H/C

Ralph Abercrombie

Spy

To the Hon. William F. Giles, Judge of the District Court of the United States in and for the District of Maryland.

The petition of Ralph Abercrombie, a citizen of the United States, shows unto your Honor;

That he has been, since the month of May in the year eighteen hundred and sixty five, illegally imprisoned in the Jail of Baltimore city under, or by color of the authority of the United States; and has remained, since the time aforesaid, under, or by color of the authority aforesaid, in custody of Thomas C. James, Warden of the said Jail, without any proper authority for his said imprisonment and detention.

That he hath been informed that the said Thomas C. James, Warden as aforesaid, claims to keep your petitioner, a prisoner as aforesaid, in the Jail aforesaid, under and by color of the authority aforesaid, because of certain orders of Brigadier Genl John Wolley, Provost Marshall of the Military Department [illegible] in which the said Jail (Baltimore City) is situate; which said orders give no legal authority for said imprisonment and detention.

Therefore, your petitioner prays the benefit of the writ of Habeas Corpus to be to the said Thomas C. James, Warden as aforesaid, and to the said John Wolley, Brigadier General as aforesaid, directed,

commanding them to bring before your Honor the body of your petitioner, together with the cause of his commitment.

And your petitioner will ever pray.

A Stirling Jr
for Petitr.

United States of America.

State of Maryland. Baltimore City to wit.

Before the subscriber a Commissioner duly appointed by the Circuit Court of the United States for the Fourth Circuit in and for the District of Maryland, to take affidavits and acknowledgments of Bail, personally appeared on this ninteenth day of December, eighteen hundred and sixty five John T. McGlone ——— and made oath in due form of law that the facts set forth in the above petition are true to the best of his knowledge and belief. Sworn and subscribed before me.

Thos Steele Ridgely
U. S. Commr.

In the District Court of the United States in and for the District of Maryland.

On the petition of Ralph Abercrombie &c.

Upon the petition aforesaid it is ordered by me William F. Giles, Judge of the Court aforesaid on this 20th day of December in the year eighteen hundred and sixty five, Ordered, that the writ of Habeas Corpus be issued as prayed for in the within petition ~~unless cause to the contrary be shown~~ returnable before me in ~~or before~~ ~~on the~~ day of December eighteen hundred and sixty five ~~by the said Thomas C. Jones and the said John Woolley, Brigadier General. Provided a copy of this order be served on the said Thomas C. Jones and the said Brigadier General John Woolley, on or before the day of December eighteen hundred and sixty five~~ in the United States Court Room, in the City at 10 o'clock A.M.

William F. Giles

In the matter of
Ralph Abercrombie;
a prisoner.

Petition for the writ of
Habeas Corpus.

Dist. Ct.

Filed 20. Dec. 1865
Habeas Corpus issued

Head Quarters Mid Milty Dep't
Provost Mar Gen's Office
Baltimore, Dec 27, 1865

To Hon W. F. Giles
Judge U. S. Dist Court

The answer of John Woolley, Brevet Brigadier General U. S. Vols and Provost Marshal General of the Middle Military Department to the writ of Habeas Corpus issued by this Honorable Court commanding this Respondent to bring before this Honorable Court the body of Ralph Abercrombie together with the reasons why the said Ralph Abercrombie is held in Custody, says, that he brings into Court here, the body of said Ralph Abercrombie and for reasons why he is detained, says, that the said Ralph Abercrombie is held in custody by this Respondent by authority of the President of the United States and the orders of Major Gen W. S. Hancock Commanding this Department.

This Respondent further says that the said Ralph Abercrombie was arrested on the 17th day of April 1865 in the City of Baltimore and is now held in custody on the charge of being found acting as a spy within

the Encampments of the of the armies of the United States, having acted as such in the service of the late so-called Confederate States and those in rebellion against the Government and armies of the United States during the period of said Rebellion & before the surrender of the General Lees Army.

And this Respondent further says that the said Ralph Abercrombie is also charged with falsely denouncing one Capt Deaton, a United States Officer & prisoner of War in the hands of the Rebels to the Rebel authorities and thus procuring him the said Capt Deaton to be wrongfully convicted & executed as a spy at Richmond Va.

That being in his custody as aforesaid this Respondent has collected a considerable amount of Evidence against the said Ralph Abercrombie with a view to bring him to trial before a Military Tribunal under the provisions of the acts of Congress and the Articles of war, which testimony he has, sometime in the month of October 1865 forwarded to the War Department for the consideration of the Secretary of War, & for his decision

as to whether the same is sufficient to warrant the trial of said Ralph Abercrombie on said Charge.

