over provincial affairs implied its direction of the income derived from the provinces, which in the later republic formed the chief property of the state. It had also claimed a right, unchallenged till the time of Tiberius Gracchus, of granting occupation and decreeing alienation of public lands, or of accepting or rejecting gifts and bequests to the state. Every branch of state finance was therefore in its hands. In matters of criminal jurisdiction the senate claimed the right to set free by its decree in case of emergency the full powers of *coercitio* contained in the imperium of a magistrate, but limited normally in capital cases by successive laws of appeal. The exercise of this right amounted to a declaration of martial law, and had the effect of giving the consul the same powers of summary jurisdiction which had resided in the dictatorship. It was only resorted to in cases of special urgency, such as the epidemic of poisoning in 331 b.c. (Livy viii. 18), the prevalence of Bacchanalian licence in the city in 186 B.c. *id:* xxxix. 18) and the formidable preponderance of the re- volutionary tribune Tiberius Gracchus in 133 b.c. The action of the senate on this last occasion evoked a vigorous protest from the people, on the ground that the senate was not acting on behalf of the state against its enemies, but in the interest of one party in the state against the other; and a law of C. Gracchus subsequently forbade any such exercise of capital jurisdiction on the part of a magistrate, whether authorized by the senate or not. The senate continued, however, to make use of this decree, and the question of its right to do so was one of the chief points at issue in the final struggle between the senatorial and demo- cratic parties. The best known instance of this *decrelum ultimum* in the last century of the republic is that of 63 B.c., when Cicero took summary action against the Catilinarians, and justified his action on the plea that this decree had authorized him to do so. The senate also exercised a police control in Rome in sudden emergencies. It dissolved by a decree passed in 64 b.c. a number of trade gilds which had become the centres of political disturbance, and framed decrees from time to time dealing with bribery and corruption. The chief feature of the democratic revolution at Rome which occupied the century following the tribunate of T. Gracchus was an uncompromising opposition to the tenure of these extensive powers by the senate. Sulla’s enactments in 81 b.c., which aimed at restoring its ascendancy, show clearly how much power it had already lost; and his attempts to reinstate it were short-lived (see Rome: *History* II. “The Republic ”). The Gracchi and Caesar alike found themselves obliged to override senatorial prerogative in the interests of progressive legislation, and though the senate, owing to its strong hold over the magistracy, succeeded repeatedly in dealing death to its opponents, it never regained the popular confidence; and the practical extinction of the old senate in 49 b.c. was hardly lamented.

Caesar’s revision of the senatorial list and his increase of the senate to 900 was a return to the old practice by which kings and the early magistrates had chosen their own body of councillors. And though after this revision Sulla’s arrangement for the automatic replenishing of the senate was restored, yet the growing influence exercised by Caesar and his successors over elections secured their control over the *personnel* of the senate. Still, the senate was regarded in the early principate as the great representative of republican institutions, and Augustus took elaborate pains to divide his authority with the senate. In legislation, indeed, the senate was supreme under the principate. The legislative powers of the comitia became very gradually extinct; but long before they had disappeared *senatus consulta* had come to take the place of *leges* in ordinary matters, and with this prerogative of the senate the princeps never directly interfered. Jurisdiction remained largely in the hands of the republican courts, but such cases as did not come under their cognizance were divided between princeps and senate. The senate, moreover, was left at the head of the ordinary administration of Rome and Italy, together with those provinces which, not requiring any military force nor presenting special administrative difficulties, were left to the care of the Roman people. It also retained control of the public treasury (see

