

Some notes on the interpretation of chapter 11 of the *lex Troesmensium* and chapter G (45) of the *lex Irnitana*

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ABSTRACT

The present article offers some reflections on Werner Eck's translation and interpretation of chapter 11 of the *lex Troesmensium* regulating the municipal embassies: (1) not the future, but the former magistrates were forbidden to be ambassadors; (2) not the *ordo decurionum*, but the *duumvir* sent the ambassadors – according to the decision of the decurions, of course; and (3) the future ambassador had to be informed not five days after the decision, but five days before the departure.

KEYWORDS

lex Troesmensium, *lex Irnitana*, *lex municipalis*, municipal embassies, municipal ambassadors

Many fragments of municipal charters are known from the Roman Empire; however, they are very unevenly distributed in time and space. The major fragments come from South-Italy and especially Spain, and date from the 1st century BC and 1st century AD – except the *fragmenta Lauriacensia* of the Severan age.¹ Due to this uneven distribution and the fragmentary condition

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¹Cf. CRAWFORD, M. H. (ed.): *Roman Statutes I-II*. London 1996, 301–312 (*lex Tarentina*), 355–391 (*Tabula Heracleensis*), 393–460 (*lex Ursonensis*). GONZÁLEZ, J.: The *Lex Irnitana*: A New Copy of the Flavian Municipal Law. *JRS* 76 (1986) 147–243 (Appendix 2 contains the *fragmenta Lauriacensia*).

of the charters, it is hard to estimate the grade of the unification and standardization of such charters throughout the Empire; however, the extant charters show strong similarities and even literal overlaps. It cannot be determined whether these similarities are caused by the proximity of the extant charters in time and space, or the uniformization was the rule for the charters for the other parts of the Empire as well. For this reason, any municipal fragments that originate outside these spatial and/or temporal boundaries are of particular importance, as e.g. *fragmentum Segusinum*² from North-Italy, a fragment of which shows similarities with *caput* 87 of the *lex Irnitana*, or the much smaller fragments from *Colonia Ulpia Traiana Ratiaria*, which are clearly identifiable as municipal law.³ However, since the discovery of the *lex Irnitana* in 1981 and its publication in 1986, the fragments from Troesmis have perhaps been of the greatest importance.

The two bronze tablets were found in Romania at the site of ancient Troesmis in 2002 and stolen immediately,⁴ and returned to Romania in 2015 after a short ‘visit’ to the United States. In the meantime, some information has come to light through eBay and the FBI’s National Stolen Art File database, and since 2013 scholarly publications have appeared, most notably Eck 2016, which publishes the text in both a full transcription and a corrected version of the text, with an introduction, commentary, and summary of the previous literature.⁵

The finding contains two bronze tablets: tablet A measures 66.5 × 54.5 × 0.6 cm and weighs 26.41 kg, while tablet B measures 59.5 × 50 × 0.6 cm and weighs 23.6 kg.⁶ The tablets are in very good condition, except for a crack in the lower left corner of tablet B, and for the fact that the last few lines of the same tablet are barely legible due to surface damage. Judging by the marks, the two tablets were bordered by a frame, according to the common practice for similar bronze tablets. However, there are no holes for fixing the tablets,⁷ thus the tablets may have been

²LETTA, C.: *Fragmentum Segusinum*. Due frammenti a lungo ignorati della *lex municipalis* di Segusio. In PACI, G. (ed.): *Contributi all’epigrafia d’età augustea. Actes de la XIII^e rencontre franco-italienne sur l’épigraphie du monde romain*. Macerata, 9–11 settembre 2005. Tivoli 2007, 145–169.

³ECK, W.: *Fragmente eines neuen Stadtgesetzes – der *lex coloniae Ulpiae Traianae Ratiariae**. *Athenaeum* 104 (2016) 538–544.

⁴The illegal excavation and theft are not unique. The largest municipal charter so far, the *lex Irnitana*, was also found by illegal treasure hunters, and professional archaeologists only learned about it from a tavern rumour, after which they finally managed to collect the fragments and even identified the site, see FERNÁNDEZ GÓMEZ, F. – DEL AMO Y DE LA HERA, M.: *La lex Irnitana y su contexto arqueológico*. Sevilla 1990, 9sq. In the case of smaller fragments that have been deposited in museums, where the name of the town cannot be identified, the identification of the place of origin is particularly problematic, cf. CABALLOS RUFINO, A. – FERNÁNDEZ GÓMEZ, F.: *Nuevos testimonios andaluces de la legislación municipal flavia*. *ZPE* 141 (2002) 261–280; CABALLOS RUFINO, A. – FERNÁNDEZ GÓMEZ, F.: *Una ley municipal sobre una tabula aenea corregida y otros bronceos epigráficos*. *ZPE* 152 (2005) 269–273. But sometimes even in the case of longer fragments, the origin is disputed, e.g. the so-called *lex Italicensis* may not have belonged to the town of Italica, cf. CANTO, A. M.: *A propos de la loi municipale de Corticata (Cortegana, Huelva, Espagne)*. *ZPE* 63 (1986) 217–220; GONZÁLEZ, J.: *More on the Italica Fragment of Lex Municipalis*. *ZPE* 70 (1987) 217–221.

