

Title by "prescription" is, when we come to think of it, a curious term well known amongst us; it has, as we all know, nothing to do with doctors or their prescriptions, but why and how did "prescription" come to designate a title acquired by length of possession with which it appears to have no connection? If we would find an answer we must seek it in the Roman law, where we shall find that the "prescriptio" was a formal part of the "formula" or pleading at one time in force under the Roman law, and that the "prescriptio" as its name denotes, was placed at the beginning of the whole "formula" for the purpose of limiting the injury; and where a defendant claimed to have acquired a title by length of possession to the subject matter of the action, he set it up in the "prescriptio," which had the effect of limiting the injury to that one point, and hence it came to pass that this mode of pleading gave its name to a title acquired by length of possession, as it has also done with us who have never adopted the mode of pleading which gave birth to the term.

When we talk of taking "exceptions" to pleadings or evidence, the Roman "exceptio" is probably at the root of the idea.

In our law affecting testate and intestate estates we should naturally expect to find Roman terms of art employed, because it is well known the civil lawyers had a good deal to do with moulding that branch of the law, nor are we disappointed. "Testament," "codicil," "legacy," "ademption" of legacies, "nuncupative" wills, "bona vacantia," "donatio mortis causa" are all terms of art, derived from Roman law. It is true we use the word "codicil" in a somewhat different sense—with the Romans it was a sort of supplementary will, but not necessarily executed with the formalities of an ordinary testament.

Even the Roman law which rendered a will invalid unless the heir was expressly named therein, and which was never adopted in English law, has lingered amongst us as a sort of popular traditionary law, expressed in the popular phrase of "cutting off the heir with a shilling."

In the field of contract we find the words "contract," "stipulation," "obligation," "debtor," and "creditor," are all deriva-