The Origin of Legitim in English Law – a Reappraisal

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Summary/Abstract: The ability of a testator to dispose of chattels by means of a will seems to have been restricted from an early time in England. This paper re-examines the possible origins of such a concept; it considers ideas from Roman law, Anglo-Saxon law, Canon law and Anglo-Norman law in an attempt to trace the genesis of the so-called legitim. It highlights the intrinsic problems that are faced when embarking on such a task, and concludes that legitim most likely has its roots in customary law, and is likely to pre-date the Norman Conquest.
Law has its origins in the early developments of civilized society, and through time there have been major influences on the laws that we follow today. Match these sources of law with the descriptions below:

- Common law
- Roman law
- Napoleonic Code
- The Ten Commandments
- English law
- Substantive civil law
- American Revolution

English law has developed from a number of sources: custom, the rules worked out by the common law courts and the courts of equity, canon law, the law merchant, legislation, etc. Moreover, the growth of substantive civil law has at common law been bound up with procedure, since a right existed only if it could be enforced. The following is an outline of the sources of English law and of the courts and other institutions involved. England is the origin of the common law that exists in the U.S. The English common law originated in the early middle ages in the King’s Court (Curia Regis) and eventually led to the formulation of various viable principles through which it continues to operate. The common law has its roots in the U.S. continent with the first English colonists who claimed the common law system as their birthright. After the American Revolution, this Common Law was adopted by each of the states as well as the national government of the new nation. When new states were formed, they also adopted the common law.