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THE  
ROMAN ANTIQUITIES  
OF  
DIONYSIUS HALICARNASSENSIS.

THE TENTH BOOK.

**T**HE year after this consulship, the eightieth Olympiad was solemnized, at which Torymbas, a Thesfalian, won the prize of the stadium, <sup>1</sup> Phraclides being archon at Athens, and Publius Volumnius, and Servius Sulpicius Camerinus consuls at Rome. These led no forces into the field, either to take revenge on those, who had injured both the Romans, and their allies, or to defend their own country; but employed themselves in providing against the evils, that might arise within the walls, and in preventing the mischief flowing from a combination of the people against the senate: For they were again in motion, being

ANNOTATIONS on the Tenth Book.

<sup>1</sup> Αρχαιος Αθηνησι Φρασικλειδης. This Φρασικλειδης, and, in the succession of archonis called, by <sup>2</sup> Diodorus Siculus, the Athenian archons, Phaciclides.

<sup>2</sup> B. xi. c. 77.

told by the tribunes that the best of all institutions for free men was an <sup>2</sup> equal distribution of justice; and they desired that all affairs, both private and public, might be administered according to laws: For there was, as yet, no such thing among the Romans as an equality of laws, or an equal distribution of justice, neither were all their laws committed to writing; but, formerly, their kings used to administer justice to the suitors, and their decisions were laws: After they ceased to be governed by kings, among the other functions of royalty, That of administering justice also was transferred to the annual consuls, and they decided all contests, of what nature soever. <sup>3</sup> The rules of these decisions

<sup>2</sup>. ἰσηγορία. See the ninth annotation on the fourth book; where, I think, I have proved that ἰσηγορία does not, always, signify *an equal liberty of speech*. However, the Latin translators have given it that sense here; and, after their example, both the French translators have said, *une égale liberté de parler*; a privilege, which the wives of the Romans might, very naturally, have claimed: This cannot possibly be the sense of the word in this place; because our author will presently tell us that there was no such thing among the Romans hitherto, as ἰσονομία, or ἰσηγορία. And will any one say that the Romans were not, as yet, intitled to freedom of speech? Truly the many bold harangues of the tribunes, which our author has given us at length, sufficiently prove the contrary. Livy, in speaking of this very transaction, never says a word of freedom of speech; but, in the original proposal made by the tribunes for creating these legisla-

<sup>b</sup> B. iii. c. 31.

tors, he says, the intention was that they should propose such laws, as should be beneficial both to the patricians, and plebeians, and establish equal liberty; <sup>b</sup> *qui utrisque utilia ferrent, quaeque aequandae libertatis essent*. Again, he makes the first decemvirs, after they had finished ten of the tables, tell the people that they had, as far as the wit of ten men could provide, established laws equal to men of all conditions; <sup>c</sup> *se, quantum decem hominum ingenii provideri potuerit, omnibus summis infimisque jura aequasse*. This is what our author calls ἰσονομία. But, as impartial laws would have been of no avail to the Roman people without an impartial execution of them, This also they, with great reason, insisted on; and this is what he calls ἰσηγορία.

<sup>3</sup>. Τῶν δὲ τὰ πολλὰ. This period is certainly corrupted in all the editions, and manuscripts. The sense I have given to it was suggested to me by the next sentence.

<sup>c</sup> B. iii. c. 34.

were, for the greatest part, kept by the ministers of the consuls, who were advanced to that magistracy for their virtue: And some very few of them were recorded in the books of the pontifs, which had the force of laws, and with which the patricians alone were acquainted, by reason of their residence in the city; while the people, who were either merchants, or husbandmen, and came to town only on the market days, between which many days intervened, were, as yet, unacquainted with them. This institution was, first, attempted to be introduced by Caius Terentius the year before, while he was tribune; but he was forced to abandon it, because the people were, then, in the field; and the consuls, industriously, detained the armies in the enemy's country till the expiration of their magistracy.

II. Aulus Virginius, and the other tribunes of this year resumed this institution, and resolved to carry it through: On the other side, the consuls, the senate, and all the rest of the men in power tried every art to defeat their design, and to avert the necessity of making laws the rules of their government. The senate met frequently, the people were continually assembled, and attempts of all kinds were made by the magistrates against one another. From all which, it was manifest to every one that some great, and irreparable mischief would flow from this animosity. These human reasonings were confirmed by divine omens, some of which had never been recorded in the public archives, nor the memory of them been preserved by any other means: Lights shooting along the heavens, and flames continuing in the  
same

same place, roarings of the earth, and continual tremblings of it had happened, spectres of various shapes at various times gliding through the air, and voices astonishing the minds of men, and every thing of that nature was found to have happened formerly, more or less: But the following prodigy, which they were unacquainted with, and had never heard of, struck them with the greatest terror: There fell from heaven a violent shower, bringing down with it, instead of snow, <sup>4</sup> pieces of flesh, some less, some greater; most of these the birds, flying to them in flocks, seized with their beaks, as they were falling through mid air; and those pieces, that fell to the ground in the city itself, and in the fields, lay there a considerable time without changing their color, as happens to stale meat, or even corrupting, or smelling ill. The Roman soothsayers were unable to guess at the meaning of this prodigy; but in the Sibylline books it was found that a foreign enemy would enter the city; that the citizens would fight to preserve themselves from being made slaves, and that a civil dissension would be the

