

Livy, History of Rome (From the Founding of the City)

Introduction for the Reading

The Roman historian Titus Livius, known as Livy, was born in the wealthy city of Patavium (modern Padua), in northern Italy in 64 or 59 BCE. Livy lived until 12 or 17 CE. The history of Rome that he wrote started at the very beginning with Aeneas' escape from Troy (right after the Trojan War) and went all the way to the rule of Augustus in Livy's own lifetime. Livy was about 10 years old when the Civil War between Caesar and Pompey broke out, and he was in his 30s when Augustus transformed Rome from a Republic to an Empire. Livy's whole text had 142 books, of which 35 have survived.

This action-packed section from Book 3 of Livy's *History of Rome* tells about the outrageous behavior of a 'patrician' (an aristocrat) named Appius in 451 BCE. Appius' behavior provokes a reaction from the common people (known collectively as the *plebs*) that ends up changing the form of government. Important details include:

- Appius Claudius, a man of patrician, senatorial rank, does something outrageous to Verginia, the daughter of Verginius, a member of the plebs (Verginius himself was a prominent military leader, but for family heritage reasons was a member of the plebs).
- Verginius takes outrageous actions of his own in response.
- These events play out against a larger background of dispute about the roles of patricians (elite) and plebs (non-elite) in making and enforcing laws. A patrician commission of ten men (Latin name: *decemviri*) had been making harsh policies. The plebs objected forcefully, and eventually an office of Tribune of the Plebs was established to represent their interests.
- One other result of the Verginia episode was the public posting of Rome's written laws, which were called the Twelve Tables (Tables here means 'tablets' on which the laws were posted).

Livy, History of Rome 3.44-58

44. This [episode in which the decemviri plotted the murder of Siccius, a military commander who had been encouraging resistance to the decemviri] was followed by a second atrocity, the result of brutal lust, which occurred in the City and led to consequences no less tragic than the outrage and death of Lucretia, which had brought about the expulsion of Tarquinius Superbus. Not only was the end of the decemvirs the same as that of the kings, but the cause of their losing their power was the same in each case. [2] Appius Claudius had conceived a guilty passion for a girl of plebeian birth. The girl's father, L. Verginius, held a high rank in the army on Algidus; he was a man of exemplary character both at home and in the field. [3] His wife had been brought up on equally high principles, and their children were being brought up in the same way. He had betrothed his daughter to Lucius Icilius, who had been tribune, an active and energetic man whose courage had been proved in his battles for the plebs. [4] This girl, now in the bloom of her youth and beauty, excited Appius' passions, and he tried to prevail on her by presents and promises. When he found that her virtue was proof against all temptation, he had recourse to unscrupulous and brutal violence. [5] He commissioned a client, Marcus Claudius, to claim the

girl as his slave, and to bar any claim on the part of her friends to retain possession of her till the case was tried, as he thought that the father's absence afforded a good opportunity for this illegal action. [in Roman law at this time the person was presumed to be free until the claim of slavery was proved in court] [6] As the girl was going to her school in the Forum —the grammar schools were held in booths there —the decemvir's pander [*minister libidinis*, literally 'assistant of lust'] laid his hand upon her, declaring that she was the daughter of a slave of his, and a slave herself. [7] He then ordered her to follow him, and threatened, if she hesitated, to carry her off by force. While the girl was stupefied with terror, her maid's shrieks, invoking 'the protection of the Quirites,' [= assemblymen of Rome, citizens, supposedly from the roots *co+vir* men together] drew a crowd together. The names of her father Verginius and her betrothed lover, Icilius, were held in universal respect. [8] Regard for them brought their friends, feelings of indignation brought the crowd to the maiden's support. She was now safe from violence; the man who claimed her said that he was proceeding according to law, not by violence, there was no need for any excited gathering. [9] He summoned the girl into court. Her supporters advised her to follow him; they came before the tribunal of Appius. The claimant repeated a story already perfectly familiar to the judge as he was the author of the plot, how the girl had been born in his house, stolen from there, transferred to the house of Verginius and fathered on him; [10] these allegations would be supported by definite evidence, and he would prove them to the satisfaction of Verginius himself, who was really most concerned, as an injury had been done to him. Meanwhile, he urged, it was only right that a slave girl should follow her master. [11] The girl's advocates contended that Verginius was absent on the service of the State, he would be present in two days' time if information were sent to him, and it was contrary to equity that in his absence he should incur risk with regard to his children. [12] They demanded that he should adjourn the whole of the proceedings till the father's arrival, and in accordance with the law which he himself had enacted, grant the custody of the girl to those who asserted her freedom, and not suffer a maiden of ripe age to incur danger to her reputation before her liberty was put in danger.

