

Canadian Forms of Freedom.

BY A. H. F. LEFROY.

When Dr. Ryerson did me the honour to invite me to read a paper before this Association, and expressed the view that such a subject as I had chosen would not be unsuitable, I confess I was somewhat troubled over the question how to connect it with the primary objects of the Association. I hoped, however, to find among the published letters or writings of United Empire Loyalists some expression of a view that it would be safer and better for themselves and their descendants to keep in touch with the constitutional development of Great Britain, the home of political freedom, rather than to put trust in any new system the revolting colonies could devise. I must confess I have not yet found what I have been looking for, and I must fall back upon this that it may not be without interest to the members of this Society to show that those ancestors, whose memory we delight to honour, builded better than they knew, and by helping to secure and maintain a British North America alongside of the United States have preserved for their descendants forms of freedom of unspeakable value which those against whom they contended have lost and may never regain. If I have to refer much to our neighbours across the border it is because contrast with their institutions seems the most effective way of illustrating and dealing with my subject.

But, first, it is desirable to explain what I mean by "freedom." The late Professor Seeley, in his Introduction to Political Science devotes two whole lectures to a discussion of the meaning of the phrase. It would seem that there are at all events four senses in which we use the terms "political freedom," or "liberty." The first is merely equivalent to national independence, the freedom of a nation from the dominance of another nation. In another sense the expression is used in contradistinction to law, so that in that sense that people is freest amongst whom least is regulated by law, and more is left to the free will of the individual. This is what is specially meant by the liberty of the subject. In a third sense, so far from being opposed to law, liberty depends upon it, and has reference to the degree in which personal liberty and rights of property and contract are protected by law. The Americans lay great stress on liberty in this sense, and pride themselves on making it part of constitutional law, by providing in Federal and State fundamental laws for the protection of the obligations of contracts and other rights of the individual from any interference by the legislatures. But it is in a different sense to any of these that I specially use the word "freedom" here, namely, as indicating the power of the nation to make its deliberate will effective upon the government. Those, I take it,

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