

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 Raeph 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 the 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 Woolley,
Provost-Marshal of the Military Department

of the District of Maryland, Baltimore City is
situated; 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~~ to
be to the said Thomas C. James, Warden as
aforesaid, and to the said John Woolley,
Brigadier General as aforesaid, directed,

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

And your Deponent will ever pray.

A. Stirling, Jr
for Deponent

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 nineteenth day of December,
one thousand and sixty five John J.

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.

And Hereby

U. S. Commr.



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

on the petition of
Ralph Abercrom
= vs. =

Upon the petition aforesaid
it is 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} ~~of~~ ^{be issued} as
prayed for in the within petition ~~and~~ ^{returnable before me}
~~to the contrary thereof to shew, on or before~~
~~the 27th day of December eighteen~~
~~hundred and sixty five by the said Thomas~~
~~C. James and the said John Worley, Brig-~~
~~adier General. Provided a copy of this order~~
~~be served on the said Thomas C. James and the~~
~~said Brigadier General John Worley, on or before~~
~~the~~ ~~day of December eighteen~~
~~hundred and sixty five in the United~~
States Court Room, under City at
10th St Hall. William F. Giles

In the matter of
Ralph Abercrombie;

a prisoner.

—

Application for the writ of

Habeas Corpus.

Ans. by

Filed 20 Dec 1865

Habeas Corpus issued

Head Quarters Mid Milt. Dep't
Provost Marshal Gen'l Office
Baltimore, Dec 27, 1865

To Hon W F Giles

Judge U. S. Dist Court

The answer of John Woolley, Provost Marshal General U. S. Vol's 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 Lee's Army.

And this Respondent
further says that the said Ralph Abernethy
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 consid-
erable amount of evidence against
the said Ralph Abernethy with a
view to bring him to trial before a Mil-
itary 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 Aber-
crombie on said charge.

And this Respondent
further says & says that the said testi-
mony & 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 inves-
tigation of the Case of said Abercrombie
and in pursuance thereof has sent Mes-
sengers 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 offenses
charged against said Ralph Abercrombie
are wholly cognizable by Military tribunals
and ~~are~~ under the control of the Sec-
retary of War and that until the

investigations now being made has, before
the said Secretary of War been conclu-
ded, this Respondent cannot of his
own action discharge the said prisoner
from his Custody.

J. M. Waller
Col. Brig. Gen. U. S. A.
U. S. War Dept
M. M. Dept.

In re. Raeph 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 **B^t** Genl 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 not full in this that the time and place where traverser was arrested, to wit the City of Baltimore and on the 17th April 1865 after the rebellion had been subdued & crushed and 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 Military
jurisdiction ^{that} ~~does~~ ^{prima facie does} not attach
~~whenever~~ ^{because} ~~it~~ ^{there is} prima facie, no
military offence


A. Wilson Jr.

Mo. A. S. G.

of Criminal 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 jail
of Baltimore City is situate, Greeting.



You are hereby Commanded to have the body of
Raeph 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 Mary-
land 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
Wit Witness the Honorable William F. Giles
Judge of our said District Court this First Tues-
day in December in the year of our Lord One
thousand Eight hundred and Sixty five

Given the 20th day of December 1865

James M. Chew etc
Dist Cl

(A. Sterling Jr.)



In the matter of the
Petition of Ralph
Abercrombie

Navy Corps

Date of arrest
April 17th 1865

W. Sterling Jones
Dec 23 1865

In the matter of the petition of Ralph Abernethy for a writ of Habeas Corpus -

The writ having been issued and in obedience to its requirements Brig. Gen. Wolley 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, shown 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. Wolley to await his trial in said charge before the proper military tribunal -

William F. Gilley



Order

21. December 28 1868

Faint, illegible handwriting covering the page, likely bleed-through from the reverse side.