

CORPUS IURIS CIVILIS

EDITIO STEREOTYPA DUODECIMA

VOLUMEN PRIMUM

INSTITUTIONES

RECOGNOVIT

PAULUS KRUEGER

DIGESTA

RECOGNOVIT

THEODORUS MOMMSEN

RETRACTAVIT

PAULUS KRUEGER

BEROLINI

APUD WEIDMANNOS

MCMXL

ADDITAMENTA

I

ORDO LIBRORUM IURIS VETERIS

IN COMPILANDIS DIGESTIS OBSERVATUS.

Scripta veterum iurisconsultorum compilatores quo ordine perlustraverint et quamnam inter se librorum distributionem fecerint, Bluhme et vidit primus et ita explicuit, ut aliis adiciendum mutandumve nihil fere relinqueret. Bluhmiani igitur sunt qui sequuntur laterculi (vide Savigny *Zeitschrift für geschichtliche Rechtswissenschaft* IV. p. 266). in quibus quos libros compilatores coniunctos excusserunt, lineola praeposita comprehendendi partitionesque, quas in his operibus coniunctim excerptis fecerunt, quatenus deprehendi potuerunt, subiunxi secutus alterum Bluhmii indicem (l. c. p. 445).

PAULUS KRUEGER.

PARS SABINIANA (Sab.)

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| 1. ULPIANI libri LI ad Sabinum. | 10. ULPIANI libri X disputationum. |
| 2. POMPONII libri XXXVI ad Sabinum. | 11. ULPIANI libri X de omnibus tribunalibus. |
| 3. PAULI libri XVI ad Sabinum. | 12. ULPIANI libri VI opinionum. |
| { Ulp. l. 1—14. { Ulp. l. 40 fin.—43. | 13. ULPIANI libri VI de censibus. |
| { Pomp. l. 1—4. { Pomp. l. 18—22. | 14. IULIANI libri XC digestorum. |
| { Pauli l. 1. 2. { Pauli l. 9. 10. | 15. ALFENI VARI libri XL digestorum. |
| { Ulp. l. 15—25. { Ulp. l. 44—50. | 16. PAULI libri VIII epitomarum Alfeni digestorum. |
| { Pomp. l. 5—7. { Pomp. l. 23—27. | 17. IULIANI liber singularis de ambiguitatibus. ⁵ |
| { Pauli l. 3. 4. { Pauli l. 11. 12. | 18. IULIANI libri IV ad Urseium Feroceum |
| { Ulp. l. 26—29. { Ulp. l. 51. | 19. IULIANI libri VI ex Minicio. |
| { Pomp. l. 8—11. { Pomp. l. 29. | 20. AFRICANI libri IX quaestionum. |
| { Pauli l. 5. { Pauli l. 13. ² | 21. FLORENTINI libri XII institutionum. |
| { Ulp. l. 30. { Pomp. l. 30—36. | 22. MARCIANI libri XVI institutionum. |
| { Pomp. l. 12. 13. { Pauli l. 14—16. | 23. ULPIANI libri II institutionum. |
| { Pauli l. 6. | 24. GAII libri VII rerum cottidianarum sive aureorum. |
| { Ulp. l. 31—40 in. ¹ | 25. GAII libri IV institutionum. |
| { Pomp. l. 14—17. | 26. CALLISTRATI libri III institutionum. |
| { Pauli l. 7. 8. | 27. PAULI libri II institutionum. |
| 4. ULPIANI libri XXVI—LII in. ad edictum. | { Flor. l. 1—5. { arc. l. 4—9. |
| 5. PAULI libri XXVIII—XLVIII in. ad edictum. | { Marc. l. 1. 2. { Flor. l. 10. 11. |
| 6. PAULI libri VI—VIII brevium. | { Ulp. l. 1. { Ulp. l. 2. |
| 7. GAII libri IX—XVIII ad edictum provinciale. | { Gaii l. 1 inst. { Flor. l. 7—9. |
| 8. GAII libri II de testamentis ad edictum praetoris urbani. | { Gaii l. 1 aur. { Gaii l. 3 inst. |
| 9. GAII libri III de legatis ad edictum praetoris. | { Pauli l. 1. { Gaii l. 3 aur. |
| { Ulp. l. 26—30. { Ulp. l. 37. 38. | { Flor. l. 6. { Pauli l. 2. |
| { Pauli l. 28—31. { Pauli l. 39. 40. | { Marc. l. 3. { Callistr. l. 3. |
| { Gaii l. 9. 10 in. ³ | { Gaii l. 2 inst. { Marc. l. 10—16. |
| { Pauli l. 6 brevium. | 28. ULPIANI libri V de adulteriis. |
| { Ulp. l. 31. 32. { Pauli l. 39—45. | 29. PAPINIANI libri II de adulteriis. |
| { Pauli l. 32—34. { Pauli l. 41—43 in. | 30. PAPINIANI liber singularis de adulteriis |
| { Gaii l. 10 fin. | 31. PAULI libri III de adulteriis. |
| { Ulp. l. 33. 34. { Ulp. l. 46—50. | { Ulp. l. 1—3. { Ulp. l. 4. 5. |
| { Gaii l. 11. { Pauli l. 43 fin.—46. | { Pap. l. 1. 2. { Pauli l. 3. |
| { Ulp. l. 35—37. { Gaii l. 16. 17. | { Pap. l. sing. |
| { Pauli l. 7 brevium. | { Pauli l. 1. 2. |
| { Ulp. l. 35. 36. { Ulp. l. 51. 52 in. | 32. ULPIANI liber singularis de sponsalibus. |
| { Pauli l. 38. { Pauli l. 47. 48 in. | 33. PAULI liber singularis de dotis repetitione. |
| { Pauli l. 8 brevium. | 34. PAULI liber singularis de adsignatione libertorum. |
| { Gaii l. 12. | 35. PAULI liber singularis de iure patronatus. |
| { Gaii l. 1—3 de legatis. | |

