

operations, &c. *Noticias Americanas*, p. 313, 314. The same observation has been made by surgeons in Brasil. An Indian, they say, never complains under pain, and will bear the amputation of a leg or arm without uttering a single groan. MS. penes me.

## NOTE LXXIII. p. 367.

THIS is an idea natural to all rude nations. Among the Romans, in the early periods of their commonwealth, it was a maxim that a prisoner, "*tum decessisse videtur cum captus est.*" Digest. lib. xlix. tit. 15. c. 18. and afterwards when the progress of refinement rendered them more indulgent with respect to this article, they were obliged to employ two fictions of law to secure the property, and permit the return of a captive, the one by the *Lex Cornelia*, and the other by the *Jus Postliminii* Heinec. Elem. Jur. Civ. sec. ord. Pand. ii. p. 294. Among the negroes the same ideas prevail. No ransom was ever accepted for a prisoner. As soon as one is taken in war, he is reputed to be dead; and he is so in effect to his country and his family. *Voy. du Cheval. des Marchais*, i. p. 369.

## NOTE LXXIV. p. 368.

THE people of Chili, the most gallant and high-spirited of all the Americans, are the only exception to this observation. They attack their enemies in the open field; their troops are ranged in regular order; their battalions advance to the charge not only with courage, but with discipline. The North Americans, though many of them have substituted the European fire-arms in place of their own bows and arrows, still adhere to their ancient maxims of war, and carry it on according to their own peculiar system. But the Chilese nearly resemble the warlike nations of Europe and Asia in their military operations. Ovalle's Relation of Chili. Church's Coll. iii. p. 71. Lozano's Hist. Parag. i. 144, 145.