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CINNA AND HIS TIMES

A Critical and Interpretative Study of Roman
History During the Period 87-84 B.C.

A DISSERTATION

SUBMITTED TO THE FACULTY
OF THE GRADUATE SCHOOL OF ARTS AND LITERATURE
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

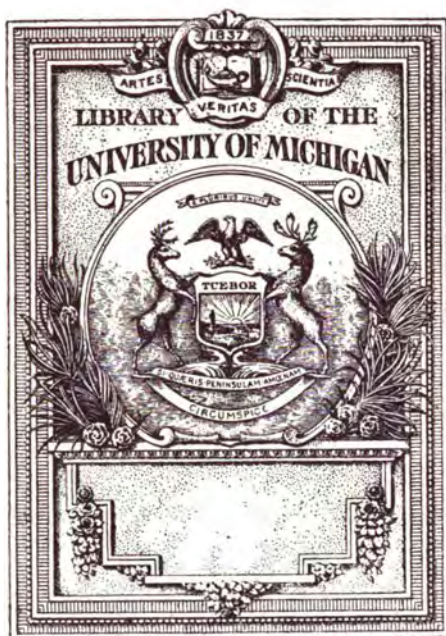
DEPARTMENT OF LATIN

BY

HAROLD BENNETT

Professor of Latin Language and Literature
Lebanon Valley College

The Collegiate Press
GEORGE BANTA PUBLISHING COMPANY
MENASHA, WIS.
1933



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PREFACE

By arrangement with the University of Chicago, I am publishing in the following pages a part of my doctoral dissertation, which was submitted to the faculty of that institution in August, 1921. Besides the four chapters now published, the dissertation contains also an appendix on *The Enfranchisement of Italy*, in which are discussed the Julian and Plautio-Papirian franchise laws, also the vexed questions of the distribution of the Italian citizens into the tribes. It is not my present intention to publish the latter, but in compliance with the regulations, type-written copies of the complete dissertation have been filed in the University of Chicago libraries.

My whole dissertation was prepared under the supervision of Professor Elmer Truesdell Merrill, of the University of Chicago, to whom I take this opportunity of expressing my deep appreciation and sincere gratitude for his wise instruction and scholarly criticism. The conclusions reached in the following pages are my own. I do not know to what extent Professor Merrill accepts them, for in conferences over my manuscript he always professed himself an "advocatus diaboli," and presented for my consideration all the possible arguments against my case. His fine scholarship and penetrating criticism recalled me from many premature judgments, and often saved me from vain efforts to entrench myself in an indefensible position.

I wish to acknowledge also the kindness of other members of the classical faculty of the University of Chicago, who gave generously of their time and scholarship for the discussion of various questions falling within their special fields of interest.

The form of the dissertation is an attempted compromise between straight narrative and pure argument. I have tried to write a complete monograph on the career of Cinna with the fewest possible digressions, introducing into the text only such controversial points as have an important bearing on the interpretation of the man and his times. All minor conflicts of the sources or possible differences of interpretation have been argued in the notes, which will therefore be found to contain an important part of the original element in the dissertation. I have tried to maintain an impartial attitude through-

out, and if at times I depict Cinna more favorably than most modern historians have represented him, it is because I believe that I have been able to show that in the weighing of conflicting sources too little allowance has been made for the party prejudice of the original writers. The contradictory and fragmentary nature of the sources must ever leave the true history of Cinna and his contemporaries in the twilight of doubt and controversy, but if this re-gathering and re-examination of the evidence leads, directly or indirectly, to the illumination of even a few dark places, the author will feel happy that his labors have not been in vain.

H. BENNETT

Annville, Pa.,
May 1, 1923.

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CHAPTER I

In writing a monograph on as short a period of history as that which I propose to discuss, one is, I think, permitted to assume in such readers as he may expect, a familiarity with the chief movements of Roman history and a general understanding of the evolution of government down to the time when his period begins. Still, that we may not plunge quite abruptly "in medias res," it does seem desirable to sketch very briefly the series of events which immediately preceded, and to some extent caused, the sensational rise to power of L. Cornelius Cinna.¹

The record of Cinna's career begins in the year 88 B. C., when the Social War, brought on by the refusal of Rome to grant full citizenship to her Italian allies, was in its closing stages. This perilous conflagration, which threatened to lay waste the unity of Italy and destroy the Roman world, burst into sudden flame in the year 91 B. C., following the assassination of the champion of Italian rights, M. Livius Drusus; but after a year of Roman disasters was checked by the timely concessions granted under the *Lex Julia* (end of 90 B. C.) and the *Lex Plautia-Papiria* (beginning of 89 B. C.). The fighting of 89 B. C. was favorable to the Romans, and in the spring of 88 B. C., Cinna and Q. Caecilius Metellus Pius, both at that time legates of the Northern commander, Cn. Pompeius Strabo, shared the honor of reducing the Marsi and compelling them to sue for peace.² In the summer of that year, Asculum, the stronghold of the revolt in the North, fell to Strabo, and by the end of the year all the Italians had made peace with Rome save the Samnites and Lucanians. These held out stubbornly, though decidedly worsted in the brilliant campaign of the consul L. Cornelius Sulla, who was in command of the Roman forces in the South.

During this same year, 88 B. C., important political events took place at the capital. The loyal Italians, who had accepted the proffer of Roman citizenship under the Julian and Plautio-Papirian laws,³ found that they had actually obtained no more than the shadow of

¹ L. Cornelius L.f.L.n. Cinna. Fast.Cap. C.I.L. I^o p. 154.

² Livy per. 76. Marsi quoque, a L. Cinna et Caecilio Pio legatis fracti, petere pacem coeperunt.

³ Cic. pro. Arch. IV 7: Schol. Bob. p. 353 Or.

what they had been promised. They were enrolled as citizens, it is true, but all were registered in ten tribes which voted last, so that their wishes could have but little weight in the assemblies. They felt, rightly enough, that they had been cheated, and at once began an agitation for redress. In this movement they found a champion in the person of P. Sulpicius Rufus, a patrician turned tribune, who prepared a law ordering that they should be distributed over all the thirty-five tribes, that is, upon a basis of equality with the old citizens. Besides the Italian citizens he included under the terms of his law also the city freedmen,⁴ and from both classes had recruited a following by means of which he was prepared to carry his proposals through the comitia by armed force. His plans, however, were blocked by the consuls, P. Cornelius Sulla and Q. Pompeius Rufus, who on the senate's orders, announced extraordinary religious observances during which the popular assemblies could not be legally held. Rioting ensued in which the son of the consul Rufus was killed, and the consuls themselves were in danger of their lives. Finally they yielded; the *feriae* were officially ended, and the Sulpician rogations formally became law. Their author, however, now added to them another proposal to the effect that the chief command against Mithradates should be transferred from Sulla to C. Marius.⁵ Evidently Sulpicius feared that the consul would lead his legions from Campania to the city for the purpose of continuing the political feud, and to forestall this move struck a bargain with Marius, who coveted the Eastern command which had recently been conferred upon Sulla. Marius was to take over the army at once and keep it out of politics. The plan miscarried, however, for instead of handing over the legions Sulla led them against Rome, and defeated the hastily collected defenders on the streets of the city.⁶ Twelve of the leaders took to flight and were proscribed as public enemies,⁷ but only Sulpicius himself was caught and killed, the others escaping across the sea.⁸ Sulla

⁴ Livy per. 77. App., b.c. I 55. Plut. Sulla 8; Mar. 34. Vell. II 18, 6.

⁵ App. I 56. Plut. Sull. 8; Mar. 35. Liv. per. 77. Vell. II 18, 6. Val. Max. IX 7, 1. This was not included in the first rogations. Cf. Appian l.c.; Drumann-Groebe, Geschichte Roms, II 371; Mommsen, Römische Geschichte, II 254.

⁶ Plut. Sull. 9. App. I 57-58. Cic. Cat. III 24; Phil. X 23. Liv. per. 77. Vell. II 19, 1. Flor. II 9, 6-7. Oros. V 19, 4. Val. Max. VIII 6, 2. Eutrop. V 4.

⁷ App. I 60. Vell. II 19, 1. Liv. per. 77. Val. Max. III 8, 5. Diod. Sic. fr. xxxviii 29, 3. The decree of exile was properly passed by vote of the tribes; cf. Vell. l.c., lege lata exules fecit; also Plut. Mar. 43.

⁸ App. l.c. Plut. Sull. 10. Cic. Cat. III 24; de orat. III 11; Brut. 227, 307. Liv., Vell., Flor., Oros., 11. cc. ad Herenn. I 25. Val. Max. VI 5, 7.

used this victory to strengthen the position of the oligarchy and to guard against any future abuse of the tribunician magistracy for revolutionary purposes. The Sulpician laws were annulled by vote of the senate on the grounds that they had been passed by violence,⁹ and new laws were enacted reorganizing the *comitia centuriata* on the original Servian basis,¹⁰ and withdrawing from the tribunes the privilege of initiating legislation without the previous consent of the senate.¹¹ It is probable that the membership of the senate was at this time raised to six hundred by the enrolment of three hundred new members.¹²

This brief sketch will serve to recall the position of affairs in Rome at the time when Cinna returned, fresh from his victories, to sue for the consulship of 87 B. C. Of his antecedents and previous career we know nothing save that a person of the same name, presumably his father, held the consulship in 127 B. C.;¹³ and that he himself at this time had already been praetor.¹⁴ His political record linked him with the anti-senatorial party,¹⁵ and the people, smarting under Sulla's attack upon democratic institutions, welcomed him as a champion of their rights. The view, however, which has been held by certain modern historians,¹⁶ that Cinna was elected in defiance of Sulla's wishes, does not seem to accord with the evidence. "The people's hatred and indignation," says Plutarch,¹⁷ "was made manifest to him (i.e. Sulla) by their acts. For instance, contemptuously re-

⁹ App. I 59. Cic. Phil. VIII 7.

¹⁰ App. l.c. This abolished the organization of the Comitia Centuriata on a tribal basis, which had been effected about 241 B.C., and restored the original arrangement. Cf. Mommsen, St.R. III 270, 1; Drum.-Gr. II 372, 1.

¹¹ This withdrew a right which the tribunes had possessed since the Hortensian law of 287 B.C. Cf. Mommsen, St.R. III 158, 2; Drum.-Gr. l.c.

¹² App. l.c. Cf. Mommsen St.R. III 847; Drum.-Gr. l.c.; and for the contrary view P. Willems, Le Sénat de la République Romaine, I 405.

¹³ C.I.L. I 558 = X 6905; I² p. 150.

¹⁴ Cic. Font. 43.

¹⁵ Plut. Sull. 10.

¹⁶ Mommsen RG II 261; Neumann, Geschichte Roms I 523; Heitland, The Roman Republic II 456; etc.

¹⁷ Sulla, 10. ἡ δὲ παρὰ τοῦ δήμου δυσμένεια καὶ νέμεια αὐτῷ φανερά δι' ἔργων ἀπήντα. Νώνιον μὲν γε τὸν ἀδελφιδεῖον αὐτοῦ καὶ Σερουήιον ἀρχὰς μετῴντας ἀποψηφισάμενοι καὶ καθυβρίσαντες ἑτέρους κατέστησαν ἄρχοντας, οὓς μάλιστα τιμῶντες, φοντο λυπεῖν ἐκείνων. ὁ δὲ τοῖσι, τε, προσκοιεῖτο χαιρεῖν, ὡς τοῦ δήμου τῷ ποιεῖν ἂ βούλοιο δι' αὐτὸν ἀπολαύοντος τῆς ἐλευθερίας καί, θεραπεύων τὸ τῶν πολλῶν μίσος, ἕπατο κατέστησεν ἀπὸ τῆς ἐναντίας στάσεως Λεύκιον Κίριναν ἀραῖς καὶ ὄρκους καταλαβῶν εὐνόησεν τοῖς ἑαυτοῦ πράγμασι.

jecting Nonius, his nephew, and Servilius, who were seeking offices, they chose other magistrates by whose preferment they expected to vex him most. But he affected to be glad of this, saying that the people, in doing as they liked, enjoyed a freedom which they owed to him, and by way of allaying the hatred of the multitude he made Lucius Cinna, a man of the opposite faction, consul, after binding him by solemn oaths to be favorable to his policies." It has generally been thought that the Nonius and Servilius here mentioned were Sulla's candidates for the consulship, but there are a number of serious objections to this view, and it seems to me far more likely that these men were candidates for some minor office, probably the tribunate, the election for which preceded that for the consulship.

In the first place, Nonius was Sulla's own nephew and could hardly have been of consular age at this time; probably he was the Sex. Nonius who as praetor held the first "Ludi Victoriae" in honor of Sulla's victory at the Colline Gate in 81 B. C.¹⁸ Servilius¹⁹ cannot be certainly identified. Mommsen²⁰ thought of P. Servilius Vatia Isauricus, who had already held the praetorship,²¹ and so would have been a consular candidate, but there is no evidence apart from the name, and this fits equally well a certain Servilius, probably a much younger man,²² who was defeated at Ariminum in the following year after levying troops in Cisalpine Gaul on behalf of the senate.²³

In the second place, Plutarch asserts that the people chose other magistrates, "by whose preferment they expected to vex him most." This could hardly be said of the consular elections, for Cn. Octavius, who was chosen as Cinna's colleague, was a staunch supporter of the Sullan policies and in the following year gave his life in defending them.

In the third place, it seems most unlikely that the people could have elected an anti-senatorial consul, against Sulla's wishes, in the

¹⁸ He appears as such on a coin about 60 B.C. Cf. Mommsen-Blacas, *Histoire de la Monnaie Romaine* II 487, 2 = Mommsen, *Gesch. des Röm. Münzwesens* 625, 265, n. 464; Drum.-Gr. II 559. Wehrmann, (*Fasti Praetorii*, p. 31) puts him as praetor in 81 B.C.

¹⁹ The text of Plutarch reads *Σερουθήϊον* (C; *Σερουθήλιον*), for which Mommsen's conjecture of 'Servilius' seems most probable.

²⁰ RMW 536.

²¹ C.I.L. I² 178.

²² Because assigned to a task of relatively small responsibility at a time of great crisis.

²³ See p. 15.

comitia centuriata,²⁴ which had just been reformed in the senatorial interest; but quite to be expected that they should register their displeasure in the *comitia tributa*, where the election of tribunes took place.

Finally, the actual words of Plutarch are against the view that Sulla's candidates were defeated in the consular elections, for *ἔπατον κατέστησεν . . . Λεύκιον Κίττιαν* ought to mean "he made Lucius Cinna consul," and it is certainly forcing the common meaning of the words to translate "allowed Lucius Cinna to be invested consul" (Perrin, in Loeb Classical Library) or "let him be appointed," (Holden, in edition of Plutarch's Sulla).

For these reasons, then, I believe that the election in which Sulla's candidates met rebuff was that for the tribunes of the people. Confronted with this popular hostility, Sulla realized that he must change his tactics if his laws were to be observed after he and his army had withdrawn. With a view, therefore, to conciliating public opinion, he offered to support Cinna's candidacy in the consular elections on the condition that Cinna would be favorable to his interests and support his laws. The proposal was accepted, and Cinna swore an oath before the shrine of Juppiter on the Capitol praying that if he failed to maintain his loyalty to Sulla he might be cast out of the city like the stone which he threw from his hand.²⁵

This interpretation of the narrative of Plutarch is corroborated by a fragment from Cassius Dio, which quite definitely represents Sulla as having been personally responsible for the election of Cinna, and adds the explanation that his motive was to forestall an attack upon

²⁴ Mommsen (RG II 261) offers the explanation that the capitalists supported Cinna because they were offended by Sulla's interest law. This law is known only from a fragment of Festus (p. 572) which reads as follows: *Unciaria lex appellari coepta est, quam L. Sulla et Q. Pompeius Rufus tulerunt, qua sanctum est ut debitores decimam partem*, and on Mommsen's own showing (II 258 note) was probably nothing more than a renewal of the law of 357 B.C., which fixed the highest legal rate of interest at 10% per annum. This may have annoyed the capitalists, but it would hardly have driven them over to a democratic candidate whose views were likely to be far more radical. (cf. *Lex Valeria* of 86 B.C. actually passed under Cinna's administration). Moreover, the capitalists would be deeply interested in maintaining Sulla's reform of the *Comitia Centuriata*, in which their influence had been tremendously increased. If additions to the senate also took place at this time, as seems likely, many of the new senators must have been chosen from the equestrian class, and they would have still another interest in defeating an anti-Sullan candidate.

²⁵ Plut., l.c.

his interests after he had departed for the East.²⁶ It also affords a satisfactory explanation of why Cinna consented to take the oath. He surely would not have done so if he had been elected as an anti-Sullan champion, for Cinna was neither a weakling nor a fool, and Sulla at this time would hardly have ventured to depose a legally elected consul against whom he could allege nothing save that he held democratic views.

Cinna, then, was made consul and with him Cn. Octavius, a safe man of the senatorial party.²⁷ Hardly had he entered office in the beginning of 87 B. C., when he began to repudiate his oath,²⁸ not, however, in the interest of the populace with a view to the re-establishment of the democratic institutions which Sulla had destroyed, but in partnership with the friends of the exiles and the Italian leaders who desired a renewal of the Sulpician rogations. This must have been for Cinna an entirely new line of policy. It is hardly possible that he could have taken any part in the machinations of Sulpicius and Marius, for had he been implicated he would surely have fled the city with the other defeated leaders. A still surer indication, however, that he was not in 88 B. C. a recognized Italian sympathizer is seen in the popularity of his candidacy, for the subject of Italian equalization was one issue on which senate and Subura stood together in perfect unanimity. Cinna's connection with the Italians, therefore, was probably formed only after his election. Appian²⁹ represents the initiative as having come from the friends of the exiles, who, with Cinna's encouragement, stirred up the Italians in favor of a renewal of the Sulpician laws. It does not seem likely, however, that the Italians needed any stimulation, but much more probable that their leaders co-operated with the friends of the exiles in persuading Cinna to take up their cause. This view is corroborated by the story, also recorded by Appian,³⁰ that Cinna's support was purchased by a bribe of three hundred talents. The veracity of this charge has been

²⁶ fr. 102. καίτοι [τῆ] Σύλλου σπουδῆ ἀπεδέδεικτο καὶ οὐδὲν ὁ τι οὐ κατὰ γνώμην αὐτοῦ πράξεν ὑπέσχητο. ὁ γὰρ Σύλλας τὴν τε ἀνάγκην τοῦ πολέμου ὁρῶν καὶ τῆς δόξης αὐτοῦ γλιζόμενος, τὰ τε ἄλλα τὰ οἴκoi πρὸς τὸ ἐπιτηδεύτατον ἑαυτῷ πρὶν ἐξορμηθῆναι κατεστήσατο καὶ τὸν Κίωνα Γραῖον τε τινα Ὀκτάουιον διαδόχους ἀπέφηεν, ἐλπίσας μάλιστα ἂν οὕτω καὶ ἀπὸν λαχῶσαι.

²⁷ C.I.L. I³ 154.

²⁸ Cf. Sall. Hist. I 26 (Maurenbrecher): nihil esse de republica neque libertate populi Romani pactum.

²⁹ B.C. I 64.

³⁰ B.C. I 64.

doubted, but seems likely enough in view of Cinna's ambiguous position and the fact that under Sulla's reforms the tribunes of the people no longer had the power of initiating legislation. Before he could safely launch his new program, however, Cinna had to get rid of Sulla and his legions. Openly urging upon him the exigency of the situation in the East, he secretly incited a tribune of the people, by name M. Vergilius,³¹ to bring an accusation demanding Sulla for trial. The nature of the charge is unrecorded, but it is not unlikely that it was for having illegally procured the death of Sulpicius without a trial. As Cinna had foreseen, Sulla did not wait to face the court, but immediately embarked for the war against Mithradates, taking with him five of the six legions which he commanded in Campania. The remaining one was left under the command of a certain Appius Claudius, to continue the siege of Nola, which was still occupied by the Samnites who had seized it in the first year of the Social War.³²

On the summons of Cinna, great numbers of the new citizens now flocked to the city from all parts of Italy, and in due course the consul renewed the proposal that they and the city freedmen should be distributed throughout the thirty-five tribes. This was to be followed by the legal recall of Marius and the other exiles.³³ On the day of the voting the Italian citizens crowded into the forum and with loud cries demanded the passing of the law. It was duly proposed by Cinna and promptly vetoed by opposing tribunes. The Italians thereupon produced concealed weapons and pressed toward the rostrum, but were met by the weapons of the old citizens, who had also come prepared. At the height of the ensuing riot, Octavius, the other consul, appeared on the Via Sacra with an organized following of armed men. Sweeping down on the struggling factions they deliberately avoided Cinna³⁴ and

³¹ Cic. Brut. 179. Plutarch (Sull. 10) gives the name as 'Virginius.'

³² Vell. II 24. Appian (I 65) locates this legion at Capua. This is evidently a mistake which arose from the fact that Sulla's main army had been stationed at Capua. Cf. Gran. Lic. p. 20 (Flemisch): *Nolani progressi oppidum Abellam incenderunt. For the capture of Nola by the Samnites see App. I 42.*

³³ Florus (II 9, 9) and the author *de vir. illus.* (69, 2) mention only the proposed recall of the exiles and speak of it as if it were the cause of the struggle in the forum. The more reliable authorities, however, prove that the law for the distribution of the citizens came first, and was indeed the only one actually proposed. This seems the more logical order. Cf. App. I 64; Vell. II 20, 2; Cic. Phil. VIII 3, 6; Exsuper. 4; Livy per. 79; Schol. Gron. p. 410 Orelli.

³⁴ App. l.c. I follow Schweighäuser's interpretation of the word *ετραπηδευος*.

the rostrum, but opened up a way for themselves across the forum to the temple of Castor. Doubtless it had been the purpose of Octavius simply to disperse the mob, but his men exceeded their orders and fell upon the Italians, killing until the forum ran with blood.³⁵ Those who escaped the sword they put to flight and pursued to the city gates.

