

message, but politeness forbids the suggestion, that you had any design, but to answer our arguments in favour of the bill, and to shew the reasons and motives of your conduct.

We conceive the only and true questions between us, are, 1st. Whether the seizure and confiscation of all property (debts only excepted) in this state belonging to British subjects, is supported and justified by the law of nature and nations. 2dly. Whether policy requires or forbids the exercise of the right of seizure at this time. We apprehend the description in the bill of British subjects, the line drawn to ascertain them; whether persons are included who ought not, and the mode of obtaining or of disposing of the property, are foreign to and ought not to be blended with the questions; those matters can only obscure, but not elucidate the subject, on which we differ so widely from you in opinion.

Your honours cannot discover the justice of seizing and applying British property, to relieve our people from heavy and intolerable taxes, and to enable them to continue the war. We support the measure by the rule of justice, applicable to our citizens, and the subjects of Great Britain. By justice we mean a constant regard to the common interest, and in conformity to it, rendering to both parties what they are entitled to, by a natural or political claim: and we understand the true principles of justice to be, to do unto others what would be right for them (in a similar case) to do unto us. To examine this subject. The people of the colonies (now United States) oppressed by the king and parliament of Great-Britain, applied for a redress of grievances. Force was employed to compel their submission to acts destructive of their natural and civil rights; hostilities were commenced against them; they resisted by arms; such resistance was necessary and justifiable. The war continued; the object of America was confined only to a redress of grievances. The king and parliament of Great-Britain declared the people of the colonies in rebellion, that their property taken on the sea should be liable to seizure and confiscation, and that it was lawful and just to seize and destroy their persons and property. Great-Britain continued the war, and with her fleets and armies did seize and destroy considerable property of our people. The war on the part of Great-Britain was offensive and unjust, on our part not only defensive and just, but necessary. From the 19th of April, 1775, until the fourth day of July, 1776, the object of the war, on the part of America, was only to obtain a redress of grievances; during that period her resistance, being originally lawful and justifiable, the war was truly and properly a *civil war*. At length this and the other colonies were compelled to separate from the British empire, and to become sovereign and independent states. On that ever memorable and glorious event the object of the war was changed, and from that moment the war became a *public war*, and all the rights of an independent nation then attached to this and the other states in the union. Permit us to inform your honours what the late and celebrated Vattel says on this subject. "*Civil war breaks the bands of society and government, or at least it suspends their force and effect; it produces in the nation two independent parties, considering each other as enemies, and acknowledging no common judge. Thus they are in the case of two nations, who having a dispute which they cannot adjust, are compelled to decide it by force of arms. Things being thus situated, it is evident that the common laws of war, those maxims of humanity, moderation, &c. are in civil wars to be observed on both sides. If this is not observed, the war will become cruel and horrid; and its calamities will increase on the parties, therefore, whenever a numerous party thinks it has a right to resist, and finds itself able to declare that opinion sword in hand, the war is to be carried on between them in the same manner as between two different nations; and they are to leave open the same means of preventing enormous violences, and restoring peace. But when a nation becomes divided into two parties, absolutely independent, and no longer acknowledging a common superior, the state is dissolved, and the war, betwixt the two parties, in every respect is the same with that of a public war between two different nations. The obligation therefore of observing the common laws of war is absolute, indispensable to both parties, and the same to which the law of nature obliges all nations to observe between state and state.*"— If the opposition by force, of the colonies (now United States) from the 19th of April, 1775, to the 4th of July, 1776, may be properly called a *civil war*, we wish to know what rights the people of America could acquire or be entitled to in consequence of it. The learned Rutherford informs us, "nature has made such a connection between mankind, as obliges them to abstain from what is productive of harm to one another, and to do what is productive of mutual good. This connection is the foundation of the law of nature, which may be traced out from the principles of reason. By the law of nations is meant such rules, as nations or civil societies are obliged to observe in their intercourse with one another. The *matter* of both these laws (i. e. the law of nature and of nations) is the same; the law of nations, as well as the law of nature, commands whatever is beneficial, and forbids whatever is hurtful to mankind in general. But whilst the *matter* of them is the same, the *objects* of them are different; the law of nature considers mankind as individual persons; the law of nations considers them as formed into collective persons. Thus the same law, which is called the law of nature, when it is applied to separate and unconnected individuals, is called the law of nations, when it is applied to the collective bodies of civil societies considered as moral agents, or to the several members of civil society considered, not as distinct agents, but as parts of these collective bodies. The law of nature is not the only measure of the obligations that nations may be under towards one another, they may bind themselves to one another by particular compacts, or treaties, to do or to avoid what the law of nature has neither commanded nor forbidden, these obligations arise from immediate and direct consent, and extend no further than to those nations, that by their own act of immediate and direct consent, have made themselves parties to them. War of all sorts is governed by the law of nature only, whether it is a solemn one, between nations, or a civil one, between different parts of the same nation. No right, therefore, either to corporeal, or to incorporeal things, can be acquired by taking them in war, unless it is acquired by the aid of the law of nature. War is only the use of force, the mere taking of a thing in war can give us no right to it, because by the law of nature no effects of right are produced by mere force."