

THE
H I S T O R Y
OF THE
DECLINE AND FALL
OF THE
ROMAN EMPIRE.

By EDWARD GIBBON, Esq;

VOLUME THE THIRD.

A NEW EDITION.

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Foundation of Constantinople.—Political System of Constantine, and his Successors.—Military Discipline.—The Palace.—The Finances.

THE unfortunate Licinius was the last rival who opposed the greatness, and the last captive who adorned the triumph, of Constantine. After a tranquil and prosperous reign, the Conqueror bequeathed to his family the inheritance of the Roman empire; a new capital, a new policy, and a new religion; and the innovations which he established have been embraced and consecrated by succeeding generations. The age of the great Constantine and his sons is filled with important events; but the historian must be oppressed by their number and variety,

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riety, unless he diligently separates from each other the scenes which are connected only by the order of time. He will describe the political institutions that gave strength and stability to the empire, before he proceeds to relate the wars and revolutions which hastened its decline. He will adopt the division unknown to the ancients, of civil and ecclesiastical affairs: the victory of the Christians, and their intestine discord, will supply copious and distinct materials both for edification and for scandal.

Design of
a new ca-
pital.
A.D. 324.

After the defeat and abdication of Licinius, his victorious rival proceeded to lay the foundations of a city, destined to reign, in future times, the mistress of the East, and to survive the empire and religion of Constantine. The motives, whether of pride or of policy, which first induced Diocletian to withdraw himself from the ancient seat of government, had acquired additional weight by the example of his successors, and the habits of forty years. Rome was insensibly confounded with the dependent kingdoms which had once acknowledged her supremacy; and the country of the Cæsars was viewed with cold indifference by a martial prince, born in the neighbourhood of the Danube, educated in the courts and armies of Asia, and invested with the purple by the legions of Britain. The Italians, who had received Constantine as their deliverer, submissively obeyed the edicts which he sometimes condescended to address to the senate and people of Rome; but they were seldom honoured with the presence of their new sovereign. During the vi-
gour

gour of his age, Constantine, according to the various exigencies of peace and war, moved with slow dignity, or with active diligence, along the frontiers of his extensive dominions; and was always prepared to take the field either against a foreign or a domestic enemy. But as he gradually reached the summit of prosperity and the decline of life, he began to meditate the design of fixing in a more permanent station the strength as well as majesty of the throne. In the choice of an advantageous situation, he preferred the confines of Europe and Asia; to curb, with a powerful arm, the barbarians who dwelt between the Danube and the Tanais; to watch with an eye of jealousy the conduct of the Persian monarch, who indignantly supported the yoke of an ignominious treaty. With these views, Diocletian had selected and embellished the residence of Nicomedia: but the memory of Diocletian was justly abhorred by the protector of the church; and Constantine was not insensible to the ambition of founding a city which might perpetuate the glory of his own name. During the late operations of the war against Licinius, he had sufficient opportunity to contemplate, both as a soldier and as a statesman, the incomparable position of Byzantium; and to observe how strongly it was guarded by nature against an hostile attack, whilst it was accessible on every side to the benefits of commercial intercourse. Many ages before Constantine,

Situation
of Byzantium.

quity¹ had described the advantages of a situation, from whence a feeble colony of Greeks derived the command of the sea, and the honours of a flourishing and independent republic².

If we survey Byzantium in the extent which it acquired with the august name of Constantinople, the figure of the imperial city may be represented under that of an unequal triangle. The obtuse point, which advances towards the east and the shores of Asia, meets and repels the waves of the Thracia³ Bosphorus. The northern side of the city is bounded by the harbour; and the southern is washed by the Propontis, or sea of Marmara. The basis of the triangle is opposed to the west, and terminates the continent of Europe. But the admirable form and division of the circumjacent land and water cannot, without a more ample explanation, be clearly or sufficiently understood.

The winding channel through which the waters of the Euxine flow with a rapid and incessant course towards the Mediterranean, received the appellation of Bosphorus, a name not less cele-

¹ Polybius, l. iv. p. 423. edit. Casaubon. He observes that the peace of the Byzantines was frequently disturbed, and the extent of their territory contracted, by the inroads of the wild Thracians.

² The navigator Byzas, who was styled the son of Neptune, founded the city 636 years before the Christian Æra. His followers were drawn from Argos and Megara. Byzantium was afterwards rebuilt and fortified by the Spartan general Pausanias. See Scaliger *Animadverſi. ad Euseb.* p. 81. Ducange *Constantinopolis*, l. i. part i. cap. 13, 16. With regard to the wars of the Byzantines against Philip, the Gauls, and the kings of Bithynia, we should trust none but the ancient writers who lived before the greatness of the imperial city had excited a spirit of flattery and fiction.

brated in the history, than in the fables, of antiquity³. A crowd of temples and of votive altars, profusely scattered along its steep and woody banks, attested the unskilfulness, the terrors, and the devotion of the Grecian navigators, who, after the example of the Argonauts, explored the dangers of the inhospitable Euxine. On these banks tradition long preserved the memory of the palace of Phineus, infested by the obscene harpies⁴; and of the sylvan reign of Amycus, who defied the son of Leda to the combat of the Cestus⁵. The streights of the Bosphorus are terminated by the Cyanean rocks, which, according to the description of the poets, had once floated on the face of the waters; and were destined by the gods to protect the entrance of the Euxine against the eye of profane curiosity⁶. From the Cyanean rocks to the point and harbour of Byzantium, the

3 The Bosphorus has been very minutely described by Dionysius of Byzantium, who lived in the time of Domitian (Hudson Geograph. Minor. tom. iii.), and by Gilles or Gyllius, a French traveller of the XVIth century. Tournefort (Lettre XV.) seems to have used his own eyes and the learning of Gyllius.

4 There are very few conjectures so happy as that of Le Clerc (Bibliothèque Universelle, tom. i. p. 248.), who supposes that the harpies were only locusts. The Syriac or Phœnician name of those insects, their noisy flight, the stench and devastation which they occasion, and the north wind which drives them into the sea, all contribute to form this striking resemblance.

5 The residence of Amycus was in Asia, between the old and the new castles, at a place called Laurus Insana. That of Phineus was in Europe, near the village of Mauromole and the Black Sea. See Gyllius de Bosph. l. ii. c. 23. Tournefort, Lettre XV.

6 The deception was occasioned by several pointed rocks, alternately covered and abandoned by the waves. At present there are two small islands, one towards either shore: that of Europe is distinguished by the column of Pompey.

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winding length of the Bosphorus extends about sixteen miles⁷, and its most ordinary breadth may be computed at about one mile and a half. The *new* castles of Europe and Asia are constructed, on either continent, upon the foundations of two celebrated temples, of Serapis and of Jupiter Urius. The *old* castles, a work of the Greek emperors, command the narrowest part of the channel, in a place where the opposite banks advance within five hundred paces of each other. These fortresses were restored and strengthened by Mahomet the Second, when he meditated the siege of Constantinople⁸: but the Turkish conqueror was most probably ignorant, that near two thousand years before his reign, Darius had chosen the same situation to connect the two continents by a bridge of boats⁹. At a small distance from the old castles we discover the little town of Chrysopolis, or Scutari, which may almost be considered as the Asiatic suburb of Constantinople. The Bosphorus, as it begins to open into the Propontis, passes between Byzantium and Chalcedon. The latter of those cities was built by the Greeks,

⁷ The ancients computed one hundred and twenty stadia, or fifteen Roman miles. They measured only from the new castles, but they carried the weights as far as the town of Chalcedon.

⁸ Ducas hist. c. 34. Leunclavius Hist. Turcia Musulmanica, l. xv. p. 577. Under the Greek empire these castles were used as state prisons, under the tremendous name of *Lethe*, or towers of oblivion.

⁹ Darius engraved in Greek and Assyrian letters on two marble columns, the names of his subject nations, and the amazing numbers of his land and sea forces. The Byzantines afterwards transported these columns into the city, and used them for the altars of their several deities. Herodotus, l. iv. c. 87.

a few years before the former; and the blindness of its founders, who overlooked the superior advantages of the opposite coast, has been stigmatized by a proverbial expression of contempt¹⁰.

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The port.

The harbour of Constantinople, which may be considered as an arm of the Bosphorus, obtained, in a very remote period, the denomination of the *Golden Horn*. The curve which it describes might be compared to the horn of a stag, or, as it should seem, with more propriety, to that of an ox¹¹. The epithet of *golden* was expressive of the riches which every wind wafted from the most distant countries into the secure and capacious port of Constantinople. The river Lycus, formed by the conflux of two little streams, pours into the harbour a perpetual supply of fresh water, which serves to cleanse the bottom, and to invite the periodical shoals of fish to seek their retreat in that convenient recess. As the vicissitudes of tides are scarcely felt in those seas, the constant depth of the harbour allows goods to be landed on the quays without the assistance of boats; and it has been observed, that in many places the largest vessels may rest their prows against the houses,

¹⁰ Namque artificissimo inter Europam Asianque divortio Byzantium in extremâ Europâ posuere Græci, quibus, Pythium Apollinæ consulentibus ubi conderent urbem, redditum oraculum est, quærent sedem *cæcorum* terras advertam. Eâ ambage Chalcedonii monstrabatur, quod priores illuc advecti, prævisâ locorum utilitate pejora legissent. Tacit. Annal. xii. 62.

¹¹ Strabo, l. x. p. 492. Most of the antlers are now broke off; or, to speak lets figuratively, most of the recesses of the harbour are filled up. See Gyllius de Bosphoro Thracio, l. i. c. 5.

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while their sterns are floating in the water¹². From the mouth of the Lycus to that of the harbour, this arm of the Bosphorus is more than seven miles in length. The entrance is about five hundred yards broad, and a strong chain could be occasionally drawn across it, to guard the port and city from the attack of an hostile navy¹³.

The Propontis.

Between the Bosphorus and the Hellespont, the shores of Europe and Asia receding on either side inclose the sea of Marmara, which was known to the ancients by the denomination of Propontis. The navigation from the issue of the Bosphorus to the entrance of the Hellespont is about one hundred and twenty miles. Those who steer their westward course through the middle of the Propontis, may at once descry the high lands of Thrace and Bithynia, and never lose sight of the lofty summit of Mount Olympus, covered with eternal snows¹⁴. They leave on the left a deep gulf, at the bottom of which Nicomedia was seated, the imperial residence of Diocletian; and

¹² Procopius de *Ædificiis*, l. i. c. 5. His description is confirmed by modern travellers. See Thevenot, part i. l. i. c. 15. Tournefort, Lettre XII. Niebuhr Voyage d'Arabie, p. 22.

¹³ See Ducange, C. P. l. i. part i. c. 16. and his Observations sur Villehardouin, p. 289. The chain was drawn from the Acropolis, near the modern Kioïk, to the tower of Galata; and was supported at convenient distances by large wooden piles.

¹⁴ Thevenot (*Voyages au Levant*, part i. l. i. c. 14.) contracts the measure to 125 small Greek miles. Belon (*Observations*, l. ii. c. 1.) gives a good description of the Propontis, but contents himself with the vague expression of one day and one night's sail. When Sandys (*Travels*, p. 21.) talks of 150 furlongs in length as well as breadth, we can only suppose some mistake of the press in the text of that judicious traveller.

they pass the small islands of Cyzicus and Proconnesus before they cast anchor at Gallipoli; where the sea, which separates Asia from Europe, is again contracted into a narrow channel.

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The geographers who, with the most skilful accuracy, have surveyed the form and extent of the Hellespont, assign about sixty miles for the winding course, and about three miles for the ordinary breadth of those celebrated freights¹⁵. But the narrowest part of the channel is found to the northward of the old Turkish castles between the cities of Cestus and Abydus. It was here that the adventurous Leander braved the passage of the flood for the possession of his mistress¹⁶. It was here likewise, in a place where the distance between the opposite banks cannot exceed five hundred paces, that Xerxes imposed a stupendous bridge of boats, for the purpose of transporting into Europe an hundred and seventy myriads of barbarians¹⁷. A sea contracted within such nar-

The Hel-
lespont.

row

¹⁵ See an admirable dissertation of M. d'Anville upon the Hellespont or Dardanelles, in the *Memoires de l'Academie des Inscriptions*, tom. xxviii. p. 312—346. Yet even that ingenious geographer is too fond of supposing new, and perhaps imaginary *measures*, for the purpose of rendering ancient writers as accurate as himself. The stadia employed by Herodotus in the description of the Euxine, the Bosphorus, &c. (l. iv. c. 85.) must undoubtedly be all of the same species: but it seems impossible to reconcile them either with truth or with each other.

¹⁶ The oblique distance between Sestus and Abydus was thirty stadia. The improbable tale of Hero and Leander is exposed by M. Mahudel, but is defended on the authority of poets and medals by M. de la Nauze. See the *Academie des Inscriptions*, tom. vii. Hist. p. 74. Mem. p. 240.

¹⁷ See the seventh book of Herodotus, who has erected an elegant trophy to his own fame and to that of his country. The review appears

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row limits may seem but ill to deserve the singular epithet of *bread*, which Homer, as well as Orpheus, has frequently bestowed on the Hellespont. But our ideas of greatness are of a relative nature: the traveller, and especially the poet, who sailed along the Hellespont, who pursued the windings of the stream, and contemplated the rural scenery, which appeared on every side to terminate the prospect, insensibly lost the remembrance of the sea; and his fancy painted those celebrated freights, with all the attributes of a mighty river flowing with a swift current, in the midst of a woody and inland country, and at length through a wide mouth, discharging itself into the Ægean or Archipelago¹⁵. Ancient Troy¹⁶, seated on an eminence at the foot of Mount Ida, overlooked the mouth of the Hellespont, which scarcely received an accession of waters from the tribute of those immortal rivulets the Simois and Scamander. The Grecian

plans to have been made with tolerable accuracy; but the vanity, first of the Persians, and afterwards of the Greeks, was interested to magnify the distance and the victory. I should much doubt whether the Greeks have ever outnumbered the men of any country which they attacked.

¹⁵ See Mr. Valart's Observations on Homer, p. 320. I have, with pleasure, observed this remark from an author who in general seems to have written with the expectation of the public as a critic, and not as a partisan. He has visited the banks of the Hellespont; he has seen the ruins which are to be seen; he has consulted the Roman itineraries; and would it please him to compare them and Alexandria (Theophrastus, Hist. Plant. lib. 9, p. 343, 344.), two cities which were sixteen miles distant from each other?

¹⁶ Diodorus Siculus wrote sixty lines on thirty lines of Homer's Catalogue. The *Alibi* Book of Strabo is sufficient for our curiosity.

camp

camp had stretched twelve miles along the shore from the Sigæan to the Rhætean promontory; and the flanks of the army were guarded by the bravest chiefs who fought under the banners of Agamemnon. The first of those promontories was occupied by Achilles with his invincible Myrmidons, and the dauntless Ajax pitched his tents on the other. After Ajax had fallen a sacrifice to his disappointed pride, and to the ingratitude of the Greeks, his sepulchre was erected on the ground where he had defended the navy against the rage of Jove and of Hector; and the citizens of the rising town of Rhætium celebrated his memory with divine honours²⁰. Before Constantine gave a just preference to the situation of Byzantium, he had conceived the design of erecting the seat of empire on this celebrated spot, from whence the Romans derived their fabulous origin. The extensive plain which lies below ancient Troy, towards the Rhætean promontory and the tomb of Ajax, was first chosen for his new capital; and though the undertaking was soon relinquished, the stately remains of unfinished walls and towers attracted the notice of all who sailed through the straits of the Hellespont²¹.

We

²⁰ Strabo, l. xiii. p. 595. The disposition of the ships which were drawn upon dry land, and the posts of Ajax and Achilles, are very clearly described by Homer. See *Iliad* ix. 220.

²¹ Zosim. l. ii. p. 103. Sozomen, l. ii. c. 3. Theophaues, p. 15. Nicephorus Callistus, l. vii. p. 48. Zonaras, tom. ii. l. vii. p. 6. Zosimus places the new city between Ilium and Alexandria, but this apparent difference may be reconciled by the large extent of its circumference. Before the foundation of Constantinople,
Theologica

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Advantages of Constantinople.

We are at present qualified to view the advantageous position of Constantinople; which appears to have been formed by Nature for the centre and capital of a great monarchy. Situated in the forty-first degree of latitude, the Imperial city commanded, from her seven hills²², the opposite shores of Europe and Asia; the climate was healthy and temperate, the soil fertile, the harbour secure and capacious: and the approach on the side of the continent was of small extent and easy defence. The Bosphorus and the Hellespont may be considered as the two gates of Constantinople; and the prince who possessed those important passages could always shut them against a naval enemy, and open them to the fleets of commerce. The preservation of the eastern provinces may, in some degree, be ascribed to the policy of Constantine, as the Barbarians of the Euxine, who in the preceding age had poured their armaments into the heart of the Mediterranean, soon desisted from the exercise of piracy, and despaired of forcing this insurmountable barrier. When the gates of the Hellespont and Bosphorus were shut, the capital still enjoyed, within their spacious inclosure, every production which could supply the wants, or gratify the luxury, of its nu-

Thessalonica is mentioned by Cedrenus (p. 283.), and Sardica by Zonaras, as the intended capital. They both suppose, with very little probability, that the Emperor, if he had not been prevented by a prodigy, would have repeated the mistake of the *blind* Chalcedonians.

²² Pocock's Description of the East, vol. ii. part ii. p. 127. His plan of the seven hills is clear and accurate. That traveller is seldom so satisfactory.

merous

merous inhabitants. The sea-coasts of Thrace and Bithynia, which languish under the weight of Turkish oppression, still exhibit a rich prospect of vineyards, of gardens, and of plentiful harvests; and the Propontis has ever been renowned for an inexhaustible store of the most exquisite fish, that are taken in their stated seasons, without skill, and almost without labour²³. But when the passages of the Streights were thrown open for trade, they alternately admitted the natural and artificial riches of the north and south, of the Euxine, and of the Mediterranean. Whatever rude commodities were collected in the forests of Germany and Scythia, as far as the sources of the Tanais and the Borysthenes; whatsoever was manufactured by the skill of Europe or Asia; the corn of Egypt, and the gems and spices of the farthest India, were brought by the varying winds into the port of Constantinople, which, for many ages, attracted the commerce of the ancient world²⁴.

