

Taubenschlag, Rafał

The imperial constitutions in the papyri

The Journal of Juristic Papyrology 6, 121-142

1952

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

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

THE IMPERIAL CONSTITUTIONS IN THE PAPYRI

We find in the papyri — besides *orationes principum* — imperial constitutions in their general sense, further their subspecies as decrees, edicts and rescripts¹, finally mandates². In the Byzantine period *pragmaticae sanctiones* occur³. It will be of interest perhaps to make up a full list of all these kinds of imperial constitutions, including the references made in the papyri to the constitutions issued after Justinian's codification⁴.

I Orationes principis

BGU 611 (37 — 61 A. D.).

Fragments of two *orationes principis in senatu habitae* concerning five *decuriae* of judges, the age of 24 years, *recuperatores*, their competence in *causae liberales* and the *lex Plaetoria*. The rest of the papyrus deals with the *tergiversatio* and its consequences in civil and criminal proceedings.

Literature: Blass, *Liter. Zentralblatt* (1897), 687; Mitteis, *Hermes* XXXII, 639; *Sav. Z.* XXXIII, 205; *Grundzüge* 279; Brasloff, *Sav. Z.* XXII, 169; Wenger, *Sav. Z.* XXV, 429; Girard, *Sav. Z.* XXXIV, 317; Solazzi, *Minore età* 231; Lenel, *Sav. Z.* XXXV, 198; Kniep, *Gai Inst.* I, 118; Naber, *Mnemosyne N. F.* XXVIII, 443; XLVIII, 410; *Ber. Sächs. Ges. Wiss.* LXIII, 129; Wlassak, *Anklage und Streitbefestigung im Kriminalrecht der Römer* (Sitzb. Wien. Akad. 184, 1), 47; Wenger, *RE* IA 423 *Reciperatio*; Taubenschlag, *Sav. Z.* XXXVII, 213₂; Grupe, *Sav. Z.* XLII, 34; Levy, *Sav. Z.* L, 291₂; Koschaker, *Sav. Z.* L, 681 ff; Stroux, *Eine Gerichtsreform*

¹ Gai 1,5 *Constitutio principis est quod imperator decreto vel edicto vel epistula constituit*: Ulp. Dig. 1, 4, 1, 1.

² cf. Kipp, *Gesch. d. Quellen d. röm. Rechts*³ 69.

³ Cf. Jörs — Kunkel — Wenger, *Röm. Recht.*², 18₃.

⁴ The references to Justinian's codification are discussed in my *Geschichte der Rezeption des römischen Privatrechts in Aegypten* (Studi Bonfante I, 420) cited *Rezeption*, and in my article *The Legislation of Justinian in the Light of the Papyri* (*Byzantion* XV, 280 ff.).

des Kaisers Claudius (SB Bayr. Akad. d. Wiss. philos. phil. u. hist. Kl. Jhg. 1929, Heft 8); Woess, *Sav. Z.* LI, 336; Levy, *Sav. Z.* LIII, 213. The study of Arnaldo Momigliano *Claudius, The Emperor and his achievement* (translated by W. D. Ho-garth, Oxford 1934 cf. Siber, *Sav. Z.* LV, 385) has not been so far available to me.

II Imperial constitutions in general

1. Ed. Tib. Jul. Alex. § 2₁₅ = M. Chr. N^o 102 = The Temple of Hibis in El Khargeh Oasis Part II Greek Inscriptions (Eg. Exp. Publ. vol. XIV, 1939) N^o IV Edict of Tiberius Iulius Alexander (68 A. D.).

Augustus βούλησις which seems to make the provisions of the *lex Iulia de cessione bonorum* applicable to the Romans in Egypt.

Lit.: Mitteis, *Reichsrecht* 447 Anm. 5; *Arch. f. Pap.* I, 352, Lewald, *Personalexecution* 44; Schwarz, *Hypothek und Hypallagma* 68; Woess, *Sav. Z.* XLIII, 486₂; 492; Reinach in *N. R. H.* XLIV, 79; Weiss, *Griech. Privatrecht* I 520; my *Rezeption* 378₅₉; Uxkull-Gyllenband, *Gnomon* 71; A. Ch. Johnson, *Roman Egypt* (1936), 704; Wieacker, *Festschrift Koschaker* I 257 note 156; my *Law* I, 20₉₂.

2. Ed. Tib. Iul. Alex. § 3₂₅⁵.

An ordinance of Augustus (κέλευσις)⁶ securing on the husbands' estate, the wife's dowry against fiscal claims (πρωτοπραξία).

Lit.: Mitteis, *Reichsrecht* 233; Weiss, *Pfandr. Unt.* I 87/8; Partsch, *Arch. f. Pap.*, V, 509; Weiss, *Studien zu d. röm. Rechtsquellen* 74 note 30; Partsch-Sethe, *Aeg. Bürgschaftsrecht* 589; Reinach, *N. R. H.* XLIV, 111; my *Rezeption* 378₅₈; Uxkull-Gyllenband, l. c. 48; Johnson l. c. 704 ff; Curschmann, *Pap. Jand.* VII p. 347; Wieacker, *Festschrift Koschaker* I, 230; my *Law* I 10₄₀, 20.

3. P. Fouad 21 (63 A. D.).

A constitution (χάρις)⁷ of Emperor Traian concerning differential rights of the veterans, according to the body of troops from which

⁵ Cf. BGU 970₂₀ below.

⁶ κεύειν is used in edicts (cf. Ryl. 77₄₃) as well as in rescripts (διάταξις): Flor. 382₅₉ (222 — 3 A. D.) and W. Chr. 41₂₀ (232 A. D.).

⁷ χάρις can be granted in an edict cf. SB 7366 (200 A. D.) fragm. C (v. 42) and Frisk, *Aegyptus* IX p. 284 note 9; as to BGU 19 II 16 cf. N^o 4 (below).

they were released, whether of ἐκ λεγιώνων, or ἐξ εἴλω[ν] or ἐκ σπειρών or ἐκ τοῦ ἐρετικοῦ⁸.

Lit.: Welles, *J. R. S.* XXVIII, 41 ff; Wenger, *Sav. Z.* LIX, 384; *Arch. f. Pap.* XIII, 262; Westermann, *Class. Phil.* XXXVI, 21 ff; my *Law I* 22₁₀₃; *Journ. Jur. Pap.* I 88; Schönbauer, *Die rechtliche Stellung der Metropoleis im röm. Aeg.* (*Epi-graphica* XI p. 132).

4. BGU 19 II 16 = M. Chr. 85 (135 A. D.).

A χάρις of Hadrian concerning the right of intestacy from a grandmother⁹.

Lit.: Kreller, *Erbr. Unt.* 162, 164₉₂; my *Rezeption* 400₂₂₁; *Law I* 140₁₄; *Journ. Jur. Pap.* V, 127.

5. Fay. 106 = W. Chr. 395 (ca 140 A. D.).

In this petition addressed to Gaius Avidius Theodorus by a physician requesting to be relieved from a liturgy partly on the ground of his profession and partly on account of his ill health, prohibitions, probably issued by the emperor (ἀπογορευμένα), are mentioned¹⁰.

Lit.: Oertel, *Liturgie* 390₅; 391.