⁵ECK, W.: *Die lex Troesmensium: ein Stadtgesetz für ein municipium civium Romanorum*. *ZPE* 200 (2016) 565–606; CIRJAN, R.: *The Municipal Law of Troesmis: Preliminary Remarks*. In PANAITTE, A. – CIRJAN, R. – CAPIŢA, C. (eds): *Moesica et Christiana. Studies in honour of Professor Alexandru Barnea*. Braila 2016, 289.

⁶A distinctive feature of the tablets is that they consist of three 0.2 cm layers.

⁷E.g. in the case of the *lex Irnitana* 3 holes were used on the upper and lower margins for fixing the tablet, cf. FERNÁNDEZ – DEL AMO (n. 4) *passim*.



fixed with mortar rather than nails or hooks⁸ – such tablets had to be hung in a busy place of the town in question, probably on the wall of a public building.⁹ The tablets have 28 and 30 lines of text. Tablet A contains chapter 11, which deals with the sending of ambassadors in municipal affairs and can be compared with chapter G of the *lex Irnitana*. The end of the *caput* is unfortunately missing. On Plate B the end of a *caput* is preserved which regulated who could stand for election (cf. *Mal.* 54) and the beginning of *caput* 28, which prescribed the voting procedure (cf. *Mal.* 55). *Caput* 11 is much more detailed than its Flavian counterpart. Considering that the two extant tablets together read less than one *caput* each (the beginning of a *caput* on A, the end of a *caput* on B, and the beginning of another), the law in its complete form could have consisted of quite a number of tablets: Eck estimated a minimum of 50 tablets, 25 m long, but later amended it to the much more likely minimum of 100 tablets, 50 m long, which of course came at a huge financial cost.¹⁰

In the case of stolen and subsequently recovered findings, one of the primary problems is the identification of the site of origin,¹¹ but fortunately this is not an issue here, as the full name of the city is given in the text of the fragments as *municipium Marcum Aurelium Antoninum et Lucium Aurelium Commodum Augustum Troesmensium*, i.e. the bronze tablets contain the charter of the city of Troesmis. The name also allows for dating, as cities regularly took the names of the emperors who (re)founded them or changed their legal status – in this case the former *canabae* and *vicus* became a *municipium*. Based on the name, Troesmis became a *municipium* when Commodus was already co-ruler and ‘Augustus’, but Marcus Aurelius was still reigning. Commodus became Augustus in the middle of 177, and Marcus died on 17 March 180, so the legal change to *municipium* happened and the law was passed between the middle of 177 and March 180. Hypothetically, we can narrow this down further, since Marcus and Commodus set out on their second Germanic campaign in early August 178, and may have been engaged in wider town-organising activities along the Danube at that time,¹² or, if these activities were only limited, they were at least nearby.¹³ The Romanisation process of the settlement was facilitated by the fact that the *legio V Macedonica* was stationed here until 162, and in 165, after the Parthian campaign, they returned to the area, which they finally left in 168. The *canabae* near the *legio* camp, where the veterans settled and where the soldiers’ ‘family members’ lived, was clearly a Romanised settlement, but this was probably also true for the nearby village (*vicus*), for the inscriptions show that the leading members of the *cannabae* and the *legio* camp were partly identical. After the *legio* had left, the citizens/inhabitants of these settlements could no longer turn to the *legio* officers with their legal/administrative affairs, and therefore they

⁸Eck (n. 5) 570–575.

⁹*Irn.* 95.

¹⁰Eck, W.: Das Leben römisch Gestalten. Ein Stadtgesetz für das Municipium Troesmis aus den Jahren 177–180 N. Chr. In KLEIJN, G. DE – BENOIST, S. (eds): *Integration in Rome and in the Roman World. Proceedings of the Tenth Workshop of the International Network Impact of Empire (Lille, June 23–25, 2011)*. Leiden–Boston 2014, 88; Eck (n. 5) 601. For comparison: the *lex Irnitana* consisted of a total of 97 *capita* on ten tablets, while the text of the *lex Ursonensis* is interrupted at *caput* 134.

¹¹Cf. note 4.

¹²CIRJAN (n. 5) 295–296.

¹³Eck (n. 5) 582–584, for the exact dates see KIENAST, D.: *Römische Kaisertabelle. Grundzüge einer römischen Kaiserchronologie*. Darmstadt 2004³.



probably asked the emperor(s) for *municipium* status, so that they could manage their own affairs (e.g. local magistracy) with sufficient autonomy.¹⁴

Werner Eck has published an exemplary edition of the extant parts of the *lex Troesmensium*, which contains not only the text and a German translation,¹⁵ but a summary of the extraordinary ‘Fundgeschichte’ and commentaries on the text, as well. His excellent edition is a fundamental one to the study of the fragments from Troesmis. In the present paper I would like to contribute to this topic with some small suggestions for a better understanding of the text.¹⁶

