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101 ff). There we find an enteuchis by a cleruch published in the meantime in *Journ. of Jur. Pap.* III, 103, accounts and receipts. Ostr. N^o 360 concerns χαρτῶν τέλος (cf. Manteuffel, l.c. 105) and decides the question of papyrus monopoly in the Ptolemaic period (cf. my *Law* II 87). On p. 345 the editor deals with the Jewish quarter of Apollinopolis (cf. Manteuffel, l.c. 110 ff) in the Roman period, and the Ἰουδαίων τέλοςμα (cf. my *Law* II 39). Ostr. N^o 402 (19 A.D.) refers to βαλανευτικὸν (ὑπὲρ τοῦ βαλανείου); N^o 428 (95 A.D.) to a tax ὑπὲρ ξενίας. In N^o 449 (164 A.D.) the laographia tax (cf. my *Law* II 68—9) is paid δι(ὰ) τῆς αὐ(τοῦ) ἀδελ(φῆ)ς ἱερ(είας) Ἰσιδος Σαραπίας. Ostr. 473—474 are unique: they contained demotic texts followed by a Latin signature.

POPYRI FROM THE ROMAN PERIOD

O. Guéraud, *Un vase ayant contenu un échantillon de blé* (δειγμα) (*Journal of Juristic Papyrology* vol. IV p. 106—115).

B. A. van Groningen, *A. Family Archive from Tebtunis* (*P. Fam. Tebt.*) (*Papyrologica Lugduno-Batava* vol. VI) Lugdunum Batavorum 1950.

The texts of this collection relate to a definitive family from Tebtunis. For some reason the member of the family threw away a collection of old and recent family papers on a rubbish-heap where they lay waiting for eighteen centuries.

The collection contains 55 texts which are now in the hands of several owners. Some of them had already been published.

N^o 1 (80—90 A. D) contains an agreement between Herakleides and his wife, by which Herakleides establishes κατοχή on his property (v. 30) [Δ]ιδύμηι τὰ προ[κείμε]να ὑπάρχοντα ἀκαταχρημάτιστα cf. on this term Preisigke s. h. v.; P. Meyer, *Jur. Pap.* p. 150; *Gnomon* § 2 see Riccobono jr., *Gnomon* p. 15 ff. in consequence of which he is not able to dispose of it without his wife's consent (v. 29) παρουσίας συν[.....]ῆς εὐδοκήσεως ἐφ' ᾧ ἔαν ποιήσω [ο]ἰκομῶν (cf. my *Law* I 94_{80—90}). N^o 21 (122 A.D.) concerns a dowry of Didymarion the remaining of which in the amount of 600 drachmae is paid by her brother after her father death. N^o 13 (113—4 A. D.) is a deed of divorce. The marriage itself had been concluded at an unknown date in the form of a ὁμολογία in which Lysimachos acknowledged to Kastor that he had received the dowry and the

paraphernalia and promised to give them back in case of divorce (cf. my *Law I 86*). The restitution and the divorce itself happen through this document, a shorter parallel of which can be read in Lips. 27 (cf. my *Law I 36*). In case of divorce both in Roman and peregrine law, provision is made for the maintenance of the children (cf. my *Law I 93*₈₁); in our document the son is mentioned but (v. 26—7) Γέγονε δὲ αὐτοῖς Λυσιμάχῳ [καὶ] Κρονοῦτι ἐξ ἀλ[λ]ήλων υἱὸς but no provision is made for his maintenance. Noteworthy is (v. 20) the φερνὴ χρυσεῖα καὶ ἀργυρικὴ; one rather expects here the monetary value of the dowry. In N^o 7 (102—3 A. D.) cf. 10₃ (108 A. C.) a ὁμολογία συγγραφοδιαθήκης drawn up through the record office of the metropolis is mentioned (cf. *Mitteis, Grundzüge 242*).