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The prospect of beauty, of safety, and of wealth, united in a single spot, was sufficient to justify the choice of Constantine. But as some decent mixture of prodigy and fable has, in every

Founda-
tion of the
city.

²³ See Belon. Observations, c. 72—76. Among a variety of different species, the Pelamides, a sort of Thunnics, were the most celebrated. We may learn from Polybius, Strabo, and Tacitus, that the profits of the fishery constituted the principal revenue of Byzantium.

²⁴ See the eloquent description of Busbequius, epistol. i. p. 64. Est in Europa; habet in conspectu Asian, Ægyptum, Africanque à dextrâ: quæ tamen contiguæ non sunt, maris tamen navigandique commoditate veluti junguntur. A sinistra vero Pontus est Euxinus, &c.

age, been supposed to reflect a becoming majesty on the origin of great cities²⁵, the emperor was desirous of ascribing his resolution, not so much to the uncertain counsels of human policy, as to the infallible and eternal decrees of divine wisdom. In one of his laws he has been careful to instruct posterity, that, in obedience to the commands of God, he laid the everlasting foundations of Constantinople²⁶: and though he has not condescended to relate in what manner the cœlestial inspiration was communicated to his mind, the defect of his modest silence has been liberally supplied by the ingenuity of succeeding writers; who describe the nocturnal vision which appeared to the fancy of Constantine, as he slept within the walls of Byzantium. The tutelar genius of the city, a venerable matron sinking under the weight of years and infirmities, was suddenly transformed into a blooming maid, whom his own hands adorned with all the symbols of Imperial greatness²⁷. The monarch awoke, interpreted the auspicious omen, and obeyed, without hesitation, the will of heaven. The day which gave birth to a city or colony was celebrated by the Romans with such ceremonies as had been ordained by a

²⁵ Datur hæc verba antiquitati, ut miscendo humana divinis, primordia urbium augustiora faciat. T. Liv. in proem.

²⁶ He says in one of his laws, pro commoditate Urbis quam æterno nomine, jubente Deo, donavimus. Cod. Theodof. l. xiii. tit. v. leg. 7.

²⁷ The Greeks, Theophanes, Cedrenus, and the Author of the Alexandrian Chronicle, confine themselves to vague and general expressions. For a more particular account of the vision, we are obliged to have recourse to such Latin writers as William of Malmshbury. See Ducange C. P. l. i. p. 24, 25.

generous superstition²⁹; and though Constantine might omit some rites which favoured too strongly of their Pagan origin, yet he was anxious to leave a deep impression of hope and respect on the minds of the spectators. On foot, with a lance in his hand, the emperor himself led the solemn procession; and directed the line, which was traced as the boundary of the destined capital: till the growing circumference was observed with astonishment by the assistants, who, at length, ventured to observe, that he had already exceeded the most ample measure of a great city. “ I shall still advance,” replied Constantine, “ till HE, the invisible guide who marches before me, thinks proper to stop³⁰.” Without presuming to investigate the nature or motives of this extraordinary conductor, we shall content ourselves with the more humble task of describing the extent and limits of Constantinople³⁰.

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In the actual state of the city, the palace and gardens of the Seraglio occupy the eastern promontory, the first of the seven hills, and cover

Extent.

²⁹ See Plutarch in Romul. tom. i. p. 49. edit. Bryan. Among other ceremonies, a large hole, which had been dug for that purpose, was filled up with handfuls of earth, which each of the settlers brought from the place of his birth, and thus adopted his new country.

²⁹ Philostorgius, l. ii. c. 9. This incident, though borrowed from a suspected writer, is characteristic and probable.

³⁰ See in the Memoires de l'Academie, tom. xxxv. p. 747—758. a dissertation of M. d'Anville on the extent of Constantinople. He takes the plan inserted in the Imperium Orientale of Banduri as the most complete; but, by a series of very nice observations, he reduces the extravagant proportion of the scale, and instead of 9500, determines the circumference of the city as consisting of about 7800 French *toises*.

about

about one hundred and fifty acres of our own measure. The seat of Turkish jealousy and despotism is erected on the foundations of a Grecian republic; but it may be supposed that the Byzantins were tempted by the conveniency of the harbour to extend their habitations on that side beyond the modern limits of the Seraglio. The new walls of Constantine stretched from the port to the Propontis across the enlarged breadth of the triangle, at the distance of fifteen stadia from the ancient fortification; and with the city of Byzantium they inclosed five of the seven hills, which, to the eyes of those who approach Constantinople, appear to rise above each other in beautiful order³¹. About a century after the death of the founder, the new buildings, extending on one side up the harbour, and on the other along the Propontis, already covered the narrow ridge of the sixth, and the broad summit of the seventh hill. The necessity of protecting those suburbs from the incessant inroads of the Barbarians, engaged the younger Theodosius to surround his capital with an adequate and permanent inclosure of walls³². From the eastern promontory to the golden gate, the extreme length of

³¹ Codinus *Antiquitat. Const.* p. 12. He assigns the church of St. Antony as the boundary on the side of the harbour. It is mentioned in Ducange, l. iv. c. 6. ; but I have tried, without success, to discover the exact place where it was situated.

³² The new wall of Theodosius was constructed in the year 413. In 447 it was thrown down by an earthquake, and rebuilt in three months by the diligence of the præfect Cyrus. The suburb of the Blachernæ was first taken into the city in the reign of Heraclius. Ducange *Const.* l. i. c. 10, 11.

Constantinople was about three Roman miles³³; the circumference measured between ten and eleven; and the surface might be computed as equal to about two thousand English acres. It is impossible to justify the vain and credulous exaggerations of modern travellers, who have sometimes stretched the limits of Constantinople over the adjacent villages of the European, and even of the Asiatic coast³⁴. But the suburbs of Pera and Galata, though situate beyond the harbour, may deserve to be considered as a part of the city³⁵; and this addition may perhaps authorise the measure of a Byzantine historian, who assigns sixteen Greek (about fourteen Roman) miles for the circumference of his native city³⁶. Such an extent may seem not unworthy of an Imperial re-

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³³ The measurement is expressed in the *Notitia* by 14,075 feet. It is reasonable to suppose that these were Greek feet; the proportion of which has been ingeniously determined by M. d'Anville. He compares the 180 feet with the 78 Hathamite cubits, which in different writers are assigned for the height of St. Sophia. Each of these cubits was equal to 27 French inches.

³⁴ The accurate Thevenot (l. i. c. 15.) walked in one hour and three quarters round two of the sides of the triangle, from the Kiosk of the Seraglio to the seven towers. D'Anville examines with care, and receives with confidence, this decisive testimony, which gives a circumference of ten or twelve miles. The extravagant computation of Tournefort (*Lettre XI.*) of thirty-four or thirty miles, without including Scutari, is a strange departure from his usual character.

³⁵ The sycæ, or fig-trees, formed the thirteenth region, and were very much embellished by Justinian. It has since borne the names of Pera and Galata. The etymology of the former is obvious; that of the latter is unknown. See Ducange *Cont.* l. i. c. 22. and *Cylius de Byzant.* l. iv. c. 10.

³⁶ One hundred and eleven stadia, which may be translated into modern Greek miles each of seven stadia, or 660, sometimes only 520 French toises. See d'Anville *Mesures Itinéraires*, p. 53.

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Progress of
the work.

sidence. Yet Constantinople must yield to Babylon and Thebes³⁷, to ancient Rome, to London, and even to Paris³⁸.

The master of the Roman world, who aspired to erect an eternal monument of the glories of his reign, could employ in the prosecution of that great work the wealth, the labour, and all that yet remained of the genius of obedient millions. Some estimate may be formed of the expence bestowed with Imperial liberality on the foundation of Constantinople, by the allowance of about two millions five hundred thousand pounds for the construction of the walls, the porticoes, and the aqueducts³⁹. The forests that overshadowed the shores of the Euxine, and the celebrated quarries of white marble in the little island of Proconnesus, supplied an inexhaustible stock of materials, ready to be conveyed, by the convenience of a short water-carriage, to the harbour of Byzantium⁴⁰. A multitude of labourers and
artificers

³⁷ When the ancient texts, which describe the size of Babylon and Thebes, are settled, the exaggerations reduced, and the measures ascertained, we find that those famous cities filled the great but not incredible circumference of about twenty-five or thirty miles. Compare d'Anville *Mém. de l'Académie*, tom. xxviii. p. 235, with his *Description de l'Égypte*, p. 201, 202.

³⁸ If we divide Constantinople and Paris into equal squares of 50 French *toises*, the former contains 850, and the latter 1160 of those divisions.

³⁹ Six hundred centenaries, or sixty thousand pounds weight of gold. This sum is taken from Codinus *Antiquit. Const.* p. 11.; but unless that contemptible author had derived his information from some purer sources, he would probably have been unacquainted with so obsolete a mode of reckoning.

⁴⁰ For the forests of the Black Sea, consult Tournefort, *Lettre XVI.*: for the marble quarries of Proconnetus, see Strabo. l. xiii. p. 538.

artificers urged the conclusion of the work with incessant toil: but the impatience of Constantine soon discovered, that, in the decline of the arts, the skill as well as numbers of his architects bore a very unequal proportion to the greatness of his designs. The magistrates of the most distant provinces were therefore directed to institute schools, to appoint professors, and by the hopes of rewards and privileges, to engage in the study and practice of architecture a sufficient number of ingenious youths, who had received a liberal education⁴¹. The buildings of the new city were executed by such artificers as the reign of Constantine could afford; but they were decorated by the hands of the most celebrated masters of the age of Pericles and Alexander. To revive the genius of Phidias and Lysippus, surpassed indeed the power of a Roman emperor; but the immortal productions which they had bequeathed to posterity were exposed without defence to the rapacious vanity of a despot. By his commands the cities of Greece and Asia were despoiled of their most valuable ornaments⁴². The trophies

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p. 588. The latter had already furnished the materials of the stately buildings of Cyzicus.

⁴¹ See the Codex Theodos. l. xiii. tit. iv. leg. 1. This law is dated in the year 334, and was addressed to the præfect of Italy, whose jurisdiction extended over Africa. The commentary of Godofroy on the whole title well deserves to be consulted.

⁴² Constantinopolis dedicatur pœne omnium urbium nuditate. Hieronym. Chron. p. 181. See Codinus, p. 89. The author of the Antiquitat. Const. l. iii. (apud Banduri Imp. Orient. tom. i. p. 41.) enumerates Rome, Sicily, Antioch, Athens, and a long list of other cities. The provinces of Greece and Asia Minor may be supposed to have yielded the richest booty.

of memorable wars, the objects of religious veneration, the most finished statues of the gods and heroes, of the sages and poets, of ancient times, contributed to the splendid triumph of Constantinople; and gave occasion to the remark of the historian Cedrenus⁴³, who observes, with some enthusiasm, that nothing seemed wanting except the souls of the illustrious men whom those admirable monuments were intended to represent. But it is not in the city of Constantine, nor in the declining period of an empire, when the human mind was depressed by civil and religious slavery, that we should seek for the souls of Homer and of Demosthenes.

Edifices.

During the siege of Byzantium, the conqueror had pitched his tent on the commanding eminence of the second hill. To perpetuate the memory of his success, he chose the same advantageous position for the principal Forum⁴⁴; which appears to have been of a circular, or rather elliptical form. The two opposite entrances formed triumphal arches; the porticoes, which inclosed it on every side, were filled with statues; and the centre of the Forum was occupied by a lofty column, of which a mutilated fragment is now degraded by the appellation of the *burnt pillar*. This column was erected on a pedestal of white

⁴³ Hist. Compend. p. 369. He describes the statue, or rather bust of Homer with a degree of taste which plainly indicates that Cedrenus copied the style of a more fortunate age.

⁴⁴ Zosim. l. ii. p. 106. Chron. Alexandrin. vel Paschal, p. 284. Ducange Const. l. i. c. 24. Even the last of those writers seems to confound the Forum of Constantine with the Augusteum, or court of the palace. I am not satisfied whether I have properly distinguished what belongs to the one and the other.

marble twenty feet high; and was composed of ten pieces of porphyry, each of which measured about ten feet in height, and about thirty-three in circumference⁴⁵. On the summit of the pillar, above one hundred and twenty feet from the ground, stood the colossal statue of Apollo. It was of bronze, had been transported either from Athens or from a town of Phrygia, and was supposed to be the work of Phidias. The artist had represented the god of day, or, as it was afterwards interpreted, the emperor Constantine himself, with a sceptre in his right hand, the globe of the world in his left, and a crown of rays glittering on his head⁴⁶. The Circus, or Hippodrome, was a stately building about four hundred paces in length, and one hundred in breadth⁴⁷. The space between the two *metæ* or goals was filled with statues and obelisks; and we may still remark a very singular fragment of antiquity; the bodies of three serpents, twisted into one pillar of brass. Their tripple heads had once supported the golden tripod which, after the defeat of Xerxes, was consecrated in the temple of

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⁴⁵ The most tolerable account of this column is given by Pocock. Description of the East, vol. ii. part ii. p. 131. But it is still in many instances perplexed and unsatisfactory.

⁴⁶ Ducange Const. l. i. c. 24. p. 76. and his notes ad Alexiad. p. 382. The statue of Constantine or Apollo was thrown down under the reign of Alexis Comnenus.

⁴⁷ Tournefort (Lettre XII.) computes the Atmeidan at four hundred paces. If he means geometrical paces of five feet each, it was three hundred *toijès* in length, about forty more than the great Circus of Rome. See d'Anville Mesures Itinéraires, p. 73.

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Delphi by the victorious Greeks ⁴⁸. The beauty of the Hippodrome has been long since defaced by the rude hands of the Turkish conquerors; but, under the similar appellation of Atmeidan, it still serves as a place of exercise for their horses. From the throne, whence the emperor viewed the Circensian games, a winding staircase ⁴⁹ descended to the palace; a magnificent edifice, which scarcely yielded to the residence of Rome itself, and which, together with the dependent courts, gardens, and porticoes, covered a considerable extent of ground upon the banks of the Propontis between the Hippodrome and the church of St. Sophia ⁵⁰. We might likewise celebrate

⁴⁸ The guardians of the most holy relics would rejoice if they were able to produce such a chain of evidence as may be alleged on this occasion. See Banduri ad Antiquitat. Const. p. 668. Gyllius de Byzant. l. ii. c. 15. 1. The original consecration of the tripod and pillar in the temple of Delphi may be proved from Herodotus and Pausanias. 2. The Pagan Zosimus agrees with the three ecclesiastical historians, Eusebius, Socrates, and Sozomen, that the sacred ornaments of the temple of Delphi were removed to Constantinople by the order of Constantine; and among these the serpentine pillar of the Hippodrome is particularly mentioned. 3. All the European travellers who have visited Constantinople, from Buondelmonte to Pocock, describe it in the same place, and almost in the same manner; the differences between them are occasioned only by the injuries which it has sustained from the Turks. Mahomet the Second broke the under-jaw of one of the serpents with a stroke of his battle-axe. Thevenot, l. i. c. 17.

⁴⁹ The Latin name *Cocbeia* was adopted by the Greeks, and very frequently occurs in the Byzantine history. Ducange Const. l. ii. c. 1. p. 104.

⁵⁰ There are three topographical points which indicate the situation of the palace. 1. The stair-case, which connected it with the Hippodrome or Atmeidan. 2. A small artificial port on the Propontis, from whence there was an easy ascent, by a flight of marble steps,

celebrate the baths, which still retained the name of Zeuxippus, after they had been enriched by the munificence of Constantine, with lofty columns, various marbles, and above threescore statues of bronze⁵¹. But we should deviate from the design of this history, if we attempted minutely to describe the different buildings or quarters of the city. It may be sufficient to observe, that whatever could adorn the dignity of a great capital, or contribute to the benefit or pleasure of its numerous inhabitants, was contained within the walls of Constantinople. A particular description composed about a century after its foundation, enumerates a capital or school of learning, a circus, two theatres, eight public, and one hundred and fifty-three private, baths, fifty-two porticoes, five granaries, eight aqueducts or reservoirs of water, four spacious halls for the meetings of the senate or courts of justice, fourteen churches, fourteen palaces, and four thousand three hundred and eighty-eight houses, which, for their size or beauty, deserved to be

to the gardens of the palace. 3. The Augusteum was a spacious court, one side of which was occupied by the front of the palace, and another by the church of St. Sophia.

⁵¹ Zeuxippus was an epithet of Jupiter, and the baths were a part of old Byzantium. The difficulty of assigning their true situation has not been felt by Ducange. History seems to connect them with St. Sophia and the palace; but the original plan, inserted in Banduri, places them on the other side of the city, near the harbour. For their beauties, see Chron. Paschal, p. 285, and Gyllius de Byzant. l. ii. c. 7. Christodorus (see Antiquitat. Const. l. vii.) composed inscriptions in verse for each of the statues. He was a Theban poet in genius as well as in birth:

Bæotum in crasso jurares aere natum.

distinguished from the multitude of plebeian habitations⁵².

The populousness of this favoured city was the next and most serious object of the attention of its founder. In the dark ages which succeeded the translation of the empire, the remote and the immediate consequences of that memorable event were strangely confounded by the vanity of the Greeks, and the credulity of the Latins⁵³. It was asserted and believed, that all the noble families of Rome, the senate, and the equestrian order, with their innumerable attendants, had followed their emperor to the banks of the Propontis; that a spurious race of strangers and plebeians was left to possess the solitude of the ancient capital; and that the lands of Italy, long since converted into gardens, were at once deprived of cultivation and inhabitants⁵⁴. In the course of this history, such exaggerations will be reduced to their just

⁵² See the *Notitia*. Rome only reckoned 1780 large houses, *domus*; but the word must have had a more dignified signification. No *palatia* are mentioned at Constantinople. The old capital consisted of 424 blocks, the new of 322.

