

PRINCE WILLIAM COUNTY VIRGINIA

MIXED COMMISSION ON BRITISH AND AMERICAN CLAIMS

THOMAS PRINGLE vs UNITED STATES

&

ARTHUR C. & FRANCES EVANS vs UNITED STATES

RONALD RAY TURNER

The following cases of Thomas Pringle vs The United States and Arthur C. & Frances Evans vs The United States were transcribed from papers found at the National Archives II. The cases are as complete as the found documents would allow.

My reason for researching the Mixed Commission on British and American Claims was to gain information on Thomas Pringle of Ben Lomond and any other residents of Prince William County, Virginia. Under the Treaty of May 8, 1871, British subjects were allowed to file claims for compensation with this commission. Two relevant claims were found relating to Prince William County. These two very different cases help in understanding the civilian regulations imposed during the Civil War occupation. British subjects were better off than most residents in the occupied areas because of their neutrality, but were still at a great risk for loss of property.

Only the one-sided position of facts presented by the Federal Forces was found in the Evans case. Depositions for the claimants Arthur and Frances Evans are missing from the files. The case was disallowed without compensation on March 28, 1873. The claimant's side of the case may still be recovered with additional research.

Information gained from the Pringle case will be of interest to the people researching "Ben Lomond," as it gives some names, dates, and units of Confederate and Union forces along with a description of furniture in the manor house. It also confirms the use of the manor house as a hospital and the surprising fact that the Pringles were able to live there during that occupation. The most surprising piece of new information, however, is the existence of the "Pringle Store" at Ben Lomond.

The Manassas Gazette and Alexandria Gazette both reported that Thomas Pringle was awarded \$564 in gold by The Mixed Commission on British and American Claims. The records at the National Archives, however, list the amount received on January 15, 1873 as \$558 dollars for property taken by the United States.

**Ron Turner
December, 2000**

MIXED COMMISSION
On
BRITISH AND AMERICAN CLAIMS

Under the 12 Article of the Treaty of May 8, 1871

Claims of Subjects
of
GREAT BRITIAN vs. THE UNITED STATES

THOMAS PRINGLE
vs
UNITED STATES

MIXED COMMISSION ON BRITISH AND AMERICAN CLAIMS

By article 12-17 of the Treaty of Washington the United States and Great Britain agreed that all claims on the part of corporations, companies, or private individuals of the two nations arising out of acts against persons or property during the period Apr. 13, 1861 to Apr 9, 1865, that were not claims referred to in article #1 (Alabama Claims), should be referred to a Mixed Claims Commission. The commissioners appointed were Russell Gurney for Great Britain; James Somerville Frazer for the United States; and Count Louis Corti, the Italian Minister to the United States, chosen by both countries. At the Commission's first meeting, Sept. 26, 1871, Corti was selected to preside; Robert Safford Hale was received as agent and counsel of the United States; James Manderville Carlisle was received as counsel of Great Britain, and Henry Howard as agent of Great Britain. Thomas C. Cox, appointed secretary of the Commission on Sept. 27, had charge of the records, concerning which rules were prescribed by the commission. It met in Washington until May 10, 1873, and then after a recess held the rest of its session, from June 10 to Sept. 25, at Newport, R. I.

Adjudicating the claims involved extensive investigation and resulted in considerable documentation. British citizens presented 478 claims for sums totaling with interest about \$96,000,000. Of the 19 American claims, amounting to less than \$1,000,000 exclusive of interest, 12 grew out of the raid on St. Albans, Vt., made by Confederates who came across the border from Canada. Others resulted from the detention at Calcutta of American vessels laden with saltpeter and from a raid by Confederate soldiers upon the American steamers Philo Vance and Island Queen on Lake Erie. Documentary evidence regarding the claims was sought by the U. S. Agent from the archives of all the departments of the Federal Government and from records of the Confederate Government that were in Federal possession. Testimony was taken in writing all over the United States and in many different parts of the world by special counsel sent out from Washington or by local counsel under the instruction of the U. S. Agent. Aid was also obtained from Thomas H. Duley, who had been U.S. counsel at Liverpool, and Joseph Nurn, vice counsel general at London. The cases of American citizens against Great Britain were handled by private counsel with the general aid and supervision of the U. S. Agent. The resulting disposition of the British claims was as follows: 258 disallowed as unwarranted; 8 withdrawn by the British agent; 1 dismissed but later refilled; and 181 allowed, for \$1,929,819. All the American claims were dismissed.

THOMAS PRINGLE
vs
THE UNITED STATES

To Henry Howard, Esq.
H B M s Agent
Washington D. C.

Sir: Please take notice that on the 25th day of November, 1872, at 10 o'clock A. M. before Edmund F. Brown, U. S. Commissioner at his office, No. 687 F. Street, N.W. Washington, D. C. the testimony of Francis M. Lewis, William L. B. Wheeler, Benjamin F. Lewis, and others, will be taken: A statement as to object of the said testimony is hereto attached.

