

L. AXIUS NASO AND *PRO LEGATO*

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TEN YEARS AGO A NEW INSCRIPTION WAS DISCOVERED at Córdoba which gave the *cursus honorum* of a L. Axius Naso. This inscription, and another, also from Córdoba, dedicated to the same man, were first published by A. M. Vicent in 1973.¹ Subsequently C. Castillo discussed the two inscriptions. She threw much light on the contents, but left a number of problems unresolved.² Not only can these inscriptions be dated fairly closely; they also offer new information on the senator L. Axius Naso, and on the supposed office "pro legato."

The two inscriptions are as follows:

*L(ucio) · Axio · L(uci) · f(ilio) · Pol(lia tribu) · Nasoni
q(uaestori) trib(un) · milit(um)
proleg(ato) · X̄vir(o) · stlit(ibus) · iud(icandis)
vicani · vici · hispani*

*L(ucio) · Axio · L(uci) · f(ilio) · Pol(lia tribu) · Na[s]o[ni]
q(uaestori) trib(un)
militum · pro · leg(ato)]
X̄ · vir(o) · stlitibus · iud(icandis)]
vicani
vici forensis.*

The *cursus* of Naso, well underway as he was honored by the Cordubenses, is given in descending order: he was first *decemvir stlitibus iudicandis*, then *tribunus militum pro legato*,³ then *quaestor*.⁴ Castillo supposed *tribunus militum* and "pro legato" to be two distinct offices.⁵

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¹A. M. Vicent, "Situación de los últimos hallazgos romanos en Córdoba," *XII Congreso Nacional de Arqueología* (Jaén, 1971) (Zaragoza 1973) 673–680, especially 676–677 with plates 11 and 12 (hereafter "Vicent").

²C. Castillo, "Hispanos y Romanos en Corduba," *Hispania Antiqua* 4 (1974) 191–197. Cf. R. Contreras, *Marco Claudio Marcelo, Fundador de Córdoba* (Córdoba 1977) 390–394. These works will also be cited by author's name, as will J. F. Rodríguez Neila, "Consideraciones sobre el concepto 'vicus' en la Hispania romana. Los 'vici' de Corduba," *Corduba* 1 (1976) 101–118; J. Šašel, "Pro legato," *Chiron* 4 (1974) 467–477.

³These two words are variously written in inscriptions *prolegato* and *pro legato*. For the sake of consistency, they will always be given here as two words.

⁴At the outset it should be noted that this quaestorship must be a Roman, not a local office. The nature of the senatorial *cursus* makes this clear.

⁵Castillo 195. I shall use "pro legato" as a convention to indicate the supposed inde-

However, the order of the offices in the retrograde inscription is against this: had it been so, the *cursus* would surely have had to run *quaestor*, "pro legato," *tribunus militum*, *decemvir stlitibus iudicandis*. Naso could conceivably have been "pro legato" before *tribunus militum*, but such an order of offices is unattested and intrinsically highly unlikely. This can be demonstrated by a summary of the *cursus* of other men evidenced as *pro legato* under the Julio-Claudians and a comparison of Naso's *cursus* with it (see list at end, 2-7⁶). From such a comparison it is evident that the title or position of *pro legato* is only found associated with men who have held some administrative or military post previously, or who were holding one contemporaneously. Naso is even unusual in holding his tribunate *pro legato* without previous military experience. This happens only in one other *cursus* (see list, 6), and here also a man who later became a senator is *tribunus militum pro legato*. It might be legitimate to assume that, as a man anticipating the senatorial status, Naso was put into such a position of responsibility before an equestrian normally would be. At any rate, the comparison with other *cursus* makes it unlikely that Naso was first "pro legato" and then *tribunus militum*. Aside from his being *pro legato*, it is evident that Naso's *cursus* follows the usual pattern for a young man with senatorial aspirations under the empire.⁷

