INDEX TITULORUM

II

IPc, the partial index of the Basilica in cod. Paris. gr. 1349

1. IPc is a partial index titulorum of the Basilica, covering the books 45 up to and including 50. The index is transmitted in cod. Paris. gr. 1349, a Basilica manuscript dating from the eleventh century. The Parisinus hands down the index on the ff. 1r – 6v (pos. 1). The text of the index titulorum was written by the main scribe of the manuscript (viz. hand A), who inter alia also wrote B. 45 – B. 48 accompanied by scholia (pos. 2), and the Rhopai (pos. 4); finally, the Parisinus hands down the Index Reginae (pos. 7, written by hand B). There are two other manuscripts handing down the index titulorum of B. 45 – B. 50. It concerns the codd. Ambros. D 474 inf. and Paris. gr. 1354. The Ambrosianus was written in 1556 by Camillo Zanetti; the index titulorum occurs on the ff. 1r – 5v (pos. 1). The Parisinus 1354 dates from the year 1556 as well; this manuscript transmits the index, written by Manuel Probatares, on the ff. 281r – 285v (pos. 20). As cod. Paris. gr. 1349 is the (direct) exemplar of both cod. Ambros. D 474 inf. and cod. Paris. gr. 1354, the latter two manuscripts are to be looked upon as codices eliminandi with regard to the transmission of the text of IPc.

In IPc, I stands for Index, whereas Pc is the siglum used by the editors of the Groningen edition of the Basilica in order to designate cod. Paris. gr. 1349. The index is as yet unpublished. In what follows, IPc will be quoted after the lines of the new critical edition given below.


4 On this, cf. again RHBR, I, Nos. 162, 125 and 168 resp.


2. As has been stated above, the text of IPc has so far remained unpublished. But is this index titulorum truly worth a critical edition? Is IPc more than just a πίναξξ of the Basilica in cod. Paris. gr. 1349?

As a matter of fact, it is. Long ago, Heimbach observed that regarding both its contents and its form, IPc resembles the index titulorum of the first nine books of the Basilica in cod. Cois. gr. 151. There is more to this, however. The index referred to by Heimbach is none other than ICb 2, thus designated because after the Index Coislinianus it is the second index titulorum of the Basilica handed down by the Coislinianus 151. In the prolegomena to its editio princeps, the general features of the latter index have been described as follows. In its original and purest form, ICb 2 was nothing more than a bare list of Corpus iuris source references. The index divided the text of B. 1 – B. 9 into titles and enumerated for each of these titles which provisions from Justinian’s legislation – which were always accompanied by their respective rubrics – made up the text of those titles. Within each title, the index also mentioned Basilica chapters – always by using the phrase μετάφρασιν –: these chapters marked the beginning of a new series of fragments derived from one particular Digest title, of constitutions from one particular title from the Code, and of (parts from) particular Novels. The transmission of the text of the index through the centuries has caused fractures in this overall pattern: while ICb 2 provides full-scale information in some of its parts, it is defective in others. Sometimes, e.g., ICb 2 omits Corpus iuris source references altogether and merely lists Basilica title rubrics.

IPc has retained the above overall pattern far better than ICb 2. The index in the Parisinus 1349 provides accurate information regarding the internal structure of the books 45 – 50 of the Basilica. IPc does so by listing the exact contents of every title of those Basilica books: for each title, the index contains full references to the Justinian legislation, consisting of Greek versions of Latin title rubrics from the Digest and the Code, and of original Greek rubrics of the Novels; in its turn, each of those rubrics is followed by a phrase mentioning the relevant book and title of the Digest or the Code, or the number of the Novel concerned. With regard to the Basilica themselves, IPc does not hand down title rubrics, but only book numbers – each time accompanied by a note stating the total

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9 The numbers of the Novels in IPc are in accordance with the counting in the Collection of 168 Novels; cf. § 4.1 below. For a complete overview of all the provisions from the Justinian legislation occurring in IPc, cf. the Concordance concluding the edition of the text of IPc.
number of titles within the Basilica book concerned –, title numbers and chapter numbers. While referring to chapters, IPC systematically uses the phrase κεφάλαιον. The use of this term in order to denote Basilica chapters is not entirely self-evident, as in Byzantine legal sources such as the Basilica scholia κεφάλαιον does occur in direct references to the Justinian legislation. In these references, κεφάλαιον – the occurrence of which may, generally speaking, be a matter of transmission rather than deliberate choice – seems to allude to the subdivision of e.g. Digest titles into fragments or Codex titles into constitutions.10 In the context of IPC, however, the term κεφάλαιον undoubtedly refers to a chapter from the Basilica. First, the uninterrupted rising sequence in the counting of κεφάλαια within any Basilica title in IPC makes this very clear. In B. 45,1, for instance, we come across the κεφάλαιον numbers Ơ͹Úƨơ͹Úƨơ͹ÚƨƢ͹Úƨƣ͹ÚƩ΅͹Úƪơ͹Úƪ΅͹Úƫ͹ and so on, in an uninterrupted rising sequence. If the term κεφάλαιον were used to denote e.g. Digest fragments, one might expect the chapter number Ơ͹ to occur more often, as in B. 45,1 the fragments from D. 38,6 commence with D. 38,6,1, those from D. 38,12 with D. 38,12,1, those from D. 38,16 with D. 38,16,1,12 and so on. But the number Ơ͹ occurs only once. Clearly, IPC uses the term κεφάλαιον in the meaning of Basilica chapter, thus marking the beginning of a new series of text fragments originating from one and the same title from the Digest or the Code, or from one of Justinian’s Novels. Second, IPC mentions only titles from the Digest and the Code, omitting references to individual fragments and constitutions. However, there is an exception to this. Constitutions from C. 6,62 occur on two locations in B. 45,1. At the first occurrence, it concerns only one constitution. In a note, IPC refers to this constitution by using the term διάταξις. The relevant part of the note reads: βιβλίον Δτγ., μ’ τίτ. α’ κεφ., α’ ‘Book 40 of the Digest, title 1, chapter 1’. On the use of the term κεφάλαιον in general, cf. H.J. Scheltema, ‘Subseciva. III. Die Verweisungen bei den frühbyzantinischen Rechtsgelehrten’, TRG 30 (1962), pp. 355-357 (356) (repr. in: N. van der Wal/J.H.A. Lokin/B.H. Stolte/R. Meijering, [collegerunt], H.J. Scheltema Opera minora ad iuris historia pertinentia, Groningen 2004, pp. 116-118 (117)); cf. also B.H. Stolte, ‘Further to understanding the marginal gloss of the corrector ordinarius in the codex Florentinus on fol. 439r’, TRG 73 (2005), pp. 385-389 (386-387). On the use of the term κεφάλαιον in the source references in the Parisinus 1349, cf. Th.E. van Bochove, ‘Scholia and Index titulorum. On the relation between the apparatus of scholia in cod. Paris. gr. 1349 and IPC’, SG VIII (the present volume), § 4.2.


11 Cf. BT 2071/5, 2073/20, 2074/8 resp..

12 Cf. BT 2071/5, 2073/20, 2074/8 resp..


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diátaxis and diakíreseis – the former referring to the subdivision of Codex titles into constitutions, the latter to that of Novels into smaller text units – argues against the notion that IPc would use the phrase κεφάλαιον in order to allude to subdivisions of the text of the various parts of the Justinian legislation.¹⁵

3. With regard to the second above question – viz. the issue whether or not IPc is more than just a simple πίναξ of the Basilica in cod. Paris. gr. 1349 – it can be observed that there are considerable differences between the index on the one hand and the Basilica as transmitted by the Parisinus on the other.

3.1 The most important difference is, of course, the fact that IPc covers B. 45 up to and including B. 50, whereas Pc “merely” hands down B. 45 – B. 48, accompanied by scholia. This fact has already been known for a long time. It remains uncertain how this combination of Basilica texts in the Parisinus 1349 came about. Pringsheim once argued that IPc originally did not belong to the text of the Basilica in Pc, but was copied from a prototype covering more.¹⁷ That may very well be the case, but it is at present impossible to substantiate this claim. The same goes for Pringsheim’s suggestion that IPc might originate from a Basilica manuscript now lost, the so-called codex Ridolfi:¹⁸ ultimately, this suggestion cannot be verified. The most important thing, however, is that IPc covers more Basilica books than Pc hands down. This adds greatly to the value of IPc.

¹⁵ On the occurrence of the phrase κεφάλαιον in IPc, cf. § 5.2, § 5.4 and § 5.6 below; cf. also Van Bochove, ‘Scholia and Index titulorum’, § 4.2.


¹⁸ Cf. Pringsheim, Zum Plan, ibid.: ‘Auch dies spricht dafür, daß der Index nicht zum Text gehört, sondern anderswoher entnommen ist (vielleicht aus dem verlorenen Cod. Ridolfi (...))’. Originally, this manuscript was part of the library of Cardinal Nicolò Ridolfi. After the death of the Cardinal in 1550, it was acquired by Strozzi and eventually transported to France where it ended up in the library of Queen Catharine de Medici (1519-1589). In all probability, the manuscript contained the books 46 – 60 of the Basilica (text without scholia); it was used by Jacques Cujat (1522-1590) for his commentary on the final three books of the Code of Justinian (Ad tres postremos Codicis Justiniani libros commentarii, 1562). The manuscript was lost ca. 1571. For all this, cf. Mortreuil, Histoire, II, pp. 199-203 and 433-434; Heimbach, Prolegomena, pp. 171-172 and 177-180; H.J. Scheltema/N. van der Wal, [edd.], Basilicorum Libri LX, Series A Volumen VII: Textus librorum LIII – LIX, Groningen/’s-Gravenhage 1974, pp. xviii – xix.
3.2 A second major difference emerges from the respective numbers of title rubrics: IPc transmits 120 rubrics, while the text of the Basilica in Pc hands down 38. Is it possible to explain this numerical difference? Of course, part of the difference may be accounted for by the fact that IPc covers six Basilica books, whereas Pc hands down four, but this cannot entirely explain why IPc transmits thrice as many rubrics as the main text of Pc. The main reason for this is the fact that IPc contains Corpus iuris title rubrics. It has already been pointed out that the index provides an accurate description of the contents of each title of B. 45 – B. 50 by enumerating the constituent parts of those titles: source references to the Justinian legislation, each time preceded by Greek versions of title rubrics from the Digest and the Code and by original rubrics from the Novels. By way of contrast, the main text of Pc transmits Basilica title rubrics. Because of this, any comparison between the rubrics in IPc and those in the main text of Pc should be made with caution. Comparison is nevertheless possible. Sometimes, a Basilica title consists of only one Corpus iuris title: in such a case, a Greek version of the original Corpus iuris title rubric may function as the rubric of the Basilica title. It also happens that a Greek version of the rubric of the first title from the Digest or the Code – or the rubric of the first Novel – occurring in a Basilica title serves as the rubric of that Basilica title. And sometimes a Basilica title rubric is a composite entity consisting of a number of Greek versions of Corpus iuris rubrics.

Comparison between the rubrics in the main text of Pc and those in IPc is possible in altogether 45 instances: in B. 45 – B. 48, Pc transmits 38 Basilica title rubrics, seven of which are composite. In 22 cases, there is full textual agreement. Minor divergencies occur in fifteen instances. These divergencies may consist of minor textual variants (three cases), shorter or longer additions (ten cases), or a combination of both (two cases). Major divergencies occur in eight instances. In these cases, the rubrics – which will be

19 B. 45,2 rubr.: BT 2089/3 (Pc, f. 23r) = IPc 32; B. 45,3 rubr.: BT 2097/3-4 (Pc, f. 30v) = IPc 47; B. 45,5 rubr.: BT 2114/3-4 (Pc, f. 47v) = IPc 62; B. 45,6 rubr.: BT 2115/3-4 (Pc, f. 48r) = IPc 69; B. 46,2 rubr.: BT 2121/3 (Pc, f. 52v) = IPc 81; B. 46,3 rubr.: BT 2124/3 (Pc, f. 55v) = IPc 84; B. 47,1 rubr.: BT 2127/4 (Pc, f. 57r) = IPc 88; B. 47,3 rubr.: BT 2148/3 (Pc, f. 77v) = IPc 104; B. 48,2 rubr.: BT 2162/3 (Pc, f. 91v) = IPc 116; B. 48,3 rubr.: BT 2166/3 (Pc, f. 95v) = IPc 121; B. 48,5 rubr.: BT 2198/3 (Pc, f. 134v) = IPc 131; B. 48,6 rubr.: BT 2211/3 (Pc, f. 151v) = IPc 136; B. 48,7 rubr.: BT 2213/3 and 4-5 (Pc, f. 152v) = IPc 139-140; B. 48,8 rubr.: BT 2219/3 (Pc, f. 159v) = IPc 146; B. 48,11 rubr.: BT 2231/3 (Pc, f. 173v) = IPc 159; B. 48,16 rubr.: BT 2245/3 (Pc, f. 186v) = IPc 184; B. 48,17 rubr.: BT 2247/3 (Pc, f. 187v) = IPc 187; B. 48,18 rubr.: BT 2248/3 (Pc, f. 188v) = IPc 190; B. 48,19 rubr.: BT 2249/3 (Pc, f. 189v) = IPc 193; B. 48,24 rubr.: BT 2263/3-4 (Pc, f. 203v; cf. BT 2263 app.) = IPc 212; B. 48,25 rubr.: BT 2264/3 (Pc, f. 203v) = IPc 218; B. 48,26 rubr.: BT 2266/3-4 (Pc, f. 204v) = IPc 221-222.

20 B. 48,4 rubr.: BT 2179/3 (Pc, f. 109v) ≠ IPc 128; B. 48,9 rubr.: BT 2227/3 (Pc, f. 169v) ≠ IPc 149; B. 48,14 rubr.: BT 2240/3-4 (Pc, f. 180v) ≠ IPc 172.

21 B. 45,4 rubr.: BT 2104/3 (Pc, f. 36v) ≠ IPc 55; B. 46,1 rubr.: BT 2117/4-5 (Pc, f. 49v) ≠ IPc 78; B. 47,2 rubr.: BT 2146/3 (Pc, f. 75v) ≠ IPc 101; B. 48,1 rubr.: BT 2158/4 (Pc, f. 87v) ≠ IPc 113; B. 48,5 rubr.: BT 2198/3-4 (Pc, f. 134v) ≠ IPc 153; B. 48,7 rubr.: BT 2213/3-4 (Pc, f. 152v) ≠ IPc 142; B. 48,10 rubr.: BT 2228/3 (Pc, f. 170v) ≠ IPc 154; B. 48,13 rubr.: BT 2236/3-4 (Pc, f. 176v) ≠ IPc 169; B. 48,14 rubr.: BT 2240/4 (Pc, f. 180v) ≠ IPc 177; B. 48,21 rubr.: BT 2258/3 (Pc, f. 198v) ≠ IPc 200.

22 B. 45,1 rubr.: BT 2071/4 (Pc, f. 7v) ≠ IPc 4; B. 48,3 rubr.: BT 2166/4 (Pc, f. 95v) ≠ IPc 124.
quoted in full – show limited textual correspondence; however, they are related as regards contents:

(1) B. 45,3 rubr.: BT 2097/4-5 (Pc, f. 30r) καὶ ὅτι ἵσως κληρονομοῦσιν οἱ ἔξ ἄρρητον γόνατα καὶ θηλυκοὶς συγγενεῖς ↔ IPc 49-50 <δίδακσι> ἀναμορφά τὰ ἀδινατικά καὶ τὰ κονιανικὰ <δίδακσι> καὶ ταυτοῦτα τὰς ἔξ ἀδινατοῦ κλήσεις.23

(2) B. 48,12 rubr.: BT 2234/3-4 (Pc, f. 175v) περὶ συμπαιγνίας ἀπελευθούμενης καὶ περὶ τῶν ἐν ἑνωμέρῃ ἐλευθεροῦντων ↔ IPc 165 ὅτε κατὰ συμπαιγνίαν τοῦ δεσπότου ἐλευθερῶς ὁ δοῦλος χρῆται καὶ τούτῳ ὑποδειγμᾶ.24

(3) B. 48,15 rubr.: BT 2243/3 (Pc, f. 185r) περὶ δοῦλου ἐνεγκυοδοσίας ἀπελευθορώσεως ↔ IPc 180 περὶ προκειμένων δοῦλων τῶν ὑποκειμένων εἰς ἐνέγρουν, εἰ ἐλευθεροῦνται.25

(4) B. 48,20 rubr.: BT 2251/3 (Pc, f. 191r) περὶ ἐλευθερούμενος πράγματος ↔ IPc 196 περὶ τρόπων ἐλευθερίας καὶ σύγνοιας καὶ περὶ καταστατικῶν ὑποθέσεων.26

(5) B. 48,22 rubr.: BT 2259/3 (Pc, f. 200r) περὶ τάξεως διαγράφων ↔ IPc 204 περὶ τοῦ αὐτοκεφάλου ἐλευθερίας καὶ ἔτερου διόραμα· ποιῶν διὰ πρῶτον κριθήναι.27

(6) B. 48,23 rubr.: BT 2262/3 (Pc, f. 202r) περὶ συνδυασμοῦ ἀναφανείος ↔ IPc 208 περὶ τοῦ συμφαράγνου τῆς δεσποτικῆς οἰκήτου καὶ περὶ ἀπελευθέρων.28

(7) B. 48,24 rubr.: BT 2263/4 (Pc, f. 203r) (καὶ) περὶ πεκουλίου τῶν ἐλευθερίας ἀξιωθέντων ↔ IPc 215 περὶ πεκουλίων οἰκήτων καὶ ἐλευθερωθέντων.29

(8) B. 48,26 rubr.: BT 2266/4-5 (Pc, f. 204r) (καὶ) περὶ τῶν ἔξ ἐλευθερίας καὶ ἐναπογραφοῦ τυπομένων ↔ IPc 227 περὶ τῆς μεριζομένης γονῆς τῶν γεωργῶν.30


23 Transl: ‘cognate relatives of male descent and of female descent shall inherit equally’ (BT), ‘constitution abolishing (the difference between) the agnatic and the cognatic rights, and regulating the intestate successions’ (IPc).

