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 Porsena—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, utcunque 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 coöperate in a meditated attempt to restore him to power; and this purpose they gained by a liberal employment of bribes

and promises. The conspiracy, however, was detected; and it was found that among the chief persons concerned were the two sons of Brutus, and the nephews of Collatinus. An example was now exhibited, severely virtuous indeed, but which the necessity of circumstances required and justified. Brutus himself sat in judgment upon his two sons, and condemned them to be beheaded, himself witnessing their execution. *Exuit patrem ut consulem ageret, orbusque vivere, quam publicæ vindictæ devesse maluit.** Such is the reflection of Valerius Maximus, but that of Livy is more natural; he remarks that Brutus, resolute as he was in the performance of this severe duty, could not lay aside the character, nor suppress the feelings of a father. *Quum inter omne tempus pater, vultusque et os ejus spectaculo esset, eminente animo patrio, inter publicæ pœnæ ministerium.*† Collatinus had not strength to imitate that example, and his endeavor to avert the punishment of his nephews procured his own deposition and banishment.

War was now the last resource of Tarquin; and, at the head of the armies of Veii and Tarquinii, he marched against the Romans. He was met by the consuls Brutus and Publius Valerius, who, on the expulsion of Collatinus had been chosen in his room, and an engagement ensued, in which Brutus lost his life. The fate of the battle was doubtful; but the Romans claimed the victory, and Valerius was honored with a triumph, a ceremony henceforward usually conferred on a victorious general after a decisive engagement. A higher honor was paid to the memory of Brutus, for whom the whole city wore mourning for ten months.

So much was the ardor of liberty kept alive by the attempts of the exiled prince, and such the jealousy of the Romans, roused by the slightest indications of an ambitious spirit in any of the citizens, that Valerius, notwithstanding the high favor he enjoyed on account of his public services, had, from a few circumstances apparently of the most trifling nature, almost lost his whole popularity. He had neglected, for some time, to summon the *comitia* for the election of a new consul, and he had built a splendid dwelling for himself on the summit of the Palatine hill, which commanded a prospect of the whole city—strong symptoms, it was thought, of the most dangerous ambition. Whether, in reality, he entertained such designs as were attributed to him, may well be doubted; but it is generally believed that a hint of his danger made him at once so zealous a patriot, and so strenuous a champion for the rights of the people, that he thence acquired the ambiguous surname of *Poplicola*. He pulled down his aspiring palace, and

* "He sacrificed the feelings of a father to the obligations of chief magistrate, and preferred a childless old age to any failure of his duty to the state."

† "While all the time his looks betrayed the feelings of a father, the pure patriotism of his soul prevailed in the administration of public justice."

contented himself with a low mansion in an obscure quarter of the city. Whenever he appeared in public he ordered the consular *fasces* to be lowered before the people, and the axes to be laid aside, which henceforth were borne by the lictors only without the walls of the city. He caused a law to be passed, which made it death for any citizen to aim at being king; he refused to take custody of the money levied for the expenses of war, and caused that charge to be conferred on two of the senators. But of all sacrifices to liberty, that which in fact most materially enlarged the power of the people was a new law, which permitted any citizen who had been condemned to death by a magistrate, or even to banishment, or coporal punishment, to appeal to the people; the sentence being suspended till their decision was given This law, which, from the name of its author was termed *Valerian*, struck most severely against the aristocracy; and from this era we may date the commencement of the democratic constitution of the Roman government. (A. U. C. 244.—B. C. 510.)

For thirteen years after the expulsion of Tarquinius Superbus, the Romans were involved in continual wars upon his account. Of these the most remarkable was the war with Porsena, king of Etruria, who had taken arms in behalf of the exiled prince. The detail of this war by the Roman writers would be extremely uninteresting, were it not embellished by some romantic stories which have much the air of fable. Such are the defence of a bridge by *Horatius Cocles*, single, against the whole Etrurian army; the attempt to assassinate Porsena by *Mutius Scævola*, and the proof he gave of his fortitude by holding his hand in the fire till it was consumed; the story of Clelia the hostage, and her companions, who swam across the Tiber amidst a shower of arrows;—beautiful incidents, but scarcely entitled to the credit of historical facts. Such examples, however, of invincible resolution are said to have produced a striking effect on the mind of Porsena, and to have converted him from an enemy into a firm friend and ally of the Romans. Tarquin, nevertheless, found still a powerful support from the external enemies, and doubtless from some of the traitorous subjects of the republic. Thirty of the states of Latium continued still in his interest, and the war was carried on with as much animosity as ever.

The Romans were in a train of success when there arose among them such violent dissensions as had very near caused the most fatal consequences. As these domestic disturbances continued long to embroil the republic, and were the source of many important revolutions, it is proper to consider their origin with some attention.

