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S T A T E
 OF THE
 D E M A N D S
 OF
 The Principality of WALDEC,
 AND
 County of PYRMONT,
 UPON THE
 CROWN of GREAT-BRITAIN,
 FOR

Sundry Foragements made in those Countries by the
 BRITISH Army, under the Command of His Serene
 Highness Duke FERDINAND of BRUNS-
 WICK, in the Years 1759, 1760, 1761, 1762:
 And for fundry Articles taken and consumed by the
 said Troops, for their instant and indispensible
 Support.

L O N D O N :

Printed in the YEAR M D C C L X V I I .

REPORT
 OF THE
 BOARD OF
 DIRECTORS
 OF THE
 BANK OF
 AMERICA
 IN
 ANSWER
 TO A
 RESOLUTION
 PASSED
 BY THE
 HOUSE OF
 REPRESENTATIVES
 ON
 FEBRUARY
 22, 1838
 IN
 VIRTUE
 OF A
 RESOLUTION
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 ON
 FEBRUARY
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ADVERTISEMENT.

THE particulars of the following account, and the several proofs by which it is supported, are not inserted in this state, to avoid extending it to an inconvenient length; but are all ready to be produced, when called for.

S T A T E

OF THE

DEMANDS, &c.

THE Demands of the inhabitants
of the principality of Waldec,
and county of Pymont, on the
crown of Great-Britain, are not for re-
dress of injuries suffered from enemies ;
for they had no enemies ; nor for relief
from the calamities of a war in which
they bore any part ; for their country
observed a strict, to Britain a friendly
neutrality in the war : they are for
payment, for equitable payment for
their property, their entire and sole

means of subsistence, supplied with willing readiness to the British troops, as far as the instant wants of nature would admit, and taken from these wants by the strong hand of power, when regard to self-preservation put a stop to those supplies.

How justly they are entitled to this payment will appear from the following account of the events which gave rise to these Demands, and of the precautions taken to ascertain and authenticate their amount!

1759 Early in the campaign of the year 1759, the British combined army marched through the principality of Waldec, as several detachments from it continued to traverse that country, during the whole year.

The consequences attending events of this nature are sufficiently known! Every thing necessary to the support and accommodation of the troops, is always taken by them, as of right; and pri-

private property has no protection against unrestrained power.

Nor were these consequences confined to that occasion, or to those parts through which the army immediately marched.

As the various and continual motions of the detachments, which daily traversed the whole country, made it impracticable for them to be supplied at all times from the established magazines, they were often obliged to take from the inhabitants every necessary means of subsistence, for themselves and their horses, together with carriages, and beasts of carriage, for the transport of their ordnance, ammunition, &c. which carriages were generally worn out or destroyed, and the beasts of carriage spoiled or killed in the service.

His serene Highness the Prince of Waldec having, from the state of the war, foreseen these events, had issued orders in the winter before to the magistracies of every town and district of

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his territories, to keep regular accounts of all the several articles that should thus be taken, and consumed by the army, or any detachments from it, in order to obviate every doubt and objection to paying the owners for them, when it should be a proper time to demand such payment.

The only article in these accounts liable to be mistaken, was that of the foragements in the fields! To render this as accurate and just as possible, the lands were surveyed by experienced husbandmen, and rates struck of the several kinds of growing corn and grass; and according to these rates a standard was established for ascertaining the value of the quantities of land foraged, which quantities were proved by the oaths of the owners before the magistrates, immediately after the foraging of them, as were also particular specifications of all the other articles taken, with their value.

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An account thus specified, proved, and authenticated by the public seals of the several magistrates before whom it was taken, was made up to the end of the month of August, in that year 1759.

This account is here reduced under the two following heads, as a particular specification of all the several articles would take up too much time, and is unnecessary for the present purpose.

