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CANADIAN MONTHLY

NATIONAL REVIEW



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63.2	Allandale	Arr.	11.05	4.40	8.05	51.8	Allandale	Arr.	6.45	9.55
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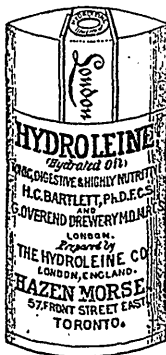
Dear Sir,—I consider Hydroleine a valuable preparation, and I have shown my estimation of it by prescribing it to some thirty or more of my patients, instead of ordinary Cod Liver Oil. Many of them continue to take it and have been greatly benefited by its use. Very truly yours,
 J. J. DUGDALE, M. D.

Hastings, 15th Sept., 1880.

Sir,—We are so well satisfied with the trial bottle of Hydroleine, having put it to a severe test in an extreme case where we really did not expect the girl to live a week, (she is now able to walk about the house), that we would like a dozen bottles.

Most truly yours,

Drs. CLARK and O'GORMAN.



32 Beaver Hall, Montreal, May 15, 1880.

DEAR MR. MORSE,

My experience with Hydroleine has been more than satisfactory, and I know no remedy like it in cases of a scrofulous or tubercular diathesis. In some of my cases the effects of this remedy have been really marvellous. Now I wish you to send through Lewis & Co., a half dozen for my own personal use, as I wish to continue taking the Hydroleine myself.

Yours truly, E. H. TRENHOLME, M.D.

Richmond Ont., Nov. 25, 1880.

HAZEN MORSE, ESQ.,

Dear Sir,—I have to-day made arrangements with Mr. McElroy (the merchant of our village), to keep in stock a quantity of Hydroleine. It is the best thing I have ever used in all Wasting Diseases. I remain, yours etc.,
 D. BEATTY, M.D.

STATEMENT FROM A LEADING CHEMIST AND ANOTHER PROMINENT MAN.

144 St. Lawrence Main St., Montreal, Nov. 18, 1880.

HAZEN MORSE, ESQ., Toronto.

Dear Sir,—I beg to say that Hydroleine is increasing in favor with the Medical Profession. It digests easily and in most cases rapidly brings up the weight of the patient. To prove which, several physicians have weighed their patients before beginning the remedy. My sales this month are larger than ever.

Truly yours,

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Montreal Telegraph Co., Superintendent's Office,
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Yours truly,

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ONE THOROUGH APPLICATION of this Soap will remove every flea or parasite from any animal, and by its use you will cleanse the skin and hair from Scurf and Smells, making the coat fine and glossy without giving cold or doing the least harm to the animal.

It is a Sure and Safe Cure for the Mange, and will immediately heal all eruptions of the skin. Flies will not trouble Horses that have been washed with this Soap.

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This Soap will destroy all parasites, cures Scab on Sheep, Mange, Scratches and Foot Rot, heals Saddle and Harness Galls, sores of all kinds, and protects wounds from the attacks of flies. *This is the Best Soap for all Disinfecting purposes in the Market.*

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ROSE-BELFORD'S

CANADIAN MONTHLY

AND NATIONAL REVIEW.

MARCH, 1882.

A STRAIN FROM THE SEA-SIDE.

BY J. A. BELL, HALIFAX, N. S.

THE Fisherman's skiff is away on the deep,
From daylight to sunset all weathers he braves ;
And often at night when his little ones sleep,
He gallantly buffets the winds and the waves.

Beyond the dim headlands unhelped and alone,
He trusts to his craft as she rolls in the swell ;
While the surf breaks afar with a roar and a moan,
In the caves of the rocks where the sea-fairies dwell.

A venturesome life doth the fisherman lead,
And Fortune, not seldom, withholdeth her smile ;
By patient persistence he earneth his bread,
But he cheerily labours and hopeth the while.

A man every inch is our fisherman bold,
And modest, withal, as a true man should be ;
He cringes to no one—he bows not to gold,
His mien, like his calling, is born of the sea.

Broad-chested and lithe with a courage to dare,
How stalwart he looks as he speeds from the shore ;
Never his to despond though the breeze be not fair,
So deftly he handles the sail and the oar.

Not all for himself doth he toil in his skiff,
 His heart is as warm as his motions are free ;
 There's a father, perchance, at the home on the cliff,
 The mother that bore him and nursed on her knee.

But his sons are all growing, and soon by his side,
 Very chips of the block, they will come to the fore ;
 And his daughters to match them, brown-cheeked and black-eyed,
 Will assist, like their brothers, to add to his store.

The farmer hath honour, and honour is due ;
 The artisan counts not the least in our land ;
 But honour belongs to the fisherman, too,
 To the strength of his arm and the skill of his hand.

All honour to workers of hand or of brain,
 To toilers, stout-hearted, let laggards give place ;
 There's a manhood in labour that's better than gain,
 And hope for the country that breeds such a race.

ILLUSTRATIONS OF CANADIAN LIFE.

BY WILLIAM WYE SMITH.

II.

THE PIONEERS.

MANY of the first settlers are a class of people quite distinct and by themselves. They do not take kindly to refined life ; even the modified type of it to be found in the somewhat new townships is alien to their tastes. They think people get 'stuck-up' when they are able to supplant the log-house with a frame one, and to put on good clothes, and ride in a vehicle to church. And so we find them continually selling out and 'going into the bush' again.

As I never exactly lived in the 'bush'

myself, I may not have had as good opportunities as some for studying this phase of character. My 'pioneers' are rather those who had outlived their bush-life, and found themselves—perhaps both unwittingly and unwillingly—in established settlements. It is some of these who must sit for their portraits.

One class of pioneers, either too lazy or too unfortunate to have acquired anything of their own, might be found in every township. They lived in old log houses, for which they paid no rent. They had a little patch of corn and potatoes—the cultivation of which was too often left to 'the old woman.' They generally kept a pig ;

and often a cow. These pastured on the roads, and on the yet unclosed patches of woodland. My pioneers were 'handy' men, who made axe-handles and butter-ladles, and had always a bunch of shingles to 'trade' at the store. They were variously spoken of as being engaged in 'shingle-weaving,' 'coon-hunting, axe-handle-making, horse-doctoring, sucker-spearing, or in 'loafing.' Mrs. Stowe's 'Sam Lawson' is a good example of the class.

My friend Dr. Mainwaring, of St. George, once met one of this class, who had fallen below the general level of the axe-handle fraternity, and had been taken up for some petty crime. It was on a very hot day; and the doctor was driving slowly along the Galt and Dundas macadamized road, a few miles above the latter place. First he met two young men, on foot, carrying guns. Behind them, at a distance, was a man they were taking to a magistrate, to be committed for theft. Behind him again, was his slatternly wife, and some children; and the latter group were crying. When the doctor met the man, he stopped him for a talk. 'What have you been doing?' 'Well, they say I've been stealin'.' 'Where are you going?' 'Spose I'm goin' to a magistrate, and then to gaol.' 'Why don't you run away?' 'I dass'nt! They'd shoot me!' 'No they won't! They are about as sick of it as you are. I was talking to them. Can you run?' 'Yaas!' said the unfortunate, with a knowing look. 'Well now, clear! And let us see how fast you can run! Only let me be past a bit, so that they won't think that I put up you to it.' The doctor drove on, keeping an eye over his shoulder at proceedings behind him. Soon the old fellow made a dash for the woods, his worn boots clattering as he went, and the brushwood snapping beneath his feet! The young men made a great deal of shouting; but they never stirred from the road. There was no 'commitment;' but the neighbourhood got rid of a nuisance, which was of quite as much importance.

I met a specimen of another variety of the pioneer at Spanish River, Algonoma, a few years ago. He said that he had taken up a lot, built a house, and had made a beginning, fifteen miles up the river, on its right bank; that we would see his clearing as we paddled up the stream, and were welcome to go ashore and supply ourselves (if they were far enough advanced) with potatoes and onions from his garden. He was a New Brunswicker: was 'engaged' to a fine young woman of nineteen, and going to 'settle down' for life, when his parents interfered, determined to break off the match. He went off to British Columbia, and remained there twelve years. The neighbours all told him when he came back that 'it was too bad; here the poor girl had been *waiting for him* all this time!' But his parents were just as much opposed to the match as ever. 'Well,' I said to him, 'you were now a man of mature years, and you should have done what was honourable and right, whatever your parents might say.' 'This I determined to do,' he said, with some feeling. 'I didn't want to have a quarrel with my relations, and so I came up here, and took a lot in the township of Salter, and put up a house, and made a clearing; you'll see my place on the north bank as you go on; it's the only one up the river.' 'And didn't you marry, after all?' I asked. 'No,' the poor fellow replied, with a husky voice; 'my girl died of fever a year ago last Christmas, when I was up here; and,' he added, after a pause, 'I'm not going back into the settlements any more; I'm going to stay here in the woods!'

Having spent three years in the Eastern Townships of Quebec, where the population is all of New England descent, I could not help hearing many stories of the early life of the pioneers who came in over the line about the year 1800. As these tales nearly all relate to the earlier period of the settlements, I will give such as I recollect in one connection.

The first settlers in Eaton and Newport came over the mountains from the Vermont settlements. Everything had to be carried on men's backs. One of these settlers—this I heard from a very old man, who had never read *A. p.*'s account of the tricky ass and his load of sponges—was travelling in from the nearest settlements on the Connecticut river with a side of sole-leather. His burden was heavy, and, what was worse, it was exceedingly bulky. When he camped for the night, he put his leather in water to soak, thinking that next morning he would be able to roll it up in a portable solid roll, more convenient to shoulder. It was certainly more portable, but his having made it twice as heavy as it was before, he only thought of when too late!

When the International Boundary Commission were at work, in pursuance of the Ashburton Treaty, many of the men employed were from the Eastern Townships. People who are acquainted only with the 'bush' in Ontario have little idea of the density of the spruce and balsam woods of Quebec. A poor Frenchman, when pathetically describing what kind of woods he had recently been 'lost' in, told a friend of mine, as he held up four fingers out-spread of one hand, that 'de trees were as tick as *dat*!' Several times, in trout-fishing, once within a couple of miles of the Boundary, I had an experience of what the settlers call 'the black timber'—that is, the slim evergreens, growing so closely together—sometimes over hundreds of acres at a time—that a man, if trout-fishing, is very thankful indeed to have the choice of wading the bed of a rocky stream. Well, a poor Irishman, engaged on the Survey of the Boundary, had for his 'pack'—for everything had to be carried—a *grindstone*, which was continually needed for the pioneers' axes. Paddy got lost in the woods, and after his party were camped his absence was discovered, and men were sent off in

search of him. In the meantime Paddy had had a conversation with an owl. He never once suspected it was a bird. But when he sang out, 'Hirru, there! a man lost!' he was startled and pleased to hear somebody call out, 'Who? who?' Paddy bawled out, 'It's I, sur! one of Captain Lawley's men, lost in the woods with a *grindstone*!' This short conversation was repeated several times; and though the poor fellow wondered why his yet-unseen friend did nothing for him beyond enquiring who he was, yet the sound of his 'Hirru, there!' brought the men who were searching for him to the spot, and 'Captain Lawley's man,' as well as the 'grindstone,' was rescued. My brother, John Anderson Smith, in his recently published 'Humorous Sketches and Poems,' has a story somewhat similar to this, the locality being his own township, Burford, Ontario. The story has become one of the humorous 'classics' of the locality. It is easy to embellish stories, and his is, perhaps, the best owl-story extant. But I got the incidents of this 'conversation' within sight of the mountains where it took place, and I have no doubt of the literal correctness of the anecdote.

The same friend from which I got the owl story, Mr. Levi R. French, told me of a neighbour, whose extraordinary noise in prayer was sometimes complained of by his brethren in the church. The good man did not wish to be noisy; but when he 'let himself out,' as he phrased it, he became unconscious of the lung-power he was exercising. One day he was some distance off in the tangled spruce woods, and he bethought himself that now he could have a 'comfortable time in prayer,' and annoy no one. He thereupon began to pray aloud. But 'praying aloud' meant with him such vehemence of utterance as suggested to any one, a mile away, the idea of a man in dire extremity. While this was occurring a hunter steered his

way to the brother engaged, directed by the sound. He himself was a religious man; and when he came to the place, he quietly stood still. At length the petitioner ended; and opening his eyes, beheld a neighbour standing beside him. 'Well,' said he, 'it does beat all! I can get away out into the woods to pray, where I think I won't annoy anybody, and can "holer" as much as I like, but somebody will hear me from whatever distance, and come along!' The neighbour, however, suggested that he was not annoyed, but would be glad to join with him in having a 'prayer-meeting' then and there—which they had.

My friend, Mr. Hiram French, of Eaton, many years ago, had spent a year or two in Upper Canada, in the vicinity of Oshawa. On one occasion, speaking to squire Labaree, one of the 'old settlers' in Eaton, of what he had seen, he received this very philosophical reply:—'Well,' said the squire (every body in the country parts begins an observation with 'well'—a sort of a deliberative-starting point for a discourse), 'well, there are advantages and disadvantages in every place. And if a man knows enough to make a good use of the advantages, and let the disadvantages alone, in the place where he is, he will *do well anywhere!*' On one occasion they were celebrating 'the King's Birthday,' by having a township Militiamuster, where the men were merely ranked up, and answered to their names. While this was occurring, the boys went down to 'the flats' for a good game of ball, while the older men sat down to a grand dinner at Squire Labaree's, at a dollar a head. Captain Powers, another of the old pioneers, who was just as 'shiftless' as the Squire was provident, was going home from want of funds to enable him to attend the dinner. This, however, his comrades would not hear of, so they made up a dollar for him, and insisted on his company. The dinner was a grand 'success,' and was well washed

down with the cider the Squire was famed for making. Among the *bon mots* of the dinner was the following: The Squire said 'he owed nobody, and everybody owed him.' Captain Powers rejoined, 'Well, nobody owes me, and I owe everybody;' which was pretty nearly the state of the case.

Here are three other stories of Mr. French's. Captain Sawyer was one of the 'Associates,' or members of the junta to whom the Township of Newport was granted by the Government, about the year 1800. The Captain's nose was, from some accident or other, much bent to one side. In fact, I have observed that almost one-half the men I meet either have the nose set on at a variation of 'ninety degrees' with the line of the eyebrows, or else have it bent sidewise at the end. But the worthy Captain's nasal organ was more noticeable in this latter respect than ordinarily. Once when calling at a settler's, the woman of the house happened to ask him 'where he was going?' As he did not wish to tell her, he said, laughingly, that he 'was going after his nose!' 'Oh,' said the woman, who looked pointedly at that ornament on his face, but not relishing the rebuff he intended for her, 'I am sorry for that; for you will be back again before night!' And sure enough—having lost his way in the woods he came round unconsciously in a circle—people generally do this when lost, and usually in a circle to the left—and actually got back to the same little clearing at nightfall!

Mr. French was teaching school, on one occasion in his early life, when a young man tapped at the school-house door, and desired the young 'master' to send him out one of the young lady scholars, as he wanted her to go to a ball with him that night. The master went in and did so; and as there was no windows in front of the log school-house, the youngsters could not satisfy their curiosity by seeing who was outside. When the girl came in, some of the others, in a loud whisper asked

her 'who it was that called for her?' 'Deacon Alger,' she replied, with ready promptitude and gravity! Now the Deacon was a very aged man, a 'father' of the Newport Baptist Church; and the announcement put an entirely different face on the visit to the girl! The same friend told me of another witty retort. A young man came into one of the country stores of the settlement. The 'trader' was a very bustling man, and came round with a skip, saying: 'Well, my young man; what do you want to-day?' 'Nothing, Sir,' promptly replied the youngster. 'And what have you brought to carry it in?' demanded the trader. 'My hat!' said the young man, snatching off his 'straw thatch.' The storekeeper thought his ready wit deserved a reward: and he dropped a handful of raisins in the proffered receptacle!

These men had much of self-respect. And after they got through the first trying years of their bush-life, they developed into liberal and genial characters; and looked back with something of astonishment at the enforced narrowness of their former life. 'You must not think,' said John Ryder, of Listowel, referring to a visit he had made into the 'Queen's Bush,' that the people who live up north in the woods are savages, with bristles on their backs, and living on rusty pork! Yet the pioneers—many of them from necessity rather than from choice—are not all either thoughtful or prudent. One of them, a Glasgow weaver, took up a lot two or three miles inland from where my friend William Bull lived, on Colpoy's Bay. Mr. Bull told me this story. The man left his wife in the settlement, and went boldly alone into the wilderness to put up a house. He got a number of small logs rolled together, and was slowly getting a house built. The walls were finished and 'daubed,' and he was working at the door and window, but had not yet reached the roof, though he had been two weeks at work! He

camped at night under a booth of hemlock branches; but woke up nearly smothered one morning, with the branches pressing heavily upon him, weighed down with eight inches of snow that had fallen between dusk and dawn. The man was much exercised at this mishap, and came out for Mr. Bull's help. The latter told him that he should have 'covered in' his house as soon as the logs of the walls were up. However, the two went to work and prepared 'basswood-troughs,' and with the help of a yoke of oxen got them drawn to the place; and a roof—such as these troughs make; clumsy, but water-tight—was on before night.

The pioneers and their families did not at all display the 'fashions.' If they followed them in the least, it was toiling after them at such an immense distance that the likeness was lost! I have seen the men often at church in their flannel shirt-sleeves. Indeed, as a boy, I have gone thus myself. I have also seen a backwoods minister strip off his coat in the pulpit, hang it over the side, and folding back his wristbands, begin vigorously at his sermon. The women generally wore gowns of homespun and home-coloured flannel. Their bonnets—well, a 'handy' woman can arrange a bonnet out of almost anything: only they were made much larger in those days, and not so easily extemporised. The boys—even big boys and occasionally an old man—would be seen barefooted. Felt hats had not come in—we owe them to Kossuth's visit in 1850, or '51. The head-gear was either a cap of some sort, or a straw or 'chip' hat; or, on some grand occasion, a beaver hat. Nobody thought of colouring a straw hat; and the 'chip' hats, made of wood-fibre, were in shape an imitation of the tall 'stove-pipe' hat. But the backwoods farmers, when they bought them for Sunday wear, cut them down in height. I have thus worn them forty years ago. In those days boys did not wear overcoats; and seldom wore long boots. These were supposed to belong strictly

to grown men. The pioneers had no friction matches. These came into use in Canada about the year 1842. The single small box, of which we now get three dozen for ten cents, was sold in country stores for four 'coppers.' Before that, it was a matter of some importance to keep the fire in. I have been sent to a neighbour's with two pieces of bark, to bring back a live coal. Though, generally, we managed with flint and tinder, I remember in the year 1840, once kindling a fire with the flint of my gun, and a piece of cotton rag for wadding. A man was supposed to aim at full dress, if he had a folded, yard-square, black silk neckerchief, and a coloured silk handkerchief. But often a compromise was made with a coloured cotton handkerchief, instead of a silk one.

The farming of the pioneers was as rude as was their personal adornments. A man was glad, in any way whatever, to get a little red earth turned up, and fortunate when he had *gee'd* and 'lap-furrowed' round a goodly number of stumps. A young friend of mine, long since dead, poor fellow! spoke poetically of the latter, as 'those odious things termed stumps!' Such a man would not care about the straightness of his furrows. He left that to his sons! An old Dutchman, from Yonge Street, once remarked to a blacksmith in Woodbridge: 'I want you to make me a plough' (it was the blacksmith who made the ploughs for the first settlers), 'and I want you to make it so that it will turn a good, broad furrow; one I can *get my hip against*, if it don't go over!' If the team did not more to be turned round in mid-furrow more than once, in finishing up 'a land,' it was looked upon as pretty successful ploughing! It was only after the Agricultural Societies were established, and prizes were given for competition in ploughing matches, that the winding furrows began to be straightened out, and farmers took a pride in their ploughing.

I have made many pleasant visits to

Alton, and hope yet to make many more. On the occasion of one of my visits, in the hospitable house of James McClellan, my host told me the following story of a pioneer he knew in that region. A man had settled on a new lot, where a 'slashing' had been made; and, fearing that when winter came he was going to be scarce of hay, he determined to mow a nice patch of raspberry bushes, just 'in the bloom,' in the hope that his cattle would not object to them when winter came on. But when the snow fell, they would not touch his raspberry hay. He then pretended that he was not going to let them have it; and put a few rails round the little stack, and set the dog on them and drove them off every time they broke over. The ruse succeeded. 'Stolen waters are sweet,' and the once rejected raspberry hay was stealthily, but recurringly, made the material of an ample meal.

Land-hunger is a natural and universal feeling. Many a man is an agitator in politics, and a shiftless 'nobody' in his social position, until he gets a piece of land of his own. Then, having put down a stake in the ground, he is anchored in more ways than one. All immigrants aim at 'land-owning' at once on their arrival. 'John,' said an Englishwoman to her husband, 'when we gets to America, we shall be farmers, shan't us?' 'Yes,' replied the good man. 'Well, John, when you gets a farm, be sure and get one with a *sugar-tree on it*.' 'La! me,' said the woman, in her old age, as she subsequently related her experience to a neighbour who had long known her; 'I thought we could just scrape the sugar out!' When immigrants first try this country, they are often greatly disappointed. Their expectations have been visionary; and their disappointment so much the greater. Many would go back, after the first few months: fortunately, most of them have not the money to do so. In a year or two, they form an acquaintance with their neighbours, and become reconciled to

—and after a time enthusiastic in praise of—their new home. It is strange, but quite true, that one who has lived a few years in Canada, cannot again content himself in England. It has frequently been tried; but generally with the same result—a returning to Canada. The Rev. Robert Robinson, once told me of an English agriculturist, who settled between London and Chatham, Ontario, and bought a fine tract of improved land. He determined to ‘farm it’ in the English style; with farm and house-servants, etc. After some two years he became disgusted with the free-and-easy style of Canadian ‘servants.’ When he got a man who had some ‘push’ in him, and knew how to work, he found the man did not like the exclusiveness of his house-arrangements; and when he got a man who would lift his cap, and ‘know his place,’ about the house, he was of no use in the field. So he sold out, and went back to England, determined to live and die there. But he did not know how much a Canadian he had become? He found in England plenty of men who would take their places under *him*; but he also found plenty who would not allow him to be on an equality with *them*! And remembering that members of Parliament, sheriffs, and judges, had met him on a footing of friendly equality while in Canada, he came back and bought land once more in the region of his former Canadian experience.

The new townships often produce men who get their knowledge of the great world beyond their own clearings, not from men, or from mingling with men, but from books. They are full of odd fancies, and strange uses and pronunciations of words. Thus, a man I knew in the county of Huron, would say *central*, *financiel*, etc.: and once astonished a rather well-informed man, to whom he was speaking of religious matters, by saying, ‘Now, I don’t want to *apostatize* you to my Church!’ One of these would-be pedants was, before my time, once com-

missioned to expend a few dollars in books for a Sunday school with which I was afterwards connected. Among other books procured for the purpose was one—‘The Diverting History of Punch and Judy.’ This bit of literature some one objected to as a Sunday-school library book, but was met by the assurance that he had bought it ‘because he thought it was suited to the capacities of the children.’ Whatever the capacities of the pioneers or their children were, they enjoyed plain speaking; and the pioneer preachers were always ready to give it. A Methodist minister, now deceased, while warning the young men on one occasion against prevalent sins, took hold of his coat-tail, and shook it over the side of the pulpit, by way of enforcing the remark that ‘his skirts were clear of their blood,’ if they refused to be warned by him!

The old-fashioned sawmill was, in those primitive times, an indispensable institution. Usually it was erected upon some backwoods ‘creek,’ where the men and boys speared suckers below in the spring. The saw went at a leisurely rate, through finer pine logs than are now generally seen at saw-mills; and left a ‘stub shot’ of two to four inches on the boards, which had to be dressed off with an axe before they were marketable at Dundas, or elsewhere. In Dumfries, we used to pity the Beverley men, because they had such a fight with the pine trees and stumps. About the time the first settlers there had wrestled with the worst of their difficulties, and had got their really good and strong soil under fair cultivation, despite the many, and large, and long-enduring pine stumps, lumber began to be a cash article at the lake ports. Then it was that many of them wished they had their pine back again. In my boyhood, nothing was ‘cash’ but wheat and pork. Wheat used then to be sold at an average of five York shillings (62½ cents), per bushel, and pork at about three dollars and a half per hun-

dred. Lumber and tan-bark, shingles and staves, and the like, were all sold on the 'truck' principle, as something to be 'traded off,' or parted with on the longest possible credit. Whenever a farmer wanted a load of lumber, he would take in some sawlogs to the mill, and the mill-man would cut them 'for the half.' Of all men in the world, I used to think that a sawmill-man, with a quid of tobacco in his cheek, was the readiest for a practical joke. My brother and I once went for a load of lumber to one of these old mills—which, at that time, had almost outlived its use. The sawmill-man fancied he noticed something odd about my brother's trousers. The fact was, they were made of blue striped 'bed-ticking,' a fancy of his own for working nether-garments. 'What 'll you take for your pants, Jack?' 'A dollar,' was the prompt reply. 'Here's your money; off with them!' said the man of boards. No sooner said than done. But a dispute arising as to whether a key in the pocket was to be reserved or not, finally upset the bargain. I afterwards told the man that Jack had resolved, if the 'trade' had taken place, to make a cut across the woods and fields for home—for it was not much more than a mile distant. 'And I should have had some fun out of it, too!' cried he, 'for I would have sot the dogs on him!'

Friend Dayton, well remembered by all the old inhabitants of South Dumfries, was a perfect model of a pioneer. He liked to begin things; and after improving everything about him for a while, was always anxious to 'begin' again, somewhere else. 'Friend' was not a neighbourly appellation, as we first thought when we got acquainted with him, but his 'Christen-name.' Friend was a farmer, but for some sixteen or eighteen years, so I heard him say, he had never staid more than two years on one farm. He was always 'trading' farms, and always building something or other. He was extremely 'handy,'—could put up a wing to a

house, or build a cellar-wall or chimney, or make the major part of a set of harness. At last he settled in St. George as a blacksmith, hiring a journeyman for a year; and then he and his two boys carried on the work without further instruction. His mother, an old herb-doctoring lady of eighty, didn't like these frequent changes. No sooner did she get her separate room all arranged to her mind, than she would have to pack up and move again. She used to account for Friend's restlessness on the score of her having rocked him *lengthwise* in the cradle when he was a baby; and she solemnly averred to some neighbour gossin, that 'she would never rock another child *eend-ways!*' This 'rolling stone,' the last time I heard of him, was in Iowa, where he had 'taken up' a quantity of prairie land, which included the 'centre stake' of a county, and doubtless had laid off a 'city' on his land for the county-town. If in life, he is probably a thousand miles farther west by this time!

It depends a good deal how we look at the days of the pioneers from the point of our present 'institutions.' I remember, forty years ago, seeing a young man bringing home his bride. They were on foot; walking up a concession-road *hand in hand*, swinging their hands a little as they went—two Babes in the Wood—as happy as that summer-day was long! It was a little bit of Arcadia. Now, who laughs? for it seemed then the most natural thing in the world to do. In these days, this most natural proceeding, in the slang of the times, would be called 'spooney.' Over-politeness sometimes assumed in the backwoods a comical aspect. Once a young fellow, at a party, in my hearing, invited a young girl who could not conveniently find a seat, to 'come and sit on his trousers!' He would not say 'knee!' One of our neighbours met 'Old Hudson,'—one of those shiftless pioneers found in every settlement—who lived in a log shanty near the Governor's Road, and who was one day

coming home with a bag of flour on his back. 'Old Hudson,' as he was called, tried to take off his hat, and make a bow. The bag of flour on his back, in the act, came pretty near toppling over! He had more politeness than under the circumstances there was occasion for. John Bonham, whom I knew as a Methodist local preacher, had been accustomed in his young days to help his father in a backwoods distillery, the ruins of which I have often passed. A man had got a five-gallon keg filled; and was so quickly back again, that 'the boys' expressed some surprise at his so soon getting through with it. 'Oh,' said the man, 'what is five gallons of whiskey in a family, when there's no milk!' In these days we are inclined to think that water, and not whiskey, is the best substitute for milk, especially when the latter is scarce in the winter. I have often seen this witticism in print, and I have no doubt it was made by more men, and on more occasions, than one. What with 'Hungarian processes' of milling and all that, the backwoods grist-mill is first disappearing. But I had the privilege of once seeing a genuine specimen of the pioneer mill, on the shores of Georgian Bay, between Meaford and Owen Sound. 'Lake Manitou,' the 'Lake of the Great Spirit,' is, I may here say, the old Indian name for that beautiful inland sea. When Canada was in 1763 ceded to Britain, George III., then a handsome and popular young king, was complimented by having this lake called after him. It is, however, a pity and a mistake, though one not too late to remedy, to retain the English name. If the old one were used as an alternative name, the newer one would soon go out—just as 'Ontario' has now entirely superseded 'Frontenac.' The mill I speak of was owned by a man named Carson, and consisted of a saw-mill and grist-mill, under one roof. The millstones were granite, not 'burr'; and therefore liable to get *gummed over* when the wheat was not dry.

Spring-wheat, in those days, and in that region, stored in poor log barns, was very likely to have snow sifted over it by the wintry winds whistling between the logs, to make it often very damp when it came to be threshed. Carson always asked 'if the wheat was dry?' when it was brought to him, and the reply was invariably 'yes.' But he was sometimes deceived; and then he has been known to be so exasperated as to throw 'a wet grist' out to the pigs! He used to have chalked up in large Roman characters, over his 'bolt,' the following warning:—

'Wet wheat makes men to lie;
Avoid that sin, and bring it dry!'

I once, in the Township of Wallace, sat down well pleased to hear an old lady's narration of her family's experience as pioneers, in that region. They had turnips and potatoes (though as I have already observed, they had not the 'Early Rose,' and it was late before potatoes were fit for use); but they had no bread, except such as was made out of flour, carried thirty miles on men's backs. Bread, therefore, was very precious. The old lady (she was young then) made the boys eat potatoes and turnips; and gave them the smallest morsel of bread to finish with. The boys compared it to corking a bottle. 'Come, mother,' they would say, 'give us the cork!' The youngest was the pet of the house—a darling boy, five years old. Once the older brothers had run down a fawn of the fallow-deer in the deep snows of spring, and had brought it home and given it to Willie. It soon grew very tame, and evinced a great affection for its young master. He would, with a little rod *gee* and *haw* it round the house, as the other boys did outside with their steers. And when Willie lay down at noon for his mid-day sleep, on a sheepskin on the floor, the deer would come and lie down beside him, perfectly content if it could only have the smallest patch of the soft sheepskin to rest its knees on—

and the two would sleep together. As the deer got bigger, it had to sleep in the shed; and when winter came on, it got frightened one night at the near howling of the wolves, and fled to the woods; where no doubt in a few minutes it became a prey to the hungry prowlers. Willie wept for his fawn; but before another year he himself lay down his beautiful head and died; and after his death the mother never seemed to smile again. There were no churches or burying-grounds then; and Willie's grave was in their own little clearing, in sight of the windows, and surrounded by a small, rude fence. At that window the mother often sat, and nursed her inconsolable grief. The husband told me that 'she had never been like herself since the boy died.'

The pioneers all loved whiskey; but sometimes they could be induced to do without it. My friend Robert McLean, of Toronto, long and well known in Galt, was, in the year 1841, teaching school in Blenheim. Blenheim was full of pines then; and little of anything else. Shingles were often spoken of as a 'Blenheim wheat.' He used to be paid by fees; and found

difficulty in getting them in—for the people had no money. 'Now,' said one of his patrons, 'if you could do anything with shingles or lumber, we could easily pay you.' So, to make things come round right, he became contractor for building a barn; and hired a carpenter. He fixed the 'raising' for a Saturday, and invited his 'hands.' Schools were only out every alternate Saturday then. During the forenoon, a few men came, sufficient for what was needed—and got the 'bents' together. But in the afternoon, when the larger number arrived and the heavy lifts were to come, the men, as he said, 'grew baulky,' for there was no whiskey! He was himself an out-and-out teetotaler, and had never thought of this difficulty. So he mounted the prostrate frame, and made them a speech, asking them 'if they were going to see him come to a severe loss, just because he was an honest teetotaler and kept his pledge.' To their honour be it said: the men threw off their coats, and the barn was soon raised! This, as Mr. McLean believed, was the first one in the County of Oxford which was raised without whiskey!

'What can I do that others have not done?
 What can I think that others have not thought?
 What can I teach that others have not taught?
 What can I win that others have not won?
 What is there left for me beneath the sun?
 My labour seems so useless, all I try
 I weary of, before 'tis well begun;
 I scorn to grovel and I cannot fly.'

'Hush! hush! repining heart! there's One whose eye
 Esteems each honest thought and act and word
 Noble as poet's songs or patriot's sword.
 Be true to Him: He will not pass thee by.
 He may not ask thee 'mid his stars to shine,
 And yet He needeth thee; His work is thine.'

THE RELIGION OF GOETHE.

BY THOMAS CROSS, OTTAWA.

'I have thought to serve religion in endeavouring to transport her into the region of the unassailable, away from special dogmas and supernatural beliefs. Should these crumble away, religion must not crumble away; and the time may come when those who reproach me, as with a crime, with this distinction between the imperishable substance of religion and her passing forms, will be happy to seek a refuge from brutal assaults behind the shelter they have despised.'

—ERNEST RENAN.

THE warning conveyed in these prophetic words has of late years suggested itself in many quarters, and in some where the name of Ernest Renan is associated with anything rather than with the service of religion. Far and wide, among clergymen and laymen alike, it is perceived that if religion is to be preserved, for the healing of the nations, she must be 'transported into the region of the unassailable,' and separated from the mass of untenable and contradictory propositions which afford such effectual weapons to her foes, and drive from her temples her best friends. There are men who cannot play tricks with their souls by making shift with conflicting and illogical formularies, and with statements of beliefs to which so little meaning attaches, that belief is, in reality, wholly left out. Some of these men have discovered that unbelief and denial have a bigotry of their own as impervious to truth and reason as any church bigotry, and a cant of their own as nauseous and delusive as any church cant; and these are looking about for a greater measure of that truth which shall make them free. They cannot become mere dry and godless compounds of logic and morals.

I have, therefore, undertaken to submit, to those who care to consider

them, some of the religious views and thoughts which abound so richly in the 'forty volumes of musical wisdom' given to the world by the Master of Germany.

That Goethe troubled himself much about religion may be news to many, for few men ever lived who have been so generally misunderstood and misrepresented. In the periodical literature of England, especially, nonsense about him of the cantingsort has ever been welcome. But his works show that, from the age of seven years, when he first built his little altar and offered his infant sacrifice, to the moment of his dying cry—*more light, more light!*—religion occupied its full share of his thoughts; and the recorded conversation of the last nine years of his life proves that he had all along devoted to this great theme the best energies of an intellect such as, says Carlyle, we have not known since Shakespeare left us. I shall, so far as I can, let Goethe speak for himself; this will be fairest to him and best for my readers, and no violence will be done to the tolerance and forbearance which marked his utterances, and which lesser minds find it hard to keep to.

I shall in the first place give an extract from one of those remarkable chapters, describing the visit of Wil-

helm Meister, to the ideal Educational Province, in the course of which visit Wilhelm questions the elders concerning their religious teaching. 'No religion based upon fear,' they reply, 'is regarded among us. That reverence to which a man resigns the dominion of his own mind, enables him, while he pays honour, to keep his own honour. He is not disunited with himself as in the former case. The religion based on reverence for that which is above us, we call the Ethnic. It is the religion of the nations, and the first happy deliverance from a slavish fear. All so-called heathen religions are of this sort, whatever names they bear. This second religion, which founds itself on reverence for what is around us, we call the philosophic; for the philosopher stations himself in the middle, and must draw down to himself all that is higher, and up to himself all that is lower; and only in this medium condition does he merit the title of wise. Here, as he surveys with clear sight his relations to his equals, and therefore to the whole human race, his relations, likewise, to all other earthly surroundings, necessary or accidental, he alone in a cosmic sense, lives in truth. Now we have to speak of the third religion, founded on reverence for that which is beneath us; this we call the Christian, because it is in the Christian religion that such a temper of mind is manifested most distinctly. It is the last step to which mankind were fitted and destined to attain. But what a task was it, not only to let the earth lie beneath our feet, while claiming a higher birth-place, but also to recognize humiliation and poverty, mockery and contempt, wretchedness and disgrace, suffering and death, to recognize these things as divine, nay, even to regard sin and crime, not as hindrances, but to honour and love them as furthering what is holy. Of this indeed we find some traces in all ages, but trace is not goal; and this being now attained, the human race cannot retrograde; and the Christian

religion having once appeared, cannot vanish again; having once assumed its divine shape, it cannot be subject to dissolution.'

'To which of these religions do you specially adhere,' enquired Wilhelm.

