

V.—More Notes on Roman Magistrates

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1. A LEGATESHIP OF JULIUS CAESAR

An inscription of Gytheum, published in *SIG*³ 748, mentions a certain Γάιος 'Ιούλιος πρεσβευτής among a number of other legates whose names include L. Marcilius, P. Autronius, Fulvius, C. Gellius, and Q. Ancharius. The inscription is the well-known one in honor of the brothers Cloatii, bankers in Gytheum, whose loans to the town and whose services to the townspeople are recorded there. In this same inscription there also appears in order a series of names of eponymous Laconian officials, Lachares, Phleinus, Biadas, and Timocrates. It was under Phleinus that Marcilius first came to Gytheum, then under Biadas came the large group of legates (including Julius and Marcilius) named above, and finally in the year of Timocrates a certain Antonius was present in person. Foucart¹ has shown convincingly that Antonius should be identified with M. Antonius Creticus, who was placed in command of operations against the pirates in 74,² and that the development of his campaign against the Cretan pirates brought him to Greece in 72 B.C.³ Hatzfeld,⁴ following Foucart, noted the close relationship of the Cloatian loans with the years listed in the inscription, and made the reasonable suggestion that the year of Phleinus should be dated in 74–73, the first year of Antonius' command, that of Biadas in 73–72, and furthermore that the group of legates was very probably under

¹ *Jour. des Savants*, 1906, 549–581. For the general bibliography on the inscription, see *SIG*³ 748.

² On Antonius' command, see particularly Vell. 2.31.3–4. On the command and on the course of the war, see Cic. *Div. in Caec.* 55; *Verr.* 2.2.8, and 3.213–218; Sall. *Hist.* 3.2–16 M.; Diod. 40.1; Tac. *Ann.* 12.62; Plut. *Ant.* 2.1; Flor. 1.42.2–3; App. *Sic.* 6; Liv. *Per.* 97; *Schol. Bob.* 96 Stangl; Ps.-Ascon. 202 and 259 Stangl.

³ See also IG 4.932, from Epidaurus.

⁴ *Les trafiquants italiens dans l'Orient hellénique*, 80–82, esp. 81, note 3.

Antonius' command. Of C. Iulius however Kolbe remarks (*IG* 5.1146): "Haud scio an C. Iulius qui v. 22 legatus est Caesar ipse sit intelligendus," while in the commentary to *SIG*³ 748 Kolbe is credited with identifying the legate with Caesar, but the identification is based on the evidence for Caesar's trip to the East in 81-78.⁵ The other C. Iulius who appears in Rome in this generation was an obscure associate of Catiline who was sent with the knight Caeparius to rouse the slaves in Apulia.⁶ So far as we know, only the Caesares possessed senatorial rank. The identification of the C. Iulius of this inscription with the future Dictator becomes very probable if the notice there can be reconciled with the rest of our information regarding his activities between 74 and 72.

Soon after his unsuccessful prosecution of C. Antonius in 76⁷ Caesar returned to the East to study oratory under Molon of Rhodes. In this period is to be placed his capture by pirates and his eventual capture of his captors. The date is probably early in 74, since he went to M. Iuncus, the governor of Asia, who was then beginning to organize the newly inherited province of Bithynia, to demand the punishment of his prisoners;⁸ and when the governor began to delay hurried away and carried out the punishment himself. Soon afterwards, when the war with Mithridates began, Caesar, we are told, left Rhodes, and, with a force which he apparently raised on his own responsibility, expelled one of the king's

⁵ The dates given by Foucart and Hatzfeld remove from consideration the identifications of C. Iulius suggested in Drumann-Groebe, 3.124, note 5.

⁶ Sall. *Cat.* 27.1. See *RE*, s.v. "Iulius" nos. 20 and 21.

⁷ Q. Cicero, *Comm. Pet.* 8; Ascon. 84 C., where the name is supplied. Plutarch (*Caes.* 4) has mistaken the date and location of the trial and the magistracy of M. Lucullus, the praetor peregrinus of 76, who was in charge. Moreover, he calls Antonius by the praenomen Publius which seems otherwise unexampled in that family.

⁸ The texts dealing with Caesar's capture by the pirates are Vell. 2.41.3-42.3; Val. Max. 6.9.15; Suet. *Iul.* 4, and 74.1; Plut. *Caes.* 1.4-2.3; *Crass.* 7.5; Polyæn. 8.23.1; Fenestella, *GLK* 1.365; Auct. *Vir. Ill.* 78.3. Of these Velleius, Suetonius, and the Auctor date it in 75-74, while Plutarch, who appears to date it during Caesar's first trip to the East, reveals his conflation of the events of the two trips by his reference to Iuncus in Bithynia. The other texts add nothing, but Polyænus by his reference to Nicomedes appears to date it earlier. The date usually accepted is 75-74 (see Drumann-Groebe, 2.130 f., and note 1; T. Rice Holmes, *Rom. Republic* 1.223). For another view, see L. Herrmann, *RBP* 16 (1937) 577 ff., who favors the authority of Polyænus. H. Dahlmann, in *Hermes* 73 (1938) 341 ff., suggests that Caesar's speech on behalf of the Bithynians was delivered later, not before Iuncus, but against him. Malcovati (*Orat. Roman. Fragm.* 3.28 and 118) does not suggest any date for this speech.

officers from the province of Asia.⁹ Thus a reasonable account can be given of his activities in the East in 75 and 74.

