

In treating formerly of the Spartan constitution, I have remarked the error of those theories which attempt to trace all political institutions whatever up to the manners of a savage state; or the belief that all forms of government, and, by the same rule, all the revolutions of those governments, are the result of the natural progress of mankind in society. The most limited knowledge of history gives us certain proof of many political systems being the operation of the genius of individual lawgivers. If we doubt as to the institutions of Lycurgus, of Charlemagne, or of Alfred, being as perfect as history has painted them, skepticism itself cannot refuse the instances of William Penn and of Peter the Great, any more than those stupendous experiments in government and legislation which our own age has witnessed.

But as to Romulus, we readily allow that the great outlines of his constitution have their model in the manners and usages of a semi-barbarous people. The *patria potestas* of the Romans, or the sovereign power which every father of a family enjoyed over his household, may be plainly traced up to the manners of barbarians. So likewise many of the early laws of the Romans were the necessary result of their situation. Such, for example, was that law which confined the practice of all mechanic arts to the slaves; for all the free citizens must either have been employed in warfare or in the culture of their fields.

But other institutions bear the stamp of political knowledge and enlargement of ideas. Such, for instance, is the *Clientela*, or the connection of patrons and clients. To maintain a just subordination, and at the same time a mutual good understanding between the patrician order and the plebeians, every plebeian was allowed to choose a senator for his patron, whose duty it was to defend and protect him; and he in his turn received from his clients, not only homage, but support and assistance in all cases where his interest required it.

Notwithstanding the excellency of this political arrangement, the enemies which the infant state of Rome had raised up among the neighboring nations of Italy would have been too powerful for her, if they had followed any united plan or general measures. The rape of the Sabine women had exasperated all around them; but as each nation, instead of uniting, attempted to pursue a separate plan of revenge, they were all successively defeated. The town of Cennina was destroyed, and its inhabitants transplanted to Rome. The Crustumianians, in like manner, contributed to increase the victorious city; though Romulus chose likewise to preserve their own city, and to establish a colony in it, thus gaining a double advantage. The Sabine nation was the most formidable of their enemies. In one successful assault upon the city, they had penetrated as far as the Tarpeian hill, and a most obstinate conflict was maintained in the very heart of Rome, when the Sabine women, the cause of the war, threw themselves in be-

tween the contending parties, and became the mediators between their husbands, and their fathers and brethren. Their influence prevailed; a peace was concluded, and the two nations agreed henceforth to become one people.\* Tattius, king of the Sabines, was associated with Romulus in the government: a most wise and politic measure, which relieved Rome at once of her most formidable enemy, and greatly increased her strength and population. Thus, in a very few years from the period of her foundation, Rome was able to make head against the most powerful of the nations of Italy.

Tattius did not long enjoy his dignity. He was killed a few years afterwards at Lavinium, and Romulus remained sole monarch of the united people. He made war against the Veientes with success, and subdued several of the states of Latium: but having disobliged his soldiers in the distribution of the conquered lands, and some of the principal senators becoming jealous of his power, a conspiracy was formed against him, and he fell a victim to treason, in the thirty-seventh year of his reign. A violent storm of thunder happening at the time, favored the report spread by the conspirators, that he was killed by lightning; and the people, who revered his memory, enrolled him among the number of their deities, by the title of Quirinus.†

As Romulus left no children, the people judged the crown elective, and the question was whom to choose. The Sabines claimed an equal right with the Romans; and, there being much discordance of opinion, the senate, which was composed equally of both nations, laid claim to the sovereignty, and dividing themselves into Decuriæ, it was agreed that each decuria should reign fifty days, or each senator five days,—an arrangement which it was easy to see could not be permanent. The people submitted to it for a year, but at the end of that period declared their resolution to have a sovereign for life. It was agreed that the senators of the Roman party should have the right of electing, but that the choice should fall upon a Sabine. Numa, the son-in-law of Tattius, a man of a recluse and reserved disposition, but of great reputation for wisdom and probity, was chosen king; and after a solemn consultation of the gods by the augurs and aruspices, was publicly invested with the regal *insignia* and authority.

Dionysius of Halicarnassus has represented Numa as a wise and most intelligent prince: others have disputed that character, on this extraordinary ground, that when the books of Numa were

\* In honor of this event, a solemn annual festival was held at Rome on the first day of March, called *Matronalia*. It is to this solemnity that Horace alludes in his ode, *Martiis celebs quid agam Calendis*, &c.

