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"The Hibeh Papyri", Part II, E. G. Turner,  
M. T. Lenger, London 1955 : [recenzja]

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matter, you will be in no ordinary danger". Characteristic are the terms „*diligentia*”, „*negligentia*”.

From the diptychs, No. 61, a fragment of birth (?) certificate deserves attention. It is written in Latin with half a line in Greek (v. 6).: perhaps ἐχρ[ημάτιζεν]. The past tense shows that Cassianus, the father of the child, was dead. Presumably the writer did not know the Latin for this formula.

#### POPYRI FROM THE PTOLEMAIC AND ROMAN PERIOD

E. G. Turner — M. T. Lenger, *The Hibeh Papyri* part II, London 1955.

The second part of the Hibeh-Papyri which appears after 50 years, contains in No. 172—192 new classical fragments, in No. 193—5 extant classical authors, and in No. 221—32 minor unidentified literary texts. The other papyri are of legal character.

No. 196 (280—250 B.C.) is probably an extract from a „city law” of one of the Greek cities of Egypt (Alexandria ?) which lays down either the duties or the qualifications of an official styled γυναικονόμος, mentioning him in connection with an act of registration in the citizen-body. Γυναικονόμοι formed part of the constitutional apparatus of Athens (as enforcers of sumptuary legislation) only during the government of Demetrius of Phaleron who might have introduced these officers to Alexandria. No. 197 (250 B.C.) lays down the procedure (ἐνεχυρασία, ἐμβαδεία) to be followed in order to seize a security whether in movables or immovables, clearly in fuller detail than the short section περὶ ἐνεχυρασίας καὶ . . . in P. Hal. I, 234 ff. It is not clear whether they form part of royal ordinances (προστάγματα) or of πολιτικοὶ νόμοι. In favour of the view that, whatever their form, they apply only to the Greek cities is the general resemblance to P. Hal. I i.e., both in phraseology (ll. 1, 3 nn.) and in the mention of the Greek city institution of the θεσμοφύλακες. The most striking novelty mentioned here is the procedure ἐπίκρισις γῆς καὶ οἰκιῶν κτλ. apparently confined to a scrutiny of property. The phrase ἐ]πικριτῶν δίκη suggests a juridical procedure. Remarkable is the term of 20 days mentioned in fr. 1 v. 7. In Roman documents a 10 day period is laid down between the service of notice on the debtors and the grant of execution. On ἐξωμοσία in v. 9, cf. the note of the

editors. Hib. 198 (late Philadelphus Euergetes) contains royal ordinances. Recto: Col. i 1—13: Royal appointments (?). The fragment appears to be a list of infantry, cavalry and administrative officers belonging to three different nomes (Hermopolite or Cynopolite, Heracleopolite and Memphite). Each name is accompanied by a statement of army rank, in two cases (l. 3) by the father's name; and on several occasions the regiment is mentioned, designated by its eponymous officers. The fragment might suggest some type of royal decree organizing military squadrons, recording promotions or even designating officers for a particular duty. Col. ii 15—19: πρόσταγμα of Philadelphus year 8 (278—7) relating to the juridical condition of σταθμοί, to be added to the series of ordinances known from P. Petr. III 20 (cf. M. T. Lenger, *Chronique d'Egypte* 27 (1952) pp. 218 ff.). The concluding formula in l. 18 οἱ γὰρ σταθμοὶ βασιλ[ικοὶ εἰσι is found in the πρόσταγμα of Philadelphus year 10 (*Chronique d'Egypte* loc. cit. No. IV, 7) which forbids cavalry cleruchs to sell, mortgage or dispose of their billets. The present πρόσταγμα is the oldest yet known in the series concerning billets; 20—7: the contents of this royal πρόσταγμα probably also of Philadelphus 8, probably concerned army organization or the status of soldiers; 28—33: the subject-matter of this ordinance, is not recoverable; in form it is a circular letter originating from the king; 34—41: probably a πρόσταγμα of Philadelphus, concerning cleruchic cavalymen; Col. III 42—51: the readings are uncertain; Col. IV 52—84: the fragmentary phrases in this column appear to belong to dispositions relating to the rôle of the police in the repression of brigandage (λεία) (cf. *Law*<sup>2</sup> 454 ff.). The rôle of the police is to search for the delinquents and arrest them, to open an inquiry into the circumstances and consequences of the infraction of the law and to force its originators to make good the damage caused. The victim of an infraction of the penal law can request the intervention of the police by means of an ἐπίδειξις (that means an invitation of a φυλακίτης or ἀρχιφυλακίτης to establish the damages resulting from a delict) or a προσάγγελμα (that means an objective declaration bearing on the facts and the extent of the damage suffered). There was probably a time-limit within which an ἐπίδειξις was to be presented. Col. V 85—122 establishes measures for the repression of brigandage. In its first section (85—105) the legislator passes under review the various forms of the delict of brigandage, connected crimes and acts of complicity in order