The date of his return to Rome depends on that of the death of his relative C. Cotta and his selection for Cotta's place in the college of pontifices, since this selection was made during his absence and he hurried home upon receipt of the news.¹⁰ Velleius (2.43) has preserved for us a vivid description of his crossing of the Adriatic in a small boat without protection and in fear of capture by the pirates. Cotta, consul in 75, became proconsul in Cisalpine Gaul in 74, and was decreed a triumph by the Senate for some success, but died *ante diem triumphi*.¹¹ The circumstances indicate that he died either late in 74, or more probably early in 73. We do not know how soon the college of pontifices met to appoint a successor, but it seems unlikely that Caesar heard of his appointment before midsummer, and it may have been delayed until autumn. There is therefore time after his activities in 74 in Asia for him to serve under a commander in Greece in 73 before returning to Rome to be inaugurated in his priesthood.¹²

On the other hand there is also a possibility¹³ that Caesar received word of his appointment as pontifex while still in Asia comparatively early in 73, hurried home at once as a private citizen, a circumstance which would explain the rather mean state in

⁹ On the disputed questions of the date of the death of Nicomedes IV and the beginning of the Third Mithridatic war, I accept the arguments of T. Rice Holmes (*Rom. Republic* 1.398 ff.), who places these events in the first part of 74. So too does Carcopino, *Hist. Rom.* 2.544 f. (Paris, 1936). On Caesar's exploit, see Suet. *Iul.* 4.2. The inherent probability of Suetonius' notice is supported by the evidence for widespread unrest in Asia and activity of the king's officers over a wide area during the first year of the war (Plut. *Luc.* 7.5-6; App. *Mith.* 75; Oros. 6.2.16-18; *CIL* 1².2.743 = *ILS* 37).

¹⁰ Vell. 2.43.1; see L. R. Taylor, "Caesar's Early Career," *CPh* 36 (1941) 113-132, esp. 118-121; and "Caesar and the Roman Nobility," *TAPhA* 73 (1942) 7-11. Velleius does not say from what point, whether in Asia or in Greece, Caesar hurried home, but concentrates his attention on the story of the crossing of the Adriatic.

¹¹ Cic. *Brut.* 318; Sall. *Hist.* 2.98D (ed. Maurenbrecher); Ascon. 14 C.; cf. Cic. *Pis.* 62.

¹² It may be objected that Caesar, who had not held either the military tribunate or the quaestorship, was too young to be appointed a legate, inasmuch as he was not yet a senator. According to Mommsen such legates were usually, but not exclusively, members of the senate, and the first case of actual restriction of appointments to senators appears in the Gabinian Law (*Staatsrecht* 2³.682, and examples there; cf. 681, and 677, note 5): Caesar after his exploit against his captors would be a man of mark, and besides, as a winner of the *corona civica*, may possibly have had special privileges. Election to the college of pontiffs also indicates that he had influential friends in Rome.

¹³ This point was suggested by a kind friend.

which he crossed the Adriatic, was inaugurated in his priesthood, and then proceeded to Greece as a legate under Antonius. Thus he could appear at Gytheum in the year of Biadas (73-72) and could later return to Rome, sometime in 72, to be a candidate for election to the military tribunate of 71 (see note 18). In either case, therefore, the known record of his activities allows time for him to serve as a legate in Greece in 73.

The name of Caesar's commander, though not specifically stated in the inscription of Gytheum, was almost certainly M. Antonius Creticus.¹⁴ If so, considerable speculation is possible regarding the influences at this time affecting Caesar himself. His unsuccessful prosecution of his commander's brother was apparently forgiven and forgotten. In view of the special preference Caesar gave to the son of Antistius Vetus, under whom he served as quaestor in Spain,¹⁵ it may well be that his service under Mark Antony's father was a factor in the later relationship of Mark Antony to himself. Furthermore, the names of his associates, besides revealing something of Antonius' military organization, possess considerable intrinsic interest. P. Autronius appears to be the future consul designate of 65, who lost his office through conviction for bribery and was associated with both Catilinarian conspiracies. Fulvius is otherwise unknown but may possibly be the senator Fulvius who recalled his son from Catiline's following in 63 and put him to death. C. Gellius also is otherwise unknown, but Q. Ancharius appears later as an optimate sympathizer when tribune of the plebs in 59, and succeeded Piso in Macedonia in 55.¹⁶ Again, as L. R. Taylor has pointed out, Caesar's attainment of the priesthood and his return from the East immediately precede his active career as a *popularis*.¹⁷ He was elected to the office of military tribune in 72 or 71, more probably the latter,¹⁸ promptly began to agitate for the restoration

¹⁴ See notes 1 to 4.

¹⁵ Vell. 2.43.4; Plut. *Caes.* 5.3; cf. Suet. *Iul.* 7; see *PIR*² 1.147, no. 770.

¹⁶ On Autronius, see Sall. *Cat.* 18.1 and 17.3; and *RE* s.v. "Autronius," no. 7 for other texts; on Fulvius, Sall. *Cat.* 39.5; on Q. Ancharius, Cic. *Sest.* 113; *Schol. Bob.* 135 and 146 Stangl; cf. Cic. *Val.* 16; Dio 38.6.1 on his tribunate, and Cic. *Fam.* 13.40; *Pis.* 89; and *Klio* 15 (1918) 70, no. 99 on his proconsulate. He also held the office of proquaestor at some uncertain date (*I. v. Olymp.* 328).

¹⁷ See the studies referred to in note 10, and "Caesar's Colleagues in the Pontifical College," *AJPh* 63 (1942) 385 ff., esp. 403 ff.

¹⁸ Suet. *Iul.* 5; Plut. *Caes.* 5, where Perrin's translation of *πρότερος ἀνηγορεύθη* "was elected over (C. Popilius)" is erroneous since the phrase merely means that the announcement (renuntiatio) of his election came sooner. Our suggestion that he was

of the powers of the tribunes of the plebs, and soon thereafter is found urging Plotius to bring in his bill for the return of Lepidus' adherents from exile.¹⁹

2. THE GOVERNORS OF ASIA FROM 74 TO 58 B.C.

The list of governors of the province of Asia between 74 and 58 B.C., as prepared by Waddington and revised by Chapot,¹ may be presented as follows:

L. Licinius Lucullus	74-69	P. Orbius	64-63
T. Aufidius	69-68	P. Servilius Globulus	63-62
P. Varinius	68-67	L. Valerius Flaccus	62-61
P. Cornelius Dolabella	67-66	Q. Tullius Cicero	61-58
Q. Voconius Naso	65-64		

At the beginning of this list the term of Lucullus is fixed within comparatively narrow limits. He received the province of Cilicia and command of the war against Mithridates during his consulship in 74. It seems probable that the Senate also added Asia to his command at about the same time, and almost certain that he held it in 73.² It was withdrawn from him and, as Dio reports it, "restored

the legate at Gytheum in the year of Biadas agrees with Niccolini's conjecture (*Fast. Trib. Pleb.* [Milan, 1934] 251) that he did not return to Rome in time to be elected military tribune for 72.

