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in the household of the *archiphylakites* Philon (cf. on λειτουργία my *Law* II 40/1 ff.). No. 2 is an affidavit of a legionary, T. Flavius Longus, an *optio* of the Legio III Cyrenaica, with the sworn support of his guarantors that he is of *free birth and a Roman citizen and has the right to serve in his legion*. The declaration may suggest that his right to serve in the legion had been called in question. The third document is a petition to an *eirenophylax* by a Roman citizen Ulpia Herois with her guardian granted her *κατὰ τὰ Ῥωμαίων ἔθνη* (cf. my *Law* I 131<sub>21</sub>) who complains that one Ababikis, evidently a tax-collector has attempted to extort payment from a man who is a cripple and therefore exempt from certain charges, certainly from poll-tax by ruling of the prefect (cf. Wallace, *Taxation in Egypt* p. 114). It is presumably from motives of benevolence to her protégé that the application is made. It may be mentioned that the tax-collector was at other times chastised for shameless extortion (cf. on corporal punishment my *Law* I 424). The collector tries to fasten the responsibility for his illegal demands upon the village elders. For the responsibilities of the latter in the matter of tax collection see the passages listed by Wallace op. cit. ind. s. v.

*Sammelbuch Griechischer Urkunden aus Ägypten*, V Bd. 3 Heft No. 8245—8963 (bearbeitet von FRIEDRICH BILABEL, fertiggestellt und herausgegeben von EMIL KIESSLING, Wiesbaden 1950).

This volume contains papyri and inscriptions published till 1939. The next volume which is to be expected will contain further texts and indices for the whole volume V.

## PAPYRI FROM THE PTOLEMAIC, ROMAN AND BYZANTINE PERIOD

H. IDRIS BELL and C. H. ROBERTS, *A Descriptive Catalogue of the Greek Papyri in the Collection of Wilfred Merton F. S. A.* vol. I, London 1948.

The collection consists of 50 documents. No. 4 (III cent. B.C.), a letter of Aristomachus alludes to a sale on delivery (v. 3 ff.) Ἐπὶ τῶν πυριδίων ὧν κατέλιπον ὑμῖν δότε Διφίλωι ἀρτάβην πυρῶν ἀποκέχρημαι γὰρ παρὰ τοῦ πατρὸς αὐτοῦ τὴν τιμὴν (cf. my *Law* I 254). No. 19 (173 A.D.) is a sale of a river boat (πάκτων ποτάμιος) with a rudder

and two oars, all of willow-wood (cf. the Byzantine sale of boat P. Mon 4 and 5 verso and the *μισθοπρασίαι* see my *Law I* 203<sup>28</sup>, 205). No. 6 (77 B.C.) is a loan of wheat (cf. my *Law I* 258). No. 14 (103 A.D.) is a loan of corn: its chief point of interest are the mentions of the *θέμα* (cf. note 9: *θέμα* was used not only of a bank account (*Giroguthaben*) as a whole but of any item in it), further (v. 15) the clause regarding a previous loan to the creditor's deceased brother and the fact that the borrower, though described as a Persian of the *epigone*, is an *exegetes* or a former *exegetes*. No. 25 (214 A. D.) is a loan of money (cf. my *Law I* 258). No. 37 (373 A.D.) is a deed of loan of 27 seven art. of wheat. No. 10 (21 A. D.) is a lease of a *κλήρος* at Philadelphia for three years. In the last year grass is to be sown *εἰς κατάβρωμα καὶ κοιτασμὸν προβάτων* (cf. my *Law I* 268 note 1): the contract contains the clause *ἀνυπόλογον παντὸς ὑπολόγου* (cf. my *Law I* 271). No. 17 (158 A. D.) is also a lease of land; on the *[σπονδῆ ὑπὲρ τῆς τῶν] ὄλων μισθώσεως* cf. my *Law* 303; on *ἀλληλεγγύων εἰς ἕκτισιν* cf. my *Law I* 231; the lessor retained the ownership of the crop until he recovers the rents (cf. *Law I* 271). No. 18 (cf. my *Law I* 233) is a contract known as *συστατικόν* by which three ex-gymnasiarchs of Oxyrhynchus, two of whom had also been high priests, appoint a freedman named Sarapion to act as their representative in a case before the prefect at Alexandria. The case has arisen out of a report submitted to the prefect at the *conventus*; it is fair to suppose that this report was in some way connected with the official activities of the three principals, who may be assumed to have ended their term of office recently. The document is not an *ἐκδόσιμον* but an original contract; the entry at the top (v. 11) *μωλ( ) τούτ(ου) τὸ ἴσο(ν) ἐγδ(ο- θήτω)* is a direction to prepare an *ἐκδόσιμον*. It may be noted that Ammonius, a man who had been gymnasiarch, had a mother with formerly Egyptian name (cf. Bell, *Archiv* VI 108). No. 26 (274 A.D.) refers to guardianship. It is an extract from the minutes of an *exegetes*. The point at issue is the appointment of a guardian for a young orphan, Aurelius Pekusis, and the petitioner is his aunt, Aurelia Didyme; she applies for the appointment of her brother, the boy's uncle Aurelius Severus, who is present at court. The case had first been taken to the *epanorthotes* who had delegated it to municipal officials: the nearest parallel is not Tebt. 326 = M. Chr. 325 as the editors suppose but Rend. Harr. No. 68

