

**THE GENEVA AWARD ACTS: WITH  
NOTES, AND REFERENCES TO  
DECISIONS OF THE COURT OF  
COMMISSIONERS OF ALABAMA  
CLAIMS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649592258

The Geneva Award Acts: With Notes, and References to Decisions of the Court of Commissioners of Alabama Claims by Frank W. Hackett

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THE COURT OF COMMISSIONERS  
OF ALABAMA CLAIMS.

BY

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BOSTON:  
LITTLE, BROWN, AND COMPANY.  
1882.



Entered according to Act of Congress, in the year 1882, by  
FRANK W. HACKETT,  
In the Office of the Librarian of Congress, at Washington.



UNIVERSITY PRESS:  
JOHN WILSON AND SON, CAMBRIDGE.

## P R E F A C E.

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IN the following pages I have sought to bring under review the legislation of Congress known as "The Geneva Award Acts." These are the acts approved, respectively, June 23, 1874, and June 5, 1882.

Great Britain, it will be recalled, paid the United States, September 13, 1873, at Washington, the sum of \$15,500,000 gold, in conformity with the terms of the award. Our government invested this sum in five per cent registered bonds of the United States. Instead of entrusting the distribution of the fund to a mere commission, Congress, in 1874, created a tribunal, the "Court of Commissioners of Alabama Claims," composed of five judges. They were empowered to receive, examine, and give judgment for claims directly resulting from damage caused by the "Alabama," the "Florida" (and their tenders), and by the "Shenandoah" after leaving Melbourne, February 18, 1865. These vessels were called "inculpated cruisers," from the fact that for their presence on the ocean Great Britain had been held responsible. The privileges of the act were also extended to insurers whose losses during the rebellion from war risks exceeded what they had gained from that source.

Later enactments prolonged the existence of the court till January 1, 1877, but did not enlarge its jurisdiction. The judgments of this court, amounting with interest to \$9,316,120.25, were paid at the Treasury. Secretary Sherman cancelled the bonds March

31, 1877, thus stopping interest; since which date the fund has remained fixed at \$9,553,800.

The new act re-establishes the Court of Commissioners of Alabama Claims, with three instead of five judges. The court is directed to enter judgment in favor of two new classes, — “ex-culpated cruiser” and “war premium” claimants, — though I am not to be understood as saying that it may not have jurisdiction over claims admissible under the act of 1874, which were not seasonably presented to the former court. The provisions of the new law are so connected with those of the statute of 1874, that to interpret them aright, we must turn to that statute and the construction given to it by the court it called into being.

If it has so happened that the judicial utterances of the Court of Commissioners of Alabama Claims do not enjoy a wide repute, the result is due to no lack of ability or learning on the part of the lawyers who adorned that bench. Let it rather be attributed to the fact that the profession has had little or no opportunity to acquaint itself with their opinions. True, the very efficient clerk (the Honorable John Davis, now First Assistant Secretary of State), at the close of his official labors, collected these opinions, and accompanied them with a statement of points orally decided. This work took the shape of an official report to Secretary Fish, and was transmitted by the President to the Senate. It appears as Senate Executive Document, No. 21, Forty-fourth Congress, Second Session. Useful as it might prove to the profession, this volume is rarely found in a law library. The printed records of the court fill nearly sixty volumes; of these, however, only a few complete sets exist.

Taking the act of 1882 as a basis, I have appended to each section its corresponding section of the act of 1874. Every decision of the Court of Commissioners of Alabama Claims will be found in an appropriate place under some one of these sections. Where the act of 1882 presents new features, I have ventured to



make such suggestions as may better enable the reader to judge for himself what is its true intent; but wherever the language in the least appears of doubtful significance, I have abstained from expressing any views of my own.

That it may be conveniently consulted as a whole, each act is given entire in the Appendix, the text of which I have compared with the original rolls in the Department of State. The rules of the earlier court, and certain forms which may prove of service, will also be found in the Appendix; likewise, the opinion at length of the court in the cases of "The Winged Racer," which settles the rule of damages for loss of ship, cargo, and freight.

In citing a case I have preserved the docket number, thus facilitating reference to the printed record. Mr. Davis' report is cited as "Rep.;" and I desire to express my sense of obligation to my friend for permission to use these materials, which I have freely done, as well as for timely suggestions. I have spared no pains to make the Table of Cases and the Index as nearly complete as possible.

My grateful acknowledgments are due to the Honorable William A. Richardson, one of the judges of the Court of Claims, for a letter which for the first time makes public the method adopted by the government to receive fifteen and a half million of dollars, gold, safely and without expense, in payment of the award. Judge Richardson was at that time Secretary of the Treasury (1873), and his statement, which bears a historical value, will be read with interest. The correspondence appears in the Appendix. To him, also, I am indebted for practical suggestions which have materially lightened the task of preparing manuscripts for the press. If want of space forbids mention of all who have afforded me aid, I may at least express my sincere appreciation of the encouragement given by my friends, Messrs. J. C. Bancroft Davis, John A. J. Creswell, and W. W. Crapo, the names of all of whom are associated conspicuously with the Geneva Award. Nor shall I

forget the many favors received at the hands of Mr. Theodore F. Dwight, Librarian of the Department of State.

The result of my labors I submit, not without misgivings, to my brethren of the profession. I can only say that, to the best of my ability, I have tried to make a volume worthy of the subject.

F. W. H.

486 LOUISIANA AVENUE,  
WASHINGTON, D. C., July 5, 1882.

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