

3° We have an Authentick System of good Positive Laws, transmitted to us in the holy Scriptures by the inspired penmen thereof.

4° There is no authorized Collection of the Laws of Nature, and those which the Doctors term, the Secondary Laws of Nations, any where save in the Books of the Roman Law, and there not ranged in any good Order. The learned Hugo Grotius first reduced them into a Scientifick Form in his elaborate Treatise de jure Belli & Pacis. Whom J. Duffendorf, John Barbeyrac and others have copied after, and mightily improved the Knowledge of these Laws, which are the Foundation of all the Knowledge of private Right, and furnish Arguments for examining and resolving all Sorts of Questions. All Nations in their publick Dealing with one another, have, for the common Advantage of National Commerce tacitly acquiesced to and observed some general Laws, which were never expressly stipulated or agreed upon. But Special Laws Usages and Regulations are established between particular Sovereign powers, by signed Treaties of Peace, of Confederacy, of Neutrality, of Commerce and Navigation &c.

5° There are so many different Collections of civil Laws, as there are Independent Nations governed by their own Laws. When the Civil Law is mentioned in general, the Law of the old Romans is understood, which for its Excellency, is so called ~~legis~~ *lex*; and the Laws of other Nations are termed Municipal Laws. The Laws of Nations that had embraced and adopted into their Constitutions the Roman Law, were termed Municipal Laws, from the *jura Municipalia* among the Romans, that obtained in Municipiis, Cities whereof the Natives were honoured with the Priviledge of Roman Citizens, and allowed to use their own Laws and Constitutions, so called a *Munis et capio*, l. 1. ff. ad municipal. ~~ff.~~ In process of Time the Inhabitants of any City or Nation got the Name of *Municipes*. Whence the particular Laws and Customs of every Nation or people under the same Government came to be styled Municipal Laws. This Civil Law, and the Canon Law composed in Imitation thereof, and the Feudal Law contrived

as expedient while the Civil Law was clouded and eclipsed having acquired great Authority and Credit in the Courts and Universities of the European Nations; I shall first give some Historical Account of them in Order as they lay, and then proceed to explain the Grounds and Foundations of the Municipal Law of Holland.

Tit. 1.

A History of the Civil Law.

The Knowledge of any Science cannot be well attained without understanding the Rise and Progress of it. And as the old Romans were successively subject to three different Forms of Government viz: the Regal, Consular, and Imperial: so their Law in these Periods varied much in the Nature of it, and went under different Names, according to the several Qualifications of the temporary Legislators, and was brought by Degrees and Length of Time, to that Perfection in which we see it; which is no less admired at this Day, than the Force of the Roman Arms was once formidable to the World. In the Regal ^{which lasted 245 years after building of the City of Rome} ~~the~~ Laws were made by their Kings, and digested into a Volume by ^{Varro, or as some say, Publus} Papius, from whom it was called the Papiusian Law, of which no ^{of which no} ~~no~~ ^{has} ~~has~~ ^{remains} ~~remains~~ ^{some} ~~some~~ ^{fragments} ~~fragments~~

After kingly Government was put down, and the Administration of publick Affairs lodged in the Hands of Consuls, the Romans being not ashamed to take all the Helps and Assurances they could have from other Nations, to render their own Body of Laws more perfect and complete; it was resolved about the Year of Rome 300, to send three Embassadors into Greece, to bring good Laws from that flourishing Nation. Who, upon their Return, with Seven others in the Year 302, ^{being} created Sole Magistrates by the Name of Decemviri, made a short Model of Laws out of those fetched from Greece, the Papiusian System, and Customs of their own Country, and caused engrave them on Ten Tables, to which a Supplement of Laws contained in other two Tables was added by a new Decemvirate, elected for that purpose the Year after. All which were called the Law of the Twelve Tables. The Decemviri upon the Account of their Tyranny and Violence, were banished, and the Consular Government restored. Because the Law of the Twelve Tables was found to be obscure and defective it received many Additions, Simulations and Interpretations