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NUMBER 12.

Case of William Appleman.

In the Senate of the United States, Dec. 22nd, 1864.

Mr. BOCKLAW, presented the Petition of William Appleman, a citizen of Pennsylvania, with accompanying documents, setting forth his conviction before a Military Commission and praying that the fine unjustly imposed upon him may be refunded, &c. Upon motion of Mr. B. the papers were laid on the table. They are as follows:—

Petition.

To the Honorable the Senate and House of Representatives composing the Congress of the United States.

The Petition of WILLIAM APPLEMAN, a citizen of the State of Pennsylvania, respectfully represents:—

That he has been recently tried before a Military Commission at Harrisburg, as he believes without due warrant of law, for alleged conspiracy to resist the Conscription laws of the United States, and convicted unjustly of some of the charges against him and sentenced to pay a fine of Five Hundred dollars under pain of imprisonment not exceeding one year. That to regain his liberty he has been compelled to pay and has paid the said fine of Five Hundred dollars. That being a citizen of Pennsylvania and not liable to perform military service, he was arrested under some military order on the first day of September, 1864, and kept in confinement at Fort Mifflin and at Harrisburg until the 22nd day of November, and thereby subjected to much pecuniary loss, and to much hardship and injury to his health.

That he was wholly innocent of the charges upon which he was tried, and can prove and is prepared to prove such innocence in any reasonable manner and before any proper tribunal or authority.— That he believes he was convicted by the Military Commission and subjected to punishment because of the imperfect constitution of that tribunal and of the remoteness of the place of trial from his residence, in connection with his detention in prison without the privilege of giving bail prior to his trial, and of the extraordinary means resorted to to procure evidence for the prosecution and the withholding from him of knowledge of what that evidence would be. That not only has he been unjustly subjected to the losses, injuries and hardships before mentioned, but he has had inflicted upon him whatever of disgrace and mortification can arise from such arrest, imprisonment, trial, conviction and punishment.

He accompanies this his most respectful Petition with a Narrative of his arrest, imprisonment and trial; a statement under oath of the facts relating the Charges upon which he was tried, and testimony from sundry witnesses, in the form of voluntary affidavits, confirming his averments of fact. And he prays that his case, as now brought to the attention of Congress, may be investigated; that the fine unjustly imposed upon him may be refunded; that the wrong done him may, as far as possible, be redressed; and his character be freed from all imputation arising from the proceedings in question. And he will ever pray, &c.

WILLIAM APPLEMAN.

Nov. 30th, 1864.

William Appleman's Narrative.

I reside in Benton township, Columbia county, Pa., and have lived there about 30 years. I am 51 years of age, and farmer.

I was arrested Sept. 1st, [August 31st.] 1864, early in the morning, just at day-break, at my own house, by soldiers.— There were ten or a dozen of them, all unknown to me. Two of my sons were arrested at the same time from their beds in the house, and another was arrested at his home near by. About a dozen other men arrested in the neighborhood were brought to the road near my house and after some time we were all marched up to the Benton Church and confined there under guard until noon. There were other arrested men at the Church when we arrived there, and still others were brought in afterwards.— In all there were about fifty arrested men at the Church.

Col. Stewart and Capt. McCann were in the pulpit and had the names called over. They conversed with Adam Lutz, and others, (who were not arrested men) but so as not to be heard by us. Several of the arrested men were then discharged.

We were ordered to march out and form, in order to be taken off. I went up to Col. Stewart who had come down on the floor of the Church, and asked him where he was going to send us? And he said we would have to go to Bloomsburg, as Gen. Cadwallader was there. All were then marched on foot to Bloomsburg, 16 miles,

Cadwallader on the road about Orangeville who said nothing to us. Captain McCann had charge of us, with as many soldiers as prisoners marching beside us. We were marched through Bloomsburg (with only a slight halt in the street) to the depot of the Lackawanna & Bloomsburg Rail Road and put in the station house until the evening train came along.

