Notes on Pseudo-Quintilian’s Minor Declamations*

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The following editions are referred to: P. Aerodius (Paris 1563); J. F. Gronovius (Leiden 1665); U. Obrecht (Strasbourg 1698); P. Burman (Leiden 1720, with notes of Schulting and others); C. Ritter (Leipzig 1884, with contributions by E. Rohde).

Other scholars referred to are:
Morawski (C. v.), *Berliner philologische Wochenschrift* 5 (1885), cols. 1099-1103.
Hagendahl (H.) in *Apophoreta Lundström* (Göteborg 1936), pp. 325-27.

All page-and-line references are to Ritter’s text.

4. 16: quare si hanc tantum negasset aliquando et postea obtulisset non tamen poterat videri quadruplo obligatus, cum hoc ipsum quadruplum cum ea summa habuerit quae negabantur.

The law states that a man who dishonestly denies having received a deposit shall be liable to four-fold restitution.

“If he had at one time denied the original sum (*hanc*) only, and later offered it, he still could not have been regarded as liable for

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the four-fold amount since [or 'although'] he habuerit this very four-fold amount together with the sum which was denied." Since habuerit yields no sense, Ritter adopts Rohde's tentative suggestion abnuerit: "since he denied liability for" etc. This is unsatisfactory for two reasons: (a) the mere fact that he denied liability for the four-fold amount in no way means that he was not liable; (b) this view ignores et postea obtulisset. More probably, I suggest, we should read debuerit: "although he owed this very four-fold amount together with the sum which was denied," but later ceased to owe it when he offered to return the deposit.

6. 1: itaque et alias quoque condiciones frugalitati tuae ponit amicus paternus: si vixeris quomodo videris fecisse, si tenendi potius patrimonii quam auferendi habueris curam, est adhuc quod tibi possit tribuere patrimonium paternum; sed adhuc habet suum.

A father with a dissipated son stipulated that, after his death, his estate should remain in the keeping of a friend until his son reformed his ways. When this seemed to have happened, the friend handed over part of the estate; the son is now suing the friend for four-fold restitution.

Ritter's text (given above) should be repunctuated by putting a full stop after curam, since si vixeris and si habueris are the two condiciones laid down by the friend of the father. A new sentence begins with est adhuc: "there is still something which could bestow upon you your father's estate," i.e. you can still get it (by fulfilling these conditions), but (in the meantime) "the friend still holds his own." habet suum was rightly queried by Schulting; the sense demands habet (ut) suum, "holds it as if it were his own"; for the expression cf. Cicero, Fam. I. 9. 21 "eius . . . opibus . . . sic fruor ut meis."

6. 20: verum me quamvis praecipue in hoc iudicium agat ultio †talis† illud quidem periculum fallit: hodie constituetis an merito absolutus sim.

A stepmother had administered to a brave soldier a sleeping draught which had prevented him from taking part in a battle; accused of desertion, he had been acquitted (absolutus sim), and now accuses his stepmother of "poisoning."

There seems no reason for Ritter's obelization of illud quidem; it can be retained if ne is inserted before illud, as Ritter himself suggested. For talis he suggested tamen, but I think that an adjective agreeing with ultio, e.g. ⟨natu⟩ralis, is more probable. Finally for
praecipue I should adopt Opitz's praecipitem (for praecipitem agere see TLL 1. 1371. 70 ff.), which heightens the contrast between the two clauses: “although I am driven headlong into this trial by my natural thirst for vengeance, I am not blind to this danger either, that today you will pronounce on the question of whether my acquittal [in the trial for desertion] was justified.” The other danger to which he is not blind is that of losing the present case against his stepmother.

14. 28: non illum, quamvis semianimem atque palpitantem, invasit carnifex, non vulneratum cruentumque per ora populi traxit, non illud caput vel examinae legi recisum est.

A young man, under the impression that the girl he had raped would opt for his death, prefers to commit suicide rather than be executed.

Ritter prints the passage as emended by Rohde: non illi caput, vel examini, lege. The change of legi to lege (so the vulgate) seems certain, and that of illud to illi is probable, but I have no idea what vel examini is supposed to mean. I suggest vel ex immani lege; I presume that vel or ul is a repetition of the last two letters of caput. The law which prescribes death for rape unless the victim opts to marry the guilty man might well be called immanis, and the corruption of that word in this context (especially so soon after semianimem) to some form of examinum is understandable.

17. 22: videamus nunc quam rationem secuta sit lex constituendae eiusmodi poenae, quam me hercule videtur mihi potiore clementia quam iustitia constituisse. pro morte hominis innocentis, pro vita quinquennii denique constituit absentiam.

Despite the heroic clausula constituisse, it would seem that pro morte begins a new sentence. But then it is awkward to have both pro morte and pro vita in the same sentence and meaning the same thing; perhaps one of the two should be deleted.

21. 22: egi. puta enim eadem statim die qua reum detuli interrogari te, quid faciam? †an ante† cum album descripsi, cum iudices reieci, per illas omnes moras iudiciorum . . . quid aliud feci quam ut agerem?

The injured husband insists that he did start legal proceedings against his wife's paramour.

In the obelized passage Ritter, after Rohde, unconvincingly reads agamne, but in his apparatus he suggests deinde. Something like the
latter word is all that is required, introducing mention of the later stages of the legal action; but *autem* is closer to the paradosis.

34. 8: sed cur ego diutius circa causas maleficii istius ἡ et morbi? confessus est.

The vulgate is *etiam moror*, and some form of this verb is certain; it is used with *circa* at 107. 25, 319. 25, and in the passages listed in *TLL* 8. 1500. 68-71. But to explain the corruption to *morbi* we should write not *moror* but *morabor*.

43. 14: dignum esse existimo qui maneat in civitate. pericula nostra *tentavit*; servitutem rei publicae discutere, quantum in ipso erat, voluit.

The man in question had laid information about a plot to establish a tyranny.

With Ritter’s text (given above) I can make no sense of *tentavit*. Rohde’s *sus* *tentavit* would be an exaggerated claim to make on behalf of someone who had merely laid information. Schulting’s *denuntiavit* would fit the context but is too far from the paradosis. Moreover considerations of concinnity suggest that *tentavit* originally had an infinitive corresponding to the infinitive with *voluit*. In favor of *evitare* *tentavit* (a good clausula) one could adduce an earlier passage of this declamation (41. 22), “evitare quod praeventit periculum cupit,” but there are obviously other possibilities.

44. 20: ergo dicet is qui legem feret non esse honestum recipere transfugas; nihil prodesse, forsitan * * * ad finem belli.

Two states are at war; in one of them a law is proposed forbidding the admission of deserters from the other.

