REPORT

ON

AMERICAN CLAIMANTS PETITION.

Ordered, by The House of Commons, to be printed, 25 March 1812.

The COMMITTEE to whom the Petition of the several Persons whose Names are thereto subscribed, on behalf of themselves and others, whose Claims have been adjudged good by the Commissioners appointed by the Act of Parliament passed in the 43d year of His Majesty's reign, intituled, "An ACT for appointing Commissioners for distributing the Money stipulated to be paid by The United States of America, under the Convention made between His Majesty and the said United States, among the Persons having Claims to Compensation out of such Money," was referred;—HAVE, pursuant to the Order of The House, examined the matter of the said Petition; and have agreed upon the following REPORT:

It appears to Your Committee, that an extensive Commerce, in British manufactured and other articles, was carried on between America and Great Britain before the war of 1776 with America; and in the course of such commerce a very large credit was given to America, so that at the time when hostilities commenced, a Debt, amounting to several millions, was due from the Citizens of America to the British Merchants, and considerable sums to others His Majesty's subjects; and that during the continuance of the war, it was scarcely possible to recover any part of such debt.

That by the 4th Article of the Treaty of Peace between His Majesty and the United States of America, signed at Paris 3d September 1783, it was provided, "that Creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts theretofore contracted."

That in breach of this Article of the Treaty, certain Laws were made in the different States of America, immediately subsequent to the Peace, for the direct purpose, as it appeared to one of the Witnesses, of defeating that Article; and other laws which had been made prior to the Treaty of Peace, and during the war, and which ought to have been repealed in conformity to the Treaty, remained still in existence; and by the instructions given by Judges to Jurors, and the practice of American Courts, the plea of "British Debt" was held in those Courts to be a good plea, and decisive against the claimants.

That by these means the recovery of debts to a very great amount was prevented; and in consequence thereof many and urgent representations were made by the British Creditors, to His Majesty's Government, complaining of the existence of legal impediments in America, which, by preventing the recovery of debts in that Country to British Subjects, rendered altogether ineffectual the provision contained in the 4th Article of the Treaty of Peace. That the case of the British Creditors occupied a very considerable portion of the time and attention
attention of Lord Grenville, after he became Principal Secretary of State for Foreign Affairs; and his Lordship appears to have been convinced that such representations were perfectly well founded. And the redress of these grievances being an object of primary importance with the Government in negotiating the Treaty of Amity, Commerce and Navigation concluded between His Majesty and the United States of America in the year 1794, it was by the 6th Article of that Treaty agreed, that in all cases where full compensation for the losses and damages sustained by British Subjects by the operation of lawful impediments to the recovery of their debts subsequent to the Peace, could not be obtained by the Creditors in the ordinary course of justice, the United States would make full and complete compensation for the same to the said Creditors; and that for the purpose of ascertaining the amount thereof, five Commissioners should be appointed, of whom three were to constitute a Board, with full power; and all decisions were to be made by the majority of the Commissioners present, and their Award to be final and conclusive. And the United States undertook to cause the sums awarded to be paid in specie to the Creditors without deduction.

That another Article (the 7th) was introduced into the said Treaty, in favour of the Citizens of the United States, whereby it was in like manner agreed, that in all cases where adequate compensation for the losses and damages sustained by American Citizens, by irregular or illegal captures or condemnations of their vessels and other property during the course of the war in which His Majesty was then engaged, could not be obtained in the ordinary course of justice, the British Government would make full and complete compensation to such American Citizens; and that for the purpose of ascertaining the amount thereof, Commissioners should be appointed in like manner, and with the like powers in all respects as the Commissioners under the 6th Article.

That this Treaty was negotiated by Lord Grenville in person, and that a system of reciprocity was in his Lordship's view, and, as his Lordship believed, in that of the American Minister, meant to be established by the said 6th Article, containing stipulations in favour of His Majesty's Subjects, and the 7th Article, containing stipulations in favour of the Subjects of the United States.

That a Board of Commissioners, duly appointed under the 6th Article of the said Treaty, met accordingly at Philadelphia in May 1797, and Claims were brought in before them to the amount of £5,638,629. sterling. That, after certain progress had been made in deciding on principles necessary to regulate the decision of the Commissioners on the Claims made before them, and after a controversy which arose, and continued for a long time, the American Commissioners adopted the practice first (in the course of the year 1799) of withdrawing themselves from the Board, when they found the opinion of a majority of the Board against their opinions, the American Commissioners alleging, that the stipulation of the 6th Article did not require them to give effect, by their presence, to proceedings which they said they deemed injurious to the just rights of the United States, and which they also stated they believed it to be their duty to resist in such cases, by all the means to which the Treaty enabled them (as they stated) to resort. That they afterwards entirely abandoned themselves, and withheld their attendance; by reason of which no effectual proceedings could be had, it being necessary by the Treaty, that one Commissioner on each side and the Fifth Commissioner should be present. The British Commissioners and the Fifth Commissioner continued to attend for more than a twelve-month after the withdrawing of the American Commissioners, who had given in a Minute, implying, as stated by Mr. Macdonald, that they would not attend without certain radical points were conceded, which, in the opinion of the other Commissioners, being a majority of the Board, would have defeated the object of the Treaty. That in the month of August 1800, Mr. Macdonald, who was the First Commissioner named on the part of His Majesty, returned to Great Britain; and the conduct of the British Commissioners, in the whole of the proceedings under the said Commission, was most highly approved by His Majesty's Government.

That the execution of the said 7th Article was suspended by orders from the British Government in July 1799, immediately upon Government being apprized that the proceedings of the Commissioners at Philadelphia, under the 6th Article, had
had been interrupted; and that such suspension was continued until after the Convention of 8 January 1802, hereinafter mentioned.

That previously to the signing of the Treaty of Amity in 1794, communications were made from Lord Grenville to Messrs. Nutt and Molleson, who acted as a Committee for the London Creditors, enclosing Questions, in order to collect information of the Claimants, whether they would prefer a fixed sum in lieu of all their claims, or the adoption of measures for opening the Courts of Law in America to British Creditors, with an appeal to some special Court or Commission.—These questions, however, were not put as a proposal to which their consent was required, but as a matter of consideration, and on which the King’s Government wished to have their sentiments, it being the desire of Lord Grenville to inform himself of the wishes of the Claimants on the subject as fully as possible, before any step was taken.—These questions also appear to have been transmitted to the Glasgow Creditors, and a correspondence in consequence took place; whereby it appears that the whole sum which, upon a scale of compromise therein mentioned, the Claimants wished to be negotiated for, or to be provided by the British Government, would not probably amount to much more than £2,000,000. sterling.

That in or about the month of April or May 1800, subsequent to the interruption of the proceedings of the Commissioners at Philadelphia, Lord Grenville made the following Propositions to the Claimants, which his Lordship thought were stated to them in the same manner as the Questions in 1794: Viz.

First: A renewed Commission, in conformity with the Treaty of Amity.

Second: Or, to accept a sum of Money in lieu of the Claims under the 6th Article of the Treaty of Amity.

That various communications, in consequence of these Propositions, took place between the London and Glasgow Committees or Agents of the Claimants and Lord Grenville; in some of which the Claimants expressed their wish for a stipulated sum to be paid to them, finally to put an end to the whole business; and with regard to the amount of the sum (they stated) they were more at a loss from not knowing the exact amount which had been claimed under the 6th Article of the Treaty of 1794, or the manner in which the different claims had been made up with regard to interest, &c.; but, from what they were informed of the amount being about Five Millions, and allowing that some part might be cut off, either from being improperly claimed or not sufficiently ascertained, both of which might be better known to His Majesty’s Ministers (as they stated) and deducting such payments as might have been made on their debts before the ratification of the proposed agreement, they were willing, in obtaining the guarantee of the British Government, to accept of Two Millions and a half sterling, rather than those claims should continue as a subject of contention and a source of discontent between the two Countries, or that they should experience the hardships and vexations which they had reason to expect in the prosecution of their debts in that country.

That His Majesty’s Ministers declined advising His Majesty to guarantee to the Creditors the payment of any sums which the American Government might agree to give in liquidation of their demands.

That in or soon after December 1800, during the negotiation which led to the Convention between His Majesty and the United States in January 1802, Mr. Macdonald, at the request of the Under Secretary of State for Foreign Affairs, communicated to him, that he conceived a sum between a million and a half and two millions would be a fair sum to be demanded from the United States, for the loss which their laws or judicial practices in breach of the Treaties had brought upon the Creditors. And afterwards, on 4th May 1801, Mr. Macdonald, in answer to certain verbal inquiries, made a further communication to Mr. Hammond, Under Secretary of State for Foreign Affairs, that he imagined a fair execution of the Treaty of 1794 would have made good about two millions of the sums claimed.

That other communications were made in the year 1801 to His Majesty’s Government by the Claimants, urging His Majesty’s Ministers to take measures to procure their just demands, and stating, that if that was not done, their only resource
resource would be to throw themselves, by an application to Parliament, upon the justice of the Nation, for fulfilment of the 4th Article of the Provisional Treaty with America, and of the 6th Article of the Treaty of Amity; or if, for political reasons, the execution of these Articles on the part of America should not be rigorously exacted, that compensation should be made to the Claimants by Great Britain.

That a Convention was signed on 8th January 1802, between His Majesty and the United States of America, whereby the United States engaged to pay, and His Majesty consented to accept, for the use of the persons described in the said 6th Article of the Treaty of 1794, the sum of £600,000 sterling, in satisfaction and discharge of the money which the United States might have been liable to pay in pursuance of the provisions of the said 6th Article; which was thereby declared to be cancelled and annulled, except so far as the same might relate to the execution of the 7th Article of the said Treaty. And it was further agreed, that the Commissioners appointed in pursuance of the said 7th Article, and whose proceedings were therein and herebefore mentioned to have been suspended, in consequence of difficulties having arisen in execution of the 6th Article, should immediately reassemble and proceed in the execution of their duties.

That the said Convention was first communicated by Lord Hawkesbury, then Secretary of State for Foreign Affairs, on the 14th day of January 1802, to the Committee of London Claimants. And they, by letter dated the 15th of that month, and the Committee of Glasgow Claimants, by a letter dated the 24th of the same month, expressed their dissatisfaction therewith, and claimed the due execution of the 6th Article of the Treaty of 1794, or a proper compensation for their losses.

That the said Convention was concluded by Lord Hawkesbury without the concurrence of the British Claimants, and his Lordship stated, that he could not speak as positively from recollection whether without their privity, but he had no reason to think it was with their privity; and he also said, that when he came into office as Secretary of State for Foreign Affairs, he had a personal communication from Lord Grenville, of all the circumstances of the Negotiation as it then stood; that he had likewise one conversation at least with Mr. Pitt upon the subject; that his Lordship had likewise several interviews with Mr. Molleson and Mr. Nutt, and he had also access to all the documents at that time in the Office—that the result of this information was an opinion formed by his Lordship, that the Claimants had no chance of recovering their dues in the American Courts—that the sum of £600,000, then offered by the American Government was as large a sum as could be obtained, and that in consequence of the unfavourable change that had taken place in the American Government towards the end of the year 1800 or beginning of the year 1801, by the Federal Administration being changed for that of Mr. Jefferson and his friends, his Lordship was of opinion that if the offer then made had been refused, so favourable an offer was not likely to be renewed. And his Lordship having been asked whether the circumstances alluded to in his Lordship's answer had any object in them of a national nature, or were confined simply to the probability and improbability of the recovery of the demands made by the British Merchants, said, that he conceived the considerations to have been of both descriptions; that at the time when his Lordship accepted the sum of £600,000, the 7th Article of the Treaty of Amity had been suspended; but the sittings of the Commissioners under the 7th Article of the Treaty of Amity, recommenced soon after by virtue of the 3d Article of the Convention, and the sum of £1,136,448 15. 10. was paid by His Majesty's Government to American Citizens, in pursuance of awards made by the Commissioners under those Articles, except only a sum of £25,284 14. 1. which had been previously paid in the year 1798.

That in March 1803, the Claimants presented a Memorial to His Majesty's Government, and had an interview with Mr. Addington, the Chancellor of the Exchequer, and thereby protested against the proceedings of Government in accepting the said sum of £600,000; whereto Mr. Addington said he considered their case to be a hard one, so much so, that he had no objection to the Claimants applying to Parliament or to His Majesty's Government; but that he
he meant to give no opinion upon the merits of the case, and that as the losses were not ascertained, he did not conceive that Parliament would then entertain a Petition.—To which the Claimants acceded, laying in their claim that such acquiescence should not be considered as barring them from bringing forward their case at a future time. And accordingly the Claimants did not then present any Petition to Parliament.

That an Act of Parliament was passed in April 1803, for the appointing, dividing and distributing the said sum of £600,000, amongst the several persons who should be found entitled to receive compensation out of the same; and Thomas Macdonald, Esquire, Henry Pye Rich, Esquire, and John Guillemard, Esquire, were thereby appointed Commissioners, whose adjudications were to be final.

That the Commissioners so appointed were the same persons who had acted as the British Commissioners and the Fifth Commissioner at Philadelphia under the Treaty of 1794. And claims were made by the King's Subjects in general of various descriptions, to the amount of £5,438,766 6s. And the Commissioners made adjudications thereon, to the amount in the whole of £1,420,000, which were not completed until the 19th May 1811.

That such adjudications proceeded on an estimate in every case, from the various materials before the Commissioners, of the loss which they conceived had been sustained by the respective parties, and did not comprehend any losses excepting those which America was bound to compensate under the 6th Article of the Treaty of Amity; besides which, it appeared from the materials before the Board, that the British Creditors had sustained great losses for which the United States were not bound to give compensation under the 6th Article of the Treaty of Amity, in furtherance of the 4th Article of the Treaty of Peace.

That the Commissioners having thus made adjudications in favour of various Claimants, to the amount in the whole of £1,420,000, have apportioned and divided amongst those persons the above-mentioned sum of £600,000, together with the further sum of £59,493, which had been made as interest by investing the said principal sum in Exchequer Bills previous to its being divided amongst the Claimants; and the difference between the £659,493 thus divided, and the £1,420,000 so adjudged, together with interest on such difference, from the 1st day of June 1804 (to which day the interest on the sums adjudged, had, by order of the Commissioners been calculated) constitutes the sum for which the Petitioners make the present application.

25 March 1812.
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Appendix, No. 1.

MINUTES OF EVIDENCE.

Lune, 17th die Februrij, 1812.

JOHN INGRAM LOCKHART, Esquire, in The Chair.

James Richard Millar, Esquire; called in, and Examined.

WHAT Situation are you in?—A Merchant.

Were you so in 1776?—No; I was then a merchant’s clerk in the Virginia trade, in America.

Did you ever reside in Virginia?—Yes, several years.

How long previous to the year 1776 did you act as Clerk?—About eight years.

During that time did you acquire a knowledge of the course of trade between this Country and the United States?—Yes, I was employed in the collection of several debts, from 1772 to 1776, due from American merchants to merchants in Glasgow.

Do you know whether there was an extensive commerce carried on between America and England before the war of 1776?—Very extensive.

What was the general nature of it?—All sorts of British manufactures from hence; and tobaccos and wheat from Virginia.

Do you know whether that commerce was beneficial to this Country?—I think it was.

In what particular respects?—As a proof of that being my opinion, I entered into the same business myself as soon as the peace.

You mean after the peace of 1783?—Yes.

Who gave the largest credit, American or English merchants?—The British merchants by far.

You mean there was more owing from American merchants to the British merchants, than from the British merchants to the American merchants?—Yes, by far.

Can you state at all in any proportion?—No, I cannot; but I can say that there was very little due to the Americans.

Then the credit was mainly given to the Americans?—Yes; they imported goods for a capital to trade upon merely.

After the war broke out, did you find it possible to recover any debts due to the British merchants from America?—Scarcely any at all.

Did you remain in America during the war?—No I did not, I left it in August 1776.

Did you solicit any debts after the peace of 1783, in America, that were refused?—I recovered a trifle for myself.

Did you recover the whole amount of your debts?—No, I did not; they deducted the interest for eight years.

Do you know, of your own knowledge, of any lawful impediments that existed in the Courts of America to prevent the British merchants from recovering, after the peace?—I do not know that, I did not return to America for some time after, I did not return till 1790; I did not recover any thing by process of law; some people did, I believe.

Do you know of your own knowledge of any persons after 1790 being prevented by any legal obstacle from recovering their debts in the American Courts?—I cannot say I can charge my memory with it; I was going to state, the House I did business for had £20,000. owing to them from America, that I did not collect.

Did you afterwards collect it?—I did not.

During the whole war what length of credit were the British merchants accustomed to give to the Americans?—Twelve or fifteen months was the allowed credit.

What length of credit did the American merchants give to the British merchants?—I cannot answer that.
WERE you appointed Commissioner under the Sixth Article of the Treaty of 1774, with the United States?—In consequence of having been honoured with such an appointment, I was appointed a Commissioner.

In consequence of that appointment, did you meet the American Commissioners?

I did.

There were five Commissioners in the whole appointed—Two by each of the Governments, with the power to them to appoint a fifth.

What year did you meet in—You had first from England, in December 1776, and we met in May 1777 at Philadelphia, having been previously occupied in the necessary enquiries for the choice of a fifth Commissioner.

Was that Commissioner appointed, and by whom?—The arrangement was left in a great measure to the management of the Commissioners, but the plan adopted was this: On the part of Great Britain, I and my coheirs proposed these English gentlemen, to America: On the part of America, there were proposed to us three American gentlemen: they made choice of one of the three suggested by us, and we made choice of one of the three suggested by them, upon which a brunt took place, giving by that means some participation in the appointment to both Countries; the lot fell upon one of the English gentlemen, Mr. John Nicholson.

And he became the fifth Commissioner?—He did.

How soon did you begin to examine into the claims of the British merchants?—Immediately for the appointment of the fifth Commissioner.

At Philadelphia.—At Philadelphia.

Were very large claims preferred?—Claims to a very large amount were preferred, but nothing after considerable delay.

Did that delay appear to be impermissible to the British merchants, or in part to the difficulties they might labour under?—I think partly to the difficulties, and the wish to see what might take place in the case of others before they came forward.

In the course of the discussions of the Commissioners, did any impediment take place against a decision?—After a long continued controversy, carried on verbally and partly by written minutes, the American Commissioners adopted the practice first of withdrawing themselves from the Board when they found the opinions of a majority of the Board against their opinions, and afterwards of entirely absenting themselves and withholding their attendance, it being necessary by the Treaty that one Commissioner on each side and the fifth Commissioner should be present.

At this time, had these impediments begun to manifest themselves, had you made any decision upon any claims?—We had not made any absolute decision, that is, any award for money, because it was thought desirable, as there was a variety of points under the Article, which had been drawn up with great labour and ability, first to establish the constructions or principles which might afterwards apply to the facts that came before us; and it was in the course of the discussion on those preliminary points of construction and principle that the controversy took place.

At that time had you received many claims?—Eighteen months by the Treaty was limited, we had therefore received all the claims.

Had you made any progress in ascertaining the amount of any of them?—Not in ascertaining the amount, the amount being matter of fact, which of course would follow the constructions that we meant to establish; and I should add, that the parties had presented to us very full statements of the facts and the averments on each side of the question.

Had you heard any evidence at that time in support of the claims?—We had, both parol and written: the claims amounted to nearly six millions sterling.

Then delivered in?—Then delivered in.

To what result did the conduct of the American Commissioners absenting themselves lead?—A very full Minute or Resolution was drawn up by me, in answer to a very elaborate Minute on the part of the American Commissioners, and communicated to them by the majority of the Board, who were always ready to attend, and who always did attend for more than a twelvemonth after the withdrawing of the other Commissioners; the Minute demonstrating on the proceeding that had taken place, and stating the grounds of dispute between us.

Previous to this, had the American Commissioners entirely refused to attend?—They had.

Upon any condition—They did not express any condition, but their Minute implied that they would not attend unless certain radical points were conceded, which in the opinion of the other Commissioners would have defeated the object of the Treaty.

Is that Minute in existence?—Both Minutes and many others are ingrossed in the books of the Board of Philadelphia, which I have in my possession; they were also printed, and
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And copies sent to the Government of this Country; therefore they are in the proper offices.

Do you remember the dates of them?—No; but I refer to the books.

Did they withdraw?—They did in fact withdraw, to prevent a vote, and at last absented themselves altogether.

When did the last meeting take place?—I would beg leave to refer to those books which I have in my possession, and which shall be forwarded to the Committee.

Will the books containing the claims distinguish between debts that were on contract and those of a mercantile nature?—There is no such distinction in the classification of the debts in the books; but in point of fact, there were many of the King's subjects made claims which did not relate to mercantile concerns.

