JOHN A. BOLLES,
 Major and Aide-de-camp,
Judge Advocate.

These Proceedings were laid before the Major General commanding, who endorsed thereon the following approval and order, on the 21st of February, Tuesday :

The proceedings, finding, and sentence are approved, and the accused, John Y. Beall, will be hanged by the neck till he is dead, on Governor's Island, on Friday, the 24th day of February, 1865. The commanding officer at Fort Columbus is charged with the execution of this order.

(Signed)

JOHN A. DIX,
Major General Commanding.