'To all three,' they replied. 'For in their union they produce what may properly be called the true religion. Out of those three reverences springs the highest reverence—reverence for ourselves, and those again unfold themselves from this; so that man attains the highest elevation of which he is capable, that of being justified in reckoning himself the best that God and nature have produced; nay, of being able to remain in this height, without being again by blindness or presumption brought down from it to the common level.'

'Such a confession of faith, developed in this manner, does not repel me,' said Wilhelm, 'but agrees with much that I hear now and then; only you unite what others separate.'

'To this they replied, 'Our confession has already been adopted, though unconsciously, by a great part of the world.'

'How, then, and where?' said Wilhelm.

'In the creed,' exclaimed they. 'For the first article is ethnic, and belongs to all nations; the second Christian, for those struggling with affliction and glorified in affliction; the third teaches an inspired communion of saints, that is, of men in the highest degree good and wise. Shall not therefore, the Three Divine Persons, under whose name and similitude such convictions and promises are expressed, be accepted as the Highest Unity?'

Passing from this general survey to the details of his beliefs, we find, in his conversations with Eckermann, that to Goethe, as to Israel of old, the Supreme Being was the 'High and Lofty One which inhabited eternity, whose name is holy;' whom man cannot by searching, find out. In the

Confessions of a Beautiful Soul He is the Invisible Friend, the 'power that makes for righteousness,' to Whom the prayer of the 119th Psalm, *Oh, teach me Thy Statutes*, is never addressed in vain. In *Faust* He is 'the wholesome working Force, against which the cold devil's hand is clenched in vain.' Perceiving the Eternal in those ways alone, Goethe found himself obliged to confess, with the unknown mighty poet of the Book of Job, 'Lo, these are parts of His ways, but how little a portion is heard of Him.' Throughout his long and eventful life this conception of the Deity remained by him, through his youth and manhood, as a courtier and minister of state, through all his fearless criticism, through a life of thought and scientific research. And, seeing clearly the limits of our apprehension of the Eternal, he condemned, as alike foolish, irreverent and mischievous, the practice of clergymen and others who, in one breath speaking of God as incomprehensible, in the next undertake to define Him as though He were as comprehensible as a right-angled triangle. 'People,' he says, 'speak of God as though the supreme, incomprehensible, indefinable Being were hardly other than themselves. He becomes for them, especially for churchmen who always have His name in their mouths, a simple name, a word of habit, to which they attach not the slightest meaning. But if they were penetrated with the greatness of God, they would be silent, and out of very reverence they would abstain from naming Him.' 'Even should the Sovereign Being reveal His mysteries to us, we could neither comprehend them nor profit by them. We should be like ignorant men standing before a picture, to whom the connoisseur, with all his efforts, could not explain the premises upon which he based his judgment. It is therefore an excellent thing that religions do not emanate directly from God. Being the work of chosen men,

they are better adapted to the needs and the faculties of the many.'

'My enemies have often accused me of Atheism. I have a faith, but it is not theirs, which I deem too mean. Were I to formulate mine, they would be astonished, but incapable of grasping it. At the same time I am far from believing that I have an exact notion of the Supreme Being. My opinions, as I have spoken and written them, are all included in this:—God is incomprehensible, and man has with regard to Him, nothing but a vague feeling, an approximate idea.'

'For the rest, both nature and we men are so penetrated with the Divinity that it sustains us. In it we live and move and have our being. We suffer and rejoice according to eternal laws, in reference to which we play a part at once active and passive.

'Jesus Christ imagined an unique God, to whom he attributed, as so many perfections, all the qualities he felt in himself. This being, to whom his beautiful soul gave birth, was, like himself, full of goodness and love, and justified in an absolute manner that *abandon* with which good natures resign themselves to him, attaching themselves to heaven by the sweetest bonds.'

Containing little or nothing respecting the origin of evil, Goethe's writings are very full with regard to man's attitude toward evil. As one of the fathers of modern evolution, he probably regarded evil as a development of those instincts which we inherit from our brute ancestry, which, as unfolded in humanity, are inimical to our best interests, and grow in diversity and intensity with our expanding knowledge and intelligence. '*Man would live a little better*,' says the Fiend to the Almighty, in the prologue to *Faust*, '*hadst thou not given him that beam of heaven's light which he calls "reason," and which he only uses to become more beastly than*

the beasts.' A poor outlook, truly. But it was not for the Fiend to admit that man's reason also leads him to develop the germs of nobility and beauty which were latent in his progenitors, and shows him that his ceaseless endeavour must be to—

'Move upward, working out the beast,
And let the ape and tiger die.'

Throughout the ages this upward movement continues, beneath the fostering shade of the Tree of Knowledge of Good and Evil. Read by the light of evolution, the promise of the serpent acquires a new and mighty significance. It lies at the root of all human progress and development; for man could not exist in any form worthy of the name until he stood erect upon the earth as *God, knowing good and evil*. By this knowledge alone could he be guided in his choice, as his growing intelligence revealed to him new objects of desire. By this knowledge alone could he emerge from the humble estate in which it first dawned upon him. Like two streams, flowing side by side from the same source, good and evil are developed from common germs, wherein the heights and depths to which man soars and sinks were, says the evolutionist, hidden from the beginning of things.

Of man's final triumph in the battle which opened with the knowledge of good and evil, Goethe never doubted; but man's moral and spiritual nature must be developed by ceaseless watching and conflict. 'Man's activity,' says the Almighty to the Fiend, in the prologue to *Faust*, 'slackens all too easily. He soon loves unconditional repose. Therefore have I given him the companion who incites him and works upon him, and who must, in his capacity as devil, be busy.'

In his conflict with the lower part of his inherited nature, which comprehends all that is known as the world, the flesh and the devil, man is not left alone. Teachers come from God, so Goethe believed, and appear in all ages;

for he did not confine this lofty title to the founders of the great religious systems, but extended it to persons giving evidence of high and abnormal gifts—to Shakespeare, to Raphael, to Mozart, as being phenomena of which evolution gives no account. All these gifted persons he regarded as contributing to man's redemption, which, he believed, must be brought about by the slow and ceaseless operation of all elevating influences, not by any mysterious effects of vicarious righteousness and vicarious suffering. We have seen that Goethe did not accept the orthodox belief respecting Christ's divinity, nor could he take the orthodox view of Christ's mission on earth. In his eyes the life of Christ was, to noble natures, of greater consequence than His death. No need that He be lifted up to draw these unto Him. If His blood cleanses from all sin, it is only because the great tragedy draws attention to the victim's character, the beauty of which awakens our highest desires and leads us in His footsteps. The promise concerning Him was—He shall save His people *from their sins*—not from the consequences of their sins. To follow the example of a sinless being is to cease from further sin, not to get rid of the consequences of past sin. Self-sacrifice is righteousness; but the sacrifice of something else is so very much easier; and this fact is at the root of all belief in the efficacy of vicarious suffering for sin, and of all the power and craft of priesthood. From the natural results of our misdeeds, Goethe believed no power in heaven or earth could deliver us. We cannot lay upon any other being

'One hair's weight of that answer all must
give

For all things done amiss or wrongfully,
Alone, each for himself, reckoning with
that,

The fixed arithmetic of the universe,
Which meteth good for good and ill for ill,
Measure for measure unto deeds, words,
thoughts;

Watchful, aware, implacable, unmoved,
Making all futures fruits of all the pasts.

But though unable to accept what to most Christians is the sum of the Gospel message to man, Goethe said of the Gospels: 'We find in them the influence of that greatness reflected from the person of Jesus Christ, as divine as anything that could be given to the contemplation of the world. If I am asked whether I pay him worship and adoration, I reply—yes, the most entire. I bow before him as being the divine manifestation of the most sublime moral principle When the time comes, when the pure doctrine of Christ and his love, such as it is in reality, shall be understood and put in practice, man will thus feel that he has grown great and free, and he will cease to attach exceptional importance to this or that form of worship.'

'Let intellectual culture progress to infinity; let physical science gain daily in extent and depth; let the human mind unfold itself as it will, it will never soar beyond the loftiness of the moral culture of Christianity, which shines so resplendently in the Gospels.'

With the importance of sacraments, in the sense of their being acts with which elevating thoughts and feelings are associated, Goethe was profoundly impressed. 'Protestant worship,' he says, 'taken altogether, is wanting in fulness. *The Protestant has not sacraments enough.* Indeed, he has but one in which he takes active part, the supper. The sacraments are the highest of religious things, the visible symbols of special favour and divine grace. In the supper, earthly lips are to receive a divine essence embodied, and, under the form of earthly food, to partake of heavenly. This meaning is the same in all churches, whether the sacrament be received more or less in the spirit of mystery, or with more or less of restrictions to the comprehensible. It is always a sacred, a weighty act, standing in the place of that which man can neither attain nor do without. But such a sacrament should not stand alone. No Christian can find in it the

true delight it is intended to afford, if the symbolic or sacramental mind is not nourished in him. He must be accustomed to regard the inner religion of his heart and the outward religion of the church as wholly one, as the one great general sacrament which divides itself into so many, and bestows upon those parts its own sacredness, indestructibility and eternity.'

'The higher sensibility in us, which does not always find itself truly at home, is, besides, so harassed by outward things that our own powers hardly suffice for our needs of counsel, comfort and help.'

Of the necessity of belief in the immortality of the soul, Goethe said to Eckermann—'I am tempted to say, with Lorenzo de Medici, that they are dead, even for this life, who do not hope for another. But these incomprehensible things are placed too far above us to be objects of daily contemplation, and give rise to speculations whose only effect is to confuse our ideas. Be happy in silence if you believe in the immortality of the soul, but do not see therein a reason for pride.'

'The idea of the immortality of the soul is good for the upper classes, especially for ladies who have nothing to do; but a man of some worth, who resolves to play a fitting part here below, and who must therefore work and strive, and act, leaves the future world to its fate, and labours to be useful in this. Again, the idea is good for those who who have not met with much happiness in our planet.'

'The nature of God, immortality, the constitution of the soul, and its union with the body, are eternal problems which philosophers cannot help us to solve. A recent French philosopher bravely commences a chapter in these words: "*It is known* that man is a union of two parts, body and soul. Let us therefore begin with the body; we will treat of the soul afterwards." Fichte was a little more clever when he said,—let us speak of man with re-

ference to the body, and of man with reference to the soul. He felt that a whole so closely united could not be separated. Kant has incontestably been the most useful to us in tracing the boundaries to which the human intellect is capable of penetrating, and in abandoning insoluble problems. What a hubbub has been made in philosophy on the question of our immortality! And what have we gained? I have no doubt of the continuity of our existence, because nature could not do without the entelechy. But we are not all immortal in the same degree, and to manifest oneself in the future life as a great entelechy, one must have been such in this.'

Writing to Countess Stolberg in his old age, he thus expresses himself concerning the life to come. 'I have meant honestly all my life, both to myself and others, and in all my earthly strivings have ever looked upward to the highest. Let us continue to work thus while there is daylight for us. For others, another sun will shine by which they will work, for us a brighter light. And so let us remain untroubled about the future. In our Father's kingdom are many provinces, and as He has given us here so happy a resting-place, so will He certainly care for us above. Perhaps we shall be blessed with what is denied us here on earth, to know one another by seeing one another, and thence more thoroughly to love one another.'

I shall conclude this brief survey by laying before my readers the last of the Master's words recorded by Eckermann. They were spoken a few days before his death, and we may receive them as his philosophical testament.

'The conversation,' says Eckermann, 'turned upon the great men before Jesus Christ, Chinese, Indians, Persians and Greeks, and we acknowledged that the power of God had been as active in them as in certain

of the Jews of the Old Testament. We were thus led to ask ourselves in what manner God manifests himself in the great men of the time in which we live.

"To hear people talk," said Goethe, "we should be tempted to believe they thought that God, since ancient times, had put himself altogether aside, and that man is now entirely left to himself to get along by such means as he can devise, without help from the Lord, without His invisible and daily intervention. In things religious and moral, people admit, it is true, a divine influence; but art and science are regarded as being purely mundane, products of an activity exclusively human.

"But let any one try to accomplish, by human strength and volition, a work to compare with the creations of a Mozart, a Raphael, or a Shakespeare. I know these three noble forms are not the only ones to point to, and that in every branch of art a multitude of superior minds have produced works as perfect as their's. But if they were as great as these, they overtopped the ordinary level of nature in the same proportion.

"And, taking it altogether, what is this world? After those famous six days within which people have contrived to circumscribe creation, God by no means entered again into rest. On the contrary, He is ever at work as on the first day. Surely it would have been a poor amusement for Him to compose of simple elements the mass of this globe, and set it gravitating round the solar disc, had He not had the project of establishing, on this material surface, the nursery of a world of spirits. No; He is to day working unceasingly, through chosen natures, that He may draw to Himself those which are less noble."

'Goethe was silent. As for me, I treasured in my heart his grand and beautiful words.'

'SORROW ENDURETH FOR A NIGHT, BUT JOY COMETH
WITH THE MORNING'

BY 'ESPERANCE.'

MY heart went out in yearning,
I clasped my hands before me,
Whilst, like the shadows of my life,
The shades of eve fell o'er me.

In fold on fold of grayness
They fell and deepened round me,
I almost thought I felt their weight
As like a cloak they wound me.

From head to foot they wrapped me,
The outside world was hidden,
And—not for this, but what it typed,—
The quick tears came unbidden.

The clouds whose shadows reached me
Had each a silver lining,
And by-and-bye would roll away,
And shade be turned to shining.

But now my faithless vision
Saw but the shades which bound me,
Nor would believe there *could* be light
Above, before, around me!

Ah, *how* God's love rebuked me!
'Tis but an old, old story,
How moon and stars their kingdom claim,
And gloom is turned to glory.

But to my heart that evening
It came with new revealing
Of mortal lack of sight, and faith
In God's all-loving dealing.

Or soon or late, the . . . dows
Which cloud our life's short story
His loving hand will brush aside,
And *gloom* be turned to *glory*.

If not before, most surely
When, through death's friendly portal,
Our falt'ring mortal steps have passed
To life and light *immortal*.

POETRY, AS A FINE ART.*

BY PROF. CHARLES E. MOYSE, B.A. (LOND.), MONTREAL.

THE oft-quoted lines of Horace,

Tractas et incedis per ignes
Suppositos cineri doloso,

emphatically warn the adventurer who essays the theme, 'Poetry as a Fine Art.' It would be mere arrogance in him to imagine that he might find a new doctrine; it would savour of conceit if he affirmed that his thoughts on such a topic were always clear and logical. Minds richly gifted with analytics¹ power have attempted to lay bare the exact nature of poetry itself and of its artistic expression, but, although a large measure of truth has attended their enquiries, the results are incomplete and, in some essential particulars, conflicting. If, then, men whom the world everywhere honours have felt the instability of the ground they have tried to explore, ordinary people will act wisely in following beaten tracks.

One often hears many objections urged against the study of poetry on account of its unpractical character, as if every mental effort, unless it brought direct mercenary gain to the educator or to the man of business, were without any real value. But if this mean, though not uncommon, aspect of the matter be disregarded, and the noblest aim of life, the culture of the intellect, considered, it must be owned that while many subjects are more conclusive than poetry,

viewed as one of the Fine Arts, few are more profitable, none more suggestive. Sometimes the argument takes another form. It is maintained that the paths of investigation are neither far-reaching nor new; still they reach far enough to display a novel world of beauty to him who will tread them, and it is often apparent that they are unseen by the captious or indolent; dimly seen by the hasty; clearly seen, if clearness there can be, only by the trustful and studious. The foregoing objections hardly merit sober consideration, but the superficial and erroneous idea that to dissect poetry and poets in a so-called chilly, unemotional way is to degrade them, asks for a longer word. Enquiry into the nature of the truly great or truly beautiful does not diminish respect but heightens it, and in course of time respect becomes devotion, of which knowledge, not ignorance, is the mother. In the New Testament, comparison is made between the lilies of the field and Solomon in all his glory, and the Psalmist on one occasion breaks out into triumphant song, 'I will praise Thee for I am fearfully and wonderfully made.' To whom does the contrast between the gorgeous king and the meek flower come home with greater force? To the ignorant hind who regards a lily as a lily and nothing more, or to him whose eye has marked the wonders that lilies reveal? Who feels the force of the truth that he is fearfully and wonderfully made? He that vapours platitude about the human frame, or he that knows of the exquisite delicacy and beauty of the nerve

* This paper formed the subject of the University Lecture of McGill College for the Session 1881-2, delivered by its author as Molson Professor of the English Language and Literature, and Lecturer on History, McGill University, Montreal.—*Ed. C. M.*

scales in the internal ear? What men neither see nor at all know they cannot venerate, except in worthless name which does not lead to act. A writer on Constitutional History laments that Magna Charta is on everybody's lips but in nobody's hands. The general sense of his remark is true in regard to poetry and poets. That knowledge which begets reverence, leading in its turn to a higher life, is not the outcome of fitful dalliance with fragmentary thought. People in this critical age must affect the critic if nothing else, and one often sees and hears things that cost no trouble in the acquiring save an indifferent scamper through a review, perhaps indifferent also, or a desultory perusal of literary odds and ends. It is not we who are kings and poets who are vassals, craving an earnest audience of a few minutes, only to be treated with apathy when they do gain it: they are monarchs, we subjects, who may if we please, never go to court all our lives, never know anything royal, anything worthy of homage, never catch any kingly speech as we wander self-satisfied among our fellows, unless in some crisis it thunders past, making us turn and ask whence it cometh and whither it goeth. When we say we love poetry and honour poets, we ought to mean that ours is the reward of humble, undivided endeavour, according to such light as each possesses.

Milton, in a brief play of emotion, one of the few which lend rhetorical dignity to a finished specimen of dialectic fine art, the *Areopagitica*, might have been thinking of the broad aspect of the question before us when he writes: 'And yet on the other hand, unless wariness be used, as good almost kill a man as kill a good book; who kills a man kills a reasonable creature, God's Image; but he who destroys a good book, kills reason itself, kills the Image of God, as it were in the eye. Many a man lives a burden to the earth, but a good book is the precious life-blood of a

master spirit, imbalmed and treasured up on purpose to a life beyond life.' His language, elegant in its simplicity, seems to refer to poetry in especial; for poetry, of all things, represents the vital part of the poet. It lays bare the inmost workings of the poet's mind, and, by so doing, discloses the universal attributes of the poet's nature. Wanton cavil might perhaps deny that such attributes exist, but a little serious thought gives tacit consent to the belief, nor does it seem much more difficult to grant this,—that combined with what is common, as if by some subtle intellectual chemistry, lie the peculiarities of the mental growth, maturity, and decay of the individual. If, therefore, merely partial truth about the essentials of all poetry can be learned, something of the apparent mystery which separates the poet from his fellow men may be known; or if, to use equivalent words, some only of the distinctive depths of every poet's mind can be fathomed, then may its work be partly explained.

From the treatment of generalities such as these, one would naturally be led to talk about the characteristics marking the individual, and it might seem that in the discussion of this part of the subject the claim of Poetry to be regarded as one of the Fine Arts should be vindicated. Undoubtedly; but thus to limit the domain of the poet, or artist, would be at variance with the general tone of this lecture, which does not seek to draw a hard and fast line between the universal and the particular. The poet's artistic skill is often spoken of as if it were confined to the prettinesses or the filagree-work of rhythm and rhyme. The vague language which tells of inspiration, of genius, and is therewith satisfied, lends itself to such an idea, but it cribs and confines what appears to be truth. Are not poets men of genius and inspired? Of course, when one is told what genius and inspiration are, or are not. To utter words for

words' sake is not acting altogether righteously. Point out clearly the essentials of genius; say, if you will, that genius is the power of using the materials common to all, as but very few can use them and show *how* they are used; or say that the genius of a poet is the faculty which avoids the commonplace, the ridiculous, the unrefined, and thereupon indicate the rare, the sublime, the polished, and discuss their character, but do not take refuge in unmeaning sound. No mind can entirely explain any other ordinary mind, still less the mind of a poet, but 'inspiration and genius,' half bid men fold their hands and cease from attempting to solve a psychological problem, because psychology can never yield a complete answer. Poets are men of a larger mental growth than the multitude, but they suffer experiences which fall to the lot of people generally. The best of them display an immense quantity of sober knowledge; the majority of them do not rave at midnight, or speak in unknown tongues of unknowable things, or madly indulge in dangerous stimulants to quicken their flagging pulses. They write with a calm consciousness of strength—often patiently, carefully, even toilsomely, and their work rewards them by winning perpetual admiration.

Nothing has been said in the way of definition of Fine Art, nor need this preliminary matter detain us long. The poet works with certain materials, and is therefore an artificer. The result of his work is not the purely useful, which serves momentary convenience or brings direct practical advantage to those who avail themselves of it: the poet creates the ornamental, and appeals to our emotions, as an *artist*. Lastly, he seeks to move the deepest and noblest parts of our being; his Art is one of *the Arts*, is a Fine Art, and ranks with sculpture and painting. We are concerned to-day with its nature and method.

One of the first systematic attempts to determine the nature and define the scope of Poetry was made by Aristotle, whose theory some still regard as essentially true. Lessing assumes it to be trustworthy in his 'Laocoon,' a work which, although fragmentary and limited by individual prejudice, is the most valuable contribution of modern thought to the settlement of the legitimate domain of the sculptor and the poet. Aristotle wishes to establish that Poetry is a Mimetic or Imitative Art, and the outlines of his argument run in this wise: Poetry, in general, seems to have derived its origin from two *causes*, each *natural*. The first cause is *imitation*, which is instinctive in man. Man is distinguished from other animals in being the most imitative of them all. Man naturally derives pleasure from imitation, and the more exact the imitation the greater is that pleasure. The second cause, likewise natural, is Harmony and Rhythm. Harmony and Rhythm are the *means* by which in the case of poetry the imitation is presented to others; just as in Sculpture imitation is presented by means of figure, in Painting by means of colour and form, in Music by means of melody and rhythm, in Dancing by means of rhythm only. From statements of this character, Aristotle proceeds to enquire into the *objects* of poetic imitation. These, he says, are the actions of men.

Before bringing Aristotle's theory to the test, let me ask you to listen to a modern thinker in low life. It is true he dismisses the matter briefly, although he speaks with much assurance. He does not pretend to argument or to exactitude. His ruling idea is physical comfort; his mental gifts he thinks superior to those of his fellows, and if his powers of extempore versifying be challenged, he can let loose a flood of rhyme 'for eight years together, dinners, suppers and sleeping time excepted.' These words betray him—Touchstone, the

wisest of Shakespeare's clowns, an intensely self-conscious philosopher of the common-sense school, in the disguise of motley :—

TOUCHSTONE—(*Glancing down half pitifully, half contemptuously*), Truly, I would the gods had made thee poetical.

AUDREY—(*Looking up with rustic innocence and amazement*), I do not know what 'poetical' is : is it honest in deed and word ? is it a true thing ?

TOUCH.—No, truly ; for the truest poetry is the most feigning ; and lovers are given to poetry, and what they swear in poetry may be said as lovers they do feign.

AUD.—Do you wish then that the gods had made me poetical.

TOUCH.—I do, truly : for thou swearest to me thou art honest : now, if thou wert a poet, I might have some hope thou didst feign.

Touchstone and Aristotle represent extremes. Touchstone stands at the negative pole of thought ; Aristotle at the positive. Aristotle declares that poetry is based upon imitation and the more exact the imitation the better the poetry ; Touchstone, that poetry is based upon feigning, and the more pronounced the feigning the truer the poet. Is either of these views complete and correct, or is each only reliable in part ?

The more exact the imitation the greater the pleasure. Why, then, do poets sometimes suggest so much and describe so little ? When they affect the emotions strongly, they often do so in a brief way. If they desire to bring their ideal of beauty before the reader, the greatest of them seem conscious of the limits of their power and shrink from crossing into the domain of the minutely exact. They know that types of perfection are never identical ; that two men of the same nation, perchance of similar mental tone and acquirements, are at variance concerning what they believe to be most beautiful or admirable, and again, that in the case of various nations the difference is even more strongly marked. Consciously or unconsciously poets obey the law that extension is narrowed as intension is deepened, although Lessing's reason for this poetical moderation lays stress on rapidity

of execution, lest the mind be hopelessly confused by a mass of detail. It may be argued that the same poet does not write for Teuton and Ethiop alike, yet he appeals to wide discrepancies of thought. Aphrodite, with her hair 'golden round her lucid throat and shoulder,' has one set of worshippers ; Cleopatra, 'with swarthy cheeks and bold black eyes,' another. The poet, however, may, if he wishes, neglect likes and dislikes. He has only to set men a-thinking ; by suggestion he can cause special embodiments of beauty to flash before minds which have very little in common.

Lessing selects Greek literature as rich in this peculiarity, but our own readily answers to appeal. One of the most forcible examples is to be found in Christopher Marlowe's Faustus. Faustus gives both body and soul to Lucifer, in return for twenty-four years of pleasure. A part of his delight is to have the famous persons of antiquity brought before him. He asks to see Helen of Greece a second time. She appears and Faustus utters the well-known lines :—

Was this the face that launched a thousand ships,
And burnt the topless towers of Ilium !

That is all ! An effect not a description ; and yet its suggestive force is hard to match. Had Marlowe made the eye of Faustus play the painter, how would he have failed ! Now here does he attempt to depict Helen accurately : she is 'fairer than the evening air,' 'brighter than flaming Jupiter ;' the rest is untold. Again, Milton describes, or rather does not describe, a very different being—Death :—

The other Shape—
If shape it might be called that shape had
none
Distinguishable in member, joint, or limb ;
Or substance might be called that shadow
seemed,
For each seemed either—black it stood as
Night,
Fierce as ten Furies, terrible as Hell,
And shook a dreadful dart : what seemed his
head
The likeness of a king's crown had on.

Some poets, then, do not imitate carefully; and regarding those who make the attempt, 'necessarily imperfect, Lessing ventures a very suggestive remark, for which he has won much credit. The force of description, he says, lies where poetry shows its distinctive character as contrasted with sculpture. Sculpture represents still life; it chooses one moment of impulse—the moment best adapted to the end in view. Poetry represents a number of acts in successive moments, and motion is of its essence. When beauty passes into motion—Lessing's definition of charm—the poet can be felt. The mouth of Ariosto's Alcina, in *Orlando Furioso*, enraptures not because it takes six lines to describe it, but because in the final couplet we are told that there is formed that lovely smile which in itself already opens a paradise upon earth. We may hesitate to accept Aristotle's theory, then, although it may have some truth in it: let us bring into contrast the opinions of Francis, Lord Bacon, in the 'Advancement of Learning.'

'The parts of human learning have reference to the three parts of Man's understanding, which is the seat of learning: History to his Memory, Poesy to his Imagination, and Philosophy to his Reason.' 'Poesy is a part of learning in measure of words for the most part restrained, but in all other points extremely licensed, and doth truly refer to the Imagination; which, being not tied to the laws of matter, may at pleasure join that which nature hath severed, and sever that which nature hath joined; and so make unlawful matches and divorces of things.'

In Shakespeare's rich language:—

The lunatic, the lover and the poet
Are of imagination all compact:

The poet's eye, in a fine frenzy rolling,
Doth glance from heaven to earth, from earth
to heaven;

And as imagination bodies forth
The forms of things unknown, the poet's pen
Turns them to shapes, and gives to airy nothing

A local habitation and a name.

Let us again take a specimen of English verse, and, with Bacon's theory fresh in the memory, see what it may be made to yield. Wordsworth says of Lucy:—

A violet by a mossy stone
Half hidden from the eye;
Fair as a star when only one
Is shining in the sky.

We note that Wordsworth selects just as Marlowe and Milton did, for there is no attempt to describe, to imitate, to set forth exactly by means of harmony and rhythm, the sum of Lucy's physical excellence. A thousand things might have caused Lucy to seem divine to the poet, but of the thousand, only three are visible—at least to me—modesty and conspicuous beauty *plus* purity:—

A violet by a mossy stone
Half hidden from the eye!—(Modesty.)
Fair as a star when only one
Is shining in the sky.—(Beauty + Purity.)

The words modesty, beauty, purity, do not occur, it is true, but their poetical equivalents stand in the verse with quiet strength—a violet and a star. The violet and the star are *images*—metaphors, as the grammarian would call them. It may be repeated, then, that the poet does not imitate exactly; he selects: it may now be added that the objects of his selection are images; and that such images as he selects are those he deems most strong or most beautiful. The poet is a thinker in images: the historian, the philosopher, the ordinary man are thinkers in propositions. In Job xiv. 10, we read: 'But man dieth and wasteth away.' No elocution can raise that into poetry. It is a terribly earnest statement, and its force lies in its overwhelming truth. The idea, or an idea akin to it, crosses the mind of the poet and the proposition—universal and categorical in terms of logic—is converted into a series of images:—

Fair daffodils, we weep to see
You haste away so soon;
As yet the early rising sun
Has not attain'd his noon.

Stay, stay,
 Until the hasting day
 Has run
 But to the even song ;
 And, having pray'd together, we
 Will go with you along.

We have short time to stay as you
 We have as short a spring ;
 As quick a growth to meet decay,
 As you or any thing.
 We die
 As your hours do, and dry
 Away,
 Like to the summer's rain ;
 Or as the pearls of morning's dew,
 Ne'er to be found again.

—Robert Herrick.

The poet's images may be divided into two great classes ; those which are existent and are not altered when poetically treated, but are used in their entirety and separately : Secondly, those which are existent only in part, and are modified and compounded to suit the poet's aim. The first class may be subdivided into images which are natural and apt— which do not provoke question or smile ; and into images which are unnatural and inapt—images which puzzle or suggest the ludicrous. The stanza from Wordsworth will exemplify the natural and true, used in entirety :—

A violet by a mossy stone
 Half hidden from the eye !
 Fair as a star when only one
 Is shining in the sky.

Any gatherer of wayside flowers will bear witness to the faithfulness of the first two lines : to the faithfulness of the second, any man who has gazed at Hesperus, the leader of the midnight host, beaming clear and alone in the evening heavens. The translation of modesty and beauty *plus* purity into image is so well done that the goal of poetry, the heart, is reached without conscious effort, and we exclaim, 'That is poetry'—we hardly know why, until we begin to cast about for a reason.

The next sub-class, the unnatural and inapt, or at least grotesque, runs riot in a large portion of our literature, most of which is unknown save to the curious. Writers termed Later Euphuists, that is, Euphuists

who lived after all that was noble in Euphuism had died away, did their best, or rather their worst, to find ingenuities of thought—conceits, as they are technically called. And these conceits connected objects or images that have no natural link. Earlier Euphuism could boast of sterling thought, even if 'conceited.' Later Euphuism is scarcely anything else except absurd pedantry. And yet we must believe that these men honestly thought they were writing durable verse ; they had the faculty of making others think so, for Dryden writes,—' I remember when I was a boy, I thought inimitable Spenser a mean poet in comparison of Sylvester's Du Bartas, and was wrapt into an ecstasy when I read these lines ;—

Now, when the winter's keener breath began
 To crystalize the Baltic Ocean,
 To glaze the lakes, to bridle up the floods,
 And periwig with snow the bald-pate woods.

' I am much deceived if this be not abominable fustian, that is, thoughts and words ill-sorted, and without the least relation to each other.' The following are fair examples of Euphuistic genius. A lady's heart is a powder magazine—a stubborn powder magazine—her lover's a hand-grenade. The dealer in 'conceit,' belabours his brains until he has gathered up the fragments of an explosion, and from them created a new heart, which the charitable will hope may remain entire for ever. A traveller and his wife suggest a pair of compasses. The traveller is the moving, the wife the fixed foot. The Euphuistic puzzle is worked out in this fashion by John Donne :—

Our two souls, therefore, which are one,
 Though I must go, endure not yet
 A breach, but an expansion,
 Like gold to airy thinness beat.
 If they be two, they are two so,
 As stiff twin compasses are two ;
 The soul, the fix'd foot, makes no show
 To move, but doth if th' other do.
 And, though it in the centre sit ;
 Yet, when the other far doth roam,
 It leans and harkens after it,
 And grows erect as that comes home.

Such wilt thou be to me, who must
Like th' other foot obliquely run.
Thy firmness makes my circle just,
And makes me end where I begun.

Euphuistic poets were numerous; but there were also Euphuistic fencers. Sir Thomas Urquhart speaks approvingly of the Admirable Crichton, because, when fighting a duel with a gentleman who had previously killed three opponents, the famous Scot wounded his adversary in three points, which, if joined, would be found to lie at the angles of a perfect isosceles triangle.

The second class of images comprises those which are modified, blended, or compounded to suit the poet's aim. The *complex* result never had any existence, save in thought. Such images abound in the realm of the supernatural, where dwelt a thousand creations :—

All monstrous, all prodigious things,
Abominable, inutterable and worse
Than fables yet have feigned or fear conceived,
Gorgons, and Hydras, and Chimeras dire.

Here, says the critic, is the well-head of inspiration, that sacred dower into the nature of which it were profane to inquire; here the *mens divinator*, the divine fire. Granted: it is almost divine, for very few mortals possess it, but it is not all a mystery. Addison strikes a true note in his papers on the Imagination. ('Spectators,' 411-421.) 'We cannot indeed,' he writes, 'have a single image in the Fancy that did not make its first entrance through the sight; but we have the power of retaining, altering, and compounding those images, which we have once received, into all the varieties of picture and vision that are most agreeable to the Imagination.' If we raise these statements to the level of modern psychology, and, instead of sight, read all the senses by which men gain experience, adding to them hereditary endowment, we shall gain a further insight into the matter. Dissect or analyse a Gorgon, a Hydra, a Chimæra dire, and in so far as they are

concrete they can be dissected or analysed, and it will be found that each part, each element of the compound, is a fact or an image known to many.

The experiences of men and of poets have much in common. Birth, growth, decay, death—opinions or notions about these are very much alike in all cases. The success to which we aspire, the mischances that cross our path, are things of the multitude, and the trains of thought to which they give rise in different persons travel in parallel lines for a long distance often, because they are governed by a universal law, the Association of Ideas. Now this law governs not only the notions of poets, but also their translation of those notions into images. Let us view the question from the notional side first, for this notional side will display what may be called the artistic setting or moulding of poems as a whole.

Milton, Shelley, and Tennyson write on the death of friends, Milton in 'Lycidas,' Shelley in 'Adonais,' Tennyson in 'In Memoriam.' The great outlines of each work are such as would pass through the minds of ordinary men similarly afflicted. All the mourners introduce themselves; all look back to the happy days of intimacy before death; all, when wild grief sways them in the early hours of bereavement, view death as an end; all think of the fame the departed might have won, had they lived; all rise to a belief in Immortality; all picture the beloved spirits in the world of bliss.

So with the imagery. Milton and Shelley make conventional appeal to those who might have averted the blow, and it will be noticed that each appeal is in harmony with particular fate. Edward King was drowned; John Keats died of consumption. Milton writes :—

Where were ye, Nymphs, when the remorse-
less deep
Closed o'er the head of your loved Lycidas?

and Shelley :—

Where wert thou, mighty Mother when he lay,
When thy son lay, pierced by the shaft which
flies
In darkness? where was lorn Urania
When Adonais died?

Again, Milton tolls the poet's bell.
Three times it rings out solemn and
clear at the beginning of his poem—

For *Lucidas* is dead, dead e'er his prime,
Young *Lucidas*, and hath not left his peer.
Who would not sing for *Lucidas*!

Shelley does the same with more sub-
tlety and more frequently :

I weep for *Adonais*--he is dead!
Oh, weep for *Adonais*! though our tears
Thaw not the frost which binds so dear a
head!

And thou, sad Hour, selected from all years
To mourn our loss, rouse thy obscure com-
peers,
And teach them their own sorrow; say: With
me,
Died *Adonais*.—

The images of the poet are often coloured with the fashion of the age, and this is the last point I can now notice of many to which both Milton and Shelley bear witness. The two men write in pastoral form; before they become poets they don shepherd's garb and roam in an ideal Arcadia, which hundreds have entered from mere conventionality. Dr. Samuel Johnson, whose wayward robustness blinded him to the finer lights and shades both of poetry and philosophy, blames Milton for speaking of mourner and mourned as driving their flocks a-field. Milton obeyed an artistic dictum already losing force in his day, and Shelley was induced by natural bent and by imagery, in which even his generation indulged, to picture himself as one of a band of idyllic mourners, to bind his head with pansies and violets, and to carry a spear tipped with cypress and garlanded with ivy. Tennyson, for reasons we may not now discuss, shrinks from making prominent Corydon and Thyrsis and their rustic belongings—herds, sheep-hooks, posies, and oaten pipes.

