

was the extension of her bounds, and the strength acquired by her conquests.

The siege of Veii was prolonged for ten years. An army wintering on the field was a thing till then quite unexampled; and during the whole time of this siege, the tribunes, who suffered no occasion to pass unimproved that promised to excite discord and domestic faction, loudly complained that this intolerable war was nothing else than a conspiracy against liberty; a design to weaken the party of the plebeians, by depriving them of the suffrages of those who were with the army, while the latter, as they hinted, were to be inhumanly sacrificed in order to give the patricians the entire command of the commonwealth. Having full conviction of these designs, the patriotic tribunes felt it their duty to oppose the levying the tax for furnishing the military pay. The army of course soon began to mutiny; and the consequence must have been the abandonment and defeat of the enterprise, had not the patricians found means to soothe them by electing one of their number to the military tribunate. This well-timed sacrifice of a little power taken from the scale of the higher order, quieted the spirit of the opposition, and the campaign was not frustrated of its supplies.

The siege of Veii proceeded, as we have said, very slowly; and during its continuance, Rome was afflicted both by real and by imaginary calamities. A dreadful pestilence broke out; and the books of the Sibyls were consulted, which declared that the only remedy was a *Lectisternium*, a ceremony now performed for the first time. An invitation was given to the chief gods of the Roman state, to partake of a splendid festival prepared for them with uncommon expense. The statues of Jupiter, Apollo, Latona, Diana, Hercules, Mercury, and Neptune, were laid upon three magnificent beds, and for eight days the most sumptuous banquets were presented to these images, which of course were eaten by their priests and partly distributed to the populace. During that time, the gates of the city were open to all strangers; the courts of law were shut, and all litigation suspended; the prisoners were set at liberty, and every citizen kept open tables for all comers. Although, perhaps, this ceremony might owe its origin to superstition alone, it is not impossible that it might actually have been attended with salutary effects. It is well known that in epidemic and contagious diseases, nothing so much predisposes to infection as fear and apprehension. A jubilee of this kind, by exhilarating the spirits of the people, and banishing for a while care and anxiety, might naturally contribute to check the diffusion, and abate the violence of the contagion.

Veii was still blockaded; and as this enterprise greatly engrossed the minds of the public, every thing in that age of superstition was construed into a good or a bad omen. The lake of Alba increased prodigiously, and deputies were sent to inquire what the

gods meant by that extraordinary phenomenon. The deputies brought back word that the conquest of Veii depended on draining the lake, and that particular care should be taken to convey the waters to the sea; (a most wise and salutary advice, in a season of contagious disease.) The work was immediately begun; and that fine canal was cut, which subsists at this day, and conveys the waters of the lake Albano, by *Castel-Gondolfo*, to the sea. This was likewise an instance in which the faith of the people in the veracity of the prediction might have greatly aided its accomplishment. In the present case, however, it is probable that the valor of the besieged Veientes had powerful incitements, and perhaps from a similar improvement of popular prejudices to wise purposes; for Veii continued for a long period of time to baffle every effort of the Roman power. At length, in the tenth year of the siege, Marcus Furius Camillus was chosen dictator, an intrepid and skilful general, who had the honor of finishing this obstinate war, by the taking of the city in the 358th year of Rome, and 391 B. C.

The Romans had but very few laws of a political nature, or such as regulated the form of their governments, or defined the constitutional powers and rights of the distinct orders of the state. It is, therefore, no matter of surprise, to find that perpetual contest between those orders, giving rise to all that series of petty revolutions, which form almost entirely the history of the Roman republic, for the period of above four centuries. During the regal government, the people had, in reality, more genuine liberty, than for some time after its abolition, while the constitution was almost purely aristocratical; for the kings, though they sought to humble the aspiring patricians, were extremely moderate towards the plebeians, who were thus brought very near to a level with the superior order. But under the aristocracy which followed the expulsion of the king, the patricians, who were the governors of the state, made it their principal object to increase and confirm their power, by reducing the plebeians to absolute submission and dependence. Hence, those oppressive measures, which at length produced that stubborn opposition and resistance on the part of the people, which nothing could allay but the concession of creating magistrates from their own order, and giving them a constitutional weight and legal influence in the state. This important step being once surmounted, every subsequent struggle of parties added fresh weight to the popular scale; and there were now two separate bodies in the republic, each eagerly contending for its sovereignty, and studious of every method of humbling and abasing the other.

