

(1.)

P A P E R S

RELATING TO

AMERICAN LOYALISTS:

VIZ.

An Account of the dates and descriptions of all Communications that have taken place between His Majesty's Government and any of the Persons styling themselves AMERICAN LOYALISTS, or their Agents, since the 4th of April 1812, to the present time;—together with Copies of such of the said Communications as bear date respectively on or about the 5th April and 3d December 1812; the 21st April, 6th and 10th July 1813; 26th May and 2d September 1814; 31st January and 17th May 1815; 19th June. 1817; 8th April 1819, and 1st May 1820.

Whitchell Treasury Chambers } s. R. LUSHINGTON.
30th April 1821.

Ordered, by The House of Commons, to be Printed,
30 April 1821.

(1.)

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N^{os} 1—to—13.

Whitehall, Treasury Chambers, }
30 April 1821.

S. R. LUSHINGTON.

Ordered, by The House of Commons, to be Printed,
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PAPERS relating to AMERICAN LOYALISTS.

N° 1.—A List of various Communications with His Majesty's Government, respecting the Claims of the uncompensated American Loyalists.

DATES.	DESCRIPTIONS.	OBSERVATIONS as to production.
1812. April 5th.	Letter by Mr. M. White to Right honourable Spencer Perceval, chancellor of the exchequer - - - - }	entire copy, App. N° 2.
— Dec. 3d.	Memorial by American loyalists to the lords of His Majesty's treasury - - - - }	entire copy, N° 3.
1813. Mar. 24th.	Letter by Mr. White to Mr. Brooksbank, private secretary to earl of Liverpool, with case of the loyalists.	
— April 1st.	Letter by Mr. Brooksbank to Mr. White, in answer.	
— „ 21st.	Letter by Mr. White to Right honourable N. Vansittart, chancellor of the exchequer, with various documents relating to the loyalists.	
— June 18th.	Note by Messrs. Powell, Thornton, and White, the committee of the loyalists, to Right honourable N. Vansittart, with various documents.	
— July 6th.	Letter by Mr. White to Right honourable N. Vansittart, inclosing, agreeably to his desire at an interview by the committee with him and lord Liverpool jointly, an account of awards, and extracts from Resolutions of the House of Commons - - - - }	entire copy, N° 4.
— „ 10th.	Letter by Right honourable N. Vansittart to Mr. White, acknowledging the receipt of them - - - - }	entire copy, N° 5.
— „ 20th.	Note by the committee of loyalists to Right honourable N. Vansittart.	
— Oct. 20th.	Letter by Mr. White to Right honourable N. Vansittart, requesting answer, and enclosing copy of proposed petition.	
— Nov. 8th.	Letter by Mr. White to Mr. Brooksbank, private secretary to earl of Liverpool, with amended copy of petition.	
— „ 20th.	A paper, entitled, Observations and reasons for difference between amount of claims and award, delivered by Mr. Powell to Right honourable Nicholas Vansittart.	
1814. Jan. 26th.	Letter by Mr. Powell to Right honourable N. Vansittart, with a statement of the case of the American loyalists.	
— Mar. 31st.	Note by earl of Liverpool and Right honourable N. Vansittart to Mr. Powell, declining to give the recommendation of the crown, but offering to see a deputation.	
— May 7th.	Letter by Mr. White to Right honourable N. Vansittart.	
— „ 26th.	Note by the committee of loyalists to earl of Liverpool and Right honourable N. Vansittart - - - - }	entire copy, N° 6.
— July 2d.	Note by the same to the same, transmitting documents directed to be procured at a conference in May.	
— „ 6th.	Note by Mr. Powell to Mr. Rosenhagen, pressing the attention of the chancellor of the exchequer.	
— Sept. 2d.	Note by earl of Liverpool and Right honourable N. Vansittart to Messrs. White and Powell - - - - }	entire copy, N° 7.
1815. Jan. 31st.	Note by the committee of loyalists to earl of Liverpool and Right honourable N. Vansittart, very fully in reply, (W. H.) }	entire copy, N° 8.
— Mar. 18th.	Note by Messrs. White and Thornton to earl of Liverpool.	
— „	A similar Note to Right honourable N. Vansittart.	
— May 17th.	Letter by Mr. Lavie (solicitor to the committee) to the Right honourable N. Vansittart. - - - - }	entire copy, N° 9.
— July 3d.	Letter by Mr. Powell to Right honourable N. Vansittart.	
— Oct. 5th.	Letter by Mr. Lavie to Right honourable N. Vansittart.	
— Dec. 16th.	Note by the committee of loyalists to the earl of Liverpool.	
— „	A similar Note to Right honourable N. Vansittart.	

(1.) PAPERS RELATING TO

DATES.	DESCRIPTIONS.	OBSERVATIONS as to production.
1816. Jan. 26th.	Note by lord Tyrconnell to Mr. Powell, in answer to application for an answer.	
— Feb. 21st.	Note by Mr. Powell to lord Tyrconnell.	
— Mar. 19th.	Letter by Mr. Lavie to Right honourable N. Vansittart.	
— May 24th.	Note by the Committee to earl of Liverpool; transmitting the quarto case.	
— "	A similar Note to Right honourable N. Vansittart.	
1817. June 19th.	Letter by Mr. Powell to earl of Liverpool - - -	entire copy, App. N° 10.
— "	A similar one to Right honourable N. Vansittart - -	entire copy, N° 11.
— Oct. 27th.	Letter by Mr. Powell to Right honourable N. Vansittart.	
— Dec. 12th.	Letter by the same to the same.	
1818. Feb. 7th.	Letter by the committee to earl of Liverpool.	
— "	A similar Letter to Right honourable N. Vansittart.	
— July 29th.	Letter by the committee to earl of Liverpool.	
— "	A similar Letter to Right honourable N. Vansittart.	
— Aug. 4th.	Letter by the committee to earl of Liverpool.	
— "	A similar one to Right honourable N. Vansittart, (enclosing abstract of case, omitted in letters of 29th July.)	
— Dec. 4th.	Letter by the committee to earl of Liverpool.	
— "	A similar one to Right honourable N. Vansittart.	
1819. April 7th.	Letter by Mr. Powell to Right honourable N. Vansittart, } in consequence of interview on 5th - - - - - }	entire copy, N° 12.
1820. May 1st.	Note by committee to the earl of Liverpool, enclosing } summary of case - - - - - } A similar one to Right honourable N. Vansittart - - }	entire copy, N° 13.
— "	N. B.—A summary was sent to each of the cabinet ministers.	
— " 2d.	Earl of Liverpool to committee, in answer, declining to recommend.	

N° 2.—5th April 1812; Copy of a Letter from Matthew White, esq. to the Right Honourable Spencer Perceval.

In the matter of the claim of Ann White and others, executrix, &c. to the late Thomas White of New York, deceased; whose person was attainted and whose property was confiscated in the first act of attainder, in consequence of his early, zealous and decided loyalty and exertions, in favour of the British government.

Sir,

THE petition of the British merchants suffering loss from debts in America, contracted before the American war, having been referred by the honourable the House of Commons to a special committee, and that committee having made a report, which may shortly be taken into consideration by the house; I feel it my duty, as agent for my father's estate, respectfully to submit to you, (the committee having considered they had not the power to take cognizance of my representations,) that the commissioners appointed by act of parliament in 1803, were not directed by that act, and have not thought proper, in their awards, to class or distinguish the loyalists claims, about 50 in number, separate or distinct from the claims of the British merchants; and that in consequence of the superior, and in fact the decided and acknowledged right of the American loyalists, to full or adequate compensation, as invariably granted by parliament, when their losses have been duly ascertained, is now put to issue with the case of the British merchants, whose title to further compensation, beyond the £. 600,000 accepted by this government from the United States, has created some doubt.

My father's property was chiefly in bonds and mortgages, in the hands of his solicitor Elias Boudinot. At the commencement of the rebellion this man became president

president of congress, and compelled the debtors to make their payments into the American treasuries. Authenticated certificates from the treasurers were given in proof to the board of commissioners. At no period could there exist any hope of redress in America with respect to this particular loss, as the American negotiators at all times obstinately declined listening to the pressing demands made by this government, for the reinstatement of the loyalists in their property, &c.

At this late period (the other classes of loyalists having been compensated 24 years ago) I am under the necessity of appealing to you in behalf of my father's loss, and that of the claimants of the same description, who have lived to prosecute their claims, intreating your protection, and that you will be pleased to direct the commissioners to class them separate from the British merchants, in order to their experiencing from the justice of Parliament, that relief and indemnification which it has at all times readily granted to the loyalists, and whereby they may receive by debentures or otherwise, the balance awarded to them beyond the proportion received out of the sum of £. 600,000, accepted from the American government.

I have the honour to be, with great respect, Sir,
Your very obedient, and most humble servant,

Matthew White,
Soho-square.

To the Right Honourable Spencer Perceval,
Chancellor of His Majesty's Exchequer, &c. &c. &c.

N^o 3.—3d December 1812; Copy of a Memorial of the American Loyalists to the Lords of the Treasury.

To the Right honourable the Lords Commissioners of His Majesty's Treasury,
&c. &c. &c.

The Memorial of the undersigned American Loyalists, and of the representatives of others of the same description, whose Claims have been adjudged good by the Commissioners appointed by act of Parliament, under the Convention of 1802, with the United States of North America ;

Respectfully sheweth,

THAT, when the revolutionary spirit broke out in America, it was deemed expedient by His Majesty, by his ministers, and by Parliament, to call on all loyal American subjects by proclamation, to discharge the duties of allegiance ; assuring them of protection ; and that under all circumstances, and in every situation, the utmost regard should be had to their welfare ; and that, in obedience to these calls from authority, your memorialists accordingly did stand forth, and have uniformly continued British subjects.

That by the fostering care of their benign revered Sovereign, and by the equitable interposition of Parliament, commissioners were appointed to ascertain the claims, and to compensate the losses, of His Majesty's loyal American subjects, in the year 1786 ; when your memorialists, on claiming debts due to them by American citizens, were informed by his Majesty's then ministers and by the said commissioners, that provision had been made for them by the fourth article of the treaty of peace with America, stipulating, " That creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bond fide* debts theretofore contracted." They were also informed, " That the forts in the western territory should be kept as a security for the performance of the treaty on the part of America." And your memorialists had moreover every reason to expect, that, if on recourse to the American courts for the recovery of their just debts, they should not obtain justice, they might look to the British government for redress.

That your memorialists, desirous of conforming to the wishes and directions of His Majesty's ministers, resorted to the American courts ; but, notwithstanding the solemn pledge on the part of America, given by treaty, yet were they, contrary to all good faith, denied justice. The courts in the United States were either altogether shut against them by acts of attainder or other prohibitory laws ; or, when suits were entertained by the judges, justice was unattainable from the extreme prejudice of jurors.

