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Note on Cicero, *Ad Fam.* 1, 2, 2 and 1, 1, 2

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and to κτείνει by a still later (Molhuysen, *De tribus Homeri Odysseae codicibus antiquissimis* p. 50). Modern critics accept κτείνεν, but many read καὶ instead of κεν. But neither ἡ κεν...κτείνεν nor ἡ καὶ...κτ. is satisfactory, and we must either accept κτείναι from G, or make the very slight alteration to κτείνει = κτείνῃ, 3. sg. aor. subj.

The words quoted are addressed by Proteus to Menelaus, who has to return to Egypt and there sacrifice, before he can set out on the homeward voyage to Argos. All this involves so much time, that if Aegisthus were already dead, Menelaus could not possibly arrive in time for the τάφος. Accordingly the translation of Butcher and Lang, 'or it may be Orestes was beforehand with thee and slew him', is objectionable in point of meaning, even if the meaning could be got out of the Greek. But it cannot, for ἡ κεν...κτείνεν can only mean 'or else O. would have slain him, but did not;' it can only give the supposed consequence of an unfulfilled condition. *Monro, H.G.*² p. 295, compares X 108-110:

ἔμοι δὲ τότ' ἂν πολὺν κέρδιον εἴη
ἄντην ἢ Ἀχιλλῆα κατακτείναντα νέεσθαι
ἥ κε αὐτῷ ὀλέσθαι ἐν κλειῷς πρὸ πόλῃος.

But this is very different, for the infinitive is equivalent to a clause with εἰ and optative:—ἔμοι ἂν κέρδιον εἴη, ἡ εἰ Ἀχιλλῆα κατα-

κτείνας νεοίμην, ἡ εἰ κεν (κεν emphasizes the alternative) αὐτὸς ὀλοίμην. For εἰ κεν with the optative we can find Homeric parallels, e.g. I 14 (cf. *Monro, H.G.*² p. 285), but none for κεν with the aorist indicative in the sense proposed.

Another interpretation makes a future perfect of the aorist with κεν, vide *Merry ad loc.* ('O. will have been his slayer'); which gives good sense, but bad grammar.

On the other hand ἡ καὶ...κτείνεν is good in grammar, but, for the reason stated, bad in sense. We must have a verbal form that refers to future time.

The readiest solution is presented by the aor. opt. κτείναι in G: 'either you will find him alive, or Orestes might be beforehand with you and kill him, while you would come in for the funeral-feast.' But we can more easily explain the variations in the MS. reading, if we suppose that the original was κτείνει, 3rd sg. aor. subj., with -ει corresponding to -ομεν, -ετε in the plural of subjunctives from non-thematic indicatives: cf. *Schulze, Hermes* xx. 493 and *K.Z.* xxxiii. 134, and *Stolz, Ind. Forsch.* ii. 154. For the construction cf. A 431-3:

σήμερον ἡ δοιοῖσιν ἐπεύξεται Ἰππασίδῃσι

ἡ κεν ἐμῷ ὑπὸ δονρὶ τυπείς ἀπὸ θυμὸν ὀλέσσης.

C. M. MULVANY.

NOTE ON CICERO, *AD FAM.* 1, 2, 2 AND 1, 1, 2.

In the March number of the *Classical Review*, p. 108, Mr. Gretton has discussed some of the many difficulties involved in the information which has come down to us concerning the debates in the Roman senate early in the year 56 B.C., on the proposed restoration of Ptolemaeus Auletes to his kingdom. Mr. Gretton's remarks bear chiefly upon *Cic. Ad Fam.* 1, 2, 2: 'proxima erat Hortensi sententia, cum Lupus, tribunus plebis, quod ipse de Pompeio retulisset, intendere coepit ante se oportere discessionem facere quam consules. Eius orationi vehementer ab omnibus reclamatum est; erat enim et iniqua et noua. Consules neque concedebant neque ualde repugnabant, diem consumi uolebant, quod est factum; perspiciebant enim in Hortensi sententiam multis partibus pluris ituros, quamquam aperte Volcacio adsentirentur. Multi roga-

