

still remain in the Cape Colony, Natal, the Transvaal Republic, and in British Guiana, under the name of the Roman Dutch Law.

Over against this group of countries which have laws derived from the Roman law—the countries of the Civil law—must be set the group which have laws derived from the laws of England—the countries of the Common law. Here the new World has redressed the balance of the old.

In Europe, England and Ireland stand alone. But in North America, the whole Continent, if we exclude Quebec and Louisiana, is governed by laws founded upon the English Common law.¹ No doubt, in Canada and the United States, a mass of legislation has profoundly changed many branches of the law, and has created great diversity between the law of one province or state and that of another. No doubt also judicial decisions have interpreted it in diverse ways according to the capacity of the Judge, and have in this way helped to differentiate laws originally identical. But in its cardinal principles the Common law of England is the basis of the law of the United States. Chancellor Kent says of it: "It is the common jurisprudence of the people of the United States and was brought with them as colonists from England and established here *so far* as it was adapted to our institutions and circumstances." It was claimed by the Congress of the United Colonies which met at Philadelphia, in 1774, on the eve of the American War of Independence as a branch of those "indubitable rights and liberties to which the respective colonies are entitled." "It fills up," says Kent, "every

¹ There are, I believe, some traces of Spanish law in Texas, and, perhaps in one or two other States. And in Louisiana, Spanish law has left some mark upon the legal system.