

monarchy, aristocracy, and democracy. Dionysius, however, has, with singular injudiciousness, discredited his own authority, by making a foolish parade of the motives which induced him to compile his history. He owns that his chief object was to render his work a pleasing and popular composition; something that might flatter the pride of the Romans, and inspire his own countrymen, the Greeks, with a high idea of the dignity of their conquerors. "The Greeks," says he, "deceived by vulgar report, imagined that the founders of Rome were barbarians, and vagabonds without house or home, and those too the slaves and dependents of their leader. To efface these impressions from the minds of my countrymen, and engage them to entertain more just notions, so as not to repine at being subject to a people who, from superiority of merit, have a natural right to the dominion over all others, I undertake this work. Let them cease to accuse fortune of this dispensation, since it is agreeable to an eternal law of nature that the strong should be the rulers of the weak. My countrymen will now learn from history that Rome had scarcely sprung into existence when she began to produce myriads of men, than whom no state, either Grecian or barbarian, ever reared more pious, more just, more temperate, more brave, or more skilful in war.—But these wonderful men, (continues he,) are unknown to the Greeks from the want of an historian worthy to record their merits."* It will be readily allowed that a preface of this nature is not fitted to increase our opinion either of the truth, the candor, or even the judgment of the historian.

To return:—The notions, therefore, which some modern writers, relying on the authority of Dionysius, have adopted, of the wonderful political talents of Romulus, and that judicious temperament he is supposed to have made between the power of the sovereign, the authority of the senate, and the rights of the people, seem to be little else than a chimæra. The first political institutions of the Roman state were, like those of every other, simple and inartificial; suited to the immediate wants, and corresponding to the exigencies of a rude tribe, first forming itself into a regular community; but of whom, individual members had probably been the exiles or fugitives from a state enjoying some degree of civilization, and subject to laws and institutions, which they were thus enabled to impart to the new society they had agreed to form, and of which they had chosen Romulus to be the chief, or sovereign. The fabric of the Roman government, such as we find it within the period of any history we can deem authentic, was, like every other, the gradual result of circumstances, the fruit of time and of political emergency.

The early constitution of the Roman senate has given occasion

* Dionys. Hal., Ant. Rom., lib. i.

to much learned disquisition. The most judicious writers have candidly confessed, that, with regard to the original mode of electing its members, they pretend to nothing more than conjecture; as the ancient authors have been sparing in their information, extremely obscure, and often contradictory in their accounts. The most probable opinion seems to be that of the Abbé Vertot—that, during the regal government, the kings had the sole right of nominating the senators; that the consuls succeeded them in this power; and that, when these magistrates became too much engaged in war to attend to domestic policy, that privilege devolved upon the censors. The senators were, at first, always chosen out of the order of the patricians; that is, out of those families descended from the first *Centum Patres* who are supposed to have been named by Romulus. But afterwards, the right of election to that dignity became common to the people and was among the first of those privileges to which they obtained an equal title with the patricians. The authority of the senate, in the first ages of the commonwealth, was very extensive. No assembly of the people could be held but in consequence of their decree; nor could such assembly take any matter under consideration that had not first been debated in the senate. It was even necessary, in order to give the *Plebiscita*, or *decrees of the people*, any effect, that they should be confirmed by a second decree of the senate; and hence, with apparent justice, the government of the Romans, during the earlier times of the Republic, has been termed rather an *aristocracy* than a democracy.

From this exorbitant power of the senate the first diminutions were made by the tribunes of the people, as we shall soon see; but this was not without a violent and lasting struggle on the part of the senate to maintain what had been their original rights: those privileges, however, which remained always in the senate, and which the people never pretended to call in question, were very extensive. The senate always continued to have the direction of every thing that regarded religion: they had the custody of the public treasure, and the absolute disposal of it: they gave audience to ambassadors, decided the fate of vanquished nations, disposed of the governments of the provinces, and took cognisance, by appeal, of all crimes committed throughout the empire. In one particular, upon great emergencies, their authority was truly supreme and despotical. In times of imminent danger, the senate issued its decree, *Dent operam Consules, ne quid Respublica detrimenti capiat*; a decree which gave to these chief magistrates a supreme and unlimited power for the time, independent both of the senate which conferred it, and of the people. Such were the acknowledged powers of the Roman senate through the whole period of the commonwealth. It was, in fact, a perpetual council, whose province it was to superintend all the magistrates of the state, and

to watch over the safety of the republic. Yet in the more advanced times of the commonwealth, the senate always made a show of acknowledging the last, or executive power to be lodged in the people; *Senatus censuit, populus jussit*: although this may fairly be supposed to be nothing more than a piece of affected moderation: since we know that they retained the full exercise of those powers we have mentioned, even after all the encroachments of the people, down to the times of the Gracchi, (A. U. C. 620,) when their authority suffered, indeed, a great abridgment.

