

SOME NOTES ON THE HISTORY OF CASSIUS HEMINA

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WITH SOME FEW EXCEPTIONS, modern scholars have paid relatively little attention to the historical fragments of Cassius Hemina. Since there are only 40 fragments from his writing, and his history seems to have been virtually unknown in later times, modern scholarly neglect might appear to be well placed; but since he was one of the first Romans who undertook to write a substantial work in Latin prose, his writing should be viewed as having at least some significance for the early history and development of Latin literature. In recent years E. Rawson has devoted careful attention to the overall content of the fragments (along with those of L. Calpurnius Piso and Cn. Gellius) in an attempt to understand basic themes and patterns of the earliest Latin histories.¹ The present study will concentrate more minutely on certain textual and philological problems of Hemina's fragments. It is hoped that this approach will advance our understanding of Hemina's work and its place in the annalistic tradition.

Nothing at all is known about Hemina himself. We do not even know whether he was related to the noble family of the Cassii Longini. If Sp. Cassius of the first decades of the republic is excluded from consideration, the Cassian family is not attested in Roman politics until the second quarter of the second century B.C., after which the family succeeded in holding seven consulships and two censorships within the space of about 100 years (171–73 B.C.).² All these men had the *cognomen* Longinus. The surname Hemina (meaning something like "pint") is an enigma. Priscian in F 25 records Hemina's *praenomen* as Lucius, and there is no reason to doubt him on this point. The Cassii Longini employed the *praenomina* Gaius, Lucius, and Quintus. Thus the evidence of Hemina's nomenclature does

Unless otherwise stated, all fragment numbers are those of Hermann Peter, *Historicorum Romanorum reliquiae* 1² (Leipzig 1914). I wish to thank Robert E. A. Palmer, A. John Graham, Robert Kaster, and the two anonymous referees of this article for pointing out minor errors and for helping me to clarify my thoughts on Hemina F 5.

¹E. Rawson, "The First Latin Annalists," *Latomus* 35 (1976) 689–717, hereafter referred to by author's name alone. Cassius Hemina is discussed on 690–702. At the time that this article was submitted for publication, there appeared another study of Hemina: Udo W. Scholz, "Zu L. Cassius Hemina," *Hermes* 117 (1989) 167–181. Although Scholz makes a number of interesting observations concerning the content and style of several fragments, his study impinges significantly upon the present examination only with regard to F 5, to be discussed below.

²For the evidence of the consulships see T. R. S. Broughton's *Magistrates of the Roman Republic* (New York 1951–52) for the years 171, 164, 127, 124, 107, 96, 73; for the censorships, 154 and 125.

not entirely exclude the possibility that he was somehow connected with the noble Cassii of his day.

Modern scholars have taken two of Hemina's fragments as showing that he wrote his history shortly before and after 150 B.C. The last datable fragment is F 39 concerning the celebration of the secular games in 146. In F 31 Priscian states that Hemina used the phrase "the Later Punic War" in the *titulus* of his fourth book to describe the Second Punic or Hannibalic War: *Cassius Hemina Annalem suum quartum hoc titulo inscripsit: "Bellum Punicum posterior"* (*Inst.* 7.69 = *GL* 2.347). Priscian quotes this phrase to illustrate how early Latin writers sometimes used comparative adjectives ending in *-ior* rather than *-ius* to modify neuter singular nouns in the nominative case. Merely on the strength of the comparative adjective *posterior*, modern scholars have conjectured that Hemina must have written his account of the Hannibalic War before the outbreak of the Third Punic War in 149, and that he was still writing at least as late as 146.³

Both the ancient evidence and modern logic are inadequate to date Hemina's literary activity so narrowly to the very middle of the second century B.C. In the first place, it is possible that he could have respectively termed the First and Third Punic Wars *Bellum Punicum primum* or *prius* (or *prior*) and *Bellum Punicum postremum* or *ultimum* or even *tertium*, thus describing all three as the First or Earlier Punic War, the Next or Later Punic War, and the Latest or Most Recent or Third Punic War. The single comparative adjective *posterior* does not necessarily mean that at the time of writing only two Punic wars had been fought. Ancient writers need not have been so careful (especially in early Latin prose) in using comparative and superlative forms as moderns would like to think. For example, both ancient and modern grammarians agree that the adjective *alter* is a comparative form and should therefore be used in reference to one of two things. Nevertheless, as standard Latin lexica show, its comparative meaning is sometimes ignored, and the word is used as a synonym for *alius*, *proximus*, or *secundus* in describing a series of more than two items.⁴ Moreover, Peter himself, who regarded *posterior* as evidence for Hemina writing before 149, regularly uses *alter* in his Latin introduction of *HRR*, where he discusses the book arrangement of ancient historical works.⁵ Finally, it is

³For example, C. Cichorius, "L. Cassius Hemina," *RE* 3.2 (1899) 1274; Peter clxv; E. Badian, "The Early Historians," in T. A. Dory (ed.), *Latin Historians* (London 1966, Studies in Latin Literature and Its Influence) 1-38, at 11, n. 49; Rawson 690; Scholz (above, n. 1) 167.

⁴For example, Cic. *Verr.* 2.1.7.20: *primo die . . . alter dies . . . tertius dies . . . deinde reliquis diebus*; Cic. *Phil.* 1.13.32: *proximo, altero, tertio, denique reliquis consecutis diebus*; Cic. *Off.* 2.23.82: *qui (sc. Ptolomaeus) tum regnabat alter post Alexandream conditam*; Verg. *Ecl.* 5.49: *fortunate puer, tu nunc eris alter ab illo*.

⁵For example, *libris altero et tertio* = the second and third books of Cato's *Origines* (cxxxix), *alter* = Piso's second book (clxxxiv), and *alterius belli* and *alterum* = the

noteworthy that the adjective *posterus*, a synonym of *posterior* and comparative in form, is frequently used by Latin writers in a non-comparative sense. Packard's concordance of Livy shows that this Augustan writer of Latin historical prose used *posterus* with *dies* approximately 300 times in the extant portion of his history to mean "next" or "following day," not "later day."

In the second place, if *titulus* in F 31 refers to the label or tag attached to a papyrus scroll to list the contents of the book (as it would mean in an author of the principate), we have no guarantees that the phrase *Bellum Punicum posterior* was ever written by Hemina. The phrase could have been written by a book seller subsequent to the work's publication.⁶ On the other hand, if Priscian's *titulus* is a synonym for *praescriptio*, referring to a heading at the top of the first column of a papyrus scroll or at the top of the first leaf of a codex, we still cannot be sure that Hemina is responsible for the phrase, since considerable doubt exists concerning the accuracy of later writers citing Latin book titles of works written before Cicero's day.⁷ Thus F 39 alone can provide us with only an approximate *terminus post quem* of 146 for Hemina's history.

This *terminus post quem* can be further supported by considering Hemina's history in relation to Cato's *Origines*. Ancient *testimonia* for the latter work suggest that it was either published posthumously or in the last year of Cato's life (149 B.C.). Cornelius Nepos informs us that it went down to the praetorship of Ser. Sulpicius Galba in 150. Cicero and others say that Cato included in his *Origines* the speech which he delivered in 149 against Galba concerning his treacherous behavior towards the Lusitanians.⁸ Book citations in Hemina's fragments show that his second book included Rome's foundation and went down to the Pyrrhic War.⁹ Peter therefore conjectured that Hemina's first book must have been devoted

Second (Punic) War and the second book respectively of Coelius Antipater's history (ccxiv-ccxv). Moreover, after using *bellum Punicum posterior* to date Hemina to the middle of the second century (clxv), Peter two pages later refers to Hemina's second book as *altero libro*.

