

**THE GROWTH OF ENGLISH
LAW: BEING STUDIES IN THE
EVOLUTION OF LAW AND
PROCEDURE IN ENGLAND**

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The growth of English law: being studies in the evolution of law and procedure in England by
Edward Stanley Roscoe

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EDWARD STANLEY ROSCOE

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PREFACE.

THE object of the following pages is to describe some phases in the growth of English law and procedure, and to indicate influences which have affected their development. The field is so immense that if one reviews particular epochs and events in connection with this subject in anything like detail a book may appear inconsecutive, because it is impossible to present a complete narrative in a reasonable space. On the other hand, in order to appreciate any important phase of legal history it must be considered at some length, and especially in relation to contemporaneous political and social movements. It is from this latter point of view more particularly that the several subjects discussed in this book are regarded. There is yet another thing to be said, however regrettable, it is natural that those whose interest in law is professional should give but little attention to the manner in which jurisprudence and procedure have in the past changed and grown, or to the personal influence of jurists and judges, for they are fully occupied with its daily action. Those again who are engrossed either in the study of

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political events, or are partakers in them, are apt to forget how intimately the growth of municipal law is connected with the progress of the nation, and that the Common Law of England is also the basis of the jurisprudence of the United States, and of many of the Dominions of the Crown beyond the Seas. It is therefore one of my objects in the following chapters to endeavour to stimulate greater interest in the history of English Law, and with this view to place before those who are anxious to know more of some phases of it in the past, information which I have from time to time collected from various sources and authorities, and systematized in a convenient form.

I must take this opportunity of expressing my thanks to Messrs. Longmans & Co. for their courtesy in allowing me to make use of material which has been published in the *Edinburgh Review*, and to the proprietor of the *Law Magazine* for the same permission. I am likewise indebted to Miss Helen Clergue for perusing the material of this book before going to press, and to Mr. H. M. Robertson for reading the proofs.

E. S. R.

June, 1911.

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