

SIX ROMAN LAWS

**TRANSLATED WITH
INTRODUCTION AND NOTES**

BY

E.D. HARDY, M.A. D.LITT

William S. Hein & Co., Inc.
Buffalo, New York
2003

Library of Congress Cataloging-in-Publication Data

Rome.

Six Roman laws / translated with introduction and notes by E.G. Hardy.

p. cm.

Originally published: Oxford : Clarendon Press, 1911.

Includes index.

ISBN 1-57588-796-7 (alk. paper)

1. Roman law--Sources. 2. Agricultural laws and legislation (Roman law)--Sources. 3. Municipal corporations (Roman law)--Sources. I. Hardy, Ernest George, 1852-1925. II. Title.

KJA245.R66 2003
340.5'4--dc22

2003056789

This acid-free reprint was digitally archived under the strict quality control guidelines established by William S. Hein & Co., Inc.'s "Preservation Program" This program was established to preserve the integrity of legal classics for future generations of legal researchers.

This paper meets the requirements of
ANSI/NISO Z39.48-1992 (Permanence of Paper).



Printed in the United States of America.

SIX ROMAN LAWS

TRANSLATED WITH

INTRODUCTION AND NOTES

BY

E. G. HARDY, M.A., D.LITT

FELLOW AND TUTOR OF JESUS COLLEGE
OXFORD

OXFORD

AT THE CLARENDON PRESS

1911

HENRY FROWDE, M.A.
PUBLISHER TO THE UNIVERSITY OF OXFORD
LONDON, EDINBURGH, NEW YORK
TORONTO AND MELBOURNE

PREFACE

I HAVE been induced to undertake the somewhat unattractive and to me at least the not altogether easy task of translating a few of the longer and more important laws in Bruns's collection, because my own experience has convinced me that some such help is indispensable if these sources of evidence are to be accessible to our younger students in Roman History. That they should be encouraged to make use at first hand of this kind of evidence it is quite unnecessary to insist, since it has long been the tradition of historical teaching at Oxford to base the study of every period as far as possible upon the original authorities, or at least to recognize that even the best of modern works should be tested by every possible criticism, verification, and correction from these sources. But a two years' course involving subjects so various and comprehensive as those required for *Literae Humaniores* implies serious time limitations both upon students and lecturers. Among the former even our best men—at least this is my experience both as tutor and examiner—very rarely make any real acquaintance with these longer inscriptions. They are deterred partly by the unfamiliar legal phraseology, partly by the numerous gaps and lacunae, and in any case by the time required for translating so much not over easy Latin. On the other hand, lecturers can only deal adequately with the evidence contained in these laws in special courses, and even so, unless the texts themselves are read, perhaps not very much is gained. My object, therefore, is to make these laws accessible to all men who are reading for *Literae Humaniores*. To read the original is of course better than to read a translation, and I should hope that the best men would in using this book have a copy

of Bruns open before them and refer to it on the more important passages. But even apart from this, it seems to me much better that these inscriptions should be read in a translation than not read at all.

My first intention, suggested perhaps too readily by what then seemed feasible, was to let the laws speak entirely for themselves and to attempt no notes or explanations; but I realized as my work proceeded that some comments and explanations were absolutely necessary, and that if I did not supply them either my object would be defeated or my readers would have to apply to their own tutors. I have, therefore, prefixed a general introductory explanation to each law, and have added a certain number of footnotes. It has been my aim, however, to add the latter only where some technical point required explanation or where the meaning was obscured by repeated lacunae. The latter difficulty is especially frequent in the second part of the *Lex Agraria*.

My translation is made, by kind permission of the publisher, J. C. B. Mohr (Paul Siebeck) of Tübingen, from the sixth edition of Bruns, 1893. The seventh edition was published in 1909, a fact of which I only became aware after the book had passed through the press.

The new edition, however, so far as I have been able to discover, introduces no change in any of the laws which I have translated. I have not attempted in my translation to distinguish between the extant text and the conjectural supplement by the use of italics or square brackets, although in a few cases I have employed the latter where I thought it important to point out the conjectural character of the reading. Nor have I thought it necessary to insert the approximate number of letters missing in the lacunae.

It is my hope and intention to continue these translations in a second volume which will contain among other things the *Lex Ursonensis*, the two Latin charters from Spain, and possibly the *Monumentum Ancyranum*.

For the thorough and careful index which will, I hope, materially increase the value of the book for purposes of reference, I am indebted to Mr. P. A. Seymour, scholar of Jesus College, to whom I take this opportunity of acknowledging my obligation.

