

the equitable condition upon which this law of necessity operates, all require that those subjects who have thus innocently suffered by an act of the State, for the benefit of their fellow-subjects, should *be fully indemnified* by those who have been benefited and saved by the sacrifice.

But, in such case, what becomes of the people resident in the territory ceded; of their personal safety, of the protection of their property, and of their political rights, liberties, and immunities, derived from, and secured to, them by the union, and which the sovereign authority is bound *to preserve inviolable*? Has any State a right to cede them with the territory, by virtue of this law of necessity? By no means; for this law extends only to a conditional disposal of the subjects *property*: and therefore, although a State may lawfully give up a part of its territory to save the remainder; yet it cannot, under any law whatever, dispose of the persons and political rights of the people residing in the part ceded to another sovereign. For if such was the law, it might transfer them to the most despotic tyrant, and reduce them to the most abject slavery. It cannot transfer the duties which they owe to the society, nor its  
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own obligations, as the sovereign trustee and protector of their rights and liberties: it cannot transfer their allegiance, nor abandon the protection of their rights and privileges *without their consent*, while they obey the laws and perform the duties of citizens. And therefore, when such cessions have been made, it has been customary to stipulate, that if the subjects residing in the territory ceded, choose to adhere to the union, and enjoy the rights they are entitled to under it, they may leave the territory given up, and retire to the society of which they are members. And when the subject has made his election, by taking the benefit of such stipulation, it has ever been the uniform practice of States to receive them, and to continue to them all the rights, liberties, and immunities to which they were entitled before the cession, and more especially to the protection and indemnity due to them by law, for the property given up by an act of the State for the benefit of the society.

Any thing short of this, *no necessity*, however extreme, can possibly justify; because mankind never yet conferred on the sovereign authority a right to give up or injure their persons, or to dispose of their rights and properties, while they performed their engagements,  
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