¹⁹ Suet. *Iul.* 5; Gell. 13.3.5; see L. R. Taylor, *CPh* 36 (1941) 121, note 32. As Miss Taylor notes elsewhere (*TAPhA* 73 [1942] 9-12) his attitude probably indicates also some sort of understanding with Pompey.

¹ The basic reference list of governors of Asia is found in Waddington, *Fastes des provinces asiatiques de l'Empire romaine*, arranged in chronological order with extended commentary. Chapot prepared a useful alphabetical list with Waddington as his basis in his *Province romaine proconsulaire d'Asie* (305 ff.), which he has recently revised somewhat in his article in *Mélanges en hommage à la mémoire de Fr. Martroye* (Paris, 1941) 81 ff., adding a summary chronological list. He has made practically no changes in his list of governors during the Republic, and expected to make none because it was so completely drawn from literary sources (p. 88). For the governors of the Augustan and Julio-Claudian periods, see now De Laet, *De Samenstelling van den Romeinschen Senaat gedurende de eerste eeuw van het Principaat* (Antwerp, 1941).

² On the disputed question regarding the date of the death of Nicomedes IV and the beginning of the Third Mithridatic War, I find the arguments of T. Rice Holmes (*Rom. Republic* 1.398 ff.; followed by Carcopino, *Hist. Rom.* 2.544 f.) convincing against the position of T. Reinach (*Mith. Eup.*, tr. Goetz, 313, note 5, and 317, note 1), and accept the view that the death of Nicomedes took place at the latest in early 74, that the war began in the summer of 74, and that the siege of Cyzicus should be dated in the winter of 74-73. Reinach would place all these events one year later. Lucullus, who had been allotted Cisalpine Gaul (Plut. *Luc.* 5.1), received command of Cilicia soon after the death of the proconsul L. Octavius (Cos. 75; Plut. *Luc.* 6-7; App. *Mith.* 72; cf. Cic. *Mur.* 33; *Acad.* 2.1; *Paradox. Stoic.* 40; Sall. *Hist.* 2.98.16 M.). Precisely

to the praetors" at some time before the end of 69.³ At the end of the list the names and dates, from P. Orbius to Q. Cicero, are clearly given in Cicero's *Pro Flacco*, while those of L. Valerius Flaccus and Q. Cicero rest on equally certain evidence regarding their praetorships in Rome in the year preceding their respective governorships.⁴ The remainder are not securely dated, their order remains uncertain, and Voconius (as Chapot saw) may not have been in command in Asia at all. Furthermore, the discovery of an inscription at Miletus⁵ wherein L. Manlius Torquatus, consul 65, is termed *πρεσβευτής καὶ ἀνθύπατος* suggests very strongly, even though his province is not named, that he too held command in Asia.⁶

when he received command of Asia, as he undoubtedly did receive it (Cic. *Flacc.* 65; *Acad.* 2.3; Plut. *Luc.* 20; App. *Mith.* 83), is less certain. Passages of Plutarch (*Luc.* 7.1, on his crossing to Asia, and 7.5-6, on his immediate attempt to better the conditions of the cities of Asia) indicate that he received command there before advancing against Mithridates. Memnon's statement (37.1, *FHG* 3.545: καὶ πέμπουσιν ἡ σύγκλητος ἐπὶ μὲν Βιθύνιαν Αὐρήλιον Κότταν, ἐπὶ δὲ τὴν Ἀσίαν Λεύκιον Λεύκολλαν, οἷς ἡ ἐντολὴ πολεμεῖν Μιθριδάτῃ) points to the immediate addition of Asia by the senate to Lucullus' command. The evidence of Velleius (2.33.1: cum esset in fine bellum piraticum et L. Lucullus qui ante septem annis ex consulatu sortitus Asiam Mithridati oppositus erat . . . idem bellum adhuc administraret, Manilius tribunus plebis . . . legem tulit) favors a date in 73 immediately after his consulship. The word *sortitus* appears to be inaccurate, for the province he had been allotted was Cisalpine Gaul (see above), so possibly in the words *ex consulatu sortitus* Velleius is merely applying to this emergency situation what he knows to be the regular procedure. But even if 73 is the correct date for the addition of Asia to his command it is difficult to insert any of the governors we know between Iuncus in 75-74 and Lucullus.

³ 36.2.2: τότε τε ἐς τοὺς στρατηγοὺς τὴν ἀρχὴν τῆς Ἀσίας ἐπανήγαγον. "They then returned the rule of Asia to the praetors." Before Lucullus the governors of Asia had regularly been men of praetorian rank, for instance, Q. Mucius Scaevola (see additional note), C. Iulius Caesar (*ibid.*), L. Cassius in 88, and after the First Mithridatic War, M. Minucius Thermus (81), C. Claudius Nero (80-79), M. Iunius Silanus (76-75), M. Iuncus (75-74); and after him came an unbroken series of ex-praetors until the war between Pompey and Caesar. The majority of these were invested with an imperium pro consule but some with an imperium pro praetore (see below).

