BOOK XXXVIII

The following is contained in the Thirty-eighth of Dio's Books:
1. How Caesar and Bibulus quarrelled (chs. 1-8).
2. How Caesar was exiled (chs. 9-17).
3. How Fulvia concurred Cicero in the matter of his exile (chs. 18-20).

Duration of time, two years, in which there were the magistrates (consuls) here enumerated:

A.D. 49
L. Calpurnius L. F. Piso, A. Gabinius A. F.

Thus following year Caesar wished to gain the favour of the whole multitude, that he might make them his own to an even greater degree. But since he was anxious to seem to be advancing the interests also of the optimates, in order to avoid incurring their enmity, he often told them that he would propose no measure which should not also be to their advantage. And, indeed, he so framed a certain measure concerning the land, which he wished to assign to the whole populace, as not to incur the least censure for it; yet he pretended he would not introduce even this measure, unless it should be according to their wishes. So far as this law went, therefore, no one could find any fault with him. The swollen population of the city, which was chiefly responsible for the frequent rioting, would
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thus be turned toward labour and agriculture; and the greater part of Italy, now desolate, would be colonized afresh, so that not only those who had toiled in the campaigns, but all the rest as well, would have ample subsistence. And this would be accomplished without any expense on the part of the city itself or any loss to the optimates; on the contrary, many of them would gain both rank and office. He not only wished to distribute all the public land except Campania (which he advised them to keep distinct as the property of the state, because of its excellence), but he also bade them purchase the remainder from no one who was unwilling to sell nor yet for whatever price the land commissioners might wish, but, in the first place, from people who were willing to sell, and secondly, for the same price at which it had been assessed in the tax-lists. For they had a great deal of surplus money, he asserted, as a result of the booty which Pompey had captured, as well as from the new tributes and taxes just established, and they ought, inasmuch as it had been provided by the dikes that citizens had incurred, to expend it upon those same persons. Furthermore, he proposed that the land commission should not consist of a few members only, so as to seem like an oligarchy, or of men who were under indictment, lest somebody might be displeased, but that there should be, in the first place, twenty of them, so that many might share the honour, and secondly, that they should be the most suitable men. But he excepted himself from consideration, a point on which he strenuously insisted at the outset, in order that he might not be thought to be proposing a measure in his own interest. As for himself, he
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was satisfied with originating and proposing the...matter; at least he said so, but clearly he was

making a move to favor Pompey and Caesar and the rest.

So far as his measure went, then, he could not be censured, and, indeed, no one ventured to open

his mouth in opposition; for he had read it before-

hand in the senate, and calling upon each one of

the senators by name, had inquired whether he

had any criticism to offer; and he promised to alter or even to strike out entirely any clause which

