Lewis, Naphtali

A new document on the 'magister rei privatae'

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.
Concerning the office of magister (rei) privatae very little is known today beyond what Hirschfeld was able to write in 1905, or Wilcken in 1912. Although much is far from clear in a welter of confusing terminology and inadequate evidence, the few essential facts are quickly summarized. Under Septimius Severus the property belonging to the emperor personally was established as a discrete administrative department, under a procurator rei privatae. Apparently under Diocletian or Constantine the head of this ministry was given the title of magister, that of procurator being retained for his subordinate(s). The magister rei privatae ranked with the rationalis, or finance minister, with whom he was closely associated; in fact, in the Notitia Dignitatum, whose data are generally regarded as going back to the early or mid-fourth century, the title appears as rationalis rei privatae (one each in the Eastern and Western Empires). Finally, while rationalis continued in use, the title of the highest official was changed to comes rerum privatarum, the earliest reference to which is probably to be found in a constitution of 319 A.D. Through all these changes

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3 Cf. CIL III, 17 and 18 = 6585 and 6586, on which Mommsen remarks in a footnote: *videntur simul posita. . . a duobus magistratibus quasi collegis; also 12044 = 13569, 26-28 (quoted in note 2, above) and 42-44: quid super omnibus tam [p]raefectis nostris quam etiam praesidibus provinciarum, rationali quoque et privat(e) magistro scripserimus* (similarly 12043, 46-48).

4 Cod. Theod. 10.8.2. Some commentators ignore this constitution or question the identification of the comes mentioned therein and place the earliest mention of the comes rerum privatuarum in 342 A.D. But cf. O. Seeck, *R-E* 4, col. 664, and for a general review of the history and duties of the office cols. 664-70.
of title the head of the res privata held the rank of vir perfectissimus; some time after 340 A.D. this was raised to vir clarissimus, and eventually to vir illustris.

A parallel administrative structure is discernible in the provinces. The corresponding titles occur in a handful of texts, all but one of them from Egypt. A magister rei summae privatae appears in an undated inscription from Tunisia. In Egypt a μάγιστρος πριουάτης and a subordinate ἐπίτροπος πριουάτης (= procurator privatae) are attested as early as 298 A.D., and again in documents of 307 A.D. There is also a dedication to Constantine the Great by an official styled mag(ister) privat(ae) Aeg(ypti) et Lib(yae). An ἐπίτροπος πριουάτης appears also in documents of 301/2 and 338 A.D. Thereafter, documents of 346 and 360 A.D. mention a καθολικός δεσποτικών κτήσεων, who, as Wilcken first conjectured, is perhaps to be recognized as the rationalis rei privatae; in which case the ἐπίτροπος δεσποτικών κτήσεων, who appears in the same documents as a subordinate of the καθολικός, is to be identified as the procurator rei privatae.

To the texts cited above on the magister rei privatae may now be added the following, which I publish with the permission of the appropriate authorities of New York University.

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1 Wilcken's notion (Gr. p. 163) that the magister privatae was in Egypt the successor of the idiosagus is controverted by Plaumann's study of the latter office.
2 CIL VIII, 822.
3 P. Beatty Panop. 1. I am indebted to Mr. T. C. Skeat for this reference.
4 PSI 310 and MChr 196. BGU 927 (= WChr 178), which mentions an order τοῦ δίκαιου μνημονίου μάγιστρου πριουάτης, is undated.
5 CIL III, 18 = 6586.
7 PLond. 234 (= WChr 179) and POxy. 2267; cf. WChr 179, introd. Since the imperial domains were administered under the res privata (see below), the identification appears more than likely. It is accepted without question by W. Ensslin, R-E 19, col. 669, and in POxy. 2267, 6n.
8 So e.g. WB III, p. 117; P. Vindob. Sijp. 1, 16n. If the identification is correct, the change of title appears to have accompanied an increase in the number of such procuratores, with reduction of the sphere of authority of each. In 298 and 301/2 A.D. P. Beatty Panop. 1 and PLond. 1271 mention an ἐπίτροπος πριουάτης Θηβαίδος. In MChr 196, of 307 A.D., the title is ἐπίτροπος πριουάτης Αλγίστου. Does this mean all of Egypt except the Thebaid? In PVindob. Sijp. 1, of 338 A.D., the sphere of authority is not mentioned, but is presumably all of Egypt since the ἐπίτροπος τῆς πριουάτης of that document apparently has his office in Alexandria. But the authority of an ἐπίτροπος δεσποτικών κτήσεων extends only over one or two nomes: cf. POxy. 2267, 2-3 and note.
9 P. Merton 90 (ca. 310 A.D.) mentions a καθολικός and an ἐπίτροπος, who are identified in the notes to lines 6f. and 8 as officials of the res privata. But, as F. Zucker has already observed (Archiv 17, p. 218), the case for the identification is not convincing; the notes in question should be discounted accordingly.
The papyrus is complete except at the left. Near the middle the surface is abraded and the fibres shredded, but it is possible to recover more of the text that would at first glance be expected. The verso is blank, and only the upper half of the recto is written upon. Both in general appearance and in certain specific details the hand resembles that of BGU 94, of 289/90 A.D., which is reproduced in W. Schubart, *Griechische Palaeographie*, Abb. 53.

