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## **MISCELLANEOUS LETTERS OF THE DEPARTMENT OF STATE**

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**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

**Washington: 1964**

Office of the Agent of the United States

BEFORE THE

Mixed Commission on American and British Claims.

No. 103 FIFTEENTH STREET.

ROBERT S. HALE, Agent

Washington, D C, Aug 19 1872.

Sir.

Herewith I hand copy of the memorial of George Frederick <sup>County</sup> ~~County~~, against the United States, claiming damages for alleged wrongful arrest in New York, in December 1863, and imprisonment thenceforward to 25<sup>th</sup> March 1864. I beg to be advised immediately of any, and all information existing in your department as to the grounds of this man's arrest and the proofs existing against him. It is important that I should receive the same at once as the claimant is now proceeding to take testimony in London, and a knowledge of the

Law is necessary to enable counsel  
to cross-examine his witnesses.

Very respectfully

Your obedient servant

R D: J. Hale,  
Agent and Counsel  
of the U. S. &c.

Hon. William Hunter,  
Acting Secretary of State,  
&c., &c.,

MIXED COMMISSION  
ON  
BRITISH AND AMERICAN CLAIMS.

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*No. 443.*

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THE MEMORIAL OF GEORGE FRED'K CAUTY  
VS. THE UNITED STATES.

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*To the Honorable the Commissioners sitting at Washington  
for the decision of claims under the provisions of the Treaty  
of Washington of the 8th May, 1871.*

The memorial of George Frederick Cauty, a natural born subject of Her Majesty Queen Victoria, humbly represents :

1. Your memorialist was born in England, on the twenty-ninth day of June, one thousand eight hundred and twenty-four, at No. 80 Pall Mall, St. James, in the county of Middlesex, and has never been naturalized, nor taken any steps towards being naturalized, in any other country than that of his birth.

2. In the year 1851 your memorialist went to reside in Central America, and was for some years in the service of the States of Costa Rica and Nicaragua, and was especially in the service of the former named State at the period of its invasion by the filibustering expedition of General Walker, and was successful, as commander of the forces at

Greytown or San Juan del Norte, in defeating the invading forces, and by his conduct on that and other occasions in the States of Central America, your memorialist had acquired the confidence of the government and people of the States of Central America; and during his residence he had also obtained extensive information in relation to the mineral, commercial, and agricultural resources of the country, and had become conversant with the many openings that existed for the successful and profitable employment of foreign capital in the several branches of business aforesaid. He therefore decided on returning to England, for the purpose of engaging capitalists to furnish him with the means necessary for accomplishing various undertakings, of which he had prepared the basis before leaving Central America.

3. His residence during the period which elapsed between the 13th April, 1861, and the 9th April, 1865, was as follows: From the 13th April, 1861, to early in the year 1862, he resided at San José, Costa Rica, Central America, when he returned to England and resided at 21 Cambridge street, Pimlico, in the county of Middlesex; where he remained until the month of March, 1863, when he returned to New York and resided at Maillard's hotel, Broadway; where he resided until December, 1863, in which month he removed his residence to 28 Hudson Terrace, Hoboken, New Jersey; where he resided until the 24th December, 1863, on which day he was arrested and imprisoned in Fort Lafayette, until the 25th March, 1864, when he was released. On his release he returned to and resided at 28 Hudson Terrace, Hoboken; where he remained until the 23d June, 1864, when he went to Central America and resided at San José, Costa Rica; where he remained on and subsequent to the 9th April, 1865.

4. In the year 1863, while in England as aforesaid, your memorialist was very successful in the negotiation of vari-

ous business engagements with individuals and associations, by the terms of which he was to be supplied with the necessary capital for carrying out different mineral and commercial enterprises, of which he had established the basis before leaving Central America; and he left England provided with powers of attorney, letters of credit, and cash advances sufficient to ensure his success and the acquisition of a moderate independence, as the fruits of many years of hard and dangerous service in foreign countries, and of honorable and industrious application to business.

5. The memorialist had been furnished, in the year 1860, with a power of attorney from Joseph Rodney Croskey, Esq., formerly United States consul at Southampton, the chairman of the Atlantic and Pacific Steam Navigation and Transit Company (limited); the said power bearing date the 29th December, 1859, authorizing him to negotiate with the government of Nicaragua for a concession in favor of the said company of a transit route across the said Isthmus, and his negotiations had progressed so favorably that there was no reasonable doubt of their successful termination on his reaching the seat of government.

