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"LIVY"

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IN THIRTEEN VOLUMES

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LIBER XXXIX

I. DUM haec, si modo hoc anno acta sunt, Romae aguntur, consules ambo in Liguribus gerebant bellum.
2 Is hostis velut natus ad continendam inter magnorum intervalla bellorum Romanis militarem disciplinam erat; nec alia provincia militem magis ad virtutem
3 acuebat. Nam Asia et amoenitate urbium et copia terrestrium maritimarumque rerum et mollitia hostium regiisque opibus ditiores quam fortiores exercitus faciebat. Praecipue sub imperio Cn. Manlii solute ac neglegenter habiti sunt. Itaque asperius paulo iter in Thracia et exercitior hostis magna
5 clade eos castigavit. In Liguribus omnia erant quae militem excitarent, loca montana et aspera, quae et ipsis capere labor erat et ex praeoccupatis deicere
6 hostem; et itinera ardua angusta infesta insidiis; hostis levis et velox et repentinus, qui nullum usquam tempus,¹ nullum locum quietum aut securum esse

¹ nullum usquam tempus *Heraeus*: usquam tempus nullus 5.

¹ The allusion is to the uncertainty as to the date of the trial of the Scipios: cf. XXXVIII. lvi. 2 above.

² The assignment of Liguria to the consuls was reported at XXXVIII. xliii. 8 above.

³ This charge was not made in the speech of *Furius Aemilius* (XXXVIII. xlv.-xlvi. above), but is brought up again in

BOOK XXXIX

I. WHILE these things were going on at Rome, if B.C. 187 indeed they did happen that year,¹ both consuls were waging war against the Ligurians.² This enemy was born, as it were, to keep alive the military discipline of the Romans during the intervals between their great wars; nor did any province do more to put an edge to the soldier's courage. For Asia, on account of the pleasantness of its cities and the abundance of its treasures of land and sea and the feebleness of the enemy and the wealth of its kings, made armies richer rather than braver. Especially under the command of Gnaeus Manlius was discipline slackly and indifferently enforced;³ and so a somewhat more difficult advance in Thrace and a rather more effective enemy had taught them a lesson with great slaughter. Among the Ligurians there was everything to keep an army alert—hilly and rough ground, which was difficult both for the men themselves to occupy and to dislodge the enemy who had already occupied it, and roads difficult, narrow, dangerous by reason of ambuscades; an enemy lightly equipped, mobile and unexpected in his movements, who permitted no time or place whatever to be quiet or

vi. 5 and vii. 3 below. Its presence here, in contrast with its absence from the preceding Book, may indicate a change of source.

c.
7
8
sineret; oppugnatio necessaria munitorum castellorum, laboriosa simul periculosaque; inops regio, quae parsimonia astringeret milites, praedae haud multum praeberet. Itaque non lixa sequebatur, non iumentorum longus ordo agmen extendebat. Nihil praeter arma et viros omnem spem in armis habentes erat. Nec deerat umquam cum iis vel materia belli vel causa, quia propter domesticam inopiam vicinos agros incursabant. Nec tamen in discrimen summae rerum pugnabatur.

II. C. Flaminius consul, cum Friniatibus¹ Liguri-
bus in agro eorum pluribus proeliis secundis factis,
2 in deditionem gentem accepit et arma ademit. Ea
quia non sincera fide tradebant, cum castigarentur,
relictis vicis in montem Auginum profugerunt.
3 Confestim secutus est consul. Ceterum effusi rursus,
et pars maxima inermes, per invia et rupes deruptas
praecipitantes fugerunt, qua sequi hostis non posset.
Ita trans Appenninum abierunt. Qui castris se
4 tenuerant, circumsessi et expugnati sunt. Inde
trans Appenninum ductae legiones. Ibi montis
quem ceperant altitudine paulisper se tutati mox in
deditionem concesserunt. Tum conquisita cum in-
5 tentiore cura arma et omnia adempta. Translatum
deinde ad Apuanos Ligures bellum, qui in agrum

¹ cum Friniatibus *ed. Frobeniana* 1535: confirmatis 5.

¹ This reflection seems to be fully warranted by Livy's narrative, and raises doubts as to the legitimacy of some of the Ligurian triumphs, which were still notorious in Cicero's day (*Brutus* 255).

² The Friniates lived mainly south of the Apennines.

³ The Apuani lived west of the Apennines. A raid covering

safe; the besieging of fortified points was necessary B.C. 187 and at the same time toilsome and dangerous; the district was poor, which constrained the soldiers to simple living and offered them little plunder. Accordingly, no civilian camp-follower went along, no long train of pack-animals stretched out the column. There was nothing except arms and men who placed all their trust in their arms. Nor was there ever wanting either the occasion or the cause for war with them, because on account of their poverty at home they were constantly raiding their neighbours' lands. And yet the fighting never brought about the final settlement of a campaign.¹

II. The consul Gaius Flaminius, having fought several successful battles with the Ligurian Friniates² on their own soil, received the tribe in surrender and disarmed them. When they were reprovved because they did not surrender the arms in good faith, they abandoned their villages and fled to the Auginus mountain. The consul followed in haste. But they scattered again, the largest part being unarmed, and fled at full speed through pathless country and over steep cliffs where the enemy could not pursue. So they departed across the Apennines. Those who remained in camp were surrounded and captured. Thence the legions were led across the Apennines. There the enemy defended themselves for a while by virtue of the height of the mountain which they had occupied, but presently yielded in surrender. At this time the arms were sought out with greater diligence, and all were taken from them. The war was then transferred to the Ligurian Apuani,³ who all the country between Pisa and Bologna was an ambitious undertaking.

Pisanum Bononiensemque ita incursaverant ut coli
 6 non possent. His quoque perdomitis consul pacem
 dedit finitimis. Et quia a bello quieta ut esset pro-
 vincia effecerat, ne in otio militem haberet, viam a
 7 Bononia perduxit Arretium. M. Aemilius alter con-
 sul agros Ligurum vicosque, qui in campis aut vallibus
 erant, ipsis montes duos Ballistam¹ Suismontiumque
 8 tenentibus, deussit depopulatusque est. Deinde eos
 qui in montibus erant adortus primo levibus proeliis
 fatigavit, postremo coactos in aciem descendere
 iusto proelio devicit, in quo et aedem Dianae vovit.
 9 Subactis cis Appenninum omnibus, tum transmontos
 adortus—in his et Friniates² Ligures erant, quos non
 adierat C. Flaminius—omnes Aemilius subegit arma-
 que ademit et de montibus in campos multitudinem
 10 deduxit. Pacatis Liguribus exercitum in agrum
 Gallicum duxit viamque a Placentia ut Flaminiae
 11 committeret Ariminum perduxit. Proelio ultimo,
 quo cum Liguribus signis collatis confligit, aedem
 Iunoni reginae vovit. Haec in Liguribus eo anno
 gesta.

III. In Gallia M. Furius praetor insontibus Ceno-
 manis, in pace speciem belli quaerens, ademerat

¹ Ballistam *edd. vet.* : uallis tamen *et similia* ♂.

² Friniates ♂ : erisinate M.

¹ If, as seems probable, there was already a road from Arezzo to Rome, the new road provided a route to Gaul shorter than the Via Flaminia (built in 220 B.C. by the father of the present consul) and the Via Aemilia (see sect. 10 below), by way of Ariminum.

² In XL. lii. 1-3, Aemilius, as censor in 179 B.C., received

had raided the lands of Pisa and Bologna to such B.C. 187 effect that they could not be cultivated. Having subdued them too, the consul granted peace to their neighbours. And, because he had brought it to pass that the province was free from war, that he might not leave his army idle, he built a road from Bologna to Arezzo.¹ The other consul, Marcus Aemilius, burned and ravaged the farms and villages of the Ligurians which were in the plains or valleys, the people themselves holding the two mountains Ballista and Suismontium. Then, attacking the men who were on the mountains, he first wore them out with small skirmishes, then forced them to come down to face his battle-line and defeated them in a regular battle, in the course of which he vowed a temple to Diana.² Having subdued all the tribes on this side of the Apennines, Aemilius then attacked those beyond the mountains—among whom there were those Ligurian Friniates also whom Gaius Flaminius had not visited—and subdued them all, took away their arms and transferred the population from the hills to the plains. Leaving the Ligurians pacified, he led his army into Gallic territory, and built a road from Placentia to Ariminum, in order to make a junction with the Via Flaminia. In the final encounter in which he engaged the Ligurians in a pitched battle, he vowed a temple to Juno Regina. Such were the events of that year among the Ligurians.

III. In Gaul the praetor Marcus Furius, seeking in peace the appearance of war, had disarmed the an appropriation for games in connection with the dedication of temples to Diana and Juno Regina (sect. 11 below). Both were near the Circus Flaminius.

- 2 arma. Id¹ Cenomani questi Romae apud senatum reiectique ad consulem Aemilium, cui ut cognosceret statueretque senatus permiserat, magno certamine
 3 cum praetore habito obtinuerunt causam. Arma reddere Cenomanis, decedere provincia praetor iussus.
- 4 Legatis deinde sociorum Latini nominis, qui toto undique ex Latio frequentes convenerant, senatus datus est. His querentibus magnam multitudinem civium suorum Romam commigrasse et ibi censos esse,
 5 Q. Terentio Culleoni praetori negotium datum est ut eos conquereret, et quem C. Claudio M. Livio² censoribus postve eos censores ipsum parentemve eius apud se censum esse probassent socii, ut redire eo
 6 cogeret, ubi censi essent. Hac conquisitione duodecim milia Latinorum domos redierunt, iam tum multitudine alienigenarum urbem onerante.

IV. Priusquam consules redirent Romam, M. Fulvius proconsul ex Aetolia redit; isque ad aedem Apollinis in senatu cum de rebus in Aetolia Cephallaniae ab se gestis disseruisset, petit a patribus ut,

¹ id *Gelenius* : inde et *M* : inde aut in *τ*.

² *Liurio τ* : *iulio M*.

¹ The Cenomani had been quiet since their defeat by Cethegus in 197 B.C. (XXXIII. xxiii. 4).

² The allied cities and the Latin colonies, whose status was similar, were under obligations to Rome, in accordance with their several treaties and constitutions. The migration of their citizens to Rome increased the burden on those who remained at home; the status of the migrants is uncertain; they seem not to have acquired Roman citizenship and yet to have been assessed by the censors.

Cenomani,¹ who had given no provocation: they in consequence laid a complaint about this before the senate at Rome, and were referred to the consul Aemilius, whom the senate had authorized to investigate and decide, and after engaging in great contention with the praetor won their case. The praetor was ordered to restore their arms to the Cenomani and to leave the province. B.C. 187

Then ambassadors from the allies of the Latin confederacy, who had assembled from all Latium in great numbers from every side, were granted an audience by the senate. When they complained that a great number of their citizens had migrated to Rome and had been assessed there,² Quintus Terentius Culleo the praetor was instructed to search them out, and, on receiving from the allies proof that any person or the father of such person³ had been assessed among the allies in the censorship of Gaius Claudius and Marcus Livius⁴ or after that censorship, to compel such persons to return to the places where they had been registered. As a consequence of this investigation twelve thousand of the Latins returned home, for even at that time a multitude of aliens was burdening the city.

