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AN EARLY THIRD-CENTURY ALIMENTARY FOUNDATION

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The fragment published here is an irregular piece of sheet bronze *c.* 5 mm thick, measuring 142 by 222 mm, which is inscribed in neat capitals *c.* 9 mm high.¹ It was presumably found by metal-detector and has no provenance, beyond a vague attribution to ‘Spain’. It was bought by Martin Schøyen, and is now MS Schøyen 1976.² Spain has been a rich source of inscribed bronze tablets in recent years, but has hitherto produced only one inscription recording an alimentary foundation.³

1. Transcription

Pl. IV

]RED[
]VSTINVM TESTAMENTO[
]V EIVS PVERIS INGENVIS LEG[
]LEGITVMIS * XXXX SPVR · * XXX[
 5]ADCRESCAT HEREDES AVTEM[
]PLVRA AB HOC ORDINE IN[
] *vacat* [
]AB HOC ORDINE IMPETR[
]ESSITATEM REMITTENDAM[
 10]MENTO LEGATVM EST PECVNIA[
]O AVITO COS *vacat* [
]COS IIII K NOVEMBR[
]COMMENTARIS PR[
]S HEREDITATIV[
 15]VOSER[

2. Notes on the transcription

1. Only the bottoms of three letters survive, but they match RED in HEREDES (5).
2. The first letter could be N, but the sequence -NSTINVM is impossible.
3. At the end of the line only a curve survives, but O is impossible and C can be excluded since the context requires LEGITVMIS (compare 4).
4. SPVR is followed by the only medial point in the text, which marks the one abbreviation which is not conventional (the others being COS and K). Both *denarii* symbols are conventional, but they differ in the width of their horizontal stroke.
5. After AVTEM may be the serif of the next letter, but it could be almost anything except O (etc.).
6. After ORDINE, IN[...] must be read, not IM[...], despite 8. In the photograph there seems to be a cramped S immediately after N, but this does not appear on the original.
7. Uninscribed; that is, the paragraph terminated further to the left, and a new paragraph began in 8; compare 11–12.

¹ There are a few exceptions: the initial I of IMPETR[...] (8) and of IIII (12); the long I of COMMENTARIS (13); and four other letters in 12 (C, S, K and the ‘cursive’ B), which suggest that line 12 was intended as a heading.

² It was brought to my notice by Dr Margaret Roxan. Mr Schøyen generously made it available through Richard Linenthal of Bernard Quaritch Ltd, and has allowed me to publish it. Its publication has been much improved by the comments of Prof. Werner Eck.

³ *CIL* ii 1174 (Hispalis); see further below, n. 6. It was not unique, for it supplemented an existing foundation.

8. Before AB is a diagonal score-mark cutting the edge; not necessarily a letter, but appropriate to M (etc.).

9. At the end of the line after -ENDA, a leftward serif survives; the syntax requires M.

10. At the end of the line after -VNI, the first stroke of A is unusually far to the left and cuts the bottom of I.

11. Uninscribed after COS, and like 7, the end of a paragraph.

12. The initial letters C, I, K and B, are all of exaggerated height, confirming that this line with its consular date headed a new paragraph. The B is almost of 'cursive' form, unlike the capital B in AB (6 and 8).

14. The first letter, S, is distorted by the surface being bevelled here, but the reading is certain. At the end of the line the tip of V survives.

15. Only the second stroke of V survives, but the slight rake excludes I and N.

3. Notes on restoration, commentary and interpretation

2. J[V]STINVM. There does not seem to be any Latin noun or adjective ending thus, so it must be a personal name, *Faustinum* and *Iustinum* being the most likely. In view of [...]RED[...] in line 1, and the likelihood that TESTAMENTO was followed by the usual IVSSIT and an infinitive (FIERI, DARI, etc.)⁴, lines 1–2 can be partially restored as [+++ HE]RED[ES SVOS +++ ET +++ +]VSTINVM TESTAMENTO [DARE IVSSIT +++]. 'ABC in his will ordered his heirs ABC and AB [...]Justinus to give [a specified sum of money] ...'

3. J[V] EIVS. In this context the obvious restoration is [... VT EX REDIT]V EIVS; compare *ILS* 6278 (Terracina), where Caelia Macrina bequeathes 1,000,000 sesterces for the interest to maintain 100 boys [and 100 girls], *ut ex reditu eius pecuniae darentur cen[t]um pueris alimentor[um] nomine*.

