

FOREWORD

Historical studies are often undertaken solely in response to the sheer fascination which scholars feel for knowing and understanding the past. When historical studies are undertaken in legal areas, there is frequently an accompanying motivation arising from the desire of the historian to understand the present and plan for the future. The University of Michigan Law School has long supported studies of legal history, and the present study is an outgrowth of a comprehensive work undertaken years ago by Professor Emeritus William Wirt Blume as he sought to identify and trace the sources of law in the United States during the territorial period.

As these studies progressed, it became clear that, while the early American settlers brought with them the traditions and ideas of law with which they were familiar, they evidenced no disposition to limit their use of either common or statute law to such English legislative enactments as were extended specifically to the colonies. It became equally clear that independence did not modify the mores. The subject of how far British statutory law was utilized in American law after independence is one on which there has been much speculation and little factual research. Mrs. Brown has provided here a definitive answer for the thirty-two jurisdictions which she examined. Not only does the study set to rest the factual questions of the extent to which British statutes were used, but it also throws light on the content of those statutes. One need no longer speculate upon the areas of law in which the early Americans found British legislation compatible and desirable in the development of new institutions and in the settlement of the affairs of men. The pages which follow reveal, with a completeness which is typical of Mrs. Brown's work, the answer to such questions.

Finally, the book provides a framework for future studies, either in other American jurisdictions or in countries which have gone through comparable periods of adjustment in developing a legal system. Thus, the contribution here made to legal scholarship is not only the definitive nature of the particular content but the analytical base which will permit both continuing and comparative studies of similar nature.

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