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PRAETORS OF THE COUNTRY TOWNS

Eeva Ruoff-Väänänen

It has often been maintained that the highest administrative magistrates were called *praetores*, *praetores duoviri* or *praetores quattuorviri* in several colonies and *municipia*,<sup>1</sup> but so far no special study has been devoted to this subject. The sources consist of inscriptions as well as of a few literary references. In regard to the inscriptions the main difficulty lies in the interpretation of the abbreviation pr. In the texts listing municipal magisterial titles like *aedilis* and *questor* this abbreviation has invariably been read *praetor*.<sup>2</sup> In some cases this interpretation is certainly correct; in other cases it is doubtful and probably wrong. There were namely also magistrates called *praefecti* in a large number of colonies and *muni*-

<sup>1</sup> W. Liebenam, Städteverwaltung im Römischen Kaiserreich, Leipzig 1900, 253ff; K.J. Beloch, Römische Geschichte bis zum Beginn der Punischen Kriege, Weimar 1926, 492, 496; H. Rudolph, Stadt und Staat im Römischen Italien, Leipzig 1935, 143 n. 2; A.N. Sherwin-White, The Roman Citizenship, Oxford 1973, 83; A. Degrassi, Quattuorviri in Colonie Romane e in Municipi Retti da Duoviri, Atti della Accademia Nazionale dei Lincei, Ser. 8, vol. 2, fasc. 6(1949) 305, 315f; E. Klebs, Petroniana, Philologus Suppl. 6(1891-1893)672; E.T. Salmon, Roman Colonization under the Republic, London 1969, 113, 190 n. 219, 180 n. 119; Wesenberg, Praetor VII, PW 22, 1604 et alia.

<sup>2</sup> See Beloch 489-492, Klebs 684-692 and the other works cited above.

cipia, <sup>3</sup> and, though this title was often abbreviated *praef.*, it is quite possible that it can have been abbreviated plain *pr.* not only as a military, but also as a magisterial title.<sup>4</sup> In the following list only such places are given where at least one inscription recording the longer abbreviation *praet.* or the full word *praetor* has been found.

The Roman figures refer to the respective volumes of CIL, if not otherwise stated.

#### Italia

? Abellinum X 1138. This inscription is lost and known only from early epigraphic publications. It now reads - - q. aed. praet. II vir q. aliment. - - in CIL, but this interpretation is not certain, because some of the early scholars read the crucial word not praet. but prae. and praef., cf. loc.cit. Inscriptions recording only pr. from Abellinum are: 1134f., 1137, 1140.

? Aletrium X 5832, from the Augustan Age or a little later. The inscription reads: - - praetori aed. IIII viro i. d. municipio

<sup>3</sup> There was a particularly large number of praefecti in the communities of northern Italy, see E. Manni, Per la Storia dei Municipii fino alla Guerra Sociale, Roma 1947, 187, for references (N.B. his list is by no means complete), but there were praefecti also elsewhere in Italy as e.g. CIL IX shows: 422 v. 28 from Venusia, 800 from Luceria, 1027 from Ager Compsinus, 2802 from Aufidena, 3160 from Corfinium, 3385 from Aufinum, 4204 from Amiternum.
4 Cf. Salmon 186, n. 182. Note also how C. Oppius Bassus' title reads presented presented presented.

<sup>4</sup> Cf. Salmon 186, n. 182. Note also how C. Oppius Bassus' title reads pr. Auximo in CIL IX 5839 where it has invariably been read praetor Auximo.Yet as he is titled pr. i. d. Aux. in another inscription, 5840, the abbreviation pr. must obviously be read praefectus in both inscriptions. The word praetor namely never occurs with the designation i(ure) d(icundo), which is a common attribute with the word praefectus, see E. Manni, loc. cit., for references.

Aletri. The appearance of the titles *praetor* and *IIII vir i. d.* together may mean that the *praetura* was possibly a sacral, not an administrative magistracy at Aletrium, but the person in question may also have been first an - administrative - *praetor* and later on a *IIII vir*, when the quattuorviral system had been established at Aletrium.

