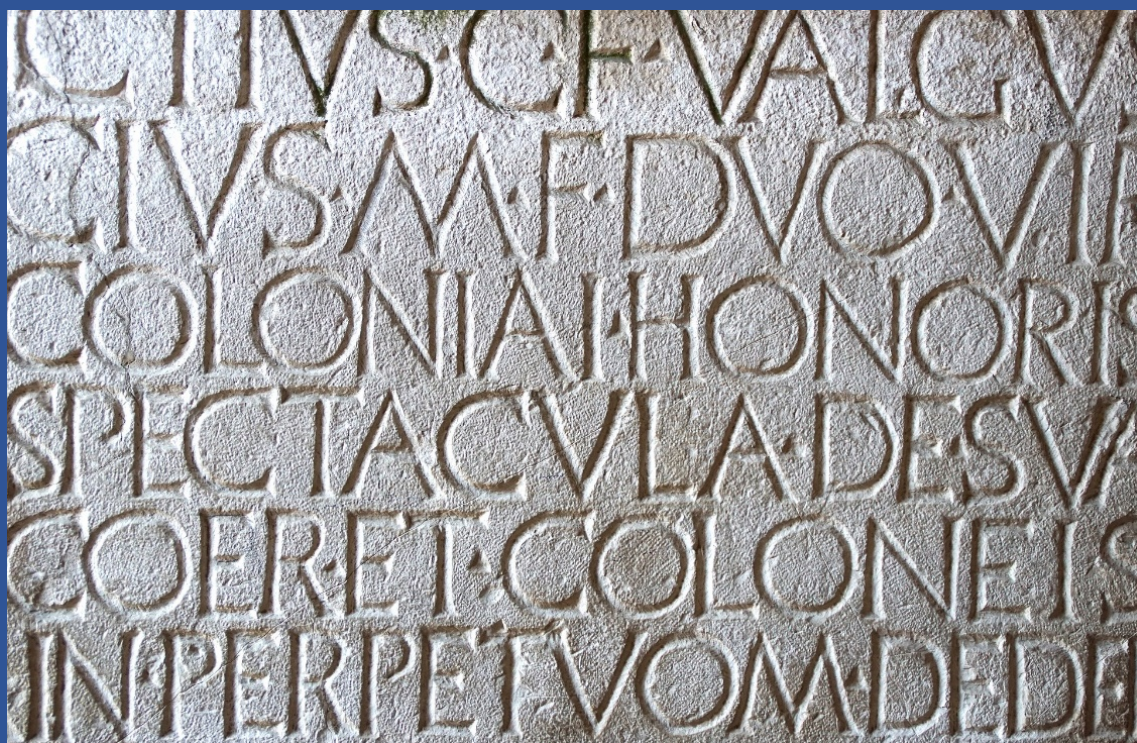


**Municipal Structures  
in Roman Spain and Roman Italy**  
**A Comparison**



**Proceedings of the Colloquium**

**Vienna, 3<sup>rd</sup> July 2018**

edited by

**Federico Russo**

**Wiener Beiträge zur Alten Geschichte online (WBAGon) 3**  
**(wbagon.univie.ac.at)**

**Wien 2020**

## **Impressum**

**Wiener Beiträge zur Alten Geschichte online (WBAGon) 3**

**[wbagon.univie.ac.at](http://wbagon.univie.ac.at)**

### **Herausgegeben von**

TYCHE – Verein zur Förderung der Alten Geschichte in Österreich  
c/o Institut für Alte Geschichte und Altertumskunde, Papyrologie und Epigraphik  
Universität Wien  
Universitätsring 1, 1010 Wien, Österreich

### **Vertreten durch**

Federico Russo

### **Redaktion**

Franziska Beutler

### **Zuschriften und Manuskripte erbeten an**

[franziska.beutler@univie.ac.at](mailto:franziska.beutler@univie.ac.at)  
Richtlinien unter [wbagon.univie.ac.at](http://wbagon.univie.ac.at)

Titelbild: ILS 5627

<https://pixabay.com/it/photos/pompei-latina-romano-incisione-3677352/>

ISSN 2664-1100

Wien 2020

This article should be cited as:

Enrique Melchor Gil – Víctor A. Torres González, *The Origin of the 'Municipal' Praefecti and the Disappearance of the Local Interreges: A Reassessment*, in: F. Russo (ed.), *Municipal Structures in Roman Spain and Roman Italy. A Comparison, Proceedings of the Colloquium, Vienna, 3<sup>rd</sup> July 2018*, Wiener Beiträge zur Alten Geschichte online (WBAGon) 3, Wien 2020 (DOI: 10.25365/wbagon-2020-3-3).



This work is licensed under a Creative Commons Attribution 4.0 International License.  
© authors 2020

## TABLE OF CONTENTS

Introduzione

Cesare L e t t a

*Il macellum di Marruvium e il suo donatore Q. Fresidio Gallo* ..... 1

Simonetta S e g e n n i

*Decreti decurionali di età augusteo-tiberiana. Governo imperiale e città dell'Italia* ..... 11

Enrique M e l c h o r G i l – Víctor A. T o r r e s G o n z á l e z

*The Origin of the 'Municipal' Praefecti and the Disappearance of the Local Interreges:  
A Reassessment* ..... 19

Juan Francisco R o d r í g u e z N e i l a

*Comitia municipales: el elector en su laberinto* ..... 31

Federico R u s s o

*Città come patroni? Due casi problematici dall'Iberia romana*..... 55

Estela G a r c í a F e r n á n d e z

*El ius Latii y la legislación municipal Flavia* ..... 65

Niklas R a f e t s e d e r

*Ein Einblick in die laufende Dissertation „Lex coloniae – lex municipii:  
die römische Stadtgesetzgebung in Republik und Kaiserzeit“* ..... 83

Francesco R e a l i

*Incolae libertini a Carthago nova: le associazioni di liberti e di persone trasferite  
a partire da CIL II 3419*..... 87

Silvia G a z z o l i

*I duoviri designati nell'amministrazione locale tra Spagna ed Italia*..... 99

## Introduzione

*Idem ius municipi flavi Irnitani esto, quod esset, si municipi Italiae libertus esset.* Questa breve citazione, tratta da un capitolo della *Lex Irnitana* che pone un preciso parallelo tra il municipio irnitano e un qualunque municipio sul suolo italico a proposito della procedura della *manumissio*, sintetizza in modo icastico l'essenza e lo spirito dell'incontro internazionale che è stato ospitato dall'Institut für Alte Geschichte dell'Università di Vienna nel luglio 2018. In sintesi, la premessa da cui i lavori hanno preso l'avvio, e che è alla base dei contributi raccolti nelle prossime pagine, si fonda sulla considerazione che ciò che valeva per una comunità spagnola, poteva valere anche per una comunità italica, e viceversa, ad indicare una stretta vicinanza tra aree pure così distanti (e non solo dal punto di vista geografico)

La vicinanza in tema di norme, leggi, regolamenti e disposizioni varie tra i municipi (o le colonie) della Spagna romana e le comunità dell'Italia appare come fatto noto già in età antica, e come tale è stato a più riprese studiato dalla critica moderna. Naturalmente, a questi due poli se ne aggiunge un terzo, vale a dire Roma, che, con la sua produzione legislativa relativa alla gestione dell'Impero ma anche dell'*urbs* stessa, avrà senza dubbio funzionato da punto di riferimento (o modello *tout court*), più o meno diretto, per le leggi che regolavano la vita amministrativa delle comunità locali, italiche e provinciali.

