

761, 44 Week. Rep. 653). founds his opinion solely upon the authority of a strictly theoretical work, Pollock and Wright's *Essay on Possession in the Common Law*, itself largely the product of the studies of continental jurists. The leading modern English case on the question of the necessity of delivery in gifts of chattels is *Cochran v. Moore* (L.R. 25 Q.B. Div. 57, 59 L.J.Q.B.N.S. 377, 63 L.T.N.S. 153, 38 Week. Rep. 588, 54 J.P. 804, 12 Eng. Rul. Cas. 410). In his opinion Lord Justice Fry not only refers to the Institutes, but also adopts the conclusions of Mr. Maitland in his brilliant papers on the Seisin of Chattels, the Beatitude of Seisin, and the Mystery of Seisin (1 Maitland, *Collected Papers*, pp. 329 *et seq.*). These papers are themselves largely under obligation to the labours of German and French legal scholars. Mr. Justice Holmes' great work on the Common Law, a philosophical and comparative study of some of the central ideas in our legal system, has been frequently cited and relied upon—notably by Collins, M.R., in the case of *The Winkfield* (L.R. [1902] P. 42, 3 B.R.C. 368, 71 L.J. Prob. N.S. 21, 50 Week. Rep. 246, 85 L.T.N.S. 688, 18 Times L.R. 178, 9 Asp. Mar. L. Cas. 259), dealing with the rights of a bailee, and by Lord Macnaghten, in the case of *Perry v. Clissold* ([1907] A.C. 73, 76 L.J.P.C.N.S. 19, 95 L.T.N.S. 890, 23 Times L.R. 232), on the subject of adverse possession. The latter Judge—an accomplished student of comparative law—also cites the articles of Maitland before referred to and the essay of the late Professor Ames on the Disseisin of Chattels.

But here again mere frequency of citation means little. The work of students who delve into the foundations of legal ideas and institutions, aided by the light of comparative law, ultimately has an influence more elusive, but more profound, than any which comes from shaping a particular doctrine. Legal and political theories are insensibly shaped by the efforts of such men. Students like Holmes and Pound and Wigmore are even now digging the channels through which our law must in the future flow.

Von Ihering has said: "Every age is a riddle, which not itself, but the future only, can solve" (1 *Geist des römischen Rechts*, p. 35). And so of our own century. Whether we are availing