

INSTITUTIONUM GAI ET INSTITUTIONUM JUSTINIANI

LEXICON

LATIN - ENGLISH

**H L GONIN
W J G LUBBE**

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PRETORIA

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PREFACE

The *Institutiones of Gaius* (c. 161 A.D.) and its successor, the *Institutiones of Justinian* (533 A.D.), were in their own time, as well as down through the centuries, important text books for students of Roman Law. They remain today important texts for students' early ventures into Roman Law, as well as into legal Latin.

This important fact – their usefulness particularly for tuition of beginners in Legal Latin and Roman Law – was the motive for the compilation of this *Lexicon* (in two volumes: Latin-English and Latin-Afrikaans) based solely on these two *Institutiones*. For anyone wishing to initiate a student into the reading of legal sources in Latin is soon confronted with the question of a suitable dictionary to be prescribed. In order to be suitable such a dictionary should satisfy several essential requirements: it should be adequate for at least a part of Latin legal literature; it should provide direct access to the legal language of such literature (thus eliminating the time consuming search for the technical legal meaning of a word among many other meanings); it should be generally comprehensible to the students making use of it; it should be of manageable size, and should not be too expensive. A legal Latin dictionary complying with all these requirements is unfortunately not available. The compilers believe that this *Lexicon* will supply this particular need.

For a complete list of Latin words used in the two *Institutiones* the following books were consulted: Zanzucchi P.P., *Vocabolario delle Istituzioni di Gaio*, Botte-

ga d'Erasmus, photocopy reprint, Torino 1961; also: *Ambrosino R., Vocabularium Institutionum Justiniani Augusti*, Doct. A. Giuffrè, Mediolani MCMXLII. For the notes on proper names appearing in the *Institutiones* the main source of help was Heuman H. – Seckel E., *Handlexicon zu den Quellen des römischen Rechts*, 10 Auflage 1958, Akademische Druck – u. Verlagsanstalt, Graz. Word meanings of the Latin vocabulary of the *Institutiones* were consistently determined by the context in which they appear.

The compilers are indebted to the University of South Africa for approval of this research under the leadership of Prof. Lubbe, as well as for financial aid enabling Prof. Gonin to be appointed as senior researcher for several years. We wish to thank the Publications Committee of the University as well as the Department of Publishing Services for publication of the two volumes. Thanks are due to Mr J. Valls for his assistance in compiling a complete alphabetic list of words from the two *Institutiones* and to Mrs S.M. van Rensburg for assisting in proof-reading and controlling in general.

The compilers trust that the Lexicon will be of use, particularly to junior students of Latin and Roman Law.

Compilers: H.L. Gonin
W.J.G. Lubbe

ABBREVIATIONS

LATIN AND ENGLISH

- abl. – ablativus/ablative
- abbr. – abbreviatio/abbreviation, abbreviated
- abs. – absolutus/absolute
- acc. – accusativus/accusative
- adj. – adjectivus/adjective
- adv. – adverbium/adverb, adverbial
- advers. – adversativus/adversative
- alci., alcs., alqm., alqd., alqa. – alicui, alicuius, aliquem, aliquid, aliqua
(v. aliquis)
- ant. – antonym, antonymous
- aor. – aoristus/aorist
- c. – communis generis/of common gender
- ca. or c. – circa/about
- card. – cardinalis/cardinal
- cl. – clause
- class. – classicus/classic
- comp. or compar. – comparativus/comparison/comparative
- conj. – conjunctio/conjunction
- const. – constitutio/imperial law
- Const. imp. – Constitutio “Imperatoriam maiestatem . . .” – preamble to
Justinian’s Institutiones

Const. imp. ins. – Constitutionis “Imperatoriam maiestatem ...” inscriptio
(q.v.)

correl. – correlative

dat. – dativus/dative

DEF – definitio/definition

defect. – defectivus/defective

deg. – degree

demonstr. – demonstrativus/demonstrative

dep. – deponens/deponent

determ. – determinative/determinate

disj. – disjunctivus/disjunctive

distr. or distrib. – distributivus/distributive

e.g. – exempli gratia/for example

ellipt. – elliptic/elliptical

encl. – enclitic/enclitic

f or fem. – femininus/ feminine

f. – finis/end

fig. – figurativus/figurative

fut. – futurus/future

FORM – formula

Front. inst. – Frons institutionum/inscriptio (Justiniani) institutionum/title of
(Justinian’s) Institutes

gen. – genitivus/genitive

geog. – geographical

G. – Gaius

Gr. – Greek

hapax – hapax legomenon/word used only once

i.q. – idem quod/the same as

ibid. – ibidem/in the same place

imper. or imperat. – imperativus/imperative

impers. – impersonal

incom. – incommodi/of disadvantage

ind. or indic. – indicativus/indicative

indecl. – indeclinabilis/indeclinable

indef. – indefinitus/indefinite

indic. – v. ind.

indir. – indirect

infin. or inf. – infinitivus/infinitive

init. – initium/beginning

ins. – inscriptio/title

inst. – institutio/institution

interr. or interrog. – interrogativus/interrogative

intr. – intransitivus/intransitive

irreg. – irregular

J. – Justinianus/Justinian

lit. – literal(ly)

loc. – locus/place

m – masculinus/masculine
med. – medium/middle
metaph. – metaphorical
multipl. – multiplicative
n or neut. – neutri generis/neuter
n. – noun
neg. – negative
neut. – v. n
nom. – nominative
nom. numer. – nomen numerale/numeral
num. or numer. – numerus/numeralis/number/numerical
num. adj. – numeralis adjectivus/numerical adjective
num. distrib. – numerus distributivus/distributive
obj. – objective
ord. or ordin. – ordinalis/ordinal
part. or partic. – particula/particle/participium/participle/partitive
pass. – passive
perf. – perfectus/perfect
pers. – personal
phys. – physical
pl. or plur. – pluralis/plural
posit. – positive
poss. – possessivus/possessive
pr. – prooemium/introduction
praes. – praesens/present
praed. or pred. – praedicativus/predicative
prep. – preposition
pres. – present
princ. – principal
pron. – pronomen/pronoun
q.v. – quod vide/see there
qu. – question
quinq. – quinquies/five times
refl. – reflexive
rel. or relat. – relative
SC – senatus consultum/decreed of the Senate
scil. – scilicet/to wit/namely
semidep. – semideponens/semideponent
separ. – separatio(nis)/(of) separation
sing. – singularis/singular
sub f. – sub fine/near the end
subj. – subject/subjunctive
subord. – subordinate
subst. – substantive/substantival
superl. – superlative
syn. – synonym/synonymous
tr. or trans. – transitive

untr. – untranslated
vb. or verb. – verbum/verb
voc. – vocativus/vocative

REFERENCES

E.g.: J.1.2.7 or 1.2.7: Justinianus, Institutiones, Liber 1, Titulus 2, paragraph 7.
G.1.127: Gaius, Institutiones (Commentarii), Book (Commentarius) 1, paragraph 127.

QUANTITY OF VOWELS

As a rule only the penultimate long vowel (of a word containing three or more syllables) has been marked long (e.g. acceptilatiōnis) so as to ensure correct accentuation when pronouncing such a word.

A

a, ab, abs prep. + **abl. a** (movement) from *ursus fugit a domino* the bear fled from his owner (4.9 pr.; v. *discedo a*; *repello*) **b** (separation, removal) from *abstinere se ab hereditate* abstain from the succession (G.2.158; 2.19.2 ad f.; v. *avoco*; *excludo*; *excuso*; *libero*; *recedo*; *removeo*; *repello*; *summoveo* **c** (differ) from *non multum a furioso differt* he does not differ much from a lunatic (G.3.109; 1.2.4; v. *discedo c*; *disto*) **d** from (the point of departure/starting-point) *a vetustiore iure incipere* begin with the more ancient law (2.1.11); *sumere originem ab* take its rise from (1.5 pr.); *ab initio contractus* from the conclusion (lit. beginning) of the contract (G.2.123 bis; 2.8.1) **e** (derived) from *sicarii appellantur a sica* assassins (*sicarii*) are (so) called from *sica* (a knife; (4.18.5 sub f.; G.1.64 ad f.; v. *dico* **c**) **f** (receiving) from (the donor) *libertatem accipere a domino in testamento* receive freedom from one's master by (lit. in his) will (3.11 pr.; v. *consequor*; *emo*; *mercor*; *possideo*; *vindico*) **g** (claim, demand, request, require) from *si id ab ipso praetore postulaverint* if they have demanded this (privilege) from the praetor himself (4.16.3 sub f.); *qui contra nostrae constitutionis*

normam quicquam a reis exegerunt (those) who have demanded anything from defendants contrary to the standard of (= set in) our constitution (4.6.25 ad f.; v. *peto a*); *petitio mihi est abs te* I have a claim against (lit. from) you (3.29.2 med.; FORM); *satisfactio a domino desideratur* security is required of the principal (mandator; G.4.97) **h** (deprive) of; (seize) from *avocare hereditatem ab eo* take the inheritance from him (G.2.149; pass.: G.2.148); *ab hostibus manu capiuntur* they are taken from the enemy by force (lit. by the hand; 1.3.3) **i** (the agent) by (whom) *servi a domino vincti* slaves put in fetters by their masters (G.1.13) **j** on (at rest) *ab utraque parte* on either side (G.2.72)

abamita *ae f* sister of a grandfather's grandfather (related in the sixth degree; 3.6.6; hapax)

abavia *ae f* mother of a great-grandfather; great-great-grandmother (related in the fourth degree; 3.6.4; hapax)

abavunculus *i m* uncle of a great-grandfather (related in the sixth degree; 3.6.6; hapax)

abavus *i m* great-great-grandfather (related in the fourth degree; 3.6.4; only in J.)

ab-eo -ire -ii/-ivi -itum a go away,

leave animalia abire ... solent the animals usually go away (lit. are accustomed to leave; G.2.68; 2.1.15) b fall (into a state) in desuetudinem abire fall into desuetude/disuse (G.2.103; 2.10.1 ad f.)

abesse v. absens, absum
abicio (ab + iacio) **-icere -iēci -iectum** throw away (2.1.47; hapax)

abire v. abeo

abmatertera ae f sister of a great-great-grandfather (related in the sixth degree; 3.6.6; hapax)

abnepos pōtis m son of great-grandchild (related in fourth degree; 3.6.4; hapax)

abneptis tis f daughter of a great-grandchild (related in the fourth degree; 3.6.4; hapax)

aboleo (2) **abolēvi abolitum** destroy (only in J. and only pass.) **a** fall away haec actio ... aboletur this action ... falls away/is forfeited (4.4.12) **b** be rejected abolita est ... sententia the view was rejected (2.6.7 sub f.)

abortus us m miscarriage abortum facere suffer a miscarriage (G.2.131 = 2.13.1 med.; here only)

abpatruus ui m brother of a great-great-grandfather (related in the six degree; 3.6.6; hapax)

abripio (ab + rapio) **-ripere -ripui -reptum** take possession; seize (4.15.4a)

abs alternative form of **ab** (used before *c, q, t* e.g. abs te (3.29.2 FORM; v. abscedo)

abs-cēdo (3) **-cessi -cessum** (v. abs) a go away, depart **b** be detached semper abscedente usufructu if the usufruct is permanently detached (from ownership; 2.4.1 ad f.; v. deduco)

absens gen. **absentis** adj. (pres. part. of absum) absent in absentis patroni locum tutorem petere apply for (another) tutor in place of her absent

patron (G.1.174); absente adversario in the absence of the other party/by default (G.4.29; 2.20.31 FORM)

absentia ae f absence (2.6.7; v. absens; hapax)

absolutorius -a -um pertaining to acquittal (v absolvo) iudicia absolutoria suits in which the defendant may be absolved (4.12.2; hapax)

ab-solvo (3) **-solvi -solūtum** absolve iudex absolvere debet possessorem the judge ought to absolve the possessor (4.17.2); iudex, absoluito (imper.) eum judge, absolve him (G.4.43 FORM)

absonans gen. **absonantis** adj. repugnant to, in conflict with usus absonans a iuris ratione an application repugnant to the principles of law (2.25 pr.; hapax; syn. with the classical form absonus)

abstineo (abs + teneo) (2) **-tinui -tentum** abstain from (with or without se) a quarundam nuptiis abstinere debemus certain women we should abstain from marrying (lit. from the union of certain women ...; G.1.58; 1.10.6); abstinere se ab hereditate refrain from/decline the inheritance (G.2.158 = 2.19.2 ad f.)

abs-traho (3) **-traxi -tractum** deprive of, withhold from (acc. + dat.) tertiam partem ei (dat.) abstrahere deprive him of a third part (3.3.5)

absum (ab + sum) **abesse afui** — be absent, be away nec interest quam longe absit is tutor and it does not matter how far away that tutor is (G.1.173); qui rei publicae causa absunt persons absent on the service of the state (1.25.2)

absurdus -a -um absurd, unreasonable, anomalous absurdum esset ... it would be absurd that ... (acc. + inf.) (G.2.244 ad f.); non est absurdum

(+ inf.) *it is not unreasonable to ...*
(3.23.1 ad f.)

abunde *adv. fully, abundantly* *abunde eis (dat.) provisum est they have been abundantly provided for* (2.8.1 ad f.; hapax)

abusive *adv. erroneously, improperly* (4.6.15; hapax)

ab-ūtor (3) **-ūsus sum** *abuse* (+ abl.; 2.10.10 sub f.; hapax)

ac *v. atque*

accēdo (ad + cēdo) (3) **-cessi -cessum** (+ dat.; ad + acc.) **a** *have access to* *nemo ad litus maris accedere prohibetur no one is barred access to the seashore* (2.1.1) **b** *become accessory to nullis obligationibus (dat.) accedere possunt they can become accessory to no obligations* (G.3.119); *ad negotium accedere become party to a legal act* (i.e. acknowledge obligations under it; G.4.84) **c** *take, assume* (+ dat.) *filius condicioni patris accedit* (G.1.80 med.) = *ad condicionem patris accedit* (G.1.67) *the child takes the status of the father* **d** *be added* *accessit deinde tertium genus, testamenti a third kind of will was subsequently added* (G.2.102); *quicquid peculio (dat.) accedit any addition to the peculium* (lit. *whatever is added to*; (2.20.20) **e** *accrue to* (+ dat.) *per eos usucapio ... vobis accedit usucapionem through them accrues to you* (2.9.3 ad f.)

acceptilatio ōnis *f* *formal verbal acquittal* (of a debt incurred by means of a stipulation) *stipulatio ... Aquiliana ... per acceptilationem tollitur the Aquilian ... stipulation ... is annulled/cancelled by means of a formal acquittal* (3.29.2)

accessio ōnis *f* **a** *addition* *accessio temporis non datur an addition of time is not (= cannot be) granted* (G.4.151); *eorum obligatio accessio est principalis obligationis their ob-*

ligation is accessory to the principal obligation (3.20.5; G.3.126) **b** *accession* (addition to or natural increase of property) *si alienam purpuram quis intexuit suo vestimento (dat.), ... (purpura) accessionis vice cedit vestimento (dat.) if someone has woven another's purple stuff into his garment, ... the purple becomes part of the garment by accession* (lett. *by way of addition*; (2.1.26)

accidit (3) **accidit** *happen, occur, be the case* **a** *impers. (ut + subj.) accidit aliquando ut qui dominus sit, alienandae rei potestatem non habeat it sometimes happens that the person who is the owner does not have the power to alienate the thing* (G.2.62 = 2.8 pr.) **b** *pers.: multa accidere solent many events commonly (lit. usually) occur* (2.1.13 ad f.); *ignominia quae accidit ex venditione bonorum the discredit arising from the sale of the property* (G.2.154); *quidquid sine dolo venditoris accidit whatever happens without any design/intent (on the part) of the vendor* (3.23.3 ad f.) **c** *the persons involved: (i) + dat.: quod accidit ei cui aqua et igni interdictum est and this happens to him who has been banished* (lit. *one interdicted from fire and water, without which man cannot live*; G.1.161 = 1.16.2) **(ii)** *in + abl.: quod accidit in his qui adoptantur this occurs in the case of those who are being adopted* (G.1.162; 1.16.1 en 3)

accipiens *v.* *accipio* **c**

accipio (ad + capio) **-cipere -cēpi -ceptum** **a** *receive* *imperator per legem imperium accipit the emperor receives his imperium (sovereign power) through a law* (G.1.5); *a fisco per venditionem hoc accipiunt they receive this from the fisc by sale* (i.e. in virtue of a contract of sale;

