

**CONSTITUTIONAL LAW: ARGUMENT  
BEFORE THE COMMISSIONERS UNDER  
THE CONVENTION OF THE 8TH OF  
FEBRUARY, 1853, FOR THE SETTLEMENT  
OF CLAIMS BETWEEN THE UNITED  
STATES AND GREAT BRITAIN**

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Constitutional Law: Argument Before the Commissioners Under the Convention of the 8th of february, 1853, for the settlement of claims between the United States and Great Britain by John Addison Thomas

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**JOHN ADDISON THOMAS**

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BEFORE THE COMMISSIONERS UNDER  
THE CONVENTION OF THE 8TH OF  
FEBRUARY, 1853, FOR THE SETTLEMENT  
OF CLAIMS BETWEEN THE UNITED  
STATES AND GREAT BRITAIN**



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157.5

CONSTITUTIONAL LAW. <sup>of</sup>

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ARGUMENT

OF

JOHN ADDISON THOMAS,

*Counsel & Agent of Claims for the United States,*

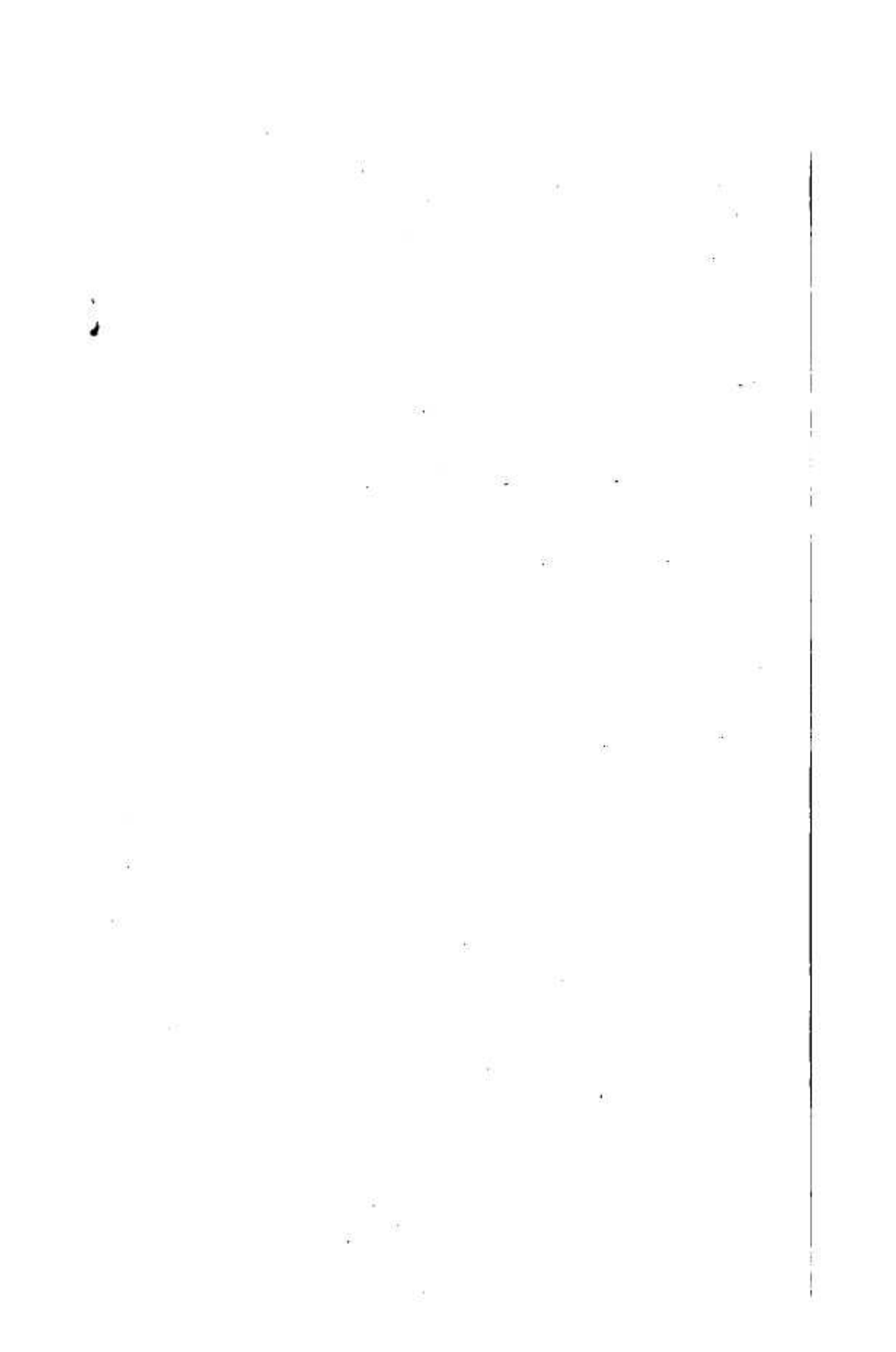
BEFORE THE COMMISSIONERS UNDER THE CONVENTION OF  
THE 9TH OF FEBRUARY, 1853, FOR THE SETTLEMENT  
OF CLAIMS BETWEEN THE UNITED STATES  
AND GREAT BRITAIN.

