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## The Iuridicus Alexandreae

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## THE IURIDICUS ALEXANDREAE

Fifty years ago L. Wenger put forward the theory that in Egypt's Roman and Byzantine epochs an independent jurisdiction was exercised not only by the prefect<sup>1</sup> but also by other officials serving under the prefect, such as the *iuridicus Alexandreae*<sup>2 3</sup>. A few years later, the same subject was treated by R. Taubenschlag who accepted Wenger's theory with some modifications<sup>4</sup>.

Since then first hand material has increased immensely, so that to-day it may be worth while to devote a monograph to this official. Such a special treatise would not only supplement what both authors had to say about the independent jurisdiction of the *iuridicus*, but also take up several other subjects which lay entirely outside their scope and which have been only slightly touched upon in later writings<sup>5</sup>.

<sup>1</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 104 ff.

<sup>2</sup> Cf. Wenger, l. c. 153.

<sup>3</sup> With the question of the competence of the *iuridicus* dealt before Wenger: Wilcken, *Observationes* 8 f.; Marquardt, *Röm. Staatsrecht* I, 294 ff. (1873); Mommsen, *Röm. Geschichte* V, 567; *Röm. Staatsrecht* III, 231; *Sav. Z.* XII, 291 (= *Jur. Schriften* I, 450); Hirschfeld, *Verwaltungsbeamten* 350 ff. Erman, *Sav. Z.* XV, 241 ff.; Mitteis, *Hermes* XXX, 577; Collinet-Jouguet, *Arch. f. Pap.* I, 239 ff.; Stein, *Arch. f. Pap.* I, 445 ff.

<sup>4</sup> Cf. Taubenschlag, *Organizacja sądowa Egiptu* 19 ff., 60 ff.; summary of this work was published in *Bull. intern. d. l'Acad. de Cracovie* (1907), p. 78.

<sup>5</sup> Cf. Meyer, *Arch. f. Pap.* III, 91 f.; 104 f., 247 f.; Wilcken, *Arch. f. Pap.* IV, 394, 408; Arangio-Ruiz, *La successione* 255 ff.; Bouché-Leclercq, *Histoire des Lagides* III, 158 ff.; Gradenwitz, *Einführung* 17; Wenger, *Stellvertretung* 50 f.; Zucker, *Beitr. z. Kenntnis d. Gerichtsorg. im pto. u. röm. Ägypten* 116; Mitteis, *Grundzüge* 26 f.; Wilcken, *Grundzüge* 34, 73 n. 3; Schubart, *Einführung* 260, 290 and 294; Preisigke, *Wörterbuch* III, 108; Seidl, *Der Eid im röm.-äg. Provinzialrecht* (Münch. Beitr. XVII, I, 110); Coroi, *Actes Oxford* 628 and the literature quoted there; Rosenberg, *RE* X, 1151 ff.; Wenger, *Civil Procedure* 71; Reinmuth, *The Prefect of Egypt from Augustus to Diocletian* 5, 7 and passim; Jörs, *Sav. Z.* XXXIX, 102 n. 2 f.; Winspear, *Augustus and the Reconstruction of Roman Government and Society* 237; Berneker, *Sondergerichtsbarkeit im griech. Recht Ägyptens* (Münch. Beitr. XXII, 30 f.); De Francisci, *Stor. d. dir. romano* II

In this our essay we will look into the question how the *iuridicus* was nominated, what was his title, rank and relation to other Egyptian higher officials; and then we shall try to define the nature of his jurisdiction and the extent of his territorial and substantial competence. We will conclude by some remarks on his relation to the subordinate administrative officials which he employed.

### I. Appointment

The *iuridicus* — in the Roman as well as in the Byzantine epoch — was appointed by the Emperor<sup>6</sup>.

This opinion is based on Strabo's relation XVII, 797, 12, concerning the structure of authorities in Roman Egypt<sup>7</sup>. We do not find there any explicit assertion that the *iuridicus* was appointed by the Emperor, but it follows from the circumstance that he is mentioned among the officials sent by the Emperor from Rome to Egypt<sup>8</sup> and is clearly separated from those native Egyptian officials who were appointed by the prefect<sup>9</sup>. Such statement is also corroborated by the inscription C.I.L. XI, 6011:... *hic (scil. iuridicus) mitteretur a Tib. Caes. Aug. in Aegypt(um) ad iur(is)*,

parte I, 407; Petropoulos, Ἰστορία 1378; Peremans and Vergote, *Papyrologisch Handboek* 185; Taubenschlag, *Law I*, 122, 373; Lemosse, *Cognitio* 99; Stein, *Die Präfekten von Ägypten* 36 and passim; Ranovič, *Vostočnyje prov. rim. imp.* 171; Taubenschlag, *Atti del Congresso Verona III*, 353 ff.; Pflaum, *Les procurateurs équestres 16 and passim*; Balogh et Pflaum, *Rev. Hist. d. droit français et étranger* (1952) 117 ff.; David and van Groningen, *Papyrological Primer* (3th edition) 169; Taubenschlag, *AHDO + RIDA I*, 351 f.; Hübner, *Der Praefectus Aegypti* 64 f.; Wenger, *Die Quellen des röm. Rechts* 751, 839; Berger, *Encyclopedic Dict. of Roman law* (Transactions of the Philosophical Society Vol. 43 part 2, 523).

<sup>6</sup> Cf. Wilcken, *Observationes* 8; Mommsen, *Röm. Staatsrecht III*, 231, n. 5; *Röm. Geschichte* V, 567; Bouché-Leclercq, *Histoire des Lagides III*, 158; Taubenschlag, *Org. sqd. Eg.* 19 n. 1; Mitteis, *Grundzüge* 26; Jörs, *Sav. Z. XXXIX*, 102 n. 2; Rosenberg, *RE X*, 1151; Berneker, *Sondergerichtsbarkeit* 30 f.; De Francisci, *Storia d. dir. rom. I* parte I 407; Taubenschlag, *Law I*, 373; Hübner l. c. 64.

<sup>7</sup> Cf. Mommsen, *Sav. Z. XII*, 291 n. 1 (= *Jur. Schriften I*, 450); Wilcken, *Observationes* 8; Mommsen, *Sav. Z. XVI*, 189; Bouché-Leclercq, l. c. 158 n. 2; Taubenschlag, *Org. sqd. Eg.* 19 n. 1; Mitteis, *Grundzüge* 26; Jörs, *Sav. Z. XXXIX*, 102 n. 2; Rosenberg, *RE X*, 1151.

<sup>8</sup> Cf. Reinmuth, l. c. 8 f.

<sup>9</sup> Cf. Reinmuth, l. c. 11 f.

*dict(ionem)*<sup>10</sup> and by the well known paragraph D. 1. 20.2: *Iuridico qui Alexandreae agit datio tutoris constitutione divi Marci concessa est*<sup>11</sup>.