I have to express my thanks to the Master of Balliol, under whose notice a considerable part of the translation came when it was first submitted to the Press, for several corrections and suggestions which I have gladly adopted. I owe a similar debt of gratitude to Mr. P. E. Matheson, of New College, who as a Delegate of the Press went carefully through the whole of the proofs, noting many inaccuracies, and in particular calling my attention to several passages where my translation deviated from the last edition of Bruns. Without the patient assistance all through of my friend Mr. J. C. Haire, the work could not have advanced beyond the actual translation. He has not only corrected all the proofs and taken infinite pains in finding and verifying references, but has contributed so much to the completion of my work that his name might very fairly have appeared on the title-page as joint author. My obligations to others do not end here, as the whole book was written in Braille and typed out by Mr. H. W. Prebble with amazing correctness, considering the difficulty and complexity of the work and my own often faulty writing. I have lastly every reason to thank the staff at the Clarendon Press, not only for their promptitude and wonderfully careful printing, but for verifying and in some cases correcting my references.

I should add that Messrs. Macmillan and the Editors of the *Journal of Philology* have courteously allowed me to reprint an article contributed by me to that journal which, with slight variations, forms the Introduction to the *Lex Agraria*.

E. G. HARDY.

OXFORD, *Feb.* 28, 1911.

CONTENTS

LEX ACILIA REPETUNDARUM:	PAGE
Introduction	1
Translation	10
LEX AGRARIA:	
Introduction	35
Categories of Land in Italy and Africa	53
Translation:	
Land in Italy	56
Land in Africa	70
Appendix I	86
Appendix II	91
LEX ANTONIA DE TERMESSIBUS MAJORIBUS:	
Introduction	94
Translation	99
LEX MUNICIPII TARENTINI:	
Introduction	102
Translation	106
LEX RUBRIA DE GALLIA CISALPINA:	
Introduction	110
Translation	125
LEX JULIA MUNICIPALIS:	
Introduction	136
Translation	149
Appendix III	164
INDEX	169

INDEX

(The numbers refer to the pages.)

- Achaean cities, troublesome finance of, 97.
 Acilia, v. leges.
 Acquittal, conditions of (in L. Acil.), 25.
 Actio prima, secunda, 9.
 Actio sacramento, 2, 17.
 Addictio, municipal magistrates' power of, 130, cp. 118, 121, 122, 157.
 Advocati, 13 n.
 Aediles, duties under L. Jul. Mun., 150-2.
 Aediles cereales, 136.
 Aedilicia potestas, possessed by quattuorvir, 136, cp. 147.
 Aerarium a 'province', 29.
 Africa, taxes of, law concerning, 45; ager publ. in, 46, 51.
 Age-limit, for jurors (in L. Acil.), 14; for local officials, 155.
 Ager Campanus, exempted under L. Semp., 41, cp. 42; under L. Agrar., 56, 57; Niebuhr's view of, 86.
 Ager compascuus, not subject to rental, 59.
 Ager patritus, 64.
 Ager privatus, categories of (in 111 B.C.), 53-4.
 Ager priv. jure peregrino, 73 n., 97.
 Ager priv. vectigalisque (in Italy), 38, 41; (in Africa), 51, 71.
 Ager publicus, categories of (in 133 B.C.), 35; sections affected by Gr. law, 36 seq.; categories of (in 111), 53-4, cp. 78; grazing rights over, 63; sales of, 70, 74-5; how paid for, 75 n., 76.
 Ager stipendiarius, 78, cp. 77 n.
 Ager viritim adsignatus, title to, confirmed, 57.
 Agraria, v. leges.
 Album iudicum, 15-16; of praetor peregrinus, 126, 127.
 Ampliatio, amplius, Cic.'s reference to, 4; nature of, 9, 24.
 Anagnia, a typical praefectura, 145.
 Anauni, edict of Claudius concerning, 114.
 Antonia, v. leges.
 Appian, on judicial corruption, 7; corrected by Cic., 8; reference to L. Agr., 36; to L. Semp., 37; views of (in i. 27), criticized, 49; quotations from, *passim*.
 Apportionment, in L. Acil., 27; proceedings under, 28; publicly exhibited, 28.
 Aricia, dictators at, 139, 140.
 Arpinum, aediles at, 139.
 Arrest, v. Ductio.
 Atestine fragment, part of L. Rub., 111, 118.
 Augustus, 142, 143.
αὐτονομία, Roman conception of, 143.
 Baebius, 52, 69.
 Balbus, 136, 161 n.
 Bekker, views on locatio, 86.
 Caccilius L. (censor), 61, 81, 82.
 Caesar, attitude of, to Transpadane Gaul, 103, 110-12, cp. L. Rub.; to Italy, 137-40, cp. L. Jul. Mun.; to Rome, 140; defines official responsibility, 142, 168.
 Calpurnia, v. leges.
 Campania, praefecturae in, 145, 146; cp. Ager.
 Capua, proposed colony at, 42.
 Carthage, 79.
 Castella, status of, 114; perhaps settlements of old soldiers, 115; cp. 128.
 Caunii, ask for publicani, 92.
 Censor, judicial functions of (in L. Agr.), 67, 68 n.; cp. 160.
 Census, details of, 160-1.
 Cicero, concordia policy of, 8; Italian policy of, 139; quotations from, *passim*.
 Cives sine suffragio, status of, 144.

