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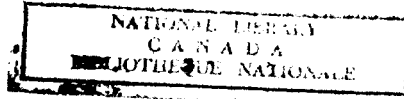
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QUEEN'S QUARTERLY

VOL. VII.

JULY, 1899.

No. 1

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THE RELATIONS BETWEEN LEGISLATION AND MORALITY.

THE Century which is just closing has witnessed wide reaching changes in the structure and general conditions of civilized society. The great awakening of commercial activity and the rapid movement of people from one locality or country to another have broken in upon settled social establishments. New lands, new areas of productive power, new methods of manufacture and improved processes, together with greatly increased means and facilities for intercommunication have revolutionized old economic conditions and practices. The result of the change to different conditions of life is that great numbers of people, engaged in industrial pursuits, for example, find it almost impossible to adapt themselves to a world constantly unfolding itself before them in new ways, and this either because they are totally unfitted to adopt a change of employment or because they are ignorant of the means whereby freedom from economic thralldom may be secured. Hence, the ordinary man seeks at once to inquire the reason of the many difficulties which he is constantly forced to meet, but contented with a more or less imperfect examination of conditions he assumes that the whole of society is quite astray. He sees only a state of affairs where the rich are prospering at the expense of the poor and soon he becomes at war with himself and his fellows. His practical life leads him to set up a 'social problem' which must of necessity

have a definite social cure. The whole economic structure rests for him on some sort of foundation which he thinks in a more or less vague way is wrongly laid and wrongly built upon. Hence depending on his definite, limited ideas, he is ready to adopt any scheme, any proposition which looks to wholesale reconstruction. The point of view of the ordinary moral reformer is exactly the same, there is a certain moral evil: it must have a certain definite cure. Once we have obtained a new economic structure the artisan's happiness is complete;—once we arrive at a wholesale plan for the regeneration of evils in the state the heaven of the reformer is won. An additional element which influences the man engaged in endeavor to strengthen morality is this, that many of the later movements appear to strike at the root of settled religious observances. The shock to the religious world from inquiry and criticism seems to have been already sufficient to unsettle faith; and in his alarm at the more radical effects which new economic tendencies seem to threaten, the reformer falls back upon the past and is ready with every weapon to fight for old ideas at any cost.

As in the world of trade and commerce so in the region of intellectual work, great achievements have been wrought. Here the evidence would seem to indicate that most has been done in the field of the more practical sciences. Long in a semi-dormant state they seek to occupy the whole intellectual field. Not that literature, philosophy and the arts have no place: not that determined effort on the part of noble minds is not being made to recall the multitude to the ideal life. Such efforts are being continually put forth and are silently working a revolution whose results shall be more fully apparent only when the reaction against the scientific spirit has properly come. Now the characteristic of scientific inquiry is that it is constantly looking for actual results. Definite accomplishment is its watchword. But when we bring this scientific method into the world of politics and society we are seeking to make use of a method and a spirit which requires to be very carefully employed. For the scientific spirit, as I have said, looking to definite accomplishments, is taken up by the labor leader or the zealous social reformer who each in his own way thinks he has discovered a scientific foundation for the ideas and aims that his every day life has fixed for him.

I hope I shall not be supposed to mean that scientific teaching necessarily narrows men's views or leads to purely materialistic results in the various activities of life. But rather that by the nature of such teaching and study those who are grown impatient of the slow inquiry into social questions or those whose training is not such as to warrant the use of scientific methods are led to devise short means whereby some tangible results may be the more readily won in the field of reform.

On this side of the sea the comparative ease with which nature has been conquered, together with a wide freedom that confirms our British pride in doing as we like, has strongly tended to accentuate our delight in definite accomplishment. Moreover a large part of the American people have long considered that all good things come from the Government and we in Canada are ready to adopt the same view. It tends to shift responsibility and we forget that our real governors are after all ourselves. Too many of our law-makers also fall to the level of demagogues and truckle to every sectional wish of the electorate. Hence the moral reformer seeking to ameliorate aggravated conditions of life or to root out some evil in the state and approaching the matter from the 'problem' point of view naturally looks for a special means of accomplishing his purpose. And since the most expeditious machinery is that of special legislation, Parliament is expected to do all that is necessary by granting some kind of a remedial measure. Hence our Legislative Halls are besieged by suppliants asking for peculiar legislation, relying upon petitions numerously signed by the electors. Therefore it follows that many of our statutes are purely efforts of a distracted party to conciliate a rebellious element in its ranks or perhaps to forestall the Opposition, by gaining for example the favor of the Lord's Day Alliance or the Licensed Victuallers Association.

With these preliminary observations let us proceed to investigate some of the principles that should guide us in endeavoring to place upon the statute books acts that deal more or less directly with moral questions. Having done this we shall then pass on to consider briefly some particular aspects of our present legislation.

In the early stages of Hebrew history legislation and morality were in complete harmony for no differentiation had

taken place and there was little complexity of interests—no varying and various sectional demands. This is also true of every early and more or less rude society. But with the progress of the years, as commerce and trade grow in all directions, consequent upon the increasing needs and wants of men, interests multiply and grow exceedingly complex. Old tribal distinctions so readily arranged and regulated in their early forms become difficult elements to manage when they appear in the form of modern class differences still engaged in a warfare of conventions if not of a more serious kind. It is further rendered more difficult to maintain a real unity in our state life when we have to endure many distressing legacies bequeathed to us from the past; perhaps none more so than that derived from the Middle Ages compelling us to look upon the religious life as one thing and the secular life as another. Naturally then law and morality are very difficult to harmonize, and Acts of Parliament may have very little real connection with the spirit of the nation.

Sir Henry Maine and others have very clearly pointed out that the natural development of legal ideas begins with law as custom, passes through the stages where custom is supplemented and relieved by equitable maxims and fictions that serve to modify and relax the rigid rules of common law, and issues eventually in the open conscious shape of law-making when rules are fixed by legislative acts. Here old and settled maxims are freely dealt with, perhaps abolished altogether, perhaps widened and extended by express measures. Let us observe then, briefly, how this process goes forward and the result arrived at. The intense conservatism of custom can be broken in upon only by a fiction, or an equitable innovation that must conceal its effect while it silently works a revolution. It is simply the same movement as where a lower and more or less fixed mode of life, or thought, or conduct is caught up and transformed by a higher spirit of teaching. Now the work of fiction and equity proceeds in such a manner as to meet and maintain an ethical advance that has grown up unconsciously in the minds of individuals. And because the equitable rule supersedes the rule of custom without being openly revolutionary, not only is there nothing lost, but on the other hand, morality is preserved in its advance and a new foundation is laid for a greater and a further triumph.

The movement is of such a truly rational kind as to induce men to look up to the innovation with every respect, the prime condition for maintaining any law. But when we proceed further and arrive at the stage where legislation steps in, a new spirit is in the air, and we observe a new found power, great in its possibilities for good, yet greater in its possibilities for evil, since it may go so far as to create conditions which may even prevent the maintenance of law and order.

Mr. Lightwood in his *Nature of Positive Law*, referring to the difference between English and German ideas of law, offers a very likely foundation for the mechanical attitude of the English system—an attitude, moreover, that lends itself readily to the view that Acts of Parliament are all powerful. "There were" he says, "two great legacies which Rome bequeathed to the mediæval world. One was the pattern of centralized government, the other, the law which she had elaborated in the course of a thousand years. By a course of events only remotely indeed connected with the Roman influence, England obtained a firm centralized government sooner than any other nation, but at the same time she conceived a strong antipathy to Rome, and refused to participate, openly at least, in the other great benefit she had given to the world. Germany, on the other hand, though she seemed to be the direct heir of the Roman Empire received this only in name. The reality which she did receive was something quite different; it came not in the person and Court of the Emperor, but in the Digest of Justinian. Of the two legacies then which Rome bequeathed, we may say in brief, that England received immediately Empire, but no Law, and Germany received Law, but no Empire."

In England also, the feudal system fixed the King as the legal head of the nation, and when Parliament after a long struggle has come to stand practically in the King's place, with royal prerogatives changed to Legislative Acts, the power of the people's representatives is complete. It was for Hobbes to make clear that law as such must be obeyed, simply because it is the Sovereign's command. So leading English jurists, like Austin, for example, following out this idea and influenced by the notion of Empire, recognizing the all powerful position of Parliament, proceed to lay down the true bases of law which would seem to result in this, that the Legislature is the true law-giver, because

in this way law issues from a definite power, backed by a definite sanction. This idea of sanction implies that the notion underlying English jurisprudence is that of a constant restraint upon a people who are continually breaking through its bounds. Hence, in the hands of the over-zealous reformer, Legislation becomes an implement, aided perhaps by all the terrors of fines and imprisonment that belong to the machinery of penal acts, to be used as a kind of lash for whipping an unwilling people into line. This was not the spirit of the Roman Law, nor of the German, its legitimate successor. In Rome, law was developed chiefly through the instrumentality of the jurists, who themselves fully in touch with the life of the nation, sought to bring into a nice harmony with life every rule and maxim of their favorite pursuit; and the German jurists have endeavored to carry out the same idea. Therefore, when a system of law is worked out, mainly by scientific jurists patiently and steadily laboring through long periods of years, rather than by the more radical instrumentality of legislation, we must of necessity derive a body of rules much more in keeping with the moral progress of the people. It is because the former method is one eminently natural and logical, that legal rules can scarcely ever be expected to outrun morality and endeavor to unduly enforce ideas in advance of the people under the purely legal justification of expediency. In our English system, our Judges correspond to the jurists of Rome, and a brief observation of the two kinds of legal machinery which we have, namely, decisions of Courts and Acts of Parliament will show the great possibility for imperfections in legislation. The Court being the interpreter which endeavors to declare a true rule of law, sits for the hearing of an argument upon a certain set of circumstances. Two or more personal interests may be represented, and every fact and detail is fully investigated through the stimulating research that Court practice demands. Then the calm judicial mind of the judge will be exerted to discover the rule that shall be the rule of justice, as warranted by the particular circumstances, and similarly by all others of a like kind, and a rule that must of necessity be an almost perfect reflection of the people's life. It is again the old spirit of custom, natural, logical, rational. The Parliament in its endeavor to fix a rule by legislation, frequently arrives at a

very different result. In the hurry of legislative methods there is scarcely ever complete discussion. The passion, pride, or ignorance of the law maker has free play to put upon the statute book any rule that seems to him at the time the proper thing to please his constituents. There is no calm judicial investigation of the facts. Perhaps the eagerness of accomplishing an ideal, causes the law maker to forget conditions around him, and to arrive at a conclusion that is certainly not the echo of the national life, and not what springs from the morality of the time. Here is the place where the zeal of the legislature outruns its discretion, and we arrive at the position where Acts of Parliament are striving to enforce morality by means of legislative 'blows and knocks,' and endeavoring to bend individuality to a mistaken notion of the common will. We observe, moreover, that the legislator seeks to make the effectiveness of law depend upon its sanction, by providing special penal clauses for carrying his statute into effect. But where custom makes the rule, sanction is only an occasional necessity coming in by way of a natural demand when the innate consciousness of right is being violated. Hence we derive the teaching that rules of law are necessary to show how rules of morality are to be enforced—that is, necessary to maintain and give substance to morality—but not to actively promote moral aims by forcing people to acknowledge ideals when the general sense has not made itself more or less perfectly acquainted with those ideals. Legislation, therefore, must be careful as to how far it shall interfere in moral questions, because by undue interference it may prevent individual action, which is the condition for having any morality at all. The active aggressive feature of legislation has its place in some such attempt as that of preventing a gross evil or abuse; in enacting for example, as recently here in Canada, laws against gambling and gambling houses, or perhaps to prevent and curb the crime of insurance murder—practices that strike at the very life of the state itself and that demand treatment by criminal or quasi-criminal measures. I may at length be allowed to offer what seems to me a fundamental criticism upon the attempt to actively promote morality by legislation. The relation of legislation to morality implies the settlement of the question as to whether moral duties should be enforced by law, a settlement

which is not far to seek, for as Green remarks, duties of this kind simply cannot be so enforced. Moral duties to act in a certain manner depend upon dispositions and motives, which are the outcome of the private individual life, and cannot be touched by any social regulation. Therefore, when the Legislature seeks by its acts to change the spirit and the ideals of men, it is working according to an inverted order of ideas. Men must first fix their ideals themselves, and proceed to carry them into execution, using legislative and every other means as aids to their purposes, but constantly remembering that, "Force does not so much indicate the majesty of the law, as show that there is a defect somewhere in the social machine."

We have thus far briefly noticed that in the early stages of society, law and morality coincide, that when the power of custom and the influence of public opinion have no longer the same place, we arrive at the stage where law and morality separate, the former adopting a new rule for its guidance, namely, that of expediency. The increasing complexity of interests and the necessity for making rules to meet new conditions and urgent cases form the ground for legislative action, but the fundamental ground-work for all law remains the same. Legislation should not here forget its place—namely, that it is but a supplement to the Court—another kind of machinery for conserving and maintaining morality. When it steps out of this region and endeavors to promote morality by statutes that are hedged-around by penal restrictions and various other sanctions, it can only hope to perform effective work when the moral sense of the nation as a whole is strongly confirmatory of its provisions. Once legislation attempts to go beyond this position it invades the field of morality unnecessarily. It proceeds to raise a legal fabric that shall be its own most severe critic. For the individual freedom of men ever striving to actively assert itself, will not be hedged around by conditions that unnecessarily restrain its free exercise. Over-restraint simply produces a state of affairs that engenders a contempt for every institution, where people will cease to recognize in the law "the condition of their existence, and feel the violation of the same as a fatal blow at themselves." Emerson says in his *Essay on Politics*, "Republics abound in young civilians, who believe that the laws make the city, that grave

modifications of the policy and modes of living, and employment of the population, that commerce, education, and religion, may be voted in or out ; and that any measure, though it were absurd, may be imposed on a people, if only you can get sufficient votes to make it a law. But the wise know that foolish legislation is a rope of sand, which perishes in the twisting, that the state must follow, and not lead the character and progress of the citizen ; the strongest usurper is quickly got rid of ; and they only who build on ideas, build for eternity ; and that the form of government which prevails, is the expression of what cultivation exists in the population which permits it. The law is only a memorandum."

Let us now turn to the more direct aspects of the question and consider it more specifically under a few special heads. And first we shall notice briefly sumptuary laws in general. There has been a period in the history of the legislation of almost every people when the popular assembly was looked upon as the instrument remedial for granting freedom from every evil, and stringent laws were passed concerning matters which we have come to regard as impossible subjects of legislation. The ancient Locrians, terrified by their own lawlessness and disorder following the founding of their new settlement, applied for advice to the Delphic oracle. They were counselled to adopt the Code of Zaleucus and one of his ordinances was, that no woman should appear in the streets attended by more than one maid unless she were drunk. So in Rome the Lex Orchia limited the number of guests who should attend a banquet, and the Lex Fannia what sum should be spent at certain festivals. In England, sumptuary laws were the fashion from the time of Edward III. to the Reformation. It was a time when the English nation was expanding, Saxon, Norman and Celt were tacitly agreeing to become Englishmen. Men's minds were directed more and more to overcome the extravagances of a time that had been unsettled by war and civil strife, and by the new relationships rapidly forming. And so a statute, passed in the tenth year of Edward's reign, after narrating that "through the excessive and over many costly meats which the people of this realm have used more than elsewhere many mischiefs have happened for the great men by these excesses have been sore grieved, and the lesser people who

only endeavor to imitate the great ones in such sorts of meats are much impoverished whereby they are not able to aid themselves, nor their liege lord in time of need as they ought, and many other evils have happened as well to their souls as their bodies," proceeds to enact that: "No man shall cause himself to be served in his house, or elsewhere at dinner, meal, or supper, or at any other time with more than two courses, and each mess of two sorts of victuals at the utmost, be it of flesh or fish, with the common sorts of pottage, without sauce or any other sort of victuals: and if any man chose to have sauce for his mess he well may, provided it be not made at great cost: and if flesh or fish are to be mixed therein, it shall be of two sorts only at the utmost, either flesh or fish and shall stand instead of a mess." Numerous other examples of the same kind of legislation might be given. If we look into these laws and inquire as to their success we shall invariably find that they were much more honored in the breach, than in the observance. Mr. Froude who tries to offer an explanation or apology for their enactment in England, thinks that they are to be looked upon as authoritative declarations of what wise and good men considered right, rather than laws to which obedience could be enforced. Indeed all such legislation is simply the attempt to directly enforce the doing of certain moral duties which as already pointed out is an impossibility. Accounts of the old Locrian life would seem to indicate that they carried out their laws with some measure of success. But it must be remembered that their territory was comparatively small, that it was in a rather rude age when interests were not very complex, and that the system of government for the most part was of a military kind where rigid obedience was summarily enforced.