Like other Roman officials in Egypt, the *iuridicus* was drawn from the order of *equites*<sup>12</sup>. The reason is given by Tacitus in Ann. II, 59 where we read that Augustus precluded the senate from all participation in the government in Egypt and the senators were forbidden officially to set foot upon Egyptian soil<sup>13</sup>.

The candidate who came into office of the *iuridicus* had often succeeded in a long career in military or administrative service<sup>14</sup>. Frequently, this office constituted a step towards a still higher career: of a prefect in Egypt<sup>15</sup>, of a *procurator*<sup>16</sup> in another province<sup>17</sup>.

## II. Title and rank

Strabo calls the *iuridicus* ὁ δικαιοδότης, ὁ τῶν πολλῶν κρίσεων κύριος<sup>18</sup> while inscriptions and papyri use such titles as: "*iuridicus Alexandreae*"<sup>19</sup>, "ὁ δικαιοδότης Αἰγύπτου καὶ Ἀλεξανδρείας"<sup>20</sup>, "*iuridicus Alexandreae ad Aegyptum*"<sup>21</sup>, "*iuridicus Alexandreae et Aegypti*"<sup>22</sup> or "*iuridicus Aegypti*"<sup>23</sup>. But the most frequent title is *iuridicus Alexandreae*, which is explained by the fact that he had his seat in that town<sup>24</sup>, while the other titles point to the circumstance

<sup>10</sup> Cf. Jörs, *Sav. Z.* XXXIX, 102 n. 2; Rosenberg, *RE X*, 1151; Coroi, l. c. 628; Lemosse, *Cognitio* 99 n. 2; Pflaum, l. c. 10.

<sup>11</sup> Cf. also C. J. I. 57.

<sup>12</sup> Cf. Mommsen, *Röm. Staatsrecht III*, 231 n. 5; Schubart, *Einführung* 260 and 290; Rosenberg, *RE X*, 1151; Lemosse, l. c. 99.

<sup>13</sup> Cf. Reinmuth, l. c. 1; Winspear, l. c. 237.

<sup>14</sup> Cf. Stein, *Arch. f. Pap.* 445 ff.; *Die Präfecten von Ägypten* 36 ff.

<sup>15</sup> Cf. Ryl. II, 119 (54–57 A. D.) cf. Stein, *Die Präfecten von Ägypten* 36 f.

<sup>16</sup> Cf. for example C. I. L. VIII, 8934, X, 6976; cf. Stein, *Arch. f. Pap.* I, 445 ff.; Pflaum, l. c. 10, 238, 239, 326 and 327.

<sup>17</sup> The role of the *iuridicus Alexandreae* may be compared with that of the *legati iuridici* who were sent by the emperors to other provinces (cf. Mommsen, *Röm. Staatsrecht I*, 231 n. 5).

<sup>18</sup> Cf. Wilcken, *Observationes* 8; Mitteis, *Grundzüge* 26.

<sup>19</sup> Cf. C.I.L. VI, 1564, 1638; VIII, 8925, 8934; Bour. 20 = M. Chr. 96 (350 A.D.) cf. Samonati, *Diz. Ep. Ant. Rom.* IV, 9, 265; Rosenberg, *RE X*, 1151.

<sup>20</sup> Cf. I. G. IV, 1600; (cf. Powell, *Am. Journal of Arch.* VII, 50 f. Samonati l. c. 265.

<sup>21</sup> Cf. Rosenberg, *RE X*, 1152. Samonati, l. c. 265.

<sup>22</sup> Cf. Stein, *Untersuchungen z. Geschichte Ägyptens* 88.

<sup>23</sup> Cf. Ryl. IV 654 (IV cent. A.D.); Taubenschlag, *J.J.P.* VI, 304.

<sup>24</sup> Cf. below p. 196.

that Alexandria was not considered a part of Egypt but was usually referred to as adjoining it (*Alexandria ad Aegyptum* or Ἀλεξανδρεία ἡ πρὸς Αἰγύπτῳ)<sup>25</sup> or that the territorial competence of the *iuridicus* comprised the χώρα<sup>26</sup>.

In the Roman epoch he is called ὁ κράτιστος<sup>27</sup> and in the Byzantine era ὁ κράτιστος or *vir perfectissimus*<sup>28</sup>.

### III. Position and relation to higher officials

In his capacity of the Emperor's legate, the *iuridicus* belonged to the small group of officials who filled the highest posts in Roman Egypt. He was sent to assist the prefect in the task of jurisdiction, was subordinated to him<sup>29</sup> and was a member of his council<sup>30</sup>. However, the prefect had not the right to inflict punishment on the *iuridicus* or to dismiss him from office<sup>31</sup>.

In the event of the prefect's office becoming unexpectedly vacant, the *iuridicus* acted in lieu (διέπων καὶ τὰ κατὰ τὴν ἡγεμονίαν)<sup>32</sup>

<sup>25</sup> Cf. Reinmuth, l. c. 9; Rostovtzeff, *The Social and Economic Hist. of the Hellenistic World* I, 514; see also Westermann, *Alexandria in the Greek Papyri* (Bull. de la Société Royale d'Archéologie d'Alexandrie No. 38, 3 ff).

<sup>26</sup> See below p. 196.

<sup>27</sup> Cf. SB 7367 (139 A.D.); Lond. II, 196 p. 152 = M. Chr. 87 (c. 141 A.D.); Oxy. VIII, 1102 (146 A.D.); B.G.U. 327 = M. Chr. 61 (166 A.D.); B.G.U. 240 (167—168 A.D.); B.G.U. 378 = M. Chr. 60 (147 A.D.); B.G.U. 245 (II cent. A.D.); Princ. 27 (191—192 A.D.); Rend. Harr. 68 (225 A.D.); Lips. 57 (261 A.D.); cf. Rosenberg, *RE* X, 1151; Preisigke, *Städtisches Beamtenwesen im römischen Ägypten* 29.

<sup>28</sup> Cf. Bour. 20 = M. Chr. 96 (350 A.D.); Ryl. IV, 654 (IV cent. A.D.); Rosenberg, *RE* X, 1151.

Cf. Strabo, XVII, 797 ... ὅπ' αὐτῷ (scil. ὑπάρχῳ) ἐστὶν ὁ δικαιοδότης κ.τ.λ. cf. Wenger, *Rechtshist. Papyrusstud.* 154; Taubenschlag, *Org. sqd. Eg.* 19 n. 1 and lit. cited there; Mitteis, *Grundzüge* 26; Schubart, *Einführung*, 260; Lemosse, l. c. 103 n. 1.

<sup>30</sup> Cf. Fouad. I, 21 (63 A.D.) v. 4—5: παρόντων ἐν συνβουλίῳ [N] ὠρεβ[α]νοῦ Πτολεμαίου δικαιοδότης κ.τ.λ. (cf. Balogh and Pflaum, *Rev. hist. d. droit français et étranger* (1952) 117 ff.; Taubenschlag, *Law* I, 395 ff).

