

**THE TREATY OF WASHINGTON:  
ITS NEGOTIATION, EXECUTION,  
AND THE DISCUSSIONS  
RELATING THERETO**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649261468

The Treaty of Washington: its negotiation, execution, and the discussions relating thereto by  
Caleb Cushing

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**CALEB CUSHING**

**THE TREATY OF WASHINGTON:  
ITS NEGOTIATION, EXECUTION,  
AND THE DISCUSSIONS  
RELATING THERETO**



THE  
TREATY OF WASHINGTON:

ITS  
NEGOTIATION, EXECUTION,  
AND THE DISCUSSIONS RELATING THERETO.

BY  
CALEB CUSHING.



NEW YORK:  
HARPER & BROTHERS, PUBLISHERS,  
FRANKLIN SQUARE.  
1873.

JX 238  
.A7  
1873c

Entered according to Act of Congress, in the year 1873, by  
HARPER & BROTHERS,  
In the Office of the Librarian of Congress, at Washington.  
24319

INSCRIBED,

IN TESTIMONY OF PROFOUND RESPECT,

TO

COUNT FREDERIC SCLOPIS, OF SALERANO,

MINISTER OF STATE,

SENATOR OF THE KINGDOM OF ITALY.





# CONTENTS.

---

	PAGE
CHAPTER I. <i>INTRODUCTION</i> .....	9
CHAPTER II. <i>ALABAMA CLAIMS</i> .....	15
( Conduct of Great Britain toward the United States during the late Civil War.....	15
Negotiations by Mr. Seward.....	17
Policy of President Grant.....	18
Overtures by Great Britain.....	20
Stipulations respecting the <i>Alabama</i> Claims.....	21
Arrangements of Arbitration.....	26
• The American Case.....	30
• Explanation of Objections to the American Case.....	33
Agitation respecting the National Claims.....	34
Cause of this Agitation.....	39
Discussion between the two Governments.....	42
( English Misconception of American Sentiment.....	48
Attitude of the American Government.....	52
Action of the American Agent and Counsel.....	55
Presentation of Counter-Cases.....	57

	PAGE
✓ Negotiations for a Supplemental Treaty.....	62
✕ Presentation of Arguments for the United States.....	66
✕ Decision of the Arbitrators respecting National Losses.....	69
Seat of the Arbitration.....	74
Count Frederic Sclopis.....	77
Mr. Stampfli.....	80
Viscount of Itajubá.....	81
Sir Alexander Cockburn.....	86
Mr. Charles Francis Adams.....	93
Secretary of the Tribunal.....	94
Agents and Counsel.....	94
Efforts of the British Government to obtain Reargument.....	99
Rules concerning the Conferences of the Tribunal.....	106
Discussions of the Tribunal.....	109
Sir Alexander Cockburn's Call for Reargument.....	111
✕ ✓ Case of the <i>Florida</i> decided.....	114
Special Arguments ordered on Certain Points.....	117
✕ Case of the <i>Alabama</i> decided.....	118
✕ Case of the <i>Shenandoah</i> decided.....	120
The Special Arguments.....	121
Question of Damages.....	124
Final Judgment of the Tribunal.....	125
Announcement of the Decision.....	126
Conduct of the British Arbitrator.....	128

CONTENTS.

vii

	PAGE
Sir Alexander Cockburn's Reasons for Dissent .....	128
Review of Sir Alexander Cockburn's "Reasons".....	130
Opinions of the other Arbitrators.....	149
Review of the Decision of the Tribunal on National Losses.....	153
Decision as to Private Losses .....	159
Effect of the Award.....	164
Validity of the Award .....	167
Filibuster Objections.....	177
Sale of Arms not affected by the Treaty or the Award.....	180
Question of Supplies of Coal.....	180
✓ What the United States have gained by the Award.....	184
 CHAPTER III. <i>MISCELLANEOUS CLAIMS</i> .....	 187
Treaty Provisions.....	187
Private Claims on Governments.....	189
Usefulness of Mixed Commissions.....	193
Other Forms of Arbitration .....	195
Tendency of Reason and Justice to prevail over Force.....	197
Theory of Arbitration.....	200
Wisdom of the present Mixed Commission.....	201
 CHAPTER IV. <i>THE NORTHWESTERN BOUNDARY-LINE</i> ..	 203
Provisions of the Treaty .....	203
History of the Question. ....	205
The Award.....	221