N^o 9 (prob. 206 A. D.) containing the inventory of a minor's personal estate refers to guardianship. The exegetes (cf. my *Law I 122*) has appointed Philoſarapis a citizen of Antinoopolis as the guardian of the minor citizen Iulius Herodes of Antinoopolis (cf. on the rules on guardianship in Antinoite my *Law I 120*); on Romans who are at the same time citizens of that city cf. my *Law I 120*₁₄; on double citizenship my *Law II 21*), who in the presence of three witnesses, takes the inventory of the minor's personal estate, found in the house of his deceased father. This ἀναγραφή is the „*repertorium quod vulgo inventarium appellabatur*” mentioned in D 26, 7, 7 pr; it concerned only movables, the other properties being sufficiently known in the various public offices. Oxy. 1269 (early sec. cent. A. D.) is a similar document (cf. *K r e l l e r, Erb. Unt. 95*). As to the date we know that in December 205 the movable part of the inheritance has already been sold. As a rule the guardian ought to settle his ward's affairs as soon as possible cf. D. 26, 7, 15. N^o 50 (205 A. D.) is a registration of the sale of the minor's personal estate. The inventory made of the minor's movable property was preparatory to its sale. A document embodying the particulars of this sale has been entered in the public archives by the guardian who in turn receives and keeps this testimonial. We have no direct information concerning a guardian's duty in Antinoopolis (cf. on the duties of a guardian my *Law I 125*) but we may assume with some confidence that the rules laid down for this city must have been „on the whole” in accordance with the imperial decrees and common law. Real estate may, as a rule, only be sold in case of need (cf. D 27, 9, 1, § 2); money has to be invested, for a reasonable part, in real estate (D

27, 7, 5, pr.). Movables which are of no direct use or liable to wear and tear must be sold (D 26, 7, 7 §1 pr); this *distractio* is called *διάπρασις* in the text. N^o 53 (209?—219—20 A. D.) are receipts of ward's alimony (cf. my *Law* I, 125). In B (v. 3) an *ἐπίτροπος πατρικὸς* is mentioned. This can only mean that Philo Sarapis has been appointed by the deceased father as *tutor testamentarius*. In N^o 49 a) Col. I (v. 2) however the *exegetes* has appointed him. This is interesting because it shows that even the *tutela testamentaria* has to be sanctioned by the authorities of Antinoopolis. This is in conformity with the Roman law, see D. 26, 3, 5, *tutores a patruo testamento datos iussit praetor magistratus confirmare*. Noteworthy in N^o 53 a) (v. 6) are the words *σὺν τῇ παιδίσκῃ* which belong to τοῦ ἀφῆλικος not to τὰ τροφεῖα cf. D 27, 2, 3, §2 *ante oculos habere debet (tutor) in decernendo (alimenta) et mancipia quae pupillis deserviunt*.

N^o 17 (117 A. C.) contains a renunciation of heritage (cf. on renunciations my *Law* I 164). The father's fortune was evidently under κατοχή (cf. BGU VIII, 1825 without date (v. 27) Ἀξιῶ τῶν ὑπαρχόντων ἡμῖν πάντων κατενγεγυημένων ὡς ἐν τῷ[ι] βασιλικῷ πρὸς τὴν ἐκπλήρωσιν τ[ῶ]ν τοῦ [εἰδους] κεφα[λ]αίων). By this procedure the heir hoped to be exempted from all the duties weighing on his father's legacy. The general principle was that debts owed by the testator were due by his patrimony not by his heir (K r e l l e r, *Erb. Unt.* 36; my *Law* I 163 except those of liturgical character (see N^o 24 conclusion ii d) p. 107) where unlimited responsibility of the heir of the fiscal debtor takes place (cf. my *Gesch. d. Rez. d. röm Privatrechts* 401; K r e l l e r, l. c. 45 ff).

N^o 25 (129 A. D.) concerns an enrollment of a new owner of catoecic land. There is, till now, no similar text. Heracleides introduced her cousin to the officials of the registers of catoecic land as entitled to a parcel of such land which she inherited from her deceased father. The officials inform another magistrate of this fact. Apparently Heracleides acted as witness and security for her cousin's identity.

N^o 29 (133 A. D.) is already published, partly by J ö r s, *Sav. Z.* 36, 242 (11. 1—15), wholly by P. M e y e r, *Jur. Pap.* N^o 48 cf. my *Law* I 408_{10,14}; 409_{17,19}. N^o 40 (173—4 A. D.)=SB 7364 is an agreement concerning a pledge (cf. my *Law* I 225₃₃).

N^o 17 (132 A. D.) is an appointment of a representative (cf. my *Law* I 233); Heracleides is appointed by his wife to sell a woman

slave belonging to her; to the terms (v. 15—16) τῆ ἰδίᾳ αὐτοῦ Οὐαλερίου [π]εῖσται cf. my *Law I* 235 note 8. N^o 41 (176 A. D.) is also an appointment of a representative: Lysimachos Didymos was appointed as a police official together with another citizen, but since he is unable to do his duties, the latter takes them over (cf. Lond. II 306 p. 118 f (145 A. D.) which is a similar appointment concerning the πρακτορία ἀργυρικῶν, but the wording is quite different.

