tive law of nations. By the former, every state, in its relations with other states, is bound to conduct itself with justice, good faith and benevolence; and this application of the law of nature has been called by Vattel the necessary law of nations, because nations are bound by the law of nature to observe it; and it is termed by others the internal law of nations, because it is obligatory upon them in point of conscience. We ought not, therefore to separate the science of public law from that of ethics, nor encourage the dangerous suggestion, that governments are not so strictly bound by the obligations of truth, justice and humanity, in relation to other powers, as they are in the management of their own local concerns. States, or bodies politic, are to be considered as moral persons, having a public will, capable and free to do right and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life. The law of nations is a complex system, composed of various ingredients. It consists of general principles of right and justice, equally suitable to the government of individuals in a state of natural equality, and to the relations and conduct of nations; of a collection of usages, customs, and opinions, the growth of civilization and commerce; and of a code of conventional or positive law. In the absence of these latter regulations, the intercourse and conduct of nations are to be governed by principles fairly to be déduced from the rights and duties of nations, and the nature of moral obligation; and we have the authority of the lawyers of antiquity, and of some of the first masters in the modern school of public law, for placing the moral obligation of nations and individuals on similar grounds, and for considering individual and national morality as parts of one and the same science. The law of nations, so far as it is founded on the principles of natural law, is equally binding in every age, and upon all mankind. But the Christian nations of Europe, and their descendants on this side of the Atlantic, by the vast superiority of their attainments in arts, and science and commerce, as well as in policy and government,—and, above all, by the brighter light, the more certain truths, and the more definite sanction which Christianity has communicated to the ethical jurisprudence of the ancients, have established a law of nations peculiar to themselves. They form together a community of nations united by religion, manners, morals, humanity and science, and united also by the mutual advantages of commercial intercourse, by the habit of forming alliances and treaties with each other, of interchanging ambassadors, and of studying and recognizing the same writers and systems of public law." *(Kent's Commentaries on American Law.)*

It will be useful for our argument to quote from another authority on universal public law:—

"Nations reciprocally allow each other's laws to have effect within their territories so far as may be without injury or inconvenience to themselves, and for mutual and common advantage it has been received in the law of nations, that one country should permit the laws of another to have validity in its territories. This permission is called *comitas gentium*, the comity of nations. As every independent community will judge for itself how far the *comitas inter gentes* is to be permitted to interfere with its domestic interests and policy, the decision of particular cases of conflict is matter of municipal law. Yet there are certain principles of jurisprudence on the subject, more or less universally received and acted upon by civilized nations. The reason of this is that the division of mankind into nations and states is an arbitrary and subordinate institution, from which arises the conflict between laws made by independent supreme powers and the *comitas gentium;* for if there were no such division, one sovereign authority would exist in the whole world, which would prescribe the limits, and reconcile the differences of local laws, and no *comitas gentium* would be needed. Municipal laws must be looked upon under two aspects. First, they are a rule of civil conduct, prescribed by the sovereign power of the state to its subjects, for the regulation and government of the particular community to which they belong. Secondly, municipal laws are to be considered with reference to this proposition, that mankind in general are governed by the municipal laws of all the particular communities into which they are divided. Some of these municipal laws are, or ought to be, common to all civilized communities, while othere are peculiar to a country or place. It follows from these positions that all the laws in civil society, taken together as a whole, comprehending all nations, have a common general purpose, which is that of civil society itself. Where the municipal laws of different communities agree, this common purpose is evident, and naturally results from their operation. But a difficulty arises when laws of one country are opposed to those of another, in cases in which such inconsistent laws come in contact with each other. In those cases there is a want of harmony in the system and working of general civil society, because two inconsistent laws cannot both take effect on the same subject-matter, and on the other hand the foreign laws cannot be rejected without breaking the continuity of human society which extends to all mankind, and so interrupting the intercourse and commerce of the world. To deal with such cases, and prevent these inconveniences, is the use and object of the *comitas gentium*."—*(Bowyer's Commentaries on Universal Public Law.)*