⁶F 37 of Hemina (quoted below in the text) suggests that *Bellum Punicum posterior* was not the "title" of Hemina's fourth book; for F 37 also contains a citation to Book 4 and concerns the year 181 B.C., thus proving that the book contained more than the Hannibalic War. F 36 of Hemina also contains a citation of Book 4 and seems to concern the Bacchanalian affair of 186. Priscian's *titulus* could therefore refer to a kind of table of contents for the book, similar to the *Periochae* of Livy's books which were composed by persons other than Livy himself.

⁷See, for example, the study of Lloyd Daly, "The Entitulature of Pre-Ciceronian Writings," *Classical Studies in Honor of William Abbott Oldfather* (Urbana, Ill. 1943) 20-38.

⁸Nepos *Cato* 3.4, Cic. *Brut.* 89, Livy *Per.* 49, Val. Max. 8.1.2, and Gell. 13.25.15.

⁹F 11 (citing Book 2) concerns the brief joint rule of Romulus and Remus. F 21 (also citing Book 2) concerns the arming of the proletariat in 280 B.C. when Pyrrhus

to various myths before Rome's foundation: the reigns of Saturn and Janus, Faunus, Evander, Hercules, Aeneas, the Alban kings, and foundation stories of various Latin towns. He pointed out that FF 2 and 3 of Hemina (concerning the mythical foundations of Aricia and Crustumium by Sicels named Archilochus and Clytemnestra) seemed similar to the content of the second and third books of Cato's *Origines*.¹⁰ Although Peter's attribution of fragments to Hemina's first book is not without its problems (as will emerge below), it nevertheless appears likely that Hemina's first book was largely influenced by Cato's historical work. In fact, F 29 of Hemina seems to owe much to F 57 of Cato.¹¹ If so, Hemina could not have written his history until after the publication of Cato's *Origines*.

A *terminus ante quem* for Hemina's history can perhaps be obtained by exploring Hemina's chronological relationship to the annalist L. Calpurnius Piso Frugi, whose public career is fairly well documented and, to some extent, can be brought into relationship with some of his surviving fragments. Hemina F 37 comes from Pliny's *Natural History* and concerns the discovery of some spurious pontifical and Pythagorean books of King Numa in 181, following the Bacchanalian affair of 186. The fragment occurs in Pliny's famous discussion of papyrus (*HN* 13.84–87) and is used to counter Varro's claim that papyrus was not used as a writing material by the Greeks and Romans until Alexander's conquest of Egypt. Pliny apparently regarded these books of Numa as authentic and therefore as providing evidence for the Romans' use of papyrus during the regal period. To demonstrate this point, he first begins by quoting and paraphrasing the account of Hemina, whom he describes as *vetustissimus auctor annalium*. He then indicates that the same story was recorded by Piso, and he cites both Piso and Sempronius Tuditanus for the number and nature of these books. Given the importance of this passage for the argument made here, and given the fact that Peter does not quote this passage in full, it seems appropriate to quote it here in its entirety:

had defeated the Romans and was advancing upon Rome itself. Peter's *Marcus praeco* should be emended to *Marcus praetor*. Cf. Broughton *MRR* 1.191, with n. 3, Oros. 4.1.3, and Gell. 16.10.1 (quoting Ennius' *Annales*).

¹⁰Peter clxv. Hemina F 1 concerns Saturn's arrival in Italy and his reception by Janus; F 4 concerns Faunus and Evander; the *Origo gentis Romanae* 6.1–7.1 cites Hemina's first book for the story of Cacus and Hercules, but indicates that Hemina called Hercules Recaranus; FF 5–7 concern Aeneas; and F 9 (citing Book 1), despite its cryptic brevity, clearly concerns some foundation story. Cato F 54 concerns the foundation of Politorium by Aeneas' comrade Polites.

¹¹Cato F 57: *Cato in II Originum*: "in campo Tiburti, ubi hordeum demessuit, idem in montibus seret, ubi hordeum idem iterum metit." Hemina F 29: *Cassius Hemina in III Annalium*: "in campo Tiburte, ubi hordeum demessuerunt . . ." Both fragments come from Priscian 10.47H (GL 2.537).

ingentia exempla contra M. Varronis sententiam de chartis reperiuntur. namque Cassius Hemina, vetustissimus auctor annalium, quarto eorum libro prodidit Cn. Terentium scribam agrum suum in Ianiculo repastinantem effodisse arcam, in qua Numa, qui Romae regnavit, situs fuisset; (85) in eadem libros eius repositos, P. Cornelio L. filio Cethego, M. Baebio Q. filio Tamphilo coss. (181 B.C.), ad quos a regno Numae colliguntur anni DXXXV; hos fuisse e charta, maiore etiamnum miraculo, quod infossi duraverunt. quapropter in re tanta ipsius Heminae verba ponam. (86) "mirabantur alii, quomodo illi libri durare possent; ille ita rationem reddebat: lapidem fuisse quadratum circiter in media arca vinctum candelis quoquoversus; in eo lapide insuper libros insitos fuisse: se propterea arbitrarier non computruisse; et libros citratos fuisse: propterea arbitrarier tineas non tetigisse. in iis libris scriptae erant philosophiae Pythagoricae." eosque combustos a Q. Petilio praetore, quia philosophiae scripta essent. (87) hoc idem tradit Piso censorius primo commentariorum, sed libros septem iuris pontificii, totidem Pythagoricos fuisse; Tuditanus XIII Numae decretorum fuisse.

It appears likely that in this passage Pliny sought to cite these three writers in chronological order. He begins with the oldest of the three and then supports his evidence by citing the two later writers. Thus it would seem that Pliny regarded Hemina as having written before Piso, and Piso before Tuditanus.¹² Since Pliny is the source of four of Hemina's 40 fragments and of 13 of Piso's 45 fragments in Peter's edition, it is reasonable to suppose that Pliny was familiar enough with these two works to make an informed judgment on this matter.

Although, like Hemina, Piso's last clearly datable fragment concerns the celebration of the secular games of 146, other indications in the fragments and ancient *testimonia* for Piso's career can be interpreted to suggest that Piso extended his historical narrative down to and including his consulship of 133, and that he composed the work during the decade following his censorship of 120. The only two ancient anecdotes about Piso's consulship in the First Sicilian Slave War concern Piso's punishment of a cavalry prefect named C. Titius and Piso's rewarding his son for bravery. Both are the kind of personal laudatory episodes that one might expect a Roman politician to record about himself in his history.¹³ Orosius'

¹²Besides calling Hemina *vetustissimus auctor annalium* in F 37, Pliny in F 26 (HN 29.22) also calls him *ex antiquissimis auctor*. We have no clear evidence about the chronological relationship between the histories of Piso and Tuditanus. Piso was consul in 133, and Tuditanus in 129; but the Plinian passage concerning Numa's books and Piso FF 22 and 23 (Livy 2.32.3 and 2.58.1 respectively) and Tuditanus F 4 (Ascon. 77 Clark) concerning the origin of the plebeian tribunate suggest that in both instances Tuditanus' accounts were epitomized or telescoped versions of Piso, thus indicating that Piso wrote before Tuditanus.

