

Universitätsbibliothek Wuppertal

The correspondence of M. Tullius Cicero

arranged according to its chronological order

Cicero, Marcus Tullius

Dublin, 1906

Letters of the seventeenth year of Cicero's correspondence, epp. 179-182

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 SEVENTEENTH YEAR OF CICERO'S *a. 52*
CORRESPONDENCE.

EPP. CLXXIX.-CLXXXII.

A. U. C. 702; B. C. 52; AET. CIC. 54.

COSS. CN. POMPEIUS MAGNUS AND (FOR THE LAST FIVE MONTHS)
Q. METELLUS SCIPIO.

THIS year began with much rioting and severe collisions between the partisans of P. Plautius Hypsæus, T. Annius Milo, and Q. Metellus Scipio, the candidates for consulship. Clodius, who sought the praetorship, was murdered near Bovillae, on the Appian Way, on January 17 or 18. Shortly after Pompey was appointed sole consul. He associated with himself, as colleague, for the last five months of his consulship, Q. Metellus Scipio, whose daughter Cornelia he had just married. Cicero defended Milo *de vi*, but failed to procure his acquittal. He, however, succeeded in procuring the condemnation of T. Munatius Plancus Bursa, a supporter of Clodius, and the acquittal of M. Scafeius, who had taken a leading part on Milo's side in the *pugna Bovillana*, as Cicero calls the fray which ended in the death of Clodius. The letters of this year are few and unimportant. To it are ascribed the treatise *De optimo genere oratorum*, and the inception of the *De Legibus*.

CLXXIX. TO P. SITTIUS (FAM. V. 17).

A. U. C. 702 ; B. C. 52 ; AET. CIC. 54.

M. Cicero P. Sittium exultantem, excusata litterarum tarditate, consolatur hortaturque ut magno animo vitae suae acerbitatem ferat varia solandi argumenta adhibens.

M. CICERO S. D. P. SITTIUS P. F.

1. Non oblivione amicitiae nostrae neque intermissione consuetudinis meae superioribus temporibus ad te nullas litteras misi, sed quod priora tempora in ruinis rei publicae nostrisque iacuerunt, posteriora autem me a scribendo tuis iniustissimis atque acerbissimis incommodis retardarunt. Cum vero et intervallum iam satis

SITTIUS] Much uncertainty surrounds not only the date of this letter, but the name of the friend to whom it is addressed, the mss varying between Sittius, Titius, and Sestius. But Sittius is almost certainly right. We cannot do better than quote Dr. Reid's (Introd. to his ed. of the *Pro Sulla*, § 16) account of him:—'P. Sittius had a remarkable career. He belonged to Nuceria in Campania, and was a Roman knight. Being deeply involved in debt, he favoured for a time the designs of Catiline; but unlike most of the conspirators, who clung desperately to their *possessions*, he suddenly empowered P. Sulla to sell his landed property, paid his debts, and left Rome for Spain (Sull. 56). It was suspected that he had gone there at Sulla's instigation to further Catiline's designs; but his actions lent no support to the suspicion. He had large business transactions in Spain, which had taken him there on a previous occasion. Moreover he left Italy before Catiline began to make active preparations for a rising. From Spain he went to Mauretania, and, returning to Rome after Catiline's insurrection was suppressed, found himself threatened with a prosecution on account of his connexion with the conspiracy [*δικην ἰδίαν οὐχ ὑποσπράς* is what Appian iv. 54 says]. He left Italy with a

military contingent, which he reinforced in Spain; and, passing into Mauretania, played the part of king-maker there for eighteen years. During the war in Africa between Caesar and the Pompeians, he espoused Caesar's cause, and materially aided the victorious party. For his services Caesar gave him a kingdom in Africa, in which he settled his followers; but soon after Caesar's death he succumbed to the treachery of an African prince. (Dio Cass. xliii. 3–12; Bell. Afr. 25, 48, 93, 95; Appian iv. 56.)'

There is nothing in the letter inconsistent with the belief that it was written this year (to which Wesenberg assigns it) if *recenti adventu meo* be interpreted (§ 2) 'just after my return,' 'when my return was still fresh.' Körner, however, relying (it would seem) on these words, attributes it to 697 (57).