- Civitas granted to successful plaintiffs (in L. Acil.), 32.
- Civitates foederatae, status of, 95; examples of, 96; in Gallia Cisalp., 112; cp. 161 n.
- Civitates liberae, status of, 95; examples of, 96; privileges of, 96-8; extravagant finance of, 97.
- Civitates stipendiariae, 95, cp. 78 n.
- Claudius (emperor), edict of, 114.
- Claudius Pulcher, 138.
- Clients, excluded as witnesses (in L. Acil.), 20.
- Coinage of free cities, 97, 98.
- Coloniae, nature of, 144, cp. 113; corporate possessio of, cp. municipia.
- Colonists, confirmed in holdings (in Italy), 56, 59, cp. 49; (in Africa), 70, 72, cp. 74-5.
- Comitia, in municipia, 159 n.
- Comperendinatio, in L. Servil., 4; nature of, 9.
- Conciliabula, nature of, 147, cp. 113, 155 n., 158 n., 160 n.
- Condemnation, conditions of (in L. Acil.), 26.
- Condemned men, excluded (in L. Acil.), from patroni, 13; from jurors, 14; (in L. Julia M.), from local office, 157.
- Confession (in L. Rubr.), 129, cp. 121-3.
- Co-optatio of local Senators, 159 n.
- Corinth, 98.
- Corinthic land, 84-5.
- Corn distributions, Caesar's attitude to, 141; premature distribution forbidden, 150.
- Corn-law, effects of, 43-4; cp. 46, 141.
- Consul (in L. Agr.), judicial functions of, 67, 68 n.
- Contract, breach of (in Atest. fragment), 134, cp. 123.
- Creditors of State, hold public land, 35, cp. 63 n., 66.
- Curio, land beyond, exempted (in L. Agr.), 62.
- Custom, Roman attitude to, 103-4, 135.
- Custom dues, v. Portoria.
- Damages (in L. Acil.), simple under recuperatores, 12; double under L. Acil., 26; means of exacting, 27 seqq.; paid through quaestor, 29; kept under seal, 29; non-claimed damages forfeited, 29.
- Damnum infectum, in praetor's edict, 117; cautio for, 118; unique municipal powers concerning, 118, 126 n.; procedure in complicated case of, 125-8, cp. 119-20.
- Debt-cases, procedure in, 121.
- Decemviri, v. L. Livia.
- Decuriones, must own house in municipium, 107; fined for evasion, 108; control municipal finance, 107 n.; qualifications, number, &c., of, 148, 155 n., 159 n.
- Defence, absence of, Roman view of, 121, cp. 120.
- Divinatio, 13 n.
- Domitius, Gn. (censor), 61, 82.
- Drusus, v. Liv. Drusus.
- Ductio, municipal power of, 118, 121, 122.
- Duovir (in L. Agr.), (for Africa), 71, 72-5, 82; (for Corinth), 84.
- Duoviri, as road-commissioners, 65, 152.
- Duoviri, (a) regular name for Latin magistrates, 115, cp. 123-4, 135 n., 139, 147, 154; (b) subdivision of IIII viri, q. v., 108.
- Edictum perpetuum, 117.
- Ejection, v. L. Agraria.
- Eques municipalis, 139.
- Equestrian census (in L. Acil.), qualification for jurors, 14 n., cp. 2.
- Equites as jurors, cp. Judices.
- Evidence, collection of (in L. Acil.), 20.
- Exchange of land (priv. for public), 57, 63; (public for public), made private, 62.
- Family estate, division of, 133.
- Ferrero, views of (on Appian i. 18), criticized, 40.
- Festus, on praefecturae, 145 n., on fundus fieri, 161 n.
- Fine (in L. Acil.), on jurors, 23, 24, cp. 9; on witnesses, 20; (in L. Agraria), for violation of grazing rights, 63; (in L. Tarentina), on houseless senators, 108; on house-demolishers, 108; (in L. Jul. M.), for premature corn-distribution, 150; on ineligible occupants of office, 156, 159, 160; for recognizing the same, 156.
- Flamens, 153.
- Fora, in Gallia Cisalp., 112; nature of, 147, cp. 113, 155 n., 158 n., 160 n.
- Formula togatorum, 62 n.
- Freedmen (in L. Acil.), excluded as witnesses, 20.

