

"At the July term, 1817, the court in the said northern district, on a hearing, passed a final decree, and therein did adjudge, order, and decree, that the proceeds of the sales of the said schooner, as have been brought into court, upon the sale and order of the said court, be paid over to the claimants, or to their agent, or attorney, duly constituted for that purpose.

"The court gave an order, on the clerk of the southern district, for the payment of the money arising from the sales of said schooner and cargo.

"A controversy then arose, as to the jurisdiction of the court in the northern district of New York, over the subject.

"It was said that the law dividing the circuit, made no provision for removing the causes from the city of New York to the northern circuit.

"No money was paid on the order, and Theron Rudd, the clerk, with whom the money was deposited, became a bankrupt, and a defaulter in a large amount. Soon after the war closed, and peace was restored, the petitioners, by the diplomatic agents of Great Britain, applied to this Government to be redressed in their grievances."

The foregoing may be regarded as a brief statement of the facts of this case.

The committee, entertaining an opinion that important principles are necessarily involved in the consideration and final decision of the claim of these memorialists, have endeavored to ascertain with much precision its history from the period of the seizure of the vessel to the present time.

On referring to the Journals of Congress, it appears that it was first presented to the House of Representatives, on the 29th of May, 1834; and, by order of the House, referred to the Committee on Foreign Affairs. No report was made by that committee, owing, probably, to the circumstance that there was not sufficient time properly to consider the case between the presentment of the memorials and the close of the session. Nothing was done in 1835, but in 1836, the claim was submitted to the Committee of Claims of the House, who reported a resolution on the 24th June, 1836, authorizing the Secretary of the Navy to take testimony for the purpose of ascertaining the value of the vessel and her cargo, at the time of her capture. This was done, and, on the 11th of June, 1837, the then Secretary of the Navy made a report of which the subjoined is a copy:

"NAVY DEPARTMENT, *February* 11, 1837.

"SIR: In compliance with the resolution of the House of Representatives, of the 24th of June, 1836, referring to the Secretary of the Navy the petition and papers of James and William Crooks, "to ascertain (on giving notice to the said James and William Crooks, or to their agent, of the time and place of taking testimony) the value of the vessel called the *Lord Nelson*, captured by Lieutenant Woolsey, on Lake Ontario, on the 5th of June, 1812, at the time of the said capture, and the cargo then on board of said vessel: and that he report the same at the next session of Congress," I appointed the Hon. James Stryker, of the city of Buffalo, in the State of New York, commissioner to take the testimony required by the said resolution; due notice being given to the attorney of James and William Crooks of the time and place of taking such testimony. I also appointed George P. Barker, Esq., of said city, agent on the part of the United States, to be present at the time of the examination of the witnesses, for the purpose of putting such interrogatories to them as might appear to him to be proper and necessary to elicit all the facts and circumstances of the case as connected with the two branches of inquiry specified in the aforesaid resolution.

"The commission was opened in the city of Buffalo on the 10th, and closed on the 20th of January last, and I have now the honor to transmit the depositions taken in the case, numbered from 1 to 7, together with the papers and exhibits