That your memorialists, after heavy expenses and much harassing altercation on the other side of the Atlantic, had the satisfaction at length to find, that a board was formed under the sixth article of the treaty of 1794, to sit at Philadelphia, for the purpose of ascertaining what was due to them by the citizens of the United States; the whole amount of which their government had engaged by the said treaty to pay in sterling money. The result of which appointment, as well known to your lordships, was the dissolution of the said board, without effecting the object of its institution. Wherefore His Majesty's ministers, no doubt for wise and cogent reasons of state, judged it expedient to enter into a convention with the United States in 1802, to accept the sum of £. 600,000, in lieu of all losses sustained under the restraining laws, for preventing the recovery of debts, enacted by the different legislatures, in direct violation of the fourth article of the treaty of peace, already quoted; and the said article was virtually rendered from that period a nullity. Thus was the important clause of the treaty which had created such disputes, and had operated as a barrier against your memorialists receiving compensation from the first board of commissioners in the year 1786, annihilated by the same power which brought it into being.

That the three commissioners who had been charged with the business at Philadelphia, were appointed by Parliament to liquidate the demands of the claimants, and to distribute the aforesaid sum of £. 600,000; but from the defect of evidence, by death and other causes, after a lapse of eighteen years, with large deductions of interest, the sums awarded by the board do not amount, in most instances, to one-third part of the claims; yet your memorialists, with much regret, have to represent to your lordships, that, after the distribution of the said compromise amongst the respective claimants, above one-half the amount of the awards remains unsettled. And inasmuch as the aforesaid arrangement with the United States, adopted by His Majesty's ministers on the ground of political expediency, was without the consent or knowledge of your memorialists, and the result is truly grievous; they humbly beg leave to state the extreme hardship of their case, and to appeal for relief to the known justice of His Majesty, and of the illustrious prince his representative, as well as to the candour of your lordships, to countenance their application to Parliament. As, however, consistent with sound policy it may be, that the interests of individuals should yield to the general welfare, it is incompatible with justice, that the sacrifice of individual interest should be uncompensated by that public whose welfare has been promoted by such sacrifice; which sentiment was abundantly sanctioned by Lord Shelburne declaring at the time of the discussion of the treaty of peace with America, which involved this very subject, "That, without one drop of blood spilt, and without one-fifth of the expense of one year's campaign, happiness and ease can be given the loyalists, in as ample a manner as these blessings were in their enjoyment, therefore let the outcry cease on this head." The justice of this remark was admitted by a considerable majority of both houses of Parliament; and in fact, the same sentiment in the year 1778, was still more forcibly expressed by His Majesty's commissioners acting under the authority of Parliament, in their manifesto and letter to the president of congress, wherein they declare, "That regard must be paid to the many, who from affection to Great Britain, have exposed themselves to suffer in this contest, and to whom Great Britain owes support at every expense of blood and treasure."

That your memorialists claim, as British subjects who were especially called upon from authority by proclamation, and by the voice of the legislature, to manifest their loyalty and allegiance; and if allegiance and protection are reciprocal duties, the pretensions of your memorialists must be considered as standing on firm ground, for when their part of the contract was brought to the test, they acquitted themselves with alacrity, steadiness and fidelity, so that theirs is more than a common case; compensation is not only due to them from a constitutional view of the matter, their property having been sacrificed for the public good, but from the special circumstance of their having the pledge of royal proclamations in support of their claims; more especially as the sums claimed by your memorialists were chiefly due on specialties contracted before and lost by the American revolution; they are the remains of great losses, which in many instances constitute *their all*; and payment having been withheld by protracted negotiations and investigations, during twenty-eight years, many have had to struggle with the most pressing and piercing difficulties and distress; it is therefore presumed, that your Lordships will admit, that on every principle of justice and good

good faith, your memorialists deserve the attention of Government, by having a fair claim on the nation, established by precedent from the ample provision made by Parliament for every other description of American sufferers in the year 1788; that payment of the balance on the awards, estimated at about one hundred and sixty thousand pounds, and the interest, will be very far from an adequate compensation, as the claims were made up only to the first of June 1804, by order of the commissioners, who, previous to investigation, required proof of loyalty, and can furnish correct lists of the loyalists.

That a petition from all the claimants under the convention, comprizing, but not particularly exhibiting, as this memorial does, the case of your memorialists only, was presented to the last Parliament, referred and reported upon; but the discussion was deferred to the next session; which petition is now to be renewed. Wherefore, without meaning to disparage other claims, your memorialists conceive it absolutely necessary to make your Lordships acquainted with their distinct predicament, trusting, that their hopes, founded in justice, and so explicitly sanctioned, will not end in disappointment; and that they will be compensated, as the rest of the American loyalists were twenty-four years ago, in debentures paid by instalments, with interest; which mode of payment will be an accommodation to the nation, and at the same time, afford relief to a long distressed class of faithful subjects.

And your memorialists will ever pray, &c. &c.

London, 3d Dec^r 1812.

N^o 4—6th July 1813; Copy of a Letter from Matthew White, esq. to the Right honourable N. Vansittart.

Sir, •

Soho-square, 6th July 1813.

IN conformity with the desire expressed by Lord Liverpool and yourself, on Wednesday last, at Fife House, I have obtained from the books in possession of Mr. M^cDonald, the chief commissioner, the enclosed list of awards to the American loyalists, by which the balances still due are £. 122,024. 1 s.; a copy of the book out of which this account was drawn, in the presence of Mr. M^cDonald, has been transmitted to the secretary of state, as long ago as the 27th June 1812, and a copy at the same time sent to two other of the public offices.

The gentlemen who accompanied me have some doubts respecting two or three awards, not included in the above sum, arising from the parties interested having become citizens of the United States. I am desired by them to intreat you to bring the matter to a close this session, impressing on your mind the circumstance, that no allowance for interest has been made since the year 1804.

The resolutions of the House, and the mode of compensation, as proposed by Mr. Pitt, for the awards under the former board, are among the papers I had the honour recently to transmit to you; if any further explanations are deemed necessary, I am ready to attend your summons, being very respectfully, Sir,

Your obedient and most humble servant,

Matth^w White.

To the Right honourable Nicholas Vansittart,
&c. &c. &c.

(1.) PAPERS RELATING TO

AN ACCOUNT of Awards to the American Loyalists, made by the Commissioners appointed by Act of Parliament, under the Convention of 1802, with the United States of North America; together with the Amount of the Dividends paid thereon, and the Balances still due to the said Loyalists.

NAMES.	Sums awarded.			Total of Dividends paid.			Balances still due.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
The Reverend Bennett Allen	2,524	—	—	1,172	4	6	1,351	15	6
Andrew Allen	6,977	15	9	3,240	14	1	3,737	1	8
Gerard G. Beckman	505	16	3	234	18	3	270	18	—
Thomas Bibby	2,000	—	—	928	17	3	1,071	2	9
Daniel Coxe	1,800	—	—	835	19	6	964	—	6
The Rev. Robert Cooper	3,000	—	—	1,393	5	10	1,606	14	2
Mary Cowper	4,958	4	8	2,302	15	2	2,655	9	6
Abraham Cuyler	4,152	8	9	1,928	10	5	2,223	18	4
Oliver De Lancey	4,500	—	—	2,089	18	10	2,410	1	2
Daniel Dulaney	14,193	—	—	6,591	13	6	7,601	6	6
Crauford Davison, assignee of Storr	3,355	18	5	1,558	11	11	1,797	6	6
Samuel Douglas's executors	7,000	—	—	3,251	—	5	3,748	19	7
George Folliott's executors	26,099	8	10	12,121	8	1	13,978	—	9
Judith Foxcroft	274	14	6	127	11	9	147	2	9
General Edmund Fanning	1,800	—	—	835	19	6	964	—	6
Adam Gordon	8,818	4	8	4,095	9	4	4,722	15	4
William Hannay	16,187	3	10	7,517	16	10	8,669	7	—
James Holmes	834	5	—	387	9	—	446	16	—
James Hume	1,518	—	—	705	—	1	812	19	11
Mary Hatch, executrix of E. Hatch	550	—	—	255	8	9	294	11	3
Thomas Hutchinson	300	—	—	139	6	7	160	13	5
The Right Rev. C. Inglis	1,711	12	3	794	18	6	916	13	9
John Jamieson's executors	2,800	—	—	1,300	8	2	1,499	11	10
Ann Jones	1,500	—	—	696	12	6	803	7	6
Rev. Cavalier Jonet's executors	5,000	10	7	2,322	8	1	2,678	2	6
John Kane	2,000	—	—	928	17	3	1,071	2	9
T. H. Littler	9,000	—	—	4,179	17	8	4,820	2	4
Richard Lechmere	600	—	—	278	13	2	321	6	10
John Lane, for Paxton commissioner and governor Hutchinson	2,784	5	6	1,293	2	1	1,491	3	5
D ^o for Jn ^o and W ^m Simpson	2,000	—	—	928	17	3	1,071	2	9
D ^o for Anthony Lechmere	5,000	—	—	2,322	3	2	2,677	16	10
Isaac Lowe	6,000	—	—	2,786	11	9	3,213	8	3
Robert Livie	2,525	19	9	1,172	1	3	1,353	18	6
John Mallett, deceased, executor of Kemp	2,300	—	—	1,068	3	10	1,231	16	2
Joseph Martyr, in right of his wife	250	—	—	116	2	1	133	17	11
James Moss	3,500	—	—	1,625	10	2	1,874	9	10
John Miller's executors	700	—	—	325	2	—	374	18	—
Charles McIvers, executor of McIvers	4,000	—	—	1,857	14	6	2,142	5	6
Nicholas Ogden	7,439	—	—	3,454	18	1	3,984	1	11
Rebecca Ogilvie	4,872	13	—	2,263	—	3	2,609	12	9
Robert W. Powell	19,000	—	—	8,824	4	1	10,175	15	11
Robert Palmer	294	10	—	136	15	5	157	14	7
Joseph Rutherford	685	—	—	318	2	8	366	17	4
John Savage's executors	1,171	12	9	544	2	10	627	9	11
Stephen Skinner	9,000	—	—	4,179	17	8	4,820	2	4
D ^o for Kearney	945	7	2	439	1	1	506	6	1
Anna Jane Simpson	800	—	—	371	10	10	428	9	2
Charles Shaw	650	—	—	301	17	7	348	2	5
Robert Shedden and John Goodrich	2,500	—	—	1,161	1	7	1,338	18	5
Jon. Simpson's executors	1,821	19	6	845	19	—	976	—	6
W ^m Taylor's executors	500	—	—	232	4	3	267	15	—
Abraham Walton, administrator of Phillips	6,000	—	—	2,786	11	9	3,213	8	3
John Weatherhead	1,136	1	6	527	12	7	608	8	11
Ann White and others, executors of Thomas White	6,000	—	—	2,786	11	9	3,213	8	3
William Walton, administrator of Walton	2,000	—	—	928	17	3	1,071	2	9
55 Claimants	£. 227,837	12	8	105,813	11	8	122,024	1	—

These awards include interest only to the 1st of June 1804, from which time interest will be now to be calculated on the above balances.

It is also to be remarked, that owing to the loss of evidence by deaths and other causes, the awards do not amount upon an average to more than one-third of the losses actually sustained.

N° 5.—10th July 1813; Copy of a Letter from the Right honourable N. Vansittart to Matthew White, esq.

Sir,

Downing-street, 10th July 1813.