2.6.14 med.); *familiam mancipio* (pred. dat.) *accipiebat* he received the estate by mancipation (G.2.103); *si quis argentum utendum acceperit* if someone has received silver on loan (on the pretence of entertaining guests; G.3.196) **b** *satis accipere* (i) receive/be given security (G.4.169) (ii) accept security ... ut *declaret* ... qua de re *satis accipiat* (it is laid down by law) that he declare ... in respect of what matter he is accepting security (G.3.123; 1.24.1 med.; act. and pass. G.3.125) **c** *derive* testamenta vim ex institutione heredis *accipiunt* wills derive their force/validity from the institution of an heir (G.2.229 = 2.20.34) **d** *admit* of *postea divisionem* *accipit dominium* afterwards ownership became/was made divisible (lit. admitted of division; G.2.40) **e** *interpret, understand* *tutela* *proinde accepta est* ... atque si ... (the word guardianship has been interpreted just as if ... (G.1.165; 2.15.4) **f** *undertake* *iudicium accipere* undertake the defence in a suit (G.4.102; 4.11.1 ad f.) **g** *accipiens entis* m recipient (G.2.82)

accommodo (1) **-āvi -ātum** **a** *adapt, adjust* to (+ dat.) *actiones legum verbis accommodatae erant* the actions were adjusted to the terms of the statutes (G.4.11) **b** *attribute, give* (acc. + dat.) *huic stipulationi perfectum robur accommodare* to give this stipulation complete validity (3.19.14)

accusatio ōnis *f* *accusation, indictment* *admittit eam ad accusationem* he allows her to prosecute (lit. to the indictment; 1.26.3 ad f.; hapax)

accūso (ad + causa) (1) **-āvi -ātum** **a** *accuse* *tutor accusari poterit* a guardian will be liable to prosecution (lit. will be able to be accused; 1.26.2) **b**

challenge, impugn, call in question the validity of *liberis* (dat.) *permissum est parentum testamentum inofficiosum accusare* children are allowed to attack the inofficious/undutious will of their parents (2.18.1)

acies aciēi *f* (line of) *battle* (G.3.196 ad f. = 4.1.6 ad f.)

acquirō (ad + quaero) **-quisīvi -quisitum** (v. ad-quiō) *acquire, obtain, procure* (as property, by will or from labour) *licet testamentum facere non possunt, attamen ex testamento vel sibi vel alii* (dat.) *acquirere possunt* though they cannot (themselves) make a will, they can none the less acquire by will either for themselves or for another (2.19.4 ad f.)

acquisitio ōnis *f* **a** *succession* *per universitatem* *acquisitio* universal succession (3.12.1) **b** *acquisition* (of property) *est etiam aliud genus acquisitionis, donatio* there is yet another method of acquisition, i.e. gift (2.7 pr.); *res quae patris acquisitionem effugiunt* property that passes out of the control of the father (lit. that escapes the acquisition of (i.e. by) the father; 2.9.2)

acta actorum *n pl.* **a** *court rolls, register* *si non mandatum actis* (dat.) *insinuat* est if a mandate has not been registered/has not been recorded in the court rolls (4.11.3; only in J.) **b** *solemn deeds, public documents* *servum quem dominus, actis intervenientibus, filium suum nominavit* a slave whom the master, by a solemn deed, has named as his son (1.11.12; only in J.)

actio ōnis *f* **a** *action, claim* *actio nihil aliud est quam ius persequendi iudicio quod sibi debetur* an action is nothing else but the right to seek by litigation/by a law-suit what is due to one (4.6 pr.) **b** *case, lawsuit, action*

at law (in iure cessio) ... legis actio vocatur (surrender in court of a right) ... is called a legis actio (a suit prescribed by statute; G.2.24) *c* verbs used with actio: *admittitur actio an action is granted/will lie* (4.4.6); *comparata est actio a praetore the action was devised by the praetor* (G.4.35); *competit ei furti actio the action for theft lies to him (he may bring it; 4.1.13 and 17)*; *constituitur (= datur) actio per legem Aquiliam the action is made available by the lex Aquilia* (4.3 pr.; 4.5.1 med.); *habere mecum (= contra me) mandati actionem to have the action for mandate against me* (G.3.156); *cum illo incipit actio esse the action now lies against him (lit. the action now begins to exist against him; G.4.77 = 4.8.5)*; *institui actio non potest the action cannot be brought* (4.15.4); *intercidit actio the action is extinguished (lit. falls away; 4.8.6)*; *introduxit... praetor propriam actionem the praetor has introduced a special action* (G.3.209); *inventata est a praetore actio an action was devised by the praetor* (4.6.4); *locum habet mandati actio the action of mandate lies/is available (lit. has place; 3.26.11)*; *nulla ex eo... inter vos mandati actio nascitur no mandate action is on that account... produced (= lies between you 3.26 pr.)*; *proditae sunt actiones ex maleficio actions were made available (resulting) from wrongdoing* (G.4.75) *d* description of actions: *actio directa/legitima straight-forward action* (G.4.34; 3.27.1; i.e. following the wording or tenor of a statute or the established law, taken from the *ius civile*); *actio efficax est the action lies/is operative* (4.13; 1 and 3); *hereditariae actiones actions arising from an inheritance* (G.2.255); *actio utilis*

equitable/modified/analogous/adapted action (G.2.78; the praetor wished to extend the claim formulated in the *actio directa*; he modified the *intentio*, rendering it more useful (*utilior*); yet it remains analogous to the *actio directa*, and equity was observed); *actio furti an action of theft* (G.2.78 ad f.); *actio mandati action of mandate* (G.3.156; 161); *legis actiones actions under statute* (Zul. ad G.3.219 init.) or *untr.* (G.4.11; 30)

actor actōris *m* *plaintiff* *facilius reis praetor succurrit quam actoribus the praetor more readily offers relief to defendants than to plaintiffs* (G.4.57 ad f.); *actor est qui desiderat aut exhiberi aut restitui plaintiff is (the party) who wishes that something shall be produced or restored* (G.4.157 = 4.15.7); *nec res quae iam actoris est magis eius fieri potest something already belonging to the plaintiff cannot more effectively become his* (4.6.14 med.)

actus us *m* *a driving/the right of driving beasts or vehicles* (2.3 pr.) **b** *task, job, drudgery* *medii actus homo slave of middle rank/intermediate class* (4.4.7 ad f.; hapax in this sense)

ad *prep + acc.* **a** *rest at a place* (rare in this sense), *at non usque ad eam constitutionem standum est we should not confine ourselves to (the provisions of) this constitution/law* (lit. stop at this law; 2.20.3) **b** (movement) *towards: to* (may be intensified to usque ad; G.1.43) **(i)** *literally: ad statuas principum confugiunt they betake themselves to/seek asylum at the statues of the emperors* (G.1.53 = 1.8.2 med.); *ad alios iudices eunt they appear before* (lit. go to) *other judges* (G.4.122 ad f.); *ad centumviros itur one goes to (appear before) the centumvirs* (G.4.31);

ad praefectum urbis remittitur *he is remitted to the city prefect* (1.26.11); res corporales ad alium transferuntur *corporeal things are conveyed to another* (G.2.38); nec quicquam ad patrem transit *and nothing passes to the father* (1.11.2) (ii) *metaph. (relating to rights, status, legal acts, guardianship, succession):* ad patris condicionem accedit *he takes his father's status* (lit. goes to it; G.1.67); ad negotium accedit *he comes into the case* (G.4.84); alqm. adhibere ad *involve someone in* (G.3.110); non admittuntur ad hereditatem *they are not admitted to the inheritance* (G.3.21); res ad exitum perducitur *the case is carried to its conclusion* (G.4.162 ad f.; 165); ad civitatem Romanam perveniunt *they attain to (lit. reach) Roman citizenship* (G.1.95-6; 3.7.4 init.); reduci ad *be reduced to (its former state; 2.1.25 med.)*; tutela ad eum revertitur *the guardianship reverts to him* (G.1.170); ad hereditatem vocari *be called to the inheritance* (G.2.167; 1.25.2 ad f.); ad successionem venire (= vocari) *succeed to the inheritance* (lit. come to/be called to ... 1.11.3 med.) *c phrases with ad:* ad certam portionem *(come in) for a certain share* (2.13 pr. sub f.); ad (certum) tempus *for a certain period* (1.14.3; G.2.164); venditio ad effectum perducitur *the sale is concluded/settled* (lit. is brought into effect 3.23.1 sub f.); ad exactissimam diligentiam *by the highest standard of care* (3.25.9 sub f.); ad exemplum (+ gen.) *on the model/by the example of* (G.2.257; 1.10 pr. ad f.); nec ad exemplum trahuntur *(these cases) are not used as a precedent* (lit. adduced to serve as an example (1.2.6 sub f.); ad imitationem (+ gen.) *in imitation of* (2.10.10 sub

f.); ad interrogatum responsum non est *there was no reply to the question* (3.19.23; G.3.102); ad similitudinem (+ gen.) = ad exemplum *above) according to the example of* (2.13.2 ad f.); quod/quantum ad legem attinet *as far as the law is concerned* (G.1.157); consuetudinem habere ad mulierem *have the woman as concubine* (1.10.13); grex ad unam ovem pervenit *the flock has been reduced to* (lit. has arrived at) *one sheep* (2.20.18); pervenire (ad + gerundive) *be enabled to ... ut et ad libertates dandas suis servis possint pervenire/provenire so as also to be enabled to grant freedom* (lit. plural) *to their slaves* (1.6.7 ad f.); usque ad certam condicionem *subject to a certain condition* (1.22.2); usque ad D (= quingentos) solidos *up to (the maximum of) 500 (gold) coins (= solidi; 1.20.5) d to express purpose* (i) *with gerundive:* ad hereditatem adeundam *in order to accept an inheritance* (G.1.176); ad pretium participandum *in order to share the price* (1.3.4); ad rem transferendam domini voluntas sufficit *the will of the owner is sufficient for the transfer (= alienation) of the thing* (2.1.44); heredibus nihil impedimento (pred. dat.) est *ad hereditatem adeundam there is nothing to prevent the heirs from accepting the inheritance* (2.13.1 med.) (ii) *with nouns:* ad hoc *for this purpose* (2.1.39); ad administrationem sufficere *to be sufficient for the purpose of management* (1.25.8); ad infamiam alcs. *in order to scoff at someone* (4.4.1); ad solacium liberorum amissorum *as a consolation for children who have died* (1.11.10); idoneus ad administrationem *suitable for the office* (1.23.5); e ad

with verbs: scribere ad (i) address/direct a communication to constitutio ... quam ad Caesarienses advocatos scripsimus the constitution (law) ... which we addressed to the Bar of Caesarea (3.19.12) (ii) comment on Paulus (libros) tam ad Massurium Sabinum quam ad Plautium scripsit Paul wrote commentaries on both Massurius Sabinus and Plautius (2.14 pr. med.); quod ad contumeliam domini respicit this (act) is intended to insult his master (lit. regards the insult of ...; 4.4.3)

ad-augeo (2) **-auxi -auctum** increase, extend *adaucta sunt iura* (their) rights were increased (3.7.2; hapax)

ad-cresco (3) **-crevi -cretum** accrue to (+ dat.) *ei ad crescit illorum portio* their share accrues to him (3.4.4); *ius ad crescendi right of accrual/accretion* (G.2.126; 2.7.4)

ad-dico (3) **-dixi -dictum** adjudge (acc. + dat.) *a praetore vindicanti* (dat.) filius addicitur he is by die praetor adjudged to the claimant as his son (G.1.134 med.)

addictio onis f adjudication, assignment (G.3.189; 3.11.5)

ad-do (3) **-didi -ditum** add *poetam dicimus nec addimus nomen* we refer to "the poet" without adding his name (Homer; 1.2.2 med.; only in J.)

ad-dūco (3) **-dūxi -ductum** lead into *una ovis sive capra in ius adducebatur* a single sheep or goat (from a flock) would be led into court (G.4.17 med.; only in G.)

ademptio onis f revocation *ademptio legatorum ... firma est* the revocation of legacies ... is valid (2.21 pr. bis; only here; v. adimo)

adeo adv. so, to such an extent *illa obligatio adeo propria civum Romanorum est ut ...* that obliga-

tion is so far peculiar to Roman citizens that ... (G.3.93 ad f.); *et haec adeo ita sunt ut ...* these principles are so strict (lit. these (rules) are so much so that ...; G.3.93 ad f.; 1.10.1 med.); with a neg.: *so far from adeo non intellegitur ... ex contractu obligatus ut ...* so far is he from being regarded as bound by a contract that ... (3.27.6)

ad-ēo -īre -ii -itum (v. eo, ire) **a** approach (ad + acc.) *datur eis potestas ... adire praetorem* they are empowered ... to approach the praetor (G.1.29 med.) **b** accept *adire hereditatem* accept an inheritance; *ante aditam hereditatem* before acceptance of the inheritance (G.2.36); *de adeunda hereditate deliberare* to deliberate whether to take on the inheritance (2.19.5); pres. part. *adiens*: *proximo agnato non adeunte hereditatem* if the nearest agnate does not enter on the inheritance (G.3.22)

adf- v. aff-

adgn- v. agn-

adhibeo (ad + habeo) (2) **-hibui -hibitum** **a** involve (ad + acc.; in + abl.; acc.; dat.) *testes alieno negotio* (dat.) *adhiberi possunt* people may be called as witnesses in the cause of another (2.10.8) **b** employ, show, take care *nec sufficit ei tantam diligentiam adhibuisse quantam suis rebus adhibere solitus est* nor does it suffice for him to have taken the same care (of it) as he was accustomed to take of his own (property; 3.14.2 med.)

adhuc adv. still *usque adhuc* even/until now (4.6.28 sub f.); *adhuc ... non not yet* (3.23.3); *locus adhuc sacer manet* the place still remains sacred (2.1.8 ad f.); *alii adhuc ulterius ... dixerunt* others, going further, have maintained that ... (G.3.184); *adhuc integro mandato*

before the mandate has been acted upon (lit. the mandate still being untouched G.3.160 = 3.26.10); solvitur adhuc societas etiam morte socii partnership is also dissolved by the death of a partner (G.3.152 = 3.25.5); si locupletior factus sit et adhuc petat if he has been enriched and yet claims (the money; G.2.84 ad f. = 2.8.2 sub f.)