Cinna, when he saw his plans frustrated by his colleague's *coup de main*, hurried through the streets calling the slaves to his assistance by promises of freedom, but getting no response finally fled from the city, accompanied by the tribunes who had espoused his cause.³⁶ The senate thereupon deposed him from office and citizenship on the grounds that he had abandoned the state in time of danger and had incited the slaves to revolt. This step was unconstitutional and is without a parallel in Roman history. Towards the end of the Republic the senate seems to have asserted successfully the right of suspending a magistrate from the exercise of his functions, e.g. Caesar from the praetorship and Metellus from the tribunate in 62 B. C., and Caelius Rufus from the praetorship in 48 B. C., but in all these cases, as certainly in the last, the suspension was probably brought about technically through the *maius imperium* of the consul.³⁷ In the case of Cinna, however, the constitutional defect was covered by the timely discovery in the Sibylline books of an oracle which made it clear that only in this way could the peace and security of the state

³⁵ Cic. pro Sest. 36, 77; Cat. III 10, 24. Plutarch (Sert. 4) says that 10,000 were killed, but this is certainly a gross exaggeration.

³⁶ App. I 64; 65. Liv. per. 79. Vell. II 20, 3. Cic. Cat. III 10, 24; Phil. XIV 23. Plut. Sert. 4.

There is considerable doubt regarding the division of the tribunes of the plebs on this proposal. Appian (I 64) says that the majority were against it, but the passage reads as if he thought that a majority of the college was necessary for a successful veto, so it is quite possible that the reading is due to this misconception. Livy (per. 79) has in the Palatine ms. "cum sex tribunis plebis," but in some minor codices "cum Sexto tr. pl." The palimpsest of Granius Licinianus (p. 15 Fl.) was read by Pertz as follows: CINNA SEAC TRIB' PATRIA PULSIS, which seems likely to stand for "Cinna sexque tribunis patria pulsus," and so to support the reading of the Palatine ms. of the epitome. Linker conjectured for Livy the reading "cum Sertorio" (cf. Plut. Sert. 4), but this can hardly be justified palaeographically. If then we accept the statement that six tribunes supported Cinna, as seems to be necessary, we must assume that their services had been secured for the most part by bribery or by the promise of legislation restoring their former powers, as the tribunes would naturally side with the old citizens in opposing any concessions to the Italians.

³⁷ For discussion see Greenidge, Rom. Pub. Life, 174; 275.

be restored.³⁸ For *consul suffectus* the choice fell upon L. Cornelius Merula, the *flamen Dialis*, a conscientious man, who accepted the office with reluctance and only because it was urged upon him as a duty to the state.³⁹

Cinna was not pursued, so did not go far.⁴⁰ Visiting nearby towns, including Tibur and Praeneste, he represented himself to the townsmen as having suffered on their behalf and pleaded for the means to renew the struggle. In these activities he was assisted by a number of his partizans, including Q. Sertorius, C. Milo, and M. Marius Gratidianus. The latter is named only as Γάιος Μάριος ἕτερος,⁴¹ but there can be little doubt as to the identification, as C. Marius the Younger was in exile along with his father.⁴² Appian⁴¹ asserts that these men came and joined Cinna; Plutarch,⁴³ however, represents Sertorius, at any rate, as having left the city with the consul, and it seems more probable that all should have left at the same time as Cinna, if not actually in his company; for his following at Rome cannot have been large and it is unlikely that his supporters would have risked themselves in the city after their principal had left. Lange⁴⁴ suggested that Milo and Marius were two of the tribunes who fled with Cinna (see note 36) and this view is strengthened by the fact that Appian refers to them as senators.⁴⁵ Sertorius, however, does not appear to have been a tribune at this time,⁴⁶ and it is therefore probable that Appian is wrong in calling him a senator, for a man of his age and position could hardly have entered the senate except

³⁸ Gran. Lic. p. 15 Fl. Placuit, *id quod nunquam alias ac pro collegio, quid in libris fatalibus scriptum esset, palam recitare. Constat notari carmine Cinna sexque tribunis pulsus patria tranquillum otium et securitatem futuram.*

³⁹ App. I 65. Plut. Mar. 41. Diod. Sic. fr. xxxviii 3. Liv. per. 79. Vell. II 20, 3. de vir. ill. 69, 2.

⁴⁰ Exsuperantius (4) says that he went to Africa, evidently confusing his movements with those of Marius.

⁴¹ Appian I 65. ταῦτα δ' ἐργαζομένων τε καὶ ἐπινοούντι τῷ Κίττῳ προσέφυγον ἀπὸ τῆς βουλῆς οἱ τὰ ἀβρὰ ἐφρόνου, Γάιος τε Μιλώνιος καὶ Κόντος Σεργάριος καὶ Γάιος Μάριος ἕτερος.

⁴² App. I 60; 62. Gratidianus was an adopted son of a relative of the elder Marius, probably his brother; cf. Drum.-Gr. V 224. It is known that he was associated with the Cinnan government; see p. 41.

⁴³ Sert. 4.

⁴⁴ Röm. Alterthümer III 129.

⁴⁵ See note 41. Tribuni plebis were made ex officio members of the senate by the Lex Atinia; see P. Willems, *Le Sénat de la Rép. Rom.* 228; Mommsen, *St. R.* III 862.

⁴⁶ Plut. l.c.

through the tribunate. With these associates Cinna moved southward, continually raising troops and money, until he came to the Campanian town of Nola, which the legion left behind by Sulla was still holding in siege. First winning over its centurions and tribunes by a distribution of Italian gold, he secured the means of addressing the men. Appearing before them as a consul before an assembly, he told them, with tears in his eyes, that he, their legally chosen representative, had been unconstitutionally deposed from office by the senate. His appeal to their sympathy, their sense of justice, and perhaps also to their scent for plunder, was so successful that the legion went over to him as a whole, excepting only Appius Claudius, the commander, men and officers alike binding themselves to his cause by the military oath of allegiance.⁴⁷ Resuming now the insignia of consul, Cinna continued his appeal to the Italian communities of southern Italy, who furnished him with more money and men, until, according to one account, his army reached the huge total of thirty legions.⁴⁸

The senate could not long remain blind to these preparations or ignorant of their meaning. On its orders the consuls, Octavius and Merula, fortified the city with trenches, repaired its crumbling walls and erected on them engines of defence.⁴⁹ There were in Italy at this time two well-trained armies outside of that legion which had gone over to Cinna. Cn. Pompeius Strabo still held under arms the forces with which he had successfully waged war against the revolting allies in Northern Italy. Sulla had planned to leave this army in the safe hands of his friend and colleague in the consulship, Q. Pompeius Rufus, but the latter was murdered by the soldiers, probably at the instigation of Strabo, within a few days of his arrival, and the old general had resumed command. His attitude toward the political situation was uncertain.⁵⁰

In the south, Metellus Pius, the former associate of Cinna, was carrying on a campaign against the Samnites, who still remained de-

⁴⁷ Vell. II 20, 4. App. I 65. (Appian speaks of Capua as the site of this army, cf. note 32). Liv. per. 79. de vir. ill. 69, 2. Plut. Mar. 41; Sert. 4. That the commanding officer, App. Claudius, did not go over to Cinna appears from the fact that after the Cinnan victory he was summoned for trial by a tribune, and, having failed to appear, was deprived of his pro-praetorian imperium and formally exiled. Cf. Cic. de domo 31, 83.

⁴⁸ Vell., l.c.

⁴⁹ App. I 66.

⁵⁰ App. I 63. Vell. II 20, 1. Liv. per. 77.



fiant and unsubdued in the Social War. There was no doubt of his loyalty to the administration, but his army was not free.⁵¹

The senate, therefore, decided to summon Strabo to the defence of the city, at the same time sending out an appeal to the towns which were still loyal, and authorizing a levy in Cisalpine Gaul.⁵² Strabo came, and pitched his camp near the Colline Gate about the same time as Cinna arrived in the environs of the city. Had he attacked at once, the revolution would probably have ended then and there, for Cinna's army, though probably more numerous, would have been no match for these veterans of a hard campaign; but Strabo did not strike. He proved to be less interested in the issues at stake than in his own ambitions, and proceeded to exploit his country's misfortune for his own advancement. In a word, he wanted a second consulship and let it be known that he would side with either faction which would take him for its leader and make him master of Rome. Since neither was ready to pay the price, he did nothing, and thus worked for Cinna, whose strength was increasing daily.⁵³

In the meantime, Marius had returned from Africa with some of his fellow exiles and a company of about a thousand men, made up of slaves who had fled from Rome to their masters, and a small body of native horsemen.⁵⁴ He landed at Telamon, in Etruria, and was at once joined by a considerable body of volunteers, by whose services he increased his fleet to forty ships and filled them with competent crews. There too he was joined by other exiles, including M. Junius Brutus, who had crossed from Spain. The offer of his services to Cinna, whom he promised to obey as consul, was accepted⁵⁵ in spite of the urgent warning of Sertorius that it would be better to avoid the entanglements of this alliance.⁵⁶ Cinna declared that Marius had come on his invitation and straightway appointed him to a proconsular command.⁵⁷ This incident is particularly interesting for the light

⁵¹ App. I 68. Cass. Dio. fr. 102, 7.

⁵² App. I 66.

⁵³ Liv. per. 79. Et cum opprimi inter initia potuissent, Cn. Pompei fraude, qui utramque partem fovendo vires Cinnae dedit. . . . Cf. Vell. II 21, 2; Gran. Lic. p. 19 Fl.

⁵⁴ App. I 67. Plut. Mar. 41. Liv. per. 79. Flor. II 9, 10. Eutrop. V 7, 3. Gran. Lic. p. 16 Fl. Appian says about 500 slaves. The native horsemen are mentioned only by Plutarch.

⁵⁵ App., Plut., Gran. Lic., 11.cc. Flor. II 9, 11.

⁵⁶ Plut. Sert. 5.

⁵⁷ Plut. Mar. 41.

it throws upon the relationship between Cinna and Marius. Whether Marius really did come on Cinna's invitation cannot be finally demonstrated,⁵⁸ but however that may have been, the attitude of Sertorius clearly shows that up to this time Cinna's closest associates did not regard him as the accredited representative of a Marian party or as under any obligation to Marius. It cannot be held that Sertorius was urging Cinna to break faith with Marius in any sense, for as soon as Cinna informed him that Marius had come on invitation Sertorius immediately withdrew his objections and said that in that case he must be received. It becomes clear, therefore, that the subsequent partnership between Marius and Cinna, just like the earlier one between Marius and Sulpicius, was based upon mutual service rather than upon a common political interest. Sulpicius offered Marius the command against Mithradates in return for the guarantee of protection from military interference in the field of politics. Cinna, contemplating civil war, saw in Marius a powerful ally, valuable not less for his mastery of military strategy than for the support which might be rallied by exciting sympathy for his tragic reversal of fortune. Marius cared nothing about the aspirations of the Italians or their potentiality as a political force; he wanted revenge and the Eastern command. The partnership, then, which they formed at this time was one of mutual accommodation rather than of common policy, of utility rather than of sentiment.

Marius disdained the fasces which Cinna had sent, and still wearing the garb of mourning and leaving his hair uncut, as he had done since the day of his banishment, marched southwards on foot through the towns of Etruria, appealing to the pity of the inhabitants by his sordid appearance,⁵⁹ and promising to serve their interests in the matter of the citizenship. Nor did he despise the help of slaves, but ordered the *ergastula* to be broken open, and offered arms and freedom to all who joined him from the great estates of that district.⁶⁰ By these means he increased his strength to a full legion,⁶¹ and with

⁵⁸ Livy (l.c.) alone says that he was summoned. Appian (l.c.) and Plutarch (l.c.) represent him as setting out on his own initiative after hearing of Cinna's activities. Some corroboration for the latter view is seen in the fact that Marius seems to have waited at Telamon until he received a reply from Cinna; cf. his meeting with Brutus there, and his building of the ships.

⁵⁹ App. I 67. Plut. Mar. 41. Gran. Lic. p. 17 Fl.

⁶⁰ Plut. l.c. Schol. Gron. p. 410 Or.; *Composuit legiones solutis ergastulis et venit.*

⁶¹ App., l.c. Gran. Lic., l.c.: *legionem voluntariorum conscripsit.*

this force presently joined Cinna. A council of war was held and a plan of campaign agreed upon. All the troops were pooled and re-divided into four armies, which were to be commanded respectively by Marius, Cinna, Sertorius, and Cn. Papirius Carbo.⁶² Marius received three legions⁶³ in place of the one which he had himself recruited. It is, of course, by no means certain that the four armies were numerically equal, but it is, I think, quite unlikely that Marius received less than a full quarter of the aggregate. Using this as a basis for calculation, the maximum for the whole army would amount to twelve legions, a figure which is at least far more credible than that reported by Velleius.⁶⁴

The four new divisions took up positions along the Tiber; Cinna and Carbo opposite the city, Sertorius above it, and Marius farther down towards the sea.⁶⁵ The two latter threw bridges across the river with a view to cutting off the food supplies which reached the city by water. Evidently the position of Sertorius was on the left bank of the river between it and Strabo's camp at the Colline Gate, for otherwise he would not have been able to protect his blockading bridge. Cinna and Carbo, however, who are reported to have encamped "on the river" and "opposite the city" must have been on the right bank of the stream. Probably they occupied the *Ager Vaticanus* (*Prati di Castello*),⁶⁶ for that district would suit better than any other the account of the subsequent operations, in which Marius returning from Ostia stormed the Janiculum in concert with Cinna and evidently

⁶² Liv. per. 79. Flor. II 9, 13. Oros. V 19, 9. Appian (l.c.) says that the army was divided into three parts, but this does not involve any conflict, as he evidently treats Cinna's and Carbo's commands as one unit because they were encamped together. I do not think that Appian's words prove that he regarded Carbo as Cinna's legate (as Dieckmann, Berlin Stud. XVI 3, p. 53) and Sertorius as an imperator. Probably Cinna, as consul, was the only one rightfully entitled to claim imperium, though Marius may have been regarded as possessing it in virtue of Cinna's irregular appointment of him to a proconsular command. In that case, it seems most likely that both Carbo and Sertorius were technically legates.

Licianianus mentions Milonius as having been entrusted with a separate command. (p. 17 Fl. item Milonio traditur equorum pars.) This is evidently the same Milonius (or probably more correctly Milo) mentioned by App. I 65. Cf. pp. 9 and 18.

⁶³ Oros. l.c. tres siquidem legiones Mario datae.

⁶⁴ See p. 10.

⁶⁵ App. I 67. *ὡς δὲ ἀνεμίχθησαν, ἐστρατοπέδευον ἐπὶ τοῦ ποταμοῦ τοῦ Τιβέριος ἐς τρία διαιρεθέντες, Κίνας μὲν καὶ Κάρβιον σὺν αὐτῷ τῆς πόλεως ἀντικρὺ, Σερτώριος δὲ ὑπὲρ τῆν πόλιν ἄνω καὶ Μάριος πρὸς τῇ Θαλάσσει . . .*

⁶⁶ cf. Jordan-Huelsen I 3, 624.

from the opposite side.⁶⁷ Marius played the most active rôle. By means of his fleet, which had evidently sailed down the coast in conjunction with his march through Etruria, he cut off and plundered provision ships approaching the Tiber.⁶⁸ Ostia fell into his power through the connivance of a certain Valerius, who was in command of the cavalry entrusted with its defence, and the town was handed over to the soldiers for pillage.⁶⁹

At about the same time Strabo made an assault upon the division of Sertorius. His overtures to the revolutionary leaders seem to have received a decisive rebuff, probably as a result of the conference between Cinna and Marius, and he had now definitely resolved to throw in his lot with the government.⁷⁰ The transfer of the greater part of the Cinnan troops across the river had left him opposed by a force which was probably less numerous than his own, and he had every reason to hope for an easy success. The fighting lasted all day and both sides lost about six hundred men, but neither could gain the victory.⁷¹ Licinianus, Valerius Maximus, and Orosius⁷² tell in connection with this battle the anecdote of a soldier who unwittingly killed his own brother, and, upon discovering what he had done, killed himself on his brother's burning pyre. Sisenna and Livy,⁷³

⁶⁷ See p. 19. The opinion of Dieckmann (p. 53, n. 4) and others that Cinna encamped "trans Tiberim, in dextra fluminis ripa, sub Janiculo" seems to me untenable in the face of Appian's description of the subsequent fighting around the Janiculum. (see p. 18.)

⁶⁸ App. I 67.

⁶⁹ Plut. Mar. 42. App. 1.c. Liv. per. 79. Oros. V 19, 17. The Livian account says nothing of treachery but indicates that the town was taken by storm (per. 79, expugnavit; Oros., vi ingressus). This is doubtless due to Livy's senatorial bias, (see note 3, Chap. 2). Gran. Lic. (p. 18 Fl.) is the only source which gives the name of the traitor; Ostia urbe potitur per Valerium cuius equites praesidebant. H. Pertz suggested that this was the C. Valerius Flaccus, who was chosen by Cinna as his colleague after the death of Marius, but this seems very doubtful.

⁷⁰ Oros. V 19, 10: contemptum a Mario vel Cinna ad Octavium alterum consullem se contulisse et mox cum Sertorio conflixisse. Gran. Lic. p. 18 Fl.; Nec Pompeius a Sertorio bello abstinuit sed palam pugnavit. Et frustra legati ultro citroque missi sunt cum se Cinna superiorem putaret. The account of Licinianus seems to indicate another attempt by Strabo to come to terms with Cinna, either during or immediately following this battle, but there is no support for such a view from the other sources, and it seems simplest to assume that Licinianus has confused the order here, as he certainly has done in other cases.

⁷¹ Oros. 1.c.

⁷² Gran. Lic. p. 20 Fl.; Val. Max. V 5, 4; Oros. 1. c.

⁷³ Sisenna apud Tac. Hist. III 51; Liv. per. 79.

however, seem to have connected this incident with the subsequent battle at the Janiculum. There can be no question of identifying the battle between Sertorius and Strabo with that at the Janiculum, for Licinianus describes both, and the number of losses given by Orosius for the Sertorius-Strabo fight shows that it was insignificant beside the great struggle at the Janiculum, of which the losses are specified by Licinianus. The point as to which of the two battles gave rise to the fratricidal episode, or whether it actually occurred at all, is of course not worth arguing.

Shortly after this battle, according to a story told only by Plutarch,⁷⁴ a conspiracy was formed against Strabo and his son, (later Pompey the Great), who was with him in the camp. Plutarch says that Cinna corrupted Lucius Terentius to assassinate the younger Pompey, who was his tent-mate, and at the same time arranged for other conspirators to set fire to Strabo's quarters. The young man was warned of the plot, and not only saved his own life and that of his father, but also by personal entreaties won back to loyalty all except eight hundred of the soldiers, who in the general uproar were on the point of deserting to Cinna. The form of the story is evidently the work of flatterers of the great Pompey, who desired to show that from his earliest years their great patron had always been a prodigy of resourcefulness and the idol of the army;⁷⁵ for it is quite unreasonable that Cinna should have directed a plot of which the primary object was the removal of this lad of eighteen years. Probably the truth is that some of Strabo's subordinate officers had been bribed to stir up a revolt with a view to stampeding the whole army to Cinna, but that they met with more opposition than they had anticipated and only eight hundred went over.

Disillusioned in their hopes of whole-hearted support from Strabo, the consuls had also been disappointed in their expectations of securing troops from Gaul. M. Marius Gratidianus, who had been sent in command of an expedition by Cinna, seized Ariminum, at the gateway of the Po valley, and cut off the return of Servilius, who had made the senatorial levy.⁷⁶ In an engagement near the city, Servilius

⁷⁴ Plut. Pomp. 3. It must have been after the final break between Strabo and Cinna, but before the battle of the Janiculum.

⁷⁵ Compare the story of Pompey's rôle in Cinna's camp in 84 B.C. (see p. 61.)

⁷⁶ App. I 67. *Κίνας ἐπιπέμψας Ἀρίμωνα κατέλαβε, τοῦ μὴ τινα στρατιᾶν ἐς τὴν πόλιν ἐπελθεῖν ἐκ τῆς ὑπεκίου Γαλατίας.* Gran. Lic. p. 20 Fl.; Marius Servilium apud Ariminum fugat, paucos occidit, reliquos quos corruperat accipit in deditonem.

(See next page)

was put to flight, a few of his men killed, and the rest, who had been canvassed, went over in surrender.

Finding itself under the pressing necessity of securing help from some other source, the senate swallowed its pride and voluntarily extended the citizenship to all the Italian communities which had fought and been defeated in the Social War.⁷⁷ Included in this category were the Marsians, Paelignians, and much of the best fighting stock of Italy. They had forfeited their treaty rights by revolution, and were at this time in the position of *dediticii*, that is, temporarily without any rights at all, until such time as it pleased their conquerors to dictate their new position. It was an act of apparent magnanimity, therefore, for the senate to extend to these people the full citizenship rights, and they expected by this concession to raise many thousands of troops. The contingents which actually arrived, however, amounted to something less than sixteen cohorts.⁷⁸ Despairing then of securing help from any other source, the senate at last sent legates⁷⁹ to Metellus ordering him to make peace with the Samnites on the best terms possible and to hurry back to the relief of Rome. He opened negotiations, but the terms demanded by the enemy were so humiliating that he would not accept them without express authority from the senate. They ordered him to leave a small force behind and to come at once. Hearing of the failure of these negotiations, Cinna and Marius immediately sent their legate, C. Flavius Fimbria, to the Samnites, offering to concede all that they asked, with the result that the Samnites, after attacking

I follow Mommsen (RG. II 310) in interpreting these two passages as referring to the same expedition, but think it more likely that the Marius in the case was Gratidianus, who was associated with Cinna at this time (see p. 9), than the younger Marius, who had returned from exile with his father and would naturally serve under him rather than under Cinna. I do not think it possible to regard the Marius as the father himself, as did C. M. Francken (Fleckeis. Jahrb. Suppl. III, 1860, p. 256) and Dieckmann (p. 61) who assumed that Ariminum was first captured by a legate of Cinna, then defended by Marius the elder against Servilius, who attempted to recapture it on behalf of the senate. It seems very unlikely that the possession of Ariminum could have been regarded as important enough to draw Marius away from the assault upon Rome. Moreover, the known activities of Marius during the campaign do not adjust themselves to admit of a northern expedition.