⁵³ Liutprand. *Legatio ad Imp. Nicephorum*, p. 153. The modern Greeks have strangely disfigured the antiquities of Constantinople. We might excuse the errors of the Turkish or Arabian writers; but it is somewhat astonishing, that the Greeks, who had access to the authentic materials preserved in their own language, should prefer fiction to truth, and loose tradition to genuine history. In a single page of Codinus we may detect twelve unpardonable mistakes; the reconciliation of Severus and Niger, the marriage of their son and daughter, the siege of Byzantium by the Macedonians, the invasion of the Gauls, which recalled Severus to Rome, the *sixty* years which elapsed from his death to the foundation of Constantinople, &c.

⁵⁴ Montesquieu, *Grandeur et Decadence des Romains*, c. 17.

value: yet, since the growth of Constantinople cannot be ascribed to the general increase of mankind and of industry, it must be admitted, that this artificial colony was raised at the expence of the ancient cities of the empire. Many opulent senators of Rome, and of the Eastern provinces, were probably invited by Constantine to adopt for their country the fortunate spot which he had chosen for his own residence. The invitations of a master are scarcely to be distinguished from commands; and the liberality of the emperor obtained a ready and cheerful obedience. He bestowed on his favourites the palaces which he had built in the several quarters of the city, assigned them lands and pensions for the support of their dignity⁵⁵, and alienated the demesnes of Pontus and Asia, to grant hereditary estates by the easy tenure of maintaining a house in the capital⁵⁶. But these encouragements and obligations soon became superfluous, and were gradually abolished. Wherever the seat of government is fixed, a

⁵⁵ Themist. Orat. iii. p. 48. edit. Hardouin. Sozomen, l. ii. c. 3. Zosim. l. ii. p. 107. Anonym. Valesian. p. 715. If we could credit Collinus (p. 10.), Constantine built houses for the senators on the exact model of their Roman palaces, and gratified them, as well as himself, with the pleasure of an agreeable surprise; but the whole story is full of fictions and inconsistencies.

⁵⁶ The law by which the younger Theodosius, in the year 438, abolished this tenure, may be found among the *Novellæ* of that emperor at the head of the *Theodosian Code*, tom. vi. nov. 12. M. de Tillemont (*Hist. des Empereurs*, tom. iv. p. 371.) has evidently mistaken the nature of these estates. With a grant from the Imperial demesnes, the same condition was accepted as a favour which would justly have been deemed a hardship, if it had been imposed upon private property.

considerable



considerable part of the public revenue will be expended by the prince himself, by his ministers, by the officers of justice, and by the domestics of the palace. The most wealthy of the provincials will be attracted by the powerful motives of interest and duty, of amusement and curiosity. A third and more numerous class of inhabitants will insensibly be formed, of servants, of artificers, and of merchants, who derive their subsistence from their own labour, and from the wants or luxury of the superior ranks. In less than a century, Constantinople disputed with Rome itself the pre-eminence of riches and numbers. New piles of buildings, crowded together with too little regard to health or convenience, scarcely allowed the intervals of narrow streets for the perpetual throng of men, of horses, and of carriages. The allotted space of ground was insufficient to contain the increasing people; and the additional foundations, which, on either side, were advanced into the sea, might alone have composed a very considerable city⁵⁷.

Privileges. The frequent and regular distributions of wine and oil, of corn or bread, of money or provisions, had almost exempted the poorer citizens of Rome from the necessity of labour. The magnificence of the first Cæsars was in some measure imitated

⁵⁷ The passages of Zosimus, of Eunapius, of Sozomen, and of Agathias, which relate to the increase of buildings and inhabitants at Constantinople, are collected and connected by Gyllius de Byzant. l. i. c. 5. Sidonius Apollinaris (in Panegy. Anthem. 56. p. 290. edit. Sirmond) describes the moles that were pushed forwards into the sea; they consisted of the famous Luzzellan sand, which hardens in the water.

by the founder of Constantinople⁵⁸: but his liberality, however it might excite the applause of the people, has incurred the censure of posterity. A nation of legislators and conquerors might assert their claim to the harvests of Africa, which had been purchased with their blood; and it was artfully contrived by Augustus, that, in the enjoyment of plenty, the Romans should lose the memory of freedom. But the prodigality of Constantine could not be excused by any consideration either of public or private interest; and the annual tribute of corn imposed upon Egypt for the benefit of his new capital, was applied to feed a lazy and indolent populace, at the expence of the husbandmen of an industrious province⁵⁹. Some other regulations of this emperor are less liable to blame, but they are less deserving of notice. He divided Constantinople into fourteen regions or quarters⁶⁰, dignified the public council with

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⁵⁸ Sozomen, l. ii. c. 3. Philostorg. l. ii. c. 9. Codin. Antiquitat. Const. p. 8. It appears by Socrates, l. ii. c. 13, that the daily allowances of the city consisted of eight myriads of $\sigma\tau\epsilon$, which we may either translate with Valesius by the words modii of corn, or consider as expressive of the number of loaves of bread.

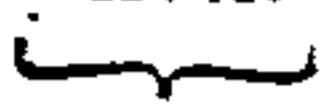
⁵⁹ See Cod. Theodos. l. xiii. and xiv. and Cod. Justinian. Edict. xii. tom. ii. p. 648. edit. Genev. See the beautiful complaint of Rome in the poem of Claudian de Bell. Gildonico, ver. 46—64.

Cum subiit par Roma mihi, divisaque sumsit
Æquales aurora tegas; Ægyptia rura
In partem cessere novam.

⁶⁰ The regions of Constantinople are mentioned in the code of Justinian, and particularly described in the Notitia of the younger Theodosius; but as the four last of them are not included within the wall of Constantine, it may be doubted whether this division of the city should be referred to the founder.

the

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the appellation of Senate⁶¹, communicated to the citizens the privileges of Italy⁶², and bestowed on the rising city the title of Colony, the first and most favoured daughter of ancient Rome. The venerable parent still maintained the legal and acknowledged supremacy, which was due to her age, to her dignity, and to the remembrance of her former greatness⁶³.

Dedication, A. D.
330 or 334.

As Constantine urged the progress of the work with the impatience of a lover, the walls, the porticoes, and the principal edifices were completed in a few years, or, according to another account, in a few months⁶⁴: but this extraordinary diligence

⁶¹ *Senatum constituit secundi ordinis; Cœm vocavit.* Anonym. Valerian. p. 715. The senators of old Rome were styled *Cœsares*. See a curious note of Valeſius and Amnian. Marcellin. xxii. 9. From the eleventh epistle of Julian, it should seem that the place of senator was considered as a burthen, rather than as an honour: but the Abbe de la Bletterie (*Vie de Jovien*, tom. ii. p. 371.) has shewn that this epistle could not relate to Constantinople. Might we not read, instead of the celebrated name of *Βιζάντιον*, the obscure but more probable word *Βιζαντιον*? Bizantie or Rhœdestus, now Rhodosto, was a small maritime city of Thrace. See Stephan. Byz. de Urbibus, p. 225. and Cellar. Geograph. tom. i. p. 849.

⁶² *Cod. Theodos. l. xiv. 13.* The Commentary of Godefroy (tom. v. p. 220.) is long, but perplexed; nor indeed is it easy to ascertain in what the *Jus Italicum* could consist, after the freedom of the city had been communicated to the whole empire.

⁶³ Julian (*Orat. i. p. 8.*) celebrates Constantinople as not less superior to all other cities, than she was inferior to Rome itself. His learned commentator (Spanheim, p. 75, 76.) justifies this language by several parallel and contemporary instances. Zosimus, as well as Socrates and Sozomen, flourished after the division of the empire between the two sons of Theodosius, which established a perfect equality between the old and the new capital.

⁶⁴ Codinus (*Antiquitat. p. 8.*) affirms, that the foundations of Constantinople were laid in the year of the world 5837 (A. D. 329), on the 25th of September, and that the city was dedicated the 11th of

gence should excite the less admiration, since many of the buildings were finished in so hasty and imperfect a manner, that, under the succeeding reign, they were preserved with difficulty from impending ruin⁶⁵. But while they displayed the vigour and freshness of youth, the founder prepared to celebrate the dedication of his city⁶⁶. The games and largesses which crowned the pomp of this memorable festival may easily be supposed: but there is one circumstance of a more singular and permanent nature, which ought not entirely to be overlooked. As often as the birth-day of the city returned, the statue of Constantine, framed, by his order, of gilt wood, and bearing in its right-hand a small image of the genius of the place, was erected on a triumphal car. The guards, carrying white tapers, and clothed in their richest apparel, accompanied the solemn procession as it moved through the Hippodrome.

of May 5358 (A. D. 330.). He connects these dates with several characteristic epochs, but they contradict each other; the authority of Codinus is of little weight, and the space which he assigns must appear insufficient. The term of ten years is given us by Julian (Orat. i. p. 8.), and Spanheim labours to establish the truth of it (p. 69—75.), by the help of two passages from Themistius (Orat. iv. p. 58.) and Philostorgius (l. ii. c. 9.), which form a period from the year 324 to the year 334. Modern critics are divided concerning this point of chronology, and their different sentiments are very accurately discussed by Tillemont, *Hist. des Empereurs*, tom. iv. p. 619—625.

⁶⁵ Themistius, Orat. iii. p. 47. Zosim. l. ii. p. 108. Constantine himself, in one of his laws (Cod. Theod. l. xv. tit. i.), betrays his impatience.

⁶⁶ Cedrenus and Zonaras, faithful to the mode of superstition which prevailed in their own times, assure us, that Constantinople was consecrated to the Virgin Mother of God.

When



When it was opposite to the throne of the reigning emperor, he rose from his seat, and with grateful reverence adored the memory of his predecessor⁶⁷. At the festival of his dedication, an edict, engraved on a column of marble, bestowed the title of SECOND or NEW ROME on the city of Constantine⁶⁸. But the name of Constantinople⁶⁹ has prevailed over that honourable epithet; and, after the revolution of fourteen centuries, still perpetuates the fame of its author⁷⁰.

Form of
govern-
ment.

The foundation of a new capital is naturally connected with the establishment of a new form of civil and military administration. The distinct view of the complicated system of policy, introduced by Diocletian, improved by Constantine,

⁶⁷ The earliest and most complete account of this extraordinary ceremony may be found in the Alexandrian Chronicle, p. 285. Tillemont, and the other friends of Constantine, who are offended with the air of Paganism which seems unworthy of a Christian prince, had a right to consider it as doubtful, but they were not authorised to omit the mention of it.

⁶⁸ Sozomen, l. ii. c. 2. Ducange C. P. l. i. c. 6. *Velut ipsius Romæ filiam*, is the expression of Augustin de Civitat. Dei, l. v. c. 25.

⁶⁹ Eutropius, l. x. c. 8. Julian. Orat. i. p. 8. Ducange C. P. l. i. c. 5. The name of Constantinople is extant on the medals of Constantine.

⁷⁰ The lively Fontenelle (*Dialogues des Morts*, xii.) affects to deride the vanity of human ambition, and seems to triumph in the disappointment of Constantine, whose immortal name is now lost in the vulgar appellation of Istambol, a Turkish corruption of *Ἰστανδούπολις*. Yet the original name is still preserved, 1. By the nations of Europe. 2. By the modern Greeks. 3. By the Arabs, whose writings are diffused over the wide extent of their conquests in Asia and Africa. See d'Herbelot *Bibliothèque Orientale*, p. 275. 4. By the more learned Turks, and by the emperor himself in his public mandates. Cantemir's *History of the Othman Empire*, p. 51.

and

and completed by his immediate successors, may not only amuse the fancy by the singular picture of a great empire, but will tend to illustrate the secret and internal causes of its rapid decay. In the pursuit of any remarkable institution, we may be frequently led into the more early or the more recent times of the Roman history: but the proper limits of this enquiry will be included within a period of about one hundred and thirty years, from the accession of Constantine to the publication of the Theodosian code⁷¹; from which, as well as from the *Notitia* of the east and west⁷², we derive the most copious and authentic information of the state of the empire. This variety of objects will suspend, for some time, the course of the narrative; but the interruption will be censured only by those readers who are insensible to the importance of laws and manners, while they peruse, with eager curiosity, the transient intrigues of a court, or the accidental event of a battle.

The manly pride of the Romans, content with substantial power, had left to the vanity of the east the forms and ceremonies of ostentatious

Hierarchy
of the state.

⁷¹ The Theodosian code was promulgated A. D. 438. See the Prolegomena of Godefroy, c. i. p. 185.

⁷² Pancirolus, in his elaborate Commentary, assigns to the *Notitia* a date almost similar to that of the Theodosian code; but his proofs, or rather conjectures, are extremely feeble. I should be rather inclined to place this useful work between the final division of the empire (A. D. 395), and the successful invasion of Gaul by the Barbarians (A. D. 407). See *Histoire des anciens Peuples de l'Europe*, tom. vii. p. 40.

greatness.

greatness⁷³. But when they lost even the semblance of those virtues which were derived from their ancient freedom, the simplicity of Roman manners was insensibly corrupted by the stately affectation of the courts of Asia. The distinctions of personal merit and influence, so conspicuous in a republic, so feeble and obscure under a monarchy, were abolished by the despotism of the emperors; who substituted in their room a severe subordination of rank and office, from the titled slaves who were seated on the steps of the throne, to the meanest instruments of arbitrary power. This multitude of abject dependents was interested in the support of the actual government, from the dread of a revolution, which might at once confound their hopes, and intercept the reward of their services. In this divine hierarchy (for such it is frequently styled), every rank was marked with the most scrupulous exactness, and its dignity was displayed in a variety of trifling and solemn ceremonies, which it was a study to learn, and a sacrilege to neglect⁷⁴. The purity of the Latin language was debased, by adopting, in the intercourse of pride and flattery, a profusion

⁷³ Scilicet externæ superbix̄ sueto, non inerat notitia nostri (perhaps *reflexæ*); apud quos vis Imperii valet, inania transmittuntur. Tacit. Annal. xv. 31. The gradation from the style of freedom and simplicity, to that of form and servitude, may be traced in the Epistles of Cicero, of Pliny, and of Symmachus.

⁷⁴ The emperor Gratian, after confirming a law of precedency published by Valentinian, the father of his *Divinity*, thus continues: Siquis igitur indubitum sibi locum usurpaverit, nulla se ignoratione defendat; sitque plane sacrilegii reus, qui divina præcepta neglexerit. Cod. Theod. i. vi. tit. v. leg. 2.

of epithets, which Tully would scarcely have understood, and which Augustus would have rejected with indignation. The principal officers of the empire were saluted, even by the sovereign himself, with the deceitful titles of your *Sincerity*, your *Gravity*, your *Excellency*, your *Eminence*, your *sublime and wonderful Magnitude*, your *illustrious and magnificent Highness*⁷⁵. The codicils or patents of their office were curiously emblazoned with such emblems as were best adapted to explain its nature and high dignity; the image or portrait of the reigning emperors; a triumphal car; the book of mandates placed on a table, covered with a rich carpet, and illuminated by four tapers; the allegorical figures of the provinces which they governed; or the appellations and standards of the troops whom they commanded. Some of these official ensigns were really exhibited in their hall of audience; others preceded their pompous march whenever they appeared in public; and every circumstance of their demeanour, their dress, their ornaments, and their train, was calculated to inspire a deep reverence for the representatives of supreme majesty. By a philosophic observer, the system of the Roman government might have been mistaken for a splendid theatre, filled with players of every character and degree, who repeated the language, and imitated the passions, of their original model⁷⁶.

⁷⁵ Consult the *Notitia Dignitatum*, at the end of the Theodosian Code, tom. vi. p. 316.

⁷⁶ Pancirolus ad Notitiam utriusque Imperii, p. 39. But his explanations are obscure, and he does not sufficiently distinguish the painted emblems from the effective ensigns of office.

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XVII.

Three
ranks of
honour.

All the magistrates of sufficient importance to find a place in the general state of the empire, were accurately divided into three classes. 1. The *Illustrious*. 2. The *Speſtabiles*, or *Reſpectable*: And, 3. The *Clariffimi*; whom we may tranſlate by the word *Honourable*. In the times of Roman ſimplicity, the laſt-mentioned epithet was uſed only as a vague expreſſion of deference, till it became at length the peculiar and appropriated title of all who were members of the ſenate⁷⁷, and conſequently of all who, from that venerable body, were ſelected to govern the provinces. The vanity of thoſe who, from their rank and office, might claim a ſuperior diſtinction above the reſt of the ſenatorial order, was long afterwards indulged with the new appellation of *Reſpectable*: but the title of *Illuſtrious* was always reſerved to ſome eminent perſonages who were obeyed or revered by the two ſubordinate claſſes. It was communicated only, I. To the conſuls and patri- cians; II. To the prætorian præfects, with the præfects of Rome and Conſtantinople; III. To the maſters general of the cavalry and the infantry; and, IV. To the ſeven miniſters of the palace, who exerciſed their *ſacred* functions about the perſon of the emperor⁷⁸. Among thoſe illuſtrious magiſtrates who were eſteemed co-ordinate with each other, the ſeniority of appointment

⁷⁷ In the Pandects, which may be referred to the reigns of the Antonines, *Clariffimus* is the ordinary and legal title of a ſenator.

⁷⁸ Pancircl. p. 12—17. I have not taken any notice of the two inferior ranks, *Perſectiſſimus*, and *Egregius*, which were given to many perſons, who were not raiſed to the ſenatorial dignity.

gave place to the union of dignities⁷⁹. By the expedient of honorary codicils, the emperors, who were fond of multiplying their favours, might sometimes gratify the vanity, though not the ambition, of impatient courtiers⁸⁰.

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I. As long as the Roman consuls were the first magistrates of a free state, they derived their right to power from the choice of the people. As long as the emperors condescended to disguise the servitude which they imposed, the consuls were still elected by the real or apparent suffrage of the senate. From the reign of Diocletian, even these vestiges of liberty were abolished, and the successful candidates who were invested with the annual honours of the consulship, affected to deplore the humiliating condition of their predecessors. The Scipios and Catos had been reduced to solicit the votes of plebeians, to pass through the tedious and expensive forms of a popular election, and to expose their dignity to the shame of a public refusal; while their own happier fate had reserved them for an age and government in which the rewards of virtue were assigned by the unerring wisdom of a gracious sovereign⁸¹. In the epistles which the emperor addressed to the two consuls elect, it was declared, that they were

The consuls.

