

“ of the nation determine the form of govern-
 “ ment and the manner of succeeding to the
 “ throne, but are likewise the covenants be-
 “ tween the people and the person on whom
 “ they confer the sovereignty, which regulate
 “ the manner of government, and by which
 “ the supreme authority is limited.

“ They are, as it were, the *basis* and *found-*
 “ *ation* of the state, on which the structure of
 “ the government is raised; and because the
 “ people draw from them their principal
 “ strength and support.

“ These covenants are obligatory between
 “ the contracting parties (the sovereign au-
 “ thority and the subject), and have the force
 “ of laws themselves. They are those pro-
 “ mises, either tacit or express, by which
 “ princes, when they come to the throne,
 “ bind themselves, *even by oath*, of govern-
 “ ing according to the LAWS OF JUSTICE
 “ and EQUITY, of consulting the public good,
 “ of OPPRESSING NOBODY, and of PRO-
 “ TECTING THE VIRTUOUS.”

Having given this general idea of the na-
 ture and substance of the fundamental laws of
 a regular state, it is not necessary to the sub-
 ject before us to dwell more particularly on
 those which relate to the union, and consti-
 tute

tute the particular form, of this great body
 politic. We shall therefore confine our obser-
 vations to those which have established the
 mutual obligations and duties between the
 sovereign authority and the people, and by
 which the right of the Loyalists to compen-
 sation is incontestably established. These laws
 are truly of the first importance. They
 form the great bulwark of the people's rights
 and freedom, and are the only security they
 possess for their defence and safety, against
 both domestic and foreign injuries. They
 regard the protection due from the sovereign
 authority to every subject, and the allegiance
 due from every subject in return, by which
 the former is bound to protect the latter, and
 the latter to give the former his allegiance in
 all things necessary to that protection.

“ By this law,” says Burlamaqui, “ the
 “ subject promises his allegiance to the prince
 “ (or sovereign authority), *upon condition* that
 “ he will protect him; and the prince, on his
 “ side, promises the subject protection, *upon*
 “ *condition* that he will obey him. Without
 “ this law, a subject cannot be *obliged* to
 “ obey the prince, nor can he be *obliged* to
 “ protect the subject, at least by any perfect
 “ obligation.” And Lord Coke declares,