

succession, and of boundaries between the occupiers of adjoining pastures. This was the condition of the race in the primitive ages, and is even yet the condition of some parts of it. The Laplander in the North, the Bedouin in the South, the Nomadic tribes which roam over central Asia, our American Indians, and the Southern Africans, are in this condition. The Bedouin encamps upon the edge of the sand, or along the declivities of the mountains, his tents, his flocks and herds, his scanty list of clothing and utensils being his only wealth. When he has exhausted one spot he removes to another, and if he is disturbed he flies to the desert. Nevertheless he is not without the pale of the law. He recognizes in many things more than the right of the strongest. His personal relations to his wife, his children, and his neighbors are subjects of regulation, and when he dies his effects are parted according to rule among his kindred.

The next stage in the civilization of the race was the fixed habitation and the cultivation of the soil; and this brought with it the next stage in the development of the legal system—the law of land and of permanent structures—a department which, though it teaches of the most permanent of earthly things, has been the most fluctuating, because it has been generally an index of political change and condition. To possess land, to own an estate, to found a family, and to make for it an ancestral home, are almost universal objects of ambition.

We seem to ourselves to be more firmly fixed when we are anchored in the soil. Where a man can stand beneath an ample roof, and look over broad meadows and cornfields, all his own, watch the reapers of his harvests, and the cattle in his pastures, he feels more stable in his fortunes, than if his wealth were in ships or factories, more abiding on the earth. Then the pleasures of agriculture are the most favorable to a serene spirit and happy life. The Fair, which has been lately held in this city, and of which I hear so much, which so many thousands attended, and where the wealth of your soil was marvellously displayed, bears witness to the interest excited in this pursuit. And notwithstanding the enormous increase of personal property in our modern society, the larger portion of man's wealth is still in the land. In the State of New York, the most commercial of our States, the assessed value of real property the last year was over a thousand millions of dollars, while that of personal property was but three hundred and sixty-seven millions, and even in its metropolitan city, where there is the largest aggregation of personal property, its assessed value has only one hundred and sixty-two millions, while that of real property was three hundred and sixty-eight millions.

In the distribution of the land has determined the policy and the fate of governments, and these in their turn have encouraged the aggregation or subdivision of estates, as they inclined to aristocratic or democratic institutions.

For these reasons, the law, which regulates the possession, enjoyment and transfer of real property, has always been the subject of special attention. It has oscillated, as governments have swayed back and forth; at one time allodial, at another feudal; sometimes comparatively simple, then excessively complex; in one country natural, in another artificial.

But in all countries, whether in the valley of the Nile, or in an English county, and under all systems, that of the Jews in Palestine, or of the Romans in Italy, or the Mahomedans in India, or the French on the Seine, or the English in Australia, even under the simplest system that has ever been, or can ever be devised, the law of real property has ever been and must be large and difficult. The acquisition and use of land, the different kinds of ownership, the exclusive and perpetual, or the joint and temporary title, the conflicting interests of adjoining owners, the relative rights of landlord and tenant, and a thousand other conditions and incidents, can only be regulated upon a careful and minute analysis, by a series of rules adjusted with nice discrimination and adapted to an almost infinite variety of circumstances.

In the next stage of civilization, the products of the soil, were wrought into new forms, and manufactured fabrics added to the wealth and comfort of man. Manufactures required the purchase and collection of materials, the employment of workmen and the sale of the fabric. Commerce led to navigation. Each of these operations added a new chapter to the law.

Of these three stages in civilization and law, the ancient world was witness, but not in their highest development, though in forms of which the records will last forever. The accumulation of law-books became so burdensome, that, thirteen hundred years ago, it was found necessary to reduce them by substituting digests. The historian of the "Decline and Fall of the Roman Empire" has given us, in a memorable chapter, an account of the men and the process by which this work was accomplished, under the order of Justinian. Since then, however, materials have accumulated, greater by far than those, out of which the Roman Codes were constructed. Of the vast fabric of our present law, it is not difficult to distinguish between what is ancient and what is modern, and we can see that not half of it is as old as Justinian. While our law of obligations or contracts came from Rome, our law of property and of personal rights came, most of it, from other quarters. The present law of real property in this country and in England was brought from the North, or Northeast, by those conquering tribes whose scheme of civil polity was a gradation of ranks, bound together by feudal ties. This feudal system after having flourished through several centuries, has been gradually softening and disintegrating under the double influence of commerce and peace. Our maritime law is also in great part of modern origin, for though the commerce of the ancients covered the Mediterranean and the Red Sea, and coasted along the adjacent shores of Europe and Asia, yet the rules which govern modern commerce began with the activity of the middle ages and grew to maturity with the enterprise of our own times. The best part of our law of personal rights we owe to the spirit of Christianity and the influence of chivalry. A man's person is now sacred. You shall not confine it; you may not touch it. He may go or stay wheresoever he will; he may engage in any pursuit which pleases him; he may embrace any faith which appears right in his own eyes. Associations being more powerful than individuals, corporations scarcely known to the ancients, have become the most frequent and the most powerful agencies of modern society. During all the while the machinery of government has been increasing and expanding, till volumes are filled with the rules which relate to that alone. And last of all there have just appeared the three most marvellous inventions of all time—the steamer, the railway and the telegraph, which, while they have been making a revolution in the social life of man, have at the same time been adding three chapters to the books of his laws. And thus has it happened that the body of the law, the *Corpus Juris*, as we sometimes call it, has grown to its present colossal proportions—a structure so high and so vast that the mind is lost in the contemplation of its vastness as a whole, and the number and completeness of its parts.

The more perfect indeed is the civilization, the more complete are the laws. The latter are in some respects both the cause and the consequence of the former. They act and re-act upon each other. Ask the man who wonders that there are so many laws, to go with you to the neighboring prairie, and standing in the door of the farm-house, with cornfields and pastures before you, explain to him the title by which the owner holds the land, how far his use is absolute, and how qualified by the rights of his neighbors, or the paramount rights of the State, the relative rights of the wife and husband, the persons who shall succeed when the owner dies, the rights of the adjoining proprietors in the stream which runs through the pasture, the rights of the tenant, who tills the meadow, what right the owner has in the shore of the lake, how far he