3–4. As in other alimentary foundations, it is clear that differential rates are to be paid to children according to whether they are boys or girls, but provision also for illegitimate children is unusual; it is found in the Table of Veleia, but only for two children out of three hundred.⁵ The grand total of recipients is often specified, but whether it was in this document, we cannot tell; the sub-totals certainly were not. The sum received by each child is clearly that for the year.

These points can be made by comparison with other epigraphic texts, expressing all the sums received as *denarii* for the year. At Sicca (*ILS* 6818), 300 boys each receive 30 *denarii*, 200 girls 24. At Terracina (*ILS* 6278), the ratio is the same (5:4), but the sums are twice as much: 100 boys receive 60 *denarii*, 100 girls 48.⁶ In the Table of Veleia the figures are 48 *denarii* and 36, a ratio of 4:3. The two imperial foundations at Veleia provide the most detailed evidence of differentials:

263 legitimate boys, each 48 *denarii*
 one illegitimate boy, 36 *denarii*
 35 legitimate girls, each also 36 *denarii*
 one illegitimate girl, 30 *denarii*.

With four sesterces to the *denarius*, all these figures are conveniently divisible by 12 for a 12-month year. In the present text, however, the conceptual unit seems to have been 10 *denarii*, even though it is impossible to see if the numeral XXX after SPVR is complete or not. It was certainly less than XXXX,

⁴ For example *ILS* 6278 (Terracina), which begins with a bequest of 300,000 sesterces: *Caelia C. f. Ma[c]rin[a] ex [test]ament[o] H[is] C[CC] fieri iussit*.

⁵ *ILS* 6675 = Smallwood, *Documents*, No. 436. The rates are given in sesterces, by implication monthly sums for legitimate children, annual for the two illegitimate.

⁶ This foundation was established by a woman, Caelia Macrina. In the other foundation by a woman, at Hispalis (*CIL* ii 1174), Fabia H[...]la increased the provision of an existing foundation by giving boys 30 sesterces twice a year (i.e. 15 *denarii* a year); the girls' figure is lost, and we must reject Mommsen's conjecture of '40' sesterces. He thought that girls would have received more than boys, because the founder was a woman.

and a ratio of 4:3 between the *alimenta* of legitimate and illegitimate girls would be reasonable. It is more than likely, by analogy with Veleia, that legitimate girls received the same as illegitimate boys; and quite likely that the differential figures were 50, 40, 40, 30.

So the following text can be restored: [... VT EX REDIT]V EIVS PVERIS INGENVIS LEG[ITV-MIS * L SPVR(IIS) * XXXX PVELLIS INGENVIS] LEGITVMIS * XXXX SPVR(IIS) * XXX[DARENTVR ...].

The text of 32 letters restored between the end of line 3 and the beginning of line 4, between LEG[(3) and LEGITVMIS (4), is more or less equivalent in length to the text missing from either line 3 or line 4. These now both contain 22 letters, although line 3 is actually shorter by about the width of one letter, which indicates an original line-width of 54–55 letters, *c.* 0.35 m. It may be noted that the bronze tablets of the Lex Irnitana were 0.90–0.91 m wide, and that each tablet bore three columns.⁷

5. ADCRESCAT is a technical term frequent in the *Digest* of property ‘increasing’ or ‘accruing’; for example, if an estate is left to three beneficiaries, but one has died, then the shares of the other two duly increase: *si Seius decesserit, pars eius utrique adcrevit*.⁸ But this sense is unlikely here, since the missing space between 4 and 5 is needed for the provisions that payment is to be alimentary, annual, and for children only. At Terracina (*ILS* 6278), for example, monthly payment is made *alimentor[u]m nomine* until age 16 for boys, age 14 for girls. At Sicca (*ILS* 6818) children are maintained annually (*quodannis alantur*) until age 15 for boys, age 13 for girls. In principle children’s *alimenta* were paid until ‘puberty’, defined for this purpose as being age 18 for boys, 14 for girls.⁹

So we may conjecture a phrase like [SINGVLIS DVM] ADCRESCAT, ‘to each until he come of age’, even if the only warrant for this sense of *adcrevere* seems to be a metrical epitaph from Tarraconensis, [*cre*]scens hic ego sum ... quod non adcrevi, nome[n inane fuit], where it is prompted by the name of the dead child, Cassius Crescens.¹⁰ This would leave a balance of 21 letters, which might be filled, for example, by [DARENTVR ALIMENTA ANNVA].