Very Respectfully
(signature not legible)
Attorney for claimant

Washington D. C.
Nov. 4, 1872

OFFICE OF THE SECRETARY
OF THE
MIXED COMMISSION ON AMERICAN AND BRITISH CLAIMS

Under the Treaty of May 8th 1871

703 Fifteenth Street
Washington, D. C.
January 27, 1873

Hon Robert S. Hale,
Agent and Counsel for U. S.

SIR:

I am directed by H. B. M's Agent to inform you that the testimony in writing of various persons for claimant in the case of Thomas Pringle vs United States will be taken on the 25th day of November 1872, at 10 o'clock A. M. before Edmund F. Brown, at his office, No. 637 F. Street, Washington D. C.

Subject-Matter herewith enclosed

I am, sir, your obedient servant,

Thomas C. Cox,
Secretary

BEFORE THE MIXED COMMISSION

on

AMERICAN AND BRITISH CLAIMS

Thomas Pringle

vs

THE UNITED STATES

PROOF FOR CLAIMANT

Deposition of Benjamin F. Lewis

UNITED STATES OF AMERICA
District of Columbia, to wit:

Before me, Edmund F. Brown, a United States Commissioner for the District of Columbia, duly commissioned and qualified, at my office in the city of Washington, on this the 25th day of November, 1872, at 10 o'clock A. M. pursuant to a notice to that effect presented to me, personally appearing the following named witnesses, who, after being first duly sworn according to law, do depose and say, in the presence of A. S. Worthington, Esq. attorney-at-law, representing the United States, and T. D. Hodgkin, Esq., as counsel for the claimant, as follows:

Benjamin F. Lewis, being duly sworn, doth depose and say as follows, in answer to interrogatories by T. D. Hodgkin, Esq., of counsel for claimant:

1st interrogatory. What is your name, age, residence, and occupation?

Answer. My name is Benjamin F. Lewis; my age is fifty-seven years; my residence, Prince William County, Virginia; my occupation, a farmer.

2nd int. Are you acquainted with Mr. Thomas Pringle, the claimant in this case? If yea, how long have you known him?

Ans. I am acquainted with him, and have known him about twenty years.

3rd int. How far was your residence from Mr. Pringle's, in 1861 and 1862?

Ans. Near three miles.

4th int. What was Mr. Pringle's occupation during the years 1861 and 1862?

Ans. A farmer

5th int. Have you any knowledge that Mr. Pringle was ever appointed or acted as sutler to the Confederate Army? [Objected to by A. S. Worthington, Esq., counsel for the United States, because what the witness does not know is not evidence]

Ans. None

6th int. Did Mr. Pringle sell sutler's stores to the Confederate Army? [Objected to as slightly leading.]

Ans. What constitutes sutler stores? He kept store at his house, and sold to soldiers and all. I have bought their myself.

7th int. Were or were not, the goods kept in Mr. Pringle's store, such articles as are usually to be found in a country store [Objected to as leading.]

Ans. They were.

8th int. What was the character of those goods?

Ans. A general assortment of groceries, and dry goods too, as well as my memory serves me.

9th int. Did Mr. Pringle sell goods to the Federal troops? [Objected to as leading]

Ans. Provisions, If that may be called goods.

10th int. Did or did not, Mr. Pringle sell supplies to the Confederate Army as a sutler? [Objected to as leading]

Ans. He did not to my knowledge.

11th int. Had you an opportunity of knowing the fact that Mr. Pringle was not a sutler? [Objected to as leading]

Ans. I had, I saw him nearly every day, and never heard of his being a sutler.

12th int. How was Mr. Pringle regarded in the community in which he lived, as to his neutrality as a British subject? [Objected to, as calling for evidence not competent in rebuttal]

Ans. He was regarded as a neutral, and so far as I know, acted as such.

13th int. Do you know that his neutrality continued during the whole war? [Objected to as leading.]

Ans. I do, having every opportunity of knowing.

Cross-examination by A. S. Worthington, Esq.:

1st cross-int. How long have you lived in Virginia?

Ans. Fifty-Seven years.

2nd cross-int. What were your sentiments during the war? [Objected to as irrelevant.]

Ans. Southern to the core.

3rd cross-int. Did you often talk with the claimant on the subject of the war?

Ans. I did.

4th cross-int. What seemed to be his opinion?

Ans. His sympathies were with the South.

5th cross-int. Were his convictions on that subject as strong as your own? [Objected to, for the reason that the witness is not competent to form an opinion.]

Ans. They were not.

6th cross-int. How often were you in his store in 1861 and 1862?

Ans. I don't know how often, I suppose twenty times; I was there almost every day.

7th cross-int. Why did you go there so often?

Ans. For pleasure and trade, I suppose. It was the nearest store to my lands, and the neighbors around there met their in evenings. His store was composed of a single room with a loft. I never was in the loft, and do not know what was kept there.

8th cross-int. Were you in the vicinity in March 1862 when the 8th Illinois Regiment took some articles from the claimant's place?

Ans. Yes; I did not see what they took; I did not go down to the store that day. Mr. Pringle told me what was taken, when I saw him a few days afterwards. There was always fire-arms about the store; soldiers had them there. I know nothing of his having any blankets. His dwelling house was about a hundred yards from his store; his house had five or six rooms. I was in the habit of going through his house in 1861 – 1862, frequently. There was a cellar and two stories to the house; I don't know whether there was a garret. Confederate officers frequently stopped at his house; Federal too.