45. Before giving judgment, Appius showed how liberty was upheld by that very law to which the friends of Verginia had appealed in support of their demand. [2] But, he went on to say, it guaranteed liberty only so far as its provisions were strictly adhered to as regarded both persons and cases. For where personal freedom is the matter of claim, that provision holds good, because any one can lawfully plead, but in the case of one who is still in her father's power, there is none but her father to whom her master need renounce possession. [3] His decision, therefore, was that the father should be summoned, and in the meanwhile the man who claimed her should not forego his right to take the girl and give security to produce her on the arrival of her reputed father. [i.e. the person who claimed she was a slave could take custody of her until her father returned] [4] The injustice of this sentence called forth many murmurs, but no one ventured on open protest, until P. Numitorius, the girl's grandfather, and Icilius, her betrothed, appeared on the scene. [5] The intervention of Icilius seemed to offer the best chance of stopping Appius, and the crowd made way for Icilius. The lictor said that judgment had been given, and as Icilius continued loudly protesting the lictor attempted to remove him. [6] Such rank injustice would have fired even a gentle temper. Icilius exclaimed, 'I am, at your orders, Appius, to be removed at the point of the sword, that you may stifle all comment on what you want to keep concealed. [7] I am going to marry this maiden, and I am determined to have a chaste wife. Summon all the lictors of all your colleagues, give orders for their axes and rods to be in readiness —the

betrothed of Icilius shall not remain outside her father's house. [8] Even if you have deprived us of the two pillars of our liberty —the aid of our tribunes and the right of appeal to the Roman plebs —that has given you no right to our wives and children, the victims of your lust. [9] Vent your cruelty upon our backs and necks; let female honour at least be safe. If violence is offered to this girl, I shall invoke the aid of the Quirites here for my betrothed, Verginius that of the soldiers for his only daughter; [10] we shall all invoke the aid of gods and men, and you shall not carry out that judgment except at the cost of our lives. [11] Reflect, Appius, I demand of you, whither you are going! When Verginius has come, he must decide what action to take about his daughter; if he submits to this man's claim, he must look out another husband for her. Meantime I will vindicate her liberty at the price of my life, sooner than sacrifice my honour.'

46. The people were excited and a conflict appeared imminent. [2] The lictors had closed round Icilius, but matters had not got beyond threats on both sides when Appius declared that it was not the defence of Verginia that was Icilius' main object; a restless intriguer, even yet breathing the spirit of the tribuneship, was looking out for a chance of creating sedition. [3] He would not, however, afford him material for it that day, but that he might allow that it was not to his insolence that he was making a concession, but to the absent Verginius, to the name of father, and to liberty, he would not adjudicate on that day, or issue any decree. He would ask M. Claudius to forego his right, and allow the girl to be in the custody of her friends till the next day. [4] If the father did not then appear, he warned Icilius and men of his stamp that neither as legislator would he be disloyal to his own law, nor as decemvir would he lack firmness to execute it. He certainly would not call upon the lictors of his colleagues to repress the ringleaders of sedition, he should be content with his own. [5] The time for perpetrating this illegality was thus postponed, and after the girl's supporters had withdrawn, it was decided as the very first thing to be done that the brother of Icilius and one of Numitor's sons, both active youths, should make their way straight to the gate and summon Verginius from the camp with all possible speed. [6] They knew that the girl's safety turned upon her protector against lawlessness being present in time. They started on their mission, and riding at full speed brought the news to the father. [7] While the claimant of the girl was pressing Icilius to enter his plea and name his sureties, and Icilius kept asserting that this very thing was being arranged, purposely spinning out the time to allow of his messengers getting first to the camp, the crowd everywhere held up their hands to show that every one of them was ready to be security for him. [8] With tears in his eyes, he said, 'It is most kind of you. To-morrow I may need your help, now I have sufficient securities.' So Verginia was released on bail on the security of her relatives.

[9] Appius remained for some time on the bench, to avoid the appearance of having taken his seat for that one case only. When he found that owing to the universal interest in this one case no other suitors appeared, he withdrew to his home and wrote to his colleagues in camp not to grant leave of absence to Verginius, and actually to keep him under arrest. [10] This wicked advice came too late, as it deserved to do; Verginius had already obtained leave, and started in the first watch. The letter ordering his detention was delivered the next morning, and was therefore useless.

47. In Rome, the citizens were standing in the Forum in the early dawn, on the tiptoe of expectation. Verginius, in mourning garb, brought his daughter, similarly attired, and

accompanied by a number of matrons, into the Forum. An immense body of sympathisers stood round him. [2] He went amongst the people, took them by the hand and appealed to them to help him, not out of compassion only but because they owed it to him; he was at the front day by day, in defence of their children and their wives; of no man could they recount more numerous deeds of endurance and of daring than of him. What good was it all, he asked, if while the City was safe, their children were exposed to what would be their worst fate if it were actually captured? Men gathered round him, whilst he spoke as though he were addressing the Assembly. [3] Icilius followed in the same strain. The women who accompanied him made a profounder impression by their silent weeping than any words could have made.