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LONDON:

JOHN MILLER, HENRIETTA STREET,  
COVENT GARDEN.

1854.



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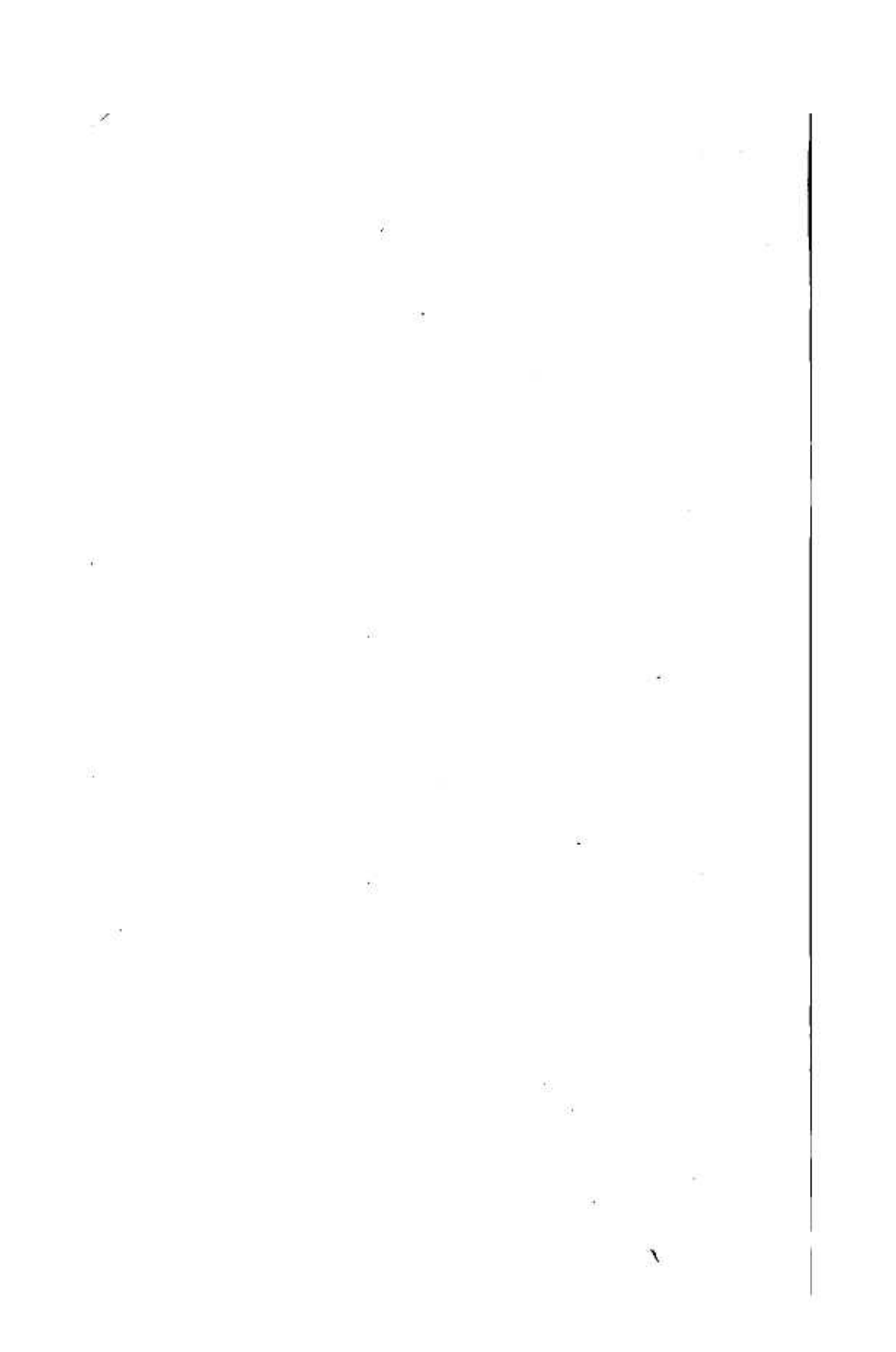
## INTRODUCTION.