But not only will the law of Association of Ideas explain similarity of notional framing in different poets; it

will also throw light on the trains of thought, and consequently of imagery, in the complete poems of the individual. If justification of the foregoing remark be demanded, it will be found, time and again, in the Sonnet. Here we are presented with matter, rich, varied and beautiful; moreover, the sonnet possesses one inestimable advantage, brevity,—it can be kept before the mind as a whole, during analysis. The objection that the sonnet is hyper-artificial carries but little weight, for in the sonnet is embodied some of the finest and strongest poetry in our language. The laws which sonnetteers must obey may be briefly phrased thus: firstly, the sonnet must not exceed fourteen lines in length; secondly, certain restrictions are to be observed in regard to measure and rime; thirdly, the sonnet is to consist of two parts, the first of eight lines, the second of six; these must be blended in thought; and lastly, if the worker copies the purest model, he must avoid a final couplet. Now, if we leave form and examine matter, we observe the art of the poet and his exemplification of the law which governs ideas. In the first eight lines he brings forward and expands a dominant image or a series of images; in the succeeding part he applies, often with a deepening moral tone, such image or images to the idea or ideas that gave them birth, and at the end swells out into poetic diapason.

It must not be supposed that every sonnet shows this arrangement of feeling, but many, and among them the best, are regulated by it. Longfellow has written a series of four sonnets on Dante's 'Divine Comedy.' The first serves as a general introduction; the other three preface the sections of the poem. We will briefly analyse the first. Dominant *idea*—Dante's 'Divine Comedy' and the 'Inferno' as its commencement; dominant *image*, a cathedral, preserved in all the poems: sub-dominant image, a labourer (Longfellow himself). The first eight lines

are occupied in the adornment of these *selected images with selected epithets and environments*; the concluding six, with their application to the idea in question, and blended with the application is the gradual swell of the moral tone.

Images. { Oft have I seen at some cathedral door
(1) A labourer, pausing in the dust and heat,
(2) Lay down his burden, and with reverent feet
Enter, and cross himself, and on the floor
Kneel (3) to repeat his paternoster o'er;
Far off the noises (4) of the world retreat;
The loud vociferations of the street
(Become an undistinguishable roar.

Application. { So, as I (1) enter here from day to day,
And leave (2) my burden at this minster gate,
Kneeling (3) in prayer, and not ashamed to pray,
The tumult of the (4) time discolorate
To inarticulate murmurs dies away
While the eternal eyes watch and wait.
[Diapason.]

The law of Association of Ideas can be traced not only in sonnets but also in nearly all good poetic work. Shelley and Keats are a mine of image-wealth, and a small portion of their richest writing could be enlarged by true commentary to an almost indefinite extent. Shelley's 'Ode to the West Wind'—from the creative point of view, the finest in our literature—is one grand series of associated images. A man gifted with artistic skill of an inferior kind might take many a line thence as the dominant image of a sonnet, and so, by elaboration, make a little volume. Let me endeavour to find the main idea-path through Shelley's 'Skylark.' At eventide the bird begins to ascend; it is like a cloud of fire in the *blue* deep; then it flies westward to the *golden* lightning of the sunken sun, then on through the pale *purple* even until it is as a star in the daylight—invisible: three stanzas with motion predominant. Since motion can no longer be dwelt on, its consequence, invisibility, forms the main theme. The star invisible suggests the moon, invisible; the invisible moon, a striking effect of

cloudy moonlight; cloudy moonlight, the gorgeous colour-effect of rainbow clouds—these effects being set to the key-note of the poem, the bird's song. Then succeed four conspicuous images, the remains of perhaps a score, with invisibility or deep seclusion running through all:—

Like a poet hidden
In the light of thought.

Like a high-born maiden
In a palace tower.

Like a glow-worm golden
In a dell of dew.

Like a rose embowered
In its own green leaves.

In the complete stanzas it will be found that these images of seclusion are blended with sound, colour, odour; sound the key-note, again becomes predominant; the nature of the bird's song is considered, its object, its influence. This element gets more pronounced towards the close until the poem ends with the note of its commencement:—

Hail to thee, blithe spirit!
Bird thou never wert,
That from heaven, or near it,
Pourest thy full heart
In profuse strains of unpremeditated art.
* * * * *

Better than all measures
Of delightful sound,
Better than all treasures
That in books are found,
Thy skill to poet were, thou scorner of the
ground!

Teach me half the gladness
That thy brain raust know,
Such harmonious madness
From my lips would flow,
The world should listen then, as I am listen-
ing now.

I cannot pass from this interesting corner of my subject without referring to the light that the same image throws upon the poet's consistency of mood, even when it appears in disconnected poems. Wordsworth likens the maid who grew beside the springs of Dove, to a star:—

Fair as a star, when only one
Is shining in the sky.

When writing elsewhere of a poet whose death he regards as a national loss, and with whose moral nature he had profound sympathy, his mind crosses the old path. One line of the trumpet-tongued sonnet to Milton reads:—

Thy soul was like a *star* and dwelt apart.

This is neither accident nor wilful repetition. Similar experiences give rise to similar trains of thought; similar trains of thought, to similar imagery. Wordsworth is rich in the verification of what might be termed a law. Poets obey it in varying degree, and Wordsworth, perhaps, more than others, owing to his subjective attitude and method of composing verse. The second part of one of his best known sonnets aptly concludes the present topic:—

Methinks their very names shine still and bright;
 Apart—like glow-worms on a summer night;
 Or lonely tapers when from far they fling
 A guiding ray; or seen—like stars on high,
 Satellites burning in a lucid ring
 Around meek Walton's heavenly memory.

So far we have briefly discussed selection of images, themselves linked in thought. The dependence of these upon experience has also been insisted on; but there goes hand in hand with experience, which may be regarded as in a great degree passive, the active search for knowledge, in short, education. A young author's first literary loves give form and impulse to his growing ideas; their influence never loses its hold upon him, a fact of which he is sometimes morbidly conscious. It was, doubtless, to prevent an imputation of plagiarism that Cowper avoided reading the classical English poets (an occasional perusal of one sufficed him during twenty years), and that Byron did not possess, according to Leigh Hunt, either a Shakespeare or a Milton; yet Cowper imitated Chaucer, Byron read widely, and adored Pope. A glance at the works of great poets, or a knowledge of their lives, shows that, in

more than one instance, their greatness is in part due to arduous study.

Natural propensity, experience, and education lead poets to choose special departments of thought. We now approach the individuality of which I have already spoken. Since Wordsworth, Keats, and Scott can be brought into marked, as well as pleasing contrast, it will be profitable to examine the imaginative bent of each.

A violet by a mossy stone,
 Half hidden from the eye!
 Fair as a star, when only one
 Is shining in the sky.

One of the first things worthy of note in regard to the verse is its quietness. These lines of Wordsworth refuse to lend themselves to imposing sound. They cannot be mouthed into anything great or made to tickle the ear, as do classic rhythms quite familiar to many of my hearers. The short poem on Lucy—only three verses in all—may well serve as a model of simple workmanship, a most loyal piece of English, put together with Saxon craft. And this simplicity is the result of a deep conviction held by their maker. The language of poetry he maintains to be that of common men. Two causes prevent it from becoming vulgar or mean—selection made with taste and feeling, to which is added metre. One is sometimes told, in a very confident way, that Wordsworth is at his strongest and best when he departs from his rule. In the argument general issues are seldom kept clearly in sight. Fairness demands that appeal be made to Wordsworth as a whole, in order to compare him with other writers, or to vindicate him by balancing his own work, part against part. What in him is beautifully florid, if anything of his can be called so, may be outmatched by the beautifully simple. He may and does mander in childish simplicity, but, at the same time, he can and does use the speech of children with unaffected majesty.

The next feature that these lines

present is still more important. The images are selected from Nature. Wordsworth gives his reasons for following Nature in the *Prelude*, where lie the keys which unlock the secrets of his philosophy. Man and man's achievements pass away, but Nature abideth still; that was a cardinal belief of our poet, and it is, in essence, true. Fashion and fashionables die and are forgotten, together with those who pay them homage in verse. Violets and stars have long existed and are likely to remain long. People of many climes, of different habits of thought, of diverse modes of life, can be aroused by emotion which touches objects they all see. Wigs, powder, paint, patches, rapiers, and the voluminous literature of the eighteenth century are not near to our hearts now: they are viewed in distant perspective by those who will put on the spectacles of learning to behold them. What of humanity can be discovered there we yet honour, but we turn away from an 'understanding age,' which condemned the soliloquies of Shakespeare, as having less meaning and expression than 'the neighing of a horse,' or the 'growling of a mastiff,' because 'correct' taste thus decreed. The practical geniality which the sixteenth century manifested now and again, when it looked on the face of Nature, the nineteenth caught in its own way, and used, in the case of Wordsworth, with different aim. But to return to the *Prelude* and its bearing on the point under discussion. Toward the close of Book XIII, the slow growing belief of the poet in regard to the stability of Nature and its effect on the mind is expressed in these lines:—

Also, about this time did I receive
Convictions still more strong than heretofore,
Not only that the inner frame is good,
And graciously composed, but that, no less,
Nature for all conditions wants not power
To consecrate, if we have eyes to see
The outside of her creatures, and to breathe
Grandeur upon the very humblest face
Of human life. I felt that the array
Of act and circumstance, and visible form,

Is mainly to the pleasure of the mind
What passion makes them; that meanwhile
The forms
Of Nature have a passion in themselves,
That intermingles with those works of man
To which she summons him; although the
works
Be mean, have nothing lofty of their own;
And that the Genius of the Poet hence
May boldly take his way among mankind
Wherever Nature leads; that he hath stood
By Nature's side among the men of old,
And so shall stand forever.

As I am speaking about Wordsworth, there are two matters I feel it in my heart to mention, although they do not bear with their whole weight on the criticism of the verse about Lucy. We are frequently reminded that Wordsworth is the poet of Nature. The man who is content with this idea alone has scarcely planted his foot on the first round of the Wordsworthian ladder. Wordsworth's contemporaries wrote about Nature also, and faithfully; yet, in surveying the landscapes of Thomson or of Cowper, there is a kind of aloofness on our part, unfelt when reading Wordsworth. Their colours are skilfully laid on, albeit cold in tone, and there is a just idea of perspective: still the general effect works its way to one pole of thought, and our critical faculties to the other. Wordsworth's poetry, however, has a quiet, subtle, penetrative force which refuses the criticism of minutiae. His music is pitched in Nature's key, but it is blended with melody deeper far: Nature leads up to man, especially to the best part of him, his moral side, for there, hidden within accretions, fair and foul, rest the seeds of progress. Nature is not, in the eyes of Wordsworth, an elaborate picture gallery. A fox glove, for example, is not a poetical prize, every tinct and turn whereof is to be set before a background chosen with care, that the stately stem and head may be thrown forward into just relief. Its bells are made to fall on the highway, and are brought into connection with humanity, when they amuse the children of a vagrant mother. 'A smooth rock

wet with constant springs' lies bathed in the rays of the declining sun, and its brilliancy is as the lustre of a knight's shield awakening ideas of chivalry, or as an entrance into a fairy-haunted cave. (Prelude, Book III.) Here again we have the passing from mental stillness to mental life, from the world of mere sensation to the world of thought. Wordsworth did not uniformly regard the English Lake-country as full of beautiful yet lonely hillsides, over which light and shade played with varying effect; to him it was a region teeming with imaginative life. When, therefore, Professor Masson, in a truly admirable essay on Theories of Poetry, says that Wordsworth is in literature what the pre-Raphaelites are in Art, his epigrammatic way of stating the case carries with it only the partial truth of all epigram. Wordsworth was one of an increasing throng, who respected 'pre-Drydenism' (pre-Gallicism is a better word), but from the realistic standpoint, pure and simple, he was not more, often less, pronounced than his fellows. The pre-Raphaelite, or pre-Drydenite fox-glove occupies six lines; the Wordsworthian fox-glove, eight; the pre-Raphaelite or pre-Drydenite rock, four; the Wordsworthian rock, nine. Language such as I have used may seem to sacrifice truth to effect, but the test just indicated may be applied fearlessly to Wordsworth as a whole.

In the second place, I should like to say a little about Wordsworth's philosophy. Wordsworth has suffered much from critics, ever since the days of the 'Rejected Addresses,' and of Lord Jeffrey's famous verdict on the 'Excursion,' 'This will never do.' Numerous ephemeral reviews, written from a hostile standpoint, and not seldom as flippant as they are superficial, may be allowed to pass in silence, but when Mr. Matthew Arnold in an article published some time ago in 'Macmillan's Magazine' and subsequently prefixed to a collection of Words-

worth's best pieces, declares that their author's poetry is the reality, and his philosophy the illusion, some sort of reply will not be out of place even here. It is only fair to ask what is meant by philosophy. If Mr. Matthew Arnold expects to find in Wordsworth a nicely-squared philosophical system, perfect down to the minutest detail, of course he will be disappointed. As surely as a poet assumes the rigid metaphysician, so surely will his emotional warmth vanish in the coldness of didactics. In fact he renounces the most important characteristic of poetry, already alluded to at some length, and has to depend on the graces of form for lasting recognition. But although a poet is necessarily limited in regard to scientific method, he can be philosophical, just as every man is to some extent, when he allows himself to be guided by principle, without avowing professed metaphysic. It would have been vastly more to the point had the critic taken other poems of our literature whose caste is ethically didactic, and by comparison proved Wordsworth's illusory nature. Philosophy, in Mr. Matthew Arnold's eyes, seems to have but one meaning—the specific meaning of the schools, and appropriate when the elasticity and humanizing tendency of Literature are weighed against the rigidity and the not unfrequent inhumanity of over-wrought Dogma. Yet Wordsworth, not painfully minute, is logical, both in the Prelude and the Excursion, confessedly a fragment. The Prelude relates to the mental growth of the individual; the Excursion considers the behaviour of the individual when brought face to face with the problems of society. It is true that the society is eminently quiet and retired, but it will be observed how deeply the one event of Wordsworth's time—the French Revolution—moves the villagers in the seclusion of their native hills. And as the Prelude lies at the base of the Wordsworthian thinking, allow me to point out a few of its

cardinal points, which are sufficiently logical to appeal to those who are not over-fond of syllogism. Wordsworth is impressed by the world of Nature which lies before the gaze of all; the impression deepens into love; the love becomes absorbing and Nature is adored *for her own sake*; intercourse with men provokes the feeling that the love of Nature is not absolutely the greatest love—it leads up to the love of man; the two loves are to be reciprocal, are to play the one into the other; the love of Nature is not to be mistrusted, for Nature in her moods of silence and her scenes of awe, is stable, is a guide man can always follow; the majesty of Nature awakens in a mind accustomed to survey tamer landscapes, a creative power—the man becomes a poet; the poet, like other men, may boldly take his way whithersoever Nature leads, without doubt as to his future fame; lastly, the poet trained to observe Nature's myriad changes will not require any abnormal mental excitement to quicken poetry. Fourteen books to prove such commonplace! It is so common that we forget its share of truth, and if any of my hearers will read the Prelude for himself, he will there discover very many points which time forbids me to mention. Instead of poetry being the reality, and philosophy the illusion, both are realities, and, in the crowning works of genius, dramatic and other, they are, in so far as they can be, mutual helps. 'In Memoriam' is one of the finest and most emotional poems in English—a pretty piece of mosaic, cast in philosophical figure, put together by a mind striving to express in it philosophy not only abstract but also fully abreast with our age. Take that element from it and then perhaps Mr. Matthew Arnold will declare the purblind critique of M. Taine just.

Keats manifests individuality of another nature. His deepest belief is,

Beauty is truth, truth beauty, that is all
Ye know on earth and all ye need to know.

And so he thought and, in consequence, the imagery of Keats refer for the most part to the artistically beautiful. Keats lived away from the turmoil of his generation. Its revolutionary throes he neither witnessed nor sympathized with, as a poet. Wordsworth put a stone of the Bastille into his pocket; Coleridge and Southey dreamed of ideal republics; Campbell was so stricken down at the news of Warsaw's fall as to be in jeopardy of his life—Polish newspapers printed in large type, 'The gratitude of our nation is due to Thomas Campbell'—Poland herself sent a clod of earth from Kosciusko's grave to be cast into Campbell's tomb as a tribute of love; Shelley threw political tracts from a window in Dublin that Ireland might be bettered; Byron joined the Italian Carbonari and fell in the cause of Greek liberty. But the spirit of these men never found an abiding place in the soul of Keats. He indulges in no ethical moralizing, worthy of the name. Moreover, Keats views antiquity not as an incentive to future endeavour or as historically interesting.

Hence, pageant history! hence, gilded cheat!
Swart planet in the universe of deeds!
Wide sea, that one continuous murmur breeds
Along the pebbled shore of memory!
Many old rotten-timber'd boats there be
Upon thy vaporous bosom, magnified,
To goodly vessels; many a sail of pride,
And golden-keel'd is left unlaunch'd and dry.

To Keats the value of the past is its love of the beautiful in art. Light falls on a Grecian urn and reveals its 'leaf-fringed legend' with classic distinctness. Keats' eye dwells on that, and bending forward with inquiring glance, he asks in words which breathe Greek moderation, purity, and symmetry throughout,

What leaf-fringed legend haunts about thy
shape,
Of deities or mortals, or of both,
In Tempe or the dales of Arcady?
What men of gods are these? What maidens
loath?
What mad pursuit? What struggle to escape?
What pipes and timbrels? What wild ecstasy?

* * * * *

Who are these coming to the sacrifice?
 'To what green altar, O mysterious priest,
 Lead'st thou that heifer lowing at the skies,
 And all her silken flanks in garlands drest?
 What little town by river or sea-shore,
 Or mountain-built with peaceful citadel,
 Is emptied of its folk, this pious morn?
 And, little town, thy streets for evermore
 Will silent be; and not a soul to tell
 Why thou art desolate, can e'er return.

Thirdly, Scott. Scott's imagery concerns mediæval romance and displays with great vividness two stable elements—motion and colour. These are the quintessence of Scott as a maker of poetical visions. The knights he describes act, as their creator wrote, fearlessly, joyously, rapidly. They are not effigies, armour-clad, now sitting awkwardly at the board, now riding uneasily to the fight, but are real flesh and blood, playing their parts so well that time glides back as we read and sets us in their midst. One of the most striking instances in which Scott uses motion with telling effect, is where he rings the doom-bell of the monk Eustace and Constance de Beverley, both condemned to death by the Superiors of Whithy Abbey. He is anxious to impress the knell on the memory and, had he pleased, he might have drawn his picture with Dantesque touch. He might have built up a mass of framework which quivered again as the huge bell, with bulk and weight accurately described, swung ponderously within. But the heart of effect is reached at a thrust, swiftly and unerringly. Taking the line of sound Scott marks three points in it where something alive is resting, and at each point causes motion. It will be noticed, also, that as force is to be preserved, the most delicate ear is placed last and the most distant movement is the most pronounced; thus, the laws of Natural Science are not violated as might at first be supposed.

To Warkworth cell the echoes roll'd
His beads the wakeful hermit told,
The Bamborough peasant raised his head,
 But slept ere half a prayer he said;
 So far was heard the mighty knell
The stag sprung up on Cheviot Fell,
 Spread his broad nostril to the wind,

Listed before, asid-, behind,
 Then couch'd him down beside the hind,
 And quaked among the mountain fern,
 To hear that sound so dull and stern.

The procession of Roderick Dhu's barges on Loch Katrine, shows the blending of motion and colour. The Briton's colour-sense is of Celtic source and the value of Mr. Matthew Arnold's delightful lectures on Celtic Literature would be enhanced were this important matter discussed in them. Many mixed scenes of this nature have been painted by Scott, but we pass from such to a landscape which depends for its force on colour alone. I refer to the review of Edinburgh, as seen from Blackford Hill. 'Observe,' says Mr. Ruskin, 'The only hints at form given throughout are in the somewhat vague words, "ridgy, massy, close and high," the whole being still more obscured by modern mystery in its most tangible form of smoke. But the *colours* are all definite; note the rainbow band of them—gloomy or dusky red, sable (pure black), amethyst (pure purple), green and gold—in a noble chord throughout.'

Still on the spot Lord Marmion stay'd,
 For fairer scene he ne'er survey'd,
 When satad with the martial show
 That peopled all the plain below,
 The wandering eye could o'er it go,
 And mark the distant city glow
 With *gloomy splendour* red;
 For on the smoke-wreaths, huge and slow,
 That round her *sable* turrets flow.

The morning beams were shed,
 And tinged them with a lustre proud,
 Like that which strikes a thunder-cloud.
 Such dusky grandeur clothed the height,
 Where the huge Castle holds its state,
 And all the steep slope down,
 Whose ridgy back heaves to the sky,
 Piled deep and massy, close and high,
 Mine own romantic town!
 But northward far, with purer blaze,
 On Ochil mountains fell the rays,
 And as each heathy top they kissed,
 It gleam'd a *purple* amethyst.
 Yonder the shores of Fife you saw;
 Here Preston-Bay and Berwick-Law;
 And broad between them roll'd
 The gallant Frith the eye might note,
 Whose islands on its bosom float,
 Like *emeralds* chased in *gold*.

It is often said that poets write as naturally as birds sing. Possible birds

sing because hereditary experience has brought ease and perfection, manifested from the beginning of life, but all poets depend on individual knowledge. Burns is one of these spontaneous singers to whom reference is constantly made. And yet what a store of lively, accurate, enduring knowledge about the things both great and small of the Lowland country had Burns. We are not satisfied with criticising paintings on the merit of general effect, but examine lines of detail and decry any faults we find. Something of value, something which separates poetasters from poets, will be discerned if we treat 'spontaneous' poetry in the same manner. Poetry which discloses frequent weakness when tested line by line announces some failing in its maker. Let me close this paragraph, written to meet an objection to the general tone of the lecture, by jotting down a brief analysis of the first verse of a poem which appears to be, and is sometimes spoken of as being, of markedly spontaneous birth:—

Wee, modest, crimson-tipped flower,
Thou'st met me in an evil hour;
For I maun crush amang the stoure
Thy slender stem:
To spare thee now is past my power,
Thou bonnie gem.

First line, two facts more or less botanical (wee, crimson-tipped), and an epithet (modest), deduced from the first fact; second line, gentle swell of the emotional wave; third line, the wave rises higher, and is coupled with a fact derived from general observa-

tion of Nature; fourth line, another fact; fifth line, the emotion wave, the first wave of the poem assumes a crest; sixth line, a comprehensive image.

Lastly, poetry is a progressive art. Its method knows no change, but its thoughts, and their imagery take different complexions as time speeds. *E pur si muove*: this, says legend, was Galileo's utterance about the physical world. Of the mental and moral world these words are profoundly true: it moves, it moves. Poets feel *that* if they feel anything. They are not the first to feel it, John Stuart Mill thinks, when writing Thoughts on Poetry and its Varieties; but allowing the point to remain moot, there can be no doubt as to their feeling it much more keenly than others. Their gifts, their unselfishness and their enthusiasm swiftly raise them above the aspiring throng. Rapidly they climb unto thrones whereon the strong light of heaven beats, cheered often by the knowledge that men love them for the best of them have the word humanity graven deep on their hearts; cheered, too, by the knowledge that they will in the end receive such homage as kings crave in vain. And we, if we would gaze upon them clearly and steadfastly, with a love, time cannot dim or make mere seeming, if he would be unwaveringly loyal, must own in our very souls that not our love merely, not our loyalty merely, but also our charity to all people will be fashioned more nobly and more effectively by humbly studying the untold beauties of Poetry, as a Fine Art.

'SONG'S PINIONS.'

BY PROF. EDGAR BUCK, TORONTO.

O H ! for the wings of the siren of song,
 To bear me away, and rest me, among
 The entrancing charms of melody's strain,
 To touch the heart's depths as of old, again ;
 With its rhythm so sweet !
 The senses to greet !—
 Is it lost for ever ? Ah ! tell me not so !
 For dear would this earth seem bereft of its glow.

Oh ! that the heart could but realise all
 The fervid pulsations the past could recall ;
 The pleasures, the pains, by sweet music conveyed,
 Which oftimes the depths of the heart's strings pervade ;
 Those strains of the past,
 Which forever will last,
 Whose lingering tones, in soft melody ring,
 Whose sadness will ever fond memories bring.

Oh ! for a song-balm to soothe the heart's fears,
 Its throbbings and throes, its love-greetings and tears,
 Its harmonies deep, struck in soft-sounding chords,
 Whose mingling and changing deep pleasure affords ;
 For ever, loud ringing !
 For ever, close clinging !
 In sweetest of melodies, constantly near ;
 Giving life some mystical charm, ever dear.

Those strains of the bygone years have fled,
 Yet their influence lives though the tones be dead,
 And *to-day* is revealed with a living force,
 The power of song o'er the heart's remorse ;—
 Giving strength to the soul
 To prepare for that goal,
 Where love-strains are ever and ever the theme,
 Where harmony, wisdom, and peace reign supreme.

REJECTED MSS.

'RETURNED with thanks!' The terms are varied sometimes—'With the Editor's compliments,' or 'With the Editor's compliments and thanks.' These are the curter forms. There is no unkindness in them, of course. They are mere business-like intimations that the contribution you have offered is not a contribution that will suit the editor of the magazine you have sent your ms. to. Yet, perhaps, there are no more painful, no more odious, no more disheartening words in the vocabulary of literature than these—'Returned with thanks'—even when they are softened with the editor's compliments; and a few editors, editors who perhaps have a vivid recollection of their own sensations in receiving back their rejected mss., have tried to soften the blow to sensitive minds by lengthening the form a little. They regret that your article is not 'suitable' to their magazine, or that they have not space for it, and try in one or two other ways to save your *amour propre* in performing a duty which, however performed, must touch you to the quick.

There may, of course, be a dozen reasons for the rejection of your ms. The article may be too long. The subject, however interesting it may be to you, may not be of sufficient interest to the public at the moment to make it worth the editor's while to publish the article. Or it may be upon a subject which is outside the range of topics the editor wishes to deal with. Or—for there are many constructions to be put upon the words—the style in which you have written may not suit the tone of the magazine. You may be a writer of brilliant and profound genius, a Thackeray or a Carlyle; but even Thackeray and Carlyle were as fami-

liar with these words 'Returned with thanks,' as the rest of us. Thackeray's 'Yellowplush Papers' were in their day among the most sparkling contributions to *Fraser's Magazine*. But Thackeray, writing an article in the *Edinburgh Review*, in the style of the Yellowplush Papers, had to submit to a revision at the hands of the editor which made his recollection of the *Edinburgh Review*, even with the solatium of a handsome check, anything but pleasant. Francis Jeffrey used to cut and slash at Carlyle's mss.—dash out and write in—till Carlyle must have been more than mortal if he did not use stronger language than he put upon paper, and even after all this, Jeffrey apparently came to the conclusion that 'Carlyle would not do' for the *Edinburgh Review*. I have had mss. returned again and again, but they have always found a publisher in the end, and I have an impression, which is, I believe, shared by many public writers, that the best articles are those that are returned the oftenest. I know they are sometimes the most successful, and—to compare small things with great—*that*, it is notorious, has been the case with two or three historical works, and works of fiction which before they were published were metaphorically scored all over by the publishers' readers with these words, 'Returned with thanks.' It is said that Bret Harte has never known what it is to have an article rejected, that everything he has written has been taken at once, and that he so enjoys his own work that the reading of his proofs is still to him one of the greatest pleasures. I cannot vouch for the story, although it is very likely to be true. But if it be, all I can say is that Bret Harte's experience stands in

marked contrast to that of most men of genius. There have been men, of course, who have awoke one morning, like Byron, to find themselves famous, who have caught the public ear by their first poem, their first novel, or their first essay, and kept it by the charm of their style and their power of genius all through the course of a long life.

The late Prime Minister is one of these men. His first novel, 'Vivian Grey,' took London by storm, and was, within a few days of its publication, to be found in every boudoir and upon every drawing-room table. It was puffed in the newspapers, talked about in club-rooms and smoking-rooms, and ran through a succession of six editions in six months. But, as a rule, successful men of letters owe as much to 'the magic of patience' as they owe to the magic of genius; and even Lord Beaconsfield, with all his success, has had his mortifications as a writer no less than as a Parliamentary debater and statesman. 'Contarini Fleming' fell still-born from the press, although written, as the author still insists, with deep thought and feeling; and 'The Revolutionary Epick,' a poem written under the glittering minarets and the cypress groves of the last city of the Cæsars to illustrate the rival principles of government that were contending for the mastery of the world, and to take rank with the Iliad, with the Æneid, with the Divine Comedy, and with Paradise Lost, was printed only to line trunks with, till a line or two happened to be quoted from it in the House of Commons thirty years after its publication, and Mr. Disraeli reprinted it, with a few trifling alterations, to vindicate his consistency as well as his courage.

Sir Walter Scott's career was one of the most brilliant and successful in literature. But even Sir Walter Scott's maiden effort, a thin quarto volume of 'Translations from the Ballads of Bürger,' fell, like 'The Revolutionary Epick,' still-born from the press, and

Scott returned to his desk in his father's office, to copy writs and to brood over a ballad of his own which should convince the world, in spite of itself, that in neglecting his translations it had 'neglected something worth notice.'

Charles Dickens is the only writer of distinction in our time whose success at all resembles Bret Harte's, and the success, the prompt, brilliant, and startling success of Charles Dickens stands in striking contrast to that of his rival, his greatest and perhaps permanently successful rival, Thackeray. It is painful to read Thackeray's life—to hear of his loss of fortune in a harum-scarum speculation like that of his father-in-law with *The Constitutional*—of his early struggles in Paris and London—of his efforts as an artist—of Dickens's curt refusal of his request to be allowed to illustrate 'Pickwick'—of his long meditation and laborious production of 'Vanity Fair'—and of the way in which the ms. of this work, a work worthy of the genius that produced 'Tom Jones,' made its round of the publishers' readers, only to be returned with or without thanks by all in turn, till it at last found appreciative publishers in Bradbury & Evans, and with the help of an article in the *Edinburgh Review*, soon became as popular in its yellow wrapper as 'Pickwick' had been in its green cover.

All the world knows the history of 'Jane Eyre'—how it was written in the gray old parsonage under the Yorkshire hills; how the rough notes, sketched hastily in pencil, were transcribed in a neat hand as legible as print; and how the ms., in its brown-paper wrapper, was sent off from the small station-house at Keighley to publisher after publisher, only to find its way back again, 'Returned with thanks,' till the packet, scored all over with publishers' names, and well-nigh worn out by its travels, found its way into the hands of Messrs. Smith & Elder, with a stamped envelope inside for a reply. This story of 'Jane Eyre'

is, with authors who cannot find a publisher, one of the standing sources of consolation, and it is a very striking instance of the loose way in which publishers' readers now and then look through mss. that find their way into their hands, even if it does not prove that publishers, like women, though they cant about genius, cannot divine its existence till all the world point with the hand; for Messrs. Smith & Elder's reader was so struck with the tale that, Scot as he was, he sat up half the night to finish it. But some allowance ought to be made even for the readers, for it must be dull, tedious work to spell out the plot of a story, or to find the proofs of genius in a loose pile of mss. which you can hardly perhaps decipher except with a glass, and perhaps not always with that. Francis Jeffrey knew so well the difficulty of forming an opinion upon an article from reading it in ms., that in sending his first article to the *Edinburgh Review*, after he had relinquished the editorship, he stipulated that Mr. Napier should not attempt to read it till he could read it in type; and the editor of the *Saturday Review*, a few years ago, used to have every article that seemed at all worth publishing set up in type before he made up his mind whether to accept or reject it. Everything, as Charles Lamb used to say, is apt to read so raw in ms.

It is the most difficult thing in the world to know how an article will read from looking at it in ms., so difficult that even authors themselves, men of long and varied experience, men like Moore and Macaulay, could seldom form an opinion upon their own writings, till they saw how they looked in print. And when that is the case with the author, how must it be with the publisher or his reader, and with the editor of a publication, who has to make up his mind about the merits of half a dozen mss. in the course of a morning! Yet, after all, I suspect that very few articles and very few books that are worth printing, are lost to the

world, for the competition among publishers for mss. is only one degree less keen than the competition among authors for publishers, and an author who has anything worth printing is seldom long without a publisher.

I happen to know the secret history of a book which has long since taken its rank among the classics of English Literature—I mean 'Eöthen.' It was written years and years before it was published, written with care and thought, revised in the keenest spirit of criticism, and kept under lock and key for a long time. It is a book which, as far as workmanship goes, exemplifies in a very striking form Shensstone's rule for good writing—'Spontaneous thought, laboured expression'—and there are few books of travel which equally abound in adventure, incident, sketches of character, and personal romance. It is, as Lockhart well said, an English classic. But when Alexander Kinglake offered it to the publishers, they refused it one and all, refused it upon any terms, and the author at last, out of conceit with his ms. and perhaps with himself, walked into a bookseller's shop in Pall Mall, explained the adventures of the ms., and made it a present to the publisher if he thought it worth printing. The first edition lingered a little on his hands, till a notice in the *Quarterly Review*, from the pen of Lockhart, called attention to it, and the printer's difficulty after that was to keep pace with the demand. I hope I am not violating any confidence by adding that the publisher, year by year, for many years, sent Mr. Kinglake a check for 100*l.* every Christmas Day.

Thomas Campbell, the poet, attending a publisher's dinner, once rose and asked permission to propose a toast. The toast was to 'Napoleon Bonaparte.' 'Why are we to drink his health?' asked the host. 'Because he shot a bookseller,' replied the poet; and it was in the spirit of this story that Peter Parley once compared publishers to Odin and Thor, drinking their wine

from the skulls of authors. But if publishers, like the rest of us, now and then make a mistake in returning MSS., this anecdote, which does not stand alone, proves, I think, that when they make a hit with a ms. they know how to share their success with the author.

Anthony Trollope is one of the most popular and successful writers of our day. He is one of the few men who have made a fortune by their pens. Yet it seems only like yesterday that Anthony Trollope, attending a dinner given to him upon his retirement from the Post-office, drew a graphic sketch of his early experiences in literature, of mss. rejected by the editors of magazines, of mss. accepted and published, and not paid for, or paid for in a way which was worse than no payment at all, and of the monetary result of his first few years' labour, 12*l.* 5*s.* 7½*d.* one year, 20*l.* 2*s.* 6*d.* another. It was said of Murray, 'silver-tongued Murray,' that he never knew the difference between no professional income and 3000*l.* a year, and that was the case with Sir Walter Scott and Charles Dickens. But cases like this of Anthony Trollope's are, I suspect, much commoner than those of Scott and Dickens.

Charles Dickens used to pooh-pooh the notion of Lions in the Path in the pursuit of literature, and he pooh-poohed it with good reason, for I doubt if he ever experienced the feeling which most other men of his kind have felt at the sight of a Rejected ms.; and from the day when, with the *New Monthly* in his hand, he turned into Westminster Hall, with tears in his eyes to read his first contribution to a magazine, till the afternoon when he laid down his pen upon the unfinished page of 'Edwin Drood,' the career of Charles Dickens was a long and uninterrupted succession of triumphs. But there is hardly another writer of Dickens' genius who could not turn to his pigeon-holes and fish out ms. after ms. that had made the round of the magazines or the publishers. Even Bret Harte's

own countryman, John Lothrop Motley, the greatest historian America has yet produced, had the mortification to see his ms. of 'The Rise of the Dutch Republic' returned 'With Mr. Murray's compliments and thanks' before he could find a publisher for a work which now ranks with the most brilliant and successful narratives of our time. This was Motley's second disappointment with his ms. His first was the intelligence, when he had spent several years in collecting his materials and in sketching the outline of his History, that Prescott, with a 'Life of Philip the Second,' was anticipating him. The intelligence almost took the soul of Motley. 'It seemed to me,' he says in one of his letters, 'that I had nothing to do but to abandon at once a cherished dream, and probably to renounce authorship. For I had not made up my mind to write a history, and then cast about to take up a subject. My subject had taken me up, and drawn me on, and absorbed me into itself. It was necessary for me, it seemed, to write the book I had been thinking much of, and I had no inclination or interest to write any other.' Yet Motley thought upon reflection that it would be disloyal on his part not to go to Prescott at once and explain his position, and if he should find a shadow of dissatisfaction on his mind to abandon his plan altogether. Prescott, one of the most generous of men, acted with Motley as Sir Walter Scott acted on a similar occasion with Robert Chambers, and gave him every encouragement and help he could. 'Had the result of the interview been different,' said Motley, 'I should have gone from him with a chill upon my mind, and, no doubt, have laid down the pen at once; for it was not that I cared about writing a history, but that I felt an inevitable impulse to write one history.'