1. *superioribus temporibus*] *Prima tempora* refers to the consulship of L. Piso and A. Gabinius, when Cicero was sent into exile: *posteriora tempora* to the more recent incidents of the unpopularity and ultimate condemnation of Sittius; both form parts of the *superiora tempora*, which include the whole period from Cicero's exile to the present time, corresponding pretty well to our phrase, 'of late years.'

iacuerunt] This is a strange verb to

longum fuisset et tuam virtutem animique magnitudinem diligentius essem mecum recordatus, non putavi esse alienum institutis meis haec ad te scribere. 2. Ego te, P. Sitti, et primis temporibus illis quibus in invidiam absens et in crimen vocabare defendi, et, cum in tui familiarissimi iudicio ac periculo tuum crimen coniungeretur, ut potui accuratissime te tuamque causam tutatus sum, et proxime, recenti adventu meo, cum rem aliter institutam offendissem ac mihi placuisset, si aduissem, tamen nulla re saluti tuae defui; cumque eo tempore invidia annonae, inimici non solum tui verum etiam amicorum tuorum, iniquitas totius iudicii multaque alia rei publicae vitia plus quam causa ipsa veritasque valuisent, Publio tuo neque opera neque consilio neque labore neque gratia neque testimonio defui. 3. Quam ob rem omnibus officiis amicitiae diligenter a me sancteque servatis ne hoc quidem praetermittendum esse duxi te ut hortarer rogaremque ut et hominem te et virum esse meminisses, id est, ut et communem incertumque casum quem neque vitare quisquam nostrum nec praestare ullo pacto potest sapienter ferres et dolori fortiter ac fortunae resisteres cogitaresque et in nostra civitate et in ceteris quae rerum potitae sunt multis fortissimis atque optimis viris iniustus iudiciis tales casus incidisse. Illud utinam ne vere scriberem, ea te re publica carere in qua neminem prudentem hominem res ulla delectet! 4. De tuo autem filio vereor ne, si nihil ad te scripserim,

have *priora tempora* for a subject. What he means is, that in the early period he was withheld from writing by the desperate condition of the State and of his own private affairs, while in the later period he was discouraged from writing by reason of the troubles of his friend. What he says is: 'The earlier period was involved in the downfall of the State and of myself; the later withheld me from writing by your troubles.' Possibly we might suggest *tacuerunt* for *iacuerunt*, comparing *tempus . . . multum a litteris*, Att. viii. 14, 1 (349).

2. *familiarissimi*] i.e. P. Sulla.
recenti adventu meo] 'when my return was recent'; that is, 'just after my return.' For this ablative, see on 131, 4.

inimici] 'those who were the enemies not only of you, but of your friends.'

3. *hominem te et virum*] This passage admirably illustrates the distinction be-

tween *homo* and *vir* commented on above, 132, 4.

praestare] 'to be responsible for,' 'vouch for,' 'answer for.' Cicero means that we cannot vouch for the chances and changes of this life; that is, we cannot be sure that chances and changes will not occur. Just in the same way we find in Fam. vi. 1, 4 (538) *simus ea mente ut nihil in vita nobis praestandum praeter culpam putemus*, 'let us feel that we can only vouch for guilt'; that is 'we can only undertake to keep clear of going wrong ourselves; for the rest, anything may happen.' So *cum id quod ab homine non potuerit praestari evenerit*, 'the absence of which no one could vouch for,' Tusc. iii. 34; *impetus populi . . . quos praestare nemo posset*, De Or. ii. 124. We find *praestare periculum* in Muren. 3, and in Caes. B. C. iii. 17, 5 *praestare periculum eorum*.

delectet] subjunctive, because the verb

debitum eius virtuti videar testimonium non dedisse, sin autem omnia quae sentio perscripserim, ne refricem meis litteris desiderium ac dolorem tuum. Sed tamen prudentissime facies, si illius pietatem, virtutem, industriam, ubicumque eris, tuam esse, tecum esse duces: nec enim minus nostra sunt quae animo complectimur quam quae oculis intuemur. 5. Quam ob rem et illius eximia virtus summusque in te amor magnae tibi consolationi debet esse et nos ceterique qui te non ex fortuna sed ex virtute tua pendimus semperque pendemus et maxime animi tui conscientia, cum tibi nihil merito accidisse reputabis et illud adiunges, homines sapientis turpitudine non casu, et delicto suo non aliorum iniuria, commoveri. Ego et memoria nostrae veteris amicitiae et virtute atque observantia filii tui monitus nullo loco deero neque ad consolandam neque ad levandam fortunam tuam. Tu si quid ad me forte scripseris, perficiam ne te frustra scripsisse arbitrere.

describes the state of public affairs—'a state of such a kind that no single feature in it can give pleasure to a judicious observer.'