adicio (ad + iacio) **-icere -iēci -iectum** add to (acc + dat.; in + abl.) id quod per alluvionem agro tuo flumen adiecit, ... tibi acquiritur what(ever) the river has added to your land as silt (lit. by alluvion) ... becomes yours/is acquired for you (2.1.20; G.2.70); fideiussor omnibus obligationibus adici potest a surety may become accessory to any (kind of) obligation (lit. may be added to all obligations; G.3.119a; 3.20.1); adiectum est in hac lege it has been added in/to this law (G.3.214; G.2.171)

adiectio ōnis f addition coheredis adiectio addition of a coheir (G.2.243 ad f.; 2.20.36 sub f.); sponsoris adiectio aut detractio addition or omission of a sponsor (G.3.178); adiectione (abl.) opus est adiuvandi rei (from reus) gratia an addition (to the formula) is required for the benefit of the defendant (G.4.127)

adiens gen. **adeuntis** v. adeo adire
adimo (ad + emo) (3) **-ēmi -emptum** deprive of, take away from, revoke, retract (acc.; acc. + dat.) morientibus huiusmodi licentiam adimere deprive the dying of such power (1.7 pr.; 4.6.33c); codicillis hereditas neque dari neque adimi potest an inheritance can neither be given nor be taken away by codicils (2.25.2); ademisse legatum non videtur he is not regarded as having revoked the legacy (2.20.12 sub f.)

adimpleo (ad + in + pleo) (2) **-plēvi**

-plētum a supply, complete (id) quod deest adimplere supply what was lacking (3.2.3a sub f.); opus adimplevimus we have completed the work (Const. imp. 2 ad f.) **b** perform, keep (a promise) adimplere fidem keep fulfil his promise (2.23.12 med.); recusat contractum adimplere he refuses to fulfil/implement the contract (3.23 pr. ad f.)

adipiscor (ad + apiscor) **adipisci adeptus sum** acquire, gain, obtain tutelam adipiscuntur they acquire the guardianship (G.1.175); adipiscendae possessionis causa in order to obtain possession (G.4.144 = 4.15.3); animo solo possessionem adipisci nemo potest by mere intention no one can acquire possession (G.4.153 ad f. = 4.15.5 ad f.); doctrinam adipisci gain knowledge (3.6.9 ad f.); libertatem adipisci potuerunt they would have been able to obtain their freedom (3.11.1 ad f.)

adire v. adeo adire

aditio ōnis f acceptance ante hereditatis aditionem before accepting the inheritance (G.2.35); gravamen aditionis the burden of accepting the inheritance (2.190.6 ad f.; here only)

aditus us m access, admission nec ulla lege ... aditus illis ad civitatem datur and by no law are they allowed admission to Roman citizenship (lit. is access to it given them; G.1.26); soli (dat.) sorori ad ... successionem patebat aditus only to a sister ... the succession was available (lit. open; 3.2.3b med.; here only)

adiudicatio ōnis f allocation, adjudication (4.17.4 and 6); adiudicatio est ea pars formulae qua permittitur iudici rem alicui ... adiudicare the adiudicatio is the part of the formula by which the judge is empowered to assign property ... to someone (G.4.42)

adiudico (1) **-āvi -ātum** assign, adju-

dicare quantum adiudicari oportet iudex Titio adjudicato (imper. 3rd pers.) let the judge assign to Titius so much as ought to be assigned (G.4.42); singulas res singulis heredibus iudex adjudicare debet the judge is to assign individual items to each of the heirs (4.17.4)

ad-iungo (3) **-iūnxi -iunctum** *join to, add to (+ dat.) solet tutori curator adiungi a curator is usually appointed with the guardian (1.23.5)*

ad-iuvo (1) **-iūvi -iūtum** *help, support, assist, protect, favour (in court) debet per exceptionem rei iudicatae adiuvari you should be protected by the exception (plea) of matter adjudged (4.13.5); adiuvandi rei (from reus) gratia for the protection of the defendant (G.4.127 = 4.14.1); matrem adiuvabant they helped/favoured the mother (3.3.5); adoptivi ... a praetore non adiuvantur (in this matter) adoptive children ... are not assisted/supported by the praetor (3.1.11); (quae) sententia ... Homericis versibus adiuvatur this view is supported by lines in Homer (3.23.2 ad f.)*

adminiculum *i n* *remedy, relief (lit. prop) aliud eis adminiculum servatur they have another remedy left (lit. it is preserved for them; 2.13.7 ad f.; only in J.)*

administratio *ōnis f* *management, direction, (tenure of) office prodigis interdicitur bonorum suorum administratio prodigals are interdicted from administering their own property (lit. the management is forbidden to them; G.1.53 ad f.); ex administratione teneri be liable in consequence of their administration (1.24.2; v. ex h); ad administrationem negotiorum sufficere be competent to manage affairs (lit. to suffice for the management; 1.25.8); tempore ad-*

ministrationis during the tenure of his office (as judge; 4.18.9)

administro (1) **-āvi -ātum** *manage, direct (affairs), administer negotia pupilli administrare manage/conduct the affairs of the pupil (1.23.6); tutelam pupilli administrare administer the guardianship of a pupil (3.19.20); alieno auxilio in rebus suis administrandis egere (+ abl.) noscuntur they are recognized as requiring (lit. known to require) the assistance of others in the conduct of their own affairs (1.25.13 ad f.)*

admissum *i n* *offence, transgression (1.8.2 ad f.; hapax)*

ad-mitto (3) **-mīsi -missum** *a* *admit, grant access, let in (abs.: ad/in + acc.) et mulieres ... admittuntur even women are admitted/allowed (to act as accusers; 1.26.3); substitutum in partem admittet he lets in the substitute for a share (G.2.177); non admittuntur ex ea lege ad hereditatem under that statute they are not admitted to the inheritance (G.3.21) **b** *accept antequam legatarius admittat legatum before the legatee accepts the legacy (G.2.200 ad f.)* **c** *commit, do si alius tale quid admisit if someone else has done a thing like this (4.3.4); data opera est ut furtum admitteretur aid was given so that theft might be committed (4.1.11 med.; v. admissum)* **d** *apply (rules) to (in + abl.) veteres haec et in filiis familias masculis et feminis admiserunt the ancients applied these (same) rules/principles to children of both sexes (4.8.7)* **e** *pass.: (an action) lies totiens admittitur iniuriarum actio, quotiens in tuam contumeliam iniuria ei servo facta sit the action for contumely/insult lies to you as often as the slave is injured for the purpose of insulting you (4.4.6 ad f.)* **f** *admit (as a member), receive (in**

+ acc.) in societatem admitti to be admitted as partner (3.25.2 med. = G.3.149 ad f.)

ad-moneo (2) **-monui -monitum a** *speak, treat of* opus est ut de hac actione ... diligentius admoneamus it is necessary that we treat of this action ... more fully (4.7 pr.) **b** *teach, inform* admonet nos Xenophon (so) Xenophon informs us (4.18.5 sub f.); *remind someone/point out that* (acc. + inf.) admonendi sumus acquiri vobis non solum per vosmet ipsos sed etiam per ... servos vestros we should point out (lit. be reminded) that (obligations can be) acquired for you not only through yourselves but also ... by your slaves (3.28 pr.)

adnepos pōtis *m* grandson of a great-grandson or of a great-granddaughter (descendant in fifth degree; 3.6.5; hapax)

adneptis *is f* grand-daughter of a great-grandchild (descendant in fifth degree; 3.6.5; hapax)

adnuo v. annuo

ad-olesco (3) **-olēvi adultum** *grow up, attain majority* postquam pupillus adoleverit after the pupil has attained majority (2.16.1 ad f.; v. adultus)

adoptio ōnis *f* adoption adoptio duobus modis fit aut principali rescripto aut imperio magistratus adoption takes place in two ways, either by imperial rescript or by the authority of the magistrate (1.11.1); se in adoptionem dare give oneself in adoption (G.2.147 sub f.)

adoptivus -a -um (ant. naturalis q.v.) *a* adoptive (one who has been adopted) filius adoptivus an adoptive (i.e. adopted) son (G.3.40; 3.7 pr. ad. f.); adoptivi liberi adoptive (i.e. adopted) children (2.13.4 init.) **b** pater adoptivus adoptive father (= the adoptor, who has gained the status of a father by the act of

adoption (G.3.83); adoptivi liberi (qui) sunt in potestate patris adoptivi ... adoptive children who are under the power of their adoptive father ... (2.13.4 init.) **c** familia adoptiva adoptive family i.e. the family that has received (adopted) its new member and has thus been acquired for him by adoption (G.3.31; 2.13.4 sub f.)

ad-opto (1) **-āvi -ātum** *adopt* parens naturalis filium suum adoptandum alii (dat.) dare (potest) a natural father (may) give his son in adoption to another (3.1.14); feminae ... ex indulgentia principis ad solacium liberorum amissorum adoptare possunt by the grace of the emperor women can adopt as a consolation for (their) children who have died (1.11.10)

adquiro v. acquirō

adscribo v. ascribo

adsum adesse adfui/affui — *be present, attend, appear* (in court), actor adversario denuntiabat ut ad iudicem capiendum die XXX (= tricesimo) adesset the plaintiff gave notice to his opponent to appear on the thirtieth day in order to receive a iudex (G.4.18; hapax)

adulescens centis *c* youth, young person adulescentes curatores non accipiunt praeterquam in litem youths are not given (lit. do not receive) curators, except for a lawsuit (1.23.2; only in J.)

adulter adulteri *m* adulterer (G.3.194 sub f. bis; only here)

adulterinus -a -um *false* signum adulterinum false seal (4.18.7; hapax)

adulterium ii *n* adultery lex Iulia de adulteriis coercendis the lex Julia for the suppression of adultery (4.18.4; G.3.194 ad f.)

adultus i *m* an adult (1.20.5); nec

pupillus ad legitimam tutelam vocatur nec adultus *neither a pupil (a person under the age of puberty) nor a minor is (to be) called to legal guardianship* (1.25.13; only in J.)

ad-venio (4) **-vēni -ventum** *be gained by, lit. accrue to (+ dat.) diligentior scientia vobis ... adventura est a fuller knowledge will come to you (from this study; 4.18.12; hapax)*

adversarius ii m *opponent praesente adversario (abl. abs.) in the presence of the other party* (G.4.29 ad f. = 4.10.1)

adversum *prep. + acc. v. adversus*

adversus *prep. + acc. a* *against* (dominus) *adversus eum qui subripuit vestimentum habet furti actionem* (the former owner) *has the action for theft against him who filched the garment* (2.1.26; G.2.79 ad f. bis) **b** *towards* servus contumax *adversus dominum factus est* the slave became rebellious towards his master (4.6.23) **c** *contrary to* adversus ea quae diximus *contrary to the rules we have stated* (1.10.12)

adversus -a -um *bad, unfavourable, ill adversa valetudine impeditur ... he is prevented by ill health* (1.23.6; only in J.)

ad-verto (3) **-verti -versum** *ascertain imprimis advertere debemus an is ... habuerit testamenti factionem we must first ascertain ... whether he had the capacity to make a will* (G.2.114; hapax)

advocātus i m *advocate, counsel utriusque etiam partis advocati iusiurandum subeunt* the advocates of each party also swear (lit. undergo) an oath (4.16.1 sub f.); *ad Caesarienses advocatos scripsimus* we have written to the advocates/the Bar of Caesarea (3.19.12; only in J.)

aedes aedis f a (sing.) *temple servi ad aedem sacram vel ad statuas prin-*

cipum confugiunt ... the slaves flee to a sacred temple (for asylum) or to statues of the Emperor (1.8.2 med.)

b (plur.) *building, house si aedes incendio consumptae fuerint vel etiam terrae motu corruerint, extingui usum fructum ... constat if a building is consumed by fire or has collapsed by reason of an earthquake, ... it is evident that the usufruct is extinguished* (2.4.3 ad f.; G.2.42; 4.149-150)

aedificātor tōris m *builder in possessione constituto aedificatore if the builder has been put in possession (of the soil; 2.1.30 med.; hapax)*

aedificium ii n *building aedificia omnia urbana praedia appellantur* all buildings are called urban estates (2.3.1); *si ab eo petamus fundum vel aedificium ... poterit nos repellere* if we bring an action against him for the recovery of the land or the building ... he will be able to defeat us (with an exception; G.2.76); *aedificia ruentia* buildings in danger of falling (lit. buildings tumbling down; 4.7.4a)

aedifico (aedes + facio) (1) **-avi -atum** *raise, erect a building, build quod in solo nostro ab aliquo aedificatum est ... iure naturali nostrum fit what has been built by someone on our land by natural law becomes our (property; G.2.73); non ignorabat in alieno solo se aedificare* he was not unaware that he was building on the land of another (2.1.30)

aedilicius -a -um (not aedilitius) *aedilician, of the aediles aediliciae stipulationes* aedilician stipulations (3.18.2); *aediliciae actiones* aedilician actions (4.9.1); *aedilicium edictum* edict of the aediles (ibid.; only in J.)

aedilis aedilis m *aedile (a magistrate) proponebant et aediles curules*

edictum ... *the curule aediles too issued an edict* (1.2.7; G.1.6; only here)

aedituus i m *custodian of a temple aeditui dicuntur qui aedes tuentur those who guard buildings (temples) are called custodians* (1.13.2; hapax)

aeneus -a -um *of bronze libra aenea bronze scale* (G.1.119 FORM.; only in G.)

aequalis aequale adj. *equal aequales partes in lucro et in damno spectantur the shares of (lit. in) gain and loss are regarded as equal* (3.25.1; hapax)

aequaliter adv. *equally, in equal shares hereditas ad duos pluresve patronos aequaliter pertinet the inheritance goes to two or more patrons in equal shares* (G.3.59; 3.8. pr.; only here)

aeque adv. **a** *likewise, similarly harum (obligationum) aequae quattuor species sunt of these obligations likewise there are four kinds* (3.13.2) **b** *equally; with neg.: not so suspectus (tutor) remotus, si quidem ob dolum, famosus est: si ob culpam, non aequae a suspected person, if removed (from guardianship) on grounds of fraud suffers infamy, (but) not so if (merely) for negligence* (1.26.6) **c** *just as (much) aequae culpae (nomine) tenetur he is just as liable for negligence (as the other; 4.3.8; ellipsis of nomine; v. culpa)* **d** *with neg.: just as little et prius testamentum non valet et posterius aequae nullas vires habet the first will is invalid ... and the second is of as little force* (G.2.144 ad f. = 2.17.2 ad f.) **e** *aeque ut olim exactly as previously* (G.2.143)

aequitas tātis f *equity tam conveniens est naturali aequitati it is so much in keeping with natural equity* (2.1.40; 2.1.39); *praetor naturali ae-*

quitate motus dat eis bonorum possessionem, the praetor, moved by natural equity, grants them the possession of goods (3.1.9; only in J.)

aequus -a -um a *equal certum est ... aequis ex partibus commodum et incommodum inter eos commune esse it is certain ... that the shares in profit and loss between them are equal* (G.3.150; 3.3.3 ad f.) **b** *fair aequum erat feminas tutorum auctoritate regi it was fair that women should be governed by the consent of guardians* (G.1.190); *ex bono et aequo according to the rules of equity* (lit. as from what is good and fair; 4.6.30)

