

**CLARENDON PRESS SERIES.
IMPERATORIS IUSTINIANI
INSTITUTIONUM LIBRI QUATTUOR: WITH
INTRODUCTIONS, COMMENTARY,
EXCURSUS AND TRANSLATION, VOL. II**

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Introductions, Commentary, Excursus and Translation, Vol. II by J. B. Moyle

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J. B. MOYLE

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J. B. MOYLE

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Clarendon Press Series

IMPERATORIS IUSTINIANI
INSTITUTIONUM

LIBRI QUATTUOR

WITH INTRODUCTIONS, COMMENTARY, EXCURSUS
AND TRANSLATION

BY

J. B. MOYLE, B.C.L., M.A.

OF LINCOLN'S INN, BARRISTER-AT-LAW
AND FELLOW AND TUTOR OF NEW COLLEGE, OXFORD

VOL. II

TRANSLATION

Oxford

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1883

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Rec. Sept. 15, 1884

PREFACE.

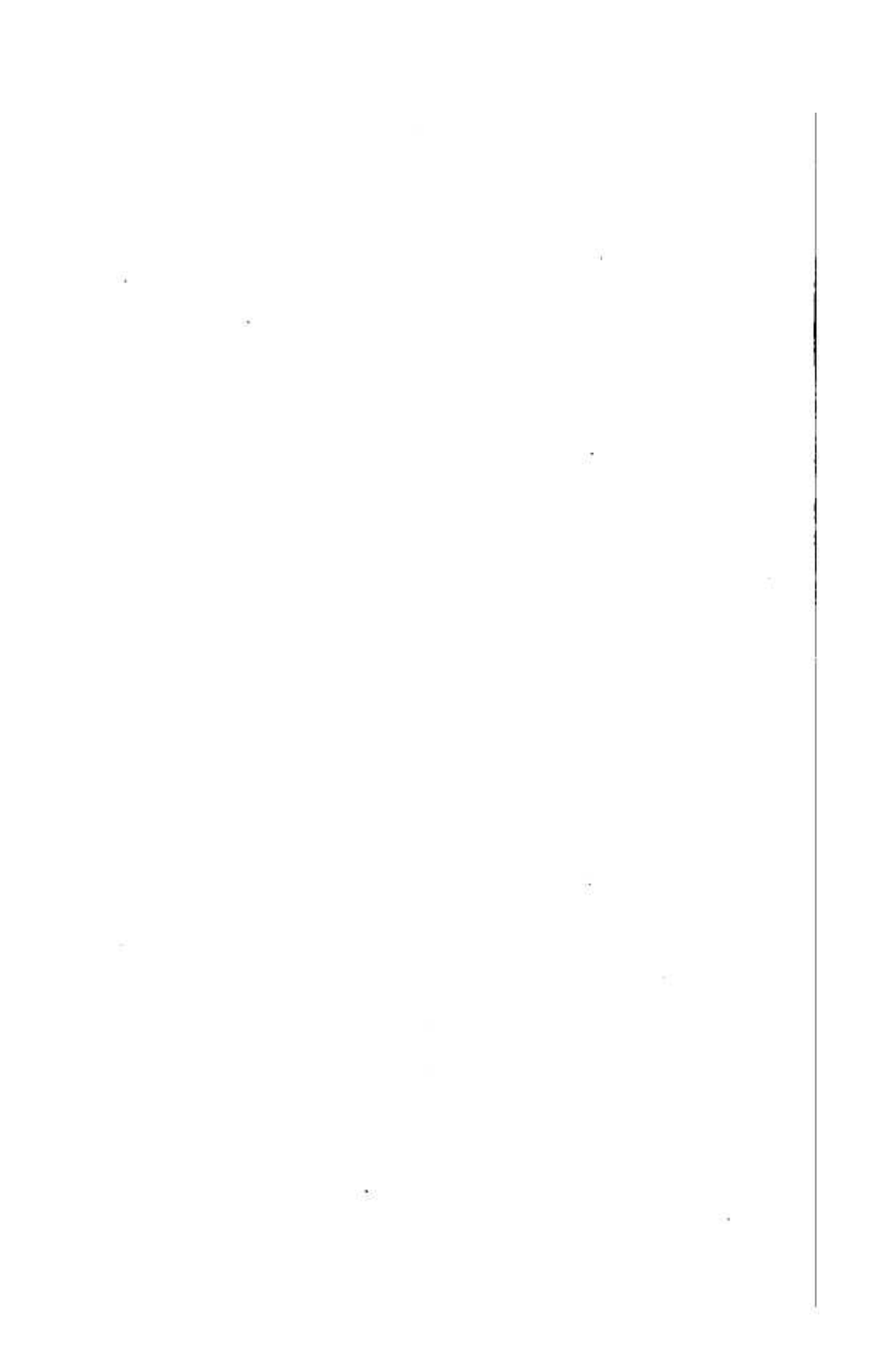
IN writing this translation I have derived much assistance from Mr. Poste's translation of the Institutes of Gaius. Where, as is so often the case, the words of the latter are transcribed literally or in substance by Justinian, I have frequently adopted Mr. Poste's rendering with very little if any alteration, and I must acknowledge once for all my debt to him. I have also consulted the translation of Mr. Sandars, and that by Mr. J. A. Cross embodied in Mr. Hunter's 'Roman Law,' and have found Schrader's Commentary of great service in assisting me to bring out the full meaning of the more difficult parts of the text.

In the rendering of technical terms my usual plan has been to discover, if possible, some English equivalent which will fairly represent them: thus 'tutor' has been uniformly translated 'guardian,' 'fideicommissum' 'fiduciary or trust bequest,' &c. Where I have found this out of my power, I have not unfrequently adopted an English form of the original Latin word, where this (though probably not to be found in any English dictionary) has won an air of familiarity for itself by the usage of writers on Roman Law: e.g. 'adrogation,' 'agnation.' Lastly, where I could do neither of these things, the original Latin term has been retained; as, for instance, in the names of many of the servitudes in Book II. 3, and in the Title on 'bonorum possessio' in Book III; and this has been done even in cases where (though a tolerable equivalent was at hand, as with the names of coins) the employment of an English word might appear somewhat grotesque.

J. B. M.

OXFORD, *January*, 1883.

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