

TEXT

Naples fragments

[--- c.55 ---]sque pro+[--- c.50 ---]

[--- c.50 ---]+ in senat[tu seiue] in poplico ioudicio ne sen[tentiam rogato --- c.25 ---]

[--- c.25 --- ne iue is poplice testimon]ium deicito ne iue quis mag[istratus] testimonium poplice ei de[nontiato ne iue d]e[n]ontari

4 [sinito ne iue eum iudicem ne iue arbitrum ne iue recupe]rator dato; ne iue is in poplico luuci praetextam ne iue soleas habetō ne iue quis

[mag[istratus] --- c.35 --- sinito; mag[istratus] qu[e]liquomque comitia conciliumue habebit eum sufragium ferre nei sinito;

[mag[istratus] queiquomque censum habebit eum aerarium] relinquo. *vacat*

[sei --- c.30 + outspacing --- ioudex] quei ex hanc lege plebe iue scito factus erit senatorue fecerit gesseritue quo ex hanc lege

8 [quae fieri oportebit minus fiant quaeue e]x h[ace] l[ege] facere oportuerit oportebitue non fecerit sciens d[olo] m[alo] seiue aduersus hanc legem fecerit

[sc[iens] d[olo] m[alo], (sestertium) n[ummum] ??? multae esto, quei uolet petito,] eam pecuniam quei uolet magistratus exsigit. sei postulabit quei petet pr[ae]tor] recuperatores

[quos quotque --- c.15 --- dari opor]teat dato iubetōque eum sei ita pariat condemnari popul[o] facitoque iudicetur. sei condemnatus

[erit, pr[ae]tor] quanti erit praedes praediaque ad q[uaestorem] urb[anum] det aut bona eius poplice possideantur facito. sei quis mag[istratus] multam inrogare uolet,

12 [ei quantam inrogare uolet, dum minoris] partus familias taxat, licetō; ei[que] omnium rerum siremps lexs esto quaei is haec lege

[pecuniam, quae s[up]ra] s[cripta] est, exigeret. *vacat*] *vacat*

[co(n)s[ul], pr[ae]tor], aid[ilis], q[uaestor], IIIuir cap[italis], ? IIIuir a[greis] d[andei]s a[dsignandei]s ? , qu[ui] nunc est, is in diebus (quinque) proximeis quibus ^v queique eorum sciet h[ance] l[egem] populum plebemue

[iusisse iurato, ita ut ei i[n]fra] s[criptum] est. item] dic[tor], co(n)s[ul], pr[ae]tor], mag[ister] eq[ui]tum, cen[sor], aid[ilis], tr[ibunus] pl[ebis], q[uaestor], IIIuir cap[italis], IIIuir a[greis] d[andei]s a[dsignandei]s, ioudex ex h[ace] l[ege] plebe iue scito

16 [factus --- c.5 --- queiquomque eorum p]osthac factus erit, eis in diebus (quinque) proximeis quibus quisque eorum mag[istratum] inperiumue inierit iouranto,

[ita ut ei i[n]fra] s[criptum] est. eis --- c.5 --- pro a[e]de Castorus palam luci in forum uorsus et ei[s]dem in diebus (quinque) apud q[uaestorem] iouranto per Iouem deosque

[Penateis, seese quae ex h[ace] l[ege] oport]ebit facturum neque sese aduersum h[ance] l[egem] facturum scientem d[olo] m[alo] neque seese facturum neque intercesurum

[esse q[ua] h[ace] l[ex] minus setiusue fiat. qu]ei ex h[ace] l[ege] non iourauerit is magistratum inperiumue nei petito ne iue gerito ne iue habetō ne iue in senatu

20 [posthac sententiam deicito ne] iue quis sinito ne iue eum censor in senatum legito. quei ex h[ace] l[ege] (iourauerit), is facito apud q[uaestorem] urb[anum]

[utei nomen in taboleis p]ubliceis s[criptum] siet; quaestorue ea nomina accipito et eos, quei ex h[ace] l[ege] apud sed iourarint, facito in taboleis

[p]ubliceis ut ei scriptos habeat. *vacat*] *vacat*

[qui senator est erit que iue in senatu sententi]am deixerit post hanc legem rogatam, eis in diebus (decem) proximeis quibus quisque [eorum] sciet

24 [hanc legem populum plebemue iussisse i]ouranto apud quaestorem ad aerarium palam luci per Iouem deosque Penat[is], seese quae ex hanc

[lege oportebit facturum esse neque see]se aduersum hanc legem facturum esse neque seese quo minus se[t] iusue h[ace] l[ex] fiat facturum esse]

[---]se hoice leegei +[...]+[---] a[pud se] i[o]urauer[it ---]

[---] *vacat*

28 [---]e quis magistratus p++++[---]

