

## APPENDIX

# Known Instances of Imperial Adjudication from Caesar to Severus Alexander, and Their Sources

The selection of cases is by necessity a product of arbitrary lines of distinction. The main rule for inclusion was that the text indicated that the emperor had resolved the legal issue at hand. In the case of rescripts, cases where the emperors often resolved the legal issue, leaving the ascertaining of facts to local magistrates or judges (a type of cassation), would in this case qualify, whereas an issue where the emperor would indicate an abstract rule would not. The arbitrariness comes from the fact that in many cases the hypothetical alternatives that the emperors are talking about may be extremely specific, leading to assumptions that these might have been actual cases. Such assumptions were rejected as leaps of faith.

The cases were collected from a survey of sources, but using numerous previous studies to support the survey (Schilling, Millar, Honoré, Peachin, etc.). Each case has been individually verified. With regards to rescripts, a division has been made between adjudicative and legislative rescripts, based on the content, i.e. whether the text refers to a legal case at hand. Thus rescripts that uttered solely a legal rule or clarification without a reference to a case were excluded. Another division was that where the decision was that of the Senate, not the emperor. These were also excluded. Those proscribed or killed in the field with or without any kind of trial are equally excluded, even though they might be included in the text. Of the inscriptions, texts which are too fragmentary but might contain a judgment (such as FD III, fasc. IV/3, 330) have been excluded. Where sufficient information is not available, space has been left blank. The references to literature are not systematic.

There are in total 774 cases listed. Those are divided as follows: Julius Caesar (11 cases), Augustus (24), Tiberius (6, of which rescripts: 1), Caligula (5), Claudius (17), Nero (9), Vitellius (1), Vespasian (1), Domitian (8), Trajan (10, of which rescripts: 2), Hadrian (30, of which rescripts: 5), Antoninus Pius (16, of which rescripts: 11), Marcus Aurelius (14, of which rescripts: 1, including four cases with Verus), Commodus (1), Pertinax (2), Septimius Severus (170, of which rescripts: 117 (including 138 cases with Caracalla), Caracalla (331, of which rescripts: 307, including 138 cases with Septimius Severus), Elagabalus (1), and Severus Alexander (257, of which rescripts: 256).

Septimius Severus and/or Caracalla		Decision by <i>cognitio</i> on appeal from an imperial procurator over the debt of Surus. Use of torture by procurator criticized and the case dismissed due to lack of evidence. Emperor not named.	Surus, heirs of debtor	appeal	denied	<i>Dig.</i> 48.18.20 Paul (3 decr.)	Honoré, <i>Emperors and Lawyers</i> (1994), 21; Wankerl, <i>Appello</i> (2009), 172–82; Rizzi, <i>Imperator cognoscens decrevit</i> (2012), 403–12.
Septimius Severus and/or Caracalla		Decisions to deport Metrodorus and relegate Philoctetes, both to an island for harbouring criminals. Emperor not named.	Metrodorus, Philoctetes	criminal law	condemned	<i>Dig.</i> 48.19.40 (3 decr.)	Honoré, <i>Emperors and Lawyers</i> (1994), 20.
Caracalla	205	Rescripts: <i>Cod. Iust.</i> 2.11.8 (20.2. to Ulpia, on theft and infamy); 4.15.2 (April, to Marcus, requiring the debtors of an insolvent to pay); 5.72.1 (29.12. to					

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
Caracalla	211	Valeus, on proving a case against a guardian); 9.1.2 (20.9. to Ingenuus, on guardians suing Secundinus for forgery). Rescripts: 2.4.1 (1.5. to Celerius, on compromises with curators); 3.28.5 (6.10. to Aelius, allowing to continue father's testament complaint); 3.34.1 (11.11. to Calpurnia, allowing an action against obstructive building); 6.45.1 (28.12. to					

		<p>Saturnina,  releasing her from  obligation to  marry); 7.59.1  (30.9. to Julianus,  rejecting his plea  for disregarding  his confession of  debt).</p>
Caracalla	212	<p>Rescripts: <i>Cod.</i>  <i>Iust.</i> 1.18.1 (25.4.  to Maximus,  helping a soldier  to defend himself  in a lawsuit);  4.25.1 (25.4. to  Hermetus, liability  for a slave's loan);  4.32.6 (11.2. to  Antigonus, on  satisfying a  resisting creditor);  5.16.1 (11.1. to  Tryphaena,  denying the  return of gifts by  intestate father);  5.28.2 (11.4. to  Sabinianus, on</p>