A question which has given rise to much discussion in Canada, is the proper regulation of the traffic in intoxicating liquors. The legislator and the laymen alike have been face to face with the difficulties which this subject presents. Judge Sinclair in the preface to his work upon the 'Liquor License Act of Ontario' remarks that "there has been no branch of legislative or judicial practice more complex or troublesome, and no subject has awakened greater public interest on the American Continent than that dealing with the traffic in intoxicating

liquors." Yet according to the orthodox temperance lecturer, nothing is more easy than to pass a prohibitory law and straight-way the evil trade is banished from the land. We have had a perfect deluge of opinions on the subject in the press, on the public platform, and at every street corner, and the whole affair seems barren of results except perhaps that the discussion, like every such discussion, has induced individuals here and there to consider. Through the plebiscite discussion there were pointed out objections of considerable force against our passing a prohibitory law. It was held by many to be unfair that such a law should be recorded without compensation to those who had acquired settled interests in good faith under the present system. It was repeatedly observed that our country with its long frontier, lying beside a nation that contained the traffic could be flooded with an illegal trade that should in many ways cause our officials and government a great amount of trouble and anxiety. But the real difficulty in Canada is the lack of a proper sentiment to endorse a prohibitory measure, or, if it be more acceptable to so state the position, that the movement was in advance of our morality—that it was based too much upon the idea of what we should accomplish, and not what we could attain. Many of our people showed scarcely any interest in the question, and certainly no enthusiasm such as the ordinary parliamentary election arouses: many others were directly opposed to the vote, either because they wished the traffic to be retained, or because they objected on principle to prohibition. On the other hand a large vote was given in favor of the measure. Now here is an electorate sufficiently divided against itself. If as it has been said, "Morality consists in the presence of some element of the social purpose as a moving idea before the individual mind," surely in the face of the evidence, it could not be contended that we have in Canada anything like a social purpose looking to the enactment of a prohibitory law. Throughout the discussion it was frequently argued that since we have a law prohibiting murder, and it is not thought an interference with individual freedom, then if we pass a prohibitory liquor law, we shall likewise make a proper encroachment upon individual freedom, and we shall find that its provisions will be maintained. But, a law against murder is the effort to prevent acts which are

aimed directly at the very life of the state itself. The common consciousness of men admits without question the justice of such a rule, and its precepts are readily confirmed by all but the very few whose hands are raised against every man. This spirit of maintaining the law at all hazards cannot be expected from, and is never found in a society which does not regard the drinking habit as a crime. Moreover the suppression of murder must operate by means of the criminal law, a kind of machinery that is suitable to control and regulate only the most open immorality. Now it is also true, that every prohibitory measure whether of trade or of vice, finds its effectiveness through the enactment of penalties, a kind of legislation which is therefore of a semi-criminal nature. Hence, when the aid of every man is not voluntarily offered to work out such legislation, it becomes effective only through the activity of the common informer, and by means of a wide system of espionage which as Montague remarks in his *Limits of Individual Liberty*, "would revolt all honorable men, make all vile men formidable, and poison all the innocent pleasures of existence." As to the statement that such a law would find ready endorsement in Canada, we could certainly not infer this to be the fact from a consideration of the recent vote. The point therefore, where such a law finds its limitation, is just wherever at the time the common opinion of men will freely aid the enforcing of the statute. The Liquor License Act of Ontario is in many respects a prohibitory measure designed to actively promote morality. Its effective working in this respect depends upon the activity of the informer, and in practice this is just where the Act works imperfectly. It is proposed by active temperance people to amend the Act and increase the prohibitions, and every session Parliament is forced to listen to stronger representations in this respect. As to the advisability of such a proceeding, I may refer to a remark made a few days ago by Judge McDougall with regard to enforcing the law against the many places where liquor is illegally sold in Toronto. "The question is a very troublesome and perplexing one. The administration of any sumptuary law is always difficult. I do not think you can make the provisions of the license law any more stringent." So also in the case of the Scott Act—experience has shown that like the old sumptuary laws, its fame is derived

chiefly through the ingenuity of those who by various strange and cunning devices found ways and means for violating the law.

Again, as our morality advances litigation falls off and we are more and more disposed to submit our disputes to the arbitration of a solicitor or a common friend. Also with the progress of general education the work of the Criminal Court is rapidly diminished. Therefore, any Act of Parliament which tends to increase litigation and any act, especially, which sets in motion the criminal law or any series of prosecutions under penal regulations which are always of quasi criminal nature is decidedly a step backward, breaking in unwarrantably upon a steadily developing principle of progress. A glance at the reports of convictions during the years while the Scott Act was in operation will show that the number was much greater than in the years since. It may be argued that this came from the endeavor to enforce a very necessary law, but it may be answered that in a peaceful and progressive society frequent recourse to prosecutions bears strong evidence of the fact that the statute is seeking to effect some aim forced upon the unwilling mind of the people. It is encouraging the spirit of resistance to law.

Moreover, a law too restrictive in its provisions directly tends to weaken morality in various ways. Mr. Wells, in his *Recent Economic Changes*, in discussing the effects of high tariffs set by European nations some years ago when protection was looked to as the panacea for every economic difficulty, points out that Spain, by excessive trade restrictions, reduced her commercial morality to such an extent that the only man who was looked up to with respect was the contraband trader, because in defiance of laws he strove to follow the natural course of trade. In respect to the practice of smuggling in connection with the liquor traffic, "for many years the Dominion Government has been trying to put down the liquor smuggling trade in the Gulf of St. Lawrence, but without much success. In some of the Nova Scotia and New Brunswick counties where the Scott Act is now in force smuggling from the French Island of Miquelon is a well established industry. Smuggled liquor is also brought from New England. It is not whiskey but green alcohol manufactured in the distilleries of the corn States and shipped in bond ostensibly to Miquelon or Newfoundland and transferred in the open

sea to Canadian vessels bound up the Gulf. It is hard to form an estimate of the amount of this stuff conveyed into the country by this side door every year. I have heard government officers place it as high as 500,000 proof gallons. Anyway, the present Minister of Customs has found it necessary to augment the preventive force by the addition of a special service including one or two armed cruisers in charge of Mr. Frederic Jones, a competent man. The cost of this special service alone will exceed \$40,000 a year. What would occur in the gulf?—what sum would it be necessary to spend if an attempt were made to enforce prohibition with the people of the Gulf parishes and of Quebec as a whole hostile to the law?" I shall leave this part of my subject with a few pertinent remarks made by Sir William Vernon Harcourt. "I know some people imagine that if you could only enforce sobriety by law you would get rid of the greater part of the misery and vice in the world. But unfortunately for this theory we know that the most sober places in the world are among the most miserable and the most vicious. The southern people are far less addicted to drink than those of northern climates. They are not more virtuous, more industrious or less criminal. These people have missed the point. What really makes sobriety valuable is the voluntary self-control, the deliberate self-denial which resists temptation and leads a man for the sake of himself and others to abstain from vicious indulgence, and this is a thing that you cannot create by Act of Parliament."

Another topic of interest which may be dealt with as included in the subject of this paper, and to which I shall briefly refer is that of legislation regarding the Sabbath. Here also our public opinion is much divided against itself. Mr. Charlton declares on the floor of parliament that the publishers of Sunday newspapers are the enemies of every moral and religious restraint, and he annually introduces some restrictive measure. The member for West Toronto rises to criticise, and declares that he has no sympathy with 'grandmotherly legislation'. The Lord's Day Alliance during the past year or two has been unusually active in looking for breaches of the Lord's Day Act, and in endeavoring to understand what is the position under the Act of what might be called to-day the new economic man, namely, the

Corporation. The Alliance is certainly meeting with many difficulties. The test cases have arisen more especially in reference to the running of Sunday Street Cars. A brief glance over the cases that have served to construe the British North America Act, and establish the respective spheres of Dominion and Provincial control, shows that a large number of these cases first arose under the statutes passed from time to time looking to the regulation of the liquor traffic. The recent attempt to prosecute the Metropolitan Railway Company at Toronto, and the questions that are likely to arise in any proceeding against the Ottawa Street Railway for example, go to show that the meaning of our Constitutional Act may be still further elucidated through the attempts to enforce the working of amendments to the statute governing the observance of the Lord's Day. So that if these Acts are not the most worthy kind of legislation, they may prove of considerable value to the Constitutional lawyer of the future. But the attitude which our legislation will bear to the observance of the Lord's Day, must rest very much upon what is our general conception of the Sabbath. If we turn to the Old Testament scriptures and strive to learn what was the Jewish idea, we find even at the time in the life of that nation when moral commands were most stringently enforced, that the day was essentially one of rest and enjoyment. As summed up by one writer, "Suffice it to reiterate that in every class, every age, and every variety of Jews from first to last, the Sabbath has been absolutely a day of joy and happiness, nay of dancing, of singing, of eating and drinking, and of luxury." As we look down the pages of history and observe the varying regulations that have been placed upon the observance of this day, we cannot but think that after the conflicts of successive periods, when times of freedom and also of license have been followed by times of strict puritanic rule, we have to-day arrived at a position where we inherit a one-sided feeling in reference to the Lord's Day. Its very name proclaims that it is not of this world according to the ordinary conception. There is commonly held to be one law for the week day, another for the Sabbath, reflected in many very homely restrictions. Hebraistic as Matthew Arnold might term the Jewish Sabbath, yet we have no conception of it as they had, namely, a day which allowed for them the expression of the

fullness of their life. We look upon it as a day rather restrictive of the freedom of life. Ours is too much a negative conception. When we can be recalled to the more noble idea that all which goes to make a man in the best sense, literature, science, art, work, amusement and worship, are, in the whole what constitute for him the highest religion, we shall not be so ready to seek at the hands of the legislature cast iron rules for Sunday observance.

But many good men look with alarm upon the change in the condition of communities as they pass to other points of view. Some would look with misgiving upon the ideal presented by Bosanquet, in one of his essays, where in reference to Sunday he says: "I should like to see grow up a tradition of family re-union (which is impossible for the working class on a day when many kinds of labor go on), of the simpler kinds of social re-union, of healthy country recreation, of occupation with art, music, and literature and with the beauties of nature." There can, of course, be no two opinions about the question that ordinary employments must cease on the day of rest. On physical grounds alone one day in seven so set apart has been shown over and over again to be most advantageous for the preservation of the race. Moreover, if much ordinary work were allowed to go on it would result that all might eventually be following some occupation in the pursuit of gain. Hence the necessity and wisdom of having an act governing the ordinary occupations of labor. But many of the present day movements to place further restraint seem rather unwisely conceived. Looking at the question from all sides it seems to me more and more apparent that the legislation against the running of Sunday cars is a movement in restraint of moral progress. Let us allow the cars to run and no doubt those who are shut up in the lanes of the city would, in the fields and parks and outlying villages, find a new freedom. At first very likely this freedom would tend to degenerate into license. But would not this license be a more open form of much of the vice that is secretly practised in the darker haunts of the city? It is further true that the attempt to do wrong openly is the only real condition for destroying the wrong altogether. The vicious in this way allow the law to operate against them in its proper manner. This wholesome restraint together with the influence of new associations and new scenes

in the more open life of the day must necessarily have a considerable effect in offering to the minds of such people the notion of a better life. On this ground alone even in comparatively small cities is the service justified. It may be said that our cities in Ontario at least are too small in area and too few in population to warrant this view. But on the other hand they are rapidly growing, and must of necessity accumulate each its 'submerged tenth'. If then a car service on Sunday is to be looked upon as a means for the alleviation of slum difficulties, legislation such as that constantly proposed in this respect could hardly be considered as in keeping with advancing morality. An objection is raised that by the employment of the cars on this day some are deprived of their legitimate rest; but the amusement or recreation of the many is worth the labor of the few, provided the occupation is freely chosen. And such labor is not compulsory, since the relay system employed by the Car Companies allows to all employees sufficient opportunity for rest, recreation and improvement if they are so inclined.

Legislation therefore, touching the observance of the Sabbath has its proper place, I conceive, in this that it is wise and right so long as it seeks to enforce a rest day which shall be free from the commercial spirit. Moreover, it will not be out of place in preventing amusements, which are offered to the public with a view to the making of money, or amusements which in the life of to-day seem to be inevitably connected with reprehensible practices. Sunday amusements because they are religiously wrong is a ground of legislative prohibition, which as Mill says, "can never be too earnestly protested against"; and he further remarks quite aptly that the notion fixing it as one man's duty to be careful that his fellow should be religious, has paved the way for the distressing persecutions of the past.

Let us look for a moment at our system of colonization roads, and our profuse railway network. It is the boast of the Ontario Government, that since 1872 they have expended over two and three quarters of millions of dollars in the development of the Province by roads and railways. The argument is advanced that the money appropriated for this work is a return of surplus revenue to the people. The Government "Record" declares that, "it is not merely a wise policy to use a portion of

that revenue to develop the country, but a just policy to use it in alleviating the inevitable hardships of backwoods settlement, and frontier life." Now no doubt, much of the money has been necessarily spent in this manner, but it yet remains true that it would have been a wiser policy to have allowed a large portion to remain in the public treasury. A brief excursion through some of the rougher sections of the Province, is sufficient to convince the traveller that roads have been opened and bonused where they never should have gone. Now that lumbering operations in these districts are a thing of the past, the settler is back among the desolate hills in a country that can never yield more than a miserable living. His moral condition is in keeping with his physical surroundings, and in many places gross forms of religious excitement provide for him a course spiritual ideal. He must through several generations act as a barrier to the introduction and spread of the better forms of refinement, while in some struggling and obscure fashion he endeavors to learn some idea of the world 'out front'. Surely the money which has been appropriated to open sections for settlement which do not warrant habitation in the civilized sense, would be far better expended in direct aid to men who might be encouraged to remove to the fertile lands of the West, in place of the objectionable emigrants that we so often find dumped upon our shores. So long as members of Parliament are called upon to obtain special favors for their own constituents in this way, just so long will we witness examples of unwise policy. I have mentioned here only our road and railway legislation, but many other features of our law making might furnish examples of questionable policy. A wiser spirit on the part of those who make our laws and strive to develop the country, might lay the foundation for a stronger and more sturdy morality. We must rid ourselves of the idea of definite accomplishment, that looks no farther than the creation simply of certain economic conditions regardless of the moral consequences. In speaking of our reckless railway expenditure in the Dominion, Mr. Willison in a paper offered some months ago before the Canadian Institute, makes a statement quite applicable here, that "the best service we can do for Canada is to introduce into our public controversies and to incorporate into our code of laws the prudence, the sanity, the steadiness of the

British Political temper, and the sober courage and inflexible justice of British Legislation.”

And now what are we to conclude? In the first place, let us rid ourselves of the idea that society is a mechanism that can be patched up first on this side and then on the other by some magic movement of the legislative regulator. We must learn at the outset that society is composed of living conscious members that will not be driven in any particular direction by the legislative whip. We must work the other way, with open and free liberty of action and discussion. The wise course for the reformer is to raise and teach the individual by example, and regularly perhaps, by precept when used with care and discretion. The mind of the teacher himself must be open to the influence of wise ideas no matter from what source they come. And he must ever continue to remember that the best and most lasting benefits to be derived from all work, religious and otherwise, are those wrought out by the slow and careful training of the individual life. Even though definite results are not seen let it not discourage. For it must be complete satisfaction to observe that progress is being constantly attained and that the ideal, while ever more eagerly sought for is as constantly keeping far in advance. In the attempt to use the Legislative power for promoting morality, let it be taken for a generally true maxim, that “the law is only a memorandum” and a very limited kind of human agency. Its true relation to morality is to promote by endorsement and not by aggressively attempting to enforce moral observances. It is for our public men to rise in every respect to the position of the Aristocracy of Talent which will seek before endeavoring to pass a law to have it rest broadly and deeply upon the whole life of the nation—not sectional, not selfish, not the outcome of pressure from a group of railway magnates, nor on the other hand from the Women's Christian Temperance Union. True morality must grow up silently in the life and homes of the people. Caught up from every source will come the groundwork for a strong and sturdy legislation that shall find its true ratification in the wholesome moral sentiments out of which it has grown. Let it be further remembered that the spirit of definite accomplishment, as I have used the term, cannot provide us with true and lasting social benefits. And further

that it is for all men, the social reformer included, to learn the full meaning of this profound truth so beautifully expressed in "Rabbi Ben Ezra," that aspiration and not achievement divides men from brutes.

"Not on the vulgar mass
Called 'work' must sentence pass
Things done that took the eye and had the price."

Ottawa, Ont.

ANDREW HAYDON.

THE HYMNS OF THE HEBREWS.

THE Psalter was the Hebrew Hymn-Book. In the Hebrew text it is divided into five books, the first containing psalms i-xli, the second xlii-lxxii, the third lxxiii-lxxxix, the fourth xc-cvi, the fifth cvii-cl. This article deals only with the fourth book, beginning with psalm xc, and ending with cvi. A first characteristic to be noticed is that it is entirely Jehovistic: that is, Jehovah (Yaweh) is the name of God used throughout. And that fact, so far, lends some support to unity of time and thought in the structure of the book. The time probably extends from the early exile to the late restoration, roughly speaking, from 596 to 400 B.C. And while one or two psalms may be older than that time, the remainder must have been written not long before the book was compiled for liturgical use.

At the outset, however, it is only proper to say how extremely difficult it is to assign exact dates and suitable historical setting to the psalms. A little ingenuity can fit almost any of them into any period of the history of Israel. The conservative critics who support an early date differ widely among themselves, and so also do the critics of the liberal school who favor a late date. Nor is there anything surprising in this. When it is remembered that there is little, if any, external evidence to guide us, and that we cannot be certain whether a psalm is individualistic, or national, or both, and when it is remembered also that the sentiment of a psalm may differ widely from the better known historical temper of its own time, it will be readily seen how far the date must rest on conjecture. If we had nothing but internal evidence to guide us, who could confidently assign the great hymn of

Bernard of Clairvaux, "O sacred head once wounded," or the equally great hymn of his namesake and contemporary of Clugny, "Jerusalem the golden,"—who could confidently assign them to one of the most troubled and tempestuous periods of the middle ages? The popes of the time from Innocent II. to Eugenius III. were in deadly grapple for pre-eminence with the great secular princes of Europe. Some of them like Paschal II. were so wicked as to be disowned by their own clergy. Besides, for part of the time there were rival popes hurling anathemas and ex-communications at one another. Or again, who, reading the *Imitatio Christi* of A' Kempis, and judging the character of its own age by the beautiful spirit of that book, would imagine that a contemporary pope perished by poison at the hands of his enemies? or that the sale of indulgences was becoming the religious scandal of Christendom? or that there were two popes in deadly rivalry for the triple crown? or that John Huss of Bohemia and Jerome of Prague were burned alive at the stake for preaching a pure Gospel? It is, therefore, not safe to be dogmatic in assigning date and circumstance to psalm or hymn or meditation when external evidence is wanting. At the same time, there can be no doubt the historical method is the true way of studying the old praise songs of Israel. Conclusions will be approximately correct. And studied in their historical relations, the psalms will be better understood, and found to be more refreshing and comforting than ever to the religious spirit.

As those ancient hymn books were, doubtless, compiled very much as modern hymn-books are, some of the psalms may be much older than the compilation in which they are found. The compiler, or editor, or committee engaged in framing the book would be governed by personal taste, or some poetic, or liturgical principle. And thus an ancient but hitherto unpublished psalm might suit his ends and be inserted in the collection. Not only that, but it might be "doctored" or worked over, words or lines changed, or lines or verses omitted or added, to make the psalm conform to the ruling idea of the compiler, just as is done—some think too often done—in the preparation of modern hymn-books. As a matter of fact we know some of the psalms were subjected to this very process. The last five verses of lvii are the first five verses of cviii; the last eight verses of lx are the remaining verses

of cviii ; lxx is an extract of the last five verses from xl ; verses three and four of c are verses two and seven of xcv. The Festal hymn in 1 Chron. xvi : 7-36 is a late compilation of several songs or portions of songs of an earlier date, among which are verses 1-15 of psalm cv, and fragments of xcvi and cvi. Archaic words also might be left out of an old psalm, just as we sometimes leave them out of an old hymn, and later words substituted. Or a writer of antiquarian taste, just as in our days too, might successfully imitate the spirit and diction of another writer centuries older. In the one case an old psalm with a very few changes might be passed off on the sharpest textual critic as late ; in the other case a clever late imitation might be passed off as old. These introductory remarks are made in support of the statement that the historical setting of the majority of the psalms must be largely a matter of conjecture, and must not be insisted on too confidently.

