

THE LEX ANNALIS UNDER CAESAR (*Continued*)

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IV. 45 B.C.

THE SITUATION IN THIS YEAR was markedly irregular. The only election to take place in 46, apart from those for the plebeian magistracies, was that of Caesar to his fourth consulship (conducted by M. Lepidus: Dio 43.33.1). The remaining magistrates were not elected until after Caesar's return from Spain (Dio 43.46.2) and held office for not quite three months (Sueton. *Div. Iul.* 76.2, 80.3; cf. Vell. 2.56.3; Gelzer, *Caesar* 309).⁴⁶

Consuls

The suffect consuls, who took office, replacing Caesar, in early October, were Q. Fabius Q.f.Q.n. Maximus and C. Trebonius C.f. The latter, as we have seen (I, 48 B.C., Praetors), had held the quaestorship, had been praetor, and had certainly reached the minimum age for that office. Consequently his consulship in 45, after a *biennium*, was completely in accord with the *lex annalis*. Fabius, as we also saw (*ibid.*), was born as long ago as 94, and was therefore several years past the minimum consular age. We know that he had held the curule aedileship, and can safely assume that he had been quaestor, but we do not know for sure that he had held the praetorship, and so we cannot state with certainty that the *lex* was fully observed in his case.⁴⁷

C. Caninius C.f.C.n. Rebilus was elected suffect consul on 31 December 45, at the seventh hour, when Fabius Maximus died suddenly (Cic. *Fam.* 7.30.1; other references, *MRR* 2.305). As we have seen (I, 48 B.C., Praetors), Rebilus was probably born by 84 B.C., but we cannot establish his age more precisely; a birth-date by 88—or, more probably in such a case, 87—would have been required by the *lex annalis*. Nor can we constate whether he was ever praetor. There must of course have been *some* reason why he was so indecently sneaked into the consulship for half a day. By that time he had been passed over, not only for the suffect consulship awarded to

⁴⁶Caesar presumably did not abdicate his consulship until he had celebrated his triumph. Vell. 2.56.3, by implication, dates the triumph to October (*cum mense Octobri in urbem revertisset*). Q. Fabius Maximus was already consul when he triumphed on 13 October (*Inscr.It.* 13.1.86 f.). Thus the consular elections must have been held between 3 and 12 October (2 October was not *comitialis*: *ILLRP* 1². 36).

⁴⁷There was a demonstration in the theatre against the validity of Fabius' consulship (Sueton. *Div. Iul.* 80.3, *non esse eum consulem*), but we are not told the reason. It might have to do with the innovation of the *suffectio*, though lack of the full qualifications seems an explanation not to be ruled out of court.

Fabius and Trebonius, but also for the consulship of 44 gained by the under-age M. Antonius. This may suggest that he was a man of some seniority who seemed to be in danger of being crowded out by the surge of the younger men. We can certainly infer from Caesar's quick reaction to the opportunity afforded by Fabius' death that Rebilus' claim to the consulship had been placed at the forefront of Caesar's attention.

Praetors.

The list of praetors for 45 (*MRR* 2.306 f.) is long, but full of questionable entries; only one of them is fully attested. (Fourteen were elected: Dio 43.47.2.)

C. Asinius Cn.f. Pollio is described by Velleius as *praetorius* when governor of Farther Spain 44–3 (Vell. 2.73.2; cf. *MRR* 2.327, 342). A praetorship in 45 is established by elimination (tr. pl. 47, officer under Caesar in Africa 46: *MRR* 2.300). This is a clear case of violation of the *lex annalis*. Pollio had not held the quaestorship, and in 45 was only 31 years old according to the traditional dating, and in any event was almost certainly not over 32 (see II, 47 B.C., Tribunes of the plebs); he was definitely not in his 40th year.

The praetorship of Q. Cornificius Q.f. is attested without date (*ILLRP* 1^a.439), but it can be fixed in 45 by elimination, since he was quaestor in 48 (above I, 48 B.C.), continuing as a promagistrate 47–46 (*MRR* 2.288, 297), and proconsul of Africa Vetus 44–42 (*ibid.* 327, 345, 360 f.), dying in 42. Since his father was born by 106 (tr. pl. 69, praetor by 66, consular candidate for 63), he himself is quite likely to have been born after 84 B.C.; and indeed the quaestorship in 48 suggests a birth-date in or shortly before 79. Thus it is highly probable that he was not much more than 34 years old when he became praetor, and virtually certain that he was not 39, the *aetas legitima*.

Q. Hortensius Q.f. is listed as "probably praetor in 45, since he became proconsul in Macedonia in 44 and 43" (*MRR* 2.306). He was probably quaestor in 51 (quaestor, Asia, 51–50; cf. *MRR Suppl.* 29), so born in or shortly before 82 (his father's birth-date was 114: Cic. *Brut.* 229, 230, 324). Thus he was at least 37 years old in 45. However, no evidence exists to eliminate an earlier date for his hypothetical praetorship; there is no record of his career between 49, when he held a command under Caesar (*MRR* 2.267), and 44. It can only stand as a reasonable conjecture that he was praetor in 45, if he was praetor at all.