1. A19–23 ...*dum ne quem mittat legatum, qui r̄um aut r̄o proximo anno in eo municipio Ilvir, q(uin)q(uennalis), aedilis, quaestor²¹ve sit fuerit, neque duoviratus act̄i, aedilitatis, quaestu²²r<a>eve actae rationem exposuerit, reddi<de>ritve et adproba²³verit dec(uronibus) conscriptisve ...*

“...vorausgesetzt dass er nicht jemanden als Gesandten absendet, der jetzt oder **im nächsten Jahr** in diesem Municipium Duumvir, Quinquennalis, Ädil oder Quästor ist oder **sein wird** und nicht für das abgelaufene Amt als Duumvir, als Ädil oder als Quästor Rechnung gelegt oder Rechenschaft abgelegt und den Mitgliedern des Dekurionenrats (die Rechenschaft) zustimmungswürdig gemacht hat...”

Both Eck¹⁷ and Ćirjan¹⁸ translate *proximo anno* and *fuerit* as future (“im nächsten Jahr”, “next year”; “sein wird”, “shall be”). Their translations of these independent expressions could be

¹⁴Eck (n. 5) 582–584.

¹⁵To the best of my knowledge, besides Eck’s German translation, Eck (n. 5) there is a complete English one by ĆIRJAN (n. 5), and some partial ones: PLATSCHKE, J.: Zur Lesung von Kap. 27 der *lex Troesmensium*. *Tyche* 32 (2017) 164–165 (following his own emendations of the Latin text) in German, and ECKHARDT, B.: Law, Empire, and Identity between West and East. In CZAJKOWSKI, K. – ECKHARDT, K. (eds): *Law in the Roman Provinces*. Oxford 2020, 429–430 in English. Both of them contain translations of texts from tablet B. Ćirjan’s complete translation is unreliable and confused, often neglecting the context and the grammar, as well. Sometimes even his own English translation does not fit his own Latin text. E.g. on page 292 he rightly excludes the *omni* (table A, line 1; hereafter, I will give letter A for the first, letter B for the second tablet, and the lines), but on page 294 he translates it as (*all*) – perhaps it is due to the reckless usage of the Leiden System. Concerning the embassies, he is talking about the *length* of the embassy (“for how many days they should be sent away ... how many days their trips should last”), while the Latin text gives the day *when* the ambassadors must depart (*quo die exire oportere*, A5–6, 7). *Relatum erit* (A6) is not ‘decided’, but ‘reported, referred’. About the procurators he translates “those who are ready to go as ambassadors, must announce their procurators at home or proclaim them in a public speech”, while the Latin text means that the future ambassadors *or* their procurators must be informed (*iis ... procuratoribusve eorum ... denuntiari*, A10–11, cf. A16; in addition on the tablet *denuntiari* is written, cf. Eck [n. 5] 577). According to Ćirjan the phrase *Qui falsam rationem rettulerit* (B24) means “falsely raise an issue before the comitia under this law”, but the *falsa ratio* is the intentionally misreported number of the votes, cf. *iure{n}t se rationem suffragiorum fide bona habiturum relaturumque* (*lex Malacitana* 55, ll. 14–15), here the *ratio suffragiorum* means the ‘number/count of the votes’ (cf. the previous verb *diribere*). Because of these and similar mistakes a complete and reliable English translation is still missing. (The manuscript is finished in May 2021.) In the following I will focus on Eck’s much more reliable translation and interpretation.

¹⁶For the municipal ambassadors and embassies the best recent summary is RODRÍGUEZ NEILA, J. F.: Las legationes de las ciudades y su regulación en los estatutos municipales de Hispania. *Gerión* 28 (2010) 223–273. See also TORRENT, A.: Legati municipales: lex Irnitana Caps. 44–47. *Hispania Antigua* 35 (2011) 83–111; CASTRO-CAMERO, R. DE: Ordo decurionum y legaciones municipales estudio palinogénico de D. 50, 7 De legationibus. In MELCHOR GIL, E. – PÉREZ ZURITA, A. D. – RODRÍGUEZ NEILA, J. F. (eds): *Senados municipales y decuriones en el Occidente romano*. Sevilla 2013, 69–96; TORREGARAY PAGOLA, E.: Legationes cívicas y provinciales: la comunicación política entre Hispania y Roma en época imperial. In ORTIZ DE URBINA, E. (ed.): *Magistrados locales de Hispania. Aspectos históricos, jurídicos, lingüísticos*. Vitoria-Gasteiz 2013, 309–331. MENTXAKA, R.: Divagaciones sobre legislación municipal romana a la luz de la *lex Troesmensium*. In PIRO, I. (ed.): *Scritti per Alessandro Corbino* 5, Rome 2016, 16–22.

¹⁷Eck (n. 5) 581.

