

polluted and a free woman." Then turning to the tribunal of Appius, "Thou monster!" cried he, "with this blood I devote thy head to the infernal gods!" Appius, in a transport of rage, called out to the lictors to seize Virginius; but he, rushing out from the forum, and making way for himself with the knife which he held in his hand, while the multitude favored his escape, got safe without the city, and arrived in a few hours at the camp. Meantime Numitorius and Icilius exposed the bleeding body to the sight of the whole people, who, inflamed to the highest pitch of fury, would have torn Appius to pieces, had he not found means to escape amidst the tumult, and to conceal himself in the house of one of his friends.

Valerius and Horatius, two of the senators, men of consular dignity, and who had opposed the last creation of decemviri, now put themselves at the head of the people. They promised them the redress of all their wrongs, and the abolition of those hated magistrates; but urged that they should first wait the resolution of the army, which could not fail to coincide with their own.

The unfortunate Virginius had no sooner acquainted his fellow-soldiers of what had happened, than there was a general insurrection. Without regard to the orders of the decemvirs in the camp, the whole army, headed by their centurions, marched to Rome, and, retiring to the Aventine mount, chose ten leaders, with the title of military tribunes. They then declared their determined purpose of abolishing the decemvirate, and reestablishing the consular government, together with the tribunes of the people. The senate was assembled. The decemvirs thought proper voluntarily to resign their office. Valerius and Horatius were chosen consuls; and the popular magistrates, the tribunes, were elected with the same powers as formerly, which reinstated the people at once in all their rights and privileges.

Among the tribunes first chosen were Virginius, Icilius, and Numitorius. It may be believed that their vengeance against the infamous Appius was not long delayed. Virginius cited him before the people, at whose orders he was seized and thrown into prison, where, a few days after, he was found dead. It was suspected, says Dionysius, that he was privately strangled by order of the tribunes; but other authors, with more probability, affirm that he chose to escape a certain and ignominious fate by a voluntary death. His colleague Oppius, the chief abettor of his crimes, had the same catastrophe, and the rest underwent a voluntary banishment, while their goods were forfeited to the public use. Such is the history of the decemvirate, that inauspicious and short-lived magistracy, which was thus violently terminated in the third year after its institution.*

* An amusing comparison may be made of the talents of the two great his

CHAPTER VI.

Law against intermarriage of Patricians and Plebeians repealed—Military Tribunes created—Creation of Censors—Their high powers of office—A regular pay assigned to the Army introduces a new balance into the Constitution—Consequences of—Siege of Veii—Romans begin to extend their conquests—Reflections on the state of the Republic at this period—War with the Gauls—Its fabulous aspect—New popular Laws—Institution of the office of Prætor,—of Quæstor—of Ædile—Licinian law limiting property in land

No sooner was tranquillity in some measure reestablished in the city of Rome, than the consuls Valerius and Horatius, at the head of a large army, animated with the spirit of patriotism which the late events had strongly stimulated, marched against the enemy. The Volsci and Æqui sustained a complete defeat; but the senate, jealous, as is said, of the too great popularity of the successful generals, thought proper to refuse them the honors of a triumph. The consuls, indignant at this insult, applied to the people, who unanimously decreed them this reward of their services. Thus the senate most imprudently threw away its privileges; and every day gave some new accession of weight to the scale of the people.

Two powerful barriers which at this time subsisted between the patricians and plebeians, were the law which prevented the intermarriage of these orders, and another ordinance which excluded the plebeians from the consulate and higher offices of the state. It was only necessary to remove these two obstructions, to bring the separate ranks to a perfect equality in every substantial privilege of Roman citizens; and the plebeians were determined to leave no means untried for the accomplishment of this end.

On the occasion of a new war, the ordinary device was practised of refusing to enter the rolls. In this purpose the people were

torians of the Roman republic, Livy and Dionysius of Halicarnassus, in the accounts they have given of that celebrated event, the death of Virginia by the hand of her father, and its important consequences. In Livy, we have a concise, clear, and animated narrative, where no circumstance is superfluous, no observation strained or far-fetched, nor any thing omitted which contributes to the effect of the picture. In Dionysius, we wade through a minute detail of facts, and a laborious legal discussion, resembling the report of a law-process in which every argument is brought forward, and every reflection anticipated, that the mind can form upon the case. It is easy to judge which method of writing is best adapted to historical composition. Vide Liv. lib. iii. c. 31—59 and Dion. Hal., Ant. Rom., lib. xi.

obstinate; and the tribunes proposed, as the only expedient to bring them to compliance, that the law against intermarriage should be repealed; a measure which, they urged, would be equally advantageous for both parties, as it would tend to an union of their interests, and put an end to those perpetual jealousies and contentions which were so ruinous to the republic.

