

students were taught Roman law in Oxford: English authors wrote on it. In 1701, Chief Justice Holt, delivering judgment in the Postmaster General's case said:—

“And this is the reason of the civil law, which, though I am loth to quote, yet inasmuch as the laws of all nations are doubtless raised out of the ruins of the civil law as all governments are sprung out of the ruins of the Roman Empire, it must be owned that the principles of our law are borrowed from the civil law and therefore grounded upon the same reason in many things. And all this may be, though the common law be out of mind.”

Baron Fortescue said in another case: “The law books of Bracton and Fleta are the ancient law of the land extending to all cases . . . These law books are so strong, that there has been no way thought of to evade them but by denying the authority of them and calling them ‘civil law’ . . . I have never known them denied for law, but when some statute or usage time out of mind has altered them.”

Baron Montague said:—“It is objected that this is civil law; that may be, and yet it may be and is the law of the land also, and these books are often quoted by the greatest judges and lawyers heretofore in England and allowed as law” (Fortescue's Rep. pp. 491-440).

Blackstone included Glanville and Bracton in the list of venerated authorities. Many of our old and best known common law maxims, forms and practices, supposed to have been born on English soil, were imported from Rome. Mr. Macfarland, at the American Bar Association meeting in 1913, said that “if our common law would return what it took out of the Roman Code it would have nothing left but its barbarous usages and customs.” Time does not permit to enlarge on this.

Not only is there the same jurisprudence in Canada respecting public law and all subjects coming under the Federal jurisdiction, not only something in common in the Civil Code and common law respecting commerce, not only some blood relationship through the absorption of the principles of Roman law.