4. *non dedisse*] So Lambinus. The mss give *non cepisse*, but the first hand of G has *non accepisse*. This may possibly be right: 'If I do not speak of your son, you may perhaps consider that I have not been willing to accept as true the favourable reports about him.' C. F. W. Müller wishes to read *intercepisse* for *non cepisse*, 'to have stolen from him,' 'to have deprived him of.'

tecum esse duces] 'regard as being with you.'

quae . . . intuemur] 'the objects of the mind are as much a possession to us as the objects of the senses.'

5. *nos ceterique*] 'we and your other friends, who value you for your real worth, not for your worldly position,' ought to be to you a great source of consolation.

maxime] vulg. *maximae*, which would agree with *consolationi*, understood, the construction being *et maximae* (*consolationi debet esse tui conscientia*).

consolandam . . . fortunam] 'to soothe.' *Consolari* is often applied to things, as here; 105, 6; Mil. 97.

pro
du
am
qu
cog
ter
plu
der
atu
2.
neo
ma
viv
pre

T.
(58)
4, 3
iii. 2
for C
to C
sen.
ment
lette
1.
expr
there
phra
whic
sion
colleg
on
nor
are s
at 12

180. TO T. FADIUS (FAM. V. 18).

A. U. C. 702; B. C. 52; AET. CIC. 54.

M. Cicero T. Fadium, qui quaestor et tribunus pl. fuerat, exulantem consolatur.

M. CICERO S. D. T. FADIO.

1. Etsi egomet qui te consolari cupio consolandus ipse sum, propterea quod nullam rem gravius iam diu tuli quam incommodum tuum, tamen te magno opere non hortor solum sed etiam pro amore nostro rogo atque oro te colligas virumque te praebeas et qua condicione omnes homines et quibus temporibus nos nati simus cogites. Plus tibi virtus tua dedit quam fortuna abstulit, propterea quod adeptus es quod non multi homines novi, amisisti quae plurimi homines nobilissimi. Ea denique videtur condicio impendere legum, iudiciorum, temporum, ut optime actum cum eo videatur esse qui quam levissima poena ab hac re publica discesserit.

2. Tu vero, qui et fortunas et liberos habeas et nos ceterosque necessitudine et benevolentia tecum coniunctissimos, quomque magnam facultatem sis habiturus nobiscum et cum omnibus tuis vivendi, et cum *tuum* unum sit iudicium ex tam multis quod reprehendatur, ut quod una sententia eaque dubia potentiae alicuius

T. Fadio] T. Fadius was tribune 696 (58), as may be learned from Q. Fr. i. 4, 3 (72): he is mentioned again in Att. iii. 23, 4 (83), in connexion with a *lex* for Cicero's restoration. He was quaestor to Cicero in his consulship, Post red. in sen. 21. He had now incurred the punishment of exile. Cicero consoles him in a letter very like the last.

1. *te colligas*] This is very like our expression 'pull yourself together': but there is no reason to think that the Latin phrase was tainted with the vulgarism which hangs round the English expression which we have compared. Cp. *collegi me aliquando*, Cluent. 51.

omnes homines] sc. *nati sint*.

non multi homines novi] These words are supplied from this passage by Schwarz at 12, 3.

levissima] The conditions of the exile of Fadius permitted him to live in Italy, and often see his family. *Sis habiturus*, § 2, shows that his immediate restoration was expected.

2. *alicuius*] Pompey. The casting vote against Fadius was *dubia*, 'wavering,' and was supposed to be a concession to the domination of Pompey. The construction is: *cum tuum unum sit iudicium . . . quod reprehendatur ut quod . . . existimetur*, 'since yours is the only one of the many recent trials which is criticised, as being believed to be a sacrifice to the power of an individual, carried, too, by only a single vote.' Mr. Shuckburgh notices that *potentia* here means 'constitutional power' in opposition to *auctoritas*, 'legitimate influence.'

condonatum existimetur, omnibus his de causis debes istam molestiam quam lenissime ferre. Meus animus erit in te liberosque tuos semper quem tu esse vis et qui esse debet.

181. TO APPIUS CLAUDIUS PULCHER

(FAM. III. 1).

A. U. C. 702; B. C. 52; AET. CIC. 54.

Appio Ciliciae procos. litterarum brevitatem excusat M. Cicero eo, quod dicit Phanium libertum omnia et de se et de re publ. accurate enarraturum esse, quem non minus quam alterum libertum Appii Cilicem collaudat. Denique L. Valerium iure consultum lepide commendat.