⁴ P. Orbius. Cic. *Flacc.* 76, 79; *Brut.* 179; no title preserved. P. Servilius Globulus. Cic. *Flacc.* 76, 79, 85, 91, Globulo praetore; *Schol. Bob.* 107 Stangl. L. Valerius Flaccus. Cic. *Flacc.* 31, Flacco praetore, 43, 77, 89, 99. Q. Tullius Cicero, Cic. *Q.F.* 1.1, and 2, passim; *Att.* 1.15.1; *Div.* 1.58, cum proconsul praeessem; Caes. *B.C.* 3.53.1, qui praetor Asiam obtinuerat; and many other references. On Valerius' praetorship in 63, see Cic. *Cat.* 3.5 and 14; *Flacc.* 1, 5, 94-95, 102; *Pis.* 54; *Att.* 2.25.1; Sall. *Cat.* 45; 46.6; on that of Q. Cicero in 62, see Cic. *Arch.* 3, 32; *Planc.* 95; Dio 37.41; Oros. 6.6.7; *Schol. Bob.* 175 Stangl.

⁵ T. Wiegand, 6 Vorläufiger Bericht, in *APAW* 1908, Anhang, p. 20, not yet published in full.

⁶ Dessau, as reported by Wiegand (*loc. cit.*), is inclined to identify L. Manlius L. f. of the Miletus inscription with the legate Manlius Torquatus to whom Pompey in 67 gave charge of the east coast of Spain and the Balearic islands (App. *Mith.* 95; Flor.

Accordingly our problem is to ascertain as precisely as possible the names, the order, and the dates of the governors of Asia between 69 and 64.

Asia was taken from Lucullus' command at some time in 69 owing to dissatisfaction with his financial reforms in Asia. Action was apparently popular (Dio 36.2.2), perhaps through a tribunician bill, and the time was late in the year since it was after the receipt of news about the victory over Tigranes.⁷ The successor therefore could hardly have arrived until 68. We are not specifically told his name. L. Manlius Torquatus, consul 65, must have held the praetorship no later than 68, and since a provincial command in this period normally followed immediately upon a praetorship or consulship in Rome his command in Asia cannot be dated later than 67. Delays in the career of a member of so distinguished a family are not very probable, so the later dates, 68 for his praetorship and 67 for his command in Asia, are more likely than 69 and 68, respectively, since they assume the shortest possible interval between his praetorship and his consulship. P. Cornelius Dolabella was the praetor before whom Cicero delivered the *Pro Caecina*.⁸ The latest possible dates for his praetorship and his command in Asia are 67 and 66, respectively. They should however be dated earlier because Cicero's statements in the *Pro Flacco* imply that Varinius was the immediate successor of Aufidius.⁹ Our conditions can be met if Dolabella

1.41.10; so also Groebe, *Klio* 10 [1910] 381), but Münzer would identify the latter with A. Manlius Torquatus, quaestor of Sulla in 81 and governor of Africa in 69 (*RE* no. 76; see Cic. *Planc.* 27), experience which would make his choice for a command in Spanish waters more intelligible. L. Manlius served under Sulla in the East (Cic. *Fin.* 1.39; Plut. *Sull.* 29.1; cf. Nep. *Att.* 1.4) and probably issued coins as his proquaestor in or before 81 (Grueber, *Coins Rom. Rep. Brit. Mus.* 2.461 f.; cf. Bahrfield, *Röm. Geldmünzenprägung* 26-28), thus gaining experience which was apparently used again in 67 (Münzer, *RE* no. 79).

⁷ See note 3.

⁸ Cic. *Caec.* 23. On his proconsulate, see *IGRP* 4.422: ἀνθύπατος; Val. Max. 8.1, amb. 2, and Gell. 12.7, proconsulari imperio. The *Pro Caecina* must have been delivered after the Verrines in 70 and before the *Pro Lege Manilia* in 66 (*Orat.* 102; see Gelzer, *RE* s.v. "M. Tullius Cicero," col. 853; Drumann-Groebe, *Geschichte Roms* 5.360), probably before the consulship of C. Piso in 67 (Cic. *Caec.* 34-36; see Gelzer, *loc. cit.*). If our listing is correct it was delivered in 69.

⁹ T. Aufidius, Cic. *Flacc.* 45: custos T. Aufidio praetore in frumento est positus (Heracleides); pro quo cum a P. Varinio praetore pecuniam accepisset, celavit suos cives; Val. Max. 6.9.7: postea totam Asiam proconsulari imperio obtinuit. Aufidius was a possible candidate for the consulship of 63 (Cic. *Att.* 1.1.1), so his praetorship cannot be later than 66. On P. Varinius, see Cic. *Flacc.* 45, quoted above. Incidentally, the cognomen Glaber was added to his name because of the confusion in

is placed in 68, thus leaving the years 66 and 65 open for Aufidius and Varinius.

Waddington noted that Varinius had held the praetorship in 73, and supposed that since he could not go to Asia then he was sent as soon as it could be arranged conveniently.¹⁰ Hence his date of 69 for Aufidius and 68 for Varinius. But the interval which he thus assumes between city magistracy and provincial command is very improbable. It is more likely that Varinius repeated the office later. His failures in the war with Spartacus must have brought him into some disgrace. Possibly he was among the sixty-four senators who were expelled from the senate in 70 and returned to a position of honor through reelection to office. C. Antonius, who was expelled in 70, attained the praetorship in 66. Varinius may present a parallel by also attaining it then. His provincial command would follow in 65.

Finally, there is no evidence that Q. Voconius Naso held command in Asia at all. In fact, Chapot's listing conflicts with the weight of evidence. He presided over the trial of Cluentius in 66 with the title of *iudex quaestionis*, a post which normally comes immediately after the aedileship. He could not have attained the praetorship before 65 or a provincial command before 64.¹¹ We have seen above that the governors of Asia from 64 on are known and do not include his name. He was an ex-praetor in 60, but his position then as a judge in Rome of the case of Heracleides of Temnus against C. Plotius is no evidence that he had ever held command in Asia.

We may therefore present the list as follows:¹²

Appian (*B.C.* 1.116) of his name with that of C. Claudius Glaber, long since corrected by the discovery of the full name of Claudius in the *SC de Amphiarai Oropii agris* (SIG³ 747).

