

immense mass of judicial decisions. These, during several centuries, have spelled out in particular instances, and applied to a vast and perpetually shifting variety of situations, certain inherited principles, formulas, and customs, and certain rules and maxims of good sense and of an ever-developing sense of justice. It lies partly also in a quantity of legislation.

What does it mean to ascertain and to master, upon any particular topic, the common law? It means to ascertain and master, in that particular part of it, the true outcome of this body of material. In an old subject, like the law of real property, such an inquiry goes far back. In a new one, like constitutional law, not so far; but still, even in that we must search for more than a century, and if we would have a just understanding of some fundamental matters it means much remoter and collateral investigation. As regards a great part of our law it is not comprehensible, in the sense in which a legal scholar must comprehend his subject, unless something be known, nay, much, of the great volume of English decisions that run back six hundred years to the days of Edward I., when English legal reporting begins. This is the period which is fixed, in the two noble volumes of 'The History of the English Law,' just published by the English professors, Sir Frederick Pollock, of Oxford, and Mr. Maitland, of Cambridge, as the end of their labours—viz. the time when legal reporting begins. In giving the reasons for dealing with this as a separate period, they say 'so continuous has been our English legal life during the last six centuries that the law of the later Middle Ages has never been forgotten among us. It has never passed utterly outside the cognisance of our Courts and our practising lawyers.' Such is the long tradition that finds expression in the law of this very day, and of this place in which we sit. The volumes just mentioned, ending thus six centuries ago, themselves throw light on much which concerns our own daily practice in the Courts; and they indicate the value and importance of much remoter investigation. You remember, perhaps, that the judicial records of England carry us back to the reign of Richard I. in 1194, seven centuries ago, and that there are scattered memorials of earlier judicial proceedings for another century, gathered for the first time by one of the most learned of our brethren in this association, Professor Melville M. Bigelow.