? Anagnia X 5919. This *praetor* may have been a sacral magistrate, cf. Livy 9,43,24. The inscription dates from the second half of the second century A.D. Inscriptions recording only *pr.*: 5920, 5925ff., 5929; AE 1924, 102.

Bantia, E. Vetter, Handbuch der Italischen Dialekte I, Heidelberg 1953, 16f., 11. 23, 27f.<sup>5</sup>

Canusium, Hor. Sat. 2,3,168-181.6

Capena XI 3876 a and NS 1953 p. 18ff., both from the year 198 A.D. An inscription recording pr., XI 3873, dates from the year 193 A.D.

Cora I 1148 = X 6527, from the last century B.C.

Cumae X 3698, from the year 289 A.D. Inscriptions X 3685, NS 1898 p. 192 and 1913 p. 186 record the abbreviation pr.

Falerii XI 3081, 3156 a.

<sup>5</sup> See also the new publication of the Tabula Bantina by H. Galsterer, Die Lex Osca Tabulae Bantinae - Eine Bestandsaufnahme, Chiron I (1971)191-214.

<sup>6</sup> N.B. in another poem Horace seems to be speaking about a *praetor* of Fundi, Sat. 1,5,34ff., but obviously the reference was meta-phorical, because we know on the basis of other sources that Fundi was governed by a collegium of three *aediles*, not by *praetores*, CIL X p. 617. Most probably this Aufidius Luscus mentioned by Horace was one of the *aediles* or one of the Roman *praefecti i.d.* sent to Fundi - which was a *praefectura*, Festus Gloss. Lat. p. 262,13 - who overplayed his role there so as to make Horace mockingly call him *praetor*.

Herdoniae IX 689.

Lavinium X 797, from the period 47-54 A.D., XI Suppl. 7555, from the year 173 A.D., XIV 171f. and 2070.

\*Nauna IX 10, from the year 341 A.D.

? Tibur.<sup>7</sup>

? Velitrae X 6554, Mommsen, loc. cit., considered the inscription dubious.<sup>8</sup>

#### Provinces

Aquae Sextiae XII 517, 4409, from the beginning of the first century A.D.

Bocchori II 3695, from the year 6 A.D.

Burdigala XIII 596f., 600, from the early Empire. These inscriptions record the same person.

Carcaso XII 5371, from the beginning of the first century A.D.

? Lucus Augusti XII 1586, and probably 1584, too. This practura may also have been a sacral magistracy, because the word practor appears together with the title flamen in these inscriptions.

? Setif AE 1930, 46, the inscription reads [pr]aetor.

The above list shows that there are extremely few places where the word praetor was indubitably used as a magisterial title. The

<sup>7</sup> A. Rosenberg, Neue Zensoreninschrift aus Praeneste, Rh. Mus. 71. (1916) 125f., suggests on the basis of CIL XIV 3540 (Fortunae praetoriae sacrum - -), cf. 3554, that there would previously have been praetores also in Tibur, though the surviving magisterial titles record only *IIII viri*.

<sup>8</sup> Note also that according to A. Rosenberg, Zur Geschichte des Latinerbundes, Hermes 54(1919)157, the local magistrates were originally called *meddices*.

inscriptions demonstrate that there is no evidence for the existence of the title *praetor quattuorvir*. It has evidently been created on the basis of the abbreviation *pr*. occurring before the word *IIII vir* on some inscriptions,<sup>9</sup> but they can perfectly well be read pr(aetor), *IIII vir* or rather pr(aefectus),<sup>10</sup> *IIII vir*.<sup>11</sup> The existence of the title *praetor duovir* is again based solely on a single, now lost, inscription - CIL X 1138 from Abellinum - where the reading *praet*. is questionable. Obviously the using of these two titles, *praetor quattuorvir* and *praetor duovir*, which have been much used and the significance of which has been much discussed in modern literature<sup>12</sup> should be discontinued.

The distribution of the towns where inscriptions recording praetores have been found shows that they fall geographically into three groups with only a couple of towns lying further afield. Two of these groups are in Italy, one in the neighbourhood of Rome consisting of Aletrium, Anagnia, Capena, Cora, Falerii, Lavinium, Tibur, and Velitrae, another in south-eastern Italy consisting of Bantia, Canusium, and Herdoniae. The third group is in the South of France,

<sup>9</sup> CIL X 3923, 4657, XI 5281, XII 3215, cf. Degrassi 305; Kornemann, Coloniae, PW 4, 585; Beloch 506.

