

this evening, an Historical Essay on the Roman Laws, as come down to us in the *corpus juris civilis*. The subject itself is one of great intrinsic interest and in the hands of one more deeply conversant with the classic and legal lore of the Eternal City, it could not fail to be made as entertaining as it would, nay, must be instructive. I aspire not, therefore, to lay before you the result of any very profound investigation or research in the recondite pages of History or Law, but my aim will be attained, if in treating the matter in hand, in a manner quite elementary, chiefly from notes carefully taken in the course of general reading, I can convey to you a clear idea of the origin, completion and preservation of that great work which has stood the test of ages, and which still at this day, stands an imperishable monument of the greatness and wisdom of the ancient Romans.

The Code, the Pandects and the Institutes appeared in Constantinople and were promulgated as the laws of the Empire, between the years 527 and 534 of the present era, or nearly thirteen hundred years after the foundation of Rome. By the code and the Pandects all other antecedent laws whatever, were solemnly abrogated; and so rigorous indeed is the injunction given to abstain from any application of the repealed laws, that to do so, is declared to be a crime amounting to fraud or forgery. *Falsi reus est, qui abrogatis legibus utitur.* (*)

It will, however, be neither uninteresting or uninteresting to take a brief retrospect of Roman Jurisprudence before the days of Justinian and to examine what were the laws thus bodily consigned to oblivion, after escaping that wide and desolating ruin which the ruthless hand of the Barbarian spread over fair Italy and which shook the Western Empire to its very foundations and succeeded at last in its total overthrow.

Nor had the new Code which had been gleaned from the wisdom of the ancient legal Code of Rome, perils of a less imminent character to encounter from the degenerate and barbarised Greeks, the Persians, the Tartars and other asiatic nations, who, towards the close of the 15th century consummated the extinction of the Empire of the East, when Mahomet the 2nd stormed and plundered Constantinople, banished the insignia of the Cross and exalted in its stead the Crescent, which to this day adorns the mosques and minarets of the far-famed Byzantium.

That these abrogated laws were very voluminous, we are justified in believing upon the authority of Justinian himself, who informs us in his solemn confirmation of the Pandects that nearly 2000 Books

(*) Const. ad Sena. § 19.