It was reported among us that the Captain said we were to be taken to Harrisburg. We were put in the cars and went to Harrisburg where we were transferred without delay to another train and taken on to Philadelphia. We arrived at Philadelphia at eight or nine o'clock in the morning, Sept. 2nd; [Sept. 1st.] and were taken to Barracks, 5th & Buttonwood.— There at noon we obtained something to eat.— Tin-cups of soup and some bread and meat, which was the first food furnished us from the time we had been arrested. At the Benton Church some articles were sent to us from the house of John J. Stiles, by his direction, he being one of the arrested men, which was all we had had. I and my sons were taken from home before breakfast.

The afternoon of same day—Sept. 2nd, [1st.]—we were taken on to Fort Mifflin and put in Bomb-proof No. 3. Going through a long dark arched passage or gangway of about 80 feet in length from the iron-gated doors (say 6½ feet high in the centre and five or six feet wide) we pass through a heavy double planked and riveted door into the Bomb-proof. This bomb-proof is partly below the level of the river is arched overhead and has thick walls of stone and brick. By stepping it I and others made its width to be 19 feet and its length 54 feet. This was the space allotted to the prisoners, 44 in number. One of the original prisoners had been discharged when we arrived at the Fort on the ground that he had been arrested by mistake.

Air and light were imperfectly admitted on one side and at one end of the bomb-proof through openings in the wall, perhaps a dozen in number. The main ones may have been 4 inches wide by a foot in height on the outside, widening towards the interior. The floor was of hard earth or gravel and firm. On the sides scantling were laid on the ground lengthwise of the room and across these boards were placed. Again at the ends of the board-nets the wall, short pieces of scantling or blocks were placed at intervals and-wise to the walls, across which boards were laid, forming a narrow platform next the walls a few inches high. This constituted a substitute for pillows, the lower and wider platform of boards answering the purpose of a bed. A single soldier blanket was furnished to each man, but no bedding or straw.

The room was very damp—and at wet times the water came through the arch overhead from the earth upon it, dropping down in the part farthest from the fire.— There was also sweating of the side walls. To check the dampness it was necessary to keep up a fire constantly in the grate at one end of the room, but this was not sufficient, although attended to night and day. The fire was useful also, to some extent, in aiding the ventilation, and from the chilliness of the room was required for comfortable warmth even in September.

Our prison fare was as follows:—To each, a loaf of baker's bread for the day. One slice of boiled pork or beef and a tin of coffee in the morning; one tin of bean or pea soup at dinner, and a tin of coffee at night. On three or four occasions we drew potatoes boiled in the skin, instead of soup at dinner. Several times the meat was not good, and five or six times there was no meat furnished.

The prisoners however purchased provisions for themselves, to some extent, at enormous rates. The expense incurred in this way was very considerable during the time I remained in confinement.

One half a single candle was furnished at nights for the whole room, and we were obliged to procure lights at our own expense.

A filth-tub was furnished us, made by sawing a barrel across the middle. Standing upright on the closed end, a stick was run across it through holes bored a little way below the top. Thus provision was made for its being carried by two men. It had no cover. For about three weeks it stood in the gang-way or entrance passage, outside the door of our prison room, during the day-time. Afterwards, upon my application, we were permitted to keep it during the day, in an empty room adjoining the gang-way. Two of the prisoners went out with it occasionally under guard. Always at night it was necessarily kept in our room, the door being locked. This whole matter was a great grievance.

ments, upon whom imprisonment bore severely. About the end of September William E. Roberts and John Yorks were taken sick with bowel complaints and were removed to the hospital near the Fort.— Roberts died about ten days afterwards. There were other cases of sickness but of less severity, up to this time. Subsequently three or four prisoners were discharged on account of sickness—two cases of rheumatism and one of consumption—by order of Gen. Couch. Mr. Yorks was also discharged.

Three or four weeks after we were imprisoned, Gen. Couch came to the Fort, and was in the bomb-proof. He said the men should have a second blanket each. They were furnished some weeks afterwards, toward the end of October. He directed that we be allowed to go out in the yard together twice a week. This privilege was actually allowed us but twice while I was there. At other times a few of us were allowed to go out under guard, to work a little for exercise.

I was taken to Harrisburg a day or two after the October election, in company with three others of the prisoners. Four others had been taken there previously.— This was six weeks from the date of my arrest, and I had had no notice of the charges against me nor any distinct knowledge of what they would be.