6. PSI 1026 (150 A. D.).

An *indulgentia* of Imp. Hadrian for the soldiers of the *classis Misensis* to serve in legions.

Lit.: Degrassi, *Aegyptus* X, 243; v. Schwind, *Zur Frage der Publikation im röm. Recht* 170, 174₃, 184₃.

7. Lond. Inv. N^o 1905 = SB 7602 = *Aegyptus* XIII p. 518 (151 A. D.).

The grant (εὐεργεσία) by Hadrian of a found for the maintenance of the children of the Antinoites registered within thirty days after their birth.

Lit.: Boswinkel, *Vindob. Bosw.* p. 10.

⁸ Cf. Yale Inv. 1528.

⁹ Mitteis, *Hermes* XXX, 584 sees in the χάρις of Hadrian an edict; Mommsen, *Gesamm. Schriften* I, 462 an „ordinance” (Verordnung), 463 an „Erlass”; Kreller, l. c. an „Erlass”; p. 162 note 85, „a constitution”, see 164₉₂.

¹⁰ The ordinance in D. 27, 1, 6, 2 on the exemption of ιατροί from liturgies is also an imperial constitution (an ἐπιστολή Ἀντωνίνου τοῦ Εὐσεβοῦς γραφείση τῶ κοινῶ Ἀσίας).

8. Lond. Inv. N^o 1890 + 1892 (135 A. D.).

Hadrian's privilege (δωρεά)¹¹ by which the Antinoites have been exempted from the ἐγκύκλιον tax.

Lit.: Bell, *Aegyptus* XIII, 515; Curschmann, *Jand. Pap.* VIII p. 302.

9. W. Chr. 27 (II cent. A. D.).

Hadrian's νόμος on ἐπιγαμία of the Antinoites with the Egyptians.

Lit.: Kühn, *Antinoopolis* 93 ff, 119 ff; Curschmann, *Pap. Jand.* VII, 301; my *Law* I, 11, 79; Christophilopoulos, 'Ο μετ' ἄλλοδαπῆς γάμος κατὰ τὸ ἀρχαῖον ἑλληνικὸν καὶ τὸ ἑλληνιστικὸν δίκαιον 16 (Πραγματεῖαι τῆς Ἀκαδημίας Ἀθηνῶν XVII, 2).

10. BGU 1085 (Marcus Epoch).

A χάρις of imp. Antoninus Pius concerning the exemption of the sepulchres as *res religiosae* from fiscal execution.

Lit.: Uxkull-Gyllenband, *Gnomon* p. 4, 13.

11. SB 4284 (Catt. II) (207 A. D.).

An imperial ordinance (ἰερὰ ἐγ[κέλευ]σις) concerning the return of people to their ἰδία.

Lit.: Wilcken, *Arch. f. Pap.* III, 549.

12. Oxy 1202 (217 A. D.).

A privilege (δωρεά) granted to the Oxyrhynchites by Septimius Severus and Caracalla to establish the contest of the ephebi at Oxyrhynchos.

Lit.: Johnson, *Roman Egypt* 297.

13. Rend. 68 (225 A. D.).

In this application concerning the appointment of a guardian a θεία κέλευσις is mentioned by which the juridicus Claudius Herennianus was nominated deputy prefect.

Lit.: San-Nicolò, *Krit. Vjschr.* XXIX, N. F. p. 225; my *Rezeption* 409; *Law* I 120₁₄.

¹¹ (v. 5) μεθ' ὧν ἄλλων ἐχαρίσατο δωρεῶν κτλ; on δωρεά cf. BGU 655 (215 A.D.) referring to θεία δωρεά i. e. to the edict of Caracalla; Osl. III, 126 (161 A. D.), (v. 3). [κατὰ τὰς δωρεὰς τῶν γ]ῆς καὶ θαλάσσης δεσποτῶν; *Jand.* 140 (151 A. D.) (v. 20—21) τὰς δοθε[ί]σας ὑμεῖν ὑπὸ αὐτοῦ [δωρεάς] (privileges); cf. below BGU 1085 and Oxy 1202.

14. Lond. 1157 verso = M. Chr. 199 (246 A. D.).

A draft without names of an application for the instructions addressed to the βιβλιοφύλακες on the registration of a loan in which νόμοι κελεύοντες μηδὲ[ν] ἐπὶ βλάβῃ τῶν δανιστῶν ἀπολοτριῦσται occur. (Cf. on the following constitutions quoted therein, below).

Lit.: my *Law* I, 21₉₉.

15. Lond. III N^o 955 (p. 127 — 8) = W. Chr. 425 (261 A. D.).

The text is an ἀπογραφὴ addressed to the senate of Hermoupolis and refers to a grant of corn made by the Emperors, Macrianus and Quintus [(v. 5) ἐκ τῆς μεγαλοδωρίας] with the request to include the name of the writer among the recipients of the dole.

16. PSI 807 (280 A. D.).

Νόμοι forbidding (κελεύουσιν) to make responsible for debt: a father for a son, a son for a father, a brother for a brother.

Lit.: my *Diokl. Privatrecht* 291/2; my *Rezeption* 407₂₈₂; *Law* I 34₁₈₃; *Journ. Jur. Pap.* V, 137; Arangio-Ruiz, *L'application du droit romain en Égypte après la constitution Antoninienne* (Extr. du Bull. de l'Inst. d'Eg. XXIX, p. 109).

17. Oxy 1414 (270 — 5 A. D.).

The constitution of Septimius Severus on βουλαὶ [(v. 24) [ὁ νόμος] κελεύει] with the previously unknown provision that the pryta-nis should be nominated six months before entering upon office.

Lit.: my art. *Journ. Jur. Pap.* II, 70; Wegener, *The βουλαὶ and the nomination to the ἀρχαὶ in the metropoleis of Roman Egypt* (Mnemosyne IV vol. I 1948 p. 18₂₂).

18. P. Boak N^o 21 (296 A. D.).

A νόμος ruling that the dowries recorded in written agreements must be evaluated by a goldsmith and a tailor before they can become valid.

Lit.: Schubart, *Gnomon* XV, 589 ff; Seidl, *Stud. et Doc.* VI, 214; Wenger, *Verschollene Kaiserkonstitutionen* 372 (Hist. Jahrb. LX 1940); my *Law* I 95₁₉; *Journ. Jur. Pap.* II 70.

19. Oxy 1204 (299 A. D.).

Νόμοι (v. 3 — 4) establishing the provision that the rank of κράτιστος i. e. of the *vir egregius* brings release from *munera*.

Lit.: *The comment.* p. 23; my *Law* I 399₁₃; Wegener, *Βουλαὶ* 35₉₂; 37₉₇.

20. Lond. II N^o 213 verso (p. 160 — 1) = W. Chr. 267 (III cent A. D.).

Νόμοι τοῦ ταμείου according to which, in cases of exaction damaging the fisc, the deficit must be made good from the estate of the exactor and his bail.

Lit.: Oertel, *Liturgie* 202; 358₆; 359₃.

21. C.P. Herm. 52, 22 (III cent. A. D.) (Acts of the senate of Hermoupolis).

Imperial ordinances (τὰ θείως διηγορευμένα) against the illegal εἴσπραξις of certain taxes.

Lit.; Wilcken, *Arch. f. Pap.* III, 524 ff.

