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A History of the Law of [redacted] England:

While the Roman Emperors continued Masters of Britain, the Country was govern'd by the Roman Laws; and the Emperor Severus kept his Prætorian Court at York, wherein the famed Papinian for some Time sat as Judge, having those two great Civilians Paul and Ulpian for his Assessors. We find also a Law made by that Emperor and his Son Antoninus at York in Justinians Code L. 1 C. de Rei 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 out of those St Edward firnamed the Confessor, after Expulsion of the Danes, formed one Common Law, still called the Confessors 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, mixt 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 Conquerors Laws and the putting them to execution in an unknown Tongue, at first seem'd 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 and others when ever the people murmured and grew tumultuous under the Norman Innovations, used to sooth and pacify them by promising a Restitution of the Confessors Laws, but they never were so 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 third's Reign a Law was made, that all Actions and pleadings in the royal Courts of Judicature should be in the English Tongue. 36 Edw. 3 cap. 15. 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 cognizable before him, in the same Manner as the prætor aided, supplied and corrected the Roman Law. In this Reign the Courts of Kings Bench, Common pleas, 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 in any of these Supreme Courts; all Evidence was appointed to be heard and determined by a Jury of twelve sworn men; and the Ecclesiastical Judicatures were distinguished from the Lay Courts.

✱ The present Law of England may be distinguished into the more Law of England, 2/ the Civil and Canon Laws, and other Ecclesiastical Constitutions.

✱ The more Law of England is divided into the Customary Law and Statutes or Acts of parliament. The Customary Law consists of general and particular Customs, and is term'd the unwritten Law, not as if those were only oral, and communicated from age to age by Tradition, for they are all extant in Writing; But because they were not reduced into Writ by the same Authority as Statutes, and grew into Force only by long Custom and use.

✱ The General Customs are those of Force all England over, before any Statute made, or that is within Memory, contained in William the Conqueror's System of Laws, which are called the Common Law, or Common Law of England. Bonet mentions Glyd. Lex Terræ &c. as [illegible] p. 9.

Besides this Common Law in general there are 1/ In divers parts of England particular Customs and Usages, which have the Force of common Law among those people who have retained them. Such is the Custom of Gavel Kind in Kent, where Lands descend and are divided among all the Sons Male and are not forfeited by the Ancestors Attainder for Treason or Felony: whence the vulgar saying the Father to the Bough and the Son to the plough. 17 Edw. 2 cap. 16. It is called Gavel Kind, quasi Gibe all Kind, that is give to each Child his part. This Custom is still in Force in divers places of Kent. But was altered in much Land of that County, upon the petition of several Gentlemen there 31 H. 8. cap. 3. There is another Special Custom in several Mannours, as in Edmonton, some part of Richmond and other places, called Borough English, whereby the youngest Son inherits before the Elder, because the youngest is supposed in Law to be least able to shift for him self. There are also peculiar Customs in the Isles of Jersey, Guernsey & Man. 2/ There are other Laws in England applied to some particular Causes or Matters: As the prerogative or Crown Law; the Law and Custom of parliament, the Law of Arms and Chivalry; Forest-Law; the Law of Marque and Reprisal; and the Maritime Laws, made by King Richard 1 of England in Oleron an Island situated in the Bay of Aquitain of which Island he was then in possession.

✱ Where the common Law is silent, the Statute Law or Acts of parliament made by the King with Advice and Consent of both Houses of parliament spoken and called upon.

✱ Acts of parliament before the Invention of printing were proclaimed by the Sheriff in every County by virtue of the Kings writ Coke 2 Inst. 526. But now are not proclaimed: For when pass'd in both Houses and the Royal Consent is given, Law presumes that the whole Body of the people get from their Representatives Notification thereof: And from that Time without further publication they become binding. Acts of parliament before the Reign of Henry 7 were passed or inrolled in Latin or French. But now [illegible] in English only. The Statutes are published in English in several volumes in Folio with [illegible] the great Charter of Liberties in the Front of them, so called either because of the Excellency of the Laws and Liberties therein contained, and the wars in the obtaining of them; or because there was another less Charter established with it. William Rastal collected all the Statutes in Force from

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