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SURVEYORSHIP IN THE LAW OF GRECO-ROMAN EGYPT

The office of expert in the papyri has not been so far the subject of any closer study. A few marginal notes¹ in this matter may be found in several publications that deal with other legal problems. It is hoped, therefore, that the papyrologists may find interest in this article which on the whole aims at a systematic examination of various aspects of this office in Greco-Egyptian law.

The principles of legal classification would require that the arrangement of the matter should be made in particular groupings of the cases in which the experts appear (in administrative and judicial proceedings, arbitration and legal acts). This, however, may lead to a monotonous repetition of the same instances under various headings. For the sake of clarity they will be treated according to their specialisation and the cases will be investigated in which the authorities have made use of their knowledge supplied by them.

In our presentation we will keep the chronological order. We will deal, therefore, first with the experts who officiate in all epochs of the Greco-Egyptian law and then turn to those who are to be found only in the Roman and Byzantine periods.

I. Land surveyors (Γεωμέτραι)².

The land-surveyors are consulted about the measurement of ground-plots³. Thus, for instance, in Cair.-Zen. 59387 (III cent. B. C.) Apollonios in a letter probably addressed to Panakestor

¹ Cf. Mitteis, *Hermes* XXXII, 656; P. M. Meyer, *Archiv* III, 100 f; Mitteis, *Zur Lehre von den Libellen* 122; San-Nicolò, *Gross Archiv* XLVI, 125 ff.; Partsch, *Mitteil. aus d. Freib. Papyrussamml.* (SB Heidel. Ak. d. Wiss. Abh. 10, 50); Wenger, *Institutionen d. röm. Zivilprozessrechts* 286 n. 34; Preisigke, *R.E.* XIII, 1081; Taubenschlag, *Law* I, 396.

² On the land-surveyors as administrative officials see Oertel, *Liturgie* 181; Gelzer, *Stud. z. byz. Verwalt.* 60; Rouillard, *L'administration civ. de l'Ég. byzant.* 128, 130.

³ Cf. Cair. Zen. 59.126 (256 B. C.); in Cair. Zen. 59.828 (250 B. C.) γεωμέτρης is not mentioned, however, by analogy to Cair.-Zen. 59.387 it may be supposed that he appears here as an assistant of the basilicogrammateus, cf. l. c. introduction; Petr. II 36 (1) (III cent. B. C.).

about the clearing for cultivation of a part of his land says that he has written to Zoilos (the oecome of Krokodilopolis) to send surveyors to measure it up and orders Panakestor to sow the land and see that none of it is left uncultivated. The income declarations filed in with the administrative bodies in the Byzantine period make it clear that as a rule the surveyors were members (usually two of them) of the surveying commission⁴.

We read of a surveyor in B.G.U. 12 = W. Chr. 389 (181/2 A. D.)⁵ an ἐπίσκεψις τῶν χωμάτων καὶ διωρύχων. The inspection is performed by a body consisting of an ἐπισκέπτης, a strategus and a βασιλικὸς γραμματεὺς. Its task is to survey the state of field works. The surveyor who is a member of this commission measures up and reports on the actual condition of the works. Likewise in Oxy. 1469 (298 A.D.) the komarchs in their complaint which they sent to Aemilius Rusticianus (a deputy-prefect) on the abuses of the officials refer to the testimonial of a δημόσιος γεωμέτρης who has surveyed the drainage works and declared that 400 ναύβια of earth should be needed for the repair of the walls (embankment). Finally, in Oxy. 2145 (186 A. D.) it is reported that the surveyors have completed an anametresis κονιατικῶν [ἔργ]ων βαλανείου κατασκευασθέντ[ος] ἐν οἴκῳ κτλ.

The surveyor's certificate⁶ is also required in land disputes which are to be decided by the court. In Merton 5 (between 149 and 135 B. C.)⁷, in a petition to the strategus of the Thebaid, a woman named Berenice, an ἀστή, accuses a κάτοικος ἱππεύς named Andronicus of having removed the boundaries and thereby added to the royal land leased by him, certain municipal land in her possession. To support her claim Berenice refers to the estimate⁸ made

⁴ Cf. S. B. 7669, (v. 8—9) (299 A. D.) μετρησάντων γεωμετρῶν; cf. S. B. 7670 (299 A. D.); 7671 (299 A. D.); Thead. 54 and 55 (299 A. D.) (reed; B o a k, *Ét. de Pap.* III, 18 ff.); Ryl. IV, 656 (300 A. D.); Corn. 20 (302 A. D.). Cair.-Preis. 8 = W. Chr. 240 (322 A. D.) cf. P. Collinet and P. Jouguet, *Archiv.* III, 348.