<sup>10</sup> See above n. 3.

<sup>11</sup> In fact the word bis between the abbreviations pr. and IIII vir in the inscription XI 5281 (- - cens. pr. bis IIII vir) directly demonstrates that the magistracies designated with the abbreviations pr. and IIII vir were separate ones. As the fasti of Venusia - CIL IX 422 - show the praefecti were local magistrates and so there is, indeed, no reason to assume that the abbreviations pr. and IIII vir would ever have been used together to designate a single magistracy.
12 O. Hirschfeld, Gallische Studien, Sitzungsber. der Wiener Akad. 103

<sup>12</sup> O. Hirschfeld, Gallische Studien, Sitzungsber. der Wiener Akad. 103 (1900)308 n. 3; Kornemann 585; Beloch 493f.; Liebenam 253f; A. Rosenberg, Der Staat der Alten Italiker, Berlin 1913, 29; Rudolph, 143 n. 2; Sherwin-White 88; Degrassi 305, 315; Salmon 182 n. 141 and 190 n. 219.

and it consists of Aquae Sextiae, Burdigala, Carcaso and Lucus Augusti.

The townslying in the neighbourhood of Rome have historically nothing in common. Lavinium was an old Latin town and a member of the Latin League.<sup>13</sup> Cora and Velitrae were colonies founded by the Latin League in 503 and 494 B.C.<sup>14</sup> Anagnia was a Hernican town, which became a municipium sine suffragio in the fourth century B.C.<sup>15</sup> Aletrium was another Hernican town, which remained federated until the Social War.<sup>16</sup> Tibur as an old Latin town entered Roman body-politic only after the Social War.<sup>17</sup> Falerii was destroyed by the Romans in 241 B.C., and its inhabitants were moved to another site.<sup>18</sup> Capena is last heard about in the early fourth century B.C., <sup>19</sup> but very probably it became a municipium before the Social War.<sup>20</sup> In the light of these facts it does not seem likely that the inhabitants of these towns would have adopted from Rome the custom to call their magistrates praetores. The one thing that these towns had in common was the language: their inhabitants spoke Latin dialects. Obviously the word praetor was a common, indigenous designation among Latin speaking people that survived in these towns in spite of their different political fates.<sup>21</sup>

13 Dion.Hal. Ant.Rom. 5,61.

- 14 Livy 2,16,8 and 2,31,4, cf. 8,14,5ff.
- 15 Livy 9,43,24.
- 16 Beloch 417f.
- 17 Polyb. 6,14,8.

<sup>18</sup> See A.J. Pfiffig, Die Ausbreitung des Römischen Städtewesens in Etrurien, Firenze 1966, 25ff. about its history. 19 Livy 5,27,10.

<sup>20</sup> Pfiffig19ff.

<sup>21</sup> Thus Rosenberg, op.cit. in n. 12 above 72; Liebenam 252f.

The appearance of the title praetor in Bantia, Canusium, and Herdoniae is of greatest significance. Now that it has been securely established that the Oscan Tabula Bantina according to which Bantia was governed by *praetores* dates from the 80's or 70's B.C.,  $^{22}$  it is evident that the quattuorviral system had not been invented, or that the Roman central government did not particularly insist on its being used in the *municipia* yet at that date. This view is also supported by the fact that in the 30's B.C. when Horace wrote his Satirae the title praetor was obviously still used in Canusium or had at least very recently been used there.<sup>23</sup> This means that the quattuorviral system, which has been believed to have been introduced immediately after the Social War, 24 seems not to have become momentous much before the year 51 B.C. when the *IIII viri* first appear in our sources.<sup>25</sup>

The early history of the towns of the third geographic group - Aquae Sextiae, Burdigala, Carcaso, and Lucus Augusti - is little known. The respective areas were conquered by the Romans towards the end of the Republic. In the first century A.D. Burdigala was the main city of the Bituriges, who were free.<sup>26</sup> Lucus Augusti was a town of the Vocontii who were a *civitas* foederata, 27 and Aquae Sex-

25 Cic. Att. 5,2,3. Two years later he mentions *IIII viri* in another letter to Atticus 10,13,1. The *Tabula Heracleensis* and the *Lex* de Gallia Cisalpina where the IIII viri are officially mentioned date most probably from the 40's B.C. as well, Riccobono, FIRA I 140ff. and 169ff.