IV. Before the consuls returned to Rome, the proconsul Marcus Fulvius returned from Aetolia; and when the senate, in the temple of Apollo, had heard him describe his exploits in Aetolia and Cephallania, he asked the Fathers, if they deemed it proper, by

³ Since only heads of families were listed, the omission of this provision would have opened the door to persons who moved to Rome in the lifetimes of their fathers.

⁴ They were censors in 204 B.C. The date chosen was probably arbitrary and the result of compromise.

si¹ aequum censerent, ob rem publicam bene ac
 feliciter gestam et diis immortalibus honorem haberi
 3 iuberent et sibi triumphum decernerent. M. Aburius
 tribunus plebis si quid de ea re ante M. Aemilii
 consulis adventum decerneretur intercessurum se
 4 ostendit: eum contra dicere velle, proficiscentemque
 in provinciam ita sibi mandasse ut ea disceptatio
 integra in adventum suum servaretur. Fulvium
 temporis iacturam facere: senatum etiam praesente
 5 consule² quod vellet decreturum. Tum³ Fulvius:
 si aut similtas M. Aemilii secum ignota hominibus
 esset, aut quam is eas inimicitias impotenti ac prope
 6 regia ira exerceret, tamen non fuisse ferendum
 absentem consulem et deorum immortalium honori
 obstare et meritum debitumque triumphum morari,
 7 imperatorem rebus egregie gestis victoremque exer-
 citum cum praeda et captivis ante portas stare, donec
 consuli ob hoc ipsum moranti redire Romam libitum
 8 esset. Verum enimvero cum sint notissimae sibi
 cum consule inimicitiae, quid ab eo quemquam posse
 aequi expectare, qui per infrequentiam furtim sena-
 9 tus consultum factum ad aerarium detulerit, Am-
 braciam non videri vi captam, quae aggere ac vineis
 oppugnata sit, ubi incensis operibus alia de integro

¹ ut si *Madvig*: ut τ .

² pr. con. τ : con. pr. *M*.

³ tum *Muretus*: om. τ .

reason of his successful and fortunate conduct of the business of the state, both to order that honour should be paid to the immortal gods and to decree a triumph to him. Marcus Aburius, tribune of the people, announced that, if any decree on that subject were passed prior to the arrival of Marcus Aemilius, he would veto it: Aemilius, he said, wished to speak against it, and on his departure to his province had given instructions to him, the tribune, that this whole discussion should be reserved for his return. Fulvius, he said, was suffering the loss of time only: even with the consul present the senate would decree what he wished. Then Fulvius replied: if either the quarrel between him and Marcus Aemilius was unknown to men, or if it was unknown with what uncontrollable and almost tyrannical passion Aemilius carried on the feud, even then it would have been unendurable that the absent consul should both stand in the way of the honour due to the immortal gods and delay an earned and merited triumph, and that a general after a brilliant campaign and a victorious army with its booty and prisoners should stand before the gates until it suited the fancy of a consul (who stayed away for just that reason) to return to Rome. But as a matter of fact, he went on, since his quarrel with the consul was very well known, what justice could be expected from a man who had deposited in the treasury a decree of the senate passed stealthily and in a poorly attended meeting, to the effect that Ambracia did not appear to have been taken by force, although it had been besieged with a mound and sheds, where other works were built anew when the first were burned, where the battle had raged

7
 10 facta sint, ubi circa muros supra subterque terram
 iam transcendisset muros miles, usque ad noctem diu
 anceps proelium tenuerit, ubi plus tria milia hostium
 11 sint caesa. Iam de deorum immortalium templis
 spoliatis in capta urbe qualem calumniam . . .¹ ad
 12 pontifices attulerit? Nisi Syracusarum ceterarumque
 captarum civitatum ornamentis urbem exornari fas
 fuerit, in Ambracia una capta non valuerit belli ius.
 13 Se et patres conscriptos orare et ab tribuno petere,
 ne se superbissimo inimico ludibrio esse sinant.

V. Undique omnes alii deprecari tribunum, alii
 castigare. Ti. Gracchi collegae plurimum oratio
 2 movit. Ne suas quidem simultates pro magistratu
 exercere boni exempli esse: alienarum vero simulta-
 tum tribunum plebis cognitorem fieri turpe et in-
 dignum collegii eius potestate et sacratis legibus
 3 esse. Suo quemque iudicio et homines odisse aut
 diligere et res probare aut improbare debere, non
 pendere ex alterius vultu ac nutu nec alieni momentis
 animi circumagi, adstipularique irato consuli tribunum
 4 plebei; et quid privatim M. Aemilius mandaverit

¹ *lacunam susp. Madvig.*

¹ I have filled out the suspected lacuna in what seems the simplest way consistent with grammar and sense. Madvig takes the passage to mean that spoils captured by Fulvius would bestow fame upon the pontiffs when they used them in the decoration of temples. The action referred to is the decree reported in XXXVIII. xlv. 5 above.

² *Adstipulari* is at least semi-technical, implying giving support to a legal proceeding.

³ The consul had no right to issue official orders of this sort to the tribune.

around the walls for fifteen days, above and below B.C. 187
 the ground, where from daylight, after the soldiers had already scaled the walls, until nightfall the battle had been maintained with uncertain issue, and where more than three thousand of the enemy had perished? Then, too, as to the plundering of the temples of the immortal gods in the captured city, what kind of insult was it that he had turned the booty over to the pontiffs? ¹ Unless it had been lawful to adorn the City with the trophies of Syracuse and other captured towns, but that in the case of captured Ambracia alone the law of war did not hold good! He begged the conscript Fathers and he requested of the tribune that they should not permit him to be made a laughing-stock by this most insolent personal enemy.

V. Everybody from all sides began to address the tribune, some with entreaties, some with reproaches. The argument of his colleague Tiberius Gracchus impressed him most. He said that it was not a good precedent to follow up even one's own contentions while holding a magistracy; but it was disgraceful for a tribune of the people to take sides in the contentions of others, and unworthy of the authority of that college and of its sacred laws. Each man, he said, in accordance with his own judgment should both hate or love men and approve or disapprove measures, should not depend upon another's expression and nod or be led this way or that under the pressure of another's will, nor should a tribune of the people be a second ² to an angry consul; he should not remember any commission which Marcus Aemilius had privately ³ entrusted to him, and forget the office of tribune which had been

meminisse, tribunatum sibi a populo Romano mandatum oblivisci, et mandatum pro auxilio ac libertate
 5 privatorum, non pro consulari regno. Ne hoc quidem cernere eum, fore ut memoriae ac posteritati mandetur eiusdem collegii alterum et duobus tribunis plebis suas inimicitias remisisse rei publicae, alterum alienas
 6 et mandatas exercuisse. His victus castigationibus tribunus cum templo excessisset, referente Ser. Sulpicio praetore triumphus M. Fulvio est decretus.
 7 Is cum gratias patribus conscriptis egisset, adiecit ludos magnos se Iovi optimo maximo eo die quo Ambraciam cepisset vovisse: in eam rem sibi centum
 8 pondo auri a civitatibus collatum; petere ut ex ea pecunia quam in triumpho latam ¹ in aerario positurus
 9 esset id aurum secerni iuberent. Senatus pontificum collegium consuli iussit, num omne id aurum in ludos
 10 consumi necesse esset. Cum pontifices negassent ad religionem pertinere quanta impensa in ludos fieret, senatus Fulvio quantum impenderet permisit,
 11 dum ne summam octoginta milium excederet. Triumphare mense Ianuario statuerat: sed cum audisset consulem M. Aemilium, litteris M. Aburii tribuni
 12 plebis acceptis de remissa intercessione, ipsum ad

¹ latam τ : delatam *M.*

¹ The first tribune is, of course, Gracchus himself.

² Neither the vow nor the contribution has been mentioned before. The celebration of the games is reported at XXII. 1 below.

³ The denomination of the coins is omitted. If the allowance was 80,000 sesterces, as is probable, only twenty pounds of gold would be used; 80,000 *denarii* would amount to eighty pounds. In either case, one wonders what became of the balance. The senate's decree probably did not forbid the expenditure of private funds in addition.

entrusted to him by the Roman people, and entrusted B.C. 187 for the purpose of rendering assistance to and protecting the liberty of private citizens, not of bolstering up the consular authority. Aburius, he said, did not even see that the result would be that tradition and posterity would have the story how in the same college one of two tribunes of the people had laid aside his own enmities for the sake of the state, the other had assumed and carried on those of another because they had been entrusted to him.¹ When the tribune, overcome by this criticism, had left the temple, on the motion of Servius Sulpicius the praetor the triumph was voted to Marcus Fulvius. When he had thanked the conscript Fathers, he went on to say that he had vowed the Great Games to Jupiter Optimus Maximus on the day when he had captured Ambracia, that for this purpose a hundred pounds of gold had been contributed by the cities; ² he requested that, from this money which he had planned to display in his triumph and then deposit in the treasury, this particular sum should, by their order, be kept separate. The senate ordered the college of pontiffs to be consulted whether it was necessary to spend this entire sum on the games. When the pontiffs had replied that from the point of view of religion it was immaterial how much should be spent on the games, the senate granted permission to Fulvius for whatever amount he should spend, provided that he did not exceed a total of eighty thousand sesterces.³ He had decided to triumph in the month of January; but when he had heard that the consul Marcus Aemilius, having received a letter from Marcus Aburius about the withdrawal of the veto, was himself coming to Rome

impediendum triumphum Romam venientem aegrum
 in via substitisse, ne plus in triumpho certaminum
 quam in bello haberet, praetulit triumphi diem.
 13 Triumphavit ante diem decimum Kal. Ianuarias de
 14 Aetolis et de Cephallania. Aureae coronae centum
 duodecim pondo ante currum latae¹ sunt; argenti
 15 pondo milia octoginta tria, auri pondo ducenta quad-
 raginta tria, tetrachma Attica centum octodecim
 milia, Philippei nummi duodecim milia trecenti²
 viginti duo, signa aenea septingenta octoginta
 quinque, signa marmorea ducenta triginta, arma tela
 16 cetera spolia hostium, magnus numerus, ad hoc cata-
 pultae, ballistae, tormenta omnis generis; duces aut
 Aetoli et Cephallanes aut regii ab Antiocho ibi relict
 17 ad viginti septem. Multos eo die priusquam in urbem
 inveheretur in circo Flaminio tribunos praefectos
 equites centuriones, Romanos sociosque, donis mili-
 taribus donavit. Militibus ex praeda vicos quinos³
 denarios divisit, duplex centurioni, triplex equiti.

VI. Iam consularium comitiorum appetebat tem-
 pus; quibus quia M. Aemilius, cuius sortis ea cura

¹ latae τ : delatae M.

² trecenti *Madvig*: trecenta M: quadringenti τ .

³ vicos quinos *ed. Aldina*: uiginti quinque M: quinos vicos τ .

