

III.—Notes on Roman Magistrates

I. The Command of M. Antonius in Cilicia II. Lucullus' Commission and Pompey's Acta

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I

This note is summarized in the final paragraph.

The evidence for the Cilician command of M. Antonius,¹ the great orator of Cicero's youth and grandfather of Mark Antony, is fragmentary, and for the most part late and obscure. Little more therefore has emerged than the existence of the command, which is most probably to be dated to his praetorship in 102 B.C.,² and was successful enough to merit a triumph.³ This command, moreover, marked Rome's first effort to curb the Cilician pirates and the first step toward the establishment of the province usually called Cilicia.⁴ We possess in Cicero (*De Or.* 1.82) a reference to his visit to Athens while on his way to Side, an inscriptional epigram in his honor, which was found in the course of the excavations at Corinth,⁵ and the names of some of his officers, the quaestors, C. Norbanus⁶

¹ *CIL* 12.2.2662; *IGRP* 4.1116; Cic. *De Or.* 1.82; 2.2; Liv. *Per.* 68; Obseq. 44; Trogus, *Prolog.* 39; Plut. *Pomp.* 24.6; Cic. *Leg. Man.* 33; and *Inscr. de Délos* 4.1, no. 1700.

² The date is given by Liv. *Per.* 68 and Obseq. 44. He is termed *praetor* in Liv. *Per.* 68 but *pro consul* in Cic. *De Or.* 1.82, and *CIL* 12.2.2662; and *σπαραγὸς ἀνθύπα- [ρος . . .]* in *IGRP* 4.1116. See Taylor and West, *AJA* 32 (1928) 19 f.; Holleaux, *ΣΤΡΑΤΗΓΟΣ ΠΙΛΑΤΟΣ* (Paris, 1918) 31 ff., 56 ff.; and *REA* 19 (1917) 83–90; and Ormerod, *Piracy in the Ancient World* (London, 1924) 208.

³ He is mentioned in Plut. *Pomp.* 24.6 as a *θριαμβικός ἀνὴρ*, whose daughter was captured by pirates; cf. Cic. *Leg. Man.* 33.

⁴ On the beginnings of this province, cf. Strabo 10.3.2 and 5.2; App. *Mith.* 17, 20, and 77; *BC* 1.77; Athen. 5.213A; Gran. *Lic.* 35B; and Auct. *Vir. Ill.* 75; and, most recently, the discussion by R. Syme in *Anatolian Studies in Honour of W. H. Buckler* (Manchester, 1939) 299 f.

⁵ *CIL* 12.2.2662; see *AJA* 32 (1928) 1 ff.

⁶ Cic. *De Or.* 2.197–202; cf. App. *BC* 1.91. Norbanus returned to Rhodes to escape from Sulla and killed himself there. See below, note 14; and on Norbanus' career in general, Münzer, *Hermes* 67 (1932) 220–236.

and A. Gabinius,⁷ a legatus pro praetore, (C. Lucilius?) Hirrus,⁸ and a prefect, M. Gratiidius.⁹ But we remain uninformed regarding the course of his campaign or campaigns — for discussions heretofore have assumed that there was only one — the term of his command, and the date of his triumph. A passage of Cicero, hitherto unnoticed and unevaluated, sheds a little more light upon our darkness.

In his speech *Pro C. Rabirio perduellionis reo* in 63, Cicero includes Antonius in a list of distinguished men, since deceased, who were as culpable as Rabirius, if bearing arms against Saturninus was a capital crime. His phrase is "M. Antonium, qui tum extra urbem cum praesidio fuit." The date is fixed with certainty by a passage of Appian (*BC* 1.33): it was December 10, 100 B.C., the day the new tribunes took office. How did M. Antonius, who was already consul-elect (*App. BC* 1.32), come to be in charge of military forces outside the city and thus available for its protection? It is conceivable that Marius, having decided to obey the *Senatus Consultum Ultimum* and resist Saturninus, had made him his legate and stationed him there, but a more suitable place for the consul-elect was with the other senators and near the chief point of disturbance within the city; nor does the general course of his career indicate that he was closely associated with Marius. An analogy from the year 63 B.C. provides a more reasonable explanation: Marcius Rex and Metellus Creticus were both outside of Rome in the autumn of that year waiting for permission to celebrate their triumphs, still in possession of proconsular imperium and military forces.¹⁰ Both were sent by the senate to face external dangers, Metellus to Apulia and Marcius to face Manlius in Etruria. Similarly, Antonius had most probably returned from his Cilician command, and was waiting outside the city to celebrate his triumph, at the time when the disorders broke out; and thus was available

⁷ *IGRP* 4.1116. Foucart (*Jour. des Savants* 1906, 576) has shown that Gabinius served under M. Antonius the orator, not his son M. Antonius Creticus; but cp. *SIG*³ 748, note 15. See below, note 15.