26 Pliny, nat. 4, 108. 27 Ibid. 3,37.

<sup>22</sup> Galsterer 207f.

<sup>23</sup> Sat. 2,3,168-181. Cf. also a metric inscription from Formiae, CIL X 6193, which mentions praetores. Petronius' reference, Sat. 65,4, to a practor cannot be used as evidence one way or other, because it is not clear what kind of a praetor he meant and whether he chose this word factually or for a farcical effect. 24 Sherwin-White 68f.; Beloch 490-501; Klebs 672 et alia.

tiae and Carcaso had been colonized before or during the Augustan Age and ranked as oppida Latina.<sup>28</sup>

It is difficult to say whether the usage of the title praetor in Aquae Sextiae and Carcaso had been fixed by the Roman Senate when they were colonized, or whether it had been chosen by the colonists themselves many of whom may have come from the Latin towns of Italy.29 Anyway, it is clear that the central government in Rome did not object to the magistrates of the country towns using the title praetor. The fact that the title praetor was used in Bocchori, Burdigala, Lucus Augusti and possibly in Setif too, demonstrates again that the occurrence of the word *praetor* as a magisterial title in a certain community does not signify that its inhabitants would have been in possession of the Roman citizenship or Latin rights.<sup>30</sup> It is also noteworthy that Livy<sup>31</sup> and Cicero<sup>32</sup> called opponents of Rome, alien leaders like Hannibal and Ismenias praetores. I.e. the word praetor could signify any leader, it was not confined to people who were Roman or Latin.<sup>33</sup> It is possible too, that in the Gallia Narbonensis the word praetor can have been used about magistrates who had no colleagues, which shows that a Roman magisterial title could be bor-

- 29 Cf. Salmon, Roman Colonization from the Second Punic War to the Gracchi, JRS 26(1936)63-67 and op.cit. in n. 1 above 181 n. 121, see also Livy 10,21,10 and 34,42,5.
- 30 This has been an ubiquitous view, cf. e.g. Galsterer 205 and Pfiffig 20. 31 21,3,4; 21,12,7; 24,27,3 and 6; 32,25,2; 33,46,3; 42,43,9,etc.

<sup>28</sup> Ibid. 3,36.

<sup>32</sup> Fin. 5,92; Inv. Rhet. 1,55.

<sup>33</sup> This fact makes it questionable whether the leaders of the Latins, who are often called praetores by Livy, e.g. 8,3,9, really had that title or not and so Livy's references to Latin praetores cannot be used as evidence that the title praetor would have been indigenous among the Latins, thus e.g. Rosenberg, op.cit. in n. 12 above 72.

rowed, though the Roman principle of magisterial collegiality was not borrowed.  $^{\rm 34}$ 

The views that the Romans would have resented the usage of the title *praetor* in the country towns and would have introduced the quattuorviral system immediately after the Social War have been based on the following passage of Cicero:

Et quoniam M. Bruti atque illius temporis feci mentionem, commemorabo id quod egomet vidi, cum venissem Capuam colonia iam deducta L. Considio et Sex. Saltio, quem ad modum ipsi loquebantur, 'praetoribus,' ut intellegatis quantam locus ipse adferat superbiam, quae paucis diebus quibus illo colonia deducta est perspici atque intellegi potuit. Nam primum, id quod dixi, cum ceteris in coloniis IIviri appellentur, hi se praetores appellari volebant. (Leg. Agr. 2,92f.)

It is, indeed, quite clear that Cicero and his listeners thought that the only proper title for the highest colonial magistrates was *duoviri*, not *praetores*. How is this view then compatible with the fact that the magistrates of Aquae Sextiae and Carcaso went on calling themselves *praetores* long after Cicero's day, obviously without check or hindrance on the part of the Roman central government? The explanation is quite simple. Aquae Sextiae and Carcaso were Latin colonies, whereas the colony of Capua which Cicero was here speaking about was a Roman colony.<sup>35</sup> We may rest assured that Cicero was right about the magisterial titles of the Roman colonies. There is, indeed,

<sup>34</sup> Hirschfeld 310.

