

or Treatises, containing upwards of 3,000,000 of lines (*tricentas myriadas versuum*), were necessarily consulted and studied by the compilers and condensed within the compass of 50 Books and about 150,000 lines or verses. (*)

Beyond the knowledge we thus derive of the magnitude of the body of the old laws that preceded the Justinian Codification, we know little or nothing of them, except what has been embodied in the *Corpus Juris Civilis*. Here of course are substantially consigned, in a more concise form, the laws scattered, as before remarked, through 2000 different Treatises referred to.

In the first Book of the Digest we find a succinct account of the origin and progress of the civil law and of the succession of magistrates and eminent Jurists who flourished from the days of Papirius down to the time of Justinian. Borrowed from the writings of the celebrated Pomponius and followed by Gaius, this title offers at once a clear and compendious sketch of the beginning, rise, and advancement of the civil law, as transmitted to present generations in the *Corpus Juris*; and I could not therefore follow a more judicious course than by adopting as my text this passage of the Pandects in tracing an outline of the history of Roman Jurisprudence.

Although the primitive government of Rome was an absolute monarchy, the wisdom and justice of Romulus, at an early period admitted the people to a voice in legislation. The sovereign indeed reserved to himself the exclusive right of proposing laws, but these laws were submitted for the assent of the people in the thirty *curiæ* or wards in 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 and enactments and such other laws as had obtained the sanction of magisterial decisions or the equally efficient sanction of universal consent and custom.

PAPIRIAN CODE.—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, and this indeed is imperfect; a few fragments only remaining to us of the labours of that eminent lawyer, whose digest was denominated *jus civilis Papirianum* (†), which has transmitted his name with honor to posterity.

(*) Hist. Juris. de confirm. § 8.

(†) Gibbon in a noted and learned chap. on Roman Juris. contained in the 8th vol. of his *Decline and Fall of the Roman Empire*, p. 5, in not appearing to doubt the existence of this Code and thinks that the *Jus Papirianum* of Gravius Flaccus, quoted in the D. lib. L. Tit. XVI. C. 145, was