9th cross-int. In 1861 and 1862, were there any encampments of Confederate troops near Mr. Pringle's store; if so, how many troops were so encamped, and how long did they stay?

Ans. There were troops encamped there. There was a brigade encamped on his land, had their winter quarters there, and staid during the winter. The nearest regiment was between 200 and 300 yards from his store. The next nearest store was at Manassas, about 3 ½ miles off.

10th cross-int. What rent was paid Mr. Pringle for the use of that land by that brigade.

Ans. None, to my knowledge. I feel pretty certain he got none. I never heard him object to the brigade being there. It would have been no use; I know that from experience. I never saw any uniforms about the store except what the soldiers wore. After the first battle of Bull Run, the Southern Army occupied Mr. Pringle's house as a hospital, for a short time. Mr. Pringle's father and brother were living with him at that time. I do not know of Mr. Pringle's making any objection to the use of his house as a hospital. He need not, If he had, He and his father and brother continued to live in the house while it was used as a hospital. I was down at the house every day or two while it was used as a hospital. Neither his father or brother did any business; I never saw them doing anything. They continued their farming operations during the war so far as they could.

11th cross-int. How do you know that Mr. Pringle sympathized with the South during the war?

Ans. From his conversation only. He sympathized very materially with them. I never talked with him in regard to the war, in his store, nor in the company of soldiers. I voted for secession. I was a Union man before the State seceded. Mr. Pringle did not vote at all on any subject, I am very sure. He always professed to be a subject of Queen Victoria.

Re-Examination by Mr. Hodgkin

14th int. Did Mr. Pringle's sympathies with the South ever lead him into any act in violation of his neutrality as a British subject?

Ans. Never, to my knowledge.

15th int. Did, or did not, Mr. Pringle sell the goods in his store to Federal soldiers when they were camped near his premises?

Ans. I don't know

16th int. Did, or did not Mr. Pringle furnish supplies to the Federal Army?

Ans. He did. I have no interest in this claim.

B. F. Lewis

Sworn to and subscribed before me, this 23rd day of November, 1872

(Seal) Edm. F. Brown
U. S. Commissioner

Deposition of Francis M. Lewis

Francis M. Lewis being duly sworn doth depose and say as follows, in answer to interrogatories by Mr. Hodgkin, of counsel for the claimant:

1st int. What is your name, age, residence, and occupation?

Ans. My name is Francis M. Lewis; my age fifty-two years; my residence Prince William County, Virginia; my occupation a farmer.

2nd int. How long have you known Mr. Pringle, the claimant?

Ans. About twenty years.

3rd int. How far were your residences apart?

Ans. About half a mile.

4th int. Did you see him frequently during the war?

Ans. Yes sir.

5th int. Was he even connected with the Confederate Army, as a sutler? [Objected to as leading.]

Ans. Not to my knowledge.

6th int. Were there or were there not, regular sutlers with all the regiments of the Confederate Soldiers encamped on or adjacent to Mr. Pringle's premises?

Ans. Yes, Sir; there were

7th int. How was Mr. Pringle regarded in the community? Was he or was he not, regarded as neutral? [Objected to as not competent evidence in rebuttal]

Ans. He was regarded as neutral.

Cross- Examination by Mr. Worthington

1st cross-int. Which side were you on during the war?

Ans. I was with the South. I remained on my farm during the whole war. I saw Mr. Pringle every day or two, and was often in his store. While the Southern soldiers were round there, he sold groceries and dry goods. I don't know whether he kept gunpowder and pistols; I never saw any there. I don't know what he kept in the loft of his store. Mr. Pringle sympathized with the South. I only know it from some of his general conversations; I can't say that he told me so. I don't know that he expressed any satisfaction or regret at the result of the battle of Bull Run.

General Smith of the southern Army had his headquarters at Mr. Pringle's house, a short time in the winter of 1861 – 1862. I don't know whether he was there for the winter, or for a month, or a week.

Re-Examination by Mr. Hodgkin

8th int. When the Confederate general occupied Mr. Pringle's house, were there not a number of uniforms and arms, belonging to the Confederate Army, on the premises?

Ans. I don't know that there were any except what the soldiers wore.

9th int. Could Mr. Pringle have prevented the storing of uniforms and arms on his premises, if he desired it?

Ans. He could not.

10th int. Did Mr. Pringle not sell produce to the Federal Army?

Ans. I never knew him to sell any.

11th int. Did Mr. Pringle's sympathies with the South ever lead him into any act violative of strict neutrality, as a British subject? [Objected to as leading, and because the question calls for evidence incompetent in rebuttal, and further, because it does not appear that the witness is competent to decide what will, and what will not constitute a violation, by a neutral, of his neutrality.]

Ans. Not to my knowledge. I have no interest in this claim.