⁷⁷ Liv. per. 80. Gran. Lic. p. 20 Fl.

⁷⁸ Gran. Lic. p. 21 Fl.

⁷⁹ Licinianus (p. 20 Fl.) gives the names of the legates as "Catuli duo et Antonius." Probably these are to be identified as Q. Lutatius Catulus (cos. 102) and his son of the same name (cos. 78), with M. Antonius, the orator.

and defeating Plautus, the legate left by Metellus, sent their contingent to swell the ranks of the insurgents.⁸⁰

Marius, after the plundering of Ostia, closed in upon the Janiculum, where the outer defences of the city were held by a garrison under command of a military tribune, by name Appius Claudius,⁸¹ and in co-operation with Cinna, Carbo, and Sertorius, took it by storm, inflicting heavy losses upon the defenders and putting all captives to the sword.⁸² According to one account,⁸³ the fall of the garrison was due to the treachery of its commander, who on being reminded of a long-standing obligation to Marius, opened a gate for him at dawn, whereupon Marius in turn admitted Cinna. This charge against Appius Claudius cannot be verified, but it seems likely enough that the Janiculum fell by a surprise attack at dawn, for the invaders were driven out again on the same day after a fierce and bloody battle with the forces of Octavius and Strabo. Six cohorts of Strabo's veterans were transferred to Octavius's command,⁸⁴ but it is clear that Strabo also took part in the fighting and actually assumed con-

⁸⁰ Dio fr. 102, 7. Liv. per. 80. App. I 68. Gran. Lic. p. 20 Fl. The terms demanded by the Samnites are given by Cassius Dio and Licinianus. They were as follows:

1. Citizenship for themselves and all who had deserted to them. (Dio and Lic.)
2. Confirmation in possession of all plunder taken in the war. (Dio only.)
3. Return of all deserters by the Romans, but retention of all captives by themselves. (Dio only.)

Licinianus places the summons of Metellus after the repulse of Marius and Cinna at the Janiculum. This seems less likely than the account of Appian and Livy, who place it after the fall of Ostia but before the events around the Janiculum. The critical position of the city must have been clear to the consuls after the blockade of the river was successfully accomplished.

⁸¹ This can hardly have been the same App. Claudius who was left in charge of the legion at Nola (see p. 7), for this man is spoken of as a military tribune, whereas the other at this time was still holding the *propraetorian imperium*. (see p. 29; cf. Drum.-Gr. II 157, 29).

⁸² Gran. Lic. p. 18 Fl.: *Marius cum suis Janiculo potitur multis occisis, qui capti Marii iussu iugulati sunt.* Liv. per. 80: *Cinna et Marius cum Carbone et Sertorio Janiculum oppugnaverunt.*

Sertorius seems to have joined the other leaders for this drive on the city. This is actually stated by Livy (quoted above) and is confirmed by the information given by Licinianus that in the course of the battle he sent reinforcements to the aid of Milo, who was in special distress.

⁸³ App. J 68.

⁸⁴ Gran. Lic. p. 19 Fl. *Octavius acceptis sex cohortibus a Pompeio transit Tiberim.*

trol of the situation.⁸⁵ Milo, the legate of Cinna, was killed, and the troops sent to his assistance by Sertorius were put to flight.⁸⁶ The losses of the Marians are reported at seven thousand men,⁸⁷ and a still more crushing defeat might have been inflicted had not Strabo compelled Octavius to check his advance and to recall his legate, P. Licinius Crassus, who had undertaken a pursuit of the retreating enemy. Strabo was still scheming to win the consulship for the next year and did not want the war to end before the elections should have been held.⁸⁸

Appian's account of this important battle⁸⁹ throws an interesting light upon the question of the fortification of the Janiculum. He says that Appius Claudius admitted Marius "ἐς τὴν πόλιν," meaning Rome, which he evidently regards as extending to and including the Janiculum.⁹⁰ If, then, by taking the Janiculum the revolutionary leaders penetrated into the city, it follows that they must have been up to that time excluded from all the district between the Janiculum and the Tiber. This territory, though not officially incorporated with Rome until the time of Augustus, was apparently already well settled at this time and organized as a *pagus*.⁹¹ The latest archaeological

⁸⁵ Vell. II 21, 2: (Pompeius) ad ultimum magno atrocique proelio cum Cinna confixit, cuius commissi patratique sub ipsis moenibus oculisque urbis Romanae pugnantibus spectantibusque quam fuerit eventus exitibilis, vix verbis exprimi potest. App. I 68.

Groebe (Drum.-Gr. II 502, 6) refers the Velleius passage to the battle between Sertorius and Pompeius, but this interpretation involves him in the necessity of explaining that Velleius was mistaken in naming Cinna instead of Sertorius, and of applying the description "magno atrocique proelio" to a comparatively insignificant skirmish. The fact that Strabo really dominated the situation is seen in his ability to restrain Octavius from following up the victory.

⁸⁶ Gran. Lic. p. 19 Fl.

⁸⁷ Gran. Lic. l.c. Licinianus also gave the number of losses in the Octavian army, but three letters before the word "milia" have fallen out; probably the reading was "sex," as Pertz conjectured. The name of one senator who was killed in the Octavian ranks was also given by Licinianus, but only the ending -tius has been recovered; Mommsen conjectured "Aebutius."

⁸⁸ Gran. Lic. p. 19 Fl. ne ante debellaretur, quam comitia conficerentur, ut eum magistratum ipse invaderet, qui timebatur.

⁸⁹ I 68. Κλαύδιον δὲ Ἀππίον χιλιάρχον τειχοφυλακούντα τῆς Ῥώμης τὸν λόφον τὸν καλούμενον Ἰανικυλον, εὐ ποτε παθόντα ὑφ' ἑαυτοῦ, τῆς ἐβερgeoisίας ἀναμνήσας ὁ Μάριος ἐς τὴν πόλιν ἐσῆλθεν, ὑπανοιχθείσης αὐτῷ πύλης περὶ ἐω, καὶ τὸν Κίτταν ἐσέβξατο.

⁹⁰ Cf. App. I 71. Octavius declares that he will never desert the city while consul, and thereupon retires to the Janiculum.

⁹¹ Cf. Jordan-Huelsen, I 3,627.

opinion is that the Janiculum was surmounted by a fort, but that this was not connected by walls with the fortifications of the city proper, which stopped at the Tiber.⁹² The situation under review, however, compels the assumption of some kind of fortification connecting the walls on the hill (cf. *τειχοφυλακούντα*) with the river. Otherwise the taking of the Janiculum could not be regarded as a penetration of the city; nor indeed would there have been any security in garrisoning the Janiculum, if there was nothing to prevent Cinna from occupying the *Pagus Janiculensis*. The fortifications need not have been permanent, however; possibly there was nothing more than the ordinary trench and rampart fortification of a Roman camp. Appian expressly mentions the preparation of other fortifications beside the repairs of the Servian wall.⁹³

The account of Appian also furnishes corroboration for the view that the position of Cinna's camp on the right bank of the river was in the *Ager Vaticanus*. For it is clear that Marius advancing upon the city from Ostia would naturally be most likely to assault the Janiculum from the south. If, then, Cinna was admitted afterwards by Marius, it is probable that he was attacking the hill from the opposite side.

Shortly after this battle a pestilence broke out in both armies, but wrought special havoc among the crowded and ill-nourished troops of the defenders. Octavius lost six thousand men and Strabo eleven thousand.⁹⁴ The latter was himself afflicted with the disease, and while confined to his tent by its effects was struck by lightning and killed.⁹⁵ His corpse was carried into the city which he had refused to save except at the price of its liberty, and its angry citizens tore his body from the bier and dragged it by a hook through the mud of

⁹² Cf. Jordan-Huelsen, l.c.; Gilbert, II 174, note 1; O. Richter, *Die Befestigung des Janiculum*, Berlin, 1883, p. 20 f.

⁹³ I 66. See p. 10. It cannot be objected to the above interpretation that Appian was describing the city as it existed in his own time, for the *Pagus Janiculensis* continued unvalled until the construction of the Aurelian wall.

⁹⁴ The figures are given by Orosius (V 19, 18) and confirmed by Licinianus, who gives a total of 17,000. Cf. also Vell. II 21, 4.

⁹⁵ App. I 68; 80. Plut. Pomp. 1. Vell. II 21, 4. Oros. V 19, 18. Gran. Lic. p. 22 Fl. Obseq. 56. It would appear from the account of Licinianus that Strabo lived three days after the thunderstorm and retained sufficient vigor to resent the presence of C. Cassius, who had been sent to take over his command. For discussion of other views as to the cause of Strabo's death, see excursus to Dieckmann, op. cit.

the streets.⁹⁶ The remainder of his army was incorporated with that of Octavius.⁹⁷

After the defeat at the Janiculum, the armies of the insurgents retired from the immediate vicinity of Rome. The outbreak of the plague may have been partly responsible for this move, but in any case it was sound strategy. Having failed in the first assault upon the city, Marius now proceeded to tighten the blockade. His fleet at the mouth of the Tiber had effectually cut off the supplies from the sea, and his troops had plundered Ostia, the great warehouse of Rome, but food could still be brought into the city from the south, and large stocks of grain were stored up in some of the neighboring towns of Latium. The plan of Marius, then, was to capture these towns and cut off land traffic from the south by securing control of the Appian Way. By sudden attacks and by secret negotiations he obtained possession of many of these warehouse-towns, including Antium, Lanuvium and Aricia.⁹⁸ In the neighborhood of the latter,⁹⁹ along the Appian Way, he concentrated his forces against the senatorial army under Metellus, Octavius, and Crassus, who had marched out and occupied the Alban Mount. The arrival of Metellus from Samnium had been signaled by an unfortunate event, which furnishes a significant indication of the attitude of the troops under Octavius. Because they considered Metellus a better commander, they deserted the consul and came desiring him to take command of them, "that they, having an experienced, valiant commander, might fight courageously and come off conquerors." When Metellus indignantly ordered them to return to the consul, many deserted to the enemy.¹⁰⁰ Still clearer proof of the wavering allegiance of the sena-

⁹⁶ Obseq. 56. Plut. Pomp. 1. Vell. II 21, 3. Gran. Lic. p. 23 Fl.

⁹⁷ Gran. Lic. l.c.

⁹⁸ App. I 69. Liv. per. 80. Oros. V 19. Antium probably from the sea.

⁹⁹ Appian (l.c.) says 100 stades, i.e. about 12½ Roman miles from the city. This would be just about opposite the Alban Mt. I have suggested Aricia because it is one of the towns which we know came into the possession of Marius, and is just about the right distance from the city. Cf. Diod. Sic. fr. xxxviii, 2.

¹⁰⁰ Plut. Mar. 42. Mommsen places this incident after the meeting between Cinna and Metellus near the Alban Mt. The sources which mention one event say nothing of the other. It seems unlikely, however, that the soldiers would ask Metellus to lead them to fight after they had already declined battle under his leadership and he had declared himself in favor of negotiations. Moreover, Plutarch says: *ἐπεὶ δὲ Μέτελλος . . . ἦκεν εἰς Ῥώμην*. This might be said loosely of events which took place at the Alban Mt., but it is simpler to assume that Metellus came first to Rome, and that this incident happened there before all three senatorial commanders led their troops out to Alba.

torial troops was given at the Alban Mount. Metellus had led the forces out for battle, but when his men came within hailing distance of the enemy they shouted a friendly greeting to the opposing lines and were greeted in return. Metellus pursued the only possible course. He led back his troops into camp and arranged a conference with Cinna with a view to effecting a settlement by compromise. This had no good result, but served only to inflame the extremists of both sides. Octavius charged Metellus with treachery; Marius denounced Cinna as a pusillanimous fool who did not know how to reap the fruits of victory.¹⁰¹ Convinced that he could be of no further service to his country, Metellus abandoned the stubborn consul to his fate and withdrew to Africa, where he remained until the return of Sulla.¹⁰²

The consul's scrupulous adherence to what he considered to be his duty thus cost the senatorial party its best general. It also gave to Cinna considerable fighting strength from the slaves of Rome. His heralds appeared on the streets and offered freedom to all who would come out and join him, and many did so;¹⁰³ but when it was suggested to Octavius that he should meet the emergency by a similar offer, he indignantly scorned the proposal.¹⁰⁴ Meanwhile, conditions had been going from bad to worse in the senatorial army. Crassus seems to have made several attempts to bring on a battle, but on each occasion was driven off by Fimbria.¹⁰⁵ As a result of the activities of Cinna's agents, desertions were a daily occurrence in ever increasing numbers.¹⁰⁶ The military situation aggravated the unrest in the city, which was already great on account of the scarcity of food, to such an extent that the senate was at last compelled to send envoys to Cinna regarding peace. They returned with the message that he

The Crassus, who shared in the command, was undoubtedly P. Licinius Crassus the younger, who also fought at the Janiculum. His father, of the same name, was alive, but it was the son who was condemned to death by the Cinnan victors. See note 9, Chap. 2.

¹⁰¹ Diod. Sic. fr. xxxviii, 2. Gran. Lic. p. 23 Fl. Liv. per. 80.

¹⁰² Liv. per. 84. App. I 80, *ἐν τῇ Διγυρσίῃ* is probably a copyist's error for *Διβυρσίῃ*. There is no other evidence of Metellus having been in Liguria. Cf. Drum.-Gr. II 503, n. 7.

¹⁰³ App. I 69.

¹⁰⁴ Plut. Mar. 42.

¹⁰⁵ Gran. Lic. p. 24 Fl.

¹⁰⁶ Liv. per. 80: *propter segnitiam et perfidiam et ducum et militum, qui corrupti aut pugnare nolebant aut in transversas partes transiebant.*

demanded recognition as consul as a preliminary condition to any negotiations. Merula promptly relieved the senate of its embarrassing predicament by abdicating his office,¹⁰⁷ but much valuable time was lost, during which a constant stream of citizens flowed out to Cinna's camp. Now confident in his strength, he did not await the envoys' return, but marched his huge following under the very eyes of Octavius, sitting in helpless chagrin on the Alban Mount,¹⁰⁸ and pitched his camp close to the gates of Rome. It was no longer a question of terms, for both parties knew that the city was at Cinna's mercy. Envoys came again and, this time hailing him as consul, invited him and Marius to come within the walls, asking only that he swear to abstain from bloodshed. Cinna made the equivocal promise that he would not willingly be the cause of any man's death, but refused to give an oath, and specifically declined to accept responsibility for the safety of Octavius, who had meantime returned to the city and entered by another gate.¹⁰⁹ Marius stood scowling behind the curule chair on which Cinna was seated, and said nothing. At the conclusion of this conference Cinna, with part of the army, entered the city at once, but Marius, with a nice regard for law, sullenly declared that as he had been banished by decree, so he must now be legally recalled if his presence were desired.¹¹⁰ The people were hurriedly assembled by the tribunes, and the recall of Marius and his fellow-exiles proposed by the reinstated consul,¹¹¹ but before the voting was completed he tired of the farce and entered the city with the

¹⁰⁷ Diod. Sic. fr. xxxviii, 3. Vell. II 22, 2.

¹⁰⁸ Ihne (V 327) is wrong here; see sources cited below.

¹⁰⁹ App. I 70. Cinna marched on Rome by the Appian Way and entered at the Porta Capena. It seems most likely that Octavius left the Alban Mt. by the eastern slope and crossed over to the Via Labicana, entering the city by the Porta Praenestina.

¹¹⁰ App. l.c. Plut. Mar. 43.

¹¹¹ App. I 71. Plut. Mar. l.c. Dio XXXV fr. 102, 8. Vell. II 21, 6. Drumann-Groebe (II 500, 9) wrongly refers the Dio passage to the earlier unsuccessful proposal by Cinna. Appian (l.c.) says that the tribunes carried the decree: *καὶ εὐθὺς οἱ δῆμαρχοὶ τὴν φυγὴν ἐψηφίσαντο λελίσθαι*, (for meaning of *ψηφίσθαι* cf. App. I 86). This cannot be accurate, for, (1) it is generally agreed that the tribunes did not at this time possess the right of initiating legislation, (see p. 3 and references there cited), (2) Cassius Dio, Velleius, and Plutarch all assert that the recall was proposed by Cinna. Plutarch alone reports that Marius did not wait for the completion of the voting.

remainder of the army, and personally attended by a select bodyguard of slaves, whom he called *Bardyaei*.¹¹²

¹¹² Plut. Mar. 43; cf. 44. Codd. (Ch. 43) read, *βαρδαιους* AC; *βαρδαιους* V; *ορταλους* P et quidam Stephani: (Ch. 44) *βαρδαιων* SA; *βαρδαιων* V; *ορταλων* quidam Stephani. Freinsheim in note on Florus II 9, 16 (III 210, 16) not understanding this name, suspected corruption and proposed *Μαριαλοι*. But a corruption from an easy reading to one more difficult would be very unlikely, especially as the reading in Chap. 43 is repeated in Chap. 44.

The name is explained by the Glossarium Latino-Graecum, H. Stephanus, 1573, p. 28: *Bardei*, Ἰλλυριοὶ δοῦλοι, οἱ καὶ ἀγωνισάμενοι ὑπὲρ Ἰταλίας κατὰ Κίνον καὶ Μαρίου στρατηγούμενοι. Cf. Voss, Etymologicon, 64. They are called *Vardaei* by Cicero (ad Fam. V 9, 2), Livy (per. 56), and Pliny (N.H. III 143); Ἀρδιαῖοι by Strabo (VII 5, 6). Slaves of this tribe were brought to Italy after the victory of Ser. Fulvius Flaccus (cos. 135 B.C.), and gave a name to a military boot; cf. Martial IV 4, 5, *lassi Vardaicus quod evocati* (redolet), and Juvenal XVI 13, *Bardaicus calceus*. It is possible that Marius gave this name to his bodyguard because it was composed of slaves of that nationality, but I think it more likely that the word was already current as a name of a military boot, and that Marius grimly nicknamed this choice company of ruffians his "spiked boots." The words of Plutarch support the view that the title was not their real name, but one given them by Marius. Cf. Mayor on Juvenal, l.c.; Lobeck, *Aglaophamus* II, 1325; Reimarus, Cass. Dio I 48; Drum.-Gr. II 504, 4.

CHAPTER II

Cassius Dio records that Marius and his band "burst into the city. . . . by all the gates at once, and having closed them so that no one could pass out, proceeded to despatch all whom they met, making no distinction between them, but treating all alike as enemies."¹ There can be no doubt that this story is entirely fictitious. Marius entered the city either during or immediately after an assembly of the people, so that Dio's account, taken literally, would involve a slaughter surpassing that of "Octavian's day." Such an event would hardly have escaped mention in all the other sources. Moreover, the intrinsic improbability of the story is alone sufficient to discredit it. Marius had neither the time for such a fantastic disposition of his troops, nor the motive for desiring a general massacre of the citizens, in which many of his own friends and supporters would be sure to perish.

The explanation of this and other fictions or exaggerations to which I shall have occasion to refer later, is doubtless that the later Roman historians derived much of their material for this period from the work of their republican predecessors who were hostile to Marius and his party. Sulla himself wrote an account of his own career in twenty-two books, now lost, but certainly extant in the time of Plutarch,² and it is quite within the field of possibility that this was the actual source from which Dio drew his inspiration for the passage quoted.³ I conclude, therefore, that there is no good reason for doubting that Marius and his fellow-exiles, with the whole remaining part of the army, entered Rome by the Porta Capena, where Cinna had left them, and that they did so with as much decorum as the circumstances permitted or required.

¹ fr. 102, 8. ἐσεπήδησαν ἐς τὴν πόλιν μετὰ τοῦ λοιποῦ στρατοῦ κατὰ πάσας ἅμα τὰς πόλεις, καὶ ἐκείνας τε ἐκλείσαν ὥστε μηδένα διαδρᾶναι, καὶ πάντας τοὺς ἐντυγχάνοντάς σφισι ἐξεργάσαντο, μηδένα αὐτῶν αποκρίναντες, ἀλλὰ πᾶσιν αὐτοῖς ὁμοίως ὡς πολεμιοὺς χρώμενοι.

² Plut. Mar. 25; 26; 35; etc. Cf. Peter, Die Quellen Plutarchs, p. 100 f., also Peter, Hist. rom. rell. p. 195 f.

³ Dio's account may be derived from Livy's; cf. fr. 102, 9, ὥσπερ τινὰ ἀλλοτρίαν πόλιν ἠνδραποδισμένοι with per. 80, in urbem recepti sunt, qui velut captam eam vastaverunt. Cf. also Busolt (Quellen kritische Beiträge zur Gesch. der rom. Revolutionzeit, in Neue Jahrb. 1890, p. 430) regarding fragment 104. It is quite possible, however, that Livy and Dio used a common source, and that may well have been Sulla's memoirs; (cf. Busolt, p. 426, and Arnold, Jahrb. Suppl. XIII, p. 119).