- Fulvius Flaccus, franchise proposal of, 39; at Junonia, 43.
- Fundus, 102, 161 *n.*
- Furfensis vicus, inscription concerning, 114.
- Furtum (in Atest. fragment), 123, 134; (in Jul. M.), 157.
- Gades, position of, argued by Cicero, 161 *n.*
- Gaius Gracchus, law of 'ne quis iudicio', 7-8; policy of, 41; causes of failure of, 43; colony scheme of, 42; situation caused by, 44.
- Gallia Cisalpina, unique status of, 111; history leading to this, 112; communities of (titles, status of, &c.), 143-7, 113-15; judicial authorities in, 115; attitude of L. Rubrius, 116; cp. L. Rubria.
- Genua, 112, 115.
- Gladiators, excluded from jurors (in L. Acil.), 14; from municipal officials (in L. Jul. Mun.), 157; oath of, 157 *n.*
- Goods of condemned, seizure and sale of (in L. Acil.), 26; (in L. Rubrius), 132, cp. 118, 121.
- Halaesa (in Sicily), receives lex data, 138, 162 *n.*
- Infamia, cases involving, removed from municipal courts, 118, 123; disqualifies for office, cp. 143; grounds of, 157-8.
- Injuria (in Atest. fragment), 134, cp. 123.
- In jus vocatio, 117, 121.
- In trientabilis (of public land), 35, cp. 63 *n.*, 66.
- Ire in consilium, meaning of, 23 *n.*
- Italians, involved in L. Sempronius, 38, cp. 56 *n.*; consequent restlessness of, 39; proposed enfranchisement of, 39; Ferrero on their attitude, 40; attitude of Drusi to, 41-2, cp. 65 *n.*; attitude of G. Gracchus to, 41; could hire public land, 62; cp. Municipia; Jus honorum, suffragii.
- Italia tributim discripta, significance of, 137-8.
- Judex (in L. Acil.), v. Praetor; (in L. Agrar.), 65, 67, 68; (in L. Rubrius), 125-35 *passim*, cp. 118-22.
- Judices, senators by L. Calpurnia, 1; non-senators by L. Acil., 2; equestrian juries exempt from prosecution for corruption, 7-8; subject to fine (in L. Acil.), 23, 24, cp. 9; number, selection, and qualifications of (in L. Acil.), 14 *seqq.*; their names exhibited, 15, 16, 21; their names registered, 15, 16, 19, 21; selected jury unchangeable, 19; oath of (prior to sitting), 21; (prior to deliberation), 23 *n.*; manner of voting of, 25; undecided judges removed, 24; not to be called away, 30.
- Judicia famosa, v. infamia.
- Judicial authorities under L. Agrar., 67 *seqq.*
- Judiciaria, v. leges.
- Judicium (in L. Acil.), on exiles or dead, 19; postponement of, 22; hindrances to, 30.
- Julia, v. leges.
- Junia, v. leges.
- Junonia, colony of, includes Italians, 43, cp. 51, 70 *n.*
- Jus exilii, possessed by free States, 97.
- Jus honorum, gained by Italians, 139.
- Jus Latii, gained by Transpadane Gaul, 112; by Spanish and Sicilian towns, 161 *n.*
- Jus suffragii, Italian use of, 139, 147.
- Land-allotments (under L. Semp.), terms of, 38; sale-restriction abolished, 45; made ager privatus, 57, cp. 49; (under L. Rubria), in Africa, size of, 43, 73; made private land, 72, cp. 51.
- Lanuvium, dictators at, 139.
- Latins, enjoy corporate possessio, 36, cp. municipia; share land-allotments, 38; could hire public land, 62, 80 *n.*; cp. Italians.
- Leges:—
Lex Acilia, date fixed, 1; probably l. judiciaria of G. Gracchus, 3; title explained, 4; Cic.'s allusions to, 4, 5; scope and value of, 5; summary of chief provisions, 5; object of, favours claimant, 6; political colour of, 6; double voting in, 9; repetition of clauses in, 30 *n.*; possible claimants under, 10; persons liable in, 10, 12; second summons, when possible, 11, cp. 26; date for issuing summons, 12; recuperators, functions of, 12; concerning patroni in, 13; selection of judges in, 14-16; particular juries,

how chosen, 17-18; trial of dead or exiles, 19; concerning collection of evidence, 20; witnesses, number of, notice to, &c., 20-1; praetor's examination in, 21 *n.*; jurors' oath, 21, 23 *n.*; subsidiary trial in, 22; ampliato in, 24; voting on verdict, manner of, 25; decided cases not to be reopened, 26; enforcing verdict, securities for, 26, *cp.* 29; assessment of damages, 26, *cp.* 2; payment of damages, 27, 29; apportionment, order for, 27, publicly exhibited, 28, *cp.* 150; concerning hindrances to trial, 30; concerning decease of magistrates, 31; relation to *L. Calpurnia* and *Junia*, 31; concerning collusion, 32; rewards for successful claimants (*peregrini*), 32, (*Latini*) 33; superseded by *L. Servilla*, 35.

