

# Universitätsbibliothek Wuppertal

## The correspondence of M. Tullius Cicero

arranged according to its chronological order

**Cicero, Marcus Tullius**

**Dublin, 1906**

Letters of the twelfth year of Cicero's correspondence (last four months),  
epp. 90-94

---

**Nutzungsrichtlinien** Das dem PDF-Dokument zugrunde liegende Digitalisat kann unter Beachtung des Lizenz-/Rechtehinweises genutzt werden. Informationen zum Lizenz-/Rechtehinweis finden Sie in der Titelaufnahme unter dem untenstehenden URN.

Bei Nutzung des Digitalisats bitten wir um eine vollständige Quellenangabe, inklusive Nennung der Universitätsbibliothek Wuppertal als Quelle sowie einer Angabe des URN.

[urn:nbn:de:hbz:468-1-1960](https://nbn-resolving.org/urn:nbn:de:hbz:468-1-1960)

LETTERS  
OF THE TWELFTH YEAR OF CICERO'S CORRESPONDENCE  
(LAST FOUR MONTHS).

EPP. 90-94.

---

A. U. C. 697 ; B. C. 57 ; AET. CIC. 49.

COSS. P. CORNELIUS LENTULUS SPINTHER, Q. CAECILIUS  
METELLUS NEPOS.

THE Letters of the latter part of this year detail the circumstances of Cicero's return from exile, with the incidents which were the consequences of his exile, and describe the position in which Cicero found himself on his restoration, and the confused and disorderly state of politics at the time. This was the year of the speeches *Post reditum in Senatu*, *Post reditum ad Quirites*, and *De domo sua*. Their authenticity has been questioned, not on sufficient grounds, except as regards the speech *ad Quirites*, which was almost certainly not delivered in the form in which it is extant. Owing to the violence of Clodius and his gangs, Cicero found great difficulty in having his house rebuilt. Cicero, about November, was mainly instrumental in having a motion carried which decreed a *supplicatio* of fifteen days in honour of Caesar's victories in Gaul.

## CICERO'S CORRESPONDENCE.

### 90. TO ATTICUS, IN EPIRUS (ATT. IV. 1). *Wiel. II p. 158*

ROME; SEPTEMBER (MIDDLE), A. U. C. 697; B. C. 57; AET. CIC. 49.

M. Cicero Attico de reditu suo, ad quem conficiendum ille tantum contulerat, gratulatur et quae ipsius condicio sit et quid post reditum suum egerit exponit.

CICERO ATTICO SAL.

1. Cum primum Romam veni fuitque cui recte ad te litteras darem, nihil prius faciendum mihi putavi quam ut tibi absentem de reditu nostro gratularer. Cognoram enim, ut vere scribam, te in consiliis mihi dandis nec fortioerem nec prudentioerem quam me ipsum nec etiam pro praeterita mea in te observantia nimium in custodia salutis meae diligenter, eundemque te, qui primis temporibus erroris nostri aut potius furoris particeps et falsi timoris socius fuisses, acerbissime discidium nostrum tulisse plurimumque operae, studii, diligentiae, laboris ad conficiendum reditum meum contulisse. 2. Itaque hoc tibi vere adfirmo, in maxima laetitia et exoptatissima gratulatione unum ad cumulandum gaudium conspectum aut potius complexum mihi tuum defuisse, quem semel

1. *recte*] 'safely': cp. Att. v. 5, 2 (188); ix. 4 (361).

*Cognoram*] 'I felt certain,' i. e. during my exile; *cognovi* = 'I am certain.'

*nec etiam . . . observantia*] This is the reading of Bosius for *nec etiam propter meam in te observantiam* of the mss, which can hardly be right. It is harsh to suppose that *observantiam* is here used for 'lack of respect,' like Att. i. 5, 3 (1) *de litterarum missione*: iii. 15, 7 (73) *si tuam fidem accusarem*. It would be simpler to read *inobservantiam* with Madvig. It is not difficult to see how *propterita* may have passed into *propter*, and then would follow the alteration to the accusative.

*eundemque*] It is the clause beginning with this word that explains *enim*. The

thought of Cicero set forth logically is: 'I was eager to congratulate you on my return, for I felt certain that, in spite of your shortcomings as an adviser before my exile, yet you felt deeply our separation, and were active in procuring my restoration.' *Eundemque* is strongly adversative. The words mean: 'I felt that, considering my past attentions to you, you were not very energetic in saving me from exile.' *Nimium* is used in quite the same way in Fam. xii. 30, 7 (899) *non nimium probo*, and very frequently in Plautus and Terence. *Idemque* means 'and yet' in Att. iii. 12, 1 (69). For reproaches of Atticus by Cicero, cp. Att. iii. 15, 4 ff. (73).

nactus si umquam dimisero ac nisi etiam praetermissos fructus tuae suavitatis praeteriti temporis omnis exegero, profecto hac restitutione fortunae me ipse non satis dignum iudicabo. 3. Nos adhuc in nostro statu, quod difficillime recuperari posse arbitrati sumus, splendorem nostrum illum forensem, et in senatu auctoritatem et apud viros bonos gratiam magis quam optaramus consecuti sumus. In re autem familiari, quae quem ad modum fracta, dissipata, direpta sit non ignoras, valde laboramus tuarumque non tam facultatum, quas ego nostras esse iudico, quam consiliorum ad colligendas et constituendas reliquias nostras indigemus. 4. Nunc, etsi omnia aut scripta esse a tuis arbitror aut etiam nuntii ac rumore perlata, tamen ea scribam brevi quae te puto potissimum ex meis litteris velle cognoscere. Pridie Nonas Sext. Dyrhachio sum profectus ipso illo die quo lex est lata de nobis. Brundisium veni Nonis Sext. Ibi mihi Tulliola mea fuit praesto natali suo ipso die, qui casu idem natalis erat et Brundisinae coloniae et tuae vicinae Salutis: quae res animadversa a multitudine summa Brundisiorum gratulatione celebrata est. Ante diem III. Id. Sext. cognovi cum Brundisi essem litteris Quinti

2. *si umquam*] So Meutzner: the mss have *tumquam* or *numquam*: hence some scholars propose to read *numquam dimisero*; but we should have expected *dimittam*, though we find elsewhere a remarkable admixture of futures: see Fam. xiii. 65, 2 *ornaris . . . feceris . . . capies . . . adfeceris*.

*suavitatis praeteriti*] 'if I do not exact to the full all arrears of delight in your sweet companionship in the past' (Jeans). For the double genitive cp. Fam. ix. 8, 2 (641) *superiorum temporum fortuna reip.*; there is a triple gen. in Caes. Bell. Gall. ii. 17, 2 *eorum dierum consuetudine itineris nostri exercitus*. Cp. also Att. iv. 4b, 1 (107).

3. *Nos adhuc*] 'as regards my political position, I have attained (what I thought would be very hard to regain) my old leadership at the Bar; and my authority in the senate, and influence with the optimates, [I have gained] in fuller measure than I could wish' (because these very advantages might again bring on him such jealousy as had recently brought about his exile). The conjecture *optaramus* seems necessary. Observe that *quod difficillime*, &c., refers only to *splendorem forensem*, while *magis quam*

*optaramus* is closely connected with *in senatu auctoritatem et apud bonos viros gratiam*.

4. *ea scribam*] See Adn. Crit.

*natalis*] This was the commemoration day of Brundisium, the day on which the foundation of the colony was celebrated. It was also the birth-day of Tullia, and the foundation-day of the temple of Salus, which stood near the house of Atticus on the Quirinal Hill (Nepos 13, 2). *Salus = aedes Salutis* by a common Latin idiom. Cp. Juv. i. 116 *Quaeque salutato crepitat Concordia nido*.

III] So O. E. Schmidt (*Der Briefwechsel*, p. 202) reads for VI, as letters took from seven to nine days to reach Brundisium from Rome. Sternkopf retains VI, and mentions this as an exceptionally rapid transmission of news. He thinks it confirmed by the words *cum Brundisi essem*, which he believes were added to indicate that Cicero had not, as the dates might seem to indicate, already proceeded on his way towards Rome; and the mood of *essem* perhaps points in that direction. But the alteration of Schmidt's is so slight, and so common (see note to 840, 1), that we have not hesitated to accept it.