You made no such classification?—No; because we thought we were to do equal justice to every description of the King's subjects without distinction, and also to the United States.

What was the proceeding, after the American Commissioners withdrew entirely?—The course or manner of proceeding was to notify, from time to time, our readiness to attend, to keep up the establishment of the Board, Secretary, and Clerks, with our Office as usual, and occasionally to appear in that Office for that purpose.

Can you tell generally how long that course was adopted?—Till the summer of 1796.

At what time did they retire?—In the course of the year 1799 they had, in the way I have stated, withdrawn, and at last altogether absented themselves.

Do the books contain the evidence of any of the claims?—Not the books; they only contain the claims and proceedings, referring to the memorials, the statements, lists of debts, depictions of witnesses, and written documents before the Board.

Was any verbal evidence given in support of the claims?—Yes, in many instances.

Was that put down in writing, and preserved?—Yes; and regularly referred to in the books, which I presume to say will be found extremely complete.

Was any evidence given of legal impediments that occurred to the recovering of debts in the Courts of America in 1783:—Certainly; and evidence of the strongest nature.

Is that preserved?—It is, in essential points.

Did it appear to you that the absence of the American Commissioners was occasioned by difference of opinion as to the general principles laid down for the government of the conduct of the Board, or that they withdrew themselves whenever any decision was likely to be given that might possibly lead to an award inconsistent with what they considered the interest of the American Government?—I have no doubt in saying, that the motives of their conduct were in general those stated in the latter part of the question; and that they acted in consequence of direct instructions, often daily given by their Government. My reason for stating this, as distinctly as I can, is, that one of the points of discussion was the character and proper duties of the Commissioners: I and my colleague maintaining on the one hand, that the original appointment of a Commissioner ought to cease to have any operation whatever, that a Commissioner appointed by His Majesty as a National Arbitrator was as much bound to protect the interests of the United States as to forward and maintain the rights of the particular claimants; the American Commissioners, on the other hand, almost avowing that they considered themselves as National Agents, bound to act according to the instructions of their Government; in consequence of which, I moved that the oath of office should be read from the Treaty.

It seems that the answer given applies rather to the first point than to the latter of the former question; how do you reconcile this apparent inconsistency?—My meaning is, that although in general it did appear to me, especially in the latter stage of the proceedings, that the American Commissioners acted upon the principle of preventing awards, except to some evasive or colourable amount, yet their individual opinions may in many instances have gone along with their opposition, and that therefore I do not charge them with meaning, in every instance, to act entirely as agents, but in consequence of their own judgments.

Is the Committee to understand, that they sometimes withdrew for the reasons stated in the first part of the former question, though generally for those stated in the latter part:—I conceive it would be impossible for me to ascertain their motives in every instance, so as to distinguish when they acted on the one principle and when on the other.

Do you mean that the American Commissioners withdrew rather with a view to prevent decisions in point of construction of the Treaty from being made adverse to their interests, than in order to prevent specific decisions upon the merits of particular claims?—They withdrew, as I conceive, to prevent decisions on points of construction such as would unavoidably have been drawn after them special awards against the United States.

Were the general principles agreed to by the Board on the construction of the Treaty?—General principles were understood to be established by the opinions of three members of the Board, which we hold to be decisions, because the three members having expressed their opinions in the Board, we considered that, under the Treaty, that was decisive.

You conceive that the three Commissioners could decide on principles, but not make an award?—Three Commissioners, including one on each side, and the fifth Commissioner, could do everything under the Treaty, make awards, as well as decide on questions of construction or principle.

After the American Ministers had withdrawn from the Board, did they at any time offer to return on condition that the opinions offered by them on any question should be the rule?—They did not speak out their purpose so broadly, but the Minutes will show.

After all intercourse had ceased between the English and American Commissioners, did...
APPENDIX TO REPORT FROM COMMITTEE.

His Majesty's Government express any approbation of the conduct of the three Commissioners who remained at the Board?—I was prepared to expect that no communication whatsoever would take place between His Majesty's Government and myself or any of my colleagues after the honours commenced in America, having learned from the Secretary of State, previous to my departure from England, that the idea I had presumed to state respecting the nature of my position, and be subject to, must not to consider myself as I have already stated, as a national arbitrator, entitled and bound under the Treaty, even to disobey instructions if they had been given contrary to my judgment in the Board, was correct. The fact accordingly was, that no communication whatsoever of approbation or disapprobation was made by His Majesty's Ministers to the three Commissioners forming a majority of the Board, or to any one of them; and it was not till my return to England, on leave of absence, in the autumn of the year 1800, that I had the honour of receiving the thanks of the Principal Secretary of State for Foreign Affairs, for the conduct I had been sufficiently fortunate enough to pursue. Till then I did not know whether that conduct would be approved or not, and will confess, that as the tenor of the communications I had held with His Majesty's Ministers implied a wish on the part of this Government, that nothing that was not perfectly just and even moderate, should be done against the United States, I was fearful that whatever might have been my own conviction, both as to what we had done and our intentions to apply our principles with liberality, the constructions I had moved, and which were maintained by the majority of the Board, might possibly be thought too severe as against the United States.

Did you receive any notice and official approbation of your conduct in the commission from any of the Ministry, at the time of your return or since?—In the first instance I had only a private conversation with the Lord Chancellor at Maymont, where I landed from the frigate, on finding the King was there; the Lord Chancellor presented me to the King, in my hearing explained to His Majesty the nature of the controversy and the trust I had held, in consequence of which I had His Majesty's orders to attend him on the Expedition the next morning, where, by His Majesty's command, I further explained the nature of the business: I then went to Town, and having called at the Foreign Office to give notice of my arrival, my appointment was made by Lord Grenville, Principal Secretary of State for Foreign Affairs, for my attendance on him at his Office; I did attend, and there I received his approbation in very flattering terms, his Lordship having suggested the propriety of presenting me at St. James's, where he was pleased to observe he would mention the matter to the King. Afterwards, in November 1802, I had the honour of receiving a letter, now in my hand, from Mr. Addington, then Chancellor of the Exchequer, expressive also of his entire approbation, in these terms:

"Dear Sir,

"Richmond Park, November 5th, 1802.

"I think myself very much obliged to you for your letter, and for the publication with which it was accompanied.

"It is a great satisfaction to me, and to assure you, that there will be very little farther delay in completing the arrangements for your pension, which you will consider not merely as a pecuniary compensation for the loss you sustained by withdrawing from your business, but, as an honourable testimony of the great sense that is entertained of your able and upright conduct in a most delicate and trying situation.

"I have the honour to be, with sincere esteem,

"Dear Sir,

"Your faithful and obedient Servant,

"Henry Addington."

I had the honour of receiving accordingly a grant from His Majesty of five thousand pounds, with reference also to a pension of £770 for life, which repeated nearly the same words as are to be found in Mr. Addington's letter, as the cause of the grant, and to which grant, dated in April 1800, I refer. I may here also state, that after my return to England, I received a private letter from Mr. Thornton, then Chargé d'Affaires in America, in which, knowing that I was perfectly ignorant whether my conduct had been approved or disapproved when I left America, he congratulated me on the subject of a dispatch which had just been received from the Principal Secretary of State for Foreign Affairs, expressive, in strong terms, of the approbation of His Majesty's Government of the constructions maintained, and of the conduct which the majority of the Board had pursued under the Commission.

What was the date of that dispatch?—Dated probably in the month of May 1800.

Can you state what would have been the probable amount of the sum under an award in favour of the English claimants, if the Commissioners had duly proceeded to an award, and the opinion of the majority of the Commissioners had been adopted on the points in discussion?—Havina had the memorials of the parties, their schedules, averments, and all the evidence which had been adduced, for a considerable time before me, and after the American Commissioners had withdrawn, having had little else to occupy my attention, I did certainly bestow considerable pains to arrive at something like a rational conjecture on that subject; and although I speak from memory of what my impressions then were, not having taken any exact note of them, I think I was clearly of opinion that about two-thirds of the claims which had been submitted, and on the principles we had maintained, not meaning however to say that any thing like that amount was unfounded in point of justice, but that, on account of defective evidence and other causes, it would not have been possible for the Board to have avoided rejecting a very great part of the claims under the Treaty.
When you formed this opinion, was it upon any investigation of the cases of the American Debtors that might have been brought forward in answer to the claims of the British Merchants?—Certainly not on any particular investigation.

Upon what principle then did you form that opinion?—I have made use of the phrase rational conjecture, for the purpose of giving the Committee to understand, that I do not think it entitled to be considered as an opinion beyond that sort of impression which a general view of the circumstances before me, and to which I have alluded, might have enabled me to form.

Were those circumstances exparte only, or had you any statement on the other side, upon which to found your rational conjecture?—There were statements on the other side drawn up by the Attorney General and Agent for the United States, the course having been for the Board, when a claim was presented which did not contain in it its own ground of rejection, to order it to be answered by the United States; answers were accordingly in many instances made, which however in general applied to objections on the construction of the Treaty, without entering specially, but in a few instances, into the facts, except in so far as was necessary for the argument on construction: therefore so far as regarded the situation of debtors, for instance, their solvency or insolvency, that is, whether the debts were good or not at the Treaty of Peace, the grounds from which I drew the conclusion I have presumed to state, were in a great measure exparte.

Then you had no accounts before you, except upon one side?—I think not; if they were, they were in very few instances.

In point of fact then it was an exparte consideration?—With the qualification I have given.

Were those debts considered, at the time of the appointment of the Commissioners, as private debts due from individual to individual, or as a debt due from the Government of America?—They were private debts assumed by the Government of the United States, who were liable under the Treaty for the awards, whatever might be their amount, which should be given by a majority of the Board.

Was it understood that the American Government was to pay those debts without looking for any reimbursements from the individuals who were still solvent or not?—The Board were authorized by the Treaty to order an assignment to the United States of the private debts of individuals, on which their award should proceed, in consequence of which they might have relieved themselves so far as the debtors were solvent.

In framing any resolution, though the American Government might be deemed the ostensible party, would you have conceived yourself exempt from the ordinary duty of inquiring into the details of a case from the American Debtors themselves?—Certainly not.

If the awards made under the Commission which sat subsequent to the Convention of 1802, had been made so early as the year 1797, and the decisions had been framed upon the principles which guided your adjudications, to what amount do you conceive those adjudications would have extended?—I cannot undertake to give an opinion as to the precise amount to which they would have extended, but I may safely state, in consideration of the subsequent death of claimants and agents, as well as loss of evidence in support of good claims, that a larger proportion of the sum total claimed would have been adjudged to be good than has been so adjudged by our Board.

Jovis, 20° die Februarij 1812.

JOHN INGRAM LOCKHART, Esquire, in The Chair.

Maurice Smedley, Esquire, LL.D. called in, and Examined.

WERE you appointed a Commissioner to ascertain the losses of the American Citizens, alluded to in the 7th Article of the Treaty of 1794?—I was appointed one of the Commissioners on behalf of the British Government, for the execution of the 7th Article of the Treaty between His Britannic Majesty and the United States of America.

Under that Treaty did you make awards in favour of the claims of the citizens of the United States?—Perhaps the majority of those claims, as one of the Commissioners.

Do you mean to say, that you sat on the majority of those claims as a Commissioner?—I took my seat in 1795, after Sir John Nicholl was appointed King’s Advocate, and sat till July 1799, when those functions were suspended by directions from the British Government.

Do you recollect when you made the first award?—There had been several awards made during the time of Sir John Nicholl, and there were some awards made after I became a member of the Board; but the majority of the awards, I believe, were subsequent. There are many hundreds, I believe.

You cannot tell the amount of the sums under those awards?—Perhaps by infinite trouble I might be able to do it, but by no means so easily as it can be done at the Treasury, where they were all paid, or by the Votes of the House of Commons.

Thomas Macdonald, Esquire; again called in, and Examined.

Have you any further explanation or addition to make to your former evidence?—With the permission of the Committee I have. I should in the first place beg leave to state, that having received the summons late in the evening preceding my examination, and not being aware...
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Esq.

aware that certain particulars would be enquired into on which I was examined, the answers I gave were not entirely to my own satisfaction, or not essentially erroneous, without requiring some explanatory additions. In the first place, on the subject of the life of Colonel Innes, I think it my duty to state, that during the life of Colonel Innes, who was one of the Commissioners appointed by General Washington, the proceedings of the Board were perfectly unanimous, his conduct throughout having been correctly honourable. After his death, which happened in August 1798, dissents were first entered in the form of protests by the Commissioners on the part of America against the opinions of the majority of the Board, and such dissents were entered on very important subjects: Among others, on the case of Dunboy, on the subject of the payments of British debts, due at the time of the separation, and the alleged deposits to which it was contented on the part of America were a complete extinction of the debt, barring all claim before the Board: In the case of Cunningham and Company, a whole body of lawful impediments had been completely proved to the satisfaction of a majority of the Board, as existing and operating against His Majesty's subjects in Virginia; on which subject a special resolution or decision in that form was regularly entered on the Minutes, only dissenting from the American Commissioners: In like manner a very important resolution or decision took place in the case of Strachan and Mackenzie, by which it was resolved by the Board, that the Installment Laws, passed during the war in North Carolina, had been proved to their satisfaction to be complete lawful impediments within the Treaties. These and various other important points were understood by the majority of the Board to have been completely settled, and they affected large classes of Claimants, entitling them in the first instance to claim, so as to have the particulars of their statements investigated. And here I should mention, that as I have said the proceedings were unanimous during the life of Colonel Innes, that there were also some most important points decided during that period; such as in the case of the Right Reverend Charles Inglis, Bishop of Nova Scotia, who with many others of His Majesty's loyal subjects had been stripped of their estates confiscated, including all debts due to them. It was decided unanimously, but not till after long discussion, that such attamper and confiscation was no bar to the claim on the part of the claimant, as a British subject. It was also there decided, that the confiscation of personal debts during the war had not the effect to bar the claim for compensation on account of these debts. These cases last mentioned were unanimous decisions; those before mentioned were decisions held to be equally valid, but under the protest or dissent I have mentioned. On the 28th of August 1798, Mr. Silliman, a leading Member of Congress, and very able, having vacated his seat for the purpose, was appointed Commissioner in the place of Colonel Innes, and immediately after the long-continued course of controversy I have before mentioned commenced, an incessant debate having been kept up in the Board. Still, however, certain decisions were allowed to take place with the dissent only of the American Commissioners, as in the case of payments during the war, under a law specially made by the Americans for that purpose, of debts due to British subjects into the State treasuries, in the highly depreciated paper I have already described, which were also held by the Americans to have been complete extinctions of the debts; these were decided to be no bar to claims, the American Commissioners only dissenting. On the 10th of February 1799, theopposition was, however, carried further, the American Commissioners having withdrawn from the Board so as to prevent a vote on the subject of a Resolution in the case of the claimant who has been already mentioned, the Bishop of Nova Scotia, on which occasion a very long Minute was entered, to be found in page 460 of the Minute Books of the Board, arguing the whole matter first in the form of the Resolution proposed; the conclusion of which, upon the point of secession, or the right to sedee or withdraw, as explanatory of what I formerly stated on that subject, is the following sentence, which, with the permission of the Minutes, I will read to you from the Minute Books in the right of secession assumed and now acted upon by the Commissioners named on the part of the United States, the merits of which are sufficiently discussed in the Minutes of the 11th of January last, that as they had thought it to carry it into effect in the present case on a question of evidence upon which a majority of the Board were completely satisfied, and on conclusions so little manifest as to require or admit of arguments so voluminous, it is impossible to conceive a case in which the same course of conduct may not ultimately be pursued, thereby reducing the majority of the Board to a state of absolute deposition. I claim for the United States, and, with the opinion of the Board, that they possess, consigning them to the occupation of investigating facts which they cannot apply, and maintaining discussions on which no decision may ever be permitted to follow. The above passage is in page 635 of the Minutes. The next instance of secession took place on the 9th of July 1799, in the case of Andrew Allen, in consequence of a Resolution by the majority of the Board, that as he was on the side of His Majesty at the date of the Treaty of Peace, he was well entitled to claims as His Majesty's subject, although he had at first taken part with the Americans, and not joined the British forces (as he was in December 1778) till December 1780; the American Commissioners then declaring that he was the subject of their Government, and notwithstanding the unanimous decision of the Board in the case of Inglis, maintaining that he was not entitled to the benefit of the Treaties. The Resolution of the Board on that subject will be found in page 509 of the Minutes of the Board; and as the ground or pretence on which the American Commissioners, on this occasion withdrew, was, that this doctrine was inconsistent with their independence, endeavouring to make the objection in the case to the proceedings of the Board a political question,
question, the concluding sentence of the Resolutions was on that account in these words:—

"The said principles and the conclusions containing nothing inconsistent with that perfect respect which is due to the independence of the United States, as the same was recognized on the part of His Britannic Majesty by the first Article of the Treaty of Peace." For I should say that the doctrine of the Americans was, that whatever was done by them subsequent to the declaration of independence, was to be held even under these Treaties as good law affecting the national character of individuals, and bearing their right to the claim of claims upon the Board. Afterwards, viz., on the 17th of July, they attended; when I made a motion (as I had done on other occasions) in favour of the United States, for rejecting the claims of Robert Williams, on a general ground of affecting other cases; and on that occasion there was no difference of opinion. But when the British Commissioners and the Fifth Commissioner arrived at the Office, to hold a Board, two days after, they received a Letter from the American Commissioners, giving them notice that they were determined, "under existing circumstances, not to give their further attendance." Accordingly, in attending afterwards on the 31st of July, at my request, to receive and enter Minute I had drawn up on all the disputed cases between us, they declined the expression that no other business should be proposed. I now present the Minute Books of the Board in America, authenticated by the signatures of all the Commissioners, which have ever since been allowed to remain in my possession; they consist of three volumes, and an index. I also present a List of the Claims, made up in columns under my directions in America, but not as an act of the Board, stating the amount of those presented, and classing them according to their different natures; which leads me to observe on an Answer made in my last examination, respecting the conjecture which I presumed to make as to the probable amount of what might have been made good under the decisions of the Board, if it had been allowed to proceed, that in forming that conjecture, I had probably been more deceived than not, and applying the several cases according to their nature to the principles which I conceived to be decided, and binding on the two nations: also considering that there was no dispute with respect to a very great part of the debts as between the private individuals, the Debtor and Creditors, many of them having been debts by specially or books, admitted to have been due, the Debtor being dead, no appearance made on their part, and all investigation in many instances rendered impossible in consequence of the many impediments which had been proved, creating so great a delay that the means of inquiry had been lost, considering further, that the decision of the Board upon the whole could not have proceeded on specific grounds respecting each of the particular items of debt claimed before them, which amounted to many thousands of articles; but that the Commissioners, as I conceive, must have acted as a Jury in many instances, assessing damages where they were absolutely compelled to decide whether with or without entirely satisfactory grounds, and must have given their award therefore on general conclusions; I beg leave to explain, that it was on those grounds that I took the liberty of even forming a conjecture on the subject, having it completely in view that as it seemed to me impossible that, with the dispositions and ideas of such duties which seemed to prevail in that country, to bring the matter to an amicable conclusion there, the question might be asked, with a view to the negotiation which I supposed would be unavoidable, what would be a fair and moderate demand on the part of Great Britain for the purpose of settling the matter, as I have every reason to know was the earnest wish of His Majesty's Government; on amicable terms? it was impossible to do more than say such a sum would be a reasonable demand, and with that view alone it was that I formed the estimate. At the same time I did not think it necessary to preserve any note of my grounds of conclusion, because I will admit they were extremely general, and I had no doubt that some measure, such as has taken place, would be adopted for ascertaining in a conclusive manner the amount of the sums which would have been adjudged good under the 6th Article of the Treaty of 1784, if the Commission had been executed so far as it was at all possible to ascertain that amount. For the convenience of the Committee, I also lay on their table printed copies of the principal Minutes I have now referred to.

[The Witness delivered in printed Copies of five different collections of Minutes, from December 1786 to the 31st of July 1799; together with the List of Claims, and the Minute Books of the Board which sat at Philadelphia; and then proceeded as follows—]

These Minutes were printed in America by order of the Board, and Copies of them transmitted to His Majesty's Government; on which I have reason to believe their opinion of the proceedings was formed.

