

same extract that he sought instructions from his own Government whether he was to bring the case officially before it or not, but it also appears by the papers appended to the report of the Committee of Claims of the Senate, dated 28th April last that no such instructions were ever given to M. Rush, nor did the parties interested in the "Lydia" even seek the intervention of their own Government; altho' a period of 26 years has elapsed since her capture, and more than 20 years since it was brought under the notice of the American Ambassador in London, and in answer to inquiries recently set on foot at New York, it is ascertained that the owners are all dead. It may also be proper to state that no evidence has been produced in this country that such a vessel as the "Lydia" was ever built, much less captured, in short not a document to establish a single fact, much less to hold her case up as a set-off against that of the "Lord Nelson."

The Report of the Committee of Claims of the Senate, dated 28th April (ult.) admits the following points, namely :—

1. That the Lord Nelson was captured by Lieut. Woolsey, on Lake Ontario, on the 5th June, 1812.
2. That she was purchased by him for the service of the U. S. for the sum of \$2,999 25-100, upon an interlocutory decree of the Court.
3. That the owners complained of delay in not bringing the libel to trial.
4. That at the July term 1817, a decree of acquittal was rendered in favor of the owners.
5. That the Court gave an order on the Clerk to pay over the money to them.
6. That no money was paid on said order, and that Theron Rudd, the Clerk had become Bankrupt.
7. That the value of the Lord Nelson at the time of her capture was \$5000.
8. That she was captured under instructions from the U. S. Government.
9. That she was not captured from the want of Register, Manifest or other papers : Vessels sailing the Lakes requiring none.
10. That the Court awarded no damages—on the contrary made each pay their own expenses.
11. That the President recommended by Message to Congress dated 3rd February 1819, their attention to the claim for indemnity.
12. That the Senate included a sum of money for that purpose in the Bill of supply the same session, which was rejected by the House of Representatives.
13. That the Lydia was sailing under a British Licence, contrary to the laws of the U. States; and would have been a good prize to any cruizer of the U. States.
14. That Mr. Rush did not, under such a circumstance, entertain the application for his interference.
15. That he was not afterwards instructed by his Government so to interfere, nor does it appear that such instructions were ever given to any succeeding ambassador:
16. That no other claim is attempted to be set up as an off-set to that for the "Lord Nelson"—except the "ship Lydia."

(Signed)

JAMES CROOKS,

Forself and as Executor of the Estate
of the late William Crooks.

Washington, 20th May, 1840.