And this Respondent further saywers & says that the said testimony so as aforesaid Forwarded to to the War Department has not yet been Returned, but this Respondent is informed, and so Returns that the Secretary of War has taken measures for a further investigation of the case of said Abercrombie and in pursuance thereof has sent Messengers who are not yet Returned, and instituted certain inquiries which are yet pending & has directed this Respondent to detain the said Ralph Abercrombie until further orders.

And this Respondent further says that he is informed and so Returns that every Effort is now making to speedily conclude the said investigation, and that this Respondent only awaits the Conclusion thereof Either to discharge the said Ralph Abercrombie or hand him over to a proper tribunal for trial. That the offences Charged against said Ralph Abercrombie are wholly cognizable by Military tribunals and under the control of the Secretary of war and that until the

investigations now being made has, by the said Secretary of War been concluded, this Respondent cannot of his own action discharge the said prisoner from his Custody.

John Wolfley
Prov Brig Gen U. S. Vols
& Prov Mar Genl
M. M. Dept.

In re Ralph Abercrombie
Habeas Corpus
Before Hon Judge Giles
In Chambers

The accused prisoner brought before Judge Giles under writ of Habeas Corpus respectfully traverses the return made by Br. Gen Woolley & respectfully asks that he may be shown the authority or authorities referred to in the return aforesaid for his detention
And the traverser further respectfully suggests that the return is naked full in this that the time and place where traverser was arrested, to wit the City of Baltimore and on the 17 April 1865 after the rebellion had been subdued & crushed out is not disclosed
And further that in order to make the prisoner the subject of the Military Law under the charge of being a Spy the return

ought to show that he was a
Spy within the lines of the
Armies of the United States
and that he was arrested
while acting as such Spy
and before his return to
the lines of the rebels in the
pursuit of his calling as
such Spy.
And otherwise that Military
Jurisdiction ~~does~~ prima facie does not attach
~~which for~~ because it prima facie there is no
Military offence

A. Sterling Jr
Mo. A. Ing
of Counsel for traverser.

The United States of America
District of Maryland, to wit

The United States of America, to Thomas C James Warden of the Jail of Baltimore City and Brigadier General John Woolley Provost Marshall of the Military Department wherein the said of Baltimore City is situate, Greeting:

You are hereby commanded to have the body of Ralph Abercrombie detained under your custody as it is said, under a safe and secure conduct, together with the day and cause of his being taken and detained by whatsoever name he shall be called in the same, before the Honorable William F. Giles Judge of the District Court of the United States for the District of Maryland on the 27th day of December 1865 in the United States Court Room in the City of Baltimore at 10 o'clock A.M. to do and receive all and singular those things which the said Judge shall then and there consider concerning him in this behalf and have there this Writ. Witness the Honorable William F. Giles Judge of our said District Court this First Tuesday in December in the year of our Lord One thousand Eight hundred and Sixty five

Issued the 20th day of December 1865

James W. Chew Clk
Dist Ct

(A Sterling Jr.)

In the Matter of the
Petition of Ralph
Abercrombie

Habeas Corpus

Date of arrest
April 17th 1865

A. Sterling Jun
Dec 23 1865

In the matter of the petition of Ralph Abercrombie for a writ of Habeas Corpus —

The writ having been issued and in obedience to its requirements Brig. Gen. Molloy having produced the body of said petitioner in Court on the day and hour mentioned in the said writ, and having by his return under oath to said writ, shewn as the Cause for the imprisonment of said petitioner "that he was arrested on the 17th of April 1865 in the City of Baltimore and is now held in custody in the Charge of being found acting as a spy within the encampment of the armies of the United States, having acted as such in the service of the late so called Confederate States and those in rebellion against the Government and armies of the United States during the period of said rebellion and before the surrender of Gen. Lee"

And whereas said crime is one made cognizable alone before a General Court Martial or Military Commission by virtue of the 38th section of the act of March 3rd 1863 Ch. 75 and by the laws and usages of nations and over which this Court has no jurisdiction. It is therefore this 28th Dec. 1865 ordered, that the said petition be dismissed, and that petitioner be remanded to the custody of Brig Gen. Molloy to await his trial in said charge before the proper military tribunal —

William F. Giles

Order

Fel. December 28 1865