<sup>31</sup> Cf. Cod. Theod. I.14.2. = Just. 1.37.2.; cf. Taubenschlag, *Law* I, 19 n. 1.

<sup>32</sup> Cf. B.G.U. 327 = M. Chr. 61 (166 A.D.); Lond. II 198 p. 173 (176 A.D.) (cf. BL. III, 258); Rein. 49 (215—216 A.D.); C.I.L. VI, 1638; Rend. Harr. 68 (225 A.D.) cf. Meyer, *Hermes* XXXII, 227 f.; Stein, *RE* III, 1232, 112; *RE*, I suppl. 268, 112; Meyer, *Klio* VI, 125 ff.; Wenger, *Stellvertretung* 50 f.; Meyer, *Heerwesen* 146; Stein, *Die Präfecten* 96, 121, 128 und 135.

until a successor was appointed. It was the Emperor who authorized the *iuridicus* to act as substitute<sup>33</sup>.

According to P. Fouad. 21 (63 A. D.), the office of *iuridicus* could be coupled with the office of *idiologus*<sup>34</sup>.

During the absence of the *iuridicus* or in case of his office becoming vacant, the diocetes deputised for him<sup>35 36</sup>.

#### IV. Jurisdiction

The essence of the problem: what was the competence of the *iuridicus*? — is the question whether he possessed a competence of his own<sup>37</sup> or was only the prefect's delegate<sup>38</sup>. To answer this question fully we must consider literary sources and inscriptions as well as those papyri which dwell upon this matter.

As to literary sources, we must take into account *Strabo* XVII, 797, 12, who describes the *iuridicus* as ὁ τῶν πολλῶν κρίσεων κύριος<sup>39</sup>. It follows from this relation that a great part of civil law matters belonged to the competence of the *iuridicus*. Although it cannot be asserted that this was an exclusive competence because he shared it with the prefect<sup>40</sup> — in the sphere in which he was given it, he

<sup>33</sup> This hypothesis, already known in the literature (cf. Stein, *Arch. f. Pap.* IV, 148 ff.), has been proved by Rend. Harr. 68 (225 A. D.) v. 4 — 5: Τιβερίῳ Κλαυδίῳ Ἐρεννιανῶ τῷ κρατίστ[ρω δικαιοδότη διέποντι καὶ [τὰ κατὰ] τὴν ἡγεμονίαν ἐκ θείας κελεύσεως κ. τ. λ. (cf. Stein, *Die Präfecten* 128 f.).

<sup>34</sup> Cf. Balogh et Pflaum l. c. 119.

<sup>35</sup> See Catt. verso = M. Chr. 88 (141 — 147 A. D.) col. I, v. 1: Ὁ κράτιστος διοικητῆς Ἰουλιανὸς ὁ διέπων τὰ κατὰ τὴν δικαιο[δοσίαν]; similarly B.G.U. 1019 (139 — 141 A. D.); Lond. II. 196 p. 152 = M. Chr. 87 (141 A. D.); Oxy. 1146 (IV cent. A. D.) cf. Meyer, *Arch. f. Pap.* III, 103 f., 248; Wenger, *Stellvertretung* 51; Jörs, *Sav. Z.* XXXIX, 102; XL, 31 ff.; Rosenberg, *RE* X, 1152.

<sup>36</sup> On the other hand διοικητῆς was represented by the *iuridicus*; see Fior. 89 (III A. D.) cf. Wilcken, *Arch. f. Pap.* IV, 453; Rosenberg, *RE* X, 1152.

<sup>37</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 154 n. 2; Taubenschlag, *Org. sqd. Eg.* 19 and literature cited there; Jörs, *Sav. Z.* XL, 28; Koschaker, *Sav. Z.* XXIX, 21 f.; Lemosse, l. c. 102 f.; Taubenschlag, *Law* I, 373.

<sup>38</sup> Cf. Mitteis, *Hermes* XXX, 577; Wilcken, *Arch. F. Pap.* IV, 406 n. 1, 408; Mitteis, *Grundzüge* 27 n. 1; Schubart, *Einführung*, 294; Rosenberg, *RE* X, 1152; Hübner, l. c. 64 and the literature cited there.

<sup>39</sup> Cf. literature cited in note 7.

<sup>40</sup> On the jurisdictional competence of the prefect see Mitteis, *Grundzüge* 25 f.; Reinmuth, l. c. 106 ff.; Taubenschlag, *Law* I, 372 and lit. cited there; Lemosse, l. c. 79 ff.; Hübner, l. c. 61 ff.

was ὁ κύριος, thus the master of the jurisdiction, for ὁ κύριος means he who has complete authority<sup>41</sup>. Such power was not wielded by the delegate of the prefect<sup>42</sup>, his delegation depending on the will of the prefect who could withdraw it at any time.

Such interpretation accords fully with the inscription C.I.L. XI, 6011<sup>43</sup>, in which it is most plainly said that the *iuridicus* was sent to Egypt by Emperor Augustus *ad iurisdictionem*, therefore that the authorization for this jurisdiction was derived from the Emperor himself<sup>44</sup>. It is more than certain that the phrase "... *hic (scil. iuridicus) mitteretur a Caesare in Aegyptum ad iurisdictionem*" would not have been used in that inscription, should this *iurisdictione* be derived from the prefect.

All those papyri which hitherto were interpreted on the assumption of delegation, should be explained in line with these sources of indubitable significance.

In the first place, one must turn to B.G.U. 378 = M. Chr. 60 (141 A. D.) on which Mitteis founded his argument that the *iuridicus* is the prefect's delegate<sup>45</sup>. In this document, containing an application for a *restitutio in integrum*, it is stated that the prefect had sent the application to the *iuridicus*, but because of many lacunae it is impossible to establish whether the transmission was due to the fact that the prefect was not willing to settle the question although he was competent to do it, or to the fact that he was not competent at all<sup>46</sup>. For this reason the document in question cannot be used as an argument, neither for the delegation nor for independent jurisdiction. We must eliminate it from our considerations<sup>47</sup>.

<sup>41</sup> Cf. *Thes. Gr. Ling.* IV, 2146; Preisigke, *Wörterbuch* I, 851.

<sup>42</sup> Cf. Reinmuth, l.c. 102 ff.

<sup>43</sup> Cf. literature cited in note 10.

<sup>44</sup> Cf. Mitteis, *Grundzüge* 27; Wenger, *Civil Procedure* 71; Taubenschlag, *Law* I, 373; see also the literature cited in n. 6.

<sup>45</sup> Cf. Mitteis, *Hermes* XXX, 577.

<sup>46</sup> Cf. Reinmuth, l.c. 85.