(1) cf. 26, 8, 5—7. Bluhme: l. 31—39 (2) cf. 5. 1, 58—60: 6, 1, 68—71. Bluhme separat librum 51 Ulpiani a laudatis Pomponii et Pauli libris (3) cf. 50, 17, 45—47.

Bluhme: Gaii l. 9 (4) cf. 38, 1, 18—22. Bluhme: Gaii l. 13 (5) Bluhme hoc opus post libros ex Minicio collocat: sed vide 28, 6, 31. 32, 62

36.	NERATH	libri XV regularum.	78.	PAULI	liber singularis de senatus consultis.
37.	ULPIANI	libri VII regularum.	79.	PAULI	liber singularis ad SC. Velleianum.
38.	SCAEVOLAE	libri IV regularum.	80.	PAULI	liber singularis de intercessionibus feminarum.
39.	PAULI	liber singularis regularum.	81.	PAULI	liber singularis ad orationem divi Antonini et Commodi.
40.	MARCIANI	libri I. II regularum.	82.	PAULI	liber singularis de excusationibus tutelarum.
41.	ULPIANI	libri II responsorum.	83.	PAULI	liber singularis ad orationem divi Severi.
42.	MARCIANI	libri III. IV regularum.	84.	PAULI	liber singularis de variis lectionibus.
43.	PAULI	libri VII regularum.	85.	ULPIANI	liber singularis pandectarum.
44.	MARCIANI	liber V regularum.	86.	MACRI	libri II de re militari.
45.	POMPONII	liber singularis regularum.	87.	PAULI	liber singularis de poenis militum.
46.	ULPIANI	liber singularis regularum.	88.	ULPIANI	liber singularis de officio curatoris rei publicae.
47.	ULPIANI	libri X de officio proconsulis.	89.	ULPIANI	liber singularis de officio consularium.
48.	PAULI	liber singularis ad SC. Silanianum.	90.	PAULI	libri II de officio proconsulis.
49.	PAULI	liber singularis de portionibus quae liberis damnatorum conceduntur.	91.	VENULEII	libri IV de officio proconsulis.
50.	PAULI	libri II ad legem Iuliam.	92.	CLAUDII SATURNINI	liber singularis de poenis paganorum.
51.	PAULI	liber singularis de conceptione formularum.	93.	VOLUSII MAECIANI	ex lege Rhodia.
52.	MACRI	libri II publicorum iudiciorum.	94.	IAVOLENI	libri X ex posterioribus Labeonis.
53.	VENULEII SATURNINI	libri III de iudiciis publicis.	PARS EDICTALIS (Ed.)		
54.	PAULI	liber singularis de iudiciis publicis.			
55.	MARCIANI	libri II de publicis iudiciis.	95.	ULPIANI	libri I—XXV ad edictum.
56.	MAECIANI	libri XIV de publicis iudiciis.	96.	PAULI	libri I—XXVII ad edictum.
57.	MARCIANI	liber singularis ad formulam hypothecariam.	97.	PAULI	libri I—V brevium.