6. He had with him a letter of credit, dated the 7th January, 1863, from the commercial firm of Hankey, Dumas & Co., to be drawn against shipments of hides and copper ore, which he was to purchase on their behalf; and they had agreed to extend the said credit to any amount which the memorialist could advantageously invest in the same manner.

7. He was also authorised on behalf of Francis Kuper Dumas, the head of the said firm, to enter into a contract in his behalf with the Atlantic and Pacific Railroad Company for the supply of iron rails and rolling stock, to the amount of 500,000 dollars, on which the memorialist was to receive a commission of two and a half per cent. from the said Dumas, and a like commission from the company, making together 25,000 dollars.

8. The memorialist had also a contract with an association of seven gentlemen, one of whom was John Lucena Ross Kettle, Esq., barrister of Lincoln's inn, and all were gentlemen of high character and position, for the purchase in their behalf of about 150 tons of copper ore, and of the mines from which the said ore was extracted, for which the memorialist had secured before leaving Central America a written offer from the owners, Don Juan Rafael Mora, then President of Costa Rica, and his associate, José Antonio Quiross, also of said State, and the memorialist and the said José Antonio Quiross were to have as their remuneration for introducing the business to the said association, one-third of all the profits, namely: one-sixth each derived from the purchase of the said ore and from the working of the said mines, and was to be provided with all necessary capital for the business. The said association advanced to the memorialist in cash £350 for preliminary expenses, and engaged Mr. James Ensor as their engineer to accompany the memorialist. The said engineer did accompany the memorialist on the voyage to New York on the way to Central America as hereinafter narrated, the expenses of the said James Ensor being paid by the memorialist.

9. The memorialist had also an advantageous contract with Mr. Leo de la Peyrouse, an eminent chemist, then of London but now of Liverpool, for negotiating with the Hide Association of New York, and with any person in Central America, for the use of a valuable patent for the curing of hide and other animal substances, and the memorialist was when arrested, as hereinafter mentioned, on the eve of concluding an agreement with the said Hide Association of New York, on terms which would have yielded him from that agreement alone an annual income of at least two hundred pounds.

10. The memorialist had arranged for the formation of



an influential company in England for the purpose of working a concession that had been granted to him and to his father jointly by the government of Costa Rica, for the establishment of an important road and river communication in that State, which concession had expired, but the memorialist was in treaty for a renewal thereof with certain modifications, whereupon the company was to commence the execution of the works. The modifications required could have been obtained by the memorialist without difficulty upon arrival in Costa Rica.

11. On the arrival of the memorialist in New York, in the said year 1863, he was engaged for some time in that part of the business entrusted to him as aforesaid, which required to be transacted in that city, especially in making the aforesaid arrangements with the Hide Association. He had his family with him, composed of his wife, then in a state of pregnancy, and one child; he was also accompanied by the aforesaid engineer, James Ensor, who was to proceed with him to Central America.

12. While in New York, on the 20th November, 1863, the memorialist also obtained a power of attorney from the said Francis Kuper Dumas, who was then in that city, authorizing the memorialist to enter into negotiations for him with the various Central American governments for concessions for different undertakings which the said Dumas was desirous of obtaining.

13. The business of the memorialist in New York was nearly completed, and he had engaged and paid for the passage of himself and family by Vanderbilt's steam line for Nicaragua, and he was on the eve of departure, when on the 24th December, 1863, he was suddenly arrested by the military authorities of the United States and hurried off to the city prison, where he was kept in solitary confinement for three days without one word of explanation as to the cause of his arrest, and to his oft repeated inqui-



ries into the reason for such treatment he could obtain no answer. At the end of three days he was taken to Fort Lafayette, where he was searched and all his money and papers taken from him, and he was then incarcerated in a casemate of the fort with some twenty-five other prisoners.

14. The memorialist was only allowed to communicate with his wife and friends by open letters, and all replies to him were opened and read by the prison authorities. His appeals to Her Majesty's consul in New York, and to Lord Lyons in Washington, were promptly attended to, but in no way could he or they find out why he was made the victim of so gross an outrage; but an obstinate silence was maintained till the 15th February, 1864, when Lord Lyons was informed in vague terms by Mr. Seward that the memorialist had been engaged either in aiding the enemies of the United States or violating the neutrality laws and regulations. No specific act of the memorialist was ever charged, nor has he ever, to the present time, been able to discover the grounds of his imprisonment.

