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Cicero, Pro Cluentio

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will be able to weigh and measure and assign. He will be a second Palamedes—a juriconsult—a Seruius. Lastly he says ‘denique in ambiguo fuerit quodcumque locatum | et rectoris egens, diriment examina Librae.’ Now it is quite true, as Mr. Webb, quoting iii. 662 and ii. 658 *sqq.*, says, that *Libra* is connected with *Bacchus* as presiding over the time of the vintage. But this reference is entirely beside the mark here where the essential potency of the sign is set forth. Hence I regard v. 205 as an interloper, which has found its way into the present passage, because *Librantes*, which has been restored to the text by conjecture, was early corrupted into *Libantes*, the actual reading of every known manuscript of *Manilius*; and this corruption naturally suggested the connexion between *Libra* and the vintage.

The star which rose with the 26th degree of *Libra* (v. 338) will I am afraid never be discovered. For Mr. Webb says that we have ‘no right to suspect that *Manilius* made *Antares* rise with the 26th degree of *Libra*.’ But my friends of the Greenwich and Cambridge Observatories (*Silua*, p. 68), unless I have altogether misunderstood them, said that in the time of *Manilius* it did approximately rise then.

In conclusion let me touch on two literary points. Like Mr. Webb, I do not feel certain that *Manilius* has imitated *Propertius*. I have always used the word ‘uidetur’ (*Silua*, pp. 23, 46, 70) in speaking of their resemblances, to which I would here add two: *Manilius* i. 326 *sq.* (of *Orpheus*), ‘Manesque per ipsos | fecit iter domuitque infernas carmine leges.’ *Prop.* 4, 11, 3 ‘cum semel infernas intrarunt funera leges.’ *Manilius* ii. 24 ‘paci opus’ may be a re-

miniscence of *Prop.* 3, 1, 17 *sq.* ‘sed quod pace legas, opus hoc de monte sororum | detulit intacta pagina nostra uia’ as the general subject of the whole context is the same. The difficulty of determining the question of obligation is that *Manilius* so frequently gives a fresh turn to a thought or expression of his predecessors which prevents its provenance from being apparent, and, as I have said in my preface, ‘priors... non tam exprimit quam aemulatur.’ I believe that he had read *Catullus*; but I have only noticed one clear imitation, and that is not apparent until we have accepted Prof. Ellis’ excellent emendation of ii. 476 *sq.* ‘affectus quoque diuisit uariantibus astris | atque aliorum oculos, aliorum contulit aures’ (*aliorum—aliorum*) = *Catullus* in the epithalamium 62, 15 ‘nos alio mentes, alio diuisimus aures.’ The resemblance is unmistakable; but how different the surroundings! Finally as Mr. Webb has protested against my selection of i. 715 ‘resupina facit mortalibus ora’ as a fine line (I am sure he would agree that it forms part of a fine passage), it may interest some of our readers to know that in the blank pages at the end of H. A. J. Munro’s copy of *Jacob’s Manilius*, a book now in my possession, there is only one entry and that is a transcript of the words in question. Though *Munro* was no great admirer of *Manilius*, as we know from the references to him in the commentary on *Lucretius*, it would seem that he thought the line a remarkable one. The idea which it conveys is, it is true, a simple one, the upturning of the face to the sky; but the expression is vivid and novel.

J. P. POSTGATE.

CICERO, PRO CLUENTIO.

§ 6. Tum si quid erit praeteritum animo requiratis. Some MSS. have a me for animo: read animo a me requiratis.

§ 9. Quoniam caput illius atrocitatis... fuit innocentem pecunia circumuentum. ST give quoniam illius caput etc. Read quoniam illud caput illius etc.

§ 15. O mulieris scelus incredibile et praeter hanc unam in omni vita inauditum. I incline to think that *Cicero* may here have written *unum* instead of *unam*, though the latter seems to occur in all MSS.

§ 31. Hanc a natura [propriam] lucem accipere. *Propriam* should be entirely removed from the text: it has probably resulted from the misunderstanding of an adscript *propitiam*.

§ 34. Quid de Oppianico suspicatus sit videtis, [quid iudicari obsecrum non est]; nam cuius etc. The parallelism with what follows (*videtis... cognoscite*) suggests that the words which I have bracketed are superfluous, and have come in from the margin.

§ 39. For *tum suffragiis* read *tandem suffragiis*.