D. Iunius D.f.D.n. Brutus Albinus was the grandson of D. Brutus Calpurnius, cos. 138 (born by 181), and the son of the consul of 77 (probably born before 130; cf. Cic. *Brut.* 175). This background suggests that his birth-date fell before 80 B.C. His first recorded post was as prefect of Caesar's fleet against the Veneti in 56 (*MRR* 2.213: Caesar, *BG* 3.11.5, calls him *adulescens* here). After a gap of three years, he reappears in 52,

temporarily placed in command of Caesar's forces (still called *adulescens*, *ibid.* 7.9.1 f.), and at Alesia commanding some cohorts (7.87.1, still *adulescens*). Thus far he seems not to have gained senatorial rank (since he is described as *adulescens* and is not described as a *legatus*). After a gap of two years he reemerges as a *legatus* in 49 (*MRR* 2.267); it is likely that he was now of senatorial status, having presumably been elected in 51 to the quaestorship for 50. It was apparently in the earlier part of 48 that he issued coinage under the name ALBINVS BRVTI F. (Sydenham, *CRR* 158; Crawford, *RRCH* Table XIV). He was governor of Transalpine Gaul from 48 to 46 (*MRR* 2.281, 291, 301), and of Cisalpina 44–43 (*MRR* 2.328, 347); and he had been designated consul for 42 (*MRR* 2.347). Thus there is a conspicuous vacancy in his career in 45, and the conjecture that he held one of the praetorships in that year is highly reasonable.

If he *was* quaestor in 50, his birth-date would have fallen before 80, though probably not earlier than 83. Because of the delayed elections a man born in 84 should have been old enough under the law to be praetor in 45. But our observation of other praetors of this year must discourage us from trying to force D. Brutus' career to conform to the *lex annalis*. It seems quite likely that he was two or three years below the minimum age for the praetorship in 45 (always assuming that he held the office).

L. Minucius Basilus (originally named M. Satrius, and testamentarily adopted in 74: *RE* 15.1947 f., Minucius 37, 38) is the only fully attested praetor of the year (Dio 43.47.5). He commanded Caesar's cavalry in 53 (*BG* 6.29.4, 30.1), having left for Gaul in or after September 54 (Cic. *QF* 3.1.21). In winter 52–1 he is attached to the legate C. Fabius in command of two legions sent into quarters among the Remi (*BG* 7.90.5). There is no record of him during 51 and 50, but he reappears in command of a legion in 49 (*MRR* 2.268), and he served with Caesar at Dyrrhachium, where he is described both as legate and as *praefectus castrorum* (*MRR* 2.282). On the basis of these notices *MRR* (2.592) attributes to him the career, quaestor 55?, leg.lt. 53–48 and praef. castr. 48. It seems not quite certain that he should be described as a legate from 53 to winter 52–1, and consequently not quite certain that he was a senator and had held a quaestorship before that. There is room for him to have been quaestor in 50. If he did hold a quaestorship before his service in Gaul, 54 seems to be as acceptable a date as 55. Thus there are considerable elements of uncertainty in Basilus' career. He *may* have been quaestor by 54, so born by 85 and satisfying the age regulations for the praetorship of 45. But he may possibly have been quaestor in 50, born by 81, and in that case probably a bit below the legal age in 45.

The praetorship of L. Munatius L.f.L.n.L.pron. Plancus is not attested. He was a *legatus* of Caesar in 54 (Caes. *BG* 5.24.3, 25.4), so was presumably quaestor by 55, and born by 86. (His brother T. Munatius Plancus Bursa, was tribune of the plebs 52, *MRR* 2.235, therefore born by 85.) His activities

from 53 to 50 are not recorded (*MRR* assumes that he remained as a legate in Gaul). In 49 he appears in command of two of the *legiones Fabianae* in Spain (Caes. *BC* 1.40.5). Then there is a gap until 46 when he is found serving as *legatus* in Caesar's African campaign (*Bell. Afr.* 4.1: Cicero's letter, *Fam.* 13.29, asking Plancus to intercede with Caesar on behalf of C. Ateius Capito, belongs to this time). In 45 he was a *praefectus urbi* (Sydenham, *CRR* 169; Crawford, *RRCH* Table XIV). In *MRR* 2.307 it is argued that he was "probably praetor (in 45), since he was legate in 46, and became proconsul of Transalpine Gaul in 44." However, we cannot be sure that he had not been praetor earlier. He might, for instance, have been one of the three-month praetors of 47 (cf. above, II, 47 B.C.); because the election was delayed until autumn, this could even have been within the terms of the *lex annalis* (born by 86, he could have passed his 39th birthday by election time). If Plancus *was* praetor in 45, he was clearly beyond the minimum age. One should not omit to note that, as in other cases, it is unnecessary to assume that he must have been praetor; though in Plancus' case, since Caesar is known to have used his services in civil administration, it seems more likely than not that he did hold the praetorship.

Pompeius Bithynicus (the *praenomen* Aulus is not attested, cf. *MRR Suppl.* 47) is clearly the son of Cicero's friend Q. Pompeius A.f. *qui Bithynicus dictus est* (Cic. *Brut.* 240, cf. 310; also *Fam.* 6.16.7)⁴⁸ who was about two years older than Cicero, and had lost his life in Egypt in 48 (according to Orosius, 6.15.28). A praetorship in 45 is not attested: "probably praetor in 45, since he governed Sicily probably in 44, and certainly in 43" (*MRR* 2.307). Actually, all that is certain is that Pompeius Bithynicus was governor of Sicily at the time when Sex. Pompeius began occupying the island, late in 43 (*MRR* 2.348 f., 362; *RE* 21.2061 f., Pompeius 26, imprecise). Liv. *per.* 123 notes, in connection with Sex. Pompeius' execution of Bithynicus in 42, *occisoque Pompeio Bithynico praetore*. But since Bithynicus was certainly not praetor in 42, the reference ought not to be used to prove that he had been praetor earlier. It is not uncommon for *praetor* to be used to describe a promagistrate with *imperium*: note particularly Liv. *per.* 111, *Q. Cassi praetoris*, as of 48 B.C., whereas Q. Cassius died in 47 without ever holding the praetorship (cf. *MRR* 2.544). Since we have no evidence on Bithynicus before 44 (Cic. *Fam.* 16.23.1 definitely dates to 44; *ibid.* 6.16 and 17 probably do), it seems useless to speculate on his career. He may never have been praetor.