This was very much the case with Carlyle and his 'History of the French Revolution.' Lord Brougham had the idea of writing a 'History of the

French Revolution' in his head for years, and if he could have found time for the requisite investigations he would have done it, for next to eloquence his greatest ambition was to rank as an historian, and he thought he possessed a special gift, equal to Livy's, for narrative. The secret history of Carlyle's work is one of the most interesting of its kind in literature. There is even a touch of pathos about it, for after the work had been completed, offered to a publisher, and returned, like Motley's, 'With Mr. Murray's compliments and thanks,' the ms. found its way into the hands of John Stuart Mill for perusal, and through Mill into the hands of a person who expressed a great curiosity to see it. 'This person sat up persuing it far into the wee hours of the morning; and at length recollecting herself, surprised at the flight of time, laid the ms. carelessly upon the library table and hied to bed. There it lay, a loose heap of rubbish, fit only for the waste-paper basket or for the grate. So Betty, the housemaid, thought when she came to light the library fire in the morning. Looking around for something suitable for her purpose, and finding nothing better than that, she thrust it into the grate, and applying the match' (as Carlyle said recently when giving an account of the mishap), 'up the chimney, with a sparkle and roar, went "The French Revolution;" thus ending in smoke and soot, as the great transaction itself did more than a half century ago. At first they forbore to tell me the evil tidings; but at length I heard the dismal story, and I was as a man staggered by a heavy blow . . . I was as a man beside myself, for there was scarcely a page of ms. left. I sat down at the table and strove to collect my thoughts, and to commence the work again. I filled page after page, but ran the pen over every line as the page finished. Thus was it for many a weary day, until at last, as I sat by the window, half-hearted and dejected, my eye wandered along over

acres of roofs, I saw a man standing upon a scaffold, engaged, in building a wall—the wall of a house. With his trowel he would lay a great splash of mortar upon the last layer, and then brick after brick would be deposited upon this, striking each with the butt of his trowel, as if to give it his benediction and farewell; and all the while singing or whistling as blithe as a lark. And in my spleen I said within myself, "Poor fool! how canst thou be so merry under such a bile-spotted atmosphere as this, and everything rushing into the regions of the inane?" and then I bethought me, and I said to myself, "Poor fool thou, rather, that sittest here by the window whining and complaining. What if thy house of cards falls? Is the universe wrecked for that? The man yonder builds a house that shall be a house for generations. Men will be born in it, wedded in it, and buried from it; and the voice of weeping and of mirth shall be heard within its walls; and mayhap true valour, prudence, and faith shall be nursed by its hearthstone. Man! symbol of eternity imprisoned into time! it is not thy works, which are all mortal, infinitely little, and the greatest no greater than the least, but only the spirit thou workest in which can have worth or continuance. Up, then, at thy work, and be cheerful." So I arose and washed my face and felt that my head was anointed, and gave myself to relaxation—to what they call "light literature." I read nothing but novels for weeks. I was surrounded by heaps of rubbish and chaff. I read all the novels of that person who was once a captain in the Royal Navy—an extraordinary ornament he must have been to it; the man that wrote stories about dogs that had their tails cut off, and about people in search of their fathers; and it seemed to me that of all the extraordinary dunces that had figured upon the planet he must certainly bear the palm from ever; one save the readers of his books. And thus refreshed I took heart of grace

again, applied me to my work, and in course of time "The French Revolution" got finished—as all things must sooner or later.' The story is, I believe, unique in literature. But even this story with 'The History of the French Revolution' was only one episode in its history. It was easier to produce the lost ms. from chaos than to find a publisher for it; and in the recently published 'Letters of Mr. Macvey Napier,' there are two or three notes of Carlyle's about his unsuccessful negotiations with publishers—publishers in Paternoster Row, publishers in Fleet Street, publishers in Albemarle Street. Mr. Napier gave Carlyle a letter of introduction to Mr. Rees, in the hope that he might publish the work, and Mr. Rees received Carlyle with courtesy. But that was all. He did not care about his ms. 'The public had ceased to buy books.' Murray was tried again with a fresh introduction, and Murray for a time seemed likely to rise to the bait. But Murray, in the end, like Rees, returned the ms. 'The Charon of Albemarle Street durst not risk it in his *suti is cymba*. So it leaped ashore again.'

There is a tradition in Paternoster Row, that the ms. of 'Lingard's History' had to go through a similar course of difficulties before, like Carlyle's, it found a publisher; and Lingard, Carlyle and Motley do not stand alone with their rejected mss.

Lord Macaulay did not publish his History till his contributions to the *Edinburgh Review*, his Lays, and his speeches in the House of Commons had made his name known all over the British Isles, in America, in every bungalow in India, in every log hut in the Valley of the Hawkesbury, and till he knew perfectly well beforehand, that if he could only realize his ideal, and write the History of England in the vivid and picturesque style of his Essays and his Lays, he was sure of achieving the end he had set his heart upon, that of being read with as much

interest and zest as one of Dickens's novels.

But even Macaulay had a skeleton, a literary skeleton, in his cupboard—to wit, rejected mss., two or three sets of them—mss. which have not been printed to this day.

And that was the case with Brougham. Brougham insisted that two of Macaulay's articles, an article on the French Revolution, and another on Chatham, should be put aside in favour of one of his own, because, in his opinion, no writer upon the staff of the *Edinburgh Review* was competent to deal with French politics but himself, and because, if his sentences were not in Macaulay's 'snip-snap style,' he could produce a more truthful and an equally picturesque article. But even Brougham in his turn had to break open packets of mss. to find, instead of a proof, one of those curt announcements which sound like a knell to all the hopes of a sensitive soul—'Returned with thanks.'

Even Jeffrey—Francis Jeffrey, the omniscient and versatile Jeffrey—knew these sensations, and in those rooms in Buccleugh Place where Sydney Smith, Horner, Brougham and Murray met to talk over the suggestion for establishing the *Edinburgh Review*, there were three or four mss. lying about which had been sent to all the existing magazines and returned. Jeffrey had six articles in the first number of the 'buff and blue,' and two or three of these, I shrewdly suspect, were articles that were perfectly familiar with the post-bag of the London and Edinburgh coach, and knew what it was to be tossed about with cigar-ends and Odes to the Spring, in a waste-paper basket.

These illustrations might be multiplied *ad infinitum*. But I must stop. And yet there is one more instance which ought to be mentioned, because it is an instance that carries a moral with it to those who think of making literature a profession. I refer to

George Henry Lewes, the founder of the *Fortnightly Review*. He was one of the most thoughtful and careful of writers, a man who held that precision of thought and expression alone constitute good writing. Yet George Henry Lewes had one of the first articles which he sent to the *Edinburgh Review* returned by the editor to be rewritten all through, and the second edition was so far superior to the first, even in the opinion of its author, that he never after sent his first *brouillon* to press, but invariably wrote everything twice, and sometimes thrice before he thought of submitting it to an editor. The consequence was, of course, that he seldom had a ms. returned. He constituted himself his own editor, and returned his own mss. It is an admirable plan, and if with that plan men would only act upon Dr. Johnson's advice, and strike out of their articles everything that they think particularly fine, we should hear a good deal less

than we do at present of 'rejected mss.' Any one can scribble—if he only knows how to spell; but writing is an art—one of the fine arts—and the men who have had the fewest mss. returned are the men who have taken the greatest pains with their work: Macaulay, for instance, who wrote and rewrote some of his essays, long as they are, three times over; Albany Fonblanque, the most brilliant and successful of English journalists, who wrote and rewrote many of his articles in the *Examiner* newspaper six and seven times, till, like Boileau, he had sifted his article of everything but the choicest thoughts and expressions. Perhaps if all writers did this, we should have shorter articles and fewer books; but more articles that now perish with a single reading might be worth reprinting, and more books might stand a chance of descending to posterity.—*Belgravia Magazine*.

VICTORIA.

BY A. P. WILLIAMS.

[The following Sonnet, cut from the *N. Y. Tribune*, deserves a place in these pages, not only for its beauty, but as it voices the gratitude of the American people for that expression of active sympathy, on the part of the Queen and the British nation, in the lamented death of President Garfield, which was so marked an outcome of the sad occurrence. We transfer the sonnet with pleasure to our columns.—ED. C. M.]

O QUEEN!—Nay more than queen—O woman grand!
The brightest jewels in thy diadem

Grow dim before thy tears. Recrowned by them
The woman ranks the queen, and doth command
A stricken Nation's love. The Motherland

Seems nearer now, since o'er the ocean's swell,
Was borne the sound of our sad, tolling bell,
And thou and thine mourners with us did stand.
God save the Queen!—The queen and woman, too!
Grant length of days, a happy, peaceful reign,

To one who joined with us in sorrow true,
And bowed her crownèd head above our slain.

Henceforth, upon her shield this legend stands:
'Tis better, far, to conquer hearts than lands.

THE PERSONAL RESPONSIBILITY OF BANK DIRECTORS.*

BY ALEXANDER TAYLOR INNES.

RESPONSIBILITY is a general and abstract word. There is probably no more celebrated illustration of what it means than in a passage written by a great statesman now deceased. In that paragraph M. Thiers, when sketching the qualities necessary for success in war, brings vividly before us the tremendous issues that hang, moment by moment, upon the genius, the strength of will, the promptness, and the presence of mind of a general on the day of battle. There, if anywhere, is the highest responsibility to be realized. But there was one day when peaceful Scotland, under the sun of a most plenteous harvest, showed as if upon the morning after a battle or a bombardment. In every direction was found either the bewilderment of suspense or the bewilderment of despair. The bravest held his breath as he saw his neighbour, a more cautious and a kindlier man than himself, struck down at his right hand, or watched on his left how serried files of men, connected in family or business ties, were prostrated by an indiscriminating blow. In almost every town and hamlet of the land, however far from the centre of explosion, there stood some home unroofed

and torn open to the hard gaze of public curiosity and public compassion. It is true that the sufferers did, in public and in private, show resignation to God and constancy before men, even beyond belief; but how many lives, maimed and all but cut in two, crept away beyond our ken into a seclusion where hope and energy are slowly ebbing from the wounded spirit! Peace, we know, hath her victories no less than war. Apparently, she has also, like war, her reverses and defeats: and hers are equally ghastly.

It would seem, then, not too much to say that the responsibilities of a bank director *may* be as great as those of a general in the field. They may at least be so in a country like Scotland, where unlimited responsibility is the basis of large and popular joint-stock companies. I do not say that his responsibilities are of the same nature. I do not say that the rules—the plain and simple rules as some are bold to call them—of banks, institutions which, according to one definition, receive and invest money, or which, according to another, buy and sell money—I do not, of course, admit that these duties ever infer, necessarily or legitimately, the speculative uncertainties of the great game of war. But on the other hand, having used this illustration, it is only fair, in parting with it, to observe one point of resemblance, and one of contrast, with the thing signified. We all know that there are generals who, as in the greatest battle of our age, succeed to the responsibilities which others have created or abandoned, who find themselves, like

* This paper, by an eminent Scotch solicitor and writer on legal topics, is reprinted from the *Contemporary Review*, for January, 1879, as a contribution on a subject of some present interest to holders of stock in Canadian banks. Its local references, to bank disasters in Scotland and the litigation to which these gave rise, do not detract from the interest of the article, nor make its application less pointed, in the case of those who accept positions of trust in Banking or other public institutions in Canada.—ED. C. M.

that hapless Imperialist, hemmed in by a narrowing circle of iron, and who have scarcely lifted the baton of the fallen marshal before they are confronted with the alternatives of a hopeless struggle or a horrible capitulation. And the word I have just used is not too strong. For in this particular point the horrors of war yield to the darker responsibilities of false or guilty finance. The general in the field who stops the fighting thereby stops the carnage. But he who, whether weakly or wickedly, leads the shareholders of a bank along the road of ruin, knows at least that only to stay his steps is to invoke destruction, and that at the moment when he lifts the white flag of surrender above those who have trusted and followed him, he must bring down upon their heads, by his individual and perhaps meritorious act, the long-deferred and desolating storm.

In this paper, however, I am to treat of the responsibility of bank directors—and only of their personal responsibility—not in a popular, but in a strict, and, indeed, in a purely legal, sense.

Responsibility means the obligation of a man to answer for a thing. Every private man answers for his own acts. But when a man holds an office, like that of a bank director, he may have to answer in two capacities. For his official acts he is responsible as director with his brother directors, and on behalf of the bank. In this official responsibility, which, of course, is the usual case, he does not answer with his own private means, but with the funds of the bank, and to the extent to which it has funds, and no farther. But there are acts which a bank director may do, either acting in his official capacity, or professing to act in his official capacity, and at least using his official powers and opportunities, acts for which the director is responsible as an individual. The bank also may in some cases be made

thereby responsible, and in others it may not. There is important law upon that point, with which I am not in this discussion called upon to deal. But whether the bank is responsible for such acts or not, the director is responsible for them as an individual, and he must answer for them with his own means, and in his own person.

In his person he answers to the public or criminal law; a matter with which, for obvious reasons, I do not meddle. With his means he answers an inquiry which may be less august in external form, but which is far finer and more searching in the application of the principles of law. For criminal law winks at many things which have not attained a magnitude or publicity to attract its sword. But the law of private responsibility extends to the smallest coin of which any individual within or without the bank has been wrongfully deprived; and it runs, therefore, sooner or later into a system, of which the roots are deep and the branches are many. Now such a system Great Britain possesses in its greater form of English and its smaller of Scotch law. Strictly speaking, these two laws are independent of each other—as truly so as the law of France and the law of Japan. But practically, according to a principle not unlike that of the diffusion of gases, jurisprudences, which are near each other in locality, resemble each other in spirit, especially in matters which, like this, depend upon universal equity more than upon statute, or history, or custom. And, curiously enough, the law of Scotland, which on this matter happened to attract the attention of the whole island, has in this branch of it one distinct advantage for the student. I do not mean the minor circumstance that all Scotch courts are courts both of law and equity, and that the severance in the law of England which embarrasses strangers, and I think must sometimes perplex English laymen, has no place in the other. The special ad-

vantage which this branch of the law has in Scotland is that of a certain separateness and priority. The facts are rather curious. There is also almost no reported case on the responsibility of directors in the Scotch courts before 1850. But from that date down to about 1865, there is a succession of important cases, which, unless I am mistaken, have built up something like a law upon the subject, a law not of course perfect, but yet solid and complete so far as it goes. Now, I do not say that there was nothing on this subject in the much larger and richer law of England during all these years before 1865. But there was comparatively little either before or during the fifteen years which then closed, in comparison with what has followed. For in 1865 the crash of Overend, Gurney & Co. inaugurated a second period of fifteen years now ending—a period in which the English law has been as rich in cases as the immediately previous period had been in Scotland; while during it the northern part of the island has scarcely seen another case in its courts. I propose in this paper to sketch the position attained ten years ago by the law of Scotland as a small but independent jurisprudence where equity has never been separated from law; and afterwards to complete the subject by reference to more recent cases in the law of England, where equity has been studied as a separate department indeed, but studied by men of consummate power, and with an intensity and care scarcely equalled on the other side of the Border.

The law of Scotland on the personal responsibility of bank directors was built up within a period of fifteen years, extending from the year 1850. In that year an action was brought, not against directors, but against a bank, and demanding that it should be declared dissolved on the ground of losses to an amount specified in the contract. The answer made was, that these losses did not appear in the pub-

lic balance-sheets, and that the rules of the bank prohibited investigation into its books. The rejoinder was, that the balance-sheets issued by the directors were false, and that the directors, in the transactions which the balance-sheets ought to have summarized, but did not, had been guilty of gross fraud and irregularity. The Court found that the usual clauses as to secrecy will not exclude investigation, 'where a positive averment is made that the books are fraudulently concocted to conceal the true position of affairs. Sitting here as a Court both of law and equity, there is nothing in the contract which entitles us to refuse this investigation.* Such a finding plainly opens the door to cases of more direct personal responsibility. And, accordingly, next year, in the case of the Banking Company of Aberdeen,† two of the most important points in the whole subject with which we deal were at once decided. That was an action brought by a shareholder against the directors of a bank personally, demanding reparation for the loss he had sustained. It was founded upon alleged fraudulent transactions by the directors, carried on in order to promote the private interests of themselves and their connections—transactions which were said to be covered by concealment and misrepresentation in reports, paying dividends out of capital, and keeping false and irregular books. Now, when a man makes such charges, there is no doubt that he is entitled to reparation from somebody for his loss. But the first question is, From whom? In this Aberdeen case there were twelve directors, but the action was only brought against five of them. It was pleaded, You must call the others, and you must also call the company itself for its interest. The Court said, No. You are not bound to

* The North British Bank, 18 December, 1850. 13 Dunlop's Reports of Court of Session Cases, p. 349.

† 17 December, 1851. 14 Dunlop's Reports, p. 213.

do so, in an action founded on fraud. Fraud is a personal thing, and you have a right to go against men, in respect of it, individually. If you think that some of them are not so guilty, or that it will not be so easy to prove some of them guilty, or that some of them, though equally guilty, have not as much money to make reparation with,—in all these cases you may select your victim. You may get full redress from him for your full loss, leaving it to him to find a remedy against others who had been associated with him. And, secondly, as reparation may be demanded from one or more of the directors, so it may be demanded by one or more of the shareholders. In this case the action was brought by one shareholder, and the Court rejected the plea that he must take the company with him. And since that date the law has been fixed, that any one shareholder can recover from any one director the whole loss caused to himself by the fraud in which that director can be proved to have been sole actor or participant.

But in order to found such unlimited responsibility, you must clearly prove the personal act or personal participation of the director. And on this rock the case, in which the general law was laid down, afterwards split. It was found that, although they selected five out of the twelve directors, they had not made their statements against any of them sufficiently precise. They had been satisfied with a general charge of 'joint and several liability' for a course of acting extending over a number of years, and the Court refused even to send this to a jury. They held that, as *culpa tenet suos auctores*, every act of wrong charged must be brought distinctly and articulately home to the party committing it. And the importance of this, as the next step in the development of the law, was brought out by the contrast between two cases against the directors of the same bank—this

case of Leslie,* which failed, and that of Tulloch,† which succeeded. In the later and more successful case, the general rule already laid down in that which preceded, that any shareholder can sue any director on fraud, without calling the other directors or the company, was literally acted upon; and its authority was confirmed without difficulty by the House of Lords, sitting as a Court of Scotch Law. And in this case it was found, also, that the statements made against the one director were sufficiently specific to send to a jury. What has been held in this and other cases, to constitute sufficient specification, we may see afterwards; but, in the meantime, we must notice another step in advance taken in this second Aberdeen action. The first, *Leslie*, was brought by an old shareholder, who complained that the fraudulent actings of the directors, commenced after he had bought his shares, had run down the value of his holding. Of his right to reparation for this loss there was no doubt. But the second case, *Tulloch*, turned upon a purchase of shares in open market by one of the public. Dr. Tulloch did not buy from the bank. He did not buy from the directors. He bought from a third party; and he now demanded back his money, or at least his loss, from the directors of the company which he thus entered. The Court in Scotland now laid it down, and the House of Lords did not hesitate to confirm it, that publicly presenting fraudulent reports to the company was sufficient publication to render the directors liable even to a stranger purchasing shares. In the higher Court, too, it was held, after a full argument, that this liability does not terminate with death on either side: that the representatives of the defraud-

* 19 June, 1856. 18 Dunlop's Reports, 1046.

† Sustained by Court of Session, 3 June 1858 (20 Dunlop, 1045); and by the House of Lords, 23 February, 1860 (3 Macqueen, 783).

ed shareholder succeed to his right to go against the wrong-doing director, and not only to go against him, but to go against his representatives, in so far as these have succeeded to property from him. And lastly, as to the measure of the loss, Lord Chancellor Campbell observed, that the claim must be for the difference between the purchase-money you have paid and that which you ought to have paid—that is, between the price paid under deception, and what would have been the fair market price if the circumstances of the company had been truly disclosed.

Such were the cases in which the personal responsibility of bank directors was first acknowledged in the law of Scotland. They extend over the decade which followed 1850, and we have already come down to the fall of the Western Bank in the year 1857. That event gave a powerful impulse to the development of the legal doctrine, and during the few years which follow many additions were made to the principles already quoted. We may, I think, group these additional results for the sake of convenience under the following heads:—

By whom may the action of damages be brought?

Against whom may it be brought?

And, in respect of what kinds of wrong-doings?

1. We have seen already that defaulting directors are exposed to an action at the instance of any shareholder deceived by them to his loss, or of any stranger deceived by them into buying shares or otherwise to his loss; and, indeed, it may be put generally that by the law of Scotland, they, like other men not directors, are liable to every individual to whom they have caused loss by gross wrong-doing or fraud. This was very early understood. But it was pushed to a very surprising length by the defendants in the great action directed by the liquidators of the Western Bank against the

directors of that institution.* The directors who defended in that case said, 'We know we are responsible to individuals for the loss, if any, which we have caused them. Let them bring their action on the principles already laid down, and we shall meet it. But we object to the company itself, through its liquidators, bringing a similar action against us.' The present head of the Court of Sessions, then a judge of the Second Division, made short work of this argument. He remarked that if each Western Bank shareholder brought an action for each year of malversation against each director, 'there must be brought into this court 19,500 summonses. It is to be hoped that the parties who state such pleas are prepared to approach the legislature with urgent petitions for a very large extension of the judicial establishment in Scotland.' But he also pointed out that every company, whether solvent or in liquidation, has a right to sue for moneys of which it has been wrongfully deprived. Individuals have a right to sue all who have defrauded them, but when the individuals are members of a company, that is a right which it is very inconvenient to exercise. The company, on the other hand, is, 'primarily at least the party to sue the directors for reparation, to the effect of restoring the company's estate against the loss it has sustained.' Ever since that decision in 1860, it has been fixed that the directors of a bank are personally responsible both to the company and to its individual members, and may be sued by either.

2. Directors in the strict sense of the word may be sued; are we to include in the same rule those who more properly act along with or under directors, *e. g.* the manager or the secretary? This came up in the two following years in the case of the Edinburgh and Glas-

* January and March, 1860. 22 Dunlop's Reports, 447.

gov Bank,* and in this the Court of Session unquestionably went wrong. It sustained an action laid on fraudulent representations against a director, but threw it out as against the manager and secretary, on the ground that they 'are only the servants of the directors, are employed by them, must obey their instructions, and may be dismissed by them at any time.' But the case went to the Court of Appeal, and came into the hands of that keenest of legal intellects, Richard Bethel, then Lord Chancellor Westbury. He held the Court below to be doubly in error according to the law of Scotland. In the first place, the manager and assistant manager or secretary, are not in point of fact 'only the servants of the directors.' The directors and managers together are the officers; all the officers are in a legal sense the servants of the company; the public and the shareholders depend as much on the managers as they do upon the directors; and they accept, and in the ordinary case are entitled to accept, the reports of the latter as emanating also from the former. But, secondly, supposing that these officials are mere servants, the order of a master is no justification, either moral or legal, for a servant's committing what he knows to be a fraud. The master in such a case is no doubt himself liable; but so is the servant, and each is liable to the full amount of loss.

3. The more difficult and complicated question remains, what are the actings which infer this personal responsibility, whether in the directors or the manager? And this inquiry divides itself into two branches. In the first place, what are the classes of wrong actions, what are the general descriptions of wrong-doing, which as a matter of law bind liability upon the person against whom they are proved? When we have answered this general question of law, it will be time

enough to inquire into the matter of detail, how these general categories or wrong-doing are to be proved against any man, and what transactions or omissions on the part of bank directors have already been held to bring them within their range.

The earlier cases against bank directors all turned, as we have seen, on charges of fraud. But it was soon perceived that this, though one of the gravest, was not the only form of wrong-doing by which a man in an official situation may cause enormous loss to those who trust him. And the question of broadening the grounds of liability came up and was substantially decided, in the leading Western Bank case already mentioned, that first brought by the liquidators against the directors.* It has sometimes been supposed that the liability of directors on such a ground as gross negligence or neglect of duty was never laid down till the last of these cases, so late as 1872. And the present chief of the Scottish Court, in deciding that last case, said pointedly that neither in England nor in Scotland had the question down to that date arisen 'under circumstances which admitted of any general decision upon the principle.' Yet twelve years before, in the first case as to that bank, the other division of the same Court, in deciding an important point as to the form of the action, held unanimously that it turned on the question whether neglect as well as fraud gave an action for delinquency against the individual. And it was the same judge who then answered this question for himself and his brethren in the affirmative, in terms even more comprehensive than those of the subsequent judgment of 1872, and at least equally instructive. In the case of 1860, the action was laid partly upon fraudulent concealment, but partly also upon what was described as *either* gross and wilful mismanagement and malversation in office, *or*, alternatively,

* Court of Session, 16 February, 1861 (23 Dunlop's Reports 574), and House of Lords, 28 July, 1862 (4 Macqueen, 424).

* January, 1860 (22 Dunlop, 474).

gross, habitual, and total neglect of the duty of directors, and leaving and delegating that duty entirely to other irresponsible persons, while themselves retained office. Is this neglect of duty a ground of action against individuals in the same way as fraud is? The Lord Justice-Clerk Inglis, in answering this, did not deny that fraud is morally and legally a worse thing than negligence, however gross. The law of Scotland, following that of Rome, has made a distinction between *delicts* or delinquencies, and *quasi-delicts*; and fraud, being classed among the former may infer even criminal liability, which lesser wrong-doing does not attain to. But to the effect of a mere claim of reparation for pecuniary loss sustained, it was held that there is no practical distinction. The same measure of reparation is due on the same conditions, and by the same form of action, whether the cause of the damage be the one kind of 'delict' or the other.

'It is a mistake altogether to suppose no *delict* or *quasi-delict* can be made the foundation of such an action as the present, without the use of the term "fraud," or the epithet, "fraudulent." There are many *delicts* to which such language could not with propriety be applied—for example, all *delicts* the essence of which is physical violence, others which derive their mischievous effects and illegality from reckless disregard of consequences to one's neighbour's property in the prosecution of some profit or pleasure of our own—cases of libel, of wrongous imprisonment, of wrongful though not fraudulent refusal to perform a statutory duty, as in the example of members of Presbytery already cited; and other cases where—as in one of the alternatives in the present summons (in which the weakness of the pursuer's case in this discussion is supposed to lie)—the ground of liability is to be found in systematic and wilful neglect of a duty undertaken, on the performance of which, by the defenders, others have naturally and justifiably relied, which the law designates as *crassa negligentia*, and holds equivalent to dole or fraud. All of these equally in our opinion belong to the class of *delicts*, or *quasi-delicts*, inferring from the nature

of the misconduct a joint and several liability against all who are implicated in them, and entitling the injured party to demand his remedy against any one or more of the delinquents in his option.'

Compare this with the more popular exposition of the law, as to negligence alone, in 1872: *—

'It is impossible to over-estimate the importance of the question thus raised. . . . The general question as to how far the director of a joint-stock company—such as the Western Bank—is liable for mere omission to discharge his duty, or what amount or kind of omission will be held to be *crassa negligentia*—has never as yet been authoritatively determined. It may be said, not without force, that the duty undertaken by the directors of joint-stock companies, such as the Western Bank, is subject to some qualifications which may not be always incident to officers of agency or trust. Such officials are generally chosen from their official position, their habits of business, and the amount of credit which their name will command. They are generally persons who have their time occupied by avocations of their own. When the shareholders elected William Baird as a director of the Western Bank, they could not have expected him to make himself conversant with all the details of the management, or the items of all the accounts kept at the head office and the numerous branches of so vast a concern. The ordinary conduct of the bank was placed in the hands of a professional manager, to whose integrity, as well as to whose skill, the directors were entitled in great measure to trust. But, on the other hand, it is impossible for a court of law to assume that such an appointment is a mere name. The duties which are prescribed by the contract must be performed by the directors. If these are not very specific, their scope and object at least are sufficiently intelligible, and if a director grossly neglects the discharge of them he must be liable in the consequences, as agents or trustees are, who grossly neglect the interests of those for whose benefit they are appointed. Whatever the duties are, they must be discharged with fidelity and conscience, and with ordinary and reasonable care. It is

* Western Bank, Baird's Trustees, 22 November, 1872 (3 Macpherson, 111).

not necessary that I should attempt to define where excusable remissness ends and gross negligence begins. That must depend to a large extent on the circumstances. It is enough to say that gross negligence in the performance of such a duty, the want of reasonable and ordinary fidelity and care, will infer liability for loss thereby occasioned.'

Let us now go back to 1860. The result of these views to the particular action of that year was that it was held not an action on contract, but one to enforce an obligation of reparation arising *ex delicto*. Consequently the defendants, the whole of the directors of the Western Bank, were held to be brought into Court, not as joint debtors but as joint delinquents, and under not merely a joint but also a several liability. But the result of the law of this and the latest case has been apparently to broaden out the particular rule as to fraud into a general one, and to make bank directors and others liable for loss resulting from what English lawyers call *torts*, what Scotch lawyers call *delicts* or *quasi-delicts*, and what men who speak plain English call wrong-doing. Only if you insist upon using a popular word like this to gather up a class of actions, you must modify it in two ways at least in order to be accurate. In the first place, the wrong-doing which founds our action may mean, and often does mean, doing nothing—refusing or neglecting to do what it is an official's duty to do. But further, wrong-doing, whether positive or negative, is a vague word, including everything, from the darkest hue of guilt to the lightest shade of moral infirmity or imperfection. And it is not everything which I, or a jury, may on the whole think not quite right, which will found an action against any man—even against a private individual. Still less will it do so against an official, a man who, not for his benefit but for mine, has accepted a position in which he must continually act, and act in difficult circumstances. To say that his way

is morally wrong, and that my way is right, is scarcely enough to infer damages for my loss by him. It may be enough, indeed, to say that he has acted fraudulently, for that is a definite and unelastic word. But it is not enough to say that he has acted negligently—I must allege gross negligence—*crassa negligentia*. Nor is it enough to say generally that he has acted wrongfully—to charge him with *culpa* or fault—I must allege *culpa lata*, or gross fault. For it is only these which share in the moral quality of fraud or crime so far as to found a claim for reparation.*

Fraud and negligence may therefore be said to be the two great heads under which practically arises the personal responsibility of directors. I shall take each of them in its order. Both were sustained as grounds of action in the earliest Western Bank case, and both, as we shall see, were referred to in those which followed it. But in three actions which appeared and reappeared in the Court during the seven years after 1858, relating either to the National Exchange Company of Glasgow or to the Edinburgh and Glasgow Bank, only one of these charges, that of fraud, was brought forward. We may therefore look at them first. In the case of the former company (which, by the way, was not exactly a bank), the Lord President (Colonsay) had occasion in 1860 to charge a jury as to what amounted to false and fraudulent representations in reports.† He pointed out that the statements made by the directors as to the value of the bank's securities, though they turned out to be quite false, were not contradicted by the bank's books. To get at the truth the directors must have sifted the value of these securities by a process outside the books, and that they had not done so did not in itself necessarily amount to fraud. But if they grossly neglected

* *Culpa lata equiparatur dolo*. *Dolus* is the moral quality of crime.

† 27 July, 1860 (23 Dunlop, 1).

the investigation of this sort which they ought to have carried on, and at the same time falsely published to the company that they had made such investigation, and professed to give the results, then such representation was probably not only false but fraudulent. In the first Edinburgh and Glasgow Bank case* the issue sent to the jury was much the same with that just mentioned, only instead of charging false and fraudulent representations generally, it demanded whether fraudulent representations were made 'that the bank was flourishing when it was in reality insolvent;' and both forms of inquiry have been since approved and employed. This bank appeared in the Courts for the last time in 1865,† when the judge whom I have last mentioned, dealing with the same form of issue, instructed the jury as follows :

'If a person makes a statement which he knows to be false, or which he believes to be false, or if, being in a position of trust and confidence, he makes a statement which he does not believe to be true, and if he makes that statement with a fraudulent purpose, intending to deceive and mislead others into a course of action which might be injurious to them, and if they are by these means induced so to act, and by so acting suffer loss, he would be guilty of falsehood and fraud, and might be made liable accordingly for the consequences.'

This is rather a long story ; but one alternative in it, making a statement 'which he believes to be false, or which he does not believe to be true,' was repeated by the same authority in the same year in another form, and went to the House of Lords. This was in a case against the Western Bank,‡ and what the late Lord President then said was this :

'If the case should occur of directors taking upon them to put forth in their reports statements of importance in regard to the affairs of the bank, false in

themselves, and which they did not believe, or had no reasonable ground to believe, to be true . . . that would be a misrepresentation and deceit, and in the estimation of law would amount to a fraud.'

This ruling was excepted against in the Edinburgh Court, but was unanimously confirmed ; and in the House of Lords, the phrase 'reasonable ground' caused a difference of opinion, or at least of expression of opinion, between the then Lord-Chancellor Chelmsford and Lord Cranworth.* Lord Chelmsford held the ruling good, and laid no weight upon the objection that an honest though false belief might be entertained by directors, and that the jury, under this ruling, would have to sustain its reasonableness. 'Supposing,' he says, 'a person makes an untrue statement, which he asserts to be the result of a *bona fide* belief of its truth, how can the *bona fides* be tested except by considering the grounds of such belief?' And if it be 'destitute of all reasonable grounds,' how can it be honest? Lord Cranworth takes the other side. He puts it thus :

'If persons in the situation of directors of a bank make statements as to the condition of its affairs which they *bona fide* believe to be true, I cannot think that they can be represented as guilty of fraud because other persons think, or the court thinks, or your lordship thinks, that there was no sufficient ground to warrant the opinion which they had formed. . . . If they are guilty of fraud, it is on account, not of their having stated as true what they had not reasonable ground to believe to be true, but of their having stated as true what they did not believe to be true.'

I think it plain that the question between the two learned lords was a question of words, and probably the verbal misapprehension was rather on the side of Lord Cranworth. 'Reasonable ground,' as used by Lord Colonsay, was not equivalent to the other

* *Dobbie*, 4 March, 1859 (21 *Dunlop*, 624).

† *Cullen*, 10 July, 1865 (3 *Macpherson's Reports*, 935).

‡ *Addie*, 9 June, 1865 (3 *Macpherson*, 899)

* 20 May, 1867 (5 *Macpherson*, 80).

phrase into which Lord Cranworth translates it, 'sufficient ground to warrant the opinion.' For the opinion, *ex hypothesi*, is one false in point of fact; and there can be no sufficient ground for a false opinion. But there is a sense in which there may be a reasonable ground for a false opinion: *i.e.*, ground may be conceived on which a reasonable man may honestly entertain it. If there is no such reasonable or at least conceivable ground, the jury will no doubt find him guilty of deceit; and they will do rightly. But they are not in that case making themselves judges of the false opinion in itself; or of the sufficiency of the grounds for that opinion in itself. They merely inquire whether there were sufficient grounds for the false opinion existing *in another's mind*; *i.e.*, I think, whether there were grounds sufficient for honesty; and this comes round to Lord Cranworth's own view, which is no doubt substantially correct, that the whole question is as to the *bona fides*. Good faith, however, as we have seen, is denied by Lord Colonsay not only where a man says what he believes not to be true, but where he says what he does not believe to be true. And I shall close this section by an important commentary upon and qualification of that statement by Lord Colonsay's present successor in the chair of the Court. In a trial well remembered in Edinburgh, in connection with the Edinburgh and Glasgow Bank, which happened in 1861, the judge charged the jury on the personal responsibility of bank directors, as follows:—

'If a man makes a statement, believing that it is not true, although not absolutely knowing that it is not true, that is still a personal falsehood, and it is falsehood within the meaning of this issue, because it plainly implies dishonesty in the person who makes the statement. But, gentlemen, the person making the statement may not be in the condition of believing the statement to be untrue, and yet he may be in this condition that he does not believe it to be

true—for there is a material distinction between these two things. Now when you come to that case—of a party making a statement, who does not actually believe it to be true—that is a mere negative state of mind, and it will depend then upon the relation of the party making the statement to the fact which he states, and to the person to whom his statement is addressed, whether it is dishonest in him, in these circumstances, to make the statement or not. If I make a statement upon an indifferent subject without having any belief in its truth, and without caring whether it is absolutely accurate or not, there is no dishonesty at all: I am not seeking to mislead anybody. I may be making the statement rashly; but there is no harm done. But if you find a person who is in a position of acquiring knowledge in reference to the fact of which he is speaking; who has the means, and peculiar means, of acquiring knowledge upon the subject; and if he makes a statement which is in point of fact not true, and in the truth of which he has no personal belief himself, then that is dishonest also—there is no doubt about that, especially if it is done for the purpose of deceiving another, it would be dishonorable to make it even although there were no direct purpose of deceiving another, it will then become dishonest and fraudulent.*

So much as to the side of fraud. And now as to the other, of neglect of duty—including, of course, and *a fortiori*, violation of duty. This ground of liability, as we said, was laid down in the opinion of the Court in the first of the Western Bank cases, and it was applied in the decision of the last of them. And in these, and the intermediate Western Bank cases, we are to look for our chief authority in the northern part of the island, as to what amounts to neglect of duty, and how it is to be made out. One of the earliest cases against the Western Bank directors† was laid exclusively on fraud, but distinctions of great importance were there admitted between one director and another, distinctions which

*From Mr. Irvine Smith's shorthand report of the trial, published in 1861.