*cum Brundisi essem*] See Adn. Crit.

mirifico studio omnium aetatum atque ordinum, incredibili concursu Italiae legem comitiis centuriatis esse perlatam. Inde a Brundisinis honestissimis ornatus iter ita feci ut undique ad me cum gratulatione legati convenerint. 5. Ad urbem ita veni ut nemo ullius ordinis homo nomenclatori notus fuerit qui mihi obviam non venerit praeter eos inimicos, quibus id ipsum, se inimicos esse, non liceret aut dissimulare aut negare. Cum venissem ad portam Capenam, gradus templorum ab infimo plebe completi erant, a qua plausu maximo cum esset mihi gratulatio significata, similis et frequentia et plausus me usque ad Capitolium celebravit, in foroque et in ipso Capitolio miranda multitudo fuit: postridie in senatu, qui fuit dies Nonarum Septembr., senatui gratias egimus. 6. Eo biduo cum esset annonae summa caritas et homines ad theatrum primo, deinde ad senatum concurrissent, impulsu Clodi

*honestissimis*] This is an unusual form of expression. We should have expected *viris* to be added; or *Brundisinorum* for *Brundisinis*. Orelli adds *decretis*. Perhaps *sententiis (suis)* might have more readily fallen out. But it is best either to retain the mss reading with its unusual construction, or alter with Faernus to *honestissime*.

*ita . . . ut*] The force of this phrase (the use of which in the letters has been illustrated, vol. I<sup>3</sup>, p. 84) is well brought out by Mr. Jeans in his rendering of this and the next sentence:—'I could not pursue my journey without deputations from every place meeting me with congratulations. When I came near the city, this went so far, that not a soul of any rank who was known to my attendant failed to come and meet me, except,' &c.

5. *infimo*] This is the emendation of Lehmann; *ab infimo* means 'from the very bottom'; of course the higher steps, as affording a better view, would be occupied first. We find *ab imo adclivis* in Caes. B. G. iii. 19, 1; and *ab infimo adclivis* ib. vii. 19, 1; 73, 3. The assimilation of *infimo* to *plebe* in gender would be one of the commonest of copyists' blunders. This reading has met with very general acceptance. However, a case could be made for *ab infima plebe*. For we know that Cicero was by no means regardless of the opinions held by the *infima plebs*: cp. Att. i. 16, 11 (22); iv. 2, 3 (91); xiv. 16, 2 (721); 17a, 7 (722), and elsewhere. The prep. *ab* brings forward the force of their spontaneous action more

prominently. Boot says that if Cicero had intended to express the view advocated by Lehmann, he would have said *ab imo ad summum*.

*dies Nonarum*] This is what Draeger (i. 466) calls the *genitivus appositionalis*; cp. *abietis arboribus*, Liv. xxiv. 3, 4; *oppidum Antiochiaë*, Cic. Att. v. 18, 1 (218); so *Pachyni promontorium, familia Scipionum, vox voluptatis* ('that term voluptas'). Cp. *dies erat adscripta Nonarum Aprilium*, Fam. iii. 11, 1 (265); but, on the contrary, we find *is dies fuit Nonae*, Fam. xvi. 3, 1 (287).

6. *Eo biduo*] 'two days afterwards'; cp. Caes. B. C. i. 41, 1; 87, 4; *illo biduo* means 'two days before.'

*ad theatrum*] The high price of corn had been of some duration. It existed at the beginning of July, and a similar demonstration was then made in the theatre: cp. Asconius in Milonianam 38 (= p. 48 Or.) *L. Cornelius Rufus . . . fuit <praetor> P. Lentulo Spinthere et Q. Metello Nepote consulibus quo anno Cicero restitutus est. Is cum faceret ludos Apollinares (July 6-13), ita infima coacta multitudo annonae caritate tumultuata est ut omnes qui in theatro spectandi causa conederunt pellerentur*. The price fell when, in July, the decree of the Senate was passed in the temple of Jupiter in favour of the recall of Cicero: cp. De Domo 14 *Cum de mea dignitate in templo Iovis Optimi Maximi senatus frequentissimus uno isto dissentiente decrevisset, subito illo ipso die carissimam annonam necopinata vilitas consecuta est*.

mea opera frumenti inopiam esse clamarent, cum per eos dies senatus de annona haberetur et ad eius procuracionem sermone non solum plebis, verum etiam honorum Pompeius vocaretur idque ipse cuperet multitudoque a me nominatim ut id decernerem postularet, feci, et accurate sententiam dixi. Cum abessent consulares, quod tuto se negarent posse sententiam dicere, praeter Messallam et Afranium, factum est senatus consultum in meam sententiam, ut cum Pompeio ageretur ut eam rem susciperet lexque ferretur: quo senatus consulto recitato continuo *cum* more hoc insulso et novo *populus* plausum meo nomine recitando dedisset, habui contionem: omnes magistratus praesentes praeter unum praetorem et duos tribunos pl. dederunt. 7. Postridie senatus frequens et omnes consulares nihil Pompeio postulanti negarunt. Ille legatos quindecim cum postularet, me principem nominavit et ad omnia me alterum se fore dixit. Legem consules conscripserunt, qua Pompeio per quinquennium omnis potestas rei frumentariae toto orbe terrarum daretur: alteram Messius, qui omnis pecuniae dat potestatem et adiungit classem et exercitum et maius imperium in provinciis quam sit eorum qui eas obtineant. Illa nostra lex consularis nunc modesta videtur, haec Messi non ferenda. Pompeius illam velle se dicit, familiares hanc. Consulares duce Favonio fremunt, nos tacemus et eo magis quod de domo nostra nihil adhuc pontifices responderunt. Qui si sustulerint religionem, aream praeclaram habebimus, superficiem consules ex senatus consulto aestimabunt:

*mea opera*] Because it was Cicero's return which brought the unusual numbers to Rome.

*decernerem*] 'that I should vote for that measure' (Watson); *feci*, 'I did so.'

*continuo cum more*] Man. reads *contio* for *continuo*, but this is very harsh before *contionem*. It is better to supply as the missing subject *populus* or *plebs* with Boot; written *pl.* either would very easily have fallen out before *plausum*. Baiter adds *cum* before *more*.

*recitando*] There is nothing objectionable in this use of the gerundive; we find *cum immolanda Iphigenia Calchas tristis esset*, Orat. 74: *quod cum dicendo tum singulis appellandis rogandisque perfeceram*, 96. See Draeger ii. 815. Süpflé gives a good example *partis* honoribus eosdem in

foro gessi labores quos *petendis*, Phil. vi. 17.

*dederunt*] sc. *contionem*, 'invited me to speak': cp. 91, 3. The praetor was Appius Claudius, the two tribunes Q. Numerius Rufus and Sextus Atilius Serranus.

7. *alterum se*] 'his alter ego.'

*nostra*] because the law which was brought forward by the consuls had been sketched by Cicero: cp. § 6.

*sustulerint religionem*] 'declare the consecration by Clodius null' (Watson).

*superficiem*] 'the building' which had stood upon the *area* or 'site,' that is, Cicero's house. *Superficies* is 'whatever stands above the ground,' *cum aedes ex duabus rebus constant, ex solo et superficie*, Dig. xli. 3, 23.

sin aliter, demolientur, suo nomine locabunt, rem totam aestimabunt. 8. Ita sunt res nostrae—

ut in secundis fluxae, ut in advorsis bonae.

In re familiari valde sumus, ut scis, perturbati. Praeterea sunt quaedam domestica, quae litteris non committo. Quintum fratrem insigni pietate, virtute, fide praeditum sic amo ut debeo. Te exspecto et oro ut matures venire eoque animo venias ut me tuo consilio egere non sinas. Alterius vitae quoddam initium ordimur. Iam quidam, qui nos absentis defenderunt, incipiunt praesentibus occulte irasci, aperte invidere. Vehementer te requirimus.

91. TO ATTICUS, IN EPIRUS (ATT. IV. 2). *Wid. I 165*

ROME; OCTOBER (LATTER HALF), A. U. C. 697; B. C. 57; AET. CIC. 49.

M. Cicero Attico excusat litterarum raritatem, dein de oratione de domo apud pontifices habita, de contione P. Clodii, de rebus actis in senatu Kal. Octobr., de senatus consulto postridie eius diei secundum causam suam facto et ad Atticum cum his litteris misso, de aestimatione aedium et villarum suarum iniqua, de cogitatione reliqua sua et domesticarum et forensium rerum.