¹⁰ *Fastes* (see note 1) no. 22. On his praetorship in 73, see Liv. *Per.* 95; Sall. *Hist.* 3.95–98 M.; Frontin. *Str.* 1.3.22; Plut. *Crass.* 9.4–6; App. *B.C.* 1.116; Flor. 2.8.5. On Antonius, expelled from the senate in 70 and praetor in 66, see Q. Cic. *Comm. Pet.* 8; Ascon. on Cic. *In Tog. Cand.* 84 and 92 C. Antonius is named as one of the Tribunes of the Plebs in the Lex Antonia de Termessensibus, probably in 68 (L. R. Taylor, *CPh* 36 [1941] 121, note 32).

¹¹ Cic. *Flacc.* 50: Q. Naso, vir ornatissimus, qui praetor fuerat, iudex sumitur. Iudex quaestionis in 66, Cic. *Cluent.* 147, cf. 126. Pr. before 60, Cic. *Flacc.* 50, above.

¹² For the evidence regarding their titles, see the notes above on the individual governors. Cicero seems regularly, as in the case of Verres, to designate a *propraetor* as *praetor* throughout his term. His use of the title *proconsul* to describe his brother's imperium, and in other cases besides (e.g. Gellius in 93, ex praetura pro consule, *Leg.* 1.53) shows that he distinguished between an imperium pro praetore and an imperium

	Governor	Title	City Magistracy
74 or 73-69	L. Licinius Lucullus	consul and pro consul	consul 74
68-67	P. Cornelius Dolabella	pro consul	<i>praetor</i> 69
67-66	L. Manlius Torquatus	<i>ἀνθύπατος</i>	praetor 68
66-65	T. Aufidius	pro consul or praetor	<i>praetor</i> 67
65-64	P. Varinius	praetor—pro praetore	<i>praetor</i> 73, 66
64-63	P. Orbilius	no title preserved	<i>praetor</i> 65
63-62	P. Servilius Globulus	praetor—pro praetore	<i>praetor</i> 64
62-61	L. Valerius Flaccus	pro praetore (<i>ἀνθύπατος</i> ?)	praetor 63
61-58	Q. Tullius Cicero	pro consul	praetor 62

It will be noted that the description of the imperium of the various governors appears to vary. With Lucullus and Dolabella, and perhaps up to Aufidius in 66, it is described as pro consul. Until 62 the term praetor in our sources appears to stand for pro praetore, then with Q. Cicero in 61 the term pro consul becomes attested beyond all doubt and continues to be applied to successive governors until 53, though all of them (Q. Tullius Cicero, T. Ampius Balbus, C. Fabius Hadrianus, C. Septimius, and C. Claudius Pulcher) were ex-praetors.¹³ Perhaps no complete explanation can be given for the apparent change of title between 66 and 62, but it seems significant that it coincides with the period of Pompey's command in the Mithridatic war. Pompey's imperium had been defined in the Gabinian law as equal to that of the proconsuls in whose provinces he might operate, and that equality had proved embarrassing in dealing with Metellus Creticus in Crete. Since after Metellus the minor province of Crete and Cyrene was probably governed by a propraetor,¹⁴ this suggested practice of assigning

pro consul subsequent to a praetorship. The evidence is inconsistent in the case of Aufidius. It may be that Valerius Maximus is assuming the imperial practice of terming all governors of senatorial provinces proconsuls. As to Valerius Flaccus, three inscriptions found at Magnesia on the Meander, which may refer to him and his family, bear the title *ἀνθύπατος* (*I. v. Magn.* 144-146). According to Holleaux the Greek term is not always strictly used for proconsul (*REA* 19 [1917] 89, note 2, and 160, note 3) though Greek usage appears to know the term *ἀντιστρατηγός* as early as the latter part of the second century B.C. (see *IG* 12.5.722, on Cn. Aufidius Cn. f.). On the use of the word praetor to describe the prorogued imperium, see Mommsen, *Str.* 21.240, note 2; and on ex-praetors termed proconsuls, *ibid.* 647 ff.; Broughton, *TAPhA* 77 (1946) 38. In the list given above I have italicized the instances in which the praetorship is not independently attested.

¹³ See Head, *Hist. Num.* 2 576, 660, 666, 675, on Ampius Balbus; 535, 576, 660, 675, on Fabius; 660, on Septimius; 535, 576, 660, on C. Claudius Pulcher.

¹⁴ The governors of Macedonia between M. Lucullus (72-70) and L. Manlius Torquatus (64-63) are not well known. These two were proconsuls who served after their consulships. Rubrius in 67 is known only by the title *στρατηγός* (Plut. *Cat. Min.* 9.1 and 3), for the title *pro consul* attributed to him by Gaebler (*RE* 14.1.765) depends

the command in Asia with an imperium pro praetore would have as its result that Pompey at no point in the eastern Mediterranean was in close contact with an imperium technically equal to his own. Whether such a result was provided for in the Manilian law, or by the regular annual assignments of provinces, or came about through chance, remains a matter for conjecture.

In Chapot's list the governorship of Q. Mucius Scaevola (pontifex) is dated in 94, the year after his consulship; but Balsdon has shown that, like Cicero in 63, he laid down his province then and accepted no provincial command.¹⁵ Accordingly, it must be dated in the year after his praetorship, not later than 97. Chapot continues to list his legate, the famous Rutilius Rufus, as a governor of Asia either about 118 after his praetorship or after his consulship in 105, solely upon the uncertain evidence of Pomponius (*Dig.* 1.2.2.40)¹⁶ who may have mistaken his three months of command after the departure of Scaevola for an independent magistracy. Recent attempts to date the proconsulate of Julius Caesar's father before 100 seem to me unsuccessful, and I would return to a date about 91 B.C. which Chapot has kept all the while.¹⁷ The name of

on Zumpt's doubtful identification of him with the Culleolus of Cic. *Fam.* 13.41 and 42 (see Münzer, *RE* s.v. "Rubrius," no. 4). Metellus Creticus had authority in Greece as proconsul during his operations in Crete between 68 and 66 (*CIL* 1².2.746; *IG* 3.565) but seems excluded from Macedonia by the date of Rubrius. We do not know the names of the governors of Crete and Cyrene after Metellus, but it is not improbable that they received an imperium pro praetore. On Metellus' dispute with Pompey, see Plut. *Pomp.* 29; Dio 36.18.