⁸ *CIL* 1².2.2662; see Taylor and West, *AJA* 32 (1928) 17 ff., and West, *AJPh* 49 (1928) 240–253. West believes that he was the heir to the poet and the grandfather of Pompey's relative and associate, the tribune of 53 B.C. On the gens, see Cichorius, *Röm. Stud.* (Berlin, 1922) 67–70.

⁹ *Cic. Brut.* 168; cf. *Leg.* 3.36; *De Or.* 2.265; *Schol. Bern.* on Lucan 2.173 (p. 61, Usener).

¹⁰ *Sall. Cat.* 30.3–5; 33.1–34.1.

with a protecting force. His position as consul-elect¹¹ is no objection to this view, since candidacy in absence was frequent in this period. Moreover, Cicero elsewhere (*Phil.* 3.38) uses the word *praesidium*^{11a} of regular military forces under a proconsul which can be used to protect the government.

The Cilician command of Antonius therefore extended from 102, the date of his praetorship,¹² until late in 100, and almost certainly comprised more than one campaign. This conclusion is supported by two slight indications in the evidence already referred to above, and permits a slight revision in the dating of the Corinth inscription. First, the fact that he had two quaestors¹³ suggests that they may have held office in different years. At a moment when Rome's greatest forces were massed against the Cimbri and the Teutoni it is unlikely that Antonius was assigned more than one quaestor in any one year. We are not told the exact year of Norbanus' quaestorship,¹⁴ but he served under Antonius and is excluded from the period after 100 by the latter's decision to remain in Rome during and after his consulship. The year 102 seems a reasonable time for Norbanus, after his stormy tribunate in 103, to leave Rome under the command of an influential and helpful patron; but 101 and 100 are also possibilities. Second, the other quaestor, Gabinius,¹⁵ is named in a Rhodian inscription. In this his commander, who is unmistakably M. Antonius the orator, is entitled not praetor, the magistracy in which he entered upon his command,

¹¹ There apparently existed no legal prohibition of candidacy in absence until after 63 B.C. (Cic. *Leg. Agr.* 2.24; Mommsen, *Staatsrecht*³ 1.503, note 3).

^{11a} Note also the formula used when Philippus moved the Senatus Consultum Ultimum against Lepidus (Sall. *Hist.* 1.76.22 M): uti Appius Claudius interrex cum Q. Catulo pro consule et ceteris, quibus imperium est, urbi praesidio sint operamque dent, ne quid res publica detrimenti capiat.

¹² See note 2.

¹³ See notes 6 and 7.

¹⁴ At Norbanus' trial under the Lex Appuleia de Maiestate in 94, Antonius explained his decision to defend the former associate of Saturninus by the close bond between a commander and his quaestor (Cic. *De Or.* 2.107, 109, 124, 188, 197-203; *Part. Or.* 104 f.; *Balb.* 28; cf. Auct. *ad Herenn.* 1.24; Val. Max. 4.7.3 and 6.9.13; Gran. Lic. 21b). Since Antonius remained in Rome during his consulship in 99 (Cic. *De Or.* 3.10), and is not known to have held provincial command after it, his association with Norbanus is to be dated earlier. On Norbanus' career, see Münzer, *Hermes* 67 (1932) 220 ff., esp. 223-229, and Lenglé, *Hermes* 66 (1931) 302 ff., esp. 308 f. These favor placing his tribunate in 103 and his quaestorship in 102, which Münzer considers the only date because he has not observed the length of Antonius' command. 101 and 100 now appear as possible dates, and obviate the difficulty, if it is a difficulty, that the quaestorship in 102 would have begun five days before the end of the tribunate. For an opposing view, see Niccolini, *Fasti dei Tribuni della Plebe* (Milan, 1934) 211 ff.

¹⁵ See notes 2 and 7.

but proconsul (στρατηγὸς ἀνθύπα[τος . . .]), the title given him in Cicero and the inscription from Corinth. In my view this title also suggests that his command lasted more than one year.