24 Transl: ‘exposure of collusion and those who manumit in church’ (BT), ‘when a slave is judged free in collusion with his master, and this is discovered’ (IPc).

25 Transl: ‘manumission of a slave given in pledge’ (BT), ‘dotal slaves on whom is established a (non-possessory) pledge: if they are manumitted’ (IPc).

26 Transl: ‘lawsuit concerning freedom’ (BT), ‘modes of freedom and of being freeborn, and lawsuits concerning personal status’ (IPc).

27 Transl: ‘order of judicial inquiries’ (BT), ‘if a second judicial inquiry coincides with the one concerning personal status, which case must be decided first’ (IPc).

28 Transl: ‘collusion coming to light’ (BT), ‘the slave who has had sexual intercourse with his mistress, and on freed-men’ (IPc).

29 Transl: ‘(and) the property of him who has deserved freedom’ (BT), ‘property owned by slaves and by freedmen’ (IPc).

30 Transl: ‘(and) those who are born from a free woman and an adscripticius (serf)’ (BT), ‘division of the offspring of coloni (serfs)’ (IPc).

31 The text of B. 48,26 is also handed down by cod. Paris. gr. 1357 (Pd), the Collection of 168 Novels (Nov.), and partly by the Synopsis Basilicorum Major (Syn.); cf. BT 2266 – 2269 app. crit. and app. test., and Scheltema/Van der Wal, Basilicorum libri LX, A VI, pp. ix, xi and xiii. Pc and Pd transmit
from three different Novels: B. 48,26,1 is derived from Nov. 78 cc. 1 and 2, B. 48,26,2 originates from Nov. 119 c. 2, while Nov. 162 cc. 2 §1, and 3 underlie B. 48,26,3. 32 This state of affairs is explicitly confirmed by three scholia in Pc: in the right margin of f. 204r we read ἐξαχαλίσκοι οὐ’ διὰ τὸν αὐτ. α’, in the left margin of f. 205r ἐξαχαλίσκοι οὐ’ ἔστη· γ’, and, finally, in the left margin of the same folio ἐξαχαλίσκοι οὐ’ διὰ τὸν β’ Θεμ. β’. 33 These three scholia are written right beside the Basilica chapters to which they pertain: they can be characterized as regular source references denoting the origin of the texts concerned. Thus, it would seem certain that Nov. 162 is a constituent part of the text of B. 48,26. However, IPc does not list Nov. 162 as one of the sources underlying the text of B. 48,26. For this title, the index does refer to the Novv. 78 and 119, 34 but immediately after these references IPc continues with the note κεφάλαιον γ’: περὶ τῆς μερικομένης γονῆς τῶν γεωργίων νε. όνος’ ἤ ὀλην’ ναχαλίσκοι. 35 Instead of Nov. 162, then, IPc clearly regards Nov. 156 as the source underlying the final chapter of B. 48,26, thus opposing the main text of the Basilica title in Pc, including its scholia. 36

3.4 The above differences clearly demonstrate that IPc is not a simple πίναξ of the Basilica in cod. Paris. gr. 1349: evidently, the index is not based on the main text of the Basilica in Pc. The differences also argue against the notion that the Basilica text in Pc and IPc, or rather – as Pc dates from the eleventh century – their ultimate exemplars, were originally written by one and the same scribe. If this had been the case, one might have expected close correspondence rather than the above considerable differences. What remains is a third and final possibility: the ultimate exemplars of IPc and the Basilica in Pc were probably written independently from one another, viz. by different scribes. Thus, it would seem possible that the ultimate exemplar of IPc originated prior to the ultimate exemplar of the Basilica in Pc. Be that as it may, a critical edition of IPc itself is well

32 Cf. BT 2266/6, 2267/27 and 2268/5.
33 BS 3019/4 (sch. Pc 1* ad B. 48,26 rubr.), transl.: ‘Novel 78, constitution 1’; BS 3019/20 (sch. Pc 2* ad B. 48,26 = Nov. 119 c. 2), transl.: ‘Novel 119, chapter 3’; BS 3020/3 (sch. Pc 2* ad B. 48,26,3 = Nov. 162 cc. 2§1. 3), transl.: ‘Novel 162, constitution 2, paragraph 2’, resp.. The phrase διὰ τὸν occurring in the first and third scholion is perhaps to be read as διὰ τῆς πίναξος; cf. BS 3019 app. ad l. 4 διὰ τοῦ, and BS 3020 app. ad l. 3 διὰ τοῦ.
34 Cf. IPc 220-225.
35 IPc 226-227. Transl.: ‘chapter 3: division of the offspring of coloni (serfs); Novel 156, the entire Novel’. It should be noted that IPc does mention Nov. 162 in l. 98, as constituent part of B. 47.1.
36 Nov. 156 and Nov. 162 c. 2§1 and c. 3 deal with the same subject matter, viz. the partition of the offspring of coloni adscripticii (serfs); cf. SK 733/1-16 and 748/15-749/11 (for SK, see the following note); cf. also N. van der Wal, Manuale Novellarum Justiniani. Aperçu systématique du contenu des Novelles de Justinien, Groningue 1998°, Nos. 407 and 408. At present, we can only guess at the cause why the Basilica text itself hands down Nov. 162 whereas IPc refers to Nov. 156. On the Novv. 156 and 162, cf. also § 4.2 (1) below.
justified, if only for the large quantity of Greek versions of Corpus iuris title rubrics in this index titulorum of the Basilica.

4. Is it possible to be more specific as to when the ultimate exemplar of IPc was written? Sadly, IPc does not yield direct evidence with regard to its dating. There is, however, enough circumstantial evidence which allows us to postulate a date for the ultimate exemplar of IPc in the later ninth century.

4.1 The first set of evidence can be derived from references to the Novels in IPc. The Novels of Justinian have mainly come down to us in the form of the Collection of 168 Novels, and are accessible in the standard edition of that Collection prepared by Schöll and Kroll.37 The text of the Novels has mainly been transmitted by two manuscripts, viz. the codd. Marc. gr. 179 and Laurent. plut. 80.4.38 In its presentation of the text of the Collection, L strongly deviates from M: in the Laurentianus, the text has been altered by the omission of complete Novels and of minor text portions, by modifications and by transpositions of passages from one Novel to another. All omissions, modifications and transpositions taken together show, that the text of the Collection has undergone some sort of systematic update, aiming at the elimination of useless repetitions and of passages containing rules abrogated by more recent Novels. Apparently, the author of the text version represented by L wanted to produce a compilation of Novels that exclusively contained valid rules of law. The text version of the Collection in the Laurentianus constitutes a separate recension, in what follows to be designated as recension L.39

Recension L of the Collection of 168 Novels underlies the Novel part of IPc:40 the index provides solid evidence to that effect.

(1) The first piece of evidence can be found in the reference to Nov. 118, which occurs in B. 45.3. The relevant passage reads: κεφάλαιον η’ <διάταξις> ἀναμφότερα τὰ ἀδικατικά καὶ τὰ μορφατικά <δικαίωμα> καὶ τυποῦσα τὰς ἐξ ἀδιαθέτου κλήσεως νε. μη’ διαίρεσις α’, β’.

37 R. Schöll/G. Kroll, [edd.], Novellae, [Corpus iuris civilis (editio stereotypa secunda), III], Berlin 1899 (many reprints). In what follows, this edition will be referred to as SK. The Novels will be quoted after page and line.

38 On the Marcianus (= M), dating from the end of the twelfth / beginning of the thirteenth centuries, cf. RHBR, I, No. 296; SK, pp. viii-x. On the Laurentianus (= L), dating from the second half of the thirteenth century, cf. RHBR, I, No. 67; SK, p. x. For a complete listing of all manuscripts handing down (parts of) Novels, cf. RHBR, I, pp. 408-409.

39 For all this, cf. Van Bochove, ‘Incorporation of Justinian’s Novels’, pp. 56 and 76; on recension L of the Collection of 168 Novels in general, cf. N. van der Wal, ‘La version florentine de la Collection des 168 Novelles’, TRG 49 (1981), pp. 149-158. For all the relevant details, cf. pp. 150-151 (omission of complete Novels; a list of the omitted minor passages occurs in p. 150 n. 4), pp. 151-152 (transposition of passages from one Novel to another), and p. 152 (modifications).

40 It goes without saying that the scribe of Pc cannot have drawn directly on L with regard to the Novel part of both IPc and the main text of the Basilica in Pc, as L dates from the second half of the thirteenth century, whereas Pc was written in the eleventh.
The Greek rubric of Nov. 118 exists in a number of versions. In the Breviary of Justinian’s Novels compiled by the lawyer Theodore of Hermoupolis we read: "περὶ ισότητος ἀγνατικῶν καὶ κογνατικῶν δικαίων." In the Syntagma of Justinian’s Novels compiled by Athanasios Scholastikos of Emesa, the rubric reads: "ἡ διάταξις ἀναιροῦσα τὰ ἀδικαία <
dicai> καὶ τυποῦσα τὰς ἐξ ἀδικηθέτου κλήσεως." In the Collection of 168 Novels itself, the rubric reads: "διάταξις ἀναιροῦσα τὰ adgnatikà δικαία καὶ τυποῦσα τὰς ἐξ ἀδικηθέτου κλήσεως." The latter two rubrics correspond nearly completely with the rubric of Nov. 118 in IPC, with one very important exception: in its version of the rubric, IPC hands down the phrase "καὶ τὰ κογνατικά," whereas these words are lacking in both Athanasios and the Collection. Consultation of the critical apparatus of Nov. 118 rubr. in SK shows that the phrase "καὶ τὰ κογνατικά" does occur as a variant reading in cod. Laurent, plut. 80.4, and only there. In view of this, it would seem quite certain that the rubric of Nov. 118 in recension L of the Collection of 168 Novels underlies the rubric of Nov. 118 in IPC. It is true that the version of the rubric in the Breviary contains the phrase cognaticων δικαίων, but otherwise Theodore’s rubric deviates too much from its counterpart in IPC.

The second piece of evidence can be obtained from the reference to Nov. 164, which occurs in B. 45,3 as well. In IPC, we read: κατάλυσαν θ’· περὶ κληρονόμων νε. ὅδ’ ἡ διὸ καταλύσαν. In the Collection of 168 Novels itself, the rubric of Nov. 164 reads: "περὶ κληρονομίων." Reading the critical apparatus pertaining to this rubric shows that the phrase κληρονόμων is handed down by index L and by manuscript l. Index L is a πίνακας of the rubrics of the Novels, transmitted in the Laurentianus on the ff. 1r – 2v, directly preceding the text of the Novels. The beginning of the index is lacking: it commences in IPC 48-50. Transl.: ‘chapter 8: constitution abolishing (the difference between) the agnatic and the cognatic rights, and regulating the intestate successions; Novel 118, sections 1, 2, 3, 4, 5, 6, 7, 8.’


Nov. 118 rubr. (SK 567/2-5). Transl.: ‘constitution abolishing the agnatic rights, and regulating the intestate successions’. Cf. SK 567 app. ad l. 3 adgnatikà: ‘ἀδ νατικά (ἀγνατικά) ind.) Ath. adgnatikà (aonatikà ind.) καὶ cognatici L’.

IPc 51-52. Transl.: ‘chapter 9: heirs; Novel 164, the entire Novel.’


Cf. SK 751 app. ad l. 16: ‘περὶ κληρονομίων …) περὶ κληρονομίων l, ind. L’.

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the middle of the text of the rubric of Nov. 52. The siglum l was used by SK in order to designate cod. Bonon. bibl. commun. B. IV. 67. This manuscript, the present day cod. Bonon. B 1419, is a direct copy of the Laurentianus 80.4, and was written ca. 1505. For their edition of the second half of Nov. 163 and the Novv. 164 – 167, Schöll and Kroll had to rely on this copy of Laurentianus, as the final part of L itself – viz. the quires κε′ and κε″, among others containing the just mentioned text portion – was lost during the years 1542 – 1544. In 1952, the two quires of the Laurentianus were found again: in that year, the first sixteen leaves of cod. Leid. Periz. F. 35 were positively identified as the missing final part of L. In the case at hand – the rubric of Nov. 164 –, we can be quite certain of the transmission of the phrase κληρονόμων in both l and the Laurentianus/ Perizonianus: Holwerda’s comparison of the text in l with that in its direct exemplar gives no reason to doubt this conclusion. Even more important than the issue of the variant readings κληρονόμων / κληρονομιῶν is the mere reference to Nov. 164 in IPc. For, from the apparatus testimoniorum in SK it appears that this Novel has only been handed down by 1/ L: cod. Marc. gr. 179 omits this Novel altogether. The reference to Nov. 164 can be regarded as a clear indication that recension L of the Collection of 168 Novels underlies the Novel part of IPc.

(3) The third piece of evidence is to be found in the reference to Nov. 36, which occurs in B. 45.6. In IPc, the relevant passage reads: καρφάλαιον β’ περί τῶν ἐν Αἱρετικῆς διαδόχων νε. λει’ ἂν ὑπάρχῃ νεαρά. Nov. 36 was originally issued in Latin. Consultation of the apparatus testimoniorum pertaining to this Novel in SK shows that the Marcianus omits Nov. 36 altogether, whereas the Laurentianus hands down the Greek version of Theodore. The same version also ended up in the text of the Basilica. The way in which this came about is in short as follows. The Latin Novel 36 – promulgated by Justinian in the year 535 – did indeed belong to the original Collection of 168 Novels. At a moment which can no longer be specified, it was substituted by its Greek summary from Theodore’s Breviary. But this

49 Cf. SK, p. x; RHBR, I, No. 67, pos. 1.
53 IPc 70-71. Transl.: ‘chapter 2: successors in Africa; Novel 36, the entire Novel’.
55 On the omission of Latin Novels from the Collection of 168 Novels, and their substitution by Greek summaries (Theodore or Athanasios) in general, cf. for instance Van der Wal, ‘La version florentine’, p. 149; P. Noailles, Les collections de nouvelles de l’empereur Justinien. I: Origine et formation sous
only happened in an ancestor of cod. Laurent. plut. 80.4, viz. the copy of recension L of the Collection of 168 Novels underlying the Novel part of the text of the Basilica. From this copy of recension L, Theod. 36 was incorporated into the text of the Basilica as B. 45,6,2. The same copy of recension L must also have underlain the Novel part of the ultimate exemplar of IPc, as the rubric of Theod. 36 is identical with its counterpart in IPc. In Theodore’s Breviary, we read: Νεαράς λας. Περί τῶν ἐν Αρχικῇ διαδήμων. Recension L of the Collection of 168 Novels was already in existence in the later ninth century. Apart from featuring in the text of the Basilica, the most important characteristic of this recension – viz. the transposition of passages from one Novel to another – can also be observed in the text of both the Prochiron and the Eisagoge. Moreover, recension L has left its traces in ICb 2 as well. The Prochiron and the Eisagoge date from the reign of emperor Basil the Macedonian (867-886): the former law book was issued between 870 and 879, whereas the latter must have been promulgated in the period between 3 March and the summer of 883, probably in the beginning of the period. Finally, the core of the text of ICb 2 precedes Nov. Leon. 78 which was issued between 886 and 899. Recension L predates these three sources. In view of the above, the fact that recension L also underlies the Novel part of IPc may very well indicate an early date for the ultimate exemplar of IPc. However, it goes without saying that the use of recension L in IPc cannot be regarded as conclusive evidence.