¹³For the punishment of C. Titius see Val. Max. 2.7.9 and Frontinus *Strat.* 4.1.26; for Piso rewarding his son see Val. Max. 4.3.10 and Pliny HN 33.38. Liebaladt (*De L. Pisone Annalium scriptore* [Naumburg 1836] 7, n. 2) thinks that Val. Max. 2.7.9

information about Piso's capture of Murgantia in his meager account of this war also probably derives ultimately from Piso's history.¹⁴ Piso's account of his consulship in Sicily has left only a small impact upon the ancient sources, since the First Sicilian Slave War was deemed less important than Scipio's termination of the Numantine War and the tribunate of Ti. Gracchus. Yet traces of Piso's influence on the historical tradition for 133 are discernible in several scattered statements about his activity in Sicily, found only in Latin authors (Livy/Orosius, Valerius Maximus, Pliny, and Frontinus). It is noteworthy that we have no precise information at all concerning Piso's predecessor in the war, the consul C. Fulvius Flaccus. Moreover, our only ancient reference to the Fornix Calpurnius on the Capitoline is also found in Orosius and is mentioned in his description of the death of Ti. Gracchus in 133. It is possible that this notice also derives from Piso's account of Gracchus' tribunate and death, but the information might come from some other contemporary Latin history.¹⁵ Given Piso's well-attested interest in the monuments and landmarks of Rome, it is reasonable to conjecture a Pisonian provenance for this information.¹⁶ Finally, it should be pointed out that F 33 of Piso may reflect Piso's experience in the slave war.¹⁷ F 21 concerns the dictator Postumius awarding

goes back to Piso. W. G. G. Forrest and T. C. W. Stinton, "The First Sicilian Slave War," (*Past and Present* 22 [1962] 87-93, at 88-89) surmise that Piso described the First Sicilian Slave War in his history, and that his account has influenced the meager extant sources. Rawson (703, n. 65) correctly questions Mazzarino's over-speculative claims that Posidonius' account of the slave revolt found in Diod. 34-35.2 derives from Piso (*Il pensiero storico classico* 2 [1966] 136). G. P. Verbrugge, however, ("Narrative Patterns in Posidonius' History," *Historia* 24 [1975] 184-204, at 192, n. 11) doubts that Piso extended his history to his consulship, and he therefore discounts him as a source for the First Sicilian Slave War.

¹⁴Livy, Orosius' source, was familiar with Piso's history and probably used his account of the slave war when he came to these events and realized that Piso was a chief participant. This would parallel his use of Cato for his consulship in Spain in 195 (T. J. Luce, *Livy: The Composition of His History* [Princeton, N.J. 1977] 43, 46, 190, 223, and especially 162-163).

¹⁵Oros. 5.9.2. The arch was probably erected by Piso's uncle, who, while governor of Farther Spain in 186-5, inflicted a severe defeat upon the combined forces of the Celtiberians and Lusitanians and returned to Rome to celebrate his family's first triumph (Livy 39.30-31, 38.4-12, and 42.2-4). B. Bilinski ("Fornix Calpurnius e la morte di Tiberio Gracco," *Helikon* 1 [1961] 264-282, at 273) thinks that Orosius' narrative must go back to some contemporary author such as Piso, Tuditanus, Fannius, Asellio, Scaurus, or Rutilius Rufus.

¹⁶F 6 (the *Lacus Curtius*), F 9 (the *Porta Ianualis*), F 16 (the Capitoline temple), F 20 (Cloelia's statue), F 37 (the statue of Sp. Cassius), and F 24 (Sp. Maelius and the *Aequimaelium*).

¹⁷The fragment concerns the prosecution of an industrious peasant freedman for using magic to produce splendid crops at the expense of his neighbors. The freedman was acquitted after demonstrating to the assembly that the productivity resulted from

a gold crown for valor after the battle of Lake Regillus. This was included in the first part of Piso's second book, and it looks so much like Piso's own action in Sicily with respect to his son that Piso's own experience perhaps prompted his interest in the matter. If so, it means that all of the history except for the first book was probably not written until after 133.

If these considerations are valid, the earliest possible date for the completion and publication of Piso's history would then be late 133 or early 132. However, additional indications in the fragments can be used to date the history's composition and publication at least more than ten years later. Three other fragments indicate that Piso was interested in censorships and censorial material.¹⁸ Rawson (706) has suggested that Piso's great interest in monuments and landmarks in Rome could have been stimulated by his own tenure of the censorship in 120. In fact, in F 14 Piso's explanation of the working of the first census by King Servius, involving the use of coins, is quite unique; and since Servius' census was described in the first book of the history, these indications would suggest that Piso did not begin writing his history until about the time of his own censorship.

This hypothesis is further reinforced by considering two other fragments. F 22 concerning the first plebeian secession to the Aventine in 494 (rather than to the Sacred Mount) could have been influenced by the withdrawal of the Gracchans to the Aventine in 121.¹⁹ Although information about L. Caecilius Metellus' triumph in 251 was doubtless available in some documentary source, Piso's interest in the subject could have been increased by his joint tenure of the censorship with Q. Caecilius Metellus Balearicus and by the contemporary political pre-eminence of the Caecilii Metelli, who held six consulships in the 15-year period from 123-109.²⁰

his own hard work. In narrating this anecdote Pliny (HN 18.42) cites Piso for the fact that the peasant brought before the assembly *familiam suam validam atque, ut ait Piso, bene curatam ac vestitam*. This description of the freedman's *familia* is in sharp contrast to Diodorus' description of the slaves in Sicily who began the First Sicilian Slave War (34-35.2.2). Rawson (712) thinks that the fragment indicates Piso's personal view on the agrarian crisis of his day; cf. D. C. Earl, "Calpurnii Pisones in the Second Century B.C.," *Athenaeum* NS 38 (1960) 283-298, at 293.

¹⁸F 14 (the first census by King Servius Tullius), F 37 (the censorship of 158), and F 38 (the censorship of 154). Festus 358-362L s.v. *religionis* is a fragmentary passage taken from Varro concerning the censorships from 179 to 131. The wording on 360 closely resembles F 38. If more of the text were preserved, it might appear that the material has been excerpted from Piso.

¹⁹For the Gracchan secession see Cic. *Phil.* 8.4.14, Vell. Pat. 2.6.6, Livy Per. 61, Plut. C. Gracch. 15.1, Appian BCiv. 1.26, Florus 2.3.5, and Vir. Ill. 65.5.