bantur, atque id ipsum consulibus inuitis, nam ei Bibuli sententiam ualere cupierunt.' In this passage the two most recent editors, Mendelssohn and C. F.W. Mueller, keep the reading of the MSS., *inuitis*, whereas most of their predecessors insert *non* before the word. Mr. Gretton also supports the traditional text but from a different point of view; they refer *ei* to the consuls, he to *multi*. I will discuss the former view first, but must begin by mentioning that the two editors follow *Madvig* in changing *cupierunt* to *cupierant*. No necessity exists for this alteration; Cicero may just as well have written that the consuls *did*, earlier in the debate, favour the rejected motion of Bibulus, as that they *had* favoured it. Apart from that matter, the lection of the *codices* gives a curious succession of considerations in the minds of the consuls: (1) they saw that the

motion of Hortensius would be carried, if the matter came to a division; (2) they therefore wished the sitting to pass without result; (3) though much time was wasted by asking for opinions, this waste of time did not make them happy, because the motion of Bibulus which they favoured had been rejected. To enumerate the succession of considerations is to condemn this interpretation of the passage. The consuls wanted to waste time, but they were sorry for the waste, because their favourite motion had just been rejected!

Mr. Gretton refers *ei* to *multi*; and rightly says that it is of some importance to make out the view which the two consuls, Lentulus Marcellinus and Marcus Philippus, took of the matter. But he makes no reference to a very important passage in the preceding letter, viz. *Fam.* 1, 1, 2: 'Marcellinum tibi esse iratum scis: is hac regia causa excepta ceteris in rebus acerrimum tui defensorem fore ostendit. Quod dat, accipimus: quod instituit referre de religione et saepe iam retulit, ab eo deduci non potest.' Putting aside for the present the question whether *tibi* in this passage is corrupt or not, we may fairly deduce from it two inferences, (1) that throughout the contest Marcellinus opposed the claims of Cicero's correspondent, Lentulus Spinther; (2) that in persistently pressing upon the attention of the senate what Cicero calls the *religionis calumnia*, he desired to injure the prospects, not only of Spinther, but of Pompeius also. The latter inference is confirmed by a passage in the preceding section of the letter; 'regis causa si qui sunt qui uelint, qui pauci sunt, omnes rem ad Pompeium deferri uolunt, senatus religionis calumniam non religione, sed maleuolentia et illius regiae largitionis inuidia comprobant.' We may reasonably conclude that Marcellinus, at all events, (in his heart) cried a plague upon both houses, that of Spinther and that of Pompeius alike. He owed much to Pompeius, a fact of which Pompeius bitterly reminded him later in the year (*Plut. Pomp.* 51). He would be unwilling to oppose directly the friends of Pompeius in the senate, but would be glad to check the ambition of his former leader by indirect methods. These could lead to no open breach with Pompeius, because the triumvir himself was playing a double game. While his friends in the senate were pushing his claims, he was pretending, in conversation with Cicero, that he was devoted to the interests of Spinther. The majority in the senate were acting much in the same manner as Marcellinus; they were ready

to support by speech the motion of Volcacius, while determined, if a division were taken, to vote for that of Hortensius. As to the other consul, Marcus Philippus, there is nothing to show that he diverged from his colleague; the evidence is all the other way.

Mr. Gretton sees how difficult it is to refer *ei* to *multi* unless the latter word be restricted to the *consulares*, who mostly voted for the proposal of Bibulus which was lost. But the restriction is unnatural. As the very purpose of questioning the senators was to waste time, the questioning would obviously be pushed as far as possible. On the other hand if *multi* goes far beyond the *consulares* we have a most extraordinary change of front. Just before, in the very same sitting, the proposition of Bibulus had been rejected by a large majority (*frequentes ierunt in alia omnia*). Then, we are told, the consuls clearly saw (*perspiciebant*) that a large majority would be ready to speak for the motion of Volcacius, but would be sure to vote for that of Hortensius. Yet the *multi*, when asked for their opinion, spoke in favour of the already rejected motion! The insertion of *non* seems to educe order out of chaos. The fact that the consuls previously desired the resolution of Bibulus to pass was very good reason why they should now be glad to see time wasted. That resolution, leading up to *tris legatos ex eis qui priuati sunt* (*Fam.* 1, 1, 3) shut the door *permanently* against Spinther and Pompeius alike. The policy of delay was sure to shut the door against both, *temporarily*, and was likely to shut the door finally; and so matters indeed turned out. The reading *non inuitis* seems, further, to fit in very well with the fact that the demand for *sententiae* proceeded from the tribune in the first instance. In ordinary circumstances, the consuls would not care to be obliged to conduct the business of the house according to the views of a tribune. The words *id ipsum* seem also to be somewhat in favour of reading *non inuitis*; they appear most naturally to refer to the *perrogatio*, to the fact that many were called upon to speak (*ut rogari multos*). On the view of Mr. Gretton, they less naturally emphasize the contrast between the expectation which the consuls formed of the *perrogatio*, and its actual result. The circumstance that *non* is not in the MSS. has little weight if any. In his note, Mueller gives a number of examples of *non* omitted, and his list might be increased indefinitely.

