

the patrician and plebeian orders at Rome, the true cause of the glorious and prodigious extension of her empire, and of all her subsequent grandeur and prosperity. This, though not an uncommon mode of reasoning, is by far more specious than it is solid. I would ask what shadow of necessary connection there is between the factious disorders, and internal convulsions of a state, and the extension of her empire by foreign conquest? On the contrary, it seems a self-evident proposition, that while the one spirit exists, the other for the time is extinguished, or lies altogether dormant; for the ambition of domestic rule cannot otherwise be gratified than by a constant and servile attention to the arts of popularity, incompatible with the generous passion which leads to national aggrandizement. The people too, won only by corruption, and split by rival demagogues into factions, imbittered against each other with the most rancorous hostilities, are incapable of that cordial union to which every foreign enterprise must owe its success. The martial spirit may, no doubt, be kept alive, and find improving exercise in a civil war or rebellion; but this spirit finds too much exercise at home, to seek for employment in foreign conquests; and in the breasts of the leading men, those selfish motives, either of avarice or the love of power, which are commonly the sources of all civil disorders, are baneful to every generous and patriotic feeling, which seeks alone the true greatness or glory of the state.

In the present case, the true causes of the wonderful extension of the Roman empire will be sought in vain, in the perpetual contests between the higher and the lower orders. These, instead of being productive of national aggrandizement, were the immediate causes of the fall of the commonwealth and the ruin of civil liberty. The main source of the extension of the empire by its conquests, is to be found in the extraordinary abilities of a few great men, who, either in a subordinate station had too much worth to prefer a selfish interest to the glory of their country, or who, spurning the more confined object of superior power at home, proposed to themselves a nobler and more glorious aim by extending the limits of that empire which they ruled as sovereigns.

It is not to be denied that other causes, likewise, contributed to the aggrandizement of the Roman empire. Several of these have been pointed out by Montesquieu. Such was, among others, the very power of those enemies they had to encounter; a power which must either have entirely oppressed and annihilated them, or forced them to that most vigorous and animated exertion to which they owed their successes. Such enemies were the Gauls, the Macedonians under Pyrrhus, and the Carthaginians under Hannibal. So far were the factions of the state from being the cause of those successes, and that rapid extension of empire, that it was the formidable power of such external enemies that, lulling

asleep for the time every source of domestic faction and disorder, enabled the republic to employ its whole strength, and make those spirited efforts to which it owed its most glorious successes.

---

#### CHAPTER IV.

Increase of the power of the Tribunes—They convoke an assembly of the People—Coriolanus—Disputes on the Agrarian Law—Law of Volero—and change produced by it.

THE disorders which we have seen allayed by the creation of the tribunes of the people, were only quieted for a very short space of time. We shall see them immediately renewed, and continued, with very little interruption, till the people acquired an equal title with the patricians to all the offices and dignities of the commonwealth. Thus, for a period of almost two centuries, the history of Rome, during every succeeding year, presents almost the same scenes; an endless reiteration of complaints, on account of the same or similar grievances; opposed by the same spirit, resisted by similar arguments, and usually terminating in the same way, to the increase of the popular power. As our object is to give rather a just idea of the character and spirit of nations, than a scrupulous detail, or minute chronicle of events, we shall, in that period, touch only on such circumstances as, while they are illustrative of the genius of the people, are necessary to form a connected chain of the principal events which had their influence on the revolutions and fate of this Republic.

The first tribunes of the people were created 260 years after the foundation of Rome, and seventeen years after the abolition of the regal government. These magistrates were habited like simple citizens; they had no exterior ensigns of power; they had neither tribunal nor jurisdiction as judges; they had no guards nor attendants, unless a single domestic termed *Viator* or *Apparitor*. They stood without the senate-house, nor durst they enter it unless they were called in by the consuls: but possessing, as we have said, the power of suspending or annulling, by a single veto, the most solemn decrees of that body, their influence and authority were very great.

Every thing, for a little while, wore an appearance of tranquillity. The senators blindly applauded themselves on the success of their negotiation, as they saw the people pleased, and could see

nothing to fear from those rude and simple magistrates, who had not even the outward symbols of power. But this delusion was of short continuance.