⁵ Cf. Wilcken, *Ostraka* I, 175 and 341.

⁶ Cf. Ent. 68 (222 B. C.) see Taubenschlag, *Luw* I, 192 f.; S. B. 6294 (336 A. D.) see Partsch l. c. 46; Wilcken, *Archiv* VI, 411.

⁷ Cf. Taubenschlag, *J.J.P.* IV, 379.

⁸ Means of proof are also the opinions of the land-surveyors included in Ent. 68 (222 B. C.), see Hellebrand, *Prozesszeugnis* 107; S. B. 6294 (336 A. D.) cf. Partsch l. c. 46.

by πολιτικός γεωμέτρης who had surveyed the disputed land in the presence of the offender.

Amh. 68=W. Chr. 374 (59—60 A.D.)⁹ refers to a sale of the state fallows by a komogrammateus. At his request the private surveyors¹⁰ supplied under oath¹¹ their assessment of the ground-plots.

A surveyor may discharge his duties as independent officer¹² or as assistant-officer¹³ or as member of the commission¹⁴.

II. Μοσχοσφραγισταί or ἱερομοσχοσφραγισταί¹⁵.

Of these officers we read in Herodotus' description¹⁶ of a customary examination that preceded a sacrifice of a bull. Before it was slaughtered it was necessary to certify that the animal was not a consecrated bull (apis). The non-performance of this ritual act of examination was then in Egypt punished with death¹⁷.

In the Roman period in Γνώμων of the Idiologos we find two regulations directing such cases. The one¹⁸ decides that all bulls (μόσχοι) destined for sacrificial slaughter should be examined by μοσχοσφραγισταί and stamped if they can be used for ritual sacrifice. The offenders who broke this rule were to pay a fine of

⁹ Cf. Mitteis, *Sav. Z.* XXII, 151; Taubenschlag, *Law I*, 203 n. 22.

¹⁰ Cf. Mitteis, *Sav. Z.* XXII, 153.

¹¹ Cf. Wenger, *Sav. Z.* XXIII, 219, 250; Seidl, *Der Eid im röm.-äg. Provinzialrecht I*, 73.

¹² Cf. Petr. II, 36 (1) (III cent. B. C.); Cair.-Zen. 59126 (256 B. C.); Ent. 68 (222 B. C.); Merton 5 (149—135 B. C.); Oxy. 2145 (186 A. D.); Oxy. 1469 (298 A. D.).

¹³ Cf. Cair.-Zen. 59387; probably also Cair.-Zen. 59828, see the introd. to this pap.; S. B. 6294 see Partsch, l. c. 45.

¹⁴ Cf. B.G.U. 12 (181—2 A. D.); Cair. - Preis. 8 (332 A. D.) and in the documents quoted in n. 4, above.

¹⁵ Cf. Otto, *Priester u. Tempel I*, 62, 84 f.; II, 173 n. 3; Wilcken, *Grundz.* 126.

¹⁶ Cf. Herodot II, 38; Plutarch., *De Isid. et Osir.* c. 31; see Otto l. c. I, 84 n. 4; Uxkull-Gyllenband, *Gnomon des Idios Logos* 80; S. Riccobono jr., *Il Gnomon dell'Idios Logos* 79 f.

¹⁷ Cf. Herodot II, 38 *in fine*; see Uxkull-Gyllenband l. c. 81.

¹⁸ *Gnomon* § 72: 'Ἀσφραγίστους μόσχους οὐκ ἐξὸν θύειν οἱ δὲ π[α]ρὰ ταῦ[τα] θύσαντες κατακρίνο[ν]ται κτλ; see Uxkull-Gyllenband l. c. 79; S. Riccobono jr. l. c. 59, 224.

500 drachmas. The other regulation¹⁹ decided that the candidates for *μοσχοσφραγισταί* should be chosen from among *λόγιμα* *ιερά* and should pass an examination before entering upon their office.