The point here raised would lead us far beyond the scope of the present note. It raises the question of the validity of the title *praetor pro consule*, and the extent to which a praetor in office was likely to be given *imperium pro consule* before the prorogation of his command. The title *praetor pro consule*¹⁶ depends upon two bodies of evidence. The first is the assumption that the Greek title στρατηγὸς ἀνθύπατος is a translation of *praetor pro consule*. However the analogy of the Greek title for the consul, στρατηγὸς ὑπατος (later ὑπάτος), indicates that στρατηγὸς ἀνθύπατος probably stood only for the title *pro consule*; and Foucart and Holleaux¹⁷ have recognized that such is in fact its general use. The second consists of a small group of inscriptions¹⁸ of the late Republic in which the careers of the magistrates named are arranged in descending order: *praetor pro consule*, etc. All are rather obscure people who appear in the anomalous age of the civil wars, such as Caelius Vinicianus, and even in these cases it is not absolutely

¹⁶ The title is accepted by Mommsen, *Staatsrecht*³ 2.650, note 2; but Foucart (*RPh* 23 [1899] 261 f.) and Holleaux (*Hermes* 49 [1914] 584 f.; *REA* 19 [1917] 80 ff. and 159 ff.; ΣΤΡΑΤΗΓΙΩΣ ΤΗΛΑΤΟΣ [Paris, 1918] 43) consider that στρατηγὸς ἀνθύπατος is a translation of *proconsul* or loosely used of governors in general. See also *CIL* 12.2.781, and discussion there; and Magie, *De Romanorum iuris publici sacrique vocabulis sollemnibus in Graecum sermonem conversis* (Leipzig, 1905) 84.

¹⁷ See the works cited in note 16, esp. Holleaux; and note that the title is applied to Sulla, who can only be *pro consule* not *praetor pro consule* (*ILS* 8771). Holleaux believes that the term was also used loosely on occasion to include an *imperium pro praetore* (*REA* 19 [1917] 88, note 2, and 160, note 3).

¹⁸ The following inscriptions may contain the term *praetor pro consule*: *CIL* 12.2.761, L. Caecilius Rufus; 781, Caelius Vinicianus; 782, M'. Cordius; 837, Q. Sanguinius; *CIL* 6.1426, T. Mussidius Pollio; 9.331, Q. Articuleius Regulus; 10.1426, M. Nonius Balbus, cf. 1429, *procos.* only; 10.5056 and 5057, T. Helvius Basila. Of these, *CIL* 12.2.781 and 782, and 6.1466 list the offices in the career in the descending order but with *procos.* following *pr.* In the case of Caecilius Rufus (761) and probably of the early imperial legates (6.1466; 9.331; 10.5056 and 5057) the offices of praetor and proconsul were separate. Caecilius Rufus was praetor in Rome in 57 (Cic. *Post red. in Sen.* 22; *Mil.* 38; Ascon. 48c). Furthermore the separation of the offices is demonstrable in the Elogium of Julius Caesar's father (*CIL* 12, p. 199; *Inscr. Ital.* 13.2.75a), in the evidence relating to the father of Augustus (*CIL* 12, p. 199; *Inscr. Ital.* 13.2.75a; Suet. *Aug.* 3.1-2; 7.1; and 94.5; cf. Cic. *QF* 1.1.21 and 2.7; *Att.* 2.1.12; Vell. 2.59.1-2), who was praetor in Rome in 61 and proconsul in Macedonia from 60 to 58, and to Quintus Cicero (praetor in Rome 62; proconsul in Asia, 61-58). L. Gellius (praetor 94; cos. 72) is described as proceeding *ex praetura pro consule* (Cic. *Leg.* 1.53; cf. *SIG*³ 732) to his province in the East. Possibly the cases like Caelius Vinicianus are, as suggested above, anomalous, or, as I think more probable, still bound, in spite of the descending order, by the traditional view that considered the promagistracy a prolongation of the city magistracy.

certain that there should not be a comma as between two titles. Moreover, in the triumphal lists there are many ex-praetors who triumph *pro consule*, but none who triumphs as *praetor pro consule*. Cicero describes L. Gellius,¹⁹ praetor urbanus in 94, who immediately afterwards went by way of Athens to his province in the East, as proceeding *ex praetura pro consule*. Mommsen's list of persons who were termed *praetor* and *proconsul*²⁰ consists almost entirely of magistrates who held command more than one year. The exceptions are M. Antonius, whom we now see to be no exception at all, and Brutus and Cassius, who were the subjects of special enactments in 44 B.C.²¹ The indications therefore favor the view that a praetor who received a prorogued command frequently received upon proration the *imperium pro consule* but was unlikely to possess it during his praetorship. Accordingly, the title proconsul in the career of M. Antonius most probably refers to the second and the third year of his command.