<sup>35</sup> See Broughton MRR II 63 for references.

not a single certain inscription recording an administrative praetor<sup>36</sup> from a Roman colony.<sup>37</sup> The highest administrative magistrates of Roman colonies were called *duoviri*, those of Latin and alien towns could call themselves praetores - or something else.<sup>38</sup>

So far so good, but one more question must be raised. Why should the *duoviri* of the Capuan colony have tried to use the title praetor? Did they suffer from the superbia as Cicero says, or was the adoption of just this title somehow connected with the little known municipal reforms that took place in Italy during the last century B.C.? It is obvious that the magistrates of quite a large number of Roman colonies had originally had no judicial authority. 39 At an unknown date they were granted it, as the Imperial inscriptions

37 Kornemann 585; Beloch 492; Liebenam 253; Degrassi 315f.; Salmon, op.cit. in n. 1 above 113, 180 n. 119, 182 n. 141, 186 n. 182; H. Galsterer, Herrschaft und Verwaltung im Republikanischen Italien, München 1976, 121, have maintained that there would have been praetores in the Roman colonies of Auximum, Castrum Novum (Picenum), Narbo, and Potentia (Picenum), but the evidence cited in support of this view is questionable. Firstly, all the inscriptions referred to read pr. which can be read pr(aefectus) as well as pr(aetor) and in the cases of Auximum and Castrum Novum the respective inscriptions must very probably be read praefecti, see above n. 4 and below n. 45. Secondly, Auximum, Castrum Novum and Potentia may not have been Roman colonies at all. Thirdly, the inscription CIL IX 5763 was not found in Potentia but in Pausulae and there is no reason to ascribe it to Potentia as Beloch, 492, does. So Narbo is the only Roman colony where the reading pr(aetor) might be justified, but the above testimony of Cicero as well as the several praefecti from other Roman colonies, see notes 3 and 46, speak against such an interpretation.

38 Cf. Rosenberg, op.cit. in n. 12 above 1-15, 71-79, and CIL I, 2<sup>2</sup> 583 v. 78 (*Lex Acilia Repetundarum*): sei quis eorum quei [nominis Latini sunt - - quei eorum in sua quisque civitate dicta tor, praetor, aedilisve non fuerint - -.

39 Salmon, op.cit. in n. 1 above 80.

<sup>36</sup> N.B. as the word praetor was also used about priests there can have been sacral practores in Roman colonies like the practores sacris Volkani faciundis of Ostia, CIL XIV p. 4, show.

#### Praetors of the Country Towns

recording duoviri iure dicundo from these colonies demonstrate. One wonders if this reform took place in the 80's B.C., when the Capuan colony was founded so that its magistrates knew they could exercise jurisdictional powers, but were still unaware of the proper title which they should have used. So they automatically adopted the title praetor, which was used in several towns and implied the right to use jurisdictional powers. I.e. the title *duovir* i. d. had not yet become fixed, and as the magistrates of the new colony wanted to avoid being called plain duoviri, they decided on the title praetores. Perhaps this might be the reason for their singular behaviour rather than the superbia of which Cicero accused them?

The appearance of the title praetor in Cumae and \*Nauna remains to be discussed. Cumae was originally a Greek colony. In 338 B.C. its inhabitants received *civitas* Romana sine suffragio<sup>40</sup> and about a hundred years later it became a praefectura, which meant that the Roman praetor urbanus began to send his representatives, the praefecti iure dicundo, there yearly to take care of the judicial affairs of the area.<sup>41</sup> This custom came to an end under Augustus.<sup>42</sup> It is clear that the title praetor cannot have been used about the Cumaean magistrates as long as the town was jurisdictionally subjected to the Roman praetor. Indeed, at least in the 40's B.C. Cumae was governed by IIII viri, not by praetores.<sup>43</sup> It is, indeed, probable that the title practor - which appears very late in Cumae dates only from the Mid-Empire when the revival of interest in his-

<sup>40</sup> Livy 8,14,11.