It cannot be said that the Romans were at this time a free people, for neither of the orders was really so. The patricians were not free, for they were amenable to the popular assemblies; a court where the judges were their jealous rivals and natura-

enemies. Nor could the plebeians be said to enjoy liberty, for they neither enjoyed the security of property nor of person, from the extreme rigor of the laws regarding debtors, in which situation the great mass of the people stood with respect to the richer citizens. Even in the popular assemblies, when the *comitia* were called in the order of the centuries, the people met, only to witness the enactment of laws, which commonly struck against their own liberties; not to mention the right of the senate at any time to nominate a dictator who had absolute authority in the state.

The plebeians, however, under all these disadvantages, were, as we have seen, advancing, step by step, to an equality with the patricians in the enjoyment of all the offices of the commonwealth, which they now very soon obtained. It is easy to discern that this single circumstance—the election of the chief magistrates in the *comitia* held by centuries—formed now the only obstacle to an equality of power between the orders. It may, perhaps, be supposed, that at this period of the commonwealth, when many of the plebeians had acquired considerable wealth, and consequently came to be arranged in the first or higher classes, the number of these rich plebeians would frequently turn the ballance, even in the *comitia centuriata*, in favor of their own order; and so, in fact, it did sometimes happen; but this was not usual: for as the censors had the power of arrangement, they commonly took care that the first classes, though composed in part of wealthy plebeians, should have in them, at least, a considerable majority of patricians, which secured the vote of the whole class.

In order to overcome this manifest disadvantage to their order, the popular magistrates might have followed either of the two different plans. The one, the most difficult of accomplishment, was the procuring the election of the higher magistrates to be made in the *comitia tributa*; the other, in case they failed in that attempt, was to bring about the same order of voting in the *comitia centuriata*, or to make the lot determine which class should take the lead in giving their suffrage. And it has been supposed that they did effect something of this nature; for Livy speaks of the *prerogative class* in the election of the higher magistrates, which was the term used to signify that class in the *comitia tributa*, on which the lot fell to vote first. Livy, however, in this expression, might mean nothing more than to signify that class which, in point of *rank*, was entitled to vote first; so that no conclusive argument can be founded on this indefinite expression he has used.

The siege and conquest of Veii was a presage of the future grandeur of the Roman state. It was impossible for the small, detached, and independent states of Italy to withstand a nation always in arms, whose high ambition and unremitting perseverance were equal to the projecting and accomplishing of any enter-

prise in the way of conquest. It might naturally be supposed, that those smaller states, aware of the great advantage which Rome had gained by her system of professional soldiers, would either imitate her in adopting the same plan, or at least take precaution, by an extensive system of offensive and defensive alliance between themselves, to guard against this formidable and encroaching power; but it does not appear that either of these measures was adopted; and the consequence was, that signal inferiority which was the cause of their progressive, and at length total subjugation to the Roman arms.

The conquest of Veii was succeeded by a war with the Gauls. This formidable people—alone a cause of serious alarm to the Roman power—was a branch of the great ancient nation of the *Celtae*.* They are said to have first entered Italy in the reign of Tarquinius Priscus. They opened to themselves a passage through the Alps, made four different irruptions, and settled themselves in the northern part of the Peninsula, between the Alps and Apennines, from which they had expelled the Etruscans, and built for themselves several cities. They had been settled in this country above 200 years, when, under the command of Brennus, (A. U. c. 362,) they laid siege to Clusium. The Etruscans solicited the aid of the Romans, who sent some deputies in order to mediate a reconciliation; but these deputies, being provoked by the pride of the barbarians, joined themselves to the Etrurian army, and made an attack on the Gauls; a breach of the law of nations, for which Brennus immediately sent to Rome to demand satisfaction. The Romans were not inclined to grant it; but imprudently justified, and even conferred honor on, the offending delegates. The consequence was, that Brennus, raising the siege of Clusium, marched directly to Rome.

There is nothing which tends more to encourage doubts regarding the authenticity of the Roman history at this period, than the circumstances which their writers have recorded of this war with the Gauls. Three years before its commencement, the Roman citizens capable of bearing arms amounted, according to the numeration of the censors, to above 150,000 men. After the first engagement with the Gauls, in which a Roman army amounting to 40,000 was defeated, we find Rome so absolutely defenceless, that the barbarians entered the city without opposition, and massacred the senators in cold blood, who were sitting patiently

* The more ancient Greek writers bestow the name of *Celtae* indifferently on the Gauls and Germans. Others confine that appellation to the natives of Gaul proper; while some authors include under it the Spaniards, countenanced in that notion by the term *Celtiberians*. The name *Celtae*, however, in the Roman writers, seems to be applied exclusively to the inhabitants of Gallia, or that country of which Cæsar, in the beginning of his Commentaries, has accurately described the limits.

