

LINCOLN LORE

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CLEMENCY FOR SLEEPERS

The reaction of Abraham Lincoln to violations of military regulations which occurred at the beginning of the war contributed much towards establishing precedents with respect to the punishment of subsequent offenders. One of the most frequently broken statutes which called for the death penalty was "sleeping at the post." William Scott, a Vermont volunteer was one of the first men sentenced on this charge which came to the notice of the President.

The case of "The Sleeping Sentinel" deserves much more attention than it has been accorded by historians as it set the pattern for the adjustment of an antiquated military code enacted for the purpose of controlling mercenary troops. Disciplinary measures for a volunteer army composed of many young boys from the rural districts needed drastic revisions and the Commander in Chief was one of the first officers to see the injustice of many laws calling for capital punishment.

The story of Scott although widely publicized at the time has had much difficulty in gaining acceptance. Dr. W. E. Barton at one time believed it to be largely legendary and in his *Life of Lincoln* published in 1925 he stated with reference to the Scott incident, "There is no evidence that Lincoln ever knew of the case." In the files of the Lincoln National Life Foundation there is a letter written by a New York lawyer dated as late as September 19, 1939, which states: "In number 544 of *Lincoln Lore* I note the story of William Scott. The whole story is just a myth."

Walter F. Glover prepared an argument in 1936 under the title *Abraham Lincoln and the Sleeping Sentinel of Vermont* which was published by the Vermont Historical Society. It is by far the most authentic discussion on the Scott episode. He not only supports with documentary evidence the story of the progress of the case against Scott but relying upon exhibits consisting of contemporary writings builds a strong case for the historical accuracy of certain incidents that heretofore had been considered traditional.

William Scott enlisted on July 10, 1861, at Montpelier as a private in Company K, Third Vermont Regiment. He arrived with his company in Washington on July 26 and on the following day was quartered at Camp Logan near Chain Bridge which crossed the Potomac about six miles above Washington.

On the night of September 3 the brigade of which Scott was a member moved from the Washington end of Chain Bridge across the Potomac to a point one mile from the Virginia end of the bridge. The new encampment was called Camp Advance.

The files in the War Department at Washington reveal that Scott "did go to sleep upon his post, thus at the hour between three and four A. M. on the 31st day of August, 1861, while on picket guard, near Camp Lyon, D. C." and that he was found guilty and sentenced to "be shot to death on Monday the 9th of September, 1861, at such hour and place as the Brigade Commander may determine." The sentence was "approved by Major General McClellan" and the death warrant dated September 4 sent to Brig. Gen. W. F. Smith, commanding officer at Chain Bridge.

On September 7, three days after the sentence, officers and privates in the 3rd Regiment sent a petition to General Smith that William Scott "now under sentence of death may be spared." The following day, September 8, the day before the date set for the execution, General McClellan wrote a letter to his wife in which he said, "Mr. Lincoln came this morning to ask me to pardon a

man that I had ordered to be shot." Later on the same day McClellan signed a reprieve for Scott because of the earnest appeals of the soldiers, Scott's good character, and also for the reason that "*The President of the United States* has expressed a wish that as this is the first condemnation to death in this army for this crime, mercy may be extended to the criminal."

Contemporary news articles, soldiers letters and Scott family reminiscences are unanimous in the conclusion that the influence of Abraham Lincoln was chiefly responsible for saving the life of Scott.

One phase of the episode which has been treated as fictional is the tradition that President Lincoln himself carried the reprieve out to the camp six miles from Washington to make sure that the execution did not take place and there seems to be evidence both for and against this personal initiative on the part of the President of the United States. This whole question has been reopened again during these September days in 1947 because some added evidence has come from the testimony of an eye witness who observed Mr. Lincoln at the camp.

The Lincoln National Life Foundation has recently acquired a rare eight page pamphlet which all bibliographers seem to have missed. It is entitled *A Soldier's Recollection of Abraham Lincoln* by James S. Botsford and published in 1904. Mr. Botsford recalls incidents which he observed during the five different times he saw Abraham Lincoln during the war and the one of special interest he sets forth in these words:

"The next time I saw Mr. Lincoln was in the following September (1861). We had marched across the Potomac into Virginia, and were camped about a mile northwest of Chain Bridge, just above Old Georgetown. Our regiment had received the post of honor in the brigade commanded by General Hancock. The second brigade in our division was composed of five regiments from the State of Vermont. In one of those regiments was a soldier by the name of Scott, who one night went to sleep on his post while on the picket guard, and who was afterwards court-martialed and sentenced to be shot. His family and kindred and friends in Vermont interceded with President Lincoln in his behalf, and the result was that the President commuted his sentence to a reprimand in front of his regiment. This commutation, however, did not reach the division until the day before the execution was to take place. On the day before the execution was to take place, our brigade and the Vermonters were engaged in building forts; and our immediate command was engaged in building Fort Marcy, which stood on the side of the pike going north from Chain Bridge to Drainsville, Virginia. While we were thus engaged in building that fort, there came up during the afternoon from Chain Bridge a carriage, and as the carriage approached the fort that we were building it was seen that in it were President Lincoln and his Private Secretary. President Lincoln had come out with the commutation for young Scott."

We have General McClellan's own statement that the President visited him on the morning of September 8 to request a pardon for a condemned soldier. The same day McClellan signed the reprieve for Scott and it would be characteristic of Lincoln to follow through with this first important commutation for sleeping at the post by delivery with his own hand this precedent making document. The observation by Private Botsford who claimed to have seen the President on this important mission is at least worthy of consideration.