Now as to book four. The first psalm in the collection is xc, and its date is the most difficult to fix in the book. The views held are two, and are as divergent as can well be, the very early and the very late. According to the first the author was Moses, as tradition has always set forth, and the psalm, it is asserted, fits exactly into the circumstances of that early time. It is surely a great psalm and worthy such an author, and such an age. According to the second view it is a post-exilic psalm, and fits, it is asserted, correctly into the circumstances of that sifting and stirring age, "during or just after that re-organization of the church-people which was completed by Ezra the scribe and Nehemiah the governor"—say, about the middle of the Persian period. And true enough, if that period be examined, and the reflections of its thoughtful minds imagined, it will be admitted that the sentiment and grandeur of the ninetieth psalm find a most fitting environment. The generations of a thousand years, with their glory and their decay, their pride and their humiliation, their sins and sorrows and repentance, their banishment and return, their reviving hopes and spiritualised outlook—the generations of a thousand years have come and gone and give point enough to the words of the psalmist : "Thou hast been our dwelling place in all generations." Internal evidence appears to favor the later date. Seventy or eighty years are mentioned as the span of human life ; but Moses

himself was 120 when he died, Joshua 110, Aaron 123, and Caleb also must have lived beyond the 100 although we have no account of his death. Why should a Mosaic psalm be out of reckoning so much as 53 years in giving the length of human life? That one item of internal discrepancy militates somewhat against the Mosaic authorship.

A more important question arises: Why was so noble a psalm omitted from the earlier books of the Psalter? How did so splendid a composition escape previous collectors and editors? Moses was venerated as no other name in Israel, and it is natural to imagine the avidity with which anything connected with his name, oral or written, would be sought and cherished and pressed into the religious and national services of the people. Between his day and the downfall of Israel and Judah, writings of this description were not so plentiful that the psalm, if it existed, could have escaped the notice of the men who made the earlier collections of Hebrew literature. On the other hand, it fits, as to sentiment, admirably into the later time. If this date be accepted, the study of contemporary writings becomes instructive and helpful in the understanding of the psalm, and the application of its lessons. During that period, Haggai, Zechariah, Ruth, Jonah, Job and Ecclesiastes were written. What light do these scriptures and the psalm throw on each other? The question is not unimportant. The psalm is a free review of circumstances of trial and anxiety, and also an anticipation of a brighter and happier coming time.

“Oh satisfy us early with thy mercy;
That we may rejoice and be glad all our days.
Let the beauty of the Lord our God be upon us;
And establish Thou the work of our hands upon us;
Yea the work of our hands establish thou it.”

1. As to the other psalms of this book there is not so much dispute. They are divisible into four groups; those of the early exile, those of the late exile, those of the early restoration, those of the late restoration. The ninety-fourth is the only representative of the first group, and most clearly does it voice the experience and feeling of the early exile. The heart torn away from home and temple, and sorely smarting under the raw memory of cruel and bitter wrongs, gives free expression to its pain and resentment.

Its own sufferings and the arrogance and godlessness of the oppressor excite its rage and its cry is for vengeance :

“Oh Lord, Thou God to whom vengeance belongeth,
To whom vengeance belongeth, shine forth.
Lift up Thyself, Thou judge of the earth :
Render to the proud their desert.”

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They prate, they speak arrogantly ;

.

They break in pieces Thy people, O Lord,
And afflict Thine heritage,
And they slay the widow and the stranger,
And murder the fatherless.

.

My God shall cut them off in their own evil ;
The Lord our God shall cut them off.”

It will be interesting to read the psalm in the light of contemporary writings like Jeremiah li-lij, Habakkuk, Nahum, Lamentations, and the last chapters of Kings.

2. Psalms xci and cii represent the second group and belong to the later exile. It will be better to consider cii first, because in feeling and outlook it is midway between xciv and xci. It is the prayer of an afflicted, and yet strong and hopeful man. Though smitten with a great sorrow he bravely holds up his head, and expects to live to see the favor of God again upon Jerusalem. The back has become somewhat inured to the burden. There are glimmerings, though as yet vague and indistinct, of the advent of better things. He speaks of the “set-time” as “come” for delivering Zion, and he closes with something of the ring of the ninetieth. The heavens and the foundations of the earth may pass away, but Jehovah endures :

“Thou art the same,
And Thy years shall have no end.
The children of Thy servants shall continue,
And their seed shall be established before Thee.”

As has been already said cii occupies mid-ground between xciv and xci. Now as we take up xci we are still in the later exile, but meet with a new note of feeling and hope. In all the Psalter there is nothing richer or higher in chastened, ripened religious spirit than this, nothing calmer in its consciousness of

God's presence and righteousness, nothing that shows a stronger faith. Here we see the best fruits of the discipline the exile administered to Israel. It compelled that heart-searching which spiritualized their faith, and destroyed forever their old leaning to idolatry :

“He that dwelleth in the secret place of the most high
Shall abide under the shadow of the Almighty,
I will say of the Lord, He is my refuge and my fortress ;
My God in whom I trust.”

Or as this candor is expressed in another psalm (cxxxix) of the same period :

“Search me O God, and know my heart,
Try me and know my thoughts ;
And see if there be any wickedness in me,
And lead me in the way everlasting.”

Unclouded brightness is beginning to shine, the foretoking of better days, and we feel as we read this psalm that we are on the verge of a new era. Judah fell under the assault of Babylon ; and after a brief but extraordinarily brilliant career, Babylon herself is about to fall. Her vastness, and huge unmanageable colonial policy which swept under her standards hordes of unassimilable peoples became her ruin. Of those conquered peoples the Jews are for the moment the centre of interest, more particularly, as we now find, when the great Babylonian monarchy is tottering to its fall, the glowing visions of an Ezekiel and second Isaiah directing the mind of the exiles to a restored nation-hood and worship, and to the spiritual kingdom which should grow up around the suffering servant of Jehovah. “As the righteous part of the nation came to see that, somehow, it was being shaped by a Divinity (rough-hewed as were its own purposes), and that through this carving, though painful, there was wrought out the nation's future glory, there came in a new doctrine of vicarious suffering.” God might bring even the righteous “remnant” to prison and to judgment, give it a grave with the wicked amidst the wealth of Babylon, lay on it the iniquity of all the nation which had gone astray like sheep, cut it off from the land of the living, leaving no record of its suffering, and no generation to be traced to its lineage—yet it would see of the travail of its soul and be satisfied. This had hitherto been

true, and forever would remain true of leadership and revival; but in the later history of Israel it found culminating expression in Jesus the Son of God (the offspring of a Jewish mother), who acknowledged the typology of the Babylonian Isaiah and the Babylonian psalmists, by applying to Himself in His darkest hours some of the words wrung from the bleeding hearts of God's people in the darkest days of their national and spiritual bereavement. Such was part at least of the contribution made by the exile to the better life of the world. "There was the winnowing fan, but the spiritual germ survived while the chaff perished. There was the melting pot, but the fine gold of the nation emerged tried as by fire."

Before the exile, indeed, the process had begun. The Babylonian cloud was seen gathering, and men like Jeremiah and Josiah (620) tried to avert, at least to mitigate the crisis by gathering together in a code the wholesome laws and splendid traditions of the people, and showing how much they had to cherish and protect, and how much stronger and purer their life should be. After the blow had fallen and the flower of the nation had been carried into exile, the work of collecting their laws and histories and religious songs continued, and became indeed more important than ever, since during the first cruel experience of the exile, the struggle was to protect themselves from religious and racial extinction. It was then, that men like Ezekiel, and some unknown psalmists, men of deathless patriotism and spiritual fervor, kept alive the instincts of race and religious feeling by their imposing prophetic symbolism and their heartfelt songs. It was then that histories began to be written and edited in serious earnest, and psalms to be composed with a purpose, and gathered into books. And it was then also that the impulse was given which should, in the approaching restoration, whose signs were already becoming visible, result in the collection and publication of the Old Testament writings, in large part, as we now have them.

3. Of the third group, the early restoration psalms, there is but one, xcii, in book four. As between the psalms of the earlier and later exile no sharp line can be drawn, so none can be drawn between those of the earlier and later restoration. We have to be guided by the internal notes of time and place, the per-

sonal and liturgical accent, and the historical affinities they reveal. In the first class, the enthusiasm of the new era might be expected to be dominant, as also the fresh, creative spontaneity which belongs to a growing time. And if the last twenty seven chapters of Isaiah date from the later exile and earlier restoration, and if there are exilic and restoration psalms, however wide apart the genius and outlook of prophet and psalmists, there ought to be very manifest points of resemblance between them. And doubtless there are. The comparison will prove interesting to such as undertake it.

Later, the enthusiasm of the restoration declined, because of the reaction which inevitably follows the high, strained pitch of initiation, and the partial disappointment which is inseparable from large human expectation. At the very best, things could not happen quite as they were expected. The decline, however, is not very apparent in any of the later psalms of book four, but it is in other late portions of the Psalter, and in Malachi iii : 14-15 : "Ye have said, It is vain to serve God ; and what profit is it that we have kept His charge, and that we have walked mournfully before the Lord of Hosts? And now we call the proud happy ; yea, they that work wickedness are built up ; yea, they that tempt God, are delivered." The first joy of the restoration was too exhilarating and exhausting to last. The new freedom was enchanting, but they could not always sing to the high pitch of this psalm :

" When the Lord turned again the captivity of Zion
We were like men that dream.
Then was our mouth filled with laughter
And our tongue with singing :
The Lord hath done great things for us ;
Whereof we are glad." (cxxvi).

The country had been harried by repeated invasion, now by one foe and now by another, and half turned into a desert. And the people could not live on religious ecstasy alone. Sacrifice became a costly burden, fervor grew cold, and then blemished things were offered to Jehovah. "Ye profane my name, saith the Lord of Hosts, in that ye say, the table of the Lord is polluted, and the fruit thereof, even His meat is contemptible. Ye say also, Behold, what a weariness is it ! And ye have brought that

which was taken by violence, and the lame, and the sick; thus ye bring the offering." (Mal. i). The people grew weary; gradually the worship became more formal, and the new psalms, when the real inspiration failed, were dull and artificial. And the psalms are no exception to the great general law; the creative time is ever followed by the imitative and artificial. The ninety-second has a strong personal and liturgical element. The speaker is represented as filled with a great joy, the joy of a green old age spared to see marvellous things unlooked for. The image of the first temple seems to linger in his memory, and now in his closing years his eye rests with unmixed contentment and complacency on the restored temple:

"It is a good thing to give thanks unto the Lord,
And to sing praises unto Thy name, O Most High.
For Thou, Lord, hast made me glad through Thy work.
The righteous shall flourish like the palm tree:
He shall grow like a cedar in Lebanon."

A comparison of this psalm with Isaiah li-lij, Haggai, and Zechariah i-viii will prove both interesting and instructive.

4. Coming to the fourth group, it is represented by psalms xciii, xcv-ci, ciii-cvi, all of the later restoration. The contemporary writings are Malachi and Joel. In xciii the Davidic throne has faded out of sight, and Jehovah is enthroned instead. The infiltration of new spiritual ideas is quite apparent. Man and nature are called upon to acknowledge the sovereignty of Jehovah. And xcv-ci, also are couched in the same high, sublime vein of invocation to Jehovah. The restoration has come. The temple is again open. The singers rest their eyes on their own fair land. Their hearts are full. The heavens and the earth appear to be in sympathy with their pious and happy mood, and they summon all peoples and the whole earth to join in their praises to Jehovah. Here the spirit of the Babylonian Isaiah is gloriously reproduced. Has any hymn ever transcended psalm xcv as an expression of joyous public worship? or the hundredth as a glorious jubilate, full of hope and joy and sublime spirituality? Space is not left to characterize at any length the remaining psalms of this group. In ciii, civ we have reflective psalms of the inner and outer world respectively, and cv, cvi are historical retrospects such as reflective, thankful writers might well produce under the stimulus

of the return and the revival associated with the second temple.

This article may fittingly close with a few words on the value of the study of Hebrew poetry in giving us a clear, well-balanced picture of the real life of that wonderful people. The histories, if we except Daniel, are as a rule, a bare recital of facts with little attention given to things in their relations. The origin and interaction of great movements are not traced out. The reader is left to apply for himself the laws of the historical imagination, to read between the lines, and to become in that way acquainted with much of the thought and life of the people. But notwithstanding this general baldness of narration, great and incomparable is the skill of some of the Biblical writers in the stories of the Pentateuch, Joshua, Judges, Jonah, the Gospels, Acts and other scriptures. They never need to stand out in front of the canvas on which they have thrown the outline and say, this, and this, and this is what we mean. What they mean is perfectly obvious without that—which is the consummation of the story-telling art, and of which we have two unique examples in Jonah and the Acts.

Again, the prophets were the stern, ethical teachers of their time, and just because they were, of necessity they did not see the whole life of the people. Their rebuke of sin and apostasy, their appeal for righteousness, their invocation of Jehovah, their prediction of judgment on a stiff-necked, unrepentant people were all true; but there was another side to the picture, and on that they did not look. They fell, as it has been said, into the exaggeration of one-sidedness as all preachers of repentance are in danger of doing; as Luther and Knox did sometimes. It was not the exaggeration of over-magnifying the evil of sin in the individual or the community, but the exaggeration of not seeing in due proportion the good as well as the evil of their day, the sunshine as well as the shadows of life. Possibly they had not time, nor indeed was it their business. It is the man of single aim who deals the telling, shattering blows. "One thing" the prophet did. Throughout Israel's history one discerns a steady progress, and that is only another way of saying there were again and again grave mistakes committed; for it is profoundly true that "man errs as long as he strives," and yet not to strive is the direst error of all. Now this progress is apparent not so much

in the orations of the prophets as in the proverbs and poetry of the people. The prophets and lawgivers were the great formative forces of the nation; the sages and psalmists were excellent representatives of the progress made. They were more than that. Sometimes they expressed life better than the prophets, just as modern poets sometimes describe life, and voice the aspirations and ideals of the soul better than philosophers and statesmen, and they did so because they wrought under no unyielding law or convention, but allowed themselves to be carried away by the emotion of lofty spiritual ideas beyond the level which contemporary life had reached.

The prophets painted the darker side of the nation's life as was inevitable because of their office. Whenever they touched things with a lighter hand, it was either to recall the ancient glories, or sound forth the greater glories yet to be. Of the not uncommon happiness and optimism of contemporary life they said but little. That brighter, sunnier side is however finely brought to light in the leisurely aggregations of the proverbs, in so many of the psalms, and even in such apparently sombre books as Job and Ecclesiastes. These writings, especially the religious songs, tell us much about the sweet, happy, free religious life that prevailed in the midst of very troubled times, and that otherwise would have remained unknown. And this is not without its modern parallel. In the darkest days of mediæval Rome most noble hymns and meditations were written, showing that there always was a pure Church, a holy "remnant," and such writings remain with us amongst the noblest literature, the most cherished treasures of the Church's faith. So in Israel there was for many a day, in spite of obstacles and calamities not exceeded in the history of any people, a rich and deep religious spirit amongst others than the prophets and their schools, and many of the psalms are the unanswerable proof of it. In all the Hebrew scriptures there is not another book that has so rich a history as the Psalter, or that is more profitable to the religious student. "No other collection of religious poetry in the world has ever exercised so deep an influence, consoled so many sufferers, given strength for so many conflicts, and given words to the inmost thoughts of so many pious hearts." The prophetic orations are couched in terms of national compass; the prophets lived for

others, and that was, and is still the very heart of religion. On the other hand the psalms, while often national enough in spirit, give utterance in the main to purely subjective feelings, expressive of personal relation to God, of sorrow for personal sins, of joy in the victory over personal temptation, of the hope of eternal life. It is this personal element which gives the psalmists precedence in the Christian heart over the prophets, and makes the Psalter the greatest manual of devotion in the Christian world.

There is another fact of profound interest in the history of religious thought brought home to us in the later psalms. Already it has been shown that in some of them like xciii the Davidic throne is fading out of sight, and the throne of Jehovah is becoming visible instead; but a further change in the spiritual outlook of the people is indicated by these psalms, the change from Mosaism to Judaism. "Mosaism was the calling forth of a nation to bear witness to the Eternal, and necessarily implied a promise of external and manifest strength to the nation thus unified." That promise did not pass on to later Israel. It was buried forever in the national ruin that resulted from the exile. And men began to see more clearly than perhaps Zechariah himself saw the significance of his words; "Not by might nor by power, but by my spirit, saith the Lord of Hosts." (iv:6). For a time the transition movement was certainly one of contraction, both as to national aspiration and inward point of view, yet was it a preparation also for infinite expansion. Soon after the restoration it must have been quite obvious to observant minds that the days of the old national Israel were numbered. Their condition under the Persian and early Greek supremacy was in many respects not only supportable but prosperous; still were they a subject people. And as they saw, not so long after the return, the Greek colossus rising in the West, and the inevitable Græco-Persian conflict approaching, they could expect for the future no larger liberty or influence than they were already enjoying. In the chances of war and conquest and new masters they could look for no improvement in their condition. In these circumstances the idea of the "remnant" began to settle down in their minds, and soften for them the sharp pain and humiliation it used to bring, and it began to dawn upon them that the "remnant" was to be the seed of a new dispensation. After all,

as the more discerning minds began to learn in the experience of repeated and crushing calamity, to be a glorious nation was not the destiny divinely planned for Israel. To some natures this was so overwhelming a disappointment that it made shipwreck of their faith, to some it resulted in a narrow and exclusive fanaticism, but to others it was the incoming of the new life fulfilling the old, and finding through them suitable expression in a profound, deep sense of trust at once social and individual, such as we see in the best of the later psalms. Mosaism as a spiritual force had disappeared and Judaism had come. Kittel closes his History of the Hebrews with the fall of Jerusalem. Thenceforward the history of that people is the history of Judaism. The blossom and fruit of the old and the new together we have in the psalms, the latest phase of Hebrew literature and the essence of the religious lessons of vast national calamity and disappointing restoration. Not an Edenic transformation such as was painted in the visions of the second Isaiah, nor a glorious ecclesiastical Jerusalem such as was dreamed by Ezekiel, nor a triumphant national independence as the more secular, worldly-minded contemporaries of the psalmists must have expected; no such things: only a sifted "remnant," a spiritual heir to promises which deepen and expand as they pass on to higher spiritual ground, and which, in spite of seasons of terrible spiritual sterility as the centuries come and go, prepare the world for Jesus Christ.

