

were warned of the peril, no effectual measures of protection were adopted. The assault was actually made, and the city, for a few hours, was in the hands of the rioters. They were, however, eventually repelled, and all were either slain or subsequently executed. Cincinnatus was again called from the plow and chosen consul by the nobles. But his character appears to have undergone a great change. The death of his son Kæso, by the hands of the commons, exasperated him, and his thirst for vengeance seemed insatiable. Distinctly he declared to the commons that during his consulship no constitution should be accepted granting the plebeians equal rights with the patricians.

The Æquians and the Volscians were now pressing the city, and for a short time this common danger silenced the internal strife. The Sabines joined the allies against Rome, and the fortunes of the commonwealth were at a low ebb; but the tribunes, taking advantage of these perils, gained a very important point in securing henceforth the election of ten instead of five tribunes. The confused and contradictory annals of those days all agree in representing the strife between the people and the nobles as very bitter. The nobles boast of the use they made of the dagger in silencing their enemies; the assemblies of the people were broken up by riotous violence; the commons were ejected from the houses of the nobles, mobbed in their own dwellings; their wives and daughters insulted in the streets both by day and by night. The mansions of the nobles were generally built upon the hills of Rome, and strongly constructed like separate fortresses, which could bid defiance to any sudden attacks. Victims of the malice of the nobles were often secretly seized and concealed in the dungeons of their castles where they miserably perished. At one time nine eminent men who had espoused the cause of the people were burned alive in the circus.

The tribunes now, to secure unanimity in their action as defenders of the popular cause, bound themselves by a solemn

oath that they would never oppose, but would with entire unanimity support the decision of the majority of their number. One of the tribunes, Lucius Icilius, then proposed a law, that the Aventine hill, which was just outside the bounds of the original city, should be allotted to the commons forever, as their exclusive quarter and stronghold. This hill was still public property, not having yet been divided. Some of the nobles had built upon these lands, while other parts were still overgrown with wood. The Aventine hill was one of the steepest and most easily fortified of the hills of Rome, and if placed in the exclusive possession of the commons, would render them as impregnable in their stronghold as were the patricians when entrenched upon the other hills of the metropolis. The tribunes, very prudently, before bringing this measure to the consideration of the commons, where it would be sure to provoke stormy debate, submitted it to the consuls, urging them to present it to the senate, and claiming the privilege of supporting the measure before that patrician body, as counsel, in behalf of the people. The majority of the senate, hoping, it is said, thus to appease the commons and to avoid the execution of the Agrarian law, which required the division of the public lands among the people, voted for the measure. This triumph of the plebeians was deemed an achievement of so much importance, that it was confirmed by the most imposing religious ceremonies, and the law engraved upon a tablet of brass was set up in the temple of Diana on the Aventine hill.

By this law, all of the Aventine hill was allotted to the commons, to be their freehold for ever. The people immediately took possession of their grant, and before the year was closed, the eminence, a large swell of land embracing many acres, was covered with their dwellings.

The patricians now planted themselves firmly against allowing the plebeians any share in the revision of the constitution. For ages this conflict between equality and privilege had been raging, with only such occasional shifting of the

ground as the progress of events introduced. The people pressed the nobles so hard that they were at length compelled to consent that three commissioners should be sent to Greece to collect such information respecting the laws of the Greek states, as might aid them in their new modeling of the government. The return of these commissioners opened the battle anew. But the commons were defeated, and the revision of the constitution was intrusted to ten men, all selected from the patrician order. The commons, however, had the privilege of *choosing* five of these men, though they could only choose from the ranks of the nobles. Such was the termination of a conflict which had agitated Rome for ten years. It conspicuously shows the strength of the aristocratic power, and the slow steps by which the people beat back its encroachments. "The laws of a nation," says Gibbon, "form the most instructive portion of its history." The annals of the past have no teachings more valuable than these conflicts of popular rights against the tyranny of wealth and rank.

The ten patricians empowered to draft a constitution eagerly commenced their work. As aids they had the unwritten laws of their own country, and the information which the commissioners had gleaned in Greece. In the course of a few months the articles they had agreed upon, were inscribed upon ten tablets and set up in a conspicuous place, where all could read them and suggest any amendments. The commissioners listened to the suggestions thus made, adopted such amendments as they approved, and then submitted the constitution to the approval of the patricians as they were represented in the senate, and to the commons assembled in a body called the centuries. Their work was accepted, and the constitution thus ratified was engraved on twelve tablets of brass and set up in the comitium—the hall for all great public gatherings. These tablets remained for centuries the foundation for all Roman law, and were undoubtedly drawn up in a spirit of fairness and wisdom, or they could not have been so generally

acceptable. From the scanty fragments alone which now remain it is impossible to form an intelligent judgment respecting the whole code.