† *Inglis*, 16th February, 1861 (23 D. 561).

pointed to what must be done when another kind of case should come up. What was alleged here, was that the reports contained representations that the bank was prosperous when it was the reverse. This statement was found relevant against the directors who were present at the meetings where the documents were prepared and approved of, and who signed the reports and the dockets at the ends of the balance-sheets. But it was not sustained against directors who did not sign them, and who were not present at the meetings where they were prepared. To make people responsible for false representations they must be shown to have made or authorized them, and the mere fact of being directors at the time they are issued by the board is not enough. But that only means that it is not enough for an action on fraudulent representations. Plainly, while staying away from the board may obviate the imputation of fraud, it is not the way to escape the imputation of negligence. And accordingly the next action was one which demanded two and a half millions of money from a couple of directors,* upon charges which ultimately amounted only to gross neglect. Originally, indeed, the action had another shape. It was against the whole fifteen directors. And it charged them, both with excess of power and wrongful acts on the one hand, and with fraudulent concealment of losses on the other, putting in neglect of duty merely as an alternative under both heads. As the case went on some of the defenders were left out, and the graver charges in the summons were dropped, leaving only the averments, first, that the directors had neglected their duty, and thus allowed the whole management to fall into the hands of a manager who was guilty of the excess of power and the wrongful acts; and secondly, that the directors were

guilty of gross negligence in failing to ascertain and disclose the losses which the bank had made. It does not appear to have been questioned by the Court that such averments, if competently made against individuals, might found liability. But it was found that the existing action was not constructed with that view, and indeed, the statements in it had apparently been rather intended to support a joint case against the directors as a whole. Such a case, the Court expressly found, was competent against directors, even as a body. They may be accused not merely of individually neglecting their duty, but of agreeing or conspiring to neglect it, and to delegate to a manager the duties they profess to perform. This is negligence, but negligence systematized and prepared; and, indeed, is a sort of fraud. In the *Western Bank* it was alleged that the directors, as a whole, had made themselves so liable by allowing the manager to set up a firm in America, to embark the funds of the bank in American discounts and speculative investments; and the Court found it a good charge against the directors as a body. But though such a case is possible against directors in slump, it is not one which it will be very easy to prove against them all. And if you fail to prove it against one of the number, you lose your action against all. It is much better, the Court suggested, to try the case as against particular directors, specifying, with regard to each, the act or class of acts of which he is accused, with dates and circumstances. In such a case, of course, you don't conclude for millions as you do against the whole, but for the particular sums or balances which you can show to be connected with the wrong actings alleged against the particular man. And the particular actings or negligences may vary exceedingly. In that very case, and with reference even to a joint liability, the Lord Justice Clerk Inglis referred to the varieties of negligence which directors may cultivate:—

* *Western Bank, Bairds*, 20 March, 1862 (24 *Dunlop*, 855).

'Some may never come to the bank at all, but content themselves with hearing by letter from the manager that everything is going on well; others may, after accepting office, go abroad, and beyond the reach even of correspondence; others may visit the bank occasionally, or even at stated times, and assume all the airs of bank directors, and take their seats at a Board, but without ever really performing any duty. I do not dispute that in such a case all may be liable for joint negligence, and possibly each *in solidum*. But,' he added, 'I give no opinion what may be the liability of a person so absenting himself, and keeping beyond all knowledge of the conduct of the bank's affairs by his brother directors, after undertaking the duties of a director. I only say such a case is not to be found in this record.'

A very fair commentary on the imaginary case, which was not found in that record, may be found in a later, where a Western Bank director was charged with gross neglect, first, during two years in which he attended the meetings of directors, and second, during two following years in which he did not attend them at all. One would think that last fact was enough. And so it is, to prove gross negligence. But then you must show that the gross negligence led to your loss: you must in some way connect it with specific losses which it occasioned. And this was found, rather to the scandal of Scotch law, though perhaps to the credit of the ingenuity of Scotch lawyers, to be exceedingly difficult. For example, one of the things that was found in a general way to infer liability was this—'the making of reckless advances of enormous amount, by way of discounting bills of exchange, to four firms—the bills for the most part being known to be accommodation bills, and the obligants being alleged to be for the most part unworthy of credit.* One observes this is a matter of degree—often therefore a delicate and sometime a difficult question. All advances by way of

bill of exchange are not reckless. But it is possible to make such reckless advances on bills of exchange. So as to overdrafts on accounts. Overdrafts are things usual, legitimate, and profitable, and so the Court expressly found. But there may be overdrafts which are otherwise.

'If, under the colour of an advance on open account, continuous drafts are made without any payments to credit over a long period, or if the accounts are manipulated so as to conceal the true balance, or if large drafts are made in single sums without any counterpart, in such cases it will be difficult to maintain that these form legitimate advances merely because they appear in an open account.*

Now in the Western Bank the overdrafts and bills were extravagantly wrong, and that during the very period in which one gentleman of great wealth, while a director, had not attended the meetings at all. If he had been sued by the bank or by any shareholder at the end of that period, he would apparently have been held liable for the loss as caused by neglect. But the bank did not break, and the action was not brought for five years after he ceased to be a director. And during those years the bank dealt with the same customers, and trusted them to an enormous amount (or to an amount which we before 1878 used to think enormous), for the balance of £340,000 grew into £1,400,000. The old balance was obliterated, and the Court

'could see no principle of justice on which, at the termination of such a period of speculation, during which the balance of 1852 became entirely absorbed and merged in operations of such magnitude, the bank can be permitted to revive this claim, after the position, the assets, and the liabilities of the customers had undergone changes so material.†

These, we see, are in a certain sense difficulties of proof—difficulties in connecting the director who has admit-

* 20 March, 1862 (24 Dunlop, 860).

* 22 November, 1872 (11 Macpherson, 113).
† 22 November (11 Macpherson, 117.)

tedly neglected his duty with results in the shape of loss. But we must not forget a prior principle, that mere want of knowledge of many facts about his bank does not always show negligence in a director. I closed the former branch of our enquiry by a severe passage from a judge of great authority to the effect that a man is fraudulent, not merely if he says what he knows not to be true, but if he says what he does not know to be true—provided he has peculiar means of knowing the truth, and makes the statement to those who have no such means, and who, he is aware, rely upon him in regard to it. Now that strong statement requires qualification or explanation, as applied to bank directors, and it was so explained or qualified in the same jury charge, in a passage a summary of which may close this second branch, of *neglect of duty*. In the first place, the learned judge remarked, the directors are not paid officers of the company; they get a small fee every board day, but that is nothing. In the next place, they have generally business of their own to attend to, and those who elect them know that they are bound to attend the bank meetings with some regularity, and to give advice and assistance in the business and exercise control over it. But they 'cannot be expected to make themselves familiar with the books of the bank;' they must take results from the books, and not details. They check the states by comparing them with the balances; but that is, or was, done quarterly by committees appointed for the purpose; and apparently that was thought quite a fair method of dealing. Then with regard to such matters as old debts due to the banks, the judge at that trial was by no means prepared to say how far it was the duty of each member of the board to look individually into and make up his own mind upon the solvency of every debtor, and the value of the securities held for each debt. Some one director, by his training, might

have a much greater knowledge of some classes of these things—say, for example, of railway securities—than the others; and it might be gross neglect of duty in him not to look carefully into that, and give the bank the benefit of his knowledge. But another director is not bound to educate himself for that special department. In short, such a question, he concluded, must always be judged with a reference to the individual director in question, as well as with a regard to the 'general run of the duties of bank directors,' which he assumed to be better understood by the community of Scotland than by any other in the world, and by a Scotch jury better than by a Scotch judge.

My English readers will observe that down to this point I have given the Scotch law almost without reference to that of England. I hope they will think that there may be some advantage, or at least some compensation, in doing so. Theoretically, if you can find a jurisprudence which builds itself up in a question of this sort, on 'the common law of the world,' but within a definite and limited period, its self-development makes a specially interesting subject of study. Of course the Northern lawyers, while professedly finding their repository of equity as much in the law of Rome as in that of England, have not been neglectful of the magnificent work done by the professors of that science where it has been studied separately and specially. And in some cases it has been forced upon their attention by public events, even during the period I have considered, as in the Royal British Bank case (which no doubt was on the criminal side) in 1858. Still, down to about 1865 English law contributed much less than afterwards, while, very curiously, the subsequent law of Scotland on the subject is a blank, broken by only one case in 1872. One result of the course that things have thus taken is, that in now completing a sketch of what is common to both countries from ex-

clusively English sources, we can afford to lay aside much that might be gathered from the latter even by incompetent and foreign hands, from the the period before 1865, and may refer chiefly to findings added since that date; findings which the equitable law of a small adjacent country must receive with the deepest respect.

There are two points which we have not yet noticed on which English law is clear and strong. One is the inadmissibility of those who, like directors, are in the position of trustees, making any personal profit from their position, or even entering into a valid contract including such profit. But Scotch law on this matter is also clear, and indeed one of the leading cases always founded upon in the English Courts is a Scotch appeal in the House of Lords. It requires at present to be noticed only in relation to the two branches of fraud or misrepresentation, and violation or neglect of duty. Allegations under both heads, in themselves inadequate, would assume a more conclusive aspect if the wrongful acts of the directors or officials attacked were complicated with the motive of the receipt of such moneys, or even with the receipt of them. According to the rules of both countries it would seem that such moneys are to be paid back *ante omnia*, leaving thereafter to all parties their remedies. A matter on which English law, however, is conspicuously strong is that of *ultra vires*. It holds it indeed

'no mere canon of English municipal law, but a great and broad principle which must be taken (in the absence of proof to the contrary) as part of any given system of jurisprudence, that the governing body of a corporation which is a trading partnership—that is to say, the ultimate authority within the society itself—cannot, in general, use the funds of the community for any purpose other than those for which they were contributed.'*

And on this principle the law founds

* V.-C. Wickens in *Pickering*, 1872. 14 L. T. Equity, 322.

a personal liability distinct from any that is based on fraud or misconduct. This was explained and applied in 1870,* but was based upon a previous case in which directors, 'apparently with perfect *bona fides*, but being misled by a false table on which they had calculated their profits,' had made dividends really out of capital. The proper order was held by the Lords Justices to be that they should personally pay back the money they had improperly paid to the shareholders, without prejudice to their recovering it back from the shareholders to whom they had paid it. But this is qualified by the important doctrine that 'shareholders may ratify an act which is *ultra vires*;'† that is probably, as the Scotch law more pedantically but accurately puts it, they may 'homologate' it, or ratify it so far as they are concerned. And it appears settled that 'a shareholder is bound by the acts of the directors if he had the means of knowing that they have acted beyond their authority, and he does not interfere.'

But the chief English authorities during the period we are considering, on the heads of fraud and negligence respectively, are probably the cases connected with the catastrophe of Overend, Gurney & Co., which opened that period. On the former matter, that of fraud and misrepresentation, the question arose, what is the effect of concealment or omission in prospectuses and reports? It was held that mere non-disclosure of material facts (though it may be a ground for setting aside an allotment or purchase of shares) is not in itself a ground for an action on deceit or for proceedings in equity such as those with which in this paper we deal. But though it is not necessarily a ground for the latter, it may

* By V.-C. James. 22 Law Times (N.S.), 839.

† Phosphate of Lime Co., 25 L. R., 636. Mr. Justice Willes, however, refers in this case, not in a reassuring way, to certain 'sapient persons' in the House of Lords.

become so in special circumstances, and was held to be so in the case in hand. The Lord Chancellor Chelmsford states it thus . . .—

‘It is said that the prospectus was true as far as it goes, but half a truth will sometimes amount to a falsehood; and I go further, and say that, to my mind, it contains positive misrepresentations. The language of the prospectus must be read in the sense in which the respondents must have known it would be understood.’

And Lord Cairns, following him, puts it with great exactness that to ground an action in the nature of an action for misrepresentation,

‘there must, in my opinion, be some active misstatement of fact, or, at all events, such a partial and fragmentary statement of fact, as that the withholding of that which is not stated makes that which is stated absolutely false.’*

On the other side, of neglect of duty, the law of personal responsibility was in the *Overend, Gurney & Co.* case discriminatingly lenient, as on the side of fraud it was discriminatingly severe. It was held in Chancery, and confirmed by the House of Lords, in 1873, that

‘imprudence in the exercise of powers undoubtedly conferred upon directors will not subject them to personal responsibility; the imprudence must be so great and manifest as to amount to gross negligence.’†

In this case the directors were authorized to purchase a business. It turned out to be ruinous. But ‘unless that character was obviously apparent when the purchase was made,’ the directors making it were not responsible. And in closing my notice of a

* *Peek v. Gurney*, 6 L. R. (H. L. Cases), 377.

† *Overend, Gurney & Co. v. Gibb*, 5 L. R. (H. L. Cases), 480.

subject on which the law of different parts of one country must be substantially one, I find a valuable contribution from the Irish Court of Chancery seven years ago.* It makes important distinctions, and deals especially with the relation of those who are merely negligent, to others who are fraudulent, a case which will be found to be the ordinary one raised. The distinction is between directors who have been *active* in breaches of trust, and others who have been *passive*, and are liable by reason of negligence only. ‘Presence without dissent,’ it was held, ‘at a board meeting where any of the objectionable resolutions were passed is an active participation in such breach of trust.’ On the other hand, ‘where knowledge of such breach of trust is first actually acquired when it is too late for remedy, though with due diligence and knowledge it might have been acquired sooner, this is only passive participation therein.’ But, at the same time, a warning suggestion was thrown out, that if such knowledge is acquired by a director while remedy is still possible, neglect to enforce such remedy may be held to be active participation in what was previously done.

The preceding pages, I believe, include the principles upon which bank directors in any part of the United Kingdom can be held to incur personal responsibility, while they refer specially to the law in Scotland. But they treat of personal responsibility in its wider sense, as exposing to a claim for pecuniary reparation or damages. They make no attempt to discriminate or to deal with that more limited class of cases which infer also a criminal responsibility. No such attempt must be made until the close of a criminal trial for which we in Scotland wait.

* V.-C. Chatterton. 19 Weekly Reports, 923.

CANADIAN IDYLLS.*

BY W. KIRBY.

THE QUEEN'S BIRTHDAY.

INTERLUDE FIRST.

'When the merry bells ring round,
And the jocund rebecks sound,
To many a youth and many a maid,
Dancing in the chequered shade,
And young and old come forth to play
On the sunshine holyday.'

— L'ALLEGRO.

UNHASTING and unresting from his heigl t
The sun slid down the slope of afternoon,
An avalanche of glory for an hour.
One fleecy cloud o'erhead that flecked the blue
Lay fringed with silver like an angel's robe
Afloat upon mid-air, too bright for shade ;
While in the south the gods of summer showers
Let down their golden ladders and in haste
Watered the mountain edge and plain above
The heights of Queenston, column crowned, where lies
Our country's darling on his bed of fame,
Speaking brave words for ever to our land
As spake his death on that October morn
Made glorious in our annals ever more. †
It thundered once beyond the echoing woods,
Like laughter of the gods who held the shower,
Nor let a raindrop touch the festive grove
Where sped the pastimes of the Queen's birthday.

The roaring of the distant Falls was heard—
Resonant—deep—abyssal—deeper still ;
Like throbbings of earth's very heart it came,
The old time monody, old as the world,
The lullaby of man when he was made,
And morn'ng stars together sang for joy !
The shadows in the grove crept eastward now,
Weaving their woof and warp of light and shade
In new and quivering patterns, that defied
All art of schools to match their tapisserie.
Upon the grass a round of dancers wheeled
In graceful measure to the violins,
The flutes and tambourines, that filled the grove
With music such as stirs the blood, and sets
The feet unconsciously to beat the bars.

* [The reader is referred to page 414 of Vol. VI. for the Prelude and the first of these Canadian Idylls.—ED. C. M.]

† General Sir Isaac Brock, Governor of Upper Canada, killed at the Battle of Queenston, 13th October, 1812.

May listened eagerly—while on her cheek
 The dimples went and came, quick as her smiles.
 True woman she ! who gave the sighs where due
 The old French thorns—the love that went astray—
 Then put the grief aside. Her eyes shone out,
 Washed by a tear ; the brighter for th' eclipse
 Of sorrow, and a love-grief not her own.
 She took the proffered hand of one she liked ;
 With liking almost loving, sooth to say ;
 A youth who worshipped her—as well she knew,
 And pleased to think so—for it seemed her due,
 The right divine of woman to be loved,
 And be herself heart free, if so she chose—
 Mistrusting little how her strength might fail
 Just at the moment of its least avail !
 As there was one who once did 'wilder him,
 Who wrote the tale—loved him perhaps—nay more,
 Kneelt by his side at the Castalian spring,
 And, dipping with both hands the water pure,
 Gave him to drink of immortality—
 And kissed him into death, of all beside,
 To live with him in verse for ever more.

May joined the dancers, while a merry tune,
 In triple time of lilting airs they loved,
 Greeted her coming—for where all were fair
 May was the fairest, with her tossing hair,
 And thousand charms in motion everywhere.
 Her waving robe revealed two dainty feet
 Light as a plover's tripping on the grass,
 And scarcely touching it, as she danced through
 The joyous set and then renewed it, too !—
 Her dimpled smiles and merry glances caught
 Reflections of themselves in every face
 That turned to her, as she flew gaily past.
 And so May danced without a single care,
 Until her thought reverted to a scene
 Like this, her favourite poet had described,
 A happy hour of others' joys, forbid
 To him who wrote the story—to relieve
 The weary night thoughts, and forget the pain,
 The want—the isolation, and the strain
 Upon the heartstrings, until one by one
 They snapped, and silent lay the broken harp,
 But not the music ; which had been set free
 To float forever in the heart of May,
 And those who, like her, loved the poet's lay.
 The girl had in her heart of hearts, a fount
 Perennial, hid from eye of garish day ;
 Ideals of love and duty—words of prize
 From poets gathered, many, rich and wise—
 And most from him whose book she loved the best ;
 That old unprinted volume, whence she drew
 Day dreams of fancy, tender, lovely, pure,
 Illumed by hope, and warmed by youthful fire ;
 And in them lived the life of her desire.

Amid the meadows and beside the brook
 The lake's lone shore—or by the winter fire,
 She filled the varied scene with forms she loved
 Flowers—trees—cascades, rocks, castles in the air ;

A Baulah where true love was always sure
 Of its fulfilment, for in that bright land
 Of her imaginings, all came to pass—
 Just as she wished it ; never died a flower—
 Nor failed a fountain of its overflow
 Nor lost the grass its verdure, and where seed
 Life-germinal, first sown in heaven, appears
 On earth in new creations—of its kind,
 And not another's to the evermore ;
 Whence comes the newness and in time, the old.—
 In that fair land Love drank its fill secure—
 No heart of man or maid was ever sore—
 No cross between them ever marred their joy.
 But all things right and happily befell,
 As she would have it. And with start, half joy ;
 Half fear, would sometimes flush to think one day,
 Perchance to her might happen in the way
 Of others to be wooed by thrilling clasp
 Of hands, that catch her haply unawares,
 And hold her, not unwilling it might be.
 What then ? Why all her glorious fancies raised
 To topmost height, were feeble to express
 The hopes—the joys—the tremulous distress
 Of that sweet change from fancy to the real
 Which finds in love the crown of its ideal.

The dancing ceased awhile—the dancers walked
 By twos and threes beneath the shade, and talked
 With zest and relish of the things they knew
 Things easy, common, not too high or low—
 Familiar as the stools whereon they sat.
 None stumble over them—nor fear to trip—
 By too much wisdom—so gay talk and song
 Succeed the dance amid the joyous crowd.
 May, flushed and happy, with disordered hair
 She shook into its place—her arm half-bare,
 She covered blushing, rejoined the few
 Beside her uncle, who sat book on knee
 And bade her choose a tale and read it too.
 She said : ' Good uncle ! There is one sweet tale
 I love, and fain would read—Not that ! nor that ! '
 She turned the leaves in haste—' Not that ! just now,
 That melancholy tale which tells of one
 Poor maid forlorn and crazed, who died for loss
 Of her young bridegroom on their wedding morn—
 In the wild whirlpool where he ventured in
 To rescue drowning men—and was himself
 Caught by the swirling eddies ringed with foam,
 And borne away in sight of his young bride !

' All the day her cries to heaven rose up in vain,
 Heaven gave no sign—albeit the Father's ear
 Heard all in pity—ordering for the best
 Th' eternal providence of life and death—
 Of death, whose gloomy masque conceals the grace
 Of God beneath it—hides the beauteous face
 Of Life's great angel, sent to all in turn
 To summon each of us in name of him
 Whom we call Death, but who is Life eterne.
 Three days her bridegroom with uplifted arms,
 Stark stiff in death, besought her as he whirled

In vast gyrations slowly round and round
 The watery circles, each one with a well
 That swallowed all things in it—bodies, trees,
 Tall masts on end—disgorging them again
 In sport of giants—so three days she gazed
 Upon her bridegroom in the whirling tides,
 Now sinking, now emerging—till she crazed.
 And still they say her ghost is seen o' nights,
 When winds roar up the gorge, and moonlight falls
 With flickering beams amid the shaking pines
 That overlook the whirlpool. On the rocks
 There, with pale face and clasped hands, she sits
 Peering into the chasm, where he whirls
 With arms outstretched—two hapless ghosts forlorn,
 Each on the other calling—till the dawn.

'I like not that!' said May—and turned the leaves
 Impatiently—'nor this! No! Neither this
 Grim story of the rebel's bones! Although
 You always laugh to hear it, uncle dear!'

'Why, yes;' he answered, smiling as he spoke—
 'It makes one laugh—the story is so odd—
 So true, besides! for my own eyes have seen
 How an uneasy rebel—killed and laid
 In Navy Island could no quiet find
 Even in his grave. No rest had Beebe's bones
 Oft as men buried them and beat them down,
 Earth cast them up again! Year after year
 His bleached disjointed frame next morning lay
 Upon the grass beside his open grave,
 Which seemed not dug, but scratched by demon claws,
 As if the great arch rebel Lucifer
 Had claimed his own—A weird, uncanny tale!
 Beyond the wit of any to explain!*

'The tale of Beebe's bones is all too grim
 For you, dear May! although you are, I know,
 Courageous as your mother—who, that night
 Of battle round the hill of Lundy's Lane,
 Passed through our ranks, amid the lines of fire,
 And carried water to our thirsty men,
 Who drank to victory—and won it then!
 Canadian women loyal, tender, true,
 In all the charities of life, possessed
 A man's heart for their country in those days,
 As you have in your bosom now, dear May!'

'Praise not my courage, uncle! lest it fail!'
 She laughing said—'I feel it failing now!
 My man's heart is a woman's after all!
 A tale of peaceful life and happy love—
 Or love unhappy, so it end in bliss—
 Prefer I to the records of grim war:
 Such I will choose, and such will read, if you,
 My dear companions, round this witness-stone
 Will listen patiently—for it is true

* Beebe, a 'sympathiser,' killed in the bombardment of Navy Island, 1837.

In 1846, nine years after the occurrence, the writer, with a friend still living, visited Navy Island, then densely wooded and uninhabited. Curiosity led us to the south-east corner of the island to see the grave of Beebe. We found it open, and his bones lying beside it on the ground, as described.

As poetry for ever is—more true
 Than old dry knowledge without music's beat,
 That never tastes the sweetness of th' ideal
 Nor shakes the dust of earth from off its feet !
 Old Clifford smiled. ' We are alert to hear
 Your tale so wisely prefaced, dearest May !
 That poet in your heart I think, and you
 Who love him, and have caught his spirit too,
 Will fail not in the reading—for I know
 That when the heart is in it, nothing fails !'
 May smiled approvingly, but answered not ;
 She turned the faded leaves, and quickly found
 The story treasured, and so often read—
 Indeed by heart she knew it, and the book,
 With his firm writing on it, only gave
 Her looks more animation, and her tongue
 More emphasis of keenest sympathy
 That wound round every fibre of the tale—
 She smoothed her ruffled hair, drew in her robe,
 And pulled her kerchief tighter round her heart
 Unconsciously—to stay its beating—while
 She sat upon the stone of witness, and—
 With voice clear, soft and flexible—began

THE BELLS OF KIRBY WISKE.

TEMP. GEO. IV., 1820.

' The airy tongues that syllable men's names,
 On sands and shores and desert wildernesses.'
 —CORUS.

It was their autumn—fifth amid the woods,
 Yet in their primal solitude, remote,
 Vast and unbroken, save where came a few
 Brave pioneers—the first, to Balsam Lake,
 From English villages and breezy wolds,
 Led by John Ashby, who in many wars
 In every clime, and last in Canada,
 Had served the King with honour, and received
 These lands in gift, which he as freely gave
 To his poor hardy people—their's in fee—
 To build, to plant, and make themselves a home—
 A home of plenty, peace and sweet content ;
 A home of loyal, brave and godly men,
 The heirs of English freedom—their's by birth ;
 Not free by license of a lawless will,
 Or breach of kinship or allegiance due ;
 But free by right of commonweal in all
 The franchises of her Imperial State ;
 Whose public conscience is the law of God,
 Source of her power and greatness—that alone
 Builds up a State—without it none can stand,
 All else is but the house upon the sand,
 Foundationless, that in the tempest falls.
 The equinoctial gales had ceased among
 The balsams, pines and hemlocks, bough to bough,
 Locked in a phalanx with a forest grip ;
 That linked the hills together in a chain—
 The calm of Indian summer had set in—
 Mornings of hoar frost—smoky, sleepy noons—

Beheld the sun shorn of his beams. His face
 Ruddy with festal joys, as of new wine—
 For all things ripened now. The wild grapes hung
 In purple clusters. Acorns uncupped fell,
 With mast of beech upon the leafy ground—
 While far as eye could see, the maples blazed,
 Like distant camp-fires in the piny woods,
 Breaking the solemn gloom of evergreen
 With touch of light and warmth. The glassy lake
 Dotted with rocky islets overgrown
 With mimic forests—each a fairy land
 And empire of itself for Fancy's dreams
 Held in its bays—the vast migrating flocks
 Of wild geese, swans and mallards, with a clash
 Of wings and trumpeting. High up the stream
 In solitary pools, the beavers worked
 With quiet industry—and one for all
 And all for one—improving lessons gave
 To selfish man, to teach him how to live!

This afternoon two sisters—lovely both,
 Each lovelier than the other—people said,
 As rose or lily was preferred—so they—
 Unlike in aspect, as a ray of light
 Upon a diamond's facets in the sun,
 Refracted variously is still the same—
 Sat on a fallen tree—one with a book
 Upon her lap, one busy with the threads
 Of varicoloured wool, half work, half play
 Conversing, reading, musing, as it chanced.
 Their language soft as summer brooks that slide
 O'er mossy stones was interrupted oft
 With breaks and sweet elisions, that made
 Unspoken words more clear than utterance.

Their quiet lives amid the woods to-day,
 With some unusual news had been aroused—
 Next Sunday was to bring to Balsam Lake,
 A Sabbath such as never had been seen
 In these new settlements; for word had come
 To good John Ashby, and, retold, had passed
 From house to house throughout the wilderness—
 Leagues inward, where the woodman rested on
 His polished axe, or ran the ploughman in
 To tell his good wife, overjoyed, the news:
 A godly missionary come from home,
 Yea—from their very country side—their own
 Old pastor, would before next Sunday be
 At Balsam Lake, with services that day!
 And for the first time in this wilderness,
 Set out the holy table of the Lord,
 For blest communion of the Sacrament,
 In memory of Him who died for all!

For good John Ashby, while he never missed
 In rain or shine, or heat or cold, to read
 God's word with prayers upon the Sabbath day,
 To all his neighbours, who to worship came—
 Nor hesitated, in the need there was,
 To christen babes, born in their forest homes,
 Into God's kingdom, there as everywhere;

And as a magistrate, for good of peace
 And people's quiet rule and government,
 Commissioned by the broad seal of the king,
 Would marry all who came with good intent,
 And lawful hands to be in wedlock joined—
 Yea—earth to earth and dust to dust—interred
 In graves of peace beneath the solemn pine,
 Such as fell by the way and died—no shrine
 Of holiest repute in Eastern lands,
 Glowing in sunshine by the lofty palms
 That cut the clear blue sky, was nearer heaven
 Than those green graves beside the Balsam Lake,
 Yet—moved by scruples—over-nice may be,
 As fearing to transcend, what use forbade ;
 Not Christ expressly—and as if unsure
 Of all, the depth and meaning of this gift
 Of love divine left in the Sacrament,
 John Ashby ventured not to break the bread,
 Or give the testamental cup, in those
 Pure elements, that represent the sum
 Of all God's grace—past, present, and to come.

'Great is the mystery of godliness !'
 Not less than chiefest of Apostles said,
 Unfathomable as the reach of space,
 Than man's most searching plummet deeper yet,
 However deep the eternal mystery,
 Upon its waters floats the ark of life—
 The Word divine. Amid the winds and wash
 Of angry waves, we hear the Saviour's voice,
 Say, 'Peace be Still ! O fear not, it is I !'
 'Do this in my remembrance !' Blessed words !
 Enough to save the world, if but believed.

Eve Ashby held her sister's hands, and sat
 With far off-look and parted lips, intent
 To catch a haunting sound from memory's depths
 That floated up, and in her startled ears
 Renewed the music of the by-gone years.
 'O, listen Hilda ! Hear you not,' cried she,
 With lifted hand that touched her startled ear ;
 That old familiar chime float in the air !
 The bells of Kirby Wiske are ringing—ringing—
 Have in my ears all day been ringing low.
 Their triple cadence as on Sunday morn
 It came across the meadows, where the thrush
 Sang in the hedges and the sky-lark rose
 Above us in mid air, as we passed on,
 Or stood upon the bridge to watch the fishes
 With their own shadows playing in the brook—
 Across the corn-fields, where the beaten foot-paths
 Cut by the stiles, led to the distant village
 Where stands our ancient church, gray with the ages,
 That in the nook of its o'd massive tower,
 As loving as a mother holds her children,
 Keeps safe the graves of all our kith and kin ;
 The solemn bells above them chiming sweetly—
 Ever repeating till the judgment day :
 "Blest are those servants whom the Lord finds watching
 When He shall come !" His servants ! blest are they !

Eve Ashby, after silence for a moment,
Embraced her sister fondly, and went on,
‘Twas always said, you know, my darling Hilda !
To hear those bells in dreams or fantasy,
Was certain sign that God was calling in
Some weary soul to rest from earthly labour,
As they to-day are haply calling me !’

A light of joy flashed up, and then she paled
To see her sister tremble, full of anguish,
For Hilda too believed the legend hoar
Told of the bells of Kirby Wiske,—Whoever
Heard them, in dreams or reverie, knew well
That God required the soul for whom they rang.

Eve Ashby, pure of mind as fair of face—
In each you saw the other—long had given
Her soul to God, and loved of all things else
Communion with His spirit by His Word,
Which quickened in her every power beside.
Her father’s wisdom, culled in many lands,
In war and peace, converse with men and things
With ripe experience of a varied life,
Was the rich heritage she made her own ;
She read her father’s books—the choicest lore
Of past and present—loved on them to pore,
Extracting gold whatever in them was.
From his wise conversation learned to sift
Truth’s wheat from chaff, and garnered in her mind
A thousand things she loved to hear and know.
She learned how grand was England’s heritage
Of minds immortal—from the nation’s dawn—
When Caedmon, in his dreams, preluded first
In English tongue, up in the Angle-land—
Our earlier Milton—not unworthy him,
Who after came with thunderous harmonies,
And closed the song which Caedmon first began.
No vain romance sang he, but things divine
Of truth and righteousness, God’s Word made plain
To our great, rude forefathers. Such the seed
First sown on English ground. Thank God for that !

Sang none before our Caedmon. After him
Came first a few—then more—then many, as
Unwinds the roll of centuries, until
A mighty host goes forth at last, renowned
As sages, poets, some with laurel crowned,
To all the earth’s four corners, high a flood
With English speech and deeds of Englishmen,
And their true lineage here and everywhere,
That, when the world’s great Babel crumbles down,
Their’s may remain at last the only tongue !

The sun was setting slowly in a blaze
That filled the valley of the Balsam Lake ;
Whose undulating shores were melted in
The bright effulgence of the western sky.
The sisters sat——Eve, eldest of the twain,
Bright chestnut-haired, with eyes cerulean blue,
Clear as the sky of Asgard—tall and lithe --
With features sculptured by a master-hand,

Straight as Iduna's, who with apples fed
The Eddic gods of her ancestral race.

She spake to Hilda smilingly, whose eyes
Still wet with tears, tried vainly to respond
To Eve's unwonted ecstasy—to her
The culmination of the dread of years,
To Eve a hope more bright than any fears.
She drew her sister's face to hers, and said :
' My Hilda ! There is cause for joy to-day,
Our frequent prayers are answered in these wilds
Of woods, and waters little known to man,
But dear and near as Paradise to God.
On Sunday all our people, far and near,
Will come to meet our Pastor, and receive
From his good hands the supper of the Lord.
Here hungering for the precious bread of heaven,
We long have prayed to see Christ's messenger,
Ordained and sent and clothed for righteousness,
Like to the Saints, in linen fine and white,
Who follow Him, whose name is " Word of God. "'
More had she said, but touched by Hilda's tears,
Was silent, and she heard the chime renewed
More near and clear of those forewarning bells,
That never lied to God or man, in all
The centuries they rang for quick and dead,
Up in the hoary tower, whose shadow falls
Of summer mornings on the graves she loved—
Her mother's, flush with fairest flowers of spring,
And many a hillock with its mossy stone,
Of kindred dead, laid with their kindred dust,
With one who might have been more near than all,
Whose grave her feet had left, but not her heart,
For there reposed her life's abiding trust.

That old gray church, built when Plantagenets ruled
Our England with a kingly hand, o'erlooked
The broad, flat meadows and the gentle stream
Not wider than a girl can throw a stone.
Where stood the village butts of olden time,
And sturdy yeomen learned to draw the bow
Of Cressy, Agincourt and Flodden field,
In those brave days when battles had no smoke,
And men their foes encountered eye to eye.
There, Roger Ascham, stout of arm and brain,*
Archer and scholar, learned in every lore,
Taught men to shoot, and think, and speak the truth
With wit and wisdom, as he nobly trained
The regal mind of great Elizabeth.

Or later, by a century and more,
One lived in this old Danelagh by the Wiske,
Who felt, he scarce knew why, the Viking blood
Stir in him, till his learned, laborious hand
Restored to English letters—almost lost,
The heirlooms of our race—the ancient tongue
Of Woden, and the Eddas once our own.
Brave, loyal, godly Hickes, without a See, †

* The learned and famous Roger Ascham was a native of Kirby Wiske. A fine memorial window was, a few years ago, placed in the church to commemorate that distinguished scholar.

† George Hickes, D.D., Dean of Worcester, and suffragan Bishop of Thetford. A distinguished non-juror, deprived for refusing the oath of allegiance to William III. He was born in

A bishop rich in conscience as in lore ;
 In spirit poor to God, but not to man,
 Remains without a stone or carved line
 In those old walls he loved, which honouring him
 Would have an equal honour done themselves.

And he who these old faded leaves transcribes
 Will add what surely had been writ therein
 By our dead poet, had he lived to see
 That monumental marble raised to one
 Of England's dead who fell at Isandule
 Far from his happy home and native seat—
 *Pulleine, who when the hosts of savage foes
 Surrounded him, nor hope of life remained,
 Bade two take horse and save the colours, quick !
 Who saved the honoured flags, but not their lives !—
 While he turned calmly to his men, and spake :
 ' Men here we stand—and here we fight it out
 Unto the end ! '—and he and all of them,
 True English hearts ! together closed their ranks,
 And died upon the field they could not win !
 The Christian soldier, on the arid plains
 Of Africa, had heard the solemn bells
 Of Kirby Wiske ring on that fatal day !

Eve rose in haste, ' Come, Hilda ! ' cried she, ' come ! '
 Her voice was clear of flaw as is the note
 Of the glad oriole full tuned in spring.
 ' Come ! sister, come ! We must prepare the things
 Are needed for the Sabbath day, and deck
 With evergreens our upper room. It will
 Be more than filled with people come to see
 Their ancient pastor, wearing robe and stole,
 Repeat the sacred prayers, and after years
 Of spiritual fast, receive from him
 The sacrament ordained by our dear Lord.'

Rose Hilda quickly, for like Martha she,
 Housewifely to the core, and proud of it to be,
 Was cumbered with much serving, more than Eve,
 Who sat like Mary at her Saviour's feet,
 Pouring on them the ointment of her heart.
 Eve chose the one thing needful—that good part,
 Which none could take away—the love that lives
 For ever happy in the Master's eye,
 And does His bidding without asking : Why ?