¹ It is always uncertain whether *pondo* should be read in such passages, and I have followed in each case what seems to be the most trustworthy reading of the MSS. The additional complication exists in this instance, that Livy has already recorded (XXXVIII. ix. 13 above) the gift of a single crown weighing 150 pounds, but we do not know that this was to be carried in the procession, nor whether the gift for the games should be included. See also the note to the passage just quoted.

to hinder the triumph, but had been detained on the way by illness, he advanced the date, lest he have more strife in the triumph than in the war. He triumphed the tenth day before the Kalends of January over the Aetolians and over Cephallania. Golden crowns of one hundred and twelve pounds¹ in weight were carried before his car; he displayed also eighty-three thousand pounds of silver, two hundred and forty-three pounds of gold, one hundred and eighteen thousand Attic four-drachma pieces, twelve thousand three hundred and twenty-two coins called "Philippei,"² bronze statues to the number of seven hundred and eighty-five and two hundred and thirty of marble, weapons, javelins and other spoils taken from the enemy, in great quantities, besides catapults, ballistae and every variety of artillery; there marched also generals, whether Aetolians and Cephallanians or commanders of the king left there by Antiochus, to the number of twenty-seven. On that day, before he rode into the City, in the Circus Flaminius,³ he presented many tribunes, prefects, cavalymen and centurions, Romans and allies, with military decorations.⁴ To the soldiers, out of the booty, he gave twenty-five *denarii* each, twice that amount to each centurion, and thrice to each cavalryman.

VI. The time for the consular elections was now at hand; for these, since Marcus Aemilius, to whom

² Cf. XXXVII. lix. 4 and the note.

³ This circus was probably the only enclosure of suitable size which lay outside the *pomerium*.

⁴ The generosity of Fulvius in this respect was severely criticized by Cato (Gellius V. vi. 24-25, where a fragment of a speech is preserved).

erat, occurrere non potuit, C. Flaminius Romam venit. Ab eo creati ¹ consules Sp. Postumius Albinus
 2 Q. Marcius Philippus. Praetores inde facti T. Maenius P. Cornelius Sulla C. Calpurnius Piso M. Licinius Lucullus C. Aurelius Scaurus L. Quinctius Crispinus.

3 Extremo anni, magistratibus iam creatis, ante diem tertium nonas Martias Cn. Manlius Volso de Gallis
 4 qui Asiam incolunt triumphavit. Serius ei triumphandi causa fuit, ne Q. Terentio Culleone praetore causam lege Petillia diceret et incendio alieni
 5 iudicii quo L. Scipio damnatus erat conflagraret, eo infensoribus in se quam in illum iudicibus quod disciplinam militarem severe ab eo conservatam successorem ipsum omni genere licentiae corrupisse
 6 fama attulerat. Neque ea sola infamiae erant, quae in provincia procul ab oculis facta narrabantur, sed ea etiam magis quae in militibus eius cotidie aspicie-
 7 bantur. Luxuriae enim peregrinae origo ab exercitu Asiatico invecta in urbem est. Ii primum ² lectos aeratos, vestem stragulam pretiosam, plagulas et alia textilia, et quae tum magnificae supellectilis habebantur, monopodia et abacos Romam advexerunt.

¹ creati ζ : decreti *M.*

² ii primum *Gelenius* : inde primum ζ .

¹ It may be accidental that so many of the names on this list are relatively unfamiliar; it may also be true that conditions had made the Romans somewhat distrustful of the families that had been exercising political and military leadership and had encouraged them to look elsewhere for talent.

² Manlius probably had good reason to fear prosecution, especially before Culleo, who had displayed his inflexibility in the trial of Scipio. Until his triumph Manlius was outside the City and exempt from prosecution by virtue of his proconsulship; in the brief interval between the triumph and

this responsibility had fallen by lot, was unable to come, Gaius Flaminius came to Rome. He announced the choice of Spurius Postumius Albinus and Quintus Marcius Philippus as consuls. Then the praetors were elected, Titus Maenius, Publius Cornelius Sulla, Gaius Calpurnius Piso, Marcus Licinius Lucullus, Gaius Aurelius Scaurus, Lucius Quinctius Crispinus.¹ B.C. 187

At the end of the year, when the new magistrates had already been elected, on the third day before the Nones of March, Gnaeus Manlius Volso triumphed over the Gauls who inhabit Asia. His purpose in delaying so long to celebrate his triumph was to avoid pleading his cause under the Petillian law before the praetor Quintus Terentius Culleo and being himself consumed in the flames of another's trial, in which Lucius Scipio had been condemned,² seeing that the jurors were far more hostile to him than to Scipio because it was rumoured that he, when he succeeded Scipio, had ruined the military discipline, strictly maintained by his predecessor, by permitting every kind of licence. Nor was this only a matter of unfavourable report of what was said to have happened in the province, far from their eyes, but still more of what was apparent every day among his soldiers. For the beginnings of foreign luxury were introduced into the City by the army from Asia. They for the first time imported into Rome couches of bronze, valuable robes for coverlets, tapestries and other products of the loom, and what at that time was considered luxurious furniture—tables with one

the Ides (when a new praetor would succeed Culleo) a trial could not be completed. See the notes to XXXVIII. liv. 3; 7; lviii. 12 above.

8 Tunc psaltriae sambucistriaeque et convivalia alia
 ludorum oblectamenta addita epulis: epulae quoque
 ipsae et cura et sumptu maiore apparari coepit.
 9 Tum coquus, vilissimum antiquis mancipium et aesti-
 matione et usu, in pretio esse, et quod ministerium
 fuerat, ars haberi coepit. Vix tamen illa, quae tum
 conspiciebantur, semina erant futurae luxuriae.

VII. In triumpho tulit Cn. Manlius coronas aureas
 ducentas duodecim,¹ argenti pondo ducenta viginti
 milia, auri² pondo duo milia centum tria, tetrach-
 mum³ Atticum centum viginti septem milia, cisto-
 phori ducenta quinquaginta, Philippeorum⁴ aureorum
 2 nummorum sedecim milia trecentos viginti; et arma
 spoliaque multa Gallica carpentis travecta, duces
 hostium duo et quinquaginta ducti ante currum.
 Militibus quadragenos binos denarios divisit, duplex
 centurioni, triplex in equites, et stipendium duplex
 3 dedit;⁵ multi omnium ordinum donati militaribus
 donis currum secuti sunt. Carminaque a militibus
 ea in imperatorem dicta, ut facile appareret in ducem
 indulgentem ambitiosumque ea dici, triumphum esse

¹ ducentas duodecim *Lentz*: ducentas duodecim pondo *M*:
 decem duas τ : CC decem pondo duas *edd. vett.*

² auri *Gelenius*: argenti τ .

³ tetrachmum *Bekker*: tetracinum *et similia* τ .

⁴ Philippeorum *edd. vett.*: philipporum τ .

⁵ dedit *Madvig*: in pedites dedit τ .

¹ Pliny (XXXIV. 14) derives from the annalist Piso a similar list of articles of luxury first imported at this time. It does not necessarily follow that Piso was Livy's source also.

² He probably includes dancing-girls, buffoons, and the like.

pedestal and sideboards.¹ Then female players of the lute and the harp and other festal delights of entertainments² were made adjuncts to banquets; the banquets themselves, moreover, began to be planned with both greater care and greater expense. At that time the cook, to the ancient Romans the most worthless of slaves, both in their judgment of values and in the use they made of him, began to have value, and what had been merely a necessary service came to be regarded as an art. Yet those things which were then looked upon as remarkable were hardly even the germs of the luxury to come.

VII. In his triumph Gnaeus Manlius carried two hundred and twelve golden crowns, two hundred and twenty thousand pounds of silver, two thousand one hundred and three pounds of gold, of Attic four-drachma pieces one hundred and twenty-seven thousand, of *cistophori*³ two hundred and fifty thousand, of gold *Philippei* sixteen thousand three hundred and twenty; there were also arms and many Gallic spoils transported in carts, and fifty-two leaders of the enemy led before his car. To the soldiers he gave forty-two *denarii* each, twice that amount to each centurion and thrice to each cavalryman, and he gave them also double pay;⁴ many of all ranks, presented with military decorations, followed his car. Such songs were sung by the soldiers about their commander that it was easily seen that they were sung about an indulgent leader who sought popularity, and that the triumph was

³ Cf. XXXVII. xlvi. 3.

⁴ The grammar of the sentence is peculiar and there is corruption in the text. I have given what seems to be the most reasonable translation.

- 4 militari magis favore quam populari celebrem. Sed
 ad populi quoque gratiam conciliandam amici Manlii
 5 valuerunt; quibus adnitentibus senatus consultum
 factum est ut, ex pecunia quae in triumpho translata
 esset, stipendium collatum a populo in publicum quod
 eius solutum antea non esset solveretur. Vicenos
 quinos et semisses in milia aeris quaestores urbani
 cum fide et cura solverunt.
- 6 Per idem tempus tribuni militum duo ex duabus
 Hispaniis cum litteris C. Atinii et L.¹ Manlii qui eas
 7 provincias obtinebant venerunt. Ex iis litteris cogni-
 tum est Celtiberos Lusitanosque in armis esse et soci-
 orum agros populari. De ea re consultationem inte-
 gram senatus ad novos magistratus reiecit.
- 8 Ludis Romanis eo anno, quos ² P. Cornelius Cethe-
 gus A. Postumius Albinus faciebant, malus in circo
 instabilis in signum Pollentiae procidit atque id
 9 deiecit. Ea religione moti patres et diem unum
 adiciendum ludorum censuerunt et signa duo pro
 10 uno reponenda et novum auratum faciendum. Et
 plebeii ludi ab aedilibus C. Sempronio Blaeso et M.
 Furio Lusco diem unum instaurati sunt.

¹ L. ed. Frobeniana 1535: en. 5.

² quos edd. vett.: quo 5.

¹ This *stipendium* may have been some extraordinary tax, paid in an emergency and regarded as a loan to the treasury, analogous to the contribution mentioned in XXVI. xxxvi. 8 (cf. XXIX. xvi. 1; XXXI. xiii. 2-9; XXXIII. xlii. 2). Nothing further is known of it, and no translation can be more than a guess.

² It is not clear whether this is a final payment, a payment on account, or a favourable composition with creditors.

marked more by the applause of the military than B.C. 187 of the civil population. But the friends of Manlius were able to curry favour with the people as well; at their instance a decree of the senate was passed that, with regard to the tax¹ which had been paid by the people into the treasury, whatever portion of this was in arrears should be paid out of the money which had been carried in the triumph. The city quaestors, displaying fidelity and diligence, paid twenty-five and one-half *asses* each per thousand *asses*.²

About the same time two tribunes of the soldiers arrived from the two Spains, bringing dispatches from Gaius Atinius and Lucius Manlius, who were holding those provinces.³ From these letters it was learned that the Celtiberians and Lusitanians were in arms and were ravaging the lands of the allies. The decision regarding the whole question was left to the new magistrates by the senate.

