

and moulded into the system embodied in the "*Corpus Juris Civilis*," as well as of the sources of that law. I proceed to give you a rapid, and therefore imperfect sketch of the history and development of the Roman law, preparatory to a discussion of its principles, so far as they are incorporated into the jurisprudence of Louisiana.

It is well known, that in the earliest period, the Roman Government was a limited monarchy, the political power being vested in King, Senate and people; but the people were separated into two classes, the patricians, or hereditary nobility, and the plebeians or free citizens. At first the plebeians were excluded from any participation in the government, and from the use of the public lands.

The King and Senate proposed laws, which were submitted for adoption to the vote of the national assemblies, called the *curiæ*, composed exclusively of patricians.

In later times, the laws were submitted for adoption to assemblies, called *centuriæ*, in which the plebeians, to a limited extent, obtained some share in legislation. The law adopted in assemblies of the *curiæ* was called *lex curiata*, and that adopted in assemblies of the *centuriæ*, was called *lex centuriata*.

When the Kings were expelled, a republic was established, and two consuls, who were patricians, were substituted for the King.

The plebeians dissatisfied with the insignificant influence exercised by them in the assemblies of the *centuriæ*, which had been so constituted as to almost overwhelm their voice by the weight of rank and wealth, succeeded, after severe contests, in establishing officers called tribunes of the people, to be chosen from the plebeians, and, for the protection of their rights, vested with authority to render any law ineffectual by a veto.

Soon, however, the tribunes acquired the right of proposing laws to assemblies of the plebeians called *comitia tributa*, and these laws, when approved, were called *plebiscita*.

The struggle between the two parties resulted in the adoption of the celebrated law of the twelve tables. This law is both a political constitution and a law in regard to private rights. One of its objects was to establish the political equality of the plebeians with the patricians, and to define the limits of judicial power then in the hands of the consuls. Besides this, it reduced to writing the laws in regard to private rights, which had previously