

(*ipsi*: although they were legally incompetent to pronounce any such judgement) to prohibit the Donatists from returning to Africa'.

In my paper I suggested that Aelafius need not necessarily have been *vicarius*, but might have held the position of a *vices agens praefectorum praetorio*. This suggestion was based upon Cuq's view that these were distinct offices: in support of that view cf. A. Stein, *Stellvertreter der Praefecti Praetorio in Hermes* lx (1925) 94-103.

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### URBIS ROMAE EPISCOPI.

IN his article 'Optatus', published in *J. T. S.* xxvi pp. 37 ff, Mr Norman Baynes defends the authenticity of the letter of Constantine to 'Aelafius'<sup>1</sup> found together with other documents relating to the Donatist schism in Cod. Par. 1711 (Ziwsa *C. S. E. L.* pp. 204 ff), and maintains the correctness of the MS reading *urbis Romae episcopi* (p. 204. 28 Z.), which the earlier editors, followed by Mr Vassall-Phillips (*The work of St Optatus of Milevis against the Donatists*, 1917, p. 384), emended to *u. R. episcopus*. He interprets the phrase as meaning 'those bishops who received their consecration from Rome'; but it seems possible that it is chosen as a compendious form of reference to the *dioecesis* of *Urbs Roma* established by Diocletian, which included Central and Southern Italy, and was distinguished from *Italia* (= Northern Italy). Mr Baynes has identified the seven bishops referred to in the words immediately preceding the mention of *urbis Romae episcopi* with the bishops from North Italy recorded by Optatus (i 23) as having been summoned to the Council held at Rome in A. D. 313; and this view is certainly to be preferred to the unfortunate conjecture of Schrörs (*Zeitschrift der Savigny-Stiftung* xl (1921), *Kanonistische Abteilung* p. 434) that *septione* should be read for *septem*.<sup>2</sup> Schrörs himself would explain the plural in *urbis Romae episcopi* by reference to the summons issued by Constantine to the Roman Council preserved in the Greek text, which is addressed Μιλτιάδη ἐπισκόπῳ Ρωμαίων καὶ Μάρκῳ, supposing Marcus to have been a coadjutor-bishop<sup>3</sup>; but this may be otherwise interpreted,<sup>4</sup> and he has himself suggested<sup>5</sup> that the difficult and corrupt passage in the letter from the

<sup>1</sup> 'Ablabius' seems the most probable emendation of this name.

<sup>2</sup> Mr Norman Baynes kindly drew my attention to this article.

<sup>3</sup> Marcus is probably to be identified with the successor of Silvester in the Papacy.

<sup>4</sup> Mr Norman Baynes reminds me that the Letter of Constantine in *Vit. Const.* ii 64 is addressed Ἀλεξάνδρῳ καὶ Ἀρείῳ, i. e. to a bishop and a presbyter.

<sup>5</sup> *Op. cit.* p. 438.

Council of Arles to Pope Sylvester (Ziwsa *op. cit.* pp. 206 ff) which runs *placuit etiam antea scribi ad te qui maiores dioeceseos (sic!) tenes, per te potissimum omnibus insinuari* should be emended (in accordance with the indications furnished by a Cologne MS of the letter<sup>1</sup>) by writing *maiores dioeceseos partes*. He seems to be wrong, however, in explaining the *dioecesis* in question as that of *Italia*. Duchesne,<sup>2</sup> as long ago as 1892, wrote that after the formation of the ecclesiastical provinces of Milan, Aquileia, and Ravenna, which took place in the fourth century, the immediate jurisdiction of the Pope was restricted to '*la diocesi suburbicaria civilis*', i.e. the *dioecesis* of *Urbs Roma*; and Konrad Lübeck *Reichseinteilung und Kirchliche Hierarchie des Orients* (1901) pp. 131 ff, in discussing the use of the phrase *ecclesiae suburbicariae* by Rufinus in his translation of the sixth canon of Nicaea, inclines to the view that the districts subordinate to the *Vicarius Urbis Romae* are meant.

Professor Bury, in his article on the *Laterculus Veronensis* in the current number of the *Journal of Roman Studies* (xiii pp. 134, 142), points out that the earliest mention of the Diocese of *Urbs Roma* which we have is contained in the inscription on the base of the statue of C. Caelius Saturninus in the Lateran Museum (Dessau *Inscriptiones Latinae Selectae* 1214), which, as Mommsen shewed,<sup>3</sup> belongs to the sole reign of Constantine, and so does not prove the truth of Seeck's assertion (*Geschichte des Untergangs der antiken Welt* ii p. 498) that it was already formed under Diocletian. If the interpretation of the letter of Constantine which I have suggested is correct, we get a *terminus ante quem* in the year A. D. 313—a fact which may be of interest to students of Roman history.

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## ΑΠΑΤΟΝ.

In a tractate concerning decans published by Prof. W. Kroll from Cod. Vindob. phil. gr. 108 (in *Catalogus Codicum astrologicorum Graecorum* vi p. 61 ff) we read (p. 76): δεύτερος δεκανὸς καλεῖται Δερόποντ' γλύφεται δὲ ἐν λίθῳ σεληνίτη ἐν δεδοκυμασμένῳ ἀπάτῳ καὶ ὅταν χρεία πιέσματος γένηται σοι, ἔρωτήσ(as) κάτεχε τοῦτο καὶ ὀφθήσῃ ἀβλαβῶς. Kroll remarks 'ἀπάτος quid sibi uelit nescio'. Does it not mean 'in a spot where no man treads and which has been tested and found such'? ἀπάτῳ would then be either a corruption of ἀβάτῳ, or a late

<sup>1</sup> Published by F. Maassen *Geschichte der Quellen und Literatur des Kanonischen Rechts* i (1870) p. 950 f.

<sup>2</sup> *Archivio della Società romana di storia patria* xv (1892) p. 477.

<sup>3</sup> *Nuove memorie dell' Istituto* pp. 298 ff.