At the Roman Games that year, which Publius Cornelius Cethegus and Aulus Postumius Albinus gave, a badly-fixed mast⁴ in the Circus fell on the statue of Pollentia and shattered it. The Fathers, disturbed by this omen, voted, first, that one day should be added to the Games, and, second, that two statues should be set up in place of one and the new one gilded. The Plebeian Games too were repeated, to the extent of one day, by the plebeian aediles Gaius Sempronius Blaesus and Marcus Furius Luscus.

³ Cf. XXXVIII. xxxv. 10 above for their assignment.

⁴ Probably this was a permanent mast set up on the *spina*; less probably it was one of the spars which supported the awnings.

VIII. Insequens annus Sp. Postumium Albinum
 et Q. Marcium Philippum consules ab exercitu bello-
 rumque et provinciarum cura ad intestinae coniura-
 2 tionis vindictam avertit. Praetores provincias sortiti
 sunt, T. Maenius urbanam, M. Licinius Lucullus
 inter cives et peregrinos, C. Aurelius Scaurus Sar-
 diniam, P. Cornelius Sulla Siciliam, L. Quinctius
 Crispinus Hispaniam citeriorem, C. Calpurnius Piso
 3 Hispaniam ulteriorem. Consulibus ambobus quaestio
 de clandestinis coniurationibus decreta est. Graecus
 ignobilis in Etruriam primum venit nulla cum arte
 earum, quas multas ad animorum corporumque cul-
 4 ficulus et vates; nec is qui aperta religione, propalam
 et quaestum et disciplinam profitendo, animos errore
 imbueret, sed occultorum et nocturnorum antistes
 5 sacrorum. Initia erant quae primo paucis tradita
 sunt deinde vulgari coepta sunt per viros mulieresque.
 Additae voluptates religioni vini et epularum, quo
 6 plurium animi illicerentur. Cum vinum animos
 incendisset,¹ et nox et mixti feminis mares, aetatis
 tenerae maioribus, discrimen omne pudoris exstinxis-
 sent, corruptelae primum omnis generis fieri coeptae,
 cum ad id quisque, quo natura pronioris libidinis
 7 esset, paratam voluptatem haberet. Nec unum
 genus noxae, stupra promiscua ingenuorum femina-
 rumque erant, sed falsi testes, falsa testamen-
 8 taque² et indicia ex eadem officina exhibant: venena

¹ animos incendisset *Madvig*: om. 5.

² testamentaque *Roever*: testimoniaque 5.

¹ Rome's treatment of the Christians illustrates her general attitude towards meetings conducted with any degree of concealment.

VIII. The following year diverted the consuls Spurius Postumius Albinus and Quintus Marcius Philippus from the army and the administration of wars and provinces to the suppression of an internal conspiracy. The praetors drew lots for their provinces, Titus Maenius receiving the city jurisdiction, Marcus Licinius Lucullus that between citizens and aliens, Gaius Aurelius Scaurus Sardinia, Publius Cornelius Sulla Sicily, Lucius Quinctius Crispinus Nearer Spain, Gaius Calpurnius Piso Farther Spain. To both consuls the investigation of secret conspiracies was decreed. A nameless Greek came first to Etruria, possessed of none of those many arts which the Greek people, supreme as it is in learning, brought to us in numbers for the cultivation of mind and body, but a dabbler in sacrifices and a fortune-teller; nor was he one who, by frankly disclosing his creed and publicly proclaiming both his profession and his system, filled minds with error, but a priest of secret rites performed by night.¹ There were initiatory rites which at first were imparted to a few, then began to be generally known among men and women. To the religious element in them were added the delights of wine and feasts, that the minds of a larger number might be attracted. When wine had inflamed their minds, and night and the mingling of males with females, youth with age, had destroyed every sentiment of modesty, all varieties of corruption first began to be practised, since each one had at hand the pleasure answering to that to which his nature was more inclined. There was not one form of vice alone, the promiscuous matings of free men and women, but perjured witnesses, forged seals and wills and evidence, all issued from this same

indidem intestinaeque caedes, ita ut ne corpora quidem interdum ad sepulturam exstarent. Multa dolo, pleraque per vim audebantur. Occulebat vim quod prae ululatus tympanorumque et cymbalorum strepitu nulla vox quiritantium inter stupra et caedes exaudiri poterat.

IX. Huius mali labes ex Etruria Romam veluti contagione morbi penetravit. Primo urbis magnitudo capacior patientiorque talium malorum ea celavit: tandem indicium hoc maxime modo ad Postumium consulem pervenit. P. Aebutius, cuius pater publico equo stipendia fecerat, pupillus relictus, mortuis deinde tutoribus sub tutela Duroniae matris et vitrici T. Sempronii Rutili educatus fuerat. Et mater dedita viro erat et vitricus, quia tutelam ita gesserat ut rationem reddere non posset, aut tolli pupillum aut obnoxium sibi vinculo aliquo fieri cupiebat. Via una corruptelae Bacchanalia erant. Mater adolescentem¹ appellat: se pro aegro eo vovisse ubi primum convaluisset, Bacchis eum se initiaturam; damnatam voti benignitate deum exsolvere id velle. Decem dierum castimonia opus esse: decimo die cenatum, deinde pure lautum in sacrarium deductu-

¹ adolescentem ♂: adolescentulum *M.*

¹ He was an *equus equo publico*, receiving an annual allowance for the purchase and upkeep of his mounts.

² A *tutor* rendered to the court which appointed him an account of his administration of the property, at least when the ward came of age.

³ A vow, to a Roman, created a quasi-contractual obligation, which was as effective as the sentence of a court: hence *damnatam voti*.

workshop: likewise poisonings and murders of kindred, so that at times not even the bodies were found for burial. Much was ventured by craft, more by violence. This violence was concealed because amid the howlings and the crash of drums and cymbals no cry of the sufferers could be heard as the debauchery and murders proceeded.

IX. The destructive power of this evil spread from Etruria to Rome like the contagion of a pestilence. At first the size of the City, with abundant room and tolerance for such evils, concealed it: at length information came to the consul Postumius in about this manner. Publius Aebutius, whose father had performed his military service with a horse supplied by the state,¹ was left a ward, and later, on the death of his guardians, was brought under the tutelage of his mother Duronia and his stepfather Titus Sempronius Rutilus. His mother was devoted to her husband, and his stepfather, who had so administered his guardianship that he could not render an accounting,² desired that the ward should either be done away with or be made dependent upon them by some tie. The one method of corrupting him was through the Bacchanalia. The mother addressed the young man: while he was sick, she said, she had vowed for him that as soon as he had recovered she would initiate him into the Bacchic rites; being compelled, by the kindness of the gods, to pay her vow,³ she wished to fulfil it. For ten days, she continued, he must practise continence: on the tenth day she would conduct him to the banquet and then, after ritual purification,⁴ to the shrine. There was a well-

⁴ Paulus Diaconus (p. 248) defines *pure lautum* as *aqua pura lautum*.

5 ram. Scortum nobile libertina Hispala Faecenia, non
 8 digna quaestu cui ancillula adsuerat, etiam postquam
 6 manumissa erat, eodem se genere tuebatur. Huic
 consuetudo iuxta vicinitatem cum Aebutio fuit,
 minime adulescentis aut¹ rei aut famae damnosa:
 ultro enim amatus appetitusque erat et maligne
 omnia praebentibus suis meretriculae munificentia
 7 sustinebatur. Quin eo processerat consuetudine
 capta ut post patroni mortem, quia in nullius manu
 erat, tutore ab tribunis et praetore petito, cum testa-
 mentum faceret, unum Aebutium institueret heredem.

X. Haec amoris pignora cum essent, nec quicquam
 secretum alter ab altero haberent, per iocum adoles-
 cens vetat eam mirari, si per aliquot noctes secu-
 2 buisset: religionis se causa ut voto pro valetudine
 sua facto liberetur, Bacchis initiari velle. Id ubi
 mulier audivit, perturbata "dii meliora!" inquit:
 mori et sibi et illi satius esse quam id faceret; et in
 caput eorum detestari minas periculaque, qui id
 3 suasissent. Admiratus cum verba tum perturbatio-
 nem tantam adulescens parcere exsecrationibus iubet:
 4 matrem id sibi adsentiente vitrico imperasse. "Vi-

¹ aut ed. Frobeniana 1535: om. M7.

¹ i.e., worthy of something better.

² A freedwoman was subject to the *manus* of her patron, who was often her former owner. Faecenia had no patron and no relative who would naturally assume the responsibilities of guardianship, and could therefore petition the praetor and the tribunes jointly for the appointment of a *tutor*, whose approval was necessary to the performance of any legal act, such as making a will.

known courtesan, a freedwoman named Hispala B.C. 186 Faecenia, not worthy ¹ of the occupation to which, while still a mere slave, she had accustomed herself, and even after she had been manumitted she maintained herself in the same way. Between her and Aebutius, since they were neighbours, an intimacy developed, not at all damaging either to the young man's fortune or to his reputation; for he had been loved and sought out without any effort on his part, and, since his own relatives made provision for all his needs on a very small scale, he was maintained by the generosity of the courtesan. More than that, she had gone so far, under the influence of their intimacy, that, after the death of her patron, since she was under the legal control of no one, having petitioned the tribunes and the praetor for a guardian, when she made her will she had instituted Aebutius as her sole heir.²

X. Since there were these bonds of affection between them, and neither had any secrets from the other, the young man jestingly told her not to be surprised if he were away from her for several nights: as a matter of religious duty, he said, to free himself from a vow made for the sake of his health, he intended to be initiated in the Bacchic rites. When the woman heard this she exclaimed in great distress, "The gods forbid!" She said that it would be much better both for him and for her to die rather than do that; and she called down curses and vengeance upon the heads of those persons who had given him this counsel. Wondering both at her language and at her so manifest distress, the young man bade her spare her curses: it was his mother, he said, with the approval of his stepfather, who had ordered it.

tricus ergo" inquit "tuus—matrem enim insimulare forsitan fas non sit—pudicitiam famam spem vitamque tuam perditum ire hoc facto properat."

5 Eo magis mirabundo quaerentique quid rei esset, pacem veniamque precata deorum dearumque, si coacta caritate eius silenda enuntiasset, ancillam se ait dominae comitem id sacrarium intrasse, liberam

6 numquam eo accessisse. Scire corruptelarum omnis generis eam officinam esse; et iam biennio constare

7 neminem initiatum ibi maiorem annis viginti. Ut quisque introductus sit, velut victimam tradi sacerdotibus. Eos deducere in locum, qui circumsonet ululatus cantuque symphoniae et cymbalorum et tympanorum pulsu, ne vox quiritantis,¹ cum per vim

8 stuprum inferatur, exaudiri possit. Orare inde atque obsecrare ut eam rem quocumque modo discuteret nec se eo praecipitaret, ubi omnia infanda patienda

9 primum, deinde facienda essent. Neque ante dimisit eum quam fidem dedit adolescens ab his sacris se temperaturum.

XI. Postquam domum venit, et mater mentionem intulit, quid eo die, quid deinceps ceteris, quae ad sacra pertinerent, faciendum esset, negat eorum se quicquam facturum nec initiari sibi in animo esse.

