

# Senatus Consultum de Agris Mytilenaeorum

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**I**N A LETTER to Paul Viereck dated October 20, 1938, Hiller von Gaertringen mentions the discovery of an important inscription from Mytilene:

In den Nachträgen von Peek aus Lesbos zu dem Supplementum des IG XII, das wir jetzt seit fast zwei Jahren drucken, befindet sich ein Fragment, das zu Evangelides 'Αρχ. Δελτίον IX (1924/25), παρ. 46ff, fig. 9, zu gehören scheint und damit zu einer Urkunde, die noch ein SC über die Befreiung von Lesbos durch Pompeius (und Theophanes) darstellt.<sup>1</sup>

Both of these inscriptions appeared the following year in the Supplement to IG XII, that of Peek on page 208, no. 11, and that of Evangelides on page 12, no. 11. Since it is Peek's inscription which I will discuss in detail, it will be convenient to present it in full exactly as it is found in the *Corpus*.

-- Γναῖος Πομπήϊος Γν]αίου υἱὸς Μάγ[νος --  
-- περὶ τῆς χώρ]ας ὅπως ἔχω[σιν κατέχωσιν καρπίζων-  
ται --  
-- περὶ τούτου τοῦ ] πράγματος σ--  
-- \[των συμβουλιῶ --  
5 -- αὐτον]ομίαν τούτοις τοῖ]ς --  
-- Μ]υτιληναίοις καὶ τοῖς --  
-- οἱ προγεγ]ραμμένοι τὴν πόλιν Μυτ[ιληναίων --  
-- ὅπως ἔχωσιν κατέχω]σιν καρπίζονται συνεξε[υγμένως --  
-- τη τε ἡ πολιτεία· Μυτιλ[ηναί --

<sup>1</sup> This letter, a part of which is quoted here, was found among the material assembled by Viereck for a new edition of his famous book *Sermo Graecus quo senatus populusque Romanus magistratusque populi Romani usque ad Tiberii Caesaris aetatem in scriptis publicis usi sunt examinatur* (Göttingen 1888). After his death this material passed into the hands of Professor James H. Oliver and the present writer who hope to produce a work of their own along similar lines. His material consists mainly of excerpts from the many books and articles bearing on the subject which had appeared since the publication of his own work. It is very far from complete, however, and in the case of the documents discussed in the present article he had only progressed to the point of transcribing the inscriptions as he had received them from Hiller.



a likely candidate.<sup>3</sup> Although only fragments remain, yet I think that Peek's inscription will allow us to make several observations on Mytilene's history in the troubled period of the Mithridatic wars. From the very beginning Hiller believed the document was a *senatus consultum* and that it was referred to in lines 37–40 of Evangelides' inscription.<sup>4</sup> In this he is almost certainly right. Peek's document is a decree of the Senate, although the formulae of lines 3–4 are very odd. Hiller also believed that it concerned Mytilene's grant of freedom by Pompey. In this I think he is mistaken. Let us examine the question of Mytilene's freedom first and then analyse the language and phraseology of the decree itself.

At the beginning of the First Mithridatic War in 88 B.C. Mytilene had been a free city and had enjoyed all the rights and privileges that went with such a status.<sup>5</sup> But with the coming of Mithridates she foolishly betrayed Rome and welcomed the Pontic king. After the capitulation of Mithridates she refused to surrender and a long siege by Roman forces was started. In 80 B.C. she was finally captured and immediately reduced to the status of a subject city, a *civitas stipendiaria*.<sup>6</sup> However, in 62 B.C., at the conclusion of the Third Mithridatic War, the victorious Pompey stopped at Mytilene and restored the city's freedom. Theophanes, citizen of Mytilene and close friend of Pompey, was instrumental in persuading him to grant the city such a favor.<sup>7</sup>

<sup>3</sup> It could have been, for example, a monument similar to the one erected in Mytilene to honor Potamon. See *IG XII.2*, 35. The facts about Theophanes may be found conveniently assembled by F. Jacoby in *F.Gr.Hist.* II B no. 188, pp. 919–923. For the facts of his life and high reputation see R. Laqueur in *RE s.v.* Theophanes, cols. 2090ff; Hiller von Gaertringen in *Gött.Gel.Nachr.* I, *phil.-hist. Klasse, Fachgruppe I* (1934–36) 109ff; D. Magie, *Roman Rule in Asia Minor*, 2 vols. (Princeton 1950) 1230, n.28. Tacitus *Ann.* 6.18.5 says that he received divine honors after his death, a statement confirmed by coins (Head, *Historia Numorum*<sup>3</sup> [Oxford 1911] 563) and inscriptions (*SIG*<sup>3</sup> 753 and 755). For his wife on the coins of Mytilene see L. Robert in *REA* 1960, p. 286. Such a man, therefore, would be a likely candidate for a monument on which would have appeared the copies of documents which mentioned him or his achievements.