to define them from the point of view of their penal consequences. The φυλακίτης who in a case of brigandage, fails to carry out his duty of arresting the guilty party and conveying him to the police post, is to be treated as an accomplice and to be liable to the same penalty as the brigand. Similarly, in the case of sailors marked with the royal brand, and (other members ?) of the fleet, the police are to convey to the commanders of the guard posts all who are taken in the act. If they do not so convey them and have been convicted of this failure, they are themselves to be dispatched to the ships. Those who harbour the sailors, are equally to be liable to the penalties for theft from the crown (or, expose themselves to proceedings instituted by the crown). This substitution for the deserting sailors of policemen convicted of neglect of duty in failing to arrest the culprits is a completely original sanction in Ptolemaic penal law (cf. the cd. p. 99). „Brigands, other malefactors and royal sailors are to be arrested, wherever they may be and no one is to free them from arrest. Whoever obstructs or . . . is to be liable to the same fines as the brigand or the deserter from his ship”. Any obstruction to the arrest of the malefactors is therefore punishable; and the penalty consists of a fine amounting to the same sum as is imposed on the delinquents themselves. Similarly receivers of stolen goods from brigands or any other malefactor or shelterers of their persons are to be liable to the same fines as the principal. The mutilated paragraph (100—5) seems to have laid down regulations for arrest and search, the latter either to find accomplices or else the stolen property. In the second section 105—122 the legislator describes the police measures intended to prevent brigandage on the transport routes and waterways. To these measures belong: the ban on sailing at night, and the obligation to moor overnight in appointed places. Col. VI 123—140 shows that three different regulations were included in this fragment; among them one which enumerates police duties analogous to those already set out. *Verso* Col. VII 141—7: a royal πρόσταγμα of Philadelphus (272/1 B.C.) requiring the presentation of officially issued licenses before goods can be moved down the Nile. Namely merchants transporting goods liable to duty or subject to royal monopoly are required to carry a licence or certificate (σύμβολον) issued by a tax-collecting officer, and certifying either payment of the tax or exemption from it. The sanction clause which nullifies σύμβολα not submitted to the required formalities is to

some extent comparable with the article of a *πρόσταγμα* attributed to Philometor declaring unregistered Demotic contracts null and void (cf. the ed. p. 105). Col. VII 148—153: fragment of a *πρόσταγμα* of Philadelphus organizing an action before a court of special jurisdiction. The content is not easy to define, since the lacunae prevent the determination with any certainty of the character of the accused against whom this special procedure is authorized and the object of the accusation. *Verso* Col. VII 154—160: two fragments of a royal *πρόσταγμα* which envisage the death penalty. It is not impossible that the present ordinance applies to officials and the death penalty is sanction for a particularly grave fault committed by some of their number. *Verso* Col. VII, 161—172 concerns a situation in which persons who owe a private debt to a second party are, when the latter is required to make good a debt to the treasury, themselves treated as debtors to the treasury, and that a rule of procedure was laid down for such cases before a court of special jurisdiction in the interests of the royal treasury. Interpreted in this way, this ordinance is to be added to the modes of privileged execution which the treasury enjoyed from the time of Philadelphus cf. for example S.B. 8008, 53—61 and Préaux, *Econ. royale* pp. 537—543. *Verso* Col. VII, 173—190; 191—6; Col. IX, 197—210. Col. X, 211—232 are obscure. *Verso* Col. XI, 233—245: the rule there enunciated seems to define a case in which the strategus and nomarch exercise jurisdiction conjointly. Till now two documents were known on this question, a legislative document, P. Petr. III 26, 1—4 and a document of judicial practice, P. Tebt. 772. The first is a fragment of an ordinance, dated by handwriting to the middle of the third century, the second is a petition to the nomarch Asklepiades by a defaulting collector of the *ἀπόμοιρα* who requests to be judged by a *συνέδριον* composed of the nomarch, oeconomus, *ἀντιγραφεύς* and strategus (cf. the ed. p. 109).