Cinna seems to have lost no time in carrying out his threat against the consul Octavius, whom, it will be remembered, he had specifically excluded from his equivocal promise of amnesty. When the Cinna forces entered the city, the friends of Octavius urged him to seek safety in flight, but that uncompromising zealot, fortified in his devotion to duty by predictions of safety by soothsayers and astrologers, to whose arts he was always susceptible, declared that he would never leave the city while consul. Accompanied by a few of the nobility and the pitiful remnants of his army, he retired to the Janiculum and there established himself in all the dignity of his office. According to the ancient story, a band of horsemen, sent by Cinna under command of one Censorinus, found him there and killed him, still sitting in the curule chair and wearing the robes of state.⁴

The fate of the other Sullan leaders, however, was not settled until after Marius had entered and a conference of all the party leaders had been held.⁵ This council decided that for "the secure establishment of peace" it was necessary that such of their enemies whose power and influence was great enough to menace the authority of the new administration should be removed. In the name of expediency Cinna's promise was set aside, and a number of the most distinguished men of Rome were condemned to death. Parties of soldiers under subordinate commanders were at once sent out to search for the condemned, with orders to kill them wherever discovered.⁶ Atilius Serranus, P. Lentulus, C. Numitorius, and M. Baebius, were struck down on the streets of Rome, and the bodies of the two last named were dragged on hooks through the forum.⁷ L. Julius Caesar, the victor of Acerrae, was killed by Fimbria's horsemen either on the street or in his own house. His brother Gaius, famous as an orator and poet, escaped from the city and took refuge at Tarquinii, on the estate of an Etruscan named Sextilius, whom he had once successfully defended in the law courts; but the latter betrayed him to his pursuers. His body was taken back to Rome and there mutilated in front of the tomb of Quintus Varius, whom he had probably once

⁴ Plut. Mar. 42; Sull. 12. App. I 71. Vell. II 22, 2. Cic. Tusc. V 55; Ascon. in Scaur. 23 Or.

⁵ Diod. Sic. XXXVIII fr. 4.

⁶ Diod. l.c. App. I 71.

⁷ App. I 72. Lucan II 119. Flor. II 9, 14. Aug. de civ. dei III 27.

impeached.⁸ P. Licinius Crassus, who had commanded senatorial troops at the Janiculum and the Alban Mount, fled from the city, accompanied by his father, but they were pursued and overtaken by Fimbria and his band. The son perished by the assassin's sword and the father by his own.⁹

M. Antonius, the foremost pleader of his day, fled into the country and found refuge with a poor but faithful friend, whose well-meant hospitality, however, presently proved the ruin of his distinguished guest. For a slave, sent out to purchase better wine, disclosed the reason for his master's extravagance, and the wine-dealer carried the secret to Marius. A party of soldiers was sent to the house, under the tribune P. Annius, who, when his men had been moved to irresolution by the old man's eloquent entreaties, rushed in and with his own hand carried out his orders.¹⁰ It was said that when he carried back the victim's head to Marius, the latter rose from his place at table to receive it and to embrace the murderer still bespattered with the bloody traces of his crime.¹¹

⁸ Cic. Tusc. V 55; de orat. III 10; Brut. 307. Liv. per. 80. Flor. II 9, 14. App. I 72. Val. Max. IX 2, 2; V 3, 3. Asc. p. 24 Or. Suet. Calig. 60. Aug. de civ. dei III 27. Auct. de vir. ill. 70, 1.

Appian says that both were killed on the street. Florus (and Augustine evidently copying him; cf. common error, *Caesar et Fimbria* for *Caesares a Fimbria*) says that they were killed in their own houses. It is clear, however, from Cicero (de orat. III 10) and Valerius Maximus (V 3, 3), that Gaius was taken at Tarquinii. He was probably killed there; for Valerius Maximus makes it clear that his body was mutilated at the tomb of Varius only after he had been killed elsewhere. The passage (IX 2, 2) reads: *ille. . . iram suam nefarie destrinxit, C. Caesaris consularis et censorii nobilissimum corpus ignobili saevitia trucidando et quidem apud seditiosissimi et abiectissimi hominis bustum. id enim malorum miserrimae reipublicae deerat ut Varius Caesar piaculo caderet.* The offices here attributed to Gaius were really held by Lucius, his brother; but it seems more likely that Gaius is meant, for it is very probable that he had used his eloquence against Varius. 'C. Caesaris' is the reading of the codd. See crit. app. in edit. by Kempf, Teubner series, 1888.

⁹ Liv. per. 80. Cic. Sest. 21, 48; de orat. III 10; Scaur. III 1; Tusc. V 55. Ascon. pp. 23, 25 Or. Luc. II 124. Plut. Crass. 4. Flor. II 9, 14. Appian (I 72) says that the father killed the son and was then himself killed by the pursuers, but the weight of evidence points to suicide in the case of the father. The words of Cicero (pro Sest.) make it clear that only the son was sought by the executioners: *ne videret victorem vivus inimicum, eadem sibi manu vitam exhausisse.*

¹⁰ Liv. per. 80. Cic. Brut. 307; de orat. III 10; Tusc. V 55; Phil. I 34. Vell. II 22, 3. Plut. Mar. 44; Ant. 1. Dio XLV 47, 1. App. I 72. Val. Max. VIII 9, 2; IX 2, 2. Flor. II 9, 14. Oros. V 19. Lucan II 121.

¹¹ Val. Max. IX 2, 2. The story was probably an invention by the enemies of Marius. Cf. App. I 72, where it is said that Annius *sent* the head to Marius.

Q. Ancharius, of praetorian rank, voluntarily came to Marius when he was about to sacrifice on the Capitol for his safe return, thinking that this would be the most favorable time to sue for mercy. Marius did not return his greeting, and seeing this his bodyguard at once despatched the suppliant under their master's eyes.¹² His head and those of all others who had been of senatorial rank were exposed on the *rostra*; their bodies were left unburied on the streets.¹³

All the victims thus far named were condemned and executed without trial, but in two other cases at least a show of legal procedure was made. L. Cornelius Merula had aroused the enmity of Cinna by becoming *consul suffectus* after Cinna had been driven out of the city. Technically, therefore, he could be considered guilty of a breach of the constitution, since Cinna had not been legally removed from office, and this was probably made the basis for his impeachment. The suborned witnesses and irregular procedure mentioned by Appian are doubtful because superfluous. The case did not come to trial, however, for just before the appointed day Merula died by his own hand, having opened his veins at the altar of the god whose priest he was.¹⁴

More fictitious, however, must have been the charge against Q. Lutatius Catulus, the associate of Marius in his day of greatest triumph, whose life Marius had once saved, but who had incurred the bitter hatred of his former colleague by his vigorous support of the aristocracy at the time when Marius was banished. His friends now came to Marius and pleaded for mercy, but found him unbending in his resolve that for his ingratitude Catulus must die.¹⁵ He too anticipated the sentence of the court by taking his own life.¹⁶

¹² Plut. Mar. 43. App. I 73. Flor. II 9, 16.

¹³ App. I 71; 73. Appian (I 71) is probably mistaken in saying that the head of the consul Octavius was the first to be exposed on the rostrum. Velleius (II 19, 1) reports that the head of Sulpicius was thus exposed in the preceding year.

¹⁴ App. I 74. Vell. II 22, 2. Val. Max. IX 12, 5. Flor. II 9, 16. cf. Tac. Ann. III 58, and Dio LIV 36, 1. The story of his death affords a striking illustration of the formal nature of Roman religion. It was forbidden by ritual that the flamen Dialis should wear the flamen's cap at the time of his death. Merula not only laid it aside before he opened his veins, but left a written statement that he had done so.

¹⁵ Diod. Sic. (l.c. infra) says that Catulus himself came to Marius, but it seems more likely that the intercession was made by friends, as stated by Cicero and Plutarch (ll.cc. infra).

¹⁶ Cic. Tusc. V 56; de nat. deor. III 32, 80; Brut. 307; de orat. III 10. Vell. II 22, 4. Val. Max. IX 12, 4. Luc. II 174. Flor. II 9, 15. Aug. de civ. dei III 27. App. I 74. Plut. Mar. 44. Diod. Sic. XXXVIII fr. 4, 2. It is noteworthy that the ancients regularly attributed to Marius alone the responsibility for the death of Catulus.

The reasons for the selection of these two men for trial by law is nowhere stated, but it is a reasonable conjecture that it was because the council of Marian leaders was not unanimous in condemning them. Cinna demanded the life of the priest who had dared to usurp his place; Marius thirsted for revenge upon the ungrateful aristocrat who had repaid him so ill for his magnanimity in the matter of the Cimbrian triumph; but these were personal grudges, and it is very likely that the more moderate leaders of the party, especially Sertorius, may have demurred at the summary condemnation of these highly respected citizens for the gratification of a merely personal spite.

In addition to those who were sought out and killed at this time, there appears to have been another group whose punishment was not death but exile. Appian¹⁷ definitely asserts that there were *ἐξέλασεις* at this time, and the epitomist of Livy,¹⁸ in reporting the negotiations between Sulla and the senatorial embassy of 84 B. C., writes "futurum se in potestate senatus respondit, si cives, qui *pulsi* a Cinna ad se confugerant, *restituerentur*." It cannot be denied that a part of the large number of senators who joined Sulla in the East during the course of the Cinnan regime, left Italy of their own free will,¹⁹ but the passages cited clearly show that there were some, at any rate, who were expelled at this time, and against whom the sentence of banishment was formally pronounced. It is not clear whether these men were ordered to withdraw from Italy, or whether their banishment was decreed only when they had already made good their escape and harsher measures were impossible. The passages quoted would lend support to the former view, but other writers²⁰ refer to these refugees in terms which point to escape. Probably the truth is to be found between the two extremes, in the assumption that these senators were condemned to death, but not pursued with the same diligence as was shown in the case of the prominent leaders. It is true that there is one recorded instance of escape by a man actually sought for by the Cinnan executioners, but in this case the search was abandoned because they thought him dead. The man was a certain Cornutus,

¹⁷ I 73. Cf. I 77.

¹⁸ per. 84.

¹⁹ See pp. 33, 58.

²⁰ Oros. V 20, 1: Interea residui senatorum, qui potentiam Cinnae, Marii crudelitatem, insaniam Fimbriae Sertoriquae audaciam fuga evaserant. . . Eutrop. V 7, 3. Plut. Sull. 22; 34.

whose slaves, when the soldiers appeared, passed off a dead body for that of their master, and afterwards facilitated his escape to Gaul.²¹ This was probably M. Cornutus, who served as a legate in the Social War,²² and very likely had held a similar commission under Octavius. It is noteworthy, however, that we do not know of a single consular or political leader of any standing, who escaped from Rome and reached Sulla in safety. The inference to be drawn is surely that the Cinnan leaders were relentless in pursuing to the death the great men of the government and efficient in preventing their escape, but somewhat careless with regard to political enemies of lesser calibre and quite content with securing their departure from Italy.²³

It seems most likely, then, that the formal banishment of these men took place after their flight from Italy, and was legally effected by a vote of the people which declared them public enemies.²⁴ A very similar case, in which the facts are more definitely recorded, is that of Appius Claudius, the officer left by Sulla in command of the Campanian legion which went over to Cinna. Apparently he had not returned to the city, for about this time he was summoned for trial by a Cinnan tribune and having failed to appear, was deprived of his *imperium* and made an exile.²⁵

The property of all those put to death or banished seems to have been confiscated, but their families were left unharmed.²⁶ Sulla himself was declared a public enemy, his town and country houses burned, and the rest of his property confiscated.²⁷ His wife Metella with his children fled from danger and joined him in Greece. The implication in certain sources, however, that the Marians had de-

²¹ Plut. Mar. 43. App. I 73. The two accounts vary in the matter of details.

²² Cic. Font. 43.

²³ Cf. Vell. II 22, 2: Neque licentia gladiatorum in mediocria saevitum, sed excelsissimi quoque atque eminentissimi civitatis viri variis suppliciorum generibus adfecti.

²⁴ This is implied in the demand of Sulla for their formal restoration. Cf. Livy l.c.

²⁵ Cic. de domo 31, 83 f. His *imperium* was *propraetorian*; (he was praetor 89 B.C., see Cic. pro Arch. V 9). Cf. Drum.-Gr. II 159, 9. Lange (Alt. III 129) asserts that his *imperium* was abrogated before the flight of Cinna, on unknown grounds. I do not know what led Lange to this conclusion. The statement of Cicero (l.c.) "*adesse propter iniquitatem illius Cinnani temporis noluit*," must surely refer to the time after Cinna had secured control.

²⁶ App. I 73. Plut. Sull. 34.

²⁷ App. l.c. Eutrop. V 7, 3. Appian says also *αὐτοῦ τε Σύλλα φίλοι πάντες ἀνηροῦντο*. This verb seems to have been chosen so as to cover both death and banishment. I do not think it can possibly refer to a separate group of men who went into voluntary exile (as Lanzani, Mario e Silla, 1915, p. 138).

signs upon her are probably groundless, for it seems unlikely that Metella could have escaped against their will, especially as she did not go until after Sulla's houses had been destroyed.²⁸

Such was the organized vengeance of the Cinna victors upon their political foes. To this official program, however, must be added numerous acts of violence committed by individual members of the factions upon one another, and especially the promiscuous outrages perpetrated by the liberated slaves. It will be recalled that many slaves had joined Marius from the great estates of Etruria in the first days of his return, and that their numbers had later been considerably increased by fugitives from the city who had answered Cinna's call to freedom. A selected company of these slaves formed Marius's bodyguard when he entered the city, and the rest seem to have entered at the same time. With the licence of newly-won freedom these creatures²⁹ proceeded to plunder the city and terrorize the citizens. Those who had lately been city slaves seized the opportunity for avenging old wrongs upon the persons and families of their former masters; others broke into houses, and killed for the sake of plunder. In spite of the efforts of the moderate leaders, these outrages of murder, rape, and robbery continued for five days and nights,³⁰ until finally a troop of Gallic soldiers, under the instructions of Cinna and Sertorius, surrounded the camp where the slaves lay asleep and killed them to the last man.³¹

This incident throws some light upon the relations of Marius with the other leaders of the party, showing, as it clearly does, that when occasion arose they did not hesitate to act without his consent, and perhaps even against his wishes.

²⁸ App. I 73; I 77. Eutrop. l.c. Plut. Sull. 13; 22.

²⁹ Plut. Mar. 44; Sert. 5. App. I 74. Oros. V 19, 24. Plutarch says that the outrages were committed by the *Bardyaei* (see Chap. I, note 112); Appian says that the slaves who had joined Cinna were responsible; Orosius says "introducta per Marium fugitivorum manus," i.e. all the slaves (cf. V 19, 19). There is not necessarily any contradiction here, but only a difference of viewpoint. Probably all the liberated slaves took advantage of the licence, but the guard of Marius, being retained as an organized body, paid the penalty.

³⁰ Dio fr. 102, 11. Mommsen (evidently influenced by his theory that Marius was supreme and absolute arbiter of the reign of terror, see p. 31), held that this massacre of the slaves did not take place until after Marius's death. This view rejects the order of events in the three main sources and gains support only from the untrustworthy record of Orosius.

³¹ Plut. Mar. 44. Appian (l.c.) and Orosius (l.c.) give the credit to Cinna alone, Plutarch (Sert. 5) to Sertorius alone. Probably Cinna made the decision and Sertorius gave it effect.

There can be no doubt that Marius was the most vindictive of the victors. He had reason for being so. It is certainly wrong, however, to place upon him the responsibility for all the bloodshed that occurred. There was a story current in ancient times to the effect that, on the day of his entry and on subsequent days, Marius went about the streets of the city, attended by a retinue of slaves, condemning men to death by his word or nod and finally merely by his failure to extend his hand in greeting.³² This ingenious anecdote, which is probably the invention of the same traducer of Marius whose work we have already noticed, has been accepted by a number of modern historians, and has led Mommsen to the conclusion that there was no selection of individual victims at all, but that Marius himself was the originator of all the outrages of that time.³³ The injustice of this view is apparent from several considerations. In the first place, it entirely ignores the testimony of Diodorus Siculus,³⁴ who definitely asserts that individuals were condemned by a council and that the executions were carried out by subordinates. Again, it ignores the evidence of Cicero, who must have been an eye-witness of that reign of terror,³⁵ and who certainly would not seek to spare the reputation of Marius. He says nothing to confirm the story of Marius condemning citizens on the streets, but on the contrary, whenever he names any of the distinguished men who were killed at that time (as he frequently does),³⁶ he regularly attributes to Cinna the responsibility for their death. Livy³⁷ and Velleius Paterculus³⁸ distribute the blame between Marius and Cinna, while Asconius³⁹ speaks of Cinna as the slayer of Octavius "et alios principes optimatum." This supplementary evidence, in which the responsibility is placed upon Cinna, or

³² Dio fr. 102, 10; 11. Plur. Mar. 43. Cf. Flor. II 9, 14.

³³ Mommsen (RG II 312): Es war beschlossen nicht einzelne Opfer auszuwählen, sondern die namhaften Männer der Optimatenpartei sämtlich niedermachen und ihre Güter einzuziehen. And again: Der Urheber all dieser Unthaten war Gaius Marius. Er bezeichnete die Opfer und die Henker. . .

³⁴ XXXVIII fr. 4.

³⁵ Cic. Brut. 307; 309: post. red. ad Quir. 3, 7.

³⁶ Tusc. V 55; de nat. deor. III 32, 80; Phil. I 14, 24; ad Att. VII 7,7, etc.

³⁷ per. 80.

³⁸ II 22, 2-3.

³⁹ in Scaur. p. 23 Or. Perit (Crassus) autem in dominatione L. Cinnae, cum ille et alios principes optimatum et collegam suum Cn. Octavium occidit. Op. cit., p. 24: Hi autem Julii et Antonius ab satellitibus Marii sunt occisi, cum Crassus ut supra diximus eundem casum sua manu praevenisset. Cf. also Schol. Bob. pro Sest. p. 299 Or. De P. Crasso dicit, qui victoribus L. Cinna et C. Mario proscriptus.

upon Cinna and Marius jointly, does not conflict with the view that the executions were ordered by a conference of leaders among whom Cinna and Marius held chief place, but is quite irreconcilable with the view that Marius was sole judge and executioner-in-chief. Other sources make it probable that only one of all the victims whose names we know was actually killed in the presence of Marius, viz. the praetorian, Q. Ancharius,⁴⁰ and it is clear that his death occurred not as the result of a chance encounter on the street, but when he had deliberately put himself in the way of Marius. The circumstances of his action make it reasonable to infer that he had already been marked down for death and knew it.

There can be no doubt, therefore, that the massacre of leading men, which is generally assigned as the distinguishing feature of this victory, was an organized affair of which all the party leaders shared the responsibility, and that the story of Marius roaming the streets of Rome like a wild beast seeking its prey is a fiction (suggested perhaps partly by the fate of Ancharius, partly by the unauthorized ravages of the slaves), which may have appeared first in Sulla's memoirs, or at any rate in some political pamphlet written to vilify the character of Marius and to justify the harsher methods afterwards employed by Sulla.

If, then, we eliminate the alleged activities of Marius on the streets, and conclude that the authorized executions were ordered by a council in which the voice of moderation was not unheard, we shall be justified in assuming that the extent of the massacre was far less than the defamers of Marius would have us believe. Independent evidence can be adduced to show that such was actually the case.

The list of individual victims which has come down to us is probably far from complete, but when we find the names of celebrities like Antonius, Crassus, Octavius and the Caesars in juxtaposition with such comparatively obscure individuals as Ancharius, Baebius, and Numitorius,⁴¹ it would seem hardly likely that any of the more imposing names have been omitted. Yet the sources are in general agreement that the ravages upon the great and powerful were the

⁴⁰ App. I 71; 72; 73. Cf. Flor. II 9, 14, Ancharius, ipso vidente Mario confossus est. See p. 27.

⁴¹ The disparity of rank between the two groups may be explained by the assumption that those of less importance had been guilty of some particular offence, perhaps of having been prominent in the expulsion of Cinna from the city, or of having served as officers in the senatorial army. See note 22.

distinguishing characteristic of the massacre.⁴² At any rate, it must surely be conceded that the brunt of the massacre fell upon the highest grades of society, viz. the senatorial and equestrian orders. I propose, therefore, to try to estimate the extent of the mischief in these two groups.

First, let us consider the senate. The only senators of whose death at this time we have positive knowledge are those few individuals whose names have already been mentioned. Probably there were more, but that the massacre was far from involving all the senators will appear most clearly from an enumeration of those who we know did not perish. In the first place, there were those who might have lost their lives had they remained in Italy, but fled the country and suffered banishment instead. In addition to these, however, many other Sullan senators seem to have withdrawn from Rome at various times during Cinna's supremacy, apparently without compulsion or interference. The extent of their numbers may be judged from the words of Velleius,⁴³ who describes them as "*maior pars nobilitatis*," and from Plutarch,⁴⁴ who reports that Sulla presently had the aspect of a senate about him in his camp, and that on his subsequent return to Rome, the spectacle of exiles whom he had restored formed the greatest glory of his triumph. Exile, then, either enforced or voluntary, was the fate of a great many, perhaps the majority of the Sullan senators. These were not, however, the only exceptions to the massacre, for there must have been a considerable group, including even men of high importance, who were granted complete immunity and continued in their honors. This is proved by the fact that a few years later the younger Marius found senatorial material for another massacre, which included at least two men of consular rank, viz. L. Domitius Ahenobarbus (cos. 94) and Q. Mucius Scaevola (cos. 95), the famous jurist;⁴⁵ and by our knowledge of

⁴² See especially Cic. ad Att. VII 7, 7; Cat. III 10, 24; de nat. deor. III 32, 80; Ascon. in Scaur. p. 23 Or. (quoted above, see note 39).

⁴³ II 23, 3: *dominante in Italia Cinna maior pars nobilitatis ad Sullam in Achaïam ac deinde post in Asiam perfugit*. Cf. Eutrop. V 7, 3: *universus reliquus senatus ex urbe fugiens*.

⁴⁴ Sulla 22; 34.