āer aëris m *the air naturali iure communia sunt omnia haec: aer et aqua profluens et mare by the law of nature the following things are common to (lit. of) all: the air, running water and the sea* (2.1.1; hapax)

aerarium ii n *treasury, fisc adversus sacratissimum aerarium ... intendere bring an action against the sacred treasury* (2.6.14; hapax)

aereus -a -um *of bronze olim aereis tantum nummis utebantur formerly people used only bronze money* (G.1.122; hapax)

aes aeris n a *bronze* (G.3.90; 2.1.25); *accessit tertium genus testamenti quod per aes et libram agitur a third kind of will was added, (called) per aes et libram* (lit. by bronze and scales; hendiadys (G.2.102 = 2.10.1); (libripens) aere percutit libram idque aes dat testatori velut pretii loco he strikes the scale with the bronze piece and gives it to the testator as the symbolic price (lit. as it were instead of the price (G.2.104 sub f.) **b** *metaph.: aes alienum debt suscepto aere alieno after debt has been incurred* (G.1.192 ad f.); *aes alienum hereditarium an hereditary*

debt (G.3.84); illum aere alieno liberare free him of his debt (2.20.21 ad f. FORM) c aes militare military pay dicebatur autem ea pecunia quae stipendii nomine dabatur "aes militare" money given to a soldier by way of pay was called "aes militare" (G.4.27)

aestimatio ōnis f (estimated) value aestimationem eius praestare debet he has to give its value (G.2.205 ad f.); necesse est ei ... aestimationem eius solvere he is bound to pay its value (G.2.262); pecuniaria aestimatio the money value (G.4.48); litis aestimatio v. lis c (iii)

aestimo (1) -āvi -ātum a assess, put one's value on permittitur nobis a praetore ipsis iniuriam aestimare we are allowed by the praetor to make our own assessment of the outrage (G.3.224; 4.4.7); atrox iniuria aestimatur vel ex facto ... vel ex loco ... vel ex persona a harsh insult is judged either according to the deed, ... or by the place, ... or by the person (G.3.225 = 4.4.9) b regard as cum eo herede agitur quem praetor suspectum aestimaverit the case is brought against an heir whom the praetor regarded as suspect (G.4.102 ad f.) c hold, be of opinion that nonnulli occupantis esse meliorem conditionem aestimant some (authors) are of opinion that the (first) taker is in a stronger position (G.2.215)

aetas aetātis f age, years (of a person; 1.5.3 ad f.); old age (4.10 pr. ad f.); perfectae aetatis esse be of full age (G.1.144)

affectus us m intention calumnia in adfectu est sicut furti crimen malicious accusation, like the charge of theft rests on intention (G.4.178); furtum sine affectu furandi non committitur theft is not committed

without the intention of stealing (2.6.5)

affectio ōnis f a intention affectio maritalis the intention to marry/of marrying (3.1.2a med.) b inclination (ibid.) c relative (4.18.4)

affecto (1) -āvi -ātum seek, canvass for tutela non affectata unsought guardianship (1.25.5; hapax)

affero (ad + fero) **afferre attuli allātum** a carry to/towards (in + acc.) talis erat res ut sine incommodo in ius afferri non posset the thing was of such a nature that it could not be carried to court without inconvenience (G.4.17) b cause (loss) damnum alci. afferre cause someone loss (G.3.160 med. = 3.26.10); damnum allatum est damage was caused (3.25.2 ad f.); praesidium alci. afferre secure someone's safeguard (1.24.2) c adduce/apply to (ad + acc.) hae causae ad hunc casum afferri posunt these considerations may be adduced in the present case (G.1.39)

afficio (ad + facio) **-ficere -fēci -fectum** visit with, do something to (+ abl.) alqm. iniuria afficere disgrace, put someone to shame; iniuria affici suffer injustice (1.8.2 sub f.); alqm. supplicio afficere punish someone; ne iniuria defunctus afficiatur lest the deceased be humiliated (1.6.1 ad f.); si (eos) infami iniuria affectos (esse) cognoveris if you find that they have been subjected to/have suffered shameful injustice (1.8.2 sub f.); ultimo supplicio eum afficere inflict the death penalty on him (4.18.2)

affinitas tātis f affinity (resulting from a marriage relationship) affinitatis veneratione quarundam nuptiis abstinere necesse est from regard for ties created by marriage we should abstain from marrying (lit. from the marriage of) certain women (e.g. a

daughter-in-law or stepdaughter; 1.10.6; G.1.63)

affirmo (ad + firmo) (1) **-āvi -ātum** *allege* in contrarium quam quod reus affirmat in contradiction of what the defendant alleges (G.4.119); si rem corporalem possideat quis, quam Titius suam esse affirmat if anyone is in possession of a corporeal thing which Titius alleges is his ... (4.6.1 ad f.)

ager agri *m* (agricultural) land, field id quod ita paulatim flumen agro nostro adicit ut aestimare non possumus quantum quoquo momento adiciatur that (is regarded as accretion) which a river adds to our land so gradually that it is impossible for us to estimate how much is being added at any particular moment (G.2.70 = 2.1.20); confines agri contiguous estates (4.6.20); metiri agros pati to have his fields measured/surveyed (4.17.6 ad f.)

agito (1) **-āvi -ātum** *discuss* quaestio quae de tutore agitatur the question which is being discussed concerning a guardian (G.2.234; hapax)

agnascor agnasci agnātus sum *be born afterwards* agnascendo (abl.) *by being born after the death of the testator* (G.2.133)

agnatio ōnis *f* **a** *agnation* inter avunculum et sororis filium non est agnatio sed cognatio between a mother's brother and the son of his sister there is not agnation but cognation (G.1.156; 1.15.1) **b** *birth of a suus heres after the death of the testator; agnation* (G.2.138 ad f. 2.17.1 ad f.)

agnātus i *m* *agnate* sunt agnati per virilis sexus personas cognatione iuncti, quasi a patre cognāti *agnates* are those akin to each other through persons of the male sex, being as it were cognates on the father's side (G.1.156 = 1.15.1); vocantur agna-

ti qui legitima cognatione iuncti sunt; legitima autem cognatio est ea quae per virilis sexus personas coniungitur *those persons are known as agnates who are related by civil cognation; and civil cognation is that which is established (lit. bound) through persons of the male sex* (G.3.10)

agnatus-a-um *agnate, related on father's side* (3.3.5; v. cognatus-a-um)

agnōsco (ad + gnosco) (3) **agnōvi agnōvī** **a** *accept, acknowledge* nec principem quidem agnoscere quod ei poenae nomine legatum sit (*it is declared ...*) that not even the Emperor (will) accept what is left him by way of penalty (2.20.36 med.) **b** *recognize* de partu agnoscendo concerning the recognition of a (newly born) infant (4.6.13) **c** *apply for* contra tabulas (testamenti) bonorum possessione agnita after applying for possession against the will (3.1.14 sub f.)

agnus i *m* *lamb* agni et haedi et vituli et equuli *lamb, kids, calves and foals* (2.1.37; only in J.)

ago (3) **ēgi actum** *sue, bring an action: pass.: an action lies* **a** *furti agere = furti actione agere sue in theft; institute an action for theft* (G.3.204 = 4.1.14); *agere mandati (actione) have an action on the mandate* (3.26.10 med.); *cum herede agere take proceedings against the heir* (2.20.12); *ad exhibendum de ea re agere bring an action for its production (actio ad exhibendum; 2.1.29); in personam agere have/bring an action against the person* (4.1.14); *criminaliter agere take criminal proceedings* (4.4.10); *agere iniuriarum sue on an outrage, bring an actio iniuriarum/an action for insult* (4.4.2); *agere go to court, sue; filiae nomine tecum iniuriarum agi*

potest in respect of the daughter an action for insult lies against you (4.4.2); ipse agere potest he himself may sue (G.4.124 sub f.); pura actione recte agit he rightly brings an unqualified claim (4.6.33c ad f.); in duplum agere bring an action for twofold (4.6.23) **b** drive actus est ius agendi vel iumentum vel vehiculum (the servitude) actus is the right to drive animals or (to move) a vehicle (across the land of another; 2.3 pr.); veluti si servus stipuletur ut sibi ire agere liceat e.g. if a slave stipulates for a right of way (lit. that he be allowed to go or drive animals across the land; 3.17.2) **c** do, perform, achieve nihil agit his act is void, he achieves nothing (G.1.37 = 1.6 pr.); auctoritas tutoris nihil agit the approval of the guardian has no validity (1.21.2) **d** radices agere take root (2.1.31) **e** claim, demand ille qui agit plaintiff, the claimant (2.20.4 ad f.) **f** do, perform, act furiosus non intellegit quid ... agat a lunatic does not understand what ... he is doing (G.3.106 = 3.19.8); ita agi solitum erat ut ... the usual procedure was such that ... (1.2.10); complura ... cum certis et sollemnibus verbis ... aguntur various (formalities) ... are performed accompanied by specific formal words ... (G.1.112); eaque res ita agitur this action is performed as follows (G.1.119; 2.105) **g** allege (in a claim) si agat ius sibi esse altius aedes suas tollendi ... if (the plaintiff) in his claim alleges that he is entitled (lit. has the right) to build above a given height ... (4.6.2) **h** intend, have in view senatus consulto quidam id actum esse putant (ut + subj.) some maintain that the intention of the senatusconsult was that ... was to ... (G.3.64); id agebat praetor ne quis sine successore mori-

atur the praetor had in mind that no one should die without a successor (G.3.33 = 3.9.2 sub f.) **i** pass.: occur, happen, be performed totum hoc negotium ... testamenti ordinandi gratia agitur the whole transaction ... is undertaken for the execution of a will ... (2.10.10)

aio defect. vb. (in J. only ait) declare, allege, say hunc ego hominem ... meum esse aio I declare that this slave ... is my property (G.1.119; FORM); recte eum agere et fundum petere Iulianus ait Julian alleges that he (can) lawfully sue and claim the land (2.20.9)

alacer alacris alacre eager, keen alacri studio has leges nostras accipite receive these laws of ours with keen enthusiasm (Const. imp. 7 init.; hapax)

album **i** n album, edict (of the praetor) aliae formulae in albo proponuntur yet another formulae are published in the edict (G.4.46 ad f.); adversus eum qui aliquid ex albo (praetoris) corruperat (measures directed) against the person who had in any way defaced his album (4.6.12; only here)

alias adv. **a** at another time alias ... alias ... alias sometimes ... sometimes ... sometimes (4.4 pr.); interdum ... interdum ... alias in some cases ... in others ... and in others (G.4.6) **b** in another way, by other means alias civitatem Romanam consecutus est he acquired Roman citizenship by some other means (G.1.74); non sunt agnati, sed alias naturali iure cognati they are not agnates but cognates related (only) by natural law on other grounds (G.1.156 = 1.15.1) **c** else, in other circumstances, otherwise divi Pertinacis oratione cautum est ne alias tabulae priores iure factae irritae fi-

ant, nisi sequentes iure ordinatae ... fuerint in a motion (lit. address) of the Emperor Pertinax (proposed in the senate) it was provided that a first testament which is duly executed should not be otherwise invalidated unless the second will were duly executed (2.17.7 ad f.)

alienatio ōnis *f* parting with property nullius rei alienatio ei (pupillo) sine tutoris auctoritate concessa est without the guardian's approval the pupil is not allowed to part with any property (G.2.84); lex ... alienationes inhibebat quae invita muliere fiebant (that) law forbade alienations which were transacted without the wife's consent (2.8 pr.)

alieno (1) **-āvi -ātum a** alienate corporalis res tradi potest, et a domino tradita alienatur a corporeal thing can be handed over and if it has been handed over by the owner it is alienated (2.1.40); accidit aliquando, ut qui dominus sit, alienandae rei potestatem non habeat, et qui dominus non sit, alienare possit it sometimes happens that an owner has not the power to alienate or that a non-owner has (G.2.62 = 2.8 pr.) **b** sell dominus eum alienavit the owner sold him (2.14.1 sub f.)

aliēnus -a -um (property) of another, belonging to another servus alienus the slave of someone else (G.1.86); servi tam nostri quam alieni heredes scribi possunt both our slaves and those of others can be appointed heirs (G.2.185); se alieno iuri (dat.) subicere subject themselves to another's power (G.3.84 ad f.; 1.124); in aliena potestate esse to be in the power of another (G.1.51); sive nostra gratia ... sive aliena (abl.) whether for our sake ... or for that of another (G.3.155; 3.26 pr.); aes alienum debt (lit. the bronze (coin) of

another, that which I owe him); aes alienum suscipere incur debt (G.1.192 ad f.); post aditam hereditatem grande aes alienum ... emerserat after acceptance of the inheritance a large debt came to light (2.19.6); ante (adv.) deducitur aes alienum debts are first deducted (2.22.3)

alimentum i n food, nourishment ut suspectus tutor removeri poterit qui non praestat alimenta the person who fails to provide maintenance can be removed as a suspect guardian (1.26.9 ad f.; 10; only in J.)

alioquin *adv.* a for the rest, in other respects, in general alioquin inutile est testamentum in quo nemo heres instituitur otherwise the will is ineffective in which no one has been instituted heir (G.2.248 = 2.23.2); alioquin mercede interveniente locatus tibi usus rei videtur besides, if agreement for rent is involved (lit. enters) the use of the thing is seen to have been let to you (3.14.2 ad f.) **b** otherwise, or else, in other circumstances alioquin iniuriarum tenebimur otherwise we shall be liable for the insult (G.1.141); alioquin non prodest eum exheredari otherwise his disinheritance is of no avail (G.2.127; 2.13 pr.); alioquin non habebis cum eo mandati actionem or else you will have no action on the mandate against him (the mandator; 3.26.8); alioquin si defecerit condicio, durat prior obligatio if on the other hand the condition has not been complied with the previous obligation continues (G.3.179 = 3.29.3 ad f.)

aliquando *adv.* a sometimes, at times sed ... hoc aliquando aliter se habet still, sometimes the case is different (G.2.50 = 2.6.4); aliquando autem etiam suae rei quisque (= aliquis) furtum committit some-

times a person (may) even steal his own property (4.1.10); aliquando ... aliquando at times ... at other times (G.1.102; 2.23.3) **b** previously quia id quod aliquando habuimus, recipimus per usucapionem because by means of usucapio we recover what we previously owned (G.2.59 ad f.)

aliquatenus adv. up to a certain point, in some degree (G.1.168; 4.5.3; only here)

aliqui aliqua aliquod pl. **aliqui aliquae aliqua** indef. adj. (v. aliquis) some, some measure of, some ... or other lex aliqua some law (G.1.83); (omitted in translation) pars aliqua inde sumebatur part of it was taken (G.4.17); res aliqua deponitur a thing is deposited (3.14.3); videtur aliquam utilitatem habere it seems to have some use/serve some purpose (G.3.34); si aliqua ex causa dirutum sit aedificium if for some reason or other the building has been pulled down (2.1.29 sub f.); iam aliquem intellectum habent they have (attained to) some understanding (G.3.109 = 3.19.10)

aliquilibet aliquilibet aliquodlibet indef. adj. any other (arbitrary) id quod ... ex aliquilibet causa adquirunt what ... they acquire by any (other) title (G.2.87; hapax)

aliquis (m f) **aliquid** (n) indef. pron. pl. aliqui aliqua someone, something opus est ut aliquis heres recto iure instituat it is necessary that someone be directly/validly instituted heir (G.2.248 bis = 2.23.2); certum est aliquem intestatum decessisse it has been established that someone has died intestate (G.3.11); quod alicuius est, id ei dari non potest what belongs to a man cannot be conveyed to him (G.3.99); mancipat pater alci. filium the father manci-

pates his son to someone (a third party; G.1.132 med.); movet alci. de alqa. re controversiam he starts a dispute with someone over something (4.6.1 sub f.); id quod in solo nostro ab aliquo aedificatum est ... iure naturali nostrum fit what a man has built on our land ... becomes our property by natural law (G.2.73); si quis ab aliquo vulneratus fuerit when someone has been wounded by another (4.4.9); plural rare: cum de possessione ... inter aliquos contenditur when a lawsuit is being engaged in between parties concerning possession (G.4.139); in summa praetor aut iubet aliquid fieri aut fieri prohibet to put it shortly, the praetor either orders or forbids something to be done (G.4.139 ad f.); plus est enim statim aliquid dare, minus est post tempus dare for it is "more" to give something at once, "less" to give after (a lapse of some) time (3.20.5 ad f.)