To fill the lacuna Hagendahl (pp. 325 f.) proposes *nocere etiam*. His arguments prove beyond doubt that this is the sense required, but more natural with an *ad* construction would be *etiam obesse*. For the conjunction of the two verbs cf. Cicero, *Inv*. 1. 165 “multi nihil prodesse philosophiam, plerique etiam obesse arbitrantur”; *De orat*. 1. 154 “si isdem verbis uterer, nihil prodesse, si alis, etiam obesse”; and many other passages listed in *TLL* 9. 2. 265. 35-72.

45. 5: nemo igitur dubitaverit turpissimos esse qui transfugerint; spectemus enim rem ipsam [sc. transfugium], neque eo decipiamur, quod utile videtur. hostis est qui facit [i.e. qui transfugit]; aliter constituamus *quam* ut intellegamus potuisse hoc et nostros facere.

For *quam* Ritter adopts Rohde’s conjecture *inquam*, thereby making
aliter very difficult to understand and destroying the aliter . . . quam combination. I believe that the paradox is sound apart from the fact that non should be inserted before aliter: “in making up our minds whether to accept the deserters from the enemy let us not fail to realize that our men also could have been guilty of desertion.” The speaker goes on to argue that deserters should never under any circumstances be accepted.

The same remedy is called for at 198. 20, gloria infelicibus erat, facere quod velles, which gives the opposite of the sense required. Ritter adopts Gronovius’ change of velles to nolles without mentioning Obrecht’s insertion of non before facere, which in my view deserves the preference.

47. 7: num minus animi sine his, num minus pertinaciae desertis? age sane, hoc non cogitatis, quod . . . nec portas praecludere nec publica retinere cura tanti putant? miratur aliquis timere me hostes quod isti transfugiunt? illi me non timent. caveamus, obsecro, dum plures sumus.

I have put a question-mark both after putant (for age introducing a question see TLL 1. 1404. 63 ff.) and after transfugiunt. “Is anyone surprised that I fear the enemy because these deserters form a fifth column in our city (46. 17 ff.)? The enemy do not fear me. Let us take precautions before we are outnumbered by the deserters.” I see no point in the speaker saying that the enemy do not fear him; why should they fear him? He has just been saying that the enemy have no less courage or determination because of the desertions, and make no attempt to stop them; what we should now expect is “the enemy feel no fear (because of the desertions).” It would seem that, if me is not an erroneous repetition of the preceding me, it is the remnant of something like me (hercule) (which, according to Ritter’s Index, occurs 21 times in these Declamations).

49. 22: filios vero quis dubitavit umquam esse plerumque suae potestatis? ut ea praeteream quae sub tam bono patre ne argumenti quidem causa referenda sunt, nec dicam “non coges templa incendere, non coges operibus publicis manus adferre,” leviora certe nostrae mediocratis esse manifestum est, ut sententiam iudices dicere * * * velimus, ut testimonium non ad arbitrium parentum reddere, amico suadere quod animus dictaverit.

There are many matters in which a son is not obliged to obey his father. This is obvious in the case of outrageous orders involving the burning of temples and damage to public buildings, but it is also
obvious that things of less importance than these are entirely within
the competence of the sons themselves, like their vote when serving
on a jury, their testimony in court, and the giving of honest advice
to a friend.

Ritter, following Rohde, reads dicere (liceat qualem) velimus. I do
not believe that ut here should introduce a clause with a subjunctive
verb; I think it is equivalent to velut, "as for instance." In that case
all that is missing between dicere and velimus is the relative quam.

amico is Opitz's convincing emendation (based on the parallel
passage 422. 24) of the manuscript reading immo. Concinnity suggests,
but perhaps does not demand, the insertion of ut before amico.

54. 3: hoc [sc. parricidium] profecto etiam in acie facere cogitasti et,
cum imitaretur virtutem meam, non optandi ius sed pugnandi quaerere
videbaris. ego, quantum est in te, in medio foro et universa spectante
civitate filii manu trucidatus sum etc.

This is one of the many passages in Latin authors where ego could
with advantage be changed to ergo.

57. 24: quam istud non humani tantum operis sed divini cuiusdam
beneficii arbitrandum est, cum hos coniunxistis copulastisque Fortunae
nihil necesse habeo diutius hoc imputare, tamquam non intellectum.

copulastisque Aerodius: culpastisque codd.

istud is a poor man's rescue of a rich man's daughter from a
shipwreck.

1. Ritter punctuates with a question-mark after arbitrandum est, but
whether one breaks the sentence there or later it is obvious that
quam here introduces not a question but an exclamation (so Leo,
p. 261, n. 3).

2. The cum clause follows naturally on what precedes. Nothing is
gained by reading tum or tunc.

3. The plurals coniunxistis and copulastisque are unintelligible; they
could only refer to the judges, and it was not the judges who
joined together and coupled the poor man and the rich man's
daughter (hos). Leo (loc. cit.) keeps the plurals by emending to
coniunxistis, di, ligastisque; this is approved by Hagendahl (p. 327),
but it has no palaeographical probability. Surely (as was realized
by some of the older editors) it was Fortuna who joined the two
together; so read cum hos coniunxistis copulastique, Fortuna! nihil etc.
(The change of plurals to singulars is due to Obrecht.) Like Lucan,
the authors of these declamations are fond of apostrophizing Fortuna; see 108. 9, 196. 20; Decl. mai. p. 351. 1 Lehnert; also TLL 6. 1. 1191. 35-46. Here the apostrophe of the goddess explains the adjective divini.

60. 14: recedere iubes a marito tali? qua tandem causa? “pauper est.” non solebat hoc illi apud te nocere. †relinquam nec† dico pauperem; nam in matrimonio quidem filiae quod solebat† nocere, te auctore nupsit, te hortante nupsit.

It would seem that the first of the two corrupt passages echoes the wording of the theme (55. 11), “imperat [sc. pater filiae] ut relinquant pauperem.” If so, this may well be another (indignant) question, relinquant haec, dico, pauperem?, repeating the preceding recedere iubes a marito tali?

In the second passage Ritter thinks that nocere is an erroneous repetition of the preceding nocere; he therefore replaces it with sufficere, but mentions in his apparatus two (unsatisfactory) ways of retaining nocere while making alterations elsewhere. Perhaps quod solebat nocere is not an erroneous repetition but an intentional echo of non solebat . . . nocere, and sense can be obtained by the simple expedient of inserting non before nocere: “what used to be helpful to a bridegroom in connection with a daughter’s marriage, she married on her father’s instigation and encouragement.”

