

STANDARD TRANSLATIONS OF TECHNICAL TERMS AND PHRASES

The order is alphabetical, but where appropriate by the principal word of a phrase.

actio: action

addicere: to confirm (an agreed judge; see also *dare*)

adigere: to administer (an oath)

aduersus ea: contrary to these rules

agere: to bring an action (see also *lege agere*)

qua de re agitur: the matter at issue

arbitratus: decision

cauetur ut/ne: it is prescribed that + a formula of a mandatory or prohibitory type in the subordinate clause

causa: grounds, position, case

cautum: prescribed

comprehendere: to lay down

condicio: position

creare: to elect

curare: to see (to it) that

damnum: loss (see D. Daube, in *Studi S. Solazzi* (Naples, 1948), 93–156 = *Collected Studies in Roman Law* (Frankfurt-am-Main, 1991), 279–339, ‘On the use of the term *damnum*’; D. Liebs, *ZSS* 85, 1968, 173–252, ‘*Damnum, damnare und damnas*’; G. Colonna, *Opus* 3, 2, 1984, 311–17, ‘Etrusco ΘΑΡΝΑ: latino *damnum*’)

dare: to issue (a statute); to appoint (an imposed judge; see also *addicere*); to prescribe (a formula)

dare addicere: to appoint and confirm

dare damnas esto: he is to be condemned to pay

dolo malo: with wrongful deceit (see *Dig.* IV, 3, 1–3 (Ulpian); A. Carcaterra, *Dolus bonus/dolus malus. Esegesi di D. 4.3.1.2–3* (Naples, 1970); G. MacCormack, in *Sodalitas III* (Naples, 1984), 1445–53, ‘*Sciens dolo malo*’; *BIDR* 88, 1985, 1–38, “‘Dolus’ in Republican law”; also on **Law 43**)

edere: to publish

exactio: exaction (enforcement of payment)

facere: to appoint

facere ut: to see (to it) that

sine fraude sua liceto: it is to be lawful (for him/for them) without personal liability

legi fraudem facere: to compass evasion of the statute

gerere: to behave

iniuria: damage

ita uti ei e re publica fideque sua uidebitur esse: just as shall seem to him to be according to the public interest and his own good faith

iudex: juror, judge

iudicatio: right of judgment

iudicium: trial, trial-procedure (hence, *formula*)

ius: source of rights, right(s), law

ius potestasque: right(s) and power(s)

ius ratumque: legal and binding

in ius, in iure: to a pre-trial, at a pre-trial

qui iure dicundo praeerit: whoever shall be in charge of the administration of justice

iuris dictio: jurisdiction, administration of justice

iustus: lawful

(ex) hac lege: according to this statute

lege agere: to bring an action according to statute

ante hanc legem rogatam: before the proposal of this statute

post hanc legem rogatam: after the (successful) proposal of this statute

lex: statute; status (in the phrase *optimo iure optima lege*)

licere: to be lawful

lis: case

litis aestimatio, litium aestimatio: assessment of damages

multam dicere: to impose a fine

negotium: business

eo nomine: on that account

nominis delatio: prosecution (see the Lex repetundarum, **Law 1**, Translation)

in numero: in the category of

oportere: to be appropriate, *ex iure ciuili* or *ex lege*, as the case may be (see Daube, *Forms*, 8–23; M. Kaser, ZSS 83, 1966, 1–46, ‘Oportere und ius civile’)

pecunia: money, sum

persecutio: claim

petitio: suit

petere: to sue (for); to stand for (office)

unde/ita ut de plano recte legi possi(n)t: in such a way that it/they can be read properly from ground level

postulare: to request

potestas: power(s)

prohibere: to restrain

pronuntiare: to declare

proponere: to publish

proscribere: to display

quaerere, quaestio: to investigate, an investigation; *quaestio* is in effect the normal word to convey ‘a court in a criminal case’

quod eius rei fieri poterit: insofar as it shall be possible (the phrase is probably already attested in Polybius VI, 21, 2)

ratum: binding

recte: properly

redigere: to collect

referre: to raise (a matter); to enter (in records)

res: matter, thing, case

eius hac lege nihilum rogatur: nothing of that is proposed by this statute

rogare: to propose

scribere: to write down

sententia: opinion (hence, vote)

setius: improperly

tractare: to handle

uti quod recte factum esse uole(n)t: as he/they shall deem it proper (garbled in Valerius
Probus, §5, 3)

uti supra scriptum est: as is written down above