aliquo adv. to some place, somewhere furtum committitur si quis equum gestandi gratia commodatum longius aliquo duxerit theft is committed if one borrows a horse for a ride (and) takes it somewhere further (than contemplated; G.3.196 ad f. = 4.1.6 ad f.; only here)

aliter adv. a differently, otherwise non aliter quisque (= aliquis) ad patris condicionem accedit quam si inter patrem et matrem eius conubium sit a person cannot take (lit. does not approach) his father's status unless (litt. otherwise than if) there be conubium between the father and the mother (G.1.67 med.); hoc aliquando aliter se habet sometimes this is otherwise (G.2.50 = 2.6.4) **b** apart from this, in other cases aliter filia hoc ius non habet apart from this (law) the daughter does not have this

right (G.3.46) **c** *aliter ... aliter differently, in one way ... in another* aliter senatoris et parentis patronique, aliter extranei iniuria aestimatur *the affront is assessed in one way for (lit. of) the senator, father or patron, in another for a stranger* (4.4.9 sub f.) **d** *non aliter ... nisi/quam si not ... unless ... / only if* (v. a above); Papinianus ait non aliter vires habere codicillos quam si postea testamento confirmentur *Papinian says that codicils have force only if they are subsequently confirmed by will* (2.25.1); actio furti nec domino aliter competit quam si eius intersit rem non perire *the action of theft lies/is available for the owner only if he is interested in the thing not perishing* (4.1.13); non aliter quam tutore auctore *only with the consent of the guardian* (1.21 pr. and 1)

alius alia aliud *adj.* **a** *other, different, else* nemo alius *no one else* (1.6.1); ne ullus alius ... habeat *lest anybody else has ...* (2.6.3 med.); neque quis alius *and no one else* (1.24.4); si alius tale quid admisit culpa reus est *if another has committed any similar act he would be (lit. is) guilty of negligence* (4.3.4); neque aliud ullum negotium ... *nor any other act* (2.12.1 ad f.); alio quolibet modo *in any other way* (2.20.8); nulli alii sunt homines qui talem in liberos habeant *potentiam qualem nos habemus no other men exist who have such power over their children as we do* (G.1.55 = 1.9.2); actio nihil aliud est quam ius persequendi iudicio quod sibi debetur *an action is nothing else but the right to seek by litigation what is due to one* (4.6 pr.) **b** (yet) another recepta est et alia tutela *yet another (type of) guardianship was accepted* (1.18 pr.; 1.19 pr.

init.); et ipsam rem vel pecuniam ... dare compelluntur et aliud tantum pro poena *they are constrained to hand over the thing itself or (its value in) money and as much again (lit. another as much) as penalty* (4.6.19 ad f.); et morbus et aetas ... itemque aliae multae causae saepe impedimento (dat.) sunt ... *both ill-health, old age ... and also many other causes frequently (occur to) prevent ...* (4.10 pr. ad f.) **c** alius ... alius *the one ... the other; alii ... alii some ... others* interdicta alia ... alia *some interdicts ... others* (4.15.7); alia atque alia erit obligatio *there will be two distinct obligations (lit. one obligation ... and another; 3.16 pr.); alii (dat.) usum fructum, alii deducto eo fundum legare potest he may give the usufruct as a legacy to one person and the land without this usufruct to another* (2.4.1 med.); si de alia re A senserit, de alia B *if A has one thing in mind and B another* (3.19.23) **d** with a shift of cases aliud pro alio solvere *to pay one thing instead of another* (3.29 pr.); alio aliud corpus eligere cupiente (abl. abs.) *each wanting to choose a different thing* (2.20.23 sub f.); si quis aliud pro alio intenderit *if someone has claimed one thing instead of another* (4.6.35); donatorem vel legatum alii ad aliud genus retrahebant *some placed a gift or a legacy under the other category* (2.7.1 med.)

allegatio ōnis *f* *assertion, allegation, contention* talibus utitur improbis allegationibus *he has recourse to such shameless allegations* (3.19.12 sub f.); quod cum accidit, alia allegatione opus est adiuvandi actoris gratia *when this happens, another allegation is needed to assist the plaintiff (to counter the excep-*

tion; 4.14 pr.; v. adiectio ad f.; and 4.14.1-2)

alluvio ōnis *f* *alluvion, gradual accretion* (id) *quod per alluvionem agro tuo* (dat.) *flumen adiecit, iure gentium tibi acquiritur* *what a river has by the law of nations acquired for you/as your property* (2.1.20; G.2.70); *est autem alluvio incrementum latens* *now, alluvion is imperceptible accretion* (2.1.20)

almus -a -um *nourishing, bountiful* (from alo) *antecessor huius almae urbis* *the professor of law in* (lit. of) *this mother city* (Constantinople; Front. inst.; hapax)

alter altera alterum *adj.* **a** *the other* (of two) *altera dimidia pars* *the other half* (3.1.6 ad f.); *duorum alterum* *one of two things* (*will happen.* 1.1.2 sub f.); *altero* (testamento) *in pace utebantur* *people availed themselves of the one kind of will in times of peace* (2.10.1; G.2.101) **b** *another* (not the same), *a third party alterius fiunt* *they become* (the property) of another (G.2.19); *alterius civitatis cives* *citizens of another state* (G.1.131); *alterius generis successiones* *successions of another kind* (G.3.82); *proximior alteri parti* (est insula) *the island is situated* *nearer to one bank* (2.1.22 sub f.); *in una causa ... in altera* *in one case ... in the other* (3.25.3); *nom. pl.*: *alteri tres aut quattuor* *the remaining three or four* (3.1.16 ad f.) *contrasted: the one ... the other* *societas ita coiri potest ut alter pecuniam conferat, alter non conferat* *a partnership can be entered into on the basis that one party contributes money the other not* (3.25.2 med.); *altero casu ... altero vero casu* *in the former case ... but in the other* (2.23.9); ... *sive ex altero libertino, altero ingenuo ... or from*

one free born and one freed parent (1.4 pr. init.); *alterius generis tutores* *guardians of yet another category* (1.26.2; 3.10 pr.); *alter quam alterius* *another than ratio non permittit ut alterius arbor esse intellegatur* *quam cuius in fundum radices egisset* *reason does not allow the tree to be regarded as the property of anyone but the person into whose land the tree has taken root* (2.1.31 ad f.); *item post mortem alterius recte stipulamur* *we can validly stipulate for after the death of a third party* (3.19.16) **c** *mutual action: alter alterum provocat* *sponsione* *the one party challenges the other by a sponsio* (a solemn undertaking; G.4.166); *hos liberos ... alterum in alterius mutuam successionem vocavimus* *these children we have called to* (= granted) *mutual succession rights among themselves* (3.6.10 sub f.); *alter eorum alteri ... tenetur* *the one is liable to the other* (3.27.3); *si alteri* (dat.) *ex dominis* (= domino-rum) *adquiri non potest, solidum alteri* *adquiritur* *if one of the* (slave's) *masters cannot acquire* (lit. pass.), *everything is acquired for the other one* (3.17.3); *a plur. subj. is split: invicem alter alteri* (dat.) *tenebimur* *we shall be mutually liable to each other* (G.3.155)

altercatio ōnis *f* *controversy, disputed point* *antiqui iuris altercationes placavimus* *We* (the Emperor) *have put an end to the disputes of the ancient law* (1.5.3 sub f.; 4.1.8 med.; only here)

alterco (1) *-āvi -ātum* *wrangle, quarrel* *dum de his* (exceptionibus) *altercatur* *while there are disputes over these exceptions* (4.13.11 ad f.; hapax)

alteruter -utra -utrum *adj.* *either(one)* *si adhuc integro mandato mors al-*

terutrius (gen.) interveniat ... solvitur mandatum a contract of mandate is dissolved ... if, before it has been acted on, the death of either party occurs (G.3.160 = 3.26.10); si ab alterutro vestrum (part. gen.) id totum frumentum retineatur, ... if all that wheat is kept by either one of you (2.1.28 sub f.); alterutra earum actionum electa when once his choice of actions is made ... (4.1.16 med.); ex duabus itaque superioribus opinionibus alterutra adprobatur either of the two opinions above is therefore tenable (G.3.184 ad f.)

altior v. altus

altius adv. compar. higher, to a greater height ius altius tollendi aedes the right to raise buildings beyond a certain height (G.2.31; 4.6.2); servitus ne altius tollat quis aedes suas servitute to prohibit raising one's house to a greater height (2.3.1; 2.3.4)

altus -a -um high aliam bonorum possessionem ... altiore loco posuimus another form of possession ... we have promoted to a higher position (3.9.7; hapax)

alumna ae f foster-daughter (1.6.5; hapax)

alumnus i n foster-son (G.1.19; 1.6.5; only here)

alveus i m a river-bed (after the bed of the river has been shifted) prior ... alveus eorum est qui prope ripam eius praedia possident ... the old bed is the property of those who possess land near the river bank (2.1.23) **b** beehive examen quod ex alveo tuo evolaverit, eo usque tuum esse intellegitur, donec in conspectu tuo est a swarm which has flown away from your hive is deemed to remain yours as long as it is still in your sight (2.1.14 ad f.)

ambāges is f complication, prolixity per

multas ambages with many complications (3.12 pr.; hapax)

ambiguitas tātis f disagreement, dispute post multas ambiguitates Sabiniorum et Proculianorum after many disagreements of the Sabinians and the Proculians (2.1.25; hapax)

ambiguus -a -um ambiguous, doubtful prudentibus (dat.) ambiguum fuerat utrum ... an ... it had been a matter of dispute among (lit. to) the learned whether ... or ..., (2.7.1 med.; hapax)

ambitus us m bribery (at elections) lex Iulia ambitus the lex Julia on bribery (4.18.11; hapax)

ambo ambae ambo adj. both (parties) fiunt ambo aequis partibus heredes both become heirs in equal shares (G.2.177); praetor dicebat "mittite ambo hominem" the praetor would (then) say "let go of the man both of you" (G.4.16 FORM); ubi ope Maevii Titius furtum fecerit, ambo furti tenentur where Titius has committed theft with the assistance of Maevius, both are guilty of theft (4.1.11 med.)

ambulo (1) -āvi -ātum walk, go about ei qui hominis occidendi causa cum telo ambulat ... those who prowl/go about armed with a weapon for the purpose of killing someone (4.18.5 init.; only in J.)

amica ae f companion lex XII Tabularum simplicitatem legibus amicam amplexa est the law of the XII Tables embraced simplicity as the companion of law (lit. for the laws; 3.2.3a init.; hapax)

amīcus i m friend inter amicos manumittere manumit (a slave) before (lit. among) friends (i.e. informally; G.1.41 and 44; 1.5.1); qui neglegenti amico rem custodiendam tradit suae facilitati id imputare debet a person who hands his

property for safekeeping to a negligent friend should blame it on his own unconcern/impute it to his own nonchalance (3.14.3 ad f.)

amissio ōnis *f* loss animae (= vitae) amissionem non irrogant they (certain laws) do not impose the death-penalty (lit. forfeiture of life; 4.18.11); (lex Iulia maiestatis) cuius poena animae (= vitae) amissionem sustinet (the lex Julia on treason) which involves capital punishment (lit. loss of life; 4.18.3; only here)

amita ae *f* aunt (on the paternal side) amita est patris soror, matertera vero matris soror amita is the father's sister, matertera again the sister of the mother (3.6.3); amitae tuae filius non est tibi adgnatus, sed cognatus a son of your father's sister is not your agnate, but your cognate (G.1.156 ad f. = 1.15.1); amitam et materteram uxorem ducere non licet it is forbidden to marry one's paternal or maternal aunt (G.1.63)

amitina ae *f* child of one's sister, paternal niece (3.6.5 ad f.; hapax)

amitinus i *m* child of one's sister, paternal nephew (3.6.4 bis; 3.6.6 ad f.)

amitto (3) **amīsi amissum** *a* lose civitatem Romanam amittere lose Roman citizenship (G.1.128); ipso ultimo spiritu simul animam atque libertatem amittebant they lost both their lives and their liberty with their last breath (3.7.4); filii ... parentum successionem propter adoptionem amittebant through adoption the sons lost ... the succession to their father (3.1.14 init.). **b** *pass.*: be lost hereditatis quoque amissae rationem esse habendam constat it is beyond dispute that account must also be taken of the lost inheritance (4.3.10); ex indulgentia principis ad solacium liberorum amissorum feminae

adoptare possunt by the grace of the emperor women can adopt as a consolation for children lost (by death; 1.11.10; 3.3.1) **c** *pass.*: fall, die in battle si filii in bello amissi sunt, quaesitum est an prosint; et constat eos solos prodesse qui in acie amittuntur (regarding exemption from guardianship) the question has been raised whether sons lost in war should count (lit. avail the father); and it is settled that only those may count who fall in battle (1.25 pr. ad f.)

amnis is *m* river vicinum ... in amnem prociatur he (the parricide) should be cast into a nearby river (4.18.6 ad f.; hapax)

amor amōris *m* love entanglement, liaison, affair cum libera mulier servili amore bacchata ipsam libertatem ... amittebat where a free born woman ... forfeited even her freedom by indulging in an extravagant/wanton love affair with a slave (3.12.1; hapax)

amoveo (2) **amōvi amōtum** *a* take away, remove, appropriate sciendum est an impubes rem alienam amovendo furtum faciat we should determine ... whether a person below puberty commits theft by removing another's property (G.3.208 = 4.1.18); furtum fit ... cum quis interceptiendi causa rem alienam amovet theft is committed ... when someone removes the thing of another in order to appropriate it (G.3.195 = 4.1.6) **b** exclude, leave out of account amotis quoque suis heredibus if the direct heirs, too, are left out of account (3.6.12)

amplector (3) **amplexus sum** (lit. embrace), metaph. uses: **a** acquire successionem amplecti acquire, take an inheritance (3.2 pr.) **b** regard as haec lex ... simplicitatem legibus (dat.) amicam amplexa est this law regard-

ed (litt. *embraced, welcomed*) *simplicity as the friend of the laws* (3.2.3a init.) *c include, refer to eos quos nostrae amplexae sunt constitutiones those to whom our constitutions have referred* (3.1.2a init.) *d adopt, accept* *satisfactionum modus alius antiquitati placuit, alium novitas per usum amplexa est one kind of security found favour with antiquity (but) modern times have adopted another in practice* (4.11 pr. init.)