We were the decisions of the Board prior to the 15th February, 1799, considered by you to be completely valid under the 6th Article of the Treaty of 1784. Notwithstanding the dissent of the American Commissioners, as they did not on those occasions withdraw themselves from the Board:—by my opinion they certainly were, although the American Commissioners did on various occasions maintain, that, considering this matter as an amicable adjustment, so much respect was to be paid to their dissent, that a Resolution ought not to be considered as decisive where such dissent took place; it being in vain represented in answer, that the Treaty was the law of the Board, and that although nothing was more amicable than the wishes and intentions of the three Commissioners, they would have been adjudged good under the 6th Article of the Treaty of 1784. It was however evident, that ever since the death of Colonel Innes, the American Commissioners acted under the immediate instructions of their Government; and on some occasions, particularly when the Board decided in favour of compensation for losses occasioned by payments forced on the Agents of British Subjects in depreciated paper money.
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APPENDIX TO REPORT FROM COMMITTEE

money during the war. The ferment among the people was very great; for however
important the proceedings of that Board may have been considered in this country at
large, they formed, while it sat, a great topic of popular discussion in many parts of
the United States.

That ferment was, I suppose, in disapprobation of the decision of the Board—
Certainly so.

As affecting their interest?—Yes; for nothing was so odious as the idea of a tax to pay
what they thought had been already extinguished in a manner, which had cost them little
or nothing; and as the manifest breach of the Treaty by the secession of their Com-
mmissioners, had been justified by gross misrepresentations in many of the uninformed
newspapers in that country, I thought it advisable, previous to my departure for England
on leave of absence, to publish a "Brief Statement," as it was entitled, "of Opinions
" given in the Board of Commissioners," with explanations of the conduct of the British
Commissioners, for the purpose of shewing that nothing improper had either been done or
intended towards America; which, I understood, was circulated by Mr. Larson after my
departure; and I received a letter from him, stating, that he had no doubt it would
produce the best effects. I have this Publication now in my hand.

[The Witness delivered it in.]

When the American Commissioners withdrew from the Board, did the Attorney General
of the United States also withdraw, or did he remain to rebut the claims that were to be
made?—No appearance was afterwards made on the part of the United States.

Will you have the goodness to state in what manner the proceedings before the Board
were conducted on the part of the Claimants and United States, and what agents
were present, both to bring forward the claims, and to give the necessary answers?—On the part
of the Claimants, the memorials and various statements were drawn up by themselves or
their own special agents, many of whom had been sent over to that country, or remained
there for the purpose of attending the Board; but it was thought advisable by His
Majesty's Government, to appoint one general Agent, who should superintend the pro-
ceedings of the special agents, and to whom the Board might direct all orders, the special
agents being very numerous, and occasionally in very distant parts of the country.

A Lawyer of Philadelphia was accordingly appointed to that situation, with a salary from
this country, which was intended as a full remuneration; notwithstanding which, it was
afterwards discovered that he had taken large fees from the Claimants, for doing his duty.

On the one hand, therefore, there were special agents and a general Agent for Claimants,
by whom all cases were argued; on the other side, the Attorney General for the United
States was placed in opposition to the general Agent for Claimants; but he obtained an
appointment from the Government, of a special Agent for the United States, to act
subsequently to him; all papers were therefore signed by the one or the other of those
agents; and all verbal pleadings, though they seldom occurred, were carried on by them
accordingly.

Did either of those attend the Board after the secession of the American Commissioners?
—The general Agent for Claimants, as well as some of the claimants themselves, and many
of their special agents, remained in attendance for a very considerable time, having
presented first a remonstrance to the Board against what had taken place, and then a repre-
sentation to His Majesty's Minister there, complaining in strong terms of the breach of
the Treaty, and of the extreme hardship they had suffered; but on the part of the United
States, neither the Attorney General, nor any person of their part were attended or
appealed. One of the American Commissioners, Mr. Sugraves, however, was sent by
the American Government to England, to represent what they stated to be the erroneous
doctrines which I had moved, and a majority of the Board had maintained, and if possible
to obtain a new Convention, with an appointment of other Commissioners, and instructions
on the subject. He arrived in England, and made his representations without effect. Mean-
while an intimation was given to me privately, but coming, as I imagine, from the American
Secretary of State, that such complaints were to be made, and suggesting that it was ex-
pected I should also return for the purpose of defending the proceedings; instead of which
I thought it my duty to remain, being accompanied by Mr. Guillemaud, the 5th Com-
mmissioner, (who, with my colleague Mr. Rich, then gone home in ill health, had always
observed the most honourable conduct so as to be able at any time to form a Board, and
to prevent the possibility of its being said that they would have again proceeded if we had
not been absent; it was not therefore till leave of absence was transmitted to me from the
Secretary of State for Foreign Affairs that I returned, the Commission being still kept up
and ready for the conclusion of the business.

I had having stated the grounds upon which you had formed your estimate of the probable
amount of claims that would have been made good before the Commissioners, had the
Commission continued in sit, the Committee wish to know from you whether you ever for-
ished His Majesty's Government with the estimate you have so made?—At that time no
question was asked me on the subject, and I did not think it would have become in me to
obstruct any communication respecting it.

Were you asked at any after period, as to the probable sum that would have been awarded?
—I was, at a subsequent period.

Have you a copy of the oath of office taken by the Commissioners?—It is here in the
books, and a very strong one it is, not only against all partiality, but against all voluntary
remission of the duty, diligence being expressly promised.
The American Commissioners took that oath?—They did; in page 6 of the Minute Book, there is a Minute of the taking the oath by the five Commissioners; and I believe in my former examination I mentioned I had been under the necessity, however unpleasant, to order the Secretary to read the oath of office in the course of the business.

During the negotiations which led to the conclusion of the Convention between His Majesty and the United States, in January 1802, did any communications take place between you and His Majesty's Principal Secretary of State for Foreign Affairs, relative to the claims of British creditors; and what was the nature and purport of those communications to His Majesty's Secretary of State for Foreign Affairs? I believe, a communication, stating, after preparing myself by a recollection of all the circumstances, and a consideration of such papers as were in my possession, what I conceived to be a fair sum which might be demanded from the United States.

What was that sum?—I think I did not speak precisely, the nature of the subject being such as to render it extremely difficult to answer the question; but according to the best of my recollection, I proposed something between a million and a half and two millions, not less, I think than a million and a half.

Was this communication in writing?—I did transmit certain remarks in writing, and as I remember they were of very considerable length, being intended however as a private communication.

Was the application to you in writing?—It was by a note from Mr. Hammond.

Was the first communication of the sum made verbally or in writing?—Not having retained a copy of my notes, for which I made a search this morning, in order to be able to speak correctly, I really am not quite certain whether I stated the result of my opinion verbally or by those notes; I thought it of the less importance, because I was convinced that some regular proceeding must take place to ascertain conclusively and correctly the amount of what was due to the creditors under the Treaties, which I imagined might perhaps have taken place before a final settlement with America; being at the same time extremely aware of the vague nature of such conclusions.

You are quite sure of having made the communications either verbally or in writing?—Of that I am certain.

You have now stated the substance of all the communications which you made to His Majesty's Government on this subject, previous to the termination of the Convention in 1802?—To the best of my recollection I have stated all that fell within the description of communications to His Majesty's Government, but I frequently conversed on the subject with a variety of persons.

In making this calculation, did you advert at all to the probability of such a sum being recoverable in the American Courts, or did you put it only on the footing of what was really legally due to the British creditors?—I had it in view, that as it had been a recommendation of our Board at Philadelphia to all claimants, to proceed honestly in the relief of the United States by such reasonable compromises and recoveries as might be obtained, so I knew that certain recoveries would be made, and had that consideration doubtless in view when I gave my opinion as I have stated.

Do you mean that the United States would be enabled to recover them from their debtors?—By recoveries I mean what the British creditors might still obtain from their debtors; the United States being liable only, according to my conception of the Treaties, for what had been rendered irrecoverable by the operation of what the Board had decided and defined to be "lawful impediments"; but as I knew that the United States had considered that liability as much more formidable since the above constructions had been settled by the Board in a manner which they were aware was binding under the Treaty, I could not be prepared to pay a large sum on that account.

What was the decision of the Board to which you allude, with respect to lawful impediments?—I mean the various decisions of the Board ascertaining what was or what was not a lawful impediment in every particular case which came before us, and to some of which I have already alluded; the terms "lawful impediments" having been, as might be supposed, the subject of considerable dispute. But the idea suggested in the Board on this subject, among others, at an early period of the proceedings, will be found in certain Notes which I communicated, and had entered on the 23d July 1798, in page 100 of the Minute Book, "as the substance of what I had occasionally" (these are the words) "submitted to their consideration, and which I wished to have entered in the Minute Book "as such, in order to subject them to that close examination which the importance of the matter demanded, and my desire to be explicit and correct had prompted me to invite."

The principles laid down in those Notes were the result of many conversations between Colonel Fitz and myself, while he was prevented by indisposition from attending the Board, but yet applied his mind very diligently to the subject; on which principles therefore I have reason to believe the Treaty would have been well executed, had he happily survived. The principle generally was, that nothing generally was, that nothing but the law, or from defect of law, or in the practice of the Courts, produced an impediment in breach of the fourth Article of the Treaty of Peace, that is, an impediment arising out of the law either positively or negatively to that effect, certain laws having been made, immediately subsequent to the Peace, for the direct purpose, as it seemed, of defeating that Article, and other laws which had been made prior to the Treaty of Peace and during the war, and which ought to have been repealed in conformity to the Treaty, remaining still in existence, with the instructions given by Judges to Juries, and the practice of the Courts, all proved before us: one instance of which was, its being held a good plea and
no.

T. Mardenald, Esq.

appendix to report from committee

exclusive against the claims, simply to state on the record "British Debt," this way done, as will be found proved by many witnesses, I was led to think, in particular, in the Resolution I have already alluded to, in the case of Cunningham and Company, respecting lawful impediments in Virginia.

Is that an unanimous Resolution of the Board?—No, it was drawn from the American Commissioners, but was not the less good, because, on that account.

But the sum which you expressed to be a law compounded, for the losses under the sixth Article of the Treaty of Amity 1778, inclusive compensation for any debts due by persons who were supposed to be absent in that year. Nor do I know, because I consider the case to be the present,
ON AMERICAN CLAIMANTS PETITION.

- Do you recollect ever being applied to by Lord Hawkesbury, or any person for him, on this subject, after 1807?—I do not.

Had you any conversation with Lord Liverpool?—I had not the honour of any conversation or other communication with his Lordship on that subject.

Did you accept the office of Commissioner to distribute the sum of £.600,000, under the Act of Parliament of the 3rd year of His present Majesty?—I should state, that I agreed to do it, upon the condition of receiving such a remuneration as the Act of Parliament prescribed; and I hope that I did it under the will of Parliament, and I will explain it particularly: When in Scotland, I received, in February 1803, the letter I now present, from the Under Secretary of State; it was marked "private," but in consequence of it the proceeding took place.

[The Witness delivered in the Letter, and it was read, as follows:]

"Dear Sir,

A Convention having been concluded between His Majesty's Government and that of the United States, by which it has been agreed that a certain sum of Money should be paid by the latter, in order to its being divided among the British Creditors; and it being expedient, that a Commission should be appointed for the purpose of appraising and determining the precise sum to be allowed to the respective Claimants, I am directed by Lord Hawkesbury to inform you, that in consequence of the present knowledge which you possess of this subject, his Lordship is anxious that you should accept the appointment of First Commissioner of the Board to be appointed for this purpose.

If this appointment should be agreeable to you, Lord Hawkesbury requests that you will have the goodness to come to London as soon as you conveniently can. He assured that I am ever,

"Dear Sir,

Your most faithful humble Servant,

G. W. Hammond."

Was that the first communication you had with Lord Hawkesbury on the subject?—It was. In consequence of that communication, I came to Town from Scotland; and having agreed to accept of the situation, a draft of a Commission from the King was prepared, but on consideration it was deemed expedient to have a Commission under an Act of Parliament, in order to vest the Commissioners, as I conceived, with full and conclusive power on the whole subject. The intended Commission from the King had in fact passed the Sign Manual, and as Parliament was not sitting, it was thought proper, for the purpose of preventing further delay, that the Commissioners who were intended to be appointed, should act under a provisional authority, which accordingly we did, having received from the Principal Secretary of State for Foreign Affairs, an official Letter, authorising us to give such Notices and adopt such preliminary proceedings as we might think fit, preparatory to the regular execution of the business under the said Act of Parliament, and accordingly, under the authority of the Secretary of State, established, and various preliminary proceedings took place, commencing in the beginning of September 1802.

Are they preserved in writing?—They are regularly recorded in the Minutes of the Board afterwards constituted; the Act of Parliament passed in the course of the next Session of Parliament in April 1803.

Did you accept the office of First Commissioner under the Act of Parliament?—Yes.

Together with whom?—Together with the two Gentlemen named in the Act, who were the same who formed a majority of the Board at Philadelphia, namely, Mr. Rich, who was my colleague in that Commission, and Mr. Guillenard, who was appointed the Fifth Commissioner.

To what amount did the American Merchants prefer claims to the Board?—Claims were made by the King's subjects in general of various descriptions within the term prescribed by the Act, namely, before the 1st day of June 1804, to the amount of £.9,437,685. g. principal, and £.2,971,107. 17. interest, making a total of £.12,408,792. 6. c. Did you and the other gentlemen the Commissioners make adjudications on the whole of those claims?—We did make such adjudications, having completed them immediately preceding the 20th of May last, to the amount of £1,400,000 as notified in a General Order, which was published in the London Gazette and newspapers, and also transmitted to the parties or their agents; a copy of which I now present.

Did the amount of those adjudications include the principal only claimed, or interest on that principal?—They proceeded on an estimate in every case, from the various materials before us, of the loss which we conceived had been sustained by the respective parties, both principal and interest on the claims which they had presented.

Did you pass at the Board?—We did make such adjudications, having completed them immediately preceding the 2oth of May last, to the amount of £1,400,000 as notified in a General Order, which was published in the London Gazette and newspapers, and also transmitted to the parties or their agents; a copy of which I now present.

Did the amount of those adjudications include the principal only claimed, or interest on that principal?—They proceeded on an estimate in every case, from the various materials before us, of the loss which we conceived had been sustained by the respective parties, both principal and interest on the claims which they had presented.

In order to answer that question with accuracy, I must state, that as the Act of Parliament contained a power to make adjudications in part as well as on the whole of a claim, we had accordingly marked such adjudications from time to time as the evidence before us appeared to justify; and although we were not absolutely called upon to have done so, with a view to an immediate award, yet we thought it would conduce so much to the convenience of parties, and, if we could accomplish it, it was so much their right to have an appropriation of the divisible fund on such parts of their claims as were adjudged to be good, that from time to time we made orders on the Bank for payments to claimants on such adjudications in part as soon as they were given; so that our last payments have been, in most instances, the balances due on our total and final awards.
APPENDIX TO REPORT FROM COMMITTEE

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No. 1.

T. Marshall, Esq.

What was the total amount of the sum actually cached among the Commissioners?

L. 1,320,000.

The payment of the Commissioners having been made, a meeting was summoned at which it was agreed to have an act passed by the Board, empowering the Commissioners to be paid to the same amount that the fund received from the United States on account of the Commissioners fund, if the United States should be paid such sum to be paid, for which we are to order on the bank of London?

L. 1,320,000.

What was the difference in the quantity of the claims of the Commissioners and the amount awarded against them?

L. 1,320,000.

In my opinion, all the deductions were increased by the Commissioners, in the payment of the Commissioners, and the Commissioners supposed to be paid at the rate of 10 per cent., that a claim of the amount that the Commissioners could have been allowed. On that important subject, I should have been willing to know what the premium Board there was only one party, so we were obliged to turn our suspected, as to our opinion was necessary, the claims, to a certain degree, to several, or one premium Board, that the debtors were paid, as I have already described, that is, the debtors' receipt at the Treaty in Peru, which was in the proceedings before the former Board, in America, where there were two premium Boards, the Commissioners on the one side and the United States on the other, the one premium Board the subject of consideration was paid against the United States, was thrown on them, to show that the Commissioners had not the power to pay the Commissioners, the United States, if they could have been allowed. It is true, that all the debtors allowed, the claimants being required only to submit evidence that they could, therefore the loss of evidence on that subject, by lapse of time, might be considered as attended with greater disadvantages to the claimants now than it was formerly. I would in this respect, however, that this applies only to just claimants, for we found that if the lapse of time afforded means of bringing forward and supporting pretensions on the part of unjust claimants, which created a great deal of trouble to the Board, the apology being more easily believed by the Government, they were unable to prove from the lapse of time.

Is the Committee to understand that the lapse of time and the removal of the investigation from America to England, may in your opinion have occasioned the admission of some claims which would otherwise have been rejected on the score of the insolvency of the debtors in 1783? In this it may have operated both ways, but I am of opinion that the disadvantage to prevent that to be just claimants overpowered the advantage which might have been derived by unjust claimants. And here I would beg leave just to say that the General Order of the Board, of the 20th of May last, which I have already presented, confirms the sentence on that subject. With this declaration on the part of the Board, that in deciding with that anxiety which they could not but feel in the exercise of a jurisdiction without appeal, on a subject so large in amount and various in circumstances, "at a distance from point of time which was equally a bar to good evidence as an encouragement to false pretensions," &c.

Are you of opinion that those circumstances might have operated in part against any of the debts whose claims have actually been admitted? I cannot pretend to answer that question correctly from memory as it respects the grounds on which our adjudications proceeded, but speaking generally, I am of opinion that certain impressions were created in some minds that were unfavorable to the claims on the part of the debtors.

Did the Board frequently reject claims, not because they knew them to be unfounded, but because the claimants could not prove them to be founded under the 6th Article of the Treaty of Amity? By as they were to be considered as altogether unfounded, if they were not founded under the 6th Article of that Treaty.

From those parts of the claims which were found good, were there any deductions made on account of the commission charges and exchange which might have attended the collection of the debts in America and their remittance to Great Britain? In making our estimates we certainly had those charges in view, considering the payment of money here to the greater number of claimants, at least as saving them considerable expenses; and this was considered in forming those estimates on which our adjudications in such cases proceeded.

How much percent. were those deductions? Such considerations were in general only one ingredient of the many from which we drew our conclusions, and therefore whatever our general principles were, I should find it impossible to say what particular sum in any one case was deducted on that account; observing further, that this only applied to some of the cases before the Board.

Did the adjudication of the sum of £1,320,000, comprehend any losses, excepting those which America was bound to compensate under the sixth Article of the Treaty of Amity?—Certainly none, according to the best of our judgment, but what the United States were bound to compensate under that Article.

Besides those losses, did it appear during the investigations of the Board that the British creditors had sustained very large losses by the insolvency of debtors during the American war, for which no compensation has been made?—Certainly it did appear from the materials before our Board that the British creditors had sustained great losses for which the United States were not bound to give compensation under the Treaties, namely, the fourth Article of the Treaty of Peace, and the sixth Article of the Treaty of Amity; the principal ground from
from which I draw this conclusion having been an examination of all the letters of correspondence for many years preceding and also submitted to the peace, which is consequence of our orders the claimants were obliged to collect and present, and which letters of correspondence we found to be by far the most satisfactory evidence before us, often against, and, of course, frequently for the claimants; but from them it appeared that the losses for which they had claimed were but a part of the great losses they had actually sustained on the subject of debts.

Were the accounts of the proceedings of this Board submitted from time to time to the Lords of the Treasury, and Secretaries of State?—They were. The Act of Parliament required that their commissioners should from time to time, at their discretion or as they should require, give an accurate or statement of their proceedings to the Lords of the Treasury and the Principal Secretaries of State; which statement or account of proceedings the Board did accordingly at their discretion never having been required to do) from time to time give.

' Did the Commissioners narrowly investigate the claims, and had they any apprehension that the difference between the amount received from America and the amount of their adjudications would be made good by Government?—Being thus called upon, I have no hesitation in stating what I should not otherwise have presumed to suggest, that I accepted of the Commission and directed the proceedings under an impression, that however vague the former conjecture on the amount of the liability of the United States might be, the result of the measure now adopted would put an end to all difficulties on that subject, and be absolutely conclusive to the amount of the sums which the Board, having a special jurisdiction for that purpose, should ascertain to be good, of the various claims preferred to them; and although one and the same principle ought to regulate every decision, whatever may be the amount at issue, yet I ought not to dissemble that much more anxiety was thereby produced, and more expense and delay may perhaps have been occasioned, under an impression, that a charge on the Country, to the extent by possibility of millions, might be the consequence of our proceedings, which would supersede all former statements or calculations on the subject, than if the question before us had only been, as the title of the Act announced, the distribution of £650,000 among His Majesty's subjects.

Is the Committee to understand, that you and the Board acted under the apprehension that the difference would be made good by Government?—Such was my impression; and accordingly in our very first communication to Government, I thought it right that the interior claim of the parties should be brought under their view, but without presuming to give any opinion upon it.