M. MACGILLIVRAY.

PHILO AND THE NEW TESTAMENT.*

IT is proposed to enquire how far, if at all, the method of Philo and his ideas can be said to have influenced the New Testament. Both of these questions are surrounded with difficulty. Philo is not a pure philosopher of the type of Plato and Aristotle : he does not attempt to construct a system of thought on the basis of reason, but starts from certain preconceptions, which determine the character of his thought. Nor has he elaborated a philosophical system of his own, after a critical investigation of the doctrines of his predecessors, but has taken from them whatever ideas seemed to fit in with his general conception of things. The result is that he presents us with an eclectic philosophy, which rather contains a number of suggestions that, after much critical labour, might be developed into a system, than what can be called a philosophy. It might, perhaps, be said that Philo, in thus sitting loose to any hard and fast system, is only exhibiting the true philosophical temper, which refuses to admit that any given doctrine sums up the whole body of truth, and that he is to be commended, instead of condemned, for his contempt of system-mongering. The defence seems to me to be based upon a misunderstanding of the true function of philosophy. If we compare the method of Philo with one of the great masters of speculation, we shall see that his eclecticism is a mark, not of strength, but of weakness. Aristotle, for example, everywhere shows an accurate acquaintance with the thought of his predecessors and contemporaries. It is his custom to begin the discussion of any topic by citing the current views in regard to it, and then going on to consider the doctrines of the philosophers. This method he follows under the conviction that no belief has been held by man that does not contain some rational element which has commended it to the minds of those who held it. But Aristotle is also convinced that those views are only partial aspects of a more comprehensive truth ; and therefore he makes it his main point to discover what that truth is. This is not the method of

*A pamphlet containing *Extracts from Philo*, may be had from

R. UGLOW & Co., Kingston.

Philo. He starts with the assumption that Moses, whom he assumes to have been the author of the Pentateuch, was the possessor of all truth ; and, under this preconception, he proceeds to find in the words of Moses whatever truth he seems to have discovered from any source. The result of course is that he is forced to read into scripture a meaning which it does not possess, so that its plain and simple sense is overlaid with the ideas of his own time. Similarly, he reads the Greek philosophers, not with the object of finding out what they really meant, or of discovering the element of truth which they had got hold of, but as witnesses for ideas which belonged to the age in which he lived. Thus, Philo never comes into direct contact with the minds of sacred or profane writers, but approaches them with a *a priori* conceptions of what they ought to have said. Of course this criticism is not meant as a charge against Philo : he was simply following the method of his time, and could do no otherwise ; but, in attempting to determine his personal value and influence, we have to bear in mind the character of his mind and the limitation of his age. Especially, in attempting to estimate his influence upon Christian thought, we must have a perfectly clear idea of the fundamental defect of his method. Christian writers of the early centuries borrowed the method of Philo, and even in our own day there are theologians who have not shaken off its influence.

When we come to enquire whether Philo has influenced the writers of the New Testament, a problem of great difficulty immediately presents itself. The influence of one writer upon another cannot be directly inferred from the use of common terms, or a similarity of ideas or expressions. For, two writers may be entirely independent of each other, and may yet express themselves in an almost identical way. There are terms and ideas which belong to the atmosphere of an age ; they have come, no one knows whence, and have become the symbols of current ideas. We do not, for example, prove that the writer of the fourth Gospel borrowed from Philo, because both speak of the *Λόγος* as a manifestation of God. We are safe in saying that the term belonged to the age, but not that the one writer borrowed from the other. Fortunately, the question is of less importance than some writers seem to imagine. Suppose it were proved

that St. John adopted the term *λόγος* from Philo, and was even influenced by Philo's doctrine of the *λόγος*, the main point is whether both writers attach the same meaning to the term. As we shall see, this is by no means the case; and, though historical curiosity would fain be satisfied, in the development of ideas the question is of very subordinate interest. No one will now maintain that the truth of the *λόγος* doctrine as held by St. John is dependent upon the writer not having been influenced by Philo; for, however he may have been influenced, he employed it to formulate a new idea, which came into the world only with Christianity.

I have mentioned two difficulties which confront any one who seeks to explain the doctrine of Philo and to estimate his influence. There is another difficulty, which arises from the general character of human progress. Philo presupposes two independent lines of development, the Jewish and the Greek. He is thus connected, on the one hand with Jewish, and on the other hand with Greek thought, and it is impossible to understand him fully without some reference to both. Now, it is obviously impossible to treat fully of either; and the most that I can pretend to do is to indicate, as we proceed, the relation of particular ideas to these two lines of development. Without more preamble, I shall attempt to convey some idea of part of Philo's *De opificio mundi*, as the handiest way of getting an insight into the circle of ideas within which this expositor of Hellenistic Judaism lived and moved.

Philo begins his treatise on the Creation of the World by drawing a strong contrast between Moses and other legislators. The first thing to be observed is Philo's belief that the Mosaic writings contain a complete revelation of God, and are absolutely true even in the most minute particular. The Law of Moses is therefore unchangeable and eternal, and will remain as long as the sun and moon and the universe lasts. Nor is it merely the Hebrew scriptures which are thus inspired, but the same authority attaches to the Septuagint. No scribe of the strictest sect of the Pharisees had a more implicit faith than Philo in the inspiration of every word and even letter of Scripture.

Since the Mosaic writings, on his view, contain a final revelation of the nature of God and His relation to the world, it fol-

laws that they contain all truth, and hence that whatever is true can be extracted from a careful consideration of what they affirm. The distinction between religious and scientific truth, which many liberal theologians now make, was one which did not occur to Philo, and which, if it had been presented to him, he would have summarily rejected as impious. As the passage just referred to shows, it is just the "philosophical" character of the Mosaic writings which constitutes their superiority to all other writings. For Philo the Pentateuch is not merely an expression of the religious consciousness, but a philosophical system, in which each part is set forth with a view to the other parts; in other words, the Bible is not merely a record of religious experience, but a theology. In Philo's hands, in fact, it becomes almost entirely a theology, even the narrative parts being regarded as part of a system of general conceptions. With this method of dealing with scripture we are only too familiar, and it was mainly through Philo's example and influence that it became the favourite method of Christian writers, and has survived down to our own day.

The first class of legislators contrasted with Moses are those who simply state ethical principles without showing the basis upon which they depend. We may express Philo's meaning by saying that morality must be based upon religion. When moral precepts are laid down without being shown to flow from the relation of God to the world, and especially to man, it is not seen that the rational nature of man demands something more than external commands. It is for this reason, he holds, that Moses begins by revealing the nature of God, and thus prepares the minds of men for a joyous obedience to the laws.

The second class of lawgivers are those who do, indeed, attempt to exhibit the divine nature, but distort it by the invention of myths, which give a false idea of God. To Philo a myth is simply a deliberate attempt to impose upon the credulous masses. It is significant that Philo, while he here supposes that he is following his favourite philosopher, Plato, in reality displays a different spirit. To Plato, and even more to Aristotle, a myth was a 'noble lie'; it was the first attempt of the human mind to grasp the divine nature, and though Plato criticises the myths of his country, he is willing to allow that they may be made an

important instrument in the education of the young. Aristotle, again, finds in mythology an implicit philosophy; so that the mythologist, as he says, is in a sense a philosopher. Philo has not this wide range of sympathy. As a Jew he can see in the myths of polytheistic religions nothing but a false representation of the one invisible God. If it is asked how Philo, familiar as he was with the anthropomorphic representation of God found in the Pentateuch was not able to find an element of truth in Greek and Oriental mythologies, the answer is that he spiritualised these sayings, and thus eliminated from them the obnoxious element. He therefore distinguishes between allegory and mythology. He admits that, in the Pentateuch, there are things 'more incredible than myths' (*de Mose* iii. 691); but the incredibility arises from interpreting literally what was meant by the writer to be understood in an allegorical sense. To suppose that God really planted fruit trees in Paradise, when no one was allowed to live there, and when it would be impious to fancy that he required them for himself, is "great and incurable silliness." The reference must, therefore, be to the paradise of virtues, with their appropriate actions, implanted by God in the soul (*De Plan. Noe.* 8. 9.). The objections of cavillers were set aside by a similar process. There were those who sneered at the story of the tower of Babel, and thought it parallel to Homer's tale about Pelion, Ossa and Olympus. "The true interpretation is that which sees in the account a portrayal of the universal nature and course of wickedness." (*De Conf. Linguar.* 1 ff.) This allegorical method of interpretation is so imbedded in the writings of Philo, from whom it spread to the Fathers of the Church, that it may be well to say a few words about it.

The allegorical method was to a certain extent employed in the Palestinian schools, but it had its origin in Greece, and was borrowed by later Græco-Jewish writers. The reverence for antiquity and the belief in inspiration imparted to the writings of the ancient poets a unique value. Thus, Homer became the Bible of the Greek races, and was sometimes regarded as not only inspired but as divine. With the rise of philosophic reflection, Homer was held to contain a full system of philosophy. As new ideas took possession of men's minds, the only method of

reconciliation that seemed satisfactory was to give a symbolical interpretation to passages which offended the moral sense. This method was aided by the concomitant development of the mysteries, in which the history of the gods was represented by symbolical actions. In the 5th century B.C. the allegorical interpretation began to be applied to ancient literature. Thus Hecataeus explained the story of Cerberus by the existence of a poisonous snake found in a cavern on the headland of Tænarum. Anaxagoras found in Homer a symbolical account of the movements of mental powers and moral virtues: Zeus was mind, Athene was art. His disciple Metrodorus treated Homeric stories as a symbolical representation of physical phenomena. "The gods were the powers of nature; their gatherings, their movements, their loves and their battles, were the play and interaction and apparent strife of natural forces."

Now, the same difficulty which had been felt in the Greek world in regard to Homer was felt by the Jews who had studied Greek philosophy in regard to the Pentateuch. Hence, in Philo's time the allegorical method had attained a firm footing among Græco-Jewish writers. In the *Wisdom of Solomon*, it is said that Wisdom, at the time of the Exodus, led the Israelites in a wonderful path, "and became to them a shelter by day and a flame of stars by night." Here the pillar of cloud and of fire is allegorized as Wisdom. The writer, however, does not apply the method to the construction and proof of doctrines. But it was inevitable that a thinker like Philo should follow his favourite writers the Stoics, and interpret the sacred writings in terms of the philosophical doctrines which he had learned from his Greek teachers. In this way he was able to retain his belief in the absolute authority of Moses and at the same time to satisfy his intellect. But Philo lacks the keen insight of Plato and Aristotle, who rejected the symbolic interpretation of the poets, and was entirely unaware that he was reading into the sacred writings ideas that he had brought to them. The allegorical method, though it has obscured the deeper truth of the scriptures for centuries, was not without its value; for in no other way could the essential truth which they contained have been retained by an age that had advanced to a higher stage of development.

Philo, coming to the account of creation contained in Genesis, proceeds to characterise it in terms borrowed from the Platonic philosophy. For Plato the true reality consisted in 'ideas,' which in the *Timaeus* he conceives as 'the thoughts of God as they existed in the divine mind before the creation of the world.' This is the aspect of the Platonic ideas upon which Philo naturally fastened, because it best fitted in with his general conception of the transcendence of God and His relation to the visible universe. As we shall immediately see more fully, the world first exists as a connected system of ideas in the divine intelligence, and this system is then impressed upon the visible creation, which Philo conceives as distinct and separate from the system of ideas,—the *κόσμος νοητός* as he usually calls it. We can easily understand how a mind like Philo's, filled with the Jewish conception of God as transcending all finite existence, found in the Platonic conception of archetypal ideas a philosophical expression for the relation between God and the world. The creation he therefore conceived, not as a manifestation of God himself, but as the product of his creative power and wisdom, exhibiting traces of its divine model, in the same way as a building or statue is the outward realisation of ideas previously existing in the mind of the architect or sculptor. It is worthy of remark that, in thus assimilating Jewish and Greek ideas, Philo is unconsciously transforming the distinctively Jewish conception of God. When the creation of the world is assimilated to the product of human art, the conception of God is not that of a Creator, but of a Divine Architect, who fashions a material already existing. That this idea lay at the basis of Philo's thought is proved by the fact that, as we shall see, he regards matter, not as created but as eternal. Now, this is not the Jewish idea of creation; nor can it be legitimately extracted from the Mosaic account. In Genesis the world is conceived to spring into being as a whole at the word of God, and to depend for its continued existence upon his will. What He has summoned into being He may at a word annihilate. Philo, overmastered by the Greek conception of God, not as the *creator*, but as the *former* of the world, is naturally led to read the scriptural account of creation as if it was the account of the fashioning of an ordered world out of a pre-existent material. Thus the Greek

conception triumphs over the Jewish, though of this Philo was entirely unconscious. It is therefore not without significance that he speaks of the 'beauty' (*καλλος*) of the world; for 'beauty,' as conceived by the Greek mind, consisted in the order and harmony presented in visible forms.

This beauty, Philo tells us, cannot be expressed in human language; yet he believes that it was apprehended by Moses, who was directly inspired by God; and, in certain exceptional cases, the vision of the divine nature is permitted to those who attain the state of ecstasy, in which the limitations of the ordinary consciousness are transcended. This higher vision of God is indeed the goal of wisdom, which may be attained by those who love God. In a sense, therefore, Philo claimed that inspiration is possible for all men. "Every good and wise man has the gift of prophecy, while it is impossible for the wicked man to become an interpreter of God," and he tells us that sometimes "a more solemn word" spoke from his own soul, and he ventured to write down what it said to him. "I am not ashamed," he says, "to relate the way in which I am myself affected, which I know I have experienced countless times. Intending sometimes to come to my usual occupation of writing the doctrines of philosophy, and having seen exactly what I ought to compose, I have found my mind fruitless and barren, and left off without accomplishing anything, reproaching my mind with its self-conceit, and amazed at the power of *Him who is*, by whom it has turned out that the wombs of the soul are opened and closed. But sometimes, having come empty, I suddenly became full, ideas being invisibly showered upon me and planted from above, so that by a divine possession I was filled with enthusiasm, and was absolutely ignorant of the place, of those present, of myself, of what was said, of what was written; for I had a stream of interpretation, an enjoyment of light, a most keen scented vision, a most distinct view of the subjects treated, such as would be given through the eyes from the clearest exhibition of an object." But, while he thus claimed inspiration for all "good men," he "ascribed to the biblical writers, and especially to Moses, a fullness of this divine enthusiasm, and consequent infallibility of utterance, which he claimed for no others." For this reason the Mosaic account of creation is to be accepted with implicit faith,

though it can only be truly understood by one who shares in a measure the vision of God.

Before going on to interpret the Mosaic account of creation, Philo sets aside certain false views which have been held as to the origin of the world.

He rejects the doctrine of the eternity of the world, which was the prevalent view of the Greek poets and philosophers, maintaining that it could neither exist nor continue but for the productive and providential activity of God. We must be careful, however, not to assume that Philo maintains the doctrine of the absolute origination of all things out of nothing. True to his conception of God as the supreme architect of the world, he regards formless matter as uncreated. What he rejects is the doctrine that from all eternity there existed a 'cosmos'—a definitely formed or orderly world, which, indeed was the view of Aristotle. To affirm that the ordered world always existed is, he argues, the same thing as saying that it is independent of God. Such a doctrine therefore denies the 'activity,' and removes the world beyond the 'providence' (*πρόνοια*) of God. The basis of Philo's argument is that the orderly arrangement of the world can only be explained as due to the formative activity of God. Adopting the analogy of a human artificer, he conceives of this active or shaping cause as presupposing an unformed matter upon which it operates. Here, therefore, we have the famous argument from design, which has played so important a part in subsequent theological speculation. It must be said, in favour of Philo, that he has a clearer conception of the argument than some of his Christian successors; he sees that it leads to the idea of God as the supreme architect, not to the conception of a Creator, and therefore he consistently maintains the eternity of matter. On the other hand, he is entirely unconscious that, in thus setting up two opposite principles, he has logically denied the absoluteness of God. For him, God is a Being beyond the world, and complete in himself. How God can be absolute, while yet there exists independently of Him an eternal 'matter' he never seems to have asked. The absoluteness of God he accepted as a religious belief and he conjoins with it the Greek idea of a separate 'matter,' not seeing that the two ideas are mutually exclusive. Coming to the study of scripture with this preconception, he attributes the same

inconsistency to Moses. When he read that "the spirit of God moved upon the water," he interpreted this as meaning that God acted upon unformed matter. The same view had already been suggested in the *Wisdom of Solomon*, where the writer, speaking of the miracles wrought at the time of the Exodus, says that "the whole creation in its own kind was again impressed anew." "This language suggests the comparison of matter to a lump of wax, which is capable of receiving the impression of various seals. Thus the conversion of chaos into cosmos is the author's highest idea of creation." Philo was therefore, in his doctrine of the formation of the world out of a primeval 'matter,' adopting a view which, under the influence of Greek ideas, had probably in his day become a received tenet; and it is quite in accordance with his general want of independence and originality, that he should have accepted it without seeing its incompatibility with his Jewish belief in the absoluteness of God.

Philo has another reason for denying the eternity of the world. If the world is eternal it is self-subsistent; and this is the same as saying that it is not subject to the providence of God,—a doctrine which is subversive of all religion. The visible world is in continual process or genesis, and therefore it cannot be self-subsistent. It is thus presupposed by Philo that eternity and process are mutually incompatible ideas. Accordingly, he draws a strong contrast between the ideal world, which is eternal and unchangeable, and the sensible world which is never the same at two successive moments. Whatever comes into being presupposes that which does not come into being. This is the argument afterwards elaborated as what Kant calls the cosmological argument, or more popularly the argument from the finite and changeable to a first cause. In Philo's hands, it implies an absolute distinction between the ideal and the sensible world; and thus leads to the difficulty how there can be any contact between two realms which are conceived as the opposite of each other. How Philo seeks to bridge the gulf we shall immediately see. Meanwhile, let us consider the manner in which he extracts from the Mosaic account of creation his own doctrine of the separate existence of an ideal or intelligible world.

In his manner of doing so we have an instance of the method by which he imposes upon the text a sense entirely foreign to it. The

plain and simple meaning of the scriptural account of creation is that the world was brought into existence in six natural days. In modern times the futile attempt has been made to show that by "days" was meant "periods of time." This thoroughly false method of exegesis is based upon the same assumption as that which led to Philo's extravagances—the assumption that the cosmology of Genesis must be absolutely true. In our day the difficulty arising from this untenable view has been that it contradicts the established results of science. There is no escape from the quagmire of artificial interpretation except by the frank recognition that the scriptural account is simply a primitive attempt to construct a cosmology, which cannot now be accepted. Nor can we find any satisfactory way out of the difficulty by saying that, while the cosmogony is unsatisfactory as a scientific theory, the conception of God which it reveals to us is beyond cavil. The conception of God contained in the Old Testament is not adequate. If it were, the new revelation of God's nature given in Christianity would be superfluous. The difficulty can only be overcome by the application of the idea of development. The Jewish conception of God is the highest point reached prior to Christianity, but it has been superseded by the fuller conception expressed by our Lord; and it is a serious practical question whether it is justifiable to cover up so palpable a truth by vague phrases about the sublimity of the Hebrew conception of God.

