

## MISZELLEN

L. VILLIUS ANNALIS PRAETOR 43 B.C.  
*IN MAGISTRATU OCCISUS EST*

Valerius Maximus and Appian both tell of the extraordinary fate of one L. Villius Annalis.<sup>1</sup> Late in 43 B.C. Villius was accompanying his son, who was a candidate for the quaestorship of 42 B.C., to the *campus Martius* when he discovered that he had been proscribed.<sup>2</sup> Villius thereupon fled for refuge to the house of a client, but his son led the soldiers to his hiding place and Villius was executed. The Triumvirs rewarded the son's treachery by allowing him to retain his father's estate in its entirety and by designating him aedile for 42. Nemesis, however, insured that the son did not live to enjoy the spoils for later as he was returning home drunk he got into a brawl and was murdered by the same soldiers who had killed his father.

In the briefer account of Valerius Maximus no indication is given of the rank of the elder Villius Annalis, and the moralist dwells on the enormity of the son's betrayal. But in Appian's more detailed narrative Annalis is said to have been praetor (στρατηγός) at the time of his murder. Haakh, however, argued that a praetor can hardly have had a son of quaestorian age and maintained that Appian was mistaken.<sup>3</sup> Haakh contended that the *proscriptus* was actually a praetorius, not a praetor, and was identical with the L. Villius L. f. Pom(ptina) Annalis who was a witness to

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1) Valerius Maximus, 9.11.6: *Cuius fati acerbitatem L. Villius Annalis sortitus, cum in campum ad quaestoria comitia filii descendens proscriptum se cognosset, ad clientem suum confugit. Sed ne fide eius tutus esse posset, scelere nefarii iuvenis effectum est, si quidem per ipsa vestigia patris militibus ductis occidendum eum in conspectu suo obiecit, bis parricida, consilio prius, iterum spectaculo.* Appian, BC 4.18: Ἀννάλιν ἕτερον στρατηγόν, τῷ παιδί μετιόντι ταμειῖαν συμπεριθέοντα καὶ τοὺς ψηφιοῦμένους παρακαλοῦντα, οἱ τε συνόντες φίλοι καὶ οἱ τὰ σημεῖα τῆς ἀρχῆς φέροντες ἀπεδίδρασκον, πυθόμενοι προσγεγράφθαι τοῖς πίναξι τὸν Ἀννάλιν. ὁ δὲ ἐς πελάτην ἑαυτοῦ τινα φυγών, ᾧ βραχὺ καὶ εὐτελεῆς ἦν τέγος ἐν προαστείῳ καὶ διὰ πάντα εὐκαταφρόνητον, ἐκρύπτετο ἀσφαλῶς, μέχρι τοῦς σφαγέας ὁ υἱὸς αὐτοῦ, τὴν φυγὴν ἐς τὸν πελάτην ὑποτοπίσας, ὠδήγησεν ὑπὸ τὸ τέγος, καὶ παρὰ τῶν τριῶν ἀνδρῶν τὴν τε οὐσίαν ἔλαβε τοῦ πατρὸς καὶ ἐς ἀγορανομίαν ἤρθε. ἀναλύοντα δὲ αὐτὸν ἐκ μέθης στρατιῶταί τι προσκρούσαντες ἔκτειναν, οἱ καὶ τὸν πατέρα ἀνηρήκεσαν.

2) The son was evidently a candidate for the quaestorship of 42 since the proscriptions began in late November 43 B.C.

3) A. Haakh, Real-Encyclopädie der classischen Alterthumswissenschaft in alphabetischer Ordnung, Stuttgart 1852, VI 2613 L. Villius L. f. Pom(ptina) Annalis no. 8. According to the Republican *leges annales* a praetor in 43 would have to have been born by 83 B.C., and a candidate for the quaestorship of 42 B.C. by 73 B.C. (see G. V. Sumner, *The Orators in Cicero's Brutus: Prosopography and chronology*, Toronto 1973, 7f.).

two pivotal resolutions of the senate *de consularibus provinciis* in September 51 B.C. and had apparently held the praetorship by 58 B.C.<sup>4</sup> And Haakh's verdict has been adopted by virtually all subsequent commentators.<sup>5</sup>

