2127

Aug. 1862

Oct

Aug 1st

1st Dr. William Jones a citizen of Arkansas

Charge Smuggling

Spec 1st That the said Wm Jones did on or about the 29. day of July 1862 attempt to pass and did pass beyond the lines of the Post of Memphis with Quinine, Salt and other articles made Contraband by law, without a permit from the proper authorities so to do. Spec 2nd That said Dr. Wm Jones did attempt to pass through the lines of the Military Post of Memphis Tenn. with contraband Goods and certain proportions of the same. in violation of order No 61 from Hd. Quarters Army of Tenn. dated July 9th. 1862.

All this at the Post of Memphis Tenn. on or about the 29. day of July 1862

To which the Prisoner pleaded "Not Guilty". The Court after hearing all the evidence in the case adjourned and met at 2 P. M. when was arraigned and tried.

2d John L. Barnard. a citizen of Arkansas

Charge Smuggling

Specification- In this that said John L. Barnard did on or about the 29. day of July 1862 attempt, and did, pass beyond the lines of the Post of Memphis with Quinine, Salt & other property made contraband by law without a proper permit from the proper Authorities so to do

Specification 2d In this that the said John L. Barnard did attempt to pass the lines of the Military Post of Memphis Tenn. with contraband property

and undue proportion of the same in violation of General Order No 63 from Hd Qrs Army of the Tenn. dated July 24. 1862.

All this at Memphis Tenn on or about the 29 day of July 1862

The case of the Prisoner being the same as that of Dr Jones it was agreed to adopt the evidence in the case of Dr Jones as applying to the case of John L. Barnard in every particular case that the Evidence of Dr Wm Jones be having been sworn are admitted in the Case of Jno L. Barnard

The Commission after deliberating upon the Evidence in both cases of Dr Wm Jones and John L. Barnard finds them Guilty of the Charge And of the Specification Guilty

But the Commission are unanimously of the opinion that the Prisoner had purchased the Goods for the use of their own families, and their immediate neighbors, and that they did not intend wilfully to evade the law, and that they were misled by the Board of trade as to what was necessary to do in the premises We therefore recommend that the prisoners be returned on taking the oath of Allegiance to the U. S. of America

Aug 4th

3rd John Lamar a citizen of Mississippi.

Charge Smuggling

Specification In this that the said John Lamar attempted to pass beyond the Military lines of the Post of Memphis.

with goods wares and merchandize without first obtaining a permit therefor from the proper Authorities.

Specification 2d

In this that said John Lenehan attempted to pass the picket lines of the Post of Memphis Tenn. with Quinine, Morphine and other articles made contraband by law without a permit from the proper authorities.

All this at the Post of Memphis Tenn. on or about the 15th day of July 1864.

To which the Prisoner pleaded

To the Charge — Not Guilty

" " 1st Specification — Not Guilty

" " 2d " — Not Guilty

After a careful Examination of the evidence and the admissions of the Prisoner, the Commission finds the Prisoner

Of the Charge — Guilty

" " 1st Specification — Guilty

" " 2d " — Guilty

But the Commission is of the opinion that the prisoner has been made the scapegoat of at least two other persons who ought really to suffer. In view therefore of this & the prisoner has taken the oath of Allegiance and intends to remain in Memphis, we unanimously recommend that he be released from Custody on giving bonds in the sum of two hundred dollars ($200) and the payment of the dollar fine

4th John Fogg a citizen

Charge

Using disrespectful language against Major General Sherman an Officer in the U. S. Service.

The Commission finds him John Fogg an Englishman guilty of calling Gen. Sherman the most ornary man he ever saw and saying that it was of no use for any one to apply to him for any purpose as he would be treated rudely. The Commission not having power to punish him recommends that he be released with the advice that if caught trespassing again against the Military authorities he would not be treated as mildly as in the present case

5th M. Boland

Charge carring letters from the lines of the Enemy and Memphis

After a careful examination of this case the Commission find that the Prisoner is guilty of carrying letters from the so called Confederate Post of Columbus Miss. to persons within the Federal Lines of Memphis and do therefore sentence him M. Boland to be transported to the City of Chicago and there be confined at Camp Douglass for the period of during the War.