²⁰Piso F 30. According to Crawford's chronology three of these same six Caecilii Metelli were moneyers during the 120s, and all of them commemorated this triumph of their ancestor by including representations of elephants upon their coins, whose

The idea that Piso did not publish his history before his censorship of 120 receives further support from an examination of the provenance of his title *ensorius*. Out of all of the ancient *testimonia* concerning Piso's career there is no explicit mention of his censorship. Our knowledge of Piso's censorship comes only from five separate citations of Piso and his history in which Piso is termed "ex-censor."²¹ If it were not for these brief citations of "Piso *ensorius*" in the fragments, we would not know that Piso had ever been elected censor. Since this information comes only from a few citations of his name in the fragments themselves, the ancient authors who thus cited Piso must have derived the title *ensorius* from Piso's name in the title of the history. Since Piso's censorship appears not to have been very well known in later time (not even mentioned by Cicero, who uses Piso and his surname Frugi as a stock moral *exemplum*),²² the inclusion of *ensorius* in Piso's name in his history's title must have occurred very early in the dissemination of the work; and if it were part of the original title composed by Piso himself (who should have been quite proud to advertise the fact that he was a former censor), it would mean that the work was not published before 120. Finally, C. Memmius' allusion in a speech of 111 B.C. to two early plebeian secessions to the Aventine can probably be interpreted to show the influence of Piso's recently published history.²³ We can therefore suggest that Cassius Hemina probably wrote his history sometime during the third quarter of the second century B.C. Unlike the prevalent modern view which dates the composition of Hemina's history precisely to the middle of the second century, this conclusion opens up the possibility and likelihood that he wrote during the 130s or even the 120s.

The new dating of the history allows F 17 of Hemina to be interpreted in a new light. The fragment is a *verbatim* quotation from Nonius Marcellus and, like many fragments found in late grammarians, is an incomplete sentence, containing certain key words, which makes us wish that we could establish its precise context. Nonius (217 Lindsay) has quoted this clause because of his interest in the word *plebitas*, meaning "plebeian status," patterned after *nobilitas* in its formation: *Hemina in Ann.* "*quicumque propter plebitatem agro publico eiecti sunt.*" Despite the fact that this fragment

circulation would have reminded people of the event: Michael H. Crawford, *Roman Republican Coinage* 1 (London 1974) 287, no. 262 (L. Caecilius Metellus Diadematus or Dalmaticus, 128 B.C.); 288, no. 263 (M. Caecilius Metellus, 127 B.C.); and 292, no. 269 (C. Caecilius Metellus Caprarius, 125 B.C.).

²¹Schol. Veron. ad Verg. *Aen.* 2.717, 420 Hagen = Piso F 2 (quoted below in the text), Dion. Hal. 2.38.3 and 39.3 = F 5, Pliny *HN* 13.87 = F 11 (quoted above in the text), Dion. Hal. 12.9.3 = F 25, and Censorinus *De die natali* 17.11 = F 39.

²²Cic. *Verr.* 2.3.195 and 4.56, *Tusc.* 3.16-7 and 48, *Font.* 39, and Schol. Bob. in Cic. *Flac.* F 10, 96 Stangl.

²³Sall. *Iug.* 31.17. Sallust's explicit statement at 30.4 makes it certain that the allusion is taken from Memmius' own speech and is not an insertion of Sallust himself.

contains no book citation, Peter nevertheless included it with other fragments from Book 2; and in an explanatory footnote on the text he suggested that it refers to 495 B.C. and the beginning of dissension between patricians and plebeians, following the news of Tarquin's death in exile at the court of Aristodemus, the tyrant of Cumae.²⁴ Peter's placement of this fragment is unconvincing. Rawson (701) is correct in maintaining that we have no real parallel to this fragment in the extant accounts of Livy and Dionysius of Halicarnassus for early Rome. She prefers to connect the fragment with the growing tensions leading up to the agrarian crisis of Ti. Gracchus in 133; but since she dates Hemina's history to the middle of the century, she cannot directly relate the fragment to the tribunate of Ti. Gracchus. The new dating of Hemina's history at least permits the possibility that this single clause, quoted by Nonius, could be derived from Hemina's account of the Gracchan agrarian crisis. It is noteworthy that in describing the background of Ti. Gracchus' *lex agraria*, both Plutarch and Appian mention the displacement of commoners from public land by the rich and powerful (Plut. *Ti. Gracch.* 8.1 and Appian *BCiv.* 1.7).

Perhaps the most tantalizing fragment for modern students of early Rome and the annalistic tradition is F 22. It comes from Hemina's second book, which comprised both the regal period and the early republic. The fragment is a *verbatim* quotation found in the augmented Servian commentary on the *Aeneid*. As in the case of F 17, the quotation is not even a complete sentence but consists of two clauses and is intended only to give an archaic illustration of the verb *fremere*: *ut apud Cassium in Annalium secundo: "ne quis regnum occuparet, si plebs nostra fremere imperia coepisset"* (Serv. Auct. ad *Aen.* 1.56).

Peter was clearly at a loss to find a suitable historical context for this fragment. He therefore grouped it together with three other fragments from Book 2 whose contexts were similarly elusive. Rawson (701) has conjectured that it comes from a speech delivered by a patrician during some episode in the struggle of the orders. However, the wording and content of the fragment correspond quite closely to Livy's description of the *interregnum* between the reigns of Romulus and Numa. According to Livy (1.17), after Romulus disappeared from among men, dissension arose concerning the succession to the kingship. The Sabine portion of the population was

²⁴To justify the placement of this fragment, Peter (103, n. 17) quotes the following three passages: Sall. *apud August. De civ. Dei.* 2.18: *nam iniuriae validiorum et ob eas discessio plebis a patribus aliaeque dissensiones domi fuere iam inde a principio, neque amplius quam regibus exactis, dum metus a Tarquinio et bellum grave cum Etruria positum est, aequo et modesto iure agitata*; Sall. *apud August. De civ. Dei.* 3.17: *dein servili imperio patres plebem exercere, de vita atque tergo regio more consulere, agro pellere et ceteris expertibus soli in imperio agere*; Livy 2.21.6: *patribus nimis luxuriosa ea fuit laetitia; plebi, cui ad eam diem summa ope inservitum erat, iniuriae a primoribus fieri coepere*.

still aggrieved that no Sabine had been appointed in the place of the murdered T. Tatius, and the Romans were unwilling to have a foreign king rule over them. Amid this political stalemate the members of Romulus' senate decided that the state needed some kind of strong leadership, and they therefore devised the institution of the *interregnum*. An entire year passed with individual senators holding *imperium* for intervals of five days each. However, when the people began to grumble that they now had a multitude of rulers rather than one, this stopgap arrangement was discontinued, and Numa was elected to succeed Romulus: *fremere deinde plebs multiplicatam servitatem, centum pro uno dominos factos; nec ultra, nisi regem et ab ipsis creatum, videbantur passuri* (Livy 1.17.7). Both Livy and Hemina use the verb *fremere* with the noun *plebs*, and the *interregna* of numerous senators explains Hemina's curiously plural *nostra imperia*, corresponding to Livy's *multiplicatam servitatem, centum pro uno dominos factos*. Hemina's *ne quis regnum occuparet* is paralleled by Livy's *nisi regem et ab ipsis creatum*. Thus, *regnum occuparet* in Hemina does not pertain to an attempted usurpation of tyranny during the early republic (such as those of Sp. Cassius, Sp. Maelius, or M. Manlius), but the phrase merely refers to the monarchy of the regal period. F 22 of Hemina therefore has nothing to do with the struggle of the orders, but it simply concerns the legendary aetiology for the institution of the *interregnum*.

