

upon the propriety of allowing the claim of J. and W. Crooks ; and requesting information upon certain points considered by your committee as important in adjudicating upon the merits of the claim.

"As the information necessary to answer the 1st, 2d, 4th. and 5th queries in your letter can best, if not exclusively, be furnished by the departments, having charge of the military and naval concerns of the country, copies of them have been transmitted to the head of those departments, with request that they would afford such means as they may have to satisfy the inquiry.

"Their answer shall, as soon as received, be communicated to you.

"With regard to the question whether restitution has been made by Great Britain, of any property captured from our citizens prior to the 8th of June, 1812, I have to state that no evidence exists in this department of any such restitution having been made.

"The claim of Messrs J. and W. Crooks has before been brought to the notice of this department, by application from the British legation here. I enclose copy of a memorandum made some years since of the correspondence in relation to it, which brings down the case to the last two notes which passed between the Secretary of State and the British minister ; of which copies are likewise enclosed. You will perceive from the last-mentioned papers, that the refusal of the department of any further agency in the matter, rests upon indications furnished by the British minister, of the unwillingness of his Government to make compensation to American citizens, in circumstances similar or analogous to those upon which the claim of Messrs Crooks is founded. Beyond the security given by public officers, for the faithful discharge of their trusts, the Government has no means of securing its own interests, nor is it responsible for the property of citizens which may be committed to the keeping of such officers. If, therefore, it cannot grant relief to its own citizens in such cases, it can recognise no obligation of the same character toward citizens of foreign nations, without express conventional arrangement for reciprocal assumption of such obligations. As Great Britain refused to recognize any principle by which she would be bound to indemnify American citizens, having upon her claims similar to that preferred by Messrs Crooks, the United States are not, in the view of this department, under any obligation to grant indemnity to those gentlemen.

"I return the papers which accompanied your letter.

"I am, Sir, respectfully, your obedient servant,

"JOHN FORSYTH.

"Hon. H. HUBBARD,

"Chairman Committee of Claims Senate."

#### "MEMORANDUM.

#### "*Claim of James and William Crooks.*"

"The schooner Lord Nelson, belonging to James and William Crooks, British subjects residing at Niagara, was, on the 5th of June, 1812, thirteen days before the declaration of war, captured by Captain Woolsey, of the United States armed brig Cneida, and sent into Sackett's Harbor, where she was libelled in the court of the United States for the district of New York, which district, at that time, embraced the whole of that State. The war breaking out soon after, the vessel and cargo were, by consent of the agent for the claimants, sold at public vendue, and the proceeds, amounting together to \$5,025 30, were deposited in the district court, to await the issue of the libel. The vessel was purchased by Captain Woolsey, on account of the United States, and converted into a man of war.