Philo's difficulty did not spring from the discrepancy between his scientific and theological beliefs; for there was nothing in the science of his day to give him pause. His problem was to retain the philosophical conception of God which he had formed by an amalgam of Jewish and Greek ideas. His great difficulty was that the scriptural account of creation seemed to be infected with an untenable anthropomorphism. It represented God, after the manner of man, as limited by time, and passing in succession from one form of activity to another. This conception, as he thought, cannot be admitted, and therefore it cannot be what Moses meant. God is not such a one as ourselves: He does all things at once: there is no interval between his purpose to create, and the actual creation; He does not first, as we do, frame a conception of what he will do, and then pro-

ceed to realise it in successive stages, but by his mere thought the world is formed, and formed as a whole. The act of creation is therefore independent of time. What, then, is meant by saying that the world was made in six days? By this we are to understand, not that the heavens were first created, but that the heavens are in the order of excellence the highest of all created things. The world as a whole is a 'cosmos'—an ordered or organic system—in which each part, though in itself imperfect, contributes to the perfection of the whole. Now, Moses cannot have declared that the world was made in *six* days, without a deliberate purpose. Why *six* rather than any other number? Here Philo makes use of the Pythagorean doctrine of numbers, which in his day had again come into vogue by the influence of the Neo-Pythagoreans. According to them the number 6 has a productive or vital power, (*ψύχωσης*) being the product of 3, a male number, and of 2 a female number; and it is a 'perfect' number, because it is the sum of its factors: $1+2+3=6$.

In the passage following we have a good instance of the manner in which Philo imposes upon the words of scripture a philosophical doctrine which was suggested to him by Plato. What we find in Genesis is the simple statement: "God called the light day, and the darkness he called night; and there was evening and there was morning, one day (*ἡμέρα μία*)." But Philo is determined to find in scripture the distinction between the ideal and the sensible world, and therefore he fastens upon the words 'one day,' interpreting them as indicating, not the first day of the creation of the visible universe, but the unity of the ideal world. Besides 'one' is the 'ideal' number, the prototype of all other numbers, but occupying a unique place. Further, Genesis speaks of the earth as 'invisible and unformed' (*ἀόρατος καὶ ἀκατασχεύαστος*), which Philo takes to mean the ideal earth, as existing prior to the visible earth, *i.e.*, as one of the ideas constituting the 'ideal world' (*κόσμος νοητός*). Who then, in the face of such strong evidence, could doubt that Moses, in his account of the first day of creation, was speaking of the creation of the ideal world!

The creation of the ideal world, then, was prior to the construction of the visible world. How Philo harmonized this temporal precedence of the ideal to the real with his doctrine, that

time has no existence prior to the origin of the visible universe, he does not tell us; probably he would have said that we can only represent under the form of a temporal succession what is rather an order of dependence. But if he had followed out this line of thought, he must have seen that it was inconsistent with the very idea of a genesis in time of the world. If time begins with the existence of the visible universe, we cannot speak of a time prior to its existence. Philo, however, is not a clear or consistent thinker; and therefore, while he separates the creation of the ideal world from the formation of the sensible world, he speaks of the former as prior to the latter.

The ideal world, which was first created by God, is the pattern or archetype of the sensible world, corresponding part for part with it. This conception is of course borrowed from Plato, who represents the ideas after this manner in the *Timæus*, though he is not unaware that he is using a figure of speech, which must not be too closely pressed. Philo is very little disturbed by such considerations, and seems to have been perfectly satisfied with the analogy to a human artist who frames in his mind a general conception and then proceeds to translate it into a visible shape. Having formed in his mind the ideal world, God employed it as a model after which he constructed the visible world. We have therefore to imagine the unformed matter of the universe as already existing, and the divine Artificer as moulding it into a cosmos, as the sculptor moulds the block of marble. I shall not dwell upon the inadequacy of such a conception. It is enough to say that 'matter,' as an unformed independent substance, is an idea to which no intelligible meaning can be attached; and that modern theology cannot take a single step without getting rid of this phantom.

As the ideal world is beyond and prior to the sensible world, so it has no local habitation. "Just as the idea of a city which he proposes to construct has no existence in space, but is stamped on the soul of the artist, so the ideal world can have no other place than the divine intelligence (*λόγος*), which gives order to the various ideas. For what other place can there be for the divine powers, which is capable of receiving and containing, I do not say all the powers, but any one of them in its purity?"

Still following the analogy of the human artificer and his

work, Philo tells us that the ideal world has no local habitation. It may be that he was opposing the ordinary view of the Jews of his day that heaven had a definite position in some part of the spatial universe; in any case, he maintains that the ideas exist only in the divine mind. These ideas he also calls 'powers,' because they not only exist in the divine mind, but are an expression of the divine self-active reason.

We cannot, therefore, separate the divine powers from the divine ideas, or either from the divine Reason (*λόγος*). The ideas, as we may say, are the eternal forms of God's self-activity. They proceed from God, in the sense that they are the modes which his eternal energy assumes. Philo, however, conceives of the self-active energy of God as existing prior to the formation of the visible world, for it is his view, as we have seen, that the ideal world exists prior to the generation of the sensible world, just as the artist frames a conception of the object which he proposes to bring into visible existence before he constructs it. No doubt Philo repeatedly warns us that we cannot comprehend the inner nature of the ideal world; but this warning is based upon his assumption that God, as absolutely separated from the world, is incomprehensible. Because of this fundamental dualism, nothing was left for him but to take refuge in metaphor and analogy.

The divine 'powers,' of which Philo has previously spoken, constitute in their completeness the divine reason in its infinite perfection. The sensible world, on the other hand, bears the impress, not of the complete nature of God, but only of his goodness. The same thought had already been expressed in the *Wisdom of Solomon*. "The whole world is, in the sight of God, as a weight out of a balance, and as an early drop of dew when it has come down upon the earth." Possessing infinite power to carry out his purposes, God must have acted from love in creating the world, and this love must embrace all that is, for if God had hated anything he would not have made it. The conception of the goodness of God as the motive of creation Philo therefore borrowed from Jewish sources. No doubt Plato speaks of 'the good' as the supreme idea, and identifies it with God; but by 'the good' he means the total rational nature of the Divine Reality, not a limited manifestation of it. In this case, therefore, Philo's Jewish belief has overmastered his Greek training.

The world, then, exhibits the goodness or love of God, but it is not a complete expression of his goodness, much less of his infinite perfection. Apart from the action of God upon it 'matter' would have remained in its original state of chaos,—indeterminate, changeless, lifeless; but, as it is entirely passive, it is capable of being reduced to order, system, and harmony. Thus we can infer from the actual order of the visible universe that a divine formative activity has been applied to it. Nor has God been aided in the work of creation by any but himself, for indeed prior to the creation there was no other. (This shows that, although Philo sometimes personifies the Logos, he conceived it as inseparable from God). The love of God is infinite, but the finite is unable to receive all that God is willing to bestow, and therefore the world does not fully express his absolute goodness. That the world is an imperfect copy of the ideal world Philo shows by an ingenious, but untenable, reading of scripture. Man, we are told, was 'made after the image of God.' This he does not understand in the plain and obvious sense that man shares in a measure the nature of God, but in the sense that man is a copy of the ideal man, which is itself a product of the Reason of God. But, as man is only a part of the visible universe, we must infer that the whole universe is a copy of the ideal universe, which again is the product of the divine powers. Thus Philo preserves the absoluteness and inscrutability of the Divine nature, while seeming to explain the activity of God as impressed upon the visible universe.

Convinced that the account in Genesis of the first day of creation must refer to the origin, not of the sensible but of the ideal or intelligible world (*κόσμος νοητός*), Philo proceeds to show that from it we may gain some idea of the various parts of this ideal world in the order of their rank.

Philo, as we have already seen, puts the creation of the ideal world out of time. "In the beginning God made the heavens" means that, before the visible universe came into being, there already existed an ideal world which had no reality except in the divine mind. Time is the succession of states exhibited by the heavens in its revolution; and as there can be no motion prior to the thing moved, time or succession could not exist prior to the creation of the visible heavens. We cannot properly say

that the sensible world was made in time, but that time subsists through the sensible world. The heavens were made 'first' only in the sense that in the divine mind the heavens were first in the order of thought, because the highest in rank. Such an order of subordination is, indeed, essential to the beauty of the ideal world. This distinction between the ideal world as eternal, and the sensible world as temporal, Philo borrowed from Plato, who distinguishes between infinite time, *αἰών*, and originated time, *χρόνος*, (*Tim.* 37 D), regarding the latter as dependent upon motion. Aristotle and the Stoics also connect time with motion, but they differ from Plato and Philo in regarding the world as eternal, and therefore time as also eternal.

So far by following Philo closely in his treatise on the creation of the world, we have gained a fair idea of his exegetical method and a general outline of his philosophy. It will now be necessary to give a more summary statement of his system. We have seen that his ideas revolve round certain central points—the absoluteness of God, the divine Reason, the divine powers and ideas, the visible creation, including man, and its relation to God. These points we must now consider more in detail; and first as to the absoluteness of God.

Philo affirms, in the most unqualified way, that it is absolutely impossible for man to know the inner nature of God. "The divine realm," he says, "is truly untrudged and unapproachable, nor is the purest understanding able to ascend even to such a height as to have a direct perception of the self-existent Being. When it is said that man cannot see the 'face' of God, this is not to be taken literally, but is a figurative way of suggesting the absolutely pure and unmixed idea of the self-existent Being, because the peculiar nature and form of man is best known by his face. For God does not say, 'I am by nature invisible'—for who can be more visible than he who has originated all other visible things?—but he says, 'Though I am by nature visible, no man has seen me.' And the cause lies in the wickedness of the creature. To speak plainly, we must become God—which is impossible—before we can comprehend God." Philo, then, maintained that the human mind is by its very nature for ever precluded from comprehending the inner nature of God: to know God as He is, we must be God. This does not mean that God is in His own

nature incomprehensible : He is known to himself as He truly is : but His very greatness makes it impossible that any finite being should comprehend Him.

This doctrine of the absolute incomprehensibility of God Philo finds in scripture. "In Deutronomy xxxii. 39, we read : 'Behold, behold that I am, and there is no God beside me.' Now here, God does not say, 'Behold me'—for it is impossible for the creature at all to comprehend God in His inner being—but, 'Behold that I am,' *i.e.*, contemplate my existence ; for it is enough for human reason to attain to the knowledge that there is and exists a cause of the universe ; and any attempt to go further and discover the essence or determinate nature of this cause is the source of all folly."

As God cannot be grasped by thought, so His nature cannot be expressed in human language ; there is no name which is fitted to express that which is incomprehensible and therefore inexpressible. This also, Philo argues, is the doctrine of scripture. When Moses asked by what name he should designate the Being who sent him, the divine answer was : "I am He who is" (*ἐγώ εἰμι ὁ ὢν* : *Exod. iii. 14*) ; which was equivalent to, "It is my nature to be, not to be named."

Since God is incomprehensible and inexpressible, He is without qualities (*ἀποουός*). "He who thinks that God has qualities," says Philo, "or that He is not one, or is not uncreated and imperishable, or is not immutable, injures himself not God."

In thus removing God beyond the sphere of definite thought and speech, and denying that He has qualities, it was not Philo's intention to affirm that God is a purely abstract or indeterminate being ; what he meant was that God was infinitely concrete, and hence cannot be characterised by any of the predicates which we apply to the finite. "It is impious," he says, "to think of anything as better than the cause of all things, since nothing is equal to Him, nothing a little lower, but everything after God is found to have descended by a whole genus." The distinction, in other words between the Finite and Infinite is absolute, so that no predicate which we apply to the finite can be applied in the same sense to the Infinite ; yet this is not because the Infinite contains less than the finite, but because it contains infinitely more. Here, in Philo, we have that curious alternation between the

absolutely abstract and the absolutely concrete which was afterwards developed by Spinoza. This contradiction is smoothed over by the doctrine that the highest predicates which we apply to the absolute are merely "similitudes and forms"; they are the human symbols of what cannot be expressed adequately in language. How we can know that these predicates *are* symbols of what we do not know, Philo does not tell us; in truth, no solution of the contradiction is possible, so long as the absolute incomprehensibility of God is maintained; and we have therefore to fall back upon the compromise, which has again and again been called into service, that, while we do not know God, He gives us in the ideals that impress our souls an adumbration of His nature, which is enough to reveal to us how infinitely perfect He really is. Philo, therefore, allows himself to characterise God by these highest predicates. God is primarily the self-determining Reason, the first cause of the universe. Hence, He must be conceived as "the uncreated and eternal cause of all things." He is also absolutely one and indivisible, the archetypal unity. "Though existing outside of the creation, He has none the less filled the world with himself;" but He does so, not because He is diffused through space and time—for He is above both—but because the influence of his creative will is manifested in every part of creation. And, as we have already seen, He communicates of His infinite goodness to the finite as much as it is able to receive.

JOHN WATSON.

(Continued in next Number.)

EARLY RECORDS OF ONTARIO.

EXTRACTS FROM THE RECORD OF THE COURT OF QUARTER
SESSIONS FOR THE DISTRICT OF MECKLENBURGH,
(AFTERWARDS THE MIDLAND DISTRICT).
WITH INTRODUCTION AND NOTES
BY PROFESSOR A. SHORTT.

Introduction :—Immediately after the Conquest, Commissioners or Justices of the Peace, among other officers of the law, were appointed in the Province of Quebec and various ordinances were passed by the provisional government. But the Quebec Act of 1774 entirely abolished at once the political and judicial system of the colony, and repealed “all and every ordinance and ordinances made by the Governor and Council of Quebec for the time being, relative to the civil government and administration of justice in the said Province and all commissions to Judges and other officers thereof.”

After the passing of the Quebec Act, therefore, the Governor and Council provided for by it began with a clean sheet, as far as the machinery for carrying on the government and administering justice were concerned.

During the years 1775 and 1776 the very existence of the colony as a British possession being threatened, provision for its civil administration could not be thought of. But, with restored security in 1777, the Governor and Council began to pass laws in the shape of ordinances. The first one was very naturally “An Ordinance for establishing Courts of Civil Judicature in the Province of Quebec;” the second, “An Ordinance to regulate the proceedings in the Courts of Civil Judicature in the Province of Quebec,” and the fifth, “An Ordinance for establishing Courts of Criminal Jurisdiction in the Province of Quebec.”

Commissioners or Justices of the Peace with summary powers both individually and collectively were again provided for. From time to time their powers and duties were enlarged until they covered quite a variety of subjects. Thus the Courts of Quarter Sessions came to possess both legislative and executive functions in addition to being Courts of both civil and criminal jurisdiction.

After the arrival and settlement of the U. E. Loyalists in the western portion of the Province, additional Justices of the peace were appointed for those localities, but without at first any provision for Courts of Quarter Sessions or any other Courts. In all matters not permitted to be disposed of in a summary manner by one or more magistrates, recourse had to be had to the Courts at Montreal. Great inconvenience naturally resulted. This was only very partially remedied by the passing of an Ordinance in 1785 "for granting a limited Civil Power and Jurisdiction to His Majesty's Justices of the Peace in the remote parts of this Province."

The new comers had been long accustomed to British laws and institutions, as well as local self-government, in the colonies from which they had come. Naturally, therefore, they objected very strongly to the conditions under which they found themselves placed in Canada. Here they were subjected in the tenure of their lands, and in all civil matters to French-Canadian laws and customs, while, constitutionally at least, they were without any sanction for a system of local self government.

Complaints, protests and petitions emanated from them through various channels. At length in April 1787 an ordinance was passed (27th Geo. III. c. iv.) continuing a previous ordinance with reference to the administration of justice with some additions, the most important being the following clause. "Whereas there are many thousands of loyalists and others settled in the upper countries above Montreal, and in the bays of Gaspé and Chaleurs below Quebec whose ease and convenience may require, that additional districts should be erected as soon as circumstances will permit, it is enacted and ordained by the authority aforesaid, that it may be lawful for the Governor or Commander in chief for the time being, with the advice and consent of the Council, to form by patent under the seal of the province, one or more new districts, as his discretion shall direct, and to give commission to such officer or officers therein as may be necessary or conducive to the ease and convenience to His Majesty's subjects residing in the remote parts of the province."

Information of this intended additional relief was apparently conveyed to the magistrates of the new settlements by Sir John Johnson, who had a general supervision of the western territory.

In a letter¹ from the magistrates to Sir John Johnson, dated Cataraqui, (afterwards Kingston), 22nd Dec. 1787 the concession is gratefully acknowledged and further improvements suggested. "Your circular letter directed to the Magistrates of the new settlements, dated the 27th November, reached this place to-day, at a time when a memorial was preparing to be laid before His Excellency Lord Dorchester in Council respecting some matters deemed essential to the welfare of the settlements in this district, and we are happy to find that his Lordship's disposition to serve us has rendered such a step unnecessary; and it gives us an additional pleasure that we are required to transmit our sentiments on such an important subject to you Sir, of whose exertions to procure us every advantage our situation will admit of, we cannot entertain a doubt.

The object that first presents itself as of the most importance is the tenure of the lands. The conditions on which they have been granted to the Loyalists in this province are so different from what they have been used to and so much more burdensome than those offered to our fellow sufferers in Nova Scotia and New Brunswick, that they are universally disagreeable. Nothing in our opinion would conduce so much to the prosperity of these settlements as the putting the grants of lands on the same footing they are on in the rest of British America. This would at once give the most universal satisfaction, enhance the value of all the other benefits that Government have bestowed on the settlers, and prove the most powerful spur to industry of all kinds.

Next in order is the due execution of justice and the administration of the laws. The power lodged at present in the hands of the magistrate is found by experience very inadequate to the regulation of a district so populous and extensive as this. Many causes must occur that they are not authorized to determine, and many crimes and trespasses have and probably will be committed, that it is not in their power to punish. The courts of the lower parts of the Province are so distant and the expense and trouble of attending them, and bringing the necessary witnesses so far from their homes, so great, that unless in cases of great import-

¹ Contained in the Letter Book of the Hon. Richard Cartwright, grandfather of the present minister of Trade and Commerce.

ance and enormity, offenders must always escape with impunity ; the ruinous consequences of which must be sufficiently obvious. To prevent these we would recommend the establishing at this place Courts of both Civil and Criminal Jurisdiction for the settlements in its vicinity ; so that all matters respecting either persons or property may be decided without any great delay or expense. And we think moreover that it will still be useful to the settlements that the Justices of the Peace retain the power they are invested with of deciding causes not exceeding the value of five pounds ; as the suing for such small sums at court must generally be attended with more expense than the first demands amount to, and the speedy decision of such causes is often of more consequences to the parties than the sum itself.

