

death fall upon the empty seat of some loved or bereaved friend without finding the darkest and gloomiest thoughts realized, recognized, and comforted in the sacred word, God's revelation of Himself. And so our hope of immortality must rest not so much on human philosophy, or the opinions of scientists, preachers, poet or sage, but on the existence, love and care of one who has not made his children for naught, but who thinks, plans and cares for them with an everlasting love. In the story of one of the most beautiful friendships that ever existed upon earth, we read that Jonathan said to Daniel: "Thy seat shall be empty, and thou shalt be missed." How many times have I thought of these words in connection with the death of our friend. The seat which he has filled so long and so well, is empty and he is missed and will be for many a day—missed in the home, and at the fireside of his friends and kindred, missed in our social pleasures, missed in our councils, in the class room, in the Sunday school and prayer-room, missed wherever there was duty to be done, missed wherever there was an opportunity of doing good.

But let us not repine or murmur at our loss, but bow in submission to the divine goodness "God's thoughts are not our thoughts, nor his ways our ways." Let us be glad that he has given us in the loss of our friend and preceptor, so shining an example of Christian manliness, and let us emulate that life in its faithfulness and devotion to the cause of purity, truth and all noble achievements.

Speaking for you and for many others as well as for myself, I lay this tribute of esteem and affection upon his grave, and close with these lines from "In Memorium."

I wage not any feud with Death
 For changes wrought in form and face;
 No lower life than earth's embrace
 May breed with him, can fright my faith.
 Eternal process moving on
 From state to state the spirit walks;
 And these are but the shattered stalks,
 Or ruined chrysalis of one.
 Nor blame I death because he bare
 The use of virtue out of earth;

I know transfigured human worth
 Will bloom to profit, elsewhere.

The great intelligences fair
 That range above our mortal state
 In circle round the blessed gate
 Received and gave him welcome there.
 And led him through the blissful elms
 And showed him in the fountain fresh
 All knowledge that the sons of flesh
 Shall gather in the cycled times.

For this alone on death I wreak
 The wrath that garners in my heart;
 He put our lives so far apart
 We cannot hear each other speak.

But what of that? Our darkened ways
 Shall ring with music all the same;
 To breathe our loss is more than fame
 To utter lore more sweet than praise.

THE COMMON LAW.

How many of the readers of this question understand the meaning of the oft-used phrase, "the common law?" We say, "Such and such is the rule at common law." "The common law is so and so, but statute law is otherwise." I fear the vast majority of people, including a very respectable number of practicing lawyers, do not know the full import of the phrase, if, indeed, they even have a tolerable idea of its meaning. The reason for the failure to comprehend it is easily found. It is not something that may be defined. Justice Swayne denominated it "Reason dealing by the light of experience with human affairs." Blackstone called it "Nothing else but custom, arising from the universal agreement of the whole community," or in another place, he says, it is "Custom handed down by tradition, use and experience." It is something that grows and expands with new ideas of right and justice. The common law of one country may not be the common law of another country. We are accustomed to use the phrase "the common law" as referring to the common law of England, because, when our ancestors came to this continent they brought with them this common law, and claimed it of their right. What was this common law of England, and what can now be said to be the