Incidentally, it may be noted that the passage in *Fam.* 1, 2, 2 makes rather in

favour of the view put forward by Willems, and rejected by Mommsen, that the *relator* could stop the *perrogatio* at any point, and proceed to a division, could in fact enforce the closure of debate. The *relator* could certainly call for a division without debate. According to Mommsen's opinion, if he asked for speeches at all, he was bound to give every senator who had the right to speak, a chance of delivering himself. In that case it is hard to see any pertinence in Cicero's statement that *many* were asked to speak. It is just conceivable but not at all likely, that on the occasion of which Cicero writes, members were pressed to explain themselves at length, instead of giving a mere brief assent to some preceding speaker. Cicero would surely in such circumstances have added something to the ordinary word *rogabantur*. The supposition that the consuls had a power of closing debate is consonant with the fact that they could exclude debate altogether, and also with the old theory, never entirely put out of sight, that the senators were persons whose advice the consuls might ask or not, as they pleased.

I now return to the words in *Fam.* 1, 1, 2: 'Marcellinum tibi esse iratum scis.' Many scholars have been captivated by the brilliant correction *tibicini*, due to an old and unknown scholar. Another conjecture which has found favour is *regi* for *tibi*. Prof. Tyrrell somewhat confidently pronounces that either *tibi* or *iratum* is corrupt. With equal confidence Mendelssohn rejects the idea of corruption; while C. F. W. Mueller accepts the MSS. reading without comment. Prof. Tyrrell urges that we know of no reason why Marcellinus, especially, should have been angry with Spinther. It is not, however, necessary to look for a cause of offence special to Mar-

cellinus. The cause may have been of a general and political character. Clearly Spinther had offended many senators. I would explain by this fact the words in *Ad. Qu. Frat.* 2, 2, 3 (otherwise interpreted by Prof. Tyrrell): *sine dubio res a Lentulo remota uidetur esse, cum magno meo dolore; quamquam multa fecit quare, si fas esset, iure ei suscitare possemus.* There seems to me to be no probability in the supposition that Cicero is here referring solely to his own affairs. He often eulogizes Spinther as the warmest of his supporters, and it is hardly possible that this champion should have done *many things* which might afford his friend private reason for anger. It is true that Spinther had in 57, as consul, joined his colleague in considering, with the aid of a *consilium*, the monetary compensation which Cicero should receive for the destruction of his property while he was in exile, and that the compensation awarded seemed to Cicero inadequate. But he nowhere lays the blame on Spinther, and could even in public praise the compensation as generous. In the letter to Quintus, 2, 2, 3, Cicero speaks of the policy of obstruction in the Egyptian business as having been carried out *per obtrectatores Lentuli*. The phrase hits Marcellinus hard. If we read *tibi* in *Fam.* 1, 1, 2, the real difficulty seems to lie in the sudden transition from the statement that Marcellinus is angry with Spinther, to the statement that he will be the friend of Spinther in all matters which have not to do with the Alexandrine prince. If *tibi* be correct, as I think it is, some adversative particle, such as *tamen*, must have fallen out between *is* and *hac*.

J. S. REID.

DISCOVERY OF A COLLATION OF THE 'CODEX TURNEBI' OF PLAUTUS.

II.

IN this article I propose to put together the chief contributions of the newly found collation to our knowledge of the text, and to submit to students of Plautus for their consideration some of the more interesting problems which it suggests. It will be well to begin with a short account of the MSS. hitherto known.

The last twelve plays of Plautus (*Bacch. Truc.*) were unknown to scholars at the

Revival of Learning, until the 'Codex Ursinianus' (*D*) was discovered. It is now in the Vatican Library, a MS. of the 11th century. In the middle of the 16th century Camerarius brought two other MSS. to light, one of the 10th century (*B*, now in the Vatican Library), and another of the 11th (*C*, now at Heidelberg). These three MSS. *BCD* are closely connected, all coming from one original, which seems to have been