

quantity of arms purchased from the French Government; the vessel was met with at sea on the 19th Nov^r 1796 by one of His Majesty's cruizers, and carried into port for trial. The vessel was released as a neutral, but further proof was required with regard to the neutral character of the arms; the proof produced was not considered satisfactory by the Court of Admiralty, and the cargo was accordingly condemned. The claimant, appealed, and the Court of appeals, while it allowed the cargo to be liberated on bond, required further proof to be adduced of the purchase of the arms by the claimant, and of his having paid for them, in order to show that they were not destined for bad purposes in Ireland. From various circumstances which occasioned a delay
in

in the production of the proofs required, the
cause did not come to a final hearing until
the month of February 1804 when the Court
of appeal declared the further proofs insufficient
and decreed the restoration of the cargo upon
payment of the Captors expenses. The period
which elapsed from the capture of the vessel
on the 19th Nov^r 1796 to the liberation of the
cargo on the 22^d February 1804, was somewhat
more than seven years. The claim now advanced
by Mr. Allen is for losses occasioned by the
length of the litigation, and for the injury
alleged to have been occasioned to his father's
property by the legal proceedings in this
country. Thus after a lapse of nearly
twenty seven years since the sentence of
the

court of appeal, the British Government is called upon to reopen the case and to revise the judgement of its own tribunal.

Objectionable as such a course would be under any circumstances, The Lords of His Majesty's Treasury are of opinion that it would be peculiarly so in the present case. Without entering into all the statements of the claimant, it may be affirmed that the delay which has occurred in making the present application, whatever may be the explanations which have been given of it, cannot but increase those objections which would have been strongly felt, even at the time, to review the proceedings of the Court of appeal. The original claimant acquiesces in the decision of the Court of

of appeal, from Feb^r 1804 until his death in
1814 and it remains to be shewn that during
the whole period from the year 1804 to the year
1812 when Hostilities broke out, there was
any thing in the nature of the relations subsisting
between the two countries, which could prevent
the prosecution of any claim supposed to be
founded in Justice.



With regard to the period of
16 years which has elapsed since the conclusion
of peace, the mere allegation that the present
claimant had not come to a proper knowledge
of his rights and did not possess means of
prosecuting them, can scarcely be looked
upon as sufficient to account for that part
of the delay, especially as no one allegation
in support of the original claim seems
now

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now to be adduced, which had not been
produced at the date of the decree of 1804,
and which is not to be found in the printed
statement transmitted by Mr. M Lane of
the proceedings up to that time

Upon these grounds the Lords
Commissioners of His Majesty's Treasury
decline to entertain the claim. With regard
to the allegation of loss occasioned by the
length of time occupied by the proceedings
in this country, their Lordships can hardly
consider that to be a ground upon which
any pecuniary allowance could be made
by the British Government. All persons seeking
redress from competent legal tribunals
ought to produce to those Tribunals
such evidence as may be necessary for
the

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the purpose of establishing their case, and they cannot expect other parties to indemnify them for any inconvenience or loss which may arise from a delay created by their omitting or failing to substantiate, by proper and adequate proof, the facts of the case upon which their claim may be founded.

The Undersigned avails himself of this opportunity to renew to Mr Washington Irving the assurances of his high consideration.

(Signed)  Palmerston

Foreign Office
Aug 17th 1831

Washington Irving Esq
jr jr jr