Sworn to and subscribed before me, this 25th day of November, 1872

[Seal]

Ed'm. F. Brown
Commissioner

United States of America
District of Columbia, to wit:

I Edmund F. Brown, a United States Commissioner for the District of Columbia, duly commissioned and sworn, do hereby certify that the foregoing depositions of Benjamin F. Lewis and Francis M. Lewis, witnesses on behalf of the claimant in a certain case now pending before the Honorable the Mixed Commission on British and American Claims, Wherein Thomas Pringle is plaintiff and the United States are defendants, were taken by me at the time and place in the caption hereof named, and in the presence of T. D. Hodgkin, Esq., as counsel representing the United States; that the examination, responses, and statements of the said deponents were reduced to writing by me, and by the said deponents were sworn to and subscribed before me at the time and place aforesaid.

In testimony whereof, I Edmund F. Brown, United States commissioner aforesaid, do hereunto set my hand and affix my official seal, at the city of Washington aforesaid, this twenty-fifth day of November, A. D. 1872.

[Seal] Edm. F. Brown
United States Commissioner for the District of Columbia

BEFORE THE MIXED COMMISSION
on
AMERICAN AND BRITISH CLAIMS

Thomas Pringle
vs
United States

PROOF FOR DEFENCE

I, H. T. Crosby, do hereby certify that the forgoing are true transcripts from the records of this Department.

H. T. Crosby, Chief Clerk

War Department, October 17, 1872

I, William W. Belknap, Secretary of War, do hereby certify that H. T. Crosby is and was at the time of signing the foregoing certificate, chief clerk of this department, and to his signature as such, full faith is and ought to be given.

Wm. W. Belknap
Secretary of War

War Department, October 17, 1872

Washington, D. C., January 14th, 1865

Items of personal property taken from and destroyed on the premises of Thomas Pringle, at Ben Lomond, Prince William County, Va., by the United States Troops, under the command of Major Clendenin, of the 8th Illinois Regiment, Captain Alexander, of the 1st Michigan Cavalry, and others, Viz:

| | | |
|-------------------|--|------------|
| On March 18, 1862 | To one load of corn, 40 bushels, at 80 cents | \$32.00 |
| | 65 pieces of hams, sides, and shoulders taken from the smoke house, in weight about 1,300 lbs. at 40 cents | \$182.00 |
| | 10 pieces of beef and tongues, 70 lbs. at 30 cents | \$7.00 |
| | About 400 lbs. of pressed manufactured tobacco, at 30 cents | \$120.00 |
| | Two boxes of candles, 80 lbs., at 40 cents | \$11.20 |
| | 200 lbs. of lard, at 14 cents | \$28.00 |
| | Tea, coffee, and sugar (about) | \$5.00 |
| | Preserves, tin pans, wine, (3 gallon) | \$10.00 |
| | Four sporting guns (best) by the major G. | \$205.00 |
| April 11, 1862 | 100 bushels of corn and 700 lbs of bacon taken by Col. Gamble of the 8 th Illinois Regiment, and receipted for and vouchers kept. | \$178.00 |
| April 13, 1862 | To household furniture broken up by General McCall's Penn. Reserves Corps, viz: Sopha \$35, bureau \$35 | \$70.00 |
| | Mahogany table \$25, marble washstand \$25 | \$50.00 |
| | 2 washstands \$10, stove \$25 2 bedsteads \$10, 8 chairs \$8 | \$53.00 |
| April 13, 1862 | Three trunks at \$10 each | \$30.00 |
| August 28, 1862 | One 4 wheel wagon | \$60.00 |
| April 25, 1862 | 2 horses \$200; saddle and 2 bridles \$20 taken by Capt. Alexander, 1 st Michigan Cav. | \$200.00 |
| | Total | \$1,261.20 |

Thomas Pringle, A British Subject
Address: James Crutchett, Washington, D. C.

First endorsement: Referred to Maj. General Augur for investigation, and report as to the facts.

By order of the Secretary of War:

C. A. Dana
Assistant Secretary of War
War Dept., January 14, 1865

Second Endorsement
HEADQUARTERS DEP. OF WASHINGTON
22d ARMY CORPS, January 18, 1865

Respectfully referred to Col. Wm. Gamble, comd'g 1st separate brigade, Fairfax C. H., for investigation and report the facts as far as they come within his knowledge or jurisdiction.

By command of Maj. General Augur:

J. H. Taylor
Chief of Staff, A. A. G.

Third Endorsement
HEADQUARTERS DEP. OF WASHINGTON
FAIRFAX C. H., Va., January 20, 1865

Respectfully referred to Lieut. Col. Clendenin, comd'g 8th Illinois Cavalry, for a report and investigation of all the facts as far as practicable, in regard to the within matters. To be returned.

W. Gamble,
Col. Comd'g Brigade

Fourth Endorsement
HEADQUARTERS DEP. OF WASHINGTON
22d ARMY CORPS, January 24, 1865

Respectfully returned to Mr. Dana, Assistant Secretary of War. Attention is invited to enclosed report from Lieut. Col. Clendenin.