waiting for death at the doors of their houses. The Gauls then set fire to the city, which they burned to the ground. About a thousand inhabitants shut themselves up in the capitol, which still held out against the enemy; but this fortress would have been surprised and taken by assault in the night, had not some geese, more wakeful than the sentinels, alarmed the garrison by their screaming, and thus defeated the enemy's escalade. The garrison, however, was soon reduced to extremity from want of provisions, and a capitulation ensued, by which the Romans agreed to purchase a peace for a certain price in solid gold, which the Gauls were weighing out with false weights, when Camillus, with a large army, (how assembled we are left to guess,) most seasonably came to the relief of his country, and engaging the enemy, obtained so complete a victory, that in one day's time there was not a single Gaul remaining within the territory of Rome. Is it not surprising that the sagacious Livy should gravely relate, as a piece of authentic history, such facts as are utterly irreconcilable to common probability?

The destruction of Rome by the Gauls is said to have given rise to a scheme which was eagerly promoted by the tribunes of the people, the removal of the seat of government to Veii. Camillus opposed the measure in an animated oration, which is recorded, or rather composed, by Livy.* But the orator's eloquence would probably have failed of its effect, had not popular superstition contributed to aid his counsels. A centurion, mustering his men in the forum, called out to one of the standard-bearers, "Here fix your banners; here we shall do best to remain."† The omen was received by a general acclamation of the people, and all design of abandoning the city was instantly laid aside.

Rome, desolated and burnt to the ground, seems very speedily to have recovered from her misfortunes; for we find, in a very few years, a renewal of the same intestine disorders, the same jealousies and obstinate contention for power between the patricians and plebeians, which in fact for about two centuries form all that is interesting in the history of the Roman commonwealth.

It is somewhat extraordinary that most of the revolutions of the Roman state should have owed their origin to women. To a woman, Rome owed the abolition of the regal dignity and the establishment of the republic. To a woman, she owed her delivery from the tyranny of the decemviri, and the restoration of the consular government; and to a woman, we shall now see, she owed that change of the constitution by which the plebeians became capable of holding the highest offices of the commonwealth.

Marcus Fabius Ambustus had given one of his daughters in

* Liv. v. 51, &c.

† Signifer, statue signum:—hic manebimus optimè. Liv. v. 55.

marriage to Licinius Stolo, a plebeian, and the other to Servius Sulpitius, a patrician, and at that time one of the military tribunes. One day, when the wife of the plebeian was at her sister's house, the lictor who walked before Sulpitius, on his return from the senate, knocked loudly at the door with the staff of the fasces, to give notice that the magistrate was coming in. This noise, to which the wife of Licinius was not accustomed, threw her into a panic. Her sister laughed at her alarm, and threw out a malicious jest on the inequality of their conditions. A very small matter, says Livy, is sufficient to disturb the quiet of a woman's mind. The younger Fabia took this affront most seriously to heart. She complained to her father, who, to comfort her, promised that he would do his utmost endeavor that her husband should have his lictor as well as her elder sister's. This trifling circumstance is said to have been the cause of the admission of the plebeian order to the consular dignity.

Fabius concerted his plan with his son-in-law Licinius, and with Lucius Sextius, a young, enterprising plebeian. At the next election for the tribunes of the people, Licinius and Sextius had interest to be nominated to that office. One of their first measures was the proposal of three new laws. The first was in favor of debtors, and enacted that there should be an abatement of the principal sums due in proportion to the interest that had been paid on them. The second enacted that no Roman citizen should possess more than five hundred acres of land: and by the third it was proposed to be decreed that the military tribunate should henceforward be abolished, and two consuls elected, the one from the order of the patricians, the other from that of the plebeians.

The patricians, it may be believed, gave the strongest opposition to all these laws. They secured to their interest the colleagues of Sextius and Licinius, and by their *veto* the propositions were thrown out. Sextius, however, was not discouraged, but boldly threatened that he would make the higher order sensible of the power of his *veto* in return. He and his colleague Licinius had the address to be continued in office for five successive years, during all which time they obstinately opposed the election both of military tribunes and of consuls; so that in that period there were no other magistrates than the tribunes of the people and the *ædiles*.