† Contemporary with Romulus was Hezekiah, the tenth king of Judah; and Salmanazar, who took Samaria, and put an end to the kingdom of Israel, by carrying the ten tribes into captivity.

accidentally discovered at Rome, after a lapse of six centuries, the senate ordered them to be destroyed, as containing nothing which, in their judgment, could be useful, and much that might be of prejudice to the state. But this fact certainly warrants no inference unfavorable to the character or to the talents of Numa. The political views and regulations of that prince might be extremely wise, and well adapted to the age in which he lived, and at the same time quite unsuitable to the spirit of the Roman constitution six centuries after him.

Numa was of a pacific turn, and he seems to have aimed at giving his people the same character. It may be doubted whether this policy were altogether wise in the situation in which the Romans stood with respect to their neighbors. The king pretended to enjoy a divine inspiration, and feigned that he was indulged in nightly conferences with the nymph Egeria, who dictated all those public measures which he proposed. He multiplied the national gods, built new temples, and instituted a great variety of religious ceremonies, of the most remarkable of which it is necessary, for the proper intelligence of the Roman history, that some short account should here be given.

A custom then prevailed in Italy, by which every state, before going to war, was in use to determine whether the cause of the war were just or unjust. When a quarrel arose between one state and another, certain heralds, named *Feciales*, were despatched by the state which deemed itself injured to the aggressor, who publicly proclaimed the cause of offence, and demanded reparation of the injury. If the aggressor hesitated, ten days were allowed for deliberation, and that term was three times renewed. If at the end of that period justice was not done, the *Feciales* took the gods to witness of the wrong committed, and returned to their own city. War was then solemnly proclaimed, but was not commenced till one of the *Feciales* walked to the frontier, and threw a bloody javelin as a signal.

This custom shows that the petty nations of Italy, barbarous as they were, had just notions of the blessings of a pacific government. Numa adopted the custom, and instituted at Rome a college of *Feciales*. He built, likewise, a temple to *Janus*, which was kept open during war, and shut during peace. Most of the institutions of this prince were calculated to encourage the pacific spirit; but this was not the tendency of his people, and their character soon became quite the reverse. A great part of Numa's policy consisted in using religion as an instrument of government.\*

\* Yet the religion of Numa, according to Plutarch's account, was of a rational character, and quite remote from the superstitions of the vulgar. "He forbade the Romans," says that author, "to represent the Deity in the form of man, or of any animal, nor was there any sculptured effigy of the gods admitted in those early times. During the first one hundred and sixty years, they

He instituted a college of priests called *Flamines*, from the flame-colored tufts upon their caps.\* Each flamen was confined to the worship of a particular god; and Romulus, now deified, had his flamen, as well as Jupiter and Mars. A sacred buckler, or *ancile*, which was said to have dropped from heaven, gave occasion likewise to the foundation of a new college of priests, who had the charge of it, and paraded with it, on particular occasions, in a kind of dance or procession. These were called *Salii* (*a saliendo*); and, lest the sacred buckler should be stolen or lost, eleven others were made, exactly resembling it, and deposited in the temple of Jupiter.†

The veneration of *fire* was a superstition common, as we have seen, to several of the ancient nations. The custom of preserving this element continually burning was religiously observed among the nations of Italy, as among their eastern progenitors. Numa found this custom among the people of Alba; and introducing it among the Romans, he built a temple consecrated to *Vesta*, and appointed four virgins to attend her worship and to preserve the sacred fire. They took a vow of perpetual virginity, and were buried alive if they broke it. A punishment of this kind was extremely rare; but when it occurred it was a day of mourning to all the citizens. The ignominy of the crime was thought to affect all the relations of the criminal; and it was no wonder that, when a new vestal came to be chosen, every father dreaded lest the choice should fall upon his daughter. On the other hand, these sacred virgins enjoyed very high privileges. They were superior in sanctity of character to all the priests, and in some respects even controlled the laws of their country. A vestal could save a criminal going to execution, provided she gave her word that she had met him only accidentally. It was customary for individuals to make large donations to vestals, from motives of piety, or to leave them great legacies; and thus they often accumulated much wealth.

Numa is celebrated for a reformation of the Roman calendar, which, it is said, made the year, before his time, consist only of

built temples and shrines, but made no images; judging it impious to represent the most excellent of Beings by things base and unworthy, since there is no access to the Divinity but by the mind, elevated and purified by divine contemplation."

\* Plutarch supposes the word *flamen* a corruption of *pilamen*, from *pileus*, a cap. There were at first only three *Flamines*, *Flamen Dialis*, *Martialis*, and *Quirinalis*.