22. Thead. 39 (307 — 324 A. D.).

Α θεῖος νόμος of Emperor Licinius establishing that after the proclamation of this law, the νεόλεκτοι have the privilege of (v. 11 — 12) ἀποδόσεως χρημάτων ἢ καὶ ἐσθῆτος.

Lit.: *The comment.* p. 209.

23. Oxy 67 = M. Chr. 56 = P. Meyer, *Jur. Pap.* N^o 87 (338 A. D.).

The rulings of Constantin' on litis denunciatio (αἰ κατὰ νόμους παραγγελίαι (cf. C. Th. II 4, 2 322 A. D.).

Lit.: Steinwenter, *Versäumnisverf.* 113; Boyé, *Denunciatio* 322, 326; Steinwenter, *Sav. Z. L.* 193 ff; *Die Anfänge des Libelprozesses* (Stud. Doc. Hist. et Iuris I p. 10); Wenger, *Zivilprozess* 262; my art. *Journ. Jur. Pap.* II, 71.

24. Cair-Preis. 2₄ (362 A. D.).

Νόμοι τῶν γάμων according to which marriage comes about by giving ἔδνα.

Lit.: my *Diokl. Privatrecht* 234₈; Solazzi, *BIDR XXXIV*, 14; Mitteis, *Grundzüge* 225; my *Rezeption* 296₅; *Law.* I 96₁₀₀; *Journ. Jur. Pap.* II, 71.

25. Oxy. 1101 (367 — 70 A. D.).

The νόμοι in (v. 12) ὅτι δὲ κεκώλυται παρὰ τοῖς νόμοις may allude to imperial constitutions issued before the date of the edict prohibiting recourse to military praepositi on the part of civil litigants.

Lit.: my *Strafrecht* 124; *Law* I 425₂₄; *Journ. Jur. Pap.* II, 21.

26. Lips. 35₄ (about 375 A. D.).

In this papyrus (v. 8) a θεία ὑμῶν καὶ φιλόανθρωπος νο[μ]οθ[ε]σ[ια] is mentioned: περὶ τοῦ δεῖν δ[έ]κα μόνους χρυσίνους παρασχεῖν τοῖ[ς] νεολ[έ]κ[τ]οις.

27. Lips. 41 recto = M. Chr. 300 (IV cent. A. D.).

Nόμοι referring to the provisions on *divortium* for desertion appearing in the legislation after imp. Julian.

Lit.: Levy, *Ehescheidung* 122; Wenger, *Aus Novellenindex* 76 ff; my *Law* I 91₇₃; 96₁₀₀.

28. Oxy 889 (IV cent. A. D.).

A κέλευσις by Diocletian and Maximian of the nature of an indulgence [(v. 5) κεκελεύκαμεν] granting exemption from some municipal burdens on the score of old-age [(v. 9) ἐξηχονταετείς].

Lit.: Wilcken, *Arch. f. Pap.* VI, 267.

29. BGU 1024 p. 8 v. 11 — 21 (IV — V A. D.).

Nόμοι on παραμυθία adjudging one tenth of a murderer's estate to a mother of a murdered daughter who solely provided for her mother's subsistence.

Lit.: Wenger, *Gross Archiv* XVI, p. 304 ff; Brassloff, *Z. f. vgl. Rw.* XXV, 378 ff; my *Strafrecht* 111; *Law* I 308, 329.

30. SB 8944 (IV cent. A. D.).

A νομοθεσία τῶν βασιλέων against illegal nominations to liturgies (ἀπαιτηταί).

Lit.: J. Schwartz, *Bull. de la Fac. d. Lettres d. Strassb.* XVII, 266; on νομοθεσία cf. v. Schwind, l. c. 153.

31. Wess. 20, 143 (V — VI cent. A. D.).

A θεῖος νόμος referring to the sale of pagan temples. (cf. C. I. 1, 11, 5).

Lit.: Wilcken, *Arch. f. Pap.* VII, 106.

32. Cair. Masp. 295 I 3, II 19 (491 — 493 A. D.).

Nόμοι τῶν θειοτάτων ἡμ[ῶ]ν βασιλέων] against those who ἐν [ἐπιθυμ]ία τῶν ἀλλοτρ[ί]ω[v] have seized alien property.

Lit.: Steinwenter, *Arch. f. Pap.* VII, 55; Lewald, *Sav. Z.* XLI, 313; my *Law* I 97₁₀₅; P. Meyer, *Sav. Z.* XLIV, 618; Steinwenter, *Sav. Z.* L, 207.

33. Cair. Masp. 67.032 = P. Meyer, *Jur. Pap.* N^o 52 (551 A. D.).

A νόμος (v. 27) which establishes that persons desiring to execute an imperial rescript, need an *executor negotii* (δεηθ[έντε]ς κατὰ τὸν νόμον πράκτ[ο]ρος ἐκβιβαστοῦ [τοῦ π]ράγματος).

Lit.: P a r t s c h, *Aus nachgel. Schriften* 234 ff.

Opuschi Stein 158.
III Edicts

1. SB 4224 (41 or 43 B. C.).

The edict of Marcus Antonius to the κοινὸν Ἀσίας granting to the σύνοδος τῶν ἱερονικῶν καὶ στεφανιτῶν exemption from military services and billeting.

Lit.: B r a n d i s, *Hermes* XXXII, 509; S a n - N i c o l ò, *Ver-inswesen* I 64.

2. SB 3924 (19 A. D.).

Germanicus' edict ordaining the payment for boats and animals under requisition.

Lit.: W i l c k e n, *Sav. Z.* XLII, 137; *Arch. f. Pap.* VI, 286; J o h n s o n, *Roman Egypt* 622.

3. BGU 628 verso = *W. Chr.* 462 (Nero's epoch).

An edict issued by Octavian concerning the exemption of veterans from military service and *munera publica*, their citizenship and their *ius suffragii*.

Lit.: R o u s s e l, *Syria* (1931), 33 ff; W i l c k e n, *Atti Firenze* 108 ff; P r e m e r s t e i n, *Sav. Z.* XLVIII, 472.

4. BGU 628 recto = *M. Chr.* 371 (Nero's epoch).

An imperial edict regulating the right of appeal in criminal proceedings.

Lit.: M i t t e i s, *Grundz.* 281; D a r e s t e, *Nouv. Rev. Hist.* XXII, 689 ff; C u q, l. c. XXIII, 111; M o m m s e n, *Strafrecht* 472 note 5; G r u p e, *Sav. Z.* XLII, 38; my *Strafrecht* 104 ff; *Law I* 422₆.

5. *W. Chr.* 463 Col. II 10 - 20 (87 — 8 A. D.).

Domitian's edict granting to veterans and their families exemption from all indirect taxes, from harbour and custom duties.

Lit.: D e i s s m a n n, *Licht vom Osten*⁴ 381 ff; S c h e h l, *Aegyptus* XIII, 141 ff.

6. Giss. 4, 3 ff (117 — 8 A. D.).

Hadrian's edict superseding a previous edict and establishing that farmers should hold the lease κατ' ἀξίαν (Cf. offers made on basis of this edict: Giss. N^o 4—7; Ryl. 96; Brem. N^o 36; Lips. Inv. N^o 266).

