

THE AGRARIAN PROBLEM OF ANCIENT ROME

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Submitted to the Department of Ancient Languages and the faculty of the Graduate School of the University of Kansas in partial fulfillment of the requirements for the degree of Master of Arts.

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April 16, 1923

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## THE AGRARIAN PROBLEM OF ANCIENT ROME

### FOREWORD

The struggle between those who have and those who have not, has been going on from time immemorial. In ancient Rome where the vested interests were firmly entrenched in advantages and privileges, not only of birth, but also of religion and political position, particularly was the struggle accentuated.

Since Rome was an agricultural nation and wealth consisted principally of lands, the struggle between the classes was primarily over the land which had been seized by the patricians, who stubbornly contested every effort toward readjustment of the land situation on the side of justice and humanity.

The land problem of America to-day is mostly economic, being concerned with the reclamation of waste lands, the evils of absentee landlordism, the distribution of farm products and the elimination of the middleman; although it has a political tinge in the movement for land bonuses for soldiers, in the Non-Partisan League, and in the "agricultural bloc" of Congress.

Far more absorbing and difficult was the land problem of ancient Rome, spread out over a more narrow civilization with its ramifications vitally affecting every phase of Roman life. It was not only economic, based on slavery, as it were, at once the cause and effect of debt and taxation, but it had a decidedly political complexion having to do with the franchise and the growth of the political parties and the consequent

struggle between them, and also it had a distinctively social aspect in the misery and degradation of the masses and the corruption of the privileged classes.

Therefore, the agrarian problem of Rome was a most complicated and elusive one; and the Senate, perhaps the only body capable of governing, although it built up the most powerful nation of ancient times, and a civilization that left a permanent stamp on the world's history, and gave to the modern nations the basic principles of law and government, failed signally to solve this problem, locking selfishly to its own interests; and therefore perished as a governing body. History has proved that the vitality of a nation depends upon the well being of the common people; if the rich and extravagant exploit the misery of the masses, the governing force of that nation will sink to ruin in the general conflagration of the struggle.

The specific aim of this paper is to show that the Agrarian problem was the primary cause of the downfall of the Roman Republic, and the study of the question will be based on the following points:

- (a) That sedition and rioting followed the promulgation of Agrarian laws.
- (b) That one measure of relief for the poor the corn largesses-negated the other-the land division.
- (c) That the frequent wars of Rome complicated the land question.
- (d) That the great political leaders used agrarian proposals to gain power.
- (e) That the great revolutionists like the Gracchi and Caesar began their revolutions with Agrarian laws.

(f) That the increase of slavery caused the growth of large estates, and the growth of large estates caused the decay of agriculture.

(g) That the failure to arrest the decay of agriculture resulted in the growth of the city mob, which played an important part in the downfall of the republic.

(h) That the city mob usurped the prerogatives of the Roman Assembly, and unfit to exercise the rights of legislation, eventually lost its power to govern.

Attention is called to the fact that other phases of the struggle between the classes, the laws of debt, and also the distribution of corn, will necessarily have to be discussed because of their association with the agrarian problem.

The works of ancient writers, -Cicero, Livy, Plutarch, Horace, Appian, Dion Cassius, Dionysius, Suetonius-, have been scrutinized for facts bearing on the question; and modern writers, -Morrisen, Long, Heitland, Hardy, Strachan-Davidson-, have been studied in effort to secure from noted scholars a broader view point.

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CHAPTER I

## THE AGRICULTURAL CHARACTER OF ROME

Rome was essentially an agricultural nation, being located in a commanding position in the Italian peninsula, which is especially adapted to agriculture, both in its sunny climate, rich alluvial soil, and grassy mountain slopes. Rome never was a great sea-faring nation like Greece, as it lacked "the island-studded seas" of Greece; nor did it ever become a great industrial or mercantile city like Athens or Corinth. Although the site of Rome was less fertile and the climate less healthful than of the rest of Latium, Roman life reached out into the great agricultural region and was supported thereby; for although the Roman citizen might make his abode on the more salubrious hills, his occupation was to attend to his farm on the plains below. Thus, Rome was the emporium of all the great farming country thereabout. "Therefore," as Mommsen declares, "agriculture was the germ<sup>1</sup> and core of Roman national and private life."

The legends, religious customs, laws, manners and customs of Rome are associated with agriculture.<sup>2</sup> Just as the Romans had a beautiful old custom of founding a city by marking out the future ring wall with the furrow of a plough; also they used the same

1. Mommsen, "History of Rome," Vol. I, Page 25

2. Ibid.

ceremony to mark the destruction of the political existence of a town. When Carthage was destroyed, Scipio drove the ploughshare over the ground and "devoted it with solemn imprecation to sheep pasturage forever."<sup>3</sup>

The penalty inflicted on conquered people was depriving of a portion of their land, at least one-third.

"Agri parte multatis in centum annos indutiae datae"<sup>4</sup>(Veientes).

"His (Volscians) ex senatus consulto data pax, ager ademptus."<sup>5</sup>

We hear also of the treaty with the Hernici by which they surrender to the Romans two-thirds of this land.<sup>6</sup>

The gratitude of the state was expressed substantially in land to Horatius, who had saved Rome: he was given "agri quantum uno die circumaravit."<sup>7</sup>

The hope of the early state rested on the statesmen farmers, who were often called from the plough to serve their country. Livy speaks thus of L. Quinctius Cincinnatus.

"Spes unica imperii Populi Romani, L. Quinctius Cincinnatus trans Tiberim - - - quattuor jugerum colebat agrum - - -. Dictatorem eum legati gratulantes consalutant, in urbem vocant."<sup>8</sup>

The names and provinces of many of the Roman gods show how closely agriculture was associated with their faith: Saturnus, god of husbandry; Silvanus, genius of the woods, flocks, fields, and country villas; Ter-

3. Appian, "Civil Wars," I, 24.

4. Livy, "Ab Urbe Cond.," I, 15.

5. Ibid., II, 25.

6. Dionysius, "Roman Antiquities," VIII, 77; Livy, II, 41.

7. Livy, II, 10.

8. Livy, II, 26.

minus, god of farm boundaries; Faunus, spirit of the woodland; Bacchus, god of wine and fertility; Ceres, goddess of grain.

Confarreatio, the form of marriage, took its name and ceremony from the cultivation of corn.

It is significant that Roman prose literature began with a discussion of the theory of agriculture, and that much of the Roman literature, aside from history and political writings, was concerning the fields, flocks, and scientific management of the farm. The poets particularly were inspired to paint the beauties of rustic life and country scenes, and some of the great prose writers, as Varro, were at their best in writing "de rebus rusticis."

Augustus was wise enough to realize that if Italy were to be saved, Italian agriculture must be revived, and the people must be led back to the countryside and to their primitive rustic faiths. He, therefore, not only restored all the rustic festivities, especially the Ambarvalia,<sup>9</sup> a solemn lustration of the fields to insure a fruitful harvest, but also enlisted Vergil<sup>10</sup> and Horace<sup>11</sup> to conduct propaganda for the rural life through their poetry, and to contrast those glorious old times when every Roman tilled his plot of ground, with the evils of the latifundia.

Then one can see that Roman civilization was built for the most part upon pastoral husbandry and cultivation of the soil. Mommsen declares that "no other nation has equalled the Roman in making the ground he had won his own by the sweat of his brow and by securing

9. Warde-Powler, "Roman Festivals", P. 124.

10. Cf. Vergil's "Aeneid", "Georgics".

11. Cf. Horace's "Odes".

by the ploughshare what he had gained by the lance. The greatness  
of Rome was built on the extensive and immediate mastery of her citi-  
zens over her soil.<sup>12</sup>

12.Theodor Mommsen, "History of Rome", Vol.I, P.238

## THE ROMAN DOMAIN OR AGER PUBLICUS

The Roman domain was public land (ager publicus) or land belonging to the state in contrast to private land or land belonging to individuals.

Little is known about the origin of the Roman state; tradition has given us the Aeneas and Romulus legend in which we are told that lands were secured by conquering the native tribes, by treaty and by marriage. It is inferred from Dionysius that the Roman territory in earliest times was divided into clan villages and each village had its clan lands which were possessed jointly and tilled in common. Dionysius states that "after Romulus had divided the whole body of people into 30 curies, he divided the land into 30 equal parts, each curia receiving as much as was sufficient for religious use and private use. This division of both men and land comprehended the greatest equality."<sup>I</sup>

The only authority as to the time when these clan lands were distributed to the citizens is Cicero:

"Tum erat in pecore et locorum possessionibus ex quo pecuniosi et locupletes vocabuntur (Numa); primum agros quos bello Romulus ceperat divisit viritim civibus."<sup>2</sup>

Later there came into the possession of the Roman people as a corporate body a vast amount of land known as the ager publicus. Most of

I. Dionysius, II, 7.

2. Cicero, "de Rep.", II, 9, 14.

it was secured through conquest,<sup>3</sup> although in the later Republic, confiscated lands<sup>4</sup> and lands purchased<sup>5</sup> were added to the domain. Livy says there was scarcely any land that had not been acquired by war:

"Nec enim ferme quicquam agri, ut in urbe aliena sola posita, non armis pactum erat."<sup>3</sup>

The state dealt with public lands in various ways:

- (1) By colonies under direction of triumvirs or decemvirs.<sup>6</sup>
- (2) By public sale-lots sold by quaestors or praetors.<sup>7</sup>
- (3) By being let out to farm by the censors.<sup>8</sup>
- (4) By division into lots through Agrarian laws; e.g. the Aventine (Livy, III, 31.)<sup>9</sup>
- (5) By a system of Possessio.<sup>10</sup>

As we shall see later, possessio of the ager publicus was exercised chiefly by the patricians.

"Id multos quidem patrum ipsos possessores periculo rerum suarum terrebat." (Livy II, 41)

A. Colonies were established for these purposes:

- (a) To relieve the situation at Rome.
- (b) To establish military outposts.
- (c) To reward soldiers.

3. Livy IV, 48.

4. Sulla's confiscations—Cic. "de Leg. Agr." III, I, 2.

5. Caesar's Agrarian Law.

6. Livy, II, 31.

7. Appian, I, 7; Livy, XXVIII, 46; XXI, 13.

8. Cicero, "In Verr." III, 6; Agr. Lex, (Corpus Inscriptionum Latinarum) V, 78.

9. Livy, VI, 21; VIII, 8.

10. Appian, I, 7; Livy, II, 61; IV, 51, 53.

(a) The colonies established for the relief of the agrarian situation were very numerous in the early days of the Republic when Rome was adding to her dominion all of Italy and many of the Mediterranean lands. These colonies were planted either to aid the impoverished citizens,<sup>11</sup> "to develop agriculture which had suffered seriously during the long periods of war," or most of all, as an expedient of the patricians to quell a sedition or to appease demands of the plebeians for a share in the *ager publicus*. Livy gives many examples of colonies being established to prevent agrarian disturbances:

(1) Colony sent to Antium, 467 B.C. - a compromise of Fabius that the colonies might come in for the lands without disturbing the present occupiers.

"*Coloniam deduci posse; ita sine querelia possessorum plebem in agros ituram civitatem in concordiam fore. - - - Triumviros agro dando creat.*"<sup>12</sup>

(2) Colony conducted to Lavici by order of the Senate in 418 B.C.

"*Antequam ab tribunis plebi agrariae seditiones fierent.*"<sup>13</sup>

(3) Volscian colony in 376 B.C. - established to assuage sedition.

"*Romae interim multiplex seditio erat unius leviendae causa coloniam in Volscas, quo tria milia civium Romanorum scriberentur deducendam censuerant triumviri-que ad id creati terna jugera et septunces viritim diviserant*

II. Colonies of the Gracchi, of Caesar.

12. Livy, III, 1.

13. Livy, IV, 47.

14. Livy, V, 24. Other examples Livy, VI, 21, 16; V, 30; VIII, 14.

These examples will suffice to show that in early days of the republic, the planting of colonies was a favorite device of the patricians to allay sedition arising from demand for a division of the ager publicus.

(b) Military colonies were those established in conquered lands as outposts,<sup>15</sup> to hold the land for Rome and to guard her frontiers. These colonies were a military necessity. Again we turn to Livy for information:

(1) The colonies at frontiers of Vescian and Palernian territory at Miturnae and Sinuessa—for future security of the country depopulated by the Samnites. "The commons could not easily be prevailed upon to give in names for they felt they were sent as an advance guard into a hostile country, not for a provision of land."

"Quia in stationem se prope perpetuam infestae regionis non in agros mitti rebentur."<sup>16</sup>

(2) Colony at Carseoli.

"Simil, Marsos agrum vi tueri, in quem colonia Carseoli deducta erat; quattuor millibus hominum scriptis."<sup>17</sup>

(c) Colonies established as a reward for soldiers were assigned first to Scipio's veterans in 201 B.C. Land was awarded in Samnite and Apulian territory.

"Exitu huius anni quum de agris veterum militum relaturn est, qui ducta atque auspicio P. Scipionis in Africa bellum perfecissent, decreverunt patres ut M. Junius, praetor urbanus, si ei videretur decemviros agro Samniti Apuloque quod eius publicam populi Romani

15. Appian, I, 7.

16. Livy, X, 21.

17. Livy, X, 3.

esset, metiendo dividoque crearet."<sup>18</sup>

Later Gnaeus Sergius was assigned superintendence of distribution of lands to soldiers who had fought in Sicily, Spain, Sardinia.<sup>19</sup> Soldier colonies were also established at Thuria,<sup>20</sup> Vibo,<sup>21</sup> Bunonia,<sup>22</sup> Aquileia.<sup>23</sup>

From this time on, great generals demanded land as a reward for their veterans, and were thereby enabled to build up military forces in the Civil wars.

B. Part of the ager publicus was sold by the Roman Quaestors in later-culi or blocks of 50 jugera.<sup>24</sup> It was called "ager quaestorius," and was in reality "ager privatus vectigalisque," as "public in law, private in fact,"<sup>25</sup> for although the purchaser could sell or bequeath it, it remained state property and was subject to a nominal tax.

The quaestors were ordered in 205 B.C. to sell part of the Campanian territory:

"Et quia pecunia ad bellum deerat, agri Campani regionem a fossa Graeca ad mare versam vendere quaestores iussi, indicio quoque permissio qui ager civis Campani fuisset, publicus populi Romani esset."<sup>26</sup>

The Lex Agraria of 111 B.C.<sup>27</sup> makes provision for ager quaestorius

18. Livy, XXXI, 4

19. Livy, XXXI, 49.

20. Livy, XXXV, 9.

21. Livy, XXXV, 40.

22. Livy, XXXVII, 57.

23. Livy, XL, 34.

24. Long, "Decline of the Roman Republic," Vol. I, P. 142.

25. Hardy, "Six Roman Laws," P. 71.

26. Livy, XXVIII, 46; Vide Livy, XXXI, 13.

27. Lex Agraria, (Corpus Inscriptionum Latinarum) V. 49.

in Africa.

C. Some of the ager publicus was "populi Romani censoribus locari solitus":

"Quarum ager (Siciliae) cum esset publicus populi Romani factus, tamen illis est redditus. Is ager a censoribus locari solet."<sup>28</sup>

D. Another part of the land acquired by conquest was given or assigned ("data vel assignata") in allotments of two acres or more to the Roman commons, and practically became private property. Equitable division of land was the subject of most of the Agrarian laws either proposed or passed. The Commons were continually clamoring for a division of public land, while the patricians resorted to various subterfuges to prevent division. However, much land was apportioned to the masses by the various Agrarian laws. The first recorded division after the establishment of the Republic was that of the Aventine in 456 B.C. by the Icilian law."

"De Aventino publicando lata lex est."<sup>29</sup>

E. By far the more common method of dealing with the public land was the pernicious system of Possessio. These lands were held in effective occupation by squatters, who enjoyed the usufruct and paid to the state either a small quitrent or a tithe or fifth of the produce. These lands could be passed on to heirs-at-law, but the dominium could be resumed by the state at pleasure. Appian states:<sup>30</sup>

"Since they had no leisure as yet to allot the part which then lay desolated by war, they made proclamation that in the meantime those

28. Cicero, "In Verrem", III, 6, 13; Vide Livy, XLII, 19.

29. Livy, III, 31.

30. Appian, I, 7.

who were willing to work it might do for a toll of the yearly crops, a tenth of the grain and a fifth of the fruit. From those who kept flocks was required a toll of the animals, both oxen and small cattle."<sup>31</sup>

The state therefore, was the owner of the common pasture, and gave to possessors the privilege of driving their flocks and herds upon payment of a moderate tax (*scriptura*). It will be shown in another chapter how the patricians usurped the common pastures (*ager compascus*).

It seems, also, that large quantities of public land had been handed over to Roman and Italian municipalities, and the individual possessors derived their *possessio*, indirectly from Rome. These were the Italian communities which strongly opposed the Gracchan laws.<sup>32</sup>

There are three categories of public land not dealt with under any of the five preceding heads.

(a) "*ager publicus hominibus stipendiariis adsignatus*."

This was land conquered by Rome, but restored to the inhabitants upon payment of a yearly tax: either *stipendiariae*, a war indemnity, collected by the local magistrates and paid to Rome; or *decumae*, or a tenth of the produce, collected by Roman tax gatherers. These taxes constituted the principal sources of revenue for Rome.<sup>33</sup>

(b) Land of the state mortgagees (*mortgaged in trientabulis*)-descendants of those who had lent money to the state in the Hanni-

31. *Ibid.*

32. Hardy, *l.c.*, p. 65.

33. Cicero, "*In Verr.*", II, 3, 6.

balic war, and had received land in lieu of payment.

"Cum et privati aequum postularent nec tamen solvendo aere alieno res publica esset - - - - - consules agrum aestimatos et in jugera asses vectigal testandi causa publicum agrum esse imposituros ut si quis quum solvere populos possent pecuniam habere quam agrum mallet, restitueret agrum populo - - - - - trientabulum in ager, quia pro tertia parte pecuniae datus erat, appellatur."<sup>34</sup>

(c) Viasiei vicani-holders of public land along public roads, who in lieu of rent repaired the highways.<sup>35</sup>

34.Livy,XXXI,13.

35.Agrarian Law of III B.C.,V,II.

## THE AGRARIAN PROBLEM

Under the kings and in the early Republic before Rome began her career of conquest, the Roman cultivators were the small farmers on their few acres of land, which provided work and subsistence for the family. Livy tells of Cincinnatus's being called to Dictatorship of the state while he was cultivating his four jugera across the Tiber. Citing instances from Livy, a few modern writers<sup>1</sup> have concluded that two jugera were the traditional size of a Roman farm. And Pliny also, declares that "bina tunc jugera populo Romano satis erant."<sup>2</sup> Mommsen, however, disputes this, and from a number of observations and statistics has decided that no Roman family could live on less than  $12\frac{1}{2}$  acres, and the 2 jugera allotments recorded by Livy added to the existing farm parcels from conquered lands.<sup>3</sup> Even Long declares that the Romans must have been very poor men if they had only 2 jugera to live on or even twice that amount.<sup>4</sup> From the law of Tiberius Gracchus and the Agrarian law of III B.C. we might infer that 30 jugera comprised a moderately small farm; and from Cato's treatise one may conclude that the centuries' 200 jugera was a common measure in the palmy days of the Republic. But the Licinian laws limiting "possessiones agri publici" to 500 jugera shows

1. Heitland. Long.

2. Pliny, "Natural History," XVIII.

3. Mommsen, "History of Rome," Vol. I, P. 240.

4. Long, "Decline of Roman Republic," Vol. I, P. 147.

that vast estates must have been secured by the patricians at an early date.<sup>5</sup>

The land distributed or apportioned by Agrarian laws became private property. These private lands as well as those acquired by purchase must have been surveyed and had limits fixed by boundaries. Livy tells of a survey of Campanian land—that L. Postumius was ordered by the Senate to fix bounds between public and private property about 175 B.C.<sup>6</sup>

Before slavery became prevalent, the landowner would distribute portions of his farm he was not able to cultivate among his dependents or clients or hire free men. This was called precarium or "occupancy on sufferance." These free tenants formed an "agricultural proletariat which furnished the genuine material for the Roman policy of colonization."<sup>7</sup>

It is not known when the wretched system of Occupation, which brought in its wake extension of slavery, growth of large estates, conversion of cultivated land into pasture, and a decrease of freehold citizens, was begun. The first trace of agrarian division is noticed in Livy's account that young Tarquin, desirous of gaining the throne from Servius:

"De agro plebis adversa patrum voluntate censerat agi."<sup>8</sup>

From the beginning of the Roman wars of conquest directly after

5. Livy, VI, 35.

6. Livy, XLII, I.

7. Mommsen, I.C., Vol. I, P. 246.

8. Livy, I, 46.

the establishment of the aristocratic Republic, the rich patricians had seized the public land. Appian says:

"The rich, getting possession of the greater part of the undistributed lands, and being emboldened by the lapse of time, to believe that they would never be dispossessed, absorbing any adjacent strips and their poor neighbors' allotments, partly by purchase under persuasion, partly by force, came to cultivate vast tracts instead of single estates, using slaves as laborers and herdsmen, lest free laborers should be drawn into the army."<sup>9</sup>

From the above passage we learn that the rich not only seized large portions of the *ager publicus*, but took away from the poor farmer, either by purchase or by force, his allotment. The land that lay at a distance from Rome could be occupied only by rich Romans, who used it chiefly for pasture land, as it was more economical to feed sheep and cattle on extensive waste lands. Also the poor farmers lacked the capital to cultivate a large piece of land. The constant border warfare brought ruin on the small freehold farmers, whose cattle would be carried off, and crops destroyed, and who finally would be forced to mortgage his farm or sell it for practically nothing to his rich neighbor. Livy gives a pitiful picture of a small farmer who fought in the Sabine wars.<sup>10</sup>

"Sciscentibus unde ille habitus, unde deformitas Sabino bello ait se militatem, quia propter populationes agri non fructo modo

9. Appian, "Civil Wars", I, 7.

10. Livy, II, 10.

caruerit, sed villa incensa fuerit, direpta omnia, pecora abjecta, tributum iniquo suo tempore imperatum aes alienum fecisse."

The land held in *possessio* had passed from father to son, had exchanged hands, had even been pledged as security for debt, thus involving financial interests; boundaries between public and private property had disappeared; buildings had been erected and improvements had been

made.<sup>11</sup> The state had not asserted its domain or title for so long that the precarious nature of the tenure was forgotten, and the possessors looked upon the land as their own. Livy says the possessors considered any division of public lands as giving away other people's property:

"Possessores et magna pars patrum tribuniciis se jactare actionibus principem civitatis (consul Aemilius dandi agri plebi fuerit auctor) et largiendo de alieno popularem fieri querentes."<sup>12</sup>

Although the state was the owner of the common pasture and permitted the possessors of cattle the privilege of driving cattle thereon for a small payment (*scriptura*), the patricians and rich land owners considered the use of these pastures as their exclusive right, and the poor were debarred therefrom.<sup>13</sup>

Appian tells us that the possessors were required to pay a *vectigal*-a tithe or fifth of the produce for the use of the land and a toll from those who kept flocks.<sup>14</sup> But as the tithes, quit rent, and *scriptura* were collected carelessly by the patrician quaestors, there grad-

11. Appian, I, 10.

12. Livy, III, 1. Vide also Livy, III, 68.

13. Mommsen, l.c. Vol. I, P. 343.

14. Appian, I, 5.

ually was direct evasion of these payments until by the time of the Gracchi there was little or no revenue from this source. Thus a two-fold system was inflicted on the poor: first, they were deprived of their rightful usufruct of common pasture and public land; second, their burden of taxation was increased from the loss of revenue by the evasion of payments for use of the land by the rich.

Dionysius relates that some of the patricians admitted the injustice done to the poor and quotes the bold patrician, Appius Claudius, as saying: "The envy of the poor against the rich who have usurped and still continue in possession is well-grounded, and it is not to be wondered that they desire that the lands should be divided among all citizens rather than be usurped by a few."<sup>15</sup> Nevertheless, Dionysius further narrates that Appius Claudius was opposed to division of lands on the grounds that the "poor would never suffer anything belonging to the public to continue in possession of the republic."

Livy says that the Senate and the magistrates leagued themselves together to deprive the patricians of their share of public land:

"Agrariae legis, quae possessio per injuriam agro publico patres tollebant; - - - - - non in retinendis modo publicis agris, quos vi teneret, pertinacem nobilitatem esse, sed ne vacuum quidem agrum nuper ex hostibus captum plebi dividere mox paucis ut cetera futurum praedae";<sup>16</sup>

and that the consuls were their active abettors:

15. Dionysius, "Roman Antiquities", VIII, 73.

16. Livy, IV, 31.

"Acerrimi patribus duces ad resistendum consules fuere."<sup>17</sup>

While the agrarian question and agrarian disturbances were primarily concerned with the division of land, yet other serious questions were involved and had a direct bearing on the situation.

A. The question of food supply:

There was often a scarcity of provisions, due to the fields lying untilled either because of secession of the commons,<sup>18</sup> (in early times) or ravages of war, or unfavorable seasons, or a movement of the commons toward the city, being attracted by its allurements in contrast to their own hard lot.<sup>19</sup> The famine of 439 B.C. and the episode of Spurius Maelius's attempt at relief and consequent death<sup>20</sup> show that the government took little responsibility in relieving the poor in times of distress. The imported corn in a later period aggravated the situation and tended toward the destruction of Italian agriculture; the corn largesses were used by demagogues as a means of gaining favor of the populace.

B. The question of debt:

One of the most serious problems the Roman government had to deal with was that of debt. This grew out of the land situation. Long says, "It is a significant fact in Roman history that the debtors and creditors were always in the land. The debtors are the small cultivators, for the matter of debt is invariably connected with the possession of land in early Roman annals."<sup>21</sup>

17. Livy, II, 42.

18. Livy, II, 34.

19. Livy, IV, 12.

20. Livy, IV, 13-15.

21. Long, l.c., Vol. I, P. 141.

The passage quoted above of the farmer returning home from the Sabine wars to find his land pillaged, and of his being forced to go into debt to replenish it, was the sad case of a great number of freehold farmers, who were dispossessed of their property either violently, or clandestinely, while they were fighting in the long series of wars of conquest, during which Rome built up her vast empire, or were deprived of their land through the working of the cruel laws of debt.

They were thus placed at mercy of creditors who applied the laws of debt with merciless severity. The creditor could at any moment foreclose and deprive the farmer of his land and the body of the debtor could be seized.<sup>22</sup>

Livy states:

"Id cumalatum usuris primo se agro potero avitque excuisse - - - ductum se ab creditore non in servitium, sed in ergastulum et carnicioram esse."<sup>23</sup>

Strict enforcement of the unjust laws of debt always aroused indignation of the people and seditions were common. In the war with the Volscians the farmers refused to fight until P. Servilius suspended the application of the debtor laws.<sup>24</sup> But after the victory, the laws of debt being enforced with rigor by Appius Claudius,

("Qui ante nexi fuerant creditoribus tradebantur et necebantur alii"),<sup>25</sup>

22. Varro, "Res Rusticae", I, XVII.

23. Livy, II, 23.

24. Livy, II, 24.

25. Livy, VI, 24-42.

the people seceded to the Sacred Mount (494) and secured annual magistrates of their own with inviolable privileges who were to protect them against the consuls.<sup>26</sup> After this the Agrarian question loomed large, as the tribunes were constantly bringing forward agrarian laws.<sup>27</sup>

The Licinian laws<sup>28</sup> resulted directly from the struggle for relief of debt, but were only a temporary compromise, for the hard old laws of debt, as set forth in the Twelve Tables, remained in force, and under their working in conjunction with the unchecked system of occupation, the small farmers, the men that formed the brawn and sinews of Italy in her prosperous days, disappeared.

C. The involving of political rights with the agrarian question in the early days.

In the constitution of Servius Tullius, possession of property-land and cattle-was the basis for military service and suffrage in the centuriata.

"Censum enim instituit - - - pro habitu pecuniarum."<sup>29</sup>

The first five classes comprised the property owners, and the sixth class a supplementary class of the unpropertied citizens, the proletarii, "whose wealth consisted of children" only. The majority of the centuries was controlled by the wealthy, and since it was the rule to call the centuries to vote in order of financial precedence, and close the voting when a majority vote was attained, the poorer voters were hardly

26. Livy, II, 32.

27. Livy, II, 52, 54; IV, 4

28. Livy, VI, 32-42.

29. Livy, Book I, Chapters 42-43; Cicero, de Rep., II, 22, 40.

called on to vote at all.<sup>30</sup> The Centuriata was the chief legislative body and elected the chief magistrates.

The election of plebeian officers was transferred by the Rogation of Volero to the tribes in which only landholders were enrolled.<sup>31</sup> In 442 B.C. those who had no land were assigned by Fabius Rullianus collectively to the four city tribes, which ranked last in voting.<sup>32</sup>

Citizenship and land were often granted conjointly. This shows that one was often concomitant of the other:

"His civitas data agerque trans Anienam, vetus Claudia tribus"<sup>33</sup>

Even as late as Cicero's time, a man could hardly hold his seat in the Senate if he lost his holding. Cicero writes of one Gaius Curtius, who, deprived of his property by Sulla, had a holding in the territory of the Volaterrae on sufferance. Cicero supported the removal of his disability, and said that he could hardly maintain his seat in the Senate, to which Caesar had elected him, if he lost his property. This was, however, a social qualification, rather than legal.

"Is habet in Volaterrano possessionem, cum eam tanquam e naufragio reliquias contulisset; hoc autem tempore eum Caesar in Senatum legit, quem ordinam ille ista possessione amissa tueri vix potest!"<sup>34</sup>

In the later years of the Republic, when the landless citizens had a vote, and when the order of voting was decided by lot, the agrarian

30.Greenidge, "Roman Public Life", P.69-70; Heitland, "The Rom.Rep.", Vol.I, P.67.

31.Livy, II, 56; Mommsen, l.c. Vol.I, P.359.

32.Mommsen, l.c. Vol.I, P.396.

33Livy, II, 16.

34Cicero, Fam.XIII, 5.

question took on a different and more sinister political aspect. Division of lands was held up by scheming politicians as a bait to land-hungry citizens to gain votes and political power.

Agitation for agrarian laws often brought about important political measures, for the patrician landowners and rich plebeians would grant practically any other reform, before they would give up their hold on the land. The Publilian law of 359 grew out of agrarian disturbances. <sup>35</sup>

Along with the agrarian features of the Licinian laws were political measures: one consul was to be a plebeian, and plebeians to be admitted to one of the sacred colleges.

A law permitting the populace to convene separately and to decide in cases appealed from the praetor grew out of the agrarian agitation. <sup>37</sup>

On the other hand, the commons, to whom the "agrarian laws were sweet and soothing" says Livy:-

"Sollicitati et eo anno sunt dulcedine agrariae legis animi plebis"<sup>38</sup> -

would practically concede any other point before they would give up their agrarian propositions: the plebeians finally gave up their demand to have plebeians on commission of Decemviri to codify laws, if agrarian measures would not be repealed (in 452 B.C.). <sup>39</sup>

It is noticeable in the long struggle between the classes that the plebeians secured political and social rights, but the poor never attain-

35. Livy, II, 16.

36. Livy, VIII, 12.

37. Dion Cassius, "Rome", Book V, 20.

38. Livy, II, 42.

39. Livy, III, 32-"Providing that the Icilian law and other devoting laws were not repealed."

ed economic rights. Eventually all the offices of the magistracy were opened to plebeians, they invaded the Senate, they were given the social right of intermarriage with the patricians, and of entering religious orders; but it was the rich plebeians who gained these distinctions and who formed a plebeian aristocracy as formidable as the patrician aristocracy. Admitted to the Senate, they became oppressors of the poor plebeians, and together with the patricians, most of whom were wealthy landowners, they presented a united front against any land reform. Since the Senate assumed the management of financial affairs, the economic advantages naturally went to the benefit of the wealthy.<sup>40</sup> Thus, it was a fight to a finish between the Senate, the bulwark of aristocracy and wealth, and the common people and their leaders.