C. C. Augur
Major General Commanding

HEADQUARTERS 8th ILLINOIS CAV.
FAIRFAX C. H., Va., January 21, 1865

To Col. William Gamble
Com'd'g 1st S. Brigade, Dept. of Washington

COLONEL: I have the honor to report upon the enclosed communication that I was stationed at Manassas with a battalion of cavalry from about the 15th until about the 22nd of March, 1862, and was attached to the division commanded by General Richardson.

In obedience to orders from the general I went to the premises occupied by Mr. Pringle and searched for rebel property reported to be in his possession, and for forage for the command, stationed at Manassas. The search was conducted under the supervision of a staff officer, Lieut. Miles, who has since been brevetted major general in the army of the Potomac, I am informed.

One wagon-load of pork, one of corn, one of rebel uniforms, underclothing, and blankets new and part worn, several United States muskets, Harper's ferry rifles, double-barreled shot guns and sporting rifles, and a quantity of tobacco were taken and turned over at General Richardson's headquarters. The pork was sent from division headquarters to the commissary of General Howard's brigade and to the best of my recollection was subsequently returned to Mr. Pringle by orders of General Howard. A portion of the same meat was taken by the 8th Regiment Illinois Cavalry about the 11th of April, 1862. I have no knowledge of the other property mentioned by Mr. Pringle in the bill of items.

Mr. Pringle, I was informed at the time, had been engaged in the sutlering business for the rebel army during the winter of 1861 and 1862, and in furnishing supplies. This at least was the opinion of General Richardson as expressed to me.

I am, sir, very respectfully, your obedient servant,

D. R. Clendenin,
Lt. Col. Com'd'g Regt.

HEADQUARTERS 1ST SEP. BRIG.
FAIRFAX C.H., Va., January 22d 1865

Respectfully returned to department headquarters, reference being had to enclosed report of Lieutenant Colonel Clendenin, who was present and familiar with all the facts connected with this matter, so far as the 8th Illinois Cavalry is concerned.

On the 10th April, 1862, at Warrenton Junction, I was ordered to march the 8th Illinois Cavalry to Alexandria. I started next morning, all the streams being flooded. I had to proceed by the way of New Baltimore, and down the Warrenton Pike, reaching Pringle's house at dark, and put the regiment into camp. During the previous three days the regiment had no rations or forage, except what was procured from the country. I ordered the proper officers to obtain what corn and meat Pringle could spare, giving receipts for the same. To the best of my recollection the quantity stated, viz: 100 bushels of corn, and 700 lbs. of meat, is correct. The officers who obtained it are out of service.

I respectfully call attention to the fact that this man Pringle, like nearly all "British subjects" in the rebel states, was a sutler and purveyor of supplies, aiding and assisting the rebel army at Manassas by every means in his power, in the modern "neutral" manner.

W. Gamble
Colonel Commanding Brigade

WAR DEPARTMENT
WASHINGTON CITY, Jan. 25, 1865

To Mr. Thomas Pringle
Case of Mr. James Crutchett
Washington, D. C.

SIR: It is represented to the Department, upon an examination of your claim for property seized by the United States troops on your farm in Virginia, that you have forfeited your claim to compensation by your complicity with the rebels. It is further reported that you were engaged as a sutler or purveyor to the rebel army at Manassas. In view of these facts, your claim cannot receive consideration.

Your obedient servant

C. A. Dana
Assistant Secretary of War

Before the Mixed Commission
On American and British Claims

Thomas Pringle
vs
The U. S.

Argument for the U. S. and final submission

The claim is for \$1,261.20, itemized at p.3 of the memorial and to be classified as follows:

- | | |
|--|-----------------|
| 1. Corn, hams, tobacco &c. taken by the 8 th Illinois (a line through the word Infantry) and 1 st Michigan Cavalry 18 March 1862 | \$600.00 |
| 2. Corn and bacon taken by the 8 th Illinois 11 Apr 1862 | \$178.00 |
| 3. Household furniture broken up "by General McCall's Pennsylvania Reserve Corps." 13 April 1862. | \$203.00 |
| 4. A four wheel wagon taken 28 August 1862 | \$60.00 |
| 5. Two horses, saddle and two bridles taken by Capt. Alexander's 1 st Mich. Cavalry 25 April 1863 | <u>\$220.00</u> |
| | \$1261.20 |

The claimant took no proof in chief of notice, but relied on the very vague and indefinite affidavits filed with his memorial, and on the voucher filed for the second item.

(p.8)

The U. S. filed papers from the war office showing an investigation and reports as to items 1 and 2 only.

From those reports it appears that part at least of this property named in the first item was taken by the U. S. forces in search for rebel property alleged to be in claimants possession, and with it were a wagon load of rebel uniforms, U. S. Army clothing and blankets, Harper's Ferry rifles, double barreled shot guns and operating rifles.

The possession of these rebel uniforms and blankets and arms in a private house, within the enemy's lines, certainly in the absence of all explanation identifies the claimant as an active belligerent against the U. S. and deprives him of all standing as a neutral.

His possession of such property might perhaps be accounted for consistently with his neutrality, but it calls on him for explanation and he fails to give it.

The claimant was present in person when his rebutting evidence was given, but declined to put himself on the stand and gave no explanation of his possession of this mass of rebel military supplies.