Those who were to perform the sacrifice were given by *μοσχοσφραγισταί* a written certificate²⁰ in which it was stated that the *μόσχος* was examined and stamped and could be killed for offering. These documents of *μοσχοσφραγισταί* were presented to the authorities in order to dismiss all doubts if a question was raised that the *δοκιμασία* was not observed before the sacrifice was offered²¹.

B.G.U. 250 = W. Chr. 87 (130 A. D.) tells us how important it was — probably for fiscal reasons — to observe the purity of sacrificed animals. There we read that the officer after a long lapse of time asks the person who performed the sacrifice why he has not yet delivered a certificate attesting the purity of the offering.

III. Ὀριοδείκτης

The first mention of this officer²² comes from the Roman period (late II cent. A.D.) while the last reference to him is dated from the second half of IV cent. A.D.

He acts as boundary-inspector in private and administrative cases²³. One of the first mentioned instances of his appearance is

¹⁹ Gnomon § 87: *Μοσχοσφραγισταί* ἐξὸν λα[ο]γίμων ἱερῶν δοκιμάζονται, see U x k u l l - G y l l e n b a n d l. c. 93; S. R i c c o b o n o j r. l. c. 62, 230; T a u b e n s c h l a g, *Law* II, 74.

²⁰ P. Gen. 32 (v. 4—9) (148 A. D.) (BL I, 161): [Πετοσίρις Μαρείους ἱερομοσφο[ρχιστῆς ἐπε]θεώρησα μόσχον θυ[όμενον] ἐν ἱερῶ Σοκνοπ(αίου) Ν[ή]σο(υ) ὑπὸ Π[ακύσεως] τοῦ Ἐριέως μη(τρὸς) ἀπὸ [τῆς] α(ύτης) κόμ(ης) καὶ δοκιμάσας ἐσφράγ[ισα ὡς] ἐστιν καθαρὸς, ὡς εἴθιστ[αί] cf. P. Strassb. graec. 1105 = W. Chr. 89 (149 A. D.); Stud. XXII, 138 (184—5 A. D.); B.G.U. 356 = W. Chr. 88 (213 A. D.); Grenf. II, 64 (II or III cent.), cf. O t t o, *Priester und Tempel* I, 84 n. 4.

²¹ See B.G.U. 250 = W. Chr. 87 (after 130 A. D.), cf. W i l c k e n, *Grundzüge* 126; S a n N i c o l ò, *Gross Archiv*. XLVI, 129.

²² Cf. G e l z e r, *Stud. z. byz. Verwalt.* 60; O e r t e l, *Liturgie*, 181 ff.; T a u b e n s c h l a g, *Law* I, 192.

²³ Cf. B.G.U. 616 (end II cent. A. D.); Stud. XXII, 49 (201 A. D.); Ryl. II, 87 (early III cent. A. D.); S. B. 7669 (299 A. D.); S. B. 7670 (299 A. D.); S. B. 7671 (299 A. D.); S. B. 7672 (299 A. D.); Thead. 54; 55 (299 A. D.) (reed. B o a k, *Ét. de Pap.* III, 18 ff.); Ryl. IV, 656 (300 A. D.); Corn. 20 (302 A. D.); Amh. 83 = W. Chr. 230 (303—306 A. D.); Lond. III, 971 (p. 129) (III or IV cent. A. D.); Preis. 8 = W. Chr. 240 (322 A. D.); Oxy. 2235 (346 A. D.); P. Oxf. 6 (350 A. D.) see Y o u t i e - W i n t e r, *P. Mich.* VIII p. 146 n. 9 and the literature quoted there.

reported in B.G.U. 616 (end II cent. A.D.)²⁴ in a case which describes a *controversia de fine*²⁵. The petitioner wronged by the so-called *παρορίζεσθαι*²⁶, in his petition probably addressed to the strategus, demands that a *komogrammateus* should come together with the *ὀριοδέκτης* and measure up his plot in order to give each claimant his due.

In this case the *ὀριοδέκτης* acts as his assistant, his duty is to pass an opinion upon the position of the boundary-posts so that upon his testimony the *komogrammateus* would decide the dispute²⁷.