¹⁸ĆIRJAN (n. 5) 294.



theoretically correct, but a closer examination of the grammar and the context proves that they must be wrong. The cause of the misunderstanding is that *fuert* (and the following predicates: *exposuerit*, *reddiderit* and *adprobaverit*) can be future perfect indicative and present perfect subjunctive as well, and that *proximus* can mean ‘next’ and ‘last’ too.¹⁹ Eck and Cirjan translate *fuert* as future indicative, while the other predicates – *exposuerit*, *reddiderit* and *adprobaverit* – as present perfect. We have to determine whether *fuert* is future or not, and what the exact connection is between the clauses *qui... sit fuert* and *neque ... adprobaverit*.

Before a detailed examination of chapter 11 of *lex Troesmensium*, it is worth summarizing the interpretations of the parallel text of chapter G (45)²⁰ of the *lex Irnitana*, for it has the same phrasing, except some minor orthographical and/or epigraphical anomalies. According to the translations, commentaries, and some other literature, there are three different interpretations: The *duumvir* cannot send and depute (1) the present magistrates, the future ones,²¹ and – as a separate group – any anterior magistrate who has not yet presented his accounts etc.;²² or (2) the present magistrates, the former ones and – as a separate group – any anterior magistrate who has not yet presented his accounts etc. yet;²³ or (3) the present magistrates and the former ones, if they have not yet presented their accounts²⁴ etc.²⁵ The context alone suggests that it is about the former magistrates, and the grammar decides the question.

Let us examine the **context** first. It seems logical that a person who is going to be a magistrate in the following year is not to be sent as an ambassador,²⁶ because a long-lasting embassy (several weeks or months if the embassy is sent to the provincial governor or to the emperor)²⁷ can prevent the future magistrate from entering office in time in their own town. Therefore, it is possible that there are three different groups: the present magistrates (*sit*), the future magistrates

¹⁹Cf. e.g. OLD 1508–1509, s.v. *proximus*.

²⁰The exact number of this chapter is not known, the 45 is just a guess, therefore I use the original ‘G’. The whole of chapter G of the *lex Irnitana* is not the same as chapter 11 of the *lex Troesmensium*, but these lines in question are the same.

²¹By the “future” and “former” magistrates I here mean the magistrates of the very previous or the very next year, not all the former and all the future ones.

²²LE ROUX, P. (transl.): AE 1986, nr. 333, p. 120; D’ORS, A. – D’ORS, J.: *Lex irnitana. (Texto bilingüe)*. Santiago de Compostela 1988, 32; RODRIGUEZ NEILA (n. 16) 242–243. TORRENT (n. 16) 103–104. Eck seems to follow this interpretation.

²³D’ORS, A.: La ley Flavia municipal. *Anuario de Historia de Derecho Español* 54 (1984) 546–547 (it seems that a ‘no’ is missing in the last phrase); D’ORS, A.: *La lex Flavia municipal (Texto y comentario)*. Romae 1986, 124; MENTXAKA, R.: *El senado municipal en la Bética hispana a la luz de la lex Irnitana*. Vitoria Gasteiz 1993, 125. In its legal effect, this group is practically the same as the next one, because it is very improbable that there could be magistrates who had been magistrates more than one year before, and had not yet presented their accounts etc. Cf. e.g. the 30-day deadline concerning the accounts of handling public funds in *Irn*. 67.

²⁴This part concerns the former magistrates only, as the present ones could not present their account during their magistracy.

²⁵GONZÁLEZ (n. 1) 186 (transl. M. H. CRAWFORD); LAMBERTI, F.: *Tabulae Irnitanae municipalitatis e ius Romanorum*. Napoli 1993, 297; GONZÁLEZ, J.: *Epigrafía Jurídica de la Bética*. Rome 2008, 67; WOLF, J. G.: *Die Lex Irnitana. Ein römisches Stadtrecht aus Spanien*. Darmstadt 2011, 69–71.

²⁶This opinion is supported by Suet. *Tib.* 31. 1: *Negante eo destinatus magistratus abesse oportere, ut praesentes honori adquiescerent, praetor designatus liberam legationem impetravit*.

²⁷For the duration of the different kinds of journeys, see KOLB, A.: *Transport und Nachrichtentransfer im Römischen Reich*. Berlin 2000, 310–332.



(*fuerit* as future), and those former ones (*acti, actae*)²⁸ who have not yet presented their accounts (*neque ... exposuerit* etc.).²⁹ All the members of these three groups are not to be sent as ambassadors. However, the consequent usage of the conjunctive particles precludes this interpretation. The different groups are coherently connected by *quive* – ‘or who’ – here³⁰ and in chapter G of the *lex Irnitana*,³¹ too. For the hypothetical ‘three groups’ interpretation above the *neque* should be *quive ... non...*, because *neque* means ‘and not’, ‘and yet ... not’ etc., but it cannot mean ‘or who not’.³² For the ‘three groups’ interpretation the text should be “provided he (the *duumvir*) is not to send anyone as ambassador, who (*qui*) then or in the next year shall³³ be *duumvir* ... in that *municipium* or anyone who (*quive non!*) has not presented the accounts, etc.”,³⁴ but we have *neque*: “provided he (the *duumvir*) is not to send anyone as ambassador, who (*qui*) then or in the next year shall be *duumvir* ... in that *municipium* and (*neque!*) has not presented the accounts, etc.” Thus, the clause *neque duoviratus ... adprobaverit* must be a condition for the previous group, and not a new, different group with an implicit reference to any anterior magistrates. We have a double requirement to the prohibition of being sent as an ambassador in the lines in question: being present/future/former³⁵ magistrates and having not presented the accounts of these magistracies,³⁶ so it is not being present/future/former magistrates or having not presented the accounts of these magistracies. Being a future or former magistrate is not enough to prevent one from being sent as an ambassador.