F 5 of Hemina comes from the Verona commentary on *Aeneid* 2.717 (pp. 428-429 Hagen) and concerns Aeneas' departure from Troy and the origin of the Penates. Unfortunately the passage contains a faulty citation of Hemina. The text therefore must be quoted in full and examined carefully:

Varro secundo *Historiarum* refert Aenean, capta Troia, arcem cum plurimis occupasse, magnaue hostium <gratia obtinuisse a>beundi potestatem; itaque <concessum ei, quod> vellet auferre; cumque <aur>um opesque alias ceteri morarentur, Aenean patrem suum collo <tulisse; mirantibus>que Achivis hanc pietatem, redeundi Ilium copiam datam, ac deos Penates ligneis sigillis, vel lapideis, terrenis quoque Aenean <umeris extulisse>; quam rem Graecos stupentes omnia sua auferendi potestatem dedisse, eaque <ratione saepius redeuntem omnia e Troia abstulisse et in navibus posuisse. A>ticus de patre consentit, de dis Penatibus negat, sed ex Samothracia in Italiam devectos, contra quam opinionem refertur <fuisse simulacr>a Vestae incensis deae eius aris ex ruinis Troicis liberata. additur etiam ab L. Cassio censorio miraculo magis Aenean patris <dignitate sanctio>rem inter hostes intactum properavisse, concessisque ei navibus in Italiam navigasse. idem *Historiarum* libro I ait, Ilio capto, <Aenean cum dis Pena>tibus umeris impositis erupisse, duosque filios Ascanium et Eurybaten brachio eius innixos ante ora hostium prae<tergressos; dat>as etiam ei naves, concessumque ut qua vellet de navibus securus veheret.

A search through the Servian commentary reveals that the Verona commentator has lumped together in this one entry several matters which are similarly treated in different places in the Servian commentary. The Verona

entry begins by narrating Varro's account of Aeneas' departure from Troy, involving Aeneas' defense of the citadel, the arrangement of an agreement with the Achaeans to leave with what they could carry away with them, and Aeneas' first departure with his father upon his back in contrast with the others, who took with them objects of value. Amazed by this act of filial devotion, the Greeks allowed him to return a second time to fetch something of value; and when he departed again with sacred objects rather than gold or silver, they allowed him to leave with all of his possessions. This same story is told in the augmented Servian commentary on 2.636 of the *Aeneid* where Varro is likewise cited as its source:

*sed Varro Rerum humanarum ait permissum a Graecis Aeneae, ut evaderet et, quod carum putaret, auferret; illum patrem liberasse, cum illi, quibus similis optio esset data, aurum et argentum abstulissent; sed Aeneae propter admirationem iterum a Graecis concessum, ut, quod vellet, auferret; illum, ut simile, quod laudatum fuerat, faceret, deos Penates abstulisse; tunc ei a Graecis concessum, ut et quos vellet secum et sua omnia liberaret.*²⁵

The Verona commentator next cites Atticus who agreed with Varro concerning Aeneas' departure with his father, but who disagreed concerning the provenance of the Penates; for Atticus thought that Aeneas and the Trojans had acquired these images from Samothrace on their way to Italy. The mention of the sacred objects then induces the scholiast to digress slightly concerning the nature and origin of the Penates. He first counters Atticus' view by asserting that Aeneas did, in fact, take away from Troy holy objects from the burning ruins of Vesta's temple. Then comes a citation of L. Cassius censorius, which, as the text stands, is associated with a variant version of Aeneas' departure from Troy.

Rather than having a single entry on the nature and origin of the Penates, the Servian commentary discusses these gods in more than one place but in words similar to the Verona commentary. The description of their images as *ligneis sigillis, vel lapideis, terrenis quoque* in the Verona entry corresponds to *sigilla, lignea, vel non marmorea* found in the augmented Servian commentary on *Aeneid* 1.378. The latter commentary also discussed the question of the sacred objects from Vesta's shrine in connection with line 296 of the *Aeneid*'s second book. In the former passage Servius Auctus gives various opinions: first, that of Nigidius Figulus and Antistius Labeo, who regarded them as being Neptune and Apollo; then, Varro's opinion that they were certain clay or wooden images which Aeneas brought with him into Italy directly from Troy, as stated in the parallel passage of

²⁵This passage is so similar to that of the Verona commentary that it has been used to emend the corresponding portion of the Verona entry. It also shows that the information was taken from Varro's *Res humanae*, not *Historiae*.

the Verona commentary; and finally, the view of Cassius Hemina, whose opinion agrees with that of Atticus mentioned in the Verona commentary, that they were Samothracian gods and were known as the Great Gods.²⁶ Macrobius likewise cites Hemina for the idea that the Roman Penates were the gods of Samothrace, and he characterizes them with the same Greek appellations, as does Servius Auctus.²⁷

Peter printed the Cassius citation of Servius Auctus as F 6, thus constituting a fragment independent of the Verona scholion, and he quoted the Macrobian parallel in a note on F 6. Yet, given the obvious fact that Servius Auctus, the Verona commentator, and Macrobius were drawing upon the same material, these three passages should be regarded as multiple manifestations of the same fragment. At the point where L. Cassius is cited in the Verona commentary, the question under discussion is the Samothracian nature of the Penates. The context in both Servius Auctus and Macrobius is similar. We should therefore consider the possibility of there being a lacuna in the text of the Verona commentary at the citation of Hemina, between the words *L. Cassio* and *ensorio*. In fact, Friedrich Ritschl long ago realized the inaccuracy of a *L. Cassio censorio* and suggested that *censorio* refers to L. Calpurnius Piso.²⁸ Following up on his suggestion, Peter (clxx) accordingly inserted *et Pisone* between *Cassio* and *censorio* and thus made what immediately followed in the Verona commentary a joint fragment of Hemina and Piso concerning Aeneas' bold departure from Troy through the very midst of the enemy.

The Verona commentary is quite incomplete and only survives on 41 leaves of a barely legible late antique palimpsest (whence the restoration brackets). At this point however, the codex seems to be legible and without any perceptible lacuna, since Hagen prints a *L. Cassio censorio* without any critical note. In reviewing the first edition of Peter's *HRR*, T. Plüss used this point to criticize Peter's insertion of *et Pisone*.²⁹ Plüss however wished to resolve this faulty citation by having *censorio* modify *miraculo* and by taking the phrase to mean "by an exemplary marvel." He then wrongly assigned this anecdote to Hemina's supposed work *De censoribus* mentioned in F 23, but Peter (clxxiii) rightly explained *de censoribus* as

²⁶Serv. Auct. ad Aen. 1.378: *nam alii, ut Nigidius et Labeo, deos Penates Aeneae Neptunum et Apollinem tradunt . . . Varro deos Penates quaedam sigilla, lignea, vel non marmorea ab Aenea in Italiam dicit advecta . . . idem Varro hos deos Dardanum ex Samothraca in Phrygiam, de Phrygia Aenean in Italiam memorat portavisse. alii autem, ut Cassius Hemina, dicunt deos Penates ex Samothraca appellatos θεοὺς μεγάλους, θεοὺς δυνατοὺς, θεοὺς χρηστοὺς.*

²⁷Macrobius. Sat. 3.4.9: *Cassius vero Hemina dicit Samothracas deos eosdemque Romanorum Penates proprie dici θεοὺς μεγάλους, θεοὺς χρηστοὺς, θεοὺς δυνατοὺς.*

²⁸F. Ritschl, *Kleine philologische Schriften* (Leipzig 1877) 3.449.

²⁹T. Plüss, *Neue Jahrbücher für Philologie und Paedagogik* 103 (1871) 280–296, at 295.

merely specifying subject matter rather than the title of an independent treatise.