His witnesses both of whom were "Southern to the core," claim him to have been a neutral, but admit that his sympathies were with the south! Such certificates of neutrality are of little avail against the unexplained accumulation of war like material in his possession and his careful avoidance of putting himself upon the stand.

As to this first item too amounting to \$600.20, it will be noted that the part charged at \$182. Was as appeared by Col. Clendenin's report (proof for defence page 4) returned to the claimant by General Howard, and a part of the same was subsequently taken by the 8th Illinois on the 11th April, being the same identical bacon charged in item 2.

This return is not denied by claimant and he stands thereby convicted of rendering a false charge against the U. S.

The second item is proved as to amount by the voucher (page 8) The value is not proved and is probably somewhat exaggerated.

On the third item, furniture “broken up” by General McCall’s Corps 13 April 1862, not one word of proof is made as to the fact of destruction, circumstances of the source or value of the furniture.

It is certain that no such destruction was made by authority or for “army use.”

No proof whatever is made of items 4 and 5.

It is very absurd to claim that the papers from the war office admit the liability of the U. S. for these last three items. No officer speaks of anything outside the first two items and on their report of the officers as to these two, the entire claim was rejected without further examination. This is a strange method of admitting liability for items not proved or inquired into.

The claimant’s unsupported assertions in his memorial are entitled to no weight whatever. The fact that he refuses to offer himself for cross examination when personally present professing to take evidence “in rebuttal” sufficiently establish this and the assertion in his memorial that the “U.S. authorities” occupied his house as a

hospital during portions of the war when his own witnesses know (page 5 of proof for claimant) that this occupation was by the Southern Army,” knows his great liability to mistake as to the parties who appropriated the last three items named in his account.

In the first item, the corn, tobacco and shot guns are the only items established by Col. Clendenin’s report and no proof is made of the value of them. The latter were certainly lawful objects of seizure in the enemy’s country. The value is doubtless exaggerated.

Dated 30 Dec 1872

Robert Hale
Agent and Counsel
for the U. S.

MIXED COMMISSION
on
BRITISH AND AMERICAN CLAIMS

Under the 12 Article of the Treaty of May 8, 1871

Claims of Subjects
of
GREAT BRITAIN vs. THE UNITED STATES

Arthur C. & Frances Evans
Vs.
United States

Arthur C. Evans and Frances Evans
vs
The United States

To Henry Howard Esq. M. B.
Mixed Commission, Washington, D. C.

SIR: Please take notice that on the 12th day of August 1872, at 10 o'clock A. M. before George C. Round, a United States Commissioner, at the office of Aylett Nicol, in the town of Brentsville, County of Prince William, State of Virginia, the testimony of Thomas Smoot, Aylett Nicol, Edward Williams, Arthur Botts and others, will be taken.

A statement as to the object of said testimony is appended hereto.

A. Nicol
Attorney for Claimant
Brentsville, July 18, 1872

The object of the testimony of the witnesses named in the foregoing notice is as follows, Viz:

The testimony of Thomas Smoot is to establish the items of \$218.50 amount of bill of merchandise; and \$300.50 for damages, as specified in the memorial.

The testimony of Aylett Nicol, is to establish the items of \$150.00 for wagon; \$50 for the double set of harness; \$400 for two horses; and \$3,000.00 for damages as specified in the memorial.

The testimony of Edward Williams, is to establish the items of \$300.00 for fencing; \$50.00 for hay; \$40.00 for lot of clothing; \$10.00 for lot of poultry; and \$40.00 for saddle, bridle and martingale, as specified in the memorial.

The testimony of Arthur Botts is to establish the items of \$1,000.00 damages for arresting Mrs. Fanny Evans, wife of memorialist, as specified in memorial.

OFFICE OF THE SECRETARY
OF THE
MIXED COMMISSION ON AMERICAN AND BRITISH CLAIMS

Under the Treaty of May 8th 1871

703 Fifteenth Street
Washington, D. C.
January 27, 1873

Hon Robert S. Hale,
Agent and Counsel for U. S.

SIR:

I am directed by H. B. M's Agent to inform you that the testimony in writing of various persons for claimant in the case of Thomas Pringle vs United States will be taken on the 25th day of November 1872, at 10 o'clock A. M. before Edmund F. Brown, at his office, No. 637 F. Street, Washington D. C.

Subject-Matter herewith enclosed

I am, sir, your obedient servant,

Thomas C. Cox,
Secretary

BEFORE THE MIXED COMMISSION

on

AMERICAN AND BRITISH CLAIMS

Arthur C. & Francis Evans
VS
THE UNITED STATES

TO HENRY HOWARD, Esq.,
Agent of Her Britannic Majesty.

SIR:

You will take notice that on the 10th day of December, 1872, at 10 o'clock, A. M., before James O. Daphane, a U. S. Commissioner or other competent officer at the office of the American Agent 703 15th Street, in Washington D. C. the testimony of Thomas Smoot, Sharpe & others will be taken in this cause on behalf of the United States upon the subjects specified in the statement in writing hereon.

