Whether the absolute right of veto had been achieved before 367 may well be doubted. But the original or right of pro­

tecting individuals, was, during this period, undergoing a very remarkable expansion. From forbidding a single act of a magis­trate in relation to a single person, the tribunes advanced to for­bidding by anticipation all acts of a certain class, whoever the persons affected by them might prove to be. It therefore became useless for the senate or the comitia to pass ordinances if a tribune was ready to forbid the magistrates to carry them out. Ultimately the mere announcement of such an intention by a tribune was sufficient to cause the obnoxious project to drop : that is to say, the tribunes acquired a right to stop all business both in the delibera­tive assembly, the senate, and in the legislative assemblies, the *comitia.* The technical name for this right of veto is *intercessio.* To what extent the tribunes during the time from 449 to 367 took part in criminal prosecutions is matter of doubt. The XII. Tables had settled that offenders could only be punished in person by the centuries, but tradition speaks of prosecutions by tribunes before the tribes where the penalty sought was pecuniary. Tire two main objects of the tribunes, however, at the time of which we are speak­ing were the opening of the consulate to plebeians and the regula­tion of the state domain in the interests of the whole community. Both were attained by the Licinio-Sextian Laws of 367.

Then a considerable change came over the tribunate. From being an opposition weapon it became an important wheel in the regular machine of state. The senate became more and more plebeian, and a new body of nobility was evolved which comprised both orders in the state. The tribunes at first belonged to the same notable plebeian families which attained to the consulate. The old friction between senate and tribunes disappeared. It was found that the tribunate served to fill some gaps in the constitution, and its power was placed by common consent on a solid constitutional basis. From 357 to 134 B.C. (when Tiberius Gracchus became tribune) the tribunate was for the most part a mere organ of senatorial govern­ment. As the change made by the Gracchi was rather in the practice than in the theory of the tribunate, it will be convenient at this point to give a definite sketch of the conditions and privi­leges attaching to the office.

Even after the difference between patrician and plebeian birth had ceased to be of much practical consequence in other directions, the plebeian character was a necessity for the tribune. When the patricians P. Sulpicius Rufus and, later, P. Clodius (the antagonist of Cicero) desired to enter on a demagogic course, they were com­pelled to divest themselves of their patrician quality by a peculiar legal process. Even the patricians who became so by mere fiat of the emperors were excluded from the tribunate. The other neces­sary qualifications were for the most part such as attached to the other Roman magistracies,—complete citizenship, absence of certain conditions regarded as disgraceful, fulfilment of military duties. The minimum age required for the office was, as in the case of the quæstorship, twenty-seven. The tribunate stood outside the round of magistracies the conditions of which were regulated by the Villian Law of 180 b.c. The election took place in a purely plebeian assembly, ranged by tribes, under the presidency of a tribune selected by lot. The tribune was bound by law to see a complete set of ten tribunes appointed. Technically, the tribunes were reckoned, not as magistrates of the Roman people, but as magis­trates of the Roman plebs ; they therefore had no special robe of office, no lictors, but only messengers *(viatores),* no official chair, like the curule seat, but only benches *(subsellia).* Their right to summon the plebs together, whether for the purpose of listening to a speech (in which case the meeting was a *contio)* or for passing ordinances *(comitia tributa),* was rendered absolute by the “laws under sacred sanction ” *(leges sacratæ),* which had been incorpor­ated with the constitution on the abolition of the decemvirate. The right to summon the senate and to lay business before it was acquired soon after 367, but was seldom exercised, as the tribunes had abundant means of securing what they wanted by pressure applied to the ordinary presidents,—the consuls or the urban prætor. When an *interregnum* came about and there were no “magistrates of the Roman people,” the plebeian tribunes became the proper presidents of the senate and conductors of ordinary state business. At the end of the republic there were *interregna* of several months’ duration, when the tribunes held a position of more than usual importance. A tenure of the tribunate did not, until a comparatively late period (probably about the time of the Second Punic War), confer a claim to a permanent seat in the senate. The candidates for the office were mainly young men of good family who were at the beginning of their political career, but the office was often filled by older men of ambition who were struggling upwards with few advantages. The plebeian ædiles very soon after 367 became dissociated from the tribunes and as­sociated with the curule ædiles, so that in the political hierarchy they really ranked higher than those who were originally their superior officers.