Yet the testimony of Appian is explicit and unequivocal as regards the status of the elder Villius Annalis. Appian states that the proscriptions began with the murder of those who were magistrates in office (*ἀπὸ τῶν ἐν ἀρχαίς ἔτι ὄντων*) among whom were the tribune (*δήμαρχος*) Salvius who was decapitated at a banquet,<sup>6</sup> the praetor (*στρατηγός*) Minucius who learned of his proscription while presiding over the comitia in the forum and whose attempts at concealment were thwarted by his *apparitores* and the insignia of his office,<sup>7</sup> and another praetor (*ἕτερον στρατηγόν*) Annalis. Appian then continues with the case of Turranius who, like Annalis, was betrayed by his son. But Appian is careful to note that Turranius was an ex-praetor, not a magistrate in office.<sup>8</sup> If all this were not proof enough that Villius was a praetor in office and that Appian was quite clear on the distinction between a praetor and a praetorius, the matter is put beyond doubt by Appian's observation that prior to his flight Villius had been accompanied by those who bore the insignia of his office (*οἱ τὰ σημεῖα τῆς ἀρχῆς φέροντες*) which plainly refers to the praetor's lictors and categorically rules out the notion that Villius was a former praetor. Moreover, Appian undoubtedly had access to good sources for at the beginning of his narrative he remarks that the horrors of the proscriptions had already been treated in the works of many historians from which he had culled only the most noteworthy episodes.<sup>9</sup> Consequently, L. Villius Annalis was unquestionably

4) On L. Villius L. f. Pom(ptina) Annalis the praetor by 58 B.C. see M. Caelius Rufus, Ad fam. 8.8.5,6; Broughton, MRR II 246–7; H. Gundel, L. Villius Annalis (7), RE VIII A 2 (1958) 2164; and T. C. Brennan, The praetorship in the Roman Republic, Oxford 2000, II 754.

5) Thus also P. Willems, Le sénat de la République romaine, Paris<sup>2</sup> 1885, I 473 no. 125; H. Klövekorn, De proscriptionibus a. a. Chr. n. 43 a. M. Antonio, M. Aemilio Lepido, C. Iulio Caesare Octaviano triumviris factis, Koenigsberg 1891, 47–8 no. 8; P. Ribbeck, Senatores Romani qui fuerint Idibus Martiis anni a. u. c. 710, Berlin 1899, 11–2 no. 35; H. Gundel, L. Villius Annalis (7), RE VIII A 2 (1958) 2164; D. R. Shackleton Bailey, Epistulae ad familiares, Cambridge 1977, I 402; T. J. Cadoux apud Broughton, MRR III 221; J. Fündling, DNP (2003) 12.2.223 Villius no. 3; D. Magnino, Appiani bellorum civilium liber quartus, Como 1998, 168–9; and Brennan (as n. 4) II 926 n. 457. The exception is F. Hinard, Les proscriptions de la Rome républicaine, Rome 1985, 545–8 no. 155 (vide infra n. 10). Neither the praetor by 58 nor the *proscriptus* is registered in P. Wehrmann, Fasti praetorii ab a. u. DLXXXVIII ad a. u. DCCX, Berlin 1875, M. Hölzl, Fasti praetorii ab a. u. DCLXXXVII usque ad a. u. DCCX, Leipzig 1876, or F. Stella Maranca, Fasti praetorii. Parte I: Dal 366 al 44 av. Cristo, Memorie della Reale Accademia nazionale dei Lincei classe di scienze, morali, storiche, e filologiche 6.2, 1927.

6) BC 4.17.

7) BC 4.17.

8) BC 4.18: Θουράντιος δὲ οὐ στρατηγὼν μὲν ἔτι, ἀλλ' ἔστρατηγικῶς. Valerius Maximus, 9.11.5: *C. Toranius ... proscripti patris sui praetorii et ornati viri latebras ... edidit*. Orosius, 6.18.9: *C. Thoranius vir praetorius*. See Hinard (as n. 5) 534–6 no. 138; cf. F. X. Ryan, Four Republican senators, C&M 47, 1996, 207–210.

9) BC 4.16.

praetor in 43 B.C. and it remains to account for the fact that his son was old enough to be quaestor in the following year.