Alla luce di tali richiami, espressamente denunciati dalla documentazione epigrafica a nostra disposizione, è parso tanto doveroso quanto stimolante esplorare ulteriormente alcuni aspetti delle strutture amministrative dei centri locali spagnoli e italici per individuare ulteriori analogie e differenze tra di essi, spesso rimaste in ombra o inesplorate. Un approccio di questo tipo ha certo contribuito a migliorare la nostra conoscenza delle strutture amministrative locali e, per conseguenza, le modalità tramite cui, al momento di una fondazione coloniale o municipale, le leggi di un centro locale assumevano la loro fisionomia.

Vorrei concludere questa breve introduzione esprimendo la mia gratitudine, oltre che agli autori, agli ospiti e ai partecipanti del Convegno, all'Austrian Science Fund (FWF), che ha finanziato l'incontro entro il Progetto M-2142, e all'Institut für Alte Geschichte und Altertumskunde, Papyrologie und Epigraphik dell'Università di Vienna, che lo ha ospitato e supportato.

Desidero in particolare ringraziare, per l'impagabile collaborazione e aiuto offerti, il Prof. F. Mitthof, il Prof. H. Taeuber, il Prof. E. Weber e la Dr. F. Beutler.

Inoltre, esprimo la mia gratitudine ai curatori di WBAGon per aver accettato la pubblicazione di questi contributi ed in particolare alla Dr. F. Beutler per averne seguito il processo editoriale con grande attenzione.

Un sentito grazie va, infine, a tutti coloro che in vario modo, con idee, suggerimenti e critiche, hanno preso parte alla stimolante discussione che ha avuto luogo in occasione dell'incontro e alla successiva fase di pubblicazione.

Federico Russo  
(Università di Milano)

## The Origin of the ‘Municipal’ *Praefecti* and the Disappearance of the Local *Interreges*: A Reassessment<sup>1</sup>

The traditional theory developed by Th. Mommsen argues that *interreges* and *praefecti* are magistracies of Latin origin which have their roots in the regal period. During the Republic, if the consulship had become vacant due to disappearance of the regular magistrates or the impossibility of appointing their successors, the *interreges* replaced the consuls conducting elections, whereas the *praefecti* assumed the administration of the town because of the temporary absence of the chief magistrates, but only until the consuls returned.<sup>2</sup> Furthermore, the institution of the *interregnum* was introduced in the colonies and the municipalities which were set up in Italy and provinces, thus the *interreges*, named by the *ordo decurionum*, would govern the community and hold new elections when the regular magistrates were absent and unable to assume such roles. Finally, Augustus suppressed the *interregnum* by creating the municipal prefecture to take over the same functions.<sup>3</sup>

Against this theory, we think, as M. C. Spadoni has pointed out, that ‘the institution of *praefecti* does not develop from that of the *interreges* and does not supersede it, as it has been stated, since [the *praefectus*] has an origin and an autonomous development’.<sup>4</sup> Although it is traditionally accepted that the *interregnum* was the extraordinary magistracy established to substitute, if necessary, magistrates in the Italian municipalities created after the Social War, we know that the origin of this local political institution goes back earlier<sup>5</sup> and that it continued to coexist with the *praefecti* as substitutes for the regular magistrates. M. H. Crawford likewise interpreted that the *interreges* must have been replaced by *praefecti* in the period between the Social War and Caesar.<sup>6</sup>

<sup>1</sup> This study was supported by the Project of R&D, “Funciones y vínculos de las elites municipales de la Bética. Marco jurídico, estudio documental y recuperación contextual del patrimonio epigráfico. II” (ORDO VI), funded by the National Programme for Fostering Excellence in Scientific and Technical Research of the Ministry of Science, Innovation and Universities. We wish to thank Ms Natalia Huélamo Alfaro for her help with the translation and Mrs Adrien E. Harders for her revision of the English text.

<sup>2</sup> Th. Mommsen, *Le droit public romain*, vol. II, Paris 1892 [1984], 322–325 and 341–344. The ancient *praefectus urbi* of the regal and republican period ended up being an honorary office for the *feriae Latinae* after the creation of the praetorship.

<sup>3</sup> Mommsen, *Droit public* (n. 2) 324–328. For him, *interreges* and *praefecti* were designated by the local senate. On the *interregnum* and other theories in the in the same way as Mommsen’s see E. Bianchi, *L’interregnum fuori di Roma: origine e funzioni dell’istituto nelle città italiche*, RIL 145 (2011) 57–78; A. Koptev, *The five-day interregnum in the Roman Republic*, CQ 66 (2016) 205–221 (<https://doi.org/10.1017/S000983881600032X>).

<sup>4</sup> M. C. Spadoni, *I prefetti nell’amministrazione municipale dell’Italia romana* (Documenti e Studi 39), Bari 2004, 220, followed by G. Camodeca, *Sull’élite e l’amministrazione cittadina di Cuma romana*, in: L. Lamoine, C. Berrendonner, M. Cébeillac-Gervasoni (eds.), *La praxis municipale dans l’Occident romain*, Clermont-Ferrand 2010, 234.

<sup>5</sup> For Bianchi, *Interregnum* (n. 3) 60–63, the *interregnum* previously might have already existed in ancient Latin and Roman colonies as it is confirmed in Benevento, before its transformation into a *municipium*, and in Ostia.

<sup>6</sup> M. H. Crawford, *Roman Towns and their Charters: Legislation and Experience*, in: B. Cunliffe, S. Keay (eds.), *Social Complexity and the Development of Towns in Iberia* (Proceedings of the British Academy 86), Oxford 1995, 425–426.

The *praefecti* are indeed regarded as alternative to *duoviri* and *quattuorviri* in the *Lex de Gallia Cisalpina*<sup>7</sup> of 42 BC and in sixteen chapters of the *Lex Coloniae Genetivae Iuliae*<sup>8</sup> of 44–43 BC. Although the process of drafting the final text of the colonial charter of *Urso* spanned a long period from about 45 BC to AD 24,<sup>9</sup> we understand that its fundamental core, where the different colleges of magistrates and the references to the *praefecti* could be collected, must either respond to stipulations passed by Caesar,<sup>10</sup> or inherited from republican regulations concerning the municipal government, such as the *Lex Iulia municipalis*, of uncertain date, and the *Lex Cornelia* (86–84 BC), attributed to Cinna by different authors.<sup>11</sup> All these arguments suggest that *interreges* and *praefecti* could have coexisted with each other — as had previously occurred in Rome — in various communities and within the same constitutional framework, since both institutions could have originally taken over different functions.

First, the institution of municipal *praefecti* is attested in the *Lex Osca Tabulae Bantinae*, a charter which was drafted shortly before the *bellum sociorum*, but which followed an earlier text made at *Venusia* after 122 BC.<sup>12</sup> Hence, the charter of Bantia adopts, with certain variations, the structure of magistracies and promagistracies existing in Latin colonies; and besides, this law provides the evidence of a *praetur* (in this case as sole chief magistrate) as well as a *praefucus*, equivalent to *praefectus* in Oscan. The latter had to be, according to M. H. Crawford and L. Cappelletti, the person in charge of replacing Bantia's praetor if necessary and it is considered the earliest evidence of a substitute for a temporary absent magistrate in an Italian community of Roman or Latin citizens.<sup>13</sup>

<sup>7</sup> *CIL* I<sup>2</sup> 592, 19.6; 20.16–17; 20.28–29; 20.37–38; 20.41; 21.15.