The date of Naso's *cursus* can probably be determined. The stones themselves, presumably dedicated at or near the time of Naso's service, cannot be independently dated. The archaeological context of the finds as reported is unhelpful. Vicent provides no context for the *forensis* inscription (677). She states that the *hispani* inscription was found at a depth of two meters and was (supposedly) associated with materials of the second century A.D. In fact, no useful account of an archaeological context has been published. Apparently this piece, as is the case with so many others found at Córdoba, was salvaged from a construction site with no real opportunity allowed to archaeologists to determine the exact archaeological context. Vicent's suggestion of a second-century date really seems to hinge not on archaeological context but on her analysis of the letter forms, which she originally attributed to the second century

pendent office and *pro legato* elsewhere. Subsequent discussions of these inscriptions also treat "pro legato" as an office: Rodríguez Neila 111; Contreras 389.

⁶These six men form a sub-group of early officers *pro legato*, drawn from the list of all men with an office held *pro legato* at Šašel 470-471. It will be noted that in Šašel's list, numbers 6-8, three other men are listed as early *pro legati*, who are not in the present short list. The reason is that in order to form a group strictly comparable to Naso I have eliminated the three early men *pro legato* for whom it is not indicated what previous office, if any, they held. The short list, therefore, does not intend to present all early *pro legati*, but rather only those whose careers are specifically comparable to Naso's.

⁷Cf. E. Birley, "Beförderungen und Versetzungen im römischen Heere," *Carnuntum Jahrbuch* 1957, 3-20; W. Eck, "Beförderungskriterien innerhalb der senatorischen Laufbahn, dargestellt an der Zeit von 69 bis 138 n. chr.," *ANRW* 2.1 (Berlin 1974) 158-228.

A.D.⁸ However, she now states that the letters probably date from the first century A.D.⁹ In fact the letter forms are not such that they can be firmly dated with more precision than "first-second century A.D." although an early imperial date seems on the whole more likely to me.¹⁰ Other internal evidence does not aid much in dating. The full form of the name allows an early imperial date although once again examples of such full and official onomasty can be found later as well. The abbreviations are within usual limits of variance and would be expected in an early imperial inscription.

Administrative evidence points to such an early date. The *cursus* is similar to the *cursus* in 6 except that Quadratus held an urban quaestorship while we may suppose that Naso held a provincial quaestorship since the inscriptions were dedicated by Spaniards in Corduba. Unfortunately, 6 is not internally datable and its date must depend, like Naso's, on similarities to 2-5, 7. 7 is the only one securely datable from data on the stone itself: Nero's *tr. pot.* XIII puts the dedication in A.D. 65/66. Lucretianus, the dedicant, held the prefecture in the Balaric Islands *pro legato* the year before, as reference to the consulship of A. Licinius Nerva shows. However, this inscription may be later than 2-6: here, as in all subsequent references to *pro legato*, the person *pro legato* is specified not only with regard to office (e.g., *praefectus*, *procurator*), but also with regard to geography (e.g., *insularum Balarum, provinciae Syriae*).¹¹ The "non-geographically specified" *pro legato* duties such as Naso's are, therefore, to be dated earlier.

When the Corduban inscriptions were set up, Naso had advanced only

⁸Contreras 390. He states "La fecha de ambas dedicaciones, en opinion de A. Maria Vicent, es el siglo II d.J.C., lo que deduce del tipo de letras en ambas inscripciones y del contexto de otras piezas aparecidas en los alrededores de la primera inscripción . . ." Vicent gives the depth, without details. The vague nature of the archaeological context ("context of other pieces which appeared nearby") does not inspire confidence. In personal discussion (1980) with A. Marcos I was told that he and Vicent now hold to a first century A.D. date.

⁹Rodríguez Neila, 112 n. 57, reporting a personal communication from Vicent.

¹⁰Supralineal "T" exists in both centuries; open and closed "P" likewise. The forms of the letters in the *Hispani* text approximate what E. Hubner, *Exempla Scripturae epigraphicae Latinae* (Berlin 1888) LXXX and n. 135 calls "Claudian," but the "Q" is definitely "un-Claudian" to judge by its tail. The lack of available comparative material from Corduba and Baetica make assertions about letter-form dates especially hazardous. At least the examples from Rome in A. E. and J. Gordon, *Album of Dated Latin Inscriptions* (Berkeley 1958-65) and the dated inscriptions in G. Alföldy, *Die römischen Inschriften von Tarraco* (Berlin 1975) (list, 470) show that a date early in the empire is likely, if not absolutely demonstrable from the letter forms alone.