<sup>4</sup> Σαρκον θραυσμαλα. If any of my readers have a taste for prodigies, they will find this tale recorded by <sup>a</sup> Livy also, who deals much more in prodigies than our author. But, if these authorities are not sufficient to prove the fact, let it be remembered that it <sup>e</sup> rained flesh likewise upon the Israelites, when they were in the desert. We hear of showers of blood, and milk, and of many other things: But the most beneficial shower I have met with (next to Jupiter's golden shower) was

a shower of silver, which Xiphilinus, the epitomator of Dion Cassius, says fell on the forum of Augustus in the reign of Severus: This shower Dion says he did not indeed see, but is sure it fell, because he had some of it, with which he silvered over some pieces of brass, and the color of the silver remained upon them for three days; but, on the fourth, it quite disappeared. By this, it seems that the silver rain was not silver after all; which I am very sorry for.

<sup>a</sup> B. iii. c. 10.

<sup>e</sup> Pfal. lxxviii. y. 27.

forerunner of this war with a foreign enemy; which sedition they were to banish from the city in its birth; and that, if they invoked the gods by sacrifices, and prayers to avert these misfortunes, they would gain the victory over their enemies. After these things were published to the people, the persons, who had the care of religious rites, first, sacrificed victims to those gods, who remove, and avert evils: After which, the senators assembled, and the tribunes being also present, they considered of the means both to secure, and preserve the commonwealth.

III. They all agreed to put an end to their mutual animosities, and to act with unanimity, according to the direction of the oracles. But they were under no small difficulty concerning the means, that were to be employed to effect this; and which of the contending parties, by taking the first step in yielding to the other, should put an end to the sedition: For the consuls, and the leading men of the senate accused the tribunes of being the authors of this disturbance, by attempting to introduce new laws, and to subvert the constitution. On the other side, the tribunes said they aimed at nothing, that was either unjust or disadvantageous to the commonwealth, in desiring to introduce a good system of laws, and an equal distribution of justice; and that the consuls, and the patricians promoted the sedition by fomenting their lawless appetites, and thirst of power, and by imitating the behaviour of tyrants. These, and the like reproaches were urged by each of them for many days, and the time was spent in vain; during which, no business  
either

either public, or private was dispatched. The tribunes, finding that nothing they could say proved effectual, ceased to harangue, and inveigh against the senate; and, assembling the people, promised them to bring in a law relating to what they desired. This being approved of by the people, they, without further delay, read the law they had prepared; the heads of which were as follows: That <sup>5</sup> ten persons be chosen by the people in a legal assembly, the most distinguished both by their age, and prudence, and who have the greatest regard for honor, and a good reputation: That these draw up laws concerning all matters both public and private, and lay them before the people: And that the laws, so to be drawn up by them, be affixed in the forum, as rules both to the magistrates, who shall, from henceforth, be annually chosen, and to private men of their mutual rights. After the tribunes had proposed this law, they gave leave to all who were willing, to speak against it; and appointed the third market day for that purpose. And many, not the least considerable of the senate, both old and young, opposed the law in elaborate, and set speeches. This lasted many days: After which, the tribunes, being uneasy at the loss of time, would not suffer the opposers of the law to harangue, any longer, against it; but, appointing a day for passing it, desired all the plebeians to attend,

<sup>5</sup> *Ανδρας δέκα.* There is a note of Sylburgius upon this passage, in which Livy is quoted for saying that only five men were to be chosen to compile the laws. But, that learned man forgot that the proposal Livy speaks of was made the year before, in the consulship of Lucretius, and Veturius.

assuring them they should not be tired, any more, with long discourses, but give their votes in their tribes, concerning the law. After these assurances, the tribunes dismissed the assembly.

IV. Upon this, the consuls, and the patricians who had most power, going to the tribunes, treated them with more severity than before ; saying they would not suffer them to propose laws without the previous approbation of the senate : For that laws were contracts entered into by the whole body of the commonwealth, and not by a part of it : They told them, also, that the most afflicting, and the most shameful destruction must be the consequence both to governments, and private families, whenever the worst part prescribes laws to the best. “ What power, said they, have  
“ you, tribunes, either to introduce, or abrogate laws? Did  
“ you not receive this magistracy from the senate, upon  
“ certain conditions? Did you not desire that the tribunes  
“ might be created to assist the poorer sort, when injured,  
“ and oppressed and to take cognizance of nothing else?  
“ But, if you were, before, invested with any power, which  
“ you had extorted from us contrary to justice, while the  
“ senate acquiesced in every thing you proposed for your  
“ own advantage ; have you not lost even this power now,  
“ by the alteration of the comitia? For neither a decree of  
“ the senate appoints you, any longer, to the magistracy ;  
“ nor do the curiae give their votes concerning you ;  
“ neither do you offer up to the gods, before your election,  
“ the sacrifices appointed by the laws ; nor is there any  
“ thing

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