

THE JOURNAL OF JURISTIC Papyrology  
Supplement XXIII

# WILLS IN THE ROMAN EMPIRE

## A DOCUMENTARY APPROACH

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UNIVERSITY OF WARSAW  
FACULTY OF LAW AND ADMINISTRATION  
CHAIR OF ROMAN LAW AND THE LAW OF ANTIQUITY



UNIVERSITY OF WARSAW  
INSTITUTE OF ARCHAEOLOGY  
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**THE JOURNAL OF JURISTIC PAPYROLOGY**  
Supplement XXIII

# **WILLS IN THE ROMAN EMPIRE**

## **A DOCUMENTARY APPROACH**

MARIA NOWAK

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WARSAW 2015

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THE PRESENT BOOK ORIGINATED as a doctoral dissertation undertaken at the University of Warsaw; however that initial text has been revised substantially over the last three years, and the final form of the book reflects both the remarks of reviewers and the advice of colleagues, to whom I would like to express my gratitude.

My doctoral studies were made possible thanks to financial assistance from various institutions, including: the Foundation for Polish Science; the Ministry of Science and Higher Education; the Deutscher Akademischer Austauschdienst e.V.; the Foundation of the University of Warsaw; and finally the Faculty of Law and Administration, where I have the privilege of working.

It was Jakub Urbanik who first introduced me to papyri and the field of juristic papyrology during my first year as a student of Roman law. In publishing this book, I hope that Kuba will be content with the results of his teaching.

When listing the various individuals who contributed both to my studies and to this book, I must always start with Maria Zabłocka, my supervisor and mentor, to whom I am immensely grateful, both for her constant assistance and her patience. However, she is not the only one to whom I owe a debt of gratitude: Józef Méléze Modrzejewski acted not only as my reviewer, but also kindly agreed to read the final version of this book and has been very supportive throughout my academic life; in addition,

the comments of my other reviewers, Tomasz Derda and Marek Kuryłowicz, helped to give my research direction and focus. Agnieszka Kacprzak read the final version of the book and provided me with invaluable comments on its content and structure. Finally, a number of my colleagues deserve thanks for their comments on the original version of my dissertation: José Luis Alonso, Martin Avenarius, Paul du Plessis, Tomasz Giaro, Jerzy Krzynówek, Adam Łajtar, and Ewa Wipszycka-Bravo.

I owe a special debt of gratitude to Willy Clarysse, who kindly gave his consent to reproducing in the appendices to this book his translations of wills from the Ptolemaic period first published in *P. Petrie I*<sup>2</sup>.

Any science ultimately rests on the clear presentation of information, and it is worth acknowledging the contributions of my editor, Joanna Wegner, who spent an enormous amount of time and energy making this book readable, or at very least legible. Jesse Simon kindly agreed to proofread the text, a task of great assistance to an author who is not a native English speaker. Andrzej Mirończuk and Tomasz Płóciennik were responsible for the final proofreading of the book and its appendices.

None of the people listed above, however, are responsible for any errors or inaccuracies in the present book, which must remain solely the responsibility of the author.

Warsaw, November 2015

*Maria Nowak*

### *Postscriptum*

In the final stages of preparing this book for publication, it came to my attention that Benedikt Strobel had recently published the book *Römische Testamentsurkunden aus Ägypten vor und nach der Constitutio Antoniniana* [= *Münchener Beiträge zur Papyrusforschung* 109]. Although it was too late to include the results of his research, the work of B. Strobel will be of interest to any reader who wishes to have a full picture of the current state of scholarship regarding the subjects discussed in this book.

## PRÉFACE

DANS L'EMPIRE ROMAIN, dont les frontières s'étendaient jusqu'aux limites de la terre habitée (oikouménè) autour de la Méditerranée, la durée moyenne de la vie humaine dépassait à peine 30 ans. Se soucier de ce que vont devenir vos biens et votre foyer n'était donc pas le privilège de l'âge avancé ; il fallait y penser au moment même où la vie familiale ne faisait que commencer. Les règles légales, qui garantissaient la priorité des descendants dans l'ordre de la succession, ne pouvaient pas résoudre tous les problèmes que faisait surgir le décès. La pratique juridique venait donc au secours de la loi par des actes de dernière volonté, conservés dans les documents grecs et romains, et en particulier dans les papyrus d'Égypte. Maria Nowak leur consacre sa thèse de doctorat, soutenue à Varsovie en janvier 2012 et qui paraît aujourd'hui en version anglaise, ce qui la rendra accessible à tous les lecteurs ne sachant pas lire le polonais.

En dépit de l'abondance des sources, la bibliographie du sujet traité par Maria Nowak est assez modeste. L'ouvrage de Hans Kreller, *Erbrechtliche Untersuchungen auf Grund der gräco-ägyptischen Papyrusurkunden*, paru en 1919, a vieilli. Il en va de même du manuel de Rafał Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri, 332 BC – 640 AD*, Varsovie 1955 (2e édition), dont le chapitre consacré au droit successoral (pp. 190–204) n'est qu'un condensé de Kreller. Plus récemment, Mario Amelotti (*Il testamento romano attraverso la prassi documentale*, Florence 1966) et sa brillante élève Livia Migliardi Zingale (*I testamenti romani nei papiri e nelle tavolette*

*d'Egitto*, Turin 1997) ont renouvelé l'étude des documents successoraux. Pour l'époque ptolémaïque, la réédition des Papyrus Petrie par Willy Clarysse fournit, dans son premier volume, une soixantaine de testaments ou fragments de testament du III<sup>e</sup> siècle avant n. è. avec d'excellents commentaires (*The Petrie Papyri. Second Edition, I: The Wills*, Bruxelles 1991). À cela il faut joindre les travaux concernant le droit successoral romain. Maria Nowak maîtrise superbement toute cette bibliographie et sait très bien en tirer profit. Mais son apport personnel dépasse de loin les limites d'un état de la question. Sa thèse marque un réel progrès dans ce domaine, tant pour l'Égypte gréco-romaine qui lui a fourni l'essentiel de sa documentation que pour l'ensemble de l'Empire.

La variété de formes documentaires, qui perpétuent des traditions romaines et des traditions grecques en les croisant à la longue, conduit Maria Nowak à s'attacher particulièrement aux aspects formels des textes qu'elle étudie. Elle les décortique soigneusement dans tous les détails. Sur ce point, sa thèse comble une lacune que Hans Julius Wolff a laissé subsister dans son traité de papyrologie juridique rédigé pour le monumental *Handbuch der Altertumswissenschaft* (*Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemäer und des Prinzipats – Rechtsgeschichte des Altertums im Rahmen des Handbuchs der Altertumswissenschaft* X.5, Munich). Dans le second volume de ce traité, le seul achevé du vivant de l'auteur, où il présente les formes des documents et le contrôle des actes juridiques (*Organisation und Kontrolle des privaten Rechtsverkehrs*, Munich 1978, *Rechtsgeschichte des Altertums* X.5.2), les testaments sont cités, mais leurs formes n'ont pas été analysées comme une espèce particulière de la pratique documentaire. L'auteur avait l'intention d'y revenir dans le chapitre relatif au droit successoral du troisième volume du traité. Si un jour ce volume devait être publié, son auteur trouvera dans la thèse de Maria Nowak un utile point de départ pour la rédaction du chapitre relatif aux successions à cause de mort.

Il convient de souligner l'intérêt que la thèse de Maria Nowak présente pour les historiens du droit. Les documents qu'elle étudie traduisent les effets de la rencontre, dans la vallée du Nil, de deux cultures juridiques dont l'histoire remonte aux passés de la Rome républicaine et de la Grèce classique. Les plus anciens testaments conservés par les papyrus d'Égypte datent du milieu du III<sup>e</sup> siècle avant n.è. Ils représentent un stade déjà

assez avancé par rapport à ce que nous savons du droit successoral grec. Pour remonter plus haut, on peut citer la convention matrimoniale dans le *P. Eleph.* 2 (Éléphantine, 284 avant n.è.). Ce n'est pas un testament à proprement parler, et Maria Nowak a raison de ne pas l'inclure au corpus documentaire qu'elle propose dans son ouvrage. Mais l'objectif de cette convention est le même que celui d'un testament et sa terminologie (τάδε διέθετο, εἰάν τι πάσχη, καταλείπτω τὰ ὑπάρχοντα) est étroitement apparentée à celle des testaments grecs. Il semble qu'un astucieux notaire, au lieu de préparer deux testaments séparés pour chacun de deux époux, les a unis dans un seul document. Un bel – et précoce – exemple des capacités d'invention qui caractérisent la pratique notariale dans l'Égypte hellénistique.

Le droit athénien, depuis Solon pense-t-on, permettait au citoyen sans enfants de «disposer de ses biens» (τὰ ἑαυτοῦ διαθέσθαι) afin d'assurer la perpétuité du foyer familial en cas de décès. Il pouvait, à cet effet, choisir parmi ses concitoyens, mais en dehors du cercle des proches parents, celui qui continuerait son *oikos* en tant que fils adoptif. Autant dire que testament et adoption se confondaient en une seule institution. L'évolution qui devait se produire tendra à les séparer. Elle est achevée dans le droit grec après Alexandre dont témoignent les papyrus d'Égypte. Le testament hellénistique est un acte juridique autonome, composé d'une série de legs («Legatentestament») au profit de bénéficiaires qui ne sont pas nécessairement membres de la famille du testateur et peuvent être aussi bien du sexe masculin que féminin. Maria Nowak a enregistré plus de soixante-dix témoins de ce type d'actes dans les documents ptolémaïques. Il faut y joindre une cinquantaine de témoins d'époque romaine. Le testament hellénistique a survécu en effet à la conquête romaine de l'Égypte et continue à être pratiqué par les provinciaux pérégrins. Nous avons là un exemple de la permanence du droit hellénistique qui déborde du cadre chronologique compris entre Alexandre le Grand et Auguste pour se perpétuer dans la pratique provinciale sous l'Empire.

Dans les milieux de citoyens romains résidant en province fait son apparition le testament *per aes et libram*, importé de Rome. Sa rigidité archaïque résiste à la souplesse du testament hellénistique grâce à l'ambition des Romains provinciaux d'être des Romains à part entière. Vingt-cinq testaments *per aes et libram* nous sont parvenus sur des tablettes qui

depuis l'époque républicaine servent à enregistrer le rituel de la mancipation. Elles ne sont pas indispensables pour la validité du testament, mais la pratique leur accorde une importance croissante qui fait que la destruction des tablettes signifie la révocation du testament.

Le texte latin inscrit sur la tablette est souvent accompagné d'une version grecque; parfois, seule version grecque est conservée, sans l'original latin. Rien d'étonnant. Excepté quelques hauts fonctionnaires envoyés de Rome à Alexandrie, comme le préfet d'Égypte ou le *iuridicus Alexandriae*, les citoyens romains d'Égypte sont des Grecs romanisés – Alexandrins élevés au rang de citoyens romains et vétérans qui après le service dans les auxilié ont reçu le droit de cité romaine. Dans leurs actes juridiques ils manient mieux le grec que le latin. La traduction devient une première passerelle par laquelle des éléments inhérents à la tradition hellénistique commencent à investir le testament romain.

L'étape suivante de l'histoire de la pratique testamentaire s'ouvre avec l'édit de Caracalla qui en 212 de n.è. a conféré la citoyenneté romaine à tous les habitants libres de l'Empire qui ne l'avaient pas encore (*Constitutio Antoniniana*). Cela ne signifie pas que la forme du testament prolongeant le rituel de la mancipation soit devenue désormais obligatoire pour les nouveaux citoyens. Ceux-ci cherchent à concilier, dans leurs testaments, les exigences du droit romain avec les traditions hellénistiques auxquelles ils restent attachés. Alexandre Sévère tiendra compte de cet attachement en autorisant les testateurs à rédiger leurs dispositions de dernière volonté en grec. Le grec devient ainsi la langue du testament, et non seulement de la traduction. Et la langue facilite la pénétration d'éléments grecs, tant pour la terminologie que pour le fond du droit, dans la pratique des nouveaux citoyens romains.

Sous le règne de Constantin, au début du IV<sup>e</sup> siècle de n.è., un nouveau formulaire du testament entre dans l'usage et se maintiendra dans la pratique jusqu'au VII<sup>e</sup> siècle. Une trentaine de documents, que Maria Nowak compare à des testaments coptes et mérovingiens, en sont les représentants dans nos sources. C'est la dernière étape d'une évolution millénaire qu'elle a restituée dans sa thèse.

Tous les lecteurs apprécieront grandement les Appendices dans lesquels sont reproduits les documents analysés dans la première partie de

l'ouvrage. Chaque texte est donné dans sa langue originale, grecque ou latine, et en traduction anglaise. D'autres traductions sont signalées le cas échéant. C'est un véritable « corpus par matière » qui vient en complément des *Corpora Papyrorum Graecarum* lancés par la regrettée Orsolina Montevocchi et malheureusement restés en friche.

La thèse de Maria Nowak montre à quel point peuvent s'élargir les perspectives de recherche lorsque la doctrine, inévitablement abstraite, est confrontée aux documents de la pratique. Elle attire l'attention des historiens du droit sur un phénomène fort intéressant : la permanence des composantes formelles d'un droit en évolution. Les formules utilisées dans les actes juridiques sont un véritable conservatoire de règles et de procédures qui ont perdu leur valeur pratique pour survivre à l'état de vestiges de plus en plus incompréhensibles pour les usagers et à la longue parfaitement inutiles. Pour nous, elles sont la manifestation d'un trait caractéristique du droit qui, soucieux de satisfaire le présent, s'attache toujours obstinément à son passé. Maria Nowak ouvre une piste qui mériterait d'être poursuivie.

Paris, novembre 2015

*Joseph Méléze Modrzejewski*

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## ABBREVIATIONS

THE PAPYRI AND OSTRACA are quoted according to the *Checklist of editions of Greek, Latin, Demotic and Coptic papyri, ostraca and tablets* (Web edition). The following abbreviations are used throughout the book:

*A&R* – *Atene e Roma: rassegna trimestrale dell'Associazione Italiana di Cultura classica*

*AfP* – *Archiv für Papyrusforschung und verwandte Gebiete*

*AJA* – *American Journal of Archaeology*

*AJP* – *American Journal of Philology*

*AMELOTTI, Il testamento* – M. AMELOTTI, *Il testamento romano attraverso la prassi documentale I: Le forme classiche di testamento*, Florence 1966

*APapyrol* – *Analecta papyrologica*

*ARANGIO-RUIZ, La successione* – V. ARANGIO-RUIZ, *La successione testamentaria secondo i papiri greco-egizii*, Naples 1906

*ASGP* – *Annali del Seminario Giuridico dell'Università degli Studi di Palermo*

*BASP* – *Bulletin of the American Society of Papyrologists*

*BICS* – *Bulletin of the Institute of Classical Studies*

*BIDR* – *Bullettino dell'Istituto di Diritto Romano*

*BSAA* – *Bulletin de la Société archéologique d'Alexandrie*

*CdÉ* – *Chronique d'Égypte. Bulletin périodique de la Fondation Égyptologique Reine Élisabeth*

*CHAMPLIN, Final Judgements* – E. CHAMPLIN, *Final Judgements. Duty and Emotion in Roman Wills. 200 BC – AD 250*, Berkeley 1991

**CPh** – *Classical Philology*

**CQ** – *Classical Quarterly*

**DER II** – P. VOCI, *Diritto ereditario romano. Parte speciale*, Milan 1963

**DRP I** – M. KASER, *Das Römische Privatrecht I: Das altromische. Das vor-klassische und klassische Recht*, Munich 1971

**DRP II** – M. KASER, *Das Römische Privatrecht II: Die Nachklassischen Entwicklung*, Munich 1975

**ÉdP** – *Études de papyrologie*

**Festschrift Fritz Schulz** – H. NIEDERMEYER & W. FLUME (eds.) *Festschrift Fritz Schulz I–II*, Weimar 1951

**FIRA** – *Fontes iuris Romani anteiusianiani I–III*, Florence 1940–1943

**Index Interpolationum** – L. MITTEIS (ed.), *Index Interpolationum quae in Iustiniani Digestis inesse dicuntur I–II*, Weimar 1929

**Iura** – *Iura. Rivista internazionale di diritto romano e antico*

**JEA** – *Journal of Egyptian Archaeology*

**JJrP** – *The Journal of Juristic Papyrology*

**JRS** – *Journal of Roman Studies*

**JThS** – *Journal of Theological Studies*

**KRELLER, Erbrechtliche Untersuchungen** – H. KRELLER, *Erbrechtliche Untersuchungen auf Grund der gräco-ägyptischen Papyrusurkunden*, Leipzig – Berlin 1919

**MDAI Kairo** – *Mitteilungen des Deutschen Archäologischen Instituts Abteilung Kairo*

**MEYER, Legitimacy** – E. MEYER, *Legitimacy and Law in the Roman World: Tabulae in Roman Belief and Practice*, Cambridge 2004

**MGH SRM** – *Monumenta Germaniae historica: scriptores rerum Merovingicarum*

**NONN, 'Merowingische Testamente'** – U. NONN, 'Merowingische Testamente: Studien zum Fortleben einer römischen Urkundenform im Frankenreich', *Archiv für Diplomatik* 18 (1972), pp. 1–129

**Novissimo digesto italiano** – A. AZARA, E. EULA (eds.), *Novissimo digesto italiano I–XX*, Turin 1957–1987

**NPNF** – *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church (Nicene and Post-Nicene Fathers)*

**Onomasticon** – D. FORABOSCHI (ed.), *Onomasticon alterum papyrologicum, Supplemento al Namenbuch di F. Preisigke*, Milan 1967–1971

- Opera minora* – R. TAUBENSCHLAG, *Opera minora* I–II, Warsaw 1959
- PapCongr.* – Proceedings of international congresses of papyrologists (see the *Checklist of editions of Greek, Latin, Demotic and Coptic papyri, ostraca and tablets*, Web edition)
- PHARR**, *Theodosian Code* – C. PHARR, *The Theodosian Code and Novels and the Sirmondian Constitutions: A Translation with Commentary, Glossary, and Bibliography*, Princeton 1952
- RE** – *Paulys Realencyclopädie der classischen Altertumswissenschaft*
- RÉG** – *Revue des études grecques*
- RIDA** – *Revue internationale des droits de l'antiquité*
- RPR I** – L. MITTEIS, *Römisches Privatrecht bis auf die Zeit Diokletians I*, Leipzig 1908
- SCI** – *Scripta classica israelica*
- SDHI** – *Studia et documenta historiae iuris*
- Studi Betti* – *Studi in onore di Emilio Betti* I–V, Milan 1962
- Studi Bonfante* – *Studi in onore di Pietro Bonfante nel XL anno d'insegnamento* I–IV, Milan 1930
- Studi De Francisci* – *Studi in onore di Pietro De Francisci* I–IV, Milan 1956
- Studi Volterra* – *Studi in onore di Edoardo Volterra* I–VI, Milan 1971
- Symposion* – *Symposion. Vorträge zur griechischen und hellenistischen Rechtsgeschichte*
- TAPhA** – *Transactions and Proceedings of the American Philological Association*
- TR** – *Tijdschrift voor Rechtsgeschiedenis* / *The Legal History Review*
- VOCI**, *Diritto ereditario* – P. VOCI, *Diritto ereditario romano. Parte generale*, Milan 1967
- ZPE** – *Zeitschrift für Papyrologie und Epigraphik*
- ZSS RA** – *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, romanistische Abteilung*



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# **WILLS IN THE ROMAN EMPIRE**

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## INTRODUCTION

### AIMS AND SCOPE OF THE STUDY

STUDIES ON THE SUBJECT of succession and wills in Roman law are numerous. In addition to general monographs – including the monumental works of Pasquale Voci,<sup>1</sup> Biondo Biondi,<sup>2</sup> and Gaetano Scherillo<sup>3</sup> – there are a number of studies devoted to individual elements of Roman wills. Not only are there monographs concerning major legal issues such as *heredis institutio* and *fideicommissa*, but also studies on such minor questions as *familiae emptor* in *mancipatio nummo uno*, to which even the ancient authors themselves paid little attention.<sup>4</sup>

With this abundance of literature, one might reasonably question the relevance of yet another monograph on Roman testamentary law. However, the research in the following volume follows a different approach from that of its predecessors. Its purpose is to shed light on the everyday

<sup>1</sup> For instance: P. VOCI, *Diritto ereditario romano*, II: *Parte speciale*, Milan 1963; IDEM, *Diritto ereditario romano*, I: *Introduzione. Parte generale*, Milan 1967 (second edition); IDEM, 'Il diritto ereditario romano nell'età del tardo impero. Il IV secolo (prima parte)', *Iura* 29 (1978), pp. 17–123; IDEM, 'Il diritto ereditario romano nell'età del tardo impero. Il V secolo', *SDHI* 48 (1982), pp. 1–125.

<sup>2</sup> B. BIONDI, *Successione testamentaria e donazioni*, Milan 1956.

<sup>3</sup> G. SCHERILLO, *Corso di diritto romano. Il testamento*, Milan 1995.

<sup>4</sup> An excellent example could be a recently published over 500-pages-long monograph by Francesca TERRANOVA, *Ricerche sul testamentum per aes et libram*, I: *Il ruolo del familiae emptor (con particolare riguardo al formulario del testamento librare)*, Turin 2011.

practices surrounding wills in the Roman Empire, especially in the period following the *Constitutio Antoniniana* – Caracalla's edict which dramatically increased the number of citizens within the Roman world. The aim of the present study is to reconstruct what testamentary practice would have looked like on the ground and how the laws relating to wills may have been applied in practical terms. It examines not only the meaning of particular dispositions, but also how the wills were composed, stored, opened, and enforced.

Many of the issues explored in this volume belong to the wider discussion concerning the degree to which Roman law was known and applied in the provinces after the edict of Caracalla. It is a question which has intrigued scholars for over a century, precisely because of the disparity between Roman law and legal practice that emerges when documents of legal practice are interpreted in the context of doctrinal Roman sources. Among the great legal historians who have approached this matter we may count Ludwig Mitteis, Rafał Taubenschlag, Arthur Schiller, and Józef Méléze Modrzejewski. However, a consensus has yet to emerge. On one hand, there are theories that Roman law, at least in the time of Justinian, was applied fully throughout the Roman Empire and obeyed by all citizens. Rafał Taubenschlag was a proponent of this view.<sup>5</sup> On the other hand, Arthur Schiller claimed that legal practice in late antiquity was based solely on local legal customs; his assumption was founded upon Egyptian documentary material and further supported by the additional hypothesis that civil courts had disappeared completely from this province.<sup>6</sup> In the present day, more moderate opinions on this subject prevail (see the introduction to Chapter 3).

The present volume is certainly not the first study devoted to testamentary succession as it appears in the papyri. Vincenzo Arangio-Ruiz addressed the problem over a century ago in his doctoral dissertation,<sup>7</sup> and

<sup>5</sup> R. TAUBENSCHLAG, 'Geschichte der Rezeption des römischen Privatrechts in Aegypten', [in:] *Studi Bonfante* I, pp. 367–440; IDEM, 'The legislation of Justinian in the light of the papyri', *Byzantion* 15 (1940–1941), pp. 280–295; IDEM, 'NOMOS in the papyri', *JfJP* 2 (1948), pp. 67–73 (reprinted in *Opera minora* II, pp. 107–114).

<sup>6</sup> A. A. SCHILLER, 'The courts are no more', [in:] *Studi Volterra* I, Naples 1952, pp. 469–502.

<sup>7</sup> V. ARANGIO-RUIZ, *La successione testamentaria secondo i papiri greco-egizii*, Naples 1906.

Friedrich Kraus assembled a brief study of clauses present in the Greek-language wills composed during different periods of antiquity.<sup>8</sup> Additionally, a part of the volume published by Hans Kreller in 1919 is devoted to testamentary succession.<sup>9</sup> Yet, many new papyri have been published since the appearance of these monographs; furthermore, many of these earlier studies offer only a marginal treatment of the late antique sources. As Mario Amelotti observed forty years ago, the problem still allows for further elucidation.<sup>10</sup>

It was not only legal historians who investigated wills. Orsollina Montevocchi approached this group of sources in the 1930s,<sup>11</sup> as did Edward Champlin over fifty years later.<sup>12</sup> The article published by Montevocchi offered a sociological approach and demonstrated that legal deeds could be used to illuminate various aspects of social life in Hellenistic and Roman Egypt. The author examined the age of the testators, the number of slaves they owned, the size of their lands, and the gender balance. Champlin, on the other hand, focused on the emotional and psychological aspects of testamentary practice in the Roman Republic and Empire before AD 250. He was interested in the emotional bonds between testators and heirs and the motives for bequeathing property to certain individuals. Yet, while both works demonstrate a new approach to legal sources – and are valuable pieces of scholarly literature in their own right – neither is especially concerned with the legal aspect of testamentary practice; moreover, Champlin made use only of sources dating from before the third century AD.

A complete analysis of testamentary practice in the Roman Empire up to the end of the third century was prepared by Mario Amelotti in *Il testamento romano attraverso la prassi documentale*, published in 1966. The

<sup>8</sup> F. KRAUS, *Formeln des griechischen Testaments*, Borna – Leipzig 1915.

<sup>9</sup> H. KRELLER, *Erbrechtliche Untersuchungen auf Grund der gräco-ägyptischen Papyrusurkunden*, Leipzig – Berlin 1919.

<sup>10</sup> M. AMELOTI, 'Testamenti ed atti paratestamentari nei papyri byzantini', [in:] *PapCongr.* XII, pp. 15–16.

<sup>11</sup> Orsollina MONTEVECCHI, 'Ricerche di sociologia nei documenti dell'Egitto greco-romano', *Aegyptus* 13 (1935), pp. 67–121.

<sup>12</sup> E. CHAMPLIN, *Final Judgements. Duty and Emotion in Roman Wills 200 BC – AD 250*, Berkeley 1991.

monograph is a study of Roman wills up to the time of Constantine, when significant changes occurred in Roman law governing wills (see Chapter 1) and the testamentary model began to change (see Chapter 3).<sup>13</sup> It was based on a vast corpus of source material: not only papyri and doctrinal sources of Roman law, but also inscriptions and literary works. By drawing upon so many sources, Amelotti was able to create a complete picture of testamentary practice throughout the entire Roman period, although based primarily on Egyptian material.

While Amelotti's monograph extended only to the crucial point in the history of Roman wills – the decline of *testamentum per aes et libram* – he intended to examine testamentary practices in late antiquity in a subsequent volume which was, alas, never written. One of Amelotti's students, Livia Migliardi Zingale, wrote a number of works on the subject of Roman wills, including a sourcebook where she collected and translated Roman testaments composed between the first and early fourth century,<sup>14</sup> as well as a number of articles on specific documents and problems concerning testamentary law and practice.<sup>15</sup> Her studies, however, were limited mostly to deeds from the classical Roman period.

The present study is thus, at least in part, a continuation of Amelotti's work. However, since the sources from late antiquity are not as numerous as those from the first three centuries of the Roman Empire – and because the study of the later period poses its own unique research problems – the structure of the present work is necessarily different from Amelotti's.

<sup>13</sup> M. AMELOTI, *Il testamento romano attraverso la prassi documentale*, I: *Le forme classiche di testamento* [= *Studi e testi di papirologia* 1], Florence 1966.

<sup>14</sup> LIVIA MIGLIARDI ZINGALE, *I testamenti romani nei papiri e nelle tavolette d'Egitto*, Turin 1997.

<sup>15</sup> LIVIA MIGLIARDI ZINGALE, 'Dal testamento ellenistico al testamento romano nella prassi documentaria egiziana, cesura o continuità?', [in:] *Symposion* 1995, pp. 303–312; EADEM, 'In margine a P. Diog. 9: alcune osservazioni in materia testamentaria', *AnalPap* 4 (1992), pp. 65–69; EADEM, 'In tema di clausole funerarie: osservazioni sui testamenti romani d'Egitto', *Aegyptus* 85 (2005), pp. 269–278; EADEM, 'Note a nuovi documenti testamentari romani', *Anagennesis* 2 (1982), pp. 109–129; EADEM, 'Note testamentarie: rileggendo BGU VII 1696', [in:] M. CAPASSO *et alii* (eds.), *Miscellanea Papyrologica in occasione del bicentenario dell'edizione della Charta Borgiana II* [= *Papyrologica Florentina* 19], Florence 1990, pp. 437–442; EADEM, 'Prassi testamentaria romana e onomastica: ancora su BGU XIII 2244', *Iura* 43 (1992), pp. 125–131.

Amelotti focused on three main issues: the *testamentum militis*, the use and subsequent decline of the testamentary model applied for *testamenta per aes et libram*, and *testamentum iure praetorio factum*. By supplementing his monograph with an appendix containing twenty exemplary texts preserved on papyrus, wooden tablets, and stone, he was able to elaborate on his three principal subjects with reference to materials relating to legal practice.

The aim of the present study is slightly different. In the following chapters my goal is to reconstruct not only testamentary models, but also testamentary practice. I intend, in other words, to follow step by step the process by which wills were made in late antiquity. Thus, the present work will address three topics: testamentary requirements, the opening of wills, and the testamentary model: a reconstruction of testamentary clauses and legal phenomena they represent. In examining these subjects, it also hopes to illustrate how an individual in the ancient world would have gone about making a correct will, and how that will would have been enforced after his or her death. It will also discuss the degree to which the actual practices were consistent with Roman law, and how legal theory may have translated into legal practice and vice versa. We cannot, however, forget that the overwhelming majority of sources attesting to testamentary practice come from the provinces (to be precise, from Egypt; see below); therefore, the picture painted in the present study is relevant for the provincial legal practice. Yet, in many cases, the doctrinal sources compared with this picture strongly suggest that the legal practices could have been similar in the whole Empire.

The four appendices, which contain original wills along with copies issued for legal reasons (perhaps as part of the opening procedure or at the request of interested parties or officials), are a significant part of the present volume. The appendices are organised chronologically and according to the civic status of the testators (the division is discussed below). A number of reasons account for appending these texts, which appear in their original languages and in English translations. The third chapter of this volume is devoted entirely to the testamentary model in late antiquity and the easiest way to illustrate elements of this model is by reference to particular texts. Because the chapter offers an analysis of each element that could appear in a late antique will, along with references to earlier models, extensive quotations of original texts would have

made the chapter both unwieldy and unnecessarily difficult even for the specialist reader. Although the examples from the texts are essential to the arguments of the third chapter, reproducing the texts separately and in their entirety will ultimately increase the utility of this volume.

In addition, the first chapter, which examines the testamentary requirements in late Roman law, is intended not only to illustrate the process by which a testator made a will, but also to explain the meaning and origin of each individual step. Since testamentary requirements in late Roman law evolved from a mixture of *testamentum per aes et libram* and provincial testamentary practice, the appendices are necessary to illustrate the scribal/notarial customs visible in both local, non-Roman testaments, and in the Roman ones. For instance, an analysis of the various mancipatory clauses that appear in wills may help us to understand how a mancipatory will was made and how that process affected the testamentary model in late Roman law. Finally, the appendices are intended to provide a complete collection of published Greek and Latin testaments and their translations. The original texts reproduced therein are provided with apparatus; this element is omitted in the main text, where the quotations are given in normalised Greek or Latin, except for the cases where the corruption of the text renders it incomprehensible.

The era of Roman law investigated in this study has traditionally been referred to as ‘Roman vulgar law’ or ‘postclassical law’ – two unflattering terms which suggest that later legal practices were inferior to those of the so-called ‘classical’ period. While it was not uncommon for scholars of the past to view the fourth century as the beginning of the decline of Roman law, such opinions have become increasingly less popular.<sup>16</sup> We

<sup>16</sup> The literature on this problem is extensive, but it is not to be discussed here. See: H. BRUNNER, *Zur Rechtsgeschichte der römischen und germanischen Urkunde*, Berlin 1880; IDEM, *Deutsche Rechtsgeschichte* I, Leipzig 1887; A. ESMEIN, *Études sur les contrats dans le très ancien droit français*, Paris 1883; L. MITTEIS, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs, mit Beiträgen zur Kenntniss des griechischen Rechts und der spätrömischen Rechtsentwicklung*, Leipzig 1891; J. BRISSAUD, *Manuel d'histoire du droit français (sources – droit public – droit privé)* I, Paris 1904; F. SCHUPFER, *Manuale di storia del diritto italiano*, I: *Le fonti, leggi e scienza*, Milan 1892; A. PERNICE, ‘Volksrechtliches und amtsrechtliches Verfahren in der römischen Kaiserzeit’, [in:] *Festgabe für Georg Beseler*, Berlin 1885; E. BESTA, ‘La persistenza del diritto volgare italico nel Medioevo’, *Rivista di legislazione comparata* 3 (1905), pp. 1–19; IDEM, *Storia del diritto italiano* I, Milan 1923; IDEM, ‘In difesa del diritto volgare

may indeed prefer to designate our period of study as ‘late Roman law’, so as to avoid negative comparison with ‘classical Roman law’. The designation ‘late Roman law’ also emphasises that the period under discussion was the final stage of development of Roman law understood as the law of the Roman Empire.

However, the definition of the exact chronological framework of our period of study is somewhat problematic. In modern scholarship, ‘post-classical Roman law’ is defined as starting with the reign of either Diocletian or Constantine and ending with Justinian. In fact, the beginning and the end of the ‘late Roman Empire’, or ‘late antiquity’, or ‘postclassical Roman law’ cannot be defined in terms of fixed dates; they depend not only on one’s methodological perspective, but also on the chronology of available sources. The temporal boundaries of the present study have been dictated by the chronology of the sources that appear in the appendices: a natural *terminus ad quem* for the study of Roman testamentary practice is the point at which law production in the traditional Roman sense ceases

italico’, *Studi sassaresi* 16 A (1938), pp. 245–253; F. BRANDILEONE, *Scritti di storia del diritto privato italiano* I, Bologna 1931, pp. 19–58; F. CALASSO, *Medio evo del diritto* I, Milan 1954, pp. 56–79; E. LEVY, *West Roman Vulgar Law*, Philadelphia 1951; F. WIEACKER, *Vulgarismus und Klassizismus im Recht der Spätantike*, Heidelberg 1955; Gudrun STÜHFF, *Vulgarrecht im Kaiserrecht unter besonderer Berücksichtigung der Gesetzgebung Konstantins des Grossen*, Weimar 1966; D. SIMON, ‘Marginalien zur Vulgarismuskussion’, [in:] *Festschrift für Franz Wieacker zum 70. Geburtstag*, Göttingen 1978, pp. 154–174; W. E. VOSS, *Recht und Rhetorik in den Kaisergesetzen der Spätantike. Eine Untersuchung zum nachklassischen Kauf- und Übereignungsrecht*, Frankfurt am Main 1982; T. GIARO, ‘Max Kaser 1906–1997’, *Rechtshistorisches Journal* 16 (1997), pp. 231–357; P. GARNSEY & Caroline HUMFRESS, *The Evolution of the Late Antique World*, Cambridge 2001, p. 60; Sarah VANDENDRIESCHE, *Possessio und Dominium im postklassischen römischen Recht. Eine Überprüfung von Levy’s Vulgarrechtstheorie anhand der Quelle des Codex Theodosianus und der Posttheodosianischen Novellen*, Hamburg 2006; L. DE GIOVANNI, *Istituzioni, scienza giuridica, codici nel mondo tardoantico. Alle radici di una nuova storia*, Rome 2007; D. LIEBS, ‘Roman vulgar law in late antiquity’, [in:] B. SIRKS (ed.), *Aspects of Law in Late Antiquity: Dedicated to A. M. Honoré on the Occasion of the Sixtieth Year of his Teaching in Oxford*, Oxford 2008, pp. 35–53 (discussion summarised); S.-A. FUSCO, ‘Vulgar law’, [in:] M. LANDFESTER *et alii* (eds.), *Brill’s Encyclopaedia of the Ancient World. New Pauly. Classical Tradition* V, Leiden – Boston 2010.

An interesting approach to the problem is to be found in Soazick KERNEIS, ‘Loi et coutumes dans l’Empire romain. À propos du droit vulgaire’, [in:] J.-P. CORIAT *et alii* (eds.), *Inter cives necnon peregrinos. Essays in Honour of Boudewijn Sirks*, Göttingen 2014, pp. 367–384.

to exist – over one hundred years after Justinian.<sup>17</sup> The selection of a starting point for our study is no less problematic. Changes in testamentary practices, as well as in the evolution of the testamentary model, were part of a larger phenomenon that started with the *Constitutio Antoniniana*. This edict, which granted citizenship to most of the free inhabitants in the Roman Empire,<sup>18</sup> had considerable repercussions for Roman law and Roman testamentary succession. It was eventually followed by a series of constitutions introducing (or acknowledging) major changes in the practice of Roman law. In the case of testamentary law, there was a constitution issued by Alexander Severus concerning the language of Roman wills, and a later legislation from Constantine that addressed both the form and content of wills (both laws are discussed in Chapters 1 and 3). However, even before the *Constitutio Antoniniana* there had been changes within the legal system and there are a number of earlier laws – such as that issued by Antoninus Pius concerning *bonorum possessio secundum tabulas testamenti* – that are crucial to our study.

The present work is based on various types of sources. Among them, the most important are sources of documentary practice preserved on papyrus, ostraca, wax tablets, parchment, paper, or in manuscripts. A significant portion of this material consists of original wills or copies, as well as abstracts and extracts from wills made for Roman citizens both in Latin and Greek. There are also a number of wills composed mostly in Greek (but see the Demotic *P. Mosc.* 123) for non-Roman inhabitants of Hellenistic and Roman Egypt. The total number of documents is over 170 (see Appendices 1, 2, 3, and 4). But while this number is large, the preserved material is not as representative as one might have hoped: only few documents come from outside of Egypt.

Not even the whole of Egypt is well represented. Wills from the Hellenistic period collected in Appendix 1 are the largest in number – there are more than seventy – but almost all of them were composed between 238 and 225 BC in the Arsinoite nome (the majority in Krokodilopolis) and

<sup>17</sup> The latest published Roman will is *SB I 4319* = *P. KRU* 77 written only partly in Greek in AD 634. See Appendix 4

<sup>18</sup> Many scholars considered this moment as crucial for Roman law. This issue is discussed in the introduction to Chapter 3 (with further literature).

belonged to a single ‘register’, which has been re-published by Willy Clarysse as *P. Petr.* I<sup>2</sup>. Other wills from the third century BC consist of two short fragments – *P. Lond.* VII 2015 and *SB XII* 10859 – which contain primarily dating clauses and description of the testators. Wills from the second century are fewer than ten, of which three belong to the same archive and were composed for one person, the cavalry officer Dryton. Others are *P. Grenf.* I 24; *SB XVIII* 13168; *BGU VI* 1285; *P. Lond.* II 219a verso and b; *P. Berl. ined.*, of which only *SB XVIII* 13168 is a complete text. Only one will composed in the first century BC is currently known (*P. Mosc.* 123).

The situation is somewhat better for the Roman period. The number of preserved wills composed for non-Roman inhabitants of Egypt (and one for an inhabitant of Dura Europos) included in Appendix 2 is forty-seven; however, thirty of these texts originate from Oxyrhynchos, and the majority of them may even be from one archive.<sup>19</sup> Furthermore, all of the documents come from *metropoleis*,<sup>20</sup> although this observation may seem obvious, as the local will, being a public deed, had to be composed at the office of *agoranomos*. This rule was preserved *inter alia* in the *Gnomon of the Idios Logos*, *BGU V* 1210, ll. 33–34: ζ. Διαθήκαι, ὅσα μὴ κατὰ δημοσίους χρηματισμοὺς γείνωνται, ἄκυροί εἰσι. Still, the preserved local wills represent only three nomes: the Oxyrhynchite, the Arsinoite, and the Hermopolite.<sup>21</sup> The vast majority of these deeds can be dated to the second century, with only four dating from the first century.

The deeds composed for the inhabitants of Hellenistic and Roman Egypt are always referred to as *διαθήκαι*. The word *διαθήκη* was known in classical Greece, and the verb *διατίθεσθαι* had various meanings depending on the time and place. In Athens, for instance, it could refer to testamentary adoption whose purpose was to appoint a successor for the *oikos*, and before or during the time of Solon it may also have referred to a will.<sup>22</sup> The

<sup>19</sup> See T. DERDA & Maria NOWAK, ‘Two wills from Oxyrhynchos’, *JJurP* 42 (2012), pp. 101–115, esp. pp. 102–103.

<sup>20</sup> See U. YIFTACH-FIRANKO, ‘Deeds of last will in Graeco-Roman Egypt. A case study in regionalism’, *BASP* 39 (2002), pp. 149–164.

<sup>21</sup> See Maria NOWAK, ‘Village or town? Does it matter in legal terms’ (forthcoming).

<sup>22</sup> See A. BISCARDI, ‘Osservazioni critiche sulla terminologia *διαθήκη* – *διατίθεσθαι*’, [in:] *Symposion* 1979, pp. 23–35.

word *διαθήκη* applied to a deed through which an Athenian could make dispositions concerning his property, decide about the marriage of his wife and daughters, give instructions about his funeral, or choose guardians for relatives.<sup>23</sup> It is this meaning that *διαθήκαι* had in Hellenistic Egypt.

The same term *διαθήκη* applied also to Roman testaments. Sometimes it appeared in the expression *ῥωμαϊκὴ διαθήκη* which was used to distinguish between Roman and local wills. Other nouns were occasionally used to describe Roman wills: *βούλημα* or *βούλησις*, literally ‘a will’, ‘a wish’, ‘an intention’. The three nouns – *διαθήκη*, *βούλημα*, and *βούλησις* – seem to have been synonymous and could be used as counterparts of the Latin *testamentum*. In later wills, composed in the sixth and seventh centuries, an adjective was sometimes added, as in *P. Cairo Masp.* I 67151: *διαθηκιμαία βούλησις*, ‘testamentary will’; however, such cases may be explained in stylistic rather than in technical terms.

Testaments composed for Roman citizens before and shortly after the *Constitutio Antoniniana*, collected in Appendix 3 – wills that cannot yet be considered late Roman – are more geographically diverse in their origin than the wills collected in Appendices 1 and 2. While almost all the texts originate in Egypt,<sup>24</sup> their status as private deeds meant that they could be composed in various locations (in contrast to local wills being notarial deeds which could be made only in some places), including cities (Alexandria), *metropoleis* (Oxyrhynchos, Ptolemais Euergetis, Hermopolis Megale), and even towns or villages (Karanis, Philadelphia, Phebichis). The texts come from at least five different nomes. The most numerous groups of deeds originate from the Arsinoite and Oxyrhynchite nomes. This geographical disproportion mirrors a general tendency in papyrological sources: the majority of documents from the second and third centuries come from these two locations.<sup>25</sup>

<sup>23</sup> BISCARDI, ‘Osservazioni critiche’ (cit. n. 22), p. 32.

<sup>24</sup> The exception: R. TOMLIN, ‘A Roman will from North Wales’, *Archaeologia Cambrensis* 150 (2001), pp. 143–156 = R. TOMLIN & M. HASSALL, *Britannia* 35 (2004), pp. 347–348. All documents are included in Appendix 3.

<sup>25</sup> W. HABERMANN, ‘Zur chronologischen Verteilung der papyrologischen Zeugnisse’, *ZPE* 122 (1998), pp. 144–160.

The fourth group of documents, included in Appendix 4, encompasses late Roman wills, composed primarily between the fourth and seventh centuries.<sup>26</sup> This relatively small group is also the most geographically diverse, as the number of deeds from outside Egypt – including documents from Constantinople, Ravenna, and Nessana – is much higher than in the previous groups. The best represented locations in Egypt are Antinoopolis and Aphrodito. A handful of documents originate in Oxyrhynchos, and there are individual pieces from Ptolemais Euergetis, Karanis, Kerkesis, Hermopolis Megale, and Hermonthis. It is worth noting that the geographical distribution of documents is defined to a certain extent by the surviving archives: the majority of wills from Antinoopolis and all those from Aphrodito belong to the famous archive of Dioskoros of Aphrodito (*P. Cairo Masp.* I 67151 and 67152; III 67312; III 67324; *P. Köln* X 421; *P. Vat. Aphrod.* 7). The deeds belonging to this archive, especially those drafted by Dioskoros himself, may not be fully representative of legal practices in this period, as they display both an uncommon legal proficiency and a very distinct style (especially *P. Cairo Masp.* I 67151 and 67152). This group of wills is nonetheless of primary importance to the present study.

In addition to the four main groups of documents, Coptic testaments composed in Egypt after the Arab conquest are useful for the study of testamentary practice in the late Roman Empire. Although the texts differ significantly from wills composed in Greek before the conquest, they disclose an indubitable continuity with the late Roman testamentary model<sup>27</sup> and may thus help us to reconstruct elements of late Roman practice. A similar continuity may be observed in Latin wills composed in Gaul during the rule of the Merovingian dynasty.<sup>28</sup> These documents resemble the late Roman testamentary model even more than the Coptic papyri.

<sup>26</sup> The choice of documents in Appendices 3 and 4 was dictated not only by chronological, but also by typological criteria. See Chapter 3, pp. 118.

<sup>27</sup> Esther GAREL & Maria NOWAK, 'Monastic wills. The continuation of late Roman legal tradition?' [in:] Mariachiara GIORDA, M. CHOAT (eds.), *Writing and Communication in Early Egyptian Monasticism* (forthcoming).

<sup>28</sup> U. NONN, 'Merowingische Testamente: Studien zum Fortleben einer römischen Urkundenform im Frankenreich', *Archiv für Diplomatik* 18 (1972), pp. 1–129, with the list of sources.

These two auxiliary groups of sources not only facilitate a reconstruction of the testamentary model in the Roman Empire, but also offer insight into the continuity of legal traditions and notarial practices in territories that were no longer under the rule of Constantinople. However, we must use these sources cautiously, as neither group is fully representative. The Coptic wills originate from a single location: Jeme and the neighbouring monastery of St. Phoibammon.<sup>29</sup> We cannot therefore be certain whether these documents are typical of notarial practice in Egypt under Arab rule, or merely the practice that continued to be followed in this particular place. Although the Merovingian wills are geographically diverse, our interpretation is limited by the fact that they all come from ecclesiastical or monastic contexts.

Literary texts which quote or paraphrase fragments from authentic wills provide us with another source of information on testamentary practice. The wills of Greek philosophers and saints, for instance, have survived thanks to ancient biographies and hagiographies. In the *Lives and Opinions of Eminent Philosophers*, Diogenes Laertios quotes or paraphrases the wills of six philosophers (Plato [III 41–43], Epicurus [X 16–21], Aristotle [V 11–16], Theophrastus [V 51–57], Strato [V 61–64 = fr. 10 WEHRLI], and Lyco [V 69–74 = fr. 15 WEHRLI]). However, perhaps only the wills of Plato and Aristotle could be discussed in legal terms; the other four are closer to Christian ‘spiritual testaments’ of Egyptian Fathers<sup>30</sup> than to authentic legal deeds. The will of Remigius of Reims has been transmitted in a similar way: Hincmar decided to add it to his *Vita Remigii*.<sup>31</sup> Both Hincmar and Diogenes Laertios were writing hundreds of years after the death of their subjects, and the wills they reproduced may not be wholly trustworthy as sources.<sup>32</sup> However, even

<sup>29</sup> On the monastery, see: W. GODLEWSKI, *Le monastère de S. Phoibammon [= Deir el-Bahari 5]*, Warsaw 1986.

<sup>30</sup> See Mariachiara GIORDA, *Il regno di Dio in terra: le fondazioni monastiche egiziane tra V e VII secolo [= Studi di storia del cristianesimo 94]*, Rome 2011, p. 199.

<sup>31</sup> See Hincmar of Reims, *Vita Remigii episcopi remensis*, B. KRUSCH (ed.), *MGH SRM 3* (1896), pp. 250–341.

<sup>32</sup> See J. CROOK, P. GRIERSON & A. H. M. JONES, ‘The authenticity of the *Testamentum S. Remigii*’, *Revue belge de philologie et d’histoire* 35 (1957), pp. 356–372; H. B. GOTTSCHALK, ‘Notes on the wills of the Peripatetic scholars’, *Hermes* 100 (1972), pp. 314–342.

if preserved texts do not reflect the original wills of Aristotle or St. Remigius, the fact that they have preserved the authors' knowledge of contemporary testamentary model – and the wills they reproduce may indeed be similar to deeds from the periods in which the authors lived – makes them valuable as evidence for legal practice.<sup>33</sup>

Another group of sources – the inscriptions – also provide us with valuable information, but are even more problematic than the literary texts. Although there are inscriptions of a testamentary nature, we cannot be certain of the extent to which they faithfully reproduce the content of original wills; the act of writing a will would have had a very different purpose than re-writing it in stone. Furthermore, the majority of epigraphic sources contain only short fragments from original deeds; two rare examples of inscriptions which repeat the complete text of deeds are the *testamentum Dasumi* (FIRA III 48) and the will of Ptolemy VIII Euergetes II (SEG IX 7).<sup>34</sup> The majority of inscriptions repeat only the dispositions concerning the funeral, the grave, or the commemoration (see Chapter 3, pp. 187–190).

In addition to wills, there are other documents of legal practice, including petitions, proceedings, and contracts, which offer insight into testamentary practice. Such documents are numerous, but their relevance to the present study varies considerably depending on the physical state of source, the type of source, and even the authors of particular examples. The most valuable sources for reconstructing testamentary practice in the Roman Empire are the protocols: records of proceedings regarding different testamentary matters, such as the opening of a will, the revocation of a will, or conflicts concerning inheritance. As with the wills themselves,

<sup>33</sup> This was the opinion of Kraus, who included the philosophers' wills in his research on the clauses in testaments composed in Greek: KRAUS, *Formeln* (cit. n. 8).

<sup>34</sup> The latter is the only fully preserved will belonging to the series of testaments composed by Hellenistic kings in which they bequeathed their kingdoms to the people of Rome (or they appointed Rome guardian of their children and successors). See D. BRAUND, 'Royal wills and Rome', *Papers of the British School at Rome* 51 (1983), pp. 16–57.

Despite the fact that the will of Ptolemy VIII Euergetes II contains some clauses characteristic of Hellenistic wills, it cannot be interpreted as a regular will, but a political declaration. In turn, the *testamentum Dasumi* seems to be a credible copy of the original.

the bulk of protocols originated from Egypt. However, there are exceptions: among the Ravenna papyri there is a document written in the second half of the sixth century which includes copies of protocols relating to the opening of six wills composed between the second half of the fifth and the second half of the sixth centuries (*P. Ital.* I 4–5).<sup>35</sup> As Gianni Ferrari Dalle Spade has observed, the papyrus – a copy made for the chancery of the archdiocese of Ravenna after AD 552 – was prepared for the church in order to assert its legal title to some lands; the originals may well have been lost during the political turbulence of those times.<sup>36</sup> The copied protocols, together with *P. Ital.* I 6 – an original testament of Manna son of Nanderit, opened and executed in Ravenna – are especially valuable for a number of reasons: they are the only source which offers an insight into the actual procedures practiced in late antiquity, and they can be compared with both earlier Egyptian material and with juridical sources. The results, discussed in Chapter 2, are surprising.

Juridical writings from the Roman world comprise another important group of sources. It is only possible to understand legal papyri within the context of the prevailing legal doctrines. In late antiquity it can be difficult to say with any certainty which imperial laws may have affected the legal practices of everyday life; however, imperial constitutions were quite well known throughout the Empire and would have been applied in testamentary practice.<sup>37</sup> In wills from the fifth and sixth centuries, for instance, we find direct references to *N. Tb.* 16 = C. 6.23.21 (see Chapter 3, section 2). By contrast, the text of Justinian's *Digesta* does not seem to have been well known among the 'legal experts' of Egypt; even Dioskoros may not have been familiar with this more recent legal work. Although the *Digesta* were intended as a definitive compilation of the legal knowl-

<sup>35</sup> Two first protocols are hardly preserved and undatable, the third one is dated to AD 470, and the last one to AD 552. See Appendix 4.

<sup>36</sup> G. FERRARI DALLE SPADE, 'Papiri ravennati dell'epoca giustiniana relativi all'apertura dei testamenti', [in:] *Studi Bonfante* II, pp. 633–644, esp. p. 641.

<sup>37</sup> See M. AMELOTI & G. I. LUZZATTO, *Le costituzioni giustiniane nei papiri e nelle epigrafi* [= *Legum Iustiniani imperatoris vocabularium. Subsidia* 1], Florence 1972; M. AMELOTI & Livia MIGLIARDI ZINGALE, *Le costituzioni giustiniane nei papiri e nelle epigrafi* [= *Legum Iustiniani imperatoris vocabularium. Subsidia* 2], Florence 1985.

edge of their age, very few of the provisions discussed therein seem to have appeared in legal papyri, either in Egypt or elsewhere. Books XXXI and XXXII, for example, discuss almost every possible kind of *legatum*; yet, in the papyri, *legata* are limited almost exclusively to lands, money, and garments (see Chapter 3, section 7).

Since the knowledge of the *Institutiones* of Gaius (or, at least, of the rules and clauses referred to by Gaius) is well attested in our documentary sources, this classical text must also be considered within the scope of this study; the same pertains also to the *Pauli sententiae*. It is worth remembering, however, that knowledge of these texts was not necessarily acquired through direct contact with the works of Roman jurists, but rather through notarial practice and the circulation of legal templates (see Chapter 3, introduction).

Ancient literature and archaeology may also, in some cases, supplement our knowledge of testamentary practices. In many cases archaeology can provide the missing link between the instructions in a will and their execution. Material evidence, for example, offers information on burials in pagan and Christian Egypt, which are absent from the documentary texts (Chapter 3, section 9).

Literary sources are also worthy of attention. However, the ancient writers and historians were rarely interested in wills and, with few exceptions,<sup>38</sup> information on testamentary practice is always of a secondary character. In *De vita Caesarum* of Suetonius, for example, the historian mentions the wills of particular emperors or discusses how the emperors reacted to being appointed (or, sometimes, not appointed) in the wills of their subjects. In the *Sermones* of St. Augustine, the Church Father admonishes Christian testators not to bequeath more to the Church than to their own children.

<sup>38</sup> Such exceptions are the already mentioned wills of famous people, e.g. Aristotle or Remigius of Reims. Another interesting example is the *Testamentum porcelli*, a fourth-century parody will of a piglet, M. Grunnius Corocotta, to be slaughtered. The literature on the subject is extensive; see J.-J. AUBERT, “‘Du lard ou du cochon?’ The *Testamentum porcelli* as a Jewish anti-Christian pamphlet”, [in:] J.-J. AUBERT & Zsuzsanna VÁRHELYI (eds.), *A Tall Order. Writing the Social History of the Ancient World. Essays in Honor of William V. Harris*, Munich 2005, pp. 107–141, with further literature.



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## CHAPTER ONE

### TESTAMENTARY REQUIREMENTS\*

THE PRESENT CHAPTER is devoted to the development of the will in late antiquity, as well as the evolution of the Roman will from the solemn *testamentum per aes et libram* – a formal act performed in the presence of witnesses, which involved the use of bronze and scales – into the simple document<sup>1</sup> known to us from late Roman and Byzantine legal sources. The other issue that will be discussed in this chapter is the presence of *mancipatio* in the legal practice of the Roman Empire. In particular, we shall examine how long *mancipatio* was present as a ritual act in legal deeds and when precisely it fell out of use.

#### 1. TESTAMENTUM PER AES ET LIBRAM

Under the Republic and Principate, the highly formalised *testamentum per aes et libram* was the only type of will recognised by Roman law.<sup>2</sup> It consisted of

\* A part of the present chapter was published as a separate article: Maria NOWAK, 'Mancipatio and its life in late-Roman law', *JJurP* 41 (2011), pp. 103–122.

<sup>1</sup> Late Roman law distinguishes between the oral and written will (see below, pp. 67–69).

<sup>2</sup> About the oldest acts preceding *testamentum per aes et libram*, which are *testamentum calatis comitiis* and *testamentum in procinctu*, see E. BESTA, *Le successioni nella storia del diritto italiano*, Padua 1935, p. 137; V. ARANGIO-RUIZ, *Storia del diritto romano*, Naples 1947, p. 21; B. BIONDI, *Successione testamentaria e donazioni*, Milan 1956, pp. 33–35; IDEM, 'Impostazione

two elements: *nuncupatio* and *mancipatio nummo uno*. *Nuncupatio* could take one of two forms: the testator, in order to make a will that did not involve testamentary tablets, had to express his dispositions aloud in the presence of appropriate people. If he wanted to keep the precise content of his dispositions secret, the *nuncupatio* could assume a symbolic form; we find one such a formula (or at least one of variants) in the *Institutiones* of Gaius.<sup>3</sup>

G. 2.104: haec, ita ut in his tabulis cerisque scripta sunt, ita do, ita lego, ita testor, itaque vos, Quirites, testimonium mihi perhibetote testandi.<sup>4</sup>

del testamento nella giurisprudenza romana, nei codici e nella dommatica moderna', *RIDA* 13 (1966), pp. 107–122, esp. pp. 116–117; *RPR* I, pp. 105–107; A. WATSON, *The Law of Succession in the Later Roman Republic*, Oxford 1971, pp. 8–10; J. ZABŁOCKI, *Kompetencje pater familias i zgromadzeń ludowych w sprawach rodziny w świetle Noctes Atticae Aulusa Gelliusa*, Warsaw 1990, pp. 115–124; G. SCHERILLO, *Corso di diritto romano. Il testamento*, Milan 1995, p. 182.

<sup>3</sup> In its basic form (certainly in the time when *mancipatio familiae* played the role of the will), *nuncupatio* included the appointment of heir and the entire content of the will, while in the time of Gaius it was usually limited to the quoted formula. Afterwards, the content of the will was recorded on tablets to keep it secret. In this case *nuncupatio* fulfilled the function of an abstract manifestation of the will contained therein. However, certainly under the Republic and probably also in the time of Gaius, *nuncupatio* could contain the full text of the will (D. 28.1.21.pr.-1; D. 28.1.25; D. 28.5.1.1; D. 28.5.1.5; D. 28.5.59.pr.; D. 37.11.8.4), but such occurrences must have been quite rare. See also A. GUARINO, 'La forma orale e la forma scritta nel testamento romano', [in:] *Studi De Francisci* II, pp. 51–77, esp. pp. 58–64; G. G. ARCHI, 'Oralità e scrittura nel *testamentum per aes et libram*', [in:] *Studi De Francisci* IV, pp. 287–318, esp. pp. 293–294; *DER* II, p. 53; *DRP* I, p. 679; WATSON, *The Law of Succession* (cit. n. 2), p. 12. Such an interpretation of *nuncupatio* is confirmed by the sixth-century *Paraphrasis* of Teophilus (2.10.1). On the contrary, Siro Solazzi claimed that the will required tablets *ad substantiam*; S. SOLAZZI, 'Testamenti *per nuncupationem*', *SDHI* 17 (1951), pp. 262–267; IDEM, 'Ancora del testamento nuncupativo', *SDHI* 18 (1952), pp. 212–218; similarly MEYER, *Legitimacy*, pp. 114–115.

It is difficult to agree with the idea that there existed written *testamentum per aes et libram*, as the sources lack any mention of two types of mancipatory wills. Therefore, we should assume correct the conclusions of Gian Gualberto Archi; he demonstrated that there was only one type of *testamentum per aes et libram*, which should not be considered in the 'oral-versus-written' categories, as they were completely unknown to the Romans in the discussed period. The will, however, could be made without tablets; see ARCHI, 'Oralità e scrittura' (above); see also GUARINO, 'La forma orale e la forma scritta' (above). Pieces of evidence for mancipatory wills made without tablets are rare; see the will of Horace (Suet. *V. Hor.* LXXV). AMELOTI, *Il testamento*, p. 13; MEYER, *Legitimacy*, p. 273.

<sup>4</sup> 'According as it is written in these tablets and on this wax, so do I give, so do I bequeath, so do I call to witness, and so do you, *Quirites*, bear me witness.'

In the same passage, Gaius describes *mancipatio*, which was the second requirement for making a will:<sup>5</sup>

G. 2.104: *Eaque res ita agitur: qui facit <testamentum>, adhibitis, sicut in ceteris mancipationibus, ut testibus civibus Romanis puberibus et libripende, postquam tabulas testamenti scripserit, mancipat alicui dicis gratia familiam suam.*<sup>6</sup>

The exact meaning of *mancipatio nummo uno* described in this passage – a *mancipatio* of purely symbolic significance, not resulting in any change of ownership – does not seem entirely obvious. In fact it would have been rather difficult for an average Roman to understand this formulation, let alone to carry out its instructions (a testator had to repeat the formulae in Latin, make appropriate gestures, and gather seven adult Roman citizens, which in some places could pose a real difficulty). Such an act could be demanding especially for provincials who often had no access to well-trained legal experts. For this reason, it is doubtful whether *mancipatio nummo uno* was indeed performed during the composition of wills under the Principate and later.

The English translations of all passages of the *Institutiones* come from *The Institutes of Gaius*, transl. F. DE ZULUETA, Oxford 1946 (reprinted 1951), unless otherwise indicated. Other translations of ancient authors are mine, unless otherwise indicated.

<sup>5</sup> It is not clear when *mancipatio familiae* stopped serving as the transfer of property and became a symbolic act, and thus when the will as a unilateral deed *mortis causa* emerged. However, there is no doubt that this fiduciary transfer of ownership of the whole estate into the *familiae emptor* lies at the basis of the mancipatory will. See BIONDI, 'Impostazione del testamento' (cit. n. 2); G. GANDOLFI, 'Prius testamentum ruptum est', [in:] *Studi Betti* III, pp. 211–228; WATSON, *The Law of Succession* (cit. n. 2), p. 11; B. ALBANESE, 'La successione ereditaria in diritto romano antico', *Annali del Seminario giuridico* 20 (1949), pp. 127–475, esp. p. 290, n. 1. See Stefania PIETRINI, *Deducto usu fructu. Una nuova ipotesi sull'origine dell'usufrutto*, Siena 2008, pp. 63–128, where the author infers the origins of *usufructus* from *mancipatio familiae*.

For the newest and perhaps most extensive work on *familiae emptor*, see Francesca TERRANOVA, *Ricerche sul testamentum per aes et libram*, I: *Il ruolo del familiae emptor (con particolare riguardo al formulario del testamento librato)*, Turin 2011.

<sup>6</sup> 'The proceedings are as follows: the testator, as in other mancipations, calls five Roman citizens above puberty to witness and appoints a scale-holder, and, having previously written his will on tablets, formally mancipates his *familia* to someone' (cf. *Tit. Ulp.* 20.9).

Mancipatory clauses, however, are well attested in testaments from Roman Egypt: they are preserved in fifteen Roman wills from the period before the *Constitutio Antoniniana* or shortly thereafter.<sup>7</sup> The mancipatory clause – which was intended to demonstrate that *mancipatio*, as one of testamentary requirements, had taken place, as well as to identify the parties involved – was based on a repetitive formula: *familiam pecuniamque testamenti faciendi causa emit ... sestertio nummo uno ... libripende ... antetestatus est* / οἰκετίαν χρήματά τε τῆς διαθήκης γενομένης ἐπρίατο ... σηστερτίου νούμμου ενός, ζυγοστατοῦντος ... ἀντεμαρτύρατο ... The fact that all known clauses followed this or a very similar pattern suggests that they were a part of the documentary habit, but does not necessarily imply that the act of *mancipatio* was performed each time. This observation is further supported by the fact that the clause appears in a second-century template for composing wills (*P. Hamb.* I 72,<sup>8</sup> ll. 18–20).

Mistakes occur in mancipatory clauses, despite the fact that, as it can be inferred from *P. Hamb.* I 72, the clause itself did not require extensive knowledge of the act of *mancipatio* on the part of the author of the deed. Indeed, the template required only that the empty spaces provided in it be filled with the names of the participants in the act. Nonetheless, mistakes still happened; for example, in *BGU VII* 1655 the price of a symbolic act of *mancipatio* was stated as one thousand rather than one coin. Such a mistake would suggest that the author had no knowledge concerning both the symbolic act of *mancipatio* and the function of *testamentum per aes et libram*. Certainly, the stated amount of one thousand sestertii should not be taken as proof that the *familiae emptor* paid this amount to the testator, but rather that the testator wished to add *gravitas* to the testament by inserting a large sum. In addition, the phrase ἀντεμαρτύρατο/*antetestatus est*, followed by a name either in the

<sup>7</sup> Cf. *ChLA* IX 399; *ChLA* X 412; *P. Oxy.* XXXVIII 2857; *FIRA* III 47; *P. Select.* 14; *P. Hamb.* I 73; *P. Hamb.* I 72; *BGU VII* 1655; *PSI XIII* 1325; *BGU I* 326; *P. Diog.* 9; *P. Bagnall* 5; *P. Oxy.* XXII 2348; *P. Laur.* I 4; *P. NYU* II 39. All documentary sources quoted in the book are listed in chronological order.

<sup>8</sup> See M. AVENARIUS, 'Formularpraxis römischer Urkundenschreiber und *ordo scripturae* im Spiegel testamentsrechtlicher Dogmatik', [in:] M. AVENARIUS, C. MÖLLER & R. MEYER-PRITZL (eds.), *Ars Iuris. Festschrift für Okko Behrends zum 70. Geburtstag*, Göttingen 2009, pp. 13–41.

accusative<sup>9</sup> or nominative,<sup>10</sup> could provoke doubts concerning the intentional and thoughtful application of the entire clause in wills.

Doubts of a more serious nature arise when we search for evidence of the application of *mancipatio* in the legal sources. Apart from the mancipatory clauses in the wills mentioned above, there is only one other source from Egypt attesting its use (the emancipation of a daughter: *ChLA* XII 521 = *FIRA* III 14 = *CPL* 206 = *Jur. Pap.* 9 [Oxyrhynchos, after AD 212]). Furthermore, there are few traces of *mancipatio* preserved in sources from outside Egypt;<sup>11</sup> among the few surviving examples none originate from the Roman East. It is also interesting to note that all the sources from outside Egypt feature *mancipatio* as a means of transferring ownership.

For several of these documents, it is difficult to determine whether or not the *mancipatio* mentioned in them actually took place. One such document is the Fortunata tablet; this deed of sale contains a mancipatory clause through which the ownership of a slave girl was transferred, the girl in question becoming the property of her new owner *ex iure Quiritium*.

*Tabula Fortunatae*<sup>12</sup> (Britain, first – third century AD), ll. 1–4: Vegetus Montani Imperatoris Augusti ser(vi) Iucundiani vic(arius) emit mancipioque accepit puellam Fortunatam sive quo alio nomine Diablintem de Albiciano [illegible cognomen] (denariis) sescentis.<sup>13</sup>

<sup>9</sup> *ChLA* X 412; *FIRA* III 47; *BGU* I 326; *P. Hamb.* I 72; *P. Bagnall* 5; *P. Oxy.* XXII 2348.

<sup>10</sup> *P. Hamb.* I 73; *BGU* VII 1655. In *PSI* XIII 1325: ἀντεμαρτυρήθη + nominative.

<sup>11</sup> The Fortunata tablet: *editio princeps*: R. S. O. TOMLIN, ‘The girl in question’: a new text from Roman London’, *Britannia* 34 (2003), pp. 41–51; revised edition: G. CAMODECA, ‘Cura secunda della *tabula cerata* londinese con la compravendita della puella Fortunata’, *ZPE* 157 (2006), pp. 225–230. See also Francesca REDUZZI MEROLA, *Forme non convenzionali di dipendenza nel mondo antico*, Naples 2010 (2nd edition), pp. 44–46. Other sources: *FIRA* III 87–90 (Dacia, AD 139–160); *mancipatio Pompeiana*: *FIRA* III 91 (Pompeii, AD 61), *TH* 61 (Herculaneum, AD 63); *formula Baetica*: *FIRA* III 92 (Hispania Baetica, 1st–2nd c. AD); three *mancipationes donationis causa*: *FIRA* III 93–95 (Rome, 2nd–3rd c. AD). On the Herculaneum material, see G. CAMODECA, ‘Tabulae Herculenses: riedizione delle *emptiones* di schiavi (*TH* 59–62)’, [in:] *Quaestiones iuris. Festschrift f. G. Wolf*, Berlin 2000, pp. 53–76, esp. pp. 66–70.

<sup>12</sup> Camodeca’s edition: CAMODECA, ‘Cura secunda della *tabula*’ (cit. n. 11), p. 226.

<sup>13</sup> ‘Vegetus, *servus vicarius* of the imperial slave Montanus Iucundus, bought for six hundred denarii and acquired through *mancipatio* from Albiniacus ... a girl Fortunata, or whatever her name is, of the tribe Diablintes.’

The first part states that Vegetus bought (*emit*) and acquired through *mancipatio* (*mancipioque accepit*) a slave girl named Fortunata. This is not exceptional, save for the fact that the acquirer and *accipiens* to the *mancipatio* was a slave ('*servus vicarius servi Imperatoris Augusti Montiani Iucundiani*'; '*servus vicarius* of Montanius Iucundianus, a slave of Emperor Augustus'). As Giuseppe Camodeca has noted in the most recent edition of the tablet, the presence of a slave as an acquirer suggests lack of familiarity with the act of *mancipatio*, at least in the form described by Gaius.<sup>14</sup> According to Gaius, a slave could acquire something for his master through *mancipatio*;<sup>15</sup> however, such a process demanded a revised wording to indicate that he was buying the item for his master (G. 3.167). In the Fortunata tablet, yet, it is clear that the slave was buying for another slave. According to Camodeca, the idea that *mancipatio* was an essentially unfamiliar practice in the provinces is reinforced by tablets from Dacia (FIRA III 87–89) in which the participants are peregrines;<sup>16</sup> *mancipatio* was, after all, a formal act originating from the oldest layers of *ius civile* and should therefore have been limited only to Roman citizens.

But the same evidence may also suggest a different conclusion. The documents described above do not necessarily prove that the act of *mancipatio* took place; rather, they only confirm that the text was based on a formula which included a template for the mancipatory transfer of ownership.<sup>17</sup> If the participants in the transfer lacked even the most elementary knowledge of who was allowed to participate in the act of *mancipatio*, we cannot assume that they would have possessed the requisite knowledge to perform the ceremony itself. For this reason, it is difficult to consider the aforemen-

<sup>14</sup> CAMODECA, 'Cura secunda della *tabula*' (cit. n. 11), p. 226.

<sup>15</sup> REDUZZI MEROLA, *Forme non convenzionali* (cit. n. 11), p. 46. See H. ANKUM, 'Mancipatio by slaves in classical Roman law', [in:] *Essays in Honour of Ben Beinart* [= *Acta Juridica* 1 (1976)], Capetown 1978, pp. 1–13.

<sup>16</sup> CAMODECA, 'Cura secunda della *tabula*' (cit. n. 11), p. 226. Cf. E. VOLTERRA, 'Manomissioni di schiavi compiute da peregrini', [in:] *Studi De Francisci* IV, pp. 73–105, esp. pp. 81–84.

<sup>17</sup> REDUZZI MEROLA, *Forme non convenzionali* (cit. n. 11), pp. 46–47: 'Potremmo però anche ipotizzare che nella nostra tavoletta la *mancipatio* venisse menzionata solo come ripetizione di un formulario tralatizio, ed invece l'atto non venisse effettivamente compiuto; il trasferimento della schiavetta si sarebbe realizzato tramite *traditio*, che risulta nel documento, ma l'aquirente non ne avrebbe acquistato (e non avrebbe potuto acquistarne) la proprietà.'

tioned tablets as compelling evidence for the existence of *mancipatio* as a method for the transfer of ownership in legal transactions – at least not as far as transactions in the provinces were concerned.

In addition to the documents described above, there are also numerous deeds relating to sale preserved on papyrus. Although the objects of sale belonged to the category of *res Mancipi*, they lack any mention of *mancipatio*, notwithstanding the fact that the parties involved in the sale were Romans.<sup>18</sup> If *mancipatio* had actually served as a means of transferring the ownership, we might expect the documents to include clauses similar to that which appears in the Fortunata tablet.

From the above examples we may conclude that *mancipatio* – if, indeed, it was still a part of legal practice during the Principate – would have most probably been used in the West, primarily as a way of transferring ownership. The process would have had limited practical value and even then may have been viewed as old-fashioned.<sup>19</sup> Legal developments such as the protection of bonitary ownership and the *actio Publiciana*<sup>20</sup> may have been one reason why *mancipatio* was applied so rarely.

*Mancipatio*, however, was important – and widely applied – during the archaic period. As such, it became a ‘derivative’ or ‘composed’<sup>21</sup> part<sup>22</sup> of

<sup>18</sup> Cf. *FIRA* III 137 (Phrisia, AD 29 or 116); *P. Hamb.* I 63 (Upper Egypt, AD 125–126); *FIRA* III 133 = *BGU* III 887 = *M. Chr.* 272 = *C. Pap. Jud.* III 490 (Pamphilia, AD 151); *P. Turner* 22 (Pamphilia, AD 142); *FIRA* III 134 = *SB* III 6304 = *CPL* 193 (Ravenna, AD 151); *FIRA* III 132 = *P. Lond.* II 129 = *ChLA* III 200 = *CPL* 120 = *Jur. Pap.* 37 = *P. Lond.* II 229, p. xxi (Seleucia Pieria [Syria], AD 166); *P. Oxy.* XLI 2951 (Oxyrhynchos, AD 267); *FIRA* III 135 = *BGU* I 316 = *M. Chr.* 271 (the Arsinoite nome, AD 359); *P. Kellis* 8 (Oasis Megale, AD 362). After J. A. STRAUS, *L'achat et la vente des esclaves dans l'Égypte romaine: Contribution papyrologique à l'étude de l'esclavage dans une province orientale de l'empire romain*, Munich 2004, pp. 116–117.

<sup>19</sup> K. TUORI, ‘The magic of *mancipatio*’, *RIDA* 55 (2008), pp. 499–521, esp. p. 510.

<sup>20</sup> F. STURM, ‘Das Absterben der *mancipatio*’, [in:] S. BUCHHOLZ, P. MIKAT & D. WERKMÜLLER (eds.), *Überlieferung, Bewahrung und Gestaltung in der rechtsgeschichtlichen Forschung*, Paderborn 1993, pp. 354–356.

<sup>21</sup> E. RABEL, ‘Nachgeformte Rechtsgeschäfte. Mit Beiträgen zur Lehre von der Injunctio und vom Pfandrecht’, *ZSS* 27 (1906), pp. 290–335.

<sup>22</sup> On the disappearance of *coemptio*, see STURM, ‘Das Absterben der *mancipatio*’ (cit. n. 20), pp. 349–352; J. URBANIK, ‘Formalność rozwodu w rzymskim prawie klasycznym: D. 24.2.9 i Augustowskie *divortii modum imponere*’, *Zeszyty Prawnicze UKSW* 9.1 (2009), pp. 85–121. The disappearance of the symbolic *mancipatio* serving for adoption can be inferred

not only the will, but also other legal deeds, including the *coemptio*, as well as its reverse act, the *noxae datio*, and the acts which abolished *patria potestas*.<sup>23</sup> Yet by the era of the Principate, jurisprudential sources rarely show *mancipatio* as a part of the aforementioned legal acts.<sup>24</sup>

Even in the jurisprudential sources from before the time of Justinian there is not much evidence to suggest that the act of *mancipatio* was still known or understood.<sup>25</sup> A description of *emancipatio* which appears in the *Epitome Gai* – a fifth-century work of western jurisprudence – demonstrates a complete lack of knowledge regarding the concept of freeing someone from paternal power through *mancipatio*, as well as the author's ignorance of the act *per aes et libram* in general. This basic lack of understanding in the passage from *Epitome Gai* becomes obvious when we compare it with the description of *emancipatio* preserved in the *Institutiones* of Gaius:

*Ep. Gai* 1.6.3: Item per emancipationem filii sui iuris efficiuntur. Sed filius masculus tribus emancipationibus de potestate patris exit et sui iuris efficitur. Emancipatio autem, hoc est manus traditio, quaedam similitudo uenditionis est: quia in emancipationibus praeter illum, hoc est certum patrem, alius pater adhibetur, qui fiduciarius nominatur. Ergo ipse naturalis pater filium suum fiduciario patri mancipat, hoc est manu tradit: a quo fiduciario patre naturalis pater unum aut duos nummos, quasi in similitudinem pretii accipit, et iterum eum acceptis nummis fiduciario patri tradit. Hoc secundo et tertio fit, et tertio eum fiduciario patri mancipat et

on the basis of preserved deeds of adoption, which in general do not mention *mancipatio* (*P. Oxy.* IX 1206 = *Sel. Pap.* I 10 = *FIRA III* 16 = *Jur. Pap.* 10 [Oxyrhynchos, AD 331]; *P. Lips.* I 28 = *M. Chr.* 363 [Hermopolis Megale, AD 381]). Elizabeth A. MEYER, *Literacy, Literate Practice and the Law in the Roman Empire, AD 100–600* (unpublished PhD thesis), p. 236; M. KURYŁOWICZ, 'Adoption on the evidence of the papyri', *JJrP* 19 (1983), pp. 61–75.

<sup>23</sup> Cf. *emancipatio*: G. 1.132; *Tit. Ulp.* 10.1; adoption: G. 1.135; *coemptio* and *re-coemptio*: G. 1.113 and 123; *noxae datio*: MEYER, *Legitimacy*, p. 265. TUORI, 'The magic of *mancipatio*' (cit. n. 19), pp. 499–521, esp. p. 505. See J. KRZYNÓWEK, 'Wydanie noksalne syna a początki *emancipatio* – Gai. 4.79', *Studia Iuridica* 48 (2008), pp. 127–141.

<sup>24</sup> This observation is not surprising since the majority of juridical sources from the Principate were preserved via the compilation of Justinian, who ordered all mentions of *mancipatio* to be removed from this collection and replaced by *traditio*.

<sup>25</sup> MEYER, *Legitimacy*, p. 114. It is difficult to agree with the claim of Elizabeth Meyer, who believes that *mancipatio* was still in existence until the days of Justinian, or at least as long as legal instruments based on it were in existence.

tradit, et sic de patris potestate exit. 4. Quae tamen emancipatio solebat ante praesidem fieri; modo ante curiam facienda est, ubi quinque testes ciues Romani in praesenti erunt, et pro illo, qui libripens appellatur, id est stateram tenens, et qui antetestatus appellatur, alii duo, ut septem testimonium numerus impleatur. Tamen quum tertio mancipatus fuerit filius a patre naturali fiduciario patri, hoc agere debet naturalis pater, ut ei a fiduciario patre remancipetur et a naturali patre manumittatur, ut, si filius ille mortuus fuerit, ei in hereditate naturalis pater, non fiduciarius succedat.<sup>26</sup>

G. 1.132: Praeterea emancipatione desinunt liberi in potestate parentum esse. Sed filius quidem tribus mancipationibus, ceteri vero liberi sive masculini sexus sive feminini una mancipatione exeunt de parentum potestate: lex enim XII tabularum tantum in persona filii de tribus mancipationibus loquitur his verbis: 'Si pater filium <ter> venum duit, a patre filius liber esto'. Eaque res ita agitur: mancipat pater filium alicui; is eum vindicta manumittit: eo facto revertitur in potestatem patris; is eum iterum mancipat vel eidem vel alii (sed in usu est eidem mancipari) isque eum postea similiter vindicta manumittit; eo facto rursus in potestatem patris revertitur; tertio pater eum mancipat vel eidem vel alii (sed hoc in usu est, ut eidem mancipetur), eaque mancipatione desinit in potestate patris esse, etiamsi nondum manumissus sit sed adhuc in causa mancipii.<sup>27</sup>

<sup>26</sup> 'Similarly, children become *sui iuris* through emancipation, but a son leaves paternal power after three emancipations and he becomes *sui iuris*. Hence, *mancipatio*, that is delivery with a hand, is somewhat similar to a sale; since in emancipations besides a certain person, i.e., a certain father, there is another father who is called the fiduciary father. Then the same natural father delivers his son to the fiduciary father through *mancipatio*; that is, he delivers him with a hand. The natural father accepts a coin or two from the fiduciary father, as if in the likeness of a price, and again having accepted the coins he delivers him to the fiduciary father. This happens for the second and the third time; thus he leaves the parental power, when he (the natural father) delivers him to the fiduciary father through *mancipatio* for the third time. 4. Although it was customary to perform emancipation before a *praeses*, recently it is to be done at the *curia* in the presence of five witnesses, Roman citizens, before the one called the *libripens*, that is the one holding the scale, and another one called the *antetestatus*. These two are to fill the number of seven witnesses. But, when the natural father delivers his son to the fiduciary father through *mancipatio* for the third time, the natural father should do so that he (the son) is remancipated to him (the natural father) by the fiduciary father and is released by the natural father so that the natural father shall inherit his son's property, if the son dies, and not the fiduciary father.'

<sup>27</sup> 'Furthermore, children are released from the paternal power through emancipation.'

The author of the text mentions the *antetestatus* as an additional participant in the act: ‘et pro illo, qui libripens appellatur, id est stateram tenens, et qui antetestatus appellatur, alii duo, ut septem testium numerus impleatur.’<sup>28</sup> Indeed, in mancipatory clauses there appears an expression *antetestatus est* / ἀντεμαρτύρατο which is interpreted as either the ‘first witness’, or as a phrase expressing the fact that witnesses were summoned.<sup>29</sup> Regardless of which interpretation we choose, the explanation of *antetestatus* given in the *Epitome Gai* suggests quite strongly that its author did not have extensive knowledge concerning the traditional participants in the act of *mancipatio*.<sup>30</sup> Moreover, according to the text, the acquirer (*pater fiduciarius*) gives one or two coins (*unum aut duos nummos*), even though the symbolic *mancipatio* of ancient times was performed

But a son leaves paternal power with three *mancipationes*, other ascendants, either men or women, with one. The law of the Twelve Tables says about three *mancipationes* in regard to the son as follows: “If a father sells his son three times, the son shall be free from his father.” It happens as follows: a father delivers a son to someone by *mancipatio*; the latter frees him by *manumissio vindicta*; and this way he is again under the power of his father, who (the father) for the second time delivers him (the son) by *mancipatio* either to the same person, or to another one (but it is customary that he is delivered to the same person), who frees him again similarly; and when this is done, he (the son) is again under the power of his father; and then the father delivers him (the son) by *mancipatio* either to the same person or to another one for the third time (but it is customary that he is delivered to the same person), and by this *mancipatio* he ceases to be under paternal power, even if he has not been manumitted yet, but he is still in the position of *mancipium*’ (transl. MN).

<sup>28</sup> This is also the only jurisprudential source attesting the word *antetestatus*. There were different interpretations of the word *antetestatus* in *Ep. Gai* 1.6.3. It was identified with, *inter alia*, *libripens* and *mancipio accipiens* (*pater fiduciarius* in this case). Francesca TERRANOVA, ‘Sull’*antetestatus* negli atti *per aes et libram*’, *Iuris antiqui historia. An International Journal on Ancient Law* 2 (2010), pp. 103–146, esp. p. 107.

<sup>29</sup> He was also interpreted as the witness first summoned, or ‘chief-witness’, or the one responsible for summoning other witnesses and ruling the entire act of *mancipatio*. Moreover, the expression *antetestatus est* was being interpreted as a formula informing that *mancipio accipiens* summoned witnesses, which is based on the understanding of the verb *antetector* as *adbibeo, rogo, perhibeo*. TERRANOVA, ‘Sull’*antetestatus*’ (cit. n. 28), *passim*.