58.	GAII	liber singularis de formula hypothecaria. ¹	98.	GAII	libri I—VIII. XIX ad edictum provinciale.
59.	MARCELLI	liber singularis responsorum.	99.	GAII	liber ad edictum praetoris urbani.
60.	NERATH	libri VII membranarum.	100.	CALLISTRATI	libri I. II edicti monitorii.
61.	MACRI	libri II de officio praesidis.	{ Ulp. l. 1—6. Pauli l. 1—5. Gaii l. 1. Call. l. 1.		{ Ulp. l. 18. Pauli l. 22. Gaii l. 7.
62.	ARCADII CHARISII	liber singularis de testibus.			
63.	MARCIANI	liber singularis de delatoribus.			
64.	ULPIANI	libri IV de appellationibus.			
65.	MACRI	libri II de appellationibus.	{ Ulp. l. 7. Pauli l. 6—7. Gaii l. 2.		{ Ulp. l. 19. Pauli l. 23. Gaii l. 7.
66.	MARCIANI	libri II de appellationibus.			
	{ Ulp. l. 1. 1. 2. Macri l. 1. Marc. l. 1.	{ Ulp. l. 3. 4. Macri l. 2. Marc. l. 2.			
67.	PAULI	liber singularis de appellationibus.			
68.	RUTILII MAXIMI	liber singularis ad legem Falcidiam.	{ Ulp. l. 8—10 in. Pauli l. 8—10. Gaii l. 3.		{ Ulp. l. 20. 21. Pauli l. 24. Gaii l. 7.
69.	PAULI	liber singularis ad legem Fufiam Caniniam.			
70.	PAULI	libri III ad legem Aeliam Sentiam.			
71.	ULPIANI	libri IV ad legem Aeliam Sentiam.			
72.	PAULI	liber singularis de libertatibus dandis.	{ Ulp. l. 10 fin.—12. Pauli l. 11. 12 in. Gaii l. 4. Pauli brevium l. 3. Call. l. 1.		{ Gaii l. 8. Ulp. l. 21. 22. ⁴ Pauli l. 25. 17. 18. Gaii l. 5 fin. Call. l. 2.
73.	PAULI	liber singularis de liberali causa.			
74.	PAULI	liber singularis de secundis tabulis.			
75.	PAULI	liber singularis de iure codicillorum.			
76.	PAULI	liber singularis de centumviralibus iudiciis.	{ Ulp. l. 13. 14. Pauli l. 12 fin.—16. ³ Gaii l. 5 in. Call. l. 2.		{ Ulp. l. 23. Pauli l. 18. 19. Gaii l. 6.
77.	PAULI	liber singularis de adulteriis.			
			{ Ulp. l. 15. 16 in. ³ Pauli l. 20. Gaii l. 5 fin. 6.		{ Ulp. l. 24. Pauli l. 25. 26. Gaii l. 8.
			{ Ulp. l. 16. fin. 17. Pauli l. 19. 21. Gaii l. 7. Call. l. 2.		{ Ulp. l. 25. Pauli l. 27. Gaii l. 8. 19. ⁵ Gaii ad. ed. pr. urb. ⁶

(1) Marciani et Gaii libri ad form. hyp. hoc loco collocati sunt propter 13, 7, 33. 34. 20, 2, 2. 4. Bluhme eos post Paulum de appellationibus (67) collocat propter 46, 3, 48. 49 (2) cf. 50, 17, 120 Bluhme: Pauli l. 13—16 (3) cf.

