

practitioners and the falling off in the business of the common-law courts. But, notwithstanding, he is forced to admit that it was the "critical period" for English law. "For the first and only time in its history," he says, "the common law was threatened, and its supremacy was not fully secured until the legislation of the Long Parliament. That it was able to assert its supremacy is due partly to the earlier reception of the thirteenth century, partly to its capacity to assimilate principles borrowed from its rivals—principles which, in many cases, can be connected directly or indirectly with the reception of this century" (Holdsworth, *The Reception of Roman Law in the Sixteenth Century*, 28 *Law Quarterly Rev.*, p. 254). In other words, the inoculation of the thirteenth century saved English law from the fate of German and other national laws, that of being conquered by the revived law of Rome. There is a risk, however, lest we overestimate the influence of foreign legal and political ideas during this era. The greatest legal humanists at either end of the century, Sir Thomas More and Francis Bacon, were common lawyers; the legal profession during this century gained the monopoly of practice in the new Court of Chancery, as it already had done in the common-law courts (*id.* p. 142).

Coke, the chief representative of the common law at the beginning of the seventeenth century, was largely responsible for the traditional view that minimizes the debt of our law to alien influences. He says: "It is worthy of consideration how the laws of England are not derived from any foreign law, either canon or civil or other, but a special law appropriated to this kingdom" (3 *Co. Inst.*, p. 100). And elsewhere he expresses a low opinion of the civil law, which he compares for uncertainty to "a sea of waves" (*Id.* p. 153). If we may believe Bacon, Coke's great rival, it was Coke himself who saved the common law from a like reproach, and restored the system of judicial precedents of which that system has been so proud. Bacon says that but for Coke's work of restatement, the law would have been "like a ship without ballast; for that the cases of modern experience are fled from those that are adjudged and ruled in former times" (Bacon's *Writings* (Spedding's ed.), v. XIII., p.