

did not claim a higher or better title to such protection, because their interest at issue was so much greater than that of any other description of creditors, or because they had made greater exertions to procure what appeared to be an efficient remedy : nor did the former colonists, who had loyally done their duty, and thereby retained their original character of British subjects, allude to any higher pretensions on that account, to a larger share, either then or thereafter, of aid or relief from His Majesty's Government. All, it was perfectly understood, would equally, and without distinction, have been entitled to *full* payment from the United States of the awards of the board, if the article had been fulfilled. Or, if the United States had, from inability at the time, or any other cause, paid only a certain part or proportion of each award, delaying or withholding the remainder, no particular class of the holders of those awards could have had more or less right to claim the protection of His Majesty's Government, in enforcing payment of the balances remaining due, of what had been thus ascertained to be their right, in a manner which could not be questioned, or again laid open for investigation.

A negotiation having ensued, it terminated in the convention of 1802, by which His Majesty's Government thought it expedient, by accepting of £. 600,000 from the United States, in satisfaction, as to them, of what they might have been liable to pay in pursuance of the said 6th article of the above treaty, to put an end (unquestionably an object of great public importance) to all further disputes on this irritating subject, between the two nations ; the above sum being so accepted "for the use of the persons described in the said 6th article," that is, for the use of "the British merchants and others His Majesty's subjects," to whom the United States "would have been liable to pay," in pursuance of the said article ; the acceptance of the sum, and the liability of the United States, being both equally applicable to the same persons, without any distinction, in the one more than in the other.

But as the amount of the sum thus accepted by His Majesty, had not been fixed in consequence of any new investigation or understanding with the individuals interested, who those "British merchants and others" were, to whom the United States would have been so liable, and to what extent respectively ? was a question of great extent, and (from the additional lapse of time, and there being now but one party, (viz. claimants without opponents) whose statements would therefore require the strictest scrutiny) of greater difficulty than ever ; involving claims from all the above descriptions of persons, who did not, however, allude to any priorities of character thence arising, which, after deducting all that had been recovered, were supposed still to amount, good and bad, to five millions and a half sterling. And that question, it was therefore found, could not be determined, but by means of a board of commissioners, who should be vested with a special jurisdiction, having final and conclusive powers, such as Parliament alone could give.

The Act of the 43d of the King was accordingly passed, for enabling commissioners to receive the claims of *all* His Majesty's subjects, without distinction, to decide conclusively on the particular merits of each, so as to ascertain the amount of loss truly incurred, and to distribute or apportion the above mentioned sum, thereby placed at their disposal for that purpose.

And as this Act was altogether general in the description of persons interested, so the public notices of the board was equally so in that respect, calling upon all those whose "national character entitled them to claim as *His Majesty's subjects*," to come forward, without alluding to any distinction or particular description of persons, such as that of *American loyalists*, because nothing appeared in the treaties or nature of the subject before them, to suggest any such distinction.

At the same time it will appear, from the following account of the manner in which they proceeded, that no peculiarity or distinction, which could affect the merits of any of the cases before them, were overlooked or excluded from their consideration. Adopting the interpretations and principles established at Philadelphia, of which they approved, with such other constructions and rules of judgment as they conceived that board would have settled, they satisfied themselves, in the first place, that the claimants were His Majesty's subjects, and had not accepted of American citizenship. In the next place, they considered how far recovery of the debts claimed on in any case, supposing them just, had been barred or impeded by any of the following laws, or lawful obstacles, in breach of the 4th article of the treaty of peace, viz. by such acts of *attainder and confiscation*, as have been already explained ; by the extension or misapplication of *statutes of limitation*, during periods when British creditors were deprived of all legal remedy ; by nonsuits in the courts after the peace,

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