Dated 22 Nov 1872

Very respectfully,
Your obedient servant,

Robert Hale
Agent and Counsel of the United States, &c.

BEFORE THE MIXED COMMISSION

on

AMERICAN AND BRITISH CLAIMS

Arthur C. & Francis Evans

VS

THE UNITED STATES

TO HENRY HOWARD, Esq.,
Agent of Her Britannic Majesty.

SIR:

You will take notice that on the 10th day of December, 1872, at 10 o'clock, A. M., before James B. Metcalf, a U. S. Commissioner or other competent officer at the office of the said Metcalf 51 Chambers Street in the City of New York. The testimony of John Wyman & others will be taken in this cause on behalf of the United States upon the subjects specified in the statement in writing hereon.

Dated 22 Nov 1872

Very respectfully,
Your obedient servant,

Robert Hale
Agent and Counsel of the United States, &c.

BEFORE THE MIXED COMMISSION

on

AMERICAN AND BRITISH CLAIMS

Arthur C. & Francis Evans

VS

THE UNITED STATES

TO HENRY HOWARD, Esq.,
Agent of Her Britannic Majesty.

SIR:

You will take notice that on the 12th day of December, 1872, at 10 o'clock, A. M., before Commissioner John S. Fowler or other competent officer at the office of the Hon. W. Willoughby in Alexandria Va. The testimony of Thomas Botts & others will be taken in this cause on behalf of the United States upon the subjects specified in the statement in writing hereon.

Dated 22 Nov 1872

Very respectfully,
Your obedient servant,

Robert Hale
Agent and Counsel of the United States, &c.

OFFICE OF THE SECRETARY
OF THE
MIXED COMMISSION ON AMERICAN AND BRITISH CLAIMS

Under the Treaty of May 8th 1871

703 Fifteenth Street
Washington, D. C.
January 27, 1873

Hon Robert S. Hale,
Agent and Counsel for U. S.

SIR:

I am directed by H. B. M's Agent to inform you that the testimony in writing of various persons for claimant in the case of A. C. & Francis Evans vs United States will be taken on the 11th day of February 1873, at 11 o'clock A. M. before U. S. Commissioner George C. Round, at the house of Lawrence Cole, Independent Hill, Prince William County, Virginia.

Subject-Matter herewith enclosed

I am, sir, your obedient servant,

Thomas C. Cox,
Secretary

Arthur C. & Frances Evans
vs
The United States

To Henry Howard Esq. M. B. His Agent

MIXED COMMISSION, WASHINGTON, D. C.

Sir:

Please take notice, that on the 11th day of February 1873, at 11 o'clock A. M. before George C. Round a United States Commissioner, at the house of Lawrence Cole, Independent Hill, Prince William County, State of Virginia, the testimony of Lawrence Cole, William B. Lynn and others will be taken.

A statement of the object of said testimony is appointed hereto.

A. Nicol
Attorney for Claimant

Object of Testimony

To rebut and disprove any and all evidence taken by the United States tending to prove "the claimants engaged at the time of said arrests and seizure in alleged traffic with the enemy, and in unlawfully passing through the military lines between the United States and the Rebel forces as alleged by the United states.

H. Howard M. B. his agent

Before the Mixed Commission
on
British and American Claims

Arthur C. & Frances Evans

vs

The United States

Argument for United States in final submission the Claimants allege false imprisonment, trespass of their person and appropriation of their property by the United States, approximating their damages at \$7,893.07 for which they ask award as British subjects by this Commission.

It is shown by clear proofs by the Defence, that both Mr. and Mrs. Evans were trading and passing through the United States military lines between Alexandria and their place of domicile in Prince William County, Virginia in violation of military orders, and that their arrest was consequential on such illicit and forbidden trade, and that the property sequestered was a lawful act of war, in conformity with the rules established by Provost Officer, an authorized by acts of the Congress of the United States.

The testimony of Lieut. W. W. Wyman a Lieutenant in the United States Army, on duty in Provost Office at Alexandria in position that Mrs. Evans undertook to smuggle her trunk filled with merchandise, not for family use, after she had positively been refused a pass for the trunk. He says p. 16 deposition for Defence; "We refused to allow them (the trunk and goods) to go at all, she was granted a pass simply for herself; and she was taking the goods unmistakably after permission had been refused," see all this officers testimony, pages 15, 16, 17, 18, and 19 same Deposition.

This witnesses memory is clear and distinct as to all the facts of this case, and the better --- as he states, because Mrs. Evans was a very troublesome woman, often applied at this office to pass through the lines without papers, and that both she and her husband, had the reputation at this office, of trading with the enemy, and at the time she had in her trunk a large assortment of things, such as you would see in a pedlar trunk.

The Testimony of H. H. Wells, Provost Marshall General of the Defence south of the Potomac confirms all that has been sworn to by Lieut. Wyman and at p.12 Deposition for Defence; he testifies "she (Mrs. Evans) was taking goods outside the lines without any permit to do so." I beg to inform the commission to the entire testimony of this officer, pages 10, 11, 12, 13, & 14 same Deposition, for clear and positive proof of the lawfulness of this arrest, and of

Mrs. Evans' habit of passing through the lines. He says p. 12 "I saw Mrs. Evans more than once, perhaps a dozen times," and again "She was taking goods outside the lines without my permit to do so."

