

XII.—*A Test of Certain Centurial Stones.* By HENRY CHARLES COOTE, *Esq., F.S.A.*

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A few years ago, in commenting upon certain inscriptions published by Dr. Bruce, I contended that they referred to the estates of Roman colonists called *centuriæ*, and not to the cohortal divisions known by the same name, as maintained by Dr. Bruce.^a In a later publication Dr. Bruce controverts my view and reasserts his own. Thus there is a distinct antiquarian issue between us. As such divergences of opinion will never be rare in archæology, I should have left the matter where it stood if there were not something else to import into the question, which at the time I had the honour of bringing the subject before the Society I did not think necessary to state, believing that my evidences were sufficient without it. What I now refer to, and propose to import, are two rules of the formal language of Rome, which of their own force determine the meaning of the word *centuria*, according as it occurs in conjunction with one quality of proper name or another. The rules which I refer to are these :

1. Whenever a *centuria* of land is mentioned in conjunction with a single name of its proprietor, that name must be the *nomen*.

2. Wherever a military *centuria* is mentioned in conjunction with its centurion, and a single name only of the latter be given, that name will be the *cognomen*.

These rules will constitute a test able to determine the meaning of the word, whenever it is found in epigraphy conjoined with a single proper name. That these are true rules it will be my endeavour to show.

Hyginus, speaking of the inscriptions upon the centurial stones which were put up on the original setting out of the colonists' allotments, says of these stones, that some of them stated who were the allottees : "Alii ipsarum centuriarum

^a Proc. Soc. Antiq. 2 S. iv. 21.

sic quem ad modum qui in lateribus inscripserunt." (*De limitibus constituendis*, p. 172, Lachman.)

A similar rule is laid down by Siculus Flaccus in similar terms (p. 146, Lachman): "Etiam titulos finitis spatiis positos habent, qui indicent, cujus agri, quis dominus, quod spatium tueatur."

A later compiler of a treatise attributed to Boëthius uses expressions nearly identical with those of Siculus Flaccus: "Aliquotiens enim petras quadratas et scriptas, quæ indicant cujus agri, quis dominus, quod spatium tueantur." (*Demonstratio artis geometricæ*, p. 402, Lachman.)

These three authorities, while they prove that the colonist had his name inscribed on the centurial stones of his estate, as we see, omit to say whether it was his full name or any and what part of it. We are not however without means of supplying the omission, for the mode in which the estate was registered will afford a reflected light on the question. Speaking upon this point, Siculus Flaccus says distinctly, that, in addition to certain agrimensorial details, the *nomen* of the grantee and no more was recorded in the register: "Inscriptiones itaque in centuriis sunt tales, dextra aut sinistra, decumanum totum, ultra citrave, cardinem totum, assignatum illi tantum. Inde subscriptum est nomen, cui concessum est." (*De conditionibus agrorum*, p. 155, Lachman.)

Further on the same writer says that two persons of one and the same *nomen* are often found upon the original register as grantees of the same allotment: "Et æs respicitur, id est, quas quique acceptas defendant, quibusque personis redditum aut commutatum sit pro suo. Sæpe etiam unius ejusdemque nominis duo domini acceptam sibi defendunt." (*Ib.* p. 161.) This circumstance is said by the same author to be a cause of confusion, "quæ res quamvis sit confusa," &c. and we may easily imagine that it would be so. Such is the rule laid down by Siculus Flaccus.* The *Libri Colianarum* (Lachman) use the same phraseology, *e. g.* "Ager ejus in nominibus possessorum est adsignatus." (p. 239.)

Another agrimensor (Hyginus) varies this rule slightly. He gives us the entries of the colonists' names upon the register, "quod in æris libris sic inscribemus," (*De limitibus constituendis*, p. 201, Lachman,) as of *prænomen* and *nomen*, but omits the *cognomen*, as the others have done, viz. "Lucio Terentio, Luci filio, Gaio Numisio, G. F. Aulo . . . Numerii filio."^b

* The same writer says, at p. 160, "agri . . . assignantur viritim nominibus."

