

it is of the *vinculum juris* the writer has to treat. I should be departing from what I promised in commencing were I to enter on the causes of obligations. Suffice it to say that legal relation arises by the will of two or more parties, by the will of one, against the will of the other, and without the will of either. The first lesson of law, then, is that the most prudent of us is constantly incurring obligations, often with a very indefinite idea of how he will meet them, and sometimes as ignorant of what he is incurring as the *Bourgeois gentilhomme* was of the fact that he spoke prose.

I once read that Pothier's style was not considered good. The name of the critic has passed from my memory. It is one of the small vanities of these days to praise and condemn the style of writers of pretentious trash. We often hear that they write wonderfully good English. When one enquires what the canon of good style is, we are met with curious reticence. I do not undervalue elegance in style—reserve, pregnant with meaning—and, above all, rhythmic measure; but, if called upon to state, in a few words, what are the essentials of good style, my answer would be, "clearness and simplicity." These are the chief characteristics of the writing of Voltaire and Rousseau, of Sterne and Addison, all admitted masters of style. I think these qualities are to be found in Pothier. It seems to me that his title "Of Obligations" might be read with advantage by every educated person. His other treatises are not of merit equal to the "Obligations"; but they are clear expositions of their different subjects. It is said that the great Lord Mansfield, who gave system and certainty to English mercantile law, was a devoted student of Pothier's works.

If, passing from the works of this eminent jurist, we come to the preparation which enabled him to write them, Pothier may be regarded as a great teacher by his example. During twelve years he studied the Roman law assiduously. The result of his labours fills three folios. The principal part of this great work consists of a re-arrangement of the digest. Our acrimonious friends the critics don't think this work well done. I regret that I am not in a better