It is worth noting that the scholars who regard the *neque* clause as an independent group for the magistrates above have the correct ‘and has not’ interpretation for a parallel place, where the grammatical structure (the usage of conjunctive particles) is the same:³⁷

A23–28³⁸ ...*quive pecuniam ...*²⁴...²⁵ *pen^e's se habueri{n}t <quive> ration^e's negotiave ...*²⁶...
*gesserit, tractaverit, confecerit neque dum*²⁷ *eam pecuniam in commune ... re/*²⁸*<t>ulerit, rationes reddiderit {aut} probaveritque ...*³⁹

²⁸They are not named explicitly in our text, but they can be deduced from the expressions *acti, actae*.

²⁹Eck seems to follow this interpretation with the present perfect: “... gelegt... abgelegt... gemacht hat...”

³⁰... *ne quem mittat legatum, qui...* *Ilvir ... sit fuerit ... quive pecuniam ... pen^e's se habueri{n}t <quive> ration^e's negotiave ... gesserit, tractaverit, confecerit...*

³¹... *dum ne quem mittat legat{um}ue qui ... Ilvir... sit fuerit ... quive pecuniam ... penes se habuerit, quive rationes ... gesserit tractaverit ... qui<ve> quibusve ... negotium datum erit...* (G VB17–28).

³²Cf. OLD 1171.

³³For the argument’s sake I follow the “future” interpretation here.

³⁴For the English translations I used M. H. CRAWFORD’s one of the *lex Irnitana* from GONZÁLEZ (n. 1).

³⁵We will examine this future/former question in the following.

³⁶We will see that this does not belong to *sit*, but *fuerit* only.

³⁷Cf. D’ORS (n. 23, 1984) 546–547; LE ROUX (n. 22) 120; D’ORS – D’ORS (n. 22) 32; MENTXAKA (n. 23) 125; RODRIGUEZ NEILA (n. 16) 243; TORRENT (n. 16) 104.

³⁸We have the same phrase in *Irn. G*.

³⁹Here ECK (n. 5) 581 translates the verbs as present perfect (“der Geld... bei sich hat... betrieben, besorgt, abgeschlossen hat... vorgelegt... gemacht hat...”), and not future perfect. Why is *fuerit* future perfect, but all the other similar forms are present perfect?



Here, too, *neque* does not introduce a new group, but an additional condition for the persons of the previous groups: no one who has handled or managed the finances etc. can be sent as ambassadors, unless they have already restored these funds and have already presented their accounts...⁴⁰

It results from the considerations above that there must be two groups (the present and the former/future magistrates) and an additional condition ('and they will not have presented/they have not yet presented their accounts...' etc.). If this latter condition was future,⁴¹ it would be superfluous and meaningless: in the case of the present and future magistrates the accounts of the already held magistracies do not matter, because their present or future magistracy has already prevented them from being sent as ambassadors: there is no need to emphasize the presentation of their future accounts of their present or future magistracies.⁴²

Thus, the latter condition must be present perfect,⁴³ but the present and future magistrates have not yet fulfilled (*acti/actae*) their actual or future magistracies.⁴⁴ It means that if the text was talking about the present and future magistrates, none of them could be sent as ambassadors, because none of them had presented their accounts of their magistracies as they had not yet finished their magistracies. Therefore, the *neque* clause is totally meaningless, and it would be enough to write: "none of the present or future magistrates can be sent as ambassadors".⁴⁵ Therefore, the *neque* clause must affect the former magistrates, who had finished their magistracies, and in their case it does matter to emphasize that they cannot be sent unless they have presented their accounts to the decurions about their fulfilled magistracies etc. But as we have seen above, these former magistrates cannot be any previous ones in addition to the present and future ones, because the *neque* clause is a condition for the previous groups (*duumvir* etc. *sit fuerit*), and not a different, new group, which means that either *sit* or *fuerit* must refer to the former magistrates, *sit* refers to the present magistrates, thus *fuerit* must be present perfect.

The **grammatical considerations** clearly decide the question once and for all. According to Latin grammar *qui ... sit fuerit* is not a simple relative clause, but a result clause using the subjunctive mood (not a simple 'do not send a man who', but 'do not send *such* a man who').⁴⁶

⁴⁰In a literal translation: "(provided he [the duumvir] is not to send anyone as ambassador) ... or anyone who has in his possession funds... or who has handled, managed or administered finances or common funds ... **and has not** yet restored those funds to the common account ... presented his accounts..."

⁴¹The verbs *exposuerit*, *reddiderit* and *adprobaverit* can be future perfect as well.