The real kernel of the tribune’s power consisted in his *inter­cessio* or right of annulling ordinances, whether framed by the senate or proposed by a magistrate to the *comitia,* or issued by a magistrate in pursuance of his office. From 367 b.c. down to the time of the Gracchi the power of veto in public matters was on the whole used in the interests of the aristocratic governing families to check opposition arising in their own ranks. A recalcitrant consul was most readily brought to obedience by an exercise of tribunician power. But, although modern readers of the ancient historians are apt to carry away the idea that the tribunate was an intensely political office, it is safe to say that the occasions on which tribunes found it possible to play a prominent part in polities were extremely few, even in the late republic. On the other hand, the tribunes found a field for constant activity in watching the administration of justice and in rendering assistance to those who had received harsh treatment from the magistrates. The tribunes were in fact primarily legal functionaries, and constituted in a way the only court of appeal in republican Rome. It was to this end that they were forbidden to pass a whole night away from the city, except during the Latin festival on the Alban Mount, and that they were expected to keep their doors open to suppliants by night as well as by day. They held court by day in the Forιm close by the Porcian basilica, and frequently made elaborate legal inquiries into cases where their help was sought. Naturally this ordinary hum­drum work of the tribunes has left little mark on the pages of the historians, but we hear of it not unfrequently in Cicero’s speeches and in other writings which deal with legal matters. According to the general principle of the constitution, magistrates could forbid the acts of magistrates equal to or inferior to themselves. For this purpose the tribunes were deemed superior to all other officers. If a tribune exercised his veto no other tribune could annul it, for the veto could not be itself vetoed, but it was possible for another tri­bune to protect a definite individual from the consequences of dis­obedience. The number of the tribunes (ten) made it always pos­sible that one might baulk the action of another, except at times when popular feeling was strongly roused. In any case it was of little use for a tribune to move in any important matter unless he had secured the co-operation or at least the neutrality of all his colleagues. The veto was not, however, absolute in all directions. In some it was limited by statute : thus the law passed by Gaius Gracchus about the consular provinces did not permit a tribune to veto the annual decree of the senate concerning them. When there was a dictator at the head of the state, the veto was of no avail against him. One of the important political functions of the tri­bunes was to conduct prosecutions of state offenders, particularly ex-magistrates. These prosecutions began with a sentence pro­nounced by the tribune upon the culprit, whereupon, exercising the right given him by the XII. Tables, the culprit appealed. If the tribune sought to inflict punishment on the culprit’s person, the appeal was to the assembly of the centuries ; if he wished for a large fine, the appeal was to the assembly of the tribes. As the tribune had no right to summon the centuries, he had to obtain the necessary meetings through the urban prætor. In the other event he himself called together the tribute assembly and proposed a bill for fining the culprit. But the forms of trial gone through were very similar in both cases.

It is commonly stated that a great change passed over the tri­bunate at the time of the Gracchi, and that from their day to the end of the republic it was used as an instrument for setting on foot political agitation and for inducing revolutionary changes. This view is an inversion of the facts. The tribunate did not create the agitation and the revolutions, but these found vent through the tribunate, which gave to the democratic leaders the hope that acknowledged evils might be cured by constitutional means, and in the desperate struggle to realize it the best democratic tribunes strained the theoretic powers of their office to their ruin. For the bad tribunes did not hesitate to use for bad ends the powers which had been strained in the attempt to secure what was good. But herein the tribunate only fared like all other parts of the republican constitution in its last period. The consuls and the senate were at least as guilty as the tribunes. After a severe restriction of its powers by Sulla and a restoration by Pompey, which gave a twenty years’ respite, the tribunate was merged into the imperial con­stitution, of which indeed it became the chief corner-stone. The emperors did not become tribunes, but took up into their privileges the essence of the office, the “tribunician authority.” This dis­tinction between the essential principle of the office and the actual tenure of the office was a creation of the late republic. Pompey, for example, when he went to the East, was not made proconsul of all the Eastern provinces, but he exercised in them a “pro­consular authority ” which was superior to that of the actual pro­consuls,—an authority which was the prototype of the imperial authority on its military side. Similarly the emperor, as civil governor, without being tribune, exercised powers of like quality with the powers of the tribune, though of superior force. By virtue of his tribunician authority he acquired a veto on legislation, he became the supreme court of appeal for the empire, and to his per­son was attached the ancient sacrosanctity. Augustus showed the highest statesmanship in founding his power upon a metamorphosed