<sup>30</sup> However, if we accept that *antetestatus* was a fiduciary father, who was also the *mancipio accipiens* responsible for summoning the witnesses, the passage would make more sense. Yet it does not explain the use of *antetestatus* as a description of the independent participant of the act. See TERRANOVA, ‘Sull’*antetestatus*’ (cit. n. 28), p. 142.

using only one coin, hence the name *mancipatio nummo uno*.<sup>31</sup> Finally, when speaking about the son who is freed from the father's power with the third 'sale', the text uses the phrase 'et tertio eum fiduciario patri mancipat et tradit'. It would appear that the legal act described in this passage has conflated two methods by which ownership may be transferred.

From this passage one may draw two different conclusions. It is possible that the author, who modelled his text on the *Institutiones*, was not familiar with *mancipatio*, but nonetheless attempted to explain it to the reader as best he could. If we accept this hypothesis, we must assume that *mancipatio* had not been practiced for a long time, and that both its theoretical purpose and its practical application would have been essentially foreign to the fifth-century audience. However, we may also wish to consider a second interpretation, specifically that *mancipatio*, as a practice used to free children from paternal power, did in fact survive into late antiquity, albeit in a considerably different form, as a solemn declaration (see below).

In addition to disappearing from jurisprudential literature, *mancipatio* is also largely absent from the imperial legal codes. It appears only three times in the *Theodosian Code*, always in connection with donations (*C. Th.* 8.12.4–5; *C. Th.* 8.12.7); all three constitutions were issued in the first half of the fourth century, during the reign of Constantine the Great and his successors. According to Ernst Levy, *mancipatio* had already disappeared from legal practice by the time these constitutions were written down.<sup>32</sup> Wulf Eckart Voss, on the contrary, believed that the constitutions offered proof of an obvious familiarity with *mancipatio* in the first half of the fourth century.<sup>33</sup>

<sup>31</sup> A. BERGER, *Encyclopedic Dictionary of Roman Law*, Philadelphia 1955, s.v. 'mancipatio nummo uno'; C. S. TOMULESCU, 'Le funzioni del *nummus unus* nella *mancipatio*', *RIDA* 23 (1976), pp. 223–237.

<sup>32</sup> E. LEVY, *West Roman Vulgar Law*, Philadelphia 1951, p. 141, n. 108: 'Such nominal reminiscences indicate the complete disuse rather than survival of the true *mancipatio*.' The author did not fully justify his position.

<sup>33</sup> W. E. VOSS, *Recht und Rhetorik in den Kaisergesetzen der Spätantike. Eine Untersuchung zum nachklassischen Kauf- und Übereignungsrecht* [= *Forschungen zur byzantinischen Rechtsgeschichte* 9], Frankfurt am Main 1982, p. 175.

*C. Th.* 8.12.4 (AD 319): [Imp. Constantinus] ad Bassum p(raefectum) u(rbi). Iuxta Divi Pii consultissimi principis instituta valere donationes placet inter liberos et parentes in quocumque solo et cuiuslibet rei liberalitas probabitur extitisse, licet neque mancipatio dicatur neque traditio subsecuta, sed nuda tantum voluntas claruerit, quae non dubium consilium teneat nec incertum, sed iudicium animi tale proferat, ut nulla quaestio voluntatis possit inreperere et conlata inter ceteras exceptas Cinciae legi personas obtinere propriam firmitatem, sive mancipationis decursa fuerit sollemnitas vel certe res tradita doceatur.<sup>34</sup>

In the above constitution, the legislator has decided that donations between parents and children were valid, even if neither *mancipatio* nor *traditio* had been performed, so long as the intention of the donation was made clear. It seems probable that the author of the constitution was aware of the difference between *mancipatio* and *traditio*, as is evident from the phrase: ‘obtinere propriam firmitatem, sive mancipationis decursa fuerit sollemnitas vel certe res tradita doceatur.’ Certainly this passage would prove that the author possessed both legal education and knowledge of classical law.

The two other constitutions which mention *mancipatio* allow for further conclusions. The first of these was issued by the emperor Constantine, most probably echoing the contents of the law quoted above.

*C. Th.* 8.12.5 (AD 333): Cum igitur ne liberos quidem ac parentes lex nostra ab actorum confectione secernat, id, quod necessario super donationibus

<sup>34</sup> ‘The same Augustus to Bassus, Prefect of the City. In accordance with the statutes of the sainted Pius, an emperor most learned in the law, it is Our pleasure that gifts shall be valid between children and parents on whatever soil and of whatever thing the gift is proved to have been made, even though the formal words of mancipation may not have been spoken and delivery may not have followed, and only the bare intention was declared which contained a plan that was not doubtful and indefinite, but expressed such a judgement of the mind that no question of intention could creep in. If any gift is bestowed between persons exempt from the requirements of the Cincian law, it shall obtain its proper validity, whether the formality of mancipation has been executed, or at any rate the property is proved to have been delivered’ (all quotations from the *C. Th.* after PHARR, *Theodosian Code*, unless indicated otherwise).

The mention of Antoninus Pius leads us to believe that the constitution was already established in his time.

apud actaconficiendis iam pridem statuimus, universos teneat, salvo tamen iuris privilegio, quod liberis et parentibus suffragatur, scilicet ne traditionis vel mancipationis sollemnitas sit necessaria.<sup>35</sup>

A further constitution concerning donations was issued during the reign of Constantius and Constans:

*C. Th.* 8.12.7 (AD 355): Cum genitoris mei scitis evidenter expressum sit nullam donationem inter extraneos firmam esse, si ei traditionis videatur deesse sollemnitas et idem huiusmodi necessitatem liberis tantum ac parentibus relaxarit, in omnibus deinceps observari negotiis oportebit, ut donatio inter extraneos minus firma iudicetur, si iure mancipatio et traditio non fuerit impleta.<sup>36</sup>

In both texts, the difference between *mancipatio* and *traditio* may not have been entirely clear to their authors; both write about *traditionis vel mancipationis sollemnitas* and *traditionis sollemnitas*, even though one of the fundamental qualities of *traditio* was that it was devoid of formal requirements (if we do not understand *solemnitas* as an act of *traditio* itself). Moreover, as Pasquale Voci has noted, the content of the constitutions does not indicate that their authors were aware that *mancipatio* and *traditio* were applied in order to transfer the ownership of two different types of objects: *res Mancipi* and *nec Mancipi*.<sup>37</sup> The two authors may have simply been trying

<sup>35</sup> 'The same Augustus to Severus, Count of Spain. Since, therefore, Our law does not exempt even children and parents from the execution of records, all persons shall be held by Our statutes formerly issued with reference to the necessity for registration of gifts in the public records. However, we preserve the privilege of the law whereby children and parents are assisted, namely, that for them the formality of delivery and mancipation is unnecessary.'

<sup>36</sup> 'The same Augusti to Orfitus, Prefect of the City. Since by the decrees of My father it has been clearly stated that no gift between extraneous persons shall be valid if it should appear that the formality of delivery is lacking, and since Our father also relieved only children and parents from the necessity of such formality, hereafter such rule must be observed in all such undertakings, so that a gift between extraneous persons shall be adjudged invalid if mancipation and delivery have not been legally executed.'

<sup>37</sup> P. VOCI, 'Tradizione, donazione, vendita da Costantino a Giustiniano', *Iura* 37 (1987), pp. 72-148, esp. p. 98.

to instil the text with a sense of authority by evoking the terminology associated with ancient institutions, even if those institutions had, by that point, become ‘antiquated’. By using these expressions to refer to the transfer of ownership, the authors may have wished to emphasise the binding nature of the donation, and to indicate that, after the donation had been made, it would be necessary to hand over the donated items.<sup>38</sup>

*Mancipatio* also appears alongside *traditio* in sixth- and seventh-century documents of sale and donation from Ravenna,<sup>39</sup> notably *P. Ital.* I 20 (Ravenna, c. AD 600), ll. 1–3: ‘et in ius domini[umque s(an)c(t)ae eccl(esiae) Rav(ennatis) in perpetuo] transcribo, cedo, trado et mancipio, id est ex fundum, cui vocabulum est Balonianum.’<sup>40</sup>

These methods of transferring ownership, which refer to only a single plot of land located in the region of Ravenna, could not have had legal significance: using *mancipatio* one could only transfer the ownership of Italian land, and the appearance of the word *mancipio* in this instance makes little sense. The phrase is most probably formulaic and certainly cannot be interpreted as an argument for the application of *mancipatio* in this document.

Further doubts arise from the reading of *P. Ital.* II 30 (Ravenna, AD 539), which mentions that the transfer of land ownership was performed in the presence of *libripens*, *antetestatus*, and witnesses. However, the text also refers to *iuris traditionis causa*, which suggests that the document, mentioning two methods of transferring the ownership of one plot of land, does not differentiate in this respect between those methods. Thus it cannot be used as evidence for the existence of *mancipatio* in legal practice. According to Levy, the presence of various obsolete legal-sounding words

<sup>38</sup> Such is Pasquale Voci’s interpretation of the quoted text of the constitution. In his opinion, *mancipatio* does not appear in the text as ceremonial act known from the sources, including the description of Gaius, but as a declaration of transfer of ownership. VOCI, ‘Tradizione, donazione, vendita’ (cit. n. 37), pp. 98–99.

<sup>39</sup> See *P. Ital.* I 13 = *ChLA* XXV 791 = *ChLA* XXIX 880 (AD 553); *P. Ital.* I 20 = *ChLA* XXII 718 = *ChLA* XXI 717 (c. AD 600); *P. Ital.* I 21 = *ChLA* XXII 720 (AD 625); *P. Ital.* II 30 = *ChLA* XX 706 (AD 539); *P. Ital.* II 35 = *ChLA* III 181 (AD 572); *P. Ital.* II 38–41 = *ChLA* III 198 + XXII 719 (AD 616–619).

<sup>40</sup> ‘I transfer, concede, and deliver by both *traditio* and *mancipatio* what belongs to the land named *Balonianus* to the holy church in Ravenna in the right of ownership.’

was the result of a declining level of legal knowledge on the part of the notaries in Ravenna.<sup>41</sup> An additional argument to support the supposition that the list of methods of transfer of ownership was inserted only *metri causa* is the fact that the documents discussed above were created after the time of Justinian, who had removed *mancipatio* from his corpus. Therefore, even if the ritual of *mancipatio* was indeed used to transfer ownership, legally such gesture could be interpreted only as a pompous *traditio*.

In much of the legal scholarship it is assumed that *mancipatio* disappeared at the end of the third or the beginning of the fourth century.<sup>42</sup> However, it should be stressed that any attempts to determine a consistent demarcation line for the whole of the Empire are pointless because, according to the documentary sources, *mancipatio* probably never took hold in the East. When it comes to the West, we should consider only how long *mancipatio* as a means of transferring ownership remained in use; these are the only suppositions which the documents allow. We can say with some certainty that, by the beginning of the fourth century, *mancipatio* was a practice that had already been consigned to history. Indeed, in certain places this may have occurred even earlier; in the case of some of the documents from the early Principate (tablets from Dacia and Britain) there are doubts whether they testify to the actual use of the act, or merely to the existence of templates and their application in legal practice. The life of *mancipatio* in scholarly legal literature is yet another question.

At this point we should also mention the original function of *mancipatio* in Roman law. Its role was to ensure transparency of the act performed, and, in case of conflict, to eliminate any doubts as to what had actually occurred. One of the reasons of the disappearance of *mancipatio* from legal practice for the period under investigation is that, due to the influence of Eastern practices, its role gradually came to be fulfilled by documentation and registration.<sup>43</sup> Of course the majority of the docu-

<sup>41</sup> LEVY, *West Roman Vulgar Law* (cit. n. 32), p. 125. Cf. V. ARANGIO-RUIZ, 'Mancipatio e documenti contabili', *Acme* (8) 1955, pp. 27–36.

<sup>42</sup> Levy believed that *mancipatio* disappeared at the end of the third century; see LEVY, *West Roman Vulgar Law* (cit. n. 32), p. 128. Kunkel claimed that it was only in the fourth century that it fell out of legal circulation; KUNKEL, 'Mancipatio', *RE* XIV, coll. 998–1009.

<sup>43</sup> MEYER, *Legitimacy*, p. 276, with further literature. According to Voci, *mancipatio* in its

ments at our disposal come from the provinces, and for this reason we cannot rule out that *mancipatio* was still in use in Italy during the period when Gaius described it in his *Institutiones*, and later on. However, we can be fairly certain that it was not in use in the provinces.

## 2. PRAETORIAN WILL?

Another factor which may help explain the disappearance of *mancipatio* from legal practice, or at least from wills, is a phenomenon known as the 'praetorian will'. The 'praetorian will' is considered by some scholars to be a separate form of testament appearing alongside the civil will.<sup>44</sup> While his claim has not been universally accepted, Mario Amelotti proved that the 'praetorian will' should not be treated as a separate testamentary form, but rather as a system of acquiring inheritance.<sup>45</sup> Since Amelotti has discussed the problem of the 'praetorian will' thoroughly and convincingly, I will limit myself to explaining the phenomenon by introducing his most significant arguments and demonstrating how 'praetorian wills' contributed to the final disappearance of *testamentum per aes et libram*.

The term 'praetorian will' has conventionally been used by scholars to describe a situation in which the praetor granted *possessio bonorum* to an heir appointed in tablets; the tablets were drawn up when the civil will was made, and the praetor granted *bonorum possessio* if for some reason the

function of 'publicising' the act of transfer of ownership still remained in the times of Diocletian. However, it took the form reduced to a statement made in the presence of witnesses, which was accompanied by a document. VOCI, 'Tradizione, donazione, vendita' (cit. n. 37), p. 92.

<sup>44</sup> A great supporter of this claim was Pasquale Voci; see P. VOCI, 'Testamento pretorio', *Labeo* 13.3 (1967), pp. 319–347; *DER* II, p. 73. The hypothesis of the existence of 'praetorian will' was also supported by numerous other important students on Roman law; cf., among others, V. ARANGIO-RUIZ, *Istituzioni di diritto romano*, Naples 1984, p. 524; BIONDI, *Successione testamentaria* (cit. n. 2), p. 45; S. SOLAZZI, 'Gordiano e il testamento orale pretorio', *SDHI* 16 (1950); Olga E. TELLEGEN-COUPERUS, *Testamentary Succession in the Constitutions of Diocletian*, Zutphen 1982, p. 20; M. TALAMANCA, *Istituzioni di diritto romano*, Milan 1990, p. 722; C. SANFILIPPO, *Istituzioni di diritto romano*, Soveria Mannelli 2002, p. 372.

<sup>45</sup> See AMELOTI, *Il testamento*, pp. 191–215.

civil will was found to be void.<sup>46</sup> A person granted *bonorum possessio* did not become an heir but was able to acquire goods through usucapion. The earliest source referring to an inheritance granted by the praetor on the basis of tablets is Cicero's speech *Against Verres*. Cicero quotes the words of the praetorian edict:

Cic. *In Verrem (actio secunda)* I 117: 'Si de hereditate ambigetur et tabulae testamenti obsignatae non minus multis signis quam e lege oportet ad me proferentur, secundum tabulas testamenti potissimum possessionem dabo.'<sup>47</sup>

A more detailed explanation of the conditions by which a praetor might grant *bonorum possessio secundum tabulas* can be found in both the *Institutes* of Gaius (G. 2.118–119) and *Tituli ex Corpore Ulpiani* (Tit. Ulp. 28.6).

G. 2.119: Praetor tamen, si septem signis testium signatum sit testamentum, scriptis heredibus secundum tabulas testamenti bonorum possessionem pollicetur, et si nemo sit, ad quem ab intestato iure legitimo pertineat hereditas, velut frater eodem patre natus aut patruus aut fratris filius, ita poterunt scripti heredes retinere hereditatem: nam idem iuris est et si alia ex causa testamentum non valeat, veluti quod familia non venierit aut nuncupationis verba testator locutus non sit.<sup>48</sup>

<sup>46</sup> Also if the testator after the preparation of the will had undergone *capitis deminutio* (G. 2.147), or was born a *posthumus* and was not taken into account in the will (D. 28.3.12 pr.). Introduction into *bonorum possessio secundum tabulas* could also occur if a woman made a will without *auctoritas* of her tutor. See DER II, p. 275.

<sup>47</sup> 'If any doubt arises about an inheritance, and if testamentary tablets are produced before me, sealed with not fewer seals than are required by law, I shall grant possession as far as possible according to the testamentary tablets' (translation after: M. Tullius Cicero, *The Orations of Marcus Tullius Cicero*, transl. C. D. YONGE, London 1903; with minor modifications by MN).

<sup>48</sup> 'If a will is signed with the seals of seven witnesses, the praetor promises *bonorum possessio* to heirs appointed according to testamentary tablets, unless there is someone to whom the inheritance belongs by intestacy, for instance a brother born of the same father or paternal uncle, or a son of a brother, so heirs appointed in the tablets can retain the inheritance. Again, the same rule applies if the will is not valid for other reason, for instance because the testator did not sell the *familia*, or he did not say the words of *nuncupatio*' (transl. MN).

According to this passage, the praetor may grant the estate of the deceased to the heirs appointed in tablets accompanying a civil will, as long as the tablets were made in an appropriate way, that is, if they were sealed with seven seals: those of the five witnesses, the *libripens*, and the *familiae emptor*.

Two points are worthy of notice: first, the praetor (upon request) allowed *bonorum possessio* only when a written will existed;<sup>49</sup> second, the measure taken to preserve the content of the will, namely the tablets, did not constitute a separate form of will. Indeed, the form necessary to create the tablets was regulated by the *ius civile* in an undetermined *lex*, discussed in a fragment of an edict quoted by Cicero<sup>50</sup> (Cic. *In Verrem* [actio secunda] I 117: 'Si de hereditate ambigetur et tabulae testamenti obsignatae non minus multis signis quam e lege oportet ad me proferentur'). The tablets were developed in *ius civile* as a means of preserving and protecting the dispositions of the deceased, and therefore were not regarded in the civil law as a separate will.<sup>51</sup> Their primary function was a contribution to the act of *mancipatio*<sup>52</sup> which, at a certain point in the

<sup>49</sup> VOCI, 'Testamento pretorio' (cit. n. 44), p. 320; DER II, p. 73. Otherwise Solazzi, who believed that the 'praetorian will' could also be composed orally (contrary to the civil will, which, according to the scholar, always required writing), at least in the time of the emperor Gordian (C. 6.11.2); see SOLAZZI, 'Gordiano e il testamento' (cit. n. 44); SOLAZZI, 'Testamenti per nuncupationem' (cit. n. 3), p. 265.

<sup>50</sup> WATSON, *The Law of Succession* (cit. n. 2), pp. 13–15.

<sup>51</sup> AMELOTI, *Il testamento*, p. 202.

<sup>52</sup> The catalogue of people excluded from witnessing to a mancipatory will confirms that they were as a rule witnesses to a *mancipatio*. Among them are people *in potestate* of the testator, *familiae emptor*, and *pater familias* of *familiae emptor*, as well as those subjected to the same *patria potestas*. In the case of *peculium castrense*, the role of witness could not be played by the father of the testator or any person under his power (G. 2.105–107; *Tit. Ulp.* 20.3–6). SCHERILLO, *Corso di diritto* (cit. n. 2), pp. 229–230.

On the other hand, the role of a witness could be fulfilled by anyone who stood to benefit from the will, including the heirs, providing they met all the conditions necessary to perform the role of witness, of which Gaius speaks directly (G. 2.108). As the witnesses described in the *Institutiones* and *Tituli ex corpore Ulpiani* are witnesses to *mancipatio* and not a will, the rules pertinent to them are the same as in every *mancipatio*. See DER II, p. 81; GANDOLFI, 'Prius testamentum ruptum est', (cit. n. 5), pp. 216–217, SCHERILLO, *Corso di diritto* (cit. n. 2), pp. 229–230.

development of Roman law, became the basis for *testamentum per aes et libram* (G. 2.103-104).<sup>53</sup>

Accordingly, the witnesses participated in the will because it was an act *per aes et libram* and, when the will was accompanied by tablets, the witnesses performed the additional function of confirming their authenticity. In documents from the first two hundred years of Roman rule in Egypt we find two elements attesting to the presence of witnesses:<sup>54</sup> clauses which list the people participating as witnesses, and mancipatory clauses.

An example of a full list of signatures was preserved in one of six originals of a mancipatory will, namely the will of Roman cavalryman Antonius Silvanus (*FIRA* III 47):

(hand 3) Nemonius --- dupl(icarius) t(urmae) Mari signavi

(hand 4) Ἰούλιος Τιβερεῖνος σησκονπλικάριος τύρμης Οὐαλερίου

(hand 5) Turbinus eq(ues) sig(nifer) turm(ae) Pr[oculi]

(hand 6) Valerius [---] Rufus eq(ues) sig(nifer) .e.tur[.]..uis

(hand 7) Maximus dupl(icarius) [---] Augusti si[gnavi]

[(hand 8) ---]

(hand 9) Ἀντωνίου Σιλανὸς σιγν[άουι?]<sup>55</sup>

As the document is preserved almost in its entirety, the signatures may be compared with the mancipatory clause:

*FIRA* III 47, tab. IV, pag. ant., ll. 39-42: Familiam pequiniaemque t(esta-  
menti) f(aciendi) c(ausa) e(mit) Nemonius dupl(icarius) tur(mae) Mari, lib-  
ripende M. Iulio Tiberino sesq(uiuplicario) tur(mae) Valeri, ante<te>status  
est Turbinium sig(niferum) tur(mae) Proculi.<sup>56</sup>

<sup>53</sup> See also I. 2.10.1 and Teophilus' *Paraphrasis* (2.10.1).

<sup>54</sup> The earliest will which mentions the participation of witnesses is *ChLA* IX 399.

<sup>55</sup> I, Nemonius ..., *duplicarius* of *turma Mari*, have sealed

Iulius Tiberinus *sesquuplicarius* of *turma Valeri*

Turbinus *eques*, *signifer* of *turma Proculi*

Valerius ... Rufus *eques*, *signifer*

I, Maximus *duplicarius* ... of Augustus, have sealed

...

I, Antonius Sianos, have sealed (?)

<sup>56</sup> 'On the making of this will Nemonius, *duplicarius* of *turma Mari*, bought the household

The signatures attached to the will belong to the persons participating in the *mancipatio*. The first signature is that of Nemonius, who appears in the mancipatory clause in the role of *familiae emptor*. Further on, the document lists Marcus Iulius Tiberinus, the *libripens*, and Turbinus;<sup>57</sup> other four individuals make up the remaining witnesses of the *mancipatio*. This practice is confirmed by other documents, mostly copies of wills. In them, we find a mancipatory clause – based on the same model as the one applied in the will of Antonius Silvanus – as well as evidence attesting to the presence of witnesses.<sup>58</sup> Pasquale Voci observed the link between these two lists and interpreted it as a practice whereby the will was created in two forms, so that it would meet the requirements of both a praetorian and a civil will.<sup>59</sup> Voci's observation, however, may also lead us to another conclusion: these documents are the tablets (or the copies thereof) of civil law serving to preserve the contents of a civil will.<sup>60</sup> The praetor could only introduce any heir present in such tablets into *bonorum possessio* in the case of gaps in the *per aes et libram* procedure. Nevertheless, in the eastern provinces – especially those which were Hellenised – where a locally written will existed<sup>61</sup> which did not require any solemn act, these tablets were equivalent to a proper testament.

We know that in Rome it was common practice to write down testamentary dispositions. However, the creation of tablets was not a prerequisite for the validity of the will itself,<sup>62</sup> since destroying them did not mean that the will itself was rendered invalid (G. 2.151).<sup>63</sup>

and chattels, Marcus Iulius Tiberinus, *sesquiplicarius* of *turma Valeri* being the scale-holder, and summoned Turbinus, *signifier* of *turma Proculi*, being the first witness.'

<sup>57</sup> On the expression *antetestatus est*, see above, n. 28.

<sup>58</sup> Cf. *ChLA* IX 399; *ChLA* X 412; *FIRA* III 47; *PSI* XIII 1325; *BGU* XIII 2244; *BGU* I 326; *P. Diog.* 10; *P. Oxy.* XXII 2348; perhaps *P. Laur.* I 4.

<sup>59</sup> VOCI, 'Testamento pretorio' (cit. n. 44), p. 330.

<sup>60</sup> WATSON, *The Law of Succession* (cit. n. 2), p. 17.

<sup>61</sup> In the Hellenistic monarchies and certainly in the Ptolemaic kingdom oral wills were unknown, see KRELLER, *Erbrechtliche Untersuchungen*, p. 314; MEYER, *Literacy, Literate Practice* (cit. n. 22), p. 16, n. 4.

<sup>62</sup> GUARINO, 'La forma orale' (cit. n. 3), pp. 58–64; ARCHI, 'Oralità e scrittura' (cit. n. 3), pp. 293–294; DER II, p. 53; DRP I, p. 679; WATSON, *The Law of Succession* (cit. n. 2), p. 12.

<sup>63</sup> On the subject of revoking the will, see, among others, M. БОЖАЧЕК, 'Il problema

The civil character of the tablets is also confirmed by the archaic requirements on which their validity depended. The material on which the will could be written was restricted to wooden tablets covered with shellac,<sup>64</sup> and the dispositions had to be written in Latin. These rules are attested in the *Gnomon of the Idios Logos*,<sup>65</sup> a second-century document containing either abstracts of imperial *mandata*, or a case-book of proceedings that took place before the *idios logos*, an official with several responsibilities, including *bona vacantia*, and a judge in disputes concerning succession.<sup>66</sup>

della revoca non formale del testamento nel diritto classico e Giustiniano', [in:] *Studi Bonfante* IV, pp. 306–334; M. TALAMANCA, *Revoca testamentaria e translatio legati*, Milan 1961; GANDOLFI, 'Prius testamentum ruptum est' (cit. n. 5), pp. 211–228.

<sup>64</sup> Shellac is a material of natural origin used for coating the tablets. In the literature it is often mistaken for wax. See S. AUGUSTI, 'Sulla natura e composizione delle tavolette cerate', *Rendiconti della accademia di archeologia, lettere e belle arti* 37 (1962), pp. 127–128; J. URBANIK, 'Tabliczki Sulpicjuszy i rzymska praktyka dokumentarna', *Czasopismo Prawno-Historyczne* 51 (1999), pp. 51–75, esp. p. 52 n. 3.

<sup>65</sup> BGU V 1210 and, very fragmentarily, in *P. Oxy.* XLII 3014. The text was published as BGU V 1210 by Wilhelm SCHUBART in 1919. The edition was followed by the commentary by W. UXKULL-GYLLENBAND (BGU V.2). Further editions: Th. REINACH, 'Un code fiscal de l'Égypte romaine: Le Gnomon de l'Idiologue', *NRHD* 43 (1919), pp. 583–636 (Greek text and translation), and *NRHD* 44 (1920), pp. 5–134 (commentary); *Jur. Pap.* 93; *FIRA I* 99 (partly); *Pap. Primer*<sup>4</sup> 54; S. RICCOBONO, *Il Gnomon dell'Idios Logos*, Palermo 1950 (Greek text, translation, commentary); J. MÉLÈZE MODRZEJEWSKI, 'Gnomon de l'idiologue', [in:] P. F. GIRARD & F. SENN (eds.), *Les lois des Romains*, Naples 1977, pp. 12–49 (text and translation). The original text of the *Gnomon* was compiled before the second century, probably during the reign of Augustus; the surviving text includes information regarding personal status and the law of succession in Roman Egypt. The documents that have survived to the present day are probably only copies, and the texts compiled in the *Gnomon* most likely operated as exemplars. On the origin of the *Gnomon*, see Th. KRUSE, 'Der Gnomon des Idios Logos im Lichte der Terminologie für Verwaltungsrichtlinien im Imperium Romanum', [in:] *Wiener Kolloquien zur Antiken Rechtsgeschichte* III (forthcoming).

<sup>66</sup> The office was already known in the time of the Ptolemies, appearing for the first time in papyrus in 179 BC (*P. Tebt.* III.2 874 [Tebtynis]). The precise functions of the *idios logos* in the Ptolemaic era are unknown, except that the official was responsible for collecting fines. The office also existed in Roman times. Strabo described the *idios logos* as an official dealing with unclaimed estates which were to fall to the emperor (*Geographica* XVII 12). It was an equestrian office with fiscal and judicial powers. Probably under Septimius Severus the functions of the *idios logos* combined with those of *archireus*. See P. R. SWARNEY, *The Ptolemaic and Roman Idios Logos*, Toronto 1970; Livia CAPPONI, *Augustan Egypt: The Creation of a Roman Province*, London 2005, pp. 32–34.

BGU V 1210 (Theadelphia, AD 149–161): η. ἐὰν Ῥωμαικῇ διαθήκῃ προσκείται ὅτι ὅσα δὲ ἐὰν διατά[ξ]ω κατὰ πινακίδας Ἑλληνικὰς κύρια ἔστω, οὐ παραδεκτέα [ἐ]στίν, οὐ γὰρ ἔ[ξ]εστιν Ῥωμαίῳ διαθήκην Ἑλληνικὴν γράψαι.<sup>67</sup>

Additionally, in those petitions addressed to the prefect of Egypt which ask for introduction into *bonorum possessio* on the basis of tablets, the will is defined by the same word that appears in other documents which mention the civil will. For example, in a third-century document from Oxyrhynchos (PSI X 1101 [AD 271]), a person petitions to be granted *bonorum possessio* on the basis of his mother's will. The noun used in the text is διαθήκη. If the praetorian will had been a separate type of will, we might have expected to find a difference in terminology indicating that the will was, in fact, of a different type.

Even though the tablets served as a guarantee given by the praetor to uphold the testator's will despite formal gaps in *testamentum per aes et libram*, such assurance was not always certain. In a passage from *Tituli ex corpore Ulpiani* we read:

*Tit. Ulp.* 23.6: Si septem signis testium signatum sit testamentum, licet iure civili ruptum vel irritum factum sit, praetor scriptis heredibus iuxta tabulas bonorum possessionem dat, si testator et civis Romanus et suae potestatis, cum moreretur, fuit; quam bonorum possessionem cum re, id est cum effectu, habent, si nemo alius iure heres sit.<sup>68</sup>

Only in an instance where there was no legal heir (or a second valid *testamentum per aes et libram*) would the heir established in an invalid civil will be granted the inheritance.<sup>69</sup> Any confusion created by these two

<sup>67</sup> 8. 'If there is a sentence added to a Roman will, "this what I dispose according to Greek testamentary tablets shall be valid", it will not be accepted, because it is not allowed for a Roman to compose a will in Greek.'

<sup>68</sup> 'If a will is sealed with seals of seven witnesses, and it is either void or invalid by the force of civil law, the praetor will give *bonorum possessio* to heirs appointed according to testamentary tablets, if the testator was Roman in his own power at the moment of his death; such a *bonorum possessio* is *cum re*, that is effective, if there is no other heir-in-law.'

<sup>69</sup> VOCI, *Diritto ereditario*, p. 183.

parallel regimes of inheritance – the ‘stronger’ civil, and the ‘weaker’ praetorian – disappeared *de facto* when Antoninus Pius issued the constitution known thanks to the Gaian text:

G. 2.120: Sed videamus an, etiamsi frater aut patruus extent, potiores scriptis heredibus habeantur. Rescripto enim imperatoris Antonini significatur eos qui secundum tabulas testamenti non iure factas bonorum possessionem petierint, posse adversus eos qui ab intestato vindicant hereditatem, defendere se per exceptionem doli mali.<sup>70</sup>

Before the constitution of Antoninus Pius, a *bonorum possessor* before acquiring dominium by *usucapio* could not be certain whether he or she would keep the possession, as heirs-in-law were entitled to *hereditatis petitio*, that is a plea through which an intestate heir was able to take precedence over *bonorum possesores*. By granting an *exceptio* (a defense opposed by the defendant to the plaintiff claim) to the heirs appointed in the tablets which accompanied a defective *per aes et libram* act – which, in turn, would have allowed for a defense against *hereditatis petitio* – Antoninus Pius established an equality between the praetorian and civil orders of testamentary succession. This meant that a will composed as a valid *testamentum per aes et libram* had the same legitimacy as one drafted according to requirements for the tablets only.<sup>71</sup> Thus, the composition of wills according to the *per aes et libram* template eventually became unnecessary.

However, this does not mean that wills based on templates for the tablets accompanying mancipatory wills disappeared immediately. Indeed, examples of wills drafted according to the *per aes et libram* pattern – that is wills containing mancipatory clauses – are present until the first quarter of the third century.<sup>72</sup>

<sup>70</sup> ‘But let us consider whether, even if there is a brother or a father’s brother, they are preferred to the heirs named in the will. For by a rescript of the emperor Antoninus it is laid down that those who have been granted *bonorum possessio* under an improperly executed will can defend themselves by *exceptio doli mali* against parties claiming the inheritance by intestacy.’

<sup>71</sup> STURM, ‘Das Absterben der *mancipatio*’ (cit. n. 20), pp. 352–353.

<sup>72</sup> Cf. PSI XIII 1325; BGU VII 1655; BGU XIII 2244; BGU I 326; P. Hamb. I 73; P. Oxy. XXII 2348; P. Laur. I 4; P. NYU II 39.

## 3. LATE EMPIRE

At this point we must return to the question posed at the beginning of this chapter: when did the mancipatory will disappear from Roman law, and at which point was it replaced by a document? The argument proposed by Pasquale Voci<sup>73</sup> and subsequently adopted by Mario Amelotti<sup>74</sup>, Max Kaser,<sup>75</sup> Bernardo Albanese,<sup>76</sup> and Fritz Sturm,<sup>77</sup> suggested that the obligation to carry out *mancipatio* and *nuncupatio*<sup>78</sup> was abolished by an edict of the emperor Constantine.<sup>79</sup> Evidence of Constantine's enactment is scattered throughout the Code of Justinian (C. 6.23.15.pr.-1; C. 6.37.21; C. 6.23.15) and it was on these fragments that Voci and others based their date for the abolition of *testamentum per aes et libram*.<sup>80</sup> According to them, the abolition was discussed in the first part of the edict, which treated also the question of abolishing the solemn words required for *heredis institutio*.

C. 6.23.15.pr.: Quoniam indignum est ob inanem observationem irritas fieri tabulas et iudicia mortuorum, placuit ademptis his, quorum imaginarius usus est, institutioni heredis verborum non esse necessariam observationem, utrum imperativis et directis verbis fiat an inflexa.<sup>81</sup>

<sup>73</sup> VOCI, 'Testamento pretorio' (cit. n. 44), pp. 319-348; IDEM, 'Il diritto ereditario romano nell'età del tardo impero. Il V secolo', *SDHI* 48 (1982), pp. 1-125, esp. pp. 30-34.

<sup>74</sup> AMELOTTI, *Il testamento*, p. 246.

<sup>75</sup> *DRP* II, p. 479.

<sup>76</sup> B. ALBANESE, 'L'abolizione postclassica delle forme solenni', [in:] *Scritti giuridici* II, pp. 1637-1654, pp. esp. 1650-1651.

<sup>77</sup> STURM, 'Das Absterben der *mancipatio*' (cit. n. 20), p. 353.

<sup>78</sup> Mario Amelotti claims that it was only *mancipatio*; see AMELOTTI, *Il testamento*, pp. 246-249.

<sup>79</sup> On the subject of controversy concerning the dating of the edict – due to the fact that the *incipit* of the constitution appears to mention Constantine, but the dating clause tells of the year 339, when his successor ruled – see C. TATE, 'Codification of late Roman inheritance law: *fideicommissa* and the Theodosian Code', *TR* 76 (2008), nos. 3-4, pp. 237-248, esp. pp. 241-242.

<sup>80</sup> After ALBANESE, 'L'abolizione postclassica' (cit. n. 76), pp. 1641-1642.

<sup>81</sup> 'For it is improper that tablets and judgments of the dead should become void because

According to the scholars listed above, the phrase ‘placuit ademptis his, quorum imaginarius usus est’ reveals that Constantine freed the will from the symbolic *mancipatio*.<sup>82</sup> It is quite tempting to accept this claim due to the appearance of the adjective *imaginarius* in the phrase. This adjective, in its feminine form, often appears in Roman legal sources alongside the noun *venditio*, and the expression *imaginarium venditio* is used to mean *mancipatio*<sup>83</sup> (G. 1.113: *coemptio*; G.1.119: ‘est autem mancipatio, ut supra quoque diximus, imaginaria quaedam venditio’; *Tit. Ulp.* 20.2: mancipatory will). *Imaginarium venditio*, used in the same sense, appears twice in the *Institutiones* of Justinian (I. 1.12.6: description of an historical act of the *emancipatio* of children; I. 2.10.1: description of the formalities required to compose a historical *testamentum per aes et libram*). However, the concept of *imaginarium venditio* is also present in legal texts as ‘fictitious sale’; in modern terminology, this would be a simulated act (*simulatus*),<sup>84</sup> the purpose of which – among others – might be to circumvent the law (e.g. *P. S.* 2.23.4; *C. Th.* 16.5.58.4; *Gai Fragmenta Augustodunensia* 1.67; *D.* 18.1.55; *D.* 40.1.4.2; *D.* 44.7.54; *D.* 48.18.1.6; *D.* 50.17.16; *C.* 5.16.20; *C.* 8.27.10.2). The adjective *imaginarium* / *imaginarius* also appears in other contexts (e.g., *imaginarium solutio*: *G.* 3.169; *G.* 3.171; *G.* 3.173; *I.* 3.29.1; *imaginariam servilem causam*: *D.* 4.5.3.1; *ex solis apochis falsis vel imaginariis*: *C. Th.* 11.1.2; *dignitatem imaginariam*: *N. Val.* 2). Moreover, in the Code of Justinian, from which the passage under discussion originates, the adjective *imaginarius* appears several times, although never in the context of *mancipatio*.<sup>85</sup>

of the failure to observe a vain pedantry, it has been decided that having taken away these formalities whose use is only imaginary, a particular form of words is not to be observed in the appointment of an heir, whether this is done by imperative and direct expressions, or by indefinite ones.’

<sup>82</sup> P. VOCI, ‘Il diritto ereditario romano nell’età del tardo impero. Il IV secolo. Prima parte’, *Iura* 29 (1978), pp. 17–113, esp. p. 32.

<sup>83</sup> V. ARANGIO-RUIZ, *La compravendita in diritto romano*, Naples 1952, p. 20.

<sup>84</sup> *Thesaurus linguae Latinae*, Leipzig 1934–1964, s. v. ‘imaginarius’.

<sup>85</sup> For an opinion to the contrary, see C. SÁNCHEZ-MORENO ELLART, ‘The late Roman law of inheritance. The testament of five or seven witnesses’, [in:] Béatrice CASEAU & Sabine HÜBNER, *Inheritance, Law and Religions in the Ancient and Mediaeval Worlds* [= *ACHCByz Monographies* 45], Paris 2014, pp. 229–258, esp. pp. 234–235.

As claimed by the scholars cited above, the interpretation of this constitution is supported by a passage from the *Life of Constantine* (Euseb. *V. Const.* IV 26).<sup>86</sup>

*V. Const.* IV 26: *Καίπετα τῶν τὸν βίον μεταλλαττόντων ὁμοίως παλαιοὶ μὲν νόμοι ἐπ' αὐτῆς ἐσχάτης ἀναπνοῆς ἀκριβολογεῖσθαι ῥημάτων λέξεσι τὰς συνταττομένας διαθήκας τρόπους τε τίνας καὶ ποίας δεῖ φωνὰς ἐπιλέγεσθαι ὠριζον, καὶ πολλὰ ἐκ τούτων ἐκακουργεῖτο ἐπὶ περιγραφῇ τῆς τῶν κατοικομένων προαιρέσεως. Ἄ δὲ συνιδὼν βασιλεὺς καὶ τοῦτον μετεποιεῖτο τὸν νόμον, ψιλοῖς ῥηματίοις καὶ ταῖς τυχούσαις φωναῖς τὸν τελευτώντα δεῖν τὰ κατὰ γνώμην διατάττεσθαι φήσας κὰν τῷ τυχόντι γράμματι τὴν αὐτοῦ δόξαν ἐκτίθεσθαι, κὰν ἀγράφως ἐθέλῃ, μόνον ἐπὶ μαρτύρων τοῦτο πράττειν ἀξιοχρέων, τὴν πίστιν δυνατῶν σὺν ἀληθείᾳ φυλάττειν.*<sup>87</sup>

Bernardo Albanese has demonstrated that the contents of this passage are a direct commentary on the constitution C. 6.23.15 pr. discussed above. Firstly, we are informed of *iudicia mortuorum*, or the last will of the deceased. Eusebius refers to the testators in a similar manner, *τῶν τὸν βίον μεταλλαττόντων*. Secondly, the consequences of using verbal formalism are classified as *indignum*, a term associated with the justification presented by Eusebius for the need to issue this new law. Thirdly, both the constitution and the *Life of Constantine* explain that previously there were many attempts to breach the testators' wills which resulted from the strict compliance with verbal formalism. Furthermore, there is an apparent similarity in the way that each source presents an alternative for verbal formalism: *quibuslibet sententiis, quolibet loquendi genere, quibuscumque*

<sup>86</sup> VOCI, 'Il diritto ereditario romano nell'età del tardo impero' (cit. n. 82), pp. 31–34; AMELOTI, *Il testamento*, p. 246; TATE, 'Codification of late Roman inheritance law' (cit. n. 79), p. 244.

<sup>87</sup> 'Then in regard to dying persons, the old laws had ordained that even at the last breath they should be precise in words and phrases of the provisions of the will, and select certain ways (of expression) and definite words. These (laws) had occasioned many fraudulent attempts towards the will of the deceased. As soon as our emperor was aware of them, he changed this law likewise, declaring that a dying man ought to be permitted to indicate his wishes in simple words and in whatever terms he pleased; and to set forth his will in any written form; or even by word of mouth, provided it were done in the presence of proper witnesses, who might be competent faithfully to discharge their trust' (translation in: Eusebius of Caesarea, *The Life of the Blessed Emperor Constantine*, transl. P. SCHAFF, [in:] NPNF II.1).

*verbis*, and *τρόπους τε τίνας καὶ ποίας δεῖ φωνάς*. Finally, both the constitution and the *Life* stress how onerous the requirement of formalism was for people nearing death: the terminally ill or those in old age.

However, the passage from the *Life of Constantine* quoted above would seem to contradict the interpretation of the constitution proposed by Albanese, as Eusebius does not mention *mancipatio* at all. Albanese explains this by claiming that Eusebius did not pay much attention to technical details.<sup>88</sup> Eusebius may not have been a lawyer, but he was both an educated person and an official; thus, if *mancipatio per aes et libram* constituted a necessary step in the process of making a will at the time he was writing, he would probably not have neglected to mention it in his commentary on the law whose aim was to abolish *mancipatio*. Indeed, he only specifies that the will was to be composed *τρόπους τε τίνας καὶ ποίας δεῖ φωνάς*; the formal requirements could have been the reason why testators could not easily make a will and were dependent on people who could have tried to take advantage of such a situation. There is no mention of *mancipatio nummo uno*. Eusebius evokes the memory of past formalism in order to contrast it with the legislative aims of Constantine, which placed primary importance on the wishes of the testator.

The text of the constitution mentions only the abolition of the formal requirements concerning the language of specific dispositions in the will, referring specifically to *heredis institutio*. This conclusion is also supported by the context in which the constitution was set: *heredis institutio* (C.6.23.15.1), as well as *legata* and *fideicommissa* (C.6.37.21), were valid regardless of how they were formulated. In addition, our argument is further supported by the last preserved part of the constitution.

C. 6.23.15.2: Et in postremis ergo iudiciis ordinandis amota erit sollem-nium sermonum necessitas, ut, qui facultates proprias cupiunt ordinare, in quacumque instrumenti materia conscribere et quibuscumque verbis uti liberam habeant facultatem.<sup>89</sup>

<sup>88</sup> ALBANESE, 'L'abolizione postclassica' (cit. n. 76), p. 1650.

<sup>89</sup> 'And the necessity of the solemn language shall be abolished in making final judgments, so that the ones who want to arrange their own matters have a free possibility to write it on whatever material and in whatever words.'

The text clearly relates to the language of testamentary dispositions; its author understood a will as a document, which is demonstrated in the first part of the constitution: ‘indignum est ob inanem observationem irritas fieri tabulas.’

On this evidence, we must conclude that *testamentum per aes et libram* was not abolished by the constitution of Constantine. Indeed, by the time of Constantine, this form would have already been non-existent in legal practice, and also most probably in the legal knowledge of the inhabitants of the Empire. It must therefore have been abolished by *desuetudo*. In documents containing wills drawn up before the edict of Caracalla, the mancipatory clause was merely an element of the template; its presence in the template should not be used as evidence for the actual use of *mancipatio*.

#### 4. CIVIL AND PRETORIAN WILLS RECONSIDERED

Constitutions from the fourth and fifth centuries make a distinction between two types of written will: one defined as ‘praetorian’ and the other as ‘civil’. This may seem surprising, especially if we accept the claim put forward in the previous section. However, as we shall demonstrate, presently there is no contradiction between the content of the documents discussed below and the conclusions drawn in the previous sections.

The first constitution dealing with this topic was issued in 326 by Constantine the Great (*C. Th.* 4.4.1). It made the validity of the codicil conditional on the presence of five or seven witnesses, who would ensure protection against forgery. The last part of the text informs us that the same principle applied to wills. The *Interpretatio* clarifies that the law required the signatures of five or seven witnesses, thanks to which we know that the constitution relates to a written will, and therefore distinguishes between the two types of written will.

A further constitution issued during the reign of the emperors Arcadius and Honorius (*C. Th.* 4.4.3 pr.–1) confirms that a will is valid even if it is wrongly titled, or the author mentioned in advance a lesser or greater

number of witnesses than those who signed his will. The authors of the *Interpretatio* have clarified this information in the following manner: ‘si moriens, cum scribit aut dictat chartulam testamenti, praetermiserit forsitan vocabulum ponere aut civilis, id est, quod quinque testium, aut praetorii iuris, quod septem testium erit subscriptione firmandum.’<sup>90</sup>

The last constitution preserved in the title *De testamentis et codicillis* of the *Theodosian Code* lists *mortis causa* deeds, including praetorian and civil wills. *C. Th.* 4.4.7.2: ‘... in omni autem genere testamenti, sive in praetorio iure sive civili consistat seu codicilli conscribantur sive non scripta voluntas ultima praetendatur, id volumus observari ...’<sup>91</sup>

In *Theodosian Novel* 16 (*N. Th.* 16, AD 439), the testamentary form became uniform: in order for it to be valid it had to be composed in the presence of seven witnesses. The authors of the *Code of Alaric* interpreted it as adopting the praetorian model as the unique form of will:

*Interpretatio N. Th.* 16: Haec lex multa confirmat, quae de testamentis in Theodosiani corporis auctoritate conscripta sunt, sed hoc amplius continet, ut, si aliquis iure praetorio condiderit testamentum, id est quod septem testium subscriptionibus confirmatur ...<sup>92</sup>

The division between civil and praetorian wills appeared once again in a novel of Valentinian:

*N. Val.* 21.2: Nam cum liceat cunctis iure civili atque praetorio, liceat per nuncupationem, liceat municipalibus gestis iudicia suprema componere,

<sup>90</sup> ‘If, when a dying person writes or dictates the document of his will, he perchance omits to put the word, it will be confirmed by the subscription according to the civil law (of five witnesses) or praetorian law (of seven witnesses)’ (transl. MN).

<sup>91</sup> ‘... In every kind of testament, moreover, whether executed according to the praetorian law or the civil law, or whether codicils are written or the last will should be brought forward unwritten, it is Our will that the following requirements shall be observed ....’

<sup>92</sup> ‘This law confirms many things that have been written about testaments in the authority of the Theodosian corpus, but it contains the further provision that if any person should compose a testament according to the praetorian law, that is, a testament that is confirmed by the subscriptions of seven witnesses ....’

procul dubio manebit firmior haec voluntas, quae testimonio principis et subscriptione condetur, si tamen nullum defuncti posterius exstabit arbitrium.<sup>93</sup>

The contents of these texts reveal three basic points: first, late Roman law recognised two types of written wills, one of which was composed in the presence of five witnesses, the other in the presence of seven. Second, the constitutions contain two terms for wills, specifically ‘civil’ and ‘praetorian’. Third, the will that required five witnesses is identified with the civil will, while the one witnessed by seven persons – with the praetorian.

Interpreting the passages above is not an easy task; at the time of their composition neither *testamentum per aes et libram*, nor *bonorum possessio secundum tabulas* testament were still in use in legal practice. In our sources from both the East and the West, there are no documents petitioning *bonorum possessio secundum tabulas*, and the term itself had already started to disappear from documentary sources.<sup>94</sup> Moreover, the texts quoted above contain neither a description of *testamentum per aes et libram*, nor even a mention of *mancipatio nummo uno*.

The first attempt to solve this problem was made in the 1930s by Martin David.<sup>95</sup> After analysing juridical and papyrological sources, he came

<sup>93</sup> ‘For although all persons are permitted to compose their last wills in accordance with the civil and praetorian law, although they are permitted through nuncupation, although they are permitted by means of the municipal public records, without doubt that will shall remain even more valid which shall be established by the testimony of the emperor and his subscription, provided, however, that no later will of the deceased should be extant.’

<sup>94</sup> VOCI, ‘Testamento pretorio’ (cit. n. 44), p. 337; *DRP* II, p. 479, n. 18. At this point it should be noted that the codicil clauses of several sixth-century wills refer to *ius praetorium*. This phenomenon cannot be explained otherwise than as a result of listing ways to transfer ownership observable in documents of donations and sales from Ravenna (cf. pp. 32–33). Also in *P. Cairo Masp.* II 67151, l. 44, the word πολιτικοπραϊτόρια, ‘civil-praetorian’, appears as the definition of a will. It does not seem, however, that the term had anything to do with the constitutions discussed above, but rather, as pointed out by Beaucamp, it is a direct reference to the text of the *Institutiones* (I. 2.10.3). Joëlle BEAUCAMP, ‘La transmission du patrimoine: législation de Justinien et pratiques observables dans les papyrus’, *Subseciva Groningana. Studies in Roman and Byzantine Law* 7 (2001), pp. 1–13, esp. p. 3.

<sup>95</sup> M. DAVID, ‘Über die Form des ordentlichen, schriftlich abgefaßten Privattestaments zur Zeit des Dominats’, *ZSS* 52 (1932), pp. 314–325.

to the conclusion that in the *Theodosian Code* the civil will was understood to be an allograph testified to by five witnesses,<sup>96</sup> while the praetorian will had to be written in the testator's own hand.<sup>97</sup> Although this claim is undeniably intriguing, it is difficult to defend, for wills in holograph rarely appear in the papyrological evidence; the same pertains to wills witnessed by five persons.<sup>98</sup>

In the 1950s, the Spanish scholar Álvaro d'Ors proposed another interpretation.<sup>99</sup> He suggested that the difference between the civil and the praetorian will lay in the moment when the presence of witnesses was required. The civil will had to be composed in front of five witnesses, while the praetorian will could be written beforehand and then submitted to the witnesses who were to sign and seal the document. The testator, after having signed the document, had to inform the witnesses that it was his will.<sup>100</sup>

Carlos Sánchez-Moreno Ellart followed the direction pointed by d'Ors, but the conclusion he reached is more elaborate: the distinction between the civil and praetorian wills mirrors legal practice but not legal doctrine. Moreover, the imperial chancellery did not develop any studious legal doctrine on making wills in the fourth and fifth century, but only accepted what the legal practice offered. Only Theodosius II tried to approach the problem comprehensively. The distinction proposed by his chancellery was to be based on the will dictated in the presence of witnesses and only subscribed in front of them.<sup>101</sup> Obviously, such

<sup>96</sup> DAVID, 'Über die Form' (cit. n. 95), p. 318.

<sup>97</sup> DAVID, 'Über die Form' (cit. n. 95), p. 320.

<sup>98</sup> As far as we can assert, the will of seven witnesses was the rule; see Appendix 4. Only two testaments witnessed undoubtedly by less people have survived: *P. Lond.* I 77 (see pp. 52–54) and *SB XVIII* 13740; see R. S. BAGNALL, 'Two Byzantine legal papyri in a private collection', [in:] R. S. BAGNALL & W. V. HARRIS (eds.), *Studies in Roman Law in Memory of A. Arthur Schiller*, Leiden 1986, pp. 1–9. The situation started to change only after the end of Roman rule, i.e. in Coptic wills from Egypt and Latin testaments from Merovingian Gaul, see p. 53.

<sup>99</sup> A. D'ORS, 'El *Testamentum Porcelli* y su interes para la historia juridica', *RIDA* 32 (1955), pp. 219–233.

<sup>100</sup> D'ORS, 'El *Testamentum Porcelli*' (cit. n. 99), p. 233. See also BIONDI, *Successione testamentaria* (cit. n. 2), p. 53; *DRP* II, p. 479.

<sup>101</sup> SÁNCHEZ-MORENO ELLART, 'The late Roman law of inheritance' (cit. n. 85).

an interpretation of the fragments of imperial constitutions quoted at the beginning of this section is tempting. However, it is not supported by the sources, since almost all preserved Roman wills were witnessed by seven witnesses and it seems that the content of the wills was revealed to them. The will of five witnesses is hardly attested (see pp. 52–54). Due to the lack of evidence, the presented statement must remain a speculation.

The most convincing interpretation of the discussed problem was proposed by Gian Gualberto Archi. He believed that the distinction between civil and praetorian wills was the result of a late antique interpretation of classical law.<sup>102</sup> The praetorian will evolved from the tablets based on which the praetor granted *bonorum possessio*, while the civil will arose from mancipatory will. Compared with their classical predecessors, the changes in the late antique versions are quite considerable, as the above-mentioned tablets of an invalid civil will (on the grounds of which *bonorum possessio* could be granted by the praetor) became a separate form of will. The mancipatory will, on the other hand, was simplified to a document which needed to be drafted in the presence of five witnesses, becoming, in effect, a completely new type of will. That being the case, we arrive at the inevitable conclusion that two separate types of will – civil and praetorian – are a distinctly late antique concept, and cannot be dated any earlier than the fourth century.

The question which remains unanswered is: how intentional was this solution? On one hand, it is possible that the two forms of written will came into being through a simplified reception of the classical legal tradition. On the other hand, we cannot exclude the possibility that the use of classical terminology for new solutions – while they may have had their origins in the classical period of Roman law – was fully intentional. By drawing upon a more distant legal tradition, the new solutions would

<sup>102</sup> G. G. ARCHI, 'Testamentum civile, testamentum praetorium', [in:] *Scritti di diritto romano* II, Milan 1981, pp. 771–808. See *DRP* II, p. 479. Pasquale Voci also placed the origins of the discussed laws in the classical period of Roman law. According to him, the presence of praetorian and civil wills in the Theodosian Code represents a continuation of a tradition from the classical period in which two types of will were recognised: the first was *testamentum per aes et libram*, and the second was a simplified version of the praetorian will. See VOCI, 'Testamento pretorio' (cit. n. 44), p. 335.

have been given added stature through their association with 'classical' practices; it is worth noting that the two types of written will discussed above appear in laws attributed to quaestors, who were considered to be versed in classical law.<sup>103</sup>

It is worth mentioning that there is evidence for at least one instance in which a will was composed in the presence of three witnesses. The constitution of Theodosius II (*C. Th.* 4.4.7.2) states that no will is valid unless witnessed by five or seven persons; at the end of the text it mentions that the divine constitutions satisfied with the number of three witnesses should be abolished: 'videlicet ut post hanc sanctionem divinis illis quiescentibus apicibus, qui trium testium numero sunt contenti.'

The text of the law proves that before its publication an attempt to introduce wills witnessed by three persons had at least taken place. However, since there is no further confirmation to be found in either juridical sources or documentary evidence, it is impossible to establish the period or area in which this practice occurred, nor indeed what place it may have had in the classification of wills discussed above.

## 5. FIVE- AND SEVEN-WITNESS WILLS IN EASTERN AND WESTERN LEGAL PRACTICE

### *The East*

While the two types of will are present in the constitutions of the *Theodosian Code*, this does not necessarily imply, as Pasquale Voci rightly observed, that they were a part of legal practices in the eastern part of the Empire. Preserved wills from the East were composed almost exclusively in the presence of seven witnesses<sup>104</sup> and already in the fifth century the

<sup>103</sup> *C. Th.* 4.4.7: E 21 (Salustius) N. Val. 21: W 18 (Firminus). T. HONORE, *Law in the Crisis of Empire, 379–455 AD: The Theodosian Dynasty and Its Quaestors, with a Palingenesia of Laws of the Dynasty*, Oxford 1998, p. 266.

<sup>104</sup> *P. Col.* VII 188; will of Gregory of Nazianzus; *FIRA* III 52; *P. Oxy.* XVI 1901; *P. Cairo*

form of the written will was standardised. The requirements concerning its composition were collected in the constitution issued by Honorius and Arcadius (*N. Th.* 16) and later incorporated into the *Code* of Justinian (C. 6.23.21). The result in the eastern Empire was the will of seven witnesses, which emerged from *ius honorarium*. However, in legal practice it became the unique form of written will, and it is described in detail in the *Institutiones* of Justinian under the name of *testamentum triperitum*:

I. 2.10.3: Sed cum paulatim tam ex usu hominum quam ex constitutionum emendationibus coepit in unam consonantiam ius civile et praetorium iungi, constitutum est, ut uno eodemque tempore, quod ius civile quodammodo exigebat, septem testibus adhibitis et subscriptione testium, quod ex constitutionibus inventum est, et ex edicto praetoris signacula testamentis imponerentur: ut hoc ius triperitum esse videatur, ut testes quidem et eorum praesentia uno contextu testamenti celebrandi gratia a iure civili descendant, subscriptiones autem testatoris et testium ex sacrarum constitutionum observatione adhibeantur, signacula autem et numerus testium ex edicto praetoris.<sup>105</sup>

In the *Code* we find one exception to this rule, which is *testamentum ruri conditum* (C. 6.23.31: AD 534), permitting a will with five witnesses.<sup>106</sup> This constitution allowed people living far from towns to make a will in front

*Masp.* III 67324; *P. Vat. Aphrod.* 7; *P. Cairo Masp.* III 67312; but cf. *P. Lond.* I 77 (five witnesses) and *SB XVIII* 13740 (four witnesses).

<sup>105</sup> Then, as both through practice and by amending constitutions, the civil and praetorian law began gradually to be joined in one harmonious unity, it was provided by constitution that wills should be made all in one piece at one time which, in substance, was what the civil law required; that seven witnesses should be present and subscribe the will, an innovation from constitutions; and, as under the praetor's edict, that their seals be affixed to the will: so this requirement is seen to be tripartite (*tripertitum*) in that the witnesses and their presence for the making of the will, all in one piece, derive from the civil law, while the signatures of the testator and witnesses come from observance of sacred constitutions and the number of witnesses and their seals from the praetor's edict' (translation: *The Institutes of Justinian. Text, Translation and Commentary*, transl. J. A. C. THOMAS, Oxford 1975).

<sup>106</sup> The law allowed a smaller number of witnesses in certain exceptional circumstances, for instance, in the case of plague (C. 6.23.8). It is possible that this constitution was not a general one, but rather local, issued only for lands ravaged by plague. TELLEGEN-COUPÉ-RUS, *Testamentary Succession* (cit. n. 44), pp. 29–30.

of five witnesses, on the grounds that they might have had difficulty finding seven individuals who were able to write. This prerogative could not have been very popular, as the sources do not confirm that it was ever practiced. Arthur Schiller claimed that Apa Abraham's will was composed as *testamentum ruri conditum*, but this statement seems incorrect.<sup>107</sup> In terms of composition, Abraham's testament is far closer to a Coptic will than a Roman one.<sup>108</sup> Later Coptic testaments from Jeme show that the number of witnesses was not fixed and varied anywhere between three and eight.<sup>109</sup> A similar tendency can be observed in the former western part of the Empire, specifically in the Merovingian kingdom. The will of Remigius, for instance, was signed by six witnesses,<sup>110</sup> and in the will of Irmina their number was eleven.

*Testamentum ruri conditum* was a privilege extended only to *homines rustici*; anyone living close to a town or *castrum* had to compose a regular will in order for it to be valid. Apa Abraham, bishop of Hermonthis and founder of a monastery, could not have been a *homo rusticus*. Additionally, Hermonthis had its own *defensor civitatis* (ἐκδικος),<sup>111</sup> who even witnessed this very will. Concluding, this testament, in addition to other wills from this and later period, demonstrate quite clearly how the idea of a fixed number of witnesses was eventually abandoned.<sup>112</sup>

<sup>107</sup> A. A. SCHILLER, *Coptic Wills. Translation and Commentary. The Egyptian Law of Wills in the Eighth Century AD* (unpublished PhD thesis), 1926.

<sup>108</sup> See Esther GAREL & Maria NOWAK, 'Monastic wills. The continuation of late Roman legal tradition', [in:] M. CHOAT & Mariachiara GIORDA (eds.), *Writing and Communication in Early Egyptian Monasticism* (forthcoming); Leslie MACCOULL, 'Apa Abraham: testament', [in:] J. THOMAS, Angela CONSTANTINIDES HERO & G. CONSTABLE (eds.), *Byzantine Monastic Foundation Documents: a Complete Translation of the Surviving Founders' Typika and Testaments*, Dumbarton Oaks 2000, p. 53; M. KRAUSE, 'Die Testamente der Äbte des Phoibamon-Klosters in Theben', *MDAI Kairo* 25 (1969), p. 61.

<sup>109</sup> Three: *P. KRU* 69 (Tsible); three or four: *P. KRU* 74 (Paulos); five: *P. Revillout Copt.* 2 = *P. KRU* 67 (Pacham) and *P. Lond.* I 77 (bishop Abraham); six: *P. KRU* 75 (Jacob and Elias) and *P. KRU* 66 + 76 (Susanna); seven: *P. KRU* 65 (Jacob) and *P. KRU* 68 (Elisabeth); eight: *P. KRU* 77 + *P. Sorb. inv* 2680 (Victor), and *P. Lyon* (inedited testament of Petros).

<sup>110</sup> See J. CROOK, P. GRIERSON & A. H. M. JONES, 'The authenticity of the *Testamentum S. Remigii*', *Revue belge de philologie et d'histoire* 35 (1957), pp. 356–372, esp. p. 358.

<sup>111</sup> MACCOULL, 'Apa Abraham: testament' (cit. n. 108).

<sup>112</sup> See GAREL & NOWAK, 'Monastic wills' (cit. n. 108).

*The West*

In the western Empire two types of written will were adopted: the will with five and with seven witnesses (*N. Val.* 21). Evidence for this may be found in the codicillary clauses preserved in the protocols for opening the wills of Ravenna (see *P. Ital.* I 4–5). Two types of written will can also be found in later collections of barbarian laws (e.g. *lex Romana Visigothorum* [*FIRA* II 689]; *Edictum Theodorici Regis* 28; *Lex Romana Burgundionum* 45.2).<sup>113</sup> Two types of will are also attested by Isidore of Seville in his *Etymologiae* (*Ethym.* V 24.6).

#### 6. FORM OF THE WILL IN THE LATE ROMAN EMPIRE

The requirements for composing a written will as attested in the sources from the late Empire emerged gradually and their formation was greatly influenced by legal practice.

*Seals of witnesses*

The first requirement was the seal of each witness who took part in the making of a will (*C. Th.* 4.4.3.1; *N. Th.* 16.2; *N. Val.* 21.1); e.g. *C.* 6.23.12 pr. (293 AD): ‘Si unus de septem testibus defuerit vel coram testatore omnes eodem loco testes suo vel alieno anulo non signaverint, iure deficiat testamentum.’<sup>114</sup>

In fact, the sources of this requirement should be sought in the tablets which accompanied the mancipatory will; it was of utmost importance to secure the will using the seals of the witnesses who had witnessed it. The practice of sealing tablets already existed in the period before the *lex Cor-*

<sup>113</sup> VOCI, ‘Testamento pretorio’ (cit. n. 44), p. 337.

<sup>114</sup> ‘If one of seven witnesses lacks, or they all do not seal in the presence of the testator at the very same place with their own or someone else’s seal, the will is not legally effective.’

*nelia de falsis* was issued,<sup>115</sup> thus certainly in the first century BC, as we learn from the *Pauli Sententiae*. However, we do not know if the sealing of tablets was at that time a legal requirement.

*P. S. 5.25.1: Lege Cornelia testamentaria tenentur: qui testamentum quodve aliud instrumentum falsum sciens dolo malo scripserit recitaverit subiecerit suppresserit amoverit resignaverit deleverit, quodve signum adulterinum sculpsit fecerit expresserit amoverit reseraverit ... honestiores quidem in insulam deportantur, humiliores autem aut in metallum dantur aut in crucem tolluntur: servi autem post admissum manumissi capite puniuntur.*<sup>116</sup>

It was certainly a necessary requirement by the time of Nero. In the *Life of Nero* (Suet. *Nero* XVII), in which Suetonius draws attention to the *senatus consultum Neronianum*, it is clear that the tablets had to be secured with a string tied three times around, to which the seals were then affixed.

Suet. *Nero* XVII: *Adversus falsarios tunc primum repertum, ne tabulae nisi pertusae ac ter lino per foramina traiecto obsignarentur; cautum ut testamentis primae duae cerae testatorum modo nomine inscripto vacuae signaturis ostenderentur, ac ne qui alieni testamenti scriptor legatum sibi ascriberet.*<sup>117</sup>

<sup>115</sup> Initially it only regulated cases concerning falsification of wills: S. SCHIAVO, *Il falso documentale tra prevenzione e repressione. Impositio fidei, criminaliter agere, civiliter agere*, Milan 2007, p. 20. See J. A. CROOK, 'Lex Cornelia de falsis', *Athenaeum* 65 (1987), pp. 163–171.

<sup>116</sup> 'Testamentary practices are determined by the *lex Cornelia*, viz. the one who will forge either a will or any other document with malice aforethought, or he will read aloud, expose, retain, remove, unseal, destroy, or he will either carve, or make, or stamp a false seal, or he will remove it, or he will open it up .... *honestiores* are deported to an island, while *humiliores* are either condemned to mine or are crucified: slaves after manumitting them are punished with death.'

<sup>117</sup> 'At that time the protection against forgers was devised by allowing no other tablets but perforated with holes through which a string was thrice passed to be sealed. It was provided that the two first empty leaves with only names of testators written upon them should be shown, and that the person in charge of writing down a will for another person should not add a legacy for himself.'

The rules arising from the *senatus consultum Neronianum adversus falsarios* applied to all tablets containing a record of legal activities, and not just *tabulae testamenti*. See G. CAMODECA, *L'archivio puteolano dei Sulpici*, Naples 1992, p. 13; MEYER, *Legitimacy*, pp. 163–168.

Although there are no preserved seals from original Roman wills, we know that the rule of sealing was observed, and not only for wills. The witnesses to wills were described as *σφραγισταί* or *signatores* on both papyri and tablets.<sup>118</sup> The practice of sealing is also confirmed by protocols drawn up during the opening of the will following the testator's death. According to these documents, the role of the witnesses during the procedure of opening the will was to identify the seals they had placed on the tablets at the time the will was composed. Since witnesses were called upon to recognise their seals, it follows that they must have been physically present at the creation of the document (see Chapter 2, pp. 88–94).

It is difficult to ignore the parallels with the local, non-Roman testamentary practice, in which witnesses and their seals played a key role in the making of a will. The parallels grow even stronger if we accept the theory that the oral will was absent from local legal practices in Egypt,<sup>119</sup> and that the idea of a testament without a document did not exist at all.

The significance of witnesses in local testamentary practice is illustrated by a papyrus which records a dispute over inheritance after a son from an *agraphos gamos* (SPP XX 4 = *M. Chr.* 84 = *CPR* I 18 = *Jur. Pap.* 89; Ptolemais Euergetis, AD 124). It took place in front of Blesius Marianus, prefect of *cohors I Flavia Cilicum equitata* (acting as *iudex datus* of the prefect of Egypt),<sup>120</sup> and the parties in the proceedings were the father of the deceased and his relative, who was the heir appointed in the will. The father wanted to invalidate his son's will, arguing that children from unwritten marriages had no right to create a will while their father was still alive, as only he himself at that point was entitled to the inheritance. The opposing party claimed that the law (of the Egyptians)<sup>121</sup> allowed for mak-

<sup>118</sup> This tendency is evident not only in wills, but also in other documents. In the second century the term *testes* is used interchangeably with *signatores* in the juridical sources. See MEYER, *Legitimacy*, p. 161.

<sup>119</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 314; MEYER, *Literacy, Literate Practice* (cit. n. 22), p. 16, n. 4.

<sup>120</sup> See J. CROOK, *Legal Advocacy in the Roman World*, London 1995, p. 74.

<sup>121</sup> Józef Modrzejewski offered a convincing interpretation of this passage: in Egypt before the Roman conquest the testament was inexistent; *διαθήκη* was brought to Egypt by Greek immigrants. Therefore, it would be difficult to imagine that the law of ethnical

ing a will to the benefit of any person, provided the correct number of witnesses had participated in the making of the will<sup>122</sup> (*SPP* XX 4, ll. 19–20: [κ]αὶ τὴν δι[α]θήκην πλήρη ἔχειν τὸν τῶν μαρ[τῦ]ρων ἀρι[θμὸ]ν).

Further information is provided by a group of documents concerning the revocation of local wills.<sup>123</sup> These were composed in the office of the *agoranomos*, and stated that the will was handed to the testator, who in turn confirmed receipt of the original. It is important to note that three out of six of these documents<sup>124</sup> mention that the will contained seals.

*P. Oxy.* I 106 (Oxyrhynchos, AD 135), ll. 4–13: ἀπήγγειλα ὑμῖν τὸν τοῦ νομοῦ στρ(ατηγῆ)σαντα Δημήτριον συντεταχέναι ἀναδοῦναι Πτολέμα Στράτωνος μητρὸς Διονυσίας ἀπ' Ὁξυρύγχων πόλεως ἣν ἔθετο δι' ὑμῶν τῶι θ (ἔτει) θεοῦ Τραϊανοῦ Μεχεῖρ ἐπὶ σφραγίδων διαθήκην.<sup>125</sup>

In one of these documents (*P. Oxy.* I 178; Oxyrhynchos, AD 117–138) we find the information that the testator obtained τὸ κόλλημα ... ἥς ἐθέμην ...

Egyptians granted full testamentary freedom. In the quoted text νόμος τῶν Αἰγυπτίων, 'law of the Egyptians', applied to *peregrini* (those who were *Aigyptioi* for the Romans), but the core of the rule is Greek. J. MÉLÈZE MODRZEJEWSKI, *Loi et coutume dans l'Égypte grecque et romaine* [= *JfurP Supplement* 21], Warsaw 2014, pp. 269–271. See IDEM, 'La loi des Égyptiens: le droit grec dans l'Égypte romaine', [in:] *PapCongr.* XVIII.2, pp. 383–399.

<sup>122</sup> H. J. WOLFF, *Written and Unwritten Marriages in Hellenistic and Postclassical Roman Law*, Pennsylvania 1939, pp. 60–61; CROOK, *Legal Advocacy* (cit. n. 120), pp. 74–75. The principle of testamentary freedom is explicitly expressed also in *P. Oxy.* XLII 3015 (extracts from the court proceedings concerning testaments composed for 'Egyptians'): Αἰγύ[π]τιος εἶχεν ἐξουσίαν καθὼς βούλεται διαθέσθαι. See MODRZEJEWSKI, *Loi et coutume* (cit. n. 121), pp. 268–269.

<sup>123</sup> See Maria NOWAK, 'Dryton's wills reconsidered', *RIDA* 59 (2012), pp. 241–251.

<sup>124</sup> *P. Oxy.* I 178 (Oxyrhynchos, AD 117–138); *P. Oxy.* I 107 (Oxyrhynchos, AD 123); *P. Oxy.* I 106. The other three are *P. Oxy.* XXXVI 2759 (Oxyrhynchos, AD 116); *P. Cairo Preis.* 32 (Oxyrhynchos, AD 116); *SB* X 10280 (Oxyrhynchos, AD 146–160). The last document contains only an acknowledgement on behalf of the testator that the document was received. See P. J. SJPSTEIJN, 'New light on the revocation of wills (*P. Bibl. Univ. Giss. inv. 311*)', *CdÉ* 42 (1967), pp. 360–368. Another suggestion of reading of the document: N. LEWIS, 'P. Bibl. Univ. Giss. inv. 311 reconsidered', *CdÉ* 85–86 (1968), pp. 375–378.

<sup>125</sup> 'I have notified you that Demetrios, the former *strategos* of the nome, has ordered that the will under seals which was made via your office in the 9th year of the deified Trajan in Mecheir, should be given back to Ptolema, daughter of Straton and Dionysia, from the city of Oxyrhynchos.'

ἐπὶ σφραγίδων διαθήκης ἐπὶ τῶν [αὐτῶ]ν σφραγίδων, and thus the original seals remained intact.<sup>126</sup> From a second-century agreement concerning the inheritance of an inhabitant of Oxyrhynchos (*P. Mich.* XVIII 789; Oxyrhynchos, c. AD 190) we find out that Zoilos son of Dioskourides, composed a will in the *agoranomeion* where it remained until the death of the testator. When the time came to open the will, the seals were intact. In these cases, the seals placed on the back of a folded papyrus served not only to close it and secure it from the tampering of a third party,<sup>127</sup> but they also accounted for the validity of the document.

### *Signatures of witnesses*

In surviving Roman wills the signatures of witnesses appear with some regularity. However, it is not clear when they became a requirement for the composition of tablets, or indeed if they were at all.<sup>128</sup> The duty of ‘signing *nomen*’ appears in Book XXXIX of Ulpian’s *Ad edictum* preserved in the *Digesta* and ascribed to this Severian jurist.

D. 28.1.22.4: Si quis ex testibus nomen suum non adscripserit, verumtamen signaverit, pro eo est atque si adhibitus non esset: et si, ut multi faciunt, adscripserit se, non tamen signaverit, adhuc idem dicemus.<sup>129</sup>

According to Pasquale Voci, the requirement specified in this passage did not originate in Ulpian’s *Ad edictum*, but is a later addition that was subsequently manipulated by Justinian’s commission.<sup>130</sup> Nonetheless, sig-

<sup>126</sup> A. E. SAMUEL, ‘Six papyri from Hamilton College’, *JfurP* 13 (1961), pp. 33–51, esp. p. 39.

<sup>127</sup> SAMUEL, ‘Six papyri’ (cit. n. 126), p. 41.

<sup>128</sup> MEYER, *Legitimacy*, p. 164.

<sup>129</sup> ‘If one of the witnesses does not add his *nomen*, however he does put his seal, it is as if he were not summoned; and if, as many do, he adds his *nomen*, however he does not put his seal, we still say the same.’

<sup>130</sup> VOCI, ‘Testamento pretorio’ (cit. n. 44), p. 320, esp. n. 8, against which, see AMELOTI, *Il testamento*, p. 199, n. 2. See also V. ARANGIO-RUIZ & M. COLOMBO, ‘Documenti testamentari latini della collezione di Michigan’, *JfurP* 4 (1950), pp. 117–123, and MEYER, *Legitimacy*, p. 164.

natures appeared as part of wills in the time of Ulpian, and even earlier, in wills preserved on papyrus and tablets.

In the will of Antonius Silvanus (*FIRA* III 47, ll. 48–64), we find the recording of *nomina* of witnesses written down in the witnesses' own hands.<sup>131</sup> Other documents, such as further copies of wills, also confirm the practice of having the witnesses sign the wills.<sup>132</sup> The practice, however, does not appear to be Roman.

Signatures were already known in Egypt during the Hellenistic period<sup>133</sup> and were linked to the sealing of documents.<sup>134</sup> Indeed, there are numerous documents from this period that bear traces of seals,<sup>135</sup> and written next to them are the names of those who sealed the document.<sup>136</sup> The custom of writing names next to the seals disappeared over time, and in its place lists of witnesses begun to appear; the number of witnesses corresponded to the number of seals (*P. Cairo Zen.* 59003; Ammanitis, 259 BC).<sup>137</sup> Such lists are attested in Hellenistic wills, as well as in two wills from the Roman period (*CPR* VI 72, ll. 17–20; *P. Ryl.* II 153, ll. 45–50). In addition to the name of the witness, the majority of these lists also feature a physical description of the witness, as well as a description of the seal which was used.<sup>138</sup>

<sup>131</sup> Probably also in *BGU* VII 1695 the remains of signatures are preserved.

<sup>132</sup> Cf. *ChLA* IX 399; *BGU* XIII 2244; *SB* I 5294.

<sup>133</sup> According to Ugo Paoli, witnesses' seals were known in Attic law, but they were not obligatory: U. PAOLI, 'Successioni. Diritto greco', [in:] *Novissimo digesto italiano* XIII, Turin 1966, pp. 700–704, esp. p. 704.

<sup>134</sup> Thus one cannot agree with the claim of Meyer, who on the basis of a paragraph from Pliny the Elder (*NH* XXXIII 21) concluded that the custom of sealing documents was typically Roman, and even that the seals distinguished Romans from other nations, especially the peregrines in Egypt (MEYER, *Legitimacy*, p. 158). In addition to traces of seals on documents, there are numerous seals preserved also on local deeds; see Katelijn VANDORPE, 'Seals in and on the papyri of Graeco-Roman and Byzantine Egypt', [in:] M. BOUSSAC & A. INVERNIZZI (eds.), *Archives et sceaux du monde hellénistique / Archivi e sigilli nel mondo ellenistico*, Turin 1996.

<sup>135</sup> Even though we do not know examples of wills with preserved traces of seals, we can safely assume that wills were sealed, as indicated by their similarity to such documents on which traces are preserved. KRELLER, *Erbrechtliche Untersuchungen*, p. 326. Full list of documents: [http://www.trismegistos.org/seals/ov\\_lists/sealslist\\_1.pdf](http://www.trismegistos.org/seals/ov_lists/sealslist_1.pdf).

<sup>136</sup> VANDORPE, 'Seals in and on the papyri' (cit. n. 134), p. 233.

<sup>137</sup> VANDORPE, 'Seals in and on the papyri' (cit. n. 134), p. 235.

<sup>138</sup> As in the wills from Krokodilopolis; see W. CLARYSSE, commentary to *P. Petr.* I<sup>2</sup>, p. 42.

The recording of witnesses continued during the Roman period, although the lists of witnesses eventually evolved into a record of names written in the witnesses' own hands. These signatures were based on the following or similar scheme: [name in the nominative, father's and usually also paternal grandfather's name, and mother's name in the genitive<sup>139</sup>] μαρτυρῶ [name of testator in the genitive] διαθήκη καὶ εἰμὶ ὡς (ἐτῶν) [age] ο(ὕλῃ) [place in which any distinguishing scars were located] καὶ ἔστι μ[ο]ν ἡ σφραγίς, sometimes followed by a word προτομή [symbol shown on the seal]. This pattern is well attested.<sup>140</sup>

In Roman wills, a record of *nomina* written in one's own hand served a similar function. This record must have had considerable practical value when the will was opened, as it confirmed that the person presenting himself at the ceremony of the opening was the same person who had placed the seal.

The pattern of signatures in Roman wills comprises the name and often profession of the witness followed by the verb *signavi*. Hence we may conclude that these signatures were both a confirmation that a witness had placed a seal, as well as a method of identifying a witness by their seal.<sup>141</sup> Seals in antiquity did not have an individual or unique character, and the same seal could be used by a number of people; this is explained in a constitution of Diocletian and Maximian (C. 6.23.12, AD 293). According to the law, a will in which at least one witness did not place his own or somebody else's seal was not valid. Moreover, the signs depicted on seals recurred frequently.<sup>142</sup>

<sup>139</sup> On the use of metronymics in papyri, see M. DEPAUW, 'Do mothers matter? The emergence of metronymics in early Roman Egypt', [in:] T. V. EVANS & D. D. OBBINK (eds.), *The Language of the Papyri*, Oxford 2009, pp. 120–139.

<sup>140</sup> SB XVIII 13308; *P. Oxy.* LXVI 4533; *P. Oxy.* I 105; *P. Oxy.* III 489; *P. Oxy.* III 490; *P. Oxy.* III 491; *P. Oxy.* III 492; *P. Oxy.* III 494; *P. Oxy.* III 648 *descr.*; *P. Wisc.* I 13; *PSI* XII 1263; *SPP* IV, p. 116 = *P. Oxy.* III 647 *descr.*; *P. Oxy.* III 649 *descr.*; perhaps *P. Lond.* II 375; *P. Köln* II 100; perhaps *P. Lund* VI 6 = *SB* VI 9356; *CPR* VI 1.

<sup>141</sup> On physical descriptions of participants in legal deeds in Egypt, see Giuseppina CERNUCHI, *Nuovi contributi per lo studio dei connotati personali nei documenti dell'Egitto greco-romano*, Padua 2010; however, one ought to remember that this work, although published in 2010, is an unchanged version of a dissertation from 1948.

<sup>142</sup> VANDORPE, 'Seals in and on the papyri' (cit. n. 134), pp. 248–249.

Signatures, on the other hand, were tendered in person, as the wills of Antonius Silvanus (*FIRA* III 47) and Safinius Herminius (*BGU* VII 1695) indicate.<sup>143</sup> If the only aim of transcribing the names onto the tablets was to identify a certain witness with their seal, it would have been sufficient for their name to be written by a scribe, as was the case in Hellenistic documents.

By late antiquity, the signatures of witnesses were undoubtedly required for the will to be valid. A constitution from the reign of Constantine mentions only the presence of witnesses; *C. Th.* 4.4.1: ‘in codicillis, quos testamentum non praecedit, sicut in voluntatibus testamenti septem testium vel quinque interventum non deesse oportet’;<sup>144</sup> this is not yet a proof for the necessity of their signatures. Similarly, the *Vita Constantini* (*V. Const.* IV 26) states the necessity of composing a will in the presence of witnesses.

A useful clue for reading this passage is the *Interpretatio* of the above constitution: ‘hoc est septem aut quinque subscriptionibus faciat confirmari’. We cannot rule out that the authors of the *Interpretatio*<sup>145</sup> imposed a later standard onto the constitution issued in the time of Constantine. However, it is just as likely that the compilers were familiar with the law from the time of Constantine. After all, Roman jurisprudence was still developing in the western part of the Empire during the fifth and sixth centuries.<sup>146</sup> Yet the requirement of *subscriptiones* for the validity of testa-

<sup>143</sup> In the remaining original wills the part with the witnesses’ signatures is not preserved.

<sup>144</sup> ‘In the case of codicils not preceded by a testament, just as in the case of wishes in testamentary form, the presence of seven or five witnesses must not be lacking.’

<sup>145</sup> In particular, the authors of *Interpretationes* were probably Roman lawyers, and the *Interpretationes* themselves were created as a planned commentary on the laws collected in *Lex Romana Visigothorum*. For arguments in favour of this theory, see J. F. MATTHEWS, ‘Interpreting the *Interpretationes* of the Breviarium’, [in:] R. W. MATHISEN (ed.), *Law, Society and Authority in Late Antiquity*, Oxford 2001, pp. 11–32 (with further literature). On the other hand, Antti Arjava claims that the *Interpretationes* emerged gradually as a commentary to particular constitutions, and it was only with the creation of the *Breviarium Alarici* that they were collected together; see A. ARJAVA, ‘The survival of Roman family law after the barbarian settlement’, [in:] MATHISEN (ed.), *Law, Society and Authority* (above), pp. 33–51, esp. p. 34.