15. Notwithstanding every effort of Her Majesty's minister in Washington, and Her consul in New York, and the ceaseless applications of the distressed wife of the memorialist, it was not until the 25th March, 1864, that he was marched under military escort to the office of General Dix, who told the memorialist that he was free. To an inquiry as to the cause of his arrest the answer of General Dix was: "I have no answer to give you. My game is reticence. You can go." General Dix however returned to the memorialist on request the papers taken from him on his arrest, which papers show conclusively that the memorialist was on his way to Central America on the business above-mentioned.

16. While imprisoned as aforesaid the memorialist made not only every effort to court inquiry, but earnestly entreated to be admitted to bail, and General T. F. Meagher, then in-

the service of the United States, visited the memorialist in prison, and offered not only to become his bail himself but to procure any further bail that might be required. To this application of the memorialist no answer was made by General Dix.

17. After waiting in vain for some weeks for the release of the memorialist, the said engineer, James Ensor, unable to foresee the end of the imprisonment, returned to England.

18. In the meantime the wife of the memorialist, laboring under the distress and agony caused by his uncertain fate, was confined, but her child perished soon after its birth. His wife, in her intense anxiety for his release, alone in a foreign country, rose prematurely from her bed, and in mid-winter, with the harbor frequently covered with floating ice, crossed in the ferry-boats to see him several times a week, and on each occasion was compelled to solicit and obtain official papers before being permitted to visit him. She has never recovered from the effects on her health produced by these causes, and by the death of her infant, which resulted directly from them.

19. On the release of the memorialist from prison he made every effort to retrieve the ruinous effects of the cruel outrage of which he had been the victim, but he found to his dismay that the injuries were irretrievable. His character and reputation had been so damaged by his arrest and long imprisonment that all his explanations were received with incredibility. He was unable to convince his former friends that any government could have treated him in such a manner unless he had been guilty of some grave offence. Both in England and Central America he sought in vain to recover the confidence and personal regard and social influence which had been the reward before his imprisonment of the honorable conduct of a lifetime. He was looked on with suspicion from which even

yet he suffers, and the acts of the officers of the United States above-mentioned have made a wreck of his fortunes for life, besides entailing the death of his child and permanently impairing the health of his wife.

20. He now presents his claim for redress, and prays this honorable commission to award him indemnity for pecuniary losses and proper damages for the cruel violence done to his person, for which he claims £30,000.

GEORGE F. CAUTY.

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Be it remembered that on the twelfth day of March, in the year of our Lord 1872, before me the subscriber, John Harrison, of the city of London, notary public by royal authority, duly admitted and sworn, and duly authorized to administer oaths, personally appeared George Frederick Cauty, to me known, who, being first duly sworn, deposes and says that the memorial hereto annexed is the memorial of George Frederick Cauty, that the signature purporting to be the signature of George Frederick Cauty is the signature of deponent and in his handwriting, and to the best and utmost of his knowledge, information and belief all and every of the statements and particulars in detail of and on the part of the deponent in said memorial set forth are absolutely and entirely true and correct in substance and form.

[SEAL.]

JOHN HARRISON, *Notary Public.*  
GEORGE F. CAUTY.

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[Coat of Arms.]

Consulate General of the United States of America,  
London.

I, Joshua Nunn, vice-consul general of the United States

of America for Great Britain and Ireland at London, do hereby make known and certify to all whom it may concern, that John Harrison, before whom the annexed affidavit of George Frederick Cauty was made, as appears by his signature thereto, is a notary public duly admitted and sworn, practising in the city of London aforesaid, and authorised to receive affidavits, and that to all acts by him so done full faith and credit are and ought to be given in judicature and thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of the consulate general of the United States at London aforesaid, this twelfth day of March, in the year of our Lord one thousand eight hundred and seventy-two, and in the ninety-sixth year of the independence of the said United States.

[SEAL.]

J. NUNN.

*Lord Lyons to Mr. Seward.*

WASHINGTON, *January 1st, 1864.*

SIR:—I have the honor to submit to you a copy of a despatch from Her M's consul at New York, respecting the arrest of Mr. George F. Cauty, who would seem to be a B. S.

I beg you to be so good as to acquaint me with the grounds of this arrest. I trust also that you will without delay call the attention of the proper authorities to the contents of the consul's despatch, and ask them to consider whether there is any good cause for prolonging Mr. Cauty's imprisonment.

