

their sons, and to deprive them of the right of property and of the *patria potestas*. It was another blow struck at the peculiar institution.

Another constitution, showing the gradual progress of more gentle manners and of greater consideration for the young, was made by the Emperors Valentinian and Valens in 365, which permitted parents to correct their children in moderation. If the correction did not effect its object recourse was to be had to the judges. And in 374 the killing of an infant by any one was declared to be a capital crime. This law did not declare the crime, for before this the killing of an infant was a homicide, but the punishment was only banishment ; it was now increased to death.

In 391 Valentinian, Theodosius, and Arcadius enacted that all who had been sold into slavery to procure food for their wretched parents should be restored to their former free condition without recompensing the price. This in effect repealed the law of Constantine requiring the price to be repaid or a substitute given. Both laws were in favour of liberty, but the mode of effecting it varied. Both opinions may be supported by probable arguments. If you take away the hope of recompense for expenses, few in desperate circumstances will stretch out a helping hand. On the other hand if payment be insisted on you may take away the hope of acquiring liberty ; and impelled by a momentary necessity that inestimable right is parted with for money. The most equitable rule would be that no christian (or other person) should be sold under any necessity, though they might be sent to service not to slavery.

In 451 Valentinian III. seems again to have found it necessary to modify the law, as he gave to the preserver of free born sons sold from necessity, the right to receive the price paid with 20 per cent added.

Finally Justinian in 530 reverted to the law of Constantine of 429.

We have thus seen with what anxious solicitude the christian Emperors for a period of 200 years had endeavoured to soften, to modify, and vary the harshness and cruelty of laws and customs originating with the earliest traces of the history of the Roman people, and adhered to by them with a passionate attachment that was not overcome by the proffer of aid from the public treasury, and only at last gave way to the prevalence of christian sentiment and christian principles.

THE POOR AND THE SICK.

In the early period of the Roman history, (1-300) I do not find that any provision was made for the relief of the poor. Inequalities which spring from family and fortune must necessarily exist in every society ; and