But ever Eve was conscious of the bells
 That rang forewarningly—and she was glad
 And whispered under breath, ' His will be done !

the parish of Kirby Wiske, 1642; died 1715. His great work on the old Northern languages, entitled '*Thesaurus Grammaticus et Archeologicus linguarum veterum septentrionalium*,' restored to England the knowledge and study of the Danish and Anglo-Saxon foundations of our language.

* At the massacre of Isandula, 22nd of January, 1879, Colonel Pulleine, of the 24th Regiment, being completely enveloped by the main army of the Zulus—with his ammunition exhausted and no hope left of saving the lives of himself and his men—bade Lieutenants Melville and Coghill mount and save the colours. These two gallant officers fought their way through. They saved the colours, but both perished in the struggle. Colonel Pulleine then turned to his men with the following speech:—' Men of the 1st 24th ! We are here ! and here we stand to fight it out to the end ! ' They all fell fighting to the last man. Colonel Pulleine was the eldest son of the late, and brother of the present rector of Kirby Wiske, where a monument has been erected to his memory.

My Lord is calling me to enter in
 His kingdom, where my heart has gone before !
 Where He awaits me, who that summer eve
 When Wiske ran rippling by our lingering feet,
 Heaven's countless stars for witness, pledged his love
 With this betrothal ring again to come,
 At Christmas tide, the gladdest yule to be
 For both of us ! which came—but never he !
 Alas ! the day ! when Swale in winter flood
 From fells and moorlands overflowed his banks,
 And buried all the fords in deluge wide.

And he, for love of me, rode rashly in,
 To keep his word and set our wedding day.
 Ah ! me ! his lifeless body stark in death,
 His lips sealed with a smile as hard as stone,
 With open hands that seemed to say, farewell,
 Was all they brought me of my Lionel !'

 AN ÆSTHETIC PARTY.

BY 'GOWAN LEA,' MONTREAL.

IN the dimly-lighted chamber
 Hung with crimson and with gold,
 See the radiant maidens sitting,
 Dreaming of the days of old.

'Yonder,' says one, glancing upward
 To the portraits on the wall,
 'Yonder are the grand old masters
 Looking down upon us all :

'Michael Angelo and Turner,
 Raffaele and Socrates,
 Mozart, Byron—all the poets,—
 O that ours were days like these !

'Might we but commune in spirit
 With the great heroic band !
 Might their lofty genius lift us
 Into their ideal land !

'Ah ! the tapers flicker dimly,
 Light and life burn to decay,
 But the world of Art and Beauty
 Opens to an endless day.'

THE POWER OF DISALLOWANCE AND ITS NATIONAL IMPORTANCE.

BY THE HON. JAMES COCKBURN, Q C., EX-SPEAKER OF THE HOUSE OF COMMONS,
OTTAWA.

WHEN the scheme of Confederation was discussed in the Legislature at Quebec, there was a marked anxiety on the part of the leading politicians to follow all the good features of the federal plan of union adopted by the United States of America, and to avoid all the weak points which that system had disclosed, and which had become, as it were, prominent landmarks for our own guidance. The question of 'Sovereign State Rights' was one which in its applicability to our Provinces had previously caused much anxious consideration at the Quebec Conference, held in October, 1864, and again in the two Houses of the Legislature, when the Address was voted to the Crown, in February, 1865, praying for an Imperial Act to legalize and confirm the new Constitution. All the leading minds of the two great political parties, Liberal and Conservative, were united in the opinion that the supreme power must remain with the Dominion or Federal Government, and that the legislation of the Provinces must be made subject to disallowance by that power. The debates both of the Canadian Legislature and the Imperial Parliament shew that the consideration of this important question in all its various bearings was gravely and thoughtfully entertained, the result being that the clearly expressed desire of the people of the British North American Provinces on this question of sovereign power was embodied in the Act of Union.

By reference thereto, we find that inasmuch as Acts passed by the Parliament of the Dominion might—sec. 56 of the Union Act—be disallowed by the Queen in Council within two years, so Acts passed by the Provincial Legislatures might—sec. 90—be disallowed by the Governor-General in Council within one year. It may be well to give the section of the Statute verbatim as it stands to-day. See section 56, as read in connection with sec. 90 :

'When the Lieut.-Governor assents to a Bill in the Governor-General's name, he shall, by the first convenient opportunity, send an authentic copy of the Act to the Secretary of State for Canada, and if the Governor-General in Council, within one year after receipt thereof by the Secretary of State, thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Lieutenant-Governor by speech or message to the Legislature of the Province, or by proclamation, shall annul the Act from and after the day of such signification.'

This, then, is the constitutional authority for the exercise by the Governor-General in Council of the power of disallowance. No one, indeed, can question that the power exists, and no one who is at all acquainted with the history of the Canadian Confederation can for a moment doubt that the power was so conferred in accordance with the earnestly expressed desire of the Canadian people.

The recent disallowance of the Rivers and Streams Bill passed by the Legislature of Ontario has given rise to much acrimonious disputation which

would seem in a measure to challenge the wisdom of this provision of our Great Charter. It is said that the exercise of the power of disallowance would destroy the autonomy of the Provinces, and be wholly at variance with the exclusive power given to them to legislate upon certain classes of subjects set forth in sec. 92, and notably upon 'Property and Civil Rights.' But the answer to this contention is that the autonomy and exclusive power of Legislation conferred on the Provinces was expressly granted *subject to this power* of disallowance reserved to the Central Government; and whilst it is competent for the people of any Province to question the policy of exercising the power in any particular case, it is not competent for any one under the Constitution to question the power itself. That power can be constitutionally exercised at all times by the Governor-General *in Council, i. e.*, with the aid and advice of his Ministers, who are responsible to the people of the Dominion for this as well as for any other Ministerial act. Mr. Blake, while Minister of Justice in 1875, took the true position on this question, when the Colonial Minister claimed that the power of disallowance should be performed by the Governor as an Imperial officer without asking for, or acting on the advice of his Canadian Ministry, Mr. Blake repudiated the pretension successfully, and insisted, as he was entitled to insist under the law, that the disallowance of the Acts of a Provincial Legislature could only be legitimately performed by the Governor-General with the advice of his Canadian Ministers, and that they were responsible for such advice to the people of Canada in the Parliament of the Dominion.

It is not necessary to my purpose to discuss the propriety of disallowing this particular Act:—it may have been, and no doubt was, retrospective in its operation—an objectionable feature, but not fatal to its constitutionality.

It may have affected a subject matter which was *pendente lite*; also an objectionable feature, but still leaving it within the power of the Local Legislature, and it may have totally disregarded the principles which customarily govern the laws of property; but the subject matter is included in those enumerated in section 92, and therefore it is competent for the Provincial Legislature to deal with it.

The Bill may be a good Bill and quite within the jurisdiction of the Ontario Legislature, or it may be the reverse, and still be within its jurisdiction. In either view, I wish to draw public attention to the importance of the principle of disallowance in the abstract. The jurisdiction may for the purpose of my remarks be in all cases conceded, for if that is overstepped, the Act, being *ultra vires*, is void, and the Courts when called upon will hold it void, and will practically disallow it. The power given by section 90 to the Governor-General in Council to disallow clearly extends to cases within the jurisdiction of the Provincial Legislature, otherwise there would have been no need of any limitation, as the Courts of law could have effectually settled all such questions.

The true position, then, is this, that the Governor-General, by the advice of his Ministers, may disallow Acts of the Provincial Legislature which are quite competent for it to pass, as well as those in respect of which it has no jurisdiction.

The policy, then, of the particular measure must necessarily be considered by the Governor-General and his advisers, to whom careful supervision will thus become a necessary duty.

Sir John Macdonald, in 1868, laid down some excellent rules to be followed in the carrying out of this special duty, which have not, however, always sufficed; nor was it to be expected that they should suffice in all cases that might arise thereafter. The disallowance of a Provincial Act should, of

course, depend very much on the merits, or rather demerits, of the particular measure under consideration; but many other matters of public interest, may, it is conceived, have also to be considered in connection therewith. That the 'Streams Bill' was objectionable, according to well understood principles of legislation, has been already pointed out, but that such objections should prevail to the extent of disallowance is a question fairly open to discussion. And yet in the controversy over the merits of the Bill and the need of its enactment, we must not lose sight of the far more important constitutional principle which has become indirectly involved, namely, the continuance intact of the power of disallowance which must stand unimpeached under the Constitution.

But in the arguments used in the House of Assembly and in the press, it has been contended that there should be no supervision over the Acts passed by the Provincial Legislatures, that so long as they were legislating within the limitations prescribed in section ninety-two, they should be subject to no veto power. This is, in effect, a demand for a change in the Constitution of an extremely revolutionary character, and, with all deference, it is submitted that it would not be in the true interests of the people of the Dominion, that such unlimited powers of legislation should be conferred on the Provinces. There is no sound reason why the Provincial Government should be made to occupy the anomalous position of Sovereign States, even though they be limited to the subjects mentioned in the ninety-second section. Are there, it may be asked, no dangers touching the public interests of the Dominion at large to be guarded against, no hasty legislation to fear, no possibility of conflict with the laws of other Provinces, or with the laws of the Dominion, and especially where concurrent powers exist with the Dominion Parliament? It should be the paramount duty of Canadian statesmen to assi-

milate and render uniform, so far as it is possible, the civil laws throughout the Dominion, for nothing can be more hurtful to the interest and prosperity of the people, or more injurious to the progress of the country at large, than that there should be different and perhaps conflicting laws regulating property and civil rights in the different Provinces. How, also, it may be asked, can these or any one of these objects be securely attained without the power of disallowance, and of supervision being placed in the hands of the general government? True, it may be said, that the country, up to the present time, has not suffered from any of these evils, and it is gratifying to know that, with fifteen years' experience of our system of Federal Government, the occasions for the exercise of the power of disallowance have been few and far between.

But it has, in the course of the recent discussions, been contended, by way of refuting the warnings drawn from the Civil War in the United States, that the importance of the Constitutional doctrine as to State Rights has now passed away, and that the danger of any such conflict arising in the Dominion was exaggerated, and obtained an undue importance, in the eyes of those statesmen who planned and framed the various clauses of our Union Act. This is a view which, it is submitted, is entirely incorrect, for, on the contrary, the thinking men of the neighbouring Republic feel keenly to-day the dangers of disintegration which arise from their system of independent State government. A recent paper in the January number of the *Princeton Review*, entitled 'Anti-National Phases of State Government,' puts these dangers before its readers in a very clear and comprehensive manner; the writer says:

'These various State codes, and methods, and systems, that flow through the very arteries of social and independent life are widely diverse, and are often in sharp conflict with each other. This discordance and conflict between the laws and institutions of the differ-

ent States present one of the greatest evils in our Government; the wrongs resulting from it are hostile to the interests and growing national spirit of the people, and they are wrongs without a remedy; there is no organized instrumentality for their correction within the four corners of our system of government. For these reasons the evil has appealed to revolutionary methods for its cure, and the fact suggests grounds of apprehension for the future.

These dangers do not threaten us, so long as we hold fast to our written Constitution, inasmuch as we have there provided a condition—this power of disallowance—which protects us from similar divergences, discordances, and conflicts. But we must be careful that we do not lightly abandon a wise safeguard, which was adopted to secure the peace and the permanence of the Dominion.

It is submitted that if Canada is to become a powerful nation (always under the British Crown) her people

must cling to the great principle of a central supreme power in the government of her vast territories. Her sons cannot recognise the idea of seven different allegiances, where there ought to be but one—to Canada alone. The man who would be loyal only to his own Province takes a narrow, and at the same time erroneous, view of his duty as a citizen of a larger constituency. So circumscribed a field would hardly suit the vaulting ambition of our young race of politicians, nor yet would it harmonize with the patriotic sentiments that have but recently been eloquently expressed on the subject of Canadian loyalty in the pages of this Magazine. Let us then be equal to the occasion, and deal with this and other cognate questions in the larger, manlier, and more national spirit.

INTRUDING THOUGHTS.

BY R. S. A., MONTREAL.

O THOUGHTS! why will you come to me
 To call up choking, blinding tears,
 To open wounds I thought were healed
 By the long lapse of weary years?

Why will ye never cease to come
 As guests unwelcome and unbid?
 Why bring to light what J had deemed
 In dark Oblivion's caverns hid?

Through Mem'ry's corridors ye stride,
 And fling wide open every door,
 Revealing treasured word or glance
 Fast locked away in days of yore.

Did I but know when ye were nigh,
 I'd double lock each entrance gate,
 But ere I rush to bolt and bar
 Ye stand within—It is too late!

ERASMUS OF ROTTERDAM.

BY GEORGE SIMPSON, TORONTO.

THE beginning of the sixteenth century was characterized by the development of mighty forces that had long remained latent. They were not confined to one mode of manifestation. The older forms of civilization, the previously-existing modes of thought, as embodied in religion and civil government, were distinctly face to face with a new order of things. The unending conflict between reaction and advancement came into clearer light. The cause of learning had become obscured by empty mannerism and the inane jargon of casuists. Barbarism in art, morals, religion, and life had cast a withering blight over society. In that age the pulsations of awakening life were beginning to be felt. The genial influences of a new spring-time became diffused. Earnest minds, feeling the unsatisfactoriness of existing conditions, penetrated beneath the accretions of ages and sought to drink at the primal springs of truth and light. Instead of the dreary and purposeless speculations of the Schools, they sought the revival of learning. The purity of classic culture possessed for them the most fascinating attractions. In Germany and Italy the spirit of modern progress was awakened. In the former land, in accordance with the characteristics of the Teutonic mind, there was deeper earnestness and more steadfastness of purpose. The morning star of this great movement in Germany was John Reuchlin, a native of Pforzheim, in the Grand Duchy of Baden. With all the aptitude, enthusiasm, and tastes of the scholar, his aspirations were

providentially directed. Favourable conditions enabled him to prosecute his studies at the University of Paris. His linguistic acquirements would have been remarkable in any age, but at that time they were regarded with the utmost wonder. The troubles of the time and the intolerance of opinion led to his many removals. The rising universities of Tübingen and Wittenberg were thus for a time enabled to secure his services. His growing fame and influence speedily provoked the bitter hostility of the monkish brood. Unable to cope with him in argument or in scholarship, they had recourse to their more genial weapons—virulent abuse, branding him with the name of heretic, and committing his books to the flames. Those most distinguished for sincerity and intelligence espoused the cause of enlightenment, championed as it was by one with lofty aims, remarkable genius, and a blameless life. Thus arose the struggle with the Obscurantists, which has left a lasting monument in the *Epistolæ Obscurorum Virorum*, the authorship of which is still a matter of learned curiosity.

In thorough sympathy with the movement for the revival of learning and church reform, another star of the first magnitude and the clearest lustre arose and shone with steady light for nigh half a century. In that age, with the exception of Martin Luther's, no other name in the republic of letters is more conspicuous than that of Erasmus of Rotterdam.

A man of good family, of the name of Gerhard, living in Gouda, had

formed a deep and passionate attachment for the daughter of a Rotterdam physician. His friends, however, were anxious that he should enter the priesthood, to which he seems to have had an aversion. Gerhard and the youthful Margaret loved well, but not wisely. The former went to Rome, and the latter gave birth to a son, whose name, in keeping with the pedantry of the age, was classicised into Desiderius and Erasmus. He was born at Rotterdam on the 28th October, 1467. Gerhard's relatives had made him believe that in his absence his beloved had died. He then in despair took holy orders. Returning afterwards to Holland, he discovered the deception that had been practised upon him. The parents' purpose henceforth was the careful training of their son, whose love of learning was early displayed, for, while attending the School of Sinthemius, at Davenport, that enthusiastic pedagogue, embracing him, exclaimed that 'that child will attain the highest summits of learning.' The young scholar was early bereft of his parents. Before he had reached his fifteenth year, they both died. His relatives were then anxious to shut him up in monastic seclusion. But this was distasteful to him, though, subsequently, his repugnance to the proposal was partially overcome. In his seventeenth year he became an inmate of the monastery of Emans, near Gouda. The bishop of Caen, by laying his case, soon after granted his release. Still his friends did not yet relinquish their desire for his entrance on the service of the Church; they were able to persuade him to become a priest. In order to extend his literary and theological knowledge, he now went to study at the University of Paris. Like many other devotees of learning, while in that centre of intellectual activity, he had to contend with the deepest poverty. But he moved in an ideal world. Beyond the sordid realism of every-day life, he beheld the splendours of that

realm of learning where his future principedom lay. As long as he could pick up a precarious pittance by private tuition, so that he could buy a book or an old manuscript, he was content to feast on the plainest fare, and to be indifferent, though his garments were not fashioned after the latest models. Young Erasmus, for about five years, lived a life of intellectual toil in Paris. Among his pupils were certain well-to-do English youths whom, in the capacity of tutor, he accompanied to their own country. The continental scholar met with a most encouraging reception in England, royalty itself favouring him. His first visit to England, however, was a short one, he having soon returned to Paris, whence he set forth on a prolonged journey to Italy, with a view to extend his knowledge, and to reap the benefits which travel and converse with the leading scholars of the age were fitted to impart. Ecclesiastical life had no charm for him: he preferred being a citizen of the world to remaining a member of a sacred guild. An application to Pope Julius II. procured him release from the obligation of his priestly vows. In his Italian journey he was accompanied by a natural son of James IV. of Scotland, who, with his father, subsequently perished on the fatal field of Flodden. The wandering scholar, wherever he went, was received with the most flattering distinctions. The universities of Venice, Parma, and Rome, vied with each other in offering him inducements to take up his abode at these respective seats of learning. Flattering offers of preferment were held out to him by the chief dignitaries of the Papal Court. Cardinal Grimani, Pope Julius, and Giovanni de Medicis, his destined successor as Leo X., were lavish in their attentions. At a time of life when brilliant expectations were in the ascendant, Erasmus did not seem to experience much difficulty in deciding to decline these advantageous overtures, though.

at a later period he gave expression to his regret that he had suffered such golden opportunities to elude his grasp. Before leaving England he had promised his friends there that he would return. The succession to the throne of Henry VIII. seemed to him an auspicious time for the fulfilment of that promise. Through life Erasmus was distinguished by the most persevering and painstaking industry and application. He did not suffer the long and tedious methods of travelling in those days to interrupt his studies. It is said that, on his journey from Rome to England, in 1509, he composed the greater part of the work on which his literary fame rests, 'The Praise of Folly.' On his return to England the same enthusiastic reception he had previously had, awaited him. Sir Thomas More gladly received him as his guest. While residing under the roof of the English Lord Chancellor, Erasmus published the *Encomium Morie*, in the title of which some of his critics imagine they perceive a compliment to the name of his illustrious host. Still, after the novelty of his visit had passed away, Erasmus did not find himself freed from pecuniary care. He had to subsist. For a time he filled the Greek chair in the University of Oxford, but the income from this source was so meagre that after a short incumbency he threw it up in disgust. He again returned to the continent, and after various wanderings, took up his abode at Bâle, in Switzerland, at that time a centre of intellectual light and activity. There Frobenius, the printer, had set up his establishment, in association with whom he found a congenial and helpful friend. It was here that the last years of his life were spent in learned research and diligent labour.

Constitutionally inclined to peaceful pursuits, and keenly relishing the quiet efforts of literary toil, Erasmus would have shrank from the eager controversies which raged with virulent intensity during the Reformation

period. Though conscious that by disposition he was unfitted for becoming a hero in the strife, he was often reluctantly drawn into the polemics of the time. The leaders of the Reformation and the Papal authorities were alike anxious to enlist him under their respective banners. With more or less success, however, he inclined to a middle course, one at all times of considerable difficulty, but peculiarly hazardous when opposing parties are engaged in the struggle for very existence. His life-work was incomparably more favourable to the cause of the Reformers than any direct services undertaken on behalf of the Papacy ever benefited that system. His bold alliance with the friends of the Renaissance, his unsparing exposures of the corruptions of priests and monks, his publication of the revised text of the Greek New Testament, gave a powerful impetus to the cause of the Reformation. There is considerable truth in the contemporary saying: 'Erasmus laid the egg that Luther hatched.' Yet he never withdrew his allegiance to Rome. When Luther was in the thick of the fight with Papal, Imperial and Regal foes, Erasmus suffered himself to be inspired by the Vatican to enter the lists against his former friend. His famous *De Libero Arbitrio* was the result of papal persuasion. At the time of its publication he occupied the highest eminence in the world of letters. He wielded an almost undisputed supremacy, being the arbiter to whom the scholars of the day deferentially appealed. Yet the contest with Luther was not lightly undertaken. He was more concerned about the opinions of the leader of the Reformation than he was about those of all other critics beside. When Luther's rejoinder, *De Servo Arbitrio*, made its appearance, though decried on account of the bitterness of its tone and its stinging home-thrusts, the recluse of Bâle, contemporaries inform us, winced under the castigation he had needlessly provoked. That con-

troversy, over and done with long ago, was mainly concerned with the interminable dispute in which sages, and others not so sage, have—

‘Reason’d high
Of providence, foreknowledge, will and fate;
Fix’d fate, free will, foreknowledge absolute;
And found no end in wandering mazes lost.’

It has long been the fashion to give the laurel of victory to Erasmus in this contention. Let it, however, be remembered that the contestants approached the subject from somewhat different standpoints. Erasmus treats the freedom of the will more in the light of a philosophical speculation; Luther discusses it as a practical theological question. It is significant to observe that German philosophical divines are now inclining favourably to Luther’s views, as the best approximation to a partial solution of a probably insoluble difficulty.

No sooner had the illustrious scholar come forth from the contest with the no less distinguished Reformer than he had to confront more virulent, though far more dangerous, assailants. Because Erasmus identified himself with the scholarship of the age the monks regarded him with implacable hatred. They eagerly awaited the opportunity to show their feeling, which during the captivity of Francis I., after the disaster of Pavia, they thought had arrived. The nascent reform in Paris had been well nigh crushed out. The spirit of persecution had gained the ascendancy. Lecouturier, a Carthusian, commenced a furious onslaught on Erasmus, which was participated in by the more influential, though not less bigoted, Beda. So vigorous was the attack, and so speedily did his enemies avail themselves of the opportunity to strike, that the danger to Erasmus was imminent and menacing. He set himself with all his accustomed energy and concentration to avert it. He addressed earnest remonstrances to the ablest men of the Sorbonne, to the captive Francis I., and to Charles V. By the interposition of these

powerful friends the storm was allayed and the scholar was permitted to return to his peaceful pursuits.

On the other hand the progress of the Reformation again temporarily disturbed the repose of Erasmus. He now feared the opponents of Rome. The intrepid Farel, and the mildæ Colampadius, had been steadily proclaiming the doctrines of Evangelical Christianity in Bâle. Between these leaders of Church reform and the prince of scholars there was no bond of sympathy; on the contrary, there was unhappily mutual distrust. Towards the close of 1528, a strong popular movement secured the overthrow of Roman Catholicism in Bâle, and the result sadly discomposed Erasmus. He resolved to quit the city, and for a time made his residence in Friburg. When popular feeling in Bâle partly subsided, the exiled scholar returned to his wonted occupations and to his former friendships. Thereafter the years glided more peacefully away, but the harassing labours and the conflicts of those stirring days had told on a frame never robust. Great as were the eminence and the influence to which he had attained, his later years were clouded with unavailing regrets and querulous complainings. He grew aged before his time. His enfeebled health became increasingly burdensome to him. The genial summer with its perennial beauty returned, but it did not bring healing to Erasmus. Surrounded by his friends and solaced by their devoted care, he passed away on the 12th July, 1536, in the sixty-ninth year of his age. In those days of strong partizanship it was customary to represent the death-bed scenes of the distinguished in the most contradictory manner, but it is tolerably certain that though Erasmus did not repudiate the Church of Rome, he entirely disowned its gross abuses and superstitions, and died in the hope of a glorious hereafter.

History reveals to us the passions and conflicts of that eventful age, but

the same influences that wrought with such intensity then, are, under various modifications, still operating in the affairs of to-day. It is not without interest, therefore, to take an occasional glimpse of the past, and to endeavour to form some correct estimate of those who played an important part in the struggle for the achievement of modern intellectual and spiritual freedom. Erasmus occupied not only one of the most prominent positions of the time, but in his own special sphere contributed largely to the advance of modern enlightenment. The cause of civil and religious liberty owes him a deep debt of gratitude. His name will not soon be forgotten.

The collected edition of the writings of Erasmus, published at Leyden, in 1606, comprises ten volumes. While his letters are highly prized by scholars, the works most generally known are his edition of the Greek Testament, 'The Praise of Folly,' and the *Colloquia*, which last, from the elegance of its Latinity, the pungency of its satire, and its merciless exposure of ecclesiastical abuses and priest life, is generally regarded as his masterpiece. It was condemned by the Sorbonne, prohibited in France, and publicly burned in Spain.

Erasmus possessed many admirable personal qualities. One of these was the generous encouragement he was so ready to extend to impecunious but promising scholars. He never forgot his own early struggles in life. Yet

there is one exceptional instance, noted chiefly because of the illustrious man who made an appeal to his generosity in vain. One of the most unselfish heroes of that age was the brilliant but unfortunate Ulrich Von Hütten. Worn, wasted and dispirited, he came to Bâle seeking shelter, which the distinguished scholar denied him. The chivalrous knight keenly felt the rebuff, and resented it with a stinging bitterness, natural under the circumstances. But Erasmus did not pretend to be a hero. His was not the composition of which martyrs were made. The contrast between him and Luther in this respect was great. It finds fitting illustration in two characteristic scenes. Erasmus, in an interview with Frederick, Elector of Saxony, was asked his opinion of the Monk of Wittenberg. With a pawkiness worthy of a Scotchman, after some fencing, he said, 'Luther has committed two grievous sins: he has attacked the Pope's crown and the monks' bellies;' Luther confronting alone the assembled powers of the empire and the papacy at the Diet of Worms, spoke these unforgettable words! 'Here I stand; I cannot do otherwise.'

In the portrait gallery of the past the calm earnest face, the searching, lambent eyes, the mouth, around which the light of a playful satire lingers, of Erasmus of Rotterdam, will be looked at, not unlovingly, by generations of scholars yet to come.

CONFESSIONS.

A SERIES OF SONNETS.

BY 'SERANUS,' OTTAWA.

IX.

FOR I had looked and lost or found my soul
 But one rare moment when, from out a heap
 Of indolent embers, sprang with many a leap
 Fantastic, all uncertain of its goal,

A gleaming beam of firelight. On it stole,
 Stirring the darkening room from gloaming sleep,
 Kindling the violet cold and crimson deep
 Of curtains, touching last the clear blue bowl
 Of yellow roses—Ah! too restless ray,
 The nearer, dearer beauty of his gift,
 Through thee to my fond heart does so belie
 The outer golden glory of the sky,
 I look no more without nor choose to lift
 My soul up to the brightness of the day!

X.

I sometimes think that if they said to me
 'Child, are you blind? This man (be sure we mean
 The one you care for) loves you! This we glean
 From watching of his eyes that wearily
 So long watch yours, *too full*, he thinks, *of glee*
For loved and loving eyes, and we have seen
 His hand stray close to yours when you have been
 Together with a book, why, all can see
 He loves you, are your senses holden quite?'—
 I straight would wildly break from them and go
 Where I could weep and wring my hands and pray
 To prove them wrong. For in the noble fray
 Of this compelling age, do I not know
 You need a wiser comrade for the fight?

XI.

A wiser comrade? Yes, I meant it then,
 But now my mood (a woman's) knows a change.
 O if you loved me, would I dare exchange
 What you had dared to find so precious when
 You chose me for the mind that other men
 Perhaps might look for? O 'tis sad, 'tis strange
 That woman's wisdom is of lower range
 Than that of her companion! Hold your pen
 Like Dora! (poor, pathetic little thing,
 With yet her share of wisdom) well, I can,
 Be sure, do more than that, and if some day
 You care for me, I think that on your way
 My smaller life may cheer you. Though a man
 O listen to the songs my soul will sing!

XII.

My soul will sing of home and happy fires
 And harvests gathered. Yet my woman's heart
 Bears witness how, in all my woman's part
 Of keys and bells, and maids and meek desires
 About the house, my nature still requires
 Some larger interests of Life and Art,

Some sweet excited share in the gay mart
 Of your man's world ! When, therefore, your soul tires
 Of other women, as I know it must—
 For love like mine must make you mine, if power
 There be in loving, you will turn and give
 Your hands to me and I will gently thrive
 Your weary soul, Belovèd, in its hour
 Of need—O give me soon this sacred trust !

FINIS.

THE NORTHERN AND WESTERN BOUNDARIES AWARDED TO ONTARIO.

BY PARLIAMENTUM.

OVER two hundred years ago the ministers of the Sovereigns of England and France commenced a controversy respecting the boundaries of the territories which are to day the inheritance of the people of Ontario. From the time of the desertion to the English of the two French Canadian *coureurs de bois*, Pierre Esprit Radisson and Medart Chouard Des Groseliers, in 1667—which led to the organization of the Hudson's Bay Company in 1670^(a)—there was a 'disputed territory' about the shores of Hudson's Bay and to the westward—a troubled arena of piratical raids, of capture and recapture by the adventurous soldiers or subjects of the respective sovereigns ; a chronic subject of diplomatic dispute, negotiation and treaty—until the conquest of Canada, in 1760, and the Treaty of Paris, of 1763, closed the controversy, and ceded to the British crown, in full right,

^(a) Ontario Boundary Documents, pp. 109, 112, 250, 280, 356.

'Canada with all its dependencies, and the sovereignty and property, possession, and right, acquired by Treaty or otherwise,' and fixed the limits between the British and French territories in North America, 'by a line drawn along the middle of the river Mississippi from its source'^(a).

The Crown of England having succeeded to the sovereignty and territorial rights of the displaced French power, established Provincial governments which, by the territorial descriptions in acts of state, became the heirs of the French proprietary rights, as against the claims of the Hudson's Bay Company ; and to-day the controversialists on the disputed boundaries of Ontario have to go back to the time of the French *régime* to ascertain the territorial limits of the French and English crowns in Canada, so as to decide whether Ontario as heir to the western portion of Canada or *Nouvelle France* ; or the Dominion,

^(a) Boundary Documents, p. 18.

as purchasers from the Hudson's Bay Company, is entitled to the 62,000,000 acres of land, forest, and mine, awarded to Ontario in 1878, over and above the territory admittedly hers.

This heirship of Ontario was first claimed by what is now Ontario and Quebec in 1857; and by what is now Ontario, Quebec, Nova Scotia and New Brunswick, in 1869. In 1857, the late Province of Canada claimed heirship to the French possessions in Canada, and asserted that on the west her territorial domain and civil government extended to 'the White Earth River, the first waters of the Mississippi,' or to 'the summit of the Rocky Mountains; and that on the north she was 'bounded by a few isolated posts on the shore of Hudson's Bay.'(a)

In 1869, the Dominion of Canada claimed that her own and Ontario's boundaries were those of old French Canada, and that on the west they extended to 'the country between the Lake of the Woods and Red River,' and 'the whole of the country known as Winnepeg basin and the Fertile Belt,' and on the north to 'the whole region of Hudson's Bay'(b). And now Ontario, as heir of the old Provinces of Quebec, and of Upper Canada, claims the title and territorial rights which the French had west of the now Province of Quebec, and westward and southward of the boundary line of Hudson's Bay, 'to the utmost extent of the country commonly called or known by the name of Canada'(c), and which, as the Law Officers of the Crown stated in 1857, 'could have been rightfully claimed by the French, as falling within the boundaries of Canada or *Nouvelle France*'(d).

(a) Report of Commissioner of Crown Lands, No. 17 B. 1857; Boundary Documents, p. 260.

(b) Sess. Papers, Canada, 1869, No. 25. Boundary Documents, p. 335.

(c) Proclamation of 1791; Boundary Documents, pp. 388, 390, 411.

(d) Opinion of the Law Officers of the Crown, 1857. Boundary Documents, pp. 202, 330.

Long prior to the cession of Canada, both crowns exercised rights of sovereignty by granting the northern territory about Hudson's Bay to their respective subjects. On the 29th April, 1629, the French king, Louis XIII, granted to the *Compagnie de la Nouvelle France* (a), 'the fort and territory of Quebec with all the said country of New France, called Canada, as far along the coast as Florida, which the royal predecessors of His Majesty had caused to be inhabited, and close along the shores of the sea as far as the Arctic circle in latitude; and in longitude from the island of Newfoundland, starting west as far as the great lake called *Mer Douce* (Huron), and beyond and within the lands and along the rivers which flow through it and discharge into the river called St. Lawrence, or the Grand River of Canada, and along all the other rivers which flow to the sea, and all lands, ores, mines, posts, and harbours, streams, rivers, ponds, islands, islets, and generally all the territory, so much and so far as they are able to spread and make known the name of His Majesty'(b).

On the 2nd May, 1670, Charles II. of England granted to the Hudson's Bay Company, 'the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid, that are not already possessed by or granted to any of our subjects, or possessed by the subjects of any other Christian prince or state;' and by the same charter constituted the Com-

(a) This Company was succeeded by others up to 1763, the last of which was '*La Compagnie des Indes*,' referred to in the 25th article of the Capitulation of Canada, 1760. See Boundary Documents, p. 135, note †

(b) Edits, *Ordonnances Royaux du Canada*, p. 1, 7. Boundary Documents, p. 111.

pany 'the true and absolute lords and proprietors of the same territory, limits, and places aforesaid' (a).

Both grants overlapped, and both were indefinite as to boundaries.

The treaties, under which Canadian territory was granted to or ceded by the respective sovereigns of England and France, diplomatically declared that there should be 'a Christian, true, sincere and perpetual peace, and friendship between His Most Christian Majesty and His Britannic Majesty, as well as by sea and land in North America,'—a harmless piece of political rhetoric, disregarded, if not forgotten, as soon as the ink of the signatures was dry;—for the subjects of both crowns during times of peace, captured and recaptured the forts at Hudson's Bay. Three of the treaties provided for the settlement of the territorial limits of the respective sovereigns in North America by commissioners. The provisional treaty, of 1687, provided that commissioners on behalf of France and England, should 'fix the bounds and limits of the colonies, isles, islands and countries, under the dominion of the two kings in America' (b). The Treaty of Ryswick, 1697, provided that 'commissioners should be appointed on both sides, to examine and determine the rights and pretensions which either of the said kings hath to places situated in Hudson's Bay' (c). By the Treaty of Utrecht, 1713, it was 'agreed on both sides to determine within a year by commissioners, to be forthwith named by each party, the limits which are to be fixed between the said Bay of Hudson, and the places appertaining to the French; which limits both the British and French subjects shall be wholly forbid to pass over, or thereby to go to each other by sea or by land' (d). Boundary Commissioners

were appointed by the respective sovereigns; but they accomplished nothing. Each side accused the other of endeavouring to avoid the settlement of the 'boundary question.' In 1720, the English alleged that the French 'knew we came prepared to reject all their demands, and to make very considerable ones for ourselves' (a); the French contended that the pretension of the Hudson's Bay Company to all the territory which belonged to France by the Treaty of Breda, between the sixtieth and forty-ninth degrees of latitude, was 'a novelty of which no mention was made in the articles of the Treaty of Peace of Utrecht' (b).

'History repeats itself,' and recent events seem to indicate that the policy of the English commissioners of 1720 now infects the rulers of the Dominion; and that the grasping propensities of the Hudson's Bay Company have come, with the purchase of their rights, to the same authorities.

Urgent diplomatic words for an early settlement of the 'disputed boundaries,' were spelled out in all the treaties. The Hudson's Bay Company also were repeatedly urgent that their limits should be settled 'without delay' (c). Urgent diplomatic words for an early settlement of the "disputed boundaries" of Ontario are also set forth by the Dominion Order in Council, dated 28th November, 1871: that the fixing of the boundary line 'should be as far as possible expedited;' and again in another Order in Council, dated 9th April, 1872: that 'both Governments would feel it their duty to settle *without delay* upon some proper mode of determining in an authoritative manner the true position of the boundary' (d).

The Treaties between the crowns of

boundaries of Canada or New France on one side, and of Acadia, and of the land of Hudson's Bay on the other.' *Ibid.* p. 145.

(a) Boundary Documents, p. 367.

(b) *Ibid.* p. 369.

(c) *Ibid.* p. 359.

(d) *Ibid.* p. 342.

(a) Boundary Documents, p. 33.

(b) Boundary Documents, p. 15.

(c) Boundary Documents, p. 15.

