

# THE GRAPESHOT

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.\$25 Annual Dues (Due every Sept)  
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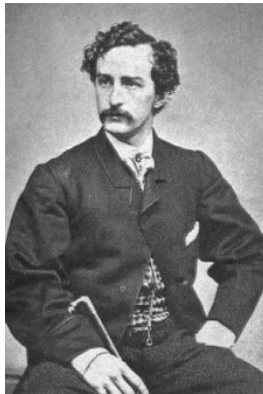
## DID YOU KNOW?

.Lieutenant Charles Wilkes, USN, who attained some measure of fame for having precipitated the “Trent Affair”, which could easily have led to war between the U.S. & Britain, was the great-grandfather of Rear Admiral John Wilkes, who played a major role in the Normandy Invasion.

.Secretary of War (1857-1860) John B. Floyd-later arguably the most inept Confederate general-may have been involved in the theft of \$870,000 from Indian trust funds, which he needed to cover some business debts.

.As a young man, William T. Sherman disliked his red hair so much that he is said once to have dyed it, only to make matters worse-for it turned “an odd shade of green”.

.Before the war, virtually all Federal revenues were derived from customs duties and 70% of those were collected in the port of New York.



ED BEARSS

-presents-

Booth's Escape

January 15, 2008

6:45 PM

Civic Center Library

One of the country's foremost Civil War Historians, and described as a “walking encyclopedia of the Civil War”, Ed Bearss is a celebrated tour guide, lecturer and authority on all aspects of our Civil War. U.S. Park Historian Emeritus, (having been with the U.S Park Service for forty years) he is the author of 15 books about the Civil War and the American West and was a featured historian in the documentary by filmmaker, Ken Burns, *The Civil War*. The most coveted speaker by all Civil War Round Tables around the country, will make you not want to miss out on this one!



### FROM WES' DEN...

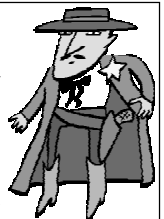
New Year Greetings to all. You either know we had a great Christmas party or you did not come. It was a fun evening with lots of good food and desserts. Thanks again to John & Candy Richards.

In May, Karen & Dean Becraft will retire from their Grapeshot editorship after 13 years. Thank you is an inadequate term & I need a word-smith like Lincoln to properly address this occasion. I am grateful for their dedication and their staying on to May 31. It is our good fortune that Brad Greenberg has volunteered to be our new Editor.

With approval of all officers and board members, I have appointed our Book Reviewer, Don Swanson to the position of Board Member. I trust you appreciate his efforts and that you have enjoyed his reviews.

We are considering raising the dues by \$5. Prices for our speakers' air fares continue to rise. Let me know your feelings on this and anything else and tell your friends that they should really catch Ed Bearss at this month's Round Table meeting.

I remain your most obedient servant..... *Wes Schmidt*



## **The Civil War in Arizona: The Story of the California Volunteers, 1861-1865**

by Andrew E. Masich

Published by University of Oklahoma Press  
Illustrations, maps, bibliography, index. 2006.  
368 pp. \$32.95

Reviewed by Don Swanson  
SCWRT Member

The Battle of Picacho Pass on April 15, 1862 pitted fourteen Federal soldiers against 10 Confederates and is the only thing that most Civil War enthusiasts (including those of us who live in Arizona) know of the war in Arizona. In this first book-length examination of the Civil War in Arizona, Andrew Masich provides the story of the California Volunteers – the Federal soldiers who marched across the desert to battle with Confederates at Picacho Pass - fight hostile Indians throughout the state, occupy a forbidding territory and ultimately make a significant contribution to the settlement of our state.

In March of 1862 U.S. Brig. General James Carlton with 2,350 men under his command left Fort Yuma to march across two hundred miles of desert to Tucson with the intention to engage the Confederates who held the town. While that major battle didn't happen, the campaign would ultimately lead these California Volunteers far east of Tucson through New Mexico to the Rio Grande where along the way they skirmished with Confederates and fought a very different style of warfare with Apaches and other Indian tribes. Ultimately, the Volunteers would return to Arizona and prevent the Confederacy from retaking the new territory.

