

Returning, however, to the legal question of the tenure of these Eastern Township lands, it will assist us to a clear judgment if, step by step, we trace its history as recorded in the statute book. Those who most strenuously oppose the parish system rely mainly upon the Act of 1774. That statute enacted that in all matters concerning property and civil rights the French laws as they existed before the conquest should prevail; but it excepted all lands which might have been granted or should thereafter be granted by the King in free and common socage. Under this authority lands were granted and townships laid out in Gaspé in 1786. Later, in 1791, the Constitutional Act was passed. This separated Upper from Lower Canada, and fixed the English tenure for the former. It moreover provided that in Lower Canada lands might be granted in free and common socage when desired by the grantee, *subject nevertheless to such alterations as might from time to time be made by the legislature which that same Act created.*

Settlement went on rapidly in the townships, but soon serious difficulties arose because of the conflict of two distinct systems of law. The land was, it is true, free of all seigniorial obligations; but no one knew, of a certainty, whether the French forms or the English should be observed in sales or mortgages. Much less certain were the laws governing inheritance, dower, intestacy and many other complications incidental to real property. In consequence the Imperial Statute, 6 Geo. IV., cap. lix., was passed in 1825. This was known as the Canada Tenures Act, and was the first serious attempt to abolish the seigniorial tenure. It put a stop to all future grants in seignior and provided a method of resigning feudal lands to the crown to be regranted in free and common socage. All previous grants had been subject to reserves for the endowment of a Protestant clergy; but these grants were to be free of such conditions and subject to the laws of England as to division and transmission.

In 1827, in consequence of conflicting representations from Canada, a committee of the House of Commons was appointed to consider the whole matter and, in the evidence before it, the intolerable litigious confusion plainly appears. This confusion is the motive stated in the preamble to the next statute, the 9 and 10 Geo. IV., cap. lxxvii., a Canadian Act passed in 1831. It was mainly an Act to quiet litigation by validating titles under either form of law.

So matters remained in the townships until the abolition of the seigniorial tenure throughout Lower Canada. Then it was ascertained that the French tenure, *franc alev roturier*, was almost identical with the English tenure of free and common socage. The Act, 20 Vic., cap. xlv., was passed in 1857, which quieted all doubts and, reserving all existing rights in actual litigation, declared that, on and after June 10th, 1857, all land in the Eastern Townships should be governed by the same laws as if held in *franc alev roturier*. These statutes were all consolidated in Chap. 35 of the Cons. Statutes of Lower Canada, passed anterior to Confederation, so the French majority of the present Province of Quebec is in no way responsible for the fact that land in the townships, though originally granted in free and common socage, is held under the same laws as if granted under a French tenure.

From the preceding considerations it seems evident that the parish system is not incompatible with the English tenure; that it is and has been always independent of the feudal tenure; and that there is now existing only one system of laws throughout the Province. The Eastern Townships being English and Protestant there has not been the requisite number of Roman Catholics to require the intervention of the bishop to organize them into parishes. This state of affairs is coming to an end. Ontario cannot help it; nor can Quebec help Monseigneur Grandin in the North-West.

The succeeding letter will explain the procedure of parish organization.

Montreal, January, 1890.

S. E. DAWSON.

CAIRD'S PHILOSOPHY OF KANT.*

THIS is the most important work in the region of pure philosophy which has appeared since the publication of the late Professor Green's "Prolegomena to Ethics." The logical treatises of Bradley and Bosanquet reach a high level of merit, and exhibit a distinct advance upon the logic of Mill, valuable as that work is, but they are burdened with a certain incomplete mastery of the principles of a spiritual philosophy. Professor Caird's work is the most complete and consistent exposition of Idealism that has anywhere appeared. His review of the philosophy of Kant has brought him face to face with all the problems of the higher philosophy, and it is safe to say that there is no topic that has not received at his hands the peculiar illumination that comes from a highly cultured mind of great speculative depth or subtlety. A thorough study of these volumes is a philosophic education in itself. The student who has mastered them will not only possess an intimate acquaintance with the whole mind of Kant, but a clear perception of the inadequacy of English popular philosophy, and a comprehension of the issues to which the critical philosophy, sympathetically interpreted, ultimately leads. The author has displayed an extraordinary patience

and industry in tracing every idea of Kant from its first imperfect presentation until it has assumed a form beyond which Kant did not advance. Nor has he left the matter here, but has gone on to show the correction which must be made in the thought of Kant if we are to have a perfectly consistent and adequate theory. The immense educational value of such a book cannot be overestimated. Philosophical culture does not consist in an acquaintance with the results that have been reached by this or that thinker, but in the process of intellectual and spiritual development through which a man himself passes. It is reassuring to find the greatest living representative of English Idealism, as Professor Caird undoubtedly is, coming to the conclusion that the great realities of God—freedom and immortality—may be established upon a reasoned basis, but it is infinitely more important to make one's own every step in the process by which this assured conviction is reached.