It was in the beginning of spring, that the people had retreated to the *Mons Sacer*; at a time when it was customary to plough and sow the fields of the republic. As the lands had lain neglected during those commotions, it was not surprising that the following harvest should be a season of great scarcity. This, perhaps, the senate, by proper precautions, might have prevented. The tribunes accused that body of negligence, and of a design to raise a famine among the people, while the patricians, as they insinuated, had taken care of themselves, by laying in abundant supplies.

The consuls assembled the people, and attempted to justify the senate; but being constantly interrupted by the tribunes, they could not make themselves be heard. They urged, that the tribunes having only the liberty of opposing, ought to be silent till a resolution was formed. The tribunes, on the other hand, contended that they had the same privileges in an assembly of the people that the consuls had in a meeting of the senate. The dispute was running high, when one of the consuls rashly said, that if the tribunes had convoked the assembly, they, instead of interrupting them, would not even have taken the trouble of coming there; but that the consuls having called this assembly, they ought not to be interrupted. This imprudent speech was an acknowledgment of a power in the tribunes to convoke the public assemblies; a power which they themselves had never dreamt of. It may be believed they were not remiss in laying hold of the concession. They took the whole people to witness what had been said by the consuls, and an assembly of the people was summoned, by the tribunes, to meet the next day.\*

The whole people assembled by daybreak. Icilius, one of the tribunes, urged that, in order that they might be in a capacity of effectually fulfilling their duty, in protecting and vindicating the rights of the people, they should have the power, not only of calling them together, but of haranguing them without being subject to any interruption. The people were unanimously of this opinion; and a law to that purpose was instantly passed by general acclamation. The consuls would have rejected this law, on the score of the assembly's being held against all the established forms:—it had not been legally summoned, and there had been no consultation of the auspices; but the tribunes declared that they would pay no more regard to the decrees of the senate, than the consuls and the senate should pay to those of the people. The senate was forced to yield, and the new law was ratified by the consent

\* Dion Hal. l. c. Liv. lib. ii. Plutarch in Coriol

of both orders. Thus there were now established in the republic two separate legislative powers, which maintained a constant opposition to each other.

There was but one method by which the senate might, perhaps, have recovered their power. This was, by exercising their authority with such moderation, and so much regard to the interests of the people, as to render the functions of the tribunes superfluous. But this was a difficult part to act. Being once supreme, they could not stoop to an abasement of power, and inflexibly struggling to maintain a prerogative which they wanted real strength to vindicate, they prepared for themselves only a greater humiliation.

One of the most violent of the senators was Caius Marcius, surnamed Coriolanus, from a successful campaign he had made against the Volsci, in which he had taken Corioli, one of their principal towns. Coriolanus had aspired to the consulate, but the people, fearing his high and arrogant spirit, had excluded him from that dignity. Incensed at this disappointment, he took every opportunity of expressing his resentment; and in particular, declared openly in the senate, that the necessities of the people, occasioned by the present famine, furnished an opportunity which ought not to be neglected, of compelling them to relinquish all pretensions to authority, and to abolish their new magistrates.

The people, exasperated beyond measure, vowed vengeance against Coriolanus, and they summoned him to appear before them, and answer for his conduct. He refused, and the *Ædiles* had orders to arrest him, but were repulsed in the attempt by his partisans among the patricians. In a tumultuous assembly of the people, one of the tribunes proceeded, with a daring stretch of authority, to pronounce Coriolanus guilty of treason, and award a capital punishment: but the people themselves were sensible that this was going too far; they repealed this precipitate sentence; allowed him twenty-seven days to prepare his defence, and summoned him to appear before their assembly after the lapse of that term.

During this interval the consuls and the chief senators, who saw the dangerous consequences of violent measures, endeavored, by persuasion, to promote a good understanding between the orders. They labored to convince the tribunes that it had hitherto been the constant practice, and agreeable to the constitution of the republic, that every public measure should originate by a motion in the senate, and that till this body had given a decree, no business of state could be agitated in the assembly of the people. The tribunes did not acquiesce in these propositions: they contended that the authority of the people was coordinate with that of the senate; and that—the Valerian law having ordained a right of appeal to the people from the senate, and all magistrates—they must, of course, possess the right of citing before them any citizens

who had offended. The affair was of difficult decision, in the uncomplying temper in which parties then stood. It was, however, thus compromised for the present. The tribunes agreed to make their complaint against Coriolanus in the senate, and that body consented, on their part, to refer the consideration of the cause back to the assembly of the people. This course, accordingly, was adopted. The senate admitted the importance (if proved) of the charges preferred to their body by the tribunes, and ordained Coriolanus to appear and answer in the assembly of the people. They were desirous, however, of procuring this assembly to be convoked *by centuries*; by which means they flattered themselves with an entire ascendant, which would ensure the acquittal of their member: but the people would not consent to it; the votes were called in the order of *the tribes*; and Coriolanus was condemned to perpetual exile.

