

particular ties and obligations to him who is principally concerned in the War. Because otherwise it would be very unjust to assist one Man against another, seeing both as they are Men equally deserve favour. We are obliged to be first of all our own Subjects: For the enjoyment of such Defence was the end proposed to themselves in giving up their Natural Liberty, and in voluntarily submitting to a Civil State. We are obliged to assist next to Subjects those Allies who have made that particular Condition and Article of League with us. But as we ought not to undertake any rash unjust War: So neither can we be obliged by any League to assist an ally that engages only in such, *H. Grot. lib. 2. cap. 25. §. 1. 4. Puffendorf. lib. 2. cap. 11. §. 1.* If two Nations our Confederates be at War, whereof neither hath a just Cause, we are to stay Neuters and to assist neither. *H. Grot. lib. 2. cap. 15. §. 9. 10.* When both are engaged in a just War against Strangers we are, if able, to send, if required, Supplies of Men & Money to both; and to give aid in Person to those we contracted the Ancient League with, *Grot. ibid.* Next to our Allies are Friends, or those we have joined our selves to by particular ties of Kindness & respect. Sometimes the Common affinity and publick relation of Mankind, may be a sufficient motive to us to undertake the Defence of Persons manifestly Injured and abused. *Quia Jure in Multum ad Jutorium Generatus est, especially* Wrong another Man suffers is not reason sufficient to engage me in his Quarrel, unless he call me particularly to his assistance. It being contrary to the Natural equality of Mankind, for one to force himself upon the World as a Judge and Decider of Controversies. In such a case, what ever I undertake to do for another, is not to be charged upon me, but upon the Person that desires my help, *H. Grot. lib. 2. cap. 25. §. 5. 6. Puffendorf. lib. 2. cap. 11. §. 1.* As to the Subjects of another Prince, to free them from oppression by their own Sovereign. *H. Grotius (ibid.)* observes, that it were yielded that Subjects could in no Case justly take Arms against their Natural Prince; yet it would not follow, that other Princes - dependent to any Action is not real, but merely personal, that which is unlawful for one to do by himself, may be lawfully done by another for him, if the Matter be such as one Man may lawfully undertake to defend. Subjects of a foreign Commonwealth, Arms to suppress the insupportable Tyranny and Cruelty of their own Governours. War may be made also against Princes or States upon the Account of their Cruelty, or Toleration of Injuries committed by their Subjects. For a Person knowing a Crime will be committed, and not hindering it himself. Now as the Governours of Commonwealths are supposed to know what their Subjects frequently and openly commit: So their power to hinder it is always presumed. *lib. 2. §. 2. Puffendorf.* Again, a Commonwealth may give it self in a just War by receiving into protection Persons that

that have injured others, and refusing either to punish them, or deliver them up to the pleasure of the injured Prince or State. But such may be defended, till the equity of their case be examined. And Princes do generally connive at the reception of fugitives, in case they be such, as disturb the Publick Peace, or are guilty of great Crimes, *H. Grot. lib. 2. cap. 1. §. 4. 5. 6.* *where all is done, supposes Princes of States make themselves by the 4. Days of publick Injuries, and of the manner, means and occasions for Reparation, what thing, §. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.* The Rites and formalities observed in the Denouncing of War.

It is necessary to proclaim war, or declare it publicly, that both Parties may know it alike, and all the World under stand that it is not rashly entered into, upon private ends, but with Consent of both Nations. War is sometimes denounced upon both Sides, the proclaiming on one Side, is sufficient. War is sometimes denounced conditionally. Sometimes a condition is demanded. Denunciation is, when reputation or satisfaction is demanded at the same time, that the War is denounced. A pure or absolute denunciation, specially called, and which is denunciation, is when either the other party has begun the War, or when he himself hath committed that which he is presumed War proclaimed against any free Prince or State, is presumed to be proclaimed against all their Subjects or Associates and Adherents. Whence Lawyers say, *Diffidat Princeps, Diffidat Mercator, et adhaerentes.* War is proclaimed in Scotland at the Market Cross, and at the gate of the Castle of Edinburgh. War proclamation of War intimation is ordinarily made to Neuters, from what kind of Commerce of the Enemy they are to abstain, as the carrying Counterband Goods to their Ports, transporting their Goods or Merchandize, to promote their Trade, and enable them to maintain the War, covering the Enemy's Ships and Goods, as belonging to themselves by papers and other Documents. The several kinds of Counterband Goods are set down in Maritime Treaties between different Nations: as in those betwixt the French King and the Dutch in the Year 1648, 1650 and betwixt the Spaniards and them in the Year 1650, betwixt King Charles 2. of Britain and the French Dutch & Danes in the Year 1667 and betwixt our King and the Swedes.

Who are obliged to serve in the War.

Naturally all Subjects may be employed in the War. But some Orders of Men are excluded by special Laws: As heretofore Slaves among the Romans, the Levites among the Jews, and now everywhere the Clergy, except in Cases of extreme necessity. *H. Grot. lib. 2. cap. 5. §. 4.* Some may be pressed and Compelled to serve in the War, as idle Vagabonds, and such as have no visible Way of earning their Bread in an honest Way, or are guilty of smaller Crimes. Others list themselves voluntarily, as when Officers of the Army receive War-pendants to beat up Drums in every City &c. inviting all to list themselves under pay which is done by their receiving earnest and being solemnly advertised by a Magistrate after which they are looked upon as Soldiers, and thenceforth enjoy all the Priviledges of such, and subjected after reading the Articles of what they are to the Severity of Martial Discipline. In case of an invasion War or Invasion from abroad for levying Soldiers in old time a Proclamation was issued from Commanding all between the Ages of sixteen and sixty to appear in every Shire and County, out of whom such a Number was drawn as the King or his Commanders

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