No. 199 (279—250 B.C.): priestly or religious annals which makes clear that the cult of Philadelphus and his sister Arsinoë was established in Alexandria in 272/1 B.C. certainly while Arsinoë was still alive. No. 200 (Euergetes) appears to be a deposition by a witness (cf. my *Law*<sup>2</sup> 516). No. 201 (250—240 B.C.) is a petition to the king with the request (v. 8) [*ἐπαναγκάσαι αὐτοῦς τὰ δίκαια*] *ποιῆσαι* cf. on *δίκαια ποιῆσαι* my art. in Arch. f. Pap. IV 19 ff; the petitioner demands sequestration of the adversary belongings as a means of pressure.

No. 202 (250—240 B.C.) is a petition to the king, by which Pleistanos complains to the king about a robbery in which he lost his clothing. Dorion, evidently the strategus to whom the ἐντεύξεις εἰς τὸ βασιλέως ὄνομα were directed, orders the ἐπιστάται to summon the φυλακίται to investigate the case. In No. 203 (Euergetes period) the writer requests an investigation into the conduct of certain persons, firstly against an unknown who is alleged to have sold two of the writer's slaves, secondly against Philippus, ἀρχιφυλακίτης of the Koite toparchy, who is alleged to have imprisoned another slave. In both cases the writer asks for copies of the judgements given. It seems that both officials had failed to appear before the bench of chrematistae (from whom they had received an ἀντέντευξις) and that judgements had been promulgated against them. The term ἀντέντευξις has not so far been recorded. From the context it appears according to the editors to mean a „counter petition”, „summons” „or subpoena”, in my judgement „a copy of the petition” officially served by the chrematistae on a person required to appear before them; cf. judgements by default before the chrematistae *Law*<sup>2</sup> 497<sub>7</sub>. No. 204 (Euergetes): undertaking by an employee made on oath (l. 13) to perform certain services to a person described as ὁ παραλαβὼν με. The declarant guarantees (ll. 6) not to divert articles to his own use, (cf. Hib. 148 [III cent. A.D.] and my *Law*<sup>2</sup> 454) not to contract for jobs unless ὁ παραλαβὼν thinks them just, not to take bribes to the prejudice of the affairs εἰς ἃ παρείληπται, and not to hurt ὁ παραλαβὼν from either fear or favour. This contract is, as the ed. point out, a voluntary undertaking, limiting his liberties in certain directions, given by a person seeking employment (cf. the contracts of service, my *Law*<sup>2</sup> 373 ff.). No. 205 (260—250 B.C.) is the draft of an official report on a petition submitted by owners of vineyards in the Heliopolite or Memphite nome. The subject in dispute is the amount of the tax on vineyards (φόρος τῆς ἀμπέλου), which in pursuance of a royal instruction (ἐντολή ll. 11 and 33) was to be collected at the rate of 20 drachmae  $\frac{3}{4}$  obols per aroura. The author of this report (no doubt himself an official of standing) had already protested to the high official Athenogoras, advocating a different rate. No. 206 (263/2 B.C.): letter from Theophilus, to Plutarchus, a minor official concerned with the revenues of Hieria Nesos in the Arsinoite nome, requesting the despatch of some seed corn and complaining of the difficulties caused by the failure of cultivators (probably cleruchs) to register



their requirements in seed. No. 207 (260/265 B.C.): letter from a landowner to an agent, authorizing various financial and agricultural transactions, especially the payment and collection of loans and ordering the purchase of soft wool so that the girls may be kept busy and the master have a soft cloak (cf. on mandate my *Law*<sup>2</sup> 393). No. 208 (270—250 B.C.): a six-witness marriage contract (συγγραφή l. 12) concluded between Chrestos and Ebruzelmis, the latter presumably acting for and probably father of the bride Nicarete. The contract contains (1) a description of the dowry 2) an acknowledgement of its receipt by Chrestos, (3) provision of its return, under penalty, in case of certain eventualities. It seems likely that the document concerns the safeguarding of the dowry alone and is preliminary to a συγγραφή συνοικεσίου (cf. my *Law*<sup>2</sup> 43 f.). No. 209 (263/2 B.C.) is a receipt for rent, No. 210 (250—240 B.C.) a loan, made either out of tax revenue or in order to help the debtor to meet his tax demands. No. 211—214 (250 B.C.) are accounts.