I HAVE to acknowledge the receipt of your letter of the 6th instant, transmitting a list of awards to the American loyalists, and to acquaint you, that having communicated with Lord Liverpool on the subject, it is both his Lordship's opinion and my own, that it is decidedly too late to propose any measure founded on them during the present session, even if it be the opinion of Government that Parliament should be resorted to, after the consideration which they will give these claims. The causes which have rendered the further consideration of this subject necessary, are so well known to the gentlemen interested, that I felt it quite unnecessary to relate them and I much regret so much time has been lost.

I am aware, that the list of claims before me is distinguishable in principle from the remainder of the claims lately decided upon by Parliament; but notice having been given to renew the application of the other claimants, some difficulty may be occasioned by that circumstance.

I am, Sir, Your most obedient humble servant,
 Matthew White, Esq. (Signed) N. Vansittart.

N° 6.—26th May 1814; Copy of a Memorial from Matthew White, esq. et al' American Loyalists, to the Right honourable the Earl of Liverpool, and the Right honourable N. Vansittart.

To the Right honourable the Earl of Liverpool, First Lord of His Majesty's Treasury, and the Right honourable N. Vansittart, Chancellor of the Exchequer, &c. &c. &c.

A DIFFICULTY having been stated by His Majesty's ministers, "in making such a distinction between the case of the American loyalists and that of the general claimants, which has been already decided upon, as would justify His Majesty's Government in departing from the principle applied to the general claims;" the loyalists beg leave, most respectfully, to submit the following observations thereon:

At the commencement of the rebellion, the subjects of Great Britain in America were required by His Majesty's proclamation, and resolves of Parliament, to maintain their allegiance, and use their exertions to suppress the rebellion, under the most solemn assurances of protection and support; which assurances were from time to time repeated in America by His Majesty's commissioners, appointed under Acts of Parliament during the war. In complying with these requisitions of the British Government, many of the loyalists lost their lives in battle; others were hanged; and the rest, after enduring unparalleled hardships, were attainted and driven into exile, with the loss of all their property.

The loyalists do not presume to decide upon the merits or the claims of others; but they humbly conceive, that sacrifices so much beyond the ordinary sacrifices of war, and which no other class of His Majesty's subjects have been called upon to make, entitle them to a preference above bare creditors, who have made no voluntary or personal sacrifices to the general cause.

In consequence of the general wording of the fourth article of the treaty of peace with America, in which it was stipulated, "that creditors on either side should meet with no lawful impediment to the recovery of their debts," the commissioners appointed by Parliament in the year 1783, to ascertain the claims and compensate the losses of the American loyalists, did not think themselves at liberty to admit proof of debts, but referred the loyalists for the recovery of them to the courts in America, in conjunction with the rest of the British creditors. The loyalists did not fail to represent both to His Majesty's ministers and the said commissioners, the utter hopelessness of any attempts on their part to recover their debts in the American courts. They nevertheless made every effort in their power, but the recommendation of Congress was disregarded, and the acts of attainder of the different states remained in full force. Some of the loyalists having returned to America, under an express stipulation in the treaty of peace, "that they should be allowed to reside in the country twelve months unmolested, to endeavour to settle their concerns," were mobbed,

imprisoned and otherwise grossly insulted; and writs were issued to apprehend and try some of them for high treason, which compelled them immediately to quit the country. For many years after the peace, no lawyer dared to institute a suit at law in their favour, for the threats of the populace; and whenever at a subsequent period their demands were brought into court, the verdicts of juries were always a complete mockery of justice.

The present claims are supported by Acts of Parliament, granting compensation to the American loyalists for losses sustained in rights and properties, comprizing not only lands, but also negroes, horses, cattle, effects captured or lost at sea, with other personal property; and the recovery of debts were referred by the commissioners to the fourth article of the treaty of peace, which "they could not suppose this Government would not see fully and faithfully complied with." But the Government of the United States, by their Attorney General, refused under the treaty of 1794, to comply with the said reference in the following express terms: "That the claimants having been attainted by an act of the State of New York, passed before the peace, on account of his adherence to His Britannic Majesty, and being one of that description of persons who are known under the denomination of loyalists or refugees, he did not possess a character entitling him to claim before the board." In fact, the people of the United States, have invariably made a distinction between the real British subjects resident in this country, and American British subjects who had resided in America; to the latter of which, from their political conduct in the war, they have always continued hostile.

Thus, those loyalists whose only property consisted in debts, received no compensation from the British Government under the first commission. They have been officially denied justice by the Government of the United States, to which they were ineffectually referred. And now that the awards have been obtained from the second board of commissioners, they cannot but feel themselves entitled from their hardships and sufferings to the remaining balance, which will only put them on a similar footing of compensation with those loyalists, whose losses were indemnified twenty-six years ago by the first board of commissioners.

The loyalists beg leave (though it may appear superfluous) to confirm the justice and distinctness of their claims and pretensions, by the constitutional authority of a statute of 11th of Henry VII. c. 1, passed in turbulent rebellious times, which is exactly in point; whereby it is declared, "that by the common fundamental law of England, the subjects are bound by their duty of allegiance, to serve the Prince against every rebellious power and might; and that whatever may happen in the fortune of war, against the mind of the Prince, (to the prejudice of his subjects,) it is against all law and good conscience, that such subjects attending upon such service, should suffer for doing their true duty of allegiance."

This statute is recognized by a late eminent judge, Sir Michael Foster, in his cases on crown law, page 399, in the following words:—

"Here is a clear parliamentary declaration, that by the antient constitution of England, founded on principles of reason, equity and good conscience, the allegiance of the subject is due to the King for the time being, and to him alone. This putteth the duty of the subject on a rational and safe bottom, and he knoweth that allegiance and protection are reciprocal duties."

The loyalists therefore, confidently trust that it will appear to His Majesty's ministers, that their claims upon the public, are of a much higher nature than those of the general claimants; and that redress from the proper tribunals in America having been denied them, Government will not suffer the pledges so repeatedly made by every branch of the legislature to remain unredeemed; particularly as the calculation of the prime minister at the peace, approved of by both Houses of Parliament, "in giving happiness and ease to the loyalists, in as ample a manner as these blessings were ever in their enjoyment," far exceeds in amount the compensation that was made them.

(Signed)

Matthew White,
Attorney to the Executrix of Tho' White,
John Pownall,
Executor of George Folliat.

London, 26th May 1814.

Andrew Allen.

R. W. Powell.

W^m Hannay.

N° 7.—2d September 1814; Copy of a Note from the Earl of Liverpool and the Right honourable N. Vansittart, to Mr. White and Mr. Powell.

LORD Liverpool and Mr. Vansittart have attentively considered the additional papers laid before them by Mr. White and Mr. Powell, in support of the claim for debts due in America to the American loyalists, whose cases were investigated by the commissioners appointed under the treaty of 1794, between Great Britain and the United States; and they beg leave to acquaint Mr. White and Mr. Powell, that those additional papers do not, in their opinion, in any material degree tend to distinguish the case of the loyalists from that of other British creditors, or affect the conclusion to which they were led by the perusal of the documents previously under their consideration. However they may feel the hardship to which the loyalists have been exposed, they do not, upon the whole, think it possible now to separate the case of the loyalist creditors from that of the other British creditors, with which it has so long been united, and in common with whom, the loyalists have received a partial compensation.

With this view of the subject, Lord Liverpool and Mr. Vansittart cannot feel it to be consistent with their duty, to recommend the reception of a new petition respecting these claims, by the House of Commons.

Downing-street, 2d Sept' 1814.

Matthew White, esq. M. P.
Soho-square.

N° 8.—31st January 1815; Copy of a Note of the American Loyalists, in reply to the Note of the Right honourable the Earl of Liverpool and the Right honourable N. Vansittart, of the 2d September 1814.

Note of the American Loyalists in reply to the Note of the Right honourable the Earl of Liverpool, first lord commissioner of His Majesty's treasury, and the Right honourable Nicholas Vansittart, chancellor of His Majesty's exchequer, of the 2d September, 1814.

THE uncompensated loyalists are very unwilling to intrude again, in a case in which so many statements and memorials have been submitted, for the consideration of His Majesty's ministers; but as they cannot help feeling satisfied, from what has passed on the communications and interviews which have occurred in the last and preceding year, that their case is still not completely understood, they are anxious to call the attention of His Majesty's ministers to a very few further observations, in which they will, as much as possible, avoid all details which have been stated in former memorials and letters, and present only the broad general grounds upon which they are satisfied that they must prevail.

Case of the Loyalists not yet understood by Government.

They protest against the supposition upon which the refusal to accede to their presenting their petition to Parliament is founded, namely, that they have ever mixed their case with that of the merchant creditors; or that they have done any act, or admitted any principle, or accepted of any compensation, which can in justice be construed to assimilate the two descriptions of claims, or justify the assumption that their claims have ever been united, or put, or stood upon similar grounds.

Loyalists protest against their case standing on the same ground with the British merchant creditors; or that the Loyalists by any Act have ever put them on the same footing.

They propose therefore to apply themselves in this representation to the reasons which have been last given, (viz.) "that there does not appear to be any such material distinction between the cases of the loyalists and creditors as to justify any new proceeding;" and "that it is not possible now to separate the case of the loyalists from that of the creditors, with which it has been so long united." They are desirous of expressing their acknowledgments to Lord Liverpool and Mr. Vansittart, for this open, explicit and candid statement of the grounds upon which their refusal rests, as it enables them to apply their facts and arguments to that particular point, upon which they have the strongest confidence of being able to show most clearly, that no participation in the distribution of the £. 659,000 by any, or the whole of the loyalists, or co-operation with the merchants in endeavouring to procure a larger sum

Reasons stated by the ministers for declining the consent of the Crown to the petition of the Loyalists.

for distribution; can either in common justice or fair reasoning warrant the supposition, that the two cases were ever united, or that the loyalists are thereby to be considered either as having abandoned, or lost, or even in the slightest manner, weakened their separate and distinct claim to full compensation.

Confidence of the Loyalists in the substantial justice of their claim.

They mean no disrespect to the members of His Majesty's Government when they repeat, that such is their confidence in the substantial justice of their claims, that should they even now (contrary to all their expectations) fail in obtaining the consent of Government to present their petition, they can never abandon their claims, until the subject has been again brought before, and been fully understood and considered by Parliament. They will now very shortly recapitulate the grounds upon which their situation and claims are improperly confounded and mixed with those of the general creditors, and the facts and arguments upon which they still rest their hopes of a favourable answer to their request, of sanction to their petition to Parliament.

The claims of the merchant creditors is distinguished from those of the Loyalist.

The persons who are distinguished by the name of the merchant creditors or general creditors, were (comprehensively speaking) British merchants having mercantile and other connections in America. They were in fact, and were so considered by the Americans, British subjects, upon whom the American revolutionary Government did not profess to have any claim for aid in their resistance to this country; they were not considered as traitors to the American government, but merely as members of a state not entitled even after peace to any favour; they were sufferers in the course of trade, deeply injured by the general acts of indisposition towards Great Britain, exhibited in the conduct of the American states, and by the unwarrantable obstacles which were constantly interposed by the laws and courts of America, to their endeavours to enforce their claims as creditors against American citizens; but they never had at any time, or under any circumstances, any claim to compensation from the British public, which may be fairly stated never to be due upon general principles, except to persons who suffer in the public service, or are called upon by allegiance to make sacrifices for the public benefit and good; their claims never extended further than to the fullest protection which the Government could either by war (if the extent of the injury justified in policy such a resort,) or by remonstrances, negotiation or treaty, procure for them.