<sup>4</sup> In his admirable summary of notable events in the history of Mytilene which Hiller printed in *IG XII Suppl.* (1939) he mentions this decree on p. 72 in an entry inserted between 66 and 62 B.C. He says: *Nuperrime accessit senatus consulti pars, eiusdem fortasse, cuius reliquias iam n.11 exhibet, a Peekio nobiscum communicata, quam in edendis edemus. Exhibet Pompei et Servilii censoris nomina, ἀὐτονομίαν Mytilenaeis restitutam, agrum Mytilenaeis redditum.*

<sup>5</sup> This is inferred from the fact that she lost her freedom in 80 B.C., but it is substantiated by the fact that she had previously aided Rome in the war against Antiochus and therefore would have been one of those cities which Rome freed because of their services in the war. See Magie, *op.cit.* 958, n.75.

<sup>6</sup> For the capture of the city see Plutarch, *Lucullus* 4.2–3; Livy, *perioch.* 89; Suetonius, *Divus Iulius* 2. Cf. Magie, *op.cit.* 245–46.

<sup>7</sup> Plutarch, *Pompeius* 42.4 and Velleius Paterculus 2.18.3. Cf. Magie, *op.cit.* 365.

But this restoration of freedom was only one of many acts of Pompey in Asia Minor. Since he had relied only on the general terms of the *lex Manilia* and had not been assisted by the usual Senatorial commission, his acts required confirmation by the Senate or the People.<sup>8</sup> When he returned to Italy therefore at the end of 62 B.C., his first thoughts were for his soldiers and the ratification of his eastern *acta*. He made his request of the Senate first, but a combination of political and personal enemies opposed him.<sup>9</sup> In frustration and bewilderment he turned to the Assembly of the People. His enemies, however, contrived to check his efforts even there. With his own *dignitas* at stake he finally joined with Caesar and Crassus in order to use the collective powers of all three of them to ratify his acts and secure his future. The facts of this First Triumvirate are too well known to require repetition here. It will be enough to say that Caesar outmaneuvered the Senate simply by avoiding it in favor of the Assembly.<sup>10</sup> It has been justly observed that from that time begins the final decay of Senatorial authority, for Caesar pushed through the Assembly a whole series of *leges Iuliae* without obtaining the usual prior approval of the Senate.<sup>11</sup> In fact he communicated nothing further to the Senate in his official capacity as consul but brought directly before the People whatever he wished. It was in this way that Pompey's eastern acts were ratified by a single *lex Iulia de actis Pompei* and not by a *senatus consultum*.<sup>12</sup> Nowhere in the abundant sources do we hear of a Senatorial decree in this regard. The *lex Iulia* was quite sufficient in itself and a later decree by the Senate would have been superfluous. Furthermore Caesar had forced the

<sup>8</sup> See T. R. S. Broughton, "Notes on Roman Magistrates," *TAPA* 77 (1946) 40–43.

<sup>9</sup> His foremost enemies were Cato, Lucullus, and Crassus. The primary sources are Appian, *Bell.Civ.* 2.9; Dio Cassius 37.49–50; Cicero, *Ad Att.* 1.14; Velleius Paterculus 2.40.2–5; Plutarch, *Pompeius* 46.3 and *Lucullus* 42.5; *Cat. Min.* 36. Of modern literature on the subject I have found the following to be the most useful: M. Cary, *Cambridge Ancient History IX* (Cambridge 1932) 506–515; Ronald Syme, *The Roman Revolution* (Oxford 1939) 28–46; Lily R. Taylor, *Party Politics in the Age of Caesar* (Berkeley 1949) 128–130; F. Miltner in *RE s.v. Pompeius* (no. 31), cols. 2118–2134; Giulio Giannelli, *La Repubblica Romana*<sup>2</sup> (Milan 1955) 657–661.

<sup>10</sup> Expressly stated by Dio Cassius 38.4.1.

<sup>11</sup> Giannelli, *op.cit.* 663–664. Prior approval of the Senate was not a strict legal necessity for a bill to be presented to the People, but it had become such a formality as to acquire a quasi-legal status. It probably arose from the feeling that the Senate might declare a law unconstitutional if its approval had not been given beforehand. See Mommsen, *Staatsrecht III.2* (Leipzig 1888) 1043–1048, esp. his discussion of Caesar's legislation on pp. 1046–1047, n.3.

<sup>12</sup> The primary sources are Dio Cassius 38.7.5; Appian, *Bell.Civ.* 2.9 and 13; Suetonius, *Divus Iulius* 19.2; Plutarch, *Pompeius* 48.3; Velleius Paterculus 2.44.2; Caesar, *Bell.Alex.* 68. No prior approval of the Senate had been obtained.

Senators to swear to uphold his legislation.<sup>13</sup> Since Mytilene's freedom had not been granted until 62 B.C., a separate decree to confirm that act is most improbable and, in my opinion, out of the question. From the moment of Pompey's arrival in Italy, as well as before that event, the Senate and the *nobiles* in particular were suspicious of Pompey's real intentions and therefore hostile to all his requests. We must try to fit our document into a period after 59 B.C. and to examine it more carefully.