## CICERO ATTICO SAL.

1. Si forte rarius tibi a me quam a ceteris litterae redduntur, peto a te ut id non modo neglegentiae meae sed ne occupationi

*sin aliter*] 'but if they decide otherwise (if they decide that the consecration of the site by Clodius holds good), then they will pull down his building, contract for a new temple in their own name (whereas in the former case the money would be given to Cicero, and he would settle with the contractor for the building, as appears from the first person *habebimus*), and estimate the cost of the whole thing'; that is, they will put a slight upon Clodius by not allowing his building to stand; but if the Pontiffs hold that the consecration was good, they cannot use the site save for a temple. The estimate of the compensation money to Cicero would then have to include the sum requisite for the purchase of a new site, together with the cost of erecting a new house. The word *demolientur* may possibly be out of place, and should perhaps be placed after *religionem*. If the word is retained in its present position, there is some difficulty as to what buildings it can

refer to. Hardly to the temple; for, ex hypothesi, the consecration is supposed to be held valid, and, that being so, there is no reason why the temple should be destroyed. Nor to the other buildings probably erected by Clodius on the site which he had appropriated (cp. *De Domo* 116): for no consecration ever attached to them.

8. *ut in*] This is, no doubt, a quotation from some old play, as its metrical character shows. It is used again in the next letter and in *Brut.* i. 10, 2 (897). Mr. Shuckburgh translates the verse by the line of Milton (*P. L.* ii. 224):—

'For happy though but ill, for ill not worst.'

*vitas quoddam initium*] He calls this *παλιγγενεσίαν*, *Att.* vi. 6, 4 (276).

1. *non modo*] = *non modo non*, when followed by *ne quidem*, and when the predicate of both clauses is the same and that predicate is placed in the second clause: cp. *Fam.* x. 1, 1 (787).

quidem tribuas: quae etsi summa est, tamen nulla esse potest tanta ut interrumpat iter amoris nostri et officii mei. Nam ut veni Romam, iterum nunc sum certior factus esse cui darem litteras, itaque has alteras dedi. Prioribus tibi declaravi adventus noster qualis fuisset et quis esset status atque omnes res nostrae quem ad modum essent—

ut in secundis fluxae, ut in advorsis bonae.

2. Post illas datas litteras secuta est summa contentio de domo. Diximus apud pontifices pridie Kal. Octobris. Acta res est accurate a nobis, et si umquam in dicendo fuimus aliquid, aut etiam si numquam alias fuimus, tum profecto doloris magnitudo vim quamdam nobis dicendi dedit. Itaque oratio iuventuti nostrae deberi non potest, quam tibi, etiam si non desideras, tamen mittam cito. 3. Cum pontifices decreissent ita, SI NEQUE POPULI IUSSU NEQUE PLEBIS SCITU IS, QUI SE DEDICASSE DICERET, NOMINATIM EI REI PRAEFECTUS ESSET NEQUE POPULI IUSSU AUT PLEBIS SCITU ID FACERE IUSSUS ESSET, VIDERI POSSE SINE RELIGIONE EAM PARTEM AREAE MIHI RESTITUI, mihi facta statim est gratulatio—nemo enim dubitabat quin domus nobis esset adiudicata:—cum subito ille in contionem escendit quam Appius ei dedit; nuntiat iam populo pontifices secundum se decrevisse, me autem vi conari in

2. *aliquid*] cp. *ego quoque aliquid sum*, Fam. vi. 18, 4 (534); so *nihil esse*, as *te nihil esse cognosceres*, Fam. vii. 27, 2 (476).

*doloris magnitudo*] See Adn. Crit. *deberi*] 'to remain an unpaid debt to the rising generation': cp. *tibi hoc video non posse deberi*, Tusc. ii. 67: De Orat. iii. 18; Fam. vii. 19, 1 (776). The speech is one of much vehemence; but we are surprised at the high estimate Cicero formed of it.

3. POPULI IUSSU] cp. De Domo 136. AREAE MIHI] The reading of the mss. is *arae emi* or *arae emi*. Ursinus altered to AREAE M. T., i.e. Marco Tullio: but we should have expected *Marco Tullio Ciceroni* if the exact words of the decree were quoted; and if we once leave the exact words, there is no reason why Cicero should not have said MIHI, as he does below, § 4; but the conjecture of Ursinus is, all the same, most ingenious. The judgment of the Pontiffs appears to have been based

on a Lex Papiria; cf. De Domo 127. This law can be hardly identical with that mentioned in Livy ix. 26, but may have supplemented it.

*in contionem escendit*] cp. Gellius xviii. 7, 5 *contionem tria significare, locum suggestumque unde verba fierent . . . item significare coetum populi adsistentis, item orationem ipsam quae ad populum diceretur.*

*iam*] 'so he announces,' like *οὐν* or *νυν*. Kayser and other edd. accept *inani*, the conj. of Bosius. For other conjectures see Adn. Crit.

*secundum se*] Possibly Clodius held that the people, by the Lex Clodia, did give him power to consecrate the temple: cp. De Domo 51 *Quid? hoc ipsum, quod nunc apud pontifices agis, te meam domum consecrasset, te monumentum fecisse in meis aedibus, te signum dedicasse, eaque te ex una rogatiuncula fecisse, unum et idem videtur esse atque id quod de me ipso nominatim tulisti?*

erst jetzt  
J. 2. Mal

vorant-  
halten

Clod.

possessionem venire: hortatur ut se et Appium sequantur et suam Libertatem vi defendant. Hic cum etiam illi infirmi partim admirarentur, partim irriderent hominis amentiam—ego statueram illuc non accedere, nisi cum consules ex senatus consulto porticum Catuli restituendam locassent—Kal. Octobr. habetur senatus frequens. 4. Adhibentur omnes pontifices, qui erant senatores, a quibus Marcellinus, qui erat cupidissimus mei, sententiam primus rogatus quaesivit quid essent in decernendo secuti. Tum M. Lucullus de omnium collegarum sententia respondit religionis iudices pontifices fuisse, legis senatum: se et collegas suos de religione statuisset, in senatu de lege statuturos cum senatu. Itaque suo quisque horum loco sententiam rogatus multa secundum causam nostram disputavit. Cum ad Clodium ventum est, cupiit diem consumere, neque ei finis est factus, sed tamen, cum horas tris fere dixisset, odio et strepitu senatus coactus est aliquando perorare. Cum fieret senatus consultum in sententiam Marcellini, omnibus praeter unum adsentientibus, Serranus *intercessit*. De intercessione statim ambo consules referre coeperunt. Cum sententiae gravissimae dicerentur, senatui placere mihi domum restitui, porticum Catuli locari, auctoritatem ordinis ab omnibus magistratibus defendi si qua vis esset facta, senatum existimaturum eius opera factum esse qui senatus consulto intercessisset, Serranus pertimuit et Cornicinus ad suam veterem fabulam rediit:

*suam Libertatem*] 'his statue of Liberty,' which he had erected on the site of Cicero's house; De Domo 108, 110.

*infirmi*] 'the weak-kneed': cp. *quorum vocibus et concursu terrentur infirmiores*, Caes. B. C. i. 3, 5. But perhaps ed. Iens. is right in reading *infimi*.

*illuc non accedere*] 'not to go near the place till the consuls had contracted for the rebuilding of Catulus's portico. Q. Lutatius Catulus had erected on the site of the house of M. Fulvius Flaccus, and close to the dwelling of Cicero, a portico out of the proceeds of the Cimbric War. This the Clodians had, partially at least, destroyed. Cicero resolved not to set about the work of restoring his own house until this portico should be taken in hands by the government: De Dom. 102.

4. *Adhibentur*] 'are consulted': cp. *non adhibemur*, 'we are not consulted,' Fam. iv. 7, 6 (486).

*Marcellinus*] Cn. Cornelius Lentulus, the consul elect.

*secuti*] 'what was the purport, aim, of their decision,' 'what line they had taken.'

*M. Lucullus*] the brother of L. Lucullus, the general. He gave judgment because Caesar, who was Pontifex Maximus, was in Gaul at this time.

*odio*] 'persistent outcry'; often 'tediousness': cp. Hor. Sat. i. 7, 6; Ter. Ph. v. 6, 9 (849).

*unum*] sc. Clodium.

*Serranus*] Sextus Atilius Serranus, a tribune who had opposed the return of Cicero: cp. Sest. 72, 74.

*intercessit. De*] These words were added by Victorius.

*pertimuit*] 'showed fear'; the absolute use of this verb is found elsewhere only in Plautus.

*Cornicinus*] Gnaeus Oppius Cornicinus was the father-in-law of Serranus. On

abiecta toga se ad generi pedes abiecit. Ille noctem sibi postulavit: non concedebant. Reminiscebantur enim Kal. Ianuar. Vix tandem tibi de mea voluntate concessum est. 5. Postridie senatus consultum factum est id quod ad te misi. Deinde consules porticum Catuli restituendam locarunt: illam porticum redemptores statim sunt demoliti libentissimis omnibus. Nobis superficiem aedium consules de consili sententia aestimarunt HS. viciens: cetera valde illiberaliter: Tusculanam villam quingentis milibus: Formianum HS. ducentis quinquaginta milibus. Quae aestimatio non modo vehementer ab optimo quoque sed etiam a plebe reprehenditur. Dices 'quid igitur causae fuit?' Dicunt illi quidem pudorem meum, quod neque negarim neque vehementius postu-

the kalends of January, when Serranus opposed the restoration of Cicero, Cornicinus threw himself at his son's feet, and implored him to withdraw his veto; Serranus asked for a night's reflection; this was granted, but he persevered in his veto. Cornicinus now re-enacted his old rôle; Serranus again made his former request, which was refused, as concession had before proved abortive: Sest. 74.