They were like all other sufferers from war, or from the injustice of foreign states, fully entitled to the protection, support and interference of Government in their favour; but although compensation has sometimes been given in such cases out of funds of the state guilty of the injustice, which have been impounded for that purpose, it has never been considered that any indemnification could be claimed from the public for such losses, which are always considered as losses falling upon the individual sufferers.

A person was dispatched to Paris in 1783, to stipulate for the merchant creditors, and the 4th article of the treaty of peace expressly provided for them.

The extraordinary circumstances which had given rise to the open violations of all acknowledged principles of general law, (known to have been received into the municipal laws of the greater part of the American states,) induced the English merchant creditors to think that some special provision was necessary in the treaty, to secure to them the rights and privileges, which in all other and ordinary cases, naturally arise out of the relation of peace, as superseding the restrictions of war; and accordingly, it is well known, that a gentleman was sent, upon the application of the merchant creditors, to Paris, during the negotiations in 1783, expressly for the purpose of procuring the insertion of the fourth article of the treaty, so often before alluded to; Government discharged its duty in adopting the suggestions of the creditors upon this subject, but peculiar circumstances, connected with the situation of America, and the influence of interested individuals in the different states, interposed such numerous obstructions to the creditors obtaining the benefit of that article, that they were obliged again and again to apply to the Government for further interposition.

The various measures resorted to for obtaining redress, and the result of the British Government accepting £. 600,000 to be distributed among the creditors of American citizens, and the division of that sum, with an accumulation of interest upon it, among all the creditors of American citizens who established claims, whether loyalists or not, have been frequently alluded to.

Complaints of the merchant creditors with reference to the smallness of the sum obtained from America in 1802, under the convention.

The general creditors have stated, that their interests have not been properly protected, that more might have been obtained if the negotiation on the subject had been differently conducted; but all such arguments are wholly distinct from any original claim

claim for indemnification; and any grant of public money on any such principles must stand upon special grounds of favour, and not of original right in the claimants.

The loyalists were very differently circumstanced; they were British subjects, natives or inhabitants of His Majesty's colonies in America, whose allegiance to the British crown was required to be abjured, and whose assistance was claimed by the revolted colonies, against their allegiance as subjects of His Majesty.

Case of the Loyalists in contradistinction to that of the merchants. The Loyalists were inhabitants of America. Their allegiance demanded by the King and his ministers, and by Parliament.

It is not necessary to go back to the history of that period, so often alluded to before, to show the sort of contest which ensued between the mother country and the revolted colonies, of threats, promises, and proscriptions; upon this subject it is sufficient to say, that every inducement was held out by His Majesty's government to retain the allegiance, and procure the assistance of as many as possible of the inhabitants of his American colonies in the contest then going on; the proclamations of His Majesty's government and of the different commissioners, and the debates in both Houses of Parliament, exhibit a succession of the strongest and most solemn assurances of support, protection and indemnity, to those who should suffer from preserving their allegiance.

Proclamations calling upon the Loyalists.

Indemnity promised.

The moment independence was declared, the American States proceeded to consider every inhabitant a traitor who did not join in asserting it; and all those who were led by their loyalty and the assurances of the mother country, of protection and support, to preserve their allegiance to His Majesty, were destroyed if caught, or persecuted, proscribed and attainted; and all who ultimately escaped were obliged to abandon the country, and all their property and prospects in it.

Every Loyalist was held as a traitor from the moment the independence of the Americans was declared, and the Loyalists were persecuted, attainted, and outlawed.

The distress entailed upon the loyalists by all these measures, and by the subsequent recognition of the independence of America (which left them outcasts of their native country, proscribed and attainted, and with no resource but a temporary liberty to look after their property in America, which proved wholly delusive,) necessarily became one of the first subjects of consideration of his Majesty's Government; and immediate measures were, therefore, taken to ascertain the state and losses, and make permanent provision for the indemnification of the suffering loyalists. Common justice, and the acknowledged principles which govern all questions of compensation afforded by the public to individuals, gave to the loyalist a clear and undoubted claim to compensation for the losses they had sustained, and sacrifices they had made, in their efforts to serve the cause of the mother country.

Measures pursued by Government and by Parliament to indemnify Loyalists.

These principles are fully acknowledged, and the claims of the loyalists to compensation are completely recognized in the preamble to the 23d George III. c. 80, 1783, which is in the nature of a declaration of rights; it alludes to the temporary relief which had been given by the government; the earnest endeavours which would, undoubtedly, be employed for procuring from the United States of America, restitution of, or recompense for the estates and effects of those who had thus unhappily suffered; pledges the aid and assistance of parliament to those who might return to America to endeavour to recover their property, and to extend relief to those who might be deprived of those advantages.

Declaration of the rights of the Loyalists by the Act of Parliament of 23 Geo. 3, c. 80.

Nature of the relief to Loyalists.

This preamble most clearly points out the natural and just mode of considering such a subject, states that temporary relief had been given during the contest, and approves of it; the efforts which would be made to enable the loyalists to recover their property, and gives relief if those efforts fail; and in this consists the total difference of the two cases of the general creditors and the loyalists; the first were entitled to the strongest and best efforts of Government, to induce the American states to afford them the means of recovering their just debts; but there their claims upon Government ended; the loyalists were entitled, if those efforts failed, to relief and compensation for their losses, from the mother country; and it is quite clear, upon the same principles, that partial success in their efforts, could only discharge the claim for relief and compensation, to the extent in which those efforts have procured redress; that the loyalists, speaking of them as a body, possessed these claims, is indisputable; for the act was passed solely on that ground, and those who lost their landed properties, and many whose prospects, with reference to office or profession, were wholly destroyed, were accordingly compensated. How came it then, it may be asked, that any of us loyalists remain still uncompensated, and, unfortunately, petitioners for the common justice which has been granted to our fellow sufferers?

Grounds on which the claims of the merchant creditors ceased.

The claims of the Loyalist can never cease 'till fully compensated.

The history of this state of things has been noticed in former communications; but it is necessary to recur shortly to it here, for the purpose of connecting the chain of argument.

Causes by which the Loyalist creditors were not compensated by the first Board of Commissioners.

They were erroneously considered as within the 4th article of the Treaty of Peace of 1783.

The 4th article of the Treaty of 1783 never contemplated the Loyalists.

The failure of the plan of allowing the Loyalists 12 months to apply to the American courts, &c.

The first board of commissioners compensated all the other Loyalists.

The Loyalist creditors were not considered, though their claims were as well founded as any other Loyalists, whether lauded proprietors or otherwise.

The Loyalist creditors nevertheless endeavoured to recover their Debts in America at a very great expense and loss.

The Loyalists were proscribed by the American judicatures, and those courts refused to take off the disabilities, so that no redress could be had:

and as no redress could be obtained in the American courts by the Loyalists, it was impossible for any advantage to be derived from their securities.

They were, unfortunately, classed by the commissioners of 1783 (most obviously, as has since been admitted, by mistake,) among the general creditors of American subjects, under the fourth article.

To this there would have been no objection, if, in so classing them, the commissioners had not excluded them from their additional claim, in their characters as loyalists, if they were, by peculiar circumstances (the term used in the preamble to the 23d Geo. 3,) precluded from availing themselves of the efforts of His Majesty's Government in favour of creditors.

It is clear, that the fourth article never contemplated the situation of the loyalists in any shape; but, as many of them were creditors, it was not improper in the Government of this country, to urge the using every effort, by every loyalist, to recover his property or debts in America, as every such recovery operated *pro tanto* in discharge of the ultimate claim of the loyalists for relief and compensation, if those efforts failed.

It is well known, that the permission to the loyalists to return to America, and remain a limited time to look after their properties, proved wholly delusive; that the different states wholly disregarded the general provisions of the treaty in favour of the loyalists, and the recommendation of the general Government upon the subject; and that the proscriptions and attainders were never taken off, nor the confiscated property restored; and accordingly (as the efforts of His Majesty's Government proved wholly ineffectual to the procuring them any restoration of, or means of recovering their property) the loyalists were thrown upon the mother country for relief.

The commissioners therefore proceeded to examine into the losses, and ascertain the amount of the claims of all the other loyalists; and Parliament, from time to time, afterwards voted money for the payment of them; but they took no cognizance of the losses of the loyalist creditors, leaving them to continue their unavailing efforts for the recovery of their debts in America; and accordingly their claims were never ascertained by these commissioners, nor did they in any manner, on account of debts, participate in the distribution of any money voted by Parliament for the loyalists.

It is quite impossible that any distinction can be stated, in principle, between the claims of those loyalists who lost landed estates, or other real property or personal offices, and those mortgagees or bond or other creditors of American citizens who, from their being loyalists and proscribed and attainted as such, lost all chance of realizing their securities or recovering their debts; or to contend that a loyalist who had invested his money in land or securities upon land should be entitled to compensation, and that another who had lent it out upon bond or otherwise was not equally entitled, merely because he might have been able to bring his securities away; if his situation as a loyalist, and his consequent character in the United States, made it impossible for him to avail himself of those securities. The substantial and real ground of claim of the loyalist, whether landed proprietor or creditor, is founded upon his character of loyalist; and having suffered as such, and of being unable, from the proscription attached to that character to avail himself of the efforts made by His Majesty, to induce the American government to afford means of recovering his property. The present claimants and petitioners were loyalists, and they were also creditors; but neither lost their characters as loyalists, nor the claims to compensation as such, because they were creditors as well as loyalists.

They as creditors endeavoured to recover the property due to them in America, but failed; their case stood upon the same grounds of justice and equity as that of the loyalist freeholders; the only variance arose in the manner in which the Government and the first commissioners, by a misinterpretation of the fourth article of the treaty of peace, thought proper to direct the course of compensation. At the expiration of the twelve months, the refusal to take off the confiscation, and the final sale and distribution of their properties, at once proved, that the efforts of His Majesty's Government in their favour had failed, and consequently their claim upon the justice of their country and the Act of Parliament for final relief and compensation immediately attached.

With regard to the loyalists as creditors, all suggestions are unfounded, as to the possibility of those loyalists realizing any securities which when they escaped from America they brought to England; it was impossible, under any circumstances, to obtain redress in the American courts, either in the person of an assignee, or of an original creditor.

That

That they were always considered as loyalists, and proscribed as such, is too apparent to stand in need of proof or illustration; and so tenacious were the Americans upon this point, of considering all those who remained attached to the mother country as traitors, attainted subjects of the United States incompetent to be heard in America, that after the expiration of years, when asperities might have been supposed to be softened down, and even long after a treaty of amity, commerce and navigation, had been concluded with this country in 1797, (fourteen years after the termination of the war, and three years after the treaty), the first claim made by a loyalist before the board of commissioners, appointed under the treaty of 1794, was objected to by the attorney general of the United States, their official agent; asserting, "That the claimant having been attainted by an act of the state of New York, passed before the peace, on account of his adherence to His Britannic Majesty, and being one of that description of persons known under the denomination of loyalists or refugees, he did not possess a character entitling him to claim before that board."

