

nature of the compromise, and the manner and circumstances under which it was made. It must stand in whatever circumstance it occurred, in a great measure upon grounds of favour, and not upon any ground of justice or right, as arising out of the nature of the claims and debts which had become the subject of compromise.

The claims of the Loyalists could not be affected by the policy of the convention.

The claims of the loyalists in respect of their securities and debts from American subjects, stood upon a very different footing. It has been distinctly shown, that they were equally entitled with all other loyalists; that their claims stand upon the same foundation and principles.

That the nature of their losses affected their cases, only in the greater supposed possibility of their being able to realize the whole or part of their property. That they were bound to use their utmost efforts, and Government was pledged to use their earnest endeavours to procure a recovery of their property; and upon failure, they were entitled upon every principle of justice, recognized by the Act of 1783, to relief and compensation.

It would be a violation of the Act of 1783, and all the preceding proclamations and assurances, to use the failure of the recovery of compensation for the Loyalists, as an argument to defeat their relief.

That their claim upon the public was indisputable; and it necessarily follows from all these premises, that Government in its efforts to obtain redress for the creditors of American citizens, acted, as far as the loyalist creditors were concerned, quite as much for the public as for the individual loyalist; inasmuch as any success would operate *pro tanto*, and to that extent only, in discharge of the claim of the loyalist creditors upon the public, but it would be a violation of the letter, spirit, and just and equitable construction of the Act of 1783, and of all the preceding proclamations and assurances of the British Government, to use the failure of those earnest endeavours upon which the ultimate relief of the loyalists was to be founded, as an argument to defeat that relief; or to set up any partial payment, or acceptance of any proportion of the claim of the loyalists, (whether obtained by their own efforts, or by the earnest endeavours of Government,) as a satisfaction or composition for the whole of their claims; and still greater injustice to confound the loyalists with the general creditors, to the exclusion of their distinct claims; because they were both creditors, and had a common interest in recovering their debts as such, and to tell them that in pursuing that interest, jointly with the creditors, to the full extent to which Government had been able to accomplish the obtaining any payment from the American government, and in participating with the general creditors in the distribution of the sum accepted by Government, which it has been shown they were not merely entitled, but invited and bound to do, they had lost the remainder of their claims, because they had united with others in obtaining part of their right.

Observations on the participation of the Loyalists in the £.600,000.

In the convention the government were trustees for the Loyalists, as well as for the public.

The claims of the Loyalists for what remained uncompensated to them, after the application of the £. 600,000, now naturally made to the Government.

Great sacrifices of the Loyalists in the defence of the rights of the crown.

Long suffering of the Loyalists.

Reduction of their claims.

It is clear, that the obtaining by Government, and distribution to the loyalists of part of their debts, can operate only in part discharge of their claims to that extent. Whether the loyalist creditors ought to have participated at all in that fund, was a question solely between the Government and the general creditors. The loyalist creditors were bound, as a condition precedent to their ultimate claim, to obtain payment, when, and where, and how, they could, and from any person ready to pay them, and still more bound to accept from Government what had been so obtained, as a part payment of their claim upon the public, for whom as well as the loyalist, the Government must in all justice and equity be considered as acting as trustees.

This transaction therefore, operated only to the extent of a part discharge of the claim, and as a decisive proof that the period had at length arrived, at which their fellow sufferers the loyalist land owners, had arrived long before, of ascertaining most distinctly, that all further hope of being able to effect any further realization of their securities or credits was at an end, and entitled them to come immediately for all they had not received, according to the letter and spirit of the last case, contemplated by the act of 1783; namely, that of persons who had not obtained, or obtained only partially, relief and compensation from the earnest endeavours of Government in their behalf; for it can never be contended for a moment, that a partial payment could release the British public from the claim of the loyalists, upon the justice as well as the humanity of the country, for which they had sacrificed their birth place, their home, connexions and fortunes, in unavailing efforts to assist in stemming the tide of rebellion and revolt.

They are sufficiently unfortunate, in having waited this extraordinary course of events for such a period, without the addition to their misfortunes of being told that, in pursuing the course they were directed by the commissioners of 1783 to follow, and endeavouring by every possible means, and under every disadvantage of circumstances and loss, in the manner in which their securities and claims were calculated, and