CICERO APPIO IMP. S. D.

1. Si ipsa res publica tibi narrare posset quo modo sese haberet, non facilius ex ea cognoscere posses quam ex liberto tuo Phania: ita est homo non modo prudens, verum etiam quod iuvet curiosus. Quapropter ille tibi omnia explanabit: id enim mihi et ad brevitatem est aptius et ad reliquas res providentius. De mea autem benevolentia erga te, etsi potes ex eodem Phania cognoscere, tamen videntur etiam aliquae meae partes. Sic enim tibi persuade, carissimum te mihi esse cum propter multas suavitates ingeni, officii, humanitatis tuae tum quod ex tuis litteris et ex multorum sermonibus intellego omnia quae a me profecta sunt in te tibi accidisse gratissima. Quod cum ita sit, perficiam profecto ut longi temporis usuram, qua caruimus intermissa nostra consuetudine, et gratia et crebritate et

[Appio] Appius Claudius Pulcher, brother of Cicero's enemy, P. Clodius, had been consul two years before this, and now held as proconsul the governorship of Cilicia, in which he was to be succeeded by Cicero.

1. *quod iuvet curiosus*] 'agreeably inquisitive.' *Curiosus*, without the qualifying words, would be depreciatory.

providentius] more consistent with the warmth which Cicero feels he must use in discussing public affairs.

aliquae meae partes] 'It seems to me

that this is a duty in which I, too, must share; for you must know that I regard you with the greatest affection.' There is no reason at all for changing *enim* to *ergo*; for *enim* explains why Cicero will not leave altogether to Phania the task of conveying his good wishes to Appius. These do not seem to be very sincere, when we read the letters of Cicero to Atticus from his province, and note the tone in which he speaks of his predecessor. *intermissa*] by reason of the enmity between Cicero and P. Clodius.

magnitudine officiorum meorum sarciam: idque me, quoniam tu ita vis, puto non invita Minerva esse facturum: quam quidem ego, si forte de tuis sumpsero, non solum Παλλάδα sed etiam Ἀππιάδα nominabo. 2. Cilix libertus tuus antea mihi minus fuit notus, sed ut mihi reddidit a te litteras plenas et amoris et officii, mirifice ipse suo sermone subsecutus est humanitatem litterarum tuarum. Lucunda mihi eius oratio fuit, cum de animo tuo, de sermonibus quos de me haberes cotidie, mihi narraret. Quid quaeris? Biduo factus est mihi familiaris, ita tamen ut Phanium valde sim desideraturus: quem cum Romam remittes, quod, ut putabamus, celeriter eras facturum, omnibus ei de rebus quas agi, quas curari a me voles, mandata des velim. 3. L. Valerium, iure consultum, valde tibi commendo, sed ita etiam si non est iure consultus. Melius enim ei cavere volo quam ipse aliis solet. Valde hominem

sarciam] 'I will make amends for all that lost time': literally, 'I will make good the enjoyment of the time.' In the xii. Tables *sarcito* is explained as *damnum solvito, praestato*, 'make good the loss of,' Fest. p. 322. The word is used with *iniuriam*, Phil. ix. 8; cp. *studium infamiae sarcindae*, Caes. B. C. iii. 74; *aliis te rebus exsarturum esse persuadeas*, xii. 45.

invita Minerva] Cp. *crassa Minerva, pingui Minerva*. *Minerva*, the goddess of the mental powers and feelings, is put for them by metonymy, as *Ceres* for corn, *Bacchus* for wine, &c. See Cic. Off. 110, for his explanation of *invita Minerva*, as meaning *adversante et repugnante natura*.

We may perhaps assume that Cicero proposed to buy a statue of Pallas from Appius, or perhaps expected such a present from him. If this were so, having used the common phrase *invita Minerva*, 'against the grain,' he would go on to play on the word *Minerva*, adding, 'if I get a Minerva from your collection, I will call her not only *Pallas*, but (as a gift of yours) *Pallas Appias*.' He would add a specializing epithet to the goddess indicating the donor. *Appias* is the name of the nymph of the fountain *Aqua Appia* (Ov. R. A. 660); and her statues are called *Appiades* (Ov. A. A. iii. 452): but there cannot be any reference to this signification here. Appius was a well-known patron of the arts, and had perhaps promised Cicero a Minerva for his trouble.