The American courts of justice would not remove the disabilities of the Loyalists, even so late as the year 1797, 14 years after the Peace.

Here it might be said, that the loyalist creditor was at once entitled to resort to his ultimate claim of compensation, upon this proof, that he had no possible chance of ever availing himself of the efforts made by Government in his favour; but to this it might be answered, that before any argument of this nature could be urged or arranged, the Government had adopted a course which avoided this difficulty; for they took a sum of £. 600,000, of which they were to be distributors, and in which distribution, no such objections as had precluded the loyalists from recovering their property would be made.

A partial distribution to the Loyalists under the convention of 1802.

To this fund, then, the loyalist creditors resorted, with the other creditors, as they were invited and bound to do; they appeared as creditors to receive as much as they could; but did they obtain such redress as to shut out their future claims as loyalists; or did they abandon their final claims? Certainly, never; they took what was offered in part discharge of their debts, and *pro tanto*, in discharge of their claims as loyalists upon the public; but they did not abandon, and it never can be supposed for a moment, that they ever thought of abandoning their claims as loyalists, upon the public, for ultimate relief and full compensation.

Government had made the bargain for the £. 600,000, and discharged the American debtor, in which, as far as the American debtor was concerned, the loyalists, by the acceptance of a partial payment, concurred; but it would be the height of injustice to contend or suppose, that after the loyalists had failed in recovering their debts and losses, in their own character as creditors, and after His Majesty's Government had also failed to a great extent, in endeavouring to accomplish the object for them, Government could discharge the claim of the loyalists upon the public, by a partial payment; that the Government could take advantage of its own failure, and assign that which ought to have strengthened and finally established the ultimate claim of the loyalist, (in the proof which it afforded that the earnest endeavours of the Government could not succeed in procuring to the loyalists the redress to which they were entitled,) as a reason for refusing to listen to the remainder of their claims, which had been so long delayed, until this preliminary condition to their final claim was completely made out.

Government, by accepting the £. 600,000, discharged the Americans from any further compensation:

But the partial payment to the Loyalists could never compensate them, nor satisfy the original pledge given to them in 1783.

Such injustice could only arise from what the loyalist cannot but most strenuously contend, is an obvious mistake, in confounding two descriptions of claims wholly dissimilar in their nature, and standing upon grounds not bearing the least resemblance to each other.

One cause of the delay of justice to the Loyalist creditors arose from contending their claims with those of the merchants.

If the general creditors could not procure justice in the United States, and applied as they did to Government, (who became as it were the agents for the merchants for establishing regulations for settling such claims), the merchants might possibly be considered as bound by what had been arranged for them.

Government was to judge, whether the refusal of the American Government to put their laws and courts upon such a footing, as to afford the means to British creditors of recovering their debts in the United States, was a cause of war or a subject of compromise; and if the compromise was unfavourable the merchants might complain; or if Government had avowed, that they felt it a duty as a question of policy, to submit to an adequate compromise to prevent a rupture, or other consequences injurious to the public, it might possibly be a ground for favourable consideration of the case of the general creditors, if the Government thought that the public had received any advantage from any sacrifice made in such a compromise; but even then, if such a claim was thought admissible, it would arise out of the

Observations as to the policy of the convention with respect to the claim of the merchants.

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.

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.

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.

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.

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

Long suffering of the Loyalists.

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,

Reduction of their claims.

and

and reduced with reference to interest and other circumstances, to realize as much as possible as creditors, they have so united their case with that of the general creditors, as to make it impossible now to separate them; and that no material distinction exists between British merchants, who suffered in the course of war and from the injustice of another state, who had no original claim to compensation, and British American subjects, who by their loyal attachment to their mother country, have become proscribed, and attainted, and lost their property, and as far as circumstances were concerned, have become outcasts from their native land in the service of their king and parent country.

Impossible to unite them with the merchant creditors.

Merchant creditors had not any original claim.

The Loyalists were British American citizens, from whom allegiance was demanded, and by whom it was given.

They can never be induced to believe, that Parliament would give such an answer to their claims; and they, therefore, most respectfully, but at the same time most earnestly, entreat the attention of his Majesty's ministers to this statement; in which they cannot but flatter themselves, that they have shown that their case always has been, and is wholly distinct from that of the general creditors with whom they have been united only, and that necessarily and unavoidably, in their character as creditors, without any reference to their separate and distinct claims as loyalists, standing upon grounds of public justice and solemn pledges of public faith in their favour.

Loyalists can never believe that Parliament could not relieve them,

and rely on the attention of Government.

In conclusion, they request Lord Liverpool and Mr. Vansittart to believe, that nothing can be farther from the intention of the Gentlemen concerned, than to treat with the slightest disrespect, the opinion which has been communicated to them, or the manner in which those communications have been made; on the contrary, they feel grateful for the patient attention they have always experienced in the reception of the many representations with which they have been compelled to trouble Lord Liverpool and Mr. Vansittart; and the loyalists request them to believe, that any strong expression which may be found in this Statement, arises out of the strength and earnestness with which they cannot but feel the justice and hardship of their case.

In conclusion; the Loyalists acknowledge with gratitude the notice they have received from the earl of Liverpool and Mr. Vansittart, and express their faithful assurances of respect to them;

They now conclude with apologizing for this detail, and with a confident hope, that they have in this statement established their claim to the sanction of His Majesty's ministers to their petition, and their support of their claim in its progress through Parliament.

and request their support of the Loyalist's petition to Parliament.

Signed by direction, and on behalf of the American loyalists.

(Signed) *R. W. Powell.*

Lee Thornton,

Executor to George Folliott.

W. Hannay.

Matt. White,

Attorney to the Executors of Thomas White, deceased.

London,

31st January 1815.

To the Right honourable the Earl of Liverpool,

&c. &c. &c.

and

To the Right honourable Nicholas Vansittart, M. P.

&c. &c. &c.

N^o 9.—17th May 1815; Copy of a Letter from Germain Lavie, esq. Solicitor to the American Loyalists, to the Right honourable N. Vansittart.

Sir,

I HAVE the honour to address you in my capacity of solicitor to the American loyalists, who have recently called upon me, to prepare and prosecute their petition to Parliament on the subject matter of their note, presented to you on the 31st of January last. It is suggested, that a petition founded on that note, may be so framed as to insure a discussion upon it in the House of Commons, although the assent of the ministers of the Crown to its presentation, be not previously given: however this may be, I should feel very undeserving the confidence of these unfortunate sufferers, who have placed their interests in my hands, if I did not take present means of seeking to obtain that assent; which I consider of the greatest importance.

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not only upon the introduction and the discussion of the subject before Parliament, but still more so to secure ultimate success to the proposed application.

The note above referred to is so ably drawn, and details in such clear and forcible terms the case of these persons, that I have little to do, but to crave your condescending perusal of, and attention to that note, and to solicit your reconsideration of the claims of these applicants on the honour of Parliament, and on the justice of the British Government. They represent, in number, fifty-five persons, the amount of whose losses, from their renouncing any participation in the rebellion of their countrymen, have been verified and distinctly established, under a parliamentary commission, and they are the only persons of the same description, who have not received that compensation for their loyalty, which was so repeatedly promised to them by the Crown and by Parliament, at a period when their withdrawal from the cause of America was deemed of the most essential service to Great Britain, and when such withdrawal caused them to be proscribed and proclaimed traitors in their native country.

The full indemnity granted to loyalists, whose losses were of precisely the same nature as those of these applicants, although arising from a different source, is surely of itself, abundant reasons why these persons ought to receive equal compensation; every claim was founded on a positive loss of property by an adherence to the mother country; and one of the causes that is supposed to create a doubt on the rights of these unsatisfied claimants, affords, in my humble opinion, the strongest argument in their favour. Their losses arise from debts which were owing to them in their own country, when they abandoned it, and having been afterwards misled (if I may use the expression) to seek remuneration in the United States; they were there asked, upon what pretence do you come here, after having been proscribed our courts?—go to those in whose promises you confided!

Another reason urged against them, I consider equally in their favour, inasmuch as it shews, that if these poor people could have obtained indemnification in any other manner, they would not now have to seek it from the British Government: I here allude to their being again led to resort to the fund obtained for the indemnity of the British merchants, a description of persons as different as possible from that of the American loyalists: on this point I beg to refer you, Sir, to your own words, in a letter you were pleased to address to one of the claimants, on the 10th July 1813:

“I have to acknowledge the receipt of your letter of the 6th inst. transmitting a list of awards to the American loyalists, and to acquaint you, that having communicated with lord Liverpool on the subject, it is both his lordship's opinion and my own, that it is decidedly too late to propose any measure founded on them during the present session, even if it be the opinion of Government, that Parliament should be resorted to after the consideration which they will give these claims: I am aware, that the list of claims before me, is distinguishable in principle from the remainder of the claims lately decided upon by Parliament; but notice having been given to renew the application of the other claimants, some difficulty may be occasioned by that circumstance.”

I understand it has since been said, that the case of the loyalists cannot be separated from that of the British creditors, with whom they were so long united, and in common with whom they have received a partial compensation; but it is against this extraordinary view of the question, the note of 31st January particularly applies, and so as not only to establish a marked difference between the two cases, but also that the nation is, in fact, at this moment, indebted to these applicants for the remainder of their demands, which they have been wholly precluded from recovering in America by their loyalty to this country, and the partial payments they have received, having no other effect than, as I submit, to relieve the British Government from so much of its original and continued engagements to make full compensation to these recognized sufferers.

The British merchants have, long since, been convinced that they had no claim on this country beyond the indemnification so successfully extracted for them from the American states; whereas the American loyalists found, and now persist in their demands, on the most positive assurances from this country, that they should be indemnified for all their losses; and can it possibly be said, that this pledge has been redeemed, whilst the present applicants are unsatisfied? The sum distributed amongst them out of the fund granted by America (certainly not to those whom they styled rebels, but to British sufferers) was £. 105,813. 11 s. 8 d. which leaves a sum of £. 122,024. 1 s. yet coming to them upon the award of the commissioners, with the arrear

arrear of interest from 1st June 1804, to which time the interest was calculated by that award.

It is for this sum I am now seeking compensation for these sufferers, at the hands of the British Government; and surely, for such a trifling amount to the country, though most important to these parties, it never can, for a moment, be permitted, that the solemn engagement of Parliament should be broken.

My present reference to you, Sir, has for its object, that you should yourself become the patron and adviser of these petitioners, on a full admission of their rights and claims to parliamentary interference: by so doing, you will protect the honour of the Crown, and do justice to those who, at great hazard, and at a time of imminent danger, were its faithful and loyal supporters.

The former payments, made to the petitioners in part of their demands, were by debentures payable at stated periods; with debentures of a similar nature, they will be now perfectly satisfied, or with any mode of certain payment that may be granted to them.

I have the honour to be, Sir, with the greatest respect,
your very faithful and obedient servant,

Germain Lavie,

Frederick's Place, 17th May 1815.

To the Right Hon^{ble} Nicholas Vansittart.

No. 10.—19th June 1817; Copy of a letter from R. W. Powell, esq. to the Earl of Liverpool.

MY LORD,

19th June 1817.