The weapons of the commons: secession, refusal of military service, and obstruction to the levy, prohibiting of elections by tribunes, agrarian proposals by tribunes, riots and revolutions.

#### I. Secession:

- (a) To the Sacred Mount because of oppression by debt and loss of land during war.

Result-securing of plebeian magistrates.<sup>41</sup>

- (b) Commons' proposal to remove to Veii.

Result-Veientian territory distributed.<sup>42</sup>

- (c) Commons secede to Sacred Mount to force the Decemvirs to abdicate.

40. Mommsen, l.c., Vol. I, P. 546.

41. Livy, II, 32.

42. Livy, V, 24.

Result—the abolition of the Decemvirate and restoration of the constitution.<sup>43</sup>

2. Refusal of military service and obstruction to levy.

This method of gaining concessions was used frequently by the tribunes and commons.<sup>44</sup>

3. Prohibiting of elections by the tribunes.

The contest over the Licinian rogations lasted ten years; for five years did the tribunes, Licinius and Sextus, prohibit elections of curule magistrates. The result was the passing of the first important agrarian law, which limited the public land held by the nobles.<sup>45</sup>

4. The agrarian proposals by the tribunes.

Livy gives many instances. Many of these laws were proposed from an earnest desire to alleviate the miserable condition of the masses; e.g., laws proposed by Tiberius Gracchus.<sup>46</sup> Agrarian measures were often used by the tribunes to stir the populace to sedition:

"Tribuni plebem agitare suo venero agraria lege."<sup>47</sup>

"Agrariae legio tribuniciis stimuli plebs ferebat."<sup>48</sup>

Sometimes the tribunes attempted to enhance their own power by an agrarian law:

43. Livy, III, 32; Heitland, l.c., Vol. I, P. 71.

44. Livy, II, 24, 43, 44, 53.

45. Livy, VI, 35.

46. Plutarch, "Tiberius Gracchus."

47. Livy, II, 52.

48. Livy, II, 54.

"Tribuni plebis popularem potestatem lege populare celebrabant."<sup>49</sup>

The tribunes and other candidates for office often held out agrarian laws they could not carry:

"Certatum eo quoque anno cum tribunis est. Vana lex vanaque legis auctores jactando irritum munus facti."<sup>50</sup>

#### 5. Sedition and revolution:

One of the most effective means of gaining agrarian proposals was by sedition. In fact, Livy says the agrarian laws had ever served the tribunes as material for insurrections.<sup>51</sup> He also speaks of the agrarian law as among the seditious schemes of the tribunes:

"Excipiunt amissam tribuni aliaque legis, seditiosae actiones existunt."<sup>52</sup>

And also:

"Agrariae legis tribuniciiis stimulis plebs furebat."<sup>53</sup>

"Lex agraria agitata est. Nunquam deinde ad hanc memoriam sine maximis motibus rerum."<sup>54</sup>

We hear of sedition in connection with the agrarian proposals of Sp. Cassius,<sup>55</sup> of Tiberius Gracchus,<sup>56</sup> of Saturninus.<sup>57</sup>

49. Livy, II, 42.

50. Ibid.

51. Livy, II, 52, 54.

52. Livy, IV, 46.

53. Livy, II, 41.

54. Ibid.

55. Ibid.

56. Appian, I, 10.

57. Appian, I, 50.

Livy generally mentions agrarian schemes and sedition together.

Later when champions of the people arose to defend their rights, revolution is used to carry out their schemes; e.g., Tiberius Gracchus and Julius Caesar.

Defense and subterfuges of the patricians.

1. Conciliatory concessions and promises unfulfilled.
2. Establishing of colonies.
3. Fomenting of wars.
4. Counter-Agrarian proposals.
5. Winning over the tribunes by flattery, bribes, favors.
6. Assassination and condemnation of plebeian leaders or advocates.
7. Religious scruples.

I. Conciliatory concessions and promises.

Dionysius is the authority for the following:<sup>58</sup> The Senate on the recommendations of Appius Claudius and of A. Sempronius Atratinus brought about a defeat of Spurius Cassius's agrarian law that the lands gained from the enemy be divided among all, by promising by a decree to appoint commissioners to fix bounds of land and to determine what portion should be divided among the plebeians—a proposal that they never did carry out, nor did they intend to carry it out. All attempts afterwards by plebeians and tribunes either through agrarian proposals or obstructing the levy failed to force the Senate to execute its own decree.

58. Dionysius, VIII, 73-81.

Corn was distributed or sold at a reduced price at crises to allay excitement of the people. (The plebeian leaders used this measure also to gain favor.) The patricians distributed corn after the death of Sp. Maelius to appease the wrath of the people.<sup>59</sup>

The armies were permitted to plunder towns; soldiers were paid from the public treasury, thus reducing the tributum (406 B.C.)<sup>60</sup>

## 2. Establishing of colonies:

A favorite and somewhat effective measure of combating demands for a division of the ager publicus and allaying sedition was the founding of colonies. Such was the expedient of the consul Fabius, when the people, with the other consul Aemilius as their leader, demanded redistribution of lands at home.<sup>61</sup> Again Livy says that before the Agrarian disturbances could be raised, the Senate opportunely voted a colony to Lavici, B.C. 416.

"Et opportune Senatus, priusquam ab tribunis plebi agrariae seditones mentione illata de agro Lavicano dividendo fierent, censuit frequens coloniam Lavicos deductam."<sup>62</sup>

A colony was sent to Satricum to appease sedition caused by Manlius.<sup>63</sup>

## 3. Stirring up of wars to keep people's minds engaged.

It has ever been the expedient of oligarchic and autocratic

59. Livy, IV, 15, 25.

60. Livy, IV, 19.

61. Livy, III, 1.

62. Livy, IV, 47.

63. Livy, VI, 16; other instances: Livy, V, 24; VI, 27.

governments to engage in wars so as to keep minds of the poor from dwelling on their miserable condition and injustices perpetrated against them. We can find numerous examples of this also in the history of modern nations, England, France, Germany.

In Livy IV, 58 we read of accusations by the plebeian tribunes against the patricians—that the plebeians are designedly harassed by war lest they form plans for obtaining the public land.

"Maximum bellum patribus cum plebe esse dictatant. Eam de industria vexandam militia trucidandam hostibus obici, eam procul urbi habere atque obligare, ne domo per otium memor libertatis coloniarum, aut agri publici aut suffragi libere ferendi consiliis agitet."<sup>64</sup>

Dion Cassius says:

"The demands by the tribunes that land gained from the enemy be apportioned among the people caused strife and damage. The patricians stirred up wars so that the poor might be kept busy in the conflict and not disturb themselves about the land."<sup>65</sup>

#### 4. Counter-Agrarian proposals by patricians.

Among the most famous counter-agrarian proposals of the Senate was the proposal of Livius Drusus in 122 B.C. to annul or counteract the measures of Caius Gracchus.<sup>66</sup>

#### 5. Winning over the tribunes by flattery, bribes.

The Senate and wealthy land owners early found a most effective way of preventing agrarian legislation by a constitutional means

64. Other examples, Livy, IV, 13.

65. Dion Cassius, V, 20.

66. Appian, I, 23.

the veto of the tribunes. Thus the very weapon of the plebeians to safeguard rights and gain justice was turned against itself. There being ten tribunes, eventually, the rich could always find some one among their number who would be susceptible to bribery or favors, and who would veto any proposal obnoxious to the privileged classes.

According to Livy it was the fertile brain of Appius Claudius that suggested the possibility of courting the tribunes and "rendering the tribunician power ineffective by its own strength!"<sup>67</sup>

Livy relates that three tribunes preengaged against the agrarian law of M. Maenius, prevented him from hindering the levy:

"Tum ceteris tribunis iam ante praeparatis intercessoribus legis agrariae praebuit justiore causam resistendi collegae!"<sup>68</sup>

This tribunician veto was used against agrarian proposals in the case of Sp. Licinius,<sup>69</sup> Tiberius Gracchus,<sup>70</sup> against the lex agraria proposed by Maecilius and Maetilius,<sup>71</sup> and the agrarian law of Rullus in 63 B.C.

#### 6. Assassination and condemnation of the people's champions.

This was used freely by the patricians in all periods of Roman history, and especially was it used against the proposers of agrarian laws.

The cry of "King" or "aiming at royal power" was hurled against

67. Livy, II, 44.

68. Livy, IV, 43.

69. Livy, II, 43.

70. Appian, I, 12.

71. Livy, IV, 48.

72. Long, l.c., Vol. III, P. 260.

one who proposed to disturb the possessors, and was like a fuse to a keg of gunpowder, to the minds of the inflammable and unthinking populace, who hated the very name of "King" or "tyrant!" In the struggle which resulted in the destruction of the Republic, there is a long list of assassinations either secret or by mobs—Senate or of people stirred up by Senate—or by conspiracy: Sp. Cassius;<sup>73</sup> Sp. Maelius;<sup>74</sup> M. Manlius savior of the Capitol;<sup>75</sup> Cn. Genucius;<sup>76</sup> Tiberius Gracchus;<sup>77</sup> Gaius Gracchus;<sup>78</sup> Livius Drusus;<sup>79</sup> and last of all the great Caesar, himself a proposer of a successful agrarian law.

#### 7. Religious scruples and devices.

As a last resort when other methods failed to prevent the passing of agrarian laws the Senate would annul laws on religious grounds; e.g. laws of Drusus,<sup>80</sup> of Saturninus,<sup>81</sup> of Sextus Titius<sup>82</sup> or as in the case of Caesar's agrarian law, declare religious days.<sup>83</sup>

Agrarian laws dealt with five different phases of the agrarian problem.

(i) Dispossession of squatters and reapportionment of public land;

e.g. Lex Cassia,<sup>84</sup> Agrarian Laws of Tiberius Gracchus.<sup>85</sup>

73. Livy, II, 41.

74. Livy, IV, 14, 15.

75. Livy, VI, 47.

76. Livy, II, 54.

77. Appian, I, 17; Livy, Epit. LVIII.

78. Appian, I, 26; Livy, Epit. LX-LXI.

79. Appian, I, 37; Livy, LXXI.

80. 90 B.C.—"Cic. de Leg.", II, 14, 31.

81. Appian, I, 30.

82. Cic. "de Leg.", II, 14.

83. Dion Cassius, XXXVIII, 6.

84. Livy, II, 41.

85. Livy, Epit. LVIII-LIX.

- (2) Limitation of estates-Licinian laws.<sup>86</sup>
- (3) Corn supply-corn laws of Caius Gracchus.<sup>87</sup>
- (4) Planting of colonies-Lex Rubria of Caius Gracchus.<sup>88</sup>
- (5) Purchase of lands to be divided among commons to draw city mob to countryside-Caesar's Agrarian law;<sup>89</sup> Law of Rullus.<sup>90</sup>

In the foregoing pages we have seen how the agrarian problem originated; that it had to do primarily with the distribution of lands unjustly held by the patricians and rich plebeians; that upon its solution depended the salvation of the small farmer, and also of Italian agriculture. We have noticed the attitude of the classes toward the land issue, and their weapons of warfare.

The succeeding chapters will show how selfish interests brought about the decay of Italian agriculture, the increase of slavery and growth of large estates; how the agricultural proletariat became the shiftless and dangerous city mob; how unorganized sedition became revolution; how the agrarian problem became more complicated as it included not only the division of land, but the more difficult phase of getting the people "back to the land" and keeping them there. Finally, they will show the two great parties facing each other with the agrarian problem between them, the rise of great military leaders with armies at their back, aspiring to supreme power, and leading the country into a great civil war, which was the death throes of the Republic.

86. Livy, VI, 35-42.

87. Livy, Epit. LX; Appian, I, 21.

88. Livy, Epit. LX.

89. Appian, II, 10.

90. Cicero's "Agrarian Orations."

AGRARIAN MOVEMENTS BEFORE THE PERIOD OF THE GRACCHI - 133 B.C.

The first definite attempt to wrest control of lands from the Senate and to have the ager publicus measured and apportioned was made by Spurius Cassius, consul in 486 B.C.

"Tum primum lex agraria promulgata est", declares Livy.<sup>1</sup> He proposed also, according to the account of Dionysius,<sup>2</sup> to pay back to the poor the money they had paid for the corn sent to the people by Gelo, King of Sicily. He was opposed by his colleague, Virginius; but was about to carry the measure, "as the poor were prepared for any daring enterprise."<sup>3</sup> The Senate met in alarm, and finally issued a decree promising to appoint a commission to measure the public land and restore it to the public, a portion of the public land reclaimed to be leased for five years, the rest divided among the people. This promise together with the fact that<sup>4</sup> Cassius had included the Hernici and Latines also as recipients of the allotments, an unpopular feature with the commons-caused the defeat of the measure.

The next year Cassius was accused by the aristocrats of treason-aiming at royal power, and was put to death by order of the people.

1. Livy, II, 41.

2. Dionysius, VIII, 70.

3. Ibid.

4. Livy, II, 41.

"Cassius, quia in agraria largitione ambitiosus in socios civibus vilior erat - - - - adeo propter suspicionem incitam regni - - - - quem ubi primum magistratu abiit, damnatum necatumque constat."<sup>5</sup>

"It was demonstrated anew," declares Dion Cassius, "that there is no sense of loyalty in a multitude. For although he humored them he was slain by them."<sup>6</sup>

Attempts were made through agrarian proposals and by blocking the levy to carry out the law of Cassius, and to force the Senate to appoint a land commission, by several tribunes: the proposal of C. Maenius in 483 was blocked by the consuls;<sup>7</sup> that of L. Licinius (482) was defeated by his tribunician colleagues;<sup>8</sup> Cn. Genucius was secretly assassinated in 473 B.C.<sup>9</sup>

Thus, did the Senate defeat the first great movement to put an end to the selfish system of occupation. However, some concessions were made to the poor: the Aventine, a temple grove, was distributed among the poorer citizens in 456 B.C.; colonies were sent to Antium in 467 B.C., to Lavinium in 415 B.C. These were not adequate, however; as the colonies were sent more for military purposes than for actual relief of the poor. The colonizing schemes often failed because the people preferred to stay at Rome. Only a few enrolled for the colony at Antium.<sup>10</sup>

In 416 B.C. Maecilius and Maetilius, tribunes, reasserted the prin-

5. Livy, II, 41.

6. Dion Cassius, V, 19.

7. Dionysius, VIII, 87.

8. Livy, II, 43.

9. Livy, II, 54.

10. Livy, III, 1.

ciple of Cassius, "ut ager ex hostibus captus viritim divideretur,"<sup>11</sup> and proposed to distribute all of the state lands. (By) "suadendo, monendo, pollicendoque, gratum id singulis privatim," six tribunes were prevailed upon by the Senate to veto the measure.<sup>12</sup>

The first law of importance passed that actually attacked the system of possessio was the Licinian law in 367 B.C. This was a limiting law with the future objective of allotting land resumed by the state. It was directly aimed at the growth of large estates and the increase of slavery; for Appian says, "Certain powerful men had become extremely rich and the race of slaves had multiplied throughout the country, while the Italian people had dwindled in numbers and strength, being oppressed by penury, taxes and military service."<sup>13</sup> The three important provisions were as follows:<sup>14</sup> "Nobody should hold more than 500 jugera of land—"De modo agrorum, nequis plus quingenta jugera agri possideret;<sup>15</sup> or pasture (saltus publicus) more than 100 cattle or 500 sheep;<sup>16</sup> and a certain number of freemen should be employed to insure observance of this law.<sup>17</sup> The last clause as Appian gives it can hardly be taken literally, for as Long says, "if free men acted as spies, it would be very distasteful to employers."<sup>18</sup> Its purpose, perhaps, is to force the employer to employ a number of free laborers in proportion to slaves.

The Licinian law was a sort of "Omnibus bill", as there were other

11. Livy, IV, 48.

12. Ibid.

13. Appian, I, 7.

14. Appian, I, 8.

15. Livy, VI, 35.

16. Appian, I, 8.

17. Ibid.

18. Long, l.c., Vol. I, P. 167.

features beside the agrarian provisions: it provided for the relief of debtors by deduction of interest from principal, and set a definite period of three years for payment;<sup>19</sup> one of the consuls was to be a plebeian; the guardians of the Sibylline books were increased to ten, one-half of whom should be plebeians.

Livy gives the law as follows:

"Creatique tribuni C. Licinius et L. Sextius promulgavere leges omnes adversus opes patricorum et pro commodis plebis, unam de aere alieno, ut, deducto eo de capite, quod usuris pernumeratum esset, id quod superesset triennio aequis portionibus persolveretur; alterum, de modo agrorum, ne quis plus quingenta jugera agri possideret; tertiam, ne tribunorum militum comitia fierent, consulumque utique alter ex plebe crearentur."<sup>20</sup>

The Licinian laws were passed after one of the most famous constitutional struggles in history. For a period of ten years these laws were contested bitterly, their authors, Licinius and Sextius, securing tribuneship for five years in succession, and blocking the consular elections.<sup>21</sup> The laws concerning debt and land were passed after the ninth year, but the tribunes refused to have any of the propositions unless they could have all. Livy says this shows which of the propositions<sup>22</sup> appealed most to the people.

Politically these laws were a success; economically they were a failure. Livy relates that the author, Licinius, himself was fined in

19. Livy, VI, 35.

20. Livy, VI, 35.

21. Livy, VI, 35.

22. Livy, VI, 39.

357 for violating by evasion his own law:

"Eodem anno, C. Licinius Stolo a M. Popillio Laenite sua lege decem millibus aeris est damnatus, quod mille jugerum agri cum filio possideret, emancipandoque filium fraudem legi fecisset."<sup>23</sup>

Appian says:

"Having thus comprehended all this in a law, they took an oath over and above the law and fixed penalties for violating it, and it was supposed that the remaining land would soon be divided among the poor in small parcels. But there was not the smallest consideration shown for the law or the oaths."<sup>24</sup>

Plutarch states:

"This act for some time checked the avarice of the richer, and was of great assistance to the poorer people, who retained under it their respective proportions of ground, as they had been formerly rented by them. Afterwards, the rich men in the neighborhood continued to get these lands again into their possession under other people's names, and at last would not stick to claim most of them publicly in their own."<sup>25</sup>

We learn from Livy there were many prosecuted for violating the law—"quod plus quam quod lege finitum erat agri possiderent."<sup>26</sup> However, as the above passages from Appian and Plutarch prove, the law became a dead letter.

During the hundred years that followed the passing of the Licinian

23. Livy, VII, 16.

24. Appian, I, 8.

25. Plutarch, "Tiberius Gracchus", VIII

26. Livy, X, 13.

laws, when Rome was making herself Mistress of the Italian peninsula, much relief was afforded the poor through extensive allotments of conquered territory, and Rome built up her vast system of colonies during this period. We hear of distributions of land in Latium to the commons,<sup>27</sup> of the Sabine and Samnite territory<sup>28</sup> being conquered and distributed; of the Lex Flaminia, in 232, carried against the will of the Senate and nobles, and providing for a distribution of the Ager Gallicus.<sup>29</sup> The Campanian territory was conquered and fined land which was distributed to the commons in allotments of  $3\frac{1}{2}$  jugera.<sup>30</sup> In 174 B.C. Sp. Postumius, consul, was authorized by the Senate to survey the Campanian district and recover the lands unjustly occupied;<sup>31</sup> and in 172 there was an agrarian proposal, M. Lucretius, tribune, to have the censors let out to farm the land recovered by the consul.<sup>32</sup>

The founding of the colony at Luca in 179 B.C.,<sup>33</sup> and the assignments of Gallic territory,<sup>34</sup> practically ended the allocations of land in Italy, for after the conquest of the Boii, little new territory was acquired. The giving out of land conquered was all right as long as the lands last- ed, and really alleviated the agrarian troubles. But the real problem at issue had not been solved-the doing away with the system of occupa- tion, and the recovery of lands unjustly held. Not only were the domain lands not recovered, but further occupations of newly-acquired lands

27. Livy, VIII, II, 12.

28. Livy, IX, 28.

29. Livy, Epit. XX, 19; Cic., "De Senectute," 4.

30. Livy, VIII, II, 12.

31. Livy, XLI, 1.

32. Livy, XLII, 19.

33. Livy, XLI, 13.

34. Livy, XLII, 4.

were permitted.

The situation became acute and the problem extremely complicated after the Hannibalic war. Large tracts of land had been laid waste, and Italian agriculture had been brought to a low ebb.

The farmer returning home, found his land either occupied, or lying waste. He had no money; and in order to restock his farm, he would have to borrow money, and place himself in the hands of capitalists, who would soon secure his farm.

Then he had an additional evil to combat--that of competition. He had to compete with the importation of grain, and with the large estates cultivated by slaves.

During the wars, the government had been forced to import grain from Sicily and Sardinia, to feed the large armies, and the hungry populace at Rome. This grain was sold at one-half or one-third normal cost. The state had formed a habit it did not dare stop; and grain could be imported much more cheaply from Sicily and Carthage, where slave labor on a large scale was employed, than the farmer could afford to raise the grain. Thus, he had no market for his produce. Only the rich farmer could compete with this, and even he turned his attention to the more profitable raising of sheep for clothing of Roman and Italian armies.<sup>35</sup> Large tracts of land could be utilized in this manner with slave labor. Again, he turned to the cultivation of the vine and the olive, which required more attention, and did not yield immediate returns. The poor farmer could not afford to wait for slow returns of the vine and olive.<sup>36</sup> If his

35. Vide, Long, "Decline of Roman Republic."

36. Vide, Heitland, "Roman Republic", P. 350; Cicero, De Off. II, 25, 89.

grain market was taken away he had little recourse.

But the greatest evil resulting from the Carthaginian wars and the thing most disastrous to the poor farmer and to Italian agriculture was the increase of slavery. Prisoners of war were sold into slavery; after seventeen years of war, slaves poured into Italy, many of whom were destined for the most degraded and pitiable existence—that of a rural slave. The rich farmers brought slaves in large numbers, and the terrible plantation system to which the Elder Pliny traced the ruin of Italy—"Latifundia perdidere Italiam,"<sup>37</sup> was begun.

The poor farmer could not compete with slave labor. Neither could he raise the products for which there was a market. The capitalist therefore would either buy out the small landholder or seize his lands and forcibly eject him from his estate. More and more was the corn land turned into meadow and the hillsides into pasturage. More and more were the small holdings swallowed up in the large estates. Particularly were the domain lands, those belonging to the state, and whose possession was always more or less insecure, turned into pasture lands, which required less attention and expense than vineyards or orchards. These domain lands also gave rise to large estates. Thus, the "vicious circle" continued. Slavery brought about large estates; and the large estates made slavery profitable and necessary.

And what became of the farmer? There were two possible courses open for him: either to serve in the army or to go to the city, where he would likely live in idleness, and become part of that mongrel city rabble,

37. Pliny, Natural History, XVIII, 6, 35.

which was beginning to form, and which was destined to play such an important part in Roman history.

Thus, the system of occupatio, together with the foreign wars and the consequent increase of slavery brought about the following results:<sup>38</sup>

- (1) Decay of Italian agriculture and growth of latifundia.
- (2) Free labor replaced by slaves and destruction of the small farmer.
- (3) Cultivation of corn replaced by culture of vine and olive, and by the raising of sheep and cattle.
- (4) Agricultural proletariat gradually forming into the city mob.

During this period was established the custom of rewarding soldiers by giving them lands- a measure which later brought many complications and much distress. Lands in the Samnite and Apulian territories were given to Scipio's veterans.<sup>39</sup> From this time on many soldier colonies were founded. But rarely were they successful, as many soldiers had had no experience in farming, others were unwilling to settle down to the monotonous and laborious life on a farm. Even many who had been farmers were unwilling to go back to the farm, having acquired a distaste for quiet life. The soldiers, therefore, would readily dispose of their lands to the capitalist and wend their way to the city to be fed and amused.

It is true that not all of Italy was affected by the conditions described above. The mountainous districts of central Italy, and the

38. Vide Mommsen, l.c. Vol. III, P. 305-315; Marquardt, "Organization de L'Empire Romain", Vol. 8, P. 139

39. Livy, XXXI, 4, 49; XXXV, 9.

of the Po were still prosperous and flourishing, the former inhabitants still continuing their agricultural pursuits. There was yet hope that the old system of Italian agriculture might be restored, if the large farms could be broken up; if the ager publicus could be reclaimed; if free men could be brought back to replace slave labor.

But a reformer would have to struggle against an ultra-conservative and thoroughly selfish Senate, or carry the question to an irresponsible and fickle city populace. It is said that G. Laelius, the younger, a friend of Scipio Aemilianus, alarmed at the decay of agriculture and depopulation of Italy, attempted, when tribune in 151 B.C., an agrarian scheme of resuming the domain land and giving relief to the farmer by its distribution. "But", Plutarch states, "meeting with opposition from men of authority and fearing a disturbance, he soon desisted and received the name of the "Wise" or "Discreet."<sup>40</sup> Mommsen says, "The remedy to Scipio seemed worse than the disease."<sup>41</sup>

40. Plutarch, Tiberius Gracchus, VIII.

41. Mommsen, Vol. III, P. 317.

## THE GRACCHAN REVOLUTIONS

The following story is related of Tiberius Gracchus by Plutarch:<sup>1</sup> When Tiberius went through Tuscany to Numantis, and found the country devastated and almost depopulated, "There hardly being any free husbandmen or shepherds, but for the most part barbarian imported slaves," he was horrified and then and there decided upon the course of conduct which proved so fatal to himself and family.

This noble youth a grandson of the conqueror of Zama, had rendered signal service to his country,<sup>2</sup> both as a soldier, at the storming of Carthage, and a governor of the province of Ebro, where he had distinguished himself by his bravery and integrity. This chivalrous and visionary aristocrat, when tribune in 133 B.C., brought forward an agrarian law supported by other well-disposed and thinking men; namely, his father-in-law, Appius Claudius, and two famous lawyers, Crassus and Scaevola. Tiberius hoped not only to enact the law, but to enforce it; to put a stop to the wholesale violations of the Licinian laws. The Lex Sempronia of Tiberius.

(a) No individual was to occupy more than 500 jugera of public land for himself and 250 jugera for each son up to 1,000 jugera-

"Ne quis ex publico agro plus quam mille jugera."<sup>3</sup>

1. Plutarch, "Tib. Gracchus," IX.

2. Plutarch, "Tib. Gracchus," VII.

3. Livy, Epit. LVIII; Appian, I, 9; Plutarch, "Tib. Gracchus," IX.

(b) This land up to the limit 500 (or 1,000) jugera was guaranteed in permanent possession, indemnification being granted for improvements on lands given up.<sup>4</sup>

(c) The land resumed for the state was to be allotted in portions of 30 jugera, lands let on lease (Campania) being excepted.<sup>5</sup>

(d) Lots thus granted were inalienable, heritable lease holds, for which the holders were to pay a small quit rent.<sup>6</sup>

(e) Three commissioners elected annually were to recover for the state lands held in excess of the amount specified, and to them was to be intrusted the difficult and almost impossible function of deciding what was public and what private land.<sup>7</sup>

"Promulgavit et aliam legem agrariam qua sibi latius agrum patefaceret et iidem triumviri qua publicus ager, qua privatus esset."<sup>8</sup>

Three provisions of this agrarian law are noteworthy:

First, the inalienable character of the allotments. By forbidding the sale of these parcels of land, Tiberius hoped to prevent their seizure by the rich, and thus check the growth of large estates.

Second, the provision of machinery for execution of the law in the shape of a standing land commission. Tiberius saw that the lack of proper machinery had caused the failure of the Licinian laws.

4. Plutarch, "Tib. Gracch", IX.

5. Cicero, "De Leg. Agr.", II, 29-32.

6. Appian, I, 10, 27.

7. Appian, I, 9; Cicero, "De Leg. Agr.", II, 12, 31.

8. Livy, Epit., LVIII.

Third, the clause in favor of the hereditary possessors. This was a compromise to conciliate the possessors, and to give them title to the lands (to a certain limit) which they had held in precarious possession.

When the law was published, "a great tumult arose" declares Dion Cassius.<sup>9</sup> The great land holders were alarmed—the class which for three centuries had held the land unchallenged. "Because of the triumvirs they could no longer disregard the law; nor could they buy allotments of others because Gracchus had provided against this by forbidding sales."<sup>10</sup> They began to put forward their claims, which Mommsen thinks were justified in some instances, as the State had waived its rights for three hundred years, and many of the present possessors had attained their possessions either through purchase or inheritance.<sup>11</sup> Appian says these possessors "gathered in groups and accused the poor of appropriating the results of their tillage, their vineyards, and their dwellings. Some said they had paid the price of their land to their neighbors; others said the graves of their ancestors were in the ground, which had been allotted to them in the division of their fathers' estates; others said their wives' dowries had been expended on the estates or that the lands had been given to their own daughters as dowries. Money lenders could show loans made on this security."<sup>12</sup>

As usual, these rich landholders found their organ in the Senate which violently opposed the measure and persuaded Octavius to interpose his veto.<sup>13</sup> Plutarch says "Tiberius then brought in another bill more

9. Dion Cassius, XXIV, 83.

10. Appian, I, 10.

11. Mommsen, l.c., Vol. III, P. 328.

12. Appian, I, 10.

13. Livy, Epit., IVIII.

grateful to the common people and more severe against the wrong doers,"<sup>14</sup> ejecting the present possessors from the lands occupied contrary to law. Octavius vetoing this, T. Gracchus put a stop to all public business by sealing up the treasury in the temple of Saturn.<sup>15</sup> The rural voters had flocked in great numbers to vote, and it was apparent that the law would pass, if Octavius would desist from his veto.<sup>16</sup> Gracchus finally consented to have the dispute of the tribunes referred to the Senate. But an overwhelming majority voted in favor of the wealthy landholders.<sup>17</sup>

Having exhausted all constitutional means, Gracchus felt that he must either renounce his reform or begin a revolution. He had gone too far to retract. So he chose the unconstitutional means of deposing his colleague. Octavius refusing the suggestion of Tiberius Gracchus that the Assembly should vote on which of them they wished to resign, Gracchus put the question of his colleague's dismissal to the vote of the Tribes; and the assembled multitude voting in the affirmative, Octavius was deposed, and removed from the tribunes' bench by the lictors. The law was then carried, and the land commission appointed, comprising Tiberius, his brother, Gaius, and his father-in-law, Appius Claudius.<sup>18</sup>

In this manner did Tiberius Gracchus, a patriotic man, with the good of his countrymen at heart, initiate revolution, by overturning the constitution in destroying the tribunician veto and violating the person of a tribune. Thus did he cut down the bridge on which he himself stood,

14. Plutarch, "Tiberius Gracchus" IX.

15. Ibid.

16. Appian, I, 10.

17. Plutarch, "Tiberius Gracchus" X.

18. Appian, I, 13.

and for "this political and moral mistake"<sup>19</sup> as Mommsen calls it, paid the penalty of his life.

