Early in 1864 my Regiment - the 118th New York Volunteers - was encamped at Newport News, Va., and while there one of our men was brought back from the North under arrest for seriously over-staying his furlough. He was Court Martialed on the charge of desertion and I was a member of the Court. He was found guilty and the finding was duly forwarded to General Benj. F. Butler - department Commander (Va. & N.C.) - for approval and sentence

There had been many similar cases in the Army, resulting in loss of pay and imprisonment for various short terms as punishment. We were, therefore, greatly astonished when in this case the finding was approved and the offender sentenced to be shot within forty-eight hours!

Not only did the sentence seem unusually severe and shockingly unexpected, but its execution would be, in a sense, disgraceful to our regiment. We, therefore, felt compelled to seek a mitigation.

Chaplain and Colonel went to Fortress Monroe and saw General Butler. He received these officers kindly, but said the sentence was deliberately determined and must be executed - that there had been too much leniency in these serious cases, that many hundreds of his command

3 were then absent beyond leave and he had resolved to commence shooting as a needed discipline. This he thought would influence voluntary returns to duty and have a healthful effect for the future. He was sorry that this first case fell to the lot of so good a regiment but he could not change the sentence.

The Chaplain asked for postponement of the Execution, urging that the man was not prepared for death. General Butler thought that every soldier should be considered as prepared to die for ~~that~~ death was more than a contingency of the service. Failing in this direction, and now it was the afternoon before the morning of the Execution, it was decided to telegraph Hon. Orlando Kellogg member of Congress. He represented the then 16th Congressional district of New York (Essex, Clinton and

4 Warren Counties) in which district our regiment was wholly enlisted. He was a resolute, position, able & forceful man, devotedly fond of our regiment and had a son in its ranks. He had also ~~had~~ been a member of the Congress in which President Lincoln served and they were warm personal friends.

We grieved over the ~~[illegible]~~ severity of this man's sentence and wished to save our regiment from the stain which the Execution would ~~[illegible]~~ inflict.

We wired Mr. Kellogg about as follows. "Private — — of Company C is sentenced to be shot — ten o'clock tomorrow morning. Have President or War Department interfere and save from unusually severe sentence and our regiment from disgrace"

Mr. Kellogg did not receive this

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until about 9 P.M. It appealed to him forcibly, even in its ~~[illegible]~~ meagreness of information. He decided to try and see President Lincoln.

Arriving at the White House Mr. Kellogg was informed that the President had not been feeling well and had retired early. Mr. Kellogg insisted that he must see him and at once - that it was a matter involving a soldier's life.

The President returned him word that he would see him.

Mr. Kellogg did not wait long before the President, partially dressed, appeared, and the matter in hand was promptly presented. Mr. Lincoln urged that there was too little information to justify any action on his part - that it might be a conspicuous offense needing the

the prompt and severe treatment indicated in the telegram - that his interference might involve injury to military discipline and hurt to the service.

After a few minutes talk, marked by the serious earnestness and feeling of Mr. Kellogg, Mr. Lincoln asked:

"Friend Kellogg, on what ground can you ask this interference and what do you want done?"

Mr. Kellogg replied: "Mr. President, that regiment was wholly raised in my Congressional district, they are my constituents and the best of them. My own son is in its ranks. I love them and love all of them and I don't want this man to die until I know why; nor do I want any disgrace to attach to this regiment which

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7 it does not deserve – I don't happen to know this man, don't know what his offence is, but I want you to order this execution stayed and the papers sent to you and then if he ought to die let him die – I know you will enough Mr. President to believe that if you were in my place you would feel as I do."

Mr. Lincoln seemed to yield to Mr. Kellogg's feeling statement and after a brief silence said:– "Well, Kellogg, I guess you are about right, and perhaps we'll both sleep better if the execution is deferred until we know what it is all for It may result in a life saved."

This part of the story I received from Mr Kellogg and my mollestine is that Mr Lincoln finished dressing and went with Mr. Kellogg to the

8 War Department and arranged for telegram to General Butler.

Anyhow, the next morning about an hour before that fixed for the execution and while the order was being read to the condemned, an order was received from General Butler postponing the execution until further orders – The man's sentence was finally commuted to a term of imprisonment and another life, of how many known numbers?) was saved by the patient Love + Kindness of Lincoln for the soldier boys.

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