LINE 1. I believe that the extant portion of the decree contains the "theme" and that, in this case, Pompey spoke in support of the motion. The "theme" of a decree is introduced by *περὶ ᾧ* and the names of the people who speak for the passage of the motion. When these are foreign envoys, their names and remarks are followed by the name of the presiding magistrate, if he adds any comments of his own. I would assume therefore that Pompey had been the presiding magistrate.<sup>14</sup>

LINE 2. The restoration by Hiller of ἔχω[σιν κατέχωσιν καρπίζονται] is assured, of course, by the presence of another part of that phrase in line 8. This formula of possession renders the Latin *habere possidere frui*, for the significance of which see the remarks of A. Passerini in *Athenaeum* N.S.15 (1937) 26ff. See also L. Robert, *Hellenica* 11–12 (1960) 533–535, who indicates (p. 535 n.1) that ἀσφαλῶς and ἀδεῶς are found with *καρπίζειν*. One of these adverbs might have appeared in this line. The presence of this phrase in conjunction with ἀποκατάστασις in line 11 would indicate that Mytilene has recovered some or all of the land previously possessed by her.

LINE 3. After *περὶ τούτου τοῦ] πράγματος* one expects to find *οὕτως ἔδοξεν*, but instead there is a word beginning with a *sigma*. I can only suggest *περὶ τούτου τοῦ] πράγματος σ[υνευδόκησε τῇ συγκλήτῳ* as a substitute for the more usual *ἀρέσκει τῇ συγκλήτῳ*.<sup>15</sup> But in the absence of an exact parallel I prefer to leave the line unrestored.

<sup>13</sup> Appian, *Bell.Civ.* 2.12, says that Caesar proposed and the people enacted the death penalty for all those who refused to take the oath. The Senators yielded. Cf. Dio Cassius 38.7.1.

<sup>14</sup> See, for example, the S.C. *de Stratonicensibus* of 81 B.C. (OGIS 441=Abbott-Johnson, *Municipal Administration in the Roman Empire* [Princeton 1926] no. 17), lines 71–85.

<sup>15</sup> The verb *συνευδοκεῖν* is not at all common in this type of document. It has been restored with great probability in line 31 of the S.C. *de Narthaciensibus et Melitaeensibus* (SIG<sup>3</sup> 674=Abbott-Johnson, *op.cit.* no. 8), and examples may also be found in line 46 of SIG<sup>3</sup> 712 (Delos, 116/15 B.C.) and in the first line of a Thasian decree (SEG XVIII 343, first century B.C. or A.D.). In our present decree it would be a translation of *senatui placuerat*

LINE 4. The combination των συμβουλιω is very strange, for one expects ἀπὸ (vel μετὰ) συμβουλίου γνώμης as a translation of *de consilii sententia*. In the Greek versions of Roman documents I do not know of any formula which would account for των in such a position. If there is no error here, ancient or modern, one of two things is true. Either we have a variation of the usual formula or there is a reference to a συμβούλιον other than the usual Senatorial *consilium*.<sup>16</sup> In either case the general sense is that the present motion had been approved by a *consilium* before being presented to the Senate for passage.

LINE 5. Here is a crucial point in the decree and, as happens so often, it is fragmentary. Hiller restores αὐτον]ομίαν, but I believe that there is sufficient reason to restore προν]ομίαν. In the fragment of Evangelides (above, line 36) this word is clearly read, and, coming as it does immediately before the καθὼς clause, I can only conclude that it was mentioned in our decree. This is a very rare word that occurs apparently in two or possibly three other epigraphical texts. The first example of the word is to be found in a decree of the city of Stratus in Acarnania from the end of the fifth century B.C. (*IG IX.1*<sup>2</sup>, 390= Schwyzer-Cauer, *Dialectorum Graecarum exempla epigraphica potiora*, no. 394= *SIG*<sup>3</sup> 121), in which three men had been given the privileges of προξενία, προνομία, προπραξία and ἀτέλεια. The second example is an inscription from Delphi (*F. Delphes III.4*, 84) dating from about A.D. 121 which records a grant of προμαντεία, προνομία, and γᾶς καὶ οἰκίας ἔνκτησις to a man and his descendants. A third, an inscription from Messenia (*IG V.1*, 1429, line 11) is too fragmentary for us to be sure of the restoration and may not be used as a positive example.

In his commentary in *SIG*<sup>3</sup> 121 on the Acarnanian text Hiller has this to say of the word:

Quale privilegium hoc nomine significetur, obscurum est. Dttb.  
De medicorum aliqua προνομία egit Lucianus Ἀποκηρυττόμενος 23:

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ut. . . . The more usual verb, however, is ἀρέσκειν, for which see the *S.C. de Stratonicensibus* (*supra* n.14) line 84; the *S.C. de Plarasensibus et Aphrodisiensibus* (*OGIS* 455) line 6; the *S.C. de pecuniis repetundis* (Cyrene, *SEG IX* 8, no. V) lines 96–97 and 137; the *S.C. de Mytilenaeis* of 25 B.C. (*IG XII.2*, 35c; cf. V. Arangio-Ruiz in *Riv.Fil.* 70 [1942] 125ff) line 3; Josephus, *Ant.* 14.195.