(cf. my *Law I* 121) where a Roman desired to be appointed guardian of his sister's three children on the ground that there were no close relative left (cf. Merton No. 26 v. 13 ἵνα κατὰ τὸ συγγενικὸν δίκαιον κηδεμονίαν ἀποσώσῃ πρὸς αὐτὸν (v. 18) εἰς τὴν [ἐπ]ιτροπείαν τοῦ παιδίου διὰ τε τὸ συν[γ]ενικόν cf. Rend. Harr. 689 οὐδεὶς αὐτοῖς ὑ[π]άρχει ἐγγυτέρω γένει ἢ ἐγὼ [Λουκρήτι]ος Διογένους κτλ.); on the meaning of κηδεμονία see note 13 *duties as a kinswoman*; on the v. δοκιμάζω in l. 12 (perhaps *selected for approval*) see note 13; here we find the principle explicitly stated, which had already been inferred from the documents by Jouguet, *Vie municipale* p. 317 that the *exegetes* as *curator minorum* was simply the representative of the ἄρχοντες as a whole in whom the real authority was vested. No. 36 (360 A.D.) is a lease disguised as the acknowledgement of indebtedness of the part of the lessee. The 'debt' has not really been incurred at the time document was drawn up; here it is simply the rest 2½ artabes of wheat — to be paid the following summer to the lessor for the farming of his land and the next year's harvest. On such disguised leases see Comfort, *Prolegomena to the Study of Late Byzantine Land-Leases (Aegyptus XII 1932, 589 ff.)*, my *Gesch. d. Rezeption des röm. Rechts in Ägypten (Studi Bonfante I 419)* and *Law I 299* and the literature p. 298. The contract runs: ὁμολογῶ ὀφείλειν σοι καὶ ἔχειν παρ' ἑμαυτοῦ ὑπὲρ γιν(ομένου) φόρου.... ἀποδώσω σοι τῷ Ἐπειφ; see however San-Nicolò, *Beitr. z. Rg. im Bereiche der keilschriftlichen Rechtsquellen* 167. No. 34 (346/7 A.D.) is an order for payment. No. 41 (406 A.D.) is another order for payment made by a bailiff of a large estate; in v. 12 is a πρεσβύτερος τῆς ἀγίας ἐκκλησίας τοῦ Καισαρ(είου) mentioned; on the meaning see note 12 *the church of the quarter of Oxyrhynchus named after the temple*. No. 44 (V cent. A.D.) contains the clause *and I will see to it that the receipt is made out* cf. my *Law I 229*. No. 33 (344 A.D.) is a receipt for rent. No. 35 (348 A.D.) is a receipt issued by the collector of gold at Oxyrhynchus for payment received from a certain Koprias; the interest of the text lies in the meaning of the term πρεσβευτικόν for which see the note to l. 2: the term might mean advocate's fee, or court fee. No. 47 (late VI to VII cent.) is a receipt of quit-rent. No. 48 (VI—VII cent.) is a receipt issued by the owners of the land to a tenant who held it as security for a debt but paid presumably part of the produce to the debtors; on (v. 5) ἐνέχυρον = ὑποθήκη see my *Law*