In essaying the reconstruction of the text, the most obvious clue is found in lines 5—6, where the phrase κατά τὸ εθος can be regarded as reasonably certain. On this basis the loss at the left amounts to 3–4 letters in lines 5–10 and is correspondingly greater in the other lines, as indicated in the transcription.

Wilcken, commenting on the appearance of ούσιαι ταμιακαί, suggested that the assignment of properties of the *patrimonium* (ούσια) to the *fiscus* (ταμιείον) was part of the reorganization of the financial administration under Septimius Severus which also created the emperor’s *res privata*. In the third century „procurators of the res privata... in some cases... represented the interests of the *patrimonium* as well“. Under the Diocletianic-Constantinian reform the *fiscus* (but not the term ταμιείον) disappeared, and the imperial domains came fully under the administration of the *res privata*. The first direct evidence for the administration of properties of the ταμιείον by the *magister rei privatae* is now provided by lines 3–5 of the present papyrus.

The new text, which is addressed to the *magister privatae*, concerns the sale of estates and land parcels belonging to the ταμιείον. Some of the language — e.g. ἐδει in line 7 and τὴν ἔμη/μέτριοτητι aut sim. in lines 10–11 — suggests that the missive is a reprimand emanating from higher authority, presumably the Prefect of Egypt. The dereliction by the *magister privatae* appears to have been a failure to publicize the sale properly in advance, with the result that some prospective buyers were left uninformed of the impending sale until the very day when it took place (line 11). The rest remains obscure in the present state of the text.

18 Perhaps Oxyrhynchus: see below, on line 6 of the text.
20 W. Ensslin, *Cambridge Ancient History* 12, p. 381.
21 Thereafter ταμιείον referred to either the *sacrae largitiones* or the *res privata*.
22 The subsequent change of title to *comes rerum privatarum* caused no change in this assignment of duties: cf. O. Seeck, *R-E* 4, cols. 665–666.
...[ι 5 ]...ων περιελθόντων εἰς τὸ ιερώτατον ταμίον κα-
τά τῷ Ἐδοὺς αχθησθενθε ἐν τῷ Καπιτολίῳ ἀπαν
...[ψ] πρὸ τα Καλανδῶν Ἐμππεμβριοῦ ἔδει δι(ά) τοῦ ἅ-
...[π]ρογράμμα[χτ]ος πάσιν φανερῶν καταστήγα
...[ν] οἱ βουλόμενοι πρίσκοθαι {πρίσκοθαι} περί
10 τοῦ [ψ]ρωτάτου ταμίου προσελθόντες τῷ έμή-
[κι]τα τῇ τῇ αὐτὴν ήμέραν ..
]. μὴ φανερῶν καταστήσασι
3. 1. μαγίστρω. 7. 1. Σεπτεμβρίων.

Line 1. All that remains of this line is the bottom of a long vertical stroke, more like
that of ι than of φ or ρ. The line presumably contained the name and title of a higher offi-
cial writing to the magister privatae. The higher authority most appropriate to the situation
is that of the Prefect of Egypt. This would be more than a conjecture if it should be true, as
suggested below (but unfortunately there is no way of knowing), that the addressee also holds
the office of rationalis, than whom only the Prefect ranked higher: cf. P. Cair. Isidor. 69, 23n.
For the restoration one thinks of δ δείνα ἔπαρχος Αἰγύπτου.

Line 2. The extent of the lacuna at the left suggests that Theodorus was here addressed
by his tria nomina. ιοῦ is the ending of his nomen (genitive being written for dative, as in line 3).
There is no way of telling whether this is the same person as the rationalis Antonius Theodorus
who appears in IGRR I, 1211 = SB 1092.