He now proposed to himself a plan of vengeance, in the last degree ignominious, and which no injuries an individual can receive are sufficient to justify. He repaired to the camp of the Volscians, and offered his services to the determined enemies of his country. They were accepted; and such was the consequence of his abilities as a general, that Rome, in the space of a few months, was reduced to extremity. The people now demanded that the senate should repeal their decree of banishment; but that body, with a laudable firmness, declared that they would grant no terms to a rebel while in arms against his sovereign state. The importunity of the populace, however, so far prevailed, that a deputation, consisting of five persons of consular dignity, and his own relations, was sent to propose terms of accommodation. Coriolanus haughtily answered, that he would never consent to treat of peace, till the Romans should restore whatever they possessed of the Volscian territory, and he allowed the space of thirty days to consider of this proposition. At the end of that time he appeared again with his army under the walls of the city. The senate maintained an inflexible resistance to the demands of the traitor, and to the popular clamor. At length a band of Roman matrons, at the head of which was Veturia, the mother of Coriolanus, with his wife and children, repaired to the camp of the enemy, and suddenly presented themselves at the feet of Coriolanus. The severity of his nature was not proof against this last appeal. He consented to lay down his arms; he ordered his troops to retire; and thus Rome owed her safety to the tears of a woman.

There are few historical *events* (so called) which give more room for skepticism than this story of Coriolanus. If we should admit that the resentment of his wrongs might have hurried a high-spirited Roman into a conduct so utterly disgraceful—and moreover so dangerous, while his mother, his wife, and all his kindred were hostages in the hands of his countrymen,—how can we believe that Rome, ever superior as we have seen her to the

petty states which were her enemies, should, during the whole time of this lengthened negotiation, have taken no effective measures of resistance or defence; that we should neither find a Roman general nor a Roman army in the field to check the triumphant pride of this traitor to his country; that the Volscians—who, three years before, were so weakened by a pestilence, that Velitræ, one of their most flourishing towns, would have been entirely annihilated, but for the supply of a colony of Roman citizens—should have now become so powerful as to strike terror and dismay into the Roman state, and compel her to that mean act of supplication, to which, we are told, she owed her escape from destruction? If there is any truth in a story so void of probability, there is only one circumstance truly deserving of attention—the striking contrast between the conduct of the senate and that of the people. The people—fluctuating in their opinions, and ever in extremes—the one day, in the height of exasperation against Coriolanus for an offence against themselves, condemn him to perpetual exile; and the next, ignominiously entreat his forgiveness and deprecate his resentment. The senate—who, before his condemnation, alarmed at what they thought a stretch of power in the people, would have done every thing to save him, yet, sentence being once passed, conscious that the honor of the republic was her most valuable possession, which no danger ought to compel its guardians to betray—could by no entreaties be swayed to make concessions to a rebel in arms against his country. While such were the sentiments of her chief magistrates, Rome, weak and defenceless as we are told she was, continues still to command respect and admiration.

Historians are not agreed as to the fate of Coriolanus—a circumstance which renders the whole of his history more suspicious. According to some authors, he was assassinated by the Volscians, in revenge for his defection; according to others, he languished out his days among them in melancholy obscurity. It has never been asserted seriously that he returned to Rome.

The dissensions between the orders with which the Roman republic was destined to be for ever embroiled, were now rekindled from a new cause of controversy. This was an agrarian law, a measure proposed at first by Cassius, one of the consuls, from motives of selfish ambition. He aimed at nothing less than supreme power; and he proposed this measure of an equal partition of all the lands which had been at any time won from the enemy, as the most probable means of acquiring the favor of the people. But he was too precipitate; his views were suspected, and the tribunes gave the alarm. They could not bear that popular measures should be proposed by any but themselves; they adopted the scheme of Cassius; but persuaded the people that what was an interested measure upon his part, they were determined to prosecute for the public good.