I 215<sup>56</sup>. No. 13 (98—102 A.D.) is a return by a widow of the property left by her late husband. It is to be noted that the only item in the list which is preserved is described as *συνθέσεως μου*, hence it is possible that the *καταλειφθέντα* were (or included) the wife's *φερνή*. The return is directed to the *ἐξηγητής* and on his request: *ἐπερωτωμ[έ]νη ὑπὸ σοῦ τίνα ἐστὶν τὰ καταλειφθέν[τα] ὑπὸ τοῦ γενομένου καὶ μετη[λλ]αχότος [μου] ἀνδρὸς Ἡρωνος Ἐπιμάχου κτλ.* The present pap. shows that the competence of the *ἐξηγητής* extended to questions of inheritance and succession, thus confirming the inference to be drawn from BGU 388 II 23 ff. (cf. similar inventories Kreller, *Erbr. Unt.* 129); on *πεπραμένα* in v. 14 see the ed. Evidently Thaeis had had an auction of the wardrobe or had sold it privately; but though the goods were *καταλειφθέντα* by her husband the dress is described as hers, and it is not clear why on her husband's death she should sell her own clothing. Apparently, however, in that case it was only some appendages of the dress that she sold. The inventory in No. 39 of various articles of wood and stone has nothing common with inheritance. No. 5 (135 B.C.) is a petition to the strategus of the Thebaide. The subject is a dispute as to boundaries: a woman named Berenice, an *ἀστή*, (see note on l. 2 and my *Law* I 124<sub>8</sub>; II 20<sub>19</sub>; 20<sub>26</sub>) accuses a *κάτοικος ἵππεύς* named Andronicus of having removed boundaries (527) (see on *παρορίζεσθαι* my art. in *Sav. Z.* 55,287) and thereby added to the royal land leased by him, certain municipal land, *γῆ πολιτική* (see note on l. 5) on her possession bought by her from Panas. This shows that municipal land of Ptolemais was not necessarily held by citizens. The document adds to our evidence of the judicial functions of the *epistates* as a delegate of the strategos; v. 25 shows further that the *ἀπαρχή* to the Theos Soter was paid not by holders of municipal land only, but by tenants of royal land in the area of Ptolemais or rather perhaps by residents or *κάτοικοι* of the city holding such land. The papyrus brings (cf. 30 ff.) also some details on retrial of a case, already decided by a *iudex delegatus* (cf. my *Law* I 398) and to our knowledge on *res iudicata* (cf. my art. *Archives d'hist. du droit orient.* III 299 ff.). No. 8 (3/4 A.D.) is a petition to the strategus from a tenant of public land at Theadelphia, who had obtained, perhaps by a sublease, twenty five arouras of public land from another *δημόσιος γεωργός* but had had them taken from him by the secretary of the *κωμογραμματεύς* who transported them to his own tenancy; the transfer may

