

IN a Word, it seems clear, that the Reason of the adjudged Cases, turns upon this, that even in the Case of a Conquered Country, the People ought to enjoy their own Laws, until they are actually abrogated, and others instituted in their room, by the Conqueror. This appears plainly in *Calvin's Case*, † where a Distinction is made between the Conquest of a Christian Kingdom, and the Kingdom of an Infidel. “ Upon this
 “ Ground, there is a Diversity between a Conquest of a King-
 “ dom of a Christian King, and the Conquest of a Kingdom of
 “ an Infidel; for, if a King come to a Christian Kingdom by
 “ Conquest, seeing that he hath *Vitæ & necis potestatem*, he may
 “ at his Pleasure, alter and change the Laws of that Kingdom;
 “ but until he doth make an Alteration of those Laws, the an-
 “ tient Laws of that Kingdom remain”. And it appears plain-
 ly in History, that some of the wisest, as well as most success-
 ful Nations in the World, have been very careful to avoid mak-
 ing such Changes, lest they might beget an irreconcilable
 Hatred between the Victors and Vanquished; whereas, leaving
 the latter the Use and Benefit of their own Laws, would make
 them submit, with the less Reluctance, to the Government of
 their Conquerors; and there is neither Policy, nor Humanity,
 in making People desperate. “ Thus did the *Goths*, when they,
 “ overcame the *Romans*; (*) So had the *Romans* done, when
 “ they conquered the *Germans* and *Gauls*: What would our
 “ Empire now have been (says *Seneca*) if a wholesome Pro-
 “ vidence had not intermix'd the Conquered with the Con-
 “ querors. Our Founder *Romulus* (says *Claudius*, in *Tacitus*)
 “ did so prevail by his Wisdom, that he made of those that
 “ were his Enemies, the same Day, his (Subjects and) Citi-
 “ zens; and he tells us, that nothing contributed so much to
 “ the Ruin of the *Lacedemonians* and *Athenians*, as their driving
 “ away the Conquered as Strangers. Histories give us Exam-
 “ ples of the *Sabines*, *Albans*, *Latins*, and other *Italian Nations*;
 “ till at last *Cæsar* led the *Gauls* in Triumph, and then enter-

(†) Co. R. 17 C. * *Grotius* of the Rights of Peace and War. B. 3. chap. 15.