<sup>8</sup> *CIL* II<sup>2/5</sup> 1022 and *HEp* 15, 2006, 325 (= *AE* 2006, 645 = A. Caballos Rufino, *El nuevo bronce de Osuna*, Sevilla 2006): chapters 13, 68, 71, 93, 94, 95, 96, 103, 125, 126, 128, 129, 130, 131, 132 and 134.

<sup>9</sup> This law contains stipulations planned by Caesar, along with others influenced by the Augustan legislation. Thus, the chapters 125 to 128 of the *Lex Coloniae Genetivae Iuliae* seem to adapt their content to the *Lex Iulia Theatralis* of 20–17 BC, or the chapters 130 and 131, concerning the appointment of patrons and *hospites*, must have been drafted between AD 11 and 14, following stipulations of the Augustan period. However, this law does not consider other *leges* that were passed in the Tiberian period, such as the *Lex Visellia* of AD 24, which excluded freedmen from the decurionate. Cf. Caballos Rufino, *Nuevo bronce* (n. 8) 392–411; E. Melchor Gil, *El patronazgo cívico de senadores, caballeros y de miembros de las élites locales en la Hispania augustea*, in: A. Caballos Rufino, E. Melchor Gil (eds.), *De Roma a las provincias: las élites como instrumento de proyección de Roma* (Colección Historia y Geografía 287), Sevilla 2015, 474–478. Finally, for A. U. Stylow, *Apuntes sobre la arqueología de la Lex Ursonensis*, *SHHA* 15 (1997) 35–45, 43, the charter of the *colonia Genetiva Iulia* is on palaeographical grounds very close to bronze tablets coming from Roman Spain of the Tiberian period, and therefore it might have been engraved in the second quarter of the first century AD.

<sup>10</sup> On the Caesarian origin of a general statute which would have been used to draft the *Lex Coloniae Genetivae Iuliae* see P. López Barja, *Estructura compositiva de la Lex Ursonensis*, *SHHA* 15 (1997) 54–59; Caballos Rufino, *Nuevo bronce* (n. 8) 336–338.

<sup>11</sup> E.g. C. Letta, *Magistrature italiane e magistrature municipali: continuità o frattura?*, in: E. Campanile, C. Letta (cur.), *Studi sulle magistrature indigene e municipali in area italica* (Orientamenti linguistici 11), Pisa 1979, 78–85; Id., *Magistrature indigene e municipali in area italica: trentasei anni dopo*, in: S. Evangelisti, C. Ricci (cur.), *Le forme municipali in Italia e nelle province Occidentali tra i secoli I a.C. e III d.C.* (Insulae Diomedea 28), Bari 2017, 24–26; and E. Bispham, *From Asculum to Actium. The Municipalization of Italy from the Social War to Augustus*, Oxford 2007, 201–202.

<sup>12</sup> M. H. Crawford (ed.), *Roman Statutes* (BICS Supplement 64), London 1996, 276; L. Cappelletti, *Gli statuti di Banzi e Taranto nella Magna Graecia del I secolo a.C.* (Wiener Studien zu Geschichte, Recht und Gesellschaft 5), Frankfurt am Main 2011, 6–7, 23–25 and 31.

<sup>13</sup> Crawford (ed.), *Roman Statutes* (n. 12) 283 and 290; Cappelletti, *Statuti* (n. 12) 55. The text of the *Lex Osca Tabulae Bantinae* (V.11 or l. 23) refers to ‘a praetor or prefect, insofar as there shall be one at Bantia hereafter’ (translation of Crawford, *Roman Statutes* [n. 12] 283).

The function of replacing local magistrates with jurisdictional power for these *praefecti*, who were appointed by the same magistrates whom they substituted in the municipal government, is clearly substantiated in chapters 93–94 of the *Lex Coloniae Genetivae Iulia*. Thus, this institution could have started to become widespread by the late 40s BC and it must have been introduced in the charters of the new privileged communities which emerged in the aftermath of the civil wars between Caesarians and Pompeians: ‘... quive praef(ectus) {qui} ab Ilvir(o) e lege huius coloniae relic/tus erit<sup>14</sup> ...’; ‘... aut quem Ilvir {i} praef(ectum) / reliquerit ...’<sup>15</sup>. Likewise, in the *Lex de Gallia Cisalpina*, the chapters, which are referred to judicial and procedural matter related to the administration of local justice,<sup>16</sup> provide several references to these *praefecti* who are always mentioned along with *duoviri* and *quattuorviri* in legal contexts which indicate that these three types of magistrates or promagistrates performed jurisdictional functions and similar competences. Its appearance in this law, given to the new communities of Roman citizens created in the Transpadana, confirms again the progressive consolidation of the *praefectura*, as a promagistracy, in the local statutes of Roman Italy.

Another early attestation of *praefecti* comes from the *Colonia Victrix Iulia Lepida*, whose first issue of coins shows the reverse legend M FVL C OTAC PR QVIN,<sup>17</sup> as well as the representation of the foundation with a colonist ploughing with yoked oxen. As J. Gómez-Pantoja argued, *M. Fulvius* and *C. Otacilius* were likely the quinquennial *praefecti* to whom the *conditor coloniae*, the triumvir *M. Aemilius Lepidus*, had delegated the duties of setting up the institutions and conducting the census of the new colony.<sup>18</sup>

M. Beltrán Lloris and A. Mostalac Carrillo, as well as L. Amela or A. Allély, consider that the colonial *deductio* would have taken place in the period of Lepidus’ second government of *Hispania Citerior* (44–42 BC), and more specifically, in 44 BC<sup>19</sup> when the issue *RPC I*, 261 would

<sup>14</sup> This text, which belongs to chapter 93 of the *Lex Coloniae Genetivae Iuliae*, refers to the ‘prefect who shall have been left by a *Ilvir* according to the statute of this colony’ (translation of Crawford, *Roman Statutes* [n. 12] 426). It confirms, therefore, the existence of another chapter of the same law in which the appointment of the *praefecti* would have been regulated. So M. S. Bassignano, *I ‘praefecti iure dicundo’ nell’Italia settentrionale*, in: *Epigrafia. Actes du Colloque International d’epigraphie latine en mémoire de Attilio Degrossi* (Collection de l’École française de Rome 143), Roma 1991, 516.

<sup>15</sup> Chapter 94 of the *Lex Coloniae Genetivae Iuliae*.

<sup>16</sup> On the contents of this law concerning jurisdictional powers of local magistrates see U. Laffi, *La Lex Rubria de Gallia Cisalpina*, *Athenaeum* 64 (1986) 22–26.

<sup>17</sup> *RPC I*, 261.