56 For all this, cf. Van Bochove, ‘Incorporation of Justinian’s Novels’, pp. 81-83 (especially 82-83).  
4.2 The second set of evidence permitting a dating of the ultimate exemplar of IPc to the later ninth century can be derived from the relation between IPc and the Index Coislinianus. The Index Coislinianus, also designated as ICb, is an index titulorum covering the complete text of the Basilica. ICb divides the text of the Basilica into 60 books and the books again into titles. The titles are provided with rubrics. ICb also renders information with regard to the contents of many individual titles by listing their constituent parts: for these titles, the index contains source references – accompanied by rubrics – to the legislation of Justinian. The Index Coislinianus derives its name from the manuscript in which it has been handed down, viz. cod. Coisl. gr. 151.62 ICb has not been published separately, but can be consulted indirectly via two editions of the Basilica. With regard to the coverage of the first sixteen books of the Basilica, we still have to consult Heimbach’s edition. Heimbach had each volume of his edition begin with an index titulorum: each index covered all titles of the Basilica books contained in the main text of the relevant volume. In his critical notes to each index, Heimbach noted variant readings transmitted by the Index Coislinianus, including source references.63 From B. 17 onwards, the index was used by Scheltema and Van der Wal in establishing the title rubrics of the Basilica: they incorporated variant readings contained in ICb, again including the source references to the legislation of Justinian, into their critical apparatus.64 In the present article, both Basilica editions will be used in order to quote from ICb.65

62 Cod. Coisl. gr. 151 (siglum Cb) transmits ICb on the ff. 1r – 18r; cf. RHBR, I, No. 202 (pos. 1). Apart from ICb, the Coislinianus also hands down ICb 2 (cf. § 2 with n. 8 above) and B. 1 – B. 9 (pos. 2). On the Index Coislinianus in general, cf. Van Bochove, ‘Index Titulorum’, pp. 1-13 passim, with further references in n. 6.
64 Cf. H.J. Scheltema/N. van der Wal, [edd.], Basilicorum Libri LX, Series A Volumen III: Textus librorum XVII – XXV, Groningen’/s-Gravenhage 1960, p. x and BT 847. The use of the siglum ICb in order to denote the Index Coislinianus originates from Scheltema and Van der Wal. It should be noted that both the A series – comprising the Basilica text – and the B series – comprising the scholia – of the Groningen edition (viz. BT and BS resp.) have now been incorporated into the Canon of Greek Authors and Works (No. 5065) of the Thesaurus Linguarum Graecarum databank at Irvine and can be consulted via http://www.tlg.uci.edu; cf. Stolte, ‘Balancing Byzantine Law’, p. 62 n. 18.
65 The Index Coislinianus will be quoted after book and title of the Basilica, preceded by the siglum ICb and followed by a reference to the relevant page and line with accompanying apparatus criticus of BT.
ICb and IPc show – of course – a good deal of correspondence in their overall character, but sometimes this correspondence is truly striking. In what follows, a number of salient examples will be discussed.

(1) In B. 48,26, ICb reads: τίτλος κε': ὥστε τῶν ἀπαλωθέρεως τοῦ λοιποῦ μὴ δείσαι δυνατοῦ χρόνων δικαίων καὶ παλιγγενεσίας καὶ περὶ τῶν ἐξ ἐλευθέρας καὶ ἐναπογάφῳ τεκτομένων νεκρὰ ὑπ' ἀιτ. α' καὶ νεκρὰ ρη' διαίρεσις β' καὶ νεκρὰ ρης. 66 This passage consists of a title rubric and three source references. The rubric is completely identical with its counterpart in BT, and, as such, offers no peculiarities, contrary to the source references. According to ICb, the text of B. 48,26 is composed of text units from the Novv. 78, 119 and 156. However, in the Basilica text itself, and in the scholia we come across Nov. 162 instead of Nov. 156: 67 thus, ICb opposes both BT and BS. In its reference to Nov. 156 as one of the sources underlying the text of B. 48,26, ICb concurs with IPc. 68

(2) The rubric of B. 50,11 reads: περὶ παραχαραθήσεως μακροῦ χρόνου δέκα ή εἰκοσι ἐτῶν. 69 The passage from ICb pertaining to this Basilica title reads: τίτλος κα' περὶ γραφής (leg. παραχαραθήσεως) χρόνου μακροῦ δέκα ή εἰκοσι ἐτῶν νεκρά ή διαίρεσις (leg. διαίρεσις) ὑ' περὶ νομής μεταθέσεως ἀπὸ τοῦ ἁργομενοῦ ή τοῦ ἐλεγχθέντος. 70 With regard to B. 50,11, IPc contains the following passage: τίτλος κα', κεφάλαιον α' περὶ παραχαραθήσεως μακροῦ χρόνου δέκα ή εἰκοσι ἐτῶν β' ζ' τοῦ Κωδ. πτ. λγ'. Κεφάλαιον γ' περὶ νομής μεταθέσεως ἀπὸ τοῦ ἁργομενοῦ ή τοῦ ἐλεγχθέντος ή ι' διαίρεσις ι' 71 ICb and IPc are the only sources to contain the reference to Nov. 18 section 14, and the rubric pertaining to this specific section.

(3) The third example of striking correspondence between ICb and IPc occurs in B. 50,13. The rubric of this Basilica title reads: περὶ τετρακετίας παραχαραθήσεως καὶ περὶ πράγματος

or to the relevant note, page and volume of Heimbach’s Basilica edition. For convenience’s sake, these references will be accompanied by the exact location of the quotation concerned in cod. Coisl. gr. 151 (the siglum Cb, followed by folio and line number).

66 ICb B. 48,26 (BT 2266/2-5 with app. ad l. 3 ὅστε; Cb, f. 11r, ll. 16-18). Transl.: ‘title 26: in the future freedmen shall not need the right of gold rings and of natalium restitutio (grant of privileges of a free-born), and those who are born from a free woman and an adscripticius (serf). Novel 78 constitution 1, and Novel 119 section 2, and Novel 156’.

67 Cf. again BT 2268/5-2269/11, and BS 3020/3 (sch. Pc 2* ad B. 48,26,3 = Nov. 162 cc. 2§1. 3).

68 Cf. § 3.3 with the notes 31-36 above.

69 B. 50,11 rubr. (BT 2369/3). Transl.: ‘prescription of long time, comprising ten or twenty years’. The text of this rubric has been transmitted by Pd (= cod. Paris. gr. 1357; cf. n. 31 above), A (= Florilegium Ambrosianum) and Tep. (= Tipucitus). There are some minor variant readings; cf. BT 2369 app. ad l. 3. On the testimonies, cf. Scheltema/Van der Wal, Basilicorum libri LX, A VI, pp. v-x.

70 ICb B. 50,11 (BT 2369/2-3 with app. ad l. 3 παραχαραθήσεως; Cb, f. 12r, ll. 5-7). Transl.: ‘title 11: prescription of long time, comprising ten or twenty years; Novel 18, constitution (section) 14: transfer of possession from the person who denies or who is convicted’.

71 IPc 313-317. Transl.: ‘title 11, chapter 1: prescription of long time, comprising ten or twenty years; book 7 of the Code, title 33. Chapter 13: transfer of possession from the person who denies or who is convicted; Novel 18, section 14’.

47
This rubric is syntactically imperfect: in the second part of the text, we encounter peri combined with a full size main clause – ἡ ἐκδίκησις... μὴ παρακατηγήσω –, instead of a participle in the genitive. Moreover, τὸ χρόνον is not without problems, either. The testimonies hand down the words καὶ peri πράγματος διαστοιχία occur in Pd, A, Tip. and Vat.73 Τοῦ χρόνου is transmitted by Pd, A (?) and Vat.74 The testimonies reveal two attempts at mending the faulty rubric of B. 50,13. Tip. omits the phrase ἡ ἐκδίκησις – παρακατηγήσω altogether,75 thus producing a rubric that is syntactically correct, but rather vague as regards contents: peri τετραετίας παραγραφής καὶ peri πράγματός διαστοιχία. The Vaticanus 2075 reads παρακατηγήσως, whereas Pd and A transmit παρακατηγήσω:76 in this way, the Vaticanus renders a rubric which would seem correct, viz. peri τετραετίας παραγραφής καὶ peri πράγματός διαστοιχία ἡ ἐκδίκησις τοῦ χρόνον τῆς παραγραφής μὴ παρακατηγήσως. However, in this rubric it is the phrase ἡ ἐκδίκησις that causes trouble: one would expect τῆς ἐκδικήσεως as the corollary of παρακατηγήσις. We have to turn to ICb and IPC in order to find out what is really wrong with the text of the rubric of B. 50,13. The passage from ICb pertaining to B. 50,13 reads: τίτλος ι γ’ peri τετραετίας παραγραφής καὶ peri ψίσκου παράσκοιντος κινητά ἢ ἀκινήτα τοῦ πράγματος τοῦ διαστοιχία οὖν ἢ ἐκδίκησις τῷ χρόνῳ τῆς παραγραφής μὴ παρακατηγήσως.77 In their critical apparatus pertaining to B. 50,13 rubr., the editors of BT qualified the relevant part of this passage from ICb – καὶ peri ψίσκου τοῦ διαστοιχία οὖν – as meilius, i.e. better than the text of the rubric as presented by the other testimonies. Scheltema and Van der Wal based this judgement presumably on the fact that the passage presented by ICb is syntactically correct. To be more precise, ICb allows the conclusion that B. 50,13 rubr. lacks a phrase, viz. (peri) ψίσκου παράσκοιντος κινητά ἢ ἀκινήτα τοῦ (πράγματος) τοῦ (διαστοιχία) οὖν. This phrase is crucial, for it contains the transition from a peri c. gen. construction to a full size main clause. The punctuation mark (semicolon) after ἀκινήτα is given with good reason, for cod. Coisl. gr. 151 itself has a distinguishing sign at this very spot: in Cb

72 B. 50,13 rubr. (BT 2374/3-4). Transl.: ‘prescription of four years, and the claim to a thing belonging to the private property of the emperor shall not be disturbed by the term of the prescription’. This translation presents too flattering a picture with regard to B. 50,13 rubr., for it suggests that the rubric is syntactically correct. However, that is not the case: cf. the main text.
73 Vat. = cod. Vatic. gr. 2075, dating from the end of the tenth / beginning of the eleventh centuries; cf. RHBR, 1, No. 249, and Scheltema/Van der Wal, Basilicorum libri LX, A VI, p. vii. The Vaticanus reads διαστοιχίας in stead of διαστοιχία. For the other testimonies, cf. n. 69 above.
74 For all this, cf. BT 2374 app. ad l. 3 καὶ – διαστοιχία, and app. ad l. 4 τοῦ χρόνου.
75 Cf. BT 2374 app. ad l. 3 ἡ ἐκδίκησις κτλ.
76 Cf. BT 2374 app. ad l. 4 παρακατηγήσω. It should be noted that Pd reads κινηθεῖτων in the index titulorum preceding the main text of the Basilica in the manuscript. This index titulorum is IPd; cf. Scheltema/Van der Wal, Basilicorum libri LX, A VI, p. vi.
77 ICb B. 50,13 (BT 2374/2-4 with app. ad l. 3 καὶ – διαστοιχία, ad l. 4 τοῦ χρόνου, and ad l. 4 παρακατηγήσω; Cb, f. 12r, ll. 9-12). Transl.: ‘title 13: prescription of four years, and the fisc selling movables or immovables; the claim to a thing belonging to the imperial house shall not be disturbed by the term of the prescription’.
f. 12r l. 11, τοῦ πράγματος is preceded by a plus sign (+), clearly marking the beginning of a new (part of the) sentence. Moreover, ICb reads τῷ χρόνῳ instead of τοῦ χρόνου. The state of affairs presented by ICb is fully confirmed and elaborated by IPC. The passage from the latter index titulorum pertaining to B. 50,13 reads: τίτλος ι, κεφάλαιον α: περὶ τετραετίας παραχρηστής καὶ περὶ χρόνου πυράσκοντος κινητὰ δὲ αὐτοκίνητα; βιβ. ζ’ τοῦ Κωδ. της λιβ’. Κεφάλαιον δ: πράγματος τοῦ δεσποτικοῦ οίκου ἡ ἐκδίκησις τῷ χρόνῳ τῆς παραχρηστής μὴ παραχρηστήτω βιβ. ζ’ τοῦ Κωδ. της λη’.74 Just like ICb, IPC hands down the words that are missing from the rubric of B. 50,13. But there is more to this: after αὐτοκίνητα, IPC contains a source reference indicating that the phrase περὶ τετραετίας παραχρηστής καὶ περὶ χρόνου πυράσκοντος κινητὰ δὲ αὐτοκίνητα is a Greek version of the rubric of C. 7,37.75 In the final part of the passage pertaining to B. 50,13, IPC hands down a second source reference demonstrating that the phrase πράγματος τοῦ δεσποτικοῦ οίκου ἡ ἐκδίκησις τῷ χρόνῳ τῆς παραχρηστής μὴ παραχρηστήτω is a Greek rendering of the rubric of C. 7,38.76 In this phrase, IPC reads τῷ χρόνῳ, once more corroborating ICb. In the case at hand, ICb and IPC – while strongly opposing the rubric of B. 50,13 – are clearly closely related, although IPC is more precise than ICb because of the fact that it mentions Basilica chapters – κεφάλαια – and contains source references.

(4) The fourth and final example occurs in B. 50,15. The rubric of this Basilica title reads: περὶ άνινασαιάς ὑπεξαιρέσεως τοῦ Ἰταλικοῦ συναλλάγματος ἀναιρεμένης καὶ περὶ δικαίωμα χρόνων καὶ ὑπεξαιρέσεως καὶ παραγγελιῶν καὶ τῶν δικαιοποιών αὐτῶν.82 This

74 IPC 323-329. Transl.: ‘title 13, chapter 1: prescription of four years, and the fisc selling movables or things moving by themselves; book 7 of the Code, title 37. Chapter 4: the claim to a thing belonging to the imperial house shall not be disturbed by the term of the prescription; book 7 of the Code, title 38’.

75 The only textual difference is that ICb reads ἄκινητα, whereas IPC reads αὐτοκίνητα.

76 Cf. C. 7,37 rubr.: De quadriennii præscriptione ‘prescription of four years’. The Greek version of this rubric is more extensive than its Latin original. The phrase περὶ χρόνου πυράσκοντος κινητὰ δὲ αὐτοκίνητα may well be inspired by a passage from the Greek version of C. 7,37,2; cf. BT 2374r13-15: Πάντως, οὕτως οἰκοδήποτε <πράγματα κινητὰ δὲ αὐτοκίνητα> διεκδίκηται συνεκτόμα ν τῶν θεοτάτων θρησκευών ἡγούμενον, (...). The editors of BT have supplemented the words πράγματα ... οἰκοδήποτε on the basis of the Code; cf. app. ad l. 37,2: Omnes, qui quascunque res mobiles vel immobiles seu se moventes vel in actionibus aut quocunque iure constitas a sacratissimo aerario comparaverint, (...). The loss of the words πράγματα ... οἰκοδήποτε in Pd is probably due to a saut du même au même.

77 Cf. C. 7,38 rubr.: Ne rei dominicae vel templorum vindicatio temporis exceptione submoveatur ‘the claim to private property of the emperor or to property of temples shall not be warded off by the prescription of time’. The Greek version of this rubric in ICb and IPC lacks a rendering of vel templorum. The phrase τοῦ χρόνου in B. 50,13 rubr. may be the result of too literal a translation of temporis in the rubric of C. 7,38.

82 B. 50,15 rubr. (BT 2387/3-5). Transl.: ‘abrogation of the one-year’s exception of the contract made in Italy, and various periods of time, and exceptions and prescriptions and their interruptions’. This rubric is transmitted by Pd, A, Tip., and Vat. There are some minor variant readings which need not to be discussed in detail; cf. BT 2387 app. ad l. 4 καὶ ὑπεξαιρέσεων καὶ παραγγελιῶν, and ad l. 4 ὑπεξαιρέσεων.
rubric is an accurate Greek rendering of the rubric of C. 7.40.83 With regard to B. 50.15, the Index Coislinianus hands down the following passage: τίτλος τε’ παρι διαφόρων χρόνων και ὤτος δύναται τις ἰντερρεπτεῖαι ἢ ἀπόντος τοῦ ἀντιδίκου ἢ δυνατοῦ ὄντος ἢ ἱνακτος ἢ μανικημόνου και μη ἤχοντος κηδεμόνα και περὶ ἕνανωσίας ὑπεξαφέρεσος.84 This passage strongly deviates from the rubric of B. 50.15, but it is nearly identical with the relevant passage in IPC. Regarding B. 50.15, the latter index titulorum reads: τίτλος τε’, κατάλαλον α’ παρι διαφόρων χρόνων ὤτος δύναται τις ἰντερρεπτεῖαι ἀπόντος τοῦ ἀντιδίκου ἢ δυνατοῦ ὄντος ἢ ἱνακτος ἢ μανικημόνου και μη ἤχοντος κηδεμόνα; ββ. ζ’ τοῦ Κωδ. τιτ. μ.’ 85 Contrary to ICb, IPC mentions a Basilica chapter and transmits a source reference. On the other hand, ICb contains the phrase και περὶ ἕνανωσίας ὑπεξαφέρεσος, i.e. the first words of the rubric of B. 50.15. IPC omits this phrase. Otherwise, the passages in the two indices titulorum concur completely.86 Thus, ICb and IPC oppose the rubric of B. 50.15 as handed down by Pd, A, Tip. and Vat.

