them from the former Extravagants of John 22. They use to be cited thus: c. 1. d. Elect. in Extrav. com. They are divided into the same Number and order of Books and Titles, as the first Decretals.

The Authority of the Extravagants hath been sharply controverted by Interpreters: Some holding them to be always authentick; others only when they are produced sub plumbo, under the popes seal; a third sort sort decline their Authority even then; and others as they stand affected, ascribe more or less Authority to them. But in the opinion of our own Mr Thomas Craig (Feud. Lib. 1. Tit. 3. § 2 in fin.) the Extravagants are of Equal Authority, with the Decretals themselves. Nor have they wanted more than the Decretals, their own Glossators and Commentators.

Mr Thos Craig

The parts of the Canon Law wanting papal confirmation are

1°/ A Seventh Book of Decretals, containing pontifical constitutions after the Sixt, the Clementines and the Extravagants, was collected in the year 1590 by peter Mattheus a Lawyer of Lyons: In which the same number of Books and order of Titles with the Gregorian is observ'd. This Book of Decretals, tho' not confirm'd by any pope, hath been inserted in some Editions of the Body of the Canon Law. But seeing it wanted publick Authority, a Seventh Book of Decretals containing pontifical constitutions, and also many decrees of the Council of Trent was compiled by Authority of pope Clement the eight in the year 1598, the publication whereof, after it had gone to the press, was stopp'd: Because had it been published, some Doctors and Interpreters would have been apt to make Glosses and comments upon it, notwithstanding the severe censures fulminated by pope pius the fifth against those that should dare to Gloss or otherwise Interprete the Canons and decrees of the Council of Trent.

2°/ John paul Lancelot a Lawyer in Tuscany, by the Allowance of pope paul 4 wrote Institutes of the Canon Law, which, as he tells in his preface was perfected in three years: But Ger. von Mastricht (Hist. Jur. Eccles. n. 388) relates, that he had laboured at it for the space of fifteen years at least before it came out: When the work was completed, he made long and earnest Application, to have the papal Authority interposed to it: But finding he was not like to obtain his desire, he published the Book at his own Hand in the year 1563, towards the End of the council of Trent. And tho' he was afterwards much importuned to insert in his Institutions, the alterations made in the Canon Law by that Council; he always declined to do it, justifying his Refusal by the Example of Justinian the Emperor, who made no Amendment of his Institutions, notwithstanding the superveening Alterations of Law, in the Second Edition of the Code, and in the Novels. The Author applied again, but in vain, to pope paul 5 for getting his Book authorized and confirm'd as Law: All he obtained, was an Allowance to subjoin it to the Body of the Canon Law where it is now extant, and doth perpetuate his Memory.

The Body of Authentick Canon law used and cited as of Authority in courts, made in Emulation of the Body of the Civil Law, consists of Gratians Decree, which answers to the pandects; the Decretals of Gregory the ninth, which are made to resemble Justinians Code; the Sixt Book of Decretals, Clementines and Extravagants, to supply the Room of the Novels &c. And that nothing might be wanting to make the parallel, seem to run upon all four, paul Lancelots Canonical Institutions were allowed to be subjoin'd to it, tho' they stand there without any sanction given them. Thus we see how and in what Manner one Empire was founded in the Heart of another.

As to the Rules of Chancery begun by pope John 22, and augmented by the succeeding popes, these are not canons universally binding in the World, except in so far as they are received by the Municipal Laws of the place: But serve only as Rules of Judicial process in the court of Rome. Nor have they Authority there, till authorized by every particular pope, which gives them Force for that popes Lifetime only: just like Edicta pretorum among the old Romans, before Salvius Julianus composed the perpetual Edict.

The Canon Law being in a great Measure founded upon the Civil Law and so interwoven with it in many Branches thereof; there is no understanding the Canon Law aright, without being very well versed in the Civil Law. The Knowledge whereof not only serves to explain the Canon Law; but by the practice of all ecclesiastical Courts, it is allowed to come in Aid of the Canon Law in cases which are there omitted.