§ 51. *Quod non possim* [implere]. *Implere* does not occur in ST, the archetype of which seems to have abounded in contractions: read *quod non possim praestare*.

§ 53. *Quaerebat cur in eiusmodi locum* [tam abditum] *cur solus cur cum obsignata pecunia venisset*. *Tam abditum* has all the appearance of an adscript.

§ 72. *Hic ille planus improbissimus condemnatum iri*. In this passage Madvig proposed to delete *sese ab Oppianico destitutum*. But the source of the corruption does not lie there. Earlier in the sentence occur the words *queritur se ab Oppianico destitutum*. The removal of these words effects a great improvement in the whole period. And there can be little doubt as to where they came from. They are obviously 'index-words,' written in the margin to serve as a guide to a famous passage. Another instance of such 'index-words' creeping into the text will be found in *agitur causa* § 58: possibly also *aliqui Oppianicum gratis condemnavit* § 113. Cp. § 173.

§ 76. *Statuerunt*. Madvig proposed *statuerent*: perhaps rather *statuerant*.

§ 79. *Clamore hominum* ST is probably right for the vulgate *clamore*. The source of the confusion may be looked for in the preceding line where *opinionibus hominum* should perhaps be *opinionibus omnium*.

§ 83. *Cur cum in consilium mittebant Staienum iudicem cui quod tu dicis pecuniam dederant non requirebant*. Here S gives *cui quod*, T *quod*, and most codd. *cui*. Accept the reading of S and insert the words *tu dicis* after *quod*. Their resemblance to *iudicem* in what goes before may have caused their omission.

§ 84. *istam dedit conciliationis et gratiae fabulam*. These words, rejected by most editors, do not seem to be of the stuff of which adscripts are made. There is, in fact, something contemptuous in the repetition of the words used by Accius, which Cicero is, as it were, pillorying: cp. *haec illius reconciliatio* § 101. For *dedit* I should, however, read *edidit*.

§ 98. *Qui . . . dixerunt, qui accusati sunt ab iis qui erant . . . condemnati, quos ego*. Müller and Fausset retain this intolerable sentence in the form in which it occurs in the MSS. But there should be a full stop at *dixerunt*, and perhaps the best way to emend what follows is to read *Quid? Accusati sunt etc.*

§ 103. *Potest . . . accepisse tamen ob rem iudicandam pecuniam sicut causam pecunia*

capta nusquam Staienus eadem lege dixit. The words which I suggest for insertion here in order to fill a lacuna in the text will be found to convey the essence of the argument. The suggestion is of course based on the homoeoteleuton *pecuniam—pecunia*: cp. § 66 *ante iudicium datam, post iudicium ereptam*, where the words *datam, post iudicium* have slipped out in ST. In the text, the first *pecuniam* is not essential, as *accepisse* is often used absolutely.

§ 107. *Longum est de singulorum virtute ita dicere; quae* [quia] *cognita sunt ab omnibus verborum ornamenta non quaerunt*. In this much discussed sentence, the simplest remedy is, retaining the *ita* before *dicere* (Madvig altered it to *illa*), to remove *quia* from the text. Its presence is probably due to dittography, and the reflection which Cicero intended to make was a general one.

§ 113. *Iam *putaretur aliqui . . . sedisse*. *Putaretur* occurs in ST. Now in § 31 ST and b² all agree in *putaretur* while the other codd. give *videretur*. Unless *putaretur* be a mistake for *putetur* (cp. *arbitraretur* in the codd. for *arbitretur* §§ 25 and 96) I am inclined to think it is the result of a misunderstood contraction for *videtur* (or *videntur*?). The other MSS. have worked out the problem to *potuit*, which Müller adopts: but *potuit sedisse* is not likely,—*poterit* would be preferable. Read therefore *iam videtur* (*videntur*?) *aliqui . . .*

§ 124. Read *unum denique aliquod a Cluentio aliquando profectae pecuniae vestigium ostende*. T omits *aliquod* after *denique*: S has *aliquod* after *Cluentio*. Probably both *aliquod* and *aliquando* should find a place in the text: cp. § 92 *si in aliquam legem aliquando non iuraverat*.