We have already seen that in the time of Romulus, when the first partition was made of the lands, a certain proportion was reserved for the public uses, and the rest distributed among the people by equal shares of two acres to each Roman citizen. After-

wards, when Rome was extending her territory, new partitions were made of the conquered lands, but not with the same impartiality and equality. A part was reserved for the use of the state, but the patricians generally contrived to get the rest into their hands, allowing no share to the inferior ranks of the people. These abuses became more frequent from the time of Servius's new arrangement, which gave the richer citizens an entire ascendency in the state, and they increased still more from the time of the expulsion of the kings, when the government became, as we have seen, aristocratical. This inequality of property continually increasing, and the indigence of the lower classes obliging them frequently to contract debts, they found, in a little time, that they were stripped by the severity of their creditors even of those inconsiderable pittances of land from which they derived their subsistence. It was one of the early laws of the Roman state, that a debtor who was unable to pay was delivered as a slave to his creditor; he was chained that he might not escape, and was employed in the hardest labor. The grievance was further increased by this flagrant injustice—that there was no law which limited the rate of interest on borrowed money, so that many of those miserable plebeians, incurring at first a trifling debt, saw themselves stripped of all they possessed, and reduced to a state of the most intolerable servitude.

From complaints which they found entirely disregarded, they proceeded to mutiny, and to open and violent expressions of their indignation against the higher orders. The war required new levies, and the senate ordered that the plebeians should enroll and arm in defence of the common liberties. These peremptorily refused the summons, declaring that they knew no liberties to defend, since a foreign yoke could not be more intolerable than the bondage they experienced at home.

The senate was assembled, and the matter solemnly deliberated. Some of the higher order generously gave their opinion for an entire remission of the debts of the poorer class of people; others opposed the proposal, as sanctioning a violation of faith, and a criminal breach of legal obligation. Appius Claudius, a violent and proud patrician, maintained that the people suffered nothing more than their deserts, and that if not kept in poverty they would be for ever factious and unruly. Amidst these contending opinions, the senate was at a loss what decision to pronounce. An alarm spread of the approach of the enemy to attack the city, and this report gave fresh spirit to the populace. They persisted in their refusal to enter the rolls, and declared that if their grievances were not immediately redressed, they would quit the city. The consuls found their authority of no avail, for the Valerian law had given every citizen whom they condemned, a right of appealing to the people.

To evade the force of this law, some extraordinary measure was

necessary. The senate passed a decree ordaining the consuls to lay down their office, and enacting that in their room a single magistrate should be elected by the senate, and confirmed by the people, who for six months should be invested with absolute and unlimited authority. The people were assembled in the *comitia* by centuries, an arrangement which, as we have seen, threw the whole power into the hands of the higher orders, and thus a decree was easily obtained which ratified the ordinance of the senate; the lower ranks, perhaps, flattering themselves that the new magistrate would procure a redress of their grievances. This is the first instance of the creation of a *dictator*, an expedient which we shall see was afterwards in times of necessity very frequently resorted to. The senate appointed one of the consuls, *Clelius*, to choose the dictator, (a form henceforth always observed,) and he named to that office his colleague *Lartius*. The dictator chose for himself a lieutenant, or *magister equitum;* he made the twenty-four lictors resume their axes, a sight which struck terror into the people, and disposed them to submission and obedience. All the citizens, whose names were called by the dictator, were enrolled without a murmur. Four bodies of troops were formed, of which one was left for defence of the city, and with the other three the dictator took the field against the enemy. He had some successes against the hostile states, which paved the way for a truce for a year, and, in the meantime, Lartius returned to Rome and abdicated his office. In the year following, when the war was renewed, it was found necessary to recur to the same expedient. Aulus Posthumius was chosen dictator, who gained an important victory near to the lake Regillus, in which the two sons of Tarquin, Sextus and Titus, were slain. This put an end to all his prospects. He retired to *Cumæ* in Campania, where he died at the advanced age of ninety; and the allied states now concluded peace with the Romans (A. U. C. 257.) In this year was held the sixth *census*, or numeration of the Roman people, by which it appeared that the number of the citizens capable of bearing arms was 157,700.

Till now, the senators had seen the necessity of keeping some measures with the people, lest they should exasperate them into the execution of a design they sometimes expressed of calling back the exiled Tarquins. As this fear was now at an end, the insolence of the higher orders daily increased. Appius Claudius, who was at this time consul, now openly avowed a resolution of breaking this mutinous spirit of the plebeians, and reducing them to absolute submission. But this policy was no less absurd than it was tyrannical. The plebeians, from their vast superiority in numbers, had only to follow a united plan, to force the higher orders to compliance with any measure on which they chose to insist. A striking incident, which had a powerful effect on their passions, gave them this spirit of union, and excited the most violent ferment in the commonwealth.