[4] Unmoved by all this —it was really madness rather than love that had clouded his judgment —Appius mounted the tribunal. The claimant began by a brief protest against the proceedings of the previous day; judgment, he said, had not been given owing to the partiality of the judge. But before he could proceed with his claim or any opportunity was given to Verginius of replying, Appius intervened. [5] It is possible that the ancient writers may have correctly stated some ground which he alleged for his decision, but I do not find one anywhere that would justify such an iniquitous decision. The one thing which can be propounded as being generally admitted is the judgment itself. [6] His decision was that the girl was a slave.

At first all were stupefied with amazement at this atrocity, and for a few moments there was a dead silence. [7] Then, as Marcus Claudius approached the matrons standing round the girl, to seize her amidst their outcries and tears, Verginius, pointing with outstretched arm to Appius, cried, 'It is to Icilius and not to you, Appius, that I have betrothed my daughter; I have brought her up for wedlock, not for outrage. Are you determined to satisfy your brutal lusts like cattle and wild beasts? Whether these people will put up with this, I know not, but I hope that those who possess arms will refuse to do so.' [8] While the man who claimed the maiden was being pushed back by the group of women and her supporters who stood round, the crier called for silence.

48. The decemvir Appius, utterly abandoned to his passion, addressed the crowd and told them that he had ascertained not only through the insolent abuse of Icilius on the previous day and the violent behaviour of Verginius, which the Roman people could testify to, but mainly from certain definite information received, that all through the night meetings had been held in the City to organize a seditious movement. [2] Forewarned of the likelihood of disturbances, he had come down into the Forum with an armed escort, not to injure peaceable citizens, but to uphold the authority of the government by putting down the disturbers of public tranquillity. [3] 'It will therefore,' he proceeded, 'be better for you to keep quiet. Go, lictor, remove the crowd and clear a way for the master to take possession of his slave.' When, in a transport of rage, he had thundered out these words, the people fell back and left the deserted girl a prey to injustice.

[4] Verginius, seeing no prospect of help anywhere, turned to the tribunal. 'Pardon me, Appius, I pray you, if I have spoken disrespectfully to you, pardon a father's grief. Allow me to question the nurse here, in the maiden's presence, as to what are the real facts of the case, that if I have been falsely called her father, I may leave her with the greater resignation.' [5] Permission being granted, he took the girl and her nurse aside to the booths near the temple of Venus Cloacina

now known as the 'New Booths,' and there, snatching up a butcher's knife, he plunged it into her breast, saying, 'In this the only way in which I can, I vindicate, my child, thy freedom.' Then, looking towards the tribunal, 'By this blood, Appius, I devote thy head to the infernal gods.' [6] Alarmed at the outcry which arose at this terrible deed, Appius the decemvir ordered Verginius to be arrested. Brandishing the knife, he cleared the way before him, until, protected by a crowd of sympathisers, he reached the city gate. [7] Icilius and Numitorius took up the lifeless body and showed it to the people; they deplored the villainy of Appius, the ill-starred beauty of the girl, the terrible compulsion under which the father had acted. [8] The matrons, who followed with angry cries, asked, 'Was this the condition on which they were to rear children, was this the reward of modesty and purity?' with other manifestations of that womanly grief, which, owing to their keener sensibility, is more demonstrative, and so expresses itself in more moving and pitiful fashion. [9] The men, and especially Icilius, talked of nothing but the abolition of the power of the tribune of the plebs and the right of appeal and loudly expressed their indignation at the condition of public affairs.

49. The people were excited partly by the atrocity of the deed, partly by the opportunity now offered of recovering their liberties. [2] Appius first ordered Icilius to be summoned before him, then, on his refusal to come, to be arrested. As the lictors were not able to get near him, Appius himself with a body of young patricians forced his way through the crowd and ordered him to be taken to prison. [3] By this time Icilius was not only surrounded by the people, but the people's leaders were there —Lucius Valerius and Marcus Horatius. They drove back the lictors and said, if they were going to proceed by law, they would undertake the defence of Icilius against one who was only a private citizen, but if they were going to attempt force, they would be no unequal match for him. [4] A furious scuffle began; the decemvir's lictors attacked Valerius and Horatius; their 'fasces' [clubs made of sticks tied together] were broken up by the people; Appius mounted the platform, Horatius and Valerius followed him; the Assembly listened to them, Appius was shouted down. [5] Valerius, assuming the tone of authority, ordered the lictors to cease attendance on one who held no official position; on which Appius, thoroughly cowed, and fearing for his life, muffled his head with his toga and retreated into a house near the Forum, without his adversaries perceiving his flight. [6] Spurius Oppius burst into the Forum from the other side to support his colleague, and saw that their authority was overcome by main force. Uncertain what to do and distracted by the conflicting advice given him on all sides, he gave orders for the senate to be summoned. [7] As a great number of the senators were thought to disapprove of the conduct of the decemvirs, the people hoped that their power would be put an end to through the action of the senate, and consequently became quiet. [8] The senate decided that nothing should be done to irritate the plebs, and, what was of much more importance, that every precaution should be taken to prevent the arrival of Verginius from creating a commotion in the army.