<sup>16</sup> Συμβούλιον never means *senatus* in these documents. See Viereck, *op.cit.* 72. For the various types of *consilia* see Mommsen, *Staatsrecht I*<sup>3</sup> (Leipzig 1887) 307–319, and John Crook, *Consilium Principis* (Cambridge 1955) 4–7.

τοῖς ἰατροῖς καὶ δημοσίᾳ αἱ πόλεις τιμὰς καὶ προεδρίας καὶ ἀτελείας καὶ προνομίας διδόασι. Differt ἐπινομία quae non privilegium (νόμος) sed pascendi ius (νέμειν) esse videtur, simile notae illius ἐπινομίας quam illustrat Orchomeniorum Boeotorum titulus IG VII 3171<sup>37</sup> ἐπινομίας Φέτια πέτταρα βούεσσι σὺν ἵππυς διακατῆς Φίκατι, προβάτους σὺν ἡγυς χειλῆς.

And Schwyzler, in the Glossary at the end of his revised edition of Cauer's publication, has an entry for the word on page 449, saying of it: *ius ante ceteros lege agendi?*

More recently E. Laroche, *Histoire de la racine nem- en grec ancien* (Paris 1949), has devoted a whole book to the root *νεμ-*, and on page 132 he discusses *προνομία*. And although this particular section of his work has met with criticism (cf. J. and L. Robert in *REG* 64 (1951) 139–140), he has correctly seen that the word has two senses: the one he describes as “right of pasturage” and the other as “privilege” in general. The *Lexicon* of Liddell-Scott-Jones likewise distinguishes between *προνομία* (νόμος) and *προνομία* (νομός), translating the first by “privilege” and the second by “right of pasturage”. It seems quite clear that it is a case really of two separate words. In the passage from Lucian cited by Hiller, for example, it is unlikely that physicians would have much use for the rights of pasturage, whereas in the text of Evangelides the connection with land is obvious. But I cannot agree with the meaning of “privilege” for the first word nor of “right of pasturage” for the second.<sup>17</sup> Reflecting upon the force of *πρό* in such well-known words as *προεδρία*, *προμαντεία* κτλ, I believe that the first word should mean “the possession of priority in the use or enjoyment of νόμος” and the second word “right of prior pasturage.” The word *ἐπινομία*, for example, is quite well-attested in both literary and epigraphical texts with the meaning of “right of pasturage,” and therefore *προνομία* is not a simple synonym for it.<sup>18</sup> To a shepherd or cowherd it makes a great deal of difference whose cattle or sheep are allowed to graze first on any particular area of land. This second word

<sup>17</sup> The *Wörterbuch* of F. Preisigke also follows the practice of equating the first word with simple “privilege,” for there the word is given the meaning “Sonderrecht, Vorrecht, Privilegium.” But such a meaning appears to me to be incongruous in the company of the specific privileges of *προεδρία* and *ἀτέλεια* in the Lucian passage quoted by Hiller. It would be well worthwhile to re-examine all the known examples (literary, epigraphical, and papyrological), noting in particular those connected in some way with land.

<sup>18</sup> For *ἐπινομία* see Laroche, *op.cit.* 132 and the very pertinent remarks of J. and L. Robert, *loc.cit.*, on his inadequate treatment of this word. Cf. also G. Daux, *Delphes au II<sup>e</sup> et au I<sup>er</sup> Siècle* (Paris 1936) 217 n.2.

is the one which I believe is found in Evangelides' text and which is to be restored in line 5 of the present decree of the Senate. With such a restoration all difficulties between the decree and the *lex Iulia de actis Pompei* disappear.

Whether this second word ("right of prior pasturage") is the one that regularly appears in the epigraphical texts while the first one is reserved for the literary texts is a difficult matter to decide. I believe only circumstances and context can be the decisive factors.

LINE 8. I can find no satisfactory parallel for the adverbial participle *συνεξε[υγμένως]*. It is listed in Liddell-Scott-Jones s.v., citing the scholiast on the *Aves* of Aristophanes, line 305, as authority; but the only occurrence known to me is in a note to the scholia on line 303 (cf. J. W. White, *The Scholia on the Aves of Aristophanes* [Boston and London 1914] 75). Its meaning there is "joined together" (*junctim*, Stephanus) rather than "by pairs" (LSJ). I believe rather that a suggestion made to me by Professor James H. Oliver may be the correct explanation. He thinks that the word might be part of a phrase to express *iugera* in Greek. As is well known from Pliny a *iugerum* was that amount of land which could be plowed by one yoke of oxen in one day.<sup>19</sup> If we imagine some such expression as *συνεξε[υγμένων]* (sc. *βοῶν*) *πλήθρα*, followed by a numeral, the sense would be that the Mytileneans are to enjoy the fruits of such and such a number of *iugera*. The word *πλήθρον* was frequently used in Greek to express *iugerum*, and it is possible that the person who translated this decree into Greek felt that some fuller expression than that one word was necessary to indicate the Roman measurement.<sup>20</sup> However, I can find no parallel for it. If

<sup>19</sup> *Nat.Hist.* 18.9: *iugerum vocabatur quod uno iugo boum in die exarari posset*. Cf. Viedebantt in *RE* s.v. *Lugerum*, cols. 2506–2507.