The ten men, or decemvirs as they were called, continued in power for one year and administered the government, with the law of the twelve tables as their guide, to general acceptance. The change in the executive, which the new arrangement introduced, amounted simply to having ten consuls instead of two. And though the plebeians occasionally succeeded in having some of their number elected among the decemvirs, these few plebeian office-holders, through the influences of bribery and flattery, were easily secured to support the measures of the nobles. Thus the patricians were soon again exulting in their ascendancy. Though the decemvirs were chosen annually, they were in all respects kings during their short reign. Each one, whenever he appeared in public, had his twelve lictors to walk before him, bearing the ax and the rods, the emblems of sovereignty. All having bound themselves by an oath to support the measures of the majority, they were shielded effectually from all minority reports.

The patricians now became more and more oppressive and insolent. The young men of that class, haughty and dissolute, revelled in the utmost licentiousness of indulgence, and the wives and the daughters of the plebeians suffered many outrages. An insulting law was enacted prohibiting marriages between the patricians and plebeians. At the close of the second year of the decemvirate, the decemvirs had arrogated so much power that they attempted to perpetuate their reign by refusing to resign their posts, or to make any preparation for the election of successors. The outrages became so intolerable that many of the commons fled from Rome and took refuge among the surrounding nations. At length, a signal outrage roused the people.

There was in Rome a young lady of remarkable beauty, named *Virginia*. She was the daughter of an officer in the

army, of plebeian birth. She was betrothed to the illustrious tribune, Lucius Icilius, who had secured the passage of the law for assigning the Aventine hill to the commons. One of the decemvirs, Appius Claudius, a patrician of very arrogant character, cast his eye upon this lovely maiden, and burned with the desire to possess her. As she was one day passing through the streets, attended by her maid, one of the freedmen of Appius seized her, declaring that she was his slave. Lucius Virginius, the father of the maiden, was then absent with the army engaged in a war against the Sabines.

As the young lady was grasped by the kidnappers, the nurse cried out for help, and a crowd of people were soon gathered in the streets, eager to defend her from wrong. It was a genuine case for the exercise of the fugitive slave law of Rome; and the law must take its course. The freedman dragged the trembling maiden before his former master, the decemvir Appius Claudius, who was to decide the case, in which he himself was the infamous claimant, simply making use of one of his former slaves as his agent. It was contended before this tribunal that the maiden's real mother had been the slave of the freedman, and that the wife of Lucius Virginius having no children, had adopted this child, who being the child of slave parents was the property of another person.

The friends of the maiden plead for a postponement of the trial, urging that her father was absent, engaged in the cause of the commonwealth—that they would send instantly for him, and that in two days he would be in Rome. They, therefore, entreated that she might be restored to her home and friends until the day of trial. "Expose not her fair fame to reproach," they imploringly cried, by placing her person in the possession of a man of whose character nothing is known. But Appius Claudius, eager to get possession of his victim, assuming an air of candor, said:

"The law is just and good, and must be maintained. Now this maiden belongs either to her father or to her master

But as her father is not here, who but her master can have any title to her. Let her, therefore, remain in the hands of him who claims to be her master, till Lucius Virginius arrive. She shall then be brought before my judgment-seat, and her cause impartially tried."

This decision would give Appius Claudius ample time to accomplish his infamous desires. At this stage of the case the uncle of the maiden appeared, and also young Icilius, to whom she was betrothed. They spoke so vehemently against the outrage about to be perpetrated, surrendering the helpless maiden to those who claimed her for purposes well understood, that Claudius was alarmed, apprehensive of a mob, and was compelled slightly to retrace his steps.

"Upon second thought," said he, "in my great regard for the rights of fathers over their children, I will let the cause remain until to-morrow. But if Lucius Virginius, the reputed father, does not then appear, let Icilius and his fellows distinctly understand that I will support the laws, and that fanatic violence shall not prevail over justice."

Thus the unhappy Virginia was saved for the moment, and her friends set off in the greatest haste to summon her father. They were, however, compelled to give heavy security that she should be brought before the tribunal of Appius Claudius the next day. The messenger reached the camp that evening, and the father, half distracted with the news, leaped upon his horse, and was instantly on his way, with the utmost speed, toward Rome. But hardly had the clatter of his horse's hoofs ceased to reverberate through the camp, ere a messenger arrived from Claudius, urging the tribunes, in command of the army, to forbid the departure of Virginius. But it was too late.

