

And from this very circumstance is overthrown your honours reasoning with regard to the property in question, for it will prove any thing it will prove too much, and the back lands cannot be confiscated. If they belong to the native Indians, your honours will say, that though they have made war against us, yet their property cannot be confiscated, for Vattel, a late and celebrated writer on the law of nations, has shewn, "that the rigour of that law is much softened in this very point, by present usage and practice." If they belong to the crown of Great-Britain, as trustee for the nation, as we conceive, and will be called British property, the congress, should they adopt the same way of thinking with your honours, will not be willing to confiscate it, as it may be made a preliminary article of the peace, that it be secured, or at least the full value of it, to the original owners." Nay, if they should not adopt the sentiments of your honours, but be willing to confiscate it, yet will there not be danger, in the opinion of your honours, that as in the mean time the "title must be doubtful, and the purchase invidious," engrossers and speculators will buy it up; and depreciate the currency still more? For, as your honours would suppose, the more readily money will buy land, the more evidently it is depreciated. But it lies upon your honours, who have started these difficulties in the one case, to resolve them in the other. For with regard to the preliminary, of which your honours are so apprehensive, if it is made a preliminary with regard to the property in question, will it not also be made a preliminary with regard to the back lands, which have belonged to the crown and people of Great-Britain? Nay, will it not more probably be made a preliminary with regard to these lands, than with regard to the property in question? In the one case a solid emolument will arise to the crown and to the nation, in the other to those only who have manifested an attachment to it. In the one case interest will induce the enemy to make it a preliminary, in the other a sense of honour only; and in proportion as the love of interest is stronger in the British court than the love of honour, so much the more willing will they be to make the one a preliminary article, and to neglect the other. We may be assured the crown will not regard the property of those subjects, of whom we speak, so much as to continue the war a single day on their account. Did this property remain unalienated, and it appeared that the bare mention of it might obtain it, it is possible that court might, to save appearances, be induced to mention it. But when it is applied and gone, they will be silent; for having lost thirteen states, and vast tracts of crown lands for themselves, they will not much contend for others, whom they know only as retainers on their army, or the obnoxious of America. But should we not be willing to make any preliminary about it, we shall have all America interelld with us. The property of British subjects, and those of them called refugees, through the several states, are already in the same predicament with the objects of our bill. The several states of America are therefore with us, and if it must be made a preliminary at all, let the states make it. But your honours may rest satisfied, that as the general interest is concerned, the states will not make it a preliminary.

From these principles we must conceive, that the fears and apprehensions of your honours are groundless; we have shewn that your reasonings are so, for, through the whole of the message, every sentence is at variance with the rest, and, if we grant what you suppose in the one case, it destroys what you suppose in the other.

There are several other matters in your message (foreign to the question, and which we think ought to have been omitted) that deserve our animadversion, but we shall conclude.

We do not think it necessary to send you a bill to prevent the removal or transfer of British property. The law of nations will be as good a security as any law we could possibly obtain your assent to. Whoever attempts to remove or purchase, will be answerable to the state.

Our and your appeal is now made to our constituents. We are both bound by what they shall determine. If the people think the right of seizing and confiscating British property is not justified by the law of nature and nations; if they should determine that policy forbids the exercise of the right at this time; or if they should be of opinion, that they can pay, by taxes, 14,220,000 dollars in nine months, or if unable they should prefer the sale of their own property before that of their enemies, this house will comply with their desire; but if they should coincide with us in opinion, we flatter ourselves your honours will not oppose the voice of your country, and stand between them and their enemies, and protect their property from sale, to assist us in prosecuting of the war.

As our constituents will have time to express their sentiments, and to give their instructions before the first day of March next, this house intend to adjourn to that day.

By order,

Messieurs Williamson and Read, from the house of delegates, deliver to the president the engrossed bill No. 35, with the paper bill thereof, which engrossed bill was thus endorsed; "By the house of delegates, December 30, 1779: Read and assented to."

J. DUCKETT, cl. ho. del.

"By order,

Messieurs Burgess and M'Gee, from the house of delegates, deliver to the president the engrossed bills No. 39 and 40, with the paper bills thereof, which engrossed bills were severally endorsed; "By the house of delegates, December 30, 1779: Read and assented to."

J. DUCKETT, cl. ho. del."

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Which engrossed bills were read and assented to, and the paper bills thereof so endorsed.

The bill, entitled, An act for the special appointment of inspectors, and to encrease their salaries and the warehouse rent, was read the second time by especial order, passed, and sent to the house of delegates by William Hindman, Esq;

The resolution making compensation to the civil officers, was read the second time and the question being put, That the said resolution be concurred with? Resolved in the affirmative.

A F F I R M A-