

THE LEX ANNALIS UNDER CAESAR

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THE QUESTION HERE PROPOSED for discussion is, how far the legal provisions regarding the holding of magistracies, particularly with respect to minimum ages but also to prerequisite offices and the intervals between them, were observed or breached during the period when Caesar and his partisans were in control of the elections, i.e., from 49 to 44 B.C.¹

The relevant provisions of the law are here taken to be as follows.² Candidates for the quaestorship were required to be at least 30 years old by the time of entering on office, and the quaestorship was a necessary prerequisite for the higher magistracies (cf. Appian, *BC* 1.100). Candidates for the aedileship were required to be at least 36,³ for the praetorship at least 39, for the consulship at least 42.⁴ The praetorship was a

¹The following abbreviations of the titles of modern works have been used in this article:—Badian, *Studies*—E. Badian, *Studies in Greek and Roman History* (Oxford 1964); *CIL* 1²—*Corpus Inscriptionum Latinarum* 1² (Berlin 1893–1943); Crawford, *RRCH*—M. H. Crawford, *Roman Republican Coin Hoards* (London 1969); Grant, *FITA*—M. Grant, *From Imperium to Auctoritas* (Cambridge 1946); Grueber, *CRRBM*—H. A. Grueber, *Coinage of the Roman Republic in the British Museum* (London 1910); Gruen, *RPCC*—E. S. Gruen, *Roman Politics and the Criminal Courts 149–78 B.C.* (Cambridge, Mass. 1968); *ILLRP*—A. Degraffi, *Inscriptiones Latinae Liberae Rei Publicae* 1²–2 (Florence 1965; 1963); *ILS*—H. Dessau, *Inscriptiones Latinae Selectae* (Berlin 1892–1916); Magie, *RRAM*—D. Magie, *Roman Rule in Asia Minor* (Princeton 1950); *MRR*—T. R. S. Broughton, *The Magistrates of the Roman Republic* 1–2 (New York 1951–1952); *Supplement* (*Suppl.*) (New York 1960); Niccolini, *Fasti*—G. Niccolini, *I Fasti dei Tribuni della Plebe* (Milan 1934); *ORF*²—H. Malcovati, *Oratorum Romanorum Fragmenta Liberae Rei Publicae*² (Turin 1967); *PIR*²—E. Groag, A. Stein, et al., *Prosopographia Imperii Romani Saec. I.II.III*² (Berlin [Leipzig] 1933–); *RE*—A. Pauly, G. Wissowa, et al., *Realencyclopädie der classischen Altertumswissenschaft*² (Stuttgart 1894–); Rice Holmes, *RRFE*—T. Rice Holmes, *The Roman Republic and the Founder of the Empire* (Oxford 1923); Shackleton Bailey, *CLA*—D. R. Shackleton Bailey, *Cicero's Letters to Atticus* (Cambridge 1965–1971); Sydenham, *CRR*—E. A. Sydenham, *Coinage of the Roman Republic* (London 1952); Syme, *Anatolian Studies* Buckler—R. Syme, "Observations on the Province of Cilicia," in *Anatolian Studies Presented to William Hepburn Buckler* (Manchester 1939) 299–332; Syme, *RR*—R. Syme, *The Roman Revolution* (Oxford 1939); Wiseman, *New Men*—T. P. Wiseman, *New Men in the Roman Senate 139 B.C.–A.D. 14* (Oxford 1971).

²Cf. A. E. Astin, *The Lex Annalis before Sulla* (Brussels 1958); Badian, *Studies* 140 ff. I have discussed the main problems in an unpublished monograph, "Prosopography and Chronology of Orators in Cicero's *Brutus*."

³This provision seems to apply to the plebeian as well as the curule aedileship, whether by law or by custom.

⁴Badian, *Studies* 151, has conjectured that patricians were allowed to stand for the curule magistracies with an advantage of two years over non-patricians (in the post-Sullan period).

necessary prerequisite for the consulship, and one could not legally be a candidate for the consulship until the second consular election after one's praetorship, so that the interval known as the *biennium* was produced. Nor could a man legally be a candidate for a second consulship until the tenth year from his first (*decennium*).⁵ In the other cases the interval was set by the rule that one could not be a candidate for one magistracy while holding another, so that in normal circumstances one year must elapse between offices.⁶ As a result a candidate for the plebeian tribunate would normally not stand until the year following his quaestorship, and so a minimum age of 32, though almost certainly not prescribed by law, was in effect standard for this office.

I. 48 B.C.

The elections for 48 were conducted by Caesar himself as dictator near the end of the year 49 (Caes. *BC* 3.1.1; Dio 41.36.2, cf. 41.43.1 ff.; Appian, *BC* 2.48).

Consuls.

The consuls elected were C. Iulius C.f.C.n. Caesar himself (for the second time) and P. Servilius P.f.C.n. Isauricus (*MRR* 2.272). This second consulship of Caesar's was in accord with the law. It observed the interval of a full *decennium* from his first consulship (59), as Caesar himself emphasizes: *is enim erat annus quo per leges ei consulem fieri liceret* (*BC* 3.1.1). P. Servilius, son of the consul of 79 (born ca. 134),⁷ had been praetor in 54 (*MRR* 2.222), and his consulship now was obviously legitimate. He could have held the office, *per leges*, as early as 51. He must have been born in or before 94 B.C. and was at least 45.⁸

Praetors.

The praetors certainly elected for 48 were M. Caelius M.f. Rufus, Q. Pedius M.f., P. Sulpicius Rufus, and C. Trebonius C.f. These four will be considered separately from the several conjectural identifications listed in *MRR* (2.273 f.).

M. Caelius Rufus had been tribune of the plebs in 52 (*MRR* 2.235), therefore born by 85, and curule aedile in 50 (*ibid.* 248), therefore born not later than 87. Pliny's date, 28 May 82 (*NH* 7.165), is plainly unacceptable.⁹ It produces impossibly low ages for Caelius' tribunate and

⁵This no doubt applied to other magistracies (cf. P. Cornelius Lentulus Sura, praetor 74, consul 71, praetor 63), but the point has no relevance for the present discussion.

⁶Cf. L. R. Taylor, *Athenaeum* 42 (1964) 12 ff.

⁷Badian, *Studies* 83 f.

⁸Servilius is attested as a junior senator as early as March 60 (Cic. *Att.* 1.19.9), and must therefore have held the quaestorship in or before 61 (not 60, as in *MRR* 2.184).

⁹R. G. Austin's defence of Pliny's date (*Cicero, Pro Caelio*³ [Oxford 1960] 144-146)

aedileship, and it entails that he could not have held the quaestorship (for which, if born in 82, he would not be eligible until 52 for 51), whereas one of the certainties about the *cursus honorum* is that in the post-Sullan period the quaestorship was an essential first step.¹⁰ Caelius' quaestorship is not mentioned explicitly by Cicero in the *Pro Caelio* (56 B.C.), but this does not warrant the assertion that he held it after 56. Cicero reveals that in 59 Caelius, after his *gloriosa victoria* in the prosecution of C. Antonius, set up his own establishment on the Palatine in order to launch out on the political career, *cum . . . per aetatem magistratus petere posset* (*Cael.* 18). This is clear evidence that Caelius was of age to stand for the quaestorship in 59 for 58, or at the latest, in 58 for 57. That he actually stood for the office is indicated by the fact that his prosecutors in 56 insinuated he had engaged in *ambitus* (*Cael.* 16, 78). That he failed to win it seems incredible. In any case Caelius is shown to have been born not later than 88. It is concordant that he had, before 56, been co-opted as a member of the local senate of Interamnia Praetuttiorum and elected, in absence, to the local magistracy (*Cael.* 5). His election to the praetorship of 48, therefore, satisfied the minimum age requirement, and it is gratuitous to suppose that it lacked the legitimation of a prior quaestorship.¹¹

Q. Pedius had been a legate of Caesar in Gaul as early as 57 (Caes. *BG* 2.2.1, 11.3), possibly in 58 as well (*MRR* 2.199). He had evidently held the quaestorship earlier, and in 55 he was an unsuccessful candidate

rests on the invalid assumption that Caelius' taking the *toga virilis* (*Cael.* 9) is dated to Cicero's praetorship (*Cael.* 10). In reality, *Cael.* 9 refers to the period from Caelius' receipt of the *toga virilis* as one in which he was sometimes with his father, sometimes with Cicero, and sometimes in the virtuous house of M. Crassus. *Cael.* 10, by contrast, speaks of a time, from Cicero's praetorship to Cicero's consulship, during which Caelius was constantly with Cicero. The whole passage makes sense if Caelius took the *toga virilis* in the late 70's.

¹⁰There is no basis whatever for theories that the *plebiscitum Atinium*, which apparently required the censors to include *tribunicii* in the *lectio senatus*, remained relevant after Sulla's reforms (R. Syme, *Sallust* [Berkeley 1964] 28; Wiseman, *New Men* 97 f.).

¹¹The argument from silence is, as usual, treacherous. Cicero's failure to mention Caelius' quaestorship could have various explanations: e.g., it had been dealt with by the previous speakers, M. Crassus and Caelius himself, and was not relevant to Cicero's line of defence; or Cicero preferred not to discuss it, seeing that in 58–57 Caelius had been closely associated with Cicero's enemy P. Clodius. It is unnecessary to entertain Broughton's suggestion (*MRR Supplement* 11 f., following H. E. Russell White) that Caelius may have gained advancement in rank by successful prosecution of the consular C. Antonius in 59. A distinction must be made between the grant of *insignia* of office and the holding of magistracies (cf. Badian, *Gnomon* 33 [1961] 495). Thus it made no practical difference to the career of C. Papirius Carbo that his successful prosecution of the consular M. Cotta ca. 67 earned him the *insignia* of a *consul* (Dio 36.40.3 f.); tribune ca. 67, he did not reach the *praetorship* till 62 (*MRR* 2.173).

for the curule aedileship of 55 or 54 (Cic. *Planc.* 17, 54).¹² His birth-date should be put not later than 92/1.¹³ He was well past the minimum age for the praetorship of 48.

