

ice, 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, 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 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