

interesting. They are the guardians of the constitution; the makers, repealers, and interpreters of the laws; delegated to watch, to check, and to avert every dangerous innovation; to propose, to adopt, and to cherish every solid and well-weighed improvement; bound by every tie of nature, of honour, and of religion, to transmit that constitution and those laws to their posterity, amended if possible, at least without any derogation. And how unbecoming must it appear in a member of the legislature, to vote for a new law, who is utterly ignorant of the old. What kind of interpretation can he be enabled to give, who is a stranger to the text upon which he comments? Indeed it is perfectly amazing that there is no other state in life, no other occupation, art or science, in which some method of instruction is not looked upon as requisite, except only the science of legislation, the noblest, but the most difficult of any.(1)

*VII.—Profession of the Law.*

Many aspire to the honour of becoming the guides and advisers of their fellow citizens in their difficulties, but apparently few do reflect that, even with the most upright views, they will expose themselves to become the instruments of fraud, should they not acquire a profound knowledge of the laws of their country, and sufficient skill to interpret and apply them, and that it requires the studies of their whole life to attain these objects.(2)

The laws of every nation are more or less mixed with the laws of nations that have passed away, but none more than the laws of Canada, which have for their basis the jurisprudence of France and England. The laws of France being composed of the laws and customs of Celtic and other Asiatic tribes, of the Romans, of Germanic hordes, and of the Franks.(3) Those of England, of the customs and laws of the Britons, of the Romans, of the Saxons, of the Danes, and of the Normans.(4)

In the jurisprudence of both France and England, as in almost every system of jurisprudence, the Roman law holds the most dominant place; it is the great source whence they have been derived, and they still recognize the influence of its principles and doctrines.(5)

As to Canada, as late as 1535, it was covered by numerous Indian nations, having their forms of government, their religion, and their laws. More than ninety languages were counted in the interior: some of them were mixed with Galic and Welsh dialects. The north was occupied by the Esquimaux, Têtes de Boule, Sioux, &c.; the Iroquois, Hurons, Algonquins, the borders of the Saint Lawrence. The government of the Iroquois and Hurons was modelled on that of the Lycians; their religion partook of the Mosaic code, of paganism, of the doctrines of Confucius and of Zoroastre; their military mode of warfare that of the Scythians.(6) Of these laws and customs almost nothing remains, but they are still a monument interesting in the history of the revolution of empires.

(1) Blackstone's Commentaries, vol. 1, pages 7 and 8, § 9 and 10.

(2) Massé, Science des Notaires, preface.

(3) Histoire de France.

(4) Crabb's Preface to the History of the English Law.

(5) Burges' Commentaries on Colonial and Foreign Laws.

(6) Lafitau des Mœurs des Sauvages Américains, comparés aux mœurs des premiers temps.