Lit.: Wilcken, *Arch. f. Pap.* V, 248; Rostowzew, *Arch. f. Pap.* V, 299, *Kolonat* 175; Westermann, *JEA* XI, 165 ff; P. Meyer, *Sav. Z.* XLVIII, 620 ff; Rostowzew, *Gesellschaft u. Wirtschaft im röm. Kaiserreich* II 80, 321.

7. SB 6944 (135 — 9 A. D.).

An edict granting some facilities for the φόρος ἀργυρικὸς of the current year: the tax can be effected by the inhabitants of Thebais in five annual payments, by those from Heptanomia in four, by those from Delta in three.

Lit.: Jouguet, *Rev. d. Et. grecques* XXXIII, 375; Martin, *Raccolta Lumbroso*, 260 ff; Westermann, *JEA* XI, 177; Henne, *Bull. soc. arch. orient.* vol. XXX, I p. 153; Eitrem, *Symb. Osl.* 153.

8. SB 5225 = BGU 1074 (v. 3 — 5) (275 A. D.).

Α κεφάλαιον τοῦ διατάγματος of Hadrian concerning ἀσουλία, μὴ καθισ[τ]άνειν ἐγγυητάς, μὴ δέχεσθαι πρὸς ἀνάγκην ξένους etc.

Lit.: Viereck, *Klio* VIII, 428 ff; Woess, *Sav. Z.* XLVI, 35; P. Meyer, *Sav. Z.* XLVIII, 593.

9. BGU 180 = W. Chr. 396 (172 A. D.).

An imperial διάταγμα granting exemption from liturgies to veterans for five years after discharge.

Lit.: Oertel, *Liturgie* 395 ff; Johnson, l. c. 612, 610.

10. BGU 970₂₈ (177 A. D.).

Αὐτοκρατορικαὶ διατάξεις granting πρωτοπραξία to women's dowry on their husband estates¹².

Lit.: my *Rezeption* 370₅₈; *Law* I 10₄₀, 409₁₆.

11. SB 5343 = Fam. Tebt. 43₂₆ (182 A. D.).

Διατεταγμένα granting to the Antinoites *ius evocandi ad forum Antinoense*. (Cf. Mich. 465 (194 A. D.) and my art. *Journ. Jur. Pap.* I, 123).

¹² As the antithesis ἡγεμονικαὶ διατάξεις shows, αὐτοκρατορικαὶ διατάξεις mean here διατάγματα. In Reinmuth's *Prefect of Egypt* these διατάξεις have not been included (v. index).

Lit.: Wilcken, *Arch. f. Pap.* IV, 366, 377; Kuhn, *Antinoopolis*, 161; Partsch, *Arch. f. Pap.* VII, 268; my *Law I* 11₄₇, 127₅₈, 375₇₅; *Journ. Jur. Pap.* I, 123.

12. Ryl. 77₄₃—₄₄ (192 A. D.).

An edict of Marcus Aurelius (διάταγμα) to the effect that three exegetes designate must be nominated to hold the office of the exegetes.

Lit.: Oertel, *Liturgie*, 327; Wegener, l. c. 118₁₃₉.

13. SB 7366 (200 A. D.).

An ἀπόφασις of Severus and Caracalla; in frg. C (v. 10) we read: [τ]ῷ διατάγματι μου.

Lit.: H. Frisk, *Aegyptus*, IX, 284 note 11.

14. Oxy 899 (200 A. D.).

On the verso (v. 18), it seems to be a short imperial edict bearing upon the immunity of women from γεωργία and beginning: Ἀυτοκράτωρ Καῖσαρ Λούκι(ος) Σεπτίμ(ιος) Σεουήρος Εὐσεβ(ής); the words: γυναῖξιν δικαίας παραιτήσεως occur in l. 21 and a date η (ἔτους) Φαρμουῦθ(ι) η.

Lit.: Oertel, *Liturgie*, 390, 393, 395; Wilcken, *Sav. Z.* XLII, 140 ff; Johnson, l. c. 116.

15. Aberd. 15 (III cent. A. D.).

An edict of Severus and Caracalla concerning probably the taxation administration of ζώγραφοι.

16. Giss. 41 II, 8 (212 — 215 A. D.).

Col. I, 1 *Constitutio Caracallae* on citizenship.

Lit.: my *Law I* 28 note 139; to which add: Bell, *JEA* XXVIII, 39 ff.; XXX, 72 ff; Luzzatto, *Epigrafia giuridica greca e romana* 301; Bell, *l'Antiquité classique* XV, 137; *Journ. Rom. Stud.* XXXVIII, 17 ff; Arangio-Ruiz, *L'applicazione del diritto romano in Egitto dopo la costituzione di Caracalla* (Extr. du Bull. de l'Inst. d'Egypte XXIX, 83 ff); Schönbauer, *Das röm. Recht nach 212 in ausschliesslicher Geltung?* (SA a. d. Anz. d. phil. hist. Kl. d. öst. Akad. d. Wiss. Jhg. 1949 N^o 17); Wenger, *Neue Diskussionen zum Problem „Reichsrecht und Volksrecht“* (Mélanges F. de Visscher III 1950 p. 52 ff); A. d'Ors Pérez Peix, *Estudios sobre la constitutio Antoniniana* (Emerita vol. XI 1943, 297; Anuario de historia de derecho espanol vol. XV 1944 p. 162,

l. c. vol. XVII 1946 p. 586 ff; „Sefarad” vol. VI (1946) p. 21); Keil, *Zum Text der Constitutio Antoniniana* (Anz. d. öst. Akad. d. Wiss. phil. hist. Kl. Jhg. 1948 p. 143); Schönbauer, *Wartlaut und Sinn der C. A.* (Atti del Congr. intern. d. dir. rom. e di storia del diritto vol. IV, 105 ff); my article *The Roman Authorities and the Local Law before and after the C. A.* (Journ. Jur. Pap. V, 141 ff); Amelotti, *Studi et doc. hist. et Iuris* XV, 46.

Col. II 8 a novel (διάταγμα) to the general edict on amnesty dated February 212.

Lit.: L. Mitteis, *Sav. Z.* XXXIII, 171₁; Wilcken, *Sav. Z.* XLII, 152₂.

17. Oxy 1406 (213 — 217 A. D.).

An edict of Caracalla concerning senators who assault or use unseemly language towards the president, or other members of their body.

Lit.: my *Law* I 35.

18. Fay. 20 (shortly after 222 A. D.).

Severus Alexander's Δόγμα concerning the remission of the *aurum coronarium* for the whole empire.

Lit.: Wilcken, *Arch. f. Pap.* III, 169; *Sav. Z.* XLII, 129 ff, 150 ff; Schubart, *Arch. f. Pap.*, XIV, 44.

19. PSI 797 (232 A. D.).

Am imperial πρόσταγμα probably concerning *adaeratio* (ἐξαργυρισμός) of taxes in kind.

Lit.: Wilcken, *Grundz.* 360.

20. SB 6824 (250 A. D.).

A Πρόσταγμα of Decius on the prosecution of Christians.

Cf. Modrzejewski, *Journ. Jur. Pap.* V, 202 note 57. To his list add: W. Chr. 125 and J. Schwarz, *Une déclaration de sacrifice du temps de Dèce* (Revue bibl. LIV, 365 ff) cf. *Journ. Jur. Pap.* III, 190.

