

without bed, at the ranch on Pine Creek en route to Fort McKinney, a sentinel with loaded carbine still standing over him; his brutal treatment at Fort McKinney, having been confined in the dark, damp, cold and confined space as shown, in cell B, devoid of furniture of any kind; the denial to him of bed, bedding or blankets, and assurance of officers that he might freeze if he would not sign the name of Heath; the refinement of cruelty in placing before him three nice warm blankets when he was suffering intensely with cold from physical exhaustion incident to three sleepless nights spent without bed and under guard of a soldier with loaded carbine accompanying the alluring blankets with the assurance that they were his if he would falsely sign the name of the deserter Heath, whose identity his jailors were attempting to fasten upon him; his subsequent incarceration without blanket or bedding of any kind or furniture in the cell, with the convict named Hughes; his denial of permission to approach the fire in the intense cold of a Wyoming winter, constitute ten days of suffering such as is scarcely conceivable among prisoners held by English speaking people. Enlightened humanity stands appalled at the knowledge of cruelties like these inflicted upon prisoners exiles to the mines of Siberia in Russia; but in no other country can a parallel be found in this day for the cruelties to which Memorialist was subjected.

The law of both Great Britain and the United States is so well settled in the matter of false imprisonment, and adjudicated cases are so numerous in England, the Dominion of Canada and the various states of the United States, that it is deemed unnecessary to encumber this memorial with further citations from elementary writers or judicial decisions; a few cases in diplomacy are, however, appended, showing abundant precedent for proper compensation to Memorialist as claimed. Both Great Britain and the United States have constantly insisted upon fair compensation where the subject of the one or the citizen of the other had been subjected to false imprisonment.

In the case of Alfred Pierrepont Edwards, a citizen of the United States, for false imprisonment by the military authorities of China, in 1841, reported in Executive Document No. 29, House of Representatives, 40th Congress, 3rd Session, it is shown that on the morning of the 17th of November, 1841, Edwards left Whampoa in an open boat for Canton; when passing quietly by the island of Honan he was hailed by a party of Chinese military, stationed at that island, and ordered to come ashore. He promptly obeyed the order and immediately on reaching the land a large party of Chinese soldiers, amounting to several hundred under the command of an officer of rank, rushed upon him in the most savage manner, and without the slightest provocation secured his hands by binding them behind his back with a cord in so cruel a manner as entirely to impede the circulation of the blood; his pockets were then rifled after cutting them entirely off his coat; his money, watch and various articles of value were also taken from him, he not offering the slightest resistance; a heavy iron chain of the size of a common ox-chain and weighing several pounds, was then placed around his neck and secured in front by a large lock; he was then conducted to a loathsome cell by a strong guard armed with loaded match-locks, swords and spears, and left in confinement for several hours under guard of four soldiers, bound and chained in the most painful manner, momentarily expecting to be massacred by Chinese soldiers; he was then taken across the island and placed in a boat under guard of forty soldiers and rowed over the river to Canton and literally dragged by the chain attached to his neck for about four miles to the place of the Clum-Tuck, or Vice-Roy of the Emperor of China's principal representative in that part of his Empire; after remaining in close confinement for several hours he was taken before the Mandarin, or chief magistrate, still bound and chained, to be examined. By the intercession of an acquaintance he was released and assisted to his lodgings. The key to the lock which confined the chain to the neck had been lost and it became necessary to lay his head on an anvil and by repeated blows by a chisel and sledge hammer to remove the chain from his neck; he suffered afterward from the effects of his bad treatment. The explanation of his arrest was—mistaken identity. His imprisonment lasted but a few hours. He was awarded and paid on representation of his government, by the Chinese government, the sum of \$10,000.00, with interest for eighteen years, \$21,600.00, or in all the sum of \$31,600.00. No actual damage was shown in this case beyond that to his person. (See claims against China 3rd Session, 40th Congress, 1868 and 1869, pp. 100 and 160.)

There is a strong similarity between the case of Edwards and that of Memorialist, in that each was arrested by the military of the nation in which he was commorant; each was a case of mistaken identity; each was shackled with irons, and guarded by soldiers with arms in their hands; each suffered afterwards from the effects of his harsh treatment; but Edwards'