

in Legislation. The Sovereign, indeed, reserved to himself the exclusive right of proposing laws; but these laws were submitted to the assent of the people assembled in the thirty *Curiae* or Wards into which the City was divided. It was not until the reign of TARQUIN THE PROUD, whose tyranny and vices provoked the expulsion of the Kings, that any attempt seems to have been made, of which at least we have any knowledge, to collect and arrange into something like Order, the Royal ordinances or enactments, and such other laws as had obtained the sanction of Magisterial decisions or had grown out of universal usage.

The compilation of PUBLIUS or SEXTUS PAPIRIUS, in the reign of TARQUIN THE PROUD, is the earliest essay of the kind we have on record; but we have at this day a few fragments only of the labours of this eminent lawyer, whose Digest was denominated the *Jus Civilis Papirianum*, * which has transmitted his name with honor to posterity.

The expulsion of Royalty seems to have been succeeded by a species of legal anarchy, the *Lex Tribunitia*, or tribunitial law, having formally annulled at one fell stroke all the Royal laws, and therefore subverted the authority of the Papirian Code or Digest, leaving the Romans, during a period of nearly 20 years, without any positive Rule for their governance, and compelling them to resort to the sole moral force of such customs, as naturally resulted from the complex relations arising out of a state of society.

* GIBBON, (from whom I have freely borrowed) in a learned chapter on Roman Jurisprudence, 8th Vol. of his "Decline and Fall of the Roman Empire," in a note on page 5, seems to doubt the existence of this code, and thinks that the *Jus Papirianum* of Granius Flaccus, quoted in the Digest, (l. l., Tit. XVI, leg. 144,) was not a commentary, but an original work compiled in the time of CESAR. But we may fairly believe that the profound PAUL, from whom this law is borrowed, would be exact in this respect, and would not use the positive language "*Granius Flaccus in libro de Jure Papiriano*," were he not quoting the commentary.