

# HISTORY AND DIGEST

OF THE

## INTERNATIONAL ARBITRATIONS TO WHICH THE UNITED STATES HAS BEEN A PARTY,

TOGETHER WITH

APPENDICES CONTAINING THE TREATIES RELATING TO SUCH  
ARBITRATIONS, AND HISTORICAL AND LEGAL NOTES ON  
OTHER INTERNATIONAL ARBITRATIONS ANCIENT AND  
MODERN, AND ON THE DOMESTIC COMMISSIONS  
OF THE UNITED STATES FOR THE ADJUST-  
MENT OF INTERNATIONAL CLAIMS.

BY

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as a witness, and without being taken to New York where the vessel was libeled, could not be considered as an aggravation of his imprisonment, nor as giving him any right of reclamation, which he would not have had if taken to New York and examined as a witness, as he lawfully might have been.

“The commission unanimously disallowed all the claims.

“The case of Philip George Beaumont Dean, Dean's Case. No. 465, was of like character with the four last named. The claimant was captured on board the British brig *Dashing Wave* (whose case will be hereafter reported), off the mouth of the Rio Grande River, in November 1863. He was rated as an able seaman on the brig, though in fact a passenger and a son of one of the owners of the brig. He was taken with the vessel to New Orleans, where the vessel was libeled; was examined as a witness *in preparatorio* 28th November 1863, six days after the arrival of the vessel at New Orleans, and was then released. His memorial alleged that from that time till the 23d July 1864 he was ‘detained on parole by the commissioners of the United States Government’ at New Orleans, but his evidence showed no such detention or parole, and it appeared that his stay in New Orleans after his examination was a voluntary one, for the purpose of looking after the interests of the owners of the vessel and cargo.

“His claim was unanimously disallowed by the commission.

“In the case of George F. Cauty, No. 443, Cauty's Case. the claimant was a British subject, for several years domiciled in Central America, but from March to December 1863 temporarily resident in the city of New York, engaged, as he alleged, in commercial enterprises connected with Central America. He was arrested in New York by the United States military authorities on the eve of his departure for Nicaragua by steamer, 24th December 1863; detained in a prison in the city of New York for three days, then transferred to Fort Lafayette, and there confined till the 14th March 1864, when he was discharged without trial and without information of the grounds of his arrest, except the general statement that he had been engaged in aiding the enemies of the United States, or violating the neutrality laws and regulations. It appeared that he was arrested in company with one Dr. Segur, in connection with whom he had been engaged in purchasing arms, as was alleged by them, for the

state of San Salvador, and that the circumstances of the purchase and shipment of these arms were such as to lead to the strong suspicion that they were in fact purchased and shipped for the use of the Confederate government. Shortly after his arrest he was brought before a military commission at New York and interrogated as to his connection with Dr. Segur, and purchase of arms made by him. Most of these questions he refused to answer, on the ground that he had 'been advised not to compromise himself or his friends in any shape or manner.' He was thereupon remanded to prison. The charge that the arms were in any way designed to aid the enemies of the United States was not sustained by the proofs. The claimant alleged large pecuniary losses resulting from his imprisonment.

"The commission made an award in his favor for \$15,700, Mr. Commissioner Frazer dissenting on the question of amount.

"John Tovell, No. 446, a Baptist clergyman, **Tovell's Case.** was arrested at Nashville, Tennessee, on the 9th of November 1862, on the charge of disloyalty to the United States, and of having in the course of a funeral oration delivered at Nashville used language strongly denunciatory of the military authorities in charge of Nashville, and tending to incite disaffection and rebellion. Nashville was a town within the insurrectionary States, captured by the United States in the spring of 1862, and held by them as a military post and under military government at the time of the claimant's arrest. He was detained in prison till the 8th June 1863, and then banished into the Confederate lines.

"The commission awarded him \$830, Mr. Commissioner Frazer dissenting.

"Henry R. Smith, No. 461, a physician, **H. R. Smith's Case.** domiciled at Louisville, Kentucky, within a State not in rebellion, was arrested at that place by the military authorities of the United States in July 1864 on a charge of circulating treasonable documents, the documents in question being copies of a handsomely printed placard highly laudatory of the Confederate General Robert E. Lee as a patriot, Christian, and hero of unfaltering devotion to duty, etc. Louisville and the State in which it was situated contained a large proportion of sympathizers with the rebellion, and it was contended on the part of the United States that the circulation of this document by Dr. Smith was made with the direct purpose and intent of giving aid to the