61. 12: in plerisque controversiis plerumque hoc quaserere solemus, utrum ipsorum persona utamur ad dicendum an advocati, vel propter sexum (sicut ⟨in⟩ feminis) vel propter aliquam alioqui vitae vel ipsius de quo quaeritur facti deformitatem.

aliaqui is a very common word in these declamations (as in Quintilian’s Institutio), and sometimes its exact sense is difficult to determine. In this passage it seems to have no sense at all, and is best deleted as a duplication of aliquam (cf. note on 128. 8 below). The codex Chigianus (C) reads malitiam, for which there is nothing to be said; if a noun were required, maculam would correspond nicely with deformitatem.

62. 3: arroganter autem faciet et tumide si coeperit se ipsum laudare, praesertim iactaturus id quod facere possit a fortuna esse.

It would be arrogant of the wealthy young man to boast in court of his generosity to other young men, “although (praesertim) he would be boasting of that which he could represent as being the result of
good fortune [not his own merit].” This is an instance of praesertim with concessive force, and there is no reason to suspect the text. For the contrast between wealth and merit cf. Cicero, Fam. II. 3. 1 (the giving of public games) “est copiarum, non virtutis.”

64. 16: nec hic lege possit fieri reus si hanc ipsam pecuniam . . . per gulam ventremque transmitteret.

Read posset.

70. 8: si haec vis est legis istius, ut sit de aequalitate patrimoniorum, idem census omnibus detur, omnes paene dies, omnia tempora necesse erit in hac partitione consumi, si quis frugalius vixerit, si quis luxuriosius vixerit.

The terms of the proposed law are “ut patrimonia aequentur” (69. 24). It is therefore foolish to say “if the effect of this law is that it should concern the equality of estates”; and the expression is awkward. To inject some relevant sense into the ut clause Gronovius proposed ut sit (semper) aequalitas patrimoniorum, Ritter ut sit de (perpetua) aequalitate patrimoniorum, but the former is not easy palaeographically and in the latter the expression remains awkward. I suggest ut sic [de aequalitate patrimoniorum] idem etc., the three words in brackets having intruded from the margin; our oldest manuscript (A) has many marginal notes.

75. 31: quid remitti potest nisi quod †creditur? haec rogatio nihil aliud fuit quam ignominiosorum in pristinum statum restitutio.

The rogatio in question was one by which “ignominia remittebatur notatis” (74. 13).

For creditur Ritter (following Rohde) reads debetur, which makes satisfactory sense but palaeographically is hardly convincing. More probably creditur is sound, and deberi has dropped out either before it or after it; in order to forego payment you must believe that payment is owed to you.

92. 11: nihil est ergo quod ingenia iactent, nihil quod ex animo suo tantum referant: quaeritur quis omnibus prosit.

A father with three sons (a doctor, an orator, a philosopher) bequeathed his estate to the one who proved that he was more useful to the community than the other two. The doctor is here speaking about his rivals.

I can make no sense of referant. What we should expect is a verb
of the same sort of meaning as *iactent*, and with its own object. I suggest *se efferant*: “it's no good that they should praise themselves, in accordance merely with their own opinion.”

92. 22: ergo et aequaliter ad omnes medicina sola pertinet et nulla tam necessaria est omni generi hominum quam medicina.

The omission of *ars* in the latter clause is surprising. Should it be inserted between *necessaria* and *est*?

95. 4: neque ego ignoror esse quosdam qui, quamquam nomen sapientiae facile atque avide, ut sic dixerim, dederunt, tamen *quidam* sapientem ex fabulis repetunt, et inter eos qui studuerunt, qui elaboraverunt, nullum adhuc inventum esse confitentur.

Leo (p. 255) sees in this sentence an imperfect conflation of two formulations: 1. “neque ego ignoror esse quosdam qui sapientem ex fabulis repetunt”; 2. “quamquam nomen sapientiae facile atque avide, ut sic dixerim, dederunt, tamen *quidam* sapientem ex fabulis repetunt.” Leo says that the *quamquam* . . . *dederunt* clause “geht auf die Setzung des Namens überhaupt”; this shows that (like Burman and Ritter) he has failed to recognize the metaphorical sense of *nomen dare*: “although they have, if I may so express myself, enrolled under the banner of Wisdom” (*Sapientia* personified). Only if *nomen dare* has a metaphorical sense can the apology *ut sic dixerim* have any relevance.

Despite Leo, I think that Gronovius’ *idem* for *quidam* may be all that is required to restore an intelligible sentence. For the opposite corruption cf. Cicero, *Fam.* IX. 6. 5, *quandam* corrupted to *eandem*.

96. 20: haec dixisse satis erat; nam, si civitati nihil utilitatis adferunt, hi cum quibus contendi, *satis erat* relictum esse me solum.

It is clear that the second *satis erat* is, at least in part, an erroneous repetition of the first. Rohde’s suggestion, *satis claret*, gives good sense, but this meaning of the verb is very rare (and it is never construed with an accusative and infinitive; see *TLL* 3. 1263. 72 ff.) before late Latin. Much safer would be *satis patet* (the word used in this declamation at 93. 16) or *satis liquet* (cf. 98. 16, 128. 21, 298. 16).

116. 31: iterum ingressa nocturnum iter, . . . vicit cursu aetatem sexum infirmitatem; *secuti* cives quidquid dixerat, quidquid fecerat mater. salus ergo civitatis et victoria qua nunc gaudemus huic debentur.
“Num cives dicuntur seuti esse quod illa fecerat? ineptum est” (Opitz). Many other instances of zeugma are equally inept. With quidquid fecerat we should expect something like imitati or aemulati. Her fellow-citizens followed up the information which the woman had given about the enemy’s plans, and showed the same bravery as she had shown in what she did; so the victory is really due to her.

128. 8: duas enim sine dubio poenas adversus raptorem lex constituit, alteram tamen mitem; nec semper †hac cogitata et publicata† crudeli illi et sanguinariae †tenetur†. Hodieque [aliaquin] nonne merito a vobis, merito a civitate reprehenderetur si, aliiud non optando, hoc ostenderet et fecisse raptorem quod ipsa esset optatura?

A girl who was raped could opt either for the death of the offender or for marrying him. In the present case the offender committed suicide before the girl could make her choice; the speaker argues that she should still have the opportunity of showing that she would not have opted for his death.

In the obelized sentence nothing is gained by merely altering the datives illi and sanguinariae to ablatives. The argument seems to demand “and yet it is not always that this [read haec for hac] milder penalty [marriage] is chosen in preference to the cruel one [death].” I suggest that tenetur conceals something like †an†efertur. It is more difficult to make sense of cogitata et publicata; I suggest cogente †humani†ate publica, “under the pressure of public opinion in favor of clemency.” For publica humanitas cf. 39. 29 “non enim causa victus est sed . . . publica humanitate”; 41. 14 “impedimento publicae humanitatis victus est”; 42. 27 “imputabitis istud publicae misericordiae, imputabitis humanitati”; Decl. mai. p. 113. 16 (Lehnert); also “publica clementia” ib. p. 266. 3 and “publici affectus” (5 examples in Lehnert’s Index). For the ablative absolute cf. 234. 4 “aliquo [neut.] cogente.”

