

though he tendered security to abide the decision of the courts of the U. States, on the pretended charge of her having violated the embargo laws of that country, yet she was refused to be given up, and war having been declared against Great Britain by the United States on the 18th of the same month, (June, 1812,) all intercourse ceased on the subject of said seizure, except that the owners employed counsel to defend their rights, and it is understood that she was taken into the service of the United States, armed with twelve guns, and was sunk in action with the British fleet, under Sir James Yeo: It appears that an interlocutory decree was pronounced by the U. States court under which she was bought by the Government, for \$2,999 25-100, and the money lodged by the court in the hands of its clerk, Theron Rudd: after Peace was restored every effort was made by the owners to have the libel tried, but it was not until July, 1817, that a decree was pronounced in their favor, and an order made by the court for its clerk to pay over the money to the owners, but it was then discovered that the clerk had embezzled that and other monies in his hands to a large amount; whereupon the Government of the U. States sued out an extent, or other process of law, seized all the property of Theron Rudd, and also committed him to prison, where he remained under duress ten years, but no part of the money so made was paid over to the owners of the Lord Nelson as their dividend, although it will be seen by the accompanying statement, that the proceeds of the sale of that vessel was one of the items of the account exhibited against him. The owners, moreover, were never consulted as to the money being placed in Mr Rudd's hands, much less having given their consent thereto. And it may be proper to observe that had the libel been tried immediately after the restoration of Peace in 1815, and not delayed for two and a half years thereafter, the value of the vessel might not then have been jeopardized. It will be also seen that one of the owners proceeded to Washington immediately after the Peace in 1815, to claim an immediate decision of the case, but notwithstanding his endeavours, aided by those of Messrs. Baker and Bagot, His Majesty's then Charge de Affaires, it was delayed for two years and a half thereafter.

When it was found that the money could not be obtained upon the order of the court, Mr. Bagot, in the year 1818, laid the circumstances before the United States Government, and the President in consequence sent a message to Congress when next in session, on 3d February, 1819, recommending that provision should be made to pay the owners of the Lord Nelson, and the senate adopting his recommendation, added a sum of money for that purpose as an amendment to the Bill of supply then before them, but the House of Representatives refused to concur therein, upon the ground, as is understood, that it was a breach of their privileges for the senate to appropriate money in such a way. On the 22d November following, (1819.) Mr. Artobus, who had succeeded Mr. Bagot as Charge de Affaires, again brought the subject under the notice of the United States Government, when the then Secretary of State, Mr. Adams, informed him that since the subject had been before congress the government had received information that the ship Lydia, belonging to citizens of the U. States, captured *during the war*, and condemned at Bermuda, had been ordered in London, to be restored to the owners, that in the mean time, (since the sentence of restitution,) the proceeds, which had been paid into the Bermuda court, were, through the default of the officers of the court, found missing, whence the claimants were likely to sustain a total loss, and invited Mr. Artobus to make the case of the Lydia known to his Government, which it appears by Mr. Artobus' letter of 11th Jan. that year, (1819,) he did, the Sec'y of state, at the same time expressing a doubt that any thing would be done towards indemnifying the owners of the Lord Nelson, unless a pledge was given by His Majesty's Gov't that the principle would be adopted that each would be answerable in similar cases for the malversation of their officers. It further appears that on 22d December, 1822, His Majesty's Minister, Sir Stratford Canning, again addressed a note to Mr. Adams on the subject of indemnifying the