^b For Numerius as a *prænomen* see Festus. For Numisius as a *nomen* see Orelli, 449, 7, "Numisia, C. L. Glafyra." Also *Revue Archéologique*, vol. xvii. N. S. p. 289.

The foregoing statements, though not all identical, are not discrepant. The entry on the register simply gives us one more name than the text-writer Flaccus and the Libri Coloniæ. But this additional name is, as we see, the *prænomen* only, not the *cognomen*. In none of these authorities is the *cognomen* given, and this omission is the more important, because, if it did not appear on the register, it would be (officially at least) unknown to the agrimensor, one of whose duties was, as I shall afterwards show, to inscribe the centurial stones. All the authorities which I have cited make it therefore abundantly clear that the *cognomen* of a grantee did not appear upon the register. Moreover, though probably sufficient of themselves, they do not stand alone, but are confirmed by the practice of the lawyers and conveyancers of Rome, who, in describing an estate, invariably call it by the *nomen* of the original colonist to whom it was granted. (Dig. lib. 30, l. 85, s. 10, "fundus Cornelianus;" *ibid.* lib. 32, l. 35, s. 2, "fundus Trebatianus," and *passim*. *Tabula Alimentaria Trajana*, Zell, p. 393, "fundus Aurelianus, fundus Petronianus, fundus Munatianus, fundus Licinianus." *Tabula Alimentaria Ligurum Bœbianorum*, *ibid.* pp. 396 and 397, "fundus Flavianus, fundus Clodianus, fundus Pompeianus." Amongst the *fundi* belonging to the Collegium Silvani, Zell, p. 50, are "fundus Lollianus, fundus Pescennianus, fundus Statullianus, fundus Junianus.")

The house-agents also followed the same rule. When they sold or let a house they called it by a name derived from the *nomen* of the proprietor—K. (casa) Oppiana, K. Postumia,^a Insula Arriana.^b Suetonius also illustrates this in a fragment of his lost work "De viris illustribus." He says that an estate allotted to the tragic poet L. Accius, when Pesaro was colonized, was in his (Suetonius') own days called "fundus Accianus:" "A quo et fundus Accianus juxta Pisaurum dicitur, quia illuc ex urbe inter colonos fuerat deductus." (Roth's edition, p. 295.) The choice of the *nomen* for registration and for the appellation of the estate was most probably a reminiscence of the old time when land belonged collectively to the *gens* and not to the individual. That such a state of things once existed is demonstrable out of the fact that even in the historic period the *gens* was the last remainder man in law whenever a *gentilis* died without lawful heirs, *i.e.* agnates: "Si nullus agnatus sit, eadem lex XII. tabularum gentiles ad hæreditatem vocat." (Gaius, lib. 3, s. 17.) But whatever was the real ground of this selection of a name it is quite certain that the *nomen* of the original grantee once imposed became so essentially a part of the estate that it never left it. We have

^a Orelli, 4333.

^b *Ibid.* 4324.

seen what Suetonius says, and Italian deeds of the tenth century give us instances of these names being even then in existence in Italy, appended to the estates to which they were first given. See Centuriation of Britain, *Archæologia*, xlii. 147.) As I have intimated, the centurial stones were inscribed and placed in their due positions by the agrimensor,^a who accompanied the commission under which the lands of a colony were to be set out and allotted. This agrimensor could not go beyond the four corners of the commission and the panel of names attached to it, for, under that commission, he was, though an important, yet a subordinate and assistant, officer only. The position of the agrimensor accordingly was this, as regarded these stones and their inscriptions: If the *nomen* only appeared on the register, as some of my authorities state, he had no choice but to inscribe that name only upon the stones, for he could find no other name. If the *prænomen* and *nomen* both appeared on the register, and he elected to inscribe one only of such names, that name must have been the *nomen*; for the *prænomen*, like our Christian name, was no name of itself to place formally before the world as the sole designation of an individual. In either case, therefore, when there was one name only inscribed upon the stones, that name was by necessity the *nomen*.