(d) Boundary Documents, p. 16. In the 'General Plan of Peace,' it was proposed that the commissioners were to ascertain 'the

England and France provided that the question of the disputed boundaries should be settled by commissioners, or in other words by arbitrators; and in accordance with such precedents and the practice of modern diplomacy, the political sovereignties of Canada and Ontario, in 1874 and 1878, agreed by Orders in Council, to which each pledged the good faith and honour of the Crown to refer to arbitration the controversy, which, among all civilized nations, is essentially one of public and diplomatic law: the controversy as to the territorial boundaries of their respective political sovereignties. Both appointed arbitrators, and both pledged the good faith and honour of the Crown, that the determination of the arbitrators should 'be final and conclusive upon the limits to be taken as and for each boundary respectively' (a). But to-day, through the arbitrators on the 3rd of August, 1878, adjudicated upon the controversy referred to them and made their final award, the sovereign power of Canada says, that the faith of the Crown shall not be made good to the sovereign power of Ontario, and contends that the final award is waste paper.

The Ontario Order in Council of 1874, proposed, 'that the question concerning the Northern and Western boundaries of the Province of Ontario should be determined by a reference to arbitrators to be mutually agreed upon, and whose standing and ability might readily be expected to secure for their decision the confidence alike of the people of Ontario and the people of the Dominion.' The Dominion Order in Council of 1874 concurred 'in the proposition of the Government of Ontario to determine, by means of reference, the Northern and Western boundaries of that Province relatively to the rest of the Dominion.' The Orders in Council of both Governments of 1878 affirmed the same, and finally named as arbitrators Chief Justice Harrison on

behalf of Ontario, Sir Francis Hincks on behalf of the Dominion, and Sir Edward Thornton, British Minister at Washington, 'on behalf of the Governments of the Dominion and Ontario.'

The tribunal of Arbitration met at Ottawa on the 1st, 2nd, and 3rd August, 1878; and after the argument of counsel (a), made and published their award as follows:

'The undersigned, having been appointed by the Governments of Canada and Ontario as Arbitrators to determine the Northernly and Westernly boundaries of the Province of Ontario, do hereby determine and decide that the following are, and shall be, such boundaries, that is to say:—commencing at a point in the southern shore of Hudson's Bay, commonly called James' Bay, where a line produced due north from the head of Lake Temiscaming would strike the said south shore, thence along the said south shore westerly to the mouth of the Albany River, thence up the middle of said Albany River and of the lakes thereon to the source of the said river at the head of Lake St. Joseph, thence by the nearest line to the easterly end of Lac Seul, being the head waters of the English River, thence westerly through the middle of Lac Seul and the said English River to a point where the same will be intersected by a true meridional line drawn northerly from the international monument placed to mark the most northwesterly angle of the Lake of the Woods by the recent boundary Commission, and thence due south, following the said meridional line to the said international monument, thence southerly and easterly following upon the international boundary line between the British possessions and the United

(a). The counsel for Ontario were, the Hon. Oliver Mowat, Q.C., M.P.P., Attorney-General of Ontario, and Mr. Thomas Hodgins, Q.C., M.P.P., for West Elgin; and for the Dominion, Mr. Hugh MacMahon, Q.C., of London, Ontario, and Mr. E. C. Monk, of Montreal, Quebec.

(a) Ontario Sessional Papers, 1879, No. 42.

States of America into Lake Superior.

'But if a true meridional line drawn northerly from the said international boundary at the said most north-west-erly angle of the Lake of the Woods shall be found to pass to the west of where the English River empties into the Winnipeg River, then and in such case the northerly boundary of Ontario shall continue down the middle of the said English River to where the same empties into the the Winnipeg River, and shall continue thence in a line drawn due west from the confluence of the said English River with the said Winnipeg River until the same will intersect the meridian above described, and thence due south, following the said meridional line to the said international monument, thence southerly and easterly following upon the international boundary line between the British possessions and the United States of America, into Lake Superior.

'Given under our hands at Ottawa, in the Province of Ontario, this third day of August, 1878.

(Sd.) ROBT. A. HARRISON,
" EDWARD THORNTON,
" F. HINCKS.'

It is a chronic practice on the part of defeated litigants to complain that the Court was not a learned one; that it did not give due consideration to the leading facts on their side, or that its decision was a compromise. The Dominion rulers in their despatch of the 27th January, 1882, say that the proposal of 1874 'that the dispute should be referred to arbitration *does not seem* to have been treated by either government as a mode of seeking an *authoritative decision* upon the question involved as a matter of law, but rather as a means of establishing a conventional line without first ascertaining the true boundary. *In corroboration of this view* it is to be noted that of the three gentlemen who made the award, *two were laymen and only one of the profession of the law.*'

Argument or evidence in support of this pretence there is none. Tersely put it reads: 'It does not seem that either government sought an authoritative decision on the boundary question as a matter of law, because two of the arbitrators were laymen, and only one a lawyer.' Two statements answer this pretence: (1) The settlement of undefined national boundaries involves the consideration of mixed questions of fact, and of international and municipal law, and was referred to an appropriate tribunal composed of an Ontario judge, a British diplomatist, and an ex-Minister of the Dominion; (2) The clear, precise, and formal words of the Orders in Council of 1874 and 1878 show that each government referred to the Arbitrators the determination of 'the northern and western boundaries of Ontario relatively to the rest of the Dominion' (a).

No charge is made against the Arbitrators of their being parties to this supposititious theory; yet it is their adjudication and their award that is covertly impeached.

The latest writer on International Law says: 'An arbitral decision may be disregarded in the following cases:—when the tribunal has clearly exceeded the powers given to it by the instrument of submission; when it is guilty of an open denial of justice; when its award is proved to have been obtained by fraud, or corruption, and when the terms of the award are equivocal' (b).

The award cannot be impeached on any of these grounds.'

The Dominion asks Ontario to re-litigate the boundary dispute before one English lawyer, or before three or four English lawyers in London, or before six Canadian lawyers at Ottawa. What is this but a re-arbitration? And as no new evidence has been discovered or proposed, it means a re-arbitration

(a) Ontario Sessional Papers, No. 42, 1879.

(b) Hall's International Law, p. 307.

on the evidence which was before the arbitrating tribunal of 1878.

The reference to any one of the tribunals now proposed by the Dominion rulers would pledge the good faith and honour of the Crown as fully as the same were pledged in 1874 and 1878. And if the former pledges of the good faith and honour of the Crown are to be violated in 1882, what security has Ontario that the present or future rulers of the Dominion may, as against any future award, violate the Crown's pledge to the people of Ontario?

When a similar reference to the Privy Council was proposed in 1857, Sir R. Bethell, Attorney-General, and Sir H. S. Keating, Solicitor-General, advised the Crown that such a reference would be 'a quasi-judicial inquiry,' (*i.e.*, an arbitration), and that the decision of the Judicial Committee of the Privy Council 'would not have any effect as a binding judicial determination' until confirmed by a 'declaratory Act of Parliament.' (a)

Ontario has by various statutes confirmed the award of 1878; and has established civil courts within the awarded territory. After these acts of sovereign legislation which have been 'assented to on the part of the Crown, and to which the Crown therefore is a party,' (b) to recede now would be an admission by Ontario of a wasteful exercise of legislative authority, and a renunciation of sovereignty over the territory which is hers by virtue of the award, and the Crown's prerogative.

It is said that the award establishes a 'conventional line.' The term 'conventional' applied to a boundary line ordinarily means a boundary according to a treaty. Such was the boundary the arbitrators had to determine. By the treaties between the English and French, it had been agreed that commissioners or arbitra-

tors should determine the 'boundaries between the Bay of Hudson and the places appertaining to the French'—*i. e.*, Canada; and the Crown, by giving to Upper Canada all the western country 'to the utmost extent of the country called or known by the name of *Canada*,' revived the boundary dispute between the French and the Hudson's Bay Company. The arbitrators were, therefore, in the position of the former French and English Commissioners, and had to decide what were the conventional or treaty boundaries between the old French and English possessions about Hudson's Bay and the west. And their award, without the partizanship of national influences, determines what were the boundaries intended by the former treaties and conventions, and therefore what are the 'legal boundaries' of Ontario.

Bearing in mind that the award finds Hudson's Bay and the Albany River the northern, and the Lake of the Woods the western, boundary of Ontario, the leading facts affecting the question of the boundaries may be stated as follows:

Prior to the Treaty of Utrecht, 1713, the French claimed the territory about Hudson's Bay, called by them *La Baye du Nord du Canada*. Louis XIV., in a letter to M. de la Barre, Governor of Canada, dated Fontainebleau, 5th August, 1683, said: 'I recommend you to prevent the English, as much as possible, from establishing themselves in Hudson's Bay, possession whereof was taken in my name several years ago; and as Col. D'Unguent (Dongan), appointed Governor of New York by the King of England has had precise orders on the part of the said king to maintain good correspondence with us, and carefully avoid whatever may interrupt it, I doubt not the difficulties you have experienced on the side of the English will cease for the future.' (a) The

(a) Boundary Documents, p. 202.

(b) Lord Chancellor Cairns on provincial legislation in *Theberge v. Landry*, L. R. 2 App. Cas. 102, 108.

(a) Boundary Documents, p. 106.

French King at this time claimed that prior to the Company's charter these territories were his, *i.e.*, 'possessed by another Christian Prince or State,' and were not therefore within the power of the English Crown to grant to the Hudson's Bay Company.

There are statements and counter-statements of the early explorations of the French about Hudson's Bay: that of Jean Bourdon, Attorney-General of Quebec, in 1656; of Père Dablon and Sieur de Vallière, in 1661; of Sieur de la Couture, Sieur Duquet, King's Attorney for Quebec, and Jean L'Anglois, in 1663; (a) but the fact, or the extent, of their explorations has been questioned. (b)

But no doubt exists as to the fact of the surrender by the Indians to the French, at Sault Ste. Marie, in 1671, of the territory occupied by seventeen Indian nations, 'including all those of the Ottawas and of the entire of Lake Huron, those of Lake Superior, of the whole northern country, and of Hudson's Bay, of the Baie des Puans (Green Bay), and of the Lake of the Illinois' (Lake Michigan); (c) nor as to the fact of a similar surrender to the French at Lake Nemiskau, in 1672, of the Indian territory on the east side of Hudson's Bay. (d) Neither the Crown of England nor the Hudson's Bay Company ever acquired the Indian title in those territories.

The Treaty of Ryswick, 1697, recognised the French title to nearly the whole of Hudson's Bay. It provided that 'commissioners should be appointed on both sides to examine and determine the rights and pretensions which either of the said kings had to the places situated in Hudson's Bay; but the possession of those places which were taken by the French during the peace which preceded the present war, and were retaken by the English dur-

ing this war, should be left to the French.' (a) This gave the French king *all* the forts at Hudson's Bay except York Fort (Bourbon), at the mouth of the York or Nelson River; but this fort was taken by the French the same year; while Albany Fort, which should have been given to France under the Treaty, was retained by the English. (b) The Hudson's Bay Company complained that 'their interest was not comprehended in the Treaty of Ryswick,' and that by this surrender 'they found their condition much worse than it was before,' and that they were 'the only mourners by the peace.' In 1700, they proposed to the English Government to ignore the treaty, and to ask that 'the boundaries between the French and them should be Albany River on the west, and Rupert's River on the east, or 53° North latitude. (c) In 1701, they again sought to evade the Treaty as to the French forts north of the Albany River, and submitted the following proposals of limits between them and the French at Hudson's Bay:

'1. That the French be limited not to trade by wood runners or otherwise, nor build any house, factory, or fort to the northward of Albany River, vulgarly called Checheawan, in the west main or coast.

'2. That the French be likewise limited not to trade by wood runners or otherwise, nor build any house, factory, or fort to the northward of Hudson's River, vulgarly Canute River, in the east main or coast.

'3. On the contrary, the English, upon such an agreement, do engage not to trade by wood runners, nor build any house, factory, or fort to the southward of Albany River, vul-

(a) Boundary Documents, p. 15.

(b) The Forts at Hudson's Bay to which the French became entitled under this Treaty were: Fort Rupert, at Rupert River; Mississippi, or Moose Fort, at Moose River; Albany, at Albany River (retained by the English); Severn, at Severn River; Churchill, at Buttons Bay. See Mr. Mill's Report, p. 145.

(c) Boundary Documents, p. 123.

(a) Boundary Documents, pp. 109, 111, 250.

(b) Mr. Ramsay's Report, pp. 9, 24.

(c) Boundary Documents, pp. 61, 112.

(d) *Ibid.*, p. 104.

garly called Checheawan, in the west coast, on any ground belonging to the Hudson's Bay Company.

'4. As also, the English be likewise limited not to trade by wood-runners or otherwise, nor build any house, factory, or fort to the southward of Hudson's River, vulgarly called Canute River, on the east coast, in any ground belonging to the Hudson's Bay Company.

'5. That all the islands in the said Bay and Streights of Hudson, lying to the northward of Albany River, on the west coast, and of Hudson's River, vulgarly called Canute River, on the east coast, shall be and remain to the English.

'6. Likewise that the islands on the said Bay of Hudson, lying to the southward of Albany River, in the west coast, and of Hudson's River, vulgarly called Canute River, on the east coast, shall be and remain to the French '(a).

The Company added a 'without prejudice' clause, that 'should the French refuse the limits now proposed, the Company think themselves not bound by this or any former concessions of the like nature.' Whatever may have been the rights of the Company before the Treaty of 1697, their claim to the whole of Hudson's Bay after that treaty, and after the French had, or were legally and by treaty entitled to, the possession of all the forts formerly held by the English on the shores of the Bay, was a most untenable one.

In 1712—the French being still in possession of the forts at Hudson's Bay, the Company advanced their pretensions southward, and proposed that the boundary should be through Lake Miskosinke or Mistoveny in $51\frac{1}{2}^{\circ}$ north latitude, and that the French should surrender York Fort (Fort Bourbon), 'together with all forts, factories, settlements, and buildings whatsoever, taken from the English, or since erec-

ted or built by the French, together with all other places they are possessed of within the Bay and Streights of Hudson' (a).

Following this demand came the Treaty of Utrecht, 1713, by which it was provided that the French should 'restore' to the English 'the Bay and Streights of Hudson, together with all lands, seas, sea coasts, rivers and places situate in the said Bay and Streights, and which belong thereto, no tracts of land or of sea being excepted which are at present possessed by the subjects of France,' all of which, together with any buildings or fortresses 'there erected, either before or since the French seized the same,' were to be given up within six months from the ratification of the Treaty (b).

Then for the first time the Hudson's Bay Company proposed that their boundary should be extended southward to latitude 49° (c). But in the instructions to the British Commissioners, while they were expressly directed to claim to line 49° , they were advised that in agreeing with the French, 'the boundaries be understood to regard the *trade* of the Hudson's Bay Company only' (d). What is now commonly called the 'Height of land,' is the invented boundary of late years (e). For after the French had given up their posts on the shores of the Bay, and the Company had declared itself satisfied, the French continued to hold, without complaint, their posts of Temiscaming, Abbittibi, Nemiskau, St. Germain, near Churchill, and one on the Moose river—all north of the Height of Land, as well as their posts in the west, until Canada was ceded in 1763 (f). The French up to the close of negotiations in 1720 vigorously contended that 'the term *restitution*, which has been used in the Treaty, conveys the idea clearly,

(a). Boundary Documents, p. 129.

(b). *Ibid.*, p. 16. (c). *Ibid.*, p. 132.

(d). *Ibid.*, p. 363.

(e). 'The Heights of Land' runs down to $47\frac{1}{2}^{\circ}$ on the east, and up to $50\frac{1}{2}^{\circ}$ on the west.

(f). Mr. Mills' Report, p. 181.

(a). Boundary Documents, p. 124. The award makes the Albany river the northern boundary of Ontario.

that the English could claim only what they had possessed ; and as they never had but a few establishments on the sea coast, it is evident that the interior of the country is considered as belonging to France' (a).

A widely scattered fringe of trading posts on the shores of the Bay was all that the Company occupied there between 1670 and the cession of Canada in 1763. The French kept north of the Height of Land, and had penetrated into the interior, built forts, and carried on an extensive fur trade with the Indians. Officers of the Company stated before a Committee of the House of Lords in 1749: 'There was a French settlement up Moose River at a distance of 50 miles at Abbitibi Lake.' 'The French went further in the country first, and are better beloved ; but if we would go up into the country, the French Indians would trade with us.' 'The French had a settlement at about the distance of 100 or six score miles from Churchill.' 'The French draw the Indians from Hudson's Bay. The creating settlements up in the country would be the most proper method to increase the trade' (b). All these were north of the 'Height of Land' In *Bowen's Geography*, published in 1747, the occupation by the French about Hudson's Bay, at Moose River, Fort Nemiskau, on Rupert River, is admitted, and the author adds: 'The English who trade here have no plantations or settlements within land, but live near the coast within their forts or little houses or huts' (c). In *Robson's Account of Hudson's Bay*, published in 1753, it is stated: 'The Company have for sixty years slept at the edge of a frozen sea. They have shown no curiosity to penetrate further themselves, and have exerted all their wit and power to crush the spirit in others.' 'The French live and trade

with the Indians within the country at the heads of the rivers that run down to the English factories.' 'In consequence of this narrow spirit of self-interest in the Company, the French have been encouraged to travel many hundred miles overland from Canada, and up many rivers that have great waterfalls in order to make trading settlements ; and there they carry on a friendly intercourse with the natives at the head of most of the rivers westward of the Bay, even as far as Churchill River, and intercept the Company's trade' (a). And Governor Pownall, in his report to the British Government on the French Posts in North America, in 1756, states that the French had 'throughout the country sixty or seventy forts, and almost as many settlements, which take the lead in the command of the country ;' 'they have been admitted to a landed possession, and are become possessed of a real interest in, and a real command over, the country' (b).

Admissions by the Hudson's Bay Company are the best evidence. In their statement printed in 1857, and furnished by them to the Dominion for the purposes of the arbitration they say: 'As long as Canada was held by the French, the opposition of wandering traders (*Coueurs des Bois*) was insufficient to induce the Company to give up their usual method of trading. *Their servants waited at the forts built on the coast of the Bay*, and there bought by barter the furs which the Indians brought from the interior. But after the cession of Canada to Great Britain in 1763, British traders, following the track of the French, penetrated into the countries lying to the north-west of the Company's territories, and by their building factories brought the market for furs nearer to the Indian settler' (c). And the Chair-

(a). Boundary Documents, p. 372.

(b). *Ibid.*, p. 395.

(c). *Ibid.*, 371.

(a). *Robson's Account of Hudson's Bay*, pp. 6, 7.

(b). Boundary Documents, p. 350.

(c) *Ibid.*, p. 402.

man of the Company in 1876, reporting to the Dominion Government the result of his researches into the records of the Company, says ; 'At the time of the passing of the Quebec Act, 1774, the Company had not extended their posts and operations far from the shores of Hudson's Bay. Journals of the following trading stations have been preserved bearing that date, namely : Albany, Henley, Moose, East Main, York, Severn and Churchill(a). To these may be added the conclusions of the Dominion ministers in 1869 : 'The evidence is abundant and conclusive to prove that the French traded over and possessed the whole of the country known as the Winnipeg basin and Fertile Belt from its discovery by Europeans down to the Treaty of Paris'(b).

It has been argued that the Hudson's Bay Company by taking possession of the mouths of certain rivers flowing into Hudson's Bay became entitled to all the lands watered by those rivers. The answer to this is (1) that by agreeing to refer the question of the boundaries of their territories to arbitration in 1697 and 1713, their possession was not protected by the law of nations : (2) That a charter with indefinite boundaries and without possession does not by the municipal law, or the law of nations, give a title or right of property in the soil(c) : (3) That if the Company had a title which could be recognised, they waived it by allowing the French to occupy the territory and to form settlements and posts inland along and at the heads of the rivers flowing into the Bay. 'It may happen (says Vattel), that a nation is contented with possessing certain places, or appropriating to itself certain rights in a country which has not an owner, without

(a) Boundary Documents, p. 442.

(b) *Ibid.* p. 335.

(c) Lords of Trade to the King, 8th Sep. 1721 ; Mr. Mills' Report, p. 119. See also *Ménard v. Massey*, and *Maguire v. President Tyler*, post.

being solicitous to take possession of the whole country. In this case, another nation may take possession of what the first has neglected' (a).

In view of the Company's limited occupation of the shores of Hudson's Bay, and of the French occupation of the territories south and west of the bay, the French construction of the Treaty of 1713, may be referred to. M. D'Auteuil, Attorney-General of Canada, was recalled to Paris in 1719 as one thoroughly master of the facts affecting the settlement of the boundaries. In his memoir to the French Boundary Commissioners, he states : 'It is well to remark that the English in all the places of the said Bay and straits which they have occupied, have always stopped at the border of the sea, while the French, from the foundation of the colony of Canada, have not ceased to traverse all the lands and rivers bordering on the Bay, taking possession of all the places and founding posts and missions. They cannot say that any land, or river, or lake belongs to Hudson's Bay, because if all the rivers which empty into this Bay or which communicate with it belong to it, it might be said that all New France belongs to them, the Saguenay and St. Lawrence communicating with the Bay by the lakes. The English cannot pretend to anything except a very small extent of the country adjoining the forts which they have possessed at the bottom of the Bay. Nevertheless their pretensions amount to nothing less than to overrun nearly all the north and west of New France. The Treaty of Utrecht speaks only of restitution ; let the English show that which the French have taken from them and they will restore it to them ; but all that they demand beyond this, they demand without any appearance of right.' (b).

The contention of the French was

(a) Vattel's Law of Nations, p. 171.

(b) Boundary Documents, p. 368.

that 'Canada' or *Nouvelle France*, extended to Hudson's Bay, and that as 'Canada' was not named in the Treaty, no part of its territory could be claimed by the Crown of England. France being the bedding power was entitled, where the treaty was capable of two interpretations, to such an interpretation as would be most favourable to her. In deciding a case of a conflict between the Spanish and American copies of the Treaty of 1819, which ceded Florida to the United States, it was held by the United States Supreme Court that the interpretation most favourable to Spain should govern: 'The King of Spain was the grantor, the treaty was his deed, the exception was made by him, and its nature and effect depended upon his intention expressed by his words. The Spanish version was in his words and expressed his intention, and though the American version showed the intention of this government to be different, we cannot adopt it as the rule by which to decide what was granted, what excepted, and what reserved.'^(a)

But the conquest of Canada ended the controversy respecting the 'disputed boundaries'; and by the Treaty of Paris, the English King succeeded to the assertion of title, the sovereignty, the prerogative rights and the public property of the French King about Hudson's Bay and the western country. This dual sovereignty was thereafter to be exercised by the English sovereign, in such a way as would best maintain the titles and possession, and rights of property of his new subjects. Succeeding to the French sovereignty over the people residing and claiming possessory titles within this 'disputed territory,' and to the public property of the French crown there, the crown of England had the right to claim against the Hudson's Bay Company and all others, the French sovereignty as if the French authority was itself seeking to enforce its own, and

(a) *United States v. Arredondo*, 6 Peters, 741.

its subjects' territorial claims. The doctrine of succession to the sovereign rights of a displaced power has been explained by the late Lord Justice James, while Vice Chancellor, thus: 'I take it to be clear, public, universal law, that any government which *de facto* succeeds to any other government, whether by revolution or restoration, conquest or re-conquest, succeeds to all the public property, to everything in the nature of public property, and to all rights in respect of the public property of the displaced power.' 'But this right is a right of succession, is the right of representation; it is a right not paramount but derived, I will not say under, but through the suppressed and displaced authority, and can only be enforced in the same way and to the same extent, and subject to the same correlative obligations and rights, as if that authority had not been suppressed and displaced, and was itself seeking to enforce it' (a). 'The conqueror (says Vattel) acquires the public and political rights of the sovereign he displaces' (b).

No estoppel could have operated in favour of the Hudson's Bay Company as against the crown, on the acquirement of the French sovereignty and title under the Treaty of 1763. Both their grant and their possession were indefinite and doubtful. On the question how far a grant, without defined boundaries, made by a prior government is valid, the United States Supreme Court has held (1) that upon the transfer of Louisiana to the United States, the latter government succeeded to all the powers of the governors and intendents-generals of French Louisiana, and could give or withhold the completion of all imperfect titles at its pleasure; and (2) that a concession or grant of territory having no defined boundaries made by the Governor of Louisiana, before such transfer to the United States, but not surveyed, could not be

(a) *United States v. McRae*, L. R. 8 Eq. 75. Wheaton's International Law, p. 42.

(b) Vattel's Law of Nations, p. 574.

considered as property, and as such protected by courts of justice (a). And in another case the same Court held, 'that a grant by the French Government of territory, subsequently acquired by the United States, but without any sufficient boundary lines, making a definite parcel of land, so as to sever it from the public domain, created no right of private property which could be asserted in a court of justice; and that as between two claimants setting up distinct imperfect titles to the same territory, under grants from a former government, the

(a) *Menard v. Massey*, 8 Howard, U. S. 293.

Courts have no jurisdiction to determine the controversy; the political power alone is competent to determine to which the perfect title shall be made' (b).

These cases, and the opinion of the Law Officers of the Crown, given in 1857, before referred to, also show that the settlement of the question of 'undefined boundaries,' belongs to the political or executive department of the Government, and not as 'a matter of Law' to its judicial department.

(b) *Maguire v. President Tyler*, 8 Wallace, U. S. 650.

(To be continued.)

A FEW WORDS ON UNIVERSITY CO-EDUCATION.

BY 'FIDELIS,' KINGSTON.

IT would seem as if the vaunted progress of the age were somewhat crab-like in its character—subject to reaction or retrogression, rather than proceeding in a steady and even course. At least, this seems the only explanation why, some three hundred and fifty years after ladies were allowed to sit in the professorial chairs of the most famous universities of the world, there should still be a serious question in the minds of many as to the propriety of admitting them as pupils to university class-rooms; and why, after one of our Canadian Universities has already tried, with perfect success, the experiment of throwing open its classes without restriction as to sex, another, our National University should shrink from admitting the

female portion of the nation to its privileges, lest such a step should prove subversive to 'due order and discipline.' Such an opinion must imply, it would seem, a very unflattering estimate of either our young women or our young men—or indeed both; an estimate which, it is humbly submitted, there are no facts to warrant. Every one will remember how anxiously King James' puzzled courtiers tried to solve the problem why a sturgeon, put into a full vessel, would not cause it to overflow, until one bethought himself of enquiring what was really the fact! Now if we have any facts bearing on this theoretical subversion of 'due order and discipline,' why should we not give them a reasonable amount of weight? What are the facts then, as

testified by the experience of those universities in which the experiment has been fully tried? From one and all comes the same testimony—much of which has already been given in this Magazine, in the very words of the authorities,—that so far from subverting good order and discipline, the presence of ladies in college class-rooms has promoted order, quiet, gentlemanly conduct, and even stimulated faithful study among the young men. At Michigan University in particular, where there is a large body of female medical students attending the general medical classes, the presence of ladies has a perceptible beneficial effect on the demeanour of the students at the clinical lectures,—the severest test to which the system of co-education can be subjected.

But, in addition to this testimony from our neighbours, we have the experience, to a small extent, of one of our own universities, Queen's University, Kingston. For some years its class-rooms have been open to female students, and that they continue so, after a fair trial of the experiment, is itself a sufficiently significant testimony that no detriment has yet arisen to good order and discipline. In fact, the presence of several young ladies in various classes in Arts makes absolutely *no* difference, except that, in the opinion of the young men themselves, it decidedly promotes order. 'It makes the students conduct themselves in a more gentlemanly manner.' 'There is perfect quiet now, where sometimes there used to be rude calls and jokes.' Such is the testimony of male students, without any natural bias on the subject; the only drawback apparently experienced, so far, being that some of the young men feel a little shyness about reciting before the young ladies, a feeling which would naturally lead them to more careful preparation, that they might acquit themselves *well*! Lecturers who come to the University from a distance give exactly the same testimony to the perfect order and

tranquillity in the halls, utterly undisturbed by this dangerous feminine element! The male and female students do not come into contact at all, although the entrances are common. They do not necessarily even become acquainted, and as one student naively, but significantly, said, 'we very seldom meet in the street, because their studies keep them busy.' In fact, they see just as much or as little of each other as they do at church—*less*, if anything; and, to be consistent, those who oppose the presence of young women in University class-rooms on the score of propriety, should advocate the 'Quaker meeting' principle of arrangement in churches, and should discountenance all public evening lectures which young men and women can attend in company, if so disposed. Their attendance together at the ordinary University classes is, indeed, the more completely unobjectionable of the two. And if premature falling in love be an evil to be dreaded, and discouraged, young men are much less likely to fall in love with young women whom they meet only under the disenchanting influences of class-room competition than with those they meet in ordinary 'society.'

What has been proved to be not only harmless but useful, tried on a small scale, might reasonably be expected to be found equally harmless on a much larger one, since the presence of a larger number of young women would naturally prove a more powerful influence for good, while it would be a greater safeguard to the individuals composing it, making still smaller the chances of personal contact between students of different sexes. But it is very unlikely that there would ever be any very large number of female students crowding to our universities. For the great majority, circumstances and the ordinary chances of life will be far too strong. Young women will always require some strong mental 'vocation,' some cherished and definite aim, to overcome

the many 'lions in the way,' and the many counter attractions of life, and nerve them to submit to the somewhat rigorous discipline and steady, protracted work of a University course. Against those who have this strong mental tendency, this earnest aim, is it not both hard and unjust that a National University should close its doors? And it will be long, in all probability, before the number of female candidates for university privileges will warrant the establishment of a separate university as highly and fully equipped as that which shuts them out.

Some of the objectors in our Legislature argue against University co-education, as if it implied a coercive re-modeling of our female education generally. For, on no other supposition is there any relevancy in assuring us that men and women have, *as a rule*, different spheres in life, and differing capacities and tastes to enable them suitably to fill these. Granted fully; but neither all men nor all women are formed in one unvarying mould. There is far too much interaction of the characteristics of the sexes for any such regularity of type. How often does it happen that a daughter inherits the intellectual endowments and tendencies of her father, while a son inherits the emotional nature of his mother. It is by no means a very rare phenomenon to see little boys who love dolls, and little girls who do not care for them. Nor is it very rare to see girls who are much more enthusiastic and earnest students of Greek and Latin than their brothers. The predominance of mathematical talent, indeed, is much rarer among women than among men, yet there are women remarkably endowed in this respect, fitted to attain high excellence. Where such exceptional talent exists, should not a wise State make provision for its proper training and development? Or is it to be suppressed and wasted because it happens to exist in the brain of a woman? As a rule, men and women

will fall in love and marry, and anything which would unfit woman for this, her natural and divinely appointed function, would be indeed a calamity. But this, too, is a rule which has many exceptions, and it is hard on the exceptions—on the many women who cannot possibly marry—if society is to ignore them in its arrangements, and restrict them in the highest development of which their natures are capable. Moreover, it has yet to be proved that the highest development of which any woman's nature is capable can possibly do anything to unfit her for fulfilling any duty of married life, should that be her lot. A distorted and one-sided development might well do so, and of this more will be said presently. But the more truly cultivated a woman is—according to the powers and capacities God has given her—the more truly fitted she will be for any work or duty to which He calls her. Neither is there any greater incompatibility between the 'liberal arts' and 'falling in love,' than there is between love and arithmetic or thorough bass. The two belong to different sides of our nature, and though devotion to any study or serious pursuit will act as a safeguard against a very common tendency to find refuge from *ennui* in perpetual 'flirtation,' it will never so alter a woman's nature as to render her proof against answering with her whole heart when the right voice calls. Sappho, whose name has stood to all ages as the embodiment of female genius and ancient Greek culture, fell in love, as we all know, like the simplest and most unlettered maiden, and so far as we can judge inferentially, with a very ordinary and unappreciative young man. But now that the mists that once clouded her name have been cleared away, and the suicide-story exploded, we can see her, having overcome with womanly dignity this luckless passion which, doubtless, inspired some of her finest poems, married eventually to a man who seems

to have made a good husband, and admirably saluted by her contemporary, Alcæus, as 'Violet-crowned, pure, sweetly, smiling Sappho.' And, later still, we find her, having been left a widow, with one daughter, the centre of a sort of female literary society, teaching the arts of music and poetry to the young Lesbian maidens and receiving almost divine honours from a people who worshipped intellectual power. And, to come down to the days of the Renaissance, we find Olympia Morata, one of the most renowned of mediæval learned ladies—appointed at sixteen to lecture on Cicero, at the University of Ferrara—becoming as passionately devoted a wife, and as faithful a housewife as she could have been had she never learned anything beyond her native tongue. Mrs. Browning and Mary Somerville are distinguished examples of the same truth in our own day. So much for the figment that there is anything in the highest cultivation, or in devotion to the highest pursuits, to unfit a woman for womanly duties, and the happiness which she is so constituted as to find most truly in the life of the affections. As a rule, the nobler the pursuits to which a woman devotes herself, the nobler her character must be supposed to be, and true nobility of character and mental discipline naturally imply a greater degree of self-command, thoroughness in work, and faithfulness to the duty of the hour. If there are 'blues' who are careless and slovenly in feminine duties, it is because of a one-sided, not because of a thorough, cultivation. Other things being equal, the woman whose mental powers have been most fully disciplined, and who has been accustomed to habits of accuracy and of economy of time, will be not only a more intelligent companion, but a more efficient and prudent housewife than she who has drifted through life in aimless trifling, with morsels of gossip as the only food for her mental

vacuity, and 'parties' as her most absorbing interest.

But there is another 'rock ahead.' It is not often put into words so candidly as it was by a young student of more than average intelligence and culture:—'I don't think I should care to marry a girl who knew more than I did.' 'It is not to be supposed you would,' was the reply; 'but if you should happen to care very much for a girl who knew more than you did, don't you think it might stimulate you to study harder?' 'I think it might,' the young man very honestly replied. Human nature is the same all over the world, and we need not be surprised to find a western modification of the reasoning of the Hindoo Sahibs who objected to their wives being taught to read and write, because they would know more than their husbands, and they would no longer look up to them. But the Sahibs gradually found out that it would be better for them to advance in knowledge than to keep their wives in ignorance; and as they learn the value of education for themselves, they are not merely willing but anxious to secure its benefits for their wives. Our ambitious young women must therefore decide the question for themselves whether their devotion to study is so great that they are willing to lessen their matrimonial chances for the sake of this dangerous knowledge which may make them formidable in the eyes of the average Canadian *parti*. But the danger really concerns *no one else*, for the most inane young man will always find a sufficient number of inane young women among whom to choose a wife; and in the long run the higher intellectual status of even a fraction of our young women must inevitably tend to raise the tone of social life, and with it the intellectual aspirations of our young men. And our Canadian youth, as a whole, is not so highly cultivated or intellectual in its tastes that it will not bear a good deal of raising, with great benefit to its

physical, intellectual and moral characteristics.

This naturally leads to the consideration of another objection—that concerning the physical effect of higher education upon young women. Some rather singular statements were made in this connection in the discussion in the Legislature. One was, that the ability to win medals and honours was not the result of superior intelligence, but of superior physical endurance! If this were so, we should find that college honours and medals were invariably or usually taken by the biggest and strongest young men, quite irrespective of their intellectual qualities. This may be true in athletic sports, but certainly is not in any other branch of competition. There are a few other things besides physical endurance that have fully as much to do with winning university distinctions. Some of them are quickness of perception, power of memory, perseverance, steadiness of aim and purpose, self-control, and in these qualities young women not infrequently surpass their masculine contemporaries, while they are entirely free from certain habits, such as smoking and drinking, which do not tend to promote either study or physical endurance. In these ways, they more than make up for any deficiency in physical endurance, though of this, also, women not seldom show more than men. But they are not asking for medals and honours, of necessity, but simply for their right to pass through the ordinary University course, which is not too great a strain for any healthy and properly prepared female student. If they should go too far in their ambition to win distinction, that is an evil which must be left to cure itself, just as it is in the case of male students.

Further, we are told that the extent to which higher education for women has been pushed in the United States is responsible for the lack of health, of beauty, of symmetry, in American women. One might well stop here to

interpose a query as to facts. Certainly American women, in their youth at least, are generally admitted to be, as a class, the most beautiful, if not the most symmetrical, women in the world. And if in the matter of health there is very much to be desired, there are a hundred other causes to which this deficiency is usually and reasonably attributed. High-pressure life under unnatural conditions, climatic peculiarities, unwholesome diet, dissipation of all sorts, are quite sufficient to account for the general lack of health and vigour so common among Americans of both sexes, and of all classes. Even granting that in the matter of education, as in other things, their superabundant nervous energy goes to extremes, the percentage of female graduates even there, is far too small and too recent to produce any generally appreciable effect. But so far as facts have been collected concerning the healthfulness in later life of women who have graduated in American colleges, the evidence has all been in favour of the healthful, not the unhealthful, tendency of such a course of study. American women, as a rule, live far too fast in all walks of life. The careful house-wife is almost as apt to fall a victim to her excessive industry and household ambition, as the fashionable woman to her extravagant round of dissipation; and an improvement can be hoped for only when a more thorough education shall have implanted hygienic and sanitary principles more firmly in the minds of women of all classes. To this end higher education is doing something, and will yet do much more.