¹¹By the third century there was no longer possibility of confusion, so the geographical descriptor was generally dropped. Cf. Šašel's list, 16-20. Šašel 8 (*AE* 1924.66) was dedicated at Volubilis, but at a date (A.D. 44/5) which preceded the normal use of geographical descriptors. A later dedication by such a man would probably have read *procurator Augusti pro legato provinciae Mauretaniae Tingitanae* instead of (as here) merely *procurator Augusti pro legato*.

to the quaestorship. He may well have gone on to greater things—such as a proconsulship in Cyprus. Now that it seems at least plausible from general considerations that Naso served his *cursus* early in the empire, identification of him with L. Axius Naso, proconsul in Cyprus in A.D. 29, is very tempting indeed.¹² At least fifteen years would elapse between the beginning of a career and such a proconsulship:¹³ Naso would therefore probably have begun his career about A.D. 14, perhaps finding himself in Corduba as quaestor in Baetica in about A.D. 19.

These two new inscriptions also shed some light on the status of officials who appear *pro legato*. As Šašel's table shows, only two men with senatorial ambitions had previously been attested as *pro legato*, Quadratus Maesianus Celsus (our 6 = Šašel 5) and Larcus Priscus (Šašel 10 = *CIL* 8.17891 = *ILS* 1055). Priscus represents something of an anomaly as a substitute for a specified *legatus Augusti pro praetore*, the only epigraphical instance in which we are told exactly which *legatus* the *pro legato* was standing in for. Celsus has been viewed as unusual as well: Šašel practically ignores him, and only alludes in passing to cases such as his in the last sentence of his article (477). The case of Naso suggests that it was not abnormal for persons of senatorial prospect to act *pro legato*. Now, fully a third of attested junior officers acting *pro legato* in the first century is senatorial. Very probably other senators *pro legato* will appear and strengthen the supposition that junior officers of either *ordo* could normally serve *pro legato*.

The attested uses of the term *pro legato* are not wide-ranging. There are perhaps at least three common usages for the term. First, and most generally, junior officers of legions or administrative officers under a provincial legate must have been charged frequently as deputies of the *legatus* with carrying out tasks. Second, a man could take the place of a *legatus* during the legate's temporary absence. In this case, the man *pro*

¹²Cf. Castillo 194–196; *IGR* 3.933; *PIR*² A.1691. The Axius at *CIL* 3.248 (cf. *PIR*² A.1686) is probably a *cognomen*, not a *nomen*, and has nothing to do with Axius Naso. The L. Axius L.f., *monetalis* in 71 B.C., may be an ancestor. (On the date, see M. H. Crawford, *Roman Republican Coinage*. [Cambridge 1974] 411–412.) The Naso who was proscribed in 43 B.C. (Appian *BC* 4.107) is too shadowy to be of use. Perhaps the *eques* L. Axius mentioned by Varro *RR* 3.7.10 (story repeated in Pliny *HN* 10.53.110) is a relative, however. The Q. Axius, friend of Cicero's and Varro's, must be ruled out: not only is the *praenomen* wrong, but the tribe as well, for Axius was a *contribulis* of Varro's (*RR* 3.2.1), who came from Reate and so presumably was from *Quirina tribus* (W. Kubitschek, *Imperium Romanorum descriptum*. [Vienna-Leipzig 1889] 55). Drawing relations to any other known Axii would involve pure speculation. On all of this cf. Castillo 194–195.