NOTWITHSTANDING I have had the honour of writing to your Lordship several times, jointly with the other agents, in behalf of the claims of the American loyalists, I am impelled by being one of the largest claimants, to inclose copies of certificates from marquis Cornwallis, lord Rawdon, and general Nesbitt Balfour, acknowledging my services as an intendant of police, and colonel of two battalions of militia, in the American revolutionary war, when I was banished and my fortune confiscated, for my loyalty and attachment to Government.

The marquis Cornwallis also honoured me with a private letter to your Lordship, when secretary of state, recommending me for a consulship abroad. I therefore presume to entreat your Lordship to take into consideration the following statement, in support of the claims of the American loyalists, who have made several applications to your Lordship and the Chancellor of the Exchequer, for compensation of the balances due to them on awards by commissioners appointed by Parliament, for debts contracted under the protection of British laws, due chiefly on bonds and mortgages of sterling value, and lost by resolutions of Congress and laws of the state legislatures, during their contest for independence.

The claims of the loyalists are founded on assurances of protection by royal proclamations, by resolutions of Parliament, by the speeches made on the treaty of peace in February 1783, from both sides of the houses, by the address of the House of Commons, in which "they felt it would be superfluous to express to His Majesty the regards due from this nation to every description of men who, with the risque of their lives, and the sacrifice of their properties, have distinguished their loyalty and fidelity during a long and calamitous war;" which pledges were confirmed by an act of Parliament, passed in the 23d year of His Majesty's reign, cap. 80, providing "for all such persons who have suffered in their rights, properties and professions, in consequence of their loyalty to His Majesty, and attachment to the British Government," and to extend relief to others, who "might return to the United States," to endeavour to recover their "property, and who by particular circumstances may be deprived of that advantage." The loyalists, therefore, cannot be affected by subsequent treaties, or by compromises made by His Majesty's ministers. The treaty which gave to the revolutionists their independence, and in which the British negotiator urged the American commissioners to agree only, that Congress would recommend to the different state legislatures, to restore the estates and effects of the loyalists, was final; and the disregard of the American Government to that recommendation, notorious; which being the case, the loyalists disappointed of their just expectation

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

no redress, the adjudication of their losses, and of course their sufferings, have been most grievously protracted; and their expenses in prosecution of their claims, have been very considerably augmented; whereas they had confidently hoped, that on the amount of the awards in their favour being ascertained, which are not one-third part of their losses, that their allotted compensation would have been as prompt as that extended nearly thirty years ago, to all their other fellow sufferers.

Earnestly soliciting an answer, and indulging the hope that it will be favourable to such just expectations,

I have the honour to be, my Lord,
your most faithful and obedient humble servant,
R. W. Powell,
Agent for the American Loyalists.

Earl Liverpool,
&c. &c. &c.

N^o 11.—10th June 1817; Copy of a letter from R. W. Powell, esq. to the Right honourable N. Vansittart.

Sir,

London, 10th June 1817.

I BEG leave most respectfully to enclose, for your perusal, the copy of a letter written to lord Liverpool, containing a summary of the merits of the case of the American loyalists, as evidently distinct from that of the other claimants, and to request your dispassionate attention to our losses and sufferings, and to the national justice which is due us.

The sum awarded us by the board, under the convention, from the circumstances of delay and difficulties of proving the claims for want of evidence, is a pittance in comparison to what would have appeared to be due, had the claims been investigated at an earlier period; for to require a proof of the solvency of debtors, after a lapse of twenty years, was, in many instances, to ask an impossibility. And that the sums, amounting on average, to not one third part of the losses, awarded by commissioners appointed by ministers after thirty years, shall not be paid to those loyalists, who in the day of trial, came forth at the risque of life, to support the constituted authorities, is surely a most dangerous precedent in this age of licentiousness and treason; especially when the legislature has so recently voted large sums to aid the suffering loyal subjects of other kingdoms, shall it be said, that her own subjects, the children of her own family, shall be treated with neglect and injustice, when the nation has acted so liberally towards the distresses of loyalty in other countries.

I have been informed by Mr. Macdonald, that you have required his opinion upon the claims, which he told me he had given you before he had seen the case of the American loyalists. "That the merchants are equally entitled to compensation for the balances of the awards of the commissioners." It is therefore incumbent on me to observe, that his brother-in-law was agent for conducting forty-four of the merchants claims, on which the sum of £.537,700 was awarded by the commissioners, and he would be entitled to his commissions on any further sum that might be received on account of those claims, which with the commissions he has already received from the distribution of the compromise, would yield him a handsome fortune; under such circumstances, without meaning any reflection, is it not natural to suppose, that Mr. Macdonald must regard with some degree of favour, the eventual success of the merchants claims? He has likewise compared the claims indiscriminately to debts due by a bankrupt's estate, where all creditors would receive an equal dividend. But were the United States, by whose laws the loyalists were deprived of their property, in a state of bankruptcy? Or is this Government, that promised them protection, and afterwards sanctioned this very loss of their property, by the treaty of peace, unable to pay them? On double grounds, therefore, the loyalists claim their right to compensation; first, under repeated and solemn assurances of protection; and secondly, for the sacrifice of their property, acknowledged by the prime minister, to have been made as the price of peace; insisted upon, too, by the enemy, as a preliminary to negotiation; which right is supported by all writers on the law of nations, admitting of the king's power to dispose of the property of his subjects, but, with this consideration, *That the state is obliged to make good such losses to the subject; out of the public revenue.*

I had the honour of enclosing you copious extracts from a letter dated the 29th May 1792, from Mr. Jefferson, secretary of state, to Mr. Hammond, minister plenipotentiary to the United States, making it clearly appear, that the negociation of the peace, on both sides well understood, that the loyalists were to depend solely on the "*recommendation of Congress to restore their estate and effects,*" which Mr. Jefferson declared, "had been alienated by their laws, and that redress was therefore impossible," because a retrospect would tear up the laws in all the states, and "would be a direct violation of the constitution of several of them." He concludes, therefore, his observations; "I have by way of preliminary, placed out of the present discussion, all acts and proceedings prior to the treaty of peace, considering them as settled by that instrument; and that the then state of things was adopted by the parties."

The case of the American loyalists has been laid before a barrister of law, of the first eminence and practice, who is decidedly of opinion, "*That their claims are indisputable, and ought not to be abandoned until satisfied.*" They therefore earnestly entreat to be honored with your long-promised answer to their note of the 31st January 1815; to their solicitor's note of the 17th May 1815; and to the present representations; in which, the powerful arguments adduced, will, they trust, satisfactorily establish the justice of their claims. And however circumstances may preclude you from attending to the subject during this session of Parliament, yet, they very confidently hope to receive assurances of your countenance and support, at a more favourable period.

I have the honour to be, Sir, your most faithful humble servant,

R. W. Powell,

Agent for the American Loyalists,

N° 3, Salisbury-street, Strand.

The Right honourable N. Vansittart,
Chancellor of the Exchequer, &c. &c. &c.

N° 12.—7th April 1819; Copy of a Letter from R. W. Powell, esq. to the Right honourable N. Vansittart.

Sir,

N° 3, Salisbury-street, Strand, 7th April 1819.

By the interview that you did me the honour to grant me yesterday, I observed that the only obstacle which prevents the claims of the American loyalists being attended to by Lord Liverpool is the opinion of Mr. Macdonald, "that the claims of the merchants were alike entitled to compensation," which opinion, I was persuaded, had been completely controverted and invalidated by the facts stated in my letters to his Lordship and to you, dated the 19th June 1817, pointing out the great distinction between the two sets of claimants, as was indeed declared by his Lordship and you to the merchants themselves. And in my letter to you solid reasons were given, why Mr. Macdonald, whose talents and character I have always respected long before he was a commissioner, was a very improper referee to decide on the claims of the exiled American loyalists and the British merchants resident in Great Britain, not only from his national prejudice, but that out of sixty Glasgow claims, his brother-in-law was agent for forty-four of them, amounting to £.537,760, the commissions on which would yield him a handsome fortune.

The dissimilarity of the claims were clearly distinguished by the fifth article of the treaty of 1783, under the title of "*real British subjects,*" who had not borne arms against the United States, but only held property there.

The American loyalists, in contradistinction, had borne arms when called upon, to aid and assist in their endeavours to suppress the rebellion, whereby they were banished and their estates confiscated, which penalties were confirmed by the fifth article of the treaty, that stipulated only twelve months for them to go to the United States to endeavour to recover their property; the restitution of which was peremptorily refused by that Government. Their claims are therefore founded on, and of course, sanctioned, under assurances of protection by royal proclamations and resolutions of Parliament, during the war; and by His Majesty's speech on the 5th December 1782, after the peace, "I trust that you will agree with me, that a due and generous attention ought to be shown to those who have relinquished their properties or possessions from motives of loyalty to me, or attachment to the mother country."

Address

Address of the Lords, 17th February 1783.

“ To assure His Majesty, that we feel in the strongest manner the obligation of affording every relief that can alleviate the distresses of those deserving subjects, who have exposed their lives and fortunes for the support of Great Britain.”

The Address of the House of Commons, 17th February 1783.

“ And His Majesty’s faithful Commons feel, that it would be superfluous to express to His Majesty, the regards due from the nation, *to every description of men*, who, with the risque of their lives and the sacrifice of their properties, have distinguished their loyalty and fidelity during the long and calamitous war.”

All of which solemn engagements are consolidated and confirmed by an Act of Parliament in the twenty-third year of His Majesty’s reign, in which “ the Commons, not doubting but that His Majesty’s most earnest endeavours will be employed for procuring from the United States of America, restitution of, or recompence for the *estates and effects* of those who have thus unhappily suffered; and intending to give all due aid and assistance to those who may return to America, for the recovery of their former possessions under the provisional articles, and to extend such relief to others, who may, by particular circumstances, be deprived of that advantage.”

The present claimants are the persons exactly described in the last paragraph; they had borne arms, and were allowed only twelve months to return to the United States, on a fruitless reference.

I beg leave to refer you to the official letter of the four American negociators, which places the distinction of the loyalist beyond a doubt. In Dr. Franklin’s Journal, vol. 2, page 410.

“ The words for restoring the property of *real British subjects* were well understood and explained between us, not to mean or comprehend ‘ *American refugees*.’ Mr. Oswald and Mr. Fitzherbert know this to have been the case, and will readily confess and admit of it. This mode of expression was *preferred by them* as a more delicate mode of *excluding those refugees*, and marking a *proper distinction* between them and the subjects of Britain, whose only particular interest in America consisted in holding lands or property there.”

You kindly offered to write Lord St. Helen’s upon this subject, which by stating the above extract from the letter of the American negociators, I have no doubt but his Lordship will fully confirm.

Having thus briefly set forth proofs in support of the claims of the remaining uncompensated American loyalists (from upwards of 2,000 already compensated,) I submit, with great deference and respect, to the consideration of Lord Liverpool and yourself, their just pretensions alike to compensation, and have the honour to be, Sir,

Your most faithful and obedient servant,

R. W. Powell.

The Right honourable Nicholas Vansittart,
Chancellor of the Exchequer, &c. &c. &c.

N^o 13.—1st May 1820; Copy of a Letter from R. W. Powell et al’
American loyalists, enclosing a Summary of their Case, to the
Right honourable N. Vansittart.