6d

E. A. Payne a citizen

Charge

Saying that he would aid & abet the Southern Confederacy at all times when possible for him to do so.

To which the Prisoner plead Not Guilty. the Commission after a careful consideration of the evidence are of the opinion that the prisoner is Guilty and recommend that he be transported to some Northern Prison to remain until the End of the War unless sooner discharged by some competent Authority

74

W. S. Copenwood, a citizen

Charge.

Saying he would aid and abet the Southern Confederacy in any way in his power

To which the Prisoner plead Guilty.

After a careful hearing of the Prisoner himself + deliberation over the testimony. The Commission recommend that the prisoner be transported to some Northern Prison, there to remain to the end of the War unless sooner released by Competent Authority.

85

Wade H. Bolton, a citizen

Charge Smuggling.

Specification- In this that the said Wade H. Bolton attempted to pass + did pass the lines of the Post of Memphis Tenn. with salt and other articles made contraband by law without a proper permit to do so, and in Violation of Genl Orders No 61 from Head Quarters Army of Tenn. All this at the post of Memphis Tenn. on or about the 28th day of July 1862.

The Prisoner pleaded

To the Charge Not Guilty

" " Specifications Not Guilty

The Court after hearing the evidence do find the Prisoner

Of the Charge Guilty

" " Specification Guilty

9th

J. W. Dueton, a citizen.
Charge. Being a Cotton burner.
To which the Prisoner Pleaded Not Guilty
There being no witnesses the Commission personally examined the Prisoner and do believe him Not Guilty and recommend that he be allowed to go to his home in Clark Co. Ind after taking the oath of Allegiance,

10th

H. G. Grier a citizen
Charge, being Lieut. Col. in the Confederate Service
38th Regiment Tenn. Vols.
To which the Prisoner Pleaded Not Guilty
There not being any evidence to prove the fact of the Prisoner being in the Confederate Service, and it not appearing that the Prisoner made any effort to escape any responsibility, the Commission recommend that the prisoner be discharged from custody on taking the oath of Allegiance to the U. S. of America

The Commissioners therefore recommend that the Office of Sale be confiscated and the prisoner be fined in the Penal sum of $100. and give bonds in the sum of $5000. for his good behavior hereafter, upon the due execution of which bond the Prisoner shall be released from Custody.

9th

J. W. Dustin, a citizen.
Charge. Being a Cotton burner.
To which the Prisoner Pleaded Not Guilty
There being no witnesses the Commission personally examined the Prisoner and do believe him Not Guilty and recommend that he be allowed to go to his home in Clark Co. Ind after taking the oath of Allegiance,

10th L. G. Grier a citizen
Charge. being Lieut. Col. in the Confederate Service 38th Regiment Tenn. Vols.
To which the Prisoner Pleaded Not Guilty
There not being any evidence to prove the fact of the Prisoner being in the Confederate Service, and it not appearing that the Prisoner made any effort to escape any responsibility, the Commission recommend that the prisoner be discharged from custody on taking the oath of Allegiance to the U. S. of America

11. Maj J. C. Holland a citizen.

Who on being examined by the Commission showed papers as evidence that he had been in the Commissary dep't of the Confederate Service, but is now discharged, and gives his word of honor that he is tired of the War + wishes to have nothing to do with it on either side.

There being no evidence to show that the Prisoner was armed at the time of his arrest, The Commission recommend that the Prisoner be discharged on taking the oath of Allegiance to the U. S. of America.

12. John Forrest a citizen

Charge. Assault + Battery with intent to Kill

Specification. In this that John Forrest a citizen of Memphis did with malice aforethought at the house of one Russ Petty shoot one Gilmore a pilot in the service of the U. S. Gov't with the intent him the said Gilmore to kill and murder, and the said Forrest did at the said time and place with a bullet from a pistol then + there fired by the said Forrest dangerously wound the said Gilmore, intending thereby him the said Gilmore to kill + murder.

