

Taubenschlag, Rafał

"The Antinoopolis Papyri", Part I, C. H. Roberts, London 1950 : [recenzja]

The Journal of Juristic Papyrology 5, 265-267

1951

Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez **Muzeum Historii Polski** w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

POPYRI FROM THE ROMAN AND BYZANTINE PERIOD

C. H. Roberts, *The Antinoopolis Papyri Part I. London 1950.*

The collection consists of 50 papyri from which No 22, 31—42 are of legal character. No 22 contains a Latin legal fragment (IV cent. A. D.) which treats according to Zulueta evidently of the edict *quod falso (?) tutore* which is known to us through D 27, 6 and may well be a passage of Ulpian's Book XII *ad Edictum* omitted by Justinian (Palingenesia ii cols. 478—9). So far as hitherto known, this edict gave relief to the plaintiff who had brought an action against a *pupillus* and had in good faith accepted as his *tutor* someone who was not such in fact. Our text deals with the substantially similar case of the plaintiff having proceeded against a *pupillus sine auctore tutore* in the belief that he was of age. In l. 15—19 Pomponius seems to be saying that, if in a case in which a *pupillus* is supported by a *falsus tutor* the *judex* adjourns improperly, the present edict does not apply and the liability is on the *judex* because he neither adjourned the case properly nor gave a sentence.

N^o 31 (347 A. D.) is an official letter in which the *curator* of Antinoopolis advises a *cosmete* of the imminence of one of his monthly periods of office and exhorts him to the due performance of his duties. The wording implies that the *cosmete* at this period in Antinoopolis served his term of office in two or more shifts rather than in a continuous stretch (to this arrangement see O e r t e l *Liturgie* 309).

From the other papyri one belongs to the field of private law, three to the field of proceedings, the rest—to the administration.

N^o 42 (542 A. D.) is a common type which has given rise to much discussion (cf. my *Law* I 254) and may alternatively be described as an acknowledgement of indebtedness (*datio in solutum*) or a sale in advance (cf. P r i n g s h e i m, *The Greek Law of Sale* p. 275 note 4). The object of the contract is wine, the sum to be paid is left unspecified.

N^o 34 (first half of the IV cent A. D.) is a court memorandum. This memorandum appears to be a note of a case due for hearing by the praeses Thebaidis at Antinoopolis. The defendant is a priest from Panopolis, who is being proceeded against ἀντιδικοὶ λογισταὶ κατὰ πόλιν by the curatores of the city; the case concerns a censor. The two centurions whose names appear at the bottom of the document may have been responsible for producing the defendant in

court or may have been in attendance of the praeses. In my opinion the memorandum derives from the usher of the court (cf. Oxy 2187).

N^o 35 (late III cent. A. D.) contains two petitions probably to the prefect. In the first petition a judgement in Latin by some other official is cited. The matter of the second petition is a dispute between two brothers in which one claims that the other had acted illegally in regard to the property of their deceased brother, which should (he claims) have been divided between them. Interesting are the words (v. 14) καὶ ἐν μεσεγγύῃ κατέθ[ηκεν] cf. my art. in *Jura* II 77 ff.

N^o 36 (326 A. D.) is a petition to a *curator*. This papyrus alleges charges of house-breaking and adultery against the defendant. On adultery (v. 20) μοιχεύειν cf. a process against a μοῖχος BGU 1024 see my *Strafrecht* 119.

N^o 37 (209—10) — the text is a sworn declaration by Apollonios and his wife Isidora, both citizens of Alexandria (on ἀστοί cf. now Arangio Ruiz, *Revue intern. des droits de l'antiquité* IV 6ff) regarding the registration-fee on their son. The situation seems to be that the parents, both Alexandrians, are removing to Alexandria with an infant son and are required to make a sworn statement that the child's birth had been registered elsewhere (on ἀπαρχή in v. 4 cf. *Fam. Tebt.* 30 and 34; (v. 6) may be completed ἀκολούθως [τῆι θείαι διατάξει].

N^o 39 (324 A. D.) is receipt for repayment by an *exactor*. Isidora has contributed one chlamys and one sticharion (no doubt to the *vestis militaris*) in the tenth indiction and is now reimbursed by the local tax-collector to the full amount of 3475 denarii. In the edict of Diocletian *de maximis pretiis* a chlamys of best quality is priced 4000 denarii while the price of *stichae* varies between 2000 and 1000 according to the quality, and as between the edict and the date of this document prices had probably about doubled, is clear that the pretence of paying for requisitional goods was wearing a little thin. N^o 40 (early IV cent. A. D.) is a receipt for *vestis militaris*. The receipt for a contribution to the *vestis militaris* is unique of having attached to it a clause designed to protect the contributor should the goods be rejected as below standart. N^o 31, (333 A. D.) a λόγος ἀργυρικὸς καὶ γενικὸς π[ατριμωναλίων] is a return of the revenues in kind as well as in money accruing to the patrimonium from the territory of Diospolis parva during

the month of June 339 A. D. N° 33 (346 A. D.) is an official account of expediture. This account forms part of the return of income and expenditure presented by the provincial treasurer (χρυσώνης cf. Wilcken, *Grundz.* 164—6) for submission to his superior, the *praepositus thesaurorum* in Alexandria. It is likely that in such an account the two Greek cities were listed first and that consequently the entries preceding l. 18 relate to Antinoopolis. The various payments made to officials „for corn”, „for clothing” (i. e. *vestis militaris*) represent not so much payment for expenses as payments ob *adaerationem*.

N° 41 (early III cent. A. D.) is a military register perhaps a *pri-dianum* and belongs to a class of documents represented among the papyri by BGU 696 the record of a cohort in Moesia published by A. S. Hunt in *Racc. Lumbroso* p. 265 ff; Ryl. II 79; Lond. 2723 and a few smaller fragments in Mich. VII 448, 450. Of this the closest parallel to 41 is P. Mil. Inv. 3240 with the difference that this is a list of auxiliary and 41 probably of legion soldiers.

N° 38 (301 A. D.) is a sworn declaration by the guild of silversmiths of Antinoopolis addressed probably to the epiteretes and stating the price at which their commodities are sold (Oxy 85 and PSI 202). It was written in the year in which the Diocletian's edict *de maximis pretiis* was published. A reference to the edict itself may possibly be seen in v. 27 of the text; from the fact that the declaration is made in accordance with an edict of the prefect (v. 13—14) we may infer that the prefect required statements of commodity prices from all guilds to insure that they conform to the tariffs.

Herbert Chayyim Youtie and John Garret Winter, *Papyri and Ostraca from Karanis second series Ann Arbor; The University of Michigan Press 1951.*

This volume contains private letters (464—521) and ostraca (972—1111). Although the texts are not of legal character, they refer frequently to legal matters and deserve therefore the attention of the jurists.

In N° 499 (II cent. A. D.) Sabinianus urges his brother Apollinarius to do everything in his power to enable Sabinianus to become their sisters κύριος (v. 14) ὡς πάντος ἐμοὶ κύριον λαμβάνη, παρακαλῶ προσέκειν τῆι <v>> ἀδελφῆι ἐν οἷς ἐάν σου δεηθῆι.

On guardianship over women cf. my *Law* I 128 and my art. in *Arch. d' hist. du droit oriental* II (1938) 293—214; on brothers as guardians