

number whose claims consisted of losses of real and personal property, the present uncompensated claimants (in number fifty-five) whose losses arose from bonds, mortgages and other debts, due from American citizens, have, by singular infelicity and a fatal error of the commissioners under the act, been deprived of the benefits which the legislature intended for them, equally with their compensated fellow sufferers. When they presented their claims, the commissioners, after making two reports to the treasury on the peculiar hardships and injustice of their case, ultimately refused them relief, on the extraordinary ground, that their losses being founded on debts due in America, were provided for by the fourth article of the treaty of peace between Great Britain and the United States, which stipulated, that "creditors, on either side, should meet with no lawful impediment to the recovery of the full value, in sterling money, of all *bonâ fide* debts theretofore contracted."

This mistake was the first source of the disappointments of the present claimants. The slightest consideration will manifest the fallacy of this idea, and convince every one, that American loyalists, attainted exiles, and denounced traitors to their own country, in whose favour the British Government had only been able to procure, after long negotiation, the recommendatory article before alluded to, could never be considered as ordinary "creditors on either side," and within the object of an article, providing for an unobstructed recovery of debts. It was, in fact, introduced solely with a view to the British merchants, creditors of America, at whose instance Sir R. Stracey was sent to Paris, during the negotiations, to procure its insertion; and the fifth article, containing the recommendatory clause, was well understood by the negotiators on both sides, to be the only one which had the slightest application to the loyalists.

The loyalists being thus sent on a hopeless search for redress in America, failed, as might be expected. Many of their debtors had actually been compelled to pay to the American treasuries the sums they owed them, on the ground that their creditors were refugees and outlaws; others refused payment; and the American courts invariably held the attainder of the claimant a complete bar to his suit; a circumstance of peculiar hardship to the loyalists, inasmuch as they were at the same time compelled by the British courts of justice, to discharge the debts which they owed to Americans. In addition to failure, they met with mal-treatment; several were accused of high treason as soon as they set foot in the United States, others were mobbed, insulted, and imprisoned.

The misfortune of the loyalists, in being treated as ordinary British creditors of America was not to end here. His Majesty's Government appear unhappily to have adopted the same notion, notwithstanding the obvious dissimilarity of their situations. What paramount claims on the country the loyalists possessed have already been seen; the British creditors it is plain had none, having rendered no services to the nation; and having neither received nor merited any promises of indemnity; they were simply creditors of American citizens, whose debts had accrued in ordinary mercantile dealings. To the recovery of these under the 4th article of the Treaty, they found constant impediments in the American courts; and with a view to remove these difficulties, and also to urge the loyalists' claims to restitution of their confiscated property under the 5th article, and to settle other disputed matters in the Treaty, Mr. Hammond was sent out as minister to America in 1791. In behalf of the loyalists his mission entirely failed; all his demands on the 5th article (and the possibility of the loyalists having any claim under the 4th as British creditors, was never once hinted at in the negotiation,) were cut short, by the reply, that the article was only recommendatory; that Congress had fulfilled their engagement by recommending restitution; but that as was expected, the state legislatures, had in most instances refused. On the other distinct and unconnected branch of his negotiation, in behalf of the British creditors under the 4th article, the British Envoy was more successful; for his mission terminated in 1794, in a treaty by which the United States agreed to make full compensation to the British creditors, for such debts as they could not recover by reason of lawful impediments in the American courts; and commissioners were appointed by Great Britain and America for executing this stipulation.

Fresh efforts and fresh disappointments were now prepared for the loyalists. They were again deluded with a vain hope of relief in America; the commissioners met at Philadelphia in 1797, and although there was little or no pretext for considering the American loyalists within the object of this treaty, which was expressly confined to British creditors, yet the British commissioners expressed an opinion before they sailed,