

# Taubenschlag, Rafał

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"Eine byzantinische  
Gestellungsbürgerschaft aus der  
Papyrussammlung der österreichischen  
Nationalbibliothek (P. E. R.) in Wien  
(Pap. Graec. Vindob. 25.656)", Hans  
Gerstinger, "Jahrbuch der  
byzantinischen Gesellschaft in  
Österreich", II, 1952 : [recenzja]

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The Journal of Juristic Papyrology 7-8, 408-409

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1953-1954

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sister (cf. my *Law* I, 83); a Latin account in P. S. I. 1321 and finally P. S. I. 1315 (127 B. C.) — a letter in which Phainippos authorises Appolonios to deliver to its bearer two usual pitchers of wine for the jailers.

PAPYRI FROM THE BYZANTINE AND ARAB PERIOD

Hans Gerstinger, *Eine neue "Apionenurkunde" aus der Papyrussammlung der österreichischen Nationalbibliothek in Wien (PER)* (Sonderabdruck aus "Wiener Studien" LXVI [1953]).

This papyrus from the year 492 A. D. contains a deed, by which Fl. Jacobus — "a miller at the office of the *praeses provinciae Arcadiae*" became surety to Apion's house (τῷ οἴκῳ Ἀπίωνος) represented by its book-keeper Apollo, that Aurelios Amasion who was also a book-keeper of this house and having obtained a public office intended to leave his post as a book-keeper and was therefore by order of Apion arrested — would in spite of his public office retain his post as a book-keeper. Should Amasion not fulfill his duties as a book-keeper, the surety undertakes to bring and put him in prison from which he was released. If the surety fails to do so, he has to take upon himself the responsibility of paying all damages. On Apion's and the importance of this papyrus for the history of this house cf. the editor p. 178 ff; on agency cf. my *Law* I, 233; on δημόσιος τόπος in v. 15 cf. Wenger, *Quellen* 753 ff; on deeds of surety my *Law* I, 415<sub>23</sub>; 418<sub>42</sub>.

Hans Gerstinger, *Eine byzantinische Gestellungsbürgschaft aus der Papyrussammlung der öst. Nationalbibliothek (P.E.R) in Wien* (Pap. Graec. Vindob. 25.656) (S. A. aus Jahrbuch der byzantinischen Gesellschaft in Österreich II [1952] S. 13—21).

The papyrus contains a deed by which three Copts became sureties, ἐξ ἀλληλεγγύης for a whole family of *coloni* from the village Thmoiamunis (father, mother, brother of the father, his wife and two children) who are in jail for debts, and undertake, after their release, to produce them on demand of the creditor by whose order they were arrested, without any excuse and delay and deliver them to the same prison from which they were released. Should they fail to do so, they will take upon them the responsibility of paying the debts of the prisoners; cf. on similar deeds of surety my *Law*, I, 380<sub>9</sub>; 408; 412<sub>10</sub>; on the mutual responsibility of the

members of the family for debts cf. my art. *Journ. Jur. Pap.* V, 125, 137 ff.; on ἐξ ἀλληλεγγύης cf. my *Law* I, 31 ff.; cf. also the supplementary phrase (v. 6): ὀπότερος ἡμῶν ἐνεχόμενος ὑπὲρ τοῦ ἑτέρου, ὁ εὐπορος ὑπὲρ τοῦ ἀπόρου, ὁ παρῶν ὑπ[ἐ]ρ τοῦ ἀπόντος, ὁ ζῶν ὑπὲρ τοῦ ἀποθνήσκοντ[ος]. The editor refers to Lond. 31 (= M. Chr. 237) containing a similar phrase.

L. Casson and E. L. Hettich, *Excavations at Nessana vol. 2, Literary Papyri*, Princeton University Press, 1950.

Among the literary papyri published in this work are the fragments of P. Ness. II, 11 and 12, of juristic character, the contents of which are not still identified. As Seidl (11 *Bericht*, 347) assumes, No. 11 (6—7 cent. A.D.) deals with the maritime law. No. 12 appears to contain a discussion of some phase of the law of inheritance.

Roger Rémondon, *Papyrus grecs d'Apollônios Anô* (Documents de Fouilles de l'Institut français d'archéologie orientale du Caire, t. XX, 1953).

The Greek papyri in this admirable collection are classified in three groups: official documents (No. 1—56), letters and private documents (No. 57—72), accounts and lists (No. 73—104). The addressee and sometimes the author of these texts is Papas, who was pagarchos at Apollonopolis of Amont between the years ca 703 and 714 apparently without interruption. During these ten years Papas is shown to us together with his family: his father Liberios, his brother Johannes, his wife Sara and his children. He is a great landowner and because great ownership is joint with political power, Papas is also pagarchos.

Therefore he performs the same functions and suffers the same anxieties as his contemporary Basilios of Aphrodito. But the situation of Apollonopolis is different from that of Aphrodito. So Apollonopolis never corresponds directly with the governor of Egypt: the pagarchy depends upon the emir of Thebaïde or of united Thebaïde and Arcadia. On the other hand, the emir is frequently absent and he is represented permanently by his lieutenant, the topoteretes. This official serves as an intermediary between the emir and all the pagarches of Thebaïde and this hierarchy is preserved in all the spheres of the administration: police, jurisdiction and finance. So inside the pagarchy Papas represents the