Lit.: Krebs, *Libellus libellatici* (SB Pr. Ak. d. Wiss. 1893); Wessely, *Patrologia orientalis* IV, 1907; Meyer, *Libelli* (Abh. d. Berl. Akad. d. Wiss. 1910); Faulhaber, *Z. für kath. Theol.* XLIII, 439 — 66, 617 — 56; Knipfing, *Harvard Theol. Rev.* XVI, 345 — 90; Cabrol-Leclercq, *Dict. Archeol. chret.* IX, 80 — 85; Bludau, *Röm. Quart. Schr. Suppl. H* XXVII, 4 ff.

21. Ryl. 650 = Ryl. IV 607 (late III cent. A. D.).

An imperial edict depreciating the Italian nomisma to the value of half a *nummus*.

Lit.: C. H. Roberts and H. Mattingly, *Trans. of the Intern. Numism. Congr. London 1936* pp. 246; Wilcken, *Arch. f. Pap.* XIII, 240 — 1; T. C. Skeat, *JAE* XXV, 31 — 2; Wenger, *Hist. Jhrb. d. Görres Ges.* LX, 1940 p. 370; my *Law* II 88.

22. P. Cair. Boak N^o 1 = SB 7622 (297 A. D.).

Diocletian's edict introducing the new system of taxation. (Cf. Corn. 19 (298 A. D.); SB 7623 (298 A. D.); SB 8924 (298 — 9 A. D.); W. Chr. 228 (298 A. D.); Lond. V 1647 (298 A. D.); Cair. Boak N^o 8 — 11 = SB 7669 — 7672 (299 A. D.); Thead. 54,55 reed. Et.de Pap. III, 18 (299 A. D.); Ryl. IV 659 (300 A. D.); Merton N^o 31 (301 A. D.); Corn. 20 (302 A. D.); Corn. 20 A = W. Chr. 229 (303 A. D.); SB 4295 (303 A. D.); 4296 (303 A. D.); Strassb. 42 (310 A. D.).

Lit.: Wilcken, *Arch. f. Pap.* V, 265; *Grundz.* 226; my *Law* II, 40.

23. Berl. Möller N^o 13 verso (III — IV A. D.).

A [μεγα]λοδωρία ὑπὸ τοῦ κυρίου — [Σ]εβαστο[ῦ] προτεθείση [ἐν τῇ πόλει τῇ τῶν Ἀλε]ξανδρ[έ]ων ἀπὸ τῆν στοάν concerning liturgies.

24. PSI 965 (IV — V cent. A. D.).

The ἱερὸς νόμος of Diocletian A. D. 301 *de maximis pretiis*.

Lit.: Wilcken, *Arch. f. Pap.* IX, 71; P. Meyer, *Sav. Z.* XLVIII, 633.

25. Thead. 33, 5 (312 A. D.).

An imperial πρόσταξις concerning probably *aurum tironicum*.

Lit.: Wilcken, *Grundz.* 219.

IV Rescripts

1. Bell, *Jews and Christians* N^o 1912 (41 A. D.).

Claudius rescript to the Alexandrines concerning imperial cult, the rights of the Alexandrines and Jews.

Lit.: my *Law* II 18; see on this passage the literature in Jones, *The Cities of the Eastern Roman Provinces* 471 note 7.

2. BGU 1074, 1 — 3 = SB 5225 (33 A. D.).

A rescript by the imperor Claudius to the associations of Dionysian artists confirming the privileges granted them by Augustus.

Lit.: Viereck, *Klio* VIII, 423; San-Nicolò, *Vereinswesen* I, 59.

3. Lond. III, N^o 1178 p. 214 = W. Chr. 156 (v. 32 — 36) (194 A. D.).

Vespasian's rescript confirming the privileges granted by Claudius to the σύνοδος ξυστική περιπολιστική.

Lit.: Mitteis, *Sav. Z.* XXVIII, 384.

4. Tebt. 286 = M. Chr. 89 (121 — 138 A. D.).

A rescript of Hadrian on *iniusta possessio*.

Lit.: below.

5. Würzb. 9 (v. 28 — 33) (Marcus epoch).

Hadrian's διάταξις concerning the immunity from liturgies enjoyed by the citizens of Antinoopolis outside their own city. (Cf. BGU 1022₆ = W. Chr. 29 (196 A. D.); Oxy 1119 = W. Chr. 397 253 A. D.), on the date cf. Grenfell-Hunt, Oxy XII, p. 230; Preisigke, *Berichtigungsliste* 332; Stein, *Arch. f. Pap.* VII, 43; K. S. Gapp, *Trans. Proc. Amer. Phil. Ass.* LXIV 94₃; Osl. III 126 (shortly after 161 A. D.); the editors refer also Oxy 2130 (267 A. D.) to this διάταξις; on SB 7814 (256 A. D.) see Weiss, *Sav. Z.* XXXVI, 167; on the suppression of this privilege between 254—5 cf. Gapp l. c. 94 ff; Wilcken, *Arch. f. Pap.* XI, 285, 303.

6. Jand. 68 (II cent. A. D.).

Hadrian's rescript establishing *minimum-census* for *chiristae*.

Lit.: Oertel, *Liturgie*, 416 ff.

7. SB 8012 (149 A. D.).

A rescript of Emperor Antoninus Pius to the city of Antinoe. The contents not preserved.

8. Rend. Harr. 67 (ca 150 A. D.).

A Greek translation of a Latin rescript addressed to an Egyptian, probably about the appointment of a guardian.

Lit.: San-Nicolò, *Krit. Vjschr.* XXXIX, p. 254—5; Wilcken, *Arch. f. Pap.* XII, 235₁₁; Wenger, *Actes Oxford* 557 ff; Steinwenter, *Studi in onore di V. Arangio-Ruiz* II 182 ff.

9. BGU 74 B (II) verso (sec. hand.) (167 A. D.).

Ἀντίγραφον ἐπι[σ]τ[ο]λ[ῆ]ς τῶν κυρίων, (v 5) δωρεᾶς; rest illegible.

10. Oxy 1120 = P. Meyer, *Jur. Pap.* N^o 17 (198 — 201 A. D.).

A rescript concerning *restitutio in integrum* granted under Roman Law to minors.

Lit.: my *Rezeption* 400₂₂₃; *Sav. Z.* 54, 141; *Law I* 127₅₇, 237₁₀, 238₁₃.

11. Strassb. I 22 = M. Chr. 374 = P. Meyer, *Jur. Pap.* N^o 54 (III cent. A. D.) (cf. BGU 267 (199 A. D.) a copy of this rescript).

A rescript on *longi temporis praescriptio*.

Lit.: W e n g e r, *Verscholl. Kaiserkonstitutionen* 364 ff; K r e l l e r, *Aegyptus XIII*, 268 ff; my *Rezeption I* 373₃₉, 379₆₄; *Law I* 174₅₇; 184₃₁.

12. PSI 281 (199 A. D.).

A rescript on *longi temporis praescriptio*.

Lit.: my *Law I* 184₂.

13. BGU 473 = M. Chr. 375 (200 A. D.).

A rescript of Severus and Caracalla probably concerning *cessio bonorum*.

