4502

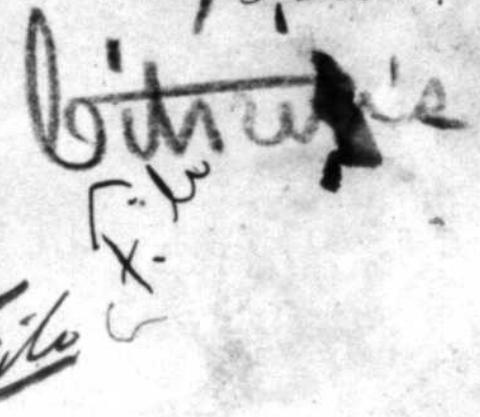
O 6 A.G.O.
Dist. of Jackson
Hd. Qurs. Left wing 16th army Corps
Apl. 16th 1863.

Final action appearing to have been had upon the enclosed papers they are respectfully returned to Hd. Qurs. Dist of Jackson with direction that the same be filed and preserved among the important papers pertaining to the command

By order of
R. J. Oglesby
Major Genl.
J. Ward A.A.G.

Citizens

File



#150

O 6 A.S.C. Crs. Dt Jackson
Dist. of Apr 6 1863
Jackson

Finding the enclosed papers in this office they are respectfully forwarded for the action of the Genl Condg Sept Wing 16th Arg Corps

Nathan Kimball
Bryan

130

Henderson - Chs + Sons.

vs.

Stephens + Stephens.

January 28th. 1863.

Manuscript of proceedings before Maj. M. Smith Dist Provost Marshall of District of Jackson.

O 6 A.G.O.
Dist. of Jackson

1 "A" Transcript of proceedings
in case of
Messrs Charles Henderson and sons
of Philadelphia, Penn. - against Messrs
Stephens and Stephens of Jackson Tennessee.

Jackson Tenn. Dec 8th 1862

General

Letter from J Baird

I am collecting for the house of Chas Henderson & son - 412 Market St Philadelphia Pa. our house placed in hands of Stephens & Stephens Attorneys of this place. Claims against Mers J T & G R Holman. I called here about 10th or 11th of last month. saw Jas K Stephens of the firm of Stephens & Stephens, and enquired about our claims, he told me the Mers Holman's had settled theirs, and that he took Confederate Money for it. I demanded the amount of the claim in money that was a legal-Tender, he replied that if he had received Gold for the Claims, that he would not pay it over, that they had reported all their Northern Clients Claims to the Southern Confederacy, and that the Confederates would settle it when

the war ended. I afterwards wrote a note to Genl Hurlbut - "then here", stating a case where the parties had refused to pay on account of the registration law, passed by the so-called Southern Confederacy, to learn if I could not obtain assistance, he replied that the law was void, any one to claim protection under it is a treasonable act and liable to arrest, I showed his reply to Jas K Stephens, and he then cooled down considerably and said the money was in Bank - and if he could get it out, he would pay me the Confederate money, such as he received, he told me this after he found he was liable to arrest. I have seen James K Stephens to day, and he is not willing to do any different with it. the amount received by him, he says was $650 79, now is it right that he should keep us out of this money any longer, or would it be doing us justice. for us to be compelled to take this Confederate money from him, he can get that money for a mere nothing. and I suppose be very glad to

2 pay us in it rather than be ar=
=rested for treason. I am willing to
be qualified to my statement of
the matter, and ask your assistance,
as we have already suffered much
by the Rebels.

Yours Truly
Frank. Baird
of Chas Henderson & Son
412 Market St.
Philadelphia

To.
Genl. Sullivan
Comdg.

"Endorsement of"
Brig. Genl Jer C Sullivan

Headquarters District of Jackson
Jackson Tenn. Dec 12. 1862.

Respectfully refered to Maj M Smith
Dis. Prov. Mar. District of Jackson.
By order of.
Brig Genl Sullivan
L. H. Harris.
Asst. Adjt. Genl.

"B"

Affidafit of
Jas. K. Stephens.