The Dominion of Canada, as at present constituted, consists of seven Provinces and the North-West Territories. In each Province and the Territories, the Legislature and Council exclusively make laws in relation to property and civil rights and other matters. So that the provinces are to this extent independent and separate states or nations, and all that we have reproduced respecting international law, the comity of mations and the confiict of laws will apply to the dealings of the citizens of any one province with the citizens of the others. In the debate in the Provincial Parliament of Canada, in 1865, at Quebec, on the subject of the Confederation of the British North American Provinces, the Hon. John A. Macdonald made the following straightforward statement as to the difficulties that the proposers of Legislative Union met with:—

"As regards the comparative advantages of a Legislative and a Federal Union, I have never hesitated to state my own opinions. I have again and again stated in the House that, if practicable, I thought a Legislative Union would be preferable. I have always contended that, if we could agree to have one Government and one Parliament, legislating for the whole of these peoples, it would be the best, the cheapest, the most vigorous, and the strongest system of government we could adopt. But, on looking at the subject in the conference, we found that such a system was impracticable. In the first place, it would not meet the assent of the people of Lower Canada, because they felt that in their peculiar position—being in the minority, with a different language, nationality and religion from the majority—in case of a junction with the other provinces, their institutions and their laws might be assailed, and their ancestral associations, on which they prided themselves, attacked and prejudiced; it was found that any proposition which involved the absorption of the individuality of Lower Canada—if I may use the expression—would not be received with favor by her people. We found, too, that there was as great a disinclination on the part of the various Maritime Provinces to lose their individuality, as separate political organizations, as we observed in the case of Lower Canada herself. Therefore, we were forced to the conclusion that we must either abandon the idea of union altogether, or devise a system of union in which the separate political organizations would be in some degree preserved. So that those who were, like myself, in favor of a Legislative Union, were obliged to modify their views and accept the project of a Federal Union, as the only scheme practicable, even for the Maritime Provinces. Because, although the law of these provinces is founded on the common law of England, yet every one of them has a large amount of law of its own—colonial law framed by itself, and affecting every relation of life; such as the laws of property, municipal and assessment laws; laws relating to the liberty of the subject, and to all the great interests contemplated in legislation; we found, in short, that the statutory law of the different provinces was so varied and diversified, that it was almost impossible to weld them into a Legislative Union at once. I am happy to state—and indeed it appears on the face of the resolutions themselves—that, as regards the Maritime Provinces, a great desire was evinced for the final assimilation of our laws. One of the resolutions provides, that an attempt shall be made to assimilate the laws of the Maritime Provinces and those of Upper Canada, for the purpose of eventually establishing one body of statutory law, founded on the common law of England, the parent of the laws of all those provinces."

As a proof that the Hon. John A. Macdonald did not overstate the antipathy of Lower Canada to a Legislative Union, we will quote what the Hon. A. A. Dorion (the present Chief Justice of the Province of Quebec) said in the same debate:—

"Perhaps the people of Upper Canada think a legislative union a most desirable thing. I can tell those gentlemen that the people of Lower Canada are attached to their institutions in a manner that defies any attempt to change them in that way. They will not change their religious institutions, their laws and their languge, for any consideration whatever. A million of inhabitants may seem a small affair to the mind of a philosopher who sits down to write out a constitution. He may think it would be better that there should be but one religion, one language and one system of laws, and he goes to work to frame institutions that will bring all to that desirable state; but I can tell honorable gentlemen that not even by the power of the sword can such changes be accomplished. Sir, if a legislative union of the British American Provinces is attempted, there will be such an agitation in this portion of the province as was never witnessed before—you will see the whole people of Lower Canada clinging together to resist by all legal and constitutional means, such an attempt at wresting from them those institutions that they now enjoy. They would go as a body to the legislature, voting as one man, and caring for nothing else but for the protection of their beloved institutions and law, and making government all but impossible."

This surely is a curious state of affairs to exist in the Nineteenth century:—Canada prevented from having the best, the cheapest, the most vigorous, and the strongest system of government possible,—the expenses of legislation increased eight fold,—the country over-governed to the extent of making it a laughing stock to other nations; and all for what?—to stave off for a season the annihilation of the peculiar institutions, the beloved religious institutions,