HEREDES AVTEM. The ‘heirs’ are taking some action, antithetical or additional (note PLVRA, 6) to the alimentary provisions contained in the will. AB HOC ORDINE (6) suggests that they obtained something from the town-council; and if the phrase is repeated in 8, IN[PETRAVERVNT] can be restored here: the heirs increased the provisions of the will by permission of the town-council.

The heirs instituted by the will would have had the duty of meeting debts due to the estate, including the payment of all legacies, before they received the residue. These legacies would have been limited by the *lex Falcidia* to a maximum of three-quarters of the net assets; if they exceeded it, they would be reduced proportionately. If money were left to form a children’s alimentary foundation, it would count as part of this three-quarters: *pecuniam relictam ad alimenta puerorum Falcidiae subiectam esse*.¹¹ Towns (*civitates*) had the right of receiving legacies *ad honorem ornatumque*, which included public dinners and, especially, maintenance for the old or young: *hoc amplius quod in alimenta infirmae aetatis, puta senioribus vel pueris puellisque, relictum fuerit*.¹² Cases might arise in which heirs disbursed more than they wished, or claimed that a legacy should have been reduced under the terms of the *lex Falcidia*. But in this text, fragmentary though it is, it looks as if the ‘heirs’ have supplemented the legacy or have allowed it to be paid in full, beyond what they were legally obliged to pay. For comparable cases see *AE* 1982. 307 (Ferentinum), where a son increases a legacy to the town ‘in

⁷ *JRS* lxxvi (1986), 147.

⁸ *Digest* 31.41.

⁹ *Digest* 34.1.14.1, *usque ad pubertatem* (Ulpian, citing the confirmation by ‘our Emperor’ of Hadrian’s ruling).

¹⁰ *CIL* ii 3256.

¹¹ *Digest* 35.2.89 (Septimius Severus).

¹² *Digest* 30.1.122. The right of ‘all *civitates*’ to receive legacies, expressed by Nerva and confirmed by Hadrian (Ulpian, *Epitome* 24.28), is usefully discussed by D. Johnston, *Munificence and Municipia: bequests to towns in classical Roman law*, *JRS* lxxv (1985), 105–25.

memory of his father'; *IRT* 607 (Lepcis Magna), where the silver left by Septimia Polla for her posthumous statue 'by decree of the town-council' was insufficient, and her brother and heir (the father of Septimius Severus) makes up the deficiency and pays the inheritance-tax (*vicesima*); and *ILS* 6663 (Ariminum), where a daughter makes good the reduction by one-sixth of her father's legacy to the town caused by the application of the *lex Falcidia*.¹³

6. AB HOC ORDINE, repeated in 8. The status of the town whose council this is, whether *civitas*, *municipium* or *colonia*, cannot be deduced. The reference to 'this' town-council implies that this paragraph and the next are quotations from its minutes.¹⁴ The text is now so fragmentary that we can only guess at its format, but it would seem to be the permanent record in bronze of a private person's benefactions to the town, documented by a summary of his will and supporting extracts from corporate or official archives, which his heirs inscribed in his memory.¹⁵

The restoration of IN[PETRAVERVNT] (see next note) indicates the minimum width of text which has been lost to the right.

8. [...]AB HOC ORDINE IMPETR[...]. The same formula as in 6, to judge by the repetition of *ab hoc ordine* with a verb in IN- or IM- which governs *ab* with the ablative. For the language, compare *ILS* 1411, *loco ab or[di]ne impetrato*. *Inpetrare* and *impetrare* are simply variant spellings, but this variation within the space of two lines indicates that two different documents are being transcribed. Both are apparently minutes from meetings of the town-council, in which it acceded to two requests, explicitly by the 'heirs' in 6, and probably by them again in 8.

9–10. These lines evidently contained the second request, with allusions to 'money' and a 'legacy': [... TESTA]MENTO LEGATVM EST. The heirs may have wanted to increase the legacy so as to realise the testator's true wishes; compare *IRT* 607 (Lepcis Magna), the statue of Septimia Polla again: *heres ... huic dono vicesimam et arg(enti) p(ondo) ... amplius quam legatum est adiecit*. An 'obligation' was to be relaxed, perhaps by paying the inheritance-tax (*vicesima*) in addition, or by waiving their entitlement under the *lex Falcidia*.