<sup>20</sup> The Lexicon of Liddell-Scott-Jones lists Plutarch, *Cam.* 39, and Aelian, *Var.Hist.* 3.1 as examples of *πλήθρον* in the sense of *iugerum*, and I would add to these examples another one in Appian, *Bell.Civ.* 1.8–9 and 11. W. Becher also notes in *RE* s.v. *πλήθρον*, col. 235, that both Greek and Latin writers make use of the one word to translate the other. But in the post-Diocletianic period the common word appears to be *ἰούγ(ερα)*, at least in the land registers. The vocabulary of such a late age, however, is hardly a reliable guide for the Republican period. For these late registers see A. Délage, *La Capitation du Bas-Empire* (Macon 1945), and for Lesbos in particular (*IG* XII.2, 76–80) see A. H. M. Jones in *JRS* 43 (1953) 49–64. For the first century B.C. on Lesbos the text of Evangelides itself mentions *πλήθρα* (lines 27–28, *infra* n.35). My first impression upon reading line 8 of Peek's inscription was that *συνεξε[*— concealed a Latin word which had been translated literally into Greek. In the *Corpus Glossariorum Latinorum* (ed. Goetz) II (Leipzig 1888) 445, line 60, one finds that the verb *συνζυγνῶ* is glossed by *coniungo*, and on p. 444, line 61, that *συνεζευγμενος* is glossed by *adnexus*. I thought that one of these two Latin words might have appeared in the original decree from which the present Greek translation was made, perhaps *συνεξε[υγμένοι*.

an actual number of *iugera* was mentioned here, it might mean that a relatively small amount of land is under discussion rather than all the possessions of Mytilene.

LINE 10. I detect a reference to the *publicani* and would restore as follows: [ταύτην τὴν | χώραν ἐξελομένων τῶ]ν τιμητῶν ἐκ τῆς δημοσ[ιωνίας – – –]. Accordingly the censors in Rome are directed to see to it that this land is not included in any state contracts with the *publicani*. For the construction see OGIS 440 (= IGRR 4, 194= ILS 8770= F. F. Abbott and A. C. Johnson, *Municipal Administration in the Roman Empire* [Princeton 1926] no. 14), which is an inscription from Ilium in honor of Lucius Caesar, censor in 89 B.C. The short text runs thus: Ὁ δῆμος | Λεύκιον Ἰούλιον | Λευκίου υἱὸν Καίσαρα, | τιμητὴν γενόμενον || καὶ ἀποκαταστήσαντα τὴν ἱεράν | χώραν τῆι Ἀθηνᾶι | τῆι Ἰλιάδι καὶ ἐξελόμενον | αὐτὴν ἐκ τῆς δημοσιωνίας. The word ἀποκαταστήσαντα reminds us of ἀποκατάστασις in line 11 of our decree.<sup>21</sup> Under the *lex Sempronia* the censors in Rome let out contracts for the privilege of farming the taxes in Asia.<sup>22</sup> These included the tithes on produce, pasture-taxes and customs-duties. If this restoration is correct, it would follow that even after Mytilene had recovered her freedom she still experienced trouble with the *publicani*, perhaps in regard to her pasturage.

LINE 12. Who was this Servilius? If he could be identified we would have perhaps important evidence for the dating of the decree. Since only part of his name appears here, however, any identification will be tentative; but in 55 B.C. we know that P. Servilius C. f. M. n. Vatia Isauricus had been censor.<sup>23</sup> Is it possible that he is our Servilius? The year 55 B.C. is also the year in which Pompey had been consul and could have been the presiding magistrate at the passage of our decree. It is indeed very tempting to suggest that the date of the decree is

<sup>21</sup> Professor Oliver has kindly drawn my attention to two Pergamene texts which illustrate nicely the use of this word for the restoration of land. They may be found most accurately presented by L. Robert, "Inscriptions grecques d'Asie Mineure," *Anatolian Studies Presented to William Hepburn Buckler* (Manchester 1939) 229–230.

<sup>22</sup> For the *publicani* see Magie, *op.cit.* 162–166 and the bibliography on pp. 1053–1054 n.14. Especially useful are M. Rostowzew, *Geschichte der Staatspacht in der römischen Kaiserzeit*, *Philologus* Suppl. 9 (1903) 370ff and T. R. S. Broughton's concise and useful account presented in *An Economic Survey of Ancient Rome IV* (Baltimore 1938) 535ff. A masterly survey will be found in M. Rostovtzeff, *SEHWW II* (Oxford 1941) 811ff and 965ff. Also to be recommended are the remarks of H. Hill, *The Roman Middle Class in the Republican Period* (Blackwell 1952) 51–77.

<sup>23</sup> The sources are listed by T. R. S. Broughton, *The Magistrates of the Roman Republic II* (Lancaster 1952) 215.