<sup>18</sup> J. Gómez-Pantoja, *Colonia Victrix Iulia Celsa*, *DArch* 10 (1992) 289–298, 293. L. Amela Valverde, *La Colonia Victrix Iulia Lepida*, *Kalathos* 20–21 (2001–02) 239–249, 243. He also thinks that the naming of two *pr(aefecti) quin(quennales)* might be derived from the necessity of holding the census of the new colony. J. F. Rodríguez Neila, *Sobre la fase constituyente de las entidades municipales romanas (con particular referencia a la Bética)*, in: J. Mangas Manjarrés, J. Alvar Ezquerro (eds.), *Homenaje a José M<sup>a</sup> Blázquez*, vol. V, Madrid 1998, 318–327; and M. H. Crawford, *How to Create a Municipium: Rome and Italy after the Social War*, in: M. Austin et alii (eds.), *Modus Operandi. Essays in Honour of Geoffrey Rickman* (BICS Supplement 71), London 1998, 33–34. As they have shown, the existence of censorial or quinquennial magistrates, nominated by the *deductor coloniae*, by the *constitutor municipii*, or by the state itself, must have been indispensable at the moment of the creation of the communities promoted to Roman status.

<sup>19</sup> M. Beltrán Lloris, A. Mostalac Carrillo, *La colonia Lepida/Celsa y Salduie: sus testimonios arqueológicos durante el segundo triunvirato y comienzos del imperio*, in: M. P. García-Bellido et alii (eds.), *Del imperium de Pompeyo a la auctoritas de Augusto. Homenaje a Michael Grant* (Anejos de *AEspA* XLVII), Madrid 2008, 108–109; L. Amela Valverde, *Hispania y el segundo triunvirato (44–30 a. C.)* (*Aquila legionis* 11), Madrid 2009, 58–64; A. Allély, *Lépide le triumvir* (*Ausonius. Scripta Antiqua* 10), Bordeaux 2004, 152.



seem to be placed<sup>20</sup>. This date is indeed supported by the absence of other Caesarian foundations in Roman Spain during 48–47, by the fact that the name of *Lepida* for the colony would be inconceivable in Caesar's lifetime, and furthermore by the head of Victory with a palm on the obverse<sup>21</sup>, a design which might refer to the battle of *Munda* — such as the epithet *Victrix*. Thus, Lepidus could have carried out the foundation before the end of 44 BC, after the passing of the *lex Antonia de colonis deducendis* in April of the same year.<sup>22</sup>

Yet it is certain that the *praefecti* are not mentioned in the *Tabula Heracleensis*, which is immediately before the charter of *Urso*,<sup>23</sup> perhaps because the introduction of *praefecti iure dicundo* in local statutes was gradually imposed.<sup>24</sup> But its text also makes no reference to *interreges*, whose ancient origin in the municipal context no one doubts, whereas in the Table of Heraclea it is alluded to whomever is *duovir, quattuorvir* or hold a magistracy or power,<sup>25</sup> an expression that, though generic, might allude to both *interreges* and *praefecti*.

As noted above, the *praefecti* were the substitutes for the magistrates who were absent for more than a day (see chapter 25 of the *Lex Irnitana*), and therefore we understand that their duty was different from that of *interreges* who, unlike the former, were nominated by the members of the local senate in order to hold *comitia* for the election of new regular magistrates. The appointment of the latter was either due to the death of a magistrate with jurisdictional power, or the impossibility of conducting elections which allowed to renew the colleges of magistrates who administer the community.

The coexistence of both institutions is proved at least in a period from 44–43 to late Augustan's reign, since, in *Formiae*, there is a designated *praefectus* of Nero and Drusus, Germanicus' sons, who had entered office between AD 23 and 29, and who also was *interrex*.<sup>26</sup> Moreover, we think that chapter 130 of the *Lex Coloniae Genetivae Iuliae* reinforces this periodization, given that *praefecti* and *interreges* are mentioned along with *duoviri* in this charter.<sup>27</sup> This chapter

<sup>20</sup> On the obverse of this coin, it appears the legend C(OL) V(IC) I(VL) L(EP), which gives us a *terminus ante quem*, since *Lepidus* fell from power in 36 BC, and therefore, from that moment onwards, the official name of the city changes to *Colonia Victrix Iulia Celsa*.

<sup>21</sup> *RPC* I, 261 and 262.

<sup>22</sup> During his second government of *Hispania Citerior* (44–42 BC), *Lepidus* lived largely either in Transalpine Gaul (44–43 BC), or in Rome (42 BC); nevertheless, he was in the *Citerior* from spring to autumn of 44 BC. On the foundation of the colony in this period see Amela Valverde, *Colonia Victrix* (n. 18) 242; Allély, *Lépide* (n. 19) 149–152; Beltrán Lloris, Mostalac Carrillo, *Colonia Lepida/Celsa* (n. 19) 108–109.

<sup>23</sup> Crawford, *Roman Towns* (n. 6) 424–425.

<sup>24</sup> Crawford, *Roman Towns* (n. 6) 426; Bispham, *Asculum* (n. 11) 445.

<sup>25</sup> *CIL* I<sup>2</sup> 593, ll. 139–140: '... neive quis, quei adversus ea creatu<s> renuntiatu<s> erit, ibei Iivir IIIIvir esto, neve ibei mag(istratum) potestatemve habeto'. In particular, it is said 'nor is anyone, who shall have been elected or declared contrary to these rules, to be a Iivir or IIIIvir there, nor is he to hold any magistracy or office there' (translation of M. H. Crawford, *Roman Statutes* (n. 12) 377. See also A. Caballos Rufino, J. M. Colubi Falcó, *Referentes genéticos de los estatutos municipales hispanorromanos: la Lex Municipii Tarentini y la Tabula Heracleensis*, in: J. F. Rodríguez Neila, E. Melchor Gil (eds.), *Poder central y autonomía municipal: la proyección pública de las élites romanas de Occidente*, Córdoba 2006, 17–54, 50. A similar expression is found in lines 132–133: '... neive quis, quei ibei mag(istratum) potestatemve habebit ...'.

<sup>26</sup> He also was previously *praefectus* of Tiberius Caesar in Augustus' lifetime: *CIL* X 6101. Other evidences of Italian *interreges* dated to the beginning of the 1<sup>st</sup> century AD are found in *Fundi* (*CIL* X 6232), in *Cumae* (EDR105898), or in *Nemausus* (*CIL* XII 3138). In Roman Spain, *Cnaeus Servilius Cn. f. Gal. Niger* is attested as *Ivir* and *interrex* in *Siarum* at the end of the Republic or in Augustan period (*CILA* Se, 935 = *AE* 1982, 511).

<sup>27</sup> The mention of the *interrex*, along with *duoviri* and *praefecti*, which appeared at the end of chapter 128 and which was intentionally erased by the engraver of the bronze tablets of *Urso* — which, as we have seen, had to be done in the

concerning the appointment of patrons must have been drafted in the Augustan period,<sup>28</sup> when the appearance of the *interregnum* would have been difficult to explain due to an incorrect copy of the types of magistrates referred to in the *Lex Iulia de pecuniis repetundis*, since the *Princeps*, because of the breach of the Caesarian law, had given similar stipulations which might well have been included in the charter of *Urso*. Hence, we think, as M. H. Crawford stated, that the *interrex* figured in the original redaction of this chapter of the *lex* and that the engraver of the bronze tablets (in the second quarter of the 1<sup>st</sup> century AD), despite receiving the order to delete the reference to this magistracy from the original text, kept it in the charter by mistake at the end of chapter 130.<sup>29</sup>