11. [...]JO AVITO COS *vacat*. This is a consular date; the space which follows implies that it ends a paragraph and dates what has preceded it. It is not a heading, since that is provided by the next line. Only one pair of (ordinary) consuls is possible, POMPEIANO ET AVITO COS (A.D. 209).¹⁶ The O before AVITO shows that they were cited by more than cognomen alone. They were Ti. Claudius Pompeianus and Q. (Hedius) Lollianus Plautius Avitus, but we do not know the form actually used of Avitus; it was probably 'Lollianus Avitus', like his ancestors the consuls of A.D. 114 (suffect) and 144. The consular date [TI. CLAVDIO POMPEIANO ET Q. LOLLIAN]JO AVITO COS would require the loss of 28 letters, but the total width of the missing text between PECVNIA[(10) and]JO AVITO COS (11) is just less than that between LEG[(3) and]LEGITVMIS (4), estimated above as 32 letters, which would leave only 3–4 letters after PECVNIA[for the expected verb.¹⁷ So the year in which the money

¹³ *Partem VI legis Falc(idiae) nomin(e)*, which implies that this legacy, or the sum of all legacies, amounted to nine-tenths of the testator's estate. R. Duncan-Jones, *The Economy of the Roman Empire* (Cambridge 1982), 229, conjectures that this legacy amounted to the whole estate, and that *partem VI* is an error for *partem IV*.

¹⁴ The classic example is the *commentarium cottidianum municipi Caeritum*, which is cited by page and paragraph in *ILS* 5918a (Caere).

¹⁵ Public benefactions in Italy, including alimentary foundations, have been exhaustively catalogued by R. Duncan-Jones, *The Economy of the Roman Empire* (Cambridge 1982), 171–84. The evidence, not surprisingly, is inscriptions which honour private benefactors. These often incorporate public records. For the publication of extracts in permanent form (bronze or stone) by individuals because they were interested parties, see W. Eck, *Die Verwaltung des römischen Reiches in der hohen Kaiserzeit*, II (Basel 1997, edited by R. Frei-Stolba and M.A. Speidel), 369–81, Administrative Dokumente: Publikation und Mittel der Selbstdarstellung.

¹⁶ *ILS* 2048, 4854. See A. Degrassi, *I Fasti Consolari dell' Impero Romano* (Rome 1952), 58, a. 209, and *PIR*² H 36.

¹⁷ This was inscribed in line 10, where the space to the right of PECVNIA[is guaranteed by the restoration of IN[PETRAVERVNT] in line 6.

was paid is more likely to have been expressed as [CLAVDIO POMPEIANO ET LOLLIAN]O AVITO COS.

If the next paragraph is also dated to this year (see next note), the alimentary foundation can be securely dated to A.D. 209. It may be noted that the figures for individual *alimenta* are almost the same as those in the Trajanic foundations at Veleia, which would suggest that in spite of a hundred years' inflation they still afforded subsistence.

12. A new paragraph begins here. Note that COS is well to the left of the corresponding COS in line 11, and is inscribed in larger letters. We should probably restore this consular date as [ISDEM] COS. Despite being inscribed more spaciouly, it is much shorter than [CLAVDIO POMPEIANO ET LOLLIAN]O AVITO COS, which filled the missing text in line 11 and probably began in line 10.¹⁸ If we read [ISDEM] COS IIII K NOVEMBR[ES], it follows that this new document was thought to be connected with the previous one, that it provided supporting evidence and a date exact to the day.

13–14. These lines, although distinctive, are too fragmentary for restoration. Many officials in charge of records or archives bore the title of *a commentar(i)is*, and at first sight PR[...] suggests the equestrian *a commentariis praefectorum praetorio* or the imperial freedmen who were *a commentariis provinciae*. But the date-heading excludes a career-inscription, and a letter written by a record-keeper is unlikely. Instead, this would seem to be a dated extract from an archive, like the copy of a decree by the legate of Lower Moesia attached with other documents to his definition of the territory of Histria. After the date (25 October 100), the *exemplum* is said to be [*descriptum*] *et recognitum factum ex comm(entariis) M[ani Laberi] Maximi leg(ati) Aug(usti) pr(o) pr(aetore)*.¹⁹ Also comparable are the two surviving extracts from the imperial archives. The first is the paragraph in the Tabula Banasitana which is *descriptum et recognitum ex commentario civitate Romana donatorum* (etc.).²⁰ The second is contemporary with this fragment, the account of Caracalla and Geta receiving a delegation in A.D. 208/10: [*descri*]ptum *et recognit[um] ... ex commen[tariis] imperatorum Lu[ci Septimi Severi Pii Per]tinacis Augusti* (etc.).²¹