might displease anybody. Nevertheless, practically

all the optimates who were outside the league were

greatly irritated; and they were grieved especially

by the very fact that Caesar had drawn up such

a measure as would admit of no censure, even while it

embarrassed them all. For they suspected that by

this measure he would attach the multitude to him

and gain fame and power over all men; and this

was, in fact, his very purpose. For this reason, even

though no one spoke against him, no one agreed

with the proposal either. This succeeded for the

majority, and while they kept promising him that

they would pass the decree, they did nothing; on the

contrary, fruitless delays and postponements kept

arising. Marcus Cato, however, even though he had

no fault to find with the measure, nevertheless urged

them on general principles to abide by the existing

system and to take no steps beyond it. He was a

thoroughly upright man and disapproved of any

innovation; yet he had no influence either as the result

of natural gift or training. At this Caesar was
ΔΙΟΣ ΡΩΜΑΝ ΗΣΤΟΡΙΑ

εἰς τὸ διορισμῆναι τῶν Κάτων ἐς αὐτοῖς τοῦ συμβούλου ἐξελέγχασας ἐμβαλὼν ἔπειτα ἐκεῖ οὗ τὸ ἐπιστροφὴς εἰσελήφθαι, ἐπεί τί συνεχῆσατο, καὶ τῶν ἄλλων οὐκ ἤδη ἔχασεν· ἔτη μεταξὺ τῶν Μάρκου Πετρίου ἐπιτεύχθης, ὥστε τοῖς λαχείον εὐθέτησεν, εὐθέτως τῶν τοῦ νόμου καὶ κυρίων ἐπιτευγμένην, ὅπως, εἰ τί μὴ ἀρέσειν νόμος, μὴ εἰς τῶν ἔθεται ἐνοχὴν: ὅπειρ' ἢ ὡς ἐνδεχεται προβιβαλόμεθα, εἰς τῶν αὐτῶν αἱρέσεις.

4 Κάκ τούτοις οὖν ἄλλο τῇ τῆς γεροσική ἐν τῇ ἀρχῇ ταύτην ἐπεκεντυρίσθητε, ἄλλ' εἰς τῶν δήμων ἀποτελεί σινθῆς διὰ ἐξελέγχας ἐκείνους τό ὡς καὶ διὰ ομογενώμενα τῶν προστατέων τούτων ἐν τῇ ἐκλογῇ λαβέται (καὶ γὰρ ἤλπις μετεφυγέσθαι τοὺς αὐτούς καὶ τῇ τὸ πλῆθος φοβηθέσθαι) ἦρθον εἰς τὸν συναρχότας, καὶ ἔπειτα αὐτοῖς εἰς τὰ τοῦ νόμου μέρη τῶν ἔπειτα ἐκεῖνος ἐπετεύχθη ἐπεί δὲ μηδὲν ἐπετεύχθη, ἵνα ἐπετεύχθη τῆς ἠμαρτήσεως τοῦ τοῖς πάντως τοῖς ἐν τῇ ἐκλογῇ λαβέται καὶ ἴσως καὶ τῷ πλῆθος φοβηθέσθαι τῇ τοῖς συναρχότας τοῖς δήμοις αὐτοῖς εἰς τοῖς πάντως ἐπετεύχθη, ἔν τούτῳ θαυμάζομαι, ὅποιος Βιζούλως μέγας ἀνασφάλει 

2 Καὶ ὁ ταῦτα εἰσῆλθεν ἀπηλλάγηται ὡς εἴ τός Καίσαρ τῶν μὲν ἄλλων τῶν εἰς τοῖς ἀρχικῶς ὡς τοὺς αὐτοὺς

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on the point of dragging Cato out of the very senate-

house and casting him into prison. But the other

offered himself with the greatest readiness to be led

away, and not a few of the rest followed him; and

one of them, Marcus Petruus, upon being rebuked by

Caesar because he was taking his departure before

the senate was yet dismissed, replied: “I prefer to

be with Cato in prison rather than here with you.”

Abashed at this reply, Caesar let Cato go and ad-

journed the senate, merely remarking: “I have

made you judges and masters of this law, so that

if anything did not suit you, it should not be brought

before the people; but since you are not willing
to pass a preliminary decree, they shall decide for

themselves.”

After that he communicated nothing further to the

senate during his year of office, but brought directly

to the people whatever he desired. However,

as he wished even under these circumstances to

secure some of the foremost men as supporters in

the assembly, hoping that they had now changed

their minds and would have some fear of the plebs,

he made a beginning with his colleague and asked

him if he disapproved of the provisions of the law.

When the other gave him no answer beyond saying

that he would tolerate no innovations during his year

of office, Caesar proceeded to entreat him and per-

suaed the multitude to join him in his request,

saying: “You shall have the law, if only he wishes

it.” Bibulus in a loud voice replied: “You shall

not have this law this year, not even if you all wish

it.” And having spoken thus he took his departure.