2 Aderat sermoni vitricus. Confestim mulier exclamat Hispalae concubitu carere eum decem noctes non

¹ quiritantis *ed. Parisina* 1513 : quaeritantis 5.

“Your stepfather, then,” she replied, “is making B.C. 186 haste—for perhaps it is not right to accuse your mother—to destroy in this way your virtue, your reputation and your life.” As he marvelled the more and asked her what she meant, beseeching gods and goddesses for peace and forgiveness if, compelled by her love for him, she had declared what should be concealed, she told him that while she was a slave she had attended her mistress to that shrine, but that as a free woman she had never visited it. She knew, she said, that it was the factory of all sorts of corruptions; and it was known that for two years now no one had been initiated who had passed the age of twenty years. As each was introduced, he became a sort of victim for the priests. They, she continued, would lead him to a place which would ring with howls and the song of a choir and the beating of cymbals and drums, that the voice of the sufferer, when his virtue was violently attacked, might not be heard. Then she begged and besought him to put an end to this matter in any way he could and not to plunge into a situation where all disgraceful practices would have first to be endured and then performed. Nor would she let him go until the young man gave her his promise that he would have nothing to do with those mysteries.

XI. When he came home and his mother began to tell him what he had to do that day and on the following days in connection with the rites, he informed her that he would do none of them and that it was not his intention to be initiated. His stepfather was present at the interview. Straightway the woman exclaimed that he could not do without his mistress Hispala for ten nights; infected with the

posse; illius excetrae¹ delenimentis et venenis imbutum nec parentis nec vitrici nec deorum verecundiam habere. Iurgantes hinc mater, hinc vitricus cum quattuor eum servis domo exegerunt. Adulescens inde ad Aebutiam se amitam contulit, causamque ei, cur esset a matre eiectus, narravit, deinde ex auctoritate eius postero die ad consulem Postumium arbitris remotis rem detulit. Consul post diem tertium redire ad se iussum dimisit; ipse Sulpiciam gravem feminam, socrum suam, percunctatus est, ecquam anum Aebutiam ex Aventino nosset. Cum ea nosse probam et antiqui moris feminam respondisset, opus esse sibi ea conventa dixit: mitteret nuntium ad eam, ut veniret. Aebutia accita ad Sulpiciam venit et consul paulo post, velut forte intervenisset, sermonem de Aebutio fratris eius filio infert. Lacrimae mulieri obortae et miserari casum adulescentis coepit, qui spoliatus fortunis, a quibus minime oporteret, apud se tunc esset, eiectus a matre, quod probus adulescens—dii propitii essent—obscenis, ut fama esset, sacris initiari nollet.

XII. Satis exploratum de Aebutio ratus consul non vanum auctorem esse, Aebutia dimissa socrum rogat ut Hispalam indidem ex Aventino libertinam, non ignotam vicinia, arcesseret ad sese: eam quoque esse quae² percunctari vellet. Ad cuius nuntium

¹ excetrae *ed. Frobeniana* 1531: exterae 5.

² quae *ed. Frobeniana* 1531: quam 5.

¹ The prayer is due to the fear that the compliment might provoke the jealousy of the gods.

enchancements and poisons of that vampire, he had no respect for his mother or his stepfather or yet the gods. Berating him thus, his mother on one side, his stepfather with four slaves on the other, drove him from the house. The young man thereupon went to his aunt Aebutia and explained to her the reason why his mother had driven him out, and on her recommendation the following day reported the affair to the consul Postumius with no witnesses present. The consul sent him away with instructions to return the third day; he himself asked his mother-in-law Sulpicia, a woman of high character, whether she was acquainted with an elderly woman, Aebutia, from the Aventine. When she replied that she knew that she was a virtuous woman of the old style, he said that he felt the need of an interview with her: Sulpicia should send her a message to come. Aebutia, summoned by Sulpicia, came, and a little later the consul, as if he had come in by chance, brought in an allusion to Aebutius, the son of her brother. Tears flowed from the woman's eyes, and she began to bewail the fate of the young man who was robbed of his estate by those who should least of all have treated him thus, and who was then at her house, driven from home by his mother because the virtuous youth—might the gods be gracious¹—refused to be initiated into rites which, if reports were to be believed, were full of lewdness.

XII. The consul, thinking that he had learned enough about Aebutius to trust his story, sent Aebutia away and asked his mother-in-law to summon to her Hispala, also from the Aventine, a freed-woman and no stranger in the neighbourhood: he wished to ask her also certain questions. Hispala,

c. 3
 3 perturbata Hispala, quod ad tam nobilem et gravem
 feminam ignara causae arcesseretur, postquam lic-
 tores in vestibulo turbamque consularem et consulem
 4 ipsum conspexit, prope exanimata est. In interio-
 rem partem aedium abductam socru adhibita consul,
 si vera dicere inducere in animum posset, negat
 5 perturbari debere; fidem vel a Sulpicia, tali femina,
 6 vel ab se acciperet; expromeret sibi, quae in luco
 Stimulae¹ Bacchanalibus in sacro nocturno solerent
 7 fieri. Hoc ubi audivit, tantus pavor tremorque
 omnium membrorum mulierem cepit, ut diu hiscere
 8 non posset. Tandem confirmata puellam admodum
 se ancillam iniciatam cum domina ait: aliquot annis,
 9 ex quo manumissa sit, nihil quid ibi fiat scire. Iam
 id ipsum consul laudare, quod iniciatam se non in-
 fitiaretur: sed et cetera eadem fide expromeret.
 10 Neganti ultra quicquam scire, non eandem dicere, si
 coarguatur ab alio, ac per se² fatenti veniam aut
 gratiam fore; eum sibi omnia exposuisse, qui ab illa
 audisset.

XIII. Mulier haud dubie, id quod erat, Aebutium
 indicem arcani rata esse, ad pedes Sulpiciae procidit,
 2 et eam primo orare coepit, ne mulieris libertinae cum
 amatore sermonem in rem non seriam modo sed capi-

¹ Stimulae *Gronovius*: simili et simulae et simul 5.

² per se *ed. Moguntina*: om. 5.

¹ Stimula is identified with Semele, the mother of Bacchus. The name is obviously appropriate. The grove was near the Tiber and the Aventine.

alarmed by her message, because without knowing B.C. 186
the reason she was summoned to so important and respected a woman, when she saw the lictors in the vestibule and the consul's retinue and the consul himself, almost swooned. Conducting her into the inner part of the house, with his mother-in-law present, the consul told her that if she could bring herself to tell the truth she had no cause to feel alarmed; she would receive a pledge either from Sulpicia, a woman of such standing, or from himself; she should state to them what rites were usually performed in the nocturnal orgies at the Bacchanalia in the grove of Stimula.¹ When she heard this, such fear and trembling seized the woman in all her limbs that for a long time she could not open her mouth. Being at length restored, she said that when quite young and a slave she had been initiated with her mistress; that for many years after her manumission she had known nothing of what went on there. Then the consul praised her on this ground, that she had not denied that she had been initiated; but she was to tell, under the same pledge, the rest as well. When she insisted that she knew nothing more, he told her that she would not receive the same forgiveness or consideration if she were convicted by the evidence of someone else as if she had confessed of her own accord; the man, he added, who had heard it from her had told him the whole story.

XIII. The woman, thinking without a doubt, as was indeed the fact, that Aebutius had revealed the secret, threw herself at the feet of Sulpicia, and at first began to plead with her not to try to turn the chatter of a freedwoman with her lover into something that was not merely serious but even fatal:

talem etiam verti vellet: se terrendi eius causa, non
 3 quod sciret quicquam, ea locutam esse. Hic Postu-
 mius accensus ira tum quoque ait eam cum Aebutio
 se amatore cavillari credere, non in domo gravissimae
 feminae et cum consule loqui. Et Sulpicia attollere
 paventem, simul illam ¹ adhortari, simul iram generi
 4 lenire. Tandem confirmata, multum incusata per-
 fidia Aebutii, qui optime de ipso ² merita talem
 5 gratiam rettulisset, magnum sibi metum deorum,
 quorum occulta initia enuntiaret, maiorem multo
 dixit hominum esse, qui se indicem manibus suis
 6 discerpturi essent. Itaque hoc se Sulpiciam, hoc
 consulem orare, ut se extra Italiam aliquo able-
 garent,³ ubi reliquum vitae degere tuto posset.
 7 Bono animo esse iubere eam consul et sibi curae fore
 8 dicere ut Romae tuto habitaret. Tum Hispala
 originem sacrorum expromit. Primo sacrarium id
 feminarum fuisse, nec quemquam eo virum admitti
 solitum. Tres in anno statos ⁴ dies habuisse, quibus
 interdium Bacchis initiarentur; sacerdotes in vicem
 9 matronas creari solitas. Pacullam Anniam Cam-
 panam sacerdotem omnia, tamquam deum monitu,
 immutasse: nam et viros eam primam filios suos
 initiasse, Minium et Herennium Cerrinios; et noc-
 turnum sacrum ex diurno, et pro tribus in anno
 diebus quinos singulis mensibus dies initiorum fecisse.

¹ illam τ : etiam *M*.

² de ipso *Madvig*: in eo ipso τ .

³ ablegarent τ : amandarent *M*.

⁴ statos *Gelenius*: statutos τ .

¹ One thinks of the *Bacchae* of Euripides.

she had spoken thus for the purpose of frightening him, not because she knew anything. At this point Postumius, inflamed with wrath, said that she believed even then that she was jesting with her lover Aebutius, and not speaking in the house of a most respectable matron and in the presence of a consul. Sulpicia too lifted up the terror-stricken woman, and at the same time encouraged her and mollified the anger of her son-in-law. At length regaining her self-control, and complaining much of the treachery of Aebutius, who had returned such gratitude to one who deserved so well of him, she declared that she feared greatly the wrath of the gods whose hidden mysteries she was to reveal, but far more the wrath of the men who would, if she informed against them, with their own hands tear her limb from limb. Accordingly she begged Sulpicia and the consul that they would banish her somewhere outside Italy, where she could pass the rest of her life in safety. The consul bade her be of good cheer and assured her that it would be his responsibility to see that she could safely live in Rome. Then Hispala set forth the origin of the mysteries. At first, she said, it was a ritual for women,¹ and it was the custom that no man should be admitted to it. There had been three days appointed each year on which they held initiations into the Bacchic rites by day; it was the rule to choose the matrons in turn as priestesses. Paculla Annia, a Campanian, she said, when priestess, had changed all this; for she had been the first to initiate men, her sons, Minius and Herennius Cerinius; she had held the rites by night and not by day, and instead of a mere three days a year she had established five days of initiation in every month.