36, 1, 37—40. Bluhme: Ulp. l. 15 (4) cf. 50, 17, 134. Bluhme: Ulp. l. 22 (5) cf. 11, 7. Bluhme: Gaii l. 8 solus (6) 50, 17, 139, ubi collocatur inter Pauli l. 27 ad ed. (96) et Ulpiani l. 56 ad ed. (101)

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| 101. | ULPIANI | libri LVI—LXXXI ad edictum. | 120. | ULPIANI | libri LII fin. LIII ad edictum. |
| 102. | PAULI | libri LIII—LXXXVIII ad edictum. | 121. | PAULI | libri XLVIII fin. XLIX ad edictum. |
| 103. | PAULI | liber XVI brevium. | 122. | GAII | liber XIX ad edictum provinciale. |
| 104. | GAII | libri XXI fin. — XXX ad edictum provinciale. | 123. | GAII | ad edictum praetoris urbani titulus de operis novi nuntiatione, de damno infecto, de aquae pluviae arcendae. |
| 105. | GAII | ad edictum praetoris urbani titulus de praedictoribus. | 124. | PAULI | libri I—XIV ad Plautium. |
| 106. | GAII | ad edictum praetoris urbani titulus qui neque sequantur neque ducantur. | 125. | IAVOLENI | liber I ad Plautium. |
| 107. | GAII | ad edictum praetoris urbani titulus de re iudicata. | 126. | POMPONII | liber I ad Plautium. |
| | | | 127. | IAVOLENI | liber II ad Plautium. |
| | | | 128. | POMPONII | libri II, III ad Plautium. |
| | | | 129. | PAULI | libri XV—XVIII ad Plautium. |
| | | | 130. | IAVOLENI | libri III—V ad Plautium. |
| | | | 131. | POMPONII | libri IV—VII ad Plautium. |
| | | | 132. | PAULI | libri IV ad Vitellium. |
| | | | 133. | PAULI | libri II de iure fisci. |
| | | | 134. | CELSI | libri XXXIX digestorum. |
| | | | 135. | MARCELLI | libri XXXI digestorum. |
| | | | | Celsi l. 1—4. | Celsi l. 22. |
| | | | | Marc. l. 1—3. | Marc. l. 16. |
| | | | | Celsi l. 5. 6. | Celsi l. 23. |
| | | | | Marc. l. 4. | Marc. l. 17. |
| | | | | Celsi l. 6—8. | Celsi l. 24—27. |
| | | | | Marc. l. 5. | Marc. l. 18—21. |
| | | | | Celsi l. 9—12. | Celsi l. 28—35. |
| | | | | Marc. l. 7. 8. | Marc. l. 22—29. |
| | | | | Celsi l. 13—16. | Celsi l. 36—39. |
| | | | | Marc. l. 9—12. | Marc. l. 30. 31. |
| | | | | Celsi l. 17—21. | |
| | | | | Marc. l. 13—15. | |
| | | | 136. | ULPIANI | libri III de officio consulis. |
| | | | 137. | MODESTINI | libri IX differentiarum. |
| | | | 138. | MODESTINI | liber singularis de manumissionibus. |
| | | | 139. | MODESTINI | libri X regularum. |
| | | | 140. | MODESTINI | liber singularis de ritu nuptiarum. |
| | | | 141. | MODESTINI | liber singularis de differentia dotis. |
| | | | 142. | MODESTINI | libri VI excusationum. |
| | | | 143. | ULPIANI | liber singularis de officio praetoris tutelaris. ⁵ |
| | | | 144. | ULPIANI | liber singularis excusationum. ⁵ |
| | | | 145. | MODESTINI | libri IV de praescriptionibus. |
| | | | 146. | MODESTINI | libri XIX responsorum. |
| | | | 147. | MODESTINI | liber singularis de enucleatis casibus. |
| | | | 148. | MODESTINI | liber singularis de praescriptionibus. |
| | | | 149. | MODESTINI | libri XII pandectarum. |
| | | | 150. | MODESTINI | liber singularis de heurematicis. |
| | | | 151. | MODESTINI | liber singularis de inofficioso testamento. |
| | | | 152. | IAVOLENI | libri XV ex Cassio. |
| | | | 153. | IAVOLENI | libri XIV epistularum. |
| | | | 154. | POMPONII | libri XXXIX ad Quintum Mucium. |
| | | | 155. | PROCULI | libri I—VI epistularum. ⁶ |
| | | | 156. | POMPONII | libri XV variarum lectionum. ⁶ |
| | | | 157. | PROCULI | libri VII—XI epistularum. |
| | | | 158. | CALLISTRATI | libri IV de iure fisci. |
| | | | 159. | PAULI | libri II de censibus. |
| | | | 160. | CALLISTRATI | libri VI de cognitionibus. |
| | | | 161. | TERTULLIANI | libri VIII quaestionum. |