To which the Prisoner plead want of Jurisdiction in the Commission, there being a competent civil court in Memphis.

The plea having been heard examined the Commission

sustains his plea and orders that the Street Marshall deliver the defendant to the Civil Authorities of the City of Memphis for further Action.

13. The Court met on August 9th.
and issued the following order in the cases of citizens Edward Wells, Micheal Dea, Thomas Gurley and S. Coney. prisoners charged with Civil offenses. to wit,

Office of Military Commission
Memphis Aug. 9th. 1862.

The Provost Marshall will please send Edward Wells, Micheal Dea. Thos Gurley and S. Courey prisoners now confined in the Military Prison before the Hon J. S. Swayne Judge of the Criminal Court of Memphis at the Office of Walter Coleman Esq. on the North East Corner of Court & Second St at 11 o'clock A.M. this day for examination and you will notify Capt. W. H. Applegate to appear before said Judge with his evidence against said parties: and in the meantime you will not allow said Prisoners to be removed beyond the Military lines without the order of this Commission.

14. The Commissions proceeded to Examine John McDowell a citizen. there being no charge or evidence against him the Commissions ordered that the Provost Marshall release him from Custody and return his Parole.

Aug 9th 1864

15. The Commissions then examined the cases of John A. Herndon, and J. W. Lasalle citizens. There being no charge or evidence against them. The Commissions ordered that the Provost Marshall release them from Custody

16.

Aug 24th 1862.

The Commission proceeds to the trial of Dr. James R. Bates a citizen of Arkansas.

Charge Smuggling

Specification 1st

In this that the said James R. Bates did in connection with one A. Miller engage in conveying outside of Federal Lines of the Post of Memphis, Military Capes, swords, sword belts and Military trimmings contraband of war designed for the use of the so called Southern Confederate Army.

Specification 2nd

In this that the said Jas. R. Bates did aid abet and assist one M. A. Miller in smuggling Military Goods designed for the so called Confederate Army, from the Post of Memphis Tenn. into the State of Arkansas by receiving said goods at Hopefield Ark and concealing the same in his storehouse with a view to pass said Goods into the Confederate lines, for the use of the enimies of the Govt of the U. S. All this at Memphis Tenn. on or about the 8th day of August 1862.

There being no evidence to warrant the detention of the prisoner Jas R. Bates. The Commission ordered that the Provost Marshall release him from custody.

17. J. P. Blessing a citizen of Napoleon Arkansas

Charge — Being Captain of a Guerilla Band

Specification

In this that J. P. Blessing did in the State of Arkansas & Mississippi raise equip and put into the field a party of citizens called Guerillas, and commanded the same in making war upon the peaceable citizens of the Union States, and in violation of the laws of War & the Regulations of Civilized War

All this within the States of Arkansas & Mississippi, between the 1st day of May 1861 & the 13th day of July 1862

To which the prisoner pleaded "not Guilty."

There being no evidence to substantiate the Charge. The Prisoner was discharged from Custody by the Commission.

18. J. H. McNeill a citizen of Mississippi.

Charge. Advising and persuading Federal Soldiers to desert & join the Confederate Army.

Specification

In this that the said J. H. McNeill did meet upon the streets of Memphis Certain soldiers of the Patrol Guard belonging to the 7th Ohio Vols, then and there doing duty under Military Orders, and they the said soldiers attempted to persuade to leave their Commands and join the so called Confederate Army in these words.

Boys you are on the wrong side,

You had better

"leave here and go with me South, you will be well cared for and have a pleasant time."
All this at the Post of Memphis Tenn. on or about the 10th day of August 1862.

To which the prisoner pleaded Not Guilty

Finding & Sentence.

