

Justice within England, or in the Court of Exchequer in Scotland, and which concern the Law and Administration of Justice, were ordained to be in the English tongue and Language only, and not in Latin or French, or any other tongue or Language whatsoever; and to be written in such a Common Legible hand and Character as the Acts of Parliament are usually Inrolled in, and the Lines and Words of the same to be written at least as Close as the said Acts usually are, and not in any hand commonly called Court hand, and in words at length and not abbreviated. The Offender Against this Act doth for each offence forfeit and pay 50 pounds sterling to the person who shall sue for the same by Action of Debt bill plaint or Information, in any of his Majesty's Courts of Record in Great Minister hall or Court of Exchequer in Scotland respectively, wherein no Essoign protection or Waiver of Law, or more than one Imparance shall be allowed. Mistranslation or Variation in form by reason of translation, Misspelling or Mistake in Pleas, Pleadings, or proceedings begun or to be begun before the 25 March 1733 being first in Latin and first in English, shall be no Error nor make void any proceedings by reason thereof; but all Manner of Mistranslation, errors in form, Misspellings, Mistakes in Pleas, Pleadings, may at any time be amended, whether in paper or Record, or other ways before or after Judgment, upon payment of a reasonable cost only. Proviso that Commissions and proceedings of the Court of Admiralty may be justified beyond the seas in Latin as formerly. Statutes for Reforming Delays by Joinders are extended to all proceedings in Courts of Justice (except in Criminal cases) when the forms and proceedings are in English 9 G. 2 cap. 26.

The Present Law of England may be distinguished into; 1st the Common Law of England 2d the Civil and Canon Law, and other Ecclesiastical Constitutions. The Common 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 termed the Unwritten Law, not as if these 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 grow 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 Conquerors system of Law, which are called the Common Law, or Common Law of England. Some times it is styled *lex terrena*, some times *lex Consuetudo Regni*, some times it is called *lex Anglica*, but most Commonly gets the Appellation of the common Law or Common Law of England. Some have thought it to be called the Common Law by way of Contradistinction to those other Laws that obtain in England, as the Statute Law, Civil Canon and Martial Laws. Others conceive it to be so called because Edward the third Commonly called the Confessor finding several Laws of different Natures to have force in his Kingdom, viz. the Meridian Spanish and West Saxon Laws, he to reduce it as well Under one Law, as Under one Monarchical Government Extracted out of all the Provincial Laws and Laws to be observed through the whole Kingdom. Others again say that it is termed the Common Law because Common to the Generality of all persons and so distinguished from particular Law, whereof some are by Custom applied to particular places, and some to certain causes. Gouzelius Customs or tenures make a great part of this Common Law. But it is no easy Matter to determine precisely the time when Gouzelius or tenures were first brought into England. Some as the Lord Coke (1 Inst. 76 b) the Judges of Ireland (the case of Genoves upon Defective titles 10 C. Mr. Tolson (Chit. of Hon. 510. 511. 313. 520) Nathaniel Bacon (Hist. of the Engl. Gov. 16) and others (Calthorn de Antiq. Brittan. leg. cap. 8. Gouzelius introduced to the King of England 171. 172. Mirror cap. 1 part. 3 p. 11. 12) have thought that they were common among