

It may now be proper to enquire into the law of nature. "The law of nature has provided a remedy against injuries in the equality of nature: any person, who is either in danger of suffering an injury, or has actually suffered one, may make use of force either to defend or to redress himself.

"Every man has naturally a right to think and to act for himself. The law of nature prohibits him from doing what is unjust, and by the same law of nature he is obliged to advance the happiness of mankind, as he has ability and opportunity; but it leaves him to judge in what instances, and by what means he will do it. The law of nature considers all mankind as one great society, and obliges them in this view not to hurt one another, and mutually to do for one another all such kind offices as are in their power.

"Every man has naturally a right to make use of his own force, either for his own defence, when he is in danger of being injured, or to obtain reparation, and to inflict punishment, when he has been injured.

"If any person has injured us, by taking from us what is our own, or by withholding from us what in strict justice is due to us; the law of nature not only allows us to make reprisals, by seizing upon so much of his goods, as is equivalent to what we have lost, where we cannot recover the very thing itself; but it gives us property likewise in the goods so taken. Besides the person who immediately does the injury, others may be so concerned in it, as to be under an obligation with him of making good the damages arising from it.

"The several members of a civil society are parties by the law of nations in any injury that the society does: for this law considers such a society as one collective person: and consequently an injury, which is the act of this collective person, must in the view of this law be the concurrent act of its several parts or members."

From the above it is manifest, that if the war is considered as a *civil* war from the 19th day of April, 1775, to the 4th day of July, 1776, and the nation of Great-Britain was the aggressor, she is, and the individuals of that nation are, by the principles of justice, the law of nature and of nations, answerable for any damage this state or any of its citizens hath sustained in consequence of the war. The law of nations, as to property taken from an enemy, applies to *civil* wars as well as *public* wars between independent 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 damages; for whatever the nation is forced to expend in recovering its right, is a loss, which is occasioned by the fault of the enemy, who withholds that right.

"As the nation therefore acquires property in the goods which it takes from the enemy, to the amount of the original damages that occasion the war, and of the fresh damages that are done in the war; so, upon the same principle, it acquires property in what it takes, as an equivalent for the current expences that are made in carrying on the war."

We are inclined to think the authorities cited will convince our people of the right they have to seize and confiscate British property in their power.

The policy of the measure depends on opinion. We think it impolitic to load our constituents with taxes, and convinced that they cannot pay what is really necessary to carry on the war, without selling part of their property to raise the money, we thought sound policy dictated the propriety of first selling the property of our enemies.

We must now beg leave so far to intrude on your honours time and patience, as to make a few strictures on your arguments, or rather objections to the bill. Permit us to discuss them with that temper and disposition their importance and weight may require.