

owners of the Lord Nelson, who, in reply, on the 7th June, 1823, assumes it as the sole ground upon which the U. States Government would agree to pay them, that the British Government should adopt the principle of payment being made to citizens of the United States, who had claims of similar nature. On the 13th January, 1831, His Majesty's Minister, Sir Charles Vaughan, again addressed a note to the U. States Government in regard to this subject, and on the 29th of the same month received in reply a communication from the then Secretary of State, Mr. Van Buren, reiterating the grounds before assumed by his predecessor, and insisting upon the ship *Lydia* as being a case in point, and requested to know whether the British Government was ready to adopt the principle before insisted upon of mutual liberality for the malversation of their respective officers, in reply to which His Majesty's Minister informed Mr. Van Buren that he had found among the archives of the Embassy communications clearly indicating that His Majesty's Government refused to accede to the proposal originally made by Mr. Adams in the month of December, 1819.

The owners of the Lord Nelson thereupon desisted from urging their claim for remuneration for several years, until a case occurred very similar to this, that of *Syrenas Hall*, a British subject, residing in Upper Canada, whose vessel had been seized by the collector of customs at Sandusky, one of the ports on Lake Erie, upon an alleged charge of having violated the revenue laws of the U. States, thro' whose neglect she was lost; but the court having decided in favor of Mr. Hall, Congress passed an act to make good his loss, and he received the money in 1832. They immediately thereafter laid their claim before Congress, but until 1836 nothing was done in regard to it. In the session of that year the Committee of Claims of the House of Representatives reported favorably; but considering the sale under the interlocutory decree of the court as no fair criterion of the value of the Lord Nelson, that house passed a resolution directing the Secretary of the Navy to cause an inquiry to be made as convenient to the claimants as possible, and accordingly a committee was sent to Judge Striker of the town of Buffalo, upon whose report a Bill passed that body in the session of 1838, providing for their payment the sum of \$5000 with interest from the day of her capture, but this act of justice was defeated in the Senate by a vote of 4 or 5 towards the close of their session. It is also proper to observe that although this sum would in some measure have indemnified them, yet it did not include a very large outlay, which they have been obliged to make in prosecuting their just claims for so many years, and which exceeds \$1500.

In regard to the ship "*Lydia*" it will be seen that her case is entirely different from and bears no parallel to that of the Lord Nelson. The latter was seized by force in time of peace, carrying on a lawful trade on Lake Ontario, which is common to both nations, and the judgment of the Court of the United States completely establishes that she had violated no law, nor was there any lawful pretence for her seizure, which took place, it is assumed, with the view of increasing the Naval Force of the U. S. in the event of War taking place, as it actually did only thirteen days afterwards: The "*Lydia*" on the contrary was taken during war, and was probably ordered to be restored, (whether by a reversal of the decree of the Vice Admiralty Court of Bermuda, or by an order in Council, is not known,) in consequence of her sailing under a British Licence, against which the U. States enacted the most severe penalties, as not only the vessel and cargo became a good prize to any American Cruiser that might have fallen in with her, but the owners were made liable to the payment of four times their value, and might also be proceeded against us for a misdemeanor: The accompanying extract from the despatch of M. Rush, the American Minister, to his own Government, dated 29th September, 1819 proves that the "*Lydia*" was so sailing under a British Licence, which of itself was a sufficient reason for his making no representation to the British Government on the subject, and it appears by the