When was your first communication to Government?—Supposing the question to apply to the proceedings under the Act of Parliament, on the 17th of October 1803.

Did this impression arise from the suggestions of your own mind, or from any communications on the part of Government?— Entirely from the suggestions of my own mind; it did not arise from any authority.

Did you communicate these suggestions to any of the American claimants, or any Committee representing them?—Subsequent to my acceptance of the office, I had no communication whatever with American Merchants, or other claimants in that character, and in fact avoided all intercourse with them as much as possible individually; at the same time I ought to observe, that subsequent to my return from America, and before my acceptance of the present office, I had frequently expressed my opinion, which might be erroneous, that if any ascertainment took place of the loss which had been occasioned by the breach of the Sixth Article of the Treaty of Amity, the Government, whatever bargain they might make with the United States, would make that loss good to the claimants.

To whom was that opinion expressed?—To persons concerned, as well as others.

Not to any constituted authorities on either side?—No.

Not to Government?—I do not recollect; although I have no doubt that I did express myself frequently in conversation on that subject, and may possibly have done so to persons who were concerned in the Government on the one hand, or the individual parties on the other.

In what did you bring the impressions you talked of before the view of Government?—If the Committee think proper, I will read the passage from the first communication of our Board to Government, entitled, "Statement or Account of the Proceedings of the Commissioners appointed by an Act passed in the forty-third year of the reign of His Majesty, on the 17th of October 1803, a copy of which is now in my hand: After stating other matters, it goes on to say, "That many of those claims being defective (notwithstanding the instructions publicly given by the Board) in essential statements, we have been chiefly occupied in requiring the necessary additional information, and in forming such general proceeding, or making such particular orders, as circumstances have pointed out, for the purpose not only of promoting regularity and dispatch, but also of enabling us, by a course of correct though liberal investigation, to disappoint the attempts of individuals, who would convert an instrument of fair indemnification into the means of unjust advantage. In the light of such attempts are already very apparent, and have suggested to us the necessity of laying extremely guard against any proceeding, might especially as claimants declare their purpose of stating our adjudications of the several amounts of such claims as we shall find to be just, as the basis of future claims on His Majesty's Government, beyond the proportional sums they shall have received under our orders.

In consequence of that communication, were you ever informed by Government that they...
JOHN INGRAM LOCKHART, Esquire, in The Chair.

Mr. M. 25th of February, 1812.

To the House of Commons, in the Session of the Parliament of Great Britain, pursuant to the order of the House dated the 15th instant, as follows:

WILL you, on the present occasion, be pleased to hear the statement of the business of the Board of Trade during the year 1811, and to be informed of the proceedings of the Committee appointed to examine the accounts of the Board of Trade for the year 1811.

The Report of the Committee, with the Minutes of Evidence, is laid before the House.

The House was then adjourned to-morrow at ten o'clock.
ON AMERICAN CLAIMANTS PETITION.

Edward Thornton, Esquire; called in, and Examined.

WERE you, in the City of Washington in the year 1802, and in any and what official situation at the time when the Convention of the 8th of January 1802 was made known there?—I was His Majesty's Chargé des Affaires from the end of the year 1800 to the end of the year 1803, or the beginning of 1804.

Can you state what was the general expression of sentiment in America with respect to the terms of that Convention?—It is rather a large expression; I must rather say what I observed among those people who felt a sort of interest in it, and took part in it, which happened to be the Members of the Delegation from Virginia. I will state a circumstance which has occurred to me of one person, either I was witness to it myself, or I heard it; that Mr. Giles, a very distinguished man from Virginia, reckoned the leader of that party, expressed great delight at the signing of this Convention, and declared, he would very willingly have given twice or three times that sum to have got rid of the question altogether. I am pretty sure Mr. Giles said this to me in a party, or in my hearing.

Was Mr. Giles in any official situation?—He was not; he was a Member of Congress, and could only be a Representative, and not any part of the Executive Government.

When you mentioned the Virginia delegation, did you mean only that he was a leading Member of the Representatives of Virginia?—Exactly so.

Was not Virginia the State of America most interested in those claims, and the State which had opposed them the most?—Certainly.

Did you hear any, and what sentiments, expressed on that occasion by other leading men of the Congress of the United States, or by those who were of the Executive Government of that country?—I have no particular recollection of persons, more than the general expression in the way I have put it in the former answer. In another way I ought to say, I remember the President himself, Mr. Jefferson, speaking to me on this Convention, and rather expressing an opinion that a great deal more had been given than could be possibly claimed; but he was a party concerned in it.

Did he then allude to the £600,000, or to the whole amount claimed?—To the £600,000.

What do you mean by that term "general expression," to which you have alluded?—I mean that persons connected with the Virginia delegation, and with the Southern part of the country, generally expressed themselves to that effect.

Was Mr. Giles known to be in the peculiar confidence of Mr. Jefferson?—He was certainly regarded as a man, generally, extremely in the confidence of Mr. Jefferson.

Did you hear at any, and what time, what was the ultimatum to which the instructions of the American Minister, who negotiated that Convention, authorized him to go in respect to the money to be paid to Great Britain in satisfaction and discharge of what the United States might have been liable to pay under the 6th Article of the Treaty of 1784, and what was that ultimatum?—I once heard that the American Government directed their Minister to go to the extent of five millions of dollars.

From what authority did you hear it?—It was from a private channel, but it was such a one as if I had heard it in time, I should have thought it my duty to write home to this Government to inform them of; I think it was a very good authority, but a private one.

Would you have transmitted that as an important communication to His Majesty's Government, if you had heard of it previous to the signing of the Convention?—I certainly should not, I should have thought it deserving their attention.

Was the channel which you call private, at all connected with the Government of America?—No; he was in no official situation under Government; he was a very respectable merchant, a Scotchman born, who had an intercourse with the leading people in Washington.
APPENDIX TO REPORT FROM COMMITTEE

Did he state this as his opinion, or as a fact which he knew?—He stated it as a thing he knew.

Did he state to you the authority for knowing it?—No.

Then you could not collect from him that he had received it from any part of the American Government?—I did not, certainly.

Did he communicate it to you in such a manner as led you to suppose that he received his information from any official source?—Certainly I should think so.

That is your own conclusion?—It is entirely my own conclusion, merely from knowing the man and his connexions.

As Chargé des Affaires, would not you have held yourself bound to acquaint your Court with any surmise which you heard more than common?—I should have done so in that case if it had been in time.

Did you receive this intelligence before or after the Convention?—It was after the account of its signature had arrived in America.

From the various channels you received that information, it left no doubt on your mind of the fact:—I had very little doubt of the fact, but I never heard it from any other channel.

Had you an opportunity of ascertaining, in consequence of your official situation, the circumstances which induced the American Government to resist the claim of the merchants, and to offer the sum of £600,000 in lieu thereof?—With regard to the resistance of the claims of the merchants, I should think that the Government sheltered itself behind the Commissioners, and did not resist itself, but encouraged them to opposition and their final secession, but in no other way came forward themselves till the matter came on in England after the secession had been produced in that way; but as to the circumstances, I cannot give you the inducement of those that induced the American Government to do so, except an apprehension that the awards would be too extensive.

Did the American Commissioners during the setting of the commission, ever allude as reasons against their concerning in any award, the occupation of forts, or the detention of negroes?—That is rather a question that one of the Board can better answer than I can.

Had you, in your official capacity, any communication from the American Government to that effect?—No, certainly none at all.

Did you while in America receive any intimation to that effect from any other channel of the same respectability as you have before mentioned?—Never.

Did you ever hear of it through any channel?—Never.

John Sargent, Esquire; called in, and Examined.

I believe you were Secretary to the Treasury?—I was.

Was there a meeting in the month of March 1803 between Mr. Addington, then Chancellor of the Exchequer, and the Petitioners, and were you present?—Yes.

Did they at that time protest against the proceedings of Government in accepting of the £600,000, and was it so understood by Mr. Addington?—Mr. Addington certainly understood them to mention it in their conversation undoubtedly.

Did Mr. Addington state their case to be a very hard one?—Mr. Addington said, he considered their case to be a hard one, so much so that he had no objection to their applying to Parliament, or to His Majesty's Government; but he added at the same time, that he meant to give no opinion upon the merits of the case.

Did he advise the Petitioners to delay their further proceedings till they could state the amount of their losses?—I put the parties asking him whether he would advise their delaying their Petition, he said he could not give them any advice; that they were to shape the case as they thought fit, but he said as the losses were not ascertained, he did not conceive Parliament would entertain a Petition where the losses were not accurately ascertained.

Did the Petitioners accede to this, laying in their claim that this acquiescence on their part should not be considered as barring them from bringing forward their case at a future time?—They did.

Did Mr. Addington state that he received the memorial as a protest, and that he would on any future opportunity acknowledge it to be such?—Mr. Addington certainly stated that the presenting the memorial was laying in a claim, though they could not at present bring it before Parliament; he said he should consider it as such, but that was I apprehended merely an answer of state after he had spoken to them on the memorial.

Do you know whether Mr. Addington had at the time any objection to the conversations that passed between himself and the claimants being made public?—I do not know that he had any objection.

Do you know that he did not acquiesce in that being made public?—I do not know that; I do not know one way or the other.

In point of fact, do you know that he did acquiesce in its being made known to the constituents of the Delegates with whom he conversed?—He certainly did not know that it was communicated to their constituents.

Were those gentlemen considered by Mr. Addington as the Delegates of the British claimants?—Yes.

Do you know of any memorial having been presented to the Treasury at that time?—I understood there was one.
ON AMERICAN CLAIMANTS PETITION.

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Did you ever see that memorial?—I never perused that memorial, I never saw it; but I do not doubt its existence, as Mr. Addington stated he saw it, and laid perused it.

Did you understand that memorial was a protest against the acceptance of the £600,000 in satisfaction of all claims?—Undoubtedly the memorial was not.

Did Mr. Addington receive that memorial as a protest?—He said he should consider that application as a protest on their part; he did not say the memorial.

Did Mr. Addington say that bringing forward their claim at that time would be premature and injudicious?—He gave no advice upon that subject, he said he could give no advice upon it; but he did not think that Parliament would entertain a memorial where the losses were not ascertained.

Were you aware that the Glasgow Committee meant to communicate the heads of that conversation to their constituents?—I was undoubtedly.

Did you acquiesce in that being done?—I did certainly.

Did you acquiesce with the concurrence of Lord Sidmouth?—Not with the concurrence of Lord Sidmouth, who knew nothing of it.

Mercurii, 26° die Februarij 1812.

JOHN INGRAM LOCKHART, Esquire, in The Chair.

Thomas Macdonald, Esquire; again called in, and Examined.

DID the American Commissioners, after the commission was opened, ever allege the detention of the forts, and the seizure of the negroes from any individuals in any part of America, as reasons for their secession, or for their non-concurrence in any of the decisions of the Board!—Certainly not, as no such topics could possibly have been admissible, inasmuch as the points were given up agreeably to the second Article of the Treaty, and the seizure of negroes was no longer a subject of dispute.

Can you furnish this Committee with a correct abstract of the whole proceedings of the Board, under the Treaty of Amity?—I think I can.

Will that abstract give the Committee a full view of all the principal points in discussion?—I take upon myself to say that it will give a very accurate account or abstract of all the material proceedings, with all the grounds of difference and dispute which took place before the Board at Philadelphia; and further, that as it was our duty there, as matter of evidence, to ascertain the opinions and practices of the Courts of that country, so far as regarded proceedings in alleged breach of the fourth Article of the Treaty of Peace, those proceedings were accordingly so proved before the Board, and many material articles of them are to be found in an Appendix to the publication which is entitled "Brief Statement of opinions," and was before presented by me to the Committee; it was composed by myself from the original minutes of the Board before me, and the evidence of the proceedings to which I alluded, with explanatory notes respecting the conduct of the Members of the Board; and an advertisement, giving an account of my motives for publishing it.

[The Witness delivered in the Book.]

Do those notes contain any facts, or opinions merely?—The notes, I think, are merely explanatory; it is the publication to which I before alluded as having been circulated by Mr. Liston after my departure.

The witness delivered in certain Accounts marked from (A.) to (D.) together with an authentic List of the adjurations of the Board of Commissioners appointed under the Act of the 43 Geo. III. c. 39.

Was Mr. Liston the King's Envoy Extraordinary and Minister Plenipotentiary to the United States from His Majesty, during your residence in America?—He had been there some time before I arrived, and remained some short time after my departure.

Mercurii, 4° die Martii, 1812.

LORD BINGIN: in The Chair.

The Right honourable Lord Grenville attending, by permission of the House of Lords, was Examined.

Where many and urgent representations made by the British creditors to His Majesty's Government, previously to the Treaty of Amity with the United States in 1794, complaining of the existence of legal impediments in America, which, by preventing the recovery of debts due in that country to British subjects, rendered altogether ineffectual the provision contained in the 4th Article of the Treaty of Peace?—There were many and urgent representations to that effect.

Did your Lordship ascertain that such representations were well founded?—I did; I have no doubt they were perfectly well founded.

Did the case of these creditors occupy a very considerable portion of your Lordship's time and attention, as Secretary of State for Foreign Affairs?—They did.

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In the course of the enquiries instituted by His Majesty’s Government in consequence of these representations, and during the discussions which took place with the Ministers of the United States upon the subject of them previous to the Treaty of Amity November 1794, was it ever proposed or suggested by His Majesty’s Government to the creditors, that they should consent to accept a specific sum to be paid by the United States, in full satisfaction and extinction of all their claims on the citizens of the United States, for transactions before the American war?—I think the idea was suggested to them, not as a proposal to which their consent was required, but as a matter for consideration, and on which the King’s Government wished to hear their sentiments.

Did your Lordship make to the British creditors the communication contained in the letter of the 29th of July 1794 now produced? [It was shown to his Lordship]—The signature to the letter is my handwriting; with respect to the enclosure I cannot speak with certainty; but it is consonant to my general recollection of the transaction.

Did the further correspondence contained in the other papers now produced, viz. copy of a letter to your Lordship dated the 24th of July 1794; your Lordship’s answer on the following day; and a copy of a letter to your Lordship of the 20th of August 1794, take place in consequence of the said communication from your Lordship?—I can only answer this as I answered the last question; the signature to the letter of the 25th of July is of my handwriting; but with respect to the other letters, I can only speak from my general recollection of the subject, with which they agree.

Was the redress of the grievances of the British creditors, on the part of His Majesty’s Government, an object of importance in negotiating the Treaty of Amity, Commerce and Navigation, concluded between His Majesty and the United States of America in the year 1794?—It was an object of primary importance.

Did your Lordship in person negotiate that Treaty with the Minister Plenipotentiary of the United States?—I did.

Was a system of reciprocity meant to be established by the 6th article of that Treaty, containing stipulations in favour of the subjects of Great Britain, and the seventh Article which contained stipulations in favour of the citizens of the United States?—That certainly was my own view of the transaction; and I have no doubt that was the view of the American Minister.

When, and in what manner, was His Majesty’s Government first apprize of the difficulties which occurred in the proceedings of the Commissioners at Philadelphia?—I cannot say with certainty; but I suppose it was through the correspondence of His Majesty’s Minister in America.

Were the proceedings of the Commissioners under the 7th article of that Treaty, immediately suspended by His Majesty’s Government, when information was received of the breaking up of the Board established at Philadelphia under the 6th article, and in consequence of that event; and how long was such suspension continued?—I think the proceedings were immediately suspended, but that will appear from the Minutes of the Commissioners themselves. How long the suspension continued I cannot say.

Was the conduct of the Commissioners, appointed by His Majesty under the 6th article of the Treaty of Amity, during the whole course of the proceedings of the Board established at Philadelphia, and at the period when it broke up, approved by His Majesty’s Government?—It was most highly approved.

Did His Majesty’s Government take any and what further proceedings, in consequence of the suspension of the proceedings at Philadelphia, except by suspending the proceedings of the Commissioners here, under the 7th article?—There were some communications on the subject with the Minister of the American Government.

Did your Lordship, in or about the month of April or May 1800, make the following propositions to the claimants, viz. First. A renewed Commission, in conformity with the Treaty of Amity; second, Or to accept a sum of money in lieu of the claims under the 6th article of the Treaty of Amity?—I think those two proposals were stated in the same manner as before, for their consideration.

Can your Lordship state the substance of the verbal communications which took place between your Lordship and the claimants in the months of May, June, and July 1800, or at any subsequent period?—I cannot, at this distance of time, undertake to speak as to the substance of verbal communications.

Was the paper now produced, bearing date 3d July 1800, given in by the claimants to your Lordship, in consequence of a desire expressed by your Lordship for that purpose at a previous conference between your Lordship and the claimants?—I cannot undertake to say.

Was any proposal made, either by your Lordship to the American Minister, Mr.Jay, or by the American Minister to your Lordship, to commence the demands of the British claimants for a specific sum?—It is now eighteen years ago; but as far as I recollect, nothing of the kind ever passed between us.

Should your Lordship have considered yourself justified in accepting a specific sum from the American Government, in liquidation of the claims of the British Merchants, without the previous knowledge of, and acquiescence of the Merchants?—I cannot undertake to say what my decision would have been at that time; certainly, my desire was to inform myself of their wishes on the subject as fully as possible before any step was taken in any part of the business.
Has your Lordship attended the Committee this day with the knowledge and concurrence of His Majesty's Ministers?—Yes.

Did your Lordship receive, at any time, information either from the Commissioners appointed to examine into the claims of the British creditors, from the creditors themselves, or from any other person, of the sum which it might be proper to accept as an indemnity from the United States for such of those claims as could not be recovered in the courts of law in America?—I cannot speak from recollection.

Should your Lordship, from your knowledge of the nature of the claims of the British Merchants, have considered the sum of £600,000 an adequate compensation for their demands, and the utmost that might have been obtained from the American Government at the period of your Lordship's negotiation with Mr. Jay?—I cannot speak, of course, to the disposition of the American Government; but I well remember, when I was first apprized of the Convention, by which the sum of £600,000 was accepted, that it struck me as a sum smaller than I should have expected.

Should your Lordship have recommended the 7th article of the Treaty to be carried into effect, upon the non-fulfilment of the 6th article, on the part of America?—I think not.

Thomas Macdonald, Esquire; again called in, and Examined.

Have you any alterations to make in any part of your former evidence?—I have only to state, that having before mentioned in answer to a question put on a former day's examination, that the latest communication I made to the Office of Foreign Affairs on the subject of claims in America was in December 1800, or soon after; I think it accurate to say, that I now had I wrote a private letter to Mr. Hammond in answer to certain verbal enquiries which he had made of me in a conversation with him in the beginning of May 1801, at which time my Lord Hawkesbury was principal Secretary of State for that department, I have also to state, that having in the second day's examination presented a list of claims which were made up in America as having been made under my directions, I now recollect that that list was made up subsequent to my departure from America, and consequently not under my inspection, having been transmitted from America with the original minutes of the Board, which, on my leaving that country, I deposited in the hands of Mr. Liston.

Can you state to the Committee what the nature of your communication to Mr. Hammond was?—It was in answer to three different questions which he had put in conversation; the first, as to what I recollected of the amount of the claims in America; the second, as to what I conceived would have been made good of those claims had the article of the Treaty been fairly executed; and the third, with respect to the prospect which might be entertained by British creditors as to the recovery in America, by course of law, of what still remained due to them in that country. As to the first and second, my letter stated, that speaking from recollection the claims amounted to upwards of four millions, in which, however, I had not comprehended some interest, which was not at that time within my view, and that I imagined a fair execution of the Treaty would have made good about two millions; on the last point I gave very little expectation that much would be recovered by the creditors themselves, although the United States might have recovered very considerably under such an assignment as the Treaty authorized the Commissioners to give them.

Mercurii, 10th die Martii, 1812.

LORD BINNING, in the Chair.

The Earl of Liverpool, attending by permission of the House of Lords; was Examined.

Was the Convention of 1803, between His Majesty and the Government of the United States, by which the sum of £600,000 was accepted in lieu of all the claims of the British creditors on the American Government, concluded by your Lordship as Secretary of State for Foreign Affairs, with or without-the concurrence of the British claimants?—Certainly without their concurrence; I cannot speak as positively from recollection whether without their privity, but I have no reason to think it was with their privity.