There were three different modes by which marriage could be contracted among the Romans. The marriages of the patricians were celebrated in the presence of ten witnesses, and with a variety of religious ceremonies peculiar to their order. The plebeians married after two different forms: the one was by a species of sale, *emptio venditio*; and the other by the simple cohabitation of the parties for a year, which by law constituted a marriage. Religion, therefore, made a barrier between the patricians and plebeians in this article; and this necessarily constituted the principal objection against the repeal of the law. The senate, however, saw the necessity of some concessions; and they judged that, by granting this request, they would put a stop to any further claims, at least for the present. But they were mistaken. The spirit of encroachment is never allayed by concession. This law was no sooner repealed than the people, with the same obstinacy, refused to enrol themselves till a second law was passed, admitting them to the capacity of holding all the offices of the republic.

No measure could be more galling than this to the pride of the patricians; but the necessity was extreme, as the enemy was at the gates of Rome. The senate sought a palliative to content both parties. It was determined to suspend for a time the office of the consuls, and to create in their place six military tribunes, with a similar extent of power, three of whom should be patricians and three plebeians. This proposal was heartily embraced by the people, who, provided they were admitted to the chief dignity of the state, did not value under what title it was; and the senators, on the other hand, flattered themselves that, having preserved the consulship inviolate, they would soon be able to restore that magistracy. While they were thus soothing themselves with shadowy distinctions, it was very evident that they were daily losing substantial power.

It was customary for those who were candidates for any magistracy to appear in the *Comitia*, clad in white apparel. The plebeians, who aspired to the military tribunate, appeared accordingly in that dress; but as the votes were called by centuries, and the patricians had been at some pains to influence their dependents, it happened that not one of the plebeians was elected. Three months afterward, the military tribunes, as had been preconcerted, resigned their office on pretence of some irregularity in their election. A powerful canvass was now set on foot by the plebeians to make good their pretensions to the new magis-

tracy; but differing in their choice of candidates, and finding it impossible to arrive at an unanimity of sentiment, they consented, rather than yield to each other, that the consulate should, in the meantime, be restored; and these jealousies being artfully kept alive by the patricians, it thus happened that there was no election of military tribunes for several years.

War and domestic dissensions had prevented the consuls from making the usual census or numeration of the people, for a great many years; so that much confusion had arisen in the levying of the taxes, from ignorance of the exact number of the citizens, and the proportion of burdens to be levied from individuals. To remedy this evil, the consuls being now usually too much occupied to make the census regularly every five years, the senate created two new magistrates under the title of *censors*; an office which became afterwards of the highest respectability, and was given only to persons of consular dignity.

The most important privilege of the censors, and which, in fact, rendered their authority formidable to all ranks in the state, was the right they possessed of inspecting the morals, and examining into the conduct of all the citizens. It was in virtue of this high prerogative that, as Livy remarks, they kept in dependence both the senate and people. They possessed a constitutional power of degrading such as had manifested any irregularity of conduct, and depriving them of the rank and office which they held in the state. It was not an authority which extended to the punishment of those ordinary crimes and delicts which fall under the penal laws of a state. But there are offences which, in point of example, are worse than crimes, and more pernicious in their consequences. It is not the breach of express laws that can ever be of general bad effect, or tend to the destruction of a government; but it is that silent and unpunishable corruption of manners, which, undermining private and public virtue, weakens and destroys those springs to which the best ordered constitution owes its support. The counteracting this latent principle of decay was the most useful part of the office of the censors. If any citizen had imprudently contracted large debts; if he had consumed his fortune in extravagance, or in living beyond his income; if he had been negligent in the cultivation of his lands; nay, if, being in good circumstances and able to maintain a family, he had declined, without just cause, to marry,—all these offences attracted the notice of the censors, who had various modes of inflicting a penalty. The most usual, and not the least impressive, was a public denunciation of the offender as an object of disapprobation—*ignominiâ notabant*. It did not amount to a mark of infamy; but punished solely by inflicting the shame of a public reprimand. A penalty, however, of this kind is not fitted to operate on all dispositions, and accordingly the censors had it in their power to employ means more generally effectual. They could degrade a

