

Having thus shewn that the State is bound by law to make compensation for the property of the subject, *taken or destroyed* by the sovereign authority in cases of necessity, or the public benefit or safety; we will next inquire, what the law is, where that authority is *obliged* to give up *by treaty* the property of the subject with the territory ceded.

All authors on the fundamental laws of civil society agree, that the sovereign authority has no right to alienate a province, without impending public necessity, against the consent of the *whole nation*, more especially without the consent of the *province* intended to be alienated, although all the other districts agree to it, nor without the consent of *every man* of that province. The reasons are, the union of civil society is formed by a mutual, joint, and perpetual contract, to which the province and every individual are parties, jointly interested in, and equally intitled to, the protection and every other benefit flowing from it, with those of the other districts; and, of course, the union cannot be dissolved or impaired by the other co-parties without their consent. The right of plurality of suffrages, which is proper and just in the decision of other matters, cannot therefore extend so far as to dissolve or violate the union thus formed
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by *all*, nor to cut off from the body politic of the State, those who have not violated their engagements under the laws of the society. Nor can any subject be deprived of the right he has acquired by the act of union, of being a part of the body politic, and enjoying all its benefits, except by way of punishment for *crimes committed against the laws*. "For as
" no subject can lawfully take the crown from
" a prince without his consent, so neither has
" a king a power to deprive a subject of his
" right or property, or to substitute another
" sovereign over him without his consent*."

But to this law there is one, and only one, exception, founded on the law of necessity, which is superior to all other human laws, and binding on the sovereign and subject of every state. By this law, the sovereign authority, which is bound to prefer the general safety to that of a part, "when there is imminent
" danger of perishing, or suffering extreme
" evil, if they continue united," may give up a part to save the remainder; but, in this case, the nature of civil society, the mutual and common benefits established by its union, and the protection and individual security which constitute its essence, together with

* Burlamaqui, part 3. c. 5. § 38.

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