Two weeks after my arrival in Harrisburg, my case was called on for trial before a Military Commission composed of Col. Prevost and Frink and Capt. Lee; Capt. Francis Wessels Judge Advocate.— A copy of the charges was served upon me one day and the next day I was called before the Commission for trial. I think this was Friday, Oct. 28. I had no counsel present, and there was an adjournment to the next day. At the next meeting, after plea entered, witnesses were examined for the prosecution, and then there was another adjournment to Monday or Tuesday following. At the final meeting one additional witness was examined for the prosecution and one for the defence, and a brief defence written by my counsel, and signed by me, was put in. The case then closed. No list of witnesses for the prosecution had ever been furnished me, nor any information as to the particular points to be met. As to the charges of which I had one day's notice before I was called up for trial, they were so general and indefinite in statement, that they conveyed to me no useful information of the evidence I was to answer.

I found myself accused, in the charges of confederating with others to resist the Conscription Act, and of advising resistance to it; that I had united with others to form a Society commonly called "Knights of the Golden Circle," the object of which was to resist the draft, and that I had also assisted to form organizations of armed Companies or squads to resist the military authorities of the U. S. Although each and all these allegations were absolutely and wholly false, it was impossible, in the nature of the case, that I should meet them, general and sweeping as they were, by negative proofs. No rule of reason or of law can contemplate the proof of general negatives by a defendant, or the preparation for such proof by him in a case of this description. All that can be required of him is, that he shall contradict or explain away the particular testimony produced for the prosecution, to do which it is necessary that he shall know beforehand what it will be, and shall be in a position to prepare his defence freely and completely.

In ordinary criminal prosecutions a preliminary examination of the witnesses for the prosecution before a magistrate, enables the defendant to learn pretty clearly the evidence he will be required to answer at his trial. And as the trial is in the vicinity of the place where the offence is charged to have been committed, witnesses may be brought in to meet any unexpected and inaccurate evidence produced by the prosecution. Besides, the defendant being usually at large upon bail before his trial, is enabled by due inquiry to ascertain, more or less perfectly, the character of the case to be presented against him, and is also enabled to collect and prepare his evidence in reply.

But in my case, there was no previous public examination of witnesses before a magistrate, and as to a part of them I had no knowledge or expectation that they would be examined until they appeared to be sworn. The trial took place nearly 100 miles from my residence, and with the understood condition that I should bear the whole expense of witnesses brought by me in my defence. And I had been held in strict confinement from the time of my arrest (almost two months) the privilege of giving bail for my appearance for trial

Couch, asking that we might give bail to appear when our cases should be tried, and in the meantime be allowed to go home. When Gen. Couch came to the Fort he said he could not bail us and we remained in confinement. But, as I understood before, my case was called up, that Edward McHenry was the main witness for the Government in the trials, and as I believed him to be unreliable as to truth, I asked the Judge Advocate on the first day when I was called up to send to Fort Mifflin for John J. Stiles and Hiram F. Everitt as witnesses, which he said he would do. I also sent for my son Thomas, and intended to oppose these three to McHenry both as to his character and alleged statements of his reported to me. When the evidence against me was ended on the last day of trial, by the examination of McHenry as a witness, I inquired for my two witnesses from Fort Mifflin, but they were not in attendance. The Judge Advocate said he had sent for them. (Subsequently they informed me that they had never heard they were wanted on the trial.) After consultation with my counsel, I consented, very reluctantly, to let the case go off without them. But my son was examined, and his testimony appears upon the record of the trial, with an important omission. Having testified to Edward McHenry's bad character and that he had heard persons speak unfavorably of him, he said in answer to a question by the Judge Advocate, that he had heard Richard Stiles (a witness for the prosecution) declare, more than a year previously, that he would not believe McHenry under oath. This important answer, showing an impeachment of one of the leading witnesses against me by another, and drawn out by the prosecution itself, was not, I believe, entered upon the record of the trial.

