

INTRODUCTION TO ROMAN LAW

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Introduction to Roman Law by William A. Hunter

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BY

WILLIAM A. HUNTER, M.A.

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW,
PROFESSOR OF JURISPRUDENCE, UNIVERSITY COLLEGE, LONDON.

Author of 'Roman Law, in the Order of a Code.'



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CHAPTER I.

HISTORY OF ROMAN LAW.

THE Roman Law presents two aspects, each deserving the attention of the student of Jurisprudence. It furnishes the basis of much of the law of Europe, and has long proved an almost inexhaustible storehouse of legal principles. In the history of legal conceptions, again, it occupies a position of unique value. It forms a connecting link between the institutions of our Aryan forefathers and the complex organisation of modern society. Its ancient records carry us back to the dawn of civil jurisdiction, and as we trace its course for more than a thousand years, there is exhibited a panorama of legal development such as cannot be matched in the history of the laws of any other people.

Historical
value of
Roman
Law.

The Priest
and the
Juriscon-
sult,

A glance at the earliest authentic legal documents of Rome reveals to us the great advance already made by the Romans as compared with the Hindoos and other ancient peoples. In the laws of Menu or of Moses, law is inextricably mixed up with cosmogony, with religious rites and moral rules. There are not wanting indications of the influence of religious conceptions on Roman Law, but at an early stage the practical Roman mind had drawn a clear line between the office of the priest and of the jurisconsult. The establishment of the Republic emphasized the separation of law from religion. The king was chief pontiff as well as head of the State ; but on the abolition of the monarchy the new magistrates were confined to secular affairs, leaving to the College of Pontiffs the undivided care of spiritual matters. To this circumstance may be ascribed in no slight degree the early and rapid progress of the legal institutions of Rome.

Law of
Nature.

The Roman genius was essentially practical ; to the speculative or theoretical side of Jurisprudence it made no contribution ; indeed, such was its poverty in this respect, that it was constrained to import from Greece elementary notions in respect to the foundations of law. The Stoics said the whole duty of man was summed up in one sentence—to act according to nature. By nature