P. Sulpicius Rufus presents a problem of identification.¹⁴ A coin of Sinope, described by Babelon and compared by Grant with an extant example, appears to show the governor of Bithynia-Pontus in 45, P. Sulpicius Rufus, with the filiation *Q.f.*¹⁵ This man would obviously be

¹²The case for dating the aedileship of Cn. Plancius and A. Plautius, Pedius' successful rivals, to 55 instead of the usually accepted 54 was skilfully argued by L. R. Taylor (*Athenaeum* 42 [1964] 12 ff.; accepted as proven by J. Linderski, in *Studi in onore di Edoardo Volterra* [Rome 1969], 2.284). She proved that the consul who conducted the abortive *comitia superiora* of *Planc.* 49 was Pompeius, not Crassus. However, she disregarded the implication of *Planc.* 49 that the consul who presided over those *comitia* did not preside over the final election. Crassus is in fact a red herring, since we have no reason to believe that he conducted any elections in 55. Pompeius held the elections for magistrates of 55 (Taylor 14, n. 7), and there is no conceivable reason why he should not have held the regular elections for the magistrates of 54 as well. It appears from *Att.* 4.13.1 that in mid-November there were still some elections to be held. This makes it reasonable to explain *Planc.* 49 as indicating that the final election of aediles for 54 was delayed into 54.

There is a further disadvantage to Miss Taylor's hypothesis. Since it assumes that Plancius was aedile in 55, prosecuted in 54, it requires us to believe that Cicero went through the whole of his defence speech without once giving the least hint that his client had discharged the functions of the aedilate the year before, without a word, let alone a purple passage, on Plancius' brilliant and no doubt lavish performance of his duties (cf. his coinage, Sydenham, *CRR* 156, Plate 26, no. 933). The impression conveyed by the speech is that, as in the case of L. Murena, the prosecutor, a defeated candidate, was seeking to convict Plancius in order to be able to take his place as aedile. If the final election was held in early 54, a solution to the legal problem raised by this prosecution can be found in the assumption that the Senate had passed a decree of the type which had been proposed in February 55 but had been suppressed by the consuls Pompeius and Crassus (Cic. *QF* 2.8.(7).3): viz., that the aediles-elect (in 55 the praetors-elect) should remain *privati* for a period (60 days in 55), obviously so that they would be open to prosecution for electoral malpractice, before they took office. In that case the trial of Plancius will have been held in the early months of the year 54.

I conclude that the traditional date for Plancius' aedileship should not necessarily be abandoned in favour of Miss Taylor's hypothesis (which has already found its way into Crawford's *RRCH* Table XIII).

¹³Q. Pedius, no doubt his son, was a quaestor in 41 (*ILLRP* 1^a.160; *MRR* 2.372). By that date the Republican *lex annalis* is not a reliable guide, but it is safe to assume that this quaestor was at least over 20, born before 61 B.C.

¹⁴Cf. *MRR Suppl.* 61 f.

¹⁵Grant, *FITA* 251 f. Grant's restorations are not wholly satisfactory. The inscription on Grant's coin reads:

(Obv.) COLON. FEL. SIN., P. SVLP.

(Rev.) ··F. RVF. PRO COS. PONTIFE

Babelon deciphered on his example the following letters:

DICQFRVFR

Grant, asserting that "it is certain that the inscription continues from obverse to

the brother of the well-known jurist, Ser. Sulpicius Q.f. Rufus, quaestor 74, praetor 65, consul 51, who was born 106/5 B.C. (being almost the same age as Cicero: *Brut.* 150). He would then be identifiable with P. Sulpicius, quaestor 69 (*MRR* 2.132), born by 100. Broughton (*MRR* 2.136, n. 8, *Suppl.* 61) doubts the identification because of the long interval from quaestor 69 to praetor 48. The solution may be that there were two P. Sulpicii Rufi, Q.f. and P.f. P. Sulpicius Q.f. Rufus would be the brother of Servius, the quaestor of 69, and the proconsul of Bithynia-Pontus in 45; this governorship possibly began before the end of 46 (Grant, *FITA* 12; Magie, *RRAM* 2.1270, n. 40; *MRR* 2.299), and was contemporaneous with Servius' governorship of Achaëa (*MRR ibid.*) P. Sulpicius P.f. Rufus would be the son of the tribune of 88, who was killed in that year (*MRR* 2.42). Thus he would be born by 88 (unless posthumous), and this would fit neatly the praetorship of 48. He could also be the legate of Caesar in 55, 52, and 49 (Caes. *BG* 4.22.6, 7.90.7; *BC* 1.74.6), and was probably the *imperator* in Illyricum in 46 (Cic. *Fam.* 13.77); the praetor of 48 saw active service in the field (Caes. *BC* 3.101). To distinguish the commander in Illyricum in 46 from the governor of Bithynia-Pontus 46-45 would be not inconvenient. In any event the praetorship of P. Sulpicius Rufus in 48 was clearly in conformity with the *lex annalis* (a quaestorship before 55 can be safely assumed for the legate of 55-49).

C. Trebonius had been tribune in 55 (*MRR* 2.217), so was born by 88. If he was quaestor in 60 (*RE* 6A.2274, Trebonius 6; *MRR* 2.184), his birth-date fell not later than 91.¹⁶ In any case there is no reason to imagine that his praetorship in 48 was not fully in accord with the law.

For the remaining four praetors of the year, seven possibilities are listed in *MRR*; C. Caninius C.f.C.n. Rebilus, M. Coelius M.f. Vinicianus, C. Cosconius, Q. Fabius Q.f.Q.n. Maximus, Q. (Marcius) Philippus, C. Rabirius C.f. (Curtius) Postumus, and C. Vibius C.f.C.n. Pansa Caetronianus.

reverse," reads the whole as:

(Obv.) COLON. FEL. SIN., P. SVLP.

(Rev.) Q.F. RVF. PRO COS. PONTIFE[X IMP. DE] D. I. C.

Noting, however, that Babelon misread the last letter of his example as R instead of P, we may suspect that he could also have misread the first letter as D instead of P. This would enable us to restore the reverse of both examples as:

P. SVL]PIC. Q.F. RVF. PRO COS. PONTIFE[X]

This restoration of nine letters corresponds to the "about ten letters missing" on Grant's example. The whole inscription would read:

(Obv.) COLON. FEL. SIN., P.SVLP.

(Rev.) P.SVLPIC. Q.F. RVF. PRO COS. PONTIFEX

¹⁶His quaestorship is mentioned, retrospectively, in Cic. *Fam.* 15.21.2. 58 seems a possible date for it instead of 60 (*consulum partis suscepisti* alluding to the deficiency of the consuls Piso and Gabinius); if so, he was born by 89.

C. Caninius Rebilus had been a legate of Caesar in 52 and subsequently (*MRR* 2.238, 244, 252, 267). Broughton conjectures a praetorship in 48, "since he was a proconsul in 46 and a consul suffectus in 45." However, there are examples of men holding the rank of proconsul¹⁷ and even, as we shall see, the consulship under Caesar without a prior praetorship. As a legate in 52, Caninius can be assumed to be a senator and ex-quaestor, therefore born by 84.¹⁸ Thus he may, or may not, have been of age for the praetorship of 48—which he may, or may not, have held.

The career of M. Coelius Vinicianus is given in *ILLRP* 1².402 (*ILS* 883): *pr. pro cos. tr.pl. q.* The date of the quaestorship is, as so often, unknown. He was tribune of the plebs in 53 (*MRR* 2.228), hence born not later than 86. But he was also an unsuccessful candidate in 51 for the plebeian aedileship of 50 (*Cic. Fam.* 8.4.3), which indicates a birth-date not later than 87. The dating of his praetorship to 48 is inferred from the fact that Caesar in 47 left him in command of two legions in Pontus (*BAlex.* 77.2; *MRR* 2.288), and it is supposed that *praetor pro consule* may "anomalously" represent his title. The question obviously is, why the inscription, which gives Coelius' offices in descending order, does not put *pro cos.* before *pr.* The answer may be provided, without resort to anomaly, by the fact that, as noted above (n. 17), it was possible at this time to hold proconsular rank before the praetorship. That is, Coelius' praetorship came *after* his proconsulship. This would give 46 as the earliest date for the praetorship, and would mean that the office was not held before the minimum age, since Coelius was born by 87. There is really no justification for including him in the praetorian college of 48.

C. Cosconius, too, is probably out of place here. The year 48 is merely a *terminus ante quem* for his praetorship, since he was an ex-praetor when killed in 47 (*Plut. Caes.* 51). He had been tribune in 59 and aedile in 57; his praetorship possibly belongs to 54 (*MRR* 2.233, n. 1, *Suppl.* 21).

Q. Fabius Maximus had been curule aedile (*ILLRP* 1².392) by 56 at the latest (*Cic. Vat.* 28, referring to his restoration of the Fornix Fabianus which is the subject of the aforementioned inscription) and probably in 57 (*RE* 6.1791, Fabius 108; *MRR* 2.201).¹⁹ He was therefore born by 94

¹⁷E.g., L. Cassius Longinus in 48 (cf. V, 44 B.C., Tribunes of the plebs); Q. Marcius Philippus in 47 (see below); L. Nonius Asprenas in 46 (cf. II, 47 B.C., Praetors).

¹⁸He may have been the son of C. Caninius C.f., urban praetor of uncertain date, probably pre-Sullan (*MRR* 2.463), known from Ostian inscriptions (*ILLRP* 1².479; R. Meiggs, *Roman Ostia* [Oxford 1960] 32, n. 1).