We may then conjecture that this extract began: [DESCRIPTVM ET RECOGNITVM EX] COMMENTARIS PR[...]. The archive can only be guessed, whether it was that of a province, proconsul(s), or procurator(s). Three provincial Spanish archives in the charge of imperial freedmen are attested by inscriptions from Tarraco: those of the proconsular province of Baetica, the imperial procurator of Hispania Citerior [Tarraconensis], and the procurator of the *vicesima hereditatium* of Hispania Citerior.²² The latter's subprocurator is attested in A.D. 209/11.²³ With HEREDITATIV[M] in line 14, it is tempting to conjecture that this paragraph derived from the archives of a provincial office of the *vicesima hereditatium*, and certified extraordinary payment of inheritance-tax by the heirs to ensure that the legacy reached the town intact. Naturally they would want their generosity to be on permanent public record.

¹⁸ This first date is separated from PECVNIA[(10) only by the missing verb, which was certainly inscribed in line 10. The consuls each have two names, and it would be arbitrary to posit a second pair of consuls in the next line, identified only by cognomina.

¹⁹ Pippidi and Russu, *ISM* i 68.

²⁰ *AE* 1971. 534.

²¹ *AE* 1986. 628 (Aenus), a fragment dated *isdem co(n)s(ulibus) pr(idie) idus Septemb(res) Eboraci*; 12 September at York, in a year which must be A.D. 208, 209 or 210.

²² Alföldy, *RIT* 232, *commentar(i)ensi ... provinci(a)e Baetic(a)e*; 233, *comm(entariensis) proc(uratoris) c(entenarii) p(rovinciae) H(ispaniae) c(terioris)*; 234, *a comment(ariis) XX her(editatium) H(ispaniae) c(terioris)*; 31, *a comm(entariis) XX h(ereditatum) p(rovinciae) H(ispaniae) c(terioris)*.

²³ Alföldy, *RIT* 231, *subproc(uratoris) XX her(editatium)*.

4. Restored text and translation

A partial restoration may now be attempted, divided by paragraphs but without line-division.

[+++ HE]RED[ES SVOS +++ ET +++ +]VSTINVM TESTAMENTO [DARE IVSSIT *a specific sum of money* ... VT EX REDIT]V EIVS PVERIS INGENVIS LEG[ITVMIS (DENARII) L SPVR(IIS) (DENARII) XXXX PVELLIS INGENVIS] LEGITVMIS (DENARII) XXXX SPVR(IIS) (DENARII) XXX[DARENTVR ALIMENTA ANNVA SINGVLIS DVM] ADCRESCAT. HEREDES AVTEM [...] PLVRA AB HOC ORDINE IN[PETRAVERVNT ...]

[...] AB HOC ORDINE IMPETRA[VERVNT ... AD N]ECESSITATEM REMITTENDAM [... AMPLIVS QVAM TESTA]MENTO LEGATVM EST PECVNIA[... CLAVDIO POMPEIANO ET LOLLIAN]O AVITO CO(N)S(VLIBVS)

[ISDEM] CO(N)S(VLIBVS) IIII K(ALENDAS) NOVEMBR[ES ... DESCRIPTVM ET RECOGNITVM EX] COMMENTAR(I)IS PR[...]S HEREDITATIV[M ...]

‘ABC in his will ordered his heirs ABC and AB [...]Justinus to pay out 000 *denarii*, that from its interest 50 *denarii* should be given as annual maintenance to free-born legitimate boys, 40 to illegitimate (boys), 40 to free-born legitimate girls, 30 to illegitimate (girls), to each until he come of age. Moreover his heirs ... successfully asked this town-council for more [...].’

‘[...] successfully asked this town-council [...] to relax the obligation [...] money in the consulship of Claudius Pompeianus and Lollianus Avitus [A.D. 209].’

‘In the same consulship, 4th day before the Kalends of November [29 October A.D. 209]. Transcribed and checked from the records of the [...].’



MS Schøyen 1976; R. S. O. Tomlin, pp. 287–292
Courtesy of R. L. Wilkins, Institute of Archaeology, Oxford