The Commission finds that there is not sufficient evidence to warrant the detention of the Prisoner J. H. McNeill and do therefore recommend that he be released from custody on giving bonds in the penal sum of five hundred dollars with approved security for his future good behavior.

12

John B. Ridgley a Private 47th Reg. Ind. Vols.

Charge 1st Murder

Specification

In this that John B Ridgley private 47th Indiana Vols. did with Malice aforethought shoot and kill one Fagan commonly called "Bully Fagan" a Citizen of Memphis Tenn.

Charge 2d Manslaughter.

Specification 1st

In this that the said John B. Ridgley private in 47th Indiana Vols did without Malice, and in sudden heat and passion superinduced by a quarrel then and there pending between the said Ridgley and one Fagan commonly called "Bully Fagan, him the said Fagan did shoot and kill.

all this at the Post of Memphis Tenn. on or about the 1st day of Aug 1862

To which the Prisoner pleaded "Not Guilty"

The Commission after carefull consideration of the Evidence, are of the opinion that the prisoner was justified in the course pursued in the matter of shooting the man Billy Fagan and therefore find him the Prisoner of the

1st Charge Not Guilty
of the 2d " Not Guilty

and recommend that he be discharged and ordered to join his Regiment.

20 J. D. Leavitt

Charge 1st Being a Guerilla

Specification 1st

In this that said J. D. Leavitt on or about the 15th Aug was captured by a scouting party of 5th U. S. Cavalry while the said Leavitt was in arms against the Government of the United States and was trying to escape from such capture.

Charge 2d Attempt to kill a United States Soldier

Specification

In this

that the said J. D. Leavitt did on or about the 15th inst. with malice aforethought fire upon the advance Guard of a scouting party with a loaded Gun then in his hands with the intention to wound and kill said United States Soldier

All this at the Post of Memphis Tenn. on or about the 15th day of Aug 1862

To which the prisoner pleaded

To the 1st Charge Not Guilty

" " 2d " Not Guilty

The Commission upon hearing the evidence is of the opinion that the Prisoner J. D. Leavitt is Not Guilty of being a Guerilla but belongs to a regularly organized Company acknowledged by the Southern Confederacy and recommend that he be sent to some Northern Prison there to remain until properly claimed & exchanged or otherwise discharged by Competent authority

21. J. Harding a soldier of the so called Confederate States

Charge - Treasonable Conduct in aiding and abetting the Enemies of the U. S. Gov.t

Specification

In this that said Harding has been

and

is now a soldier in the so called Confederate Army- Evidenced by the fact that when his house was surrounded he made desperate endeavors to & did escape and secreted himself in a Corn-field where he was discovered

All this at the Post of Memphis on or about the 11th. day of Aug. 1862.

To which the Prisoner (J. Harding) Pleaded

To the Charge — Not Guilty

" " Specification — Not Guilty

Finding & Sentence — After hearing the evidence, the Commission Consider the Prisoner Guilty of aiding & abetting the Enemies of the United States and that he is a dangerous man to be at-large, and therefore recommend that he be sent to some Northern Prison there to remain until the end of the War unless sooner released by Competent Authority.

23.

W. G. Priest- a citizen

Charge- Stealing Government Property

Specification

In this that the said W. G. Priest upon being arrested 10 Miles N. W. of Raleigh in the County of Shelby, State of Tenn. on or about the 15th day of Aug 1862 did have in his possession certain Arms, consisting of A Rifle and Colts Navy Revolver, which Arms were the property of the U. S. Govt and were in his possession contrary to Military Regulations.

All this at the

Post of Memphis on or about the 13th. Day of August 1862.

To which the Prisoner Pleaded

To the Charge — Not Guilty

" " Specification — Not Guilty

Finding & Sentence of the Commission

Of the Charge — Guilty

" " Specification — Guilty

and the Commission recommend that he be transported to some Northern Prison there to remain until the End of the War unless sooner discharged by Competent authority

93 Schwartz a citizen

Charge

Smuggling

Specification

In this that Schwartz did on or about the 13th. Day of August 1862 attempted to pass and did pass the 1st Line of the Pickets of the Post of Memphis Tenn. with certain Goods made contraband by law said articles being secreted in the lining of the buggy.