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		appointment of guardians); 5.37.3 (19.8. to Eumus, on crediting for necessary expenses); 5.43.1 (13.8. to Domitia, allowing accusing a freedman guardian); 5.51.1 (27.9. to Leo, on how to prove accounts of guardianship); 5.75.1 (5.1. to Mucianus, granting action against magistrates for liability of appointing tutors); 6.3.4 (18.4. to Valerianus, on					

recovering money  
from his  
freedman); 6.3.5  
(13.5. to  
Terentius, on  
obligations of his  
mother's  
freedman); 6.21.1  
(9.9. to Florus,  
on his brother's  
inheritance);  
6.24.2 (17.6. to  
Calcilius, on his  
father's  
inheritance);  
6.42.1 (16.8. to  
Demetrius, on  
proving  
Demetrius' will);  
6.47.2 (17.5. to the  
freedmen of  
Cassianus, on  
payment of  
legacy); 8.8.1 (8.4.  
to Justinus, on his  
status and right to  
sue); 8.17.2 (11.5.  
to Chrestus, on  
prioritizing  
rights); 8.35.1  
(18.7. to Claudius,

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		on liabilities of the debtor of an inheritance); 8.43.1 (11.2. to Apronius, saying that he already answered the question about his sister's debtor); 8.44.4 (22.7. to Georgius, on sale and pledge on land); 8.44.5 (17.9. to Patroina, on redeeming pledges on land purchased); 9.22.1 (7.3. to Severinus, on suing a woman for selling a child); 9.23.1 (5.9. to Vallatius, reaffirming him as his father's					

		<p>heir); 9.47.2 (26.6. to Valerius, saying that his procurator had no jurisdiction and thus the sentence is void); 9.50.1 (21.12. to Aquila, her suicidal brother's fortune goes to the heirs).</p>				
Caracalla	212/213	Philiscus, a Thessalian sophist, was accused of evading liturgies in his home city and tried before Caracalla. Caracalla was very irritated.	Philiscus	exemption from city obligations	Philiscus lost his case	Philostr. <i>V S</i> 11.30. Millar, <i>Emperor</i> (1992 [1977]), 231–2, 234, 439; Nörr, 'Reskriptenpraxis' (1981), 34–5.
Caracalla	212/213	An inscribed rescript of Caracalla about limiting military requisitions, with instructions to local officials.	inhabitants of Takina	requisitioning		<i>Epigraphica Anatolica</i> 10 (1987) 133–142.
Caracalla	213	Rescript on how to compel payment from debtors.	Septimia Marcia	debt		<i>Epitome codicum Gregoriani et Hermogeniani Wisigothica</i> 12.1.

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
Caracalla	213	Rescripts: <i>Cod. Iust.</i> 1.9.1 (30.6. to Claudius Tryphonius, rejecting recovery of Cornelia Salvia's donation to Antiochian Jews); 2.3.5 (25.7. to Demagoras, release of an obligation); 2.3.7 (30.7. to Julius Maximus, about inheriting your debtor); 2.4.2 (11.8. to Lutatia, on compromise about inheritance); 2.7.1 (29.9. to Dolon, collusion by advocate); 2.8.1 (20.12. to Claudius, on prosecuting fiscal					

cases); 3.8.2 (23.7. to Magnilla, referring a descent case to governor); 3.31.4 (23.2. to Vitalianus, about the division of expenses in a inheritance case); 3.31.5 (27.5. to Postumiana, about expenses in a case about restoration of inheritance); 3.33.3 (30.7. to Antonianus, on the inheritability of *usufruct*); 3.37.1 (1.3. to Lucianus, allowing action on the sale of portion of inheritance); 3.44.1 (25.10. to Dionysia, restoring a son's grave); 4.21.1 (9.9. to Septima

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		Marcia, payment of debt by debtors); 4.29.2 (11.8. to Nepotiana, denying assistance concerning suretyship of women); 4.29.3 (11.8. to Servatus, granting mother's exception); 4.65.2 (1.7. to Epidius Epictetus, granting an action on hire); 5.12.2 (30.7. to Alcibiades, granting action on dowry stipulatio to Palla, the applicant's sister); 5.14.2 (22.3. to Theodota,					

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denying an empty claim); 5.16.2 (no date, to Marcus, granting return of slave fraudulently donated by soldier to 'housekeeper'); 5.16.3 (4.3. to Epictetus, reaffirming gift of slaves to wife); 5.36.1 (25.7. to Tiberianus and Rufus, about ending a temporary appointment of guardian); 5.37.4 (20.9. to Procula, about punishing the guardian of the applicant's daughter); 5.39.1 (24.6. to Septimus, advising suing Juliana's curator); 5.41.1 (25.7. to Sextus, granting an excuse to a