In addition to being an unreliable witness on the ground of his character, McHenry was a Conscript who had skulked the draft, and he appeared as a witness after he had been arrested, and when he was under a strong inducement to make his testimony satisfactory to the prosecution. By becoming a witness he was enlarged from confinement, and, no doubt, he believed his immunity from future punishment depended upon the value of his evidence for purposes of conviction.— Hence the falsehoods stated by him, that the political clubs of 1863 were sworn to resist the Conscription Act, and that their name was "Knights of the Golden Circle." Hence, also, the coloring given by him to the occurrences on the day of the Rantz meeting, including an alleged conversation with me. Hess, another witness, became such when apprehending the arrest of both his father and himself; but his testimony is less objectionable; and as to the other witnesses, their statements regarding the old Club meetings were not very important or full, and as far as they were erroneous are corrected by subsequent evidence.

In another paper I shall present the whole case upon the questions of fact raised by the charges against me, and give to them a full and complete examination. For the present, I shall resume my narrative, and proceed to events subsequent to the trial.

Early in November I was taken back to Fort Mifflin and on the 7th my sentence with the finding of the Commission, was announced to me there. It was a fine of Five hundred dollars, and imprisonment until the fine should be paid, provided however, that the imprisonment should not exceed one year. I secured the payment of the fine in fifteen days and was released from custody on the 22nd of November. I returned home on the 23d after an imprisonment of 82 [83] days, including the whole period from the time of my arrest.

My health was not good during my imprisonment, and I yet feel the serious effects of confinement. When I left the Fort, John Rantz was unwell; also Geo. Hurliman. R. Willis Davis and Benjamin Colley were in the Hospital. Joseph Vausiekle had become insane and was also in the Hospital. My three sons were discharged on parole about the middle of October, along with 18 others at the Fort. They were never informed what the charges were against them. Altogether, of the prisoners originally arrested, about 22 have been discharged, beside myself, and one is dead.

Statement by William Appleman, with reference to the Charges against him before the Military Commission, at Harrisburg.

The charges as illustrated and defined by the evidence for the prosecution and by the finding of the Commission, consist of two points which may be considered as distinct from each other, and upon each of which I propose to make a full statement. The first point is, participation in a meeting held at the house of John Rantz, August 14th 1864.

The second point is, membership in a secret political society or Club, in the Spring of 1863.

First: I will begin by stating what was actually done and said by me on the day of the Rantz meeting, with some account of the proceedings at his house.

The first I knew of the Rantz meeting was on the day it was held. I saw persons going by my house down there.— Rantz's house is 80 or 100 rods from mine. I said to my boys that I would go down and see what was going on. Upon starting I told them that if they came down they should not bring their guns. I had noticed that some of the men passing had guns. When I got to the Rantz barn, Mr. Hulme was sitting in the door, and talking with those who were there. He was discouraging the holding of a meeting, and urged them to leave. He asked me my opinion before them and I told him I thought it the best thing they could do, to go away. There were about half a dozen conscripted men there, and about as many others. It was said that soldiers were coming up and they were to destroy the people and property of the neighborhood, and also that the Harveyville fellows were coming over to burn out Joe Hess, John Keifer and Aaron Smith. These men were all Citizens, and not conscripts. No regular meeting was organized. Mr. Hulme went away before long, but came back subsequently. I also went home and returned a short time before dinner. Additional persons came in, at intervals; and finally before dinner, word came that the Jackson Township men were coming over. About noon they came, some 15 or 20 in number. They were met by persons of the meeting walking out towards them, but not as an organized company. A few men were there from Fishingcreek township. Up to this time nothing had been done and no meeting organized. I went home for dinner, and was gone one or two hours. After dinner was over, Edward McHenry came up to my house and got something to eat. I met him at the gate coming in as I was going out to the orchard. He was intoxicated and had a gun on his shoulder. I said to him, "This is bad business, carrying a gun about on the Sabbath. He said, "I know it is." He sat his gun down by the gate and went into the house. I did not say to him, "It must be so now," nor anything to that effect. Matthew McHenry and Ephraim McHenry were with me and went along into the orchard. Nothing more passed between Edward McHenry and myself, at or near my house.