Was your Lordship previously apprized of the extent of the demands and expectations of the claimants?—When I came into the office as His Majesty's Secretary of State for Foreign Affairs, I had a personal communication from Lord Grenville of all the circumstances of the negotiation as then stood; I had likewise one communication at least with Mr. Pitt upon the subject; Mr. Hammond, who was then Secretary of State, had been Minister in America, and had the custody of the American correspondence: I had likewise several interviews with Mr. Mollison and Mr. Nott upon the subject of these claims, and I had access to all the documents at that time in the Office. The result of this information was an opinion formed by me, that the claimants had no chance of recovering their dues in the American courts; that the sum of £600,000, then offered by the American Government, was as large a sum as could be obtained; and that in consequence of the unfavourable
APPENDIX TO REPORT FROM COMMITTEE

No. 1.

East of Liverpool.

change that had taken place in the American Government at the end of the year 1819, or the beginning of the year 1820, by the Federal Administration being changed for that of Mr. Jefferson and his friends. I was of opinion that if the affair then made had been refused, so favorable an offer was not likely to be renewed.

But your Lordship, as the American Commissioners upon the claims of the British Merchants—I am speaking now from a recollection of ten years, but I rather think I saw Mr. Macdonald previous to the Treaty being concluded; for this, however, I cannot positively answer.

Was it your Lordship's opinion alone, or the opinion of His Majesty's Government generally, that the sum of £600,000 was the utmost that could have been obtained from the American Government? In signing the Treaty, I considered myself as acting under the authority of His Majesty's Government.

Was that Article taken into consideration at the time that the £600,000, was accepted by your Lordship on the part of the British claimants? I believe I have already said, that, as far as my recollection goes, all the circumstances of the transaction were taken into consideration before the Treaty was signed.

Does not your Lordship consider that the 6th and 7th Articles were so far reciprocated, that the American Government refusing to carry into execution the 6th Article, the British Government might have declined carrying into execution the 7th; and that the sum stipulated in that Article might have been reserved in payment of the demands of the British claimants?—I was not a member of the Government when the Treaty of 1794 was negotiating; I understood, that when the commission in America did not proceed, the commission here had been suspended. The negotiation afterwards commenced by an offer on the part of the American Government, to pay a given sum in lieu of the claims of the British merchants; this took place before I was a member of the Government, and the question for the Government of which I was a member to consider was, whether, under all the circumstances, it was proper and right to accept that sum; their decision was, to accept it under the circumstances I have already stated. To the best of my recollection, the sum of £600,000 had been offered previous to my coming into office, but it had not been determined whether it should be accepted or not. I feel confident, that the offer of a sum of money in compensation of the claims of the British merchants was previously made, though I cannot speak with the same confidence as to the precise amount having been specified at that time.

Had those circumstances alluded to in your Lordship's answer any object in them of a national nature, or were they confided simply to the probability and improbability of the recovery of the demands made by the British merchants?—The considerations I conceive to have been of both descriptions.

Had your Lordship any other grounds than those you have mentioned, for believing £600,000 to be the largest sum that could be obtained from the American Government?—I was as satisfied as one can be upon any subject of this nature, that £600,000 was the largest sum that could be obtained. I did not sign the Treaty till I had satisfied my mind on this subject as far as I could.

Might not the suspension of the 7th Article have been continued?—Certainly.

Your Lordship has mentioned, that you had several interviews with Mr. Mollison and Mr. Natt: do you recollect whether the circumstance of the offer made by America, of £600,000, was ever made a part of communications with them?—I really cannot say from recollection; I do not know that it did.

Appendix, No. 2.

EXTRACT from the Minutes of the Board of Commissioners under the 6th Article of the Treaty of Amity, &c. 1794; dated 19 February 1799.

"We are further most clearly of opinion, that the principles contained in the proposed Resolution, that carried into effect according to the latitude in which they are assumed, would lead to consequences of the most extensive import and injury to the United States—We believe that the stipulation of the 6th Article of the Treaty of Amity, which has directed that there should be two Commissioners named by each contracting Party, and that the presence of at least one on each side should be necessary to constitute a Board, cannot be justly so interpreted as to require us to become the passive instruments of what we deem to be essentially injurious to the just rights of the United States—On the contrary, we believe it to be our duty to resist such proceedings in such cases by all the means to which the Treaty has enabled us to resort, and we shall therefore withdraw from the Board"
"Board on this occasion, declaring, however, our disposition and desire to proceed in such business as may not be liable to the same or similar objections."

(Signed) THO* FITZSIMONS, SAM: SITGREAVES.
19 Feb. 1799.

And the said Paper having been so read, Mr. Fitzsimons and Mr. Sitgreaves withdrew.

Tho' Macdonald.
Henry Pye Rich.
Tho' Fitzsimons.
S. Sitgreaves.
J. Guilleward.

EXTRACT from the Minutes of the Board of Commissioners under the 6th Article of the Treaty of Amity, &c. 1794; dated 20 February 1799.

"And in regard to the Right of Secession assumed and now acted upon by the Commissioners named on the part of the United States (the merits of which are sufficiently discussed in the Minute of the 11th January last) that, as they have thought fit to carry it into effect in the present case on a question of Evidence, upon which a majority of the Board were completely satisfied, and on conclusions so little manifest as to require or admit of argument so voluminous, it is impossible to conceive a case in which the same course of conduct may not ultimately be pursued—thereby reducing the majority of the Board to a state of absolute dependence on the minority, and with all the powers of definitive settlement which they possess) consigning them to the occupation of investigating facts which they cannot apply, and maintaining discussions on which no decision may ever be permitted to follow."

And the above Resolution having been read, and the question proposed to be taken on the same, Mr. Fitzsimons and Mr. Sitgreaves withdrew.

Tho' Macdonald.
Henry Pye Rich.
Tho' Fitzsimons.
S. Sitgreaves.
J. Guilleward.

Appendix, No. 3.

Copy LETTER from Messrs. John Nutt and William Molleson, to the Right Hon*te Lord Grenville; dated 29th August 1792.

To the Right Honourable Lord Grenville, one of His Majesty's principal Secretaries of State, &c. &c. &c.

My Lord,

In the different conversations we have been honoured with by Mr. Secretary Dundas, on the subject of the claims of the British merchants trading to America, previous to the year 1776, for compensation for their losses by the American war, we stated, and truly, that these were principally occasioned by the operation of the prohibitory law passed in the year 1775, interdicting all intercourse, at once cutting off every source of remittance, and by the fourth Article of the Treaty of Peace not being carried into effect, although it was made, as we were informed, a sine qua non of the Peace with the American Commissioners, obtained with great difficulty, and for the special purpose of providing for the payment of the just debts due to the British merchants.

This Article was immediately violated by the American Legislatures in numberless instances, which were from time to time communicated to His Majesty's Ministers, but without redress. The returning of the lists, on the part of Great Britain, has been the ostensible pretence for this violation of the Treaty by America.

It is by the operation of the prohibitory law, and the infraction of the Treaty of Peace, that the British merchants have been so long and so deeply involved in distress. This will more fully appear in the brief state which we had the honour to transmit to Mr. Secretary Dundas, in our letter dated the 31st of August 1791, and to which we beg leave to refer.

Under these combined circumstances of distress, we are called upon as a Committee by our constituents, to request that some ostensible and effectual measure may be adopted by Government, for the relief and support of that numerous and oppressed body of His Majesty's loyal and dutiful subjects. The result of the negotiation through Mr. Hammond does not promise any substantial relief; for by the extract of his dispatch of the 8th of June, communicated to us, it appears that Mr. Jefferson has imposed upon him, by stating circumstances notoriously not founded on fact.
We trust, that having exerted our best though individual endeavours to recover our rights in America, the courts of law being still unjustly shut against us, and no room for measures to press our wants and difficulties upon Government, till the result of the coming great argument and attempt in our own, which is founded in justice and cannot be brought away without satisfaction and compensation for we contend, that it stands on the marks of the Constitution itself, and if it was further necessary, we might add, that we are not only entitled to protection and compensation on public ground, but we have paid a well founded claim on Government, His Majesty's Ministers, providing the necessaries for peace, having, we humbly conceive, virtually pledged the Crown, by engaging to us, that we might rest assured, whenever peace was concluded we Americans, our property and debts should be fully protected and secured, and on that engagement so fully confided.

With respect to opening the Law Courts of America in this present period of time, it is a duty we owe to the most respected in us by our constitution to state unequivocally, that we have not too much reason to fear it will now avail us but little, such has been the devastation and change of property occasioned by deaths, insurrections, removals, and other attendant circumstances of delay.

It is with satisfaction we reflect on the liberality of the public in so nobly and generously providing for the American sufferers by the war; and we appeal to the good community of the measure; but we cannot silently suffer it to be said, that the British merchants intrusting not only their fortunes, but their credit, to their Colonies-yet in the colonies under the sacred laws of their country (laws which had their operation over every subject in America, with the right of appeal from the judgment of their Courts to His Majesty in Council, whose decision was final and binding upon the colony, that irreparable loss, was the price of peace) is less the objects of the protection and liberality of the public: nor shall we have any thing to fear, whenever that noble and generous spirit is awakened to our sufferings, and to the call of that justice which we claim.

We beg leave further to add, that being now daily apprized and urged by the great number of sufferers we represent, from almost every part and manufacturing town in Great Britain, who hear impatiently the protracted state of this business, we make it our humble request, that you will have the goodness to lay this representation before the rest of His Majesty's Ministers; and that we may be favoured with such information of their intentions, on this interesting subject, as may be proper to be communicated to our constituents.

We should be wanting in our duty, if we did not humbly acknowledge the great consolation we derive in knowing, that we have a Sovereign whose heart is ever open to distress, and every action of whose life is governed by the great principles of benevolence and justice; and it is a further satisfaction to us to be sensible that the Ministers, to whom His Majesty has intrusted the direction of public affairs, are actuated by the same principles.

We have the honour to be, with great respect,

Your Lordship's most obedient and most humble servants, London, 29 August 1792.

(Signed) John Natt, Wilm Molleson.

Appendix, No. 4.

LETTER from Messrs. Natt & Molleson to Mr. Dundas; dated


SOMETIME ago we had the honour of requesting an audience on the subject of the American debts, which the pressure of other important objects has probably hitherto prevented. We are now again urged to the necessity of repeating our request, the situation of our constituents pressing upon us, several of whom have lately sunk under the delay and injustice of the Americans; others have ruin hanging over them from the same cause. Had those houses obtained their property from America, which they were entitled to by the Treaty of Peace, it would have prevented the misfortunes which have befallen them; and had the millions of British capital, so long and so unjustly detained by the Americans, been, as it ought to have been, in circulation in this country, the present commercial distress would neither have been so extensive nor so fatal to many as it now is.

We have not ceased, for these nine years past, to remind His Majesty's Ministers of the violation and nonperformance of the Treaty by the Americans, and respectfully to represent that ruin must ensue, and which, with sorrow we add, has now fallen upon many respectable people by the long detention of their property, whose establishments were solid, and would have continued so had the Treaty been properly inforced at an early period, when the Americans were able, and we have reason to believe the greatest part of them willing, to comply with it. We admit, Sir, that our representations have been heard, but we are bound to add, that until lately, they have not been attended to in the manner we had.
had just reason to hope for. When we informed our constituents what we were authorized to do by your official letter, that the principal object of Mr. Hammond's mission was to obtain us redress, they were satisfied; and, though sorely pressed by their necessities, determined patiently to wait a reasonable time for the effect of his negotiation. Near two years have now elapsed since that period without any satisfaction having been obtained, at least none effectual that has been communicated to us. In the mean time some of our constituents have fallen victims to the delay, and others are upon the brink of experiencing the same calamity. Impelled by these considerations, and by the urgency of the times, it becomes our duty respectfully, but firmly, to represent our claims to His Majesty's Ministers, and to apply to them for justice and for compensation. Our constituents cannot longer wait without fatal consequences attending it, the protracted state of a negotiation which America is interested to prolong, in order to retain the British capital, while Great Britain is suffering in her commerce, and her subjects in their property, by the delay artfully but too successfully spun out; nor can they, from the nature of their situation, avail themselves, in this present time of distress, of that liberal aid that is now given by the public to the commercial interest of their fellow subjects.

Thus situated, our duty calls upon us to request, Sir, that you will lay this just and true representation before the rest of His Majesty's Ministers, that we may be informed what answer to give to the daily anxious enquiries which are made of us.

With every dutiful and respectful sentiment for His Majesty's Government, and for those, to whom he has entrusted the executive part of it, we are compelled to add, that nothing short of effectual and immediate relief, or some engagement to effect it, will now satisfy the unhappy sufferers by the American contest, whose claim is founded on the vital principles of the Constitution, and further supported by the solemn engagement made by His Majesty's Ministers, pending the negotiation for Peace at Paris, That no Peace would be concluded without ample security being obtained for the full and complete payment of all the just debts due to the British Merchants previous to the year 1776. Under this engagement they conceive that the honour of the Crown, and the faith of the public, stand decidedly pledged to them for satisfaction and compensation.

We have the honour to be with great respect, Sir,

Your most obedient and most humble Servants,

(Signed) Dan Campbell,
John Nutt,
W. Molleson.

R' Hon'ble Henry Dundas, Esq.
&c. &c. &c.

Appendix, No. 5:

LETTER from Messrs Nutt and Molleson to Mr. Dundas; dated London, 18 December 1793.

Sir,

THE Committee of British Merchants trading to North America previous to the year 1776, beg permission to represent, that they have been waiting with the greatest anxiety to be informed of the progress which Mr. Hammond, the British Minister, has made with the executive Government of the American States, respecting the recovery of the debts due to them and their constituents.

In your letter of the 1st September 1792, in reply to ours of the preceding day, you did us the honour to inform us, that you had laid our letter before His Majesty's confidential Ministers; and that Mr. Hammond had received instructions to consider the recovery of the debts due to His Majesty's subjects as one of the most essential objects of his mission.

This information we did not delay communicating to the general Committee, who immediately transmitted the same to the numerous British creditors whom they represent.

That body of distressed subjects are now impatiently, and very pressingly calling upon their representatives to know the advance Mr. Hammond has made in that very interesting and important concern, and we are in consequence called upon by the general Committee for the information which we have received from His Majesty's Ministers on the subject; as it is our duty to attend to this call, we beg, Sir, that you will have the goodness to enable us to satisfy their reasonable and just enquiries; and as it appears to be the sense of the British creditors in every part of the kingdom, that any further delay will be attended with an additional degree of distress, it is their desire that the most effectual mode of application for compensation should be adopted; and they firmly join us in stating, that our claim on the public for the great losses sustained in consequence of the fourth Article of the Treaty of Peace not being carried into execution, is founded on the immutable principles of justice. The unexampled tedious delay of more than ten years, has, by deaths and other circumstances, rendered the recovery of debts almost utterly impracticable.

We must repeat, that His Majesty's Ministers, pending the negotiation for the Peace, pledged the honour of the nation by solemnly promising, and engaging to this Committee, that

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that no Peace should be concluded without the debts due to the British merchants being fully secured and protected.

Compensation for losses has been liberally made to every other description of sufferers by the American war; the British merchants alone remain without having hitherto received any consideration whatever, notwithstanding the advantage derived to the public by retaining the forts. In all other cases, where the property of loyal and dutiful subjects has been appropriated for the use and advantage of the public, full satisfaction and compensation has been made for the same; and it is notorious, that the Americans urge the plea of the forts being withheld from them as a reason for the non-payment of British debts contracted previous to the war.

For these reasons, Sir, we hope to be favoured as soon as possible with your answer, especially as it has now become the desire of our constituents that some effectual mode of application should be adopted without further delay, in order to bring the business to some determinate issue.

We have the honour to be, with great respect,

Right Honble Your most obedient and most humble servants,

Henry Dundas, &c. &c. &c.

Appendix, No. 6.

LETTER from the Right honourable Lord Grenville to Messrs. Nutt and Molleson; dated, Whitchurch, July 23d 1794.

Gentlemen,

I request that you will take into your consideration the questions herewith enclosed, and that you will transmit to me your sentiments upon them expeditiously as may suit your convenience.

I am, Gentlemen,

Your most obedient humble servant,

(Signed) Grenville.

ENCLOSURE in the above.

If, in the course of the discussions with Mr. Jay, the alternative should be proposed of the payment of a round sum by the American Government in liquidation of all British claims previous to the Peace, or the adoption of measures for opening the Courts of Law in America to British creditors, with an appeal to some special Court or Commission instituted under such provisions, as to remedy, as far as circumstances will admit, the difficulties arising from the defect of legal evidence, and from the unfavourable disposition of the mass of the people in that country,—

Which alternative would the British creditors prefer?

And what sum would they think it advantageous to accept, taking into their consideration the expense, risk and loss, incident to any further legal proceedings in whatever shape?

It must be understood that any sum so stipulated for, would be afterwards subject to distribution among the creditors, according to the judgment of Parliamentary Commissioners.

This question is proposed with a view of obtaining information for the guidance of His Majesty's Ministers in the course of the business, but without any previous knowledge of the disposition of Mr. Jay, with respect to the proposing or accepting the above-mentioned alternative.

It is therefore material that the opinion of the creditors in this respect should not be disclosed, except to Government.

Appendix, No. 7.

LETTER from Messrs. Nutt and Molleson to the Right honourable Lord Grenville; dated 24th July 1794.

My Lord,

We have received the honour of your Lordship's letter of the 23d instant, with its enclosure, to which we shall give the most attentive consideration. But we beg leave to request an explanation of the first proposition. Whether it means a sum in liquidation and extinction of all our claims on our debtors in America, or, whether we are to understand it as a compensation for our losses sustained by the delay of the execution of the Treaty, leaving to us recourse on our still solvent debtors there for what we can obtain from them by the free course of justice in the Courts of Law in America, according to an idea we had the honour to communicate to Mr. Pitt, in our letter to him of yesterday's date.

When
When your Lordship is pleased to furnish us with this explanation, we shall take the earliest possible opportunity of giving an answer to the questions proposed.

We have the honour to be, with the greatest respect, your Lordship's most obedient and most humble servants.

No. 33 Broad-street, 24th July 1794.

Appendix, No. 8.

LETTER from Lord Grenville to Messrs. Nutt and Mollison; dated Downing-street, 25th July 1794.

Gentlemen,

IN answer to the question contained in your letter of this date, I am to acquaint you, that the first of the alternatives mentioned in the paper which I transmitted to you on the 3rd instant, is meant to include the liquidation and extinction of all British claims previous to the war.

I am, Gentlemen,

Your most obedient humble servant,

(Signed) Grenville.

Appendix, No. 9.

LETTER from Messrs. James Ritchie, Alexander Oswald, Gilbert Hamilton, and Robert Findlay, to the Right honourable Lord Grenville; dated My Lord,

ON the 8th instant Messrs. Hamilton and Findlay wrote your Lordship, that we had been appointed a Committee by the associated merchants of this city, and full power granted us relative to the debts owing to them in America, which were contracted previous to the year 1776; they at the same time mentioned that we had made up our own mind with regard to the propositions delivered to them by Mr. Dundas upon the 23d of last month, but that to save trouble to His Majesty's Ministers, we thought it best to know the opinion of the gentlemen in London, that, in the event of their concurrence with us, the whole trade might be unanimous.

We have now therefore to inclose a Statement of the principle upon which we are willing to compromise the debts owing by America to the associated merchants of Glasgow, which were contracted previous to 1st January 1776, and at that period reckoned good debts, copy of which was sent by us to Mr. Mollison on the 8th of this month, for the inspection of the London Committee; and although the sacrifice of property is so great, we have no hesitation in acknowledging (in reference to the query in the paper received from Mr. Dundas on the 23d ult.) that we would prefer the mode of settlement therein mentioned, to the adoption of measures for now opening the Courts of Law in America, even with an appeal to some special Court or Commission, and we trust it will be equally agreeable to our constituents.

We likewise understand that it is to be left to the judgment of Parliamentary Commissioners to ascertain the goodness of debts due in 1775, or about the 1st January 1776, which may be claimed upon, having the fullest confidence that these Commissioners will require no other than such reasonable proofs of their goodness as the nature of the case, and the distance of time will admit. We use the words "in 1775, or about the 1st January 1776," in the above paragraph, because different merchants had different periods of the year for striking the balance of their books in America, and it will probably be from the last balance in 1775, or about the beginning of 1776, and from the statements then transmitted to Britain in consequence thereof, that they will respectively claim.

The within Statement is in itself so full and explicit as to require very few observations from us; your Lordship will thereby perceive, that after making the most liberal allowances for loss upon these debts during the war, and for the expenses and risk which might have attended their collection, we are willing, if necessary, to submit to a further deduction of no less than one-third from the remainder, in order to accomplish their liquidation and final extinction: we will then be ready to assign over the debts themselves, and all documents and vouchers in our power, to any person who may be appointed. We however consider these great deductions, particularly the last, to be intrusted in confidence to His Majesty's Ministers, in consequence of the desire of Mr. Pitt,—that of course a more favourable compromise will be allowed us if practicable, and that at all events, it will not be worse than is allowed to any other class of His Majesty's subjects.