THE undersigned, acting on behalf of themselves and the other uncompensated American loyalists, beg leave to apologize to His Majesty’s ministers, for again earnestly imploring their attention to their urgent claims on the Government, which they have before repeatedly brought before His Majesty’s ministers.

Deeply convinced of the substantial justice of these claims, and feeling most poignantly the hardship of their protracted compensation, the undersigned and their fellow claimants, after mature deliberation, have adopted the resolution of endeavouring by every means in their power, to procure for their case a full consideration by Parliament during the present session. With this view, the complete summary of their case, which they have the honour of transmitting herewith, has been drawn up; and the undersigned, most respectfully intreat the attention of His Majesty’s ministers, to the statement and arguments contained in it.

Earnestly desiring to come before Parliament, under the favourable auspices of His Majesty’s ministers (an advantage which they would have enjoyed in 1813, but
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for the technical obstacle which opposed the receipt of their petition by Parliament, to which His Majesty's ministers then assented,) the loyalists indulge a confident hope, that on perusal of the accompanying paper, and on reconsideration of the circumstances of their case, His Majesty's ministers will be pleased to accord their assent to their proposed application to Parliament. Should the loyalists however, be deprived of the countenance and support of His Majesty's ministers, a circumstance which they would deeply regret, they feel that they cannot, in justice to themselves, any longer delay seeking at the hands of Parliament, the fulfilment of those solemn engagements on which their claims are founded.

As the period for the receipt of private petitions by the House of Commons is so short, the undersigned respectfully request the favour of a reply to their communication, at the earliest convenience of His Majesty's ministers.

14 Queen Street, May Fair,
1st May 1820.

R. W. Powell.
Lee Thornton.
Matt^w White.

The Right honourable Nicholas Vansittart,
Chancellor of His Majesty's Exchequer, &c. &c. &c.

Summary of the Case of the uncompensated American Loyalists.

It is well known that, from the earliest appearances of revolt in the American colonies, the British crown and Parliament spared no stimulus or encouragement to induce the colonists to take part with the mother country in the contest. The proclamations of Government and its official agents, the debates and resolutions of both houses of Parliament, from that period down to the conclusion of the peace in 1783, exhibit a succession of the strongest and most solemn assurances of protection and indemnity to all such as might suffer in their property or fortunes, by preserving their loyalty to the British Government; at the same time, all those who favoured or assisted the British cause were declared guilty of high treason by the American revolutionary legislature, their persons attainted, and property confiscated. Thus, the loyalists who adhered to their allegiance, on the faith of British pledges and professions, abandoned every prospect in their native country, and encountered the severest miseries of persecution and confiscation, rather than league themselves in rebellion against their Sovereign.

On the first breaking out of disturbances in the colonies, the House of Commons resolved, "That all His Majesty's subjects residing in the said colonies, who have manifested their desire to comply with, or assist in carrying into execution, any acts of the legislature, relating to the said colonies, have acted as dutiful and loyal subjects, and are therefore entitled to, and will assuredly have, the protection of the House of Commons of Great Britain." A similar resolution was passed by the House of Lords. The disturbances having ripened into open and avowed rebellion in the year 1775, his late Majesty published a proclamation, stimulating the loyalty of his American subjects in the following words: "To the end, therefore, that none of our subjects may neglect or violate their duty through ignorance thereof, or through any doubt of the protection which the law will afford their loyalty and zeal." It then proceeds to "charge and command all obedient and loyal subjects to use their utmost endeavours to withstand and suppress such rebellion." Peace was at last concluded; but, acceptable as it was to the nation at large, the fate of the exiled loyalists was a melancholy damp to the general satisfaction; every one deplored the cruel sacrifice it involved of their property and their happiness. So strongly were their merits felt, that our negociators even hazarded a continuation of the war, in urging the restitution of their property, confiscated in the rebellion; but the government of the United States were long resolute in refusing them any consideration; and at last only agreed to an article, stipulating, that congress should recommend the restitution to the state legislatures; a recommendation which has been made, and has proved, as was expected, almost entirely fruitless.

In the discussions on the treaty in Parliament, the peculiar hardships of the loyalists situation afflicted every mind. Amongst numberless expressions of the profoundest sympathy, Mr. Wilberforce said, "when he considered the case of the loyalists, he confessed he there felt himself conquered; there he saw his country humiliated, he saw her at the feet of America; still he was induced to believe that congress would religiously comply with the article, and that the loyalists would obtain redress from America; should they not, this country was bound to afford it them,

them, they must be compensated. Ministers, he was persuaded, meant to keep the faith of the nation with them." Mr. Burke said, "at any rate, it must be agreed on all hands, that a vast number of the loyalists had been deluded by this country, and had resigned every thing in our cause; to such men the nation owed protection, and its honour was pledged for their security at all hazards." The Solicitor General, Mr. Macdonald, declared, "that he forebore to dwell upon the loyalists; as an assembly of human beings could scarcely trust their judgments when so powerful an attack was made upon their feelings. There was, however, a chance held out by America, of restoring some of those meritorious men to the natale solum on which they had been born and bred. If that chance fails," said he, "tax me to the teeth, and I will cheerfully stint myself to contribute to their relief, or to make up any deficiency." Lord Shelburne, the prime minister of the day, only justified the abandonment of the loyalists' rights, on the principle of a full compensation being afforded them by Great Britain. Speaking on the subject, he says, "I have but one answer to give the house; it is the answer I gave my own bleeding heart; a part must be wounded, that the whole empire may not perish. But, say the worst, and that, after all, this inestimable set of men are not received and cherished in the bosom of their own country; is England so lost to gratitude, and all the feelings of humanity, as not to afford them an asylum? who can be so base as to think she will refuse it to them? without one drop of blood spilt, and without one-fifth of the expense of one year's campaign, happiness and ease can be given the loyalists, in as ample a manner as these blessings were ever in their enjoyment, therefore let the outcry on this head cease." The speeches from the throne and the resolutions of both houses, on the peace, were in unison with these sentiments. His late Majesty, in his speech to Parliament on the 5th December 1782, says, "I trust you will agree with me, that a due and generous attention ought to be shown to those who have relinquished their properties or professions from motives of loyalty to me, or attachment to the mother country." These sentiments are echoed in the address of the Commons of 17th February 1783, in which they "feel that it would be superfluous to express to His Majesty the regards due from his nation to every description of men who, with the risk of their lives, and the sacrifice of their properties, have distinguished their loyalty and fidelity during a long and calamitous war."

In pursuance of these feelings, so universally and strongly excited by the case of the loyalists, Parliament, a short time after the conclusion of peace, proceeded to take measures for their relief, and the Act of 23 Geo. 3d, chap. 80, was passed expressly for that purpose. This Act recites that, "whereas, during the late unhappy dissensions in America, many of His Majesty's faithful subjects have, in consequence of their loyalty to His Majesty and attachment to the British Government, and their obedience to His Majesty's proclamations, and various other proclamations and manifestoes issued by His Majesty's commissioners, generals and governors, suffered in their rights, properties and professions, insomuch that several well deserving persons are reduced from affluence to circumstances so straightened, as to require the aid of a temporary support, which has been allotted to them by the commissioners of the treasury, by annual allowances made, and occasional assistance by sums of money given to them from the revenues of His Majesty's civil list; the amount of which hath hitherto been made good by Parliament: and the Commons not doubting but that His Majesty's most earnest endeavours will be employed for procuring from the United States of America, restitution of, or recompence for, the estates and effects of those who have thus unhappily suffered; and intending to give all due aid and assistance to those who may return to America for the recovery of their former possessions under the provisional articles, and to extend such relief to others, who may, by particular circumstances, be deprived of that advantage as their respective cases may require, and the public afford; to which end it is necessary, that a diligent and impartial inquiry should be made into the losses and services of all such persons as may, within the time hereinafter limited for that purpose, claim, or request such aid or relief as is hereby intended to be given." The Act then constitutes five commissioners "for enquiring into the respective losses and services of all such person and persons who have suffered in their rights, properties and professions during the late unhappy dissensions in America, in consequence of their loyalty to His Majesty and attachment to the British Government."

It might have been expected, that the commission thus established, would afford full and effectual compensation to all who made good their claim to the character of loyalists. But; while it administered complete indemnity to the majority of that

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,

sailed, that the commission would take cognizance of the loyalist claims; and the loyalists were thereby naturally induced to lay their claims before the board at Philadelphia. The first claim was, as might have been anticipated, objected to by the attorney-general of the United States, on the ground "that the claimant had been attainted before the peace, on account of his adherence to His Britannic Majesty, and being one of that description of persons, known under the denomination of loyalists or refugees, he did not possess a character entitling him to claim before that Board." Their efforts were thus once more frustrated, and the Board at Philadelphia was broken up, without accomplishing any of its objects. In 1800, the British commissioners returned to England, and in 1802, Government concluded a convention with America, by which the latter engaged to pay to His Majesty the sum of £. 600,000 sterling, in satisfaction of the compensation by the treaty of 1794, guaranteed to the British creditors. On receiving this sum, Government again thought fit to rank the American loyalists with the general British creditors, and the loyalists were permitted and invited to come in and partake in the distribution. It was not for the loyalists to object to any mode permitted by Government, of receiving a part satisfaction for their losses, nor had they the remotest idea, that in accepting it, in concurrence with the British creditors, they could run the slightest risk of identifying themselves or their characters with those individuals, or could, for an instant, be supposed to waive any portion of their ulterior claims to redress, in their superior and distinct character of loyalists. Commissioners were appointed by Act of Parliament in 1803, for apportioning this sum of £. 600,000, who ascertained and awarded the just claims of the loyalists to amount to £. 227,837. On this sum they received a dividend of £. 105,813, leaving a balance of £. 122,024 still due to them on their claims, as established before the commissioners. The final report of the commissioners was not made till May 1811. Thus, after a lapse of twenty-eight years from the conclusion of the peace, spent in the unremitting exertions, and embittered by the disappointments before described, the loyalists obtained, in 1811, a partial compensation, not equal to one-half of their claims, as admitted and ascertained by the Parliamentary commissioners, whose awards, in general, did not amount to above one-third of the losses actually sustained.

