

Notulae Syriacae

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NOTULÆ SYRIACÆ.

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I.

WHILST engaged this autumn in making a catalogue of the Syriac and Arabic manuscripts presented by the Society for Promoting Christian Knowledge to the University Library of Cambridge, I came across a volume (at present numbered 26), of the xiiith century, the contents of which, though mainly theological, are more than usually various and interesting. Unhappily, some wretched possessor of the manuscript was careless enough of his property to mutilate it wantonly by tearing out the first four quires, and with them has perished nearly the whole of the most curious item of the contents, a heretofore unknown recension of the "Secular Laws of the Emperors Constantine, Theodosius and Leo."

Bruns and Sachau have edited in their *Syrisch-Römisches Rechtsbuch aus dem fünften Jahrhundert* (Leipzig, 1880) no less than four redactions of these Laws, two in Syriac, one in Arabic,¹ and one in Armenian.² We are now in possession of a fragment of a third Syriac version, which must have differed very considerably from the other two.

According to the subscription, f. 2 b, these enactments were issued by the emperor Leo about the year 517 of the era of Antioch, *i.e.* about A.D. 468. The oldest

¹ This document was transcribed by me for my teacher the late Professor Rödiger. This is not stated in the note in Bruns's Preface, p. vii.

² Compare my article *Syriac Literature* in the *Encyclopædia Britannica*, vol. xxii., p. 834.

5 *ιούγερα*, which make 10 *πλέθρα*, of vineyard were constituted 1 *ιούγον*.
 20 *ιούγερα* of corn land, which make 40 *πλέθρα*, give the *annonæ* of
 1 *ιούγον*.

225 rods of first-class olives give the *annonæ* of 1 *ιούγον*.

450 rods of hill give the *annonæ* of 1 *ιούγον*.

So too land which is (of) less (value) and set down as hill; 40 *ιούγερα*, which make 80 *πλέθρα*, give (the *annonæ* of) 1 *ιούγον*. But if it be set down or registered as of third quality (*τρίτη*), 60 *ιούγερα*, which make 120 *πλέθρα*, give (the *annonæ* of) 1 *ιούγον*.

The hills were registered thus. From among the landed proprietors¹ whom they registered at that time of registration, certain persons, to whom authority was given by the crown, called in certain of the hill folk, and according to their scrutiny (*δοκμασία*) it was written down how much land a modius of wheat or barley would take.

So also they wrote down as regards land that is unsown, which is pasture-land for the flocks, what *συντέλεια* it shall make for the *ταμειών*. And there are villages which give every year to the *ταμειών* for the land used as pasture-ground 1 *dinâr* (aureus), and some 2 *dinârs*, and some 3, and some more. And this tax on the pasture-land the Romans levy in the month of *Nisân* (April) for the pasturing of their horses, and buy food for their animals."

Of the remaining sections the Syriac text seems to be rather less corrupt.

§ 93 = Arm. 141.

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¹ I suppose the *ܕܥܡܬܐ*, 'owners' or 'lords,' to be identical with the *ܕܥܡܬܐ* ܕܥܡܬܐ, 'owners of villages' or large landed proprietors. Of these the government authorities would no doubt keep accurate registers.

² Read *ܕܥܡܬܐ*, without *ܕܥܡܬܐ*. This clause seems to be wanting in Arm.

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"94. Whether a man, who for God's sake rears up orphans and does not accept (the post of) curator according to law, can be required to pay debts on their behalf, or be brought into court for any other matter, before they attain their legal majority? He cannot be sued in the place of the orphans except in this way. The creditor shall take part of the *οὐσία* of the orphans, which is put in pledge to him by a *χάρτης*, he making a writing before the priests of the village as follows, 'I M have received of the *οὐσία* of N what was pledged to me by a *χάρτης*,' so that he may sow and consume the yield thereof and manage it as he will, whether it be land or a house or a *στοά*; he preserving it for the orphans until they come of age, 25 years. If they are come of age, and demand the pledge at the hands of the creditor, the whole produce of the pledge which he has received shall be made known. If it exceed in amount the interest of the debt, it shall be restored so as to become the orphans' (property); but if it fall short, they shall make good (the deficiency) to the creditor."

"95. If a man has sons, and one of his sons borrows money from another man, either for the purpose of trading or for things that are required for his use, and the man's son who incurred the debt dies, or flees to another place, can the creditor get his debt paid by his father or one of his heirs? The creditor cannot demand the debt from his father or from a brother, unless he can prove that the father or brother has taken something of the *παραθήκη* of the debt (something of the borrowed articles as a deposit). But if the man's father can show that there was in the trade or in the *οὐσία* of his son some of his own property, he shall receive it, and the lender too shall be paid out of the *οὐσία* of the borrower. But if he who borrowed leaves no inheritance or property, he who lent to the youth shall bear the loss, for he has no way (*ἀγωγή*) of suing the man's father."

"This edict was issued in the time of the emperor Leo about the year 517 according to the number of the era of Antioch."

¹ C has a point after ܡܪܝܬܐ .

² C ܡܪܝܬܐ .

³ C ܡܪܝܬܐ ܕܡܪܝܬܐ ܕܡܪܝܬܐ .