(1) cf. 42, 4, 6. Bluhme: Pauli l. 56 (2) cf. 42, 5, 26. Bluhme om. Pauli l. 16 br. (3) de loco huius libri non constat nisi eum collocandum esse inter Ulp. l. 66 ad ed. et libros ad Plautium: vide 42, 1, 6—8 (4) adposui libris cognatis: ex Digestis (43, 10, 1) de loco huius libri non liquet (5) Ulpiani libros cum Modestino de ex-

cusationibus coniunxi propter 27, 1, 1 seqq.: post Ulpianum de off. cons. (136) eos collocat Bluhme (6) ad Proculi epistulas et Pomponii varias lectiones cf. 8, 6, 16 (Proc. I) 17 (Pomp. XI) 46, 1, 82 (Proc. V) 83 (Pomp. XIV) 84 (Proc. VII) 49, 15, 6 (Pomp. I) 7 (Proc. VIII)

162.	ULPIANI	libri XX ad legem Iuliam et Papiam.	189.	SCAEVOLAE	libri II—IV responsorum.
163.	PAULI	libri X ad legem Iuliam et Papiam.	190.	PAULI	libri XVI—XIX responsorum.
164.	TERENTH CLEMENTIS	libri XX ad legem Iuliam et Papiam.	191.	SCAEVOLAE	libri V responsorum.
165.	GAII	libri XV ad legem Iuliam et Papiam.	192.	PAULI	libri XX—XXIII responsorum.
166.	MAURICIANI	libri VI ad legem Iuliam et Papiam.	193.	SCAEVOLAE	liber VI responsorum.
167.	MARCELLI	libri VI ad legem Iuliam et Papiam.	194.	VALENTIS	libri I—IV fideicommissorum.
	Ulp. l. 1.	Clementis l. 1—20.	195.	ULPIANI	libri I—IV fideicommissorum.
	Pauli l. 1.	Gaii l. 3—15.	196.	MAECIANI	libri I—VIII fideicommissorum.
	Ulp. l. 2—5.	Mauric. l. 2. 3.	197.	GAII	libri II fideicommissorum.
	Pauli l. 2—5.	Marcelli l. 1—3.	198.	PAULI	libri I. II fideicommissorum.
	GAII l. 1. 2.	Ulp. l. 16—20.	199.	POMPONII	libri I. II fideicommissorum.
	Ulp. l. 6—15.		200.	MAECIANI	libri IX—XVI fideicommissorum.
	Pauli l. 6—10.		201.	VALENTIS	libri V—VII fideicommissorum.
168.	MACRI	libri II ad legem vicissimam hereditatium.	202.	POMPONII	libri III—V fideicommissorum.
169.	GAII	liber singularis ad legem Glitiam. ¹	203.	ULPIANI	libri V. VI fideicommissorum.
170.	PAULI	liber singularis ad legem Cinciam.	204.	PAULI	liber III fideicommissorum.
171.	ARRII MENANDRI	libri IV de re militari.	205.	PAULI	liber I in. sententiarum.
172.	TARRUNTENI PATERNI	libri IV de re militari.	206.	HERMOGENIANI	liber I iuris epitomarum.
173.	TERTULLIANI	liber singularis de castrensi peculio.	207.	PAULI	libri I fin. II sententiarum.
174.	MODESTINI	libri IV de poenis.	208.	HERMOGENIANI	liber II iuris epitomarum.
175.	LICINII RUFINI	libri XIII regularum.	209.	PAULI	liber III sententiarum.
176.	CALLISTRATI	libri III. IV edicti monitorii.	210.	HERMOGENIANI	liber III iuris epitomarum.
177.	PAPIRII IUSTI	libri XX de constitutionibus.	211.	PAULI	liber IV sententiarum.
178.	AELII GALLI	liber I de verborum quae ad ius pertinent significatione.	212.	HERMOGENIANI	liber IV iuris epitomarum.
179.	IULII AQUILAE	liber responsorum.	213.	PAULI	liber V sententiarum.
			214.	HERMOGENIANI	libri V. VI iuris epitomarum.
			215.	GAII	liber singularis de casibus.
			216.	VENULEII	libri XIX stipulationum.
			217.	NERATII	libri III responsorum.
			218.	PAULI	libri IV ad Neratium.
			219.	TRYPHONINI	libri I—XII disputationum.
			220.	PAULI	libri III manualium.
			221.	TRYPHONINI	libri XIII—XXI disputationum.
			222.	PAULI	libri III decretorum.
			223.	GAII	libri III regularum.
			224.	GAII	liber singularis regularum. ²
			225.	PAULI	liber singularis de cognitionibus.
			226.	PAULI	liber singularis de concurrentibus actionibus.
			227.	PAULI	liber singularis de usuris.
			228.	PAULI	liber singularis ad SC. Turpillianum.
			229.	MARCIANI	liber singularis ad SC. Turpillianum.
			230.	PAULI	liber singularis ad SC. Libonianum.
			231.	PAULI	liber singularis ad SC. Claudianum. ⁴
			232.	PAULI	liber singularis de poenis omnium legum.
			233.	PAULI	liber singularis de poenis paganorum.
			234.	PAULI	liber singularis ad regulam Catonianam.
			235.	PAULI	liber singularis de forma testamenti.
			236.	PAULI	liber singularis de inofficioso testamento.
			237.	PAULI	liber singularis de tacitis fideicommissis.

