

scrannell pipes heard amidst the general appreciation of competent critics. It is easy for anyone to pick out such a passage as this from p. 26 of the volume before us and call it platitudinous and school-boy stuff: "International law, as understood at the present day, was unknown in the Middle Ages. The law which prevails among the independent States of modern times could not arise till these independent States had been fully developed." But *que voulez-vous?* Homer is surely entitled to his nod now and then. We suppose it is quite impossible to expect a compendium of learning like this to be thoroughly read by the busy practitioner, but we would commend to anyone's leisure moments Chapter IV of the volume in hand. It deals in a most engrossing way with the development of English Law outside the sphere of the Common Law in the sixteenth and early seventeenth centuries—the administration of justice in the Council and the Star Chamber being exhaustively considered.

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Chambers Encyclopædia: A Dictionary of Universal Knowledge. Edited by David Patrick, LL.D., and William Geddie, M.A., B.Sc. Volume V. London and Edinburgh: W. & R. Chambers, Limited. 1924.

We commend to professional readers the following among the contents of this volume: *Game Laws*, by Lord Sands; *Government*, by C. I. Elton; and *Guilds*, by T. Kirkup. There are also instructive articles on *Habeas Corpus*, *Henry Hallam*, *Henry VIII.*, and *Thomas Hobbes*. The volume is exceptionally full of interesting matter for the general reader, and is a valuable addition to the library of the office or the home.

C. M.

CORRESPONDENCE.

THE EDITORIAL BOARD of the Canadian Bar Association does not hold itself responsible for the opinions of Correspondents. Contributions to this department of the Review will be published only over the genuine names of the writers.

THE KING'S TITLE.

To the Editor of the Canadian Bar Review:

SIR:—I have read with great interest the article written by Mr. MacKenzie in your November number and entitled "The King's Title." It is an admirable and timely exposition of a most interesting subject. There is one paragraph, however, to which exception might be taken. It is stated that "'Edgar (959) The Peaceful' seemed to have imperialistic tendencies, for he styled himself at one time or another 'Rex,' 'Basileus,' 'Imperator' and 'Dominus.'"

This statement is, I submit, based upon an erroneous idea of the true meaning of the words "Imperator" and "Imperium." The word "imperium" or "empire" in the English political vocabulary is a very old one, and has been used there with a peculiar insular meaning. It was used by some of the mediaeval rulers before the Norman Conquest to

denote not conquest, but independence; they made use of it in their titles, not to indicate any claim to imperialistic tendencies but to assert their own freedom from external control. The origin of this use goes back to the days of the Roman Empire in Britain. Southern Britain had formed an integral part of that Empire, and the claims of Rome had never been formally abandoned. The mission under St. Augustine sent out by Pope Gregory to Kent and the subsequent success of that mission in converting many of the English to Christianity, had brought the country once again within the spiritual jurisdiction of the Imperial City and had revived the semi-dormant Roman tradition. By the re-creation of the Roman Empire itself under Charlemagne in the year 800, the idea of Latin domination was still further emphasized and it became an issue of practical politics. Although Charlemagne himself did not attempt to exercise any authority over Britain, the pretensions to such jurisdiction were implicit in his titles and his office. But in the next century some of the successors to Charlemagne were inclined to make explicit what had been considered heretofore as only implicit. Thus, to repudiate this idea, at the time when the powerful Saxon King of Germany had been crowned as Emperor in Rome as a true successor in the imperial line of Honorius, —Edgar the Peaceable, King of Wessex asserted his own independence and the autonomy of his kingdom by proclaiming himself "*Totius Albionis Imperatur Augustus*." This high sounding title to which, I take it, Mr. MacKenzie refers, seemingly ridiculous when used by a ruler whose kingdom extended only from the Thames to the Channel, takes on a new meaning when it is considered that it was meant to show, not only a superiority over the other kings in Albion, but also the proclamation of a sovereignty independent of and equal to that of the German overlord of Continental Christendom.