<sup>47</sup> Cf. however about this document Wenger, *Rechtshist. Papyrusstud.* 154 n. 2; Taubenschlag, *Org. sqd. Eg.* 20 where he writes "We do not find also in the sources any evidence that the prefect ever delegated the *iuridicus* to hold *conventus*. B.G.U. 378 cannot be taken here into consideration, because it does not appear from this document that the *iuridicus* got any delegation from the prefect, even less a delegation to hold *conventus*"; Lemosse l.c. 100.

The matter looks otherwise in B.G.U. 1019 (147 A. D.)<sup>48</sup> and in B.G.U. 327 (166 A. D.)<sup>49</sup>. The first one is concerned with the lawsuit of Drusilla. At the outset of this application or complaint, the attorney (ὁ ῥήτωρ) of G. Iulius Agrippianus, who at that time was on military service as στρατιώτης λεγεῶνος β Τραϊανῆς Ἴσχυρᾶς<sup>50</sup>, informs that many judgments were passed already in proceedings in that case and that Neocydes, who was *iuridicus*, had — in order to accelerate the issue — advised the strategus to perform the λογοθεσία, but Drusilla was continually protracting. G. Iulius Agrippianus, loosing patience because of these delays, applied to the prefect who, after satisfying himself that the matter was outside his competence, turned him over to the *iuridicus* (ἀναπεμφθεὶς ἐπὶ τὸν δικαιοδότην)<sup>51</sup>. In this document delegation is not mentioned but it is evident the party applied unnecessarily to the prefect who designated as competent the one before whom the parties were contending from the beginning, i.e. to the *iuridicus*<sup>52</sup>.

B.G.U. 327 again is a plea for the delivery of a legacy presented τῷ κρατίστῳ δικαιοδότη, διαδεχομένῳ καὶ τὰ κατὰ τὴν ἡγεμονίαν. The request contained in v. 10 ff.: διὸ ἀξ[ιω], ἐάν σου τῇ] τύχῃ δόξῃ, ἀκο[ῦσαι μ]ου πρὸς αὐτ[ὸν ὅπ]ως δυνηθῶ τὸ λεγ[ᾶτον ἀπ]ολαβ[ο]ῦσα τῇ τύ[χῃ σ]ου διὰ παντὸς [εὐχα]ριστεῖν κ.τ.λ. the circumstance that this request differed from those which were presented to the *conventus*<sup>53</sup>; and the date of its introduction (φαρμουῦθι ζ̄<sup>54</sup>) suggest that it was sent to the *iuridicus* so that he may settle the matter by virtue of the competence which belonged to him as to the *iuridicus*, not as to the prefect's delegate.

The correctness of such an interpretation is confirmed by the recently published P. Rend. Harr. 68 (225 A. D.)<sup>55</sup>. It contains a petition of one Lucretius Diogenes for the appointment of guardianship for two children of his sister; and the petition is presen-

<sup>48</sup> Cf. Meyer, *Arch. f. Pap.* III, 247 f.; Lemosse, l.c. 102.

<sup>49</sup> Cf. Mitteis, *Hermes* XXX, 576.

<sup>50</sup> Cf. Meyer, *Arch. f. Pap.* III, 95.

<sup>51</sup> Cf. Jörs, *Sav. Z.* XXXIX, 102 n. 2.

<sup>52</sup> Otherwise for contrary opinion see: Meyer, *Arch. f. Pap.* III, 248; Reinmuth l.c. 90 n. 4.

<sup>53</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 154 n. 2; Wilcken, *Arch. f. Pap.* IV, 394.

<sup>54</sup> Cf. below p. 200.

<sup>55</sup> Cf. Taubenschlag, *Law I*, 120 n. 14, 122 and *passim*.

ted to the *iuridicus* Claudius Herennianus<sup>56</sup> who temporarily acted ἐκ θείας κελεύσεως as deputy prefect. The petition was handled by the *iuridicus* in the same way in which the *iuridici* used to handle such matters.

Having thus arrived at the conclusion that the *iuridicus* had a competence of his own, we must now try to establish the territorial and substantial extent of his competence.

### V. The territorial competence

Hitherto, the territorial competence of the *iuridicus* has been studied to answer the question whether he exercised his jurisdiction in Alexandria only or — as the prefect's delegate — also outside Alexandria in the *conventus*<sup>57</sup>.

In this section we shall endeavour to establish whether the territorial competence of the *iuridicus* comprised Alexandria exclusively or also the χώρα.

Ryl. II, 119 (54-57 A.D.)<sup>58</sup>, which is an application to the ἐξηγητής τῆς πόλεως Ἀλεξανδρέων, contains the report of a process before the *iuridicus* Gaius Caecina Tuscus. It appears from the document that neither the plaintiffs nor the defendant lived in Alexandria: they were residents of Hermopolis. The town where the proceedings took place is not named, but the mention by the plaintiffs that their opponent acts ἀπὸ ἐπιστολῆς αὐτοῦ Τούσκου makes us suppose that the case came up in Alexandria and the *iuridicus* after hearing it sent to the parties his decision in writing.

Again in B.G.U. 5 (137—138 A. D.) it is said that the contending parties, residing in an unknown locality in the χώρα<sup>59</sup>, have decided to present their dispute to the *iuridicus* in Alexandria<sup>60</sup>.

<sup>56</sup> Cf. introduction to this document; see also Catt. verso = M. Chr. 87 (141—147 A.D.); Gen. Pap. (cf. Wilcken, *Arch. f. Pap.* III, 368 ff.; Taubenschlag, *Law I*, 122.).

<sup>57</sup> Cf. Taubenschlag, *Org. sqd. Eg.* 19 f.; Meyer, *Arch. f. Pap.* III, 105 and the literature cited there.

<sup>58</sup> Cf. Mitteis, *Sav. Z.* XXXVII, 332 f.; Lemosse, l.c. 90.

<sup>59</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 66 n. 1 where the idea is expressed that there was a great distance from Alexandria to the place of domicile of the parties, as the period fixed for the appearance before the *forum iuridici* was 40 days; Taubenschlag, *Atti del Congresso Verona* III, 362 ff.

<sup>60</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 84 f.; *Sav. Z.* XXIII, 222; Taubenschlag, *Org. sqd. Eg.* 20; Wilcken, *Arch. f. Pap.* IV, 394, 419 f.; Seidl, *Der Eid im röm.-ägypt. Provinzialrecht* I, 105, 110.

Much interesting information about the territorial competence of the *iuridicus* is to be found in the following documents concerned with the well known process of Drusilla: SB. 7367 (139 A. D.), Lond. II, 196, p. 152 = M. Chr. 87 (C. 141 A. D.), and Catt. verso = M. Chr. 88 (139—147 A. D.).

In the first of these documents Gaius Iulius Agrippianus, a resident of the nomos Arsinoe, complains to the *iuridicus* Maximianus that Drusilla had forced him to appear in his court in Alexandria<sup>61</sup>, where he has been awaiting the proceedings for five weeks. He asks therefore the *iuridicus* to be heard by him, so that he may go home to work at the harvest.