¹³The usual minimum age for the quaestorship was 25, for the praetorship 30, and at least five years elapsed as a rule before a proconsulship was held. However, variations of one or two years were quite common. Cf. R. Syme, *Tacitus* (Oxford 1958) 652–653 and, on the age for the quaestorship, G. V. Sumner, "Germanicus and Drusus Caesar," *Latomus* 26 (1967) 422–426.

legato would exercise all the powers of the legate. This situation, too, probably obtained frequently. The clearest inscriptional attestation comes in *ILS* 1055 (Šašel 10). Here Larcius Priscus as *legatus Augusti legionis IIII Scythicae pro legato* is in fact standing in for the *legatus Augusti pro praetore* in Syria. Priscus commanded no detachment as minor officers *pro legato* might do; rather, he took the place of the *legatus Augusti in toto*.¹⁴ In Tacitus *Annales* 15.28 we have another example of such a *legatus pro legato*. The third type of official *pro legato* occurs when the power is derived only from a nominal *legatus* and becomes permanently attached to a particular office. Thus the prefects of Mauretania *pro legato* probably were not subordinate to an actual *legatus* in Africa or Rome, but still were viewed as holding only derived powers. Naso, as *tribunus militum pro legato*, fell into the first-mentioned category: he was a military tribune detailed by his legate and sent, with powers *pro legato*, to do a specific (but, alas, here unspecified) task.

Although Naso's inscriptions do not present a new type of activity *pro legato*, they do help elucidate the nature of the term. Šašel follows Pflaum in separating the junior post (e.g. *praefectus equitum*) from the office "pro legato."¹⁵ Domaszewski preferred to connect the adjectival *pro legato* to another office.¹⁶ The new inscriptions strengthen Domaszewski's case. In six instances previously known (2-7), two clearly show the appellation *pro legato* attached to the subordinate post (2, 7). In the case of 6, the senatorial officer, the analogy with the Naso inscriptions (where indubitably *pro legato* goes with *tribunus militum*) compels the conclusion that here as well *tribunus militum* and *pro legato* are not two distinct offices. This leaves 3-5 to be analyzed. Is there any reason to believe that these depart from the pattern of 2, 6, and 7? 4 particularly seems directly analogous to 2—*praefectus equitum pro legato* in one case, *tribunus militum pro legato* in the other. 3 and 5 are more problematic: in 3 the "praef. fabr. II pro leg. II" seems to indicate two offices, as might the "praef. fabrum . . . et pro legato" of 5. In the first case, however, epigraphic shorthand is the cause of the difficulty. In 3 Montanus means that he was twice with *pro legato* powers in the course of his career as *tribunus militum*, *praefectus equitum*, and *praefectus fabrum*. To have written this out would have greatly lengthened the *cursus: exempli gratia*: "tr. mil. V tri. mil. pro legato praef. equit. praef. fabr. praef. fabr. pro legato." Such repetition would have caused problems of space and additional expense. In 5 matters are even more difficult because there is a lacuna

¹⁴The fact that Larcius was standing in for the imperial legate is clarified by the terminology used in the *cursus* of Iavolenus Priscus (*ILS* 1015, add.). Priscus is recorded as *legatus consularis provinciae Syriae*, a post probably held in A.D. 97.

¹⁵Šašel 470-471 nn.3, 4; H.-G. Pflaum, *Les procurateurs équestres sous le Haut-Empire romain* (Paris 1959) 130 and n.5.

¹⁶A. von Domaszewski, *Die Rangordnung des römischen Heers*,² rev. by B. Dobson (Cologne 1967) 127 n.30, 128.

on the stone between *praef. fabrum* and *et pro leg.* Mommsen proposed [*proc. Aug.*], while more recent scholars have opted for [*praef. eq.*].¹⁷ Although 5 is the most doubtful of the cases in 2–7, the existence of an independent office “pro legato” is questionable, and unlikely in the light of the cumulative evidence of 2–6 and the Corduban inscriptions.

However, *ILS* 105, a milestone from Sardinia (Šašel 6 = *ILS* 105), seems to enforce the argument for an office “pro legato:”

*imp(erator) Caesar / August(us) divi f(ilius) / pater patriae / pontifex
maximus / trib(unicia) potestat(e) XXXVI / obtinente T(ito) Pompio /
[P]roculo / pro leg(ato) / X*

(A.D. 13/14).

