

*description of special character, or restriction of any kind, was evidently selected for the very purpose of avoiding all doubts or difficulties, which might otherwise have been raised upon such distinctions of character, as (with reference to a different subject) are anxiously delineated in the article immediately following:—*That if the Claimant could be said to have at any time *made his election* in favour of the United States under the declaration of independence, and so departed for a time subsequent to that event from his native allegiance, (the contrary of which appears to have been the case) his return to, and having been *on the side* of his said native allegiance *at the Peace*, would have secured to him the benefit of the said *fourth* article of the Treaty.—That accordingly, having been on the side of His Britannic Majesty at the date of the Treaty of Peace; and being a natural born subject of his said Majesty, not barred by the acceptance of citizenship, from the right of claiming against the United States, the Claimant is entitled under the Treaty of Amity, to complain to this Board of the said act of attainder and confiscation before recited, as being a *lawful impediment* within the description of the *fourth* article of the Treaty of Peace, and the *sixth* article of the Treaty of Amity, to the recovery of such debts, as he shall prove to the satisfaction of the Board, within the meaning of the said Treaties:

And in regard to the statement before recited of the Agent for the United States, which has been referred to in the Board as follows, “even in Westminster Hall the Judges have frequently declared, that the acts of the Legislatures of several States which were passed during the late war, could be regarded by them in no other light than acts of independent States;” That no case has ever occurred in the Courts of Westminster Hall where the above general proposition was so declared; and occasions have not frequently occurred for considering that subject; nor is it the practice of the Judges to enter upon the discussion of matter not necessary to the determination of the question before them: but whatever has been said by any of the Judges in Westminster Hall which may be held as applicable to the present question, will be found correctly to agree with the principles and conclusions now declared by the Board;—the said principles and conclusions containing nothing inconsistent with that perfect respect which is due to the Independence of the United States, as the same was recognized on the part of His Britannic Majesty, by the *first* article of the Treaty of Peace.

And the said resolution having been read Mr. Fitzsimons and Mr. Sitgreaves withdrew.

*Extracted from the Proceedings of the Board.*

G. EVANS, Secretary