Aerarium), while Caesar administered his own treasury (*fiscus).* It gradually became the electing body for the annual magistracies; and, as entrance to it was still won chiefly through the magistracy, co-optation became practically the principle of admission. But the power the senate theoretically possessed of creating and deposing a princeps was, formally at least, the chief of its pre­rogatives at this time, though considerably limited in practice. It had, on the other hand, lost all its control of foreign administration, which had once been the bulwark of its power; and though occasionally consulted by the princeps, it was entirely subordinate to him in this department. It was clearly to the advantage of the early Caesars to pay an apparent deference to the senate, and so give to their rule an appearance of constitutionalism. But even in this capacity the senate did not long survive the overthrow of republican government. Though occasionally roused into activity during the 2nd and 3rd centuries, it ceased after the period of the Julian emperors to have any real control of affairs. Vespasian had admitted Italians and provincials into the senate, with a view, no doubt, to increasing its value as a representative council of the empire; but this widening was counterbalanced by the institution of an hereditary senatorial order by Augustus, who thus gave recognition to the practical exclusiveness which had grown up in the later republican period, while reserving to himself the right of recruiting the order.

B. *Procedure.—*Senatorial procedure remained comparatively unchanged throughout the republic and the first three centuries of the empire. The right of summoning the senate belonged originally to the consuls, and later to the consuls, praetors, and tribunes of the plebs. In the Ciceronian period, when all these were entitled to summon the meeting, the right belonged to them in the above order of precedence. The magistrate who summoned the senate also presided and brought business before it. He first made statements to the house on important public affairs, and might then at his discretion ask the opinion of the house on points arising out of them, or invite other senators to speak without himself putting forward any definite proposition. In both of these cases he was expected to follow a regular order of precedence in asking for votes or speeches, and the magistrates of the year were precluded from expressing their opinion. When the chief senators had expressed their opinion on the motion of the president, or made proposals of their own, in the former case the house divided on the motion, in the latter the president put to the house in succession the various proposals made. The only important modification of this procedure introduced by the principate was the extension of all the presiding magistrate’s rights to the princeps, who, however, enjoyed also the right of giving his opinion as a private senator.

C. *Insignia.—*The senatorial *insignia* were not at first distinguished from those of ex-curule magistrates. But by degrees the broad stripe *(latus clavus)* on the tunic and the red shoe (*calceus mulleus)* became distinctive of the senator (hence *laticlavius,* a senator). Seats in the theatre were reserved for senators; and even the sons of senators adopted the *latus claυus* as early as the reign of Augustus, and probably at an earlier time. Certain disqualifications were attached to senators in republican times, chief of which was their exclusion from trade; and these were increased under the principate. Failure to observe these disqualifications, or any public disgrace or gross misconduct, was punished by removal from the senate by the censors, until that office fell into abeyance after the time of Sulla. The censorial right of removing unworthy members from the senate was revived by Augustus, and was exercised by subsequent emperors at a yearly revision of the list, which supplemented the formal *lectiones senatus* periodically held by the princeps in his capacity of censor.

It has been questioned whether the two traditional prerogatives of the senate, the control of the *interregnum* and the *patrum auctoritas,* belonged in historical times to the senate as a body, or to its patrician members only, or, as some have maintained, to the whole body of patricians. For conflicting views on this subject, see P. Willems, *Le Sénat,* vol. ii. p. 1 ; T. Mommsen, *Staatsrecht,* iii. 1037 et seq.; and *Rom. Forschungen,* i. 218-249; C. C. L. Lange, *De patrum auct. comm.* (Leipzig, 1876-1877); O. Clason, *Kritische Erörterungen über den röm. Staat* (Rostock, 1817), p. 41 et seq. ln favour of the view that the words *patres* and *patricii* are used in this connexion as the equivalent of senators may be cited the parallel use of the term patrician magistrates as the equivalent of curule magistrates, a usage due to the fact that these magistracies were for more than a century reserved for patricians.

General Bibliography.—T. Mommsen, *Staatsrecht,* iii. 2 (3rd edition, Leipzig, 1887) ; P. Willems, *Le Sénat de la république romaine* (2nd ed., Louvain, 1883); J. Rubino, *Untersuchungen* (iii. ‘‘von dem Senate und dem Patriciate,” Cassel, 1839); A. H. J. Óreenidge, *Roman Public Life,* p. 261 et seq. (1901); G. W. Botsford, *Roman Assemblies* (1909); also art. Rome, *History.* (A. M. Cl.)