

at home will clearly perceive, he cannot in future rely on any protection or indemnity for the sacrifice, which may at any time be made, of his property for the public benefit, nor for the losses he may sustain by his fidelity to the Crown, and zealous exertions in defence of the State. Will he not reflect, that a state of neutrality will be his only security, and that he can be under no obligation to do more?

## C H A P. IX.

*Objections answered.*

SHOULD it be objected to the preceding arguments and authorities, "that the property of the Loyalists was *confiscated*, and "in the hands of the American States before "the treaty; that Great Britain having used "her utmost endeavours to recover it, was "obliged to *relinquish* it; and therefore, that "such relinquishing is not to be considered as "a cession of it, nor are the Loyalists entitled "to the same compensation as if it had been "ceded." To this objection we answer, that it is more specious than just, and without the least foundation in reason. We suspect it has arisen from a superficial examination of the

the law, in the case where a State has been obliged to relinquish or *abandon* a part of its territory, "when there has been evident "danger of their perishing if they continue "together\*." This renders it necessary to enquire what the law is in such case. The authorities all agree, "that a sovereign cannot, even under such circumstances, *force* "his subjects in the province he abandons, to "submit to another government." He cannot annihilate the obligation he is under to protect them, although he is prevented by necessity from doing it at the time, nor dissolve the union between him and his subjects by a transfer of their allegiance to the conqueror, without *their consent*†. "He can "lawfully do no more under the law of necessity, than *merely* withdraw his forces, and "abandon the inhabitants," who make their election to remain after his forces are withdrawn. For should any of them chuse to leave the territory abandoned, and follow his standard, or to retire to his other dominions, determined to adhere to their allegiance, he cannot, without violating the most sacred and immutable laws of civil society, refuse them the protection due to them before as subjects;

\* Burlamaqui, p. iii. c. 5. f. 52.

† Ibid. f. 53.