<sup>41</sup> Festus Gloss.Lat. 262; Vell.Pat. 2,44,4; see also Ennslin, Praefecti Capuam Cumas, PW 22, 1284f.

<sup>42</sup> Dio Cass. 54,26,6f.; cf. the references in the previous note. 43 Cic. Att. 10,13,1.

tory led to the adoption of 'unconstitutional' titles in general.<sup>44</sup> The *praetura* of \*Nauna, which was a minuscule settlement in the Greek Southern Italy, was, in all probability, a nostalgic creation of the Imperial Age, too.

Considering the towns where inscriptions recording the abbreviation pr. have been found,<sup>45</sup> there is little to be added. Most of

44 Cf. Aul.Gell. 16,13 and CIL X 52, 60, which record honorary censors. 45 Italia: Aesernia IX 2664. Alba Fucens IX 6349. Auximum IX 5838, 5841, 5843, 5845(?), 5849, 6384, inscription No. 5840 records a pr. i. d. Aux., cf. n. 4 above. Beneventum I,  $2^2$  1729 = IX 1635, 1547, 2240(?), AE 1930, 121 re-cords a praef. i. d. bis, cf. n. 4 above. Inscriptions recording pr. cer. i. d. are 1640ff., 1655, 1637 and NS 1913 p. 311. Cales X 4651, 4657, AE 1973, 135. Capitulum Hernicum XIV 2960. Capo Selce X 6320, place of origin unknown, used as a miliarium at the Via Appia already during the antiquity. ? Capua I,  $2^2$  1574 = X 3923, according to Mommsen, loc.cit., this inscription probably came from Cales. Casinum I,  $2^2$  1545 = X 5203. The abbreviation pr. in this inscription probably refers to a *praefectus* as inscriptions 5193f. from Casinum record the title praef. Casinat. Castellum ad Tricesimum AE 1923, 45. Castrum Novum IX 5145. This, now lost, inscription was found somewhat outside Castrum Novum. If it recorded a magistrate of the colony at all it must probably be read praefectus, because IX 5016 found in the neighbouring Hadria mentions a pref. Cast. Nov. Grumentum X 208, 221, 226f., AE 1972, 148. ? Hispellum XI 5281, found two miles from the town. Interamnia Praetuttianorum IX 5073. ? Interamnia Lirenas, Rivista Indo-Greco-Italica 5, fasc. 3-5 (1921) 85. Lanuvium XIV 2117. Neapolis AE 1931, 99. Nuceria IV Suppl.3, 9951f., 9956f., 9961. Pausulae IX 5793. Praeneste XIV 2890, 2897(?), 2902, 2906, 2994, 2999. Setia X 6466. Signia X 5969. ? Spoletium XI 4822(?) Telesia IX 2220ff., 2225, 2227, 2234f., 2239, No. 2128 is possibly

them were old Latin or Hernican towns, Latin colonies or otherwise in possession of the Latin rights, which coincides with the conclusions presented above. Some of them are Roman colonies and in these cases the abbreviation pr. must obviously be read *praefectus*, not *praetor*.<sup>46</sup> The history of the rest of them is little known and the possibility that the abbreviation pr. may have denoted *praetor* in some of them adds nothing to the previous conclusions.

This short survey of the distribution of the title *praetor* in the country towns has shown that our sources are very scanty and that the conclusion that we can reach may therefore not be of permanent value. Nevertheless, there seems still to be much to be discovered within the subject of the pre-quattuorviral magisterial titles, which can help us towards a better understanding of the development of the Roman Commonwealth in Italy and abroad.

also from Telesia, see IX p. 194. Gallia Narbonensis: ? Avennio XII 1028. Narbo XII 4409, 4428f., 4431. Nemausus XII 3215. Vasio XII 1369, 1371. These inscriptions probably refer to praefecti, because XII 1375 records a praef. [Va]siensium. 46 Riccobono, FIRA I 172 (praefectus of Mutina), 177ff. c. 131 (prae-

fectus of Colonia Genetiva Iulia), 400 (praefectus of Venafrum).