had been due to a higher bid. No. 11 (39/40 A.D.) is a petition to the strategus of Themistes concerning a dispute over water (cf. my *Law I* 374, 414). It seems that the persons complained of diverted the water to the allotment of Symbas, which adjoined the complainant's land (cf. my *Law I* 348). No. 43 (V cent A.D.?) contains petitions to a *praeses*. The petitioners are probably the *προπολιτευόμενοι* of some city — perhaps Oxyrhynchus — and their complaint appears to be that certain individuals or classes, by their refusal to bear their proper share of the burdens and by relinquishing their posts, are endangering the existence of the city. The petition on the verso is concerned with the *annona militaris* and is addressed by an individual who perhaps claims that an unfair share of the burden has been imposed upon him and who has either taken or is contemplating legal action. There is mentioned (v. 4) the term *ἐπιβολή* which refers to the forced cultivation of abandoned lands imposed on cultivators by the government. (The sense of the passage appears to be that some members, or classes of the community, have attempted to evade their proper responsibilities with disastrous results for the city). In v. 10 a term *ἐποστασία* = *authority* occurs; on v. 18 *Θηβαίων ἔθνος* see notes ad h. v. No. 29 (IV cent. A.D.) is an order for arrest (cf. my *Law I* 414). No. 45 is an order to an official, *κομμωνιτώριον* (see Bell, P. Lond. V pp. 74—6). Our text is definitely concerned with the collection of taxes: the known instances are instructions to officers, in two cases to bring the offender before a court, in the third to see to the protection of a village, while Lond. 1679 itself is an order probably to the *κοινόν* of *πρωτοκομηται* to send an offender before the court. No. 9 (12 A.D.) is a notification of death (cf. my *Law II* 64). No. 21 (188 A.D.) is a receipt for poll-tax. No. 16 (149 A.D.) is a receipt for corn-tax. No. 31 (307 A.D.) concerns an extra-tax which was levied by imperial decree: *κατὰ θεϊαν πρόσταξιν ὑπὲρ τῆς κτήσεως* or perhaps by the general edict of Diocletian promulgated in 297 reorganizing the tax-system of Egypt (see the edict of the prefect of Egypt announcing that published by Boak, *Études de Papyrologie* II 1 ff.). No. 15 (114 A.D.) and 20 (184 A.D.) are customs receipts. No. 12 (58 A.D.) is a letter to a physician: this is an instance of a consultation between doctors, by correspondence. No. 23 (late sec. cent.) is a business letter. The main purpose of this letter is to ask the writer's correspondent to pay the bearer, a woman from a village in the Oxyrhynchus nome, the sum of five hundred



drachmas for two arouras of land; it is a mandate (see my *Law I* 298, II 93/4). The interest is to be collected from, not paid to, the woman to whom the money is paid. It would appear, therefore, that the transaction is really a mortgage (cf. my *Law I* 216) or rather a loan on the security, and with interim use by the lender of two arouras. Since no interest can have accrued at this stage, the directions for it must refer to the future: Dionysius is to arrange for its collection when due, and is bidden not to receive less than a year's interest i. e. not to take payment at shorter intervals than one whole year. For the exorbitant interest charged, see note on l. 10 ff. No. 24 (200 A.D.) is a business letter perhaps written to a partner in a *μισθωσις*. The letter in No. 32 (early fourth cent.) may perhaps allude to an *ὠνή ἐν πίστει* (cf. my *Law I* 206). No. 38 (IV cent. A.D.) is a letter to a landlord, announcing, that he paid the messengers acting on behalf of Sabinus and Naraous their wages in full up to to-day (mandate). No. 46 (VI cent. A. D.) is a letter of a tax collector, addressed to his superior by a harassed tax-collector, in arrears of money and hard pressed for time owing to a colleague's death. Nos. 27, 40, 42, 50 are accounts. In No. 40 the term *γενέθλια* is used. The edition ends with an appendix: Claudius Firmus *Ἐπανορθώτης* (cf. my *Law I* 372).

DAVID S. CRAWFORD, *Fuad I University Papyri (Publication de la Société Fouad I de Papyrologie. Société des Publications égyptiennes, Alexandrie 1949).*

The papyri published in this edition belonged previously to the late Prof. Gradenwitz. No. I (227/6 B.C.) is the beginning of a legal document. No. II = SB 6286. No. III (III cent. B.C.) contains the phrase *Let us decide before Heracleides* (arbitration?). No. IV (181 B.C.) resembles SB 5675. No. V (I cent. B.C.) consists almost entirely of village and personal names. No. VI (III cent. A.D.) a private letter, similar to that in Oxy. 1069 (v. 6) mentions *ὀλίγα ξένια καὶ ἐγγαρέας*. No. VII (II cent. A.D.) is an invitation to dinner on the occasion of the writer's daughter wedding. No. VIII (II cent. A.D.?) shows that the writer or his correspondent (perhaps his wife) is in need of cash and that the writer is suggesting means of raising it, mentioning a number of articles of some value that could be sold. No. IX (III or IV cent. A.D.?) mentions *βιβλίδια* — [ἐ]σφραγισμένα. No. X (217/8 A.D.) presumably refers to the substitution of money, or objects of equal value, for the