N^o 2 (92 A. D.) is probably a loan in the shape of a deposit (cf. my *Law I* 265; Hamb. 2 (59A. D.) comp. with Ath 28₂₀₋₂₄ where after the verbs εὐρησιλογείας the passage follows: Ἐὰν δὲ μὴ ἀποδῶι καθ' ἃ ἔγραψας ἀποτεισάτω παραχρῆμα παραθήκην διπλῆν καὶ τὰ [β]λάβη ἀκολούθως τῶι τῶν παραθηκῶ[ν ν]όμωι).

N^o 23 = Hamb. 62 (123 A. D.) (already published by P. Meyer) a registration of sale of catoecic land. N^o 3 (92 A. D.) sale of a vineyard published by K a l b f l e i s c h, *Sav. Z.* 65, 344 (cf. *Journ. of Jur. Pap.* III 189); the papyrus mentions chasing and fishing rights (cf. my *Law II* 77—79). — N^o 4 (94 A. D.) is a loan of wheat (cf. my *Law I* 258 ff). — N^o 6 (99 A. D.) is a loan of money (cf. my *Law I* 258 ff). — N^o 11 (112 A. D.) a loan and deposit of money. Mentioned are in the papyrus (v. 5) συγγραφοδιαθήκη (cf. *Mitteis, Grundz.* 242), μεσιτεία πάντων τῶν ὑπαρχόντων (cf. *Schwarz, Hypothek u. Hypallagma* 144), and a φροντιστής (cf. my *Law I* 119); in v. 6 the situation would be — according to the ed. — that the boy has some property inherited from his grandfather, which his parents give in pledge (cf. on the capacity of minors to transact business, and the assistance of his parents my *Law I*, 111, 115). N^o 16 (116 A. D.) is a loan of money: Lysimachos obtains from his brother Heracleides Valerius his share of 50% in a loan contracted by the latter through a third person. The whole sum was apparently paid to Valerius on the condition that his brother should get his share. N^o 22 (122 A. D.) is a loan of money.

N^o 5 (98 A. D.) is a lease of crops (cf. *Pringsheim, The Greek Law of Sale* 300) with a payment in advance προδοματικὴ μίσθωσις (cf. my *Law I* 270₁₅). N^o 28 (133 A. D.) is a sublease of crops (cf. my *Law I* 240). N^o 36 = Hamb. 67 (155—6 A. D.) is a payment of rent. N^o 44 (188—9 A. D.) (v. 1—2), N^o 45 (190 A. D.), and N^o 47 (195 A. D.) are offers of leases.

N^o 54 = SB 6946 is a contract with flageolet-players (129 or 223 A. D.) (cf. my *Law I* 281₁; 282₉; 282₁₁).

N^o 7 (102—3 A. D.) is a receipt of money. N^o 10 (108 A. D.) is also a receipt of money. The facts on this receipt may be reconstructed as follows: In 87 A. D. Thaubarion wishing that after her death 2000 dr. should be paid to her daughter Apolloniarion makes a „testamentary covenant”, a *ὁμολογία συγγραφοδιαθήκης* (cf. *Mitteis Grundz.* 242; my *Law I* 154) certainly with her three sons. When Thaubarion dies the above-mentioned clause in the agreement has to be executed and the 2000 dr. to be paid to Apolloniarion or her heirs. In the due time Heracleides, one of the three sons of Thaubarion, pays the money back and is given full discharge. N^o 12 (112 A. D.) is a receipt of taxes in kind. N^o 14 (114 A. D.) a receipt of penalty. It is acknowledged that Heracleides son of Maron the ex-keeper of public archives has paid a penalty on account of his administration. The penalty is paid in instalments. The second instalment is paid by his sons as heirs, for their deceased father. The receipts have been issued by the ἕδιος λόγος, cf. *Plautmann, Idioslogos* § 37—38.

N^o 31 (144 A. D.) is an indemnification for back rent, *datio in solutum* (cf. my *Law I* 321). The proprietors resign their claim but seize all the implements and furniture used by the tenant Dios in his premises.

N^o 20 (120—1 A. D.) = SB 6611 is an amicable agreement cf. my *Law I* 306; in the papyrus (v. 7—9) *procuratio absentis* is mentioned (cf. *Wenger, Stellvertretung* 142; cf. on the representativе τοῦ ἀπόντος in *PSI IX 1064*₅ (129 A. D.) my *Law I* 136₂₅).