In the present writer's view, the conjectures of both Peter and Plüss lack cogency, because they do not take account of the corresponding material in Servius Auctus and Macrobius, which suggests that the sentence immediately following the faulty citation in the Verona commentary should not be attributed to Cassius Hemina, but that something concerning the Samothracian nature of the Penates has fallen out of the text. I would therefore like to suggest that at this point in the Verona text, an omission of a line or two may have occurred through a copyist's error by haplography of *L. Cassio . . . L. Calpurnio censorio*.³⁰ If so, we should then suppose that the reference to Cassius Hemina in the Verona commentary must have concerned the Samothracian nature of the Penates, whereas the variant version of Aeneas' bold departure from Troy through the very midst of the enemy (which comes after the faulty citation) should be regarded as a fragment of Calpurnius Piso. Consequently, FF 5 and 6 of Hemina in Peter should be considered as a single fragment. Servius Auctus on *Aeneid* 1.378 and Macrobius' *Saturnalia* 3.4.9 could be labeled 5A and 5B respectively, whereas the Verona scholion (being hardly more than a lacunose citation with the same context as the other two passages) could be designated 5C.

This interpretation of the evidence can be reinforced by a careful analysis of the faulty citation in connection with the scholarship exhibited by the Verona commentator. In his treatment of the ancient commentaries on Vergil, Nettleship pointed out that the Verona commentary is of better quality than the Servian one and is more abundant and exact in the citation of authors; and the wealth of ancient writers cited in it bears out this evaluation.³¹ The fact that six of the 40 fragments of Hemina in Peter come from the augmented Servian commentary clearly shows that material from Hemina's history formed part of the ancient scholiastic tradition on

³⁰The text of the Verona commentary at the point in question could be emended as follows (*exempli gratia*): *additur etiam ab L. Cassio [... traditur tamen a L. Calpurnio] censorio miraculo . . .*

³¹John Conington and Henry Nettleship, *The Works of Virgil*⁴ 1 (London 1881) xcix-c and cvii. Numerous poets are cited and quoted by the Verona commentator: Homer at 1.247, 10.1, 10.565; Naevius at 2.687; Ennius at 5.221, 5.473, 10.1; Plautus at 2.670, 10.557; Pacuvius at 2.81, 5.93; Accius at 8.28; Lucilius at 2.81, 8.25; Lucretius at 5.251; Afranius at 10.564; Catullus at 5.80, 8.34; Persius at 5.95. Prose writers are also frequently mentioned: Democritus at 5.473; Phylarchus at 4.146; Metrodorus at 2.299; Xenodotus at 11.738; a speech of Cato at 2.670; C. Fannius at 3.707; Coelius Antipater at 5.251; Cicero at 5.95, 255; Santra at 5.95; Sallust at 4.178, 5.80; Varro at 5.221, 7.681; Fronto at 7.688. These lists are not complete. Cato's *Origines* is cited at 7.681 for the tale about Caeculus the founder of Praeneste. The fourteenth book of Varro's *Res divinae* is cited concerning the obscure goddess Venilia at 10.78. Both Varro and Verrius Flaccus are cited at 10.183 for the foundation of Caere, and the Etruscan books of Verrius Flaccus and Caecina are cited at 10.200 concerning the foundation of Mantua. Finally, Sabidius' commentary on the Salian hymn is cited at 10.246.

Vergil.³² Thus a citation of Hemina in the *Scholia Veronensia* should not be surprising, nor perhaps should be the commentator's knowledge and use of Hemina's *praenomen*, recorded only elsewhere by Priscian in F 25.

A citation of Calpurnius Piso in the Verona commentary should likewise not come as a surprise, since two of his 45 fragments in Peter are also to be found in Servius and Servius Auctus.³³ The title *ensorius* can only belong to either Piso or Cato; and the fact that this title occurs proportionately higher in the fragments of Piso perhaps inclines the scales in his favor.³⁴ In fact, in the two places where the Verona scholiast actually cites Cato for certain, he simply refers to him as Cato (Schol. Veron. *ad Aen.* 2.670 and 6.681). Moreover, the similarity between Piso's and Hemina's names provides a more plausible explanation as to how a haplographic lacuna occurred in the Verona commentary.

One final problem involving this text remains to be cleared up, and it serves to lend further strength to the emendation and interpretation offered here. In contrast to Varro's view of Aeneas' defense of the Trojan citadel and of his subsequent departure under an arranged truce, the Verona commentator cites Calpurnius Piso (if the foregoing be accepted) for the idea that Aeneas departed from Troy by boldly walking through the midst of the enemy with his father on his back and thereby earned so much respect from the Greeks that he was granted ships with which to sail away. The scholiast then writes:

The same author in the first book of his *Histories* says that when Ilium was taken, Aeneas broke out with the Penates upon his shoulders; that his two sons, Ascanius and Eurybates, strode past the faces of their enemy, leaning upon his arm; and that ships were even granted to him with the proviso that he might safely sail with them wherever he wished.³⁵

This portion of the scholion presented a real problem to both Ritschl and Peter.³⁶ Since they wished to insert only *et Pisone* at the place of the faulty citation (thereby making the following statement a joint fragment of Hemina and Piso), the singular forms, *idem* and *ait*, could not be construed as referring to the last cited authors. Consequently, contrary to a natural

³²Hemina F 3 = Serv. Auct. *ad Aen.* 7.631, F 4 = Serv. Auct. *ad Georg.* 1.10, F 6 = Serv. Auct. *ad Aen.* 1.378, F 15 = Serv. Auct. *ad Aen.* 12.603, F 22 = Serv. Auct. *ad Aen.* 1.56, and F 38 = Serv. Auct. *ad Aen.* 1.421.

³³Piso F 4 = Serv. *ad Aen.* II.761, and F 44 = Serv. Auct. *ad Aen.* 10.76.

³⁴As seen from n. 21 above, if we discount the citation of the Verona commentary which is in question on this point, there are 4 out of 45 fragments which cite Piso as *ensorius*, whereas in the 143 fragments of Cato's *Origines* in Peter (three times more numerous than Piso's fragments) Cato is given this title only once: F 30 = Priscian 4.21, *GL* 2.129.

³⁵For the Latin text see above in the text.

³⁶See above, n. 28. For more recent scholarship on this vexed citation see Scholz (above, n. 1) 174.

reading of the text, they were forced to have *idem* refer to Varro, who is cited at the very beginning of the entry. However, since his second book is cited there, Peter was further compelled to suggest that *libro I* be emended to *libro II*. No such Procrustean devices are necessary if the interpretation offered here is accepted. *idem Historiarum libro I ait* can now refer quite naturally to the last cited writer, Calpurnius Piso.

Thus the passage from the Verona commentary exhibits the following structure and stream of ideas. First, Varro is cited concerning Aeneas' departure from Troy under an arranged truce together with his father, the Penates, and all of his personal belongings. The scholiast then notes that Atticus agreed with Varro concerning Aeneas' departure with his father, but that he differed over the Penates, whom he claimed to have been subsequently acquired from Samothrace. The commentator further counters Atticus' view with the observation that images from Vesta's shrine were rescued from the ruins of Troy. The scholiast then finally brings his minor digression on the matter of the Penates to an end by adding (*additur etiam*) Hemina's information about the Greek names for the Samothracian gods. The commentator now returns to the main theme of the entry, under what circumstances did Aeneas leave Troy. He now contrasts Varro's version of the truce with that of Piso, in which Aeneas' departure was accomplished "more by way of inspiring awe and amazement in the Greeks" (*miraculo magis*) than by arranging a truce. Moreover, this same author's version differed from Varro's in that rather than making several trips back to Troy to carry off what he held dear, Aeneas boldly strode through the enemy's midst only once, carrying his father and the Penates and guiding his two sons to safety.