10 Ex quo in promiscuo sacra sint et permixti viri
 feminis, et noctis licentia accesserit, nihil ibi facinoris,
 nihil flagitii praetermissum. Plura virorum inter sese
 11 quam feminarum esse stupra. Si qui minus patientes
 dedecoris sint et pigriores ad facinus, pro victimis
 immolari. Nihil nefas ducere, hanc summam inter
 12 eos religionem esse. Viros, velut mente capta, cum
 iactatione fanatica corporis vaticinari; matronas
 Baccharum habitu crinibus sparsis cum ardentibus
 facibus decurrere ad Tiberim, demissasque in aquam
 faces, quia vivum sulphur cum calce insit, integra
 13 flamma efferre. Raptos a diis homines dici, quos
 machinae illigatos ex conspectu in abditos specus
 abripiant: eos esse, qui aut coniurare aut sociari
 14 facinoribus aut stuprum pati noluerint. Multitu-
 dinem ingentem, alterum iam prope populum esse;
 in his nobiles quosdam viros feminasque. Biennio
 proximo institutum esse, ne quis maior viginti annis
 initiaretur: captari aetates et erroris et stupri
 patientes.

XIV. Peracto indicio advoluta rursus genibus pre-
 ces easdem, ut se ablegaret, repetivit. Consul rogat
 socrum ut aliquam partem aedium vacuum faceret

¹ The torches probably contained the elements mentioned in the form of a mixture of free sulphur and calcium sulphate, which is still to be found in Italy. A torch of this composition, if burning well, would not be extinguished by a brief or partial immersion in water, so that the Bacchanals could perform the feat mentioned if they were reasonably swift in their movements. Calcium sulphate will not burn; free elementary sulphur burns, and we should probably translate *vivum* as "free" or "elementary" and therefore "burnable." But it is rather remarkable that Livy, who was not a scientist, should have approached scientific fact so closely. I am indebted for this information to Dr. E. Ward Tillotson,

From the time that the ritès were performed in common, men mingling with women and the freedom of darkness added, no form of crime, no sort of wrongdoing, was left untried. There were more lustful practices among men with one another than among women. If any of them were disinclined to endure abuse or reluctant to commit crime, they were sacrificed as victims. To consider nothing wrong, she continued, was the highest form of religious devotion among them. Men, as if insane, with fanatical tossings of their bodies, would utter prophecies. Matrons in the dress of Bacchantes, with dishevelled hair and carrying blazing torches, would run down to the Tiber, and plunging their torches in the water (because they contained live sulphur mixed with calcium) would bring them out still burning.¹ Men were alleged to have been carried off by the gods who had been bound to a machine and borne away out of sight to hidden caves: they were those who had refused either to conspire or to join in the crimes or to suffer abuse. Their number, she said, was very great, almost constituting a second state; among them were certain men and women of high rank. Within the last two years it had been ordained that no one beyond the age of twenty years should be initiated: such ages could be involved in error and also were ready to permit abuse.

XIV. Having finished her testimony, again falling at their feet, she repeated the same prayers that they should banish her. The consul asked his mother-in-law to vacate some part of the house into

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quo Hispala immigraret. Cenaculum super aedes
 datum est, scalis ferentibus in publicum obseratis,
 3 aditu in aedes verso. Res omnes Faeceniae extemplo
 translatae et familia arcessita, et Aebutius migrare
 ad consulis clientem iussus.

Ita cum indices ambo in potestate essent, rem ad
 senatum Postumius defert, omnibus ordine expositis,
 quae delata primo, quae deinde ab se inquisita forent.
 4 Patres pavor ingens cepit, cum publico nomine, ne
 quid¹ eae coniurationes coetusque nocturni fraudis
 occultae aut periculi importarent, tum privatim suo-
 rum cuiusque² vicem, ne quis adfinis ei noxae esset.
 5 Censuit autem senatus gratias consuli agendas quod
 eam rem et cum singulari cura et sine ullo tumultu
 6 investigasset. Quaestionem deinde de Bacchanalibus
 sacrisque, nocturnis extra ordinem consulibus man-
 dant; indicibus Aebutio ac Faeceniae ne fraudi ea
 res sit curare et alios indices praemiis invitare
 7 iubent;³ sacerdotes eorum sacrorum, seu viri seu
 feminae essent, non Romae modo sed per omnia fora
 et conciliabula conquiri, ut in consulum potestate
 8 Italiam edicta mitti, ne quis qui Bacchis initiatus
 esset coisse aut convenisse sacrorum causa velit, neu
 quid talis rei divinae fecisse. Ante omnia ut quaestio

¹ ne quid *Gelenius*: quid τ .

² cuiusque *Doering*: quisque τ .

³ iubent τ : iubet *M*.

¹ The *cenaculum* was an apartment on an upper floor, with its own stairway to the street. In this house there was also a stairway to the inside of the house.

which Hispala might move. An apartment above the house¹ was assigned to her, the stairs leading to the street being closed up and an approach to the house arranged. All the household goods of Faecenia were at once moved and her slaves summoned, and Aebutius was directed to move to the house of a client of the consul.

When both witnesses were thus available, Postumius laid the matter before the senate, everything being set forth in detail; first what had been reported, then what he had himself discovered. Great panic seized the Fathers, both on the public account, lest these conspiracies and gatherings by night might produce something of hidden treachery or danger, and privately, each for himself, lest some relative might be involved in the mischief. The senate, moreover, decreed that the consul should be thanked because he had investigated the affair both with great industry and without creating any confusion. Then the investigation of the Bacchanals and their nocturnal orgies they referred to the consuls, not as a part of their regular duties; they directed the consuls to see to it that the witnesses Aebutius and Faecenia did not suffer harm and to attract other informers by rewards; the priests of these rites, whether men or women, should be sought out, not only at Rome but through all the villages and communities, that they might be at the disposal of the consuls; that it should be proclaimed in addition in the city of Rome and that edicts should be sent through all Italy, that no one who had been initiated in the Bacchic rites should presume to assemble or come together for the purpose of celebrating those rites or to perform any such ritual. Before all, it

de iis habeatur, qui coierint coniuraverintve, quo
 9 stuprum flagitiumve inferretur. Haec senatus de-
 crevit. Consules aedilibus curulibus imperarunt ut
 sacerdotes eius sacri omnes conquirerent, compre-
 hensosque libero conclavi ad quaestionem servarent;
 aediles plebis viderent ¹ ne qua sacra in operto fierent.
 10 Triumviris capitalibus mandatam est ut vigiliam dis-
 ponerent per urbem servarentque ne qui nocturni
 coetus fierent, utque ab incendiis caveretur; adiu-
 tores triumviris quinqueviri *uls cis* ² Tiberim suae
 quisque regionis aedificiis praeessent.

XV. Ad haec officia dimissis magistratibus consules
 in rostra escenderunt, et contione advocata cum sol-
 lemne carmen precatationis, quod praefari, priusquam
 populum adloquantur, magistratus solent, peregisset
 2 consul, ita coepit. "Nulli umquam contioni, Quirites,
 tam non ³ solum apta sed etiam necessaria haec
 sollemnis deorum comprecatio fuit, quae vos admo-
 neret hos esse deos, quos colere venerari precarique
 3 maiores vestri instituissent, non illos, qui pravis et
 externis religionibus captas mentes velut furialibus
 stimulis ad omne scelus et ad omnem libidinem
 4 agerent. Equidem nec quid taceam nec quatenus

¹ viderent *Gronovius* : uidere ζ .

² *uls cis Heusinger* : uti *cis et similia* ζ .

³ tam non ζ : non *M*.

¹ They were minor magistrates charged with assisting in the maintenance of order.

² It is not known whether these two boards of five, one operating on the left bank (*cis*) of the river, the other on the right bank (*uls*), were regular magistrates or posses of civilians, organized in case of emergency. The form of the title, especially the ante-classical *uls* (standing for *ultra* much as *cis* is used for *citra*), suggests an early origin.

was decreed that an inquiry should be conducted B.C. 186 regarding those persons who had come together or conspired for the commission of any immorality or crime. Such was the decree of the senate. The consuls ordered the curule aediles to search out all the priests of this cult and to keep them under surveillance, in free custody for the investigation; the plebeian aediles were to see to it that no celebration of the rites should be held in secret. The task was entrusted to the *triumviri capitales*¹ of placing guards through the City, of seeing that no night meetings were held, and of making provision against fire; as assistants to the *triumviri*, the *quinqueviri uls cis Tiberim*² were to stand guard each over the buildings of his own district.

XV. When the magistrates had been dispatched to these posts, the consuls mounted the Rostra and called an informal meeting³ of the people, and, when the consul had finished the regular formula of prayer which magistrates are accustomed to pronounce before they address the people, he thus began: "Never for any assembly, citizens, has this formal prayer to the gods been not only so suitable but even so necessary, a prayer which reminds us that these are the gods whom our forefathers had appointed to be worshipped, to be venerated, to receive our prayers, not those gods who would drive our enthralled minds with vile and alien rites, as by the scourges of the Furies, to every crime and every lust. For my part, I do not discover what I should refrain from telling or how far I should speak out. If you

³ Cf. XXXI. vii. 1 and the note. This meeting was called simply to hear the news about the conspiracy and the measures taken to suppress it.

proloquar invenio. Si aliquid ignorabitis, ne locum
 negligentiae dem, si omnia nudavero, ne nimium
 5 terroris offundam vobis vereor. Quidquid dixerō,
 minus quam pro atrocitate et magnitudine rei dictum
 scitote esse: ut ad cavendum satis sit, dabitur opera
 6 a nobis. Bacchanalia tota iam pridem Italia et nunc
 per urbem etiam multis locis esse, non fama solum
 accepisse vos sed crepitibus etiam ululatibusque noc-
 turnis, qui personant tota urbe, certum habeo,
 7 ceterum quae ea res sit, ignorare: alios deorum
 aliquem cultum, alios concessum ludum et lasciviam
 credere esse, et, quaecumque sit, ad paucos pertinere.
 8 Quod ad multitudinem eorum attinet, si dixerō multa
 milia hominum esse, ilico necesse est exterreamini,
 9 nisi adiunxero qui qualesque sint. Primum igitur
 mulierum magna pars est, et is fons mali huiusce
 fuit; deinde simillimi feminis mares, stuprati et
 constupratores, fanatici, vigiliis,¹ vino, strepitibus
 10 clamoribusque nocturnis attoniti. Nullas adhuc vires
 coniuratio, ceterum incrementum ingens virium ha-
 11 bet, quod in dies plures fiunt. Maiores vestri ne vos
 quidem, nisi cum aut vexillo in arce posito comi-
 tiorum causa exercitus eductus² esset, aut plebi
 concilium tribuni edixissent, aut aliquis ex magis-
 tratibus ad contionem vocasset, forte temere coire
 voluerunt; et ubicumque multitudo esset, ibi et

¹ vigiliis *Crévier*: uigiles 5.

² eductus *Gruter*: edictus 5.

¹ For the military character of the *comitia centuriata*, of which the speaker is thinking, cf. XXXI. v. 9 and the note.