No. 215 (70—130 A.D.) add to the evidence for the career of the well known prefect of Egypt, Tiberius Julius Alexander, the information that he was subsequently promoted to the praetorian prefecture. No. 216 (212 A.D.) contains a declaration of two persons addressed to the royal scribe and acting strategus, that they have fulfilled a certain duty with regard to the forwarding of the corn harvest. The object of the declaration seems to be the actual provision of the boats required. No. 217 (176—180 A.D.) is a memorandum from two inhabitants of Ancyronon to the ἀρχιερεὺς and probably other authorities of Heracleopolis recalling the writer's offer to sell nine columns plus moulded bases and uncarved capitals at a total price of 2376 silver drachmae and requesting that the ταμίης be instructed to pay out the sum named so that the stonework can be delivered and erected. The architectural work may have served both religious and civic needs, though its precise nature is not clear: it seems to have been the adornment of the palaestra situated close to a principal street of the town. No. 218 (first-second cent. A.D.) is a taxing list of Heracleopolite villages. No. 219 (309 A.D.) is an assessment of linen price-articles for ἀναβολικά. No. 220 (335 A.D.) is a receipt for hay.

From the minor texts No. 233 (250 B.C.) mentions a φρούραρχος acting in company with the strategus. No. 235 (250—240 B.C.) is a petition to the king against a woman who refused to grant a βεβαίωσις apparently according to the terms of a lease (*Law*<sup>2</sup>

361 ff.). No. 236 (250—240 B.C.) is a petition to the king from Melanthius, complaining of theft or housebreaking. No. 237 (Euergetes) is a petition to the king. No. 238 (Euergetes) is a petition to the king directed against Heracleides, perhaps an ἐπιστάτης. The offence complained of seems to have concerned a false registration of sheep (cf. *Law*<sup>2</sup> 464 ff.). No. 259 (215 B.C.) is a private letter dealing with contributions εἰς τὸν ἔρανον. No. 261 (239/8 B.C.) and 262 (239/8 B.C.): fragments of contracts of loan. No. 263 (225 B.C.): the end of the outer copy of a contract of lease, similar to Hib. 90, BGU 1267 etc. No. 264 (249/8 B.C.) are parts of 8 lines in Demotic followed by a Greek docket. No. 268 (260 B.C.) consists of accounts. Payments are made in one case as κάτεργον ἀλέταις [. ] ἡθήταις ταμίαι ὕδροφ[ύλακι ἱατροκλύ]στη[ι] (πέντώβολον); on ἱατροκλύστης cf. *Law*<sup>2</sup> 364 ff. No. 272 (1/2 cent.): a petition to obtain redress for violent treatment. No. 274: ends of lines of draft of a petition to an important Roman, perhaps a patron of an athletic σύνοδος. No. 276 is a letter written in Latin. The text is of interest for the mention of an *orthographus leg(ionis) n(ostrae)*. No. 277 (Pius): a fragment of a contract of loan. No. 278 (176—180 A.D.): a fragment of a contract of loan or *depositum*. No. 280 (II cent. A.D.): a register of house property. Property is described under its owner's name and is situated in various villages of the Heracleopolite nome. After each item a second hand has made an entry which in all cases but one reads: ἐφάνη ἀοίκητος. No doubt this entry was made after an inspection and both register and inspection served a fiscal purpose, possibly for assessment of ἐνοίκιον.

J. Schwartz—and others, *Papyrus grecs de la bibliothèque nationale et universitaire de Strasbourg* (Bull. de la Faculté des lettres de Strasbourg 33 année No. 5, 1955). No. 222—228.

No. 222 (II cent. A.D.) is a complaint of theft, addressed probably to the police. No. 223 (140 A.D.) concerns the ἐπίκρισις of a slave. The payment of a tax paid for a slave who was sold to a citizen of Antinoupolis seems to be in question; may be that the buyer claims exemption of this sale-tax granted to the citizens of this city (cf. my *Law*<sup>2</sup> 93; 604 ff.). No. 224 (212 A.D.) refers to three documents, letters or edicts, issued by the emperor. No. 225 (II cent. A.D.) is a register of contracts; it contains two marriage contracts and a loan of money. No. 226 (90—91 A.D.) is a record of