

Mistake ascribed to Gronovius: for mention is made of those *Antient* *Statutes* before Gronovius's Days. But seeing we are not certain, that all of them were placed in the proper places of the Code at the same time, some perhaps have been added by Gronovius, and thereby occasion given to reckon him Author of all. For hindering these Extracts of the Novels, to be confounded with the Laws of the Code, Julius Pacius a Native of Vicenza caus'd print them in a different Character, whereby these are easily distinguished from those in case of Difficulty arising from such short Extracts (which indeed are not altogether to be trusted) it is necessary to go back to the Fountain Head from whence they spring, in order to remove it, but there are some Original Authentick Constitutions inserted in Mannes aforesaid in the Code by Order of the Emperors Frederick the first and second, and distinguished by a different Character as the others are such are Auth. Habita C. Ne Filius pro patre. Auth. Sacramenta puberum C. Si adversus Venditionem. Auth. Capa C. de S. S. Eccles. Auth. Item nulla C. de Episc. et Clerici. Auth. Statuimus C. de Episcopi. Indultia. Auth. Navigia C. de Fictis. Which have the Authority of Law, without any other Vouches.

Gronovius a Native of Milan (or as others say a German) opened the first famous School of Law, and taught it in the University of Bononia (now called Bologna) in Italy. He was the first who wrote Glosses on the Law, so called from *Γλωσσα* or *Γλωσσα*, the Tongue, because these discover hard Facts, as the Tongue discover the Mind. Wherein he was imitated by Martin a Native of Bremen, *Bulgarus*, *Accursius* a Native of Bologna, and others who studied under him. It was the said *Hugolin* who placed the books of Laws after the Novels in the body of the civil Law. Francis Accursius a Florentine *Uzo's* scholar, collected, revised, and improved with his own Addition, the Glosses of those before him, and to his Performance we owe the celebrated *Corpus glossatum*: for no man attempted to write in that kind after *Bartholomaeus Subjectus*, *Paulus Castrensis*, *Johan Maynus*, &c. have commented upon the Law in a more polite and diffused Manner. In short Gronovius and all the Lawyers after till *Alvart's* Time, have indeed by their solid judgment brought

Wit and Penetration, explained the Law in their way to good purpose, but in a barbarous unpolite Style, and have tript often and grossly in Matters of Historical Antiquity, which is to be imputed to the Ignorance and Barbarism of the Age in which they lived. They divided the Digests or *Pandects* into three parts, calling the first *Digestum vetus*, the second *Digestum Infortitum*, and the third *Digestum novum*; for no other probable Reason than that *Andreas Alvat* a Milanese was the first who united the Study of the Law with polite Learning, and the Knowledge of Antiquities. Many learned Men, who by their elaborate Writings afford much Light to the Roman Law, have copied after him. But James Cujace born at Tholouse, acquired and discovers so complete a Knowledge of it, that he has surpassed all that went before him, and is a sure Guide to those that come after him.

In quoting the *Pandects* or *Digests* the author only uses *ante* or *post* for an account of the Greek Letter (π) in the form and manner here described. But at this Day the *Pandects* have with a double (ff) as being a corruption of the Greek Letter (π) or otherwise make use of the Letter (D) to signify the *Digests*.

Tit. 2.

A History of the Canon Law.

In the first three Centuries of Christianity most eminent for Sincerity of Faith and purity of Manners, as well as Christian Charity, there was no other Rule in the Christian Church, but that of the Holy Scriptures. But thereafter Heresies springing up and men becoming depraved in their Manners and conduct, *Synods* and Councils provincial, national, and oecumenical or general of the Church were held for making Regulations, whose Decisions or Laws got the Name of Canons from Canon a Rule of Faith or Manners, next to that primary one contained in the Holy Scriptures, of which Canons several Collections have been made and published. But Canons of General Councils took their Rise only from the Time of Constantine the great embracing the Christian Religion, and setting the Church at her ease when she was soon in greater outward Splendor, and in an ample Hierarchy of Bishops, disposed in various orders and degrees of Eminency, whereupon the Title of Metropolitans, primates, Exarchs or patriarchs were given according to the Extent of their Jurisdiction which they govern'd. But till the Reign of Justinian the Emperour the Ecclesiastical State was confined to cognizance of the Affairs of Religion and Faith, whereas it judg'd by way of policy of the Reformation of manners, and determin'd by way of Confusion; and decided Differences among Christians in form of Arbitration, or charitable Reconciliation. All the Ecclesiastical power consisted only in exhorting, persuading and praying, and not in commanding, upon which account it was thought necessary, that what the priests could not perform by their Sermons and Exhortations, the secular power might do by Terror & Force, can. *principes* 23 qu. 5 can. *Intor* 33 qu. 2. The Title of *pope* was given to all Bishops, and all Bishops of the most noted Sees wrote Letters from Time to Time Letters of Advice and Responses about all matters of doctrine and discipline of the Church wanting any obligatory Force till they were confirm'd by Synods or Councils. Justinian was the first who began to enlarge the cognizance of Bishops in Ecclesiastical causes. Nov. 83. 123. 79. Thereafter by the concessions and countenance of other Temporal Princes the