Appian states: "Gracchus became immensely popular by reason of this law, and was escorted home by the multitude as though he were the founder, not of a single city or race, but of all the nations of Italy. The victorious party returned to the fields - - - . The defeated ones remained in the city and talked the matter over saying that as soon as Gracchus should become a private citizen, he would be sorry that he had done despite to the sacred and inviolable office of tribune, and had sown in Italy so many seeds of future strife."<sup>20</sup>

The Senate and rich landholders were enraged, not only because the law was passed, but because legal means had been put aside, and that the family of Gracchus formed the commission. They showed their spite by refusing funds sufficient to carry on the work of the commission; and they openly threatened impeachment and even assassination of Gracchus.<sup>21</sup>

The wealth of Pergamum having fallen to the Romans by will, Tiberius proposed to use it for the distribution among the land allottees for implements and stock, and expressed his intention of having the management of this province turned over to the people, instead of the Senate.<sup>22</sup> These measures were also revolutionary; for the Senate considered it its time-honored prerogatives to control the finances and the provinces. Plutarch declares that "by this, Gracchus offended the Senate more than

19. Mommsen, l.c., Vol. III, P. 350.

20. Appian, I, 13.

21. Plutarch, "Tib. Gracch." IX and X.

22. Plutarch, "Tib. Gracch." X.

he had ever done."<sup>23</sup>

Desiring re-election to the tribuneship that he might safely carry out his agrarian law and other projects, Gracchus announced other plans of legislation in his desperation to regain his ascendancy and secure the people's good will. Plutarch relates that one law proposed was for shortening the term of military service; another for permitting appeal from the judges to the people, and joining to the senators sitting as judges an equal number of equites.<sup>24</sup> Heitland declares that "since the powers of the juries were derived from the Assembly of Tribes, no appeal from their verdict was constitutionally possible, and to allow such appeals would be revolution gone mad."<sup>25</sup>

Furthermore, re-election as a tribune was unconstitutional by a law passed some time before the destruction of Carthage.<sup>26</sup>

At the election time, the rural voters were busy with the harvest, and could not bring their support to Gracchus.<sup>27</sup> The first day, trouble having arisen over the presiding tribune, Gracchus dismissed the Assembly. He now realized he was fighting for his life. The next day rioting occurred on the Capitoline hill, where the voting was to take place. During the struggle which ensued, Gracchus and 300 of his followers were killed by a Senate mob.<sup>28</sup> And Scipio spoke truly when he heard of the death of Tiberius, quoting this line from Homer:

"Even so perish all who do the same."<sup>29</sup>

23. Ibid.

24. Plutarch, "Tib. Gracchus", IX.

25. Heitland, l.c., Vol. II, P. 277.

26. Livy, Epit., LVIII.

27. Appian, I, 14.

28. Appian, I, 15.

29. Plutarch, "Tib. Gracchus", XII.

Appian concludes:

"He lost his life in consequence of a most excellent design too violently pursued; and this abominable crime, the first that was perpetrated in public assembly was seldom without parallels thereafter from time to time."<sup>30</sup>

The execution of the Agrarian law of Tiberius Gracchus.

After the death of Tiberius, the Senate issued a decree that the triumvirs should begin to carry out the provisions of the land law, in order "to soothe the people after these transactions."<sup>31</sup> Fulvius Flaccus and Papirius Carbo, both radical reformers, were appointed to fill the places of Tiberius and of Appius Claudius, who had died.<sup>32</sup>

But Appian tells us that the "resumption of public land was a very difficult task. As persons in possession neglected to hand in lists of their holdings",<sup>33</sup> the commissioners invited informers to furnish testimony against them. A number of troublesome law suits arose over the investigation. All lands were investigated, and titles of allotments or purchase were scrutinized. Not all the owners had preserved their contracts, or allotment titles; the land had not been carefully surveyed; under the original proclamation the possessors had been allowed to work undistributed land, and had cultivated fields adjoining their own until the line of demarcation had faded between public and private property. Many men were removed from lands with fruit trees and farm buildings to waste lands. Thus, Appian declares, "the injustice done by the rich al-

30. Appian, I, 17.

31. Plutarch, "Tib. Gracch.", XII.

32. Appian, I, 18.

33. Ibid.

though great, was not easy to ascertain." Livy declares: "Seditioes a triumviris agro dividendo creatis excitatae."<sup>34</sup>

The land commissioners must have pushed the work of resumption with much vigor, for an inscription on a public monument of 122 B.C. records that Tiberius Gracchus "was the first who had turned the shepherds out of the domains and installed farmers in their stead;"<sup>35</sup> many boundary stones, termini, bearing their names, were the basis of later Roman land measuring.<sup>36</sup>

The suspension of the land commission:

At length the allotment commission began to attack the domain lands of the Italian allies, to whom as whole communities the state had assigned large tracts in usufruct and possessio.<sup>37</sup>

The allies carried their grievances to Scipio, who was not in sympathy with the extreme measures for land reforms, and who was indebted much to the allies for their legal support in war.<sup>38</sup> Scipio caused a decree in 129 B.C., transferring the judicial powers from the land commission to the consuls, but in reality suspending the land commission, and nullifying the Gracchan law. The consul Tuditanus, feeling unequal to the struggle of settling boundary questions, left Italy on an Illyrian expedition.<sup>39</sup> As the commission now could only assign lands, and not resume them if questions of boundary arose, the law was not carried out. Appian says that "since nobody brought cases for trial before the triumvirs,

34. Appian, I, 19; Livy, Epit., LIX.

35. Mommsen, l.c., Vol. III, P. 335.

36. Vide Heitland, l.c., Vol. II, P. 287.

37. Appian, I, 19.

38. Appian, I, 19.

39. Ibid.

they remained idle."<sup>40</sup>

Scipio became very unpopular with the common people because of his act in favor of the Italian allies, and the radical party of reform cried out that he intended to abolish the law of Gracchus entirely.<sup>41</sup> Following this, was the mysterious death of Scipio,<sup>42</sup> in the prime of his life, and in good health. The greatest general and statesman of his time, who would neither ally himself with the oppressors, nor with the party of revolutionists, who clearly saw the evils of the state, but objected to the political surgery of revolution, paid the price of moderation with his life. His assassination shows that the party of the people were learning the tactics of the aristocratic party.

Dion Cassius makes the peculiar statement that when Scipio was taken away suddenly "all the possessions of the powerful class were again diminished so that the promoters of the Agrarian law ravaged at will practically all of Italy."<sup>43</sup>

There, perhaps, was some resumption and distribution of public land, but the work moved slowly, for Appian tells us that "those who were in possession of the lands postponed the divisions on various pretexts for a long time,"<sup>44</sup> and that Fulvius Flaccus hot-headed reformer, elected consul by the Gracchan party in 125 B.C. introduced a bill for granting the franchise to the Allies, who preferred Roman citizenship to land, "that they might no longer quarrel about the land."<sup>45</sup> He thus was mixing

40. Ibid.

41. Ibid.

42. Appian, I, 20.

43. Dion Cassius, XXIV, 84.

44. Appian, I, 21.

45. Ibid.

up a political measure with the agrarian troubles. The Senate was against land resumption; and both the senatorial party, and the people opposed Roman citizenship for the allies. Such a storm of protest arose that Flaccus was forced to abandon his attempt, and "the populace who had been so long in the hope of acquiring land became disheartened."<sup>46</sup>

The advent of Caius Gracchus:

But a much more powerful and far more astute leader of the people than had yet appeared was soon to enter the struggle and throw down the gauntlet of war to the aristocratic party-Caius Gracchus, who had quietly attended to the duties of land commissioner and had also been quaestor in Sardinia during the nine years since his brother's death. But indignation and anger against those responsible for Tiberius's death lay smoldering in his heart; and he had resolved not only to carry out the cherished designs of his brother, but to destroy the party which had assassinated his brother.

In 124 B.C. he became a candidate for the tribunate. Although "opposed by all persons of distinction", declares Plutarch, "such infinite numbers came from all parts of Italy that lodging for them could not be supplied. "Being the greatest orator that Rome had ever had"-  
48  
Cicero in his "De Oratore" doubts if he ever had an equal - he became the foremost tribune and won great following from the people.

He now entered upon his career of revolution and put forward a series

46.Appian,I,21.

47.Plutarch,"Caius Gracchus"II.

48.Cicero,"De Orat.,"70.

of laws which in reality formed a new constitution, for he aimed at the Senate's overthrow, and the Senate was the administrative body.

But instead of plunging in directly and bringing in his agrarian measures first as did his brother, he cautiously prepared his course of procedure. First, he took steps to prevent the Senate from appointing such a commission as had sentenced followers of Tiberius after his death by a law that "no citizen should be brought to trial on a capital charge without consent of the people."<sup>49</sup> Next, he built up a strong position for himself by winning over the multitude and the knights, thus leaving the Senate to fight unassisted. Thirdly, he did away with the Senate's control of the voting machinery; instead of the five propertied classes voting first, the order was fixed for each occasion by lot.<sup>50</sup>

#### The Sempronian Corn Law:

Caius Gracchus' first great move to win favor of the people and "abridge the power of the Senate"<sup>51</sup> was his famous corn law. Plutarch says, "Corn was to be sold at lower rate than formerly to the poor."<sup>52</sup> Appian states, "He made the unprecedented suggestion that a monthly distribution of corn should be made to each citizen at public expense."<sup>53</sup> We know from later laws that the law provided that Roman citizens who presented themselves in person should receive a definite quantity each month at less than one-half the normal price. This law established permanently what had been only a temporary expedient in times of great

49. Plutarch, "Caius Gracchus," III.

50. Sallust, "De Re Publica Ordinanda," II, 8.

51. Plutarch, "Caius Gracchus"; Livy, Epit., LX.

52. Plutarch, "Caius Gracchus,"

53. Appian, I, 21.

famine or other crises. Although apparently intended for the relief of the poor citizens at Rome, it was adopted to attract to Rome great numbers of poorer citizens to strengthen the power of Caius, "the new master of the state"; and to bring the city rabble, which hitherto depended on the Senatorial party for corn distribution and other favors, into dependence on the leaders of the people's party. A whole train of evils followed in its wake: first, it created the great burden on the treasury which must be taken care of; second, it neutralized the agrarian laws, (whose object was to repopulate the countryside) by bringing great masses of country proletariat to Rome, and by forcing the state to continue its transmarine importation of corn and thus depriving the Roman farmer of his market for corn; third, it put into the hands of demagogues their most powerful weapon—the city mob.

Another law to win the people's favor was the army law of Caius, providing that the common soldiers should be clothed at public charge, and forbidding youths under seventeen from enlisting in the army.<sup>54</sup>

Laws in favor of the Equites:

Caius then turned his attention to winning over the Equites or knights, the capitalist class who formed the public taxes, and put into legislation and execution the projects of Tiberius regarding the removing of the control of finances, provinces and jury courts from the hands of the Senate. These laws will merely be mentioned:

55

(a) Lex Sempronia de Provincia Asia—the taxes were taken out of the

54. Plutarch, Caius Gracchus, V.

55. Appian, I, 22.

hands of provincial administration and put into the hands of middlemen-Roman capitalists who bought them at auction at Rome. The burdening of the province with extra taxes, especially the decumae, was perhaps done to replenish the state treasury which would be drained by the charge of feeding the Roman populace through the Corn Law.

(b) Law concerning jury courts<sup>56</sup> - "He transferred the courts of justice which had become discredited through bribery from the Senators to the knights"--(which) "gave rise to another struggle of factions, which lasted a long time and was not less baneful than the former ones."<sup>57</sup>

(c) Addition of 300 new members from Equestrian order to the Senate.<sup>58</sup>

By the first law Gracchus had unwittingly made it possible for the Roman capitalists to fleece the provinces at will; by the second, he prevented their prosecution for extortion by putting the jury courts in their control, and the provincial government at their mercy.<sup>59</sup> Thus he elevated a class that proved to be far more unscrupulous than the Senatorial class.

Now that "he had broken the Senate's power once for all,"<sup>60</sup> and had prepared for himself a strong support--the proletariat and the capitalist-, Gracchus now set about executing other measures of reform, he had promulgated or intended to establish; viz, the Agrarian laws.

56. Livy, Epit. LXI; Plutarch, C. G., V; Appian, I, 22.

57. Appian, I, 22.

58. Plutarch, C. G. V; Livy, Epit. LX.

59. Appian, I, 22.

60. Ibid.

The Agrarian Measures of Caius Gracchus:

- (a) The first land law of Caius Gracchus reestablished the land commission by restoring the judicial power, which meant resumption of public land and division among the poor citizens.<sup>61</sup>
- (b) The Agrarian Colonial Law - proposed to send colonists to Capua and Tarentum; the second colony really was planted, but the first brought difficulties that were apparently not overcome, or even attempted-the distribution of a rich land let on lease and a valuable asset to the treasury; also the ejecting of present tenants.<sup>62</sup>
- (c) Lex Rubria or Transmarine Colonization Law.<sup>63</sup> - This law provided for sending a colony to Africa on the site of Carthage; the new colony, Junonia, to be settled by Romans and Italians, was the first colony planted beyond the boundaries of Italy, and was the beginning of the very important and beneficial measures for relief-transmarine colonization-which afforded an outlet for an agricultural proletariat and the city rabble.

For two years Caius Gracchus held control of affairs. He had not only cowed the Senate but had himself assumed both legislative and administrative functions. Plutarch gives us a picture of him among his artisans, contractors, soldiers, colonizing cities, building public granaries to store grain, making long roads through country districts -

61.Plutarch, C. G.,V; Livy,Epit.,LX.

62.Plutarch, C. G.,VIII.

63.Appian,I,24; Livy,Epit.,LX.

built in straight lines, partly laid with stone and partly of gravel, valleys crossing the line having been filled up, high places leveled, bridges built, pillars set up at each mile signifying distance, mounting blocks for horsemen having been placed.<sup>64</sup>

"When the commonalty ratified this law (jury courts), and gave him power to select those of the knights he approved of to be judges, he was invested with a sort of kingly power," declares Plutarch.<sup>65</sup> He had overthrown the Senate and was governing the country himself, by managing the Assembly. In fact he had established a form of monarchy, but as yet had created no effective means of its continuance in the person of chief director.

Meanwhile the Senate had been biding its time, watching for a vulnerable spot to attack Gracchus. Caius now brought forward a much more difficult and dangerous project-extension of the franchise to the allies, for the Latin allies full rights of Roman citizenship, for the others suffrage, in order, says Appian, "to secure their help in the enactment of laws he had in contemplation."<sup>66</sup> The Senate ordered the consul Fannius to "eject from the city all who did not possess the right of suffrage," and persuaded Livius Drusus, another tribune, to veto the law of Gracchus.<sup>67</sup> The people who were persuaded that an extension of the franchise would diminish their privileges, received these measures in such a way, that the Senate was encouraged to meet Gracchus on his own ground and outbid him for the people's favor.

64.Plutarch, C. G.,VI.

65.Plutarch, C. G.,VII.

66.Appian,I,23.

67.Ibid.-Vide Plutarch, C. G.,VII.

So they brought forward a "sham demagogue to get rid of the real one." So Livius Drusus "cajoled the populace with obsequious flattery and every kind of gratifications."<sup>68</sup>

The Livian Laws:

- (a) Founding of twelve colonies at home, each 3,000 citizens—where as Caius had offered only two.
- (b) Quit rent which had been imposed on those who had received lands from Caius abolished.
- (c) Latin soldiers exempted from scourging by a Roman, in place of franchise offered by Caius.

Some of these laws the Senate did not intend to carry out, and indeed could not carry out the law of the twelve colonies, as there was no more land without dispossessing holders. But the "plebeians were so pleased with the promises that they scoffed at the laws proposed by Gracchus."<sup>70</sup>

"Having lost the favor of the rabble, Gracchus sailed for Africa" as a commissioner to mark out the colony. The Senate had selected him to get him out of the way for awhile; while Caius was absent,<sup>71</sup> Drusus further ingratiated himself into the people's favor.

Gracchus was away seventy days, during which time he marked out the site of the colony and allotments for 6,000 colonists, "instead of the smaller number fixed by law,"<sup>72</sup> Appian says.

Gracchus had held the office of tribune two years in succession,

68. Plutarch, C. G. VII.

69. Ibid.

70. Appian, I, 23.

71. Appian, I, 24.

72. Ibid.

securing it the second term, Appian states, "because in cases where there were not a sufficient number of candidates, the law authorized the people to choose further tribunes from the whole body"<sup>73</sup> Gracchus desired election for a third term to save his projects. The fickle populace, now having plenty of free corn and being promised colonies, were becoming lukewarm in their attachment to Caius, supporting Livius Drusus and his laws with as much enthusiasm as they had Gracchus. Therefore, Caius was not reelected. However, Plutarch says, "He had enough votes, but his colleagues caused false returns."<sup>74</sup>

The foundation of his whole structure collapsed with the loss of the tribunate. As soon as he became a private citizen, the Senate prepared to annul his laws, the Lex Rubria being the first one attacked.<sup>75</sup> The colony at Carthage had been planned on ground that Scipio had devoted to sheep pasturage with solemn imprecations. Wolves tore up the boundary stones that Caius had set up. The superstitious people were persuaded that this was an evil omen. So the "Senate summoned the Comitia to repeal the law."<sup>76</sup>

Gracchus, who was selecting the 6,000 colonists for the colony, appeared at the Capitol with his adherents, on the day of voting to prevent the passing of the law. In the struggle, which was intensified by the impetuous and violent partisan of Gracchus, M. Flaccus, Caius lost his life; Plutarch tells us that 3,000 Gracchans were slain and their property confiscated.<sup>77</sup>

73. Appian, I, 21.

74. Plutarch, C. G. XI.

75. Ibid.

76. Appian, I, 24.

77. Plutarch, C. G. XII.

The consul, Opimius, and the Senate then built a splendid temple to Concord to celebrate their glorious victory over the party of the people<sup>77</sup> - a notable example of tragic irony, in the light of the coming catastrophe. But the common people, repentant, built statues and made pilgrimages to the shrines of the two heroic brothers.<sup>78</sup>

Caius Gracchus had earnestly striven to find a remedy for the social evils-and indeed all his labors had not been in vain, for he left many beneficial ideals which were later carried out-yet he had not struck at the evil at its core-the abolition of slavery, so necessary for revival of agriculture and economic reform. Nor did he realize that by transferring the powers of government from a Senate which had proved itself unworthy, to an Assembly, a mongrel mob, no longer capable of exercising the sovereignty of the Roman people, ready to sell its vote to the highest bidder, he was going from bad to worse. Neither had he built up sufficient means to carry out his reforms. It remained for Caesar to solve the problem by seeing it was necessary to establish a strong position for himself first by means of armed forces, then to create a strong and efficient government, and thereby bring about needed reforms. The Gracchi, however had set the stage for Caesar.

Caius Gracchus had unwittingly created greater evils than those he attempted to remedy. Mommsen calls him the "founder of the terrible proletariat - - - which lay like an incubus for five hundred years upon the Roman commonwealth and only perished along with it."<sup>79</sup> The biggest

77.Plutarch, C. G. XII.

78.Ibid; Vide Appian, I, 26.

79.Mommsen, l.c., Vol.III, P.360.

economic and political problem was to reduce the urban rabble which was slowly gathering, and to create anew a body of Roman husbandry, the backbone of the Roman republic, which would be capable of exercising the functions of parliamentary government. But the corn law of Caius Gracchus brought all the idle, the vagrant, the dissatisfied, the dispossessed, to Rome to be fed and amused, to lose their self-respect and become a demoralized and degraded body of citizens—a terrible force to be reckoned with.

## REACTION AFTER THE GRACCHI

The repeal of the Lex Rubria (lex Rubria quae fuit<sup>1</sup>) ended the Gracchan legislation and in a measure marked its failure. After the death of Caius Gracchus, the Senate had no direct opposition, as the popular party had no leader. So the Senatorial party set about the work of attacking the agrarian legislation of the Gracchi. It is noticeable that the other measures of Gracchus, the equestrian jury courts, taxation of Asia, and the corn laws were allowed to stand.

Mr. Hardy, in his "Introduction to the Lex Agraria,"<sup>2</sup> declares that the Gracchan agrarian schemes had failed, and something had to be done either from the Senatorial or popular side; therefore he does not agree with other modern writers that the laws of 121, 118, 111 B.C. were altogether reactionary. He states that "after the death of Gracchus the agrarian situation was one of hopeless confusion": many of the small holders, perhaps unfitted for farm work, disillusioned and discouraged, were anxious to get rid of their holdings, but were forbidden to sell by the law of Gracchus; the possessors were angry and restless; the triumvirs had practically completed resumption of land during the fifteen years of their existence, and a further assignation would be mischievous and useless.<sup>3</sup>

1. Corpus Inscriptionum, I, 200, Lex Agraria of 111 B.C., II, 60.

2. Hardy, "Six Roman Laws," Pages 43-52.

3. Ibid.

Appian gives us the three laws as follows:<sup>4</sup>

Law of 121 B.C.

- (1) Not long afterward a law was enacted to permit the holders to sell the land about which they had quarrelled; for even this had been forbidden by the law of the elder Gracchus. At once the rich began to buy the allotments of the poor, or found pretexts for seizing them by force.

Law of 118 B.C.

- (2) "So the condition of the poor became even worse than it was before, until Sp. Thorius (Borius) a tribune of the people brought in a law providing that the work of distributing the public domain be discontinued, and the land should belong to those in possession of it, who should pay rent for it to the people, and that the money so received should be distributed; this distribution was a kind of a solace to the poor, but it did not help to increase the population."

Law of 111 B. C.

- (3) "By these devices the law of Gracchus—a most excellent and useful one if it could have been carried out—was once for all frustrated, and a little later, the rent itself was abolished at the instance of another tribune."

The first law, as we see from this passage of Appian, repealed the clause in the law of Tiberius Gracchus forbidding the sale of allotments. Long agrees with Hardy,<sup>5</sup> that although the clause prohibiting alienation

4. Appian, I, 27.

5. Long, "Decline of the Roman Republic", Vol. I, P. 352; Hardy, l.c. Pages 45-46.

was perhaps necessary to insure success of the Sempronian law, by keeping small proprietors on the land, it was uneconomic, as "forced culture is impossible." Other economic conditions, such as slavery, and the corn largesses, prevented the success of the allotment scheme; and "if a man could not or would not cultivate his farm",<sup>6</sup> no law could force him to do so. However, the repeal of the alienation clause increased the evils of the latifundia; for the rich revived the old abuses of buying out their poorer neighbors or forcibly ejecting them.<sup>7</sup>

The second law or the Lex Thoria, went a step further; it abolished the commission, thus stopping the land allotments, but securing the land to the possessors, and imposed a fixed rent on the occupiers of the domain land—the quit rent, which had been established by Tiberius and Caius Gracchus, but abolished by Livius Drusus. The proceeds of the rent to form a fund towards the cost of corn distribution at Rome. Hardy thinks this law was a judicious one;<sup>8</sup> there was no further work for the commissioners; practically all public land had been resumed and allotted except that of the Italian allies, and it would be dangerous to attack their interests; it would be absurd to assign fresh lots to be bought up by the rich.

Cicero mentions the law of Sp. Thorius:<sup>9</sup>

"Agrum publicum vitiosa et inutili lege vectigali levavit."

This passage has caused much discussion, not only as to translation, but

6. Long, l.c., Vol. I, P. 352.

7. Appian, I, 27.

8. Hardy, l.c., P. 46.

9. Cicero, Brutus, 36.

as to authors of the laws of 118 and 111 B.C. Long translates it, "Spurius Thorius, by a bad and mischievous law, relieved the public land from the vectigal;"<sup>10</sup> Hardy considers "vectigali" as instrumental and translates it, "He relieved the public land from an irregular and useless law by a vectigal."<sup>11</sup> Long identifies the law mentioned by Cicero with the third law of Appian; and for many years scholars have called the law of 111 B.C. the Lex Thoria; but Hardy thinks Cicero referred to the second law mentioned by Appian, and therefore concludes that the law of 118 B.C. is the Lex Thoria, and the author of the law of 111 B.C. is unknown. Mommsen<sup>12</sup> agrees with Hardy.

The law of 111 B.C. is still extant on fragments of bronze tablets preserved at Naples and Vienna. Defects have been restored by Rudorff and other scholars, so we have a fairly good copy of this famous law—a remarkable specimen of legislative style. The author of the law is unknown; Hardy does not agree with Marquardt<sup>13</sup> that the tribune Baebius was the author.

The law of 111 B.C. comprises several categories of land:

A. Private - all public land in Italy under the following heads becomes private property.

- (1) All land occupied to maximum fixed by Sempronian laws by the vetus possessor - before 133 B.C. except the land exempted by the Gracchi (Verse 2)

10. Long, l.c., Vol. I, P. 354.

11. Hardy, l.c., Six Roman Laws, P. 47.

12. Mommsen, l.c., Vol. III, P. 375.

13. Marquardt, "Des Antiquites Romaines," Vol. VI, P. 145.

- (2) All lands assigned since 133 B.C. to colonies. (V.3.)
- (3) All lands given to an individual by a triumvir in return for private land exchanged for public.<sup>14</sup> (V.4.)
- (4) Whatever portion of public land any individual outside Rome in a city or village shall possess, this land having been assigned by a triumvir. (V.6.)
- (5) Land assigned by a triumvir in return for land given up by an original possessor in order that a town or colony might be established in accordance with the law. (V.23.)
- (6) All lands occupied since 133 B.C. to extent of 30 jugera for purpose of cultivation. (V.14)

Respecting such land as had become private property under the law, no person had to pay the people or any tax farmer, any money fee or rent. Nor should any person who grazed on the ager compascus larger beasts not exceeding ten or smaller - - - - (should) pay rent for such privilege. (V.15;20.)

#### B. Public Lands in Italy.

All the remainder of the public lands in Italy not made private were to be "merely leased or left open as public pasture"

- (a) All land excepted from division by Sempronian laws as the ager Campanus, which was let out to lease by the censor.
- (b) Lands assigned to the viasiei vicani - those who maintained the public roads adjoining their holdings; could use, enjoy, possess such lands, but they were not private lands. (V.12-13)

14. Vide Appian, I, 16.

- (c) Land let on lease by L. Caecilius and Gu. Domitius, censors, in 115 B.C. together with territory beyond Curio.
- (d) "Ager patritus" - land acquired by the state in exchange from private owners - (V.28) to be rented out by tax farmers.
- (e) Pasture land, free to all for grazing - fee collected by the publicani from any person occupying, or fencing in the land, or grazing a larger number of cattle than prescribed by law. (V.25-26.)
- (f) All public lands, the the usufruct of which had been given by the people or decree of Senate to municipalities or colonies inhabited by Roman or Latin citizens, - it was lawful after the passing of the law, for all such persons to hold, use, enjoy, or assert title thereto. (V.32-33.)
- (g) Land mortgaged in *trientabulis* to state creditors. (V.31)

This law of 111 B.C. declared it was the duty of the two road commissioners to see that the public road should be kept open and unoccupied.

It also provided for land courts, appointed by consul or praetor, to adjudicate disputes about such land or ground that was made private by this law; and protected the publicani by a recuperatorial *judicium* under direction of the proconsul or propraetor.

C. The second section of the law deals with the land of Africa.

- (a) Colonists assigned land under the *Lex Rubria* (*quae fuit*) were to hold this land as private property, providing it did not exceed the amount specified, 200 jugera; and the number of colonies were not to exceed that specified in the *Lex Rubria*.

(V.45,57-61.)

- (b) Lands belonging to the seven free cities, Utica, etc, and lands assigned to Carthaginian deserters, were private property -"ager privatus (e) jure peregrino."
- (c) Lands sold at Rome by quaestor were made private, but subject to a vectigal - ager privatus vectigalisque. (V.47-53)
- (d) Lands assigned to conquered people by decemvirs under Lex Livia, and for which a stipendium was paid to Rome, were still ager publicus, but the rights of the possessor, (homines stipendiarii), were to be safeguarded and confirmed by the duoviri. (V.78-80.)

The law orders the sale of certain lands, and makes provision for indemnification to a colonist or a purchaser whose land has been sold, by giving him an equal amount of land not yet sold. (V.46-74.)

The remainder of public land in Africa, except the ground on which Carthage stood, was to be measured within the next 250 days after the ratification of the law, and was to be let out to possessors by a censoria locatio, and a fixed rent-vectigal or scriptura-not exceeding amount fixed by censors of 115 B.C., was to be farmed out to the publicani. These lands were neither saleable nor inheritable. (V.82-95.)

There are several things to be noticed about this famous law:

(I) It confirmed many provisions of the Sempronian Laws:

- (a) The limit of 500 jugera to possessors;-but now made private property.
- (b) The clauses exempting from division lands leased by censor - ager Campanus.
- (c) The confirmation of the lands of viasiei vicani and land

in trientabulis.

(d) The thirty jugera allotments.

(2) This law practically did away with the system of possessio by converting the 500 jugera allowed under the Sempronian laws, and public land occupied since for cultivation up to 30 jugera to private property, thus "abolishing the vectigal" as Appian says.<sup>15</sup>

(3) The usufruct and possession of the Latin domain land was secured to the Italian allies on conditions existing prior to the law and guaranteed by their charters.

(4) Private and public lands were defined for Africa, all obligations and treaties were recognized.

(5) Public lands in Italy were carefully defined, and disposed of by lease or by free public pasture.

(6) Revenues were raised by sale of public land in Africa and placing of a permanent vectigal in Italy.

Authorities do not agree on the results of this law. Heitland says, "This part of the reaction against the Gracchan policy was now complete, and it left things in a worse plight than ever!"<sup>16</sup> Mommsen declares that, "the Roman aristocracy thus took care of itself and got whatever occupied land was still in its hands converted into private property!"<sup>17</sup> Hardy says that this statesmanlike law was not reactionary, for it did not cancel Gracchan legislation, in a large number of details it con-

15. Appian, I, 27.

16. Heitland, l.c., Vol. II, P. 327.

17. Mommsen, l.c., Vol. III, P. 376.

firmed it; that this law recognized that the Gracchan scheme as a whole had failed, and did what was possible to prevent the failure from causing worse complications; that it shows that even in the great revolutionary period, amid all the corruption and strife of the time, great questions could be dealt with in a spirit of equity, compromise and statesmanship."<sup>18</sup>

Although this law did end practically the unsatisfactory and disturbing system of possessio, it did make a practical adjustment of the revenues and public land in (from) the provinces, especially Africa and Corinth, and it did help the poor farmer somewhat by allowing him private ownership rent free of 30 acres occupied for cultivation and by permitting him a judicial hearing if ejected from his land, this law did not settle the agrarian question; it did give the rich a decided advantage in converting occupied land into private property, and in making it possible for the formation of the latifundia and displacement of small farmers to go on unchecked.<sup>19</sup>

Since nearly all the Roman (Italian) domain had been allotted, or had been made private property by the law of III B.C., further allotments would have to be made from land purchased by the government, or from confiscated lands. The only valuable domain land in Italy left undistributed was the rich and fertile plain of Campania. This land was a favorite subject of future agrarian laws.

<sup>18</sup>Hardy, l.c., Pages 51-52.

<sup>19</sup>Marquardt, l.c., P.145.

## THE POLITICAL PARTIES AND THEIR RELATION TO THE AGRARIAN QUESTION

In the early republic there were two opposing classes—the patricians and plebeians, or the rich and the poor. As some plebeians gained riches, and step by step the cherished privileges of the patricians, they formed a new nobility and allied themselves with the patricians against the poor plebeians. This new nobility adhered to the Senate as their administrative organ, which maintained the interests of the privileged few against the rights of the many.

Before the time of the Gracchi the great mass of the poor people had champions in the tribunes, who would make sporadic attacks against the rich and powerful, but no well-organized party tactics. With the Gracchi we find the beginning of a political party of the people, ready not only to take the defensive, but the offensive, against the Senatorial party, which had always been organized.

Thus, after the Gracchi, the two great antagonistic political parties, stood face to face, each bent on the destruction of the other. It is difficult to say when the names "Optimates" and "Populares", were assigned to these great parties. We find the words frequently used by Cicero, who also uses "Boni" to indicate the men of his party.