⁷⁹ Cod. Theodof. l. vi. tit. vi. The rules of precedence are ascertained with the most minute accuracy by the emperors, and illustrated with equal prolixity by their learned interpreter.

⁸⁰ Cod. Theod. l. vi. tit. xxii.

⁸¹ Ausonius (in Gratiarum Actione) basely expatiates on this unworthy topic, which is managed by Mamertinus (Panegy. Vet. xi. 26. 19.) with somewhat more freedom and ingenuity.

On this solemn occasion they were attended by the most eminent officers of the state and army, in the habit of senators; and the useless fasces, armed with the once formidable axes, were borne before them by the lictors⁸⁶. The procession moved from the palace⁸⁷ to the Forum, or principal square of the city; where the consuls ascended their tribunal, and seated themselves in the curule chairs, which were framed after the fashion of ancient times. They immediately exercised an act of jurisdiction, by the manumission of a slave, who was brought before them for that purpose; and the ceremony was intended to represent the celebrated action of the elder Brutus, the author of liberty and of the consulship, when he admitted among his fellow-citizens the faithful Vindex, who had revealed the conspiracy of the Tarquins⁸⁸. The public festival was continued during several days in all the principal cities; in Rome, from custom; in Constanti-

⁸⁶ Cernis et armorum proceres legumque potentes :
Patricios sumunt habitus ; et more Gabino
Discolor incedit legio, positisque parumper
Bellorum signis, sequitur vexilla Quirini.
Lictori cedunt aquilæ, ridetque togatus
Miles, et in mediis effulget curia castris.

Claud. in iv Conf. Honorii, 5.

— *strictasque procul radiare secures.*

In Conf. Prob. 229.

⁸⁷ See Valeſius ad Ammian. Marcellin. l. xxii. c. 7.

⁸⁸ Auspice mox læto sonuit clamore tribunal ;
Te factos ineunte quater ; solemnia ludit
Omnia libertas : deductum vindice morem
Lex servat, famulusque jugo laxatus herili
Ducitur, et grato remcat securior ictu.

Claudian in iv Conf. Honorii, 611.

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nople, from imitation; in Carthage, Antioch, and Alexandria, from the love of pleasure and the superfluity of wealth⁸⁹. In the two capitals of the empire the annual games of the theatre, the circus, and the amphitheatre⁹⁰, cost four thousand pounds of gold, (about) one hundred and sixty thousand pounds sterling: and if so heavy an expence surpassed the faculties or the inclination of the magistrates themselves, the sum was supplied from the Imperial treasury⁹¹. As soon as the consuls had discharged these customary duties, they were at liberty to retire into the shade of private life, and to enjoy, during the remainder of the year, the undisturbed contemplation of their own greatness. They no longer presided in the national councils; they no longer executed the resolutions of peace or war. Their abilities (unless they were employed in more effective offices) were of little moment; and their names served only as the legal date of the year in which they had filled the chair of Marius and of Cicero. Yet it was still felt and acknowledged, in the last period of Roman servitude, that this empty name might be compared, and even pre-

⁸⁹ Celebrant quidem solemnes istos dies, omnes ubique urbes quæ sub legibus agunt; et Roma de more, et Constantinopolis de imitatione, et Antiochia pro luxu, et distincta Carthago, et domus fluminis Alexandria, sed Treviri Principis beneficio. Antonius in Grat. Actione.

⁹⁰ Claudian (in Cons. Mall. Theodori, 279—331.) describes, in a lively and fanciful manner, the various games of the circus, the theatre and the amphitheatre, exhibited by the new consul. The sanguinary combats of gladiators had already been prohibited.

⁹¹ Procopius in Hist. Arcana, c. 26.

ferred, to the possession of substantial power. The title of consul was still the most splendid object of ambition, the noblest reward of virtue and loyalty. The emperors themselves, who disdained the faint shadow of the republic, were conscious that they acquired an additional splendour and majesty as often as they assumed the annual honours of the consular dignity⁹².

The proudest and most perfect separation which can be found in any age or country, between the nobles and the people, is perhaps that of the Patricians and the Plebeians, as it was established in the first age of the Roman republic. Wealth and honours, the offices of the state, and the ceremonies of religion, were almost exclusively possessed by the former; who preserving the purity of their blood with the most insulting jealousy⁹³, held their clients in a condition of specious vassalage. But these distinctions, so incompatible with the spirit of a free people, were removed, after a long struggle, by the persevering efforts of the Tribunes. The most active and successful of the Plebeians accumulated wealth, aspired to ho-

The Pa-
tricians,

⁹² In Consulatu honos sine labore suscipitur. (Mamerlin in Panegyri. Vct. xi. 2.) This exalted idea of the consulship is borrowed from an Oration (iii. p. 107) pronounced by Julian in the servile court of Constantius. See the Abbé de la Bieterie (Mémoires de l'Académie, tom. xxiv. p. 289.), who delights to pursue the vestiges of the old constitution, and who sometimes finds them in his copious fancy.

⁹³ Intermarriages between the Patricians and Plebeians were prohibited by the laws of the XII Tables; and the uniform operations of human nature may attest that the custom survived the law. See in Livy (iv. 1—6.), the pride of family urged by the consul, and the rights of mankind asserted by the tribune Canuleius.

nours, deserved triumphs, contracted alliances, and, after some generations, assumed the pride of ancient nobility⁹⁴. The Patrician families, on the other hand, whose original number was never recruited till the end of the commonwealth, either failed in the ordinary course of nature, or were extinguished in so many foreign and domestic wars, or, through a want of merit or fortune, insensibly mingled with the mass of the people⁹⁵. Very few remained who could derive their pure and genuine origin from the infancy of the city, or even from that of the republic, when Cæsar and Augustus, Claudius and Vespasian, created from the body of the senate a competent number of new Patrician families, in the hope of perpetuating an order, which was still considered as honourable and sacred⁹⁶. But these artificial supplies
(in

⁹⁴ See the animated pictures drawn by Sallust, in the Jurgurthine war, of the pride of the nobles, and even of the virtuous Metellus, who was unable to brook the idea that the honour of the consulship should be bestowed on the obscure merit of his lieutenant Marius (c. 64.). Two hundred years before, the race of the Metelli themselves were confounded among the Plebeians of Rome; and from the etymology of their name of *Cæcilius*, there is reason to believe that those haughty nobles derived their origin from a sutler.

⁹⁵ In the year of Rome 800, very few remained, not only of the old Patrician families, but even of those which had been created by Cæsar and Augustus. (Tacit. *Annal.* xi. 25.) The family of Scævus (a branch of the Patrician *Æmili*) was degraded so low that his father, who exercised the trade of a charcoal-merchant, left him only ten slaves, and somewhat less than three hundred pounds sterling. (Valerius Maximus, l. iv. c. 4. n. 11., Aurel. Victor in *Scævo*.) The family was saved from oblivion by the merit of the son.

⁹⁶ Tacit. *Annal.* xi. 25. Dion Cassius, l. lii. p. 693. The virtues of Agricola, who was created a Patrician by the emperor Vespasian,

(in which the reigning house was always included) were rapidly swept away by the rage of tyrants, by frequent revolutions, by the change of manners, and by the intermixture of nations⁹⁷. Little more was left, when Constantine ascended the throne, than a vague and imperfect tradition, that the Patricians had once been the first of the Romans. To form a body of nobles, whose influence may restrain, while it secures the authority of the monarch, would have been very inconsistent with the character and policy of Constantine; but had he seriously entertained such a design, it might have exceeded the measure of his power to ratify, by an arbitrary edict, an institution which must expect the sanction of time and of opinion. He revived, indeed, the title of PATRICIANS, but he revived it as a personal, not as an hereditary distinction. They yielded only to the transient superiority of the annual consuls; but they enjoyed the pre-eminence over all the great officers of state, with the most familiar access to the person of the prince. This honourable rank was bestowed on them for life; and as they were usually favourites, and ministers who had grown old in the Imperial court, the true

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Vespasian, reflected honour on that ancient order; but his ancestors had not any claim beyond an Equestrian nobility.

⁹⁷ This failure would have been almost impossible if it were true, as Casaubon compels Aurelius Victor to affirm (ad Sueton. in Cæsar. c. 42. See Hist. August. p. 203. and Casaubon. Comment. p. 220.), that Vespasian created at once a thousand Patrician families. But this extravagant number is too much even for the whole Senatorial order, unless we should include all the Roman knights who were distinguished by the permission of wearing the laticlave.

etymology

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The Præ-
torian
præfects.

etymology of the word was perverted by ignorance and flattery; and the Patricians of Constantine were revered as the adopted *Fathers* of the emperor and the republic⁹⁸.

II. The fortunes of the Prætorian præfects were essentially different from these of the consuls and patricians. The latter saw their ancient greatness evaporate in a vain title. The former, rising by degrees from the most humble condition, were invested with the civil and military administration of the Roman world. From the reign of Severus to that of Diocletian, the guards and the palace, the laws and the finances, the armies and the provinces, were intrusted to their superintending care; and, like the Vizirs of the East, they held with one hand the seal, and with the other the standard, of the empire. The ambition of the præfects, always formidable, and sometimes fatal to the masters whom they served, was supported by the strength of the Prætorian bands; but after those haughty troops had been weakened by Diocletian, and finally suppressed by Constantine, the præfects, who survived their fall, were reduced without difficulty to the station of useful and obedient ministers. When they were no longer responsible for the safety of the emperor's person, they resigned the jurisdiction which they had hitherto claimed and exercised over all the departments of the palace. They were deprived by Constantine of all military command, as soon as they had ceased to lead into the

⁹⁸ Zosimus, l. ii. p. 118.; and Godefroy ad Cod. Theodos. l. vi, tit. vi.

field,

field, under their immediate orders, the flower of the Roman troops; and at length, by a singular revolution, the captains of the guards were transformed into the civil magistrates of the provinces. According to the plan of government instituted by Diocletian, the four princes had each their Prætorian præfect; and, after the monarchy was once more united in the person of Constantine, he still continued to create the same number of FOUR PRÆFACTS, and entrusted to their care the same provinces which they already administered. 1. The præfect of the East stretched his ample jurisdiction into the three parts of the globe which were subject to the Romans, from the cataracts of the Nile to the banks of the Phasis, and from the mountains of Thrace to the frontiers of Persia. 2. The important provinces of Pannonia, Dacia, Macedonia, and Greece, once acknowledged the authority of the præfect of Illyricum. 3. The power of the præfect of Italy was not confined to the country from whence he derived his title; it extended over the additional territory of Rhætia as far as the banks of the Danube, over the dependent islands of the Mediterranean, and over that part of the continent of Africa which lies between the confines of Cyrene and those of Tingitania. 4. The præfect of the Gauls comprehended under that plural denomination the kindred provinces of Britain and Spain, and his authority was obeyed from the wall of Antoninus to the fort of Mount Atlas⁹⁹.

After

⁹⁹ Zosimus, l. ii. p. 109, 110. If we had not fortunately possessed this satisfactory account of the division of the power and provinces

After the Prætorian præfects had been dismissed from all military command, the civil functions which they were ordained to exercise over so many subject nations, were adequate to the ambition and abilities of the most consummate ministers. To their wisdom was committed the supreme administration of justice and of the finances, the two objects which, in a state of peace, comprehend almost all the respective duties of the sovereign and of the people; of the former, to protect the citizens who are obedient to the laws; of the latter, to contribute the share of their property which is required for the expences of the state. The coin, the highways, the posts, the granaries, the manufactures, whatever could interest the public prosperity, was moderated by the authority of the Prætorian præfects. As the immediate representatives of the Imperial majesty, they were empowered to explain, to enforce, and on some occasions to modify, the general edicts by their discretionary proclamations. They watched over the conduct of the provincial governors, removed the negligent, and inflicted punishments on the guilty. From all the inferior jurisdictions, an appeal in every matter of importance, either civil or criminal, might be brought before the tribunal of the præfect: but *his* sentence was final and absolute; and the emperors themselves refused to admit any complaints against the judgment or the integrity of a magi-

vines of the Prætorian præfects, we should frequently have been perplexed amidst the copious details of the Code, and the circumstantial minuteness of the Notitia.

strate

strate whom they honoured with such unbounded confidence¹⁰⁰. His appointments were suitable to his dignity¹⁰¹; and if avarice was his ruling passion, he enjoyed frequent opportunities of collecting a rich harvest of fees, of presents, and of perquisites. Though the emperors no longer dreaded the ambition of their præfects, they were attentive to counterbalance the power of this great office by the uncertainty and shortness of its duration¹⁰².

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From their superior importance and dignity, Rome and Constantinople were alone excepted from the jurisdiction of the Prætorian præfects. The immense size of the city, and the experience of the tardy, ineffectual operation of the laws, had furnished the policy of Augustus with a specious pretence for introducing a new magistrate, who alone could restrain a servile and turbulent popu-

The præfects of Rome and Constantinople.

¹⁰⁰ See a law of Constantine himself. *A præfectis autem prætorio provocare, non linimus.* Cod. Justinian. l. vii. tit. lxii. leg. 19. Charisius, a lawyer of the time of Constantine (Heinec. *Hist. Juris Romani*, p. 349.), who admits this law as a fundamental principle of jurisprudence, compares the Prætorian præfects to the masters of the horse of the ancient dictators. *Pandect.* l. i. tit. xi.

¹⁰¹ When Justinian, in the exhausted condition of the empire, instituted a Prætorian præfect for Africa, he allowed him a salary of one hundred pounds of gold. Cod. Justinian. l. i. tit. xxvii. leg. 1.

¹⁰² For this, and the other dignities of the empire, it may be sufficient to refer to the ample commentaries of Pancirolus and Godefroy, who have diligently collected and accurately digested in their proper order all the legal and historical materials. From those authors, Dr. Howell (*History of the World*, vol. ii. p. 24—77.) had deduced a very distinct abridgment of the state of the Roman empire.

lace by the strong arm of arbitrary power¹⁰³. Valerius Messalla was appointed the first præfect of Rome, that his reputation might countenance so invidious a measure: but at the end of a few days, that accomplished citizen¹⁰⁴ resigned his office, declaring with a spirit worthy of the friend of Brutus, that he found himself incapable of exercising a power incompatible with public freedom¹⁰⁵. As the sense of liberty became less exquisite, the advantages of order were more clearly understood; and the præfect, who seemed to have been designed as a terror only to slaves and vagrants, was permitted to extend his civil and criminal jurisdiction over the equestrian and noble families of Rome. The prætors, annually created as the judges of law and equity, could not long dispute the possession of the Forum with a vigor-

¹⁰³ Tacit. *Annal.* vi. 11. Euseb. in *Chron.* p. 155. Dion Cassius, in the oration of Mæcenæ (i. vii. p. 675.), describes the prerogatives of the præfect of the city as they were established in his own time.

¹⁰⁴ The fame of Messalla has been scarcely equal to his merit. In the earliest youth he was recommended by Cicero to the friendship of Brutus. He followed the standard of the republic till it was broken in the fields of Philippi: he then accepted and deserved the favour of the most moderate of the conquerors; and uniformly asserted his freedom and dignity in the court of Augustus. The triumph of Messalla was justified by the conquest of Aquitain. As an orator, he disputed the palm of eloquence with Cicero himself. Messalla cultivated every muse, and was the patron of every man of genius. He spent his evenings in philosophic conversation with Horace; assumed his place at table between Delia and Tibullus; and amused his leisure by encouraging the poetical talents of young Ovid.

¹⁰⁵ *Incivilem esse potestatem contestans*, says the translator of Eusebius. Tacitus expresses the same idea in other words: *quasi nescius exercendi.*

ous and permanent magistrate, who was usually admitted into the confidence of the prince. Their courts were deserted, their number, which had once fluctuated between twelve and eighteen¹⁰⁶, was gradually reduced to two or three, and their important functions were confined to the expensive obligation¹⁰⁷ of exhibiting games for the amusement of the people. After the office of Roman consuls had been changed into a vain pageant, which was rarely displayed in the capital, the præfects assumed their vacant place in the senate, and were soon acknowledged as the ordinary presidents of that venerable assembly. They received appeals from the distance of one hundred miles; and it was allowed as a principle of jurisprudence, that all municipal authority was derived from them alone¹⁰⁸. In the discharge of his laborious employment, the governor of Rome was assisted by fifteen officers, some of whom had been originally his equals, or even his superiors. The principal departments were relative to the command of a numerous watch established as a

¹⁰⁶ See Lipsius, Excursus D. ad 1 lib. Tacit. Annal.

¹⁰⁷ Heineccii Element. Juris Civilis secund. ordinem Pandect. tom. i. p. 70. See likewise Spanheim de Ufu Numismatum, tom. ii. dissertat. x. p. 119. In the year 450, Marcian published a law, that *three* citizens should be annually created Prætors of Constantinople by the choice of the senate, but with their own consent. Cod. Justinian. l. i. tit. xxxix. leg. 2.

¹⁰⁸ Quidquid igitur intra urbem admittitur, ad P. U. videtur pertinere; sed et siquid intra centesimum miliarium. Ulpian in Pandect. l. i. tit. xii. n. 1. He proceeds to enumerate the various offices of the præfect, who, in the Code of Justinian (l. i. tit. xxxix. leg. 3.), is declared to precede and command all city magistrates, sine injuriâ ac detrimento honoris alieni.

safeguard

safeguard against fires, robberies, and nocturnal disorders; the custody and distribution of the public allowance of corn and provisions; the care of the port, of the aqueducts, of the common sewers, and of the navigation and bed of the Tyber; the inspection of the markets, the theatres, and of the private as well as public works. Their vigilance ensured the three principal objects of a regular police, safety, plenty, and cleanliness; and as a proof of the attention of government to preserve the splendour and ornaments of the capital, a particular inspector was appointed for the statues; the guardian, as it were, of that inanimate people, which, according to the extravagant computation of an old writer, was scarcely inferior in number to the living inhabitants of Rome. About thirty years after the foundation of Constantinople, a similar magistrate was created in that rising metropolis, for the same uses, and with the same powers. A perfect equality was established between the dignity of the *two* municipal, and that of the *four* prætorian, præfects¹⁹⁹.

The pro-
consuls,
vice-præ-
fects, &c.