While the first half of the book provides a standard narrative of the activities of the California Volunteers, the second half gives eyewitness accounts written by California Volunteer correspondents to the most influential paper in the Far West, the *San Francisco Daily Alta California*. These letters provide the soldiers' perspectives of the desert environment in which they lived, Army life and their experiences with hostile Indians. While many of their accounts focus on the challenging living conditions and horrific encounters with enemies, one soldier was able to find

(continued next column)

humor in the trying circumstances of assignment in the desert southwest. With tongue in cheek, he wrote of the Army officer who "in order to attract the Apaches into camp, caused a white flag to be hoisted to a prominent height, and to such good purpose that they stole the flag."

**The Civil War in Arizona** does not contain the frequent, lengthy battle scenes that many enthusiasts have come to expect from Civil War studies focusing on the war in the East. The book does, however, give a detailed look into the formation of the little-known California Volunteers, their leadership and equipment, their Confederate and Indian foes and the impact that the desert environment had on the Volunteers' mission. While the efforts of the California Volunteers will never garner the attention that the armies in the east receive, Arizona can thank the author for ensuring that their efforts are not forgotten.

### **WHO SAID THIS?**

(answer at bottom of this page)

"I think I understand what military fame is; to be killed on the field of battle and have your name misspelled in the newspapers."



### **UPCOMING ROUND TABLES**

Feb 19th...Howard Strouse...*The Trent Affair: Lincoln Dodged A Bullet*

Mar 18th...Jack Thomson...*Photographs Of Charleston, S.C. During The Civil War*

Apr 15th...Michael Kauffman...*The American Brutus*

May 20th...Frank O'Reilly...*Lee: Marching Out Of Step - From Lexington To Greatness*

## THE CIVIL WAR LIBRARY

By Paul J. Buser

Scottsdale Attorney & SCWRT Member

### **CIVIL WAR CASES BEFORE THE U.S. SUPREME COURT - CHIEF JUSTICE SALMON P. CHASE IN THE LEAD ROLE**

Part 2 of 2 Parts

**Introduction - The elevation of former Ohio Senator, Ohio Governor, and U.S. Secretary of the Treasury Salmon B Chase to a United States Supreme Court Chief Justice appointment, in 1864, by President Abraham Lincoln, is reviewed in the November 2007 issue of “The Grapeshot”.**

**This month’s column reviews the approximate 50 Supreme Court rulings issued by Chief Justice Chase during his tenure from 1864 to 1872. Chase participated in scores of other decisions, too, which were written by his cohorts on the Supreme Court bench.**

**Much thanks and congratulations to Robert Bruce Murray, author of “Legal Cases of the Civil War” (Stackpole Books 2003), for his original and in depth research for the information contained in this column. If you wish to purchase Murray’s excellent book, go to the “books” link at [www.Amazon.com](http://www.Amazon.com) and type in the name of the book. You will be rewarded with some great legal history of the Civil War.**

**Next month I will discuss the rise of Chase’s Chief Justice predecessor, Roger Brooke Taney, former Attorney General of the United States under President Andrew Jackson and author of the notorious *Dred Scott* decision pertaining to slavery.**

**Alexander, Elizabeth, The United States v.,**  
69 U.S. 915 (3/10/1865).

The Supreme Court held that cotton captured on Alexander’s plantation along the Red River was not a prize of war. The proceeds should be held in trust so Alexander could sue when she no longer was subject to the Confederacy

**Armstrong, Hibernia, v. The United States,**  
80 U.S. 614 (3/25/1872).

The Court of Claims denied Armstrong’s claim for proceeds from the sale of captured

cotton based upon her fleeing with slaves ahead of the Union forces to avoid emancipation. The Supreme Court overruled the decision based upon the president’s blanket amnesty.

**Armstrong, John, v. The United States,**  
83 U.S. 614 (3/25/1868).

A foundry owned by Armstrong was condemned by the Circuit Court because it had been used to aid the Confederacy. The Supreme Court reversed the decision and sent the case back for retrial based upon the common law.

**Austin, William, v. The United States,**  
75 U.S. 394 (11/8/1869).

The case concerned the condemnation of the schooner *Lucy*. The Supreme Court held that it could not acquire jurisdiction of a case by consent of the parties.

**Bennett, Henry M., v. Alexander Hunter,**  
76 U.S. 672 (3/25/1870).

A third party attempted to pay the land tax of Hunter. A Confederate while he was serving the Confederacy, but the tax authorities refused to accept the payment. The Supreme Court held this to be impudent and ordered the land returned to Hunter.

