

and I shall endeavour to ascertain the principles on which must be founded both the proportion and the appropriation of penalties to crimes.

As to the *law of criminal proceeding*, my labour will be very easy; for on that subject an English lawyer, if he were to delineate the model of perfection, would find that, with few exceptions, he had transcribed the institutions of his own country. The whole subject of my lectures, of which I have now given the outline, may be summed up in the words of Cicero:—"Natura enim juris explicanda est nobis, eaque ab hominis repetenda natura; considerandæ legis quibus civitates regi debeant; tum hæc tractanda quæ componenta sunt et descripta, jura et jussa populorum; in quibus NE NOSTRI QUIDEM POPULI LATIBUNT QUÆ VOCANTUR JURA CIVILIA."

Cic. de Leg. lib. i. c. 5.

V. The next great division of the subject is the law of nations, strictly and properly so called. I have already hinted at the general principles on which this law is founded. They, like all the principles of natural jurisprudence, have been more happily cultivated, and more generally obeyed, in some ages and countries than in others; and, like them, are susceptible of great variety in their application, from the character and usages of nations. I shall consider these principles in the gradation of