

a prior creation. Justice did not form this material, or command it into being; but in the course of misunderstanding or controversy between man and man, property, a material pre-existent or already made, forms the subject of many of those questions which are put into her hands.

14. But, recurring to the juvenile controversy which we have already imagined for the purpose of illustration, there is still a third way in which we may conceive it to be conclusively and definitively settled. The parents may interpose their authority, and assign his own particular chair to each member of the household. The instant effect of such a decree, in fixing and distinguishing the respective properties in all time coming, has led, we believe, to a misconception regarding the real origin of property—in consequence of a certain obscure analogy between this act of parents or legislators over the family of a household, and a supposed act of rulers or legislators over the great family of a nation. Now, not only have the parents this advantage over the magistrates—that the property which they thus distribute is previously their own; but there is both a power of enforcement and a disposition to acquiescence within the limits of a home, which exist in an immeasurably weaker degree within the limits of a kingdom. Still, with all this superiority on the part of the household legislators, it would even be their wisdom, to conform their decree as much as possible to those natural principles and feelings of property, which had been in previous exercise