The above may suffice to demonstrate the existence of a strong link between ICb and IPC. And through this link, ICb provides us with yet another indication for a dating of the ultimate exemplar of IPC to the later ninth century. For, the core of the Index Coislinianus itself can be dated to that particular period. In the passage concerning B. 2,6, ICb reads: ββ. α’ τοῦ Κωδ. τιτ. μ’: παρι διαφόρων χρόνων ὤτος δύναται τις ἰντερρεπτεῖαι ἀπόντος τοῦ ἀντιδίκου ἢ δυνατοῦ ὄντος ἢ ἱνακτος ἢ μανικημόνου και μη ἤχοντος κηδεμόνα; ββ. ζ’ τοῦ Κωδ. τιτ. μ.’. 87 Thus, ICb regards C. 1,16 – dealing with decrees of the senate – as constituent part of B. 2.6. However, the text of the Basilica itself omits this Codex title, because of the fact that emperor Leo the Wise deprived senatorial decrees of their legal force. Leo did so in Nov. Leon. 78. This Novel is to be regarded as the terminus ante quem for the dating of the ultimate original of ICb. Nov.

83 Cf. C. 7,40 rubr.: De annali exceptione Italici contractus tollenda et de diversis temporibus et exceptionibus et praescriptionibus et interruptionibus earum. Transl.: ‘abrogation of the one-year’s exception of the contract made in Italy, and various periods of time, and exceptions and prescriptions and their interruptions’.

84 ICb B. 50,15 (BT 2387/2 and app. ad l. 3 περὶ; Cb, f. 12r, ll. 19-21). Transl.: ‘title 15: various periods of time, and how someone is capable of interrupting (these) when the opponent in the trial is absent, or when he is a powerful man, or a child, or insane, and does not have a guardian; the one-year’s exception’.

85 IPC 341-344. Transl.: ‘title 15, chapter 1: various periods of time; how someone is capable of interrupting (these) when the opponent in the trial is absent, or when he is a powerful man, or a child, or insane, and does not have a guardian; book 7 of the Code, title 40’.

86 With regard to its contents, the phrase ὤτος δύναται τις ἰντερρεπτεῖαι ἀπόντος τοῦ ἀντιδίκου ἢ δυνατοῦ ὄντος ἢ ἱνακτος ἢ μανικημόνου και μη ἤχοντος κηδεμόνα would seem to be inspired by a passage in the Greek version of C. 7,40,2; cf. BT 2387/14-17: (…) ἢ διὰ τὴν ἀπουσίαν τοῦ νεομονέου ἢ διὰ τὴν ἡλικίαν ἢ διὰ τὴν μανίαν ἢ διὰ τὴν δυναστείαν, (…) διαφθείρυσι τῶν χρόνων (…). However, the phrase in ICb and IPC shows a good deal more textual correspondence with the original Latin constitution; cf. C. 7,40,2 pr.: (…), absentē suo adversario qui rem detinet, vel infanitia vel furiae laborante, et neminem tutorem vel curatorem habente, vel in magna potestate constituio, (…) interruptionem temporis facere: (…).

87 ICb B. 2,6 (Heimbach, Basilicorum libri LX. I, p. xvi not. i; Cb, f. 1’ l. 24). Transl.: ‘Book 1 of the Code, title 16: decree of the senate’. In the right margin, Cb adds: καὶ ’chapter 21’ (= B. 2,6.21).
IPc

Leon. 78 was issued between 886 and 899. The core of ICb predates that period. It goes without saying that this date can only be regarded as circumstantial evidence for a dating of the ultimate exemplar of IPc.

5. The text of IPc as given below, then, constitutes the editio princeps of this partial index titulorum of the Basilica.

5.1 In § 2 above, attention has been drawn to the fact that regarding both its contents and its form, IPc resembles ICb 2 – or, rather, the ultimate original of the latter index titulorum. It has also been observed that IPc has retained its original character far better than ICb 2. In those parts of the resp. texts where comparison is possible, the two indices titulorum concur in that they contain Corpus iuris source references. However, these source references are not structured in the same way. Whereas in IPc the Corpus iuris rubrics precede the phrases mentioning the relevant book and title of the Digest or the Code, or the number of the relevant Novel, it is the other way round in ICb 2: here, the rubrics follow those phrases. Despite this difference, the texts of the two indices have ultimately been dealt with in the same way: the Greek as it has been transmitted in the manuscripts – cod. Coisl. gr. 151 for ICb 2, and cod. Paris. gr. 1349 for IPc – has been left untouched as much as possible.

Even though the edition of the text of IPc is founded on the same basic principle as that of ICb 2, there are marked differences. First, the text of IPc has been provided with an apparatus testimoniorum, whereas the text of ICb 2 lacks one. The reason for this is the fact that the Coislinianus 151 exclusively hands down the text of B. 1 – B. 9: the text of ICb 2 stands alone in that the main text of the first nine books of the Basilica in the Coislinianus is void of any scholia or source references which might correspond with the Corpus iuris source references in the text of the index titulorum. By way of contrast, the Parisinus 1349 abounds in scholia containing Corpus iuris source references which somehow correspond with the source references in the text of IPc: it is in particular these scholia in Pc that justify the addition of an apparatus of testimonies to the text of this index titulorum. Second, the editions of IPc and ICb 2 fundamentally differ in their resp. overall layout. This is caused, if not by completely different external appearances of the

88 For the details of all this, cf. again Van Bochove, ‘Index titulorum’, pp. 14-15 with the notes 58-67; in the latter article, it is the date of ICb 2 that is dealt with, but the reasoning behind the date of ICb 2 applies to ICb as well.
89 I am greatly indebted to my close colleague and friend Roos Meijering for her help in establishing the text, the apparatus criticus and the translation of IPc.
90 Cf. § 2 with the notes 7 – 9 above.
91 On the text of IPc, cf. § 5.4 below.
92 On the apparatus of testimonies of IPc, cf. § 5.5 below.
indices titulorum in the manuscripts, then by the use of different word processing programmes for the compilation of the Greek texts of the indices. For the compilation of the text of ICb 2, I have used a MS-DOS based word processing programme, viz. NotaBene version 4.5. This programme rendered it impossible to create a critical apparatus at the bottom of the page – directly below the Greek text –, because the programme was unable to generate footnotes while columns were worked with. For this reason, the critical apparatus accompanying the text of ICb 2 had to be assigned a column of its own, on the page facing the text of the index. For the compilation of the text of IPC, I have used the Windows based word processing programme Word XP. This programme allowed the creation of both an apparatus of testimonies and an apparatus criticus at the bottom of the page, directly below the Greek text of IPC.

The above may suffice to account for the differences between the ultimate printed version of the critical edition of IPC and that of ICb 2.

5.2 The external appearance of IPC in cod. Paris. gr. 1349 can briefly be described as follows. The text of the index has been written by the main scribe of Pc, on the ff. 1r – 6v. Every leaf, either recto or verso, contains 29, 30 or 31 lines of text, with the exception of f. 6v: on this leaf, there are only ten lines. After an ornamental border marking the end of the text of IPC, the lower half of the leaf has been left blank. Marginal notes do not occur. It is rather pointless to try to establish an average number of characters per line: some lines contain 40 to 50 or even more, others less than twenty or even ten.

The main scribe of Pc has written the entries mentioning the numbers of the Basilica books, always followed by a phrase stating the number of titles contained in the relevant Basilica book, in the centre of the leaves. The same applies to the Basilica title indications: for every Basilica book covered by IPC, the scribe has written \( \text{Τίτλος } \alpha ', \text{Τίτλος } \beta ' \), and so on, in the centre of the leaves. Regarding the phrases containing the Corpus

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94 On the external appearance of IPC in the Parisinus 1349, cf. § 5.2 below. The external appearance of ICb 2 is illustrated by the facsimile of the upper part of f. 19v of cod. Coisl. gr. 151, accompanying the edition of ICb 2; cf. Van Bochove, ‘Index titulorum’, p. 20.


96 On the critical apparatus of IPC, cf. § 5.6 below.

97 On Pc (and on its scribes) in general, cf. § 1 with note 1 above. For a description of the general features of IPC itself, cf. again § 2 above.

98 There are six of these entries; cf. IPC 1 (B. 45: Βιβλίον \( \mu \varepsilon \) τῶν Βασιλικῶν ἔχει τίτλος \( \varsigma \)); IPC 75 (B. 46: Βιβλίον \( \mu \varsigma \) τῶν Βασιλικῶν ἔχει τίτλος τρεῖς); IPC 85 (B. 47: Βιβλίον \( \mu \varsigma \) τῶν Βασιλικῶν ἔχει τίτλος τρεῖς); IPC 110 (B. 48: Βιβλίον \( \mu \eta \) τῶν Βασιλικῶν ἔχει τίτλος κλίτος \( \upsilon \)); IPC 228 (B. 49: Βιβλίον \( \mu \theta \) τῶν Βασιλικῶν ἔχει τίτλος \( \varsigma \)); and, finally, IPC 261 (B. 50: Βιβλίον \( \nu \) τῶν Βασιλικῶν ἔχει τίτλος \( \varsigma \) ).

iuris rubrics and the references to the books and titles of the Digest and the Code and the numbers of the Novels, the scribe has proceeded in a different way. For, in these phrases, the text of IPc has been divided into columns – at the appropriate locations interrupted by the above mentioned entries containing the numbers of the Basilica books, and by the Basilica title indications. In the first column, the scribe has written the Greek versions of the title rubrics from the Digest and the Code, and the original Greek rubrics of the Novels. Quite often, the text of a rubric consists of more than one line; in this case, the first line juts out to the left considerably. As a rule, the sign :~ marks the end of the text of the rubrics. In the second column, the scribe has listed the notes mentioning the relevant books and titles of the Digest and the Code, and the relevant numbers of the Novels, always corresponding with the rubrics in the first column. The references to the Digest, the Code and the Novels are followed by the abbreviation ƩƤƵ ￿ƪƠƨƮƬ, accompanied by a number, and again concluded by the sign :~. At first sight, the term ƩƤƵ ￿ƪƠƨƮƬ would seem to allude to the resp. subdivisions of the titles from the Digest and the Code into fragments and constitutions, and the subdivision of the text of the Novels into smaller text units. This impression is further strengthened by the systematic use of the sign :~ following the abbreviation ƩƤƵ: this sign seems to confirm that in IPc ƩƤƵ ￿ƪƠƨƮƬ is invariably and inextricably part of the references to the Corpus iuris. However, it has already been pointed out that in IPc the term ƩƤƵ ￿ƪƠƨƮƬ is systematically used to denote Basilica chapters.100

Is it possible to explain the above? It may originally have been the intention of the compilers of the (ultimate) exemplar of IPc to write the term ƩƤƵ ￿ƪƠƨƮƬ in a separate, third column. In the prototype of IPc, the distinction between the columns two and three may have been visible, but this is by no means certain. The scribe of the prototype of IPc may have failed to understand the original intention of the compilers of the index titulorum. In IPc itself, the distinction has disappeared: the two columns are completely fused together. The main scribe of Pc may simply have copied the text of the index as he found it in his direct exemplar, viz. with the columns two and three fused together; or he himself may have been unaware of the fact that he ought to have distinguished between the two columns. In the latter case, the scribe no longer understood the distinction between the term ƩƤƵ ￿ƪƠƨƮƬ denoting a Basilica chapter on the one hand and the references to the various parts of the Justinian legislation on the other.

5.3 The text of IPc as edited below is preceded by a Conspectus siglorum et abbreviaturarum. This survey presents a concise summary of all abbreviations, signs and brackets used in both the apparatus of testimonies and the critical apparatus. The use of


100 On this, cf. § 2 with the notes 10-15 above.
sigla, abbreviations and brackets is in accordance with that in the apparatus testimoniorum and the apparatus criticus accompanying the text of the Basilica.\footnote{Cf. e.g. Scheltema/Van der Wal, Basilicorum libri LX, A VI, pp. v-vi, ix-x (Conspectus operum ex quibus testimonia laudantur), xi (Abbreviaturae), xii (Uncini, signa) and, finally, xiii (Sigla codicum manuscriptorum).}

5.4 Regarding the edition of the text of IPc, the following can be observed. In § 2 above, a description has been given of the general features of IPc. The text of IPc as handed down by cod. Paris. gr. 1349 has preserved these general features remarkably well: the structure of the text of the index in the manuscript reflects the general character of IPc very clearly. It should, however, be observed that in the critical edition of the text of IPc as given below no attempt has been made to present an accurate reproduction of the structure of the index in the manuscript.\footnote{E.g., the phrases containing the Corpus iuris rubrics and the references to the books and titles of the Digest and the Code and the numbers of the Novels, have not been rendered in columns.} Interventions in the Greek as transmitted by Pc have been restricted to an absolute minimum. Nevertheless, two major interventions proved necessary.

The first intervention concerns the term \textit{κεφάλαιον}. In § 5.2 above, attention has been drawn to the fact that in Pc this term always follows the references to the Digest, the Code and the Novels, and that, therefore, \textit{κεφάλαιον} would seem to allude to the resp. subdivisions of the titles from the Digest and the Code into fragments and constitutions, and the subdivision of the text of the Novels into smaller text units. However, it has also been pointed out that the term \textit{κεφάλαιον} always denotes a Basilica chapter.\footnote{Cf. § 5.2 with note 100 above.} For this reason, \textit{κεφάλαιον} has systematically been detached from its original context and been assigned a line of its own in the critical edition of the text of IPc. Even though this intervention can certainly be regarded as a major one, it has \textit{su lo co} not been accounted for in the critical apparatus.\footnote{On this, cf. also § 5.6 below.} \textit{Κεφάλαιον} occurs so frequently in IPc,\footnote{It occurs no less than 119 times, viz. in the following lines: IPc 3, 5, 7, 10, 12, 15, 18, 21, 24, 26, 28, 31, 33, 35, 37, 39, 42, 46, 48, 51, 54, 57, 61, 64, 68, 70, 72, 77, 80, 83, 87, 89, 91, 94 (suppl.), 97, 100, 103, 105, 107, 112, 115, 117, 120, 123, 127, 130, 132, 135, 138, 141, 145, 148, 150, 153, 155, 158, 160, 164, 168, 171, 174, 176, 179, 183, 186, 189, 192, 195, 199, 203, 207, 211, 214, 217, 221, 222, 226, 230, 232, 235, 237, 239, 243, 245, 248, 250, 253, 256, 259, 263, 267, 269, 273, 275, 277, 279, 282, 284, 288, 290, 293, 295, 298, 301, 303, 306, 309, 311, 314, 316, 319, 321, 324, 327, 331, 334, 338, 342, and, finally, 346.} that the detachment from its original context is to be considered as a standard intervention. One general justification covering all occurrences of this intervention, may here suffice.

The second major intervention concerns four passages which do not fit in with the general character of IPc as outlined in § 2. Because of this, these passages have been relegated to the critical apparatus, and have \textit{su lo co} been accounted for.\footnote{For a specification of the four passages relegated to the apparatus criticus, cf. § 5.6 with the notes 116-119 below.}
5.5 The edition of IPc has also been provided with an apparatus testimoniorum, directly below the text of the index. This apparatus requires some explanation.

First, for every Basilica chapter mentioned in IPc, the apparatus contains an enumeration of references to the Justinian legislation indicating the origin of the text of the Basilica chapter concerned. The apparatus of testimonies numbers the Basilica chapters in accordance with their counting in IPc. Very often, this counting does not tally with the counting of chapters in the Basilica text. Where the chapter numbers in IPc deviate from those in the text of the Basilica, the latter numbers have always been added between brackets. Thus, the apparatus of testimonies commences its lemmata with notes like B. 45,1,36 (40 in BT): in this note, 36 is the number of the Basilica chapter in IPc, whereas 40 is the number of the same chapter in the text of the Basilica.  