If we admit that *praefecti* and *interreges* coexisted as complementary institutions during a considerable period which at least spanned the end of the Republic and part of Augustus' reign, we must wonder why the *interregnum* finally disappeared. We think that there is only one explanation: their substitution for *praefecti* named by decurional decree. These promagistrates took over the same duties and they are clearly attested in *Gades* at the end of 1<sup>st</sup> cent. BC or the beginning of 1<sup>st</sup> cent. AD<sup>30</sup>: *L(ucius) Fabius L(uci) f(ilius) / Gal(eria) Rufinus, / Ilvir, praef(ectus) / iur(e) dic(undo) ab / decurionibus / creatus d(ecreto) d(ecurionum)*.<sup>31</sup>

One of the main changes introduced would be that *praefecti* designated by the local senate, if the chief magistracy was vacant, are found at least from the Augustan period onwards, since until the Principate there were only *praefecti* named by the magistrate with jurisdictional power whom they substituted, according to the regal and republican tradition. Their appointment would have been made to renew the colleges of regular magistrates in extraordinary circumstances in which local elections may not have been held; to cover an office which would have remained vacant after the *comitia*; or to replace temporarily — up to the holding of new elections — magistrates who ceased to perform their duties due to inability, dismissal or death.<sup>32</sup>

What is unknown is the reason for the abolishment of *interreges* at the municipal level, albeit the rotation of the *interrex* every five days — at least that was the case in Rome — would

---

second quarter of the 1<sup>st</sup> century — may have been due to an error of the engraver which later was rectified, consisting in inserting wrongly the last phrase, almost identical, of chapter 130 of the *Lex Coloniae Genetivae Iuliae*. So Stylow, *Apuntes* (n. 9) 44–45 and López Barja, *Estructura compositiva* (n. 10) 58–59.

<sup>28</sup> Since it sets up a regulation which coincides thoroughly with that stipulated in AD 11–12 by Augustus, by ordering the peregrine communities not to grant any honour to the magistrates while they were in tenure and up to sixty days after their departure from the province (D.C. 56.25.6). It is certain that a similar stipulation must have been passed by Caesar in the *Lex Iulia de pecuniis repetundis* (59 BC), although its breach forced Augustus at the end of the Republic and in the early years of the Principate to promulgate a new law forbidding the appointment of provincial governors as patrons during their term of office. Furthermore, A. D'Ors, *Observaciones formales sobre la composición de la Lex Ursonensis*, SHHA 15 (1997) 82–84, pointed out that the fact of stipulating a fine whomever breached what is established in chapter 130 seems to confirm a later drafting of this law, since it comes to 100,000 sesterces and this large amount does not figure again in the whole of the charter of *Urso*, where the largest fine is only 20,000 sesterces. In fact, a pecuniary penalty of this amount is not found again until the Flavian period (chapter 96 of the *Lex Irnitana*). For discussion see E. Melchor Gil, *El patronato cívico en la Hispania romana* (Colección Historia y Geografía 333), Sevilla 2018, 51–53.

<sup>29</sup> Crawford (ed.), *Roman Statutes* (n. 12) 453.

<sup>30</sup> J. F. Rodríguez Neila, *El municipio romano de Gades*, Cádiz 1980, 67–68. As Mommsen, *Droit public* (n. 2) 324–325 pointed out, Augustus abolished the *interreges* in Rome and in the municipalities, replacing them for *praefecti* in local communities.

<sup>31</sup> *CIL* II 1731.

<sup>32</sup> Indeed, the chapter 52 of the *Lex Malacitana* regulated on this matter, since it stipulated, if a magistracy had become vacant, the holding of *comitia* to appoint a new magistrate who would only be in office for the rest of the year.

determine to be preferable to appoint more stable promagistrates who were responsible for civic administration and for imposing order until new elections had taken place. Likewise, the prefecture is revealed as an institution which allowed to designate quickly either a pair of promagistrates who governed the community by taking over most of the powers of the magistrates, or a praefectus to share the duties of municipal government with a single *duovir* or *quattuorvir iure dicundo*.<sup>33</sup>

It is generally assumed that local senates could designate *praefecti* if necessary thanks to the *Lex Petronia* which some scholars date either to the end of the Republic<sup>34</sup> or the Augustan period,<sup>35</sup> whereas others dates it either to the early Tiberius' reign<sup>36</sup> or somewhat later in the first century AD.<sup>37</sup> Nevertheless, whenever the *lex Petronia* was passed, a law which also allowed for the possibility of designating *quattuorviri* and *aediles*,<sup>38</sup> the naming of *praefecti* 'ex decreto decurionum' may have already taken place at the end of the Republic or the Augustan period, before its official regulation through the promulgation of a law<sup>39</sup> which had as its precedent the tradition of which local senates could designate *interreges* when the chief magistracies were vacant. Indeed, it should be dated to the beginning of the Principate two inscriptions from *Abella* and *Nola* referring to *praefecti iure dicundo* who were designated by decurional decree,<sup>40</sup> as well as the aforementioned inscription *CIL* II 1731 from *Gades*. Moreover, it should be proposed that the two *praefecti* who figure in office for two months in the *fasti Venusini* of 32 BC ('... ex K(alendis) Iul(iis) ad K(alendas) Sept(embres) praefecti / T(itus) Licinius L(ucius) Cornelius ...')<sup>41</sup> could have been appointed by the local senate, since they entered office on 1<sup>st</sup> July, when the tenure of magistrates began in this community, so they did not substitute any regular magistrate.<sup>42</sup>

<sup>33</sup> We must bear in mind that the *interregnum* only began to operate due to the total vacancy of power, whenever there was not any magistrate in office.

<sup>34</sup> J. Gascou, *La praefectura iure dicundo dans les cités de l'Afrique romaine*, in: *L'Afrique dans l'Occident Romain (I<sup>er</sup> siècle av. J.-C. – IV<sup>ème</sup> siècle ap. J.-C.)* (Collection de l'École française de Rome 134), Paris, Roma 1990, 368; U. Laffi, *La struttura costituzionale nei municipi e nelle colonie romane. Magistrati, decurioni, popolo*, in: *Colonie e municipi nello Stato romano* (Storia e Letteratura 239), Roma 2007, 73; S. Segenni, *I Decreta Pisana. Autonomia cittadina e ideologia imperiale nella colonia Opsequens Iulia Pisana* (Documenti e Studi 47), Bari 2011, 64.

<sup>35</sup> W. Langhammer, *Die rechtliche und soziale Stellung der Magistratus municipales und der Decuriones*, Wiesbaden 1973, 64.

<sup>36</sup> So F. Grelle, M. Silvestrini, *I praefecti di Venusia e la lex Petronia*, in: S. Evangelisti, C. Ricci (cur.), *Le forme municipali in Italia e nelle province occidentali tra i secoli I a.C. e III d.C.* (Insulae Diomedeeae 28), Bari 2017, 69–72. They take as a reference the consulate of *P. Petronius* (AD 19) and an inscription with consular date (AD 38) that alludes to a *praefectus lege Petronia* (L. Buchholz, *Re-edition of AE 1922, 126: The Earliest praefectus lege Petronia*, *ZPE* 190 [2014] 257–261).

<sup>37</sup> F. Sartori, *La legge Petronia sui prefetti municipali e l'interpretazione del Borghesi*, in: *Bartolomeo Borghesi. Scienza e libertà, Colloquio Int. AIEGL* (Studi di Storia 1), Bologna 1982, 221, dates it prior to AD 62, in the years 50 to 60, following the information furnished by some inscriptions such as *CIL* X 858 from *Pompeii* (dated to 63–70) where a *praef(ectus) i(iure) d(icundo) ex d(ecreto) d(ecurionum) lege Petron(ia)* is found; or the *fasti* of *Interamna Lirenas* (*CIL* V 5405) where a *IIIvir* and two *p(raefecti) l(ege) P(etronia)* are attested in AD 69.

