

in the same; for if forfeiture was the certain consequence of not being in America when independence was declared, and all persons, then residents of Great-Britain or other parts of the British dominions, became aliens, incapable of holding property, though acquired antecedently to that event, then no person, though attached to America, could, by returning, however soon after that declaration, have a right to enter on and possess such property. Nor could taking the oath of allegiance make such person a citizen, unless a law of the state in which he should take such oath, conferred such privilege upon that condition. For an alien cannot ever, by taking an oath to a state, claim the rights of a citizen, unless there be some particular law, conferring those rights upon him on his taking the oath. So unreasonable a consequence, deducible from your construction of the declaration of independence, is a proof with us, that the authors of that laudable and necessary act never expected it would be perverted to countenance such oppression; the construction subsequent to the act, and practice under it, have been conformable to our idea; many persons who resided in Great-Britain when the declaration of independence was made, have since come to America, and have been deemed citizens; others, who never returned, have been deemed citizens, and employed by congress and this state; the suffering those, who now reside in the British dominions, and had heretofore acquired property in this state, or become subjects of it, to hold and enjoy that property, is so far, in our estimation, from being incompatible with our safety, that, by encreasing the number of our subjects, and diminishing that of the enemy, an additional strength would accrue to the state; a principle of policy, which has been adopted by this state in its act of naturalization, and by the wisdom of most other free states. If it be objected to this reasoning, that the principle extends so far, as to give those, who had property in this state, a right to remain in the British dominions, until the conclusion of the war, draw the profits of their estates, and come to this country, when its independence is established, to enjoy that property which our arms have secured; we answer, that it is the duty of the legislature, if any danger is apprehended from this consequence, to prevent it, by calling on all, who claim property in, to repair to, this state,