Second, the Corpus iuris source references that have been adopted into the apparatus testimoniorum originate from the Florilegium Ambrosianum (A), the Index Coislinianus (ICb), cod. Paris. gr. 1357 (Pd), and the scholia (BS) in cod. Paris. gr. 1349 (Pc). The editors of the text of the Basilica have incorporated the source references occurring in A, ICB and Pd into the critical apparatus of BT; for this reason, the apparatus of testimonies of IPc enumerates these source references by mentioning their exact location in the critical apparatus of BT. The source references occurring in the scholia in Pc are obviously alluded to by their location in BS. For instance, the text of B. 46,3 consists of the elder Anonymos’s Greek version of D. 1,8. The lemma in the apparatus of testimonies of IPc pertaining to the first chapter of this Basilica title reads in full: ‘BS 2744/5 | BT 2124 app. ad l. 3 παζίλ (Pd et A) | BT 2124 app. ad l. 3 αύτών (ICb) Ill’. In this lemma, the note BS 2744/5 means that the relevant source reference occurring in the scholia in Pc can be found in the Groningen edition of the Basilica scholia, quoted after page and line: BS 2744/5 (sch. Pc 2§ ad B. 46,3 rubr.) Bιβ. α’ τών Διγρ. τιτ. η’ κεφ. α’. The note BT 2124 app. ad l. 3 παζίλ (Pd et A) indicates that the source references occurring in cod. Paris. gr. 1357 – βίβλιον α’ τών Διγρ. τιτ. η’ – and in the Florilegium Ambrosianum – βιβλίον α’ τοῦ Κοδ. (leg. τῶν Διγρ.) τιτ. η’ – can both be found in the critical apparatus accompanying the Groningen edition of the text of the Basilica (again quoted after page and line), in the present case the apparatus pertaining to the word παζίλ in the third line of the main text of page 2124. Mutatis mutandis, the same goes for the note BT 2124 app. ad l. 3 αύτών (ICb): this note means that the relevant source reference occurring in the Index Coisinianus – βιβλίον α’ τῶν Διγρ. τιτ. η’ – can be found in the critical apparatus pertaining to the word αύτών in the third line of the main text of page 2124.

Third, the lemmata in the apparatus of testimonies alluding to source references occurring in the Index Coisinianus have quite often been provided with the addition pars notae, always put between brackets. This addition indicates that the relevant source

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107 Cf. IPc app. test. ad B. 45,1,36.
108 On the use of sigla in IPc, cf. the Conspectus siglorum et abbreviaturarum.
109 IPc app. test. ad B. 46,3,1.
reference is part of a larger note. This note is quoted in full in the critical apparatus belonging to the page and line of BT referred to in the relevant lemma of the apparatus of testimonies of IPC. For instance, the text of the first chapter of B. 45,3 originates from D. 38,10. The Index Coislinianus hands down a source reference pertaining to this Basilica chapter – viz. ββλ. λη των Δη. πτ. τ’ –, but this source reference is embedded in a larger passage which also contains the source reference belonging to B. 45,3,9 = Nov. 164. The passage in ICb is quoted in its entirety in the critical apparatus pertaining to the word συγγενεῖς in line 5 of the main text of page 2097 of BT: ‘post συγγενεῖς ICb addit ββλ. λη των Δη. πτ. τ’ νεαρά φέβων μηνίαν δηλη νεαρά τυπώσα τας δει διαθέσει κλήσει κόμω και ν’ άνθη δευτερογεμησή (sic)’.\textsuperscript{110} This is the information to be derived from the final part of the lemma of the apparatus of testimonies pertaining to B. 45,3,1: ‘(…) BT 2097 app. ad l. 5 συγγενεῖς (ICb) (pars notae) II’\textsuperscript{111}

Fourth, there is a number of cases in which a passage from ICb incorporated into the apparatus testimoniorum of IPC, has evoked some comment. In these cases, the comment has been added to the relevant lemma in the apparatus of testimonies.\textsuperscript{112}

Fifth, with regard to the compilation of the apparatus of testimonies, both Pc and Pd have systematically been consulted on microfilm. This consultation resulted in the finding that a limited number of source references handed down by Pc and Pd does not occur in BS or has been omitted from the critical apparatus of BT. These source references have been adopted into the apparatus of testimonies of IPC in their entirety, accompanied by the relevant folio numbers of Pc and Pd.\textsuperscript{113}

5.6 The text of IPC is, of course, also accompanied by an apparatus criticus, always to be found directly below the apparatus of testimonies.

The critical apparatus of IPC is modest as regards its dimensions. This is partly due to the fact that the first major intervention in the text of IPC – viz. the detachment of κεφάλαιον from its original context, and the assignation of this term to a line of its own in the edition of the text of the index titulorum\textsuperscript{114} – has not been accounted for in the critical apparatus.

A second reason why the critical apparatus is not very extensive, is the fact that IPC has retained its original character remarkably well,\textsuperscript{115} which has made it possible to restrict interventions in the text of the index titulorum to an absolute minimum. Nevertheless, there are some interventions worth mentioning separately: it concerns a few passages which have been relegated from the text of IPC, because they do not fit in with the general

\textsuperscript{110} BT 2097 app. ad l. 5 συγγενεῖς.
\textsuperscript{111} IPC app. test. ad B. 45,3,1.
\textsuperscript{112} Cf. IPC app. test. ad B. 45,6,1; ad B. 46 juncto B. 46,1,1; ad B. 46,2,1.
\textsuperscript{113} Cf. IPC app. test. ad B. 46,1,1; ad B. 46,2,1; ad B. 48,2,1; ad B. 48,5,2; ad B. 48,14,4; ad B. 49,1,1; and, finally, ad B. 50,1,1.
\textsuperscript{114} On this intervention, cf. § 5.4 with the notes 103-105 above.
\textsuperscript{115} On this, again § 5.4 with note 102 above.
character of the index. These passages – which may be the comments of a reader – must be regarded as “Fremdkörper” that are alien to the original text of IPC, but that somehow ended up in that text. The first passage is a suggestion for further reading in the Institutes of Justinian: ἀνάγν. ἱνσπ. γ᾽ τιτ. γ’. The second passage is a note presenting a brief description of Justinian’s Novel 118: ἐν τούτη τῇ νεαρῷ σαφῶς καὶ λεπτῶς διαλαμβάνει περὶ τῶν ἔξ ἀδιαθέτου ψληφονομιῶν. The third passage is a straightforward duplication of a sentence from the text of IPC: ὑπὸς καὶ παρὰ τίνος διακατέχεται τι βιβ. ἦ τοῦ Κωδ. τιτ. ζ’ μόνος. The fourth and final passage is a scholion containing a direct reference to the text of the Basilica, viz. B. 29,1,116: περὶ τριῶν ἐναυτῶν καὶ δάκα καὶ ἕνωσι καὶ τραχοντα καὶ τεσσαράκοντα ἀντικαμένων ταῖς γνωσιν ἐπὶ τῇ ἀπαίτησι τῆς προικός ἀνάγωθι βιβ. καθ’ τῶν βασιλικῶν βιβλίων τιτ. α’ κεφ. γείς’ καὶ τὸ τέλος. Further interventions in the text of IPC have been dictated by grammatical or syntactical reasons, or have been inspired by the absence of a sensible meaning of the Greek as transmitted by Pc. Interventions like the ones just mentioned have suo loco been accounted for in the critical apparatus.

The third and final reason for the limited size of the critical apparatus of IPC is, of course, the fact that the text of the index titulorum has ultimately been handed down in only one manuscript: regarding the transmission of the text, Pc is in the end to be looked upon as codex unicus. The critical apparatus of IPC does not contain variant readings occurring in other manuscripts.

5.7 The edition of IPC has also been provided with a translation. This translation is to be found on the pages facing the text of the index titulorum. The line numbers of the translation correspond with those of the Greek text of IPC.

5.8 The edition of IPC concludes with a concordance. This concordance lists all titles from the Basilica, the Code and the Digest, and all Novels covered by IPC, and refers to their respective locations in the text of the index titulorum by enumerating their line numbers.

117 IPC app. crit. ad l. 50 ψληφις. Transl.: ‘in the present Novel, (the emperor) clearly and subtly deals with intestate inheritances’.
118 IPC app. crit. ad l. 280 τιτ. ζ’. Transl.: ‘how and by whom a thing is held in possession; book 8 of the Code, title 6 only’.
119 IPC app. crit. ad l. 335 τραχοντακτημόδος. Transl.: ‘periods of three, ten, twenty, thirty and forty years opposed to women in the claim of the dowry; read book 29 of the imperial books (= the Basilica), title 1 chapter 116 and the end’.
120 On this issue, cf. § 1 above.
Conspectus siglorum et abbreviaturarum
in apparatu critico:

Pc = codex Parisinus graecus 1349 (ff. 1r – 6v)
D = Digesta Iustiniani
Nov. = Novell(a)e Iustininian(e) (in Collectione CLXVII Novellarum, edd. R. Schöll – G. Kroll (SK); L = huius Collectionis codex Laurentianus plut. 80, 4)

in apparatu testimoniorum:

A = Florilegium Ambrosianum (codex Ambrosianus F 106 sup. rescriptus)
ICb = Index titulorum omnium Basilicorum quem continet codex Coislinianus 151
Pc = codex Parisinus graecus 1349
Pd = codex Parisinus graecus 1357
BS = Basilicorum scholia (editionis Groninganae, series B)
BT = Basilicorum textus (editionis Groninganae, series A)

Uncini, signa

<> : his uncinis saepsi quae verba a codice ms. absunt
[] : his uncinis saepsi quae verba, cum mea opinione in codice ms. adsint vel adfuerint, legi tamen nequeunt
** : stellulis indicantur litterae, quae legi quidem nequeunt, quarum tamen numerus satis constat.
Βιβλίον με’ τῶν Βασιλικῶν ἔχει τίτλους ς’

.getStatusCode() "Τίτλος ς’"

Κεφάλαιον α’
Περὶ τῶν ἐξ ἀδιαθέτου κληρονομοῦντων βιβ. λη’ τῶν Διε. τιτ. ς’.

Κεφάλαιον γ’
"Οπως τὰ τῆς στρατιωτικῆς περιουσίας λαμβάνει διαδοχήν: βιβ. λη’ τῶν Διε. τιτ. ιβ’.

Κεφάλαιον δ’
Περὶ στρατιώτου ἀδιαθέτου καὶ χωρὶς κληρονόμων ἢ συγγενῶν τελευτῶντος: βιβ. ς’ τοῦ Κωδ. τιτ. ξβ’ διατ. β’ μόνη.

Κεφάλαιον ι’
Διὰ ποιῶν τρόποις καλύτερα τὰ αὐτέν παραδιακονητὰ: βιβ. λη’ τῶν Διε. τιτ. ιη’.

Κεφάλαιον ιδ’
"Οπως κληρονομοῦσιν οἱ κατιόντες τοὺς ἀνώντας καὶ περὶ ἐξ ἀδιαθέτου κληρονομίας: βιβ. λη’ τῶν Διε. τιτ. ις’.

Κεφάλαιον κς’
Περὶ δόγματος Ταρτουλλιανείου καὶ Ὄρθιου ὡς κληρονομοῦσιν οἱ ἀνώντες τοὺς κατιόντας καὶ ἐμπάλιν καὶ περὶ ἀδιαθέτου κληρονομίας: βιβ. λη’ τῶν Διε. τιτ. ις’.

Κεφάλαιον λβ’
"Οπως οἱ ἀνώντες κληρονομοῦσιν τοὺς κατιόντας, καὶ μάλιστα μητέρες ἢτοι δόγμα
Ταρτουλλιανείου: βιβ. ς’ τοῦ Κωδ. τιτ. νς’.

Testimonia:
B. 45 (j’ B. 45,1,1): BT 2071 app. ad l. 2 βιβλίον κτέ. (ICb) II B. 45,1,1: BS 2642/4 II B. 45,1,10: BT 2073 app. ad l. 20 (Pc) II B. 45,1,12: BS 2649/4 (in hoc scholion Pc scr. βιβ. ε’, pro quo leg. βιβ. ς’) II B. 45,1,13: BS 2649/17 II B. 45,1,14: BS 2653/4 | BT 2074 app. ad l. 8 (A) II B. 45,1,26 (27 in BT): BS 2664/5 | BT 2078 app. ad l. 12 (A) II B. 45,1,32 (36 in BT): BS 2669/23 | BT 2083 app. ad l. 1 (A) II

16 ὄρθιον | leg. ὄρθιοναν | 17 ἀδιαθέτου | leg. ἐξ ἀδιαθέτου | κληρονομίας | ἀνάγν. ἰναπτ. γ’ τιτ. γ’ add. Pc | ς’ | ς’ Pe | 19 τοὺς | τάς Pe | μητέρες | μητέρας Pe | 1

SG 2009 (online)
Book 45 of the Basilica contains 6 titles

Title 1

Chapter 1
Those who inherit by intestate succession; book 38 of the Digest, title 6.

Chapter 10
How the estate of soldiers is inherited; book 38 of the Digest, title 12.

Chapter 12
Soldiers dying intestate and without heirs or relatives; book 6 of the Code, title 62, constitution 2 only.

Chapter 13
Under what circumstances someone is prevented from demanding possession of the estate; book 38 of the Digest, title 13.

Chapter 14
How descendants inherit from ascendants, and on intestate succession; book 38 of the Digest, title 16.

Chapter 26
Senatusconsultum Tertullianum and Orphitianum: how ascendants inherit from descendants and vice versa, and on intestate succession; book 38 of the Digest, title 17.

Chapter 32
How ascendants, and in particular mothers, inherit from descendants, or Senatusconsultum Tertullianum; book 6 of the Code, title 56.
VAN BOCHOVE

Κεφάλαιον λς'
Παρ μ δόγματος Ὥρωτιπανείου ὤποις οἱ κατιόντες διαδέχονται τοὺς ἀκόντας· βιβ. ζ' του Κωδ. τιτ. ις'.

Κεφάλαιον μ'
Παρ τον ἐκ πληγοῦ νομίμων κληρονομών· βιβ. ζ' του Κωδ. τιτ. νη'.

Κεφάλαιον μες'
Κοινά παρί διαδοχῶν διαφόρων προσώπων· βιβ. ζ' τοῦ Κωδ. τιτ. νδ'.

Κεφάλαιον ν*
Παρί κληρονομίας εὐτελῶν, στρατιωτῶν, ναυακλήρων, τεχνητῶν· βιβ. ζ' τοῦ Κωδ. τιτ. ξδ'.

Τίτλος β'

Κεφάλαιον α'
Ἄγωγη ἢν ὁ νόμος τοῖς συγγενεῖς δίδωσι· βιβ. λη' τῶν Διγ. τιτ. ζ'.

Κεφάλαιον ζ'
Ἄγωγη ζ' ἢς οἱ συγγενεῖς γνώσκονται· βιβ. λ[η'] τῶν Διγ.] τιτ. η'.

Κεφάλαιον τε'
"Ὀπως οἱ κατιόντες διαδέχονται τήν τῶν γονέων περιουσίαν· βιβ. ζ' τοῦ Κωδ. τιτ. νε'.

Κεφάλαιον λγ'
Παρί διακατοχῆς προγμάτων· βιβ. λη' τῶν Διγ. τιτ. θ'.

Κεφάλαιον λς'
"Ἰνα ἐκ νόμων καὶ δόγματος συγκλήτου ἢ τῶν προγμάτων νομῇ διδόται· βιβ. λη' τῶν Διγ. τιτ. ιθ'.

Testimonia:
B. 45,1,36 (40 in BT): BS 2672/24 || B. 45,1,40 (44 in BT): BS 2674/33 || B. 45,1,46 (49 in BT): BS 2677/19 || B. 45,1,5* (56 in BT): BS 2679/12 || B. 45,2,1: BS 2680/5 || BT 2089 app. ad l. 3 ἂγωγῆ (A) et δίδωσι (ICb) || B. 45,2,6: BS 2684/28 || B. 45,2,15: BS 2688/11 || B. 45,2,33 (25 in BT): BS 2694/11 || B. 45,2,35 (27 in BT): BS 2695/23 ||

27 διαδοχῶν] διαδόχων Pc1

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SG 2009 (online)
Chapter 36
Senatusconsultum Orphitianum: how descendants inherit from ascendants; book 6 of the Code, title 57.

Chapter 40
Collateral legal heirs; book 6 of the Code, title 58.

Chapter 46
General rules concerning the right of succession of various persons; book 6 of the Code, title 59.

Chapter 5*
The inheritance of subordinate officials, soldiers, shipowners and craftsmen; book 6 of the Code, title 62.

Title 2
Chapter 1
Action which the law gives to relatives; book 38 of the Digest, title 7.

Chapter 6
Action on the basis of which the cognate relatives are recognized; book 38 of the Digest, title 8.

Chapter 15
How descendants succeed to the estate of their parents; book 6 of the Code, title 55.

Chapter 33

Chapter 35
Possession of the estate must be granted on the basis of laws and senatorial decree; book 38 of the Digest, title 14.
VAN BOCHOVE

Κεφάλαιον λς'
Περί τάξεως τῶν ἐξ ἀδιαθέτου κληρονομικών ἢ περὶ διακατοχῶν βιβ. λη' τῶν Δια. τιτ. ἵς'.

45

Τίτλος γ'

Κεφάλαιον α'
Περὶ βαθμῶν συγγενῶν, ἀγγιστῶν καὶ τῶν ὀνομασιῶν συτῶν· βιβ. λη' τῶν Δια. τιτ. ἵς'.

Κεφάλαιον η'
<Διάταξις> διαφορά τὰ ἀδιαθέτα καὶ τὰ κοινακικὰ <δίκαια> καὶ τοῦροῦτας ἐμὲ ἀδιαθέτου κλήσεως· ν. ρη' διαίρεσις α', β', γ', δ', ε', ζ', η'.

