

“ whatever may happen in the fortune
 “ of war, against the mind of the Prince
 “ (to the prejudice of his subjects), it is
 “ *against all LAW and good conscience*, that
 “ such subjects attending upon such service
 “ *should suffer for doing their true duty of alle-*
 “ *giance.*”

Upon this statute, so important to the rights both of the Crown and the subject, Justice Forster, whose authority will ever be respected in courts where the principles of justice are understood, makes the following observations:
 “ Here is a clear *parliamentary declaration*,
 “ that, by the *ancient constitution of England*,
 “ founded on principles of *reason, equity*, and
 “ *good conscience*, the allegiance of the subject
 “ is due to the King for the time being, and
 “ to him alone. This putteth the duty of the
 “ subject upon a rational and safe bottom;
 “ and *he knoweth that allegiance and protec-*
 “ *tion are reciprocal duties.*” That is, in other
 words, that the subject “ knoweth” that the
 State is as perfectly “ bound by the principles
 “ of reason, equity, and good conscience,”
 principles, the force of which no human law
 can supersede, to protect and defend his per-
 son and property against all violence and in-
 juries, as he is bound to obey, and assist the
 Prince,

Prince, in defending the State in time of need
 and danger; and that if he fails in the protec-
 tion, and violates his engagement, he is bound
 by the same principles to make the subject *ade-*
quate compensation. Indeed, this is the law of
 every regular State, as will appear from all the
 books on the fundamental laws of civil society.

Puffendorff therefore says, “ That under the
 “ law of Eminent Domain (which alone
 “ gives the sovereign authority a power over
 “ the property of the subject), if a Prince is
 “ compelled by necessity to alienate in a treaty
 “ a part of his dominions, the losses of indi-
 “ viduals, whose fortunes are sacrificed to *the*
 “ *national safety*, must be made good by the
 “ *nation.*”

“ What power (continues the same author)
 “ the commonwealth has to cede the goods
 “ of private subjects upon a pacification, must
 “ be discovered from the nature of *transcen-*
 “ *dental property*; upon the force of which
 “ the goods and fortunes of private men may
 “ be *given up* whenever the necessities of the
 “ State and the public interest require it: *but*
 “ *with this consideration*, that the state is ob-
 “ *liged to make good such losses to the subject*
 “ *out of the public revenue.* But whether a
 “ particular subject's goods may be ceded, or
 “ taken