² In the *concilium plebis*; Livy generally seems not to distinguish between this and the *comitia tributa*, but the problem is too complicated for discussion here.

are left ignorant of anything, I fear that I shall leave room for carelessness; if I lay bare everything, that I shall scatter abroad an excess of terror. Whatever I shall have said, be sure that my words are less than the dreadfulness and the gravity of the situation: to take sufficient precautions will be our task. As to the Bacchanalia, I am assured that you have learned that they have long been celebrated all over Italy and now even within the City in many places, and that you have learned this not only from rumour but also from their din and cries at night, which echo throughout the City, but I feel sure that you do not know what this thing is: some believe that it is a form of worship of the gods, others that it is an allowable play and pastime, and, whatever it is, that it concerns only a few. As regards their number, if I shall say that there are many thousands of them, it cannot but be that you are terrified, unless I shall at once add to that who and of what sort they are. First, then, a great part of them are women, and they are the source of this mischief; then there are men very like the women, debauched and debauchers, fanatical, with senses dulled by wakefulness, wine, noise and shouts at night. The conspiracy thus far has no strength, but it has an immense source of strength in that they grow more numerous day by day. Your ancestors did not wish that even you should assemble casually and without reason, except when the standard was displayed on the citadel and the army was assembled for an election,¹ or the tribunes had announced a meeting of the plebeians,² or some of the magistrates had called you to an informal gathering; and wherever there was a crowd collected they thought that there should also be a

legitimum rectorem multitudinis censebant esse de-
 12 bere. Quales primum nocturnos coetus, deinde pro-
 13 miscuos mulierum ac virorum esse creditis? Si qui-
 bus aetatibus initientur mares sciatis, non misereat
 vos eorum solum, sed etiam pudeat. Hoc sacra-
 mento initiatos iuvenes milites faciendos censetis,
 14 Quirites? His¹ ex obsceno sacrario eductis arma
 committenda? Hi cooperti stupris suis alienisque
 pro pudicitia coniugum ac liberorum vestrorum ferro
 decernent?

XVI. "Minus tamen esset si flagitiis tantum
 effeminati forent—ipsorum id magna ex parte
 dedecus erat—a facinoribus manus, mentem a
 2 fraudibus abstinuissent: numquam tantum malum
 in re publica fuit, nec ad plures nec ad plura per-
 tinens. Quidquid his annis libidine, quidquid fraude,
 quidquid scelere peccatum est, ex illo uno sacrario
 3 scitote ortum esse. Necdum² omnia in quae coniu-
 rarunt edita facinora habent. Adhuc privatis noxiis,
 quia nondum ad rem publicam³ opprimendam satis
 virium est, coniuratio sese impia tenet. Crescit et
 serpit cotidie malum. Iam maius est quam ut⁴
 4 capere id privata fortuna possit: ad summam rem
 publicam spectat. Nisi praecavetis, Quirites, iam
 huic diurnae, legitime ab consule vocatae, par
 nocturna contio esse poterit. Nunc illi vos singuli
 universos contionantes timent: iam ubi vos dilapsi
 domos et in rura vestra eritis, illi coierint, consulta-

¹ his *edd. vett.* : iis ζ .

² necdum *ed. Frobeniana* 1535 : nec ζ .

³ rem publicam ζ : po. romanum (*sic*) *M.*

⁴ quam ut *Gelenius* : quam ζ .

¹ One thinks of the caustic remarks of Cato on the participa-
 tion of women in public affairs (XXXIV. ii.-iv. *passim*).

legal leader of the crowd. Of what sort do you think are, first, gatherings held by night, second, meetings of men and women in common? ^{B.C. 186} 1 If you knew at what ages males were initiated, you would feel not only pity for them but also shame. Do you think, citizens, that youths initiated by this oath should be made soldiers? That arms should be entrusted to men mustered from this foul shrine? Will men covered with the signs of their own debauchery and that of others fight to the death on behalf of the chastity of your wives and children?

XVI. “ Yet it would be less serious if their wrongdoing had merely made them effeminate—that was in great measure their personal dishonour—and if they had kept their hands from crime and their thoughts from evil designs: never has there been so much evil in the state nor affecting so many people in so many ways. Whatever villainy there has been in recent years due to lust, whatever to fraud, whatever to crime, I tell you, has arisen from this one cult. Not yet have they revealed all the crimes to which they have conspired. Their impious compact still limits itself to private crimes, since as yet it does not have strength enough to crush the state. Daily the evil grows and creeps abroad. It is already too great to be purely a private matter: its objective is the control of the state. Unless you are on guard betimes, citizens, as we hold this meeting in the day-time, summoned by a consul, in accordance with law, so there can be one held at night. Now, as single individuals, they stand in fear of you, gathered here all together in this assembly: presently, when you have scattered to your homes and farms, they will have come together and they will take measures

bunt de sua salute simul ac vestra pernicie: tum
 5 singulis vobis universi timendi erunt. Optare igitur
 unusquisque vestrum debet ut bona mens suis
 omnibus fuerit. Si quem libido, si furor in illum
 gurgitem abripuit, illorum eum, cum quibus in omne
 flagitium et facinus coniuravit, non suum iudicet esse.
 6 Ne quis etiam errore labatur vestrum, Quirites,¹
 non sum securus. Nihil enim in speciem fallacius
 7 est quam prava religio. Ubi deorum numen prae-
 tenditur sceleribus, subit animum timor, ne fraudibus
 humanis vindicandis divini iuris aliquid immixtum
 violemus. Hac vos religione innumerabilia decreta
 pontificum, senatus consulta, haruspicum denique
 8 responsa liberant. Quotiens hoc patrum avorumque
 aetate negotium est magistratibus datum uti sacra
 externa fieri vetarent, sacrificulos vatesque foro circo
 urbe prohiberent, vaticinos² libros conquirent
 comburerentque, omnem disciplinam sacrificandi
 9 praeterquam more Romano abolerent. Iudicabant
 enim prudentissimi viri omnis divini humanique iuris
 nihil aequae dissolvendae religionis esse, quam ubi
 10 non patrio sed externo ritu sacrificaretur. Haec
 vobis praedicenda ratus sum, ne qua superstitio
 agigaret animos vestros, cum demolientes nos
 Bacchanalia discutientesque nefarios coetus cer-

¹ Quirites *Weissenborn*: quidem et quod 7.

² vaticinos *ed. Frobeniana* 1531: uaticinios *M*: etacinios
et al. 7.

for their own safety and at the same time for your destruction: then you, as isolated individuals, will have to fear them as a united body. Therefore each one of you should hope that all your friends have been endowed with sound minds. If lust, if madness has carried off anyone into that whirlpool, let each consider that such a person belongs, not to himself, but to those with whom he has conspired to every wickedness and wrong. I am not free of anxiety lest some even of you, citizens, may go astray through error. Nothing is more deceptive in appearance than a false religion. When the authority of the gods is put forward as a defence for crime, there steals upon the mind a fear lest in punishing human misdeeds we may violate something of divine law which became mixed up with them. From this scruple innumerable edicts of the pontiffs, decrees of the senate, and finally responses of the *haruspices* free you. How often, in the times of our fathers and our grandfathers, has the task been assigned to the magistrates of forbidding the introduction of foreign cults, of excluding dabblers in sacrifices and fortune-tellers from the Forum, the Circus, and the City, of searching out and burning books of prophecies, and of annulling every system of sacrifice except that performed in the Roman way. For men wisest in all divine and human law used to judge that nothing was so potent in destroying religion as where sacrifices were performed, not by native, but by foreign, ritual. I have thought that this warning should be given you, that no religious fear may disturb your minds when you see us suppressing the Bacchanalia and breaking up these nightly meetings. All these things, if the

c. 11 neretis. Omnia diis propitiis volentibusque fa-
 8 ciemus;¹ qui quia suum numen sceleribus libidi-
 nibusque contaminari indigne ferebant, ex occultis
 ea tenebris in lucem extraxerunt, nec pateferi, ut
 impunita essent, sed ut vindicarentur et oppri-
 12 merentur, voluerunt. Senatus quaestionem extra
 ordinem de ea re mihi collegaeque meo mandavit.
 Nos quae ipsis nobis agenda sunt impigre exse-
 quemur; vigiliarum nocturnarum curam per urbem
 13 minoribus magistratibus mandavimus. Vos quoque
 aequum est, quae vestra munia sunt, quo quisque
 loco positus erit, quod imperabitur, impigre praestare,
 et dare operam, ne quid fraude noxiorum periculi aut
 tumultus oriatur.”

XVII. Recitari deinde senatus consulta iusserunt
 indicique praemium proposuerunt si quis quem ad
 2 se deduxisset nomenve absentis detulisset. Qui
 nominatus profugisset, diem certam se finituros, ad
 quam nisi citatus respondisset, absens damnaretur.
 Si quis eorum, qui tum extra terram Italiam essent,
 nominaretur, ei laxiorem diem daturus, si venire ad
 3 causam dicendam vellet. Edixerunt deinde ne quis
 quid fugae causa vendidisse neve emisse vellet; ne
 quis reciperet celaret ope ulla iuvaret fugientes.
 4 Contione dimissa terror magnus urbe tota fuit, nec
 moenibus se tantum urbis aut finibus Romanis con-

¹ faciemus *Bauer* : ea faciemus 5.

gods are favourable and willing, we shall do; they, B.C. 186 because they were indignant that their own divinity was being polluted by acts of crime and lust, have dragged these matters from darkness into the light, nor have they willed that they should be discovered in order that they might be unpunished, but that they might be coerced and suppressed. The senate has entrusted the investigation of this affair, by extraordinary assignment, to my colleague and myself. We shall zealously carry through what has to be done by ourselves; the responsibility of keeping watch through the City we have entrusted to the minor magistrates. For you too it is proper, whatever duties are assigned you, in whatever place each one is posted, to obey zealously and to see to it that no danger or confusion may arise from the treachery of criminals."

XVII. Then they ordered the decrees of the senate to be read and announced the reward to be paid the informer if anyone had brought any person before them or had reported the name of anyone who was absent. If anyone was named and had escaped, for him they would designate a fixed day, and, if he did not respond when summoned on that day, he would be condemned in his absence. If anyone was named of those who were at that time outside the land of Italy, they would fix a more elastic date if he wished to come to plead his cause. They next proclaimed that no one should venture to sell or buy anything for the purpose of flight; that no one should harbour, conceal, or in any wise aid the fugitives.

When the meeting was dismissed there was great panic in the whole City, nor was this confined only to the walls or the boundaries of Rome; but gradually

tinuit, sed passim per totam Italiam, litteris hospitum de senatus consulto et contione et edicto
 5 consulum acceptis, trepidari coeptum est. Multi ea nocte, quae diem insecuta est quo in contione res palam facta est, custodiis circa portas positis fugientes a triumviris comprehensi et reducti sunt: multorum delata nomina. Quidam ex iis viri feminaeque
 6 mortem sibi consciverunt. Coniurasse supra septem milia virorum ac mulierum dicebantur. Capita autem coniurationis constabat esse M. et C. Atinios¹ de plebe Romana et Faliscum L. Opicernium et Minium
 7 Cerrinium Campanum: ab his omnia facinora et flagitia orta, eos maximos sacerdotes conditoresque eius sacri esse. Data opera, ut primo quoque tempore comprehenderentur. Adducti ad consules fassique de se nullam moram indicio fecerunt.