50. Accordingly, some of the younger senators were sent to the camp, which was then on Mount Vecilius. They informed the three decemvirs who were in command that by every possible means they [2] were to prevent the soldiers from mutinying. Verginius caused a greater commotion in the camp than the one [3] he had left behind in the City. The sight of his arrival with a body of nearly 400 men from the City, who, fired with indignation, had enlisted themselves as his comrades, still more the weapon still clenched in his hand and his blood-

besprinkled clothes, attracted the attention of the whole camp. The civilian garb seen in all directions in the camp made the number of the citizens who had [4] accompanied him seem greater than it was.

Questioned as to what had happened, Verginius for a long time could not speak for weeping; at length when those who had run up stood quietly round him and there was silence, he explained [5] everything in order just as it happened. Then lifting up his hands to heaven he appealed to them as his fellow-soldiers and implored them not to attribute to him what was really the crime of Appius, nor to look upon him with [6] abhorrence as the murderer of his children. His daughter's life was dearer to him than his own, had she been allowed to live in liberty and purity; when he saw her dragged off as a slave-girl to be outraged, he thought it better to lose [7] his child by death than by dishonour. It was through compassion for her that he had fallen into what looked like cruelty, nor would he have survived her had he not entertained the hope of avenging her death by the aid of his fellow-soldiers. For they, too, had daughters and sisters and wives; the lust of Appius was not quenched with his daughter's life, nay rather, the more impunity it met [8] with the more unbridled would it be. Through the sufferings of another they had received a warning how to guard themselves against a like wrong. As for him, his wife had been snatched from him by Fate, his daughter, because she could no longer live in chastity, had [9] met a piteous but an honourable death. There was no longer in his house any opportunity for Appius to gratify his lust, from any other violence on that man's part he would defend himself with the same resolution with which he had defended his child; others must look out for themselves and for their children.

[10] To this impassioned appeal of Verginius the crowd replied with a shout that they would not fail him in his grief or in the defence of his liberty. The civilians mingling in the throng of soldiers told the same tragic story, and how much more shocking this incident was to behold than to hear about; at the same time they announced that affairs were in fatal confusion at Rome and that some had followed them into camp with the tidings that Appius after [11] being almost killed had gone into exile. The result was a general call to arms, they plucked [12] up the standards and started for Rome. The decemvirs, thoroughly alarmed at what they saw and at what they heard of the state of things in Rome, went to different parts of the camp to try and allay the excitement. Where they tried persuasion no answer was returned, but where they attempted to exercise authority, the reply was, 'We are men and have arms.'

[13] They marched in military order to the City and occupied the Aventine [one of the hills of Rome, the one most associated with the activities of the plebs]. Every one whom they met was urged to recover the liberties of the plebs and appoint tribunes; apart from this no appeals to violence were heard.

The meeting of the [14] senate was presided over by Spurius Oppius. They decided not to adopt any harsh measures, as it was through their own lack [15] of energy that the sedition had arisen. Three envoys of consular rank were sent to the army to demand in the name of the senate by whose orders they had abandoned their camp, and what they meant by occupying the Aventine in arms, and diverting the war from foreign foes to their own country, [16] which they had taken forcible possession of. They were at no loss for an answer, but they were at a loss for some one to give it, since they had as yet no regular leader, all individual officers did not venture to expose

themselves to the dangers of such a position. The only reply was a loud and general demand that L. Valerius and M. Horatius should be sent to them, to these men they would give a formal reply.

51. After the envoys were dismissed, Verginius pointed out to the soldiers that they had a few moments ago felt themselves embarrassed in a matter of no great importance, because they were a multitude without a head, and the answer they had given, though it served their turn was the outcome [2??] rather of the general feeling at the time than of any settled purpose. [3] He was of opinion that ten men should be chosen to hold supreme command, and by virtue of their military rank should be called tribunes of the soldiers. [4] He himself was the first to whom this distinction was offered, but he replied, ‘Reserve the opinion you have formed of me till both you and I are in more favourable circumstances; so long as my daughter is unavenged no honour can give me pleasure, nor in the present disturbed state of the commonwealth is it any advantage for those men to be at your head who are most obnoxious to party malice. [5] If [6??] I am to be of any use, I shall be none the less so in a private capacity.’ [7] Ten military tribunes, accordingly, were appointed.