L. Agraria (of 111 *b. c.*), on same tablet as *L. Acil.*, 35; date of, 35; Appian's view of, 35, 49, 61; not reactionary, 35 *seqq.*, 48-52, 69 *n.*; relation to *L. Thoria*, 48; attitude to Italians, 50; to African land, 51; author of, 52, *cp.* 46; confirms title of previous holders, 56-7; attitude to possessores, 56, 60; to *viasiei vicani*, 58; to post-Gracchan possessio, 59; to *ager compascuus*, 59; to citizen-colonists, 56, 59; to forcible ejection, 61; abolishes taxation of possessors, 61; grazing rights under, 63; these enforced by fine, 63; concerning *ager patritus*, 64; safeguards roads, 65; trial of non-citizens under, 65; attitude to corporate possessio, 65; judicial authorities in, 66-8; these liable to veto, 67, 68 *n.*; duties of judicial authorities, 60, 61, 63, 69; safeguards *publicani*, 68; appoints board for *publicani*'s claim, 68-9; clauses against repeal, 69; (*African section*), confirms colonists' holdings, 70, 72; exceptions to confirmations, 72; sale of public land in Africa, 70; securities for payment for, 75-6, 80 *n.*; resale of land unpaid for, 76; *duovirs* appointed, 71, *cp.* 72-5; compensation for land twice assigned, 74-5; free communities safeguarded, 77-8; *stipendiarii* safeguarded, 77-8, *cp.* 51; possessio recognized, 72; rental remitted for certain reasons, 79; concerning land hired to non-citizens, 80; *publicani* not to increase taxes, 80; their own payment increasable, 81; must ob-

serve *lex censoria*, 81-2, *cp.* Appdx., 86 *seqq.*; African roads safeguarded, 82; wrongful *professio* invalid, 82; information thereof rewarded, 82; advantages of making *professio*, 83; (*Corinthian section*), inexplicable clauses, 84-5.

Lex Antonia de Termessibus Majoribus, date of, 94, 99 *n.*; grants alliance and friendship with Rome, 99; grants use of own laws, 99; secures town in its properties, 99-100; concerning losses in Mithradatic wars, 100; forbids billeting of soldiers, 100, and other exactions, 101; legal status of resident Romans, 101, *cp.* 96; concerning *portoria*, 101; *cp.* *Termessus*.

L. Calpurnia de repetundis, 1, 18, 31.

L. Coloniae Genetivae, 103, 104, 107 *n.*, 108 *n.*, 126 *n.*

L. Judiciaria of *G. Gracchus*, doubts as to, 3, *cp.* *L. Acilia*.

L. Julia (of 90 *b. c.*), 102, 164, 165.

L. Julia Municipalis, no previous similar law, 103; enforces forms already customary, 103-4, *cp.* 168; wide application of, 113, 116, *cp.* 166; title of, 136; Mommsen's view of, 165-8; date of, 136; political situation met by, 137; purpose of, 138; effects of, 140; status of Rome under, 140-1; summary of, 141-3; Augustus's modifications of, 142, 143; concerning *professio* by wards or in absence, 149; *professio* publicly exposed, 150, *cp.* 23; premature corn-distribution forbidden, 150; Rome divided among the *aediles*, 150-1; road-conservation in, 150 *seqq.*, *cp.* 142; private obligation to maintain roads enforced, 151-3; heavy day-traffic in Rome forbidden, 153; regulations for public places, 153-4; concerning local senates, 154; concerning age-qualification for local offices, 155-6; concerning disqualifications for local officials, 156-60; regulations for census, 160-1; concerning previous *leges datae* and *municipia fundana*, 161-3; silence of jurists concerning, 167.

L. Junia de repetundis, 2, 18, 31.

L. Licinia (of 367 *b. c.*), revived by *Tib. Gracchus*, 37; why previously ineffective, 38.

L. Livia, decemviri in, 77.

L. Malacitana, 103, *cp.* 116.

L. Plaetoria, against fraudulent curatores, 157 *n.*

L. Postilia, on debtors, 157 *n.*

L. Pompeia de Bithynia, 164, 166.

L. Pompeia (of 89 *b. c.*), regulates Transpadane Gaul, 112.

L. Porcia (of Cato), 101 *n.*

L. Roscia (of 49 *b. c.*), enfranchises Transpadane Gaul, 111, *cp.* 124, 135.

L. Rubria (of 123 *b. c.*), mentioned in L. Acil., 17, *cp.* 1; provides extra-Italian colony, 43; significance of its repeal, 43; fate of colonists, 73, *cp.* 51.