50

Κεφάλαιον θ'
Περὶ κληρονόμων· ν. ρξδ' ἢ ὀλη' νεαρά.

Τίτλος δ'

Κεφάλαιον α'
Περὶ ὑπάρξεων μητρικῶν καὶ χρήσεως κυτῶν καὶ ὁ ἀνήρ διευθεραγμησία· βιβ. χ' τοῦ
Κωδ. τιτ. ξδ'.

Κεφάλαιον ε'
Ποιά οἱ ὑπεξώσιοι προσπορίζουσι τῷ πατρί καὶ περὶ τῶν μητρικῶν κυριῶν καὶ τῶν ἄλλων ἀπροσπορίστων ἐπὶ λεπτῷ· βιβ. χ' τοῦ Κωδ. τιτ. ξδ'.

Testimonia:
B. 45,2,36 (28 in BT): BS 2695/32 || B. 45,3,1: BS 2700/4 | BT 2097 app. ad l. 5 συγγενείς (ICb) (pars notae) || B. 45,3,8: BS 2706/13 || B. 45,3,9: BS 2706/19 | BT 2097 app. ad l. 5 συγγενείς (ICb) (pars notae) || B. 45,4,1: BS 2707/5 | BT 2104 app. ad l. 3 μητρικῶν (ICb) ||

49 <διάταξις> et <δίκαια> διάταξις et δίκαια suppl. e textu Nov.; cf. SK 567/2-3 et app. ad loc. l 50 κλήσεως· ἐν ταύτῃ τῇ νεαρᾷ σαφῶς καὶ λεπτῶς διαλαμβάνει περὶ τῶν ἐξ ἀδιαθέτου κληρονομικῶν
add. Pecd 152 ἢ ὀλη' νεαρά· ἢ ὀλη' νεαρά post κληρονόμων (52) pon. Pecd 159 ἐπὶ λεπτῷ· ἐπιλεπτῷ Pecd 1
Chapter 36
In which order people inherit by intestate succession, or on possession of estates; book 38 of the Digest, title 15.

Title 3

Chapter 1
Degrees of consanguinity, relations by marriage and their designations; book 38 of the Digest, title 10.

Chapter 8
Constitution abolishing (the difference between) the agnatic and the cognatic rights, and regulating the intestate successions; Novel 118, sections 1, 2, 3, 4, 5, 6, 7, 8.

Chapter 9
Heirs; Novel 164, the entire Novel.

Title 4

Chapter 1
Maternal property and its usufruct by the husband, even if he marries a second time; book 6 of the Code, title 60.

Chapter 5
What those under paternal authority acquire for their pater familias; detailed discussion on the profits gained via the mother’s relatives and on the other profits not acquired from the property of the pater familias; book 6 of the Code, title 61.
VAN BOCHOVE

Τίτλος ε’

Κεφάλαιον α’

[Ἀγωγή δὴ ἢ ὁ ἄνήρ ἢ ἡ γυνὴ συγγενῶν μὴ δυντος κληρονομοῦσιν ἀλλήλους: βιβ. λη’ τῶν Διη. τἰτ. α’.

Κεφάλαιον β’

"Ὅτι ἀποφεί ἀνιόντων ἢ τῶν ἄλλων νομίμων συγγενῶν ὁ ἄνήρ καὶ ἡ γυνὴ ἀλλήλους κληρονομοῦσιν: βιβ. τ׳ τοῦ Κωδ. τἰτ. ιη’.

Τίτλος ζ’

Κεφάλαιον α’

Περὶ Ἀρμενίων ὡστε καὶ αὐτοὺς ἐν πᾶσι τοῖς 'Ῥωμαίων ἀκολουθεὶν νόμοις· κα’.

Κεφάλαιον β’

Περὶ τῶν ἐν Ἀρμενί ἰδιαδόχων· λζ’ ἢ ὅλη νεαρά.

Κεφάλαιον δ’

"Ὅτι καὶ οἱ τῆς ἔλευθερας ἀποφοίτου παιδῶν πρὸς ἃν γυμνη ἢν διάθεσιν ὡς γνήσιον κληρονομοῦσι τοῦ πατρὸς νε. ρζ’ διαίρεσις κζ’.

Testimonia:

B. 45,5,1: BS 2724/5 | BT 2114 app. ad l. 3 ἄγωγή (A) et ad l. 4 ἀλλήλους (ICb) || B. 45,5,2: BS 2725/24 | BT 2114 app. ad l. 11 c. 2 (A) | BT 2115 app. ad l. 4 νόμοις (ICb) (pars notae) || B. 45,6,1: BS 2724/6 | fortasse BT 2115 app. ad l. 4 νόμοις (ICb) (pars notae. Editores Basilicorum scribunt: ‘ICb ins. (…) νεαρά (leg. κατηγ.?) ρζ’. Pro quo fortasse leg. νεαρά κα’. ICb scripsisse videtur ve. ρζ’: ρζ forsitan e abb. νεαρά sumpta || B. 45,6,2: BS 2726/9 | BT 2115 app. ad l. 4 νόμοις (ICb) (pars notae) || B. 45,6,4 (3 in BT): BS 2726/16 | BT 2115 app. ad l. 3 περί (A) | BT 2115 app. ad l. 4 νόμοις (ICb) (pars notae) ||

71 διαδόχων] διαδόχων Theod. 36 rubr. (et in indice et in ipso textu) (cf. SK 244 app. ad l. 18), διαδόχων Pc l ἢ ὅλη νεαρά] ἢ ὅλη νεαρά post διαδόχων (71) pon. Pc l

SG 2009 (online)
Title 5

Chapter 1
Action on the basis of which husband or wife inherit from one another when there are no relatives; book 38 of the Digest, title 11.

Chapter 2
Husband and wife inherit from one another in the absence of ascendants or the other legitimate relatives; book 6 of the Code, title 18.

Title 6

Chapter 1
The Armenians: they, too, must obey the laws of the Romans in everything; Novel 21.

Chapter 2
Successors in Africa; Novel 36, the entire Novel.

Chapter 4
Also the children of a free woman married without dowry, towards whom marital affection existed, inherit from their father as legitimate (offspring); Novel 117, section 6.
Βιβλίον με' τῶν Βασιλικῶν ἔχει τίτλους τρεῖς

Τίτλος α'

Κεφάλαιον α'
Περὶ καταστάσεως ἀνθρώπων· βιβ. α' τῶν Διγ. τιτ. ε'.

Τίτλος β'

Κεφάλαιον α'
Περὶ καταστάσεως ἑναλλαγῆς· βιβ. δ' τῶν Διγ. τιτ. ε'.

Τίτλος γ'

Κεφάλαιον α'
Περὶ διαφόρως πραγμάτων καὶ ποιότητος αὐτῶν· βιβ. α' τῶν Διγ. τιτ. η'.

Testimonia:
B. 46 (j' B. 46,1,1): BT 2117 app. ad l. 2 βιβλίον χτε. (ICb) (ceterum ad marg. Index Coislinianus add. ἔχει τίτλους γ'· τίτλος α' (quod pertinet ad notam Βιβ. με' τῶν Βασιλικῶν; om. BT app.)) || B. 46,1,1: Pc f. 49v; hic codex noster in ipso textu post τίτλος α' (BT 2117/3) scrib.: βιβ. α' τῶν Διγ. τιτ. ε' κεφ. β' (quod om. BS; pro κεφ. β' fortasse leg. κεφ. γ') || BT 2117 app. ad l. 6 c. 1 (Pd) || B. 46,2,1: Pc f. 52v; hic codex noster in ipso textu post τίτλος β' (BT 2121/2) scrib.: βιβ. δ' τῶν Διγ. τιτ. ε' κεφ. β' (quod om. BS) || BT 2121 app. ad l. 3 παγι (Pd) || BT 2121 app. ad l. 3 ἑναλλαγῆς (ICb). Editores Basilicorum scribunt: 'Post ἑναλλαγῆς ICb ins. βιβ. μη' τῶν Διγ. τιτ. κε' (leg. κε'?) κεφ. α'; quod post rubricam B. 60,68 collocandum erat'. Nescio quid haec nota ad rubricam B. 46,2 in Indice Coisliniano velit; expectes βιβ. δ' τῶν Διγ. τιτ. ε' κεφ. β' || B. 46,3,1: BS 2744/51 BT 2124 app. ad l. 3 παγι (Pd) et (A) || BT 2124 app. ad l. 3 αὐτῶν (ICb) ||

81 βιβ. δ' δ' post Διγ. (81) pon. Pc l

SG 2009 (online)
Book 46 of the Basilica contains 3 titles

Title 1

Chapter 1
Personal status of human beings; book 1 of the Digest, title 5.

Title 2

Chapter 1
Change of personal status; book 4 of the Digest, title 5.

Title 3

Chapter 1
Division of things and their quality; book 1 of the Digest, title 8.
85 Βιβλίον μ’ τῶν Βασιλικῶν ἤχει τίτλους τρεῖς

<Tίτλος α’>

Κεφάλαιον α’
Περὶ δωρεῶν τῶν ἐν ζωή: βίβ. λθ’ τῶν Διη. τιτ. ε’.

Κεφάλαιον λε’
Περὶ δωρεῶν νομοθεσίας διάφορων: βίβ. η’ τοῦ Κωδ. τιτ. νη’.

Κεφάλαιον **
Περὶ τῶν ὁπο δόρων καὶ ὁπο αἰφέσεων καὶ ὁπο χρόνων καὶ ἀποκατάστασιν δωρεῶν βίβ. η’ τοῦ Κωδ. τιτ. νη’.

<Kεφάλαιον ..>

90 Περὶ τοῦ τῆς παρὰ ἰδιώτου πρὸς βασιλέα γενομένην δωρεάν μὴ δείσθαι πράξεως ὑπομνημάτων νε. νη’ διαίρεσις β’.

Κεφάλαιον εξ’
Περὶ δωρεῶν συνοικοδομίας ἵσχυσιῶν νε. νη’ διαίρεσις α’.

Τίτλος β’

Κεφάλαιον α’
Περὶ ἀνατροπῆς δωρεῶν καὶ ἰσχύος βίβ. η’ τοῦ Κωδ. τιτ. νε’.

Testimonia:
B. 47 (j B. 47,1,1): BT 2127 app. ad l. 2 βιβλίον κτλ. (ICb) || B. 47,1,1: BS 2750/5 | BT 2127 app. ad l. 4 παρ’ (Pd et A) || B. 47,1,36 (35 in BT): BS 2768/26 | BT 2136 app. ad l. 1 c. 35 (Pd) || B. 47,1,** (70 in BT): BS 2783/14 | BT 2143 app. ad l. 9 c. 70 (Pd) || B. 47,1, <..> (75 in BT): BS 2785/5 | BT 2144 app. ad l. 5 c. 75 (Pd) || B. 47,1,66 (76 in BT): BS 2785/11 | BT 2127 app. ad l. 4 ζωή (ICb) (pars notae) | BT 2144 app. ad l. 20 c. 76 (Pd) || B. 47,2,1: BS 2786/4 | BT 2146 app. ad l. 3 παρ’ (Pd) et ad l. 3 δωρεάν (ICb) ||

89 κεφάλαιον λε’] post κεφ. λε’ Pc add. καὶ ξόν: nescio quid velint | 96 ὑπομνημάτων| ὑπόμνημαν Pc | διαίρεσις] κεφ. Pc | 97 κεφάλαιον εξ’] fortasse leg. κεφ. οι’”
Book 47 of the Basilica contains 3 titles

**Title 1**

Chapter 1
Donations between the living; book 39 of the Digest, title 5.

Chapter 36
Various rules on donations; book 8 of the Code, title 53.

**Chapter **
Donations made under imposed burden, under condition, and subject to a time limit and restitution; book 8 of the Code, title 54.

**Chapter ..**
The donation made by a private individual to an emperor does not need to be entered into the records; Novel 52, section 2.

Chapter 66
Donations between married persons are valid; Novel 162, section 1.

**Title 2**

Chapter 1
Annulment of donations, and (their) validity; book 8 of the Code, title 55.
Τίτλος γ’

Κεφάλαιον α’
Περί τῶν μετὰ θάνατον δοφείων βιβ. λθ’ τῶν Δημ. τιτ. γ’.

Κεφάλαιον μβ’
Περί τῶν θανάτου αἰτίας δοφείων βιβ. η’ του Κωδ. τιτ. νε’.

Κεφάλαιον μα’
"Οτι <αἱ θανάτου αἰτίας δοφείων>, λεγάτοις δοφείσαι καὶ ἔξεστιν αὐτὰς ἀνακαλεῖσθαι ἤτοι ἀνατρέψειν, οὐ. πι’ διαφέρεσθι α’ καὶ β’.

Testimonia:

B. 47,3,1: BS 2790/5 | BT 2148 app. ad l. 3 παρά (Pd) et ad l. 3 δοφείων (ICb) || B. 47,3,42 (45 in BT): BS 2807/29 | BT 2156 app. ad l. 14 c. 45 (Pd) || B. 47,3,45 (49 in BT): BS 2809/27 | BT 2157 app. ad l. 7 c. 49 (Pd) ||

108 <αἱ θανάτου αἰτίας δοφείων> | αἱ θανάτου αἰτίας δοφείσαι suppl. ad sensum, ἐν τεκτόνω (L); cf. SK 423/23-29 et app. ad l. 25 μόρφως καθορέω.
Title 3

Chapter 1

Chapter 42
Donations in contemplation of death; book 8 of the Code, title 56.

Chapter 45
<Donations in contemplation of death> resemble legacies; it is permitted to revoke, i.e. to annul them; Novel 87, sections 1 and 2.
VAN BOCHOVE

110 Βιβλίον μη’ τῶν Βασιλικῶν ἔχει τίτλους κς’

Τίτλος α’

Κεφάλαιον α’
Περί ἔλευσιων οἰκετῶν βιβ. μ’ τῶν Διη. τιτ. α’.

Τίτλος β’

Κεφάλαιον α’
Περί τῆς τῶν ἔλευσιων ἐκδοκήσεως βιβ. μ’ τῶν Διη. τιτ. β’.

Κεφάλαιον γ’
Περί ἐκδοκήσεως ἔλευσιών ἐν συνεδρίῳ ἐπιθετίσης βιβ. ζ’ τοῦ Κωδ. τιτ. α’.

Τίτλος γ’

Κεφάλαιον α’
Περί ἔλευσιων δούλων τῶν εἰς σύστασιν οἰς ἀνήκουσιν ἐπιτθεμένων βιβ. μ’ τῶν Διη. τιτ. γ’.

Κεφάλαιον γ’
Περί τῶν ἐν διαθήκῃ ἔλευσιων οἰκετῶν βιβ. μ’ τῶν Διη. τιτ. δ’.

125 Περί τῆς ἐν διαθήκῃ ἔλευσιώς βιβ. ζ’ τοῦ Κωδ. τιτ. β’ διατ. δ’

Testimonia:

B. 48 (j) B. 48,1,1: BT 2158 app. ad l. 2 βιβλίων κτῆ. (ICb) || B. 48,1,1: BS 2810/4 | BT 2158 app. ad l. 5 c. 1 (Pd) || B. 48,2,1: BS 2818/4 | BT 2162 app. ad l. 3 πεζέ (Pd) et ad l. 3 ἐκδοκήσεως (ICb) || B. 48,2,18 (23 in BT): BS 2824/27 || B. 48,3,1: BS 2826/4 | BT 2166 app. ad l. 3 πεζέ (Pd) et ad l. 4 διαθήκη (ICb) || B. 48,3,3: BS 2826/19 || B. 48,3,2 (c. 62 in BT): BS 2844/19 | BT 2176 app. ad l. 4 c. 62 (Pd) ||

125 διατ. δ’ [μερ. δ’ Pe]
IPc

Book 48 of the Basilica contains 26 titles

Title 1

Chapter 1
Manumissions of slaves; book 40 of the Digest, title 1.

Title 2

Chapter 1
The claim of those who have been released; book 40 of the Digest, title 2.

Chapter 18
Claim to freedom granted in the presence of a council; book 7 of the Code, title 1.

Title 3

Chapter 1
Manumissions of slaves imposed on the corporation to which they belong; book 40 of the Digest, title 3.

Chapter 3
Slaves manumitted in a will; book 40 of the Digest, title 4.

Testamentary manumission; book 7 of the Code, title 2, constitution 4.
VAN BOCHOVE

Τίτλος δ’

Κεφάλαιον α’
Περί τῶν διὰ μέσου προσώπου καταλαμβάνων ἐλευθερωθήναι: βιβ. μ’ τῶν Διη. τιτ. ε’.

Τίτλος ε’

Κεφάλαιον α’
Περί ἄφαφεσις ἐλευθερίας: βιβ. μ’ τῶν Διη. τιτ. ζ’.

Κεφάλαιον β’
Περί τῶν ὑπὸ ἡμέραν ἤ ὑπὸ αἴρεσιν ἐλευθερουμένων: βιβ. μ’ τῶν Διη. τιτ. ζ’.