James K Stephens of the Law firm of Stephens & Stephens. deposes and says. That the firm of Stephens & Stephens rec^d for collection. on the 15 Jan. 1861. certain claims in favor of Kenderson & Son of Philada. on persons residing in Obion Co. Tenn? amongst them a note and an open A/c on Messrs J. J. & G. R. Holman. of Jacksonville. Obion. Co. Tenn.

The latter. were placed. at the urgent request of Kenderson & Son. in the hands of an Officer for collection or settlement and were by said firm of Stephens & Stephens. sent to one C K Gibbs to insure the greater care and promptness in the selection of a good officer. On the 16th April 1862. Mr Gibbs informed affiant that the Holmans desired him to take up the officers receipt. by paying the amount due by them to Kenderson & Son.

Affiant told M Gibbs they had no way of remitting it East. and insisted on not receiving the sum and that he had as much funds as he could take care

3. of: but was informed the debt must be paid and took the gross amount of principal, interest and exchange at 2% on the note, as it called for current exchange on Philada: but there being no commercial communication by mail or otherwise with Philada: the sum was deposited in Branch Union Bank Jackson, in Confederate notes — which were then the currency of this part of the Country, and with which Exchange, if to be bought at all, could have been procured, affiant supposes: and the same remains so deposited in said Bank.

One Baird, representing himself as the agent of Henderson & Son called at affiants residence on the 10th Nov. 1862. to make inquiries as to the claims of Henderson & Son in the hands of the firm of Stephens & Stephens, and was told fully and frankly the condition of this and other claims: that the debt above mentioned, was paid in Confederate notes, were deposited in Bank, the Bank in the hands of the Military authorities, and it was not posible for him to pay it.

On the next day, Baird called on affiant with an order from Genl Hurlbut, the intention of said Baird was to endevor to intimidate and scare affiant into a payment of the sum due Hendersons & Son:

He told him he had no other funds than Confederate notes, as steps were being taken to have the Bank again open for business, he would endevor to send the funds South and Exchange it for Southern Bank notes, or he would write to Holman & Co. and see if they could make arrangements to pay Baird as he was going over there - gave B. the letter to H & C (a copy of which is filed herewith. A reply was rec'd from H & C. saying in substance they considered the payment a good one, and the times were too trying, and that they had not the money now with which to pay it.

By this means affiant shewed Baird of his willingness to settle the matter and told him he must have recourse to a court of law, as affiant had not the means to pay it.

"4" He is willing to give Baird a check on the Union Bank at Jackson, where the money is, for the net amount due K & Bro. and whether paid in Bank notes or gold and silver, is immaterial to affiant.

Affiant states that he does not claim exemption from payment on the grounds of any Sequestration Law of the Southern Government, as he supposes is attempted to be set up.

Affiant further denies the jurisdiction of the Military authorities, this being strictly a matter subject to a civil tribunals or cognizance.

Jas K Stephens

Sworn to and subscribed this 13th Dec 1862 before me.

W Smith Majr
& District Provost Marshal

"C" "Copy of letter sent to J T & G R. Holman by J K Stephens".

J T & G R Holman

Gentleman, on the 16" of April as you recollect. Mr C N Gibbs paid us $650.79 in Confederate notes, on the debt due by you to C Henderson & Son Philada, the Confederate notes were deposited in Un Bk. here and still remain so deposited. Mr Baird of H & Co is now here and insists on our paying them in funds they can use. The Federal Authorities have entire control of the Bank, and even if he would take Confed-notes, it is - doubtful whether we could get it or not, Genl Hurlbut Commanding here says, any one refusing to pay monies in their hands by virtue of the Gar=nishment served by the Sequestration Officers of the Confederate Government, is liable to arrest for treason. Now must we lose the Confed- money - and pay H & Co in current funds, or you! we got no benifit of the goods, as you know, and the Military au=

"5" = thorities are disposed to hold every one to a strict account. If we could get the money from the Bank. we may meet with a chance to send it South and Exchange it as some others have done. The amount due H & Son is $618.29 after deducting fees and and commission.

Now if you can pay them the $618.29 we will endeav to get the other funds (Confed notes) and send South as persons are sometimes going down there. and Exchange for you as Mess Henderson & Son are not disposed to wait on us to do so - we hope you may be able to do so. we did not wish to collect the money as we could not pay it over to any one. but Mr Gibbs insisted on pay= =ing it in Confederate notes. and I dont think if anyone is to lose by it. - it ought to be us.

