

earliest 'conventiones' (covenants) appearing in English juridical history were leases of land, and that when commerce developed and simple contracts came into vogue, it was found convenient to leave specialties in undisputed possession of the phrase. Glanvil (X., 8) uses the term 'conventio' in its generic import; and so do Bracton (*De Leg. et Cons. Ang.* II., ch. 5) and Fléta (ch. 9). In the Year Books we find the term 'covenant' used in the restricted sense so early as the year 1338. (See Y.B. XII., Edw. III.) Austin, however, claims that 'contract' is a term of uncertain extension in English law, and that it is sometimes used in exactly the same sense as that in which the Roman lawyers employed the word 'conventio.' (*Prov. Juris. Det.* II., 982). He admits, on the other hand, that 'conventio' (covenant) is never synonymous with 'agreement' in the terminology of our own legal system, but is confined to the class of contracts above described. Matthew Bacon ("Abridgment") derives 'covenant' from the Latin *convenire*, or *conventus*, and says that in its largest sense it is identical with the term contract. The author of the ancient "Mirror of Justices" defines 'contract' as follows: "Contract est purparance dentre gentz qe chose nient fet se face;" which the editor of the Selden Society's edition of the work translates: "Contract is a *discourse* between persons to the effect that something that is not done shall be done" (ch. 27, p. 73). But in an undertaking purporting to present an archaic authority in a modern dress, why employ the term 'discourse' which only in a remote, and now entirely obsolete sense, conveys the idea of 'dealing' or 'transaction,' and in its ordinary signification is, *quoad hoc*, absolutely meaningless? What the old writer probably meant by 'purparance' was 'treaty' or 'negotiation,' and while his definition at its best is inadequate enough, it is a thousand pities that his shortcomings should be intensified by inapt interpretation.

\* \* \* Englishmen are wont to pride themselves in the fine scholastic attainments of their great statesmen of the past, and certainly the record from Sir Thomas More to Gladstone is a magnificent one. But the political history of the United States also discloses a list of some of the best trained minds in the world's chronicle of statesmen. Daniel Webster was accorded first place as a student when he attended Dartmouth College, and his speeches attest the breadth of his academic training. President