I have, &c.

L.

*Consul Archibald to Lord Lyons.*

BRITISH CONSULATE,

NEW YORK, *December 28th*, 1863.

MY LORD :—I have the honor to report to your lordship that on Thursday morning last, Mr. George F. Cauty, a British subject, who has been resident in New York since March last, was arrested by the police and taken to the county jail, from whence he was yesterday transferred to Fort Lafayette.

From Mrs. Cauty, wife of Mr. Cauty, who called upon me this morning in reference to her husband's arrest, I learn that Mr. Cauty is a native of London, and a subject of Her Britannic Majesty; that for about thirteen years past he has resided in the republic of Salvador, and has been connected with public works there. That he has never been at any time in any of the insurrectionary States of the United States, and has taken no part whatever in the pending civil war.

She further states that Mr. Cauty's business in New York has been connected solely with the government of Salvador, on whose behalf he had been endeavoring to negotiate bonds, in the interest of that republic. That Doctor Segur, the late minister of Salvador to the United States, has long been an acquaintance of Mr. Cauty's, and that on Thursday morning last, Doctor Segur being about to embark with his wife and family for New Orleans in the steamer "George Cromwell," Mr. Cauty went down to the pier to bid Doctor Segur good-bye and see him off, when he, together with Doctor and Mrs. Segur, was arrested, and all the private papers, including a letter of credit which he had on his person, were taken from him and he was conveyed to the county jail. That on application for information as to the cause of his arrest, he could obtain no other answer than that he was in bad

company. That on his being arrested he not only did not object to the taking any of his papers, but told the officers that they were quite welcome to search his house and take possession of all he had, since he was confident they could have no just grounds for arresting him.

I have the honor to submit for your lordship's consideration and such action thereon as your lordship may think fit, the foregoing statement made to me of the circumstances connected with the arrest of Mr. Cauty.

I have the honor to be, my lord,

Your lordship's most obedient, humble servant,

E. M. ARCHIBALD.

The Right Honorable LORD LYONS, G. C. B., British Legation, Washington.

*Mr. Seward to Lord Lyons.*

DEPARTMENT OF STATE, Washington, 5th Jan'y, 1864.

MY LORD: — I have the honor to acknowledge the receipt of your note of the first instant, and its accompaniment, respecting the arrest of Mr. George F. Cauty, and to state that the matter will receive attention.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

To the Right Honorable LORD LYONS, &c., &c.

*Lord Lyons to Mr. Seward.*

WASHINGTON, February 11, 1864.

SIR: — With reference to my note of the first Jan. ultimo, and to the numerous conversations which I have had with you respecting the imprisonment of Mr. George F. Cauty,



I have the honor to inform you that it appears from a letter which I have received from him that he was called before a military commission on the 29th of last month.

Mr. Cauty says that he was asked by the commissioners a few random questions with regard to his connexion and business transactions with Dr. Segur, and more particularly with regard to the purchase of a small steamer and of some arms. He affirms that what little he had to do with those matters was as openly done and as publicly known as any trading operation could be in the city of New York, and that he can hardly conceive that any charge can be brought against him on account of the purchase of the articles, inasmuch as the sellers of them and the actual agents in the matter are, as he believes, American citizens of high commercial standing, and are all at large.

Mr. Cauty states further that after replying simply to the questions put by the commissioners, he asked them "what charge they had against him, and why he was imprisoned for so long a time, and why his papers, which were necessary for the subsistence of himself and his family, were withheld from him." To all of which questions he says he could obtain no other answer than that "he would be duly informed."

In conclusion he begs me to endeavor to elicit from the U. S. authorities a statement of what they have against him, made in the form of a specific charge, and requests me to urge that he may, if there be any real charge against him, be brought speedily to a formal and legal trial.

I have, &c.

L.

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*Mr. Seward to Lord Lyons.*

DEPARTMENT OF STATE, WASHINGTON, Feb. 12th, 1864.

MY LORD :—I have the honor to acknowledge the receipt of your note of yesterday relative to Mr. George F. Cauty,

and to state in reply that Mr. Cauty's case is under consideration of the Government, and that enough is known to show that he was engaged either in aiding the insurgents or violating the neutrality laws and regulations.

I have the honor to be, with high consideration,

Your lordship's obedient servant,

WILLIAM H. SEWARD.

The Rt. Hon. LORD LYONS, &c., &c.