In N^o 8 (103—114 A. D.) (v. 1) [Ἄπ]δ τῆς Ποντίωνος τραπέζης, the bank acknowledges that it has received from Didyme a sum of 1700 dr. paid to the credit of one Ptolemaios.

No 15 (114—5 A. D.) is a copy of a report with annexed documents partly published by *Beil, Arch. f. Pap.* VI, 100 ff = SB 7378. The contents of this text must be considered together with that of N^o 24 = SB 7404. There are three phases in the development of the whole affair. First comes a dispute between retiring keepers and their successors, ending with the decision of Sulpicius Similis (I—19). The second dispute is between the clerk and the keepers (or their heirs) concerning the responsibility for damaged rolls and the cost of repairs, ending with the payment of a certain sum to the clerk (20—35). After a quiet interval of some years (36—38) there is a last dispute between the heirs of the clerk and those of the keepers concerning the same financial responsibility (39—40). The papyrus brings a lot of new information on the keepers and on

the head-clerk and their responsibility, in addition about the seizure of the property of the persons interested in the case and its sale for the repair of the damage.

N^o 19 (118 A. D.) is a report of a trial. Here a certain Isidora owes money on the basis of an executorial document. As she does not pay it back in time, the creditor takes the necessary steps in order to have the execution done (on ἐνεχυρασία and προσβολή cf. my *Law I* 409, the case does not concern a ὑπάλλαγμα) and when the case came for the judicial officer, he decided to her disadvantage and ordered the arrest of her son Kronion, as the advocate says (v. 8): in order that they should submit to the verdict. The arrest of the son is to be explained by the joint responsibility of the members of the family (cf. *Flor.* 99; *PSI* 281, see my *Röm. Privatrecht zur Zeit Diokl.* 230 ff; *Studi Bonfante I* 407₂₀₀; *Law I* 33₁₈₂). Characteristic is that Isidora is ready to repay the loans but she asks for delay. This is not granted by the strategos who decided that she will have to pay the next day, otherwise the legal steps taken by the creditor (ἐνεχυρασία, προσβολή) will be valid.

N^o 37 (167 A. D.) is a petition to the epistrategos published already by Kalbfleisch, *Sav. Z.* 65,344 (cf. *Journ. of Jur. Pap.* III 189). N^o 38 = SB 7763 (168 A. D.) is a petition to the nomarch (cf. my *Law I* 60, 140₁₅, 225₃₃, 375₂₅). N^o 43 = SB 5343 (182 A. D.) cf. my *Law I* 11₄₇; 127₅₈, 375₇₅. N^o 42 (180 A. D.) is a letter from the nomarch. Men from the Polemon division in the Arsinoite nome married women citizens from Antinoopolis and went to live there (cf. on ἐπιγάμια of citizens from Antinoopolis with Egyptian women my *Law I* 179). Nevertheless their idia remained the nome perhaps even the metropolis, if they were ἀπὸ τῆς μητροπόλεως. There seems to have been some difficulty concerning the payment of poll-taxes; it was demanded by the competent authorities in the nome's division, since this was their *origo*, and at the same time by the nomarch of Antinoopolis, where they actually resided. The four men in question protested against this double payment at the *conventus*: a commission was appointed to consider the question and reported to the prefect, who accordingly decided that no double taxes may be asked, that the sums already paid in the nome should be deducted from their fiscal obligation there and brought over to the nomarchy.

N^o 34 = SB 7604 (151 A. D.) concerns an enrollment of a minor as a citizen. N^o 30 = SB 7603 (133 A. D.) is also an enrollment

of minors as citizens. The document (v. 18) calls itself an ἀπαρχή which is generally translated as „birth-certificate”. It is, in fact, the document destined to prove that the child of a citizen has for the first time been enrolled in the official list of citizens. The γνωστήρες guarantee that it has the right to be called a citizen of Antinoopolis. The procedure of registration is well illustrated by this document. The father has first to submit an ὑπόμνημα to the senate (cf. PSI 1067 (235—7 A. D.)). He next presented his son in person, probably accompanied by his guarantors and perhaps in this occasion paid a fee (ἀπαρχή). The boy would then be entered in the register, and finally a certificate (ἀπαρχή) is issued to the father by the prytanis. It is clearly stated (v. 1—2) that there was a fixed time (προθεσμία) within which the returns had to be made by the father, (cf. on regulations concerning birth-certificates my *Law II* 50 ff; on ἀπαρχή l.c. 27₂). N^o 32=SB 7605 (145/6 A. D.) is a record of entry among the ephēbi (on ephēbate cf. my *Law II* 23, 34); on a similar record of later date see SB 7427. N^o 33=SB 7602 (cf. my *Law II* 27₂) is a return from the granting of a privilege. Among the privileges immediately granted to the city by its founder and proclaimed by the first time in 133 by the prefect Petronius Mamertinus, was the foundation of a fund for the maintenance of the children of the citizens. The conditions were: 1. enrolment within 30 days of the birth; 2. full citizenship of both parents; 3. previous presentation of the ἀπαρχή to the senate; 4. confirmation of the facts by three guarantors. The return is sent to the nomarch, who seems to be the usual link between the city and the central government. A similar text is P. Vindob. Boswinkel 2 (cf. *Journ. of Jur. Pap.* III, 184).