**Blakely, Alexander T., v. The United States,**  
70 U.S. 200 (3/12/1866).

The Supreme Court determined when a neutral ship traveling between neutral ports was subject to capture.

**Bronson, Frederick, v. Peter Rodes,**  
74 U.S. 141 (2/15/1869).

The Supreme Court held that if a contract specified payment in gold or silver, the debtor could not pay with greenbacks, despite the law that made greenbacks legal tender.

**Carroll, Lucy H., v. The United States,**  
80 U.S. 565 (2/18/1872).

The Court of Claims denied Carroll’s claim of the proceeds from the sale of seized cotton owned by her husband, because her husband had aided the Confederacy. The Supreme Court reversed the decision because the cotton was owned by his estate when seized.

**Cooke, David G., v. The United States,**  
69 U.S. 866 (2/27/1865).

The schooner *Venice* and its cargo were ordered returned to Cooke because of Major General Butler’s proclamation after the fall of New Orleans that all rights of property would be held to be inviolate.

**Cronan, George, v. The United States,**

73 U.S. 884 (3/25/1868).

When the St. Louis Street Foundry was condemned by the Circuit Court, the Supreme Court reversed the decision and gave Cronan a new trial so that he could plead the general amnesty.

**Dayton, William, v. The United States,**

70 U.S. 169 (2/26/1866).

The Circuit Court had condemned the schooner **Monterey** but made no mention of the cargo. The Supreme Court dismissed the appeal and sent the case back to the Circuit Court because the decree was not final.

**Dean, Cecil W., v. Robert D. Harvey,**

75 U.S. 365 (11/1/1869).

Dean filed a suit to set aside a deed based upon fraud because his payment was in Confederate notes. The lower court dismissed the case, and the Supreme Court affirmed the decision.

**Falker, William, v. The United States,**

70 U.S. 135 (2/5/1866).

The British brig **Herald** was captured on the high seas. The Supreme Court affirmed condemnation based upon several facts, one of which was the falsification of its destination.

**Fallenstein, O.T., v. The United States,**

70 U.S. 168, (2/26/1866).

The case concerned the clear violation of the blockade by the steamship **Douro**. The Supreme Court affirmed the District Court, which had condemned both the vessel and cargo, and chastised counsel for filing an appeal with no expectation of reversal.

**Fraser, Trenholm & Co. v. The United States,**

70 U.S. 200 (3/12/1866).

The British steamship **Bermuda**, claiming to have been traveling between two neutral ports, was captured. The Supreme Court affirmed a lower court's decision to condemn the vessel. The Court defined contraband and ruled when a vessel could be condemned.

**Freeborn, William A., v. The Ship Protector,**

76 U.S. 812 (4/30/1870).

The ship **Protector** was libeled by several merchants who were not paid for supplies in 1859. The case was filed in District Court in Alabama, which dismissed the case. The appeal was not filed until July 18, 1869. The Supreme Court held that the war tolled the time for appeal and refused to dismiss the case.

**Haigh, Edwin, v. The United States,**

70 U.S. 200 (3/12/1866).

The Supreme Court held that a neutral ship, ostensibly headed for a neutral port, was liable to capture if the cargo was contraband and evidence showed it was destined to a belligerent port.

**Handlin, W. W., v. G. M, Wickliffe,**

79 U.S. 365 (10/30/1871).

Louisiana was occupied by Union Troops. Handlin was appointed a judge by the military governor. When Handlin was replaced by a new military governor, Handlin sued for his salary. The lower court decided against Handlin, and the Supreme Court affirmed the decision.

**Harris, John Meyer, v. The United States,**

70 U.S. 220 (3/26/1866).

The schooner, **Stephen Hart**, captured while traveling from London to Cardenas, Cuba, was owned by British citizens. The Supreme Court approved its condemnation because of its military cargo, some of which had "C.S.A." markings.

**Hunt, Henry J., The United States v.,**

81 U.S. 739 (11/18/1872).

When Congress increased the pay for brevet brigadier generals and below, Hunt, a brigadier general, applied for the increase. The Supreme Court denied the increase because a brigadier general was higher in rank than a brevet brigadier general.