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		guardian); 5.44.1 (20.7. to Miltiades, allowing him to sue his wards); 5.51.2 (7.7. to Praesentinus, on how to sue guardians); 5.54.2 (19.2. to Valentinianus and Maternus, on his father's failed curatorship); 5.54.3 (5.7. to Avita, telling to sue the heirs of her former guardian); 6.21.2 (19.2. to Septimus, on inheriting camp property); 6.21.3 (1.11. to Vindicianus, reaffirming the testament of veteran Valerian);					

6.25.2 (8.3. to Cassia, rejecting her request to inherit her mother despite not fulfilling the terms); 6.29.1 (28.6. to Brittianus, on a broken testament); 6.38.1 (8.8. to Antipatra, on what is part of a legacy); 6.44.1 (23.2. to Septimus, on the interpretation of enclosed will); 7.26.1 (13.8. to Flavianus, on reclaiming slaves); 7.52.1 (18.2. to Stallator, on *res iudicata*); 7.73.2 (19.10. to Valeriana, on the return of her dowry); 7.73.3 (30.12. to Juliana, on suing her husband for money); 7.75.1 (14.10. to Caesia,

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		on recovering fraudulently transferred property); 8.17.3 (11.10. to Varus, on priority of pledge); 8.35.2 (15.2. to Julius, on defending his house); 9.20.1 (21.3. to Placidus, that his father may sue the kidnapper of his slave); 9.20.2 (no date, to Aurelius, on suing a corruptor of slave); 9.23.2 (13.12. to Attibius, forgiving falsification of will); 10.3.1 (7.1. to Agortia, advising on how to restore property lost).					

Caracalla	213	Rescript on responsibility due to paternal debt.	Iulius	inheritance	<i>Appendices legis Romanae Wisigothorum duae</i> 1.5.
Caracalla	214	Rescripts: <i>Cod. Iust.</i> 2.37.1 (2.5. to Prunicus, appeal is denied against contracting party Zenodora, a minor); 4.2.2 (25.4. to Hermogenes, allowing action on <i>stipulatio</i> ); 4.58.1 (30.5. to Decentius Veromilius, granting action on a fraudulent sale of defective slave); 4.65.3 (6.1. to Flavius Callimorphus, setting conditions of eviction of renter); 5.31.1 (4.2. to Chrysantha, on appointing a guardian for a lawsuit); 5.31.2 (5.7. to			

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		Epaphroditus, on freedman's duty to have guardians appointed); 5.40.1 (5.11. to Miltiades, allowing one guardian to defend a minor in court); 6.30.1 (July, to Titia, releasing her from her father's obligations); 6.31.1 (15.7. to Mucianus, on whether he abstained from inheritance); 7.16.2 (5.2. to Verenianus, on slave status); 7.53.3 (no date, to Agrippa, expediting execution of judgment); 8.20.1 (18.11. to					

		Venuetus, that his portion is not compromised by his brother's actions); 8.40.6 (21.6. to Polla, that his father may not be sued on Cornelius' loan).			
Caracalla	215	A rescript about curators.	Priscianus	curator	<i>Consultatio veteris cuiusdam iurisconsulti</i> 9.8.
Caracalla	215	2.24.1 (4.4. to Marciana, granting action for restoration of inheritance); 2.53.2 (19.9. to Dionysius, conditionally reinstating a case, pending verification by governor); 3.28.7 (26.6. to Secundinus, allowing complaint of testament); 3.34.2 (1.7. to Martial, about water			

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		servitutes); 4.6.1 (27.7. to Callisthenes, ordering restoration of dowry); 4.7.2 (17.11. to Longinus, rejecting the restoration of a house given for dishonourable purposes); 4.14.2 (30.8. to Baeticus, rejecting an action on <i>peculium</i> after service); 4.19.2 (17.11. to Auluzanus, referring a claim of possession to regular courts); 4.26.3 (29.6. to Artemon, on how to recoup money loaned to Prisca's slave); 4.30.3					