¹⁹There is scarcely room for Fabius in 56. In addition to P. Clodius Pulcher, we have the candidate Marcellus (*Cic. Att.* 4.3.5) who should be either M. Marcellus, cos. 51, or C. Marcellus, cos. 50, neither of whom seems likely to have suffered a *repulsa*. Yet another challenger for the curule aedileship of 56 has recently emerged in L. Aemilius Paullus, displaced from 55 (*MRR* 2.216) by Cn. Plancius and A. Plautius (L. R. Taylor, *Athenaeum* 42 [1964] 12 ff., esp. 18). However, as we have seen (n. 12), it is by no means

and eligible for the praetorship as early as 54 (or even, possibly, 55). Clearly, if he *was* praetor in 48, he had every right to be. But there is no evidence for this praetorship. That he was suffect consul in 45 (following a legateship in Spain 46–45, for which, irregularly, he triumphed: *MRR* 2.301, 304 f., 309) does not establish beyond question that he had held the praetorship. M. Antonius and P. Cornelius Dolabella were consuls in 44, with no prior praetorship. On the other hand, Fabius would have to be considered remarkably unfortunate if, after a splendid curule aedileship in 57 (cf. Cic. *Vat.* 28), he failed to gain the praetorship before 49.²⁰ He may well have been praetor in the period 54–50. There are gaps in our lists in all these years. We have little reason to count him as a praetor of 48.

Q. (Marcius) Philippus is found as proconsul in Cilicia, probably in 47–46 (Magie, *RRAM* 2.1270, n. 40; *MRR* 2.289; both based on Syme, *Anatolian Studies* Buckler 306 ff.). This is the sole reason for hypothesizing a praetorship in 48, and such a reason, as we have seen (n. 17), is insufficient. A certain Philippus appears as a moneyer ca. 58.²¹ He is clearly a son of L. Marcus Philippus, cos. 56, and is usually identified with L. Marcus Philippus, tr.pl. 49, pr. 44, cos.suff. 38. Where does Q. Philippus, pro cos. 47–46, fit in?

The *stemma* of the Marcii Philippi is pretty compact (cf. *RE* 14.1539):

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Q. Marcus Q.f.Q.n. Philippus, cos. 281
|
L. Marcus Philippus
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Q. Marcus L.f.Q.n. Philippus, pr. 188, cos.I 186
|
Q. Marcus Q.f.L.n. Philippus, officer 169 (born before 190)
|
Q. Marcus Philippus, moneyer before 125 (born ca. 166–158)22
|
L. Marcus Q.f.Q.n. Philippus, pr. by 96, cos. 91 (born by 136)
|
L. Marcus L.f.Q.n. Philippus, pr. 62, cos. 56, leg.env. 43
|
L. Marcus L.f.L.n. Philippus, ?moneyer ca. 58, tr.pl. 49,
                                                    (born by 102)
                                                    pr. 44, cos.suff. 38 (born by 82)

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certain that Plancius and Plautius were aediles in 55 rather than 54. An aedileship is nowhere attested for Aemilius Paullus, but the grounds for conjecturing it are good (his restoration of the Basilica Aemilia: Cic. *Att.* 4.16.8, dated ca. 1 July 54); and 55 remains the most plausible date.

²⁰Cf. his contemporaries, Q. Metellus Scipio, aed.cur. 57, pr. by 55; M. or C. Claudius

In the last three generations of this family there is no sign of any other extant Philippi, apart from the proconsul of 47–46. Q. Philippus can therefore be taken for the brother either of the consul of 56 or of his son, the tribune of 49. If he were the brother of the consul of 56, we might fairly expect to have some notice of him in the 50's B.C. (and indeed his proconsulship used to be misdated to ca. 56: cf. *RE* 14.1580, Marcius 83).²¹ It seems more likely that he was the brother of L. Marcius L.f.L.n. Philippus, pro-Caesarian tribune in 49 (Caes. *BC* 1.6.4). The *praenomina* suggest (though they do not prove) that he was the younger brother, and this is reinforced by the shortness of the intervals between the two Lucii, cos. 56 and cos. 38; the respective birth-date *termini*, 102 and 82, are especially notable.

Q. Marcius Philippus, then, was probably born by about 80 B.C. He

Marcellus, aed.cur. candidate for 56, pr. by 54 or 53 respectively; A. Plautius, aed.cur. 55/54, pr. 51.

²¹M. H. Crawford's date, *RRCH* Table XIII; Sydenham, *CRR* 153, dated him ca. 56.

²²There should be two generations between the consul of 186 (probably born ca. 230–ca. 220) and the consul of 91 (born by 136). Q. Marcius Philippus, who is found holding a not insignificant command under the consul, his father, in 169 (Liv. 44.3.2: ?leg. lt., *MRR* 1.426; ?tr.mil., *RE* 14.1539), was no doubt in his twenties at least, so born before 190. Q. P(h)ilip(p)us, moneyer in the vicinity of 130 B.C. (Crawford, *RRCH* Table X), is placed later than L. Opeimi(us) (pr. 125, cos. 121, born by 165), Q. Mete(llus) (cos. 123, born by 166), Sex. Iuli(us) Caesar (pr. 123, born by 163), and earlier than Cn. Dom(itius) (cos. 122, born by 165), M. Metellus Q.f. (cos. 115, born by 158). The ages of moneyers no doubt varied considerably in this period, but the association of Q. Philippus with men born ca. 166–158 coheres with the fact that 166–158 would be a suitable range of birth dates for the father of the consul of 91 and for a son of the officer of 169. Cicero, *Balb.* 28, mentions a Q. Philippus in a list of distinguished exiles. The others were exiled in 104 (Q. Fabius Maximus Eburnus), ? 107 (C. Popillius Laenas), 109 (C. Porcius Cato), 103 (Q. Servilius Caepio) and 92 (P. Rutilius Rufus): cf. Gruen, *RPCC* Appendix E. Q. Philippus' exile can probably be assigned to the hectic period 109–100 (cf. Gruen, *Historia* 15 [1966] 62 f., and *RPCC* 210, with the assumption that he was the father of the consul of 91).

²³Q. Marcius L.f.Pap. in the *consilium* of Cn. Pompeius Strabo, 89 B.C. (*ILLRP* 2.515), has frequently been identified with our Q. Philippus (cf. C. Cichorius, *Römische Studien* [Berlin 1922] 168 f.; F. Münzer, *RE* 14.1580; L. R. Taylor, *Voting Districts of the Roman Republic* [Rome 1960] 232; N. Criniti, *L'Epigrafe di Asculum di Gn. Pompeo Strabone* [Milan 1970] 146 ff.), with scant justification. This man must have been born by 106, so that his supposed proconsulship in 47, his first appearance since 89, would have been held at the age of 58 or over. Further, the proconsul of 47 would necessarily be the younger brother of the consul of 56, and the latter's birth-date would be pushed back before 106, giving him a slightly improbable career for the elder son of the noted consul of 91 (he would become praetor aged at least 44, consul aged 50 or over). It is far from clear why this difficult identification of Q. Marcius L.f.Pap. should have preference over (say) Q. Marcius Rufus, leg.lt. under M. Crassus in 71 (*MRR* 2.125), who may also be the tribune Q. Marcius of 68 (*MRR* 2.138). There may be other solutions to this problem, but any which involve identifying the proconsul of 47 with the *consilium* member of 89 can be ruled out of court. (Cf. Badian, *Phoenix* 25 [1971] 142–144.)

could have been *quaestor* by ca. 49.²⁴ He was *pro consule* in 47 without having held high office. It would clearly be extravagant and hazardous to invent a praetorship in 48 for this distant relative of Caesar.

C. Rabirius Postumus, alias C. Curtius Postumus, alias Postumus Curtius,²⁵ was the posthumous son of a leading *publicanus*, C. Curtius, who had died when Cicero was still a boy (*Rab. Post.* 3, *fuit enim pueris nobis huius pater . . .*; 4, *patrem suum numquam viderat*). The son, then, was probably born by 90 B.C. He acquired the name C. Rabirius through testamentary adoption by his maternal uncle, C. Rabirius, the *reus perduellionis* of 63. When prosecuted for extortion in the winter of 54–53 (*RE* 1A.26), he was still an *eques Romanus* (*Rab. Post.* 11 ff.)²⁶ According to Cicero, he was only saved from financial ruin by the generosity of Caesar (*ibid.* 41, 43, 48), and it is clear that Postumus was a devoted adherent of the proconsul of Gaul. In March 49 he emerges as an enthusiastic, and militaristic, Caesarian (*Cic. Att.* 9.2a.3, 3.2, 5.1, 6.2). In May he is getting set to begin a senatorial career (*Fam.* 2.16.7). In 47, under the name C. Rabirius C.f., he is found as proconsul in Asia (*MRR Suppl.* 53; cf. 2.481). Early in 46 he was sent by Caesar to Sicily to arrange supplies for the African war (*BAfr.* 8.1, 26.3, named Rabirius Postumus). In 45 he is spoken of, satirically, as hesitating about standing for the consulship (*Cic. Att.* 12.49.2: *o tempora! fore cum dubitet Curtius consulatum petere*).

Up to 49, then, Postumus was not a senator, but in 47 he was vested with the rank of proconsul. Probably senatorial status had been conferred upon him by Caesar in 49; this seems to be the point of Cicero's

²⁴He also has nearly as good a claim as his brother Lucius to be identified as Philippus, the moneyer ca. 58.

²⁵Cf. H. Dessau, *Hermes* 46 (1911) 613 ff.

²⁶Obviously, then, he cannot have been "the C. Postumus who was a candidate for the praetorship in 63" (*MRR* 2.481). This man is probably identical with C. POSTVMI(us), moneyer ca. 74 (Sydenham, *CRR* 129; Crawford, *RRCH* Table XIII), and the text of *Cic. Mur.* 54, 56, 57, 69, may be emended accordingly: 54, <C.> Postum(i)o; 56, C. Postum(i)us—where the MSS have *tum Postumus*, emended to C. Postumus by Zumpt; 57, Postum(i)o; 57, DE POSTVMI CRIMINIBVS, no emendation required; 69, Postum(i)us.