¹⁵ Ascon. 15 C.: idem provinciam . . . deposuerat ne sumptui esset oratio (toratio, mss). See Balsdon, *CR* 51 (1937) 8-10.

¹⁶ See Münzer, *RE* s.v. "Rutilius" no. 34.

¹⁷ See Broughton, *AJA* 52 (1948) 323-330. In addition to the considerations discussed in the article just cited, it may be noted that the order of names in Cic. *Rab. Perd.* 21 strongly implies that the career of Caesar's father dates mainly after 100 B.C. After naming the consulars who aided in crushing Saturninus, Cicero continues as follows: "Cum omnes praetores, cuncta nobilitas ac iuventus accurreret, Cn. et L. Domitii (Cos. 96 and 94, resp.), L. Crassus (Cos. 95), Q. Mucius (Cos. 95), C. Claudius (Cos. 92, Pr. 95), M. Drusus (Tr. Pl. 91), cum omnes Octavii (one perhaps a Pr. in 91, one Cos. 87), Metelli (one Cos. 98, one Pr. 89), Iulii (one Cos. 91, one Cos. 90, one an aedilician in 87, and Caesar's father), Cassii (one Cos. 96, one Pr. 91, Catones (one Pr. c. 92, one Cos. 88), Pompeii (one Cos. 89, one Cos. 88), L. Philippus (Cos. 91), L. Scipio (Cos. 83), cum M. Lepidus (Cos. 78), cum D. Brutus (Cos. 79), cum hic ipse P. Servilius (Pr. 90, Cos. 79), quo tu imperatore, Labiene, meruisti, cum hic Q. Catulus (Cos. 78) admodum tum adulescens, cum his C. Curio (Cos. 76), cum denique omnes clarissimi viri cum consulibus essent . . ." It seems clear that Cicero is following

Cn. Asinius, placed by Waddington and Chapot between 79 and 76, should be deleted here and inserted in the period of the Second Triumvirate. Mommsen and others suggested that Asinius was the father of Asinius Pollio, but Pollio was a *novus homo*. The coin of Adramyttium (not Atarneus) on which the attribution was based excited even Mommsen's suspicion by the lateness of its style, and now E. Groag and M. Grant alike agree on the later period.¹⁸ Both suggest that he may be Asinius Marrucinus the napkin-thief (Catullus 12), and Grant would date his command in Asia in 35-34.

3. METELLUS CELER'S GALLIC PROVINCE

It has long been a commonplace in the discussion of Caesar's command in Gaul that the death of Metellus Celer early in 59 cleared the way for Caesar to obtain possession of that command.¹ The immediate situation is well known. In 62 the ex-praetors of 63, C. Pomptinus and Metellus Celer, became governors of Transalpine and Cisalpine Gaul, respectively, the former perhaps with an *imperium pro praetore*, the latter certainly with an *imperium pro consule*.² So far as we know, Metellus Celer's proconsulate was uneventful, but Pomptinus had to quell a serious rising among the Allobroges;³ and in the meantime strife between the Aedui and the Sequani led to the intervention in central Gaul of the German chieftain Ariovistus. In 61 when Divitiacus the Aeduan came to Rome to ask for help against the Sequani he was calmly recommended to the protection of the governor of Transalpine Gaul, who was at the

the order of seniority so far as possible, and that the careers of the Iulii, both those that are known from other evidence and those, like Caesar's father, who are in question, are to be dated after 100 B.C.

¹⁸ Groag, *PIR*² 246, lines 27-30; M. Grant, *From Imperium to Auctoritas*, 394 f. See Velleius 2.128.3.

¹ Implied in Lange, *Röm. Altertümer* 32.290; stated in Ferrero, *Greatness and Decline of Rome* (ed. 1909) 1.323, which seems to be the source of the confusion in several works whether Metellus was allotted the Transalpine or the Cisalpine province; cf. Marsh, *CJ* 22 (1926-27) 527, note 11, and the works cited there; Jullian, *Histoire de la Gaule*, 3.163 ff., esp. 162, notes 7 and 8, and 165, note 4; Täubler, *Bellum Helveticum*, 57 ff.; Marsh, *Founding of the Roman Empire*, 265-267; and *Roman World from 146 to 30 B.C.*, 185; Carcopino, *César* 687, and 702; and most recently, M. Gelzer, *Julius Caesar* (ed. 2, München, 1941) 99.

² On Pomptinus, see Cic. *Prov. Cons.* 32; Liv. *Per.* 103; Dio 37.47-48; *Schol. Bob.* 149-150 Stangl; Degrossi, *Inscr. Ital.* 13.1.84 f., 566, on *Act. Tr.* for 54. On Metellus, Cic. *Fam.* 5.1 and 2; cf. Sall. *Cat.* 57.2; 58.6; Dio 37.39.2-3.

³ Caes. *B.G.* 1.35.4, and 43.6; cf. Cic. *Div.* 1.90; see Jullian, *op. cit.* (note 1) 163 ff., and texts cited in note 2.

moment thoroughly occupied with the Allobroges, but by March of 60 when news came of the defeat of the Aedui by the Sequani and Ariovistus, and the Helvetians became restless, the Senate in some perturbation decreed that the consuls of the year, Metellus Celer and L. Afranius, should carry out an extraordinary sortition of the Gallic provinces and raise levies without granting pleas for exemption, and that an embassy should be sent to various tribes of Gaul to keep them from joining the Helvetians.⁴ It is not explicitly stated which province fell to the lot of Metellus Celer and which to Afranius, but in May of that year news of peace in Gaul was disappointing to Metellus who had been hoping for an opportunity to win a triumph.⁵ Accordingly he probably received the Transalpine province, and unquestionably he still had a Gallic province in prospect in June of 60. After that date however the situation appears to change. There is good reason to doubt whether at the end of the year or early in 59 before his death (early April) he had a provincial command either in prospect or possession. In fact, it is probable that his death had no bearing upon the succession in Gaul at all.