PARS PAPINIANA (Pap.)

180.	PAPINIANI	libri XXXVII quaestionum.
181.	PAPINIANI	libri XIX responsorum.
182.	PAPINIANI	libri II definitionum.
183.	PAULI	libri XXVI quaestionum.
184.	SCAEVOLAE	libri XX quaestionum.
	Pauli l. 1—3.	Pauli l. 15.
	Scaev. l. 2.	Scaev. l. 13.
	Pauli l. 4—8.	Pauli l. 16—20.
	Scaev. l. 3—6.	Scaev. l. 14—18.
	Pauli l. 9—11.	Pauli l. 21—26.
	Scaev. l. 7—9.	Scaev. l. 19. 20.
	Pauli l. 12—14.	
	Scaev. l. 10—12.	
185.	CALLISTRATI	libri II quaestionum.
186.	PAULI	libri I—VII responsorum.
187.	SCAEVOLAE	liber I responsorum.
188.	PAULI	libri VIII—XV responsorum. ²

¹ sic Bluhme: cum autem fragmentum illud, quod unicum huius libri exstat (5, 2, 4), certe non legatur suo loco, ne id quidem constat hunc librum ad partem edictalem pertinere

² cf. 40, 4, 53, 54 et 40, 5, 40, 41. Bluhme: Pauli l. 8—14 resp. ³ in indice Florentino est 'regularion

βιβλίον & neque aliud Gaii regularum opus ibi memoratur, cuius parti liber sing. adscribendus sit, ex unico fragmento (1, 7, 21) non potest determinari ⁴ sic 40, 13, 5 in indice Florentino hic liber coniungitur cum antecedente sic: 'ad SC. Libonianum seu Claudianum'

