

Tacitus' account (*Ann.* 4.22) of the scheduled trial for murder and consequent suicide of M. Plautius Silvanus, a praetor of A.D. 24, has posed a real difficulty for scholars who have yet to describe adequately the legal procedure in question. I contend that Tacitus' use of *datisque iudicibus*, after Tiberius refers the matter to the Senate, indicates a charge before a *quaestio*, not a Senatorial panel, based on new evidence for a secondary charge against Silvanus brought forward by G. Maggiuli (1978).

The basic narrative at *Ann.* 4.22 involves a bizarre scenario. Silvanus hurled his wife headlong from a window, killing her for no apparent reason (*causis incertis*). Tiberius, once informed and after questioning the praetor (described as *turbata mente*), investigated the matter. Finding evidence of a struggle, he then referred the case to the Senate. Tacitus informs us that Silvanus killed himself before the trial could begin, but after judges or jurors had been empanelled (*datisque iudicibus*), when he received a dagger from his grandmother, Urgulania. Her close acquaintance with Livia, the historian argues, prompted Silvanus to take the dagger sent to him as a sign of the imperial household's sentiment (*quasi principis monitu*). Regarding *datisque iudicibus*, R. Talbert (1984, 465, n. 56) simply states that there is no parallel and takes it as a reference to a Senatorial panel. In this he agrees with E. Weinrib (1968, 48, n. 65), who speculates that the panel was perhaps organized to determine Silvanus' mental state.

Maggiulli, however, provides a way forward with his perceptive commentary on a notice from A.D. 24 in Jerome's *Chronicon* (254F) where a Saeuius Plautus, charged with sexually abusing his son (*corrupti filii reus*), kills himself during the trial (*in iudicio*). Maggiuli argues persuasively that the Saeuius Plautus recorded here is a corruption of the name Plautius Silvanus. The name *Saeuius Plautus* fits the nomenclature of neither the *gens Sevia* nor the *gens Plautia*, and the sort of lexicographical mistakes that could produce such an error are common in the *Chronicon*'s manuscripts. Despite Tacitus' reticence regarding the accusation, Maggiulli (1978, 7) sees a hint that Suetonius (*Claud.* 26.2) knows about the charges. The biographer deflects a set of charges (*ob libidinum probra et homicidii suscipionem*)—which are suspiciously similar to those that Silvanus would have faced—onto the praetor's sister, Urgulanilla, Claudius' third wife whom he divorced. Presumably, following Maggiulli's reading of Jerome, Silvanus might have killed his wife because she caught him in an act of pederasty with their son or because she was prepared to make a public allegation to the same effect.

This reading bears important, though as yet unexplored, implications for the phrase *datisque iudicibus* if we take it as referring to a charge before the *quaestio de adulteriis* subsequent to a forced resignation. Despite the scholarly dispute on the competence of this *quaestio* (on which see most recently McGinn 1998, 140-1), the charge against Silvanus would have been one of *stuprum*, for which the *quaestio* held appropriate authority to adjudicate (*Inst. Iust.* 4.18.4), though there is some debate as to whether the *quaestio de adulteriis* heard cases involving the crime of *stuprum cum masculo* laid out in the *lex Scantinia* c. 149 B.C. (Robinson 1995, 55-6 takes a liberal view of the *quaestio*'s function which I follow here). Nonetheless, we may point to at least one other trial during the reign of Tiberius involving the *quaestio* and another during the reign of Augustus (*Tac. Ann.* 3.38; *Dio* 54.30.4; see too Bauman 1968). Also, it is clear that the *quaestio de adulteriis* employed *iudices* (cf. *Schol. ad Hor. Sat.* 2.7.61; *Ulp. Dig.* 48.5.28). My assertion that Tacitus has elided a trial before a *quaestio* fits with the literary evidence, and the actions of the imperial family now gain coherence—allowing the matter to go before a *quaestio* rather than Tiberius hearing it personally or in a *cognitio*, prompting Silvanus' suicide, and Claudius' divorce of Urgulanilla, all in an attempt to distance themselves from an alleged pederast and murderer.