senator from his dignity and strike his name out of the roll. They could deprive a knight of his rank, by taking from him the horse which was maintained for him at the public expense, and was the essential mark of his station. A citizen might be punished by degrading him from his tribe to an inferior one, or doubling his proportion of the public taxes. These, being arbitrary powers, might have been greatly abused; but on the other hand, it is to be observed, that no decree of the censors was unalterable: it might be suspended, or altogether taken off by a sentence of the ordinary judges, or by a decree of the censors of the succeeding *Lustrum*. Cicero tells us, that Caius Geta, who had been degraded from his rank of senator by the censors, was reinstated in his dignity by their successors, and even made a censor himself; and Livy relates a similar instance of Valerius Messala.

The censorship, from these extensive powers, was accounted the most honorable office of the commonwealth. From the time of the second Punic war, the censors were always chosen from such persons as had held the consulship. After the termination of the republican government, the censorship was exercised by the emperors, and justly regarded as one of the most honorable and important branches of the imperial function.

The dissensions between the orders still continued, with little variety either in the grievances complained of on the part of the people, or in the modes of obtaining or rather compelling a redress of them. The last resource of the plebeians, and which they generally found effectual, was, on the emergency of a war, to refuse to enter the rolls until the senate granted their demands. The latter body now bethought itself of an expedient which it is rather surprising they had not sooner adopted: this was to purchase the service of the army by giving a regular pay to the troops. Hitherto, in all the military enterprises, the citizens enrolled, served upon their own charges. It was a tax incumbent on every Roman to support himself during war, which being alike a burden on every free citizen, was not regarded as a grievance, but as the reasonable price which he paid for his liberty and security. Yet this circumstance necessarily limited the duration of their warlike operations to a very short period; for when the army was embodied, the lands of the poorer citizens, who had no slaves, were entirely neglected. This policy, therefore, was not only ruinous to the people, but repressed all enlargement of the Roman territory, and was an insuperable bar to extensive and permanent conquests.

The senate now resolved to adopt a new system. They ordained that, in future, the foot soldiers should have a regular pay from the public treasury, to defray which burden a tax should be imposed on all the members of the commonwealth in proportion to their means. The people, who did not penetrate the motive of this important measure, but looked only to the im-

mediate advantage it promised in relieving them from what they had always felt a very heavy burden, were fully satisfied with the new arrangement. The tribunes, however, either looking further into consequences, or perhaps jealous of any measure which, promising an harmonious agreement between the orders, diminished their own consequence as magistrates, were at much pains to persuade the people that the bounty of the patricians was always to be suspected, and sought by every means to frustrate the new project. They failed, however, of their purpose. The manifest advantage of the measure prevailed over all opposition. The patricians set the example and began the contribution, fairly paying their contingents according to the value of their estates. The money was seen passing to the treasury in loaded wagons, and the poorer citizens, pleased with the sight, paid their shares with the utmost alacrity, anticipating the return of their money with high profit into their own pockets.*

From this period we shall see the Roman system of war assume a new appearance. The senate henceforward always found soldiers at command: the state was consequently enabled to engage in extensive enterprises, and support long campaigns: every success was more signal and important, because it was maintained and prosecuted; and every conquest was turned to permanent advantage. A most material consequence likewise arose to the constitution of the republic; the senate, by command over the troops, obtained a favorable balance to its otherwise decreasing authority.

One of the first measures which owed its success to this change in the Roman art of war was the siege of Veii, a city at that time equal in extent and population to Rome, and a formidable rival to her power and ascendancy among the states of Italy. A formal siege was a new attempt to the Romans, who had hitherto limited their enterprises to small towns, which they could take by surprise or storm. In their ancient mode of attacking towns, their most refined manœuvre was the *corona*, which was performed by surrounding the place and attacking it at once on every quarter. A city capable of resisting this assault was deemed impregnable. The Romans, who were now in a capacity to form lengthened enterprises, were, from that circumstance, a great overmatch for any of the surrounding states, as well as from the improvement we must suppose the art of war underwent from its now becoming a profession instead of an occasional employment. The dominion of Rome had been hitherto confined to the territory of a few miles around the city: we shall now see how rapid

* We are not informed by any of the ancient writers what pay was allotted to the Roman soldiers at this period; but in the time of Polybius, that is, at the era of the second Punic war, each foot soldier was allowed two *oboli* a day—a centurion double that pay.