

for matters arising upon the Sea, and relating to Sea affairs. We have derived many of our Definitions
Definitions and maxims either from the Roman or Feudal Law, our Chancery or Court of Equity
has borrowed the very method of Trial from the civil Law. Indeed some particular Customs relating
to Defences of Inheritances, make a Difference between the civil and some parts of our Common Law;
but the Succession to personal Estates is evidently the same. Grotius and Bracton and the most ancient
of the English writers would look very naked if every Roman Lawyer should pluck away his own
Grotius. of late my Lord Coke has frequently and in express terms made use of the maxims of
the civil & Canon Laws, and has taught the way of arguing from such Rules to others. If there
is a wide Difference between the common and civil Laws in their forms of pleading and manner of
trial, this is only the style practice & course of the Courts: But there is a mixture in the principles
maxims & Reasons of these two Laws; and indeed the Laws of all Countries which have arrived to
any Degree of perfection, are mix'd with the civil Law. 'Tis true that the Common & civil Law
had not the same Root & Stock; yet by Inoculating & grafting the Body and Branches seem at this Day
to be almost of a piece. For the English Law has received great alteration, and is very much unlike
itself or as Mr. Selden expresses it in regard of its first being, it is like the Ship that by often mending
has no piece of the first materials upon a Nation. I think it may be maintained, that a great
part of the civil Law is part of the Law of England, and interwoven with it. I hope therefore
that the study of it may be encouraged among us, as in other Nations, not only to support the professors
of it, but for the better understanding of the common Law of England, and that the Laws of other King
doms may be known to us.

pag. 48. In the Low Countries commonly called the Netherlands, the Roman Law obtains a much greater
authority than in France and Germany, in as much as it every where abounds with great Reason
and Equity, and is well adapted to private trade. It was afterwards received among them as the
standing Law of their Country; and regularly speaking it has since at this Day the force and
authority of Law where the same is not corrected & altered by the municipal Laws and Ordinances of
the Countries. Hence it is that the States General in making Laws do often refer from Solbes to the
Roman Law as the common & received Law of the Country; and the Senators or Judges of their
Courts do swear ~~to observe the same~~; and the people in Friesland do in the strictest
manner adhere to the Roman Laws preferring them to all other Laws what so ever.

Laws of the Barbarous Nations in the western Empire from the year
571 for the space of 500 years ~~and~~

After the Visigoths had by violence possessed themselves of Italy, the Goths and Sabages people
began for some time to live at discretion without any Laws at all till the King a little more
civilized, and then they introduced a set of written Laws, which and Lindobrogus have
delivered down to us in a Collection of the Gothic Law. But Justin a Goth hath pre-
served some Remains of the Antiquarian Roman Law, who order of Alaric the younger King of the
Visigoths compiled a Digestary out of the Gregorian Hermogenian and Theodosian Codes the Rules of
Ulpian, the Institutions of Caius, and the Rescripts of Paulus for accommodating the Roman Law
to the State of those Times. In imitation of Justin the Emperor of King Alaric the younger a Burgundian
compiled a Book of the customs of the Roman Lawyers to serve as a model to his own Country to
be by the Roman Law, when the Lombards in the reign of Alboin got possession of Italy they after the
manner of other conquerors introduced their own Lombard Laws, a Body of Laws is extant in Lombardy
in his Code of ancient Laws. But at the same time the Remains of the Roman Law were in some measure
observed as an additional Law to that of the Lombards, wherein it came short. In consequence of which
Lombard and Roman Law continued among the Italians till the Lombards were subdued by Charlemagne.
But the wanders or Digests lay as it were dead and buried till the reign of Lotharius 2 Emperor
of the west. Doctor Joh. Ayliffe ~~published~~ preliminary Discourse to his new wanders of the Roman civil
Law book page 30-31-32.