Yours Truly
Stephens & Stephens.
Per J. K. S.

Sworn to and subscribed before me this 13th day of Dec 1865
W. Smith Maj
and Dist Asst Marshal.

"D" "Copy"

Letter sent by Stephens & Stephens to J J & G R Holman.

J J & G R Holman.
– Gentlemen

On the 16th of April as you recollect. M & N Gibbs paid us $650.22 in Confederate notes. on the debt due by you to C Henderson & Son of Philada. the Confederate notes were deposited in the Bank here & still remain so deposited. Mr Baird of (H & C) is now here and insists on our paying them in funds they can use.

The Federal authorities have entire control of the Bank. and even if he would take Confederate notes. it is doubtful whether we could get it or not.

Genl Neulbut Commanding here says any one refusing to pay monies in their hands by virtue of the garnishment served by the Sequestration officer of the Confed Government. is liable to arrest for treason.

Now must we lose the Confed-money and pay H & C. in current funds or you! we got no benifit of the

"6" goods. as you know and the mil=
=itary authorities are disposed to hold
every one to a strict account.

If we could get the money from
the Bank we may meet with a chance
to send it South and exchange it as
some others have done. The amt due
H & Son is $618.29 after deducting fees &
Commission.

Now if you can pay them the $618.29
we will endevor to get the other funds
(Confederate notes) and send South, as
persons are sometimes going down there,
and exchange for you. as Messrs Hen=
=derson & Son are not disposed to wait
on us to do so.

We hope you may be able to do so.
We did not wish to collect the money
as we could not pay it over to any-
one. but Mr Gibbs insisted on pay=
-ing it in Confd money. and I dont
think if any one is to lose by it. it
ought to be us.

Yours very Respy
Stephens & Stephens
p J.K.S.

Sworn to and subscribed before
me this 13 day of Dec 1862.

M. Smith Major
and Dist Pro Marshal

"E"

"Kennederson & Sons. Petition"

To

Majr M Smith. District Provost Marshal. District of Jackson. Dept of the Tennessee.

Your petitioner J. Baird agent for the firm of Kennederson & son. who are Merchants residing in Philadelphia in Pennsylvania. and loyal citizens of the U.S. would respectfully shew- that some time previous to the existing Rebellion in these states. they placed in the hands of. W. H. Stephens. & J R Stephens. a certain promissary note - drawn by J J & G R Kohman & one William Ford a surety thereon. of Jacksonville Obion Co. Tennessee. the first for $ 337.21. credited with the sum of $ 100.- The other - an account sworn to and properly certified under the laws of Tennessee. for the sum of $ 355.51. making in all the sum of $ 592.72. which with interest is due to your Petitioner

Petitioner alleges further that said Stephens & Stephens. have Collected. said claims in the scrip of the so called

"7" Confederate States and are of con-
-sequence liable to pay to petitioners
the full amt of their claims - That
said Stephens & Stephens propose to
give to your Petitioners a check for
the amt so collected by them as
aforesaid on the Union Bank at Jack-
-son. But the same is refused be-
-cause the Bank known as the Union
Bank at Jackson, has for nearly one
year - been closed, and has not done
any business - not even paying out
deposits previously made.

Petitioners would further state that
on his first application to Stephens
& Stephens for the money so collected
by them as aforesaid, they refused to
pay the same stating that the orders
of the Southern Confederate Govt, were
such that no Southern debtor could
or should pay a debt to a Mer-
chant - Man, or firm of Merchants
at the North - and further stateing
that they had reported the same
for confiscation to the proper South-
-ern Officer.

Petitioners further state that said
Stephens & Stephens still have said

funds collected as aforesaid in their hands and are in consequence liable to Petitioners for the same with interest and costs thereon.

Petitioners therefore pray that an order be made directing said Stephens and Stephens to pay over to petitioners the said collected money with inter= =est on the same, in good Spar funds.

And petitioners will ever pray &c

Henderson & Son
G Sullivan & Nunn.