T. Sextius is another whose praetorship is not recorded, but inferred—"since he governed Africa Nova in 44" (*MRR* 2.307). He is attested as a legate in Gaul 53–51 (Caes. *BG* 6.1.1; 7.49.1; 7.51.2; 8.11.1), so he was

⁴⁸A minor error that has crept into *MRR Suppl.* 47 (cf. also L. R. Taylor, *Voting Districts of the Roman Republic* [Rome 1960] 245) is the idea that the *cognomen* Bithynicus belonged to this whole branch of the Pompeii. It was a purely personal name of Cicero's friend, transmitted to his son.

probably quaestor by 54, born by 85. If he *was* praetor in 45, it will have been quite in accord with the *lex annalis*. There is probably an additional reason for conceding him the praetorship in the fact that his descendant T. Sextius Africanus was classified as a *nobilis* (Tac. *Ann.* 13.19; 14.46); he himself seems to have been a *novus homo* (Wiseman, *New Men*, 177, 261).

L. Staius Murcus is assumed to have been praetor in 45 "since he became proconsul of Syria in 44" (*MRR* 2.307). His first appearance is as a Caesarian legate in 48 (Caes. *BC* 3.15.6); then he is mentioned in the African campaign in 46 (Cic. *Att.* 12.2.1). There seems remarkably little preparation for his becoming a praetor in 45.

The record on L. Tillius Cimber is even thinner. He is not mentioned at all before 44 B.C. when (according to Appian, *BC* 3.2) Caesar allocated him the province of Bithynia (*MRR* 2.330). His unattested praetorship must obviously be considered a trifle uncertain.

Aediles.

Not much light on our subject is shed by the lower magistracies of 45. One aedile is attested, L. Aelius Lamia (*MRR* 2.307, noting that he must be a plebeian aedile). This person, a prominent *eques* at the time of Cicero's exile in 58, and a friend of Cicero's long before that (Cic. *Fam.* 12.29.1, cf. 11.16.2), was presumably born before 81, and his tenure of the aedileship in 45 will have been in accordance with normal Republican practice, provided he had held the quaestorship.

Tribunes of the plebs.

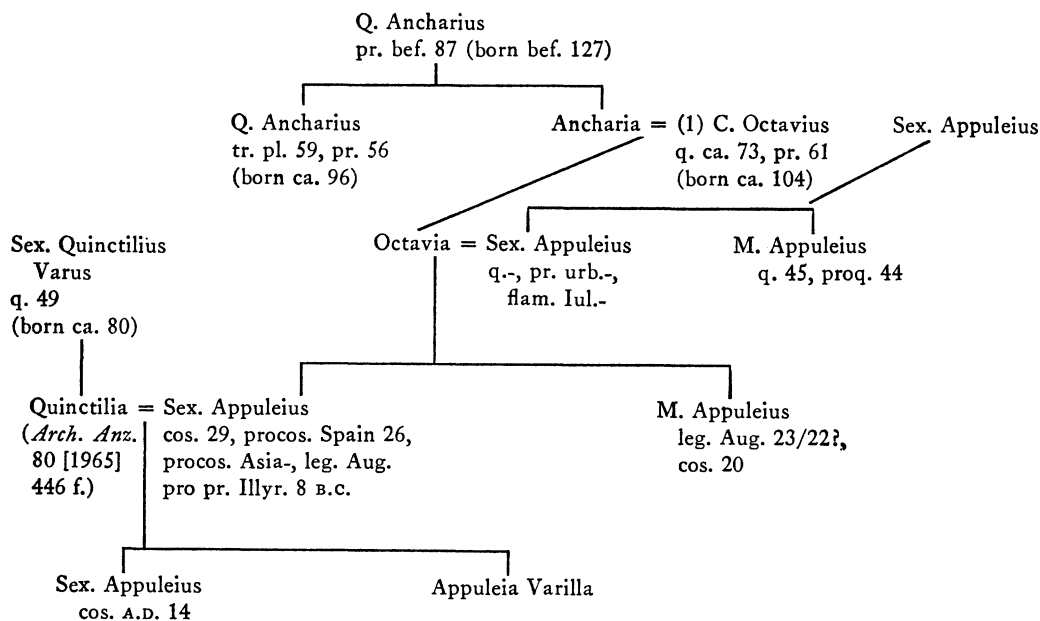
Only two tribunes are reliably attested, L. Pontius Aquila and a man of the same *gens* as Atticus (Caecilius or Pomponius: *MRR* 2.307). No inferences about their ages or previous careers are possible. P. Ventidius P.f. Bassus is mentioned as having held the tribunate (Gell. 15.4.3), but 45 is merely a *terminus*, because of his praetorship in 43 (*MRR* 2.308; *Suppl.* 68). We know that his birth-date was shortly before 89—as a babe in arms he had been captured at Asculum by Cn. Pompeius Strabo (Gell. 15.4.3; *RE* 8A.797, Ventidius 5). His senatorial career only began after the outbreak of war (Gell., loc. cit.; cf. Syme, *RR* 71 n. 3, suggesting that he had been a *praefectus fabrum* under Caesar in Gaul), so that he held the magistracies well past the minimum age.

Quaestors.