Lit.: M i t t e i s, *Hermes XXXII*, 651; W e i s s, *Sav. Z. XXXVI*, 168₄; W o e s s, *Sav. Z. XLIII*, 519; my *Law I* 134₅; W e g e n e r, l. c. 124₁₅₉.

14. PSI 1052 (III cent. A. D.).

A γραμματεῖον (rescript or decree?) of Severus and Caracalla; the contents not preserved.

Lit.: W i l c k e n, *Arch. f. Pap.* IX, 83 ff.

15. Oxy 705 (v. 1 — 53) = W. Chr. 153 (202 A. D.).

A rescript of Severus and Caracalla confirming the benefactions stipulated by their founder for annual contests of ephebi at Oxyrhynchos.

Lit.: J ö r s, *Sav. Z. XXXVI*, 248.

16. Oxy 705₅₄—79 = W. Chr. 407 (202 A. D.).

A rescript of Severus and Caracalla signifying their approval of a benefaction to the assistance of the inhabitants on whom the λειτουργία fell.

17. PSI 199 (203 A. D.).

Θεῖαι διατάξεις (cf. Ber. Liste p. 392) of Hadrian concerning the celebration of Μεγάλα Ἀντινόεια in Antinoe. (cf. Lond. III, p. 165, 13; Oxy 705 v. 50).

Lit.: W i l c k e n, *Chrest.* p. 181 note 50.

18. P. Giss. 40 Col. II 16 = *W. Chr.* 22 (215 A. D.).

A rescript addressed to the prefect concerning the expulsion of the Egyptians from Alexandria.

19. Flor. 88₂₅ (215 A. D.) (?).

A fragment of an application to the prefect where (v. 25) θεῖαι διατάξεις and (v. 23) ὀνομασία (on this term cf. *W e g e n e r*, l. c. 19) are mentioned.

20. Flor. III 382 (222 — 3 A. D.) (Cf. Flor. 57).

Διατάξεις (v. 1—3) (v. 7) concerning the exemption of septuagenaries from liturgies.

Lit.: *W i l c k e n*, *Arch. f. Pap.* III, 535; *O e r t e l*, *Liturgie*, 374₁₀.

21. Par. 69 = *W. Chr.* 41 II 20 (232 A. D.).

Θεῖαι διατάξεις on *longi temporis praescriptio*.

Lit.: *P a r t s c h*, *L. t. p.* 59 ff; 111 ff; *W e n g e r*, *Verscholl. Kaiserkonstitutionen* 360 — 1.

22. SB 5294 = *Wess.* 20, 35 (335 A. D.).

The ordinance (διάταξις) of Alexander Severus concerning the use of the Greek language in testaments.

Lit.: *A r a n g i o - R u i z*, *Succ. test.* 266; *d e R u g g i e r o* *BIDR* XIX, 289 ff; *M i t t e i s*, *Röm. Privatrecht* I 282; *K r e l l e r*, l. c. 331; *W i l c k e n*, *Arch. f. Pap.* VII, 101; *M a s c h i*, *Aegyptus* XVII, 226; my *Rezeption* I, 403₂₄₉, 411₃₃₀; *A m e l o t t i*, *Stud. et Doc. Hist. et Iuris* XV, 57; my *Law* I, 146.

23. Flor. 98₉ (238 A. D.).

An ordinance of a βασιλικὸς γραμματεὺς in which (v. 9) αὐτοκρατορικαὶ διατάξεις concerning (v. 11) [λει]τουργίαι are mentioned.

Lit.: *W i l c k e n*, *Arch. f. Pap.* IV, 454.

24. Tebt. 285 = *M. Chr.* 379 (239 A. D.).

A rescript of Gordian directing that the failure to register children should not deprive them of their right to legitimacy and conversely that the false assertion would not affect their legal status.

Lit.: *M i t t e i s*, *Sav. Z.* XXVIII, 358 ff; *K r e l l e r*, *Erbr. Unt.* 121; *W e i s s*, *Griech. Privatrecht* I, 390; my *Law* I 22₁₀₁.

25. Oxy 2104 (241 A. D.).

A rescript of Severus Alexander addressed to the Greek community in Bithynia concerning the right of appeal (D 49, 1,25).

Lit.: P. Meyer, *Sav. Z.* XLVIII, 580; *Studi Bonfante* II, 341; Wilcken, *Arch. f. Pap.* IX, 89 ff; Boyé, *Stud. Bonf.* IV, 183₂, 202₇₆; my *Law I* 22₁₀₃; 422₆.

26. Lond. 1157 Col. III p. 111 = M. Chr. 199 (246 A. D.).

A *ἱερὸν γνώμων* concerning *alienatio in fraudem creditorum*. (cf. D 42, 8, 10 § 1).

Lit.: Mitteis, *Sav. Z.* XXVIII, 381; my *Rezeption* 379₆₅; *Law I* 21₉₉.

27. CPR 20 = W. Chr. 402 = Wessely, *Stud. Pal.* V N^o 93 (ca 250 A. D.).

Νόμοι and *διατάξεις* concerning *cessio bonorum*.

Lit.: Rabel, *Sav. Z.* XXVII, 321₃; Mitteis, *Sav. Z.* XXXII, 346; Woess, *Sav. Z.* XLII, 486; P. Meyer, *Sav. Z.* XLVI; 617; A. Boyé, *Studi Bonfante* IV 183₄, 196₅₃, 198, 198₆₅, 200; my *Law I* 398₁₃, 405₂₃; Wegener, l. c. 117.

28. Ryl. 117 (260 A. D.).

Θεῖοι νόμοι = *θεῖαι διατάξεις* (v. 14, 27) establishing that those who have inherited nothing from deceased persons cannot be held responsible for the debts of or claims made against the latter.

Lit.: Mitteis, *Sav. Z.* XXXVII, 322; Kreller, l. c. 412; Korosêc, *Erbenhaftung* 113₇; Solazzi, *Racc. Lumbroso* 246₁₁; my *Rezeption* 403₂₄₄, 414₃₅₂; *Law I* 22₁₀₃, 164.

29. CPHerm. 119 verso 3 = W. Chr. 158 (267 A. D.).

A letter (v. 11) *θεῖα γράμματα* of Emperor Gallienus granting freedom of all *ἀρχαὶ* and *λειτουργίαι* to an orphan being a descendant of famous athletes.

Lit.: Wilcken, *Arch. f. Pap.* III, 540, 547; Oertel, *Liturgie* 390₅; Wegener, *Symb. van Oven* 116.

30. Lips. 44 II — III = M. Chr. 381 (undated).

A rescript issued by Diocletian and Maximian to a *synodus xy-ticorum and thymelicorum* establishing the conditions under which the athlete can be granted immunities.

Lit.: Mitteis, *Grundz.* 290.

31. PSI 111 (287 — 304 A. D.).

A rescript of Diocletian and Maximianus relating to *longi temporis praescriptio*.

Lit.: P Meyer, *Sav. Z.* XLIV, 601; my *Diokl. Privatrech* 172₉; *Rezeption* 403₂₄₂; *Law I* 184₃.

32. PSI 292 III cent. A. D.).

A θεί[α αὐτοκρ]ατορικὴ διάτα[ξι]ς on *cessio bonorum* in administrative cases.

Lit.: my *Rezeption I* 403₂₄₄; *Law I* 229₂₁; 405₂₃.

