

such or such a time, by the constituted authorities, whose undisputed right it was to do so, was given the name and force of law.

Hearing this, or to this effect, the Judge (the facts on which the plaintiff grounds himself being regarded as proved)—the Judge, does he do that which by the plaintiff he is thus called upon to do? What he thereupon and thereby declares—declares expressly, or by necessary implication, is—that the portion of law, in virtue of which the plaintiff called upon him so to do, is a portion of law made and endued with the force of law, by an authority competent so to do; and that of this discourse the true sense is the very sense which the plaintiff, on the occasion of the application so made by him, has been ascribing to it.

Thus doing, what is it that, in current language, the Judge is said to have been doing? *Answer: pronouncing a decision*: a judicial decision: in particular a judgment, or a decree. Sometimes it is called by the one name, sometimes by the other: whereupon in virtue, and in pursuance of this decision, if need be, out goes moreover in his name an *order—a writ—a rule*:—sometimes it is called by one of these names, sometimes by another:—but if it be a *rule*, nothing more than a *particular* rule, bearing upon the individual persons and things in question: at any rate, ordering the defendant to do so and so, or ordering or empowering somebody else to do so and so, at his charge.

That you may see the more clearly what is done under sham law, herein above then you have an account of what takes place under real law. Well, now, suppose *Statute Law* out of the case, what is done is done, then, in the name of *the Common Law*. In this case, then, observe what there is of reality, and what there is of fiction. What, in this case, supposing the matter contested really has place, *a decision*: a decision pronounced by a Judge: say by the same Judge: a decision by which expression is given to an act of his *judgment*, followed by an *order*, or what is equivalent, by which expression is given to an act of his will. The *order* is but *particular*: the *decision* is in the same case.