But when we turn to the designations of military *centuriæ* we find an entirely different rule followed out in regard to them. Of this rule we have evidences of the very first order in the various *latercula militum* collected and published by Olaus Kellerman in his great work upon the *Vigiles* of the city of Rome.^b In the Appendix he has given us not only *latercula* of the *Vigiles*, but of Roman soldiers of other denominations. But, as the *Vigiles* were organized upon precisely the same plan as the legion, evidence of their practice is evidence of the general military practice also, and what is true of the epigraphy of the one is applicable to the other as well.^c

^a "Hyginus Gromaticus *de limitibus constituendis*" (p. 195, Lachman). "Incipiamus ergo ponere lapides a decumano maximo et Kardine inscriptione qua debet."—"Inscribendi nobis una sit ratio." (*Ibid.*)—"Cum centurias omnes inscriptiones lapidibus terminaverimus, &c." (*Ibid.* p. 196), and *passim*.

^b *Vigilum Romanorum latercula duo Cælimontana magnam partem militiæ Romanæ explicantia*. Romæ, 1835.

^c The constitution of the *Vigiles* was the same as that of the Legion. Kellerman (who wrote under the inspiration of the great Borghesi) says (p. 1, *ibid.*): "Ea vero peropportune est diversorum militiæ urbanæ generum inter se similitudo, ut optimo tuo jure tibi liceat ad alium genus transferre munera atque instituta quæ in alio existere cognoveris. Ita quæcunque nova apud vigiles inveneris (invenies autem neque pauca neque levia) eadem recte cohortibus et prætorianis et urbanis attribueris, si ea modo exceperis

In regard to the *Vigiles* we have (IV. *ibid.*) the full names of the centurions given thus :—

Centuriones.

C. Antonius, C. F. Antullus.
 Ti. Claudius, T. I. F. Rufinus.
 M. Antonius, M. F. Valens.
 M. Mummius, M. F. Verinus.
 P. Ælius, P. F. Romulus.
 Severus.
 . . . Julius Sohæmus.

At v. *ibid.* we have the muster-roll of the *gregarii* of each *centuria*, the latter taking the cognomen of its centurion, viz. of one of the persons whose full names I have quoted, and of others whose full names are lost :—

Centuria Antulli.
 Centuria Rufini.
 Centuria Valentis.
 Centuria Verini.
 Centuria Romuli.
 Centuria Severi.
 Centuria Sohæmi.
 Centuria Senecionis.
 Centuria Torquati.
 Centuria Rutiliani.
 Centuria Taurisci.
 Centuria Anluporis.

At p. 26, *ibid.* we have the full names of other centurions and similar muster-rolls of their men under each of their *centuriæ*. These are the centurions of this list :—

C. Julius Ingenuus.
 C. Valerius Victor.
 C. Julius Quintinus.
 C. Mancilius Juvenis.

quæ nisi solorum vigilum esse non potuerunt. Tota autem militia urbana non ita dispar erat militia legionariæ, ut non magnam partem munerum novorum legionariis quoque cohortibus recte attribueris. Ut paucis dicam, his monumentis totæ Romanorum rei militari lux affertur, maxime erro militiae urbanæ imprimisque militiae vigilum urbanorum." Borghesi (vol. iii. *Œuvres complètes*, p. 542) takes the same view: "Ora l'ordinamento dei vigili non era così discorde da quello del resto della milizia urbana, ed anche dalla legionaria che nella massima parte non convenissero insieme," &c.

Their *centuriæ* are thus designated :—

Centuria Ingenui.
Centuria Victoris.
Centuria Quintini.
Centuria Juvenis.

At p. 30, Appendix, we have another list of *centuriæ* :—

Centuria Serotini.
Centuria Cæsi.
Centuria Marcellini.
Centuria Provincialis.
Centuria Juliani.
Centuria Quadrati.
Centuria Juventini.
Centuria Cordulonis.
Centuria Zenonis.
Centuria Peregrini.
Centuria Verini.
Centuria Rufini.
Centuria Candidiani.
Centuria Severiani.
Centuria Victoris.