Hinard suggested that the praetor of 43 was identical with L. Villius Annalis the praetor by 58 B.C. and that Villius was holding the praetorship for a second time in 43 B.C. Hinard postulated that Appian had specified that Villius was praetor *iterum* by writing Ἀνῶλιν στρατηγὸν τὸ δεῦτερον for which a copyist substituted ἕτερον στρατηγόν, or that ἕτερον signified that Villius was praetor peregrinus in contrast to the *proscriptus* Minucius who was praetor urbanus.<sup>10</sup> But Hinard's textual conjectures are neither persuasive nor necessary to his thesis for Appian need not have known, and probably would not have cared, whether Villius was praetor for the second time since it was irrelevant to his purposes.<sup>11</sup> Moreover, while iteration is one possible explanation of the abnormal gap between the praetorship of Villius and the quaestorship of his son, Hinard conceded that iteration of the praetorship was rare, and there are other less extraordinary explanations to hand.<sup>12</sup>

L. Villius Annalis the unfortunate praetor of 43, who should be distinguished from the homonymous praetorius of 51 B.C., self-evidently cannot have been praetor *suo anno*. Now there might be any number of reasons why Villius came late to high office, such as ill-health or poverty, but two possible explanations of the delay are most apposite in this particular epoch.

It may be that Villius was the son of a man proscribed by Sulla and so prohibited from holding office before Caesar overturned the ban on the sons of the proscribed in 49.<sup>13</sup> The Corneliae Cinnae provide an obvious parallel. Caesar's onetime

10) Hinard supposed that Minucius took on the role of praetor urbanus after the suicide of M. Caecilius Cornutus in August (MRR II 338). Note that Q. Gallius, who was deposed from office in August 43, is often reckoned to have been praetor peregrinus (see Broughton, MRR II 338).

11) T. J. Luce, Appian's magisterial terminology, CPh 56, 1961, 21–23 argues that Appian does not normally distinguish the praetor urbanus and praetor peregrinus from their colleagues. Furthermore, ἕτερος στρατηγός is scarcely a plausible locution for praetor peregrinus for that office is normally designated by the expression ἐπὶ ξένων vel sim. (see H. J. Mason, Greek Terms for Roman Institutions: A Lexicon and Analysis, Toronto 1974, 159; cf. S. Mitchell, The treaty between Rome and Lycia of 46 BC [MS 2070], in: R. Pintaudi [ed.], Papyri Graecae Schøyen, Florence 2005, I 167 line 3: ἐπὶ τῶν πολιτῶν καὶ ξένων).

12) Hinard adduced only a single case during the First Century B.C.: M. Marius Gratidianus, the nephew of C. Marius, who was praetor twice in rapid succession during the *dominatio Cinnae* (MRR III 140–1). But P. Varinius is also often held to have been praetor *iterum* in 66 (see Broughton, MRR III 215; Brennan [as n. 4] II 425, 565, 753 passim), though this was denied by F. X. Ryan, The praetorships of Varinius, Cossinius and Glaber, Klio 78, 1996, 374–379. And Brennan (as n. 4) II 377, 424–5, 751 also suggests that C. Cosconius was praetor in 89 and praetor *iterum* in 79 or 78. On iteration in the praetorship see also T. C. Brennan, C. Aurelius Cotta praetor *iterum* (CIL I<sup>2</sup> 610), Athenaeum 67, 1989, 467–87, especially 479 f. with respect to the First Century B.C.

13) Q. Lucretius Vespillo (cos. 19 B.C.) is the only individual proscribed in 43 who is specifically recorded to have been the son of a man proscribed by Sulla (see Appian, BC 4.44; cf. Val. Max. 6.7.2; Dio 54.10.2; Hinard [as n. 5] 491–2 no. 84 and A. R. Birley, Q. Lucretius Vespillo [cos. ord. 19], Chiron 30, 2000, 711–48).

brother-in-law L. Cornelius Cinna was advanced to the praetorship in 44 B. C. and his son was quaestor in the very same year.<sup>14</sup> Since there were Villii Annales who held office between 82 and 49 B. C., it would have to be supposed that there was more than one branch of the family in existence in the First Century, which is not unlikely given that the family sprung from L. Villius Annalis the tribune of 180 and praetor of 171 B. C., and that the different branches of the family made different choices during the first civil war – one siding with Sulla and one backing Marius and Cinna.<sup>15</sup> That scenario is by no means outlandish for political divisions of this kind are documented in the Domitii Ahenobarbi and Papirii Carbones during the first civil war.<sup>16</sup>