55 B.C., and I accept it only with caution until more positive evidence confirms it. There does exist, however, one further piece of information which might confirm it. In Cicero, *ad Att.* 4.11.1 we find the following: *Dixit mihi Pompeius Crassum a se in Albano exspectari ante diem IIII Kal. ; is cum venisset, Romam eum et se statim venturos, ut rationes cum publicanis putarent.* The date of this letter is May, 55 B.C.! The facts agree, the dates agree. I believe that in this letter of Cicero we find a possible reference to the very matters mentioned in our decree, i.e. difficulties with the *publicani* in regard to the Mytilenean pasturage. Of course Pompey might have had many matters to settle with the *publicani*, but the Mytilenean question could have been one of them.<sup>24</sup> Thus there does exist a very real possibility that our present *Senatus Consultum de agris Mytilenaeorum* was passed in 55 B.C.

LINE 15. I find δεκαπ[ρωτ -- wholly unsatisfactory, for the institution of the eastern *dekapr-toi* has no place in Republican times.<sup>25</sup> Since our decree clearly concerns the restoration of land and its enjoyment as well as other matters of a similar nature, I believe that we have here a reference to M.' Aquilius and his Ten Commissioners who laid the administrative foundations of Asia when the province was first formed. Using SIG<sup>3</sup> 688, line 6, as a guide one might restore as follows: [καθώς Μάνιος Ἀκύλλιος καὶ οἱ] δέκα π[ρεσβευταὶ διέταξαν. This would mean that the land was to revert to the status it had prior to the Mithridatic wars.

For convenience let us now incorporate these restorations into the decree and then see what final conclusions can be drawn from it.

[περὶ ὧν Γναῖος Πομπήϊος Γν]αίου υἱὸς Μάγ[νος ὕπατος τὸ δεύτερον  
(?) -- ]  
[λόγους ἐποιήσατο περὶ τῆς χώρ]ας ὅπως ἔχω[σιν κατέχουσιν καρπίζων-  
ται -- ]  
[----- περὶ τούτου τοῦ] πράγματος σ[-----  
-- ]

<sup>24</sup> The phrase used by Cicero, *ut rationes cum publicanis putarent*, must mean "to settle accounts with the *publicani*" or "to clear up accounts with the *publicani*." This means to me that they would examine the records of the *societas* or, as we say, "go over the books." I cannot agree therefore with H. Hill, *op.cit.* 178, who says of this passage that ". . . its meaning soon became clear when Pompey proposed to the Senate to rectify the omission in Caesar's extortion law by making non-senators liable to prosecution for that offense." Cicero appears to me to be talking about business accounts. Cf. F. E. Adcock in *CAH IX* (Cambridge 1932) 615.

<sup>25</sup> For the earliest mention of the *dekaprōtoi*, in A.D. 66, see E. G. Turner, *JEA* 22 (1936) 7-19. For a full bibliography see Magic, *op.cit.* 1516-1517.

- [-----] \των συμβουλιο[-----]  
 -- ]
- 5 [----- προ]ομίαν τούτοις τοῖ[ς -----  
 - ]
- [----- Μ]υτιληναίοις καὶ τοῖς [-----  
 -- ]
- [----- οἱ προγεγ]ραμμένοι τὴν πόλιν Μυτ[ιληναίων -----  
 -- ]
- [ - ὅπως ἔχωσιν κατέχω]σιν καρπίζονται συνεζ[υγμέν -----  
 ---- ]
- [-----]τη τε ἡ πολιτεία Μυτιλ[ηναίαι ----- ταύτην  
 τήν]
- 10 [χώραν ἐξελομένων τῶν] τιμητῶν ἐκ τῆς δημοσ[ιωνίας -----  
 ---- ]
- [-----] καὶ ἀποκατάστασις τῶν [-----  
 -- ]
- [-----] Σερουῖλιος τιμηταὶ [-----]  
 [-----] ἀγρῶν τόπων οἴ[κων -----  
 -- ]
- [-----] δεξαμένων [-----]
- 15 [καθὼς Μάνιος Ἀκύλλιος καὶ οἱ] δέκα π[ρεσβευταὶ διέταξαν -----  
 -- ]

In line 9 I have omitted all punctuation, since presumably it contained the subject, or subjects, of the verbs in the previous line. For grammatical reasons, however, it might be possible to punctuate thus: --· ταύτην τὴν κτλ. And the name Aquilius could have one or two *lambdas*.

Thus far we have not considered the location of the land itself. Silvio Accame has suggested that it is the territory on the mainland of Asia directly opposite Mytilene.<sup>26</sup> He means Mytilene's continental possessions, her Peraea. It is well known that prior to the Peloponnesian War Mytilene had possessed a considerable amount of land directly opposite on the mainland.<sup>27</sup> Although Athens had taken away from her all of these Actaeon cities, as Thucydides calls them (4.52.3), the southern portion of her Peraea must have remained in her hands or else she later recovered it, for Strabo tells us that she owned

<sup>26</sup> *op.cit.* (*supra* n.2) 111.

