

their uprightness, and their impartiality, throughout the world.

LEGISLATION

The fourth great duty of the Crown is that of legislation, or the enacting of laws. It may seem strange to enumerate this among the powers of the Crown ; for the fame of the British Parliament and its numerous offspring as legislative bodies is spread far and wide. But if the reader will look at any Act of the British Parliament (even a ' Money ' or tax-granting Act) he will find that it is expressly stated to be ' enacted by the King's Most Excellent Majesty,' though, doubtless, ' with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled.' Moreover, there is a great deal of important legislation, known as ' Orders in Council,' annually issued, which never comes before Parliament at all, at any rate until after it is enacted, but is made by the King with the advice of his Privy Council. What is the explanation of this apparent mystery ?

The explanation is interesting and really important. In early times, law is not regarded as being *made* at all, at any rate by earthly rulers. Unconsciously, each community works out for itself a course of conduct, or *custom*, which it comes to regard with the utmost reverence, as being of divine origin. For long this custom remains unrecorded, save in the memories or consciousness of the people. Gradually, a class professing a special knowledge of this custom grows up ; and this class is, of course, the beginning of the later profession of lawyers. Then again, some disturbing event, such as a conquest or great internal dispute, renders it desirable to put the customs on record, *i.e.* to draw them up in a more or less definite form. This is sometimes done by a single man, of repute for skill and learning. More often, however, it is done by an assembly of the whole people, which is, naturally,