Upon the whole we will candidly acknowledge to your Lordship, that in making up the within statement upon such moderate principles, we were swayed by the following motives:

1st.—To interest the zeal of His Majesty's Ministers in their endeavours to accomplish a negotiation with America, for the final liquidation and extinction of these old debts, which have
have already occasioned so much hot blood and animosity against Great Britain, and which
will continue to do so while they are prosecuted by British merchants in the American
Courts.
And, ad.—To make so great a sacrifice of the debts justly owing us, previous to 1776, as
would evince our hearty desire to contribute our full proportion, in doing away all subsisting
differences between this country and America, occasioned by these old debts.
Whether the compromise in said statement is to be allowed us by America, or by
Great Britain, or in part by each, we judged it most honourable for ourselves, and most
likely to obtain the important object, to have these motives always in our view.
We take the liberty, for your information, of inclosing two short extracts of letters from
Virginia, lately received here; by the first of them dated Manchester, January 19, you will
observe the little respect which the commanders of French ships of war pay the sovereignty
of neutrality of the United States, when they not only prevent British merchant ships from
sailing, but even seize them as prizes in the Bay of these States;—by the second, dated
Port Royal, June 20th, you will see that judgments for British debts are as difficult to
obtain in the American Courts as ever.
Should your Lordship require any explanation of the within statement, or any further
information relative to America, we will most faithfully and candidly communicate to you
every thing in our power, or that may come to our knowledge; and when you do us the
honour to write to us, you may address to James Ritchie, Esq. our chairman.
Our constituents, to whom no part of this business is yet communicated, will naturally
be under much anxiety till they know whether there is any reasonable prospect of a final
settlement with Mr. Jay as to the old debts.

(Enclosure in the above Letter.)

Glasgow, 7th August 1794.

STATEMENT of the Principle upon which the Associated Merchants of Glasgow
are willing to compromise with the British Government, for Debts owing them in
America, previous to 1st January 1776, and then reckoned good Debts.

Suppose the principal sum of good Debts owing to any one individual on
1st January 1776, to have been 1,000
Deduct 20 per cent. or 1/5th for supposed depreciation, by or
during the war, which is a very liberal allowance 200
Principal sum remaining good at the close of the war, is 1,800
Add 20 years Interest on £1,800, from 1st January 1776 to 1st January
1796, at which last period it is reckoned that the Debt may, by the event of
the depending negotiation with Mr. Jay, be liquidated 800
Deduct, Payments received by this individual from his
debtors in America, since 1st January 1776, as per List—
Deduct also, Payments made on his account into the
different State Treasuries of America, upon the supposition
that those sums will be recovered from said State Treasuries by the British Government, together with Interest
thereon, and will now be paid this individual by said Go-
vernment, according to justice, as per list—

£.

Upon the supposition however, that no payments have been received by
him, or made into the State Treasuries on his account, there will still remain
Deduct, £15. per £115. on £1,600. for commission and risque
on collection, which is the very highest commission known here to
have been given 1,600 1,600

There will remain owing to this individual in America, upon Debts
reckoned good 1st day of January 1776, after making the above liberal
allowances of depreciation during the war, and commission on collection,
the sum of 208 13 11

1,391 6 1

But in order to have a final liquidation and extinction of these old Debts,
the associated merchants of Glasgow are willing to make an abatement of no
less than one-third, if necessary, in order to contribute their full proportion
towards a final settlement of the unfortunate differences and heartburnings
which must continue to prevail betwixt Great Britain and America, while
these old Debts remain to be prosecuted for by British creditors in the
American Courts of Justice—this is 463 15 43

Remains to be paid to this individual by the British Government, or by
the American Government under the guarantee of Great Britain, upon the
1st day of January 1796, bearing legal Interest from and after that date till
payment, the sum of 927 10 85

Upon
ON AMERICAN CLAIMANTS PETITION.

Upon the supposition therefore, that the whole original debt, owing by America to British creditors on the first day of January 1776, was three millions of principal (though it is believed to be rather under that amount) the whole sum to be provided for, according to the above plan of compromise, would be £2,782,608. 6. 8. sterling—But from thence will fall to be deducted the payments received by particular creditors from their debtors in America since the Treaty of Peace; and likewise the sums paid by debtors into the different State Treasuries on account of British creditors, which sums to be paid such creditors; so that the whole sum to be negotiated for, or to be provided by the British Government upon the above plan of compromise, would not, in all probability, amount to much more than two millions sterling.

Appendix, No. 10.

ARTICLES Sixth, Seventh, and Twenty-second, of the Treaty of Amity, Commerce, and Navigation, between His Britannic Majesty and the United States of America; concluded at Westminster the 19th day of Nov. 1794.

Art. 6th. WHEREAS it is alleged by divers British merchants and others, His Majesty's subjects, that debts to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by the citizens or inhabitants of the United States; and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof, have been in several instances impaired and lessened, so that by the ordinary course of judicial proceedings the British creditors cannot now obtain, and actually have and receive, full and adequate compensation for the losses and damages which they have thereby sustained: it is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained had and received by the said creditors, in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors; but it is distinctly understood that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors, or other causes, as would equally have operated to produce such loss if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

For the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed and authorized to meet and act in manner following; viz. Two of them shall be appointed by His Majesty; two of them by the President of the United States, by and with the advice and consent of the Senate thereof; and the fifth, by the unanimous voice of the other four; and if they should not agree in such choice, then the Commissioners named by the two parties shall respectively propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the four original Commissioners. When the five Commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath or affirmation in the presence of each other, which oath or affirmation being so taken and duly attested, shall be entered on the Record of their Proceedings; viz. "I, A. B. one of the Commissioners appointed in pursuance of the sixth Article of the Treaty of Amity, Commerce and Navigation, between His Britannic Majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially and carefully examine, and to the best of my judgment according to justice and equity, decide all such complaints as under the said Article shall be preferred to the said Commissioners; and that I will forbear to act as a Commissioner in any case in which I may be personally interested."

Three of the said Commissioners shall constitute a Board, and shall have power to do any act appertaining to the said commission, provided that one of the Commissioners named on each side, and the fifth Commissioner, shall be present, and all decisions shall be made by the majority of the voices of the Commissioners then present. Eighteen months from the day on which the said Commissioners shall form a Board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized in any particular cases, in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months for any term not exceeding six months after the expiration thereof. The said Commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place, as they shall see cause.

The said Commissioners, in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this Article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said Commissioners shall have power to examine all such persons as shall come before them on oath or affirmation touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books or papers, or copies or extracts thereof, every such deposition, book or paper, or copy or extract, being duly authenticated.
APPENDIX TO REPORT FROM COMMITTEE.

No 10.

authenticated, either according to the legal form now respectively existing in the two countries, or in such other manner as the said Commissioners shall be cause to require of the same.

The award of the said Commissioners, or of any three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant, and the United States undertake to cause the same so awarded to be paid in specie to such creditor or claimant, without deduction and at such time or times, and at such place or places as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given by the creditor or claimant, as by the said Commissioners may be directed. Provided always, that no such payment shall be fixed by the said Commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this Treaty.

Art. Seventh. Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage by reason of irregular or illegal captures or condemnations of their vessels and other property, under colour of authority or commissions from His Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained had and received, by the ordinary course of judicial proceedings; it is agreed, that in all such cases a reasonable compensation cannot, for whatever reasons, be obtained, obtained had and received by the said merchants and others in the ordinary course of justice, full and complete compensation for the same will be made by the British Government to the said complainants. But it is distinctly understood, that this provision is not to extend to such losses or damages as have been occasioned by the want of delay or negligence, or wilful omission of the claimants.

That for the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed and authorized to act in London, exactly in manner directed, with respect to those mentioned in the preceding Article, and after having taken the same oath or affirmation (ante: mutandis) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers and evidence in the same latitude, and exercise the like discretion and powers respecting that subject, and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said Commissioners, or any such three of them as aforesaid, shall in all cases be final and conclusive, either as to the justice of the claim, and to the amount of the sum to be paid to the claimant; and His Britannick Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, in such place or places, and at such time or times as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given by the claimants, as by the said Commissioners may be directed.

And whereas certain merchants and others, His Majesty's subjects, complain that in the course of the war, they have sustained loss and damage by reason of the capture of their vessels and merchandise taken within the limits and jurisdiction of the United States, and brought into the ports of the same, or taken by vessels originally armed in ports of the said States: It is agreed, that in all such cases, where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, September 5th 1793 (a copy of which is annexed to this Treaty) the complaints of the parties shall be, and hereby are referred to the Commissioners to be appointed by virtue of this Article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said Commissioners, and at the times and places which in such awards shall be specified, and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed. And it is further agreed, that not only the new-existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this Treaty, shall be considered as being within the provisions intent and meaning of this Article.

Article 22d. It is expressly stipulated, that neither of the said contracting Parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, unless the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Appendix, No. 11.

LETTER from Mr. Hammond to Messrs. Findlay, Oswald, and Hamilton; dated Downing-street, December 9, 1799.

Gentlemen,

I am directed by Lord Grenville to acknowledge the receipt of your letter of the 20th ult., and to inform you that Mr. King, the American Minister at this Court, is in daily expectation of receiving instructions from his Government to enter into some amicable discussions
Discussions with His Majesty's Ministers on the subject of the difficulties which have arisen in America, with respect to the proceedings of the Commissioners appointed under the sixth Article of the Treaty of Amity, Commerce and Navigation, with the United States, and that His Lordship trusts, that the result of these discussions will be a satisfactory arrangement of the difficulties in question. — In the mean time the British merchants, who are entitled to relief under the terms of that Treaty, may be assured that His Majesty's Government will not be inattentive to their interests.

I am, Gentlemen, Your most obedient humble Servant, Geo. Hammond.

Appendix, No. 12.


We had the honour of receiving Mr. Hammond's letter of 9th December, informing us, that Mr. King, the American Minister, was in daily expectation of receiving instructions from his Government, to enter into some amicable discussions with His Majesty's Ministers on the subject of the difficulties which had arisen in America, with respect to the proceedings of the Commissioners appointed under the sixth Article of the Treaty of Amity, Commerce and Navigation, with the United States; and that your Lordship trusted that the result would be a satisfactory arrangement of the difficulties in question; and saying, that the British merchants, who are entitled to relief under the terms of that Treaty, might be assured that His Majesty's Government would not be inattentive to their interest.

We were very happy to think, from this communication, that there was now a near prospect of obtaining that relief so long withheld from us; but not having been favoured with any further letter, the Gentlemen here who are interested are uneasy in case any thing should have intervened to frustrate the hopes they had formed.

We shall therefore esteem it a favour if your Lordship would have the goodness to inform us, if Mr. King has received the instructions, or if we may expect that something decisive will now be done for the liquidation of those claims now so long postponed.

Appendix, No. 13.

LETTER from Lord Grenville to Messrs. Findlay, Hamilton and Oswald; dated Downing-street, February 13, 1800.

I have to acknowledge the receipt of your letter of the 23st ult., on the subject of which it is not in my power to give you at present any further information than that which I have already transmitted to you.

I shall not fail, under His Majesty's Orders, to take such steps as may appear best calculated to remove the difficulties which have occurred in the proceedings of the Commissioners appointed under the sixth Article of the Treaty with the United States.

I am, with great truth and regard,

Gentlemen, Your most obedient humble Servant, Grenville.

Appendix, No. 14.

NOTE from Lord Grenville to Messrs. Nutt and Molleson; dated 22 March 1800.

Lord Grenville presents his compliments to Messrs. Molleson and Nutt, and is sorry that he cannot give them any information upon the subject of the adjustment of the differences relative to the execution of the sixth Article of the Treaty of Amity, &c. with America, until His Majesty's pleasure is made known to him, as to the further steps to be taken upon the subject.

Cleveland Row,
March 22, 1800.
Appendix, No. 15.

LITTER from Messrs. Gilbert Hamilton, Robert Findlay, and Alexander Oswald, to Lord Grenville, dated Glasgow, 29th March 1800.

No. 15.

WE had the honour of your Lordship’s letter of 14th February, and having now been informed that Mr. Sitgreaves, one of the American Commissioners, had come to Britain, in order as we suppose to make some arrangements relative to the Treaty of Amity, Commerce and Navigation, between His Britannic Majesty and the United States: we take the liberty of again mentioning the hardships sustained by the Merchants in this Country from the non-payment of the debts due to them, which have been contrary to expectation increased by the conduct of the American Commissioners, as fully stated in the memorial of the Agent for the British creditors transmitted to your Lordship; and to recall to your memory a statement made up at the desire of His Majesty’s Ministers, when Mr. Hamilton and Mr. Findlay had the honour of waiting on them in summer 1794, of the principles on which we thought the Merchants here would be willing to compromise the debts due to them. A copy of this statement we now enclose, together with an extract from the letter which accompanied it, in case the former should either be misplaced or not perfectly in your recollection, and which statement we are confident would have been readily agreed to at that time, and we have little doubt would still be agreed to on making such alteration, with regard to interest, as the lapse of time may render necessary, though we do not pledge ourselves for this, not having consulted the trade therein, as we judged such a step improper until we knew the opinion of His Majesty’s Ministers concerning it.

We can only add, that we are firmly of opinion that some such mode of settlement is the only method of getting these debts liquidated, and of preserving that friendship between the two countries which appears to be so much for the interest of both.

We shall be happy to hear from your Lordship.

Appendix, No. 16.

LITTER from Lord Grenville to Messrs. Hamilton, Findlay, and Oswald; dated Downing-street, April 7th 1800.

No. 16.

Gentlemen,

I HAVE to acknowledge the receipt of your letter of the 29th ult and to acquaint you, that as no material alteration has hitherto taken place in the state of the business to which it relates, it is not in my power to return you any other answer at present, than to refer you to my former letters upon this subject.

I am, Gentlemen,

Your most obedient humble servant,

Grenville.

To Gilbert Hamilton, Robert Findlay, and Alexander Oswald, Esquires.

Appendix, No. 17.

NOTE from William Molleson, Esquire, to George Hammond, Esquire; dated London, 26th of May 1800.

No. 17.

Sir, THE Gentlemen from Glasgow have just put the inclosed paper into my hands, and desired that I would request you to transmit it to Lord Grenville; they propose waiting upon you on Thursday next, to receive his Lordship’s answer.

I have the honour to be, &c. (Signed) H. Molleson.

PAPER enclosed in the above.

The two Propositions are; Viz.

First. A renewed Commission in conformity with the Treaty of Amity.

Second. A sum of Money in lieu of the Claims.

Three
Three things are necessary to be known before an answer respecting the second can be given.

1st. The amount of the sum which Lord Grenville thinks he may be able to obtain from America.

2d. The periods at which the said sum is to be paid.

3d. The security which the British Claimants are to receive for punctual payment.

Appendix, No. 18.

NOTE from Lord Grenville to the Committee of Claimants; delivered by Mr. Hammond, 29th May 1800.

It is impossible to give any answer to these questions; the object which Lord Grenville has in view, is, to know whether the gentlemen concerned think it for their interest that the King's Government (which is about to send out fresh Commissioners to America) should authorize those Commissioners to agree to liquidate the whole demand at once, in consideration of any and what sum to be divided among the bona fide creditors by British Commissioners, acting under the King's authority?

The questions of the periods of payment, and that of the security of the American Government, are of course involved in the general consideration.

The King's Government has no precise proposition to make to the creditors on these points, but is desirous of knowing whether the creditors wish for such an arrangement, and to what terms they would think it for their interest that the Commissioners should be authorized to accede in the way of negotiation, rather than that the subject should remain open to the delay and inconvenience necessarily incident to a fresh Commission. Lord Grenville has some reason to suppose that the American Government will not object to treat for an immediate and final arrangement upon this footing, but he has no knowledge of the extent to which that Government may be willing to go in this respect.

Appendix, No. 19.

NOTE from the Committee of Claimants; dated London, 29th May 1800, and delivered to Mr. Hammond the same day.

THE Committee of Claimants wish to be informed what they are to understand by the following expression in Lord Grenville's Note, delivered this day by Mr. Hammond; viz. "Whether the gentlemen concerned think it for their interest that the King's Government should authorize the Commissioners to agree to liquidate the whole demand at once, in consideration of any and what sum to be divided among the bona fide creditors by British Commissioners acting under the King's authority."

The debts which are at present deemed good, and to the recovery of which there is no impediment, were considered (as the Claimants are informed) by the Commissioners of both countries at Philadelphia, as not coming under the 6th Article of the Treaty of Amity; Lord Grenville's opinion is therefore requested on this point, whether debts of the above description are meant to be included by the words whole demand at once?


Appendix, No. 20.

NOTE from Lord Grenville to the Committee of Claimants; received by them 29th May 1800.

THE gentlemen of the Committee of Claimants under the 6th Article of the Treaty of America, are certainly much more competent than the King's Servants can be, to draw the line between the cases to be included or not in any general agreement which they may wish to be proposed for the liquidation of their claims.
APPENDIX No. 20.

It is not necessarily true, that a judgment upon a sale to be good, and to the recovery of which any judgment against the seller may not be within the province of this Article. But in very many instances, such compensation should be deemed to exist as to have consent, in one or more respect, which it appears most difficult for the Government of the United States, to make an appearance that is not to the extent of the part of the United States, that no such appearance may be deemed to exist. It must therefore be supposed, that any such consent on such occasion, in such case will be bound by the Government of the United States, to make an appearance, effectually that no claim to such compensation was made by the person of a present sun, to be paid to them for such appearance may be made, but not after the compensation shall be recoverable by the Government of the United States, in cases of the nature of, or the removal of impediments which have been alleged by the Government.

Lord Grenville will receive the gentlemen of the Committee in his own house, at the same time and in Mr. Mollasses Note.

Appendix, No. 21.


IN consequence of some late letters which we have received from William Mollasses, Esqr., relative to certain propositions your Lordship has had the kindness to make him, about a settlement of the claims of British merchants trading to North America previous to the year 1776, we thought it necessary to call together yesterday these gentlemen, who are resident in this city and its neighbourhood.

They have desir'd us to write to your Lordship, and earnestly to request in their name, that you would direct one of your Secretaries to state to us in writing the nature of these propositions, that there may be no risk of misapprehension thereof on our part.

If we understand them aright, as they have been stated to us, there is an alternative proposal for the consideration of these old traders.

1st. Either that a new Commission should be appointed for settling these claims, under the 8th Article of the Treaty of Amity with the United States, in consequence of the late Commission having failed in effecting it; or,

2d. That a certain specific sum should be accepted by these traders, in full compensation and liquidation of these old claims for ever. In which case we presume it is meant that these claims should be assigned over to the Government of the United States.

If such is the alternative, we are authorized to say, that ever since the appointment of the late Commissioners, the gentlemen here have been so barrased in all attempts to recover even their best debts in the Courts of Law in Virginia, in which State their debtors generally reside, that they will most cheerfully prefer the latter proposition; and, however hard the case may be, will be ready to make very large sacrifices, in order to accomplish such a settlement.

The only question in that case would be, as to the quantum of compensation in proportion to their past claims, the period of payment, and the guarantee for such payment regular; and in all these they would be as liberal as could well be desired.

Put, my Lord, from the letters we have received, we are uncertain whether the proposition of compensation is to extend to all the claims given in to the Board of Commissioners, or if it is only meant to apply towards such of our debtors as we may be able to prove have become insolvent since the Peace, owing to the existence of legal impediments in their Courts of Law; and if we are now to be left to seek such debts as may be deemed still good by what principle or decision we know not) in these Courts, without any Commissioners in America to act, or at least some kind of check upon them, your Lordship cannot be surprised that we should pause before coming to a determination: because, from our own experience hitherto, we should consider nine-tenths of these debts, though called good, to be totally lost without any means or prospect of redress, if there was no Board of Appeal, independent of a Government so inefficient to insure us justice.

Your Lordship is in the knowledge, that a majority of the Board of Commissioners found such cases existed in these Virginia Courts, as to have induced them to form a resolution that they must consider the Government of the United States, under the 8th Article of the Treaty, to be liable for the bona fide good debts owing to the British Claims; and when such pleas in bar of judgment, as "imputation of Actions," and one "British debt," were admitted in many of these Courts, they could not well do otherwise; and they also found, that the case of there not being solutice before the War, lay upon the States.

