

Authority was acquired when Augustus ordered the  
Licence to be taken of him, as of a young council by the  
vity of the Emperor, had given so much strength and  
Authority to their Advice, as that the Magistrates were  
obliged to follow in giving Judgement: this is the  
next to all the History of Law; since that Authority was  
given them from the time of the free Commonwealth  
but only in case when there happened any Difficulties  
in Rome, and that they joined together to Deliberate  
and Decide it, and what they Concluded in such an Assem-  
bly was called Decretum or Praecepta senatus, which was  
a kind of Unwritten Law, from which the Judges could  
not Depart in their Decisions, and having been long Debated  
and Received in the Courts of Judicature, and had acquired  
Strength and Vigour, not inferior to the Laws themselves.  
But it is altogether Repugnant to Truth, that without  
this, every one of their Sentences and Opinions were no sooner  
pronounced, but they had so much Authority, as that the  
Magistrates were obliged Inviolably to follow them; and  
Much less in the time of Augustus, when the Disputes among  
the Civilians broke out into open factions; when the  
sects of the Fabiani and the Caesariani on the one side; and  
the Proculeiani and the Pegasusiani on the other. And altho  
after the Death of Antoninus Pius, the Heat of such  
sharp Disputes and Contentions was not so obstinate,  
whence arose the Mediani Civilians and Emerit Morill. lib. 1  
Obs. cap. 5 & 6. Who not bearing the slavish Jurare in Verba  
Magistri, took another course; but for all that, the Con-  
traversies and Differing Opinions did not cease, so that  
it behoved afterwards, to end some of them by the Decree  
of Princes.

Of the Laws of the Twelve Tables, after the Invasi-  
on of King Gothis into Italy, and the Devastation of Rome,  
when, as Ruffinus believes, Commentum 12 tabul.  
cap. 5 these were lost, there were transmitted to Posterity,  
only a few fragments, which Cicero, Divinus, Dio-  
nysius, and A. Gellius lib. 20 cap. 1 have given us of  
some of their Books; and what we have of them at this  
day is owing to the good fortune of our times, and those  
of our forefathers, and to the Industry of some able  
men, who collected and Interpreted them; Amongst  
the first of which were Ruffinus lib. 2 Hist. Jur.  
Civ.

Civ. Ruffinus lib. 2. Hist. Jur. Civ. Interpretum Gorf-  
rus lib. 1. Hist. J. C. Rom. cap. 22. Baldus Comm. ad 12 Tabl.  
2. Contin. lib. 2. Jus. Soc. Lect. Rottomannus, Rodericus, Crispi-  
nus, Rufinus Hist. Roman. lib. 5. cap. 6. Pignorus lib. 3. Annal.  
S. P. Q. R. and Gpr. Pithonius, to whom succeeded Gledorius  
Marcellus, Torranus Gurmelin in Novusar. lib. 13. cap. 26  
& seqq. Justus Lipsius, and Conradus Rittorfius, and last  
of all, it is owing to the Great care and Accuracy of Jacobus  
Gothafridus, who in his Tables, hath put them in the order  
and Disposition as they were composed by the Praenotari.  
As for the other Laws which were afterwards published  
by the people of Rome, to wit the Plebeian Laws, Decrees of  
the Senate, and the Edicts of the Magistrates, since for a  
great time had no other Knowledge of them, but what they  
had from the Books of the above mentioned Ancient  
Writers ~~of these~~ and especially from the Books of  
the same Civilian, in which likewise the Writings of the  
latter times have been very Careful, who with Anwar-  
d pains have collected them from various Marbles &  
Tables, and from the Rubbish of Antiquity, in which none  
Existed Barnabas Brissonius, Antonius Augustinus, Jul-  
vius Ursinus, Baldus, Gratianus, Rottomannus Lipsius, and  
Many other Lovers of Roman Antiquities. The Work was  
full of the Volumes of these Civilian, by which the Pri-  
vate Governed themselves who flourished after Augustus  
in the times preceding Constantine, so that afterwards, in  
the time of Valentinian third there was a necessity be-  
cause of their Confusion, to make Regulations concerning  
them; and in the times following these were made as so  
Great, that it gave Occasion to Justinian to compile his  
Pandectae.

Chap. 8

As soon as the Dictatorial power which the  
people of Rome had of Making Laws was transferred  
to and lodged in the Prince, his pleasure was a Law; but  
by a cunning political they called these their Decrees,  
Edicts or Constitutions and Not Laws, seeming willing to  
leave to the people the power of Making Laws, Loysac  
Des Loysacres cap. 2. n. 26. Vid. Bodin Lib. de Rep. cap. 6.  
These Constitutions of the Princes were not of one  
sort,