For foragements in the fields, and forage ta- ken out of the barns, &c.	R. 109520 : 8 MG
For other articles taken and consumed by the troops	27363 : 22
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	R. 136883 : 30

On the 29th of September following,
this account was, by order of his Serene
High-

Highness, delivered in to Mr. Intendant General Hunter, at Marbourg, who directed Mr. Commissary-General Oswald to examine it, and on his report of the authenticity and justice of it, sent to the prince, by an English officer

R. 50000 : 0

For which his Serene Highness gave a receipt upon account; as he also shortly after placed to the same account

— — 12698 : 24

which was ordered to be paid him. R. 62698 : 24

The same causes producing the same effects, a new account continued to arise every day, which, at the end of the year, was made up (proved and authenticated in the same manner as the former) to the following amount :

For

For foragements in the fields, and forage taken out of the barns, &c. R. 22223 : 27

For other articles taken and consumed by the troops 15047 : 3

Which being added to the former account of 136883 : 30

Makes the whole account of that year 174154 : 24

By deducting from this account the — 62698 : 24

Paid by order of Mr. Hunter, there remains due to the principality of Waldec a ballance, for that year, of R. 111456 : 60

The events of the succeeding year were still more severe to the territories ¹⁷⁶⁰ of the Prince of Waldec. Besides the occasional traversings of detachments, the whole British combined army entered his country, and remained encamped there for twenty-five days successively.

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The consequences of such an encampment, in a country of so narrow extent, and for so long a time, may be better conceived, than express'd. The harvest was anticipated. The growing Corn and Hay were foraged in the fields. The stores of the preceding year were taken out of the barns; and every produce of the country, every work of art and industry, for the conveniences of life, consumed by guests too powerful to be refused, without regard to the distresses, which a demand so disproportioned to their abilities, must bring upon the helpless inhabitants.

The account of these several articles (reduced under the same heads as the former) amounted as follows.

For foragements in the fields, and forage taken out of the barns, &c.	R. 502648 : 5
For other articles taken and consumed by the troops.	161343 : 13
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	R. 663991 : 18
	This

This account, proved and authenticated in the same manner as that of the preceding year, was presented to Colonel Peirson, who succeeded Mr. Hunter; but he refused to enter into any examination of it, without a special order from the Lords of the British Treasury.

On receiving information of this, his Serene Highness sent Colonel Lorial to London, with proper powers to settle this account, together with that of the preceding year, who, in May 1761, presented a state of these accounts to His Grace the Duke of Newcastle, then first Lord of the Treasury, as also to the Earl of Bute, then one of his Majesty's Principal Secretaries of State; from the former of whom he received for answer, "that it was not then a convenient time to enter into a discussion of such affairs, nor could he take upon himself to give any definitive opinion concerning it, as he was just upon the point of quitting that board, farther than that *he was confident justice would*

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*“ would be done to the subjects of his
“ Serene Highness.”* The answer delivered shortly after by Mr. Jenkinson, from Lord Bute, was, “ that as the Lords
“ of the Treasury were not acquainted
“ sufficiently with the affair, they could
“ not do any thing in it at that time ;
“ but that they would write to the commissariats
“ to make proper enquiry into
“ the circumstances of it, and according to their representation do the strictest
“ justice.”

Happy to receive answers, so consistent with the views of His Serene Highness, which he knew to be founded solely on justice, Colonel Lorial returned to Germany in expectation that the promised order would be sent to the Commissariat to settle these accounts, with that expedition, which the urgency of the case required ; but on repeated applications, he could never receive any other answer, but that the order was not yet arrived.

While

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While things hung in this suspense, 1761 the seat of the war continuing still in the neighbourhood of the principality of Waldec, a new account arose in the year 1761, from the same causes which had given rise to the former ; foraging parties, and detachments from the British combined army being daily sent into, and traversing every part of the country.

This account was, at the end of the year, proved and authenticated in the same manner, as those for the two former years, to the following amount.

For foragements in the fields, and forage taken out of the barns, &c. R. 75761 : 9 MG
For other articles taken and consumed by the troops. 53793 : 8

R. 129554 : 17

The liquidation of this account naturally met with the same difficulties and delays as the two former ; but that did not

not prevent the accumulation of another, in the succeeding year.

1762 Toward the end of the campaign of 1762, the combined British army, then quartered near Stawzenbach, was so distressed for provender, that it was found necessary to send out foraging parties to considerable distances from the Camp.