*tibi*] This is the reading of the Medicean (changed to *sibi* by an obvious blunder in M<sup>2</sup>). It is idle to strike out *tibi*, and write with some edd. *illi*, *homini*, *id ei*, or any other word or words which, while satisfying the sense, do not account for the corruption. Moreover, *tibi* really admits of an excellent explanation. It is the *ethical dative*, which is used far more largely in Cicero than elsewhere, save only the comic drama. 'After all at last, lo and behold you, with my consent the point was conceded.' The emphatic exclamation is justified by the *unexpected* announcement that Cicero was for conceding the request of Serranus. Cp. *hic tibi in rostra Cato advolat*, Att. i. 14, 5 (20); *at ille tibi pergit Brundisium*, viii. 8, 2 (339); *alter tibi descendit de Palatio*, Rosc. Am. 133. We find *ecce tibi* in Att. vii. 19 (317), *ecce tibi* iv. *Non. Febr. mane accepi litteras tuas*. In a quite unimpassioned passage, Rep. vi. 17, we have *novem tibi orbibus . . . conexas sunt omnia*. For further, see Adn. Crit.

5. *misi*] 'I send.' Boot remarks that this must be an epistolary perf.; for Cicero must have sent the S. C. with this letter; he would not have sent the S. C. without a letter; and this is certainly the first letter

in which he describes the debate in the senate concerning his indemnification. Cicero gives the substance of the decree in Harusp. Resp. 13 *domum meam iudicio pontificum religione liberatam videri*.

*porticum*] Catulus had erected out of the Cimbrian spoils a portico on the site of the house occupied by M. Flaccus, the associate of C. Gracchus. This portico (as would appear from De Domo, 102, 103) Clodius knocked down, and built another which united Cicero's house with the site of that of Flaccus. Cicero, in the speech De Domo, 103 (delivered Sept. 29), vehemently calls for the demolition of this Clodian portico; and it is to this Clodian portico that he is referring in the passage before us. Clodius also erected a statue to Liberty. In De Domo, 111, Cicero traces the past history of this statue of Liberty, and finds that the figure which Clodius made to do duty as a statue of Liberty was really the statue of a Greek prostitute which had been erected on her tomb near Tanagra, and had been annexed and carried to Rome by an aedile, a friend of Clodius. Hence Gronovius ingeniously suggested *illam πέρην* or *illud πορνείον*. However, this suggestion, as well as the conjecture that possibly *statuam* fell out before *statim*, or should take the place of *statim*, is not required when it is perceived that Clodius did erect some sort of portico.

*superficiem aedium*] 'the buildings of my house': the genitive is added because an *aedes* consists of two things *solum* and *superficies*, cp. note to 90, 7.

*postularim*] 'pressed my claim vigorously.'

larim. Sed non est id: num hoc quidem etiam profuisset? Verum iidem, mi T. Pomponi, iidem inquam illi, quos ne tu quidem ignoras, qui mihi pinnas inciderant, nolunt easdem renasci. Sed, ut spero, iam renascuntur. Tu modo ad nos veni: quod vereor ne tardius interventu Varronis tui nostrique facias: 6. Quoniam acta quae sint habes, de reliqua nostra cogitatione cognosce. Ego me a Pompeio legari ita sum passus ut nulla re impediret. Quod nisi vellem mihi esset integrum ut, si comitia censorum proximi consules haberent, petere possem, votivam legationem sumpsissem prope omnium fanorum, lucorum. Sic enim nostrae rationes utilitatis meae postulabant. Sed volui meam potestatem esse vel petendi vel ineunte aestate exeundi, et interea me esse in oculis

*num . . . profuisset?*] 'would this (violent expostulation on my part) have done any good?' We read *num* for *nam*. Boot, who saw that the ordinary reading *nam hoc quidem etiam profuisset* gave no meaning, read after Seyffert *nam hoc quid etiam profuisset?* But the text is a slighter change. Plugers made the same correction in Att. iv. 19, 1 (198) *num* (for *nam*) *Vestorio dandi sunt dies?*

*pinnas*] The old grammarians draw a distinction. They say *pinnae avium*, *pinnae murorum*. But the mss give *pinnas* here. Keller reads *pinna* of the wing of a bird in Hor. Epp. i. 20, 21: ii. 2, 50; Carm. ii. 2, 7. *interventu*] Varro was on a visit with Atticus in Epirus.

6. *a Pompeio*] Madvig would omit *a*; but cp. *legari ab Caesare*, Att. xiv. 13, 4 (718). The senate appointed the *legati*; but in almost all cases adopted the recommendation of the commander-in-chief. The constructions are *aliquis aliquem sibi legat*; *aliquis aliquem alicui legat* (143, 9); *aliquis ab aliquo legatur*, as here.

*impediret*] 'I have suffered myself to be appointed legate to Pompey (cp. 90, 7) only on the understanding that I am not to be hampered by the appointment in any respect.' Cp. *ne forte qua re impediar atque alliger*, Att. viii. 16, 1 (352).

*Quod nisi*] *Quod* is merely connexive; as in *quod si*.

*esset integrum*] The omission of *ut* is one of the many coincidences between the diction of the letters of Cicero and that of the comic drama: 'were I not desirous to reserve to myself the possibility of becoming a candidate.'

*votivam legationem*] See on 45, 3.

*prope . . . lucorum*] One feels much disposed to obelise these words with Ern. Yet it is hard to account for their presence in the mss if they are not sound. They must mean that Cicero could have got a *legatio* of almost unlimited extent, one which allowed him to visit almost every usual place of pilgrimage. Orelli suggests to read *pro P. R.* for *prope*.

*nostrae . . . meae*] 'our plans for my interest.' This reading *utilitatis* for *utilitates* which is found in the Codex Landianus (H) is rightly adopted by Sternkopf: 'the plans we formed for my interest.' Otherwise we must bracket *utilitates meae* as a gloss.

*exeundi*] as *legatus* to Pompey. The whole meaning of this passage, which has been much misunderstood, is:—'I should have preferred a *legatio votiva* as being more respectable than a *legatio* to an individual, and as affording a chance of meeting you; but my legation to Pompey, on the conditions on which I have accepted it, will leave me the power of leaving Rome when I like, which a *libera legatio* would not do.' The best comment on this passage is to be found in two places in Att. xv., viz. 8, 1 (741) *honestior est votiva*; xv. 11, 4 (744) *habent, opinor, liberae legationes definitum tempus lege Iulia nec facile addi potest; aveo genus legationis ut cum velis introire, exire liceat; quod nunc mihi additum est*. The *genus legationis* which he had then accepted was a *legatio* to Dolabella. In the passage just before the words last quoted, the *votiva legatio* is classed as a species of *libera legatio*.

civium de me optime meritorum non alienum putavi. 7. Ac forensium quidem rerum haec nostra consilia sunt, domesticarum autem valde impedita. Domus aedificatur; seis quo sumptu, qua molestia: reficitur Formianum, quod ego nec relinquere possum nec videre. Tusculanum proscripti: suburbano facile careo. Amicorum benignitas exhausta est in ea re, quae nihil habuit praeter dedecus, quod sensisti tu absens, † praesentes, quorum studiis ego et copiis, si esset per meos defensores licitum, facile essem omnia consecutus: quo in genere nunc vehementer laboratur. Cetera quae me sollicitant *μυστικώτερα* sunt. Amamur a fratre et a filia. *Te* exspectamus.

7. *nec relinquere*] 'I can neither abandon it, nor yet can I bear to look at it in its present state.'

*proscripsi*] 'I have advertised it for sale.'

*suburbano facile careo*] M<sup>2</sup> has *non* before *facile*, and is followed by most edd. If we read *facile careo*, we must suppose *suburbano* to refer to *Tusculanum*, and this seems the right view: 'I can do without a place so near the city'; but if *non* be inserted, *suburbanum* refers to another property near to Rome, not the Tusculanum. We have *malo enim esse in Tusculano aut uspiam in suburbano*, Att. xvi. 13 b, 1 (803). Cicero did not sell his Tusculan villa, as he failed to get a purchaser: cp. 100. 1. In Att. xii. 3, 1 (468), he puts his *Tusculanum* on a par with the *μακάρων νῆσοι*.