Sardinia had recently been transferred to Augustus’ control because of disturbances on the island.¹⁸ Pflaum and Meloni use this inscription to show that a “pro legato” was put in charge of the island.¹⁹ This is almost certainly not the case. Dio uses the term *στρατιάρχης* to describe the official in charge, and notes his equestrian status (55.28.1). Both Pflaum and Meloni use Dio as evidence for the equation of “pro legato” and *στρατιάρχης*. There is no reason to do so. *στρατιάρχης* / *στρατιάρχος* is used by Dio to indicate generally a “*dux militum*.”²⁰ Dio, therefore, tells us that equestrian officers in command of troops were sent to Sardinia. Indeed, two *praefecti* appear there in three inscriptions, two securely dated to A.D. 46, the other of uncertain date. These inscriptions tell us that the equestrian officers were called *praefecti*.²¹ Meloni’s attempts to separate these prefects from the “pro legato” of *ILS* 105 are ill-conceived: his main argument involves a denial that a *praefectus* could command troops, but the obvious solution to this problem, that Pompius Proculus was a *praefectus pro legato* and so capable of commanding troops, does not present itself to him.²² In fact it is *ILS* 105 which indicates that the Sardinian commander held his office of prefect *pro legato*. In *ILS* 105 appears, therefore, a (*praefectus*) *pro legato*, one of a number successively sent to Sardinia to put down unrest and maintain order. The reason why Pompius put *obtinente* . . . *pro legato* on the stone is perhaps discernible

¹⁷T. Mommsen *ad CIL* 5.7370; von Domaszewski *ibid.*; Pflaum *ibid.*; Šašel 470.

¹⁸Dio 55.28.1; P. Meloni, *L’amministrazione della Sardegna da Augusto all’ invasione vandalica* (Rome 1958) 12 ff.

¹⁹Meloni *loc. cit.* 13–15; cf. P. Meloni, *La Sardegna romana* (Sassari 1975) 130. H.-G. Pflaum, *Les carrières procuratoriennes équestres sous le Haut-Empire romain* (Paris 1960) 10.

²⁰H. J. Mason, *Greek Terms for Roman Institutions* (Toronto 1974) 87.

²¹Meloni (above, note 19) 15–20, 184–185. The inscriptions are *AE* 1921.86 (undated, but perhaps late Augustan to early Tiberian) and *EE* 8.744 with *AE* 1893.47 (dated by Claudius’ titulature to A.D. 46).

²²Meloni *ibid.* It has been pointed out to me that *obteneo* should mean, in the context of this inscription, “held military control” over Sardinia (cf. *OLD* s.v., definition 4). “Pro legato” emphasizes the specific origin of that control.

in Dio's account: the peculiarity is that an equestrian was sent with power to command troops, and so the special power (*pro legato*) not the normal post (*praefectus*) is inscribed on the stone.

Other officials who are termed *pro legato* (Šašel no. 7, 8, 11–20) offer less difficulty.²³ In no case is the *pro legato* without an accompanying office. In the case of Q. Caicilianus, *procurator Augustorum et pro legato provinciae Raetiae et Vindelicae et Vallis Poeninae* (Šašel no. 7 = CIL 5.3936 = ILS 1348), the separation of *pro legato* from the office is no evidence of separate offices, rather only of a different manner of expressing the amplification of an office by the addition of the powers *pro legato*: this conclusion arises from a glance at the other examples of *procurator pro legato* where, in Šašel's examples 8, 11–20, the two designations always are united.²⁴ The addition of *et* in Šašel 7 is merely an early manner of describing the office *procurator pro legato*: the Caicilianus inscription dates to ca A.D. 37–44, while the later terminology appears in the inscriptions of A.D. 44–245 (Šašel 8–20). Closely related to the *procurator pro legato* terminology is the *praeses pro legato* of Šašel 17. Here too only one office is to be understood.²⁵ In Šašel 13–14 the order of citation is reversed and a *pro legato et praefectus* appears in lower Dacia. This is an unusual, special office, unlike *procurator pro legato*, and probably instituted on a temporary basis to meet a military need.²⁶ This circumstance perhaps explains why the additional powers *pro legato* are stressed instead of the regular office, *praefectus* (cf. the discussion of Šašel 10, above). The designations with *et* are only deviations from the normal position of the term *pro legato*, i.e., following the modified office, and do not represent evidence of a separate office "pro legato."