Of the forty quaestors of the year (Dio 43.47.2) we have only⁴⁹ M. Appuleius Sex.f., recorded as *raplas* in Asia (*Gr.Inscr.B.M.* 3.547) and as proquaestor there in 44 (*PIR*²1, A 959; Magie, *RRAM* 1274 n. 51;

⁴⁹C. Antistius Vetus, "perhaps quaestor in Syria in 45, then continued in command" (*MRR Suppl.* 6), is not in fact attested as a quaestor at that time. As he was a legitimate candidate for the praetorship in 43 (*Brut. ad Cic.* 1.11.2: note particularly "auctor fui ne

MRR 2.327). He is assumed to be identical with the M. Appuleius Sex.f. who was *legatus Augusti* in the Alpine region ca. 23/22, and consul in 20 (*PIR*², loc. cit.; cf. *MRR* 2.532). However, the identification raises certain difficulties. It is hard to believe that M. Appuleius Sex.f., cos. 20, is not the younger brother of Sex. Appuleius Sex.f.Sex.n., cos. 29 (cf. Syme, *RR* 128–9 n. 4, 378). This makes him a step-nephew of Augustus, son of Octavia *maior* and Sex. Appuleius Sex.f. (quaestor, praetor, and flamen Iulialis: *ILS* 8963). We should expect a relative of the Princeps, holding the consulship in 20, to be little, if at all, over 33 years of age (cf. *Latomus* 26 [1967] 433; and J. Morris, *Listy Filologické* 87 [1964] 331 ff.). We ought therefore to put the birth-date of the consul of 20 in or shortly before 54: which makes it apparent that he cannot be the quaestor of 45. Not to labour the obvious, the following table will reveal several reasons why the quaestor of 45 and the consul of 20 should be assigned to different generations.



The birth-dates of these Appuleii can be estimated somewhat as follows: Sex. Appuleius, cos. A.D. 14, born ca. 21; his father Sextus, cos. 29, born ca. 60–56 (cf. M. Agrippa, cos. I 37, aged about 26: this was before Augustus' regulation of the *cursus*); M. Appuleius, cos. 20, born ca. 54; Sex.

differet tempus petitionis suae"), it seems likely that he was born in 82 (his father was praetor ca. 70), and had been quaestor ca. 51/50. Plutarch's statement that Caesar made him quaestor (τὸν υἱὸν πάλιν αὐτὸς ἀρχῶν ταμίαν ἐποίησε: *Caes.* 5) may simply mean that Caesar in Gaul chose him as his quaestor *sine sorte*, in 51 or 50, just as he had so chosen M. Antonius in 52 (Cic. *Att.* 6.6.4). He cannot have been old enough for a quaestorship in 61/60 (as implied by Badian, *CQ* 19 [1969] 202).

Appuleius, flamen Iulialis, father of the consuls of 29 and 20, probably born by 80. Thus his brother M. Appuleius, quaestor 45, may actually have been born as early as 76 (in accordance with the *lex annalis*), though clearly a later birth-date cannot be ruled out.

Finally, Appuleius, the quaestor of 48 (see above, I, 48 B.C.), is evidently not M. Appuleius, q. 45. With a very tight squeeze he could be identified with Sex. Appuleius, flamen Iulialis. But more probably he is P. Appuleius, tr. pl. 43 (*MRR* 2.339), who need not be a member of this branch of the Appuleii.

To sum up. We have in 45 for the first time conclusive evidence of deviation from the Republican *lex annalis*. C. Asinius Pollio became praetor without having held the quaestorship and was about eight years under the requisite age. Q. Cornificius would have to have come to the quaestorship very late (aged 35) to be qualified by age for the praetorship of 45 B.C.

V. 44 B.C.

The elections for this year were apparently conducted by Caesar in December, 45. The quaestorian elections were certainly held by him on 31 December (Cic. *Fam.* 7.30.1).

Consuls.

Caesar was elected to his third successive consulship (see above, III, 46 B.C.) His colleague was M. Antonius M.f.M.n., and this represents a certain case of deviation from the *lex annalis* in a consular election. Antonius had not held the praetorship, and he was below the minimum age for the consulship. Admittedly, Plutarch (*Anton.* 86) found two versions of his age at death, namely that he was 53 or 56 in 30 B.C. But the former alternative receives confirmation from the coins showing Antonius aged 41 after becoming Triumvir: obverse, III. VIR. R.P.C., reverse, ANTONI IMP A XLI; cf. the anonymous quinarii with reverse, LVGV DVNI A XL (Sydenham, *CRR* 189; Crawford, *RRCH* Table XVII). Clearly Antonius had his 41st birthday in 42 (on 14 January, *Inscr.It.* 13.2.397 f.). Moreover, the birth-date in 83 is exactly right in relation to Antonius' quaestorship in 52 (*MRR* 2.236).⁶⁰ Thus Antonius was four years below the minimum (Republican) age for the consulship.

Before the Lupercalia, 15 February, Caesar had arranged (against Antonius' opposition) the election of P. Cornelius Dolabella to succeed him in the consulship when he left for the Parthian war (Cic. *Phil.* 2.79 ff.; Appian, *BC* 2.122; Dio 42.33.3), and after the assassination Dolabella duly assumed office. As Dio (loc. cit.) notes explicitly, he had never held the praetorship, while Appian (*BC* 2.129) comments that Dolabella resisted Antonius' suggestion of new elections because "he deemed it not possible

⁶⁰It would be unreasonable to prefer Appian's casual statement that Antonius was 40 years old when he fell in love with Cleopatra (*BC* 5.8, winter 42/41).

for him to become consul through a legal election, being 25 years old.” As we noted above (II, 47 B.C., Tribunes of the plebs), it is not credible that Dolabella was only 25 in 44 B.C. But it is clear that he was a long way short of the minimum age. (According to the calculations we made in II, he may have been about 30 or 31; Gelzer, *Caesar* 309, treats him as still under thirty when he became consul.)