There are three events attributed to the period of M. Antonius' proconsulate: his stay at Athens, his passage of the isthmus of Corinth and stationing of the fleet under Hirrus at Athens, and his collection of supplies at Rhodes. All three may now be dated in 101 or 100, perhaps preferably in 101. The fact that a victory over the pirates seems dated to 102 by Livy and Obsequens is not in contradiction, since his departure for Side without his fleet, as the epigram indicates it, implies that the way was already safe.²²

¹⁹ L. Gellius (Cic. *Leg.* 1.53, see note 18); C. Octavius (Suet. *Aug.* 3.1: *ex praetura Macedoniam sortitus*); cf. on Brutus, Cic. *Att.* 15.11.1: *ut omnino neque nunc ex praetura in provinciam ires*; and see note 20. On the other hand the terms *praetor* and *praetura* continued to apply to an ex-praetor who went to a province with *imperium pro praetore*; e.g. C. Sentius (Pr. urbanus, 94, *SIG*³ 732) governed Macedonia from 93 to 88 as praetor (Cic. *Pis.* 84; Liv. *Per.* 70; Oros. 5.18.30; cf. Plut. *Sull.* 11.4); and Verres served both a *praetura urbana* and a *praetura Siciliensis* (Cic. *Verr.* 1.34; 2.3.29). See Mommsen, *Staatsrecht*³ 2.240, note 5).

²⁰ *Staatsrecht*³ 2.648, notes 1 and 2, wherein the evidence regarding Q. Mucius Scaevola the consul of 117 is confused with the consul of 95 (Cichorius, *Untersuch. zu Lucil.* [Berlin, 1908] 88, 237–251; and Marx [1.xli] on Lucil. 2.89–95). On the governors of Spain, see *Acta Triumphalia*, and A. Klotz, *Hermes* 50 (1915) 481–536.

²¹ Cic. *Phil.* 2.97; 11.27; 13.31; Nic. Dam. 28; Plut. *Brut.* 19.2; *Ant.* 54.3; App. *BC* 3.29; Cass. Dio 47.21.1; cf. 45.32.4; 46.23.3; 47.21.1; 49.41.3; and see T. Rice Holmes, *Architect of the Roman Empire* (Oxford, 1928) 196 f.

²² Cic. *De Or.* 1.82; *CIL* 1².2.2662; *IGRP* 4.1116. The text of lines 3–6 of the epigram runs as follows:

Auspicio <Antoni Marc>i proconsule classis
Isthmum traductast missaque per pelagus.
Ipse iter eire profectus Sidam, classem Hirrus Athenis
pro praetore anni e tempore constituit.

Finally, we come to the date of his triumph. He was outside the city on December 10, 100, and took office as consul on January 1, 99. It is very probable that his triumph should be placed between these dates. A triumph, like that of Marius, on the first day of his consulship, would probably have left some record, or even one like that of Pompey, on the day previous to his entrance upon it.²³

To summarize, the passage in Cicero *Pro C. Rabirio perduellionis reo* indicates that the command of M. Antonius against the pirates in Cilicia lasted from 102 until late in 100, that he held a proconsular imperium in 101 and 100, and probably celebrated his triumph between December 10 and 29, 100 B.C. We may refer his stay at Athens, his passage of the Isthmus of Corinth, and the reference to him at Rhodes to the second or the third year of his command.²⁴ His title *pro consule* has a negative bearing upon the validity of the supposed title *praetor pro consule*, and probably refers to the second and third years of his command.

II

Pompey's attitude toward the senatorial commission sent to Lucullus and his own settlement of the East without such a commission determined the formal action of the Optimates in the Senate when he submitted his *acta* for confirmation in 61.

The Roman proconsul, Lucullus, upon driving Mithridates out of Pontus and capturing its cities and fortresses, reported his victory and his effective occupation of the country to the Senate in Rome, in the belief that the war was practically finished; and that body thereupon appointed a commission of ten senators to assist him in the organization of the new territory.²⁵ This procedure was based on old and well established precedents, which had been followed in 196 after the war with Philip of Macedon, in 189 after that with

²³ Marius in 104 and Pompey in 70; see *CIL* 12, pp. 177 f., and references there.