<sup>38</sup> So Spadoni, *Prefetti* (n. 4) 223, quoting the inscriptions *CIL* IX 2666 from *Aesernia* (*IIIvir lege Petronia*, EDR128228) and *CIL* X 5655 [*aed(ilis) F(abrateriae) N(ovae) iter(um) l(ege?) P(etronia)?*, EDR129438], from *Fabrateria Vetus*.

<sup>39</sup> So Spadoni, *Prefetti* (n. 4) 223–224.

<sup>40</sup> *CIL* X 1205 dated to AD 1–50 (EDR104449) and *AE* 2012, 352, dated to 10 BC and AD 30 (EDR123345). Cf. Grelle, Silvestrini, *Praefecti* (n. 36) 71.

<sup>41</sup> *CIL* IX 422.

<sup>42</sup> In *Pompeii*, the elections took place on May and the magistrates entered office on 1<sup>st</sup> July, according to Mommsen in his introduction of the epigraphy of *Pompeii*, *CIL* X 90–91, and a similar calendar had to be in force in *Venusia*. As Grelle and Silvestrini, *Praefecti* (n. 36) 66 pointed out, the *fasti Venusini* seem to reflect that it must have been impossible to appoint *duoviri* in the spring of 32 BC, so it was necessary to designate *praefecti*. Furthermore, the no appointment

The existence of a pre-election period during the very first years of life of municipalities and colonies is clearly attested in the *elogium* of *Brundisium*, a colony founded in 244 BC, since the inscriptions records that the first *lectio senatus*, i.e. the renewal of the members of the curia, and the first *comitia* took place in 230 BC, that is, after fourteen years of the *deductio*<sup>43</sup>. Likewise, it is known that the first colleges of magistrates and priests could have been appointed by Rome, generally by means of the *deductor coloniae* or the *constitutor municipii*<sup>44</sup> — or the person whom they delegated —, as shown by the *Lex Municipii Tarentini*<sup>45</sup> and as it might be inferred from chapters 66 and 125 of the *Lex Coloniae Genetivae Iuliae*. Bearing in mind that we actually do not know how the college of magistrates of *Brundisium* may have been renewed during its first fourteen years of the colony's life until the holding of elections<sup>46</sup>, we think that, during the setting in motion the constitution of municipalities and colonies, the first magistrates could have been nominated by the *deductor* since the end of the Republic, as we have seen in the *Colonia Victric Iulia Lepida*<sup>47</sup> and as it is stated in chapter 125 of the charter of *Urso*: 'who shall then as a magistrate hold *imperium* or power by the vote of the colonists or shall have (it) by the order of C. Caesar'.<sup>48</sup> Subsequently, until the *comitia*, we understand that these magistrates may have been replaced by others designated by the local senate, even though it cannot be totally ruled out either that the founder of the civic community or the *constitutor municipii* planned the appointment of various pairs of magistrates for the first years of life of the municipality or the colony.<sup>49</sup>

The legal capacity of the local senate to name magistrates, during the commencement of political life in the community, can be inferred from several chapters of the *Lex Irnitana*, where constitutional practices already consolidated in the Flavian era are confirmed, although these must have been implemented either at the end of the Republic or at the beginning of the Augustan period, as we have seen. Chapter 50 of this charter stipulates that the first *duoviri* who were in the municipality must establish the *curiae* within the first 90 days after the arrival of the municipal statute. Thus, it supports the view that the first magistrates of the town may not have been elected

---

of an *interrex*, due to the vacancy of the magistracy with jurisdictional power, would confirm that this institution had already ceased to exist in *Venusia* at that moment.

<sup>43</sup> Cf. E. Gabba, *L'elogio di Brindisi*, *Athenaeum* 36 (1958) 99–100 and Rodríguez Neila, *Fase constituyente* (n. 18) 319–320. For the inscription see *AE* 1954, 216 (= *AE* 1959, 32 = *AE* 2003, 353). On the setting up of the local senate, we should remember that the *Rogatio Servilia agraria* of 63 BC allowed the decemvirs who were responsible for founding a colony in *Capua* the right of appointing 100 decurions (*Cic. Leg. agr.* 2.96), who would be chosen from among the set of colonists (*D.* 50.16.239.5).

<sup>44</sup> A. N. Sherwin-White, *The Roman Citizenship*, Oxford 1973, 376; Crawford, *How to Create* (n. 18) 33.

<sup>45</sup> *CIL* I<sup>2</sup> 590, col. I, l. 7.

<sup>46</sup> Gabba, *Elogio* (n. 43) 100, propose that magistrates in office could have been designated either by the local senate or the Roman government until the setting up of *comitia*, whereas Crawford, *How to Create* (n. 18) 33, following W. Liebenam, *Städteverwaltung im römischen Kaiserreiche*, Leipzig 1900, 479, thinks that, during a period of fourteen years, there was the same number of candidates, just as there were vacancies.

<sup>47</sup> *RPC* I 261.

<sup>48</sup> Translation of M. H. Crawford, *Roman Statutes* (n. 12) 429.

<sup>49</sup> In the case of *Gades*, it is known that the town, after receiving the municipal statute (49 BC), had to adapt its laws and institutions to Roman standards, in a period which may have been completed in 44–43 BC, when Balbus the Younger, the quaestor of the *Uterior*, performed the quattuorvirate, probably quinquennial or with censorial power. Balbus, during his tenure (which he extended for a second year), had to conduct the first municipal census, as well as the elections for magistrates of two years (*Cic. Ad fam.* 10.32.1). On the possibility of Balbus' quinquennial quattuorvirate see J. F. Rodríguez Neila, *Cuestiones en torno a la censura municipal romana*, *Gerión* 4 (1986) 82–86; Id., *Fase constituyente* (n. 18) 324–327.

in *comitia* for a decade or more, that is, the period probably between the constitution of the first Flavian municipalities (AD 70–71 or 73–74) and the receipt of their *leges datae* (which must have begun to be given after the autumn of AD 83<sup>50</sup>). Consequently, we should wonder how the magistrates of *Irni* were elected in that period. The answer may be found in chapter 21 of the *Lex Irnitana*, where the magistrates who had been or would be appointed from among the decurions are mentioned.<sup>51</sup> Since it was not necessary to have previously been a decurion in order to stand for a municipal magistracy,<sup>52</sup> we think that the text could be referring to the constitutional set-up of the municipality, when given that there was no administrative institution to organize *comitia* the first magistrates had to be appointed from among the members of the local senate perhaps by means of the voting of the *ordo decurionum*, since, as chapter 50 of the charter of *Irni* shows, the elections were not established until the reception of the municipal statute.