At p. 46, Appendix, *ibid.* we have another list :—

Centuria Rufi.
Centuria Sabini.
Centuria Grani.^a

At p. 48, Appendix, *ibid.* we find a similar list :—

Centuria Placidi.
Centuria Catti.
Centuria Clementis.
Centuria Justi.
Centuria Prisci.
Centuria Severi.
Centuria Vitalis.
Centuria Potentis.
Centuria Kani,

^a See next note.

and so on. The same rule is followed in general epigraphy.^a There was a reason why the *cognomen* was selected for the designation of the *centuria*, viz. because it was the name by which men were socially known, Cæsar, Brutus, Cicero, Atticus, Hadrian, &c.

From these rules I will turn to their application. But to spare the time of the Society I will take one only of the three inscriptions commented on by me, as for the present purpose that will be quite sufficient for the whole question. The inscription which I will take contains the words (or their equivalents) "Centuria Claudii." We have seen that, where the quality of the name used in combination with the word *centuria* varies, the meaning of the latter varies also, being different according as the proper name is a *nomen* or a *cognomen*. That this was not accidental, but was done in obedience to established rules, viz. those which I have hereinbefore propounded, I submit is more than probable. Taking these therefore to be true rules, there can be no objection to apply them to the two words upon which Dr. Bruce and I differ, viz. "Centuria Claudii." If we do so, we find that they can only mean the estate of Claudius, a Roman colonist, as I have contended, and cannot mean the *centuria* of Claudius, a Roman centurion, as Dr. Bruce maintains, for the simple but convincing reason that Claudius is a *nomen* and not a *cognomen*.

Before concluding, I will remark that the centuriation typified by the old stone to the inscription on which I have called attention is still not altogether effaced in England, for one of its most conventional regulations is alive and at work amongst us as a principle of our common law. What I refer to is this. By the common law whenever a highway is closed by competent authority, the soil of which it is composed reverts to the landlords whose properties lie on each side of the way, and they divide it equally between them—"ad medium filum viæ" is the black-letter expression. And this is done because the soil of the highway really belongs to those landlords, the public having had only the easement of walking, riding, and driving upon it.

^b "Centuria Barbati" (No. 1020, Zell); "Centuria Reperti" (Orelli, 3541); "Centuria Lucani Augurini" (a double cognomen. No. 1032, Zell); "Coh. III. Centuria Probiani" (Dr. Bruce's *Roman Wall*, p. 264); "Centuria Bassi" (Muratori, p. 790, 2); "Centuria Sabiniani" (*Ibid.* p. 544, 4); "Centuria Grani" (*Ibid.* p. 1093). [This is Granus, and should not be confounded with Granius. Granus is found in company with other unquestionable cognomina: in an early Martyrology (Ruinart's *Acta Martyrum*, p. 512, in note)—"Granus, Hilarius, Donatus, Concessus, et Saturninus."] In Reinesius (28, 11) occurs "Centuria Vari": this is Varus. For this cognomen see Orelli, 3892; Gruter, 172, 2; and Zell, No. 900.

Now this prescriptive rule of our common law is nothing more than a usual clause of the *Lex Colonica* which established a colony and regulated the settlement of a country. Such a clause provided that, where the contemplated colonial roads were to pass, the colonists having allotments on each side should contribute in equal portions the land required for each highway.^a Another clause of the same law also dedicated these roads to the public,^b but did not convey to it any greater interest than a usufruct therein, the proprietary right remaining in the colonists who had so contributed the soil of the roads. In this it is not too much to say that we have the *raison d'être* of the principle of English law which I have referred to.

^a Sic. Flaccus (p. 158, Lachman): "Limitum quoque modus in quibusdam regionibus per amplum spatium exceptus est; in quibusdam vero, modo adsignationis cessit." So Ulpian, Dig. 43, tit. 7, c. 3. "Viæ vicinales quæ ex agris privatorum collatis factæ sunt, quarum memoria non extat, publicarum viarum numero sunt." This also is the meaning of the expression continually used in the LL. Coloniarum, "iter populo non debetur"

^b See the *Lex Thoria* (Zell, p. 235): "Limitesque inter centurias itineri publico inserviunto."
