

blish courts of justice, raise armies, fit out fleets, and to take and dispose of the property of the subject to pay for their extraordinary services. Thus the subject not only gives up his independence, his will and strength, to the sovereign authority, but pays in money a *bona fide* consideration for his protection*; and the State being thus furnished with all the means which human wisdom has been able to devise, is, beyond all possibility of doubt, indispensably bound by law to afford it to every subject, without respect to persons. We say, to every subject, because every individual who composes the society is a party to the act of union; which is formed by *each* individual covenanting with the *rest*, and the *rest* with *him*, to unite their wills and strength in one Sovereign, for the purpose of securing their *individual* as well as *general* protection. The sovereign authority also engages to afford this protection to *every* individual indiscriminately, as well as to the *whole* society; for as the whole is made up of the individuals, it cannot defend the whole without defending every member which composes it. Besides, in pursuance of this covenant of individual protection, every

* "Taxes are contributions paid by the subjects to the state, for the preservation of their lives and properties." Burlamaq. part iii. c. 5. s. 10.

subject

subject pays his just proportion, according to his abilities, towards the support of the sovereign authority and the protection which it is bound to afford him, and therefore is equally entitled to it with the rest of his fellow-subjects. Hence it is evident, that a State cannot, with the means to which all contribute their just proportion, give protection to *one* part of the society, while it abandons *another*, without subverting the design of the union, and manifestly violating its solemn engagements, its duty, and the evident principles of reason, justice, and law.

But this right to command the personal services of the subject for the common protection, is not in any state arbitrary and unlimited. It cannot be exercised when the public good and safety do not positively require it; but when there is so much danger as to require more than the ordinary aids of the army and navy, the Sovereign is bound to call upon all to discharge their allegiance, in giving their service to protect the society; and because all are interested in the public safety, and of course bound to defend it, all are bound to obey the summons*. And if some

* His Majesty, when the American opposition broke out into "open and avowed rebellion," well understanding this law,