[---] *vacat*

[--- u]ti in taboleis popl[iceis] ---]

[--- tr]inum nondin[um] ---]

32 [---]is erit uu[---]

Adamesteanu fragment

[---]dem facito ut ei[---]

[---] *vacat*

[---]+ factum esto. idcirco hae[ce] lex ---]

4 sei sacro sanctum est quod no[n] ious siet rogare, ex hanc lege n[on]hilum rogatur. *vacat*

[--- quo]magis in hanc legem in eo magistratu e+[---] ,

[---] *vacat*

TRANSLATION

Naples fragments

ll. 1–6 [---] and ??? [--- either] in the senate [or] in a *iudicium publicum* [he is] not [to ask] for his opinion [--- nor is he publicly] to give evidence nor is any magistrate publicly to serve notice of evidence on him [nor is he to allow notice to be served nor] is he to appoint him as a [judge or arbiter or] *recuperator*; nor is he to wear in public, in the light of day, the (*toga praetexta* or the sandals, nor is any [magistrate to allow ---]; whichever magistrate shall hold an assembly or *concilium* is not to allow him to cast a vote; [whichever magistrate shall hold the census] is to leave [him as an *aerarius*].

ll. 7–13 [If --- a judge] who shall have been chosen according to this statute or plebiscite or a senator shall have acted or behaved to the effect that [whatever shall be appropriate to be done] according to this statute [should not be done or] knowingly with wrongful deceit shall not have done [whatever] it shall have been or shall be appropriate for him to do according to this statute or [knowingly with wrongful deceit] shall have acted contrary to this statute, [there is to be a fine of ??? sesterces, whoever shall wish is to sue,] whatever magistrate shall be willing is to exact that sum. If whoever shall sue shall demand (it), the praetor is to appoint [such and so many] *recuperatores* [as may be appropriate to be appointed ---] and is to order him, if it so appear, to be condemned in the interest of the people, and is to see that the case be judged. If he [shall be] condemned, [the praetor] is to see that he give [guarantors and security] to the urban quaestor [for however much the amount shall be] or that his goods be publicly seized. If any magistrate shall wish to propose a fine, it is to lawful [for him to propose however large (a fine) he shall wish, up to] half his property; and statute is to apply to him in all matters exactly as if he [were exacting the sum which is written down above] according to this statute.

ll. 14–22 [Whatever consul, praetor, aedile, quaestor, triumvir capitalis, triumvir for the granting and assigning of land,] is now in office, within the five days next after any of them shall know that the people or the plebs [have passed] this statute, he [is to swear, just as is written down below. Likewise, whatever] dictator, consul, praetor, *magister equitum*, censor, aedile, tribune of the plebs, quaestor, triumvir capitalis, triumvir for the granting and assigning of land, judge [chosen] according to this statute or plebiscite [---, whoever of them] shall be chosen hereafter, within the five days next after any of them shall have entered upon his magistracy or *imperium*, they are to swear, [just as is written down below. They --- in front of] the temple of Castor, openly, before the light of day, facing the forum, and they are to swear within the same five days, in the presence of the quaestor, by Jupiter and the [ancestral] gods, [that he] will do [what shall be appropriate according to this statute,] and that he will not act contrary to this statute knowingly with wrongful deceit and that he will not act or intercede [to the effect that this statute may not be, or be improperly, observed.] Whoever shall not have sworn according to this statute, is not to stand for or hold or have any magistracy or *imperium*, nor [is he hereafter to speak his opinion] in the senate [nor] is anyone to allow (him) nor is a censor to enrol him in the senate. Whoever shall have (sworn) according to this statute, he is to see that [his name] be written down [in the public records] in the presence of the urban quaestor; and the quaestor is to receive those names and is to see [that he keep] those who have sworn in his presence according to this statute [written down] in the [public] records.

ll. 23–7 [Whoever is or shall be a senator or whoever] shall have spoken [his opinion in the senate] after the (successful) proposal of this statute, in the ten days next after any [of

them shall know that the people or plebs have passed this statute,] they are to swear in the presence of the quaestor at the treasury, openly, before the light of day, by Jupiter and the ancestral gods, [that he will do what shall be appropriate according to this statute, and that he will not] act contrary to this statute and that he [will not act] to the effect that [this statute may] not [be, or be improperly, observed ---] this statute [---]

ll. 26-32 [---] he shall have sworn (in his presence) [---] any magistrate [--- that] in the public records [---] third market day [---] shall be [---]

Adamesteanu fragment

[--- the same person] is to see that [---] it is to have been done. For that reason this [statute ---. If there is something prescribed by what is sacred such that] it be not right to propose, [nothing is proposed] according to this statute. [--- to the effect that] in support of this statute in that magistracy [---]

TEXT

In order to simplify reference, each chapter and each sentence are numbered. The letters underlined in ll. 2–4 of the Naples fragments form the Rosini fragment, in ll. 30–9 the Avellino fragment.

