

CAUSERIE.

"If I chance to talk a little while forgive me."

— *Henry VIII., Act I, Scene 4.*

Mr. Frederic William Maitland is no respecter of legal traditions and myths. On the contrary he is an iconoclast of the most ruthless kind, and whenever he penetrates into the temples where our professional forbears were wont to worship, the idols and oracles there statant and couchant have a very bad quarter of an hour. In his Introduction to the Parliament Rolls of 33 Edward I., he very effectually dispelled some clouds of error that had long enveloped the origin of the remedy by petition of right. In the "History of English Law before the time of Edward I.," written by him conjointly with Sir Frederick Pollock, he reforms some false and deep rooted notions as to the authorship and authenticity of certain archaic repositories of the common law, such as the works known as "Leges Henrici," "Leges Edwardi Confessoris," the "Tractatus de Legibus et Consuetudinibus Angliæ," and the "Dialogus de Scaccario." But all his previous assaults upon the citadel of legal fiction are put into the shade by his recent fatal cudgelling of the "Mirror of Justices." Now to such of us as were launched upon the deeps of the common law in the old days when Coke upon Littleton and Blackstone's Commentaries were still the chief beacons that illuminated that "weltering waste," the "Mirror" was a work not to be approached lightly or to be spoken of with irreverence. We bore in mind that my lord Coke lauded it as "a very antient and learned treatise of the laws and usages of this kingdom of England," and that Lord Somers regarded it as of equal authority with Bracton and Fleta. Nor, indeed, did we find the work lacking esteem even in our own times and in American courts. In the well known case of *Briggs v. Light Boats etc.* (11 Allen, p. 166) Mr. Justice Gray refers to the "Mirror" as an authority to show that in the early days of English law the sovereign was amenable to an ordinary action at the suit of a subject. This, then, being premised, it will not be wondered at that we old-fashioned people sustain a very pronounced shock when we peruse Mr. Maitland's Introduction to the