**Hunter, Edward, v. The United States,**

69 U.S. 796 (1/30/1865).

The Supreme Court affirmed the condemnation of the British steamship **Circassian** and cargo, which was captured when it intended to run the blockade. The Supreme Court held that the blockade was not terminated when a blockaded port was captured.

**Jarman, Stephen, v. The United States,**

72 U.S. 564 (4/15/1867).

The steamer **Peterhoff** was captured while on a trip from London to Matamoros, Mexico. Intensive arguments were made concerning the expansion of the doctrine of continuous voyage. The Supreme Court condemned the cargo but released the vessel.

**Jenny, The Schooner, The United States v.,**

72 U.S. 693 (5/14/1867).

The schooner **Jenny** was captured in 1863 and libeled as a prize of war. Though the claimants said they were neutrals, the Supreme Court held that the weight of evidence indicated that the vessel and part of the cargo were owned by the Confederacy, and reversed the lower court decision for the claimants.

**Klein, John A., The United States v.,** 80 U.S. 519 (1/29/1872).

Congress passed legislation that in effect overrode the presidential proclamations. The Supreme Court held that this legislation was inadvertently passed and approved a decision granting a claimant proceeds from the sale of cotton, as though the legislation did not exist.

**Lane, County of, v. State of Oregon,** 74 U.S. 101 (2/8/1869).

The Supreme Court held that greenbacks could not be used to pay state taxes when the state courts had held that taxes could be paid only in gold and silver.

**Law, George, v. Wallerstein,** 76 U.S. 651 (3/14/1870).

This case began in Louisiana in Federal court prior to the war, then was transferred to a provisional court created by Lincoln when the Union forces regained control. The Supreme Court held that the provisional court was a legal court.

**May, Thomas, v. The United States,** 72 U.S. 480 (1/3/1867).

The **Springbok**, a British vessel whose destination was Nassau, was captured on the high seas. The Supreme Court released the vessel but condemned the cargo because it was contraband.

**McCardle, William H., Ex Parte,** 73 U.S. 816 (2/17/1868).

The Supreme Court held that a right to appeal attaches to all judgments of the Circuit Court, including cases of habeas corpus.

**McGlynn, John A. v. Emily W. Magraw,** 75 U.S. 531 (2/7/1870).

A debt was incurred prior to the passage of the Legal Tender Acts. The Supreme Court held, following **Hepburn v. Griswold**, decided the same day, that the debt could not be paid with greenbacks.

**Meaher, Timothy, v. The United States,** 78 U.S. 646 (5/6/1867).

The Supreme Court held that where the United States was adequately represented in a case, no counsel may be heard in opposition from any other department of the government.

**Mississippi, The State of, v. Andrew Johnson,** 71 U.S. 437 (4/15/1867).

The Supreme Court denied a motion for leave to file a complaint, holding that it did not have jurisdiction to enjoin the president from performing his official duties.

**Padelford, Edward, The United States v.,** 76 U.S. 788 (4/30/1870).

The Supreme Court held that Padelford's purchase of Confederate bonds was involuntary and could not be classified as aid and comfort to the enemy.

**Pargoud, John Frank, v. The United States** 80 U.S. 646 (4/8/1872).

Pargoud claimed the proceeds from cotton captured from him in 1865. The Court of Claims decided against Pargoud because he had aided the Confederacy. The Supreme Court overruled the decision, holding that the president's blanket pardon qualified Pargoud to receive the proceeds.

**Pugh, Edward, v. The United States,** 80 U.S. 711 (5/6/1872).

Pugh sued the United States in the Court of Claims, alleging that Union troops had damaged his plantation in Louisiana. The Court of Claims dismissed the suit, and the Supreme Court affirmed the decision, stating that this was a military action during the war.

**Queyrouze, Paul, v. The United States,** 70 U.S. 65 (1/15/1866).

The Supreme Court held that the revocation of the blockade in New Orleans did not lift the blockade of the nearby coasts that remained in the possession of the Confederacy,

**Read, John, The United States v.,** 72 U.S. 625 (5/6/1867).

The cargo of the captured bark **Science** contained Confederate uniform cloth; however, there was no evidence that the bark was destined for enemy territory. The Supreme Court held that the vessel should be restored to its owner.

