

“ taken from him, must in a monarchy be  
 “ determined by the PRINCE; and *the whole*  
 “ *body of the subjects*, upon his command, is  
 “ *obliged* to make satisfaction to the persons  
 “ that have sustained loss upon the *public ac-*  
 “ *count beyond his own proportion.*”

Burlamaqui, when treating on the same law, says—“ As to the effects of a *private subject*  
 “ *ceded with the territory*, the Sovereign, as  
 “ such, has a transcendental and supereminent  
 “ right to dispose of the goods and fortunes  
 “ of private men; consequently he may give  
 “ them up as often as the public advantage  
 “ or necessity requires it; but *with this* CON-  
 “ SIDERATION, that the State ought to in-  
 “ demnify the subject for the loss he has sus-  
 “ tained *beyond his own proportion.*”

M. de Vattel asserts the same law, and tells us, “ That the right which belongs to the  
 “ Society or the Sovereign, of disposing, in  
 “ case of necessity, and for the public safety,  
 “ of *all* the wealth contained in the State,  
 “ is called the Eminent Domain. It is evi-  
 “ dent that this right is, in certain cases,  
 “ necessary to him that governs, and conse-  
 “ quently is a part of the sovereign power;  
 “ when, therefore, it disposes, in a case of  
 “ necessity, of the possessions of a *commu-*  
 “ *nity,*

“ *nity*, or of an *individual*, the alienation will  
 “ be valid. But JUSTICE DEMANDS that this  
 “ community or this individual be recom-  
 “ pensed out of the public money; and if  
 “ the Treasury is not able to pay it, all the  
 “ citizens are obliged to contribute to it.  
 “ FOR THE EXPENCES OF A STATE OUGHT  
 “ TO BE SUPPORTED EQUALLY AND IN A  
 “ JUST PROPORTION. IT IS IN THIS CASE,  
 “ AS IN THROWING MERCHANDIZE OVER-  
 “ BOARD TO SAVE THE VESSEL.”

Authorities from every other author on the fundamental laws of civil society might be adduced to support the same truths; but these are so plain and decisive, that more would be superfluous. They incontestably prove, that the sovereign authority of every State is bound, *in all events*, to protect the subject—that the right vested in it, of disposing of the subjects property in a treaty or pacification, is not *arbitrary*, but limited and *conditional*, even in an *absolute monarchy*; that it cannot be lawfully exercised but when the necessities and safety of the State require it, and even then it is given *with this consideration and sacred obligation inseparably annexed*, to indemnify the subject for the loss he has sustained