

would have rendered her a prize of war, had she fallen into the hands of a cruiser of our own country." Mr. Rush thought proper to say that much, in order to anticipate the representations which might be made by the parties themselves; to whom he stated that if, in withholding his assistance, he had misjudged the merits of the case an appeal to the Department of State was still open to them.

"It does not appear that the claimants have ever applied to the department, nor that any instructions were given to Mr. Rush on the subject of the *Lydia*."

"On the 19th December, 1822, Mr. Canning stated that, in consequence of a renewed application by the claimants, he was under the necessity to call the attention of the department to the case of the *Nelson*. After briefly recapitulating the circumstances of the case, and alluding to Mr. Adams' note of the 7th December, 1819, he presumes that the vessel referred to in that note is the *Lydia*, of New York; of which he knows nothing beyond what is contained in said note. The cases, however, are of a distinct nature: one vessel having been captured before, the other during, the war. He believes that serious difficulties would stand in the way of a general arrangement like that proposed; and that the just and natural way would be to take the cases individually, as they arise, and decide on each according to its merits. From the delay in the trial, and the defective act dividing the New York district, a degree of responsibility devolved on the Government of the United States, which extends beyond the mere delinquency of the clerk, and created circumstances, without which the property might never have been embezzled. He concludes by urging a settlement of the claim."

"Mr. Adams answers, on the 17th June, 1823, that, from the silence of the British Government upon the distinct question stated in his former letter, the inference appears conclusive that the application of the only principle, on which indemnity could be granted, has not been, nor will be, conceded in cases of claims by citizens of the United States; that the distinction made by Mr. Canning, as to the period of capture, is levelled by the decrees of restitution which, in both cases, imply a wrong capture. The renewal of an application to Congress withheld, in consequence of the question whether the indulgence demanded would be extended to citizens of the United States. No affirmative answer having, in three years, been given to that question, the reason which forbade the interposition of the Executive still exists in all its force, and could not but issue in the same determination."

"DEPARTMENT OF STATE, WASHINGTON, January 29, 1831."

"The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of a note which was addressed to him under date of the 13th instant, by the Right Honorable Charles R. Vaughan, his Britannic Majesty's envoy extraordinary and minister plenipotentiary, on the subject of a claim of Messrs. William and James Crooks, of the Province of Upper Canada, arising out of an unsettled account for the seizure of the schooner *Lord Nelson* by the United States brig *Oneida*, on Lake Ontario, in the year 1812."

"Mr. Vaughan, in alluding to the circumstances of the case, and to the proceedings and correspondence to which the demand of Messrs. Crooks growing out of it has given rise between this department and his Britannic Majesty's legation, has made reference to an application of one of his predecessors for the adjustment of the claim, and to the answer which was returned to it by the then Secretary of State of the United States."

"Upon reference to the records of this department, the undersigned finds, in that answer, the following passage, which he begs leave to submit to the perusal of Mr. Vaughan:

"In recommending to Congress, at their last session, the passage of an