**Reeside, John E., v. The United States** 75 U.S. 391 (11/8/1869).

Major General Frémont contracted with Reeside to purchase and inspect horses. When Reeside sued for the contractual amount, the Supreme Court confirmed a lower court's decision that Frémont lacked the authority to enter into such a contract, but held that Reeside should be paid for the work actually accomplished.

**Renaud, Bernard, v. The United States,**

69 U.S. 880 (3/8/1865).

The Supreme Court held that once a blockade was established, it was presumed to continue until formal notice of its discontinuance was given or there was other persuasive evidence of its discontinuance.

**Rive, John, The United States v.,**

72 U.S. 622 (5/6/1867).

The brig **Dashing Wave** an English vessel destined for Matamoros, was captured off the Texas coast. The District Court restored the vessel to the owners because none of the cargo was contraband and assessed costs to the claimants. The Supreme Court affirmed the decision.

**Sea Witch, The Schooner, The United States v.,**

73 U.S. 786, (1/13/1868).

The **Sea Witch** was restored to its owner because the owner and the vessel's cargo were neutral and the vessel had been cleared to New Orleans by the U.S. vice consul.

**Teresita, The Bark, The United States v.,**

72 U.S. 627 (5/6/1867).

The bark **Teresita** was captured when an excessive wind blew it into Texas waters. The vessel and cargo were owned by Spanish and Mexican citizens. The lower court returned the vessel and cargo to the owners, and the Supreme Court affirmed the decision and assessed damages to the captors.

**Thorington, Jack, v. William B. Smith,**

75 U.S. 361 (11/1/1869).

The Supreme Court held that the balance owed on a contract that was consummated in the Confederacy would be enforced by the Federal courts and could be paid in Confederate currency.

**The Union Insurance Co. v. The United States,**

73 U.S. 879 (3/25/1868).

Property in New Orleans that had been leased to a Confederate arms factory was condemned. Union held a mortgage on the property. The Supreme Court took this opportunity to establish standards for this and similar cases, including the role of a jury, and ordered a new trial.

**The Veazie Bank v. Jeremiah Fenno,**

75 U.S. 482 (12/13/1869).

The Supreme Court held that a 10 percent tax upon the circulation of bank notes of national and state banks was constitutional.

**Volant, The Brig, v. The United States,**

72 U.S. 626 (5/6/1867).

The brig **Volant**, a neutral vessel, was captured off the coast of Texas with a cargo of Confederate army cloth. The Supreme Court held that the cargo justified capture, but since there were no facts that proved it was destined to the Confederacy, it overruled the District Court and returned the vessel to its owner.

**Walker, James, v. The United States,**

73 U.S. 821 (2/10/1868).

The steamship, **Adela**, owned by neutrals, was captured in British waters. The Supreme Court affirmed a decree of condemnation because the evidence revealed that the vessel intended to run the blockade.

**Watson, Gerald T., v. The United States,**

69 U.S. 227 (2/13/1865).

The Supreme Court set standards that must be met to successfully condemn a vessel and cargo as a prize of war.

**White, George W., The State of Texas,**

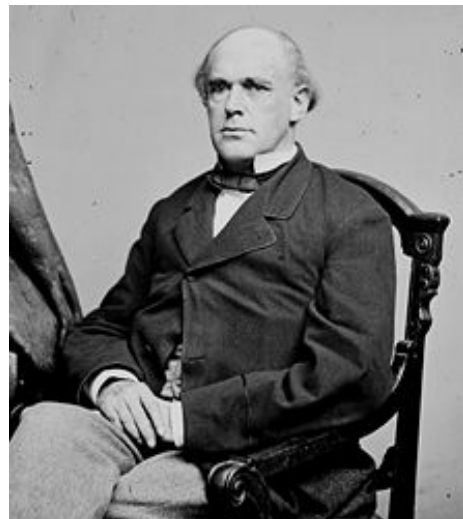
74 U.S. 227 (3/12/1869).

The state of Texas filed an original suit to regain control of bonds sold by the Confederate state of Texas. The Supreme Court held that Texas never ceased being a state and could recover the bonds.

**Wigg, George, The United States v.,**

72 U.S. 677 (5/13/1867).

Wigg, a British subject, was the claimant of the steamer **Pearl**, which was captured as a prize of war. The District Court restored the vessel and cargo to him. The Supreme Court reversed the decision because of the nature of the cargo and evidence that the vessel was a blockade runner.



Salmon Portland Chase