We find this officer, too, in P. Cairo 57049²⁸ (IV cent. A.D.) in a petition addressed to Aurelios Chrestos, strategus of the Arsinoite nome, sent by Aurelios Isidoros of Karanis. His complaint is that a certain Akotas of the same village has sought to extort from him certain payments for farm-lands which the petitioner claims that not he but Akotas himself has had and still has under cultivation. To prove his claim Isidoros offers the evidence derived from the investigation of the boundary-inspector that was performed in collaboration with his neighbouring landholders. He, therefore, requests the strategus to summon Akotas before him and demand proofs from the boundary-inspector and his neighbours.

Elsewhere we read of him only in administrative cases. To these belongs Ryl. II, 87 (early III cent. A.D.) which is an estimate of land productivity. A boundary-inspector measured the field and assessed which part of it was cultivated and which was left fallow and covered with sand²⁹. The survey was probably carried upon the demand of the owner who had petitioned to be exempted from the payment of taxes.

²⁴ Cf. Mitteis, *Hermes* XXXII, 655 ff.

²⁵ Cf. Mitteis, *Hermes* XXXII, 656 and Taubenschlag, *Law* I, 192.

²⁶ Cf. Taubenschlag, *Sav. Z.* LV, 287; *Law* I, 192.

²⁷ A similar case is to be found in Ross.-Georg. II, 21 (154—5 A. D.) a petition addressed to the strategus. The petitioner acting through her husband as her representative complains to have been injured by the s. c. *παρορίζεσθαι* and demands that the strategus orders the *komogrammateus* to go with the *ὀριοδέκτης* to the spot to fix boundary-marks. The ed. supposes that this document should be supplemented by words referring to the *ὀριοδέκτης* like B.G.U. 616 (v. 6—8): *γενέσθαι[ι] ἐπὶ τοῦ[ς] τόπους σὺν τῷ ὀριοδέκτῃ καὶ ἀναμετρήσαι [τ]ὴν πᾶσαν γῆν καὶ ἐκάστω τὸ ἴδιο[ν] ἀπ[ο]καταστήσει.*

²⁸ Cf. Boak, *J.J.P.* I, 7 ff. see Préaux, *Chron. d'Ég.* N° 53, 247 ff.

²⁹ Cf. introd.

S. B. 7669 (299 A.D.), 7670 (299 A.D.), 7671 (299 A.D.), 7672 (299 A.D.), P. Thead. 54/5 (300 A.D.), Ryl. IV, 656 (300 A.D.), Corn. 20 (302 A.D.) are declarations of land filed with the *censitor* and referring to the *census* in 297 and 303 A.D. They are written after the same form³⁰ and contain such details as the quantity and type of land, the number of the members of the commission present at the *anametresis* and the owner's oath. The declaration was signed by the members of the commission and attested by the *censitor*³¹.

The commission consisted of the γεωμέτραι, the ὀριοδείκτης and witnesses.

The duty of ὀριοδείκτης was not restricted only to their passive attendance to the meetings of the commission. From the note³² that he wrote before signing the document appears that he was authorized to pass his opinion about the position of boundary-marks since he knew them very well and since his testimony was essential for the measuring of the land. The latter task was fulfilled by land surveyors. In this connection the ὀριοδείκτης was bound to show the geometers and other members of the commission all the plots³³ that were owned by the holder of the disputed land. It is not certain whether the *anametresis* could take place if the ὀριοδείκτης was absent. It may be presumed that his presence was required. To illustrate, in Preis. 8 = W. Chr. 240 (322 A.D.) we read that a strategus who held also the office of *exactor* received a petition upon which he requested the land surveyor and γνωστὴρ κώμης to carry an *anametresis*. The latter officers in their report notified that the measurement was made in the presence of ὀριοδείκτης³⁴ though his person was not mentioned in the order of the strategus.

Oxy. 2235 (346 A.D.) is a petition entered to the *riparius* by Aurelius Horus on behalf of his grandchildren. They have inherited

³⁰ Cf. Boak, *Ét. de Pap.* III, 2 f.

³¹ Cf. S. B. 7669 (v. 42) *cens(itor) acc(epi) et subscripsi libellis*; similarly S. B. 7670 v. 22; S. B. 7672 v. 20; Thead. 54 v. 24; Thead. 55 v. 20; Ryl. IV, 656 v. 22.