Billerbeck thinks that Appius had asked Cicero to do him the honour of dedicating some work to him, as a return for the compliment he, Appius, had paid Cicero, in dedicating to him his *liber auguralis*, a treatise on the augural discipline. Cicero says he will do this 'with all his heart,' *non invita Minerva*; and that if he selects for the work to be dedicated to Appius the subject which Appius had himself treated (having possibly in mind his *De Divinatione*, which, however, did not appear till some years after the death of Appius), then his *Minerva* (*Pallas*) will be *Pallas Appias*, 'an Appian good will.' This is too laboured a pleasantry.

It may be that there is an allusion to the statue of *Minerva*, which Cicero dedicated on the temple of the Capitoline Jupiter, just before he left Rome an exile: cp. De Leg. ii. 42; Plut. Cic. 31. This might easily have got into the hands of the Claudian family, as Clodius certainly did not spare the property of his exiled enemy. Cicero may have had hopes of getting this statue back.

2. *subsecutus est*] 'seconded.'

3. *ita etiam si non est*] 'without, however, pledging myself for his knowledge of law.' Cicero recommends Valerius the more heartily if not regarded in his capacity of lawyer; then follows the usual pun on *cavere*. Cicero has already made jokes in a disparaging strain of Valerius as a lawyer: cp. 162.

diligo: est ex meis domesticis atque intimis familiaribus. Omnino tibi agit gratias: sed idem scribit meas litteras maximum apud te pondus habituras. Id eum ne fallat te etiam atque etiam rogo.

182. TO M. MARIUS (FAM. VII. 2).

ROME; MAY OR JUNE; A. U. C. 702; B. C. 52; AET. CIC. 54.

M. Cicero M. Mario emptionis negotium ab illo sibi mandatum multum iocans diligenter se curaturum significat. Accipit Marii gratulationem de Planco Bursa sua opera condemnato.

M. CICERO S. D. M. MARIO.

1. Mandatum tuum curabo diligenter. Sed homo acutus ei mandasti potissimum cui expediret illud venire quam plurimo. Sed *in* eo vidisti multum, quod praefinisti quo ne pluris emerem. Quod si mihi permisisses, qui meus amor in te est, confecissem cum coheredibus: nunc quoniam tuum pretium novi, illicitatorem

On the vexed question of the date of the trial of Pompeius Rufus and of Bursa (and thus incidentally the date of this letter), see Mr. A. C. Clark's valuable discussion in the Second Appendix to his ed. of the *Pro Milone*, pp. 129 ff. He thinks it occurred in May or June. He says (p. 132), 'In the general anarchy which prevailed at this period the election of tribunes had become dislocated, and the college of tribunes to which Rufus and Plancus belonged came into office early in 53 B.C., and went out of it at the corresponding time in 52.' A careful reading of Dio Cass. xl. 45 will prove (as Mr. Clark has shown, p. 131) that Pompeius Rufus was in office in the middle of 53: and he certainly was in office at the beginning of 52. So that Mr. Clark's view is very probable, even though intercalation (§ 4, below) was usually applied in February, and the tribunes usually went out of office on December 10. O. E. Schmidt (*Der Briefwechsel*, p. 71) adopts the view that the trial did not take place until the beginning of 703 (51). But if so (as

Mr. Clark, p. 130, shows), we shall have to suppose that Dio Cassius was writing very carelessly when he says (xl. 55), ὃ τε οὖν Μίλων οὕτως ἐάλω καὶ ὁ Ροῦφος ὃ τε Πλάγκος, ἐπειδὴ πρῶτον ἐκ τῆς ἀρχῆς ἐξῆλθον, ἄλλοι τε σὺν αὐτοῖς συγχροί; if he meant to indicate that Milo was tried in April, the συγχροί after him, and the tribunes in the January of the next year. The chief difficulty we feel in the matter is that we should probably have heard more about it, if such an unusual event happened in 53 as that the plebeians were for some time without tribunes. In a very doubtful matter we follow Mr. Clark.

1. *homo acutus*] Marius had asked Cicero to make some purchase for him, probably some work of art, at a sale of the goods of some deceased patron of the arts. But Cicero had been left one of the heirs of this person, so he says to Marius (ironically), 'You were a sharp fellow to entrust the purchase to one whose interest it was that the sale should realise as much as possible. However, you were very knowing [ironically again]