<sup>27</sup> Thuc. 4.52. Cf. Büchner in *RE* s.v. Lesbos, col. 2130, and W. Ruge in *RE* s.v. Peraia, cols. 583-584.

a fairly large tract of land along the southern coast of the Adramyttian Bay. His description (13.605) is important: *Κάμπαντι δὲ τὸ Λεκτὸν ἐλλογιμώταται πόλεις τῶν Αἰολέων καὶ ὁ Ἀδραμυττηνὸς κόλπος ἐκδέχεται, ἐν ᾧ τοὺς πλείους τῶν Λελέγων κατοικίζων ὁ ποιητῆς φαίνεται καὶ τοὺς Κίλικας, διττοὺς ὄντας. ἐνταῦθα δὲ καὶ ὁ τῶν Μιτυληναίων ἐστὶν αἰγιαλός, κόμας τινὰς ἔχων τῶν κατὰ τὴν ἡπειρον τῶν Μιτυληναίων.* These villages are identified in a later passage (13.607) as *Κορυφαντίς* and *Ἡράκλεια*. It has been estimated that her Peraea extended northward along the coast not quite to the promontory of Pyrrha, southwest of Adramyttium, and southward to the boundary of the territory of Pitane.<sup>28</sup>

This could be the land mentioned in our decree, for there is an event in the history of Mytilene's ownership of this land which might have something to do with the terms of the present decree. It concerns a dispute between Mytilene and Pitane about the location of the boundary between their respective territories.<sup>29</sup> The dispute became so great that Pergamum was finally called in to arbitrate the matter. Both cities swore to accept her decision about the location of the border, and, as far as our knowledge goes, that decision was accepted in good faith. Thus, in a sense, Mytilene and Pitane could be described as enjoying the use of the land "side by side." The bare possibility that this situation might in some way be connected with line 8 of our decree is sufficient excuse to mention it, and there is the added consideration that others, besides the people of Mytilene, are involved in the terms of the decree (lines 6–7).

There is nevertheless no positive way known to the present writer of discovering exactly where the land mentioned in the decree is located. Mytilene possessed considerable property on Lesbos itself, and the land in question might have been located there.<sup>30</sup>

<sup>28</sup> For the Mytilenean Peraea in the Hellenistic age see Ernst Meyer, *Die Grenzen der hellenistischen Staaten in Kleinasien* (Leipzig 1925) 106–107 (with map no. 3 at end); W. Ruge in *RE s.v. Peraia*, cols. 584–585; L. Robert, *Études Anatoliennes* (Paris 1937) 114 n.1 and 463 n.3; *idem*, *Villes d'Asie Mineure*<sup>2</sup> (Paris 1962) 172ff; Hiller von Gaertringen in *IG XII Suppl.* (1939) p. 65. For the geography of coastal Aeolis see A. Philippson, "Geologie der pergamenischen Landschaft," *Athen. Mitt.* 27 (1902) 7–9, and the additions in *Hermes* 46 (1911) 254–260.

<sup>29</sup> M. Fränkel, *Inschriften von Pergamon* 245 (=OGIS 335=IG XII Suppl. [1939] no. 142, pp. 48–49). See also L. Robert, *Villes d'Asie Mineure*<sup>2</sup> (Paris 1962) 413, E. V. Hansen, *The Attalids of Pergamon* (Ithaca 1947) 157–158, and Magie, *op.cit.* 905–906.

<sup>30</sup> For Mytilene's possessions on Lesbos see R. Herbst in *RE s.v. Mytilene*, col. 1419. That Mytilene had recovered possession of her land on the island after the grant of freedom by Pompey is clearly seen in the treaty between Rome and Mytilene in 25 b.c., for which see *IG XII.2*, 35D, lines 18–22 (cf. S. Accame, *Il Dominio Romano dalla Guerra Acaica ad Augusto* [Rome 1946] 95–99 and L. Robert in *Études Anatoliennes* [Paris 1937] 115 n.1).

Let us now return to the history of the city before and after the Mithridatic wars. When Asia became a Roman province, the free and autonomous cities of the Attalid era were allowed to keep their freedom and to enjoy the rights which had been theirs under the former rulers. As *civitates liberae et immunes* they were beyond the jurisdiction of the governor and not subject to taxation.<sup>31</sup> Mytilene had been such a free city and therefore should have been free from the exactions of the *publicani*. No taxes on pasture would have been collected. But, as we have seen, Mytilene lost her freedom in 80 B.C. and was reduced to the status of a *civitas stipendiaria*. We may confidently assume that the *publicani* would have lost no time in imposing the *decuma*, *scriptura*, and *portorium* on all of Mytilene's possessions. But then in 62 B.C., largely because of the great influence of Theophanes, Pompey restored the city's freedom. Thus after eighteen years Mytilene became once more a *civitas libera et immunis*, a status ratified by the *lex Iulia de actis Pompei* in 59 B.C. The city therefore expected the *publicani* to cease taxing her land. I believe, however, that her expectations were only partially fulfilled, for the period 61–59 B.C. was one of financial disaster for the *publicani*. The company which received the Asian contract had made a bid so high that a loss was soon evident and it appealed to the Senate for a cancellation. The Senate refused.<sup>32</sup> This caused the Asian *publicani* to redouble their efforts to offset the loss. Mytilene might have been unable to resist them, especially in her continental possessions. There are several examples of free cities having such difficulties in the province of Asia.<sup>33</sup> In the case of Mytilene there is no direct evidence, however. But even in 59 B.C., when Caesar had managed to

<sup>31</sup> Magie, *op. cit.* 155–157, and his notes on pp. 1045–1047. The rights of a free city are spelled out very carefully in the so-called *lex Antonia de Termessibus* (S. Riccobono, *Fontes Iuris Romani Antejustiniani*<sup>2</sup>, Pars Prima [Florence 1941] no. 11). For a full discussion of the *civitates immunes et liberae* see now S. Accame, *op.cit.* 46–74.