⁴²The future perfect would have sense if the text controlled the distant future: e.g. the *duumvir* will not have the right to send any magistrates (sometime in the future), unless they have presented their accounts etc. If the sentence in question had this previous meaning, the regulation regarding the present would be missing, and any reference to the former magistrates would be missing as well. And what is more important: to emphasize some future account of the present or future magistrates, who are already prohibited from being sent as ambassadors by their actual magistracy, or to emphasize the same for the former ones, who are not allowed to be sent as ambassadors unless they have already presented their accounts?

⁴³Eck – and everybody else – regards them present perfect as well: "... gelegt... abgelegt... gemacht hat...".

⁴⁴Of course, they can have earlier magistracies e.g. a present or future *duumvir* could have had a quaestorship some years earlier, but the *neque* proves that the clause must concern the *duumvir ... sit fuerit*, and not any previous magistracy, about which the accounts must have had been presented much earlier, see the 30-day deadline above.

⁴⁵*Dum ne quem mittat legatum, qui tum aut proximo anno in eo municipio Ilvir, quinquennialis, aedilis, quaestorve sit fuerit* without the following clause.

⁴⁶Cf. e.g. HOFMANN, J. B. – SZANTYR, A.: *Lateinische Syntax und Stilistik*. München 1972, 554 §298 sqq. Here *qui* has the 'ut is' meaning.



Even without this syntactical consideration the first verb itself – *sit*⁴⁷ – shows that *fuert* must be subjunctive: due to their parallel usage both of them must be either indicative or subjunctive. (If *fuert* was indicative, *sit* should be indicative as well, that is *est*.⁴⁸) Therefore, *fuert* must be subjunctive, and if it is subjunctive, it must be present perfect ('has been'), so *proximo anno* must be 'last year', and thus the text is talking about the present and former magistrates. In summary, the proper interpretation is the following: the present magistrates in general cannot be sent as ambassadors, while the former ones can, if they have already presented their accounts etc. And the future magistrates do not appear in our text at all.

One can wonder whether we can rightly expect the correct usage of the Latin grammatical rules concerning the sequence of tenses in a provincial town or not. (Even today, the correct usage of the sequence of the tenses and the subjunctives after regular relative pronouns is hard for the students of the Latin language.) The answer must be yes: (1) this inscription is not a humble tombstone of a poor peasant, but an official document in a city that had experience of the Latin language and Roman culture via the army,⁴⁹ (2) the grammar of the extant tables seems good, and most importantly (3) the parallel text of the *lex Irnitana* uses the same structure and the same wording (e.g. *sit* and not *est*), therefore they used an official common model (or this new fragment used the Flavian charter – or their later adaptations – as a model),⁵⁰ and this model was drawn up by a Roman official in Rome or in the governor's staff. Thus, the overall grammatical structure was not affected by the Latin skills of the locals.⁵¹

⁴⁷Present subjunctive.

⁴⁸The parallel text of the *Lex Irnitana* (G VB17–18) shows that *sit* is not an error for *est* (e.g. due to the hypothetical mistake of a copyist or engraver) ... *dum ne quem mittat legat{um}ue qui tum aut proxi/mo anno in eo municipio Ilvir, aedilis quaestorve sit fuert...*

⁴⁹Cf. e.g. ECK, W.: The *leges municipales* as a Means of Legal and Social Romanization of the Provinces of the Roman Empire. In CZAJKOWSKI, K. – ECKHARDT, K. (eds): *Law in the Roman Provinces*. Oxford 2020, 320–323; however, the effects of "military" Romanization on "municipal" Romanization must not be overestimated, as Eck himself emphasizes it as well.

⁵⁰We do not actually know the exact method, and thus the above-mentioned process is just a hypothesis (the possibility has even been suggested that the later *lex Troesmensium* preserves an earlier state of the textual tradition than the Flavian charters, cf. ECKHARDT [n. 49] 431), but it is an undeniable fact that the municipal charters contain many "tralatitians" chapters (cf. FREDERIKSEN, M. W.: The Republican Municipal Laws: Errors and Drafts. *JRS* 55 [1965] 183–198; WOLF, J. G.: *Imitatio exempli* in der römischen Stadtrechten Spaniens. *IURA* 56 [2006–2007] 1–54; ILLÉS, I. Á.: Some remarks on the Common Model of the Flavian Municipal Charters. *Chronica* 17 [2017] 44–68), and thus the actual phrasing of the different charters is not the work of local provincials.