We learn from Cassius Dio that Metellus while consul took a leading part in opposing the agrarian law of the Pompeian tribune Flavius, and carried his opposition so far that the tribune haled him to prison (June 60) and released him again only at Pompey's bidding.⁶ Dio then continues: "Indeed, Metellus would not give his consent when the other tribunes wished to set him free. Nor would he yield even when Flavius later threatened that he would not allow him to go out to the province which he had drawn unless he would permit the law to be passed; on the contrary, he gladly continued to remain in the city."⁷ We are not told whether Flavius went on to fulfill his threat, but the imperfect tense of *κατέμεινεν* in the final clause of the passage indicates that Metellus stayed in the city, and so did in fact either lose or lay down his province.

⁴ Caes. *B.G.* 1.31; Cic. *Att.* 1.19.2, dated March 15, 60, in line 3 of which *Helvetii* is a necessary insertion. See T. Rice Holmes, *Conquest of Gaul*² 554 f.

⁵ Cic. *Att.* 1.20.5; cf. in June, 2.1.11.

⁶ Dio 37.50.1-4; and on the date, Cic. *Att.* 2.1.8: itaque nunc consule in carcere incluso.

⁷ 37.50.4: ἀμέλει τῶν ἄλλων δημάρχων ἐξελεῖσθαι αὐτὸν βουλευθέντων οὐκ ἠθέλησεν. οὐκ οὐδ' αὖθις ἀπειλήσαντι τῷ Φλαουίῳ μηδὲ ἐς τὸ ἔθνος δ' ἐπεκεκλήρωτο ἐπιτρέψαι αὐτῷ, εἰ μὴ συγχωρήσειεν οἱ διανομοθεῖσθαι, ἐξελεῖν, ὑπεῖξεν, ἀλλὰ καὶ πάνν ἄσμενος ἐν τῇ πόλει κατέμεινεν.

This conclusion is supported by two other pieces of evidence: first, early in 59 Metellus Celer is found in Rome in vigorous opposition, along with Cato and many other Optimates, to Caesar's agrarian law, and when it was finally carried was still there to take the oath required of all senators under the bill;⁸ and second, Cicero while describing Metellus' sudden death (*Cael.* 59) which occurred not later than early April, remarks: cum . . . tertio die postquam in curia, quam in rostris, quam in re publica floruisset . . . (Metellus) eriperetur. The passage is perhaps too rhetorical to justify the assertion that Metellus was physically present in the curia and on the rostra a few days before his death, but it certainly does not convey any hint that his position was at all different from that of an ordinary senator in private life, such as it would have been if his province were merely delayed or still in prospect. Moreover, in the same passage Cicero makes clear that Metellus died in Rome in his home on the Palatine, next door to that of P. Catulus, and well inside the pomerium.⁹

Against this evidence there is only one passage to be urged, a fragment of Nepos (*Exempla*, fr. 7 Peter) which is quoted in one form by Mela (3.44) and in another by Pliny (*N.H.* 2.170). In each it is stated that when Metellus Celer was a proconsul in command in Gaul he received a present of certain Indians, who had been carried off to Germany by storms, from a king of the Boti (Mela) or of the Suevi (Pliny). For this king the name of Ariovistus has frequently been suggested, with 59 as the date,¹⁰ when presumably Metellus was proconsul of Gaul but had not yet left the vicinity of

⁸ Dio 38.7.1-2.

⁹ Cum me intuens flentem significabat interruptis ac morientibus vocibus quanta impenderet procella mihi, quanta tempestas civitati; et cum parietem saepe feriens eum qui cum P. Catulo fuerat ei communis crebro Catulum, saepe me, saepe rem publicam nominabat . . .

¹⁰ Mommsen, *Röm. Gesch.*¹² 3.243; Julian, *op. cit.* 3.163, note 8; Carcopino, *César* 702; Gelzer, *Julius Caesar* 98. Schönfeld (*RE* s.v. "Suebi") thinks it probable that Ariovistus was a king of the Suevi, since one of his wives belonged to that tribe (Caes. *B.G.* 1.53.4), and the author of the gift in question, but, like Peter, would date the incident in 62. Julian, Carcopino, Gelzer, and Täubler (see note 1) all date the incident in 59. The relevant passages run as follows: Mela 3.44: testem autem rei Q. Metellum adicit (Nepos) eumque ita rettulisse commemorat: cum Galliae pro consule praeesset, Indos quosdam a rege Botorum dono sibi datos . . . (Boiorum, Carcopino, Sueborum Müllenhoff, Tribocorum Schmidt); Pliny, *N.H.* 2.170: Q. Metello Celeri Afrani in consulatu collegae sed tum in Gallia proconsuli, Indos a rege Sueborum dono datos, qui ex India commercii causa navigantes tempestatibus in Germaniam abrepti.

Rome. Täubler, Carcopino, and Gelzer all see in this incident an initial move on the part of Ariovistus which eventually led Caesar as Metellus' successor to have him named a friend of the Roman people. But the name of the king is not given, nor is it completely certain that Ariovistus was a king of the Suevi. We know only that he was termed Rex (*B.G.* 1.31.10) Germanorum, and that of his two wives the one whom he had brought with him from home belonged to that tribe (1.53.4). There were Suevi under his command along with other German tribesmen (1.51.2), and a force composed of Suevi was stationed on the right bank of the Rhine ready to support him (1.37.3, and 54.1). But there is no explicit statement that Ariovistus belonged to that tribe. Moreover, we have seen that Metellus was a proconsul in Gaul in the Cisalpine province in 62. The curious incident of the storm-bound Indians, whatever it really means, can be dated in 62, and both Peter and Schönfeld actually do so. It is no proof that Metellus was a proconsul in office in early 59.