In the dawn of the morning Virginius reached his home, and, at a glance, saw the desperate state of affairs. Under the forms of law he was to be robbed of his daughter, and she was to be handed over, as a helpless slave, into the arms of

patrician lust. The Roman matrons gathered around him in sympathy, as with a dejected countenance, and clothed in the mean attire of a supplicant, he led his daughter to the tribunal where aristocratic insolence trampled with contempt upon all popular rights. Earnestly the woe-stricken father plead for his child, while Icilius aided him with that fervid eloquence which love inspired. The matrons, who had followed Virginia to the court room, listened silently and in tears.

But Claudius, fired by passion, and feeling strong in aristocratic power, was deaf to every appeal, and remanded Virginia into the hands of the man who claimed her as his slave. A band of armed patricians, calling themselves the friends of law and order, were present to prevent any rescue by the people, and to enforce the decree. Lucius Virginius, in despair, begged permission of the court to speak one parting word to his child. His request was granted. Approaching the weeping Virginia, as if to impress one last kiss upon her cheek, the noble Roman drew from his bosom a poniard and plunged it into her heart, exclaiming:

“This is the only way, my child, to keep thee free.”

Then turning to Appius Claudius, he brandished the crimsoned weapon, saying, “On thee and on thy head be the curse of this blood.”

Taking advantage of the confusion the scene created, Virginius rushed through the crowd, though Claudius called out loudly to seize him. He effected his escape, and, mounting his horse, rode rapidly to the camp to rouse the soldiers to avenge his wrongs. Icilius, the lover, and Numatoris, the uncle of the maiden, bore her blood-stained body into the streets and exhibited it to the people. Their indignation was roused to the highest pitch. A great tumult was excited, and the infamous Claudius, in disguise, with difficulty escaped with his life. The whole city was in an uproar, the masses of the people making common cause with Virginius. The soldiers, seeing Virginius enter the camp, his dress disordered and

stained with blood, and the gory knife in his hand, listened eagerly to his story. One common feeling of rage inspired their breasts. Grasping their arms and unfurling their banners, they commenced their march toward Rome.

As they entered the city, the populace gathered around them, and the whole united body of soldiers and citizens marched to the Aventine hill, where, in their own proper home, they established their quarters. Here by acclamation they repudiated the whole body of decemvirs, demanding that they should immediately resign their posts, and elected ten tribunes to protect the rights of the people. Another portion of the army, which was under the command of Icilius, hearing the story of this outrage, pursued the same course, and pressing to the Aventine hill, joined their comrades, and also chose ten tribunes, making twenty in all. In the mean time the senate was convened. The twenty tribunes deputed two of their number to confer with the senate. The patricians, alarmed at the triumph which the popular cause was gaining, struggled hard to regain their lost ascendancy.

The patrician decemvirs refused to resign, and the aristocratic senate sustained them in their refusal. The commons, now united as one man, supported by the army, and animated by so holy a cause, finding that nothing was to be done to satisfy them, left a garrison in charge of the Aventine hill, and in military array marched unopposed through the city, and passing out at the Colline gate, again established themselves upon the sacred hill. Men, women, and children followed in this imposing procession, so that Rome was nearly emptied of its populace. The dissolution of the commonwealth was thus threatened; for the city would now fall an easy prey to any foe who should invade it.

The patricians were alarmed and yielded, and the decemvirs resigned. Icilius, frantic with grief at the loss of his betrothed, demanded of the deputation, consisting of Valerius and Horatius, sent by the patricians to the sacred hill, the lives

of the decemvirs. The patricians, to conciliate the commons, had sent two of the friends of popular rights as commissioners.

"These decemvirs," said he, "are public enemies, and we will have them die the death of such. Give them up to us, that they may be burnt with fire."

More moderate counsels, however, soon prevailed. The vengeful demand was withdrawn, and the commons returned to Rome, satisfied with the expulsion of the patrician decemvirs from office. Ten tribunes were now elected from among the commons, and invested with enlarged powers. The form of the old government was essentially again restored, and two magistrates, with the title of consuls, were elected and invested with supreme power. This was a new *title*, for before this time the consuls had been called pretors, or captains-general. Both of these consuls seem to have been elected by general suffrage, and so much strength had the people acquired by their firmness and moderation, that both of their candidates, L. Valerius and M. Horatius, were elected; and thus the government passed into the hands of those who were devoted to the rights of the people, rather than to the ascendancy of the patricians.

