13.199. E. F. 235 1863.

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Memphis, Tenn,
18" April 1863

T. M. Ellis Citizen
Franklin Curtis Citizen

E. R. Bates forwards additional evidence and asks for mitigation of fine against Ellis and for suspension of sentence against Curtis.

Additional Evidence -
asking for mitigation of
fine against Ellis and
for suspension of sentence
against Curtis in the
prosecution of

The United States
vs
Turner W. Ellis &
Franklin Curtis

Submitted Apl. 18/63

By E. R. Bates
of St Louis Mo

Fine Reduced
to $1500.00

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Affidavits of

Turner M. Ellis

Jesse M. Stone

Wm. H. Stevenson

In the matter of the prosecution
of The United States
against
Franklin Curtis and
Turner M. Ellis

City of Memphis } ss.
State of Tennessee }

Turner M. Ellis being duly sworn says that since June 1862 he has been engaged in business in the City of Memphis Tenn. that prior thereto he was in business in the City of St Louis Mo. Affiant states that in June 1862 he came to Memphis, with Isaac M. Stone to engage in business, that Mr Stone furnished the capital, that affiant had no means whatever, but obtained some $2500 from H. N. Stevenson of St Louis. and affiant had an arrangement with said Stevenson by which in consideration of such loan said Stevenson shared in the profits of said business with affiant. That subsequently about a month thereafter said Stone withdrew from said business. That in October 1862. affiant made an agreement with Osgood Pierce of St Louis Mo. which agreement was in writing and is herewith submitted. Affiant states that he did not own one dollar either of the capital or the goods contributed by said Pierce. that affiant was not interested in any way in said goods except as to one half of the profits. Affiant states that he persuaded said Pierce to embark in the mercantile business with affiant, in order to help affiant to support his family. That affiant is 36 years of age and has a wife and family of five children to support, that affiant has lost by reason of the war in debts and property owned & owing them in Mississippi which has been

taken and confiscated by the Rebels to the amount of over Thirty Thousand Dollars, which was all that affiant was worth in the world - That since affiant commenced business as aforesaid in Memphis he has drawn out from said business nearly all that belonged to him, for the support and maintenance of his family - That although the title to said goods by possession is in affiant, it is only nominally so - That said Pierce and said Stevenson own all of said goods absolutely and fully subject only to an interest therein of about one-tenth for proximate profits and labor - and no more - to affiant -

Affiant states that he is and always has been a true, loyal Union man - that he has always by word and deed discouraged the Rebellion - that he has always since he has been here been careful to avoid all infringements of the current Military and Police - regulations - That he is entirely innocent of the charges brought against him and that he would & has frowned and discouraged every illicit or smuggling or contraband trade.

That if affiant is fined $3000 - or any other considerable sum, it will entail severe hardship on affiant's family as he will be entirely dependent upon the charities of his friends to pay said fine.

Affiant states that Pierce owns the Dry Goods, Boots & Shoes and about 100 Boxes of Candles - amounting in all to between $5000 - & $6000 - That said Stevenson owns the balance of said goods to about the same amount - That the rest of the goods - about $700 - in whiskey belongs to Derby & Day of St Louis Mo - That E. Brooks has on store about $6000 - worth of goods - That T. D. Johnson has on store there about 11 Bales of Cotton - That other parties who have purchased the goods from us & taken

our receipts for the same, or left them in Store with me to the amount of about $800 — are in said Store — The full particulars and details of which can be given if necessary — Also there are in said Store about $1000 — worth of goods belonging to Aylett ~~the former proprietor of said Store~~, left on Store

Sworn to & subscribed
this 18th Apl 1863
P. M. Dickinson J.P.

T. M. Ellis

State of Tennessee
City of Memphis } ss Jesse M. Stone and William H. Stevenson being each severally duly sworn say on their oaths that the foregoing affidavit of Turner M. Ellis so far as the same affects them or either of them is in all respects just and true — That they know that at the time said Ellis commenced business as aforesaid he did not put in one dollar of his own money and was not able to put in a dollar. That they are fully satisfied that said Ellis has not knowingly done anything wrong — that said Ellis has always maintained a character for strict integrity second to no man — and that he is & will be unable to pay the fine imposed on him & that if the same is not mitigated or remitted he has no means to pay the same without taking the support from his dependent family ~~on him~~ or falling upon the charities of his friends.

Sworn to & subscribed before me this 18th day of April 1863
P. M. Dickinson J.P.

J. M. Stone
Wm. H. Stevenson

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Affidavit of
J. O. Pierce

State of Tennessee }
City of Memphis } ss. J. Osgood Pierce on his oath
States that he resides in the City
of St Louis, and is partner in the firm of H. N. Kendall & Co.
of St Louis Mo. That in order to help Turner M. Ellis
who had lost a large property in the South by
being a Union Man and having had his property
confiscated by the Rebels in Mississippi, and
inasmuch as said Ellis had a large family
dependent on him for support — at the urgent
solicitation of said Ellis he did agree in October
1862 to embark in a commercial venture with said
Ellis in Memphis — which agreement was in
writing, drawn up by affiant, and is hereto
annexed — affiant states that although said Ellis was
left in possession of the goods to manage in the
business & to share in the profits at Memphis — said
Ellis did not own one dollar's worth of said goods —
That all of the goods, consisting of dry goods, Boots
& shoes & about 100 Boxes of candles belonged
to affiant & was paid for & to be paid for by affiant.
That affiant has always been a loyal, true
unconditional Union Man and has never in
any way aided abetted or encouraged the rebellion,
That affiant has been at St Louis all the time,
visiting Memphis but once before since October
1862 and has left the business here altogether to said Ellis & his
clerks — That affiant would never consent or
permit any agent or employee of his to do
anything contrary to the Military or Police
regulations of this City —
That if any agent, assistant or clerk of
affiant's has done anything wrong or impinging

on the restrictions imposed by the Military & Civil authorities here it has been done without affiant's knowledge, consent, connivance or procurement - but expressly and positively counter thereto -

