

om he imagined to swarm through the atmosphere, and which, falling down on his back, whirling his pole horizontally, with a rapid motion, howling miserably in the mean time, he would attempt to drive away, lest they should smother him.

Opinions are various with regard to the cause of his insanity. Some suppose, that he is out of his wits, because his trade has been injured by the tender law; (since, perhaps, from former affluency, to a loss of the best coat upon his back. Indeed this is not improbable, if we consider that it is no small part of the burden of his situation, that a tender law is unjust. It is usual for distracted persons, to hang much on one string, which originally has been touched in the first disturbance of their reason.

Others, amongst whom, are several aged ladies in this town, are of opinion it must be love; as my lady, *Cræsus* with care, or cross'd in hopeless love. It seems to me, that in his railing against the house of delegates, and particular members, discovers a sour, saturnine, humour, very different from that good natured *fillicious*, which is the effect of love: I have consulted Sappho's ode, where she traces the progress of this passion, from the first gaze of admiration, until she comes to the symptoms of madness; and I do not find at the symptoms discernible in this gentleman, at all, accord with these.

I am unwilling to advance new theories; but I take the state of his brain to be owing to the state of the weather, in December, and in January last. It may be recollected, that it was about the middle of January, that he began to rave. The cold winds, and severe frosts which he had at that time, and by which the bay was frozen up, (a thing not before known in the memory of man) gave an unusual reason to his raves, which we all know, according to Boerhaave and others, physicians, and great naturalists, is the most general cause of madness. On reflecting the *cræsum* of some mad persons, the whole plexus of the nerves has been found ossified.

With regard to what might be proper to relieve him, it is evident that it is the *swarm* habit; but it is a case in casuistry, whether it might be proper to relieve him: if the happiness of human life consists greatly in imagination; if he is happy in believing himself possessed of the peculiar faculty of being a subject of two countries, able to *interit in both*, and by hanging in neither, it would be highly injudicious to deprive him of his pleasing reverie of mind, by restoring him to his right reason. We have a story of a man at Athens, who apprehended himself to be constantly in a theatre, and to hear admirable tragedies recited; so that, when restored by the use of salubrious, he cried out, "Verily, my friends, you have undone me." Another, at Venice, believed himself present in a continual carnival, and if he had been recovered, by the officious kindness of his friends, and the skill of physicians, it is not improbable, but his that exclamation would have been to the same purpose. However, if, for the purposes of religion, or which, on all hands, it is agreed a madman is not capable, it should be thought a duty to restore this unfortunate gentleman, I can recommend nothing better than to buy a new wig for him, in the manner of the Indians, or to use the warm bath.

Chester-Town, March 17.

That it is, to put him in a swigum, with beat of fumes, and forcing hot water on those, raise a requisite vapour, which may cause him to sweat; and when water is pretty nearly exhausted, plunge him head foremost into cool stream or river.

TO THE PUBLIC.

HAVING proved, that the common law and law of nations expressly establish the justice of expatriating (for compensation of the damages and expences of the war) the property of British subjects, even of those who are personally unoffending; I will now shew that the taking the goods of the innocent subjects of a nation, and appropriating them for satisfaction of injuries received, either from the collective body, or from individuals of the same nation, is so far from being a novel doctrine, introduced at this time to answer the purposes of speculators, that it is as natural as the formation of society, and founded upon principles perfectly reconcilable to the immutable rules of justice, and by no means contrariant to the sentiments of honour and humanity.

When any English merchants are injured in their persons, or their goods are spoiled, or taken from them by merchant strangers, in parts beyond seas, and upon suit, or the king's demanding justice for them, they cannot obtain it, but

on proof thereof, they shall, by the common law of England, have a writ out of chancery, to arrest any merchant strangers of that nation, or their goods, which may be in England; which writ is grantable of course, by the chancellor, or lord keeper, to the subjects oppressed; by virtue of which writ, the bodies of such merchant strangers, although personally unoffending, may be arrested and detained until justice is done, or their goods may be confiscated, to the full value of the damages, which had been received.

But if there are not in England any merchant strangers of the nation, by the subjects of which the injury had been committed, whose bodies may be arrested, or any of their goods, which may be confiscated, in that case, letters of marque may be granted to the person injured, for the reparation of his damages, authorizing him to take the persons or goods of any of the subjects of that nation, wherever they may be found, whether upon the high seas, or in any other place, without the realm of England. Nor is this mode of redress justifiable solely upon principles of common law, but is conformable to the laws and usage of the most civilised nations, as well ancient as modern.