amplio (1) *-āvi -ātum raise, increase* *nostra constitutio ... quantitatem usque ad quingentos solidos ampliavit our constitution raised the limit (lit. the amount) to 500 solidi* (2.7.2 med.; hapax)

amplius *comp. adv. more* *amplius quam semel optare non potest (she) cannot have the option more than once* (G.1.153); *nec res quae nostra iam est, nostra amplius fieri potest a thing which is already ours cannot be made more so* (G.4.4; 2.20.10)

amplius -a -um *great, large* *ut aliquid amplius sit eis so that they may have somewhat more* (3.1.15 med.); *pater ampliore summa fruetur the father will enjoy a greater benefit (lit. sum; 2.9.2 ad fin.); in ampliorem pecuniam fideiubere be surety for a greater amount* (3.26.8); *amplissimum ius est in edictis duorum praetorum very extensive law is contained in the edicts of the two praetors* (G.1.6)

an *particle* or introduces the second part of an alternative question, either direct or indirect; such an indirect question is often dependent upon the vb. *interest*, sometimes positive (e.g. 2.20.6 sub f.); but usually negative (*nihil/nec interest*; e.g. at 3.1.2 ad f.); or dependent upon *parvi refert*: *parvi*

refert utrum ... an it matters little whether ... or (4.4.9 ad f.), or upon a vb. of election, as in 1.24.1 med.; otherwise than in classical Latin the mood used after *an* in indirect questions is often in the indicative: *quaesitum est ... an rata debet haberi conventio the question has been raised whether the agreement should be regarded as valid* (3.25.2 init.); combinations: **a** preceded by **(i)** *utrum*: *nihil interest utrum per vindicationem an per damnationem legatum sit it makes no difference whether the legacy has been made per vindicationem or per damnationem* (G.2.208) **(ii)** *utrum ... an*: *illud quaesitum est ... utrum furti an servi corrupti iudicio teneatur Titius mihi, an neutro the question has been raised ... whether Titius would be liable to me in the action for theft or in that for corrupting a slave or in neither* (G.3.198 sub f. = 4.1.8) **(iii)** *utrum ... aut ... aut, an ... aut ... aut*: either ... or (G.2.259) where *aut ... aut* indicate alternative possibilities, first under *utrum*, then under *an* **(iv)** *an (= utrum)*: *nec interest, an in viri sui manu sint an in extranei and it makes no difference whether she (the woman) be in her husband's or in a stranger's manus* (G.1.136) **b** followed by **(i)** *non*: *nec interest an extiterit aliquis ex eo testamento heres an non extiterit and it makes no difference whether an heir has qualified under that will or not* (G.2.144; 3.6.11 ad f.) **(ii)** *-ve*: *ac ne illud quidem requirimus an patronum creditoremve manumissor habeat and we do not even inquire whether the manumitter has a patron or creditor* (G.1.139) **(iii)** *-ve vel*: ... *testamentum in tabulis an in chartis membranisque vel in alia materia fiat (it does not matter) whether the*

will be on tablets, paper, parchment or any other material (2.10.12) (iv) aut ... aut: (2.23.8; v. supra a (iii) and (iv)) (v) aut ... vel: (4.6.13) (vi) an ... vel: an (G.4.141) c variations: (i) strengthened form anne: postulo anne dicas qua ex causa vindicaveris I am eager to know whether you (will) say on what legal ground you have based your claim (G.4.16 med.; FORM) (ii) in a principal clause: in a direct question where -ne would be expected an appears: an ... potest admitti constitutio? can the constitution (the law) take effect? (3.11.5) (iii) in an alternative indirect question (with the omission of utrum); nec interest scierit an ignoraverit and it does not matter whether he was aware of it or not (2.20.16 sub f.; 2.10.12)

ancilla ae f slave girl, female slave servi ... nascuntur ex ancillis nostris slaves ... are the issue of/are born from our female slaves (1.3.4; 2.20.17)

angustia ae f defile, narrow passage inter eius cullei ferales angustias comprehensus enclosed in the dismal prison of that sack (the parricide will be cast into the water to be drowned; 4.18.6 sub f.); sed hae iuris angustiae postea emendatae sunt but this narrowness of the law was subsequently amended (3.3.1; only here)

angustus -a -um narrow, restricted angustissimis finibus constitutum ... ius ... praetor ... dilatavit the praetor ... extended ... the law which had been restricted to very narrow limits (3.9.2 ad f.; G. 1.151-2)

anima ae f life in omnibus rebus quae anima (abl.) carent in the case of all inanimate things (G.3.217 = 4.3.13); animae amissio capital punishment (4.18.3 & 11; v. amitto)

animadversio ōnis f punishment

capitali animadversione puniuntur they suffer capital punishment (lit. are punished with ...; 4.18.9; hapax) **animadverto** (animum + adverto) (3) -verti -versum a observe, remark, notice animadvertere possumus dominis in servos vitae necisque potestatem esse we can observe that masters have power of life and death over their slaves (G.1.52 = 1.8.1) **b** consider animadvertendum erit an custodiam hominis ... venditor susceperit it must be considered whether the vendor undertook ... liability for the custody of the slave (3.23.3a; animadvertere ne: G.1.83) **c** inflict the death penalty (in + acc.) in servum aequae verberatum animadvertebatur after a slave had been similarly scourged (for theft) the death penalty was inflicted on him (G.3.189)

animal animālis n a animal animalia quae mancipi sunt such animals as are res mancipi (G.1.120-1); non potest animal iniuriam fecisse dici, quod sensu (abl.) caret it cannot be said that an animal, lacking reason, has done a wrong (4.9 pr. ad f.) **b** living being ius naturale est quod natura omnia animalia docuit the law of nature is that which nature has taught all living beings (1.2 pr.)

animus i m a mind, understanding, judgment veteres voluerunt feminas ... propter animi levitatem in tutela esse the early lawyers held that women ... should be in tutela on account of their instability of judgment (G.1.144; 1.190); nullum impuberum animi iudicium est the minds of persons below the age of puberty lack judgment (2.12.1) **b** will, desire si (ea animalia) revertendi animum habere desierunt ... if (such animals) have ceased to have the will to return (G.2.68 = 2.1.15 sub f.) **c** intention

- relinquendae possessionis animo with the intention of abandoning possession (G.4.153 sub f.); lucrandi animo from motives of gain; with a view to gain (2.1.16 ad f. & 48); adimendi animo with a view to revoking (the legacy; 2.20.12 bis); novandi animo with a view to novation (3.29.3a); solvendi animo dare give with intent to pay/with a view to settlement (G.3.91 ad f.; 3.14.1 ad f.) **d** assumption imprudens iuris eo animo rapuit quasi domino liceat rem suam etiam per vim auferre possessoribus (dat.) ignorant of the law he seized the thing with the assumption as though it were permissible for an owner to take away his thing even by force from those in possession (of it; 4.2.1)
- anniculus -a -um** aged one year filius anniculus a baby son one year old (G.1.29 bis); filia annicula a baby daughter one year old (G.1.32a); si minor anniculo sit filius filiave, causa (erroris) probari non potest the cause (of error) cannot be shown if the little boy or girl be younger than one year (G.1.73)
- annōna** ae f price of corn lex Iulia de annona the lex Iulia on the price of corn (4.18.11; hapax)
- annunero** (ad + numero) (1) -āvi -ātum regard as (acc. + dat.) imperitia culpae annūneratur lack of skill is regarded as negligence (lit. counted with (4.3.7; hapax)
- annuo** (ad + nuo) (3) **annui** — nod assent annuente Deo by the will (i.e. with the assent) of God (Const. imp. 1 init.; hapax)
- annus i** m year maior est annorum triginta (gen. of comparison) he is over 30 years of age (G.1.17); minor xxx annorum servus manumissus potest civis Romanus fieri a slave under 30 can be manumitted and be-

come a Roman citizen (G.1.21); intra annum ... post annum within a year ... after a year (G.3.209; 3.3.6); quanti (gen. of value) ea res in eo anno plurimi fuerit its highest value in that year (G.3.210); anno possidere possess it for a year (G.4.36; FORM); in singulos annos ... certam pecuniam stipulari stipulate for the annual payment of a certain sum (G.4.131); ea actio anno terminatur that action is limited to (lit. by) a year (4.12 pr. ad f.); septimum decimum annum implere/explere complete his 17th year (1.6.7 ad f.); pubertas ex annis aestimatur puberty is determined by age (lit. years; 1.22 pr.)

- annuus -a -um** annual, lasting one year annua possessio possession for one year (G.1.111); annua usucapio usucapion in one year (G.2.54); si ita stipuleris "decem aureos annuos quod vivam dare spondes?" ... if you stipulate as follows "do you promise to give ten gold pieces a year for as long as I live?" (3.15.3 FORM)
- anser anseris** m goose (2.1.16; hapax)
- ante** adv. before, formerly, previously, first ante lege agitur sacramento apud praetorem a legis actio by sacramentum is previously enacted before the praetor (lit. a legal action is instituted by means of an oath; G.4.31; 4.15.4 bis) The conjunction *antequam* was originally the adv. *ante* followed by *quam* (lit. "earlier ... than"); in our two works ("Institutions") the two components are often written separately with other words in between; to restore the conjunction *ante* is transferred to *quam*: "in auctione praedictum est ne ante emptori res traderetur quam pretium solverit" is translated as if the text had read "ne emptori res traderetur antequam preti-

um solverit" at the auction it was previously specified that the thing should not be delivered to the buyer until (= before) he should have paid the price ... (G.4.126a)

ante prep. + acc. before ante aditam hereditatem (G.3.68; 2.22.2) = ante aditionem hereditatis before acceptance of the inheritance (G.2.35 & 36); ante Augusti tempora before the time of Augustus (2.25 pr.); ante condicionem before the fulfilment of the condition (3.19.25); ante heredis institutionem before the institution of an heir (G.2.229 & 230; 2.20.34); ante litem constestatum before litis contestatio (G.3.180); ante mortem heredis/patris before the death of the heir (G.2.234)/the father (G.2.123); ante omnia before everything, especially (G.2.116); ante pubertatem decedere die before (attaining) puberty (G.2.180 & 182; 2.16 pr. & 4); ante rem iudicatam before the final verdict/before the judgment (G.4.114 = 4.12.2) ante sententiam before the decision of the hearing (2.14 pr. sub f.)

antea adv. (syn. of ante adv.) previously, formerly, used to be ... quia ea antea nullius (gen.) essent because previously those things were no one's property (G.2.66; in G. only here); breviter expositum est quod antea obtinebat (the law) that formerly obtained was briefly set out (Const. imp. 5); ante heredis institutionem inutiliter antea legabatur before the institution of an heir legacies formerly used to be bad (in law; 2.20.34)

antecēdens gen. **antecedentis** adj. preceding ex antecedenti numero under the preceding scale (G.1.45; hapax)

ante-cēdo (3) **-cessi -cessum** a precede (+ acc.) constituimus ... ut ... istae donationes ... antecedant

matrimonium we ruled (in a constitution) ... that ... those gifts (may) precede the marriage (2.7.3 sub f.) **b** be preferred to (+ acc.) personae quae ex nostra constitutione patrem ... antecedunt persons who under our constitution (= law) ... are preferred to the father (3.10.2 ad f.)

antecessor sōris m (lit. leader) professor in law (Const. imp. 3; hapax)

ante-pōno (3) **-posui -positum** place one above the other, give priority/precedence to (acc. + dat.) eos constitutio anteponit, et procul dubio cognatis (dat.) the constitution gives priority to them, and certainly above the cognates (3.5.1 ad f.); iuri agnatorum eos anteponebat (the ancient law) placed them (issue through males) above the claims of the agnates (3.1.15)

antequam conj. before (v. ante adv.) cum ad iudicem venerant, antequam apud eum causam perorarent, solebant breviter ei ... rem ... exponere when they had come before the judge (and) before they argued their case they would briefly expound it to him (G.4.15 ad f.); antequam planta radices egerit, eius permanet cuius et fuerat before the plant has taken root, it remains (the property) of him to whom it had belonged even before (2.1.31)

anterior gen. **anterioris** adj. earlier, older/elder (only in J.) ex anterioribus constitutionibus by earlier constitutions (2.9.2); anteriores liberi elder children (born before others; (3.1.2a sub f.); sed bene anteriores principes et huic causae provide-runt but earlier emperors wisely made provision for this (kind of) case too (3.9.12; 3.23.2 ad f.)

antiquitas tātis f a olden times, the distant past satisdationum modus alius antiquitati placuit, alium nov-

itas per usum amplexa est *one style of taking security was approved by (lit. was to the taste of) the distant past (but) more recent times adopted another in practice* (4.11 pr.; only in J.) **b** *ancient law* antiquitatis norma *the wise rule of ancient law* (1.22 pr. ad f.); ut nihil antiquitatis penitus ignoretur *so that nothing of antiquity/ancient law should be wholly unknown* (2.10.1; 2.20.3) **c** *the lawyers/jurisconsults of old* (1.11.12; 3.1.16 med.); antiquitati vituperandum ... fuerat visum *the jurisconsults of old had regarded it as reprehensible* (2.20.34 med.)

antiquitus *adv.* long ago, in ancient times antiquitus institutum erat, ut essent qui iura publice interpretarentur *it had long since become customary that there were those who publicly interpreted the law* (1.2.8; 4.12 pr. init.)

antiquus -a -um *ancient, of ancient times* antiquo iure *under the ancient law* (G.3.43 & 63; only here in G.); apud antiquos non aliter hoc obtinebat nisi ... *among the ancients this rule held good only if ...* (3.2.8 sub f.); antiqui prudentes *ancient jurists* (4.1.8 med.); per antiquam legis observationem *by the old prescription/observance of the law* 1.12.6; 2.9.1 med.)

antistes antistitis *m* priest (1.20.5; hapax)

anulus i *m* a ring (G.3.147 = 3.24.4; only here in this sense) **b** ring for sealing a will (2.10.5)

aper apri *m* wild boar (4.9.1; hapax)

aperio (4) **aperui apertum** *open* ne inferiores tabulae (testamenti) aperiantur *(it is provided) that the later tablets (of the will) shall not be opened* (G.2.181 sub f. = 2.16.3 sub f.; only here)

aperte *adv.* **a** obviously, blatantly, clearly

aperte iniquum erat *it was obviously/blatantly unjust* (G.3.40 ad f. = 3.7 pr. ad f.; 4.4.3) **b** *unambiguously, explicitly, clearly* nostra constitutio aperte eam (actionem) esse bonae fidei disposuit *our constitution openly/explicitly declared this to be a good faith (bonae fidei) action* (4.6.28 ad f.); compar. deg.: ex qua (constitutione) haec apertius possibile est scire (our law) *from which this may be apprehended more clearly* (4.18.8 ad f.; 3.29.3a ad f.); superl. deg.: quae (constitutio) apertissime definivit tunc solum fieri novationem ... *(a law) which provided very clearly that there is novation only when ...* (3.29.3a med.)

