

A
History of the law of England.

While the Roman Emperours continued Masters of Britain, the Country was Governed by the Roman laws; and the Emperour severus kept his Pratorian court at York, wherein the famous Papinian for some time sat as Judge, having those two great Civilians Paul and Ulpian for his Assistants. We find also a law Made, by that Emperour and his son Antoninus at York in Justinians Books, 1. Orderi Vind. The Britains after they were obliged to stoop to the Saxon and Danish Yoke, came under laws Made by the Saxon and Danish Monarchs, which are yet extant and have been translated into Latin by William Lambard. But of the King Edward furnished the Conqueror, after Expulsion of the Danes, formed our Common law, called the Conquerors laws, of which the English were very fond. King William the first, commonly called the Conqueror, published in his own Name a body of laws, consisting of the laws of Normandy mixed with those of the Danes, because they came nearest to the laws of the Normans originally descended from the Danes, and ordered all his laws, and the proceedings, in the Courts of Justice to be writ in the Norman dialect, which the English did not understand. The Conqueror by his absolute power instituted the Court of Chancery, in which a Chancellor appointed by the King presides, who issues all original writs and patents, and has power of Moderating the Rigour of the law, and Granting Relief in cases Significant before him, in the same Manner as the Prator used to supply and correct the Roman law. In his Reign the Courts of Kings bench, commonpleas, and Exchequer were erected, four stated terms of the Year consisting each of so many Days, were established, out of which no prosecution could be carried on many

of these supreme Courts; all Evidence was appointed to be heard and Determined by a Jury of twelve French Men; and the Ecclesiastical Judicatures were distinguished from the lay Courts. The Conquerors laws, and the putting them to Execution in an unknown tongue at first seemed harsh and intolerable to the English, who upon that Account often attempted to shake off the Norman Yoke. His successors William 2. Henry 1. Stephen, Henry 2. & others, when over the people murmured and grew tumultuous under the Norman Innovations, used to soothe and pacify them by promising a Restoration of the Conquerors laws, but they never were good as their word: Only the Barons got from King John and Henry 3. the Magna Charta or Great Charter of Liberties to this time highly valued; and in Edward the firsts Reign a law was Made, that all Actions and pleadings, in the Royal Courts of Judicature should be in the English tongue, ^{and inserted in Latin} 36 Edw. 3. cap. 15.

Seeing many and great Mischiefs have frequently happened from the proceedings in the Courts of Justice being in an unknown Language, those who were summoned and Impleaded having no Knowledge or Understanding of what is alledged for or against them in the pleadings of their Lawyars and Attorneys, who used a Character not legible to any, but persons practising the Law: To Remedy at length these great Mischiefs; from and after the 25. March 1733 all writs process and returns thereof and proceedings thereon, and all pleadings, Rules, orders, Judgments, Informations, Inquisitions, presentments, Verdicts, prohibitions, Certificates, and all patents, Charters, Pardons, Commissions, Records, Judgments, Statutes, Recognizances, bonds, Rolls, Entries, fines and Recoveries, and all proceedings relating thereto, and all proceedings of Courts below Courts Baron, and Custs many Courts, and all Copies thereof, and all proceedings whatsoever in any Courts of Justice