By Randall

The testimony of Thomas Smoot is only material as corroboration of the fact of her arrest for attempting to get her trunk through the lines in violation of orders. (page 8 and 9 Deposition for Defence)

Mrs. Evans was violating military orders acting in defiance of the lawfully constituted military authorities of the government of the United States in time of war, in the County when the war raged with its extreme violence, and where military necessity exacted the most implicit conformity to military order. She then made herself an alien enemy, forfeited the grace of the Queen's proclamation and status before the Commission.

It is equally clear by the testimony of John Wyneaus(?) Provost Marshall in Alexandria in 1862 that the arrest of Mr. Evans at that place and at that time was lawful, as he was acting in defiance of military ordered of the United States.

The witness swears that after this claimant had passed out of Alexandria and beyond his picket lines, that on information of a detection, he rode out, arrested claimant, examined his wagon and found in "a large number of pairs of boots and a quantity of groceries." Witness further swears, that on subsequent investigation he was satisfied that the claimant bribed the guard that passed him, with whiskey, that he was attempting to smuggle goods beyond our lines for sale to the enemy, and that if he had a pass he obtained it by misrepresentation. See pages 23 & 24 (Deposition for Defence)

The claimant according to his sworn statements (page 13 of deposition for claimant) had record a military education in England, was commissioned in Her Majesty's Army and had served in it several years. He cannot therefore excuse himself for these flagrant violations of military orders, the laws of neutrality and the laws of war, on any plea of ignorance of military orders, the laws of neutrality and the laws of war, on any plea of ignorance. His conduct is therefore the more applicable, and justifies the characterization, I do not hesitate to impute to his claim as greatly fraudulent and false. In all these acts he deliberately defies military orders, violated his obligation as a neutral British subject under the hospitality of the United States, and made himself an enemy by the laws of war. He therefore has no claim for damage, because of this arrest and detention.

Chas.

III

As to claimants arrest in April 1863 by General Stonemans command, the loss of wagon, double set of harness and two horses, it is asserted that no claim lies, as by his previous acts at Alexandria he had made himself an enemy to the United States and forfeited its protection both as to person and property.

It is not known on what grounds this arrest was made, and this claimant has carefully avoided stating what they were. It is certain however that the officers of the United States Army would not without good reason arrest and detain a peaceful neutral alien in lawful pursuit of provisions for his family, as the claimant testified at page 8 Deposition for Claimant.

This Commission must infer from the previous arrest of claimant for violation of orders and smuggling goods to the enemy, that he was known to the federal officers as an enemy, and arrested for good cause under the laws of war.

In fact and in law he had become an enemy, and this arrest must therefore be justified and reclamation denied for his detention and confinement, and for the consequential loss of his horses, wagon and harness

IV

The fencing destroyed, the loss of poultry, hay, and &c. are not shown to have been authorized by any United States officer, and were clearly acts of pillage and plunder by marauders for which reclamation does not lie.

The claimant in memorial alleges that he was arrested by General Stonemans command in April 1863, but he don't fix the day in that month (page 2 memorial) on page 8 Deposition for Claimant the official discharge from his confinement is dated April 29th 1863. He therefore fails to show to the commission the actual number of days he was detained, and it has no means of determining the extent he might have suffered, should it decide that the arrest and detention were unlawful. No award could be made on so indeterminate a showing.

Again at page 5 memorial, claimant in writing Lord Lyons urges him to get his early release because among other things of "great repairing of his business, but more than all because of the great danger to which his wife is exposed, unprotected in a Country frequently traversed by the two contending armies." And yet after claimants release from arrest, 29 April 1863, he remained in Washington until the July following (page 8 of Deposition for Claimant.) He alleges that the cause of his detention was that he could not get a pass.

SIMPSON

I insist that such testimony is extremely suspicious and goes greatly to damage the wife of the claimant. It is not within reason to believe that a neutral British subject free from any good grounds for suspicion, would be kept in Washington two months, when his family was in great danger from contending armies, and he had been released by the intervention of Lord Lyons in order to enable him to return to his domicile in Virginia and give protection to his family. Certainly Lord Lyons would have demanded a safe pass for him, and he would have received it, if good grounds had not existed for withholding it.

The real facts are that this persons arrest and the arrest of his wife, and their trade of smuggling through the lines were all of record in the war office and the Provost Office of Washington, where his guilt was known; and he did not present himself, nor ask Lord Lyons to present him for a pass.

He states that "he returned to his home in July" but he does not state that he returned with any pass from federal offices; and he doubtless got through the lines surreptitiously and carried information to the enemy.

In every possible view of this case, it is made clear by the witness for the defence, that the claimant had violated his neutrality in disobeying lawful military orders and had made himself an enemy to the United States, forfeiting the protection of his government.

This commission cannot therefore entertain this case or grant awards for anyone of the trespasses for which he asks reclamation.

Dated 12 Mar 1873

Robert S. Hale
Agent & Counsel
of the United States