That the proceedings of our courts be regulated as far as possible by the Laws of England is a matter much to be wished, but whatever system is adopted in this respect we conceive it would be highly useful to have it compiled into a regular form and printed.

The election or appointment of proper officers in the several townships to see that the necessary roads be opened and kept in proper repair, we conceive would be of great utility, by facilitating the communication with all parts of the settlement.

Humanity will not allow us to omit mentioning the necessity of appointing overseers of the poor, or the making of some kind of provision for persons of that description, who from age or accident may be rendered helpless. And we conceive it would be proper that the persons appointed to this charge as well as the road masters, should be directed to make regular reports of the state of their districts, to the courts, at their meetings, and be in all cases subject to their control."

The document then goes on to deal with trade and other matters, but the portion here given throws considerable light on the working of the Court of Quarter Sessions about to be established. In accordance with the authority granted in the ordinance 25th Geo. III. c. iv, already quoted, Lord Dorchester issued a proclamation dated 24th July 1788 dividing the new settlements to the west of the French limits above Montreal into four districts named Luneburg, Mecklenburg, Nassau and Hesse.

The district of Mecklenburg is described as "extending with-

in the north and south bounds of our said province, from the western limits of the said district of Lunenburg, [*i.e.* from the mouth of the Gananoque river] as far westerly as to a north and south line, intersecting the mouth of a river now called the Trent, discharging itself from the west into the head of the bay of Quinty, and therein comprehending the several towns or tracts called or known by the names of Pittsburg, Kingstown, Ernestown, Fredericksburg, Adolphustown, Marysburg, Sophiasburg, Ameliasburg, Sydney, Thurlow, Richmond and Camden."

Under the same authority commissions were given for the establishing of a Court of Quarter Sessions in each district. In the district of Mecklenburg the court went into operation the following year.

The more interesting and important portions of the record of this court are here published for the first time. As may be readily observed they throw much light on the beginnings of municipal government and to a certain extent of provincial government as well as on judicial administration.

After giving a few samples of cases tried and sentences passed, the common run of cases disposed of is omitted, nine-tenths of them being cases of assault and battery.

For the first few years the lists of the Grand Juries are given as indicating the more prominent settlers in the district at the time.

The spelling of the names is given as in the record and will be found to vary somewhat. Where the name is uncertain, from the difficulty of making out the manuscript, a note of interrogation is placed after it.

DISTRICT OF MECKLENBURG—TOWN OF KINGSTON. COURT OF QUARTER SESSIONS.

TUESDAY, THE 14TH APRIL, 1789.

Present :—

Richard Cartwright, jr., Esq.
Neil McLean, Esq.
Richard Porter, Esq.
Arch. McDonell, Esq.

WEDNESDAY, THE 15TH APRIL.

Present :—The same Justices.

The King on the pro—of Joseph Desavier vs. Alexander McDonell, Jean Mignon, Michael Lemeur, Jean Chaudieau, In assault and battery.

The Grand Jury delivered into court a true bill.

The defendants being arraigned, Alex. McDonell, Jean Mignon and Michael Lameur plead guilty.

The Jury called and sworn were ¹ :—

- | | |
|---------------------|---------------------|
| 1. George Galloway. | 7. Arthur Orser. |
| 2. John Wartman. | 8. John Ferris. |
| 3. Barn'bs Day. | 9. Gilbert Orser. |
| 4. Robt. Graham. | 10. Malcolm Knight. |
| 5. Peter Wartman. | 11. George Murdoff. |
| 6. Solomon Orser. | 12. Wm. Bell. |

Witnesses for the pro :—Wm. Whitehead, Francis Seuben.

For the defendant :—

The Jury having considered of their verdict, by their foreman say that the defendant is not guilty.

The Court having considered the verdict of the Jury—it is ordered that Jean Chaudion, defendant, is acquitted of the assault he is charged with.

The court having ordered Alexander McDonell, Jean Mignon, and Michael Lemeur to appear do consider that they shall pay a fine of ten shillings each.

Grand jurors absent—Peter Vanalstine, Gilbert Sharp.

Petit jurors absent—David Glyn, Charles Bennett, John Cascallon, ² Wm. Smith.

It appears to the court that the above named persons have been lawfully summoned and empaneled to serve at this general Court of Quarter Sessions, and have absented themselves without any just cause it is therefore considered that Peter Vanalstine and Gilbert Sharp do pay a fine of thirty shillings each, and that David Glyn, Chas. Bennett, John Cascallon and Wm. Smith do pay a fine of twenty shillings each.

¹ Trial by jury was permitted in certain cases on the demand of either party by the ordinance 25th Geo. III c. 2. This was continued by 29th Geo. III c. III which made special provisions for the new districts.

In the English districts trial by jury was the rule.

² Carscallen.

COURT OF QUARTER SESSIONS—TUESDAY, 14TH JULY, 1789.

Present :—Richard Cartwright, Neil McLean, James Clark, Michael Hagerman, Eben'r Washburn, Rob't Clark, Esqs.

The Sheriff returned the precept to him directed with panel annexed of jurors' names, constables, &c.

The Grand Jury called and sworn will appear on said panel ; Samuel Brunson and Paul Trompouir being duly called were absent.

The court having considered that stallions running in common are a nuisance, do order that no stallion more than 2 years old shall be allowed to run after the twentieth instant under a penalty of forty shillings to be paid by the owner,—one half of which will be allowed the informer.

WEDNESDAY.

The King on the pro—John Baker vs. Joseph Cunnaham in trespass and assault.

The Grand Jury delivered into court a true bill.

The defendant being arraigned pleaded not guilty.

The jury without retiring, by their foreman Valentine Detlor say that the defendant is guilty of the trespass and assault whereof he stands indicted.

The court having considered of the verdict of the jury—it is ordered that the defendant shall receive thirty-nine lashes on his bare-back at the public whipping post of this town.

COURT OF QUARTER SESSIONS.

The Court met pursuant to adjournment of the 16th July last.

MONDAY, 12TH OCTOBER.

Present :—Richard Cartwright, Neil McLean, Esqs.

A court of Oyer and Terminer ¹ having been held for this district of M — on the 20th of Sept. last, at which all the business for this district was settled,—the justices having taken into consideration the great inconvenience that would arise to the good people of the district on being again called together at this time and the little necessity there was for calling them, as no business appears to require it, they therefore, declined issuing any precept to summon any jury to attend at this session.

¹ Courts of Oyer and Terminer were established for the new districts at the same time as the courts of Quarter Sessions. Various regulations with reference to these courts are made in 29th, Geo. III. c. III.

A complaint having been made by Elizabeth Vansickler against John Carscallion, Alex. Chisholm and Alex. Clark of Fredricksburg for each of them detaining one of her children, and they having been duly summoned to appear at this session to show cause why the said children should not be delivered to their mother, and being duly called did not appear.

The court having duly examined into this matter find that although the said children were bound by the church wardens ¹ of Fredricksburg under the sanction of James Clark and George Singleton, Esqs., from humane and laudable motives, yet the business was not strictly legal and further that the considerations on the part of the said Jno. Cascallion, Alex. Clark and Alex. Chisholm were not sufficient, they being under no obligation to give the said children any education or instruct them in any trade, and that the said binding was without the knowledge or concurrence of the father or mother of said children, ² they do therefore, order and adjudge that the said Alex. Chisholm, Alex. Clark and Jno. Cascallion, do each of them, forthwith, restore to the said Elizabeth Vansickler the child he has in his custody;— and further they order that the said Elizabeth Vansickler after receiving the said children do depart this district by the first convenient opportunity, or at furthest by the 20th day of November next. This is indeed the ground on which she requests the restoration of her children; and it does not appear that she has the necessary means of supporting them. ³

The justices having ordered the Sheriff of this district of Mecklenburg to see that their order in favor of Elizabeth Vansickler is duly executed, do adjourn this court until Tuesday, the 12th day of January next.

¹ Here we have probably the first record of such local officers. As no mention is made of their appointment by the Magistrates but simply the sanction of their action, they were probably elected by the town of Fredricksburg. The neighbouring town of Adolphus has left a record of Town Meetings appointing town officers before any legislative authority sanctioned them. In the document quoted in the introduction the Magistrates refer to the need for such Town Officers.

² It may be observed that both the action of the Wardens and the criticism of it by the Magistrates are based on English civil law and custom, which however, had no place as yet in Canada,

³ Elizabeth remained, however, as we find her soon after a witness for the defence of a vagabond named McCarty.

COURT OF QUARTER SESSIONS.

TUESDAY, 12TH JANUARY, 1790.

The Court met pursuant to adjournment of Monday, the 12th day of October last.

Present :—Rich'd Cartwright, Neil McLean, Robt. Clark, Arch'd McDonell, Nich's Hagerman, Steph'n Gilbert, Esqs., Grand Jurors absent—John Cascallion, George Muiduff, sick. Petit Jurors absent—Wm. Keller, left the district, Asa Huff.

The Court having considered the great abuses arising from the unlimited sale of spiritous Liquors by the Tavern Keepers in this district, to all manner of persons and at irregular hours, they do therefore order and adjudge that the following condition shall be entered in the recognisances given by Tavern Keepers previous to their obtaining a Licence.—That during the term of their said Licence they shall not entertain servants, or suffer Tradesmen or Labourers to abide in order to drink and tipple at their house longer than one hour in the day time :—nor sell any Spiritous Liquors after the hours of nine o'clock at night in Winter, and ten o'clock in Summer.

Asa Hough being duly summoned to appear as a petit juror at this Court of Quarter Sessions made default, the Court do therefore order that the said A. Hough shall pay a fine of Twenty shill's.

The Court adjourn to the second Tuesday in the Month of April Next.

(To be Continued.)

THE COLLEGE.

REPORT OF THE PRINCIPAL TO THE ANNUAL MEETING OF THE BOARD OF TRUSTEES, 1899.

NUMBER OF STUDENTS.

Undergraduates in Arts (attending).....	293
" " (extra-mural).....	104
Post-graduates in Arts (attending).....	17
" " (extra-mural).....	8
General Students (attending).....	27
Students in Practical Science.....	34
" Theology.....	42
" Medicine.....	126
	651

Or, allowing for double registrations, 633, as compared with 589, 567, 564, 533, 456, and 432 in the six preceding years. Our class-rooms are now over-taxed; and unless we provide a few larger class-rooms or restrict the attendance, the health of Professors and Students must suffer. The Chancellor has made this the subject of some remarks to the University Council, and the Council has appointed a committee to bring his address to the notice of the people of Kingston and the friends of the University elsewhere. Last session, one class had to be divided into two, but this was a deplorable waste of the time and energy of the staff, and it cannot go farther without a loss to the University graver than that involved in the restriction of our numbers. Now that the need is fully before our graduates and the public, a need which testifies to the demand for higher education and the ever-growing reputation of the University, it would be a libel on our patriotism and intelligence to say that it cannot or will not be met.

In giving the number of our students, we do not include those in "The School of Mining and Agriculture," or in the Dairy School or those in classes connected with various forms of University extension.

DEGREES CONFERRED.

In Medicine, M.D., C.M.....	25
In Theology (Testamurs).....	7
In Practical Science.....	2
In Arts (B.A. 55; M.A. 23).....	78
	112

In addition, the following honorary degrees were conferred; on

the Rt. Hon. Sir Wilfrid Laurier, Prime Minister, the degree of LL.D., on last University day; and on April 25, the same degree on Rt. Hon. Sir Charles Tupper, G.C.M.G.; and on April 26, the same degree on His Excellency Lord Minto, and on Rev. W. H. Fitchett, Melbourne, Australia; and the degree of D.D. on the Rev. W. G. Jordan, B.A., Strathroy, Ont.

LOSSES DURING THE YEAR.

The Rev. Dr. Cochrane, a member of the Board of Trustees, has been taken from us by death. We lose in him a sincere and valued friend, one who interested his whole congregation in the work of Queen's.

SCHOLARSHIPS AND OTHER BENEFACTIONS.

The following report shows that progress is still being made in founding the Williamson Scholarships:—

SUBSCRIPTIONS RECEIVED BY THE TREASURER, J. B. MACIVER, TO THE WILLIAMSON MEMORIAL FUND, SINCE LAST PUBLISHED IN QUEEN'S QUARTERLY, JULY, 1898.

G. M. Grant, Kingston.....	\$ 100 00
William Cook, W.C., Quebec.....	10 00
Rev. W. S. Smith, Middleville.....	10 00
Rev. James Ross, D.D., Montreal.....	10 00
Rev. James Cumberland, Amherst Island, bal. on \$25	10 00
Andrew Bell, C.E., Almonte, bal. on \$20.....	7 50
Rev. Robert Young, Bath.....	2 00
Rev. John Gray, D.D., Orillia.....	1 00
Total at credit of this account.....	\$2,591 73

The minimum sum aimed at, \$2,500, has thus been reached, and the University Council decided yesterday to keep the fund open for another year, with the hope that the maximum of \$5000 may be attained. This is much to be desired, not only because of the great services rendered to the University by Dr. Williamson, but because Queen's has such a meagre list of Scholarships. Everyone knows what a potent attraction they are to the more promising students, who desire to take a University course but cannot, simply because of the *res angustae domi*.

Two years ago, the Chancellor intimated his intention to establish four Scholarships, one in each of the Faculties of Arts, Practical Science, Medicine and Theology; the first to be given last year, and one to be added each year thereafter. At the beginning of the session he announced that they would be established at once; and consequently, while the one in Arts was awarded on the results of the Matriculation Examination held last July, the other three were com-

peted for at the close of this session. The value of these Scholarships is \$310 annually, a notable addition to our list, for which all departments of the University are most grateful.

In connection with this subject, it may be pointed out that we need, perhaps even more than Scholarships for students, half a dozen Fellowships for our most promising graduates, to keep them in connection with the University, pursuing post-graduate studies and doing valuable tutorial work, to the relief of Professors and the benefit of extra-mural students. These graduates are as a rule our best men. They have learned enough to know their need of more learning. They are the class which will furnish future Professors and men of learning and research, so sorely needed in a new country. At present they go to the United States, where they have no difficulty in getting Fellowships, established by wise men in connection with Harvard, Johns Hopkins, Cornell, Columbia, Chicago, and other Universities. Though not lost to the world they are thus lost to Canada. They would rather remain at Queen's; for as a rule their testimony is that they can do as good post-graduate work here, and in some subjects better work. At present our only Fellowships are the two established by the London Exhibition Commissioners of 1851 for research study abroad, of the value of \$743 each; besides "the William Nickle" in Mathematics, and the "Robert Waddell" established by Mr. Hugh Waddell of Peterboro, in Physics, of the value of \$150 each. We need especially three or four in Classics, Philosophy, English, and Political and Economic Science.

The most important benefactions of the year are those which have been given to found "the Sir John A. Macdonald Chair of Political and Economic Science," and to increase the Endowment of the Chair of Mental Philosophy. As regards the former, the following circular was issued last October:—

SIR:—Shortly after the death of the Right Honourable Sir John A. Macdonald, the Honourable Senator Gowan, C.M.G., believing the best monument to a Statesman to be a Chair of Political and Economic Science bearing his name, and convinced that in the case of Sir John such a Chair should be in the University which he took an active part in founding, sent to the Principal of Queen's \$500 as the nucleus of an endowment fund for that object. From time to time since, Judge Gowan has sent other sums for the same object. His contributions now amount to over \$6000. The University had previously appropriated a sum towards the endowment of such a Chair on account of its intrinsic importance. From those two sources

\$1300 a year can be depended on, but as the average salary of a Professor of Queen's is \$2000, it is desirable to secure sufficient to yield \$700 a year additional. It is felt by friends of the University that the work so generously commenced by Senator Gowan should be completed, and the Chair established without further delay. We believe that many will be glad to take part in a movement to perpetuate, by a monument more useful and more enduring than marble or granite, the name and work of a great Canadian and Imperial Statesman, who was largely identified with the building of the Dominion and the Empire.

We have the honour to submit the paper annexed, to be filled up as may seem good to you and returned to any one of the undersigned. It is hoped that the Chair may be established at the annual Convocation in 1899.

SANDFORD FLEMING,

Chancellor, Ottawa.

JAMES MACLENNAN,

Chairman of Trustees, Toronto.

G. M. GRANT,

Principal, Kingston.

To this circular the following responded, with the subscriptions appended:—

Andrew Allan, Montreal.....	\$ 500 00
H. Montague Allan, Montreal.....	500 00
R. B. Angus, ".....	500 00
J. C. Booth, Ottawa.....	100 00
G. Y. Chown, Kingston.....	50 00
Wm. Christie, Toronto.....	500 00
Hon. Senator Clemow, Ottawa.....	250 00
Hon. Senator Cox, Toronto.....	500 00
Hon. Senator Crathern, Montreal.....	100 00
James Crathern, Montreal.....	500 00
T. A. Dawes, Lachine.....	500 00
Jas. P. Dawes, ".....	100 00
John Donnelly, Kingston.....	100 00
P. Donnelly, ".....	50 00
Hon. Senator Drummond, Montreal.....	100 00
Miss Duncan, Montreal.....	40 00
Mrs. Farlinger, Morrisburg.....	500 00
Mrs. Field, Winnipeg.....	25 00
J. W. Flavelle, Toronto.....	500 00
Sir Sandford Fleming, Ottawa.....	100 00
Hon. Simon Fraser, Melbourne, Australia.....	120 00
J. A. Gemmill, Ottawa.....	10 00
George Gooderham, Toronto.....	500 00
W. G. Gooderham, ".....	200 00
Mrs. Gowan, Barrie.....	250 00
Mrs. Grant, Kingston.....	20 00
G. M. Grant, ".....	100 00
George Hague, Montreal.....	250 00
James S. Haydon, Camden East.....	500 00
Wm. Hendrie, Hamilton.....	500 00
G. Chr. Hoffmann, Ottawa.....	10 00
John Hope, Montreal.....	100 00

QUEEN'S QUARTERLY.