We should also note as relevant that the consuls (and other magistrates) for 43 and the consuls (and tribunes) for 42 were elected in advance before Caesar’s death (Dio 43.51.2–6; Syme, *RR* 95; Gelzer, *Caesar* 309).

The designate consuls for 43 were A. Hirtius A.f. and C. Vibius C.f.C.n. Pansa Caetronianus, for 42 D. Iunius D.f.D.n. Brutus Albinus and L. Munatius L.f.L.n. Plancus. Since these persons have already been discussed, a brief comment should suffice. Hirtius had been praetor (46); if his tenure of that office was legitimate, then so was his tenure of the consulship. Pansa’s praetorship is not attested (see I, 48 B.C., Praetors); the latest date for his birth is 84; we cannot say whether his consulship was in accord with the law or not. D. Brutus’ praetorship is not attested (see IV, 45 B.C., Praetors); it seems quite likely that he was born no earlier than 83, and was not eligible under the *lex annalis* for the consulship of 42. The praetorship of L. Munatius Plancus is unattested (see IV, 45 B.C., Praetors); the latest date for his birth is 86; his consulship in 42 was in conformity with the law, at least so far as the age requirements were concerned.

The total score, then, for the final stage of Caesar’s handling of the consulship (excluding his own) is: 2 certainly against the *lex annalis* (no praetorship and under age); 1 quite probably against it (under age); 2 possibly in accord with it (but age uncertain, or praetorship uncertain); 1 indeterminable (insufficient clues).⁶¹

Praetors.

Sixteen praetors were elected for 44 (Dio 43.49.1), and the same number is listed in *MRR* (2.319 ff.), though, as we have seen (III, 46 B.C., Praetors), the name of M. Gallius, derived from a misguided conjecture in the text of Cic. *Phil.* 3.26, must be removed, and that of C. Calvisius Sabinus must take its place. The discussion will be confined to those praetors in whose case there is information relevant to the question of the *lex annalis*.

C. Antonius M.f.M.n., the middle brother of the three Antonii, who must have been born in successive years (Cic. *Fam.* 2.18.2; see above, III, 46 B.C., Tribunes of the plebs), was one year younger than M. Antonius,

⁶¹The picture would be changed if one included the two men apparently predestined for the consulship of 41, C. Cassius Longinus and M. Iunius Brutus (cf. Cic. *Phil.* 8.27; Vell. 2.56.3; Plut. *Caes.* 62). By 41 both would have reached the consular age, and both had held quaestorships and praetorships (see below, Praetors).

therefore born in 82. Correspondingly, it is correctly inferred that he must have been quaestor in 51, sandwiched between the quaestorships of his brothers in 52 and 50 (*MRR* 2.241). He was therefore two years under age as praetor in 44.

C. Calvisius C.f. Sabinus, as noted before, makes his first appearance in 48. He was consul in 39, and continued active thereafter, celebrating a triumph from Spain on 26 May 28 B.C. (cf. *PIR*² 2, C 352). This may encourage a faint suspicion that he was not born as early as 84, but there is too little to go on.

C. Cassius Longinus is attested as a quaestor of M. Crassus in Syria in 53 (Vell. 2.46.4; Dio 40.25.4). However, a frequently noted usage allows 'quaestor' in such cases to be interpreted as proquaestor. It seems probable that Cassius was Crassus' quaestor already in 54 (so Drumann-Groebe, *GR*² 2.99) or even in 55 (Crassus set out from Rome in November of that year: *MRR* 2.215). This view gains added support from the fact that Cassius was older than M. Brutus (Plut. *Brut.* 29, 40; Appian, *BC* 4.89), who was born in 85 (see below). Cassius' birth-date was probably 86. He was fully qualified for the praetorship of 44. (See also below on L. Cassius Longinus, tribune of the plebs.)

L. Cornelius L.f.L.n. Cinna, a brother-in-law of Caesar, had joined the rebellion of M. Lepidus, cos. 78, and taken refuge with Q. Sertorius (Sueton. *Div. Iul.* 5). He must obviously have been born by about 95, and was many years beyond the minimum age for the praetorship in 44.

L. Cornelius Lentulus appears to be the son either of L. Lentulus Niger, consular candidate for 58 (born by ca. 101), or of L. Lentulus Crus, praetor 58, consul 49 (born by ca. 98) (cf. Drumann-Groebe, *GR*² 2.568; *RE* 4.1372, Cornelius 197). A birth-date as early as 84 looks to be rather unlikely for him, and he was probably below the minimum age for the praetorship.⁵²

M. Casinius appears to be identical with the man whose career is given in *ILS* 965: *M. Cusinius M.f.Vel.. aed. pl.. aerario praef., pr.* (cf. *MRR Suppl.* 22 f.; Badian, *Gnomon* 33 [1961] 496). If so, it is to be noted that the inscription fails to mention a quaestorship.

M. Iunius M.f. Brutus was born in 85 (Cic. *Brut.* 229, 324; his birthday was late in the year; cf. Plut. *Brut.* 24; Appian, *BC* 4.134; Val. Max. 1.5.7).⁵³ This date also agrees with that of his quaestorship. Born in 85, Brutus was first eligible for the quaestorship in 55 for 54. Although *MRR* 2.229 makes him quaestor in 53, our only evidence (*Vir. Ill.* 82.3 f.) allows him to have held the office in 54: *quaestor <Caesari> in Galliam proficisci noluit, quod is bonis omnibus displicebat. cum Appio socero in Cilicia fuit ...*

⁵²It is not clear why *MRR* 2.321 makes him only "perhaps" a praetor in 44. He is on exactly the same footing as the other thirteen men in Cicero's list (*Phil.* 3.25 f.).