The army acting against the Sabines did not remain passive. There, too, at the instigation of Icilius and Numitorius, a revolt against the decemvirs took place. The feelings of the soldiery were roused by the recollection of the murdered Siccius no less than by the fresh story of the maiden whom it had been sought to make a victim of foul lust. [8] When Icilius heard that tribunes of the soldiers had been elected on the Aventine, he anticipated from what he knew of the plebs that [9??] when they came to elect their tribunes they would follow the lead of the army and choose those who were already elected as military tribunes. [10] As he was looking to a tribuneship himself, he took care to get the same number appointed and invested with similar powers by his own men, before they entered the City. They made their entry through the Colline gate in military order, with standards displayed, and proceeded through the heart of the City to the Aventine. [11] There the two armies united, and the twenty military tribunes were requested to appoint two of their number to take the supreme direction of affairs. They appointed Marcus Oppius and Sextus Manlius.

[12] Alarmed at the direction affairs were taking, the senate held daily meetings, but the time was spent in mutual reproaches rather than in deliberation. The decemvirs were openly charged with the murder of Siccius, the profligacy of Appius, and the disgrace incurred in the field. It was proposed that Valerius and Horatius should go to the Aventine, but they refused to go unless the decemvirs gave up the insignia of an office which had expired the previous year. [13] The decemvirs protested against this attempt to coerce them, and said that they would not lay down their authority until the laws which they were appointed to draw up were duly enacted.

52. Marcus Duillius, a former tribune, informed the plebs that, owing to incessant wranglings, no business was being transacted in the senate. [2] He did not believe that the senators would trouble about them till they saw the City deserted; the Sacred Hill would remind them of the firm determination once shown by the plebs, and they would learn that unless the tribunitian power was restored there could be no concord in the State. [3] The armies left the Aventine and, going

out by the Nomentan —or, as it was then called, the Ficulian —road, they encamped on the Sacred Hill, imitating the moderation of their fathers by abstaining from all injury. [4] The plebeian civilians followed the army, no one whose age allowed him to go hung back. Their wives and children followed them, asking in piteous tones, to whom would they leave them in a City where neither modesty nor liberty were respected? [5] The unwonted solitude gave a dreary and deserted look to every part of Rome; in the Forum there were only a few of the older patricians, and when the senate was in session it was wholly deserted. Many besides Horatius and Valerius were now angrily asking, ‘What are you waiting for, senators? [6] If the decemvirs do not lay aside their obstinacy, will you allow everything to go to wrack and ruin? And what, pray, is that authority, decemvirs, to which you cling so closely? Are you going to administer justice to walls and roofs? Are you not ashamed to see a greater number of lictors in the Forum than of all other citizens put together? [7] What will you do if the enemy approach the City? What if the plebs seeing that their secession has no effect, come shortly against us in arms? Do you want to end your power by the fall of the City? [8] Either you will have to do without the plebeians or you will have to accept their tribunes; sooner than they will go without their magistrates, we shall have to go without ours. [9] That power which they wrested from our fathers, when it was an untried novelty, they will not submit to be deprived of, now that they have tasted the sweets of it, especially as we are not making that moderate use of our power which would prevent their needing its protection.’ [10] Remonstrances like these came from all parts of the House; at last the decemvirs, overborne by the unanimous opposition, asserted that since it was the general wish, they would submit to the authority of the senate. [11] All they asked for was that they might be protected against the popular rage; they warned the senate against the plebs becoming by their death habituated to inflicting punishment on the patricians.

53. Valerius and Horatius were then sent to the plebs with terms which it was thought would lead to their return and the adjustment of all differences; they were also instructed to procure guarantees for the protection of the decemvirs against popular violence. [2] They were welcomed in the camp with every expression of delight, for they were unquestionably regarded as liberators from the commencement of the disturbance to its close. Thanks therefore were offered to them on their arrival. Icilius was the spokesman. [3] A policy had been agreed upon before the arrival of the envoys, so when the discussion of the terms commenced, and the envoys asked what the demands of the plebs were, Icilius put forward proposals of such a nature as to show clearly that their hopes lay in the justice of their cause rather than in an appeal to arms. [4] They demanded the re-establishment of the tribunitian power and the right of appeal, which before the institution of decemvirs had been their main security. They also demanded an amnesty for those who had incited the soldiers or the plebs to recover their liberties by a secession. [5] The only vindictive demand made was with reference to the punishment of the decemvirs. [6] They insisted, as an act of justice, that they should be surrendered, and they threatened to burn them alive. The envoys replied to these demands as follows: ‘The demands you have put forward as the result of your deliberations are so equitable that they would have been voluntarily conceded, for you ask for them as the safeguards of your liberties, not as giving you license to attack others. [7] Your feelings of resentment are to be excused rather than indulged; for it is through hatred of cruelty that you are actually hurrying into cruelty, and almost before you are free yourselves you want to act the tyrant over your adversaries. [8] Is our State never to enjoy any respite from punishments inflicted either by the patricians on the Roman plebs, or by the plebs on the patricians? [9] You need the shield rather than the sword. He is humble enough who lives in the State under equal

laws, neither inflicting nor suffering injury. [10] Even if the time should come when you will make yourselves formidable, when, after recovering your magistrates and your laws, you will have judicial power over our lives and property—even then you will decide each case on its merits, it is enough now that your liberties are won back.’