<sup>146</sup> This is evident from such works as *Epitome Gai*, *Sententiae Pauli*, or private collections of laws such as *Consultatio veteris cuiusdam iurisconsulti*. See L. DE GIOVANNI, *Istituzioni*,

ment appeared explicitly in a constitution from the reign of Arcadius and Honorius (*C. Th.* 4.4.3).<sup>147</sup>

In the wills from late antiquity, we may also identify another function of the witnesses' signatures: they served to guarantee that the intention of the testator accorded with the content of the will. Thus, the signatures were often based on the following outline: *μαρτυρῶ τῇ διαθήκῃ ἀκούσας παρὰ τοῦ θεμένου*,<sup>148</sup> demonstrating that the witnesses were familiar with the content of the will which was dictated or read out in front of them.

Such a practice seems different from the Roman concept, expressed in *sc. Neronianum*, of protecting the tablets; in this earlier practice the witnesses were only shown a tablet with the *nomina* of the testators written on it (Suet. *Nero* XVII).<sup>149</sup> Even though the documents show that the content of testamentary dispositions was made known to the witnesses, the rule of secrecy remained in legal force, as shown in the *Theodosian Novel* (*C.* 6.23.21 = *N. Th.* 16.1–2).<sup>150</sup>

*scienza giuridica, codici nel mondo tardoantico: alle radici di una nuova storia* [Saggi di storia antica], Rome 2007, pp. 375–376: 'Non vi è dubbio, d'altra parte, che, come ha mostrato anche una recente ricerca, nei secoli V e VI le Gallie rappresentavano un territorio in cui erano presenti giuristi che conoscevano bene le fonti giuridiche romane, pure quelle di più antica tradizione.' See also P. GARNSEY & Caroline HUMFRESS, *The Evolution of the Late Antique World*, Cambridge 2001, p. 63.

<sup>147</sup> See also *N. Th.* 16.1 (= *C.* 6.23.31); *C. Th.* 4.4.7; *I.* 2.10.3

<sup>148</sup> Such pattern of the witnesses' signatures is characteristic not only for wills, but also for most of the documents in late Roman Egypt; see K. A. WÖRZ, 'Witness subscriptions in documents from the Dioscorus archive', [in:] J.-L. FOURNET (ed.), *Les archives de Dioscore d'Aphrodité cent ans après leur découverte. Histoire et culture dans l'Égypte byzantine. Actes du colloque de Strasbourg (8–10 décembre 2008)*, Paris 2008, pp. 143–156, esp. p. 147. According to Hans Julius Wolff, this scheme was prevalent not only in Egypt, but much more widely; see H. J. WOLFF, 'Der byzantinische Urkundenstil Ägyptens im Lichte der Funde von Nessana und Dura', *RIDA* 8 (1961), pp. 115–154, esp. p. 130. The examples are plenty: *P. Oxy.* XVI 1901, ll. 78–80, *P. Cairo Masp.* III 67324, ll. 18–19, *P. Vat. Aphrod.* 7, *P. Köln X* 421, *P. Lond.* I 77, p. 231, ll. 81–83, *P. Ital.* I 6, ll. 4–6. See also Joëlle BEAUCAMP, 'Le testament de Grégoire de Nazianze', [in:] EADEM, *Femmes, patrimoines, normes à Byzance*, Paris 2010, pp. 183–264, esp. p. 242.

<sup>149</sup> Of course, it did happen sometimes that the testator disclosed their will, and even read it in public, even in the Republican times or during the early Principate: Cic. *Ad Att.* VII 2.3, Horat. *Sat.* II 5.53–55, Pet. *Sat.* LXXI. J. W. TELLEGEN, *The Roman Law of Succession in the Letters of Pliny the Younger*, Zutphen 1982, pp. 55–56; CHAMPLIN, *Final Judgements*, p. 24.

<sup>150</sup> Especially in the beginning of *N. Th.* 16.2: 'Hac itaque consultissima lege sancimus,

The group of people who could not act as testamentary witnesses also began to change in late antiquity. In the *Institutiones* of Justinian (I. 2.10.10) there is a detailed list of excluded people, which enumerates heirs and their agnatic descendants, the heir's father, and agnatic brothers. The purpose of exclusion is different here than it had been in the past; those who were excluded from being witnesses to a mancipatory will were the parties of *mancipatio* and their agnatic relatives (see above, pp. 35).

It would appear that the list was established before the time of Justinian, but it is difficult to pinpoint the exact date. On one hand, we find a similar principle in the *Digesta*, D. 28.1.20 pr.: 'Qui testamento heres instituitur, in eodem testamento testis esse non potest' ('One who was appointed heir in a will cannot be a witness to the same will'). The codification commission ascribed this passage to Ulpian, although it is highly probable that this attribution is incorrect.<sup>151</sup>

In the pre-Justinianic sources of legal practice, on the other hand, we do not encounter any cases in which the heir acted as the witness to the will. However, as our knowledge of prosopography is insufficient, we cannot necessarily make the same claim for the relatives of heirs. The quoted rule did not specify that witnesses could not benefit from the will; this aspect was later regulated (or confirmed) by the constitutions of Honorius and Arcadius (*C. Th.* 4.4.3), as well as by Emperor Zeno (*C.* 6.23.22: AD 480).<sup>152</sup>

licere per scripturam conficientibus testamentum, si nullum scire volunt quae in eo scripta sunt, signatam vel ligatam vel tantum clausam involutamve proferre scripturam ...'.

'Therefore, by this well-considered law We sanction that if any person should make a testament in writing and if he should wish no one to know those things which are written in the testament, he is permitted to offer the document sealed, tied, or merely closed and folded.'

<sup>151</sup> *Index Interpolationum* I, s. v. D. 28.1.20 pr. See SCHERILLO, *Corso di diritto* (cit. n. 2), p. 231.

<sup>152</sup> VOGLI, 'Il diritto ereditario romano nell'età del tardo impero' (cit. n. 82), p. 76. Also in the sources of legal practice we find examples of dispositions made in favour of the witnesses, as in the case of Amphilochos in the will of Gregory of Nazianzus; Amphilochos was also Gregory's cousin. See F. VASILEIOU, 'For the poor, the family, the friends: Gregory of Nazianzus' testament in the context of early Christian literature', [in:] CASEAU & HUEBNER, *Inheritance, Law and Religions* (cit. n. 85), pp. 141–157.

*Signature of the testator*

Another requirement of fourth- and fifth-century constitutions was the signature of the testator (C. 6.23.21 pr.; *N. Th.* 16.1.2). The *Institutiones* of Justinian attribute this development to the intervention of the emperors (I. 2.10.3),<sup>153</sup> but signatures of the testators are present in documents much prior to the mentioned constitutions: they appear in the wills from the first and second centuries.<sup>154</sup> The signature included the testator's name and expressed the fact that he was familiar with the content of his will; it also confirmed that the content written on *tabulae* was an accurate transcription of what the testator had dictated.<sup>155</sup>

In most cases the will was written by a professional scribe. The testator presented him with an outline of how he or she wanted to dispose of his or her estate, and the scribe adapted these wishes into the standard formula for a will.<sup>156</sup> Next, the testator read the will, or, if he could not read in Latin, someone else read it to him and (most probably) also explained it.<sup>157</sup> The testator then confirmed with a signature – either his own or, if he ‘did not know letters’, in the hand of someone else – that the content agreed with what he had dictated. It appears that the signature of the testator played a different role than the signatures of the witnesses; it was closer to a modern signature in that, by signing the document, the testator confirmed that it was in accordance with his intentions.

The signature of the testator seems to have originated from the local legal tradition. Greek signatures often appear in Latin wills (*P. Diog.* 10, l. 17; *ChLA* X 412, ll. 8–9), and their authors were most probably Roman

<sup>153</sup> The earliest known constitution informing about the testator's obligation to sign the will dates from AD 439 (*N. Th.* 16 = C. 6.23.21); MEYER, *Literacy, Literate Practice* (cit. n. 22), p. 46.

<sup>154</sup> Cf. *ChLA* IX 399; *ChLA* X 412; *P. Oxy.* XXXVIII 2857; *FIRA* III 47; *P. Diog.* 10; *P. Oxy.* XXII 2348; *BGU* XIII 2244.

<sup>155</sup> Cf. *FIRA* III 47, ll. 48–52, *P. Oxy.* XXXVIII 2857, ll. 34–37. Such a pattern is not a characteristic feature of wills, as it is also confirmed in other types of documents. MEYER, *Legitimacy*, p. 210.

<sup>156</sup> AVENARIUS, ‘Formularpraxis’ (cit. n. 8), p. 19.

<sup>157</sup> As attested in *P. Oxy.* XXII 2348, ll. 49–51.

citizens who did not know Latin (or were unfamiliar with written Latin). It may therefore have been adapted, at least initially, by 'new Romans' rooted in their local legal tradition. This type of signature pattern is not only a characteristic feature of wills, but it appears also in other legal documents prepared for non-Romans in the Roman period.<sup>158</sup> Finally, it is worth mentioning that the signature of the testator was, in the Roman period, an intrinsic element of the wills of non-Romans.<sup>159</sup>

The model for the testator's signature did not undergo significant changes in late antiquity. Gregory of Nazianzus (ll. 98–100) confirmed with his signature that he had acquainted himself with the content of his will and that it was in accordance with his intentions. Aurelius Kollouthos also used his signature to confirm that the written document correctly represented the contents of his will (*FIRA* III 52, ll. 31–32). In the sixth-century will of the courier Flavius Pousi,<sup>160</sup> an inhabitant of Oxyrhynchos, we find a signature based directly on a pattern known from local wills written during the Roman period (*P. Oxy.* XVI 1901, ll. 58–74). As in the local wills from Roman Oxyrhynchos, the signature repeats the content of all testamentary dispositions.<sup>161</sup>

Most signatures, however, are much shorter than in *P. Oxy.* XVI 1901.<sup>162</sup> They follow a similar pattern and they may have been present in all wills from the period in question. Even though the signature of the testator is missing in some documents (either because it was not preserved or due to the nature of the document itself), information about the presence of a handwritten signature still appears in the text.<sup>163</sup>

<sup>158</sup> See U. YIFTACH-FIRANKO, 'The *cheirographon* and the privatization of scribal activity in early Roman Oxyrhynchos', *Symposion* 2007, pp. 325–340, esp. p. 330.

<sup>159</sup> See *P. Oxy.* III 492; *P. Sijp.* 43; *P. Oxy.* III 491; *P. Köln* II 100; *P. Wisc.* I 13; *BGU* III 896; *PSI* XII 1263. In wills composed for women, the signature of the testatrix was followed by the signature of her *kyrios*.

<sup>160</sup> A courier in the service of the governor of the province, he was an official of the state military post. His function explains the name Flavius.

<sup>161</sup> Cf. *SPP* IV, p. 116; *P. Oxy.* LXVI 4533; *P. Sijp.* 43; *P. Oxy.* III 492; *P. Köln* II 100; *P. Oxy.* I 105; *P. Wisc.* I 13; *PSI* XII 1263.

<sup>162</sup> *P. Cairo Masp.* III 67324; *P. Vat. Apbrod.* 7; *P. Ital.* I 6; *P. Köln* X 421.

<sup>163</sup> Cf. *P. Ital.* I 4–5; *P. Cairo Masp.* III 67312; *P. Cairo Masp.* II 67151.

The inability to write did not preclude the opportunity of composing a written will (cf. C. 6.23.21.1, AD 439).<sup>164</sup> Examples of signatures placed via a third party can be found in a sixth-century will from Aphrodito (*P. Vat. Aphrod.* 7, ll. 23–34), as well as in the will of apa Abraham (*P. Lond.* I 77, p. 231, l. 80). We should not forget that a similar custom was present also in local legal practice, and it may have existed long before it was expressed in imperial constitutions.<sup>165</sup>

For practical reasons, a method of substituting a signature with a sign (for example a cross) was quickly developed.<sup>166</sup> This happened most often when the testator did not know how to write or if he or she was ill (*P. Ital.* I 4–5 B VI, l. 4).

### *Structure of the document*

Seals and signatures of witnesses were not the sole requirements concerning wills. In constitutions preserved in the Theodosian Code (C. Th. 4.4), and in a later constitution, published in AD 439 (N. Th. 16) and subsequently adopted in the Code of Justinian (C. 6.23.21), we find precise instructions regarding further requirements that needed to be fulfilled.

The method used to protect documents did not undergo any significant changes between the time of the Principate and late antiquity. The document was sealed and tied (N. Th. 16.2) – a practice confirmed in the

<sup>164</sup> ‘Quod si litteras testator ignoret vel subscribere nequeat, octavo subscriptore pro eo adhibito eadem servari decernimus.’

‘If, however, a testator does not know letters or he cannot subscribe, we decide that a signature of the eighth person summoned for this reason shall substitute [the testator’s subscription].’

<sup>165</sup> See Rita CALDERINI, ‘Gli agrammatoi nell’Egitto greco-romano’, *Aegyptus* 30 (1950), pp. 14–41; Marija VIERROS, ‘Everything is relative. The relative clause constructions of an Egyptian scribe writing Greek’, [in:] L. PIETILÄ-CASTRÉN & M. VESTERINEN (eds.), *Grapta Poikila I* [= *Papers and Monographs of the Finnish Institute at Athens* 8], Helsinki 2003, pp. 13–23; H. C. YOUTIE, ‘Because they do not know letters’, *ZPE* 19 (1975), pp. 101–108. Indeed, in the Byzantine period as well as earlier, the practice was present not only in wills, but also in other documents. See Louise C. YOUTIE, ‘Notes on subscriptions’, *ZPE* 18 (1975), pp. 213–223.

<sup>166</sup> MEYER, *Literacy, Literate Practice* (cit. n. 22), p. 71.

protocols of the opening of wills from Ravenna (*P. Ital.* I 4–5; see below, pp. 101–102). As the nature of the will began to change in late antiquity, the correct method of ensuring the authenticity of the document became a matter of greater concern.<sup>167</sup> The content of the will was rarely written down by the testator himself, but more often by a scribe or a notary, whose signature was placed immediately after the main part of the document. This was followed by the testator's subscription, which served not only to confirm that the content of the will corresponded to his wishes, but also to prevent the document from having any additional content added to it. This, in turn, was followed by the signatures of the witnesses, which guaranteed that the signature of the testator was genuine and also served to identify the witness with their seal,<sup>168</sup> which secured the document against being opened and falsified.<sup>169</sup>

## 7. ORAL WILL

An important innovation in late Roman testamentary law is the distinction between written and oral wills, which is described by Eusebius of Caesarea, *V. Const.* IV 26: *κὰν τῷ τυχόντι γράμματι τὴν αὐτοῦ δόξαν ἐκτίθεσθαι, κὰν ἀγράφως ἐθέλῃ, μόνον ἐπὶ μαρτύρων τοῦτο πράττεσθαι ἀξιοχρέων, τὴν πίστιν δυνατῶν σὺν ἀληθείᾳ φυλάττειν.*

While there are no surviving constitutions introducing the division of wills into oral and written types, we can assume that relevant legislation appeared during the reign of Constantine.<sup>170</sup> A clear distinction between oral and written wills is visible in the law issued in the time of Valentinian II and Theodosius I.<sup>171</sup> The constitution regulated the issue

<sup>167</sup> TATE, 'Codification of late Roman inheritance' (cit. n. 79), p. 246: 'the fewer the formal acts and declarations required, the greater the need for informal acts to be properly attested'.

<sup>168</sup> The proof of that could be the practice of someone else signing the name for a person who did not know how to write (*P. Col.* VII 188; *SB* XX 14379).

<sup>169</sup> See G. FERRARI DALLE SPADE, 'Papiri ravennati dell'epoca giustiniana relativi all'apertura dei testamenti', [in:] *Studi Bonfante* II, pp. 633–644.

<sup>170</sup> TATE, 'Codification of late Roman inheritance law' (cit. n. 79), p. 244.

<sup>171</sup> ARCHI, 'Oralità e scrittura' (cit. n. 3), p. 316.

of appointing emperors as heirs and underlined their equality with other citizens in this regard; *C. Th.* 4.4.2.1: ‘Testamenti vero scripturam legitimam vel nuncupationem, quae in nomen nostrum forte processerit, iure capiemus, nec in ea re distare ius nostrum a privatis heredibus profitemur.’<sup>172</sup> In this text, the oral will appears almost as a side note, suggesting that the issue must have already been regulated by the time the constitution was issued.<sup>173</sup>

From a practical standpoint, the introduction of an oral will was nothing new; in the classical period *nuncupatio* could also include the whole content of the will (see above, p. 20).<sup>174</sup> The principal development in late antiquity was the idea that written and oral wills – not accompanied by a formal act – were now considered to be two separate types of will.<sup>175</sup> This division was upheld in both the East and the West (*C. Th.* 4.4.7 pr.; *N. Th.* 16.6; *C.* 6.23.21.4; *N. Val.* 21.1.2, I. 2.10.14; *C.* 6.23.26).<sup>176</sup> Due to the obvious restrictions of its character, however, the oral will is almost completely absent from the written sources of legal practice (an exception being *P. Lond.* V 1709, Antinoopolis, c. AD 570, l. 77: ἄγραφος βούλησις, ‘unwritten will’).

<sup>172</sup> ‘We shall rightfully accept any lawfully written testament or any nuncupation which perchance has come to Our name, and in this respect We acknowledge that Our right does not differ from that of heirs who are private persons.’

<sup>173</sup> ARCHI, ‘Oralità e scrittura’ (cit. n. 3), p. 316.

<sup>174</sup> ARCHI, ‘Oralità e scrittura’ (cit. n. 3), p. 317.

<sup>175</sup> ARCHI, ‘Oralità e scrittura’ (cit. n. 3), p. 318.

<sup>176</sup> *DRP* II, p. 481, n. 30. It is worth noting that the imperial constitution influenced not only the new barbarian kingdoms, but also, through Justinian’s compilation, the Byzantine law. The requirements for composing written and oral wills remained virtually unchanged since the times of Justinian until the fall of Byzantium. Byzantine law differentiated between a written and oral will. The only element that had changed was the number of witnesses; in time, the witnesses could be both seven or five, and even three in the case of a will drawn up in the countryside (*Proch.* 25.5; *Eis.* 29.8 and 16; *Ecol.* 5.4; *Hexabib.* 5.1.35; *LeonNov.* 41). In the ninth century the testamentary requirements were simplified, as the obligation for seals and witnesses’ signatures disappeared, although the principle of *unitas actus* was retained (*LeonNov.* 42). See J. LOKIN, ‘Wills in Byzantine law’, [in:] *Acts of Last Will, I: Antiquity* [=Transactions of the Jean Bodin Society for Comparative Institutional History 59], Brussels 1992, pp. 163–177.

## 8. HOLOGRAPH WILL

Another type of will which is well known on the basis of statutory law, but not well represented in papyrological evidence, is the holograph will.<sup>177</sup> According to Reginald Parker, the first step in the creation of a holograph will – that is, a will written in the testator's own hand, which, therefore, did not require the participation of witnesses<sup>178</sup> – was *divisio parentis inter liberos* (C. Th. 2.24.1); this act did not require witnesses, but had to be composed to the benefit of children of *de cuius*.<sup>179</sup> Theodosius II (N. Val. 21.2) only made use of the existing institutions, extending the circle of subjects entitled to use them.<sup>180</sup>

The Novel was addressed to Albinus, *praefectus praetorio*, and concerned the case of Micce, *illustris femina*, who composed a will in her own hand but did not call any witnesses, and later entrusted the will to her relative Caesarius, *vir spectabilis, tribunus et notarius*. After the death of Micce, Pelagia, *illustris femina* and the heir appointed in the will, addressed the emperor's office with a query as to whether she had a right to the inheritance. The emperors Theodosius and Valentinian responded positively to her request. Although this type of will did not survive in the East,<sup>181</sup> the law remained in force until the collapse of the Western Empire, and even found a place in the collection of barbarian laws (*Lex Romana Visigothorum*; *Lex Romana Burgundionum* 45.1).<sup>182</sup> It is also attested by Isidore of Seville in his *Etymologies*.<sup>183</sup>

<sup>177</sup> See M. KURYŁOWICZ, 'Testamentum holographum', *Rejent* 13 (2010), pp. 119–126.

<sup>178</sup> For the will, see MEYER, *Legitimacy*, p. 247; in general, see H. J. WOLFF, *Das Recht der griechischen Papyri Ägyptens in der Ptolemäer- und der Prinzipatszeit*, II: *Organisation und Kontrolle des privaten Rechtsverkehrs*, Munich 1978, pp. 107–108.

<sup>179</sup> R. PARKER, 'History of the holograph testament in the civil law', *The Jurist* 3 (1943), pp. 1–31.

<sup>180</sup> PARKER, 'History of the holograph testament' (cit. n. 179), p. 3.

<sup>181</sup> Among eastern documents there are only two examples of wills preserved which do not bear traces of the participation of witnesses: PSI IX 1040 and P. Lips. I 29. Most probably the will in holograph was not popular in the East, since Justinian did not include it in his codification. DER II, p. 60. On these documents, see below, pp. 115–116.

<sup>182</sup> PARKER, 'History of the holograph testament' (cit. n. 179), pp. 6–8.

<sup>183</sup> Isid. *Eth.* V 24.7: 'Holographum testamentum est manu auctoris totum conscriptum atque subscriptum; unde et nomen accepit. Graeci enim ὅλον totum, γραφήν litteram dicunt.'

The source material, however, does not suggest that the holograph testament enjoyed great popularity, and western wills continued to be composed in the presence of witnesses. Since the sources are few, it is difficult to draw any firm conclusions as to how universal the usage of any form of will actually was. It is, however, worth noting that among the wills composed after the fall of the western Empire we do not find any evidence of wills in holograph.<sup>184</sup>

### CONCLUSION

It is worth noting how the testamentary form evolved between the Principate and late antiquity. The initial requirement for composing a valid will in Roman law was a formal act: a symbolic *mancipatio* needed to be performed and a formula known as *nuncupatio* needed to be spoken. Over time, the praetorian protection developed, which guaranteed *bonorum possessio* to heirs appointed in the wills void in the civil law. Initially, it did not offer comprehensive protection, as it ceased to be effective at the moment when the heirs appeared with a *hereditatis petitio*. The situation changed with the constitution of Antoninus Pius, who granted *exceptio doli* to heirs appointed on tablets. At that point, tablets were not yet of a secondary character in relation to the will, and were as legitimate as a correctly composed mancipatory will. The result of this was that the formal act disappeared from law, probably during the reign of Constantine.

By examining the evolution of the testamentary form, we may also draw certain conclusions about the disappearance of *testamentum per aes et libram*. From our analysis of documents and juridical sources, it seems likely that the document replaced the formal act at the level of legal practice much earlier than it did at the level of statutory law. Based on this, we can conclude that the abandonment of *mancipatio* took place through *desuetudo*.

A holograph testament (*holographum testamentum*) is entirely written and signed by the hand of the testator, whence it receives its name, for the Greeks say ὅλος for “entire”, and γραφή for “writing” (translation: Isidore of Seville, *The Etymologies*, transl. S. A. BARNEY, W. J. LEWIS, Jennifer A. BEACH & O. BERGHOF, Cambridge 2010).

<sup>184</sup> See NONN, ‘Merowingische Testamente’, pp. 65–66.

The new written will was influenced both by Roman law and local legal customs. The most important quality of a will was its private character, which was also a characteristic of the mancipatory will. Yet we should also note the transparency of the act itself, which had earlier provided the foundation of *testamentum per aes et libram*. The will, however, also adopted elements which had been adapted by earlier Roman practice, specifically signatures and seals.<sup>185</sup>

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<sup>185</sup> The particular post-classical forms are not subject to examination, since they are not represented in the documents of the practice. See *DER* II, pp. 62–64; *DRP* II, pp. 482–483.



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## CHAPTER TWO

### OPENING THE WILL

#### INTRODUCTION

THE PROCEDURE for opening a will after the testator's death was no less important than the requirements for composing it. The regulations for opening a Roman will were distinct from the rules which governed the opening of local wills, but both procedures had many features in common. The emergence of a specifically Roman procedure is connected with *vicesima hereditatum* introduced in AD 6 by the *lex Iulia de vicesima hereditatum*, also known as *lex Iulia vicesimaria*, a five-percent tax levied on citizens who inherited an estate over a certain value, unless they were part of the immediate family of the testator.<sup>1</sup>

The local procedure may have originated earlier than the Roman *lex Iulia vicesimaria* and it was connected with the character of the local will. Local (as opposed to Roman) wills were notarial deeds, and thus could only be made through the *agoranomos*.<sup>2</sup> This conclusion is confirmed by the *Gno-*

<sup>1</sup> DPR I, p. 692. On the amount of this tax and exemptions from it, see J. F. GILLIAM, 'The minimum subject to the *vicesima hereditatum*', *AJPb* 73 (1952), pp. 397–405; D. FRANK, *Erb-schaftsteuer und Unternehmung*, Berlin 1969, p. 24; A. WALLACE-HADRILL, 'Family and inheritance in the Augustan marriage laws', [in:] J. EDMONDSON (ed.), *Augustus: His Contributions to the Development of the Roman State in the Early Imperial Period*, Edinburgh 2009, pp. 250–274.

<sup>2</sup> However, we cannot state anything firm in regard to the third-century BC testamentary practice. The most important text in this respect is *P. Petrie* I<sup>2</sup>; the purpose of the reg-

*mon of the Idios Logos*, BGU V 1210, ll. 33–34: ζ. δ[ι]αθήκαι, ὅσαι μὴ κατὰ δημοσίους χρηματισμοὺς γείνωνται, ἄκυροί εἰσι (7. ‘Wills which were not composed as public documents are void’).<sup>3</sup> In addition, wills from the second century BC<sup>4</sup> usually contained information that they were drawn up in front of the *agoranomos*: ἐπὶ ἀγορανόμου.<sup>5</sup> Finally, during the Roman period there existed a special procedure associated with the revocation of local wills which could only take place through an official. This procedure illustrates that, in order for any act concerning wills to be effective, it was necessary for an official to be involved.<sup>6</sup>

ister, as well as the circumstances of its composition, have already been widely discussed. Some scholars claimed that the wills copied on the roll were made by private scribes and, similarly to contracts, entrusted to *syngraphophylax*; others were of the opinion that wills appeared in Egypt already as public deeds. The evidence is, however, too meagre to verify those opinions. The discussion has been summarised by Willy Clarysse in his edition of the roll; see *P. Petrie* I<sup>2</sup>, pp. 11–21; Maria NOWAK, ‘Dryton’s wills reconsidered’, *RIDA* 59 (2012), pp. 241–251.

<sup>3</sup> N. LEWIS, ‘Revocation of wills in Roman Egypt’, *SCI* 24 (2005), pp. 135–138, esp. p. 135.

<sup>4</sup> *P. Dryton*. I, 3, and 4; *SB XVIII* 13168; *P. Lond.* II 219.

<sup>5</sup> *P. Dryton* 2, 3, and 4; *P. Grenf.* 24; *P. Lond.* VII 2015. In the Roman period: *P. Dura* 16; *P. Oxy.* I 104; *P. Oxy.* LXVI 4533; *P. Oxy.* III 489; *P. Oxy.* I 105; *P. Oxy.* III 490; *P. Oxy.* III 491; *P. Oxy.* III 492; *BGU VII* 1654; *P. Köln* II 100; *P. Oxy.* III 494; *BGU III* 896; *P. Ryl.* II 153; *P. Wisc.* I 13; *P. Col.* X 267; *P. Lips.* II 149. Many testaments contain explicit information that they were drafted at the *agoranomeion*: ἐπὶ followed by the notary’s name in genitive and the noun ἀγορανόμου; in the majority of documents from Oxyrhynchus the same role is fulfilled by the expression ἐν ἀγνιᾷ, ‘in the street’. The phrase means that the document was drafted at the *agoranomeion*. See E. G. TURNER, ‘Roman Oxyrhynchus’, [in:] A. K. BOWMAN *et alii* (eds.), *Oxyrhynchus. A City and Its Texts*, London 2007, pp. 141–154, esp. p. 144. On the *agoranomeion*, see M. G. RASCHKE, ‘The office of the *agoranomos* in Ptolemaic and Roman Egypt’, [in:] *PapCongr.* XIII.1, pp. 349–356; R. ALSTON, *The City in Roman and Byzantine Egypt*, London – New York 2002, p. 188.

<sup>6</sup> The local will could not be revoked just by drafting a new one. The documents show that the commonest way to revoke a will was to withdraw it from the corresponding archive; see *P. Oxy.* XXXVI 2759 (Oxyrhynchus, AD 116); *P. Cairo Preis.* 32 = *P. Oxy.* III 601, (Oxyrhynchus, AD 116); *P. Oxy.* I 178 = *SB VIII* 9766 (Oxyrhynchus, AD 117–138); *P. Oxy.* I 107 (Oxyrhynchus, AD 123); *P. Oxy.* I 106 = *M. Chr.* 308 = *Sel. Pap.* II 424 (Oxyrhynchus, AD 135). Such a method seems practical, for it prevented a ‘collision’ of two wills. The testator wishing to revoke the will had to make a petition addressing either the *agoranomos* or *strategos*. In the latter case, the *strategos* ordered that the archive released the will of the testator. From this moment the procedure looked the same. It was verified if the seals were intact, and then the testator confirmed in writing the receiving of the document.

The very nature of the local will required an opening procedure that guaranteed a level of transparency and control similar to the one applied at the time of composition. Although the procedures for opening Roman and local wills appeared at different times and were derived from different sources, the similarities between them suggest that they must have influenced one another, as we will discuss in this chapter.

The two separate procedures disappeared after the *Constitutio Antoniniana*, when almost all the inhabitants of the Empire became Roman citizens and were included accordingly in the system of *vicesima*. According to Cassius Dio (Cas. Dio LXXVII 9.4), the intention of Caracalla's constitution was to extend the number of people liable for the payment of *vicesima*. In other words, the emperor sought to grant universal citizenship as a means of boosting the imperial budget.<sup>7</sup> This idea, however, did not succeed, as the tax was abolished perhaps soon after the *Constitutio*

If the testator could not remove his testament from the notary's office because of the distance between the place where he lived and the one where he had deposited the document, from the time of Antoninus Pius he could declare his will void. Cf. SB X 10280 = 10562 (Oxyrhynchos, AD 146–160); P. Wash. Univ. I 13 (Oxyrhynchos, AD 161–169).

See also KRELLER, *Erbrechtliche Untersuchungen*, pp. 389–395; R. TAUBENSCHLAG, *The Law of Greco-Roman Egypt in the Light of the Papyri, 332 BC – 640 AD*, Warsaw 1955 (2nd edition), p. 153; A. E. SAMUEL, 'Six papyri from from Hamilton College', *JfurP* 13 (1961), pp. 33–51; P. J. SIJPESTEIJN, 'New light on the revocation of wills (P. Bibl. Univ. Giss. inv. 311.)', *CdÉ* 42 (1967), pp. 360–368; N. LEWIS, 'P. Bibl. Univ. Giss. inv. 311 reconsidered', *CdÉ* 43 (1968), pp. 375–378; A. H. S. EL-MOSALLAMY, 'Revocation of wills in Roman Egypt', *Aegyptus* 50 (1970), pp. 59–73; LEWIS, 'Revocation of wills' (cit. n. 3), pp. 135–138; NOWAK, 'Dryton's wills' (cit. n. 2).

The documents prove that people changed their wills often. The best illustration of this statement is found in Dryton's archive: Dryton changed his will at least twice (P. Dryton 1–4) due to changes in his personal life. This observation is coherent with the research results obtained by Michael Meerson. In more than 80% of documents in which the date of both making and opening of the will were preserved, the gap between these dates is small, usually just a few months. According to Meerson, this points to the existence of a 'season of mortality' which meant that people became more willing to draw up wills at some point. However, it seems also to prove that wills must have been changed several times during a lifetime. M. MEERSON, 'Seasons of death for donors and testators', [in:] *PapCongr.* XXV, Ann Arbor 2007, pp. 541–550.

<sup>7</sup> See W. OSUCHOWSKI, 'Constitutio Antoniniana. Przyczyny wydania edyktu Karakalli z r. 212 w świetle współczesnych źródeł historyczno-prawnych', *Roczniki Teologiczno-Kanoniczne* 10.4 (1963), pp. 65–82.

*Antoniniana*. It is not clear when exactly this abolition occurred. Evidence that the tax was still collected during the first half of the third century is found in a declaration from Oxyrhynchos (*P. Oxy.* VIII III4, AD 237).<sup>8</sup> A father, on behalf of his two daughters, declared the value of *bonorum possessio* acquired from their mother who had died intestate; he also declared that the inheritance was free from *vicesima* (l. 15: 'eamque hereditatem esse ducena[ri]am et immunem a vicesima').

It is possible that the tax was abolished during the reforms of Diocletian,<sup>9</sup> or perhaps even later, in the reign of Constantine.<sup>10</sup> It was certainly no longer in existence by the time of Justinian; C. 6.33.3 pr. (AD 531): 'quia et vicesima hereditatis a nostra recessit re publica.'<sup>11</sup> The abolition of the tax would have affected the procedure of opening a will in late antiquity.

#### 1. LOCATION OF THE OPENING

Since the Roman will was a private act, there is no reason to suppose it was opened in a public place before the introduction of *vicesima*. In fact, there were probably no regulations specifying the location in which a will could be opened; thus, the opening procedure could take place anywhere. For instance, in the case of the will made by Gaius Iulius Caesar, the document was opened and read out in a private house belonging to Antonius.<sup>12</sup>

After the enactment of *lex Iulia vicesimaria*, the opening of wills took place in *statio vicesimae hereditatum*.<sup>13</sup> However, it is not certain whether *statio* was introduced together with this law or later. According to Gunter Wesener, *statio vicesimae* existed only from the time of the emperor

<sup>8</sup> G. WESENER, '*Vicesima hereditatum*', [in:] *RE* XVI, pp. 2471–2477, esp. p. 2474.

<sup>9</sup> WESENER, '*Vicesima*' (cit. n. 8), p. 2474.

<sup>10</sup> G. G. ARCHI, 'Interesse privato e interesse pubblico nell'apertura e pubblicazione del testamento romano', *Iura* 20 (1969), pp. 337–430, esp. p. 357.

<sup>11</sup> WESENER, '*Vicesima*' (cit. n. 8), p. 2474.

<sup>12</sup> Suet. *Iul.* LXXXIII 1: 'testamentum eius aperitur recitaturque in Antoni domo'.

<sup>13</sup> *CbLA* X 412; *BGU* XIII 2244; *BGU* I 326.

Hadrian; before that, the tax had been collected by private collectors, although not in any particular place.<sup>14</sup>

The existence of *stationes* is attested in the papyrological evidence, but not in archaeological record; therefore, we cannot determine their physical appearance. Cezary Kunderewicz observed that in Egypt they were located in the *kaisareia*,<sup>15</sup> which played the same role in the administrative life of the province as the *basilicae* in Italy,<sup>16</sup> and where, as Kunderewicz notes, the *strategos* performed at least some of his official duties;<sup>17</sup> the *strategos* was also responsible for the opening of Roman wills in his nome.<sup>18</sup> This function of the *strategos* is attested in the protocols of opening,<sup>19</sup> petitions,<sup>20</sup> and records of proceedings in such matters.<sup>21</sup> In one of the documents concerning the procedure (*P. Oxy.* XXII 2348, l. 52) neither the *statio* nor *kaisareion* is indicated as the place of the opening, but rather the office of the *strategos* (πρὸς τῷ λογιστηρίῳ αὐτοῦ): it was perhaps the presence of *strategos*, rather than a particular location, that was crucial for the procedure of opening.<sup>22</sup>

It is also not clear who was responsible for collecting *vicesima hereditatum*.<sup>23</sup> The collection, however, must have been connected with the procedure of opening; the proceedings took place in the *statio vicesimae hereditatum*. We may thus reconstruct the procedure as follows: the bearer of a will came to the office of the *strategos* and petitioned for the will to be opened in his presence; after the opening, the heir would have declared the

<sup>14</sup> WESENER, 'Vicesima' (cit. n. 8), p. 2475.

<sup>15</sup> *P. Hamb.* I 73; *ChLA* X 412; *BGU* I 326; *P. Diog.* 10; *P. Ryl.* II 109 (Hermopolis Megale, AD 235); *P. Laur.* I 4.

<sup>16</sup> C. KUNDEREWICZ, 'Quelques remarques sur le rôle des *KAISAPEIA* dans le vie juridique de l'Égypte romaine', *JfJrP* 13 (1961), pp. 123–129, esp. p. 126.

<sup>17</sup> KUNDEREWICZ, 'Quelques remarques sur le rôle des *KAISAPEIA*' (cit. n. 16), *passim*.

<sup>18</sup> TAUBENSCHLAG, *The Law of Greco-Roman Egypt* (cit. n. 6), p. 153.

<sup>19</sup> *P. Hamb.* I 73; *P. Oxy.* XXII 2348; *P. Laur.* I 4.

<sup>20</sup> *M. Chr.* 309, Phebichis, 3rd c. AD.

<sup>21</sup> *BGU* II 592, Arsinoite nome, c. AD 160; *BGU* I 361, Ptolemais Euergetis, AD 184.

<sup>22</sup> See Maria NOWAK, 'Village or town? Does it matter in legal terms?' (forthcoming).

<sup>23</sup> For the attestations and discussion on this problem, see Franziska BEUTLER, 'Der *Idios Logos* in römischer Zeit' (paper given at the Third Viennese Colloquium on Ancient Law: Gnomon of the *Idios Logos*, June 19–20 2014).

value of the inheritance before a person in charge of taxation.<sup>24</sup> The whole process must have taken place on the same day and in the same place (*statio* located in *kaisareion*). Furthermore, our sources attest that this procedure was for the most part possible only in urban centers.<sup>25</sup> Importantly, *kaisareia* were located almost exclusively in urban centres.<sup>26</sup>

Local wills, which were public deeds, also had to be opened in front of an official. The protocols of the opening<sup>27</sup> suggest that wills were opened at the same place where they were drawn, that is at the office of the *agoranomos*. Such a conclusion is obvious, since a will was deposited at the office of the *agoranomos* after it had been composed and it remained there until it was revoked or opened. As in the case of Roman wills, the opening of local wills would for the most part have been possible only in *poleis* and *metropoleis*, where *agoranomeia* were located.<sup>28</sup>

Petitions for opening a will were addressed directly to the chief priest of the *kaisareion*<sup>29</sup> or to the *strategos*;<sup>30</sup> there is even one addressed to the prefect of Egypt.<sup>31</sup> In this last case, the Roman author of the petition states that the will of his parents, who were not Romans, was kept with the *strategos* of the nome and had yet to be opened. Unfortunately, the text is not

<sup>24</sup> However, at least in one case the declaration of the value of an inheritance was addressed to the *strategos*; see *P. Ryl.* II 109 (Hermopolis Megale, AD 235).

<sup>25</sup> Alexandria: *BGU* XIII 2244; Ptolemais Euergetis: *ChLA* X 412, *BGU* I 326, *P. Diog.* 10; Oxyrhynchos: *P. Oxy.* XXII 2348, *P. Oxy.* VI 907; Hermopolis Megale: *P. Ryl.* II 109; and once, surprisingly, Philadelphia: *BGU* VII 1655. On this source, see NOWAK, 'Village or town?' (cit. n. 22).

<sup>26</sup> For an updated list of documents referring to *kaisareia*, see Silvia STRASSI, 'Οἱ ἐκ τοῦ *Καίσαρεῖον*: diffusione e valore simbolico dei *Kaisareia* nell'Egitto romano', *Archivē* 52 (2006), pp. 218–243, esp. pp. 234–243.

<sup>27</sup> *P. Oxy.* III 494.

<sup>28</sup> U. YIFTACH, 'Deeds of last will in Graeco-Roman Egypt. A case study in regionalism', *BASP* 39 (2002), pp. 149–164, esp. p. 161–163, but see also NOWAK, 'Village or town?' (cit. n. 22). For the locations of *agoranomeia*, see RASCHKE, 'The office of the *agoranomos*' (cit. n. 5), pp. 349–356.

<sup>29</sup> *P. Mert.* II 75 (Oxyrhynchos, AD 175).

<sup>30</sup> *CPR* XXIII 3 (Phakusai, AD 138–161); *P. Fouad* I 32 (Oxyrhynchos, AD 174); *P. Oxy.* XLIV 3166 (Tholthis, AD 187).

<sup>31</sup> *M. Chr.* 310 = *BGU* II 448 = *BGU* I 161 (the Arsinoite nome, AD 150–154).

complete, so we do not know why Sempronius Serenus, the author of this petition, addressed the prefect of Egypt, nor how the prefect responded to this request. However, it is worth noting that many petitions in Egypt were directed to officials who were not responsible for a particular case;<sup>32</sup> this may have been the case with the petition of Sempronius Serenus.

After the *Constitutio Antoniniana*, wills continued to be opened in *kaisareia*. The last text indicating *kaisareion* as the location of an opening is found in a papyrus, *P. Laur.* I 4, l. 9, dating from AD 246. In *P. Oxy.* VI 907, composed thirty years after *P. Laur.* I 4, the note (l. 29), however, is too terse to allow for any conclusions regarding either the specific location or the process by which the testament was opened.

By the beginning of the fourth century, the function of the *strategos* had been taken over by the *logistes* (*curator civitatis*); the latter is attested in three papyri from Oxyrhynchus.<sup>33</sup> The *logistes* begins to appear in Greek documents during the reign of Diocletian, and we may assume he had taken over from the *strategos* by the early part of the fourth century.<sup>34</sup> In Egypt the *logistes* became the official in charge of managing the nome, and would thus have assumed control over the opening of wills.<sup>35</sup>

Information on the procedure during late antiquity is provided by the *gesta municipalia* from Ravenna (*P. Ital.* I 4–5), which contain six protocols from the opening of six wills made in the fifth and sixth centuries in Ravenna. Within the protocols, we find two types of officials who assisted in the opening: the first is *quinquennalis*, an official who held his office for five years; in one case we also find a *magistratus* (a clerk; *P. Ital.* I 4–5, B IV 3–6). Both were the officials of the *curia*, where the wills in the records were opened.<sup>36</sup>

<sup>32</sup> See J. E. G. WHITEHORNE, 'Petitions to the centurion: a question of locality?', *BASP* 41 (2004), pp. 155–170.

<sup>33</sup> *P. Oxy.* LXIII 4354 (Oxyrhynchus, AD 305); *P. Oxy.* LX 4075 (Oxyrhynchus, after AD 318); *P. Oxy.* LIV 3758 (Oxyrhynchus, after AD 325). *P. Oxy.* LX 4075 contains an extract of the various cases brought before the official. The relations between these cases and the motivation to document them on a single roll are not clear. See the editor's commentary.

<sup>34</sup> R. S. BAGNALL, *Egypt in Late Antiquity*, Princeton 1996, p. 60.

<sup>35</sup> BAGNALL, *Egypt in Late Antiquity* (cit. n. 34), p. 62.

<sup>36</sup> However, *P. Ital.* I 4–5 was perhaps made for the church archive. According to Giannino

A constitution of the emperors Arcadius and Honorius, issued in AD 397 (*C. Th.* 4.4.4), suggests that the opening of wills in the *curia* had become standard practice during the fourth century. This constitution ordered that the will be made public (opened and read) in the *officium censuale* in the presence of the *magister census*. The *Interpretatio* further specifies that in the provinces the opening was to be performed *apud curiae viros*, in the municipal curia.<sup>37</sup> After the will was made public, officials were obliged to record it in the *gesta municipalia*.

A further constitution from the time of Justin I mentions that, with the exception of the *magister census*, no one in Constantinople was allowed to open wills; it also states that *iudices quorumlibet tribunalium* and *defensores ecclesiarum* should not dare to do this, as had happened in the past (*C. 6.23.23*, AD 524).<sup>38</sup> Anyone attempting to circumvent the official responsible for the opening of wills risked financial penalties.

Finally, the will had to be opened in front of *principales*. This rule was the result of two constitutions: the first, issued during the reign of Arcadius and Honorius, ordered the registration of wills (*C. Th.* 4.4.4, AD 397); the second, from one year earlier, stated that officials must be present during the registration of documents in the *gesta* (*C. Th.* 12.1.151, AD 396).<sup>39</sup> The latter constitution decreed that municipal records be made in the presence of three *curiales*, one *magistratus*, and one *exceptor publicus*.

As there are no surviving documents from the East similar to *P. Ital.* I 4–5, we can only assume that the procedure in the fifth and sixth centuries was similar to the one described in the Ravenna protocols; certain-

Ferrari dalle Spade, the protocol which survived was written after the capture of Ravenna by Byzantine forces in order to recreate church archives destroyed by military actions; G. FERRARI DALLE SPADE, 'Papiri ravennati dell'epoca giustiniana relativi all'apertura dei testamenti', [in:] *Studi Bonfante* I, Milan 1930, pp. 633–644, esp. pp. 640–641. See above, p. 16.

<sup>37</sup> N. L. TAYLOR, 'Testamentary publication and proof and the afterlife of ancient probate procedure in Carolingian Septimania', [in:] K. PENNINGTON, S. CHODOROW & K. H. KENDALL (eds.), *Proceedings of the Tenth International Congress on Medieval Canon Law*, Vatican City 2001, pp. 767–780: <http://www.nltaylor.net/teapubs/publications.htm> (consulted on 11 June 2011).

<sup>38</sup> FERRARI DALLE SPADE, 'Papiri ravennati' (cit. n. 36), p. 637.

<sup>39</sup> According to Hans Julius Wolff, it is an eastern custom adopted by Roman law; H. J. WOLFF, 'Der byzantinische Urkundenstil Ägyptens im Lichte der Funde von Nessana und Dura', *RIDA* 8 (1961), pp. 115–154, esp. p. 138.

ly, the picture presented in *P. Ital.* I 4–5 is in agreement with the description found in the *Pauli Sententiae* (which will be discussed later). However, there must have been differences between East and West. One of them may have concerned the registration of documents, for according to *Nov.* 115 pr., public archives were lacking in the East. In Egypt they were replaced by the private archives of great estates, or by church archives.<sup>40</sup> However, the owners of those archives were often members of the imperial bureaucracy, and the recording of certain documents may well have been within their remit. Unfortunately, not a single document attesting the official opening of a will contemporary with the Ravenna protocols has survived from Egypt, which makes it difficult to draw any conclusions about the similarity of the opening procedures between East and West.

## 2. INITIATION OF THE PROCEDURE

In the case of both local and Roman wills, it was a private individual who was in charge of initiating the procedure. Local wills were both drafted and deposited in the office of the *agoranomos*,<sup>41</sup> although the *agoranomos* issued an official certificate, known as the *ἐκδόσιμον τῆς διαθήκης*, to the testator.<sup>42</sup> This *ekdosimon* was then entrusted with a private individual, where it remained until the testator's death; after the testator had died, the keeper of the will (usually a close relative) initiated the opening procedure with a petition.

Petitions for the opening of a will were based on a template. They began with a dating clause which was followed by a presentation of the addressee, the name of the testator, notification of his or her death, and

<sup>40</sup> P. SARRIS, 'Lay archives in the late antique and Byzantine East: the implications of the documentary papyri', [in:] W. BROWN, M. COSTAMBEYS, M. INNES & A. KOSTO *et alii* (eds.), *Documentary Culture and the Laity in the Early Middle Ages*, Cambridge 2013, pp. 17–35, esp. p. 23.

<sup>41</sup> This does not mean, however, that the text was written in the office. Wills could be drafted by a private scribe and then brought to the office of *agoranomos*. See NOWAK, 'Village or town' (cit. n. 22).

<sup>42</sup> EL-MOSALLAMY, 'Revocation of wills' (cit. n. 6), p. 60. Cf. *P. Fouad* I 32; *P. Mert.* II 75; *P. Oxy.* XLIV 3166.

a statement that the testator had entrusted the supplicant with the *ekdosimon*.<sup>43</sup> This was followed by a request for the will to be opened. Sometimes the names of witnesses and the amount of the fee paid were also listed.<sup>44</sup>

In Roman legal practice proceedings were also initiated on the request of the individual with whom the testator had entrusted the original copy of his or her will. One example is the record of a case brought to Apollonios, the *strategos* of the Arsinoite nome (BGU I 361; perhaps Ptolemais Evergetis, AD 184),<sup>45</sup> concerning the opening of a Roman will made for a certain Tiberinus. One of the parties was Cassius, who claimed to be the relative with whom the testator had entrusted his will. The second party was a minor son of the deceased, Isidoros, assisted and supported by Longinus, his maternal brother. Isidoros was probably the only person eligible to inherit *ab intestato* after his father Tiberinus, and that was presumably why he and his brother tried to prevent the opening of the will. By

<sup>43</sup> *P. Mert.* II 75, ll. 9–17: Δημητρία Ἀχιλλᾶτος τοῦ Παάπιος, μητρὸς Σαραπούτος, ἀπὸ τῆς[ς] αὐτῆς πόλεως, θεμένη διὰ τοῦ ἐνθάδε ἀγορανομείου τῷ Φαρμούθι μηνὶ τοῦ ἐνεσ[τῶ]τος κα (ἔτους) ἐπὶ σφραγίδων διαθήκην καὶ παραθεμένη μ[ο]ι τὸ ταύτης ἐγδόσιμον, ἐτελεύτησεν.

‘Demetria, daughter of Achilles son of Paapis, whose mother was Sarapous, from the same city, having made this sealed will in this very *agoranomeion* in the month of Pharmouthi of the present 21st year, and having entrusted me with its *ekdosimon*, is dead now.’

<sup>44</sup> *P. Mert.* II 75, ll. 17–32: ὅθεν ἐπιφέρων τοῦτο ἀξιῶ λυθῆναι παρόντων πρὸς τὴν λύσιν ἀπὸ τῶν μαρτύρων Σαραπάμμων{α} ὅς Σαραπίωνος καὶ Σαραπάμμω(νος) Διδύμου καὶ Ἀχιλλίωνος Ἀμόιτος καὶ Θέωνος Θέωνος τοῦ Ποτάμωνος, τῶν τεσσάρων ἀπὸ τῆς αὐτῆς πόλεως. διέγραψα δὲ τὰς ἐπὶ τὸ αὐτὸ [–c. 8–] (δραχμάς) ἰς. (ἔτους) κα Αὐτοκράτορος Καίσαρ(ος) Μάρκου Αὐρηλίου Κομμόδου Ἀντων(ίνου) Σεβαστοῦ Εὐσ[ε]βούς Ἀρμενιακοῦ Μηδικοῦ Π[α]ρ[θ]ικοῦ Σαρματικοῦ Γερμανικοῦ Β[ρε]τανικοῦ Μεγίστο(υ), Ἐπειφ η.

‘Therefore I bring it and request that it be opened, there being present at the opening, out of witnesses: Sarapammon son of Sarapion, and Sarapammon son of Didymos, and Achillion son of Amois, and Theon son of Theon son of Potamon, the four from the same city. I have paid 16 drachmae for this purpose. In the 21st year of Emperor Caesar Marcus Aurelius Commodus Antoninus Augustus Pius Armeniacus Medicus Parthicus Sarmaticus Germanicus Britanicus Maximus. Epeiph 8.’

The same pattern is to be found in *P. Fouad* I 32; *P. Oxy.* XLIV 3166. *CPR* XXIII 3, *SPP* XX 14 (the Arsinoite nome, AD 188) are based on a very similar, although not identical scheme.

<sup>45</sup> See P. SCHUBERT, ‘BGU I 361 et P. Gen. inv. 69: retour sur l’encre rouge’, *Archive* 51 (2005), pp. 228–252, esp. pp. 232–235; J. CROOK, *Legal Advocacy in the Roman World*, London 1995, p. 86.

questioning the authenticity of the seals and the legality of their recognition, they called into question the authenticity of the entire will. The document provides many details relating to the procedure of opening; it discusses such elements of the routine as the deposition of the will and the initiation of the opening.

*BGU I 361, ll. 16–23: συγγενὴς τοῦ ἡμετέρου μέλλων τελευτᾶν τ[ὸν] βίον Ῥωμαῖος ὢν διαθήκην γράψας μετ[ε]πέμψατο αὐτὸν καὶ ἐδεήθη αὐτοῦ ταύτην ἔχειν παρ' ἑαυτῷ, ἐντειλάμενος, ἐπὰν τελευτήσῃ, προκομίσαι καὶ ἀξιῶσαι λύ[εσθ]αι, ἵνα τὸ βούλημα αὐτοῦ φανερὸν γέ[ν]ηται.<sup>46</sup>*

The same scheme can be found in the third-century petition of Antonia Serenilla, the widow of a Roman soldier. The woman addressed Aurelius Resus, the *strategos* of the Arsinoite nome, with a petition to open the will of her late husband, introducing herself as the keeper of his will.<sup>47</sup>

As these documents demonstrate, the depositors of wills were private individuals,<sup>48</sup> and they were responsible for initiating the procedure imme-

<sup>46</sup> 'Our relative approaching death, being Roman, wrote a will, and sent for him (Cassius), and wanted him to have it (the will) with him and commanded to produce it after his (the testator's) death and request that the will be opened so that his will would become manifest.'

<sup>47</sup> *P. Lond.* II 171 b, p. 175 = *M. Chr.* 309, ll. 10–21: ἐπεὶ ὁ ἀνὴρ μου Σερῆν[ο]ς στρατιώτης ὢν ἀπ[ι]ῶν εἰς τὴν ἰδίαν οὐξ[ι]λλατί[ο]να εἰς Θηβαίδα [παρ]έθετό μοι διαθήκην α[ὐ]τοῦ ἐσφραγισμένην, τοῦτον δὲ νῦν) ἔμαθον τετελευτηκέναι, ἀναγκαίως ταύτην ἐπιφέρουσα ἀξιῶ λυθῆναι ἐπὶ σοῦ κατὰ τὸ ἔθος πρὸς τὸ δύνασθαι γνῶναι τὸ ἐνγεγραμμένον βούλημα.

'Since my husband, who was a soldier, went to his *vexillatio* to the Thebaid and deposited with me his sealed will, and now I have discovered that he had died, bringing the will immediately I request that it be opened before you according to the custom so it would be possible to know the written will.'

The problem of whether this will could be classified as a *testamentum militis* must remain unsolved. All preserved testaments composed for Roman soldiers in Egypt fulfilled requirements of the regular Roman will.

<sup>48</sup> Wills of Caesar, Antony, and Augustus were entrusted with Vestal Virgins (Suet. *Iul.* LXXXIII; Plut. *V. Ant.* LVIII 3; AMELOTTI, *Il testamento*, p. 183). These are, however, examples as exceptional as the testators themselves. In one case a *nomikos* was entrusted with a will: *BGU* II 388 (the Arsinoite nome, AD 197). R. TAUBENSCHLAG, 'The legal profession in Greco-Roman Egypt', [in:] *Festschrift Fritz Schulz*, Weimar 1951, pp. 188–192, esp. p. 191 (reprinted in: *Opera minora* II, Warsaw 1959, pp. 159–166). Roman wills, like

diately after the death of the testator. In the event of negligence on the part of the depositor, the praetor (or an appropriate provincial official) could issue an *interdictum de tabulis exhibendis* on the request of any interested party.<sup>49</sup> If the keeper of a will failed to initiate the procedure, he or she could face the same punishment as counterfeiters, on the basis of *lex Cornelia*.<sup>50</sup> This penalty is also mentioned in *BGU I* 361.<sup>51</sup>

Rules regarding the initiation of the procedure remained unchanged after the abolition of *vicesima*, as demonstrated in the records of proceedings before the Egyptian *logistes* in Oxyrhynchos during the reign of Licinius (*P. Oxy.* LX 4075).<sup>52</sup> The document is fragmentary, but there can be no doubt that it records the opening of a will. It refers to the fact that the will was drawn up by a person close to death, that witnesses were present, and that the document was subsequently deposited, most probably with the person who had initiated proceedings before the *logistes*.

A comparable example may be found in another fourth-century document from Oxyrhynchos (*P. Oxy.* LIV 3758), which contains records of var-

local ones, were usually entrusted with friends or relatives of the testator, but they could also be entrusted with officials, who kept them in public buildings, such as *tabularia*. This method guaranteed additional protection for the tablets but did not make them a public deed. See F. ARCARIA, 'Per la storia dei testamenti pubblici romani', [in:] *Studi per Giovanni Nicosia I* [= *Università di Catania. Pubblicazioni della facoltà di giurisprudenza* 214.1], pp. 163–239, esp. p. 181.

<sup>49</sup> AMELOTI, *Il testamento*, p. 184. On *interdictum de tabulis exhibendis*, see ARCHI, 'Interesse privato e interesse pubblico' (cit. n. 10), pp. 347–356. The *interdictum* did not serve to verify the document, but was only an instrument to compel the keeper of the tablet to initiate the procedure. See *DRP II*, p. 484.

<sup>50</sup> ARCHI, 'Interesse privato e interesse pubblico' (cit. n. 10), p. 386. On the subject of forged wills, see O. F. ROBINSON, 'Aspect of *falsum*', *TR* 30 (1992), pp. 29–38.

<sup>51</sup> *BGU I* 361, p. 2, l. 26 – p. 3, l. 1: ἔπει δὲ [το]ῦτο οὐκ ἐποίησιν, ἵσως κωλυόμενοι ὑπὸ τιμῶν, ἀναγκαίως ἐνέτυχέν σοι, ἀξ[ι]ῶν αὐτο[ῦς] μεταπεμφθῆναι, ὑποδεικνὺς ὅτι α[ὐτοῖς] πρόστιμον ὥρισθη, ἐπὰν διαθήκη ἄλν[τος] μείνη.

'Since they did not do that – perhaps somehow hindered – he had to appeal to you asking to summon them, explaining that the penalty would be imposed on them, if the will remained unopened.'

It is interesting that in the *Syro-Roman Book of Law* there are analogous sanctions against those who would hide a will. It appears to say that they meet the same punishment at those who falsify books (§ 28).

<sup>52</sup> On dating, see commentary to *P. Oxy.* LX 4075.

ious cases pending before the *logistes*. Among them, two concern the opening of wills (ll. 134–155; 181–213). The papyrus confirms that the initiation of the procedure did not change, even though the official in charge of the opening had.<sup>53</sup> A private individual acted as the keeper of the will and that same individual had to address an official in order for the will to be opened.

*P. Oxy.* LIV 3758, ll. 187–193: προσκαλεσάμενος τὸν αἰδεσιμώτατον Καπιτωλῖνον βουλευτὴν τῇσδε τῆς πολιτείας ἐνεχείρησεν ἐντολὰς παρασχ[ό]μενος εἰ τοῦ βίου ἀπέλθοι ἐπενεγκεῖν τῇ σῇ ἐντρεχέῃ κατὰ τὸ ἔθος πρὸς τὸ λυθῆναι καὶ γνωσθῆναι τὰ ἐν αὐτῷ γεγραμμένα. τούτου ἕνεκα ἐνταῦθα ἀπήντησεν τὴν ἐκείνου γνώμην ἀποπληρῶν καὶ ἀξιοῖ τὴν λύσιν τοῦ βουλήματος κατὰ νόμους γενέσθαι. ὁ λογιστὴς εἰ(πεν)· τί λέγει ὁ παρὼν Καπιτωλῖνος; σοὶ παρέθετο ὁ ἀναπαυσάμενος τὸ γραμμάτιον τοῦτο; ἀπεκρ(ίνατο)· ναί.<sup>54</sup>

Thanks to the protocols from Ravenna, we know that the procedure remained largely unchanged during the fifth and sixth centuries. Each of the protocols recorded in *P. Ital.* I 4–5 begins with a dating clause and a list of people in whose presence the opening took place, followed by a record of the statement from the depositary, who addressed the official with a declaration that the already deceased testator had drawn up his will and entrusted his testament to the depositary. Finally, the protocols feature a request that the will be opened and read.<sup>55</sup> Similar information, albeit less detailed,

<sup>53</sup> See also *P. Oxy.* LXIII 4354, a petition for the opening of a will. The pattern of the text is close to the one known from the local petitions discussed earlier in this section. It begins with the date and address; information about the testator and a statement of death follow; after them we find a request for opening. In contrast to documents relating to the opening of local wills, there is no mention of any witnesses or fees, but the similarity to the template presented earlier is undeniable.

<sup>54</sup> ‘... after he summoned Capitolinus, the most venerable *bouleutes* of this community, he provided him with his instructions, entrusting him in the case of his death with their presentation to Your Experience as is customary so that what was written therein might be opened and read. For this reason he has presented himself here fulfilling (Besarion’s) wish and requests that the opening of the will should take place in accordance with the laws. The *logistes* said: “What does Capitolinus, here present, say? Did the deceased deposit this document with you?” He answered: “Yes”’ (transl. *P. Oxy.* LIV, with minor changes by MN).

<sup>55</sup> *P. Ital.* I 4–5, B IV, ll. 8–11: ‘Severus v(ir) s(pectabilis) d(ixit): ante hoc u(bi) sanctus ac venerabilis vir Aurelianus, episc(opus) sanctae eccl(esiae) catholic(a)e Ravennatis, dum

appears in the will of Flavius Phoibammon. Until it was time for the will to be opened, it had to remain in the hands of private individuals, in this case the sons and heirs of the testator (*P. Cairo Masp.* II 67151, ll. 13–15).

Not only were the depositaries charged with initiating the opening procedure with the appropriate office, but they were also responsible for bringing the witnesses. In those cases where the witnesses proved elusive, the official came to the depositary's aid (D. 43.5.3.9).<sup>56</sup> An example is preserved in *BGU* I 361:<sup>57</sup> when Cassius was unable to call the witnesses together, he turned to the *strategos* for help.<sup>58</sup>

In those cases where there were no witnesses – if, for instance, they had died or moved too far to be called back – the depositary had to ensure the presence of *virī honesti*. The emperors Valerian and Gallienus issued a *responsum* to a question posed by certain Alexander concerning the will of his father: the father had deposited the will with his son while abroad, and then died. The son asked whether he could bring the will back from the place where his father had died and open it back home. The answer was positive, but since the will had been made far from the place where it was to be opened, it would have been difficult to bring the

ultimis urgeretur, condidit cartulam suae voluntatis, quam a se vel a testibus completam atque signatam praesentibus hisdem testibus mihi credidit commendandam, quamque prae ‘manibus’ gero; peto la(udabilitatem) v(estram), uti eandem a competenti officio suscipi iubeatis et ostendi, ut, ‘si’ signacula vel superscriptiones suas recognoscunt, singuli absque sui iniuria edicere dignentur; deinde eam resignari praecipiat, linum incidi, aperiri et per ordinem recitari faciat, quo voluntas defuncti possit agnosci.’

‘Severus, *vir spectabilis*, said: before that, when pious Aurelianus, *vir venerabilis*, bishop of the holy catholic church of Ravenna, had been approaching death, he made a document of his will, which was completed by him or witnesses and sealed with seals of the present witnesses and entrusted to my custody and this I keep in my hands. I ask Your Excellency to order to open it and reveal through a proper office and, if (the witnesses) recognise the seals and subscriptions, and they are decided that (the will) could be published without any harm, then, You, order to break the seals, cut the string, open (the will) and read it out so that the will of deceased is manifest.’

<sup>56</sup> R. MARTINI, ‘Sulla presenza dei signatores all’apertura del testamento’, [in:] *Studi in onore di Giuseppe Grosso* I, Turin 1968, pp. pp. 483–495, esp. p. 492. Silvia SCHIAVO, *Il falso documentale tra prevenzione e repressione. Impositio fidei, criminaliter agere, civiliter agere*, Milan 2007, p. 21.

<sup>57</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 401.

<sup>58</sup> *BGU* I 361, p. 2, l. 26 – p. 3, l. 1 quoted above in n. 51.

original witnesses. In the event that Alexander was unable to provide the original witnesses, he could petition a proper rector of province and bring *virī honesti* as a substitute (C. 6.32.2, AD 256).

### 3. FEES

A further issue related to the opening procedure is the fee. In the documents concerning Roman wills there is no mention of fees; however, the opening of a will would have involved the payment of a tax, at least during the period that the *vicesima hereditatum* was in existence, although some people were exempt.<sup>59</sup>

Peregrines, for instance, did not pay the tax, although they did pay a relatively small fee for opening the will;<sup>60</sup> this fee is known to us from a number of documents, including *P. Oxy.* XLIV 3166, ll. 26–27: διεγράψα δὲ τὰς ἐπὶ τὸ αὐτ[ὸ] τῆς λυ[σε]ως (δραχμας) ις ('I have paid 16 drachmae for the opening of the will'). The fee is also mentioned in two other documents from the Oxyrhynchite nome – *P. Fouad* I 32, ll. 29–30, and *P. Mert.* II 75, l. 26. The amounts listed in the papyri are different: *P. Fouad* I 32 gives a figure of twelve drachmae, while *P. Mert.* II 75 and *P. Oxy.* XLIV 3166 give sixteen. It is possible that the amount of the fee depended on the value of the inheritance.

Similarly, in late antiquity a fee for recording the will was required; the fee, however, was not necessary if the inheritance did not exceed the value of one hundred aurei (Justin I: C. 6.23.23). It is not clear whether these fees replaced the tax, or appeared some time after its abolition.

<sup>59</sup> The documents recording the payment of *vicesima* are not numerous. See *P. Oxy.* VIII 1114; *ChLA* V 277 = *P. Mich.* VII 435 and 440 = *CPL* 190 and 219 = *CEL* I 153 (provenance unknown, 2nd c. AD); *P. Ross. Georg.* II 26 (Arsinoite nome, AD 160). There are also the already discussed attestations of wills opened in *statio*: *ChLA* X 412; *BGU* I 326; *BGU* XIII 2244, but none of them records the actual payment. Persons exempted were the closest cognates, surely parents and children, but it is not certain who else was granted immunity. After BEUTLER, 'Der *Idios Logos* in römischer Zeit' (cit. n. 23).

<sup>60</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 406.

## 4. WITNESSES

Witnesses were an essential element of the opening procedure, for they safeguarded the authenticity of the will. Their role was especially important in the opening of Roman wills, which were composed without the intervention of any official and deposited privately; their authenticity thus depended almost entirely on the declarations of the sealers. Witnesses were summoned to the opening of a will in order to recognise their seals and, in doing so, to confirm the authenticity of the document. The surviving protocols record who was present at the opening and who recognised their seal; in addition to a copy of the will, the protocols contain the date and place of the opening, as well as a list of witnesses. The names of some witnesses were annotated with the information that a witness recognised their seal – *adgnovi*.<sup>61</sup>

The same practice existed for local wills. In the preserved protocols we read the following template: ἐγνώρισα τὴν ἰδίαν μου σφραγίδα οὖσαν γλύμματος ... καὶ ἐσφράγισα τῇ αὐτῇ σφραγίδι.<sup>62</sup> Both Roman and local legal practice required the witnesses to be present and to recognise their seals in order for the will to be opened. Nevertheless, there are differences between the two procedures. The local one seems more rigorous in this respect. Not only were the witnesses required to describe their seal, but the confirmation was written in the witness' own hand. Such rigorosity is difficult to understand, especially as local wills – unlike their Roman counterpart – were public, and their authentication depended at least partly on the notary with whom the will had been deposited.

The role of witnesses in the opening of the will remained unchanged after the *Constitutio Antoniniana*. This should come as little surprise, as the nature of Roman will did not undergo any significant changes. The will remained a private deed and proof of authenticity was required in order for it to be opened. Fourth-century records of proceedings before the *logistes* from Oxyrhynchos demonstrate that the procedure had changed slightly since the first centuries of the Roman rule in Egypt. Not only did

<sup>61</sup> *ChLA* X 412; *P. Mich.* VII 439 (?); *PSI* XIII 1325; *BGU* XIII 2244; *BGU* I 326; *P. Diog.* 10.

<sup>62</sup> *P. Oxy.* III 494, ll. 33–44; *P. Köln* II 100, ll. 35–40.

the witnesses have to be present to recognise their seals, but they also needed to acknowledge their recognition with a signature.

*P. Oxy.* LIV 3758, ll. 145–150: ὁ λογι(σ)τῆς εἰ(πεν)· πόσοι εἰσ[ι] σφραγισταί; Διογένης εἰ(πεν)· ἑπτὰ, τέσσαρες δὲ πάρισι. ὁ λογι(σ)τῆς εἰ(πεν)· ὑπο- γ[ρ]α[ψάτωσαν] [οἱ] τέσ[σα]ρ[ε]ς ἐ[πεγνω]κέ[ναι] ἐ[α]ν[υ]τῶν τὰς σφραγίδας καὶ τῶν παρόν[των] σφραγιστῶν ὑποσημιωσαμένων ἐπεγνωκέ[ναι] ἑαυτῶν τὰς σφραγίδας, ὁ λογι(σ)τῆς εἰ(πεν)· λυθήτω τὸ γραμμάτιον κ[αὶ] ἀνα- γνωσθήτω.<sup>63</sup>

A procedure described about two hundred years later in the *gesta municipalis* from Ravenna (*P. Ital.* I 4–5) is almost identical. The document contains records of six will-opening protocols, all of which are based on a common pattern.<sup>64</sup> Each protocol contains the dialogue between an official, the keeper of the will, and the witnesses. After the keeper of the will spoke petitioning for the opening of the document, the official accepted the request saying: ‘Suscipiatur carta testamenti, quae offertur, et testes praesentes (testibus praesentibus) ostendatur’ (‘the presented document of will is received and displayed in the presence of witnesses’). The next step was to present the document to the witnesses who recognised their seals and subscriptions: ‘Cumque carta testamenti suscepta fuisset et testes praesentes ostensa [name of witness] dixit: Constat me in hoc testamento interfuisse, in quo agnosco signaculum anuli mei, superscriptionem meam, et infra subscripsi’ (‘when the document of will had been accepted and presented to a present witness [name], he said: “it is certain that I have taken part in making this will, on which I recognise the seal of my ring, my signature, and I have signed below it”’). The pattern was repeated by the remaining witnesses present at the ceremony. The official then asked whether they recognised the seals and signatures of absent witnesses: ‘Quid de alio teste, cuius signaculum superscriptionem inprexam

<sup>63</sup> The *logistes* said, “How many signatories are there?” Diogenes said, “Seven, and four are present.” The *logistes* said, “Let the four subscribe that they have recognised their own seals.” When the signatories who were present had subscribed that they had recognised their own seals, the *logistes* said, “Let the document be opened and read” (transl. *P. Oxy.* LIV, with minor changes by MN).

<sup>64</sup> The reconstruction offered by Jan-Olof Tjäder, see commentary to *P. Ital.* I 4–5.

vidimus?’ (‘What about the other witness, whose seal and signature affixed we have seen?’), to which the witnesses present answered: ‘Constat [name] una nobiscum in hoc interfuisse testamento, in quo agnoscimus anuli eius signacula, superscriptionem, sed nunc absens est’ (‘It is certain that [name] has taken part in the making of this will, on which we recognise the seal of his ring and his signature, but he is absent now’). Finally, the official ordered the opening: ‘Quoniam de agnitis signaculis vel superscriptionibus testium responsio patefecit, nunc carta testamenti resignetur, linum incidatur, aperiat et per ordinem recitetur’ (‘Since the answer concerning the recognition of seals and signatures was given by the witnesses, now let the document of will be unsealed, let the string be cut and let [the will] be opened and read aloud’).

In both local and Roman legal practice, those who had witnessed to the will also took part in the opening. However, the rules were slightly different for Romans and non-Romans; we have already seen that they were more rigorous in local practice. A similar rigour may be observed with regard to the number of witnesses required for a will to be opened. In the case of local wills it was four, a number attested in three petitions for opening<sup>65</sup> as well as in two opening protocols.<sup>66</sup>

In addition, there is evidence to suggest that during the opening procedure at least one witness could be replaced by another person. In the protocol of the opening of a will made for Taarpaesis alias Isidora (*P. Köln* II 100, ll. 37–38), the last signature on the protocol did not belong to one of the original witnesses, but rather to an individual who participated in the opening of the will in order to confirm the authenticity of the seals and the document. The signature, in other words, belonged to a substitute: Theon son of Onophris was allowed to sign the protocol on the grounds that he knew the original witness, Apollonios son of Horos, could recognise his seal, and could confirm that it was indeed Apollonios who had affixed it to the will. This solution must have arisen out of necessity. Indeed, it must often have been the case that many years passed between the composition of the will and the death of the testator; during

<sup>65</sup> *P. Mert.* II 75; *P. Fouad* I 32; *P. Oxy.* XLIV 3166.

<sup>66</sup> *P. Köln* II 100; *P. Oxy.* III 494.

this time, witnesses might relocate or simply die. However, the need for a substitute in such cases suggests that the process of opening may have been difficult, or even impossible, when the witnesses and/or substitutes were fewer than four.

Roman law did not place such requirements on the wills of Roman citizens. Indeed, the opening procedure could take place even in the absence of witnesses, as long as they recognised the will which had been sent to them. In these cases the will was opened in the presence of *optimae opinionis viri*, and later sent to the original witnesses who would confirm that they recognised it. Gaius describes this procedure in the seventh book of the *Commentary on the Provincial Edict*.<sup>67</sup> The opinion of Gaius is repeated in the *Pauli Sententiae* (P. S. 4.6.2), in which *virī honesti* – men of good repute – are mentioned as an alternative to regular witnesses.

Numerous texts referring to witnesses in the Roman procedure have survived. In a copy of the will of Gaius Longinus Castor the presence of three witnesses is noted (*BGU I* 326). On the other hand, it seems that only one witness participated in the recognition of the will of Sabina Apollonarian (*PSI XIII* 1325).<sup>68</sup> Other documents are not always precise

<sup>67</sup> D. 29.3.7: 'Sed si quis ex signatoribus aberit, mitti debent tabulae testamenti ubi ipse sit, uti agnoscat: nam revocari eum adgnoscenti causa onerosum est. Quippe saepe cum magna captionē a rebus nostris revocatur et sit iniquum damnosum cuique esse officium suum. Nec ad rem pertinet, unus absit an omnes. Et si forte omnibus absentibus causa aliqua aperire tabulas urgeat, debet proconsul curare, ut intervenientibus optimae opinionis viris aperiantur et post descriptum et recognitum factum ab isdem, quibus intervenientibus apertae sunt, obsignentur, tunc deinde eo mittantur, ubi ipsi signatores sint, ad inspicienda sigilla sua.'

'If any of those who sealed is absent, testamentary tablets shall be sent there where he is in order for him to recognise, for summoning him to recognise (the will) is troublesome. Obviously, we are often recalled with a big loss for our affairs and it is unjust if someone's duty causes financial loss. It does not matter whether one is absent or all. And if there is an urgent need for the opening the tablets in the absence of all (witnesses), a proconsul must provide that the tablets are opened in the presence of men of very good repute; and after being copied and recognised by those in whose presence they were opened, they shall be sent to the place where the same people who signed are, in order for them to examine their seals.' Cf. C. 6.32.2 (pp. 86–87).

<sup>68</sup> According to Martini, *επεγν*[---] appearing in the text following a name should be read as *ἐπέγν[ωσαν]*, and should be applied to all the persons mentioned in the mancipatory clause; MARTINI, 'Sulla presenza' (cit. n. 56), p. 488. Such an interpretation, however, is not supported by the sources.

enough to allow us to determine the number of original sealers present during the opening.<sup>69</sup> Some protocols mention simply that the will was opened in the presence of the largest possible number of witnesses, τοῦ πλείονος μέρους τῶν σφραγιστῶν / *plurima parte signatorum*.<sup>70</sup> From these documents we may wish to conclude that the number of witnesses at the opening was flexible. On one hand, it was desirable to assemble as many witnesses as possible; at the opposite extreme, however, even one witness was sufficient.

Only in the case of Tiberinus do we find evidence of a controversy arising from an insufficient number of witnesses present at the opening. A representative of the testator's son pointed out that only four witnesses appeared, even though there were seven seals; therefore, the number of witnesses present to recognise their seals should have been seven.<sup>71</sup> However, while he acknowledged that the low number of witnesses was suspicious, he neither supported his declaration with any legal precedent, nor did he call the situation unlawful.<sup>72</sup> It is also worth noting that the rhetor representing Tiberinus' son was trying to prove that the opening was unlawful so that his client would receive the inheritance through intestate succession.<sup>73</sup> To achieve this goal, he claimed that the will was forged and

<sup>69</sup> MARTINI, 'Sulla presenza' (cit. n. 56), p. 490.

<sup>70</sup> *P. Hamb.* I 73; *P. Oxy.* XXII 2348; *P. Diog.* 10.

<sup>71</sup> SCHUBERT, 'BGU I 361 et P. Gen. inv. 69' (cit. n. 45), p. 234.

<sup>72</sup> Based on BGU I 361, Elisabeth Meyer concluded that Romans made wills reluctantly, because they were concerned with difficulties that accompanied their opening. This view obviously cannot be maintained, because – as the sources discussed in this section illustrate – the opening of wills happened almost 'automatically'. Elisabeth A. MEYER, *Literacy, Literate Practice, and the Law in the Roman Empire, AD 100–600*, New Haven 1988 (unpublished doctoral dissertation), p. 78.

<sup>73</sup> BGU I 361, col. III, ll. 13–17: καὶ περὶ τῆς διαθήκης δὲ ἀποκρίνομαι, ὅτι ἐν πάσαις τ[αῖς δια]θήκαις ἑπτὰ εἰσιν σφραγισταί. εἰ οὖν ἐκεῖ ἐν ταύτῃ ἑπτὰ ἔσ[φραγι]σαν, ἡκέστωσαν καὶ τὰς σφραγίδας αὐτῶν πρότερον ἐπιγν[ώτω]σαν. εἰ δὲ ἀπὸ τῶν ἑπτὰ τέσσαρες ἐνθάδε εἰσὶ καὶ νομικὸς[...βή]ματος ἔρχεται ἀξιῶν λυθῆναι τὴν διαθήκην, οὐκ ἐν ὀλίγῃ ὑπ[ο]ψία] γε[ῖ]νομαι.

'I answer about this will that in all wills there are seven sealers. Then, if seven did seal this one, they shall come and first recognise their seals. Now, if there are four out of seven here and a *nomikos* comes to the tribunal asking for the will to be opened, it raises my suspicion.'

part of the inheritance had been stolen. The small number of witnesses was only part of a larger argument to support his accusation. According to the attorney, one of the seals had been replaced (τοῦ σφραγιστοῦ ἢ σφραγὶς ἡλλάγη) and another was missing (ἀλλὰ καὶ ἐτέρ[ου] ... λίγ[ον] σφραγιστοῦ ἐν Ἀλεξανδρείᾳ νῦν διατρίβοντος ἢ σφρ[αγίς] [ο]ὕκ ἐπείκειτ[αι]).<sup>74</sup> Thus, while the number of witnesses required for the opening of a will was not specified in Roman law, a number that was lower than the number of seals could be used to call the validity of the opening into question.

The jurisprudential sources report that Roman law was flexible not only with regard to the number of witnesses, but also to the recognition of seals. If a seal was not recognised, it did not preclude the opening of the will, as mentioned in Book XVII of the *Commentary on the Provincial Edict* of Gaius<sup>75</sup> – D. 29.3.1.2: ‘Si quis neget sigillum suum agnoscere, non ideo quidem minus aperiuntur tabulae, sed alias suspectae fiunt.’<sup>76</sup>

In general, Roman legal practice had fewer requirements than local practice with regard to the number of witnesses. Therefore, the custom of bringing four witnesses to confirm the authenticity of a document, known to us from the papyri from Oxyrhynchus, was neither the result of Roman law influencing local practice, nor of new standards imposed by Roman authorities.<sup>77</sup>

After the Roman and local procedures were unified, it was the liberal Roman attitude that prevailed. Even though the protocols from Ravenna confirm that most of the witnesses participated in the opening of the wills (in some cases even all of them, as in *P. Ital.* I 6), a text from Oxyrhynchus dated to the sixth or seventh century confirms the presence

<sup>74</sup> SCHUBERT, ‘BGU I 361 et P. Gen. inv. 69’ (cit. n. 45), p. 235.

<sup>75</sup> MARTINI, ‘Sulla presenza’ (cit. n. 56), p. 492. See SCHIAVO, *Il falso documentale* (cit. n. 56), p. 22.

<sup>76</sup> ‘If someone claims that he does not recognise his seal, it is not a reason to not open the tablets, but nevertheless they become suspicious.’

<sup>77</sup> According to Uri Yiftach, local practice adopted the Roman way of opening wills, and so is an entirely unique phenomenon when compared to the prevailing trend in Egypt, where usually local legal solutions were adopted into Roman legal practice: U. YIFTACH-FIRANKO, ‘Law in Graeco-Roman Egypt: Hellenization, fusion, romanization’, [in:] R. BAGNALL (ed.), *The Oxford Handbook of Papyrology*, Oxford 2009, pp. 541–560, esp. p. 554.

of only two witnesses at an opening (*P. Oxy.* I 131).<sup>78</sup> This papyrus, which refers to a will that may have been oral, is a petition to settle a dispute concerning the inheritance from a deceased father. The petitioner notes that, after the death of his father, he brought two witnesses before the officials<sup>79</sup> and, on this basis, the provisions in the will were implemented.<sup>80</sup> If we are in fact dealing with an oral will, this would demonstrate the tremendously liberal nature of the Roman procedure; after all, witnesses to an oral will not only confirmed that the will was drafted, but they also revealed its content.

## 5. NOMIKOS

In *BGU* I 361 we find an interesting detail which is not otherwise attested in juridical sources: the papyrus mentions a *nomikos* as a participant in the procedure.<sup>81</sup> In addition, *P. Oxy.* LIV 3758 mentions that a notary attended the opening of the will in order to confirm that he prepared it; ll. 196–197: ὁ λογιστῆς εἰ(πεν)· [τίς ἐστὶν ὁ συστη]σάμενος ταβελλίων; Ποιμ[ένιος ῥ(ήτωρ)] εἰ(πεν)· ἐγώ.<sup>82</sup>

In this particular case, the *tabellio* is a rhetor who appeared before the *logistes* representing the keeper of the will. Also in the previous document (*BGU* I 361, ll. 13–17) it is likely that the rhetor who took part in the pro-

<sup>78</sup> On the document, see J. URBANIK, ‘Compromesso o processo? Alternativa risoluzione dei conflitti e tutela dei diritti nella prassi della tarda antichità’, *Symposion* 2005, pp. 377–400, esp. pp. 389–390.

<sup>79</sup> On *μείζονες*, see A. A. SCHILLER, ‘A Coptic dialysis’, *TR* 7 (1927), pp. 432–453, esp. p. 447.

<sup>80</sup> *P. Oxy.* I 131 (Patani, 6th–7th c. AD), ll. 12–17: καὶ ἰδοὺ τρία ἔτη σήμερον ἂν’ ὅτε ἀπέθανεν, ἅμα δὲ ἀπέθανεν παρεγενάμην πρὸς Ἀβραάμιον τὸν μείζονα Κλαυδιανοῦ, καὶ παρήνεγκεν τοὺς μάρτυρας το[ύ]ς εὐρεθέντας ἐπάνω τοῦ πατρός μου, τοῦτ’ ἔστιν, Ἰούλιον τὸν πρεσβ(ύ-τερον) καὶ Ἀπολλών, κα[ὶ] πρ[ὸ]ς τὴν φωνὴν τοῦ πατρός μου ἐποίησεν γενέσθαι.