Even in later history, the theory that England was a part of the dominion of the Holy Roman Empire still appeared. Edward II. took the precaution to declare formally that "*regnum Angliæ ab omni subjectione imperiali esse liberrimum*"; and Edward III. found it necessary formally to repudiate the claim to superiority of Lewis the Bavarian.

But as time went on, the power of the Holy Roman Empire waned. Its place of influence, however, was taken by the secularized and triumphant Papacy. By 1300 the Church had humiliated and well-nigh overthrown the Empire and claimed not only spiritual but temporal authority as well. The climax came in the great Jubilee of 1300, when Boniface VIII. appeared before the Roman multitude in full armour and proclaiming: "I am not only Pope, but Cæsar." These claims to universal empire aroused the rising national spirit of the Teutonic peoples and it was the passion for insular independence which enabled Henry VIII. to defy the Papacy in the Sixteenth Century. It is interesting to note that, in repudiating the Papal supremacy in the Sixteenth Century, Henry VIII. used precisely the same term as that employed in the Tenth Century by Edgar to show his independence of the Holy Roman Empire. Henry asserted that his Kingdom was an *empire* and he explained that he had no thought of conquest or external dominion, but that he was merely concerned to maintain the autonomy of his monarchy and the authority and supremacy of his throne. The preamble to the Act of Supremacy—24 Henry VIII., ch. 12—begins "Where by divers sundry old authentic histories and

chronicles, it is manifestly declared and expressed that the nation of England is *an Empire*, and so hath been accepted in the world; governed by one supreme head and King, and having the dignity and royal estate of the imperial crown of the same, unto whom a body politic, compact of all sorts and degrees of people, divided in terms and by names of spirituality and temporality, been bounden and owen to bear, next to God, a natural and humble obedience," and so forth.

Again in the Eighteenth Century, we find Blackstone in his Commentaries — Vol. I., page 242, asserting that "The legislature uses 'Empire' to assert that our King is sovereign and independent within these his dominions."

Thus, the term "empire" or "imperium" and its personal correlative of "emperor" or "imperator" is really a declaration of independence. It proclaims freedom from foreign jurisdiction and not a claim to exercise authority over foreigners. It is a statement of insular autonomy and not an assertion of imperialistic tendencies. It was used in respect of England herself, and had no reference to any overseas or European territory. It was rather a term to denote liberty and self-determination and not conquest or subjugation. In this sense, it is a political term, the use of which we may well cherish.

Yours very truly,

Toronto.

H. M. CODY.

CURRENT EVENTS.

DALHOUSIE LAW SCHOOL.—This is the first year at Dalhousie Law School when students have been required to take two years of Arts before beginning the study of Law. Accordingly it was expected that the registration would be much smaller than in former years. In spite of the increase of the entrance standards the first year class consists of nineteen students, most of them being Bachelors of Arts or Science and all of them having at least two years of preliminary University training. Dalhousie Law School suffered a great loss when Dr. D. A. MacRae resigned the Deanship and joined the staff at Osgoode Hall. The duties of the office are being carried on by Professor J. E. Read, who has been appointed as Acting Dean. Professor Read is giving Dr. MacRae's course in Constitutional Law. Angus L. Macdonald, B.A., LL.B., who for several years has been Assistant Deputy Attorney-General for the Province of Nova Scotia, has now joined the staff of the Law School and is giving the courses in Torts, Criminal Law, Corporations and Conflict of laws. George H. Fielding, Esq., K.C., who for many years was Stipendiary Magistrate for the City of Halifax, is giving the course in Evidence to the third year students. M. B. Archibald, LL.B., is giving the course in Practical Statutes and Interpretation of Statutes to the third year students.

The course in the History of English Law which was formerly given by Dr. MacRae to the first year students is now being given by J. Willis Godfrey, Esq., B.A., B.C.L. (Oxon.), Rhodes Scholar. Mr. Godfrey studied legal history under Dr. MacRae when he was a student at Dalhousie, and also under Dr. Holdsworth and Sir Paul Vinogradoff.