Naples fragments, Col. I

[---]onom [f]ust, izic pu[---]

[---] (I) (1) suae [..]nus q(uaestor) moltam angitu[st ...]⟨m⟩ur ++[---]

[---] deiuast. (2) maimas carneis senateis tanginud, am[pert nei mins pam]

4 XL osins pon ioc egmo comparascuster, suae pis pertemust, pruter pan [---,]
deiuatud sipus comēnei perum dolom mallom siom ioc comono mais egm[as touti-]
cas amnud pan pieisum brateis auti cadeis amnud inim idic siom dat sena[teis]
tanginud maimas carneis pertumum. (3) piei ex comono pertemest, izic eizeic
zicel[ei]

8 comono ni hipid. *vacat* (II) (4) pis pocapit post{post} exac comono hafie{i}st
meddis dat castrid loufir

en eituas factud pous touto deiuatuns tanginom deicans s(i)om dat eiza(i)sc idic
tangineis

deicum pod ualaemom touticom tadait ezum nep fefacid pod pis dat eizac egmad
min[s]

deiuaid dolud malud. (5) suae pis contrud exe⟨ic⟩ fefacust auti comono hipust molto
etan-

12 to estud n(ummum) MM in(im) suae pis ionc fortis meddis moltaum herest ampert
minstreis aeteis

eituasoltas moltaum litud. *vacat* (III) (6) suae pis pru meddixud altrei castrous
auti eituas

zicolom dicust izic comono ni hipid ne pon op toutad petirupert urust sipus perum
dolom

mallom in(im) trutum zico(lom) touto peremust. (7) petiropert neip mais pomtis^v
com preiuatud actud

16 pruter pam medicatinom didest in(im) pon posmom con preiuatud urust eisucen
ziculud

zicolom XXX nesimum comono{m} ni hipid. (8) suae pis contrud exeic fefacust
ionc suae pis

herest meddis moltaum {litud} ampert mistreis aeteis eituas litud. *vacat* (IV) (9)
pon censtur

⟨B⟩ansae t(o)utam censazet pis ceus Bantins fust censamur esuf in(im) eituam poizad
ligud

20 iusc censtur censaum angetuzet. (10) aut suae pis censtomen nei cebnust dolud
mallud

in(im) eizeic uincter esuf comenei lamatir pr(u) meddixud toutad praesentid perum
dolum

mallom in(im) amiricatud allo famelo in(im) ei(tuo) siuom paei eizeis fust pae
ancensto fust

toutico estud. *vacat* (V) (11) pr(aetor) suae praefucus pod post exac Bansae fust
suae pis op eizois com

24 a(l)trud ligud agum herest auti pru medicatud manim aserum eizazunc egmazum

pas exaiscen ligis scriftas set, ne p{h}im pruhipid mais zicolois X nesimois. (12)
suae pis contrud

exeic pruhipust molto etanto estud, n(umum) M, in(im) suae pis ionc <fortis>
meddis moltaum herest {licitud}

[ampert] minstreis aeteis eituas multas moltaum licitud. *vacat* (VI) (13) pr(aetor)
censtur Bansae

28 [ni pis fu]id nei suae q(uaestor) fust nep censtur fuid nei suae pr(aetor) fust in(im)
suae pis pr(aetor) in(im) suae

[pis censt]ur [a]uti q(uaestor) [a]u[ti tr]ium nerum fust izic post eizuc tr(ibunus)
pl(ebis) ni fuid. (14) suae pis

[contrud exeic post exac medd]is <f>acus <f>ust izic amprufid facus estud. (15) idic
medicim eizuc-

[en acunud --- pis p]ocapid Bansa[e ---] medicim acunum VI nesimum

32 [---]m <t>[riu]m nerum [---]+um pod
[--- c]o<n>[tr]ud ex<e>ic fe<f>[acust ---] medicim
[---]<ni f>ui<d>. suae [op] eiz<o>[i]s [---]

[--- ampert]<m>istreis a<e>teis <e>[ituas multas ---]

36 [--- her]est, licitud. tr(ibunus)[pl(ebis) ---]
[--- ni ---]co <h>ipid, i<s>uc is[---]
[---]tr(ibunus) <p>l(ebis) estud[---]
[--- medica]ti<n>om [---]

Col. II

n[---]

a[---]

n[---]

4 e[---]

i[---]

Adamesteanu fragment

[--- pruter pa]m medicat[inom ---]

[---]+lehest dolom m[alom ---]

[--- dol]ud malud sudana+[---]