Chas. R. Hosmer, Montreal.....	500 00
John Kerr, Milton East.....	10 00
G. M. Kinghorn, Montreal.....	50 00
Matthew Leggat, Hamilton.....	250 00
Alexander Manning, Toronto.....	250 00
Lord Mountstephen, England.....	250 00
Robert Meighen, Montreal.....	500 00
Hugh McLennan, ".....	100 00
Wm. McKenzie, Toronto.....	500 00
S. F. MacKinnon, ".....	500 00
Hugh MacCulloch, Galt.....	100 00
Colin McArthur, Montreal.....	500 00
Hon. Senator McKeen, Halifax.....	250 00
T. W. Nash, Kingston.....	100 00
Jas. Norris, Kincardine.....	100 00
W. W. Ogilvie, Montreal.....	500 00
J. K. Osborne, Toronto.....	500 00
E. B. Osler, ".....	500 00
Lt. Governor Patterson, Winnipeg.....	500 00
Dr. R. H. Preston, Ottawa.....	25 00
R. G. Reid, Montreal.....	500 00
Jas. Ross, ".....	500 00
Hugh Ryan, Toronto.....	500 00
Jas. Scott, Parkdale.....	100 00
Hon. Senator Sir Frank Smith, Toronto.....	500 00
Hon. G. W. Stephens, Montreal.....	500 00
H. H. Strathy, Barrie.....	50 00
Hon. Senator Sullivan, Kingston.....	100 00
Rt. Hon. Sir C. Tupper, Ottawa.....	50 00
H. Walker & Sons, Walkerville.....	500 00
Rt. Hon. S. J. Way, Adelaide, Australia.....	49 00
D. R. Wilkie, Toronto.....	100 00
B. E. Walker, ".....	100 00
Fred. Wyld, ".....	100 00

Almost all of these subscriptions have been received by the Treasurer already.

Toward the further endowment of the Chair of Mental Philosophy the following subscriptions have been made, payable 1st May 1899 ; interest at 5 per cent being due from that date on so much of the principal as may be unpaid.

Malcolm MacKenzie, McLeod, N.W.T.....	\$1000 00
G. M. Grant, Kingston.....	900 00
S. W. Dyde, ".....	500 00
A. Shortt, ".....	500 00
T. A. Dawes, Lachine.....	500 00
Sir Sandford Fleming, Ottawa.....	400 00
Thos. Ritchie, Belleville.....	300 00
W. H. Easton, Grand Forks, Dakota.....	300 00
A. G. Farrell, Smith's Falls.....	250 00
T. G. Thompson, Belleville.....	250 00
G. Y. Chown, Kingston.....	200 00
Jno. R. Lavell, Smith's Falls.....	200 00
W. T. McClement, Chicago.....	200 00
Jas. Murray, Toronto.....	150 00
Mrs. Grant, Kingston.....	100 00
A. McLeod, Morden, Man.....	100 00
J. B. McLaren, Winnipeg.....	100 00
Dr. T. H. Farrell, Utica.....	100 00

G. M. Milligan, Toronto.....	100 00
J. J. McLennan, ".....	100 00
D. McTavish, ".....	100 00
D. V. Sincliar, Belleville.....	100 00
Alexander Nairn, Toronto.....	50 00

or \$6,500 in all. As the sum required to complete the endowment of this chair, now filled by Professor Dyde, is \$10,000, this list will be kept open.

FACULTY OF PRACTICAL SCIENCE.

The report of the Dean gives all needed information. It was submitted to the University Council yesterday, and as the part which referred to the extension of the Mechanical Laboratory and Workshops would interfere with the Gymnasium, a committee was appointed to consider it, with power to take action, in the direction of building a suitable Gymnasium, should sufficient encouragement be given.

FACULTY OF MEDICINE.

The only change in this Faculty is the addition of Dr. Third to the staff, as colleague with the Dean in teaching the important subject of the Principles and Practice of Medicine. In order to comply with a recent regulation of the Ontario Council of Physicians and Surgeons, the Session has been lengthened, as explained in Professor Knight's report, appended, for all students who intend to pass the Council's Examination.

FACULTY OF THEOLOGY.

Mr. Laird, Mr. Falconer, and Mr. Jordan gave the Courses of lectures which they were appointed by the Board last year to give. Mr. Jordan's Course on O. T. Exegesis was of great value; and the attention of the Board is called to the necessity of making more adequate provision for teaching this important subject.

I submit herewith the usual reports.

G. M. GRANT, *Principal*.

STATEMENT OF REVENUE AND EXPENDITURE OF QUEEN'S COLLEGE, KINGSTON, FOR THE YEAR ENDING 2ND APRIL, 1899.

<i>Revenue.</i>	
Temporalities Board.....	\$ 2,000 00
The Professors Beneficiaries of the Temporalities Board.....	200 00
Kingston Observatory.....	500 00
Rent of Carruthers' Hall.....	1,250 00
Rent of Land.....	120 00
School of Mining.....	500 00
Chancellor's Lectureship.....	250 00
Hugh Waddell—Lectureship on Church History.....	250 00
John Roberts Allen.....	150 00
Fees.....	13,096 40
Interest on Mortgages and other securities.....	18,106 41

QUEEN'S QUARTERLY.

General Assembly's College Fund—

Church Agents	\$2,192 37	
Congregations contributing directly.....	1,322 30	
Receipts for Scholarships		3,514 67
Interest on Jubilee Subscriptions		2,904 04
Balance Deficiency		3,540 13
		8,359 40

Expenditure.

Deficiency 1897-8		\$54,741 05
Salaries—Professors and Lecturers in Theology.....	\$ 8,954 54	
“ Professors and Tutors in Arts.....	7,500 00	
“ Other Officers.....	25,107 00	
Chancellor's Lectureship.....	2,814 67	
Church Agent—Commission on collection for General Assembly's Col- lege Fund.....	250 00	
Insurance		60 00
Library, Laboratories, Museum, Gymnasium, etc.....		353 24
Practical Science Department		2,823 01
Taxes, Repairs and Grounds.....		443 74
Scholarship Account		871 81
Travelling Expenses.....		2,904 04
Advertising, Printing, Stationery and Supplies.....		109 00
Fuel, Water, Gas and Electricity.....		1,811 40
Contingencies.....		645 64
		92 96

Queen's College, Kingston, April 24, 1899.
Examined and found correct.

\$54,741 05

J. E. CLARK,
D. CALLAGHAN. } *Auditors.*

J. B. McIVER, *Treasurer.*

PRACTICAL SCIENCE FACULTY.

The number of students working in the Mechanical Laboratory rose from 19 in Session 1897-8 to 30 in 1898-9.

This increase proved to be a pretty heavy tax upon our accommodation. We could, of course, have done better if we had been at liberty to arrange the hours for the students so as to suit the conveniences of the Laboratory, but this is not practicable, and could not be carried out without seriously interfering with the order of certain classes. The consequence was that although doing our best, students occasionally lost time through being compelled to wait.

If the increase next session is at all commensurate with that of the past session, an increase of accommodation will be imperative, and the only way of obtaining it is to appropriate the present Gymnasium for Carpentry, and to turn the whole of the lower flat into a machine shop. This would nearly treble our present accommodation.

In connection with the increased accommodation I would point out the necessity for more appliances. Many of our appliances we are able to make, and do make for ourselves; but as it requires machines with which to make machines, we must have fundamental appliances. We have two wood-turning lathes of our own manufacture, and we can make as many more as we wish. So also we have a small hole drilling machine nearly completed. But in the more complex machine tools the case is different. We are at present supplied with but two machine lathes, only

one of which is screw-cutting and which is really a fine lathe. But as this is the smaller lathe of the two it is unavoidably put, at times, to do work which is really too heavy for it, to the great risk of injuring it, and especially so in the hands of beginners. If we could get a good, complete, and moderately large lathe fit for comparatively heavy work, we might be able to build such others as would serve our purpose; for as students have to be kept busy, they might as well be building lathes as doing any other work in the shops. Of course they could not build such a tool as could be turned out by accomplished workmen, but they could make coarse lathes which would do for common work.

Towards the required lathe I am happy to acknowledge that we are in receipt of \$10 from Rev. A. Fitzpatrick of Q'Appelle, and \$100 from Mr. Charles McKenzie of Sarnia.

Again, the increase of students calls for a greater expenditure for instructors.

During the past session I was compelled to engage a permanent instructor in Carpentry.

In the machine shop, although I obtained a little assistance from F. W. Jackson, and gave all my spare time to it, yet as I had to lecture from 12 to 13 hours a week, the oversight of the work done was not adequate.

It is a great mistake to leave beginners to themselves in company with delicate tools and complex machines, for if tools are to be kept in good order and to be properly used, continual oversight is necessary. Students do not, in general, injure tools and machines through carelessness, for with few exceptions they are anxious to do their best and be successful, but they injure them through ignorance, from not knowing how to use them properly.

As the number of students in the machine shop will be largely increased next session, a permanent attendant will be a necessity.

To obtain a liberal education in the usually accepted meaning of the term requires only seated class-rooms, lecturers and students with books and brains. But in technical education you need a great deal more. For in addition to the foregoing list you must have working laboratories of various kinds, supplied with a goodly stock of material, with appliances, machines and tools in great variety, and you must be supplied with some source of power; for these are a *sine qua non* to any successful work in technical instruction.

It is a workshop adage that "mistakes in cast iron are expensive"; but it might be added that successes in cast iron and brass and steel are also expensive, for they require three expensive things in their expression, skill, and time, and labor.

Also most appliances for technical teaching are more or less fragile, and are subject to wear and tear and final destruction through usage, and have to be replaced from time to time. It is idle then to think of keeping up mechanical laboratories, or indeed any laboratories upon first cost.

It appears to me that we, (both the University and the School of Mining) are giving technical education too cheaply.

Moreover, as the majority of students in the mechanical laboratory are mining students, only 7 of them being not so, the mining as well as the other students should pay a direct fee for the use of the tools, machinery and instruction which they get there.

If every student paid \$10 it would go a long way towards covering the expenses of the shops, and would relieve me, to some extent, of the incubus of having to strain every nerve to keep down expenses.

QUEEN'S QUARTERLY.

Our source of power is not satisfactory. We have a nominal three-horse-power motor, and should be able to do the work, but the current, which is supposed to be 110 volts, generally fluctuates between 30 and 75 or 90 volts. We tried to get this state of things rectified at the L. H. & P. Co's Works, but have not been successful.

N. F. DUPUIS, *Dean.*

THE LIBRARY.

I beg to submit the following report with reference to the Library.

Additions to the Library during the past year :—

Purchased	595 Vols.
Donated	315 "
Bound Periodicals &c.....	272 "
Total	1,182 Vols.

Abstract of financial statement from Auditors' Report to October 1st, 1898 :—

Received from the Treasurer.....	\$1,612 00
From other sources	9 87

Total Receipts	\$1,621 87
Expenditure.....	1,423 02

Balance on hand	\$ 198 85
Received from the Treasurer for the current year...	\$1,758 00

ADAM SHORTT, *Librarian.*

MUSEUM REPORT.

The Curator begs to report that since last Session some valuable additions have been made to the collections in the Museum. From the Royal Military College, a large number of specimens of Casts of Fossils, Fossils, Rocks, &c., which belonged to the Geological Department, have been received. Some of these are very valuable and will be highly appreciated by Students of Geology. They have not yet been arranged on the shelves, but I hope to be able to attend to this before next Session. The Military Department has kindly loaned them until such time as they may be required.

The Herbarium has also been largely increased by the donation of fully 1,200 specimens of plants by Rev. J. K. McMorine, M.A., a former student of Queen's. Many of these were collected in Tennessee, the Adirondacks, Manitoba, and other distant localities, and are consequently of special value.

The collection of Miss Annie Boyd, who secured the Gowan prize, was one of the very best we ever received, and a large part of it has been added to our previous store.

A bundle of specimens representing 600 species was received by exchange from the Herbarium of Cambridge University, England. Many of these were collected in Southern Europe and Northern Africa.

A bundle was also received from the Biltmore Herbarium in North Carolina containing many rare plants.

Dr. T. L. Walker of the Geological Survey of India, sent us a collection of Mosses and a number of Ferns, most of them from the Western Ghats.

Over 1300 sheets have been already mounted and arranged in their proper places, but a large number still remains requiring attention.

JAMES FOWLER, *Curator.*

REPORT ON BOTANY CLASSES.

During the early part of the Session, the Junior Class met for lectures five days in the week, but in the latter part, two days were devoted to lectures and three to practical work. Each student was required to study fifty plants so as to recognize them at sight, and give the general characters of the Orders to which they belonged. The size of our Classroom and the number of its tables are not sufficient to accommodate a class of twenty-eight students engaged in practical work. It was therefore necessary to divide the class and take the separate parts at different hours. Twenty-eight bundles of plants, each containing 50 specimens, require more space for their proper display for study than we have at present at our disposal.

The Honour Classes consisted of Students whose previous preparation fitted them for prosecuting their work successfully, but in this case also, the lack of proper laboratory equipment retarded their progress.

A Biological building, with suitable laboratories for histological and physiological work, is absolutely necessary, if the Department of Natural Science is to be maintained in a condition corresponding to its importance. A Laboratory for each class, separate from the lecture room, and furnished with suitable tables for practical work, and convenient store-room for containing specimens, apparatus, reagents, &c., are indispensable.

I beg leave to bring the following matter to the notice of the Board. Within the last few years a great change has taken place in the method of teaching Botany in Colleges. The new Text-Books treat the subject from an altogether different standpoint from that previously adopted. Instead of directing the student's attention to the most perfectly developed plants first and descending step by step to the less highly developed orders, the reverse order is now followed. He is first introduced to the study of cells and unicellular plants. The structure of cells—their contents—their modes of reproduction—their physiological functions, &c., are studied first, and are made the starting point from which the student is gradually led up through the various ascending Classes of plants till he reaches the highest and most fully developed. The object of this method is to follow the path of natural development from the simplest to the most complex structures.

The introduction of this method in our Junior and First year Honour Classes is impossible and undesirable at present, but would be very beneficial for our Second year Honour Class. To prepare for this step, I wish to visit the Universities of Chicago and Cornell during Summer, and ascertain what changes and what apparatus may be needed to introduce the system. Professors Barnes and Atkinson of these Institutions have published valuable introductions to the new method within the past year. As I am already slightly acquainted with both these eminent botanists, a visit to their laboratories would enable me to acquire some valuable information, which I could turn to practical account in the future.

JAMES FOWLER.

 REPORT OF PROFESSOR OF PHYSICS, SESSION 1898-9.

Herewith find the account of expenditure in the Physics Department for the current session.

As to extension of the Physical Laboratory, I would not advise putting up at present a separate building unless the trustees were in a position to appoint a professor of Electrical Engineering, a demonstrator of Practical Physics, and a janitor

who could take care of the building and keep the apparatus clean and in order. If funds for these purposes were available I would advocate a stone building, costing from \$10,000 to \$12,000. A much better plan for the present than the above would be to convert the present museum into a physical laboratory for general students. If the proposed new building for museum and library contained two or three large class-rooms, the most pressing needs of the University would be met. Whilst the present museum could not be converted into a good class-room, it would make a splendid physical laboratory. The cases there now fixed to suit the room could all be utilized, and more accommodation for apparatus is now much required. Additional furnishings, such as tables, &c., could be easily obtained from the apparatus fund.

With such additional accommodation Queen's would then be in as good a position, so far as facilities for teaching Physics is concerned, as such institutions as the following, all of which I have visited and carefully examined:—Berkeley College, California; the Universities of Adelaide, Melbourne, and Sydney; the School of Mines, Ballarat; Mason College, Birmingham; &c. Such equipments as can be seen in Montreal; Cambridge, Mass.; Johns Hopkins College, Baltimore; Cambridge, Eng.; or Edinburgh, it would be unwise to think of at present.

Herewith I enclose the demonstrator's report of the work done by the laboratory students. Sixteen paid the fee and attended this session. Mr. Baker's time was taken up with this number of students, but with greater accommodation and a set of the simpler apparatus and a table for each pair of students, such as would be arranged in a more commodious laboratory, a larger number could easily be handled.

Physical Laboratory Expenses from 1st April, 1898, to 1st April, 1899.

Expenditure.

Spent on Honour Text-Books, less amount received for use of same..	\$ 26 80
Expenditure on Apparatus and Laboratory.....	119 39
Allowance to W. Baker, M.A., the "Robert Waddell" Tutor in Physics.....	100 00
Total Expenditure	\$246 19

Receipts.

Balance in hand, 1st April, 1898	\$164 70
Apparatus Fees from Treasurer	340 00
Rebate of Duty on Apparatus.....	7 00
Interest	3 15
Total Receipts.....	\$514 85
Balance in hand, 1st April, 1899.....	\$268 66

D. H. MARSHALL, *Professor of Physics.*

REPORT OF WORK DONE IN THE PHYSICAL LABORATORY, SESSION '98-'99.

During last summer's vacation the course in practical Physics was completely reconstructed. Much of the Johns Hopkins Laboratory course was adopted; also experiments from Stewart and Gee, Glazebrook and Shaw, and other standard works.

The attendance was about the same as usual. The work done by the students shows a satisfactory degree of accuracy and uniformity. A complete record was kept.

The breakages have been very small only four or five pieces in all. The expenses amounting to five and a half dollars, have been reported in full separately.

Thirty-one lectures on Physics were delivered to the First-year Medical Students and the results of the examination including marks and attendance have been reported to the Secretary of the Medical Faculty as well as to the University Registrar.

WILL. C. BAKER, M.A.,
"Robert Waddell" Tutor in Physics.

THE OBSERVATORY.

The work done in the Observatory and in connection therewith has been of the same character as heretofore, although on account of the unusual percentage of cloudy weather during the past winter, the work was carried on under great disadvantages. Besides keeping time and supplying it to the city, observations were made in connection with the University classes, and especially with those of the Practical Science department, for the purposes of determining the meridian, the time, the latitude and the longitude, as well as for detecting and correcting instrumental errors.

Two series of lectures were given in Astronomy, one being descriptive and elementary, and the other being more mathematical, and having its applications in trigonometrical and geodetic surveying. In addition to these one public lecture was given on the planet Mars.

The transit at present in use is one borrowed from the Royal Astronomical Society and is of a very old type, and it would be profitable to consider the possibility of replacing it by a modern transit of medium size as soon as practicable, as the modern instrument would supply means of work which do not belong to the older instrument. And I would repeat here that a change of site should be taken into consideration at an early date.

N. F. DUPUIS, *Director.*

ANIMAL BIOLOGY.

The total registered attendance in all classes was 126, made up as follows :
 In Arts, in the pass-class 28, extra-murals 5, in first-year honours 12, extra-murals, 2 in second-year honours 5, extra-murals, 2 :—

In medicine, attendance in the first year, 31 ; in the second year, 36 ; not including several senior students who attended the senior physiology for a second time :—

In Veterinary Medicine, attendance 5.

The following is an abstract statement of the receipts and expenditure for the past year in connection with the Laboratory :

Receipts.

Laboratory Fees from Arts Students.....	\$ 170 00
Laboratory Fees from Medical Students.....	126 00
Proceeds of sale of electric lantern to the Collegiate Institute....	60 00

\$356 00

Expenditure.