THE holders of the Territorial Bonds of Florida presented to the Commissioners, through the Agent of the British Government, a claim for the payment of these obligations by the United States; and the arguments in the case were heard by them on the 20th day of June, 1854. Mr. Bolt, Q.C., and Mr. Cairns, argued the case for the Bondholders, assisted by Mr. Hannen, Her Majesty's Agent on the Commission, as counsel; and their opening arguments having been concluded, the Agent for the United States delivered the following reply.

OFFICE OF THE COMMISSION,  
WELLINGTON CHAMBERS,  
London, June, 1854.

815493

12-17-54





BEFORE THE COMMISSIONERS.

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## C L A I M

OF

THE FLORIDA BONDHOLDERS.

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THIS is a claim now presented for the first time against the Government of the United States for the payment of the interest, and ultimately the principal of certain bonds issued by the territorial government of Florida, and also for the payment of other bonds issued by banking corporations, and guaranteed by that government.

In the minds of disinterested Americans but one opinion exists on this subject. The conviction is universal that there can be no constitutional or legal obligation on the part of the United States to pay the debts of a territory, and it would be a work of supererogation to attempt to prove this proposition before an American judge; but as the question seems not to be so evident to Englishmen, and as much importance has been given to it here by the

two learned and distinguished counsel who have been heard for the bondholders and Her Majesty's Government, I deem it respectful to submit the reasons for this conviction of the American people.

As this question is more important, from the constitutional principles involved, than perhaps any other that will come before the Commissioners, I desire to indicate the manner in which it is brought before them. The British Government has refused to present it to that of the United States, and it has at no time been a subject of discussion between them, either before or at the signing of the Convention. And when it is considered that England never refuses to urge upon the Governments of other countries the just and lawful demands of her subjects, it will not be difficult for the Commissioners to perceive why she never presented this claim to the Government of the United States. It comes up, then, as a mere nominal claim, classed by the action of the British Government with many others which have been deemed groundless, and which the agent of Her Majesty's Government, at the instance of the claimants, has been permitted to present to the Commissioners, in order, I presume, to have them all disposed of. Under these circumstances, it is fair to conclude that Her Majesty's Government does not consider it embraced by the Convention, but has rather yielded to the importunities of the claimants, that they may hereafter be estopped from making any claim against their own

Government. In this view of the case I might here properly object to the jurisdiction of the Commissioners, and I have no doubt of the right to have it sustained, but, so far as I am concerned, I shall waive any such objection, because I believe the result will be more satisfactory to the claimants. They will, I feel confident, if justice is done, have added to the judgment of their own Government, practically given, the concurrence of the Commission that there is no just or legal claim against the United States.

It may be that persons interested in these bonds are now present, and I therefore wish to observe that it is matter of very great regret to me, as I doubt not it is to a large majority of my countrymen, that these bondholders should be in the situation in which they now find themselves. I am acquainted with some of them, for whom I entertain sentiments of friendship, yet I cannot refrain from expressing my astonishment that men ordinarily so sagacious as they are in mercantile operations should have been enticed into purchasing the bonds of the territory of Florida, as obligations of the United States; and still more that this transaction should have been closed and years passed by without one single reference having been made to the liability of the Federal Government. However this may be accounted for, whether they simply failed to exercise that caution which is to be expected of any one when investing