Twelve years ago Professor Caird published his "Critical Account of the Philosophy of Kant," the first work which put before the English reader the substance of the "Critique of Pure Reason," and indicated the lines on which the philosophy of Kant must be developed to a higher consistency. In his preface Mr. Caird held out a hope that at some future time he would complete the plan of the work in another volume on the ethical and æsthetical works of Kant, especially the "Critique of Practical Reason," and the "Critique of Judgment." That promise he has now more than fulfilled. During the interval he has not been idle. Besides critical papers on Wordsworth and Goethe, he has contributed two important articles to the "Encyclopædia Britannica"—"Cartesianism" and "Metaphysics"—and he has also published a work on "The Social Philosophy and Religion of Comte," any one of which would have been sufficient to establish a reputation, and the last of which is a model of sympathetic statement and fair criticism. Returning to the subject of his first treatise, he has made an entirely new presentation of the metaphysical part of Kant's Philosophy, and to this he has added a critical account, not only of its ethical and æsthetic aspects, but of the other works of Kant, which may be regarded as illustrations or developments of his main argument, and especially of the important treatise on "Religion Within the Bounds of Mere Reason." The English reader is now for the first time in a position to estimate the ultimate scope and bearing of the critical philosophy, to see that "there is an unbroken continuity in the movement of Kant's thought, and that the lesson of his philosophy as a whole is definite and consistent."

Professor Caird has written the final exposition of Kant, and it would be superfluous for any English author to go over the same ground again. What is now needed is an independent statement of Idealism, and it is not, perhaps, too much to expect that Professor Caird, who has proved himself so great a master in exposition and criticism, will add to the obligations under which he has placed us by doing the work himself. There are clear indications that the present generation has lost faith in the old guides, and that the philosophy of the future must do justice at once to the truth of science and to those great beliefs which give meaning and value to human life. No living author is so able to provide such a system of philosophy for us as Professor Caird.

It is impossible within the space at our command to give anything like an adequate idea of the philosophical wealth contained in this treatise. Perhaps we cannot do better than give a short statement of the valuable introductory chapter which contains an outline of Idealism as properly understood.

In a remarkable note to the "Critique of Pure Reason" Kant speaks of his own age as "the age of criticism." The term "criticism" is sometimes applied to the process of raising any objections that happen to strike the mind of the critic to the theory or doctrine under investigation. Such hap-hazard criticism is not what Kant had in his mind. Criticism he opposed on the one hand to dogmatism and on the other hand to scepticism. By dogmatism, as he tells us, is meant "the positive or dogmatic procedure of reason without previous criticism of its own faculty." Assuming the possibility of knowledge the dogmatist "seizes upon some general principle that seems to be as wide as the universe itself," and uses it without doubt or hesitation to explain all things. But the principle at first employed is inevitably inadequate to its task, and when this is seen doubt is apt to fall upon truth itself. A particular principle, true within its limited range, is employed as if it were an "open sesame" for the whole universe, and hence the dogmatist who has a perception of the complementary truth is easily able to show that his opponent contradicts himself. But as the same objection can be retorted upon himself it seems as if no principle rested upon a solid basis. Thus arises scepticism or the conviction that "whatever can be asserted may with equal reason be denied." Now Kant maintains that scepticism, like dogmatism, carries within it the principle of its own refutation. It is really because the sceptic tacitly appeals to a principle common to the contending parties that he is able to show that they refute each other. The aim of criticism is to bring the controversy to an end by detecting its sources and presuppositions, to penetrate to the principle which underlies the controversy, to discover the more comprehensive conception which puts each of the opposing theories in its place as an element of the truth; and the critical philosophy goes beyond this only in so far as it is an attempt to reach principles which are prior to all controversy.

