* N.B. one taken and put in Ward may be arrested at a Burgess Instance upon a Bond without Lettres of caption ensued thereon: But one who is not a Burgess can not arrest his Debtor in prison without Lettres of caption. Spotswood pratt. Tit. Horning.



* 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 laws of different Forms of Government, viz. the Regal, Consular, and Imperial; so their Law in these periods ~~the several times~~ bared much in the Nature of it, and went under Different Names, according to the several Qualifications of the Legislatory Power; and was brought by degrees and Length of Time, to that perfection in which we see it; which is no less Considerable at this Day, than the Force of the Roman Arms was formidable to the World.

In the Regal State Laws were made by their Kings, and Dionysius Halicarnassæus tells us that Romulus, from whom it was called Jus Quiritium.

After Kingly Government was cast down, and the Administration of Publick Affairs Lodged in the Hands of Consuls, it was resolved that Laws were necessary, to put In[illegible] Citizens under Government, and Restrain Tyranny, which [illegible] By the Kings of Rome, made Epoch. Under the Consulship of [illegible] the Decemviri [illegible] in Ten Tables, to make a Supplement of Laws [illegible] Head of a new Decemvirate elected for that [illegible] called Ins Law of the twelve Tables. The Decemviri [illegible] Tyranny and Violence, were Banished and [illegible] the Law of the twelve Tables was found to be [illegible] Additions, Limitations and [illegible] Laws made by the Romans. Decrees of the Senate, Plebiscita, or Laws made by the Commons, Decrees of the Senate, Edicts of the Prætors and Edicts of the Ædiles and the Answers of the Civil Doctors of the Law; which three last were called Jus Honorarium. Edicts, Constitutions or Ordinances of the Emperors called Jus Imperiale. Edicts, Constitutions or Ordinances of the Emperors Princeps Senatus and Consuls. The Responsa Prudentum, or the Opinions and Determinations of the Learned Lawyers, which were allowed by the Emperors to be Binding Laws. The Edicts, Decrees, Constitutions or Ordinances of the Emperors, from the year of Rome 754 to the year of Rome 1291, when the Emperor Justinian began the Collection of the Laws, which he caused to be made of the Constitutions of the Emperors from the year of Rome 754 to the year of Rome [illegible] of Constantine the Great, to the year of Rome 1291 in the Reign of the said Emperor Justinian.

Justinian the Imperial Lawgiver, finding his Subjects ignorant of the Law, [illegible] in the year 528 a Collection of the best and most useful of the Imperial Constitutions, and other Statutes and Decisions under the Name of Justinian's Code which came out by his order. In the year 533 he caused publish the Elements or Principles of the Law for the Benefit of young Students, called his Institutes; and then a Compilation of the best opinions and Decisions of the Lawyers, which Law Scattered in 2000 Volumes, under the Name of Digests, from the Greek word good order observed in it or Pandects, because they comprehend [illegible] all the Doctrine of the Law from Nature & Experience. In the year 534 Justinian [illegible] his former Code, and in lieu thereof published another more full and correct [illegible] containing an Addition of his own fifty new Decisions of controverted cases, and some other Constitutions posterior to the Edition of the first, but wanting such therein as were thought useless. This Book Intitled Codex repetitæ prælectionis, a Code established corrected and augmented, is the same now used in the Schools and at the Bar, the former being lost.

① The Romans [illegible] being not ashamed to take all the Helps and Assistances they could have from other Nations to render their own Body of Laws the more perfect and compleat;

② which Pandects contain also the Rhodian Laws relating to maritime Affairs, as being the best collection of Laws of that Kind that were then extant.