L. Rubria de Gallia Cisalpina, a *lex rogata*, 124, 164-5; Mommsen's view, 164-5; scope and object of, 110, 116, 118-19; title of, how fixed, 110, *cp.* 124, 127 *n.*; conditions leading to, 112; need of, 110; date of, how settled, 110-11; proconsul, why ignored in, 123 *n.*, *cp.* 111; some coincidence with L. Jul. Mun., 113, 133 *n.*, 134 *n.*; contents of lost tables, 116-17; limits local magistrates, 117 *seqq.*; general principles underlying, 118; list of communities affected by, 128; *damnum infectum*, procedure in cases of, 125-8, *cp.* 119-20; debt-cases under, 128, *cp.* 121; claims other than loans, procedure in, 131, *cp.* 122; (Ateste fragment), attitude to *judicia famosa*, 134, *cp.* 103; *revocatio Romae* not retrospective, 135, *cp.* 124; *nuntiatio* clause, 125; concerning division of family estate, 133.

L. Salpensana, 103, 116.

L. Sempronia (of G. Gracchus), provisions and effects of, 41.

L. Sempronia (of Tib. Gracchus), reasons for, 37; Appian's view of, criticized, 37; revives L. Licinia, 37; first provisions of, why modified, 37, *cp.* 49; unfair, 37-8; distribution of land under, 38; Italian scope of, 38; *inutilis et vitiosa* (Cic.), 48.

L. Sempronia de vectigalibus Asiae, character of, 45 *n.*; remits taxation in certain cases, 80; *locatio* in, 86.

L. Servilia (of Caepio), 3 *n.*

L. Servilia (of Glaucia), Cic.'s reference to, 4; 'quo ea pecunia, &c.' clause, 7; restricts grant of *civitas* to successful plaintiffs who are Latins, 32 *n.*; date of, 35; supersedes L. Acilia, 35.

L. Tarentina, a *lex data*, 103;

uncertain date of, 104; inaccurate as to magistrates, 104; summary of, 105; against public speculation, 106; *quattuorvirs* to furnish securities, 106-7; all acting officially accountable to Senate, 107; senators to be local house-owners, 107; demolition of houses forbidden, 108; fine therefor, how used, 108; provision for constructive works, 108; concerning migration, 109; clauses repeated in other laws, 104, 107 *n.*, 108 *n.*; *cp.* 162 *n.*

L. Thoria (of 118 *b. c.*), provisions of, 46; Cicero's description of, 46-8; author of, 47-8; other possible clauses of, 48.

Letters, production of (in L. Acil.), 21.

Lex data, for municipia, nature of, 103; follows L. Jul. Mun., 104; *cp.* 164.

Lex municipalis, ambiguity of title, 167.

Lex rogata, nature of, 103, 164.

Lex secutoria, character of, 164.

Liberi populi (in Africa), 77.

Litis aestimatio, 2, *cp.* 26.

Liv. Drusus the Elder, amends Gracchan law, 41; attitude to Italians, 42, *cp.* 65 *n.*; colony schemes of, 42.

Liv. Drusus the Younger, deals with judicial corruption, 7-8; revives father's colonial schemes, 42.

Locatio agri, 86 *seqq.* (Appdx.).

Locatio vectigalium, 81 *n.*; abolished by Sulla, 87; date of reinstatement, 93.

Lot, the (in L. Acil.), 25; *cp.* 56 *n.*, 150 *n.*

Ludi circenses, 153.

Magistrates (Roman, in L. Acil.), not liable when in office, 12; excluded from jurors, 14; (Municipal) varying names of, 33, 114, 115, 116, 125, 139; election, qualifications, powers, &c., of, 159-60, *cp.* 117-18, 147-8.

Magistri, magistrates in *vici*, 114; in *fora* and *conciliabula*, 147; without jurisdiction, 147.

Manlius, Gn., grants peace to Termessus, 94, 99 *n.*

Massinissa, children of, land held by, 79.

Military roll, 62, 71.