As a praetorian candidate for 62 (he actually withdrew, *Mur.* 57), Postumius' birth-date should be 102 (or earlier). This would fit the moneyer of ca. 74. Postumius would have been qualified for a quaestorship in (or before) 71. The conjecture may appear less arbitrary when it is recalled that the wife of Ser. Sulpicius Rufus, with whom Postum(i)us was associated in the prosecution of L. Murena, was a Postumia (*Cic. Att.* 10.9.3; 10.12.11; cf. 5.21.14; *Fam.* 4.2.1, 4). She was of the Postumii Albini (Münzer, *Römische Adelsparteien und Adelsfamilien* [Munich 1920] 405), and the types of the coinage of C. Postumius show that he belonged to the same family (Sydenham, *CRR* 129, n.) It seems rather probable that he was Ser. Sulpicius Rufus' brother-in-law. The mysterious involvement of "C. Postumus" in the case against Murena is thereby explained.

jocular remark to Caelius (*Fam.* 2.16.7, *Curtius noster dibaphum cogitat, sed eum infector moratur*). He *may* then have been elected to the praetorship of 48, for which he easily had the age qualification. But to explain his career it is really unnecessary to assume this (cf. above on Q. Marcius Philippus).

C. Vibius C.f.C.n. Pansa Caetronianus (cf. *RE* 8A.1953 ff., Vibius 16) had been a tribune of the plebs supporting Caesar in 51 (*Cic. Fam.* 8.8.6 ff.) He was therefore born by 84 (and should have been quaestor by 53). His father had been proscribed by Sulla (*Dio* 45.17.1). However, his nomenclature indicates that he was the son of a Caetronius and had been adopted by C. Vibius C.f. Pansa, moneyer in 90 B.C.²⁷ If the proscribed father was the former, not the latter, the adoption perhaps enabled Pansa to avoid the disqualification from candidacy imposed on sons of the proscribed (*Vell.* 2.28; *Plut. Sull.* 31). In 48 he issued coinage at Rome (Crawford, *RRCH* Table XIV; cf. Sydenham, *CRR* 158 f.), and Cicero, writing from Brundisium on 27 November 48 (*Att.* 11.6.3), indicates that Pansa was then in Rome (cf. also *Att.* 11.14.3, April 47). He was governor of Bithynia and Pontus in 47–46 (*MRR* 2.290, 299; cf. Magie, *RRAM* 2.1270, n. 40). In March 45 he succeeded M. Brutus as governor of Gallia Cisalpina (*MRR* 2.310; cf. *Cic. Att.* 12.19.3, 27.3). Before the Ides of March, 44, he had, with A. Hirtius, been designated consul for 43 (*Dio* 43.51; *Cic. Att.* 14.9.2).

A certain amount of confusion about Pansa is displayed in *MRR* 2 (not removed in the 1960 *Supplement*). At 2.258 he is listed as a possible aedile in 49, and assigned the further career “cos. 43, pr. 46?” The conjecture about the aedileship is based on Pansa’s coinage (Grueber, *CRRBM* 1.509 f.), and is doubly faulty: as Broughton notes, Rome was without aediles in 49 (according to *Dio* 41.36.2 f.); and Pansa’s coinage belongs to 48, not 49. As for the praetorship, this is not listed when *MRR* reaches the year 46 (not surprisingly, since Pansa was then in Bithynia and Pontus). Instead, a queried praetorship appears under 48. The grounds for *this* conjecture are only hinted: Pansa’s presence in Rome in 48, and his assumption of a province in 47. Once again, we must note that in the conditions of the time it was not necessary for a promagistrate to have held the praetorship. However, since Pansa *was* in Rome in 48, it may appear likely that he was there in possession of *some* magistracy. To be eligible for the praetorship he should have been born in 88; this is not impossible (it would mean that he became tribune at the age of 36). It is also possible to revive Grueber’s conjecture that he was an *aedile*—but in 48 (born by 85).

Thus, the four men who were certainly praetors in 48 were, so far as we can tell, elected in conformity with the *lex annalis*. The evidence for

²⁷Crawford, *NumChron* 4 (1964) 141; *RRCH* Table XII; cf. Sydenham, *CRR* 105 f.

the other four praetors of the year is weak; we have little reason to think we know *any* of them. But as far as our evidence reaches, we have no reason to suppose that there was any flouting of the law in the praetorian elections of 49.

Aediles.

There is no information on the aediles of 48. If Vibius Pansa was one of them (see above), there need be no irregularity. His tribunate already establishes his birth-date as not later than 84, while this aedileship would require a birth-date not later than 85.

Tribunes of the plebs.

Tribunes were not subject to the *lex annalis*. However, their careers were affected by it. We should therefore include the tribunate in the discussion, as contributing to a general view of the observance of the norms in electoral matters.

One name is offered for 48, A. Hirtius A.f. (MRR 2.274, with a query). The basis is the reference in Cic. *Phil.* 13.32 to a *lex Hirtia*:

"neminem Pompeianum, qui vivat, teneri lege Hirtia dictitatis." quis, quaeso, iam legis Hirtiae mentionem facit? cuius non minus arbitror latorem ipsum quam eos, de quibus lata est, paenitere, omnino mea quidem sententia legem illam appellare fas non est; et ut sit lex, non debemus illam Hirti legem putare.

Hirtius, then, as a mere political agent, had, quite some time before 43, authored a law which affected adversely the supporters of Pompeius, and which, according to both Antonius and Cicero, had passed into desuetude.

Hirtius was probably the son of a censor of Ferentinum (*ILLRP* 2.584–6, conjecturally dated a little before 81 B.C.)²⁸ He first appears serving with Caesar in Gaul while Quintus Cicero was there (Cic. *Fam.* 16.27.1 f.), i.e., 54–52 (MRR 2.225, 239). His status, unfortunately, is not clear, "perhaps" a legate (MRR 2.225). If so, he will have been a senator by 54–52, quaestor by 55–53. This would give 86–84 as the *terminus* for his birth-date. He remained with Caesar in Gaul through 51–50: he was certainly with Caesar in 50 (Cic. *Att.* 7.4.2, his flying visit to Rome for one night only, 6–7 December); and his own preface to *Bellum Gallicum* 8 implies that he had witnessed the Gallic campaign of 51–50. It is therefore unlikely that he had been present at the elections of 50 for 49, and it is certain that he did not hold the tribunate in 49, since he was not in Rome to enter upon office on 10 December. He was in touch with Caesar in Italy in early April 49 (Cic. *Att.* 10.4.6, 11).²⁹ He himself tells us that he did not take part in the Alexandrine War

²⁸See Badian, *Historia* 12 (1963) 137.

²⁹These passages have been taken to show "the presence of Hirtius in Spain" (MRR 2.285; cf. *RE* 8.1957, Hirtius 2)—with no good reason.

(October 48–March 47); but before 17 July 47 he had joined Caesar at Antioch (*Att.* 11.20.1).

Thus 48 is the only year in which Hirtius could have held an office enabling him to carry the *lex Hirtia*, unless he did so as praetor in 46. Dio mentions under the year 48 a measure which sounds similar to the *lex Hirtia* (insofar as the sense of that law can be enucleated from Cicero's vague remarks): τοὺς τε γὰρ τὰ τοῦ Πομπείου φρονήσαντας ἐπέτρεψαν αὐτῷ πᾶν ὅτι ποτ' ἂν ἐθελήσῃ δρᾶσαι . . . ἵνα καὶ ἐν νόμῳ δὴ τινι αὐτὸ ποιεῖν δόξῃ (42.20.1). It seems legitimate to treat the case for A. Hirtius' tribunate in 48 as favoured by the circumstantial evidence. If he was born by 84 (see above), his tenure of the office presents no abnormality.

Quaestors.

Not much is to be gleaned from the quaestorian elections for 48 (*MRR* 2.274). Without knowledge of the birth-dates of the men concerned, it will be impossible to tell whether there was any irregularity in their election; there is no previous career for guidance, and subsequent stages of the career cannot safely be brought into reckoning since they themselves may involve irregularities.

M. Claudius M.f.M.n. Marcellus Aeserninus, quaestor under Q. Cassius Longinus in Hispania Ulterior (*BAlex.* 57.4; Dio 42.15.3), consul in 22 B.C. (*PIR*² 2, C 926), was the grandson of M. Marcellus *Aesernini pater* (Cic. *Brut.* 136), legate of C. Marius in 102 (*MRR* 1.569), perhaps as an ex-praetor (born before 142). The intervening M. Marcellus Aeserninus, the quaestor's father, is otherwise attested only in Cic. *Verr.* 4.91, where he is described as *adulescentem illo loco natum, patronum Siciliae* (he was present at Verres' trial in 70, but apparently failed to testify for the accused, as he had been expected to do). *Adulescens* is a treacherous term; it can be applied to men in their thirties (Cic. *Rep.* 1.18; Val.Max. 7.5.2). If everything is to fit, Aeserninus I will have to be given a birth-date before 100, in order to have a son legally eligible for the quaestorship of 48 (born not later than 79). The combination is rather tight, but not impossible. In favour of it is the existence of a much older brother of Aeserninus I, named P. *Lentulus Marcelli filius* (Cic. *Brut.* 136), who coined as LENT MAR. F. not later than 100 (Crawford, *RRCH* Table XI). Thus it is just possible for the quaestor of 48 to have been born in 79. Of course it is also possible that he was born later, and was not legally eligible for the office in 49.

(?P.) Cornelius Lentulus Marcellinus (cf. *MRR Suppl.* 19), quaestor under Caesar at Dyrrhachium (Caes. *BC* 3.62.4), was actually a cousin of Aeserninus II, being grandson of P. Lentulus Marcelli filius; his father was either the quaestor pro praetore of 75–4 (born by 106), P. Cornelius Lentulus Marcellinus (*MRR* 2.97, 103; Badian, *JRS* 55 [1965] 119 f.),

or his brother Cn. Cornelius P.f. Lentulus Marcellinus, quaestor ca. 74, praetor 60, consul 56 (born by ca. 105). In either event it presents no difficulty to assume that he was born by 79; the assumption becomes imperative if it is true that P. Cornelius P.f. Lentulus Marcellinus, praetor 29, consul 18, was his son (*PIR*² 2, C 1396).

Ti. Claudius Ti.f. Nero was Caesar's quaestor at Alexandria (Suet. *Tib.* 4), so he presumably held the office in 48. His father had coined ca. 79 (Crawford, *RRCH* Table XII), and had been praetor before 63 (Sall. *Cat.* 50.4), which indicates a birth-date before 103. Nero lost out in the competition to prosecute A. Gabinius in 54 (Cic. *QF* 3.1.15; 3.2.1). He visited Asia Minor in 50, when he was seeking to marry Cicero's daughter (*Fam.* 13.64.1; *Att.* 6.6.1), who was probably born about 75.³⁰ These various indications make a birth-date by 79 for Nero quite plausible.