‘See, today it has been three years since he died. When he died, I came to Abraamios, *meizon* of Klaudianos, and I brought the witnesses who were with my father; those are Ioulios, presbyter, and Apollos; and he (Abraamios) made the words of my father happen.’

<sup>81</sup> *BGU* I 361, ll. 13–17. See above, n. 73.

<sup>82</sup> ‘The *logistes* said, “Which *tabellio* is the one who has established (the will)?” Poimenios, rhetor, said: “I”.’

ceedings was also the author of the document. Indeed, the presence of a *nomikos* would have been useful in the event of any doubts regarding the interpretation of the will after it had been read aloud; the *nomikos* would thus have served to confirm the content of the will.

It is certainly possible that a *nomikos* could have performed the double role of witness and scribe, as the law did not expressly prohibit it (D. 28.1.27). This is clear from a passage of Celsus, preserved in the *Digesta*. After being asked if the person who wrote down a testament could also act as a witness, the jurist replied: ‘non intellego quid sit, de quo me consuleris, aut valide stulta est consultatio tua: plus enim quam ridiculum est dubitare, an aliquis iure testis adhibitus sit, quoniam idem et tabulas testamenti scripserit’ (‘Either I do not understand your question, or your question is stupid, for it is more than ridiculous to think that the person who had written the testamentary tablets could not also be legally summoned to witness [the will]’).

In one source from late antiquity we find an analogous (although not identical) example: a Visigothic testamentary pattern commands that the scribe, who was also the keeper of the will, was to make sure that the document was introduced into *acta curiae* following the death of the testator (MGH, *Formulae* 21).<sup>83</sup> However, we do not know whether the text is simply repeating a legal rule, or testifying to an exceptional situation.

## 6. THE DOCUMENT

After the authenticity of the tablets – or, later, of the document written on papyrus, parchment, or paper – had been confirmed,<sup>84</sup> the seals were broken, the strings were cut, and the will was read aloud<sup>85</sup> in the presence

<sup>83</sup> TAYLOR, ‘Testamentary publication’ (cit. n. 37).

<sup>84</sup> Taylor described this first stage as ‘proof’. TAYLOR, ‘Testamentary publication’ (cit. n. 37).

<sup>85</sup> The principle was to read the whole will, and an exception was *substitutio pupilaris*. It could be written on a separate tablet and left closed until the person who was at that point a minor reached maturity or died. G. 2.181; D. 29.3.8. Olga Eveline TELLEGEN-COUPERUS, *Testamentary Succession in the Constitutions of Diocletian*, Zutphen 1982, p. 51.

of an official, as described in the text of *Pauli Sententiae* (*P. S.* 4.6.1).<sup>86</sup> The opening of a local would have probably followed a similar procedure. Unfortunately, we possess no detailed description, such as the one preserved in the *Pauli Sententiae*, dealing specifically with local wills; the procedure, however, may be reconstructed through an examination of various surviving documents.

After the will had been read aloud, two types of documents were produced: a protocol and further copies; the original remained in the archive.<sup>87</sup> This is illustrated by the surviving protocols from the opening of local wills, such as the protocol from the will of Akousilaos son of Deios (*P. Oxy.* III 494). The testator entrusted the *ekdosimon* (possibly in the testator's own hand, ll. 30–33) to a private keeper after depositing the original in the *agoranomeion*. The protocol was perhaps written on this *ekdosimon*. The document includes the content of the will in an abbreviated form<sup>88</sup> and the signature of Akousilaos confirming that it was written in his own hand; at the bottom there are four original signatures of the witnesses confirming that they had recognised their seals.

Another document based on a similar pattern is the protocol from the opening of a will made for Taarpaesis alias Isidora (*P. Köln* II 100). The entire text, including the signatures of the witnesses, was written in the same hand, while underneath (as in *P. Oxy.* III 494) there are four signatures from the witnesses in four different hands confirming the authenticity of the will. Each signature (ll. 35–40) confirms that the witness recognised the seal he had placed on the original will (*P. Köln* II 100) when it was sealed, and confirmed this very fact by placing his signature on a copy, which subsequently became the opening protocol.

One further example is *P. Strab.* VI 546, which is copy of a will from the Arsinoite nome. The text is poorly preserved, but copies of the signatures of witnesses are nonetheless legible, along with the date on which

<sup>86</sup> ARCHI, 'Interesse privato e interesse pubblico' (cit. n. 10), p. 376.

<sup>87</sup> NOWAK, 'Dryton's wills' (cit. n. 2), p. 245.

<sup>88</sup> It lacked the copies of witnesses' subscriptions which must have been present in the original document. Even if the will had not contained their signatures, it would have been furnished with the list of sealers. In the discussed document both are missing, thus we could assume that in this case the *ekdosimon* was an abbreviated copy of the original.

the will was opened. Another copy of the signatures with which the witnesses confirmed their recognition of the will followed. The structure of the document is therefore the same as in the previous two documents.

Based on the surviving evidence we may describe the procedure as follows: the original was deposited at the office of the *agoranomos* as soon as the testator had completed writing the will; depositing the original was one of the requirements by which the will became valid. The testator then entrusted an official copy (*ekdosimon*) with a private individual, who brought it back to the *agorameion* after the testator's death. The witnesses were summoned and asked to recognise their seals, after which the will was opened and the protocol was made. The protocol was written down on the *ekdosimon* and signed by the witnesses who attended the opening; it was then deposited in the office of the *agoranomos*,<sup>89</sup> while the heirs and other interested parties were provided with copies of the original.<sup>90</sup>

In Roman wills, by contrast, the original tablets (*αὐθεντικόν*) remained in the hands of the heirs as their property,<sup>91</sup> as illustrated in *P. Laur.* I 4 (ll.

<sup>89</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 406.

<sup>90</sup> A papyrus published in 1997 by Mohamed el-Ashiry, *SB XXIV 16001* (Karanis, AD 168), may be another example of a protocol. Its structure differs from the examples known from Oxyrhynchus, as the document begins with a complete dating clause followed by a description of the deed (*ἐκ τῆς λυθείσης αὐθεντικῆς [διαθήκης]*). Further on, we find another dating clause, which this time refers to the opening of the document. It is followed by the content of the dispositions and fragmentary signatures or a list of witnesses. Below, there are poorly preserved traces of notes written by an official (probably a declaration that the document was recognised from the original or an official copy), and information that someone signed the document and delivered it to the *bibliophylax* of the Arsinoite nome (*[παρα]ῖδδει καὶ ὑπογράφει βιβ[λιοφύλαξι] Ἀρσινοεῖ[του]*).

This would be an interesting example of a copy of a will written down during the opening, if only we could rely on the reconstruction and interpretation of the phrase proposed by the editor, *ἐκ τῆς λυθείσης αὐθεντικῆς [διαθήκης]*. Unfortunately, the reconstruction is doubtful, as such a phrase does not appear in other papyri. Moreover, based on other features of the document we cannot be certain whether we are dealing with a will or rather a donation in the event of death or an agreement – even though, despite the title of the article, the editor is sure that the document is a copy of a will. See M. EL-ASHIRY, 'Donatio mortis causa', *Bulletin of Ain-Shams University Center of Papyrological Studies and Inscriptions* 14 (1997), pp. 87–97.

<sup>91</sup> ARCHI, 'Interesse privato e interesse pubblico' (cit. n. 10), p. 365.

13–14). Further copies (*ἀντίγραφα*)<sup>92</sup> were based on the opened tablets and faithfully translated into Greek<sup>93</sup> or transcribed in Latin on the papyrus.<sup>94</sup> At the opening a protocol was produced based on the following pattern:<sup>95</sup> the main part of the protocol was an exact copy of the will;<sup>96</sup> this was followed by information concerning the opening, including the date and place at which the opening occurred. This information, however, was not always precise and was sometimes limited merely to the town or city in which the will was opened. There is often a statement that the will was opened in the presence of witnesses,<sup>97</sup> followed by the list of those present; there could also appear a full list of witnesses, and the information who was present was added to proper names.<sup>98</sup> In a few instances the will specifies only that it was opened in front of as many witnesses as possible.

Among the surviving documents preserved on papyrus, we find texts written in both Latin and Greek.<sup>99</sup> The former, according to Mario Amelotti, were authentic and official protocols; the Greek texts, on the other hand, would have been further copies produced for private use, and would have been of a secondary character to the Latin copies.<sup>100</sup> This assertion, however, seems doubtful. There is nothing that would have excluded Latin from acting as the language for further copies, nor Greek from being used for the official protocol, as demonstrated in *BGU I* 326.<sup>101</sup> At the end of this

<sup>92</sup> Terminology observed by Naphtali Lewis: N. LEWIS, 'Notationes legentis', *BASP* 27 (1990), pp. 37–41, esp. p. 37.

<sup>93</sup> ARANGIO-RUIZ, *La successione*, p. 227.

<sup>94</sup> ARCHI, 'Interesse privato e interesse pubblico' (cit. n. 10), p. 378. Although most of the preserved testamentary tablets have been interpreted as fragments of original wills, we should not exclude the possibility that copies could have been written on tablets too. The only fully preserved tablets, *FIRA III* 47, are undoubtedly the original will.

<sup>95</sup> *P. Hamb.* I 73; *CbLA X* 412; *BGU VII* 1655; *PSI XIII* 1325; *BGU XIII* 2244; *BGU I* 326; *P. Diog.* 10; *P. Oxy.* XXII 2348; *P. Laur.* I 4.

<sup>96</sup> The signatures of witnesses were not reproduced, which could also be interpreted as a proof that they were not added to wills; see Appendix 3.

<sup>97</sup> AMELOTI, *Il testamento*, pp. 187–188.

<sup>98</sup> *BGU XIII* 2244; *P. Diog.* 10; *P. Oxy.* XXII 2348; *P. Laur.* I 4.

<sup>99</sup> *CbLA X* 412; *P. Mich.* VII 439; *P. Oxy.* LII 3692.

<sup>100</sup> AMELOTI, *Il testamento*, pp. 188–189.

<sup>101</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 398.

document there is a note from the *nomikos*, the legal expert, stating that he had translated the copy in accordance with the original, ll. 22–23: ἡρμήνευσα τὸ προκείμενον ἀντίγραφον καὶ ἔστιν σύμφωνον τῇ ἀuthεντικῇ διαθήκῃ. When preparing BGU I 326, the *nomikos* would have used the original tablets of the veteran's will and would have been preparing the protocol rather than a further copy. Moreover, on the *verso*, we find a surviving fragment of the description – [Γ]αί[ου] Λογγεῖνον Κ[άσ]τορος. This fragment reveals that the document was to be stored in an archive. According to Amelotti, protocols were recorded and kept in archives, and could serve as *exempla* for further copies<sup>102</sup> issued for different purposes.<sup>103</sup> This hypothesis seems plausible, as a record of the protocol could be useful for both private citizens and officials; it could, for example, serve as a proof for the payment of *vicesima* or for various claims. BGU I 326 would appear to fulfil all the requirements of an official protocol from the public archive, and could thus be considered to be a surviving example of this type of document.

Protocols began to disappear at some point during the mid-third century. The last preserved protocol is *P. Laur.* I 4 from AD 246; by AD 276 the protocol was no longer a part of the procedure: a copy of a will made for Aurelius Hermogenes (*P. Oxy.* VI 907, l. 28) contains only a brief sentence stating the year and place in which the will was opened.<sup>104</sup> Eventually, the original replaced the protocol in the archives; a passage from *P. S.* 4.6.1 specifies that the testament should be placed in the archive after it was opened, so that its content would be preserved even if the copies were lost.

Wills were recorded in public archives perhaps as early as the late third century.<sup>105</sup> However, the records of proceedings before the *logistes* in Oxyrhynchus suggest that this may not always have been the case.

*P. Oxy.* LIV 3758, ll. 150–155: καὶ γραμματίου Τανεχῶντι δ' ὅς ἀπὸ τῶν αὐτόθι λυθέντος 'καὶ ἀναγνωσθέντος' κεχρονησμένου εἰς 'τῇ[ν] [[αὐτῇν]]

<sup>102</sup> AMELOTI, *Il testamento*, p. 190.

<sup>103</sup> Cf. *P. Ross. Georg.* II 26; *PSI XIII* 1325. AMELOTI, *Il testamento*, p. 190.

<sup>104</sup> *FIRA III* 52 is a fifth-century copy, but perhaps not a protocol.

<sup>105</sup> ARCARIA, 'Per la storia' (cit. n. 48), p. 192.

ἐνεστῶσαν' ὑπατείαν, Φαμενώθ κ, μετὰ τὴν ἀνάγνωσιν ὁ λογι(στὴς) [ε]ῖ-  
(πεν)· τὸ [μ]ὲν σῶμα τῆς κ[ατο]ιχομένης τῇ ὁσίᾳ παραδοθήσεται· οἱ δὲ ἐν-  
γεγραμμένοι κληρονόμοι φροντιοῦ[σ]ι τὰ ἀντίγραφα διδόντες τοῦ βουλευ-  
ματίου λ[α]μβάνειν τὸ αὐθεντι[κόν].<sup>106</sup>

The text is not entirely clear and can be interpreted in two ways. Either the testamentary heirs were given the will because they were the owners of the document (D. 10.2.4.3), or they were provided with the testament only in order to make copies, but were obliged to return it to the office of the *logistes* once the copies had been made. While the text as we have it does not allow us to draw any firm conclusions, accepting the former interpretation would certainly suggest that the procedure was not always consistent in every part of the Roman Empire.

Evidence for wills being recorded in the public archives during the fourth century can be found in a constitution issued for Africanus, *praefectus* of Constantinople, by the emperors Arcadius and Honorius in AD 397 (C. Th. 4.4.4). The consequences of neglecting to register the will were severe. According to both the constitution ('irritam mortuorum videri faciet voluntatem') and the *Interpretatio* ('si vero mortuorum voluntates actis reservatae non fuerint, nihil valebunt'), an unregistered will was invalid.<sup>107</sup> Registration was the final step in the opening procedure and wills were to remain in the archives forever, as illustrated by the protocol from Ravenna, in which we find copies of wills made over a century earlier (P. Ital. I 4-5).

Fortunately, one example of a will recorded in the archive has survived. The document comes from Ravenna and it was created in AD 575 (P. Ital. I 6). The procedure must have been as follows: the will was opened after the death of the testator and authentication was carried out on the original which was subsequently stored in the public archive.<sup>108</sup> At the bottom of

<sup>106</sup> 'When the document of Tanechontis, who was from here, was opened and read out dated to this current consulate, Phamenoth 20, after the reading out the *logistes* said: "The body of the deceased will be given for a funeral, the appointed heirs will see to it that they provide copies of the will when they obtain the original ..."' (transl. P. Oxy. LIV, with minor modifications by MN). See also LEWIS, 'Notationes legentis' (cit. n. 92).

<sup>107</sup> ARCARIA, 'Per la storia' (cit. n. 48), p. 199.

<sup>108</sup> FERRARI DALLE SPADE, 'Papiri ravennati' (cit. n. 36), p. 635.

the preserved papyrus there are signatures of the testator and seven witnesses, including one in Greek. A further note tells us who wrote the will and which notary carried out the *completio*, that is, who asked the testator whether the content of the document was in accordance with his wishes.<sup>109</sup> The next note was made when the will was opened. It is a *subnotatio*<sup>110</sup> of the official, stating that the will was opened in front of him on a specific day (ll. 30–33). This *subnotatio* confirms that the document was opened legally.<sup>111</sup> Another note follows, this time from the notary in whose office the will was composed; he confirms that the document was created in his *statio*, and that he himself carried out *completio* and *absolutio* (ll. 37–40).

After a large empty space we find the *notitia testium* – a list of signatures from the witnesses who participated in the opening of the will. It comes perhaps as no surprise that the *notitia* contains the signatures of all seven witnesses, as less than two months had passed between the time the will was drafted and the death of the testator. The signatures are very brief: they consist of the witness' name, a brief description, and a statement confirming the act of signing. At the end of the document we find a description of the will, which contains information about the testator, the dates of composition and opening, and the names of the officials who took part in the procedure (ll. 44–47). The signatures of the witnesses are repeated on the *verso*, albeit in an abbreviated form. It is interesting to note that the signatures were placed vertically one after another.

Unfortunately, no similar example from Egypt or the East has been preserved. To some extent, this is due to the state of sources. Some of the surviving documents were never enforced, as is the case with *P. Cairo Masp.* II 67151, which was either a draft or an exercise; other documents, such as the will of Gregory of Nazianzus, are copies of wills made a long time after the original. The majority of texts are poorly preserved and the information they provide is limited.<sup>112</sup> In such cases, the preserved frag-

<sup>109</sup> M. AMELOTI, G. COSTAMAGNA, *Alle origini del notariato italiano* [= *Studi storici sul notariato italiano* 2], Rome 1975, p. 35.

<sup>110</sup> FERRARI DALLE SPADE, 'Papiri ravennati' (cit. n. 36), p. 635.

<sup>111</sup> FERRARI DALLE SPADE, 'Papiri ravennati' (cit. n. 36), p. 635.

<sup>112</sup> *P. Oxy.* VI 990; *P. Hamb.* IV 264; *P. Athen.* 31; *P. Bodl.* I 47; *P. Vat. Aphrod.* 7; *P. Cairo Masp.* III 67312.

ments do not allow us to state with any certainty whether a document was an original, a copy,<sup>113</sup> or a draft.

Some of the original wills containing subscriptions of the testator, the witnesses, and even the scribe, are mutilated at the bottom, making it impossible to determine where and how the text ended.<sup>114</sup> Only *P. Oxy.* XVI 1901 and *P. Lond.* III 1308, p. LXXII, are preserved to the extent that we may conclude that nothing was added after the witnesses' clauses. However, this is not sufficient proof that wills were not recorded in Egypt. The two documents did not necessarily have to be opened, and even if they were, the ways of annotating such documents may have been different in Egypt and Ravenna.

Yet some of the wills come from private or semi-private archives, such as the documents from the Dioskoros' archive. Some, like *P. Cairo Masp.* III 67324, were even reused. These observations would seem to support the current scholarly consensus that public archives did not exist in Egypt in late antiquity. A sceptical reader, however, might suggest that the wills from Aphroditos and Antinoopolis were drafts which the notary kept as a source of writing material, or as a template for further documents.

## CONCLUSION

Our sources allow us to make several observations. Firstly, it would seem that the Roman procedure described in the papyrological and juridical sources developed only after the *vicesima* had come into force. The procedure was closely associated with this tax and consisted, as Archi points out, of three stages: authentication (*aperire*), reading aloud (*recitare*), and recording (*in archivum redigere*).<sup>115</sup> This remained essentially unchanged for seven centuries; although some elements were introduced in the second century, the process remained consistent from the very end of the first century BC until the seventh century – at least in Egypt and Ravenna –

<sup>113</sup> *FIRA* III 52 is certainly a copy, perhaps made for private use.

<sup>114</sup> *P. Köln* X 412; *P. Oxy.* XX 2283; *SB* XVIII 13740; *SB* VI 9402.

<sup>115</sup> ARCHI, 'Interesse privato e interesse pubblico' (cit. n. 10), p. 372.

even after the abolition of the *vicesima*. While the details of the procedure were subject to inevitable modifications, these were usually related to administrative reforms and changes to the way that documents were recorded. Such modifications may thus be attributed to general changes in Roman law.

An additional conclusion concerns the procedure for opening local wills. The preserved sources indicate that this process did indeed have many features in common with the Roman procedure. However, it is difficult to say how significant this relationship may have been, and almost impossible to determine whether there was a direct influence or merely some common features between the two. Our evidence suggests that the local procedure had already been in place before the beginning of Roman rule in Egypt.

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## CHAPTER THREE

# TESTAMENTARY MODEL IN LATE ANTIQUITY

## INTRODUCTION

IN THE TIME OF THE REPUBLIC there were individuals, versed in law to some extent, who earned their living by drafting legal deeds, including wills (Cic. *De leg.* I 4.14). The existence of such specialists should not surprise us, since the rules governing wills were complicated and anyone unfamiliar with them would have encountered significant problems with the correct formulation.<sup>1</sup> Of course, not all of these specialists would have possessed sufficient legal knowledge<sup>2</sup> to draft a document on their own; they had access to templates containing generic clauses and blank spaces into which names, dates, and other important elements could be inserted.<sup>3</sup> The popularity of these templates would have continued into the Roman imperial period; some examples – including a bronze tablet inscribed with a formula for drafting *fiducia cum creditore*<sup>4</sup> – have even survived to the present day.

<sup>1</sup> M. AVENARIUS, 'Formularpraxis römischer Urkundenschreiber und *ordo scripturae* im Spiegel testamentsrechtlicher Dogmatik', [in:] M. AVENARIUS, C. MÖLLER & R. MEYER-PRITZL (eds.), *Ars iuris. Festschrift für Okko Behrends zum 70. Geburtstag*, Göttingen 2009, pp. 13–41, esp. p. 16.

<sup>2</sup> AVENARIUS, 'Formularpraxis' (cit. n. 1), p. 18.

<sup>3</sup> M. AMELOTI & G. COSTAMAGNA, *Alle origini del notariato italiano* [= *Studi storici sul notariato italiano* 2], Rome 1975, pp. 10–12.

<sup>4</sup> *Formula Baetica* (FIRA III 92). Mario Amelotti observed that the mistakes in some

The popularity of these templates in antiquity extended well beyond the legal sphere. Similar formulae were applied in magic and cultic practices, and there were ready-made patterns available for prayers and incantations. Perhaps the best proof for the popularity of patterns is the fact that the term *δεῖνα*, the placeholder word which appeared in the forms where a real name was to be written, had its own symbol in papyri.<sup>5</sup> In magical and religious papyri, which required perfect accuracy in order to be effective, the use of pre-set formulae would have made a great deal of sense. Yet there were many other groups of texts based on templates, including epitaphs and even letters. The existence of legal deeds based on patterns – especially more complicated deeds, such as wills – is an obvious extension of this phenomenon.

One of these testamentary templates has been preserved (*P. Hamb.* I 72), although it is incomplete. However, based on the similarities between surviving wills (both originals and copies) and this document, there can be little doubt that the wills were based on a common template.<sup>6</sup> Mario Amelotti, in his 1966 monograph, attempted a reconstruction of the testamentary pattern circulating in the Empire until the mid-third century. He suggested that a standard will would have contained the following elements: an identification clause, *heredis institutio*, a *cretio* clause, a disinheritance and codicillary clause, minor dispositions, a *dolus* clause, a *mancipatio* clause, and a dating clause.<sup>7</sup> Amelotti has also observed that this model began to change in the third century; in the present chapter we shall examine this transformation.

documents had to result from the application of forms. This is perhaps the case in texts where the parties were women, but the grammatical forms were masculine. AMELOTTI & COSTAMAGNA, *Alle origini* (cit. n. 3), p. 13. See above, pp. 21–22.

<sup>5</sup> See A. C. MOORHOUSE, 'The origin and use of *O, H, TO ΔΕΙΝΑ*', *CQ* n.s. 13 (1963), pp. 19–25.

<sup>6</sup> AVENARIUS, 'Formularpraxis' (cit. n. 1).

<sup>7</sup> AMELOTTI, *Il testamento*, pp. 111–190. The material for the reconstruction comes mainly from Egypt, which raises questions about its representativeness. However, there are two arguments in favour of the said reconstruction. The formulation of the particular clauses is based on the wording known from doctrinal sources of Roman law, especially the *Institutiones* of Gaius (as illustrated below). Furthermore, a Roman will discovered outside of Egypt, in Wales, has a structure similar (in so far as the state of preservation of the document allows us to state) to the one known from Egypt. AVENARIUS, 'Formularpraxis' (cit. n. 1), pp. 20–23.

The changes in the testamentary model noticed by Amelotti were the result of a more general phenomenon that started with the *Constitutio Antoniniana*,<sup>8</sup> a constitution which conferred Roman citizenship on most free inhabitants of the Empire and thus made them subject to Roman law. We find evidence of these changes in the third- or fourth-century treatises on epideictic oratory attributed to Menander of Laodicea. Józef Modrzejewski has observed that the author of the treatises gave lectures on such subjects as how to praise the *polis*. According to the commentary, one of the virtues attributed to the *polis* was ‘practical wisdom’ (*phronesis*), a virtue which manifested itself in the fair and sensible laws (e.g. concerning inheritance) enacted by the officials of the city. According to Menander, however, this criterion had lost its relevance, since ‘public officials in the cities of the East no longer exercised practical wisdom in framing their own laws and legal procedures, because the inhabitants of their cities used the universal laws of the Romans’<sup>9</sup> ([Ps-] Menander, *Treatise* I 3.364.10–16). Later in the same work, the author provides a list of reasons why emperors should be praised, and among them appears ‘practical wisdom’, the virtue reflected in legislative activity ([Ps] Menander, *Treatise* I 3.375).<sup>10</sup>

But did Roman law actually take the place of the local law? According to the great papyrologist and legal historian Ludwig Mitteis, the *Constitutio Antoniniana* was a deliberate attempt to replace local laws with Roman law.<sup>11</sup> This thesis, however, has been called increasingly into question as

<sup>8</sup> On the date and content of the *Constitutio Antoniniana*, see F. MILLAR, ‘The date of the *Constitutio Antoniniana*’, *JEA* 48 (1962), pp. 124–131; H. WOLFF, *Die Constitutio Antoniniana und Papyrus Gissensis 40 I*, Cologne 1976; A. ŁUKASZEWICZ, ‘Zum P. Giss. 40 I 9 (*Constitutio Antoniniana*)’, *JfJrP* 20 (1990), pp. 93–101; J. MÉLÈZE MODRZEJEWSKI, ‘Un empire universel’, [in:] IDEM, *Droit et justice dans le monde grec et hellénistique* [= *JfJrP Supplement* 10], Warsaw 2011, pp. 477–496.

<sup>9</sup> Caroline HUMFRESS, ‘Laws’ empire: Roman universalism and legal practice’, [in:] P. DU PLESSIS (ed.), *New Frontiers: Law and Society in the Roman World*, Edinburgh 2013, pp. 73–101.

<sup>10</sup> J. MÉLÈZE MODRZEJEWSKI, ‘Ménandre de Laodicée et l’Édit de Caracalla’, [in:] *Symposium* 1977, pp. 335–364 (reprinted in: *Droit impérial et traditions locales*, Aldershot 1990, pp. 325–363); HUMFRESS, ‘Laws’ empire’ (cit. n. 9), pp. 73–74.

<sup>11</sup> L. MITTEIS, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs*,

scholars have devoted more attention to the edict of Caracalla and to the extent to which it may have influenced legal practices within the Roman Empire.<sup>12</sup> Legal historians have also questioned whether Roman law forcibly supplanted local legal practice, or rather seeped into different areas of social life as a result of voluntary and selective adaptation by individuals, who, after the *Constitutio Antoniniana*, earned the right (not the obligation) to make use of *ius civile*.<sup>13</sup> After all, in Egypt and in the Roman East, alternatives to Roman law were well established both in law and local customs.<sup>14</sup> In the present study we will also address this problem, although we will first need to look at what kind of problems the *Constitutio Antoniniana* caused in testamentary practice, how those problems were solved, and how this new situation influenced the testamentary model in late antiquity.

Perhaps the most obvious problem that would have arisen in the aftermath of Caracalla's edict would have been the issue of language. A valid Roman will, as a formal act based on *mancipatio*, had to be performed in Latin.<sup>15</sup> This rule appears in the *Gnomon of the Idios Logos* (BGU V 1210, ll.

mit Beiträgen zur Kenntniss des griechischen Rechts und der spätrömischen Rechtsentwicklung, Leipzig 1891, pp. 160–166.

<sup>12</sup> U. YIFTACH-FIRANKO, 'Law in Graeco-Roman Egypt. Hellenization, fusion, romanization', [in:] R. BAGNALL (ed.), *The Oxford Handbook of Papyrology*, Oxford – New York 2009, pp. 541–560.

<sup>13</sup> HUMFRESS, 'Laws' empire' (cit. n. 9).

<sup>14</sup> Cf., e.g., HUMFRESS, 'Laws' empire' (cit. n. 9); J. MÉLÈZE MODRZEJEWSKI, 'What is Hellenistic law? The documents of the Judaean Desert in the light of the papyri from Egypt', [in:] R. KATZOFF & D. M. SCHAPS (eds.), *Law in the Documents of the Judaean Desert*, Leiden 2005, pp. 7–21; K. TUORI, 'Legal pluralism and the Roman empires', [in:] J. W. CAIRNS & P. DU PLESSIS (eds.), *Beyond Dogmatics. Law and Society in the Roman World*, Edinburgh 2007, pp. 39–52.

<sup>15</sup> The exception was the *testamentum militis*, because it was free from all formalities. Soldiers were allowed to make wills in any manner they wished (D. 29.1.1 pr.), even with a sword in the dust (C. 6.21.15.1). Also the vast majority of the requirements and laws on testamentary succession did not apply to wills made by and for Roman soldiers. Cf. A. BERGER, *Encyclopedic Dictionary of Roman Law*, Philadelphia 1955, p. 734; R. TAUBENSCHLAG, 'Die kaiserlichen Privilegien im Rechte der Papyri', *ZSS* 70 (1953), pp. 272–298 (reprinted in: *Opera minora* II, pp. 45–68); B. BIONDI, *Successione testamentaria e donazioni*, Milan 1956, p. 73; AMELOTI, *Il testamento*, pp. 81–110.

35–37, saying that if a sentence was added to a Roman will that dispositions in Greek should be valid, such a will was void; see above, p. 40).

The exception was the *fideicommissum*, which could be written in Greek without affecting the validity of either the *fideicommissum* or will; cf. G. 2.281: ‘Item legata Graece scripta non valent; fideicommissa vero valent’ (‘legacies written in the Greek language are not valid; *fideicommissa*, however, are valid’).<sup>16</sup>

But did the obligation of making a will in Latin translate into any degree of familiarity with the language on the part of the testators? Thanks to papyri, we know that even before AD 212 the use of written Latin in Egypt was limited to the Roman army, official correspondence, and certain Roman legal documents. Even those who had been granted citizenship before the *Constitutio Antoniniana* were often unable to read or write in Latin.<sup>17</sup> The original wills of Roman citizens were usually drafted by a professional scribe or a *nomikos*,<sup>18</sup> a legal expert; however, the number of scribes well versed in law was not especially high.<sup>19</sup> A Roman citizen who wanted to make a testament would have expressed his or her will to a scribe in Greek; the scribe would have then translated the wishes of the testator into Latin and put them in a proper testamentary form. Once the will had been written down, the scribe would have translated it back into Greek, and read it to the testator, so that the testator would understand the content of the will. A Greek draft could be drawn up at the same time as the original Latin version, allowing the testator to confirm that he understood the text of his will as it had been translated.<sup>20</sup> In addition, copies of the wills were almost always made in

<sup>16</sup> Cf. *Tit. Ulp.* 25.9. Joëlle Beaucamp, ‘Tester en grec à Byzance’, [in]: *Eupsychia: Mélanges offerts à Hélène Ahrweiler*, Paris 1998, pp. 97–107, esp. p. 99. In turn, the *Digesta* mention that *fideicommissa* could be made not only in Latin and Greek, but also in other languages (D. 32.11.pr.).

<sup>17</sup> BEAUCAMP, ‘Tester en grec’ (cit. n. 16), p. 98.

<sup>18</sup> AMELOTI, *Il testamento*, p. III; AVENARIUS, ‘Formularpraxis’ (cit. n. 1), pp. 16–20.

<sup>19</sup> R. S. BAGNALL, *Egypt in Late Antiquity*, Princeton 1996, pp. 231–234.

<sup>20</sup> As perhaps in *P. Oxy.* XXII 2348, ll. 49–51, and *P. Oxy.* XXXVIII 2857, ll. 34–37. The testator confirmed with his own Greek signature that he read the Greek copy of his will and it was written according to his wish.

Greek.<sup>21</sup> Because the copy was often the only proof that an individual had obtained property through inheritance, the document had to be written in a language that was familiar to its holder, so that it could be read and translated easily.

The situation would have grown even more complex in the aftermath of the *Constitutio Antoniniana*. The number of non-Latin-speaking citizens within the Empire would have risen dramatically, making it difficult to preserve the ancient requirements of Roman law which specified Latin as the language of testaments.<sup>22</sup> If these requirements had been upheld, either the majority of wills made by the new non-Latin-speaking citizens would have been void under Roman law, or these 'new Romans' would have had to abstain from making wills. It was therefore necessary to reach a compromise between contemporary local needs and ancient Roman customs.

The author of this compromise was Alexander Severus, who issued a constitution allowing wills to be composed in Greek.<sup>23</sup> Although the constitution of Alexander Severus itself has not survived, we are able to reconstruct its content using other textual sources. We cannot be certain whether the law applied only to Egypt, to the East,<sup>24</sup> or to the whole of the Empire;<sup>25</sup> nor are we able to determine the exact date of the consti-

<sup>21</sup> See *P. Oxy.* XXXVIII 2857; *BGU* VII 1655; *PSI* XIII 1325; *BGU* I 326; *P. Select.* 14; *P. Hamb.* I 73; *P. Diog.* 9; *P. Oxy.* XXII 2348; *P. Oxy.* VI 907.

<sup>22</sup> R. CRIBIORE, 'Higher education in early Byzantine Egypt: rhetoric, Latin, and the law', [in:] R. S. BAGNALL (ed.), *Egypt in the Byzantine World. 300–700*, Cambridge 2007, pp. 47–66, esp. p. 58. It is noteworthy that in the late Empire Latin ceased to be the language of the army. So far, no one has conducted research collating the number of Latin documents drafted in the first three centuries of Roman rule in Egypt (after subtracting from the entire body of texts those associated with the Roman army) with the number of Latin texts from the late Empire.

<sup>23</sup> The only earlier example is the privilege extended to Epicurus, who was allowed to make his will in Greek: *CIL* III 12283.

<sup>24</sup> According to Max Kaser, it was only for Egypt: *DRP* I, p. 687, n. 14. However, the argument that the constitution (or at least its later version) could have been released in the East, is the will of Gregory of Nazianzus, drawn up in Greek around AD 381.

<sup>25</sup> About the constitution and the language of wills, see BEAUCAMP, 'Tester en grec' (cit. n. 16); B. ROCHETTE, 'La langue des testaments dans l'Égypte du III<sup>e</sup> s. ap. J.-C.', *RIDA* 47 (2000), pp. 449–461.

tution. However, it appears that the content of the law was reproduced some two centuries after its initial publication.

*N. Th.* 16.8 (AD 439): Illud etiam huic legi perspicimus inserendum, ut, quoniam Graece iam testari concessum est, legata quoque ac directas libertates, tutores etiam Graecis verbis liceat in testamentis relinquere, ut ita vel legata relictas vel libertates directas tutoresve dati videantur, ac si legitimis verbis ea testator dari fieri observarique iussisset, Florenti, parens carissime atque amantissime.<sup>26</sup>

Although *N. Th.* 16 does not mention the author by name, it is not unreasonable to suggest that the novel refers to the constitution of Alexander Severus (or perhaps some later reiteration). The content of the law quoted in *N. Th.* 16 is certainly consistent with descriptions of the constitution known to us from five papyri,<sup>27</sup> four of which were collected by Bruno Rochette.<sup>28</sup> The first is the will of a man from the Herakleopolite nome drafted on 5 April AD 235, which provides us with a *terminus ante quem* for the constitution.<sup>29</sup> It states explicitly that the will was made in Greek according to the imperial order of the lord emperor Marcus Aurelius Severus Alexander Augustus Felix Pius (*SB* I 5294, ll. 12–15). Not only is the document written in Greek, but it also follows none of the Roman legal requirements for a will (we shall return to this point later); the author, however, remained convinced that he had made a Roman will.

While the other four papyri repeat the same dispositions of the constitution, they do not mention the law explicitly. In the will of Aurelius Her-

<sup>26</sup> 'We perceive that this provision also must be inserted in this law, namely that since it has already been granted that testaments can be made in Greek, it shall be permitted to leave in testaments written in Greek words legacies also and direct grants of freedom, and even tutors. Thus, it shall appear that the legacies have been left and the direct grants of freedom or the tutors have been given, as if the testator has ordered in the statutory words that these things should be given, done, and observed, Oh, Florentius, dearest and most beloved Father.'

<sup>27</sup> BEAUCAMP, 'Tester en grec' (cit. n. 16), p. 99.

<sup>28</sup> ROCHETTE, 'La langue des testaments' (cit. n. 25), pp. 454–456. See also KRELLER, *Erbrechtliche Untersuchungen*, pp. 330–333.

<sup>29</sup> The *terminus post quem* is obvious: the beginning of the reign of Alexander Severus.

mogenes, composed some forty years later, information is limited to the simple statement that the testator dictated his will in Greek *κατὰ τὰ συγκεχωρημένα*, ‘in accordance with the permission’ (*P. Oxy.* VI 907, ll. 1–2). In *P. Lips.* I 29 (ll. 16–17) made AD 295, it is only stated that the Greek will is valid, which suggests that the author needed a justification for composing the will in Greek. Another possible reference appears in *P. Strash.* IV 277; the text states that the will was written in Greek on papyrus (l. 3). This passage, however, is a reconstruction based on the surviving text, ἐν χάρτῃ ἐλ[ . Although the reconstruction is justified, it cannot be considered a definite attestation of the constitution. Finally, a document from Oxyrhynchos, drafted in AD 331 for Aurelia Aias (*P. Oxy.* VI 990 descr.), uses the same phrase as *P. Oxy.* VI 907 to describe the language. Thus, of five documents, at least three certainly make reference to the constitution of Alexander Severus. However, there can be no doubt that the language of wills had changed, at least in Egypt, where there is no evidence for the use of Latin in testamentary practice after the *Constitutio Antoniniana*.<sup>30</sup>

The writing materials associated with wills also changed immediately after the edict of Caracalla. Sources indicate that *tabulae ceratae* – which were, for Gaius, the only proper material for writing down the content of a will (G. 2.104) – had been replaced by papyrus<sup>31</sup> probably by the early third century. After that time, there is no further evidence for the use of tablets in testamentary practice.<sup>32</sup> A constitution from the time of Con-

<sup>30</sup> The last Latin copy of a will from Egypt known to me is dated to AD 211: *P. Diog.* 10. However, one cannot exclude that the later Greek copies were based on Latin originals, see above, p. 99. Accepting such a supposition would move the chronological borderline to the end of the third century, because after the third century we deal mostly with Greek originals from Egypt.

<sup>31</sup> An exception could be *P. Oxy.* VI 907, which is a copy drawn up during the opening of the will of Aurelius Hermogenes. The document is structured like documents written during the opening ceremony of Roman wills recorded on tablets.

Papyrus: *PSI* VI 696; *PSI* IX 1040; *SB* I 5294; *P. Princ.* II 38; *P. Oxy.* VI 990; *P. NYU* II 39. The texts are certainly original wills, because they lack not only notes on the opening, but also any other characteristics of copies.

<sup>32</sup> This phenomenon was not limited to wills. In the fourth century, tablets had virtually disappeared from the Egyptian legal practice; see MEYER, *Legitimacy*, p. 213. We cannot determine whether the same happened in other parts of the Roman Empire. After all,

stantine the Great (C. 6.23.15.2) confirms that a testament could be written on any material whatsoever, but it is uncertain how quickly the law followed the practice. Information about the discretionary nature of writing material is repeated two centuries later, in the *Institutiones* of Justinian.<sup>33</sup> The text, however, specifies neither the date nor the circumstances under which this change took place.

The *Constitutio Antoniniana* would have certainly caused confusion in legal practice, and the newly Romanised citizens may well have had difficulty conforming to the standards of Roman law. The composition of deeds that required legal knowledge may have been especially challenging. The language barrier, as we have already noted, was a serious obstacle; a great problem, however, was that people simply did not know how to make a will, and there were few individuals they could ask for assistance. The number of scribes versed in law would not have increased significantly after the *Constitutio Antoniniana*, and certainly not enough to serve so many new Roman citizens. It is therefore not surprising that the constitution on the language of wills led to further changes in testamentary practice. We may assume that this initial concession may have allowed the new citizens to adopt a broad interpretation of other testamentary requirements (as may well have been the case with writing materials). While there were efforts on the part of the state to ensure that wills were made ‘in a Roman way’, the process was obviously too complicated. Instead of trying to make sense of the Roman practices, the new citizens may have started to apply solutions which were either more familiar or simply intuitive. This process would eventually result in the development of a new model for the Roman will; the period between the *Constitutio Antoniniana* and the early fourth century witnessed a transitional phase<sup>34</sup> in Roman testamentary practices.

tablets were a widely used material in the Roman legal practice. See Orsolina MONTEVECCHI, *La papirologia*, Turin 1973, p. 23.

<sup>33</sup> I. 2.10.12: ‘Nihil autem interest, testamentum in tabulis an in chartis membranisque vel in alia materia fiat.’

‘It does not matter whether a testament will be made on tablets, on papyrus or parchment, or any other material.’

<sup>34</sup> Hans Kreller described wills drafted after the *Constitutio Antoniniana*, which were not

During this period, three types of wills were created. One was clearly based on the Roman model, but full of mistakes and inaccuracies. One example is *P. Oxy.* VI 907; although the document is based on a Roman template,<sup>35</sup> it deviates from it in a number of instances. It contains no mancipatory clause, while other clauses, such as *heredis institutio* or *cretio*, are Roman in name only (see below).

A similar text is *P. NYU* II 39: a fourth-century will from Karanis. Although this document was made according to the Roman template for wills based on *mancipatio per aes et libram*, the majority of clauses deviate significantly from their original model, specifically the clause concerning the appointment of heirs (see below, p. 139). Moreover, the text concludes with the signatures of witnesses based on the pattern *μαρτυρῶ τῇ διαθήκῃ καὶ ἐσφράγισα*; the witnesses, in this case, made no attempt to uphold the fiction that they had witnessed the *mancipatio* rather than the document itself.<sup>36</sup>

As the second type of will we can classify the documents made by an individual who could not find a scribe able to draft a Roman will, or who was simply unaware that a Roman will was any different from the local deeds which had been used in their community for ages. To this category belongs *SB* I 5294, a will structured and composed according to the rules governing local wills. It contains many of the elements typical of wills made by non-Romans during the Roman period, and it reproduces the pattern: the dating clause is followed by an introduction asserting the mental capacity of the testator, a clause stipulating the revocability of the will, dispositions (which, as we shall discuss below, cannot be mistaken for the Roman appointment of heir and legacies), a *kyria* clause, and finally the signatures of six (not seven) witnesses.<sup>37</sup> Interestingly, the testator

classified as 'Byzantine', as 'vulgar'. However, these texts should rather be described as 'transitional', since this group includes documents of a completely new structure, and not just based on the *per aes et libram* template. Cf. *SB* I 5294; *P. Princ.* II 38; *P. Oxy.* VI 907; *M. Cbr.* 318; *PSI* IX 1040; *PSI* VI 696; *P. Oxy.* XXVII 2474; *P. Strasb.* IV 277; *P. NYU* II 39. See KRELLER, *Erbrechtliche Untersuchungen*, pp. 330–331.

<sup>35</sup> F. KRAUS, *Die Formeln des griechischen Testaments*, Bornä – Leipzig 1915, pp. 86–90.

<sup>36</sup> AMELOTI, *Il testamento*, p. 233.

<sup>37</sup> For the elements of local wills, see Appendices 1 and 2.

(and author of the deed) was convinced that the will was a valid Roman testament, and expresses this conviction in his signature (ll. 12–13).

The third option was to make a will that fit neither the Roman, nor local patterns. Although the will written for Aurelia Eustorgis (*M. Chr.* 318)<sup>38</sup> contains clear references to both Roman law and local patterns, the document is based on neither model. References to the language of the will, the *ius trium liberorum*, and a date given according to the consular year at the bottom of the document all suggest a Roman will, while the elaborate *kyria* clause would have been more common in local practice.<sup>39</sup> However, there are also numerous elements that seem out of place within a testament: there is a stipulatory clause,<sup>40</sup> greetings addressed to an heir (*χαίρειν*<sup>41</sup>), as well as the epistolary form of the deed. Whoever composed the document did not apply a standard template and was unaware of the rules governing wills, but nonetheless believed that he had written a valid Roman will.<sup>42</sup> Of course, it is impossible to say whether or not this will was effective.

Another will based neither on Roman nor local pattern is *PSI IX 1040*, the testament of Psenamounis son of Harpokras. As in the previous case, the testator was convinced that he had made a Roman will, despite the fact that neither the Roman pattern nor any of the requirements for making a will were applied; the text, moreover, bears no traces of the presence of witnesses. The text is brief; it begins with an introduction explaining that the testator knew letters, and is followed by the appointment of an heir and the emancipation of a slave girl, who is freed from her obligations towards a patron. Part of a house is bequeathed to the girl in question, although with the provision that she is forbidden to lease it, unless to a brother.

This document was published by Vincenzo Arangio-Ruiz in the third volume of *Fontes Iuris Romani Anteiustiniani*, together with other docu-

<sup>38</sup> See AMELOTI, *Il testamento*, pp. 63–64.

<sup>39</sup> AMELOTI, *Il testamento*, p. 236.

<sup>40</sup> AMELOTI, *Il testamento*, p. 237.

<sup>41</sup> AMELOTI, *Il testamento*, p. 237.

<sup>42</sup> AMELOTI, *Il testamento*, p. 237.

ments relating to emancipations (*FIRA* III 10).<sup>43</sup> Livia Migliardi Zingale<sup>44</sup> and the editors of the document agreed that the text was either an abstract or an extract of a will created for the freedwoman.<sup>45</sup> Indeed, the document could hardly be an original, because it was written on the verso.<sup>46</sup> However, the conclusion that this document served as an abstract or an extract made for the freed girl is far from obvious. It could be rather a full copy or a draft of a holograph will. After all, we have already seen one example of a will composed without the assistance of witnesses (*M. Chr.* 318) – although the will of Aurelia Eustorgis was not holographic. Neither of these methods for composing a will were recognised by Roman law at the time when the will was written, but for some reason the author of *M. Chr.* 318 was convinced that her will would be valid even without witnesses. Why then should the author of *PSI* IX 1040 not have reasoned in the same way?

The brevity of the text cannot be used to support the claim that the document was an extract. The content, which includes the appointment of heir, is sufficient. It was not only the rich who made wills, but also individuals with modest means and a small circle of relatives; this is a frequent scenario in papyri, and was probably the case in *PSI* IX 1040.

More importantly, there are no other examples of testamentary extracts from this period.<sup>47</sup> Even if we accept that the dating clause and the signatures of witnesses were deliberately omitted while making a copy, it is difficult to make the same assumption for all of the other formal clauses missing from the document. A copy prepared in this way would have been exceptional. Copies were made to provide evidence of a legitimate title to an estate or to individual items, or acquired privileges gained on the basis

<sup>43</sup> See V. ARANGIO-RUIZ, commentary to *FIRA* III 10.

<sup>44</sup> LIVIA MIGLIARDI ZINGALE, *I testamenti romani nei papiri e nelle tavolette d'Egitto. Silloge di documenti dal I al IV secolo*, Turin 1997 (second edition), p. 95.

<sup>45</sup> See commentary to *PSI* IX 1040.

<sup>46</sup> MIGLIARDI ZINGALE, *I testamenti* (cit. n. 44), p. 96.

<sup>47</sup> Abbreviated copies of Roman wills or their extracts are known from Ravenna (*P. Ital.* I 4–5). Yet, these documents are at least three centuries later and were made under exceptional circumstances; see G. FERRARI DALLE SPADE, 'Papiri ravennati dell'epoca giustiniana relativi all'apertura dei testamenti', [in:] *Studi Bonfante* I, Milan 1930, pp. 633–644, esp. pp. 640–641.

of a properly drafted will; for this reason, the entire text had to be transcribed with great accuracy.<sup>48</sup> It thus seems probable that the papyrus was a fairly accurate representation of the original.

The documents described above suggest that, after the edict of Caracalla and the constitution of Alexander Severus, the practice of making wills began to change. There were documents which followed the Roman model to a greater or lesser extent, but contained numerous inaccuracies and variations. In other documents, however, we may observe both a tremendous flexibility and, in some cases, the absence of any model whatsoever. Therefore, we find it difficult to categorise these deeds within any model; not only do they differ significantly from both local and Roman models, but they also contain traces of both Roman and local testamentary practice. Their common feature is the lack of a repeated structure, and it is difficult to determine whether these wills would have been legally recognised (except for *P. Oxy.* VI 907).

We can assume that a similar situation prevailed in other provinces. By the early fourth century, measures had been taken to free the practice of making wills from the formalism which had become problematic in the aftermath of the *Constitutio Antoniniana*. Constitutions from the time of Constantine (C. 6.23.15. pr. 1; C. 6.37.21; C. 6.21.15.2, Euseb. *V. Const.* IV 26) suggest a certain chaos which would, eventually, have resolved itself into a new testamentary model.

The number of wills representing the Roman testamentary model in late antiquity is not high (twenty-five papyri), but the source material is diverse, and we possess documents from both Egypt and elsewhere, most notably from Nazianzus and Ravenna. This material is further supplemented by documents from the Frankish Kingdom (see Appendix 5). The texts from this group belong to the non-Roman political and legal sphere and thus cannot be identified as Roman wills; however, they are still useful for the study of late Roman law. Not only the Roman population in the Frankish Kingdom continued to apply Roman private law, but in testaments composed for Frankish nobles we also encounter references to

<sup>48</sup> See *P. Oxy.* III 494; *P. Köln* II 100; *BGU* VII 1654; *P. Oxy.* XXXVIII 2857; *P. Select.* 14; *PSI* XIII 1325.

sources of Roman law. In the will of Burgundofara, for instance, we find a mention of the Theodosian Code<sup>49</sup> ('in lege quoque Theodosiana'), while extracts from the *Institutiones* of Gaius managed to find their way into both the will of the son of Idda ('ita do, ita lego, ita testor ...'), and the will of Erminethrude ('ita do, ita ligo, ita testor, ita vos mihi, Quiritis, testimonium prehibetote testanti').<sup>50</sup>

In addition to the Roman and Frankish documents, we may also examine the group of Coptic wills (see above, p. 53, n. 109) written after the Arab conquest of Egypt.<sup>51</sup> As with the wills from Gaul, these documents cannot be classified as Roman and should be used only for comparison. The majority of Coptic wills come from one location, Jeme. Although they differ significantly from the late antique model, they preserve nonetheless certain features of the late Roman testamentary template, although admittedly not as clearly as in the Merovingian documents.<sup>52</sup>

### 1. DATING CLAUSES

Until the third century, the dating clause was placed at the end of the will and was based on the following scheme: the phrase *testamentum factum (est)*

<sup>49</sup> A. ARJAVA, 'The survival of Roman family law after the barbarian settlements', [in:] R. W. MATHISEN (ed.), *Law, Society, and Authority in Late Antiquity*, Oxford – New York 2001, pp. 33–51, esp. pp. 37–38.

<sup>50</sup> R. PARKER, 'History of the holograph testament in the civil law', *The Jurist* 3 (1943), pp. 11–12. Perhaps the phrase was not applied in the sense in which it appeared in the *Institutiones* of Gaius. It perhaps served a similar function to lists of legal terms from the papyri from Ravenna discussed in Chapter 1.

<sup>51</sup> With the exception of *P. Lond.* I 77, which was composed in Greek before the Arab conquest. However, its structure, formulation, and the concept on which the will is based resemble Coptic wills.

<sup>52</sup> See W. C. TILL, *Erbrechtliche Untersuchungen auf Grund der koptischen Urkunden*, Vienna 1954, pp. 61–80; Esther GAREL & Maria NOWAK, 'Monastic wills. The continuation of late Roman legal tradition?', [in:] Mariachiara GIORDA & M. CHOAT (eds.), *Writing and Communication in Early Egyptian Monasticism* (forthcoming). On the Coptic legal documents in general, see Bernadette MENU, 'Une esquisse des relations juridiques privées en droit copte', *Le monde copte* 20 (1992), pp. 71–78; R. S. BAGNALL, *Everyday Writing in the Graeco-Roman East*, Berkeley 2011, pp. 75–116; T. S. RICHTER, 'Koptische Rechtsurkunden als Quellen der

followed by the name of the place, day, and month according to the Roman calendar; names of consuls with the phrase *consulibus anno* and indication of the year; finally the phrase *Imperatoris (-ibus) Caesaris (-ibus)* followed by the names of the emperor(s).<sup>53</sup> Sometimes this phrase was followed by the date according to the Egyptian calendar. In Greek copies, the date was an exact translation from Latin: ἡ διαθήκη ἐγένετο ἐν (name of the place), πρὸς (the date according to the Roman calendar, names of consuls), ὑπάτοις ἔτους (years), the names of the emperor(s), finally, the date according to the Egyptian calendar.<sup>54</sup>

In late antiquity, the dating clause was moved to the beginning of all legal documents, including wills,<sup>55</sup> and in addition to this change in position, the content of the clause also underwent certain changes. It comprised the date according to the consulate (ὑπατείας followed by the names of the consuls and consulate number); the date indicated according to the Roman calendar was gradually replaced by the Egyptian day and month.<sup>56</sup>

Dating according to the imperial year had been popular since the beginning of Roman rule in Egypt, and it was applied to both Roman and local documents. During the initial period of Roman rule, most dating clauses contained the full imperial titulature, but over time this came to be replaced with shorter versions; this dating method grew less popular from the third century onwards, a fact which is clearly visible across all types of legal documents from Egypt.<sup>57</sup>

Rechtspraxis im byzantinischen und frühislamischen Ägypten', [in:] C. GASTGEBER (ed.), *Quellen zur byzantinischen Rechtspraxis*, Vienna 2010, pp. 39–59.

<sup>53</sup> On the imperial titles in papyri, see J. MÉLÈZE MODRZEJEWSKI, 'Les titulatures impériales', [in:] IDEM, *Droit et justice dans le monde grec et hellénistique* [= *JfJrP Supplement* 10], Warsaw 2011, pp. 467–474.

<sup>54</sup> *ChLA* IX 399; *ChLA* X 412; *FIRA* III 47; *P. Mich.* VII 439; *BGU* VII 1695; *BGU* VII 1655; *BGU* XIII 2244; *BGU* I 326; *P. Diog.* 10; *P. Oxy.* XXII 2348; *P. Laur.* I 4.

<sup>55</sup> In the Roman period the date appeared at the end of private correspondence too, but gradually it disappeared completely from letters.

<sup>56</sup> R. S. BAGNALL & K. WÖRZ, *Chronological Systems of Byzantine Egypt*, Leiden 2004, p. 88. Cf. *P. Oxy.* VI 990; *P. Strab.* IV 264; *P. Col.* VII 188; the will of Gregory of Nazianzus; *P. Ital.* I 4–5; *P. Cairo Masp.* III 67312; *P. Oxy.* XVI 1901; *P. Oxy.* XX 2283; *SB* I 4319.

<sup>57</sup> BAGNALL & WÖRZ, *Chronological Systems* (cit. n. 56), p. 44.

New rules for dating official and legal documents were introduced by Justinian in the sixth century (*Nov.* 47, AD 537). The constitution specified that dating clauses had to include not only the regnal year, but also the consular and indictional year, month, day, and local eras in the East.<sup>58</sup> This new form of dating clause<sup>59</sup> would remain in use even after the end of Roman rule.<sup>60</sup>

Although the dating clauses present in documents drafted just before and after the Arab conquest had started to deviate from the model set by the *Novella* of Justinian,<sup>61</sup> the indictional year remained an important element of dating clauses long after the Arab takeover; this is illustrated in Coptic wills<sup>62</sup> and other Coptic documents.<sup>63</sup> In testaments from the Frankish Kingdom there are numerous further examples of dates given according to the indictional year,<sup>64</sup> as well as several dates conforming with the Roman calendar.<sup>65</sup> While the regnal formula was also retained, the Byzantine emperors were replaced with the kings of the Merovingian dynasty.<sup>66</sup>

Another element added to the dating clause (sometimes functioning even as a separate clause) is an invocation to the Holy Trinity. It became

<sup>58</sup> BAGNALL & Worp, *Chronological Systems* (cit. n. 56), p. 45.

<sup>59</sup> *P. Cairo Masp.* III 67312; *P. Cairo Masp.* II 67151; *P. Oxy.* XX 2283; *P. KRU* 77. On the abbreviation *XMT* which appears in some clauses, see T. DERDA, Appendix, [in:] *P. Naqlun* I.

<sup>60</sup> *P. Ital.* I 4–5, B, VI, ll. 12–13. Dating according to the consular and regnal years continued in Egypt even after the Arab conquest. See L. MACCOULL, *Coptic Legal Documents: Law as Vernacular Text and Experience in Late Antique Egypt* [= *Medieval and Renaissance Texts and Studies: Arizona Studies in the Middle Ages and the Renaissance* 32], Tempe 2009, p. XXVI; T. S. RICHTER, 'Coptic legal documents, with special reference to the Theban area', [in:] G. GABRA & H. N. TAKLA (eds.), *Christianity and Monasticism in Upper Egypt*, Cairo 2008, pp. 121–141, esp. p. 129.

<sup>61</sup> *SB* I 9402.

<sup>62</sup> *P. KRU* 68; *P. KRU* 67; *P. KRU* 74; *P. KRU* 71.

<sup>63</sup> RICHTER, 'Coptic legal documents' (cit. n. 60), p. 129.

<sup>64</sup> The will of Abbo, *formula* from Flavigny.

<sup>65</sup> Wills of Aridius and Pelagia, Bertram, Adalgisel, Hadoinus, Abbo, Burgundofara, Irmina, Widerad, *formula* from Flavigny, *formula Marculfi*. See NONN, 'Merowingische Testamente', p. 60.

<sup>66</sup> NONN, 'Merowingische Testamente', pp. 60–61.

mandatory for legal documents as a result of emperor Maurice's constitution, which demanded an invocation to Jesus Christ.<sup>67</sup> The Christological formula was replaced by the Trinitarian one<sup>68</sup> during the reign of Phocas,<sup>69</sup> and it remained in use even after the Arab conquest of Egypt.<sup>70</sup>

The invocation also occurs in documents from the former western part of the Empire. A popular formula used in wills from Gaul is 'In nomine Patris et Filii et Spiritus Sancti'.<sup>71</sup> In two wills from Le Mans, the Trinitarian formula took the following form 'In nomine Domini nostri Ihesu Xristi et Spiritus Sancti'.<sup>72</sup> According to Ulrich Nonn, traces of the Christological formula may be found in the dating clause in *formula Marculfi*: 'Regnante in perpetuo domino nostro Jesu Christo, qualibet anno illo ...'.<sup>73</sup>

## 2. IDENTIFICATION OF THE TESTATOR

The identification clause in the Roman will served to describe the testator and deed. It was based on the pattern: *nomina* of testator followed by the formula *testamentum fecit* / διαθήκην ἔθετο / ἐποίησεν.<sup>74</sup> Generally, the description of the testator was limited to his or her *nomina*, although sometimes it was accompanied by additional information concerning their social, civil, or professional status, such as *Τιβερίου ἐλεύθερος* (P.

<sup>67</sup> Z. BORKOWSKI, *Inscriptions des factions à Alexandrie*, Warsaw 1991, pp. 128–131; BAGNALL & Worp, *Chronological Systems* (cit. n. 56), p. 99.

<sup>68</sup> BORKOWSKI, *Inscriptions des factions* (cit. n. 67), pp. 128–131.

<sup>69</sup> P. KRU 75; P. KRU 66+76; P. KRU 68; P. KRU 67; P. KRU 69; P. KRU 74.

<sup>70</sup> It is attested in both Greek and Coptic documents, especially from Upper Egypt. See BAGNALL & Worp, *Chronological Systems* (cit. n. 56), p. 108. This observation is not surprising, since the majority of legal documents composed either in Greek or in Coptic after the Arab conquest come from Upper Egypt.

<sup>71</sup> The wills of Remigius, Aridius, Adalgisel, Irmina, and Abbo.

<sup>72</sup> NONN, 'Merowingische Testamente', p. 59.

<sup>73</sup> NONN, 'Merowingische Testamente', p. 60.

<sup>74</sup> P. Oxy. XXXVIII 2857; FIRA III 47; P. Select. 14; P. Oxy. LI 3692; PSI XIII 1325; BGU I 326; P. Diog. 10.

*Oxy.* XXXVIII 2857, l. 1), *Ant(inoites)* (*P. Diog.* 10, l. 2), *equus alae I Thracum Mauretanae*, (*FIRA* III 47, ll. 1–3), οὐτρανός (*P. Select.* 14, l. 2; *BGU* I 326, l. 2), etc.

Such elements of identification appeared not only in wills, but in all types of legal deeds. However, the descriptions given in Roman wills were fairly brief compared with those known from other Egyptian documents. According to Mark Depauw, the regular elements of personal descriptions in documents from Egypt between the eighth century BC and the third century AD were: name/names, age, physical description, provenance and domicile, title/occupation/profession, name of father, and, optionally, names of other relatives.<sup>75</sup> One could find these elements in local wills from the Hellenistic and Roman periods.<sup>76</sup> Although Roman testaments were governed by their own internal rules, the identification clauses were not wholly inconsistent with general regional tendencies.

The description, as Vincenzo Arangio-Ruiz has noted, was written on the front side of the will's first tablet (the will consisted of several tablets), which was the only part visible to witnesses and other persons. This practice is manifest in the will of Antonius Silvanus, the only fully preserved original Roman will inscribed on tablets (*FIRA* III 47). The sentence on the first tablet is a description of Silvanus himself, ll. 1–4: 'Antonius Silvanus equ(es) alae I Thracum Mauretanae, stator praefecti, turma Valeri, testamentum fecit.'<sup>77</sup> It is worth noting that there is enough room on the tablet for more writing, which suggests that the text was limited on purpose.

According to Arangio-Ruiz, a similar treatment of the first tablet may be traced in the *testamentum Dasumi* (*FIRA* III 48), a copy of a will made for Gaius Longinus Castor (*BGU* I 326), as well as in two other short fragments of testamentary tablets (*BGU* VII 1696; *P. Mich.* VII 437).<sup>78</sup> The

<sup>75</sup> See M. DEPAUW, 'Elements of identification in Egypt 800 BC – AD 300', [in:] M. DEPAUW & Sandra COUSSEMENT (eds.), *Identifiers and Identification Methods in the Ancient World* [= *Orientalia Lovaniensia analecta* 209], Leuven – Paris – Walpole (MA) 2014, pp. 75–101.

<sup>76</sup> See Appendices 1 and 2.

<sup>77</sup> V. ARANGIO-RUIZ, 'Il testamento di Antonio Silvano e il senatoconsulto di Nerone', [in:] IDEM, *Studi epigrafici e papirologici*, Naples 1974, pp. 382–389, esp. p. 383.

<sup>78</sup> ARANGIO-RUIZ, 'Il testamento di Antonio Silvano' (cit. n. 77), p. 383.

practice of placing the description alone on the first tablet, which was intended to protect the document against forgery and to guarantee its secrecy, became mandatory through the *senatus consultum Neronianum* (Suet. *Nero* XVII).<sup>79</sup>

When papyrus replaced wooden tablets as the principal writing material, the clause inevitably lost its special place within the document; additionally, the style and content of the clause changed. From the fourth century it was written in the first person singular, as was the case for all Byzantine legal documents.<sup>80</sup> It was also expanded considerably, and social and familial statuses were recorded with more attention. From the identification clause of Aurelia Serenilla, for example, we learn not only her name, but also the names of her father and grandfather, the public functions they served, the name and social status of her husband, and, finally, some details regarding the person designated as curator (*P. Princ.* II 38, ll. 1–3).<sup>81</sup> We find similarly detailed information about the testators in several texts, including *P. Oxy.* VI 907, l. 1; *P. Cairo Masp.* III 67312, ll. 4–6; and *P. Cairo Masp.* II 67151, ll. 5–7. In wills composed after the fourth century, the father's name was always present, even though it had appeared only occasionally in earlier Roman wills.

In the wills of the clergy, their position within the Church hierarchy was always indicated, as in wills of Gregory of Nazianzus, Caesarius of Arles, bishop Aurelianus from Ravenna (*P. Ital.* I 4–5, B V, ll. 7–8), and abbots of the monastery of the holy martyr Apa Phoibammon in Jeme. The same applied to soldiers, whose military position and branch was always included in their description (e.g. in *P. Col.* VII 188, ll. 1–2.)

Shortly after the constitution of Alexander Severus, the identification was occasionally enriched with elements such as physical description that had been common in local documents (*M. Chr.* 318, l. 2; *SB* I 5294, l. 5). This method of identification had been used in local legal practice from

<sup>79</sup> ARANGIO-RUIZ, 'Il testamento di Antonio Silvano' (cit. n. 77), p. 382. Cf. above, p. 55.

<sup>80</sup> M. AMELOTI, 'Dall'epoca postclassica all'età giustiniana', *PapCongr* XVII, pp. 1161–1172, esp. p. 1165.

<sup>81</sup> A similar method of identification appears in Ptolemaic wills; see J. MÉLÈZE MODRZEJEWSKI, 'Le document privé: essai d'une taxonomie', [in:] *Droit et justice* (cit. n. 53), pp. 341–357, esp. p. 345.

as early as the Hellenistic period, and was common not only in wills but in all types of legal documents.<sup>82</sup> However, neither physical descriptions nor age became regular elements of the testators' identification, and both would in fact disappear from documentary practices in general.<sup>83</sup> Provenance, however, would become a regular element of the description, in keeping with a general trend.<sup>84</sup>

A new but frequent<sup>85</sup> addition to the clause that started to gain popularity in the third century was a statement that the testator was physically and mentally sound, and therefore capable of making a will: *τάδε διέθετο νοῶν καὶ φρονῶν*, 'has made these will being sane and in his right mind'.<sup>86</sup> As with several other elements in the identification, the expression was adapted from local practice, where it had been in use since Hellenistic times; it may indeed have originated in mainland Greece.<sup>87</sup> The phrase confirmed that the testator was aware of his intentions, and acted as proof that he had undertaken the deed of his own volition.<sup>88</sup> In some cases, such as the will made for Flavius Phoibammon, it could even serve as a catalogue of the testator's virtues. As Leslie MacCoull has observed, the notary assigned numerous late antique Christian virtues to his client, using such words as

<sup>82</sup> Wills: *P. Lond.* VII 2015; *P. Petr.* I<sup>2</sup> 1–4; *P. Petr.* I<sup>2</sup> 6–7; *P. Petr.* I<sup>2</sup> 9; *P. Petr.* I<sup>2</sup> 11; *P. Petr.* I<sup>2</sup> 13–14; *P. Petr.* I<sup>2</sup> 16–18; *P. Petr.* I<sup>2</sup> 22; *P. Petr.* I<sup>2</sup> 24–25; *SB* XII 10859; *P. Dryton* 1; *P. Dryton* 2; *SB* XVIII 13308; *CPR* VI 72; *P. Oxy.* III 649 descr.; *P. Oxy.* LXVI 4533; *P. Lond.* II 375, p. xxxv; *P. Wisc.* I 13; *P. Mich.* IX 549; *P. Oxy.* I 105; *CPR* VI 1; *P. Köln* II 100; *PSI* XII 1263; *P. Ryl.* II 153; *P. Strasb.* IV 284; *P. Hamb.* IV 278.

On physical descriptions of individuals in papyri, see Giuseppina CERNUSCHI, *Nuovi contributi per lo studio dei connotati personali nei documenti dell'Egitto greco-romano*, Padua 2010.

<sup>83</sup> A. DELATTRE, 'Éléments de l'identification en Égypte (IV<sup>e</sup>–VIII<sup>e</sup> siècles)', [in:] DEPAUW & COUSSEMENT (eds.), *Identifiers and Identification* (cit. n. 75), pp. 153–162, esp. p. 156.

<sup>84</sup> See DELATTRE, 'Éléments de l'identification' (cit. n. 83), pp. 156–157.

<sup>85</sup> See *SB* I 5294; *M. Chr.* 318; *P. Oxy.* VI 990; the will of Gregory of Nazianzus; *FIRA* III 52; *P. Cairo Masp.* III 67312; *P. Cairo Masp.* II 67151; *P. Oxy.* XX 2283.

<sup>86</sup> KRAUS, *Die Formeln* (cit. n. 35).

<sup>87</sup> Thanks to the Attic orators, we know that the testator's mental state could influence the validity of his will. A person who was not *εὖ φρονῶν* could not make a will. The reasons for the invalidity of Athenian wills were *μανία*, *γῆρας*, *φάρμακον*, *νόσος*, *γυναικὶ πειθεσθαι*, *ἀνάγκη*, *δεσμός* (*Dem.* XLVI 14; *Hyper.* 3.17). A. BISCARDI, *Diritto greco antico*, Rome 1982, p. 128.

<sup>88</sup> KRELLER, *Erbrechtliche Untersuchungen*, pp. 309–310.

λογισμός, ἀκριβής, σώφρων, ἀπαθής (*P. Cairo Masp.* II 67151); all of these epithets were inserted in the text of the νοῶν καὶ φρονῶν clause.<sup>89</sup> It seems unlikely that these additional elements would have contributed any new legal meaning; rather they were simply to praise the testator.<sup>90</sup>

It should come as little surprise that the phrase was later employed in Coptic wills,<sup>91</sup> for it represented an element of local notarial tradition which had never died out in Egypt. What is surprising, however, is that the phrase would find its way into the will made for Gregory of Nazianzus (ll. 7–8), and that it would also appear in documents from the Frankish Kingdom.<sup>92</sup> In Coptic wills the clause appeared in an extensive and over-elaborated form, while in western wills it retained its shortest form: *sana mente*.

The identification of the deed as a will – which, during the first three centuries of Roman rule in Egypt, had been limited to the sentence τὰδε διέθετο or *testamentum fecit* – was also expanded. At the end of the fourth century, the emperors Honorius and Arcadius issued a constitution which specified that the incorrect title given to the will (e.g. ‘donation’ instead of ‘will’) had no impact on the validity of the will (*C. Th.* 4.4.3; *C. Th.* 4.4.3.pr.1); however, there does not appear to have been an earlier law in which validity was shown to be dependent on the proper title.

In some cases, the description also specified the language in which a will was written. The information that a will was legally written in Greek appears frequently in those wills composed shortly after the constitution of Alexander Severus (see above, pp. 110–111). The reasons for adding this information are obvious. Before the constitution, Latin had been the only legally recognised language in which a Roman will could be written; thus, anyone drafting a will shortly after the introduction of the new law would have wanted to make sure that the official responsible for opening the will would know that the document had been composed according to law.

<sup>89</sup> Leslie S. B. MACCOULL, *Dioscorus of Aphroditto. His Work and His World*, Berkeley – Los Angeles 1988, p. 50. See also *P. Cairo Masp.* III 67312.

<sup>90</sup> See also *P. Lond.* I 77, p. 231, ll. 5–12.

<sup>91</sup> In time, the phrase was considerably expanded. RICHTER, ‘Coptic legal documents’ (cit. n. 60), p. 124.

<sup>92</sup> NONN, ‘Merowingische Testamente’, p. 60.

Intriguingly, we find the same information in wills from the fifth, sixth, and seventh centuries; however, the reasons for including such statement must have been different than explained above. In later documents, there often appeared a list of other requirements for making a will – the proper number of witnesses, signatures and seals, etc.<sup>93</sup> – along with the information that they had been fulfilled. In these cases, a mention of the language may have simply been a reference to the constitution *N. Th.* 16 = C. 6.23.21 which, apart from containing the necessary requirements for a will, also discussed testamentary language.<sup>94</sup>

A puzzling example may be found in the will of the bishop Abraham (*P. Lond.* I 77, p. 231, ll. 12–13): it was written in Greek, but the testator dictated it in Coptic. The scribe informed that the testator was unable to write in Greek; quite possibly he could not even speak the language. Despite the fact that Abraham could write in Coptic, he wanted his text to be translated and written down in Greek.<sup>95</sup> The question thus arises: why did Abraham not simply write his will in Coptic, or order that it be written down in the language in which it had been dictated? The bishop may well have been convinced that his will had to be written in Greek, as the only attested languages of wills would have been Greek or Latin.<sup>96</sup> This conclusion is supported by the law discussed at the beginning of this chapter (*N. Th.* 16.8) stating that Greek (but not ‘another language’) was permitted as a language in which one could make a will: ‘quoniam Graeciae testari concessum est’.<sup>97</sup> It is possible that wills could only be written

<sup>93</sup> *FIRA* III 52; *P. Cairo Masp.* III 67312; *P. Cairo Masp.* II 67151.

<sup>94</sup> BEAUCAMP, ‘Tester en grec’ (cit. n. 16), p. 100; MACCOULL, *Dioscorus of Aphrodito* (cit. n. 89), p. 50; Joëlle BEAUCAMP, ‘Byzantine Egypt and imperial law’, [in:] BAGNALL (ed.), *Egypt in the Byzantine World* (cit. n. 22), pp. 271–287, esp. p. 273.

<sup>95</sup> M. KRAUSE, ‘Die Testamente der Äbte des Phoibammon-Klosters in Theben’, *MDAI Kairo* 25 (1969), pp. 57–69, esp. p. 59; Leslie S. B. MACCOULL, ‘Apa Abraham: testament’, [in:] J. THOMAS, Angela CONSTANTINIDES HERO & G. CONSTABLE (eds.), *Byzantine Monastic Foundation Documents: a Complete Translation of the Surviving Founders’ Typika and Testaments*, Dumbarton Oaks 2000, pp. 51–58, esp. p. 53.

<sup>96</sup> L. WENGER, *Aus Novellenindex und Papyruswörterbuch*, Munich 1928, pp. 50–52.

<sup>97</sup> According to Wenger, it seems likely, although not entirely certain, that verbal wills, in contrast to written ones, could have been made in the Egyptian language. WENGER, *Aus Novellenindex* (cit. n. 96), p. 53: ‘Freilich noch eine andere unbewiesene Voraussetzung

in one of these two languages. If we accept this explanation, we may perhaps understand the efforts undertaken by Abraham to have his Coptic dictation translated into Greek.

This principle must have survived in Egypt until the end of Roman rule, for it is only after the Arab conquest that Coptic wills begin to appear, and these documents contained the information that Coptic was their original language.<sup>98</sup> It is also worth noting that the earliest known Coptic will (*P. KRU* 74) contains a Greek dating clause following the model introduced in the Justinianic novel (*Nov.* 47); the linguistic tradition must indeed have been well rooted. It is significant (in so far as arguments *ex silentio* can be considered important) that there were no wills drafted within the boundaries of the Empire in languages other than Greek or Latin.

In some wills the identification clause ends with a salutation addressed to the heirs – for example, *P. Col.* VII 188, *M. Chr.* 318 – or to a wider group, as in the will of Caesarius of Arles who greeted an abbess and other nuns, expecting them to be present at the opening of his will.

### 3. REVOCATION CLAUSE

One element which had not appeared previously within Roman testamentary model was a clause expressing the freedom of the testator to dispose of his or her property, and to change or revoke the will. This clause, however, was an established element of local testamentary practice, where it frequently took the form ἐφ' ὃν μὲν περίειμι χρόνον ἔχειν με τὴν τῶν ιδίων ἐξουσίαν ὃ εἰάν βούλωμαι ἐπιτελεῖν καὶ μεταδιατίθεσθαι καὶ ἀκυροῦν τὴν διαθήκην ταύτην ὃ δ' ἂν ἐπιτελέσω κύριον ὑπάρχειν: 'so long as I survive, I am to have power over my own (belongings), to make any further provisions the way I want, and to change this will and revoke it, and any further provisions I make are to remain valid', or a similar one.<sup>99</sup>

unserer Annahme besteht: dass mündliche Testamente einer ägyptischen *antiqua consuetudo* entsprechen'.

<sup>98</sup> See *P. KRU* 75; *P. KRU* 69; *P. KRU* 68.

<sup>99</sup> *CPR* VI 72; *P. Dura* 16; *P. Oxy.* II 379 descr.; *SB XVIII* 13308; *P. Oxy.* I 104; *P. Oxy.* LXVI

The Ptolemaic wills, both in the third and second centuries BC,<sup>100</sup> normally contained a clause which may have played a similar role,<sup>101</sup> e.g. *P. Petr.* I<sup>2</sup>: εἴη μὲν μοι ὑγιαίνοντι αὐτὸν τὰ ἑμαντοῦ διοικεῖν, ‘may I in good health manage my own affairs.’

The clause may well have had legal significance in local wills. Contrary to Roman law, one could not, as far as we are currently aware, revoke a will simply by composing a new one (on the revocation, see above, pp. 74–75, n. 6); it is perhaps for this reason that the majority of local wills contain a variant of the revocation clause. It seems plausible that this clause may have been necessary to revoke the will,<sup>102</sup> at least in the Hellenistic period. While it may still have been possible to revoke wills from the Roman period which had omitted this clause, it nonetheless remained a part of the template.<sup>103</sup>

Roman wills were always revocable, and thus a stipulation as the one quoted above would have been unnecessary. In late antiquity, however, the clause began to appear in testaments, although the content had changed. It had obviously lost its original meaning expressing the revocability of the deed, and instead simply expressed a wish for good health and the ability to manage property, as in *P. Col.* VII 188, ll. 5–6, or *P. Lond.* I 77, p. 231, ll. 14–15. In the will of Flavius Phoibammon (*P. Cairo Masp.* II 67151, ll. 66–73), the clause was used as a pretext to inform anyone interested that the estate of the testator was modest, and that he paid taxes regularly.

4533; *P. Mich.* IX 549; *P. Sijp.* 43; *P. Oxy.* III 490; *P. Oxy.* III 491; *P. Oxy.* I 105; *P. Oxy.* III 648; *P. Oxy.* III 652; *P. Oxy.* III 649; *P. Oxy.* III 492; *BGU VII* 1654; *P. Köln* II 100; *P. Flor.* III 341; *P. Lond.* II 375, p. xxv; *P. Wisc.* I 13; *P. Col.* X 267.

The clause appeared in local variants; Hans Kreller distinguished four types thereof. One was characteristic for wills from the Arsinoite nome, other for those from Dryton’s archive. According to Kreller, also wills from Oxyrhynchos made up a separate group, as well as the deeds belonging to the Papyrussammlung in Vienna. KRELLER, *Erbrechtliche Untersuchungen*, p. 338.

<sup>100</sup> The majority of wills preserved in *P. Petr.* I<sup>2</sup>. Other examples are *P. Lond.* VII 2015; *SB XII* 10859; *P. Dryton* 1; *P. Dryton* 2; *P. Dryton* 3; *P. Dryton* 4; *SB XVIII* 13168; *BGU VI* 1285.

<sup>101</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 339.

<sup>102</sup> R. TAUBENSCHLAG, *The Law of Greco-Roman Egypt in the Light of the Papyri*, 332 BC – 640 AD, Warsaw 1955 (2nd edition), p. 153.

<sup>103</sup> See Maria NOWAK, ‘Dryton’s wills reconsidered’, *RIDA* 59 (2012), pp. 241–251.

## 4. HEREDIS INSTITUTIO

The discussion of *heredis institutio* will be limited to the key issues related to the testamentary pattern in late antiquity. For a detailed analysis of specific problems, I will refer to my article on the subject.<sup>104</sup>

*Juridical sources: the language form*

The appointment of heirs was the most important testamentary disposition and a necessary element of any will; as such, it was subject to perhaps the greatest number of strict rules. Various sources, including Gaius, inform us that *heredis institutio* required particularly solemn language; if it did not follow the rules, the will was void regardless of whether or not the rest of the text was correct (G. 2.116).<sup>105</sup>

The appointment of an heir was governed by two principles. Firstly, only the prescribed verbal forms were recognised in classical Roman law. Gaius says that one could use not only the traditional *Titius heres esto* to institute an heir, but also *Titium heredem esse iubeo*. However, the usage of apparently similar expressions, *Titium heredem esse volo*, and *Titium heredem instituo*, was ruled out (G. 2.117).

The text of Gaius demonstrates clearly the fact that there was some controversy regarding the admittance of different verbal forms of *heredis institutio* (G. 2.117).<sup>106</sup> The jurist informs us that the expression *Titium*

<sup>104</sup> Maria NOWAK, 'TITIUS HERES ESTO. The role of legal practice in the law-creation in late antiquity', *JfurP* 40 (2010), pp. 161–184.

<sup>105</sup> '<Sed> ante omnia requirendum est, an institutio heredis sollemni more facta sit; nam aliter facta institutione nihil proficit familiam testatoris ita venire testesque ita adhibere et ita nuncupare testamentum ut supra diximus.'

'But before everything else it must be ascertained whether there has been an institution of an heir made in solemn form; for if an institution has been made otherwise, it is unavailing that the sale of the *familia*, the employment of witnesses, and the utterance of the nuncupation have been made in the manner we have mentioned.'

<sup>106</sup> C. A. MASCHI, 'La solennità della *heredis institutio* nel diritto romano', *Aegyptus* 17 (1937), pp. 198–232, esp. p. 199.

*heredem esse iubeo* was acceptable in his own time ('sed et illa iam comprobata videtur'), but the adverbial *iam* in his statement suggests that it had not always been recognised as a proper form. By the time Gaius was compiling the *Institutiones*, however, *Titium heredem esse iubeo* had become an accepted phrase for *heredis institutio*.<sup>107</sup> On the other hand, we learn that most authorities disapproved of *Titium heredem instituo* and *heredem facio*, which suggests, as Carlo Maschi has rightly observed, that a discussion on the correct wording for *heredis institutio* must have been ongoing in the time of Gaius.<sup>108</sup> Traces of this discussion may also be found in the *Regulae Ulpiani*.<sup>109</sup>

### *Testamentary practice: the language form*

In the Roman tablets and their Latin and Greek copies from the time of Gaius there are no signs of the controversy discussed above. The appointment of heir occurs only in the canonical form – *mibi heres esto* / ἐμοῦ κληρονόμος ἔστω<sup>110</sup> – even though the inhabitants of the provinces for whom the wills were written would have only held Roman citizenship for a few generations.<sup>111</sup> The only exception is a Welsh will in which the phrase *ex asse heredem iubeo* (l. 6) appears in the clause appointing the heir.

The first changes to the wording appeared in the second quarter of the third century, but even these changes were fairly minor. Perhaps the most

<sup>107</sup> On the meaning and function of the verb *iubere* in private Roman law, see the paper given by J. Ch. DUMONT in March 1962 at one of the *Conférences de l'Institut de droit romain*.

<sup>108</sup> MASCHI, 'La solennità' (cit. n. 106), p. 199.

<sup>109</sup> *Tit. Ulp.* 21: 'Heres institui recte potest his verbis: "Titius heres esto", "Titius heres sit", "Titium heredem esse iubeo"; illa autem institutio "heredem instituo", "heredem facio" plerisque inprobata est.'

'An heir can be appointed in these words: "Titius shall be my heir", "Titius will be my heir", "I order that Titius be my heir"; however, this appointment: "I institute Titius my heir", "I make Titius my heir", is disproved by the majority.' See MASCHI, 'La solennità' (cit. n. 106), p. 198.

<sup>110</sup> AMELOTI, *Il testamento*, pp. 118–119.

<sup>111</sup> See *P. Hamb.* I 72, ll. 1–2; *P. Oxy.* XXXVIII 2857, ll. 3–4; *FIRA* III 47, ll. 4–8; *P. Select.* 14, ll. 3–5; *PSI* XIII 1325, ll. 9–10; *BGU* I 326, ll. 6–7; *BGU* VII 1696, ll. 2–3; *P. Mich.* VII 437, ll. 1–2; *P. Oxy.* LII 3692, ll. 2–5; *ChLA* X 427, ll. 4–5; *P. Diog.* 10, ll. 2–3.

obvious alteration was the fact that the *heredis institutio* now emerged as a rule in Greek. Interestingly, the formulae of *heredis institutio* to which Gaius referred as debated in his times become visible in papyri only from the third century onwards: κληρονόμον ποιοῦ[μαι] (PSI IX 1040, l. 6), κληρονόμον σε μ[ό]ν[η]ν κατὰ πάντας τοὺς ν[ό]μους καθίστημι (P. Lips. I 29, l. 5).