I went again to Rantz's at two o'clock or after, and remained there a couple of hours, until the people dispersed. I sat there and took no part in what was done till near the last, when I interfered in a manner to be presently stated. A good deal of conversation was carried on in regard to the reports of threats made at Harveyville, and of the various reports in regard to danger to the inhabitants and their property by reason of the soldiers coming up from Bloomsburg. The threats spoken of, it was understood, were caused by the wounding a short time before of a young man named Robinson, in a night affair; he being engaged, with others, in pursuing Deserters or conscripts. The Citizens had no connection with that transaction so far as I know and believe, but it was apprehended they would be held responsible for it, and the threats reported were to that effect. Jesse Hartman, it was said, had reported the threats made at Harveyville, before mentioned, with reference to the burning out of particular persons.

At some time in the afternoon some remarks were made in the barn by Samuel Kline and Daniel McHenry spoke afterwards. Their remarks were brief, but I cannot state the exact time when they were made.

The men from each Township stood out, and the number was ascertained. It was proposed to form some squads who were to be stationed at particular places to observe what was done when the troops came; and if they conducted themselves peaceably they were not to be molested but if they commenced to destroy, notice was to be conveyed from one squad to another and they were to meet together.— That was the way I understood it. The squads were formed on the ground; a small number in each, not exceeding a dozen. Ed. McHenry and two or three others were active in this proceeding, in which I took no part whatever, and many others did not. But observing what was going on, I forbade my sons to have any

partly the Jackson men were starting down the road, I spoke to Jeremiah Stiles and told him this would never do; I spoke also to others present in remonstrance, and to the men who were starting to stop, which they did. Then John R. Davis joined with me earnestly, in urging the abandonment of the plan of squads altogether. Jeremiah Stiles at once agreed to this, and the rest assented. It was concluded that the men should go home and do nothing further, and if the soldiers came up and conducted themselves properly, they were to be kindly treated. I advised this, and it was agreed to. The squads were broken up and never met afterwards. The people dispersed and I went home.— I heard nothing at the meeting about resisting the capture of drafted men. When the soldiers arrived afterwards they were kindly received and well treated by the people, as far as I know.

The foregoing is a correct statement, in substance, of the Rantz meeting and of my connection with it. It arose from the reports in the neighborhood above mentioned, and it finally broke up and adjourned in the manner I have described. My connection with it was, mainly, to oppose the forming of squads and to advise the people to go home. It is true I had a pistol with me which I had been accustomed to carry and had procured for a journey to the western country a short time before.

Second: The secret meetings of Clubs in 1863, sixteen months before I was arrested, is the other point involved in the prosecution against me. And I will proceed to state my connection with those meetings and their true character.

The first meeting I attended was in March 1863—I think early in the month—at the Ash School-House. A man named George Hadley was there and spoke. I believe he resides in Wyoming County. At the end of his remarks he proposed the organization of a Club, and that those who were willing to join it should remain. The Society was organized as the "Union Club," and it was sometimes called Democratic Club. The oath was to support the Constitution of this Commonwealth, and Constitution of the United States, to maintain fellowship together, and not reveal the signs of recognition by which the members should know each other. He represented it was an organization in opposition to the Union Leagues. There was no oath to resist conscription, nor was any such object proposed. In fact there had been no U. S. draft, nor am I certain that the first conscription law had been passed. I became a member at that time along with twelve or fifteen others.

I subsequently attended other meetings in and near Benton township, as follows: At the McHenry School House at Stillwater; at the house of Peter Kase in Benton where a speech by Senator Douglas was read; at the Cole School House in Sugarloaf; at the School House near the residence of Abraham Manning in Jackson; at the house of David Crossley in the town of Benton, and also at my own house. I mean one meeting at each of these places. I also attended one or two additional meetings at the Ash School House, which is less than a mile from my residence. These were all the meetings I ever attended, and they were all held in March, April, and May, 1863.— I have attended none since and I know of none, nor of any Society, secret or open, succeeding them. The meetings died out:—those concerned got tired of them and they were dropped. From beginning to end they were purely party clubs; the meetings sometimes secret and sometimes open; and there was no obligation, purpose or thought connected with them of opposition to the Conscription Law or any other Law whatever.