apis apis *f* bee (G.2.68; only here in G.); apium quoque natura fera est *bees too are wild by nature (lit. the nature of ...)* (2.1.14; 2.1.15)

apiscor *v.* adipiscor

appareo (2) **apparui** — *appear, be clear/evident/obvious* **a** *impers.:* ex his (neut.) apparet quot sint species tutelarum *from (all) this it is evident how many varieties of tutela (guardianship) there are* (G.1.188); unde apparet non de eo nos loqui qui tardius exaudit *from which it is clear that we are speaking not of one who is hard of hearing ...* (3.19.7) **b** *pers.:* quae omnia apertius ... *a cottidiano usu ... apparent all this is/becomes more apparent ... from the daily practice (of the courts ...)* 4.11.6); post aditam hereditatem grande aes alienum ... apparuit *after acceptance of the inheritance a large debt ... came to light* (G.2.163 = 2.19.6); copulative use: prove to be postea vero servus apparuit *(the witness) later proved to be a slave* (2.10.7)

appellatio ònis *f* term (name) populi *appellatione universi cives sig-*

nificantur by the term "people" all citizens are designated (G.1.3 = 1.2.4)

appello (1) *-āvi -ātum* a call, name, designate ius quo populus Romanus utitur ius civile Romanorum appellamus the law which the Roman people observes we call the civil law of the Romans (1.2.2); qui tabernae (dat.) praepositur institor appellatur a person put in charge of a shop is called the institor (G.4.71 ad f.) **b** appeal qui excusare se volunt, non appellat those who wish to excuse themselves do not appeal (1.25.16)

appello (ad + pello) (3) **appuli appulsum** a moor up/steer to land, tie up (ship) (acc.; ad + acc.) navem ad eas ripas appellere ... cuilibet liberum est anybody is free to steer his ship to those banks (2.1.4) **b** wash up, wash ashore (acc. + dat.) si vis fluminis partem aliquam ex tuo praedio detraxerit et vicini praedio (dat.) appulerit, palam est eam tuam permanere if the river violently tears away a piece from your land and carries it to the land of a neighbour, it obviously remains yours 2.1.21; only here in this sense)

appendo (ad + pendo) (3) **appendi appensum** weigh (trans.; lit. hang on the scale) qui dabat alicui pecuniam, non numerabat eam sed appendebat (in early times) a man paying money to someone did not count it but weighed it out (G.1.122 ad f.; hapax)

appeto (ad + peto) (3) **appetivi (appetii) appetitum** acquire, obtain (the purpose in compiling the Institutes has been) ut liceat vobis prima legum cunabula ... ab imperiali splendore appetere ... that you might have occasion to acquire the rudiments of law ... from the splendid

magnificence of the emperor (Const. imp. 3 med.)

applico (1) *-āvi -ātum* deal with, dispose of, use (fathers had the power to dispose at will over property acquired for them by their children) ut esset eis licentia ... quocumque modo voluerant applicare so that they were free to deal with it in whatever way they wished (2.9.1; hapax)

apprehendo (3) *-hendi -hensum* grasp, seize, lay hold of apprehendere id ipsum quod ei mancipio (dat.) datur, necesse est he is required to grasp the thing which is being mancipiated to him (G.1.121; 4.16 init.; only here)

approbo (1) *-āvi -ātum* a prove that (acc. + inf.) per testes idoneos approbare ... prove by suitable/reliable witnesses that ... (3.19.12 ad f.) **b** approve semel autem causa approbata, sive vera sive falsa sit, non retractatur however, once a ground has been approved, whether it be true or false, there can be no revocation (of approval; 1.6.6; 1.6.4)

apte adv. suitably hapax in G.3.222 sub f., but the emendation aperte is generally accepted)

aptus -a -um suitable unde melius et aptius est vulgari cretione uti hence it is better and more suitable to employ the ordinary form of cretio (G.2.172 ad f.; hapax)

apud prep. + acc. **a** with (i) among apud omnes populos among all nations (G.1.1 = 1.2.1 sub f.); apud Graecos ... apud nos (Romans) with the Greeks ... with us Romans (1.2.2 med.); propter ... longas peregrinationes quae apud veteres fuissent by reason of the distant travels which were (undertaken) among the ancients (2.25 pr. ad f.) (ii) in (an author) apud Catonem in Cato

(1.11.12), *Homerum in Homer* (2.7.1 ad f.), *apud veteres legum commentatores invenimus ... among the ancient commentators of the law we find/read that ...* (4.8.7 ad f.; G.4.60) (iii) *at the home of apud te alqd. deponere leave something in custody with you* (G.2.50; 2.1.44); *is qui apud se deponi passus est he who has allowed a thing to be deposited with him* (3.25.9) (iv) *remain/be with dominium apud eum remanet the right of property remains with him* (2.9.1 ad f.); *ita res intactae apud filium remanebunt thus the property (lit. pl.) will remain unimpaired with the son* (2.9.2 ad f.); *eo fit ut apud alium usufructus, apud alium proprietatis sit thus it comes about that the usufruct is vested in one person and the property in another* (G.2.33 ad f.) **b** *before (a judicial body or person) apud consilium before a council* (G.1.18–20 = 1.6.4); *apud praetorem before the praetor* (G.1.101 = 1.11.8); *apud competentes iudices before the competent judges* (1.12.6 med.; G.4.15); *apud centumviros agitur the action is before the centumviri* (G.4.95); *apud iudicem actum est the case was heard by the judge* (4.6.32) **c** *in relation to eodem iure apud liberos domini esse to stand in the same legal relation (i.e. as slave) to the children of his master* (1.19 pr. sub f.) **d** *in the power (of a captor) testamentum eius qui apud hostes est ... non valet the will of a person who is in the hands/power of the enemy ... is not valid* (2.12.5; 4.10 pr. med.; G.1.129) **e** *to/for nullo nec damno nec commode apud heredem manente (abl. abs.) while neither loss nor gain accrues to the heir* (2.23.7 ad f.) **f** *in his mind ... cum liberum cuique sit apud se explo-*

rare an expediat consilium ... since it is open to anyone to consider in his mind whether the advice is sound/useful (3.26.6 med.) **g** *in the law system of apud cives Romanos duplex (est) dominium in Roman law (lit. among Roman citizens) double ownership exists* (G.1.54 & 1.86)

aqua ae f *water inundatio aquae flooding* (3.23.3 med.); *communia sunt omnium haec; aer et aqua profluens the following things are common to all: the air and running water* (2.1.1); *ius aquae ducendae right to draw water* (G.4.3; 4.6.2); *aquae ductus (right of) conducting water over the land of another* (2.3 pr.); *aquae haustus right to draw water* (2.3.2); *aqua et igni (abl.) interdicere alci. refuse fire and water to someone/to interdict him from fire and water (= to banish him; G.1.90; 1.16.2); aquae et ignis interdictio banishment* (4; 18.2)

arbiter arbitri m *arbiter, judge, umpire apud iudices arbitrosve ... quaeritur the issue is aired before judges or arbiters* (4.6.1; G.4.164)

arbitrarius -a -um *pertaining to an arbiter modo per formulam agitur quae arbitraria vocatur sometimes the proceedings are by the formula known as arbitraria* (G.1.141 ad f.; 4.163); *praeterea quasdam actiones arbitrarias (id est ex arbitrio iudicis pendentes) appellamus furthermore, we call some actions arbitrary, i.e. dependent on the decision of the judge* (4.6.31)

arbitrātus us m *assessment, standard licet non fuerit adiectum boni viri arbitrato debere legitimam partem repleri even though there was no proviso that the legitimate portion should be made up by the assessment of an upright man* (2.18.3 ad f.; hapax)

arbitrium *ii n* a one's own free will, own decision, discretion suo arbitrio hereditatem adire potest he can enter on the estate by his own decision (G.2.188 = 2.14.1 ad f.); liberum arbitrium habet vel ... reum facere eum, vel ... damnum persequi he has the option between prosecuting him (the killer of the slave) and suing for damages (G.3.213; 1.12.7) **b** judgment, opinion si merces alieno arbitrio (dat.) permissa sit ... if the amount of the rent is left to the judgment of another (G.3.143 = 3.24.1) **c** disposal, availability totus ille dies arbitrio (dat.) solventis tribui debet the whole of that day should be available to the person bound to pay (3.15.2 ad f.)

arbitror (1) **arbitrātus sum** *be of opinion, regard as in eo vero quem patrem familias esse arbitratur but in the case of the person he regards as head of the family ...* (2.15.4 sub f.; hapax)

arbor arbōris *f* tree in arborem ascendere climb a tree (G.3.219); volucres in tua arbore nidum faciunt the birds nest in your tree (2.1.14); ex arbore deiectus ramus a branch thrown down from a tree (4.3.5); arbores finales cecidit he cut down boundary trees (4.17.6 sub f.); ratio non permittit ut alterius arbor esse intellegatur quam cuius in fundum radices egisset reason does not allow the tree to be regarded as the property of anyone but the person into whose land it has driven its roots (2.1.31 sub f.)

arcārius -a -um regarding a cash loan nomina arcaria cash entries concerning loans (G.3.131 & 132; only here)

arcus *us m* bow (and arrow; 4.18.5; hapax)

area *ae f* a (building) site constat ... extingui usum fructum et ne areae

quidem usum fructum deberi it is established ... that (after the destruction of the house) a usufruct (over it) is destroyed and there is usufruct not even over the site (2.4.3 ad f.) **b** inner court(yard) ut stillicidium vel flumen recipiat quis in aedes suas vel in aream, vel non recipiat (concerning servitudes: the obligation for someone) to receive water dripping or (flowing in) a stream (from another's property) onto his own house or courtyard, or not to receive it (2.3.1 ad f.)

argentarius *ii m* banker alia causa est illius actionis, qua argentarius experitur it is different in the case of the action used by a banker (G.4.64; only n G)

argenteus -a -um (made of) silver nummus argenteus silver coin/money (G.1.22; only in G)

argentum *i n* a silver si quis ... ex alieno auro vel argento vel aere vas aliquod fecerit if someone ... has fashioned some vase from the gold, silver or bronze of another ... (2.1.25; G.2.79) **b** silver plate si quis argentum utendum accepit quasi amicos ad cenam invitaturus if a person has received a loan of silver plate on the pretext that he intends inviting friends to dinner ... (4.1.6 med.)

argumentor (1) **argumentātus sum** bear out, substantiate, support Proculi sententia/ ... et ipsa ... validioribus rationibus argumentatur the view of Proculus, too, is supported by stronger arguments (3.23.2 ad f.; hapax & passive)

argumentum *i n* evidence, proof quod arrae nomine datur, argumentum est emptionis et venditionis contractae what has been given as earnest money serves as evidence that the contract of sale has been concluded (G.3.139 = 3.23.pr.); argumento

utebantur Graeco poeta Homero they adduced the Greek poet Homer as argument (3.23.2 med.)

arguo (3) **argui argūtum** a establish proof, show datur mihi exceptio per quam, si metus causa te fecisse vel dolo malo arguero, repellēris I am granted an exception under which you will be defeated if I prove that you used duress and fraud (G.4.117) **b** accuse, challenge puberes possunt curatores suos ... suspectos arguere minors can ... charge their curators as suspect (1.26.4); ... ita ut non possint argui inofficiosa eorum testamenta in such a way that the charge cannot be brought that their wills are unduteous (3.7.3 med.)

arma armorum n pl. arms, weapons arma suscipere take up arms (G.1.14) = arma sumere (G.2.101; DEF 4.15.6 ad f.)

armarium ii n chest, cupboard (G.2.79 = 2.1.25 med.; only here)

armentum i n herd of cattle/oxen (G.3.202 = 4.1.11; only here)

armo (1) **-āvi -ātum** arm vis armata armed violence (4.18.8 bis); imperatoriam maiestatem non solum armis decoratam, sed etiam legibus oportet esse armatam the imperial majesty should not only be glorified with arms but should also be armed with laws (Const. imp. pr.; hapax)

arra arrae f earnest-money, earnest emptio et venditio contrahitur, simulatque de pretio convenerit, quamvis nondum pretium numeratum sit ac ne arra quidem data fuerit a contract of sale is concluded as soon as the price has been agreed even though it has not been paid yet and no earnest has even been given (G.3.139 = 3.23.pr.; v. argumentum)

arrogatio ōnis f adoption of a person who is sui iuris (G.1.99 = 1.11.1; v. arrogo)

arrogātor tōris m adrogator, one who adopts (G.1.107; 1.11.3 med.; v. arrogo)

arrogo (ad + rogo) (1) **-āvi -ātum** adopt a person who is sui iuris populi auctoritate adoptamus eos qui sui iuris sunt; quae species adoptionis dicitur arrogatio by authority of the people we adopt those who are sui iuris; this kind of adoption is called adrogation (G.1.99; 3.1.14 sub f.)

ars artis f (only pl.) malpractices venefici capite damnantur, qui artibus odiosis tam venenis vel susurris magicis homines occiderunt poisoners incur the death penalty, persons who kill men by their hateful practices with poison or magical incantations (4.18.5 ad f.; hapax)

articulus i m subdivision, class, branch (of the law; G.22.2; 3.19.13 sub f.; only here)

as assis m a an as (monetary unit) hae partes propria nomina habent ab uncia usque ad assem these parts have their own designations from the ounce (a twelfth part) to the as (2.14.5) **b** the whole (of the inheritance) ex asse heres institutus instituted as sole heir (G.2.259 = 2.23.9 ad f.)

ascendo (3) **ascendi ascensum** (intr.) a climb, ascend in arborem ascendere climb a tree (G.3.219 = 4.3.16); in Capitolium ascendere go up the Capitol hill (3.15.4 FORM) **b** metaph.: ascendentes ascendants (in law of succession; 2.13.7; hapax in this sense)

ascribo (3) **ascripsi ascriptum** a grant, give Virginius Valens testamento suo libertatem servis quibusdam ascripsit V.V. in his will granted their freedom to certain slaves (3.11.1) **b** impose a condition on (acc. + dat.) condicio heredi ascripta post annum extitit the condition im-

posed on his heir was satisfied after a year (2.11.3 ad f.) **c direct** (in a will) a testatore ascriptum est it was (so) directed by the testator (1.24.1 sub f.)

asinus i m ass (G.1.120 = 4.3.1; only here)

asper aspera asperum lit. rough, uneven; metaph.: foul, atrocious, heinous alia deinde lex asperrimum crimen nova poena persequitur another statute inflicts a novel punishment for the foulest/most atrocious crime (parricide; lit. pursues with the punishment: 4.18.6; hapax)

asperitas tātis f severity, strictness nova hominum conversatio huiusmodi asperitatem recte respuendam existimavit later moral standards have rightly judged that such severity is to be rejected (4.8.7); asperitas iuris civilis the strictness of the civil law (3.2.3a sub f.); postea improbata est asperitas poenae in later times the severity of the punishment was condemned/rejected (G.3.189)

aspiro (1) **-āvi -ātum** aspire to, canvass for (ad + acc.) a nostra constitutione prohibentur ad tutelam ... aspirare they are by our constitution forbidden to canvass for guardianship (1.25.13; hapax)

assector (1) **assectātus sum** run after, interfere with (a girl) iniuria committitur ... si quis matrem familias ... assectatus fuerit outrage is committed by following about/running after a matron (G.3.220 = 4.4.1; only here)

assertor tōris m restorer/assertor of the liberty (of another), champion of liberty (G.4.14; 4.175; only here)

assiduus -a -um frequent, continuous assidua permutatione as a result of frequent exchange (2.4.2); assidua iurisdictio regular/constant jurisdiction (2.23.1 sub f.; only here)

assignatio ōnis f assignment (of a

freedman, man or woman, by a father to one of his children; 3.8.2; only in J.)

assigno (1) **-āvi -ātum** a assign (3.8.pr. & 1; v. assignatio) b enjoin, prescribe for (acc. + dat.) certa quaedam verba cuique generi legatorum assignata erant particular forms of words were assigned to/prescribed for each kind of legacy (2.20.2)

assimilo (1) **-āvi -ātum** treat in the same way as, assimilate to (acc. + dat.) in plurimis causis assimilatur is qui adoptatus ... est, ei qui ex legitimo matrimonio natus est in most cases/matters one who is adopted is treated like a son born of lawful wedlock (1.11.8; hapax)

assimulo (1) alternative form of **assimilo** (G.1.22; hapax)

astipulātor tōris m astipulator possu-
mo ad id quod stipulamur alium
adhibere, qui idem stipuletur,
quem vulgo astipulatorem voca-
mus it is possible for us to bring in
another person to stipulate for the very
same thing we are stipulating for; he
is commonly called an astipulator
(G.3.110; hapax; v. astipulor)

astipulor (1) **astipulātus sum** astipu-
late, act as astipulator (G.3.112-114;
v. astipulator)

astringo (3) **astrinxi astrictum** bind by
a legal tie (acc. + dat.) nihil interest
utrum aliquis ... iuris necessitate
hereditati (dat.) astringatur it makes
no difference whether one ... is bound
to the inheritance by legal necessity
(G.3.87; 3.13 pr.)