Sensible of the inconveniences of such a situation, the Commissariate proposed to have magazines formed in the principality of Waldec, which was readily assented to by the Prince, and a contract made at the most reasonable rates, though it was known that the completion of it must be attended with the greatest difficulties, as almost all the carriages of the country were still employed in the services of the army. Steady perseverance however, animated by true zeal for the cause of Great-Britain, overcame all those difficulties; and the magazines were formed with expedition, not to have been expected from the exhausted state of the country.

The

The Prince of Waldec hoped by this ready compliance with the proposal of the Commissariate, to have saved his country from the farther ravages of foraging; but all in vain! Detachments from the different regiments were garrisoned in all the towns and villages, who threshed out the Corn themselves, where they did not find it ready threshed, and carried it away to their several corps.

Conscious of the justice of His Serene Highness's complaints of this treatment, General Howard sent a detachment, under the command of an English officer, to keep the troops in some degree of order: But instead of paying any regard to him, every one of the foraging parties, both English and German, kept their posts, and continued their foragements, giving no other answer to his expostulations, but that as soon as the Commissariate should provide provender for their corps, they would quit the country, but not sooner; as they had orders from their commanding officers

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to

to that effect, and were well convinced, that Prince Ferdinand would never punish them, for endeavouring by all means to keep their horses from being starved.

In the same insolence of power, with their words, was their conduct. They took whatever they listed, without deigning to give receipts; but the particulars so taken were proved in the same manner as in the former years. To these sufferings the peace put an end, just time enough to save this distressed country from absolute and irre-mediabile ruin.

Of the several articles thus taken from them in this year, the following account was proved and authenticated, in the same manner as those for the three preceding years.

For foragements in the fields, and forage taken out of the barns, &c.	R. 98286 : 22
For other articles taken and consumed by the troops	25772 : 1
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	R. 124058 : 23

The part which the county of Pymont bore in these calamities was inconsiderable till the last year.

In the year 1759, the demands of the county of Pymont were confined to the single article of —

Foragements in the fields, and forage taken out of the barns, to the amount of	R. 79 : 16 MG
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To this account there was no addition, till the year 1762, when the value of the several articles taken from the inhabitants by the British troops was proved and authenticated, in the same manner as those taken from the country of Waldec, to the following amount.

For foragements in the fields, and forage taken out of the barns, &c.	R. 14416 : 0
For other articles taken and consumed by the troops	10800 : 0
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C 2	R. 25216 : 0

From this state it appears, that the demands of the principality of Waldec, and county of Pymont, stood in the following manner at the end of the war.

Principality of WALDEC.	
To ball. due fr. 1759 . . .	R. 111456 : 0 MG
—Account for 1760 . . .	663991 : 18
—————for 1761 . . .	129554 : 17
—————for 1762 . . .	124058 : 23
County of PYRMONT.	
To account for 1759	79 : 16
—————for 1762	25216 : 0

R. 1054356 : 2

To this account is to be added R. 12698 : 24MG which had been paid by order of Mr. Hunter, and credited on the account of the year 1759 by the prince; but was afterwards deducted by the Commissioners for German demands, from an account of deliveries made by the County of Waldec, upon contract.

. 12698 : 24
R. 1067054 : 26

The

The delay of sending over to the the commissariate in Germany the promised order for settling the Demands of the principality of Waldec and county of Pymont, being protracted to the end of the war, when the controul was recalled from Hanover, and an order issued for bringing all the outstanding demands on account of the war, to be liquidated by commissioners in London, the above account was sent over to England, and delivered in, to the said commissioners, on the 27th of December 1763, who on the 16th of March 1766, made the following report thereupon to the lords of the treasury.