The senate, jealous of the tribunes, and sufficiently aware of the views of Cassius, were resolved themselves to preoccupy the ground. They passed a decree that an inquiry should be made as to those conquered lands which had at any time been adjudged to belong to the public; that a part should be reserved for the common pasturage of cattle, and that the rest should be distributed to such of the plebeians as had either no lands, or but a small proportion. Yet this was all a piece of artifice on the part of the higher orders. They had no mind that this decree should ever be carried into effect. They subjoined to it a clause that the *consules designati*, or those who were next year to enter upon that office, should name *decemviri* for making the necessary investigation and following forth the decree.

This measure of an *agrarian law* we shall observe, from this time forward, to be a source of domestic dissensions, down to the very end of the commonwealth. Cassius was the first proposer of it, and it cost him his life. His office of consul was no sooner at an end, than he was solemnly accused of aspiring at royalty; and, by sentence of the popular assembly, he was thrown from the Tarpeian Rock, the usual punishment of treason. Soon afterwards, Menius, one of the tribunes, brought on the consideration of the law. He called on the consuls to nominate the *decemviri*, and on their refusal, he opposed the levies which the consuls had ordered to be made on account of a war with the *Æqui* and *Volsci*. The consuls adopted a very violent procedure: they quitted the city, and established their tribunal without the jurisdiction of the tribunes. Thither they summoned the people to attend them, and to give up their names to be enrolled. They refused to obey; on which the consuls ordered their lands to be ravaged, and their flocks carried off. This had its desired effect; but so violent a measure was never again attempted. A more sure and less dangerous expedient was afterwards followed, which was, to divide the tribunes. One tribune could, by his *veto*, oppose or suspend any decree; but if another opposed him, the *veto* was of no effect. Icilius, one of the tribunes, having opposed the forming of the levies, his four colleagues, gained over by the senate, took the opposite side; and it was therefore agreed that the consideration of the agrarian law should be postponed till the termination of the war.

When that period arrived, the contest was again renewed. The tribunes brought on the consideration of the law; they demanded why the last consuls had not named *decemviri*; and they even pretended to call them to account and to punish them for this omission. Genucius, a tribune, summoned the consuls of the current year to execute the decree which had been so long neglected. They refused, on pretence that a decree of the senate, when not executed by those consuls to whom it was directed, was held to be abrogated. Genucius then summoned the consuls

of the preceding year to answer for their conduct, and vowed, as is said, that he would prosecute them to his latest breath. They took care that he should keep his word, for the next day he was found dead in his bed. The people were made to regard this as a judgment of the gods, who thus expressed their disapprobation of the schemes of this factious tribune; and his colleagues were intimidated for some time from prosecuting his views; not less, perhaps, from the apprehension of human than of divine vengeance.

The consuls and senate, trusting to the effect of this example, assumed a more rigid authority, and the levies were made with severe exactness. Among those whom the consuls had enrolled as a common soldier, was a plebeian named *Volero*, who, in a former campaign, had been a centurion, and was esteemed a good officer. He complained of the injustice done him in thus degrading him, and refused to obey. The consuls ordered him to be scourged, from which sentence he appealed to the people. One of the consular lictors endeavoring to arrest him was beaten off; and the people, tumultuously taking his part, broke the *fasces* and drove the consuls out of the forum. The senate was immediately assembled, and the consuls demanded that *Volero* should be thrown from the Tarpeian Rock. The plebeians, on the other hand, called for justice against the consuls for a breach of the Valerian law, in disregarding *Volero's* appeal to the people; and the contest lasted till the election of the annual magistrates, when *Volero* was chosen one of the tribunes. The person of a tribune was sacred, and that of a consul, when out of office, was not so; but *Volero* did not choose to limit his vengeance to the two consuls; the whole senate was the object of his resentment, and he resolved to strike a blow which they should never recover.

The election of the tribunes of the people had hitherto been held in the *comitia curiata*. *Volero* urged that as these *comitia* could not be summoned but by a decree of the senate, that body might, on various pretences, postpone or refuse to summon them; that the previous ceremony of consulting the auspices was necessary, and these the priests, who were the augurs, could interpret in any manner they chose; and that, lastly, it was always held necessary that whatever was done in those assemblies should be confirmed by a decree of the senate. He represented all these formalities as being nothing else than restrictions imposed by the senate on the popular deliberations—and proposed that henceforth the magistrates of the people should be chosen in the *comitia* called by tribes, which were exempt from all those restraints.