Balance repaid	\$ 58 45
Wages, &c.	66 90
Apparatus and Equipment.....	132 09
Dissecting Material and Chemicals	56 90
Balance on hand	41 66
	\$356 00

After this year, an eight month's session in physiology becomes a necessity for students who desire to comply with the regulations of the medical council. The faculty, however, after full consideration decided that it was not in the interests of our medical students to lengthen the session. The question arose, how shall we provide for the wants of the two classes of students—those who desire a six months' session, and those who desire an eight months' one. The difficulty, so far as physiology is concerned, was solved in this way. Our students who do not intend to practice medicine in Ontario will complete their session at the usual time, and will take the University examination immediately thereafter. Those who intend to comply with the medical council regulations will take the regular University examinations along with the other students, and immediately thereafter will continue their work in physiology with me up to the 17th of May, at which time the council examinations begin. They thus complete the eight month's session required by the council of Ontario, and required now, also, by the medical council of Great Britain.

When this arrangement becomes general in all the medical classes, the summer session hitherto conducted during May and June may be discontinued, and a post graduate one might be tried in its stead.

Until we secure the books and magazines containing the records of past researches in the various branches of biology, we cannot begin research work with advanced or post graduate students. Last summer we were fortunate enough to secure an almost complete set of the *Quarterly Journal of the Microscopical Society* for £27 10 0. This is almost the only work of reference in my department, and its purchase exhausts my library appropriation for two years. The following list, kindly supplied to me from Brown University, R. I. is submitted as a guide to the librarian in watching for chances to secure important additions to our reference books in biology. The list shows also what a very small beginning has been made in securing original papers in my department. I have asked Brockhaus, Leipzig, to furnish me with an estimate of the cost of these works enumerated, and to notify the librarian of any chances of procuring second hand copies of past numbers of them.

- American Journal of Physiology.
- Arbeiten aus dem Zoologisch-Zootomischen Institut.
- Archiv für Mikroskopische Anatomie.
- Archives de Zoologie Experimentale et Generale.
- Annales des Sciences Naturelles.
- Archiv für Entwicklungs-mechanik.
- Archiv für Physiologie.
- Anatomischer Anzeiger.
- American Naturalist.
- Archiv für die gesammte Physiologie, etc.
- Annotationes Zoologica: Japonensis.

Brain.

Biologisches Centralblatt.
 Centralblatt für Bacteriologie.
 Concilium Bibliographicum.
 Fauna und Flore des Golfes von Neapel.
 Jenaische Zeitschrift für Naturwissenschaft.
 Jahresbericht über die Fortschritte der Physiologie.
 Journal of Anatomy and Physiology.
 Journal of Applied Microscopy.
 Journal of the Boston Society of Medical Sciences.
 Journal of Comparative Neurology.
 Journal of Morphology.
 The Quarterly Journal of Microscopical Science.
 Journal of the Royal Microscopical Society.
 Medical Record.
 Merkel und Bonnet's "Ergebnisse."
 Mittheilungen aus der Zoologischen Station zu Neapel.
 Morphologisches Jahrbuch.
 Natural Science.
 Science Progress.
 Zeitschrift für Hygiene und Infectiouskrankheiten.
 Zeitschrift für physiologische Chemie.
 Zeitschrift für analytische Chemie.
 Zeitschrift für wissenschaftliche Zoologie.
 Zoologische Jahrbücher.
 Zoologischer Jahresbericht.
 Zoologischer Anzeiger.
 Zoological Bulletin.

We need also large additions to our skeletons, mounted specimens, models and charts, but especially to our skeletons and mounted specimens. These are needed chiefly for our honour students. They can be obtained only by purchase, and the cost will, of course, vary with the number and kind purchased.

The purchase of such specimens will entail another expense; viz:—the purchase of proper cases in which to keep the specimens. These cases should be both dust proof and moth proof, and experience has shown that it is a very expensive matter to provide such cases for a museum. For example, the cost of providing them in Toronto University has amounted, since the fire, to \$12,500. It appears clear therefore, that looking to the immediate wants of the department of biology and to its natural expansion in the future, what we must look forward to is a new building.

A biological building should contain the museum, herbarium, lecture rooms, dissecting room, animal room, conservatory (for plants), and be equipped with reference library, models, aquaria, microscopes, maps and all other teaching appliances, all under one roof.

I have again to express obligations to Professor Dupuis for repairs to apparatus, and to Professor Goodwin for donations of chemicals. Principal Frith of Pickering College presented the histological laboratory with some fine microscope preparations of invertebrate animals. O. H. L. Wernicke, president of the Wernicke Co., Grand Rapids, Mich., gave us a beautiful quartered oak cabinet worth \$24 for our physiological apparatus.

A. P. KNIGHT.

The John Roberts Professor of Animal Biology.

CURRENT EVENTS.

HOMILIES without number have been preached on the Dreyfus case, reflecting generally on France and the French, and often predicting revolution as the sure outcome of the whole business ; whereas by the decision of the Supreme Court of France, Dreyfus is again Captain Dreyfus, assured of a fair trial, and scarcely a dog barks! Frightfully discreditable incidents have been connected with the case. Racial hatred, yellow journalism, popular clamour, political timidity, personal, sectarian and clerical rancour, military pride and its contempt for civil authority have all been in evidence ;—driving men to suppress and to forge evidence, to shut their eyes to the truth, to persecute those opposed to them or to wild despair culminating in exile, suicide or murder. But are these things new under the sun or confined to France? Does history show that we are any better or that we are warranted in crying “our hands are clean”? Ought we not to remember that it is to Frenchmen that the vindication of Dreyfus is due ; to Scheurer-Kestner, Colonel Picquart and Zola, who stood firm, even when the heavens were falling around them ; to the advocates and Judges who did their duty calmly and fearlessly ; and above all, we may say, to the class sneered at as “intellectuals,” to whom the suspicion of being “unpatriotic” is almost equivalent to a sentence of death, but who ranged themselves in opposition to their clients, declaring that France could afford all risks rather than the risk of doing injustice to one poor Jew? It has been proved that France has such a class, and that though their voices may be drowned for a time by a torrent of newspaper and popular passion their appeal to the second thought of the country will be heard. If heard in France, why should universities despair in countries where their number is relatively greater? Let “the intellectuals” in the United States, the scholars and men of letters, the graduates of 400 Universities, and all who are able to put themselves at an objective rather than a personal point of view, cry aloud and spare not, insisting that Lynch law shall not supersede the regular courts, no matter how deep the prejudice against the negro or how chivalrous the regard for white women. They will surely succeed, unless the public conscience is less powerful than in France. And there is work for “the intellectuals” of Canada to do. The revelations of the bye-elections show that.

In spite of everything that has been urged to the contrary, the word which the Czar addressed to the world would seem to have been "fitly spoken." In view of Russia's per-
 The Amphictyonic Council at the Hague. secution of Roman Catholics in Poland and of Lutherans in Finland, and of Mennonites, Stundists, Doukhobors and Jews throughout the Empire; in view of the wrenching of Port Arthur—the legitimate spoil of war—from Japan, and converting it into a first-class fortress for herself, as well as of her action in adding ceaselessly to a huge army and the United States,—a message counselling disarmament and peace did come oddly from one popularly supposed to be all powerful at home because he is called the Autocrat of all the Russias. But whether consistent or inconsistent, he is generally admitted to be sincere; and the fact that his own and almost every other country are staggering under their military burdens so that the addition to them resulting from war would mean financial ruin and probably revolution was so impressed on his mind that he could not help crying out. His cry has been heard, and it looks as if it would be answered, though in a different way from what he expected. To disarm was out of the question, for no one would begin. To make no addition to the present strength of armies would give an unfair advantage to the powers now fully equipped. To arrest the constant improvement of weapons of destruction would deprive civilization of its present advantage over barbarism. There was scarcely a proposal which was not riddled before the Conference met. But even unbelievers and cynics admitted that it had to meet, were it only out of courtesy to the Czar. And lo! the sessions had hardly commenced when a practical and far-reaching suggestion commended itself to the members. Why should there not be a permanent inter-national Court to arbitrate questions in dispute, just as there are national Supreme Courts which decide personal, Corporation, State and Provincial matters, which in olden times would have been settled by violence? Such a Court would be the most august expression of the common civilization which we owe to Christianity. Questions as to its *personnel*, the principles on which the different Powers would share in its constitution, its place or places of meeting, its regular work when the temples of Janus were shut all round the world, the Code of inter-national law which would guide its deliberations, were instinctively recognized to be of minor importance, once the reasonableness of having such a permanent Court was admitted. If the Conference should do nothing else but this, it will not have met in vain. But, it will do more. Besides, why should it be supposed that it is to have no successors? In all probability, it is only the first of an august series.

Besides the British proposal for a permanent inter-national Arbitral Court, the Russian proposal that nations, before engaging in war, should appoint other nations to discuss the point at issue, much as duellists appoint seconds "to consider the cause of quarrel and suggest a way out," stands a good chance of acceptance. Even if the mediating nations cannot arrest the war, they are to have the right of interposing with their good offices, without being considered unfriendly, at any time after hostilities have commenced. We detest duelling so heartily that the seconds as well as the principals are likely to share in our condemnation. In the estimation of other civilized nations, however, duelling is considered as legitimate as national war in defence of honour or rights; and the function of seconds is not to aggravate but to appease; to limit not to extend; to stop fighting when they can, by removing or explaining away the cause of the quarrel, instead of initiating it.

Should these proposals be accepted in good faith, what will the effect be? The cessation of war and the dawn of the millennial reign seen in the vision of the prophets? Alas, no. Not for a few thousand years yet. The real roots of war will remain for a long time in human nature, and while they are there wars will come. Frankly, the Russian delegate in opening the Conference, declared that the Powers could accept the system of arbitration "without sacrificing any of their ulterior hopes." It is those deep-seated, almost unconsciously entertained national hopes or aspirations which smoulder and gather power till a breath blows them into a flame that overleaps Conventions or Courts or anything else but a force recognized to be strong enough to extinguish the flame and punish the nation which gave it free course. What else keeps Pan-Slavism in check? Were the way now clear of Austria-Hungary, the march on Constantinople would at once begin! What else keeps France from regaining Alsace and Lorraine and making the Rhine her eastern boundary? The day that Germany gets into difficulties, the cry *à Berlin*, will spring from the throat of every Frenchman and Frenchwoman. What else has kept the United States since 1774 from extending to the Arctic Circle? A grander dream, it is true, is now taking possession of Americans, the dream of the two kindred nations holding the keys of the world, in the interest of commerce, freedom and peace; but this dream can be realized only by means of irresistible fleets, and therefore the great Republic is industriously building battleships and cruisers. The arbitrament of the sword between nations, the *ultima ratio regum*, will remain for a long

time yet, seeing that no one has proposed that the inter-national court shall have at its disposal an army to fight for peace.

But if Arbitral Court and seconds cannot prevent all wars, they can do a little and perhaps much. They can secure time for reflection, for more light, for friendly mediation. They may prevent ten, twenty or fifty per cent. of the wars which would otherwise be waged. They may even bring them to a close before the weaker power is absolutely crushed. If either result be attained, humanity will owe a debt of gratitude to the Czar.

There are other wars besides those of stricken fields. Labour wars, social unrest, arising from avoidable or unavoidable causes, Industrial and Social Problems, the submerged tenth, workmen suddenly discharged because new inventions do the work more cheaply, old age without any provision for it, how shall organized society meet these problems? Met they must be or Christianity will be thrown aside as effete, and the social structure will be deprived of its moral basis. Every civilized nation is now face to face with these problems, in stages more or less acute, and apparently they are being solved more successfully in Britain than anywhere else. This is partly because of the larger number of trained minds sent to the Legislature, who go to it, too, not on the outlook for pay or office, but simply to serve the public, and partly because of the temper of the people which prefers tentative efforts to sweeping changes. It is delightful to see in the House of Commons scores of men like the sons of Lord Salisbury, inspired by a high sense of public duty, and bringing the most cultivated intelligence to the consideration of every question; and it is equally delightful to find constituencies eager to get such men to represent them. No one thinks of attacking them because they wear kid gloves, or reside beyond the bounds of "the deestric." They offer themselves and they are taken, simply on their merits; and the fact that they are gentlemen is not an obstacle but a recommendation. When you have an audience of hundreds of men of that type, windy rhetoric has no place. Revolutionary proposals never get to the birth. Bills are looked at calmly and from every conceivable point of view; and consequently though an ambitious measure may be severely clipped before it gets to the third reading, it is likely to evolve into a residuum of law which marks a somewhat higher stage in the upward process of society. Through all those perils the much dreaded Workmens' Compensation acts have passed; and the Judges are interpreting them so liberally, regarding the spirit and not the mere letter, that the greatest employers of labour are now finding it to their advantage to insure their men liberally against all accidents. Mr. Chamberlain's "Old Age Pensions" proposals are now passing

through the newspaper ordeal; and the result will doubtless be a modest measure, but one that is likely to encourage self-help and Benefit Societies, instead of putting thrift and thriftlessness on the same plane and having regard to nothing but a certain fixed old age limit.

To the average Briton, American or Canadian, President Krüger, or Oom (uncle) Paul—as he is affectionately styled by his own people,—has no case. To the average burgher of the Transvaal Republic, the gold-diggers of Johannesburg and the imperial power behind them have no case. Both sides are obstinate and conscious of strength, and therefore it is possible that there may be war; all the more so, because most of our Military and Naval officers are eager to wipe out the disgrace of Majuba and the other little unpleasantnesses of the last conflict. In my judgment, war between two such unequal powers would—no matter what the immediate issue—be ten times more disgraceful and calamitous than Majuba, and therefore may it be averted! We have heard, over and over again, one side; and no one has put it so skilfully and forcibly as Sir Alfred Milner. Let us hear the other side, remembering at the same time that the Boer—though not a talker—is a fighter and a believer in God.

“This is our country,” the burgher says, “and we intend that it shall always be our country. Little Holland and Denmark are independent, though Germany would like to absorb them to get their harbours and round off its Empire. Why should not the Transvaal keep its independence? Our fathers *trekked* beyond the Vaal river, giving up their old homesteads, in search of a new land where they might be free, and assured that Britain had no claim, and would never extend its authority, beyond the Vaal. We, poor, unlearned but freedom-loving, made this country. We conquered the cruel heathen, though they were a hundred to one and as fearless of death as dervishes. Then Britain came, hauled down our flag, and decreed our Annexation. We fought and won our independence. It was guaranteed by a solemn Treaty signed by the Queen. We now make and execute our own laws, and there is no country in the world more united and orderly and religious. But gold was found in the reefs of Johannesburg, and men of all nationalities—English chiefly—swarmed in by the ten thousand. They are there to-day and they would fly to-morrow, if they heard of richer reefs to the North or the South. But we would remain to make our country better than it is and to hand it down to our children. Three years ago, a vile conspiracy was hatched against us in Capetown and Charterland. Cecil Rhodes, the head of it,

deceived the Governor, the High Commissioner, the man who had made him politically, Secretary Chamberlain—adviser of the Cabinet and the Queen in Colonial affairs, his own Colleagues both in his Ministry at Capetown and in his Company at London, and would have deceived us too, had we not known that it was our duty to be always on guard. We crushed that conspiracy and instead of hanging the invaders—as Canadians, Americans and Englishmen have done in like cases, we trusted to British justice and released them. The poor tools were put in prison for a short time, but the head and front of the crime is the most popular man in London. His great Company has never paid a dividend, but Englishmen still listen to the music of his pipe, and give him as many millions as he asks. He hates us and he has declared that his next move against our freedom will be strictly constitutional. We are asked to give the franchise to every one, on the plea that, as the Dutch have equal rights in Cape Colony, so Englishmen and others should have equal rights in the Transvaal. The cases are not parallel. We do not intend to allow our country to be taken from us by force, fraud or constitution-mongering. The franchise is a matter internal to every independent country, and no outsider has a right to speak on the subject. Great Britain did not begin to give the franchise to its own people till this century, it did not give it widely till the other day, and it has not given manhood suffrage or equal electoral districts yet. Had any outside power ever interfered in the matter, no Reform Bill would ever have been passed in England. We will widen our suffrage, as seems good to ourselves, and if President Kruger does not stand firm, we shall elect some one else who will represent us more faithfully."

There is the free burghers' story in brief, and my sympathies are with them; though their political views and ideals are those of the seventeenth while we are living in the nineteenth century, and therefore they are attempting the impossible. Have patience and things will come right in the Transvaal. Try to coerce the Boers, and they will fight as they fought before, until the sympathy of the British people is so roused that they will refuse to crush a brave enemy by force of numbers. Mr. Chamberlain is urged to play a strong game of bluff, but worse advice could not be given. A great nation cannot afford to play that game; and to suppose that Boers will be intimidated by threats is positively silly. Almost every move on our part with reference to them for sixty years, down to the recent conference at Bloemfontein, has been a mistake; but all our blunders put together would not be so colossal as active aggression now. There is a Transvaal problem, but it will be solved best by the evolution or march of events, and not by the tactics of Mr. Rhodes or even of Sir Alfred Milner and Mr. Chamberlain.

Nothing—not even the inevitable friction on the Canadian border—can prevent the growth of a good understanding between Britain and the States that implies a practical working alliance ; an alliance neither for offence nor defence, but for the furtherance of high common ends in which our race is more deeply interested than in wealth or war, in trade or territory. The other great nations apparently do not believe that there are or can be such ends. Hence their all but universal outcry against a combination which they are afraid threatens them and which they could not resist. They might put any number of men in the field, but how could they get at the enemy? Strange to say, the common people of Continental Europe sympathize with their rulers. Britain has always been their safe asylum, and the United States the land of promise to which they turned wistful eyes. Yet both powers are now envied and feared, and therefore hated. It is a new experience for the United States, but it is the price they have to pay for their prosperity, a price which Britain has had to pay for generations, and which they used to join with others in making her pay. “How is it possible for my neighbour to be richer than I am, unless he has in some way defrauded me?” is the question which the natural man or nation puts instinctively. How shall we exorcise that evil spirit? Not by protestations. These provoke only increased wrath. They prove to the hilt the well-worn charge that we are hypocrites. There is only one way, and it is a hard way for both nations. We must “do justly, love mercy and walk humbly with God,” or we too shall share the fate of Nineveh and Tyre.

Nothing shows more clearly how far we are from being in an ideal state of mind than the failure—so far—of the High Commission, and the probability that —even should it meet again—it will be found impossible to agree upon a treaty.

Good has resulted to Canada from an attitude on the part of the States, which, though defensible in business competition, is not calculated to evoke love. It has developed our national spirit ; has led us to see clearly that our future depends on ourselves and on the maintenance of Imperial unity ; and has quickened our interest in such matters as the efficiency of our militia, transportation by Canadian channels and ports, and the Pacific Cable. As regards the last named, Canada—with the hearty backing of the British public—has forced the Imperial Government to reconsider its position. It will be strange if the Conference which has been called to meet again on the subject does not result in an agreement to lay and work the cable on the principle of joint-ownership. If so, we shall owe the success to Sir Sandford Fleming.

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