²⁴ H. S. Jones, in discussing the Lex Delphica de Piratis (*SEG* 3.278; *JRS* 16 [1926] 155-172), writes: "M. Antonius, by his successful campaign in Cilicia, had taken the first steps toward checking the prevalence of piracy, and the time had come [i.e. 100 B.C., under Marius and his supporters, Saturninus and Glaucia] for the consolidating of the gains which he had made." If Antonius' command lasted into 100, it is further evidence tending to place the passage of the law as late as possible within the year. Cf. Carcopino (*Mél. Glotz* [Paris, 1932] 1.117 ff.) who suggests the first two months of 100 B.C.

²⁵ Probably in 69, since the alliance with Machares and the capture of Sinope and Amasia had occurred by the autumn of 70 (Cic. *Att.* 13.6a; Plut. *Luc.* 24.1; 35.5 and 36.1; Cass. Dio 36.43.2 and 46.1; on the date, see T. Reinach, *Mithridates Eupator*, trans. Goetz [Leipzig, 1895] 349 ff. and 374.

Antiochus, in Macedonia and Illyria in 167, in Achaia and Africa in 146, in Sicily in 132, and doubtless on many other occasions;²⁶ and was an application of the principle, explicitly stated by Polybius (6.13.5–7), that management of the details of foreign policy remained primarily with the Roman Senate. There was also a practical advantage for the Roman commander: the agreement of the commission with his acts was an excellent guarantee that his final settlement would be confirmed by the government at home.

We know the names of only two members of Lucullus' commission, both of them persons, as Cicero admits, too closely related to Lucullus to be an effective check: his fellow-officer under Sulla, L. Licinius Murena, and his brother, M. Terentius Varro Lucullus;²⁷ but we are clearly told that all ten proceeded to Pontus, and in spite of the changed situation which they found upon their arrival engaged with Lucullus upon their task. Although Lucullus was superseded in Bithynia and Pontus in 67 by Glabrio,²⁸ who never arrived in Pontus to take over his command against Mithridates, he remained there and retained his imperium as proconsul. The commission was still in Pontus with him assisting in the formulation of edicts and regulations²⁹ when Pompey arrived in 66 to succeed under the Manilian law to the command. A clash immediately followed, for Pompey allowed Lucullus to bestow no more rewards and exact no more punishments. His regulations and edicts, made, according to Plutarch, in concert with the commissioners, were cancelled by counter-edicts from Pompey.³⁰ In a personal meeting

²⁶ See Willems, *Le sénat de la République romaine* (Louvain, 1878) 2.504 ff.; in 196, Polyb. 18.42 and 48–49; Liv. 33.24 and 35; in 189, Polyb. 21.24; Liv. 37.55; in 167, Liv. 45.17; *I. v. Olymp.* 321–324; in 146 in Greece, Polyb. 39.15; Cic. *Att.* 13.4.1; in 146 in Africa, App. *Lib.* 135; *Lex. Agr.* 111 (B.C.) §51; Cic. *Leg. Agr.* 2.51; in Sicily in 132, Cic. *Verr.* 2.2.32; in Asia in 133, Cic. *Flacc.* 75; Plut. *TG* 21.2; Strabo 14.1.38 (646c). Cassius Dio (39.25.1) has incorrectly interpreted the ten legates of his own choice granted to Caesar in 56 (Cic. *Fam.* 1.7.10; *Prov. Cons.* 28; *Balb.* 61) to mean a senatorial commission.

²⁷ See Cic. *Att.* 13.6a for the names; on the commission, see note 25. Murena was probably Sulla's officer, the elder Murena (Gelzer, *RE* s.v. "Licinius," no. 104, p. 395), rather than his son, the consul of 62, who was then a legate under Lucullus (Münzer, *RE* s.v. "Licinius," no. 123; cf. 122).

²⁸ Cic. *Leg. Man.* 5 and 26; a Lex Gabinia, Sall. *Hist.* 5.13 M; Plut. *Pomp.* 30.1; App. *Mith.* 90, governor of Asia; Cass. Dio 36.14.4, 17.1, 42.1–43.2; Eutrop. 6.9.3; *Schol. Gron.* 316, 319, 321, ed. Stangl.

