

*his estate confiscated, will justify the assertion, that at no period, from the peace to the present hour, could such plaintiff ever sustain a suit, either at law, or in equity, for the recovery of any such confiscated debt, where the same was contracted within the State in which the attainder and confiscation were had: And it is with equal confidence averred, that not one single Dictum of any Judge in the United States can be produced in support of the rights of such plaintiffs to recover such confiscated debts.* The different decisions heretofore referred to in the claim of Dr. Inglis, will be remarked upon in the course of this reply, rather more particularly than has hitherto been done, and some other cases cited to the same point; and it will be shewn, that these decisions upon legislative attainders have been equally against the plaintiffs, who adhered to their native allegiance from the commencement of the disturbances between the two countries, and openly and avowedly joined the British standard long before the declaration of independence, and while Congress, and every Legislature and inhabitant in the country, acknowledged their allegiance to the British crown, as against those who did not withdraw until after that declaration. Whatever controul the Courts of this country might have, by writs of error or otherwise, over attainders by proclamations of Executives exceeding the strict letter of a delegated authority, or attainders by judicial process having error apparent on the record, yet even these could not be drawn in question collaterally in an action of debt, and in no shape whatever can the omnipotence of the Legislature attainting individuals by name, be questioned; the act itself is conclusive in the courts, and not to be contradicted; the party attainted will not be permitted to shew that he was not a subject of the State; the law has operated upon him as a traitor, and the confiscation is the punishment of what one government calls a crime, and the other government looked upon as a sacred and indispensable duty.

While it will be thus contended and clearly shewn, that Mr. Allen is without any remedy either at law or in equity to recover the debts due to him, in the Courts of the debtor's country, and that he is prevented from a recovery of the same by impediments created by law and not by the creditor, it will also be insisted upon and shewn, that from his birth he has been a real British subject, that he was such at the Treaty of Peace, that never before or since has he transferred his allegiance to any other power under heaven, that by the law of nature and nations he had a right to take the part he did, and that by that act and at that time he was guilty of no offence against the state of Pennsylvania.

As the General Agent for Claimants expects to establish beyond a doubt, both by the law of nature and nations, by the constitution and laws of Great Britain, by the laws of Pennsylvania, and by the decision of the Board in a similar case, that Mr. Allen was at the Peace a British subject and comprehended in the fourth article of the Treaty of Peace, it will here be premised, that he is, with every other individual in a similar situation, most clearly and unequivocally within the stipulation of the sixth article of the Treaty of Amity.

At the time of negotiating the latter Treaty it was well known to Mr. Jay, that British subjects who had resided in America previous to and at the commencement of the revolution, and had been attainted for adhering to the British government, could not recover their confiscated debts—He had himself decided the cause of *Murray v. Marten*. It