⁵³*Liv. per.* 124 (Rossbach) breaks off with a lacuna at the critical point: *annorum erat circiter XL*** (at his death in late October, 42). The text of Velleius, 2.72.1, gives his age at death as *XXXVII annum agentis*, which is clearly unacceptable (*RE* 10.973 f.).

App. Claudius Pulcher, cos. 54, was proconsul of Cilicia from 53 (*MRR* 2.229). Brutus can either have been *quaestor* to Appius in 53, or *quaestor* in 54 and *proquaestor* to Appius in 53. As far as the praetorship of 44 is concerned, he was one year past the minimum age.

L. Marcius L.f.L.n. Philippus has already been noticed (I, 48 B.C., on Q. Marcius Philippus). As tribune in 49, he should have already held the *quaestorship*. His birth-date will be no later than 82, but probably not much, if anything, earlier than 82, since his father is likely to have been born close to 102. L. Philippus was evidently near the minimum age for the praetorship in 44, but may have been one or two years below it.

M. Piso is no doubt the moneyer M. PISO M.F. FRVGI, now dated ca. 60 (Crawford, *RRCH* Table XIII), and is identical with the legate of 49, M. (Pupius) Piso (Frugi) (*MRR Suppl.* 52). As a moneyer ca. 60 he was probably born by ca. 82. Thus he must have been close to the legal age for the praetorship of 44, and had quite possibly reached it. As *legatus* in 49, he is likely to have held the *quaestorship* previously.

To sum up. Among the nine praetors of 44 about whom something can be said,⁵⁴ there are three cases in which the *lex annalis* was satisfied (admittedly, we have no confirmation of a previous *quaestorship* for L. Cinna, but there seems no reason to assume its omission); there is also a fourth case in which there is a good chance that the law was observed. But for the rest, we can be sure that one man was below the minimum age, for another it seems probable, and of two others it may be suspected. For the ninth there is not the slightest clue to his age, but he appears to have omitted the *quaestorship*. It should also be noted that we can expect to be better informed about the older men because their careers began before the Civil War. Hence it may well be that among the other seven praetors there were several younger men holding the office contrary to the provisions of the *lex annalis*.⁵⁵

Aediles.

Little needs to be said on the aediles of 44 (whose number had been raised to six by the addition of two *aediles plebis Cerales*: Dio 43.51.3). The curule aedileship of L. Trebellius (*ILLRP* 2.704) is probably to be dated to 44 (*MRR* 2.322; cf. Cic. *Phil.* 13.26, *aedilicius* in 43). He had been tribune in 47, and as we saw (II, 47 B.C.), it is just possible to date his birth before 80;

⁵⁴The question whether to identify C. Turranius, praetor 44, with C. Toranius, plebeian aedile ca. 64, can be left aside here (see *MRR Suppl.* 63 f.).

⁵⁵The praetors of 43, who were designated before Caesar's death (Dio 43.51.3 ff.), provide no clear indications and may be relegated to a note: see *MRR* 2.338 f. for the list (but omit L. Aelius Lamia; cf. *ibid.* 359, *Suppl.* 2).

L. Plotius Plancus, brother (Vell. 2.67.3; Val. Max. 6.8.5; Plin. *NH* 13.25; Appian, *BC* 4.12) of L. Munatius Plancus (born by 86), and of T. Munatius Plancus Bursa (born by 85), seems likely to have been born not far from 83, and to have been not much, if at all, under age for the praetorship.

a birth-date in 81 would be right for an aedile of 44. But there is of course no guarantee that Trebellius was born so early.

Critonius, plebeian aedile (Cerialis? cf. *MRR* 2.322 f.), seems likely to be the son of L. Critonius, aed. pl. 86 (Crawford's date: *Num. Chron.* 4 [1964] 144; *RRCH* Table XII). If so, the respectable interval between the aedileships of father and son favours the assumption that the aedile of 44 may have reached the proper age for the office.

Tribunes of the plebs.

Eleven names of tribunes for 44 are listed (*MRR* 2.323 ff.; the twelfth, Flaminius, can be ignored: cf. *Suppl.* 25). Few of them call for comment. L. Antonius M.f.M.n. was born in 81 (cf. above, Praetors, on C. Antonius), and was quaestor in 50 (*MRR* 2.249). His tribunate came a little later than was customary; it was no doubt politically convenient that he should be tribune in the year when his brothers were consul and praetor respectively.

The other point of interest in this tribunician college (in the present context) is that it contained two men who had already served *pro consule*: L. Cassius Longinus (*pro cos.* 48; cf. *ILLRP* 1². 400; *MRR* 2.275), brother of C. Cassius, praetor 44; and L. Nonius L.f. Asprenas (*pro consule* 46; *B. Afr.* 80.4; *MRR* 2.298; see Badian, *Phoenix* 25 [1971] 138–142). L. Cassius is generally identified with the triumvir monetalis LONGINVS), who used to be dated in the late 50's (*RE* 3.1739, Cassius 65; *MRR* 2.435), but has recently been assigned to ca. 63/2 (Crawford, *RRCH* Table XIII; cf. C. D. Hamilton, *TAPA* 100 [1969] 198). This would indicate a birth-date not later than 85/4, which would make L. Cassius a rather old tribune. It may be that the moneyer's date should be lowered slightly, though it cannot be later than 59.⁵⁶ We noted above that C. Cassius Longinus, praetor 44, was probably born in 86. His brother, still an *eques Romanus* and not yet a senator in 54, when he assisted in the prosecution of Cn. Plancius (Cic. *Planc.* 58 ff.), was very probably under 30 at that time—born after 84. As moneyer before 58, his birth-date should fall before 80. Correspondingly, as proconsul in 48 he had presumably achieved