In this context, and in a period which can be dated to 44–36 BC, several pairs of *pr(aefecti)* in charge of governing the *Colonia Victrix Iulia Lepida* are attested. Added to the colony's first issue of coins (*RPC* I 261), where we find a pair of quinquennial *praefecti* nominated by *M. Aemilius Lepidus*, we should add the three following mintings in which other pairs of PR II VIR are figured.<sup>53</sup>

Even though many scholars consider that the abbreviations of issues *RPC* I 262, 263 and 264 are from *praefecti pro Ilviris*,<sup>54</sup> for J. Gómez-Pantoja the magistrates who appear in these mintings of *Lepida* would be an evidence of the unusual magistracy of *pr(aetores) Ilviri*, which is attested in inscriptions dating from the 50s BC onwards in several towns of Italy (*Abellinum*, *Privernum* and *Telesia*) and in the colony of *Narbo Martius* from the *Gallia Narbonensis*<sup>55</sup>. Likewise, M<sup>a</sup> P. García-Bellido, after indicating the difficulty of placing five issues of coins which allude to *Lepida* between 42 and 36 BC (*RPC* I 262–266),<sup>56</sup> argued that the colony may have been founded in 48–47 BC, after the battle of *Ilerda*, with Gaul veterans of Caesar's army, therefore it would

<sup>50</sup> So A. U. Stylow, *Entre edictum y lex. A propósito de una nueva ley municipal flavia del término de Écija*, in: J. González Fernández (ed.), *Ciudades privilegiadas en el Occidente romano* (Colección Historia y Geografía 42), Sevilla 1999, 231–234.

<sup>51</sup> In this paper we follow the translation of J. González Fernández and M. H. Crawford, *The Lex Irnitana: a New Copy of the Flavian Municipal Law*, *JRS* 76 (1986) 182–199.

<sup>52</sup> At least until the 3<sup>rd</sup> century AD. Cf. D. 50.2.7.2 and E. Melchor Gil, *Entre el deseo de perpetuidad y la necesidad de renovación: sobre el reclutamiento de decuriones y la estabilidad de las aristocracias locales en los siglos II y III d. C.*, *AC* 82 (2013) 224–225.

<sup>53</sup> C V I L PR II VIR // C BALBO L PORCIO (*RPC* I, 262); COL VIC IVL LEP // L NEP L SVRA PR II VIR (*RPC* I, 263); COL VIC IVL LEP // P SALPA M FVLVI PR II VIR (*RPC* I, 264).

<sup>54</sup> Such as M. Grant, *From Imperium to Auctoritas*, Cambridge 1946, 211–212; F. Beltrán Lloris, *Los magistrados monetales en Hispania*, *Numisma* 28 (1978) 175–176; A. Burnett, M. Amandry, P. P. Ripollès Alegre, *Roman Provincial Coinage. Vol. I: From the Death of Caesar to the Death of Vitellius (44 BC–AD 69)*, London, Paris 1992, 110; T. Hurtado Mullor, *Las emisiones monetales de la Colonia Victrix Iulia Lepida-Celsa*, Valencia 2013, 93–94. L. A. Curchin, *The Local Magistrates of Roman Spain* (= Phoenix Supp. 28), Toronto 1990, 37 and nrs. 606–613, interpreted that the abbreviation PR might be of *praetor*, the ancient denomination of the chief magistrates of the Roman colonies, but without ruling out the possibility that they might be *praefecti pro duumviris*.

<sup>55</sup> Gómez-Pantoja, *Colonia Victrix* (n. 18) 293–294. He defines these *praetores Ilviri* as a transitional magistracy between the ancient municipal praetors and the duovirate. For an updated view of *praetores duoviri* see A. Buonopane, *I magistrati della colonia di Grumentum (Italia, regio III): aspetti e problemi*, in: S. Segenni, M. Bellomo (cur.), *Epigrafia e politica. Il contributo della documentazione epigrafica allo studio delle dinamiche politiche nel mondo romano*, Milano 2017, 123–127 and M. Buonocore, *Un nuovo praetor duovir da Telesia*, in: M. Chiabà (a cura di), *Hoc quoque laboris praemium. Scritti in onore di Gino Bandelli* (Polymnia: Studi di Storia romana 3), Trieste 2014, 1–17.

<sup>56</sup> We do not find any problem, since Beltrán Lloris and Mostalac Carrillo, *Colonia Lepida/Celsa* (n. 19) 109 and n. 16, date them to these years.

explain why they adopted *praetores Ilviri* as magistrates, an office attested in some cities of *Narbonensis*, according to the author.<sup>57</sup> Nevertheless, García-Bellido did not take into account either the fact that putting the name of *Lepida* to the colony *Victrix Iulia* would be inconceivable in Caesar’s lifetime, or the Italic nature of the onomastics of the first colonial magistrates, since it clashes with his possible Gallic origin.<sup>58</sup> If we add the fact that there is no evidence of praetors in the colonies founded by Rome in *Hispania* and the title of *praetor duumvir* is considered as the name of an archaic magistracy, the explanation of the existence of these magistrates in *Lepida* in a very late period lacks evidences to support it.

M. Beltrán Lloris and A. Mostalac Carrillo have argued, correctly in our opinion, that the PR IIVIR who figure in the issues *RPC* I 262, 263 and 264 would be *praefecti*, and that furthermore they minted coins in the years 39, 38 and 37 BC,<sup>59</sup> even if these dates might go back to 43–41 BC.<sup>60</sup> Likewise, they stressed, followed by T. Hurtado Mullor, that PR appears as abbreviation of *praefectus* in different issues of several mint of Roman Spain:<sup>61</sup> *C. Helvius Pollio* was *pr(aefectus)* of Tiberius in *Carthago Nova*;<sup>62</sup> *Iunianus Lupus* was *pr(aefectus)* of Caligula in *Caesaraugusta*;<sup>63</sup> and besides, a pair of *pr(aefecti pro) Ilvir(is)* is found in *Calagurris*.<sup>64</sup> Following this reading, unquestionably the correct one, and placing the mintings in the years 44–41 BC, A. Allély proposed that the four pairs of *praefecti* attested in these issues of the town could have been appointed by the *conditor coloniae*, *Lepidus*, whom they could represent annually holding the chief local magistracy.<sup>65</sup> Nevertheless, what is problematic with this interpretation is that *Lepidus* left *Hispania* to assume the consulship in 42 BC and he was deprived of the government of the Hispanic provinces at the end of that year; although due to the difficult moment when the colony of *Lepida* was created — in an area which had previously been controlled by Sextus Pompey<sup>66</sup> —, the *deductor* could have named the four pairs of *praefecti*,<sup>67</sup> who would have followed each other consecutively (44–41 BC).

<sup>57</sup> M.<sup>a</sup> P. García-Bellido, *La historia de la Colonia Lepida-Celsa según sus documentos numismáticos: su ceca imperial*, *AEspA* 76 (2003) 276 and 278–279. In fact, as L. Lamoine, *Le pouvoir local en Gaule romaine*, Clermont-Ferrand 2009, 117–120 and Buonopane, *Magistrati* (n. 55) 124, have pointed out, this magistracy is only attested in one city of the *Gallia Narbonensis*: *Narbo Martius*, a Roman colony founded in 118 BC.

<sup>58</sup> The clearly Italic onomastics of the issues of *Lepida* was already underlined by Gómez-Pantoja, *Colonia Victrix* (n. 18) 295, as well as by Beltrán Lloris and Mostalac Carrillo, *Colonia Lepida/Celsa* (n. 19) 108–109.

<sup>59</sup> *RPC* I 263, 264 and 262 respectively.

<sup>60</sup> Beltrán Lloris, Mostalac Carrillo, *Colonia Lepida/Celsa* (n. 19) 109 and n. 16. For discussion on these issues see also Hurtado Mullor, *Emisiones* (n. 54) 103–104, 340–351 and 371–373.