The senate, by throwing difficulties in the way, found means to retard for some time the passing of a law so fatal to their power; but their opposition was in the main ineffectual; for it passed at last, and with this remarkable addition, that all questions, in which the affairs of the people were agitated, should henceforward be debated in the *comitia tributa*.

This famous law of Volero completed the change in the constitution of the Roman Republic. The supreme authority from this time may be considered as having passed from the higher orders into the hands of the people. The consuls continued to preside in the comitia held by centuries; but the tribunes presided in those assemblies in which the most important business of the commonwealth was now transacted. The senate retained, however, a considerable degree of power. They had the disposal of the public money; they sent and received ambassadors,—made treaties—and their decrees had the force of a law while not annulled by a decree of the people. In a word, this body continued to have respect, and at least the appearance of authority, which we shall observe to have yet its effect in frequently restraining the violence of the popular measures. The consuls too, though in most points of effective power and authority subordinate to the tribunes, had yet in some particulars a vestige of supremacy. They were absolute at the head of the army, and first in command in the civil authority within the city. Their office still carried with it that external show of dignity which commands respect and submission, and which, over the minds of the vulgar, is frequently attended with the same influence as substantial power.

## CHAPTER V.

An Agrarian Law never seriously projected — Decemviri proposed to digest a Code of Laws — Cincinnatus — Appointment of Decemvirs — Laws of the Twelve Tables — Tyranny of the Decemvirs — Infamous conduct of Appius Claudius — Death of Virginia — Abolition of the Decemvirate.

THE People having now attained so very considerable an increase of authority, might certainly have prevailed in obtaining the favorite measure of an agrarian law. But the truth is, this measure was nothing more than a political engine, occasionally employed by the popular magistrates for exciting commotions, and weakening the power of the patricians. It was a measure attended necessarily with so much difficulty in the execution, that few even of the people themselves had a sincere desire of seeing it accomplished. The extensive disorder it must have introduced in the territorial possessions of the citizens, by a new distribution of all the lands acquired by conquest to the republic since the time of Romulus—

the affection which even the poorest feel for a small patrimonial inheritance, the place of their nativity, and the repository of the bones of their forefathers—and that most admirable and most salutary persuasion that it is an act of impiety to alter or remove ancient landmarks—\* all these were such strong obstacles to the accomplishment of that design, that it could never be seriously expected that the measure would meet with that effectual support which was necessary to carry it into execution.

The tribunes, well aware of those difficulties, and fearing that from too frequent repetition the proposal would become at length so stale as to produce no useful effect, bethought themselves of a new topic to keep alive the spirits of the people, and to foment those dissensions which increased their own power and diminished that of the patricians.

The Romans had at this time no body of civil laws. Those few which they had, were only known to the senate and patricians, who interpreted them according to their pleasure, and as best suited their purposes. Under the regal government, the kings alone administered justice: the consuls succeeded to this part of the royal prerogative, so that they had, in fact, the disposal of the fortunes of all the citizens. Terentius, or Terentillus, one of the tribunes, in an assembly of the people, after a violent declamation on public grievances of all kinds, and particularly on that dreadful circumstance of the lot of the plebeians, that in all contests with patricians they were sure to suffer, as the latter were both judges and parties, proposed that, in order to remedy this great evil, ten commissioners, or *decemviri*, should be appointed to frame and digest a new body of laws, for defining and securing the rights of all the different orders,—a system of jurisprudence binding alike on consuls, senators, patricians, and plebeians.

This proposition, having essential justice and good policy for its foundation, was received by the people with loud applause. It had been prudent in the higher orders to have given it no opposition, as in reality no solid objection could be made to it. But there was always a party in the senate who made it a settled principle to oppose every thing which was either beneficial or grateful to the people; as in most factions, the conduct of the different partisans is influenced less by considerations either of political expediency or moral rectitude, than by an uniform purpose of abasing and mortifying their antagonists.

The proposal, therefore, met with opposition; and the conse-

\* The ingenious fable related by Ovid, *Fast.* lib. ii. v. 667, is a proof of this prevalent belief. The purport is, that when the capitol was founded in honor of Jupiter, all the other gods consenting to retire and abandon their right in the place, the god *Terminus* alone refused and kept his post. The moral drawn is, that what Jupiter himself could not remove, should yield to no human will or power.