Nevertheless, once this change in wording of *heredis institutio* had occurred, the formula definitively lost its uniform character. In some testaments the appointment of heirs was expressed with the canonical form: ἐμοῦ κληρονόμος ἔστω, ἐμοῦ κληρονόμοι ἔστωσαν;<sup>112</sup> however, this was not a sign of legal knowledge, but rather of scribal tradition. While the expressions had been inherited from the previous testamentary pattern, the author of the will would not necessarily have been aware of all the rules governing *heredis institutio*.

The phrases used in *heredis institutiones* in late antiquity were numerous: κληρονόμους κληρονομεῖν ...; βούλομαι καὶ κελεύω ... κληρονομεῖν; κληρονόμους μου εἶναι βούλομαι καὶ κελεύω; and βούλομαι καὶ κελεύω κληρονομεῖσθαι, to cite a few. The appointment was sometimes preceded by a phrase expressing the *mortis causa* character of the disposition: εἰ δὲ ἀνθρώπινόν τί μοι συμβαίῃ; ἐπειδὴ δὲ ἀνάγκη τελευτᾶν καὶ τῶν ἀνθρωπίνων ὑπαναχωρῆσαι πραγμάτων; ἐὰν δέ τι ἀνθρώπινον πάθω, etc.

Although in Egypt the rigorous wording specified in Roman law was replaced by a certain linguistic flexibility only in the second half of the third century, the roots of this change may actually be found in early classical law, at a time when jurists had started to expand the variety of phrases used to appoint heirs. Any legal discussion of the wording would have probably been preceded by cases in which alternative wording had been employed. The discussion visible in the jurisprudential sources must have been provoked by actual wills where the wrong form of *heredis institutio* had been employed.

This phenomenon is not visible in the Roman wills preserved on tablets and papyri, which could be interpreted as follows. Legal experts in the province tried to be as conservative as possible, simply to keep wills

<sup>112</sup> Cf. the will of Gregory of Nazianzus, l. 20; *FIRA* III 52, l. 10; *P. Ital.* I 4-5, B V, l. 11.

valid; therefore, in many cases they did not realise the entire concept of *heredis institutio*, but they kept the required form. At the moment when solemnity of Roman wills started disappearing, legal experts and scribes did not have any reason to keep within the framework of the form which was not well understood even before.

If we look at local wills from the Hellenistic and Roman periods, it is impossible not to notice linguistic similarities with the *heredis institutiones* from late antiquity. Local wills often opened with the formula expressing the posthumous effect of the appointment: εἰάν δέ τι ἀνθρώπινον πάσχω / πάθω; εἰάν δέ ἐπὶ ταύτῃ τελευτήσω τῇ διαθήκῃ. However, the appointment of successors in local practice was characterised by a great deal of variety, and there does not appear to have been a canonical clause that formed the basis for a standardised pattern. Rather, the clause could be based on the scheme καταλείπω (καὶ δίδωμι) τὰ ὑπάρχοντά μοι, followed by the names of the appointed individuals in the dative, and a list of goods belonging to the testator. It could also be expressed with the verb καταλείπω, followed by a list of goods and the people who were to obtain them. In the Roman period, the noun κληρονόμος began to appear, usually in the expression κληρονόμους ἀπολείπω / καταλείπω, followed by the names of the heirs in the accusative and a list of goods in the genitive. The number of variants, however, extended far beyond the examples provided here (see Appendices 1 and 2). However, we should note that neither these examples nor the *heredis institutiones* from late antique wills present a consistent form of the clause, but rather demonstrate a great flexibility. It is therefore necessary for us to discover what caused the Roman pattern, which was so rigorously observed until the third century, to change in such dramatic a manner.

### *Imperial constitutions: the language form*

The constitution of Alexander Severus which addressed the language of wills would have undoubtedly had some effect on the phrasing of *heredis institutio*, even if the law was not directly concerned with this problem (see above, pp. 110–112). However, the wording of *heredis institutio* was dis-

cussed explicitly in a law issued in AD 290 by the emperors Diocletian and Maximian (C. 6.23.7).

Admittedly, the constitution only regulated those situations in which the phrase *heres esto* had been omitted. The law states, ‘quando minus scriptum, plus nuncupatum videtur’, which we may interpret as follows: the testator wanted to appoint an heir, but the scribe neglected to phrase that wish using the correct, legally recognised wording. It seems probable that the testator would not have said *heres esto* even if it was his or her intention to appoint an heir. It was the task of the scribe to formulate the testator’s wishes in the appropriate language, and the emperors therefore seem to have decided that the error of the scribe should not nullify the will of the testator. The law effectively confirmed that the intention of the testator was more important than the precise wording of an appointment.<sup>113</sup>

A further development in the regulation of *heredis institutio* was the constitution of Constantine the Great, which we have encountered already in the first chapter. Due to its great significance, however, it is worth recounting the text of this law in its entirety.

C. 6.23.15.pr.1: Quoniam indignum est ob inanem observationem irritas fieri tabulas et iudicia mortuorum, placuit ademptis his, quorum imaginarius usus est, institutioni heredis verborum non esse necessariam observantiam, utrum imperativis et directis verbis fiat an inflexa. 1. Nec enim interest, si dicatur ‘heredem facio’ vel ‘instituo’ vel ‘volo’ vel ‘mando’ vel ‘cupio’ vel ‘esto’ vel ‘erit’, sed quibuslibet confecta sententiis, quolibet loquendi genere formata institutio valeat, si modo per eam liquebit voluntatis intentio, nec necessaria sint momenta verborum, quae forte seminecis et balbutiens lingua profudit.<sup>114</sup>

<sup>113</sup> Cf. Olga E. TELLEGEN-COUPERUS, ‘The origin of *quando minus scriptum, plus nuncupatum videtur* used by Diocletian in C. 6.23.7’, *RIDA* 27 (1980), pp. 313–331.

<sup>114</sup> For the reason that it is unworthy that the testaments and judgments of the dead should become void because of the failure to observe a vain pedantry, it has been decided that those formalities shall be abandoned whose use is only imaginary, and that, in the appointment of heir a particular form of words is not to be observed, whether this is done by imperative and direct expressions, or by indefinite ones. It makes no difference whether it is said “I make you my heir”, or “I institute”, or “I wish”, or “I desire”, or “shall be”, or “will be”; but it is valid no matter in what sentences or grammatical mood, provid-

Here, any wording is explicitly allowed to be used in the appointment of heirs. The examples given in the constitution are *heredem facio*, *instituo*, *volo*, *mando*, *cupio*, *heres esto*, *erit*, but any other phrase clearly expressing the intention of the testator was also permitted. The text implies that the solemn formula of classical Roman law had not been observed for a long time ('*placuit ademptis his, quorum imaginarius usus est*') which allows us to suggest that Constantine's law was an attempt to codify, rather than change the contemporary legal practice.

*The scope of heredis institutio  
in the light of juridical sources*

The second of the two cardinal rules concerning *heredis institutio* was that heirs were to be appointed either to the entire estate (e.g. 'Titius shall be heir'), or to parts thereof (e.g. 'Titius shall be heir to the third part of the inheritance, and Marcus shall be heir to the rest'). Furthermore, the appointment had to concern the entire inheritance; heirs could not be appointed to a part (like 5/6 or 9/10) of an inheritance (D. 29.2.37). The appointment had to follow the rule '*nemo pro parte testatus pro parte intestatus decedere potest*'. The application of this rule remained a standard of *heredis institutio* even after the time of Justinian.

However, even at the beginning of the Principate,<sup>115</sup> there were legal exceptions which allowed a will to remain valid even in situations when an heir was granted specific individual items, such as a residence, land, or a gold necklace.<sup>116</sup> In the time of Sabinus, such a *heredis institutio* was kept in force

ed the intention of the testator is clearly shown by the language used. Nor are the words which a dying and stammering tongue pours forth necessarily of importance.'

<sup>115</sup> DER II, p. 147.

<sup>116</sup> Scholars have previously analysed the appointment *ex re certa* in the light of jurisprudential sources. Our purpose here is not to reconsider the issue, but rather to provide a summary of previous scholarship, which will help to illuminate changes that may have occurred in legal practice.

The authenticity of certain passages cited in this section is doubtful. This, however, is irrelevant for our argument, as most of the doubts have centred on the question of whether

thanks to the fiction that an heir had been appointed to all or a part of the inheritance.<sup>117</sup> If an heir had been appointed in this way, it was assumed that the appointment referred to the entire inheritance rather than to particular items, as confirmed by Ulpian in the first book of *Ad Sabinum* (D. 28.5.1.4).<sup>118</sup> According to the rule of Sabinus, the clause ‘Titius shall be heir to the Cornelian lands’ would have been interpreted simply as ‘Titius shall be heir’.

The situation became more complicated if there were more than one heir. This problem is discussed by Sabinus in a passage known to us from a fragment of commentary authored by Paulus (D. 28.5.10). Even if two men were named as heirs to two unequal parts of land (e.g. 1/3 and 1/4), the heirs were nonetheless considered to be entitled to equal parts of the inheritance. Thus the phrase ‘Titius shall be heir to one-third of the residential building, and Marcus shall be heir to half of the villa’ would have been interpreted as ‘Titius and Marcus shall be my heirs’.

In the fifth book of Ulpian’s *Commentary on the Edict* (D. 28.5.9.13) we find another scenario in which more than one heir had been appointed. In this case, the jurists Sabinus and then Caelsus – followed, perhaps, by a praetorian edict – decided that when two heirs had been appointed to different parts of a particular thing, the thing itself should be disregarded, and the heirs should be regarded as having been appointed to equal parts

the preserved fragments discuss *hereditas*, or if *hereditas* substituted for *bonorum possessio*, as in D. 28.5.9.13, where the *Index interpolationum* suggests to read ‘bonorum possessionem haberent’ instead of ‘hereditate potirentur’. This and other similar passages may indeed have been interpolated when the compilers replaced *bonorum possessio* with *hereditas* in the *Digesta*. However, the manner in which heirs were appointed did not influence whether they took over the inheritance, or were simply given possession of goods belonging to the inheritance. This depended on entirely different factors, as we have already discussed in Chapter 1.

Furthermore, our argument is not concerned with the question of whether or not the passages are derived solely from classical jurists; while the problem of authorship is intriguing, it does not undermine the discussion mentioned here. In fact, scholars, including Pasquale Voci and Martin David, considered these texts to be classical at least in substance. M. DAVID, *Studien zur heredis institutio ex re certa im klassischen römischen und justinianischen Recht*, Leipzig 1970; DER II.

<sup>117</sup> P. CIAPESSONI, ‘Sul senatoconsulto neroniano’, [in:] *Studi Bonfante* III, Milan 1930, pp. 652–727, esp. pp. 722.

<sup>118</sup> M. D’ORTA, *Sterilis beneficii conscientia. Dalla praeceptio al legatum per praeceptionem*, Turin 2005, pp. 25–26.

of the entire inheritance.<sup>119</sup> Thus the clause 'Titius shall be heir to a third part of the house, Marcus shall be heir to two-thirds of the house' would also have been interpreted simply as 'Titius and Marcus shall be my heirs'. However, Ulpian also emphasised that such an interpretation was only possible if it did not oppose the intention of the testator; the solution of Sabinus would not, for instance, have been acceptable in a situation where one of the heirs had been appointed to 9/10 of a great country estate, and the second heir to only one-tenth.

In the seventh book of his *Epistulae* (D. 28.5.11), Iavolenus discusses another case, in which one heir was appointed to one thing, two heirs to another. The solution given by Proculus and accepted by Iavolenus was to interpret 'Titius shall be heir to the Cornelian lands, Marcus and Attius shall be heirs to the residential building' as 'Titius shall be heir to one half of the inheritance, and Marcus and Attius shall be heirs to the other half of the inheritance'.<sup>120</sup>

These first-century solutions, however, did not always agree with the intention of the testator regarding the proportion of assets appointed to a particular heir.<sup>121</sup> For this reason, another solution emerged. The new proposal, which Ulpian discusses in the fourth book of his *Disputationes*, was based on the combination of two concepts, *heredis institutio* and *quasi praeceptio* (D. 28.5.35.2). As in the earlier examples, two individuals appointed to two different plots of land were still interpreted as being equal heirs; however, the judge, when dividing the inheritance, was supposed to first adjudge to the heirs the portions of the land ascribed to them by the testator (e.g. of *fundus Cornelianus* 1/3 to Titius and 2/3 to Marcus), in the same way as if it were *legatum per praeceptionem*, and hence divide the remaining inheritance between the heirs in equal parts, as if they were appointed heirs in equal parts.

<sup>119</sup> D'ORTA, *Sterilis beneficii conscientia* (cit. n. 118), pp. 156–158.

<sup>120</sup> BIONDI, *Successione testamentaria* (cit. n. 15), pp. 229–231; DER II, pp. 143–147. On the subject of possible interpolation in D. 28.5.1.4, see DAVID, *Studien zur heredis institutio* (cit. n. 116), pp. 5–7 and 14–19.

<sup>121</sup> Of course, it did not concern the appointment of one heir to certain goods, because the solution of Sabinus did not prevent the wish of the testator (D. 28.6.41.8). The solution proposed by Sabinus also continued in the time of Justinian (I. 2.17.3). DAVID, *Studien zur heredis institutio* (cit. n. 116), pp. 4–13; DER II, p. 148.

Consequently, the heirs were liable for debts in equal parts, as Papinianus proposed (D. 28.5.35.1). *Lex Falcidia* guaranteed, however, that the value of due legacies and objects appointed in *heredis institutio ex re certa* would not exceed three quarters of the value of each heir's inheritance.<sup>122</sup> Therefore, the problem would have arisen whenever the value of the land largely exceeded that of the rest of the inheritance, or the latter was largely indebted. In such a case the appointment of heirs, and consequently the will as a whole, was ineffective. This opinion was accepted by Ulpian (D. 28.5.35.1); the same applied to cases involving co-heirs (D. 28.5.78 [76] pr.).<sup>123</sup>

These various solutions suggest that *heredis institutio ex re certa* must have been enough of a problem to merit the attention of several different jurists. Indeed, the application of *heredis institutio ex re certa*, which became widespread in the Principate, may already have started to cause problems by the first century AD, to the point where it was necessary for jurists to keep such appointments in force.

### *Testamentary practice*

The legal discussion concerning *heredis institutio ex re certa* – much like the discussion about the correct wording of *heredis institutio* – is not reflected in the wills made before the constitution of Alexander Severus. The examples of *heredis institutio* preserved in the papyri are generally correct, and heirs were appointed to the entire estate. In *P. Hamb.* I 72, ll. 1–4, the appointment was limited to 'heres esto suntove', and neither the content

<sup>122</sup> See J. URBANIK, 'Dioscoros and the law (on succession): *lex Falcidia* revisited', [in:] J.-L. FOURNET (ed.), *Les archives de Dioscore d'Aphrodité cent ans après leur découverte. Histoire et culture dans l'Égypte byzantine*, Paris 2008, pp. 117–142, esp. p. 128; A. STEINWENTER, 'Lex Falcidia', [in:] *RE* XII, coll. 2346–2353; F. BONIFACIO, *Ricerche sulla Lex Falcidia de legatis*, Naples 1948; *DER* II, pp. 437–440; Ch. PAULUS, 'Changes in the power structure within the family in the late Roman Republic', *Chicago – Kent Law Review* 70 (1994–1995), pp. 1503–1513; M. HENNIG, *Die Lex Falcidia und Erbrecht des BGB*, Berlin 1999, pp. 20–26; D. SCHANBACHER, *Ratio legis Falcidiaae. Die falzidische Rechnung bei Zusammentreffen mehrerer Erbschaften in einer Hand*, Berlin 1995 (with further literature).

<sup>123</sup> For a detailed analysis of this topic, see DAVID, *Studien zur heredis institutio* (cit. n. 116), pp. 19–35; *DER* II, pp. 147–158.

nor the division of the inheritance were specified. In some wills the appointment was more elaborate; it could take the form ‘ex asse omnium bonorum meorum aequis partibus mihi heredes sunto’, and in Greek copies it could appear as πάντων τῶν ὑπαρχόντων μοι ἐμοὶ κληρονόμος ἔστω; or ἐξ ἴσου μέρους ἐμοῦ κληρονόμοι ἔστωσαν. This manner of appointing an heir remained in force until the mid-third century.<sup>124</sup>

Our source material comes mostly from Egypt, although there are a few surviving documents from other places, including a second-century Welsh will and the *testamentum Dasumi* (FIRA III 48). The *heredis institutiones* represented on both the Welsh tablets and the Italian stone are similar to those known from Egypt. Therefore, the situation seems to be the same as in the case of wording applied to *heredis institutio* (see above).

The picture started to change during the third century, when variants of the formula for *heredis institutio* began to appear. After the constitution of Alexander Severus, the appointment of an heir to all or a part of an inheritance occurs in only five of the nearly forty surviving wills.<sup>125</sup> The disappearance of *heredis institutio* in its canonical Roman form coincides chronologically with the disappearance of the testamentary model that included a mancipatory clause, which seems quite logical.

A Roman *heredis institutio* is found in a copy of the will made for Aurelius Hermogenes in AD 276. Although the will was based on a pattern used for *testamenta per aes et libram*, the individual clauses depart from this model and perhaps even suggest a lack of full understanding on the part of the author (see above, p. 114). The *heredis institutio* of five children –

<sup>124</sup> Cf. *P. Select.* 14; *PSI XIII* 1325; *P. Diog.* 9; *P. Mich.* VII 437; *P. Oxy.* LII 3692; *ChLA* X 427; *P. Diog.* 10; *P. Princ.* II 38. The only exception to this rule could be the will of Antonius Silvanus, in which the heir was appointed to both domestic and military estates (FIRA III 47, l. 4: ‘omnium bonor[um meo]rum castrens[ium et d]omesticum’). See AMELOTI, *Il testamento*, pp. 118–120. The concept resembles the appointment to two plots of land, but in my opinion it expresses the wish of appointing one person heir to the entire inheritance, which was located in two places at the moment of making the will.

See also D. LIEBS, ‘Das Testament des Antonius Silvanus, römischer Kavallerist in Alexandria bei Ägypten, aus dem Jahr 142 n. Chr.’, [in:] K. MÄRKER (ed.), *Festschrift für Weddig Fricke zum 70. Geburtstag*, Freiburg 2000, pp. 113–128, p. esp. 123.

<sup>125</sup> *P. Strash.* IV 277; *P. Princ.* II 38; *P. Oxy.* VI 907; *PSI VI* 696; *P. NYU* II 39. The majority of these documents were composed shortly after the constitution of Alexander Severus.

expressed in the imperative *κληρονόμοι μου ἔστωσαν* – suggests that each of the heirs were entitled to an equal part of the inheritance (*P. Oxy.* VI 907, ll. 3–4). Later in the text, however, there is the reservation that each heir should inherit in accordance with what was appointed to him or her, *αἰρέσει τῇ ὑποτεταγμένη ἐφ’ οἷς ἕκαστος προσδ[έξεται]* (l. 4). Further on, the text details how goods belonging to the inheritance should be divided among the heirs.

It is difficult to believe that the author of the document was sufficiently versed in law to appoint a number of different heirs and then make them beneficiaries of *legata per praeceptionem* (as Hans Kreller and Joëlle Beaucamp have claimed); the will does not, in any event, contain the necessary wording for this type of *legatum*.<sup>126</sup> Furthermore, the goods belonging to the inheritance were simply divided among the heirs, whereas the aim of *legata per praeceptionem* was to provide for the heir above his or her share of the inheritance. The provisions of this will could be interpreted as *heredis institutio ex re certa* rather than an intentional introduction of *legatum per praeceptionem*.

The same way of appointing an heir is found in *P. NYU* II 39, a later and somewhat unusual will based on an earlier pattern which contained a mancipatory clause. It seems, however, that the author did not possess even the most basic knowledge of Roman testamentary law, as nearly all the clauses are flawed.<sup>127</sup> The *heredis institutio* begins with the sentence: [--] *πατὺρὸς Εὐδαίμωνος καὶ Ἰσιδωρος ὁμοίως πατρ[ὸ]ς Εὐδαίμωνος [--] κληρονόμοι μου ἔστωσαν*, which corresponds to the standard Roman wording. Yet it is followed by the sentence *αἰρέσει τῇ ὑποτεταγμένη καθὼς ἐξῆς ἐκ[ασ]το[ς] προσδέξεται* which we have seen already in *P. Oxy.* VI 907.<sup>128</sup> The sentence has been interpreted by Lionel Cohen as ‘according to the dispositions set forth below as each hereinafter shall receive’.<sup>129</sup>

<sup>126</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 385; Joëlle BEAUCAMP, ‘Le testament de Grégoire de Nazianze’, [in:] EADEM, *Femmes, patrimoines, normes à Byzance*, Paris 2010, pp. 183–264, esp. p. 229. Beaucamp claimed that *κοινῶς ἐξ ἑαυτοῦ ὑπὲρ τῆς κληρονομίας* could be interpreted as the phrase necessary for *legatum per praeceptionem*.

<sup>127</sup> L. COHEN, ‘*Heredis institutio ex re certa* and a new will of the Roman type’, *TAPhA* 68 (1937), pp. 345–356.

<sup>128</sup> On the reconstruction, see commentary to *P. NYU* II 39.

<sup>129</sup> COHEN, ‘*Heredis institutio*’ (cit. n. 127), pp. 347–351.

Later in the will particular goods were appointed to particular heirs in a manner similar to *P. Oxy.* VI 907. The scribes responsible for these two papyri clearly attempted to use the Roman pattern without understanding it and, as a result, the *heredis institutio* should be classified as *ex re certa* in both cases, even if the authors had intended otherwise.

In late antiquity *heredis institutio ex re certa* – that is, the appointment of heirs to particular things – began to appear as an undisguised element in wills.<sup>130</sup> An example of this can be seen in the will of Flavius Pousi, a resident of Oxyrhynchos in the sixth century, which simply lists what each person should receive after the death of the testator (*P. Oxy.* XVI 1901, ll. 58–69).

The popularity of this method is demonstrated in *Novella* 159 pr. of Justinian. Although the constitution deals primarily with the issue of substitution, it nonetheless quotes a passage from a real will containing *heredis institutio ex re certa*. The passage does not seem to have been in any way unusual, as it does not provoke even the smallest commentary from the author of the constitution.

*Nov.* 159: Volo autem et iubeo meos heredes, Constantinum quidem virum clarissimum deputatam ei domum cum omni sicut superius scriptum est coniuncto ei iure, et proastium quod in Cupariis est cum omni sicut superius scriptum est competente ei iure, et domum quae in Antiochia cata Mammianum, Anthemium vero dulcissimum proastium quod in Balcernas est cata Eugenium et Iulianum gloriosae memoriae viros, et proastium quod in summitate sinus Sostenii est quod quondam cata Ardaburium gloriosae memoriae, Calliopium vero virum clarissimum proastium Bytarium sive cata Philotheum, <et> Alexandrum virum clarissimum proastium quod in Venetis est.<sup>131</sup>

<sup>130</sup> A much later Byzantine example of such an appointment of an heir is found in the archive of Dioskoros – *P. Cairo Masp.* III 67312. The author writing down the will of his client, Flavius Theodorus, did not use the long-forgotten scheme of a mancipatory will. However, just like his predecessors – the authors of the texts cited above – he first appointed heirs for his client, and only later undertook a careful division of the latter's estate between the appointed heirs, namely two monasteries and a maternal grandmother.

<sup>131</sup> 'But I want and order (to be) my heirs: Constantinus, *vir clarissimus*, of house assigned to him with every right corresponding thereto, and suburban estate, which is in Koparioi, with all the rights corresponding thereto, and house, which is in Antiochia near (the land of) Mammianus; and the sweetest Anthemius of suburban estate, which estate is in Balcer-

Some of the wills created in the Frankish Kingdom go even further. In the will of bishop Perpetuus<sup>132</sup> there is no formula to appoint an heir, but rather there are instructions for the distribution of each item from his estate. Similarly, the wills of Burgundofara and the son of Idda suggest no terminological distinction between heirs and legatees (if, indeed, such terms can even be applied to these documents) but rather provide instructions for the division of individual goods of the estate among specific people.

We may observe the same general phenomenon in Coptic documents.<sup>133</sup> For instance, Susanna left in her will a fifth of her estate to the Church, but also listed specific items which were to be acquired by the Church. Later in the document, she also listed other items assigned to specific heirs. In some Coptic wills the testator did not even use the term 'heir' when naming the person who would inherit their property. In the will of Paulos, the word 'heir' has been replaced by 'owner', suggesting that the author did not distinguish between these two terms (*P. KRU* 74, ll. 55–56). As there were a number of dispositions to different individuals and entities (e.g. a monastery, the testator's son and daughter), it is not clear who was to be liable for debts. Similar examples are more.<sup>134</sup> From these texts we may conclude that by the seventh and eighth centuries the concept of inheritance as it had been understood by classical jurists – that is, as a universal succession – had disappeared completely both in the East and the West.

An interesting example of an appointment of heirs may be found in the will of the centurion Valerius Aion from Karanis (*P. Col.* VII 188). In his will the entire inheritance was appointed to seven heirs; this was followed by an extremely detailed list of goods belonging to the inheritance, which included the amount of money belonging to the testator, as well as

na near (the land of) Eugenius and Iulianus of the glorious memory; and suburban estate, which is in the highest part of Sostenius neighbouring to (the land of) Ardaburius of the glorious memory; and Calliopius, *vir clarissimus*, of suburban estate Bytarius or neighbouring to Philotheus; and Alexander, *vir clarissimus*, to suburban estate which is in Veneti.'

<sup>132</sup> Reginald Parker and the editor of the document considered it original. PARKER, 'History of the holograph testament' (cit. n. 50), p. 9. In spite of this, there is no evidence that the document is not a forgery created by Luc d'Achery.

<sup>133</sup> *P. KRU* 75; *P. KRU* 65; *P. KRU* 66+76; *P. KRU* 68; *P. KRU* 67.

<sup>134</sup> GAREL & NOWAK, 'Monastic wills' (cit. n. 52).

his movables, along with a list of debtors and an indication of the amounts due.<sup>135</sup> Surprisingly, the will offers no instructions on how the listed goods should be divided, although it does appoint an individual responsible for distributing the property among the heirs (ll. 22–23).

In the wills of Aurelius Kollouthos (*FIRA* III 52) and a nameless testator from Antinoopolis (*P. Köln* X 421), as well as in the testaments made for the bishop Remigius, Aredius and his mother Pelagia, there are detailed lists of movables and immovables which were to pass to the heirs, although there is no guidance on how these would be divided, nor any indication of which person would be responsible for the division. It would appear that a testator only left specific instructions for division if their familial or social situation made it necessary. Such instructions would have been more common in situations when the heirs were not related to each other, or when the lack of a specific appointment might lead to conflict.

Later examples of *heredis institutio* may be found in the wills of Gregory of Nazianzus and Aurelius Kollouthos. The clauses are different from the Roman model; although they appoint a single heir to the entire inheritance, they then proceed to describe the scope of the inheritance: πάσης μου τῆς οὐσίας, κινητῆς τε καὶ ἀκινήτου, τῆς πανταχοῦ μοι ὑπαρχούσης (will of Gregory, l. 22); πάντων τῶν καταλειφθησομένων ὑπ' ἐμοῦ ... κλητῶν τε καὶ ἀκινήτων ἐν παντὶ εἶδει καὶ γένει μέχρις ἀ[σσαρίου ενός (*FIRA* III 52, ll. 11–13).

Such a clause often preceded a full list of goods belonging to the inheritance, or at least a general outline. In the will of Apa Abraham<sup>136</sup> (*P. Lond.* I 77, p. 231, ll. 17–28), it appears that the scribe made a list precisely, so that none of the elements belonging to Abraham's estate would be acquired by

<sup>135</sup> It is also possible that immovable property had been distributed before the will was made.

<sup>136</sup> On estates in the hands of monks, see A. STEINWENTER, 'Byzantinische Mönchstestamente', *Aegyptus* 12 (1932), pp. 55–64, and Ewa WIPSZYCKA, 'Les formes institutionnelles et les formes d'activité économique du monachisme égyptien', [in:] A. CAMPLANI & G. FILO-RAMO (eds.), *Foundations of Power and Conflicts of Authority in Late-Antique Monasticism* [= *Orientalia Lovaniensia analecta* 157], Leuven 2007, pp. 109–154, esp. pp. 149–154; EADEM, *Moines et communautés monastiques en Égypte (IV<sup>e</sup>–VIII<sup>e</sup> siècles)* [= *JfjP Supplement* 11], Warsaw 2009, pp. 493, 498–503, and 545–554.

anyone but the named heir.<sup>137</sup> The author may have feared that something could remain ‘outside the will’ and would have thus included a detailed *heredis institutio*. The purpose of such a clause was not only to show that the heir was to inherit everything, but to emphasise the fact that the inheritance encompassed the whole property of the testator, both current and future. This method of appointing heirs offers further proof that the Roman concept of *hereditas* had disappeared from legal practice.

The methods of appointing heirs discussed above are not dissimilar to practices that had existed in Egypt from as early as the Ptolemaic period. Such wills usually began with an appointment of heirs, followed by a detailed division of the particular items between them.<sup>138</sup> The usual formula was καταλείπω τὰ ὑπάρχοντά μοι πάντα, together with the names of the successors in the dative;<sup>139</sup> this was generally accompanied by a list of property from the estate to be divided among them.<sup>140</sup>

The concept appears to have survived into the Roman period, although in some local wills – especially (but not only) in documents from Oxyrhynchos<sup>141</sup> – the phrase κληρονόμον ἀπολείπω / καταλείπω appears,

<sup>137</sup> Similar outlines of inheritance occur in Coptic wills (e.g. *P. KRU* 75). In the will of Jacob, the head of the monastery of St. Phoibammon, following the appointment of heir, the property which was the subject of the inheritance belonging to the monastery was enumerated (*P. KRU* 65). It is worth noting that in the will of Apa Abraham, as in Coptic wills of his successors, the subject of the disposition is also the position of the superior of the monastery of St. Phoibammon, and the monastery itself. Wills from Jeme are not the only example of a transfer of authority over a monastery through testamentary disposition; the practice was widespread in the Byzantine world. See A. A. SCHILLER, *Coptic Wills. Translation and Commentary. The Egyptian Law of Wills in the Eighth Century AD* (unpublished doctoral dissertation of 1926); STEINWENTER, ‘Byzantinische Mönchstestamente’ (cit. n. 136), pp. 55–64; GAREL & NOWAK, ‘Monastic wills’ (cit. n. 52).

<sup>138</sup> Cf. *P. Lond.* II 375; *P. Oxy.* I 105; *P. Oxy.* III 491; *PSI XII* 1263; *P. Strab.* IV 284; *P. Oxy.* III 495; *P. Lund.* VI 6.

<sup>139</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 344.

<sup>140</sup> *P. Dryt.* 2, ll. 16–21; *SB XVIII* 13168, ll. 3–11. Similar clauses: *P. Petr.* I<sup>2</sup> 1; *P. Petr.* I<sup>2</sup> 2; *P. Petr.* I<sup>2</sup> 4; *P. Petr.* I<sup>2</sup> 6; *P. Petr.* I<sup>2</sup> 7; *P. Petr.* I<sup>2</sup> 11; *P. Petr.* I<sup>2</sup> 13; *P. Petr.* I<sup>2</sup> 14; *P. Petr.* I<sup>2</sup> 16; *P. Petr.* I<sup>2</sup> 22; *P. Petr.* I<sup>2</sup> 23; *P. Petr.* I<sup>2</sup> 24; *P. Petr.* I<sup>2</sup> 25; *P. Petr.* I<sup>2</sup> 27; *P. Dryton* 3; *P. Dryton* 4; *BGU VII* 1285.

<sup>141</sup> *P. Oxy.* I 104; *P. Oxy.* I 105; *BGU VII* 1654; *CPR VI* 72; *P. Wisc.* I 13; *CPR VI* 1; *P. Oxy.* III 491; *P. Oxy.* III 492; *P. Köln* II 100; *P. Oxy.* III 494; *P. Oxy.* III 495; *P. Oxy.* VII 1034 R; *P. Ryl.* II 153.

which expression, however, could not have played a role of an appointment in the sense of universal succession, but it must have expressed the idea of acquiring goods after the testator.<sup>142</sup>

In local wills from before the *Constitutio Antoniniana* it is not rare to find an indication of the person liable for debts relating to an inheritance. For example, Petosarapis from Oxyrhynchos appointed his two children as heirs, but only his daughter was burdened with the liability for debts: [ἐξ ὧν] ἀπέλιπον αὐτῇ ἀπ[οδι]δόναι ὅσα ἐὰν φανῶ ὀφειλῶν (*P. Oxy.* III 495, l. 9).<sup>143</sup> In another will, *P. Oxy.* III 494, the repayment of debt was left to testator's wife, whom the testator also forbade from selling any items belonging to the estate and its collateral.<sup>144</sup> In other documents, the heirs are indicated as being liable for debts.<sup>145</sup> None of these local wills seems to be based on the Roman concept of *heres*, nor do they suggest that liability for inheritance debts was necessarily connected with succession. Three centuries later we may observe a similar approach in the will of Aurelius Kollouthos, who imposed upon his wife, the heiress, the obligation to repay the inheritance debts (*FIRA* III 52, l. 23), and in the already discussed Coptic wills.<sup>146</sup>

Thus we must conclude that the idea of appointing an heir to all or a part of an inheritance was unique to Roman law and based largely on the idea of *hereditas*. Indeed, the concept may have been entirely foreign to the new citizens who, following the practice of local law, understood the appointment of an heir as a series of individual successions.<sup>147</sup> *Heredis institutio* to the entire inheritance or to the part thereof may also have seemed incomprehensible not only to people in the provinces; it is perhaps for this reason that Roman jurists at the beginning of the Principate began to develop a more intuitive approach to the appointment of an heir, that is *heredis institutio ex certa re*.<sup>148</sup>

<sup>142</sup> KRELLER, *Erbrechtliche Untersuchungen*, pp. 346–347.

<sup>143</sup> See ARANGIO-RUIZ, *La successione*, p. 99.

<sup>144</sup> ARANGIO-RUIZ, *La successione*, p. 99.

<sup>145</sup> Cf. *P. Oxy.* I 104; *P. Oxy.* III 648 descr.; *BGU* VII 1654; *P. Köln* II 100; *P. Ryl.* II 153.

<sup>146</sup> ARANGIO-RUIZ, *La successione*, p. 277.

<sup>147</sup> Kreller described such a phenomenon as 'Legatentestament': KRELLER, *Erbrechtliche Untersuchungen*, p. 342.

<sup>148</sup> *DER* II, pp. 142–158.

Still, the correct form of *heredis institutio* is dominant in the surviving wills composed before the *Constitutio Antoniniana*, even if it reflected the application of a legal formula rather than a genuine understanding of the concept.

However, as soon as the Roman pattern fell out of use, it was immediately supplanted by the local tradition. In documents from the fifth century, an inheritance was often referred to as τὰ ὑπάρχοντά μοι πάντα, the sum of particular items belonging to the testator; the heir, rather than acting as successor under the general title, was simply the individual who would acquire the items belonging to the testator.<sup>149</sup> This process, as we discussed in the previous section, must have started before the first evidence appears in the papyri.

### *Imperial constitutions*

After *heredis institutio ex re certa* had become the primary means of appointing an heir, the emperor Justinian issued a constitution addressing both the appointment of an heir to certain things and the more traditional form of *heredis institutio*.

C. 6.24.13: Quotiens certi quidem ex certa re scripti sunt heredes vel certis rebus pro sua institutione contenti esse iussi sunt, quos legatariorum loco haberi certum est, alii vero ex certa parte vel sine parte, qui pro veterum legum tenore ad certam unciarum institutionem referuntur, eos tantummodo omnibus hereditariis actionibus uti vel conveniri decernimus, qui ex certa parte vel sine parte scripti fuerint, nec aliquam deminutionem earundem actionum occasione heredum ex certa re scriptorum fieri.<sup>150</sup>

<sup>149</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 350.

<sup>150</sup> 'Whenever some people are appointed heirs to certain things or they are ordered to consider certain things as their appointment, it is settled that they are considered to take the place of legatees, others (appointed) to certain share or without the designation of a share are considered as entitled to definite number of twelfths of the inheritance, which is for continuity of ancient laws, we decree that these heirs appointed to a specified part of the inheritance or without any share are entitled to all hereditary actions, or may be sued, and that their right to these actions shall not be diminished by the heirs who were appointed to certain things.'

The emperor decided that only those individuals appointed to a part of the inheritance should be regarded as heirs, while those appointed *ex re certa* were merely legatees. The constitution may have been intended to reaffirm the classical rule under which an heir had to be appointed to all or to a part of an inheritance, and not to particular items. It may also have been an attempt to limit the range of situations in which an heir was both inheritor and legatee.<sup>151</sup> However, in those cases where all heirs had been appointed to particular things the solutions proposed by the classical jurists were upheld. By issuing this constitution, Justinian may have been trying to emphasise the importance of the classical model and its primacy over the appointment of an heir to particular things. However, the emperor made no attempt to limit *heredis institutiones ex re certa*, which would in any event have been hardly possible, given their predominance in legal practice of the late Empire.

### Conclusion

It seems that neither the concept of appointing heirs to the entire inheritance or to a part thereof, nor the rigorous rules governing its form were fully adopted in the testamentary practice of the East (or at least in Egypt, which is the place of provenance of the overwhelming majority of our sources). This supposition is supported by the following observation: the clause of *heredis institutio* based on Roman principles started disappearing shortly after the fall of testamentary pattern for *testamentum per aes et libram*. In testamentary model of late antiquity, *heredis institutio* was greatly influenced by the local legal practices, which would have been far more intuitive than Roman concepts of *hereditas* and *heres* for those with a limited legal knowledge. As an illustration we may quote a seventh-century will drafted in the Arsinoite nome (SB VI 9402), in which no heir was appointed at all. This is also true of Coptic wills, as well as Western documents – most notably the wills of Burgundofara or the son of Idda – which lack any distinction between heirs and other recipients.

<sup>151</sup> D'ORTA, *Sterilis beneficii conscientia* (cit. n. 118), p. 150.

## 5. CRETIO CLAUSE

*Heredis institutio* was usually followed by a *cretio* clause requesting that the heirs accept their inheritance within a specified period. A sample *cretio* clause is given by Gaius:

G. 2.165: Cum ergo ita scriptum sit ‘heres Titius esto’, adicere debemus ‘cernitoque in centum diebus proximis quibus scies poterisque. Quodni ita creveris, exheres esto.’<sup>152</sup>

The *cretio* clauses found in surviving testaments resemble the example from Gaius and were usually based on the following pattern: ‘Cernitoque hereditatem meam in diebus centum proximis quibus sciet poteritque testari se mihi heredem esse’, or in Greek ἀποφηνάσθω τε τὴν κληρονομίαν μου ἐν ἡμέραις ρ ταῖς ἔγγιστα αἷς γνώσεται δυνήσεται τε μαρτύρεσθαι ἑαυτὸν μου κληρονόμον εἶναι. Although this and similar clauses are well attested,<sup>153</sup> it is difficult to determine whether *cretio* was actually performed in Egypt.

The purpose of the *cretio* clause in Roman law was to force an appointed heir to make a decision about accepting the inheritance within a specified period of time (usually one hundred days<sup>154</sup>) and to appoint another heir if the first did not accept.<sup>155</sup> The clause thus had to contain both the disinheritance of the first heir and the appointment of one or several others.<sup>156</sup> However, not all *cretio* clauses followed this pattern. In

<sup>152</sup> ‘After the sentence “Titius shall be my heir”, we must add “he shall accept (the inheritance) within one hundred days, beginning as soon as you are aware and able to do so. But if you do not accept, be disinherited”’ (transl. MN).

<sup>153</sup> *P. Oxy.* XXXVIII 2857; *P. Select.* 14; *P. Oxy.* LII 3692; *PSI* XIII 1325; *BGU* I 326; *P. Diog.* 9; *P. Diog.* 10; *BGU* VII 1696; TOMLIN, *FIRA* III 47; *P. Mich.* VII 437.

<sup>154</sup> The period of sixty days is reconstructed in *P. Mich.* VII 437, l. 5. See V. ARANGIO-RUIZ & A. M. COLOMBO, ‘Documenti testamentari latini della collezione di Michigan’, *JfJrP* 4 (1950), pp. 117–123, esp. p. 117.

<sup>155</sup> AMELOTI, *Il testamento*, p. 126.

<sup>156</sup> *P. Oxy.* XXXVIII 2857, ll. 9–11; *FIRA* III 47, ll. 9–16; perhaps *P. Mich.* VII 437, ll. 4–6. G. 2.174: ‘Interdum duos pluresve gradus heredum facimus, hoc modo “L. Titius heres esto cernitoque in diebus <centum> proximis quibus scies poterisque. Quodni ita creveris,

the will made for Gaius Longinus Castor, for instance, the clause is slightly different than the one quoted above.

BGU I 326, col. I, ll. 7–13: προσε[ρ]χέσ[θωσαν οὖν τῇ κληρονομίᾳ] μου ἐκάστη ὑπὲρ τοῦ ἰδίου μέρους ὁπότ[α]ν [γνῶ καὶ δύνηται μα]ρ[τύ]ρασθαι ἑαυτὴν ἐμοῦ κλ[η]ρονόμον εἶναι, μὴ ἐξεῖ[ναι δ]ὲ πιπράσκειν μηδὲ ὑποτίθεσθαι. ἀλλ' εἴ τι ἐὰν ἀν[θ]ρώπιν[ο]ν πά[θ]ῃ Μαρκέλλ[α] ἢ προγεγραμμένη, τότε τὸ μέρος τῆς κληρονομίας ἑαυτῆς [πρ]ὸς Σαραπίωνα καὶ Σωκράτην καὶ Λόγγον καταντῆσαι θέλω. ὁμοίως [Κλε]οπάτρην τὸ μέρος αὐτῆς πρὸς Νεῖλον καταντῆσαι θέλω.<sup>157</sup>

The passage differs significantly from the template, as it does not specify the period of time by which the heirs must accept the inheritance, nor does it contain a disinheritance clause or the names of secondary heirs; it simply says that in the event of Marcella's and Kleopatra's death, their parts of the inheritance shall devolve upon Sarapion, Sokrates, Longos, and Neilos.

The purpose of this clause is unclear. On the one hand, it is similar to *substitutio pupilaris*, which allowed a testator to appoint an heir for his own heir under the testator's *patria potestas*, in the event that the heir died before reaching puberty; however, both of the women in the above passage were adults, as indicated in the text.<sup>158</sup>

On the other hand, if a first-degree heir died before accepting the inheritance, *substitutio vulgaris* was enacted, as if he or she had not accepted the

exheres esto. Tum Maevius heres esto cernitoque in diebus centum" et reliqua. Et deinceps in quantum velimus, substituere possumus.'

'Sometimes we appoint heirs in the second or further degree in this way: "Lucius Titius shall be heir and he shall accept (the inheritance) within one hundred days beginning as soon as you are aware and able to do so. But if you do not accept, be disinherited. Then Maevius shall be heir and he shall accept (the inheritance) within one hundred days", and so on. And afterwards we can substitute as many heirs as we want to' (transl. MN).

<sup>157</sup> 'They shall enter upon my inheritance, each for her own part, after she knows and is able to testify she is my heir; it shall not be possible to sell or mortgage it. But if the above-written Marcella suffers the lot of human kind, then I wish her share of the inheritance to devolve upon Sarapion, and Sokrates, and Longus. Likewise for Kleopatra, I wish her share to devolve upon Neilos.'

<sup>158</sup> See J. G. KEENAN, 'The will of Gaius Longinus Castor', *BASP* 31 (1994), pp. 101–107, esp. p. 102.

inheritance. This interpretation of the clause seems more plausible, especially as the two heirs, Marcella and Kleopatra, were slaves of Gaius Longinus Castor and, as *heredes necessarii*, would not have been able to disburse the inheritance themselves. Yet, as Rafał Taubenschlag has observed, ‘the *substitutio vulgaris*, however, shows in the will of Gaius Longinus Castor a full departure from the imperative words prescribed by Roman rules and a strong attachment to Hellenistic forms.’<sup>159</sup> According to Taubenschlag, not only were the words not ‘Roman’, but the very idea of substituting an heir, unless it was *substitutio pupilaris*, would have opposed the established Roman practice of substitution.<sup>160</sup> In Roman law, substitution was understood as *heredis institutio* in the second degree, as we know from Gaius (2.174).

The passage in Castor’s will is not the only example of an ‘incomplete’ *cretio* clause. There are, indeed, some which specify only that the heirs should accept the inheritance (*PSI* XIII 1325, l. 10; *P. Oxy.* LII 3692, ll. 6–11). According to Mario Amelotti, these phrases were *metri causa*, and therefore of no legal importance. His interpretation, however, is based on the fact that a number of examples in which *cretio* may actually have been performed is limited.

One such example is found in a fragment of a triptych from the mid-second century (*PSI* IX 1027; Ptolemais Euergetis, AD 157). The preserved tablets contain a *testatio* of a *cretio* in which the underage daughter of the testator accepted her father’s inheritance, but not alone. It was a mother assisted by her *kyrios* who accepted the inheritance on behalf of her daughter. As Gaetano Scherillo rightly points out, *cretio* could only be accomplished in person under classical Roman law. Moreover, the daughter as *heres suus et necessarius* was under no obligation to accept the inheritance.<sup>161</sup> Another instance of *cretio* appears in *FIRA* III 60 (Ptolemais Euergetis, AD 170); in this instance a brother assists the heiress, but it seems probable that he only helped her to make the *testatio*.

<sup>159</sup> TAUBENSCHLAG, *The Law of Greco-Roman Egypt* (cit. n. 102), p. 146.

<sup>160</sup> TAUBENSCHLAG, *The Law of Greco-Roman Egypt* (cit. n. 102), p. 146.

<sup>161</sup> See the commentary of G. SCHERILLO to *PSI* IX 1027. Cf., however, the interpretation proposed by M. F. de ZULUETA, ‘La *cretio* d’Herennia Helene: encore le *PSI* 1027’, *Revue historique de droit français et étranger* 12 (1933), pp. 221–222.

*PSI IX 1027 = FIRA III 59 = CPL 213* (Ptolemais Euergetis, AD 151), ll. 1–11: quod testamentum L(ucius) Herennius Vales fecisset fecisseve dicere-  
tur quo | testamento | facto mortuus est eoque | testamento | Herennian  
Helenen filiam ||<sup>5</sup> suam ex asse heredem instituiss(s)e | idcirco Heren<n>ia  
Helene per Marciam | Athenaidem matrem suam t(utore) a(uctore) L(ucio)  
| Valerio | Onno testata est eos qui | signaturi erant quot diceret se ||<sup>10</sup> cer-  
nereque secut tabulas testamenti | huius.<sup>162</sup>

9. quod || 10. secundum

*FIRA III 60 = M. Chr. 327 = CPL 214 = Jur. Pap. 26* (Ptolemais Euergetis, AD 170), ll. 1–10: Valeria Serapias Antinois virgo | per procuratore<m> L(ucium)  
Val(erium) Lucretiano Matidio q(ui) e(t) | Plutinio, Antinoensio | fratre ||<sup>5</sup>  
eius, testata est, se | hereditatem | Flaviae | Valeriae | matris eius adiisse | cre-  
visse(ue) seq(ue) heredes | esse secundum tabulae ||<sup>10</sup> t(estamenti) eius.<sup>163</sup>

3. Lucretianum | Matidium || 4. Plutinium | Antinoensium | fratrem || 8. heredem || 10. tabulas

As Hans Julius Wolff has noted, all of the documents attesting *cretio* originated from the same nome and were created within a limited time-frame. It is thus difficult to determine whether *cretio* would have been practiced throughout Egypt.<sup>164</sup> It would not be wholly surprising to find that *cretio* was not widely practiced, as it was not strictly necessary; an heir could accept the inheritance *nuda voluntate* (G. 2.167).<sup>165</sup> The *cretio*

<sup>162</sup> 'As Lucius Herennius Vales has made this will, it was said that he made (the will) and after having made this will he died. In this very will he appointed his daughter Herennia Helene lawful heir. For this reason Herennia Helene, through her mother Marcia Athenaide, with Lucius Valerius Onnus acting as tutor, has testified in the presence of those who had signed, and she said that she accepted according to the tablets of his will.'

<sup>163</sup> 'Valeria Serapias, citizen of Antinoopolis, maiden, has testified through procurator Lucius Valerius Lucretianus also called Plutinius, citizen of Antinoopolis, her brother, that she entered upon the inheritance after Flavia Valeria her mother, accepted it, and she was an heir according to the tablets of her will.'

<sup>164</sup> H. J. WOLFF, 'Some observations on pre-Antonian Roman law in Egypt', [in:] R. S. BAGNALL & W. V. HARRIS (eds.), *Studies in Roman Law. In Memory of A. Arthur Schiller*, New York 1986, pp. 165–166.

<sup>165</sup> AMELOTI, *Il testamento*, p. 129.

clause in the will of Gaius Longinus Castor could thus be interpreted either as *substitutio vulgaris* – the appointment of second-degree heirs in the event that the primary heirs should die prior to the passing of the testator – or alternatively as an element of style; the latter hypothesis would find support in Wolff's observation.

We may, however, propose a third explanation. In the wills composed for non-Romans we find a very different substitution clause from the one which appears in Roman wills. The purpose of the clause is to appoint successors in the event that an heir should die after having acquired the inheritance. An example of this practice is attested in a Hellenistic will re-published as *P. Petr.* I<sup>2</sup> 25, ll. 8–38. The testator determined that, after his wife's death, her part of the inheritance should be divided among their common children; the wife's part was to be shared between children of both sexes only if the daughters were unmarried at the time of her death. However, if the female descendants were married, it was to be divided only among the sons (ll. 27–31).

A similar substitution also appeared in local wills from the Roman period and was constructed in the following way: after a phrase appointing successors – usually based on the pattern *καταλείπω κληρονόμους* followed by names in the accusative, or the verb *καταλείπω* followed by names in the dative – the phrase *ἐὰν ζῇ, εἰ δὲ μὴ* was added, followed by the appointment of the secondary heirs.<sup>166</sup> This solution seems similar to *substitutio vulgaris*. There are, however, other texts which provide further evidence for the substitution of heirs in local wills.<sup>167</sup> One of the provisions in *P. Wisc.* I 13 states that in the case of childless death of one of heirs who did not make a will, his part of the inheritance should be acquired by another; in turn, if the latter died, this part should belong to closest relatives (ll. 6–7).<sup>168</sup>

There can be little doubt that the above passage refers to the appointment of subsequent heirs in the event that the primary heir dies after

<sup>166</sup> Cf. *P. Oxy.* I 104; *P. Oxy.* I 105; *P. Sijp.* 43; *P. Oxy.* III 490; *P. Oxy.* III 491; *P. Oxy.* III 492; *P. Köln* II 100; *PSI* XII 1623; *P. Wisc.* I 13; *P. Ryl.* II 153; *P. Lips.* II 149.

<sup>167</sup> See *P. Oxy.* I 105; *P. Oxy.* III 490; *P. Oxy.* III 491.

<sup>168</sup> See *P. Oxy.* I 105; *P. Oxy.* III 491.

acquiring the inheritance. The process is very close to *substitutio pupilaris*, except that the first-degree heirs are not minors; and even if they were minors – as is the case for two of three heirs in the will of Eudaimon (*P. Oxy.* III 491) – it would not change the meaning of the dispositions. The individuals appointed as second-degree heirs are to acquire the property regardless of the age of the first-degree heirs at the time of their death. In this way it deviates from the Roman practice of *substitutio pupilaris*.<sup>169</sup> The meaning of the provision is to limit the testamentary freedom of testator's own heirs.

The papyri discussed above may help to explain the unusual form of the *cretio* clause in Gaius Longinus Castor's will: it seems wholly plausible that the clause was not a *cretio* clause at all, but in fact a product of local custom framed to resemble a Roman institution. A similar example is provided by *P. Oxy.* XXVII 2474 (ll. 25–27), which states that if any of the testator's children died intestate and childless, his portion was to devolve upon his or her siblings. This passage offers an accurate expression of the same idea, but drawn directly from local legal practice, without attempting to disguise itself as a Roman substitution clause.

During the late Empire, the *cretio* clause disappeared completely from legal practice and, in the time of Justinian, it disappears also from the written legal sources (C. 6.30.17). However, in a will from the seventh-century Fayum,<sup>170</sup> the local concept of substitution appears once again (*SB* VI 9402, ll. 4–14). The testatrix explained that Isidoros was to become her heir, because her daughter had predeceased her; yet Isidoros was to become her heir only if none of her children survived. This concept is consistent with *substitutio pupilaris*; however, nothing in the text indicates the age of the children. Indeed, it is not even clear whether or

<sup>169</sup> Vincenzo Arangio-Ruiz interpreted the substitution in local wills as similar to (or even imitating) *substitutio pupilaris*. See ARANGIO-RUIZ, *La successione*, pp. 90–94.

<sup>170</sup> The first editor dated the document to the sixth/seventh century AD; see H. von GERSTINGER, 'Ein Intestatkodizill (?) und eine Legatsübernahmeerklärung aus spätbyzantinischer Zeit in den Pap. Graec. Vindob. 25875 und 26270', [in:] *Festschrift Artur Steinwenter*, Graz – Cologne 1958, pp. 132–139, esp. p. 132. However, according to Packman, the papyrus should be dated to the seventh century: Z. M. PACKMAN, 'Further notes on texts with the imperial oath', *ZPE* 90 (1992), p. 258.

not the children had already been born at the time when the will was composed. Even if we assume that the children in question were minors when the testatrix made her will, Isidoros would still become her heir after the death of those children, regardless of whether they died before or after reaching maturity.

In both copies of a Coptic will made for Susanna (*P. KRU* 66+76), in which her descendants and a church were appointed to individual items belonging to her estate, the testatrix specified what should happen if any one of the heirs happened to die. If one of her grandsons died, his part of goods were to become the property of the remaining male successors, and if one of granddaughters should die, the goods were to pass to the remaining female successors.<sup>171</sup> As in the previous example, the clause makes no reference to what would happen if one of the heirs were to die before assuming their inheritance. This disposition was simply intended to limit the freedom of Susanna's heirs in disposing of her property by applying a substitution clause.

## 6. DISINHERITANCE

Classical Roman law required the disinheritance of *sui heredes*, otherwise the will could be declared fully or partially void. If the testator had a son *in potestate*, he either had to appoint him as an heir or disinherit him by name (*nominatim*). Other *sui heredes* had to be appointed heirs or disinherited collectively using the phrase *ceteri alii omnes exheredes mihi sunt*. This practice is known from several of sources, including the *Institutiones* of Gaius (G. 2.132).

As with the other elements of the will, disinheritance was based on a pattern consistent with the record provided by Gaius: *ceteri (alii) omnes (mihi) exheredes sunt* / οἱ δὲ λοιποὶ πάντες ἀποκληρόνομοί μου ἔστωσαν.<sup>172</sup>

<sup>171</sup> Cf. T. G. WILFONG, *Women of Jeme. Lives in a Coptic Town in Late Antique Egypt*, Ann Arbor 2002, pp. 135–136.

<sup>172</sup> *P. Oxy.* XXXVIII 2857; *FIRA* III 47; *ChLA* X 427; *P. Oxy.* LII 3692; *P. Mich.* VII 437; *SB* V 7630; *BGU* I 326; *P. Diog.* 9; *P. Diog.* 10; *BGU* VII 1696.

The disinheritance of particular individuals (*nominatim*) is not actually attested in the papyri,<sup>173</sup> although it often appears in literary sources.<sup>174</sup>

Mario Amelotti has explained this phenomenon in social terms. In his opinion, the disinheritance of *sui heredes* occurred only occasionally, because people normally wanted their children to be their successors; hence the disinheritance clause was a superfluous element and did not apply to specific individuals.<sup>175</sup> The statement seems plausible, although it is difficult to prove, as we know very little about the authors of the preserved wills or their family situation. Indeed, most of what we know about them comes from their wills. Even then, we cannot infer that a particular testator only had two children on the grounds that he only appointed two children as his heirs.

When analysing the presence of disinheritance in Roman wills from Egypt, one should not neglect the influence of local practices that would have existed in parallel with Roman ones. For the Romans, the purpose of disinheritance was to ensure that the testator did not omit anyone belonging to the group of *sui heredes*; in local practice, however, the concept, which had existed since the Ptolemaic period, had an altogether different meaning.

The local clause was based on the following pattern: ἄλλωι δὲ οὐδενὶ οὐδὲν καταλείπω οὐδὲ δίδωμι / ἄλλω δὲ οὐδενὶ τῶν ἐμῶν καταλείπω οὐδέν;<sup>176</sup> its aim was to manifest the ‘completeness’ of testamentary dispositions. The clause expressed the idea that the dispositions listed in the will had exhausted all present and future assets of the testator, and that no individual who was not mentioned in the will was entitled to any listed

<sup>173</sup> The only known exception is *P. Princ.* II 38: οἱ δὲ υἱοὶ <οἱ> ἐμοὶ ἀποκληρόνομοι ἔστωσαν (for variant reading, see Appendix 3, p. 376). As Mario Amelotti rightly points out, this exception has no legal significance, as women did not have *sui heredes* and did not therefore have to disinherit anyone (AMELOTTI, *Il testamento*, p. 123, n. 3).

<sup>174</sup> CHAMPLIN, *Final Judgements*, p. 15.

<sup>175</sup> AMELOTTI, *Il testamento*, p. 123.

<sup>176</sup> For example *P. Petr.* I<sup>2</sup> 6, ll. 1–26; *P. Petr.* I<sup>2</sup> 7; *P. Petr.* I<sup>2</sup> 9, ll. 8–19; *P. Petr.* I<sup>2</sup> 11; *P. Petr.* I<sup>2</sup> 14; *P. Petr.* I<sup>2</sup> 16, ll. 12–40, 67–95, 96–123; *P. Petr.* I<sup>2</sup> 17, ll. 15–40; *P. Petr.* I<sup>2</sup> 23; *P. Petr.* I<sup>2</sup> 24, ll. 15–39; *P. Petr.* I<sup>2</sup> 25, ll. 8–38; *P. Petr.* I<sup>2</sup> 27; *P. Dryton* 1; *P. Dryton* 2; *P. Oxy.* I 104; *P. Oxy.* III 490; *P. Oxy.* III 492; *P. Köln* II 100; *PSI* XII 1263; *P. Oxy.* III 649 descr.

or unlisted part of the estate. This interpretation is substantiated by the fact that the clause is placed after all the financial dispositions.<sup>177</sup> Although the local clause bears similarities to its Roman counterpart, it is perhaps more appropriate to refer to it as a 'completeness clause' rather than a 'disinheritance clause', for this seems closer to its intention.

In late antique Roman wills, the disinheritance clause appeared in variants. For instance, in the first will referring to the constitution of Alexander Severus (*SB* I 5294, l. 11), the local 'completeness clause' replaced disinheritance, although in this case the entire will was based on a local pattern (for a more extensive discussion, see the introduction to this chapter). In many of the wills made after the constitution of Alexander Severus, the disinheritance clause retained the form which had appeared in the earlier testamentary model: οἱ δὲ λοιποὶ πάντες ἀποκληρόνομοί μου ἔστωσαν.<sup>178</sup> Over time, however, the clause became more elaborate and gained more individual elements.

There is an interesting example of disinheritance in the will of Gregory of Nazianzus. The clause took its usual form (ll. 23–24): οἱ δὲ λοιποὶ πάντες ἔστωσάν μου ἀποκληρόνομοι, and was placed after the *heredis institutio*. Yet the clause appears to be continued in a later part of the text, in which Gregory apologises to Alypiane – referred to as a 'daughter' – for bequeathing nothing to her. The bishop explains his decision, stating that he bequeathed everything to the poor in memory of his parents (ll. 63–67). Gregory goes on to mention two sisters of Alypiane, who, according to his own words, were not worth remembering, due to the fact that they led reprehensible lives (ll. 63–64). Obviously, he did not feel obliged to leave them anything.

It is unclear why Gregory chose to introduce this story. Certainly, it would not have had any legal significance. The women were Gregory's nieces<sup>179</sup> and would not have been entitled to any claim against Gregory's heirs; nor indeed was there any legal need for Gregory to disinherit them. The reason for the clause may thus have been social and moral; perhaps

<sup>177</sup> KRELLER, *Erbrechtliche Untersuchungen*, pp. 348–349.

<sup>178</sup> *P. Oxy.* VI 907; *P. Col.* VII 188; *P. NYU* II 39; *FIRA* III 52.

<sup>179</sup> R. VAN DAM, 'Self-representation in the will of Gregory of Nazianzus', *JThS* 46.1 (1995), pp. 118–148, esp. p. 127, BEAUCAMP, 'Le testament de Grégoire' (cit. n. 126), p. 233.

Gregory wished to justify his decision not to bequeath anything to his close family members.

Another variant of the clause occurs in a will made for Flavius Pousi, *P. Oxy.* XVI 1901, ll. 47–48: ἀπ[ο]κληρονόμους δὲ ποιῶ πάντ[ας τοὺς πρὸς γένους] τυγχάνοντας καὶ τυγχανούσας. The meaning is essentially the same as the popular *ceteri alii omnes* clause, although it specifies that the disinheritance applied to family members of both sexes. From the text we know that Flavius Pousi had a daughter to whom he had bequeathed some property, and who had to be disinherited. However, the testator may have been attempting to encompass a wider group of people by including this clause. It is also possible that this disinheritance clause was a variant that had developed in the Oxyrhynchite nome.

In *P. Cairo Masp.* III 67324, the disinheritance contains a justification (ll. 13–14) along with the standard formula. Aurelius Pachab, for whom the will had been written, explains that the disinheritance seemed to him right and just. In wills from the archive of Dioskoros (*P. Cairo Masp.* II 67151, III 67312) the clause is even more extensive. It is present in *P. Cairo Masp.* III 67312, even though the testator had no relatives who needed to be disinherited.<sup>180</sup> The same applies to the disinheritance found in *P. Cairo Masp.* II 67151, where children were appointed heirs, and perhaps in the majority of wills.

The disinheritance clause which appears in the will of Apa Abraham (*P. Lond.* I 77, p. 231, ll. 40–50) differs significantly from the clauses we have discussed thus far. It lists groups of people – including legal heirs, brothers,

<sup>180</sup> The only relative who could be entitled to *querella inofficiosi testamenti* was the maternal grandmother, who was appointed as one of the three heirs. According to Pasquale Voci, Max Kaser, and Joëlle Beaucamp, in the time of Justinian entitled to *pars legitima* were descendants, siblings, parents, and further ascendants: *DER* II, pp. 434–345; *DPR* I, p. 290; Joëlle BEAUCAMP, ‘La transmission du patrimoine: législation de Justinien et pratiques observables dans les papyrus’, *Subsecriva Groningana. Studies in Roman and Byzantine Law* 7 (2001), pp. 1–13, esp. pp. 8–9. Jakub Urbanik, on the other hand, was of the opinion that in the light of the *Novella* 115, further ascendants did not become *heredes necessarii*: ‘But Justinian imposes on the children a duty to institute only the parents (*parentes*, γονεῖς) as their heirs, not the further ascendants. In proemium to chapter five, a situation is described in which either children (ch. 3) or parents (ch. 4) would get less than their due part from the will. In such a case their part should be augmented according to “other our laws”, i.e. most probably provisions of *Novella* 18.’ URBANIK, ‘Dioskoros and the law’ (cit. n. 122), p. 129, n. 21.

nephews, and so forth – who might potentially be interested in Abraham's estate after his death, and forbids them to act against the will in any way (for instance, to bring charges against the heirs or complain in front of friends). The list of people is broader than the group of relatives entitled to any claim against Abraham's will (see above) and, indeed, there is no way of determining whether Abraham would have had any relatives to be disinherited, or even such as listed in the clause. An analogous pattern can be found in later Coptic wills from Jeme.<sup>181</sup> It is difficult to determine whether the clause referred to specific people or was purely rhetorical, and whether the notary who composed the bishop's will was even aware of the concept of *exheredatio*, but the positive response seems rather doubtful. The clause perhaps fulfilled another function: it expressed the testator's intention to ensure the will remained valid. The clauses would thus have rendered the testamentary dispositions complete.<sup>182</sup>

When discussing the disinheritance clause, we must not forget to mention *apokeryxis*, the 'renunciation of a son', which in Athenian law was a formal severance of family ties between father and son, and the exclusion of the son from the father's family. As a consequence of *apokeryxis* the son was no longer eligible to inherit either from his father or other relatives. The term *apokeryxis* appears in very few documents from Egypt. Three instances are found in the archive of Dioskoros, one of which (*P. Cairo Masp.* III 67353 v; Antinoopolis, AD 569) contains the *apokeryxis* of children who are described as 'patricidal'. The father disinherited his children, allowing them to keep *μόνον φαλκίδιον*, 'the sole *phalkidion*', which amounted to a twelfth part of the inheritance for each. At the end of the document there is a declaration that the text was in accordance with the will.<sup>183</sup> The provisions in the second document (*P. Cairo Masp.* I 67097 v D; Aphrodito, AD 573–574), created only a few years later, are very similar to those in the first text.<sup>184</sup>

<sup>181</sup> See *P. KRU* 75; *P. KRU* 65.

<sup>182</sup> About disinheritance clause in Coptic wills, see GAREL & NOWAK, 'Monastic wills' (cit. n. 52).

<sup>183</sup> URBANIK, 'Dioscoros and the law' (cit. n. 122), p. 121.

<sup>184</sup> Initially the text was considered to be a rhetorical exercise; however, it seems that it was a real document or at least its draft, see URBANIK, 'Dioscoros and the law' (cit. n. 122), p. 121; on *phalkidion*, see pp. 170–173.

Both of these documents (and, indeed, the phenomenon of *apokeryxis* itself) have presented scholars with interpretative difficulties,<sup>185</sup> particularly as the classical practice of *apokeryxis* had been prohibited at least since the time of Diocletian (C. 8.46.6).<sup>186</sup> However, in the above-mentioned papyri it seems probable that the word has been used in the sense of disinheritance; both of the discussed documents were used to supplement or strengthen the disinheritance clause contained in the respective testaments.<sup>187</sup> In *Novella* 115, Justinian limited the freedom of the testator, ordering parents to appoint their children as heirs unless there was a valid reason for disinheritance; a list of potential legally acceptable reasons is included in the constitution.<sup>188</sup> The papyri in question would have thus served to guarantee that disinheritance took place in accordance with the law and, to some extent, represented a supplement to the will.<sup>189</sup> Under Justinian's law, disinheritance had become

<sup>185</sup> V. ARANGIO-RUIZ, 'Applicazione del diritto giustiniano in Egitto', *Aegyptus* 1 (1920), pp. 21–36, esp. pp. 27–30; A. ALBERTONI, *L'apokeryxis: contributo alla storia della famiglia*, Bologna 1923; TAUBESCHLAG, *The Law of Greco-Roman Egypt* (cit. n. 102), pp. 54–55 and 136–138; M. WURM, *Apokeryxis. Abdicatio und Exheredatio*, Munich 1972; M. MIGLIORINI, *L'adozione tra prassi documentale e legislazione imperiale nel diritto del tardo impero romano*, Milan 2001, pp. 279–350; S. SCIORTINO, 'C. 8.46.6: Brevi osservazioni in tema di *abdicatio* ed *apokeryxis*', *Annali del seminario giuridico della Università di Palermo* 48 (2003), pp. 333–378; J. MELÈZE MODRZEJEWSKI, *Loi et coutume dans l'Égypte grecque et romaine* [= *JfJrP Supplement* 21], Warsaw 2014, p. 334.

<sup>186</sup> URBANIK, 'Dioscoros and the law' (cit. n. 122), p. 125.

<sup>187</sup> URBANIK, 'Dioscoros and the law' (cit. n. 122), p. 126. Scholars interpret the mention of *apokeryxis* in a second-century document from Oxyrhynchus in a similar way (*P. Oxy.* XXII 2342; Oxyrhynchus, AD 102), see P. VAN MINNEN, 'Berenice, a businesswoman from Oxyrhynchus: appearance and reality', [in:] P. VLEEMING & A. M. VERHOOGT (eds.), *The Two Faces of Graeco-Roman Egypt: Greek and Demotic and Greek-Demotic Texts and Studies Presented to P. W. Pestman*, Leiden 1998, pp. 59–71, pp. 68–69; see Eva JAKAB, 'Berenike vor Gericht: *Apokeryxis*, Gesellschaft und Buchführung in *P. Oxy.* XXII 2342', *Tyche* 16 (2001), pp. 63–85.

<sup>188</sup> For a list of these reasons, see URBANIK, 'Dioscoros and the law' (cit. n. 122), p. 126, n. 17.

<sup>189</sup> URBANIK, 'Dioscoros and the law' (cit. n. 122), pp. 126–127. The term *apokeryxis* occurs in a similar sense in the *Syro-Roman Law Book*. See C. A. NALLINO, '*Apokeryxis* e diseredazione nel *Libro syro-romano di diritto*', *Rendiconti delle sedute della R. Accademia dei Lincei, Classe di scienze morali, storiche e filologiche* 6.1 (1926), pp. 709–748; R. YARON, 'Syro-romana', *Iura* 17 (1967), pp. 114–164, esp. p. 129.

a serious decision which could be undertaken only if there was just cause; for this reason it may have been useful to provide an accompanying document which would give a justification for disinheritance. Moreover, both texts refer to earlier wills.

*P. Cairo Masp.* III 67353 v, ll. 35–37: καὶ τοῦτο ἐξέταξα μετὰ τοῦ προκειμένου φαλκ[ιδίου] τῇ ἐμῇ [δ]ιαθήκῃ καὶ εἰς εἶδῃσιν πάντων κυρίαν οὔσαν καὶ βεβαί[α]ν [π]ανταχο[ῦ] [προφερομένην].<sup>190</sup>

*P. Cairo Masp.* I 67097 v D, ll. 72–74: ὅπερ καὶ ἐν καιρῷ τῆς ἐμῆς ἐκτάσσω καὶ διατάσσω διαθήκης ἐγγράφου βεβαίας, ὥστε σε μηδὲν τούτου πώποτε δύνασθαι ἐπιζητεῖν περαιτέρον, ἀλλ’ ἀρκεσθῆναι αὐτῷ δι’ ὅλ[ου α]ἰωνίω[ς].<sup>191</sup>

The wills to which these texts refer must have contained disinheritance *nominatim*, which would have made them different from the majority of wills. The texts also demonstrate that the general disinheritance clause played no serious role in the testaments. If a testator had decided to disinherit *sui heredes*, they would not have wanted to leave any doubt about their intention. Moreover, by this late period, clauses had become elaborate and flowery; therefore, it is difficult to imagine that the disinheritance of a daughter would not have included her name, a description and detailed reasons for disinheriting her.

At the same time, the disinheritance clause may not have been merely an element of style. It may have been used to express that the will was complete and that the testator had not forgotten about anyone. This function would be similar to the one fulfilled by the phrase ἄλλω δὲ οὐδενὶ τῶν ἐμῶν καταλείπω οὐδέν which appears in earlier local wills. Additionally, the disinheritance clause could serve as an explanation or justification for why the testator had passed over certain relatives or individuals.

<sup>190</sup> ‘And this with the aforementioned φαλκίδιον I ordered in my will and revealed so that everyone knows that it is valid and effective everywhere ...’

<sup>191</sup> ‘And at the moment of my binding and written will, I order and dispose that you can never demand anything beyond this and be satisfied with this in everything and for ever.’

## 7. LEGACIES

In classical Roman law, legacies (*legata*) referred to gifts conferred upon certain individuals by the testator in his or her will.<sup>192</sup> They were governed by certain rules which, if violated, would result in the legacy becoming invalid. The legacies had to observe a certain form: the formulae most often used for *legatum per vindicationem* were *do lego*, or *do*, or *lego*; other formulae were *sumito*, *sibi habeto*, and *capito* (G. 2.193). For *legata per damnationem* the usual formulae were *dare damnas esto* or *dato* (G. 2.201). In the *Tituli ex corpore Ulpiani*, two other phrases – *facito* and *dare iubeo* – were recognised (Tit. Ulp. 24.4). *Fideicommissa*, in turn, are attested infrequently in the papyri.

*Legata per vindicationem* and *per damnationem* were used in different ways. *Legata per vindicationem* resulted in the legatee acquiring ownership of a particular item, and thus applied only to things owned by the testator both at the time the will was composed and at the time of the testator's death. In the case of fungible things, it was necessary that they belonged to the testator at the time of his or her death (G. 2.196). *Legata per damnationem*, on the other hand, did not transfer ownership, but rather placed an obligation on the heirs; using this type of *legatum* a testator could bequeath almost anything.

In wills from Egypt, the legacies are clearly distinguished from the appointment of an heir, and they appear in the proper form: *do lego* / δίδωμι καταλείπω,<sup>193</sup> *damnas esto* / ὑπεύθυνος or κατάκριτος ἔστω.<sup>194</sup> As Mario Amelotti has noted, some wills combined the dispositions of *legata per vindicationem* and *per damnationem* – *do lego damnasque esto* (FIRA III 48).<sup>195</sup> In some documents we find *confirmatio per damnationem*, which kept incorrectly formulated legacies in force as *legata per damnationem*, and

<sup>192</sup> F. SCHULZ, *Classical Roman Law*, Oxford 1951, p. 310.

<sup>193</sup> FIRA III 48; *P. Mich.* VII 437; *P. Select.* 14; *P. Oxy.* XXXVIII 2857; *BGU VII* 1655; *BGU I* 326; *P. Diog.* 9; *P. Diog.* 10; *P. Strasb.* IV 277; *P. Oxy.* VI 907.

<sup>194</sup> FIRA III 48; *BGU VII* 1696. See AMELOTI, *Il testamento*, p. 131.

<sup>195</sup> AMELOTI, *Il testamento*, p. 132; *DER II*, p. 185. On *senatus consultum Neronianum*, which permitted an incorrectly formulated bequest to be upheld as *legatum per damnationem*, see G. GROSSO, *I legati nel diritto romano*, Turin 1962, pp. 93–112; *DER II*, pp. 182–184.

elsewhere we find the fideicommissary clause, which upheld wrongly formulated *legata* as *fideicommissa* (*P. Diog.* 9, ll. 8–10; *BGU* I 326, ll. 1–15).<sup>196</sup>

The objects provided in legacies attested in papyri varied, but the most popular *legata* were money<sup>197</sup> and land;<sup>198</sup> other items such as jewellery,<sup>199</sup> slaves,<sup>200</sup> or household items were also given occasionally.<sup>201</sup> However, a number of the documents suggest that the authors did not differentiate between the types of legacies, and would sometimes bequeath money and even provincial lands using *legatum per vindicationem*.<sup>202</sup>

Over time, and especially after the constitution of Alexander Severus, the form of the legacies began to change along with the other elements of the testamentary model. Most importantly, the distinction between *legata per damnationem* and *vindicationem* seems to have disappeared completely, and καταλείπω became the dominant verb used to bequeath items. In the will of Aurelia Serenilla, for instance, it was applied to bequeath some provincial land (*P. Princ.* II 38, ll. 6–8). Similarly, in the will of Aurelius Hermogenes, the verb καταλείπω was used to bequeath provincial lands to a number of people (*P. Oxy.* VI 907, ll. 7, 8, and 17).<sup>203</sup> There is also a disposition to the benefit of Aurelius Dionysammon, a friend of the testator, who was to be provided every year with agricultural products, including wine and grain. Although the most appropriate form for such a bequest would have been *legatum per damnationem*, the author applies the phrase καταλείπω δοθῆναι τε βούλομαι, which would

<sup>196</sup> GROSSO, *I legati* (cit. n. 195), pp. 94–95; AMELOTTI, *Il testamento*, pp. 132–133; Livia MIGLIARDI ZINGALE, ‘In margine a *P. Diog.* 9: alcune osservazioni in materia testamentaria’, *APapyrol* 4 (1992), pp. 65–69, esp. p. 66.

<sup>197</sup> *ChLA* X 412; *P. Oxy.* XXXVIII 2857; *FIRA* III 47; *P. Mich.* VII 439; *PSI* XIII 1325; *CPR* VI 76; *P. Diog.* 9.

<sup>198</sup> *P. Select.* 14; *PSI* XIII 1325; *BGU* VII 1655; *BGU* I 326; *BGU* VII 1696; *P. Diog.* 10.

<sup>199</sup> *P. Mich.* VII 439.

<sup>200</sup> *P. Select.* 14; *PSI* XIII 1325.

<sup>201</sup> *P. Diog.* 10.

<sup>202</sup> AMELOTTI, *Il testamento*, p. 134; GROSSO, *I legati* (cit. n. 195), p. 77.

<sup>203</sup> Hans Kreller interpreted this passage as *legata per vindicationem*: KRELLER, *Erbrechtliche Untersuchungen*, p. 384. See also U. YIFTACH-FIRANKO, *Marriage and Marital Arrangements. A History of the Greek Marriage Document in Egypt. 4th Century BCE – 4th Century CE* [= *Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* 93], Munich 2003, pp. 231–258.

not have been recognised as any form of *legatum* (ll. 23–24). According to Amelotti, this disposition was a combination of *fideicommissum* and *legatum per vindicationem*;<sup>204</sup> Kreller, on the other hand, claimed that it was *legatum per vindicationem* and *damnationem*.<sup>205</sup> The will as a whole had been based on a template for *testamenta per aes et libram*, although some clauses were omitted, while others, such as the *heredis institutio*, deviate considerably from the Roman model and display strong local influences.

We may, however, interpret the phrase *καταλείπω δοθῆναί τε βούλομαι* in a different way than that proposed by Amelotti and Kreller. The verb *καταλείπω* is not only the Greek counterpart of the Latin *lego*, but was also a popular verb in local legal practice and was often applied in local wills to deal with various financial dispositions (for example *καταλείπω ὑπάρχοντα* or *ἄλλω δὲ οὐδὲν οὐδενὶ καταλείπω*). The second part of the phrase – *δοθῆναί τε βούλομαι* – is characteristic of financial dispositions in late antiquity. Thus the entire phrase, *καταλείπω δοθῆναί τε βούλομαι*, does not necessarily reflect the combination of two Roman patterns, but rather may be an example of local solutions being applied to a Roman will.

In an earlier will, also from Oxyrhynchos (*P. Oxy.* XXVII 2474), the rules governing *legata* were not respected at all. Instead, all preserved dispositions were expressed with the verb *θέλω*, for example *ἔχειν αὐτὴν θέλω*. Dispositions drafted in this manner could in principle be interpreted as *fideicommissum*; however, there is a clear relationship between this phrase and the local documentary tradition. Indeed, the entire will resembles local wills in many respects: it contains the local concept of substitution (ll. 25–27), as well as the emancipation of slaves burdened with *paranome* (ll. 28–31). Moreover, the will ignores the idea of inheritance as universal succession, preferring instead to divide goods between the heirs.<sup>206</sup>

In local wills the verbs most commonly used in dispositions of property were *καταλείπω* or *ἀπολείπω*. The verb *θέλω*, on the other hand,

<sup>204</sup> AMELOTI, *Il testamento*, p. 132.

<sup>205</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 383.

<sup>206</sup> AMELOTI, *Il testamento*, p. 66; D. KEHOE, *Investment, Profit, and Tenancy. The Jurists and the Roman Agrarian Economy*, Ann Arbor 1997, p. 132, n. 121. Against which, see: L. KOENEN, commentary to *P. Oxy.* XXVII 2474.

appears primarily in Roman wills,<sup>207</sup> where it often featured as an element of funerary and codicillary clauses; it was not, however, used in *legata* or *fideicommissa* clauses. *P. Oxy.* XXVII 2474 may thus be understood not as containing an intentional use of the *fideicommissum*, but rather as an example of a text composed according to local practices and the intuition of its author. However, if the will had ever been subject to judicial interpretation, the disposition would have probably been interpreted as *fideicommissum*.

A further example of an atypical bequest, not conform to Roman rules concerning legacies and *fideicommissa*, is found in *PSI IX 1040*, in which an heir was instructed to give (διατάσσει) a fourth part of a house belonging to him, and one bed to a freedwoman (ll. 19–34). The woman's rights concerning her part of the building were limited as she was prohibited from renting it, except to a brother (the text does not provide any details concerning the latter's identity).

Mario Amelotti has interpreted this passage as *legatum per vindicationem*,<sup>208</sup> but there are a number of factors which may cause us to call this interpretation into question. Firstly, the object of the disposition, in this case immovable property built on provincial land and hence being part of the latter, could not constitute ownership *ex iure Quiritium*. Secondly, the form of the bequest differs from the prescribed form of *legatum per vindicationem*; nor does it appear to match the scheme of any other type of bequest. Finally, the disposition is accompanied by a template known from local wills – similar to the Roman *ususfructus*, albeit more broadly defined – which excluded the alienation of goods acquired via will, although in this case only lease was excluded.<sup>209</sup>

<sup>207</sup> *P. Select.* 14; *P. Hamb.* I 73; *P. Oxy.* XXXVIII 2857; *BGU VII* 1655; *PSI XIII* 1325; *BGU I* 326; *P. Oxy.* XXII 2348.

<sup>208</sup> AMELOTI, *Il testamento*, p. 64.

<sup>209</sup> See YIFTACH-FIRANKO, *Marriage* (cit. n. 203), pp. 221–229. The purpose of such prohibition was probably different from similar limitations found in wills and other legal deeds and the Roman *ususfructus*, where the inalienability was to guarantee the preservation of the wealth in the family or keeping it for some specific individuals. However, in the discussed document, the aim was to ensure that leasing a quarter of the house would not disturb the peace of the owner of the remaining three quarters.

As we have already discussed, the distinction between the different types of legacies had grown vague by the second century AD, at least in Egypt, and perhaps also in the other provinces. Although the wording of legacies possessed uniformity and solemnity borrowed from the doctrinal sources of Roman law, the legacies themselves no longer appeared to match their Roman precedents. For this reason, the will of Gregory of Nazianzus is somewhat exceptional, in that it makes a distinction between *legatum* and *fideicommissum*. This distinction is visible in the sentence which informs us that all things belonging to Gregory should be given to the holy catholic church of Nazianzus, except for goods bequeathed to other people via *legata* and *fideicommissa*, λεγάτου ἢ φιδεικομμίссου χάριν (ll. 23–27).

Further dispositions contained in the same will, however, give us reason to doubt whether the author was really conscious of the distinction between these two forms of disposition and of the legal consequences thereof. The expressions applied to the legacies are incoherent; they include βούλομαι κατασχεῖν and βούλομαι δοθῆναι<sup>210</sup> both of which suggest *fideicommissum*.<sup>211</sup> Yet this may not have been the intention of the author. As a matter of fact, a bequest to Theodosius has a form characteristic for *fideicommissum* – βούλομαι ... δοθῆναι – even though the disposition is expressly defined as a *legatum*, λεγάτου λόγῳ (ll. 60–62).