Ritter seems justified in deleting alioqui(n) as a dittography of Hodieque; cf. note on 61. 12 above.

The et after ostenderet should either be deleted as a dittography of the end of that word (so Morawski) or (preferably) combined with fecisse to produce effecisse.

158. 21: nec mihi, iudices, in animo est excusare vitam priorem, nec ut me dicam numquam dignum fuisse abdicatione, sed ut me †putem diu fecisse† abdicatum.

fecisse A: fuisse B
The speaker is a son "abdicated" by his father for extravagance, later taken back, and now once more "abdicated."

It is clear that the obelized passage contained (a) a "verbum dicendi," (b) an infinitive of which me can be the subject. For (a) the only feasible suggestion available is Gronovius' probem; much easier palaeographically, I suggest, is <dis>putem. For (b) there is no reason to search farther than B's reading fuisse (of which fecisse is an easy corruption), but a small insertion is necessary to make satisfactory sense: read sed ut me <dis>putem (satis) diu fuisse abdicatum.

169. 24: obici tibi potest quod tam impius es ut fratrem post illam miseram fortunam non videris nisi ad te descendentem.

The person addressed can be reproached for not having seen his brother since the latter went into exile, until he invited him to return illegally for a dinner-party. (Instead of doing so, he should have gone to visit him in exile.)

It is impossible to attach any relevant sense to descendentem. Emendation is certain: read discumbentem (ad te = "at your house"). As TLL (5. 1. 1365. 16) says, this verb is occasionally used "de singulis," as at Quintilian, Inst. XI. 2. 13.

175. 14: scilicet illa honestiora, debilitatem pati et †ferre infestos numinibus† oculos.

The debilitas in question is blindness. As Gronovius realized, the reference in the obelized passage is to the fact that blindness, like every other form of physical disability, is a bad omen not only (e.g.) at weddings (cf. Decl. mai. p. 14. 25 ff. Lehnert) but also at sacrifices; cf. Seneca, Contr. X. 4. 8 (of children with various kinds of bodily deformity, including blindness) "occurrunt nuptiis dira omina, sacris publicis tristia auspicia"; Gronovius therefore altered numinis to ominibus. He ought also to have altered infestos to infaustos; indeed, perhaps this is the only change required, since numinis can be taken as a "dativus iudicantis."

176. 21: mihi rus paternum erga labores gratissimum, non frugalitati tantum suffecturum sed et delectioni si coleretur a dominis duobus. hoc cum †dio evenissem†, ne haec quidem duendae uxoris et educandorum liberorum onera recusavi, ut relictum a parentibus meis relinquerem filio meo.

Ritter adopts Rohde's alteration of a dominis to ac dominis, going with suffecturum. This is no gain, since it leaves si coleretur impossibly
bare, and the sense which it expresses, that the farm would be capable of supporting two masters, is present by implication in the paradox.

The vulgate, hoc cum diu evenisset, is almost meaningless. The only suggestion reported by Ritter is Rohde's hoc [sc. rus] cum diu <solus> coluissem, but coluissem is improbable both in itself as an emendation of evenissem and as coming so soon after coloretur (besides, the insertion of solus seems gratuitous). hoc may be not (as Rohde assumes) the farm itself but its adequacy just mentioned; in that case I suggest hoc cum divinassem, "foreseeing that the farm would be capable of supporting two masters, I took steps to procure myself a son."

177. 1: nisi in civitatem [sc. filium meum]; deliciator venit et redire properavit.

Perhaps rather <re>venit. At 254. 22 we find venissent with the same meaning as the preceding reverterentur; but in our passage the loss of re would be particularly easy.

177. 9: ad domum divitis veni, [non enim] nomen inter non agnoscentes requisivi; parasitus inventus est.

non enim del. Rohde

It was not the rich man but the speaker's son who was discovered to be a parasite. Therefore the object of requisivi must be filium, which has presumably been supplanted by non enim, an anticipation of the following word; and that following word should be not nomen but nomine: "I asked for my son by name, but no one recognized the name."

177. 14: in praesentia hoc uno contentus sum: suscipe laboris tui partem. satis sine te laboravimus.

Ritter follows Rohde in changing tui to mei. Perhaps tuam would be easier.

178. 6: num me irasci putas? misereor: ubi haeserunt tibi vitia civitatis.

Ritter deletes ubi, presumably as an erroneous anticipation of the following tibi. Rohde suggested reading tibi with misereor; but examples of a dative with this verb should not be increased by conjecture (cf. TLL 8. 1118. 74 ff.). Another possibility is the rather rare compound obhaeserunt; cf. Seneca, Dial. IX. 8. 3 "utrique [sc. pauperi et diviti] . . . pecunia sua obhaesit."
A poor man (the speaker) has invited a rich man to dinner.

In the obelized passage the older editors made several wild suggestions. The only modern contribution of any note is Rohde’s alioqui summae: quite possible palaeographically, but not really satisfactory in sense since the poor man would hardly make such a boastful claim for his own frugal hospitality. At most he would claim “alia humanitas”; so perhaps aliquius autem humanitatis, “shows considerable refinement.”

It must have been obvious to the rich man that the girl he was raping was not a servant-girl but the daughter of his host, who is the speaker.

Ritter reports that meam was judged by Rohde to be absurd, as indeed it is if it produces the meaning “no word uttered by me”; the father cannot have uttered anything at all, or even been present, while his daughter was being raped. The sense must be “did not any word she uttered show you that she was an ingenua, not an ancilla?” L. Håkanson (Cl. et Med. dissert. ix [1973], 314) obtains this sense by reading nulla voce, “hörtest du denn aus keinem Wort dass sie meine Tochter war;” but this puts an impossible strain both on the ablative voce and on the accusative meam. Nevertheless the ablative might be a good idea with some verb other than audisti; perhaps agnovisti, “did no cry of hers enable you to recognize my daughter?” In that case aognovisti in line 27 will be intentional repetition: “you did not recognize my daughter, but recognized only your own compulsive sexual urge.”

Two men are engaging in single combat.

For temporis Ritter adopts Rohde’s contentionis but (by an oversight) fails to change the gender of tristissimi; the double change tells against this emendation. If temporis is corrupt, certaminis would be preferable. Or perhaps paris, “pair of combatants”; faciern might be thought to go better with this than with a word meaning “contest.”
205. 15: nunc vero propiores admovet stimulos vir fortis. haec suum negaret? te parentes liberis suis monstrant. scilicet †timet ne ad illam† matronae conveniant.

