

but for the work of a few great jurists. The eighteenth century law and equity of Mansfield and Hardwicke were not on any strict theory part of the common law brought to the country by those who settled it. But a few of our early Judges and institutional writers, chief among them Story and Kent, perceived the value of the work done by the English Judges since the colonial settlements. They imported the eighteenth century English material, which might truly be called a foreign law, and thus placed the law of the United States in line with that of England. Finally, it should not be forgotten that in the important field of Conflict of Laws, "with some suggestions from the writings of the Dutch School and with the help of a meagre body of decided cases, Story wrote the law anew, and in a way which has fixed the ideas of American and English lawyers at least, and on the Continent gave a new impulse to legal scholarship" (1 Beale, *A Treatise on the Conflict of Laws*, pt. I, p. 51). The mention of conflict of laws suggests that the influence of other systems has been more active in certain branches of our law than in others. Equity, Admiralty, and those branches of law which were formerly administered by the ecclesiastical courts, at once occur as possible departments which have been largely affected. But conclusions must not be reached with too much positiveness. Such hopeful subjects for a foreign origin as the trust and the executor are by the best modern authority regarded as in the main native products (Goffin, *The Testamentary Executor*, p. 12; Maitland, *Eq.*, p. 8). Indeed, it is difficult to point to this or that doctrine or legal institution, and say that it is or is not imported from the civil law. We do not establish a Roman origin for our law of bailments, for example, by showing that Lord Holt, in *Coggs v. Bernard* (2 Ld. Raym. 909) quoted the Latin texts with great fullness. The influence has worked in a more subtle fashion. Good examples of how it has operated are afforded by Mr. Goudy's interesting demonstration that the maxim, *Actio personalis moritur cum persona*, owes its origin to a misreading of Latin texts by Bracton (Goudy, *Two Ancient Boocards*, Oxford Essays in Legal History, 1913, p. 215), and by Mr. Maitland's suggestion that the illogical classification of a term for years under the category