This synopsis clearly reveals the impossibility of Ritschl and Peter's interpretation of *idem*, since Varro's version is entirely different from the one attributed to *idem*. On the other hand, the latter harmonizes well with the preceding statement concerning Aeneas' bold departure from Troy. The sharp contrast between the variants of Varro and *idem* ill accords with *additur etiam*, which seem more appropriate for a casual minor addition from Hemina. We might expect an adversative conjunction or adverb stronger than *etiam* in order to contrast the two versions of Aeneas' departure. The citation, *Historiarum libro I*, agrees with other Pisonian fragments which show that he did, in fact, treat the regal period in his first book.³⁷

In his examination of Hemina F 5, Scholz regards *ensorio* as a mistake and attributes the remainder of the scholion (including *idem Historiarum libro I*) to Hemina. A possible obstacle to this view could be the book

³⁷Piso F 8 concerning Romulus, F 10 concerning Numa, F 11 concerning Numa's books (quoted above in the text), F 13 concerning Tullus Hostilius, F 14 concerning Servius Tullius, F 17 concerning Tarquinius Superbus.

number. As mentioned above, Hemina seems to have patterned his first book after the second and third books of Cato's *Origines*. Hemina's second book contained the reign of Romulus and went at least as far down as the Pyrrhic War. Cato described the regal period in his first book, and F 12 concerning Mezentius shows that the book also treated Aeneas and probably the Alban kings as well. On the other hand, the fragments do not indicate in what book Hemina treated Aeneas. Apart from the problematic citation in the scholion of the Verona commentary, F 8 is the only other fragment of Hemina in Peter which has a clearly discernible context and contains a citation of his first book. The fragment comes from Aulus Gellius 17.21.3 and concerns the time at which Homer and Hesiod lived:

utrumque tamen (sc. Homerum et Hesiodum) ante Romam conditam vixisse, Silviis Albae regnantibus, annis post bellum Troianum, ut Cassius in primo Analium de Homero et Hesiodo scriptum reliquit, plus centum atque sexaginta, ante Romam autem conditam, ut Cornelius Nepos in primo Chronico de Homero dicit, annis circiter centum et sexaginta.

The wording clearly indicates that Gellius found in Hemina's first book the assertion that Homer and Hesiod lived more than 160 years after the Trojan War. The placement of *ut Cassius . . . reliquit* between *annis post bellum Troianum* and *plus centum atque sexaginta* indicates that Hemina was dating them in reference to the Trojan War alone, whereas Gellius cites Cornelius Nepos for only Homer's *floruit* in reference to Rome's foundation. Moreover, *de Homero et Hesiodo* suggests that the context in Hemina was merely Homer and Hesiod. Since they were the earliest Greek mythographers, Hemina could have discussed them in connection with the mythical origins of the Italian peoples in his first book. Although Peter regarded *Silviis Albae regnantibus* as Gellius' own wording, his placement of the fragment is misleading, suggesting that the context is the Alban king list, following Hemina's account of Aeneas' departure from Troy and arrival in Italy.³⁸ It is therefore certainly possible that, like Cato, Hemina treated Aeneas and the Alban kings in connection with Rome's foundation at the beginning of his second book. If so, *Historiarum libro I* in the scholion of the Verona commentary cannot refer to Hemina, and FF 5-7 of Hemina concerning Aeneas cannot be confidently assigned to the first book of Hemina's history, as in Peter's edition.³⁹

³⁸Peter clxvii, n. 1. Scholz (above, n. 1, 168, n. 5) considers the fragment's context to be the Alban kings.

³⁹It should be pointed out that the *Origo gentis Romanae* 7.1 cites Hemina's first book concerning the story of Hercules and Cacus. Yet this need not imply that Aeneas and the Alban kings were also treated in his first book, since Hercules was associated with numerous Italian communities and therefore could have been treated in Hemina's first book, whereas by Hemina's time Aeneas was closely associated with Lavinium, Alba,

The last fragment to be examined is F 19 of Hemina, preserved in a fragment of Appian's *Celtica* and concerning the exploit of Fabius Dorsuo at the time of the Gallic capture of Rome in 390 B.C.⁴⁰ In analyzing the puzzling citation of L. Cassius censorius in the Verona commentary on the *Aeneid*, Plüss shrewdly pointed out the striking resemblance between the account of Aeneas' bold departure from Troy and the similarly audacious act of Dorsuo, who was supposed to have left the besieged Capitol, marched untouched through the midst of the astounded Gauls, performed some obligatory religious rites at their customary site, once again passed unscathed through the ranks of the Gallic horde, and safely re-entered the citadel.⁴¹ Thus Plüss's interpretation of *censorio miraculo* in the *Scholia Veronensia* might seem to gain further support, but the citation in Appian is likewise problematic; for the name of the author cited is given as Κάσιος, which has generally been emended to Κάσιος. This is a reasonable correction and was accepted by Peter, who thus included the passage in his edition of Hemina's fragments. However, another emendation, almost as simple, is likewise possible: Κλαύδιος, which could then be a citation of the much better known historian Q. Claudius Quadrigarius, whose history began with the Gallic capture of Rome.⁴² If the traditional emendation is accepted and the name regarded as a citation of Cassius Hemina, it makes Appian the only Greek writer who cites Hemina's barely known history, more than half of whose fragments come from Latin grammarians interested in his archaic language.⁴³

Another likely possibility is to read the corrupt word in Appian as Cassius, as generally accepted, but to identify the person with someone

and Rome. It is noteworthy that Livy begins his history with the fall of Troy, Aeneas' arrival in Italy, the Alban kings, and the story of Romulus and Remus. He treats the tale of Hercules and Cacus by way of a digression in connection with Romulus' foundation of Rome on the Palatine (1.7.3 ff.).

⁴⁰Appian *Celtica* F 6: Κεῖτοί μὴδεμῖς μηχανῇ δυνήθεντες ἐπιβῆναι τῆς ἀκροπόλεως ἡρέμουν ὡς λιμῇ τοὺς ἔνδον παραστησόμενοι. καὶ τις ἀπὸ τοῦ Καπιτωλίου κατέβαιναν ἱερεὺς, ὄνομα Δόρσων, ἐπὶ ἐτήσιον δὴ τινα ἱεροουργίαν εἰς τὸν τῆς Ἑστίας νεῶν στέλλων τὰ ἱερὰ διὰ τῶν πολεμίων εὐσταθῶς· τὸν δὲ νεῶν ἐμπειρημένον ἰδὼν ἔθυσεν ἐπὶ τοῦ συνήθους τόπου· καὶ ἐπανήλθεν αὖθις διὰ τῶν πολεμίων αἰδεσθέντων ἡ καταπλεγέντων αὐτοῦ τὴν τόλμαν ἢ τὴν εὐσέβειαν ἢ τὴν ὄψιν ἱερὰν οὖσαν. δὲ μὲν δὴ κινδυνεύειν ὑπὲρ τῶν ἱερῶν ἐλόμενος ὑπ' αὐτῶν ἐσώζετο τῶν ἱερῶν. καὶ τότε φησὶν διδοε γενέσθαι ὁ Κάσιος Ῥωμαῖος.