³² S. B. 7669 (v. 39—40) ὀριοδείκτης ὑπέδειξα πάσας τὰς προδηλωμένας ἀρούρας καὶ οὐδὲν παρέλιπον; similarly: S. B. 7670 v. 21—22; S. B. 7672 v. 19; Thead. 54 v. 20; Thead. 55 v. 19; Ryl. IV, 656 v. 23; Corn. 20; see Hombert-Préaux, *Chron. d'Ég.* N° 31, 262 n. 3.

³³ Cf. Amh. 83 see Westermann-Kraemer, *P. Corn.* p. 134.

³⁴ Cf. Cair.-Preis. 8 (v. 9—11): γενό[μ]ενοι ἐκεῖσε ἅμα Εὐδαίμονι ὀριοδείκτη τῶν τόπων ἐκείνων καὶ τὴν ἀναμέτρησιν ποιησάμ[ε]νοι κτλ.

from their father Penephis a piece of land in the territory of the village of Adaeus. Now the scribe of Terythis is trying illegally to force them to pay the taxes on the land belonging to his village. Aurelius Horus asks the *riparius* that he should order komogrammateus Pausitis not to extort the payment of the taxes on the land which is not subject to his authority. Among other arguments he calls upon the fact that the *ὄριοδείκτης* has officially stated after the survey of the land which village must pay the taxes.

In Amh. 142 = M. Chr. 65 (341 A.D.) a man named Aurelius Germanos enclosed to his petition addressed to the praefect of the province of Augustamnica, a report of the local inspection and anametresis performed after he was given back the land of which he had been illegally deprived before. At the survey of his land were present *ὄριοδείκτης* together with *πραιπόσιτος τοῦ πάγου*.

It is evident from the above mentioned cases that the *ὄριοδείκτης* must have possessed a good knowledge of boundary-posts and that he decided about their position. This duty he could perform as member of the commission or as assistant of the komogrammateus, *γνωστὴρ κώμης* and land-surveyor, or as assistant of *πραιπόσιτος τοῦ πάγου* whence his opinion was mainly needed for carrying an anametresis in all administrative proceedings.

To his duties belonged also an assessment of sowing corn allotted to a field, and this business he would do as a member of the commission while an estimate of land productivity could be made by himself.

The term of his office was probably shorter than six years. In B. G. U. 983 (early III cent. A.D.) the defendant claims that the *ὄριοδείκτης* extended the term of his office arbitrarily to six years³⁵.

IV. Ἱατροί

Medical experts³⁶ are known in the Roman and Byzantine periods. We learn of them from the petitions³⁷ applied for an examination to be held and from their reports³⁸.

³⁵ Cf. Oertel, *Liturgie* 182.

³⁶ Cf. San-Nicolò, *Gross Archiv* XLVI, 126; Taubenschlag, *Strafrecht* 98 n. 4; Schubart, *Einf.* 387, 399 f.; Eitrem-Amundsen, *P. Oslo* III p. 100 f.; Taubenschlag, *Law* II, 56.

³⁷ Cf. Oxy. 475 = W. Chr. 494 (182 A. D.); P. Flor. 59 (225 or 241 A. D.), see Wilcken, *Archiv* III, 536; San-Nicolò, *Gross Archiv* XLVI, 127; Taubenschlag, *Strafrecht* 93 n. 4.

³⁸ Cf. Osl. 95 (96 A. D.); B.G.U. 647 (130 A. D.); Oxy. 2111 (ca 135 A. D.) in a report of legal proceedings an opinion of a physician is also mentioned; Oxy. 51

The petition was attended to by a proper officer a *strategus*³⁹ in the Roman period, and a λογιστής⁴⁰, ἔκδικος τῆς πόλεως⁴¹ and νοκτοστρατηγός⁴² in the Byzantine period who through the intermediary of a ὑπηρετής would commission a doctor to hold the examination. The doctor would arrive at the place indicated and examine the body or the injuries whereafter he would send to his authorities his report in form of ὑπόμνημα⁴³.

Medical certificates (προσφωνήσεις) bore the signature of the doctor and ὑπηρετής who acted *ex officio*. These documents furnished an exact description⁴⁴ of the incident.