Alternatively, it is possible that Annalis had been convicted of some offense and exiled before the civil war, but benefited from Caesar's general amnesty in 49.<sup>17</sup> Appian states that a large number of defendants were condemned and exiled during Pompey's sole consulship in 52, and Caesar's amnesty extended to all exiles with the exception of T. Annius Milo.<sup>18</sup> Following his restoration Annalis might have resumed his political career as did other returned exiles like the historian Sallust, T. Munatius Plancus Bursa, and L. Calpurnius Bestia to name just a few. And we need look no further than Villius' colleague P. Rupilius Rex for a precise analogy. Rupilius was condemned and exiled on unspecified charges before the civil war, but was subsequently restored and was praetor in 43 when he was proscribed by the Triumvirs.<sup>19</sup>

14) MRR II 320–1, 325.

15) Plutarch, Comp. Nicias and Crassus 2.2 refers to a senator Λεύκιος Ἀννάλιος who was assaulted by Crassus in 55. The name is sometimes taken at face value (as by E. Klebs, L. Annalius, RE I [1893] 2257; T. P. Wiseman, New Men in the Roman Senate 139 B. C.–A. D. 14, Oxford 1971, 212 no. 27; Broughton, MRR III 15), but the gentilicium Annalius is attested only once (CIL IX 5464). Hence 'L. Annalius' may in fact be a L. Annalis and identical with the praetor by 58 (as per Willems, Ribbeck, Hinard, and Fundling, loc. cit.). The rank of Sex. Villius Annalis, a prosecution witness in the early 60's (Quintilian, Inst. or. 6.3.86; Priscian, Inst. gramm. 7.58), is unknown. He is often identified with Sex. Villius the friend of Milo mentioned in 53 (Cic. Ad fam. 2.6.1), and with Villius the lover of Milo's wife Fausta (Horace, Sat. 1.2.64); see H. Gundel, Sex. Villius Annalis (8), RE VIII A 2 (1958) 2165.

16) Cn. Domitius Ahenobarbus, the son-in-law of Cinna, was proscribed and headed the resistance in Africa in 82–81 B. C., whereas his brother L. Domitius Ahenobarbus (cos. 54) greatly benefited from the proscriptions (see E. Rawson, Sallust on the Eighties?, CQ 37, 1987, 174). Similarly, C. Papirius Carbo (cos. 85, 84, 82) opposed Sulla and was proscribed, while his cousin C. Papirius Carbo Arvina (RE XVIII 3 [1942] 1031–34, no. 40) was a moderate and was assassinated as a suspected Sullan sympathizer, and his brother C. Papirius Carbo (RE XVIII 3 [1942] 1020–21, no. 34) was killed while serving as a legate of Sulla. C. Carbo (RE XVIII 3 [1942] 1021–22, no. 35), the probable son of Arvina, was later praetor in 62 B. C.; see Hinard (as n. 5) 388 passim.

17) On Caesar's amnesty see MRR II 257.

18) Appian, BC 2.24.

19) See Porphyrio on Horace, Satires 1.7.1: *Publius Rupilius cognomine Rex Praenestinus post exilium, in quod damnatus profugerat, militavit in Africa sub At-*

L. Villius Annalis should therefore be allowed to take his rightful place among the praetors of 43 B.C. We know that sixteen praetors were elected for 43 B.C.,<sup>20</sup> and Broughton registered only twelve, not including Annalis, of whom one is to be excised, so there is ample room to accommodate L. Villius Annalis.<sup>21</sup>

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*tio Varo. Deinde cum praeturam gereret, proscriptus a triumviris confugit ad Brutum et inter comites habitus est.* The same information is contained in Pseudo-Acro, ad loc. See also Münzer, P. Rupilius Rex (10), RE I A 1 (1914) 1231–2; Broughton, MRR II 339, III 183; and Hinard (as n. 5) 512–3 no. 114.

20) Dio 43.49.1, 51.4.

21) L. Aelius Lamia was a candidate for the praetorship of 42 (see Broughton, MRR III 4).