N^o 44 (188—9 A. D.) (v. 13—23) and N^o 48 (202—3 A. D.) are census returns (cf. my *Law II* 38—9). The latter is of unusual type. It is as 38, 13 ff presented to the authorities of the Arsinoite nome by citizens of Antinoopolis but differs in the following points: only the strategos is mentioned in the heading, which often happens; it is a supplement to the principal return presented in Antinoopolis; it seems to repeat, however, the numeration of the residents living in one of the returned houses, slaves included. Characteristic is the statement: „we declare in this supplementary return (?) ... according to the imperial decisions (v. 5) ἀπογραφόμεθα... [ἀκολούθως ταῖς θ[ε]ια[ῖ]ς [δια]τάξαις; for the expression θεῖαι διατάξεις cf. Preisigke s. h. v. In the χώρα the census was ordered by the prefect (cf. my *Law II* 38). Remarkable is (v. 18) where the

Antinoite privilege of ἐπιγαμία with the Egyptians is applied. The father is an Antinoite, the mother is „from the metropolis”, the daughter again has full citizenship. The respective provision is all the more characteristic as it was not in force in Alexandria (cf. Oxy 56 = M. Chr. 320).

N^o 51 = SB 5342 (206 A. D.) and N^o 52 (208 A. D.) are returns of inundated land (cf my *Law* II 34). The ἀφῆλιξ in N^o 51 acts (v. 12) δι' ἐπιτρόπου (cf. my *Law* I 124).

N^o 18 (117—8 A. D.) is a notification of an appointment. Heraclides Valerius has recently been designated as *episkeptes* (cf. Oertel, *Liturgie* p. 182) for the Oxyrinchite nome by the strategos of his own district. The exact nature of this liturgy is not known.

N^o 53 B 1 (219—220 A. D.) is noteworthy for the problem of double citizenship (cf. my *Law* II 20). After the C. A. Marcus Aurelius Philosarapis receives Roman citizenship; nevertheless he remains citizen of Antinoopolis. He styles himself (B2 Marcus Aurelius Philosarapis).

Cl. Préaux, *Ostraca de Pselkis de la Bibliothèque Bodléenne* (*Chronique d' Egypte* No 51 1951 p. 121 ff).

These ostraca give some data as to the life of the garrison at Pselkis. The names of the soldiers confirm the indigenous recruitment of the Roman army in Egypt, being besides certified by the „fatherlands” of the soldiers indicated in the main text. The chief interest of the receipts of Dakkeh consists in the fact that they bring us some particulars as to the pay.

Especially interesting for the jurists are Nos 2970 and 2992 (177 A. D.) where we read διὰ Ἑρμίνου κουρά[τορος ?] Ἰσίδορος Ἀθαμόνις [ἰ]ππεύς (τούρμη) Γέμελος Ἀλεξάνδρω καθαριάτορι χαίρει.

It is a case of proxy (cf. my *Law* I 233); as to the κουράτωρ cf. Lesquier, *L'armée romaine* p. 122, 144, 145. The reading of κουρά[τορος] is very uncertain. In N^o 3005 (v. 5) we are reading κουράτωρ [ἔ]γραψα ὑπὲρ αὐτοῦ.

Nos 3001—3002 (II cent. A. D.), being a fiscal document brings very interesting particulars on the ἐπιτηρητῆς εἰδῶ[ν — Ἰν][[δικ(ῆς) θαλάσσης] who collected the taxes imposed upon the goods arriving along the two routes — the southern and the eastern one — which joined at Syene.

C. H. Roberts, *Titus and Alexandria: A new document* (*Journal of Roman Studies* 39 (1949) pp. 79—80).