As a rule these certificates were issued by δημόσιος ἰατρός. There is only one case⁴⁵ described that contains a report made by a private physician (ἔχων ἰατρικόν). This differs from an ordinary medical certificate made out by a public doctor that it is written under oath⁴⁶ and in assistance of two witnesses.

Medical certificate had probably served as evidence in further legal procedure, as for instance in that for ὕβρις⁴⁷.

A few words must be said about midwives. The Geneva papyrus⁴⁸ mentions a woman named Gaelia Petronilla sent by order of *juridicus* Calvisius Patrophilus to a certain woman who with

(173 A. D.); Oxy. 1502 (260—1 A. D.); Osl. 96 (272 A. D.); B.G.U. 928 (288 A. D.); Oxy. 896 (316 A. D.); Oxy. 983 (316 A. D.); S. B. 6003 (316 A. D.); Oxy. 52 (325 A. D.); Ath. 34 (III or IV cent. A. D.); Cair.-Preis. 7 (IV cent. A. D.); Lips. 42 (late IV cent. A. D.), see San-Nicolò, *Gross Archiv* XLVI, 126; Taubenschlag, *Law I*, 396 n. 39.

³⁹ Cf. B.G.U. 647; Oxy. 475; 51; 476.

⁴⁰ Cf. B.G.U. 928; Oxy. 896; 983; 52.

⁴¹ Cf. Cair.-Preis. 7.

⁴² Cf. Lips. 42.

⁴³ Cf. San-Nicolò, *Gross Archiv* XLVI, 127.

⁴⁴ In Osl. 95; B.G.U. 647; 928; Osl. 96; Oxy. 983; Ath. 34; Cair.-Preis. 7 and Lips. 42 injuries are substantiated. In Oxy. 2111 and 51 the physicians certify death. Oxy. 476 supports the idea that death could also be certified by an ἐνταφιαστής, cf. San-Nicolò, *Gross Archiv* XLVI, 128 f.

⁴⁵ Cf. B.G.U. 647 (130 A. D.), see Wenger, *Sav. Z.* XXIII, 219, 251; San-Nicolò, *Gross Archiv* XLVI, 128.

⁴⁶ Cf. Wenger, *Sav. Z.* XXIII, 219, 251; San-Nicolò, *Gross Archiv* XLVI, 128; Seidl, *Der Eid im röm.-äg. Provinzialrecht* 98.

⁴⁷ Cf. San-Nicolò, *Gross Archiv* XLVI, 125 f.; Taubenschlag, *Law II*, 56.

⁴⁸ Cf. Wilcken, *Archiv* III, 371 (col. II v. 1—9) p. 374, see Erman, *Sav. Z.* XV, 241 ff.

a midwife had examined her and certified her pregnancy. The woman, however, declared that Petronilla's childbirth must not take place in her house, but she promised disinterestedly to take a good care of the expectant mother. This instance illustrates the application of the well known edict *de inspiciendo ventris*⁴⁹.

V. Λογοθέται

These officers⁵⁰ appear in private disputes in the Roman and early Byzantine periods. They were appointed either by the court⁵¹ or upon the request of the parties⁵².

To the duties of a λογοθέτης belonged auditing of the accounts, of those especially which were connected with the management of an estate⁵³, and statements of sums due for hypothecary-loans⁵⁴. The suit in such matters would be adjourned⁵⁵ till the opinion of λογοθέτης was heard and the parties had to appear before him. And if one failed to do so the λογοθέται would hold up their report while the party who had appeared had a right to demand in court that the other should be summoned⁵⁶. It is presumed that λογοθεσία must have been done by λογοθέται immediately after his nomination. If the suit was suspended for too long time the judge could

⁴⁹ Cf. Dig. 25, 4, 10; Wilcken, *Archiv* III, 374; Taubenschlag, *Studi Bonfante* I, 380; *Law* I, 24, 396.

⁵⁰ Cf. Preisigke, *R.E.* XIII, 1081; P. Meyer, *Archiv* III, 100; Grenfell-Hunt, *P. Oxy.* XIV p. 14 n. 12; Taubenschlag, *Law* I 196.