A new constitution was now drafted, in which it was attempted to unite the two conflicting orders, and place them on a footing of entire equality. The whole community meeting in one general assembly of plebeians and patricians, were declared to be supreme, and their decree was constitutional law. Still it was the privilege and at the same time the duty of the senate to sanction this decree. The annals, however, of those distant days are so confused that it is impossible to follow a distinct line of narrative. We simply behold through all the intense eagerness of the patricians to maintain their exclusive privileges, and the jealousy with which the commons watched over their own rights, and the firmness with which they endeavored to enforce them. Various measures were adopted

without any apparent intention to break down the distinction between the commons and the nobles, but simply to place the two orders on terms of equality. But the very existence of the two distinct orders, as recognized powers in the state, was the inevitable prelude to eternal warfare. There can never be harmony without the recognition of universal fraternity. Two orders in the state, with a gulf between, necessarily become conflicting forces. Equality of rights is the corner-stone of the gospel of national harmony. The existence of an enslaved class in our own land, comparatively few in numbers as that class is, who are deprived of the rights which their more fortunate brethren enjoy, is the direct or indirect cause of nearly all our national troubles. Even with the new constitution the dishonoring law was permitted to stand which declared the marriage of a plebeian with a patrician to be unlawful—base and unholy amalgamation. The bloodless revolution, however, which had thus taken place in behalf of the people was manifestly very great.

Appius Claudius was now singled out from the rest of the degraded decemvirs and impeached. Powerful in wealth and rank, he gathered a band of armed young nobles around him, and assumed an attitude of defiance. The charge brought against this infamous man shows the spirit of freedom which then nobly glowed in the bosoms of Roman citizens. Claudius was indicted for having—

"In a question of personal freedom assumed that the presumption was in favor of slavery; in having adjudged Virginia to be regarded as a slave till she was proved free, instead of regarding her as entitled to her freedom till she was proved a slave."

The guilty decemvir was thrown into jail to await his trial. The facts were known to all, and an outraged community demanded his punishment. There was no escape, and the wretched man anticipated justice by committing suicide.*

* Such is the account Livy gives, iii. 58. Dionysius, however, states, xi

Spurius Oppius also, one of the colleagues of Claudius in the decemvirate, underwent a similar fate. His tyranny had been insupportable. In a freak of passion, without any extenuating cause, he had ordered an old and distinguished soldier to be cruelly scourged. The other decemvirs, intimidated by this severity, fled from Rome, losing all their property by confiscation.

The patricians were now prostrate, and the good-natured people began to pity them. This animated the hopes of the patricians, and assisted by those of the people who favored their cause, they renewed the struggle which had already continued through many ages. The aristocracy again developed unanticipated strength, and took a firm stand in the attempt to prevent the new constitution from going into effect. The commons retaliated by saying:

"If you patricians will not have the constitution, we will at least keep matters as they now are. We have two consuls whom we can implicitly trust. We have ten true and zealous tribunes, the leaders of our late glorious deliverance. We will retain these, and then the patricians can gain but little by their opposition."

46, that it was the general opinion that Claudius was assassinated in prison by order of the tribunes.

CHAPTER III.

CONFLICTS AT HOME AND WARS ABROAD.

FROM 433 B. C. TO 318 B. C.

POWER OF AN ARISTOCRACY.—DEMANDS OF THE PLEBEIANS.—STRUGGLE OF THE PATRICIANS AGAINST POPULAR RIGHTS.—THE OFFICE OF CENSOR.—ITS DESPOTISM.—INVASION OF THE GAULS.—DEFEAT OF THE ROMAN ARMY.—SACK OF ROME.—SIEGE OF THE CAPITOL.—TERMS OF PEACE.—MANLIUS.—HIS PHILANTHROPY AND CONDEMNATION.—DESPOTISM OF CAMILLUS.—CONQUEST OF THE PRIVERNATIANS.—WAR WITH THE SAMNITES.—DISASTER AT THE CAUDINE FORKS.—MAGNANIMITY OF PONTIUS.—CHARACTERISTIC ROMAN PRIDE AND HEROISM.

THE inherent strength of an aristocracy, so long as it retains any of its pristine vigor, is ever found to be one of the most formidable instruments of government, and one of the most impregnable barriers to the advance of popular enlightenment. The sagacious few can only hold the many in subjection by keeping them in ignorance. One man, who has clear vision, can easily dominate over an hundred, if he can but succeed in plucking out their eyes. By skill and cunning the patricians succeeded in placing their own men in the consulate, and in setting aside the popular constitution. Affairs speedily returned to their old state, and the two orders of patricians and plebeians were rendered more distinct and antagonistic than ever before. The plebeians were again exposed to violence and insult. Haughty and dissolute young nobles, organized in clubs, supported one another in their outrages. The commons complained bitterly, but they found no man adequate to act as their leader in breasting the encroachments of a powerful aristocracy. The patricians ever rallied with entire unanimity in support of the assumptions of their party, and so great was the strength of unity of action, the