Further doubts are raised by the following passage (ll. 41–43): Ἔτι δὲ ἐξαιρέτως Γρηγόριον τὸν διάκονον καὶ κληρονόμον μου, γνησίως ὑπηρέτησαντά μοι, βούλομαι κατασχεῖν ἰδίῳ δεσποτείας δικαίῳ χρυσίνους τὸν ἀριθμὸν πεντήκοντα, which has been translated by Joëlle Beaucamp as ‘en outre, par préception, je veux que le diacre Grégorios, mon héritier, qui m’a véritablement servi, retienne en droit propre de propriété des pièces d’or au nombre de cinquante’,<sup>212</sup> and by Ernest Spangenberg as ‘per praeceptionem item, Gregorium diaconum et heredem meum, qui mihi

<sup>210</sup> BEAUCAMP, ‘Le testament de Grégoire’ (cit. n. 126), p. 254.

<sup>211</sup> BEAUCAMP, ‘Le testament de Grégoire’ (cit. n. 126), p. 254, n. 307. According to Theophilus, the appropriate form for the bequest was the verb δίδωμι (*Inst. Theoph.* 2.20.2), and for *fideicommissum* – rogo, volo, mando, fidei tuae committo (*Inst. Theoph.* 2.24.3).

<sup>212</sup> BEAUCAMP, ‘Le testament de Grégoire’ (cit. n. 126), p. 211.

fideliter ministravit, peculiariter jure domini habere volo aureos numeros L.<sup>213</sup>

Scholars have interpreted this passage as an example of *legatum per praeceptionem*.<sup>214</sup> Adding *legatum per praeceptionem* to a will with only one heir (which is the case in Gregory's will) would have been of course incorrect, but Joëlle Beaucamp has suggested that the author must have misinterpreted *fideicommissum universale* in favour of the church as the appointment of a second heir. Nevertheless, this is not the only problem in the passage: *fideicommissum universale* did not fulfil requirements arising from *senatus consultum Pegasianum*,<sup>215</sup> which provided that an heir could keep one quarter of inheritance. It is difficult, however, to interpret the supposed *legatum per praeceptionem* in favour of the deacon Gregorios – the heir charged with *fideicommissum universale* – as an attempt to fulfil the requirements of the *senatus consultum* in question.<sup>216</sup> Although Gregory was more generous towards the deacon than towards any other individual mentioned in his will, everything left to him (fifty aurei and some real estate) would not have amounted to a quarter of the inheritance as a whole.<sup>217</sup>

The interpretation of the adverb ἐξαιρέτως is crucial to our understanding of the whole passage. Both Spangenberg and Beaucamp interpreted it as *per praeceptionem*, based on the codification of Justinian and later doctrinal sources.<sup>218</sup> According to the *Greek-English Lexicon* of Liddell and

<sup>213</sup> *Juris Romani tabulae negotiorum sollemnium, modo in aere, modo in marmore, modo in charta superstites*, E. SPANGENBERG (ed.), Leipzig 1822, p. 75.

<sup>214</sup> BEAUCAMP, 'Le testament de Grégoire' (cit. n. 126), pp. 229–231. On *legatum per praeceptionem*, see D'ORTA, *Sterilis beneficii conscientia* (cit. n. 118).

<sup>215</sup> See F. LONGCHAMPS DE BÉRIER, *Il fedecomesso universale nel diritto romano classico*, Warsaw 1997, pp. 116–135. The rules limiting *fideicommissum universale* for the benefit of a church or the poor were abolished in the time of Justinian. J. L. MURGA, *Donaciones y testamentos in bonum animae en el derecho romano tardío*, Pamplona 1968, pp. 115–121.

<sup>216</sup> BEAUCAMP, 'Le testament de Grégoire' (cit. n. 126), p. 255. Of course, this did not necessarily render the will invalid, and only served to increase the part which would have actually been received by the deacon Gregorios.

<sup>217</sup> F. VASILEIOU, 'For the poor, the family, the friends: Gregory of Nazianzus' testament in the context of early Christian literature', [in:] Béatrice CASEAU & Sabine HÜBNER (eds.), *Inheritance, Law and Religions in the Ancient and Mediaeval Worlds*, Paris 2014, pp. 141–157, esp. p. 146.

<sup>218</sup> *Inst. Theoph.* 2.20.2: 'Praeceptionos δὲ ρήματα' κατεξαίρετον ὁ δεῖνα ὁ μερικὸς κληρο-

Scott, however, the adverb ἐξαιρέτως is most commonly defined as ‘specially’, ‘in a special degree’, ‘exclusively’, ‘characteristically’, ‘for choice’, ‘for preference’;<sup>219</sup> similar meanings are given in Preisigke’s *Wörterbuch*: ‘vornehmlich’, ‘vorzugsweise’, ‘insbesondere’.<sup>220</sup> It is also worth noting that we do not find any of the language characteristic for specific *legata* elsewhere in the will. As the scribe did not apply other solemn wordings, it seems highly improbable that ἐξαιρέτως served as *terminus technicus* in this very text. For this reason, it is perhaps more appropriate to translate the passage as follows: ‘And I want that especially Gregorios, deacon and my heir, who served me genuinely, acquire for himself the ownership of gold coins which are fifty in number.’ In other words, Gregory of Nazianzus wanted his deacon to keep those fifty gold coins for himself as a reward for handing over the inheritance to the church, and to accomplish this, he needed to specify that his intention was to give the coins to Gregorios, not to the church, on the grounds that Gregorios deserved the said amount. Furthermore, Gregorios was not supposed to participate in the inheritance, thus there was no reason for *praeceptio*.

Another argument in support of this interpretation is that the passage is not the only legacy intended for Gregorios. In another passage, the testator specified that he wanted Gregorios and another monk to receive a certain amount of land, and the wording applied was simply βούλομαι κατασχεῖν (ll. 36–38); there is nothing here to suggest *legatum per praeceptionem*.

Nevertheless, the will of Gregory of Nazianzus is unique among other testaments from the same period and later, because the author not only

νόμος λαμβανέτω τότε τὸ πρᾶγμα.” ἀμέλει οὐ καλῶς τῷ μὴ ὄντι μερικῶ κληρονόμῳ κατὰ praeceptiona καταλιπάγομεν. τὸ γὰρ εἰπεῖν Ῥωμαῖσιν praecipito, τουτέστι “κατεξαίρετον λαμβανέω”, δηλωτικόν ἐστὶ προυποκειμένου μέρους κληρονομίας, τουτέστι πρὸς τῷ μέρει ὅπερ αὐτῷ κατέλιπον. βούλομαι αὐτὸν καὶ τότε ἔχειν ἐν ἐξαιρέτῳ.’

‘The words of *praeceptio*: “so-and-so heir appointed to a part of inheritance shall take this thing.” And indeed it is not right to make *per praeceptionem* for someone not being an heir appointed to a part of inheritance. In Latin *praecipito* it is “he shall take a thing beforehand”, it means previously defined part of the inheritance, that is to the part which I left for him. I want him to have this beforehand.’ See D. 31.34.1; *Bas.* 44.4.37. See also BEAUCAMP, ‘Le testament de Grégoire’ (cit. n. 126), p. 230.

<sup>219</sup> *LSJ*, s.v. ἐξαιρετός.

<sup>220</sup> *WB*, s.v. ἐξαιρετός.

distinguished between the individual legacies and the inheritance as a whole, but also presented this distinction within the text. He also seems to have been aware of the different types of testamentary dispositions, although he was not always able to employ them in practice, or he simply deemed them unnecessary.

In later eastern wills the distinction had vanished almost completely, and all dispositions, regardless of their content, were expressed with the phrases: βούλομαι δὲ καὶ κελεύω δοθῆναι; βούλομαι δοθῆναι; βούλομαι καὶ κελεύω ... ἔχειν.<sup>221</sup> In the Latin wills from Gaul we find a similar lack of precision. Although the expressions vary, they do not appear to be differentiated according to the object of the dispositions. The examples are numerous: *trado atque transcribo; tibi dono; iubeo dari delegoque; dono; perpetualiter dono; volo esse donatum; habere cupio; tradimus atque transfundimus perpetualiter in Dei nomine possidendum; habendum et possidendum relinco / instituo; habire decerno ac delibero*.<sup>222</sup> In some cases the *mortis causa* character is further emphasised.<sup>223</sup> These examples are evidence not only of a decline in legal knowledge, but also of an escalation in legal jargon that was directly proportional to the decrease of legal knowledge.<sup>224</sup>

The loss of a precise vocabulary relating to specific dispositions was sanctioned in written law. Indeed, it was regulated in the same constitution of Constantine which also abolished the need for specific vocabulary relating to *heredis institutio* (cf. above, p. 42).

C. 6.37.21 (AD 339):<sup>225</sup> In legatis vel fideicommissis verborum necessaria non sit observantia, ita ut nihil prorsus intersit, quis talem voluntatem verborum casus exceperit aut quis loquendi usus effuderit.<sup>226</sup>

<sup>221</sup> Cf. *P. Oxy.* XVI 1901, ll. 37–38; *P. Vat. Aphrod.* 7, ll. 11–13; *P. Cairo Masp.* III 67312, ll. 104–108.

<sup>222</sup> NONN, 'Merowingische Testamente', p. 75.

<sup>223</sup> NONN, 'Merowingische Testamente', p. 76.

<sup>224</sup> J. CROOK, P. GRIERSON & A. H. M. JONES, 'The authenticity of the *Testamentum S. Remigii*', *Revue belge de philologie et d'histoire* 35 (1957), pp. 356–372, esp. p. 371.

<sup>225</sup> See J. C. TATE, 'Codification of late Roman inheritance law: *fideicommissa* and the Theodosian Code', *TR* 76.3–4 (2008), pp. 237–248.

<sup>226</sup> 'It will not be necessary to observe the words in *legata* and *fideicommissa*, so that it will

The constitution effectively abolished the prescribed forms of legacies as well as the differentiation between *legata* and *fideicommissa*. Legacies were henceforth free from the requirements of formal wording and would be considered valid regardless of their phrasing. However, the law did maintain separate actions which could be taken depending on how a certain bequest was interpreted. The abolition of the four types of legacy at all levels – but primarily at the level of litigation<sup>227</sup> – probably occurred only in the time of Justinian.<sup>228</sup>

I. 2.20.2: Sed olim quidem erant legatorum genera quattuor: per vindicationem, per damnationem, sinendi modo, per praeceptionem: et certa quaedam verba cuique generi legatorum adsignata erant, per quae singula genera legatorum significabantur. Sed ex constitutionibus divorum principum sollemnitatis huiusmodi verborum penitus sublata est. Nostra autem constitutio, quam cum magna fecimus lucubratione, defunctorum voluntates validiores esse cupientes, et non verbis sed voluntatibus eorum faventes, disposuit, ut omnibus legatis una sit natura et, quibuscumque verbis aliquid derelictum sit, liceat legatariis id persequi non solum per actiones personales, sed etiam per in rem et per hypothecariam.<sup>229</sup>

Because these changes occurred at the level of litigation, their effect was far-reaching. Legatees were entitled to the same actions regardless of the form of the bequest. The next step was to abolish the distinction

not matter at all by which case of words someone will express his or her will, or by which kind of speech he or she will bring it forward.'

<sup>227</sup> See G. GROSSO, 'Sulla riforma di Giustiniano in materia di legati', [in:] *Studi in onore di Ugo Enrico Paoli*, Florence 1956, pp. 359–363, esp. p. 360; C. FERRINI, *Teoria generale dei legati e fedecommissi secondo il diritto romano*, Rome 1976, pp. 47–50.

<sup>228</sup> DER II, pp. 186–187; GROSSO, *I legati* (cit. n. 195), pp. 33–36; FERRINI, *Teoria generale* (cit. n. 227), p. 43.

<sup>229</sup> 'Formerly there were four types of *legata*: *per vindicationem*, *per damnationem*, *sinendi modo*, *per praeceptionem*; and certain words were assigned to each type of *legata* by which each was known. But this solemnity of words was abolished by imperial constitutions; while our constitution, which we produced working by lamp-light and desiring to give greater effect to wishes of the deceased, and being favourable not to words but their intentions, ordered that all *legata* would be of one kind so that it is allowed to legatee to sue not only by personal action but also by real and hypothecary ones, no matter in what words something was bequeathed.' Cf. C. 6.43.1.

between *legatum* and *fideicommissum*: *unam naturam imponere*, as discussed in the *Institutes* of Justinian.

I. 2.20.3: Sed non usque ad eam constitutionem standum esse existimavimus. Cum enim antiquitatem invenimus legata quidem stricte concludentem, fideicommissis autem, quae ex voluntate magis descendebant defunctorum, pinguorem naturam indulgentem, necessarium esse duximus omnia legata fideicommissis exaequare, ut nulla sit inter ea differentia, sed quod deest legatis, hoc repleatur ex natura fideicommissorum, et si quid amplius est in legatis per hoc crescat fideicommissi natura.<sup>230</sup>

On the authority of the above passage, all dispositions had the same implications at the level of substantive and procedural law, regardless of their verbal form in wills and, in principle at least, regardless of the testator's wishes.<sup>231</sup>

Furthermore, in the Greek and Latin wills of late antiquity even the very difference between legacies and the appointment of heirs eventually disappeared (see above, pp. 137–145); the vocabulary used to express both types of disposition became virtually identical. In some wills, especially later ones, the heir was not distinguished in any way, and the lack of an appointment clause transformed the will into a series of dispositions identifying the different items that would fall to various individuals after the death of the testator. This tendency is especially visible in the wills composed in Egypt and Gaul after the end of Roman rule.<sup>232</sup> However, in Egypt the difference between legatees and heirs had already started to become vague by the end of the fifth century on account of the disappearance of *successio universalis*.

<sup>230</sup> 'But we did not think that we should stop at this constitution. When we discovered that ancestors strictly restricted *legata*, while *fideicommissa* resembling wishes of the dead in the wider extent were granted more freedom, we decided it was necessary to make equal all *legata* and *fideicommissa* so that there was no difference between them; and what is not enough in *legata* was added from *fideicommissa*.' Cf. C. 6.43.1–4 (AD 531).

<sup>231</sup> See DPR II, pp. 552–554. According to Pasquale Voci, the unification did not encompass *fideicommissum universale* (DER II, p. 236).

<sup>232</sup> P. KRU 75; P. KRU 67; P. KRU 69; P. KRU 74. See GAREL & NOWAK, 'Monastic wills' (cit. n. 52).

An intentional distinction between different types of dispositions is visible in a document from the archive of Dioskoros, the draft of a will for Flavius Phoibammon (*P. Cairo Masp.* II 67151). The document contains the phrase *λόγω λεγάτου* (l. 295), already known to us from the will of Gregory of Nazianzus; in this case, it was intended to provide a boy raised at the house of Phoibammon with a certain amount of grain, oil, and wine each year until he reached maturity.

The document was composed after the distinction between *fideicommissa* and *legata* had been abolished by the constitution of Justinian; thus, from a legal perspective, the difference was irrelevant. It may, however, have been included to indicate that the author possessed some legal knowledge; by presenting a clear distinction between a legacy and the appointment of an heir, the author may have been attempting to show off his legal training in order to impress his client, or he may simply have deemed this distinction proper.

Furthermore, in the same archive of Dioskoros there are three documents attesting the term *φαλκίδιον* in connection with legacies. The Greek term *φαλκίδιον* is the counterpart to the Latin *quarta Falcidia* – introduced by the *lex Falcidia* issued in 40 BC – which provided that the total amount of *legata* should not exceed three quarters of the inheritance. *Quarta Falcidia* represented the minimum part of the inheritance – in this case one quarter – reserved for an heir, or one-fourth of the share assigned to each heir if they were more.<sup>233</sup> Two of the documents attesting this term have already been examined in our discussion of *apokeryxis* on p. 157–159 (*P. Cairo Masp.* III 67353 v A; *P. Cairo Masp.* I 67097 v D); the third is a will made for Flavius Theodoros (*P. Cairo Masp.* III 67312).

In *P. Cairo Masp.* III 67353 v A and *P. Cairo Masp.* I 67097 v D, the term *pars Falcidia* was applied in an incorrect manner. The notary used it to refer to the part of the inheritance given to disinherited children. The mistake is understandable, since in fact *pars Falcidia* had come to acquire this meaning in legal sources.<sup>234</sup>

<sup>233</sup> Later the proportion was increased to a third part. See URBANIK, ‘Dioscoros and the law’ (cit. n. 122), p. 128.

<sup>234</sup> See URBANIK, ‘Dioscoros and the law’ (cit. n. 122), pp. 131–133 and *passim*.

The third text, however, is not quite as obvious. The document provides the following information: a grandmother was appointed heir, but the proportion of the estate she was to acquire was much smaller than the property given to the other two heirs which, in this case, were two monasteries. Yet she was not allowed to demand more on account of *φαλκίδιον* (δικαίῳ φαλκιδίο(υ) ἐπιζήτουσαν), as the monasteries were to use the bequeathed property in a pious way (ll. 92–99). According to Jakub Urbanik, the term was used here in its proper sense.<sup>235</sup>

In Urbanik's interpretation the use of the term 'Falcidian quarter' is related to *heredis institutio ex re certa*. The rules elaborated by Roman jurists in the first and second centuries and preserved in the *Digesta* specify that each of heirs appointed in the will were subject to the protection of *lex Falcidia* and to the restrictions that arose as a result thereof (see above, pp. 134–137). In the will of Flavius Theodoros, the grandmother, who was one of the three heirs, was entitled to the Falcidian quarter over the other two heirs who had also been appointed *ex certa re*.<sup>236</sup> The passage should be therefore interpreted as meaning that the grandmother, as an heir *ex re certa*, was entitled to a quarter of the estate even though there were two other heirs appointed in the same will. The text seems clear that the said grandmother was to receive less than the amount of the Falcidian quarter (one, perhaps insignificant plot of land); it seems probable that the author of the will knew this and wanted to clarify that she was not entitled to any claim on the remaining part of the inheritance.

A similar situation is recorded in a document from Hermopolis Megale (*P. Bodl.* I 47). In this instance, the testator appointed his wife heir, but bequeathed a large part of his estate to a hospital. The value of this larger part must have exceeded three-quarters of the inheritance. However, an imperial constitution (ll. 14–18) – probably *Novella* 1 of Justinian (*Nov.* 1.2.2), which allowed a testator to exclude his or her own will from the system of *lex Falcidia* – would have justified the disposition in ques-

<sup>235</sup> The majority of scholars who have commented on this text claim that in all three documents Dioskoros confused *pars legitima* and *quarta Falcidia*. See M. WURM, *Apokeryxis* (cit. n. 185), p. 95; BEAUCAMP, 'La transmission du patrimoine' (cit. n. 180), pp. 8–9.

<sup>236</sup> URBANIK, 'Dioscoros and the Law' (cit. n. 122), pp. 134–135.

tion.<sup>237</sup> The text of the will may also refer to an earlier constitution (C. 1.3.48 [49].7, AD 531), which made it possible to exclude legacies from the Falcidian quarter as long as they were addressed to certain pious entities.

However, there is a difference between the two discussed documents. *P. Bodl. I 47* must certainly refer to the quarter reserved for a testamentary heir, because the heir was not entitled to *pars legitima*. The passage from *P. Cairo Masp. III 67312* resembles the disposition in *P. Bodl. I 47*, but there is no reference to the law which allowed the Falcidian quarter to be diminished. Rather it would appear that the testator appealed to his grandmother's piety and her respect for the monasteries.

If Dioskoros had been aware of the complicated rules governing *heredis institutio ex re certa*, he would not have appointed heirs to individual items, but rather would have applied the standard appointment (preferred by Justinian; see above, pp. 145–146) and bequeathed supplementary items to heirs through *legata per praeceptionem*. After all, the appointment of an heir either to an inheritance as a whole, or to a part thereof, although completely abandoned in practice, remained the rule in the written legal sources, and everything associated with *heredis institutio ex re certa* served to uphold a defective appointment. A proficient lawyer would surely choose the legally correct solution over the common one. Furthermore, the jurisprudential concepts that served to maintain *heredis institutio ex re certa*, as recorded in the *Digesta*, were complicated and understanding them required extensive legal knowledge. Although Dioskoros had a formidable legal knowledge for his time, we do not find much evidence for a proficiency in Roman law in the documents he left behind.

Despite the fact that Dioskoros knew and quoted the imperial constitution regarding the appointment of heirs, there is no evidence that he was familiar with the earlier works of jurisprudence in which the matter was first discussed. It should also be noted that the goal of Justinian's constitution (C. 6.24.13) was precisely to eliminate any complications that might arise from one person simultaneously occupying the position of heir and legatee.

<sup>237</sup> See the commentary to *P. Bodl. I 47*; DER II, p. 440; BEAUCAMP, 'Le testament de Grégoire' (cit. n. 126), p. 254.

However, two strong arguments support the thesis of Jakub Urbanik. Firstly, in the discussed period the emperor Justinian made various attempts directed at the restoration of institutions of classical Roman law. One of them was aimed at the restoration of the distinction between the Falcidian quarter and *portio legitima* (*Nov.* 66, AD 538; *Nov.* 92, AD 539).<sup>238</sup> Secondly, the grandmother of Flavius Theodoros would not have been entitled to *portio legitima*, as *Novella* 115 does not list grandparents (see above, p. 156, n. 180). Ultimately, however, it remains difficult to determine the meaning of the term *φαλκίδιον* in the will of Flavius Theodoros.

The change of the language and specific clauses applied in legacies was not the unique alteration that took place in the field of legacies in late antiquity. One of such changes concerned the content of particular dispositions which became more detailed. This change, however, should not surprise us, since the same tendency is visible in other elements of testamentary model, such as *heredis institutio* or disinheritance clause, but also in formal clauses, like *kyria*, stipulatory, and even *dolus* clauses, which became needlessly elaborate and florid.

As already noted, in late antiquity, the specific dispositions – at least those that we are able to distinguish – had become more elaborate and extensive, much like the clauses of *heredis institutio*. In the preserved Roman wills based on *mancipatio familiae*, dispositions were limited primarily to land and money and, less frequently, to slaves and other chattels.<sup>239</sup> In late antiquity, however, the wills list everything that a testator possessed, sometimes even including clothing. For instance, in *P. Oxy.* XVI 1901 Flavius Pousi bequeathes two-thirds of all his summer and winter clothes to his colleagues (ll. 36–39). Gregory of Nazianzus went even further, deciding on the fate of every tunic, shirt, or jacket.<sup>240</sup>

From the observations in this and the previous sections we may draw a few general conclusions. Mario Amelotti has suggested that the

<sup>238</sup> URBANIK, 'Dioscoros and the law' (cit. n. 122), pp. 135–141.

<sup>239</sup> However, in the sources of Roman jurisprudence the cases concerning legacies are numerous and they concern very different items. See the *Digesta*, books XXX–XXXIV.

<sup>240</sup> For dispositions concerning clothes, see *P. Köln* X 412.

decrease in the number of wills after the third century<sup>241</sup> may be due in part to the disappearance of the Roman concepts of inheritance and legacies.<sup>242</sup> It should be noted, however, that the total number of papyri from late antiquity is considerably lower than the total number of documents written during the first three centuries of Roman rule in Egypt.<sup>243</sup> Furthermore, it is difficult to determine whether the number of wills was lower only in Egypt, or if it was a larger trend throughout the Empire.

After all, a will without *heredis institutio* was not substantially different from a marriage contract, which may have included *mortis causa* provisions, or a donation. The will, in other words, lost its unique formal character and started to resemble other deeds. One such example is *P. Münch. I 8* (Syene, c. AD 540), in which Aurelia Maria, daughter of Diosia, distributed her estate amongst various individuals. The dispositions resemble testamentary ones: Aurelia Maria enumerated the different items which would become the property of certain individuals after her death.

*P. Münch. I 8*, ll. 8–14: ὁμολογῶ ... δεδ[ωκέναι] σοὶ σήμερον τὸ ἥμισυ μέρος {μέρος} τῆς κέλλας μου τῆς λεγομένης κέλλας Παταροῦτος καὶ τὸ ἥμισυ μέρος τοῦ συμποσίου ἐπάνω τῆς αὐτῆς κέλλας καὶ τὸ ἥμισυ μέρος τοῦ ἀέρος ἐν τετάρτῃ στ[έ]γῃ ἐπάνω τοῦ ἀκουβίτου Ἀβρααμίου Παχυμίου πλησίον τῆς ἐμῆς οἰκίας ...<sup>244</sup>

A similar example is an agreement between a man and wife from sixth-century Syene (*Sel. Pap. I 86* = *P. Lond. V 1727* = *FIRA III 67*; Syene, AD

<sup>241</sup> Only Roman wills composed between the beginning of Roman rule in Egypt and the end of the third century are thirty-three, while published local wills from the same period are forty-seven. The number of published testaments composed in Egypt from the beginning of the fourth century onwards is lower: maximum twenty-one. See Appendices 2, 3, and 4.

<sup>242</sup> AMELOTI, 'Testamenti ed atti paratestamentari nei papyri byzantini', *PapCongr.* XII, pp. 15–16.

<sup>243</sup> For precise data, see W. HABERMANN, 'Zur chronologischen Verteilung der papyrologischen Zeugnisse', *ZPE* 122 (1998), pp. 144–160.

<sup>244</sup> 'I acknowledge ... that I give to you a half-share of my room, the so-called room of Patarous, and a half-share of dining room located above this very room, and a half-share of a terrace located on the fourth floor above a bedroom of Abraamios son of Pachymios close to my house ...'

584), in which they agreed on their succession. Again, the similarity with testamentary provisions is evident.

*P. Lond.* V 1727, ll. 28–38: ἐπὶ δὲ παρασταίῃ τῷ τῶν ὅλων δεσπότῃ Χρίστῳ, ὅπερ ἀπείη, τινὰ ἐξ ἡμῶν τέλει τοῦ βίου χρήσασθαι ἐφ’ ᾧ τὸν ζῶντα ἔχειν καὶ κατέχειν πάντων τῶν καταλειφθησομένων πραγμάτων ὑπὸ τοῦ τετελευτηκότος τῶν περιελθόντων εἰς αὐτὸν ἀπὸ γονέων διαδοχῆς καὶ ἀπὸ ἀγορασιαστικοῦ δικαίου καὶ ἀπὸ ἰδρώτων καμάτων ἐν τε οἰκίαις καὶ χρυσοῖς καὶ ἀργυροῖς καὶ χαλκοῖς καὶ ὀριχάλκοις καὶ ἐσθήμασι καὶ ὑφάσμασι καὶ παντ<οῖ>οις λεπτοῖς εἶδεσι ἀπὸ μεγάλου εἶδους μέχρι ἐλαχίστου τινὸς καὶ τούτων κατακυριεύειν καὶ δεσπόζειν καὶ διοικεῖν καὶ οἰκεῖν καὶ φιλοκαλεῖν καὶ ἐκ αὐτῶν τρέφεσθαι καὶ ἱματίσαι καὶ κηδεύσαι καὶ ἐκτελέσαι τὰς προσφοράς τοῦ ἀποθανόντος.<sup>245</sup>

## 8. EMANCIPATIONS

Slavery was an important social phenomenon in antiquity. The number of slaves in the classical world varied considerably depending on the period, the geographical location, and the political and cultural situation. However, according to the common scholarly opinion, the importance of slaves may not have been especially great in Graeco-Roman Egypt.<sup>246</sup> The surviving wills seem to confirm this statement.

<sup>245</sup> ‘If it pleases Christ the Lord of everything that either of us passes away – let it not happen – (we wish) that the other who survived will have and own all things left by the one who will die first: goods inherited after relatives, justly bought and acquired by the sweat of his brow, in houses, and gold, and silver, and bronze, and copper, and wood, and woven robes, and wool, and smaller objects of every shape, from the biggest to the smallest object, to master over them and own, and manage, and dwell, and fruit, and provide food, and clothes, and to provide burial and offering for the one who dies first.’

<sup>246</sup> D. RATHBONE, *Economic Rationalism and Rural Society in Third-Century AD Egypt: the Heroninos Archive and the Appianus Estate*, Cambridge 1991, pp. 89–91; K. R. BRADLEY, *Slaves and Masters in the Roman Empire. A Social Study*, Brussels 1984, p. 16. It is impossible to estimate the number of slaves in Roman Egypt; see Iza BIEŻUNSKA-MAŁOWIST, *La schiavitù nell’Egitto greco-romano*, Rome 1984, pp. 67–97; for the Empire, see W. V. HARRIS, ‘Towards a study of the Roman slave trade’, [in:] J. H. D’ARMS & E. C. KOPFF (eds.), *The Seaborne Commerce of Ancient Rome*, Rome 1980, pp. 117–140; W. SCHEIDEL, ‘Quantifying the sources of slaves in the early Roman empire’, *JRS* 87 (1997), pp. 156–169; J. A. STRAUS, *L’achat et la*

In the 1930s, Orsollina Montevocchi noted that slaves – either freed or bequeathed – appear in less than thirty percent of the wills from the Hellenistic and Roman Egypt.<sup>247</sup> Even the publication of new texts has not altered this proportion. In the majority of wills, slaves were the object of testamentary provisions, either listed individually or as objects marked according to their kind (δουλικὰ σώματα / δούλων σώματα).<sup>248</sup>

Emancipations in wills drafted between the third century BC and the seventh century AD are poorly attested.<sup>249</sup> In addition, the number of slaves emancipated in a single will was usually quite small; indeed, freedom was often granted only to one slave. In Roman wills this may have been the result of limitations introduced by the *leges Aelia Sentia*, specifying the age limits of manumissors and slaves who were to be freed, and *Fufia Caninia*, limiting the number of slaves whom their master could free in his or her will.<sup>250</sup> These laws must have been known – and circumvented – in Egypt. For instance, in the testamentary template *P. Hamb.* I 72, there is a direct reference to *lex Fufia Caninia*.<sup>251</sup> The author mentions that the number of direct emancipations was limited, but at the same time dispositions were made for the freedom of other slaves through *fideicommissum* (l. 58). In this way the testators could avoid the legal restrictions which applied only to direct emancipation. Of course, there was a difference between slaves freed direct-

*vente des esclaves dans l'Égypte romaine: Contribution papyrologique à l'étude de l'esclavage dans une province orientale de l'Empire romain*, Munich – Leipzig 2004; W. SCHEIDEL, 'The Roman slave supply', [in:] K. BRADLEY & P. CARTLEDGE (eds.), *The Cambridge World History of Slavery*, I: *The Ancient Mediterranean World*, Cambridge 2011.

<sup>247</sup> Orsollina MONTEVECCHI, 'Ricerche di sociologia nei documenti dell'Egitto greco-romano. I testamenti', *Aegyptus* 13 (1935), pp. 67–121, esp. p. 96.

<sup>248</sup> *P. Oxy.* III 493; *P. Oxy.* III 491; *P. Oxy.* III 492; *BGU VII* 1654; *P. Oxy.* III 494; *P. Strash.* IV 284; *P. Hamb.* IV 278; *P. Oxy.* XXVII 2474.

<sup>249</sup> MONTEVECCHI, 'Ricerche di sociologia' (cit. n. 247), p. 96.

<sup>250</sup> See W. W. BUCKLAND, *The Roman Law of Slavery*, Cambridge 1908, pp. 537–551; G. IMPALOMENTI, *Le manomissioni mortis causa*, Padua 1963, pp. 119–154; O. ROBLEDA, *Il diritto degli schiavi nell'antica Roma*, Rome 1976, pp. 149–157; Maria ZABŁOCKA, *Przemiany prawa osobowego i rodzinnego w ustawodawstwie dynastii julijsko-klaudyjskiej*, Warsaw 1987, pp. 13–33; A. WATSON, *Roman Slave Law*, Baltimore 1987, pp. 26–34; IDEM 'Roman slave law: an Anglo-American perspective', *Cardozo Law Review* 18 (1996–1997), pp. 591–598, esp. pp. 591–593.

<sup>251</sup> AMELOTI, *Il testamento*, p. 144.

ly in the will and indirectly via *fideicommissum*. The former were recognised as freedmen of the testator and would have acquired Roman citizenship, while the latter would have acquired a status appropriate to the type of emancipation chosen by the heir, and become his or her freedmen.<sup>252</sup>

Traces of these *leges* are also visible in BGU I 326,<sup>253</sup> in which two slave-women, Marcella and Kleopatra, were freed and appointed heirs at the same time (ll. 4–7). The clause contained information regarding the age of the women, both of whom were over thirty; this description may have been intended to confirm that the future heirs were not subject to the age limit imposed by the *lex Aelia Sentia*.<sup>254</sup> If the women had been younger, their emancipation would still have been valid, but they would not have acquired citizenship and only become Latins (G. 1.18). This civic status was not sufficient to allow the women to become *heredes*.<sup>255</sup> This may have been the case for another slave-woman or girl freed in the same will (l. 17); we may infer that the woman was probably younger than the law required from the fact that there is no indication of her age in the document. The highly mutilated *P. Select.* 14 presents a similar situation as in BGU I 326: two women, both over thirty years old, were manumitted and appointed heirs.<sup>256</sup>

<sup>252</sup> BUCKLAND, *The Roman Law of Slavery* (cit. n. 250), p. 513. On fiduciary emancipation, see IMPALLOMENTI, *Le manomissioni* (cit. n. 250), pp. 59–118; further literature in F. M. SILLA, *La 'cognitio' sulle 'libertates fideicommissae'*, Padua 2008.

<sup>253</sup> MONTEVECCHI, 'Ricerche di sociologia' (cit. n. 247), p. 97; AMELOTI, *Il testamento*, p. 144; A. WATSON, 'The identity of Sarapio, Socrates, Longus and Nilus in the will of C. Longinus Castor', *The Irish Jurist* 1 (1966), pp. 313–315; J. G. KEENAN, 'The will of Gaius Longinus Castor', *BASP* 31 (1994), pp. 101–107, esp. p. 102.

<sup>254</sup> According to James Keenan, the three women freed in the will of Gaius Longinus Castor were probably members of his natural family, as were the freedmen mentioned in the texts: Sarapis, Socrates, Longos, and Neilos. It is possible that the two older women were concubines of Gaius Longinus Castor. Sarapis, emancipated in the same will, might have been the testator's natural daughter, while the boys might have been his natural sons, whom he freed *inter vivos*, perhaps to avoid limitations of *lex Fufia Caninia*. KEENAN, 'The will of Gaius Longinus Castor' (cit. n. 253).

<sup>255</sup> See WATSON, *Roman Slave Law* (cit. n. 250), pp. 26–27. On the status of *Latini Iuniani*, see ROBLEDA, *Il diritto degli schiavi* (cit. n. 250), pp. 132–135; P. WEAVER, 'Where have all the Iunian Latins gone? Nomenclature and status in the early Roman Empire', *Chiron* 20 (1990), pp. 275–305.

<sup>256</sup> CHAMPLIN, *Final Judgements*, p. 137, n. 28.

Any limitations imposed by Roman law on the number of emancipations could have easily been circumvented by *fideicommissum*. We cannot, therefore, attribute the small number of emancipations to legal restrictions. Moreover, even in local wills, which would not have been restricted by Roman limits, manumissions were not numerous. This observation may confirm that the number of slaves in Egypt was reasonably small; however, it may also suggest that in Egypt it was not customary to liberate a whole *familia* in a will, as was popular in Rome.<sup>257</sup> It is worth noting that even funerary dispositions appear more frequently in the preserved wills than those granting freedom to slaves, as we shall see in the following section.

An emancipation granting both freedom and citizenship to a slave had to be based on the pattern *liber esto, liberum esse iubeo* (G. 2.267; *Tit. Ulp.* 2.7), followed by the name or a detailed description of the slave to be freed (G. 2.239).<sup>258</sup> While the application of this rule is visible in the texts of legal practice,<sup>259</sup> fideicommissary manumissions are also attested.<sup>260</sup>

According to Edward Champlin, testamentary emancipations were the result of emotional links between slaves and their masters, and were often accompanied by financial provisions, legacies, and sometimes even *heredis institutiones*.<sup>261</sup> Perhaps in two wills (*BGU* I 326; *P. Select.* 14), the slave-women who were appointed heirs had been concubines of the testator.<sup>262</sup> In addition to personal relations between masters and slaves, however, there may also have been more pragmatic reasons for appointing slaves as heirs; one's own slave, as *heres necessarius*, could not reject the inheritance.<sup>263</sup>

<sup>257</sup> Dionysius of Halicarnassus (IV 24.6) explained that *lex Fufia Caninia* was issued to prevent massive testamentary manumissions, which aimed to gather as many freedmen as possible at the funeral of the patron. CHAMPLIN, *Final Judgements*, p. 136. See BRADLEY, *Slaves and Masters* (cit. n. 246), pp. 84–87 and 148–149.

<sup>258</sup> WATSON, *Roman Slave Law* (cit. n. 250), p. 26.

<sup>259</sup> See *FIRA* III 48; *P. Select.* 14; *P. Hamb.* I 72; *BGU* I 326.

<sup>260</sup> *FIRA* III 48; *FIRA* III 47; *P. Hamb.* I 72. See also AMELOTI, *Il testamento*, p. 143.

<sup>261</sup> CHAMPLIN, *Final Judgements*, pp. 137–138.

<sup>262</sup> KEENAN, 'The will of Gaius Longinus Castor' (cit. n. 253).

<sup>263</sup> This is probably the case in the will of Dasumius (*FIRA* III 48).

In the will of Gaius Longinus Castor discussed above, the slave Sarapis, who was perhaps a natural daughter of the testator, was not only manumitted but also given some land (ll. 17–22).<sup>264</sup> A similar disposition is known from the will of Psenamounios (*PSI* IX 1040); the testator not only bequeathed some property to a slave-girl, but also released her from the right of patronage. In the will of Antonius Silvanus, an heir was obliged to pay the five-percent freedom tax on behalf of the freed slave, Kronion (*FIRA* III 47, ll. 32–37).

Emancipation could also be accompanied by special obligations that went beyond the law of patronage. In *BGU* VII 1655, Kosmos, a slave, was freed but obliged to ‘serve’ his master’s grave; in return he was freed from any service to other individuals (perhaps the testator’s heirs; col. II, ll. 31–33): *Κόσμος ὁ προγεγ[ρ]αμμένος ἀσχολάσει καὶ δουλεύσει[ι] τῷ τάφῳ μου ἔφ’ ὅ[σ]ον ζῇ καὶ οὐδείς αὐτο[ῦ] ἐξουσίαν ἔξει*. The slave was charged with a duty of service, or *paramone*. The concept of *παραμονή* was widespread throughout the Greek world, and frequently accompanied manumissions both *inter vivos* and in the event of death. A freedman or a freedwoman charged with *paramone* were obliged to remain in the service of the one who had freed them (or someone else) for a certain time, or sometimes even for the rest of their life; they could also be in the service of a temple.<sup>265</sup> Although the discussed will was Roman, there can be no doubt that in this case we are dealing with *paramone*.

There are other examples of Roman wills evoking the concept of *paramone*. In *P. Oxy.* XXVII 2474, a will which contains many deviations from the Roman model and a visible influence of local legal customs, we find a manumission (ll. 28–31) which, as Eduardo Volterra has observed, takes the form of a direct emancipation.<sup>266</sup> Although it lacks the appropriate

<sup>264</sup> AMELOTI, *Il testamento*, p. 143.

<sup>265</sup> See W. L. WESTERMANN, ‘The *paramone* as general service contract’, *JJrP* 2 (1948), pp. 9–50; A. E. SAMUEL, ‘The role of *paramone* clauses in ancient documents’, *JJrP* 15 (1965), pp. 256–284; Patricia CRONE, *Roman, Provincial and Islamic Law. The Origins of the Islamic Patronate*, Cambridge 2002, pp. 64–67; Maria YOUNI, ‘Transforming Greek practice into Roman law’, *TR* 2010 (78.3–4), pp. 311–340.

<sup>266</sup> E. VOLTERRA, review of *P. Oxy.* XXVII, *Iura* 14 (1963), pp. 351–359, esp. pp. 355–356. See also E. VOLTERRA, ‘Manomissioni di schiavi compiute da peregrini’, [in:] *Studi De Francisci*

wording, the intention is clear: the testator desired that his slaves should acquire freedom immediately after his death; however, he charged them with an obligation of service – *paramone* – for his wife until her death (*P. Oxy.* XXVII 2474, ll. 28–31). This disposition does not reflect the Roman concept of patronage, but rather an idea adapted from local law.<sup>267</sup> An analogous clause appears in local wills from the same period, for example *P. Oxy.* III 494 (ll. 15–16).

According to Eduardo Volterra, *paramone* is also attested in the will of Gregory of Nazianzus.<sup>268</sup> One of its provisions concerns Gregory's relative, the virgin Roussiane,<sup>269</sup> to whom the bishop bequeathed two female slaves as well as *ususfructus* over land of her choice. The text specifies that the two slave-girls were to remain with Roussiane until the end of her life; although she was allowed to free the girls, if she chose not to do so, they were to return to the inheritance and thus become property of the church (ll. 52–56).

It seems that this disposition expresses neither emancipation nor *ususfructus*. Roussiane was to become the owner of the slaves, but her rights over them were limited to either freeing them or handing them over to the church. If we were to apply Roman categories, we could say that Roussiane had been bequeathed *ususfructus* through *fideicommissum*, which also gave her the right to free the slaves. In fact, this method of bequeathing property was quite common in legal practice in Egypt,<sup>270</sup> not only in wills but also in contracts containing provisions in the event of death (see above, p. 163). These documents indicate not only the influence of eastern practice on specific testamentary dispositions, but also the lack of restrictions governing the formation of testamentary clauses and dispositions.<sup>271</sup>

IV, pp. 73–105. Volterra, based mainly on this observation, claimed that the will was not composed for a Roman citizen. See VOLTERRA, review of *P. Oxy.* XXVII (above), p. 357.

<sup>267</sup> KOENEN, commentary to *P. Oxy.* XXVII 2474; VOLTERRA, review of *P. Oxy.* XXVII (cit. n. 266), p. 356; AMELOTI, *Il testamento*, p. 144; MIGLIARDI ZINGALE, *I testamenti* (cit. n. 44), p. 90.

<sup>268</sup> VOLTERRA, review of *P. Oxy.* XXVII (cit. n. 266), p. 358.

<sup>269</sup> No more details about this person are known. BEAUCAMP, 'Le testament de Grégoire' (cit. n. 126), p. 231.

<sup>270</sup> See *P. Oxy.* III 491; *P. Oxy.* III 492; *BGU* I 326; *PSI* IX 1040.

<sup>271</sup> Cf. Claudia KREUZSALER & J. URBANIK, 'Humanity and inhumanity of law. The case of Dionysia', *JfJP* 38 (2008), pp. 119–155, esp. pp. 149–150.

In fact the passage is not the only disposition concerning slaves in Gregory's will. The bishop, who probably owned many slaves (certainly more than testators from Egypt attest), also emancipated them *inter vivos* and bequeathed them their *peculia* (ll. 32–35). Whereas for Gregory this clause had a general character, it found a more specific use in Latin wills from Gaul; both the wills of Burgundofara and Irmina included a full list of people who were emancipated during the life of the testators. In these cases, the clause was perhaps intended as evidence for the manumission of slaves in the event of any controversy.

Later Egyptian papyri offer fewer references to slaves and manumission,<sup>272</sup> but we must remember that in Egypt the total number of sources for the later centuries is much smaller than for the first three centuries of Roman rule. An exception is *P. Cairo Masp.* III 67312, in which all slaves owned by the testator during his lifetime were manumitted (ll. 99–104); the manumissions are accompanied by a bequest of *peculium* and six coins for each slave. The will was composed after the codification of Justinian, in which both the maximum number of slaves that could be emancipated in a single will, as well as the different categories of freedmen (I. 1.7.1, 1.5.3; C. 7.6.1) had been abolished.<sup>273</sup>

In contrast to the Egyptian papyri, emancipations are well attested in wills from the West. An emancipation clause is contained in a number of documents, including copies of wills from Ravenna (*P. Ital.* I 4–5 B II 7, III 8, V 10) and the fragmentary will of Manna, also from Ravenna (*P. Ital.* I 6, ll. 2–3). In the former texts, the emancipations concern a group of unspecified slaves, and may well refer to the entire *familia* of a particular testator. However, we should not discount the possibility that the original wills specified the particular slaves to be freed, but that the clauses were abbreviated when the copies were made.

<sup>272</sup> On the number of slaves in Byzantine Egypt, see I. F. FIKHMAN, 'Slaves in Byzantine Oxyrhynchus', *PapCongr.* XIII, pp. 117–124, esp. p. 121; R. S. BAGNALL, 'Slavery and society in late Roman Egypt', [in:] B. HALPERN & Deborah HOBSON (eds.), *Law, Politics and Society in the Ancient Mediterranean World*, Sheffield 1993, pp. 220–240.

<sup>273</sup> WATSON, *Roman Slave Law* (cit. n. 250), pp. 32–33; K. VETTER, 'The historical development of some important methods of manumission in Roman law', *RIDA* 51 (2004), pp. 355–367.

In the fragmentary will of Manna – only the very bottom of the main part has survived – the main church in Ravenna was appointed as heir, and at least three slaves were freed: Albion, his wife, and daughter (*P. Ital.* I 6, ll. 2–3). The phrase expressing manumission different from that prescribed by Gaius was applied: ‘*ingenuos esse volo, civesque Romanos*’. Interestingly, the term *liber* was replaced by the noun *ingenuus*, which in Roman law referred to a freeborn man (G. I.II).<sup>274</sup>

Emancipations were frequent and detailed in Merovingian wills. The will of Remigius, for example, lists possibly every slave Remigius owned and specifies whether they would be manumitted or become a subject of a disposition. The classical Roman formula for emancipation (*liber esto / liberum esse iubeo*) eventually lost its uniformity, and it became possible to express manumission using such expressions as *iubeo libertate perfungi; tribuo libertatem; ingenuos esse iubeo; gratulabitur beneficio libertatis; sit libertus*.

#### 9. FUNERALS, TOMBS, AND COMMEMORATION

Instructions regarding the burial and commemoration of the testator could also appear in the text of the will. These provisions followed the dispositions to particular individuals and addressed a number of issues. These issues may be divided into six groups: basic concerns about what would happen to the corpse; instructions relating to belief and worship; instructions addressing the continuation of family or local traditions associated with burial; the desire for commemoration after death and the underlining of the social position of the deceased; emotional instructions; concerns regarding life after death (only in Christian wills). Yet, each ‘funerary clause’ falls into more than one of the above categories. Moreover, funerary clauses could be classified as pagan or Christians ones.

<sup>274</sup> It later became a synonym for *libertus*, as is clear from the fact that it appears in titles of emancipation. See commentary to *P. Marini* LXXV.

*Pagan clauses*

Pagan funerary clauses in Roman wills were collected and analysed in 2005 by Livia Migliardi Zingale.<sup>275</sup> Many of these clauses were brief and contained only two or three key points: a request that the corpse be buried, the appointment of a person responsible for the burial and / or an amount allocated for the funeral. We find such a clause in a partially preserved bilingual will made for Tiberius Claudius Alexander, *P. Oxy.* XXXVIII 2857 (ll. 19–21). Claudia Theanous, the heir, was charged with taking care of the body and was supposed to spend not less than one hundred drachmae for this purpose. The provisions in *BGU VII* 1695 (tab. II, pag. ant., ll. 2–3) and *P. Select.* 14 (ll. 25–29) are similarly laconic. In the latter, the testator's daughters were charged with preparing the body for a funeral, while the heirs were supposed to spend eight hundred drachmae on it. The former does not even specify a person in charge of the funeral, only the sum of two hundred drachmae allotted for it.

In some cases, the provisions were limited solely to the appointment of an individual responsible for the funeral (*P. Diog.* 10, ll. 12–13). From a legal point of view, this was necessary only if the testator wanted the funeral to be handled by someone else than the heir. In principle, the heir was obliged to arrange the burial (*D.* 11.7.12.4),<sup>276</sup> although taking care of the funeral was not interpreted as an acceptance of the inheritance (*D.* 11.7.4). Moreover, neglecting the funeral duties had no legal consequences (*D.* 11.7.12.4), unless the testator had appointed an individual responsible for the task<sup>277</sup> during his or her lifetime and given the individual money for that purpose.<sup>278</sup> In this case, the individual responsible for the funeral could be sued with *actio doli* and forced *extra ordinem* to fulfil the obliga-

<sup>275</sup> LIVIA MIGLIARDI ZINGALE, 'In tema di clausole funerarie: osservazioni sui testamenti romani d'Egitto', *Aegyptus* 85 (2005), pp. 269–278.

<sup>276</sup> If no one else was appointed to arrange the funeral, it was a duty of the heir. If there were no heirs, the funeral could be carried out by anyone. J. THOMAS, 'The *actio funeraria*', [in:] R. VAN DER BERGH (ed.), *Ex iusta causa traditum. Essays in Honor of Eric H. Pool*, Pretoria 2005, pp. 321–335, esp. p. 322.

<sup>277</sup> B. BEINART, 'Heir and executor', *Acta juridica* 223 (1960), pp. 222–235, esp. p. 225.

<sup>278</sup> THOMAS, 'The *actio funeraria*' (cit. n. 276), p. 323.

tion (D. 11.7.14.2). However, if the deceased had appointed a *mandator* and an *honorarium* in the will, the individual responsible for the funeral only risked not being paid if he failed to carry out his duty (D. 11.7.12.4).<sup>279</sup>

D. 11.7.12.4: *Funus autem eum facere oportet, quem decedens elegit: sed si non ille fecit, nullam esse huius rei poenam, nisi aliquid pro hoc emolumentum ei relictum est: tunc enim, si non paruerit voluntati defuncti, ab hoc repellitur ...*<sup>280</sup>

The papyri demonstrate that funerary clauses did not always specify an amount for funerary expenses; but if the sum was not set in the will, it could still be determined by the financial and social status of the deceased, as we learn from Ulpian in the 25th book of the *Commentary on the Edict*, D. 11.7.12.5: 'Sumptus funeris arbitrantur pro facultatibus vel dignitate defuncti.' In the same book, Ulpian also defines reasonable and superfluous funerary expenses (D. 11.7.14.3–5). *Ornamenta* were identified as unnecessary, as only *homines simplices* would bury their deceased with jewels (D. 11.7.14.5).<sup>281</sup> The jurist believed that it was not necessary to comply with any wishes of the deceased that were deemed excessive (D. 11.7.12.6).

<sup>279</sup> *Actio funeraria* served to secure reimbursement for expenses incurred by the funeral. According to Max Kaser (DPR I, p. 734) and Mario Amelotti (AMELOTTI, *Il testamento*, p. 159) only 'strangers' were entitled to this action. In other words, those appointed by a testator in a will to carry out a funeral and heirs were not entitled to *actio funeraria*. Thomas opposed this statement claiming that anyone could be entitled to the claim, including heirs who bore the funeral expenses. The action could be brought against the heir or co-heirs, and in the case of *hereditas iacens*, expenses were reimbursed by a praetor or provincial official (D. 11.7.12.6) with funds obtained from the sale of items belonging to the inheritance (D. 11.7.4) or debts (D. 11.7.13) and legacies (D. 11.7.14.1). Therefore, it was the deceased who covered the expense of the funeral. The funeral was a matter of urgency, and so often costs were incurred at a time when there was still no heir (D. 11.7.12.2). THOMAS, 'The *actio funeraria*' (cit. n. 276), pp. 324–335.

<sup>280</sup> 'This should make the funeral whom the deceased chose; but if he does not do it, no penalty will be imposed on him for this reason, unless there was any reward appointed. In such a case, if he does not fulfil the wish of the deceased, he will be deprived of this (reward).'

<sup>281</sup> Romans often buried or cremated their dead together with ornaments and other valuables. This custom may be seen also in burials in Egypt and throughout the Roman world; see Françoise DUNAND, 'Between tradition and innovation: Egyptian funerary practices in late antiquity', [in:] BAGNALL (ed.), *Egypt in the Byzantine World* (cit. n. 22), pp. 163–184, esp.

In the eighth book of the *Responsa*, Modestinus quoted a case in which an individual was required to throw the body of the deceased into the sea in order to become heir. As the heir had not fulfilled the testator's funeral wishes, Modestinus was asked whether the inheritance should still pass to the heir. The jurist said that the heir should be commended, but suggested that it was necessary to examine whether the testator had been of sound mind when making his will, because a sane person would not have included such a wish (D. 28.7.27).<sup>282</sup>

Funerary instructions were widespread in Roman Egypt, not only in Roman wills, but also in local deeds.<sup>283</sup> Local wills<sup>284</sup> and other deeds in the event of death<sup>285</sup> refer to the same activities as their Roman counterparts: *κηδείαν καὶ περιστολήν*. Thus in both Roman and local documents we find two verbs referring to the procedures related to the body of the deceased: *περιστέλλω* and *ἐκκομίζω*. The former has several meanings, including 'to dress', 'clothe', 'wrap up', or 'lay out' a body, as well as simply 'to bury a corpse'; the word also appears frequently in the context of mummification. Archeological evidence confirms that the mummification of corpses

p. 180; V. M. HOPE, *Roman Death*, London 2009, pp. 82–84; D. NOY, 'Building a Roman funeral pyre', *Antichthon* 34 (2000), pp. 30–45.

Another testimony to the practice of burying jewellery in graves is a *casus* described by Scaevola in the seventeenth book of *Digesta* (D. 34.2.40.2). The jurist says that a Roman lady bequeathed her jewellery to her friend Seia; in the same will she expressed the wish that her husband arranges for her funeral, burying her with two strings of pearls and an emerald bracelet. The husband failed to do this, and Scaevola had to consider to whom the jewellery should pass – the heir or the legatee.

<sup>282</sup> See V. SCIALOJA, 'Testamento di Virgilio: considerazioni giuridiche', [in:] *Studi in onore di Alfredo Ascoli*, Messina 1931, pp. 1–6 (reprint: IDEM, *Studi giuridici* II, Roma 1934, pp. 203–206).

<sup>283</sup> AMELOTI, *Il testamento*, p. 158. Funerary clauses often appeared in Egypt in various deeds in the event of death already in the Hellenistic period. Such an early example is *P. Petr.* I<sup>2</sup> 3 (ll. 17–19). The testator decided that after his death his wife and sons should keep what they possessed at the moment when he died, and the rest was to be spent on a funeral; in other words, he bequeathed his property to his family *inter vivos*, but a part was kept for the funeral.

<sup>284</sup> Cf. *SB XVIII* 13308; *P. Mich.* IX 549; *BGU VII* 1654; *BGU III* 896; *PSI XII* 1263; *P. Strasb.* IV 284; *P. Lund.* VI 6.

<sup>285</sup> Cf. *P. Mich.* V 322 a (Arsinoite nome, AD 46); *P. Strasb.* VII 603 (Tebtynis, AD 103–116); *P. Strasb.* VII 684 (Tebtynis, AD 117–138); *SB VIII* 9642 4 (Tebtynis, AD 117–137); *SB XXIV* 16001 (Karaniš, AD 168).

occurred under Roman rule in Egypt;<sup>286</sup> even as late as the fourth century it was still practiced by some religious-professional groups.<sup>287</sup> Although the verb *περιστέλλω*<sup>288</sup> referred to different methods of preparing the body for burial during the Roman period, its connection with mummification remained. Moreover, *περιστέλλω* could refer not only to the preparation of the body for burial, but to any activity connected with interment. As the wills do not specify which form of burial was chosen by the testator, they cannot help us gain a more precise understanding of the verb. According to Edward Champlin, a testator's burial would often follow the family custom, and thus there would have been no reason for further specification.<sup>289</sup> Furthermore, pagan burial customs did not change over the centuries, and the methods practiced in the early Hellenistic era were still in use in the late fourth century.<sup>290</sup> In elite circles, both inhumation and cremation were performed, but the preferred method of burial did not, in general, depend on civic status.<sup>291</sup> Thus, the same verb could signify any number of different ways in which a body could be prepared for the funeral.

The other common verb, *ἐκκομίζω*, can be used in the passive voice to mean 'to carry out' a corpse, or to 'bury',<sup>292</sup> that is to carry through the funeral rites and perhaps also erect a tomb. Archaeological evidence suggests that burials in Egypt occurred in cemeteries, in separate tombs dug into rock, and also in the so-called grave-gardens (*κηπόταφου*).<sup>293</sup> The

<sup>286</sup> C. RIGGS, *The Beautiful Burial in Roman Egypt*, Oxford 2005, pp. 1–2.

<sup>287</sup> D. FRANKFURTER, *Religion in Roman Egypt*, Princeton 2000, p. 72. On categories of people professionally dealing with burials, see T. DERDA, 'Necropolis workers in Graeco-Roman Egypt', *JJrP* 21 (1991), pp. 13–36.

<sup>288</sup> Cf. *LSJ*, s.v. *περιστέλλω*.

<sup>289</sup> CHAMPLIN, *Final Judgements*, p. 171.

<sup>290</sup> DUNAND, 'Between tradition and innovation' (cit. n. 281), p. 163.

<sup>291</sup> C. RIGGS, 'Facing the dead. Recent research on the funerary art of Ptolemaic and Roman Egypt', *AJA* 106 (2002), pp. 85–101, esp. p. 85. From the Roman point of view, ideological distinctions between the various methods of burial did not exist. HOPE, *Roman Death* (cit. n. 281), pp. 80–85.

<sup>292</sup> Cf. *LSJ*, s.v. *ἐκκομίζω*.

<sup>293</sup> The best known example is the garden of Mousa. See P. M. FRASER & B. NICHOLAS, 'The funerary garden of Mousa', *JRS* 40.1 (1958), pp. 117–129; P. M. FRASER & B. NICHOLAS, 'The funerary garden of Mousa reconsidered', *JRS* 52 (1962), pp. 156–159; F. DE

practice of reusing tombs was also quite common.<sup>294</sup> The evidence from Rome has also revealed numerous different kinds of tombs and burial sites. The final resting place of an individual would have depended primarily on their financial and social position.<sup>295</sup>

From the epigraphic sources we know that the Romans were keen to provide guidance for their successors regarding the appearance of their tomb. Some inscriptions state explicitly that a funerary monument was constructed according to the instructions left in a will: *secundum verba testamenti*; *secundum formulam testamenti eius faciendum curavit*, etc.<sup>296</sup> Certain inscriptions even repeated the *caput* of the will and the instructions for the construction of the tomb,<sup>297</sup> which occasionally included the amount allocated for this purpose, and directions for later commemoration.<sup>298</sup>

The most famous funerary instructions come from the will of Trimalchion, a character in the *Satyricon* of Petronius, dated to the reign of Nero (Petr. LXXI). Although the instruction was intentionally exaggerated for literary purposes and the entire description was a product of the author's imagination, one should not forget that satire was often grounded in social truths. The passage may thus have been a commentary on those who paid too much attention to their own plans for commemoration after death. Perhaps a more reliable example is *FIRA* III 49, a medieval copy of an inscription from the time of Trajan, which includes testamentary instructions for a sepulchral monument. The tomb was to take the form of a small temple which would contain a statue of the deceased no less than five feet in height and made of the finest marble or bronze. The testator gave further instructions regarding how the tomb should be furnished (it was to include an altar) and where his remains would rest; he also ordered that both the consular year of his death and his age should be inscribed on the

VISSCHER, *Le droit des tombeaux romains*, Milan 1963, pp. 197–216. For the most recent publication and further literature, see *I. Alex. Imperiale* 25.

<sup>294</sup> RIGGS, 'Facing the dead' (cit. n. 291), p. 86.

<sup>295</sup> See J. CROOK, *Law and Life of Rome: 90 BC to AD 212*, Ithaca 1967, p. 133.

<sup>296</sup> See AMELOTI, *Il testamento*, pp. 159–160; DE VISSCHER, *Le droit* (cit. n. 293), *passim*.

<sup>297</sup> CHAMPLIN, *Final Judgements*, p. 37 (with a list of inscriptions).

<sup>298</sup> CHAMPLIN, *Final Judgements*, p. 27.

outer wall of the tomb. The extravagant details in this description, as well as the fact that it has survived only as a medieval copy, may cause us to suspect that the text was also satirical, perhaps even a reference to the *Feast of Trimalchio*. On the other hand, there are surviving examples of funereal monuments which greatly exceed the social status of the deceased in their splendor; one of those is a monumental tomb of the veteran Lucius Pobliscus, which was constructed around AD 30–40 and is currently housed in the Romano-Germanic Museum in Cologne.

Detailed instructions in the epigraphic record suggest that burial and commemoration arrangements must have been important for the Romans. This idea is further illustrated in the jurisprudential sources in which we find various instances of lawyers deliberating over the construction of tombs according to the instructions of the testators.<sup>299</sup> This phenomenon, however, is not visible in the papyri, where both the wills and their copies have little to say regarding future graves. From *P. Oxy.* XXII 2348 we learn that the testator ordered his heirs to build him a tomb on a site he had chosen and prepared (ll. 31–34);<sup>300</sup> yet, no details are provided regarding the size or the building materials of the monument. The only thing we know is that the testator wanted his grave to be located near the tomb of his predeceased first wife, even though the funeral arrangements had been entrusted to his second wife (or life partner), with whom he lived after the death of the first.

In another document from the third century, the author requested a tomb in the shape of a pyramidion (*P. Lips.* I 30, l. 14); in *BGU VII* 1655, on the other hand, the testator appointed his slave, Kosmos, to take care of his grave (col. II, ll. 31–32), but provided no details concerning the tomb itself. It seems plausible that detailed instructions regarding the tombs would have been given in a separate document, or perhaps orally,

<sup>299</sup> For example D. 28.5.45; D. 34.4.30.2; D. 35.1.6 pr.; D. 35.1.27; D. 35.1.40.5. On the subject of D. 35.1.27, see MIGLIARDI ZINGALE, 'In tema di clausole funerarie' (cit. n. 275), pp. 269–270.

<sup>300</sup> We know of similar examples from literary sources. A number of individuals, including Herod Atticus (Philost. *VS* 565) and Marcus Antonius (Plut. *Ant.* 58) pointed out the place of their burial. See CHAMPLIN, *Final Judgements*, p. 172; J. CROOK, 'A legal point about Mark Antony's will', *JRS* 47 (1957), pp. 36–38.

while the will itself would have contained only a general order that the tomb be erected. Such instructions are known from other types of sources, as in the case of Mousa's garden (see above, p. 186, n. 293). The majority of preserved Roman wills, however, were written for people of modest property who may not have had enough money to request a monument similar to that from the *Feast of Trimalchio*.

In addition to instructions concerning burial, funerary clauses would have also contained directions for the commemoration of the testator. The will discussed in the previous paragraph (*BGU VII 1655*) may have mentioned some of the ceremonies or rites that were to be held three months after the death of the testator; however, the fragmentary nature of the text makes it difficult to draw any firm conclusions (col. II, l. 29). In *P. Lips. I 30*, it is specified that certain ceremonies were to be conducted ἐν τε ἐπισήμοις ἡμέραις (l. 1), and a feast combined with offerings to the deities of the underworld was to be organised.

Ceremonies commemorating the deceased were widespread in the Graeco-Roman world. While a testator could sometimes count on the piety of the heirs, some individuals wanted to ensure that their commemoration was arranged properly, especially in those instances where the ceremony had been entrusted to someone who was not a close family member of the testator. An excellent example can be found in an inscription from Roman Misenum:<sup>301</sup> Quintus Cominius Abascantus appointed Nymphidia Monime his heir; he also bequeathed 10,000 sesterterii to the collegium of *Augustales*, providing that the collegium agreed to spend the income from this amount on an annual commemoration of the testator. According to the inscription, the *Augustales* anointed images of the divine spirit of the town and the protectress of the fleet (*Simulacris Genii Municipii et Classis Tutelae*), and arranged wrestling in the funerary garden of the testator on every *Parentalia*;<sup>302</sup> they also paid out prizes to the wrestlers, laid violets and roses, and poured a precise amount of oil on the grave of the testator, arranged an annual feast for all the officials and *cura-*

<sup>301</sup> J. H. D'ARMS, 'Memory, money, and status at Misenum. Three new inscriptions from the collegium of the *Augustales*', *JRS* 90 (2000), pp. 135–141.

<sup>302</sup> See *DER I*, p. 42.

*tores Augustalium*, and offered donations. The testator listed the amounts that the *Augustales* were supposed to spend in fulfilling each individual obligation. Similar instructions can be found in *FIRA* III 49. However, these inscriptions are only some of the examples which illustrate the attention devoted to posthumous commemoration in the ancient world.<sup>303</sup>

### *Christian clauses*

In late antiquity we start to notice significant changes in the funerary clauses. Instructions regarding the funeral, the tomb, and the commemoration were largely replaced by an increasing concern about the salvation of the soul. Unfortunately, it is difficult to determine when exactly this change occurred, as we have no wills with funerary clauses dating from the fourth and early fifth centuries.

The will of Aurelius Kollouthos (*FIRA* III 52) – composed during the fifth century – requested that his heir arrange a funeral, and also ordered *τὰς ἁγίας προσφορὰς* ('sacred offerings' or 'holy gifts') and *ἀγάπας* ('holy communions', 'alms', or 'donations for the mass')<sup>304</sup> to be given for the peace of his soul. Flavius Pousi, another testator from the same period, expressed similar wishes: the testator charged his heirs with taking care of the *περιστολή* and the burial of his body (*ἐκκομιδὴ*), as well as providing *τὰς ἁγίας προσφορὰς καὶ ἀγάπας*. For this purpose he allocated half of his wages, most probably a soldier's pay which he received as a *cursor* (*P. Oxy.* XVI 1901, ll. 48–53). The idea was similar to that which we have already seen in pagan wills; only the objective had changed. The funerary clauses were less concerned with mortal remains than with the soul and its salvation.

In *P. Lond.* III 1308, p. 72, a testatrix ordered *τὰς ἁγίας προσφορὰς καὶ ἀγάπας* to be performed every year (ll. 5–6), probably on the anniversary

<sup>303</sup> See CHAMPLIN, *Final Judgements*, p. 173; AMELOTI, *Il testamento*, pp. 157–163.

<sup>304</sup> Ewa WIPSZYCKA, *Les ressources et les activités économiques des églises en Égypte du IV<sup>e</sup> au VII<sup>e</sup> siècle*, Brussels 1972, p. 31.

LSJ, s.v. ἀγάπη and προσφορά; E. A. SOPHOCLES, *Greek Lexicon of the Roman and Byzantine Periods from BC 146 to AD 1100*, New York 2000 (reprint), s. v. ἀγάπη and προσφορά.

of her death.<sup>305</sup> In *P. Cairo Masp.* III 67324, Aurelius Paukab obliged his daughters, who were also his heirs, to make regular (perhaps annual) offerings (*προσφορά*) of grain and wine to a monastery, perhaps to be used for the Holy Communion; the intention of this bequest was to secure the salvation of the testator's soul. Upon the death of the testator's daughters, their heirs were charged with continuing the offerings. In the event that the daughters or their heirs should neglect their duty, the testator also authorised the monastery to claim the *προσφορά*. Similar provisions are also evident in the Coptic will of Elisabeth (*P. KRU* 68).<sup>306</sup>

While reading the will of Flavius Theodoros (*P. Cairo Masp.* III 67312), one has the impression that the entire deed was intended to secure the salvation of Theodoros and his wife. Although Theodoros appointed three heirs, the largest part of the inheritance – including almost all of his real estate – went to the monastery of Senouthos, which he charged with certain obligations. One of these was the sale of assets (presumably land) that Flavius Theodoros had acquired from his deceased wife. The money obtained from this sale was to be spent on *προσφορά* for his wife, and on other pious activities which would open the door for her salvation and ensure her commemoration (ll. 70–79). While we do not have a precise accounting of the expenses, we may assume that this was the subject of a separate arrangement between the testator and the head of the monastery. The will also demonstrates a concern with others. Theodoros ordered another heir, the monastery of Apa Mousaios, to sell a residence at Antinoopolis and its belongings, and use the proceeds to ransom prisoners; the monastery was also ordered to spend a certain amount for exoneration of the testator's sins.

A similar preoccupation with salvation and the remittal of sins is visible in wills from Merovingian Gaul. In the will of Remigius, a legatee was bequeathed a vineyard, on the condition that every Sunday he would offer grapes therefrom for Holy Communion, and that each year he would organise a feast for presbyters and deacons. Other wills, notably

<sup>305</sup> R. P. SALOMONS, 'Testamentaria', *ZPE* 156 (2006), pp. 217–241, esp. p. 225.

<sup>306</sup> See WILFONG, *Women of Jeme* (cit. n. 171), p. 60.

those of Aredius and Pelagia, recommended that the *coloni* who benefited from the will should pray for the souls of their benefactors.

By appointing a religious institution – such as a monastery, a hospital, or a church – as an heir or legatee, a testator could ensure constant prayers and ceremonies for the salvation and peace of his or her soul; such appointments were thus quite frequent. The generosity of the faithful contributed considerably to the prosperity of monasteries;<sup>307</sup> indeed, the value of the estate left to religious institutions could often exceed the amount left to a testator's family.<sup>308</sup> In *P. Bodl.* I 47, the testator's wife did not receive even a quarter of the inheritance despite being named heir (cf. above, pp. 171–172). By the fourth century, dispositions benefiting churches or other religious institutions had become so popular that it became necessary to issue a constitution restricting the practice (*C. Th.* 16.2.27–28). Yet the popularity of these dispositions is unsurprising, as testators believed that granting some property to a monastery or church would increase their prospects of eternal salvation. However, the motivation could also be earthly, as in the will of Flavius Phoibammon, who bequeathed some goods to the monastery which had also been appointed to take care of his young children.<sup>309</sup>

<sup>307</sup> Ewa WIPSYCKA, 'Resources and economic activities of the Egyptian monastic communities (4th–8th century)', *JfJP* 41 (2011), pp. 159–263, esp. pp. 163–169.

<sup>308</sup> For example *P. Cairo Masp.* III 67312; *P. Oxy.* XVI 1901; *P. Bodl.* I 47. Even Augustin and Jerome advised Christians to consider Church in a similar way to their children in their wills; see Elisabeth A. MEYER, *Literacy, Literate Practice, and the Law in the Roman Empire, AD 100–600*, New Haven 1988 (unpublished doctoral dissertation), p. 193.

<sup>309</sup> MACCOULL, *Dioscorus of Aphrodito* (cit. n. 89), p. 51. It seems that the generous bequest in favour of the monastery could have had an additional aim, because after all Phoibammon appointed the abbot of the monastery of Jeremiah, apa Besas, guardian and curator of his children – *κουράτορ καὶ κηδεμών* (l. 234). Perhaps for the father the very fact of appointing the abbot as a guardian was a way to secure the fate of his children and their property after his death. In Byzantine law since Leon III, it was the clergy who were entrusted with the duty of care if the parents did not appoint a guardian for their children in their will. On the other hand, however, a generous bequest could surely provide an incentive to take good care of the children. On guardianship, see T. S. MILLER, *The Orphans of Byzantium: Child Welfare in the Christian Empire*, Washington D.C. 2003, pp. 78–107. Olga E. TELLEGEN-COUPERUS, *Testamentary Succession in the Constitutions of Diocletian*, Zutphen 1982, p. 151.

Unlike the pagan clauses, funerary clauses in Christian wills seldom provide instructions regarding the funeral and burial. An exception is the will of Flavius Phoibammon, who charged his sons with the funeral preparations. In addition, the principal of the monastery of Apa Jeremiah was made responsible for burying the testator in the monastery and listing his name in the catalogue of those who had departed from the world (*P. Cairo Masp.* II 67151, ll. 160–168).

It is interesting to note that Phoibammon has effectively arranged for himself a funeral *ad sanctos*:<sup>310</sup> he wished to be buried in the monastery of Apa Jeremiah (where, we can assume, Apa Jeremiah himself was buried) in order to increase the probability that, on the Day of Judgment, those buried near the saint would rise together with him.<sup>311</sup> Aside from a redemptive role, *depositio ad sanctos* also fulfilled a social function, indicating the status of the deceased and their families.<sup>312</sup>

It is also worth noting that Flavius Phoibammon obliged the monastery to place his name on a list which commemorated benefactors; the nature of this list is not clear. It may have been an inscription,<sup>313</sup> or perhaps a wooden tablet (diptych),<sup>314</sup> placed in the monastery or church and read at various ceremonies. A similar instruction is found in the will of Burgundofara, who wanted to bequeath a mill to a monastery so that her name would appear in the *liber vitae*, the book in which the monastery wrote the names of its members and benefactors.<sup>315</sup>

In the will of Apa Abraham we find the usual provisions for the soul of the testator and a request for a funeral; however, the will also specified that the funeral should be organised *κατὰ τὸν ἐπιχώριον νόμον καὶ κατὰ τὴν ἐμὴν ὄψιν καὶ ὑπόληψιν* (*P. Lond.* I 77, p. 231, ll. 58–59). According to various scholars, this phrase suggests that the bishop wanted to be mum-

<sup>310</sup> MACCOULL, *Dioscorus of Aphroditto* (cit. n. 89), pp. 51–52.

<sup>311</sup> See Yvette DUVAL, *Auprès des saints, corps et âme. L'inhumation ad sanctos dans la chrétienté d'Orient et d'Occident du III<sup>e</sup> au VII<sup>e</sup> siècle*, Paris 1988.

<sup>312</sup> P. BROWN, *The Cult of the Saints: Its Rise and Function in Latin Christianity*, Chicago 2009, p. 32.

<sup>313</sup> MACCOULL, *Dioscorus of Aphroditto* (cit. n. 89), p. 52.

<sup>314</sup> For diptych, see *The Coptic Encyclopedia* V, New York 1991, s.v.

<sup>315</sup> For necrologies, see *The Catholic Encyclopedia* (published on the Internet: <http://www.newadvent.org/cathen/>; accessed 5 February 2015), s.v.

mified.<sup>316</sup> Similarly, in Coptic wills, the dressing of the corpse is often requested.<sup>317</sup>

#### 10. CODICILLARY CLAUSES

Codicillary clauses occurred in wills in two variants. The first type was a confirmation of the validity of future codicils. The second could serve to maintain the will as a codicil, if the will itself turned out to be invalid or ineffective. The first type was popular in wills written before the constitution of Alexander Severus,<sup>318</sup> and was usually deployed after specific dispositions. The purpose of the clause was to confirm any future codicils, but it frequently underlined the fact that codicils were intended to supplement the will and not to replace it. Of course, a codicil composed after the will had been written would still have been valid even if the will did not

<sup>316</sup> DUNAND, 'Between tradition and innovation' (cit. n. 281), p. 174. Since the remains of the monastery of St. Phoibammon, built on top of the temple of Hatshepsut, were removed by archaeologists in order to reveal the Pharaonic structures, not much is known about monastic burials at the site. However, numerous examples prove that Christians, including monks, mummified corpses. Many Christian mummies have been discovered, e.g. in the monastery of St. Marcus in Gournet Mourai (western Thebes), the cemetery in Douch (Kharga Oasis), or the Coptic cemetery in el-Deir (Kharga Oasis). Some of these fourth-century mummies were made using the old methods, but by the end of the fourth century the technique changed. With Christian mummies, the innards were not removed; the corpse was not 'bathed' in sulphate, but rather was covered with bars of salt. This was not as effective a method of preserving the body as the real mummification; nonetheless, it fulfilled its objective and protected the body from decay. Salt, perfumes, and flowers were also placed in tombs. Mummification in Christian times is confirmed not only by archaeology, but also by literary sources. DUNAND, 'Between tradition and innovation' (cit. n. 281); Sofia TORALLAS TOVAR, 'Egyptian burial practice in a period of transition: on embalming in Christian times', [in:] P. MANTAS & Ch. BURNETT (eds.), *Mapping Knowledge. Cross-Pollination in Late Antiquity and the Middle Ages*, Córdoba 2014, pp. 129–140. See also W. GODLEWSKI, *Le monastère de S. Phoibammon [= Deir el-Bahari 5]*, Warsaw 1986, pp. 47–49.

<sup>317</sup> Archeology also highlights the question of dress, as the attire of the deceased was important for Egyptian Christians. DUNAND, 'Between tradition and innovation' (cit. n. 281), p. 173.

<sup>318</sup> See *ChLA* IX 399; *P. Mich.* VII 439; *P. Hamb.* I 73; *P. Hamb.* I 72; *PSI* XIII 1325; *BGU* I 326; *P. Oxy.* XXII 2348.

include the codicillary clause.<sup>319</sup> However, the clause was not devoid of legal value: legacies included in a codicil which had been previously confirmed in a will were interpreted as *legata*, while any legacies that appeared in unconfirmed codicils were interpreted as *fideicommissa*.

G. 2.270a: Item legatum codicillis relictum non aliter valet, quam si a testatore confirmati fuerint, id est, nisi in testamento caverit ... testator, ut quidquid in codicillis scripserit, id ratum sit; fideicommissum vero etiam non confirmatis codicillis relinqui potest.<sup>320</sup>

In contrast to most of the other clauses, the codicillary clause did not have a clearly established form and occurred in different variants. According to Pasquale Voci and Mario Amelotti, a codicil had to be expressed in the imperative form in order to be valid in *ius civile*; if it was expressed otherwise it would only be considered valid under praetorian law<sup>321</sup> and the codicils would have the same status as those which had not been confirmed in a will.

Some of the clauses contained stipulations regarding how a valid codicil was to be made: specifically it had to be written in the hand of the testator, then signed and sealed.<sup>322</sup> As Mario Amelotti has rightly pointed

<sup>319</sup> DER II, p. 71.

<sup>320</sup> 'And also *legata* left in codicils are valid, but only if (those codicils) are confirmed by a testator, i.e. if a testator stipulates in his will that whatever is written in codicils, it is valid; but indeed it is possible to have *fideicommissum* in unconfirmed codicils' (transl. MN).

<sup>321</sup> DER II, pp. 70–71; AMELOTI, *Il testamento*, p. 162: 'La diversa inflessione, imperativa (*ratum esto*) o precativa (*ratum esse* o *valere volo*), appare attribuire ai codicilli, rispettivamente, un'efficacia civile o un valore fedecommissario.' Also AMELOTI, *Il testamento*, p. 162, n. 2: 'La differente efficacia troverebbe riscontro G. 2.270a e avrebbe conseguenze notevoli, ancor più che per la distinzione tra legati e fedecommissi, per quella tra manomissioni dirette e fedecommissarie.' In my opinion, this argument is not consistent, as the Gaian text does not discuss the wording of the clause.

<sup>322</sup> See *CbLA* IX 399; *P. Oxy.* XXXVIII 2857; *P. Mich.* VII 439; *P. Hamb.* I 73; *P. Hamb.* I 72; *PSI* XIII 1325; *BGU* I 326. At least one codicil from Egypt is known, *BGU* I 326, col. II, ll. 15–18. In *BGU* VII 1655, ll. 57–59, there is a disposition concerning the testator's slave, written after the dating clause, which could be interpreted two-fold. On one hand, the passage could be a codicil written down by a scribe after the entire text of the will. The opening clause would have applied to both deeds – will and codicil – because they were

out, this solution had significant practical value, because it guaranteed the authenticity of the document.<sup>323</sup>

In late antiquity, the clause authorising future codicils occurred rarely. We find it in two wills from the archive of Dioskoros (*P. Cairo Masp.* III 67312, ll. 28–34, *P. Cairo Masp.* II 67151, ll. 62–66) and in one will from Ravenna (*P. Ital.* I 4–5 B VII, ll. 9–10). However, in both the archives from Ravenna and Dioskoros' texts, references to forgotten clauses and legal expressions are more common than in other documents,<sup>324</sup> and their authors may well have possessed greater legal knowledge than that of a regular scribe. The fact that these documents contain a codicillary clause cannot therefore be taken as proof for the continued existence of codicils in the legal practice of the Empire. However, the fact that codicillary clauses are attested neither in Egypt nor in other parts of the Empire is fairly easy to explain. After the boundaries between *fideicommissum* and *legatum* had disappeared (as discussed earlier in this chapter), the clause would no longer have served any legal purpose.

The second type of codicillary clause – which expressed a willingness to retain the will as a codicil if it turned out to be invalid or ineffective – was somewhat more popular in late antiquity. As with the previous clause, this one may not have had to meet any special requirements. According to the opinion of Ulpian (D. 29.7.1), Papinianus (D. 28.6.41.3), and Scaevola (D. 31.88.17), it was sufficient for the testator to express clearly the desire to retain the will in the form of a codicil. For instance, in the third book of *Responsa* (D. 31.88.17), Scaevola comments on a case in which the testator wrote his will without professional assistance, and added that the will should be upheld as a codicil if it was declared invalid.<sup>325</sup>

Such a clause was less popular before the constitution on the language of wills (for example *BGU* I 326, ll. 13–16; *P. Oxy.* XXXVIII 2857, l. 12). It

opened at the same place and time. On the other hand, such a layout of the text could be a result of scribal omission. A person making a copy of the will could have omitted this very sentence and then added it at the bottom.

<sup>323</sup> AMELOTI, *Il testamento*, p. 163.

<sup>324</sup> AMELOTI & COSTAMAGNA, *Alle origini* (cit. n. 3), p. 24.

<sup>325</sup> DER II, p. 331.

would have functioned primarily as a request for the heirs-in-law to fulfil the wishes of the testator, even if the will was not valid. The clauses also occasionally contained a request addressed to the testamentary heirs, asking that they complete all the obligations arising from the will. Yet if the clause is not addressed to the heirs *ab intestato*,<sup>326</sup> it is doubtful whether it could be classified as codicillary; surely such a clause would not have had any legal meaning.

The invalid will maintained as a codicil would have been interpreted as follows: all emancipations would be kept as fideicommissary manumissions, *legata* as *fideicommissa*, and *heredis institutio* as *fideicommissum universale*.<sup>327</sup> The existence of codicillary clauses dealing with invalid wills in late antiquity is confirmed in a constitution addressed to Asclepiodotus, *prae-fectus pretorio*, by Theodosius II.<sup>328</sup>

*C. Th.* 4.4.7.1 = *C.* 6.36.8: Illud quoque pari ratione servandum est, ut testator, qui decreverit facere testamentum, si id implere nequiverit, intestatus videatur esse defunctus, nec traducere liceat ad fideicommissi interpretationem, velut ex codicillis ultimam voluntatem, nisi si id ille complexus sit, ut vim etiam codicillorum scriptura debeat obtinere ...<sup>329</sup>

Despite the existence of this constitution, the codicillary clause appeared rarely in legal practice in Egypt;<sup>330</sup> even when it did appear, we cannot always be certain whether it actually expressed a wish to retain the will as a codicil. In *P. Oxy.* XX 2283, for instance, it is stated that the testa-

<sup>326</sup> See *PSI* XIII 1325; *PSI* VI 696; *P. Oxy.* VI 907.

<sup>327</sup> *DER* II, pp. 331–332.

<sup>328</sup> BEAUCAMP, 'La transmission du patrimoine' (cit. n. 180), p. 4.

<sup>329</sup> 'With equal reason it must be observed also that if a testator had decided to make his testament but was unable to complete it, he shall appear to have died intestate, nor shall it be permitted to change the interpretation of his last wishes to that of a *fideicommissum* left by codicil, unless the testator has included a provision that the writing shall also have the force of a codicil' (translation after PHARR, *Theodosian Code*, with minor modifications by MN).

<sup>330</sup> *P. Cairo Masp.* III 67312; *P. Cairo Masp.* II 67151; *P. Köln* X 412 (perhaps); *P. Oxy.* XX 2283. Joëlle Beaucamp offers an alternative opinion: BEAUCAMP, 'La transmission du patrimoine' (cit. n. 180), p. 5.

tor came to *komogrammateus* to dictate his testament, will and codicil: τὴν διαθήκην <ῥ>τοι βο<υ>λημάτι<ον>, ἥντινα καὶ κοδικιλλοῦν (ll. 10–11).

