

time abandoned the prosecution of the appeals in these fourteen cases. In answer to my letter inclosing the opinion of Doctor Cricholl, Mr. Pickering in an official letter of the 27 July 1796. says as follows; "There is great reason in Doctor Cricholl's opinion respecting the American vessels captured when laden with provisions for France and while under the protection of French Convoy, that they are not entitled to freight, and your conclusion not to prosecute the appeals in these cases must undoubtedly be approved".

(Signed) Sam^l. Bayard

Copy of a Letter from Mr. Richard Codman
to F. Skipwith.

Paris 1st of June 1799.

Dear Sir

Your letter of the 14th ult^o has been duly received. You request me in answer to it to give you the particulars of an interview between Mr. Samuel Miles Hopkins and myself wherein the said Mr. Hopkins proposed a plan for burning and destroying British vessels. — They are as follows —

Mr. Hopkins with two other gentlemen called at my house somewhere about the month of January 1788. — one of the gentlemen began the conversation by proposing to me to be concerned in a plan for burning and destroying British armed vessels at Portsmouth and elsewhere, that to compleat the machine to be used in this operation about £500. Sterling would be necessary, which sum they wished me to furnish and to take a proportionate interest in the affair. — Before entering into an enquiry of the plan or the probability of the success of it, I declined having any thing to do with it; I observed to the gentlemen that it appeared to me to be nothing more nor less than a privateering scheme against a nation with which our country was not at war and that it by no means agreed with my principles. I could not help expressing my astonishment to Mr. Hopkins that he should be concerned in a project of this kind, that he was among the last I should have suspected. The conversation then turned upon the probability of success, and the profits that were to arise from it. It was mentioned that the French government would protect it and that a certain sum of money would be paid by the said government for each ship so destroyed. I then enquired who would conduct the operation? — Mr. Hopkins replied that he himself had determined to go in the boat which it seems was to act under water. I once more expressed my astonishment

at his risking his life under water and on such business, but as he again confirmed his intentions I made no further observations and the three gentlemen took their leave. (Signed) R. Codman.

Copy of a letter from Samuel Bayard Esq^r
to J. Skipwith.

London. 20. October 1797.

Your letters of the 21st August and 15th Sept^r have lately come to hand. Every attention has been paid to your claims, but the difficulty which you contemplate in your letter of the 15th Aug^r has been a weighty one, and a wife's will, before every tribunal that can take cognizance of your claims, prove insurmountable. What you term a "British and arbitrary interpretation of the law of nations" is one which I understand the courts of this country have always held, and which it is thought they would not relinquish unless by special contract, in favour of the United States, nor then without a quid pro quo. I had some conversation some time since with Mr^r Pinckney, one of our commissioners, and within a few days with our minister Mr^r King, both of whom think the opinions of Doctor Nichol and Sir Wm Scott, sound and conformable to the law of nations. Mr^r King observed that were he as a judge of

an American court to give his opinion on this point he should decide agreeably to the principle of these opinions sent you. He observed that if the United States chose to appoint officers to foreign countries without making them a compensation for their services, but leaving them to derive a subsistence from mercantile pursuits, they could not thus vary the laws of nations, or save their citizens from the application of such law when their property came into the possession of either of the belligerent powers.

You ask of me "an extract of that part of my instructions which applies to your case". I give it cheerfully. Mr^r Jay was authorized by our government on my arrival in London to instruct me as to the points of my duty. This he did on the 5th of January 1795. That part of his instructions that applies to your case is as follows: "If any one or more of the classes cannot in the opinion of Council be prosecuted with a prospect of success you will nevertheless file the claims and appeals but not proceed further until you shall have sent the opinions to the Secretary of State, and received his instructions".

This I did, and never have heard further respecting your cases till these letters which I now answer.

In a letter from the Department of State, of the 6. April 1795. the Secretary thus instructs me, "I must suggest for your consideration whether, after you have classed all the claims and appeals, you could not take the opinion of the court of commissioners upon the principle of one of them. If the principle should be decided in your favour, proceed with the total number; if against you, advise with counsel on each case, and ascertain whether it contains any point which may distinguish it from the rest. Should the whole be alike, there can be no hope of success, after the principle shall have pro'd advise in one".

In the case of the George Washington, a vessel captured by an English frigate together with thirteen other American vessels while under French convoy, the parties claimed freight, costs and expences, which the court below had refused, tho' it acquitted the vessels. On these claims I took the opinion of Doctor Nichol, which being adverse to our demand, I sent a copy of his opinion to the Secretary of State, and in the mean