

by the highest state and federal courts" are kept stored. "If you want any one of these, you can have it at a moment's notice."

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At the annual dinner of the Harvard Law School Association there were, as usual, some pithy and interesting sayings. Mr. Justice Holmes remarked: "Learning is a very good thing. I should be the last to undervalue it. But it is liable to lead us astray. The law, so far as it depends on learning, is indeed, as it has been called, a government of the living by the dead. To a very considerable extent, no doubt, it is inevitable that the living should be so governed. The past gives us our vocabulary and fixes the limits of our imagination. We cannot get away from it. There is, too, a peculiar logical pleasure in showing, in making manifest, the continuity between what we are doing and what has been done before. But the present has a right to govern itself so far as it can; and it ought always to be remembered that historic continuity with the past is not a duty—it is only a necessity. I hope the time is coming when this thought will bear fruit."

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Pursuing the same theme, the learned judge added: "An ideal system of law should draw its postulates and its legislative justifications from science. As it is now, we depend upon tradition or vague sentiment, on the fact that we never thought of any other way of doing things, as our only warrant for rules which we enforce with as much confidence as if they embodied a recorded wisdom. What reasons of a different sort can any one here give for believing that half the criminal law does not do more harm than good? Our forms of contract, instead of being made once for all, like a yacht, along lines of least resistance, are accidental rulings of early nations, concerning which the learned dispute. The Italians have gone to work upon the notion that the