54. Permission having been unanimously granted them to do as they thought best, the envoys announced that they would return shortly after matters were arranged. [2] When they laid the demands of the plebs before the senate, the other decemvirs, on finding that no mention was made of inflicting punishment on them, raised no objection whatever. [3] The stern Appius, who was detested most of all, measuring the hatred of others towards him by his hatred towards them, said, ‘I am quite aware of the fate that is hanging over me. [4] I see that the struggle against us is only postponed till our weapons are handed over to our opponents. Their rage must be appeased with blood. Still, even I do not hesitate to lay down my decemvirate.’ [5] A decree was passed for the decemvirs to resign office as soon as possible, Quintus Furius, the Pontifex Maximus, to appoint tribunes of the plebs, and an amnesty to be granted for the secession of the soldiers and the plebs.

[6] After these decrees were passed, the senate broke up, and the decemvirs proceeded to the Assembly and formally laid down their office, to the immense delight of all. [7] This was reported to the plebs on the Sacred Hill. The envoys who carried the intelligence were followed by everybody who was left in the City; this mass of people was met by another rejoicing multitude who issued from the camp. [8] They exchanged mutual congratulations on the restoration of liberty and concord. The envoys, addressing the multitude as an Assembly, said, ‘Prosperity, fortune, and happiness to you and to the State! Return to your fatherland, your homes, your wives, and your children! But carry into the City the same self-control which you have exhibited here, where no man's land has been damaged, notwithstanding the need of so many things necessary for so large a multitude. [9] Go to the Aventine, whence you came; there, on the auspicious spot where you laid the beginnings of your liberty, you will appoint your tribunes; the Pontifex Maximus will be present to hold the election.’ [10] Great was the delight and eagerness with which they applauded everything. They plucked up the standards and started for Rome, outdoing those they met in their expressions of joy. Marching under arms through the City in silence, they reached the Aventine. [11] There the Pontifex Maximus at once proceeded to hold the election for tribunes. The first to be elected was L. Verginius; next, the organisers of the secession, L. Icilius and. [12] P. Numitorius, the uncle of Verginius; then, C. Sicinius, the son of the man who is recorded as the first to be elected of the tribunes on the Sacred Hill, and M. Duillius, who had filled that office with distinction before the appointment of the decemvirs, and through all the struggles with them had never failed to support the plebs. [13] After these came M. Titinius, M. Pomponius, C. Apronius, Appius Villius, and Caius Oppius, all of whom were elected rather in hope of their future usefulness than for any services actually rendered.

[14] When he had entered on his tribuneship L. Icilius at once proposed a resolution which the plebs accepted, that no one should suffer for the secession. [15] Marcus Duillius immediately carried a measure for the election of consuls and the right to appeal from them to the people. All these measures were passed in a council of the plebs which was held in the Flaminian Meadows, now called the Circus Flaminius.

55. The election of consuls took place under the presidency of an ‘interrex.’ Those elected were L. Valerius and M. Horatius, and they at once assumed office. [2] Their consulship was a popular one, and inflicted no injustice upon the patricians, though they regarded it with suspicion, for whatever was done to safeguard the liberties of the plebs they looked upon as an infringement of their own powers.

[3] First of all, as it was a doubtful legal point whether the patricians were bound by the ordinances of the plebs, they carried a law in the Assembly of Centuries that what the plebs had passed in their Tribes should be binding on the whole people. [4] By this law a very effective weapon was placed in the hands of the tribunes. Then another consular law, confirming the right of appeal, as the one defence of liberty, which had been annulled by the decemvirs, was not only restored but strengthened for the future by a fresh enactment. [5] This forbade the appointment of any magistrate from whom there was no right of appeal, and provided that any one who did so appoint might be rightly and lawfully put to death, nor should the man who put him to death be held guilty of murder.

[6] When they had sufficiently strengthened the plebs by the right of appeal on the one hand and the protection afforded by the tribunes on the other, they proceeded to secure the personal inviolability of the tribunes themselves [that is, they establish a penalty for violent attacks on tribunes]. [7] The memory of this had almost perished, so they renewed it with certain sacred rites revived from a distant past, and in addition to securing their inviolability by the sanctions of religion, they enacted a law that whoever offered violence to the magistrates of the plebs, whether tribunes, aediles, or decemviral judges, his person should [8??] be executed by being sacrificed to Jupiter, his possessions sold and the proceeds assigned to the temple of Ceres, Liber, and Libera, Jurists say that by this law no one was actually ‘sacrosanct,’ but that when injury was offered to any of those mentioned above the offender was ‘sacer’ [set aside for the gods to deal with]. [9] If an aedile, therefore, were arrested and sent to prison by superior magistrates, though this could not be done by law—for by this law it would not be lawful for him to be injured—yet [10] it is a proof that an aedile is not held to be ‘sacrosanct’ whereas the tribunes of the plebs were ‘sacrosanct’ by the ancient oath taken by the plebeians when that office was first created. [11] There were some who interpreted the law as including even the consuls in its provisions, and the praetors, because they were elected under the same auspices as the consuls, for a consul was called a ‘judge.’ [12] This interpretation is refuted by the fact that in those times it was the custom for a judge to be called not ‘consul’ but ‘praetor.’