²⁹ Plut. *Luc.* 35.5; 36.1; *Pomp.* 31.1; 46.3; Cass. Dio 36.46.1–2.

³⁰ Plut. *Luc.* 36; *Pomp.* 31 and 46.3; Cass. Dio 36.17.1 and 46.1–2; cf. Cic. *Mur.* 37 and 69. Strabo (12.3.33 [557–8c] and 5.2 [567c]) mentions one example of a reward given by Lucullus and cancelled by Pompey.

Pompey persisted in cancelling Lucullus' arrangements and in taking away his soldiers; quarrels led to personalities, such as the taunt that Pompey was a carrion bird who triumphed over victims that had been killed by others; and in the bitter mood thus engendered Lucullus and the commissioners departed to meet further attacks and humiliations at the hands of Pompey's supporters in Rome.³¹

The matter of the legal succession was undoubtedly irritating to Lucullus, but formed no proper occasion for a protest or a quarrel since it was secured by a valid law, the *Lex Manilia*. But Pompey had cancelled the arrangements made by the proconsul together with a regular senatorial commission, and treated their mandate as null and void, without authority for him. The mode and date of his appointment and the revival of Mithridates' power in Pontus provide strong practical arguments in favor of his stand; nevertheless he had flouted an important principle of senatorial government, which its supporters could hardly be expected to yield without a fight.

Pompey in his turn apparently carried through his reorganization of the East without benefit of the advice of a senatorial commission. If this was his mandate under the *Lex Manilia*³² his legal position was probably sound, since a law would override a senatorial decree. But we have no evidence that either the Gabinian or the Manilian law went beyond a definition of the terms and area of command, or that they exempted the acts of the commander from senatorial confirmation. In any case, upon Pompey's return to Rome in 61, he faced the Senate with the demand that his *acta* be ratified *en bloc*.³³ Doubtless if the faction opposed to Pompey had been in the mood to compromise — and Pompey did make some overtures, such as his proposal to marry into Cato's family and his praise of the *senatus auctoritas* he had so often disregarded³⁴ — agreement could have been secured either by amending a few details or, as Cary³⁵ suggests, by appointing a commission as a matter of form at this late date. The answer, however, was a

³¹ Plut. *Luc.* 37; *Cat. Min.* 29.3.

³² The question of Pompey's mandate under the *Lex Manilia* is raised by Marsh, *History of the Roman World, 146–30 B.C.* (London, 1935) 173; for the texts relevant to these laws, see Niccolini, *Fasti dei Tribuni della Plebe*, 254 and 262 f. See esp. Vell. 2.31.2 and 33.1; Plut. *Pomp.* 25 and 30; *Luc.* 37; App. *Mith.* 94 and 97; Cass. Dio 36.23.4 and 42–43; Cic. *Leg. Man.* passim.

³³ Cass. Dio 37.49.4; see note 34.

³⁴ Plut. *Pomp.* 44; *Cat. Min.* 30; Cic. *Att.* 1.14.2 and 6.

³⁵ *CAH* 9.510 f.

resolution, passed under the influence of Lucullus and Cato, that Pompey's acts should be considered clause by clause by the Senate as a whole.³⁶

In effect, Pompey had disregarded the work of one senatorial commission and carried through his plans without obtaining the aid of a new one. If the principle of senatorial oversight of foreign affairs, of which the details of imperial settlements formed a part, was to be maintained, the Senate must now go into committee of the whole and investigate the settlement for itself. So must have run the argument, which prevailed, of Cato and Lucullus and their supporters. The wisdom of a stand on this and other questions involving the *senatus auctoritas* which angered Pompey and helped to drive him into the combination known as the First Triumvirate was certainly exceedingly questionable, and obviously, Lucullus and his brother had personal reasons for opposing Pompey; but it has not been sufficiently realized how firmly the formal objection of the Optimates was based on recognized principles and precedents of senatorial government. Pompey's treatment of Lucullus and his commission had raised the issue in a form such that a later compromise was practically impossible.

³⁶ Plut. *Pomp.* 46.3; *Luc.* 42.5; *Cat. Min.* 36; App. *BC* 2.9; Cass. Dio 37.49.4–50.1; cf. Suet. *Iul.* 19.2. Cassius Dio preserves the form of the actual proposal, while the other sources refer only to the cancelled *acta* of Lucullus and the personal enmity of the two men.