<sup>61</sup> It is also attested PRAEF as abbreviation of *praefectus* (*RPC* I 162–165 from *Carthago Nova*; *RPC* I 325–329 from *Caesaraugusta*). Cf. Hurtado Mullor, *Emisiones* (n. 54) 93. We find curiously in a same issue of *Carthago Nova* (*RPC* I 166) the two abbreviations for *praefecti*: C HELVI POLL PR TI NERONE QVI // HIBERO PRAEF.

<sup>62</sup> *RPC* I 166. See E. Melchor Gil, V. A. Torres-González, *Los praefecti Caesaris o Imperatoris de las ciudades de la Hispania romana, treinta años después*, *Epigraphica* 81 (2019) 487–526.

<sup>63</sup> *RPC* I 362–364. See Melchor Gil, Torres-González, *Praefecti Caesaris o Imperatoris* (n. 62).

<sup>64</sup> Reverse legend, *RPC* I 440: C MAR M VAL PR II VIR. We cannot conceive the existence of a *praetor duumvir* because all the other magistrates of *Calagurris* were either *duoviri* (*RPC* I 433–439; 441–448 and 450–451) or *aediles* (*RPC* I 432 and 449). Hence, PR must be read as *pr(aefecti)* in this issue.

<sup>65</sup> Allély, *Lépide* (n. 19) 157.

<sup>66</sup> See Amela Valverde, *Colonia Victrix* (n. 18) 244–246.

<sup>67</sup> It must be remembered that chapter 125 of the *Lex Coloniae Genetivae Iuliae* refers to the magistrate ‘who ... hold *imperium* or power by the vote of the colonists or shall have (it) by the order of C. Caesar’. In fact, this ability of the *deductor coloniae* or the *constitutor municipia* either to appoint the first magistrates or to delegate to prominent individuals who were responsible for setting in motion the local institutions was pointed out by Grant, *From Imperium to Auctoritas*

Another possible interpretation, which we consider more logical if we admit that the local senates could name *praefecti* ‘ex decreto decurionum’ from the end of the Republic, would be to suggest that the colony had begun to function with the first quinquennial *praefecti*<sup>68</sup> who, after conducting the census and setting up the local senate,<sup>69</sup> could have left the government of the community and could have entrusted it to the *ordo decurionum*. From that moment onwards in *Lepida*, it would have been initiated a period of constitutional set-up which may have lasted until all the institutions were operating and until the holding of the first *comitia*. In this pre-elections period, which may have been conditioned by the tense socio-political situation existing in the area between Caesarians and Pompeians, the local senate was revealed as the appropriate institution to designate, among its members, several pairs of *praefecti duumviri*, who were responsible for the local government in consecutive years and who minted the issues of coins *RPC* I, 262, 263 and 264.<sup>70</sup>

In short, the central contention of this paper is that the prefecture as a civic promagistracy must have already been established in different Italian municipalities and colonies from the end of the Republic (44–42 BC), coexisting with the *interregnum* in some of these communities from very early times, as seems to be inferred from the Bantian charter. From that moment onwards, between 43 and 32 BC, as the cases of *Lepida* and *Venusia* seem to confirm, the *praefecti* appointed by the local senates began to emerge and they would gradually supersede the *interreges* in a process which does not culminate until the end of the reign of Augustus or perhaps at the beginning of Tiberius’.<sup>71</sup> Finally, though it cannot be proved, it would be tempting to think that this process of replacing the *interreges* by *praefecti* may have definitively been sanctioned by the *Lex Petronia*, if we accept that it could have been passed by the consul of 19 BC *P. Petronius*.

Yet there may have been problems to designate either *praefecti* or *interreges* by means of decurional decree in this transitional period. For instance, in April of AD 4, when the news of Gaius Caesar’s death was received in Pisa, there were no *duoviri* in the community, since the disputes between candidates (*contentiones candidatorum*) referred to in the inscription *CIL* XI 1421 must have prevented the holding of *comitia*. Furthermore, it is striking that, in the colony,

---

(n. 54) 163; by L. Keppie, *Colonisation and Veteran Settlement in Italy. 47–14 B.C.*, Roma 1983, 97; and by Rodríguez Neila, *Fase constituyente* (n. 18) 326–327. It must be interpreted in the same way chapter 66 of this *lex*, where it is stipulated that the first augurs and pontiffs of *Urso* would be named by Caesar or the person whom he delegated to set up the colony.

<sup>68</sup> Those who figured in the issue *RPC* I 261.

<sup>69</sup> The *deductor coloniae* or the magistrates designated by *Lepidus* would have been those in charge of setting up the senate of the new colony. As we have seen, the *Rogatio Servilia agraria* of 63 BC gave the decemvirs in charge of establishing a colony in *Capua* the right of appoint 100 decurions, 10 augurs and 6 pontiffs (Cic. *Leg. agr.* 2.96).

<sup>70</sup> A similar case to that of *Lepida*, regarding the different types of magistrates who participated in its constitutional set-up, could be that which Grelle and Silvestrini, *Praefecti* (n. 36) 67, describe for the *colonia Iulia Augusta Venafrum*, where we find the military tribune *C. Aquilius Gallus*, who was likely involved in the *deductio*, and who also was *duovir urbis moeniundae bis, praefectus iure deicundo bis* and *duovir iure deicundo* ... (*CIL* X 4876).

<sup>71</sup> The *edictum Augusti de aquaeductu Venafrano*, which was probably issued before 11–9 BC, does not mention the *interregnum*, leaving the water-management system and the *tutela* of the aqueduct to the *duoviri* and the *praefecti* of the colony (L. Maganzani, *Edictum Augusti de aquaeductu Venafrano*, in: G. Purpura (cur.), *Revisione ed integrazione dei Fontes Iuris Romani Anteiustiniani (FIRA). Studi preparatori I, Leges*, Torino 2012, 125–130). As the edict stipulates, the magistrates would act following a decurional decree which, according to Grelle and Silvestrini (*Praefecti* (n. 36) 67–68), might indicate that the *praefecti* were already designated by the *ordo decurionum*.

there were ‘neither prefects, nor anyone with jurisdictional power’.<sup>72</sup> If the expression ‘neque quisquam iure dicundo prae(e)rat’ is referred to the *interrex*, as S. Segenni suggested,<sup>73</sup> one might wonder if the dispute between the members of the *ordo decurionum* may have altered the decision of how to solve the problem caused by the lack of *duoviri* in office — naming *praefecti* or *interreges*? —; and furthermore, whether this conflict may have produced an institutional blockade which would explain the power vacuum existing in the *colonia Opsequens Iulia Pisana*.

Enrique Melchor Gil  
Universidad de Córdoba  
enriquemelchor@uco.es

Víctor A. Torres-González  
Universidad de Sevilla  
vtorres2@us.es

---

<sup>72</sup> *CIL* XI 1421, ll. 19–20.

<sup>73</sup> S. Segenni, *Problemi elettorali e amministrazione a Pisa alla morte di Gaio Cesare (CIL, XI 1421=I.I. VII 1,7)*, in: P. G. Michelotto (cur.), *λόγιοσ άνήρ. Studi di antichità in memoria di Mario Attilio Levi (Quaderni di Acme 55)*, Milano 2002, 385–387; Id., *Decreta Pisana* (n. 34) 64–65.