Some Excerpts out of a new pandect of Roman Civil Law by John Ayliffe LL.D. Late Fellow of New College Oxon. fol. London 1734.

Preliminary discourse touching the Rise and progress of the Roman Civil Law.

pag. 17 It first entered into Cicero's thoughts to compile and make a new System of Law, and promised the world a Book concerning the Same; though Pompey had attempted this work with much authority, and Success before him, but failed in the undertaking through the war which happen'd between him and Cæsar. Julius Cæsar had also a design of reducing the civil to some certain standard and measures; and out of that Immense Heap of Laws which lay scattered up and down without any order or method to draw up into a narrow compass the best and most useful Laws, and to compress them in a few Books; but from he was prevented by an untimely death.

pag. 37 About the same time that the Eastern and western Empires were divided by an Agreement (made between Charlemagne King of France & Emperor of Germany, and Irene Empress of Constantinople) Photius Patriarch of Constantinople in Imitation of the two Emperors Basilius & Leo published anno Domini 880 his Nomocanon or Table of the Laws of the Romans extracted from the Constitutions of Basil and from the Canons of the Eastern Churches; which Theodore Balsamon Patriarch of Antioch has since anno dom. 1193 illustrated with proper annotations. And Bernard Bishop of Worms after the example of Photius, has compiled A.D. 1020 the Canons of the western Church; being followed in this undertaking by Ivo Bishop of Chartres A.D. 1090; as Ivo himself was afterwards A.D. 1120 herein by Gratian the Monk who compiled that book of the Canon Law called Decretum.

pag. 39 After all Justinians Books of the Law were happily found out and got together Lotharius 2. Emperor in 1137 by the Advice and persuasion of Irnerius his prime minister of state, did in a publick Convention of the States of the Empire held at Roncalia (A.D. 1126) order the Roman Law to be read and taught in all universities of the Empire. This Irnerius open'd the famous School of Law in Bologna the City of Romania. Among the chief of his Scholars were, Martin of Cremona, Bulgarus an opposer of Martin, Jacob Ugolinus, the first collector of the Feudal Law Books. After him succeeded Rogerius, otherwise called Pacentinus, who was a publick professor of the Law at Montpellier. Next to him of pylous who taught the Law at Ravenna and Mutina, and was the author of the Questiones Sabbathinæ and Scholar to Bulgarus. Albericus a porta Rubenatis was a person more remarkable for his great proficiency in the Law, than for his Morals. Yet Bodinus in his conduct of Roman Lips. Are a native of Bononia and professor of civil Law at Montpellier in France was Albericus scholar and received the chief Lawyer of his time. This Azo was master to Roleverin of Bononia and to Hostiensis of Bononia and Irnerius's Scholars not only under glosses but also to have expounded the civil Law in the University of Bononia. And those arose up in the Schools of those men did also in their Schools introduce the Study of the civil Law, which they in a particular manner recommended to other universities on the Score of its great Equity, as the Italian universities did so far excell all others in the Study of the civil Law, that no persons were admitted into any princes courts, or into any courts of Law, nor into any universities as professors of Law unless such as came from Italian universities. Nor were they admitted as Judges or Advocates in the Imperial Courts, unless they had studied the Laws in those universities. But those men the Eminent Lawyers in those days take their Ignorance of History, Antiquity and Philosophy to be a guilty of Gothick Errors and Mistakes.

pag. 40. In the 13 Century we meet with Accursius a Florentine but Bartolus who at his of Nearly years almost applying himself to the Study of the Law under Azo and Odofredus, become such a proficient therein that he far excelled his masters in the Knowledge thereof. But leaving his professions and practice for sometime he retired from the world; and in the space of 5 years collected together all the particular Glosses which the above mentioned Lawyers and their contemporaries had made on the Body of the Law and A.D. 1220 published his Glosses on the Digests and Codes and in two years more he finished his Glosses on the Codes Accursius Glossa. Bartolus was very industrious in explaining the Laws, acute & clear in finding out their meaning and happy in reconciling them together, upon which account he was styl'd Glossatorum Coryphæus; yet not being skilled in the History of the Times and in the more elegant parts of Learning he often found him guilty of errors as others were before him. After Accursius no more Glosses on the Law were attempted; but the succeeding Interpreters applied themselves to the Explication of his Glosses whence arose a new Body of Law with the Glosses not published in different manner.

pag. 41. In the Fourteenth Century there began a new period of the civil Law, when Bartolus de Saxoferrato, Baldus and their Followers Alexander Tartagnus, Bartholomæus Salycetus, Paulus Castrensis, Jason Maynus, Cynus, Oldradus, Petrus de Ballaperticia, Raphael Fulgosius, Raphael Cumanus, Hippolytus, Riminaldus, and other Italian Doctors who wrote now commonly on the Body of the Law. But tho' all these were men of best fullness in point of Genius yet they rather made use of a Scholastick Gravity, and were too prolix in their Style; yea they proceeded in their works without any order or method at all, being no ways versed in the proper parts of Learning. And tho all or most of these persons were eminently skill'd in the Knowledge of the Roman Law: yet it must be own'd that Bartolus and Baldus among them far surpass far surpass'd all the rest in Respect of Learning. Bartolus was born in the year 1303, and professed the civil Law at Pisa