⁵¹ Catt. verso = M. Chr. 88 (col. III, v. 27 — IV, v. 1) (about 141 A. D.): Τοῦ δὲ στρατηγοῦ διακούσαντος καὶ δόντος λογοθέτας οὓς εἴλαντο, Δρουσίλλας μὲν Ἀλκιμον γεγυμνασιαρχηκότα τῆς τῶν Ἀρσινοειτῶν πόλεως, τοῦ [δὲ Ἀγριππιανοῦ] πατρὸς μου Πτολεμαῖον ὁμοίως γεγυμνασιαρχηκότα κτλ, cf. P. Meyer, *Archiv* III, 100; *Oxy.* 1630 (222 A. D.); *Oxy.* 2187 (304 A. D.) cf. Taubenschlag, *J.J.P.* I, 113 f.

⁵² Lond. II, 196 = M. Chr. 87 (138—161 A. D.) cf. P. Meyer, *Archiv* III, 92 ff.; B.G.U. 245 (col. II, v. 5—6) (II cent. A. D.): καὶ ἐὰν δέη λογοθέτην δοῦνα, δώσει, cf. P. Meyer, *Archiv* III, 100.

⁵³ Cf. Catt. Verso = M. Chr. 88 (ca 141 A. D.); *Oxy.* 1630 (222 A. D.); *Oxy.* 2187 (304 A. D.).

⁵⁴ Cf. Lond. II, 196 = M. Chr. 87, see P. Meyer, *Archiv* III, 92 ff.; B.G.U. 77 (172—175 A. D.) (see B. L. I, 16).

⁵⁵ Cf. Catt. Verso = M. Chr. 88, see P. Meyer, *Archiv* III, 99 ff.; *Oxy.* 2187 (304 A. D.), see also *Oxy.* 1420 (129 A. D.).

⁵⁶ Cf. *Oxy.* 2187 (304 A. D.) v. 12—18 see Taubenschlag, *J.J.P.* I, 114 f.

shorten the term⁵⁷ and the hearing was resumed. The opinion of the λογοθέται determined the sentence.

In the Byzantine period the λογοθέται became subordinate officers assisting the highest civil authorities⁵⁸.

VI. Building Inspectors.

The experts ἀρχιτέκτονες⁵⁹, τέκτονες and οἰκοδόμοι⁶⁰ are grouped together because of the affinity either of their professions or their tasks (estimates, opinions).

Ἀρχιτέκτονες and τέκτονες are to be found in administrative proceedings. As Oxy. 1450 (249—251 A. D.) states they have formed a detailed estimate of the expenses of plastering, roofing and other repairs of a state building. This estimate seems to have been sent to the senators⁶¹. Another document Stud. X, 259 (VI cent. A. D.) says that ἀρχιτέκτων and τέκτων together with the invited πρεσβύτερος τῆς ἀγίας ἐκκλη[ησίας] τῆς ἀγίας Θέκλας are enjoined to issue — after a local inspection — an estimate of building materials used for underground works (τῶν κατωγαίων).

In Oxy. 53 (316 A. D.) the president of the guild of carpenters⁶² forms an estimate — by order of the logistes — of a persea-tree and states that it has been barren and dead for several years⁶³.

In private disputes we meet with ἀρχιτέκτονες and οἰκοδόμοι. Tebt. 286 (121—138 A. D.)⁶⁴ is a report of a trial before hypomnematographus Julius Theon. The dispute concerned the ownership of a house claimed of a certain Ptolema. The judge passed his de-

⁵⁷ Cf. Catt. Verso = M. Chr. 88 (Col. V v. 23—30); ἡ μὲν λογοθεσία κατὰ τὰ κριθέντα εὐθέως ἀπαρτισθ[ε]ται, προνοήσει δὲ Ἀπολινάριος ὁ τοῦ νομοῦ στρατηγὸς ἡμερῶν ᾧ τὴν λογοθεσίαν γενέσ[θαι]... ἵνα μὴ [τ]ε πλ[εόν] παρέλκητα[ι] cf. Lond. II, 196 = M. Chr. 87; P. Meyer, *Archiv* III, 101 ff.

⁵⁸ Cf. Preisigke, *R.E.* XIII 1081 and the literature quoted there.

