

and payments from the board, as came also within the description of "*American Loyalists*," were entitled to claim, and respectively receive the difference.

But there seems to be no ground for any such distinction, either on general principles of justice, or in any public acts or proceedings on the subject.

In fact, the appellations of "*American loyalist creditors*," and "*English merchant creditors*," adopted in this note, are altogether new; nor can they be so contra-distinguished; for many, nay, most of the American loyalists were also merchant creditors, to whom whatever is said in the note against the indemnification of merchants, as such, applies.

When, by the treaty of peace of 1783, the United States were established as a separate and independent nation, those of His Majesty's subjects who were creditors of citizens or inhabitants of the new country, consisted either of merchants and other persons, residing and settled in Great Britain, or other parts of His Majesty's dominions, who had given credit to inhabitants of the United States, while they were also subjects of His Majesty, on the faith of British or colonial laws, which they knew, and had no reason to think, would be abrogated or given up, by any such acknowledgment of independence; or of other merchants and persons, of different descriptions, who were natives of, or had settled themselves in, the colonies, and being equally subjects of His Majesty, had not departed from their allegiance, and were therefore generally called American loyalists.

But no such distinctive appellation ever was or could have been given to them, as applicable to their character *as creditors*.

Those two descriptions of persons bore, *as creditors*, one and the same character; both *equally* entitled, for the security and recovery of their debts, to the protection of their country, by whose acknowledgment of the independence of the United States, their hold upon the known laws to which both equally trusted when they gave the credit, was lost; and therefore, if either of them had an "*original right*," as it is expressed in the note, to claim redress, in point of justice, from the public, in case the Government should, on grounds of general policy, refuse to interfere for their protection, or should compromise their claim, so had the other. The merchant of London, of Bristol, or of Glasgow, who had sold and sent his goods to his fellow subjects in the colonies, without any reasonable anticipation of such a risk, (entirely out of the course of trading calculation or ordinary events,) as that of a revolution in the colonies, and surrender by the nation, of the British government and laws; to which they trusted, he had surely the same right to redress, for the injury thereby occasioned, (whatever that right might be,) as the merchant of Charlestown or New York, who, on the same faith, had sold his goods to his neighbour. If the right or remedy against the debtor was taken away, the injury in both cases was exactly the same; and if that injury sprung from the same root or cause, the title to redress could not possibly, either in a moral or natural view, be different.

Nothing therefore can be more groundless than the proposition stated in the note, as being, what it truly is, the substance of the whole, in the following words: "In this consists the total difference of the two cases of the general creditors and the loyalists; the first were entitled to the strongest and best efforts of Government, to induce the American States to afford them the means of recovering their just debts, but there *their* claims upon Government ended. The loyalists were entitled, if those efforts failed, to relief and compensation for their losses from the mother country." A proposition which is merely asserted, without explanation or reasoning to support it; reference only being made to the Act of the 23d Geo. 3, c. 80, regarding the loss of real estates and effects sustained by the loyalists *in particular*, no part of which is therefore recited as applicable to the loss of *debts*, to which they *were* not exposed in particular, but in common with His Majesty's other subjects.

In truth, the single peculiarity in the case of the American loyalists consisted of this, that after the declaration of independence in 1776, the revolted states considering those persons no longer as subjects of His Majesty, but *their* subjects, attainted them as such, and confiscated not only their real estates, but their debts due to them. But for the former, as well as for their professions and offices, being the only loss sustained by them *singly*, in the character of loyalists, they obtained ample parliamentary compensation on the reports of special commissioners of inquiry, appointed by the above-mentioned Act of Parliament for that purpose; and for the latter, namely, the loss of debts, which had then only in part accrued, and which was not peculiar to them as attached to the character of loyalists, they