Military service, exemption from (in

- L. Acil.), 32-8; qualifies for local senate, 155, cp. 143.
- Missio in possessionem, occasions of, 80 n., 132 n.; in praetor's power, 118, 120, 122.
- Mithridatic war, 94, 100.
- Mommsen's views criticized, of L. Thoria, 57 n.; of ager patritus, 64 n.; of Gallic civitas, 113; of L. Roscia, 124, 135 n.; of L. Rubria, 124, 164-5; of L. Jul. Mun., 165-8; of last clauses of L. Julia, 162 n.
- Money, paid to equites (in L. Acil.), 19 n.
- Municipia, nature of, 144-5, cp. 113; their constitutions revised, 138-9, cp. L. Julia; corporate possessio of, 36; include Latin towns, 36; Appian's mention of (*ἐν ἀποίκους κτλ.*), 36; secured in their holdings, (by L. Thor.) 46, (by L. Agr.) 66, cp. 50; fate of their holdings, 50.
- Municipia fundana, meaning of, 161 n., cp. 103.
- Neptunia, colony of, 42, cp. 49; land of, made private, 56; relations with Tarentum, 102; cp. colonists.
- Niebuhr, view of locatio criticized, 86-90.
- Non liquet, verdict in L. Acil., 24, cp. 9.
- Nuntiatio novi operis, 125, cp. 117, 119.
- Oath (in L. Acilia), prescribed for praetors, 15, 16; for parties to suit, 17, 18; for jurors, 21, 23 n.; (in L. Agraria), to new laws, cp. 69; (in L. Rubr.) for stipulators, 125.
- Ordo Augustalium, in Italian towns, 148.
- Padua, inscription from, 136; Mommsen's view of, 165.
- Pagi, nature of, 147; cp. 114.
- Papirius (consul 113), locatio vectigalium of, 82.
- Patroni (in L. Acil.), granted to claimant, 13, cp. 8-9; excluded as witnesses, 20.
- Peculatus, 29 n.; (in L. Tar.) 106, cp. 105.
- Pecunia facta, owing to the people, 151 n.
- Pecunia religiosa, nature of, 106 n.
- Peregrini, could hire African ager publ., 80 n.
- Per saturam, proposals illegal, 30 n.
- Plaetoria, v. leges.
- Plutarch, remark on L. Judic. of Gracchus criticized, 4, cp. 14; quotations from, *passim*.
- Pompeia, v. leges.
- Popilius Laenas, epitaph of, 39.
- Populus Romanus, character of, in Cic.'s time, 139.
- Porcia, v. leges.
- Portoria, imposed by free States, 97, 101 n.
- Possessio, terms of, 35-6; abolished in Italy, 56, cp. 49, 50; post-Gracchan possessio regularized, 59; African possessio, terms of, 79, cp. Municipia.
- Possessores, exact position of, 36; their title strengthened, 46; subject to tax, 46; freed from taxation, 61, cp. 49; their land made private, 56, 60.
- Postulatio (in L. Rubr.), 120.
- Praecones, excluded from decuriones, 155; Cic.'s attitude to, 136.
- Praefecti aerarii (in Italian towns), 148.
- Praefectura, original meaning of, 144; narrower application of, 145, cp. 113; Festus upon, 145 n.; survival of name, 146.
- Praefectus, a municipal promagistrate, 115, 125 n.
- Praefectus jure dicundo (in Rome), 132 n.; (in Italian communities), 144, cp. 145.
- Praefectus Mutinensis, explanation of title, 111, 115, 127 n.
- Praetor de repetundis, created under L. Acil., 15 n.; styled iudex, 15, cp. 16 n.; oath of, 16; examination by, 21 n.; not to be called away, 30.
- Praetor peregrinus (in L. Acil.), chooses first jurors, 14, cp. 4; relieved by colleague of judicial duties, 15 n.; (in L. Rubria) edict of, followed by local magistrates, 126, cp. 118, 120.
- Praetor urbanus (in L. Agr.), judicial functions of, 67, 68 n.; approves securities of purchasers, 76; sells public land, 76, 80 n., 83 n.; (in L. Rubr.) edict of, 117; relation to local magistrates, 117-18; attitude to nuntiatio, 125; to *damnum infectum*, 120; in debt-cases undefended, 130 n., cp. 121; in disregarded claims, 132, cp. 119-22; (in L. Jul. M.), sends out praefecti, 144.

