

pendent nations; there is in reality no distinction, and this is declared by Vattel, Rutherford, and Burlamaqui.

By the declaration of independence, this state became a sovereign and independent state, and as such entitled to every benefit which any nation can claim by the law of nations. Rutherford informs us, "In a war which is internally just, as a nation may take the persons, so likewise it may seize upon the goods of the enemies, either moveable or immoveable, as far as such seizure is a necessary means of bringing them to do what is right; but what is seized only for this purpose does not become the property of the captors: the possession is just, till the purpose for which the goods were taken is answered; but as soon as the claims of the injured nation are satisfied, the justice of the possession is at an end.

"There are however three ways, by which a nation in a *just* war may acquire property in the goods which it takes from its enemies. First, a nation that has been injured, has a right to reparation of damages. Reparation is made according to the law of nature, not only by recovering the thing, which we are unjustly deprived of, but likewise, where the very thing cannot be had, by recovering an equivalent out of the goods of the person who has deprived us of it. And, by the law of nations, this right to obtain an equivalent extends to the goods of all, who are members of the nation that has done the injury; not because the goods of private subjects are by any purely positive law made pledges to all the world for the good behaviour of the nation, or of its constitutional governors; but because, by the positive consent of all mankind, the nation, though it consists of many individuals, is considered as one collective person; and in consequence of this general consent, all the members of this collective body are deemed parties in any injury which the body does, as far as this injury produces a claim to reparation of damages in those against whom it is committed. If a nation makes war to recover reparation of any damages that have been done to it, this claim to such goods as are taken in the war, takes place from the beginning of the war, to the extent of these damages. But if the enemy begins a war causelessly, and the nation which defends itself has suffered no injury from the enemy before the war began, this claim does not take place from the beginning, because the nation can have no right to an equivalent, where it has sustained no damage. However this claim, though it did not begin with the war, will arise in the progress of it: for the war itself is an injury; and consequently the nation, against which it is made, will have a right to reparation for all the damages which are done to it in the war.

"Secondly, a nation has a right to be paid the expences that it makes in a just war. These expences are indeed so many additional