potius ponam quam illud minoris veneat. Sed de ioco satis est. 2. Tuum negotium agam, sicuti debeo, diligenter. De Bursa te gaudere certo scio, sed nimis verecunde mihi gratularis. Putas enim, ut scribis, propter hominis sordis minus me magnam illam laetitiam putare. Credas mihi velim magis me iudicio hoc quam morte inimici laetatum. Primum enim iudicio malo quam gladio, deinde gloria potius amici quam calamitate: in primisque me delectavit tantum studium bonorum in me exstitisse contra incredibilem contentionem clarissimi et potentissimi viri. 3. Postremo—vix veri simile fortasse videatur—oderam multo peius hunc quam illum ipsum Clodium. Illum enim oppugnaram, hunc defenderam. Et ille, cum omnis res publica in meo capite discrimen esset habitura, magnum quiddam spectavit, nec sua sponte, sed eorum auxilio qui me stante stare non poterant: hic simiolus animi causa me in quem inveheretur delegerat persuaseratque non nullis invidis meis se in me emissarium semper fore. Quam ob rem valde iubeo gaudere te: magna res gesta est. Numquam ulli fortiores cives

in fixing a price which I must not exceed. Now, if you had given me *carte blanche*, I should, in consideration of my regard for you, have made an arrangement with my co-heirs [to make the purchase on the most favourable terms for Marius]: under the present circumstances, as I know your price, I will put up a sham bidder, to raise the price, rather than let it go below the sum named by you.'

2. *Bursa*] T. Munatius Plancus Bursa had been tribune the year before. He had distinguished himself as ringleader in the riots which followed the death of Clodius and ended in the burning of the *Curia Hostilia*. On the expiration of his office, Cicero prosecuted him *de vi*, and secured his condemnation, in spite of the influence of Pompey, exerted in his behalf. This was one of the few cases in which Cicero acted as prosecutor.

nimis verecunde] 'you are too moderate in your congratulations, supposing that I undervalue my triumph because he is such a low fellow.'

inimici] Clodius, recently slain by the followers of Milo at Bovillae on the Appian Way.

iudicio malo quam gladio] 'I would rather [owe the fall of a foe] to a public trial than the sword of a private enemy, and have it attended by the triumph of

a friend, rather than his exile': *gloria*, *calamitate*, are *ablativi modi*: see on 131, 4; *iudicio* and *gladio* may be regarded either as *ablativi modi*, or *instrumenti*. Whereas the death of Clodius was brought about by the sword, and with the result of the exile of Milo, this triumph was accomplished in due form of law, and scored a victory for Milo over his unrelenting foe, Bursa. See Adn. Crit.

clarissimi] Pompey.
3. *oderam multo peius*] Cp. *odi male*, very common in the comic drama. Is it not just possible that *male* should be taken with *odi*, not *consularem*, in Att. ii. 1, 5 (27)?

magnum quiddam spectavit] 'he aimed at a big thing,' to overthrow Cicero, even at the peril of the whole State—these are generous words about a fallen foe.

simiolus] 'This ape, just to amuse himself, chose me as the object of his attacks, and persuaded some of my ill-wishers that he would always be ready to be let slip at me.' *Emissarius*, which generally means 'a spy,' 'scout,' here and in Fam. viii. 8, 3 (223) bears a different signification, such as is given above. Wieland (iii. p. 65) understands *emissarius* in the way which we prefer; his words are *sie würden ihn, so oft es ihnen beliebte, auf mich anhetzen können*.

fuertur quam qui ausi sunt eum contra tantas opes eius a quo ipsi lecti iudices erant condemnare. Quod fecissent numquam, nisi iis dolori meus fuisset dolor. 4. Nos hic in multitudine et celebritate iudiciorum et novis legibus ita distinemur ut cotidie vota faciamus ne intercaletur, ut quam primum te videre possimus.

a quo ipsi lecti] No doubt Pompey selected the panel in this trial in the same way as he did in the trial of Milo, when he named from the senate, *equites*, and *tribuni aerarii* 300 jurymen, from whom 81 were then chosen by lot; the prosecutor and the accused were then allowed to challenge five jurors each from each of the orders, which left a panel of 51 to try the case.

4. *celebritate*] 'the crowds which through the court.'
novis legibus] 'the new procedure,' introduced by Pompey: cp. Mommsen, R. H. iv, p. 225 (ed. 1871).
ne intercaletur]. If the intercalary day were now inserted by the pontifical college, it would put off the holidays in which Cicero hoped to visit Marius.

T
 taken
 quint
 quini
 when
 at All
 in Ro
 a. d.
 Weser
 spires
 28th,
 to Ma
 So
 he pro
 hard t
 (10 f
 Naples
 had a
 Pompe
 Naples
 9, 2—
 Per
 9, 1 w
 April
 „ 2
 „ 2
 „ 2
 „ 2