4 [--- inim suae pis fortis i]onc meddis moltaum her[est,]
[--- multas] moltaum licitud. *vacat* pis MCC arage-
[teis (?) --- mai]stram carnom aceneis usurom

[---]n(umum) II, eh exac ligud allam

8 [---]+ hipust, pantes censas fust
[---]+s acenei poizeipid spentud. q(uaestor)
[---]s in(im) eisiuss dei *nail-hole* a<i>ns. de<i>uat-
[ud --- ac]eneis perum dolum malom

ENGLISH TRANSLATION

Naples fragments

[---] shall have been, he [---] (I) (1) If ??? a quaestor shall have pronounced a fine ??? [---] shall swear. (2) If anyone, according to the opinion of the larger part of the senate, provided that [not less than] 40 be present when that matter shall have been raised, shall have prohibited (an assembly), before [---], he is to swear before the light of day in the *comitium* without wrongful deceit that he is prohibiting that assembly in the interest of the *res [publica]* rather than because of anyone's influence or enmity and that he is prohibiting it according to the opinion of the larger part of the senate. (3) For whomsoever he shall thus prohibit an assembly, he may not that day hold (any other) assembly. (II) (4) Whatever magistrate shall hereafter hold an assembly (for trial) concerning a *caput* or (*see the Commentary*) property, he is to see that the people should pronounce an opinion under oath that it will pronounce such an opinion concerning them as it may think to represent most the public good nor may he act to the effect that anyone should with wrongful deceit not swear concerning that matter. (5) If anyone shall have acted or held an assembly contrary to these rules, the fine is to be so much, 2,000 nummi, and if any magistrate shall wish to fine him more heavily, it is to be lawful to fine, provided that it is with a fine of less than half his property. (III) (6) If anyone by virtue of his magistracy shall have pronounced to another a day (for trial) concerning a *caput* or property, he may not hold the assembly (for trial) except when he shall have before the light of day without wrongful deceit pleaded before the people four times and the people shall have accepted the fourth day. (7) Four, and not rather five, times he is to bring action against the defendant before he shall appoint the day of judgment and when he shall have pleaded against the defendant for the last time he may not hold the assembly for the next 30 days from that day. (8) If anyone shall have acted contrary to these rules, it is to be lawful if any magistrate shall wish to fine him, provided that it is less than half his property. (IV) (9) When the censors shall list the people at Bantia, whoever shall have been a citizen of Bantia is to be listed, himself and his property, under whatever condition those censors may have pronounced for the census. (10) But if anyone shall with wrongful deceit not have come to the census and is convicted of that, he himself should be flogged in the *comitium*, by virtue of the magistracy in the presence of the people, without wrongful deceit (of the magistrate) and the whole of his estate is to be sold and the whole of his property, which shall have been his and which shall not have been listed, is to be (made) public. (V) (11) A praetor or prefect, insofar as there shall be one at Bantia hereafter, if anyone shall wish to bring an action according to statute against another before them or to lay his hand on for a judgment debt in those matters which are written down in these statutes, he may not prevent anyone beyond the next ten days (*see the Commentary*). (12) If anyone shall have prevented contrary to these rules, the fine is to be so much, 1,000 nummi, and if any magistrate shall wish to fine him (more heavily), it is to be lawful to fine, [provided that] it is with a fine of less than half his property. (VI) (13) [No-one may be] praetor or censor at Bantia unless he shall have been quaestor nor may he be censor unless he shall have been praetor, and if anyone shall have been praetor and if [anyone] shall have been [censor] or quaestor or [III]vir he may not thereafter be tribune of the plebs. (14) If anyone [hereafter] shall have been appointed [a magistrate contrary to these rules] he is not to be validly appointed. (15) In respect of that magistracy, from that [year in which any]one at Bantia [---] magistracy for the next six years

- 32 [---] IIIvir [---] insofar as
 [---] shall have acted contrary to these rules [---] magistracy
 [---] he may not be. If [before] them [---]
 [--- provided that it is with a fine] of less than half [his property ---]
- 36 [--- shall wish,] it is to be lawful. A tribune [of the plebs ---]
 [---] he may [not] ??? hold, by that [---]
 [---] is to be tribune of the plebs [---]
 [---] the day of judgment [---]

Adamesteanu fragment

- [--- before ---] the day of judgment [---]
 [---] ??? [wrongful] deceit [---]
 [--- with] wrongful [deceit] ??? [---]
- 4 [--- and if any] magistrate shall wish to fine him [more heavily,]
 [--- with a fine ---], it is to be lawful to fine. Whoever 1,200 of silver
 [--- for the greater] part of the year ???
 [---] two nummi, according to this statute all
- 8 [---] he should have, as much as he shall have been listed for
 [---] in each year he is to promise. The quaestor
 [---] and the same men should swear. He is to swear
 [---] of the year without wrongful deceit