

for by those to whose use it is applied, and who enjoy the advantage.

If this style of equity pervades the *civil* institutes of all civilized states, it would be strange indeed if we should find that their *fundamental* laws were less reasonable and just; and stranger still, were they so perfectly iniquitous as to justify political robbery in the sovereign authority, the source from whence the purest streams of beneficence and justice ought to flow, by authorising it to take from or give up the property of individuals, which it is bound by the most sacred of all obligations to protect and defend, *without making an adequate compensation*; and that too for the benefit of others, who are no more intitled to its protection and justice, than the suffering and despoiled individual. But this never was the law of any state, as the following authorities of the most learned authors on politic law will irrefragably demonstrate.

Puffendorff, when treating of the fundamental law of *transcendental propriety*, or *eminent domain*, by which the sovereign authority of every state is authorised to take, destroy, or dispose of the property of individuals, when it becomes *necessary* to the *public good or safety*,  
and

and by which it is *bound to make compensation* to the owners of it, says,

“ It will be confessed, agreeable to *natural equity*, that when contributions are to be made for the *preservation* of some particular thing, every man should pay his *quota*, and *one* should not be *forced to bear more of the burthen than another*; and the same holds to be equity in *commonwealths*. But because the state of a commonwealth may be such that either some *pressing necessity* will not give leave, that every subject's *quota* should be *collected*, or else that the public may be found to want the use of *something* in the possession of some *private subject*, it must be allowed, that the sovereign power may seize upon it to answer the *necessities of the state*: but then, *all above* the proportion that was due from the proprietors, is to be refunded to them by the rest of the subjects\*.”

The same author gives the following examples of the right of the sovereign authority, to *destroy or resume* the property of the subject, in virtue of this law:

\* Puffendorff, b. viii. c. v. f. 7.