⁴⁵ Cic. de orat. III 10; Brut. 221, 331; de nat. deor. III 80; ad Fam. IX 21, 3. Liv. per. 86. Vell. II 26, 2. Flor. II 9, 20. Diod. Sic. XXXIX fr. 17. App. I 88. Plut. Mar. 46. Lucan II 126. Oros. V 20, 4. Val. Max. IX 2, 3. auct. de vir. ill. 68, 2. Aug. de civ. dei, III 28. Only two other victims are known to us by name, viz. P. Antistius, the father-in-law of Pompey, and C. Papirius Carbo Arvina; but the readings of Livy and Florus imply that there were many others.

others who saved themselves by renouncing their Sullan allegiance, such as the consulars, L. Valerius Flaccus, (cos. 100), later *princeps senatus* under the Cinna regime, and L. Marcius Philippus (cos. 91), who in the same office championed the Sullan constitution against the attack of Lepidus.⁴⁶ Even the rank and file of the senate at the end of Cinna's domination still contained a strong Sullan element, as appears in the action which it took upon Sulla's letter from the East.⁴⁷

If, then, we eliminate these groups of the banished, the voluntary exiles, and the pardoned, from a senate already partly Marian and partly neutral, it will certainly appear that the proportion which perished in the massacre cannot have been very great.

The equestrian order sided with Cinna, as we might judge, even without the ancient testimony,⁴⁸ from the terrible havoc wrought in its ranks by the vengeance of Sulla. The nickname of "saccularii" was given its members because of their illgotten gains from the sale of the estates confiscated from the killed and banished. We learn from Appian⁴⁹ that there were some knights among the special offenders who were sought out by the executioners, and others doubtless perished in the unofficial ravages of the slaves, but we have positive evidence that there was no organized murder of the rich for the sake of their wealth.⁵⁰ The victims of Marius and Cinna were political enemies; the spirit as well as the method of the Sullan proscriptions was entirely absent.⁵¹ We may conclude, therefore, that the massacre left the ranks of knights practically intact.

It will be seen, therefore, that the wholesale slaughter vaguely described by certain ancient writers⁵² is not substantiated by a close

⁴⁶ Cic. ad Att. VIII 3, 6. At si restitero, et fuerit nobis in hac parte locus, idem fecero quod in Cinnae dominatione Philippus, quod L. Flaccus, quod Q. Mucius. . . etc.

⁴⁷ App. I 77. Cf. p. 59.

⁴⁸ Ascon. in Tog. Cand. p. 90 Or. Equester ordo pro Cinnanis partibus steterat, multasque pecunias abstulerat, ex quo saccularii erant appellati, atque ob eius rei invidiam post Syllanam victoriam erant interfecti.

⁴⁹ I 71.

⁵⁰ Vell. II 22, 5. Val. Max. IV 3, 14. Wealth as a cause for assassination is mentioned nowhere in the sources save by Cassius Dio, in a passage (fr. 102, 9) which is clearly a distorted version of the unauthorized activities of the slaves. Cf. Plut. Mar. 44, 10.

⁵¹ The verb *proscribere* is used by Val. Max. (IV 3, 14) and Eutrop. (V 7, 3), but not in its technical sense, for the other sources definitely state that Sulla first introduced the practice of posting lists of names and putting a price on the head of each individual condemned. Cf. App. I 95; Vell. II 28, 3.

⁵² Chiefly Cassius Dio and Plutarch. Cf. Cic. post. red. in sen. 15, 38, where,

examination of the evidence, but that in this matter also we have to recognize the invention of a partizan historian. Nowhere do we find any actual statistics of the alleged massacres,⁵³ an omission which in itself might easily be accidental, but considered in connection with the other evidence seems more likely to mean that the pro-Sullan historians had good reason for preferring to confine themselves to extravagant figures of speech.

however, the hyperbole and treatment of Marius as solely responsible are obviously due to the context.

⁵³ Mommsen (RG II 339) attempts to reach an estimate of the extent of the Marian massacre by a comparison of two passages in Appian. In I 95, Appian states that Sulla, after his return, proscribed at once about 40 senators and 1600 knights; while in I 103, he asserts that at the end of his career Sulla "had destroyed of his enemies 90 senators, 15 consulars, and 2600 knights, including the banished." Observing that the number of consulars mentioned is too high, Mommsen decided that the second group of figures must include the victims of both Sulla and Marius. He therefore concludes that the victims of the massacre of 86 B. C. included about 50 senators and 1000 knights. His method of calculation, however, is not justified. In I 103, Appian clearly says that these men were destroyed by Sulla, and although he certainly is mistaken as to the number of consulars (perhaps including under the word *δράκους* all curule magistrates), there is no ground for supposing that the total of senators and knights is too high. The figures given in I 95 are for the first proscriptions only, and although these may have lasted over several weeks (cf. Plut. Sull. 31; Oros. V 22), we read in the same chapter of Appian of additions made later (*μετ' οὐ πολλῶ*), and Mommsen himself points out that the lists were left open for months. Moreover, the figures of I 95 are for proscriptions only, and therefore do not include persons killed by Sulla's army during the struggle of 82 B. C. (cf. particularly App. I 91; 93; 94).

The totals of I 103 also agree better with other statements of the number of Sulla's victims: e.g. Flor. II, 9, 25,—2000 senators and knights proscribed, which does not include those killed in battle; Val. Max. IX, 2, 1,—4700 proscribed, (this includes persons of lesser rating than knights, but as their means would make them less worth proscribing, 2000 seems large enough for their proportion); Eutrop. V 9, and Oros. V 22,—total for Social and Civil Wars, about 200 senators. If the totals of I 103 are for Marius and Sulla together, this means that more senators were carried off by the Social War than by the Civil wars and proscriptions together; which is quite absurd. If, on the other hand, the totals of I 103 are for Sulla alone, then the Livian account leaves 110 senators as the loss in (a) the Social War, (b) the Cinna-Marian massacre of 86 B. C., (c) the massacre by the younger Marius in 82 B. C. This seems reasonable, but it would be rash to attempt any further division.

CHAPTER III

Cinna was restored to the consulship sometime toward the end of 87 B.C., perhaps in the month of November,¹ and after the death of his colleague, Octavius, seems to have been sole consul during the remainder of the year.² Regarding the other magistracies we have no information, but in view of the prosecutions which were instituted at the beginning of the following year, it seems probable that incumbent magistrates who remained at Rome were allowed to finish their term unmolested. It is true that Appian³ speaks of depositions from office at this time, (ἀρχῆς ἀφαιρέσεις), but this could be quite easily understood as referring to tribunes who had been chosen to fill the places of those who had fled and returned with Cinna. Appian³ is also the source of the information that this period witnessed the repeal of the laws enacted under Sulla, (ἀνατροπὰι τῶν ἐπὶ Σύλλα τεθέντων νόμων). This would mean that the *comitia centuriata* was put back on the tribal basis,⁴ and the right of initiating legislation restored to the tribunes.⁵ Probably also the Sulpician laws, which Sulla had annulled, were now declared legal and valid, thus transferring the command against Mithradates from Sulla to Marius, and providing for the distribution of the new citizens and *libertini* among the thirty-five tribes, as Cinna had promised.⁶

This period of constitutional reform seems also the most likely time for the restoration of the courts *de repetundis* exclusively to the *equites*, by the repeal of the *Lex Plautia judiciaria* of 89 B.C.⁷

¹ Plutarch (Mar. 45) speaks of a short respite between the general massacre and the violence of January 1st.

² Lanzani (pp. 144, 148) conjectures that Marius was consul suffectus during the remainder of the year. There is no ground for such a belief. When one consul died near the end of his term it was customary for the other to finish the year alone. (Cf. Kübler in Pauly-Wiss. R. E. IV 1115, under consul). Moreover, there is abundant evidence that Marius was in his seventh consulship when he died (see note 9), but had he been consul suffectus in 87 B. C. that would have been his seventh, and 86 B. C. his eighth consulship.

³ I 73.

⁴ Cf. Mommsen, St. R. III 270, 1.

⁵ Cf. p. 3.

⁶ Vell. II 20, 2.

⁷ Cic. Corn. fr. 1, 29. Asc. p. 79 Or.

There is no definite statement in the sources regarding the repeal of this law, but it is clear that the mixed juries which it set up did not prevail for any length of time, and that the knights were in complete control at the time of Sulla's return.⁸

For the following year Cinna was made consul for the second time and Marius for the seventh.⁹ The epitomizer of Livy states that they declared themselves consuls without any election, but the other sources do not corroborate this view, and it seems very unlikely that they would neglect the form when they had no cause to fear the outcome.¹⁰

The ceremonial sacrifices on the Capitol on the occasion of their entry upon office on January 1st., 86 B.C., were marked by a fresh outbreak of violence. Livy¹¹ reports that Sex. Licinius, a senator, was thrown from the Tarpeian rock by order of Marius. Cassius Dio¹² says that the younger Marius killed one tribune with his own hands, threw down another from the rock, and banned two praetors from fire and water. Velleius¹³ says that P. Laenas, a tribune of the people, threw from the Tarpeian rock Sex. Lucilius, who had been tribune in the previous year, and that when his colleagues, whom he had impeached, fled in terror to Sulla, he banned them from fire and water. It seems probable that all these passages refer to the same events, and that the violence of January first and the subsequent

⁸ Vell. II 32, 3. Cic. in Verr. act. 1 13, 37 f., Cum equester ordo iudicaret annos prope quinquaginta continuos. Ps. Asc. pp. 99, 102, 103, 145 Or. Schol. Gron. p. 384 Or.

⁹ CIL I² p. 154. Liv. per. 80. Vell. II 23, 1. Plin. N. H. XI 252. auct. de vir. ill. 67, 6; 69; 3. Flor. II 9, 17. Plut. Mar. 45. App. I 75. Orosius (V 19, 23) erroneously calls this the third consulship of Cinna.

¹⁰ Cf. Ihne (V 362, 4), who thinks he finds evidence of the work of a Sullan interpolator in the use of *citra*, which the real Livy never uses in the sense of *sine*. This verbal change, however, could easily be the work of the epitomizer and prove nothing about the exact wording of the original (cf. Wölfflin. Comm. in hon. Mommseni, p. 340). But even if the real Livy did make the assertion, this does not prove it true, for the Livian account was undoubtedly pro-Sullan. See Chap. 2, note 3.

¹¹ per. 80. Cf. Plutarch (Mar. 45) and see crit. app. for variant readings of the name.

¹² fr. 120.

¹³ II 24, 2. Velleius relates this incident after describing the death of Fimbria (84 B. C.), and begins "eodem anno." Either this is an error of the historian, or the sentence has fallen out of its proper place. Apart from the strong inherent improbability that any tribunes of Sullan sympathies could have been elected to and held office during the year 85 B. C., the correspondence is so close that one can hardly doubt that Velleius is describing the same events which the other sources definitely assign to January 1st, 86 B. C.

banishments were directed against magistrates of the previous year, who had just laid down their office.¹⁴ After the removal of their great enemies, whose lives they claimed as the terms of peace, the Marian leaders seem to have made at least a show of observing legal forms. Witness this immunity of magistrates as long as they held office; witness also the form of the attack upon them, which was evidently regarded by the perpetrators as within the law. For it is clear that a tribune of the people not only had the right of summoning a political offender to trial, but actually possessed constitutional competence for inflicting summary punishment, and might under certain circumstances order an offender to be thrown from the Tarpeian rock.¹⁵ It is not clear to what extent the victims attributed by Dio to the younger Marius are to be identified with those who, according to Velleius, were attacked by Laenas,¹⁶ but it is by no means unlikely that Marius was also one of the new tribunes and that both he and Laenas played a part. It must be remembered, of course, that the tribunes entered office not on January 1st., but on December 10th. The praetors, however, did not change until the beginning of the new year, and the Cinnan tribunes may have waited so as to attack at once both grades of retiring magistrates. In any case, they could have chosen no better occasion for an awe-inspiring display of their new authority than when the senate had escorted the new con-

¹⁴ As Velleius expressly states. Livy's reading "senatorem" would fit an ex-tribune, as tribunes of the plebs became *ex officio* members of the senate, (see note 45, Chap. 1). Dio uses the regular words for magistrates in office, but it does not seem at all likely that any officials hostile to the government would have been allowed to enter office at this time.

¹⁵ The actual constitutional authority of a tribune to put a citizen to death without a trial was, so far as we can tell, limited to cases in which the offender had used violence on the person of the tribune. Cf. Cic. pro Tull. 20, 47, *legem antiquam de legibus sacratissimae quae iubet impune occidi eum qui tribunum pl. pulsaverit*; also Livy III 55; Dion. Hal. VI 89; App. II 108; II 138; Dio LV 10; Mommsen, St. R. II 286, 297 f. From about the time of the Gracchi, however, the tribunes seem to have claimed the power of dealing summarily with any political enemy who in any way interfered with them in the free exercise of their prerogatives. Cf. Livy per. 59, C. Atinius Labeo trib. pleb. Q. Metellum censorem, a quo in senatu legendo praeteritus erat, de saxo deiici iussit. quod ne fieret ceteri tribuni plebis auxilio fuerunt; also de vir. ill. 66, *Caepionem inimicum, actionibus suis resistentem, ait se de saxo Tarpeio praecipitatum* (M. Livius Drusus tr. pl.). Cf. Mommsen, St. R. I 151 f.

¹⁶ The identification of the man thrown from the rock is established with reasonable certainty from a comparison of Velleius with Livy and Plutarch, but whether there were two praetors banished by Marius (cf. Dio l.c.) as well as the ex-tribunes by Laenas does not seem to me to admit of proof.

suls to the summit of the Capitol for the solemn sacrifices of their investiture.¹⁷

Marius did not long enjoy his seventh consulship. After an illness of seven days, he died at his house on the Ides of January, 86 B.C., in the seventy-first year of his age.¹⁸ Plutarch,¹⁹ following Posidonius, says that the cause of death was pleurisy. This is likely enough, but when he adds the information that the illness was brought on by apprehensions of war with Sulla, and by the excessive drinking through which Marius sought to divert his thought and induce sleep, his charges must be regarded with as much scepticism as the report of certain minor sources that Marius died by his own hand.²⁰ Far from sinking into a decline through fear of Sulla, there is good reason to believe that Marius was already planning to lead an army to the East for the discomfiture of his rival and the taking over of the coveted command.²¹ Whatever the faults of Marius may have been, he was never the man to fear an enemy; "vir in bello hostibus, in otio civibus infestissimus, quietisque inpatientissimus"²² is a true epitaph of his character and career.

The funeral of Marius was the occasion of a fresh scene of violence. At the instance of C. Flavius Fimbria, whose zeal in the rôle of executioner has already been noticed, an attempt was made to murder the aged and universally respected *pontifex maximus*, Q. Mucius Scaevola. The choice of occasion seems to indicate that Scaevola, although a recognized partizan of Sulla, had been protected by Marius against the other members of his faction.²³ When Fimbria heard that the wound would not prove fatal, he set a day for Scaevola's trial before the people, but the case was dropped, perhaps by

¹⁷ The new consul was escorted to the Capitol by a numerous company, in which the knights proceeded before and the senators behind him. After the sacrifices and vows had been made a meeting of the senate was held on the Capitol. Ovid, *Fast.* I 79; *ex Ponto* IV 4, 25; IV 9, 3 ff. Livy XXI 63, 8; XXVI 26, 5; XLI 14, 7. Cf. Hübler in *Pauly-Wiss.* IV 1116.

¹⁸ Liv. *per.* 80. Flor. II 9, 17. Plutarch (*Mar.* 45) says on the 17th day of his consulship; Appian (*I* 75) in the first month. Cf. Vell. II 23, 1. Cic. *de nat. deor.* III 21. Oros. V 19, 23. Florus makes the strange blunder of attributing all the massacres to the interval between the Kalends and Ides of January.

¹⁹ *Mar.* 45.

²⁰ *Auct. de vir. ill.* 67, *voluntaria morte discessit.* Diod. *Sic. fr.* XXVII 29, 4.

²¹ App. I 75. Cf. the account of his delirium in Plutarch (*Mar.* 45).

²² Vell. II 23, 1.

²³ Cic. *pro Rosc. Amer.* 12, 33. Val. Max. IX 11, 2. Scaevola had protested in the senate against the exile of Marius; Val. Max. III 8, 5.

orders from above. It seems probable that Fimbria was another of the tribunes for this year, and could therefore claim constitutional authority for his actions by alleging interference with his official prerogatives.²⁴

The successor of Marius in the consulship was L. Valerius Flaccus,²⁵ not the consul of 100 B.C., but possibly his son. He had been curule aedile in 98 B.C.,²⁶ and is perhaps to be identified with the Valerius who betrayed Ostia to Marius.²⁷ As consul he now introduced and carried a *Lex Valeria de aere alieno solvendo*, by which it was provided that all debts at Rome might be discharged by payment of one fourth of the amount due.²⁸ This law is characterized by Velleius as "turpissima," an estimate which is generally accepted by modern historians. There can be no doubt, however, that the financial situation at this time was really desperate. The Social War had been responsible for a financial depression, in which the capitalists called in their loans under penalties of exorbitant interest.²⁹ With the

²⁴ Lange (Alt. III 134) says that he was probably aedile, but his activities seem to suggest rather the powers of the tribunes, who laid claim to the right of inflicting summary punishment (see n. 15), and were regularly the prosecutors before the people (*accusare apud populum instituit*, Val. Max. l.c.) on all political offences of a serious character. Cf. Mommsen, St. R. I 166, and Greenidge, Rom. Pub. Life, p. 211, re limitations of the criminal jurisdiction of the aediles.

²⁵ App. B.C. I 75; Mith. 51. Vell. II 23, 2. Memnon 34. Liv. per. 82. Presumably he was regularly elected; cf. Plut. Sulla 20. Münzer (in Pauly-Wiss. RE IV 1286) says that during a long interval Cinna was sole consul. His opinion is based upon an inscription from Cales (CIL I 1505=X 4669) which reads:

L CORNEL
CINNA COS ITER
PURGATUM MENSE INR

I do not know how Münzer would expand the last abbreviation, but neither Mommsen's proposal IANUARJO (which I prefer) nor Hübner's INTERCALARI would prove that any considerable period elapsed before the election of Flaccus. Moreover, the chronology of the expedition to the East under Flaccus shows that the consul must have left Rome early in the summer, and we know that he had been in office some time before that, because he had sponsored the law *de aere alieno solvendo* and levied his legions.

²⁶ Cic. pro Flacc. 32, 77.

²⁷ See p. 14.

²⁸ Vell. II 23 (read *ius erat* instead of *iusserat*, cf. Mommsen-Blacas, Hist. de la Monn. II 74). Sall. Cat. 33. Cic. pro Font. fr. 1 Niebuhr; pro Quinct. 4, 17.

²⁹ As appears from the agitations of 89 B. C., in which the urban praetor, A. Sempronius Asellio, lost his life. Liv. per. 74, *Cum aere alieno oppressa esset civitas*, A. Sempronius Asellio, praetor, quoniam secundum debitores ius dicebat, ab eis qui faenerabant in foro occisus est.

outbreak of the Mithradatic war and the loss of great private investments as well as the public revenue, financial confidence at Rome, already tottering, completely collapsed,³⁰ and ready money disappeared from circulation. Remedial measures were attempted,³¹ but did not go far enough to cope effectively with the situation, which was rendered still more chaotic by the civil disturbances of 87 B.C. and the high prices caused by the blockade of the city. It is clear, therefore, that the Cinna administration, once firmly established in power, was faced with the necessity of dealing with a financial crisis almost unprecedented in the history of the republic. The remedy which they decided upon and embodied in the law of Flaccus may not have been the wisest solution possible, but we must at least concede that it was an honest attempt to restore order and to assess the losses where they would be least felt. The desperate expedients which have been advocated, and in some cases adopted, for dealing with the financial situation, national and international, brought about by the recent war, must give us pause before we harshly condemn the scheme or impugn the motives of an ancient experiment in financial readjustment. Although we have very little information regarding the terms of the law, it does appear that individual debtors had to present their claims before the quaestor for his sanction,³² and it is possible that this official supervision was due to certain limitation in the applicability of the law, the extent of which, however, it would be futile to conjecture.³³

The honest motives of the Cinna government in its attempt to solve the financial problems which confronted it are more plainly evident in the currency reforms, probably also of the year 86 B.C., which are generally associated with the name of M. Marius Gratidianus.³⁴ A law of M. Livius Drusus, of 91 B.C. had empowered the

³⁰ Cic. pro leg. Man. 7, 19: Nam tum, cum in Asia res magnas permulti amiserant, scimus Romae, solutione impedita, fidem concidisse. Cf. pro Caec. 4, 11; Sall. Cat. 33.

³¹ As, for example, the great issue of denarii by the moneyers of 89/88 B. C., Piso and Silanus, (cf. Mommsen-Blacas II 407 ff.); and the Lex Unciaria of 88 B. C. (Cf. Lange, Alt. III 126; Fröhlich in Pauly-Wiss., R.E. IV 1537; Botsford, The Rom. Assemb., 408).

³² Cic. pro Quinct. 4, 17; pro Font. I, 1. Cf. Mommsen-Blac. II 74, 1.

³³ Lanzani (p. 173 f.) thinks that no debts were commutable which had been contracted within two years. This would seem equitable, but there is absolutely no evidence for it.

³⁴ He was the son of M. Gratidius, related by marriage to Cicero (de off. III 80; Asc. p. 84 Or., arcta necessitudine Ciceroni coniunctus; for family tree see Drum.-Gr. V 224) and had been adopted into the family of Marius, probably by a brother of the great Gaius. (cf. Drum.-Gr. II 392, 4). The year of his first praetorship and therefore

government to issue one plated denarius to every seven of pure silver,³⁵ and there is no doubt that this adulteration of the currency had contributed materially to the instability of the times.³⁶ In a period when financial stringency tended to promote hoarding to a greater degree than usual, the good coins would certainly be the ones to disappear from use, leaving the circulating currency heavily charged with the base metal. As there seems to have been no law at this time compelling the acceptance of the plated coins as legal tender,³⁷ the existing situation bore heavily upon the poorer classes, while it proved a source of profit to those who had reserves for manipulation. To remedy this grievance, the colleges of tribunes and praetors conferred together and decided to recall the plated coins from circulation, establishing testing stations where base coins could be exchanged for good, and making it a punishable offence wittingly to attempt to pass a plated coin.³⁸ The story is told that the praetors and tribunes had agreed to mount the rostrum in a body for the purpose of announcing this edict to the people, but that Gratidianus anticipated the others and proclaimed the edict as his own. By this means he is said to have won so much popularity that the grateful populace erected statues in his honor in all the wards of the city and elected him to the praetorship for a second term.³⁹ The cost of this wise and salutary reform must have put a severe strain upon the resources of the government, which in this case must surely be held free from any suspicion of selfish or ulterior motives.

