

THE VARSITY

A Weekly Journal of Literature, University Thought and Events.

Vol. VIII.

University of Toronto, Mar. 17, 1888.

No. 17.

IN MARCH.

Sleep, little flow'ret, sleep. Though winds be raging,
Though harsh and bitter be the frost-king's breath,
While earth with air its weary war is waging,
While round thee rules the regimen of death,—
Sleep, flow'ret, sleep!

—
Their angry strife neglecting,

Calm canst thou rest and wait the hastening hour
When, from the leaflets' close and tender keeping,
That mother-like enfolds thy gentle sleeping,
Forth at thy sunbeam-lover's call of power,
Thou shalt in beauty burst,—the perfect flower.

Eoin.

THE UNIVERSITY AND THE PROFESSIONS.

V.—LAW.

The close connection between civilization, and the establishment of an order of learned men devoted to the administration of justice, is a remarkable feature in the history of every free people. The *Advocate*, whose duty it is to sustain and defend the personal liberty of others, or their rights of property, is to be found in nations governed by established laws, or constitutional usages, and is deservedly the favourite of the pure and intelligent portion of a free and liberty-loving people.

University men will doubtless remember the stately elevation of Cicero when he places the *Orator* next in dignity to the triumphant *Imperator*; and they will also remember how, in one of his celebrated orations (I think *Pro Murena*) he esteemed the station of the *Advocate* as immeasurably inferior to that of the *Orator*. The duty of the *Advocate*, in the days of Cicero, was confined—as it is now—to the application of the rules of the civil law to the protection of the property and social rights of the citizen; hence devotion to the study of the law, and ability in its application to the transactions of private and business life were—then as now—essential qualifications of the successful *Advocate*; for after patient and severe study he must be familiar with—

“The lawless science of the law,
That codeless myriad of precedents,
And wilderness of single instances,”

—which go to make up what we call the common and statute law of the land.

The profession of the law is universally acknowledged to be “learned,” and to rank next to that of “Divinity.” The “student of the laws” should therefore commence with a scholastic and literary foundation. He should also have acquired a practical power of application and a trained readiness to acquire knowledge; and be possessed of well-disciplined faculties.

Among some of the essential qualifications for the professional work of a successful lawyer are sound health and a reasonable strength of constitution. The law, properly pursued, draws heavier upon both body and mind than any other calling. And though the student may not be called upon to develop the muscle of the athlete, he should be able to devote at least eight or ten hours a day to hard

reading, study, and writing, without a menace of breaking down.

Prof. Pollock, in his “Lecture on Oxford Law Studies,” thus advises: “Let go nothing that becomes a man of bodily and mental excellence. The day is past, I trust, when these can seem strange words from a chair of jurisprudence. Professors are sometimes men of flesh and blood, and are not always estranged from the humanities. For my part, I would in no wise have the oar, or the helm, or the ice-axe, or the rifle, unfamiliar in your hands. I would have you learn to bear arms for the defence of the realm, a wholesome discipline and service of citizenship; and you may learn to be a man of your hands with another weapon or two besides, if you be so minded” (a).

The first question which a student should address himself to as he prepares to enter upon the practical work of life is: “For what sphere of action am I adapted; shall I choose a profession?”

This question the student should carefully consider and solve on the threshold, before he enters the temple of the law. He may, and indeed, if he acts wisely, he will, read some law book before he decides the question; for it is impossible that he should be able to determine whether his mind is adapted to a particular study or pursuit, until he knows something of the nature of the mental action required. This suggestion of reading one or two law books may be adopted by every student, and will serve as a useful part of his general education. Such reading will dissuade some from the law, while it will allure others to enter upon its study; and it will benefit those who intend to pursue other avocations than the law as their life-work. The works to be selected will be varied according to the inclinations or the opportunities of the student. If he desires to acquire a knowledge of general law he may select a work on General Jurisprudence; if on Constitutional law and its history, he will act wisely to read at least one English and one American work on Constitutional law; if he desires to take a leading part in public affairs, he ought, in addition to the last-named subject, read one of the standard works on International law (b).

(a) “It seems to be the better opinion that a man is in no danger of a forfeiture from any hurt done to another by playing at cudgels, or such like sport, by consent; because the intent of the parties seems no way unlawful, but rather commendable, and tending mutually to promote activity and courage:” Hawkins, “Pleas of the Crown.” B. 1, c. 60, s. 26.

(b) I can only indicate a few works, which, from personal study, I feel may be safely recommended to those who desire to act on the above suggestion:

“General Jurisprudence,”—Austin, Holland, Phillimore.

“Constitutional Law and History,”—(English) Blackstone, vol. 1; Anson's Law of the Constitution; Brougham's Political Philosophy, vol. 3; Hallam's Constitutional History; May's Constitutional History; Taswell-Langmead's Constitutional History; Todd's Parliamentary Government in the British Colonies. (American) Cooley's Principles of Constitutional Law; Cooley's Constitutional Limitations; Pomeroy's Constitutional Law; Sedgwick's Statutory and Constitutional Law; Story on the Constitution.

“International Law,”—Vattel's Law of Nations; Hall's International Law; Kent's Commentaries, vol. 1; Wheaton's International Law; Woolsey's International Law; Story's Conflict of Laws; Twiss's Law of Nations.

Many other books might be added, but any one of the above will be sufficient as a preliminary study.

The student should remember that knowledge is not acquired by reading many books, but by impressing deeply on the mind what is read, and repeatedly reflecting upon it.