*in ea re*] in the whole proceedings connected with Cicero's recall, which required considerable expense, e.g. in the hiring of bands of gladiators to face the followers of Clodius.

*quod sensisti*] 'This you in your absence have seen to be true, and so have my friends here (in Rome), through

whose zealous aid I might have easily gained all that I had lost (by getting an adequate indemnification for my losses), if my champions (Pompey and the optimates, cp. § 5) had permitted it.' This is the explanation given by Hofm., Süpfle, and Frey; nor can the passage be otherwise explained with the present reading, which is that of the mss. But we doubt its genuineness. Gron. reads *quod sensisti tu absens praesens*, as a parenthesis. This may mean 'which (viz. the *dedecus*) you perceived, both when you were absent from Rome and saw my miserable state in exile in Epirus; and also when at Rome you saw the unworthy courses to which my friends were compelled to resort in order to secure my restitution.'

*praesentes*] sc. *senserunt*. Madvig adds *nos* before *praesentes*. Possibly we should add *praedes* before *praesentes*, or better *tui* before it (cp. 99, 3), or after it (cp. 95, 4).

*quo in genere*] 'in which respect,' i. e. 'in my money matters.'

*μυστικώτερα*] *sub rosa*, probably refers to a quarrel with his wife. He does not mention her in the next clause.

92. TO ATTICUS, IN EPIRUS (ATT. IV. 3). *Wid. II p. 171*

ROME; NOVEMBER 23, A. U. C. 697; B. C. 57; AET. CIC. 49.

M. Cicero Attico, quod credit illum de his rebus a se ipso certiozem fieri velle, de turbis P. Clodii eiusque adsecularum et in area sua et in Catuli porticu et in Q. fratris domo factis et omnino de furoribus Clodii et de rebus postea factis nuntiat, maxime de contentione quae inter Milonem et Clodium intercedat, postremo de re familiaris sua pauca significat.

CICERO ATTICO SAL.

1. *Avere te certo scio cum scire quid hic agatur, tum mea a me scire, non quo certiora sint ea quae in oculis omnium geruntur si a me scribantur quam cum ab aliis aut scribantur tibi aut nuntientur, verum ut perspicias ex meis litteris quo animo ea feram quae geruntur et qui sit hoc tempore aut mentis meae sensus aut omnino vitae status.* 2. *Armatis hominibus ante diem tertium Non. Novembr. expulsi sunt fabri de area nostra, disturbata porticus Catuli, quae ex senatus consulto consulum locatione reficiebatur et ad tectum paene pervenerat: Quinti fratris domus primo fracta coniecta lapidum ex area nostra, deinde inflammata iussu Clodi, inspectante urbe coniectis ignibus, magna querela et gemitu, non dicam bonorum, qui nescio an nulli sint, sed plane hominum omnium. Ille demens ruere, post hunc vero furorem nihil nisi caedem inimicorum cogitare, vicatim ambire, servis aperte spem libertatis ostendere. Etenim antea, cum iudicium nolebat, habebat ille quidem difficilem manifestamque causam, sed tamen causam: poterat infitiri, poterat in alios derivare, poterat etiam aliquid iure factum defendere. Post has ruinas, incendia, rapinas, desertus*

2. *pervenerat*] 'it (the building) had advanced nearly to the roof,' i. e. was completed nearly to the roofing. Cp. *si lupinum ad siliquas non pervenit*, 'does not come to the pods,' Varr. R. R. i. 23, 3.

*urbe*] = *civibus*, a poetical usage, but natural enough in a letter; so *ruinas* below is a strange expression. The omission of *est* after *fractu* and *inflammata* is also due to the vehemence of the description.

*qui nescio*] 'for I am not sure that the race is not extinct.'

*ruere*] 'runs riot.'

*nolebat*] 'when he was trying to decline

the trial' on the charge *de vi*, which Milo directed against him when the bill was brought forward for Cicero's restoration. But we are not sure that *tollebat* (Sull. 15; Mil. 70), as proposed by Manutius, is not right. Madvig suggests *volvebat* (i. e. *animo volvebat*), Gurlitt *valebat*.

*manifestam*] 'obviously bad case,' so *manifestum hominum*, 'obviously guilty': Plaut. Men. iv. 2, 29 (594).

*ruinas*] 'wrecking of houses.' The same word is applied metaphorically to 'the downfall' of the republic, which ensued on the quarrel between Pompey and Caesar, Att. x. 1, 1 (378); Fam. v. 17, 1 (179).

*Richter,*  
*top. 143*

*Richter ib.*  
*Das Haus des*  
*Q. war vor-*  
*her nicht zer-*  
*stört: Dr. VI*  
*648*

a suis, vix iam Decimum <sup>Laichenbos paper</sup> designatorem, vix Gellium retinet, servorum consiliis utitur, videt, si omnis quos vult palam occiderit, nihilo suam causam difficiliorem quam adhuc sit in iudicio futuram.

3. Itaque ante diem tertium Idus Novembr., cum Sacra via descenderem, insecutus est me cum suis. Clamor, lapides, fustes, gladii, haec improvisa omnia. Discessimus in vestibulum Tetti Damionis. Qui erant mecum facile operas aditu prohibuerunt. Ipse occidi potuit. Sed ego diaeta curare incipio, chirurgiae taedet. Ille omnium vocibus cum se non ad iudicium sed ad supplicium praesens trudi videret, omnis Catilinas Acidinos postea reddidit. Nam Milonis domum, eam quae est in Cermalo, pridie Idus Novembr. expugnare et incendere ita conatus est ut palam hora v. cum scutis homines, eductis gladiis, alios cum accensis facibus adduxerit. Ipse domum P. Sullae pro castris sibi ad eam impugnationem sumpserat. Tum ex Anniana [Milonis] domo Q. Flaccus eduxit viros acris, occidit homines ex omni latrocinio Clodiano notissimos: ipsum cupivit, sed ille se in interiora aedium Sullae. Exin senatus postridie Idus: domi Clodius: egregius Marcellinus:

*designatorem*] 'funeral-marshal.'

*Gellium*] See Sest. 110, Vatin. 4, Har. Resp. 59; Q. Fr. ii. 1, 1 (93). He was a Roman knight, brother of L. Gellius Publicola, who was consul in 682 (72).  
3. *occidi*] sc. by Marcus Antonius: cp. Phil. ii. 21; Mil. 40.

*diaeta curare*] 'to use regimen' as opposed to the violent methods of surgery. *Curare*, 'to use treatment,' is used thus absolutely by Quintilian (ii. 17, 39) *ne medicus quidem an dolorem capitis habeat* (scit), *qui hoc se pati dicet; curabit tamen tanquam id verum sit, et erit ars medicina.*

*reddidit*] 'he made every Catiline seem thenceforth an Acidinus,' i.e. most respectable: see Leg. Agr. ii. 64, and De Orat. ii. 260 *vetus illud quod aiunt Maluginensem illum Scipionem cum ex centuria sua renuntiaret Acidinum consulem praecoque dixisset 'dico de L. Manlio,' 'virum bonum' inquit 'egregiumque civem esse arbitror.'* Cp. *nun potui Ciliciam Aetoliam reddere*, Att. v. 20, 1 (228), quoted by Boot.

*Cermalo*] part of the Palatine Hill near the *Tiber*. This house appears not to be the same as the *Anniana domus* mentioned below.

*P. Sullae*] defended by Cicero in July, 692 (62).

*impugnationem*] ἀπαξ εἰρημένον.

*cupivit*] sc. *occidere*.

*se in interiora aedium*] sc. *recepit*.

*Marcellinus*] was the consul designate. The question was, whether a *senatus consultum* should be passed to put Clodius on his trial for his riots at the site of Cicero's house. Now, if the debate in the senate could be protracted till the election of aediles began, Clodius might be elected aedile (as he in fact was), and thus might elude the trial. So Metellus proceeded to 'talk out the bill' (*calumnia dicendi tempus exemit*). Marcellinus then posted up in public his resolution (which he had carefully written out before moving it, as he judged it important: cp. Sest. 129; Planc. 74; Fam. x. 13, 1), which provided that the trial should include all the riotous conduct of Clodius, and should be held before the elections. Milo gave notice that he would 'watch the heavens' during all the days of the election, and so absolutely prevent the election (and consequent escape) of Clodius. The issue of it was, that the election would have been held, had not Milo stopped it by announcing ominous signs in the sky. See Adn. Crit.