The Optimates were the rich, who gained their ascendancy through intimidation and bribery; Cicero says the "Populares were those who merely spoke and acted to please the multitude." The Populares were the people's

party, particularly the group of leaders, who looked to the interests of the common people, or pretended to do so.

There was a third class, the middle class, of knights or Equites, who would belong to either party as suited their particular interests, but being the capitalists, generally allied themselves with the Optimates.

The Optimates had steadily opposed any division of land or any movement to check the growth of large estates. Cicero admits to Atticus, that the landed gentry form the bulk of our party's forces (Optimates).

"Is enim est noster exercitus hominum, ut tute sis, locupletum."<sup>I</sup>

On the other hand, the Populares favored further allotments, and dangled before the eyes of the people many alluring land laws—a thing that struck fear into the hearts of the Optimates, that private property would be disturbed or latifundia limited.

Both parties struggled for political superiority; the leaders, for personal aggrandizement and political power; both used the election and legislative machinery for corrupt and ambitious ends.

Rome had outgrown her original legislative and comitial machinery, and she never developed the representative system of modern nations. A Roman citizen had to be in Rome to exercise his voting or lawmaking power; a great number of voters lived outside of Rome; it was difficult and expensive to come to Rome. Therefore, the Roman assemblies were not parliamentary, not expressive of the will of the great mass of Roman burghesses.

I. Cicero, "Ad Atticus," I, 19.

The city mob was always on hand to vote; always ready to be bribed. Any demagogue or street orator could impress his projects on the minds of a few thousand people in the streets; if a tribune, he could call the Assembly, and the few thousand numbers of the street rabble and state paupers, would exercise the sovereignty of the Roman people, and carry out his wishes by a law. Adventurers and usurpers could court this city mob, profligate and shiftless, reckless and brutal, fickle and selfish, and gain their own ends, if they fed, amused, and flattered it.

The Democratic leaders were not slow in taking advantage of this means, and invariably held out Agrarian laws to gain favor with the rabble.

Thoughtful men in both parties desired to purge the state and to "drain off" the city mob. Some agrarian laws were framed with this idea in view. Cicero, in speaking of the Flavian Agrarian bill, says: "If that (the purchase clause providing for lands with the vectigalia from abroad) were put on a sound footing two advantages would accrue: the dregs might be drawn from the city; and the deserted portions of Italy repopled."

"Qua constituta, diligenter et sentinam urbis exhauriri et Italiae solitudinem frequentari posse arbitrabar."<sup>2</sup>

Yet the Senate and Optimates opposed most Agrarian laws for two reasons: first, the fear that their possessions might be disturbed; second, that the popular leaders might rise to power through their means. Cicero declares, "To this whole agrarian scheme (Flavian law) the Senate was

2. Cicero, "Ad Atticus" I, 19.

opposed, suspecting that some novel power for Pompey was being aimed at. "

"Huic toti rationi agrariae senatus adversabatur, suspicans Pompeius vero ad voluntatem preferendae legis incubuerat."<sup>3</sup>

In the great struggle between the two parties, faction fights between the groups—the nobles and their slaves, and democratic leaders and their street gangs—were replaced by armed forces of Marius and Sulla, Caesar and Pompey. Agrarian laws were not only proposed by these leaders to gain political power, but to reward loyal adherents and soldiers.

Rise of the people's party under Marius.

Less than twenty years after the death of Caius Gracchus, the Democratic party or Populares suddenly regained political supremacy through the son of a poor day-laborer of Arpinum, the people's idol, Marius, who had risen from the ranks to be the first general of Rome, having terminated the African war, and routed the Cimbri and Teutons; and who had been elected consul for four successive years.<sup>4</sup> He had reorganized the army on a practical basis; and with this army he would have been a formidable power, had he attempted a political revolution. But Marius was no statesman or political leader. He now wanted the consulship for the fifth time—a revolutionary measure itself, for it was a disregard of constitutional law; so he formed an alliance with the democratic leaders—the disreputable Glaucia, and the turbulent Saturninus, both of whom had been almost degraded by having their names marked with the censorial nota of disapproval, and would have been taken from the roll of Senators by the

3. Ibid.

4. Plutarch, "Caius Marius."

upright Metellus, had it not been prevented by the colleague of Metellus.<sup>5</sup> These two men were bold, unscrupulous, and ready to gain their ends by mob violence, Appian relates that Saturninus, running for tribune a second time (101 B.C.), had his successful rival, Nonius, killed by a crowd of ruffians, and was elected next morning by the adherents of Glaucia.<sup>6</sup>

The three, Marius, consul the sixth time; Saturninus, tribune, and Glaucia praetor, now made common cause against the common enemy, Metellus; and as Appian says, "Thus they all worked with each other."<sup>7</sup> They undertook a revolution to break down the oligarchy by a course of legislation along Gracchan lines, and revived the Gracchan projects of colonization. The Agrarian laws of Saturninus - *Leges Appuleiae*

(a) The African Agrarian Law - 103 B.C.

This first law of Saturninus was carried during his first tribuneship in 103 B.C. It seems that Marius had promised his soldiers, both Romans and Italian allies large allotments of land (100jugera) in Africa.<sup>8</sup> Saturninus embodied this in a law and had it passed through violence, his colleague who blocked the bill having been pelted by stones.<sup>9</sup>

10

(b) The Second Land Law of Saturninus - 101 B.C.

This law dealt with allotments of land in the territory north of Italy, which the Cimbri had ravaged, but which had been re-

5. Appian, 28, 1; Cicero, "Pro Sext." 101.

6. Appian, I, 28.

7. Ibid.

8. Heitland, l.c., Vol. II, P. 392; Mommsen, l.c., Vol. III, P. 468.

9. Ibid.

10. Appian, I, 29-31; Cicero, "pro Sext.", 37, 101; Livy, Epit. LXIX.

conquered by Marius. A clause in it required all Senators to take an oath within five days to obey it, or to lose their seats in the Senate and pay a fine of twenty talents.<sup>11</sup> This clause, although particularly aimed at Metellus,<sup>12</sup> "who was too high-spirited to submit to the oath," was intended to prevent the repeal of the law as had been done with the Gracchan laws. Appian relates that the city people were not pleased with the law, as it gave a larger share to the Italian people.<sup>13</sup>

Saturninus called in the country mob, mostly soldiers of Marius; the tribunes were assaulted and driven away; the city people seized clubs and dispersed the country voters, who rallied finally, attacked the city folk with clubs, and passed the law.<sup>14</sup> Marius, (who had promised Metellus, his colleague, he would never take the oath) and all the Senators and magistrates except Metellus, took the oath in the prescribed time, but Metellus, steadily refusing to violate his word, was exiled by a law passed by the country mob again.

(c) Corn Laws of Saturninus:

Saturninus next set about a measure to please the populace, and introduced his Corn law reducing the cost to almost nothing. This law was passed, after some rioting on both sides had taken place, although the Senate had opposed it on the grounds it

11. Appian, I, 29.

12. Ibid.

13. Ibid.

14. Appian, I, 30.

would bankrupt the treasury.<sup>15</sup>

(d) The Third Agrarian Law of Saturninus:

This law provided for a number of colonies outside Italy, Marius being authorized to bestow Roman citizenship on three allies for each colony.<sup>16</sup> Cicero speaks of this law:

"Cum lege Apuleia coloniae non essent deductae, qua lege Saturninus C. Mario tulerat, ut in singulas colonias ternos cives Romanos facere posset, negabat hoc beneficium re ipsa sublata valere debere."

Another proposal was to use the temple treasures of Tolosa, recovered by the state from Caepio, to capitalize these projects and procure outfits for the allottees of land.<sup>17</sup>

Mommsen declares that "the carrying out of these vast colonial schemes would have made Marius a monarch of Rome—considering the indefinite and unlimited character of those plans; and that it might be presumed that Marius intended to have his consulship annually renewed."<sup>18</sup>

But division, among the three leaders, arose, because of the "ambiguous" position of Marius, who did not approve of the violent methods of Saturninus and Glaucia and yet could not carry on his schemes without them, as he was utterly incapable in political life, and had no clear policy or method of procedure. The violence of Saturninus had caused a reaction among the capitalists, who had been supporters of Marius.

15. Mommsen, l.c., Vol. III, P. 470.

16. Cicero, "Pro Balbo" 21.

17. Mommsen, l.c., Vol. III, P. 469.

18. Mommsen, l.c., Vol. III, P. 469.

Marius uneasy over the "spirits he had invoked,"<sup>19</sup> maintained a wavering attitude for a time, and finally drifted toward the Senate.

Glaucia and Saturninus took matters into their own hands. Saturninus was elected tribune the third time; and when Glaucia was practically defeated for consulship by Memmius, Saturninus and Glaucia sent a gang of ruffians, who beat him to death in the midst of the comitia, and the assembly was broken up in terror.<sup>20</sup> This last outrageous act roused all who had a sense of law, justice, and order. "The people ran together in anger intending to kill Saturninus, but he collected a mob from the country and seized the Capitol. The Senate proclaimed them enemies." Marius was forced, even though reluctant, to act, and armed his forces. Compelled to surrender, the water supply having been cut off, the Populares were shut up in the Senate House by Marius; but the infuriated crowd tore the tiles off the roof and stoned them to death.<sup>21</sup>

Marius, ruined politically, gave up his projects, left Rome that he might not witness the return of Metellus. The Senate began its work of restoration by repealing the laws of Saturninus on religious pretext.<sup>22</sup> It had thundered when one law had been voted; according to Roman custom this law was illegal.<sup>23</sup> This was sufficient ground to cancel the law.

Public sentiment had turned against the Populares, and the Equestres, who were exasperated against the Populares because of the insurrection of Saturninus, proceeded with utmost severity in the courts against the offenders. Although Sextus Titius, a tribune carried an agrarian law,

19. Mommsen, l. c., Vol. III, P. 473.

20. Appian, Vol. I, 32.

21. Appian, I, 32.

22. Cicero, "de Legibus," II, 14; Vide Appian, I, 30.

23. Appian, I, 30.

practically the Agrarian law of Saturninus, yet it was annulled on religious grounds, he was punished by the equestrian tribunal because he had a bust of Saturninus in his home.<sup>24</sup>

The Reforms of Livius Drusus, 91 B.C.

The equestrian jury courts had become more flagrant and corrupt than the Senatorial jury courts. While the former had been notorious for acquitting guilty men of the Senatorial order, the latter had basely condemned innocent Senatorial governors of provinces who had performed their duty in not allowing spoliation of the provinces by the capitalists.<sup>25</sup>

Another grave question that had agitated Italy since the time of Caius Gracchus was that of Roman citizenship for the Allies. Fulvius Flaccus, as consul, had given the Italians the hope and even the prospect of citizenship, and "excited among them the desire to be partners in the empire instead of subjects." Both Flaccus and Gracchus had perished in the fatal issue.<sup>26</sup>

In 91 B.C. a noble young reformer, Livius Drusus, a tribune, son of the Livius Drusus who had opposed Gracchus, arose, this time as champion of the Senate, to bring about judicial reform and to take up the cause of the Italian allies. He promised the Italians, who appealed to him, he would bring forward a law to give them citizenship.<sup>27</sup> However, he did not push this law first, but resorted to means of conciliating the populace, who were averse to enfranchising the Italians, and promulgated Agrarian and Corn laws, and a new judicial law.

24. Cicero, "de Leg." II, 14.

25. Appian, I, 22; Livy, Epit. LXX.

26. Appian, I, 34.

27. Appian, I, 35.

Livy's Epitome thus describes the reforms of Drusus:

"M. Livius Drusus tr. pl. quo majoribus viribus Senatus causam susceptam tueretur, socios et Italicos populos spe civitatis Romanae sollicitavit easque adjuvantibus, per vim legibus agrariis frumentariisque latis, judiciariam quoque pertulit, ut aequae parte judicia penes senatum et equestrem ordinem essent."<sup>28</sup>

The jury court law of Drusus was a compromise that suited neither Senators nor Equestres. Appian declares that "as Drusus was not able to restore the courts to the Senate openly," he tried the artifice of adding 300 knights to the Senate, and providing that the courts be chosen from the whole number, and that a special criminal commission be established to try jurymen guilty of receiving bribes.<sup>29</sup>

The Agrarian Laws of Drusus:

The colonial law of Drusus provided for colonies in Italy and Sicily, which, Appian observes, "had been voted sometime before, but not yet planted"<sup>30</sup> - perhaps the twelve colonies promised by the elder Drusus in 122 B.C. This was done, Appian declares,<sup>31</sup> "to conciliate the plebs to Italian enfranchisement."

Drusus perhaps added another law providing for land allotments in the Campanian land.<sup>32</sup>

The corn law of Drusus increased the corn distributions, for meeting expense of which Drusus proposed debasing of silver coinage by issuing

28. Livy, Epit. LXXI.

29. Appian, I, 35.

30. Ibid.

31. Ibid.

32. Heitland, l.c., Vol. II, P. 419; Mommsen, L.c., Vol. III, P. 485.

copper plated denarii along with silver.<sup>33</sup>

Great opposition arose to the laws of Drusus; for as Appian says, "only the plebeians were gratified with the colonies."<sup>34</sup> But Drusus combined all his proposals in one law, which was carried by the vote of the townspeople interested in the land and corn laws, and also Livy's Epitome affirms, "with the help of the allies to whom he had given hope of citizenship."<sup>35</sup> However, the law was not carried until Drusus had to resort to violent means by having the consul Philippus arrested.

But the party of resistance grew stronger; on every side Drusus lacked supporters. The Senate for strengthening which Drusus had undertaken revolutionary measures, although it had first supported Drusus against Philippus, now showed signs of weakening, for although the Senators wanted control of the jury courts, "they were indignant that so large a number of Knights" would be elevated to Senatorial rank.<sup>36</sup> The capitalists were bitterly opposed to the law. Appian states that although the Senate and the Knights were opposed to each other, they united in hating Drusus.<sup>37</sup> "The Italians for whom Drusus was devising these plans began to be apprehensive" about the colonial law, especially the large land owners in Umbria and Etruria, for fear that the public land which they held and "were cultivating some by force, others clandestinely" would be taken away.<sup>38</sup>

The consul Philippus kept insisting on the annulment of the laws,

33.Mommsen, l.c.,Vol.III,P.485.

34.Appian,I,36.

35.Livy,Epit.LXXI.

36.Appian,I,35.

37.Appian,I,36.

38.Appian,I,36.

declaring they had been passed illegally. Some of the Etruscan and Umbrian land owners came to Rome "for purpose of killing Drusus, and cried down the law publicly as they waited for the day of the comitia.<sup>39</sup> Drusus' relations with the Italian allies becoming known and his promises of citizenship to them being divulged,<sup>40</sup> a cry of treason was raised against him.

The Senate having been called by the consul Philippus to annul the Livian laws, Drusus, seeing that it was useless to struggle farther, did not even exercise his power as tribune to veto their action.<sup>41</sup>

The Livian laws were therefore repealed on religious pretext, and also on grounds that they violated the Lex Caecilia Didia, which prohibited putting several things in one bill.<sup>42</sup> Shortly afterwards Drusus met the same violent end that had been meted out to others (reformers). This time it was a secret assassination.<sup>43</sup> This far-seeing young tribune, who had attempted to relieve the agrarian situation through emigration, to save the courts from the domination of capitalism, to avert the impending civil war by Italian enfranchisement, had attempted reform and revolution by civil means, as did the Gracchi. His failure and death proved that the Optimates would resist reform even when started by one of their own number and in support of their cause, if it conflicted with their special interests and private ambitions; that neither the Democrats nor the Optimates could bring about actual reform of the Republic which was

39. Ibid.

40. Diodorus, Fragment XXXVII, 2.

41. Diodorus, XXXVII, 10.

42. Cicero, "de Oratore" 41; "de Legibus" II, 14, 31.

43. Appian, I, 36.

past remedying; and that only the establishment of a strong central power in the hands of one man backed by a military force, could solve the problem.

Drusus' death was the signal for a most disastrous civil war between Rome and the Italian allies. There can be no doubt that the agrarian situation had been one of the chief causes of this war. The decay of agriculture had affected them; they resented the corn largesses at the expense of the state, in which they had no share; they were alarmed at the growth of the city mob due to the decay of agriculture, because this mob, unfit to decide political questions, could at any moment pass measures injurious to their interests; the wealthy landowners also feared the actions of reformers like Drusus in regard to public land. Therefore, they wanted the franchise to give them a voice in measures seriously affecting themselves, and to secure relief from Roman arrogance and oppression. With Drusus their hopes died, they prepared for a general revolt against Rome. The result was that they were finally granted citizenship with limitations, after a very destructive war.<sup>44</sup>

#### Sulla's Land Laws and Confiscations:

With the rise of Sulla to supreme power, after a civil war with Marius, in which terrible atrocities were committed on both sides, the power of the Senatorial party as the Optimates reached its zenith. His whole constitution,<sup>45</sup> although it introduced some administrative reforms, was based on a spirit of partisanship, and restored to the Senate full

44. Livy, Epitome LXXII; Appian, I, 39-54.

45. Appian, I, 100; Livy, Epit. LXXXIX.

# Sulla's laws on criminal matters.

control of legislation and administration. The Democratic party was deprived of its chief weapon, the tribunician power of *intercessio* having been restricted; therefore, the Democrats were powerless for a time.

The Sullan regime most seriously affected the land situation. He upset all previous arrangements of land by disregarding private ownership and carrying out wholesale evictions. His form of punishment for the followers of Marius was proscription and confiscation of property. The lands of whole communities were confiscated and given to his soldiers, whom he desired to pension, and also to scatter over Italy as garrisons ready to maintain the Sullan government.<sup>46</sup> Cicero speaks of the "Valaterranos et Arretinos, quorum agrum Sulla publicaret,"<sup>47</sup> Again he says, "L. Sulla, quia omnia sine ulla religione, quibus volunt, est dilargitus"<sup>48</sup> Many individuals who had taken no part in the war against Sulla were deprived of their land to make room for Sulla's adherents.

This hastened the social and economic ruin of Italy. The military settlers,<sup>49</sup> most of whom were unfitted for farming by years of fighting and debauchery, allowed the land to lie idle in many instances, and becoming impoverished, either took up a life of brigandage, or sold their allotments to the capitalist, and went to Rome to form conspiracies like Catiline's. Sulla had a clause prohibiting sale of allotments,<sup>50</sup> but this was not enforced.

Sulla's land laws left a legacy of hatred. Those whom he had dis-

46. Appian, I, 96.

47. Cicero, "Ad. Att." I, 19.

48. Cicero, "De Leg. Agr." II, 29.

49. Cicero, "In Catal." II, 20.

50. Cicero, "De Leg. Agr." II, 78.

possessed were reduced to beggary and ruin. Sullen and discontented, angry and despairing, they formed a dangerous element, ready to get revenge if possible. Cicero speaks of the Sullan settlers as ready to sell and uneasy at envy and hatred of those whom they had displaced:

"Quam multos enim, Quirites, existimatis esse, qui latitudinem possessionum tueri, qui invidiam Sullanorum agrorum ferre non possint qui vendere cupiant emptorum non reperiant, perdere iam denique illos agros ratione aliqua velint."<sup>51</sup>

These ruined men drifted to Rome to add to the city mob, and to become an instrument of revolution.

Although Sulla had confiscated a vast number of estates and towns, he had not distributed them all. Some were allowed to lie waste, or were occupied by Sullan men without payment and without permission.<sup>52</sup> The territory of Arretium and Volaterrae was forfeited, but not allotted, and this formed a complication for future land laws. Cicero writes to Atticus concerning the Agrarian law of Flavius thus:

"Volaterranos et Arretinos, quorum agrum Sulla publicaret, neque diviserat, in sua possessione retinebant."<sup>53</sup>

The evils of the latifundia increased by the Sullan measures, vast territories being secured by greedy partisans.

Long declares that "Sulla made Italy a desert, and put idle soldiers in place of industrious farmers; that the mischief he did by his proscriptions and by turning so large a number of people out of their property was enormous."<sup>55</sup>

51. Cicero, "De Leg. Agr." II, 26.

52. Cicero, "De Leg. Agr." II, 27; III, 3.

53. Cicero, "Ad Atticus," I, 19.

54. Cicero, "De Leg. Agr." II, 26.

55. Long, l. c., Vol. II, P. 432.

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CAESAR AND THE AGRARIAN QUESTION

The aim of this chapter is to show that Caesar not only used Agrarian laws as a means to an end—that of gaining supreme power, but that he also attempted to solve the Agrarian problem by reducing the city rabble and by re-establishing the small farmer.

In order that we may understand Caesar's actions and attitude, it is necessary to review briefly the situation that led to his rise.

The despotic regime of Sulla had left widespread ruin and unrest. Cicero gives us a picture of the situation in his second Oration against Catiline: the reckless and despairing dispossessed land owners, the adherents of the Marian exiles; Sulla's soldiers, who having squandered one fortune, were awaiting a second division of property; ruined spendthrifts, such as Catiline; desperate gladiators, who were ready to repeat the struggle of Spartacus; bands of robbers and cutthroats, who made travel unsafe and always the profligate city mob and the dissolute aristocratic lords. Brigandage was rife; piracy on the seas was a serious menace; affairs in the East were at a serious crisis; guerilla warfare in Spain had held Roman generals at bay for eight years.

The abdication and death of Sulla had left the Optimates without a leader, capable of being master of the situation and of the Senate. Although Sulla had placed the Senate in a strong position, it was absolutely unable to cope with the situation now confronting it. Mommsen declares

that "when a government cannot govern, it ceases to be legitimate, and whoever has the power has the right to overthrow it."<sup>1</sup>

On the other hand the Democratic or Marian party--the Populares--had not been crushed completely, but merely struck down. But they, too, lacked a leader. But Fortune was soon to supply them with one, more wise, more human, and more capable, than any in Roman history--the immortal Caesar.

Meanwhile, the great Pompey, a Sullan general, rose to fame. He had crushed the uprising in Cisalpine Gaul and had ended the war in Spain. Demanding land for his soldiers, a triumph, which was accorded only to consuls, and the consulship, which he could not legally hold--these last two demands a revolution in themselves-- he was refused by the Senate, who was willing to use him as a general, but unwilling to be subject to him.<sup>2</sup>

Thereupon he and Crassus, also a Sullan, perhaps the wealthiest man of Rome, but rather more in sympathy with the capitalists than the Senate, formed a coalition with the Democrats, whose chief aim was to restore the tribunitian power, and who, indeed, had made great efforts under Lepidus, and Quinctius to restore it, as well as the confiscated estates of the Marian party, and the corn largesses, which Sulla had abolished.

Pompey and Crassus pledged themselves to the democratic party program, and in 70 B.C. became consuls, and the Senatorial party had to submit to their program, as they were backed by two Italian armies, the cap-

1. Mommsen, l.c., Vol. IV, P. 112.

2. Vide Plutarch's "Pompey."

italists, and the democratic party. They made good their promises and practically abolished the Sullan constitution, by restoring to the tribunes the power of initiating legislation, renewal of the censorship, the restoration of revenue-farming in Asia to the capitalists, and the rearrangement of jury courts—one third Senators and two thirds Equestres. Also the corn largesses were restored to the people. But Pompey had not disbanded his army; neither would Crassus disband his.<sup>3</sup>

Pompey was the man of the hour, and a military dictatorship was within his grasp. But the jealousy of Crassus, the vacillation of Pompey, and the clever action of the democratic leaders, (who feared Pompey on account of his aristocratic tendencies), in persuading him to make peace with Crassus, prevented him from seizing the dictatorship. Mommsen says, "Pompeius lacked no condition for grasping at the crown except first of all—kingly courage."<sup>4</sup> He disbanded his army and retired to private life.

But events in the East soon brought Pompey to the front again. By the Gabinian laws, Pompey was given supreme command of the Mediterranean Sea and over coasts 50 miles inland, with power to raise vast forces, and a fleet, to control the means of the provinces, to have the state treasury at his command. In three months Pompey cleared the seas of pirates. By the Manilian law, Pompey was to have the conduct of war against Mithridates, with authority to conclude peace, to control the provinces, with no limit as to time and authority.<sup>5</sup>

The Populares were displeased with these laws, but, unwilling to

3. Plutarch, "Pompey".

4. Mommsen, l.c., Vol. IV, P. 126.

5. Plutarch, "Pompey"; Dion Cassius, XXXVI, 42; Cicero, "Pro lege Manilia".

break with Pompey, dared not oppose them. The Senatorial party, with Catulus at their head, had fought these laws especially the first, with all the powers at their command; but as Mommsen says, "the Senate had ceased to govern,"

Already Pompey had been made "regent of the empire." All parties feared his return from the East; with his large armies, his well-filled chests, his increased military prestige, he could easily assume the crown.

The democratic leaders feverishly occupied themselves with plans to complete their restoration to political power, and to build up a military power to combat Pompeius. This purpose is seen in the attempt to seize Egypt, in the Catilinarian conspiracy, in the agrarian law of Rullus.

Julius Caesar now assumed active leadership of the democrats. Although a member of the oldest and most aristocratic patrician families, he had always adhered to the democratic cause. He had braved Sulla; and in 68 B.C. he dared to display the image of his uncle, Marius, at his aunt's funeral.<sup>6</sup> In 69 B.C. he began his "cursus honorum"; as quaestor, and afterwards spent two years as proquaestor in Spain. As aedile, in 65, he displayed the most magnificent games ever seen, and won unprecedented popularity by his lavish expenditures. In 64 B.C. as *judex Quaestionis* he (had) brought to trial and condemnation the chief executioners under Sulla's regime.

Caesar and Crassus, who envied and feared Pompey, became more closely bound together against Pompey, and in the interest of the *Populares*.

6. Plutarch, "Caesar"; Henry Stuart Jones, "Encyclopedia Britannica."

The Egyptian design.

Their first great venture, aside from the project of enrolling the Transpadenes as citizens, which had been frustrated by the colleague of Crassus, was the design on Egypt. In 65 B.C. they attempted to secure Egypt as a base of operations against Pompey, and with troops there for conquest, to set up a democratic military power.<sup>7</sup> Crassus tried to have Egypt enrolled on the list of Roman domains, and Caesar to have a law passed to send him to Egypt to reinstate King Ptolemy.

"Conciliato populi favore temptavit per partem tribunorum ut sibi Aegyptus provinciae plebescito daretur."<sup>8</sup>

Suetonius further says "this was frustrated by the opposition of the aristocratic party."<sup>8</sup>

The Agrarian Law of Rullus - 63 B.C.

Caesar and Crassus next brought forward an Agrarian law, embracing a colossal scheme of colonization—a revolutionary measure which, if carried out, would, as Cicero shows, and as Hardy states, deprive the Roman people of "its pax its libertas and its otium."<sup>9</sup> Our best authority for the law and its provisions is Cicero, who having just entered on his consulship, delivered four orations against it, and "quashed it", Dion Cassius states.<sup>10</sup>

The two authors remained in the background, the bill being promulgated and espoused by Rullus, a tribune, "a man of straw,"<sup>11</sup> Hardy calls

7. Hardy, "The Policy of the Rullan Proposal," *Journal of Philology*, Vol. 23, No. 64, P. 229; Heitland, l.c., Vol. III, P. 130.

8. Suetonius, "The Deified Julius," XI; Vide also Plutarch, "Crassus," 13; Cicero, *Lex Agr.*, I, I.

9. Hardy, l.c. P. 223.

10. Dion Cassius, XXXVII, 25.

11. Vide supra, Reference 9.

him—a man unable in every respect to combat the wily Cicero, whose second Agrarian oration was an oratorical triumph. That Cicero was aware of clever brains behind the scheme is shown in the following thinly-veiled passages.

(a) Quid enim existimatis integrum vobis in republica fore aut in vestra libertate ac dignitate retinenda, cum Rullus atque ei, quos multo magis quam Rullam timetis, cum omni egentium atque improborum manu, cum omnibus copiis, cum omni argento et auro Capuam, et circa Capua occuparent.<sup>12</sup>

(b) Atque idem, qui haec appetunt, queri non nunquam solent omnis terras Cn. Pompeio atque omnia maria esse permissa.<sup>13</sup>

(c) Tibi, nos, Rulla, et istis tuis harum omnium rerum machinatoribus totam Italiam inermem tradituros existimasti.<sup>14</sup>

However, openly, he pretends that it is an attempt on the part of Rullus, for power and aggrandizement, and for the interests of his "father-in-law, who in dark times of the republic got as much land as he wanted,"<sup>15</sup> and is now anxious to dispose of it at a high price, because of unpopularity.<sup>16</sup> He attributes to Rullus the design of Caesar as he conceives it thus: Rullus will superintend the election of commissioners; Rullus will be chief commissioner; he will "decide the fate of Egypt"; he personally will buy and sell everything; he will sell acquisitions of Pompey; he will lead the colonists to Capua, appropriate the land, and

12. Cicero, "De Leg. Agr.", I, 7.

13. Cicero, "De Leg. Agr.", II, 17.

14. Ibid., I, 5.

15. Cicero, "De Leg. Agr.", II, 26.

16. Cicero, "De Leg. Agr.", I, 5; II, 26.

set up a rival city at Capua—a military power to oppose Rome.<sup>17</sup>

A. The Provisions of the Rullán Agrarian Law.

Part of these we get from the law directly, as Cicero quotes it, part through Cicero's paraphrasing.

I. The commission—its election and composition.

A commission of ten men were to be elected by a majority of 9 votes out of 17 tribes selected by lot from the thirty-five, the tribune of the people to conduct the comitia.

"Jubet enim tribunum plebis, qui eam legem tulorit, creare decenviros per tribus septemdecim, ut quem novem tribus fecerint is decenvir sit."

-II,VII,17.

Also in the same manner as in the comitia for the election of Pontifex Maximus (giving religious sanction)

"ITEM, EODEMQUE MODO' UT COMITIIS PONTIFICIIS MAXIMI."

-II,7,18.

Pompey was excluded from serving on commission, as only those present could stand for office.

-II,9.

He also gave the decenvirs the honor of a *lex curiata* (It was absolutely without precedent to confer magistracy on a man who had not previously received it in some comitia) - - - for the sake of auspices.

"Primum lege curiata decenviros ornat - - - causa auspiorum?"

-II,10,26.

He who was elected as first praetor was to propose the law *lex curiata*; if he were unable to propose it, the last praetor was to do it. The decemvirs were to be in the same condition as those appointed with the strictest accordance with the law.

"Jubet enim, qui primus sit praetor factus, eum legem curiatam ferre; sin is ferre non possit, qui postremus sit" - - -  
 "TUM EI DECEMVIRI EODEM JURE SINT, QUO QUI OPTIMA LEGE."

-II, II, 28, 29.

The decemvirs were to take the auspices for conducting colonies.

"Jubet auspiciis coloniarum deducendarum causa decemviros habere pullarios EODEM JURE QUO HABUERUNT TRIUMVIRI LEGE SEMPRONIA."

-II, 12, 31.

The decemviri were to hold office five years, and to be strengthened with secretaries, clerks, architects and two hundred surveyors from the equestrian body; were to have mules, tents, furniture, with money from treasury and allies.

"Definit in quinquennium, facit sempiternam; ornat apparitoribus, scribis, librariis, praeconibus, architectis - - - -  
 finitores ex equestri loco - - - sumptum haurit ex aerario, suppeditat a sociis."

-II, 13.

Cicero declares that, they being strengthened with such defences, it will be impossible to deprive them of their power.

## II. Their duties and functions

### I. Power of selling practically everything.

(a) Public shrines and roads - Cicero defines some of these as Mt. Gaurus, Osier-beds at Minturae, road to Herculaneum.