⁵⁹ On architects see Fitzler, *Steinbrüche u. Bergwerke* 57 ff.; San-Nicolò, *Vereinswesen* I, 86 ff.; Wilcken, *Grundzüge* 332; Grenfell-Hunt, *P. Oxy.* XII p. 147 n. 27; Taubenschlag, *Lux* I, 396.

⁶⁰ Cf. San-Nicolò, *Vereinswesen* I, 86 ff.

⁶¹ Cf. the introduction to this document.

⁶² Cf. Wilcken, *Ostraka* I, 697 n. 1.

⁶³ Cf. Oxy. 53 (v. 8—11); ὅθ[εν] ἐπ[ι]δον τὴν περσειάν ἄκαρπον οὖσαν πολλ[ῶ]ν ἐτῶν διόλου ξηραντίσαν καὶ μὴ δύνασθαι εὐτε[ῖ]θε[ν] καρ[ποῦ]δ[ε] ἀποδιδόναι see San-Nicolò, *Gross Archiv* XLVI, 129.

⁶⁴ Cf. Mitteis, *Sav. Z.* XXVIII, 386.

cision in favour of Ptolema. It was based upon the expert's estimate⁶⁵: ἐκ τῆς τῶν ἀρχιτεκτόνων προσφωνήσεως.

It is recorded in papyrus P.S.I. 456 (276—282 A. D.) that two building experts by order of the strategus were to estimate a damaged building that was disputed by Sarapammon and Aphynchis. In the papyri Bouriant 20 = M. Chr. 96 (350 A. D.)⁶⁶ and Lond. 1708 (IV cent. A. D.)⁶⁷ where records of lawsuits concerning inheritance are found, we read that after the appointment of the experts the judge does not suspend the hearing to wait for their estimate of inherited property but he passes a conditional judgment determined by this estimate.

Building experts were also appointed by contracting parties. In P.S.I. 176 (V cent. A. D.)⁶⁸ in a contract on *superficies* we read that the superficiary would be repaid for all building investments if the owner or his heirs took his land from him or from his heirs or would mortgage it or would restrict his rights. The sum of the indemnity should be estimated by the experts.

VII. Craft - Experts.

To conclude we list the cases in which appear the surveyors of other crafts.

In P.S.I. 341 (255/6 B. C.) the weavers, Apollophanes and Demetrios offering their skill of weaving to Zenon propose that either party may summon their own surveyors who should estimate their work. In Fouad 37 (48 A. D.)⁶⁹ in a contract binding a certain Menodoros to teach weaving to the son of Lucius Pompeius Niger, both parties determine that they should choose three inspectors who would investigate whether Menodoros had fulfilled his obligations.

Another matter is dealt with in Boak 21 (296 A. D.)⁷⁰. Two sisters Aurelia Thaesis and Aurelia Kurillous in a suit against their step-mother declare that it is required by the laws (τοῦτο γὰρ διαγορεύεται ὑπὸ τῶν νόμων) that the dowries recorded in written agreements should be evaluated by a goldsmith and a tailor.

⁶⁵ Cf. S a n - N i c o l ò, *Vereinswesen* I, 89 n. 2.

⁶⁶ Cf. Collinet-Jouguet, *Archiv* I, 293 ff.

⁶⁷ Cf. Lewald, *Sav. Z.* XLI, 312; Modrzejewski, above p. 221.

⁶⁸ Cf. Wenger, *Krit. Vjschr.* XVIII, 76 ff.

⁶⁹ Cf. Taubenschlag, *Law* I, 304 n. 3 and *J.J.P.* I, 103 f.

⁷⁰ Cf. Taubenschlag, *Law* I, 95; *J.J.P.* I, 119.

Unlike in other already discussed cases here the surveyors are called by virtue of the law.

The last document B.G.U. 1125 (13 B. C.)⁷¹ which also deals with surveyorship refers to an agreement reached between Gaius Julius and Gaius Julius Eros. The latter was bound to teach the son of Gaius Julius how to play the flute. This document contains a regulation which directs that three experts shall evaluate his skill and declare whether Gaius Julius Eros fulfilled his obligation towards his pupil or not. This papyrus is mentioned here because in antiquity playing the flute was not treated as artistic profession but was grouped with other crafts.

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⁷¹ Cf. Berger, *Strafklauseln* 170; Cugia, *Profili del tirocinio industriale*, 30 f.