"F"

"8" "Answer of J K Stephens to the "Amended Bill"
of Henderson & Son

The Answer of James K Stephens of the firm of Stephens & Stephens to the amended or additional petition or bill filed against them by H Baird ag[t] of Chas Henderson & Son of Philadelphia. P. Respondent answering says that the charges in said amended or additional petition as to the placing in the hands of respondent certain Claims for collection as attys. are true and the true amount of said claims with dates. when due &c is as follows.
The 1st is a note on J J & G R Holman — dated 11th March 1859 and due 18 months after date. for $337.21 with a credit — 11th Sept 1859 of ($100.00) one hundred dollars and signed by said Holman and one Wm Ford.

The second an account on said Holman dated 12th March 1860 and due at 6 mo for $355.31.

Respondent further answering says. that he received on the 16th of April. 1862. by the hands of one C A Gibbs. Six hundred & fifty 79/100 dollars in notes of the Confederate States Gov=

=ernment in payment of the same. as is fully shown in his answer to the first Bill or petition of Complainants and which were as therein stated duly deposited in the Br of the Union Bank of Tennessee at Jackson. where as respondent supposes they still remain. as he has never withdrawn the same from said Bank; and that respondent in his former answer or affidavit has offered to give the agent of D Henderson & Son a check on said Bank for the net amount due them as stated.

Respondent has had no hand in closing the Bank. but the same has been done as he is advised. by the Military authorities of the Federal Government.

Respondent for further answer to said amended Bill or Petition. States the Charge to be false and untrue. when said Baird agt as aforesaid Charges that respondent Claims or Claimed exemption from the payment of the sum due Henderson & Son as aforesaid. by virtue of or by means of or by force of the Sequestration or Confiscation Law passed by the Congress of the Southern Confed=

"9" = racy and relies strictly and con=
=fidently on the answer herein before
filed and refered to, as containing a
true account and statement of all the
facts bearing upon this point - and he
again repeats that said charge is
false and unfounded.

Respondent admits that he has the
funds deposited in the Bank as before
stated - collected in the description
of money before stated, and the same
is not subject to his control or keeping:
and respondent as before stated does not
set up the sequestration act, and insists
that this is not a matter properly be=
=longing to a Military tribunal but alone
cognigant in a court of civil jurisdiction:
and respondent insists that if the re=
=ception by him of the Confederate Notes
was not a valid payment or extinguish=
=ment of the debt, the same is still due
and owing complainants by the original
debtors, the Messrs Holman & Ford.

And having fully answered &c

James K Stephens

Sworn to & subscribed before
me, this 28th day of Jan 1863

M Smith May
Dist Provost Marshal

"G"

Decision of
Majr M Smith. Dist Provost Marshal
Jackson Tenn. Jan 28/63

Head quarters District Provost Marshal
District of Jackson
Jackson Tenn. Jan 28th 1863.

Special Orders
No 8.

The case of Charles Henderson & Son of Philadelphia. against Messrs Stephens & Stephens of Jackson Tennessee. is dismissed for want of jurisdiction.

The Military Authorities have no jurisdiction over civil Contracts between citizens. unless one or more of the parties thereto by some act in connection therewith have been guilty of some offence to the Government or some violation of the regulations of the army.

In this case it does not clearly appear that Messrs Stephens & Stephens are guilty of such offence. The prayer of Petitioners cannot therefore be granted.

By Order of

"10"

M Smith Major
& Dist Provost Marshal

"K" "Decision of"
Brig Genl Jer C Sullivan.

Head-quarters District of Jackson
16th Army Corps. Department of the Tennessee
Jackson Tenn Jan 28th 1863

Special Orders
No 21

V. It appearing that William H Stephens and Jame K Stephens a Law firm under the name of Stephens and Stephens, of the City of Jackson County of Madison, State of Tennessee, Collected on the 16th day of April 1862 of J J. & G R Holman of Jacksonville, Obion County, Tennessee, for Charles Henderson & Son merchants of the city of Philadelphia, the sum of six hundred and fifty dollars and twenty nine cents; and it further appearing that the said Stephens and

Stephens have neglected and refused to pay over the said sum to the lawful agent of said Charles Henderson & Son, alleging that the account had been sequestrated by the so called "Government of the Confederate States", and further refusing to pay over the same except in scrip of the so called "Confederate States".

