tribunes elected on each occasion varied from three to six ; there was no year without a patrician, and to the patrician members were probably confined the most highly esteemed duties, those relating to the administration of the law and to religion.

But by far the most important tribunes who ever existed in the Roman community were the tribunes of the com­mons *(tribuni plebis).* These, as has been explained in Rome (vol. xx. p. 736 *sqj),* were the most characteristic outcome of the long struggle between the two orders, the patrician and the plebeian. When in 494 B.c. the plebeian legionaries met on the Sacred Mount and bound themselves to stand by each other to the end, it was determined that the plebeians should by themselves annually appoint ex­ecutive officers to stand over against the patrician officers, —two tribunes (the very name commemorated the military nature of the revolt) to confront the two consuls, and two helpers called ædiles to balance the two patrician helpers, the quæstors. The name ædile is obviously connected with *ædes,* “ a temple,” and is an indication of the fact that there was a religious core to the insurrection, just as there was a religious core to the patrician opposition. The temple of Diana and Ceres on the Aventine Hill became for a time to the plebeians what the temple of Saturn was to the patricians,—their official centre and their record office. The insurgent leaders also pressed religion into their service in another way. The masses assembled on the Sacred Mount bound themselves by a solemn oath to re­gard the persons of their tribunes and ædiles as inviolable, and to treat as forfeited to Diana and Ceres the lives and property of those who offered them insult. That this purely plebeian oath was the real ultimate basis of the sanctity which attached to the tribunate during the whole time of its existence can hardly be believed, though this view has had powerful support both in ancient and in recent times. The revolution must have ended in something which was deemed by both the contending bodies to be a binding compact, although the lapse of time has blotted out its terms. The historian Dionysius may have been only technically wrong in supposing that peace was con­cluded between the two parties by the fetial priests, with the forms adopted by Rome in making treaties with a foreign state. If this were fact, the “sacrosanctity” of the tribunes would be adequately explained, because all such formal *fœdera* were “sacrosanct.” But, notwithstanding that the plebeians may safely be assumed to have been conscious of having to a large extent sprung from another race than the patricians and their retainers, it is not likely that the feeling was sufficiently strong to permit of the compact taking the form of a treaty between alien powers. Yet there must have been a formal acceptance by the patricians of the plebeian conditions ; and most probably the oath which was first sworn by the insurgents was after­wards taken by the whole community, and the “sacro­sanctity” of the plebeian officials became a part of the constitution. There must also have been some constitu­tional definition of the powers of the tribunes. These rested at first on an extension of the power of veto which the republic had introduced. Just as one consul could annul an act or order of his colleague, so a tribune could annul an act or order of a consul, or of any officer inferior to him. There was no doubt a vague understanding that only acts or orders which sinned against the just and established practice of the constitution should be annulled, and then only in cases affecting definite individuals. The tribune was to give his help against illegality in concrete instances. The cases which arose most commonly concerned the administration of justice and the levying of troops.

Although the revolution of 494 gave the tribunes a foot­hold in the constitution, it left them with no very definite resources against breaches of compact by the patricians. The traditional history of the tribunate from 494 to 451 B.c. is obscure, and, so far as details are concerned, nearly worthless ; but there is a thread running through it which may well be truth. λVe hear of attacks by patricians on the newly won privileges, even of the assassination of a tribune, and of attempts on the part of the plebeians to bring patrician offenders to justice. The assembled plebeians attempt to set up a criminal jurisdiction for their own assembly parallel to that practised by the older centuriate assembly, in which the nobles possess a pre­ponderating influence. Nay, more, the plebs attempts something like legislation ; it passes resolutions which it hopes to force the patrician body to accept as valid. As to details, only a few are worth notice. In the first place, the number of tribunes is raised to ten, how we do not know ; but apparently some constitutional recognition of the increase is obtained. Then an alteration is made in the mode of election. As to the original mode, the ancient authorities are hopelessly at variance. Some of them gravely assert that the appointment lay with the assembly of the curiæ—the most ancient and certainly the most patrician in Rome, even if we allow the view, which, in spite of great names, is more than doubtful—that the plebeians were members of it at any time when it still possessed political importance. The opinion of Mommsen about the method of election is more plausible than the others. It was in accordance with the Roman spirit of order that the tribunes, in summoning their assemblies, should not ask the plebeians to come *en masse* as individuals, and vote by heads, but should organize their supporters in bands. The *curia* was certainly a territorial district, and the tribunes may have originally used it as the basis of their organization. If tribunes were elected by plebeians massed *curiatim,* such a meeting would easily be mistaken in later times for the *comitia curiata.* At any rate, a change was introduced in 471 by the Publilian Law of Volero, which directed that the tribunes should be chosen in an assembly organized on the basis of the Servian or local tribe, instead of the *curia.* This assembly was the germ of the *comitia tributa.* The question by what authority the Law of Volero was sanctioned is difficult to answer. Possibly the law was a mere resolution of the plebeians with which the patricians did not interfere, because they did not consider that the mode of election was any concern of theirs. In the first period of the tribunate the tribunes almost certainly agitated to obtain for their supporters a share in the benefits of the state domain. And, whatever view may be taken of the movement which led to the decemvirate, an important element in it was of a certainty the agitation carried on by the tribunes for the reduction of the 1aw of Rome to a written code. Until they obtained this, it was impossible for them effectually to protect those who appealed against harsh treatment by the consuls in their capacity of judges.

During the decemvirate the tribunate was in abeyance. It was called into life again by the revolution of 449, which gave the tribunes a considerably stronger position. Their personal privi­leges and those of the ædiles were renewed, while sacrosanctity was attached to a body of men called *judices decemviri,* who seem to have been the legal assistants of the tribunes. The road was opened up to valid legislation by the tribunes through the assembly of the tribes, but in this respect they were submitted to the control of the senate. The growth of the influence of the tribe assembly over legislation belongs rather to the history of the Comitia (*q.v.*) than to that of the tribunate. After the Hortensian Law of 287 b.c. down to the end of the republic nearly all the legislation of Rome was in the hands of the tribunes. The details of the history of the tribunate in its second period, from 449 to 367 B.c., are hardly less obscure than those which belong to the earlier time. There was, however, on the whole, undoubtedly an advance in dignity and importance. Gradually a right was acquired of watching and inter­fering with the proceedings of the senate, and even with legislation.