(Things proposed for sale in the consulship of C. Cornelius, but not sold because measure was unpopular.)

"Datur igitur eis primum, ut liceat eis vendere omnia, de quibus vendendis senatus consulta facta sunt M. Tullio Cn. Cornelio consulibus postve ea."

-II,14,35.

(b) Whatever lands, whatever places, whatever buildings or anything else.

"QUI AGRI, QUAE LOCA, AEDIFICIA - - - - ALIUDVE QUID."

-II,15,38.

"Quinquid agitur sit extra Italiam quod publicum populi Romani factum sit L. Sulla Q. Pompeio consulibus aut postea, id decemviros jubet vendere."

-II,15,38.

Cicero interprets this clause to include Ephesus, Pergamus, Symrna, Tralles, Miletus and Cyzicus-in fact all of Asia. Hardy declares it is preposterous to consider the whole of Asia to be included under the clause, and says it was used by Cicero to blind the equestrian order.<sup>18</sup>

(c) "Ergo ex sua lege vendet Alexandream vendet Aegyptiam."

-II,16,43.

<sup>18</sup> Hardy, Opus cited, P.235.

(d) Triumvirs to sell the revenues of the Roman people.

"Incident nervos populi Romani, adhibeant manus vectigalibus vestris, irrumpant in aerarium."

-II,16, 43.

(1) "VENEAT SILVA SCANTIA." -I,1,2.

(2) "Vendet Italiae possessiones ex ordina omnes."

-I,1,2.

(3) "Persequitur in tabulis censoriis totam Siciliam."

-Ibid.

(4) "Territories of the Attalenses, Pharelites, Olypei.

(5) Royal domains of Bithynia, Macedonia, domains of Corinth, New Carthage in Spain, ancient Carthage.

(6) Royal domains of Mithridates in Paphlagonia, Pontus, Cappadocia.

These lands (were) a censoribus locati sunt et certissimum vectigal adferunt.

2. The decemvirs were to determine public property and place a heavy tax on all public lands outside Italy (that had not been sold).

(a) "OMNES AGROS EXTRA ITALIAM (II,21,56) - - - - JUBET ENIM DEM DECEMVIROS OMNIBUS agris publicis pergrande vectigal imponere." -I,4,10.

Recentoric district in Sicily and lands protected by treaty-King Hiempsal's land-were excepted.

(b) To all the money accumulated from these sales and taxes,

the gold and spoils taken in the war by all the generals except Pompey, to be added.

"AURUM, ARGENTUM EX PRAEDA EX MANUBIIS, EX CORONARIO, AD QUOS CUMQUE PERVENIT NEQUE RELATUM EST IN PUBLICUM NEQUE IN MONUMENTO CONSUMPTUM."

-II,22,59.

(c) All the money coming from the usufruct of the new vectigalia-"vectigalia quae Gn. Pompeius adjunxerit"-ut si qua pecunia post nos consules ex novis vectigalibus recipeatur, ea decemvir utantur.

-II,23,62.

(d) Power given the decemvirs to hold sales in any place convenient

-I,3.

3. With these immense sums the decemvirs were to purchase lands in Italy on which the plebs urbana was to be settled.

"Hac pecunia jubet agros emi, quo deducamini."

-II,24,63.

Kinds of lands:

Lands in ITALIA, qui arari aut COLI POSSET.

-II,25,66.

Cicero interprets this last phrase as "lands not yet cultivated"; and he also quotes Rullus as saying he cannot name any lands because he touches none against the will of the owner.

"Agros nominare non possum, quia tangam nullam ab invito."

-II,25,67.

Cicero sees two kinds of lands to be sold:

(a) The land unpopular because it has been seized and distributed by Sulla.

(b) Barren and deserted lands.

4. The decemvirs were to lead colonists to these lands purchased and to the Campanian district, ET IN QUAE LOCA PRAETERAE VIDEBITUR.

"QUAE IN MUNICIPIA QUAS QUE IN COLONIAS DECENVIRI VELINT, DEDUCANT COLONOS, QUOS VELINT, ET IIS AGROS ASSIGNENT, QUIBUS IN LOCIS VELINT."

-I,6,17.

5,000 colonists were to be led to Capua, each of the decemviri to choose 500 men.

"At enim ager Campanus hac lege dividetur orbi terrae pulcherrimis, et Capua colonia deducetur. Quinque milia colonorum Capuam scribi jubet; ad hunc numerum quinque genos sibi singuli sumunt."

-II,26,76.

Ten acres to be given each one.

"Ista dena jugera continuabunt."

But adding the Stellate plain to the Campanian district, Rullus allowed 12 acres to each settler.

"Adjungit Stellatam campum agro Campano et in eo duodena describit in singulos homines jugera."

-II,31.

Rullus had told Cicero he was going to begin with the Romilian tribe, thus putting the city tribes last.

III. The Sullani homines, many of whom were mere possessori were confirmed in their possessions as of absolute ownership.

"Sunt enim multi agri lege Cornelis Publicati nec cuiquam adsignati neque venditi qui a paucis hominibus impudentissimus possidentur."<sup>19</sup>

"QUI POST MARIUM ET CARBONEM CONSULES AGRI, AEDIFICIA, LACUS STAGNA, LOCA, POSSESSIONES PUBLICA DATA, ASSIGNATA VENDITA, CONCESSA, POSSESSA SUNT, EA OMNIA EO JURE SINT, UT QUAE OPTIMO JURE PRIVATA SUNT."

-III,2,7.

B. Cicero's objections to the law.

(a) Puts too much power into the hands of ten men-makes them kings.

"Reges constituuntur, non decemviri, Quirites, itaque ab his initiis fundamentisque nascuntur, ut non modo cum genere rem coeperint, sed etiam cum constituentur, omne vestrum ius potestas libertasque tollatur."

-II,II.

He says also "from the first clause to the last nothing is intended but to appoint ten kings of the treasury, of the provinces, ten lords of the whole earth under the name and picture of an agrarian law."

-II,6.

He mentions their unlimited power.

-II,13.

(I) To acquire enormous sums out of revenues by alienating them.

<sup>19</sup>.De Leg. Agr.III,3,12.

- (2) To pursue an inquiry into the conduct of every country, without a bench of judges.
- (3) To punish without any right of appeal.
- (4) To be able to sit for five years in judgment of consuls and tribunes; no one to sit in judgment on them.
- (5) To fill magisterial offices and not be prosecuted.
- (6) To have power to purchase lands from whomever they choose, whatever they choose and at whatever prices they choose.
- (7) To establish new colonies, recruit old ones.
- (8) To visit every province, take away whatever lands they please.
- (9) To be at Rome when convenient, but to wander about with supreme command of judgment on everything.
- (10) To delegate their powers to a quaestor and to send about surveyors.

(b) No place fixed for the auction-set up their tribunals and auction wherever they please; but Roman censors were not allowed to sell contracts for farming revenues except in sight of Roman people.

-I,3.

(c) Violation of Licinian and Second Arbutian Laws for the proposer of a law or his connections to have any power or part in the commission-but Rullus would control everything.

-II,9.

(d) Great opportunities for graft, extortion, embezzlement.

Decenvirs would take money to abstain from selling. They would declare at will private or public property -II,21.

If no one were willing to sell, decemvirs would keep money. -II,27.

They would seize immense estates in fine Campanian land for themselves. -II,28.

(e) The Sullan landholders, who got land unlawfully or seized portions not assigned, would have an opportunity to get rid of land with unpopularity attached, at a high price—the father-in-law of Rullus, a notorious example.

-II,26-27.

"Et vos non dubitatis quin vectigalia vestia vendatis plurimo majorum vestrorum sanguine et sudore quaesita, ut Sullanos possessores divitiis augeatis periculo liberetis."

-II,26.

(f) Waste and pestilential lands would be bought by decemvirs.

Would the Roman people give up their popularity, votes, dignity, games and all other enjoyments for desert land?

(g) Alexandria and Egypt would be given to those asking for it in an underhanded way, to whom it had been refused openly.

-I,1.

(h) Decemvirs would have supreme control of the aerarium by laying hands on revenues (vectigalia)

-II,18.

(i) Revenues of republic would be diminished—Capua a sure source of revenue—a granary from which legions were fed, main source of riches,—would be taken away from Roman people.

-I,7;II,29.

"Unumne fundum pulcherrimum populi Romani, caput vestrae pecuniae pacis ornamentum subsidium belli fundamentum vectigalium, horreum legionum, solacium annonae disperiri patiemini?" -II,29.

Neither the Gracchi or Sulla dared touch the Campanian territory. -II,29.

(j) Decemvirs would establish military forts over Italy, by leading their friends, soldiers and desperate and reckless men as colonists. -I,7;II,27-28.

(k) Capua would be set up as a seat of a new republic against Rome. \*II,32.

(l) The common people - a race of industrious and virtuous people brought up on Campanian lands, would be driven out, with no place to betake themselves.

"Totus enim ager Campanus colitus et possidetur a plebe, et a plebe optima et modestissima; quod genus hominum optima moratum optimorum et aratorum et militum-(natum in illis agris et educatum)-ab hoc plebiscita tribuno plebis funditus ejicitur." -II,31.

(m) The whole law is aimed at Pompey.

"It is against you, against your liberty, against Pompey an army is being raised."

"Exercitus contra vos, contra libertatem, vestram, contra Cn. Pompeium constituitur - - - contra Cn. Pompeium decem duces comparantur." -III,4.

Cicero's statements as to the unlimited power and arbitrary actions of the decemviri—they would have free people at their mercy, they would sell everything, even all Asia, they would impose vectigals at pleasure, they would decide public and private property to suit themselves, they would keep the money, they would have supreme control of the aerarium, they would alienate the revenues, would seize the best portions of Campanian land and set up a rival republic to Rome, that they would relieve the Sullan homines of undesirable and unpopular land, and would purchase waste lands at exorbitant prices—are extravagant and exaggerated.

Furthermore, his premise that the decemvirs would be "men of greatest avarice and unsatiated desire for every sort of property", <sup>20</sup> licentious and corrupt, and "would select colonists prepared for deeds of violence", <sup>21</sup> is wrong as it is condemning them a priori. Cicero cannot say with assurance what kind of men will be selected before they are chosen.

Yet his reasoning on the whole is sound and logical. Extraordinary and un-republican powers were to be given these ten men—such as never had been granted to anyone in Roman history. There would be great opportunity for extortion, jobbery, and embezzlement. The decemvirs were given unlimited administration of a large fund of money, and should a conflict with Pompey arise, they could easily turn it to military ends. Resources of Egypt would be at the command of Caesar and Crassus, and as its subjugation would require an army, a military base would be established; the decemvirs would have opportunity to get control of the provinces.

20. De Leg. Agr., I, 5.

21. De Leg. Agr., II, 50.

The aim of the bill was to create a new power in the state, backed by an army if necessary—opposed to the existing government. The law was aimed at Pompey also, or at least, as Hardy says, "to compel him by indirect pressure to fall into line with the leaders of the *Populares* or people's party!"<sup>22</sup> Cicero was right when he said: "You have now the very form and appearance of tyrants; you see all the ensigns of power, and yet not the power itself."<sup>23</sup>

Yet the law has some measures of real agrarian reform. We shall see below that Caesar actually did incorporate some of its main provisions, such as the division of Campania, into his laws of 59 B.C., and carried out other agrarian schemes in his dictatorship.

First, the law enunciated the principle of purchase, which was carried out in later Agrarian laws. As practically all the public land had been distributed, and that held in *possessio* made private property by the law of 111 B.C., there was no land left to distribute except the *Ager Campania*, and the land confiscated by Sulla, but not allotted.

Second, the aim to draw off the city rabble was a beneficent one. Could it have been carried out, it would have purified politics, relieved the treasury of providing the heavy corn doles, improved Italian agriculture by turning desert lands and grazing regions into farms. Cicero is not sincere when he criticizes Rullus for saying, "*Urbanam plebem nimium in re publica posse; exhauriendam esse.*"<sup>24</sup> In a letter to Atticus he speaks of one advantage that might accrue from the law

22. Hardy, *Opus cited*, p. 259.

23. *Lex Agr.*, II, 15.

24. *De. Leg. Agr.*, II, 26, 70.

of Flavius "the dregs might be drawn from the city."<sup>25</sup> Cicero appealed to the worst instincts and traits of the city mob when he suggested:

"Retinete istam possessionem gratiae, libertatis, suffragiorum dignitatis, urbis, fori, ludorum, festorum dierum, ceterorum omnium commodorum, nisi forte mavultis relictis his rebus atque luce rei publicae in Sipontina siccitate aut in Salpinorum pestilentiae finibus, Rullo duce collocari."

-II,27,71.

In his first oration against the law, Cicero relieved the apprehension of the Senate concerning the law and assured them he would oppose the law to the utmost of his power; he also discussed some of the general provisions of the law. In the Second Oration, delivered to the people at a contio, Cicero took up the clauses of the law in detail and discussed them. In the Third Oration he refuted the accusations of Rullus that he was opposing the law because he desired to secure to Sulla's party their land and property, by proving that the law itself expressly made their possessions private property.

The law did not carry, the tribunes withdrew it themselves, although Cicero had a tribune ready to block it if it came to a vote. Cicero, as he says, "had more success in arguing against an Agrarian law than a proposer in advocating one."

"Quis enim unquam tam secunda contione legem agrariam suasit; quam ego dissuasi."<sup>26</sup>

25. Ad. Att. I, 19.

26. De Leg. Agr., II, 37, 100.

### The Conspiracy of Catiline:

The conspiracy of Catiline is the knowledge of practically every school boy. Also, since it is not a phase of the Agrarian problem, although it touches it, as the agrarian situation made such a conspiracy possible, it will not be discussed. Suffice it to say, that Caesar and Crassus could not entirely clear themselves of complicity in the matter.<sup>27</sup> They had already made an alliance "with the anarchists" as Mommsen declares, and had perhaps secretly supported him in his first conspiracy to murder the consuls and seize the reins of government. Catiline was to be the tool for a revolutionary design. Failing in their revolutionary Agrarian law, they again turned to Catiline and supported him for the consulship at the election of 63 B.C. Authorities are agreed, however, that they did not support Catiline in his final intentions-to bring about wholesale destruction and murder, to cancel debts, to establish anarchy.

### The Agrarian Law of Flavius-60 B.C.

This law was fathered by Pompey, "whose chief wishes," Dion Cassius says, "were to have some land given him for the comrades of his campaigns and to have all his acts approved."<sup>28</sup>

Cicero writes to Atticus:<sup>29</sup>

"Agraria lex a Flavio tribuno pl, vehementer agitabatur auctore Pompeio, quae nihil populare habebat praeter auctorem."

27.Suetonius, "Julius", IX.

28.Dion Cassius, XXXVII, 48.

29.Ad Atticus I, 19.

Dion Cassius states<sup>30</sup> that the tribunes added to Pompey's original proposition—that land be assigned Pompey's soldiers—that the same opportunity be afforded all citizens (that they might more readily vote this particular measure)

From Cicero's letter to Atticus<sup>31</sup> we find out indirectly some of the provisions:

Cicero says he proposed to omit all clauses which adversely affected private rights; to except from division such public land as had been so in the consulship of P. Mucius and L. Calpurnius—before 133 B.C.; i. e., Campanian land; to confirm the titles of holders to whom Sulla had actually assigned lands; to retain the men of Volaterræ and Arretium—whose lands Sulla had confiscated, but not assigned—in their holdings.

From this we gather that the bill proposed division of Campanian domain, and of lands Sulla confiscated without dispossessing holders, and a farther disturbance of Sullan land allotments.

Cicero favored only the purchase clause—revenues of the eastern provinces for the next five years to be used to purchase for allotments.

"Unam rationem non rejiciebam, ut ager hac adventicia pecunia emeretur, quæ ex novis vectigalibus (Pompæii) per quinquenniam reciperetur."

The law did not pass. Cicero says "the Senate feared some novel power for Pompey was being aimed at."<sup>32</sup>

30. Dion Cassius, XXXVII, 50.

31. Ad Atticus, I, 19.

32. Ibid.

Dion Cassius relates that Metellus contested every point; and that he himself, Cato and Lucullus demanded investigation of Pompey's acts. Pompey had Metellus cast into prison, whither Metellus ordered the Senate to convene. Flavius setting his tribune's bench at the door, Metellus ordered the wall to be removed. Pompey ashamed ordered Flavius to desist.<sup>33</sup>

Heitland states that this law was most likely an impracticable proposal.<sup>34</sup> Even Caesar did not propose the dispossession of the Sullani homines in the law of Rullus.

Hardy says, "Caesar was statesman enough to perceive that it was outside the range of practical politics and would lead to economic confusion to interfere now with the Sullani homines after twenty years of occupation."<sup>35</sup>

The Flavian law is an important step in the Agrarian problem; for its defeat drove Pompey into the arms of the democratic leaders. The principal inducement to Pompey for entering the famous coalition or "First Triumvirate" in 60 B.C. was the prospect of providing for his soldiers.

Caesar wanted to gain the consulship, secure a province, build up a military power for his party and himself. But he failed in his three most important projects—conquest of Egypt, election of Catiline, Rullan agrarian law. The aristocratic party with the wealthy men and Pompey's adherents could in all likelihood defeat Caesar. Thus Mommsen points out even if that opposition were overcome, "his election would not

33. Dion Cassius, XXXVII, 50.

34. Heitland, l.c., Vol. III, P. 121

35. Hardy, l.c., P. 248.

suffice. He needed some years of undisturbed working, outside of Italy in order to gain a firm military position; and the nobility would leave no means untried to thwart his plans."<sup>36</sup>

Thus, Appian states, "these three most powerful men-Caesar, Crassus, Pompey-pooled their interests. Pompey was to have his arrangements in the East ratified, and land for his soldiers; Caesar was to have the consulship in 59 B.C.; Crassus was to share in their projects and perhaps money interests." Appian tells us "the Senate had their suspicions of them and elected L. Bibulus as Caesar's colleague to hold him in check."<sup>37</sup>

Therefore, Caesar attained the consulship principally as a result of the coalition, Pompey's influence being secured by Caesar's promise to carry an Agrarian law, which Caesar fulfilled, although in order to do so, he was forced to assume an arbitrary attitude and institute revolutionary measures, for which he was held accountable by the Senatorial party. From this first cause arose many of the effects which brought about the downfall of the Republic and the establishment of a monarchy.

Caesar's Agrarian laws.

Caesar evidently carried two agrarian laws, although Appian confuses the Campanian law with the first. Cicero in a letter to Atticus, December, 60 mentions an Agrarian law and that Caesar expects his assistance.<sup>38</sup> In April, 59 he speaks of the twenty commissioners under

36.Mommsen, l. c. Vol.IV,P.240.

37.Appian,II,2

38.Ad. Atticum,II,3.

Caesar's law.<sup>39</sup> He writes to Atticus the last of April thus: "On the day before the Calends of May your letter was delivered containing your news about the Campanian land - - -. I had feared from what you said in your previous letter some very sweeping measure."<sup>40</sup> In June Cicero writes to Atticus-"Habet etiam Campana lex execrationum in contione candidatorum, si mentionem fecerint, quo aliter ager possideatur ut ex legibus Juliis."<sup>41</sup>

(a) Caesar's First Land Law.

Dion Cassius gives the provisions of Caesar's first Land Law as follows:

Land to be given to Pompey's soldiers and to those who had followed Metellus.<sup>42</sup>

Land to be assigned the populace-"Caesar wished to court favor with the multitude that he might make them his own to a greater degree."<sup>43</sup>

"All public land to be distributed except Campania-this he advised keeping because of its excellence-; the rest he urged them to buy, not from anyone who was unwilling to sell, or for as large a price as the seller might wish, but from people willing to dispose of their holdings, for as large a price as it had been valued in the tax list."<sup>44</sup>

The surplus money from the booty Pompey had captured and from the new tributes and taxes to be used to purchase land.<sup>45</sup>

39. Ad Att., II, 7.

42. Dion Cassius, XXXVIII, 5.

40. Ad Atticum, II, 16.

43. Dion Cassius, XXXVIII, 1.

41. Ad Att., II, 18.

44. Dion Cassius, XXXVIII, 1.

45. Ibid.

Twenty commissioners were to carry this out—not a small body to seem like an oligarchy, nor those under legal indictment.

Caesar himself was to be excepted from the commission.<sup>46</sup>

Dion Cassius speaks of the law as follows:

"The mass of citizens (which was unwieldy and had a tendency to riot) was turned in the direction of work and agriculture. The most desolate parts of Italy were being colonized afresh, so that not only those who had been worn out in campaigns, but all the rest should have subsistence aplenty and without expense on the part of the city or assessment of chief men."<sup>47</sup>

"Caesar framed the law in such a way as to cause no censure."

He promised to erase any clause that might not please any person.

Dion continues:

"The very fact troubled them (the Senators) that Caesar had compiled a document on which no one could raise a criticism; yet they were downcast, they suspected the purpose for which it was being done—he would bind the multitude to him as a result."<sup>48</sup>

Nothing was done by the Senate. Caesar rushed out of the Senate, saying, "I have made you judges of the law, so if it might not suit you, it need not be brought into the assembly; but since you are unwilling to pass a decree, that body itself shall decide."<sup>49</sup>

Appian states, "Caesar did not convene the Senate for the remainder of the year, but harangued the people from the rostra."<sup>50</sup>

46. Ibid.

47. Dion Cassius, XXXVIII, I.

50. Appian, II, 10.

48. Ibid.

49. Dion Cassius, XXXVIII, 3.

Pompey, on being asked publicly by Caesar, what he thought, gave his approval.<sup>51</sup>

The Senate planned for Bibulus to oppose the laws. With their tribunes to support him, he hindered the passing of the law, and proclaimed a sacred period for the remaining days of the year. Caesar announced a day for the voting on the law.<sup>52</sup>

Appian says Caesar had already secretly obtained a large band of soldiers in readiness.<sup>53</sup> When Bibulus burst into the Forum, tumult arose. He and the tribunes were thrust out of the Forum and wounded; Cato also was ejected.<sup>54</sup> The law was ratified, and the commission of twenty selected with Pompey and Crassus at the head.

(b) Caesar's Second Land Law.

This provided for the distribution of Campanian territory to those having three or more children. A clause, like that of Saturninus, required all the Senators to swear by a given date to observe the laws.<sup>55</sup>

Suetonius gives the law thus:

"Campum Stellatam majoribus consecratum agrumque Campanium ad subsidia rei publicae vectigalem relictum divisit extra fortem ad XX milibus civium, quibus terni pluresve liberi essent."<sup>56</sup>

Appian says, "20,000 fathers who had three children each rushed forward."<sup>57</sup> But Cicero declares in a letter to Atticus:

51. Appian, II, 10; Dion, 38, 5.

52. Dion Cassius, XXXVIII, 6; Suetonius, "Julius", XX; Cicero, Ad Att., II, 16.

53. Appian, II, 10.

54. Appian, II, 11; Dion 38, 6; Suetonius, "Julius", XX.

55. Cicero, Ad Atticus, II, 18.

56. Suetonius, XX.

57. Appian, II, 10.

"Qui ager ut dena jura sint, non amplius hominum quinque milis potest sustinere."<sup>58</sup>

Since these views conflict we cannot say how many allotments were made, and modern authorities are not inclined to think 20,000 parents of three children each, besides Pompey's soldiers could be located in Capua.<sup>59</sup>

The Second Agrarian law of Caesar caused much disturbance, too. Cato was chief opposer this time, as Bibulus had withdrawn to his house to proclaim religious omens and declare all Caesar's acts illegal.<sup>60</sup> Cato was carried off to prison by order of Caesar, but was released by the intervention of a tribune.

The law was passed, and the Senators, seeing Caesar was master of the situation, took the oath to observe it. Pompey personally undertook the execution of the law, and settled a large number of citizens and his old soldiers in Capua.

Differences between these laws and the Rullan law:

Caesar had profited by experience and had removed objectionable features of the Rullan law from his Agrarian laws.

- (a) He provided for a large number of commissioners so the honors might be divided.
- (b) Caesar himself was prohibited from serving on the commission: Thus all cries of self-interest were removed.
- (c) Land to be distributed was to be bought, but the price was no more than valued in the tax list.

- (d) Fathers of families were to be recipients (Cicero had accused Rullus of desiring to secure land for himself and his adherents)
- (e) The alienation clause was modified-land could be sold after 20 years. Caesar felt if it had been kept 20 years it would be a good test of owner's ability to use it.
- (f) The public vectigalia was not to be sacrificed, but money secured from the East by Pompey was to be used.

As a result of an attempt on Caesar's life by Vettius, who said he was sent by Bibulus, Cato, and Cicero-perhaps "trumped up" by Caesar to influence the multitude-, Caesar was allowed armed guards.<sup>61</sup>

Caesar became sole administrator of public affairs the remainder of the year,<sup>62</sup> and carried things with a high hand. Having won the people to his cause, he thus released the publicans or tax farmers from one-third of their obligation, and gained the support of the Knights. He further won over the people by lavish display of spectacles and combats of wild beasts, and splendid gifts; "in consequence of which" declares Appian, "he was appointed governor of Gaul for five years, with command of four legions."

Let us then sum up Caesar's revolution. First, it began with an Agrarian law. This law itself, Mommsen declares, "bore the stamp of moderation, honesty and solidity."<sup>63</sup> Heitland says,<sup>64</sup> Caesar's aim was beneficent-"he desired to reduce the urban mob, and to restore free population, for Italy was still the land of large estates; for

61.Appian, II, II.

62.Ibid.

63.Mommsen, l.c.Vol.IV,P.245.

64.Heitland,l.c.,Vol.III,P.139-341.

nearly three-fourths of a century, legislators had been sincerely endeavoring to check the growth of pauperism and to repopulate the country-side."

Caesar's law was framed so the Senate could find little fault. Their chief objection as we learn from a letter of Cicero's,<sup>65</sup> was that the distribution of Campanian land took away the home revenue. But this objection was against Caesar's second law. Caesar followed the legal forms—he put his law before the Senate for discussion. From pure obstinacy, they rejected it without discussion.

Then Caesar began his revolution. He took the matter out of the hands of the Senate to the people, and put down all obstructions—consular, tribunitian, religious, riotous—with a strong hand and imposed his will on the people and Senate alike.

Naturally, the aristocrats, burning for revenge, desired to call Caesar to account for his revolutionary acts during his consulship; and after Caesar had gone to Gaul, began an aristocratic restoration during Caesar's absence. Lucius Domitius Ahenobarbus, becoming consul in 55, openly proclaimed that he intended to propose to the voters to recall Caesar.

The aristocrats began the attack by attempting to cancel Caesar's Campanian Land Law. Cicero wrote to his brother Quintus in 56:

"Sed eodem die vehementer actum de agro Campano clamore Senatus prope contionali."<sup>66</sup>

And in 54 Cicero wrote to Lentulus, that the Senate voted on his motion to refer the question of the Campanian land to a full meeting of the

Senate on the fifteenth of May.<sup>67</sup>

But Pompey had not yet gone over to the aristocrats, and at the conference of Luca,<sup>68</sup> differences were patched up in the coalition: Caesar secured Gaul for another five years, and the Campanian land question was dropped, much to Cicero's disgust. After the death of Julia, the daughter of Caesar and wife of Pompey, in B.C.54, Pompey drifted apart from Caesar.

By 51 B.C. Pompey had become estranged from Caesar, and had returned to his original traditions and party—the Senatorial cause. Becoming sole consul in 52, he proposed a law aimed at Caesar, that any citizen might call to account a magistrate from Pompey's own consulship to the present.<sup>69</sup> This would incriminate Caesar for his revolutionary actions in regard to the agrarian law.

In 51 B.C. Caelius wrote to Cicero that Curio's (a member of the Optimates, who, bribed by Caesar,<sup>70</sup> was looking for an excuse to take up Caesar's cause) proposal regarding the Campanian land was opposed by Pompey, who feared it would be unoccupied and at Caesar's disposal when he returned.<sup>71</sup> Caelius wrote in 50 B.C. that Curio had gone to the popular party, and had begun to speak up for Caesar, and to make a great parade of a road law, not unlike Rullus's Agrarian law.<sup>72</sup>

The combined opposition of Pompey and the Senate to Caesar, and their insistence that Caesar give up his province and legions, and

67. Fam., I, 9, 8.

68. Appian, II, 17.

69. Appian, II, 23.

70. Appian, I, 26.

71. Ad. Fam., VIII, 10

72. Ad. Fam., VIII, 11.

come to Rome as a private citizen to try for the consulship (whereupon they would condemn him for the illegal acts of his consulship) precipitated the Civil War.

As a result Caesar overthrew the Republican government, became undisputed master of the Roman world in 45 B.C. dictator for life, and set up a monarchy in all but the name.

As dictator Caesar carried out the work he started in 59 B.C. He continued his work of Agrarian reforms in a most statesman-like way.

First, he undertook the difficult task of discharging his old soldiers and establishing them on land allotments as a reward for service. Excepting a few confiscated estates he tried not to disturb existing tenure. Suetonius<sup>73</sup> states that "Caesar assigned the soldiers land, but not side by side (as Sulla had done) to avoid dispossessing the former owners." However, Heitland says, there was the same old difficulty of making farmers out of soldiers.<sup>74</sup>

The city proletariat were also included in this division. Lands were purchased and distributed in Italy (Etruria) and Cisalpine Gaul. Capua also was allotted further than had been distributed by Pompey. Dion Cassius relates that Augustus went to Campania and collected a large number of men chiefly from Capua, because these people had received their lands and city from his father.<sup>75</sup> We learn also from Dion that Caesar sold in the market all the public lands, not only the profane, but also the consecrated lots and auctioned off a majority of

73. Suetonius, Julius, XXXVIII.

74. Heitland, L. c., Vol. III, P. 340.

75. Dion, XLV, 12.

them.<sup>76</sup> (This carried out a provision of the agrarian law of Rullus)

To prevent the capitalistic land holders from getting the allotments, Caesar forbade the alienation of the lands for twenty years.<sup>77</sup>

In order to combat slavery and restore the rural freehold population, Caesar made a law that every farmer should employ one free man to every two slaves.<sup>78</sup>

Caesar attacked the question of the city mob, reducing the numbers receiving corn largesses by his Lex Julia Municipalia. Suetonius says Caesar reduced the number receiving corn largesses from 320,000 to 150,000.<sup>79</sup> An annual list of grain recipients was made, vacancies being filled by lot; the incentive to come to the city, therefore, could not be so great. Caesar also refused manumitted slaves (who formed a dangerous addition to the city mob) citizenship except on merit.<sup>80</sup>

He was first to carry out on a large scale transmarine colonization, a beginning of which had been made by Caius Gracchus. Colonization of Carthage and Corinth was carried out by his strong hand.<sup>81</sup> 80,000 citizens were assigned to colonies across the sea.<sup>82</sup>

Thus by allotments of land in Italy and by limiting the number of slaves and by transmarine colonization, by reducing the corn largesses, Caesar tried to mitigate the two evils which were undermining the economic life of Rome—pauperism resulting from concentration in the city, and the desolation of the countryside.

76. Dion, XLII.

77. Appian, III, 2.

78. Suetonius, Julius, 41.

79. Suetonius, Julius, XLI.

80. Heitland, l.c., Vol. III, P. 358.

81. Dion Cassius, XLIII.

82. Suetonius, Caesar, XLII.

Though his measures were palliatives, he succeeded to some extent in reviving Italian agriculture and reducing pauperism.

His assassination in 44 B.C. prevented his carrying out many of the projects along social and economic lines. It remained for his nephew, Augustus, to take up Caesar's work of regenerating Italian agriculture.