It seems likely that there was a close connection between this drain upon the treasury and the legal proceedings which were insti-

of this law, is in doubt. Mommsen, (*Hist. de la Monn.* II 82) says about 84 B. C.; Lange (*Alt. III* 137) and Wehrmann (*Fasti Praet.* 30) place it in the year 85 or 84; Drumann-Groebe (*GR V* 224) and Long (*Decl. of the R.P.* 251) favor 86 B.C. The last date seems to me most likely, because: 1) The need for financial relief was urgent at that time. 2) Gratidianus had probably already been tribune (see p. 9) and in the lack of qualified candidates among the Cinnan partizans would be likely to come up for the praetorship on the first slate of Cinnan magistrates (see p. 64).

³⁵ Pliny N.H. 33, 3, 46. Mommsen-Blacas, II 82, 2.

³⁶ Cic. de off. III 20, 80, *iactabatur illis temporibus nummus sic ut nemo posset scire quid haberet*. Pliny (l.c.) seems to have thought that forged coins were the cause of the trouble, but this is very unlikely. Cf. Mommsen-Blacas II 83.

³⁷ This seems to have been done first by a *Lex Cornelia* (probably during Sulla's dictatorship). Paul. Sent. rec. 5, 21, 1.

³⁸ Cic. l.c. Pliny NH 33, 9, 132; 34, 6, 27; The sources do not definitely state that good coins were issued in exchange for bad, but the immense popularity of Gratidianus would not have resulted from measures which gave no relief. Cf. Momm.-Blac. l.c.

³⁹ Cic. l.c. Asc. p. 84 Or.

tuted in this same year against Cn. Pompeius, the son of Strabo, who was charged with having received from his father's estate public booty, which the latter had misappropriated after the fall of Asculum.⁴⁰ Pompey was defended by the best legal talent of the day, including Q. Hortensius and L. Marcius Philippus, and was acquitted, though not without suspicion of collusion with the presiding magistrate, Q. Antistius, whose daughter he married a few days later.⁴¹ This case seems to have been a genuine attempt to recover money legally due to the public chest. That there was no party motive involved is shown by the fact that Cn. Papirius Carbo, one of the foremost leaders of the Marian faction, also appeared for the defence.⁴²

The most important domestic event of the year 86, however, was the election of censors.⁴³ The regular interval of five years had not elapsed since the preceding census, but the office was prematurely reinstated because of the urgent need of reorganization in two departments which required the exercise of powers exclusively delegated to the censors, viz. the revision of the senatorial roster, and the distribution of the Italians and *libertini* into all the tribes. The choice fell upon L. Marcius Philippus (cos. 91) and M. Perperna (cos. 92), who were probably the only qualified men available.⁴⁴ It was indeed a strange turn of chance that Philippus who as consul had been mainly responsible for the failure of the schemes of Drusus,⁴⁵ should now as censor be required to enroll in all the tribes of Rome those same Italians whose enfranchisement he had then successfully opposed. If this task caused him any feelings of humiliation or embarrassment, it was part of the price he had to pay for his tem-

⁴⁰ Oros. V 18, 26. App. I 48; 50. Liv. per. 76. Flor. II 6, 14. Cf. Acta Triumph. Cap. 665.

⁴¹ Plut. Pomp. 2, 4. Cic. Brut. 64, 230.

⁴² Val. Max. V 3, 5; VI 2, 8. Pompey's defence was that a freedman of his father had been guilty of the main misappropriations, and that some hunting equipment and books, which was all he had personally received, had been taken from his house by Cinna's men. There can be little doubt of the elder Pompey's guilt, and it is probable that the son received the benefit of it. See references under note 40.

⁴³ CIL I², p. 154.

⁴⁴ This statement must be qualified by the reservation that there are a few consulars of the preceding quarter-century whose fate is unknown. It is improbable, however, that any of these were alive at this time. There is certainly no mention of any of them later.

⁴⁵ Cic. de orat. I 7, 24.

porizing policy. The tribal allotments which these censors made were confirmed by a decree of the senate in 84 B.C.,⁴⁶ and were with slight exceptions approved by Sulla after his return to power. As we hear of no further agitations by the Italians for re-distribution, it is to be inferred that this arrangement was permanent and satisfactory.

In their *lectio senatus* these censors struck from the roll of senators all those against whom the formula of exile had been legally pronounced, including Appius Claudius Pulcher, the uncle of the censor Philippus.⁴⁷ Probably they also filled the vacant places with Cinnan partizans, though this is nowhere definitely stated.⁴⁸ As *princeps senatus* they named L. Valerius Flaccus, the colleague of Marius in the consulship of 100 B.C., and the censor of 97 B.C., another successful temporizer and probably the only consular available. The sixty-sixth lustrum was duly performed and the censors Philippus and Perperna laid down their office in the year 85 B.C.

The figures for this census are given in the Hieronymus-Eusebius chronicle⁴⁹ under Olympiad 173, 4=85 B.C., as 463,000. As this seems too small an increase over the total for 115/114 B.C. of 394,336, Beloch⁵⁰ conjectured that D had fallen out, and would read "DCCCCLXIII milia." Others⁵¹ account for the low figure by assuming that the census was not complete. There is no reason, however, why it should have been incomplete, except in the case of those absent with Sulla, and as there was not another census until 70 B.C., we must assume that the Italians were satisfied at this time. An emendation, therefore, seems necessary, but I should prefer to think that the first letter of the numeral has been corrupted rather than lost, postulating as the true reading "DCCCLXIII milia." This is slightly

⁴⁶ Liv. per 84. Cf. Mommsen RG II, 314-5.

⁴⁷ Cic. pro domo 32, 84: L. Philippus censor avunculum suum praeteriit in senatu recitando. Nihil enim poterat dicere qua re rata non essent quae erant acta in ea re publica in qua se illis ipsis temporibus censorem esse voluisset. Cicero makes it quite clear that Appius Claudius was struck off the rolls because he had been banished under the Cinnan regime, and the censor, though his own nephew, performed his duty conscientiously. One can hardly doubt, therefore, that all others were also removed from the rolls against whom the legal form of banishment had been pronounced.

⁴⁸ Observe, however, the large number of senators who fell as victims of the Sullan proscriptions. See Chap. 2, note 53.

⁴⁹ Schoene, p. 133.

⁵⁰ Die Bevölkerung der G.-R. Welt, pp. 348, 352.

⁵¹ Lange, Alt. III 135; Heitland, Rom. Rep., p. 406, 1.

less than the figure for 70 B.C., (910,000), and is about what we should expect, as the losses of 82 B.C. would be offset by the return of the Sullan army.

L. Valerius Flaccus, the younger, succeeded Marius not only in the consulship but also in the command against Mithradates.⁵² In the summer of his consular year, the new general, formally invested with the government of Asia, set out for his province in command of two new legions, and with him went C. Flavius Fimbria in the capacity of legate.⁵³ The expedition was ill-starred from the start. In crossing from Brundisium, some of the ships were lost in a storm, while others which were in advance of the main company, were captured and burned by the enemy.⁵⁴ The majority of the men, however, reached land in safety. In the meantime, Sulla, who had been warned of their coming and was for the moment unhampered by the foreign enemy, marched northward through Boeotia with the intention of intercepting his rival.⁵⁵ It is not clear whether Flaccus turned southward to meet him. He did send forward into Thessaly a detachment of his troops,⁵⁶ but it seems most likely that he himself with the main army did not digress very far from the Egnatian Way. It is hardly conceivable that he had any intention of matching his two new legions against Sulla's veteran five, or that Cinna had sent him out on such a mad project. His plan of campaign, which had doubtless been formulated at Rome before his departure, appears to have been as follows; first, to make a formal demand upon Sulla for the surrender of the command,⁵⁷ and if this met with refusal, to summon his army to desert; if the direct appeal to the men also failed, then to invade Asia and undertake an offensive against Mithradates which

⁵² Liv. per. 82. App. I 75; Mith. 51. Plut. Sulla 20. Memn. 34. Strabo XIII 1, 27.

⁵³ Liv. l.c. Oros. VI 2, 9. de vir. ill. 70, 1. Cass. Dio fr. 101, 1. All these speak of him as legate. Strabo (l.c.) calls him *ραμίας*, an error probably arising out of confusion of the story of Fimbria's dispute with the quaestor (see p. 49). Velleius (II 24, 1) styles him "praefectus equitum," which is not inconsistent with the general statement that he was a "legatus." Cf. Mommsen, St. R. I 177, 5.

⁵⁴ App. Mith. 51.

⁵⁵ Plut. l.c. This was in the interval between the battle of Chaeronea, March 86 B. C., and Orchomenos, autumn 86 B.C. Cf. Drumann-Gr. II 381, 383; Reinach, Mithridate Eupator, 185 f.

⁵⁶ App. l.c.

⁵⁷ Memnon (ch. 34) says that the senate ordered Flaccus to share the command with Sulla if the latter accepted the senate's views, (*δμοια φρονούντι τῆ συγκλήτῳ*). This must be wrong, for Sulla had already been declared a public enemy. See p. 29.

would lead to a negotiated peace and a coalition against Sulla. The latter was already in financial straits; if he should be deprived of the fruits of victory and shut out of Asia, there would be little chance that he could continue to command the loyalty of his men or cause the Cinna government any further anxiety.

The detachment, then, which Flaccus sent into Thessaly doubtless carried a formal demand to Sulla, and was under orders to test the disposition of his army if the demand met with the expected refusal. This part of the plan resulted in worse than failure. Flaccus, by his strict discipline, had already incurred the ill-will of his men, and not only did the Thessalian detachment desert to Sulla, but the main army itself showed signs of wavering loyalty and was kept intact only by the personal efforts of the legate Fimbria, whose popularity and influence was far greater than that of his superior.⁵⁸ Sulla advanced as far north as Meliteia, on the slopes of Mt. Othrys in southern Thessaly, but was constrained to turn back by the arrival of news that a fresh Asiatic army had crossed from Euboea and was already devastating Boeotia in his rear.⁵⁹ Mommsen and certain other modern writers⁶⁰ have held the view that the opposing armies faced each other at Meliteia, and are at some pains to show why Sulla did not bring on a battle. I quote the sources which refer to the incident. Plutarch⁶¹ says: "After this, learning that Flaccus . . . was crossing the Ionian sea with an army . . . he set out towards Thessaly to meet him. But when he reached the vicinity of the city of Meliteia, tidings reached him from many quarters that the regions behind him were being ravaged again by an army of the king no smaller than the former one . . . Sulla, however, turning swiftly back . . ." Appian writes:⁶² "And a certain portion of them, having been sent forward into Thessaly, went over to Sulla; but Fimbria, whom they thought a better general than Flaccus kept the rest from deserting." Plutarch does not say that Sulla met Flaccus; on the contrary he seems to mean that Sulla abandoned his march

⁵⁸ App. Mith. 51.

⁵⁹ Plut. Sulla 20.

⁶⁰ Mommsen, RG II 294; Neumann, GR I 559; Lanzani, p. 200, etc.

⁶¹ Sulla 20. Μετά ταῦτα πυνθανόμενος φλάκκον διαπερῶν τὸν Ἴόνιον ὤρησεν ἐπὶ θεσσαλίας ὡς ἀπαρτήσων. γενομένη δ' αὐτῷ περὶ πόλιν Μελίτειαν ἀφικνούνται πολλαχῶς ἀγγελίαι κορβείσθαι τὰ κατόπιον αἰθῆς οὐκ ἐλάττωνι στρατιᾷ βασιλικῇ τῆς πρότερον.

⁶² App. Mith. 51. καὶ μέρος αὐτῶν τι προπεμφθὲν ἐς θεσσαλίαν, ἐς τὸν Σύλλαν μεταστρατεύσαντο. τοὺς δὲ ὑπολοίπους ὁ Φιμβρίας, στρατηγικώτερος τοῦ Φλάκκου φαινόμενος αὐτοῖς καὶ φιλανθρωπότερος κατεῖχε μὴ μεταβῆσαι.

before completion on account of the news from the rear. This accords with the first sentence of the Appian passage, which implies that the main body of troops with Flaccus had not yet entered Thessaly when the party which had been sent forward went over to Sulla. The only possible basis, then, for the view that the armies met at Meliteia lies in the other statement of Appian, that only the popularity of Fimbria kept the rest from deserting. It seems quite possible, however, that such wavering on the part of the soldiers might have taken place at any time while they were in northern Greece, even though Sulla's army was not directly under their eyes. At any rate, this is more likely than that Sulla had the rival legions within his grasp and let them go through patriotic motives. To him such an action would have seemed anything but patriotic. He did not know that they would go on to Asia to fight the common foe; they might just as well have combined with Mithradates against him.

Flaccus, then, having satisfied himself that there was no chance of taking over Sulla's army, either with or without Sulla's consent, continued his progress toward Asia for the prosecution of the alternative plan.⁶³ The story of this march throws a flood of light upon the cause of the consul's unpopularity, and illustrates in striking fashion the contrast in character and principles between Flaccus and Fimbria. The road lay through Macedonia, a district of doubtful allegiance, but more sinned against than sinning, for its lands lay undefended, and exposed to the raids of the hostile tribes from north and east.⁶⁴ Fimbria, however, was not the man to scrutinize too carefully the justice of a case in which his own interests were involved. A precocious pupil of the new school of Roman generalship,⁶⁵ he was well aware of the means by which an army might be made to serve the personal ambitions of its leader. He let it be known, therefore, that he regarded Macedonia as a hostile country, and permitted his men

⁶³ H. Bernhardt (*Chron. d. Mith. Kriege*, Diss. Marburg, 1896, p. 15 f.) propounded the theory that Flaccus was acting in league with Sulla, and that Fimbria's plot against him was formed in the interests of the Cinnan party. I do not find anything in the sources to warrant such a view. (Cf. Münzer in *Pauly-Wiss.*, R.E. IV 2600).

⁶⁴ Liv. per. 82. Cass. Dio fr. 101, 2. App. Mith. 55.

⁶⁵ Plutarch (*Sulla* 12, 7f.) has an interesting comment on the contrast between the old type of Roman general and the new. The trouble with Flaccus was simply that his methods were out of date. An earlier generation would have praised as discipline and honesty what our sources censure as cruelty and avarice. The Macedonian incident shows clearly that Flaccus was not avaricious.

to plunder the inhabitants at will, and even, in some cases, to carry them off into slavery. This was at first done without the knowledge of Flaccus, since Fimbria, who had charge of the cavalry, was proceeding several days in advance of the main army. Protests were soon lodged with Flaccus, however, who ordered the complainants to follow him, and, presently coming up with Fimbria, angrily rebuked the legate and commanded the soldiers to restore the booty. This praiseworthy and impartial administration of justice, however gratifying to the provincials had the inevitable effect of deepening the resentment of the troops toward the general, and of increasing the popularity of the ambitious and unscrupulous legate, who was plotting to supplant him.⁶⁶

The crossing over the Strymon into the hostile territory of Thrace changed the form of the grievance, but did not remove it. The legions were now permitted to plunder, to be sure, but, with the same strict sense of duty toward the state as he had shown toward the provincials, Flaccus claimed all the booty as state property. Although some of the towns along the Via Egnatia, which here runs almost parallel with the Thracian coast, closed their gates against the Roman army, these were for the most part easily reduced; and the news that Philippi had fallen, caused a Mithradatic garrison in the neighboring town of Abdera to take to voluntary flight. The hardships of the march, however, combined with some reverses and a shortage of rations, increased the discontent of the soldiers and added fuel to the smouldering fires of mutiny, which Fimbria was awaiting an opportunity to fan into flame.⁶⁷

When, at the beginning of winter, the expedition reached Byzantium, Flaccus, with characteristic respect for the rights of this faithful ally of Rome, ordered the legions to bivouac outside the walls, while he himself went within the city, presumably to arrange for transportation across the straits of the Bosphorus. Fimbria recognized his opportunity and seized it. He denounced the general, who, he said, after robbing the soldiers of money, was now living in luxury in the city while his army was left exposed to storm and cold. The soldiers rose in anger, forced their way into the city, killed those of the citizens who opposed them, and billeted themselves in houses of

⁶⁶ Diod. Sic. XXXVIII fr. 8.

⁶⁷ Memnon 34. Gran. Lic. p. 26 Fl.; regii qui Abderae praesidebant, captis Philippiis dilabuntur.

their own choosing.⁶⁸ To check this mutinous outbreak, Flaccus hastened to mature his plans for transporting the army into Bithynia.⁶⁹ Taking with him Fimbria and his quaestor, probably also an advance company of soldiers, he crossed to Chalcedon, on the Asiatic shore of the straits. There Fimbria quarrelled with the quaestor about their lodgings, and when Flaccus upheld the latter, made an angry rejoinder and threatened to return to Rome. Glad of an opportunity to rid himself of his troublesome legate, Flaccus took him at his word and appointed his successor. Returning immediately to Byzantium, Fimbria represented himself to the soldiers as a victim of injustice, and by charges and insinuations against Flaccus, won their sympathy and persuaded them to drive out Minutius Thermus,⁷⁰ who had been left in command, and to acclaim himself as their general.⁷¹ Flaccus returned shortly afterwards to find his authority usurped and his life in danger. Hiding in a private house until night, he then climbed the wall and escaped, first to Chalcedon and afterwards to Nicomedia, where he persuaded the inhabitants to close the gates behind him. Fimbria, who in the meantime had caused the main army to be transported across the Bosphorus,⁷² advanced on

⁶⁸ Cass. Dio fr. 104, 3.

⁶⁹ Drumann-Gr. (II 384), Neumann (I 561), and Lanzani (p. 202) state that Flaccus made winter quarters at Byzantium. It seems very unlikely that Flaccus meant to keep his legions in open camp all winter, but even if this had been his plan, he must have resolved to move on after the troops had forcibly entered the city. Memnon (34) clearly indicates that the winter quarters were at Nicaea of Bithynia; *ὅτι δὲ Βυζαντίων ἐπὶ Βιθυνίαν διαβαλὼν, κακῶς ἐπὶ Νίκαιαν τῆς πορείας ἔστη.*

⁷⁰ This may be the same person as the M. Minutius Thermus, who succeeded Murena in the command of the legions in Asia about 81 B. C., and under whom C. Julius Caesar served his military apprenticeship (cf. Suet. 2). Nothing is known of his movements after he was driven out of his command by the soldiers. Drumann-Gr. (III 129, 1) denies the identification because of the difference of party affiliation, but this is not convincing, for other cases can be shown where pardoned Marians were given provincial commands under the Sullan regime, e.g. C. Valerius Flaccus in Gaul (cf. Stahl, *De Bello Sertoriano*, Erlangen, 1907, p. 38). I do not think, however, that the existing evidence gives any ground for a positive identification.

⁷¹ Cass. Dio fr. 104, 4-5. Appian (Mith. 52) gives a similar account, except that he places the scene of the quarrel in Byzantium, and says that Fimbria, after he was dismissed, remained there and watched for an opportunity, which he found when Flaccus set out for Chalcedon.

⁷² Diodorus Siculus (XXXVIII fr. 9) speaks of Fimbria crossing the Hellespont, but this is certainly an error, as all the other sources (see note 73) point to the Byzantium-Chalcedon route, and even this fragment of Diodorus refers to the sack of Nicomedia, which is a town of Bithynia not far from Chalcedon.

Nicomedia with the whole force, and compelled the citizens to admit him. Two of his men found the consul of Rome hiding in a well; according to their orders, they cut off his head and flung it into the sea. Nicomedia was handed over to the pillage of the soldiers.⁷³ Then turning southward, Fimbria established winter quarters at Nicaea, a flourishing city at the western extremity of Lake Ascania, described by Strabo as the metropolis of Bithynia.⁷⁴ Sending to Rome a report of what had happened, or at any rate his version of it, he asked for official confirmation in the command, which the senate somewhat reluctantly granted.

The date of the death of Flaccus was probably December, 86 B.C. Cicero, Livy, Appian, and a number of other sources⁷⁵ describe him as consul at the time of his death, while Velleius alone⁷⁶ speaks of him as "vir consularis." Reinach interprets this variation as indicating that the death took place "vers la limite des deux années consulaires," and proposes January, 85 B.C.⁷⁷ It should be noted, however, that Velleius in another place⁷⁸ speaks of the death of Flaccus as having occurred within the second year after the passing of the *Lex Valeria de aere alieno solvendo*; "cuius facti merita eum poena intra biennium consecuta est;" that is, at any rate not before March, 85 B.C. This removes the basis for any such compromise as Reinach proposed, and forces us to accept one version to the rejection of the other. To me the "consul" tradition seems preferable not only because it is better attested, but also because the earlier date for the death of Flaccus accords better with the rest of the chronology.⁷⁹ Probably the error in Velleius arose from a confusion of the death of Flaccus with the collapse of the expedition and the death of Fimbria.⁸⁰

The following spring witnessed a vigorous prosecution of the war against Mithradates. Whatever one may think of Fimbria's methods

⁷³ App. Mith. 52. Cass. Dio fr. 104, 4-5. Plut. Sull. 12, 23. Strabo XIII 1, 27. Memnon 34. Liv. per. 82. Vell. II 24, 1. Oros. VI 2, 9. de vir. ill. 70, 1. Memnon describes the killing of Flaccus after he has already mentioned the arrival of the army at Nicaea. This is undoubtedly a piece of careless composition, as Appian and Orosius both definitely name Nicomedia as the scene of the murder.

⁷⁴ XII 4, 7.