That as soon as affiant learned that his store had been closed he came here from St Louis, and has had no, former opportunity to present his case or urge his claims upon the authorities - That said Ellis is a poor ~~family~~ man with a large family, is 56 years of age & totally unable without impoverishing his family to pay the fine of $3000 - That aside from ~~Pierce~~ affiant's interest - said Stevenson's interest in said property, said Ellis has no interest, except about one-tenth thereof, say not to exceed $1000, which would be his share on the profits, shd due him on a settlement thereof -

Subscribed and sworn to before me this 16th day of April 1863
P. M. Dickinson J.P.

J. O. Pierce

Affidavit of J. O. Pierce

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Agreement between
J. O. Pirco
&
J. M. Ellis

This Agreement made this 21st of Oct-1862 by & between J. O. Pierce & T. M. Ellis witnesseth. That whereas the Said J. O. Pierce has this day furnished to said T. M. Ellis the Sum of Forty Six hundred Eighty One & 54/100 Dollars in Dry Goods & Boots & Shoes which are to be taken to Memphis by said Ellis on the following terms the Said Ellis is to sell them at Memphis at the best possible advantage for ready pay is to keep the goods insured in a Sum not less than five thousand dollars and is to make no charge for the use of Store or for his Services and to keep them entirely seperate from his own Stock of goods and keep an account of their Sale on a Seperate Set of Books and to be to all expense attending their Sale with the exception of the Services of one man to be furnished by said Pierce and as fast as the said goods are Sold to remit the proceeds of Sale until the amount of Capital furnished by said Pierce is fully paid after which all profits made on the same are to be divided equaly and in case the goods do not sell for enough to pay the capital all deficit to be paid equaly by Said Pierce & Ellis In witness whereof we have set our hands & seals the day & year above written

Witness W. G. Dunnico

J. O. Pierce (Seal)
T. M. Ellis (Seal)

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Testimonial as to Pierce's loyalty & integrity

The first four signatures are reliable Union men and deny confidence that be good to them.

James F. Douglas
Capt & Asst Mg.
Dept of the Mo

St Louis Apl 11/63

Respectfully referred to Maj Gen Halleck. I know nothing of the facts in this case. Mr Bates who represents the party comes with the highest recommendations from parties in St Louis as a reliable Union man

Wm S Hillyer

Pro Mar Genl

St Louis April 10 1863

We are well acquainted with J. Osgood Pierce of the firm of H. M. Kendall & Co. and know him to be an unconditional loyal. Union man I has been from the beginning of the war. He is a man of the strictest integrity & any representations which he may make may be implicitly relied on.

Fred Winslow
Capt & Asst Chief Qr Mr.
Dept of Mo.

C. B. Greeley
Daniel B. Gale
H. H. Hine
Lt & Lt Cav of Col

fine $1500 for Ellis

Suspend Curtis Sentence
for 15 days

Goods

Adjt Genl Dinmore
City

City - April 18 - 1863

Col. Binmore
A.A.G.

Sir

In the personal interview I had with the General yesterday he intimated his willingness to receive from me such proofs as I could furnish (U.S. vs Ellis and Curtis) as reasons for mitigating the sentence against them -

I have prepared such testimony and would be greatly obliged to you if you will allow me to present it to the General in person and accompany it with a moments explanation. I desire to return to St Louis this day at noon - and am exceedingly anxious to be able to communicate to the parties concerned the final decision at as early an hour to-day as possible.

I trust, Colonel, I shall not trespass upon the courtesy of yourself or the General any farther than by the interview desired above -

Very truly Yr Obt Servant
Edward R. Bates

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Statement of
E. R. Bates
Do
Grit Museum

General.

Herewith please find additional testimony for which allow me to ask your consideration in the matter of the United States against Ellis and Curtis.

My apology for presenting it to you in person rather than through the ordinary channels of the Provost-Marshal's office, is to save time. I desire to return to St Louis in a few hours and am deeply anxious to be able to communicate your final decision to the parties concerned at as an early an hour as possible to-day. The Store has been closed two weeks. The real sufferers desire to satisfy the Department at once, and relieve themselves from further loss.

Allow me General to submit the following considerations on the record as made up, & the testimony herewith submitted.

First. There is no evidence of guilty knowledge or complicity on the part of either Pierce or Stevenson. Who will be the real sufferers if the fine to be imposed on Ellis is to be levied on the Goods in the Store.

Second. Ellis cannot without impoverishing his family pay the fine of $3000. If he is mulcted to the amount of $500. it will be one-half of his interest in the Store.

Third. As to Mr Curtis, the proof is so positive & so uncontradicted that I can take no exceptions to your Judgment on the Record. He has always heretofore borne an unsullied character for-

undeviating integrity and loyalty. In behalf of himself and his family, allow me to urgently ask at your hands a suspension of the sentence for 20 days, he to remain on Bail, reporting daily in the meantime. in order that he can show you who and what he is. and as he thinks he can do, show that this prosecution is a conspiracy against him.

Thanking you for your patience

I am very truly Yrs

E. R. Bates

Statement of
E. R. Bates
To
Genl Hurlbut