Those who, in the Imperial hierarchy, were distinguished by the title of *Respectable*, formed an intermediate class between the *illustrious* præfects and the *honourable* magistrates of the provinces. In this class, the proconsuls of Asia, Achaia, and Africa, claimed a pre-eminence, which was yield-

199 If we follow our usual guides, we may observe, that Felix Cantabrigie has written a separate treatise, *De Præfecto Urbis*; and that many curious particulars concerning the police of Rome and Constantinople are contained in the fourteenth book of the Theodosian Code.

ed to the remembrance of their ancient dignity; and the appeal from their tribunal to that of the præfects was almost the only mark of their dependence¹¹⁰. But the civil government of the empire was distributed into thirteen great DIOCESES, each of which equalled the just measure of a powerful kingdom. The first of these dioceses was subject to the jurisdiction of the *count* of the east; and we may convey some idea of the importance and variety of his functions, by observing, that six hundred apparitors, who would be styled at present either secretaries, or clerks, or ushers, or messengers, were employed in his immediate office¹¹¹. The place of *Augustal præfect* of Egypt was no longer filled by a Roman knight; but the name was retained; and the extraordinary powers which the situation of the country, and the temper of the inhabitants, had once made indispensable, were still continued to the governor. The eleven remaining dioceses, of Asiana, Pontica, and Thrace; of Macedonia, Dacia, and Pannonia or Western Illyricum; of Italy and Africa; of Gaul, Spain, and Britain; were governed by twelve *vicars*, or *vice-præfects*¹¹², whose
name

¹¹⁰ Eunapius affirms, that the proconsul of Asia was independent of the præfect; which must, however, be understood with some allowance: the jurisdiction of the vice-præfect he most assuredly disclaimed. Pancirolus, p. 161.

¹¹¹ The proconsul of Africa had four hundred apparitors; and they all received large salaries, either from the treasury or the province. See Pancirol. p. 26, and Cod. Justinian. l. xii. tit. lvi, lvii.

¹¹² In Italy there was likewise the *Vicar of Rome*. It has been much disputed, whether his jurisdiction measured one hundred miles



name sufficiently explains the nature and dependence of their office. It may be added, that the lieutenant-generals of the Roman armies, the military counts and dukes, who will be hereafter mentioned, were allowed the rank and title of *Respectable*.

The go-
vernors of
the pro-
vinces.

As the spirit of jealousy and ostentation prevailed in the councils of the emperors, they proceeded with anxious diligence to divide the substance, and to multiply the titles of power. The vast countries which the Roman conquerors had united under the same simple form of administration, were imperceptibly crumbled into minute fragments; till at length the whole empire was distributed into one hundred and sixteen provinces, each of which supported an expensive and splendid establishment. Of these, three were governed by *proconsuls*, thirty-seven by *consulars*, five by *correctors*, and seventy-one by *presidents*. The appellations of these magistrates were different; they ranked in successive order, the ensigns of their dignity were curiously varied, and their situation, from accidental circumstances, might be more or less agreeable, or advantageous. But they were all (excepting only the proconsuls) alike included in the class of *honourable* persons; and they were alike entrusted, during the pleasure of the prince, and under the authority of the præfects or their deputies, with the administration of justice and the finances in their respective districts. The ponderous volumes of the Codes and

from the city, or whether it stretched over the ten southern provinces of Italy.

Pandects¹¹³ would furnish ample materials for a minute enquiry into the system of provincial government, as in the space of six centuries it was improved by the wisdom of the Roman statesmen and lawyers. It may be sufficient for the historian to select two singular and salutary provisions intended to restrain the abuse of authority. 1. For the preservation of peace and order, the governors of the provinces were armed with the sword of justice. They inflicted corporal punishments, and they exercised, in capital offences, the power of life and death. But they were not authorised to indulge the condemned criminal with the choice of his own execution, or to pronounce a sentence of the mildest and most honourable kind of exile. These prerogatives were reserved to the præfects, who alone could impose the heavy fine of fifty pounds of gold: their vicegerents were confined to the trifling weight of a few ounces¹¹⁴. This distinction, which seems to grant the larger, while it denies the smaller degree of authority, was founded on a very rational motive. The smaller degree was infinitely more liable to abuse. The passions of a provincial magistrate might frequently provoke him into acts of oppression,

¹¹³ Among the works of the celebrated Ulpian, there was one in ten books, concerning the office of a proconsul, whose duties in the most essential articles were the same as those of an ordinary governor of a province.

¹¹⁴ The presidents, or consulars, could impose only two ounces; the vice-præfects, three; the proconsuls, count of the east, and præfect of Egypt, six. See Heineccii Jur. Civil. tom. i. p. 75. Pandect. l. xlviii. tit. xix. n. 8. Cod. Justinian, l. i. tit. liv. leg. 4. 6.

which affected only the freedom or the fortunes of the subject; though, from a principle of prudence, perhaps of humanity, he might still be terrified by the guilt of innocent blood. It may likewise be considered, that exile, considerable fines, or the choice of an easy death, relate more particularly to the rich and the noble; and the persons the most exposed to the avarice or resentment of a provincial magistrate, were thus removed from his obscure persecution to the more august and impartial tribunal of the Prætorian præfect. 2. As it was reasonably apprehended that the integrity of the judge might be biassed, if his interest was concerned, or his affections were engaged; the strictest regulations were established, to exclude any person, without the special dispensation of the emperor, from the government of the province where he was born¹¹⁵; and to prohibit the governor or his son from contracting marriage with a native or an inhabitant¹¹⁶; or from purchasing slaves, lands, or houses, within the extent of his jurisdiction¹¹⁷. Notwithstanding

¹¹⁵ Ut nulli patriæ suæ administratio sine speciali principis permissu permittatur. Cod. Justinian, l. i. tit. xli. This law was first enacted by the emperor Marcus, after the rebellion of Cassius (Dion. l. lxxi.). The same regulation is observed in China, with equal strictness and with equal effect.

¹¹⁶ Pandect. l. xxiii. tit. ii. n. 38. 57. 63.

¹¹⁷ In jure continetur, ne quis in administratione constitutus aliquid compararet. Cod. Theod. l. viii. tit. xv. leg. 1. This maxim of common law was enforced by a series of edicts (see the remainder of the title) from Constantine to Justin. From this prohibition, which is extended to the meanest offices of the governor, they except only clothes and provisions. The purchase within five years may be recovered; after which, on information, it devolves to the treasury.

these rigorous precautions, the emperor Constantine, after a reign of twenty-five years, still deplores the venal and oppressive administration of justice, and expresses the warmest indignation that the audience of the judge, his dispatch of business, his seasonable delays, and his final sentence, were publicly sold, either by himself or by the officers of his court. The continuance, and perhaps the impunity, of these crimes, is attested by the repetition of impotent laws, and ineffectual menaces ¹¹⁸.

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All the civil magistrates were drawn from the profession of the law. The celebrated Institutes of Justinian are addressed to the youth of his dominions, who had devoted themselves to the study of Roman jurisprudence; and the sovereign condescends to animate their diligence, by the assurance that their skill and ability would in time be rewarded by an adequate share in the government of the republic ¹¹⁹. The rudiments of this lucrative science were taught in all the considerable cities of the east and west; but the most famous school was that of Berytus ¹²⁰, on the coast
of

The profession of the law.

¹¹⁸ Cessent rapaces jam nunc officialium manus; cessent, inquam; nam si moniti non cessaverint, gladiis præcidentur, &c. Cod. Theod. l. i. tit. vii. leg. 1. Zeno enacted, that all governors should remain in the province, to answer any accusations, fifty days after the expiration of their power. Cod. Justinian. l. ii. tit. xlix. leg. 1.

¹¹⁹ Summâ igitur ope, et alacri studio has leges nostras accipite; et vosmetipsos sic eruditos ostendite, ut spes vos pulcherrima foveat; toto legitimo opere perfecto, posse etiam nostram rempublicam in partibus ejus vobis credendis gubernari. Justinian in proem. Institutionum.

¹²⁰ The splendor of the school of Berytus, which preserved in the east the language and jurisprudence of the Romans, may be computed

of Phœnicia; which flourished above three centuries from the time of Alexander Severus, the author perhaps of an institution so advantageous to his native country. After a regular course of education, which lasted five years, the students dispersed themselves through the provinces, in search of fortune and honours; nor could they want an inexhaustible supply of business in a great empire, already corrupted by the multiplicity of laws, of arts, and of vices. The court of the Prætorian præfect of the east could alone furnish employment for one hundred and fifty advocates, sixty-four of whom were distinguished by peculiar privileges, and two were annually chosen with a salary of sixty pounds of gold, to defend the causes of the treasury. The first experiment was made of their judicial talents, by appointing them to act occasionally as assessors to the magistrates; from thence they were often raised to preside in the tribunals before which they had pleaded. They obtained the government of a province; and, by the aid of merit, of reputation, or of favour, they ascended, by successive steps, to the *illustrious* dignities of the state¹²¹. In the practice
of

to have lasted from the third to the middle of the sixth century. Heinecc. Jur. Rom. Hist. p. 351—356.

¹²¹ As in a former period I have traced the civil and military promotion of Pertinax, I shall here insert the civil honours of Mallius Theodorus. 1. He was distinguished by his eloquence, while he pleaded as an advocate in the court of the Prætorian præfect. 2. He governed one of the provinces of Africa, either as præfident or consular, and deserved, by his administration, the honour of a brass statue. 3. He was appointed vicar, or vice præfect of Macedonia. 4. Quæstor. 5. Count of the sacred largesses. 6. Prætorian præfect
of

of the bar, these men had considered reason as the instrument of dispute; they interpreted the laws according to the dictates of private interest; and the same pernicious habits might still adhere to their characters in the public administration of the state. The honour of a liberal profession has indeed been vindicated by ancient and modern advocates, who have filled the most important stations, with pure integrity, and consummate wisdom: but in the decline of Roman jurisprudence, the ordinary promotion of lawyers was pregnant with mischief and disgrace. The noble art, which had once been preserved as the sacred inheritance of the patricians, was fallen into the hands of freedmen and plebeians¹²², who, with cunning rather than with skill, exercised a sordid and pernicious trade. Some of them procured admittance into families for the purpose of fomenting differences, of encouraging suits, and of preparing a harvest of gain for themselves or their bre-

of the Gauls; whilst he might yet be represented as a young man. 7. After a retreat, perhaps a disgrace of many years, which Mallius (confounded by some critics with the poet Manilius, see Fabricius Bibliothec. Latin. Edit. Ernest. tom. i. c. 18. p. 501.) employed in the study of the Grecian philosophy, he was named Prætorian præfect of Italy, in the year 397. 8. While he still exercised that great office, he was created, in the year 399, consul for the West; and his name, on account of the infamy of his colleague, the eunuch Eutropius, often stands alone in the Fasti. 9. In the year 408, Mallius was appointed a second time Prætorian præfect of Italy. Even in the venal panegyric of Claudian, we may discover the merit of Mallius Theodorus, who, by a rare felicity, was the intimate friend both of Symmachus and of St. Augustin. See Tillemont, Hist. des Emp. tom. v. p. 1110—1114.

¹²² Mamertinus in Panegyri. vet. xi. 20. Austerius apud Photium, p. 1500.

thren. Others, recluse in their chambers, maintained the dignity of legal professors, by furnishing a rich client with subtleties to confound the plainest truth, and with arguments to colour the most unjustifiable pretensions. The splendid and popular class was composed of the advocates, who filled the Forum with the sound of their turgid and loquacious rhetoric. Careless of fame and of justice, they are described, for the most part, as ignorant and rapacious guides, who conducted their clients through a maze of expence, of delay, and of disappointment; from whence, after a tedious series of years, they were at length dismissed, when their patience and fortune were almost exhausted¹²³.

The mili-
tary offi-
cers.

III. In the system of policy introduced by Augustus, the governors, those at least of the imperial provinces, were invested with the full powers of the sovereign himself. Ministers of peace and war, the distribution of rewards and punishments depended on them alone, and they successively appeared on their tribunal in the robes of civil magistracy, and in complete armour at the head of the Roman legions¹²⁴. The influence of the

¹²³ The curious passage of Ammianus (l. xxx. c. 4.), in which he paints the manners of contemporary lawyers, affords a strange mixture of sound sense, false rhetoric, and extravagant satire. Godfrey (Prolegom. ad Cod. Theod. c. i. p. 185.) supports the historian by similar complaints, and authentic facts. In the fourth century, many camels might have been laden with law-books. Eunapius in Vet. Edeſſi, p. 72.

¹²⁴ See a very splendid example in the Life of Agricola, particularly c. 20, 21. The lieutenant of Britain was entrusted with the same powers which Cicero, proconsul of Cilicia, had exercised in the name of the senate and people.

revenue,

revenue, the authority of law, and the command of a military force, concurred to render their power supreme and absolute; and whenever they were tempted to violate their allegiance, the loyal province which they involved in their rebellion, was scarcely sensible of any change in its political state. From the time of Commodus to the reign of Constantine, near one hundred governors might be enumerated, who, with various success, erected the standard of revolt; and though the innocent were too often sacrificed, the guilty might be sometimes prevented, by the suspicious cruelty of their master¹²⁵. To secure his throne and the public tranquillity from these formidable servants, Constantine resolved to divide the military from the civil administration; and to establish, as a permanent and professional distinction, a practice which had been adopted only as an occasional expedient. The supreme jurisdiction exercised by the Prætorian præfects over the armies of the empire, was transferred to the two *masters general* whom he instituted, the one for the *cavalry*, the other for the *infantry*; and though each of these *illustrious* officers was more peculiarly responsible for the discipline of those troops which were under his immediate inspection, they both indifferently commanded in the field the several bodies, whether of horse or foot, which were united in the

¹²⁵ The Abbé Dubos, who has examined with accuracy (see *Hist. de la Monarchie Française*, tom. 1. p. 41—100. edit. 1742.) the institutions of Augustus and of Constantine, observes, that if Otho had been put to death the day before he executed his conspiracy, Otho would now appear in history as innocent as Corbulo.

fame

same army¹²⁵. Their number was soon doubled by the division of the east and west; and as separate generals of the same rank and title were appointed on the four important frontiers of the Rhine, of the Upper and the Lower Danube, and of the Euphrates, the defence of the Roman empire was at length committed to eight masters general of the cavalry and infantry. Under their orders, thirty-five military commanders were stationed in the provinces: three in Britain, six in Gaul, one in Spain, one in Italy, five on the upper, and four on the lower Danube; in Asia eight, three in Egypt, and four in Africa. The titles of *counts*, and *dukes*¹²⁷, by which they were properly distinguished, have obtained in modern languages so very different a sense, that the use of them may occasion some surprise. But it should be recollected, that the second of those appellations is only a corruption of the Latin word, which was indiscriminately applied to any military chief. All these provincial generals were therefore *dukes*; but no more than ten among them were dignified with the ranks of *counts* or companions, a title of honour, or rather of favour, which had been recently invented in the

¹²⁵ Zosimus, l. ii. p. 110. Before the end of the reign of Constantius, the *magistri militum* were already increased to four. See Valerius ad Ammian. l. xvi. c. 7.

¹²⁷ Though the military counts and dukes are frequently mentioned, both in history and the codes, we must have recourse to the *Notitia* for the exact knowledge of their number and stations. For the institution, rank, privileges, &c. of the counts in general, see Cod. Theod. l. vi. tit. xii—xx. with the Commentary of Godetroy.

court of Constantine. A gold belt was the ensign which distinguished the office of the counts and dukes; and besides their pay, they received a liberal allowance sufficient to maintain one hundred and ninety servants, and one hundred and fifty eight horses. They were strictly prohibited from interfering in any matter which related to the administration of justice or the revenue; but the command which they exercised over the troops of their department, was independent of the authority of the magistrates. About the same time that Constantine gave a legal sanction to the ecclesiastical order, he instituted in the Roman empire the nice balance of the civil and the military powers. The emulation, and sometimes the discord, which reigned between two professions of opposite interests and incompatible manners, was productive of beneficial and of pernicious consequences. It was seldom to be expected that the general and the civil governor of a province should either conspire for the disturbance, or should unite for the service of their country. While the one delayed to offer the assistance which the other disdained to solicit, the troops very frequently remained without orders or without supplies; the public safety was betrayed, and the defenceless subjects were left exposed to the fury of the Barbarians. The divided administration, which had been formed by Constantine, relaxed the vigour of the state, while it secured the tranquillity of the monarch.

The memory of Constantine has been deservedly censured for another innovation which corrupted

Distinction
of the
troops.

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rupted military discipline, and prepared the ruin of the empire, The nineteen years which preceded his final victory over Licinius, had been a period of licence and intestine war. The rivals who contended for the possession of the Roman world, had withdrawn the greatest part of their forces from the guard of the general frontier; and the principal cities which formed the boundary of their respective dominions were filled with soldiers, who considered their countrymen as their most implacable enemies. After the use of these internal garrisons had ceased with the civil war, the conqueror wanted either wisdom or firmness to revive the severe discipline of Diocletian, and to suppress a fatal indulgence, which habit had endeared and almost confirmed to the military order. From the reign of Constantine a popular and even legal distinction was admitted between the *Palatines*¹²⁸ and the *Borderers*; the troops of the court as they were improperly stiled, and the troops of the frontier. The former, elevated by the superiority of their pay and privileges, were permitted, except in the extraordinary emergencies of war, to occupy their tranquil stations in the heart of the provinces. The most flourishing cities were oppressed by the intolerable weight of quarters. The soldiers insensibly forgot the virtues of their profession, and contracted only the

¹²⁸ Zosimus, l. ii. p. 111. The distinction between the two classes of Roman troops is very darkly expressed in the historians, the laws, and the Notitia. Consult, however, the copious *paratition* or abstract, which Godefroy has drawn up of the seventh book, de Re Militari, of the Theodosian Code, l. vii. tit. i. leg. 18. L. viii. tit. i. leg. 10.

vices of civil life. They were either degraded by the industry of mechanic trades, or enervated by the luxury of baths and theatres. They soon became careless of their martial exercises, curious in their diet and apparel; and while they inspired terror to the subjects of the empire, they trembled at the hostile approach of the Barbarians¹²⁹. The chain of fortifications which Diocletian and his colleagues had extended along the banks of the great rivers, was no longer maintained with the same care, or defended with the same vigilance. The numbers which still remained under the name of the troops of the frontier, might be sufficient for the ordinary defence. But their spirit was degraded by the humiliating reflection, that *they* who were exposed to the hardships and dangers of a perpetual warfare, were rewarded only with about two-thirds of the pay and emoluments which were lavished on the troops of the court. Even the bands or legions that were raised the nearest to the level of those unworthy favourites, were in some measure disgraced by the title of honour which they were allowed to assume. It was in vain that Constantine repeated the most dreadful menaces of fire and sword against the Borderers who should dare to desert their colours, to connive at the inroads of the Barbarians, or to

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¹²⁹ Ferox erat in suos miles et rapax, ignavus vero in hostes et fractus. Ammian. l. xxii. c. 4. He observes that they loved downy beds and houses of marble; and that their cups were heavier than their swords.



participate in the spoil¹³⁰. The mischiefs which flow from injudicious counsels are seldom removed by the application of partial severities : and though succeeding princes laboured to restore the strength and numbers of the frontier garrisons, the empire, till the last moment of its dissolution, continued to languish under the mortal wound which had been so rashly or so weakly inflicted by the hand of Constantine.

