

here mean neither the prescriptive, common, nor statute laws, but those fundamental laws which form and establish civil society; laws so sacred in their nature, that they are not subject to alteration or repeal, even by the sovereign authority itself. On the contrary, they are those laws which were established before the municipal institutes of the state could exist; from which the latter derive all their authority, and which the sovereign legislature is, by the most sacred principles of honour and justice, bound to preserve *inviolable*, not only as the *basis* and *foundation* of its own powers, but as the dearest birthrights and sacred pledges for the *protection and happiness of the people*.

These laws, although too little understood, are treated of by many learned and eminent authors, among whom there is no difference in opinion respecting them. To their authority all sovereigns and their subjects either do or ought to appeal, as to the *proper standards* of decision, whenever disputes happen respecting the powers and obligations of the first, and the rights and privileges of the last. They are in substance,

1. The covenant or law by which each individual engages with *all the rest* to join for ever

ever in *one body*, and to regulate with one *common consent* whatever relates to their *common protection and preservation*.

2. The law by which the form of government is settled, the sovereign authority appointed, its powers modified and limited, and its obligations and duties to the individuals who compose the society are defined and fixed. And,

3. That law which establishes the mutual covenants between the sovereign authority and the subject, by which that authority solemnly engages to consult, upon all occasions, the common benefit and safety, and to afford to every individual *equal protection* against the evils of a state of nature; and by which every subject promises, in return for that protection, *his fidelity and allegiance* to the sovereign authority.

By such laws, either tacit or express, every regular state or perfect government is formed and bound, not excepting even that of absolute monarchy, and consequently that of Great Britain. Burlamaqui, in his Treatise on Politic Law, defines them in the following manner:

“ The fundamental laws of a state are not
 “ only those decrees by which the entire body
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