But, my Lord, we mean not to go into any discussion of this nature; all that the gentlemen here are most anxious to know at present is, the specification of these propositions, and whether there is reason to presume that the Government of the United States will be led to such a plan of compensation. The uncertainty of the exact nature of the proposition
position, and the shortness of the time, rendered it impossible for the gentlemen here to give explicit instructions, or any person to go from this to attend a meeting, we understand, has been appointed by your Lordship, on the 5th proposition; but upon receiving your reply hereto, one or more gentlemen will, if necessary, be appointed by these old traders, to repair to London immediately with full powers; and your Lordship may be assured, that they will not be wanting to lend their aid in every thing which can be reasonably desired, for removing effectually and for ever, the bone of dissension between the two Countries. We have confidence, likewise, that His Majesty's Ministers will also see the wisdom and the sound policy of removing these claims, even if the Government of the United States should not agree to such compensation as may be thought proper.

(Signed) Gothic Hamilton.

Robert Findlay.

Appendix, No. 22.

LETTER from Lord Grenville to Gilbert Hamilton and Robert Findlay Esquires, dated Downing-street, June 3d 1800.

Gentlemen,

I have this morning received your Letter of the 31st ult. The matter to which it relates, is one in which it seems to me very difficult to make any satisfactory progress (at least in its present state) by a correspondence in writing.

It was not my intention to state to the British creditors, as an alternative for their decision, the two propositions mentioned in your Letter; but to apprise them that His Majesty's Servants having determined to propose to the American Government the appointment of a fresh Commission, according to an arrangement to be treated of for that purpose in America, it had appeared desirable to ascertain whether the creditors thought it for their interest that proposals should at the same time be made for liquidating the whole demand, by the payment of any and what gross sum to be afterwards distributed among the bond issue creditors, by Commissioners acting solely under His Majesty's authority.

This matter was explained to Mr. Molleson and Mr. Nutt, in the course of a very long conversation which I had with those gentlemen, and their answer was deferred to a future day, when I was to see them for that purpose. I hardly conceive it possible that either the particular point alluded to in your letter (which is one of much intricacy and difficulty) or the various other details to which the consideration of this question must lead, should be settled by written correspondence between this place and Glasgow; nor does it seem to me to be for the interest of the creditors, that these things should be made the subject of much public discussion, previous to their being treated of in America.

I should therefore strongly recommend that the gentlemen of Glasgow who are now in London, or such other gentlemen as may be chosen for the purpose, should agreeably to what is mentioned in your letter, be authorized to act in this respect in behalf of the body of Glasgow creditors, as I conceive Mr. Nutt and Mr. Molleson to be in behalf of those in England.

I am, gentlemen,

Your most obedient humble servant,

(Signed) Grenville.

Appendix, No. 23.


My Lord,

Glasgow, 9th June, 1800.

We had the honour of receiving, upon Saturday the 7th, your Lordship's letter of the 3d instant, in consequence of which we have called a meeting upon Wednesday, of the old traders to America previous to the War, who have claims under the 6th Article of the Treaty of Amity, &c. We shall then propose, that a deputation of one or more gentlemen, according to your Lordship's recommendation, shall be appointed to go up to London as soon thereafter as practicable, with full authority to act for those traders, upon any points which may be the subject of discussion relative to their claims.

Go
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No. 23.

So soon as such appointment is made, we will have the honour to inform you; at some time, your Lordship is aware that it may be some days after the proposed meeting, before those gentlemen who may be deputed, can make it convenient to set off from this place, or indeed before they can get such full powers from so numerous a body of traders, as will properly authorize them to act in their behalf.

We have the honour to be, &c.

To the Right Hon. Lord Grenville,
&c. &c. &c.

(Signed) Gilbert Hamilton.
Alexander Oswald.
Rob Findlay.

Appendix, No. 24.

LETTER from G. Hamilton, R. Findlay, and A. Oswald, to Lord Grenville.

My Lord,

I had the honour of addressing you upon the 9th instant, and now to say that the meeting of the old American traders here, then mentioned, took place upon Wednesday the 13th, and was very fully attended.

They came to the unanimous resolution of appointing a deputation of three of their number to proceed to London as soon as possible, in conformity to the desire of your Lordship; and of committing to them, or any two of them, full powers to settle all points that may be the subject of discussion with your Lordship relative to these old claims.

Messrs. Gilbert Hamilton, and Robert Findlay (the subscribers) and Mr. Andrew Buchanan, were the gentlemen requested to go; and upon either of them being unable to undertake the journey at this time, either from bad health or any other cause, the two former were authorized to name any other in his place, with the same powers.

It is the intention of these gentlemen to leave this next week for London; but we are sorry to say that Mr. Hamilton is at present confined with a severe cold, and the time of their being in London will in some measure therefore depend upon his recovery; but your Lordship may rest assured that there will be no unnecessary delay.

We have the honour to be, &c.

To the Right Hon. Lord Grenville,
&c. &c. &c.

(Signed) Gilbert Hamilton.
Robert Findlay.
Alexander Oswald.

Appendix, No. 25.

MEMORANDUM from the Committee of Claimants to the Right honourable Lord Grenville; dated London, 31 July 1806.

No. 25.

THE Claimants for the debts due to British creditors by the citizens of North America, having considered the conversations they have had with the Right honourable Lord Grenville, cannot, after the disappointments they have already experienced, both under the Fourth Article of the Treaty of Peace, and Sixth Article of the Treaty of Amity, and the methods taken by America to render those nugatory, place any faith in the success of a new Commission under those Treaties, and therefore, finally to put an end to the whole business, would prefer a stipulated sum to be paid them, in full of all debts claimed under the Sixth Article of the Treaty of Amity, provided they could be secured of the payment of such sum by instalments in a reasonable time; and, in consequence of such security or guarantee, they would be willing to make a considerable sacrifice of their just rights.

With regard to the amount of such sum, the Claimants are more at a loss, from not knowing the exact amount which has been claimed under that Article, or the manner in which the different claims have been made up with regard to interest, &c.; but from what they are informed, of the amount being about five millions sterling, and allowing that some part may be cut off, either from being improperly claimed or not sufficiently ascertained, both of which may be better known to His Majesty's Ministers, and deducting such payments as may have been made on these debts before the ratification of this agreement, they are willing on obtaining the guarantee of the British Government, to accept of two millions and an half sterling, rather than these claims should continue as a bone of contention and a source.
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source of discontent between the two countries, or that they should experience the hardships and vexations which they have reason to expect in the prosecution of their debts in that country.

The claimants consider that the United States are bound to this country to indemnify the British merchants for the losses they have incurred from the legal impediments experienced, and to open their Courts fully for the recovery of these debts which may be thought still good, and therefore they hope the sacrifice they propose to make will appear liberal; and should the sum be too great for the present situation of the funds of the United States, they trust that His Majesty's Ministers will see the justice of advancing, from the funds of this country, such sums as may make up the deficiency, in consideration of the hardships the claimants have already sustained, and the sacrifice they are now willing to make.

Should His Majesty's Ministers not accede to the proposal of the claimants, of giving the guarantee of this country for payment of the sum before mentioned, they the said claimants cannot agree to any compromise with the United States, as it would be relinquishing a large part of their just rights, without obtaining sufficient security for the remainder; and therefore in that case they must trust to His Majesty's Ministers, that in any arrangements to be made under a new Commission, they should not experience these evasions of the true spirit and meaning of the Treaty which they have hitherto done.

At the same time, as a majority of the commissioners, appointed under the Sixth Article of the Treaty of Amity, have found that there were legal impediments against the recovery of British debts in some of the United States, and as by the said Article the decision of such majority was to be final, the claimants under the Treaty in these States consider themselves now entitled to full payment from the United States, and to the aid of His Majesty's Government for enforcing such payment, unless the above compromise is acceded to.

London, 3d July 1800.

Appendix, No. 26.

NOTE from Lord Grenville to the Committee of Claimants; dated Downing-street, July 10th 1800.

THE King's Government has taken into its most serious consideration the Memorandum transmitted to Lord Grenville by the Committee of British creditors. His Majesty's Servants do not think that they could with propriety advise His Majesty to guarantee to the creditors the payment of any sums which the American Government might agree to give in liquidation of the demands of the creditors. If such payments, so engaged for, should not be duly and regularly made, it would then be for the King's Government to consider of the measures to be taken by them, or to be proposed to Parliament on the subject, according to the circumstances of the case, and to the different considerations by which any decision upon it must necessarily be regulated; but a previous guarantee, such as is desired by the gentlemen of the Committee, appears to His Majesty's Servants to be not only unusual, but improper to be given.

Appendix, No. 27.

MEMORIAL to the Right honourable Lord Grenville; dated London, 12th July 1800.

Memorial to His Majesty's Secretary of State for Foreign Affairs.

IN behalf of the British merchants who have debts owing them in North America, which were bona fide contracted before the Peace, the subscribers have the honour to acknowledge receipt of a note from the Right honourable Lord Grenville, dated the 10th instant, by which he informs them that His Majesty's Ministers "do not think that they could with "propriety advise His Majesty to guarantee to the creditors the payment of any sum "which the American Government might agree to give in liquidation of the demands of "the creditors."

After the long forbearance of these merchants, and the vexations, sufferings, losses and expenses of various kinds, which for so many years they have undergone, not only during the American War, but also by the non-fulfilment of the Treaty of Peace, and of the Treaty of Amity, on the part of the United States; the subscribers had flattered themselves that the period was now arrived, when they might have assured their constituents there was an immediate prospect of some compensation for their losses, and that they would no longer remain the only class of His Majesty's subjects whose interests were to be sacrificed as the price of making and preserving peace with the United States, without any indemnification or recompense whatever.
The subscribers will not now recapitulate the probationary laws passed during that War, which so much affected the interests of these United, or the men. Ministers presented to the Kings' Ministers towards the conclusion of it, that their interests might be attended to in the Treaty of Peace; nor the engagement which was left when they bound, not declaring assurances previously given by His Majesty's Government, that no effectual security was provided for the settlement of the Fourth Article thereof. But they cannot help expressing their earnestness, and their determination the proposal of a compromise submitted by Lord Grenville should now prove inexpedient, from the want of sufficient security for the payment thereof, even at distant periods.

The British merchants have always expressed their readiness to make large sacrifices of their just claims, but His Majesty's Ministers must be sensible that after what has passed, they, as individuals, can have no confidence in the security of the American Government for the payment of any sums in compensation which may be agreed to, because they have no means of ensuring it; but the British Government, having such means in their power, if they should misplace their guarantees for the sum; and although the subscribers desire not to be understood as condemning war, or the eventual non-payment on the part of the United States, yet it is obvious that it is not least as much the interest of these States as of Great Britain to preserve peace; and therefore little risk that such composition as may be agreed to, will not be imputed, if payable to the British Government; even if the risk was greater, the subscribers never can believe it to be consistent with justice, that the property of a few individuals in a great nation should be made the sacrifice to the desire of preserving peace.

The Commissioners under the Sixth Article of the Treaty of Amity, as may be seen by their records, have been very far from giving every decision in favour of the British Claimants; and it is remarkable, that all decisions against them were unanimous; not a murmur against such decision, however, was ever heard among those Claimants. But whenever there was an opinion of a majority of the Commissioners in favour of that persecuted and unfortunate class of men, the American Commissioners withdrew from the Board, and by a mean and contemptible subterfuge, pretended that their doing so suspended all decisions. They afterwards exhibited long reasons, particularly legal reasons, for this conduct; when nothing is more clear than that by the said Sixth Article the decisions of the Board were to be founded, not upon law, but upon the broader foundation of equity and justice; according to the hearings of the cases which came before them, under the existing circumstances; and that such decisions of a majority, after the Board was constituted, were to be final and obligatory upon the United States. How far it may in this situation be consistent with the dignity of the British Government, or even with a sound and broad policy, to appoint new Commissioners, it is for His Majesty's Ministers to determine; but the British Claimants have reason to fear that in any such new appointment the chances must be against them, and they cannot conceive that any security for the fulfilment of the decisions of the Board can now be given, which did not formerly exist. If the decisions of such a majority of the new Board as of the present should be against the Claimants, there would perhaps be little doubt of their being effectual; unless indeed it could be supposed that British Commissioners were in that case to follow the late example, and by a similar quibble pretend to say that the opinions of the majority were not decisions, because they had withdrawn from the Board; but if the decisions of a similar majority of the new Board should again be in favour of these Claimants, the subscribers are of opinion, judging from what has passed ever since the Peace, that a similar or some other subterfuge would be resorted to, to evade their effect, however contrary such conduct may be to equity and justice, and to the opinions of some respectable American Judges, solemnly delivered from the Board.

The British Claimants cannot therefore, by any act of theirs, sanction the appointment of such new Commissioners; but they will always be ready, as repeatedly expressed, to make large sacrifices of their claims, and to accept a compensation for the remainder, when they are secured that such remainder will be paid them under the direction of Commissioners appointed by His Majesty, to whom the vouchers of their claims would be in that case assigned.

They therefore trust with confidence that, sooner or later, the British Government, after having delivered up the forts which were long held as a security for their claims, will see the hardship of making them the only sufferers, as the price of peace.

London, 12th July 1800.

Will Molleson.
John Natt.
Gib. Hamilton.
Ands Buchanan.
R' Tindal.
Henry Glaistford.
Henry Riddell.
Appendix, No. 28.

LETTER from Messrs. Robert Findlay, Alexander Oswald, and Gilbert Hamilton, to the Right honourable Lord Hawkesbury; dated,

My Lord,

The merchants in this city, trading to North America prior to 1776, having some years ago appointed us a Committee to attend to their interests, we have had sundry conferences with the Right honourable Lord Grenville and His Majesty's other Ministers on that subject; in which, and in repeated written representations we had the honour to present to them, we stated the hardship we had suffered from the non-payment of the large debts due to us by the citizens of the United States. These debts we had been prevented from recovering after the Peace, by the impediments we met with in that country, but which we trusted would have been removed by the operation of the Treaty of Amity, Commerce and Navigation, between the two countries. In this, however, we have been disappointed, by the conduct of the American Commissioners.

When the subscribers (Robert Findlay and Gilbert Hamilton) had the honour of some conferences with Lord Grenville on that subject last June, they had hopes that matters would then have been put on such a footing as that at last we should have had that justice done us which we had so long been deprived of, as they were then assured His Majesty's Ministers had it much at heart. But as, from the late changes in His Majesty's Councils, they have retired without this matter having been settled, we now take the liberty of addressing ourselves to your Lordship, to request that as it now comes under your particular direction, you would take such measures as at last to bring it to a favourable conclusion; and which, from some correspondence we had lately with Mr. Anstey, we were led to believe was nearly accomplished.

We have no doubt that the communications we had had the honour to make to the Right honourable Lord Grenville, Mr. Pitt, and Mr. Dundas, by Mr. Hamilton and Mr. Findlay in 1794, and these delivered by the joint Committees of the London and Glasgow Merchants to his Lordship last Summer, will be found in the Office, but should your Lordship wish to have copies of them, we should transmit such of them as may be thought essential. We would humbly solicit your Lordship's attention to this business, and shall be much obliged for such communications as you shall see proper to give us.

Appendix, No. 29.

LETTER from Mr. Macdonald to Mr. Hammond; dated

Great George-street, 4th May 1801.

Dear Sir,

1 think the questions which have been verbally proposed to me are these:
1. To what amount were claims presented under the Commission?
2. To what amount is it probable that awards would have been given if the Board had been sufficed to proceed?

And 3. Is there good ground to believe that the principles I have published as now declared by the Judges of the Supreme Court of the United States, would be available to British creditors in the legal recovery of their debts.

Referring generally to the matters contained in two different Papers, which at the desire of Lord Grenville I drew up and delivered to you at different times in the course of last Winter, as well as in other statements, I will, as far as it is possible, and in a few words, give distinct answers to those questions.

And to the first, for the reasons I have elsewhere explained, an exact statement of the amount of the claims cannot be given, without resorting to the schedules and documents in America, and making up a great variety of necessary calculations; but judging from my notes, and the copies of claims in my possession, I would set down the amount, principal and legal interest, at upwards of four millions sterling.

To the second question it is with reluctance that I give an answer, because I cannot speak with any thing like the accuracy of business; and I am speaking of millions. But deducting claims which I know we should have rejected in toto, making allowance for well founded objections to parts of others, and anticipating those defects of evidence which would have been fatal, even before a tribunal of liberal equity not barred by technical rules from giving effect in favour of either party, to the fair impression of general circumstances, I think we should have rejected to the amount of one-half the sums claimed. I venture therefore to say, that we might probably have given awards to the amount of something more
more than two million sterling. The American Government countenanced and inflamed the opinion among the people, that we were ready to give awards to a much greater amount.

The first question I answer without hesitation. In the "Brief Statement" of the opinions of the Commissioners, which I drew up and caused to be published on the eve of my departure from America, and which I understand has in a considerable degree answered the purpose intended, I stated the principles which the Judges of the American Supreme Court had laid down in the year 1790, _when the Commission was impending_, and it was convenient, it seemed, to precede its jurisdiction by some evidence of a recent change of judicial opinion favourable to British creditors. But I stated them only as a bar to all complaints on the part of America, against the very same principles, which (without at that time knowing the coincidence) the majority of the Commission had declared; by no means inferring that those principles then so lately for the first time announced by that American Court of Law, would be substantially available, in any considerable degree, to British creditors. On the contrary, the knowledge I found it absolutely necessary to acquire of the complicated judicial machinery of that country, through all its different gradations of Federal and of State jurisdictions, with the habits of the great majority of their Judges (by no means excepting the Judges of the Supreme Court) as well as of their Jurors, who are too free to listen to the directions which are given by their Judges, even on matters of pure law, it contrary to the popular wish or interest, compels me to state it as my clear opinion, that even supposing British creditors could now be induced to try such tedious and costly experiments, through Courts of Chancery as well as Law, or that it was at this day legally competent, or in the power of many of them to do so, they would in general, with but few exceptions, be foiled: while the fresh agitation of old questions for a long course of time to come, would necessarily produce a continued irritation and never ceasing series of petty negotiations between the two countries.

These are my opinions on the points proposed. I give them with deference; but on firm conviction.

George Hammond, Esq. &c. &c. &c. (Signed) Thee Macdonald.

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Appendix, No. 30.

Copy of a LETTER from Messrs. John Nutt and Wm. Molleson to Lord Hawkesbury; dated the 12th of May 1801.

My Lord,

THE general Committee of American Claimants having this day met, in expectation of being informed by us of the state of their business, we are instructed to express their surprise and concern that we were not enabled to give them any satisfaction on the subject; and to request, that your Lordship will have the goodness to appoint as early a day as possible to receive us and one or two other members of the Committee, in order to be informed of the present state of this interesting business.

We have the honour to be, &c.

(Signed) John Nutt. Wm. Molleson.

Broad-street,
12th May 1801.

To the Right honourable Lord Hawkesbury,
&c. &c. &c.

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Appendix, No. 31.

NOTE from Lord Hawkesbury to Messrs. Nutt and Molleson; dated Downing-street, 12th May 1801.

Lord Hawkesbury presents his compliments to Messrs. Nutt and Molleson, and, in answer to their note of this date, has the honour to inform them, that the subject to which it relates is now under the consideration of the Lord Chancellor and His Majesty's other confidential Servants.
Appendix, No. 32.

NOTE from Lord Hawkesbury to Messrs. Nutt and Molleson; dated Downing-street, 29th Oct. 1801.

Lord Hawkesbury presents his compliments to Mr. Nutt and Mr. Molleson, and is sorry to inform them, that notwithstanding the anxious endeavours of His Majesty's Government to arrange finally the questions arising out of the 6th Article of the Treaty of Commerce with America, they have not yet been able to effect that desirable object; but as soon as a settlement of them shall be made, Lord Hawkesbury will not fail to give Mr. Nutt and Mr. Molleson the earliest information of the terms of it.

Appendix, No. 33.

LETTER from Henry Glassford, Esquire, on behalf of the Glasgow Claimants, to Lord Hawkesbury.

My Lord,

Glasgow, 22d November 1801.