[13] These were the laws enacted by the consuls. They ordered that the decrees of the senate, which used formerly to be suppressed and tampered with at the pleasure of the consuls should henceforth be taken to the aediles at the temple of Ceres [on the Aventine, in a district strongly associated with the plebs]. [14] Marcus Duillius, the tribune, then proposed a resolution which the plebs adopted, that any one who should leave the plebs without tribunes, or who should create a magistrate from whom there was no appeal; should be scourged and beheaded. [15] All these transactions were distasteful to the patricians, but they did not actively oppose them, as none of them had yet been marked out for vindictive proceedings.

56. The power of the tribunes and the liberties of the plebs were now on a secure basis. The next step was taken by the tribunes, who thought the time had come when they might safely proceed against individuals. [2] They selected Verginius to take up the first prosecution, which was that of Appius. When the day had been fixed, and Appius had come down to the Forum with a bodyguard of young patricians, the sight of him and his satellites reminded all present of the power he had used so vilely.

[3] Verginius began [his prosecution of Appius]: ‘Oratory was invented for doubtful cases. I will not, therefore, waste time by a long indictment before you of the man from whose cruelty you have vindicated yourselves by force of arms, nor will I allow him to add to his other crimes an impudent defence. [4] So I will pass over, Appius Claudius, all the wicked and impious things that you had the audacity to do, one after another, for the last two years. One charge only will I bring against you, that contrary to law you have adjudged a free person to be a slave, and unless you name an umpire before whom you can prove your innocence¹ I shall order you to be taken to prison.’ [5] Appius had nothing to hope for in the protection of the tribunes or the verdict of the people. Nevertheless he called upon the tribunes, and when none intervened to stay proceedings and he was seized by the apparitor, he said, ‘I appeal.’ [6] This single word, the protection of liberty, uttered by those lips which had so lately judicially deprived a person of her freedom, produced a general silence. [7] Then the people remarked to one another that there were gods after all who did not neglect the affairs of men; arrogance and cruelty were visited by punishments which, though lingering, were not light; [8] that man was appealing who had taken away the power of appeal; that man was imploring the protection of the people who had trampled underfoot all their rights; he was losing his own liberty and being carried off to prison who had sentenced a free person to slavery. Amidst the murmur of the Assembly the voice of Appius himself was heard imploring ‘the protection of the Roman people.’

[9] Appius began by listing the services of his ancestors to the State, both at home and in the field; his own unfortunate devotion to the plebs, which had led him to resign his consulship in order to enact equal laws for all, giving thereby the greatest offence to the patricians; his laws which were still in force, though their author was being carried to prison. [10] As to his own personal conduct and his good and evil deeds, however, he would bring them to the test when he had the opportunity of pleading his cause. For the present Appius claimed the common right of a Roman citizen to be allowed to plead on the appointed day and submit himself to the judgment of the Roman people. [11] He was not so apprehensive of the general feeling against him as to abandon all hope in the impartiality and sympathy of his fellow-citizens. [12] If he was to be taken to prison before his case was heard, he would once more appeal to the tribunes, and warn them not to copy the example of those whom they hated. If they admitted that they were bound by the same agreement to abolish the right of appeal which they accused the decemvirs of having formed, then he would appeal to the people and invoke the laws which both consuls and tribunes had enacted that very year to protect that right. [13] For if before the case is heard and judgment given there is no power of appeal, who would appeal? What plebeian, even the humblest, would find protection in the laws, if Appius Claudius could not? His case would show whether it was

¹ In questions of simple fact, each side was at liberty to propose an umpire to sift the evidence on both sides. If they failed to agree the praetor appointed a single umpire. Appius was offered the chance of formally proving his innocence.

tyranny or freedom that was conferred by the new laws, and whether the right of challenge and appeal against the injustice of magistrates was only displayed in empty words or was actually granted.