Line 3. It is impossible to know by what other title Theodorus was addressed in the lacuna
at the left (in both titles read -ω for -ου). The close relationship between the magister privatae
and the rationalis (cf. above, note 3) suggests the possibility of restoring καθολικός, which also
fits the space. In P. Beatty Panop. 1 and 2 (298 and 300 A.D.) the same man holds the offices
of magister privatae and rationalis, respectively.

Lines 4-5. οὐεντι/ν...ων is obviously a Latin word in Greek transliteration, and
is presumably an adjective modifying γερόνων. To the left of ων there is a vertical stroke
which may be ι or the end of a ν. To the left of that there projects a minute sliver of
papyrus, 5 mm. long by 1.5 mm. high, containing exiguous and indeterminable remnants of the
preceding letter(s); at most these bits of ink suggest that if the letter before ων is ι, the
letter before that may be κ, λ, or μ, possibly even σ.

Obviously, then, no word emerges which can be read with assurance. In attempting restora-
tion at least three possibilities must be considered:

(a) The word may be a form of vendere: cf. οὗεντι/ν in P. Oxy. 1660, a fourth-century
tax account. With some hesitation the reading οὗεντι/ν, from vendibilis, might be defend-
ed. In that case the phrase would mean „salable land parcels which have devolved to the
imperial treasury”.

(b) The word may be a form of vindicare15. Although this verb is found mostly in the con-
text of private claims, it was also used in speaking of claims made by the state. A passage from
Ulpian in Dig. 5.10.5.1 seems particularly pertinent: fines publicos a privatis deponenti non aportet.
curabit igitur praeses provinciae... si qua loca publica vel aedificia in usus privatorum inverterit.

15 Aside from the fact that vindico was occasionally written vendico, vind- might easily appear
in Greek as ωνεντί-; on the interchanges ι<->ι and ι<->θ, cf. e.g. E. Mayer, Grammatik der
griechischen Papyri I, p. 80–82 and 175–177.
aestimare utrumne vindicanda in publicum sint an vectigal satius sit imponi. If, then, the papyrus had some form of vindicare following χωρίων, the reference would presumably be to land parcels reclaimed or expropriated by the imperial authority.

(c) The possibility should also be considered that ούεντι — is the beginning of an adjective formed from a Roman name, e.g. Ventidius. It is possible to read χωρίων Ούεντι[δί]ανων κτλ» which would mean that the land parcels had belonged to someone named Ventidius before becoming imperial property. The fact that no Ventidius is known among the landowners of Egypt does not ipso facto negate this possibility.

Line 6. αχθηστενΟε has so far defied all my attempts at interpretation. After αχθησ which is sure, it may be possible to read γ for τ, and σσ or υσ for ν.

Capitoliia are attested in the papyri at Oxyrhynchus and Arsinoë. There may be a clue here to the provenience of the present papyrus, which was acquired as part of a lot in which a number of texts reveal Oxyrhynchite origin.

Line 7. The date is August 22nd. Perhaps there is some significance in the fact that the sale of imperial properties was held near the end of the Egyptian year.

Line 11. Particularly suggestive for the restoration of the beginning of the line is PLips. 38 (= MChr 97; 390 A.D.), 5: προσελθείν εξουσία του ... γεμόνολος.

[Brooklyn College] Naphtali Lewis

20 Cf. also Dig. 28.3.6.7, which states that a letter of Hadrian provided ut... si intestato decessit (sc. miles) cognatis aut, si non sint, legioni ista sint vindicanda.

21 Imperial estates were commonly so designated by the names of the former owners: ούσία Μαικηνατιανή, Άντωνιανή, etc. Cf. M. R ost o v t z e f f, Social and Economic History of the Roman Empire, Ch. VII, note 43 (1st ed.) — note 45 (2d ed.).

22 O. S e e c k’s remarks on the functions of the comes rerum privatimarum (R-E 4, cols. 665–66) are worth quoting here: „Wenn der Staat das Vermögen strafrechtlich Verurteilter, Schenkungen von Ketzer oder unter blutschänderischen Eheleuten, Erbschaften, die herrlos oder ungültig vernacht sind, Güter der Tempel oder der Städte für sich einzieht, so hat der Comes rerum privatimarum die nötigen Anordnungen zu treffen... Sind Güter des Fiscus occupiert oder sonst in irgend Weise von Privaten entfremdet worden, so sorgt er für die Rückforderung.“