238. PAULI	liber singularis de instrumenti significatione.	260. ARCADIJ CHARISII	liber singularis de muneribus civilibus.
239. PAULI	liber singularis ad SC. Tertullianum.	261. AUR. ARCADIJ CHARISII	liber singularis de officio praefecti praetorio.
240. PAULI	liber singularis ad SC. Orfitianum.	262. ULPIANI	liber singularis de officio quaestoris. ¹
241. PAULI	liber singularis ad legem Falcidiam.	APPENDIX (<i>App.</i>)	
242. GAIJ	liber singularis de tacitis fideicommissis.		
243. GAIJ	liber singularis ad SC. Tertullianum.	263. PAULI	libri VI imperialium sententiarum in cognitionibus prolatarum.
244. GAIJ	liber singularis ad SC. Orfitianum.	264. QUINTI MUCHI SCAEVOLAE	liber singularis <i>Specul.</i>
245. GAIJ	libri III de manumissionibus.	265. LABEONIS	libri X posteriorum a LAVOLENO epitomatorum.
246. GAIJ	libri III de verborum obligationibus.	266. PROCULI	libri III ex posterioribus LABEONIS.
247. GAIJ	libri VI ad legem duodecim tabularum.	267. SCAEVOLAE	libri XL digestorum.
248. POMPONIJ	libri II enchiridii.	268. LABEONIS	libri VIII pithanon a PAULO epitomatorum. ²
249. POMPONIJ	liber singularis enchiridii.	269. POMPONIJ	libri XX epistularum.
250. PAULI	liber singularis de iure libellorum.	270. POMPONIJ	libri V senatus consultorum.
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(1) Librorum ad 256—259. 261. 262 laudatorum quae supersunt fragmenta (1, 11. 12. 13. 15) partem locumque, quem in his laterculis obtinuerunt, non indicant

(2) Libri pithanon Labeonis modo sequuntur digesta

Scaevolae (8, 5, 20. 21. 20, 1, 34. 35. 22, 3, 27. 28. 24, 1, 66. 67. 44, 7, 40—42. 46, 3, 88—91), modo antecedunt (23, 3, 84. 85. 32, 31—42. 33, 4, 13. 14. 33, 5, 20—22. 33, 7, 5—7)

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EX QUIBUS DIGESTA COMPILATA SUNT.

In hoc indice opera iuris consultorum, quae ad Digesta componenda adhibita sunt, ordine alphabetico proponuntur. atque ut appareat, intra quam partem et quo loco unumquodque opus ab Iustinianis compilatum sit, numerus, quem in superiore indice opus obtinet, operis titulo adiectus est. opera, quae in indice Digestis a compilatoribus praeposito (p. 25) laudata in Digestis non inveniuntur, addito vocabulo quod est *Index* suis locis inseruimus; contra quae extant in Digestis omissa in indice, distinguuntur asterisco*.

Ut autem his, quibus egregius Ottonis Lenelii liber cui inscribitur *Palingenesia iuris civilis praesto non est*, auxilio veniamus, hunc indicem nostrum in formam quasi palingenesiae eorum locorum qui in Digestis extant redeimus. itaque conspectum locorum ad singula opera pertinentium dedimus et quatenus id fieri potuit pristinum fragmentorum ordinem restituimus. ea capita quae argumento inter se cohaeserunt a reliquis vacuo spatio relicto segregavimus, et si quae eorum olim eiusdem expositionis partem effecerunt, a compilatoribus autem discepta sunt, ea lineola hac — coniunximus. ubi de divisione operis satis constat, rubricas titulorum fragmentis ita compositis praemisimus, v. g. in libris Pauli Pomponii Ulpiani ad Sabinum; hac in re tamen non ulterius progressi sumus, quam ad fragmentorum interpretationem opus est; cum praeterea rubricas librorum ad edicti ordinem compositorum index III exhibeat, has rubricas in Celsi et Iuliani digestorum parte priore itemque in reliquis qui eundem ordinem sequuntur, operibus fere omisimus. interrogationis signum fragmentorum numeris postpositum indicat dubitari, num ea fragmenta ad librum vel titulum cui adscribuntur pertineant.

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ADDENDA ET CORRIGENDA AD INSTITUTIONES

3, 9, 10..12 *dele numeros 5.7 intra uncinos adiectos*
3, 11, 1 *med. ac si hereditas*