## THE LAND QUESTION AFTER THE DEATH OF CAESAR

"Caesar fell a victim to the wounded pride of the republican nobles;" and his untimely death left Rome to undergo a dreary period of bloodshed and anarchy until Augustus became master of Rome by the victory of Antium in 30 B.C., and celebrated peace and restoration of law and order by closing the temple of Janus.

To Cicero and the Senatorial party it seemed that the establishment of republican government would be accomplished. Cicero worked indefatigably to restore the old constitution, and at first was able to control affairs; but with the conspirators seeking to justify their acts and strengthen their position; Antony burning for revenge and desiring self-aggrandizement; Octavius striving to assume his adopted father's position and avenge his death; and a bewildered and fickle multitude, civil war was inevitable, and Cicero was powerless to alter the course of events.

The land question after Caesar's assassination assumed great importance. Practically all of Caesar's remedial measures were undone. Both the city mob and Caesar's "colonized soldiers" played an important part in the struggle, as both the murderers and Antony, and later Antony and Octavius, tried to win favor with the multitude to the detriment of each other. And the land allotments and divisions was their principal inducement.

At Caesar's death a large number of Caesar's soldiers to whom land

allotments had been made were at Rome, part of whom had come to serve as an escort for Caesar on his departure from the city;<sup>1</sup> others who had been allotted lands recently were encamped in sacred enclosures, ready to be led to their colonies under the direction of one person.<sup>2</sup> These fearing their allotments would be taken away, made threats in case they should fail to hold them. Caesar had proposed to settle a colony at Buthrotum in Epirus.<sup>3</sup>

Both Caesar's murderers and his friends tried to conciliate them. The shrewd Antony, having wormed his way into the complaisance of the Senate, succeeded in getting a law passed to confirm Caesar's acts, and to secure the colonists their allotments.<sup>4</sup>

Meanwhile Brutus and Cassius had been striving to win the city mob. But Appian declares that they did not perceive they were counting on two incompatible things: that people could be lovers of liberty and bribe takers at the same time.<sup>5</sup>

Brutus in a long speech to the people promised the colonists to confirm their land forever, and to pay those dispossessed by Caesar out of public money for their land, so no hatred would be attached to it.<sup>6</sup>

The land law of Cassius:

Brutus and Cassius still remained at Rome in the capacity of

1. Appian, II, 119.

2. Appian, II, 120.

3. Ad Att., XIV, 17; XV, 29; XVI.

4. Appian, II, 135.

5. Appian, II, 120.

6. Appian, II, 141.

praetors. To conciliate the colonists they passed a law enabling them to sell their allotments, thus repealing Caesar's law prohibiting alienation until after twenty years <sup>7</sup>.

Antony's funeral oration, which has entered the realm of literature, won the city mob to his cause; and when he consummated it with the reading of Caesar's will, which gave every Roman 75 drachmas, the populace roused to fury, drove the murderers from the city.

Antony, having won the people and deceived the Senate, Brutus and Cassius fled from Rome. But Octavian, Caesar's adopted son and heir soon came to Rome to claim his inheritance and challenge Antony. Octavian, trying to win the mob over to his side, distributed money from the sale of his own property, to carry out provisions of Caesar's will, as Antony by double dealing, was pretending to carry out Caesar's will, but causing a series of lawsuits over Caesar's property, the claim being that Caesar's landed property was confiscated estates, yet the records showed that purchases had been made. <sup>8</sup>

#### Antony's Land Laws

Antony had a law passed for the settlement of a colony at Capua in April or May; he divided the land among his followers and friends: 2,000 acres of the land of the Leontini to his trainer; 3,000 acres to his doctor. <sup>9</sup> Cicero, in his "Second Philippic" says:

"Agrum Campanum, qui cum de vectigalibus eximebatur ut militibus daretur tamen infligi magnum reipublicae vulnus putabamus huic tu

7. Appian, III, 5.

8. Appian, III, 22.

9. Dion Cassius, XLV, 30; Cicero, Philipp. (Domitius), III, 23; V. 2, 4.

compranscribis tuis et collusoribus dividebas. Quid jam querar de agro Leontino? - - - Medice tria milia jugerum: rhetori duo!"<sup>10</sup>

Antony also planted a colony at Casilinum where Caesar had planted one before, disregarding Cicero's advice and all religious considerations—a new colony would not be legally established where one had been planted with due auspices, but new colonists might be added.<sup>11</sup>

Antony's Second Land Law in June 44.

Dion Cassius states: "Antony, seeing Octavianus was gaining ground attempted to attract the populace by various baits. He introduced a measure for opening up to settlement a great amount of land, including the Pomptine marshes, since they had been drained and were capable of cultivation."<sup>12</sup> Cicero in his Fifth Philippic says:

"Ille (Caesar) paludes siccare voluit: hic (Antony) omnem Italiam moderato homini, L. Antonio, dividendam dedit."

Also:

"Dividebat agros, quibus et quos volebat: nullus aditus erat privato, nulla aequitatis, deprecatio. Tentum quisque habebat possessor, quantum relinqueret divisor Antonius."<sup>13</sup>

A commission of seven was appointed to carry out the provisions; and the titles of many present holders—especially of those who had purchased confiscated lands, and of the republicans, were called in question and taken away. Among these "seven" land grabbers<sup>14</sup> as Cicero

10. Cicero, "Philipp" II, 39.

11. Cicero, Philippic, II, 40.

12. Dion, XLV, 9. Vide Suetonius, "Caesar", 44.

13. Philipp, V, 7.

14. Philipp, II, 101; Ad Att. XV, 29.

calls them, were the Antonii, Dolabella, Domitius.

From a letter of Cicero to Atticus we learn that some of the "land grabbers" were badly mauled by the Buthrotians, whom the Seven had attempted to dispossess, because they were in arrears in taxes. Caesar had confirmed their land possessions.

"Sed quid est, quaeso quod agripetas Buthroti concisos audio?"<sup>15</sup>

The Senate had given the consuls power to decide on Caesar's acts, to check Antony. The consuls had already pronounced judgment in favor of the Buthrotians.<sup>16</sup> But finally Atticus saved their land by paying their taxes.<sup>17</sup>

Later, in November, Octavian went to Capua and raised a large force of his "father's" old veterans and settlers.<sup>18</sup> Antony had already gone to Brundisium to assume command of four legions. The Fourth and the Martian legions deserted to Octavian. Cicero assumed control of the government and in his "Fifth Philippic" proposed that the consuls, Hirtius and Pansa, should ascertain what land there was assigned in violation of Julian laws, that could be divided without interfering with private possession of property, and make separate inquiry about Campania; that this land should be divided among Octavian's soldiers (the fourth and Martian legions) in allotments on the largest scale ever adopted in assigning land to soldiers.<sup>19</sup>

This survey was to reclaim land unjustly allotted by the Antonii

15. Ad Att., XVI, I.

16. Ad Att., XVI, 16.

17. Ibid.

18. Philipp. V, 5, 3.

19. Appian, III, 40.

and to reward the soldiers for adhering to Octavian's cause. Dion says "the Senate passed the law." The acts of the Septemviri were<sup>20</sup> cancelled by the Senate on the proposal of Lucius Caesar.<sup>21</sup>

Later, when the Senate sent a commission to treat with Antony, Antony sent a letter to Hirtius, saying he would disband his army, seek general reconciliation, if his six legions were endowed with land, and if the settlers established on the land by himself and Dolabella in Campania and Leontini, would not be disturbed in their allotments of land. Antony accused Hirtius and the Senate of taking away colonies planted within the sanction of the law and decree of the Senate. Cicero read this letter when he delivered his Twelfth and Thirteenth Philippics.

Octavius finally became the chief magistrate of Rome and effected reconciliation with Antony. With Lepidus they formed the "Second Triumvirate," and introduced a wholesale plan of land allotments based on robbery and confiscations.

To hold loyalty of the soldiers in the coming conflict against the conspirators, they promised the soldiers eighteen cities to be divided among them as colonies<sup>22</sup> (Capua, Vibo, Venusia, etc).

After Philippi, Octavian departed for Italy to divide land among the soldiers. His task was difficult. The soldiers demanded the cities promised them; the cities demanded that the whole of Italy share the burden, and that money be paid for land taken. And there was no money.<sup>23</sup>

20. Dion, XLVI, 29.

21. Philipp. VI, 5, 13.

22. Appian, IV, 3.

23. Appian, V, 12.

Dion Cassius naively observes; "It was impossible to please both veterans and landholders. For one class claimed as their due all that was given them, and regarded it no kindness; while the others were indignant that they were robbed of their belongings."<sup>24</sup>

"The soldiers seized more than had been given, but the chiefs were dependent on the soldiers for continuance of government."<sup>25</sup> Antony's evil wife and brother demanded that colony leaders be appointed from Antony's legions, so that Octavian would not have all the popularity arising from distributions of lands. After this, "colonization was worse than proscriptions."<sup>26</sup> The most cruel confiscation of land and expropriation took place.

Heitland says: "Italy was treated as a conquered country; while before this time, the confiscation was aimed at the wealthy, the present ruin fell on men of small means; the best and soundest element was driven off, and the land changed hands completely. Those dispossessed by this cruel expropriation had no choice but to seek freedom abroad or to migrate to Rome and increase the idle mob. The land question which had begun with the Gracchan movement for placing poor in colonies, ends with confiscation of private land, and a cruel displacement of farmers to make room for soldiers."<sup>27</sup>

We hear of Vergil, Horace, and others losing their estates. Thus agriculture was ruined further by the war.<sup>28</sup>

24. Dion, 49, 13.

25. Appian, V, 13.

26. Appian, V, 14.

27. Heitland, l. c., Vol. III, Pages 412, 427, 428, 429, 446, 500.

28. Appian, V, 13.

Even Octavian himself was helpless in the face of events. When he hesitated to carry this cruel expropriation to the utmost, he narrowly escaped with his life from the angry soldiers, who had gathered on the campus Martius and had murdered Nonius, one of his lieutenants.<sup>29</sup>

Fulvia and Lucius Antony then changed plans and turned to the cause of the dispossessed agriculturalists.<sup>30</sup> They showed the soldiers that the possession of lands of those they had fought against were sufficient—some lots still remaining should be distributed; others sold should be given outright and price of the lot paid to previous owners. They also held out Asia as an inducement.

Lucius Antony's taking up the cause of the dispossessed brought on a military struggle between himself and Octavian. Octavian accused Lucius of obstructing the colonies out of pity for the land owners.<sup>31</sup> When Lucius was forced to surrender, he declared: "Not colonization of those who fought at Philippi, nor pity for cultivators deprived of land are the causes of this war—but restoration of patrician government. Yet you shifted the cause of the war yourself to land distribution and drew soldiers to your side."<sup>32</sup>

Appian tells us that later Octavian incited his soldiers with the suspicion that Antony intended to bring back Pompeius, Pompey's son, with the owners of the land.<sup>33</sup>

As a matter of fact, riots at Rome caused by Pompeius's cutting off the corn supply forced Antony and Octavian to a reconciliation

29. Appian, V, 16; Dion, 48, 9.

30. Appian, V, 19; Dion, 49, 7.

31. Appian, V, 39.

32. Appian, V, 43.

33. Appian, V, 53.

with the son of Pompey. And Appian says the only disappointed people were those to whom lands had been allotted belonging to men who were to be restored with Pompeius.<sup>34</sup>

The battle of Philippi ended the Republic. There was a final contest as to who should be master of Rome. After the battle of Actium, Octavian held their position unchallenged, and set up an imperial monarchical government. The confiscations and evictions of the Second Triumvirate made a clean sweep of the small farmer.<sup>35</sup> Even those who had escaped Sulla's rapacity were deprived of their freeholds for soldiers who were unfitted for husbandry. There was no inducement for the farmer to improve or cultivate the land. What security had he? Horace takes up this question of insecurity of tenure in one of his Satires.<sup>36</sup> He speaks of one Ofellus, evicted from his farm after the conflict at Philippi, who still works for the new master, who has no real security of tenure or assurance that even he may reap the fruits of his labor.

Such a condition made possible the extension of the latifundia and was a preparation for great plantations of the imperial age.<sup>37</sup> Even in Horace's time the evils of the latifundia were wide spread. Horace describes the rich usurper who ploughs a thousand acres of rich Falernian land in the fertile plains of Campania.<sup>38</sup> He complains that the rich man's lake, his parks, his buildings, have encroached upon the

34. Appian, V, 74.

35. Heitland, l. c., Vol. III, P. 429.

36. Horace, Satires, II, 2, 129, 133.

37. Heitland, l. c., Vol. III, P. 429.

38. Horace, Epodes, IV, 13.

poor,<sup>39</sup> and have covered the lands that were the means of sustenance for many.

We have learned that the Gracchi strove in vain to establish a balance between large estates and small farms by distribution of land and by colonization; that the growth of the latifundia and menace of slavery caused the decay of agriculture.

We have seen that the decay of agriculture caused the growth of the city mob, for land grabbing filled Rome with the idle, reckless and discontented; that the city mob became more corrupt through the corn largesses, and more demoralized by the additions of freed slaves; that this mob had an inestimable influence on Rome politics, as it was feasted, entertained, courted, and flattered by Roman politicians in order to gain position and power; that Caesar used it as a means to gain supreme power; that the Assembly had become so demoralized through bribery and idleness, it was no longer fitted to express the will of a sovereign people.

We have seen that the agrarian laws were of no avail in checking the growth of large estates, first, because of the selfishness of the rich, obstinacy of the Senate, indifference and corruption of the poor, who having tasted of idleness and pleasures of the city, were loath to leave the city and become the agents of their own salvation; secondly, because the agrarian laws did not strike down the evil of slavery.

With Caesar's assumption of dictatorship the old republic had virtually ceased to exist, and the constitution had practically been abrogated. Heitland says that the rich and their slaves had destroyed all

that was popular in the Roman constitution.<sup>40</sup>

If the state was to be saved a new form of government would have to be established. Caesar, becoming chief magistrate, had grasped the situation in a masterly fashion, had centralized all the authority at home and abroad in his own hands, and carried the sceptre of the victorious imperator.<sup>41</sup>

The republicans who had instigated Caesar's death, not realizing that Rome had outgrown her city state constitution, which could not cope with the problem of slavery, large estates, deserted agricultural regions, bribery, corruption, government of an empire at large, had vainly hoped for the reestablishment of the old aristocratic republic. But with their defeat at Philippi, the Roman republic was forever ended.

To Augustus fell the task of establishing a government which respected the forms and traditions of the old republic, but retained the centralization of authority; of organizing a government that could control an empire. Augustus's accession gave the nation a longer lease of life, brought peace after a hundred years of civil war. Although Augustus was not able to prevent the increase of large estates, and to abolish slavery to any large extent, he did much to lessen these evils, to restore Roman agriculture and to regenerate the Roman populace.

40. Heitland, l.c., Vol. IV, P. 501.

41. Appian, II, 106; Dion Cassius, XLIII, 47.

## AGRIAN LAWS OF ROMAN REPUBLIC

## A. Agrarian laws between 486 and 367 B.C.

- (1) Lex Cassia, 486 B.C. - proposal by Sp. Cassius to distribute lands gained by conquest-did not carry.  
Dionysius, VIII, 69-81; Livy, II, 41; Cic., De Rep. II, 6;  
Dion Cassius, V, 19.
- (2) Agrarian proposals of Appius Claudius and Aulus Sempronius Atriatinus - counter proposals by Senators against law of Cassius-carried by Senate (10 commissioners to determine boundaries of public land and how much to be let out, how much divided)  
Livy, II, 42; Dionysius, VIII, 73-75.
- (3) Lex Agraria proposed by C. Maenius, tribune in 483 B.C.  
Refusal to obey military levy until Senate appoint land commissioners. Blocked by consuls.  
Diony., VIII, 87.
- (4) Lex Agraria by Sp. Licinius in 482 B.C. - obstruction of military preparations until law would be passed-this law frustrated by tribunician colleagues.  
Livy, II, 45.
- (5) Agrarian law proposed by Titus Pontificius, tribune.  
Obstruction of levy.  
Livy, II, 44.
- (6) Agrarian proposal of consul Fabius Caeso, 477 B.C.- that the Senate take the initiative in distributing of lands; rejected with scorn.  
Livy, II, 43; Diony., VIII, 82.
- (7) Agrarian law proposed by tribunes Q. Considius and T. Gemcius 472 B.C. - Commons waited but Gemcius poisoned by patricians.  
Livy, II, 52-54.
- (8) Lex Agraria, supported by Valerius and Aemilius, consuls in 469 B.C. - arrival of Volscians checked plebs.  
Livy, II, 61-63; Diony., IX, 51.

- (9) Agrarian compromise of Fabius, 467 B.C. - Latin colony founded at Antium, triumvirs appointed to distribute the land.  
Livy, III, 1.
- (10) Lex Icilia (454 B.C.) - Aventine made public property.  
Livy, III, 31; Dionysius, X, 31, 32, 34.
- (11) Agrarian movements by the Senate, 441 B.C. - Triumvirs appointed to enroll Rutilian colonists (no land given Romans until Rutilian allies had their share).  
Livy, IV, 11.
- (12) Lex Agraria proposed by Petilius, tribune in 440 B.C.  
Livy, IV, 12.
- (13) Lex Agraria proposed by the son of Sp. Maelius, 434 B.C.  
Livy, IV, 21.
- (14) Leges Agrariae proposed by tribunes in 422, 420 B.C. Distribution of public land and planting of colonies.  
Livy, IV, 36, 44.
- (15) Agrarian law passed by the Senate in 415 B.C. - 1,500 colonists from city sent to Lavici, which had been captured from the Aequans, each colonist receiving two jugera.  
Livy, IV, 47.
- (16) Lex Agraria proposed by Maecilius and Maetilius, tribunes in 415 B.C. - to distribute the whole of state lands; thwarted by plebeian aristocracy, six tribunes protesting against law.  
Livy, IV, 48.
- (17) Lex Sextia proposed by L. Sextius, a tribune in 414 B.C. - colonists to be sent to Bolae; defeated by tribunician colleagues.  
Livy, IV, 49, 51.
- (18) Publication of Agrarian laws by Lucius Icilius.  
Livy, IV, 52.
- (19) Agrarian law proposed by M. Maenius in 409 B.C. - levy hindered until unjust occupiers of land would yield up possession; nine tribunes interpose.  
Livy, IV, 53.
- (20) Agrarian law published by tribunes, and contribution of tax prevented, 400 B.C.  
Livy, V, 12.

(21) Agrarian colonial law in 393 - triumvirs appointed to conduct colony to Volscian territory, 3,000 citizens to be given  $3\frac{7}{12}$  acres each.  
Livy, V, 24.

(22) Agrarian law of Senate in 395 B.C. - Veientian territory to be distributed, 7 acres to each man; operation of this law successfully opposed by Camillus, Dictator.  
Livy, V, 30, 50.

(23) Agrarian laws proposed by tribunes in 384-386 B.C. - Pomptine territory to be distributed; finally passed and five commissioners appointed.  
Livy, VI, 5, 6, 21.

(24) Colonial Lex Agraria by Senate in 384 B.C. - colony at Satricum, 2,000 Roman citizens receiving  $2\frac{1}{2}$  acres each.  
Livy, VI, 16.

(25) Leges Liciniae-Sextiae in 377 B.C. - limitation of public land held by occupiers to 500 acres with the idea that surplus be distributed; limitation of animals in public pasture; regulation of slaves, certain proportion to free men. This law passed after ten years struggle, with others regulating interest and political measure that one consul be a plebeian.  
Livy, VI, 35-42; Appian, B.C. I, 8; Plutarch, Tib. Gracchus, 8.

B. Agrarian movements between the passing of the Licinian Rogations 377 B.C. and the period of the Gracchi, 133 B.C.

(1) Lex Agraria in 338 B.C. - distribution of land in Latium to commons in Rome.  
Livy, VIII, 11, 12.

(2) Agrarian allotments to colonies between 339 B.C. and 232 B.C. - Colonies on conquered land.  
Antium - Livy, VIII, 14.  
Auxur, 300 colonists each receiving 2 acres - Livy, VIII, 21.  
Lucera (conquered) 2,500 colonists - Livy, IX, 26.  
Suessa, Pontiae, Interamna and Cassinum - conquered territory of the Samnites and their allies in 312 B.C. - Livy, IX, 28.  
Sora, 4,000 men, Alba, 6,000 colonists - Livy X, 1.  
Carseoli, 4,000 men in 298 B.C. - Livy X, 3.  
Nequinum as a barrier against Umbrians - Livy, X, 10.  
Minturnae and Sinuessa - Vescian and Falernian territories  
Livy, X, 21.  
Ariminum, Picenum, Beneventum, 268 B.C. - Livy, Epit. XVI.  
Asernia, Fregennae, Brundisium, Spoletium - Livy, Epit. XVI, XIX.  
XX.

- (3) Lex Flaminia, 232 B.C. - distribution of ager Gallicus to plebeians - carried against the will of the Senate and nobles, although it disturbed no possessors.  
Livy, Epit. XX, 19; (Polybius, II, 21); Cic. De Senectute 4.
- (4) Agrarian law of 202 B.C. - lands given to Scipio's veterans 10 commissioners appointed to survey and distribute lands in the Samnite and Apulian territory. Beginning of "soldier" colonies - two acres for every year of service.  
Livy, XXX, 4, 49.
- (5) Public land distributed to creditors who had lent money to the state during the Punic wars in lieu of payment, nominal rent till debt reduced - any land within fifty miles of Rome.  
Livy, XXVI, 36; XXXI, 13; Cic. Leg. Agr., I, 32.
- (6) Agrarian laws regarding colonies between 200 B.C. and 133 B.C.
- (a) Distribution of land to soldiers who had served in Spain, Sicily, Sardinia; Cn. Sergius appointed to superintend this - Livy, XXXII, 1.
  - (b) Colony at Puteoli, 200 colonists - Livy, XXXII, 7.
  - (c) Law of Acilius, a tribune - five colonies of 300 families each to be led to the sea coast; commissioners to hold office for three years. - Livy, XXXII, 29.
  - (d) 1,000 colonists at Oossa - Livy, XXXIII, 24.
  - (e) Colonies of Roman citizens at Puteoli, Vulturum, Litemnum, Silernum, Buxentum, in 196 B.C.  
Livy, XXXIV, 45.
  - (f) Colonies at Brutium and Thurium - Livy, XXXIV, 53.
  - (g) Latin colony at Thuria appointed by triumvirs to soldiers, 300 horsemen 40 acres, 3,000 footsoldiers 20 acres - Livy, XXXV, 9.
  - (h) Colony at Vibo by decree of Senate and order of the people, 194 B.C. - Livy, XXXV, 40.
  - (i) 3,000 colonists at Bunonia by decree of Senate 191 B.C.  
Livy, XXXVII, 57.
  - (j) Colonies established at Potentia and Pisaurum, 186 B.C. six acres given each settler. - Livy, XXXIX, 44.
  - (k) Aquileia - Latin citizens and soldiers.  
Livy, XXXIX, 55; XL, 34; XLIII, 17.
  - (l) Mutina-Roman colonists five acres each; Parma, eight acres; Saturnia, ten acres to each colonist; Gravisca five acre divisions - Livy, XXXIX, 55; XL, 34.
  - (m) Colonies at Pisa and Luca (2,000 Roman citizens each receiving  $5\frac{1}{2}$  acres in 179 B.C.) - Livy, XL, 43; XLI, 13.
  - (n) Distribution of large tracts of land in Gaul and Liguria, ten commissioners appointed to give each Roman citizen ten acres - Livy, XLII, 4.
  - (o) Pomptine marshes drained in 160 B.C. - Livy, XLVI.

- (7) Agrarian law concerning Campania - L. Postumius sent to Campania to fix bounds between public and private property, 165 B.C.  
Livy, XLIII, 1, 2.
- (8) Agrarian proposal of M. Lucretius, tribune in 172 B.C. Lands recovered to public in Campania to be let out to farm by censors.  
Livy, XLIII, 19.
- (9) Agrarian proposals of Laelius - distribution of land and enforcement of Licinian law. - Dropped by Laelius himself.  
Plutarch, Tiberius Gracchus, 8.

C. Agrarian movements from the Gracchi (133 B.C.) to the famous Agrarian Law of 111 B.C.

- (1) Agrarian law of Tiberius Sempronius Gracchus (133 B.C.) - Reaffirmed the Licinian law that no person was to have more than 500 acres of public land, yet 250 being allowed by Gracchus for each son to a total of 1,000; provided machinery, a commission of three men to carry out law; law was passed after Tiberius had opposed Octavius, a tribune, and was enforced to a certain extent.  
Appian, B.C.I, 9-13; Plutarch, Tib. Gracchus, 9, 14; Dion Cassius, 85; Livy, Epit. LVIII; Cic., de Leg. Agr. II, 31; Pro Sext., 48.
- (2) Law of Scipio Africanus, 129 B.C. - Land commissioners' judicial power transferred to the consul.  
Appian, I, 19; Livy, Epit. LIX; Dion Cassius, LXXIII.
- (3) Proposal of M. Fulvius Flaccus consul in 125 B.C. - To buy off Italian opposition to land division by giving the franchise. Never brought to a vote.  
Appian, I, 21.
- (4) Agrarian laws of Caius Gracchus. (123-121 B.C.)  
Land law - restoration of jurisdiction to land commissioners (Sempronian Corn Law - corn supplied by government to people at very low rate)  
Colonial law - colonies in Italy at Tarentum and Capua - domain land to be parcelled out. (never carried out in regard to Capua)  
Lex Rubria - colony at Carthage in 122 B.C. All laws were passed by vote of the Assembly, but the lex Rubria was repealed later.  
Plutarch, Caius Gracchus, 5, 6, 8, 9; Livy, Epit. LX; Appian, I, 21-27; Dion Cassius, XXV, 85.

- (4) Agrarian laws of Livius Drusus, tribune, put forward by the Senate to outbid Gracchus - 122 B.C. Provision for twelve colonies. Quit rent for allotments provided by Gracchan land law abolished. Laws passed but hardly carried out. Plutarch, Caius Gracchus, 9; Appian, I, 23.
- (5) Lex Mumucia proposed by Mumicius, 121 B.C. to repeal laws of C. Gracchus, especially the law for colonizing Carthage (Junonia colony) Appian, I, 24; Plutarch, C. Gracchus, I4, I6.
- (6) Agrarian law of 121 B.C. - removed restriction placed upon sale of small holdings assigned by triumvirs. Appian, I, 27.
- (7) Sempronian Corn Law modified by Octavius, tribune, 120 B.C. Cic., Brutus, 22; de Off., II, 72.
- (8) Law of Spurius Thorius (Borius) 118 B.C. - allotment commission abolished and rent fixed on occupied land. Appian, I, 27; Cicero, Brutus, 3-6; De Orat., II, 70.
- (9) Famous Agrarian Law of 113 B.C. Still extant - all public land possessed or distributed since 133 B.C. to extent of 500 jugera made private; possessio abolished. Appian, I, 27; Hardy, Six Roman Laws; the Agrarian law of 113 B.C. Corpus Inscriptionum, I, 200.

#### D. Agrarian movements between 113 B.C. and 86 B.C.

- (1) Agrarian law proposed by M. Philippus, tribune, 104 B.C. A radical measure, undoing the work of 113 B.C. Rejected by Senate.
- (2) Appuleian laws. 103-100 B.C. - Leges Agrariae of Saturninus.
  - (a) Land law granting allotments in Africa to soldiers of Marius, 103 B.C.
  - (b) Second Land Law of Saturninus - dealing with lands in N. Italy, assigned in allotments to individuals, and containing a clause requiring all Senators to take an oath to observe it within five days. Appian, I, 29-31; Cic., Pro Sist., 37, 101; Pro Bal., 21.
  - (c) Corn law of Saturninus, price reduced to almost nothing.
  - (d) Third agrarian law of Saturninus - foundation of a number of colonists outside Italy, Marius to bestow the franchise on (at least) three for each colony. All laws were passed. Livy, Epit. LXIX; Appian, I, 29-33.

- (3) Repeal of the Appuleian laws on religious grounds after death of Saturninus.  
Cicero, De Legibus II, 14; Appian I, 30.
- (4) Lex Agraria of Sextus Titius, tribune, 99 B.C. - for allotment of lands; carried but repealed later on religious pretext.  
Cicero, de Leg., II, 14; Pro Rabirio, 9.
- (5) Leges Liviae proposed by Livius Drusus (champion of the Senate) 91 B.C. Colonial and agrarian bill to carry out previous plans for colonies in Italy and Sicily.  
Corn Law - extending facilities for getting cheap corn.  
Laws carried by help of Italian allies to whom Drusus had promised the franchise.  
Appian, I, 35, 36; Livy, Epit. 70, 71; (Velleius II, 14; Florus, II, 5. Orosius V, 18, 1-7)
- (6) Lex Agraria proposed by Saufeius, a tribune, 91 B.C. A land law to make up omissions of first land law of Drusus.
- (7) Leges Liviae declared not binding by the Senate, 90 B.C.  
Cicero, de Legibus, II, 14, 31; de domo 41, 50; Asonius, 68. Diodorus XXXVII, 10.
- (8) Agrarian laws of Sulla, 81 B.C. - assigning of lands to Sulla's large army of 100,000 men in great blocks of land all over Italy - wide tracts confiscated but never allotted. A special prohibitory clause preventing sale included in laws.  
Appian, I, 94, 100; Livy, Epit. 89; Cicero de Leg. Agr. II, 68-81. Sulla's Corn Laws - took away largesses of corn.

E. Agrarian laws between 86 B.C. and 59 B.C.

- (1) Proposals of Lepidus to restore confiscated property - did not carry; Corn law - revival of largesses 78 B.C. did carry.  
Cic., de Off. II, 21; Brutus, 62.
- (2) Agrarian law of Rullus, 63 B.C. - in favor of Caesar and Crassus - provided for wide distribution of lands bought from sale of Roman foreign domains; division of Campanian land; ten commissioners to have supreme power. Law failed to pass primarily because of Cicero's speeches.  
De Leg. Agr., I, II, III; Dion Cassius, 37, 25.
- (3) Agrarian law of Flavius, tribune in 60 B.C. - Etrurian land confiscated by Sulla to be distributed; revenues of the East to purchase land for Pompey's soldiers. After conflict between Flavius and the consul, Metellus, Pompey had

bill withdrawn.

Dion Cassius, XXXVII, 50; Cicero, Ad Atticum, I, 18, 19; II, 3.

- (4) Corn law of Cato, 63 B.C. - Full restoration of Sempronian corn largesses.  
Plutarch, Cato.
- (5) Leges Juliae Agrariae, 59 B.C. Caesar's land bill - 20 commissioners to distribute land to the poor and to Pompey's soldiers, land to be purchased on equitable terms. Caesar's second land bill-(?) Lex Campania-distribution of land in Campania-land to be bestowed upon father of at least three children. Law was passed by force, Bibulus being driven away by Caesar's soldiers.  
Appian, II, 10, 11; Livy, Epit. 103; Dion Cassius, XXXVIII, 1-7; Suetonius, "Caesar", XX, XXXVIII, XLI, XLII; Plutarch, Cicero, 26, "Cato", 31; Cicero, Ad Att., II, 1, 3, 7, 15, 16, 18; Ad Quin Fr. II, 5, 11; Ad Fam., I, 9, 8, 19; VIII, 6, 10; IX, 10, 17; XIII, 4, 5, 7, 8.