A woman refuses to recognize as her son a "vir fortis" who is universally admired; would she do so if he were her son?

Nothing credible has been proposed for the obelized passage. Perhaps it would be easiest to insert non before timet and change illam to illum: "why, she is not afraid that the matrons (the mothers of eligible daughters) will gather round him."

207. 27: iungit enim amicitias similitudo morum; nescio quomodo inter sese animorum †nomina† vident et agnoscunt.

A originally read nomina, which has been changed to numina, and the latter has become the vulgate; but animorum numina is an incredible expression. Obrecht's lumina at first sight appears to be a good emendation of numina ("the eyes of people's souls see and recognize one another"), but lumina is really superfluous with vident. If one starts from nomina rather than from numina, an obvious conjecture would be hominum; and animi hominum may well have been the original, animi having become animorum under the influence of the preceding morum. The author may have been influenced by Cicero, Off. I. 56 and 58, Lael. 50.

221. 11: sed postea fortiter pugnando ostenderat non eos esse mores suos, non suam vitam, ut in illo credibilia haec crimina forent.

Ritter follows Rohde in correcting suam to eam. Certainly the anaphora shows eam to be necessary, but it has more probably dropped out before suam than been corrupted to suam. So read non (eam) suam vitam.

231. 14: cum suspectus esset reus, boni erat civis accusare; neque aliter stare leges possunt neque aliter civitas. accusavit (quid postea?) quoniam homo occisus videbatur. "hic tamen perire potuit et occidi potuit, et hoc indignum est."

A man who had accused another of murder had good reasons for doing so, even although the accused turned out to be innocent.

For quid postea? = "what then?" see Landgraf on Cicero, S. Rosc. 80. In our passage I can make nothing of it; it would seem impossible for the phrase to be parenthetic. Perhaps it should be transposed to introduce the next sentence, hic tamen etc. In that sentence hic is the
man wrongfully accused; *perire potuit* and *occidi potuit* look like alternatives of which only one should stand in the text.

236. 4: sunt illa vera quae extremo miseri spiritu dicebantur, “dabis mihi, scelerate, poenas; persequar quandoque et occurram.”

It was pointed out long ago that the passage in quotation marks is based on Virgil, *Aen.* IV. 384-86, but I have found no edition, either of the Declamations or of Virgil, which punctuates correctly, with a comma after *persequar* (*et = “etiam”*).

237. 5: stabat profecto ante oculos laceratus et adhuc cruentus pater, ostendebat *effusa vitalia*; totus ille ante oculos locus, totum scelus mente et cogitatione †*perflexum*†.

The parricide must have been haunted by his father’s ghost.

Suggested emendations of *perflexum* include *perfixum*, *perpensum*, *perspectum*, *reflexum*, *complexum*, *repetitum*; none of these is satisfactory. It does not seem that any verb compounded with *per* would fit the context, so that *per* may be the remains of *(sem)per*. In that case the best participle, from the point of view of both sense and rhythm, would be *(in)fixum*; cf. 89. 23 “ego me fecisse . . . confiteor; et, quamdiu vixero, semper hoc animo *(toto)*, tota mente inhaerebit” (so Walter, *Philol.* 80 [1925], 442).

247. 11: . . . legum lator numquam profecto tam iniquus fuit ut periclitari ex eventu pugnae unius civitatem *summa*(mque) *rei publicae* vellet.

Gronovius may well have been right in advocating *summamque rem publicam* (not reported by Ritter). In this phrase the adjective is invariable in Cicero, but Plancus ap. *Fam.* X. 21. 1 uses the noun (*rei publicae summa*), if our manuscripts can be trusted. Since both the nominative and the oblique cases of *res publica* can be written *r. p.*, it is arguable that, in the few cases in which the noun appears in the manuscripts, it should be replaced by the adjective. (Just below, at line 30, it is possible, but by no means certain, that we should read *non fecit summae rei* *(publicae)* *discrimen.*)

250. 4: . . . cum aliqui praedivinaret hoc quod accidit, nullam apud istos fore amicitiae *summae*, nullam nostrae coniunctionis reverentiam.

The testator correctly foresaw that, after his death, his two freedmen would have no respect either for his friendship with them or for the bond between the testator and the speaker. *summae* should
clearly be suae, as Obrecht (not reported by Ritter) realized; the two words are easily confused (cf. Cicero, Fam. VIII. 14. 4) and particularly so here, where summam (noun) occurs five lines previously.

254. 18 (from the "theme" of a declamation): ex duobus sociis alter in civitate erat, alter peregre. cum bello laboraret, civitas decrevit ut intra certum diem reverterentur qui abessent; qui non venissent multarentur publicatione bonorum. exacta est pars a praesente negotiatore †absentis†.

The last word has no construction; it is clear that a word has been lost either before it or after it. Ritter adopts Rohde’s suggestion absentis 〈socio〉, but this addition is rendered superfluous by the preceding ex duobus sociis; it is not the way of these “themata” to duplicate information. Much more probable, on grounds of both meaning and palaeography, would be 〈nomine〉 absentis; for nomine preceding a genitive compare 81. 22 (likewise from a “theme”) nomine civitatis.

255. 26: quid est iustius quam compositum patrimonium habere condicione unius?

Ritter adopts Gronovius’ change of condicione to condicionem. This may be right, but equally possible and easy is Schulting’s suggestion (not reported by Ritter) of haberī for habere.

265. 24: habui occasionem †merendi†. diu insidiatus essem. potui tibi venenum dare de quo nihil suspiceraris.

The speaker admits that he had the opportunity of poisoning his brother if he had wished to do so.

The corruption must conceal a word of the same sort of meaning as opprimendi (Schulting) or nocendi (Rohde), but neither of these is satisfactory. And Ritter rightly warns that the corruption may not be confined to this word; in particular, diu arouses suspicion, and it is not clear how insidiatus essem fits into the context. I suggest that all these difficulties can be overcome by reading habui occasionem perimendi tui: 〈si〉 insidiatus essem, potui etc.

276. 22: in caede enim spectanda sit damnatio, in sacrilegio tempus ipsum intuendum. quare? quoniam lex tua ita scripta est, “ut qui damnaverit bona possideat”; * * * possidere non potes. lex mea ita scripta est, “ut bona sacrilegi ad deum pertineant”; statim ergo ut fecit sacrilegium devotus huic poenae est, et ante ista bona ad deum pertinere coeperunt quam lex damnaret.
This is one of the many cases in which a gerund(ive) like *spectandum* has been wrongly expanded.