This conception of the problem of philosophy must not be confused with Locke's doctrine, that we "must take a view of our own understanding, examine our own powers and see to what things they are adapted." For we have no other faculties by which we can examine the mind but the mind itself, and if our faculties are not adapted to the discovery of truth in other regions they cannot reveal to us the true nature of our own powers. Locke, in fact, saws away the branch on which he is himself sitting. Mind is not an object that can be separated from nature and understood purely by itself. "For man is a being who doubly presupposes nature, as he is a spirit which finds its organ in an animal body, and as it is in the system of nature that he finds the presupposition and environment of his life." Man, however, is not merely an object in the known or knowable world, but he is also a subject of knowledge, and it is only for such a subject that an object or a world of objects can exist. It is with the aspect of man that criticism has to deal. Its problem is to find out the principles without which there can be no knowledge either of matter or of mind. The great defect of the philosophy of Locke, and of all forms of empiricism, is, that it regards the acts of the mind as if they were nothing more than states of the individual consciousness. If that were true, knowledge of objects would manifestly be impossible, for the mind would be capable of coming to a knowledge of itself without having any consciousness of a world outside of it.

The true problem, then, is to find out a criterion of the validity of knowledge from an examination of our consciousness of objects. All our knowledge of particular things presupposes certain universal principles which are implied in the nature of consciousness and its relation to objects in general. If we can but discover these principles we may employ them as a test of our special ideas and beliefs. Thus, *e.g.*, in all our consciousness of the world, we find it represented as a unity and even as a systematic unity. All things, beings and events are therefore conceived to stand in some kind of relation to one another. Both to the scientific and to the ordinary consciousness the world is one in its manifoldness, permanent in its changes, inter-related in its co-existence. Thus all forms of rational consciousness are "built on one plan." It is on this fact that criticism is based. Criticism brings into explicit consciousness the principles implied in all our knowledge of particulars. The need of such criticism arises from the failure of the first immediate constructive effort of thought. The only way of escape from doubt and difficulty is to discover the ultimate idea upon which all knowledge rests. Now all the principles of the sciences are particular developments of the general presupposition of all science, viz., that the world is an intelligible whole. The full meaning of this principle, however, is not always seen; and hence a particular application of it, which is found to be adequate within the realm of the special science, is supposed to be adequate even beyond that realm. But when an attempt is made to extend this limited idea to the spiritual world, doubt is cast upon the very existence of that world. If, *e.g.*, the soul is conceived as an object externally determined by other objects, it must be regarded simply as an attribute of the body or as a series of phenomena occurring in it. Hence it has no freedom or self-determining power. On the same principle God can be nothing but a name for the aggregate of external objects.

The truth is that the special sciences rest upon an artificial separation of certain aspects of the world from the world in its totality. It is impossible to explain the true nature of the organic world without reference to the organic world: impossible to explain either, apart from consciousness. Nor can the material world be understood apart from the principle manifested in the life of self-conscious or spiritual beings. "If man is not merely the child of nature, capable of complete explanation by its physical and vital agencies, then nature cannot be taken as a system which is complete in itself apart from man, or in which the presence of man is but an accident. The strange conclusion of those physicists who, finding themselves unable to explain consciousness as one of the physical forces, were driven by the necessity of their logic to the hypothesis that consciousness produces no result at all in the world which it contemplates, illustrates this difficulty. . . . There are no alternatives but either to press the physical explanations to their last result, and so to reduce the spiritual world to the natural; or to admit that there is, properly speaking, no such thing as a merely natural world. . . . We must 'level up' and not 'level down.' we must not only deny that matter can explain spirit, but we must say that even matter itself cannot be fully understood except as an element in a spiritual world."

This hurried and imperfect abstract of Mr. Caird's argument cannot be expected to be conclusive or even perfectly intelligible, but it may help to correct the current fallacy that a true Idealism has any kinship with the doctrine that reality may be reduced to the transient states of the individual subject, and to indicate the importance of a thorough study of a book which no one who lays any claim to philosophical culture can afford to neglect.

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Those who scold about the introduction of manual training may as well be prepared for the coming of garden training, or instruction and practice of raising fruits and vegetables, by school children. It is in the air already.—*Journal of Education.*

* "The Critical Philosophy of Immanuel Kant." By Edward Caird LL.D., Professor of Moral Philosophy in the University of Glasgow, late Fellow and Tutor of Merton College, Oxford. In two volumes. New York: Macmillan and Co. 1889.