P. Ventidius was well beyond it (see above, IV, 45 B.C., Tribunes of the plebs).

Q. Gallius, however, if he was the son of Q. Gallius, aed. pl. 67, pr. 65 (born by 105), may not have been born as early as 83, especially seeing that M. Gallius, praetor before 44 (*praetorius* in 43, Cic. *Phil.* 13.26, and *not* praetor in 44: see above, III, 46 B.C., Praetors, on C. Calvisius Sabinus), would be his elder brother, being clearly identical with M. Gallius Q.f., officer under Caesar in 47: Cic. *Att.* 11.20.2; *MRR Suppl.* 27. Q. Gallius would then be the third son (given the father's *praenomen* after the death of a first-born Quintus) and it seems more likely than not that his birth-date would be later than 83. (Similarly, M. Gallius, praetor by 45, may have been somewhat under age.)

⁵⁶Dr Crawford comments that "the moneyer LONGINVS must be a Lucius—his control-marks are the letters L. CASSI *only*; and his date is within the period of the San Gregorio hoard, i.e., before 58 (I think 63 or 62)." I assume, purely on the basis of observation, that moneyers were at least 21 years old in this period.

the quaestorian age. So we get 83–81 as the probable range for his date of birth. One could also conjecture that L. Nonius Asprenas, as proconsul in 46, was born before 77. Longinus certainly, and Asprenas probably, had reached the standard age for the tribunate.

Quaestors.

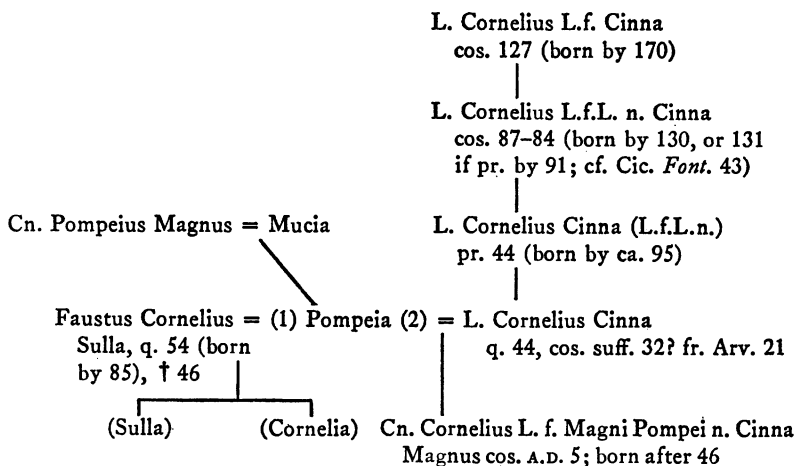
Eight quaestors are listed for 44 (*MRR* 2.325 f.), an unusual abundance. In view of what we have seen occurring in the other magistracies, we shall naturally be interested to know whether there was any trend towards a lower age for the quaestorship.

Q. Cornelius, urban quaestor (Josephus *Ant.* 14. 219), has been identified with the Cornelius who was a *scriba* under Sulla's dictatorship and *quaestor urbanus* under Caesar's (Cic. *Off.* 2.29; cf. Sall. *Hist.* 1.55.17 M; Syme, *CP* 50 [1955] 134). Obviously, the latter must have been an extremely elderly quaestor. The identification is questioned (*MRR Suppl.* 17 f.) because Cicero implies that Cornelius was not quaestor at the time of writing of the *De Officiis* (end of October to beginning of November, 44: *Att.* 15.13a.2, 16.11.4). But still Quintus, a distinctly ignoble *praenomen* for a Cornelius, is an apt one for the *scriba*, and the identification might be preserved by assuming that Q. Cornelius had died by October 44.

L. Cornelius P.f. Balbus (the nephew of L. Cornelius Balbus, cos. suff. 40) had been granted the Roman citizenship at the same time as his uncle, according to Pliny (*NH* 5.36), that is ca. 72, after the Sertorian War; he may of course have been a mere child at the time (*RE* 4.1269), for his filiation shows that his father must have been enfranchized then. But at any rate, if Pliny is to be trusted (which is not altogether certain since he fails to notice the father), he was probably born by 75 and of age for the quaestorship of 44. He was an envoy for Caesar in 49 and 48 (*MRR* 2.265, 279), but that merely suggests that he was probably over 20 in 49 B.C. He lived to celebrate a triumph from Africa on 27 March 19 B.C. (*PIR*² 2, C 1331), when *ex hypothesi* he would have been about 55 years of age: which is not impossible.

Cinna may be identical with L. Cornelius, cos. suff. 32, and L. Cinna, frater Arvalis 21 (*PIR*² 2, C 1338), and was probably the son of the elderly praetor of this year (see above, Praetors). Contrary to the usual opinion that Cn. Cornelius Cinna Magnus, consul A.D. 5, was a son of the praetor of 44 by a marriage to Pompeia, widow of Faustus Sulla (*PIR*² 2, C 1339; Syme, *RR* 269 n. 2), it seems more reasonable to regard him as son of the *quaestor* of 44 and Pompeia:⁵⁷

⁵⁷Confusion has been caused by conflicting statements of Seneca (*Clem.* 1.9; *Benef.* 4.30.2). By a remarkable blunder he gives the man (Pompeius' grandson) the wrong *praenomen*, L. instead of Cn. He makes him fight against Caesar (Octavian) in the civil wars; but calls him *adulescens* at the time of his alleged conspiracy, dated to a sojourn of Augustus in Gaul (i.e. 16–13 B.C. or 10 B.C.). If Cn. Cinna Magnus was born after 46, he



L. Cinna's presumed father was away in Sardinia and then Spain as a rebel from 77 and was not restored until ca. 70 (Sueton. *Div. Iul.* 5). This suggests that Cinna's birth may be dated either by 77 or after 70. The first alternative will require the father's birth-date to be pushed back towards 100, if not earlier; there is nothing formally against that, though with each extra year the praetorship in 44 becomes more and more remarkable. The other possibility would give us a quaestor of 44 aged not more than 24, the minimum age under the Principate (cf. *Latomus* 26 [1967] 422 ff.).