*calumnia*] 'by the artifice of talking out the bill.'

omnes acres. <sup>cos.</sup> Metellus calumnia dicendi tempus exemit adiuvante Appio, etiam hercule familiari tuo, de cuius constantia et virtute tuae verissimae litterae. Sestius furere. Ille postea, si comitia sua non fierent, urbi minari. Milo, proposita Marcellini sententia, quam ille de scripto ita dixerat ut totam nostram causam areae, incendiorum, periculi mei iudicio complecteretur eaque omnia comitiis anteferet, proseripsit se per omnis dies comitalis de caelo servaturum. 4. Contiones turbulentae Metelli, temerariae Appi, furiosissimae Publi. Haec tamen summa: nisi Milo in campo obnuntiasset, comitia futura. Ante diem XII Kal. Decembr. Milo ante mediam noctem cum magna manu in campum venit. Clodius, <sup>obal.</sup> cum haberet fugitivorum delectas copias, in campum ire non est ausus. Milo permansit ad meridiem mirifica hominum laetitia, summa cum gloria: contentio fratrum trium turpis, fracta vis, contemptus furor. Metellus tamen postulat ut sibi postero die in foro obnuntietur: nihil esse quod in campum nocte veniretur: se hora prima in comitio fore. Itaque ante diem XI Kal. in comitium Milo de nocte venit. Metellus cum prima luce furtim in campum itineribus prope deviiis currebat: adsequitur inter lucos hominem Milo, obnuntiat. Ille se recepit, magno et turpi Q. Flacci convicio. Ante diem X. Kal. nundinae: contio biduo nulla. 5. Ante diem VIII. Kal. haec ego scribebam hora noctis nona. Milo campum iam tenebat. Marcellus candidatus ita stertebat ut ego vicinus audirem. Clodi vestibulum vacuum

*familiari tuo*] Apparently Hortensius, whom Atticus had commended in writing to Cicero; *verissimae* is thus ironical. For the reading, see Adn. Crit.

*Ille*] i.e. Clodius.

*Milo*] We have added this name on the suggestion of Wesenberg: for it was Milo, and not Marcellinus, who made use of *obnuntiatio* during the succeeding days.

*proseripsit*] In the previous edition, we had added *nisi anteferet* before *proseripsit*. But it is not necessary. The motion of Marcellinus was not passed on the 14th, owing to the obstructive tactics of Metellus and his assistants; and all the days which followed the 14th to the end of the month were comital days, on which, by the Lex Pupia, it was not lawful to hold the senate. We owe this correction to Mr. Shuckburgh.

4. *fratrum trium*] 'those three kins-

men'; Appius and Clodius were brothers, *fratres germani*; Metellus was their cousin, *frater patruelis*.

*turpis*] is the predicate, 'ended in humiliation.'

*postulat ut*] 'Metellus says Milo must repeat his obstructive tactics in the forum; his ruse of repairing to the Campus Martius by night would avail Milo nought; he (Metellus) would be in the forum at six in the morning.' This was a stratagem on the part of Metellus, who proposed, having diverted Milo's attention to the forum, to hold the election in the Campus, before Milo could obstruct.

*inter lucos*] usually called *inter duos lucos*, a spot between the Capitol and the Campus, where Romulus founded his Asylum, Liv. i. 8, 5.

5. *scribebam*] This and the subsequent *imperfects* are good examples of the epistolary use of this tense.

sane mihi nuntiabatur: pauci pannosi; linea lanterna. Meo consilio omnia illi fieri querebantur, ignari quantum in illo heroe esset animi, quantum etiam consili. Miranda virtus est. Nova quaedam divina mitto. Sed haec summa est: comitia fore non arbitror: reum Publium, nisi ante occisus erit, fore a Milone puto: si se in turba ei iam obtulerit, occisum iri ab ipso Milone video. Non dubitat facere, prae se fert, casum illum nostrum non extimescit. Numquam enim cuiusquam invidi et perfidi consilio est usus nec inertis nobili crediturus. 6. Nos animo dumtaxat vigemus, etiam magis quam cum florebamur: re familiari comminuti sumus. Quinti fratris tamen liberalitati pro facultatibus nostris, ne omnino exhaustus essem, illo recusante subsidiis amicorum respondimus. Quid consili de omni nostro statu capiamus te absente nescimus. Qua re appropera.

*clor.*  
*pannosi*] 'a few ragged roughs: a canvas lantern.' The better lanterns were made of horn; cp. *qui volcanum in cornu conclusum geris*, Plaut. Amph. i. 1, 185 (341). For the nominatives without a verb, cp. § 3 *clamor lapides fustes gladii*. See Adn. Crit.

*heroe*] sc. Milone.

*Nova . . . mitto*] 'I pass over his recent splendid deeds.' So *divinitus* is used in Att. i. 16, 9 (22); ii. 21, 6 (48).

*reum . . . fore a*] a colloquial construction, but not therefore to be suspected in a letter of Cicero: cp. below 149, 5. For another example of abl. of agent after a verbal noun cp. Sest. 122 *declaratio ab universo populo*: Fam. ix. 16, 7 (472) *plaga ab amico*, where see note.

*si se . . . iam*] See Adn. Crit.

*casum illum nostrum*] i. e. exile.

*invidi*] refers specially to Hortensius,

*perfidi* to Pompey, while 'weak aristocrat' is a term generally applicable to Lucullus, Philippus, and the other *piscinariii* who deserted Cicero in his need.

6. *Quinti . . . respondimus*] 'I have repaid the generosity of my brother Quintus by appealing to the aid of my friends, instead of using my own resources, inasmuch as he refuses to accept aid from me personally, lest I should be completely beggared.' So Boot. But we doubt whether Cicero would have used *pro facultatibus* in such a sense. It seems better to render 'I have repaid my brother's generosity (considering the state of my finances) by the assistance of my friends, to prevent my being left absolutely penniless, though he protests.' Perhaps, however, Wesenberg is right in adding *et* before *ne*, putting *ne . . . recusante* in a parenthesis.

Milo

92  
 ROM  
 M. C  
 rente p  
 valuerat  
 1.  
 niter  
 esset  
 frequen  
 festos.  
 Volcan  
 quente  
 Lupus  
 magn  
 1. Au  
 sub]  
 Gram.,  
 accu. at  
 just afte  
 stands  
 mediate  
 casum,  
 passage,  
 by Dr. J  
 p. 420),  
 Sub die  
 holidays  
 the sena  
 especiall  
 The die  
 Saturna  
 P. Ser  
 with Ap  
 M. Lu  
 cullus,  
 Longinu  
 Lepid  
 pidus an  
 suls 688

Wiel. I p. 178

93. TO HIS BROTHER QUINTUS, ON HIS JOURNEY TO  
SARDINIA (Q. FR. II. 1).

ROME, DECEMBER (MIDDLE), A. U. C. 697; B. C. 57; AET. CIC. 49.

M. Cicero Q. fratri tum in Sardinia degenti scribit quid in senatu sit actum referente primum Lupo de lege C. Caesaris, qua agrum Campanum plebi Romanae dividi voluerat, deinde Racilio de iudiciis, utrum ante an post aedilicia comitia habenda sint.

## MARCUS QUINTO FRATRI SAL.

1. Epistulam, quam legisti, mane dederam. Sed fecit humaniter Licinius, quod ad me misso senatu vesperi venit, ut si quid esset actum ad te, si mihi videretur, perscriberem. Senatus fuit frequentior quam putabamus esse posse mense Decembri sub dies festos. Consulares nos fuimus, P. Servilius, M. Lucullus, Lepidus, Volcacijs, Glabrio; duo consules designati; praetores. Sane frequentes fuimus: omnino ad ducentos. Commorat expectationem Lupus. Egit causam agri Campani sane accurate. Auditus est magno silentio. Materiam rei non ignoras. Nihil ex nostris

1. *humaniter*] 'courteously.'

*sub*] According to Mr. Roby (Lat. Gram., § 2129), *sub*, when used with accus. and indicating time, always means *just after*, never *just before*; he understands *sub noctem* always to mean 'immediately on the fall of night'; *sub galli cantum*, 'just after cockerow.' But this passage, with others (for which see note by Dr. Maguire in *Hermathena*, vol. iv., p. 420), shows that Mr. Roby is mistaken. *Sub dies festos* must mean 'just before the holidays,' for if the holidays had begun, the senate could not have been held. Cp. especially Hor. Carm. i. 8, 14; ii. 18, 17. The *dies festi* which approached were the *Saturnalia* and *Opalia*.

*P. Servilius*] Isauricus, cons. 675 (79) with Ap. Claudius Pulcher.