Reduction
of the
legions.

The same timid policy, of dividing whatever is united, of reducing whatever is eminent, of dreading every active power, and of expecting that the most feeble will prove the most obedient, seems to pervade the institutions of several princes, and particularly those of Constantine. The martial pride of the legions, whose victorious camps had so often been the scene of rebellion, was nourished by the memory of their past exploits, and the consciousness of their actual strength. As long as they maintained their ancient establishment of six thousand men, they subsisted, under the reign of Diocletian, each of them singly, a visible and important object in the military history of the Roman empire. A few years afterwards, these gigantic bodies were shrunk to a very diminutive size ; and when *seven* legions, with some auxiliaries, defended the city of Amida against the Persians, the total garrison, with the

¹³⁰ Cod. Theod. l. vii. tit. i. leg. 1. tit. xii. leg. 1. See Howeli's Hist. of the World, vol. ii. p. 19. That learned historian, who is not sufficiently known, labours to justify the character and policy of Constantine.

inhabitants of both sexes, and the peasants of the deserted country, did not exceed the number of twenty thousand persons¹³¹. From this fact, and from similar examples, there is reason to believe, that the constitution of the legionary troops, to which they partly owed their valour and discipline, was dissolved by Constantine; and that the bands of Roman infantry, which still assumed the same names and the same honours, consisted only of one thousand or fifteen hundred men¹³². The conspiracy of so many separate detachments, each of which was awed by the sense of its own weakness, could easily be checked; and the successors of Constantine might indulge their love of ostentation, by issuing their orders to one hundred and thirty-two legions, inscribed on the muster-roll of their numerous armies. The remainder of their troops was distributed into several hundred cohorts of infantry, and squadrons of cavalry. Their arms, and titles, and ensigns, were calculated to inspire terror, and to display the variety of nations who marched under the imperial standard. And not a vestige was left of that severe simplicity, which, in the ages of freedom and victory, had distinguished the line of battle of a Roman army, from the confused host of an Asiatic monarch¹³³. A more particular enumeration,
drawn

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¹³¹ Ammian. l. xix. c. 2. He observes (c. 5.), that the desperate sallies of two Gallic legions were like an handful of water thrown on a great conflagration.

¹³² Pancirolus ad Notitiam, p. 96. Memoires de l'Academie des inscriptions, tom. xxv. p. 491.

¹³³ Romana acies unius prope formæ erat et hominum et armorum genere.—Regia acies varia magis multis gentibus dissimilitudine armorum

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drawn from the *Notitia*, might exercise the diligence of an antiquary; but the historian will content himself with observing, that the number of permanent stations or garrisons established on the frontiers of the empire, amounted to five hundred and eighty three; and that, under the successors of Constantine, the complete force of the military establishment was computed at six hundred and forty-five thousand soldiers¹³⁴. An effort so prodigious surpassed the wants of a more antient, and the faculties of a later, period.

Difficulty
of levies.

In the various states of society, armies are recruited from very different motives. Barbarians are urged by the love of war; the citizens of a free republic may be prompted by a principle of duty; the subjects, or at least the nobles of a monarchy, are animated by a sentiment of honour; but the timid and luxurious inhabitants of a declining empire must be allured into the service by the hopes of profit, or compelled by the dread of punishment. The resources of the Roman treasury were exhausted by the increase of pay, by the repetition of donatives, and by the invention of new emoluments and indulgences, which, in the opinion of the provincial youth, might compensate the hardships and dangers of a military life. Yet, although the stature was lower-

armorum auxiliorumque erat. T. Liv. l. xxxvii. c. 39, 40. Flaminius, even before the event, had compared the army of Antiochus to a supper, in which the flesh of one vile animal was diversified by the skill of the cooks. See the life of Flaminius in Plutarch.

¹³⁴ Agathias, l. v. p. 157. edit. Louvre.

ed¹³⁵, although slaves, at least by a tacit connivance, were indiscriminately received into the ranks, the insurmountable difficulty of procuring a regular and adequate supply of volunteers, obliged the emperors to adopt more effectual and coercive methods. The lands bestowed on the veterans, as the free reward of their valour, were henceforwards granted under a condition, which contains the first rudiments of the feudal tenures; that their sons, who succeeded to the inheritance, should devote themselves to the profession of arms, as soon as they attained the age of manhood; and their cowardly refusal was punished by the loss of honour, of fortune, or even of life¹³⁶. But as the annual growth of the sons of the veterans bore a very small proportion to the demands of the service, levies of men were frequently required from the provinces, and every proprietor was obliged either to take up arms, or to procure a substitute, or to purchase his exemption by the payment of a heavy fine. The sum of forty-two pieces of gold, to which it was *reduced*, ascertains the exorbitant price of volunteers, and the reluc-

¹³⁵ Valentinian (Cod. Theodos. l. vii. tit. xiii. leg. 3.) fixes the standard at five feet seven inches, about five feet four inches and a half English measure. It had formerly been five feet ten inches, and in the best corps six Roman feet. Sed tunc erat amplior multitudo, & plures sequebantur militiam armatam. Vegetius de Re Militari, l. i. c. 5.

¹³⁶ See the two titles, De Veteranis, and De Filiis Veteranorum, in the seventh book of the Theodosian Code. The age at which their military service was required, varied from twenty-five to sixteen. If the sons of the veterans appeared with a horse, they had a right to serve in the cavalry; two horses gave them some valuable privileges.



tance with which the government admitted of this alternative¹³⁷. Such was the horror for the profession of a soldier, which had affected the minds of the degenerate Romans, that many of the youth of Italy, and the provinces, chose to cut off the fingers of their right hand to escape from being pressed into the service; and this strange expedient was so commonly practised, as to deserve the severe animadversion of the laws¹³⁸, and a peculiar name in the Latin language¹³⁹.

Increase
of Barba-
rian auxi-
liaries.

The introduction of Barbarians into the Roman armies became every day more universal, more necessary, and more fatal. The most daring of the Scythians, of the Goths, and of the Germans, who delighted in war, and who found it more

¹³⁷ Cod. Theod. l. vii. tit. xiii. leg. 7. According to the historian Socrates (see Godefroy ad loc.), the same emperor Valens sometimes required eighty pieces of gold for a recruit. In the following law it is faintly expressed, that slaves shall not be admitted inter optimas lectissimorum militum turmas.

¹³⁸ The person and property of a Roman knight, who had mutilated his two sons, were sold at public auction by the order of Augustus. (Sueton. in August. c. 27.) The moderation of that artful usurper proves, that this example of severity was justified by the spirit of the times. Ammianus makes a distinction between the effeminate Italians and the hardy Gauls. (L. xv. c. 12.) Yet only fifteen years afterwards, Valentinian, in a law addressed to the præfect of Gaul, is obliged to enact that these cowardly deserters shall be burnt alive. (Cod. Theod. l. vii. tit. xiii. leg. 5.) Their numbers in Illyricum were so considerable, that the province complained of a scarcity of recruits. (Id. leg. 10.)

¹³⁹ They were called *Marci*. *Marcidus* is found in Plautus and Festus, to denote a lazy and cowardly person, who, according to Arnobius and Augustin, was under the immediate protection of the goddess *Marcia*. From this particular instance of cowardice, *marcere* is used as synonymous to *mutiare*, by the writers of the middle Latinity. See Lindenbrogius, and Valesius ad Ammian. Marcellin. l. xv. c. 12.

profitable

profitable to defend than to ravage the provinces, were enrolled, not only in the auxiliaries of their respective nations, but in the legions themselves, and among the most distinguished of the Palatine troops. As they freely mingled with the subjects of the empire, they gradually learned to despise their manners, and to imitate their arts. They abjured the implicit reverence which the pride of Rome had exacted from their ignorance, while they acquired the knowledge and possession of those advantages by which alone she supported her declining greatness. The Barbarian soldiers who displayed any military talents, were advanced, without exception, to the most important commands; and the names of the tribunes, of the counts and dukes, and of the generals themselves, betray a foreign origin, which they no longer condescended to disguise. They were often entrusted with the conduct of a war against their countrymen; and though most of them preferred the ties of allegiance to those of blood, they did not always avoid the guilt, or at least the suspicion, of holding a treasonable correspondence with the enemy, of inviting his invasion, or of sparing his retreat. The camps, and the palace of the son of Constantine, were governed by the powerful faction of the Franks, who preserved the strictest connection with each other, and with their country, and who resented every personal affront as a national indignity¹⁴².

¹⁴² Malactichus—adhibitis Francis quorum ea tempestate in palatio multitudo florebat, erectius jam loquebatur tumultuabaturque. Ammian. l. xv. c. 5.

gated authority over the provinces and armies, the emperor conferred the rank of *Illustrious* on seven of his more immediate servants, to whose fidelity he entrusted his safety, or his counsels, or his treasures. 1. The private apartments of the palace were governed by a favourite eunuch, who, in the language of that age, was styled the *præpositus* or præfect of the sacred bed-chamber. His duty was to attend the emperor in his hours of state, or in those of amusement, and to perform about his person all those menial services, which can only derive their splendor from the influence of royalty. Under a prince who deserved to reign, the great chamberlain (for such we may call him) was an useful and humble domestic; but an artful domestic, who improves every occasion of unguarded confidence, will insensibly acquire over a feeble mind that ascendant which harsh wisdom and uncomplying virtue can seldom obtain. The degenerate grandsons of Theodosius, who were invisible to their subjects, and contemptible to their enemies, exalted the præfects of their bed-chamber above the heads of all the ministers of the palace¹⁴²; and even his deputy, the first of the splendid train of slaves who waited in the presence, was thought worthy to rank before the *respectable* proconsuls of Greece or Asia. The jurisdiction of the chamberlain was acknowledged by the *counts*, or superintendants, who regulated the two important provinces, of the magnificence of the wardrobe, and of the luxury of the

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X. II.

The chamberlain.

¹⁴² Cod. Theod. l. vi. tit. 8.

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The master
of the of-
fices.

Imperial table¹⁴³. 2. The principal administration of public affairs was committed to the diligence and abilities of the *master of the offices*¹⁴⁴. He was the supreme magistrate of the palace, inspected the discipline of the civil and military *schools*, and received appeals from all parts of the empire; in the causes which related to that numerous army of privileged persons, who, as the servants of the court, had obtained, for themselves and families, a right to decline the authority of the ordinary judges. The correspondence between the prince and his subjects was managed by the four *scrinia*, or offices of this minister of state. The first was appropriated to memorials, the second to epistles, the third to petitions, and the fourth to papers and orders of a miscellaneous kind. Each of these was directed by an inferior *master* of *respectable* dignity, and the whole business was dispatched by an hundred and forty-eight secretaries, chosen for the most part from the profession of the law, on account of the variety of abstracts of reports and references which fre-

¹⁴³ By a very singular metaphor, borrowed from the military character of the first emperors, the steward of their household was styled the count of their camp (*comes castrensis*). Cassiodorus very seriously represents to him, that his own fame, and that of the empire, must depend on the opinion which foreign ambassadors may conceive of the plenty and magnificence of the royal table. (*Variar.* l. vi. *epistol.* 9.)

¹⁴⁴ Gutharius (*de Officiis Domus Augustæ.* l. ii. c. 20. l. iii.) has very accurately explained the functions of the master of the offices, and the constitution of his subordinate *scrinia*. But he vainly attempts, on the most doubtful authority, to deduce from the time of the Antonines, or even of Nero, the origin of a magistrate who cannot be found in history before the reign of Constantine.

quently

quently occurred in the exercise of their several functions. From a condescension, which in former ages would have been esteemed unworthy of the Roman majesty, a particular secretary was allowed for the Greek language; and interpreters were appointed to receive the ambassadors of the Barbarians: but the department of foreign affairs, which constitutes so essential a part of modern policy, seldom diverted the attention of the master of the offices. His mind was more seriously engaged by the general direction of the posts and arsenals of the empire. There were thirty-four cities, fifteen in the east, and nineteen in the west, in which regular companies of workmen were perpetually employed in fabricating defensive armour, offensive weapons of all sorts, and military engines, which were deposited in the arsenals, and occasionally delivered for the service of the troops.

3. In the course of nine centuries, the office of *quæstor* had experienced a very singular revolution. In the infancy of Rome, two inferior magistrates were annually elected by the people, to relieve the consuls from the invidious management of the public treasure¹⁴⁵; a similar assistant was granted to every proconsul, and to every prætor, who exercised a military or provincial command; with the extent of conquest, the two quæstors were gradually multiplied to the number of four,

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The quæstor.

¹⁴⁵ Tacitus (Annal. xi. 22.) says, that the first quæstors were elected by the people, sixty-four years after the foundation of the republic; but he is of opinion, that they had, long before that period, been annually appointed by the consuls, and even by the kings. But this obscure point of antiquity is contested by other writers.

of eight, of twenty, and, for a short time, perhaps, of forty¹⁴⁶; and the noblest citizens ambitiously solicited an office which gave them a seat in the senate, and a just hope of obtaining the honours of the republic. Whilst Augustus affected to maintain the freedom of election, he consented to accept the annual privilege of recommending, or rather indeed of nominating, a certain proportion of candidates; and it was his custom to select one of these distinguished youths, to read his orations or epistles in the assemblies of the senate¹⁴⁷. The practice of Augustus was imitated by succeeding princes; the occasional commission was established as a permanent office; and the favoured quæstor, assuming a new and more illustrious character, alone survived the suppression of his ancient and useless colleagues¹⁴⁸. As the orations,

¹⁴⁶ Tacitus (Annal. xi. 22.) seems to consider twenty as the highest number of quæstors; and Dion. (l. xliii. p. 374.) insinuates that if the Dictator Cæsar once created forty, it was only to facilitate the payment of an immense debt of gratitude. Yet the augmentation which he made of prætors subsisted under the succeeding reign.

¹⁴⁷ Sueton. in August. c. 65. and Torrent. ad loc. Dion. Cas. p. 755.

¹⁴⁸ The youth and inexperience of the quæstors, who entered on that important office in their twenty-fifth year (Lips. Excurs. ad Tacit. l. iii. D.), engaged Augustus to remove them from the management of the treasury; and though they were restored by Claudius, they seem to have been finally dismissed by Nero. (Tacit. Annal. xxii. 29. Sueton. in Aug. c. 36. in Claud. c. 24. Dion. p. 696. 961, &c. Plin. Epistol. x. 20. & alibi.) In the provinces of the Imperial division, the place of the quæstors was more ably supplied by the *procurators* (Dion. Cas. p. 707. Tacit. in Vit. Agricola. c. 15.); or, as they were afterwards called, *rationales*. (Hist. August. p. 130.) But in the provinces of the senate we may still discover a series of quæstors till the reign of Marcus Antoninus. (See the In-

scriptions

tions, which he composed in the name of the emperor ¹⁴⁹, acquired the force, and, at length, the form of absolute edicts, he was considered as the representative of the legislative power, the oracle of the council, and the original source of the civil jurisprudence. He was sometimes invited to take his seat in the supreme judicature of the Imperial consistory, with the Prætorian præfects, and the master of the offices; and he was frequently requested to resolve the doubts of inferior judges: but as he was not oppressed with a variety of subordinate business, his leisure and talents were employed to cultivate that dignified style of eloquence, which, in the corruption of taste and language, still preserves the majesty of the Roman laws ¹⁵⁰. In some respects, the office of the Imperial quæstor may be compared with that of a modern chancellor; but the use of a great seal, which seems to have been adopted by the illiterate

scriptions of Gruter, the Epistles of Pliny, and a decisive fact in the Augustan history, p. 64.) From Ulpian we may learn, (Pandect, l. l. tit. 13.) that under the government of the house of Severus, their provincial administration was abolished; and in the subsequent troubles, the annual or triennial elections of quæstors must have naturally ceased.

¹⁴⁹ Cum patris nomine & epistolas ipse dictaret, et edicta conscriberet, orationesque in senatu recitaret, etiam quæstoris vice. Sueton. in Tit. c. 6. The office must have acquired new dignity, which was occasionally executed by the heir apparent of the empire. Trajan entrusted the same care to Hadrian his quæstor and cousin. See Dodwell Prælection, Cambden. x xi. p. 362—394.

¹⁵⁰ ——— Terris edicta daturus;

Supplicibus responsa.—Oracula regis

Eloquio crevere tuo; nec dignius unquam

Majestas meminit sese Romana locutam.