*Consul Archibald to Lord Lyons.*

BRITISH CONSULATE, NEW YORK, *March 15th, 1864.*

MY LORD:—I have the honor to report that Mr. Cauty was yesterday unconditionally released from Fort Lafayette.

I transmitted this morning to your lordship a telegraphic message to that effect.

I have the honor to be, my lord,

Your lordship's most obedient, humble servant,

E. M. ARCHIBALD.

The Right Honorable LORD LYONS, G. C. B., &c., &c.,  
British Legation, Washington.

*Power of Attorney.*

To all to whom these presents shall come: I, George Frederick Cauty, of No. 3 Bellevue, Pulross Road, Brixton, in the county of Surrey, send greeting: Whereas I am about to present to the commissioners appointed under the treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, ratified on or about the

seventeenth day of June, in the year of our Lord one thousand eight hundred and seventy-one, a claim against the United States of America for damages, prejudices and losses which I have sustained through my arrest and imprisonment on the twenty-fourth day of December, one thousand eight hundred and sixty-three, and my detention in prison until the twenty-fifth March, one thousand eight hundred and sixty-four, and am desirous of appointing some one to represent me in that behalf. Now know that I, the said George Frederick Cauty, have made, constituted and appointed, and do by these presents make, constitute and appoint Edwin Gerard, late of 14 Bishopsgate street Within, London, E. C., but now of 635 F. street, Washington, D. C., to be my sufficient and lawful attorney, irrevocable for me and in my name, place and behalf, to present and prosecute the said claim before said commissioners, and to do every act and thing necessary and requisite to obtain the favorable judgment of said commissioners on said claim, and the payment of any sums of money awarded to me by said commissioners in respect thereof, giving and granting to my said attorney full power and authority in the premises to receive any voucher, certificate, draft or warrant that may be issued in payment or satisfaction of any award that may be made in my favor by the said commissioners, and in my name to sign and give all fitting receipts for the same, with power unto the said Edwin Gerard to appoint a substitute or substitutes under him in the premises, and such substitute or substitutes at pleasure to supersede, and another or others if need be to appoint, I hereby ratifying and confirming all that my said attorney may lawfully do by virtue thereof. In witness whereof I have hereunto set my hand and affixed my seal this twelfth day of March, in the year of our Lord one thousand eight hundred and seventy-two.

[SEAL.]

GEORGE F. CAUTY.

Signed, sealed and delivered by the above named George Frederick Cauty in the presence of

LEONARD I. B. RAWLINS,  
*Solicitor, 85 Gracechurch Street, London.*

THOS. BROWN,  
*17 Gracechurch Street, London, E. C.*

By this public notarial act be it known and made manifest unto all persons to whom these presents shall come, that on the day of the date hereof, before me, the undersigned John Harrison, of the city of London, notary public by royal authority, duly admitted and sworn, personally came and appeared George Frederick Cauty, to me known, the constituent mentioned and described in the preceding letter of attorney, who in my presence and in the presence of the subscribing witnesses thereto, namely: Leonard Irvine Butlin Rawlins, of No. 85 Gracechurch street, in the city of London, solicitor, and Thomas Brown, of No. 17 Gracechurch street, in the same city, notarial clerk, signed, sealed and acknowledged as and to be his voluntary act the said letter of attorney. And I hereby certify and attest that the signature "George F. Cauty," subscribed opposite to the seal of the said letter of attorney, is in the real and proper handwriting of the said George Frederick Cauty, therefore full faith should be given in judicature and thereout. Whereof an act being required, I have granted these presents under my signature and official seal to serve as need may require, in London, this twelfth day of March, in the year one thousand eight hundred and seventy-two.

[SEAL.]

JOHN HARRISON, *Notary Public.*

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## [Coat of Arms.]

Consulate-General of the United States of America,  
London.

I, Joshua Nunn, vice-consul general of the United States of America for Great Britain and Ireland, at London, do hereby make known and certify to all whom it may concern, that John Harrison, who hath signed the annexed certificate, is a notary public duly admitted and sworn and practising in the city of London aforesaid, and that to all acts by him so done, full faith and credit are and ought to be given in judicature and thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of the consulate-general of the United States at London aforesaid, this twelfth day of March, in the year of our Lord one thousand eight hundred and seventy-two, and in the ninety-sixth year of the independence of the said United States.

[SEAL.]

J. NUNN.