#### F. Distribution of land after Caesar's death.

- (1) Land laws of Antonius - distribution of land to followers and favorites; opened up for settlement a great amount of land including the Pomptine marshes.  
Dion Cassius, XLV, 9; XLV, 30; XLVI, 6; Appian, III, 135; Cicero's Philippics, II, 39, 40; III, 9; V, 2, 3, 5; VI, 5; X, 10; XI, 5; XIII, 14, 17; Cicero, Ad Atticum, XV, 19; XVI, 1, 4; Ad Fam., XVI, 23.
- (2) Law of Brutus and Cassius - repealed Caesar's law forbidding alienation of land till after 20 years.  
Appian, III, 2, 7.
- (3) Land voted (on Cicero's motion) to Octavian's soldiers and those legions which had deserted Antony.  
Dion Cassius, XLVI, 29; Cicero, Philipp., V, 5.
- (4) Octavian's distributions to veterans - lands taken from possessors and given to veterans to whom seventeen cities had been promised by Octavian and Antony.  
Dion Cassius, XLVIII, 6, 7, 8, 9; Appian, IV, 3; V, 3, 12, 13, 14, 16, 20, 28, 39, 45, 47.

LIVY - REFERENCES IN CHRONOLOGICAL ORDER

Book I:

Ch. 15 - Treatment of conquered peoples - "The Veientes were fined a part of their land."

Ch. 42-43 - Constitution of Servius Tullius. Census of citizens in proportion to amount of property. Suffrage was not now granted promiscuously to all, but political rights were based on possession of land.

Ch. 46 - First trace of Agrarian divisions. Young Tarquin accused Servius of securing good will of the people by dividing among them land taken from their enemies. He had observed the question of distribution of land to the people was carried against the will of the fathers.

Book II:

Ch. IX - Conciliatory concessions granted to the commons by the Senate. Persons sent to Cumae and to the Volscians to buy corn.

Ch. X - Gratitude of state towards Horatius Cocles: as much land was given him as he ploughed around in one day.

Ch. 16 - Rights of citizenship and land conferred on Attus Clausus and clients.

Ch. 31 - Colony of Signia recruited by filling up number of colonists.

Ch. 23 - Animosity between Senate and commons over debt and loss of property by plebeians during Sabine wars, led to riots-plebeians refuse to serve in Volscian war until promised relief.

Ch. 25 - Volscians deprived of land.

Ch. 31 - Colonists sent from city to Velatrae; lands taken from conquered Volscians.

Ch. 32 - Plebeians' secession to Sacred Mount because of urgent condition of debt and loss of property in 449 B.C.

Ch. 33 - Creation of magistrates of the commons-tribunes with inviolable privileges. From this time on the Agrarian question loomed large.

Ch. 34 - Attempt by patricians to hold up price of corn imported from Sicily during a famine, in order to force commons to give up tribunes.

Ch. 41 - The first agrarian law proposed-Lex Cassia ('486 B.C.') One-half the land taken from Hernici plus considerable portions of public property to be distributed among the commons; the other half among the Latins. Condemnation of Cassius follows: "Never has an agrarian law been agitated without greatest commotion."

Ch. 42 - Allurements of agrarian law of Cassius was gaining ground in minds of commons. "Minds of the people incited by the charms of the agrarian law. Senate viewed this with horror and found the consuls energetic abettors."

Ch. 43 - Spurius Licinius' attempt to force agrarian law on patricians by obstructing military preparation frustrated by his tribunician colleagues (482 B.C.).

Ch. 44 - Agrarian law proposed by tribune, Titus Pontificius, to obstruct levy; Senate convinced by Appius Claudius that tribunician power could be rendered ineffective by winning over tribunes.

Ch. 48 - Agrarian proposal of consul, Fabius Caeso (477 B.C.)- that the Senate take the initiative on agrarian question in distribution of lands. This was rejected with scorn by the patricians.

Ch. 52 - Agrarian law proposed by the tribunes, Q. Considius and T. Genucius (477 B.C.). "Tribunes incite commons by their poison, the Agrarian law."

Ch. 54 - "Commons goaded by tribunes with Agrarian law." Secret assassination of Genucius.

Ch. 56 - The Publilian Law, (471 B.C.). Plebeian magistrates elected by tribes. Landless clients of patricians deprived of suffrage. (Touches the agrarian question.)

Ch. 61 - Struggle between orders concerning the agrarian law (470 B.C.) by the consul Aemilius, an ardent supporter of the law giving land to people.

Ch. 63 - Plebs would no longer brook delay of agrarian law. Arrival and attacks of Volscians checked sedition (469 B.C.)

## Book III:

Ch. 1 - Abettors of the agrarian law raised themselves in hope of carrying the measure with the consul Aemilius favoring the movement.

Patricians complained that a "person at head of the state was making himself popular by giving away other person's property.

Expedient of Fabius as a compromise, (467 B.C.) Latin colony founded at Antium so that commons might come in for lands without disturbing present occupiers. Triumviri appointed to distribute land. Several colonists were led to Antium, but rest of people preferred clamouring for land at Rome.

Ch. 26 - Lucius Quinctius Cincinnatus left the farm to become dictator in a crisis during the war with the Aequians (458 B.C.) (This proves the "small farmer was in the early years, the mainstay of Rome.")

Ch. 31 - The Icilian Law (456 B.C.) The Aventine was made public property.

Ch. 32 - Tribunes gave up representation on the staff to codify laws-the Decemviri- providing that the Icilian Law and other devoting laws were not repealed.

Ch. 67 - Speech of Consul Quintius. "The Aventine is taken against us." (patricians) (View point of Patricians)

Ch. 71-72 - Roman people being arbiters in a dispute over land, between Anicia and Ardea, take the land as public property.

## Book IV:

Ch. XI - Land restored to Ardeans by Senate. (441 B.C.)

Triumviri appointed to enroll Rutilian colonists, no Roman given land until Rutilians had their share. Commons were offended, because that land which Roman people decided to be their own, was assigned to the Allies.

Ch. 12 - During a famine, Municius was appointed president of Market. Grain imported from Etruria. Given to the people in rations.

Ch. 13 - Spurius Maelius, a rich citizen bought large quantities of grain and distributed it to starving populace at nominal prices.

Ch.14 - Sp. Maelius killed by C. Servilius Ahala (439 B.C.) at instigation of the Senate on grounds of designs on royal power.

Ch. 15 - Maelius' corn distributed by Municius after the val-

uation of it at 1 as per bushel.

Ch. 25 - Corn secured by decemvirs from Etruria, Pomptine district, Cumae, Sicily.

Ch. 36 - Agrarian proposals by candidates for office of military tribune as bait to the commons: distribution of public land; planting of colonies; money for pay for soldiers by tax on proprietors of estates.

Ch. 43 - "Seditious schemes were continually started by tribunes among which is that of the Agrarian Law." (420 B.C.)

Ch. 44 - Frequent mention made in Senate concerning division of land by tribunes, C. Sempronius, opposing, fined 15,000 asses.

Ch. 47 - Colony conducted to Lavici by order of Senate (415 B.C.) Before agrarian disturbances could be raised, the Senate opportunely voted for colony.

15,000 colonists sent from city, each receiving two acres. Dis-sension from agrarian laws later.

Ch. 48 - Lex Agraria proposed by tribunes, Maecilius and Maetilius: (415 B.C.) land taken from enemies should be divided among citizens; thus property of a considerable part of nobles would be confiscated, as there was scarcely any of the land that had not been acquired by arms. Six tribunes were prevailed upon by Senate to give in their protests, measure was relinquished.

Ch. 49 - Sextius' movement to send colonists to Bolae defeated by protests of tribunician colleagues. Agrarian law of Sextus, a tribune (414 B.C.) proposed colonists to be sent to Bolae.

Ch. 50 - Mutiny of soldiers over question and murder of Postumus resulted.

Ch. 51 - Nobility persisted in retaining public lands they had gotten possession of by force; and refused to distribute to the commons the land lately taken from the enemy.

Ch. 52 - Publication of Agrarian laws by Iucius Icilius excited disturbances. Corn purchased by government to relieve famine.

Ch. 53 - Proposal of Agrarian law by Maenius (409 B.C.) His attempt to hinder the levy of Valerius, the consul, for the Aequian war. Maenius's proposal not to hinder levy, if unjust occupiers of public land would yield up possession. Nine tribunes interposed decree, proclaiming they would aid the consul with the levy.

Ch. 58 - Accusation of patricians by plebeian tribunes. Plebeians designedly harassed by military service. Commons were kept at a distance, banished lest unmindful of liberty and establishing colonies, they may form plans for obtaining public land.

Ch. 59 - Concessions to commons. Soldiers allowed through generosity of commanders to plunder town. Soldiers by decree of Senate to receive pay out of public treasury in 405 B.C. (Stipendium) The "tributum partially abolished" The Stipendium would result in better enforcement of the payment of Scriptura.

#### Book V:

Ch. 12 - Tribunes publish a form of an agrarian law and prevent the tax from being contributed. (400 B.C.)

Ch. 24 - Colony sent to Volscian territory (393 B.C.) Triumvirs appointed for the purpose of assuaging sedition. 3,000 citizens enrolled;  $3 \frac{7}{12}$  acres to each man. Commons proposed removal to Veii,  $\frac{1}{2}$  to be occupied by commons,  $\frac{1}{2}$  by Senate. Strenuous objection by nobles.

Ch. 30 - Proposal to remove to Veii rejected by tribes after a serious struggle (Chapter 25-30) This resulted principally from efforts of M. Furius Camillus. Veientian territory distributed to the commons, 7 acres to each, by decree of Senate. (393 B.C.)

Ch. 50-55 - Camillus, dictator, successfully opposes designs of tribunes and commons to remove to Veii.

#### Book VI:

Ch. 2 - M. Manlius Capitolinus, becoming a plebeian partisan, not content with the Agrarian Laws which had ever served the tribunes as material for disturbances, began to undermine public credit.

Ch. 5 - Tribunes propose Agrarian laws (386 B.C.). Pomptine territory held out to commons as their indisputable right. Proposal had little effect as people were busy rebuilding Rome.

Ch. 6 - Pomptine land matter pressed on people by tribune L, Licinius.

Ch. 16 - Colony established at Satricum (384 B.C.) 2,000 Roman citizens conducted thither, each receiving  $2 \frac{1}{2}$  acres. Senate did this to appease sedition of people stirred up by M. Manlius.

Ch. 21 - Pomptine land distributed-five commissioners appointed

Colony at Nepete—three commissioners to conduct colony. This was done that commons might be disposed for service in wars against Velitrae.

Ch. 30 - Colonies enrolled for Setia, which complained of scarcity of men.

Ch. 35 - Proposals of C. Lucinius and L. Sextius (376 B.C.)  
Result of sedition incited over debt.

Proposition:

	Interest to be deducted from debt (principal of debt) and remainder to be paid in three years.
Economic	Limitation of land—no one person to possess more than 500 acres.
	Military tribunes with consular power abolished.
Political	Tribunes prevent appointing of magistrates for five years.

Ch. 39 - Bills regarding interest and land passed but plebeian consulship rejected. Insistence of tribunes (elected now for 9 years) that bills be passed collectively.

Ch. - Measures of tribunes (Licinian Rogations) admitted.

Book VII:

Ch. 16 - Interest of money placed at 12%.

Gaius Licinius condemned on his own law by M. Laenas because he had 1,000 acres of land, attempted evasion of law by emancipating his son. Fined 10,000 asses.

Ch. 19 - People overwhelmed by debt, though interest reduced to rate 1 to the hundred.

Ch. 21 - Relief for people oppressed by debt. Five bankers appointed. Treasury paid off debts, or a valuation of property freed them. Much property changed hands. (Chapter 22)

Ch. 27 - Interest reduced to six per cent.

Ch. 28 - Mutiny of soldiers caused by greed for land at Capua.

Book VIII:

Ch. XI - Distribution of lands to commons at Rome. Latium and Capua were conquered and were fined land. Latin land - 2 acres to each man with  $\frac{2}{3}$  acre of Privernian land.

Ch. 12 - Scanty distribution of land among commons in Latin and Falernian territory found groundwork of crinations against the patricians by the consuls Aemilius and Publilius. (Consequence-the Publilian Law-339 B.C.)

Ch. 14 - Colonies planted on the lands of the Veliternian Senators and at Antium.

Ch. 21 - Colony of 300 sent to Anzur and received 2 acres each.

Book IX:

Ch. 26 - Luceria being conquered, 2,500 colonists sent thither.

Ch. 28 - Colonies established in conquered territory of Samnites and their allies. (312 B.C.) Colonies of Suessa and Ponticae. Colonies at Interamus and Cassinum by decree of Senate. Commissioners appointed and 4,000 colonists sent. "Appian family always opposed the agrarian laws" - argument used by tribune Sempronius against Appius Claudius, who refused to resign after eighteen months' limit of time for censor.

Book X:

Ch. 1 - Colonists sent to Sora and Alba (land of Samnites) Sora, 4,000 men. Alba, 6,000 colonists. Frusinians fined one-third of their land.

Ch. 5 - Colony of Carseoli, to which 4,000 men had been sent, held by the Marsians.

Ch. 10 - Colony sent to Nequinum as a barrier against the Umbrians.

Ch. 15 - Large number prosecuted by the Aediles for having larger quantities of land than state allowed. Hardly any were acquitted. (300 B.C.)

Ch. 21 - Measure for security of country depopulated by Samnites. (295 B.C.) Colonies to be settled on frontiers of Vescian and Falernian territories at Minturnae and Simessa. Praetor ordered by tribunes and commons to create triumviri for conducting colonies. Commons often refused to give in their names. "They were being sent into hostile country as guard, not as a provision for land."

Ch. 23 - Fines were levied on farmers of public pastures, who were convicted of mal practice.

Contents of next ten books preserved. - Epitome.

## Book XI:

Lucius Posthumius, of consular rank, condemned for employing soldiers on his farm. (290 B.C.) Colonies at Castium, Sena, Adva.

## Book XV:

Colonies at Ariminum, Pisenum, and Beneventum. (B.C. 268)

## Book XVI:

Asernia colony established.

## Book XIX:

Two colonies at Fregeneae and Brundisium.

## Book XX:

Colony at Spoletum.

## Book XXI:

Ch. 25 - Colonies of Placentia and Cremona lately planted in Gallic territory.

Ch. 63:- Law of Q. Claudius a tribune: "No senator have a ship larger than 300 amphorae sufficient to convey produce of land.

## Book XXVI:

Ch. 34 - Allies of Hannibal who had come over to Romans before Hannibal's arrival at Capua, limited to territory in Veientian, Satrian or Nepetian land, no one to possess more than 50 acres.

Ch. 35 - Commons claimed that state had taken away their slaves, who were cultivators of their land, for Hannibalic war. "Nothing left but waste and naked land."

## Book XXVII:

Ch. 3 - Flaccus detained at Capua, in letting out fortified lands for a rent to be paid in corn.

Ch. 9 - Roman people had at this time 30 colonies. (211 B.C.)

Ch. 21 - Triumvir was supposed to have been killed while distributing lands near Mutina, ten years before.

Book XXVIII:

Ch. 46 - Praetors ordered to sell a district of Campanian territory.

Book XXXI:

Ch. 4 - Lands to be given to Scipio's veteran soldiers (202 B.C.) Ten commissioners to survey and distribute in Samnite and Apulian territory. Corn brought from Africa by Scipio distributed at rate of four asses a peck.

Ch. 49 - Land for Scipio's soldiers. Two acres for every year served in Africa or Spain. Ten commissioners to distribute land. Colonists at Venusia, depleted because of war, were increased.

Ch. 13 - Public land sold to creditors who had lent money to state during Punic wars, in lieu of third part of money. Any land lying within fifty miles of city of Rome. Consuls to make valuation and impose on each acre 1 as.

Ch. 50 - Cheap corn brought from Africa. Distributed at rate of two asses per peck.

Book XXXII:

Ch. 1 - Cneius Sergius appointed to superintend distribution of land to soldiers who had served in Spain, Sicily, Sardinia.

Ch. 7 - Censors enrolled 300 colonists for Puteoli. Lands of Capua lying at foot of Mt. Tifata, sold.

Ch. 29 - Law of Acilius, a tribune. Five colonies of 300 families each to be led to sea coast. Commissioners to conduct colonists to hold office for three years.

Book XXXIII:

Inhabitants of Ossa asking that their number be enlarged. 1,000 colonists were added to the list.

Ch. 42 - Aediles made distributors of corn of Sicilians-(one million pecks)-at rate of two asses a peck. Farmers of public pastures convicted and fined.

Book XXXIV:

Ch. 4 - Licinian law mentioned by M. Porcius Cato.

Ch. 45 - Colonies of Roman citizens finally established (300 each) at Puteoli, Vulturum, Liternum, Salernum, Buxentum (196 B.C.) (lands of Campanians mentioned in Book XXXIII, Ch. 29.)

Ch. 53 - Latin colonies in Brutrum and Thurium.

Book XXXV:

Ch. 9 - Latin colony at Thuria apportioned by triumviri to soldiers, 300 horsemen-40 acres each; 3,000 foot soldiers-20 acres each.

Ch. 40 - Colony at Vibo by decree of Senate and order of people (194 B.C.) 3,700 footmen, 15 acres assigned. 300 horsemen, 30 acres assigned.

Book XXXVI:

Ch. 39 - P. Cornelius, consul, appropriated one-half of land of Boii for colonizing by Roman people.

Book XXXVII:

Ch. 57 - Triumviri settled a Latin colony at Bononia by decree of Senate. (191 B.C.) 3,000 men were led there. 70 acres to each horseman; 50 acres to other colonists.

Book XXXVIII:

Ch. 35 - Corn merchants fined for hoarding grain and raising market.

Book XXXIX:

Ch. 23 - Commissioners appointed to conduct colonies to Sipontum and Buxentum on sea coast-which colonies were deserted.

Ch. 44 - Colonies established at Potentia and Pissaurum (186 B.C.) Six acres given to each settler.

Ch. 55 - Colony at Aquileia. Finally decided to consist of Latin (citizens) rather than Romans. Roman colonies at Mutina (Boii territory) and Parma. 8 acres at Parma given to each colonist. 5 acres at Mutina given to each colonist. Colony of Saturnia-Roman citizens- on lands of Caletra. Ten acres given to each.

Book XL:

Ch. 29 - Colony of Graviscae in Etruria-5 acre divisions.

Ch. 34 - Soldiers established at Aquileia. 3,000 foot soldiers, 50 acres. Centurians, 100 acres. Horsemen, 140 acres.

Ch. 43 - Latin colony at Pisa.

Book XLI:

Ch. 15 - Colony of 2,000 Roman citizens settled at Luca in land taken from Sigurians (179 B.C.)  $51\frac{1}{2}$  acres given to each.

Book XLII:

Ch. 1 - L. Postumia ordered by Senate to go to Campania to fix bounds between public and private property. Individuals had seized common lands.

Ch. 4 - Large tracts of land in Gaul and Liguria distributed. Ten commissioners appointed by praetor. Each Roman citizen received 10 acres.

Ch. 19 - Agrarian proposal of M. Lucretius, tribune (172 B.C.) Lands recovered to public in Campania to be let out to farm by censors.

Book XLIII:

Ch. 17 - 1,500 colonists enrolled for Aquileia by order of the Senate.

Livy Epitome

Book 58:

Agrarian law of Sempronius Gracchus. (133 B.C.)

(Contrary to sense of Senate and equestrian order) No citizen to have more than 500 acres. 3 commissioners to divide land. Another law (Agrarian) of T. Gracchus. Commissioners to determine which was public land. Not sufficient land to satisfy cupidity of people. Sempronius Gracchus's violation of tribunician power. Death of Gracchus by chief nobles.

BOOK 59:

Seditious incited by Flaccus, C. Gracchus, C. Carbo, commissioners for Sempronian Agrarian Law. Sudden death of Africanius, who opposed them.

Book 60:

Agrarian law of Caius Gracchus. (122 B.C.) Corn to be supplied by government to people at rate of 1/2 or 1/3 an as. Agrarian law same as his brother's. Agrarian laws for colonies, one colony to demolished Carthage.

Book 61:

Aventine seized by Gracchus. Death of Caius Gracchus.

Book 69:

Agrarian law of L. Apuleius Saturninus (100 B.C.) Riots.

Book 71:

Agrarian and corn laws of M. Livius Drusus. Connected with promises to allies of freedom to city. Drusus slain in his own home.

Book 103:

Caesar, consul, procured passing of some Agrarian laws against will of Senate and his colleague Bibulus.

Book 125:

Lands distributed to soldiers by Octavius.

## REFERENCES TO CICERO

A. Three Agrarian orations against the Agrarian law of Rullus.

B. Cicero's Letters:

(24) Atticus, I, 18; Rome, Jan. 20, 60.

Farther an Agrarian law has been promulgated by Flavius, a poor production enough, almost identical with that of Plotius.

(25) Atticus, I, 19; Rome, March 15, 60.

The Agrarian law is being vehemently pushed by the tribune Flavius, with the support of Pompey, but it has nothing popular about it except its supporter. From this law I with full assent of public meeting proposed to omit all clauses which adversely affected private rights. I proposed to except from its operation such public land as had been so in the consulship of P. Mucius and L. Calpurnius (Note: B.C. 133, the year before the agrarian law of T. Gracchus. The law of Gracchus had not touched public land in Campania. The object of this clause, which appears repeatedly in those of B.C. 120 and III, is to confine allotments of ager publicus to such land as had become so subsequently) I proposed to confirm the titles of holders of those to whom Sulla had actually assigned lands. I proposed to retain the men of Volaterrae and Arretium-whose lands Sulla had declared forfeited, but not allotted-in their holdings. There was only one section in the bill that I did not propose to omit; namely, that land should be purchased from abroad, the proceeds of the new revenues for the next five years. But to this whole agrarian scheme the Senate was opposed, suspecting that some novel powers for Pompey was being aimed at. Pompey, indeed, had set his heart on getting the law passed. I, however, with the full approval of the applicants for land, maintained the holdings of all private owners-for, as you know, the landed gentry form the bulk of our party's forces-while I, nevertheless, satisfied the people and Pompey by the purchase clause: for if that was put on a sound footing, I thought that two advantages would accrue-the dregs might be drawn from the city, and the deserted portion of Italy be re-peopled.

(26) Atticus, II, I: Rome, June, 60.

You ask me about the agrarian law: it has completely lost all interest I think. Though Flavius threw the consul into prison (for

his opposition to the agrarian law) not one of the knights gave him a thought.

(28)Atticus, II,3; Rome, Dec.,60.

I now come to January and my "political attitude" in which after the manner of the Socratics, I shall put the two sides; at the end, as they are wont to do, the one I approve. It is indeed a matter for profound reflection. For I must either firmly oppose the agrarian law-which will involve a certain struggle, but a struggle full of glory or I must remain altogether passive, which is about equivalent to retiring to Antium; or lastly, I must actually assist the bill, which I am told Caesar fully expects from me without any doubt.

(33)Atticus, II,6; Rome, April,59.

Could you believe it that there could be a town so near Rome where there are many who have never seen Vatinius? Where is there one besides myself who cares whether one of the twenty commissioners is alive and well? (Shuckburg's note-page 92: for distribution of land under Caesar's laws. P. Vatinius was a tribune this year and worked in Caesar's favor.)

(34)Atticus, II,7; Rome, April,59.

By Hercules, our friend, Publius is being treated a little contemptuously. In the first place though he was once the only man in Caesar's house, he is not now allowed to be one in twenty. (Footnote-page 93) One of the twenty commissioners under Caesar's agrarian law,Cicero was offered, but declined a place among them.

(42)Atticus, II,15; Rome, April,59.

She (Terentia) is not aware that you are supporting the common cause of all the holders of public land. Yet, after all, you do pay something to the publicani; she declines to pay even that. (The explanation seems to be that for the ager publicus allotted under the Sempronian laws a small rent had been exacted which was abolished by the law of B.C. III. But some ager publicus still paid rent and the publicani Malvius seemed to have claimed it from some land held by Terentia perhaps on the ground that it was land such as ager Campanus, not affected by law of Gracchus and therefore not by the subsequent law abolishing rent.

(43)Atticus, II,16; Formiae, April 29,59

On the day before the calends of May, when I had just dined and was going to sleep, the letter was delivered to me concerning the news about Campanian land. You needn't ask: at first it gave me such a shock that there was no more sleep for me though that was the result of thought rather than pain. On reflection the following idea occurred to me: in the first place from what you had said in your previous letter-that "you had heard from a

friend of his (Caesar) that a proposal was going to be made which would satisfy everybody" - I had feared some sweeping measure, but I don't think this is anything of the sort. In the next place I persuaded myself that the hope of distribution of land is now all centered on the Campanian territory. That land cannot support more than 5,000 so as to give ten jugera a piece. The rest of the crowd of expectants must necessarily be alienated from them. Besides, if there is anything more than another that could inflame the feeling of the aristocrats, who I notice are already irritated, it is this; and with the Campanian land divided, port dues in Italy abolished, what home revenues are there except 5 per cent on Manumissions? - - - - - What our friend Gnaeus (Pompey) can be thinking of I can't imagine. For hitherto he has fenced these questions: he approved Caesar's laws, but Caesar must be responsible in carrying them; he himself was satisfied with the agrarian law (Note by Tyrrell- First Agrarian Law of Caesar in which he proposed to purchase other domain land, and divide it as well as the Campania) Whether it could be voted by a tribune or no was nothing to do with him - - - - - it was no business of his whether Bibulus was watching the sky on that occasion or no; de publicanis he had been willing to oblige that order; what was going to happen if Bibulus came down to the forum that time, he could not have guessed.

(45) Atticus, II, 18; Rome, 59, B.C.

Indignation is beginning to get the better of fear. For the Campanian law (Caesar's agrarian law to divide ager publicus) contains a clause imposing an oath to be taken by candidates in public meetings, that they will not suggest any tenure of public land other than that provided in the Julian laws. All the others take oath without hesitation. Laterensis is considered to have shown extraordinary virtue in retiring from his canvass for the tribuneship to avoid the oath.

(106) Q. Fr., II, 5; Rome, April 8, 56.

On the fifth of April by a decree of the Senate a sum of money amounting to 40,000 sesterces was voted to Pompey for the business of the corn supply. But on the same day there was a vehement debate on the Campanian land, the senators making almost as much noise as a public meeting.

Atticus, II, 19; 45.

A dispatch was sent flying off to Pompey at Capua in Campania acting as one of the twenty land commissioners. - - - - - They (Caesar and others) are threatening the Porcian law and even the corn law. - - - - - Casconius having died, I am invited to fill his place (twenty commissioners) (Note: Law for distribution of corn among poorer citizens most recent was Lex Cassia Terentia B.C. 73) Caesar when he became supreme, restricted this, but may have threatened to do so now.

(153)F. I, 19; Rome, October, 54.

L. Spinther in Cilicia.

May even the consulship of Marcillinus and Phillipus (B.C. 56) on the fifth of April the Senate voted on my motion that the question of the Campanian land be referred to a full meeting of the Senate on the fifteenth of May. - - - - - On my delivery of the proposal a just impression was made on minds not only of those who were bound to be impressed, but also of those of whom I had never expected it. For after this decree had passed in accordance with my motion, Pompey without showing the least sign of being offended with me, started for Sardinia and Africa and visited Caesar at Luca. There Caesar complained a great deal about my motion, for he had seen Crassus at Ravenna also and had been irritated by him against me. - - - - - My brother having conveyed these remarks to me, and Pompey having nevertheless sent Vibullius to me with a message begging me not to commit myself on the question of the Campanian land until his return, I reconsidered my position.

(226)Fam. VIII, 10; Nov., 51.

Caelius to Cicero in Cilicia.

I have this addition to make of the proceedings of Curio-his proposal as to Campanian land: as to which they say Caesar is indifferent, but that Pompey is much opposed lest it should be unoccupied and at Caesar's disposal when he returns.

(242)Fam. VIII, 6; Rome, Feb., 50.

Caelius to Cicero

I said just now that Curio was much in the cold: well he is now getting warm for he is being pulled to pieces with a hot fire of criticism. For just because he did not get his way about intercalation, he has with most outrageous levity rallied to the popular party and has begun speaking up for Caesar, and has made a great parade of a road law not much unlike Rullius's agrarian law.

(310)Atticus, VIII, 14; Cales, Jan. 25, 49.

Pompey has directed me to come to Capua and assist the levy, to which they, the Campanian settlers, do not make a ready response. (Note: Many of Pompey's own veterans had been settled with grants of land in the ager Campanus, the old territory of Capua by Caesar's agrarian law of 59 B.C.)

(480)Fam. IX, 17; Rome, Aug., 46.

To L. Pactus (at Naples)

They are measuring the territory of Veii and Capua (for allotments of land to veterans). This is not far from my Tusculan property. However, I don't alarm myself at all. I enjoy while I may: I only wish it may last.

(537) Fam. IX, 17; Jan., 45.

To Dolabella in Spain.

I want you to know this, that the people have been very anxious about the death of Publius Sulla before they know it for certain. Since then they have ceased to inquire how he perished. They think in knowing that they know enough. - - - - - The only thing I fear is lest Caesar's auctions should have received a blow. (Ironical)

(541) Fam. XV, 17; Rome, Jan., 45.

To Cassius in Brundisium.

Here-for after all I will write something to you-we have the death of P. Sulla the elder. - - - - - People think that Caesar will be vexed for fear of his auctions becoming flat.

(672) Fam. XIII, 4; Rome, Autumn, 45.

To Orca in Etruria.

For the tribunes having promulgated an exceedingly unfair law about their lands (the Volaterrae during Cicero's consulship) I easily persuaded the Senate and Roman people to allow citizens whom fortune had spared to retain their rights. This policy of mine was confirmed by the agrarian law of Caesar in his first consulship, which freed territory and town of Volaterrae from all danger forever. Note: Volaterrae on side of Marius held out against a two years' siege by Sulla. Sulla made a law disenfranchising it and declaring lands forfeited; (pro Cael. 18-104) but for some reason the land made public was never divided among new owners. Attempts were made by various land reformers to deal with territory as public land. Cicero resisted one in 63 and in Caesar's agrarian law of 59 it was exempted and citizenship of the Volaterrae acknowledged.)

(673) Fam. XIII, 5; Rome, Autumn, 45.

To Orca in Etruria.

I have been very intimate with Gaius Curtius from our earliest days. I was most grieved at the undeserved calamity which befell him and others in the Sullan epoch and when it appeared that those who suffered a similar wrong, though they lost all their property, were yet allowed by universal consent to return to their native country. I supported the removal of his disability. This man has a holding in the territory of the Volaterrae having betaken himself to it as a kind of a salvage from a shipwreck. Recently Caesar also selected him for a seat in the Senate, a rank which he can scarcely maintain if he lose this holding. Now it is a great hardship that, having been raised in rank he should occupy an inferior position in regard to wealth and it is not at all consistent that a man who is a senator by Caesar's favor should be dispossessed of land which is being divided by Caesar's order.

(674)Pam. XIII,7; Autumn,45.

To C. Clavius.

I spoke to you about the land in Gaul which paid rent to the municipal town of Atella (Atella in Campania owning property in distant lands-Arpinum owned land in Gaul (Pam. 13,XI); Capua given lands in Crete. (Vell. 2,81) I indicated how warmly I was interested in the welfare of that town. I am quite aware of the nature of the circumstances (Caesar had commissioned Clavius to divide certain lands) and limit of your power and clearly understand that what Caesar has assigned to you is transaction of certain business, not exercise of judicial power.

(675)Pam. XIII,8; Autumn,45.

To Rutilius in Etruria.

G. Ablinius received some properties from M. Laberius on a valuation-properties which he had bought from Caesar forming part of the property of Plotius. If not to interest of state these properties to be divided, I should appear to be enlightening you, not asking a favor. Since it is Caesar's will that sales and assignments of land effected by Sulla should hold good in order to give impression of greater security to his own, pray what security can Caesar's own sales have if properties are divided which he himself caused to be sold? Spare Ablinius and not lay a finger on properties of Laberius.