Claudian in Consulatu. Mall. Theodor. 33. See likewise Symmachus (Epistol. i. 17.) and Cassiodorus (Variar. vi. 5.).

barbarians,

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The public treasurer.

barbarians, was never introduced to attest the public acts of the emperors. 4. The extraordinary title of *count of the sacred largesses*, was bestowed on the treasurer-general of the revenue, with the intention perhaps of inculcating, that every payment flowed from the voluntary bounty of the monarch. To conceive the almost infinite detail of the annual and daily expence of the civil and military administration in every part of a great empire, would exceed the powers of the most vigorous imagination. The actual account employed several hundred persons, distributed into eleven different offices, which were artfully contrived to examine and controul their respective operations. The multitude of these agents had a natural tendency to encrease; and it was more than once thought expedient to dismiss to their native homes the useless supernumeraries, who, deserting their honest labours, had pressed with too much eagerness into the lucrative profession of the finances¹⁵¹. Twenty-nine provincial receivers, of whom eighteen were honoured with the title of count, corresponded with the treasurer; and he extended his jurisdiction over the mines from whence the precious metals were extracted, over the mints, in which they were converted into the current coin, and over the public treasuries of the most important cities, where they were deposited for the service of the state. The foreign trade of the empire was regulated by this minister, who directed likewise all the linen and

¹⁵¹ Cod. Theod. l. vi. tit. 30. Cod. Justinian. l. xii. tit. 24.

woollen manufactures, in which the successive operations of spinning, weaving, and dying were executed, chiefly by women of a servile condition, for the use of the palace and army. Twenty-six of these institutions are enumerated in the west, where the arts had been more recently introduced, and a still larger proportion may be allowed for the industrious provinces of the east¹⁵². 5. Besides the public revenue, which an absolute monarch might levy and expend according to his pleasure, the emperors, in the capacity of opulent citizens, possessed a very extensive property, which was administered by the *count*, or treasurer of *the private estate*. Some part had perhaps been the antient demesnes of kings and republics; some accessions might be derived from the families which were successively invested with the purple; but the most considerable portion flowed from the impure source of confiscations and forfeitures. The Imperial estates were scattered through the provinces, from Mauritania to Britain; but the rich and fertile soil of Cappadocia tempted the monarch to acquire in that country his fairest possessions¹⁵³, and either Constantine or his successors embraced the occasion of justifying avarice by religious zeal. They suppressed

The private treasurer.

¹⁵² In the departments of the two counts of the treasury, the eastern part of the *Notitia* happens to be very defective. It may be observed, that we had a treasury-chest in London, and a gynæceum or manufacture at Winchester. But Britain was not thought worthy either of a mint or of an arsenal. Gaul alone possessed three of the former, and eight of the latter.

¹⁵³ Cod. Theod. l. vi. tit. xxx. leg. 2. and Godofroy ad loc.

the

the rich temple of Comana, where the high-priest of the goddess of war supported the dignity of a sovereign prince; and they applied to their private use the consecrated lands, which were inhabited by six thousand subjects or slaves of the Deity and her ministers¹⁵⁴. But these were not the valuable inhabitants: the plains that stretch from the foot of Mount Argæus to the banks of the Sarus, bred a generous race of horses, renowned above all others in the ancient world, for their majestic shape, and incomparable swiftness. These *sacred* animals, destined for the service of the palace and the Imperial games, were protected by the laws from the profanation of a vulgar master¹⁵⁵. The demesnes of Cappadocia were important enough to require the inspection of a *count*¹⁵⁶; officers of an inferior rank were stationed in the other parts of the empire; and the deputies of the private, as well as those of the public, treasurer, were maintained in the exercise of their independent functions, and encouraged to con-

¹⁵⁴ Strabon. Geograph. l. xii. p. 809. The other temple of Comana, in Pentus, was a colony from that of Cappadocia, l. xii. p. 825. The president Des Brosses (see his *Saluste*, tom. ii. p. 21.) conjectures that the deity adored in both Comanas was Beltis, the Venus of the east, the goddess of generation; a very different being indeed from the goddess of war.

¹⁵⁵ Cod. Theod. l. x. tit. vi. de Grege Dominico. Godsfroy has collected every circumstance of antiquity relative to the Cappadocian horses. One of the finest breeds, the Palmatian, was the forfeiture of a rebel, whose estate lay about sixteen miles from Tyana, near the great road between Constantinople and Antioch.

¹⁵⁶ Justinian (Novell. 30.) subjected the province of the count of Cappadocia, to the immediate authority of the favourite eunuch, who presided over the sacred bedchamber.

troul the authority of the provincial magistrates ¹⁵⁷.
 6, 7. The chosen bands of cavalry and infantry,
 which guarded the person of the emperor, were
 under the immediate command of the *two counts*
of the domestics. The whole number consisted of
 three thousand five hundred men, divided into
 seven *schools*, or troops, of five hundred each;
 and in the east, this honourable service was al-
 most entirely appropriated to the Armenians.
 Whenever, on public ceremonies, they were
 drawn up in the courts and porticoes of the palace,
 their lofty stature, silent order, and splendid arms
 of silver and gold, displayed a martial pomp, not
 unworthy of the Roman majesty ¹⁵⁸. From the
 seven schools two companies of horse and foot
 were selected, of the protectors, whose advanta-
 geous station was the hope and reward of the most
 deserving soldiers. They mounted guard in the
 interior apartments, and were occasionally dis-
 patched into the provinces, to execute with cele-
 rity and vigour the orders of their master ¹⁵⁹.
 The counts of the domestics had succeeded to
 the office of the Prætorian præfects; like the præ-
 fects, they aspired from the service of the palace
 to the command of armies.

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The counts
of the do-
mestics.

¹⁵⁷ Cod. Theod. l. vi. tit. xxx. leg. 4, &c.

¹⁵⁸ Pancirolus, p. 102, 136. The appearance of these military domestics is described in the Latin poem of Corippus, de Laudibus Justin. l. iii. 157—179. P. 419, 420, of the Appendix Hist. Byzantin. Rom. 177.

¹⁵⁹ Ammianus Marcellinus, who served so many years, obtained only the rank of a protector. The first ten among these honourable soldiers were *Chrijimi*.

The

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XVII.Agents, or
official
spies.

The perpetual intercourse between the court and the provinces was facilitated by the construction of roads and the institution of posts. But these beneficial establishments were accidentally connected with a pernicious and intolerable abuse. Two or three hundred *agents* or messengers were employed, under the jurisdiction of the master of the offices, to announce the names of the annual consuls, and the edicts or victories of the emperors. They insensibly assumed the licence of reporting whatever they could observe of the conduct either of magistrates or of private citizens; and were soon considered as the eyes of the monarch¹⁶⁰, and the scourge of the people. Under the warm influence of a feeble reign, they multiplied to the incredible number of ten thousand, disdained the mild though frequent admonitions of the laws, and exercised in the profitable management of the posts a rapacious and insolent oppression. These official spies, who regularly corresponded with the palace, were encouraged, by favour and reward, anxiously to watch the progress of every treasonable design, from the faint and latent symptoms of disaffection, to the actual preparation of an open revolt. Their careless or criminal violation of truth and justice was covered by the consecrated mask of zeal; and they might securely aim their poisoned arrows at the breast either of the guilty or the innocent, who had pro-

¹⁶⁰ Xenophon. Cyropæd. l. viii. Briffon, de Regno Persico, l. i. N^o 190. p. 264. The emperors adopted with pleasure this Persian metaphor.

voked



voked their resentment, or refused to purchase their silence. A faithful subject, of Syria perhaps, or of Britain, was exposed to the danger, or at least to the dread, of being dragged in chains to the court of Milan or Constantinople, to defend his life and fortune against the malicious charge of these privileged informers. The ordinary administration was conducted by those methods which extreme necessity can alone palliate; and the defects of evidence were diligently supplied by the use of torture ¹⁶¹.

Use of torture.

The deceitful and dangerous experiment of the criminal *question*, as it is emphatically styled, was admitted, rather than approved, in the jurisprudence of the Romans. They applied this sanguinary mode of examination only to servile bodies, whose sufferings were seldom weighed by those haughty republicans in the scale of justice or humanity: but they would never consent to violate the sacred person of a citizen, till they possessed the clearest evidence of his guilt ¹⁶². The annals of tyranny, from the reign of Tiberius to that of Domitian, circumstantially relate the executions of many innocent victims; but, as long as the faintest remembrance was kept alive

¹⁶¹ For the *Agentes in Rebus*, see Ammian. l. xv. c. 3. l. xvi. c. 5. l. xxii. c. 7. with the curious annotations of Valesius. Cod. Theod. l. vi. tit. xxvii, xxviii, xxix. Among the passages collected in the Commentary of Godofroy, the most remarkable one is from Libanius, in his discourse concerning the death of Julian.

¹⁶² The Pandects (l. xviii. tit. xviii.) contain the sentiments of the most celebrated civilians on the subject of torture. They strictly confine it to slaves; and Ulpian himself is ready to acknowledge, that *Res est fragilis, et periculosa, et quæ veritatem fallat.*

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of the national freedom and honour, the last hours of a Roman were secure from the danger of ignominious torture ¹⁶³. The conduct of the provincial magistrates was not, however, regulated by the practice of the city, or the strict maxims of the civilians. They found the use of torture established not only among the slaves of oriental despotism, but among the Macedonians, who obeyed a limited monarch; among the Rhodians, who flourished by the liberty of commerce; and even among the sage Athenians, who had asserted and adorned the dignity of human kind ¹⁶⁴. The acquiescence of the provincials encouraged their governors to acquire, or perhaps to usurp, a discretionary power of employing the rack, to extort from vagrants or plebeian criminals the confession of their guilt, till they insensibly proceeded to confound the distinction of rank, and to disregard the privileges of Roman citizens. The apprehensions of the subjects urged them to solicit, and the interest of the sovereign engaged him to grant, a variety of special exemptions, which tacitly allowed, and even authorised, the general use of torture. They protected all persons of illustrious or honourable rank, bishops

¹⁶³ In the conspiracy of Piso against Nero, Epicharis (libertina mulier) was the only person tortured; the rest were *intacti tormentis*. It would be superfluous to add a weaker, and it would be difficult to find a stronger, example. Tacit. Annal. xv. 57.

¹⁶⁴ Dicendum . . . de Institutis Atheniensium, Rhodiorum, doctissimorum hominum, apud quos etiam (id quod acerbissimum est) liberi, civisque torquentur. Cicero. Partit. Orat. c. 34. We may learn from the trial of Philotas the practice of the Macedonians. (Diodor. Sicul. l. xvii. p. 604. Q. Curt. l. vi. c. 11.)

and their presbyters, professors of the liberal arts, soldiers and their families, municipal officers, and their posterity to the third generation, and all children under the age of puberty¹⁶⁵. But a fatal maxim was introduced into the new jurisprudence of the empire, that in the case of treason, which included every offence that the subtlety of lawyers could derive from an *hostile intention* towards the prince or republic¹⁶⁶, all privileges were suspended, and all conditions were reduced to the same ignominious level. As the safety of the emperor was avowedly preferred to every consideration of justice or humanity, the dignity of age, and the tenderness of youth, were alike exposed to the most cruel tortures; and the terrors of a malicious information, which might select them as the accomplices, or even as the witnesses, perhaps, of an imaginary crime, perpetually hung over the heads of the principal citizens of the Roman world¹⁶⁷.

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These evils, however terrible they may appear, were confined to the smaller number of Roman

Finances.

¹⁶⁵ Heineccius (Element. Jur. Civil. part vii. p. 81.) has collected these exemptions into one view.

¹⁶⁶ This definition of the sage Ulpian (Pandect. l. xlviii. tit. iv.) seems to have been adapted to the court of Caracalla, rather than to that of Alexander Severus. See the Codes of Theodosius and Justinian ad leg. Julianam majestatis.

¹⁶⁷ Arcadius Charisius is the oldest lawyer quoted in the Pandects to justify the universal practice of torture in all cases of treason; but this maxim of tyranny, which is admitted by Ammianus (l. xix. c. 12.) with the most respectful terror, is enforced by several laws of the successors of Constantine. See Cod. Theod. l. ix. tit. xxxv. In majestatis criminis omnibus æqua est conditio.

subjects, whose dangerous situation was in some degree compensated by the enjoyment of those advantages, either of nature or of fortune, which exposed them to the jealousy of the monarch. The obscure millions of a great empire have much less to dread from the cruelty than from the avarice of their masters; and *their* humble happiness is principally affected by the grievance of excessive taxes, which gently pressing on the wealthy, descend with accelerated weight on the meaner and more indigent classes of society. An ingenious philosopher¹⁶⁸ has calculated the universal measure of the public impositions by the degrees of freedom and servitude; and ventures to assert, that, according to an invariable law of nature, it must always increase with the former, and diminish in a just proportion to the latter. But this reflection, which would tend to alleviate the miseries of despotism, is contradicted at least by the history of the Roman empire; which accuses the same princes of despoiling the senate of its authority, and the provinces of their wealth. Without abolishing all the various customs and duties on merchandizes, which are imperceptibly discharged by the apparent choice of the purchaser, the policy of Constantine and his successors preferred a simple and direct mode of taxation, more congenial to the spirit of an arbitrary government¹⁶⁹.

¹⁶⁸ Montesquieu, *Esprit des Loix*, l. xii. c. 13.

¹⁶⁹ Mr. Hume (*Essays*, vol. i. p. 389.) has seen this important truth, with some degree of perplexity.

The name and use of the *indictions*¹⁷⁰, which serve to ascertain the chronology of the middle ages, were derived from the regular practice of the Roman tributes¹⁷¹. The emperor subscribed with his own hand, and in purple ink, the solemn edict, or indiction, which was fixed up in the principal city of each diocese, during two months previous to the first day of September. And, by a very easy connection of ideas, the word *indiction* was transferred to the measure of tribute which it prescribed, and to the annual term which it allowed for the payment. This general estimate of the supplies was proportioned to the real and imaginary wants of the state; but as often as the expence exceeded the revenue, or the revenue fell short of the computation, an additional tax, under the name of *superindiction*, was imposed on the people, and the most valuable attribute of sovereignty was communicated to the Prætorian præfects, who, on some occasions, were permitted to provide for the unforeseen and extraordinary exigencies of the public service. The execution of these laws (which it would be tedious to pursue in

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The general tribute, or indiction.

¹⁷⁰ The cycle of indictions, which may be traced as high as the reign of Constantius, or perhaps of his father Constantine, is still employed by the Papal court: but the commencement of the year has been very reasonably altered to the first of January. See l'Art de Verifier les Dates, p. xi. ; and Dictionnaire Raisonné de la Diplomatie, tom. ii. p. 25. ; two accurate treatises, which come from the workshop of the Benedictines.

¹⁷¹ The first twenty-eight titles of the eleventh book of the Theodosian Code are filled with the circumstantial regulations on the important subject of tributes; but they suppose a clearer knowledge of fundamental principles than it is at present in our power to attain,

their minute and intricate detail) consisted of two distinct operations; the resolving the general imposition into its constituent parts, which were assessed on the provinces, the cities, and the individuals of the Roman world; and the collecting the separate contributions of the individuals, the cities, and the provinces, till the accumulated sums were poured into the Imperial treasuries. But as the account between the monarch and the subject was perpetually open, and as the renewal of the demand anticipated the perfect discharge of the preceding obligation, the weighty machine of the finances was moved by the same hands round the circle of its yearly revolution. Whatever was honourable or important in the administration of the revenue, was committed to the wisdom of the præfects, and their provincial representatives; the lucrative functions were claimed by a crowd of subordinate officers, some of whom depended on the treasurer, others on the governor of the province; and who, in the inevitable conflicts of a perplexed jurisdiction, had frequent opportunities of disputing with each other the spoils of the people. The laborious offices, which could be productive only of envy and reproach, of expence and danger, were imposed on the *Decurions*, who formed the corporations of the cities, and whom the severity of the Imperial laws had condemned to sustain the burthens of civil society¹⁷². The

¹⁷² The title concerning the Decurions (l. xii. tit. i.) is the most ample in the whole Theodosian Code; since it contains not less than one hundred and ninety-two distinct laws to ascertain the duties and privileges of that useful order of citizens.

whole landed property of the empire (without excepting the patrimonial estates of the monarch) was the object of ordinary taxation; and every new purchaser contracted the obligations of the former proprietor. An accurate *census*¹⁷³, or survey, was the only equitable mode of ascertaining the proportion which every citizen should be obliged to contribute for the public service; and from the well-known period of the indictions, there is reason to believe that this difficult and expensive operation was repeated at the regular distance of fifteen years. The lands were measured by surveyors, who were sent into the provinces; their nature, whether arable or pasture, or vineyards or woods, was distinctly reported; and an estimate was made of their common value from the average produce of five years. The numbers of slaves and of cattle constituted an essential part of the report; an oath was administered to the proprietors, which bound them to disclose the true state of their affairs; and their attempts to prevaricate, or elude the intention of the legislator, were severely watched, and punished as a capital crime, which included the double guilt of treason and sacrilege¹⁷⁴. A large portion of the tribute

¹⁷³ Habemus enim et hominum numerum qui delati sunt, et agrum modum. Eumenius in Panegyri. Vet. viii. 6. See Cod. Theod. l. xiii. tit. x, xi. with Godefroy's Commentary.

¹⁷⁴ Siquis sacrilegâ vim falce succiderit, aut feracium Ramorum foetus hebetaverit, quo declinet fidem Censuum, et mentiatur callide paupertatis ingenium, mox detectus capitale subibit exitium, et bona ejus in Fisci jura migrabunt. Cod. Theod. l. xiii. tit. xi. leg. 1. Although this law is not without its studied obscurity, it is, however, clear enough to prove the minuteness of the inquisition, and the disproportion of the penalty.

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was paid in money; and of the current coin of the empire, gold alone could be legally accepted¹⁷⁵. The remainder of the taxes, according to the proportions determined by the annual indiction, was furnished in a manner still more direct, and still more oppressive. According to the different nature of lands, their real produce, in the various articles of wine or oil, corn or barley, wood or iron, was transported by the labour or at the expence of the provincials to the Imperial magazines, from whence they were occasionally distributed, for the use of the court, of the army, and of the two capitals, Rome and Constantinople. The commissioners of the revenue were so frequently obliged to make considerable purchases, that they were strictly prohibited from allowing any compensation, or from receiving in money the value of those supplies which were exacted in kind. In the primitive simplicity of small communities, this method may be well adapted to collect the almost voluntary offerings of the people; but it is at once susceptible of the utmost latitude and of the utmost strictness, which in a corrupt and absolute monarchy must introduce a perpetual contest between the power of oppression and the arts of fraud¹⁷⁶. The agriculture of the Roman

¹⁷⁵ The ascription of Pliny would have ceased. *Equidem pro P. R. victis gentibus argentum semper imperitale non autumabam.* *Hist. Natur.* xxxiii. 15.