We read in Lond. II, 196, p. 152 = M. Chr. 87, that Agrippianus ἰκανὸν δούς προσκαρτερεῖν τῷ Νεοκύδει κ.τ.λ., i.e. that he made to Neocyds a *vadimonium* to guarantee his appearance in Neocydes court in Alexandria<sup>62</sup>.

In the last of the quoted documents Drusilla, domiciled in Ἡρακλείδου μερίς τοῦ Ἀρσινοεῖτου, lodges again with the *iuridicus* in Alexandria<sup>63</sup> a complaint against testamentary guardians. An analogous action is contained in the Geneva P. (147 A. D.)<sup>64</sup>, where Petronilla, also an inhabitant τῆς Ἡρακλείδου μερίδος τοῦ Ἀρσινοεῖτου applies in a similar matter of guardianship to the *iuridicus* in Alexandria who settles the issue through delegation to the strategus.

In conclusion, there is also B.G.U. 361 (184 A. D.)<sup>65</sup> where we read that the parties break off the proceedings before the strategus and agree that after the sowing season they will appear in the court of the *iuridicus* in Alexandria<sup>66</sup>.

<sup>61</sup> Cf. SB. 7367 (139 A.D.) v. 15—17: καὶ κατανήσα[ν]τος εἰς Ἀλεξάνδρειαν ἀπὸ π[ρ]ώτης καὶ εἰκάδος [Φ]αρμούθι κ.τ.λ. (cf. Frisk, *Aegyptus* IX, 285; Meyer, *Sav. Z. L.* 540).

<sup>62</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 88 f.; Taubenschlag, *Org. sqd. Eg.* 20; Meyer, *Arch. f. Pap.* III, 94, 102 and 105; Wilcken, *Arch. f. Pap.* IV, 394; Seidl, *Der Eid im röm.-ägypt. Provinzialrecht* 111.

<sup>63</sup> Cf. Meyer, *Arch. f. Pap.* III, 94, 105.

<sup>64</sup> Cf. Erman, *Sav. Z.* XV, 248; Wilcken, *Arch. f. Pap.* III, 373 ff.

<sup>65</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 114; Taubenschlag, *Org. sqd. Eg.* 25; Wilcken, *Arch. f. Pap.* IV, 304.

<sup>66</sup> Cf. also Princ. 27 (191—192 A.D.) and Lips. 57 (261 A.D.) where is attested, that δικαιοδότης had his office in Alexandria (cf. Mitteis, *Griech. Urk.* p. 179 f.).

It follows from the preceding that the territorial competence of the *iuridicus* comprised the bounds of Alexandria as well as the  $\chi\acute{\omega}\rho\alpha$ <sup>67</sup>.

As to the question of the seat of his court, all the documents quoted point to the conclusion that although his competence comprised Alexandria and the  $\chi\acute{\omega}\rho\alpha$ , his court was seated exclusively in Alexandria<sup>68</sup>.

All the relevant papyri do not contain a single document from which it would follow that the *iuridicus Alexandreae* exercised his jurisdiction in any locality in the  $\chi\acute{\omega}\rho\alpha$ . In particular, there is no trace of evidence that he held *conventus*, like the prefect, or that there were special *conventus* towns for him.

## VI. Substantial competence

Discussing the substantial competence of the *iuridicus*, let us state that his was the *iurisdictio contentiosa* as well as the *voluntaria*<sup>69</sup>.

As to the *iurisdictio contentiosa*, the earliest of the proceedings to be taken into account are those described in Ryl. II, 119<sup>70</sup>. We learn from this papyrus that one Demetrius together with his kinsmen had borrowed several years before the sum of 4800 drachmae from a man named Musaeus and that as security for this loan he mortgaged a piece of land owned by him. It is very probable that this mortgage was combined with an  $\acute{\alpha}\nu\tau\acute{\iota}\chi\omicron\rho\eta\sigma\iota\varsigma$ <sup>71</sup> because the plot was given in usufruct to the creditor and brought him a considerable income. The debtors, very dissatisfied with such a state of affairs, lodged a complaint with the *iuridicus* asking for the restitution of the land in question and for the delivery of all fruits which

<sup>67</sup> Cf. Erman, *Sav. Z.* XV, 246 and lit. cited in n. 1: Taubenschlag, *Org. sqd. Eg.* 22 ff.; Meyer, *Arch. f. Pap.* III, 105; Rosenberg, *RE X*, 1151.

<sup>68</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 154; Wilcken, *Arch. f. Pap.* Rosenberg, *RE X*, 1151.

<sup>69</sup> Cf. Ermann, *Sav. Z.* XV, 141 ff.; Mitteis, *Hermes* XXX, 576 f.; 614 f.; Wenger, *Rechtshist. Papyrusstud.* 153 ff.; Taubenschlag, *Org. sqd. Eg.* 19 ff.; Mitteis, *Grundzüge*, 26 f.; Taubenschlag, *Geschichte d. Rezeption* (Stud. in onore di P. Bonfante I, 389); Jörs, *Sav. Z.* XXXIX, 100 n. 2; Coroï, *Actes Oxford* 651 and the literature cited there; Taubenschlag, *Law I*, 373; Lemosse, l.c. 99 ff.; Hübner, l.c. 64 ff.

<sup>70</sup> Cf. Mitteis, *Sav. Z.* XXXVII, 322 f.

<sup>71</sup> Cf. Cf. Mitteis, *Sav. Z.* XXXVII, 322; Taubenschlag, *Law I*, 217.

Musaeus had got out of it, as — so they asserted — these fruits were worth double the amount of the loan. The *iuridicus* suspended the proceedings to enable the λογοθέται to examine the accounts<sup>72</sup>; after which he ruled that the land should be restored to the plaintiffs after the repayment of the loan, while the money got from the village of the land became entirely the property of the creditor.

With the process of Dionysia, contained in Oxy. II, 237 (186 A. D.)<sup>73</sup> we enter another sphere of contentious matters in civil law. The question is: has the father the right to break onesidedly the marriage of his daughter against her will? Dionysia, whose marriage is threatened by dissolution on her father's demand, quotes to the prefect, who is trying the case, the judgment which the *iuridicus* Umbrius passed in a similar case 100 years ago and which corroborates her right<sup>74</sup>.

The object of B.G.U. 5 (137—8 A. D.) is a civil contention of a nondescript character<sup>75</sup>.

The process of Drusilla<sup>76</sup>, which we have mentioned already, involves several parts of civil law (law on wills, obligations, marriage, guardianship). In its first stage it takes place before the archidicastes Asclepiades<sup>77</sup>, while in the following ones successively before three *iuridici* — Neocydes (for whom the doiketes Julianos deputised for some time), Calpurnianus and Calvisius Patrophilus.

