

3469 16440 4745 1863

Memphis Tennessee
City 30th May 1863

Recd. from Brig General

Returns copy of proceedings of Military Commission in case of Mrs. against Mrs. Eliza Herbert charged with smuggling contraband goods over the lines, also petition of said Mrs. Herbert for new trial and further investigation, all of which were referred to him by General Leung examination as far as said petition charged fraud by officials -

States that he has examined them and finds that such charges are groundless, but finds that one P. P. Schlicher - citizen - obtained a pass for Mrs. Herbert by false and misrepresentation for which he received five hundred dollars, from the band of Mrs. Herbert; - States that he preferred charges against Mr. Schlicher with choice to either pay five hundred dollars and leave the city or await a trial by Mil. Com. - the fine was paid and he will leave the city immediately

(Two enclosures)

Red Hd Q 16 army com 31st May 1863

Head Quarters District
Of Memphis May 30th 1863

Lt Col Bimmons
A General
Memphis

I return the within papers and respectfully report that I have carefully examined the matter stated in the petition and especially the statement that "some of the Government Officials had received the sum of Five Hundred Dollars from the husband of said Mrs Herbert"

I find said statement to be false and without any foundation whatever so far as any Government official is concerned. But I find that a Citizen P. F. Schlicher obtained a pass for the said Mrs. Herbert by falsehood and misrepresentation - stating that he knew her - that her name was Steele - that she was a loyal woman - and a particular friend of the family of said Schlicher. The circumstances are very strong against Mr Schlicher that he stole from the table of the Provost Marshals three blank passes

which he filled up and forged the signature
to said passes and furnished them to
the said Mrs Herbert alias Steele to place
upon three trunks of Contraband Goods

The proof is that he furnished the pass
seals for the trunks, and permit. from the
Board of Trade to Mrs Herbert & received
from her husband Five Hundred Dollars
through one Oliver for said service.

I ordered Schlicker placed under arrest
and made out charges & Specifications
embracing these facts and directed that
he shall pay a fine of \$500⁰⁰ and leave
the City in ten days or be tried by a
Military Commission on said charge
as he may elect. The papers were sent
to Lt Col Smith Provost Marshal with
orders that Mr Schlicker should decide
without delay whether he will pay the
fine and leave the City or be placed
upon his trial. Colonel Smith reports that
he has paid the fine and ^{will} leave the
City. Trusting that my action may
meet the approbation of the General
Commanding

I am, very Respectfully

Yours Obedt Servt

J. M. C. C. C. C.
C. C. C. C.

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5769 V. 6. 440. 1865
Red 26. Army Corps 31st May 1863

Copy.

Charges and Specifications

vs.

Mrs Eliza Herbert alias Steele.

Charge first.

Smuggling.

Specification first.

In this that on or about the first day of March A. D. 1863, the said Eliza Herbert alias Steele, did smuggle a large quantity of goods through the federal lines, in violation of Regulations of Treasury Department and Military Orders.

This at Memphis, County of Shelby State of Tennessee.

Charge 2nd.

Attempting to Smuggle.

Specification first.

In this, that on or about the time and place aforesaid, the said Defendant, did attempt to smuggle, a large quantity of goods, through the federal lines, in violation of the Regulations of Treasury Department and Military Orders.

This at Memphis, County of Shelby, State of Tennessee.

Charge 3^d.

Forging.

Specification first.

In this, that on or about the 1st day of March, A. D. 1863, the said Eliza Herbert, alias Steele, did forge, write and counterfeit, the name of one A. J. Enlow, Capt & Provost Marshall, to Genl Jas. G. Yeatch, commanding the District of Memphis, on three different seals, on three different trunks. Thereby deceiving the Military Authorities at

Memphis Tennessee, and violating existing
Military Orders.
Charge Fourth.

Attempting to deceive the Military
Authorities.

Specification first.

In this, that at the time and place
aforesaid, the said Eliza Herbert, alias Steele,
did attempt to deceive the Military Authorities,
by obtaining passes, under an assumed name,
and forging the name of one Capt. A. J. Enlow,
Provost Marshall, to Brig. Genl. Jas. C. Yeatch, com-
manding the District of Memphis Tennessee, on
three different seals & on three different trunks,
thereby attempting to deceive the Military Authori-
ties at Memphis Tenn.

Charge fifth.

Procuring other parties, to deceive the Mili-
tary Authorities.

Specification first.