All this at the Post of Memphis on or about the 13th. day of August 1862.

To which the Prisoner pleaded as follows

To the Charge Not Guilty

" " Specifications Not Guilty

After a careful consideration of the evidence in the case the Commission recommend that the buckles be confiscated & the Horse & Buggy be returned, on the prisoner Schwartz giving bonds in the sum of one thousand dollars ($1000) for future good conduct.

24

Sely Lewis a citizen

Charge 1st Smuggling Goods through the lines

Specification- In this that the said Sely Lewis did on or about the 8th day of August engage one —— —— to haul one trunk, one Carpet bag and one basket containing Boots, Snuff, Chloroform and Morphine through the lines against the orders of the Genl Comdg U. S. Forces at Memphis Tenn.

Charge 2d

Violation of the 57th Article of War

Specification

In this that the said Sely Lewis did on or about the 8th day of August pass through the lines of the U. S. Forces at Memphis with the intention of visiting the Enemy and giving them information.

All this at or near the City of Memphis

So which the Prisoner Billy Lewis pleaded

To the 1st Charge Not Guilty

" " 2d " Not Guilty

Of the Specifications Not Guilty

After a careful examination of the testimony in the above case, and after mature deliberation the Commission are satisfied that the Prisoner is Guilty

Of the 1st Charge Guilty

" " 2d " Guilty

" " Specifications Guilty

and the Commission are convinced that the Prisoner is a spy.

And therefore unanimously recommend that the Prisoner be hanged as a spy until he is dead, at such time & place as the Commanding Officer shall direct

25. David Hurkill

Charge - Treasonable conduct in giving aid & Comfort to the so called Confederate Army

Specifications

In this that David Hurkill did on or about the last being then & there in command of the transport Winchester engaged in the Confederate service and did then cause the said transport to be sunk in the Channel of the Mississippi River near Island No 10 for the

the purpose of preventing the Federal boats from coming down the Mississippi River

All this at the Post of Memphis this 19 day of August 1862

To which the Prisoner David Tuttle Pleads

To the Charge Guilty

" Specification Guilty

The prisoner explains that he did this act by the order of Gen. McGowan the orders were verbal and compulsory and were obeyed under protest. The Boat was appraised at $ 6500.

The Commission being informed that the prisoner took the first opportunity on arriving at the Post of Memphis to take the oath of Allegiance to the U. S. and consider that they have not any reason to inflict any punishment on the Prisoner

26

John F. Page Citizen

Charge Smuggling

Specification

In this that John F. Page attempted to pass through the lines of the Post of Memphis Tenn. with two boxes containing Chloroform. Goods made Contraband of War.

All this at the Post of Memphis

Sevn. this 21st day of Aug 1862

To which the Prisoner pleaded

To the Charge Guilty

" " Specifications Guilty

The Commission after hearing the statement of the Prisoner and the evidence do recommend that the Prisoner be fined two hundred dollars for carelessness in permitting contraband Goods to get into his buggy at such critical times as the present; and that on the payment of said fine he be permitted to leave his liberty on entering into Bonds in the penal sum of ($10.000) Ten thousand dollars with three good & acceptable sureties for his good behavior in future and that his horses & buggy be restored to him on his taking the oath of Allegiance to the United States of America.

—o—

The Proceedings, Findings & Sentence in the foregoing cases are approved, and the Sentences will be duly carried into Effect under the directions of the Provost Marshal.

In case 24. of Seby Lewis a citizen, convicted of being a Spy. Execution of the sentence will be suspended until the pleasure of the President be made known according to Law. In the meantime he will be carefully Guarded, and all communication with him, Except in the presence of an Officer be denied him.

By order of Major Genl W. T. Sherman

J. H. Hammond

Aid