

because in this lie hidden the explanation of what is most troublesome in our law, and because in this is found the stimulus that most feeds the enthusiasm and enriches the thought and the instruction of the teacher. The dulllest topics kindle when touched with the light of historical research, and the most recondite and technical fall into the order of common experience and rational thought. Sir Henry Maine's book, like that of Darwin in a different sphere, at about the same time, created an epoch. Such books have made it impossible for the law student ever again to be content with the sort of food that fed his fathers, with that 'disorderly mass of crabbed pedantry,' for instance, as our recent historians of the law have justly called it, 'that Coke poured forth as institutes of English law.' Never again can he receive the spirit of bondage that once bent itself to teach or to study the law through such a medium.

And now comes another labour for the legal scholar. After such researches as I have indicated, in any part of the law, the outcome of it is certain to be the necessity of restating the subject in hand. When things have once been thus explored and traced, many a hitherto unobserved relationship of ideas comes to light, many an old one vanishes, many a new explanation of current doctrines is suggested and many a disentangling of confused topics, many a clearing away of ambiguities, of false theories, of outworn and unintelligible phraseology. There is no such dissolver and rationaliser of technicality as this. A new order arises. And so when the work of exploration has been gone over, there comes the time for producing and publishing the results of it. Admirable work of this sort, and a good bulk of it, has already been done—work that is certain to be of inestimable value to our profession. In some instances it is but little known as yet; in others, it appears already in our handbooks on both sides of the ocean, and in the decisions of the Courts.

The publishing of these results by competent persons is one of the chief benefits which we may expect from the thorough and scientific teaching of law at the universities. In no respect can more be done to aid our Courts in their great and difficult task. There are many useful handbooks for office use and reference, and some excellent ones. But the number of really good English law treatises—good, I mean, when measured by a high standard—is very few indeed. They improve; and yet, to a great extent