(708)Atticus, XV,19; Fundi, June 16,44.

Tusculium.

I am grieved that you have been so distracted. You to thank those ten land commissioners for that. - - - - - Tell me about C. Antony. Did he wish to be on the land commission? He was at any rate worthy of such a company. (Note: Shuckburgh, Vol. 4, page 78. Seven land commissioners for distributing land in Italy among the veterans were M. and C. Antonius, Dolabella, Decius.)

(768)Atticus, XV,29; Formiae, July 6,44.

When I had already sealed this letter some Formians who are dining with me told me that on the day before I wrote this-5th,- they had seen our Buthrotian commissioner Plancus (at head of land commissioners in Epirus) "with downcast look and bare of ornament"; and that his poor slaves said that he and his land grabbers had been turned out of the country by the Buthrotians. Well done they!

(769)Atticus, XVI,1; Puteoli, July 8,44.

Atticus at Rome.

But pray what is this about the land grabbers being cut to pieces at Buthrotum? (Note: Shuckburgh IV, page 98: Coloni found themselves often roughly treated by the men dispossessed in their favor.)

(771)Atticus, XVI,4; Puteoli, July 10,44.

Some say the land-grabbers were badly mauled others thought that

Plancus for a sum of money abandoned them and fled. How am I to know the truth of the matter unless I get a letter at once?

(773)Atticus, VII, 18. C.

To C. Capito in Epirus.

Caesar freed the Buthrotians by a decree which I in company of many men of highest rank countersigned and indicated to us since assignees of land had crossed the sea, he would send a dispatch stating in what district they were to be taken. You know he met with sudden death. The consuls were bound by a senatorial decree to carry out Caesar's acts-business deferred by them to June 1st. Law on June 2nd gave consuls power to decide on things done or decreed by Caesar. Case of Buthrotians was brought before consuls by advice of assessors pronounced judgment in favor of the Buthrotians. They commissioned Plancus.

(767)Atticus, XVI, 16 A.

To Plancus at Rome.

As soon as we observed the territory of the Buthrotians was declared confiscate, Atticus in great alarm drew up a petition. He (Caesar) approved of the plan, but however, warned him the Buthrotians met pay them arrears to the day. Atticus in desire for preservation of the state paid the money out of his own pocket. This being done, I approached Caesar and obtained a decree of the most generous nature. I own I used to be surprised at Caesar's allowing a number of men who had cast greedy eyes on the Buthrotian's territory to hold meetings and even put you at the head of the land commission. - - - - He made no concealment of the fact that he did not wish to hurt the feelings of those who were in possession; but since they had already crossed the sea, he would see to their being removed to some other land. (Note: Tyrrell and P. page 369, Vol.V. Buthrotia was in danger because it had not paid up its taxes. When confiscated, it was to be divided among certain settlers who appear to have felt grieved by Caesar's exemption of this land from division when Atticus paid up taxes.)

(877)Fam. XI, 20; Eporedia, May 24, 43.

D. Brutus to Cicero at Rome.

As for the veterans, Labeo would have me believe this language is abominable - - - - that they are exceedingly indignant at Caesar nor myself being put among the ten commissioners, and at everything being put into the hands of your party. - - - Take care that you meet the wishes of the veterans by whatever means it can be done. First, do what they want about the commission of ten, next, as to rewards vote that the land of these veteran soldiers who have served with Antony be transferred to them by both Caesar and myself. - - - - For the four legions (those of Octavius) to whom you in the Senate have voted that lands be

given. I will see that there is enough land to draw upon from the confiscation of Sulla and the territory of Capua. I think these lands should be given to the legions share and share alike, or drawing by lots. (Note: Ty. and Fur. Page 185, Vol.VI. These were probably lands illegally occupied by Sullani homines--those who either encroached upon state land confiscated by Sulla, or either bought from the soldiers land which had been assigned to them on condition they would not sell out.)

(893) Fam. XI, 21; Rome, June 4, 43.

To D. Brutus at Exopredia.

"As to what this same Segulius says of you and Caesar not being among the commission of ten, I would I were not either." I warmly approve of your policy about the four legions and the assignation of lands by both of you. When some of my colleagues were nibbling at the land business--had their mouths watering for the distribution--I upset the whole affair and caused it to be reserved for your decision.

### C. Cicero's Philippics:

#### II:

Ch. 39 - Antony's attempt to plant a colony at Capua in April and May. A great blow inflicted on the state when land in Campania was exempted from tribute, to be divided among Antony's veterans--but Antony divided land among boon companions.

"Why should I complain about land at Leontini; yet association is natural since the estate in Campania and at Leontini were formerly considered preeminent in fertility among lands which formed the patrimony of the Roman people." 3,000 acres to his doctor; 2,000 to his teacher of Rhetoric.

Ch. 40 - Colony planted by Antony at Casilinum where Caesar had planted one before--a new colony could not be legally planted where old one had been established under due auspices, but new colonists might be added to the list--Antony's utter disregard of Cicero's advice and religious considerations.

Farm of Varro seized with no more right than those of Rubrius or Tursilius or countless others.

#### III:

Ch. 9-23 - "Have you the reason why his teacher holds rent free 2,000 acres of land at Leontini? "That is the way to make a fool more foolish at public cost."

V:

Ch. 2-4 - Similar reference to Antony's giving land to friends.

Ch. 3-7 - Caesar wished to drain the Pomptino marshes. Antonius has given up the whole of Italy for division to his truly moderate brother Lucius.

Ch. 5-3 - Cicero's proposal to the Senate: That the consuls, C. Pansa and Aulus Hirtius, one or both of them, if they should see fit, should ascertain what land there is in the colonies in which veterans have been planted in violation of the Julian law to the intent that it be divided among the veterans, that they should make separate inquiry about the land in Campania, and devise a plan for increasing the privileges of the veterans; that both consuls shall take account of the land that can be divided without interfering with the right of previous proprietors and shall give and assign them to soldiers of the Martian and 4th legions (Octavius's legions) in allotments on the largest scale that has ever been adopted and assigning and giving lands to soldiers.

VI:

Ch. 5-13 - Samnium divided by Antony. Distribution of land cancelled on proposal of L. Caesar, Senate supporting him in annulling the acts of the Septemviri.

VII:

Ch. 6 - Danger of L. Antony's arousing those who are desirous of land.

VIII:

Ch. 3-9 - Antony's offers to soldiers to lead them in any direction they desired to seize land.

Ch. 25 - Antony's impudent counter-proposals to commissioners sent by Cicero and the Senate: To disband army, seek general reconciliation if his six legions, cavalry, body guards were endowed with lands and booty. The lands which he and Dolabella distributed to be retained by those who received it-land in Campania and Leontini, the two places which our ancestors looked on as a special reserve of corn and produce. Septemviri not to be punished for their acts.

X::

Ch. 10-22 - Saza and Cafo, who have never seen and never wish to

see the republic in its integrity, who are supporting acts of Antony, not of Caesar, led away by unlimited occupation of Campanian land.

XI:

Ch. 5-12 - "On these (Cato and Sexa) Antony endowed land in Campania. Would they were content with this second Rome!"

XIII:

Ch. 14-16 - Antony's accusation of the Senate and Hirtius: "You have taken away the colonies of the veterans planted within sanction of a law and decree of Senate."

Ch. 17-19 - "Nor did he forget the interests of L. Antonius who had been so fair (ironical) in apportionment of private and public lands."

Ibid.

Antony's statement to Hirtius and Senate:

"I am determined to endure no insults to myself or my friends, and not to desert the party which Pompeius hated, nor to allow the veterans to be disturbed in their allotments."

D. Pro Balbo, 20 - Law of Appuleius:

But as colonies had not been established by the law of Appuleius by which law Saturninus had carried in favor of Marius, a proposition that he should have authority to make three Roman citizens in every colony, he said that the power so granted could have no validity since the case for which it had intended to provide, did not exist.

Ad Brutum, 36 - Law of Sp. Thorius.

Spurius Thorius, on the other hand, was distinguished by his popular way of speaking, the very man who by his corrupt and frivolous law diminished the taxes which were levied on public lands.

De Officiis, 1,6 - Private property.

There is no such thing as private property by nature, but property becomes private either by long occupancy (as in case of those who had settled in occupied territory long ago) or by conquest, or by due process of the law, by purchase, bargain or allotment.

De Officiis, II,22 - Menace of the Agrarian Laws.

Those who pose as friends of the people and who attempt to have agrarian laws passed in order that occupants may be driven out of their homes - - - - - are undermining the foundation of the commonwealth.

De Officiis, II,21.

Gaius Gracchus inaugurated largesses of grain on an extensive scale—a tendency to exhaust the exchequer; M. Octavius inaugurated a moderate dole which was both practiced for state and necessary for commons.

De Oratore, II,70.

Such was the saying of Appius, the elder, who, when the matter about public lands and the law of Thorius was in agitation, said when Lucullus and the Senate were hard pressed by those who asserted that the public pastures were grazed by his cattle: "They are not the cattle of Lucullus, you mistake; I look upon them as free, for they feed wherever they please."

Pro Rabirio, 9 - Referring indirectly to agrarian projects of Sextus Titus.

And Sextus Titus was condemned for having an image of Saturninus in his hands. (Note: this whole oration gives much information of the sedition of Saturninus.)

Pro Sexto, 49.

Tiberius Gracchus brought forward an agrarian law; the fortunes of the poorer classes seemed likely to be established by it; but the nobles rose against it, because they saw discord excited by it; because one object of it was to deprive the wealthy of their possessions, they thought the republic was being deprived of defenders. C. Gracchus brought forward a law regarding corn—pleasing to the common people—the good rejected it because they thought its effect would lead people away from industry to idleness.

Pro Sexto, 47.

Metellus was exiled because of his refusal to take the oath to fulfill the law of Saturninus.

## APPIAN'S CIVIL WARS

## Vol. III, Book I:

Sect. 1 - General struggle between plebeians and Senate over land. Withdrawal to "Sacred Mount" and rise of tribunate.

Sect. 2 - Seditious arising over land struggle merged into civil wars.

Sect. 3 - The Roman domain-how obtained and how disposed of. The rich seize the public land and dispossess the poor. Licinian laws 367 B.C.-limiting possessors to 500 jugera of public land.

Sect. 8 - Law disregarded by possessors.

Sect. 9 - Agrarian law of Tiberius Gracchus. 133 B.C. Re-established Licinian law and furnished machinery for enforcement.

Sect 10 and 11 - The Struggle - Senate and proletariat against country folk.

Sect.12 and 13 - The enacting of the law and establishing of commission. Tiberius Gracchus' desire for reelection to tribuneship.

Sect.14 and 15 - Election of tribunes and riot on Capitoline hill.

Sect. 16 - Death of Tiberius Gracchus at the hands of the Senate mob.

Sect. 17 - "So perished Gracchus in consequence of a most excellent design too violently pushed."

Sect. 18 - Difficulties over carrying out law of Gracchus-trouble to define public and private property and lands.

Sect. 19 - Scipio's revision at behest of Italian allies. Cases of litigation over private and public lands taken from control of triumvirs and put into other courts under direction of consul. Result-law not enforced. Mysterious death of Scipio.

Sect. 21 - Division of land postponed. Attempt by Flaccus to give citizenship to allies who would no longer quarrel about lands. Gaius Gracchus elected tribune. Corn law of Gaius Gracchus (123 B.C.)

Monthly distribution of corn at public expense.

Sect. 24 - Gaius Gracchus' proposals:

Founding of colonies.

Citizenship for Italian allies.

Gracchus given privilege of founding twelve colonies, but, his suffrage laws were vetoed by L. Drusus, another tribune. Six thousand colonists assigned to colony in Africa on site of Carthage. Repeal of law by Senate on grounds of ill omens.

Sect. 25 - Rioting in Rome after return of Gracchus.

Sect. 26 - Death of Gracchus 121 B.C.

Sect. 27 - Failure of Agrarian law. Three laws.

(A) Law to permit holders to sell their land.

(b) Land belonging to those possessing it and rent paid for same.

(c) Later-rent abolished by another tribune-(111 B.C.)

Sect. 29 - Apuleian Agrarian law.

Division of Gallic land. (100 B.C.)

Sect. 30 - Country people vs. city mob. Passing of law.

Sect. 31 - Banishment of Metellus, who refused to take oath for enforcement of law.

Sect. 32 and 33 - A reign of terror. Death of Saturninus.

Sect. 35 - Agrarian measures of L. Drusus (91 B.C.) led colonies to Italy and Sicily, which had been voted but not planted-to conciliate plchs to law for citizenship of allies.

Sect. 36 - Drusus slain by Italians, who feared they would be disturbed in their private holdings.

Vol. III, Book II:

Sect. 10 - Caesar's agrarian law, (59 B.C.)

Distribution of public land to those poor who were fathers of three children. Senate opposing Caesar's law, Caesar carried it to the people.

Sect. 11 - Tumult in the city-opposition of Bibulus to Caesar's law. Law enacted.

Sect. 12 - Caesar sole administrator of public affairs.

Sect. 119 - Caesar's soldiers to whom land had been assigned present in the city.

Sect. 120 - Corruption of Roman society after death of Caesar. Distribution of corn brought profligate mob to city. Multitudes of discharged soldiers to be cut in unjust allotments of land encamped in city under standard of one person to lead them to their colony.

Sect. 125 - Threats of soldiers in case they should fail to hold lands set apart.

Sect. 135 - Colonists demanded law to secure them in possession of colonies passed by Senate at Antony's behest.

Sect. 139 and 140 - Brutus's speech to colonists: Ancestors' method of establishing colonists-did not divide the people's property with newcomers; shared land with enemies, colonized a portion of it with Roman soldiers; to it added a portion of public domain.

Sect. 141 - "Sulla and Caesar divided property of your own people! We, defenders of republic, confirm this land to you forever and pay those dispossessed out of public money."

#### Book III:

Sect. 2 - Brutus and Caesar conciliate colonists by enabling them to sell their allotments, thus repealing Caesar's law forbidding alienation of land till end of twenty years.

Sect. 7 - Dolabella, when accused of nullifying decrees of Caesar by securing Syria (Cassius's province) pointed out Cassius's altering of Caesar's decrees about alienation of land.

Sect. 12 - Greeting of Octavian by Caesar's veterans who had been distributed in colonies.

Sect. 22 - Law suits against Octavian for recovery of landed property-claims that part of Caesar's estate had been secured from confiscated property. Octavian was worsted in these suits, through Antony's influence, although public records showed purchases had been made.

#### Vol. IV, Book III:

Sect. 40 - Caesar's colonized soldiers incensed against Antony for neglect in avenging murder of Caesar, promised assistance to Octavian. Octavian went to Campania with money to enlist veterans settled by Caesar-towns of Calatia and Casilinum brought over first.

#### Book IV:

Sect. 3 - 18 cities of Italy (Capua, Vibo, Venusia, and others) promised to soldiers as colonies to be divided among them by Antony

and Octavian.

Book V:

Sect. 3 - After Philippi victory, departure of Octavian for Italy to divide land among soldiers and settle colonies.

Sect. 12 - Octavian's task of carrying soldiers to land difficult. Soldiers demanded cities promised them. Cities demanded that the whole of Italy share the burden and money be paid for land taken. There was no money.

Sect. 13 - Confiscation and division of land. Soldiers seized more than had been given. Chiefs depended on soldiers for continuance of government.

Sect. 14 - Colony leaders appointed from Antony's legions on demand of Antony's brother and wife. Colonization worse than proscription-great outrage.

Sect. 16 - Murder of Nonius by angry soldiers called to Campus Martius for division of land. Division of land by Octavian, who had narrowly escaped with his life.

Sect. 18 - Italian agriculture ruined by the wars. Famine at Rome.

Sect. 19 - Cause of agriculturists deprived of their land taken up by Lucius Antony.

Sect. 20 - Arbitration between Lucius and Octavian. Land assigned to those only who fought at Philippi. Antony's soldiers to have an equal share in the money derived from confiscated property.

Sect. 27 - Good will, for Lucius Antony, of Italians. Against new colonists.

Sect. 28 - Octavian's speech to the Senate: soldiers dispossessed of colonies by Lucius.

Sect 39 - Lucius's speech to the soldiers: "Octavian accuses me of obstructing colonies out of pity for land owners."

Sect. 43 - Lucius's speech at surrender: "Not colonization of those who fought at Philippi: nor pity for cultivators deprived of land are causes of this war-but restoration of patrician government. Yet you shifted cause of war yourself to land distribution and drew soldiers to your side."

Sect. 47 - Octavian: "For all the trouble I have met with has grown out of division of land."

Sect. 53 - Octavian's (suspecting Antony) inciting colonized soldiers by suggestion Antony intended to bring back Pompeius with owners of land.

Sect. 57 - Riots at Rome-supply of corn cut off by Pompeius.

Sect. 74 - After reconciliation with Pompeius: "Only disappointed people were those to whom lands had been allotted belonging to men who were to be restored with Pompeius."

## A. References to Dion Cassius

Dio's Rome.

## Book V:

Ch. 15 - "The rich encouraging them with certain hopes." (Note: Macchiario (Klio 10,354) declares this refers to 486 when Virginius promised people assignment of land.)

Ch. 19 - Death of Cassius. Cassius, after benefiting Rome was put to death by that very people. It was demonstrated over again that there is no sense of loyalty in a multitude. For although he humored them, he was slain by them.

Ch. 20 - Wars stirred up to keep minds of poor from land question. The demands by tribunes that land gained from the enemy be apportioned among people caused strife and damage. Patricians stirred up wars so that they might be kept busy in the conflict and not disturb themselves about the land.

Agrarian agitation brings about political advantage for the plebs. The purpose of the patricians being suspected, people desire to choose one of the patrician consuls. Sp. Furius being elected, they attained objects for which they had set out. Those who took the field with Fabius Caeso refused to act till tribunes came to agreement with nobles. The result—a law permitting populace to convene separately; populace to decide in cases appealed from praetor.

Ch. 23 - Cincinnatus (Quinctius) was tilling soil on his little plot of ground when called to be a dictator.

## Book VI:

Sp. Maelius - 439 B.C. - Maelius a wealthy knight observing this (famine and the accusations of poor against rich) attempted to set up a tyranny by lowering the price of corn or giving it free to gain the favor of the populace. By this he procured arms and body guards. Dictator Cincinnatus appointed by the Senate. Riot started. Servilius Ahala, fearing Maelius would be rescued by populace, killed him.

## Book VII:

Ch 24 - Lucinius Stolo and Lucinius Sextus, tribunes, repeatedly

obstructed patrician elections.

Book VIII: 2.

Fragment 37 - After this, tribunes moved annulment of debts, the people fell into turmoil, and turbulent behavior not quieted until foes came against city.

Book XXIV:

Fragment 83 - Tiberius Gracchus, since he desired to become prominent in some way, expecting that he could accomplish this through populace than senatorial party, attached himself to the former. Octavius because of an hereditary feud with Gracchus made himself his opponent. Great tumults and abuses in the Senate house; they pretended to be executing the law, but in reality making every effort not to be surpassed by each other. Gracchus proposing laws for benefit of the populace-benefit of people in the army and transferring courts from the Senate to the equates--overturning all established customs. Scipio Africanus had more ambition in his make up than was compatible with general excellence. - - - - - When he was taken away suddenly, all the possessions of the powerful class were again diminished, so that promoters of an agrarian law ravaged at will practically all of Italy.

Book XXV: 85.

All the nobility and Senatorial party, if Caius Gracchus had lived long enough, would have been overthrown.

Book XXXVII:

Ch. 25 - Agrarian law of Rullus, 63 B.C.

Another tribune made a motion for cancellation of debts and for allotments of land to be made in Italy and subject territory. Those motions were taken in hand by Cicero and quashed.

Ch. 48 - Pompey's desire for land for his soldiers. Among his chief wishes was to have some land given him for the comrades of his campaigns, and to have all his acts approved: but he failed at this time. Tribunes add to Pompey's proposition that some opportunity be afforded all citizens. Accordingly when tribunes who moved that land be assigned Pompey's soldiers added to the proposition (that they might more readily vote this particular measure) the same opportunity be afforded all citizens, Metellus contested every point.

Ch. 50 - Lucullus, Cato, Metellus, demanded investigation of each

act of Pompey's separately, did not favor approval of all at once. Pompey had Metellus cast into prison. Metellus ordered Senate to convene there, but Flavius set tribune's bench at door. Metellus ordered wall to be removed, and Pompey ashamed, ordered Flavius to withdraw. Flavius declared he would not allow Metellus to go to his province till the law (agrarian law-land to Pompey's soldiers) was passed.

Book XXXVIII: I.

Caesar's Agrarian Law, B.C. 59.

Caesar wished to court favor of the entire multitude that he might make them his own to a greater degree. - - - - - Now there was a certain proposition about the land which he was assigning to the whole populace, framed in such away as to ensure no censure. The mass of citizens (which were unweildly and had a tendency to riot) was turned in direction of work and agriculture. Most desolate sections of Italy were being colonized afresh, so that those not only the ones who had been worn out in campaigns but all the rest should have subsistence aplenty without individual expense on part of the city or assessment of chief men. It included the conferring of both rank and office upon many. All public land to be divided except Campania-this he advised keeping in possession because of its excellence-the rest he urged them to buy, not from anyone who was unwilling to sell or for so large a price as the settlers might wish, but from people willing to dispose of their holdings for as large a price as it had been valued in the tax list. They had a great deal of surplus money he asserted as a result of booty which Pompey captured as well as from the new tributes and taxes. Furthermore, he was for constituting the land commissioners, not as a small body to seem like an oligarchy, nor composed of men laboring under any legal indictment, but twenty to begin with so that many might share honor and those most suitable, Caesar excepted.

Excellence of law - people suspicious. He provided to erase any clause that might not please any person. This very fact troubled them, that Caesar compiled a document on which no one could raise a criticism: yet they were downcast. They suspected the purpose for which it was being done-he would bind the multitude to him as a result.

Ch. 3 - Caesar's actions: Caesar adjourned the Senate saying, "I have made you a judge of the law, so if it might not suit you, it need not be brought into the assembly; but since you are unwilling to pass a decree that body itself shall decide." Thereafter he communicated nothing to the Senate and brought directly before the people what he desired.

Ch. 5 - Pompey's approval: Pompey said he approved because the land was to be given to partners of his campaigns and those who had formerly followed Metellus. (At that time as treasury had no means, granting of lands to soldiers of Metellus postponed.)

Ch. 6 - Obstruction of Bibulus. Bibulus would not yield and with three tribunes to support him hindered passing of law-proclaimed a sacred period for all the remaining days of year. Caesar announced appointed day to pass law. Bibulus and tribunes were thrown out of the Forum and wounded.

Ch. 7 - Law ratified: and thus the law was ratified and furthermore the land of Campania was given to those having three or more children. For this reason Capua was considered for the first time a Roman colony.

Caesar's winning over people and the knights: by this means Caesar attached to his cause the people, and he won the knights as well by allowing them one-third of the taxes they had hired.

Ch. 13 - Clodius' bribery of the poor by corn: Clodius started distributing corn free gratis (he had already in consulship of Gabinius and Piso) introduced a motion that it be measured out to those who lacked.

Book XLIII: (B.C. 45)

He (Caesar) exposed in the market all the public lands not only the profane, but also the consecrated lots, and auctioned off a majority of them.

Vol. II, Page 404. He (Caesar) raised again Corinth and Carthage; one of them he declared a Roman colony, the other he colonized.

Book XLV:

Ch. 9 - Antony's land grants. Antony seeing Caesar was gaining ground, attempted to attract populace by various baits. He introduced a measure for opening up to settlement a great amount of land including the region of Pomptine marshes since they had been filled in and were capable of cultivation.

Ch. 12 - Caesar's settlements of land at Capua: Caesar (Octavian) went to Campania and collected a large number of men, chiefly from Capua because there people had received their land and city from his father.

Ch. 30 - 2,000 plethera of land of Leontini to Sextus Clodius who had trained him (Antony)

Book XLVI:

Ch. 8 - Admission by Antony's friend of 2,000 plethera being given his teacher.

Ch. 29 - Senatq voted land to Octavian's soldiers and to those who had deserted Antony. (4th and Martian legions)

Ch. 30 - Antony's reply to commissioners sent by Senate. He would disband legions if they would grant his soldiers same reward as Caesar's (Octavian's)

Ch. 36 - Vibius in Rome abolishes laws of the Antonii.

#### Book XLVIII:

Ch. 6 - Struggle over distributing of land. Both sides had placed greatest hopes in allotments of lands. Caesar wished to act by himself - to distribute land to his and Antony's soldiers. Lucius Antony and Fulvia claimed right to assign to their troops lands that fell to them, and to establish colonies. Great disturbance resulted: Caesar proceeded to take from possessors and give to veterans all of Italy (except what some old campaigner had received as a gift or bought from the government.) Consequently those deprived of land were enraged.

Ch. 7 - Fulvius and Lucius Antony changed plans and turned to the cause of the oppressed - showed that possession of lands they had fought against sufficient for veterans - some lots still remaining, those already sold should be given outright and price of the latter paid to previous owners. Offered hope of Asia.

Ch. 8 - Attitude of parties concerned in land: impossible to please both veterans and landholders. For one class claim as their due, all that is given them and regarded it no kindness, while others are indignant that they are robbed of their belongings.

Ch. 9 - The veterans nearly kill Caesar. Veterans indignant that Caesar was sparing property at expense of their profit killed many centurians and almost succeeded in killing Octavius. They did not cease until their own relatives and the fathers and sons of those fallen had restored to them all the land any of them had possessed. The populace was indignant over this; both sides came to blows repeatedly.

Ch. 10 - Lucius and Fulvia were winning those who had lost their land.

#### B. Suetonius - "The Deified Julius."

Ch. XI - 65 B.C.

Caesar's attempt when aedile to seize control of Egypt: having the good will of the masses, Caesar made an attempt through some of the tribunes to have charge of Egypt given him by decree of the commons, seizing the opportunity to ask for so irregular appointment,

because the citizens of Egypt had deposed the king who had been called "Friend" by the Senate, and their action was greatly condemned. He failed because of the opposition of the aristocratic party.

#### "The Deified Augustus"

When the duties of administration were divided after the victory, Antony undertaking to restore order in the East, Augustus to lend veterans back to Italy and to assign lands in the municipalities, he could satisfy neither veterans nor landowners, since the latter complained they were driven from their homes, and they found they were not being treated as their services had led them to hope.

#### Ch. XX - Caesar's Agrarian Law.—"Julus"

He (Caesar) brought forward an agrarian law, and when his colleague announced adverse omens, he resorted to arms and drove him from the Forum.

Two large tracts of land lying in Campania, (the Stellite and Capua) belonging to the public, which had been used to pay revenues for aid of the government, he divided into lots among 20,000 citizens who had three or more children. When the publicani asked for relief, he relieved them of one-third of their obligations.

Ch. XXXVIII - Assignment of lands to soldiers. He assigned them land but not side by side, to avoid dispossessing any of the former owners.

Ch. XLI - Reduction of those who received public grain from 320,000 to 150,000.

Ch. XLII - Population of city had been depleted by wars and assignment of 80,000 colonists across the seas.

Ch. LXXXI - Settlers assigned to colonies at Capua discovered ancient vases with verses which presaged Caesar's death.

### C. References to Dionysius

#### Book II:

Ch. 7 - Original distribution of land by Romulus. After Romulus had divided people into 30 curies, he divided land also into 30 equal parts one of which was allotted to every curia, reserving as much as was sufficient for religious use, some part of it for public use. The division of both men and land comprehended the greatest equality.

#### Book VIII:

Ch. 69 - Lands of large extent belonging to the public lay ne-

glected and were then in possession of richest men. Lands had just been taken from Hernici (one-third of possessions) Cassius raised violent sedition by agrarian law-to comprehend in division of lands not only Latines, but even the Hernici, whom he had just before admitted as citizens.

Ch. 70 - Cassius's attempt to divide conquered lands-"which were indeed called public lands, but in reality usurped by the most shameless among the patricians, contrary to all justice"-his proposal also that money paid for corn sent them by the king of Sicily as a present which though it ought to have been divided among all citizens, the poor had purchased, should be repaid to buyers out of the treasury.

Struggle between Cassius and Verginius.

Those of greatest wealth adhered to Verginius; the poor, the mean, such as were prepared for any daring enterprise, to Cassius. The tribunes finally joined the best side, because they didn't think it advantageous for the commonwealth for the people to be corrupted by bribes and a distribution of land. Tribunes (enemies) opposed in every assembly of people, law of Cassius on grounds it was not just to distribute lands the people had won to Latines and Hernici-Romans' share would be small and inconsiderate.

Ch. 72 - Rabulius's advice to people to adopt first proposal-division of land to Romans upon which both consuls had agreed-and strike out the second-division among Latines and Hernici. Town full of strangers-Hernici and Latines called in by Cassius-proclamation by Verginius to dispense-proclamation by Cassius for those entitled to vote of citizens to stay.

Ch. 73 - Appius Claudius' plan. Opposition to distribution of public land to people who would feel themselves obliged to those who proposed it. A commission of most dignified senators to fix bounds of public land-if any private person by fraud or force tilled any part of it, this land to be restored to the public; land to be divided into a certain number of shares and boundaries distinguished by handsome pillars; one part of land to be sold, that over which any contest with private persons should arise, so purchaser might plead determination of the commissioners against any claims; the other part to be let out for five years and money applied to pay the necessary expenses of war. Admission of Appius, a patrician, that the rich illegally held possession of land. "The envy of the poor against the rich who have usurped and still continue in possession of the land (public) is well grounded. Is it not to be wondered at, if they desire that these lands be divided among all citizens rather than usurped by a few?"

Ch. 75 - Proposal of Aulus Sempronius Atratinus: Approval of Appius' plan with following addition:

Promise the Hernici and Latines equal share of lands which they shall conquer jointly with Romans-should not refuse what they had already consented to-division of land among the poor. Let commissioners

have power to determine which part belong to public to be let out for five years and which part to be divided among poor plebeians, thus to flatter and mollify the poor. Delay in appointing commissioners till successors to consuls take their places. Decree of Senate providing for above measures-to appoint ten commissioners to determine boundaries of public land, how much to be let out, how much to be divided.

Ch. 77 - Cassius accused next year by Caeso Fabius and L. Valerius Poplicola before the people of aiming a tyranny-who had dared to bring an agrarian law.

Charges: A treaty with Hernici (to whom) he had granted privileges of citizens and one-third of land without consent of Senate. Proposed to divide land without previous vote of Senate and without consulting colleague-showed design to get law passed by force. Had paid no deference to tribunes.

Ch. 78 - Death of Cassius. Executed by order of people, witnesses having been produced to prove he had been supplied with money by Hernicans and Latines.

Ch. 82 - Fabius Caeso put up for consul by the Senate, who perceiving the people exasperated and repentant of having condemned Cassius, resolved to guard against this being flattered with the hope of an agrarian law by some powerful demagogue.

#### Book VIII:

Ch. 87 - Resolution proposed by C. Manius, tribune, in 483 B.C.: Seditious discourse among poor when ordered by consuls to appear on a certain day to replace those lost in wars against Antiates. Their refusal to comply because Senate and consuls had violated promise concerning division of land. C. Manius's (tribune's) declaration he would not suffer consul or Senate to raise army unless they should first appoint commissioners to fix bounds of public land. Consuls had their chairs placed outside of city where tribunes had no power and fined or laid waste the land of those who refused the levy. Plebeians, humbled, were forced to enter levy.

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