<sup>32</sup> For the whole affair see Dio Cassius 38.7.4; Appian, *Bell.Civ.* 2.13; Cicero, *ad Att.* 1.17.9 and 2.1.8; Cicero, *Pro Plancio* 34ff; *Scholia Bob.* pp. 157 and 159 (Stangl); and Suetonius, *Div. Iul.* 20. Modern accounts: Magie, *op.cit.* 253; H. Hill, *op.cit.* 170–71.

<sup>33</sup> The most famous is probably the one concerning Pergamum: Passerini in *Athenaeum* 15 (1937) 252ff (cf. F. Miltner and Selahattin Bey in *Türk Tarih* 2 [1934] 240ff; Rostovtzeff, *SEHWW* [Oxford 1941] 813; G. Tibiletti in *JRS* 47 [1957] 136–138; Lily R. Taylor, *The Voting Districts of the Roman Republic* [Papers and Monographs of the American Academy in Rome XX, Rome 1960] 170–174). Almost as interesting is the one from Priene concerning the salt works of Athena Polias: *Inscriptionen von Priene* 111, 112ff (cf. Holleaux, *Études d'épigraphie et d'histoire grecques* I [Paris 1938] 309ff). See also the inscription from Ilium quoted in full, above: OGIS 440. Also interesting is the S.C. *de Amphiarai Oropii agris*: SIG<sup>3</sup> 747= Abbott-Johnson, *op.cit.* no. 18= Riccobono, *op.cit.* no. 36 (cf. also SEG XV 283). Another is mentioned by Strabo 14.1.26. See Magie, *op.cit.* 166 and Broughton, *An Economic Survey of Ancient Rome* IV (Baltimore 1938) 535–536.

have the purchase price of the Asian contract for that particular four-year period reduced by one-third, there is no guarantee that the *publicani* would have graciously relaxed their grip on any source of taxation.<sup>34</sup>

It is my belief, therefore, that Mytilene finally decided to send an embassy to Rome for the purpose of obtaining two concessions, one of which was the recognition of her *προνομία* in some particular area of land unknown to us, and the other a confirmation of her right to enjoy the fruits of her land without interference from the *publicani*.<sup>35</sup> Pompey, whose friendly attitude toward the city is well-known, probably presented the envoys to the Senate in 55 B.C. and then spoke in their behalf. The Senate approved the motion and the present decree was adopted. As a further precaution the censors were requested to respect the immunity of the land belonging to Mytilene and to forbid the *publicani* from taxing it. It lay within the power of the censors to include such detailed orders in the *lex censoria*.<sup>36</sup>

Ten years later, in 45 B.C., when another decree of the Senate renewed Roman friendship and alliance with the people of Mytilene, we hear of "privileges formerly granted by the Senate" to Mytilene.<sup>37</sup> This is almost certainly a reference not only to the basic grant of freedom but also to the privileges mentioned in the present decree.

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<sup>34</sup> For Caesar granting the *publicani* a reduction of this amount in 59 B.C. see H. Hill, *op.cit.* 172-173, and his collection of the sources in p. 173 n.1.

<sup>35</sup> Professor Oliver has suggested to me the possibility that after Mytilene had lost her freedom, Rome might have confiscated certain of her properties and made them *ager publicus*. These properties would then have been leased out. The mention of *προνομία* in the decree might mean that the Senate granted Mytilene a prior claim to the leasing of the land. This situation is certainly possible, and in the debris of Evangelides' text one finds these words (lines 26-28): αἱ σοι ἔδωκαν [---]| ταύτην τε τὴν [χώραν --- πλέ]| θρων δισχιλίω [ν---. Since these words are followed later (lines 36ff, see text quoted above, p. 218) by the mention of *προνομίαν κλε*[--- and a citation of what is almost certainly our decree of the Senate, the situations in both texts must be similar in part if not as a whole. Nevertheless, because of the mutilated condition of both documents, absolute certainty in this matter is not possible. I prefer to state the case in general rather than specific terms.

<sup>36</sup> For an example of the details to be found in a *lex censoria* see Pliny, *Nat.Hist.* 33.78: *Extat lex censoria Victumularum aurifodinae in Vercellensi agro, qua cavebatur, ne plus quinque milia hominum in opere publicani haberent.* On the whole subject see E. Cuq in Daremberg-Saglio, *Dictionnaire des antiquités grecques et romaines*, s.v. *Lex*, pp. 1114-1116, and Weiss in *RE* s.v. *Lex*, cols. 2317-18.

<sup>37</sup> *IG XII.2, 35B*, lines 14-35 (= *SIG<sup>3</sup> 764*), esp. lines 17-18 and 21-22.