Q. Cornificius Q.f. was another quaestor of Caesar in 48, sent to Illyricum *pro praetore* (*B Alex.* 42.2: *eo missus aetate cum duabus legionibus Q. Cornificius, Caesaris quaestor, pro praetore*). His father had been tribune of the plebs in 69 and probably praetor in 66 (certainly in 67 or 66: cf. *MRR* 2.152), so born by 106.

Sex. Iulius Caesar is said to have been quaestor when appointed governor of Syria in summer 47 (Dio 47.26; *MRR* 2.289). He must have been quaestor in 48 (proquaestor 47), since the quaestors of 47 were not elected until the autumn of 47 (*MRR* 2.285, n. 5). He is attested as Flamen Quirinalis in 57, having been inaugurated between 60 and 58 (*MRR* 2.199, n. 2, where "quaestor of 47" is to be corrected to "quaestor of 48;" L. R. Taylor, *AJP* 63 [1942] 397). He was probably the second son of L. Iulius L.f.L.n. Sex.pron. Caesar, quaestor 77, consul 64 (born by 108).³¹ His brother L. Iulius Caesar was a senatorial envoy at the beginning of 49 (*MRR* 2.265), so quaestor by 50, born before 80.

From what we have observed thus far, we can see that the quaestors

³⁰Tullia was betrothed to C. Piso Frugi at the end of 67 (Cic. *Att.* 1.3.3). Piso is termed *gener* in the Fourth Catilinarian (3). But in the same passage it is implied that Tullia was still in the *domus* of Cicero, and that Piso was waiting for the end of the present crisis before completing the marriage (*ille qui exspectans huius exitum diei stat in conspectu meo gener*). Piso, then, was only a prospective son-in-law, a fiancé, on 5 December 63. Since the daughters of the Roman upper class were normally married at 12–15 (cf. M. K. Hopkins, *Population Studies* 18 [1965] 309 ff.), Tullia should have been born between 78 and 75 (5 August: *Att.* 4.1.4). This can be narrowed down to 76–75, since Cicero's absence in the East lasted to 77 (M. Gelzer, *Cicero* [Wiesbaden 1969] 23, 26). Drumann-Groebe's date, 79 or 78 (*Geschichte Roms*³ [Leipzig 1899–1929] 6.614; cf. *RE* 7A.1329, Tullius 60 [Tullia], unfortunately taken as factual by Hopkins, *op. cit.* 317), is plainly too early. The marriage must have taken place in 62 (or the last days of 63).

³¹L. R. Taylor's observation that Sex. Caesar, the Flamen Quirinalis, had been inaugurated only a short time before 57 (actually, he could even have been inaugurated in 57, since the occasion for which he is attested, Cic. *Har.Resp.* 12, took place on

of 48 tend to be the sons of men born in the decade before 100 B.C. This of course does not *prove* that they were all born by 79, but it is conformable to that hypothesis.

Nothing to the point can be said of C. Plaetorius, quaestor to Cn. Domitius Calvinus in Asia Minor, 48–47 (*BAlex.* 34.5). On Appuleius, who appears to have held a like position (Syme, *Anatolian Studies* Buckler 315 ff.; *MRR* 2.274, 285, n. 4, 288), see the discussion of Appuleii in IV, 45 B.C., Quaestors.

The final name in *MRR*'s list for 48 is ?C. Sallustius Crispus, who is alleged by Pseudo-Cicero (*Inu.Sall.* 6.17; 8.21) to have regained senatorial rank, after his expulsion in 50, through the quaestorship. This fancy is to be rejected. The facts are given by Dio (42.52.2): στρατηγὸς γὰρ ἐπὶ τῇ τὴν βουλείαν ἀναλαβεῖν ἀπεδέδεικτο (see III, 46 B.C., Praetors).

To sum up. We know the two consuls, four of the praetors, and seven of the quaestors, for the year 48: a respectable sample. It yields no evidence that in their election the *lex annalis* was disregarded. The evidence of Caesar's own statement about his second consulship (*BC* 3.1.1) reveals that the conductor of the elections had the *lex* much in mind. In default of complete information, certainty is precluded. But on a balanced assessment of probabilities it seems reasonable to conclude that in the elections of 49 the *lex annalis* was generally observed.

II. 47 B.C.

One might presume that a looser attitude to the *lex annalis* was portended by the honours and privileges conferred on Caesar when news of Pharsalus and the death of Pompeius on 28 September 48 came to Rome. Caesar was granted, according to Dio (42.20.3 f.), the right to hold the consulship for five successive years, to be dictator for a whole year instead of six months (cf. Plut. *Caes.* 51.1), and to conduct all elections (except those in the plebeian assembly).

The elections for magistrates of 47 (other than those of the plebs) were, as a result, held up until Caesar's return to Rome in autumn of 47 (Dio 42.20.4, 27.2, 55.4). These magistrates enjoyed office for a mere three months or so.

Consuls.

Q. Fufius Q.f.C.n. Calenus had been a moneyer ca. 71 (Crawford, *RRCH* Table XII; cf. Sydenham, *CRR* 131), tribune of the plebs 61,

29 September 57, *Att.* 4.2.2: Gelzer, *Cicero* 154) removes the basis for Münzer's assumption (*RE* 10.477, Iulius 152, 153) that the Flamen Quirinalis was distinct from, and indeed the father of, Sex. Iulius Caesar, quaestor 48. The Iulius 152 of *RE* is in fact a "non-entity." Since the consul of 64 was L.f.L.n., he will have had to go back to his great-grandfather, Sex. Iulius Caesar, consul 157, to obtain the correct *praenomen* for his second son (see below, II, 47 B.C., Quaestors, for the *stemma* of the Iulii).

praetor 59, hence born by 99. He was at least nine years past the minimum age for this consulship.

The other consul, P. Vatinius P.f., had been quaestor 63 (after previously failing of election: Cic. *Vat.* 11), tribune of the plebs 59, praetor 55, so born by 95. Vatinius, too, was several years past the minimum consular age in 47.

Praetors.

Our information on the rest of the magistracies is scanty; on praetors it is virtually non-existent. The praetorship of L. Nonius Asprenas, assumed in *MRR* 2.287 because of his proconsular status in 46 (*ibid.* 298), is to be struck out (see E. Badian, *Phoenix* 25 [1971] 138–142; cf. below, V, 44 B.C., Tribunes of the plebs). The praetorship of M. Acilius Caninus (?Caninianus) is similarly inferred from a proconsulship in Sicily in 46, and is therefore precarious. The only other known item of his career is his service as a legate under Caesar in 48 (Caes. *BC* 3.15.6, 39.1), unless he is the urban quaestor, M. Acilius M.f. Caninus, in an undated inscription from Ostia (*ILLRP* 1².435; *MRR* 2.474; cf. *PIR*² 1, A 54). As a *legatus* of 48, he should have been quaestor in or before 49.

Tribunes of the plebs.

Three tribunes are cited, C. Asinius Cn.f. Pollio, P. Cornelius P.f. Dolabella, and L. Trebellius (*MRR* 2.287).

C. Asinius Pollio, no doubt the grandson of Herius Asinius (Syme, *RR* 91), the Marrucine general who was killed in 90 (Liv. *Per.* 73), was, according to Tacitus (*Dialog.* 34), in his 22nd year when he prosecuted C. Cato, i.e., in 54 (Cic. *Att.* 4.16.5, 15.4). If accurate, this would put his birth-date between ca. June 76 and 4 July 75. But the datum needs to be treated with circumspection.³² In the same passage Tacitus makes L. Crassus two (or three) years younger than he actually was at the time of his first prosecution (119 B.C., when Crassus was not “in his nineteenth year” but passing from his 21st to his 22nd).³³ He is similarly inaccurate about Caesar, who was not “in his twenty-first year” in 77 B.C.³⁴

One must wonder how there can be faith in Tacitus’ accuracy concerning Pollio’s case when he is proved so inaccurate in the other two. Quintilian (*Inst.Or.* 12.6.1), in a similar passage, had merely noted that

³²So prudent a scholar as R. Helm failed to perceive this, and accepted Tacitus’ statement without comment (*Philologus, Supplementband* 21.2 [1929] 70).

³³Crassus was born in 140 (Cic. *Brut.* 161). Tacitus refers to the prosecution of C. Papirius Carbo, which is firmly dated to 119 (*MRR* 1.526).

³⁴The reference is to the prosecution of Cn. Cornelius Dolabella, possibly late in 78, but more probably in 77 (*MRR* 2.89, 92, n. 4; Badian, *Studies* 82; M. Gelzer, *Caesar* [Oxford 1968] 22 f.). If born in 100, Caesar would be in his 23rd year (up to July 77).

Pollio was much below the *aetas quaestoria* when he undertook important cases. This is of course ambiguous: does he mean the quaestorian age under the Republican rules or under those of the Principate, i.e., below 30 or below 25? He should, for relevance, mean the former; and probably does, for with Pollio he couples C. Licinius Calvus, who was born 28 May 82 (Plin. *HN* 7.165) and prosecuted P. Vatinius in 58 (*ORF*³ 494 f.), a year in which, if the Principate's rules had then obtained, he would have been *eligible* for the quaestorship and not at all *multum ante quaestoriam aetatem*. Calvus also enters into the calculations of Tacitus, who states that his age when he prosecuted Vatinius was not much greater than that of Pollio when he prosecuted C. Cato. So far as these indications go, then, it might be safer to eschew an exact date and regard Pollio's birth as being located somewhere in the bracket 78–75 B.C. Jerome, however (*Chron.* 170 b, H), dates his death, in his 80th year, to *OL* 195, ostensibly to the fourth year of the Olympiad, A.D. 4: which would fix his birth in 76 B.C. if Jerome could be trusted for accuracy. Seneca (*Controv.* 4 *pr.* 5), who should be a reliable witness, attests that Pollio was still alive when the report of Gaius Caesar's death reached Rome (early April, A.D. 4: cf. *ILS* 140). This is still compatible with Jerome's death-date. We have to remember, however, the common tendency to blur the difference between "the 80th year" and "80 years old." There can be no precision. On Jerome's and Seneca's evidence, which is broadly congruent with that of Tacitus and Quintilian, we should rest content with the dates 77/76/75 B.C.–A.D. 4/5 (cf. *PIR*² 1, A 1241) to represent Pollio's life-span.