The two recently published Corduban inscriptions have led to a number of observations. L. Axius Naso's career can be elucidated, as well as aspects of the concept *pro legato*. Specifically, a review of the evidence in combination with the new material leads to the conclusion that no distinct office "pro legato" existed under the empire. This conclusion compels in particular some revision in thinking concerning the administration of Sardinia during the early empire.

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²³Information on these persons is found in Šašel's list. Šašel 10 (ILS 1055) can be rejected as evidence of an office "pro legato:" as noted above, Larcus Priscus was a *legatus pro legato*, i.e., he was a legate of a legate with full powers. He was not a "pro legatus."

²⁴Šašel no. 13 repeats this same manner of amplification when AE 1946.113 notes T. Flavius Fronto as *prolegatus et praefectus provinciae Daciae inferioris*. Subsequently Fronto was *procurator pro legato provinciae Mauretaniae Caesariensis* and the titulature is expressed in the traditional manner.

²⁵C. Julius Maximinus, *praeses prolegatus*: L. Chatelain, *Inscriptions latines du Maroc* (Paris 1942) no. 41 (A.D. 223–235).

²⁶Cf. Pflaum (above, n.20) 377 and note 25 above.

Cursus of junior army officers recorded as *pro legato*²⁷

1. L. Axius L. Xvir stlit. f.Pol.Naxo iud.	<i>trib.milit.</i> <i>pro legato</i>	quaestor	Vicent 1973 p. 676-77. Date: c. A.D. 19 (?)
2. [L.] Tit[ini]us L.f. Aem. Sulpicianus	[po]ntif. L.f. Aem.	praef. pro IIvir et II vir quinq. praef. fabr. II	<i>tr.mil.pro</i> <i>legato</i> et praef. <i>CIL</i> 3.605 = <i>ILS</i> 2678. quinq. Date: Augustan
3. T. Iunius tr.mil.VI D.f. Ani. Montanus	praef. equit. VI	<i>pro leg.II</i> ²⁸	Šašel no. 3. Date: Augustan
4. P. Baebius trib.mil. a P.fl.Pob. populo Tuticanus	<i>praef.eq.</i> <i>pro leg.</i>	IIIIVir	<i>CIL</i> 5.3334 = <i>ILS</i> 2677. Date: Augustan
5. [I]lis [...] [trib.] milit. [anus [...]]	praef. fabrum <i>tribun.</i> <i>milit.</i>	IIvir II	<i>CIL</i> 5.7370. Date: Augustan
6. Qu[ad]ratus Xvir Maesianus [st]litib. Celsus ²⁹ iudic.]	<i>pro legato</i> IIvir IV	augur	<i>CIL</i> 10.4749. Date: A.D. 1-50
7. L. Titinius flam. L.f. Gal. Romae et Lucretianus Aug.	p(atronus) c(oloniae)	sevir eq.R. curio	praef. tr.milit. <i>praef.[pro tr.mil.</i> fabr.cos. leg. XXII <i>legato</i> leg. VI Primig. <i>insular.</i> Victrici[s] <i>Baliarum</i>
			<i>CIL</i> 11.1331 = <i>ILS</i> 233. Date: A.D. 65

²⁷The *cursus* are always given in ascending chronological order here, although number 1, the Naso inscriptions, appears in retrograde order on the stones. The local offices are given in the order in which they appear on the stone: such offices are not necessarily recorded in chronological order. Abbreviations are as they appear in the originals; dates are according to Šašel 470-471. A full list of other, later, men *pro legato* appears in Šašel's table. For an explanation of the rationale used in assembling this list see note 7 above.

²⁸*Pro legato* refers to powers held in conjunction with two of the fourteen posts held in this career. See above page 138.

²⁹In Šašel's list, no. 5, no name is given for the man possessing this *cursus*. However, Celsus is attested on the stone (*CIL* 10.4749).