† The *Salii* were originally twelve in number; but Tullus Hostilius, the successor of Numa, added other twelve. Those first instituted were called *Salli Palatini*, from the Palatine Hill, where they began their processions: the latter were termed *Collini*, or *Agonenses*, from the *Collis Quirinalis*, otherwise called *Agonalis*, where they had a chapel. Their endowments were great, and their entertainments costly; whence the phrase *Dapes Saliarum* is used by Horace for delicate meats, lib. i. O. 37.

ten months, of various lengths; some of them, according to Plutarch, consisting of twenty days, some of thirty-five, and some of a greater number. Numa added to the year the months of January and February, assigning to each month the number of days of which it consists at present. February being the most deficient, was always reckoned an unlucky month. He distinguished likewise certain days as *Fasti* and *Nefasti*; on the former of which it was lawful to follow all civil occupations, while nothing of that sort was allowed on the latter except agriculture, which thence seems most wisely to have been regarded in a religious point of view. From this distinction of *Dies Fasti et Nefasti*, the calendar itself took the name of *Fasti*, or annals. It was the office of the Pontifex Maximus to record in the *Fasti* the events of each year.

Numa died after a reign of forty-three years, during the whole of which time the temple of Janus remained shut; so much does the disposition of a people depend on the character of a sovereign.\*

After a short interregnum, Tullus Hostilius was elected to the throne by the people, and confirmed by the voice of the senate. This prince, of a very opposite character from his predecessor, paid little regard to his religious and pacific institutions. The temple of Janus was opened, and was not shut during his whole reign. He was victorious over the Albani, Fidenates, and several of the other neighboring states. In the war with the Albani happened the celebrated combat between the three Horatii and Curiatii, in which the issue of the contest was determined in favor of the Romans, by the courage and policy of the surviving Horatius. The victor, returning to Rome laden with the spoils of the vanquished, was met by his sister, the destined spouse of one of the Curiatii. On seeing the spoils of her dead lover, she vented her grief and indignation in such violent terms, that her brother put her to death. "Be gone," said he, "to thy lover, and carry with thee that degenerate passion which makes thee prefer a dead enemy to the glory of thy country." The offender was brought before the *duumviri*, two criminal judges appointed by Tullus, and was by them condemned to death. By the advice of Tullus, he appealed to the assembly of the people, who, in compassion to the deliverer of his country, commuted his punishment to passing under the yoke, and at the same time decreed him a trophy. This incident shows one fact of importance, namely, that the power of the people had at this time become paramount to that of the prince, and that the government truly lay in the joint concurrence of the regal authority with that of the several orders of the state.

\* Contemporary with Numa, was Sennacherib, king of Assyria, and Esarhadon, who united the kingdoms of Assyria and Babylon.

Under the reign of Tullus, as we find the Romans at war with the Sabines, it appears that the union of the two nations was by this time dissolved; and, henceforward, we find the Sabines classed among those of the neighboring states with whom the Romans carried on constant hostilities.

The neglect of religion during the reign of Tullus is said to have excited the vengeance of the gods, who punished the Romans by a severe pestilence. The king himself was seized with it, and became as pious as his predecessor; but his repentance was too late, for he was killed by thunder, or as some authors report, by a fire in the city, after a reign of thirty-three years.

Ancus Martius, of Sabine extraction, was elected king in his place. He was, by his mother, grandson to Numa; and partook somewhat of his disposition. He bent all his attention to the revival of the religious observances of his ancestor; but the Latins obliged him to take up arms. The Romans were victorious, and took several of the enemy's towns, transporting the inhabitants to Rome, of which it became necessary to enlarge the bounds beyond the Aventine Mount. Ancus pushed his conquests along the banks of the Tiber, to its mouth, where he built the city and port of Ostia. He fortified a small eminence opposite to Rome, on the western side of the Tiber, which was called *Janiculum*, and communicated with the city by a bridge, which the priests had the charge of supporting and repairing; and thence they are said to have derived their name of *Pontifices*.\*

Ancus died after a reign of twenty-four years. During his time, *Lucius Tarquinius*, surnamed *Priscus*, a native of Tarquinii in Etruria, and son of a rich citizen of Corinth, had come to Rome. He was a man of great address, and gained the favor both of the king and people; so that when the throne became vacant, he was chosen the successor of Ancus; a proof that the throne was considered as elective; for Ancus Martius had left two sons.

The senate, as first constituted by Romulus, consisted, as we have seen, of one hundred members. To this original number, from whom alone the patrician families claimed their descent, Romulus afterwards added another hundred. Tarquinius, who owed his election to the favor of some of the principal citizens, rewarded their services by adding a hundred new members to the senate, chosen from the plebeian order.† It remained at the number of 300 for several centuries, down to the period of the

\* Contemporary with Ancus Martius were Draco, the Athenian legislator; Periander, tyrant of Corinth; and Nabopolassar, king of Babylon, father to Nebuchadnezzar.

