

This publick Spirit of Emperors finding at length that legal Remedies were still wanted for new Matters which were daily, he made several Laws as occasion required, upon whose Subjects, posteriors his second Code, which because they came out after it, as a Supplement thereto, were called Novels. And the same Name has been given to the new Constitutions of other Emperors.

The greatest part of the Novels were written in Greek as the only Tongue in use at Constantinople, which was then the Seat of the Empire; but some of them were published originally in Latin, which mainly respects the western part of the Empire. Who hath several Latin translations of the Greek Novels. The first whose Author is unknown, commonly called the bulgar, appeared soon after Justinian's Death. It abounds with barbarous Expressions and unpolite Terms but being made faithfully word for word, according to Justinian's order (L. 2. § 21. C. de bulgar. Jur. amulbanda) from a most correct and perfect Greek copy, it was authorized as Law and bears the Name of the Authentick, as a Distinction from the other private Versions of Gregory Halandor, Henry Agulon's, and Henry Scoringor a Scotsman, which tho' more elegant and polite, are less exact and accurate than the Literal Translation.

The Authentick Institutes, Pandects, Codes and Novels, are the Authentick parts of Justinian's Law. Two Justiniani 12. Dialecta, Sancto Pragmatica, et Constitutio de Adscriptiis et Colonis; Justinus 2. Novella et Constitutio de Fidei Legatione; Theodorij Constitutio de Nobis Domibus, et Sacrum Pragmaticum; Leonis Novella 113; Zenonis Constitutio de Rebus operibus; et Imperatorum Constitutiones subsequentes, are but apocryphal parts of no Authority, and serve only to illustrate the former.

This famous Body of Law kept its ground in the East for 300 years after Justinian's Death, without suffering any other Alteration than being translated into the Greek Language. But Justin's Law's entering and standing in derogation from his Name, led towards the year 800; set about the making a new Body of Law, which he not being able to finish, Leo his son, finished the philosopher, brought to perfection; and published under the title of Basilica in Honour of his Father the first projector, or at least the main Author of the Constitutions. This Basilica was corrected augmented and put into Latin under the name of Gratiani perperatorem, who sent to Rome and had great success in the end of his Greek Empire in the year 1153 when Constantinople was taken by the Latins; during which time Justinian's Books were either neglected in the East.

The Body of Law composed by Justinian lay in a manner unknown to the greatest part of the Western Empire from the year 527 for the space of 500 years, while the northern barbarous Nations bore sway and ruled by their own Laws. The Emperor Lotharius 2. found the pandects at Amalphi in the year 1133 and gifted them to the prisoners who had assisted him in his Wars. In the year 1206 when Pisa fell under the power of the Florentines, that valuable Treasure of Law was carried to Florence where it is now kept under the Name of the Florentine Pandects, in the great Duke's Noble Library. Whence it is not Justinian's original, as some conceiv'd it is, yet passeth for the most Authentick copy extant; whence all others now to be seen are taken. About the same Time that the Pandects were first brought again to Light at Pisa, Justinian's Code was found at Ravenna. But the Novels were wandering through Italy before.

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When all the parts of this Law were restored to Light, it was received with Applause and got Authority in all the Nations of Europe, as soon as it came to their Knowledge. It was quoted at the Bar, and taught publicly in the Schools as the common Law of Nations; and for its Excellency, called the Civil Law. NAT. LEX III. with respect to their own Laws, mostly drawn from the refined Principles thereof, which go under the Name of Municipal Laws. Several Nations are wholly governed by it; others have recourse to it when their own Laws and Customs fail; and make the Degrees of Doctor or Licentiate in this Civil Law, indispensably Qualifications to inherit a Man to be Advocate or Judge, as the only Road to all preferment in the profession of the Law. It is also necessary to right Reason and Equity, that the very people who strik off the Roman yoke, yielded to be governed by their Laws; and then those whom the Roman yoke never reach'd, acknowledge the power and Authority thereof. The Errors of the Romans were often unjust, but their Laws seem to have been dictated by just Reason; and therefore ought always to be as just. Diocletian's Law, known & used from so early that British Nation is the strongest Supporter of it. It is not possible to look on over the Encumbrances which great Men have upon the Roman Law, I shall content my self to say with Mr. Locke (L. 2. § 12. C. de Legum. Jur. Nat. c. 1. § 3.) That it is the best of several that are brought to perfection in any and laborious Observation of human Affairs, which may be best understood fully just and by the Exercise of Reason, and the Study of the History of the Nations, and in the Empire, who made it, added to it, and added a number of new ones, and general Maxims, provided by the great Men of the World; and with all the Wisdom of the many Wise Men who have written the Rules of Government for all Nations, as Solomon did the Law of Debra, as I have said, and with a great

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