3, 28, 2 n. 19 *Gai. 3, 165*

AD DIGESTA

- 1, 5, 17 *Graecam Antoninianae constitutionis versionem tradit papyrus Gissensis hanc: Δίδωμι τοῖς σὺντάπαισιν τοῖς κατοικοῦσιν τῇν οἰκονομῆν[η]ν π[ολιτ]εῖαν Ῥωμαίων χωρ[ίς] τῶν [δεδ]ετι- κίων (id est omnibus qui in orbe habitant civi- tatem Romanam do exceptis dediticiis)*
- 1, 8, 10 aedificatum
- 1, 19, 2 'heredis...est' *Iust. (Messina-Vitrano)*
- 2, 13, 8 *pr. Ubi...exhibet: 'sed*
- 3, 5, 8 quod ab ipso
- 4, 5, 7 *pr. fin. inde a verbis ex novis Iust. (Wissenbach et Lenel)*
- 4, 6, 1 § 1 inve vinctulis
- 5, 3, 27 *pr. quippe*
- 6, 1, 3 *not. 4 aliena del. edd. contra BZ*
- 6, 3, 3 *fere Iust. (Lenel)*
- 8, 5, 9 *pr. fin. aedifices.*
- 9, 1, 1 § 10 et ideo ¹⁰si
- 10, 1, 13 *fin. γυρεῖν*
- 10, 2, 22 *pr. unus heredum*
- 10, 2, 25 § 10 igitur *seqq. Iust. (Perozzi)*
- 10, 3, 6 § 6 inferendi...alter] *Ulpianum sic scripsisse putat Albertario: inferendi in locum suum uni- cuique competit: locum autem communem alter*
- 11, 6, 3 § 4 propter
- 12, 3, 2 *inde a verbis nisi forte Iust. (Faber)*
- 12, 6, 24 *nota 24 pertinet ad l. 25*
- 13, 4, 2 *pr. Iust. (Biondi)*
- 13, 4, 2 § 7 'atque ideo posse
sed mihi...petendum *Iust. (Biondi)*
§ 8 *fin. inde a verbis etiam actoris Iust. (Biondi)*
- 13, 4, 4 *pr. nec...intervenit Iust. (Biondi)*
§ 1 *Iust. (Biondi)*
- 13, 4, 10 *Biondi reiecta Lenelii emendatione (n. 8) Pau- lum de bonae fidei aliquo iudicio egisse et prae- missa facti de quo ageretur commemoratione ita fere scripsisse putat: si post moram factam fideiussor acceptus sit...sorte soluta usurarum petitio (mallem augmentum) cessat: nisi seqq.*
- (*deletis verbis quo minus...agere et vel si... iudicis*)
- 16, 2, 4 'ex omni contractu' ¹³
- 17, 2, 68 *pr. ex sociis*
- 18, 6, 4 § 1 omne periculum
§ 2 adiectum
- 20, 1, 11 § 2 *not. 21 'Iust. (Siber)*
- 20, 1, 11 § 3 urbanorum *Iust. (Perozzi)*
12 ut talis *seqq. Iust. (Perozzi)*
13 § 3 et...consistere *Iust. (Ulp. videtur egisse de agro vectigali: Beseler)*
- 22, 1, 28 *pr. bonae fidei*
§ 1 in fructu
- 23, 2, 36 'vel curator' ¹²
- 23, 3, 61 *pr. 'promissum' est*
- 27, 3, 5 depositam a patre pupilli vel commodatam n. r., n. t. commodati vel depositi, verum...vel depositi vel commodati] fiduciae a patre datam n. r., n. t. fiduciae, verum...vel fiduciae *Ulp. (Lenel)*
- 27, 10, 1 *pr. sed solent seqq. Iust. (Audibert)*
- 28, 3, 12 *pr. post optinebit Ulp. inseruerit haec: si nemo alius iure civili heres est, cf. Gai. 2, 148. 149 Ulp. 23, 6*
- 32, 41 § 2 *not. 2 'Iust. (H. Krueger)*
- 34, 9, 18 *pr. verba sed divus Severus seqq. adnotatoris sunt? (Otto)*
- 36, 1, 26 *pr. Marcelli nota fere integra Iust. (Ferrini)*
- 38, 17, 1 § 5 nisi...restitutus *Iust. (Biondi)*
- 39, 2, 19 *pr. fin. et superficiarius Iust., cf. lex gemina 9, 4, 30*
- 43, 16, 1 § 9 *Ulpianum ita fere scripsisse vidit Ricco- bono: Deicitur is qui possidet: nec refert, sive iuste sive iniuste non ab adversario possideat: nam et iniusta possessio ad hoc interdictum pertinet*
§ 10 *verba 'non tamen si colonus' Iust. (Ric- cobono)*
- 43, 18, 1 § 3 et sane...competet *Iust. (Beseler)*