Pollio's tribunate is not, as a matter of fact, explicitly attested. But it is clearly implied by Plutarch, *Anton.* 9, where Asinius is coupled with Trebellius, a known tribune (Dio 42.29.1), in opposition to the tribune Dolabella. As we shall see from Dolabella's case, a tribunate at an unusually low age was now possible. We should accept the evidence that Pollio was between 27 and 29 when he became tribune for 47.

P. Cornelius P.f. Dolabella appears as an even younger tribune than Asinius Pollio, if we follow the statement of Appian (*BC* 2.129) that in 44 (March) Dolabella was only 25 years old. In that case he became tribune at the age of 22. This is admittedly hard to swallow (cf. Rice Holmes, *RRFE* 3.516; Gelzer, *Caesar* 309 n. 5; Wiseman, *New Men* 99 n. 2). Dolabella was probably the son of P. Cornelius Dolabella, praetor 69 (born by 109). After two acquittals on capital charges, in which he was defended by Cicero (*Fam.* 3.10.5), he was elected quindecimvir in 51, defeating the future consul of 49, L. Lentulus Crus (*Fam.* 8.4.1). The following year he twice prosecuted Appius Claudius Pulcher (*ibid.* 8.6.1; 3.12.1 ff.) This was an action appropriate (as we have seen in the case of Pollio) for a young man in his early twenties. Dolabella's marriage to

Fabia ended in February 50, by which time a son had in all probability been produced (*Fam.* 8.6.1; *PIR*² 2, C 1345). Caelius, writing to Cicero in June 50 to congratulate him on Tullia's marriage to Dolabella, expresses the opinion that the new son-in-law's character is improving with age (*Fam.* 8.13.1). This would be rather incongruous if Dolabella was then barely 20 years old, as Appian's statement implies. A simple solution is to emend Appian's figure from 25 to 35,³⁵ but this is not really satisfactory; it would have the effect of making Dolabella somewhat older than by all the signs he was. Everything fits together if he was about 25–26 in 50 B.C.³⁶ At all events we do seem to have, in Dolabella, a man who acquired the office of tribune when still under 30. His case and that of Pollio tend to corroborate one another.

This did not constitute a breach of the *lex annalis*. There is no reason to believe that any provisions about the plebeian tribunate were laid down in the law. The "minimum age" of 32 arose purely because it had been normal, and sensible, for a politician to hold the quaestorship first, thus gaining entry to the Senate in the post-Sullan period. But in the changed conditions created by the Caesarian victory the old considerations were evidently seen by impatient young Caesarians as no longer applying. It is manifest that neither Pollio nor Dolabella had held the quaestorship, or intended to do so.

On the other known tribune of 47, L. Trebellius, we lack detailed information. If, however, as seems highly probable, he was the son of L. Trebellius, tr.pl. 67, he would be the son of a man born by 100 (and probably not before 107). This suggests that he was himself born later than 87, but it would be just possible to squeeze him in as a tribune of normal age (born by 80).

Quaestors.

No quaestors are known for certain (*MRR* 2.287). Some doubt surrounds Cn. Iulius L.f.Q. who appears on coins from Corduba said to be datable to 47/46 (Grant, *FITA* 4 ff.) Grant takes for granted that he is a son of L. Caesar, consul 64. The hypothesis, though not without difficulties, may be correct. There is only one other Gnaeus known in the *gens Iulia*, Cn. Iulius Mento, consul 431 (*MRR* 1.64, n. 1 needs correction, in view of the existence of Cn. Iulius L.f.) Now it is clear from the use by C. Iulius Caesar Strabo of the additional name Vopiscus (Varro *RR* 1.7.10; Cic. *Phil.* 11.11) that he claimed direct descent from Vopiscus

³⁵W. Wegehaupt, *P. Cornelius Dolabella* (Gymn. Progr. M. Gladbach 1880) 4 f. (summary in C. Bursian, *Jahresbericht über die Fortschritte der classischen Alterthums-wissenschaft* 23 [1880] no. 3, 480 f.).

³⁶Note, incidentally, that Tullia was probably approaching 25 when she married Dolabella (see n. 30).

Iulius Iullus, consul 473. L. Caesar, the consul of 64, was the son of Strabo's brother (cf. Ascon. 25 C) and therefore could claim the same descent from Vopiscus. How all the relationships might work out is best illustrated by the partly conjectural *stemma* which follows (cf. above, I, 48 B.C., Quaestors, on Sex. Iulius Caesar). Our hypothesis would be that L. Caesar, having used up on his first two sons the *praenomina* of all his ancestors back to Vopiscus Iullus and not choosing to inflict the extinct *praenomen* Vopiscus on his third son, decided not to do what had been done for his uncle Strabo, i.e., jump over Vopiscus and take the *praenomen* of his father Gaius (Strabo's extra name may have been an ironical protest against this); instead he selected the *praenomen* of Vopiscus' eldest son, Gnaeus Iulius Mento. Such recondite punctilio seems in keeping with the ways of the patrician Iulii.

If Cn. Iulius L.f. is the son of the consul of 64, his quaestorship in 47 or 46 is likely to be normal under the *lex annalis*, seeing that his eldest brother, Lucius, must have held a legitimate quaestorship by 50, before there is any question of deviation from the law; the same consideration applies in respect of the middle brother, Sextus, quaestor 48.

The quaestor A. Pomp(oni)us M.f.Vic(tor), known from coins, is assigned by Grant (*FITA* 20 f.) to the period between Pharsalus and Thapsus, when the Pompeian treasury was located in Africa. Since no Pompeians had been elected to any office since 50 B.C., it plainly will not do to make A. Pomponius a Pompeian quaestor of 47 or 46. If Grant's reading and interpretation are correct, viz.,

A. POMP(oni)us M.F. VIC(tor) Q(uaestor ad) A(erarium)

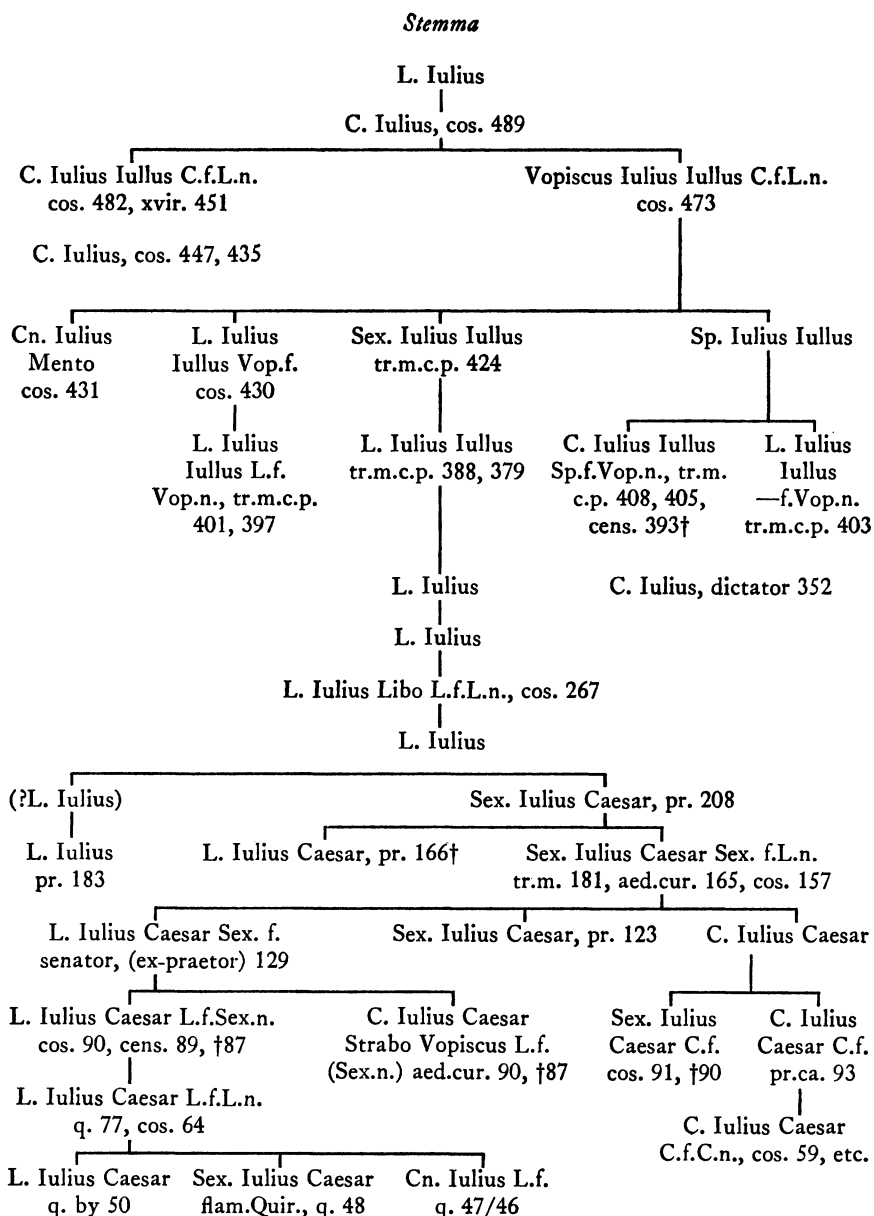
F(aciendum) C(uravit) EXERC(itus),

the man will have to be regarded as a quaestor of 49 continuing as *proquaestor* for the next two years. But possibly a different reading and interpretation need to be discovered. At any rate, this case has no bearing on the *lex annalis*.