⁵¹Of course, an official document could be cut by an engraver who was not deeply familiar with the Latin language, but the overall grammatical structure does not depend on the Latin knowledge of the engraver, because they used official copies. Albeit LAMBERTI (n. 25) 6 suggests that the engraver resolved the abbreviations during engraving the text, this assumption is highly improbable, for – as the errors and the wrong interpunctuations demonstrate – the engravers did not know the complex legal Latin language well enough to be able to write out the abbreviations on their own. In addition, Lambert's two assumptions that the engraver wrote out the abbreviations, and that he followed the arrangement of the text on the papyrus roll at the same time, do not agree with each other: if he had written out the abbreviations on his own, the lines would have been longer, therefore he could not follow the original arrangement and columns of the papyrus. Furthermore, the different tables of the *Irnitana* were engraved by different hands (probably at the same time, see FERNÁNDEZ– DEL AMO [n. 4] 32), and therefore it must be assumed that the text to be engraved on the single tablets was determined previously; thus the engravers could not be allowed to resolve the abbreviations on their own, because if they had resolved the abbreviations, the text would have been longer, and would not have fit the tablet. Of course, there are errors due to the engravers, and for these, see D'ORS, X.: Algunas consideraciones sobre „variantes" y errores en las distintas copias de la *lex Flavia municipalis*. In LINARES, J. L. (ed.): *Liber amicorum, Juan Miquel: estudios romanísticos con motivo de su emeritazgo*. Universitat Pompeu Fabra, 749–804; ILLÉS (n. 50).



2. A14–17 ...*tot legatos in eam rem primo quoque tempore mittito leg¹⁵atosq(ue) eos, qui r̄um munere legationis vice sua fungi debebunt /¹⁶ i(i)sq(ue) aut procuratoribus eorum aut at domum denuntiatio /¹⁷ aut in contione pronuntiatio ...*

“... So viele Gesandte **soll er (der Dekurionenrat)** zu diesem Zweck zum erstmöglichen Zeitpunkt **absenden** und diejenigen Gesandten, die dann die Aufgabe der Gesandtschaft an deren Stelle werden erledigen müssen, und **er soll** ihnen oder ihren Geschäftsführen entweder an ihrem (städtischen) Wohnsitz **ankündigen** oder in der Volksversammlung **verkünden** ...”

According to Eck's translation, the subject of the singular verbs *mittito*, *denuntiatio*, and *pronuntiatio* is the municipal council (*der Dekurionenrat*). The grammatical problem is that the German *Dekurionenrat* is singular as *mittito*, *denuntiatio*, and *pronuntiatio* are, but in the text of the *lex Troesmensium* – and of the municipal charters in general – it is expressed by a plural phrase, *decuriones conscripti*;⁵² therefore, the Latin verbs should be plural, too. Theoretically it could be possible that the missing subject is the *ordo decurionum*, or an abstract singular for the **body** of the *decuriones conscriptive*,⁵³ but in the close context it is always plural,⁵⁴ and in other municipal charters the plural occurs in similar places. For comparison, let us see the text of the longest extant municipal charter, the *lex Irnitana*. The phrases *ordo* or *ordo decurionum* never appear in the extant text,⁵⁵ while the phrase *decuriones conscriptive* appears many times as the subject, always with plural predicates.⁵⁶ Accordingly, if the supposed *Dekurionenrat* was the subject, the Latin predicate would have to be plural in accordance with the plural *decuriones conscripti*.

However, the subject from the previous clause can belong here, too: *duumvir⁷orum¹ ... ambo alterve ... referto* (A4–5), and as the verb *referto* proves, *ambo alterve* can be used with a singular predicate, too.⁵⁷ Besides these grammatical considerations, it must also be pointed out that implementing the decisions of the council (*ordo decurionum*, *decuriones conscripti*) was the regular duty of the (chief) magistrates, and not of the council itself.⁵⁸ Therefore, the missing

⁵²A8 and A18–19: *dec(uriones) conscriptive censuerint*.

⁵³Although the word *ordo* does not occur in such a sense in the extant texts of the longest municipal charters (see below), *Dig.* 50.9 shows that the jurists (e.g. Ulpian, Scaevola) used it as a synonym for the later *curia*, i.e. not only as a social order of councillors, but also in the specific sense of a decision making body of the councillors.

⁵⁴See note 52.

⁵⁵See LAMBERTI (n. 25) 503: the word *ordo* occurs eight times, but it does not refer to the *ordo decurionum* as the decision-making body.

⁵⁶See e.g. *decuriones conscriptive ... censuerint* (19, IIIA8–9); *decuriones conscriptive ... detulerint* (24, IIIB9–11); *decuriones conscriptive ... habeantur* (26, IIIB40); *decuriones conscriptive ... sunt ... lecti, sublecti erunt ... debedunt ... sunt ... sunt* (30 *passim*) etc.; for the appearance of the word *decurio*, see LAMBERTI (n. 25) 426–427. The same is true in the text of the *lex Ursonensis* as well. For details, see CABALLOS RUFINO, A.: *LEX COLONIAE GENETIVAE IVLIAE SEV VRSONENSIS*. Índice de palabras en su contexto. *SHHA* 15 (1997) 321sq. (for the occurrence of the word *decurio*, here without the word *conscripti*), 366 (for the word *ordo*).

⁵⁷This is accepted by ECK himself ([n. 5] 577), and we can find parallel texts in the *lex Irnitana* as well: chapter 31, IIIC45–48: *ambo alterve ... velint (!) ... referto*; 58 *ambo alterve ... agito*; F VB2–5: *ambo alterve ... distribuito ... facito*; K VC26–27: *ambo alterve ... referunto (!)*; 32–34: *ambo alterve edicito*; 82 IXA31: *ambo alterve volet*.