“ We have taken into our consideration an account of demands of the country of Waldec, specified, *sub* No. “ 61, in the list of accounts which “ were presented by Mr. Leigh, on the “ 27th of December, 1763, and entered “ in our register, *sub* No. 179, being “ for losses sustained in the years 1759, “ 1760,

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“ 1760, 1761, and 1762, in the prin-
 “ cipality of Waldec, and county of Pyr-
 “ mont, by foraging, encampments,
 “ and wood cut down, and consumed
 “ by the troops, and amounting to
 “ 1,054,356 R. and 2 MG. and do re-
 “ port,

“ First, That what was thought rea-
 “ sonable upon the spot, and at the
 “ time, by Mr. Hunter, to be paid on
 “ this account, for the year 1759, was,
 “ on the 17th of September, of that
 “ year, compounded for with the prince
 “ of Waldec, for the sum of 15,000
 “ ducats, for all his demands of that
 “ date, which excludes the first article
 “ in this account, which amounts to
 “ 111,456 R. in gold.

“ Secondly, That the remaining
 “ charges, as now brought forward, are
 “ neither founded upon any treaty, sti-
 “ pulation, agreement, contract, order,
 “ or accord, whereby the same can
 “ become a charge against the crown
 “ of Great-Britain, nor vouched by any

re-

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“ receipts of the troops; we are there-
 “ fore of opinion, that the said de-
 “ mand, amounting, as above, to
 “ 1,054,356 R. and 2 MG. ought not to
 “ be paid.”

It cannot be necessary to say much
 in refutation of this report, as it, in
 most points, obviously refutes itself.

The reason given for rejecting the first
 article in the account is certainly such
 as never was, nor ever will be admitted
 to take place in any account. On a
 demand of 186,883 R. Mr. Hunter
 paid 50,000 R. — Whether he in-
 tended this payment to be in full dis-
 charge of that demand or not, is of
 little weight in the present question, his
 intention being, by no means, all that
 was necessary to make it operate as such
 a discharge. To give it this effect, the
 consent of the person to whom the
 payment was made, was indispen-
 sibly necessary. Every one who pays
 money has indisputably a right to
 pay it, on what part of his account

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he

he thinks proper; but to say that payment of a part only should operate in discharge of the whole, without the consent of the creditor is too grossly absurd to require refutation: and that his Serene Highness did not give such consent appears from his receipt, which so far from *even implying* a discharge in full, is *expressly* upon account.

This is said, on the supposition which the commissioners assume, that it was Mr. Hunter's intention to give that sum of R. 50,000, in discharge of the whole demand of 136,883 R. the amount of the account made up to that time; whereas, on the contrary, there is just and sufficient reason to conclude, that Mr. Hunter had no such intention; or at least, if he had, that he was conscious it had not been carried into effect, or he would have made it known to the Duke of Newcastle, then first Lord of the Treasury, and to the Lord Bute, Secretary of State, to obviate

obviate any future demands for the residue. But that no such information was given to either of these ministers, is evident from their answers to Col. Lorient, as herein before set forth; and from thence it must necessarily be concluded, that this sum was paid only in part of the demand, or Mr. Hunter would never have been guilty of such an omission.

Instead, therefore, of the first article's being *excluded* by this payment, that and the following accounts for the succeeding years are in the clearest manner *admitted* by it, as the payment of any part of a demand is a direct admission of the justice of that demand.

Could any other inference be drawn from this payment, it would be one directly subversive of the whole scope, and tenour of this report. It would be to establish a precedent of the rate, according to which Mr. Hunter was of opinion the demands of the principality of Waldec,

Waldec, and county of Pymont, ought to be paid, for the following years.

Equally contrary to reason, justice, and law, is the objection to the demands for 1760, 1761, and 1762, as "neither founded upon any treaty, stipulation, agreement, contract, order, or accord." The Payment of R. 50,000, by Mr. Hunter, on the demands of the year 1759, is a *direct accord* to those demands, as the promise made by the Duke of Newcastle and Lord Bute, as Ministers of State, when applied to by Colonel Lorient, not only for the ballance of the demands which had been made to Mr. Hunter, but also for those of the succeeding year 1760, and of so much of the year 1761 as could be made up before he was sent, "that *justice should be done to the subjects of His Serene Highness the Prince of Waldec,*" is an express *confirmation* of that accord of Mr. Hunter's, and by necessary consequence and

and implication, a *stipulation* for the following years, till it should be as expressly, and by equal authority contradicted, and revoked; and in this sense it was confided in by the Prince.