The balance of evidence therefore favors the conclusion that Metellus Celer lost or laid down his province in the course of his dispute with the tribune Flavius in 60, and was not a proconsul of Gaul in early 59. Accordingly, his death has no bearing upon the succession of Caesar to a Gallic command, much less upon either the date of the Lex Vatinia or of the addition of Transalpine Gaul to the provinces named in it. Caesar's immediate predecessor in Cisalpine Gaul remains unknown, though he may perhaps have been Afranius. In Transalpine Gaul he was C. Pomptinus, the thanksgiving for whose victory over the Allobroges Caesar's henchman Vatinius so ostentatiously refused to recognize.¹¹

4. CASSIUS DIO ON SALLUST'S PRAETORSHIP

The date of the praetorship of the historian Sallust¹ is based upon the evidence of two passages, one in the *Bellum Africum* and one in Cassius Dio, which are usually considered to be in conflict with each other. The first one reads as follows: Item C. Sallustium Crispum praetorem ad Cercinam insulam versus . . . ire iubet (8.3; cf. 34.1). Since Caesar left Leptis on January 3, 46 B.C. (Roman

¹¹ Cic. *Val.* 12, and 30 ff.; *Schol. Bob.* 149-150 Stangl.

¹ On Sallust's life and career, see Schanz-Hosius, *Röm. Literaturgesch.* 1⁴.362; Funaioli, *RE* s.v. "Sallustius" 1A.1919.

calendar) immediately after giving these orders, the passage is regularly and rightly taken to mean that Sallust held the praetorship in 46 B.C. The passage from Cassius Dio (42.51.3–52.2) relates how Caesar upon his return from the East in the autumn of 47 won the support of the senators by granting them priesthoods and magistracies “both those for the remainder of that year and those for the next year” (ταῖς τε ἐς τὸν λοιπὸν τοῦ ἔτους ἐκείνου χρόνον καὶ ταῖς ἐς νέωτα). The passage then mentions the demands of the mutinous soldiers in Campania who were being prepared for the African campaign, recounts how Sallust almost met death at their hands, and proceeds as follows: στρατηγὸς γὰρ ἐπὶ τῷ τὴν βουλείαν ἀναλαβεῖν ἀπεδέδεικτο. Cary’s translation in the Loeb Classical Library reads “who had been appointed praetor in order to recover his senatorial rank.” Dio does not say that Sallust was at that time in command of these troops, while Appian (*B.C.* 2.92) speaks of him as a special envoy from Caesar to deal with their demands.² The incident therefore is not evidence that he was in office at the time. Funaioli however agrees that the phrase given above means that Sallust was a praetor at the time, even though he accepts the evidence of the *Bellum Africum* as superior.³

The usual translation into Greek of the Roman administrative term *praetor designatus* is στρατηγὸς ἀποδεδειγμένος.⁴ I believe that this connotation of the perfect participle applies also to the perfect and pluperfect tenses, so that the passage of Dio may signify only that Sallust was then a praetor-elect. A parallel to this use of the pluperfect tense occurs in a passage of Dio which refers to the first purge of the senate by Augustus in 29 B.C. (52.42.3): Κύντον δὲ δὴ Στατίλιον καὶ πάνυ ἄκοντα τῆς δημαρχίας, ἐς ἣν ἀπεδέδεικτο, εἶρξεν, where

² In a dubious controversia ([*M. Tulli Ciceronis*] in *C. Sallustium Crispum Oratio* [ed. Kurfess, 1914] 17, and 21), it is stated that Sallust, who was expelled from the senate in 50 by the censors, returned by holding the quaestorship a second time. Dio both in the passage above relating to Sallust and in his reference to Lentulus (*Pr.* 75, 63, *Cos.* 71; Dio 37.30.4) says that return was by way of election to the praetorship. I am not sure that this would be valid for Sallust who had held only the quaestorship and the tribunate. It seems probable that C. Antonius, who was expelled from the senate in 70 (*Ascon.* 84 C.), held the tribunate in 68 (see L. R. Taylor, cited in No. 2 above, note 10). He was praetor in 66 and consul in 63. See Mommsen, *Röm. Staatsrecht* 1³.522, note 3.

³ See note 1.

⁴ Magie, *De Romanorum iuris publici sacrique vocabulis sollemnibus Graecum sermonem conversis*, 81. For the usage of Cass. Dio, note 37.49.1, and 54.3; 39.32.1; 40.46.1 and 66.3.

Cary's translation reads as follows: "But Quintus Statilius was deposed, decidedly against his will, from the tribuneship to which he had been appointed." But the implication of ἐπξεν is that he was prevented from assuming the office rather than deposed from one he was then holding.⁵ Statilius was a tribune-elect and was not allowed to hold office. I suggest that Dio in a similar way records that Sallust was a praetor-elect in the autumn of 47 when he met the mutineers, and one of the second of the two groups whom Caesar had honored;⁶ and that all our evidence agrees upon 46 as the year of his praetorship.⁷

⁵ Note that in reference to the deposition of Octavius in 133 B.C., Appian (*B.C.* 1.12) uses the word ἀποθίσθαι and Plutarch (*Tib. Gracch.* 4.2) ἐκπεσόντα.

⁶ Sallust therefore does not belong with the magistrates of 47, who were elected only after Caesar's return from Alexandria and retired from office in December (Cass. Dio 42.51.3 and 56.1), but to the succeeding group of ten praetors.

⁷ At the end of the African campaign in the middle of the year Caesar left Sallust as governor of Africa Nova with the title of proconsul, which thus supervenes upon his praetorship (*Bell. Afr.* 97.1). His position may be analogous to that of M. Coelius Vinicianus whom Caesar left in charge of Pontus in 47 (*Bell. Alex.* 77.2), and whose titles appear in an inscription (*CIL* 1².2.781) to be either praetor, pro consule, or the anomalous praetor pro consule. See Syme, *Anat. Stud. Buckler*, 319 and note 5. In *Bell. Afr.* Sallust's position is defined simply as *pro consule cum imperio*.