The goods of someone who has committed sacrilege belong to the god from the moment of the crime; the goods of a murderer belong to the man who secures his conviction only after the conviction.

Those scholars who insert *quae* or *ea* or *haec* as the object of *possidere* are merely tinkering. The argument demands the insertion of something like *ante damnationem*. A semi-colon after *possideat* is essential to make the construction clear.

282. 3: *sedit* virtutem intellectum rerum natura; nulla tanta vitia sunt quae non meliora mirentur.

All men, even the vicious, appreciate and admire the virtues.

For *sedit* the available conjectures are *serit* (the vulgate), *fecit* (accepted by Ritter), *dedit*, and *dat*. Of these the first is the best, but I suggest that it can be improved upon by writing *<in>suit*; cf. Horace, *Sat.* I. 3. 35 f., "numqua tibi vitiorum inseverit olim / natura," where our manuscripts are divided between *inseverit* and *inseverit*.

289. 12: servum torsi, cubiculairium eius qui occisus est; nihil in servo suspicatus sum alterius filii. nec potest mihi obici neglegentia quaestionis; quaesivi enim * * * . nec in hac diligentia suspicio adversus filium †alia†; †ipse demum qui erat percussus quaesivit†.

A young man was suspected of having murdered his brother. Their father (the speaker) tortured the murdered man’s slave to discover the truth.

"Locus graviter corruptus, necdum sanatus," says Ritter, and gives it up in despair. I agree with Opitz that this may be too pessimistic. Opitz
(a) marks, after *enim*, a lacuna in which he would insert *nimis* (the father tortured the slave so thoroughly that he killed him); I suggest that *diligenter* fits the context better;
(b) changes *alia* to *alterum*, which I would adopt.

In the last sentence Opitz is unconvincing (*ipse demum quid com-perissem quaesivit*). My suggestion would be *nempe* (*de illo*) *demum qui erat percussus quaesivit*, "of course I asked only about the murdered son, not about the other one."

290. 2: quae ratio tacendi fuit si filium meum fecisse credebam? quae ratio tacendi fuit apud ipsum? nam sive irascor, vindicari possum hac
voce quam contra illum habeo, sive imputare indulgentiam volo, plus illi praestitero si scierit se fecisse.

Although the father tortured the murdered man's slave, he refused to divulge, even to his surviving son, what he had found out. If he was angry with that son, the evidence he had obtained would help him to get his revenge; if he was soft-hearted towards him, the son will consider it a greater kindness if he knows—what? Surely not that he had done the deed but that his father knew that he had done the deed. Read si scierit (me scire) se fecisse.

293. 19: non satis est ei [sc. a tyrannicide] qui servitutem rei publicae detraxerit, qui monstra haec quibus libertas laborat, qui homines ad deorum hominumque iniuriam natos . . . occiderit, dum vivit tantum honorari.

In this high-flown passage it is improbable that the middle qui clause lacked a verb of its own and had to make do with occiderit. I suggest that something like sustulerit has dropped out after laborat.

294. 29: non enim vulgaria sacramenta ducebant, nec sicut adversus alios tyrannos [tenebat] iniuriae tantum dolore urgebamur; incredibile est quid non ausura fuerit libertatis et salutis necessitas.

The populace was only too eager to attack the tyrant.

It is easy to delete tenebat but not so easy to explain its presence in the text. The only suggestion I can make is that it may be a misplaced variant for ducebant; cf. Caesar, B. C. II. 32. 9 "sacramento quo tenebamini"; Cicero, Off. III. 100 "iure iurando hostium teneretur."

In the second sentence there is an illogical conflation of an indirect and a direct question: (a) "incredibile est quid ausura fuerit"; (b) "quid non ausura fuit?" Or should non be deleted?

312. 31: accepi pecuniam, votum, spem futurae in posterum vitae.

A young man is talking of what he owes to a rich man who had paid for his higher education.

accepi votum has stood in the text for centuries because it makes some sort of sense: the young man had been "eloquentiae studiosus" (312. 5), and the rich man had made it possible for him to realize his ambition. Nevertheless votum is a corruption of otium, as is proved by 312. 6 "huius opibus peregrina studia [at Athens], clarissima exempla, otium, quo plurimum studiis confertur, sum consecutus."
317. 24: necessaria tamen vestra cognitio est ut non quia istud liberum esse innocentibus non oportet sed quia multi sunt qui sic conscientiam evitant.

    evitant Schulting: emittunt codd.

    The senate must investigate a man’s reasons for wishing to commit suicide.

    The vulgate replaces ut by utique. Ritter prefers to delete the word, but its presence in the text is difficult to explain. Perhaps parenthetic puto.

320. 17: mirantur me (in) latrones incidisse: solet fieri, summum est, sequens, scio.

    Ritter adopts Obrecht’s humanum for summum and Gronovius’ frequens for sequens. The latter seems certain, but the former is not so satisfactory; summum is hardly likely to be a corruption of humanum. Perhaps summe est frequens.

324. 10: “sed animus tamen is fuit pacti huius ut totum aes alienum meum fieret.” spectemus ergo †totum† animum; neque enim ego negaverim id intuitos esse nos et ita cogitasse, ut omne aes alienum tu solveres.

    The obelized word is clearly an erroneous repetition of the preceding totum, and the word (if any) which it has supplanted need not bear a very close resemblance to it. The suggestions which have been made are solum (Aerodius), tantum (Rohde), and etiam (Ritter). Perhaps rather nostrum or amborum; the former is supported by the following nos; the latter by line 24 “sive animum spectas, is utriusque [sc. nostrum] fuit ut” etc.

332. 18 [loquitur matris advocatus]: . . . tamen hoc confiteor, non eam [sc. matrem] cum ipso quem ex diversis videtis subselliis litigare: altior gratia premit.

    The mother is not in dispute with her ex-husband, the father of her son; what weighs against her is altior gratia. The speaker goes on to explain that he is referring to the evidence, given under torture, of the son’s nurse: gratia, “influence,” seems to be equivalent to auctoritas, the word which, in the immediately following context, is twice (lines 22 and 25) used of the nurse’s evidence.

    altior has apparently never been suspected, but I can attach no relevant sense to it and suggest that it should be altera.
334. 6: victor his tormentis nihil aliud quaerendum putavit, nihil dubitavit. in tormenta (ut parcissime dixerim) paria non vindico, sed rogo ut hoc velitis pertinere tantum ad ipsius causam.

The doubts of Ritter (and some of the early scholars) about this text seem unjustified.

"Having gained his point by these tortures of the nurse he thought no further investigation necessary and had no doubt about the truth. I do not claim anyone for (to put it mildly) equal tortures, but I ask you to take this as referring only to his own case."