Τίτλος ζ’

Κεφάλαιον α’
Οὔτες ἄνευ ἐλευθερίας εἰς ἐλευθερίαν μετέχοντες: βιβ. μ’ τῶν Διη. τιτ. η’.

Τίτλος η’

Κεφάλαιον α’
Τίνες καὶ παρὰ τίνων ἐλευθερούμενοι ἐλευθεροῦν ὑπὸ γίνονται καὶ εἰς τὸν νόμον τοῦ
Ἀσίλου Σεντίου: βιβ. μ’ τῶν Διη. τιτ. θ’.

Κεφάλαιον λδ’
Οἱ ἐλευθερώσκαὶ μὴ δυνάμενοι καὶ μὴ εἰς ἑλάβην τῶν δικαίων ἐλευθερούμενοι: βιβ. ζ’
tοῦ Κωδ. τιτ. ια’.

Testimonia:
B. 48,4,1: BS 2851/4 | BT 2179 app. ad l. 3 περὶ (Pd) et ad l. 3 ἐλευθερωθήναι (ICb) || B. 48,5,1: BS 2889/4 | BT 2198 app. ad l. 3 περὶ (Pd) et ad l. 4 ἐλευθερούμενοι (ICb) (pars notae) || B. 48,5,2: BS 2889/8 | BT 2198 app. ad l. 4 ἐλευθερούμενοι (ICb; pars notae) || Pd, f. 163’ ad marg. βιβ. μ’ τιτ. ζ’ (om. BT app.) || B. 48,6,1: BS 2916/4 | BT 2211 app. ad l. 3 μετέχοντες (ICb) et ad l. 4 c. 1 (Pd) || B. 48,7,1: BS 2919/4 | BT 2213 app. ad l. 5 Σεντίου (ICb et Pd) || B. 48,7,34 (35 in BT): BS 2929/14

128 διὰ μέσου διχομάκου Pc | 139 <ἐλευθερούμενοι> | ἐλευθερούμενοι om. Pc; suppl. c D. 40,9 rubr. manumissi

76

SG 2009 (online)
Title 4

Chapter 1
Those to whom it is bequeathed to be manumitted through an intermediary; book 40 of the Digest, title 5.

Title 5

Chapter 1

Chapter 2
Those who are manumitted under suspensive period of time or under suspensive condition; book 40 of the Digest, title 7.

Title 6

Chapter 1
Those who gain freedom without manumission; book 40 of the Digest, title 8.

Title 7

Chapter 1
Those (manumitted) and by whom (they are manumitted), who do not become free; and on the lex Aelia Sentia; book 40 of the Digest, title 9.

Chapter 34
Those who cannot manumit, and prohibition to be manumitted to the damage of the creditors; book 7 of the Code, title 11.
Τίτλος η'

Keφάλαιον α'
Περὶ ἑλευθεριῶν αἰτίας· βιβ. μ. τῶν Διη. τιτ. ιβ'.

Ζητομενον α'
Οἷς πρὸς ἑλευθερίαν ἀναβον ὁίκ. ἐξαστὶν· βιβ. μ. τῶν Διη. τιτ. ιγ'.

150

Keφάλαιον β'
Ἐν ποιών τρόπων οἰκεῖαι ἑλευθερίας ἀπολαύον· βιβ. ζ'. τοῦ Κωδ. τιτ. ιθ'.

Τίτλος ι'

Keφάλαιον α'
Ἐὰν εὖγενής ἢ ἀπελεύθερος εἶναι λέγηται· βιβ. μ. τῶν Διη. τιτ. ιθ'.

155

Keφάλαιον ζ'
Περὶ ἑλευθερωθέντος παρὰ τινος καὶ λέγοντος ἀκουτὸν εὖγενή· βιβ. ζ'. τοῦ Κωδ. τιτ. ιθ'.

Τίτλος ια'

Keφάλαιον α'
Περὶ καταστάσεως τῶν τελευτησάντων μετὰ πενταετίαν μὴ ζητεῖν· βιβ. μ. τῶν Διη. τιτ. ια'.

160

Περὶ καταστατικῶν διακρίσεις καὶ ἄντις ὧν χρόνον τὰ περὶ τῆς τύχης ζητείται· βιβ. ζ'. τοῦ Κωδ. τιτ. ια'.

Testimonia:
B. 48,8,1: BS 2931/4 | BT 2219 app. ad l. 3 παρά (Pd) et αἰτίας (ICb) || B. 48,9,1: BS 2938/4 | BT 2227 app. ad l. 3 (ICb) et ad l. 4 c. 1 (Pd) || B. 48,9,2: BS 2938/30 | BT 2227 app. ad l. 7 c. 2 (Pd) || B. 48,10,1: BS 2941/4 | BT 2228 app. ad l. 3 εἰς (Pd et ICb) || B. 48,10,7: BS 2942/33 | BT 2229 app. ad l. 5 c. 7 (Pd) || B. 48,11,1: BS 2949/4 | BT 2231 app. ad l. 3 παρά (Pd) et ζητεῖν (ICb) || B. 48,11,6 (5 in BT): BS 2951/19 | BT 2232 app. ad l. 4 c. 4 (Pd) ||

156 παρὰ τινος] παράτινος Pe l

SG 2009 (online)
Title 8

Chapter 1
Lawsuit concerning freedom; book 40 of the Digest, title 12.

Title 9

Chapter 1
Those who are not allowed to assert liberty; book 40 of the Digest, title 13.

Chapter 2
In what ways slaves profit from being released; book 7 of the Code, title 18.

Title 10

Chapter 1
If one claims to be freeborn or freedman; book 40 of the Digest, title 14.

Chapter 7
He who has been manumitted by someone, and claims himself to be freeborn; book 7 of the Code, title 14.

Title 11

Chapter 1
After a period of five years no judicial inquiry into the status of deceased; book 40 of the Digest, title 15.

Chapter 6
Trials concerning personal status and within what period of time the issue regarding status is judicially investigated; book 7 of the Code, title 21.
VAN BOCHOVE

Τίτλος 1β’

Κεφάλαιον α’

"Οτα κατά συμπαγνόν τοῦ δεσπότου ἑλευθεροῦ ὁ δούλος κριθή καὶ τοῦτο ὑποδειχθῆ· βιβ. μ’ τῶν Διγ. τιτ. 15’.

Τίτλος 1γ’

Κεφάλαιον α’

Περὶ τῶν πίστει καταλημπανόμενον ἑλευθεριῶν· βιβ. ζ’ τοῦ Κωδ. τιτ. δ’.

Τίτλος 1δ’

Κεφάλαιον α’

Περὶ τοῦ πάντα τῶν καθ’ οἰκονομῶν τρόπον ἑλευθερούμενον Ῥωμαίον εἶναι· βιβ. ζ’ τοῦ Κωδ. τιτ. ζ’.

Κεφάλαιον β’

Περὶ ἑλευθερούμενον ἐν ἔκκλησι δούλων· βιβ. α’ τοῦ Κωδ. τιτ. 1γ’.

Κεφάλαιον δ’

Περὶ ἑλευθερίας κοινῶν δούλων· βιβ. ζ’ τοῦ Κωδ. τιτ. ζ’.

Τίτλος 1ε’

Κεφάλαιον α’

Περὶ προαιμικῶν δούλων τῶν ὑποκειμένων εἰς ἐνέχυρον, εἰ ἑλευθεροῦνται· βιβ. ζ’ τοῦ Κωδ. τιτ. η’.

Testimonia:

B. 48,12,1: BS 2954/4 | BT 2234 app. ad l. 4 ἑλευθερούμενων (ICb) et ad l. 5 c. 1 (Pd) || B. 48,13,1: BS 2956/4 | BT 2236 app. ad l. 4 δούλων (ICb) et ad l. 5 c. 1 (Pd) || B. 48,14,1: BS 2964/4 | BT 2240 app. ad l. 3 περὶ (ICb) (pars nota) || B. 48,14,2: BT 2240 app. ad l. 3 περὶ (Pd) et (ICb) (pars nota) || B. 48,14,4: BS 2971/18 | Pd, f. 181’ ad marg. βιβ. ζ’ τοῦ Κωδ. τιτ. ζ’ (om. BT app.) | BT 2240 app. ad l. 3 περὶ (ICb) (pars nota) || B. 48,15,1: BS 2973/4 | BT 2243 app. ad l. 3 ἀπελευθερώσεως (ICb) et ad l. 4 c. 1 (Pd) ||

175 ἔκκλησις | ἔκκλησις Ρc l

80
Title 12
Chapter 1
When a slave is judged free in collusion with his master, and this is discovered; book 40 of the Digest, title 16.

Title 13
Chapter 1
Manumissions through fideicommissa (informal requests); book 7 of the Code, title 4.

Title 14
Chapter 1
Everyone manumitted in whatever manner shall be a Roman citizen; book 7 of the Code, title 6.

Chapter 2
Slaves manumitted in Church; book 1 of the Code, title 13.

Chapter 4
Manumission of slaves held in joint ownership; book 7 of the Code, title 7.

Title 15
Chapter 1
Dotal slaves on whom is established a (non-possessory) pledge: if they are manumitted; book 7 of the Code, title 8.
Τίτλος ις'
Κεφάλαιον α'
Περὶ τῶν μὴ παρὰ δεσπότου ἐλευθερομένων· ββ'· ζ'· τοῦ Κωδ. τιτ. ι'.

Τίτλος ιζ'
Κεφάλαιον α'
Περὶ τῶν μὴ δυναμένων ἐλευθεροῦσθαι· ββ'· ζ'· τοῦ Κωδ. τιτ. ιβ'.

Τίτλος ιη'
Κεφάλαιον α'
Κοινὰ περὶ ἐλευθερίαν· ββ· ζ'· τοῦ Κωδ. τιτ. ιε'.

Τίτλος ιχ'
Κεφάλαιον α'
Περὶ τρόπων ἐλευθερίας καὶ εὐγενείας καὶ περὶ καταστατικῶν ὑποθέσεων· ββ· ζ'· τοῦ Κωδ. τιτ. ιε'·

Τίτλος ικ'
Κεφάλαιον α'
Περὶ ἐλευθέρου δοθέντος ὑπὲρ δοῦλου δικασθῆται· ή· περὶ τῶν εἰς ἐλευθερίαν ἀναβοῶντων· ββ· ζ'· τοῦ Κωδ. τιτ. ικ'·

Testimonia:
B. 48,16,1: BS 2976/4 | BT 2245 app. ad l. 3 ἐλευθερομένων (ICb) et (Pd) // B. 48,17,1: BS 2979/4 | BT 2247 app. ad l. 3 ἐλευθεροῦσθαι (ICb) et (Pd) // B. 48,18,1: BS 2981/4 | BT 2248 app. ad l. 3 ἐλευθερίαν (ICb) et (Pd) // B. 48,19,1: BS 2983/4 | BT 2249 app. ad l. 3 ἐλευθερίαν (ICb) et (Pd) // B. 48,20,1: BS 2988/4 | BT 2251 app. ad l. 3 πράγματος (ICb) et (Pd) // B. 48,21,1: BS 3006/4 | BT 2258 app. ad l. 3 δικασθῆται (ICb) et (Pd) //
Title 16

Chapter 1
Those who are manumitted by a non-owner; book 7 of the Code, title 10.

Title 17

Chapter 1
Those who cannot be manumitted; book 7 of the Code, title 12.

Title 18

Chapter 1
For what reasons slaves receive freedom as a reward; book 7 of the Code, title 13.

Title 19

Chapter 1

Title 20

Chapter 1
Modes of freedom and of being freeborn, and lawsuits concerning personal status; book 7 of the Code, title 16.

Title 21

Chapter 1
A free man given in order to litigate on behalf of a slave, or those who proclaim (assert) liberty; book 7 of the Code, title 17.
Τίτλος κβ'

Κεφάλαιον α'
Περί τού εν συνεμπάση τῷ καταστατικῷ καὶ ἐτερον ζήτημα: ποιὸν δεὶ πρώτον κρίθηναν: 

βιβ. ζ᾽ τοῦ Κωδ. τττ. ιθ'.

Τίτλος κγ'

Κεφάλαιον α'
Περί τοῦ συμφθαρέντος τῇ δεσποινή οἰκέτου καὶ περὶ ἀπελευθέρων: βιβ. ζ' τοῦ Κωδ. τττ. ικ'.

Τίτλος κδ'

Κεφάλαιον α'
Περὶ μακρὸν χρόνου παραγγελῆς ἡτος ὑπὲρ ἀλευθερίας ἀντιτίθεται: βιβ. ζ' τοῦ Κωδ. τττ. ικβ'.

Κεφάλαιον β'
Περὶ πεζουλίων οἰκετῶν καὶ ἀλευθερωθέντων: βιβ. ζ' τοῦ Κωδ. τττ. κγ'.

Τίτλος κε'

Κεφάλαιον α'
Περὶ γυναικὸς ἐυγένειας ἐξασθείσῃς δούλου <ἡ> ἀναπογράφου: βιβ. ζ' τοῦ Κωδ. τττ. κδ'.

Testimonia:

B. 48,22,1: BS 3009/4 | BT 2259 app. ad l. 3 διαγράμμων (ICb) et (Pd) || B. 48,23,1: BS 3014/4 | BT 2262 app. ad l. 3 ἄφησαντος (ICb) et (Pd) || B. 48,24,1: BS 3016/4 | BT 2263 app. ad l. 4 ἄξιωθέντος (ICb) et (Pd) || B. 48,24,2 (4 in BT): BS 3017/27 | BT 2263 app. ad l. 13 c. 4 (Pd) || B. 48,25,1: BS 3018/4 | BT 2264 app. ad l. 3 ἀναπογράφου (ICb) (pars notae) et (Pd) ||

218 η' suppl. e B. 48,25 rubr. (BT 2264/3) et B. 48,25,1 (BT 2265/3, 7 et 9) ||
If a second judicial inquiry coincides with the one concerning personal status, which case must be decided first; book 7 of the Code, title 19.

Chapter 1

The slave who has had sexual intercourse with his mistress, and on freedmen; book 7 of the Code, title 20.

Chapter 1

Prescription of long time, which is opposed in defence of freedom; book 7 of the Code, title 22.

Chapter 2

Property owned by slaves and by freedmen; book 7 of the Code, title 23.

Chapter 1

A freeborn woman in love with a slave or an adscripticius (serf); book 7 of the Code, title 24.
'Τίτλος κς'

Κεφάλαιον α'
"Ωστε τούς ἀπελευθέρους τοῦ λοιποῦ μὴ δείσατε δικαίον χρωσών δακτυλίων καὶ
pαλινγενεσίας· νε. οῇ διαίρεσις α', β'.'

Κεφάλαιον β'
Περί τοῦ δύνασθαι τούς νέους καθ' ὄν καιρὸν διατίθενται καὶ οἰκέτας ἔλευθερον· νε. ρθ'
dιαίρεσις β'.'

Κεφάλαιον γ'
Περί τῆς μεριζομένης γονῆς τῶν γεωργῶν· νε. γνς' ἢ ὅλη νεαρά.

Testimonia:

B. 48,26,1: BS 3019/4 | BT 2266 app. ad l. 3 ὄστε (ICb) (pars notae) et ad l. 6 c. 1 (Pd) || B. 48,26,2: BS 3019/20 | BT 2266 app. ad l. 3 ὄστε (ICb) (pars notae) || B. 48,26,3: BS 3020/3 | BT 2266 app. ad l. 3 ὄστε (ICb) (pars notae) ||

224 καθ' ὄν καθὸν Pc | 227 ἢ ὅλη νεαρὰ | ἢ ὅλη νεαρά post γεωργῶν (227) pon. Pc l
Title 26

Chapter 1
In the future freedmen shall not need the right of gold rings and of natalium restitutio (grant of privileges of a free-born); Novel 78, sections 1, 2.

Chapter 2
At the moment they draw up a will, minors can also manumit slaves; Novel 119, section 2.

Chapter 3
Division of the offspring of coloni (serfs); Novel 156, the entire Novel.
VAN BOCHOVE

Βιβλίον μθ’ τῶν Βασιλικῶν ἠχεῖ τίτλους ς’

Τίτλος α’

230

Κεφάλαιον α’
Περὶ δικαίου πατρόφων· βιβ. λζ’ τῶν Διη. τιτ. ιδ’.

Κεφάλαιον β’
Περὶ ἀπελαυθέρων καὶ δικαίου πατρόφων· βιβ. ς’ τοῦ Κωδ. τιτ. δ’.

Τίτλος β’

235

Κεφάλαιον α’
Περὶ τῆς ὀμηλομένης τοὺς γονέων καὶ πάτρων ὑποταγῆς· βιβ. λζ’ τῶν Διη. τιτ. ιε’.

Κεφάλαιον ι’
Περὶ τιμῆς καὶ υπηρεσίων πάτρων παρεχόμενων· βιβ. ς’ τοῦ Κωδ. τιτ. ς’.