† These new senators were termed *Patres minorum gentium*; but this distinction was lost in process of time, and all were regarded as equal in point of rank.

Gracchi, when it was enlarged to 600. I shall have occasion afterwards to treat more particularly of the constitution of this body.

Rome was now gradually advancing in population and power; but her progress was not so rapid as to alarm the other states of Italy. In the time of the elder Tarquin there were frequent wars with the Sabines, Latins, and Etruscans, which generally terminated to the advantage of the Romans; but the vanquished nations were always very speedily in a condition to renew hostilities.

The city itself was increasing very much in extent and magnificence. Tarquin caused the walls to be built of hewn stone; he surrounded the *forum* with a covered corridor or arcades of pillars; he built the Circus Maximus, or Hippodrome, for the celebration of public games, for races and athletic exercises. This building was situated between the Aventine and Palatine hills. It was enlarged and embellished at different times; and in the age of the elder Pliny, was capable of containing 260,000 spectators, all seated. Tarquinius Priscus likewise constructed the *cloaca*, those amazing drains or common sewers, which remain to this day the wonder of all who view them. The *cloaca maxima* is sixteen feet in width, thirteen in depth, and of hewn stone arched over. Works of this kind would seem to lead to the belief of a prodigious increase of this city in size and population, when such immense structures were formed within the period of 150 years from its foundation. But these appearances certainly afford rational ground for a different conclusion or conjecture. The immensity of those *cloaca*, so unsuitable to such a city as we must suppose Rome to have been in the days of the elder Tarquin (for Livy acknowledges that they were judged unsuitable, from their large size, to the extent of the city, even in his time,) naturally induces a suspicion, that those works were the remains of a more ancient and much more splendid city, on the ruins of which the followers of Romulus had chosen to settle. The like we know to have taken place in different parts of Asia, where several of the greatest cities of antiquity, after they had gone to decay, and been for ages desolate and uninhabited, have revived after a period of many centuries, and from villages grafted on their ruins, have become pretty considerable towns, though far inferior to their ancient size and magnificence. Were we here to offer a conjecture, it would be, that the foundation of Rome is to be carried back many ages beyond the commonly received era, and that this city had anciently been the residence of a part of that great and polished nation, the Etruscans.

Tarquin, during some of his wars, had vowed to erect a temple to Jupiter, Juno, and Minerva; but he lived only to see the work begun. In digging for the foundation of this structure, on the top of the Tarpeian hill, the skull of a man was found;—a very

ordinary occurrence, but which the augurs declared to be a presage that Rome was one day to become the head, or mistress of the universe. The new temple was from this incident called *Capitolium*. If the anecdote is true, it shows how early the Romans entertained views of empire and dominion.

Tarquin had adopted a young man, Servius, the son of a female captive, and had given him his daughter in marriage. He was a youth of talents, and soon gained the esteem both of the senators and people; so that there was every prospect of his succeeding to the throne upon the death of his father-in-law. Two sons of Ancus Martius were yet alive, who naturally looked likewise towards that dignity, to which they endeavored to pave the way by assassinating Tarquinius Priscus. This treasonable act they perpetrated in the thirty-eighth year of his reign; but their crime did not meet with the reward of success.\*

## CHAPTER II.

**SERVIUS TULLIUS**, sixth King of Rome—His Political Talents—Artful division of the People into Classes and Centuries—The Census—Lustrum—Tarquinius Superbus—End of the Regal government—Reflections on this Period—Constitution of the Senate—Narrow Territory of the State—Exaggerated Accounts of its Military Force—Uncertainty of its Early History.

**SERVIUS TULLIUS** had very naturally cherished the ambitious design of mounting the throne, upon the death of his father-in-law. On that event, he thought it prudent to employ some artifice. He gave out, that the king, though dangerously wounded, was still alive, and had empowered him, in the meantime, to administer the government, and to bring to punishment his assassins. He procured, accordingly, a sentence of death to be pronounced on the sons of Ancus; but they escaped their fate by flying from Rome, and seeking an asylum among the Volscians. Servius, thus rid of his competitors, proclaimed the king's death, and found no obstacle to his elevation to the vacant dignity.

\* In the time of the elder Tarquin, Nebuchadnezzar made the conquest of Jerusalem, and carried the Jews into captivity. Solon, in the same period, was employed in new modelling the constitution, and giving laws to the republic of Athens.