Had this objection been made by Mr. Hunter to the first demand, irrefragable arguments drawn from reason, from the eternal, and immutable principles of justice, and from the general laws acquiesced in by all civilized nations, should have been adduced in refutation of it; but as this fact concludes the point, it would look like ostentation to recite what must suggest itself to every well-inform'd judgment.

As to the objection, "that these charges were not vouched by any receipts of the troops," it has been observed, that these receipts were, in the insolence of power, refused by them. To reject demands, therefore, sufficiently vouched otherwise, for want of vouchers, which the Claimants were not able to procure, would be the height of injustice.

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Such are the reasons, upon which the rejection of the demands of the principality of Waldec, and county of Pymont, is founded. If these demands are just, the rejection of them must necessarily be unjust! That they are so, has been proved by the unerring evidence of facts, as the erroneous insufficiency of the reasons given for the rejection of them, and consequently the injustice of that rejection has been also proved upon the unalterable principles of equity, and according to the plainest rules of law, in this examination of the above report.

Could it be necessary to enforce a claim of justice, by arguments drawn from any other motive, the strongest application might be made in behalf of these demands, to generosity and compassion! The consumption of such numbers, in the year 1760, was so disproportioned to the produce of the country, that when the army decamped, it left the principality of Waldec destitute of every

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every thing necessary for the sustenance of man or beast.

To save the inhabitants from the horrors of impending famine, their Sovereign directly sent to purchase Corn in Holland, *that they might eat bread, and live*; which was accordingly done, and the Corn sent without delay to Bremen. But there it stopped. The British Commissariate was in possession of all the vessels on the river, for the service of the army; nor could one be obtained to transport this Corn to the relief of the impatient people, for whom it was provided, till the greater part of it was utterly spoiled, and the residue obliged to be sold, to save it from the like destruction.

Supported by hope of this relief, the sufferers lived in the mean time upon such of their cattle, as want of fodder forced them to kill, rather than let them perish! But when they were thus deprived of this hope, the only resource of their despair was to sell to the neighbouring countries, which had not shared equally

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equally in the calamity, all the cattle they had been able to keep alive, in order to buy food, which they were forced to purchase at such a distance, that the expence of bringing it home consumed so much of the money, raised by this wretched last expedient, as in a great measure disappointed its end, and left their wants unsupplied.

Nor did the blessings of harvest put an end to these distresses. The same causes, as has been shewn, continued them, for the two succeeding years, with this aggravation, that as the people had no cattle to sell after the first year, they were obliged to contract debts, under which they labour still, as their children must labour after them, if not enabled to pay them, by the payment here claimed by themselves.

Should it be objected, that by this claim, payment is required for losses, which are the inevitable calamities of war, and therefore always to be submitted to without right of redress, no

Power

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Power being obliged to make satisfaction for any acts not performed directly by its authority, such as those of individuals, or detached parties, from the nature of their service and situation, impossible to be kept within regular restraint: let not that objection be strained beyond its just extent!

The only part of this account, to which it can with justice and propriety be applied, is the charge made *for articles taken and consumed by the troops*, as they really were, for the most part, taken in the manner here intended. To the *foragements* of the army it is utterly inapplicable! These were made by express command; and, consequently, the Power by whose Delegate they were commanded, and who reaped the advantage of them is, by every principle of justice, bound to pay for that advantage.

If therefore it should be the misfortune of the claimants, that one part of
their

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their demands should be deemed in their nature inadmissible, let not that misfortune, heavy and distressing as it is, be aggravated by the loss of the other parts, to which the same objection cannot be made! The *articles taken and consumed by the troops* are submitted to equitable consideration; but let *the foragements in the fields, and the forage taken out of the barns* be paid for, as they shall appear to be incontestibly proved.

It has been the glory of Britain to deal justice impartially to all! The inflictions of Divine Wrath have been lightened by the generous interposition of its compassion! Shall not the same compassion lighten sufferings occasioned by Britain? Shall not the same justice be dealt to the inhabitants of the Principality of Waldec, and county of Pymont?