

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. To Right therefore, either to acquire, or to improve Things can be acquired by taking them in War, unless it is required by 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. — 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 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 Repairs, 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 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 current Act of the several Parts of its Members." From the above it is manifest, that if the War is considered as a civil War from the 1st Day of April, 1775, to the 1st 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 Subjects 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, Rutherforth, 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. Rutherforth informs us, "In a War which is internally just, as a Nation may take the Person, so likewise it may seize upon the personal 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. —"