⁷⁵ Cic., (Flacc. 25, 61); Liv., App., Strabo, Oros., (11. cc); Plut. Luc. 7, 2.

⁷⁶ II 24, 1.

⁷⁷ Mithridate Eupator, p. 193. This date is accepted also by Drumann-Groebe IV 506, and Münzer in Pauly-Wiss. IV 2600.

⁷⁸ II 23, 2.

⁷⁹ The murder took place before the winter quarters were occupied. See note 73.

⁸⁰ Which took place in the autumn of 85 B.C. (see p. 57).

and principles, his strategical skill is beyond dispute. Mithradates, anticipating an attack upon his personal headquarters at Pergamum, sent out a great force under the command of his own son, supported by a number of his best generals,⁸¹ with orders to cut off this impudent newcomer with his scanty two legions. The royal army advanced as far as Miletopolis, on the west bank of the river Rhyndacus, a considerable stream, which is crossed at this point by the road leading from Nicaea to Cyzicus and Pergamum. In this commanding position the infantry halted, while the cavalry, itself perhaps as numerous as Fimbria's whole force, crossed the river into Bithynia, to harass him on his march. In the first skirmishes they were successful, but Fimbria presently devised an ambush, and, trapping the whole body, killed six thousand.⁸² The infantry army, which stood on guard at the river was also overcome by a stratagem. The Roman troops broke camp before daybreak, and, crossing the river during a down-pour of rain, which drowned the noise of their approach and drove the sentinels under cover, fell upon the enemy still sleeping in their tents and slaughtered them with impunity. So complete and decisive was the victory that many of the cities of Asia Minor, which had received and welcomed the representatives of the king, now hastened to forward to Fimbria assurances of their loyalty.⁸³ Such protestations, however, had but little weight with the Roman commander, who knew too well the value of punitive incursions for keeping up the spirits of his troops. Cyzicus opened its gates at his approach, but on the pretext of punishing the royalist faction he seized all the richest of its citizens and had two of them scourged and then beheaded. The others were allowed to ransom their lives at the price

⁸¹ Memnon (34) names Taxiles, Menander, and Diophantus.

⁸² Frontin. Strat. III 17, 5. Reinach (pp. 200-1) thinks that the whole Asiatic force crossed into Bithynia and was engaged in the successful skirmishes against Fimbria, but retired to a defensive position after its cavalry had been caught in the ambush. The suggestion I have made does no violence to the sources, and avoids the difficulty of explaining how Fimbria, after sustaining an initial defeat, was able to draw off the hostile cavalry to such a distance that he could annihilate it without interference from the main body.

⁸³ Memnon 34. Oros. VI 2, 10. Liv. per. 83. App. Mith. 52. CIG IV 6855 d (Capitoline Chronicle).

Orosius,—ad Miletopolin.

Memnon,—*ἐπὶ τῶν ποταμῶν* . .

Frontinus,—(re ambuscade); apud Rhyndacum.

The Capitoline Chronicle names Cyzicus, which is the nearest place of importance.

of their fortunes, which went to fill Fimbria's chest and to subsidize once more the affections of his soldiers.⁸⁴ But the delay was costly, for when the legions presently arrived before the gates of Pergamum they found that the king had availed himself of the respite to retire with his army to Pitane, an easily defensible headland-port on the bay of Elaea. Thus Fimbria's greed for gold and his pandering to his men lost for him an opportunity which might well have resulted in the capture of Mithradates, and the subsequent ruin of Sulla and secure establishment of the Cinnan party in Rome. So near was the Cinnan plan to success. Fimbria went on to Pitane and laid siege to the place, but the sea lay open for the king's escape, and Fimbria had no ships. At this moment, however, a fleet appeared from the direction of Chios, and proved to be not one of the expected royal squadrons, but a Roman fleet, commanded by L. Licinius Lucullus, the proquaestor of Sulla. Fimbria at once opened negotiations with him, apprised him of the situation, and proposed a joint blockade, which, he said, would result in the capture of the king and the end of the war. Lucullus, however, rejected the overtures and sailed on, thus allowing the arch-enemy of Rome to slip out of the net which had almost ensnared him.⁸⁵ He has been censured by historians, both ancient and modern, for having placed the interests of his party above those of his country, but on closer examination it appears doubtful that this criticism is deserved. In the first place, it is by no means certain that he was equal to the task. There was no ground for hoping that the town would capitulate without a long blockade, and in the meantime the king's ships might be looked for daily. Lucullus's best chance for naval victory lay in dividing the enemy and maneuvering him into a disadvantage,⁸⁶ whereas the proposed blockade might easily have brought on a battle in which the choice of time and tactics would lie with the enemy. Moreover, Fimbria's record was not one to inspire assurance of good faith. The Cinnan policy of carrying the war into Asia had been framed with the purpose of forestalling Sulla in making terms, and turning to party ends all the rewards of victory. The object of his mission so nearly achieved, it was not likely that

⁸⁴ Diod. Sic. XXXVIII fr. 9, 10. For other instances of Fimbria's excessive cruelty in punishing the recovered cities of Asia, see Cass. Dio fr. 104, 6, and App. Mith. 52.

⁸⁵ Plut. Lucull. 3. Oros. VI 2, 10. Liv. per. 83. App. Mith. 52.

⁸⁶ He defeated the royal fleet shortly afterwards at Lectum and Tenedos, but he then had the advantage of the offensive and a divided enemy.

Fimbria had any intention of driving the golden quarry into the grasp of Lucullus, or of subordinating party to country. If the naval commander had acceded to the proposals and a successful blockade had brought the king to despair, we may be sure that Fimbria would have offered terms which would have made it to the king's advantage that the surrender should take place on land. Then, if Lucullus wished to share the glory and the rewards of victory, let him renounce his allegiance to the pretender Sulla and throw in his lot with the legally constituted representative of the Roman senate. But Lucullus having declined the rôle of cat's-paw, the king's ships soon afterwards arrived and transported him and his army in safety across the straits to Mytilene.

Fimbria, thus balked in his main design, turned his attention to the reclamation of the province, and vented his rage upon the royalist factions in its cities, inflicting the severest penalties without an over-careful discrimination of the degree of guilt. By his efforts the greater part of the province was reconquered in the name of Rome.⁸⁷

In the meantime, the peace negotiations between Sulla and Mithradates, which had been begun in the previous winter through the overtures of Archelaus, had progressed to the point where Mithradates had provisionally accepted Sulla's terms and had requested a personal interview with the Roman commander, who was at that time already on his way to Asia. The king had also been in communication with Fimbria, at any rate during the earlier stages of the negotiations, and tried, though without success, to use his offer as a basis for bargaining with Sulla.⁸⁸ The actual terms which Fimbria offered, however, can be judged only by the king's statement that they were better than Sulla's, and by the obvious fact that they were not good enough for the king to accept. Evidently Fimbria could not have proposed an alliance on equal terms, offering recognition of the king's territorial ambitions in return for his assistance in crushing Sulla. Mithradates would certainly have assented readily to such a proposition, for he would have had everything to gain by it. Indeed, one can hardly doubt that in 85 B.C. the king would have been glad to join forces with Fimbria if the Roman faction which the latter represented had been willing to cede even a part of the disputed territory.⁸⁹ Evidently no such offer was made, for Fimbria's whole

⁸⁷ Liv. per. 83; *magnam partem Asiae recepit*. Plut. Sert. 23.

⁸⁸ App. Mith. 56.

⁸⁹ Compare his offer to Sulla (Plut. Sull. 22) and to Sertorius, (Plut. Sert. 23).

conduct in Asia shows that his orders were to use Mithradates not as an ally but only as a defeated enemy. It is clear, therefore, that the terms he offered were better than Sulla's only in respect to the amount of indemnity demanded, and that the Cinna leaders at this time, as Sertorius later, held fast to the principle that the integrity of Roman territory must be preserved. The reduction of the indemnity, however, which had been fixed by Sulla so low as to cause the king no real embarrassment,⁹⁰ was not sufficient attraction to induce Mithradates to continue a struggle which Sulla offered to end, and there is no ground for supposing that he ever thought seriously of dealing with Fimbria.

In the summer of 85 B.C., then, the three armies under their respective generals converged upon the Troad, for Fimbria, though not a party to the conference, had evidently resolved to be near at hand, in case any situation should develop which might be turned to his advantage.⁹¹ Coming to Ilium, he was refused admittance and laid siege to the city. The citizens sent an appeal to Sulla, who promised to come to their aid, and ordered them meanwhile to inform Fimbria that their submission had been made to him. On receiving this message, Fimbria congratulated the Ilians upon being already the friends of the Roman people, and said that they should now receive him, for he too was a Roman and should be especially welcome in Ilium, the ancestral home of the Roman race. This specious argument did not deceive the inhabitants, but Sulla failed to send the promised aid, and the city fell by storm on the eleventh day. So complete was Fimbria's revenge for its double defection that he demolished its walls, burned the city to the ground, and punished the citizens with the utmost ferocity, reserving special torture for those who had been in communication with Sulla. The venerable temple of Minerva was burned to the ground, and all those who had taken refuge there were consumed with it, but a story arose later to the effect that its falling walls formed an arch beneath which the sacred Palladium was preserved intact. This second "sack of Troy"

⁹⁰ Sulla excused himself for offering easy terms to Mithradates on the grounds that if he had not done so, he would have had to face Fimbria and Mithradates together. See Plut. Sull. 24, and Gran. Lic. p. 26 Fl.

⁹¹ Sulla must have been in or very near Asia at the time when Fimbria appeared before Ilium, for the inhabitants were already being besieged when they appealed to Sulla (cf. App. Mith. 53), and they delivered his reply to Fimbria before the fall of the city, which occurred on the eleventh day, (Strabo XIII 1, 27).

was regarded by the Romans as one of the blackest spots on Fimbria's infamous record.⁹²

The date of the destruction of Ilium is given by Appian in the following words: "These outrages Fimbria committed upon Ilium just at the close of the 173rd Olympiad. Some people think that a thousand and fifty years intervened between this calamity and that which it suffered at the hands of Agamemnon."⁹³ The end of the 173rd Olympiad ought by strict interpretation to mean the beginning of 84 B.C., but this is certainly wrong, for Reinach⁹⁴ has shown beyond dispute that the peace of Dardanus between Mithradates and Sulla was concluded not later than August, 85 B.C. Probably the siege preceded the peace negotiations only a little,⁹⁵ and therefore took place shortly after midsummer, 85 B.C., that is, at the beginning of the last year of the 173rd Olympiad. This agrees with the Capitoline Chronicle,⁹⁶ also with the statement of Appian regarding the length of the war.⁹⁷ The latter part of Appian's statement quoted above is, of course, of no use for exact chronology.⁹⁸

The meeting between Sulla and Mithradates, at which they concluded peace on the basis of Sulla's original terms, dealt the death

⁹² App. Mith. 53. Strabo, l.c. Oros. VI 2, 11. Liv. per. 83. Aug. de civ. del III 7. Cap. Chron. (CIG IV 6855 d). Cass. Dio fr. 104, 7. auct. de vir. ill. 70. Obseq. 56.

Cassius Dio asserts and Appian implies that Fimbria tricked the citizens into receiving him as a friend, but the epitome of Livy, the Capitoline Chronicle, Strabo, and Augustine (following Livy) all definitely state that the city was taken by storm.

⁹³ Mith. 53. *τάδε μὲν δὴ Φιμβρίας ἐς Ἴλιον εἰργάζετο, ληγούσης ἄρτι τῆς τρίτης καὶ [ἔβδομηκοστῆς καὶ] ἑκατοστῆς ὀλυμπιάδος. καὶ τινες ἠγοῦνται τὸ πάθος αὐτῆ τὸδε μετ' Ἀγαμέμνονα χιλίους καὶ πενήκοντα ἔτησι γενέσθαι μάλιστα.*

⁹⁴ Mith. Eupator p. 205, 2. The date was established from dated coins struck by Mithradates after his return to the Pontus. The earliest of these pieces (cf. Th. Reinach, *Trois royaumes de l'Asie Mineure*, p. 194) belongs to the year BI (212) of the Pontus, = 86/85 B.C., and to the month IA = August, 85. The treaty cannot, therefore, have been later than this month. The coins of the kings of Bithynia and Cappadocia corroborate this conclusion. Cf. Kubitschek in Pauly-Wiss, I 638; Meyer, *Gesch. des Königr. Pontus*, p. 104.

⁹⁵ See note 91.

⁹⁶ CIG IV 6855 d.

⁹⁷ B.C. I 76.

⁹⁸ Out of the widely divergent ancient calculations of the date of the Fall of Troy, that which gained most general acceptance in antiquity was the reckoning of Eratosthenes (cf. Clemens Alex., *Strom.* I 20, p. 402) who fixed upon 1183 B.C. (cf. Busolt, *Gr. Gesch.* I 84 f., Kubitschek in Pauly-Wiss. I 620 f.). It has been proposed that the text should be emended to *χιλίοις καὶ ἑκατόν*. (Cf. R. Jordan, *de font. Appiani in bellis Mith. enarrandis*, Göttingen, 1872, p. 50, 3).

blow to Fimbria's hopes. He retired southward, and stood on the defensive at Thyatira, in the interior of Lydia, some fifty miles east of Pergamum. There Sulla presently came up with him, and pitched his camp at a distance of less than a quarter-mile. After a formal exchange of preliminaries, in which both commanders denied the legality of the other's position, Sulla gave orders for the digging of a trench around Fimbria's camp. The latter's men at once began to desert, and in spite of his impassioned appeal to an assembly of the legions the disaffection spread. A second assembly was called, and certain tribunes who had previously accepted a bribe, proposed that each man should be called upon by name to swear anew the military oath of allegiance; but the plan failed, for although the first name called was that of Nonius, one of Fimbria's closest associates, even he refused to take the oath. Fimbria drew his sword and would have killed him had not the threatening shouts of the soldiers compelled him to desist. With characteristic unscrupulousness Fimbria then tried baser methods. He bribed a slave to enter Sulla's camp as a deserter and assassinate him, but this plan also failed, because the slave's nervousness betrayed him; he was arrested and confessed. When his revelations became known, Sulla's soldiers advanced angrily and contemptuously to the boundaries of Fimbria's camp and shouted across taunts and insults, mocking him with the nickname of "Athenio." At last reduced to despair, the wretched man went out to the line of circumvallation and asked for an interview with Sulla. The latter did not deign to appear, but sent instead a certain Rutilius,⁹⁹ probably one of his subordinate officers, who in Sulla's name offered him safe-conduct to the coast and a ship on which to leave

⁹⁹ Reinach (p. 208, 1) suggested, and Münzer (Pauly-Wiss. R.E. I A¹ 1276) accepted the view that this Rutilius was the celebrated P. Rutilius Rufus (cos. 105), who was exiled in or about 92 B.C. on a false charge of maladministration. It is known that he took up residence in Mytilene, and fled from there to Smyrna after he had escaped by a ruse the Mithradatic massacre of 88 B.C. (Cic. pro Rab. 10, 27; Cass. Dio fr. 97, 3-4). At Smyrna he spent the rest of his life (Dio, l.c.) although he was recalled to Rome by Sulla. (Val. Max. VI 4, 4; Sen. dial. VI 22, 3; Sen. ep. 24, 4; Quint. XI 1, 13). This recall, however, was made after Sulla had assumed the dictatorship (Sen. epist. l.c., *reditum suum Sullae negavit, cui nihil tunc negabatur*; cf. Val. Max., l.c.), and so has no bearing on the present question. It seems to me that the common gentilicium Rutilius is far too little evidence to outweigh the general improbabilities which the identification involves. It is just as unlikely that this proud old man (about 70 at this time) should have left the security of Smyrna to go to meet Sulla, of whom he wanted no favor, as that Sulla should have employed him to carry a message to Fimbria, whom he did not wish to honor but to slight. (cf. App. Mith. 60).

Asia. But Fimbria was at least no coward. He had never granted quarter to an enemy and he asked none for himself. Replying vaguely to Rutilius that he knew a better way, he went to Pergamum, and there, in the temple of Aesculapius, with the help of a slave, died on his own sword. Sulla permitted his freedmen to recover the body and give it burial. The whole remaining army, with the exception of a few officers¹⁰⁰ who were too seriously compromised to hope for mercy, went over to Sulla and took the oath of allegiance.¹⁰¹

In such inglorious fashion ended the expedition by which Cinna had hoped both to recover Asia and to remove the menace of Sulla. The force was, of course, quite incommensurate with the task, but even so the end might have been accomplished had Fimbria been as skilful in diplomacy as he was in strategy. His mad, reckless spirit, however, was ill-fitted for the work of compromise and conciliation, wherein lay the only hope of success. Perhaps Flaccus would have made a better negotiator, and the two men by co-ordinating their talents might have carried through the program to a successful conclusion; but it is idle to speculate on what might have been, and it certainly would be going too far to regard any such balancing of leadership as premeditated.¹⁰² As it turned out, the actual result of the expedition was precisely the opposite of what the Cinnan government had intended, for it was Sulla who reaped the rewards of the victories of both armies, and Fimbria who saw his plans ruined by the desertion of his men to more prosperous standards.

News of these events reached Rome in the autumn of 85 B.C., and startled the ruling faction into a frenzy of new preparations. Cinna and Cn. Papirius Carbo, his colleague in the consulship of this year,¹⁰³ at once sent out their agents into all parts of Italy to collect men, money, and supplies, appealing in particular to the Italian citizens,

¹⁰⁰ Two of these, L. Magius and L. Fannius, were received at the court of Mithradates, and subsequently proposed and negotiated the alliance between Mithradates and Sertorius. App. Mith. 68. Cic. in Verr. I 34, 87. Oros. VI 2, 12. Sall. Hist. II fr. 78 Maur. Cf. Plut. Sert. 23.

¹⁰¹ App. Mith. 59-60. Plut. Sull. 25. Strabo XIII 1, 27. Liv. per. 83. Vell. II 24, 1. Oros. VI 2, 11. de vir. ill. 70, 4. Sulla left the Fimbrian legions behind in Asia under the propraetor L. Licinius Murena. App. Mith. 64.

¹⁰² Fimbria, at any rate, was specially chosen, because Flaccus was inexperienced in military leadership, but one could not hope to demonstrate why Flaccus secured the consulship, and hence the Asiatic command. Possibly it was simply because there was a scarcity of qualified candidates in the Cinnan ranks.

¹⁰³ Liv. per. 83. App. I 75. CIL 1² p. 154.

whose champions they claimed to be. They gave orders for the repair of all available ships,¹⁰⁴ ordered a squadron from Sicily to the Adriatic, and posted garrisons along the sea-coast. The opinion of Drumann, however, that this period witnessed a renewal of proscription and confiscation, seems to me entirely unfounded.¹⁰⁵ Sulla's victory in the East made it certain that he would presently return to Italy, and was doubtless the sign for many waverers to make open profession of their choice of side by presenting themselves in person at the

¹⁰⁴ Probably the fleet which transported the Flaccan expedition had been laid up somewhere on the Adriatic coast. We do not know of any other ships at the disposal of the government except those which Marius had used in blockading the Tiber. Possibly part of these had been stationed in the Sicilian waters to protect the grain traffic against pirates.

¹⁰⁵ Drum.-Gr. II 507. "Zugleich erneuerten sich besonders auf Carbo's Betrieb die Verfolgungen der Gegner. Man wollte nicht nur Italien reinigen, sondern auch mit dem Ertrage eingezogener Güter den Schatz füllen; daher wurde mancher friedliche Bürger verdächtigt, und viele Optimaten entflohen zu Sulla nach Griechenland und beschworen ihn wie später verstossene Volkstribunen Julius Caesar, die Römer zu befreien."

The sources quoted in support of this view are as follows: Plut. Pomp. 5. Xen. X 1. Plut. Sull. 22. Vell. II 23, 2. Eutrop. V 7, 4. Oros. V 20, 1.

The first two of these places merely state that on Cinna's death the government passed into the hands of Carbo, "a still more violent tyrant." Whether the comparison be true or not, the passage certainly gives no information about Carbo's activities during Cinna's lifetime. The last three passages cited are merely general statements that during Cinna's supremacy many nobles fled to Sulla. Eutropius and Orosius say "in Graeciam," and therefore cannot refer to the time in question, for after the midsummer of 85 B.C. Sulla was in Asia. (Note Drumann's inconsistency on this point.) The Velleius passage reads "dominante in Italia Cinna maior pars nobilitatis ad Sullam in Achaïam ac deinde post in Asiam perfugit." This probably means that some nobles joined Sulla after he had crossed into Asia, but there is nothing to show that they left Italy as a result of a fresh outbreak of persecution.

The remaining passage (Plut. Sull. 22) reads as follows:

Κίτνα δὲ καὶ Κάρβωνος ἐν Ῥώμῃ τοῖς ἐπιφανεστάτοις ἀνδράσι χρωμένῳ παρανόμῳ καὶ βίαιῳ, πολλοὶ τὴν τυραννίδα φεύγοντες ὥσπερ εἰς λιμένα τοῦ Σύλλα τὸ στρατόπεδον κατεφέρουτο, καὶ περὶ αὐτὸν ὀλίγου χρόνου σχῆμα βουλῆς ἐτεγένετο.

This is the first reference in Plutarch's biography of Sulla to any persecutions at Rome, and the statement regarding the formation of a camp-senate shows that the author is thinking of the main migration rather than a renewal of it at the end of 85 B.C. His next sentence confirms this interpretation, for he goes on to speak of the flight of Metella and her children, which we know must have taken place immediately after the massacre of 87. (She was present in Athens some time before its capture on March 1st. 86 B.C. Cf. Plut. Sull. 13). Evidently Cinna and Carbo are mentioned not as consular colleagues, but simply as party leaders, and the passage must not be used as evidence of any renewal of violence during their consulship.

general's headquarters.¹⁰⁶ It is probable also that T. Pomponius Atticus, Cicero's friend, was not the only man of wealth and standing who withdrew voluntarily from Italy in order that he might escape the necessity of identifying himself with either side in the approaching struggle.¹⁰⁷ There is no evidence, however, that any of these late departures took place under any form of compulsion, and not the slightest basis for the statement that there were proscriptions for the sake of filling the treasury.¹⁰⁸ On the contrary, the policy of Cinna and Carbo at the end of 85 B.C. seems to have been one of conciliation, for we have the direct statement of Appian¹⁰⁹ that they made friendly overtures to the leading men of the state and sought to win their support in the coming struggle.