*M. Lucullus*] M. Terentius Varro Lucullus, cons. 681 (73) with C. Cassius Longinus.

*Lepidus, Volcacijs*] M. Aemilius Lepidus and L. Volcacijs Tullus were consuls 688 (66).

*Glabrio*] M'. Acilius, cons. with C. Calpurnius Piso 687 (67).

*praetores*] All the praetors probably were present: hence no names are given. But perhaps Holzapfel is right in reading *praetorii sane frequentes*: *fuimus omnino*, &c. See Adn. Crit.

*frequentes*] That is, it was a full house, considering that it was December, and the eve of a festival. For we read elsewhere of meetings of the senate numbering above 300 and 400 members.

*Lupus*] P. Rutilius. He spoke against Caesar's law, proposed in his consulate, for the division of the Campanian land. This was the point on which the opposition to the Triumvirs directed its chief attack.

*Materiam*] 'you know what fine materials for a speech the proposal about the Campanian land affords; he dwelt on all the measures I took in that matter,' i.e. his action against the bill of P. Servilius Rullus.

actionibus praetermisit. Fuerunt non nulli aculei in Caesarem, contumeliae in Gellium, expostulationes cum absente Pompeio. Causa sero perorata sententias se rogaturum negavit, ne quod onus simultatis nobis imponeret: ex superiorum temporum conviciis et ex praesenti silentio quid senatus sentiret se intellegere. Dixit Milo. Coepit dimittere. Tum Marcellinus: 'Noli,' inquit 'ex taciturnitate nostra, Lupe, quid aut probemus hoc tempore aut improbemus iudicare. Ego, quod ad me attinet itemque arbitror ceteros, ideo taceo quod non existimo, cum Pompeius absit, causam agri Campani agi convenire.' Tum ille se senatum negavit tenere. 2. Racilius surrexit et de iudiciis referre coepit. Marcellinum quidem primum rogavit. Is cum graviter de Clodianis incendiis, trucidationibus, lapidationibus questus esset, sententiam dixit, ut ipse iudices per praetorem urbanum sortiretur, iudicium

*aculei*] 'telling hits' against Caesar. Gellius was a creature of Clodius mentioned in the last letter. Pompey was absent in the execution of his commission to supervise the corn supply. L. and S. wrongly mark this word and its affines, *aculeus*, *aculeatus*. It is really *aculeus*, *aculeatus*, &c.: cp. Plaut. Bacch. 63.

*Milo*] See Addend. to Comm., Note 5.

*Coepit*] sc. Lupus. The formula for dismissing the senate was, *Patres conscripti, nemo vos tenet*, or *nihil vos moramur*. Hence below, *se senatum negavit tenere*. Perhaps we should read *coepit dimittere, cum Marcellinus*.

2. *Racilius*] L. Racilius, a tribune. He was a firm friend of Cicero. We read (Schol. Bob. ad Planc. 77, p. 268, Or.) that Cicero published an invective against Clodius under the title *EDICTUM LUCI RACILI TRIBUNI PLEBI*. He was on Caesar's side in the Civil War. Joining in the conspiracy against Q. Cassius, he was put to death by him (Bell. Alex. 55). *quidem*] 'of course' (Shuckburgh).

*ut ipse . . . sortiretur*] The question as regards this passage is, who is *ipse*? Not Clodius, as Drumann, Schütz, and Billerbeck say, for it was a magistrate who allotted the panels. The natural view to take is that it was Marcellinus. As he was consul elect, he was virtually a magistrate. The panels were usually allotted by the quaestors: cp. Dio Cass. xxxix. 7, 4 *ὅστε γὰρ οἱ ταμίαι, δι' ὧν τὴν ἀποκλήρωσιν τῶν δικαστῶν γενέσθαι ἐχρήθη, ἤρηντο, καὶ ὁ Νέπος ἀπέειπε τῷ στρατηγῷ*

*μηδέμιαν πρὸ τῆς κληρώσεως αὐτῶν δίκην προσέσθαι*. Though this is somewhat out of chronological order where it occurs in Dio Cassius (who places it before the recall of Cicero), it would seem to have reference to the case we are considering: cp. Mommsen, St. R. ii<sup>2</sup>. 572, 1. The aim was that the trials for *vis* should be held before the elections of aediles, so that Clodius, who was accused by Milo of *vis*, but was also a candidate for aedileship, might not, if elected, escape in virtue of his magistracy. But the election of aediles preceded that for quaestors, so that there were no quaestors—the late quaestors having, according to rule, vacated their office on December 5—and a difficulty arose as to who was to allot the panels for the trials. Naturally it should have been the praetor (cp. Att. i. 14, 3 (20)), who was to preside at the trial, and who also had the selection of the *Album iudicum* each year (Cluent. 121). According to Dio, Nepos, the consul, forbade the praetor to make this allotment (cp. Mommsen, *op. cit.* i. 248, 4); while Cicero says that Marcellinus, the consul designate (the consuls, as the year was just at a close, may have departed for their provinces), moved that permission be granted him to put the praetor urbanus in motion to have the panels allotted. The action of Marcellinus would be merely formal, and the possible reason why he asked to have a part in the business was that it might be put in hands without undue delay. We should

sortitione facta comitia haberentur: qui iudicia impedisset, eum contra rem publicam esse facturum. Approbata valde sententia C. Cato contra dixit et C. Cassius maxima acclamatione senatus, cum comitia iudiciis anteferebat. Philippus adsensit Lentulo. 3. Postea Racilius de privatis me primum sententiam rogavit. Multa feci verba de toto furore latrocinioque P. Clodi: tamquam reum accusavi, multis et secundis admurmurationibus cuncti senatus. Orationem meam collaudavit satis multis verbis, non mehercule indiserte, Vetus Antistius: isque iudiciorum causam suscepit antiquissimamque se habiturum dixit. Ibatur in eam sententiam. Tum Clodius rogatus diem dicendo eximere coepit. Furebat a Racilio se contumaciter urbaneque vexatum. Deinde eius operae repente a Graecostasi et gradibus clamorem satis magnum sustulerunt, opinor in Q. Sextilium et amicos Milonis incitatae. Eo metu iniecto repente magna querimonia omnium discessimus. Habes acta unius diei: reliqua, ut arbitror, in mensem Ianuarium

certainly have expected the proposal of a simple motion, directing the praetor to proceed to allotment without the intervention of Marcellinus, so that the suggestion of Manutius, approved by Lambinus and Drumann (ii. 320), *ut ipse iudices praetor urbanus sortiretur* (where *ipse* = without the assistance of the quaestors), would deserve adoption were it not so far from the manuscript tradition. It is adopted by Lange, R. A. iii. 319, who assigns the alteration to Eigenbrod. It is possible that a dittography may have arisen from the similarity of the contractions of *per* and *prae*: and once *per* appeared in the text, the nominative *praetor urbanus* would soon be changed into the accusative.

*C. Cato*] a tribune: cp. Q. Fr. i. 2, 15 (53) and Index.

*C. Cassius*] a tribune, of whom nothing further than what is stated here seems to be known: cp. Drumann-Groebe, ii. 139.

*acclamatione*] 'murmurs': cp. Att. i. 16, 4 (22); *acclamatio* in the sense of 'shouts of approbation' = 'acclamation,' is post-Ciceronian.

*Lentulo*] One of the consuls elect, called above Marcellinus.

3. *Antistius*] another tribune: see Index.

*Ibatur*] See note on Att. i. 19, 9 (25); a *discessio* was being made in favour of this opinion; that is, those who agreed with this view went and stood by Antistius

and the consuls elect. It was thus seen that their views commanded the strongest support in the house; so Clodius again tried to talk out the sitting.

*urbaneque*] C. F. W. Müller follows ed. Rom. in reading *inurbaneque* instead of *urbaneque* of the mss; and we did so too in the former edition. Of course, nothing is more common in the manuscripts of Cicero's Epistles than the omission, or improper insertion, of *in*: see C. F. W. Müller's note on Fam. i. 9, 21, <in> *praestantibus* (= p. 25, 22). But the insertion of it here seems gratuitous. Cicero might say that his good friend Racilius had been insolent to Clodius; but he would hardly say that he had been rude, or uncultivated. And what made Clodius angry was that Racilius treated him with that polished insolence, *περαιδ-εμμένη ὕβρις*, which is, of all treatment, the most cutting and exasperating.

