

The same rule will not apply to the property acquired by subjects of distinct and independent nations, at the time of its acquirement. These know, or might know, the laws respecting the property of alien enemies in such states; they therefore acquire it, knowing on what terms the acquisition is made, and to what risk it is liable, in case of a rupture between their own and that nation in whose dominions property is acquired; and upon this principle, to wit, that the person who acquires property in a foreign country knows such property can be taken from him by law, whenever a war happens between his sovereign and the state in which such property is acquired, the right of such foreign state to take such property is founded. The consequences therefore deducible from this principle are inadmissible, in all such cases to which the principle itself will not properly apply.

And though the persons affected by your bill reside in an enemy's country, and while thus residing are amenable to its laws, yet we cannot see the justice of diffusing the guilt of the British king and parliament to all individuals residing in that country, so as to work a forfeiture of their property and deprive them of their estates, because they may be willing and desirous to become subjects of this state, upon notice given that they would be received as such. Our opinion on this subject is shortly this. We conceive the declaration of independence, made upon the very principle of preserving liberty and property, destroyed no right which might be possessed consistently with that principle, and compatible with the sovereignty of the several states. That persons, other than refugees, resident in the British dominions, and claiming property in this state acquired before the declaration of independence, ought, on becoming subjects, to possess that property, liable to the same taxes and impositions which other citizens pay: this equity and reason dictate, though policy may refuse to extend to them, during the war, all the privileges of citizens resulting from our government, and which of right they cannot claim; that there having been no time limited to make their election, nor the consequences of a neglect or refusal to make it announced, this ought now to be done.

As to the policy of the proposed measure, and ease to the people of this state to be derived from it, permit us to observe, that supposing an act was now passed for the seizure and confiscation of British property, there must necessarily be a considerable time spent in the discovery, condemnation, sale, and turning into money, such part of this property as you wish to dispose of; so that we apprehend, no great ease from the present tax would be given by a sale of any part of it, nor that a mortgage of the residue, as a specific fund, would add such credit to the new bills to be issued by congress, as duties and taxes judiciously laid, carefully collected, and faithfully applied, especially as this property is to be appropriated, in the first place, to pay all the just claims of this state and the subjects thereof on Great-Britain. Besides, the retention of this property, and the final disposal of it for the uses by you proposed, are not of that nature, as to be necessarily connected with the establishment of our independence; for it cannot escape any person, that there is at least a probability that a restitution of this property will be insisted on by Great-Britain, in the negotiation for peace which must some time or other take place, between the present belligerent powers; and it will appear equally probable to every person who will give himself the trouble to think on the subject, that the war will not be protracted for the sake of our holding this property. Hence it seems unreasonable to expect, that the new bills will derive an additional credit from the mortgage of a precarious property, which probably may no longer be subject to the direction and application of the legislature, when the term for the redemption of the bills arrives. A restoration of that property to the present owners, or the payment of its true value, will destroy the funds; and either may happen, although our independence should be completely established, in conformity to the wishes of every virtuous American.

You strenuously insist on the necessity of confiscating the property of individuals, and mortgaging it as a fund for redeeming the new bills to be issued by congress, although that fund would certainly be precarious, for the reasons already assigned, and consequently give but little value or credit to those bills; and yet you have not proposed to appropriate our proportion of the back lands to this very purpose. You cannot question our right in common to those lands, or that the United States will not acknowledge that right, if properly urged and enforced. True policy and justice will induce them to make those lands common stock, from which a few states will never derive any considerable exclusive advantage. To render them useful to the whole of the United States, and to each state in particular, the authority of all must interpose, to regulate on what conditions the lands shall be purchased and held by the purchasers, and to define the limits of such states as are not accurately defined, to erect new governments, and to prescribe the terms upon which they shall be admitted into the present union. These back or western lands, if they have been ceded to the British crown by the natives, or purchased from them, we have the right to subvert, and keep, as the public property of our enemy; so, unquestionably, we have a right to indemnify ourselves for the damages and expences of the war, out of that kind of property. Besides, the conquest and retention of this country is necessary to secure our independence, and cannot be given up consistently with our safety; and if so, that necessity will justify the measure. The difference between a right to seize the public property of an enemy, (who