In this, that on or about the first day
of March A. D. 1863, the said Eliza Herbert alias
Steele, did procure other parties, to obtain passes
and seal trunks, in the name of the Government
of the United States, thus deceiving the Military
Authorities, at Memphis, County of Shelby, State
of Tennessee. This in violation of Military Orders.

Witnesses.

Capt. W. Frank.

" A. J. Enlow.

" Prince.

May Goates.

Jas. H. Shields.

Jas. H. Goates.

May and Prov. Mar.

To which Charges and Specifications, the accused pleaded. Not Guilty.

Capt. Whitney Frank, a witness for the prosecution, after first being duly sworn, testified, as follows, to wit: On the 7th day of March, Mrs. Herbert, alias Peck, the defendant was brought to my Office, having in charge three large trunks, and one small trunk, containing the following list of goods (which is hereunto annexed marked "Schedule A"). The three large trunks were sealed, with forged seal, purporting to come from Genl. Hatch's Head Quarters, signed by Captain A. J. Enlow. The Defendant says she lives in Mississippi, that her husband is a merchant there, and that she was taking these goods, to Miss for his benefit. That she knew nothing, about the seals being forged, of her own knowledge, and that the parties that put the goods in her charge, said they would pass through the lines, as they had Capt. Enlow's seal on the three large trunks, and that she had no permit for these goods. She said she did not know the party, who put the seal on.

Capt. A. J. Enlow, a witness for the prosecution, after first being duly sworn, testified, as follows, to wit: The Seals on the trunks, referred to, were forged. The purport of said seals was, that the contents of the trunks, had been examined and passed by me. The seals purported, to have been signed by me, but they were not, they were forgeries.

4045. H. B. 357. 1863

Herbert, Eliza Agnes
citizen

Submits statement of
her case, and asks a new
trial.

5469 U.S. 440 1863
(one enclosure.)

Redburn HQ 16 Army Corps 31 May 1863.
Rec # H 216 Army Corps 8 May 1863.

(C. and M. 6. 30).

Head Quarters 16th Army Corps
Memphis Tennessee
15th May 1863.

Respectfully referred to
Brig Genl J. C. Watch
Commanding 5th Division
who will examine so
much of this case as
charges fraud by officials
By Order
Major Genl Harshbarger
Henry Burrows
A. A. H.

W. S.

by

Elyda Herbert

2d Maj. Genl. Kuntz, Commanding
at Memphis Tennessee

The petition
of Elyda Herbert, would state, that
early in March 1863. She was arrested
in the city of Memphis, on a charge
of smuggling and attempting to
smuggle contraband goods through
the Federal lines near Memphis.
Soon thereafter she was put upon her
trial before the Military Commission
in Memphis, of which Col Taylor
was president, her witnesses on
the part of the U.S. against her,
Whitney Frank, and A. J. Culow,
whose testimony was to the effect,
that three large trunks and one
small one, was found in her posses-
sion, containing contraband goods &c.
and that the Government seals found
on them, were forged. She states
that was all the evidence against
her. She introduced no proof - did
not even give her statement, she was
not advised to do so. She was ignorant
of proceeding of this character and
did not know what to do.

On this evidence the Court found
her guilty, confiscated her goods.

fined her one thousand Pallas, and ordered her to give bond in the penalty of Five thousand Pallas, conditioned to leave the department and not return to the same etc. She states she is innocent of any wrong in this case however guilty others may be.

She further states, since the trial, she has seen two men - who are now in the city and whose evidence she can procure - who were standing by, saw the Government seals put on the trunks, and her husband pay \$500. - She will be able to prove by said witnesses that some of the Government officials, have fraudulently and criminally obtained from her husband \$500. or that there are counterfeit Government seals in the city, either of which she is advised would be important for the authorities to know.

When the trunks were sealed she was placed in the wagon, in the street to go out with them. The name "Miss Elya Steel" was put on the trunks by some one for what purpose

or object she did not know. She did not know what was in the trunks or where they were going

She states further that she has been under arrest and confined now for over three weeks. She and her husband are very poor. Therefore in consideration of the facts above stated she prays she may be allowed a new trial in the case, that she may have the benefit of the testimony above stated. So she may show how she came into possession of the trunks, from whom she got them, how & by whom the seals were placed on the trunks, & what was paid for the same. That the guilty parties in the transaction may be punished and the innocent allowed to go free - or if a new trial cannot be granted her she asks that she may be released from the fine of one thousand dollars and the bond, as it is impossible for her to comply with the sentence of the court in giving the bond, for she is poor and a stranger in the city, and she does not know where her husband is. She has already suffered a long imprisonment and

is anxious to get to her family -

Elise Agnes Herbert