Into the midst of these warlike preparations came a letter from Sulla to the senate. The writer started by enumerating his former services to the state, dwelt at length upon his recent victories over Mithradates, and made much of the fact that he had received and succored those of the senate's number who had been banished from Rome by Cinna. For their sufferings and his own he promised to visit a speedy vengeance upon the guilty, but added that all others, the new citizens included, need have no fears.¹¹⁰ In this concluding section the moderate party of the senate saw a basis for negotiations, and on the motion of L. Valerius Flaccus, the *princeps senatus*, the majority voted that a commission be sent to Sulla to discuss terms for a peaceful solution of the situation.¹¹¹ At the same time they ordered the consuls to stop recruiting until such time as Sulla's reply should be received. To this Cinna and Carbo agreed, but as soon as the commission had set sail they redoubled their efforts, and presently traversed the whole of Italy, raising troops and assembling them on the Adriatic seaboard. Before leaving Rome, however, they held the consular elections and declared themselves re-elected for the following year.¹¹² The epitome of Livy,¹¹³ refers to Cinna and Carbo as "a se ipsis consules per biennium creati," but this does

¹⁰⁶ See discussion of Vell. II 23, 2 in preceding note.

¹⁰⁷ Nepos, Att. 2, cf. 4. See also Cic. Brut. 308: *Triennium fere fuit urbs sine armis, sed oratorum aut interitu aut discessu aut fuga . . .*

¹⁰⁸ As Drumann. See above.

¹⁰⁹ App. I 76.

¹¹⁰ App. I 77.

¹¹¹ Liv. per. 83. App. l.c.

¹¹² App. l.c.

¹¹³ per. 83.

not necessarily mean that the constitutional form of election was entirely set aside. On the contrary, when Appian¹¹⁴ states that Cinna and Carbo declared themselves re-elected before they left Rome in 85 B.C., he adds that they did this in order that they might not have to return at an early date to hold elections, evidently meaning that the consuls recognized their obligation to hold at least the form of an election before the end of the year. It is unlikely, however, that any of the consular elections during the Cinnan regime were contested. Probably Cinna and his various colleagues announced their candidacy each year in the regular manner and raised no formal obstruction to prevent other competitors from doing the same. As none saw fit to run the risk, when election day came round, one of the consuls in office simply declared the two consular nominees elected by acclamation. Such a proceeding as this, although complying with the letter of the constitution, would certainly seem to a hostile historian sufficient ground for referring to the consuls as appointed "*citra ulla comitia*" or "*a se ipsis creati*."¹¹⁵

The beginning of his fourth consulship, then, found Cinna concentrating ships and men on the Adriatic coast, evidently with the intention of taking the offensive against Sulla and deciding the issue on foreign soil. Transportation of the troops across the upper Adriatic from Ancona¹¹⁶ to Liburnia was commenced early in the year 84 B.C., and the first contingent was successfully landed.¹¹⁷ The men, however, did not relish the prospect of a civil war, which promised hard blows but no booty, and their misgivings were doubtless increased by the propaganda of agents of Sulla and the senate, who joined the force as volunteers. Dissatisfaction blazed up into open mutiny on the arrival of news that the second convoy for Liburnia had been wrecked in a storm and the survivors had dispersed to their homes. The whole remaining force with one accord refused to quit Italian soil. Cinna ordered them to be called into an assembly, thinking that he would terrorize them back into obedience, but they gathered in an ugly mood. As the consul approached, one of his lictors struck a soldier who was obstructing the way, another soldier struck the lictor, and Cinna ordered his arrest.

¹¹⁴ I 77.

¹¹⁵ Liv. per. 80; 83.

¹¹⁶ Names given only by auct. de vir. ill. 69.

¹¹⁷ App. I 78.

Someone threw a stone and hit the consul. Another followed, and then another. The scene was probably unpremeditated, but the mob spirit carried them on until they dared not turn back. As Cinna sank to the ground beneath a shower of missiles, the nearest rioters closed in upon him and stabbed him to death.¹¹⁸

Such is the account of Cinna's death according to most of the sources. Plutarch,¹¹⁹ however, tells a different story. He says that Pompey went to Cinna's camp, but finding certain false charges made against him, withdrew secretly. The soldiers then, believing that Cinna had made away with him, rioted and attacked the consul, who, while trying to escape, was overtaken and killed by a centurion, upon whom his prayers and the offer of a costly signet ring had no effect. Drumann¹²⁰ rejected this whole story on the grounds that Pompey belonged to the opposite party, but his solution is, I think, too drastic. The story is obviously colored up by flatterers of Pompeius Magnus, who, as Drumann says, wished to show that the great man was already at that time loved and admired by the troops, but I believe it contains, as such stories usually do, a basis of truth. To one looking back at this time over Pompey's celebrated rôle in the subsequent civil war, it does seem at first glance improbable that he was ever associated with Cinna, but the apparent improbability of the situation is itself an argument against it being a pure invention. The improbability is, however, only superficial, for there is nothing to show that Pompey (always unstable in his political affiliations) was at this time openly committed to Sulla. He had remained quietly in Italy under Cinna's rule, and it seems quite reasonable that the consul, whose camp was in Picenum, near Pompey's great estates, should have invited the young man to accept a commission in the new army.¹²¹ The modicum of truth in the sequel is that Pompey had been inciting the troops to rebel against leaving Italy, (hence the charges which were raised against him and inspired his fears), and was thus partially and indirectly responsible for the riot in which Cinna was killed.

¹¹⁸ App. I 78. Liv. per. 83. Vell. II 24, 5. Oros. V 19, 24. Exsup. 4. auct. de vir ill. 69, 4.

¹¹⁹ Pomp. 5 (= Xonaras X 1).

¹²⁰ Drum.-Gr. III 334; II 507, 6.

¹²¹ Compare his overtures to the leading men in Rome, reported by Appian I 76.

CHAPTER IV

Thus perished in the fourth year of his despotism the first tyrant of Rome since the expulsion of the Tarquins; the forerunner of the army-made emperors.

Because he stands at the dawn of a new epoch in the political experience of the Roman people, it would be particularly interesting to study Cinna's motives and to analyze the principles and character of his rule. It is unfortunate, therefore, that the ancient sources give us practically no information on his administration of the state, and offer but little opportunity for judging his motives. However, some inferences may be drawn from the material at hand, and it may be worth while to attempt to establish probabilities where we cannot demonstrate the facts.

Cinna's earlier activities show no indication of a definite goal, but only a general striving after personal advancement. Whether or not we accept the story of the Italian bribe,¹ his rapid changes of policy just before and just after he entered upon his first consulship are an index of his motives. Appearing first as the defender of the democracy against senatorial aggression, he changed to professions of enthusiasm for Sulla's anti-democratic reforms when this course opened up a safer path to the place of power. Once in office, however, he repudiated both his former connections, and sold his services, either for cash or for promises, to a third party with interests inimical to both the others.² He appears at this time as a man of no political convictions, but simply as an unprincipled opportunist, ready to serve wherever the reward would be greatest, building with broken faith and perjured oath an ascent to power but dimly discerned.

After his expulsion from the city, he formed an alliance with Marius, not from any political sympathy, but simply for the better achievement of their separate interests.³ The bargain was made as between equals, but that Cinna actually remained in control throughout their association appears from several incidents, of which the most significant are; first, his attempt to negotiate with Metellus on the Appian Way, against the judgment and advice of Marius;⁴

¹ Cf. p. 6.

² Cf. p. 6.

³ Cf. p. 12.

⁴ Cf. p. 21

secondly, the drastic measures which he authorized against Marius's troop of slaves, when they refused to observe a limit to the bloodshed.⁵ It is significant also that the ancient writers generally place upon Cinna the responsibility for the massacre of 87 B.C., although it is clear that many of the victims were special enemies of Marius.⁶ The association with Marius, then, was all of a part with Cinna's opportunistic policy, and not based upon any real community of party interest. It was understood between them, just as it had been between Marius and Sulpicius, that as soon as their enterprise succeeded, Marius was to take the coveted command and leave the political field free to his erstwhile partner. It is true that Marius became the colleague of Cinna in the consulship of 86 B.C., but the purpose of this move was to give him a constitutional right to oust Sulla rather than to establish a diarchy. There can be no doubt that Marius was preparing to lead an expedition to the East when death removed him even more effectively from Cinna's path.⁷

Though it cannot have been a long premeditated plan, autocracy was undoubtedly Cinna's ultimate aim. The fact that during the three years following the death of Marius he was supreme and absolute ruler stands out in well-attested clearness from the evidence of many and varied ancient authorities. "Dominatio" is the word regularly used of his administration,⁸ and his authority extended not only over Italy, but over practically the whole Roman world save the war zone in the East. Provincial governors appointed during his tenure of office seem to have asserted their authority successfully in all the western provinces. Africa was recovered from a Cinnan governor, C. Fabius Hadrianus, by Q. Metellus Pius in 83 B.C., after an unsuccessful attempt had been made in the previous year.⁹ Sardinia was recovered from the praetor, Q. Antonius

⁵ Cf. p. 30.

⁶ Cf. p. 31.

⁷ Cf. p. 39.

⁸ Cic. Phil. I 14, 34, L. Cinnæ dominatum; Phil. II 42, 108, Memineramus Cinnam nimis potentem, Sullam postea dominantem, modo Caesarem regnantem videramus. cf. Phil. V 6 17. Vell. II 23, 3, dominante in Italia Cinna; Val. Max. VI 9, 6, Cinnæ dominationem; Tac. Ann. I 1, Non Cinnæ non Sullæ longa dominatio; de vir. ill. 67, 6, Mox Cinnana dominatione revocatus (Marius). Cf. Plut. Caes. I 1; Sall. Hist. fr. I 64 Maur.

⁹ Liv. per. 84; 86. Oros. V. 20. Diod. Sic. XXXVIII fr. 14. Val. Max. IX 10, 2. Ps. Asc. in Verr. p. 179 Or. Mommsen-Blacas II 403, note 1 = Momm. RMW 596, 225.

Balbus, by the legate of Sulla, L. Philippus.¹⁰ Spain was unsafe for Sullan sympathizers in 85/84 B.C., for M. Licinius Crassus, whose father and elder brother lost their lives in the Cinnan massacre, spent eight months there, and had to remain concealed in a cave.¹¹ It is clear, therefore, that the governors of these two provinces whom Sertorius expelled in 82 B.C., must have been Cinnan appointees who had changed sides after Sulla's return, and refused to surrender their provinces to a Cinnan successor.¹² The same thing seems to have happened in Cisalpine Gaul, but there C. Valerius Flaccus was successful in continuing to administer under Sulla the province which he had secured under the former regime.¹³ Sicily seems to have been a Cinnan stronghold, for it was there that Carbo and his associates gathered for their last stand after their defeat in Italy.¹⁴ All the western provinces, then, seem to have acknowledged the authority of the Roman government of which Cinna was the dominating spirit. He himself occupied the consulship in conjunction with a colleague, but the colleague was nominated by Cinna, and their election was at best only a matter of form.¹⁵ The other magistracies were continued, but it is probable that the nominations to these also went by Cinna's favor. A certain measure of constitutionality, however, appears to have been observed in the selection of candidates. For instance, it is known that L. Valerius Flaccus, the *consul suffectus* of 86 B.C., had previously been curule aedile and praetor,¹⁶ and it is probable that Cn. Papirius Carbo had also reached the consular age and administered the lower magistracies before he was elevated to the curule chair.¹⁷ Q. Sertorius, on the other hand, although certainly the ablest of Cinna's associates, and of equal rank with Carbo in the military operations of 87 B.C., did not reach the praetor-

¹⁰ Liv. per. 86. Cf. Mommsen-Blacas II 448, 236.

¹¹ Plut. Crass. 4-6.

¹² App. I 86; I 108. Cf. Stahl, *De Bello Sertoriano* p. 38.

¹³ Cic. pro Quinct. 6, 24; cf. 7, 28. Stahl, p. 38. Mommsen-Blacas II 448 n.2.

¹⁴ App. I 95. M. Perperna, the later associate in arms of Lepidus and Sertorius, was praetorian governor of Sicily in 82 B.C. Diod. Sic. XXXVIII fr. 17.

¹⁵ Cf. p. 60.

¹⁶ Cic. pro Flacc. 32, 77. quod patri L. Flacci aedili curuli pater tuus (C. Apuleius Decianus) tribunus plebis diem dixerit . . . cum ille cui dies dicta est, praetor postea facta sit et consul.

¹⁷ He had been trib. pl. in 92 B.C. (Cic. de leg. III 19, 42; cf. Lange, *Alt.* III 112) and as he belonged to a consular family (his father had been consul in 113 B.C. CIL I² 151), it is probable that his advancement was regular, and that he held the praetorship in or about 89 B.C.

ship until the year 83, evidently because he had previously attained no higher civil grade than the quaestorship.¹⁸ Other examples of this regard for the constitutional qualifications¹⁹ are to be observed in the choice of Philippus and Perperna as censors of 86 B.C., and their nomination of L. Valerius Flaccus as *princeps senatus*. These men never belonged to the Cinnan party, but were obviously advanced by Cinna's consent on account of the absence of constitutionally qualified candidates among his own associates.²⁰ It would appear, then, that Cinna's plan was to establish an absolutism while appearing to retain the established magistracies of the republic in strict constitutional form; that is, in this respect he anticipated, and perhaps to some extent suggested, the policy of the great founder of the principate. Of course, the principle from which he derived his own title to authority, namely, the re-election to the consulship, was unconstitutional, but a precedent for the suspension of the law in question had already been established in the case of P. Scipio Africanus (cos. 147, and 134 B.C.), and C. Marius (cos. 107, 104-100 B.C.).²¹

Regarding the position of the senate during Cinna's domination, we have very little information. It certainly continued to function, but we have only two direct references to its activity, namely, its reluctant confirmation of Fimbria in the command he had usurped,²² and its action upon Sulla's letter.²³ In both these cases, the senate appears to have acted as its own master, and in the latter adopted a course which was obviously antagonistic to the views of Cinna. The evidence is hardly sufficient to warrant a general conclusion, but it does indicate that the senate continued to exercise authority in matters which fell within its recognized field, and was far from having been forced into servile acquiescence to the will of the domi-

¹⁸ He was quaestor in 91 B.C., but failed in his candidacy for the tribunate on account of the opposition of Sulla. (Plut. Sert. 4). Probably he became tribune in the first year of the Cinnan domination (86) and praetor in 83. (cf. Stahl, p. 37).

¹⁹ For discussion of the laws in force at this time with regard to the *cursus honorum*, see Mommsen, St. R. I 536 ff. P. Sulpicius Rufus, the tribune of 88 B.C., attacked C. Julius Caesar Strabo Vopiscus because, after holding the *curule aediles*hip (90 B.C.) he sought to obtain the consulship for 87 B.C., without having held the praetorship. Asc. in Scaur. p. 24 Or. Cic. Brut. 63, 226; de har. resp. 20, 43; Phil. XI 5, 11. Cf. Mommsen, St. R. I 539, 1.

²⁰ Cf. p. 43.

²¹ Cf. Mommsen, St. R. I 521, 1.

²² Cf. p. 50.

²³ Cf. p. 59.

nant consul. Probably the pro-Sullan element, conformed but not converted, still made up a considerable part of its membership.²⁴ Senatorial influence on legislation, however, must have been at a very low ebb during the years of Sulla's absence. Very few new laws were enacted, and there can be little doubt that these were proposed by the magistrates directly to the citizen assembly.

The *comitia* were certainly retained as the supreme legislative authority of the state, though there are but few recorded instances of their activities. The measure introduced by the consul L. Valerius Flaccus (86 B.C.) for the relief of debtors is cited as a "lex,"²⁵ and was therefore regularly passed by the *comitia*; the decrees of exile also must have been regularly voted upon, as their legality was admitted even by the opponents of the party.²⁶ The negative evidence is strongly corroborative. It has already been pointed out that Cinna lost no time in redeeming his promise to have the Italians enrolled in all the tribes. Is it likely, then, that they would have quietly submitted to seeing their hard-won rights again turned to a mockery by the discontinuance of the tribal assembly? On the contrary, the absence of any subsequent unrest and the hostile attitude of the Italians toward Sulla's return are clear indications that they were well contented with their political position under Cinna's rule.

Nor is there any evidence of any attempt by Cinna to promulgate arbitrary legislation or to substitute the magisterial edict for the vote of the people. One case is recorded of an unusual use of the praetorian edict, namely that of M. Marius Gratidianus regarding the regulation of the currency.²⁷ So far as I know, there is no parallel for the use of the praetor's edict in this field, but the circumstances clear the magistrate from any suspicion of the arbitrary assumption of unconstitutional power. The agitation for the reform was begun by the college of tribunes, any one of whom might have proposed a new law to remedy the trouble, without any fear of its rejection.²⁸ Their consultation with the praetors, therefore, points to an attempt to deal with the situation without any alteration of the existing laws. Some solution on this basis must have been found; possibly

²⁴ Cf. pp. 33-4.

²⁵ Vell. II 23, 2. Cic. Font. fr. Niebuhr 1.

²⁶ Cic. pro domo 31, 83, legitima poena. Cf. Chap. 2, note 24.

²⁷ Cf. p. 42.

²⁸ For tribunician laws dealing with the currency, see *Lex Livia nummaria*, 1 B.C.; *Lex Plautia-Papiria de asse semunciali*, 89 B.C., etc.

it was decided to withdraw the plated *denarii* from circulation at Rome, and to use them for export to distant parts, where their intrinsic value would not be called into question. This practice certainly seems to have been followed later, and may very well have been introduced at this time.²⁹

Once firmly established in authority, Cinna appears to have used his power with moderation, and to have given Italy a form of government which was satisfactory to all save the extremists of the former ruling class. The silence of the sources on the period of his supremacy is (considering the party color of the historians) the best evidence for the absence of abuse, and the general opposition which met Sulla on his return shows plainly that Italy was far from feeling the need of a deliverer. Cicero's description of the period as "sine iure et sine ulla dignitate"³⁰ is astonishing for its mildness when one considers the author's personal political views and his abhorrence of arbitrary rule in any form. No matter how benevolent the despot, a despotism to Cicero would still be "sine ulla dignitate." A passage in the speech *pro Quinctio*³¹ makes it clear that in describing the times as "sine iure" Cicero meant that the courts were administered in the interests of the dominant party. The charge is undoubtedly true, but such conditions were by no means an innovation due to Cinna. They have been found to obtain to a greater or less degree in all ages and places where judicial officers have been elected or appointed in virtue of their political connections. Had Cinna's principles of government been never so high, he would hardly have been able to keep his administration free from this abuse.

The merits of Cinna's administration, however, are mainly negative. Apart from the equalization of the Italians, not a single example of constructive statesmanship can be assigned to his credit. This may be due in some measure to the hostility of the historians who were the sources of the extant records, and to the fact that all traces of Cinna's innovation must have been completely swept away in the Sullan reaction, but it is hardly possible that any important reform could have been executed, or even projected, without some reference to it having been preserved. A fair conclusion would be that certain minor reforms and adjustments may have been made,

²⁹ Cf. Mommsen-Blacas, III 337-8, where it is suggested that the plated denarii of Augustus, found in large numbers in southern India, were specially manufactured for export to that district.

³⁰ Brut. 63, 227.

³¹ pro Quinct. 21, 68-9.

but that nothing on a large scale or of permanent influence was attempted. From this again it is apparent that Cinna made himself master of Rome not from any conviction that the existing form of government needed remodelling, nor as the representative of any party of reform, but simply to gratify a personal ambition for power.

The use of the term "democratic party" as a synonym for the Cinnan party is, therefore, misleading if not entirely erroneous. Democratic government, in the ancient sense of the word, had become impracticable at Rome long before the enfranchisement of the Italians made it impossible. The so-called democratic party in the period between the Gracchi and Caesar was really nothing more than a fitful opposition by the politically ambitious to the monopolization of the high offices and senatorial control by a small circle of 'noble' families. It probably had no continuous organization or permanent constructive program, but existed only as a field of potentiality from which an aggressive leader might at any time find adherents for a revolutionary enterprise. Such movements are generally ostensibly democratic, but whatever previous leaders of this anti-oligarchical sentiment may have professed or intended, it is clear that Cinna made no pretensions of championing any other reform movement than the equalization of the Italians. He did not even attempt to conciliate the 'sovereign people' by undertaking to sponsor class legislation in their interest, but forced through his Italian program against the will of senate and old citizens alike. It is safe to say that of all the leaders of senatorial opposition from the Gracchi to Caesar, Cinna was the least democratic of all, saving perhaps Sulpicius, whose political program he inherited. Of course, the program of Italian equalization was democratic in a wider sense than the partizan, but one can hardly doubt that Cinna adopted it more as a means than as an end, and that his true objective was, not the establishment of an all-Italian democracy, but a new oligarchy with himself as the central figure and the Italian citizen body as the guarantor of power. He achieved his end, carried out his pledges, and gave Italy a government which, if not good, must have been at least tolerably free from abuse; but his measures were temporary and his vision limited. Far from grasping the tremendous issues which the equalization of Italy involved, he failed even to make adequate preparations for the safeguarding of his own position. Ambitious, courageous, strong of will and firm of purpose, Cinna nevertheless lacked those essentials of true statesmanship, political

insight and constructive imagination. The one permanent achievement of his career was the equalization of the Italians, but his historical importance rests more upon his example than his performance, and undoubtedly the chief point of his significance in the evolution of Roman government lies in his plan of cloaking absolute power behind the forms of constitutional government.

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