

tained in consequence of it. To this we will add, that it is impossible for a mind open to the conviction of reason and truth, to consider these authorities, without confessing that they perfectly embrace and evidently support the claim of the Loyalists, whose property has been first lost through a want of the protection due to them by law, and afterwards given up by treaty to the American States, in satisfaction for damages alleged by them to have been done, by the British troops, and as the price and purchase of the *national peace and safety*. Their case indeed far surpasses in public merit, and has a much higher demand upon the *honour and justice* of Parliament, than the cases to which the preceding authorities apply\*; for those authorities state no peculiar merit in the sufferers—no solemn assurances of protection and indemnity previously given by the sovereign authority—no extraordinary exertions of the sufferers in the common cause, nor any dangers encountered in supporting the rights of Parliament: but the right of compensation and indemnity is declared upon the mere cession of the property of the subject with the territory; and upon

\* See Chap. V.

the

the law and equity which enjoin the State to distribute the losses, burthens, and sacrifices sustained on the public account, among the whole society who receive the benefit resulting from them.

### CHAP. III.

*On the Usage of Nations, under the fundamental Laws of Civil Society.*

THE Sovereigns of Europe, well understanding the obligation they are under, to protect the property of the subject *in all events*, and in the *last extreme*, have not failed to do it whenever it has been possible in every pacification. To this end, they have insisted on, and always obtained, a stipulation, that the individuals of the district ceded should be restored to their property, if taken from them; if not, that they might dispose of it to the best advantage, and return with the proceeds to the society of which they were subjects\*.—This usage has been adopted for many centuries, in order to save the expence of making the compensation due, which otherwise the States could not avoid, *without violating the sacred and essential laws of their respective societies*.

\* The case of the Loyalists only excepted.

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