The foregoing statement concerning the Rantz meeting and the Political Clubs of 1863, is sustained by the testimony of a number of citizens whose voluntary affidavits accompany the present paper. The witnesses are men of standing and credit, to whom the facts are well known and who correctly recite them. It remains only to add, that there never was actual resistance to United States officers or troops by citizens in the Fishingcreek country; and that the stories circulated about fortifications, cannon, and large bodies of armed men there organized to resist the laws, were not true. But the object of the present statement is accomplished in showing that the charges against me were unjust, and that Military Commissions, judged by the present case are unsuited to the investigation of truth and the administration of Justice in the trial of citizens.

WM. APPLEMAN.

Court of Common Pleas of said County personally came the above named William Appleman, and being duly sworn, said:— That the facts set forth in the foregoing statements are just and true, as he believes, and further said not.

Witness my hand at Bloomsburg, this 29th day of November, A. D. 1864.

JESSE COLEMAN, Prothonotary.

Testimony.

HIRAM ASH of Benton township, Columbia County, said:—I know William Appleman and know that he was anxious to raise bounty money to secure the filling of the quotas of the said township. I was present at three meetings where he supported the proposition. This was in the Spring and Summer of 1864. I was at meeting at the Ash School House as it is called near my residence. It was in the latter part of Winter, nearly two years ago. Mr. Appleman was there. A Society or club was formed in which I was sworn as a member. The Oath was, to support the Constitution of the United States and of this State. A man named Hadley was there. He swore me. I made some remarks before the Society was formed. There was no opposition to the laws proposed in organizing the Society. It was political, and in opposition to the Union Leagues.

I attended also at Peter Kase's afterwards, in the same spring, at a meeting I understood it was a Union Club. There was no understanding or agreement of the members to resist the Conscription Law. It was in the evening, and there were some 15 or 20 persons there. None were sworn in while I was there. I do not recollect of attending other meetings. No meetings have been held since the Spring of 1863 to my knowledge, nor have I heard of any.

I know Edward McHenry and live within two miles of him. He is not a man of good character for truth and veracity.

The report was in the neighborhood for several days before the Rantz meeting in August 1864 that the soldiers were coming to burn and destroy. I was at the Rantz Meeting a short time in the morning. Did not go there on purpose. No companies were formed or proposed while I was there. I went home. I went down again in the afternoon about the time the meeting broke up. I was told generally by the men I saw that the soldiers were to be treated well and nothing to be done.

HIRAM ASH.

Sworn and Subscribed before me this 30th day of November, A. D. 1864.

JESSE COLEMAN, Prothonotary.

WILLIAM ASH of Benton township says: I attended one meeting at the School House—a second one when Hadley was not there. Ed. McHenry spoke and the doors were not closed. He had a political speech. I was not initiated as a member. I saw several sworn to support the Constitution of the United States and of this State. William Appleman was there. There was no agreement or understanding to resist the laws. There was nothing said about it.

I was afterwards at a meeting at Peter Kase's, when Hiram Ash was there.— Philip Kline read the Speech of Senator Douglas.— I believe his last speech made in Congress. It seems to me a few men were sworn in that night. There was nothing in the proceedings like resisting the Conscription Law. The meetings were introduced a year ago last Spring, and the last of them were held in May or June 1863. There had been no U. S. draft at that time. I believe there was nothing illegal in any of the Club meetings that were held.

I was at the Rantz meeting, in August last, between three and four o'clock in the afternoon. I was coming home from a visit to my sister. This was two or three weeks before the arrests were made. The conclusion I heard was, that the people should go home and mind their own business, and treat the soldiers kindly if they behaved themselves. This was the general talk among them. The meeting was about breaking up when I came. I saw Mr. Appleman there.

Edward McHenry's character is not good.

I know that Mr. Appleman was in favor of raising commutation money by the township, and heard him advocate it several times at meetings.

WILLIAM ASH.
Sworn and Subscribed before me, this 30th day of November, A. D. 1864.
JESSE COLEMAN, Prothonotary.

PETER KASE of Benton township, said:—