⁴¹See above, n. 29. Scholz (above, n. 1, 176) makes the same connection between FF 5 and 19.

⁴²See FF 1-2 and 4 of Claudius Quadrigarius; cf. Plut. Numa 1.1 and Livy 6.1.1-3.

⁴³Nonius Marcellus, Solinus, Diomedes, and Priscian account for 22 of the 40 fragments. The other fragments come from Pliny, Gellius, Tertullian, Censorinus, Servius Auctus, and Macrobius. Livy nowhere cites him. It is perhaps noteworthy that neither the garrulous Dionysius nor the well-read Plutarch ever mention him. Peter (clxxii) is correct in maintaining that Hemina was only rescued from total oblivion by Varro. The emendation Κλαύδιος is further strengthened by the fact that in the same work (*Celtica* 1.3) Appian cites an otherwise unknown Paulus Claudius for the German defeat of the Romans in 107 B.C.

other than the obscure Cassius Hemina. It should be noted that this passage of Appian is taken from the tenth-century Byzantine compilation *De virtutibus et vitiis*, commissioned by the Emperor Constantine VII Porphyrogenitus and consisting of a series of excerpts taken from various ancient historians, such as Polybius, Diodorus, Dionysius, Appian, and Cassius Dio. In 1634 Henri de Valois published his edition of these excerpts (now referred to as the *Excerpta Valesiana*), which all subsequent scholars have used in making modern editions of these authors' lost books. It just so happens that the *De virtutibus et vitiis* also contained Cassius Dio's account of the Fabius Dorsuo story (Cassius Dio 7.25.5). Therefore, instead of taking the last eight words of the Appian excerpt as those of Appian himself, referring to Cassius Hemina, it seems possible to regard them as a Byzantine gloss, simply giving a cross-reference to the parallel passage of Cassius Dio in the same work. Since the reading and interpretation of the citation in the Appian excerpt are uncertain, Plüss's connection between FF 5 and 19 of Peter is suspect.

If F 19 is to be rejected as a fragment of Hemina, and if, as argued above, FF 5 and 6 are taken to constitute a single fragment, the 40 fragments of Peter's edition are reduced to 38; but this number can be increased to 39 by including the sixth chapter of the *Origo gentis Romanae* which cites Cassius Hemina for the story of Cacus, Recaranus-Hercules, and the *ara maxima*. Twelve (or about one-third) of these fragments are concerned with religious matters. Of the ten intelligible fragments known to come from Hemina's second book on the regal period and the early republic, seven involve religious affairs, and only three are concerned with political or military matters.⁴⁴ Out of the 19 quotations (chosen for their purely grammatical interest) from the grammarians Nonius Marcellus, Diomedes, and Priscian, four fragments (11, 27, 32, and 36) concern various aspects of religion.

Hemina's interest in religious matters perhaps takes on added significance in view of the redating of his history's composition to the third quarter of the second century B.C.; for at about the same time at least one pontiff is known to have written a Roman history, and works on pontifical law were being written for the first time as well. Num. Fabius Pictor, the grandson or great-grandson of Rome's first native historian, wrote both a Roman history in Latin and at least 16 books on pontifical

⁴⁴F 22 concerns the *interregnum* between Romulus and Numa, F 16 concerns Mucius Scaevola's attempted murder of King Porsenna, and F 21 concerns the arming of the proletariat in 280 B.C., whereas F 11 concerns Romulus and Remus' foundation of the cult of the *Lares Grundites*, FF 12-13 concern sacrificial regulations of Numa, F 14 concerns King Servius' establishment of the *nundinae*, F 15 offers an aetiology for the shameful origin of suicide during the reign of Tarquinius Superbus, F 18 concerns the decemviral origin of intercalation, and F 20 provides an aetiology for the *dies postriduanæ* in connection with the Roman defeat at the Allia in 390 B.C.

law.⁴⁵ Q. Fabius Maximus Servilianus, a pontiff and the consul of 142, wrote a Roman history,⁴⁶ and it was during the chief pontificate of P. Mucius Scaevola (130–115 B.C.) that the material of the *tabulae pontificum* was organized and consolidated into a pontifical chronicle of 80 books, the *Annales maximi*.⁴⁷

Although Hemina's history seems to have passed into obscurity by the end of the republic, a few of the fragments suggest that much of the information contained in the history was incorporated into the works of Hemina's immediate successors and thereby became part of the tralatian main-stream of the annalistic tradition, which culminated in Livy's history. Piso may have based his account of the discovery of Numa's books in 181 B.C. at least in part upon F 37 of Hemina. Macrobius cites Hemina together with Cn. Gellius for the explanation of the *dies postriduanæ*, thus suggesting that Gellius' account was derived from Hemina.⁴⁸ We have already seen how the thought and wording of Hemina F 22 concerning the *interregnum* between Romulus and Numa have their Livian equivalent whose wording even closely resembles Hemina. If Hemina was the originator of this sentiment, this would be a clear demonstration of the tralatian nature of the annalistic tradition linking Hemina and Livy. A similar parallelism exists between F 38 of Hemina and Livy's history as well.⁴⁹ It is likely that Livy never read Hemina's history, but it is equally probable that Livy's history has indirectly absorbed some of its content.

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⁴⁵Cic. *Brutus* 81: *Numerius Fabius Pictor et iuris et litterarum et antiquitatis bene peritus*. For Numerius as the correct reading of the text see E. Badian's review of M. Gelzer, *Kleine Schriften* (Wiesbaden 1964) in *JRS* 57 (1967) 216–230, at 228, and G. V. Sumner, *The Orators in Cicero's Brutus: Prosopography and Chronology* (Toronto 1973, *Phoenix* Supp. 11) 43. Cf. Crawford (above, n. 20) 291–292, no. 268. For the fragments see Peter 114–116. For discussion of these two works and their author see Peter lxxvii–lxxx and clxiv–clxxvi and Münzer, "Fabius (128)," *RE* 6 (1909) 1842–44.

⁴⁶For his fragments see Peter 117–118. Macrobius (*Sat.* 1.16.25) cites him as a pontiff.

⁴⁷Cic. *De or.* 2.52 and *Serv. Auct. ad Aen.* 1.373. For Scaevola's dates as *pontifex maximus* see Broughton *MRR* 1.503 and 532. I cannot agree with recent attempts to date the *Annales maximi* to the time of the Social War (Robert Drews, "Pontiffs, Prodiges, and the Disappearance of the *Annales maximi*," *CP* 83 [1988] 289–299) or the Augustan age (Bruce W. Frier, *Libri Annales pontificum maximorum* [Rome 1979] 27 ff.). I hope to address this issue in a forthcoming book on Calpurnius Piso.

⁴⁸Hemina F 20 = Cn. Gellius F 25 = Macrobius *Sat.* 1.16.21 ff.; cf. Livy 6.1.4 ff. for the same explanation in the same historical context.

⁴⁹F 38 = *Serv. Auct. ad Aen.* 1.421: *Cassius Hemina ita docet: "Sinuessae magalia addenda murumque circum ea . . ."* Cf. Livy 41.27.12: *et Sinuessae maga[lia addenda] . . . aviariae in his et clo[acas faciendas et mur]um circumducen[dum] et forum porticibus tabernisque claudendum et Ianos tris faciendos.*