The only other quaestor listed for 47 does not belong there either. 47 is only a *terminus ante quem* for the quaestorship of C. Sextilius Rufus (cf. *MRR Suppl.* 60) and not a very adequate one. Caesar gave away Cyprus to Arsinoe and Ptolemy at the end of 48 or early in 47 (Dio 42.35.5). So it makes no sense to imagine that in 47 Sextilius took over Cyprus as its first quaestorian governor (Cic. *Fam.* 13.48, *cum primus in eam insulam quaestor veneris*). The only suitable date is 49, after Cicero's governorship of Cilicia-Cyprus, which is mentioned in the letter cited (*et ea quae a me constituta sunt sequi volueris*).³⁷

To sum up: clear results for the year 47 are hard to obtain. Certainly, there was no breach of the *lex annalis* in the consular elections. There is virtually no evidence on praetors, aediles, and quaestors (Cn. Iulius L.f.

³⁷See further Badian, *JRS* 55 (1965) 113 f.



may belong to 46). But the tribunician elections for 47 exemplified a breaking-down of constitutional habits which was bound to set up pressure against the *lex annalis* through the extreme acceleration of the careers of certain prominent individuals.

III. 46 B.C.

The elections for 46 must have been held after the belated elections for 47, some time during the last three months of 47. In accordance with the prerogative granted to Caesar in 48 (above, 259), he presumably conducted, as dictator, the second set of elections as well as the first.

Consuls.

The consuls elected were C. Iulius Caesar, for the third time, and M. Aemilius M.f.Q.n. Lepidus. This is the beginning of a series of successive consulships for Caesar. It followed from another of the prerogatives granted in 48—to hold the consulship for five successive years. Caesar had in effect been exempted from the *leges annales*.

M. Aemilius Lepidus had been praetor in 49, and was therefore probably born by 89; he had coined ca. 66, which fits (Crawford, *RRCH* Table XIII; cf. Sydenham, *CRR* 136 f.; C. D. Hamilton, *TAPA* 100 [1969] 198). His quaestorship happens not to be attested, but it would be absurd to doubt that he held it (ca. 58). His election to the consulship must have been fully in accord with the *lex annalis* (note the *biennium*).

Praetors.

Ten praetors were elected for this year (Dio 42.51.3). Seven are listed in *MRR* (2.295 f.), but only three are unqueried.

C. Calvisius C.f. Sabinus first appears as an officer, possibly a legate, of Caesar in 48 (Caes. *BC* 3.34 f., 56; *MRR* 2.279). A praetorship in 46 is inferred from his governorship of Africa Vetus in 45 (W. Sternkopf, *Hermes* 47 [1912] 388). But that, as we have seen in other cases, is not sufficient evidence. There is a further complication. Calvisius appears as the 13th in a list of 15 men who were involved in the *sortitio* of praetorian provinces on 28 November 44 (Cic. *Phil.* 3.25 f.), and who at first sight would naturally be taken to be the praetors of 44. But of course matters are not so simple. The list of 15 does not include the praetors M. Brutus and C. Cassius, who had already left Italy. Does this mean that there were 17 praetors in 44? That is not only unlikely, but is flatly contradicted by Dio, who states that there were 16 (43.49.1, 51.4). So the list of 15 in Cic. *Phil.* 3.25 f. contains one name of a non-praetor. This was noted by Sternkopf (*art.cit.* 387 ff.). He decided that the intruder was C. Calvisius, on the fallacious ground that Calvisius could not be a praetor of 44 because he had governed Africa in 45 “und muss demnach schon vorher zur Prätur gelangt sein” (supported by a reference to Münzer, *RE* 3.1411). He brushed aside the obvious oddity of an ex-praetor taking part in the praetors’ *sortitio*. His prepossessions also led him to disregard the probability that the unwanted fifteenth name in *Phil.* 3.25 f. derives from a manifestly corrupt passage in 3.26.

For the sake of clarity I print the text as it appears in A. C. Clark's *Oxford Classical Text*, except for the removal of a conjecture of the editor's and its replacement by the (obviously faulty) MSS reading:

Qui sunt igitur reliqui, quos sors divina delectet? T. Annius,† M. Antonius.† O felicem utrumque! nihil enim maluerunt. C. Antonius Macedoniam. Hunc quoque felicem! hanc enim habebat semper in ore provinciam. C. Calvisius Africam. Nihil felicius! modo enim ex Africa decesserat et quasi divinans se rediturum duos legatos Uticae reliquerat. Deinde M. Cusini Sicilia, Q. Cassi Hispania. Non habeo quid suspicer: duarum credo provinciarum sortis minus divinas fuisse.

For the corrupt *M. Antonius* Clark read *M. Gallius*, referring to *Phil.* 13.26. That text, however, tells us only that M. Gallius was an ex-praetor in 43, not that he was praetor in 44.

Now, if one considers carefully the structure of the passage above, one observes that Cicero is going through a list of praetors and the provinces assigned to them. Discarding the corrupt *M. Antonius*, we can set the list up as follows:

T. Annius. ³⁸	—
C. Antonius.	Macedonia.
C. Calvisius.	Africa.
M. Cusinius.	Sicilia.
Q. Cassius.	Hispania.

It is thus perfectly obvious that what is concealed under the corruption after the name of Annius is not the name of another praetor but an indication of Annius' *provincia*. This had already been seen by Mommsen (*Hermes* 28 [1893] 600, n. 1), who produced the ingenious and indeed brilliant emendation *M. Antoni vicinus*; i.e., Annius received a province bordering on M. Antonius' province of Cisalpine Gaul. This would have to be Illyricum (E. Schwartz, *Hermes*, 33 [1898] 194), and Mommsen's suggestion might have been made somewhat more convincing if he had boldly proposed to include the name of the province in the emendation: e.g., *Annius Illyricum*, *M. Antoni vicinus*. But Mommsen may have been following a false scent. The problem is to cope with Cicero's sarcastic comment, *o felicem utrumque! nihil enim maluerunt*, which seems to require the mention of two personal names in the preceding sentence. Mommsen's proposal satisfies this requirement. A possible (though not necessarily preferable) alternative is to suppose that *utrumque* and *maluerunt* refer, not to two persons, but to Annius and his province, fortunate both to have been assigned by the divinely inspired lot to

³⁸The best MS, *V*, actually reads *L. Annius*; the *praenomen* T. is imported from the variant reading *T. Antonius*.

Note that the names in Cicero's list here are arranged in nearly alphabetical order, a further point against Clark's interpolation of M. Gallius. (The reverse order of Cusinius and Cassius is clearly dictated by stylistic considerations.)

each other; we may compare Cicero's language about *Sicilia* and *Hispania* in the sequel (*duarum credo provinciarum sortis minus divinas fuisse*). *M. Antonius* would in that case be replaced by the name of a province (not necessarily Illyricum).³⁹

Whatever may be the solution to this problem, we can hold firm to the conclusion that the intrusive fifteenth name in *Phil.* 3.25 f. is *M. Antonius*, that Cicero does indeed list the 14 praetors who took part in the *sortitio provinciarum* on 28 November 44, and that therefore C. Calvisius Sabinus was a praetor of 44, not of 46. Further discussion can be left until we come to the praetors of 44.⁴⁰

C. Carrinas C.f. was the son of the "Marian" commander, C. Carrinas (Syme, *RR* 90, n. 4). The latter fought against Pompeius and Sulla in the Civil War, 83–82, and is credited with a praetorship in 82 (*MRR* 2.67) because Orosius (5.21.10) calls him *praetor*; this of course is inadequate evidence, since *praetor* may stand for *propraetor*. The elder Carrinas may well have been praetor in 83, or even in 84. (Plutarch, *Pomp.* 7.1, names him as one of three *στρατηγοὶ πολέμιοι* in 83; this in turn does *not* prove that he was praetor in 83). He was proscribed and put to death at the end of 82 (*MRR* 2.67, to which a reference to Dio 51.21.6 should be added). His son, therefore, was certainly born by 81, probably not later than 83, and there is a good chance that he was born by 86. As the son of a *proscriptus* he had been excluded from the political career up to the Civil War. The disqualification had been removed in 49 during Caesar's first dictatorship (Plut. *Caes.* 37.1), and it seems a reasonable assumption that Carrinas at once stood for, and was elected to, some office for the following year. No praetorship in 46 is attested for him. The office is inferred from the fact that in 45, after Munda, Caesar posted him to Farther Spain to continue the war against Sex. Pompeius (*MRR* 2.308): once again, insufficient evidence. Carrinas became suffect consul for the last three weeks of 43 (*ibid.* 2.337). His colleague was P. Ventidius Bassus—a praetor of 43! Which is enough to inhibit the assumption that the consulship of Carrinas must imply a praetorship a *biennium* earlier. The incomplete data about him are *compatible* with the conjectures that he was born by 86, held (say) the quaestorship in 48, and the praetorship in 46: an unusual career—because he was *proscripti filius*—, but one within the terms of the *lex annalis*. However, there is a grievous lack of hard evidence.

³⁹Palaeographically, this would stand on the same footing as the replacing of *M. Antonius* by *M. Gallius*. That is, *M. Antonius* is supposed to have crept in through dittography either from the preceding *Annius/Antonius* (n. 38) or from the following *C. Antonius*.

⁴⁰Sternkopf's article has been remarkably influential. *PIR*³ 2, C 352, and *MRR* 2.319, fail to mention, even as a possibility, that Calvisius was praetor in 44.

