confusion of the two leads to endless misconceptions. We mean the régime of serfdom. In studying the origin of this transitional state of things, four principal considerations have to be kept in view. (1) As Gibbon observes, the sub­stantial completion of the Roman system of conquest and incorporation reduced the supply of slaves by restricting the dealings in them to such trade as took place within the now fixed limits of the empire. It is true that, when the barbarian invasions began in the 3d century, many captives were made, who, when not enrolled in the army, were employed in agriculture or domestic service ; but the regular importation was greatly and increasingly dimin­ished, and the Romans were obliged to have recourse to “ the milder but more tedious method of propagation.” The effect of this was to improve the condition of the slave by rendering his existence an object of greater value to his master. It tended, indeed, directly to the transformation of slavery into serfdom by making it the interest of each family to preserve indefinitely its own hereditary slaves, who could not be replaced except with difficulty and at great expense. The abolition of the external slave trade tended, in fact, to put an end to internal sales, and the slaves became attached to the households or lands of their masters. (2) The diminished supply of slaves further acted in the direction of the rehabilitation of free labour. A general movement of this kind is noticeable from the 2d century onwards. Freemen had always been to some extent employed in the public service—*(a)* as subordinate assistants to the magistrates and priests ; the places of scribes, viatores, criers could be filled only by citizens ; the apparitors attached to the new imperial administration were also free plebeians, with slaves in the lower ranks ; but these apparitorships were usually held by freedmen. So also *(b)* public works were in the 2d century divided amongst corporations of free plebeians, with public slaves under them. In private service the superior posts were often filled by freedmen ; the higher arts—as medicine, grammar, painting—were partly in the hands of freedmen and even of *ingenui ;* the more successful actors and gladiators were often freedmen. In the factories or workshops kept by wealthy persons slave labour was mainly employed ; but free artisans sometimes offered their services to these establishments or formed associations to compete with them. We have seen that free persons had all along been to some extent employed in the cultivation of land as hired labourers, and, as we shall presently find, also as tenants on the great estates. How all this operated we shall understand when we examine the remarkable organization of the state introduced by Diocletian and his successors. (3) This organization established in the Roman world a personal and hereditary fixity of professions and situations which was not very far removed from the caste system of the East. The purpose of this was doubtless to resist by a strong internal consolidation the shock of the invasions, to secure public order, to enforce industrious habits, and to guarantee the financial resources of the state. Personal independence was largely sacrificed, but those still more important ends were in a great measure attained. The all- pervading nature of this discipline will be understood from the following particulars. Members of the admin­istrative service were absolutely bound to their employ­ments ; they could not choose their wives or marry their daughters out of the collegia to which they respectively belonged, and they transmitted their obligations to their children. If they abandoned their posts, they were sought for everywhere and forced to return. In muni­cipalities, even the *curiales,* or members of the local senates, were bound to their places and their functions ; there were other members of the municipal service who

might supply a substitute on condition of resigning to him their lands, but this power was rarely used ; they commonly remained in their posts ; their families, too, were bound to remain ; they were attached to the collegia or other bodies to which they belonged. The soldier, procured for the army by conscription, served as long as his age fitted him for his duties, and his sons were bound to similar service. The same sort of compulsion appears to have been exercised upon those belonging to, at least, such free industrial corporations as were recognized and regulated by the state. Every one was treated, in fact, as a servant of the state, and was bound to furnish labour or money, or both ; and the nature of his labour was permanently fixed for him ; he was, in the language of the law, “ conditionis laqueis irretitus.” This general system, by diminishing the free­man’s mastery over himself and his power to determine his occupation, reduced the interval between him and the slave ; and the latter on the one hand, the free domestic servant and workshop labourer on the other, both passed insensibly into the common condition of serfdom. (4) The corresponding change, in the case of the rural slaves, took place through their being merged in the order of *coloni.* The Roman colonus was originally a free person who took land on lease, contracting to pay to the proprietor either a fixed sum annually or (when a *colonus partiarius)* a certain proportion of the produce of the farm. Under the emperors of the 4th century the name designated a cultivator, who, though personally free, was attached to the soil, and transmitted his condition to his descendants; and this became the regular status of the great mass of Roman cultivators. In sanctioning this personal and hereditary fixity, the law probably only recognized a state of things which had previously existed, having been spontaneously brought about by the circumstances of society, and especially by the needs of agriculture. The class of coloni appears to have been composed partly of tenants by con­tract who had incurred large arrears of rent and were detained on the estates as debtors *(obærati),* partly of foreign captives or immigrants who were settled in this condition on the land, and partly of small proprietors and other poor men who voluntarily adopted the status as an improvement in their position. They paid a fixed proportion of the produce (*pars agraria)* to the owner of the estate, and gave a determinate amount of labour *{operse)* on the portion of the domain which he kept in his own hands (*mansus dominicus).* The law for a long time took no notice of these customary tenures, and did not systematically constitute them until the 4th century. It was indeed the requirements of the fiscus and the conscription which impelled the imperial Government to regulate the system. The coloni were inscribed *{adscripti)* on the registers of the census as paying taxes to the state, for which the proprietor was responsible, reimbursing himself for the amount. In a constitution of Constantine (332 a.d.) we find the colonus recognized as permanently attached to the land. If he abandoned his holding he was brought back and punished ; and any one who received him had not only to restore him but to pay a penalty. He could not marry out of the domain ; if he took for wife a colona of another proprietor, she was restored to her original locality, and the offspring of the union were divided between the estates. The children of a colonus were fixed in the same status, and could not quit the property to which they belonged. They and their de­scendants were retained, in the words of a law of Theodosius, “quodam aeternitatis jure,” and by no process could be relieved from their obligations. By a law of Anastasius, at the end of the 5th century, a colonus who had voluntarily come into an estate was by a tenure of thirty years for ever attached to it. The master (*dominus)*