B.G.U. 378 (147 A. D.)<sup>78</sup> contains the request of C. I. Agrippianus, a Roman minor, who invokes the *lex Plaetoria*<sup>79</sup> in asking

<sup>72</sup> Cf. Introduction to this document.

<sup>73</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 155; *Stellvertretung* 133 f., 152 f.; Taubenschlag, *Org. sqd. Eg.* 21.; Wenger, *Actes Oxford*, 551 ff.; Schmidt, *J.J.P.* IV, 173 ff.

<sup>74</sup> Cf. Oxy. II, 237 col. VII, v. 39—43.

<sup>75</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 84 f. and passim; *Sav. Z.* XXIII, 222; Taubenschlag, *Org. sqd. Eg.* 24 ff.

<sup>76</sup> Cf. SB. 7367 (139 A.D.); Lond. II, 196 p. 172 = M. Chr. 87 (c. 141 A.D.); Catt. verso = M. Chr. 88 (139—147 A.D.); Fay. 203 (147 A.D.); B.G.U. IV, 1019 (147 A.D.); cf. Meyer, *Arch. f. Pap.* III, 91 ff.; Weiss, *Pfundrechtliche Untersuchungen* I, 93 f.; Jörs, *Sav. Z.* XXXIX, 99 ff.; Lemosse, l.c. 99 ff.

<sup>77</sup> See however Jörs, *Sav. Z.* XXXIX, 105 n. 2 where he supposes, that Asclepiades was an *iuridicus*.

<sup>78</sup> Cf. Mitteis, *Hermes* XXX, 577, 614 f.; Wenger, *Rechtshist. Papyrusstud.* 126 and passim; Taubenschlag, *Org. sqd. Eg.* 24; Meyer, *Arch. f. Pap.* III, 95; Lemosse, l.c. 100 f.; Wenger, *Die Quellen des röm. Rechts* 818.

<sup>79</sup> Cf. Taubenschlag, *Law I*, 135 n. 17.

for the annulment of an executory writ, namely the so-called *ingressio in bona minoris*<sup>80</sup>, which his opponent, Saturnianus by name, obtained from the *iuridicus* after producing a document with the executory clause.

B.G.U. 327 (166 A. D.)<sup>81</sup> contains a complaint of the veteran soldier Longinus who — acting for a woman who was granted a legate in the διαθήκη Ῥωμαικῆ of the deceased veteran F. Macer — sues G. Longinus Castor for the delivery of the legacy.

B.G.U. 240 (167—168 A. D.)<sup>82</sup> is probably concerned with the apportionment of an inheritance<sup>83</sup>.

Lastly, Lond. 198 p. 172 (169—177 A. D.)<sup>84</sup> contains the complaint of a Roman minor who demands from his mother and his stepfather the delivery of his patrimony left by his deceased father, Prodicus Gaius.

The activity of the *iuridicus* as to the *iurisdictio voluntaria* is illustrated chiefly in the papyrus Catt. verso = M. Chr. 88, (139—147 A. D.).

In the second phase of this process Drusilla sues<sup>85</sup> before the *iuridicus* Maximianus the *tutores testamentarii* of her infants; she charges them with not observing the *boni patris familias diligentia* when administering the property of the ἀφήλικες. Maximianus having the conviction that Drusilla's charges are well founded, dismisses the heretofore guardians<sup>86</sup> and at the same time gives to the strategus a written delegation empowering him to appoint new guardians (*tutores dativi*).

Other guardianship cases decided by the δικαιοδότης are found in P. Gen.<sup>87</sup> and P. Harr. 68. In the Gen. Papyrus a Roman woman

<sup>80</sup> Taubenschlag, *Law I*, 237.

<sup>81</sup> Cf. Mitteis, *Hermes* XXX, 576; Wenger, *Rechtshist. Papyrusstud.* 156; Arangio-Ruiz, *La Successione* 255 f.; Kreller, *Erbrechtliche Untersuch.* 37, and *passim*.

<sup>82</sup> Cf. Taubenschlag, *Org. sqd. Eg.* 21; Kreller, *Erbrechtliche Untersuch.* 86, 104.

<sup>83</sup> Disputes over inheritance are also the subject of B.G.U. 75 col. II (II cent. A.D.) (cf. Wenger, *Rechtshist. Papyrusstud.* 108) and Oxy. 1102 (146 A.D.) (cf. Mitteis, *Sav. Z.* XXXII, 343 f.).

<sup>84</sup> Cf. Taubenschlag, *Org. sqd. Eg.* 21; Kreller, *Erbrechtliche Untersuch.* 95; Stein, *Die Präfecten* 96 f.; Wenger, *Die Quellen des röm. Rechts* 832 n. 1113.

<sup>85</sup> S.c. *accusatio suspecti tutoris* (cf. Taubenschlag, *Geschichte d. Rez.* 389).

<sup>86</sup> Cf. Meyer, *Arch. f. Pap.* III, 98.

<sup>87</sup> Cf. Wilcken, *Arch. f. Pap.* III, 370—373.

named Petronilla asks the *iuridicus* Calvidius Patrophilus to appoint a guardian for her child<sup>88</sup>. In reply to this request, the *iuridicus* directs the strategus to appoint, after investigation, the best qualified man.

Rend. Harr. 68 informs that one Lucretius Diogenes had approached the *iuridicus* Claudius Herennianus with the request to appoint<sup>89</sup> a guardian for his two infants. The *iuridicus* ruled δι' ὑπογραφῆς that the strategus of the proper nome πρὸ ὀφθαλμ[ῶν] ἔχων τὸν ἴδιον κίνδυνον ἐπίτροπον τοῖς ἀφήλιξι καταστήσαι φροντιεῖ κ.τ.λ.

In this connection, let us mention also Bour. 20 = M. Chr. 96 (350 A. D.)<sup>90</sup> the subject of which is the division of a heritage<sup>91</sup> made by Flavius Gennadius, *vir perfectissimus, iuridicus Alexandriae*.

It follows from this evidence that all the matters decided by the *iuridicus* were related exclusively to civil law. We find among them law suits arising out of quarrels about heritage and concerning questions of real property or contracts, there are also executory matters as well as appointments of guardians; but never criminal processes<sup>92</sup>. Thus there seems to be reason enough to admit that the judicial competence of the *iuridicus* was confined to matters of civil law and that he was exclusively a civil judge<sup>93</sup>.

And so the question arises what were the relations between the *iuridicus* and the prefect from the point of view of their jurisdiction, since the matters decided by them were of the same nature.

The actually known sources do not allow to suppose that the personal competence of the *iuridicus* was at variance with the personal competence of the prefect<sup>94</sup> — particularly that the inhabitants

<sup>88</sup> Cf. Erman, *Sav. Z.* XV, 241 ff.; Wilcken, *Arch. f. Pap.* III, 373 ff.; Taubenschlag, *Org. sqd. Eg.* 28 f.; Mitteis, *Sav. Z.* XXIX, 399 f.; Taubenschlag, *Geschichte d. Rez.* 389.