P. Cornelius P.f.P.n. Lentulus Spinther was the son of the consul of 57 (born by 100). He took the *toga virilis* in 57 (Cic. *Sest.* 144; Schol. Bob. 143 f. St.) and was immediately elected augur (*MRR* 2.207). He was presumably between 14 and 16 years old, born no earlier than 73. Hence he was two or more years under age for the quaestorship of 44.

L. Sestius P.f.L.n. Albinianus Quirinalis (cos. suff. 23) was the son of P. Sestius (Syme, *RR* 335; *MRR Suppl.* 59), quaestor 63, tr. pl. 57 (born by 94), and was still *puer* and *praetextatus* at the trial of his father in 56 (Cic. *Sest.* 6, 10, 144, 146). He can hardly have been born earlier than 72, and there can be no doubt that he was several years under age for the quaestorship.

Thus we have two quaestors of 44 definitely below the minimum Republican age for the office, and a possible third case, which is given added plausibility by the other two.

can hardly have fought against Octavian in the 30's. In view of the strange matter of the mistaken *praenomen*, it seems to me likely that Seneca has blended L. and Cn. Cinna together. That is, it was L. Cinna who fought against Octavian, on the side of his wife's brother Sex. Pompeius; Octavian pardoned him and even gave him the consulship of 32. Note that the birth-date after 46 for Cn. Cinna fits Seneca's *adulescens* (in 16-13, or 10 B.C.) very well; and that his consulship in A.D. 5 now comes at a more reasonable age (not "prope sexagenarium" as Groag, *PIR*² 2, C 1339).

Conclusion.

Because our evidence is so obviously incomplete, any conclusion about the *lex annalis* under Caesar is bound to be very tentative. Nevertheless, it does appear significant that during the period 48–46 (elections from ca. December 49 to autumn or winter 47) we can find no evidence of violation of the Republican *lex annalis*, apart from the special dispensation for Caesar himself. Certainly, the tribunate of 47 presages an impending threat to the system. But so far as the magistracies governed by the *lex annalis* are concerned, it is only with those of 45 (elections in October 45) that deviations from the law are first made manifest; and the process appears to gain strength with the magistracies of 44 (elections in December 45). The evidence on the consulship is fairly full, and it is illustrative. Until 45 all consulships are legitimate. In 45 there is a possibility of a doubt; certain prerequisites under the law are not attested. In 44 there is no doubt whatever; prerequisite offices had been omitted and the stipulations about the minimum age were flagrantly disregarded. The evidence from the praetorship makes it clear that irregularities were already allowed in 45. And the data for 44 reveal that in the three basic magistracies of the *cursus* the *lex annalis* was no longer being consistently applied, although there were still persons whose careers were unexceptionable.

The question may be asked whether these manifestations were entirely arbitrary. Caesar had complete control of the elections, he had the power to accept or reject candidatures. Perhaps he simply exercised his own discretion in permitting deviations from the law. On the other hand, he did introduce some new regulations for the magistracies, and it is not inconceivable that these were accompanied by certain modifications of the *lex annalis*. Thus, the increase of the number of quaestors from 20 to 40 might logically be attended by a lowering of the minimum quaestorian age. But the evidence will not stretch to certify any hypothesis that Caesar introduced a general overhaul of the *lex annalis*. It may be more appropriate in this connection to observe a phenomenon that is rather pronounced in the year 43—dispensation granted by the Senate. We have a useful example in Cicero's modest proposal on behalf of the ex-quaestor L. Egnatuleius: *uti L. Egnatuleio triennio ante legitimum tempus magistratus petere, capere, gerere liceat* (*Phil.* 5.52). This is presented quite casually, not as any startling innovation. It may well be that under Caesar the Senate had become habituated to passing such decrees. A formula of this kind would cover a number of the aberrant careers we have noted. Interesting, too, though of more specialized application, is the proposal for the young Octavian: *C. Caesarem Gai filium ... senatorem esse sententiamque loco praetorio dicere, eiusque rationem, quemcumque magistratum petet, ita haberi, ut haberi per leges liceret, si anno superiore quaestor fuisset* (*Phil.* 5.46). This formula (which, for us at least, is not without ambiguity: cf. Astin, *Lex Annalis* 41;

Badian, *Studies* 148) indicates, whatever else it implies, a method of getting round the problem of missing prerequisite offices. If Caesar's docile Senate in 45 after Munda passed a series of such decrees on behalf of his friends and aides, most, if not all, of the abnormalities in the higher magistracies of 45 and 44 would find their explanation.⁵⁸

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⁵⁸I am much indebted to Professor E. Badian for extensive comment on, and criticism of, this article; to Professor T. P. Wiseman, my colleague during 1970–1971, for permitting me to see the proofs of his book *New Men in the Roman Senate 139 B.C.–A.D. 14* (Oxford 1971); and to Dr Wiseman and Dr M. H. Crawford for comment and criticism.