I TRUST to your Lordship's indulgence for my excuse in using the freedom of addressing you by letter, though I have not the honour of being at all known to your Lordship. I do so, however, in consequence of your Lordship having been appointed by His Majesty to occupy the high and important situation lately filled by Lord Grenville; to whom several memorials upon the subject, which I now take the liberty of submitting to your Lordship's consideration as his successor, were formerly presented. The memorials to which I allude, related to the claims of the British merchants trading to America before the war, which terminated in 1783, whose situation, with respect to the debts due to them in that country, appeared to the Ministers who at that period directed His Majesty's Councils, to be of such importance as to render it necessary to insist upon an express Article, for the purpose of securing to them their rights, forming part of the Treaty of Peace then concluded. And the late Administration, by introducing the 6th Article into the Treaty of Amity concluded with Mr. Jay in 1794, also manifested their opinion with regard to the justice and equity of attesting to the interests of these Merchants in any arrangement made with America. These gentlemen have as yet, however, reaped no benefit from either of these Treaties—the execution of both having been most shamefully evaded by the American Government. Twice has the British Government acknowledged, in the most public manner, the justice of the claims urged by the British merchants; and yet eighteen years have elapsed without any thing effectual being done by that Government for their relief. They have seen the Loyalists fully compensated—they have seen early measures taken for remunerating, in an ample manner, those who in the late Irish rebellion suffered from their attachment to the established constitution; and they have seen themselves, who will yield to no class of inhabitants whatever for steady adherence to and active exertions in defence of His Majesty's Person and Government, entirely neglected, excepting to the extent of a solemn though fruitless admission of the hardship of their situation; which, being followed by no solid redress, serves but to aggravate their sufferings. If high reasons of State render it prudent not to insist, with urgency and vigour, that America shall fulfil her part of the Treaty of Amity, it is surely a cruel policy that would, for the public benefit, sacrifice without remuneration the just claims of individuals.

Being personally very deeply interested in this matter, in consequence of the extensive Establishments which my late father had in America previous to 1776, I took the liberty in Spring 1800 of sending a memorial on the subject to Mr. Dundas, who was intimately acquainted with my father, and to whom I have the honour of being in some degree known. Mr. Dundas delivered it to Lord Grenville, and though it may be among the other papers in your Lordship's office, yet as it has probably never attracted your Lordship's notice, I use the freedom of enclosing a copy of it for your perusal. Having been in London for some weeks during the Summer of 1800, I had the honour, along with some other Gentlemen also interested in this business, of waiting several times upon Lord Grenville, who had the goodness to enter with us at large into the discussion of our claims. From what passed at these interviews, we were in constant expectation that his Lordship would have brought about a settlement of one kind or other with the American Minister; but nothing decisive seems to have taken place during his continuance in office. We had reason to expect, that after suffering such intolerable hardships as we have done since September 1783, some more regard than mere expressions of regret would have been paid to our representations by that Administration of which Lord Grenville formed a part; that he would either have closed the business with the American Minister, by accepting of a certain sum of money, to be guaranteed by Great Britain, to be divided among the British creditors, as some compensation for the grievous losses we had sustained; or, though almost a hopeless remedy, that he would have restored to activity the Board of Commissioners under certain fixed principles, to have been previously settled between Administration and the American Minister.
APPENDIX TO REPORT FROM COMMITTEE.

A change of Administration has hitherto brought about no change in our favour, nor can we, from any information we have yet received, flatter ourselves with the hope of any immediate effectual interference of His Majesty's present Ministers, unless the delay has been solely occasioned by the great importance of the negotiations with France, which are now, under your Lordships auspices, upon the eve of being brought to a happy conclusion.

When that is accomplished, we trust, my Lord, that His Majesty's Ministers will, without delay, adopt decisive measures to procure for us our just demands; should we be disappointed in this reasonable expectation, we shall have no other resource but to throw ourselves, by an application to Parliament, on the justice of the nation: nor can we think that our application will be intellectual, when we ask nothing more than a fulfilment of the 4th Article of the provisional Treaty with America, and of the 6th Article of the Treaty of Amity with the same country; or if, for political reasons, the execution of these Articles on the part of America should not be rigorously exacted, that compensation should be made to us by Great Britain.

Should we come forward in this public manner, it cannot be said, my Lord, that we do so prematurely, after having waited with unexampled patience for 18 years from the period of the first Treaty, and for seven years from the period of the latter; after having heard Ministers repeatedly express in the strongest terms their sense of the hardship of our case, without using any effectual means for our indemnification; and lastly, after having seen two instances of ample compensation being given to certain sufferers, whose claims were by no means more urgent, more just, or more entitled to national consideration, than those which we, as British Merchants trading to America before the war under the faith of British honour, have preferred.

I have the honour to be, &c.

To the Right honourable
Lord Hawkesbury, &c. &c. &c.

(Signed) Henry Glassford.

Appendix, No. 34.

LETTER from Lord Hawkesbury to Messrs. Molleson and Nutt, dated Downing-street, January 14th 1802:—enclosing Copy of the Convention.

I herewith transmit to you the copy of a Convention signed by myself and Mr. King on the 8th instant, and which I trust will satisfactorily arrange the differences which have so long subsisted between His Majesty's Government and that of the United States of America, on the subject of the sixth Article of the Treaty of Amity, Commerce and Navigation, concluded in the year 1794.

Appendix, No. 35.

DIFFICULTIES having arisen in the execution of the Sixth Article of the Treaty of Amity, Commerce and Navigation, concluded at London on the 4th day of November 1794, between His Britannick Majesty and the United States of America, and in consequence thereof, the proceedings of the Commissioners under the Seventh Article of the same Treaty having been suspended, the Parties to the said Treaty being equally desirous, as far as may be, to obviate such difficulties, have respectively named Plenipotentiaries to treat and agree respecting the same: that is to say, His Britannick Majesty has named for His Plenipotentiary, the Right Honourable Robert Banks Jenkinson, commonly called Lord Hawkesbury, one of His Majesty's most Honourable Privy Council, and His principal Secretary of State for Foreign Affairs; and the President of the United States, by and with the advice and consent of the Senate thereof, has named for their Plenipotentiary, Rufus King, Esq. Minister Plenipotentiary of the said United States to His Britannick Majesty, who have agreed to and concluded the following Articles:

Article First.—In satisfaction and discharge of the money which the United States might have been liable to pay, in pursuance of the provisions of the said Sixth Article, which is hereby declared to be cancelled and annulled, except so far as the same may relate to the execution of the said Seventh Article, the United States of America hereby engage to pay, and His Britannick Majesty consents to accept for the use of the persons described in the said Sixth Article, the sum of £600,000 sterling, payable at the times and place, and in the manner following, that is to say: the said sum of £600,000 sterling shall be paid at the city of Washington in three annual instalments of £200,000 sterling each, and to each person or persons as shall be authorized by His Britannick Majesty to receive the same.
same: the first of the said instalments to be paid at the expiration of one year, the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years next following the exchange of the ratifications of this Convention And, to prevent any disagreement concerning the rate of exchanges, the said payments shall be made in the money of the said United States, reckoning 4 dollars and 44 cents to be equal to one pound sterling.

Article Second.—Whereas it is agreed by the Fourth Article of the Definitive Treaty of Peace, concluded at Paris on the 3d day of September 1783, between His Britannick Majesty and the United States, that creditors on either side should meet with no lawful impediments to the recovery of the full value in sterling money of all bona fide debts there-fore contracted: It is hereby declared, that the said Fourth Article, so far as respects its future operation, is hereby recognized, confirmed, and declared to be binding and obligatory on His Britannick Majesty and the said United States, and the same shall be accordingly—observed with punctuality and good faith, and so as that the said creditors shall hereafter meet with no lawful impediment to the recovery of the full value in sterling money of their bona fide debts.

Article Third.—It is furthermore agreed and concluded, that the Commissioners appointed in pursuance of the Seventh Article of the said Treaty of Amity, Commerce and Navigation, and whose proceedings have been suspended as aforesaid, shall, immediately after the signature of this Convention, re-assemble and proceed in the execution of their duties according to the provisions of the said Seventh Article, except only, that instead of the sums awarded by the said Commissioners being made payable at the time or times by them appointed, all sums of money by them awarded to be paid to American or British Claimants, according to the provisions of the said Seventh Article, shall be payable in three equal instalments, the first whereof to be paid at the expiration of one year, the second at the expiration of two years, and the third and last at the expiration of three years next after the exchange of the ratifications of this Convention.

Article Fourth.—This Convention, when the same shall have been ratified by His Majesty, and the President of the United States, by and with the consent of the Senate thereof, and the respective ratifications duly exchanged, shall be binding and obligatory upon His Majesty, and the said United States.

In faith whereof, we the undersigned Plenipotentiaries of His Britannick Majesty, and of the United States of America, by virtue of our respective full powers, have signed the present Convention, and have caused the Seals of our Arms to be affixed thereto.

Done at London, the eighth day of January 1802.

Hawkesbury. (l. s.) Rufus King. (l. s.)

Appendix, No. 36.

LETTER from Messrs. Wm. Molleson and John Nutt, to Lord Hawkesbury; dated London, 19th January 1802.

My Lord,

We have received the honour of your Lordship’s letter of the 14th instant, transmitting to us a copy of the Convention, signed by your Lordship and Mr. King the 8th instant, relative to the differences which have so long subsisted between His Majesty’s Government and the United States of America, on the subject of the Sixth Article of the Treaty of Amity, Commerce and Navigation, concluded in 1794.

We are extremely sorry, my Lord, to be under the necessity of representing to your Lordship, that the terms of the said Convention are not by any means satisfactory to us, neither can they be so to our constituents; the sum stipulated to be paid by America not being in any degree adequate to the sum claimed as due to His Majesty’s subjects, and the encouragements to open the Courts now being perfectly illusory, which we have no doubt Mr. King himself must be fully sensible of; we are therefore justified in applying the expression.

We cannot avoid observing to your Lordship, the Americans are allowed the full benefits of the Seventh Article of the Treaty of Amity, while His Majesty’s subjects are deprived of those stipulated for them by the Sixth Article of the said Treaty, by which they had reasonable expectations of impartial and substantial justice.

Our Lordship must have found in the office a memorial to Lord Grenville, dated the 12th July 1800, signed by us and by the Gentlemen of the Glasgow Committee, a copy of which we had the honour of transmitting to your Lordship some months ago, by the contents of which we desire to abide; and therefore claim the due execution of the Sixth Article of the Treaty of Amity concluded in 1794.

If His Majesty’s Government think fit, for reasons of State, to cancel and annul the said Article, our property ought not to be sacrificed for the benefit of the State without due compensation being made to us by the public for such sacrifice.

We
APPENDIX TO REPORT FROM COMMITTEE

No. 36.

We shall call a Meeting of the general Committee, and lay the Convention before them; we shall consult with the Gentlemen of Glasgow, who are largely concerned, after which we shall have the honour of again addressing your Lordship.

We have the honour to be, with the greatest respect,
My Lord, &c.

(Signed) William Molleson,
John Natt.

Appendix, No. 37.

LETTER from Mr. Gilbert Hamilton, on behalf of the Glasgow Claimants, to the Right honourable Lord Hawkesbury; dated 24th January 1802.

My Lord,

A Letter from Messrs. Molleson and Natt, with a copy of the Convention signed by your Lordship and Mr. King on the 8th instant, for arranging the differences which have so long subsisted between His Majesty's Government, and that of the United States of America, on the subject of the sixth Article of the Treaty of Amity, Commerce and Navigation concluded in the year 1794, has been laid before the Committee appointed by the Merchants in this City trading to North America before the War, who have directed me to write to your Lordship in their name, That, after having waited so long without obtaining that justice which was due to us from the fourth Article of the Treaty of Peace, we trusted to have obtained redress from the sixth Article of the Treaty of Amity; but that we are now sorry to find, that, after having been deprived of the benefit of that Treaty by the most shameful evasions on the part of the American Commissioners, it is at last cancelled and annulled without a compensation in any degree adequate to the losses sustained by the British subjects from legal impediments since the Treaty of Peace in 1783. And that we are again thrown back upon the fourth Article of that Treaty, which, for so many years, we have found so ineffectual.

In the different conferences and communications which we and the Gentlemen of the London Committee have had the honour to have with His Majesty's Ministers on this subject, the claims and sufferings of the British Merchants have been fully explained, and we trust that the ideas of those concerned in this unhappy business have been found not to be illiberal; but we are sorry to find the compensation held out to us by the present Convention so far under our expectations.

We have no doubt that His Majesty's Government may have had political reasons for cancelling this Article, whereby one class of His Majesty's subjects are deprived of the benefits which are allowed to the Americans, and another class of British subjects, by the seventh Article. But we trust that the justice of this country will not allow the property of a class of men, who have already suffered so much, to be sacrificed for the interest of the whole, without a proper compensation; and we hope to have the countenance of His Majesty's Ministers in any application for the same.

It will be very gratifying to the Gentlemen of the Committee to hear from your Lordship on this subject.

I have the honour to be, my Lord,
Your Lordship's most obedient servant,

(Signed) Gilles Hamilton,
See'.

Appendix, No. 38.

EXTRACT from Act 43 Geo. III. chap. 39.

An ACT for appointing Commissioners for distributing the Money stipulated to be paid by the United States of America, under the Convention made between His Majesty and the said United States, among the Persons having Claims to Compensation out of such Money. (22d April 1803.)

WHEREAS by a Convention made at London on the 8th day of January 1802, between His Majesty and the United States of America, the said United States engaged to pay, and His Majesty consented to accept, for the use of the persons described in the Sixth Article of the Treaty of Commerce, Amity and Navigation, concluded at London on the 4th day of November 1794, between His Majesty and the said United States, in satisfaction and discharge of the money which the United States might have been liable to pay in pursuance of the provisions of the said Sixth Article, the sum of £. 600,000 sterling, payable at the city of Washington in America, in three annual installments of £. 200,000 sterling each, and to such person or persons as should be authorized by His Majesty to receive the
the same, the first of the said instalments to be paid at the expiration of one year, and the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years next following the exchange of the ratification of the said Convention, and to be paid in money of the said United States, reckoning four dollars and forty-four cents to be equal to one pound sterling: And whereas it is expedient that Commissioners be appointed for the apportioning, dividing and distributing such sum of money, amongst the several persons who shall by such Commissioners be found entitled to receive compensation out of the same, in proportion to their several and respective claims, so far as the same shall by such Commissioners be approved or adjudged to be good; May it therefore please Your Majesty; that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That Thomas Macdonald, Esquire, Henry Pye Rich, Esquire, and John Guilenne R., Esquire, shall be and they are hereby constituted and appointed Commissioners for the purposes aforesaid; and that the adjudication of such Commissioners, or any two of them, as to all claims made for compensation out of such money, and also as to the apportionment and distribution thereof as aforesaid, shall be final and conclusive.

Sect. 7. And be it further Enacted, That no claim or request of any person or persons under this Act shall be received after the 1st day of June 1804.

Sect. 8. And be it further enacted, That the said Commissioners shall from time to time at their discretion, or as often as they shall be requisite, required, and as soon as possible for the determination of their examinations and proceedings by virtue of this Act, without any further requisition, give an account of their proceedings in writing to the Lords Commissioners of His Majesty's Treasury, and to His Majesty's principal Secretaries of State for the time being.

Sect. 9. And be it further enacted, That when and so soon as the said Commissioners, or any two of them, shall have approved and adjudged the claim of any person or persons to any such compensation as aforesaid to be good and valid, in the whole or in part, and ascertained the amount of any dividend or proportion of money to which any such person is, or persons respectively, are entitled, the said Commissioners, or any two of them, shall make out or cause to be made out, in such form as they shall think fit, an Order or Orders for the payment of such sum or sums respectively as shall have so ascertained as aforesaid, or of such part thereof as shall be in proportion to the amount of the money which shall then have been remitted from America, and paid into the Bank of England in manner hereinafter directed, and shall annex their hands and seals, or the hands and seals of any two of them, to such Order or Orders, and shall cause the same to be delivered to the person or persons respectively entitled thereto, or to the agent or agents of such person or persons duly authorized, on such receipts acquittances or assignments being delivered duly executed by such person or persons, to the extent of the money to be by such person or persons respectively received, as the said Commissioners, or any two of them, shall have directed or required.

Appendix, No. 39.

11ST of ADJUDICATIONS by the Commissioners appointed under the Act 43d Geo. III. cap. 50.

GLASGOW CLAIMS.

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<tr>
<th>Name</th>
<th>£</th>
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<tr>
<td>John Alston, for Alston, Young, and Co.</td>
<td>6,000</td>
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<tr>
<td>Buchanan, Hastie, and Co.</td>
<td>4,800</td>
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<tr>
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134. Duglshorn, No. 39.
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M'Call, Demnistrum, and Co.                 |    |       |    |       |
M'Call, Smelie, and Co.                     |    |       |    |       |
George M'Call and Co.                       |    |       |    |       |
M'Dowall, Stirling, and Co.                 |    |       |    |       |
John M'Dowall and Co.                       |    |       |    |       |
Helen, M'Call, and others                   |    |       |    |       |
William Ogilvy                              |    |       |    |       |
Oswood Dunitatson and Co.                   |    |       |    |       |
James Ritchie and Co.                       |    |       |    |       |
James and Henry Ritchie                     |    |       |    |       |
Ramsay Montcath and Co.                     |    |       |    |       |
John Robertson, for P. Telfer's Trustees    |    |       |    |       |
William Robertson, for Cuming, M'Kenzie and Co. |    |       |    |       |
Andrew Sym and Co.                          |    |       |    |       |
Archibald Spiers, John Bowman, and Co.      |    |       |    |       |
Archibald Spiers                            |    |       |    |       |
Thomson, Sandgrass, and Co.                 |    |       |    |       |
George Thomson, for Andrew Thomson and Co.   |    |       |    |       |
James Wilson and Sons                       |    |       |    |       |

Amount of the Glasgow Claims - - £783,650

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ON AMERICAN CLAIMANTS PETITION.

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<td></td>
<td></td>
<td>25,000</td>
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<tr>
<td>Ann White and others, Executors of Thomas White</td>
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<td></td>
<td></td>
<td>6,000</td>
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<tr>
<td>W* Walton, Administrator of Walton</td>
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<td></td>
<td></td>
<td>2,000</td>
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</table>

Amount of English Claims - - - £636,350 - - -

Total amount of Adjudications - - - £1,420,000 - - -

134.
OFFICE of the Commissioners appointed by Act of Parliament under the Convention with the United States of America.

GENERAL ORDER.

Ordered, that as the Board have now finally adjudged and decided on all the claims which, to the amount of £5,468,765, were preferred to them, under the Act passed in the 45th year of His Majesty's reign, orders on the Bank for payment of the dividends due on their adjudications, he delivered at this Office every lawful day, between the hours of 10 and 4, the said dividends being calculated in the proportion of £1,420,000. the total amount of the sums which they have adjudged on the said claims to be good, to £659,493, the amount with increase by interests received on Exchequer Bills of the divisible fund; deducting from the several proportions respectively, all payments already made on those adjudications which, in order to lessen as much as possible the loss and inconvenience sustained by those Claimants from the necessary delay, the Board, in every instance where the state and circumstances of the case permitted, from time to time have given; and that notices be immediately transmitted to the several Claimants on whose claims adjudications have been made, or to their agents, accordingly, with this declaration on the part of the Board, that in deciding with that anxiety which they could not but feel in the exercise of a jurisdiction without appeal, on a subject so large in amount, and various in circumstances, at a distance in point of time, which was equally a bar to good evidence, as an encouragement to false pretensions, the result of those investigations which have taken place, either here before themselves, or under their direction in America, has fully satisfied them that the greater part of that immense debt which was justly due by citizens and inhabitants of the United States to His Majesty's subjects at the date of the Treaty of Peace in 1783, had then or before any ordinary course of justice could have effectually operated, become bad and irrecoverable, from the natural and necessary consequences of civil war or internal dissention during the ten preceding years, with that inordinate spirit of speculation which took place on the return of peace; warranting the belief, that with a due regard to those practices of dilatory litigation or fraudulent contrivance, which the Board have ascertained were notoriously prevalent in that country, among unprincipled and extravagant debtors, without capital even before the war (a cause of risk on which the British merchant too little calculated) and also to those special and substantial objections by which the merits of many of the claims before the Board were effected, more than the amount of what they have now adjudged to be good, could not have been ultimately ascribed to the operation of those laws and legal practices after the Peace, in breach of the 4th Article of the Treaty, for which, under the provisions of the 6th Article of the Treaty of 1794, and the constructions thereof declared by a majority of the Board at Philadelphia, the United States were liable.

Ordered further, that intimation be given, that all collections or recoveries since the claims were preferred, so far as the same have come to the knowledge of the Board, are included in the sums struck off or swallowed by them; so the right to recover in America, whatever may yet be recoverable against debtors there, under the special reservation contained in the Second Article of the Convention of 1802, of the benefit of the said Fourth Article of the Treaty of 1783 (however inconsiderable, comparatively, the expectation of such recoveries may now be) remains entire and unaffected by the adjudications of the Board.

And that this General Order be published in the London Gazette, and such Newspapers as the Board shall direct, for the information of all concerned.

No. 8, Cleveland-street, Fitzroy-square, 20th May 1811.

Tho. Macdonald.
J. Galtenward.
Henry Rich.