<sup>89</sup> Cf. Taubenschlag, *Law I*, 122; another instance when the *iuridicus* acts also in a case concerning guardianship is P.S.I. 281 (II cent. A.D.).

<sup>90</sup> Cf. Collinet-Jouguet, *Arch. f. Pap.* I, 298 ff.; Mitteis, *Sitz.-Ber.* 116; Rosenberg, *RE X*, 1152; Taubenschlag, *Atti del Congresso Verona*, III, 361 ff.; Hübner, l.c. 64 f.; Wenger, *Die Quellen des röm. Rechts* 839.

<sup>91</sup> Cf. Mitteis, *Chrestomathie* p. 116; Hübner, l.c. 64 f.; another Wenger, *Die Quellen des röm. Rechts* 839.

<sup>92</sup> Cf. Taubenschlag, *Org. sqd. Eg.* 26 f.

<sup>93</sup> Mitteis, *Grundzüge* 26 f.; Taubenschlag, *Law I*, 373.

<sup>94</sup> Cf. Taubenschlag, *Org. sqd. Eg.* 22 ff.

of Alexandria and the Romans in the *χώρα* came under the *iuridicus*, while the peregrines only in as far as they prorogated his forum<sup>95</sup>.

It seems that the prefect and the *δικαιοδότης* have a concurrent jurisdictional power — but while the first one exercised his power only in *conventus*, the second one presided in court at times when the prefect either did not hold *conventus* or did not hold them in the district where the contending parties were domiciled. This assumption is based on those documents which contain exact dates of processes falling in B.G.U. 5 on November—December<sup>96</sup>, in B.G.U. 378 on the 15-th — 25-th April, in B.G.U. 327 on the 1-st of April, in B.G.U. 361 on November<sup>97</sup> and in the Gen. Pap. on August<sup>98</sup>.

We know from Wilcken's research that the *conventus* were held once a year in every of the *conventus* towns and always in the same months. Thus, the prefect was holding the *conventus* in Alexandria from June to August, in Pelusium in January and in Memphis from the end of January to April<sup>99</sup>.

Comparing the dates of courts held by the *iuridicus* with those of *conventus*, we can infer that three of them (B.G.U. 5, B.G.U. 361 and Gen. Pap.) occurred at times when the prefect was nowhere holding a *conventus*, and the rest of them (B.G.U. 378<sup>100</sup> and 327<sup>101</sup>) at times when the prefect's *conventus* was not taking place in Alexandria.

During the reign of Marcus Aurelius the *iurisdictio contentiosa* passed to the prefect, because since this period we do not know of a single case, where a *δικαιοδότης* would seat in court. Thus the prefect became sole civil judge for the whole of Egypt.

<sup>95</sup> Cf. Oxy. II, 237 col. VII, v. 40: *μετάλλα τὰ πρόσωπα Ἀιγύπτια ὄντα κ. τ. λ.*; P.S.I. 281 (141—143 A.D.).

<sup>96</sup> Cf. Wilcken, *Arch. f. Pap.* IV, 419 f.

<sup>97</sup> Cf. Wilcken, *Arch. f. Pap.* IV, 394; Schnebel, *Die Landwirtschaft im hellenist. Ägypten* (Münch. Beitr. VII, 137 ff.).

<sup>98</sup> Cf. Wilcken, *Arch. f. Pap.* III, 373.

<sup>99</sup> Cf. Wilcken, *Arch. f. Pap.* IV, 415 ff.; Reinmuth, l.c. 100 ff.

<sup>100</sup> Cf. Wilcken, *Arch. f. Pap.* IV, 394.

<sup>101</sup> The plaintiff, an inhabitant of Arsinoe, brings his petition before the *iuridicus* although at the same time the *conventus* was held in the neighbouring Memphis. We know that the *conventus* in Alexandria was competent for the Arsinoites (cf. Specim. Script. Graec. tab. 8, 11; Wilcken, *Arch. f. Pap.* IV, 394). and while it was not in session, its function was taken over by the *iuridicus*, as is demonstrated in this article.

In view of this, there is reason to suppose that there is some interpolation in the phrase in D. 1.20.2: "*iuridico qui Alexandreae agit datio tutoris constitutione divi Marci concessa est*" — namely that in its original form it contained the clause that the *iurisdictio contentiosa* is being taken from the *iuridicus* who is left only with the *iurisdictio voluntaria*. Here then the word "*concedere*" would not mean the "*conferring*" on the *iuridicus* of something that he did not have before, but the leaving him of a part of what he had of long<sup>102</sup>.

It would follow that the *constitutio divi Marci* was not restricted to the regulation of the question of *iurisdictio voluntaria* but covered the whole of his *iurisdictio*, establishing new principles<sup>103</sup>.

The substantial competence of the *iuridicus* — thus limited by the above mentioned constitution — was in later times extended when administrative matters were brought into its compass<sup>104</sup>.

We are informed of it by Princ. 27 (191/192 A.D.) and Lips. 57 (261 A.D.) and first of all by Ryl. IV, 654 (IV-th century A.D.<sup>105</sup>).

The first two tell about dresses to be furnished to the gladiatorial school in Alexandria or to the army. This equipment is collected by officials of the *iuridicus* and delivered to his office in Alexandria<sup>106</sup>.

In Ryl. IV, 654, the debatable point is whether an apprentice to the weaving trade can be forcibly induced to learn another craft, namely bricklaying. The *iuridicus* to whom the parties turned for a decision rules<sup>107</sup> that the strategus and the logistes<sup>108</sup> are to investigate the point of fact and lays down the principle that if the plaintiff has completely learned his craft and is actively engaged in its practice, he is not to be transferred to another.

<sup>102</sup> Cf. *Thes. Ling. Lat.* IV, 9, II; *concedo* = συγχωρῶ.

<sup>103</sup> It is very probable that from the times of Marcus Aurelius the *iuridicus Alexandreae* exercised a similar power to that of the *iuridici* who at that time were appointed for Italy (cf. Wróblewski, *Zarys prawa rzymskiego (Outlines of Roman law)* I, 99.

<sup>104</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 156.

<sup>105</sup> Cf. also Gen. 4 (III cent. A.D.) (cf. Wenger, *Rechtshist. Papyrusstud.* 133); Flor. I, 89 (III cent. A.D.); Gen. 74 (III cent. A.D.).

<sup>106</sup> Cf. Lips. 57 (261 A.D.) v. 22—24: τῷ ὀφικίῳ τοῦ κρατίσ[το]υ δικαιοδότης κ. τ. λ. (cf. intr. to this document).

<sup>107</sup> Cf. Taubenschlag, *J.J.P.* VI, 304.

<sup>108</sup> Cf. Rees, above p. 83 ff.