⁵⁸E.g. *Irn.* 29 (granting guardians), C (reading out and filing the decrees), H (giving *viaticum* to the ambassadors), K (postponement of business), L (establishing curiae), 76 (inspection of the sources of revenues), 77 (expenses for games), 78 (tasks of the public slaves), 82 (creating and altering roads etc.).



subject must be the *duumvir* (one or both of them), and not *der Dekurionenrat*. Of course, the decision was taken by the council – as chapter G of the *lex Irnitana* clearly shows – but it was the *duumvir* who actually implemented the decision, that is, sent the ambassadors etc.⁵⁹

3. A14–19 ...*tot legatos in eam rem primo quoque tempore mitto leg¹⁵atosq(ue) eos, qui r̄um munere legationis vice sua fungi debebunt /¹⁶ i(i)sq(ue) aut procuratoribus eorum aut at domum denuntiatio /¹⁷ aut in contione pronuntiatio, ne minus quam ante diem /¹⁸ quintum, quo die eos ex{s} ire oportere dec(uriones) conscriptive /¹⁹ censuerint...*

“... So viele Gesandte soll er (der Dekurionenrat)⁶⁰ zu diesem Zweck zum erstmöglichen Zeitpunkt absenden und diejenigen Gesandten, die dann die Aufgabe der Gesandtschaft an deren Stelle werden erledigen müssen, und er soll ihnen oder ihren Geschäftsführen entweder an ihrem (städtischen) Wohnsitz ankündigen oder in der Volksversammlung verkünden, **und zwar nicht früher als am fünften Tage, nachdem die Mitglieder des Dekurionenrats beschlossen haben, dass sie (die Gesandte) abreisen müssten...**”

And Eck’s paraphrase on page 586: „Zunächst wird der Termin festgelegt, an dem die als Gesandte bestimmten Bürger der Stadt abreisen müssen: dies dürfe frühestens der fünfte Tag nach der Beschlussfassung des Rates sein.”

According to Eck’s interpretation and translation the five days of delay⁶¹ had to be counted from the day when the *decuriones* made their decision. Thus he seems to connect *quo die* to *censuerint*. However, *quo die* does unambiguously belong to *exire* in lines 5–6 (*quoque die eos exire oporteat*) and line 7 (*quoque die exire oportere*). In these cases *quo die* cannot be connected with anything else than *exire oportere*,⁶² so why should we change this connection here in lines 17–19? Therefore, we have to connect *quo die* to *exire oportere*, and thus to count backwards, which is the regular method in the Roman dating system:⁶³ “not less than five days before the day when the ambassadors are to depart”.⁶⁴ However, Eck’s interpretation concerning the aim of this prescription is right: it safeguards the future ambassadors, that is, they have to be informed in advance. According to Eck, the departure must not be earlier than the fifth day after the decision, and this rule provides the ambassadors with enough time to prepare themselves for the task. In my opinion, they have the same five-day interval, but counting backwards from the day of the departure.

⁵⁹According to chapter G of the *lex Irnitana*, the council decided how many ambassadors should be sent, where and on what matters, but it seems that it was up to the *duumvir* to send the next in line (cf. *Dig.* 50.7.5.5) and to consider any exemptions etc., thus it definitely matters who is the subject here.

⁶⁰Supplement by Eck.

⁶¹Due to the inclusive counting method of the Romans, the five-day interval is rather four days, in order to avoid confusion among the different translations and interpretations, I use the “five-day”.

⁶²In these cases Eck himself connects *quo die* to *exire oportere*: “an welchem Tag sie abreisen sollen and an welchem Tag diejenige, die Gesandte sind, abreisen sollen”.

⁶³For close parallels, see the end of the *lex Irnitana*: *Litterae datae IIII Idus Apriles* (“four days before the 13th of April”) ... *recitatae V Idus Domitianas* (“five days before the 15th of the month Domitianus/October”), XC39–40.

⁶⁴MENTXAKA (n. 23) 17 has the same interpretation (“al menos cinco días antes de su salida”); however, on page 19 she seems to count the five days from the decision of the *decurions* (“facilita que en el plazo de cinco días llegue a la persona afectada”).



4. A5–6...quot legatos et quo mitti quoque /⁶ die eos exire oporteat...

A6–7 ...quot legatos /⁷ {in} quam in rem <mitti> quoque die exire oportere

A14–15 ...tot legatos in eam rem primo quoque tempore mittito legatos(ue)...

In my opinion, the word *mitti* should be supplemented in line 7 between the words *rem* and *quoque*. Although the grammar and the meaning of the clause can be perfect without this emendation, the parallel places show that *mitti* regularly occurs with *exire* (A5–6), and *mittere* is the standard term relating to ‘sending an embassy’ (A14–15, cf. *Irn.* G). Although this addition cannot be proven, without this supplementation it would be strange that elsewhere it is mentioned separately that the ambassadors are sent (*mitti*) and that the ambassadors depart (*exire*), but here (lines 6–7) only the departure is mentioned.

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