The limited popularity of the clause is understandable, as the very idea of a codicil seems to have been foreign to legal practice of Hellenistic and Roman Egypt;<sup>331</sup> also Roman citizens in Egypt rarely used this legal *instrumentum* (see above). It is possible that – due to the fact that the concept of universal succession did not take hold in Roman Egypt, as demonstrated in the earlier sections concerning *heredis institutio* and legacies – there would not have been a clear distinction between the will and codicil.<sup>332</sup>

The codicillary clause is, however, well attested in western wills, both from Ravenna (*P. Ital.* I 4–5) and Gaul, where it occurs in various forms. For example, in the will of Hadoindus and Bertram<sup>333</sup> the clause appears as follows: ‘Quod testamentum meum, si quo casu, iure civile aut praetorio, vel alicuius novae legis interventum, valere nequiverit, ac si ab intestato, ad vicem codicellorum valere eum volo et valeat’;<sup>334</sup> in the will of Remigius we read: ‘testamentum meum condidi iure pretorio atque id codicellorum vice valere praecepi fieri: iuris aliquis videbitur defuisse.’<sup>335</sup>

<sup>331</sup> According to Vincenzo Arangio-Ruiz, the codicil was adapted into Egyptian legal practice, as can be observed in two wills from Oxyrhynchos: *P. Oxy.* III 494, ll. 25–27, and *P. Oxy.* III 495, ll. 15–16. It seems, however, that Arangio-Ruiz incorrectly identified the passages in these documents as codicillary ones. The fragments in question state that the content of the will could be changed even after the document was deposited at the *agoranomos*. However, it is not clear whether it could be interpreted as an addition to the will or a separate deed similar to the Roman codicil. See ARANGIO-RUIZ, *La successione*, pp. 128–131.

<sup>332</sup> ARANGIO-RUIZ, *La successione*, p. 80.

<sup>333</sup> NONN, ‘Merowingische Testamente’, p. 66.

<sup>334</sup> ‘This my will, if by any chance invalid in *ius civile* or *ius praetorio* or according to any constitution newly issued, I want it to be valid as codicils as if I died intestate.’

<sup>335</sup> ‘I have made my will in *ius praetorio* and instructed that it should be valid as a codicil, if it appeared to lack something.’ Krusch used this passage as the arguments against the authenticity of the will: the usual phrase *iure civili aut praetorio* was replaced by *iure praetorio* (NONN, ‘Merowingische Testamente’, p. 67; CROOK, GRIERSON & JONES, ‘The authenticity’ [cit. n. 224], p. 358). However, as noted by Crook, Grierson, and Jones, the argument is not strong. It could have been a simple mistake of the copyist (CROOK, GRIERSON & JONES, ‘The authenticity’ [cit. n. 224], p. 358). Such a mistake could not surprise, since the distinction between civil and praetorian law had no great significance at this time, see E. LEVY, *West Roman Vulgar Law*, Philadelphia 1951, p. 125.

In the wills of Caesarius of Arles<sup>336</sup> and Burgundofara we find only remnants of a codicillary clause.<sup>337</sup>

## 11. PENAL CLAUSE

Penal clauses were widespread in local wills from as early as the Ptolemaic period,<sup>338</sup> although they are not present in the earliest collection of Hellenistic wills from Krokodilopolis. According to Vincenzo Arangio-Ruiz and Livia Migliardi Zingale, the penal clause developed over time, replacing an earlier clause in which the royal couple and their children were appointed executors of the will (*epitropoi*).<sup>339</sup> This phenomenon is known from the collection *P. Petr.* I<sup>2</sup> and also from the will of Aristotle as transmitted by Diogenes Laertios (D. L. 5.1.11).

The clause was based on the following scheme:<sup>340</sup> Ἐπιτρόπους δὲ αἰροῦμαι βασιλέα Πτολεμαῖον τὸν Πτολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν καὶ βασίλισσαν Βερενίκην τὴν βασιλέως Πτολεμαίου ἀδελφὴν καὶ γυναῖκα καὶ τὰ τούτων τέκνα. However, the legal meaning and function of this clause is unclear. It is difficult to imagine that the royal couple would have assumed the role of executors for the will of every citizen; we must therefore interpret the clause symbolically rather than literally.

Vincenzo Arangio-Ruiz offered a plausible suggestion that the clause was simply a reference to the legal order.<sup>341</sup> As Willy Clarysse has noted, it would have had a psychological rather than legal effect, since the efficacy of the will was guaranteed by law and not by the appointment of the

<sup>336</sup> NONN, 'Merowingische Testamente', p. 68.

<sup>337</sup> NONN, 'Merowingische Testamente', p. 68.

<sup>338</sup> Cf. *SB XVIII* 13168; *P. Oxy.* I 104; *P. Oxy.* III 652; *P. Oxy.* LXVI 4533; *P. Wisc.* I 13; *P. Oxy.* III 493; *P. Oxy.* III 489; *P. Oxy.* I 105; *P. Sijp.* 43; *P. Oxy.* III 492; *P. Köln* II 100; *BGU* III 896; *P. Oxy.* III 494; *PSI XII* 1263; *P. Oxy.* III 495; *P. Lips.* II 149.

<sup>339</sup> LIVIA MIGLIARDI ZINGALE, 'Dal testamento ellenistico al testamento romano nella prassi documentaria egiziana, cesura o continuità?', [in:] *Symposion* 1995, pp. 303–312, esp. p. 309.

<sup>340</sup> W. CLARYSSE, commentary to *P. Petr.* I<sup>2</sup>, p. 41.

<sup>341</sup> ARANGIO-RUIZ, *La successione*, pp. 106–107.

royal family as executors.<sup>342</sup> In other words, it is difficult to imagine that the clause would have had any real meaning in the will, apart from expressing the idea that the state and its law protected correctly produced wills. However, a few wills from the same collection contained an ‘*epitropoi* clause’ which appointed ordinary people as *epitropoi*, usually alongside the royal family.<sup>343</sup> Such clauses are attested not only in the roll *P. Petr.* I<sup>2</sup>, but also in wills from the second century BC;<sup>344</sup> the *epitropoi* in these documents must have been appointed to some real function, perhaps similar to that of testamentary executor.

During the Hellenistic period, the ‘*epitropoi* clause’ was eventually replaced by a regular penal clause, which is attested for the first time at the end of the second century BC, in *SB XVIII* 13168. The penal clauses in wills were analogous to those which appeared in contracts. Their primary aim was to ensure that the parties would fulfil the contractual provisions, but they also served to dissuade third parties from challenging the deed. If an individual challenged a contract or a unilateral deed (for example a will) and failed, he or she would have to pay a monetary penalty as specified in the clause<sup>345</sup> to the heir (or heirs)<sup>346</sup> and the public treasury. Thus the clause protected the will against unfounded attacks, compensated heirs for the trouble and cost of any potential proceedings, and encouraged the public authority to pay keen attention to the testamentary provisions.<sup>347</sup> The penal clause was not present in Roman wills until the end of the third century.<sup>348</sup>

The clause began to reappear in wills after the third century, although it varied significantly from its Hellenistic precursor in so far as it lacked

<sup>342</sup> Commentary to *P. Petr.* I<sup>2</sup>, p. 41.

<sup>343</sup> *P. Petr.* I<sup>2</sup> 1, ll. 68–87; *P. Petr.* I<sup>2</sup> 16 (together with reigning Ptolemies and their children), ll. 12–40; *P. Petr.* I<sup>2</sup> 18.

<sup>344</sup> *P. Dryton* 1, ll. 17–18 (here, however, the text is largely reconstructed, and thus it does not constitute a fully credible proof); *P. Dryton* 2, ll. 21–23.

<sup>345</sup> ARANGIO-RUIZ, *La successione*, pp. 112–113. See A. BERGER, *Die Strafklauseln in den Papyrusurkunden*, Leipzig – Berlin 1911.

<sup>346</sup> BERGER, *Die Strafklauseln* (cit. n. 345), pp. 26–31.

<sup>347</sup> ARANGIO-RUIZ, *La successione*, p. 113.

<sup>348</sup> The exception is *P. Oxy.* XXII 2348 (ll. 38–40).

any kind of financial sanction.<sup>349</sup> It was still intended to discourage people from challenging wills, but the method had changed. For instance, in the will of Gregory of Nazianzus, any individual who acted against Gregory's will could expect punishment when the Day of Judgment came. Similar sanctions were popular in wills composed after the end of Roman rule in Gaul, for example in the wills of Aredius and his mother Pelagia, Bertram, Burgundofara, the son of Idda, and Irmina; here the sanctions could include eternal damnation, excommunication, leprosy, or being swallowed by the earth. In the will of Irmina, the spiritual and physical sanctions were accompanied by a financial penalty, in this case the payment of a certain amount of money to the public treasury.

Penal clauses bearing financial sanctions appear again in Coptic wills, but unlike the earlier versions, the Coptic clauses indicate only the amount that the person who challenged the will would have to pay to the public treasury if their attempt turned out to be unsuccessful. The first example may be found in Abraham's will (*P. Lond.* I 77, p. 231, ll. 50–56), which contains several sanctions, including a monetary one: whoever challenged Abraham's will would be liable to pay six ounces of gold, although we must assume that this amount was due only if the challenge failed. In other wills monetary sanctions often appeared together with religious sanctions;<sup>350</sup> an individual who tried to contest a will not only had to pay a certain amount, but was also required to confirm the validity of the will (as in *P. KRU* 74). There is no obvious reason why monetary sanctions should have reappeared, although it may be that the financial penalties paid to a magistrate encouraged officials to examine cases with greater attention.<sup>351</sup>

In addition to the penal clauses directed at third parties, there appeared a new type of penal clause addressed specifically to the heirs; it stated that any heirs disobedient to the will – for instance, those who would attempt to claim more than the testator had appointed for them – should get nothing. In *P. Bodl.* I 47 the testator appointed his wife heir, but he also bequeathed a large part of his estate to the hospital; had his

<sup>349</sup> *P. Col.* VII 188; *FIRA* III 52; *P. Oxy.* XVI 1901; *SB* VI 9402.

<sup>350</sup> GAREL & NOWAK, 'Monastic wills' (cit. n. 52).

<sup>351</sup> See RICHTER, 'Koptische Rechtsurkunden' (cit. n. 52), p. 48.

wife wanted more, she would have obtained nothing, and if she tried to claim anything after acquiring her part, she would be deprived of it (Il. 20–23): μηδὲν πανταπᾶσιν ἔχειν ἐκ τῆς ἐμῆς κληρονομίας, ἀλλὰ καὶ τούτων ἐκπεσεῖν τῶν διατυπωθέντων παρ' ἐμοῦ ἐν ταύτῃ τῇ διαθήκῃ. Another example from the same period, although from a different part of the world, may be found in the will of the bishop Caesarius of Arles. Although the will contained no earthly or heavenly sanctions, the bishop nonetheless warned his relatives not to act against the church, which stood to inherit everything beyond what the testator had left to them via legacies. Similar provisions addressed to individuals appear in Coptic wills.<sup>352</sup>

## 12. DOLUS CLAUSE

In Roman wills, the *dolus* clause<sup>353</sup> was always present and it followed the pattern: *huic testamento dolus malus abesto* / ταύτῃ τῇ διαθήκῃ δόλος πονηρὸς ἀπέστω.<sup>354</sup> It does not seem to have had any legal significance, and it is absent from other documents.<sup>355</sup> As noted by Vincenzo Arangio-Ruiz<sup>356</sup> and Edward Champlin, a similar clause – *monumento dolus malus abesto* – appears frequently on tombstones. The popularity of this inscription is demonstrated by the fact that it was often written in an abbreviated form: *d() m() ab()*. Occasionally, the content was individualised, as in *ILS* 8365: ‘huic monumento dolus malus abesto et iuris consultus’,<sup>357</sup> which expressed that there should be no litigation concerning the tomb.

<sup>352</sup> See GAREL & NOWAK, ‘Monastic wills’ (cit. n. 52).

<sup>353</sup> See KRELLER, *Erbrechtliche Untersuchungen*, p. 340.

<sup>354</sup> *ChLA* IX 399; *ChLA* X 412; *P. Oxy.* XXXVIII 2857; *FIRA* III 47; *P. Select.* 14; *P. Mich.* VII 439; *P. Hamb.* I 73; *P. Hamb.* I 72; *BGU* VII 1695; *BGU* VII 1655; *PSI* XIII 1325; *BGU* I 326; *P. Diog.* 9.

<sup>355</sup> AMELOTTI, *Il testamento*, pp. 164–165.

<sup>356</sup> ARANGIO-RUIZ, *La successione*, p. 231.

<sup>357</sup> CHAMPLIN, *Final Judgements*, p. 70, n. 20. Also AMELOTTI & COSTAMAGNA, *Alle origini* (cit. n. 3), p. 62; AMELOTTI, *Il testamento*, pp. 164–165.

The clause remained similar, albeit slightly expanded, in the late Empire: ἡς δόλος φθόνηρος πονηρὸς ἀπίτω ἀπέστω.<sup>358</sup> The sentence appears almost exclusively in wills from Egypt, but not in deeds composed in the West.<sup>359</sup> The only exception is the will of Remigius.<sup>360</sup>

### 13. STIPULATION CLAUSE

A completely new clause that appeared in wills from late antiquity was the stipulation clause; it was based on the brief pattern ἐπερωτηθεὶς ὁμολόγησα.<sup>361</sup> This phrase features frequently in various documents from the eastern part of the Empire;<sup>362</sup> it may initially have guaranteed the fulfilment of an obligation, but over time it developed into little more than an embellishment.<sup>363</sup> In the case of wills, which are unilateral, the clause was superfluous and devoid of any legal significance. It may perhaps be explained in the same way as the phrase νοῶν καὶ φρονῶν, that is as a confirmation that the testator was aware of what he had dictated, and that it was in accordance with his wishes. The clause may thus be interpreted as a reflection of the dialogue between the scribe and the testator; the scribe, having written a will, would have read it aloud to the testator and then asked whether it was consistent with the latter's intentions.<sup>364</sup> Over time it became simply a decorative element.<sup>365</sup>

<sup>358</sup> KRELLER, *Erbrechtliche Untersuchungen*, p. 340.

<sup>359</sup> *FIRA* III 52; *P. Oxy.* XVI 1901; *P. Cairo Masp.* III 67324; *P. Vat. Apbrod.* 7; *P. Lond.* I 77, p. 231.

<sup>360</sup> According to Krusch, it is one of the arguments to prove that the text was not authentic, see NONN, 'Merowingische Testamente', p. 77.

<sup>361</sup> See *SB* I 5294; *M. Chr.* 318; *P. Col.* VII 188; *P. Cairo Masp.* III 67324; *P. Vat. Apbrod.* 7; *P. Lond.* I 77, p. 231; *P. KRU* 68.

<sup>362</sup> ARANGIO-RUIZ, *La successione*, p. 269; AMELOTI & COSTAMAGNA, *Alle origini* (cit. n. 3), p. 14.

<sup>363</sup> On stipulation clause, see D. SIMON, *Studien zur Praxis der Stipulationklausel*, Munich 1964.

<sup>364</sup> SIMON, *Studien zur Praxis* (cit. n. 363), pp. 58–59.

<sup>365</sup> ARANGIO-RUIZ, *La successione*, p. 270. The same phenomenon can be observed for the stipulation in general. In AD 472, the emperor Leon officially abolished the necessity to express the stipulation in a formal way (C. 8.37.10).

## 14. KYRIA CLAUSE

The *kyria* clause was a feature of various types of documents<sup>366</sup> in Hellenistic times, although it did not appear in wills until the Roman period.<sup>367</sup> It took the form *κυρία ἡ διαθήκη*.<sup>368</sup>

According to Manfred Hässler, the clause was relevant, in so far as it added legal strength to documents in the event of litigation; after all, any fact not included in the document could not be proved in the court.<sup>369</sup> However, according to Boswinkel and Pestman, the clause merely implied that the document had met all the necessary formal requirements, and would therefore be considered valid and effective.<sup>370</sup>

Modrzejewski claims that in the Hellenistic period the clause may have been used to distinguish Greek documents from Egyptian deeds; its purpose would thus have been to ensure the efficacy of deeds produced by immigrants outside of their homeland.<sup>371</sup> According to Wolff, documents containing the *kyria* clause had greater probative strength than those drafted without it.<sup>372</sup>

<sup>366</sup> M. HÄSSLER, *Die Bedeutung der Kyria-Klausel in den Papyrusurkunden* [= *Berliner Juristische Abhandlungen* 3], Berlin 1960, p. 19

<sup>367</sup> Willy Clarysse proposes to read in *P. Petr.* I<sup>2</sup> 17 (ll. 1–14): *ἡ δὲ [διαθήκη ἥδε κυρία ἔστω]*, but the clause is almost entirely a reconstruction. It seems unlikely that it was correct, since it would be one of two examples of a *kyria* clause in wills from Krokodilopolis. In the second instance (*P. Petr.* I<sup>2</sup> 28) the clause is also almost entirely reconstructed. See commentary to *P. Petr.* I<sup>2</sup> 17.

<sup>368</sup> See *CPR* VI 72; *P. Oxy.* II 379 descr.; *P. Oxy.* LXVI 4533; *P. Wisc.* I 13; *P. Oxy.* III 493; *P. Oxy.* III 489; *P. Sijp.* 43; *P. Oxy.* III 490, *P. Oxy.* III 491, *P. Oxy.* III 492, *P. Köln* II 100, *P. Oxy.* III 494, *PSI* XII 1263, *P. Ryl.* II 153, *P. Oxy.* III 495.

<sup>369</sup> HÄSSLER, *Die Bedeutung der Kyria-Klausel* (cit. n. 366); M. AMELOTTI, 'Il testamento romano classico alla luce di nuovi documenti', [in:] *Estudios de derecho romano en honor de Alvaro d'Ors*, Pamplona 1987, pp. 151–160, reprinted in: IDEM, *Scritti giuridici*, Turin 1996, pp. 428–436, esp. p. 435.

<sup>370</sup> E. BOSWINKEL & P. W. PESTMAN, *Les archives privées de Dionysios, fils de Képhalos. Textes grecs et démotiques*, Leiden 1982 (*P. Lugd. Bat.* XXII), pp. 28–30.

<sup>371</sup> MÉLÈZE MODRZEJEWSKI, 'Le document privé' (cit. n. 81), p. 352.

<sup>372</sup> H. J. WOLFF, *Das Recht der griechischen Papyri Ägyptens in der Ptolemäer- und der Prinzipatszeit*, II: *Organisation und Kontrolle des privaten Rechtsverkehrs*, Munich 1978, pp. 157–159.

No matter what role the clause played, it must have lost its significance around the time of the *Constitutio Antoniniana*, after which the probative value of wills depended on other factors (as discussed earlier). The clause nonetheless became a part of the testamentary template, where it probably served simply *metri causa*.<sup>373</sup> In some cases, the *kyria* clause could be used to highlight the fact that a will had been composed in accordance with the imperial constitutions; we find examples of this in *FIRA* III 52 (ll. 29–31), *P. Vat. Aphrod.* 7 (ll. 14–19), *P. Cairo Masp.* III 67324 (ll. 14–16).

The clause is absent from documents from Ravenna and Gaul. Yet while it may have been used exclusively in the East,<sup>374</sup> its use was not limited to the testamentary template. The clause appears in Coptic wills drafted after the Arab conquest, as well as in other Coptic legal documents.<sup>375</sup> The *kyria* clause was followed by the signatures of testator and witnesses, which were the final element of the will (see above, pp. 58–66).

## CONCLUSION

From the evidence discussed in this chapter, it is possible to make a number of important observations regarding the evolution of the testamentary model in late antiquity. The starting point for this new model was the solemn pattern applied in the case of *testamenta per aes et libram*. However, after the edict of Caracalla, which expanded Roman citizenship, and the constitution of Alexander Severus, which addressed the language of wills, the old Roman pattern may have lost some of its utility. While a new model would soon emerge, the process by which this model evolved was long and not uniform, as demonstrated by two documents from Karanis (*P. NYU* II 39 and *P. Col.* VII 188). The first of these documents, from AD 335/345, is the latest known document referring to *testamentum per aes et libram*, while the second, from AD 320, is the earliest instance of a will based on the completely new pattern that would be used in the Roman

<sup>373</sup> See the will of Gregory of Nazianzus; *P. Lond.* I 77, p. 231; *SB* VI 9402.

<sup>374</sup> AMELOTI & COSTAMAGNA, *Alle origini* (cit. n. 3), p. 64.

<sup>375</sup> RICHTER, 'Coptic legal documents' (cit. n. 60), p. 122.

world until the end of antiquity, and even longer in some parts of the former Empire.

Although the wills of late antiquity would come to be guided by this new testamentary model, it is also worth noting that these later wills are much less uniform than the Roman wills composed before the *Constitutio Antoniniana*. This is hardly surprising, given that many of the formal requirements applying to specific testamentary clauses had been abolished under imperial law. However, while the observance of particular wordings had been relaxed, it seems probable that a common, centrally, or locally issued testamentary model remained the standard.

The new model was further differentiated from its Roman predecessor by the inclusion of various elements originating in local practice. Some of these elements – for instance, the *kyria* or *stipulatio* clauses, which appeared in different types of legal documents (such as bilateral deeds) from Egypt and beyond<sup>376</sup> – had been common in local documentary practice. However, without the strongly developed imperial bureaucracy of late antiquity, such a uniform testamentary practice would not have emerged.<sup>377</sup> The guiding presence of notaries is particularly visible in the wills from Ravenna (especially *P. Ital.* I 6) and those written in Aphrodito by Abraham son of Apollos, preserved in the archive of Dioskoros (*P. Köln* X 421; *P. Vat. Aphrod.* 7; *P. Cairo Masp.* III 67324).

One must also consider the testamentary model in the context of other *mortis causa* deeds. In late antiquity, wills may have lost their unique character due to the disappearance (or at least weakening) of the concepts of *hereditas* and *successio universalis*; in later wills, the heir was no longer understood as successor entering in the place of deceased, but rather as an individual acquiring singular goods belonging to the testator. The will may thus have come to resemble other deeds which addressed the distribution of goods in the event of death. As Mario Amelotti has observed, this may account for the significant decline in the number of wills in late antiquity compared to other deeds intended for the same pur-

<sup>376</sup> See H. J. WOLFF, 'Der byzantinische Urkundenstil Ägyptens im Lichte der Funde von Nessana und Dura', *RIDA* 8 (1961), pp. 115–154.

<sup>377</sup> See AMELOTI & COSTAMAGNA, *Alle origini* (cit. n. 3), pp. 19–47.

pose.<sup>378</sup> It should also be noted that, during the course of the third century, almost all of the elements unique to the testamentary model – including the *cretio* clause and *mancipatio* – disappeared; these factors, which caused the will to become less of a ‘luxury’ deed designed to demonstrate a testator’s *Romanitas*, may also have had some effect on its popularity. A significant reason for the decline in the number of wills in late antiquity may have been their accessibility; before the *Constitutio Antoniniana* the will was available only to Romans and could even have been considered a mark of civic status.

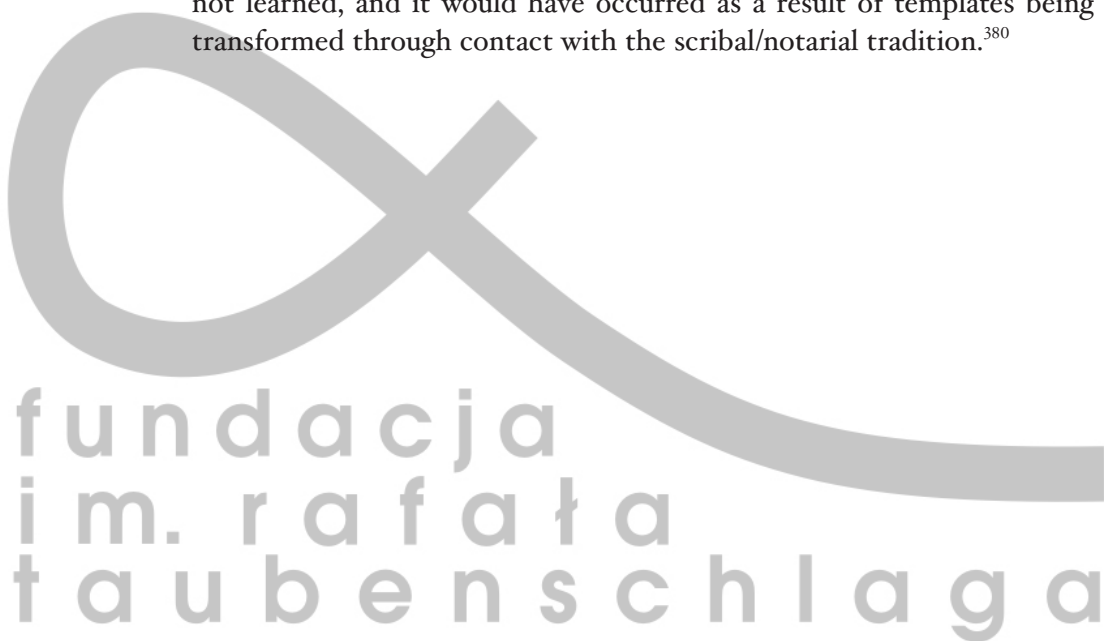
Finally, it should be noted that notarial practice continued in wills composed in the West even after the end of Roman rule. The wills drafted in Merovingian Gaul have many elements in common with the testamentary model developed in late antiquity. The same phenomenon may be visible in the wills from Ravenna composed between AD 474 and 575. Many of the elements in these documents refer to the late antique testamentary model, and one could reasonably assume that the model remained in use despite the political changes in Ravenna.<sup>379</sup> Unfortunately, the source material is too meagre to allow for any firm conclusions.

The similarities are less strong in Egypt after the Arab conquest. In Coptic wills certain elements, such as the *dolus* and disinheritance clauses, were lost, while others, such as *heredis institutio*, changed so significantly that they may no longer have served their original function. In addition, a variety of new elements – including narration adorning the legal content, an infinity of synonymous words in almost each clause, frequent invocations to God, as well as countless spiritual and Biblical additions – make these deeds seem very distant from their Roman law predecessors. This point, however, brings us to a second conclusion. While continuity is not as evident in Coptic wills as it is in the wills from Gaul, there can be no doubt that it existed. It is clear that many elements of the will –

<sup>378</sup> M. AMELOTI, ‘Testamenti ed atti paratestamentari nei papyri byzantini’, *PapCongr.* XII, p. 15.

<sup>379</sup> O. TJÄDER, ‘Alcune osservazioni sulla prassi documentaria a Ravenna nel VI secolo’, [in:] *Il mondo del diritto nell’epoca giustiniana. Caratteri e problematiche*, Bologna 1986, pp. 23–42, esp. p. 26. On the contrary, there are significant differences between sales from Ravenna drawn up before and after AD 540; see TJÄDER, ‘Alcune osservazioni’ (above).

including the requirements of writing and the signatures of testators and witnesses – were adopted from Roman law. However, this adoption was not learned, and it would have occurred as a result of templates being transformed through contact with the scribal/notarial tradition.<sup>380</sup>



not for commercial use

<sup>380</sup> The problem of continuity of testamentary practice in the Theban region after the conquest of Egypt was discussed in GAREL & NOWAK, 'Monastic wills' (cit. n. 52), with further literature.

## APPENDICES

THE PRESENT APPENDICES are a collection of wills preserved either as originals or copies made for legal reasons. The documents date from Hellenistic period until the end of Roman rule in the seventh century. The texts come from different parts of the Graeco-Roman world, but unsurprisingly the majority have been discovered in Egypt. The Appendices are divided according to chronology and the civic status of testators: 1. Hellenistic wills; 2. local wills from the Roman period; 3. Roman wills; 4. late Roman and Byzantine wills; 5. Merovingian wills.

Whenever the given translation is not mine, it has been indicated. All translations quoted after various authors have been modified, either for the sake of consistency or to reflect my own understanding of some passages and formulations. In the case of *P. Oxy.* III 489, 490, 491, 492, 493, and 494, I completed the existing partial translations by Bernard P. Grenfell and Arthur S. Hunt. Once again, I would like to express my gratitude to Willy Clarysse, who kindly gave his consent to reproducing here all his translations of Ptolemaic wills published in *P. Petrie* I<sup>2</sup>.

If the type of document is not stated, it means that it cannot be determined. Greek and Latin texts are reproduced after the quoted editions with necessary minor changes.

## 1. HELLENISTIC WILLS

*P. Petr.* I<sup>2</sup> 30

250–200 BC

Arsinoite nome

Greek

Papyrus

Copy within collection

Text after *P. Petr.* I<sup>2</sup>

[--- κα]ταλείπω Πτολεμαί[ωι ---|---]πω Πτολεμαίωι τῶι ἐτέρωι | [--- τὸν στα-  
θμὸν ὃν] ἔχω ἐν Ἱερᾷ Νήσωι | [--- τῆς Ἡρακ]λείδου μερί[δος ||<sup>5</sup> ---] ου αὐλήν ἣ[ς  
γείτονες | βορρᾶ --- νότου --- ἀπηλιώτο]ν ῥύμη λιβὸς Ἄνδρο[---] καὶ ὅσα ἂν |  
[ἐπικτήσωμαι? ---]λικοι ..[.]... | [---] ἐντάφια ||<sup>10</sup> [---] Σαραπίωνι τῶι νιῶι  
μου | [---] οἰκήματα του καὶ το | [---] γείτονες βορρᾶ .... | [νότου --- ἀπηλιώτου  
---] λιβὸς οἰκήματα | [---] πυλῶνος τὰ ἄνω ξαν ||<sup>15</sup> [--- οἰ]κήματα καὶ τὸ αὐτ[ὸ  
|---] γείτονες λιβὸς Ἄνδρ[ο]--- Πτολεμ[αι ---|---]νο ...ς τὰ κατα .... | [--- ἐπι-  
τρόπους δὲ αἰροῦ]μαι βασιλέα Πτολεμαῖον [---]

The text is too fragmentary to be translated. The dispositions for the testator's sons, two Ptolemaiōi and Sarapion, are preserved; some parts of the testator's property, such as *stathmos* (?), *aule*, and *oikemata* are legible. A detailed description of the location of the real property was given. The fragment is concluded with a standard *epitropoi*-clause.

*P. Petr.* I<sup>2</sup> 31

250–200 BC

Arsinoite nome

Greek

Papyrus

Copy within collection

Text after *P. Petr.* I<sup>2</sup>

[--- ἐν τῶι] Ἀρσινοίτῃ[ι] .[---|---] καὶ τὸν ἵππον [---|---].[.]δε[.].[---]

The fragmentary state of preservation of the text does not allow for its translation; the preserved remains could probably come from the part of the testament containing dispositions to the heir(s)' benefit.

*P. Lond.* VII 2015 A–B

242 BC

Memphis

Greek  
PapyrusText after *P. Lond.* VII

## Fragment A

βασιλεύοντος Πτο[λ]εμαίου τοῦ Πτολεμ[αίου καὶ Ἀρσινόης] | θεῶν Ἀδελφῶν  
(ἔτους) 5 ἐφ' ἱερέως Ταντάλ[ου τοῦ Κλεονίκου] | Ἀλεξάνδρου καὶ θεῶν ἀδελφῶν καὶ  
θεῶν εὐεργε[τῶν, κανη]φόρου Ἀρσινόης Φιλαδέλφου Σιμαρίου τῆς Ἰσοκράτους,  
[μηνός] ||<sup>5</sup> Ξανδικοῦ β' ἔμ Μέμ[φει]. τάδε διέθετο νοῶν καὶ φρονῶν [...] |  
Μακεδῶν τῶν Αἰγέου [κ]ληροῦχος ἀρ(ουῶν) ρκ ὡς (ἐτῶν) ξε μέσος | τετραγωνίας  
σκ[ν]ιφὸς οὐλῆ[μ] μετώπου ἀριστεροῦ μέρους | καὶ ἐπὶ σιαγόνι δεξ[ιᾶ] καὶ ὑ[πὲρ]  
μῆλον καὶ ὑπὲρ χεῖλος τὸ ἄνω | [εἴη μὲν μοι ἐφ' ὃν χρόνον ὑγιαί]νω τὰ ἐμαντοῦ  
διοικεῖν, ||<sup>10</sup> [εἴαν δέ τι ἀνθρώπινον πάθω, καταλ]είπω τὸ μὲν κλῆρον | [---]. καὶ  
τὰς προσούσας | [---] τεύλει? ..[---]

## Fragment B

[---] τὸ β[---]---] α φιλάθρωπα π...ν. [---]---] α παρὰ Ἀντιπάτρου[---]---]... α  
παρὰ[---]---] ο χρησιμὰ [---]---] ωι Ἀρτεμιδωρ[---]---] φη εἶναι ...[---]

7. οὐλαὶ || 10. τὸν

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 6, Tantalos son of Kleonikos being the priest of Alexander and the Sibling Gods and the Benefactor Gods, Simarion daughter of Isokrates being the *kanephoros* of Arsinoe Philadelphos, on the 12th of the month Xandikos, in Memphis. ... Macedonian, of the troop of Aineas, cleruch of 120 arourae, about 65 years old, of middle height, square-built, dim-sighted, having scars on the left side of the temple and on the right side of his jaw, and under his cheek, and over his upper lip, being of sound mind and in full possession of his wits has made this will. May I enjoy good health and keep control over my own affairs; but I if anything happens to me, I bequeath my allotment ...

Fragment B may contain information concerning the registration of the document; its state of preservation does not allow for translation or precise determination of its character.

*P. Petr.* I<sup>2</sup> 1, ll. 1–32

238–237 BC

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[βασιλευόντος Πτολεμαίου τοῦ Πτολεμ]αίου καὶ Ἀρσινόη[ς | θεῶν Ἀδελφῶν (ἔ-  
τους) ι, ἐφ' ἱερέως Ἀπολλωνίδου τοῦ Μοσχίωνος Ἀλε|[ξάνδρου καὶ θεῶν Ἀδελφῶν  
καὶ θεῶν Εὐερ]γετῶν, κανηφόρου | [Ἀρσινόης Φιλαδέλφου Μενεκρατείας τῆς Φι-  
λ]άμμωνος τὸ β (ἔτος), ||<sup>5</sup> [μηνὸς Δίου .. ἐν Κροκοδίλων πόλει] τοῦ Ἀρσινοΐτου |  
[τάδε διέθετο νοῶν καὶ φρονῶν ---] γ τῶν πρότερον | [--- με]λάγχρους | [--- οὐλὴν  
ἐχ]ῶν ὀφρύν ἀριστεραί. | [εἴη μὲν μοι ὑγιαίνοντα αὐτὸν τὰ αὐτοῦ διοικεῖ]ν. ἐὰν δέ τι  
||<sup>10</sup> [ἀνθρώπων πάσχω, καταλείπω τὰ ὑπάρχον]τα πάντα | [---], εἰ Θεσσαλῶι | [-  
---] .. ρκαιθι | [--- τ]ῇ θυγατρί. | [ἄλλωι δὲ οὐθενὶ οὐθεν καταλείπω. ἐπιτρό]πους  
δὲ αἱροῦ||<sup>15</sup> [μαι βασιλέα Πτολεμαῖον τὸν ἐγ βασιλέως Πτ]ολεμαίου | [καὶ Ἀρσινόης  
θεῶν Ἀδελφῶν καὶ βασιλίσσαν Βερενί]κην τὴν | [βασιλέως Πτολεμαίου ἀδελφὴν  
καὶ γυναῖκα κα]ὶ τὰ τούτων | [τέκνα. μάρτυρες. --- Φιλα]δέλφειος | [--- π]υρράκης  
||<sup>20</sup> [--- Ἀλεξάνδρ]ε τῆς | [ἐπιγονῆς τῶν οὐπω ἐπηγγεμένων εἰς δῆμον] Ἥφαιστι|[έα  
ὡς (ἐτῶν) --- χ]αρὸς | [---]ς Ἀλεξαν|[δρεὺς τῆς ἐπιγονῆς τῶν οὐπω ἐπηγγεμένων]ν  
εἰς δῆμον ||<sup>25</sup> [--- ὡς ἐτῶν --- μέσο]ς μεγέθει | [--- Ἰσ]θμίου | [ὡς (ἐτῶν) ---]. οὐλὴ  
ἐπὶ | [---], ὡς (ἐτῶν) νε | [---] ἡνὸς δωρος ||<sup>30</sup> [--- Ἀλεξάνδρ]ε τῆς ἐπιγονῆς τῶν ο]ὔ-  
πω ἐπ[η]γγεμένων εἰς δῆμον --- ὡς (ἐτῶν) .. μελ[α]γχρους | [---]

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos for the 2nd time, in the month of Dios ... in Krokodilon Polis of the Arsinoite nome. ... previously of ... black-skinned ... with a scar on his left eyebrow, being of sound mind and in possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath everything belonging to me ... to ... Thessalian ... the daughter. I do not bequeath anything to anyone else. I appoint as executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children.

Witnesses: ... Philadelphian ... ruddy ... Alexandrian of the *epigone*, but not yet enrolled in the Hephaistiea deme, about ... years old ... bluish-grey-eyed ... Alexandrian of the *epigone*, but not yet enrolled in the deme ... about ... years old ... of moderate stature ... Isthmian ... about ... years old ... with a scar ... about 55 years old ... enodoros ... Alexandrian of the *epigone*, but not yet enrolled in the deme ... about ... years old ... black-skinned.

*P. Petr.* I<sup>2</sup> I, ll. 33–67 (?)  
238–237 BC  
Krokodilopolis

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[βασιλεύοντος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης | θεῶν Ἀδελφῶν (ἔτους)  
ι, ἐφ' ἱερέως Ἀπολλωνίδου τοῦ Μοσχίωνος τὸ β (ἔτος) ||<sup>35</sup> Ἀλεξάνδρου καὶ θεῶν  
Ἀδελφῶν καὶ θεῶν Εὐεργετῶν, κανηφόρου | Ἀρσινόης Φιλαδέλφου Μενεκρατείας  
τῆς Φιλάμμονος τὸ β (ἔτος), | μ]ηνὸς Δίου, ἐν Κροκοδίλῳ π[ό]λει τοῦ Ἀρσινόετον,  
[τάδε διέθετο | νο]ῶν καὶ φρονῶν Μάρων Εὐφράνορος Λίβυς τῆς [ἐπιγονῆς | ὡς]  
(ἑτῶν) π μέσος τετανὸς οὐλῇ [[ἐπ' ὀφρύν]] ἐπ' ὀφρύν δεξιᾷ. [εἴη] ||<sup>40</sup> μέμ μοι  
ὑγιαίνοντα ἐμέ τῶν ἑμαυτοῦ ὑπαρχόντων | κύ]ριον εἶναι διοικούντα τρόπῳ ὧ  
ἀν βοῦλωμαι. ἐὰν δέ [τι | πάσχη] ὡ ἀνθρώπινον, καταλείπω τὸ ὑπάρχον μοι [ἐρὸν]  
| μητ[ρ]ὸς θ]εῶν Βερενίκης καὶ Ἀφροδίτης Ἀρσινόης ὑπ[ε]ρ[---] | τὰ μὲν [κα]τὰ  
πρόσωπον τοῦ ἱεροῦ, οἷς γείτονες ἀπὸ μ[έν] ||<sup>45</sup> ἀπηλ[ιώτο]υ Σισούχου τοῦ  
Ἀρ[σ]ινίου, ἀπὸ δὲ νότου ὁδὸς | δημοσίᾳ, ἀπὸ δὲ λιβ[ιδ]ῶς [---] [ρε]ο[υ]ς τοῦ  
Πεφνήτους καὶ | Παῶτος τοῦ Τυ[νο]υ[---]s, ἀ[πὸ] δὲ βορρᾶ ὁδὸς δημοσίᾳ, Μύσαι |  
Δημητρίου Ῥοδία ὧ[s] (ἑτῶν) | μς εὐμεγέθει μελάνχρ[ω]ι' | φακὸς ἐπὶ σιαγόνι  
ἀριστ[ε]ρά | μετὰ κυρίου Ἀρτεμιδώρου τοῦ ||<sup>50</sup> Ἀρτεμιδώρου Αἰακιδέ[ω]ς ὡς  
(ἑτῶν) μ μελάνχρου εὐμεγέθους | ὀξύρρινος μῆλα μείζω, [τ]ὰ δ' ἐχόμενα ἀπὸ μὲν  
ἀπηλιώτου | Θέωνος Αἰαναπιμῶντος καὶ Παῶτος τοῦ Φμοίτος, ἀπὸ | δὲ νότου  
αὐτῇ κοινῇ, ἀπὸ δὲ λιβὸς οἶκος ἱερὸς τοῦ ἀφροδι[σ]ίου, | ἀπὸ δὲ βορρᾶ ὁδὸς  
δημοσίᾳ, Μενεῖαι Μενέου ἀστή | ||<sup>55</sup> ὡς (ἑτῶν) ξ λευκόχρωι μέσῃ μεγέθει μετὰ  
κυρίου Κ'λεάνδρου | τοῦ Μονίμου Ἀνδρομαχείου ὡς (ἑτῶν) οβ ἐρυθρίου μέσου |  
οὐλῇ ῥινὶ ἐγ δεξιῶν, τὴν δ' αὐτὴν ἀπὸ μὲν τῆς γωνία[s] | τοῦ ταμείου τοῦ πρὸς τῷ  
ἱερῷ οἴκῳ καὶ τὰ ἐχόμενα [---] | τῆς αὐτῆς μερίδος Μύσαι, τὸ δ' ἕτερον μέρος  
τ[ῆς] ||<sup>60</sup> αὐτῆς [---] .ε. [---] . Μενεῖαι, τὸν δὲ ο. [---] νείου | [---] νκ[---] Μύσ[τ]αι | [-  
--- μάτυρες --- ἀ]νδρου | Μ[---] ἀναφά]λακρος | οὐ[λ]ῇ --- τῶν Ἱπ[ο]κρά[τ] ||<sup>65</sup> τ[ους]  
--- ἀναφά]λ[αντος] | [---] Κρῆς | [---] τετανὸς | ἀνα[φά]λαντος [---] | (about ten lines  
missing)

48. *corr.* ex μελανχρ[ω]ς || 54. *corr.* ex μεν[ε]ν[ε]ν || 55. λέανδρουανδρου *corr.* ex  
κ[λ]ανδρου || 56. *corr.* ex ε[θ]ρυθριου

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods for the 2nd time, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos for the 2nd time, in the month of Dios,

in Krokodilon Polis of the Arsinoite nome, Maron son of Euphranor, Libyan of the *epigone*, about 80 years old, of medium stature, with straight hair and a scar on his right eyebrow, being of sound mind and in possession of his wits, has made this will. May I enjoy good health and keep control over my own affairs, managing them the way I want. But if I anything happens to me, I bequeath my sanctuary of the mother of gods Berenike and of Aphrodite Arsinoe together with the holdings opposite the sanctuary – the neighbours of which are: east (the house) of Sisouchos son of Harsiesis; south a public road; west (the house) of ... res son of Pepsnos and of Paos son of T...; north a public road – to Mysta daughter of Demetrios, of Rhodion origin, about 46 years old, tall, of dark complexion, with a mole on her left cheek, having with her as guardian Artemidoros of the deme Aiakideus, about 40 years old, of dark complexion, tall, with a sharp nose and rather large cheeks, (and I bequeath) the adjacent holdings – (the neighbours of which are): east (the house) of Theon son of (?) Aianapimon and of Paos son of Phmois; south a common courtyard; west a sacred house of the sanctuary of Aphrodite; north a public road – to Meneia daughter of Menneas, a citizen woman, about 60 years old, of fair complexion and medium stature, having with her as guardian Kleandros son of Monimos, of the deme Andromacheios, about 72 years old, of ruddy complexion and medium stature, with a scar on the right side of his nose. (I bequeath) the courtyard – from the corner of the storehouse near the sacred house, and the adjacent holdings of the same plot – to Mysta, the other part of the (courtyard) ... to Meneia ...

The list of witnesses is too fragmentary to be translated.

*P. Petr.* I<sup>2</sup> 1, ll. 68–87

238–237 BC (?)

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[--- καταλείπω τὰ ὑπάρχοντά] | μοι π[άντα ---] ||<sup>70</sup> καὶ Βερ[εν]ίκη | [--- ἐπίτρο-  
πον δὲ καταλείπω] | Ἑρμίαν Κ[α]λλί | [--- ὡς (ἐτῶν) ..] | εὐμεγέθην | [---] | φακὸν  
ἔχοντα ὑ[πὸ --- καὶ ἄλλον μετώπῳ] | ὑπὸ τρίχα. μά[ρτυρες] --- τῶν οὕτω ὑπὸ  
ἱππάρ[η] ||<sup>75</sup> χην (ἐκατοντάρουρος) ὡς (ἐτῶν) ὑ[---] | Ἀσθήρ Σαμαρεῦς | [--- ὡς (ἐτῶν)  
..] | μέσος τῶι μεγέθ[ε] | [--- οὐλὴ ἐπὶ] | μήλου ἀριστεροῦ | [--- τῶν ---] | (ἐκα-  
τοντάρουρος) ὡς (ἐτῶν) μ μέσος τ[ῶ]ι [μεγέθει ---] ||<sup>80</sup> δεξιῶι, Ἀρριδαῖος Μακε-  
δὼν τ[ῶν ---] | ὡς (ἐτῶν) λε μέσος τ[ῶ]ι μεγέθει ---] | ... λοῖ φακὸς [ὑπε]ρ [ἀ]ρι-

[στ]ερ[--- τῶν] | Σωσιπόλιος λοχαγὸς κληροῦ[χος ὡς (ἐτῶν) ---] | μελίχρους  
 στρογγυλοπρόσ[ωπος ---] ||<sup>85</sup> Νικάνωρ Θρ[ᾶ]ιξ τῶν οὕτω ὑπ[ὸ ἱππάρχην --- ὡς  
 (ἐτῶν) ..] | μέσος μελαγχρῆς οὐλή [---|---]

... I bequeath all my belongings ... and to Berenike ... I appoint as executor Her-  
 mias son of Kalli... about ... years old ... tall ... with a mole under ... and another  
 on his forehead, under his hair. Witnesses: ... a not yet cavalry soldier, holder of  
 100 arourae, about 5... years old ... Aster, Samaritan ... about ... years old ... of  
 medium stature ... with a scar on his left cheek ... holder of 100 arourae, about  
 40 years old, of medium stature ... on the right side of ... Arridaïos, Macedonian  
 ... about 35 years old, of medium stature ... with a mole over his left ... comman-  
 der from Sosipolis' company, cleruch, about ... years old ... with honey-colored  
 skin, round-faced ... Nikanor, Thracian, not yet a cavalry soldier, about ... years  
 old, ... of medium stature ... black-skinned, with a scar ...

*P. Petr.* I<sup>2</sup> 1, ll. 88–99

238–237 BC

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

βασιλεύοντος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης] | θεῶν Ἀδελφῶν  
 (ἔτους) ι, ἐφ' ἱερέως Ἀ[πολλωνίδου τοῦ Μοσχίωνος τὸ β (ἔτος)] ||<sup>90</sup> Ἀλε[ξ]άνδρου  
 καὶ θεῶν Ἀδελφ[ῶν καὶ θεῶν Εὐεργετῶν, κληφόρου] | Ἀρσινόης Φιλαδέλφου Με-  
 ν[εκρατείας τῆς Φιλάμμονος τὸ β (ἔτος)], | μηνὸς Δίου, ἐν Κροκοδίλων π[όλει τοῦ  
 Ἀρσινόϊτου νομοῦ, τάδε] | διέθετο Ἀντιγένης Μακ[εδῶν τῶν ---] | [κλη]ροῦχος ὡς  
 (ἐτῶν) ν μέσος μ[---]||<sup>95</sup> οὐλή τ[ραχήλωι δεξιῶι. ε[ἴ] μὲν μοι ὑγιαίνοντι αὐτὸν τὰ  
 αὐτοῦ διοικεῖν. | ἐὰν δέ] τι πάσχω ἀνθρώπ[ι]νον, καταλείπω τὰ ὑπάρχοντά] μοι  
 πάντα Δωροθ[έωι --- τῶν ---]...[...]. κ[λη]ροῦχοι μ[---] | [---]...[---]

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods for the 2nd time, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos for the 2nd time, in the month of Dios, in Krokodilon Polis of the Arsinoite nome. Antigenes, Macedonian ... cleruch, about 50 years old, of medium stature ... with a scar on the right side of his neck, has made this will. May I enjoy good health and keep control over my things. But if anything happens to me, I bequeath all my belongings to Dorotheos ... cleruch ...

*P. Petr.* I<sup>2</sup> 2, ll. 1–29

238–237 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[---].| [---].| [---]λος | [---] Μακεδὼν τ[ῆς ἐπιγον]ῆς ||<sup>5</sup> [ὡς (ἐτῶν) --- ἐ]πίγρυπος ἀναφ[άλαντος |---]...ξ...[---]...ε...τ...[---]...νων, ξέ οὐπω | [---]... [..]ων ||<sup>10</sup> [---]...[---]θριξ | [---]αι μῆλα μείζω, Νικάνωρ | [---] (ἐκατοντάρουρος (?)) ὡς (ἐτῶν) μ μέσος ἐρυθρί[ας --- ἀρισ]τερῶι εὐ[ση]μος, Σώστρατος | [---] ὡς (ἐτῶν) λε λ[ευ]κόχρως μέσος ||<sup>15</sup> [---] Π]τολεμαῖος Μακεδὼν [τ]ῶν | [---].. μελίχρως ἀναφάλαντος [---] δεξιᾶς, Σώπατρος | [---]ν (ἐκατοντάρουρος (?)) ὥ[ς] (ἐτῶν) ν εὐμεγέ[θη]ς | [---] πα[ρ]’ ὀφρὸν δεξιάν, ...η... ||<sup>20</sup> [---] Θρᾷξ τῶν Ἰππ[ο]-κ[ράτους] |---]...[---] | (hand 2) traces of 3 lines ||<sup>25</sup> θος μαρ[---] | Ἀλεξάν[δρ] --- ὡς (ἐτῶν) .. εὐ[μεγέθη]ς [---] | κ.[---] | [..]

16. ἀναφάλαντος

The text is too fragmentary to be translated; fragments describing the testator and witnesses' list are preserved.

*P. Petr.* I<sup>2</sup> 2, ll. 31–45

238–237 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

β[ασιλεύοντος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν] | (ἔτους) ι, ἐφ’ [ιέρως Ἀπολλωνίδου τοῦ Μοσχίωνος τὸ β (ἔτος) Ἀλεξάνδρου καὶ θεῶν Ἀδελφῶν] | καὶ θεῶν Εὐ[εργετῶν, κληφόρου Ἀρσινόης Φιλαδέλφου Μενεκρατείας τῆς Φι]λάμμονο[ς τὸ β (ἔτος), μηνὸς --- ἐν --- τοῦ Ἀρσινόϊτου], ||<sup>35</sup> τὰδε διέθ[ετο νοῶν καὶ φρονῶν ---] | ὡς (ἐτῶν) μ[--- οὐλή μετώ]πῳ ἐξ ἀρ[ιστερῶν] --- εἴη μὲν μοι ὑγιαίνοντα αὐτὸν | τὰ αὐτοῦ διοικεῖν. ἔαν δέ τι πάσχω ἀνθρώπινον, καταλείπω τὰ ὑπάρχοντά | μοι πάντ[α --- τῇ] ||<sup>40</sup> ἐμ[αυ]τοῦ γ[υναικί] (?). ἄλλων δὲ οὐθενὶ οὐθέν καταλείπω. ἐπιτρόπος δέ | αἰροῦμαι β[ασιλέα Πτολεμαῖον τὸν ἐκ βασιλέως Πτολεμαίου καὶ Ἀρσινόης] | θεῶν Ἀδε[λφῶν καὶ βασιλίσσαν Βερενίκην τὴν βασιλέως Πτολεμαίου] | ἀδελφῇ [καὶ γυναῖκα καὶ τὰ τούτων τέκνα. --- πρό]-|τερομ μου[---] ||<sup>45</sup> ...[---]

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods for the 2nd time, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos for the 2nd time, on the ... of the month ... of the Arsinoite nome. ... about 4... years old ... with a scar on the left side of his forehead ... being of sound mind and in possession of his wits, has made the following will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath everything belonging to me ... to my wife (?) ... I do not leave anything to anyone else. I appoint as executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children ...

*P. Petr.* I<sup>2</sup> 3, ll. 1–7  
238–237 BC (?)  
Arsinoite nome

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>  
Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[(ἐτῶν) .. εὐμεγέ]θης τετανόθριξ φακὸς ἐξ ἀριστερῶν μυκτῆρι, Καλλίμαχος | [---]  
χιλίαρχος τῶν Εὐρυμέδοντος κληροῦχος ὡς (ἐτῶν) λε μέσος μελί[χρους κα]τάρρην  
οὐλ[ῆ] ὑπὸ γενείῳι, Κλέανδρος Ἀμφιπολίτης συντα[γμα(τάρχης) τῶν] Ἀσκλη-  
πιάδου κληροῦχος ὡς (ἐτῶν) νε βραχὺς λευκόχρως οὐλῇ ||<sup>5</sup> [μήλωι ἀρι]στέρῳι,  
Περίτας Μακεδῶν χιλίαρχος τῶν Νικάνορος κλη[ροῦχος ὡς] (ἐτῶν) ξε μέσος  
μεγέθει μελίχρους οὐλῇ μετώπῳι ὑπὸ τρίχα | [καὶ μήλωι] ἀριστερῳι.

About ... years old, tall, with straight hair and a spot on the left nostril, Kallimachos ... commander of a thousand men, of the company of Eurymedon, cleruch, about 35 years old, of medium stature and honey-coloured complexion, hook-nosed, with a scar below his chin; Kleandros from Amphipolis, commander (?) of a *syntagma*, of the company of Asklepiades, cleruch, about 55 years old, short, of fair complexion, with a scar on his left cheek; Peritas, Macedonian, commander of a thousand men, of the company of Nikanor, cleruch, about 65 years old, of medium stature and honey-coloured complexion, with a scar on his forehead below the hair line and one on his left cheek.

*P. Petr.* I<sup>2</sup> 3, ll. 8–37

238–237 BC

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

λ | [βασιλεύοντ]ος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελ||<sup>10</sup>[φῶν  
(ἔτους) ι, ἐφ'] ἱερέως Ἀπολλωνίδου τοῦ Μοσχίουνος τὸ β (ἔτος) Ἀλεξάνδρου καὶ θεῶν  
| [Ἀδελφῶν κ]αὶ θεῶν Εὐεργετῶν, κληροφύρου Ἀρσινόης Φιλαδέλφου Μενε|[κρατείας  
τῆς] Φιλάμμωνος τὸ β (ἔτος), μηνὸς Αὐδναίου λ, ἐγ Κροκοδίλων | [πόλει τοῦ  
Ἀ]ρσινόϊτου νομοῦ, τὰδε διέθετο νοῶν καὶ φρονῶν Δίων Ἡρακλεῶ|[της τῶν Δ]άμωνος  
πεντακοσίαρχος κληροῦχος ὡς (ἔτων) ξε βραχυς με||<sup>15</sup>[λίχρους ἀν]αφάλαντος  
στρογγυλοπρόσωπος οὐλὴ ἐπὶ μῆλου παρ' ὀφρῶν | [ἀριστερὰν] καὶ ἄλλῃ μετώπῳ  
μέσῳ καὶ ἄλλῃ μετώπῳ ὑπὲρ ὀφρῶν δεξιάν. εἴ|[η μὲν μοι ὕ]γιαίνοντα αὐτὸν τὰ αὐτοῦ  
διοκεῖν. ἔαν δέ τι ἀν[θ]ρώπιν|[ον πάσχω,] τὰ μὲν ὑπάρχοντα ἂ ἔχουσιν οἱ υἱοὶ καὶ ἡ  
γυνὴ μου ἐχέτω|[σαν, τὰ δὲ λοιπὰ καταλιμπάνω εἰς ταφὴν ἐμαυτοῦ. Μελαυνίδα δὲ||<sup>20</sup>  
[καὶ τὸν υἱόν] αὐτῆς Ἀμμώνιον τὸν ἐξ ἐμοῦ γεγεννημένον, οὗς ἐγὼ ἐξ[έθ]ρε|[ψα, ἀφίημι  
ἐλ]ευθέρους, ἔαμι μοι παραμείνω[σ]ιν ἕως ἂν ἐγὼ ζῶ ὑπὸ ἡκοῦ|[ι ὅ]ν|[τες. ἀφίημι δ']  
αὐτοῖς τὰ τροφεία καὶ ἔστωσαν ἐλεύθεροι καθὰ καὶ ἐξ ὧν | [--- μηθε]νὶ ἐξέστω  
ἐπιλαβέσθαι αὐτῶν παρ[ευρ]έσει μ[ηδ]εμ[ι]αί. | [ἐπιτρόπους δ]ε αἰροῦμαι βασιλέα  
Πτολεμαῖον τὸν [ἐκ βασιλέως Πτολε]μαίου καὶ Ἀρσιν[ό]νης θεῶν Ἀδελφῶν καὶ  
βασιλ[ισ]σαν Βερενίκη τὴν βασιλ[έως Πτολε]μαίου ἀδελφὴν καὶ γυναικα καὶ τ[ὰ  
τούτων τέκνα. Μάρτυρες |---]...ε...[ ---]ος δ[---]...[---]...[---]...[---]...  
[οὐ]...ος Πέρσης τῆς ἐπι[γονῆς ὡς (ἔτων) ---] .... μακροπ[ρόσωπος οὐλὴ μετώπῳ  
μέσῳ καὶ ἄλλῃ ὑπὸ γενε[ί]ωι .....[---]s Θεοκλέους Μακεδ[ον] τῆς ἐπιγονῆς ὡς (ἔτων)  
λα μελίχρους μέ|[σος μεγέθει τε]τανὸς οὐλὴ μέσῃ ρινί, Εὐφρις Εὐφριος Κυρηναῖος τῆς  
ἐπιγονῆς ||<sup>35</sup> [ὡς (ἔτων) .. μέσος] μεγέθει μελίχρους τετανὸς σύνοφρος ἡσυχῇ ἀνά-  
σιλλος φα|[κὸς μετώπῳ ἐ]ξ ἀριστερῶν, Ἀρχέστρατος Νεάνδρου Κὰρ τῆς ἐπιγονῆς ὡς  
(ἔτων) κδ | [μέσος μεγέθει] μελίχρους τετανὸς μακροπρόσωπος σπανοπάγων.

30. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods for the 2nd time, Menekrateia daughter of Philammon being *kamephoros* of Arsinoe Philadelphos for the 2nd time, on the 30th of the month Audnaios, in Krokodilon Polis of the Arsinoite nome. Dion from Herakleia, of the company of Damon, commander of five hundred men, cleruch, about 65 years old, short, with honey-coloured complexion, bald forehead and round face, with a scar on his cheek beside his left eyebrow and another one in the middle of his forehead above his right eyebrow, being of sound mind and in possession of his wits, has made this will. May

I enjoy good health and manage my own affairs. But if anything happens to me, my wife and sons may keep the possessions they hold; the rest I leave for my funeral. Melainis and her son Ammonios, whose father I am, and whom (both of them) I reared, I set free, if they stay with me as long as I live as faithful servants. I remit them the payment of maintenance. They shall be free as from a sale. None shall have the right on any pretence to lay hands on them. I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: ... son of ..., Persian of the *epigone*, about ... years old, ... with a long face and a scar in the middle of his forehead, and another one below his chin; ...s son of Theokles, Macedonian of the *epigone*, about 31 years old, of honey-coloured complexion and medium stature, with straight hair and a scar on his nose; Euphris son of Euphris, Cyrenaean of the *epigone*, about ... years old, of medium stature and honey-coloured complexion, with hair brushed up and a scar on his forehead on the left; Archemstratos son of Nikandros, Carian of the *epigone*, about 24 years old, of medium stature and honey-coloured complexion, with straight hair, a long face and a scanty beard.

*P. Petr.* I<sup>2</sup> 3, ll. 38–63

238–237 BC

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[---] Περιτίου [β] β | [βασιλεύον]τος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης  
θεῶν Ἀδελ[<sup>40</sup>[φῶν (ἔτους) ι, ἐφ' ἱερ]έως Ἀπολλωνίδου τοῦ Μοσχίωνος τὸ β (ἔτος)  
Ἀλεξάνδρου καὶ θεῶν Ἀδελ[φῶν καὶ θεῶν] Εὐεργετῶν, κανηφόρου Ἀρσινόης Φι-  
λαδέλφου Μενεκρατείας | [τῆς Φιλάμ]μονος τὸ β (ἔτος), μηνὸς Περιτίου β, ἐγ  
Κροκοδίλων πόλει τοῦ Ἀρσι[νοῦ] τοῦ νομοῦ, τὰδε διέθετο νοῶν καὶ φρονῶν Μέ-  
νιππος Αἰνίαν τῶν Δίχα ἱλάρ[χης ὡς (ἔτων) ... π]υρράκης εὐμεγέθης μακροπρό-  
σωπος τετανὸς ἀναφάλαντος ||<sup>45</sup> [--- ο] ὑλὴ μετώπῳ ἐγ δεξιῶν ὑπ[ὸ] τρίχα. εἴη μὲν  
μοι ὑγιαίνοντι | [αὐτὸν τὰ ἔμ]αυ τοῦ διοικεῖν. ἐὰν δέ τι πάσχω ἀνθρώπινον, κατα-  
λείπω Σεμέλῃ | [ἐλευθέρ]αν καὶ | τὰ ὄντα 5 παιδία, ἐὰμ μοι παραμείνωσιν ἕως ἂν  
[ἐγὼ] ζῶ [ἂν ἐγ] | ὑπήκοοι ὄντες. ἀφίη[μι δ'] αὐτοῖς τὰ τροφεῖα. μηθεὶ ἐξέσται  
ἐπιλαβέσθαι | [αὐτῶν] παρευρέσει μηδεμιᾷ. ἐπιτρόπους δέ α[ἱ]ροῦμαι βασιλέα  
Πτολεμαίων ||<sup>50</sup> τὸν ἐγ βασιλέως Πτο[λ]εμαίου καὶ Ἀρσινόη[ς θεῶν Ἀδελφῶν καὶ  
βασιλίσσαν] | Βερενίκην τὴν βασιλέως Πτολεμαίου ἀδ[ελφὴν καὶ γυναῖκα καὶ τὰ] |  
τούτων τέκνα. μάρτυρες· Κάλλιππος Δημ[ητρίου] --- τῆς ἐπι[γο]νῆς ὡς (ἔτων) ξ

μελίχρους εὐμεγέθης ἐπίγρ[υπος ---] | α[--- τῆ]ς | ἐπιγονῆς ὥς (ἐτῶν) λ μελά[γχρους  
οὐλή ---]||<sup>55</sup> --- ἐξ ἀρισ]τερῶν, Δημήτριος Ἀγαθ[--- τῆ]ς | ἐ[πιγονῆς ὥς (ἐτῶν) ..]  
'εὐμεγέθης' ἀναφάλαντος [[εὐμεγ[έθης]]] [---] | .[---]. ὥς (ἐτῶν) ξ πυρράκης οὐλή μ[---]  
|. [---] Ἀριστις Δημητρίου Ἀλεξ[ανδρεὺς τῆς ἐπιγο] | [τῆς τῶν οὐπῶ ἐπηγγμένων  
εἰς δ]ῆμον Ἰσθμιά ὥς (ἐτῶν) λε μελ[ίχρους οὐλή ---] ||<sup>60</sup> .[---]...ξέωι ἐγ δεξιῶν  
τραχή[λῳι ---] | μ[--- Ἀλεξ]α[νδρεὺς τῆς ἐπιγ[ονῆς τῶν οὐπῶ ἐπηγγμέ] | [τῶν εἰς  
δῆμον --- ὥς (ἐτῶν) ..] μελίχρως εὐμεγέθης τ[ετανὸς οὐλή παρ'] | ὀφρῶν δεξιάν.

Peritios, 2. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods for the 2nd time, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos for the 2nd time, on the 2nd of the month Peritios, in Krokodilon Polis of the Arsinoite nome. Menippos from Ainis, of the company of Lichas, *ilarches*, about ... years old, of ruddy complexion, tall, with a long face, straight hair, bald forehead ... and a scar on his forehead on the right below the hair-line, being of sound mind and in possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I set free Semele and her six children, if they stay with me as long as I live as faithful servants. I remit (?) them the payment of maintenance. None shall have the right on any pretence to lay hands on them. I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: Kalippos son of Demetrios, ... of the *epigone*, about 60 years old, of honey-coloured complexion, tall, hook-nosed ...; ... son of ... of the *epigone*, about 30 years old, of dark complexion, with a scar on ... on the left; Demetrios son of Agath... of the *epigone*, about ... years old, tall, with bald forehead, ... about 60 years old, of ruddy complexion, with a scar ...; Aristis son of Demetrios, Alexandrian of the *epigone*, of those not yet admitted to the deme Isthmious, about 35 years old, of honey-coloured (?) complexion ... with a scar on ... on the right, ... Alexandrian of the *epigone*, of those not yet admitted to the deme ... about ... years old, of honey-coloured complexion, tall, with straight hair and a scar near the right eyebrow.

*P. Petr.* I<sup>2</sup> 3, ll. 64–95

238–237 BC

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

ζ ||<sup>65</sup> βασιλεύοντος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀ[ρσινόης θεῶν] | Ἀ[δ]ελφῶν  
(ἔτους) ι, ἐφ' ἱερέως Ἀπολλωνίδου τοῦ Μοσχίωνος [τὸ β (ἔτος) Ἀλεξάνδρου] | καὶ  
θεῶν Ἀδελφῶν καὶ θεῶν Εὐεργετῶν, κληφόρου [Ἀρσινόης Φίλα]δέλφου Μενε-  
κρατείας τῆς Φιλάμμωνος τὸ β (ἔτος), μ[ηνὸς Περιτίου ζ,] | ἐν Κροκοδίλων πόλει  
τοῦ Ἀρσινοΐτου [νομοῦ], τὰδε δι[έθετο νοῶν καὶ φρο]||<sup>70</sup> νῶν Δημήτριος Δείωνος  
Χρηστήριος τῶμ Πυθαγ[γέλου --- κλη]ροῦχο[ς] ὡς (ἐτῶν) οε μελίχρους εὐμεγέθης  
μακροπρόσω[πος --- οὐλῇ | μετώπῳ]! μέσῳι. εἴη μὲν μοι ὑγιαίνοντα αὐτὸν [τὰ  
ἐμαυτοῦ διοικεῖν. | ἐὰν δέ τι ἀ]νθρώπων πάσχω, καταλιμπάνω τὰ ὑπ[άρχοντά μοι  
..... | καὶ τήν] ἐν Ἀλεξ[α]ν[δ]ρείᾳ [ο] [ἐκ]ίαμι μοι ὑπάρχουσιν [---||<sup>75</sup> ---]ωνία [κ]αὶ  
τὸν [θ]ώρακα ὅς ἐστι κ[---]--- σκε[π]τάζ[ουσιν] ζώνην θωρακί[τιν ---] ..... Χαριτοῖ  
δὲ τ[ῆ] ἐμῇ [ι γ]υναικὶ ἐξέστω ἐνοικεῖν [---]--- ὅσα ἐ[ἶ]χεν Χα[ρι]τῶ. τὰ δὲ λοιπὰ ὅσα  
ἐ[---]---. ἢ ὅσα [ἄ]ν πρ[ο]σ[κ]τῆσώμαι κατα[λείπω ---] ||<sup>80</sup> τ[---] .σ[τ]αθμὸν [δ]ν  
ἔλαβον ἐγ βασιλικοῦ ---] | τ[---] δὲ τὸμ παῖδα τ[ὸ]ν ἐμὸν ξ[---] | τ[---] .ἀφίη[μι]  
ἐλεύθερον. ἐπιτρόπους δὲ αἰ[ροῦμαι βασιλέα] | Π[το]λεμαῖον τὸν ἐγ βασιλ[ικ]ῶν [ς]  
Πτολεμαῖον καὶ Ἀρσινόη[ς θεῶν Ἀδελ]φῶν καὶ βασιλίσσ[αν Βε<ρε>νίκην τὴν  
βασιλέως Πτολεμα[ίου ἀδελφ]ην ||<sup>85</sup> κα[ὶ] γυναικα καὶ τ[ὰ] τούτων τέκνα. μάρτυρες·  
Κότους [Θραξ τῶν] | Σω[σιπόλιος ---] κληροῦχος ὡς (ἐτῶν) ν μελίχρους βραχὺ[ς]  
---] | ο. [--- φα]κὸς παρ' οὗς ἀριστερόν, Θεόδοτος Συρα[κόσιος τῶν] | Σωσ[σιπόλιος  
τακτὸ]μισθος κληροῦχος ὡς (ἐτῶν) ο βραχὺς μελ[ίχρους ἀναφά]λα[τ]τος οὐλῇ  
σιαγόνι] δεξιᾷ φακὸς ὑπὲρ ὀφρῶν δεξιᾷ[ν, ---] ||<sup>90</sup> Πυ[---] Κα[ρ]διανὸς τ[ῆ]ς  
ἐπιγονῆς ὡς (ἐτῶν) μ βρα[χὺς ---] | οὐ[λ]ῇ ---, Σ[τα]τυρίων Χά[ρ]μου Ἀλεξάνδρεϋς  
τ[ῆ]ς ἐπιγονῆς | τῶν οὐπω ἐπηγμένω[ν] [ν] [εἰς] δῆμον Σουνιέα ὡς (ἐτῶν) ν λευκ[όχρως  
μέσος] | με[γέθει ---] χαροπός, Πτολεμαῖος Πέρσης τῶν Ἀνδρίσ[κον] [ἐκατον-  
τάρουρος] ὡς (ἐτῶν) .. πυρρ[ό]κης μέσος μεγέθει μῆλα μέγ[αλα οὐλῇ ἐπὶ] ||<sup>95</sup> μ[ή]λου  
δεξιού, Ζη[ν]όθεμις Λυσιμαχεὺς τῶν Δάμων[ος ---]

7. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods for the 2nd time, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos for the 2nd time, on the 7th of the month Peritios, in Krokodilon Polis of the Arsinoite nome, Demetrios son of Deinon, of the deme Chresterios and of the company of Pythangelos, ... cleruch, about 75 years old, of honey-coloured complexion, tall, with a long face ... and a scar in the middle of his forehead, being of sound mind and in possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath my ... and the house belonging to me in Alexandria to ... onios, and my corselet which is ... and the protecting cuirass-belt ... Charito my wife has the right to dwell in ... which Charito possessed. The remainder ... and what I will eventually gain besides, I bequeath to ... The billet which I received from the royal treasury ... my slave (?) ... I set free. I choose for executors king

Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: Kotys, Thracian, of the company of Sosipolis, ... cleruch, about 50 years old, of honey-coloured complexion, short, ... with a mole near his left ear; Theodotos from Syracuse, of the company of Sosipolis, *taktomisthos*, cleruch, about 70 years old, short, of honey-coloured complexion, with bald forehead, with a scar on the right part of his jaw and a mole above his right eyebrow; ... son of Pu... Cardian (?) of the *epigone*, about 40 years old, short, ... with a scar ...; Satyrior son of Charmos, Alexandrian of the *epigone*, of those not yet admitted to the deme Sounieus, about 50 years old, of fair complexion, of medium stature, ... with grey eyes; Ptolemaios, Persian, of the company of Andriskos, holder of one hundred arouae, about ... years old, of ruddy complexion and medium stature, with big cheeks and a scar on his right cheek; Zenothemis, from Lysimacheia, of the company of Damon ...

*P. Petr.* I<sup>2</sup> 4

238–237 BC

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[βασιλεύοντος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν (ἔτους) ι, ἐφ' ἱερέως Ἀπολλωνίδου τοῦ Μοσχίωνος τὸ β (ἔτος) Ἀλεξάνδρου | καὶ θεῶν Ἀδελφῶν καὶ θεῶν Εὐεργετῶν, [κανηφόρου Ἀρσινόης Φιλαδέλ|φου Μενεκρατείας τῆς] [....] 'Φιλάμμονος' [τὸ β (ἔτος), μην]νὸς [---], [ἐν Κροκοδίλων | πόλει τοῦ Ἀρσινοΐτου νο]-μοῦ, τὰδ[ε διέθετο] νοῶν καὶ [φρονῶν ---|---] τῆς ἐπιγονῆς ὡς (ἐτῶν) μ μελίχρους κα[---||<sup>5</sup>---] παχύρριν οὐλ[ῆ --- εἴη μὲν μοι ὑγιαίνον]τι τὰ ἔμμαντοῦ] διοικεῖν. [ἐάν] δέ τι ἀνθρώπωνον πάθω, [καταλεί|πω τὰ ὑπάρχον]τά μοι π[άντ]α καὶ ὅσα ἂν ἐπικτήσω[μαι Ἐτεάνδραι |--- τῇ]ι ἔμμαντοῦ γυναικὶ καὶ τοῖς ὑπάρχ[ουσί μοι τέκνοις |---]. Φειδίππω καὶ Δημητρίῳ καὶ Ἀμ[--- τοῖς ||<sup>10</sup> γεγεννημένοις ἐξ ἐμοῦ]ῦ καὶ Ἐτεάνδρας. ἐάν δέ [τι Ἐτεάνδρα ἀνθρώ]πωνον πάθῃ ---] μὴ ἔστω αὐ[---|---]ν διαθήκη [--- ἀλλω]ι δέ | οὐθενὶ οὐθέν καταλεί|πω. ἐπιτρό[πους δέ αἰρούμαι βασιλέα Πτολεμαῖον ---]

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods for the 2nd time, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos for the 2nd time, on the ... of the month ..., in Krokodilon Polis of the Arsinoite nome. ... of the *epigone*, about 40 years old, of honey-coloured complexion, ... thick-nosed, with a scar ..., being of

sound mind and in possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings and those which I may acquire to Eteandra ... my wife, and children belonging to me ... Pheidippos and Demetrios and Am... born of me and Eteandra. If anything happens to Eteandra, ... none shall be ... the will ... I bequeath nothing to anyone else. I choose for executors king Ptolemy ...

*P. Petr.* I<sup>2</sup> 5

238–237 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[--- οὐλ]ῃ μήλωι ἀριστε[ρῶι ---|--- τῆς ἐ]πιγονῆς ὡς (ἐτῶν) .. ---|--- οὐλ]ῃ παρ' ὀφρύι δεξιᾶ[ι ---|--- ὡς] (ἐτῶν) με μέσος μ[εγέθει ---||<sup>5</sup>--- Ἀσ]κληπιάδου .[---|--- οὐλ]ῃ ἐπ' ὀφ[ρύι ---|--- ].ρῶς ..[---|---] Ἀλεξανδρ[εὺς τῆς ἐπιγονῆς τῶν οὐπω ἐπηγμένων εἰς | δῆμον Σε]λεύκειον ὡς [(ἐτῶν) ---||<sup>10</sup>--- μα]κροπρό[σωπος ---]

A partial description of five witnesses is preserved.

*P. Petr.* I<sup>2</sup> 6, ll. 1–26

238–237 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[--- τ]άδε διε[θετο ψαῶν καὶ φρονῶν ---|---] ος κληροῦχος ὡς (ἐτῶν) .[---|--- εἴ] μὲν <μοι> ὑγιαίνοντ[ι αὐτὸν τὰ ἐμαντοῦ διοικεῖν. εἰ δέ | τι πάσ]χῃ ἀνθρώπων, κα[ταλεί]πω τὰ ὑπάρχοντά μοι πάντα τῶι ||<sup>5</sup> ---]ι μου Ξενοκλ[εῖ ---|<sup>6a</sup>---].. δεδομέ[νον] [---|---]...[---| κατὰ τῇ]ν εὖνοιαν, δότω δ[ε ---|--- κ]αὶ τὴν οἰκίαν τὴν .[---|--- ἐν] 'Ρακώτι ἐν ἀγνιᾷ Ἀ[ρσινόης ---||<sup>10</sup>---].θ[.]ν καταβαλὼν τ[---|---]ω 'περὶ Δεινάρχου καὶ ...[---|---]ηι οταν δὲ εἰση[---|---] Ξενοκλῆς τὰς φ[---|---]τω Ξενοκλῆς πράσσων αὐτ[---||<sup>15</sup>--- ὅσα] δεδάνεικά 'τισιν' ἐν Ἀλεξανδρεῖ[αι ---] ..... καταλείπω δὲ τῶν ἐμαντ[οῦ] ἄλλωι οὐθενὶ οὐθέν. ἄς δὲ πρότ[ερον] τέθειμαι | διαθήκας ἄκυροι ἔστωσαν. μάρ[τυρες] Διομήδης Ἀργεῖος ἐπ[ι]ιλάρχης τῶν |--- κληροῦχος ὡς (ἐτῶν) .. μέ]σος τῶι μεγέθει λευκόχ[ρως ---|---]άτου Ἐλευσίνιος ὡς

(ἐτών) με .[---||<sup>20</sup> --- οὐλὴ παρ'] οὗς ἀριστερόν, Κλειν[ίας ---] Ἀλεξανδρεὺς τῆς ἐπιγονῆς τῶν] οὐπω ἐπηγμ[έ]νων [εἰς δῆμον ..... --- ὡς (ἐτών) .. μέσος τῶι με]γέθει τετανὸς οὐλὴ ἐπ[---|--- ὦ]ς (ἐτών) ξ βραχὺς τετανὸ[ς ---|--- τῆς ἐ]πιγονῆς ὡς (ἐτών) μ μέσο[ς τῶι μεγέθει ||<sup>25</sup> --- οὐλὴ παρ' ὀφρ]ῶν δεξιάν, Πύρρος Ἀδύμ[ου ---|--- τετ]ανὸς ἐπίγρυπος ὦτα με[ί]ζω ---]

The text, containing fragments of the testator's description and dispositions for the benefit of certain Xenokles and other people, is too fragmentary to be translated. It contains revocation of previous wills. Fragments of witnesses' descriptions are preserved.

*P. Petr.* I<sup>2</sup> 6, ll. 27–47

238–237 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[γ | βασιλεύοντος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης]ς θεῶν Ἀδελφῶν | (ἐτους) ι εἴφ' [ιερῆως Ἀλεξάνδρου καὶ θε]ῶν Ἀδελφῶν καὶ θεῶν Εὐεργ[ε]τῶν Ἀπολ- ||<sup>30</sup> λ]ωνίδ[ου τοῦ Μοσχίωνος τὸ β (ἐτος)], κανηφόρ[ο]ν Ἀρσινόης Φ[ιλ]αδ[έλφου Μενε]κ[ρατε]ῖ[ας τῆς] Φ[ι]λάμμονος, μ[η]νὸς Ἀ[ρ]τεμίδου γ, ἐν Κ[--- τῆς] | Πολέ- μωνος μερίδος τοῦ Ἀρ[σ]ινόου τ[ο]υ [ο]μοῦ,] τάδε διέ[θετο νοῶν καὶ φρονῶν] | Μελέ- αγρος Ἰλλύριος τῶν Εὐμένους πεντακοσίαρχος [μέσος τῶι μεγέθει] | λευκόχρ[ως] γλαυκὸς ἐπίγρυπος ὡς (ἐτών) .. εἴη μέμ μ[οι ὑγιαίνοντα] ||<sup>35</sup> αὐτὸν [τ]ὰ αὐτοῦ διοικεῖν. ἐ[ὰ]ν δέ τι πάσχω ἀνθρώ[πινον, καταλείπω | τὰ ὑπάρ]χοντά μοι πάντα καὶ ὅσα ὀφείλουσιν τινές μ[οι τῇ γυναικί μου |--- Π]ύρρου Μακέται· μάρτυρες· Δημοκλῆς [--- τῶν |---] ἱλάρχης εὐμεγέθ[ης] μελίχρως τὸν ἀρ[ιστερόν] ὀφθαλμὸν βεβλαμμέν[ος ὡς (ἐτών) ξ, Διογύσιος Θράξ τῶν Ἰκατίδ[α ---||<sup>40</sup> ---] λευκόχρως φακ[ὸν] ἔχων παρὰ τὸ δεξιὸν ο[ὗς ὡς (ἐτών) ---|--- Π]ερναῖος τῶν Ἀνδ[ρίσκο]ν χιλίαρχος εὐμεγέθ[ης ---] ἀναφάλαν]τος σκνιπὸς [ο]ὐλ[ήν] ἔχων ἐπὶ τῆς ἀρι[στερ]ᾶς ὀφρύος ὡς (ἐτών) ..|.... Κυρ[ηναῖος τῶν Δάμω]ν[ος λοχαγ[ὸς] μέσος τ[ῶι μεγέθει ---|---] κράτης [---||<sup>45</sup> --- οὐλῇ]ν ἔχων ὑπὸ τ[...|--- ἐπι]άρχης μέσος | [τῶι μεγέθει --- οὐλῇ]ν ἔχων ὑπὲρ τὴν δεξιὰ]ν ὀφρῶν ὡς (ἐτών) ζ.

3. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods for the 2nd time, Menekrateia daughter of Philammon

being *kanephoros* of Arsinoe Philadelphos, on the 3rd of the month Artemisios, in K... of the division of Polemon in the Arsinoite nome. Melagros, Illyrian, of the company of Eumenes, commander of five hundred men, of medium stature, with fair complexion, blue eyes, and somewhat hooked nose, about ... years old, being of sound mind and in possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my possessions and the debts certain individuals have incurred towards me to my wife ... daughter of Pyrros, Macedonian. Witnesses: Demokles ..., *ilarches*, tall, with honey-coloured complexion, with a mutilation to his left eye, about 60 years old; Dionysios, Thracian, of the company of Ikatidas, ... with fair complexion and a mole near his right ear, about ... years old, ... from Perge, of the company of Andriskos, commander of a thousand men, large, ... with bald forehead, dim-sighted, with a scar on his right eyebrow (or cheek), about ... years old, ... from Kyrene, of the company of Damon, *lochagos*, of medium stature ...; ...krates, ... with a scar under ... *ilarches*, of medium stature, ... with a scar above (?) his right eyebrow, about 60 years old.

*P. Petr.* I<sup>2</sup> 6, ll. 48–52

238–237 BC

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[βασιλεύοντος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν] (ἔτους) ι' ἐφ' ἱερέως | [Ἀπολλωνίδου τοῦ Μοσχίωνος Ἀλεξάνδρου καὶ θεῶν Ἀδελφῶν καὶ θεῶν Εὐεργετῶ]ν κληφύρου ||<sup>50</sup> [Ἀρσινόης Φιλαδέλφου Μενεκρατείας τῆς Φιλάμμονος, μηνὸς Ἀρτεμισίου .., ἐν Κ]ροκοδίλων π[όλει τοῦ Ἀρσινοΐτου, τὰδε διέθετο νοῶν καὶ φρογῶν ---]

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos, on the ... of the month Artemisios, in Krokodilon Polis of the Arsinoite nome. ... being of sound mind and in possession of his wits, has made this will.

