

Baltimore April 27th. 1864.

To His Excellency,

Abraham Lincoln.

President of the United States.

Sir:

I beg leave to submit respectfully to your Excellency an application on behalf of a client, Joseph L. Savage, who is now confined, a close prisoner, at Fort Lafayette.

He has been, and is, a contractor with the Navy Department, and although no charges have been made known in any formal manner to him, it is understood that he is accused of the commission of frauds as a contractor, and that he has been arrested under the Act of Congress of July 17th. 1862, which makes contractors for the Army and Navy a part of the land and naval forces, and subject to the rules and regulations for the government of the land and naval forces of the United States.

Under the 38th. regulation for the government of the Navy, Joseph L. Savage, who has been for ~~more than~~ ^{about two} ~~months~~ a prisoner, was entitled to a true copy of the charges, with the specifications, at the time he was put under arrest; for, being subject to these Navy regulations, he was of course entitled to the benefit of the securities which they provide.

In the absence of Charges, and whether charges be hereafter made or not, he is, since he was arrested by the order of the Navy Department, now in the custody

of that Department, and, so being in custody, is subject to your superior executive control.

It being understood that his arrest was not a precautionary measure, founded upon any consideration of the public safety, but an arrest for the purpose of holding for trial, under a statute of the United States, the prisoner may claim such exercise of your executive power, as will ensure him a fair trial under that statute, so far as the same may be consistent with your duty in the strict administration of the law.

As the prisoner is subject to your superior rights of custody, I respectfully submit that the law devolves upon you the same right to direct that he shall be held to bail to answer any charges that may be preferred against him, as, your Excellency knows, were possessed by every sheriff at common law, when prisoners, charged with felonies even, were in their custody.

In this case the enlargement of the prisoner upon bail is essential to his fair trial:

1. Because as a prisoner in Fort Lafayette he can have no proper intercourse, sufficient for his just defence, with his counsellors who are Mr. Heziah Ketchum of New York and myself.
2. That all the books and papers of the prisoner, which are essential to his defence, so far at least

as their preliminary examination is concerned, are in the custody of the Government, and the enlargement of the prisoner, and his access ^{to these} with his counsel under such proper limitations as the Government may direct, is essential to the fair and just presentation of his defence.

3. That the prisoner alone is able to give to his counsel that personal assistance in collecting other testimony, which is essential to the elimination of truth at the proposed trial.

4. That as it is understood that his case will be referred to a Naval Court Martial, which is to meet in New York on or about the first week in May 1864, the enlargement of the prisoner upon bail, at an early day, is of vital importance to him.

I beg leave to state that I have heretofore made this application to the Navy Department and have tendered the friends of the prisoner as ready to become his bail, for the purposes of the free and full trial aforesaid, to the extent of Five hundred thousand dollars bail, and have begged that the question of law involved in the application might be referred to the Attorney General.

I have not, however, been fortunate enough to receive a reply, and have therefore supposed, since the act of July 17th. 1862 refers both to the Army and the Navy, that the application raises a question, which it is thought should be primarily

determined by yourself as Commander in Chief
both of the Army and the Navy.

I beg leave to express the strong hope that your
Excellency, seeing that no other favor is asked
in this case than such as the Common Law ac-
cords to every prisoner similarly circumstanced,
and feeling that its bestowal is essential to a
full, free and fair trial of the prisoner, will make
such order as in your judgment may be proper
in the case.

I can, I believe with propriety, refer your Excel-
lency for such information as you may require
as to the person who now addresses you, to the Hon-
-orable Montgomery Blair, Postmaster General.

Very respectfully

Your obedient servant,

Charles S. M. Garrison.

Case of Chas. Savage
Navy Contractor.

Presented by the
Mayor of Washington
Pater Storer
John W. Stevens
Lewis Johnson
William Dime
Francis McKen
Wm B. Loring
Geo. W. Plant
Thomas P. Morgan
B. St. Guy.
E. L. Dyer
W. A. Lawrence
Wm O'Brien
James Kelly
Patrick Leary
Valentin Blanchard
John F. Emery
Wm E. Spaulding
James Skirring
R. C. Johnson.
Geo. Savage