

of redress under the treaty, confided in the assurances of the Crown and the legislature, to make good their engagements, and to act constitutionally and justly towards them.

The fourth article of the treaty was obtained by a special application from a committee of merchants to lord Shelburne, during the negotiation, whereby the power of legally enforcing the payment of their debts in America was confirmed by a specific agreement. But the fifth article being recommendatory only, and of course not obligatory, for the restitution of the property of the loyalists, has always been considered as a nullity by the Government of the United States. Under these circumstances, His Majesty's Government having in vain referred the loyalists to the fourth article for the recovery of their debts, blending their case with that of the merchants, from which it ever was wholly distinct, surely will not now deny them that compensation, to which the honour, justice and dignity of the nation, have been explicitly pledged. In corroboration of which, Mr. Wilmot, chairman, and Mr. Marsh, another commissioner of the original board, have certified in justification of their conduct, in referring the loyalists to the fourth article of the treaty, "that they could not suppose our Government would not see it *faithfully and fully* complied with."

Mr. Macdonald has candidly acknowledged lately, that by desire of Government he had given his opinion on the claims, before he had seen the case of the loyalists, "That the merchants are equally entitled to compensation for the balances on the awards of the commissioners." But can *opinion* invalidate *fact*? Here is a set of claimants, whose demands are founded on, and of course sanctioned, by royal proclamation, by resolutions and an act of Parliament; and here is another set of claimants, who have no pretensions to any such foundation or sanction. What can an opinion which would assimilate claims so dissimilar, or equalize claims so unequally supported, be worth?

As to the objection raised against the admission of the claims of the loyalists, that such admission would certainly be productive of a fresh application from the other claimants, whose petition Parliament has rejected. This objection is abundantly obviated by a reference to the foregoing obvious and undeniable distinction. How palpably objectionable the rejection of our case, involving in it an *open violation of public faith*, compared with the rejection of the other, *exempted from the charge of any such violation!* Surely this is too plain a case to be rendered intricate or doubtful, too stubborn a fact to yield to any attempt to contradict or suppress it!

I beg leave to bring to your Lordship's recollection, that when Mr. Matthew White, a claimant, applied to your Lordship for an answer to our memorial, your Lordship was pleased to say, that you left the claims of the loyalists wholly to the management of the Chancellor of the Exchequer; observing, that whatever he agreed to would meet with your Lordship's approbation. Mr. Vansittart then acknowledged the great distinction between the claims of the loyalists and those of the British creditors, and seemed satisfied that their petition to Parliament should be sanctioned.

Your Lordship and the Chancellor of the Exchequer also, at a conference with the committee of general claimants, in objection to their claims, declared the distinct predicament of the two cases; and expressed much surprize, that the British merchants should quote as a precedent in their favour the compensation granted to the American loyalists; but on the statements of Government being known, that committee resorted to the expedient of immediately altering the title of the claims on the journals of the House of Commons, to that of American loyalists, although they would not suffer to be mentioned, either in their petition or their case, the distinguishing features of that description of claimants; which very alteration implies their conviction of the superiority of the claims of the American loyalists.

The Chancellor of the Exchequer observed to our solicitor, Mr. Lavie, that his letter of the 17th May 1815, with our note of the 31st January preceding, had put forth our claims in such forcible terms, that even if Government should determine not to admit the claims, a mere negative to the application would not be sufficient; and he was pleased to add, that he would submit both the note and letter to your Lordship's further consideration, and confer with your Lordship as soon as the recess took place. Numerous personal and written applications have since been made to the Chancellor of the Exchequer for the answer, who has several times intimated that it depended upon your Lordship.

Mr. Pitt laid before Parliament, free of trouble and expense, the report of the first board of commissioners, for losses sustained by the loyalists, within ten days of its delivery, and the amount was immediately voted. But by the delay of being referred to the fourth article of the treaty, from which the present loyalists have obtained