

early times of English history. It was asserted, for instance, in all times, that representation and taxation must go together—that those who pay must vote the taxes. The Great Charter did not strictly give any new privileges to the people, but was rather an assertion of rights always claimed by the people, or of principles that lay at the foundation of English civil life, but which had fallen into disuse or been purposely evaded or infringed by the kings in the course of years. “Magna Charta,” said Sidney,¹ “was not made to restrain the absolute authority, for no such thing was in being or pretended (the folly of such visions seeming to have been reserved to complete the misfortunes and ignominy of our age); but it was to assert the natural and original liberty of our nation by the confession of the king then being that neither he nor his successors should in any way encroach upon them.”

In studying, then, the civil and common law of the two races who are labouring to build up a new England on the northern half of this continent, we must do it, not from the purely legal standpoint of a practising lawyer, but rather in the spirit of a philosophic historian desirous of following the influences of systems of law on the social customs, the usages of the people and the structure of government. As I have already shown you, the historical method can be as well applied to the study of law as to other subjects that fall within the domain of Political Science. The thoughtful student will in this way be able to trace the steady growth of principles adapted to the ever varying conditions of society.

It is well observed by an eminent writer in a recent issue of an English review that “jurisprudence itself has become a study of the living growth of human society through all its stages, but it is no longer possible for law to be dealt with as a collection of rules imposed on societies as it may be by accident, nor for the resemblances and differences of the laws of different societies to be regarded as casual.”²

I quote this suggestive paragraph to show you the wide scope of the studies that must enter into any course such as I hope will be sooner or later carried out in connection with all our universities.

Or, consider one moment how necessary it is to study the principles of international law. It will be said that Canada is still a colony, and has no right to make treaties and enter into relations directly with foreign powers. But the time has already arrived when this study has become important.

As a result of the very liberal system of self-government granted to Canada, and in consequence of the great territorial expansion she has attained as one of the most important consequences of this self-government, the Dominion has assumed the proportions of an Empire. It has commercial relations with many countries, and our statesmen are now stimulating rapid steamship communication with Europe and Asia. The dream of La Salle, on the banks of his seigniory at Lachine, to find a shorter route to the riches of Cathay, is being realized in this dependency, not of the France he loved, but of her hereditary enemy. Or, consider the situation of Canada on the borders of a colossal republic, which constantly gives rise to questions affecting the relations of the two nations. For instance, we have seen of recent years important international questions arising out of the fishery dispute. All these matters involve negotiations of a delicate

¹ Sidney on Government, c. 3, sec. 27.

² “Sir H. Maine and his Work,” by Sir F. Pollock, Contemporary Review, February, 1889.