Since that period, the loyalists have constantly endeavoured, by applications to Government, to obtain the balance remaining due to them, but hitherto without success. It has still been their misfortune to be confounded with the British creditors, and one single act of their own, which might be thought to admit an assimilation of character, requires explanation. In 1812, the British creditors, dissatisfied with the small indemnity received out of the £. 600,000 paid by America, petitioned Parliament for relief. This petition was prepared by the merchant creditors, without communication with the loyalists, and applied generally to the case of all the claimants whose demands had been awarded by the Parliamentary commissioners, of course including that of the loyalists in their capacity of creditors, but without containing a word applicable to their particular situation, or their distinct claims as loyalists. In consequence of the Parliamentary commissioners having expressed a decided opinion, that the balances to the extent of their awards, would be paid to all the claimants admitted by their Board, some of the loyalists were induced, as belonging to that number, to sign this petition. It was referred to a Committee of the House of Commons, who, in 1812, made their report, without at all distinguishing the claims of the loyalists, which indeed were in no way brought before them by the petition, and in May 1813, this petition was rejected by Parliament. From this explanation it is obvious, that although some of the loyalists in fact signed this rejected petition, their real and essential claims, as loyalists, have never yet been brought before the consideration of Parliament. It cannot, therefore, in candour or fairness, be objected to them, that they are pressing claims previously dismissed, or asking Parliament to re-investigate a case upon which it has already decided. Indeed, previous to the rejection of the petition, the loyalists had discovered that Government was not favourable to the claims of the British creditors set forth in it. They saw, therefore, the necessity of separating their case from that of the mere creditors, and of setting forth the very superior and distinct grounds on which it rested. In December 1812, they accordingly presented a memorial to the Treasury, asserting their strong and undeniable claims as American loyalists, and objects of the pledges of the Crown and Parliament. Lord Liverpool and Mr. Vansittart admitted the force of these claims in several communications, and even assented on the part of the Crown, to a separate petition from the loyalists to Parliament. A petition was accordingly

prepared in April 1813, and Mr. Wilberforce was about to present it, with the assent of lord Castlereagh, as a Minister of the Crown, but (unfortunately for the loyalists) the time for receiving private petitions was expired, and another petition to receive it was found necessary. This was prepared the next day, but delayed from time to time, at the request of Ministers, on account of the pressure of public business; and thus were the loyalists once more cruelly disappointed, when on the eve of having their case considered by Parliament, under the auspices of his Majesty's Ministers.

After this clear admission by His Majesty's Government of the strength and justice of their demands, and after a letter from Mr. Vansittart to one of the claimants, of 10th July 1813, again acknowledging that the claims of the loyalists are "distinguishable in principle from the remainder of the claims lately decided upon by Parliament;" and after frequent admissions of this distinction by lord Liverpool, the loyalists, in March 1814, were disappointed by the receipt of a note from lord Liverpool and Mr. Vansittart, stating that "they found much difficulty in making such a distinction between this case and that of the general claimants, which had been already decided upon, as could justify His Majesty's Government in departing from the principle applied to the general claims." To obviate this objection, the loyalists on the 26th May 1814, addressed a note to lord Liverpool and Mr. Vansittart, concisely stating the distinctions between the two cases, (V. appendix p. 50,) to which they received with fresh disappointment, a reply on 2d September 1814, (appendix, p. 32,) stating, that lord Liverpool and Mr. Vansittart "did not, upon the whole, think it possible now to separate the case of the loyalist creditors from that of the British creditors, with which it had been so long united, and in common with whom the loyalists had received a partial compensation." Unwilling to abandon their hopes on an objection which they conceived so ill grounded, and so capable of refutation, the loyalists called in the assistance of a gentleman of professional eminence, who in a note delivered the 31st January 1815, (appendix, p. 52,) stated with the most clear and convincing reasoning, the true, distinct and irresistible character of their claims. This appeal, together with some subsequent applications of the loyalists, through their solicitor, Mr. Lavie, appears to have made an impression in their favour, as Mr. Vansittart in 1815, declared, in answer to a personal application from Mr. Lavie, "that their claims were put forth in such forcible terms, that if Government should determine not to admit them, a mere negative would not be sufficient." Nevertheless their repeated applications from that time down to the present period, have not been able to procure any definitive communication from His Majesty's ministers.

Notwithstanding this series of exertions and disappointments endured for a period of thirty-six years, with only the partial success before specified, the loyalists are too well satisfied of the substantial justice of their demands, and of the unimpeached faith and honour of the British nation, to abandon their hopes or efforts. If their demands rested on no other foundation than that of their original sacrifices, sufferings, and services, and the solemn assurances under which they submitted to them, they could not doubt of obtaining just compensation from the British Parliament. But their claims, in truth, stand on a surer basis; Parliament has already admitted their pretensions. By the Act of 1783, the former promises held out to them were confirmed, their merits explicitly allowed, their title to compensation solemnly recognized, and a mode even appointed by Parliament for administering it. The unfortunate circumstance which deprived them of the benefit of this Act, under which their fellow-sufferers were fully indemnified thirty years ago, has been already explained. But can the loyalists suppose that, when their case is fully understood, Parliament will suffer them to be excluded, by an admitted error of its own agents, (the commissioners under the Act of 1783) from the redress it had honourably awarded them? Will Parliament suffer its own act of justice to be thus defeated of half its intended efficacy, and sanction the distribution of its awarded indemnity with an invidious and groundless partiality? The present claimants will not surely be said to be less deserving than the loyalists who have already received complete remuneration. Is the loyalist who has been deprived of valid bonds, mortgages, and specialty debts, less entitled to compensation than he who has been fully indemnified for the loss of land, of ships, of merchandize, of income derived from profession or office? Are they not equally loyalists? Or, in the lapse of thirty-six years, has that name lost all the potency which awakened such unbounded, such enthusiastic commiseration in 1783? The Parliament and the country cannot surely forget what was then so feelingly acknowledged and deplored; that the fortunes, the homes, and the happiness of the loyalist constituted a melancholy
portion

portion of the price paid for peace; that in concluding this peace, so necessary to restore vigour to her exhausted frame, Great Britain consented to seal the final sentence of exile and ruin to the loyalists, her best allies, who had clung to her with a filial devotion, whom honour, gratitude, nay even the commonest sense of obligation called upon her to protect. Or, can it be said that any thing in the conduct of the loyalists since the peace, or in their mode of pursuing their claims, has in any degree forfeited rights at that time admitted? Can they be charged with negligence or remissness, in now coming before Parliament for the first time, after a lapse of thirty-six years? A slight glance at the facts and dates before stated, will sufficiently disprove such a charge, and shew a continuous series of active exertions and applications, of frustrated efforts and painful disappointments, from their first resort to the commissioners under the Act of 1783, down to the present time.

But, then, it is objected that the claims of the loyalists have been so long united with those of the British creditors, that it is not possible now to separate them. From what is stated above, the origin and nature of this connexion, a connexion of mere accident and circumstance, with a total distinctness of character and merits, may be sufficiently seen; but admitting for a moment (what is far from true), that this groundless identification were attributable to their own fault, nothing more could fairly be inferred from it, than that the loyalists, conscious of being creditors of America as well as loyalists, had considered themselves authorized, and even called upon, to use every effort for recovering their debts from their real debtors; and in doing so, had acted in concurrence with individuals, who though not loyalists, resembled them in being creditors; reserving to themselves the ultimate right of putting forth their separate claims as loyalists, when redress failed them in their collateral character of creditors. Instead of being weakened by these exertions, are not their claims, in truth, rendered more irresistibly powerful from the certainty thus established, that they are utterly excluded from compensation in America, and that the British nation is now their only appeal.

But in point of fact, to whom is the connexion of the loyalists with the general creditors to be attributed? Clearly not to themselves, but solely to the commissioners under the Act of 1783. They first coupled the two cases, by referring the loyalists to America, under the 4th article, which applied only to the creditors; all the subsequent blending of the two classes; the applications of the loyalists to the Board at Philadelphia in common with the creditors; the receipt of a dividend of the £. 600,000 in common with them, and their signature of the general petition to Parliament, along with all the partakers in this sum, grew out as necessary consequences, from the first erroneous treatment they received from the commissioners. A prescribed road was marked out to them, which they were peremptorily ordered to pursue; and is their perseverance in pursuing it to be now turned against them, when their efforts have proved abortive? Are they to be told, that, in seeking indemnity from America, as British creditors, (for this was, in fact, the tendency of their various efforts from 1783 to 1811,) they have forfeited their claims on Great Britain, when it was Great Britain herself who sent them there, in order to exonerate herself, if possible, of their undeniable claims? Is it not manifest, that, if at an earlier period, they had refused to seek payment as creditors of America, and had come before Parliament with their claims as loyalists, they would have been told they were premature; that a door was open to them in America, and that it was only in case "by particular circumstances" they failed there, that they were entitled to come to Great Britain, under the act of 1783, and to claim fulfilment of her pledges of compensation, which were merely conditional, on a failure of redress in America? Would not this have been the language opposed to their earlier applications? And yet, are they now, after having removed the possibility of any such objection, after having rendered their title to compensation doubly complete and indisputable, by leaving no effort untried, by religiously fulfilling all the conditions precedent on which their ultimate claims on the nation might depend, are they now to experience the injustice of being told, that this very course of exertion, far from constituting an additional claim, or fortifying their previous ones, lays them open to be charged with a dereliction of their claims on Great Britain, and with having voluntarily sunk their powerful pretensions as loyalists, into the inferior character of common creditors of America? The loyalists cannot anticipate treatment of such signal injustice from the British nation.

Nor do the loyalists expect to be accused by any one who shall give a moment's attention to their case, of being influenced by a spirit of cupidity or exaction, in not

resting satisfied with the dividend that has been paid to them upon the awards of the commissioners. It should be remembered, that owing to the extreme difficulties of proof, from the death and absence of witnesses, and the loss of documents, the claims substantiated before the commissioners, did not, in general, exceed one-third of their actual losses; that in numerous instances, these losses constituted the all of the individual sufferers; many of whom, during the long privation of the part payment for twenty-eight years, and of the residue for thirty-six years, have endured the most painful difficulties and embarrassments. The loyalists would also earnestly submit, that the peculiar origin and nature of their claims, and the distinct recognition they have received from Parliament, entirely distinguish them from ordinary claimants, and fully justify them in seeking a complete satisfaction of what they cannot but consider rather as admitted rights, than mere claims on the munificence of the nation.

One word on the subject of economy; a consideration which, in the present state of the country, may naturally suggest itself to many minds, as an objection to the petitions of the loyalists. This objection would, it is admitted, possess great weight, if the present were a mere appeal to the bounty or the compassionate feelings of the nation. But the loyalists do not conceive themselves guilty of presumption in considering their claims in the light of a debt due to them in honor and justice from the British nation, and solemnly acknowledged as such by its Crown and Parliament. To such a claim, they humbly conceive, that even economy ought to yield, or rather, that the character of the nation cannot permit it to be set up in excuse. Besides, can the Parliament or the country forget the immense savings and retrenchments which were purchased by the nation at the expense of the loyalists, when they were sacrificed on the shrine of peace in 1783? The question then was, whether to continue the war, in order to procure their re-instatement in their possessions, so powerfully were the obligations of the nation to them then felt. But the loyalists were sacrificed to the urgent necessities of the country, and the course economical for the nation, but calamitous to the loyalists, was adopted of concluding peace, and taking into the hands of the British nation the task of their compensation; the prime minister of the day declaring, "that without one-fifth of the expense of one year's campaign, happiness and ease could be given to the loyalists, in as ample a manner as these blessings were ever in their enjoyment." And yet, to the present claimants, this happiness and ease have never, to this hour, been restored, even to the inadequate extent in which pecuniary compensation could restore them! It must never therefore, be forgotten, that if the national burdens are now heavy, it is owing to the very sufferings of the loyalists, that they are not far heavier; and if economy could ever be honourably set up as an excuse for violating engagements, there surely would be a peculiar ingratitude, and a cruel injustice in opposing it to the claims of those whose misfortunes have actually been the means of sparing to the nation ten-fold the amount of the compensation they seek.

London, April 1820.