XVIII. Ceterum tanta fuga ex urbe facta erat ut, quia multis actiones² et res peribant, cogentur praetores T. Maenius et M. Licinius per senatum res in diem tricesimum differre, donec quaestiones a
 2 consulibus perficerentur. Eadem solitudo, quia Romae non respondebant nec inveniebantur, quorum nomina delata erant, coegit consules circa fora
 3 proficisci ibique quaerere et iudicia exercere. Qui tantum initiati erant et ex carmine sacro, praeeunte verba sacerdote, preces fecerant, quibus³

¹ M. et C. Atinios *Sigonius*: m. et l. catinios *M*: m. catinium et similia τ .

² multis actiones *Gelenius*: multae sanctiones τ .

³ quibus *H. J. Mueller*: in quibus τ .

¹ Cases could not be tried because of the absence of one or both parties to suits. The remedy adopted was the proclamation of a *iustitium* for thirty days: this suspended all ordinary public and private business.

through all Italy, as letters were received from their friends concerning the decree of the senate, concerning the assembly and the edict of the consuls, the terror began to spread. Many during the night after the day when the revelation was made in the meeting were caught trying to escape and brought back by the guards whom the *triumviri* had posted at the gates: the names of many were reported. Certain of these, men and women, committed suicide. In the conspiracy, it was said, more than seven thousand men and women were involved. But the heads of the conspiracy, it was clear, were Marcus and Gaius Atinius of the Roman *plebs*, and the Faliscan Lucius Opicernius and the Campanian Minius Cerrinius: they were the source of all wickedness and wrongdoing, the story went, and they were the supreme priests and the founders of the cult. It was seen to that at the first opportunity they were arrested. They were brought before the consuls, confessed, and asked for no delay in standing trial.

XVIII. But so numerous were the persons who had fled from the City that, since in many instances legal proceedings and causes were falling through,¹ the praetors Titus Maenius and Marcus Licinius were compelled, through the intervention of the senate, to adjourn court for thirty days, until the investigations should be finished by the consuls. The same depopulation, because at Rome men whose names had been given in did not respond or were not found, compelled the consuls to make the rounds of the villages and there investigate and conduct trials. Those who had merely been initiated and had made their prayers in accordance with the ritual formula,

c. nefanda coniuratio in omne facinus ac libidinem
 8 continebatur, nec earum rerum ullam,¹ in quas
 iureiurando obligati erant, in se aut alios admiserant,
 4 eos in vinculis relinquebant; qui stupris aut caedibus
 violati erant, qui falsis testimoniis, signis adulterinis,
 subiectione testamentorum, fraudibus aliis con-
 5 taminati, eos capitali poena adficiabant. Plures
 necati quam in vincula coniecti sunt. Magna vis in
 6 utraque causa virorum mulierumque fuit. Mulieres
 damnatas cognatis, aut in quorum manu essent,
 tradebant, ut ipsi in privato animadverterent in eas:
 si nemo erat idoneus supplicii exactor, in publico
 7 animadvertebatur. Datum deinde consulibus nego-
 tium est ut omnia Bacchanalia Romae primum, deinde
 per totam Italiam diruerent, extra quam si qua ibi
 8 vetusta ara aut signum consecratum esset. In
 reliquum deinde senatus consulto cautum est ne
 qua Bacchanalia Romae neve in Italia essent. Si
 quis tale sacrum sollemne et necessarium duceret,²
 nec sine religione et piaculo se id ommittere³ posse,
 apud praetorem urbanum profiteretur, praetor
 9 senatum consuleret. Si ei permissum esset, cum in
 senatu centum non minus essent, ita id sacrum
 faceret, dum ne plus quinque sacrificio interessent,

¹ ullam τ : ulla res *M*.

² duceret *ed. Parisina* 1513 : duceret et τ .

³ id ommittere *Gelenius* : id dimittere *M* : dimittere τ .

¹ Such punishments were inflicted by virtue of *patria potestas*.

² Their antiquity was their guarantee that they antedated

the priest dictating the words, in which the wicked conspiracy to all vice and lust was contained, but had committed none of the acts to which they were bound by the oath against either themselves or others, they left in chains; upon those who had permitted themselves to be defiled by debauchery or murder, who had polluted themselves by false testimony, forged seals, substitution of wills or other frauds, they inflicted capital punishment. More were killed than were thrown into prison. There was a large number of men and women in both classes. Convicted women were turned over to their relatives or to those who had authority over them, that they might be punished in private:¹ if there was no suitable person to exact it, the penalty was inflicted by the state. Then the task was entrusted to the consuls of destroying all forms of Bacchic worship, first at Rome and then throughout Italy, except in cases where an ancient altar or image had been consecrated.² For the future it was then provided by decree of the senate that there should be no Bacchanalia in Rome or Italy. If any person considered such worship to be ordained by tradition or to be necessary, and believed that he could not omit it without sin and atonement, he was to make a declaration before the city praetor, and the latter would consult the senate. If permission were granted to him, at a meeting where not fewer than one hundred were in attendance, he should offer the sacrifice, provided that not more than five people should take part in the rite, and that there the abuse of the Bacchus worship and were free from its bad features. In any case the Romans were inclined to respect venerable age.

neu qua pecunia communis neu quis magister sacrorum aut sacerdos esset.

XIX. Aliud deinde huic coniunctum referente Q. Marcio consule senatus consultum factum est, ut de iis quos pro indicibus consules habuissent integra res ad senatum referretur, cum Sp. Postumius
2 quaestionibus perfectis Romam redisset. Minium Cerrinium Campanum Ardeam in vincula mittendum censuerunt, magistratibusque Ardeatium praedicendum ut intentiore eum custodia adservarent, non solum ne effugeret, sed ne mortis consciscendae
3 locum haberet. Sp. Postumius aliquanto post Romam venit: eo referente de P. Aebutii et Hispalae Faeceniae praemio, quod eorum opera indicata
4 Bacchanalia essent, senatus consultum factum est, uti singulis his centena milia aeris quaestores urbani ex aerario darent; utique consul cum tribunis plebis ageret, ut ad plebem primo quoque tempore ferrent, ut P. Aebutio emerita stipendia essent, ne invitus

¹ The last clauses prevent a definite organization of the cult. The decree, however, legalizes traditional rites in honour of Bacchus and necessary individual acts of worship.

We are fortunate in possessing an inscription (CIL. I. 196), containing, in the form of a letter addressed to the Teurani, a federated state of Bruttium, the substance of the senate's decisions (the celebrated *Senatus Consultum de Bacchanalibus*). In general the statements of Livy agree with the inscription, although the evidence of language gives no indication that Livy saw the inscription.

² The ultimate fate of Cerrinius is not recorded.

should be no common purse or master of sacrifices or priest.¹ B.C. 186

XIX. Then another decree of the senate, allied to this, was passed on the motion of the consul Quintus Marcius, that the entire question of those whose services as informers the consuls had enjoyed should be referred to the senate when Spurius Postumius should have returned to Rome after completing the investigations. Minius Cerrinius the Campanian they voted should be sent to Ardea for imprisonment, advance notice being given to the magistrates of the Ardeans that they should keep especially close guard over him, not only to prevent his escape but also to allow him no opportunity to commit suicide.² Spurius Postumius returned to Rome a considerable time later: on his motion with reference to the rewards for Publius Aebutius and Hispala Faecenia, because it was through their information that the Bacchanalia had been discovered, a decree of the senate was passed that to each of them one hundred thousand *asses*³ should be paid by the city quaestors out of the treasury; and that the consuls should take up with the tribunes of the people the matter of their presenting to the assembly at the earliest possible moment proposals that Publius Aebutius should be rated as having performed his military service,⁴ that he should not serve in the

³ This was the sum required for assignment to the first census-class.

⁴ The proposal to exempt Aebutius from his military obligations is genuine, so far as one can see, but nevertheless odd at this period, when military service was still a recognized part of the citizen's duty. It cannot be determined whether the exemption carried with it immediate eligibility to office, since Aebutius had no political ambitions.

militaret neve censor ei invito¹ equum publicum
 5 assignaret; utique Faeceniae Hispalae datio, de-
 minutio, gentis enuptio, tutoris optio item esset,
 quasi ei vir testamento dedisset; utique ei ingenuo
 nubere liceret, neu quid ei qui eam duxisset ob id
 6 fraudi ignominiaeve esset; utique consules prae-
 toresque, qui nunc essent quive postea futuri essent,
 curarent ne quid ei mulieri iniuriae fieret, utique
 tuto esset. Id senatum velle et aequum censere ut
 7 ita fieret. Ea omnia lata ad plebem factaque sunt
 ex senatus consulto; de ceterorum indicum impu-
 nitate praemiisque consulibus permissum est.

XX. Et iam² Q. Marcius quaestionibus suae regionis
 perfectis in Ligures provinciam proficisci parabat,
 tribus milibus peditum Romanorum, centum quinquaginta
 equitibus, et quinque milibus Latini nominis
 peditum, ducentis equitibus in supplementum
 2 acceptis. Eadem provincia, idem numerus peditum

¹ censor ei invito *Mommsen*: censor licinius *M*: censores ζ .

² et iam ζ : ita *M*.

¹ The assignment of an *equus publicus* (cf. xlii. 6 and xliv. 1 below and the notes) would make Aebutius liable to service and so cancel the exemption just granted. Service as a volunteer would be performed in the capacity of an *equus equo publico*.

² The interests of a *patronus* in the property of his *libertus* were well protected by Roman law. Although the *patronus* of Faecenia was dead his interests survived, descending in this case to his *gens*, and the senate therefore bestows upon her the right to give away or otherwise alienate her property irrespective of gentile rights (*datio* may be synonymous with *alienatio*, the term employed by later jurists). The proposal of some scholars to understand *capitis* with *deminutio*, which would grant her the right to accept inferior civic status, seems to be self-contradictory. But it is not certain that Livy understood what he wrote.

army except by his own act, that the censor should not assign him a public horse without his consent;¹ that Hispala Faecenia should have the rights of bestowing and alienating property,² of marriage outside her *gens*,³ and choice of a *tutor* just as if her husband had given it to her by his will;⁴ that she should be permitted to marry a man of free birth, nor should any fraud or disgrace on this account attach to a man who should have married her; that the consuls and praetors who were at this time in office and those who should follow them should have a care that no injury should be done to this woman and that she should be secure. The senate, they were to say, wished and judged it proper that this should be done. All these motions were presented to the assembly and passed in accordance with the decree of the senate; with respect to the impunity and rewards of the rest of the informers discretion was left to the consuls.

XX. And by this time Quintus Marcius, having completed the investigation in his district, was preparing to set out against the Ligurians, who composed his province, having received three thousand Roman infantry and one hundred and fifty cavalry and five thousand infantry and two hundred cavalry of the allies of the Latin confederacy as reinforcements. The same province and the same numbers

³ The conditions surrounding *gentis enuptio* are only vaguely known. It is clear, however, that Faecenia is to have the maximum of privilege allowed to women.

⁴ A wife *in manu* might be granted this privilege by her husband's will. By the bestowal of these four rights Faecenia acquired a legal status at least not inferior to that of free women generally.