The speaker seems to hint that, if he is successful in the present case, further legal action may follow, either against the poor man for fraudulently claiming paternity or against the step-mother for putting him up to do so (333. 16 ff.). In that case the speaker may, in his turn, ask for some torturing of slaves.

337. 14: alia est videlicet horum ratio quos brevis transitus voluptatis fecit parentes . . . : aliter amat quae pepererunt, quae memoriam decem mensum, quae tot periculum, tot sollicitudinum recordationes ad vos, iudices, adferunt.

The speaker is contrasting the love of fathers (horum) and mothers (quae pepererunt) for their children.

The manuscript evidence (amant . . . pepererint . . . affert or affret) favors plurals rather than (as Ritter) singulars; and these tally better with the plurals in the first sentence. And there is no reason for not accepting mensum, the reading of our best manuscript; for the form see TLL 8. 746. 24 ff.

338. 14: post adversum proelium, quod quidem ipsi qui rebus Philippi favent dolore ac rumoribus in maius exstollunt, non pacem petistis etc.

dolore is described by Morawski as "schwer verständlich und unpassend"; certainly it is hardly appropriate of the pro-Philip faction among the Athenians who exaggerated the king’s victory at Chae- ronea. Morawski tentatively suggests colore, but that does not seem convincing. More probably, I suggest, this is another instance of the confusion between dolor and dolus; perhaps just dolo ac rumoribus (the hendiadys is not inconceivable), or else dolose (or -sis) [ac] rumoribus. In the next sentence but two (line 25) the pro-Philip faction is said to employ "obliquae actiones."

339. 5: . . . neque adversus leges esse existimo quidquid . . . pro dignitate civitatis petimus et cui nulla lex scripta ex contrario extat.
nam si quod est ius quo contineatur hoc, ut mali etiam (et) turpes cives utique consiliis publicis intersint, videar fortasse hanc rogationem contra leges scripsisse. si vero nihil est quod ex contrario †coat†, non potest videri hoc adversus id scriptum esse quod non obstat.

There is no reason why extat, the manuscript reading, should be changed (as it is by Ritter, following Rohde) to obstat, despite the occurrence of that word at the end of the passage quoted; the dative cui is governed by ex contrario.

The original reading of A is coat, which has been changed to coeat; B has cogat. Schulting suggested noceat, Ritter valeat. Why not constat, which would here be the equivalent of the preceding extat?

343. 2: in libertate est igitur quisquis caret forma servitutis. id, iudices, ex hac ipsa lege adhuc manifestum est. non enim legum lator putavit etiam eos qui a dominis fuga abessent esse in libertate; quod colligo scripto eius “qui voluntate domini in libertate fuerit”; apparat aliquos et non voluntate domini in libertate esse. quod si verum est, potest in libertate esse etiam qui liber non est.

The argument makes it clear that the sentence beginning non enim gives the opposite of the sense required, since the legislator believed that even runaway slaves were (temporarily) “in libertate.” Ritter follows Rohde in emending non enim to etenim, but there is an easier solution: put a question-mark at the end of the sentence.

345. 3: rogamus vos, iudic(es, cogit)etis quam multa facere possit adversus puerum mango iratus: aut illi fortasse pretium, excisa virilitate, producet aut ob †infelicis contumeliae aemnos† venibit in aliquod lupanar.

The obelized words are the original reading of A, corrected to infelicis contumeliae annos.

Ritter notes that Rohde desiderated, in place of infelicis, a word like obnoxios or idoneos. Such a word is infestos (infestis has been corrupted to infelix at Octavia 688). For the passive sense of infestus (“exposed to danger”) see the passages listed in TLL 7. 1. 1410. 29 ff., especially Cicero, Cael. 10 “illud tempus aetatis quod ipsum sua sponte infirmum, aliorum autem libidine infestum est”; here, as elsewhere, an ablative of cause is added, which suggests that in our passage the ablative contumelia should be read. Another possibility is Opitz’s faciles contumeliae annos; he compares Decl. mai. p. 18. 2 Lehnert “illum infelicem caecum, contumeliae opportunum, iniuriae facilem”; cf. also TLL 6. 1. 63. 40 ff.
356. 12: navigavi ad piratas; . . pauper hoc feci, rem diviti gravem, mihi * * * necessariam. et quare negata est? ut conlocaretur ei qui non redemerat etc.

The father of a girl captured by pirates promised her in marriage to the man who should ransom her. Of her two suitors it was the poor man who did so, only to see her marry the rich man.

I doubt whether Ritter is justified in obelizing necessariam; it is difficult to think of any word of which it could be a corruption. More probably it is sound and there is a lacuna before it in which stood some mention of the girl; without such a mention the following negata est is abrupt. Perhaps something like mihi (pro meo puellae amore) necessariam.

360. 3: non tu filium meum servasti sed tuum emendasti. una erat ratio, credo, illius ab eo quo flagrabat impetu: si amor transferretur.

The rich man's motive in making it possible for the poor man’s son to buy the meretrix was to cure his own son of his passion for her.

Rohde would keep ratio and insert liberandi (or avertendi) after illius. Ritter prefers to change ratio to (cu)ratio, but an ab construction would apparently be unexampled with this noun. A possible compromise, better than either of these, would be (libe)ratio.

368. 20: mirer nunc ego unde rumor, quae tam maligno mendacio causa, cui fingere istud expedierit? ille profecto in causa fuit iuvenis qui in domum meam inductus est: quaesitus est locus.

This passage concludes what Ritter (in his Index I, s.v. locus) calls a "locus de uxorum inconstantia." It seems clear that locus means "locus communis," and that the three italicized words have intruded from the margin. Such marginal notes are found elsewhere in A; e.g. 131. 26 "locus communis in ea quae adulterium gravida commiserit."

369. 19: “imperator in bello summam habeat potestatem.” id quod obicitis ut nondum †obiciam†, propter bellum factum est, in bello factum est; usus sum igitur lege.

obiciam is clearly an erroneous repetition of the preceding obicitis. What is required is a verb like defendam or purgem: “I do not yet try to justify what I did: I merely claim that it was covered by the terms of the law.” Gronovius suggested diluam.
371. 7: pro hac securitate si perierunt aliqui, ut parcissime dicam, non †ignoscerem†?

Victory in battle cannot be achieved without some losses, for which the commander should not be blamed.

Ritter adopts the old emendation ignoscetis, but the other instances in this declamation of a verb in the second person plural (369. 20; 371. 15, 16) refer to the accusers, not to the judges as representatives of the general public. Safer, I suggest, to posit a lacuna, e.g. non ⟨oportet⟩ ignoscere? (oportet is used at 370. 13.)

372. 22: quod enim huic †profecerunt† inimici odium praeter commune omnium proditorum?

