

presume the Law of Nations lays down no Rule, by which, in Revolution like the present, the Subjects adhering to the old, may be clearly distinguished from those of the new Government, otherwise you would not have thought it necessary to ascertain, by a positive Law who shall be deemed British Subjects. The Distinctions set up by the Bill are in some Instances arbitrary, and without the Sanction of Law, ought not of themselves to deprive the ^{Persons} described of the Benefit and Privileges of Citizenship, and therefore we do not well conceive how the Property of the Persons meant to be included in the Bill became vested in this State by the Law of Nations, cooperating with the Declaration of Independence. Some of the Actions which are to constitute the delinquent British Subjects, are of that Nature as to make the Bill, with respect to them, entirely retrospective, and of Course contrary to our Declaration of Rights; others again are so highly criminal as to subject the Offenders to our Treason Law, a Law still subsisting, and evincing, beyond a Possibility of Doubt, that the Legislature which passed it, considered some of the very Persons as Subjects of this State, which the present Bill considers as British Subjects, thereby depriving them of the Trial by Jury, subjecting them to all the Pains and Penalties of Treason, except Death, inflicting Outlawry and Exile, without the Judgment of their Peers, and consequently having in many Instances, the full Force and Effect of a Bill of Attainder. But admit for the sake of Argument, that by the Rigour of the Law of Nations, the Property of all British Subjects, as alien Enemies, is forfeited; the Difficulty of drawing the Line to ascertain who shall be deemed British Subjects, without wounding the Constitution, still remains, under this Impression, therefore we would rather err on the Side of Indulgence, though not merited, than violate our Constitution, by throwing down those Barriers with which it has wisely secured the Liberty and Property of the Subject. We are adverse from setting a Precedent in order to reach Persons really criminal, which may hereafter be extended to the Oppression of the Innocent; intemperate Deal and intemperate Resolutions have frequently given fatal Stabs to Governments as free as ours. We need not remind you that the Rigour of Law is often Injustice, and you are too well informed not to know that the Rigour of the Law of Nations is much softened in this very Point by the great Usage and Practice of the most civilized European Nations; for the Truth of this Assertion we appeal to Vattel, a late and celebrated Writer on the Law of Nations. As an independent and civilized People, would we not rather wish to imitate the Conduct of all the civilized and enlightened Nations of Europe, than that of the piratical States of Barbary? The Consequences of such a design and Confiscation may be serious and pernicious; a Negotiation may possibly take Place this Winter, and Peace soon ensue; it may, and probably will, be made a preliminary Article of the Peace, that that very Property which this Bill is about to confiscate, shall be secured to the present Owners in such a Manner, that they may at least receive the full and real Value thereof. If therefore it should at this Time be confiscated and applied, our Constituents must be taxed, to repay the original Proprietors the full Value of the Lands and Chattels so confiscated and applied: and this, in our Judgment, forms one of the strongest Objections to the Policy of the Measure. You say, you propose to raise five Millions two hundred and twenty thousand Dollars from the said British Property, and to make the first Payment on the first Day of next February; if so, the Property must be put to Sale immediately, or on the shortest Notice, at a Time too when from the Intemperance of the Weather you will be able to attend the Sale, others may be discouraged by Doubts respecting the Title, and the Possibility of a Resumption; the invidiousness of the Purchase may deter some from purchasing. Under this Circumstance