

WILLIAM YOKUM.

JUNE 20, 1864.—Laid on the table and ordered to be printed.

Mr. WILSON, from the Committee on the Judiciary, made the following

REPORT.

*Report of the Committee on the Judiciary on the case of William Yokum.*

In regard to the trial, imprisonment, &c., of William Yokum, of Illinois, referred to the Committee on the Judiciary as a subject-matter of inquiry by resolution of the House of May 16, 1864, they report :

That the facts in the case of Yokum were communicated to the committee by the Secretary of War, in answer to a note addressed to him, requesting information concerning said case. The communication of the Secretary of War is as follows :

WAR DEPARTMENT,  
Washington City, June 13, 1864.

SIR : I have the honor to acknowledge the receipt of your letters of May 20 and June 3, 1864, communicating a copy of the resolution of the House of Representatives dated May 16, 1864, calling for a report of the facts connected with the alleged trial, imprisonment, and pardon of William Yokum, of Illinois, and requesting any information or suggestions relative to the subject which I may deem proper to communicate.

In reply, I transmit a copy of the general order showing the charges, conviction, and sentence of Yokum by a military commission, as follows :

“ Before a military commission, which convened at Washington, D. C., December 31, 1863, pursuant to special orders, War Department, Adjutant General’s office, Washington, and of which Major General S. P. Heintzelman is president, was arraigned and tried, William Yokum.

CHARGE I.—“ Aiding in kidnapping and abstracting an employé of the United States from the military service thereof, to the prejudice of good order and military discipline.”

*Specification.*—“ In this : that William Yokum, being an employé of the United States in charge of contrabands at the military post of Cairo, Illinois, and serving with the army of the United States in the field, did induce one Morris McComb, a contraband under his charge, and an employé of the United States in the quartermaster’s department at said post, to accompany him, under a false pretence, to a point on the Ohio river, near said Cairo, and did there deliver him to one Joseph K. Gant, who then and there by force of arms, and in the presence and with the consent of him, the said Yokum, seized and confined with ropes the said McComb, and conveyed him from said post and service, and from the charge of him, the said Yokum ; this in pursuance of a

previous agreement between the said Gant and the said Yokum, and with the view of having the said McComb conveyed to the State of Kentucky and reduced to slavery. All this at or near Cairo, Illinois, on or about the 14th day of August, 1863."

CHARGE II.—"Violation of duty, to the prejudice of good order and military discipline."

*Specification.*—"In this: that William Yokum, being an employé of the United States in the charge of the contrabands at the military post of Cairo, Illinois, and serving with the army of the United States in the field, did agree with one Joseph K. Gant to deliver up to him, for the purpose of being forcibly conveyed from said post and reduced to slavery, one Morris McComb, a contraband negro in his charge, and an employé of the United States quartermaster's department at said post; and did so deliver up the said McComb to said Gant against the will of said McComb; and did accept and receive from said Gant, as a compensation for his services in so doing, the sum of fifty dollars, (\$50.) This in violation of orders and of the trust committed to him the said Yokum, and with a knowledge on his part that the said Gant had no right or property in or to said McComb as a slave. All this at or near Cairo, Illinois, on or about the 14th day of August, 1863."

To which charges and specifications the accused, William Yokum, pleaded "Not Guilty."

#### FINDING.

The court, after mature deliberation on the testimony adduced, finds the accused, William Yokum, as follows:

#### CHARGE I.

Of the *Specification*, "Guilty."  
Of the *CHARGE*, "Guilty."

#### CHARGE II.

Of the *Specification*, "Guilty."  
Of the *CHARGE*, "Guilty."

#### SENTENCE.

And the court does therefore sentence him, the said William Yokum, "To be confined at hard labor for the term of five years in the penitentiary at Albany, New York, or in such other place as the Secretary of War may direct."

The sentence of the military commission was reviewed by the Judge Advocate General in the following opinion:

#### JUDGE ADVOCATE GENERAL'S OFFICE,

January 4, 1864.

The within named, William Yokum, was convicted of aiding in kidnapping and abstracting an employé of the United States, from the military service thereof, to the prejudice of good order and military discipline, and of violation of duty to the prejudice of good order and military discipline.

The specifications thereto will be found on pages six, seven and eight of the record. The proceedings were regular, and the prisoner was found guilty as charged, and sentenced to be confined at hard labor for the period of five years in the penitentiary at Albany, or such other place as the Secretary of War may direct.

The proof is, that the accused was employed in the quartermaster's department, and had charge of the large number of fugitive slaves who had escaped to Cairo, or had been forwarded to that place, and there employed by government.

One of them, a man named Morris McComb, was enticed by the accused, under the pretence of hunting for "secesh cows," to go to the banks of the Ohio river, where he gave him into the possession of the agent of the former owner of McComb, receiving \$50 as a reward for his services.

When he delivered the slave up, this agent drew a pistol and threatened to shoot the negro if he attempted to escape.

This was in the presence of the accused, who then left the party. After his leaving, the negro was bound with ropes, a steamboat passing up the river was stopped, the negro forced on board, and shut up in a state-room, where he was kept until arriving at Paducah, where Lieutenant Cunningham, of the second Illinois artillery, arrested the owner and the agent also, and sent the negro back to Cairo.

The plot appears to have been previously well arranged, and but for the vigilance and commendable action of Lieutenant Cunningham would have been successfully carried out.

The accused proved previous good character and efficiency in the discharge of his duties in superintending and caring for the fugitive slaves under his charge; and he denied that money was an inducement to his action; but stated that he simply returned the slave as an accommodation to the owner, (who was proved to be a loyal man,) without intending to commit a wrong, or violate law or military orders. The court probably gave due weight to the statements.

J. HOLT,

*Judge Advocate General.*

Approved. By order of the Secretary of War.

ED. R. S. CANBY,

*Brigadier General and A. A. G.*

WAR DEPARTMENT, *January 8, 1864.*

The sentence being approved by the Secretary of War, on the 8th of January, 1864, it was, by an order of the 25th of January, carried into effect by delivering Yokum to the warden of the penitentiary at Albany, in accordance with the sentence of the commission.

On or about the 16th of February a petition for the pardon of Yokum, purporting to be signed by Lucien Anderson, Brutus J. Clay, W. H. Randall, S. L. Casey, and Green Clay Smith, was indorsed by the President as follows:

"William Yokum, within named, is hereby pardoned.

"A. LINCOLN.

"FEBRUARY 16, 1864."

On the same day this paper, with the record in the case, was returned by the Secretary of War to the President, who afterwards suspended action under the previous indorsement, as appears by the following indorsement made by the President in writing thereon:

"After making the above entry for pardon, upon representations made by the Secretary of War, I suspended action in this case.

"A. LINCOLN.

"JUNE 13, 1864."

Yokum still remains in the penitentiary at Albany, under his sentence.

The delay in answering your notes was occasioned by the circumstance that at the time your first note was received the record was in the hands of the Attorney General, and has only been recently obtained from him by an order of the President. The communication requested by you is furnished at the earliest moment possible in the pressure of business upon this department.

Your obedient servant,

EDWIN M. STANTON,  
*Secretary of War.*

Hon. JAMES F. WILSON,

*Chairman of Committee on the Judiciary,  
House of Representatives.*

It appears from the above communication that the proceedings in the case of said Yokum were regular; that his imprisonment was the result of the sentence of the court which tried him; that no pardon was ever issued to him; that the order for his pardon was suspended by the President; and that his continued confinement is in conformity to the sentence pronounced against him by the court.

The committee are of opinion that there is nothing in the case demanding further action, and ask to be discharged from the consideration of the subject.