Towards the end of the regal government, the territory belonging to the Roman state was extremely limited. It is said to have been only forty miles in length and thirty in breadth. The progress of the Romans in extending their frontier was at first extremely slow. Time was requisite for subduing nations as warlike as themselves: and the methods both of making conquests and preserving them were little known. This was the reason why the first care of the Romans, most wisely, was to strengthen themselves in their possessions. It would have weakened them too much had they early attempted to extend their boundaries. The only use they yet made of their victories was to naturalize the inhabitants of some of the conquered states, and thus increase their population. By this wise forbearance they became a powerful state, though within a narrow territory; because their strength was always superior to their enterprises. They derived, likewise, from the small extent of their lands, a spirit of moderation and frugality. It was thus they paved the way for extending their limits afterwards with advantage; and this judicious policy of choosing at first to possess rather too small than too extensive a territory, laid the solid foundation of their future greatness.

But with regard to the real forces or strength both of the Romans and of their rival states in those early times, we are, on the whole, extremely ignorant. The Roman historians appear to have exaggerated greatly in these particulars. We find in those authors, that, notwithstanding very bloody engagements, the Romans, as well as their enemies—the Latins, Sabines, Æqui, and Volsci—take the field next campaign with armies still more numerous than before. Yet the cities and territories which furnished those armies were extremely inconsiderable. The country to which they belonged was not remarkable for its fertility; and in such a state of perpetual warfare, the inhabitants, constantly intent on ravaging and pillaging, could not possibly cultivate it to advantage. We have every reason, therefore, to believe that the numbers of those armies said to have been brought into the field are greatly exaggerated.

The frequent, and indeed incessant wars between those neighboring nations and the Roman state during the early periods—continually renewed, in spite of repeated treaties, and many signal, and apparently decisive victories—are subjects of just surprise. M. Montesquieu has assigned a very ingenious cause for this dis-

regard of treaties. It was a maxim among the states of Italy, that treaties or conventions made with one king or chief magistrate had no binding obligation upon his successor. This, says he, was a sort of law of nations among them. It were to be wished that ingenious writer had given some special authority for this very singular fact, instead of contenting himself with saying in general that it appears throughout the history of the kings of Rome.

In the subsequent periods of the Roman history, hostilities more generally commenced upon the part of the Romans than on that of their neighbors; of which there seems to have been this simple cause, that the chief magistrates, the consuls, being changed every year, it was natural for every magistrate to endeavor to signalize himself as much as he could during the short period of his administration. Hence the consuls were always persuading the senate to some new military enterprise; and that body soon became glad of a pretext which, by employing the people in an occupation they were fond of, prevented all intestine disquiets and mutinies. That this continual engagement in war, and consequent characteristic military spirit of the Romans, was owing to nothing else than their situation, is rendered the more probable from this fact, that, excepting a small circle of the states immediately around and in their vicinity, which necessarily contracted the same military spirit, all the other nations of Italy were indolent, voluptuous, and inactive.

The regal government among the Romans subsisted for 244 years, and during all that time only seven kings are said to have reigned. This statement is extraordinary; and the more so when we consider that there was no hereditary succession, where sometimes an infant succeeds to an old man; but each king was advanced in life when he ascended the throne; that several of them died a violent death, and that the last of them lived thirteen years after his expulsion. These are circumstances which have suggested considerable doubt with regard to this period of the Roman history; and it must be acknowledged that, even during the first five centuries from the alleged period of the building of Rome, we can be very little assured that the detail of facts which is commonly received on the authority of Livy and Dionysius is perfectly authentic. It is an undisputed fact, that during the greater part of that time there were no historians. The first Roman who undertook to write the history of his country, was Fabius Pictor, who lived during the second Punic war, (A. U. C. 535, and B. C. 218,) to which period he brought down his work; but the materials from which it was compiled were, if we may credit Dionysius, in a great measure traditionary reports; nor is his chronology to be relied on. We know, indeed, with some certainty, that there were no authentic monuments of the early ages at this time existing among the Romans. Livy tells us, that almost all the

ancient records of their history perished by fire when the city was taken by the Gauls. This author, therefore, with great candor, gives his readers to understand that he does not warrant the authenticity of what he relates of those ancient times. "It has been allowed," says he, "to antiquity to mix what is human or natural with the divine or supernatural, and thus to magnify or exalt the origin of empires; but on such traditions I lay little stress; and what weight or authority may be given to them I shall not here stop to consider." *