Amidst these disorders, a war broke out with the inhabitants of Velitræ, and soon after with the Gauls. The senate had no other resource but to create a dictator; but that office, from being too frequent, had lost much of its respect and its terrors. Camillus, at the age of eighty, was, for the fifth time, appointed dictator: he was successful in defeating the enemy, but he could not repress the ambitious schemes of the tribunes. These magistrates, at length, by inflexible perseverance, carried their point. They obtained a decree of the people that the military tribunal should

be abolished, and that henceforth one of the consuls should be chosen from the order of the plebeians; and this important decree the senate was forced to confirm. Camillus proposed that there should be a new magistrate created from the patrician order, for the administration of justice; as the consuls, in their function of generals of the republic, had too much occupation to attend to their judicial duties. The people, extremely gratified by the great accession of power and privilege to their order, consented cheerfully to the proposal; and a new magistrate was created with the title of *Prætor*, an officer often mentioned in the Roman laws, and of very high dignity. He was decorated with the robe called the *prætecta*, bordered with purple; he had the *curule*, or ivory chair of state, and he was attended by a guard of six lictors. As the prætorship was formed by conferring on a separate magistrate what had formerly been a branch of the consular office, the patricians, who got this new office annexed to their order, had thus a sort of compensation for the important concession they had made to the people. At first only one magistrate was created with the title of prætor; but afterwards the vast increase of civil causes occasioned the creation of many. In the time of Sylla there were *eight* prætors. Julius Cæsar increased the number to ten, and afterwards to sixteen; and the second triumvirate created no less than sixty-four prætors. After that time, we meet sometimes with twelve, and sometimes sixteen or eighteen prætors; but in the decline of the empire we commonly find no more than three. When the number of the prætors was thus increased, and the *quæstiones*, or trials for crimes were made perpetual, instead of being committed to officers chosen for the occasion, there was one prætor distinguished by the epithet of *urbanus*, who had the cognizance of civil suits, and the others were special judges in particular crimes or offences. The latter were therefore sometimes called *quæsitores*, *quia quærebant de crimine*; the function of the former was simply *jus dicere*, or to judge in civil questions between the citizens. The era of the creation of this new magistracy, and of the admission of the plebeian order to the consulate, was the 386th year from the foundation of Rome. Two new ædiles were at the same time created from the patrician order, with the epithet of *curules* or *majores*; and their office was to take care of the temples, and to preside at the public games and spectacles.

The ambition of the principal plebeians was now satisfied, and the patricians had in return some small gratification by these new offices. It remained now only that the populace should likewise be gratified, and this was done by the Licinian law, which enacted that no Roman citizen should possess above five hundred acres of land, and that the surplus should be distributed at a settled and low rate of price among the poorest of the people. We must conclude that the territory of the republic was at this time very greatly enlarged, when such a regulation was either necessary or practicable.

It might have been expected that these new arrangements would have been attended, at least for some time, with public tranquillity; but this was a situation which the popular magistrates could not endure, for the authority and credit of the tribunes kept pace with the public disorders. These magistrates were at infinite pains to convince the people that, by consenting to the creation of the new offices of Prætor and Ædile, they had lost more power than they had gained by the admission of their order to the consulate. They therefore urged that it would be mean and pusillanimous to stop short in their pretensions till they had obtained an equal right with the patricians to all the dignities of the state, sacerdotal as well as civil.

The dissensions were therefore renewed with the same ardor as ever. A pestilence gave for some time a miserable interval of tranquillity. The priests, to put a stop to this calamity, which threatened to depopulate the city, tried every expedient which policy or superstition could devise. A *Lectisternium* was celebrated, and scenic representations were for the first time introduced at Rome, borrowed, it is said, from Etruria. But all was to no purpose. The plague, however, is recorded to have yielded at last to the ceremony of driving a nail into the temple of Jupiter. This, a French writer* remarks, was curing one contagious disease by another yet more contagious; meaning, no doubt, that the encouragement of superstition is worse than the pestilence—a sentiment which is not happily applied to the case of a rude people, whose superstitious prejudices are the safeguard of their morals, and will be cherished by a wise legislator as an engine of good policy.

The war still continued: the Gauls were ever making new attempts, and almost constantly with bad success. It was found expedient, however, very frequently to resort to the creation of a dictator; and such was the ascendancy which the plebeians had now obtained, that even this supreme and despotic magistrate was sometimes chosen from their order. It might have been foreseen that the privilege of being elected to the consulate necessarily led to this—for it was the province of the *consuls* to name the *dictator*. The plebeians had by this time likewise obtained the *curule* ædileship; they had now nothing more to aspire to than the censorship, the prætorship, and the priesthood. The senate, with great weakness, but at the same time with great obstinacy, were always ready to renew their attempts at every new election to exclude the plebeians. They sometimes succeeded, but they always lost more by this opposition than they gained. They prevailed at one election that both consuls should be chosen from their order; but they could not prevent their rivals from fully indemnifying themselves by the election of a plebeian censor.

* Condillac.