Hence then we find, that where the particular subjects of a nation have committed an act of injustice, which the collective body, when called upon, in the person of its ruler, refuses or delays to repair, the bodies and goods of every other member of that nation, although they were no way consenting to the injury, stand answerable to those persons, who have been injured thereby, as far as the amount of the damages; nor is this unjust or unreasonable, for though by the law of nature one man's goods are not bound for the debts of another, yet the same may well be introduced by the voluntary law of nations, and that perfectly consistent, with the laws of nature; for if sureties, without any cause, may make their goods and estates liable for the debts of a stranger, much more may a society make liable all their goods, corporeal or incorporeal, for the payment of a debt, which the head thereof ought to make good; or for the redaction of satisfaction in those cases, where the sovereign hath not done right to another, but hath thereby made himself liable to render satisfaction. Hence it was, that this custom was constituted by nations, grounded on the urgency of human needs, asserted with the greatest of necessities; for, without this, intolerable licence would be given for commission of depredations and injuries, especially if only the goods of rulers were made liable, who seldom possess any thing, which the injured can readily seize upon for satisfaction; whereas the private subjects of the nation, whose commercial concerns are various, may be caught, more secure from danger, and with much greater ease. Besides, the original owners of such prize, being members of the same society, may more easily obtain mutual right for satisfaction of their losses, and their future indemnity, than strangers could, who, without such a tie, would be but little regarded. It therefore the party injured cannot procure redress, within a proper time, against the person of whom he complains, or if there be a judgment given, contrary to apparent right and law, if no other relief can be had, the bodies and goods of the subjects of that prince, who renders not right, may be taken, not only by the jus gentium & civile (the civil law and law of nations) but by the ancient and municipal laws of England. And the ships of that nation, against which letters of reprisal are granted, may be attacked by those having such letters, and if refused to be yielded up, may be assaulted and entered; in doing which should it fall out by accident, not by design, that some of those, who result, may happen to be slain, the fault will lie at their own doors, for hindering the execution of right, and that of which the law most justly approves. Thus we see, however strange the Senator may think it, that the innocent subjects of a nation may not only be rightfully deprived of their goods, but, should it become necessary, from their resistance, may be even deprived of their lives. And if the dominion of goods taken by those to whom letters of reprisal are granted, become the captor's, ipso facto, by the law of nations, until the debt and costs, that is, the original damages and subsequent charges, are satisfied. Nor is it the place of a man's nativity, but of his dwelling, not of his origination, but of his habitation, which subjects him to reprisal; the law not considering so much where he came into the world, as where he inhabits the world. Those therefore who are born in Maryland, or any other of the thirteen

colonies, now states, and who at present reside in Great-Britain, are not entitled to any exception in their favour; their goods are as liable as those of any other British subject, to be seized for reprisal of damages. But whenever it happens that, in consequence of letters of reprisal, the goods of innocent subjects are confiscated, the sovereign of that state, against which such letters are granted, must repair to them their loss, out of the effects of him or them who originally committed the injury; or if that proves deficient, it ought to fall as a common debt on his country. For whenever such letters are issued, they immediately vest in the grantee a national debt, to be satisfied, in such manner, and by such means, as the same do direct, out of the goods and estates of the subjects of him who refuses or delays to do justice.

If we reflect, a moment, upon the above observations and principles of the common law, and law of nations, we shall clearly discover, 1. that when acts of injustice have been committed by private subjects of a nation, to render satisfaction for which their sovereign, upon a requisition being made, hath either refused, or unreasonably neglected, or when a state in its collective capacity has done an injury to another, the injuring state immediately becomes a debtor to that, which hath been injured, to the full amount of the damages originally sustained; and where satisfaction of those damages are refused, become still further indebted, to the amount of all the subsequent expences incurred in pursuit of redress. 2. That the property of the injuring state may be confiscated to the value of all those damages and expences, not for punishment of the injustice committed, but for payment of that national debt, which thereby became justly due to the state which was injured. 3. That although the injuring nation, in its collective capacity, or the guilty and criminal members of that nation, may be considered the original and principal debtor, for such damages and expences, yet every individual subject of the state, from their connection with, and relation to, the collective body, and all its members, are sureties for the payment of that debt; because it is a part of that compact, upon which mankind enter into society, established and confirmed by the universal consent and usage of nations, that, as every state, in its collective capacity, ought to demean itself, in such a manner, that none of its neighbours be injured, so every individual of the state shall be answerable for the good behaviour of that collective body, of which he constitutes a part. And therefore, 4. Although the property of the principal debtor, to wit, of the collective body, or the criminal subjects, of a state, where it can with equal convenience and safety be seized, ought first to be appropriated to the satisfaction of the debt; yet where that cannot be done, it is perfectly consistent with the strictest rules of justice, and by no means incompatible with the principles of honour and humanity, to seize upon the property of the sureties, that is of any other subject of the state, although unoffending: as in the common case, where the security for debts is compelled to pay for the laches or insolvency of the principal. To reproach the creditor with cruelty and injustice, for prosecuting his unquestionable right against the security, would be improper and absurd; reproaches of the like nature are equally inapplicable in the present case.

The British nation, in its collective capacity, is indebted to the United States, for all the damages and expences of the war. Every individual subject is a surety for the collective body; and, as such, is answerable for the payment of this debt. If we cannot seize upon so much property of the collective body of this nation, as will satisfy the damages and expences of the war, we have an undoubted right to seize upon the estates of as many of the sureties as will be sufficient for that purpose. If these sureties, and, if you please, the innocent subjects of Great-Britain, are thereby deprived of their possessions, why will the Senator persist unjustly to throw the blame upon us, instead of transferring it, where it is really due? To what motive would he wish us to attribute his conduct? To compliment his principles, must we sacrifice his reason, and suppose his conduct to proceed rather from want of understanding, than attachment to our cause? Or as the only alternative, must we conclude, that his prejudices against some of the advocates for confiscation, his partiality for individuals, who may be affected by the measure, and his fears and apprehensions of some dreadful political heresies, have been sufficient to overcome both the one and the other? We only prosecute our indisputable right; we only endeavour to obtain com-

Malley, 26. Jus. Inst. de jura nat. 52. 254.
 Malley, 28, 29. Ibid. 36. Ibid. 61.
 Ibid. 54.

Gen. Treat. of Com. 210. C. 20. Malley, 41.