§ 127. *Aliquid esse et quod de his duobus habuerint compertum de ceteris comperisse*. The insertion of *non* (before *comperisse*) by editors, following Graevius, does not seem to be the true line of emendation for this difficult sentence. There is a parallelism in *aliquid esse* and *comperisse* which must not be overlooked. The insertion of *et* before *quod* seems to be the first step required in order to recover this parallelism. Then if *aliquid esse* cannot mean by itself 'that there is still a something' (i.e. something not generally known, cp. § 149), which is the sense required by the context, it is here that emendation must be attempted. *Aliquid esse postea cognitum et quod . . . habuerint compertum . . . comperisse* may be taken as representing the sense of the passage, as I understand it.

§ 153. *ceterique eiusdem ordinis*. This

reading is now generally adopted by editors. Most codd. have *ceterique huiuscemodi (eiuscemodi ST) ordinis*. Perhaps in a direct appeal to the representatives of the equestrian order on the bench before him, Cicero may have said *huiusce vestri ordinis*.

Ibid. I suspect the words *haec recusarent et*: they may have arisen out of a marginal gloss on *recusando* in the line above, *cum haec recusarent*.

§ 173. There is something odd about *Faciliusne potuit quam in poculo*, which seems again a sort of abridgment of the whole argument that may have come in from the margin. Following *venenum* at the close of the preceding sentence, I should propose to continue at once *Num latius potuit abditum aliqua in parte panis etc.*

§ 192. *Mulierem quandam Larinatem illim usque a mari supero Romam proficisci*. This is Müller's reading, adopted by Mr. Fausset. Madvig proposed *Larino atque illim*: the codd. give *Larino atque illam*. It seems to me that *Larino* ought to stand: and the

exclamations of the bystanders might best be expressed by *Mulierem quandam Larino adesce: illam usque etc.* In the direct 'Mulier quaedam Larino adest' would naturally be followed by some such 'nearer definition' as 'Illa usque a mari supero Romam proficiscitur' etc.

§ 195. *Vos indices, quos huic A. Cluentio quasi aliquos deos . . . fortuna esse voluit*. 'Quasi aliquos deos' is Halm's emendation, and is accepted by Müller and Fausset. But *deos* here cannot be disconnected from *deos* in the preceding sentence,—*deos . . . aspernatos esse confido*. The MSS. give *quos alios* T, *alios* S. Here *alios* is undoubtedly right, 'other gods,'—different, that is to say, from the *di immortales* of the previous sentence. I propose, accordingly, to return to the reading of Lambinus (adopted by Classen and Ramsay) *quosdam alios deos*, or rather (on palaeographical grounds) *alios quosdam deos*.

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QUIS FOR ALIQUIS?

The following essay will treat either textually or exegetically these passages:

- Plautus, *Captivi* 45 sq.
 „ (*Rudens* 925)
 „ *Bacchides* 274
 „ *Mostellaria* 655 (cf. *Amph.* 563, *Pseud.* 1130)
 Terence, *Eunuchus* 252
 „ „ 511
 „ *Heautontimorumenos* 458
 „ *Adelphi* 443
 Cicero, *de Finibus* 3, 21, 70–71
 Horace, *Sermones*, 1, 3, 63
 Cicero, *ad Atticum* 6, 1, 6
 „ *de Officiis* 3, 6, 60
 „ *de Natura Deorum* 1, 24, 66.

It has been supposed that in these passages we have *quis* used at random for *aliquis*, in exception to the well known substitution of *quis* for *aliquis* after (1) *si* and its compounds, (2) negatives (*ne*), (3) interrogatives (*num*, *an* etc.), (3) relatives.

Plautus's usage of *quis* has been studied by Prehn in his *Quaestiones Plautinae*.¹

He makes the following classification:

	<i>quis</i>	120 times
i si		
ii quasi	„	3 „
iii ubi	„	6(?) „
iv quando	„	2 „
v quom	„	1 „
vi num-	„	very common
vii ec-	„	„ „
viii an	„	3 times
ix -ne	„	1 „
x comparative	}	1 „
+ quam		
xi ne	„	passim
xii nisi	„	„

None of these usages would be held to run counter to the classical prose style. In a few examples however an at random use of *quis* for *aliquis* has been claimed; these Prehn reviews, and denies the claim. *Capt.* 43 sq.

reducemque faciet liberum in patriam ad patrem
 imprudens, itidem ut saepe iam in multis locis
 plus insciens *quis* fecit quam prudens boni.

¹ Strassburg, 1887.