Caesar did not address his inquiries to any other

magistrates, fearing that some one of them also
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might oppose him; but he brought forward Pompey
and Crassus, though they were private citizens, and
bade them express their views concerning the
measure. This was not because he was not ac-
quainted with their views, for all their undertakings
were in common; but he purposed both to honour
these men, by calling them in as advisers about the
law although they were holding no office, and also to
frighten the others by securing the adherence of
men who were admittedly the foremost in the
city at that time and had the greatest influence with
all. By this very move, also, he would please the
populace, by giving proof that they were not
striving for any unnatural or unjust end, but for
objects which those leaders were willing both to
approve and to praise.

Pompey, accordingly, very gladly addressed them
as follows: "It is not I alone, Quintus, who approve
this measure, but the whole senate as well, inasmuch
as it has voted for land to be given not only to
my soldiers but to those also who once fought
with Metellus. On the former occasion, to be sure,
since the treasury had no great means, the grant-
ing of the land was naturally postponed; but
at present, since it has become exceedingly rich
through my efforts, it is but right that the promise
made to the soldiers be fulfilled and that the rest
also reap the fruit of the common toils." After this
preamble he went over in detail every feature of the
measure and approved them all, so that the crowd
was mightily pleased. Seeing this, Caesar asked
him if he would willingly assist him against those
who were working in opposition, and he also urged
the populace to join in asking his aid for this
purpose. When they had done so, Pompey felt
cated over the fact that both the consul and the multitude had desired his help, although he was holding no position of commissary, and so, with an added opinion of his own worth, and assuming much dignity, he spokc at some length, finally declaring: "If any one dares to raise a sword, I also will snatch up my shield." These words of Pompey were approved by Crassus too. Consequently, even if some of the rest were not pleased, they nevertheless favoured the passage of the law [when these men,] who were not only accounted good citizens in general but were also, as they supposed, hostile to Caesar, (for their reconciliation was not yet manifest,) joined in approving his measure.

Bibulus, however, would not yield, but having gained the support of three tribunes, hindered the enactment of the law. Finally, when no other excuse for delay was any longer left him, he proclaimed a sacred period for all the remaining days of the year alike, during which the people could not legally even meet in their assembly. Caesar paid but slight attention to him and appointed a fixed day for the passage of the law. And when the populace had occupied the Forum by night, Bibulus came up with the following he had got together and succeeded in forcing his way through to the temple of Castor, from which Caesar was delivering his speech. The men fell back before him, partly out of respect and partly because they thought he would not actually oppose them. But when he appeared above and attempted to speak in opposition to Caesar he was thrust down

1 Literally, the temple of the Dioscuri. Officially it was called udder Castorius; cf. xxvii. 8, 2.
the steps, his fasces were broken to pieces, and the
tribunes as well as others received blows and
wounds.

Thus the law was passed. Bibulus was for
the moment satisfied to escape with his life, but on
the next day tried in the senate to annul the act; nev-
evertheless, he accomplished nothing, since all were
under the spell of the multitude's enthusiasm and
would do nothing. Accordingly he retired to his
home and did not appear in public again at all up
to the last day of the year. Instead, he remained
in his house, and whenever Caesar proposed any
innovation, he sent formal notice to him through his
attendants that it was a sacred period and that by the
laws he could rightfully take no action during it.
Publius Vatinius, a tribune, undertook to place Bibulus
in prison for this, but was prevented from doing
so by the opposition of his colleagues. Bibulus,
however, held aloof from all business of state in
the manner related, and the tribunes belonging
to his party likewise no longer performed any public
duty.

Now Metellus Celer and Cato, and through him one
Marcus Favonius, who imitated him in everything,
for a time did not take the oath of obedience to the
law (a custom which began, as I have stated, on an
earlier occasion, and was then continued in the case
of other preposterous measures) and stoutly refused
to approve it, Metellus, for instance, referring to
Numidicus as an example.2 When, however, the
day [came] on which they were to incur the

1 Apparently a reference to the year B.C. 100, and to
the refusal of Metellus Numidicus to swear to the law.

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