¹⁷⁶ Some precautions were taken (see *Cod. Theod.* l. xi. tit. ii. and *Cod. Justinian.* l. x. tit. xxvii. leg. 1, 2, 3.) to restrain the magistrates from the abuse of their authority, either in the exacting or in the purchase of corn; but those who had learning enough to

Roman provinces was insensibly ruined, and, in the progress of despotism, which tends to disappoint its own purpose, the emperors were obliged to derive some merit from the forgiveness of debts, or the remission of tributes, which their subjects were utterly incapable of paying. According to the new division of Italy, the fertile and happy province of Campania, the scene of the early victories and of the delicious retirements of the citizens of Rome, extended between the sea and the Appenine from the Tyber to the Silarus. Within sixty years after the death of Constantine, and on the evidence of an actual survey, an exemption was granted in favour of three hundred and thirty thousand English acres of desert and uncultivated land; which amounted to one-eighth of the whole surface of the province. As the footsteps of the barbarians had not yet been seen in Italy, the cause of this amazing desolation, which is recorded in the laws, can be ascribed only to the administration, of the Roman emperors¹⁷⁷.

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Either from design or from accident, the mode of assessment seemed to unite the substance of a

Assessed in
the form
of a capi-
tation.

read the orations of Cicero against Verres (iii. de Frumentis), might instruct themselves in all the various arts of oppression, with regard to the weight, the price, the quality, and the carriage. The avarice of an unlettered governor would supply the ignorance of precept or precedent.

¹⁷⁷ Cod. Theod. l. xi. tit. xxviii. leg. 2. published the 24th of March, A. D. 395, by the emperor Honorius, only two months after the death of his father Theodosius. He speaks of 528,042 Roman jugera, which I have reduced to the English measure. The jugerum contained 28,200 square Roman feet.

land-tax with the forms of a capitation¹⁷³. The returns which were sent of every province or district, expressed the number of tributary subjects, and the amount of the public impositions. The latter of these sums was divided by the former; and the estimate, that such a province contained so many *capita*, or heads of tribute; and that each *head* was rated at such a price, was universally received, not only in the popular, but even in the legal computation. The value of a tributary head must have varied, according to many accidental, or at least fluctuating circumstances; but some knowledge has been preserved of a very curious fact, the more important, since it relates to one of the richest provinces of the Roman empire, and which now flourishes as the most splendid of the European kingdoms. The rapacious ministers of Constantius had exhausted the wealth of Gaul, by exacting twenty-five pieces of gold for the annual tribute of every head. The humane policy of his successor reduced the capitation to seven pieces¹⁷⁴. A moderate proportion between these opposite extremes of extravagant oppression and of transient indulgence, may therefore be fixed at sixteen pieces of gold,

¹⁷³ Godsfroy (Cod. Theod. tom. vi. p. 116.) argues with weight and learning on the subject of the capitation; but while he explains the *capas*, as a share or measure of property, he too absolutely excludes the idea of a personal attachment.

¹⁷⁴ *Quid profuerit (Julianus) anhelantibus extremâ penuriâ Gallis, hinc maxime claret, quod primitus partes eas ingressus, pro capitibus singulis tributi nomine vicenos quinos aureos reperit flagitari; discedens vero septenos tantum munera universa complentes. Ammian. l. xvi. c. 5.*

or about nine pounds sterling, the common standard perhaps of the impositions of Gaul¹⁸⁰. But this calculation, or rather indeed the facts from whence it is deduced, cannot fail of suggesting two difficulties to a thinking mind, who will be at once surpris'd by the *equality*, and by the *enormity* of the capitation. An attempt to explain them may perhaps reflect some light on the interesting subject of the finances of the declining empire.

I. It is obvious, that, as long as the immutable constitution of human nature produces and maintains so unequal a division of property, the most numerous part of the community would be deprived of their subsistence, by the equal assessment of a tax from which the sovereign would derive a very trifling revenue. Such indeed might be the theory of the Roman capitation; but in the practice, this unjust equality was no longer

¹⁸⁰ In the calculation of any sum of money under Constantine and his successors, we need only refer to the excellent discourse of Mr. Greaves on the Denarius, for the proof of the following principles: 1. That the ancient and modern Roman pound, containing 5256 grains of Troy weight, is about one twelfth lighter than the English pound, which is composed of 5760 of the same grains. 2. That the pound of gold, which had once been divided into forty-eight *aurei*, was at this time coined into twenty-two smaller pieces of the same denomination. 3. That five of these aurei were the legal tender for a pound of silver, and that consequently the pound of gold was exchanged for fourteen pounds eight ounces of silver, according to the Roman, or about thirteen pounds according to the English, weight. 4. That the English pound of silver is coined into sixty-two shillings. From these elements we may compute the Roman pound of gold, the usual method of reckoning large sums, at forty pounds sterling; and we may fix the currency of the *aureus* at somewhat more than eleven shillings.

felt,

felt, as the tribute was collected on the principle of a *real*, not of a *personal* imposition. Several indigent citizens contributed to compose a single *lotus*, or share of taxation; while the wealthy provincial, in proportion to his fortune, alone represented several of those imaginary beings. In a poetical request, addressed to one of the last and most deserving of the Roman Princes who reigned in Gaul, Sidonius Apollinaris personifies his tribute under the figure of a triple monster, the Geryon of the Grecian fables, and intreats the new Hercules that he would most graciously be pleased to save his life by cutting off three of his heads¹³¹. The fortune of Sidonius far exceeded the customary wealth of a poet; but if he had pursued the allusion, he must have painted many of the Gallic nobles with the hundred heads of the deadly Hydra, spreading over the face of the country, and devouring the substance of an hundred families. II. The difficulty of allowing an annual sum of about nine pounds sterling, even for the average of the capitation of Gaul, may be rendered more evident by the comparison of the present state of the same country, as it is now governed by the absolute monarch of an industrious, wealthy, and affectionate people. The taxes of France cannot be magnified, either by fear or by

¹³¹: Geryones nos esse puta, monstrumque tributum,
Hic capita ut vivam, tu mihi tolle tria.

Sidon. Apollinar. Carm. xiii.

The reputation of Father Sirmond led me to expect more satisfaction than I have found in his note (p. 144.) on this remarkable passage. The words, *ivo vel geram nomine*, betray the perplexity of the commentator.

flattery, beyond the annual amount of eighteen millions sterling, which ought perhaps to be shared among four-and-twenty millions of inhabitants¹³². Seven millions of these, in the capacity of fathers, or brothers, or husbands, may discharge the obligations of the remaining multitude of women and children; yet the equal proportion of each tributary subject will scarcely rise above fifty shillings of our money, instead of a proportion almost four times as considerable, which was regularly imposed on their Gallic ancestors. The reason of this difference may be found, not so much in the relative scarcity or plenty of gold and silver, as in the different state of society in ancient Gaul and in modern France. In a country where personal freedom is the privilege of every subject, the whole mass of taxes, whether they are levied on property or on consumption, may be fairly divided among the whole

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¹³² This assertion, however formidable it may seem, is founded on the original registers of births, deaths, and marriages, collected by public authority, and now deposited in the *Contrôle General* at Paris. The annual average of births throughout the whole kingdom, taken in five years (from 1770 to 1774, both inclusive) is, 479,649 boys, and 449,269 girls, in all 928,918 children. The province of French Hainault alone furnishes 9906 births: and we are assured, by an actual numeration of the people annually repeated from the year 1773 to the year 1776, that, upon an average, Hainault contains 257,097 inhabitants. By the rules of fair analogy, we might infer, that the ordinary proportion of annual births to the whole people, is about 1 to 26; and that the kingdom of France contains 24,151,858 persons of both sexes and of every age. If we content ourselves with the more moderate proportion of 1 to 25, the whole population will amount to 23,222,950. From the diligent researches of the French government (which are not unworthy of our own imitation), we may hope to obtain a still greater degree of certainty on this important subject.

body

body of the nation. But the far greater part of the lands of ancient Gaul, as well as of the other provinces of the Roman world, were cultivated by slaves, or by peasants, whose dependent condition was a less rigid servitude¹⁸³. In such a state the poor were maintained at the expence of the masters, who enjoyed the fruits of their labour; and as the rolls of tribute were filled only with the names of those citizens who possessed the means of an honourable, or at least of a decent subsistence, the comparative smallness of their numbers explains and justifies the high rate of their capitation. The truth of this assertion may be illustrated by the following example: The *Ædui*, one of the most powerful and civilized tribes or *cities* of Gaul, occupied an extent of territory, which now contains above five hundred thousand inhabitants, in the two ecclesiastical dioceses of Autun and Nevers¹⁸⁴: and with the

¹⁸³ Cod. Theod. l. v. tit. ix, x, xi. Cod. Justinian. l. xi. tit. lxi. Coloni appellantur qui conditionem debent genitili solo, propter agriculturam sub dominio possessorum. Augustin. de Civitate Dei, l. x. c. 1.

¹⁸⁴ The ancient jurisdiction of (*Augustanum*) Autun in Burgundy, the capital of the *Ædui*, comprehended the adjacent territory of (*Noviodunum*) Nevers. See d'Anville, Notice de l'ancienne Gaule, p. 491. The two dioceses of Autun and Nevers are now composed, the former of 610, and the latter of 160, parishes. The registers of births, taken during eleven years, in 476 parishes of the same province of Burgundy, and multiplied by the moderate proportion of 25 (see Mémoires Recherches sur la Population, p. 142.), may authorize us to assign an average number of 656 persons for each parish, which being again multiplied by the 770 parishes of the dioceses of Nevers and Autun, will produce the sum of 505,120 persons for the extent of country which was once possessed by the *Ædui*.

probable

probable accession of those of Châlons and Maçon¹⁸⁵, the population would amount to eight hundred thousand souls. In the time of Constantine, the territory of the *Ædui* afforded no more than twenty-five thousand *heads* of capitation, of whom seven thousand were discharged by that prince from the intolerable weight of tribute¹⁸⁶. A just analogy would seem to countenance the opinion of an ingenious historian¹⁸⁷, that the free and tributary citizens did not surpass the number of half a million; and if, in the ordinary administration of government, their annual payments may be computed at about four millions and a half of our money, it would appear, that although the share of each individual was four times as considerable, a fourth part only of the modern taxes of France was levied on the Imperial province of Gaul. The exactions of Constantius may be calculated at seven millions sterling, which were reduced to two millions by the humanity or the wisdom of Julian.

¹⁸⁵ We might derive an additional supply of 501,750 inhabitants from the dioceses of Châlons (*Cobillonum*) and of Maçon (*Matisco*); since they contain, the one 200, and the other 260, parishes. This accession of territory might be justified by very specious reasons. 1. Châlons and Maçon were undoubtedly within the original jurisdiction of the *Ædui*. (See d'Anville Notice, p. 187. 443.) 2. In the *Notitia* of Gaul, they are enumerated not as *Civitates*, but merely as *Castra*. 3. They do not appear to have been episcopal seats before the fifth and sixth centuries. Yet there is a passage in Eumenius (*Panegy. Vet. viii. 7.*) which very forcibly deters me from extending the territory of the *Ædui* in the reign of Constantine, along the beautiful banks of the navigable Saône.

¹⁸⁶ Eumenius in *Panegy. Vet. viii. 11.*

¹⁸⁷ L'Abbé du Bos *Hist. Critique de la M. F. tom. i. p. 121.*

But this tax, or capitation, on the proprietors of land, would have suffered a rich and numerous class of free citizens to escape. With the view of sharing that species of wealth which is derived from art or labour, and which exists in money or in merchandise, the emperors imposed a distinct and personal tribute on the trading part of their subjects¹⁸⁸. Some exemptions, very strictly confined both in time and place, were allowed to the proprietors who disposed of the produce of their own estates. Some indulgence was granted to the profession of the liberal arts: but every other branch of commercial industry was affected by the severity of the law. The honourable merchant of Alexandria, who imported the gems and spices of India for the use of the western world; the usurer, who derived from the interest of money a silent and ignominious profit; the ingenious manufacturer, the diligent mechanic, and even the most obscure retailer of a sequestered village, were obliged to admit the officers of the revenue into the partnership of their gain: and the sovereign of the Roman empire, who tolerated the profession, consented to share the infamous salary, of public prostitutes. As this general tax upon industry was collected every fourth year, it was styled the *Lustral Contribution*: and the historian Zosimus¹⁸⁹ laments that the approach of the fatal period was announced by the tears and ter-

¹⁸⁸ See Cod. Theod. l. xiii. tit. i. and iv.

¹⁸⁹ Zosimus, l. ii. p. 115. There is probably as much passion and prejudice in the attack of Zosimus, as in the elaborate defence of the memory of Constantine by the zealous Dr. Howell, *Hist. of the World*, vol. ii. p. 20.

rors of the citizens, who were often compelled by the impending scourge to embrace the most abhorred and unnatural methods of procuring the sum at which their property had been assessed. The testimony of Zosimus cannot indeed be justified from the charge of passion and prejudice, but, from the nature of this tribute, it seems reasonable to conclude that it was arbitrary in the distribution, and extremely rigorous in the mode of collecting. The secret wealth of commerce, and the precarious profits of art or labour, are susceptible only of a discretionary valuation, which is seldom disadvantageous to the interest of the treasury: and as the person of the trader supplies the want of a visible and permanent security, the payment of the imposition, which, in the case of a land-tax, may be obtained by the seizure of property, can rarely be extorted by any other means than those of corporal punishments. The cruel treatment of the insolvent debtors of the state, is attested, and was perhaps mitigated by a very humane edict of Constantine, who, disclaiming the use of racks and of scourges, allots a spacious and airy prison for the place of their confinement¹⁹⁰.

These general taxes were imposed and levied by the absolute authority of the monarch; but the occasional offerings of the *coronary gold* still retained the name and semblance of popular consent. It was an ancient custom that the allies of the republic, who ascribed their safety or deliver-

Free gifts.

¹⁹⁰ Cod. Theod. l. xi. tit. vii. leg. 3.

ance to the success of the Roman arms; and even the cities of Italy, who admired the virtues of their victorious general, adorned the pomp of his triumph by their voluntary gifts of crowns of gold, which, after the ceremony, were consecrated in the temple of Jupiter, to remain a lasting monument of his glory to future ages. The progress of zeal and flattery soon multiplied the number, and increased the size, of these popular donations; and the triumph of Cæsar was enriched with two thousand eight hundred and twenty-two massy crowns, whose weight amounted to twenty thousand four hundred and fourteen pounds of gold. This treasure was immediately melted down by the prudent dictator, who was satisfied that it would be more serviceable to his soldiers than to the gods: his example was imitated by his successors; and the custom was introduced, of exchanging these splendid ornaments for the more acceptable present of the current gold coin of the empire¹⁹¹. The spontaneous offering was at length exacted as the debt of duty; and instead of being confined to the occasion of a triumph, it was supposed to be granted by the several cities and provinces of the monarchy, as often as the emperor condescended to announce his accession, his consulship, the birth of a son, the creation of a Cæsar, a victory over the barbarians, or any other real or imaginary event which graced the

¹⁹¹ See Lippius de Magnitud. Romana, l. ii. c. 9. The Tarra-gone in Spain presented the emperor Claudius with a crown of gold of seven, and Gaul with another of nine, hundred pounds weight. I have followed the rational emendation of Lippius.

annals of his reign. The peculiar free gift of the senate of Rome was fixed by custom at sixteen hundred pounds of gold, or about sixty-four thousand pounds sterling. The oppressed subjects celebrated their own felicity, that their sovereign should graciously consent to accept this feeble but voluntary testimony of their loyalty and gratitude ¹⁹².

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Conclu-
sion.

A people elated by pride, or soured by discontent, are seldom qualified to form a just estimate of their actual situation. The subjects of Constantine were incapable of discerning the decline of genius and manly virtue, which so far degraded them below the dignity of their ancestors; but they could feel and lament the rage of tyranny, the relaxation of discipline, and the encrease of taxes. The impartial historian, who acknowledges the justice of their complaints, will observe some favourable circumstances which tended to alleviate the misery of their condition. The threatening tempest of Barbarians, which so soon subverted the foundations of Roman greatness, was still repelled, or suspended, on the frontiers. The arts of luxury and literature were cultivated, and the elegant pleasures of society were enjoyed by the inhabitants of a considerable portion of the globe. The forms, the pomp, and the expence of the civil administration contributed to restrain the irregular licence of the soldiers; and although the laws were violated by

¹⁹² Cod. Theod. l. xii. tit. xiii. The senators were supposed to be exempt from the *Aurum Coronarium*; but the *Auri Oblatio*, which was required at their hands, was precisely of the same nature.

power, or perverted by subtlety, the sage principles of the Roman jurisprudence preserved a sense of order and equity, unknown to the despotic governments of the east. The rights of mankind might derive some protection from religion and philosophy; and the name of freedom, which could no longer alarm, might sometimes admonish, the successors of Augustus, that they did not reign over a nation of Slaves or Barbarians ¹⁷¹.

¹⁷¹ The great Theodosius, in his judicious advice to his son (Claudian in iv. *Consulat. Honorii*, 214, &c), distinguishes the station of a Roman prince from that of a Parthian monarch. Virtue was necessary for the one. Both might suffice for the other.

C H A P. XVIII.

Character of Constantine.—Gothic War.—Death of Constantine.—Division of the Empire among his three Sons.—Persian War.—Tragic Deaths of Constantine the Younger and Constans.—Usurpation of Magnentius.—Civil War.—Victory of Constantius.

THE character of the prince who removed the seat of empire, and introduced such important changes into the civil and religious constitution of his country, has fixed the attention, and divided the opinions, of mankind. By the grateful zeal of the Christians, the deliverer of the church has been decorated with every attribute of a hero, and even of a saint; while the discontent of the vanquished party has compared Constantine to the most abhorred of those tyrants, who, by their vice and weakness, dishonoured the Imperial purple. The same passions have in some degree been perpetuated to succeeding generations, and the character of Constantine is considered, even in the present age, as an object either of satire or of panegyric. By the impartial union of those defects which are confessed by his warmest admirers, and of those virtues which are acknowledged by his most implacable enemies, we might hope to delineate a just portrait of that extraordinary man, which the truth and candour of history should adopt without a

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