

# FIRST PART

## SUMMARY OF HISTORICAL SKETCHES from 1700 to 1826

### I ORIGIN OF THE INCORPORATION OF THE LAWS

The first idea of digesting the laws of the Russian Empire, and forming them into one single body belongs to Peter the Great.

By an ukase of February 18th 1700, it was ordered, to compare the code of 1649, with the acts of the legislature published since that period; viz: with the *novels* or new constitutions, (новоуказныя статьи) the ukases, and the decrees of the Council of Boyards.

A rapid glance over the constituent parts of the legislation of this period, will suffice to ex-

plain the intention and the motives of this undertaking.<sup>1</sup>

The general code of 1649 had recently given a permanent form of legislation, by incorporating all that it was deemed necessary to preserve of preceding laws. The main object of this code was, rather to present an orderly arrangement of those laws which already existed, than to remodel them, or devise new ones; but as from the hurried manner<sup>2</sup>, and consequently contracted form in which the twenty five chapters composing the code had been framed, it was not possible to give to each branch of the laws the full and entire development of which it was susceptible, it was therefore understood, that whatever omissions or deficiencies might exist, they should be filled up and supplied at a future period. Hence, supplementary acts, under the various forms of

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<sup>1</sup> The general history of the progress of legislation in Russia, from authentic sources, will be treated of in a special work, intrusted to the 2nd Section of His Imperial Majesty's Chancery.

<sup>2</sup> The code was commenced July 16th 1649, and terminated October 3rd of the same year. (The year then began in September) It was therefore completed in two months and seventeen days. (See the beginning of the code in the ukase which is annexed to it for publication.)

novels, ordinances and decrees of the council, appeared shortly after. The purport of each and all of these acts was, to aid in developing the code, but in deviating from this object, they soon diverged into an opposite direction. Being not oftentimes in direct opposition one to the other, they, for the most part displayed a striking contradiction with the spirit of the laws. Still their numbers continued increasing, and in the course of half a century, they amounted to several volumes. Jurisprudence, so heterogeneous, so incoherent and contradictory, could not fail of creating doubt and confusion in the application of the laws. Such was the state of the legislation, at the period when it attracted the attention of Peter the Great. It was deemed necessary to arrest the progress of such disorder, and the remedy which he employed, was the only effectual one. But the task which he had conceived to be a determinate work, which might be accomplished in a short space of time, became in the end, a kind of permanent institution, which under the form of commissions successively formed and re-organized lasted, almost without interruption, till 1826, a period of 126 years.