T. Furfanius Postumus' praetorship is likewise unattested. It is (once again) inferred from his proconsulship in Sicily in 45 (Cic. *Fam.* 6.9; 8.3; *MRR* 2.295, 309). We hear of him first as a juryman in the trial of Milo (Cic. *Mil.* 74–75), one of a carefully selected group of distinguished and virtuous persons (Ascon. 38C–39C; cf. Vell. 2.76.1). The reference does not reveal whether he was a senator or an *eques*; but, since Cicero usually mentions the title *eques Romanus*, there is a preference for assuming Furfanius to have been a senator.⁴¹ The next, and only other mention is from January 49 (Cic. *Att.* 7.15.2). He is a promagistrate in Sicily, and the Senate has ordered that he be succeeded immediately. It is assumed in *MRR* that he was possibly quaestor in Sicily in 51 (2.241) and proquaestor in 50 (2.250). If so, he cannot have been a senator in 52. As pointed out by Shackleton Bailey (*CLA* 4.311), it is not ruled out that Furfanius was governing Sicily as a *praetorius* in 49. If so, since no praetorian governors were appointed between 51 and the beginning of 49 (cf. Cic. *Fam.* 8.8.8, 8.13.2; *Att.* 6.2.6), his term must have begun by 51, and under the terms of the Senate decree of 53 (n. 41) he should have been praetor not later than 55 (cf. Linderski, in *Studi in onore di Edoardo Volterra* 2.285, on M. Nonius Sufenas, pr. 55, governor of an eastern province⁴² 51–50). In that case he of course is to be removed from the praetorian list of 46. Supposing, however, that he *was* a quaestor

⁴¹In *Mil.* 74, *hunc P. Varum* (the reading of *H*), *fortissimum atque optimum civem, iudicem nostrum*, the reference is surely to the senator P. Attius Varus. He had governed Africa *paucis ante annis* (before 49) *ex praetura* (Caes. *BC* 1.31.2; cf. Schol. Gron. 291 St.). *MRR* places his praetorship tentatively in 53, and the governorship in 52, as "the latest possible date" (2.228, 237). But these dates should be pushed back at least one year, since it was precisely in 53 that a senate decree prohibited the holding of a province *ex praetura* and *ex consulatu* (Dio 40.46.2). Thus Varus was praetor by 54, governor of Africa by 53, and there is no obstacle to his being the juror in the trial of Milo in 52.

C. Considius Longus, we are told (Schol. Gron. 291 St.), before the outbreak of the Civil War returned from governing Africa in order to stand for the consulship (*ad consulatus petitionem*). He left in command his legate Q. Ligarius, who had some time to enjoy his deputy-governorship *in pace* (Cic. *Lig.* 2.4,30). It probably follows that Considius left the province, not "late in 50 to canvass for the consulship" (*MRR* 2.250: which, moreover, postulates a strange obliviousness on his part to the imminence of war), but in the spring of 50 to *stand* for the consulship that year. He must certainly have been governor of Africa in 51 (*MRR* 2.242, "probably"). He cannot therefore have been a praetor of 52 (there are no grounds for Broughton's statement, *MRR* 2.222, that the *lex Pompeia* of 52 which confirmed the *SC* of 53, Dio 40.56.1, does not "appear to have applied to the magistrates in 52"). Although it cannot be demonstrated, it seems possible that he was praetor in 54 (with his fellow-candidate for the consulship of 49, Ser. Sulpicius Galba: Dio 39.65.2; Hirt. *BG* 8.50.4) and governed Africa from 53 to 50. If so, Attius Varus was praetor by 55 and governor of Africa by 54.

⁴²Probably Macedonia; cf. Shackleton Bailey, *CLA* 3.246 (whose objection to the identification of M. Nonius Sufenas with the governor is hard to follow).

in 51, and an equestrian juror at the trial of Milo, it can be assumed that he was at least 30 in 52 B.C. (cf. the *lex repetundarum*, *CIL* 12.2.583, l.13), hence born by 83; in *this* case it would be a bit unlikely that he was born as early as 86 (becoming quaestor at the age of 34?—not very distinguished). Thus, if he *was* praetor in 46, he would possibly have been below the minimum age. But that praetorship is clearly far from assured.

In the case of A. Hirtius we have direct attestation of a praetorship in 46: the gold coinage with obverse legend C.CAESAR COS.TER and reverse legend A.HIRTIUS PR. (Sydenham, *CRR* 169; Crawford, *RRCH* Table XIV). The idea that PR. might stand here for Praefectus (*sc.* Urbi) (Grueber, *CRRBM* 1.525 f.; cf. Sydenham, *loc. cit.*) should certainly be rejected (*MRR* 2.295). Hirtius, as we have seen (I, 48 B.C., Tribunes of the plebs), may possibly have been a quaestor by 55, born by 86. For his praetorship to be regular, this would be a necessary precondition. But we cannot establish it with security on the evidence we have.

For the listing of Q. Marcius Crispus as even a conjectural praetor of 46 (*MRR* 2.295 f.) there is really no justification whatever (cf. *MRR Suppl.* 39). He was probably an aedile by 58 (born by 95) (*ibid.*). After service as a legate of Caesar's father-in-law, L. Calpurnius Piso, in Macedonia 57–55, he disappears from view, to re-emerge in 46 as an officer, probably a *legatus*, under Caesar in the African campaign.⁴³ He was proconsul of Bithynia-Pontus in 45 (*MRR* 2.309), the following year he led his legions to Syria to aid L. Staius Murcus against Caecilius Bassus, earning the salutation *imperator*, and in 43 he handed over his forces to C. Cassius Longinus and retired from service (*MRR* 2.329, 347). It can be guessed that he may be the Marcius who was suffect consul in 36 (Syme, *RR* 199, n. 3), with L. Nonius Asprenas. But he may never have been praetor at all, and even if he had been, 46 is the year in which he is least likely to have held the office.

In C. Sallustius Crispus (Sallust), however, we have an absolutely certain praetor of 46. Dio (42.52.2) mentions his being praetor designate at the time of the mutiny of the legions in late 47, and he is called *praetor* in 46 (*BAfr.* 8.3, 34.3). He had been expelled from the Senate in 50 and

⁴³*BAfr.* 77.2: *Caesar ... Marcium Crispum tribus cum cohortibus et sagittariis tormentisque compluribus praesidio Thabenam mittit.* This is the reading of *D*, supported by *T* and *V*. The reading adopted in the *OCT* (attributed to *L'*, not *L* as *MRR* 2.299)—*tribunum cum cohorte*—seems much inferior. If it were accepted, a second Marcius Crispus would have to be brought into being, in order to avoid the absurdity of a 50-year-old senator serving (in this period) as military tribune. *MRR* exhibits some confusion over all this: 2.296 says "see below, Legates" ("corrected" in *Suppl.* 73) and the Index, 2.588, has "Leg., Lieut.? or Tr. Mil.? Africa 46" (not "corrected"); but the required entry for Q. Marcius Crispus at 2.301 under "Legates, Lieutenants 46" is missing.

regained senatorial rank by his election to the praetorship (Dio 40.63.4, 42.52.2). He is attested as a Caesarian officer in 49 (*MRR* 2.269), but escapes mention in 48. We have an exact date of birth for Sallust, presumably derived from Suetonius, 1 October 86 (*Chron.min.* 1.214 Momm.; *Chron.Pasch.* 1.347, 11 Bonn.; Jerome, *Chron.* 151 a, H.; cf. Helm, *Philologus Suppl.* 21 [1929] 39 f.). It is certainly striking to observe that for Sallust 46 B.C. *erat annus quo per leges ei praetorem fieri liceret*.⁴⁴ It would not be surprising if a minor element in his bitterness about the political careerists who came after him (*Bj* 4.4, 7 f.) was disgust at their flouting of the Republican *leges annales*.

Last, and secure, in the alphabetical list for 46 comes L. Volcaci^{us} Tullus, probably the urban praetor (*MRR* 2.635; Cic. *Fam.* 13.14). This man was *consul ordinarius* in 33 B.C. (*MRR* 2.414). He was undoubtedly the son of his homonym, consul 66 (Syme, *RR* 242, n. 2). Since his father must have been born by 109 (and quite possibly earlier, since he was from a new family),⁴⁵ he can, without difficulty, be supposed to have been born by 86 (not 76, as *RE* 9A.756, Volcatus 9), and therefore to have reached the requisite Republican age for the praetorship of 46.

It is clear, then, that we can claim to know only three out of the ten praetors of 46. In the one case where we can be certain of the biographical dates (Sallust), it turns out that the *lex annalis* was dutifully observed. In another case (Hirtius), observance of the *lex* is quite likely; in the third (Volcaci^{us}), it is at any rate not impossible.

Tribunes of the plebs.

The record of the other magistracies of 46 is extremely scanty. C. Antonius M.f.M.n. is very tentatively listed as tribune of the plebs (*MRR* 2.296, following Niccolini, *Fasti* 341 ff.), but the evidence is strictly non-existent. Cicero in May 50 predicted that the three brothers Antonii would hold the tribunate successively for the next three years (*Fam.* 2.18.2). M. Antonius, of course, did hold the tribunate in 49, but C. Antonius was a prisoner of war in 48 until after the Battle of Pharsalus (Dio 42.11.1, 5), and the third brother, L. Antonius, held the office not in 47, as forecast, but in 44 (*MRR* 2.323: obviously timed to coincide with his brothers' consulship and praetorship). The war clearly changed the situation so drastically that a prediction about careers made before its outbreak became virtually irrelevant.

⁴⁴Since the birth-date 86 makes an excellent fit both with the praetorship and with the tribunate in 52 (Ascon. 37, 44 f., 49 C), it seems unnecessary to adopt a sceptical attitude towards its accuracy (Syme, *Sallust* 14). Nor should there be any doubt (*ibid.* 28) that Sallust held the quaestorship (which happens to be mentioned only by Ps. Cic. *Inv.Sall.* 5.15), either in 55 or in 54.

⁴⁵Cf. Wiseman, *New Men* 276 f.

Quaestors.

Two quaestors are registered under 46 (*MRR* 2.296; but see also above, II, 47 B.C., Cn. Iulius L.f.). Nothing further is known about Granius Petro, who died as quaestor designate. M. Terentius Varro Gibba had been Cicero's subscriptor in the prosecution of M. Saufeius in 52 (*Ascon.* 55 C). Before the outbreak of war he had begun a career as a member of a *societas* of *publicani*, in which he suffered heavy losses (*Cic. Fam.* 13.10.2). It seems quite likely that he was at least 25 in 52 B.C. and therefore had reached the legal age when elected quaestor for 46. (He was tribune of the plebs in 43: *Dio* 47.11.3.)

The summing-up for the year 46 can be very brief. We have yet to find evidence of a breach of the *leges annales*, apart from the special case of Caesar himself. This, however, as we shall see, is the last year of which that can be said.

To be continued.

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