It is hereby ordered that the said firm of Stephens and Stephens immediately pay into these Head-quarters the said sum of Six hundred and fifty dollars and seventy nine cents in lawful money of the United States, for the benifit of the said Charles Henderson & Son.

By Order of
Brig Genl. Jer C Sullivan
T H Harris
Asst Adjt Genl

"2"
"11"

T H Harris's note to
Major M Smith

Headquarters District of Jackson
Jackson Tenn Jan 28 1863

Major

Brig Genl. Jno C Sullivan, directs me to enclose to you Special Orders No 21 Sec V; and to direct that you immediately serve an official Copy of the same on William H and James K Stephens, or either of them, and demand compliance with its provisions.

Should they or either of them refuse or neglect prompt compliance, you will order their arrest and confinement, for the necessary proceedings against them.

Genl Sullivan also directs that you file in this office official Copies of the papers in this case.

Respectfully
T H Harris
Asst Adjt Genl

Maj M Smith
Dis Prv Mar

"K"

Stephens and Stephens.
Application for appeal

Charles Henderson & Son

vs

Wm A Stephens & James K Stephens
Composing firm of Stephens & Stephens

In this cause judgement having been rendered against said defendents (Stephens & Stephens) on the 28th day of January 1863 for ($650 79/100) Six hundred and fifty dollars & 79 cents; by Brig Genl Jer C Sullivan Commanding the District of Jackson. Tennessee. defendants most respectfully pray an appeal from said judgement. to Major General U. S. Grant. and further that a complete transcript of all the papers in this cause be transmitted to him

All which is respectfully asked

James K Stephens
of firm of Stephens & Stephens

Jackson Tennessee.
Jany 29th 1863.

06 A.G.O.
Dist. of Jackson

Head-Quarters District Provost Marshal,

DISTRICT OF JACKSON.

Jackson, Tenn., Jan 31st 1863

Capt

Herewith find transcript of all proceedings had at this office, in case of Chas. Henderson & Son, of Philadelphia Penn. against Messrs Stephens & Stephens, of Jackson, Tenn. which was referred to me Dec 12th A.D. 1862. by order of Brig Gen'l Jer C Sullivan.

Also an application for an appeal from the Decission of Brig Gen'l Sullivan in said case made by James C Stephens - one of the defendants in said case. all of which is submitted.

Respectfully.

W Smith Major

and Dist Pro Marshal

T. C. Harris.
Asst. Adjt. Genl.

C6 A.G.O.
Disn. of Jackson
Jackson, Tenn. Mar 24. 63.

Sullivan & Nunn,
Attorneys,

Receipt for $650.72/100 collected of W. H & J. K. Stevens for the benefit of Chas Henderson and son of Philadelphia.

$650.79.

Headquarters District of Jackson,

16th Army Corps, Department of the Tennessee.

Jackson, Tenn., March 24th 1863.

Received of Brig. Gen'l Jer. C. Sullivan, Comd'g District of Jackson, six hundred and fifty dollars and seventy nine cents, collected of Wm. H. and Jas. R. Stephens, under Sec V. S.O. No. 21, 1863, from this Headquarters, for the benefits of Charles Henderson and Son, of Philadelphia.

$650.79. Sullivan & Nunn

Attorneys for C. Henderson & Son.

@ 6 Also.
Dist. of Jackson

C. Henderson Adm

vs

Stephens & Stephens

Application for

an Appeal.

(12)

Charles Henderson & Son,

vs

Wm H. Stephens & James K. Stephens
composing firm of Stephens & Stephens

In this cause judgment having been rendered against said defendants (Stephens & Stephens) on the 28th day of January 1863 for ($650.79/100) six hundred & fifty dollars & 79 cents by Brig. General Jer. C. Sullivan Commanding the ~~Army Corps, Department of the~~ District of Jackson Tennessee, defendants most respectfully pray an appeal from said judgment to Major General U. S. Grant & further that a complete transcript of all the papers in this cause, be transmitted to him.

All which is respectfully asked.

James K. Stephens
of firm of Stephens & Stephens

Jackson Tennessee
Jany 29th 1863.