

himself a "Northcountryman"—that England is not an island (for, as our geographies teach us, it is bounded on the north by Scotland), and that her canny neighbour, though far more remote geographically from the continent, did "receive" the civil law (20 Juridical Review, p. 178).

In truth, English law is not wholly a plant of indigenous growth. Though in the main it is true that our law and that of England upon which it is based has a method and a spirit peculiar to itself and in many of its institutions and doctrines shows little of foreign influence, it is also true that at hardly any period of its history has it been wholly independent of such influence.

The history of English law really begins with a foreign and Romanized influence, the work of the Norman kings. The Saxon laws and customs, the importance of which it was formerly so much the fashion to exaggerate, had, modern scholars tell us, comparatively little influence on our institutions. Even the jury, which the older popular English historians were fond of tracing to a Saxon original, has been proved to be a Frankish invention, not unmodified by contact with Rome. Its source was in Norman despotism, not in Saxon liberty (1 Pollock & M. History of English Law, 2nd ed., p. 142). Our greatest legal historian declares that the most important date in English legal history is not 1066, the year of the Conquest, but 1166, the probable date of the introduction of the writ of novel disseisin. And that writ, as Professor Vinogradoff has said, is but "a secular variation of the canonistic action of spoliation (*actio spolii*), and this again has evidently sprung from the Roman interdict *unde vi*" (Vinogradoff, Roman Law in Mediæval Europe, p. 86). Sir Frederick Pollock, in his "Genius of the Common Law," points out that the men who make law are not "mere men in the crowd; they rather belong to the educated class who mediate between the leaders of thought and the general public opinion that sooner or later follows them" (Pollock, Common Law, p. 95). If we remember that practically all the educated class, that practically all the leaders of thought in the days when the foundations of the English law were laid, were ecclesiastics, trained to some extent at least