assūmo (ad + sumo) (3) **-sumpsi
-sumptum** take (acc. + dat.) fideius-
sores in omnibus obligationibus
assumi possunt sureties may be
taken in connection with all obligations
(3.20.1); qui parum diligentem so-
cium sibi assumit, de se queri de-
bet he who takes as a partner a care-

less person should lay the blame on himself (3.25.9 ad f.)

at *advers. conj.* but, yet, moreover, on the contrary, however *ipsi quidem qui cum pupillis contrahunt obligantur, at invicem pupilli non obligantur persons who contract with wards are indeed bound by an obligation but the wards for their part are not* (1.21 pr. ad f.); sureties cannot incur a greater obligation than the principal debtor at *ex diverso*, ut minus debeant obligari possunt but on the other hand they can be bound so as to be less indebted (than the principal; G.3.126 = 3.20.5); at *ex contrario* but on the contrary (2.8.2); (the receiver of a loan for consumption is bound to return the loan even if it has been lost without his fault) at *is qui utendum* (by way of commodatum) *accepit*, ... *propter maiorem vim maioresve casus non tenetur on the other hand he who has received something for use (commodatum), ... is not liable for irresistible force or unavoidable misfortunes* (3.14.2 med.)

atavia *ae f* the mother of a grandfather's grandfather (or of a grandmother's grandmother 3.6.5; hapax)

atavus *i m* the father of a grandfather's grandfather (or of grandmother's grandmother; 3.6.5; hapax)

atque *v. ac copulative particle a* and *iurisprudentia est ... iusti atque iniusti scientia jurisprudence is the knowledge of what is just and what unjust* (1.1.1); *atque ob id extinguebantur fideicommissa and thereby trusts were being brought to nought* (G.2.254); *alia atque alia erit obligatio there will be two separate obligations* (lit. one obligation and another; 3.16 pr. med.); *culpae nomine, id est desidiaae atque,*

neglegentiae liable for non-intentional fault i.e. for inattention and negligence (3.14.3 = 3.25.9) **b** *atque si just as if (+ subj)* often follows upon **(i)** *proinde (exactly/just)* *hereditas nobis acquiritur proinde atque si nos ipsi heredes instituti essemus the inheritance is acquired for us exactly as if we had been instituted heirs ourselves* (G.2.87 ad f.; 3.56 med.) **(ii)** *perinde (just so)* *quae verba perinde singula firma sunt atque si omnia in unum congesta essent these synonyms (lit. which words) are just as binding when used separately as if all had been piled together* (G.2.249 = 2.24.3) **(iii)** *sic ita (in such a way)* *principes rescripserunt subvenire se ... testamento (dat.), ut sic habeatur atque si ut oportet factum esset the emperors declared by way of rescript that they would uphold* (lit. come to the aid of) *the will so that it would be considered as duly made* (2.10.7); *definivimus ... integra omnia iura ita servari, atque si in patris naturalis potestate permansisset we (the emperor) have directed ... that all the rights (of the son) are preserved in full just as if he had remained in the power of his natural father ...* (3.1.14 med.) **c** *simul atque/ simulatque/ simulac as soon as* (2.1.45) **d** *perinde / proinde ... atque in the same way that (+ indic. or verb omitted)* *senatus censuit ut ei ... perinde liceret quartam partem retinere atque lege Falcidia ... conceditur the senate provided that he was allowed ... to retain a quarter in the same way as it is allowed by the lex Falcidia* (2.23.5; G.4.11); *et in eam partem perinde atque in totam rem praesentem fiebat vindicatio and the claim was made on that part as if the whole were present* (lit.

as if on the whole thing being present (G.4.17 ad f.)

atqui *advers. conj. however, but* atque si meum aurum aurifici dedero, mercede pro opera constituta, convenit locationem conductionem contrahi it is agreed however that if I supply my gold to the goldsmith, a remuneration for the work being settled, the contract is one for hire (G.3.147 ad f.; hapax in G.); atqui patrono legitimo tutore mortuo liberi quoque eius legitimi sunt tutores but on the death of a patron who is legal guardian, his sons too become legal guardians (1.19 pr.; hapax in J.)

atrocitas tātis *f* heinousness, severity atrocitas delicti heinousness of the crime (G.4.115); atrocitas sententiae severity of the sentence (1.16.1; only here)

atrox atrōcis *adj.* shocking, horrible, aggravated cum quid atrocius commissum fuerit when a specially (lit. more) shocking/horrible crime has been committed (G.3.222 = 4.4.3); atrox iniuria an aggravated outrage (4.4.9 bis)

attamen *advers. conj.* yet, none the less attamen partim et hoc in usu esse desiit yet this too in part fell out of use (2.10.1 ad f.); "licet enim" iniquiunt principes "legibus soluti sumus, attamen legibus vivimus" "although we are not bound by the laws" the emperors say "we none the less live by the laws" (2.17.8 ad f.)

attempto (1) **-āvi -ātum** *lit.* attack, attempt si cuius pudicitia attemptata esse dicitur ... if somebody's chastity is (lit. will be) alleged to have been attempted (4.4.1 ad f.; hapax)

at-tendo (3) **-tendi -tentum** *see to it (+ dat.; ut + subj.)* debet autem iudex attendere ut ... the judge must however see to it that ... (G.4.52;

hapax in G.); ... hi qui rebus nostris (dat.) attendunt those who see to/look after our interests (3.11.1 sub f.; hapax in J.)

attineo (ad + teneo) (2) **-tinui -tentum** *concern (ad + acc.)* quantum ad erroris causam probandam attinet as far as proving a case of mistake is concerned ... (G.1.73); quod ad edictum praetoris attinet ... so far as the praetor's edict is concerned, ... (2.13.4 med.); with the *vb.* omitted: quod ad feminas as regards/as for women (3.2.3 init.)

attingo (ad + tango) **-tigi -tactum** touch si caelum attingero if I touch the sky (3.19.11; FORM; hapax)

auctio ōnis *f* auction si argentarius pretium rei quae in auctionem venerit (from venio) persequatur obicitur ei exceptio ... if a banker sues for the price of a thing sold by auction he is met by an exception (G.4.126a bis; only here)

auctor tōris *m a* (by whose consent the transaction of a minor is rendered valid; *v.* auctoritas) tutore auctore (abl. abs.) with the consent/assistance of the guardian (1.21 pr. med.; 2.8.2 ad f.) **b** counsellor, proposer of a law auctore divo Hadriano on the proposal/at the instance of the late emperor Hadrian (the decree was passed; G.1.30) **c** author, writer diversae scholae auctores the authors/authorities of the other school (the Proculiani; G.1.196 ad f.; 3.23.2 med.)

auctorātus i *m* hired gladiator (G.3.199; hapax)

auctoritas tātis *f a* authorization patricii dicebant plebiscitis se non teneri, quae sine auctoritate eorum facta essent the patricians maintained that they were not bound by plebiscites as these had not been made with their authorization (G.1.3 ad f.) **b** authori-

ty, esteem adoptio duobus modis fit, aut populi auctoritate, aut imperio adoption is brought about in two ways, either by authority of the people or by the imperium (of a magistrate; G.1.93; G.3.224 ad f.); Augustus ... iussit consulibus (dat.; sic) auctoritatem suam interponere Augustus directed the consuls to interpose their authority (2.23.1 sub f.); Trebatius cuius tunc auctoritas maxima erat T. whose authority at that time was at its height (2.25 pr. med.) c consent, assistance (of guardian) sine tutoris auctoritate agere to perform an act without the assistance of the guardian (G.1.179; 2.80-81); pupillus ... alium sibi obligare etiam sine tutoris auctoritate potest a ward can bind/render liable to himself another even without the assistance of his guardian (G.3.107 = 3.19.9) d iuris auctoritas validity, authority praetorum edicta non modicam iuris optinent auctoritatem the edicts of the praetors have no slight authority as law (1.2.7) e authorization voluntati tuae ... auctoritatem nostram accomodamus we grant our authorization ... to (e.g. comply with) your desire (3.11.1 sub f.) f decision imperatoris auctoritate adoptamus eos ... by an imperial decision we adopt them ... (1.11.1)

aucupor (av- + cap-) (1) **aucupatus sum** engage in fowling qui in alienum fundum ingreditur venandi aut aucupandi gratia, potest a domino ... prohiberi he who trespasses on the property of another to hunt or for fowling can be stopped ... by the owner (2.1.12 med.; hapax)

audeo (2) **ausus sum** semi-dep. dare, venture (+ inf.) iudex ... plerumque propter ... praetoris auctori-

tem non audet minuere condemnationem the judge generally ... out of the deference to the praetor does not venture to reduce the damages (for outrage; G.3.224; hapax in G.); lex Iulia ... gladio punit etiam eos qui cum masculis infandam libidinem exercere audent the lex Julia ... punishes with death (lit. the sword) also those who dare to indulge their abominable (= homosexual) lust with males (4.18.4)

audio (4) **audivi/audii auditum a** hear necesse habet iusiurandum subire quod nihil tale a testatore audivit he (the heir) is constrained to swear that he did not hear such a request from the testator (2.23.12 sub f.); is qui promittit verba stipulantis audire debet the promissor must (be able to) hear the words of the stipulator (3.19.7) **b** give heed to (the request of); pass.: be given a hearing magis est ut audiri debeant (we are inclined to say that) their request (lit. they) should rather be heeded; 3.11.6 bis)

aufero (ab + fero) **auferre abstuli ablatum a** seize, take from, deprive of (acc + dat.) quasi domino liceat rem suam etiam per vim auferre possessoribus (dat.) as though it is permissible for an owner to take his thing even by force from people in possession of it 64.2.1 **b** take away, filch, steal (res quas) fugiendo servus abstulit things which the slave has taken away in his flight (4.6.23); fundus vi fluminis ablatu land washed away by the force of a river (3.23.3 med.) **c** recover, claim rem aut vindicando aut condicendo potest auferre he can recover the thing either by the action for its return or that for its value (4.1.19)

augeo (2) **auxi auctum a** enlarge, extend lege Papia aucta sunt iura

- patronorum by the *lex Papia* the rights of patrons were enlarged (G.3.42) **b** improve omnia augere ... desiderans desiring to improve everything (1.5.3) **c** increase auctus est populus Romanus in eum modum ut difficile sit in unum (scil. locum) eum convocare the Roman people had been so increased (in numbers) that it was difficult to convene it (lit. summon it to one place; 1.2.5)
- augmentum i n** increase, augmentation (3.27.7; hapax)
- aureus -a -um** golden, of gold nec ul-
lus aureus nummus and no gold coin (G.1.122); patera aurea golden cup (G.4.37; FORM); aureis litteris in gold lettering, in letters of gold (G.2.77; 2.1.33)
- aureus aurei m** (= nummus aureus) gold piece quo casu poena X aureorum constituta est in this case a penalty of ten gold pieces has been fixed (4.5.1 med. bis); totos decem aureos Titius consequi (potest) Titius can recover all ten gold pieces (4.7.4b ter); "P. Maevium L. Titio (dat.) decem aureis (abl.) condemo aut noxam dedere" "I condemn Publius Maevius to pay ten gold pieces to Lucius Titius or to surrender the slave (lit. the culprit. 4.17.1 ad f. FORM; v. sestertius)
- aurifex aurificis m** goldsmith cum aurifice mihi convenit ut ... I agree with a goldsmith for him to ... (G.3.147 = 3.24.4; only here)
- auris auris f** ear auribus/per aures by hearing (3.6.9; bis)
- aurum i n** gold corporales hae res sunt quae sui natura tangi possunt, veluti fundus, homo, vestis, aurum ... corporeal things are those which by their nature can be touched e.g. land, a slave, a garment, gold ... (G.2.13 = 2.2.1; v. aurifex)
- aut conj.** or, or ... or solo (dat.) cedere

- solent ea quae inaedificantur aut inseruntur buildings that are erected on it or what is sown usually follow the land (2.1.33); intestatus de-
cedit qui aut omnino testamentum non fecit aut non iure fecit aut id quod fecerat ... irritum factum est a man dies intestate who did not make a will at all or did not make it in accordance with law or, again, if the will he made be ... invalidated (3.1 pr.)
- autem conj.** a weakly adverb. (never the first word in a sentence; sometimes untranslated) but, nevertheless, yet, however semel autem causa approbata ... non retractatur however, once a ground (for manumission) has been approved ... there (can) be no revocation (of approval; 1.6.6); interdum autem et pupilli curatores accipiunt sometimes, however, even persons under the age of puberty receive curators (1.23.5); caecus autem non potest facere testamentum nisi ... a blind man cannot make a will, save ... (2.12.4) **b** continuation: now, furthermore, moreover adoptio autem duobus modis fit now adoption can be effected in (one of) two ways (1.11.1); excusantur autem tutores ... variis ex causis furthermore tutors (may) be excused on a variety of grounds (1.25 pr.); est autem alluvio incrementum latens now alluvion is an imperceptible accretion (2.1.20); untranslated: in potestate nostra sunt liberi nostri ...; ius autem potestatis, quod in liberos habemus, proprium est civium Romanorum our children are in our power ...; the power which we have over our children is peculiar to Roman citizens (1.9 pr. & 2)
- auxilium ii n** help, assistance, aid, relief auxilio praetoris by the kind offices/with the aid of the praetor (G.3.56; hapax in G.; 4.8.3); excep-

- tionis auxilio tutus esse potest *he can avail himself of the relief offered by the exception* (2.1.32); hanc possessionem praetor quasi ultimum et extraordinarium auxilium ... accommodavit *this form of possession the praetor gave as an ultimate and extraordinary relief* (3.9.8 sub f.)
- avaritiae** *ae f* greed *ne ... inveniatur via per quam raptores impune suam exerceant avaritiam lest a way be opened by which robbers could with impunity give rein to their avarice* (4.2.1; med.; hapax)
- averto** (*ab + ver*) (3) **averti aversum** *frighten off, turn away* (1.1.2; hapax)
- avia aviae** *f* grandmother (3.1.15); quarundam nuptiis abstinendum est ... veluti inter ... aviam et nepotem *we are to abstain from marriage with certain women ... e.g. between grandmother and grandson* (1.10.1)
- avoco** (1) **-āvi -ātum** *take away from (ab + abl.) ab his hereditas avocari potest the inheritance can be taken away from them* (G.2.148; 2.149; only here)
- avolo** (1) **-āvi -ātum** *fly away* peacocks and doves are wild by nature) ... *avolare et revolare solent they are in the habit of flying away and returning* (2.1.15; hapax)
- avunculus** *i m* (*maternal*) *uncle, mother's brother* *ad iura avunculi sui perveniunt they succeed to (litt. reach) their uncle's rights* (3.2.4 med.)
- avus avi** *m* *grandfather* *avus maternus maternal grandfather* (3.7.3 med.); *avus paternus paternal grandfather* (3.1.15 sub f.); *post obitum avi in patris sui potestatem fiunt after the death of their grandfather they will be (lit. become) in their father's power* (1.12 pr. sub f.)