However, during the reign of Justinian, the *iuridicus* was debarred from administrative matters and left only with the *iurisdictio voluntaria*<sup>109</sup>.

## VII. Relation to inferior officials

Among the inferior officials who helped the *iuridicus* to fulfil his task, the most important one was the strategus; he acts sometimes as *iudex delegatus* or as executive organ of the *iuridicus* or again as sequestration organ.

In B.G.U. 245 (II-nd century A.D.) we encounter the strategus in the role of a delegated judge. Claudius Neocydes delegates him to settle a matter of an unknown character<sup>110</sup>. A mention that, if necessary, he may call for assistance upon the λογοθέται, indicates that the matter was a civil one. Col. II, v. 1—9 contains the delegation: Κ[λ]αύδιος Νεοκύδης ὁ δικαιοδότης εἶπεν· ὁ στρατηγὸς τὰ αὐτοῦ μέρη ἐπιγνώσεται ἐκ τοῦ ὑπομνημα[τ]ισμοῦ καὶ τῶν γραφεισῶν αὐτῶ ἐπιστολῶν καὶ ἐὰν δέη λογοθέτην δοῦναι, δώσει κ.τ.λ.

Other instances of delegating the strategus to settle a matter brought before the *iuridicus*' court are to be found in B.G.U. 5 (137—138 A.D.)<sup>111</sup>, Lond. II, 196 = M. Chr. 87 (141 A.D.)<sup>112</sup>, Catt. verso, Gen. Pap. and P. Harr. 68 (225 A.D.). In the last three cases the point is to designate guardians for Roman minors<sup>113</sup>, from which it is to be inferred that the *iuridicus* used to give a delegation to the strategus not only in contentious business but also in non contentious one.

In addition, all the quoted documents prove that the *iuridicus* never entrusted the strategus with a general delegation but that he delegated him only to settle a definite matter<sup>114</sup> and at the same time gave him very accurate instructions and even — as in Catt. verso — stated the date by which the settlement had to be made<sup>115</sup>.

<sup>109</sup> Cf. D. 1. 20. 1; 1. 20. 2; C. J. 1. 57; 1. 4. 30.

<sup>110</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 121 f.; Meyer, *Arch. f. Pap.* III, 100.

<sup>111</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 122.

<sup>112</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 88.

<sup>113</sup> Cf. above p. 199 and the literatur cited there.

<sup>114</sup> Cf. B.G.U. 5 (137—138); Lond. II, 196 p. 152 = M. Chr. 87 (c. 141 A.D.); B.G.U. 245 (II cent. A.D.); Rend. Harr. 68 (225 A.D.).

<sup>115</sup> Cf. Meyer, *Arch. f. Pap.* III, 100, 105.

Much more frequently than in the role of a judge, the strategus is to be seen as supplementary organ executing various preparatory tasks for the *iuridicus*' court.

For instance, we learn from Catt. verso that after Drusilla had brought in an *accusatio suspecti tutoris*, the *iuridicus* directed the strategus to carry out in the next five days the ἐξέτασις of the estate of the ἐπίτροποι. Informations how such an ἐξέτασις was carried out<sup>116</sup> are to be found in the same document, when the matter of investigating the estate of Drusilla's husband Apollinaris is brought up. Στρατηγὸς Ἀρσινοΐτου Ἡρακλείδου μερίδος whom the *iuridicus* has entrusted with this task, appoints two λογοθέται from among the most trustworthy citizens τῆς μετροπόλεως Arsinoe (both contending parties having the right to propose one candidate). Agrippianus laid before these λογοθέται the list of creditor's claims to the estate of Apollinaris. In addition — probably at the demand of the λογοθέται — he had to explain the legal base on which every of the claims reposed. To get a more exact picture of the assets and liabilities of the debtor's estate, the strategus ordered all that year's crop to be sold and the money obtained to be put into bank deposit.

Pap. Gen. informs about another order given to the strategus<sup>117</sup>. Petronilla — in a demand introduced before the *iuridicus* Calvisius Patrophilus for the appointment of guardians — had proposed two candidates. Before directing the strategus to appoint the guardians, the *iuridicus* asked Maximus, strategus of the nomos in which Petronilla resided, for an opinion about the proposed candidates. It turned out, however, that they resided in a nearby nome. So Maximus addressed himself to his colleague who after consulting the γραμματεὺς τῆς πόλεως Aphroditopolis draws up a προσφώνησις and sends it to Maximus with the mention that the person concerned is ἀξιопιστότερος. In due course Maximus informs the *iuridicus* about the matter.

However, with the last instance ends the enumeration of circumstances in which the *iuridicus* wanted the strategus to help him. To complete it, we may quote administrative matters. Let us men-

<sup>116</sup> Cf. Meyer, *Arch. f. Pap.* III, 100f.; Taubenschlag, *Atti del Congresso Verona* III, 362,

<sup>117</sup> Cf. Ermann, *Sav. Z.* XV, 241 ff.; Wilcken, *Arch. f. Pap.* III, 376 ff.

tion in this connection the papyri Gen. 4 (IV cent. A.D.) and Ryl. IV, 654. In the first one, the petitioner<sup>118</sup> complains that the ἀμφοδάρχης Ὀνήσιμος had ascribed him to a rural district (ἐπὶ κώμης) although he had been since immemorial times ascribed to a town district (ἐπὶ τῆς μετροπόλεως), where he had also been paying the tax. The δικαιοδότης entrusted the strategus with the settlement of the matter.

In the second papyrus, the *iuridicus* directs the strategus to investigate together with the logistes whether the apprentice in question had already learned the trade of a weaver and whether he could not be transferred into another craft.

Lastly, we are informed by B.G.U. 378 that the strategus was a sequestration organ: by order of the *iuridicus* he performs an *ingressio in bona minoris*<sup>119</sup>.

From among other inferior officials in the service of the *iuridicus* are to be mentioned those who worked in his office<sup>120</sup>, and also such military functionaries as e.g. the στρατοπεδάρχης Vergillianus<sup>121</sup> whom he commands to bring the defendant into court for the proceedings.

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<sup>118</sup> Cf. Wenger, *Rechtshist. Papyrusstud.* 131 f.

<sup>119</sup> Cf. Mitteis, *Hermes* XXX, 614 f.; Wenger, *Rechtshist. Papyrusstud.* 156; Taubenschlag, *Org. sqd. Eg.* 26; Lemosse, l. c. 100.

<sup>120</sup> Cf. Princ. 27 (191–192 A.D.); Lips. 57 (261 A.D.).

<sup>121</sup> Cf. Lond. II, 196 p. 152 = M. Chr. 77 (c. 141 A.D.) col. I, v. 5: πέμψαι αὐτὸν ἐπὶ τὴν κρίσιν κ.τ.λ. (cf. Meyer, *Arch. f. Pap.* III, 102).