- Praevaricatio (in L. Acil.), 32.
 Private tenure, meaning of, 58.
 Proconsul, extent of jurisdiction of, cp. 112.
 Professio before magistrates, 82, 83, 149.
 Proscriptio bonorum, v. Goods.
 Provocatio, right of, given to successful Latins (L. Acil.), 33.
 Publicani (in L. Agr.), safeguarded, 58, 75 n.; cp. 80 n.; limited by l. censoria, 80-2, cp. Locatio vectig.
 Public places, v. L. Julia.
 Punic deserters, reward of, 77 n., 78 n.
- Quaestiones perpetuae, number under Gracchus doubtful, 3; de sicariis, 4; not subject to veto, 80 n.
 Quaestor (in L. Acil.), duties of, 26-31; (in L. Agr.) sells public land, 83, cp. Praetor urb.; (in L. Jul. M.) relation to road-contracts, 151-2.
 Quattuorviri, magistrates of enfranchised municipia, 103, 115-16; functions of, 104; cp. 136, 139, 154, L. Tarentina.
 Quattuorviri viis purgandis (in L. Jul.), 152.
- Ravenna, remains a civitas foederata, 112; cp. 138.
 Recuperatores (in L. Acil.), 12; (in L. Agr.), 65, 67, 68; (in L. Antonia), 100; (in L. Rubria), 130, cp. 117, 121.
 Registers (in L. Acil.), production of, 20.
 Relatives excluded (in L. Acil.), of senators from album jud., 14; of parties to suit, from jury, 17.
 Repromissio, nature of, 119.
 Revocatio Romae, nature of, 123; implied in L. Roscia, 124.
 Rex sacrorum, 153.
 Rhodes, Tacitus upon history of, 95.
 Road-conservation (in L. Agr.), 65, 82; (in L. Jul. M.), 150 seqq.
 Rome, pauper proletariat of, 37, 43, 141; good faith of, 51; status of (under Caesar), 140; traffic in, 153; official subdivisions of, 150.
 Roscia, v. leges.
 Roscius (praetor 49 B.C.), 111.
 Rubria, v. leges.
- Sabinus, M. Jun. (quattuorvir), 136.
 Sacramentum, 2.
 Satisfactio, satis accipere, nature of, 125 n., cp. 119.
 Scipio Aemilianus, 39.
 Securities (in L. Acil.), from defendant, 26; realizing upon, 29; (in L. Agr.), from purchasers, 76, 80 n.; (in L. Rubr.), from defendant, 126 seqq.
 Senate, relations with tresviri agris dandis, 39.
 Senators (in L. Acil.), excluded from jurors, 14; cp. decuriones.
 Sententiam dicere et ferre, meaning of, 156 n.
 Servi publici, 154.
 Sipontum, colony at, 69 n.
 Slavery, influence of, 43.
 Social War, effects of, 137.
 Soldiers, not billeted on free cities, 97, 100.
 Solvency, declaration of, involves infamia, 157 n.
 Sortitio, to choose colonists, 56 n.
 Sponsio praejudicialis, in debt-cases, 129 n., cp. 121.
 Sponsio tertiae partis, in undefended claims, 131 n., cp. 122; cp. 125.
 Σπῆριος Θόριος, 47.
 Stipendiarii, status of, 77 n., 78 n.
 Stipulatio, 125, cp. 118-19.
 Strachan-Davidson, views of, on Appian (i. 10), 36; on locatio, 90-3; cp. 38 n., 44, 46, 47 n.
 Subsortitio, for share in corn-doles, 141, 150 n.
 Suetonius, quoted, 141, 147.
 Sulla (dictator), attitude to judicial corruption, 8; abolition of tax-farmers in Asia, 91-3; makes Cisalpine Gaul a province, 111; ignores Italian situation, 137; agents of, excluded from local office, 158 n.
- Tabularium (in L. Acil.), 23.
 Tarentina, v. leges.
 Tarentum, originally foederata, 102; enfranchised, 102; given a Roman constitution, 103, cp. L. Tar.; provision against depopulation, 107 n.; colony at, v. Neptunia.
 Termessus Major, site and history of, 94; status of, 95; cp. L. Antonia.
 Territoria, meaning of, 123 n.
 Transpadani, 110 seqq.
 Tresviri agris dandis (in L. Sempr.), elected by people, 38; possess judicial power, 38; lose judicial

- power, 39; regain same, 41; extent of work done by, 44; abolished, 45; date of their abolition, 46 *n.*; their work confirmed, 56, 57.
- Tribuni militum, rank as magistrates, 10 *n.*, cp. 14.
- Tribuni plebis, act for absent praetor, 149.
- Tributus, v. Apportionment.
- Tridentum, villages dependent on, 114.
- Ulpian, quotation from, 167.
- Utica, 77-9.
- Vadimonium (in L. Rubr.), v. Securities.
- Venditio bonorum, v. Goods.
- Vestal Virgins, 153.
- Veto (in L. Agraria), 67; significance of, 68 *n.*
- Viasiei vicani, character of, 41; confirmed in their holdings, 58; not private owners, 59; chosen by Senate, 59.
- Vici, status of, 118; sometimes without full citizenship, 114; magistrates of, 114; cp. 128.
- Vigintiviratus, under Augustus, 142.
- Voting-tablet (in L. Acil.) for jurors, 25.
- Waggon-traffic in Rome, restricted, 153.
- Warde-Fowler, 2, 7.
- Witnesses (in L. Acil.), number of, notice to, &c., 20-1.
- Wordsworth, views of, 99 *n.* (on Termessus); 130 *n.* (on vadimonium).