33. Thead. 27₁₁ (292 A. D.).

An imperial rescript specifying harvest taxes.

Lit.: Mitteis, *Arch. f. Pap.* II, 268; on θεία διατύπωσις (indictio), Johnson, *Egypt and the Roman Empire* 75 ff.

34. Oxy 1405 (III cent. A. D.).

A rescript of Severus concerning *cessio bonorum*.

Lit.: Boyé, *Studi Bonfante* IV, 197₅₉, 198₆₄; my *Law I* 405₂₃; Wegener, l. c. 121 and passim.

35. Oxy 1407₁₅ (late III cent. A. D.).

Two fragments of a series of imperial rescripts — too small to be intelligible. Three rescripts in Col. I. The first (v. 1 — 8) seems to have been a more or less favorable answer to a petition (v. 6 — 7), and to have been written from Neapolis (v. 8); the second rescript (v. 9 — 16) was issued from Rome by an Emperor bearing the titles Pius Felix Augustus; lines 10 — 11 appear to be concerned with an official appointment which, as is shown by the following lines, had some bearing on ναύκληροι and a πρυτάνεια. Perhaps the corn-supply was the main subject but ἔφεσις (appeals) are mentioned. The third rescript (v. 17 — 21) was in the form of a short letter to the senate and people and in some way related to παῖδες, perhaps children of gymnasiarchs or of other municipal officials.

36. Amh. 27 = M. Chr. 380.

A rescript of Diocletian and Maximian (?) concerning forged rescripts.

Lit.: my *Rezeption* 403₂₄₄; *Law I* 22₁₀₃.

37. PSI 112 (316 A. D.).

A fragment of an imperial rescript (unintelligible).

Lit.: my *Rezeption* 403₂₄₄; *Law I* 22₁₀₃.

38. SB 8246 = Arangio-Ruiz, *Fontes* III N^o 101 (340 A. D.)

Constantin's rescript on *longi temporis praescriptio*.

Lit.: Wilcken, *Arch. f. Pap.* XIII, 242 ff; Wenger, *ibid.* 257; *Hist. Jahrb.* IX (1940), 359; Kapsomenes, *Byzant. neogr. Jhb.* XV, 293 ff; Cl. Préaux, *Chron. d'Égypte* (1939) 186; Arangio-Ruiz, *Parerga* 79 ff; my *Law I* 184; Schönbauer *Der juristische literarische Papyrus der Wenger Festschrift* 432 (Anz. Wien A. K. 1951 N° 26).

39. Lips. 33 II 15 = *M. Chr.* 55 = P. Meyer, *Jur. Pap.* N° 88 (368 A. D.).

A rescript on *hereditatis petitio partiaria*.

Lit.: Mitteis, *Sav. Z.* XXVIII, 381; my *Rezeption I* 403₂₄₃, 412₃₃₉; *Law I* 149₃₄, 383₃₀, 384_{37,38}.

40. PSI 685 (IV cent. A. D.).

A διάταξις concerning the exemption of *munera corporalia* and of *capitatio* on the score of old age and ill health (v. 3 perhaps ὑ[πὸ τῶν θείων δια]τάξεων [τ]ῶν δεσπότων).

Lit.: P. Meyer, *Sav. Z.* XLVI, 266.

41. PSI 452₁₅ (IV cent. A. D.).

A rescript on fraudulent manumission.

Lit.: P. Meyer, *Z. f. vgl. Rw.* XXXIX, 222 ff; my *Rezeption I* 403₂₄₄, 404₂₅₇; *Sav. Z.* L, 167; Wenger, *Acta Congr. intern.* I, 212; *Law I* 22₁₀₃; 75.

42. Oxy 2106 (IV cent. A. D.).

An imperial rescript for the collection of a quantity of gold which was to be delivered within a stated period at Nicomedia in Bithynia.

Lit.: P. Meyer, *Sav. Z.* L, 513, 549; Wilcken, *Arch. f. Pap.* IX, 93.

43. Wessely, *Schriftafeln* N° 22 (433 A. D.).

Two Latin rescripts in private affairs; the first concerns the payment of a long protracted claim, the restoration of a number of slaves, and the restitution of land and fees, wrongfully exacted by the defendant; the second concerns a cession, the restitution of some gifts, a *revocatio in servitutum*, and the annulment of the purchase of a slave.

Lit.: Mommsen, *Gesamm. Schriften* II, 342 ff; Krüger, *Rechtsquellen*², 336; Wilcken, *Atti Firenze* 120.

44. PSI 684 (V cent. A. D.).

A θεία διάταξις referring to the illegal appointment of *exactores* (cf. C. Th. XII, 6, 20 = C. I. X, 70, 8).

45. Leid. Z = W. Chr. 6 (425 — 50 A. D.).

A Latin rescript issued by the imperial chancellery (probably from Constantinopolis) in answer to a petition of the bishop from Syene, whose certain letters are preserved.

Lit.: Wilcken, *Arch. f. Pap.* I, 399 ff.

46. Stud. Pal. I p. 6 N^o 31 (Pap. Antinoe) (480 A. D.).

A θεία διάταξις (v. 31) evidently referring to the imperial constitution Nov. Theod. 16 § 2 — 5 = C. I. 6,23, 21.

Lit.: Arangio-Ruiz, *Succ. Test.* 274; P. Meyer, *Jur. Pap.* 66; Kreller, *Erbr. Unters.* 288.

47. Ryl. IV 609 (505 A. D.).

A *sacra iussio* issued by the imp. Anastasius whereby young men of strong physique are to be attached to units to bring them up to strength.

48. Lond. 1663, 4 (VI cent. A. D.). (parallel to Cair. Masp. III 67.321 (548 or 563 A. D.).

An imperial θεῖος καὶ πραγματικὸς τύπος by which the emperor orders that a corps of Numidians should be stationed at Hermopolis.

49. Cair. Masp. 32 = P. Meyer, *Jur. Pap.* N^o 52 (551 A. D.).

A θεία κέλευσις [(v. 23) = τύπος (v. 41) = *sacra divina iussio*] obtained by the plaintiffs in an unspecified case.

50. Cair.-Masp. 24 (551 A. D.).

The papyrus refers to an imperial rescript θεῖαι συλλαβαί¹³ (v. 14, 18, 19, 52), translated from Latin. It concerns fiscal claims against a certain Theodosios and a series of other claims.

Lit.: Gelzer, *Arch. für Pap.* V, 287, 370; Partsch, *Aus nachgel. Schriften*, 282 ff.

51. Cair. Masp. 67.039 (VI cent).

A fragment of an imperial rescript.

Lit.: Partsch, *Aus nachgel. Schriften* 215.

¹³ Cf. SB 7438 (Justinians epoch) (v. 5) θείων ἔτυχεν συλλαβῶν πρὸς τὴν ὑμετέραν φιλαθροπείαν see Wilcken, *Arch. f. Pap.* IX, 251.

52. Cair. Masp. 67.028 = M. Chr. 382 (551 A. D.).

A rescript in a lawsuit in which the emperor rules that whatever the *pater binubus* had conceded to his first wife this must be restored to her, while to the disposition of his own property the constitution of Emperor Leo is applicable under which the *pater binubus* should not pass to his second wife more than he has given to the children born of the first marriage.