But there is something to be said about the question of lower female education also, and to this, in the present writer's opinion, some of the reasoning which is irrelevant to the question of higher education might, with great benefit, be applied. The question of common-school education for girls does require some serious reconsideration. There are much greater

dangers and drawbacks attending co-education in the earlier than in the later years of study, and one serious drawback is the laying down of a uniform plan of study for boys and girls. This is a coercive measure, practically, while the admission to University privileges is simply the removal of a restriction, and coerces no one. But in all places, except large cities and towns, girls must take the common school education as now arranged, or go without. And this system of education does not make the faintest attempt at any provision for fitting girls for the special duties of womanhood. Not a single womanly art is taught in our common schools, not even the most necessary and important one of plain needlework, which old-fashioned girls' schools taught, as a matter of course, and which no woman—married or single—can afford to dispense with. Not only is there no provision made for it, but there is no time given, under the present ' cramming ' system, to allow them to learn this or any other household art during the very years when it can be most easily and most thoroughly acquired ; and the natural result of this is that the neat, thorough ' plain sewing ' and darning of our mothers and grandmothers, is fast becoming a lost art. Dressmakers, who receive pupils fresh from the common schools, complain grievously that they can hardly find one who can accomplish respectably the simplest seam. Girls, of course, generally manage to pick up some ' fancy work ' when their school days are over, and many of them cultivate ' crevel work ' extensively, in place of the old-fashioned ottomans and slippers. But under the present régime, an accomplished plain needlewoman will soon be a rarer phenomenon than a good female mathematician, and one wonders where the women are to come from who are to patch, and darn, and ' gar auld claes look a'maist as weel as th' new,' for a future generation? Not, apparently, from our common schools.

Had ladies some voice in arranging the system of education for their own sex, as seems only natural, this deficiency would hardly have been allowed to exist so long ; though doubtless in country schools where there can be but one teacher—and that a man—there might be a good deal of practical difficulty in providing for it. But one thing might be done even there, to obviate the evil. While we should not like to see the elementary studies of girls less thorough than those of boys, a smaller number of studies might be made compulsory in their case, and certainly a much smaller number of ' ologies ' might be made compulsory for female teachers. It is of much more consequence that a woman should have the gift of imparting knowledge, and should be able to teach girls to read, write, cipher and sew-well, than that she should be able to give them a smattering of many things which in most cases they never will follow up. ' *Multum non multa* ' should be the motto, instead of the reverse. Yet we often see inexperienced girls promoted over teachers of tried efficiency simply because they can pass a higher examination in branches quite superfluous to a good elementary female education. By lessening the number of studies that girls have to learn at school, time might be given them to learn needlework and housewifery at home, and if plain sewing could not be taught by the teacher, as it used to be by all female teachers, prizes offered for proficiency might at least encourage the cultivation of this most necessary art.

The health question ought to come in here also. The excessive study enforced under the present system on girls under sixteen, is far more injurious than overstudy in the later years when growth has ceased and the physical powers are comparatively matured. Young women at least, *know better* than to endanger their health by overstudy. Growing girls of twelve and thirteen *do not*. It is here that

the brakes should be applied ; to put them on later is of little use, when most of the mischief is done. It has been abundantly shown that girls of tender age are so over-burdened with study in and out of school hours, that they have no time for needful exercise, and in not a few cases has serious and fatal disease been the result of the nervous strain of the cramming and forcing process, intensified by the periodical competitive examinations. Charles Kingsley addressed an able plea to Englishwomen on the subject of encouraging girls to engage in the exercises that are so necessary for developing a healthful and beautiful *physique*. But our girls have no leisure left for these,—hardly indeed for taking a little fresh air, unless on their daily walks to and from school. It is here that reform should begin. After girls have been encouraged to give their whole time and strength to the same studies with their brothers, it is rather hard to stop them short at the gates of the University, and tell them

that they may not carry their studies further, to some practical end !'

What the female students of Ontario are asking is—not that the whole course of education for both sexes be assimilated ;—this is indeed, as we have said, too much the case already ;—nor that a course of university education should be in any way *prescribed* for young women, but simply that those exceptional young women who have the taste, the aptitude, the means and the perseverance, for taking a university course, should have the privilege of doing so. And as this is impossible in present circumstances without opening to them the ordinary classes, they ask for admission to these, at least until it shall be proved that the results are more injurious than they have yet been proved to be where the experiment has been tried. In a word, they simply ask for equal educational rights from a national provision for education ; no very unreasonable request, and one which, we believe, will not be long denied.

YOUNG PEOPLE

A STEAM CHAIR.

BY JIMMY BROWN.

I DON'T like Mr. Travers as much as I did. Of course I know he's a very nice man, and he's going to be my brother when he marries Sue, and he used to bring me candy sometimes, but he isn't what he used to be.

One time—that was last summer—he was always dreadfully anxious to hear from the post-office, and whenever he came to see Sue, and he and she and I would be sitting on the front piazza, he would say, 'Jimmy, I think there must be a letter for me ; I'll give you ten

cents if you'll go down to the post-office' ; and then Sue would say, 'Don't run, Jimmy ; you'll get heart disease if you do' ; and I'd walk 'way down to the post-office, which is pretty near half a mile from our house. But now he doesn't seem to care anything about his letters ; and he and Sue sit in the back parlour, and mother says I musn't go in and disturb them ; and I don't get any more ten cents.

I've learned that it won't do to fix your affections on human beings, for even the best of men won't keep on giving you ten cents forever. And it wasn't fair for Mr. Travers to get angry with me the other night when it was all

an accident—at least 'most all of it, and I don't think it's manly for a man to stand by and see a sister shake a fellow that isn't half her size, and especially when he never supposed that anything was going to happen to her even if it did break.

When Aunt Eliza came to our house the last time, she brought a steam chair ; that's what she called it, though there wasn't any steam about it. She brought it from Europe with her, and it was the queerest sort of chair, that would all fold up, and had a kind of footstool to it, so that you put your legs out and just lie down in it. Well, one day it got broken. The back of the seat fell down, and shut Aunt Eliza up in the chair so she couldn't get out, and didn't she just howl till somebody came and helped her ! She was so angry that she said she never wanted to see that chair again, 'And you may have it if you want it, Jimmy, for you are a good boy sometimes when you want to be.'

So I took the chair and mended it. The folks laughed at me, and said I couldn't mend it to save my life ; but I got some nails and some mucilage, and mended it elegantly. Then mother let me get some varnish, and I varnished the chair, and when it was done it looked so nice that Sue said we'd keep it in the back parlour. Now I'm never allowed to sit in the back parlour, so what good would my chair do me ? But Sue said, 'Stuff and nonsense that boy's indulged now till he can't rest.' So they put my chair in the back parlour, just as if I'd been mending it on purpose for Mr. Travers. I didn't say anything more about it ; but after it was in the back parlour I took out one or two screws that I thought were not needed to hold it together, and used them for a boat that I was making.

That night Mr. Travers came as usual, and after he had talked to mother a while about the weather, and he and father had agreed that it was a shame that other folks hadn't given more money to the Michigan sufferers, and that they weren't quite sure that the sufferers were a worthy object, and that a good deal of harm was done by giving away money to all sorts of people, Sue said :

'Perhaps we had better go into the back parlour ; it is cooler there, and we won't disturb father, who wants to think about something.'

So she and Mr. Travers went into the back parlour, and talked very loud at first about a whole lot of things, and then quieted down as they always did.

I was in the front parlour, reading *Robinson Crusoe*, and wishing I could go and do likewise—like *Crusoe*, I mean ; for I wouldn't go and sit quietly in a back parlour with a girl, like Mr. Travers, not if you were to pay me for it. I can't see what some fellows see in Sue. I'm sure if Mr. Martin or Mr. Travers had her pull their hair once the way she pulls mine sometimes, they wouldn't trust themselves alone with her very soon.

All at once we heard a dreadful crash in the back parlour, and Mr. Travers said Good something very loud, and Sue shrieked as if she had a needle run into her. Father and mother and I and the cook and the chambermaid all rushed to see what was the matter.

The chair that I had mended, and that Sue had taken away from me, had broken down while Mr. Travers was sitting in it, and it had shut up like a jackknife, and caught him so he couldn't get out. It had caught Sue too, who must have run to help him, or she never would have been in that fix, with Mr. Travers holding her by the wrist, and her arm wedged in so she couldn't pull it away.

Father managed to get them loose, and then Sue caught me and shook me till I could hear my teeth rattle, and then she ran up-stairs and locked herself up ; and Mr. Travers never offered to help me, but only said, 'I'll settle with you some day, young man,' and then he went home. But father sat down on the sofa and laughed, and said to mother :

'I guess Sue would have done better if she'd have let the boy keep his chair.'

I'm very sorry, of course, that an accident happened to the chair, but I've got it up in my room now, and I've mended it again, and it's the best chair you ever sat in.—*Harper's Young People*.

THE CANOE AND THE CAMERA.

BY MYRON ADAMS, ROCHESTER.

The canoe and the gun we know, and the canoe and fly-pole : but what is this new combination ? It is, all

things considered, one of the best co-partnerships yet made. Canoe and camera come sweetly together in every way. 'I thought,' says Judd Northrup, author of charming vacation books, 'shooting and fishing had exhausted or engaged all my latent enthusiasms of the boyish sort, but amateur photography has gone down deeper than all the rest.'

A camera tucked conveniently in your pocket (or carried like a field-glass in a leather case), with the legs of the same packed in the compass of an umbrella, is a fishing tackle with which the canoeist can catch anything, from clouds and mountains down to a glimpse of a little lake with a string of speckled trout hung in the foreground.

The reader, cherishing, perhaps, fond recollections of summer tramps in woods, with rod and gun, or possibly, if a lady, with sketch-book and plant-case, begs to know how the thing is done; and the writer begs the privilege of telling how, principally in order that many others may share a delightful recreation in which he has had a little experience. The outfit consists of (1.) a camera, which with lens and legs weighs not more than two pounds; (2.) say half a dozen boxes of prepared dry plates; the boxes each about three inches square by one deep, and containing in all seventy-two plates; (3.) three (or better four) plate-holders. The plate-holder is a very compact and ingenious contrivance for the exposure of the plates, and holds two, for separate exposures. (4.) A very small ruby lamp.

Suppose, gentle reader, you are spending your summer leisure in the North woods. Enchanted with the views which abound, you are determined to get them 'to have and to hold' from that time on. Accordingly, at night, by the light of your ruby lamp (if in the day-time, you adjourn to some dark cellar, or rig a small and light-tight tent of blankets), you transfer half a dozen plates from one of the boxes to the plate-holders. Stepping into your canoe in the morning—the early part of the day is preferable—you row, or a guide rows you, to a spot of the right sort; you go ashore, set up the camera in a twinkling, focus upon the scene you admire until it is clearly defined upon the screen, then you put its small cap upon the lens, insert the diaphragm in its place, draw the slide of the plate-holder, remove the

cap, deliberately count three (or more or less, according to conditions), replace the cap, thrust the slide to its place in the plate-holder, and you have that scene. This operation you repeat in various localities until you have exhausted your supply of plates, which are returned to their boxes, and when your vacation is over you go home with about the best part of it in your carpet-bag.

When you have leisure—there need be no hurry; any time will answer except the 30th of February—you go into a dark closet with your plates, and your 'developer,' and a pitcher of water, light the ruby lamp and lock the door, take a plate from a box, put it in the developing pan, pour the compound ferrous oxalate over it, gently wave the fluid to and fro over the plate, and shortly the beautiful summer scene which charmed you grows out on that plate: as by magic, the familiar trees, lakes, mountains and camps, distinct even to a leaf, are there before you. The process of 'fixing' follows, and is simple; and afterward the printing from the negative. Taken altogether, that is an amusement fit for the nineteenth century! It gives abundant opportunity for the cultivation of artistic taste; it stimulates the faculty of observation; and it gives you a most graphic record of your vacation days. Moreover, it is very inexpensive.

You will probably make some mistakes at first; but if you begin in the right way, carefully following the printed directions, they will be few.

The writer hopes that some of the readers of this magazine will find as much, or half as much, genuine recreation and enjoyment in amateur landscape photography as he has had, and he will feel sure he has helped somebody a little.—*Christian Union*.

The foreman of a Montreal paper is in trouble. In making up his forms, he mixed an article on Catholic advances in Africa with a receipt for making tomato catsup, and the following is the combination: 'The Roman Catholics claim to be making material advances in Africa, particularly in Algeria, where they have one hundred and eighty-five thousand adherents and a missionary society for Central Africa. During the past three years, they have obtained a firm footing

in the interior of the continent, and have sent forth several missionaries into the equatorial regions. They are accustomed to begin their work by buying heathen children and educating them. The easiest and best way to prepare them is to first wipe them with a clean towel,

then place them in dripping-pans and bake them till they are tender. Then you will have no difficulty in rubbing them through a sieve, and will save them by not being obliged to cut them in slices and cook for several hours.'

BOOK REVIEWS.

Studies in the Life of Christ. By the Rev. A. M. FAIRBAIRN, D.D., Principal of Airedale College, Bradford. New York: D. Appleton; Toronto: N. Ure & Co., 1882.

IT is, unfortunately, so rare to find in a volume of Sermons anything possessing the slightest literary or philosophical value, that we are apt to forget, what is, nevertheless, perfectly true, the paramount importance to our literature of a few great sermon-writers. It is true that these may be counted on the fingers of one hand; but with John Henry Newman, for beauty of diction and charm of logical force; with Robertson, of Brighton, and Dean Stanley, for broad human sympathies, and a spirit of fair play to opponents, we are disposed to rank the author of this very remarkable book. The object of these sermons, or rather philosophical essays, is to enable us to see Christ as others saw Him during His human life on earth. The conditions of that life are fully investigated, and the true position of the various sects or parties which then entered into the national life of Judæa are expressed in terms of modern thought, with vivid picturesqueness, but always in a manner earnest, loving, and reverent. The author shows the marvellousness of the Central Figure in the Gospel, and argues that none of the conditions or surroundings of His time or people can in any way account for this. The reasoning is convincing, it has been urged by Canon Liddon, in his Bampton Lectures, and is applied with much force, and with the fittest

variety of illustration, in the volume before us.

Principal Fairbairn is well versed in German theology of the sceptical and rationalistic schools, whose arguments he handles in a spirit of fair-play, and with an appreciative, philosophic insight only too rare in orthodox writers. For Dr. Fairbairn is orthodox; he sees that Christianity cannot be rationalized by paring away here and there a prophecy or a miracle; that it must stand or fall with its central miracle of the Resurrection.

The Life of the Founder of Christianity, he shows to be too profoundly human to be sublimated into a myth; he proves also that it is an essentially supernatural life, not that of a mere dead Prophet, on whose grave the Syrian stars look down. Assuming, what Strauss and Renan grant, that 'never man spake like this Man,' that in Jesus Christ we possess the supreme religious ideal, Dr. Fairbairn reasons that none of the conditions under which Jesus lived are adequate to explain the mystery of His character and His teaching. We quote a passage from the Sermon on the Historical Condition.

'Contrast Christ's day with ours. We are free, the children of a land where a man can speak the thing he will, but He was without freedom, the Son of a people enslaved and oppressed. We are educated, enlightened by the best thought of the past, the surest knowledge of the present; but His were an uneducated people, hardly knew the schoolmaster, and when they did, received from him instruction that stunted rather than de-

veloped. We live in a present that knows the past, and is enriched with all its mental wealth, the treasures of India, from its earliest Vedic to its latest Puranic age—of China, of Egypt, of Persia, of Assyria; the classic treasures of Greece and Rome, the wondrous stores accumulated by the Hebrews themselves and deposited in their Scriptures—all are ours, at our feet, in our heads, there to make the new wealth old wealth never fails to create. But Jesus lived in a present closed to all the past, save the past of His own people.'

We greet these sermons as a valuable contribution to literature as well as to theology. In Canada, there is no disguising the fact of a growing alienation between pew and pulpit, especially in a Church in which, as a rule, the priesthood, magnifying the thaumaturgical functions of their office, care little about the humbler, but to the laity more important, work of pulpit efficiency. It was different in the old Evangelical days, it is different now with the Broad Church minority. But in general it may be said that the clergy of the Episcopalian denomination are no exceptions to the law that intellectual excellence is in inverse ratio to the growth of ecclesiasticism. It were devoutly to be wished that, instead of the dismal and often second-hand pietistic dullness dealt out to us from certain pulpits, a good reader, lay or cleric, could be induced to read to one of our city congregations such sermons as those of Dr. Fairbairn. The proposal is, it is true, as old as Sir Roger de Coverley, but it is one which the laity, at least, would approve.

Mary Stuart: a Tragedy. By ALGERNON C. SWINBURNE. New York: R. Worthington; Toronto: Willing & Williamson.

In this the concluding drama of the series of three in which, after the model of Greek tragedy, Swinburne has treated the story of Mary Stuart, the poet rises to an elevation of tragic power and to a well-developed ascending series of dramatic situations which he has not attained in either of the former dramas, rich as they were in poetic beauty. In *Chastelard*, he had described the court of Mary Stuart in the full moon of its vo-

luptuous indulgence. Chastelard, the noble French knight and poet, is won from his allegiance to the Queen by the truth and purity of Mary Beaton's love. He dies on the scaffold, Mary Beaton praying that his blood may not be unavenged. In *Bothwell* the tragedy of Mary Stuart's life deepens. The death of Rizzio is followed by the murder at the Kirk i' the Fields, the dark clouds cling heavily over the sunshine. *Mary Stuart* begins with the conspiracy of Babington, with the discovery of Mary Stuart's implication therein by the evidence of her secretaries under the torture. Meanwhile, Elizabeth, dreading the effect on public sentiment of the fall of a royal head on the scaffold, hesitates to execute her rival, and unsuccessfully endeavours to get Sir Amyas Paulet to connive at assassination. Meanwhile, in a scene of striking power, Mary Beaton who all those years had followed the Queen's fortune is so stung by the exceeding heartlessness with which Mary Stuart speaks of the dead Chastelard, that she half resolves to send to Elizabeth a letter in Mary's handwriting in which the virgin Queen's flirtations are roughly handled. Mary Beaton then sings a song—it is a French *ballade*, exquisite as any lyric of De Musset or Victor Hugo, which Chastelard wrote in the days when he loved Mary Stuart. But the selfish Queen had forgotten the very name of the writer. So the fatal letter is sent to Elizabeth. The result is, of course, the execution at Fotheringay, which is described in a scene, the power and pathos of which, we think has been surpassed in no English drama, not excepting the last scene of the Cenci. But not the least remarkable in this work is the care with which a great poet has investigated the historical character both of Mary Stuart and Elizabeth. All the details of Elizabeth's unchastity, as described in the fatal letter, are fully borne out by the account lately made public in an article in '*Les projets de Mariage d'une Reine d'Angleterre*,' by M. de La Ferriere, in the *Revue des Deux Mondes*.

In the last scene when the better side of Mary's nature is revealed, Mr. Swinburne has given us a rendering of some beautiful Latin verses which Mary Stuart composed at the time. We quote from an old collection of Latin hymns this poem, a gem of pure lyrical genius, of 'Maria, Regina Scotorum.'

O Domine Deus
Speravi in Te!
O care mi Jesu!
Nunc libera me!

O Lord my God
I have trusted in Thee!
O Jesus, my dearest One,
Now set me free.

In durā catenā, in miserā penā
Gemendo, petendo et genuflectendo
Adoro, imploro, ut liberēs me!

In direst oppression, in sorrow's obsession,
I adore thee, I implore thee,
Deliver thou me.

The Concepts and Theories of Modern Physics. By J. B. STALLO. The International Scientific Series. New York: Appleton & Co.; Toronto: N. Ure & Co. 1882.

This work is a two-fold criticism, from the point of view first of physics, then of metaphysics, of what the author calls the Mechanical Theory of the Universe. It is thus an attack on the first principles of the modern evolution philosophy, which, in the part of the book devoted to physical science, is of a kind to be fully appreciated only by scientific experts. When the physical speculation is such as to be within the scope of ordinary observation, we fail to find Professor Stallo's reasoning conclusive. For instance, when he argues that the 'mechanical theory' must necessarily regard the elementary unit of a mass as *inelastic*, 'because elasticity involves motion of parts,' and then proceeds from the Kinetic theory of gasses (*i. e.*, the theory that gas consists of innumerable solid particles whose velocities and directions are changed by mutual encounters) to argue that the atoms must be elastic. Surely elasticity does not in its simplest form 'involve' the motion of parts. Elasticity is potential motion, and, one would think, must be regarded as an inalienable attribute of the primitive atoms by the advocates of the 'mechanical theory.' In a similar manner Professor Stallo attacks every point in the evolution system, especially the atomic cosmical theory, and Laplace's, or rather Kant's, Theory of the Heavens. The second portion of Professor Stallo's work is more available for the non-scientist. The author accuses the mechanical theory of being a revival of mediæval realism, of

putting thoughts for things, of mistaking concepts for realities. He reasons from the on-all-sides-admitted relativity of human thought against evolutionists, who, he asserts, unintelligibly, we must confess, to us, hold the cognizability of the absolute. We always thought the reverse, remembering Spencer's remarks on that subject in his 'First Principles.'

There is an interesting chapter on that strangest phase of mathematics, 'transcendental geometry,' which tells of the finiteness of space and the universe, of a point at which parallel lines, if produced, meet, Euclid to the contrary notwithstanding; and of beings *with more than these three dimensions*. The animals we know, have three dimensions only, length, breadth, and thickness; and some of these 'beings' of three dimensions are quite as much as we can manage. A being of *four dimensions* might be awkward as a partner in business or in matrimony, and we are thankful that these are banished to a land where the propositions of Euclid are untrustworthy and where parallel lines meet.

The Poetical Works of Mrs. Leprohon (Miss R. E. MULLINS), 1 vol. 12mo. Montreal: John Lovell & Son.

To many of the older readers of Canadian periodical literature, Mrs. Leprohon's name must be well and favourably known. She was a valued contributor to the *Literary Garland*, the pioneer magazine of Canada, which was owned and published by Messrs Lovell & Gibson, Parliamentary Printers, and edited by Mr. John Gibson, of that long-familiar firm. The collection before us is published as a memorial volume of a gifted and patriotic woman, who did much in her day to aid the intellectual life in Montreal circles, and to promote the love of letters throughout the country. Mrs. Leprohon was of Irish birth, and had all the qualities of head and heart that give distinction to Irishwomen of culture, and which so frequently find expression in song. Montreal, in Mrs. Leprohon, Isidore G. Ascher, Thomas D'Arcy McGee, Charles Heavyside, and John Reade, has had representatives of the muse of more than local fame, and whose productions the chief city of Canada would be ungrateful indeed were she readily to let die. In this beautiful little

volume there are many national themes treated which should be more widely known by Canadians of the present day, and whose hearty, patriotic ring we have much need, in this matter-of-fact age, to stop and listen to. Would that the national ear was more fain to catch their rhythmic sounds, and to respond to the heart-beats which gave them birth! There is a charming local colour also about many of Mrs. Leprohon's poems, which must endear them to every Canadian, and a sweetness of expression and melodious rhythm which will commend them to every attuned ear. In candour, we must add, that there is not a little in the volume which, from a literary point of view, had better have been left out. But as the collection is a posthumous one, we suppose this defect must be lightly dealt with. Much, however, remains to entitle Mrs. Leprohon to favourable notice, when the history of Canadian poetry comes to be written.

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Seneca and Kant; By Rev. W. T. Jackson, Ph. D., Dayton, Ohio. United Brethren Publishing Room, 1881.

It is exactly a hundred years since German Philosophy, led by Emmanuel Kant, invaded and conquered all previous forces of European thought. That philosophy came into the field with wholly new tactics, strange and complicated movements, and arms of precision in the use of metaphysical terms unknown before. Eleven years previous to the publication of Kant's great work, the 'Critique of Pure Reason,' that sensualist materialism which had been developing itself for two centuries in England and France, had said its last word in the publication of the *Système de la Nature* of Baron Holbach, of 1770. Belief in God was henceforth to be banished from the horizon of human thought; Consciousness and Ideas were as much products of the brain tissues as bile was of the cells of the liver! Kant tells us how he was led to see the necessity of a revolution in the methods of Philosophy, in language whose dignity fits the subject. As Copernicus had seen that the phenomena of astronomy could not be accounted for on the old theory that the sun and stars move round the earth, and thence was led to construct a new theory of the heavens.

So Kant had found that the doctrine of all our knowledge being traceable to experience, does not account for the phenomena of human thought. He was thence led to his 'Critical Examination of the Reason,' which he considered made three aspects, each determined by the ideas which are its subject matter: The Sense-Faculty (he called it the æsthetic), the Understanding which takes cognizance of the ideas supplied by the sense faculty, and the Pure Reason, which considers ideas transcending, or going into a higher region than these, as God, Immortality and Duty. In criticising the contents of the Sense Faculty and of the Understanding, he shewed the existence of certain necessary forms, such as space and time, which are supplied by the mind itself, and are not given by experience. These, which he called in his strange and repellant terminology, 'Synthetic Judgments *a priori*,' were conceived by man as necessary and universally true, and this Kant proved by the self evident truth of the pure mathematics. Whether or not we are justified in saying that these judgments, true to our reason, are also true to the reason of other possibly existent beings, Kant does not appear to determine: and herein, according to many thinkers, is a weak point in his system. But at least to us, as we reason, and to all our possibilities of thought and science, these 'Synthetic Judgments' *a priori* are valid.

Another weak point in Kant's Philosophy, according to some recent exponents, notably Dr. Noah Porter, in a lucid and most readable essay on the Kantian Centennial (*Princeton Review*, Nov. 1881.) is his apparent denial of the possibility of our cognition of the *noumenon* as a 'thing in itself.' By *phenomenon* are meant the transitory, the uncertain, the contingent, the apparent: by *noumenon*, the permanent, the universal, the true. In its highest form the *noumenon* is equivalent to the absolute, to the idea of God; and the relation of this thought to mere phenomenon is nobly expressed in a passage in St. Augustine's Confessions, 'The Unchanging, Thou changest all things; with Thee of all things unstable the stable causes exist, and of all things mutable and transitory, the immutable causes abide.' But Kant was unable to see ground for belief in the *noumenon* as God in the speculative reason, although he claimed that

we possess such ground in the moral or practical reason.

Noumenon considered as the conscious soul, it seems strange that Kant should have denied our right to predicate existence. Does not his whole system pre-suppose our power to judge of Reason as a reality immediately known to us? The ethical side only of Kant's philosophy was made known in England by Coleridge and Carlyle. Its pure and lofty tone had a great influence with the earlier generations of Liberal and Broad Churchmen whose leaders were Kingsley and Frederic Dennison Maurice. As a philosophical system, the Kantian metaphysics have been evolved in various directions by Schilling, Fichte, and Hegel; and by Mansel and Hamilton in England. At present there seems to be in England and America a tendency to return to and re-interpret Kant, with perhaps a leaning to the development of his system known as Absolute Idealism, as against the denial of the knowability of the Absolute, by Herbert Spencer. Of this school, the work on Kant by Professor Watson, of Kingston, lately reviewed in these columns, is an example which deserves, and has already commanded, attention.

To the earnest student of Metaphysics, the position of Kant among the supreme thinkers of Europe will always furnish a reason for at least attempting to form some idea of his system as set forth, not by commentators, but by himself. The translation in Bohn's library gives some help in the notes, but it may be safely maintained to be impossible for any student to understand the text unaided by an expert or by ample notes. The difficulty of understanding Kant is no doubt in part due to the inherent difficulty of the subject. But all recent commentators seem agreed that it is still more owing to the strange terminology which Kant borrowed from Wolf and his predecessors, who derived it from the scholastic writers of the Middle Ages. And to this terminology Kant assigned new meanings of his own, which was gradually adopted during the twenty years in which this Sphinx of Metaphysics meditated over the riddles given to the world in 1781. Again, it is fully admitted that Kant himself got at times confused and involved. Also, the German language of a century ago

was in a chaotic state as regards clearness of style, which put Kant at a great disadvantage. He was at times a forcible, clear, and even eloquent writer; witness his account alluded to above, of the origin of his 'Critique of Pure Reason;' also his marvellous anticipation of modern evolution in his 'Theory of the Heavenly Bodies, which, by the way, has been erroneously ascribed to Laplace. But the 'Critique' needs not so much to be commented on by commentators who have generally set theories of their own, as to be re-written before it can be understood by the English reader. With the exception of Locke, modern philosophical writers in our language have enjoyed the advantage of a clear and intelligible style, and this is eminently true of Mill and Spencer, whose speculations, treating as they do of the most recondite questions of Thought, and involving complex detail of illustration, have a terminology that explains itself, and can be readily understood by any educated reader, even if untrained in Metaphysics. Kant's work should be not simply rendered into boldly literal English, but translated in the same spirit of free yet faithful rendering by which the French version of *Dumont* made Jeremy Bentham intelligible.

Kant is pre-eminently a writer whom modern Thought cannot afford to neglect. It is very remarkable to what an extent he anticipated, a century ago, several of the leading ideas of our own age. In his book on 'The Philosophy of the Heavens,' Kant promulgates the theory as to the genesis of the stellar universe, which, fifty years afterwards, was proposed in a modified form by Laplace. In the same work Kant gave the explanation more currently received, of the rings of Saturn. He also distinctly anticipated the Darwinian theory. Mr. Jackson's little book takes too arbitrary a title when it professes to give an account of the 'Philosophy of Kant.' Mr. Jackson only treats of 'Kant's System of Ethics'—the simplest and easiest part of Kant's system. Of the more difficult and more important metaphysical investigations in the Kantian Metaphysics, Mr. Jackson tells us nothing whatever. But on the merely ethical question his *brochure* is well put together, and deserves a good word.

BRIC-A-BRAC.

TO KATE SEYMOUR MACLEAN.*

BY MRS. A. MAC GILLIS, WINNIPEG, MANITOBA.

Sweet Singer, would I had the power
To write but one verse worthy thee;
To thy bright Garland add one flower,
To thank thee for thy minstrelsy.

Thy songs are music in the night,
Or earnest thoughts for solemn hours;
Or, when our hearts are gay and light,
Thy graceful verses seem like flowers

Of the bright Spring, or sunny June,
When Nature all an anthem sings;
So fresh and pure, so sweet the tune,
No chiming bell more softly rings.

Like murmur of a summer brook
Melodious winding through the glen,
The rhythmic pages of thy book
Flow in sweet numbers from thy pen.

We cannot choose but weep with thee,
With thee rejoice when thou art glad,
Our hearts go out in sympathy,
One moment gay, the next one sad.

God bless thee, Singer, give thee grace
To warble till He calls thee home,
Then, may the shining of His face,
Light the dark valley's gathering gloom;

And, when earth's sounds grow faint and dim,
Angelic voices greet thine ear,
And bear a sister seraphim
To sing in Heaven from singing here.

Some visitors were going through a great house recently, and at length paused before a fine painting representing a handsome, black-bearded man clad in gorgeous attire. One of them inquired of their guide whose portrait it might be. 'Well, sir,' replied the housekeeper, 'I don't rightly know; but I believe it is the Dowager Venus!' 'But,' said the visitor, 'I scarcely think that the Dowager Venus would be represented with a beard. Perhaps you will be good enough to look in the catalogue?' She did so, and the Dowager Venus proved to be the Doge of Venice.

* Author of 'The Coming of the Princess, and other Poems.' Toronto: Hunter, Rose & Co.

People without tact do a great deal of mischief. They seem actually merciless at times. They never know what is best to say or do. They tread upon people's toes, and open the closet where family skeletons are kept so often that they earn the reputation of being spiteful. They ask over and over again questions which are obviously unpleasant to answer, and make remarks that are seen at once by all save themselves to be offensive.

An English judge used to say that, in his opinion, the very best thing ever said by a witness to a counsel was the reply given to Missing, the barrister, at that time leader of his circuit. He was defending a prisoner charged with stealing a donkey. The prosecutor had left the animal tied up to a gate, and when he returned it was gone. Missing was very severe in his examination of the witness. 'Do you mean to say, witness, the donkey was stolen from the gate?' 'I mean to say, sir,' giving the judge and then the jury a sly look, 'the ass was Missing.'

A parish in the county of Fife had for a minister a good man, remarkable for his benevolent disposition. Meeting one of his parishioners one day, he said, 'Jeanie, what way do I never see you in the kirk?' 'Weel, sir,' replied Jeanie, 'to be plain wi' ye, I haena a pair o' shoon to gang wi.' 'A pair o' shoon, Jeanie! Jeanie, I'll no let ye stap at hame for that; what would a pair cost?' 'About four shillings, sir.' Putting his hand into his pocket, he gave Jeanie the money, and went his way. Some time after, meeting her again, he said, 'Dear me, Jeanie, I've never seen ye in the kirk yet. What way is that?' 'Weel, sir,' replied Jeanie, 'to be plain wi' ye, when the weather is guid, and I hae time, I prefer gaun to Dumfarlin' to hear Mr. Gillespie.' 'Oh, indeed, Jeanie, lass, that's the way o't, is't? Ye might hae gi'en me the first day o' the shoon, ony way, d'ye no think?'

FOR SOME ONE.

BY CECIL GWYNNE, MONCTON, NEW BRUNSWICK,

Oh heart that is bruised and wounded,
And aching with hopes and fears ;
Oh hands that are empty and helpless,
Through the barren and dreary years.

The years that have brought no blessing,
But are bearing thy youth away,
Faded, and withered, and useless,
Like leaves on an autumn day.

Sit not by the roadside idle,
Grasp *something* before it goes by !
Better to struggle and suffer
Than helplessly sink down and die.

The way has been rough and stony,
And the journey seemed all up-hill ;
But there's One who is near in the darkness,
Whose hand shall uphold thee still.

And some time in the dim hereafter,
Some time in the years to come,
Thou shalt lay down thy weapons forever,
At rest, in thy hard won Home.

Charity taken in its largest extent is
nothing else but the sincere love of God
and our neighbour.

Whatever you have to do, do it with
all your might. Many a lawyer has
made his fortune by simply working with
a will.

'Don't stand on ceremony ; come in,'
said a lady to an old farmer, as she
opened the door. 'Why, my goodness !
Excuse me, ma'am. I thought all along
I was standin' on the door mat.'

Two bees—a honey and a drone—
alighted, towards sunset, upon the
trunk of a tree. Muttered the drone to
the busy bee, which was laden with
honey, 'I have been looking for you all
over the place. I am starving, and you
might help me with a little of your sub-
stance.' 'Why so?' asked the other.
'I have had the pleasure of toiling all
the day for it. Add the virtue of inde-
pendence to the dignity of labour, and
gather for yourself.' 'Say you so,' re-
joined the drone, 'then I must take it
by force.' But as the drone had no
sting, the struggle was vain ; and he
soon lay legs uppermost, a helpless tit-
bit for a watchful robin. Moral.—The
lazy and the 'loafing' will waste as much
time and energy over scheming 'how
not to do it' as would suffice to gain an
honest living, and come to a troublesome
end for their pains.

A PASSING THOUGHT.

C. E. M., MONTREAL.

Every life has its December,
Full of sad repining,
Yet December's darkest heaven
Hides a silver lining.

May will bring, on some sweet morrow,
Rosy light and laughter ;
Longest grief must have an ending,
If not here, hereafter.

Old party—'What d'ye mane by snow-
balling o' me, yer young wagabones !
Ain't yer got a father o' yer own to
snowball ?'

A well-fed hog rose up in his sty and
dropped a regretful tear. 'The beauti-
ful snow has come,' he said, 'and slaying
will soon be here.'

'How do I look, doctor?' asked a
painted young lady of the family phy-
sician. 'I can't tell, madam, till you
uncover your face,' was the cutting reply.

Mrs. Maloney—'That's a foine child
ov yours, Mrs. Murphy. How ould is
he?' Mrs. Murphy.—'He'll be two
years old to-morrow. He was born on
the same day as his father.'

An enterprising American firm, to pre-
vent the destruction of their cheeses by
rats in their transit to England, packed
them in iron safes. It is stated that the
rats eat their way through the safes, but
found the cheeses too much for them.

REVELATION.

I trod the rustling carpet of the earth,
When winter winds had bared the forest
trees ;
Hushed were the myriad sounds of insect
mirth,
That erst had floated on the summer breeze.
No voice of bird was heard in warblings sweet,
No pleasant murmur of the growing leaves.
'Death, death,' I said, 'on every side I meet ;
And Nature for her buds and blossoms
grieves.'

Anon I saw the earth apparelled new ;
Greenness and growth did everywhere
abound ;
The skies bent over all the summer blue.
And grand old hills with bounteousness
were crowned.
The air was stirred with waves of happy
strife.
Where'er I turned, I saw the eternal seal.
'Life follows death,' I said : 'through death
to life,
Doth nature thus the spirit's law reveal.'

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