From such and similar considerations, some critics have gone so far as to reject as entirely fabulous the whole history of those first five hundred years of the Roman story: but this is to push the skeptical spirit greatly too far. There is, indeed, a mist of doubt hanging over the origin of this great people, as over that of most of the ancient nations: and it is the part of sober and discriminating judgment to separate what has the probability of authenticity from what is palpably fabulous, and thus to form for itself a rational creed, even with regard to those ages where the materials of history are most deficient. It is not unreasonable to conceive that the great outlines of the revolutions and fortune of nations, in remote periods of time, may be preserved for many centuries by tradition alone, though extremely natural that, in this traditionary record, the truth may undergo a liberal intermixture of fable and romance.

CHAPTER III.

Interregnum—Consuls appointed with sovereign power—Conspiracy against the new Government—Patriotism of Brutus—Valerian Law—War with Por-sena—Popular disturbances—Debts of the Poor—A Dictator appointed—Impolitic conduct of the Patricians—Their Concessions—Tribunes of the People created—Change in the Constitution—Reflections on.

TARQUINIUS SUPERBUS had trampled on all the constitutional restraints, and on all the regulations of the preceding sovereigns. He had never assembled the senate, nor called together the people

* Datur hæc venia antiquitati, ut miscendo humana divinis, primordia urbi um augustiora faciat.—Sed hæc et his similia, utcumque animadversa aut æstimata erunt, haud equidem in magno ponam discrimine.—Liv. Hist., lib. i. Proem.

in the *Comitia*. He is even said to have destroyed or broken the tablets on which the laws were written, in order to efface all remembrance of them. It was necessary, therefore, after his expulsion, that new tablets should be framed, and these, we may presume, were much the same with the former.

An interregnum took place for some time, and during this time the supreme power was lodged by the senate in the hands of Lucretius. Brutus having in his possession some writings of Servius Tullius, containing, as it is said, the plan of a republican government, these were read to the senate and people, and approved of. The regal government had become completely odious, and it was agreed to commit the supreme authority to two magistrates, to be annually elected by the people out of the order of the patricians. To these they gave the name of *Consules*; a modest title, says the Abbé de Vertot, which gave to understand that these magistrates were rather the counsellors of the republic than its sovereigns, and that the only point which they ought to have in view was its preservation and glory. But, in fact, the authority of the consuls differed scarcely any thing from that of the kings. They had the chief administration of justice, the absolute disposal of the public money, the power of convoking the senate, and assembling the people, of raising troops, naming all the officers, and the right of making peace, war, and alliance; in short, unless that their authority was limited to a year, they were in every respect kings. The consuls wore the purple robe, they had the *sella curulis*, or ivory chair of state, and each of them was attended by twelve lictors armed with the fasces, the symbols of their power of life and death. The two first consuls were Brutus and Collatinus, the husband of Lucretia.

These magistrates, we have said, were elected out of the body of the patricians; an exclusive privilege which, in fact, rendered the constitution purely aristocratical. But the jealousy of the people was not yet alarmed; and they were so well pleased to be freed from the despotic power of a single tyrant, that it did not occur to them that they had any thing to dread from a multitude of tyrants.

On this change of the government, solemn sacrifices were performed, the city was purified by an expiation or lustrum, and the people renewed their oath against the name and office of king. Tarquin was at this time in Etruria, where he prevailed on two of the most powerful cities, Veii and Tarquinii, to espouse his cause. These states sent ambassadors to Rome with a formal requisition, that the exiled prince might be allowed to return and give an account of his conduct; but as it must have been foreseen that such a proposal could meet with no regard, the true purpose of the embassy was to secure a party in the interest of Tarquin, who might cooperate in a meditated attempt to restore him to power; and this purpose they gained by a liberal employment of bribes