Lit.: Mitteis, *Grundz.* 230; Partsch, l. c. 222 ff; my *Law I*, 93.

53. Cair. Masp. 67.026 (ca 551 A. D.).

An imperial rescript in a case of *actio familiae erciscundae* (?).

Lit.: Partsch, l. c. 215 — 6, 218 ff; Peters, *Sav. Z.* XXXII, 305 ff.

54. Cair Masp. 67. 019 (548 — 551 A. D.).

A θεῖος τύπος τοῦ τῆς θείας λήξεως Λέ[ον]τος concerning autopraxis of the κόμη Aphrodito.

Lit.: Gelzer, *Arch. f. Pap.* V, 371.

55. BGU, 836, 3 = W. Chr. 471 (Justinian's epoch)¹⁴.

An imperial rescript assessing the annual amount for the *embole* and the *annona*, and containing an order for its exaction to the *praefectus praetorio* (*delegatio*: θεία δελεγατίων or διατύπωσις).

Lit.: Mitteis, *Arch. f. Pap.* II, 268 — 9; Wilcken, *Grundz.* 224; Petropoulos, *P. Ath.*, p. 272; Johnson, *Egypt and the Roman Empire* 112.

V Decrees

1. P. Bibl. Univ. Giss. 46 (Imp. Gaius) = Giss. V. Mitt. a. d. Papyrussammlung der Giss. Univ. Bibl.

A death sentence passed by Emperor Gaius on a false accuser for usurpation and assumption of a false personal status, namely the Alexandrian citizenship, carried out by fire.

¹⁴ As to Mon. 14 (594 A. D.) (v. 71) θεῖα βέρβα and in (v. 85) θεῖα ἀδνουατίων (*divina adnotatio*) cf. Kipp, *Quellen*³, 83; Krüger, *Quellen*² 306; Partsch, *Gött. Gel. Anz.* 1911, 220₂; Wenger, l. c. 164 cf. also Mon 7₅₂ and Wenger l. c. see also Lond. 79, 46 (VI cent. A. D.) (the testament of bishop Abraham): θεῖος καὶ πραγματικὸς τύπος in clauses corroborating the testament, resp. the διάλυσις — with no reference to any particular case.

Lit.: Premerstein, l. c. 641; Bell, *Journ. Jur. Pap.*, IV, 28 ff, 30 ff.

2. W. Chr. 14 (Claudius' era).

The records of the proceedings against an Alexandrian gymnasiarch before Emperor Claudius, closed with a death sentence.

Lit.: Bell, l. c. 33.

3. Amh. 68, 34 = W. Chr. 374 (Domitian's epoch).

Α σύγκριμα περι ἐωνημένης for cases when no χέρσος is sold. The buyer and the respective officials are responsible and bear the consequences of their illegal act.

Lit.: Rostowzew, *Kolonat* 97; Seidl, *Eid* II, 73 ff.

4. Tebt. 286 = M. Chr. 83 (121 — 138 A. D.).

Hadrian's and Trajan's ἀποφάσεις are cited that in law-suits on ownership no inquiries into the possession are needed.

Lit.: Wilcken, *Hermes*, LV p. 32 note 1; Mitteis, *Sav. Z.* XXVIII, 386; XXXVIII, 320; Weiss, *ibid.* XXXIII, 218; 223, 253; Jörs, *ibid.* XXXVI, 240₂, 259₂, 278₂₃, 280₄; XL, 47₅; my art. *Sav. Z. L.*, 141₃ passim; *Rezeption* I 400₂₁₉; *Law* I 29₄₀.

5. Bad. 72 (Hadrian's epoch).

In (v. 31) the reference is probably made to an imperial decree concerning the right of intestacy for the children of a soldier to their father's estate.

Lit.: P. Meyer, *Sav. Z.* XLVI, 361; XLVIII, 66; Wilcken, *Arch. f. Pap.* VIII, 90; Schubart, *Gnomon* II, 233; my *Rezeption* I, 379₆₂; *Law* I 82₂₁; 142₂₇.

6. Oxy 33 = W. Chr. 20 (Imp. Commodus era).

Criminal proceedings before the Emperor Commodus against the gymnasiarch Appianos in which a sentence of death is passed.

Lit.: Bell, *Journ. Jur. Pap.* IV, 40 ff.

7. Berl. Frisk. N^o 1 = *Aegyptus* IX, 281 = SB 7366 (200 A. D.).

An ἀπόφασις of Emperor Severus and Caracalla (contents not preserved).

Lit.: Wilcken, *Arch. f. Pap.* IX, 248.

8. Lond. Inv. N^o 2365 = SB 7696 (250 A. D.).

In this law-suit of κωμηταὶ from Arsinoe against the βουλή from Arsinoe a decree of Septimius Severus concerning liturgies is mentioned.

Lit.: Wenger, *Actes Oxford* 540 note 3; v. Schwind, *Zur Frage der Publikation im röm. Recht.* 152 ff; J o l o w i c z, *Case Law in Roman Egypt* p. 9; P r é a u x, *Chronique d'Egypte* XXXIII p. 106; my art. *Journ. Jur. Pap.* II, 71; W e g e n e r, l. c. 17, 20 - 21 and passim.

9. SB 3919, 8 (III cent. A. D.).

An order by the prefect to the ἐπαρχος σπειρης ἁ Λυσιτανῶν ἱππικῆς for determining the boundaries in execution of a θεία βίβλος.

10. Oxf. Pap. N^o 6 (330 A. D.).

In (v. 11) the reference is made to the *decretum divi Marci*.

Lit.: my art. *Journ. Jur. Pap.* II, 71.

11. Wess. Stud. XX, 88 (337 A. D.).

In (v. 18) the same reference is to be found as in Oxf. Pap. N^o 6.

Lit.: my art. l. c.

VI M a n d a t a

1. BGU 140 = M. Chr. 373 (119 A. D.).

Epistula divi Hadriani granting the children of soldiers the right of succession on intestacy in the praetorian class *unde cognati*.

Lit.: K r e l l e r, *Erbr. Unters.* 156 — 7; W e i s s, *Studien zu d. röm. Rechtsquellen* 103; my *Rezeption* 379₈₂, 385₁₁₅; *Law* I 80₁₆, 142₂₇; B e r g e r, *Journ. Jur. Pap.* I 28 ff.

2. P. Catt. Recto Col. I 15 ff = M. Chr. 372 (134 A. D.).

The sentence of ἀρχιδικαστής in Col. II 20 (cf. Col. II, 1 ἀπηγορευ <ο>μένου στρατιώταις ἔλεσθαι] γυναῖκας; Στρα[τι]ώ[ταις μὲν ἀπηγό]- ρευται γυναῖκας ἐλ[έσ]θαι) alludes probably to the imperial mandata prohibiting soldiers to marry.

Lit.: E r m a n, *Sav. Z.* XXII, 237 ff; P. M e y e r, *Arch. f. Pap.* III, 69 ff; M e n k m a n n, *Het Huwelijksverbod voor Soldaten ten tijde* (see *Journ. Jur. Pap.* I, 93).

3. Gnomon Idiologu (BGU V).

Lit.: S. R i c c o b o n o jun. *Il Gnomon dell'Idios Logos* (1949) and the literature quoted there.