(29.6. to Demetria,  
on defence against  
fraudulent  
debtors); 4.49.1  
(10.6. to Aeliana,  
granting an action  
on sale, not in  
rem); 5.18.3 (27.8.  
to Hastilia, what  
happens if  
husband is found  
to be a slave);  
5.31.3 (12.7. to  
Atlanta, on  
appointment of  
new guardian);  
5.31.4 (13.7. to  
Dominus, a  
creditor may ask  
for appointment  
of guardian);  
5.32.1 (1.10. to  
Aristobula, on  
magistrate's  
responsibility to  
appoint guardian);  
5.37.5 (July, to  
Rufinus,  
compelling  
guardians to  
comply); 5.43.2  
(13.1. to

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		<p>Longinus, allowing him to sue fraudulent curators); 5.51.3 (29.6. to Vitalius, estimating the actions of his curator); 5.53.3 (1.7. to Priscianus, on the liability of his defaulted curator); 6.2.3 (8.9. to Secundus, on suing his stepfather for theft); 6.31.2 (27.6. to Severus, on whether he abstained from inheritance); 6.37.7 (11.7. to Faustus, affirming joint ownership of a Fortidianian farm); 6.42.2 (27.7. to Eupatrius,</p>					

granting defence  
on a trust); 6.42.3  
(9.12. to Rufinus,  
about Chrysis'  
inheritance);  
6.46.3 (10.7. to  
Aurelius,  
depriving  
Aluzanus' legatee  
of inheritance);  
7.29.1 (25.6. to  
Zoilus, rejecting  
acquisition of  
slaves); 7.73.4  
(29.6. to Quintus,  
on protecting a  
farm from debts);  
8.16.3 (30.3. to  
Restitulus,  
affirming that  
burial of his son  
consecrated the  
ground); 8.17.4  
(9.12. to Silvanus,  
resolving his  
dispute over the  
property of  
Socianus with the  
municipality of  
Heliopolis); 8.38.1  
(1.7. to Paulinus,  
stipulation of a  
minor is not

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		binding); 8.40.7 (1.7. to Erotis, about his obligations through mandate); 8.46.2 (17.2 to Marania, on ownership and paternal power); 9.6.2 (26.9. to Eutychianus, that a suit of forgery is not extinguished if only one of the accused dies); 9.16.1 (31.1. to Aurelius Herculianus and other soldiers, that accidental killing is unpunished, Coll. 1.8.1); 9.32.2 (25.4. to Primus, allowing him to sue his stepfather for wasting his inheritance).					

Caracalla	216	Caracalla heard the case of the Goharians, see Ch. 5.	Goharian embassy	priesthood	SEG XVII 759.	See Ch. 5. Millar, <i>Emperor</i> (1992 [1977]), 38, 121, 233, 455, 535–6; Nörr, 'Reskriptenpraxis' (1981), 35; Wankel, <i>Appello</i> (2009), 203–26.
Caracalla	216	Rescripts: <i>Cod. Iust.</i> 2.6.1 (1.8. to Artemidorus, rejecting further appeal from a decision of the prefect of Egypt); 2.18.7 (10.3. to Euphrata, on inheritance); 3.44.2 (1.5. to Hilarianus, allowing removal of an unwanted body); 4.26.4 (28.12. to Leontius, release from father's debt); 4.35.3 (27.10. to Germanus, on concurrent suits against debtors); 4.54.1 (no date, to Claudia Diotima,				

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		upholding a condition of sale); 5.62.4 (21.6. to Agothodaemon, allowing his marriage to Demetria, his ward, done in good faith); 6.25.3 (30.4. to Maxentius and others, allowing them to inherit); 6.37.8 (8.3. to Demetrius, on a soldier's legacy as guardian); 7.53.4 (3.6. to Marcellus, on satisfying his creditors); 8.18.2 (1.10. to Felix, on succeeding the fisc and recovering money); 9.6.3 (28.9. to Proculus,					

		that he cannot be punished for abandoning and extinguished suit); 9.32.3 (3.1. to Helena, allowing her to sue her former stepmother for wasting her inheritance); 10.8.1 (17.11. to Antiochus, telling him to pay the penalty).
Caracalla	217	Rescripts: <i>Cod. Iust.</i> 2.18.9 (22.2. to Sallustius, granting action against a money-collector); 8.37.3 (24.2. to Hadrianus, on recovering money).
Caracalla	wrong dating	Rescripts: <i>Cod. Iust.</i> year 218: 2.18.8 (27.7. to Severus, allowing a veteran to sue an agent). 223:

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		2.12.8 (25.8. to Mansuetus, on the collection of debt for others); 3.28.10 (12.8. to Quintilianus, allowing claim of inheritance against fisc); 3.34.3 (1.5. to Ricana, contracting water servitudes). 229: 3.28.12 (5.12. to Licinius and Diogianus, rejecting an action denying a child of inheritance). 230: 2.12.12 (27.9. to Frontinus, on the mandate of a son as defendant). 243: 1.18.2 (18.10. to Sextus Juvenal,					

rejecting a claim  
of ignorance of  
law). 277: 2.12.10  
(27.2. to Castricia,  
on procurators  
exceeding their  
mandates). 312:  
2.53.1 (3.3. to  
Aemilianus,  
reinstating action  
due to case lost  
while on an  
embassy). 218:  
2.18.8 (27.7. to  
Severus, allowing  
a veteran to sue an  
agent). 223: 2.12.8  
(25.8. to  
Mansuetus, on the  
collection of debt  
for others);  
3.28.10 (12.8. to  
Quintilianus,  
allowing claim of  
inheritance  
against fisc);  
3.34.3 (1.5. to  
Ricana,  
contracting water  
servitudes). 229:  
3.28.12 (5.12. to

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		Licinius and Diogianus, rejecting an action denying a child of inheritance). 230: 2.12.12 (27.9. to Frontinus, on the mandate of a son as defendant). 243:1.18.2 (18.10. to Sextus Juvenal, rejecting a claim of ignorance of law). 277: 2.12.10 (27.2. to Castricia, on procurators exceeding their mandates). 312: 2.53.1 (3.3. to Aemilianus, reinstating action due to case lost while on an embassy).					

Caracalla

Rescripts without  
year: *Cod. Iust.*  
3.36.2 (12.2. to  
Avitianus, on  
retaining dowry);  
4.7.1 (no date, to  
Ingenuus, on how  
to be released  
from a false debt);  
4.30.4 (no date, to  
Bassus, refusing a  
complaint of false  
debt if it was  
partly paid); 4.31.1  
(no date, to  
Dianensis, on  
where to recover  
money paid to  
fisc); 4.32.8 (no  
date, to Claudius  
Doryphorus, on  
Bassa's interest on  
loan from  
Menophanus);  
4.32.9 (no date, to  
Canius Probus,  
limiting the  
interest liability of  
a debtor); 4.35.2  
(no date, to Statius  
Marcellinus,

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		granting action on a father's suretyship); 4.39.2 (no date, to Titius Florianus, rejecting a late claim for a bond); 7.4.2 (no date, to Valerius, affirming his freedom despite forged will); 7.16.1 (9.2. to Saturnina, admonishing her for selling her sons); 7.52.3 (no date, to Demetrius, telling that if you do not appeal, you obey); 7.53.2 (no date, to Maximus, on novation of judgment); 7.73.1					

(no date, to Eutropia, on restoring her wrongly confiscated property); 8.35.3 (no date, to Vitalis, on suing his brother for fraud in guardianship); 9.47.4 (no date, to Marina, that a boy has the status of her mother at conception); 9.51.2 (no date, to Quietus, telling that his father's property stays confiscated); 10.39.1 (no date, to Silvanus, advising that he has to pay liturgies to both Berytus and Byblium); 10.40.1 (no date, to Paulinus, about civic duties); 10.53.1 (no date,

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Emperor	Date	Description	Parties	Subject-matter	Decision	Sources	Literature
		to Numisius, affirming immunity from liturgies); 10.67.1 (no date, to Basilida, you can sue to be freed from liturgies); 11.30.2 (no date, to Aphrodisius, on obligations); 11.32.2 (no date, no name, on bids to lease public lands); 12.35.1 (no date, to Annaeus, refusing military pay when he was among the enemy); 12.35.2 (no date, to the Soldiers of the First Cohort, giving them liberty from					

		sordid duties after 20 years of service).			
Caracalla		A rescript to Granius Firminus about tutors and their responsibility.			<i>Frag. Vat.</i> 228.
Caracalla/ Elagabalus	218	A rescript on inheritance and <i>patria potestas</i> , identification to Elagabalus based on dating.	Victorina	inheritance	<i>Epitome codicum Gregoriani et Hermogeniani Wisigothica</i> 13.1.
Severus Alexander	222	A rescript about the petitioner's mother's lawsuit.	Aurelius Dionysius		<i>Consultatio veteris cuiusdam iurisconsulti</i> 9.11.
Severus Alexander	222	Rescripts: <i>Cod. Iust.</i> 1.23.1 (15.7., procedure); 2.3.8 (12.9., procedure); 2.3.9 (12.9., contract); 2.18.10 (20.11., expenses); 3.32.3 (30.10., sale); 3.35.1 (7.11., damages); 3.37.2 (12.9., pledge);			

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