The commander had no personal grudge against the prisoners whom he burned to death; he merely suspected them of being traitors to their country.

A originally read profecerunt, which has been corrected to the vulgate proferunt. A past tense, however, is required, and the obvious word is obiecerunt.

374. 7: vis scire, fili, quid sit dementia? deducere se in periculum capitis cupiditate; non intellegere pacem, non intellegere leges; et, si quid supra hoc momenti fortuna praesens iudicium habet, accusare eum qui exorandus sit.

A father, accused by his son of dementia, retorts that it is really the son who must suffer from dementia in endangering his life through lust (by committing rape), and indeed in bringing the present case against his father instead of trying to win him over by persuasion. The passage may have been influenced by Cicero, Pis. 47 “quid est aliud furere? non cognoscere homines? (immo) non cognoscere leges, non senatum, non civitatem.”

Of the two nouns fortuna and iudicium, one is superfluous. If fortuna is original (“the present state of affairs”), iudicium (“the present trial”) could well be an explanatory gloss on this; if iudicium is original, the addition of fortuna is inexplicable. It is also possible that iudicium is an accidental intrusion from line 13, where praesens iudicium occurs.

375. 15: aliquis, cum filia illius rapta sit, tam cito exoratus est? quis est ille tam demens? . . . quid est istud quod ille se accepisse iniuriam non putat? quod omnia sic agit tamquam exoratus ante tricesimum diem?

The law states that a rapist shall die unless within thirty days he
wins over both his own father and the father of the girl. In the case before the court the girl's father had been so accommodating that one might suspect he had connived at the rape in order to get a husband for his daughter.

Ritter adopts Rohde's insertion of *non* before *exoratus*, but I can see no sense in this: how can it be said that the girl's father was behaving as if he had *not* been won over when it is clear that he had been won over only too easily? On the other hand Ritter's idea that *ante tricesimum diem* is a scribe's insertion from the theme deserves consideration; but I suggest that only *tricesimum diem* be deleted as an erroneous gloss, leaving *tamquam exoratus ante* = "as though he had been won over beforehand" (i.e. before his daughter was raped).

394. 13: *fuisse duos sodales. patribus ex austero * * * indulgentibus saepe coisse ad lusum, frequenter una fuisse.*

Although obelized by Ritter, *ex austero* is probably genuine; *austero* makes a good contrast with *indulgentibus*, as was pointed out by Ihm in *TLL* 2. 1559. 82. But it cannot stand by itself; there must be a lacuna after it in which stood (a) a noun with which *austero* can agree, (b) a negative (already suggested by Opitz), since the whole context shows that the two fathers were *not* "indulgent" towards their sons. I suggest *ex austero* *<animo non> indulgentibus*, the ablative absolute being concessive.

402. 18: *licet differre. permittes et tua causa: uxorem tibi opto, honores opto.*

If the speaker, a man who has distinguished himself in war, is allowed to postpone his choice of reward, this may be in the interests of his son, since he may choose a wife, or public office, for his son (*tibi* with *honores opto* as well as with *uxorem opto*).

The tense of *opto* has aroused suspicion (*optabo Aerodius*), but becomes quite acceptable if we read *permittes et tua causa <si> uxorem* etc.

437. 27: *quomodo autem potuit confusa facie agnosci [*sc. cadaver]*? "aetas" inquit "conveniebat": hoc inter argumenta mea minimum est. "statura": *hoc in actione loci.*

The italicized words yield no relevant meaning, and the few emendations which have been proposed are not worthy of mention. I suggest *<nihil habet> loci*, "is inapplicable"; for *locum habere* "in sermone iuris" see *TLL* 7. 2. 1598. 8 ff.
438. 14: sed haec [sc. argumenta ex aetate et statura] valeant ubi confusus est vultus: ubi lineamenta oris, oculorum, et coloris proprietas capillorumque habitus, omnia (aetati accedunt et) staturae, levia?

Although this sentence has always been punctuated as a statement, it is really a double question: “are these proofs to hold good in the one case but to be of small account in the other?”

Is oculorum governed by lineamenta or by proprietas? The former view is taken in TLL 7. 2. 1439. 45, where a passage of Cyprian is quoted which is irrelevant (it refers to a woman coloring the lineamenta of her eyes with the ancient equivalent of eye-shadow). I think that lineamenta oculorum, in the sense which it must bear in our passage, would be both unexampled and unconvincing. If the text is right, it would be better to take oculorum with proprietas, but the inconcinnity arouses suspicion; one would expect oculorum, like the other three genitives, to be governed by a noun of its own. I suggest (obtutus) oculorum (which gives a good clausula); see the passages quoted in TLL 9. 2. 307. 43-50.

After omnia Rohde postulated a lacuna in which stood denique accedunt. The latter word is a brilliant suggestion, but the former is unnecessary; in its place I have inserted aetati, which is just as relevant in the context as staturae; and the general similarity of aetati and staturae helps to explain the omission.

440. 10: agnoscit avia [sc. puerum] . . ; “filius meus” inquit “in hac aetate talis fuit.” digna est testis notitia: de nepote dicit causam, nullum testamentum capat.

The witness’s knowledge of her grandson is worthy — of what? Of credence, I suggest, i.e. (fide) digna; unlike her daughter-in-law (the boy’s mother) she has nothing to gain by lying. For fides in connection with evidence and witnesses cf. 292. 5 “fide testis” and the passages listed in TLL 6. 1. 684. 50 ff.

Ritter adopts Rohde’s correction of digna to magna, but this does not fit the second of the reasons given, the disinterestedness of the witness.

440. 21: “odit me” inquit. quam habet iniuriam tuam? nihil queritur nisi quod filium tuum in litus duxisti; (i)deo perierat. nimirum oscula sua venaliciario inquinat.

The subject of odit is the boy’s grandmother, of inquit the boy’s mother, who is also the person addressed. The grandmother has no
complaint against the mother except that she took the boy to the seashore, where he disappeared: according to the mother, he was drowned (perierat); according to the speaker and the grandmother, he was carried off by pirates and eventually rescued from a slave-dealer's establishment.

Ritter confesses that he cannot understand the sentence in italics. The ironical nimirum shows that the mother's view is being stated: in kissing the boy rescued from the slave-dealer the grandmother is soiling her lips on an unknown slave. Read venaliciari(i puer)o inquinat.

440. 26: in multis [sc. matribus] nihil matris ultra titulum est; nec noverca omnes.

Whoever wrote the last three words presumably meant to say "nec noverca omnes sunt noverca": just as many mothers are mothers in name only, so not all stepmothers behave like stepmothers. Since no stepmother is involved in this declamation the thought is irrelevant; the three words would appear to be the remnant of a marginal comment.

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