

consent, or to suffer them, after disposing of their property, to return to their former allegiance. But in either case, if dire necessity should compel the sovereign authority to surrender, by the express terms of the treaty, the property of a part of its subjects, together with its own rights; "and to wound a part, "that the whole empire may not perish\*;" reason and justice, as well as the obvious principles of the social compact, evidently require that the sacrifice thus made for the public good, and the loss thereby sustained, should be compensated at the public expence; and if great and important advantages are secured by such surrender to the other part of the community, the right of the sufferers to compensation is still more clearly established, for it is become a debt due not only from justice but also from *gratitude*.

\* Vid. Lord Shelburne's Speech.

## A P P E N D I X.

THE Commissioner on the part of Great Britain did propose a restitution of the confiscated property; but the answer made by the American Commissioners was, that they had no power from the several States to restore it; and, if they had, they must insist upon compensation for the desolation and damages committed by the British forces, on the towns, private houses, and properties of the American citizens, contrary to the rules of war, an account of which had been taken by order of Congress. Upon this it was agreed, that no actual stipulation should be made for such restitution; but that it should be left to the *pleasure* of the States, either to keep the property confiscated as a satisfaction for such desolation and waste, or to restore it: that, however, Congress should recommend to the States to make the restoration; and upon this the peace was made, and the restitution left to the *pleasure* of the States.

Upon this ground, when the States took into consideration the resolve of Congress re-