Κεφάλαιον ιζ’

240 ᾿Εκ ποιῶν αἰτίων ἀναδουλοῦνται οἱ ἀπελαυθήροι καὶ οἱ παῖδες αὐτῶν· βιβ. ς’ τοῦ Κωδ. τιτ. ς’.

Τίτλος γ’

Κεφάλαιον α’
Περὶ υπηρεσίας ἀπελαυθέρων· βιβ. λη’ τῶν Διη. τιτ. α’.

Κεφάλαιον ν’
Περὶ ἄρχοσιῶν ἀπελαυθέρων· βιβ. ς’ τοῦ Κωδ. τιτ. γ’.

Τίτλος δ’

Κεφάλαιον α’
Περὶ δικατοχῆς ἀπελαυθέρων· βιβ. λη’ τῶν Διη. τιτ. β’.

Testimonia:

B. 49 (j” B. 49,1,1): BT 2270 app. ad l. 2 βιβλίον κτέ (ICb) || B. 49,1,1: Pd, f. 192v ad marg. βιβ. λζ’ τιτ. ιδ’ (om. BT app.) || B. 49,1,2 (25 in BT): BT 2274 app. ad l. 3 c. 25 (Pd) || B. 49,2,1: BT 2282 app. ad l. 3 ὑποταγῆς (ICb) || B. 49,3,1: BT 2285 app. ad l. 3 ἀπελαυθέρων (ICb) || B. 49,4,1: BT 2296 app. ad l. 3 ἀπελαυθέρων (ICb) ||
Book 49 of the Basilica contains 6 titles

Title 1

Chapter 1
The right of patrons; book 37 of the Digest, title 14.

Chapter 2
Freedmen and the right of patrons; book 6 of the Code, title 4.

Title 2

Chapter 1
The obedience owed to parents and patrons; book 37 of the Digest, title 15.

Chapter 10
Honour and services rendered to patrons; book 6 of the Code, title 6.

Chapter 17
On what grounds freedmen and their children are reduced to slavery again; book 6 of the Code, title 7.

Title 3

Chapter 1
Service rendered by freedmen; book 38 of the Digest, title 1.

Chapter 50
Tasks performed by freedmen; book 6 of the Code, title 3.

Title 4

Chapter 1
Possession of the estate of freedmen; book 38 of the Digest, title 2.
VAN BOCHOVE

250

Κεφάλαιον να’
Περὶ ἀπελευθέρου ὁμάδας ἦγουν πόλεως· βιβ. λη’ τῶν Διη. τιτ. γ’.

Τίτλος ε’

Κεφάλαιον α’
Περὶ τοῦ ἐπηγνώσκεσθαι τοὺς ἀπελευθέρους· βιβ. λη’ τῶν Διη. τιτ. δ’.

255

Τίτλος ε’

Κεφάλαιον α’
Περὶ τοῦ μὴ ἔξειναι τοῖς ἀπελευθέρους τὰς ἰδίας περιουσίας μειοῦν εἰς βλάβην τῶν
πατρών· βιβ. λη’ τῶν Διη. τιτ. ε’.

Κεφάλαιον ιδ’

260

'Εκάν εἰς βλάβην τοῦ πάτρων ἐκποίησις γένηται· βιβ. ε’ τοῦ Κωδ. τιτ. ε’.

Testimonia:
B. 49,5,1: BT 2310 app. ad l. 3 ἀπελευθέρους (ICb) || B. 49,6,1: BT 2313 app. ad l. 4 πατρών (ICb) ||

254 βιβ.] ante βιβ. Pc in ras scribit περὶ τοῦ ἐπὶ l
Chapter 51
Freedman belonging to a community or city; book 38 of the Digest, title 3.

Title 5

Chapter 1
Freedmen being adjudicated; book 38 of the Digest, title 4.

Title 6

Chapter 1
Freedmen are not allowed to reduce their own estate to the damage of their patrons; book 38 of the Digest, title 5.

Chapter 14
When an alienation is made to the damage of the patron; book 6 of the Code, title 5.
Τίτλος α’

Κεφάλαιον α’

Περὶ τῆς ἐν διαφόρων τρόπων συνισταμένης κυριότητος διά χρονίας νομῆς ἢ περὶ
ψυχικῶν κτήσεων βιβ. μα’ τῶν Διη. ττ. α’.

Τίτλος β’

Κεφάλαιον α’

Περὶ νομῆς καὶ διασποτεῖας καὶ τίνες ἡμῶν νομῆν προσπορίζουσιν βιβ. μα’ τῶν Διη. ττ. β’.

Κεφάλαιον γν’

Περὶ τῆς διὰ χρησίας διασποτεῖας καὶ περὶ τῶν προσπορίζοντων νομῆν βιβ. ζ’ τοῦ Κωδ.
tt. λβ’.

Τίτλος γ’

Κεφάλαιον α’

Περὶ καταχρήσεως <καὶ> νομῶν βιβ. μα’ τῶν Διη. ττ. γ’.

Κεφάλαιον ν’

Περὶ τοῦ περὶ βίας ιντερδίκτου καὶ τῶν κατὰ βιαν τι ποιοῦντων βιβ. η’ τοῦ Κωδ. ττ. δ’.

Κεφάλαιον εξ’

"Εάν κατὰ βιαν ἢ ἄλλο τρόπῳ τῶν ἀπόντων ἀνατραπῆ ἢ νομῆ βιβ. η’ τοῦ Κωδ. ττ. ε’.

Τίτλος δ’

"Οπως τι καὶ παρὰ τίνος διακατέχεται: βιβ. η’ τοῦ Κωδ. ττ. ς’.

Testimonia:

B. 50 (j’ B. 50,1,1): BT 2318 app. ad l. 2 βιβλίων κτῆ (ICb) || B. 50,1,1: Pd, f. 221’ ad marg. βιβ. μα’ ττ. α’ (om. BT app.) || B. 50,2,1: BT 2331 app. ad l. 3 διακατοχῆς (ICb) || B. 50,3,1: BT 2343 app. ad l. 3 νομῶν (ICb) ||

261 τίτλους ττ. ττ. Pc l 274 περὶ καταχρήσεως <καὶ> νομῶν περὶ καταχρήσεως νόμων (i.e. de usurpatione legum) Pc; corr. e B. 50,3 rubr. (BT 2343/3) l 276 τι| τι Pc l 280 τι| τι Pc l ττ. ς’ post ττ. ς’ Pc in ipso textu pergit ὅπως καὶ παρὰ τίνος διακατέχεται τι βιβ. η’ τοῦ Κωδ. ττ. ς’ μόνος τι
Book 50 of the Basilica contains 16 titles

Title 1

Chapter 1
Ownership originating in various ways through long-term possession, or natural possession; book 41 of the Digest, title 1.

Title 2

Chapter 1
Possession and ownership and who acquire possession for us; book 41 of the Digest, title 2.

Chapter 53
Ownership through use and those who acquire possession; book 7 of the Code, title 32.

Title 3

Chapter 1
Usurpation and possessions; book 41 of the Digest, title 3.

Chapter 50
The interdict on force and those who do something with force; book 8 of the Code, title 4.

Chapter 62
If the possession of absentees is disturbed by force or in another way; book 8 of the Code, title 5.

Chapter 64
How and by whom a thing is held in possession; book 8 of the Code, title 6.
Τίτλος δ’

Κεφάλαιον α’
Περί ἀνταγωγισμοῦ ἦγουν περὶ οὐσοκαπίσθος· βιβ. μα’ τῶν Διη. τιτ. δ’. 285

Περί τῆς διὰ χρήσεως δεσποτείας τῶν εἰς ἀγορασίας ἤ διαλύσεως· βιβ. ζ’ τοῦ Κωδ. τιτ. ιζ’.

Τίτλος ε’

Κεφάλαιον α’
Περί οὐσοκαπίσθος κληρονομίας· βιβ. μα’ τῶν Διη. τιτ. ε’.

290

Περί τῆς διὰ χρήσεως δεσποτείας κληρονομίας· βιβ. ζ’ τοῦ Κωδ. τιτ. κθ’.

Τίτλος ζ’

Κεφάλαιον α’
Περί οὐσοκαπίσθος δωρεάς· βιβ. μα’ τῶν Διη. τιτ. ζ’.

295

Περί οὐσοκαπίσθος δωρεῶν· βιβ. ζ’ τοῦ Κωδ. τιτ. κζ’.

Τίτλος ζ’

Κεφάλαιον α’
Περί τῶν ἄρισταλειμένων ἦγουν ἀδεσπότων· βιβ. μα’ τῶν Διη. τιτ. ζ’.

300

Τίτλος η’

Κεφάλαιον α’
Περί νομίμως προοίκος· βιβ. μα’ τῶν Διη. τιτ. θ’.

Κεφάλαιον δ’
Περί οὐσοκαπίσθος προοίκος· βιβ. ζ’ τοῦ Κωδ. τιτ. ιη’.

Testimonia:

Β. 50,4,1: BT 2355 app. ad l. 3 ἀνταγωγισμοῦ (ICb) || Β. 50,8,1: BT 2366 app. ad l. 3 περὶ (Pd) ||

SG 2009 (online)
Title 4

Chapter 1
As a purchaser, i.e. usucapion; book 41 of the Digest, title 4.

Chapter 15
Ownership through use on the grounds of purchase or compromise; book 7 of the Code, title 26.

Title 5

Chapter 1
Usucapion (on the ground) of inheritance; book 41 of the Digest, title 5.

Chapter 5
Ownership through use (on the ground) of inheritance; book 7 of the Code, title 29.

Title 6

Chapter 1
Usucapion (on the ground) of donation; book 41 of the Digest, title 6.

Chapter 7
Usucapion (on the ground) of donations; book 7 of the Code, title 27.

Title 7

Chapter 1
Things abandoned or without owner; book 41 of the Digest, title 7.

Title 8

Chapter 1
Possession of dowry; book 41 of the Digest, title 9.

Chapter 4
Usucapion (on the ground) of dowry; book 7 of the Code, title 28.
Τίτλος θ’

Κεφάλαιον α’
Περί τῶν ὡς ἱδίων λογιζομένων εἰ δεσπόζονται διὰ χρονίας νομῆς: βιβ. μα’ τῶν Διη. τιτ. γ’.

Τίτλος ι’

Κεφάλαιον α’
Περί τῆς διὰ χρονίας νομῆς δεσποτείας: βιβ. ζ’ τοῦ Κωδ. τιτ. γ’.

Κεφάλαιον δ’
Περί χρόνων οὐσιοκατάστων τριών ἢ δέκα ἢ εἴκοσιν ἐνιαυτῶν βιβ. ζ’ τοῦ Κωδ. τιτ. λα’.

Τίτλος ια’

Κεφάλαιον α’
Περὶ παραγραφῆς μακροῦ χρόνου δέκα ἢ εἴκοσιν ἐτῶν: βιβ. ζ’ τοῦ Κωδ. τιτ. λγ’.

Κεφάλαιον ιγ’
Περὶ νομῆς μεταθέσεως ἀπό τοῦ ἀρνομένου ἢ τοῦ ἐλεγχθέντος: νε. ιη’ διαίρεσις ιδ’.

Τίτλος ιβ’

Κεφάλαιον α’
Ἐν αἷς σύνεχεις παραγραφῆ τοῦ μακροῦ χρόνου ἢ παραγραφῆ: βιβ. ζ’ τοῦ Κωδ. τιτ. λδ’.

Κεφάλαιον β’
Οἷς οὐκ ἀντίκειται ἢ τοῦ μακροῦ χρόνου παραγραφῆ: βιβ. ζ’ τοῦ Κωδ. τιτ. λε’.

Testimonia:
B. 50,9,1: BT 2367 app. ad l. 4 c. 1 (Pd) || B. 50,10,1: BT 2368 app. ad l. 4 c. 1 (Pd) || B. 50,10,4: BT 2368 app. ad l. 9 c. 3 (Pd) || B. 50,11,13: BT 2369 app. ad l. 3 ετῶν (ICb) || B. 50,12,2 (6 in BT): BT 2373 app. ad l. 1 c. 6 (Pd) ||

317 ἢ τοῦ| εἶτα Pc 1

96
Title 9

Chapter 1
Whether things that are considered as one’s own, are acquired through long-term possession; book 41 of the Digest, title 10.

Title 10

Chapter 1

Chapter 4
Periods of usucapion, comprising three or ten or twenty years; book 7 of the Code, title 31.

Title 11

Chapter 1
Prescription of long time, comprising ten or twenty years; book 7 of the Code, title 33.

Chapter 13
Transfer of possession from the person who denies or who is convicted; Novel 18, section 14.

Title 12

Chapter 1
In which cases the prescription of long time is relinquished; book 7 of the Code, title 34.

Chapter 2
Against whom the prescription of long time is not opposed; book 7 of the Code, title 35.
Τίτλος 

Κεφάλαιον α’

Περί τετραετίας παραγράφης και περί φύσιν πιστύσκουντος κινητά ή κύτοινητα: βιβ. ζ’ του Κωδ. τιτ. λζ’.

Κεφάλαιον δ’

Πράγματος τυποστικού οίκου ή εκδικήσεις τυχ Δρόμης παραγραφής μή παρακινηθήτων: βιβ. ζ’ του Κωδ. τιτ. λη’.

Τίτλος εδ’

Κεφάλαιον α’

Περί χρονίας παραγράφης κατά των δανιστών εκδικούντων τα έναγμα ή περί εξωτικών: βιβ. ζ’ του Κωδ. τιτ. λζ’.

Κεφάλαιον γ’

Περί χρονίας παραγράφης και της τριακοντατετράδιγος και τεσσαρακοντατετράδιγος και ποιά των άγων τούτων τυχ Δρόμης ή ποία ού παύτονται και περί ὑποθηκαρίας άγωγής: βιβ. ζ’ του Κωδ. τιτ. λθ’.

Κεφάλαιον ια’

Περί του άγωσκουντος παρά του μαλαφίδει νομέως ὅτε διά χρονίας νομής δεσπόζει: νε. ρθ’ διαφέροντας ζ’.

Testimonia:

B. 50,13,1: BT 2374 app. ad l. 5 c. 1 (Pd) || B. 50,14,1: BT 2379 app. ad l. 5 c. 1 (Pd) || B. 50,14,3: BT 2379 app. ad l. 3 κετά (ICb) (pars notae) || BT 2379 app. ad l. 14 c. 3 (Pd) || B. 50,14,11: BT 2379 app. ad l. 3 κετά (ICb) (pars notae) ||

325 ἰ αὐτοκίνητα| fortasse leg. ἰ άκηντα ἰ αὐτοκίνητα | 335 τριακοντατετράδιγος| Περί τρεις ἀνωτών και δέκα και εἴκοσι και τριάκοντα και τεσσαράκοντα ἀντικειμένων ταύς γυναίξιν ἐπὶ τῇ ἀπαίτησι τῆς πρωγωγῆς ὑποθηκαρίας βιβ. κη’ τῶν βασιλείων βιβλίων τιτ. α’ κεφ. ρθ’ και τὸ τέλος in ipso textu (post ὑποθηκαρίας ἀγωγῆς (337)) add. Pc l.

98
Title 13

Chapter 1

Prescription of four years, and the fisc selling movables or things moving by themselves; book 7 of the Code, title 37.

Chapter 4

The claim to a thing belonging to the imperial house shall not be disturbed by the term of the prescription; book 7 of the Code, title 38.

Title 14

Chapter 1

Long-term prescription against the creditors claiming the pledges from strangers; book 7 of the Code, title 36.

Chapter 3

Long-term prescription and the periods of thirty and forty years, and which actions are cancelled by that period of time and which do not come to an end; hypothecary action; book 7 of the Code title 39.

Chapter 11

He who has bought from a possessor in bad faith, when he owns through long-term possession; Novel 119, section 7.
VAN BOCHOVE

Τίτλος ιε’

Κεφάλαιον α’
Περι διιφόρων χρόνων· ὅπως δύναται τις interrupteum απόντος τοῦ ἀντιδίκου ἢ δυνατοῦ ὄντος ἢ ἐφαντος ἢ μεινομένου καὶ μὴ ἐχοντος κηδεμόνα· βιβ. ζ’ τοῦ Κωδ. τιτ. μ.’.

Τίτλος ιε’

Κεφάλαιον α’
Περὶ προσκλύσεων καὶ ἄλσῶν καὶ νομῶν αἰς ἐτέρους ὄρους μετατιθεμένων· βιβ. ζ’ τοῦ Κωδ. τιτ. μα’.

343 interrupteum] iherits eum Pe I
Title 15
Chapter 1
Various periods of time: how someone is capable of interrupting (these) when the opponent in the trial is absent, or when he is a powerful man, or a child, or insane, and does not have a guardian; book 7 of the Code, title 40.

Title 16
Chapter 1
Alluvial deposits and groves and pastures transferred to new boundaries; book 7 of the Code, title 41.
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