57. Verginius replied. Appius Claudius, he said, alone was outside the laws, outside all the bonds that held states or even human society together. [2] Let men cast their eyes on that tribunal, the fortress of all villainies, where that perpetual decemvir, surrounded by hangmen not lictors, in contempt of gods and men alike, wreaked his vengeance on the goods, the backs, and the lives of the [3??] citizens, threatening all indiscriminately with the rods and axes, and then when his mind was diverted from rapine and murder to lust, tore a free-born maiden from her father's arms, before the eyes of Rome, and gave her to a client, the minister of his intrigues—that [4] tribunal where by cruel decree and infamous judgment he armed the father's hand against the daughter, where he ordered those who took up the maiden's lifeless body—her betrothed lover and her grandfather—to be thrown into prison, moved less by her death than by the check to his criminal gratification. For Appius as much as for others was that prison built which Appius used to call 'the home of the Roman plebs.' [5] Let Appius appeal again and again, he (Verginius) would always refer him to an umpire on the charge of having sentenced a free person to slavery. If he would not go before an umpire Verginius should order Appius to be imprisoned as though found guilty.

[6] Appius was accordingly thrown into prison, and though no one actually opposed this step, there was a general feeling of anxiety, since even the plebeians themselves thought it an excessive use of their liberty to inflict punishment on so great a man. The tribune adjourned the day of trial.

[7] During these proceedings ambassadors came from the Latins and Hernicans to offer their congratulations on the restoration of harmony between the patriciate and the plebs. As a memorial of it, they brought an offering to Jupiter Optimus Maximus, in the shape of a golden crown. It was not a large one, as they were not wealthy States; their religious observances were characterised by devotion rather than magnificence. They also brought information that the Aequi and. [8] Volscians were devoting all their energies to preparing for war. The consuls were thereupon ordered to arrange their respective commands. [9] The Sabines fell to Horatius, the Aequi to Valerius They proclaimed a levy for these wars, and so favourable was the attitude of the plebs that not only did the men liable for service promptly give in their names, but a large part of the levy consisted of men who had served their time and came forward as volunteers. In this way the army was strengthened not only in numbers but in the quality of the soldiers, as veterans took their places in the ranks.

[10] Before they left the City, the laws of the decemvirs, known as the 'Twelve Tables,' were engraved in brass and publicly exhibited; some writers assert that the aediles discharged this task under orders from the tribunes.

58. Caius Claudius, through detestation of the crimes committed by the decemvirs, and the anger which he, more than any one, felt at the tyrannical conduct of his nephew, had retired to Regillum, his ancestral home. Though advanced in years, he now returned to the City, to deprecate the dangers threatening the man whose vicious practices had driven him into

retirement. [2] Going down to the Forum in mourning garb, accompanied by the members of his house and by his clients, he appealed to the citizens individually, and implored them not to stain the house of the Claudii with such an indelible disgrace as to deem them worthy of bonds and imprisonment. To think that a man whose image would be held in highest honour by posterity, the framer of their laws and the founder of Roman jurisprudence, should be lying manacled amongst nocturnal thieves and [3] robbers! Let them turn their thoughts for a moment from feelings of exasperation to calm examination and reflection, and forgive one man at the intercession of so many of the Claudii, rather than through their hatred of one man despise the prayers of [4] many. So far he himself would go for the honour of his family and his name, but he was not reconciled to the man whose distressed condition he was anxious to [5] relieve. By courage their liberties had been recovered, by clemency the harmony of the orders in the State could be strengthened.

Some were moved, but it was more by the affection he showed for his nephew than by any regard for the man for whom he was pleading. But Verginius begged them with tears to keep their compassion for him and his daughter, and not to listen to the prayers of the Claudii, who had assumed sovereign power over the plebs, but to the three tribunes, kinsmen of Verginia, who, after being elected to protect the plebeians, were now seeking their [6] protection. This appeal was felt to have more justice in [7] it. All hope being now cut off, Appius put an end to his life before the day of trial came.

Soon after Sp. Oppius was arraigned by P. Numitorius. He was only less detested than Appius, because he had been in the City when his colleague pronounced the iniquitous [8] judgment. More indignation, however, was aroused by an atrocity which Oppius had committed than by his not having prevented one. A witness was produced, who after reckoning up twenty-seven years of service, and eight occasions on which he had been decorated for conspicuous bravery, appeared before the people wearing all his decorations. Tearing open his dress he exhibited his back lacerated with stripes. He asked for nothing but a proof on Oppius' part of any single charge against him; if such proof were forthcoming, Oppius, though now only a private citizen, might repeat all his cruelty towards [9] him. Oppius was taken to prison and there, before the day of trial, he put an end to his life. His property and that of Claudius were confiscated by the tribunes. Their colleagues changed their domicile by going into exile; their property also was [10] confiscated. Marcus Claudius, who had been the claimant of Verginia, was tried and condemned. Verginius himself, however, refused to press for the extreme penalty, so Marcus Claudius was allowed to go into exile to [11] Tibur. Verginia was more fortunate after her death than in her lifetime; her shade, after wandering through so many houses in quest of expiatory penalties, at length found rest, not one guilty person being now left.