*Graecostasi*] 'the Greek station,' a platform near the *Curia Hostilia* and the *comitium*, where Greek ambassadors (and afterwards ambassadors from other nations) listened to the debates of the senate: cp. Varro, L. L. v. 155 *Sub dextra huius* (i.e. the Rostra) *a Comitio locus substructus ubi nationum subsisterent legati, qui ad senatum essent missi. Is Graecostasis appellatus a parte, ut multa.* The *gradus* referred to are the steps up to the *Curia*.

cor. Jos.

reiciuntur. De tribunis pl. longe optimum Racilius habemus: videtur etiam Antistius amicus nobis fore: nam Plancius totus noster est. Fac, si me amas, ut considerate diligenterque naviges de mense Decembri.

94. TO M. FADIUS GALLUS (FAM. VII. 26). *Wiel. II. p. 183*

TUSCULANUM, A. U. C. 697 (?); B. C. 57 (?); AET. CIC. 49 (?).

M. Cicero narrat Gallo herbas in augurali cena suaviter conditas et a se avidius comesas sibi morbum attulisse.

## CICERO S. D. GALLO.

1. Cum decimum iam diem graviter ex intestinis laborarem neque iis qui mea opera uti volebant me probarem non valere, quia febrim non haberem, fugi in Tusculanum, cum quidem biduum ita ieiunus fuisset ut ne aquam quidem gustarem. Itaque confectus languore et fame magis tuum officium desideravi quam a te requiri putavi meum. Ego autem quom omnis morbos reformido, tum, in quo Epicurum tuum Stoici male accipiunt, quia dicat *στραγγουρικὰ καὶ δυσεντερικὰ πάθη* sibi molesta esse, quorum alterum morbum edacitatis esse putant, alterum etiam turpioris intemperantiae. Sane *δυσεντερίαν* pertimueram. Sed visa est mihi vel loci mutatio vel animi etiam relaxatio vel ipsa fortasse iam senescentis morbi remissio profuisse. 2. Ac tamen, ne mirere unde

*reiciuntur*] 'will be put off to.'

*Plancius*] quaestor of Macedonia, who had so warmly befriended Cicero during his exile.

*de mense Decembri*] 'now that December has set in': cp. *de die, de nocte, de principio*. This letter was written in the expectation that it would reach Quintus before he embarked for Sardinia, whither he was going as legatus of Pompey. The opening words of the letter show that Quintus was not very far away; perhaps he was at Ostia.

1. *male accipiunt*] 'misconstrue' or 'handle roughly': both explanations suit the expression and the sense.

*tuum*] Gallus was an Epicurean.

*alterum*] The first *alterum* (= the latter) refers to *δυσεντερικὰ πάθη* (dysen-

tery); the second *alterum* (= the former) refers to *στραγγουρικὰ πάθη* (strangury), which was supposed to be the result of sexual incontinence. This passage is generally misunderstood, because it is taken for granted that the first *alterum* must mean 'the former'; but this is not so. See 114, 1, where the first *alterum* is explicitly 'the latter,' the second *alterum* = 'the former'; the meaning of that passage being: 'You say you are much obliged by my regularity as a correspondent and by my affection for you; the latter, my affection, is a bounden duty on my part; the former, my regularity in correspondence, is a pleasure.' Dr. Reid refers to the letter of Epicurus preserved by Diog. Laert. x. 22. Cicero translates part of it in Fin. ii. 96.

hoc acciderit quo modove commiserim, lex sumptuaria, quae videtur λιτότητα attulisse, ea mihi fraudi fuit. Nam dum volunt isti lauti terra nata quae lege excepta sunt in honorem adducere, fungos, helvellas, herbas omnis ita condiunt ut nihil possit esse suavius. In eas cum incidissem in cena augurali apud Lentulum, tanta me διάρροια adripuit ut hodie primum videatur coepisse consistere.

2. *commiserim*] ‘And strange to say, in case you should wonder how this came about, and how I incurred this ailment, it was the sumptuary law, which you would think was for plain living, that played me false. For our *bon vivants*, wishing to popularise the fruits of the earth which are not under the ban of the sumptuary law, cook mushrooms, potherbs, and every kind of vegetable, in the most charming way in the world.’ The law which would seem to be referred to is either the Lex Aemilia of 639 (115), as in it the *kind* of food to be eaten was specified: cp. Gell. ii. 24, 12 *Praeter has leges Aemilianam quoque legem invenimus, qua lege non sumptus cenarum sed ciborum genus et modus praefinitus est*; or the Lex Licinia of 699 (55), which, while fixing a certain limit to the amount of flesh or fish one might eat each day (*ib.* § 7), *quidquid esset tamen e terra vite arbore promisce atque indefinite largita est*. If the latter is the law referred to, we must of course put this letter two years at least later. O. E. Schmidt and Rauschen consider that the sumptuary law was that of Caesar (cp. Lange, R. A. iii. 450) passed in 708 (46), as Cicero’s words, *quae videntur λιτότητα attulisse*, would seem to point to an enactment of recent date, and in 697 (57) Cicero’s Tusculanum was in ruins. To the latter we may reply that towards the end of 697 (57) it may have been somewhat restored, as money had certainly been voted for that purpose in October (91, 5); and we know that Cicero was not disturbed by living in the midst of workmen (123, 3). And if we place the date later than 697 (57) we have to suppose some other Lentulus was made augur. But the question is almost impossible to decide definitely. It is to be confessed that most scholars place the letter in 708 (46): cp. O. E. Schmidt, *Der Briefwechsel*, p. 261.

λιτότητα] ‘a plain diet’; the Greek word is appropriate to hygienic matters; λιτός is precisely the appropriate word for a plain, simple diet. It was a knowledge of this fact which led Bentley to what

may be held to be the best conjecture ever made. An epigram of Callimachus begins thus:—

τὴν ἀλίην Εὐδήμος ἐφ’ ἧς ἄλα λιτὸν ἐπελθὼν  
χειμῶνας μεγάλων ἐξέφυγεν δανείων.

The old editors changed δανείων to Δαναῶν, and took the epigram to mean, ‘Eudemus dedicates this ship on which, having crossed a smooth sea, he escaped from great storms of the Danaï.’ But ἀλίη is not a ship. What are ‘storms of the Danaï’? and if there were storms, how came it that the sea was smooth? Bentley saw the right answer to these questions: ἀλίη is a saltcellar, δανείων is sound and means ‘money borrowed from usurers’; the corrupt word is ἐπελθὼν, which should be corrected to ἐπέσθων. Eudemus saved himself from debt by a life of frugality, and at his death dedicates ‘the saltcellar which held the frugal grain of salt, which was the only relish to his bread, and which saved him from the storms of a sea of debts.’

Lentulum] P. Cornelius Lentulus Spinther was the son of the consul for this year 697 (57) of the same name, who was active in the restoration of Cicero, and was afterwards pro-consul of Cilicia 698 (56). Lentulus, the son, was made augur this year, whence the date of this letter is inferred (cp. Sest. 144). He was adopted by Manlius Torquatus into the Manlian gens, so that he might become eligible for the augurate, though it was forbidden by law that there should be two augurs of the same gens (Dio Cass. xxxix. 17, 1). Now, one of the existing augurs was Faustus Cornelius, son of the dictator Sulla. Hence by his adoption he eluded this statute. The Latin phrase for ‘to elude a law’ is *fraudem facere legi*. Hence, in the words *fraudem fecit* above, there is, perhaps, a satirical allusion to the host at whose table Cicero incurred his ailment. The Aemilian law played him false, as his host had played false with another statute.

consistere] ‘to stop’; the word is used

Ita ego qui me ostreis et murenis facile abstinebam a beta et a malva deceptus sum. Posthac igitur erimus cautiore. Tu tamen cum audisses ab Anicio—vidit enim me nauseantem—non modo mittendi causam iustam habuisti sed etiam visendi. Ego hic cogito commorari, quoad me reficiam: nam et viris et corpus amisi. Sed, si morbum depulero, facile, ut spero, illa revocabo.

in a slightly different sense, though applied to a disease, in Cels. iii. 2 *videndum an morbus increseat an consistat an minuatur*, where *consistat* means 'remains unchanged.'

*a beta et a malva*] Dr. Reid notices that the preposition shows that there is a humorous personification 'entrapped by Mr. Beet and Mr. Mallow.' It is, per-

haps, as we might say, 'the confounded beet and mallow got the better of me'—thus indirectly regarding them as agents.'

*audisses*] sc. *me aegrotum esse*. Cp. *cum ita me adflictum videas ut neminem unquam nec videris nec audieris*, Att. iii. 13, 2 (610).

*illa*] sc. *et viris et corpus*. 'I shall soon regain my flesh and strength.'

COSS

THE

Quint

the in

to res

Clodiu

Febru

these

in los

party

trial

(105,

S

he w

Pre

hosti

mus)

in V

spok

Caes

the e

is ca

the

to y

noth