*P. Petr.* I<sup>2</sup> 7

238–237 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[---] μηνὸς Ἀρτεμι[σίου] .. ἐν ---| τὰδε διέθετο νοῶ[ν] καὶ φρονῶν Χα[ρ]--- Μ[ακεδὼν]  
 τῶν | [---] ὥς (ἐτῶν) οὐ μέσος μ[εγέθει λε]υκόχρως τ[ε]τανὸς | [--- χα]ροπὸς ὧτα  
 μ[έγαλα καὶ ἀφ]εστηκότα. ||<sup>5</sup> [εἴη μὲν μοι ὑγιαίνοντι αὐτὸν τὰ ἐμα]υτοῦ διοικ[ε]ίν. ἐὰν  
 δέ τι ἀνθρώπων | [πάσχω, καταλείπω τὰ ὑπάρχον]τά μοι πάν[τα] ..... μ[α]χίω | τ[ῶ]  
 ἐμαντοῦ | [νύωι (?) καὶ --- τῇ ἐμαν]τοῦ θυγατρί. [ἄλλωι δέ] οὐθενὶ οὐθέν | [καταλείπω.  
 --- ὄφε]ιλω οὐθενὶ [οὐθέν ...] τῆς προτέρας | [--- ὑπ]ερκειμένης [... καταλ]είπω.  
 ἀφίημι δέ ||<sup>10</sup> [---] ξαρτον Θραι[---].. ταύτας | [---] ἀλλ' αὐτῇ[---] ἐπιγίγνεται ἐμοῦ | [-  
 --- ἐπιτρόπους δέ αἰροῦμαι] βασιλέα Π[τολεμαίου] τὸν ἐν βασιλείῳς | [Πτολεμαίου καὶ  
 Ἀρσινόης θεῶν Ἀ]δελφῶ[ν] καὶ βασιλίσσ[αν] Βερενίκη[ν] | [τὴν βασιλέως Πτολεμαίου  
 ἀδελφὴν καὶ γυναῖκα καὶ] τὰ τούτων ||<sup>15</sup> [τέκνα. μάρτυρες ---]

On the ... of the month Artemisios ... in ... Char... Macedonian ... about 75 years old, of medium stature, pale complexion, straight-nosed, bluish-grey-eyed, with large protruding ears, being of sound mind and in possession of his wits has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings ... to ... my son (?) ... my daughter. I bequeath nothing to anyone else. I owe nothing to anyone ... the first ... above ... I bequeath ... I free ... Thracian, but ... born to me... I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: ...

*P. Petr.* I<sup>2</sup> 8

238–237 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[--- καὶ βασιλίσσαν Βερενίκη[ν] τ]ὴν βασιλ[έως Πτολεμαίου ἀδελφὴν καὶ γυναῖκα  
 καὶ τὰ τούτων] τέκνα κα[---]---. οὐκ ἔστιν. [---] αὐτῶν. [---] μάρτυρες. --- ||<sup>5</sup>  
 Ἀλεξαν]δρεὺς τῶν [οὐκ ἔστιν ἐπιγίγνεται εἰς δῆμον --- ὥς (ἐτῶν) ..] εὐ]μεγέθης [---  
 |--- ὧτα αὐ]φροσύνῃ [α ὥς (ἐτῶν) ..] βρα]χὺς πυρρά[κης] ---] ἀρι]στεράν κα[ὶ  
 --- ||<sup>10</sup> ---] τῶν Ἀνδ[ρίσκου] ---] ---] μῆλ[α] μείζω ---] ---] τος φ[---]

Verso

*vac.* ψα (ῥήμιωβέλιον)

οδ (τετρύβολον) [---]

The text is too fragmentary to be translated; it preserves fragments of *epitropoi*-clause and the witnesses' list.

*P. Petr.* I<sup>2</sup> 9, ll. 1–7

238–237 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[---]...[---|---] στῶνος π[---|---]...δωρος Ἀσκ[---|--- κλ]ηροῦχος ὡς (ἐτῶν) λ[.  
||<sup>5</sup> οὐλή μετώπῳι μ]έ[σ]ῳι, Ἀεοντίσκ[ος ---|--- κ]ληροῦχος ὡς (ἐτῶν) κε [---| οὐ-  
λή ρίνι μέ]σῃι ὦτα [[μέ]ζῳ] [---]

The fragment preserves a part of the witnesses' list.

*P. Petr.* I<sup>2</sup> 9, ll. 8–19

238–237 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[βασιλεύοντος] Πτολεμαίου τοῦ Π[τολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν | (ἔ-  
τους) ι, ἐφ' ἱερέω]ς Ἀπολλωνίδου τοῦ Μ[οσχίωνος Ἀλεξάνδρου καὶ θεῶν Ἀδελφῶν  
||<sup>10</sup> καὶ θεῶν Εὐε]ργετῶν τὸ β (ἔτος), κα[νηφόρου Ἀρσινόης Φιλαδέλφου Μενε-  
|κρατείας τῆς] Φιλάμμονος μην[ὸς --- ἐν Κροκοδίλων πόλει τοῦ | Ἀρσινοΐτου] νο-  
μοῦ, τὰδε διέθε[το νοῶν καὶ φρονῶν ---|---] τῶν Νεοπτολέμου [---| τετραγῳ]νίας  
λευκόχρως προ[κέφαλος (?) ---||<sup>15</sup> οὐλή ὀφρ]ύι δεξιᾷ. εἴη μὲν μ[οι ὑγιαίνοντα  
αὐτὸν τὰ ἐμαντοῦ διοικεῖν. | ἐὰν δέ τ]ι ἀνθρώπινον πάσχω, [καταλείπω τὰ ὑπάρ-  
χοντά μοι πάντα |---]ῳι τῷ νιώ μου. ἄλλωι [δὲ οὐθενὶ οὐθὲν καταλείπω τῶν  
ἐμαν]τοῦ. ὀφ[είλω οὐθενὶ οὐθέν. ἀφ[ί]ημι ---|---]...[---]

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apol-

Ionides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods for the 2nd time, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos, on the ... of the month ... in Krokodilon Polis of the Arsinoite nome ... of the company of Neoptolemos ... square-faced, of pale complexion, with a sugar-loaf head ... with a scar on his right eyebrow ... being of sound mind and in possession of his wits, made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings ... to my son. I bequeath nothing to anyone else. I owe nothing to anyone. I free...

*P. Petr.* I<sup>2</sup> 11

238–237 BC

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

Γορπιαίου κυ | βασιλεύοντος Πτολεμαίου τοῦ Πτολεμαίου καὶ [Ἀρσινόης] | θεῶν  
Ἀδελφῶν (ἔτους) ι, ἐφ' ἱερέως Ἀπολλωνίδου τοῦ [Μοσχίωνος] | τὸ β (ἔτος) [Ἀ]λε-  
ξάνδρου καὶ θεῶν Ἀδελφῶν καὶ θεῶν Εὐ[εργετῶν,] ||<sup>5</sup> κανη[φό]ρου Ἀρσινόης Φι-  
λαδέλφου Μενεκρατείας τ[ῆς Φιλάμ]||μονος τὸ β (ἔτος), μηνὸς Γορπιαίου κυ, ἐγ  
Κροκοδίλω[ν πόλει] | τοῦ Ἀρ[σ]ινοῖτου, τάδε διέθετο νοῶν καὶ φρον[ῶ]ν [---]||δης  
Βοιώτιος τῶν Πυθαγγέλο[ν] | ἐπιλοχα[γὸς] κ[ληροῦχος] | ὡς (ἔτων) ξ μελίχρους  
βραχὺς οὐλὴ ἐπ' ἀριστερᾶς [ὁ]φ[ρ]ύος ||<sup>10</sup> ἀν[α]φ[ά]λ[α]κρος. εἴη μέμ μοι ὑγιαίνοντι  
αὐτὸν τ[ὰ] | ἐμα[ν]τοῦ διοικεῖν. ἐὰν δέ τι ἀνθρώπινον πάσχω, [κατα]λείπω τ[ὰ] ὑ-  
πάρχοντά μοι πάντα Ἀριστ[---]---]ους ἀστῇ. ἄλλωι δέ οὐθενὶ οὐθὲν κ[ατα]λείπω.  
ὁφεῖ[λ]ω οὐθενὶ οὐθέν. ἐπιτρόπους δέ αἶρο[ῦμαι] ||<sup>15</sup> βασιλέα Πτολεμαῖον τὸν ἐκ βα-  
σιλέως] Π[τ]ολεμαίου]

23 Gorpaios. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods for the 2nd time, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos for the 2nd time, on the 23rd of the month Gorpaios, in Krokodilon Polis of the Arsinoite nome, ...des, Boeotian, of the company of Pythangelos, *epilochagos*, cleruch, about 60 years old, of honey-coloured complexion, short, with a scar on his left eyebrow and a bald forehead, being of sound mind and in possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings to Arist... daughter of ..., a citizen. I bequeath

nothing to anyone else and I owe nothing to anyone. I choose for executors king Ptolemy son of king Ptolemy ...

*P. Petr.* I<sup>2</sup> 12  
238–237 BC  
Krokodilopolis

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

[---]ην[---]ουν . [---]ξ τετα[---]τος (ἐκατοντάρουρος (?)) [---]<sup>5</sup> οὐλή  
παρ' ὀφ[ρ]ῶν ἀριστεράν, . [---] τῶν οὐπὶ ὑπὸ ἱπ[π]άρχην ὡς (ἐτῶν) λ[. ]--- μακρο-  
πρόσωπος φακὸς ὀφ[ρ]ύι --- τῶν Ἀ[νδρίσκου ὡς (ἐτῶν) [---]--- Βιθ]ύης Θράξ  
(ἐκατοντάρουρος) [τῶν ---]<sup>10</sup> --- λευκόχρως ἀνα[φάλαντος ---]--- (ἐκατοντά-  
ρουρος) τῶν Πτολε[μαίου τοῦ ---]--- μελίχρως μετωπ[ίας ---]--- των Ἡρακ[λε  
---]--- λευ[κ]όχρως οὐλαὶ ἐν . [---]

The text is too fragmentary to be translated; the preserved piece is a fragment of the witnesses' list.

*P. Petr.* I<sup>2</sup> 13  
238–237 BC  
Arsinoite nome

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[τάδε διέθετο νόων καὶ φρονῶν Πεισίας Λύκιος τῶν Λεοντίσκο[υ]--- κληροῦχος]  
τῶν ἐν τῷ Ἀρσινοίτῃ καταμεμετρη[μένων ὡς (ἐτῶν)]... μελίχ[ρ]ω[s] ἀνάσιλλος  
μέσος μεγέθει μακροπρό[σωπος οὐλή ὑπ]ὸ γέν[ε]ϊ[ο]ν. εἴη μέμ[οι] ὑγιαίνοντα  
αὐτὸν ||<sup>5</sup> [τὰ αὐτοῦ διοικε]ῖν. ἐὰν [δέ] τι ἀνθρώπινον πάσχω, καταλείπω | [τὰ  
ὑπάρχοντά] μοι τὰ [ἐν Ἀ]λεξανδρείαι Πισικράτει τῷ νιῶ | μ[ο]ν τ[ῶ]ι ἐκ  
Νικ[ο]ῦ[s], συν[οικ]ίαν καὶ τὰ ὑπάρχοντά μοι ἐκεῖ | σκεύη πάντα καὶ παλ[α]ῖ[s]  
Διονύσιον καὶ Εὐτυχον Σύρους | καὶ παιδίσκην Ἀβίσιαν [κ]αὶ ταύτης θυγατέρα  
Εἰρήνην ||<sup>10</sup> Σύρας, Ἀξιοθέαι δὲ Ἰππ[ί]ου Λυκίδι τῇ ἐμμαντοῦ γυναικὶ | παιδίσκην  
δ[ο]ύλην Σύρα[ν] Λιβύσειον καὶ τὴν οἰκίαν τὴν ὑπάρχουσαν μοι [ἐν κ]ώμῃ  
Βουβάστωι τοῦ Ἀρσινοίτου, τὴν δὲ | λοιπ[ὴν] κατασ[κευὴν] τὴν ἐν Βουβάστῳ

κοινήι Πισικράτει | καὶ Ἀξιοθέαι. ὅσα] δὲ Ἀξιοθέα προσενήνεγκται ἐμ φερνήι καὶ  
 ||<sup>15</sup> περίε[στ]ιν, ἔχειν αὐτήν κ[α]ὶ μὴ μετεῖναι Πεισικράτει, ὅσα | δ' ἂν μὴ περιήι  
 ἢ τετριμμένα ἦι, ἀποδότω Πισικράτης Ἀξιοθέαι τιμὰς τὰς ὑπογεγραμμένας ὅσωι  
 ἂν ἔλασσον εὐρίσκωσιν, | χιτῶνος ἑρεοῦ γυναικείου (δραχμὰς) μ, θερίστρου  
 (δραχμὰς) σ, χιτῶνος ἀνδρείου | (δραχμὰς) ιβ, θερίστ<ρ>ου τριβακού (δραχμὰς) ι,  
 χ[ιτῶνος κα]ινού (δραχμὰς) ι (διώβολον), ζώνης ||<sup>20</sup> ἀνδρείας (δραχμὴν) α,  
 θερίστρου καινοῦ (δραχμὰς) λβ, ἀπλοιδίου (δραχμὰς) η, ἐγκοιμῆ|τρου (δραχμὰς)  
 ιβ, φιάλης χαλκῆς (δραχμὰς) δ, ψυκτῆρος χαλκοῦ (δραχμὰς) σ, | σινδόνων β  
 (δραχμὰς) δ, ὑποδημάτων γυναικεί[ω]ν (δραχμὰς) δ, [...]δίου | (δραχμὰς) λ,  
 μαχαίρας καὶ ὁ[β]ελίσκου (δραχμὴν) α, ἐρίων μαλακῶ[ν] (δραχμὰς) ..] χρ[.....] |  
 περιδεξίου (δραχμὰς) ιη, ἐνώidia (δραχμὰς) ιβ, [κλ]αλίου χρυσοῦ (δραχμὰς) κ,  
 ἐρίων

3. *corr. ex* μεσοθει || 14. *προσενήνεγκται* || 21. *corr. ex* καλκῆς || 24. ἐνώτια

Peisias, a Lycian, belonging to the company of Leontiskos ... cleruch, belonging to those who are allotted land in the Arsinoite nome, about ... years old, with honey-coloured complexion, with his hair brushed up, of medium stature, long-faced, with a scar under his chin, being of sound mind and in possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings in Alexandria to Pisi-krates, my son from Niko: a tenement-house and all furniture belonging to me there, and my Syrian slaves Dionysios and Eutychos, and my female slave Abisilia and her daughter Eirene, both of them from Syria. To Axiothea daughter of Hip-pias, from Lykia, my wife, (I bequeath) a Syrian slave-girl Libyseion and the house belonging to me in the village of Boubastos in the Arsinoite nome. The remaining furniture in Boubastos (I bequeath) jointly to Pisi-krates and Axiothea. All things which Axiothea brought with her as a dowry and which are still intact, she may keep. Pisi-krates has no right to them. As to what will not have survived or will be worn, Pisi-krates has to pay to Axiothea the price as stated below, in as far as a diminution of their value will have been stated: for a woollen woman's tunic: 40 dr.; for a summer dress: 6 dr.; for a man's tunic: 12 dr.; for a worn summer dress: 10 dr.; for a new tunic: 10 dr. 2 obols; for a man's belt: 1 dr.; for a new summer dress: 32 dr.; for a single garment: 8 dr.; for a bed-spread: 12 dr.; for a bronze bowl: 4 dr.; for a bronze wine-cooler: 6 dr.; for 2 cloths: 4 dr.; for woman's sandals: 4 dr.; for ...: 30 dr.; for a knife and a roasting-spit: 1 dr.; for soft flocks of wool: ... dr.; for ...; for an armlet: 18 dr.; for earrings: 12 dr.; for a gold bracelet (?): 20 dr.; for flocks of wool ...

*P. Petr.* I<sup>2</sup> 14  
238–237 BC  
Krokodilopolis

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[βασιλεύοντος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν  
(ἔτους) ι, ἐφ' ἱερέως] Ἀπολλωνίδου τοῦ Μοσχίωνος Ἀλεξ[άνδρου καὶ θεῶν Ἀδε]λ-  
φῶν καὶ θεῶν Εὐεργετῶν, κληφόρου | [Ἀρσινόης Φιλαδέλφου Μεν]εκρατεία[s  
τῆς] Φιλάμμονος τ[ὸ] β (ἔτος), ||<sup>5</sup> [μηνὸς ---, ἐν] Κ[ρο]κ[οδί]λων πόλει τοῦ Ἀρ-  
σινόϊτου, | [τάδε διέθετ]ο νόων καὶ φρονῶν Φίλων Ἡρακλείδου Κυ[ρ]ηναῖος τῆς  
ἐπιγονῆς] ὡς (ἐτῶν) με μελίχρους μέσος μεγέθει | [---] οὐλὴν ἔχων μετώπῳ ὑπὲρ  
ὀφρῦν | [δεξιάν. εἴη μὲν] μοι ὑγιαίνοντα αὐτὸν τὰ ἔμμαντοῦ διοι||<sup>10</sup> [κεῖν. ἐὰν δέ τι  
ἀνθ]ρώπινον πάθω, καταλείπω τὰ ὑπάρχ[ον]τὰ μοι πάντα | [τῇ ἔμμαντοῦ γ]υ-  
ναικὶ Εἰρήνῃ Ἀσκληπιάδου Κυρηναίᾳ | [καὶ τῇ ἔμμαντ]οῦ θυγατρὶ Δημοῖ τῇ ἐξ  
Εἰρήνης καὶ τὰ | [οἰκετικὰ σώμ]ατα θηλυκὰ Παρθένιον, Μυρίνην, ἔρσενικά |  
[---]τα καὶ καθ' ὑπογραφὴν τὴν ἐν δημοσίῳ Ἀπολλωνίων' ||<sup>15</sup> [--- Σύρον]  
παρεπίδημον ὃς καὶ Συριστὶ Ἰανναθᾶς | [καλεῖται ὀφεί]λοντά μοι ἀργυρίον (δραχ-  
μᾶς) ρν. ἄλλωι δὲ οὐθένι οὐθέν | [καταλείπω. ἐ]πιτρόπος δὲ αἰρούμαι βασιλέα  
Πτολεμαῖον | τὸν ἐκ Πτολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν καὶ βασιλίσσαν |  
[Βερενίκην τῇ]ν βασιλέως Πτολεμαίου ἀδελφὴν καὶ γυναῖκα ||<sup>20</sup> [καὶ τὰ τούτῳ]ν  
τέκνα. μάρτυρες· Τληπόλεμος Κλεοδήμου | [--- τῆς] ἐπιγον[ῆς] ὡς (ἐτῶν) νς  
λευκόχρως τετανὸς .. | [..... οὐλὴ ὑ]πὲρ δεξιὸν ὀφθαλμόν, Τελέσαρχος Ἀλεξι-  
μάχου | [--- τῆς] ἐπιγονῆς ὡς (ἐτῶν) νγ λευκόχρως κλαστόθριξ ἀνα[φά]λαντος  
οὐλῇ] μυκτῆρι ἄκρῳ καὶ ἄλλαι ὑπὸ γενείῳ [---||<sup>25</sup> ---] τῆς [ἐπ]ιγονῆς ὡς (ἐτῶν)  
[---|--- ὑπ]όσκινοφ[s ---|---]θ .. αχ[---]

13 ἄρσενικά

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 10, Apollonides son of Moschion being priest of Alexander and the Sibling Gods and the Benefactor Gods, Menekrateia daughter of Philammon being *kanephoros* of Arsinoe Philadelphos for the 2nd time, on the ... of the month ..., in Krokodilon Polis of the Arsinoite nome, Philon son of Herakleides, Cyrenean of the *epigone*, about 45 years old, with honey-coloured complexion, of medium stature, ... with a scar on his forehead above the right eyebrow, being of sound mind and in full possession of his wits, made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings to my wife Eirene daughter of Asklepiades, from Kyrene, and to my daughter Demo born from Eirene, including

my house slaves, the woman Parthenion and Myrine, and the men ... and also, according to an agreement deposited in the public archive, my claims on Apollonios son of ... Syrian, a resident alien, who is also called Jonathas in Syrian, and who owes me 150 drachmae. I bequeath nothing to anybody else. I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: Tlepolemos son of Kleodemos, ... of the *epigone*, about 56 years old, with fair complexion and straight hair, ... with a scar above his right eye; Telesarchos son of Aleximachos, ... of the *epigone*, about 53 years old, with fair complexion, with curly hair, ... a bald forehead and a scar on the top of his nostril and others under his chin; ... son of ... of the *epigone*, about ... years old, ... somewhat short-sighted ...

*P. Petr.* I<sup>2</sup> 15

238–237 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

αὐτῶι ζῶντι [--- ἐὰν δέ τι] | πάθω ἀνθρώπ[ων, καταλείπω τὰ ὑπάρχοντά μοι πάντα]  
| Ἀμμωνίαι τ[ῇ ἐμᾶντοῦ γυναικὶ καὶ ---] | ἐξ Ἀμμωνία[s ---] ||<sup>5</sup> τῆς προτέρας [---  
ἐπιτρόπους δὲ αἰροῦμαι βασιλέα | Π]τολεμαῖο[ν τὸν ἐκ Πτολεμαίου καὶ Βερενίκην  
τὴν βασιλέως | Π]τολεμαίου ἀδ[ελφὴν καὶ γυναικα καὶ τὰ τούτων τέκνα. ---|---]  
ρηναῖον τ[---]| γαντινος π[---] ||<sup>10</sup> ὥς (ἐτῶν) ξ μέσ[ος ---]| γοφ[---]

... But if anything happens to me, I bequeath all my belongings to Ammonia, my wife and ... of Ammonia ... previously ... I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. ... Witnesses: ... about 60 years old, of medium stature ...

*P. Petr.* I<sup>2</sup> 16, ll. 1–11

236–235 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[--- τε]τανὸς οὐλὴ μέσῳ μετώπῳ καὶ μυκ[τῆρι ---|...]δρου Ἀλεξανδρεὺς τῶν οὐπῶ ἐπηγμένῳ[ν εἰς δῆμον Ἄνδρο]μάχειον ὡς (ἐτῶν) λ μέσος λευκόχρως τετανὸς οὐλὴ ῥινὶ [--- καὶ] | ἄλλη ὑπ' ὀφθαλμὸν δεξιόν, Κίλλης Ἀντ[ι]γόνου Μακ[εδὼν τῆς ἐπιγονῆς] ||<sup>5</sup> ὡς (ἐτῶν) λ μέσος μεγέθει μελίχρως τετανὸς ἀναφάλ[αντος ---] | Σή-ραμβος Καλλ[ι]μάνδρου Θηραῖος τῆς ἐπιγονῆς ὡς (ἐτῶν) [---] | σχιζίας λοβοὶ ὠ-τῶν προσφυεῖς οὐλὴ ὑπὸ γένειον, Σά[τυ]ρος Δημ[ητρίου] | Ἀλεξανδρεὺς τῶν οὐπῶ ἐπηγμένων εἰς δῆμο[ν Αὐ]τοδίκειον | ὡς (ἐτῶν) λε μελίχρως στρογγυλοπρόσωπος φακὸς ἐπὶ ῥ[ινὶ μὲ]σῃ, Λιμναῖ[ος] ||<sup>10</sup> Φιλίου Κυρηναῖ[ος] τῆς ἐπιγονῆς ὡς (ἐτῶν) με εὐμεγ[έθη]ς μελάγχρως ὑποστραβαινίζων φακὸς μετώπῳ ἐγ δεξιῷ[ν.]

... with straight hair and a scar in the middle of his forehead and on his nostril; ... son of ...dros, Alexandrian, of those not yet admitted to the deme Andromacheios, about 30 years old, of medium stature and fair complexion, with straight hair, a scar on his nose ... and another under his right eye; Killes son of Antigonus, Macedonian of the *epigone*, about 30 years old, of medium stature and honey-coloured complexion, with straight hair and bald forehead ...; Serambos son of Kallimandros, Theran of the *epigone*, about ... years old, ... tall and slender, with attached ear-lobes and a scar under his chin; Satyros son of Demetrios, Alexandrian, of those not yet admitted to the deme Autodikeios, about 35 years old, of honey-coloured complexion, with a round face and a mole in the middle of his nose; Limnaios son of Philios, Cyrenaean of the *epigone*, about 45 years old, tall, swarthy, having a slight squint, with a mole on his forehead at the right side.

*P. Petr.* I<sup>2</sup> 16, ll. 12–40  
236–235 BC  
Krokodilopolis

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>  
Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[ιβ] | βασιλεύοντος Πτολεμαίου [τοῦ Πτολεμαίου καὶ Ἀρσι]νόης θεῶν Ἀδελφῶν | (ἐτους) ιβ, ἐφ' ἱερέως Εὐκλέους τ[οῦ Εὐβάτα Ἀλεξάνδρου] καὶ θεῶν Ἀδελφῶν ||<sup>15</sup> καὶ θεῶν Εὐεργετῶν, καν[ηφόρου Ἀρσινόης] Φιλαδέλφου Στρατονίκης | τῆς Καλλιάνακτος μὲν[ος Ἀρτεμισίου] ιβ, ἐγ Κροκοδίλων πόλει τοῦ | Ἀρσινοῦτου, τὰδε διέθετο [νοῶν καὶ φρονῶ]ν Ἀντίπατρος Κυρηναῖος | τῶν Ἰδαίου συν-ταγμα(τάρχης) κ[ληροῦχος ὡ]ς (ἐτῶν) οε μέσος μεγέθει λευκόχρως | οὐλὴ με-τώπῳ ἐξ ἀριστ[ε]ρ[ῶν] ὑπὸ τρίχα καὶ ἄλλη μῆλῳ ἀριστερώ ||<sup>20</sup> φακὸς ὑπ'

ὀφθαλμὸν δεξιόν. εἴη μὲν μοι ὑγιαίνοντι αὐ[τὸν] [τὰ] αὐτοῦ | διοικεῖν. ἐὰν δέ τι  
 πάθω ἀνθρώπινον, καταλείπω [τὰ ὑπάρχοντά] | μοι πάντα καὶ τὸν σταθμὸν ὃν  
 ἔχω ἐν Ἀλαβανθίδι [τῆς Ἡρακλείδου] | μερίδος τῇ ἐμαυτοῦ γ[υ]ναικὶ Διονυσίαι  
 [...]νη[--- ἄλλωι] | δὲ οὐ[θ]ε[ν] οὐθ[ε]ν [κ]αταλεί[π]ω. ἐπιτρόπους δὲ αἶρ[οῦμαι  
 βασιλέα] ||<sup>25</sup> Πτολεμαῖ[ον τὸν Πτ]ολεμαίου καὶ Ἀρσινόης θεῶν [Ἀδελφῶν καὶ  
 βασιλίσσαν] | Βερενίκην τὴν [βασιλέως Πτολεμαίου ἀδελφὴν καὶ γυναικα] καὶ |  
 τὰ τούτων τέκ[να. ---] ||<sup>30</sup> τῆς ἐπιγονῆς ὥ[ς (ἐτῶν) ---] | καὶ φακοὶ πλείους π[α]ρ[ὰ  
 --- μάρτυρες. ---] ||<sup>30</sup> τῆς ἐπιγονῆς ὥ[ς (ἐτῶν) λε --- οὐλή] | σιαγόνι ἀριστεραῖ,  
 Τιμοκ[--- ὥς (ἐτῶν) ..] | μέσος μεγέθει λευκόχρω[s ---] | Ἀλέξανδρος Μενύλλου  
 Μ.[--- οὐλή] | ὑπὲρ μῆλον δεξιὸν καὶ φακὸς ῥινὶ [---] ||<sup>35</sup> τῶν Ἱπποκράτους (ἐκα-  
 τοντάρουρος) ὥ[ς (ἐτῶν) ν μ[--- οὐλαί] | τραχήλῳ ἐγ δεξιῶν καὶ ἐξ ἀριστερῶν -  
 --] | τῆς ἐπιγονῆς ὥ[ς (ἐτῶν) κ λευκόχ[ρως --- οὐλή] ὀφρύνι | ἀριστεραῖ, Μαρσύας  
 Ἀπολλωνι[---] | μελίχρως στρογγυλοπρόσωπος [--- οὐλή] ὑπὲρ ὀφρὺν δεξιὰν καὶ  
 ἄλλην] ||<sup>40</sup> ὑπὲρ ἀριστεράν.

12. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 12, Eukles son of Eubatos being priest of Alexander and the Sibling Gods and the Benefactor Gods, Stratonike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the 12th of the month Artemisios, in Krokodilon Polis of the Arsinoite nome, Antipatros of Kyrene, of the company of Idaios, commander of a *syntagma*, cleruch, about 75 years old, of medium stature, of fair complexion, with a scar on his forehead on the left under his hair and another one on his left cheek, with a mole under his right eye, being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings and the billet which I have in Alabanthis in the division of Herakleides to my wife Dionysia ... I bequeath nothing to anybody else. I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children, and ... cleruch, about .. years old, ... and several moles along ... Witnesses: ... of the *epigone*, about 35 years old, with a scar on his left jaw; Timok... of medium stature and fair complexion ...; Alexandros son of Menyllos M... with a scar above his right cheek and a mole on his nose ... of the company of Hippokrates, holder of 100 arouae, about 50 years old ... with scars on the left and right side of his throat ... of the *epigone*, about 20 years old, of fair complexion, ... with a scar on his left eyebrow; Marsyas son of Apollonios (?) ... of honey-coloured complexion, with a round face, with a scar above his right eyebrow and another one above his left.

*P. Petr.* I<sup>2</sup> 16, ll. 41–67  
236–235 BC  
Krokodilopolis

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

ιδ | βασιλεύοντος Πτολεμαίου τοῦ Πτολ[εμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν] |  
(ἔτους) ιβ' ἐφ' ἱερέως Εὐκλέους τοῦ Εὐβάτ[α Ἀλεξάνδρου καὶ θεῶν Ἀδελφῶν καὶ]  
| θεῶν Εὐεργετῶν, κανηφόρου Ἀρσι[νόης Φιλαδέλφου Στρατονίκης τῆς ||<sup>45</sup> Κα]λ-  
λιάνακτος μηνὸς Ἀρτε[μίου] ιδ', ἐν Κροκοδίλων πόλει τοῦ | [Ἀρσιν]οῖτον νομοῦ,  
τάδ[ε] διέθετο νοῶν καὶ φρονῶν Πτολεμαῖος | [Ἡρακ]λείδου Ἀγριᾶν (ἐκα-  
τοντάρουρος) τ[ὸν ο]ὕτω ὑπὸ ἰππάρχην ἐκ τοῦ Ἀρσινοῖτον | [νομο]ῦ ὡς (ἐτῶν) μη  
εὐμε[γέθους] μελάγχρως σπαν[ο]πώγων ὀξύρριν | [οὐλή] μετώπῳ μέσω[ι]. εἴη  
μὲν μοι ὑγιαίνοντ[α] τὰ ἐμαντοῦ ||<sup>50</sup> [διοικεῖ]ν. εἰ δέ τι [πάθω ἀν]θρώπων,  
καταλ[εί]πω [τὰ ὑπάρ]χοντά μοι πάντα [---]! Ἡρακλείδου Πε[ρσίνης] τῇ |  
ἐμαντοῦ γυν[αί]κί ὡς (ἐτῶν) ... μελάγχρης βραχεῖα στρογγυλο[π]ρόσωπος σύνο-  
φρ[υς] οὐλή | ἐπὶ μυκτῆρι μέσω[ι]. ||<sup>55</sup> τὰ τούτων τέκνα. μάρτυρες Ἀρτεμίδωρος  
καὶ βασίλισσαν Βερενίκη καὶ ||<sup>55</sup> τὰ τούτων τέκνα. μάρτυρες Ἀρτεμίδωρος  
Θραῖξ | (ἐκατοντάρουρος) τῶν Πτολεμαίων | τοῦ Ναύτα ὡς (ἐτῶν) με εὐμεγέθης  
μελαγχρῆ[s ἀν]αφάλαντος | οὐλή ἐπὶ ῥινί, Δημοκράτης Μακεδῶν (ἐκατοντάρου-  
ρος) τ[ὸν] | [Π]τολεμαίου | [τοῦ Ν]αύτα ὡς (ἐτῶν) με μέσος μεγέθει μελίχρους  
οὐλή μήλωι ||<sup>60</sup> [δεξιῶι κ]αὶ [ἀλλ]ή μετώπ[ωι], Πολέμων Πέρσης (ἐκατοντάρου-  
ρος) τῶν Ἀνδρίσκου | [ὡς (ἐτῶν) .. εὐμ]εγέθης μελίχρους οὐλή μετώπῳ ἐν δεξιῶν  
| [μακ]ρ[ο]πρόσωπος, Μενέλαος Χίος (ἐκατοντάρουρος) τῶν Ἀνδρ[ίσ]κου ὡς (ἐ-  
τῶν) μ | μέσος μεγέθει μελίχρους ἀναφάλαντος οὐλή ἐπὶ χεῖλους | [ἐκ δεξιῶν],  
Πτολεμαῖος Κυρηναῖος (ἐκατοντάρουρος) τῶν Ἀνδρίσκου ὡς (ἐτῶν) ν ||<sup>65</sup> [μέσος  
μεγέθ]ει μελίχρους οὐλή μετώπῳ ἐξ ἀριστερῶν | [--- Πο]λέμωνος Πέρσης τῆς  
ἐπιγονῆς | [ὡς (ἐτῶν) ---] οὐλή παρὰ χεῖλος ἐξ ἀριστερῶν.

14. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 12, Eukles son of Eubatos being priest of Alexander and the Sibling Gods and the Benefactor Gods, Stratonike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the 14th of the month Artemisios, in Krokodilon Polis of the Arsinoite nome, Ptolemaios son of Herakleides, Agrian, holder of 100 arourae, of those not yet serving under a hipparch from the Arsinoite nome, about 48 years old, swarthy, with skimpy beard, a sharp nose and a scar in the middle of his forehead, being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings to my wife ... daughter of Hera-

kleides, Persian, about ... years old, swarthy, short, with a round face, meeting eyebrows, and a scar in the middle of her nostril. I choose for executors king Ptolemy and queen Berenike, and their children. Witnesses: Artemidoros, Thracian, holder of 100 arourae, of the company of Ptolemaios son of Nautas, about 45 years old, tall, swarthy, with a bald forehead and a scar on his nose; Demokrates, Macedonian, holder of 100 arourae, of the company of Ptolemaios son of Nautas, about 45 years old, of medium stature and honey-coloured complexion, with a scar on his right cheek and another one on his forehead; Polemon, Persian, holder of 100 arourae, of the company of Andriskos, about ... years old, tall, of honey-coloured complexion, with a scar on the right side of his forehead, and long face; Menelaos from Chios, holder of 100 arourae, of the company of Andriskos, about 40 years old, of medium stature, honey-coloured complexion, with a bald forehead and a scar on his lip on the right side; Ptolemaios from Kyrene, holder of 100 arourae, of the company of Andriskos, about 50 years old, of medium stature and honey-coloured complexion, with a scar on the left side of his forehead ...; ... son of Polemon, Persian of the *epigone*, about .. years old, ... with a scar alongside of his lip to the left.

*P. Petr.* I<sup>2</sup> 16, ll. 68–95

236–235 BC

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[*vac.?*] λ | βασιλεύοντος Πτολεμαίου [τ]οῦ Πτολεμαίου κ[αὶ] Ἀρσινόης θεῶν | Ἀδελφῶν (ἔτους) ιβ, ἐφ' ἱερέως Εὐκ[λέ]ους τοῦ [Ε]ὐ[β]άτα [Ἀλεξάνδρου καὶ] ||<sup>70</sup>θεῶν Ἀδελφῶν καὶ θεῶν Εὐ[εργετῶν, κανηφόρου Ἀρσινόης] | Φιλαδέλφου Στρατοῦκ[η]ς τῆς Καλλιάνακτος, μηδὲς Ἀρτεμισίου λ | ἐν Κροκοδίλων πόλει τοῦ [Ἀρσινοΐτου νομοῦ, τάδε διέθετο νόων καὶ] | φρονῶν Κάλας Μακεδῶν [τῶν ---] | ὥς (ἑτῶν) ο βραχὺς λευκόχρω[ς ---] ||<sup>75</sup> εἴη μέμ μοι ὑγιαίνοντ[α αὐτὸν τὰ ἑμαιοῦ διοικεῖν. ἐὰν δέ τι] | πάθῃ ἀνθρώπινον, καταλε[ίπω τὰ ὑπάρχοντά μοι πάντα] | καὶ ὃν ἔχω ἐγ βασιλικοῦ [σ]ταθ[μὸν ἐν --- τῆς ---] | μερίδος τῇ[ι] ἑμαιοῦ[οῦ] γυν[αικὶ --- καὶ] | Δημητρίαι τῇ ἐξ ἑμοῦ κα[ὶ --- θυγατρί. ἄλλωι δὲ οὐθενὶ] ||<sup>80</sup> οὐθὲν καταλείπω. ἐπιτρόπ[ου]ς δ[ε] αἰροῦμα[ι βασιλέα Πτολεμαῖον] | τὸν Πτολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν [καὶ βασιλίσσαν Βερενίκην] | τὴν βασιλέως Πτολεμαῖ[ο]υ ἀδελφὴν καὶ γυν[αῖκα καὶ τὰ τούτων] | τέκνα. μάρτυρες Ἡρακλείδης Μάρωνος Θεοξ[ένειος τῶν Πυθαγ] | γέλ[ου] ἰλάρχης κληροῦχος ὥς (ἑτῶν) ξε εὐμεγέθη[ς

---] ||<sup>85</sup> καὶ οὐλὴ ὑπὲρ ὀφρῶν ἀριστεράν, Κεφάλων Μακ[εδῶν τῶν Ἑτεωνέως (?)] | ἐπιλάρχης κληροῦχος ὡς (ἐτῶν) ο ἔρυθρίας τετραγ[ωνίας ---] | ἔνσιμος, Ἐπικρά-  
 τ[ης Ἡρακλεί]δου Θεοξένειος ὡς (ἐτῶν) κς μελίχρ[ως | ο] ὑλὴ ῥινὶ καὶ ἄλλη [παρὰ  
 κρότ]αφον ἀριστερόν, Πτολεμαῖος ὁ μ[έγας (?)] | Διοφάντου Μακεδῶ[ν τῆς ἐ]πι-  
 γονῆς ὡς (ἐτῶν) λ μελάγχρως τετα||<sup>90</sup> νόθριξ χαροπός, Ἀττ[ίνας Κα]λλιφάνους  
 Αἴγιος τῆς ἐπιγονῆς .. | ὦ[s (ἐτῶν) λε] εὐμεγέθη[s μελίχρ]ως οὐλαὶ πλείου[s]  
 μετώπῳ, | Λύσων Λυσίου Ἀλεξ[ανδρε]ῦς τῆς ἐπιγονῆς τῶν οὐπῶ | ἐπηγγέμων εἰς  
 δ[ῆμον Αἰ]ακιδέα ὡς (ἐτῶν) κς βρ[α]χὺς μελ[ίχρως] | οὐλαὶ παρ' ἀμφοτέρ[---  
 ]...||<sup>95</sup> [---]...

30. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 12, Eukles son of Eubatos being priest of Alexander and the Sibling Gods and the Benefactor Gods, Stratonike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the 30th of the month Artemisios, in Krokodilon Polis of the Arsinoite nome. Kalas, Macedonian, of the company of ... about 70 years old, short, of fair complexion ... being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings and the billet in ... in the division of ... which I have received from the crown to my wife ... and Demetria, my daughter born of ... I bequeath nothing to anyone else. I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: Herakleides son of Maron, of the deme Theoxeneios and the company of Pythangelos, *ilarches*, cleruch, about 65 years old, tall, ... and with a scar above his left eyebrow; Kephalon, Macedonian, of the company of Eteoneus (?), *epilarches*, cleruch, about 70 years old, of ruddy complexion, with a square face, ... somewhat snub-nosed; Epikrates son of Herakleides, of the deme Theoxeneios, about 25 years old, of honey-coloured complexion, with a scar on his nose and another one along his left temple; Ptolemaios the elder, son of Diophantos, Macedonian of the *epigone*, about 30 years old, swarthy, with straight hair and blue-grey eyes; Attinas son of Kalliphanes, from Ainos, of the *epigone*, about 35 years old, tall, of honey-coloured complexion, with several scars on his forehead; Lyson son of Lysias, Alexandrian of the *epigone* and belonging to those not yet admitted to the deme Aiakideus, about 25 years old, short, of honey-coloured complexion, with scars alongside both ...

*P. Petr.* I<sup>2</sup> 16, ll. 96–123

236–235 BC

Krokodilopolis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

βασιλεύοντος Πτολε[μαίου τ]οῦ Πτολεμαίου [κ]αὶ Ἀρσινόης θεῶν | Ἀδελφῶν (ἔ-  
 tous) ιβ, ἐφ' ἱερέ[ως Εὐκλ]έους τοῦ Εὐβάτα Ἀλεξάνδρου καὶ | θεῶν Ἀδελφῶν καὶ  
 θε[ῶν Εὐερ]γετῶν, κανηφόρ[ου] Ἀρσινόης Φιλα[δέλφου] Στρατονίκη[s τῆς Κ]αλ-  
 λιάνακτος μη[ν]ὸς Δαισίον s, ||<sup>100</sup> ἐγ Κροκοδὶλῶν πόλει τ[οῦ] Ἀρσιν[οῦ] οἴτου, τάδε  
 διέθ[ε]το νοῶν καὶ φρονῶν | Ἀμμώνιος Ἀνδρομάχ[ου] Ἀνδρο[μάχ]ειος τῶν Ἐτε-  
 [ω]νέως ἐπιλάρχης | κληροῦχος ὡς (ἐτῶν) ο εὐ[μεγέ]της μελίχρως ἐπίγρ[υ]πος  
 ἀναφάλαν[τος] | οὐλῇ] ὑπὲρ ἀριστερά[ν] ὄφρυν. ἐ]ῖη μὲν μοι ὑγιαίνουντι αὐτὸν τὰ |  
 [ἐ]μαν[τοῦ] διοικῆ. ἐὰν δ[έ] τι ἀνθρώπινον <πάθω>, καταλείπω τὰ ὑπάρχ[ον]τά  
 ||<sup>105</sup> μοι π[άν]τα τῶι ἐμαντοῦ νίωι Μαρσύαι. ἐὰν δέ τι πάθῃ ἀνθρώ[πιν]ον  
 Μαρσύας, ἀφείσθ[ω] ἀπὸ τῶν ὑπαρχόντων μοι [σ]ωμάτων | [ἐλ]εύθερα Δωσίθεος  
 καὶ Ἀπάτη. ἄλλωι δέ οὐθενὶ οὐθὲν καταλείπω. | ἐπιτρόπους δὲ αἰροῦμαι βασιλέα  
 Πτολεμαῖον τὸν Πτολεμαίου | καὶ Ἀρσινόης θεῶν Ἀδελφῶν καὶ βασι[λ]υσσαν Βε-  
 ρενίκην τὴν βασιλέως ||<sup>110</sup> Πτολεμαίου ἀδελφῇ[ν] καὶ [γυν]αῖκα καὶ τὰ τοῦτ[ων]  
 τέκνα. --- | μάρτυρες· Τιμαρχίδ[ης] --- ὡς (ἐτῶν) .. | ἐ]ῖμεγέτης μελίχρως [---]  
 Δ]ιοκλέους Ἀλεξάνδρε[ως] τῆς ἐπιγονῆς τῶν οὐπ[ὼ] ἐπηγμένων | ἐ]ῖς δῆμον  
 Καστόρειον ὡ[s (ἐτῶν) ---] ||<sup>115</sup> Ἀρ[ί]στον Παίων τοῦ ἀγῆ[ματος] --- ὡς (ἐτῶν) ..  
 μέσος | μ]εγέθει λευκόχρως ἀνα[φά]λαντος --- τοῦ | ἀ]γῆματος πεντακοσί[α]ρχος  
 κληροῦχος ὡς (ἐτῶν) --- | ο]ὔλῃ μετώπῳ ὑπὸ τ[ρί]χα --- | Κ]αστόρειος τῶν Ἐτε-  
 ων[έως] --- ||<sup>120</sup> ο]ὔλῃ ὑπὲρ ἀριστερά[ν] ὄφρυν --- τῆς | ἐ]πιγονῆς ὡς (ἐτῶν) λ μέσος  
 μ[εγέθει] --- | χ]αροπός.

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 12, Eukles son of Eubatos being priest of Alexander and the Sibling Gods and the Benefactor Gods, Stratonike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the 6th of the month Daisios, in Krokodilon Polis of the Arsinoite nome, Ammonios son of Andromachos, of the deme Andromacheios and the company of Eteoneus, *epilarches*, cleruch, about 70 years old, tall, of honey-coloured complexion, with a hooked nose, a bald forehead, and a scar over his left eyebrow, being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings to my son Marsyas. If anything happens to Marsyas, Dositheos and Apatē of the slaves in my possession shall be set free. I bequeath nothing to anyone else. I choose for executors king Ptolemy son of

Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: Timarchides ... about .. years old, tall, of honey-coloured complexion ...; ... son of Diokles, Alexandrian of the *epigone*, belonging to those not yet admitted to the deme Kastoreios, about ... years old ...; Ariston, Paionian, of the guards ... about ... years old, of medium stature, of fair complexion, with a bald forehead; ... of the guards, commander of five hundred men, cleruch, about ... years old, ... with a scar on his forehead below the hairline; ... son of ... of the deme Kastoreios and the company of Eteoneus, ... with a scar above his left eyebrow; ... son of ... of the *epigone*, about 30 years old, of medium stature, ... with blue-grey eyes.

*P. Petr.* I<sup>2</sup> 16, ll. 123–127

236–235 BC

Arsinoite nome (Kerke...)

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[β]ασιλεύοντος Πτολεμ[αίου τοῦ Πτολεμα]ίου καὶ Ἀρσινόης θεῶν | [Α]δελφῶν  
(ἔτους) ιβ, ἐφ' ἱερέως Ε[ὐκλέους τοῦ Εὐβά]τα Ἀλεξάνδρου καὶ ||<sup>125</sup> [θ]εῶν Ἀδελ-  
φῶν καὶ θεῶν Εὐ[εργετῶν, κανηφόρο]ν Ἀρσινόης Φιλαδέλφου | Στ[ρ]ατονίκης τῆς  
Καλ[λιάνακτος μηνὸς Δα]ισίου κ, ἐν Κερκε|[.... τοῦ Ἀρ]σινόϊτου, τ[άδε διέθετο]  
νοῶν καὶ φρονῶν [---]

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 12, Eukles son of Eubatos being priest of Alexander and the Sibling Gods and the Benefactor Gods, Stratonike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the 20th of the month Daisios, in Kerke... of the Arsinoite nome, ... being of sound mind and in full possession of his wits, has made this will.

*P. Petr.* I<sup>2</sup> 17, ll. 1–14

236–235 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[---]ς γυναικὸς [--- ἐπιτρόπους | δὲ αἰροῦμ]αι [βασι]λέα Πτολεμαῖον καὶ βασί-  
[λισσαν Βερενίκην καὶ τὰ τούτων τέκνα. | ἐπίτροπον ἄλλον οὐ]θένα καταλείπω. ἡ  
δὲ [διαθήκη ἣδε κυρία ἔστω. |--- μάρτυρες· ..].ρατίδης Θεσσ[α]λὸς τῶν Π.[---]<sup>5</sup>  
--- ὡς (ἐτῶν)] ος μέσος μελίχρους τετανό[θριξ ---|---]. τῶν Ἀνδρίσκου (ἐκατο-  
ντάρουρος) ὡς (ἐτῶν) ξ[. |--- οὐλή] ἐπὶ μήλου δεξιού, Φιλόδημ[ος ---|--- με]-  
λίχρους τετανόθριξ κατάρ[ριν ---|--- τῶν Ἑρ]μοπ[ο]λιτῶν (ἐκατοντάρουρος) ὡς  
[(ἐτῶν) ---|<sup>10</sup> ---]. ..ρος Πέρσης τῶ[ν ---|--- ἀναφάλαν]τος κατάρριν οὐλή [---|  
---] τῶν Ἀνδρίσκου ὡς (ἐτῶν) [---|--- ἀναφάλαν]τος οὐλή ἐπὶ μή[λου |--- ἐ]ξ  
ἀριστερῶν.

I choose for executors king Ptolemy and queen Berenike, and their children; I do not leave behind any other executors (?). The will shall be valid ... Witnesses: ...ratides, Thessalian, of the company of P..., about 76 (?) years old, of medium stature and honey-coloured complexion, with straight hair; ... of the company of Andriskos, holder of 100 arourae, about 60 years old, ... with a scar on his right cheek; Philodemos ... of honey-coloured complexion, with straight hair and a downwards hooked nose, ...; of the company of the Hermopolitai, holder of 100 arourae, about ... years old, ...; ...ros, Persian, of the company of ... with a bald forehead, a downwards hooked nose and a scar...; ... of the company of Andriskos, about ... years old, ... with a bald forehead and a scar on his cheek ... and ... to the left.

*P. Petr.* I<sup>2</sup> 17, ll. 15–40  
236–235 BC  
Krokodilopolis

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[κ]ε | [βασιλευόντος Πτολεμαίου τοῦ Πτο]λεμ[αί]ου καὶ Ἀρσινώης θεῶν Ἀδελφῶν  
| [(ἔτους) ιβ, ἐφ' ἱερέως Εὐκλέους τοῦ Εὐβά]τα Ἀλ[ε]ξάνδρου καὶ θεῶν Ἀδελφῶν  
| [καὶ θεῶν Εὐεργετῶν, κανηφόρου Ἀρσι]νόης Φιλαδέλφου Στρατονίκης | [τῆς  
Καλλιάνακτος μηνὸς Παν]ήμου κς, ἐν Κροκοδίλων πόλει τ[οῦ ||<sup>20</sup> Ἀρσινοῦ]του νο-  
μοῦ, τάδε διέθετο νο]τῶν καὶ φρονῶν Μέναν[δρ]ος Ἀμφιπολίτῃ[s | τῶν --- κλη-  
ροῦχ]ος ὡς (ἐτῶν) ξε βραχ[ύς ἐρ]υθρίας τετα[ύ]νόθριξ σ]ύννοφρος ὀξύ[ρ]ιν, εἴη  
μὲν] μοι ὑγιαίνοντι αὐτὸν τὰ αὐτοῦ | [διοικεῖν.] εἰ δὲ τι πάθω ἀνθρ[ώπιν]ον, κα-  
ταλείπω τὰ ὑπάρχοντά | [μοι πάν]τα τῇ ἐμ[αυτοῦ] γυναικὶ Ἀγαθαρχίδι Μ[ε]λ[ι]ανος  
Λιβύσση ||<sup>25</sup> [καὶ] εἰάν τί μοι ἐπιγένηται ἐξ αὐτῆς παιδίον. ἄλλωι δὲ οὐθενὶ |

[οὐθὲν] καταλείπω. ἐπιτρόπους δ[ὲ αἶρο]ῦμαι βασιλ[έα Πτολεμαῖον | τὸν ἐκ Π]τολεμαίου καὶ Ἀρσινόης θεῶ[ν Ἀδελφ]ῶν κα[ὶ] βασίλισσαν | Βερενί[κ]ην τὴν βασιλέως Πτολεμ[αίου ἀδελφῇ]ν κα[ὶ] γυναικα καὶ | τὰ τοῦ]των τέκνα. μάρτυ[ρες· ---||<sup>30</sup> ---] [...ιλ.....] ἡλ[ία]ρ[χος] κληροῦχος ὡς (ἐτῶν (?)) [---|---]ν δεξιὸν δξύρρην καὶ οὐλή [---|.... τῶ]ν Δάμων[ος] πεντακοσί[αρχος κληροῦχος ὡς (ἐτῶν) ---|--- σπ]ανοπῶγων ὑπόσκιπ[ος --- τῶν |---] ἐπ[ι]λοχαγὸς κληροῦχος ὡς (ἐτῶν) [---||<sup>35</sup> οὐλή ὑ]πὸ γένειον, Θεόδωρ[ος Ἀ]σπέν[διος τῶν ---| κληροῦ]χος ὡς (ἐτῶν) νε μέσ[ος μ]εγέθει [---|.....]ωί ἀριστερῶι, Λυσίμαχος Ὀλυ[---|.....]. σχιζίας σπανοπῶγων οὐ[λῇ ---|.....]γους Μακεδῶν τῆς ἐπιγ[ονῆς ὡς (ἐτῶν) ---||<sup>40</sup> .....] λοβοὶ ὠτῶν προσφυ[εῖς ---]

25. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 12, Eukles son of Eubatos being priest of Alexander and the Sibling Gods and the Benefactor Gods, Stratonike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the 25th of the month Panemos, in Krokodilon Polis of the Arsinoite nome, Menandros from Amphipolis, of the company of ... cleruch, about 65 years old, of ruddy complexion, with straight hair, meeting eyebrows and a sharp nose, being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath my belongings to my wife Agatharchis daughter of Melas, Libyan, and to the children she may bear me. I bequeath nothing to anyone else. I choose for executors king Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: ... commander of one thousand men, cleruch, about ... years old, ... with a scar on his right ... a sharp nose and a scar ...; ... of the company of Damon, commander of five hundred men, cleruch, about ... years old, ... with a thin beard, somewhat shortsighted, ...; ... *epilochagos*, cleruch, about ... years old, ... with a scar under his chin; Theodoros from Aspendos, of the company of ... cleruch, about 55 years old, of medium stature, ... with a scar on his left ...; Lysimachos Oly..., tall, with a skimpy beard and a scar ...; ... son of ...ges, Macedonian of the *epigone*, about ... years old, ... with attached earlobes.

*P. Petr.* I<sup>2</sup> 17, ll. 41–49  
236–235 BC  
Krokodilopolis

Greek  
Papyrus  
Copy within collection

Text after *P. Petr.* I<sup>2</sup>  
Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

Λωίου | [βασιλεύοντος Π]τολεμαίου τοῦ Πτολ[ε]μ[α]ίου καὶ Ἀρσινόης θεῶν  
 Ἀδελφῶν (ἔτους) ιβ, | [ἐφ' ἱερέως] Εὐκλέους τοῦ Εὐβάτα Ἀλεξάνδρου καὶ θεῶν  
 Ἀδελφῶν καὶ θεῶν | [Εὐεργε]τῶν, κανηφόρου Ἀρσινόης Φιλαδέλφου Στρατονίκης  
 τῆς Καλλιάνακτος, ||<sup>45</sup> [μηνὸς Λω]ίου, ἐν Κροκοδίλων πόλει τοῦ Ἀρσ[ι]νοΐτου νο-  
 μοῦ, τὰδε διέθετο νοῶν | [καὶ φρονῶ]ν Εὐφ[ρό]νιος Κυρηναῖος τῶν Μειδία τακτό-  
 μισθος κληροῦχος ὡς (ἔτων) ξβ | [εὐμεγέθ]ης ἐρυθρία[s ἐ]πίγρυπος ....[. κ]οιλο-  
 γένειος. εἴ[η] μὲν μοι ὑγι[αί]νοντα | [αὐτὸν τ]ὰ ἐμαυτοῦ [διοικ]εῖν. εἰάν δέ τι [πά]θω  
 ἀνθρώπινον, καταλείπω τὰ | [ὑπάρχον]τά μοι πάντα [Θαλει]ᾷ τῇ ἐμαυ[τοῦ] γυ-  
 ναικί. εἰάν δέ Θαλεῖᾳ [τ]ι πάθῃ [---]

Loios. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 12, Eukles son of Eubatos being priest of Alexander and the Sibling Gods and the Benefactor Gods, Stratonike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, in the month Loios, in Krokodilon Polis of the Arsinoite nome, Euphronios from Kyrene, of the company of Meidias, *taktomisthos*, cleruch, about 62 years old, tall, of ruddy complexion, hook-nosed, ... with a dimple in his chin, being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But anything happens to me, I bequeath all my belongings to Thaleia (?) my wife. If anything happens to Thaleia (?) ...

*P. Petr.* I<sup>2</sup> 18

236–235 BC

Theogonis

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[---].[.]ρ[---] | κς | [βασιλεύοντος] Πτολεμαίου τοῦ Πτολ[ε]μαίου καὶ Ἀρσινόης  
 θεῶν Ἀδελφῶν | (ἔτους) ιβ, ἐφ' ἱερέως Εὐκλέους [τ]οῦ Εὐβάτα Ἀλ[ε]ξάνδρου καὶ  
 θεῶν Ἀδελφῶν καὶ θεῶν ||<sup>5</sup> Εὐεργετῶν, κανηφόρο[υ] Ἀρσινόης Φιλα[δέλφου]  
 Στρατονίκης τῆς Καλλι[ά]νακτος, μηνὸς Λωί[ου] κς, ἐν Θεογονίδ[ι] τοῦ Ἀρσι-  
 νοΐτου, τὰδε διέθετο νοῶν | καὶ φρονῶν Διονύσι[ος] Ἡρακλεώτης τ[---][---]ν  
 ἐπιστάτου [.]ρ[---] τῶν | Μενελά[ου] τῶν ἐ[κ] τ[οῦ] Ἑ[ρ]μοπολίτου πρώτων  
 (ἐκατ[ο]ν)[(τάρουρος)] ὡς (ἔτων) μ[---]||<sup>10</sup> ---] οὐλὴ μέση ρινί. εἴη μὲν μ[οι] ὑγιαί-  
 νοντι τὰ ἐμ[αυτοῦ] αὐτὸν διοικεῖν ὡς | ἐγὼ θέλω. εἰάν δέ τι ἀνθρώπινον πάθω,  
 καταλείπω τ[ὸν] σταθμὸν ὃν | ἔλαβον ἐκ] τοῦ βασιλικοῦ καὶ τὸν ἵππον καὶ τὰ ὅπλα  
 Πτολεμαίω[ι] τῷ γεγεννημένω ἐξ ἐμ[οῦ] καὶ Χρυσοπόλεως. ἐπ[ί]τ[ρο]πον δὲ κατα-

λείπω Δη[μήτριον | Δημη]τρίου Ἡρακλεώτην τῆς ἐπ[ιγον]ῆς ὡς (ἐτῶν) κη λευ-  
κό[χρων ---||<sup>15</sup> μάρτυ]ρες· Ἀριστόδημος Ἀχαιὸς τῶν Ἀνδρίσκου (ἐκατοντάρουρος)  
ὡς (ἐτῶν) λε μέ[σος μεγέθει μελ[ίχρ]ως τετανὸς οὐλὴ ὑπὸ τρίχα μετώπῳι, Πτολε-  
μαῖος .[--- συν]ταγμ[α]τάρχης) τῶν Ἑρμοπολιτῶν ὡς (ἐτῶν) ν εὐμεγέθης  
μελίχρως τετα[νὸς ---]... Μ[ακεδὼν τῶν Πάτρωνος συνταγμα(τάρχης) τοῦ ἀγῆ-  
ματος κλ[ηροῦχος ὡς | (ἐτῶν) ..] μ[ελίχρως] κακοπώγων οὐλὴ ἐπ' ὀφρύς ἀρι-  
στερᾶς, Νίκα[νδ]ρος Μ[--- τῶν ||<sup>20</sup> ....] εἰὸν πεντακοσίαρχος κληροῦχος ὡς (ἐτῶν)  
λ μέσος με[λίχρ]ως τ[---]...[....]ος οὐλὴ ἀνὰ μέσον ὀφρύων, Ἀριστόδημος Ἀρκὰς  
(ἐκατοντάρουρος) [τοῦ] ἀγῆ[ματος ὡς | (ἐτῶν) ..] εὐμεγέθης μελίχρως οὐλὴ ὑπὸ  
βλέφαρον ἀμιστ[ερὸν], Εὐβο[---]...[....]ιος τοῦ ἀγῆματος (ἐκατοντάρουρος) ὡς  
(ἐτῶν) μ λευκόχρως τετρα[γ]ωνίας τ[---]

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, year 12, Eukles son of Eubatos being priest of Alexander and the Sibling Gods and the Benefactor Gods, Stratonike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the 26th day of the month Loios, in Theogonis of the Arsinoite nome, Dionysios from Herakleia ... of the company of Menelaos, of the first-rank soldiers of the Hermopolitai, holder of 100 arourae, about 40 years old ... with a scar in the middle of his nose, being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs as I want. But if anything happens to me, I bequeath the *stathmos* which I received from the crown, and my horse and armour to Ptolemaios, born of me and Chrysopolis. I choose for executor Demetrios son of Demetrios, Herakleian of the *epigone*, about 28 years old, of fair complexion ... Witnesses: Aristodemos, from Achaia, of the company of Andriskos, holder of 100 arourae, about 35 years old, of medium stature and honey-coloured complexion, with straight hair and a scar on his forehead under his hair; Ptolemaios ... *syntagmatarches*, of the Hermopolitai, about 50 years old, tall, of honey-coloured complexion, with straight hair; ... Macedonian, of the company of Patron, *syntagmatarches* of the royal guard, cleruch, about .... years old, of honey-coloured complexion, with a skimpy beard and a scar on his left eyebrow; Nikandros M... of the company of ...eios, commander of five hundred men, cleruch, about 30 years old, of medium stature, of honey-coloured complexion ... and a scar between his eyebrows; Aristodemos, Arcadian, holder of 100 arourae, of the royal guard, about ... years old, tall, of honey-coloured complexion, with a scar under his left eyelid; Eubo... of the royal guard, holder of 100 arourae, about 40 years old, of fair complexion, squarely-built, ...

*P. Petr.* I<sup>2</sup> 19

236–235 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[---].[---|--- 'Επι]δαύριος τῶν Ἀ[νδρίσκου (?) ---|---].[οὐ]λὴ ἐπ' ἀριστερ[--- εἴη  
 μέν μοι ὑγιαίνοντι | αὐτὸν τὰ] ἐμαντοῦ δι[οικεῖν. ἐὰν δέ τι ἀνθρώπινον πάθω, ||<sup>5</sup> ---  
 α]υτοῦ ...ιον κα[ὶ] τ[---|---].οπ[...]. τῶι πρεσβυτ[έ]ρ[ωι ---|---] ..ουκ ..αινης ..[--  
 -|---].[---]

The text, preserving fragments of the testator's description and the beginning of provisions of undeterminable character, is too fragmentary to be translated.

*P. Petr.* I<sup>2</sup> 20

236–235 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[---] τῇ θυγα[τρί μου ---|---]..δημος ἔως ἄ[ν ---|--- ἐὰν δέ] ἀπειθωσιν ἐξ[έ]στω ---]

1. *vel* τῇ θυγα[τρός μου

Lines 2–3 contain perhaps a fragment of testamentary manumission.

*P. Petr.* I<sup>2</sup> 21

236–235 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[---].εαρχα[---|---]..α.[---|---]ημο[---|---]απο[---|<sup>5</sup>---].κα[---|---]ωπ[---]

The text is too fragmentary to be translated.

*P. Petr.* I<sup>2</sup> 22, ll. 1–12  
235–234 BC  
Krokodilopolis

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[---]. | [βασιλεύοντος Πτολεμαίου τ]οῦ Πτολεμαίου καὶ Ἀρσινόης θεῶν | [Ἀδελ-  
φῶν ἔτους τρίτου καὶ δεκά]του, ἐφ' ἱερέως Σ[ωσιβ]ίου τοῦ | [Διοσκουρίδου Ἀλε-  
ξάνδρου καὶ] θεῶν Ἀδελφῶν καὶ θεῶν [Εὐε]ργετῶν, ||<sup>5</sup> [κανηφόρου Ἀρσινόης Φι-  
λαδέλφου] Βερενίκης τῆς Πτολεμ[αίου], | [μηνὸς ---, ἐν Κροκοδίλῳ] πόλει τοῦ  
Ἀρσινόϊτου νομοῦ, τᾶδε | [διέθετο νοῶν καὶ φρονῶν ---] Οἰταῖος τῶν Λίχα  
πεντακοσίαρχος | [κληροῦχος ὡς ἐτῶν ---] ἀναφάλακρος κατάρριν οὐλὴν ἔχων | [-  
-- εἴη μὲν μ]οι ὑγιαίνοντι τὰ ἐμαντοῦ οἰκονομεῖν. ||<sup>10</sup> [ἐὰν δέ τι ἀνθρώπινον πάθω,  
κα]ταλείπω τὰ ὑπάρχοντά μου πάντα | [καὶ ὃν ἔχω σταθμὸν ἐκ βασιλικο]ῦ ἐν ταῖς  
Καμῖνοις τοῦ Ἀρσινόϊτου | [νομοῦ καὶ ---]. καὶ τὰ συμβόλαια τῇ ἐμαντοῦ γυναι-  
κι | Ἀναξίλαι --- ἐὰν δ[έ] τι Ἀναξίλα ἀνθρώπινον πάθῃ, ἔστω | [--- τῶν κατα-  
λειφθέν]των ὑπό μου Κοσμέλας τῆς θυγατρὸς μου.

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, in the thirteenth year, Sosibios son of Dioskourides being priest of Alexander and the Sibling Gods and the Benefactor Gods, Berenike daughter of Ptolemaios being *kanephoros* of Arsinoe Philadelphos, in the month ... in Krokodilon Polis of the Arsinoite nome, ... an Oitaïos, of the company of Lichas, commander of five hundred men, cleruch, about ... years old, bald, with downwards hooked nose and a scar ... being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings, and the *stathmos* which I have received from the crown in Kaminoi of the Arsinoite nome, and ... and contracts to my wife Anaxila daughter of ... from ... If anything happens to Anaxila, a part (?) of the things bequeathed by me will belong to my daughter Kosmela.

*P. Petr.* I<sup>2</sup> 22, ll. 13–32  
235–234 BC  
Arsinoite nome

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

[βασιλεῦντος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν | ἔτους  
 τρίτου καὶ δεκάτου, ἐφ' ἱερέως Σωσιβίου τοῦ Διοσκουρίδου] ||<sup>15</sup> Ἀλ[εξάνδρου καὶ  
 θεῶν Ἀδελφῶν καὶ θεῶν Εὐεργετῶν, κληφόρου] | Ἀρσινόης Φιλ[αδέλφου Βερενίκης  
 τῆς Πτολεμαίου, μηνὸς ---] | ἐννεακαίδε[κάτη, ἐν --- τῆς --- μερίδος τοῦ] |  
 Ἀρσινόου νο[μοῦ, τάδε διέθετο νοῶν καὶ φρονῶν ---] | Μακεδῶν τ[ῶν --- τῆς ---  
 ] ||<sup>20</sup> ἵππαρχίας [(ἐκατοντάρουρος) ὥς ἐτῶν ---] | μεγαλόφθα[λμος --- εἴη μὲν μοι  
 ὑγιαίνοντι] | αὐτὸν τὰ αὐτ[οῦ διοικεῖν. ἐὰν δέ τι ἀνθρώπινον πάθω, καταλείπω] | τὸν  
 κληρῶν .[--- καὶ τὸν ἵππον] | ἐφ' οὗ στρ[α]τ[ε]ύομαι ---] ||<sup>25</sup> τῆς γυναικ[ος ---] | ἐὰν  
 δέ τι π[άθῃ ἀνθρώπινον ---] | τ[ῆς] προγεγραμ[μένης ---] .[... ε]...[--- ε] || ἐξελοῦση τι α  
 .[--- ἐπιτρόπους δὲ αἰροῦμαι] ||<sup>30</sup> βασιλέα Πτολε[μαῖον τὸν ἐκ βασιλέως  
 Πτολεμαίου καὶ Ἀρσινόης θεῶν] | Ἀδελφῶν κα[ὶ] βασιλίσσαν Βερενίκην τὴν βασι-  
 λέως Πτολεμαίου | ἀδελφὴν καὶ γυναικα καὶ τὰ τούτων τέκνα.]

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, in the thirteenth year, Sosibios son of Dioskourides being priest of Alexander and the Sibling Gods and the Benefactor Gods, Berenike daughter of Ptolemaios being *kanephoros* of Arsinoe Philadelphos, on the 19th of the month ... of the Arsinoite nome, ... Macedonian ... of ... hipparchy, holder of 100 arourae, about ... years old, ... large-eyed, being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath my *kleros* ... and the horse on which I campaign in the army ... of my wife... if anything happens to her ... of the abovementioned ... I choose for executors king Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children.

*P. Petr.* I<sup>2</sup> 23

235–225 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

[--- ἐὰν δέ τι ἀνθρώπινον πάθω, καταλείπω | τὰ ὑπάρχ]οντά μοι π[άντα ---]---  
 τῇ ἐμαυτοῦ γυναικί ---]--- ἄλλ]ωι δὲ οὐθενὶ οὐ[θὲν καταλείπω. ἐπιτρόπους δὲ  
 αἰροῦμαι ||<sup>5</sup> βασιλ]έα Πτολεμαῖο[ν τὸν ἐκ βασιλέως Πτολεμαίου καὶ Ἀρσινόης |  
 θεῶν Ἀ]δελφῶν καὶ [βασιλίσσαν Βερενίκην τὴν βασιλέως Πτολεμαίου | ἀδε]λφὴν  
 καὶ γυναικ[α καὶ τὰ τούτων τέκνα. μάρτυρες· ---] κλῆς Κυρηναῖ[ος --- τῶν ---]-  
 --] ὡς ἐτῶν με ---||<sup>10</sup>--- οὐλὴ ὕπ[ρ' ὀφρῶν δεξιάν, ---] ὥς ἐτῶν ..] εὐμεγέθης

με[λίχρους ---|---]ξενος Ἡρακλείδ[ου ---|---]ς τετανὸς ἀναφ[άλαντος ---| τῆς --  
 -]της ἵππαρχ[ας (ἐκατοντάρουρος) ὡς ἐτῶν ---||<sup>15</sup>---]...[---| τῆς --- ἵππ]αρχίας  
 (ἐκατοντάρουρος) [ὡς ἐτῶν ---|---] τετανὸς [---|---]...[---]

... if anything happens to me, I bequeath all my belongings ... to my wife ... I bequeath nothing to anyone else. I choose for executors king Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: ...kles from Kyrene ... about 45 years old ... with a scar under his right eyebrow ... about ... years old ... tall, of honey-colored complexion ...; ...xenos son of Herakleides ... with straight hair and bald forehead ... of ... hipparchy, holder of 100 arourae, about ... years old ...; ... of ... hipparchy, holder of 100 arourae, about ... years old ... with straight hair ...

*P. Petr.* I<sup>2</sup> 24, ll. 1-14

226-225 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[ἐπιτρόπους δὲ αἰροῦμαι βασιλέα Πτολεμαίου τὸν ἐκ βασιλέως Πτολεμαίου καὶ |  
 Ἀρσινόης θεῶν Ἀδελφῶν καὶ βασιλ[ισ]σαν Βερενίκην τὴν β[ασ]ιλέως [Πτολε-  
 μαίου | ἀδελφῇ]ν καὶ γυναιῖκα καὶ τὰ τούτων τέκνα. μάρτυρες· Ἰάσων Ἀχαιοὺς τῶν  
 ἐκ τοῦ Ἐρ[μο]πολίτου πρώτων τῆς τετάρτης ἵππαρχίας ἐκατοντάρουρος ὡς ἐτῶν  
 πενήκοντα π[έν]τε | μέσος μεγ[έ]θῃ [λε]υκόχρως ἀναφάλανθος οὐλὴ μετώπῳ ἐγ  
 δεξιῶν, Ἀσκληπιόδωρος Διονυσίου ||<sup>5</sup> ---]ν τῆς ἐπιγονῆς ὡς ἐτῶν τριάκοντα εὐ-  
 μεγέθης μελίχρως ἀναφάλανθος ἡσυχῇ | [οὐλὴ] ὑπὸ σιαγόνα δεξιάν, Ἀπολλώνι[ος  
 ....]... [Ἡρα]κλεώτης τ[ῆς] ἐπιγονῆς ὡς ἐτῶν τεσσα[ρά]κοντα μέσος] μεγέθει  
 μελίχρως κλαστ[ό]θριξ ἀναφ[ά]λανθος οὐλὴ μέσῳ μετώπῳ καὶ ἄλλῃ | [--- Παρ-  
 μ]εν[ί]ωνος Μακεδὼν τῇ[s] ἐπιγ[ον]ῆς ὡς ἐτῶν ἐξήκοντα εὐμεγέθης | [μελίχρ]ως  
 ἀναφάλακρος οὐλὴ μετώπῳ ἐκ δεξιῶν [καὶ ἄλλῃ ὑπὸ μυκτήρα ἀριστερόν, ||<sup>10</sup>  
 [---] Πολιάρχου Φιλαδέλφειος τῶν Ἱπποκράτου[s] τῇ[s] τρίτης ἵππαρχίας  
 ἐκατοντάρουρος | [ὡς ἐτῶν] ἐξήκοντα εὐμεγέθης μελίχρως [...]. παχύρριν οὐλὴ  
 γενεῖαι ἐγ δεξιῶν, | [ἄλλῃ ῥ]ινὶ ἐξ ἀριστερῶν, Διονυσόδωρος [.....] Ἀνδρομάχειος  
 τῶν Ἀγησάρχου π[---].... τ]ακτόμισθος κληροῦχος ὡς ἐτῶν τε[σσαρά]κοντα ---  
 με[λίχρ]ως [---].... ο]ὐλὴ εὐσημος μετώπῳ μέσῳ.

4. ἀναφάλαντος || 5. ἀναφάλαντος || 7. [ἀναφά]λαντος || 13. *vel* τ[ριάκοντα]

I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: Iason, Achaian, of the company of the first-class soldiers of the Hermopolite nome, of the fourth hipparchy, holder of one hundred arourae, about fifty-five years old, of medium stature and fair complexion, with a bald forehead and a scar on his forehead to the right; Asklepiodoros son of Dionysios, ... of the *epigone*, about thirty years old, tall, of honey-coloured complexion, with balding forehead and a scar below his right cheek; Apollonios son of ... Herakleian of the *epigone*, about forty years old, of medium stature and of honey-coloured complexion, with curly hair and a bald forehead, with a scar in the middle of his forehead and another one ...; ... son of Parmenion, Macedonian of the *epigone*, about sixty years old, tall, of honey-coloured complexion, with bald forehead, with a scar on his forehead to the right and another one under his left nostril; ... son of Poliarchos, of the deme Philadelphieios, of the company of Hippokrates and the third hipparchy, holder of one hundred arourae, about sixty years old, tall, of honey-coloured complexion, ... with a thick nose, a scar on his chin to the right and another one on his nose (?) to the left; Dionysodoros, son of ... of the demos Andromacheios, of the company of Agesarchos, ... *taktomisthos*, cleruch, about forty (?) years old, ... of honey-coloured complexion, ... and a conspicuous scar in the middle of his forehead.

*P. Petr.* I<sup>2</sup> 24, ll. 15–38  
226–225 BC  
Krokodilopolis

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

Ἐανδικοῦ α Ἀφροδίσιος Ἀ[ξιοθέαι] | [βασιλευ]οντος Πτολεμαίου > τοῦ Π[τ]ο-  
λεμαίου καὶ Ἀρσινόης θεῶν | [Ἀδελφῶν ἐ]του[s] δευτέρου καὶ εἰκοστοῦ, [ἐ]φ'  
[ί]ε[ρ]έως Ἀλ[εξικρ]άτους | [τοῦ Θεο]γένους Ἀλ[εξά]νδρου καὶ θεῶν Ἀδελφῶν καὶ  
θεῶν Ε[ὐεργ]ετῶν, | [κανηφόρου Ἀ]ρσινόης Φιλαδέλφου Βερενίκης τῆς  
Καλλιάν[ακτος], ||<sup>20</sup> μὴνὸς Ε[ἰ]ανδικοῦ νομηνίαι, ἐν Κροκοδίλῳ[ν] π[ό]λει τ[ο]ῦ  
[Ἀ]ρ[σινό]του | νομοῦ, τὰδε διέθετο νοῶν καὶ φρονῶν Ἀφροδίσιος Ἡρακλείδ[ου] |  
--]ιος παρεπίδημος ὡς ἐτῶν ὀγδοήκοντα βραχὺς | [μελίχρ]ως ἐπίγρυπος χαροπὸς  
κλαστόθριξ ἀναφάλανθος ὦτα | [τετρ]ημένος. εἴη μέμ μοι ὑγιαίνοντα αὐτὸν τὰ  
ἐμαντοῦ ||<sup>25</sup> [διοικ]εῖν. εἰάν δέ τι πάθῃ ἀνθρώπων[ο]ν, καταλείπω τὰ ὑπάρχοντά  
μου | [πάντ]α Ἀξιοθέαι Διζούλου Θραίσσηι. ἄλλωι δέ οὐθενὶ οὐδὲν καταλείπω. |

[ἐπιτρόπ]ους δὲ αἰροῦμαι βασιλέα Πτολεμαῖον τὸν ἐγ βασιλείῳς | [Πτολεμ]αίου  
καὶ Ἀρσινόης θεῶ[ν Ἀδελ]φῶν καὶ βασιλίσσαν Βερενίκην | [τὴν βασι]λέως Πτολε-  
μαίου ἀδελφὴν καὶ γυναῖκα καὶ τὰ τούτων ||<sup>30</sup> [τέκνα.] μάρτυρες· Πάρις Θεοφίλου  
Θεσσαλὸς τῆς ἐπιγονῆς ὡς ἐτῶν | [πεντῇ]κοντα μέσος μεγέθει μελίχρως μακρο-  
πρόσωπος τετανόθριξ | [οὐλή] μετώπῳ μέσῳ καὶ φακὸς παρ' ὀφθαλμὸν δεξιόν,  
Γέτας | [---] Κῳιος τῆς ἐπιγονῆς ὡς ἐτῶν τριάκοντα μέσος μεγέθει | [μελίχρ]ως  
στρογγυλοπρόσωπος ἑνσίμος σύνοφρυς οὐλή ἐφ' ἑκατέρας ||<sup>35</sup> [ὀφρύος], Νείλων  
Σωταίρου Λίβυς τῆς ἐπιγονῆς ὡς ἐτῶν τριά[κοντα] βραχὺς μελίχρως στρογγυ-  
λοπρόσωπος τετανόθριξ οὐλή | [ἀνὰ μέ]σον ὀφρύων, Δημήτριος Δημητρίου  
Ἰσθμίου ὡς ἐτῶν | [πεντ]ήκοντα εὐμεγέθης μελίχρως ἀναφάλακρος ἐπίγρυνπος  
(traces of 10 lines)

23. ἀναφάλαντος

1 Xandikos, Aphrodisios to Axiothea. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, in the twenty-second year, Alexikrates son of Theogenes being priest of Alexander and the Sibling Gods and the Benefactor Gods, Berenike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the first day of the month Xandikos, in Krokodilon Polis of the Arsinoite nome, Aphrodisios son of Herakleides ... local resident, about eighty years old, short, of honey-coloured complexion, with a hooked nose, grey-blue eyes, curly hair, a bald forehead and pierced ears, being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath all my belongings to Axiothea, daughter of Dizoulas, Thracian. I bequeath nothing to anyone else. I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: Paris son of Theophilos, Thessalian of the *epigone*, about fifty (?) years old, of medium stature and honey-coloured complexion, with a long face and straight hair, with a scar in the middle of his forehead and a mole beside his right eye; Getas, son of ... from Kos, of the *epigone*, about thirty years old, of medium stature and honey-coloured complexion, with a round face, snub-nosed, with meeting eyebrows and a scar on each eyebrow; Neilon son of Sotairos, Libyan of the *epigone*, about thirty years old, short, of honey-coloured complexion, with a round face, straight hair and a scar between his eyebrows; Demetrios son of Demetrios, of the deme Isthmious, about fifty (?) years old, tall, of honey-coloured complexion, bald, with a hooked nose ...

*P. Petr.* I<sup>2</sup> 24, ll. 39–58  
226–225 BC  
Arsinoite nome

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

βασιλ[εύοντος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης θεῶν Ἀδελφῶν] ||<sup>40</sup>  
ἐτο[υ]ς δευτέρου καὶ εἰκοστοῦ, ἐφ' ἱερέως Ἀλεξικράτους τοῦ Θεογένους Ἀλεξάν-  
δρου] | καὶ θεῶν Ἀδελφῶν καὶ θεῶν Εὐεργετῶν, κανηφόρου Ἀρσινόης Φιλαδέλ-  
φου] | Βερε[νίκης τῆς Καλλιάνακτος, μηνὸς Ξανδικοῦ ---, ἐν Κροκοδίλων πόλει] |  
τοῦ Ἀ[ρσινοῖτου νομοῦ, τὰδε διέθετο νοῶν καὶ φρονῶν ---] | τῶν [---] ||<sup>45</sup> ἐρυθ[ρί]ας  
--- εἴη μὲν μοι] | ὑγι[αίνοντι αὐτὸν τὰ ἑμαυτοῦ διοικεῖν. ἐὰν δέ τι πάθω ἀνθρώ-  
πων,] | κ[αταλείπω ---] | ..[---] | σταθ[μὸν ---] 5 lines missing [--- ἐπιτρόπους δὲ  
αἰροῦμαι βασιλέα Πτολεμαῖον τὸν] ||<sup>55</sup> ἐγ[ὼ βασιλέως Πτολεμαίου καὶ Ἀρσινόης  
θεῶν Ἀδελφῶν καὶ βασιλίσσαν Βερενίκην] | τῇ[ν βασιλέως Πτολεμαίου ἀδελφὴν  
καὶ γυναικα καὶ τὰ τούτων τέκνα. μάρτυρες.] | Κα[---] | μ[---]

In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, in the twenty-second year, Alexikrates son of Theogenes being priest of Alexander and the Sibling Gods and the Benefactor Gods, Berenike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the ... day of the month Xandikos, in Krokodilon Polis of the Arsinoite nome, ... of ruddy complexion ... being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me, I bequeath ... *stathmos* ... I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children. Witnesses: ...

*P. Petr.* I<sup>2</sup> 25, ll. 1–7  
226–225 BC  
Arsinoite nome

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

βασιλεύοντ[ος Πτολεμαίου τοῦ Πτολεμαίου καὶ Ἀρσινόης θεῶν] | Ἀδελφῶν ἔ[τους  
δευτέρου καὶ εἰκοστοῦ, ἐφ' ἱερέως Ἀλεξικράτους] | τοῦ Θεογέν[ους Ἀλεξάνδρου καὶ  
θεῶν Ἀδελφῶν καὶ θεῶν Εὐεργετῶν,] | κανηφόρου [Ἀρσινόης Φιλαδέλφου Βερενίκης  
τῆς Καλλιάνακτος,] ||<sup>5</sup> μηνὸς Ξα[νδικοῦ ---] | θεισων εν[---] | Ἀττίου τετ[---]

*P. Petr.* I<sup>2</sup> 25, ll. 8–39  
226–225 BC  
Krokodilopolis

Greek  
Papyrus  
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Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

Ξανδικοῦ [ια --- ἡς Ἀρτε]μιδώραι | βασιλεύοντ[ο]ς Πτολεμα[ίου] τοῦ Πτολεμαίου  
καὶ Ἀρσιωνῆς [θεῶν Ἀδελφῶν] ||<sup>10</sup> ἔτους δευτέρου καὶ εἰκ[οστοῦ, ἐφ' ἱερέως  
Ἀλεξικ]ράτους τοῦ Θεογέ[νους Ἀλεξάνδρου] | καὶ θεῶν Ἀδελφῶν καὶ θ[εῶν Εὐ-  
εργετῶν, κληφόρου Ἀρσιωνῆς Φιλ[αδέλφου Βερενίκης] | τῆς Καλλιάνακτος.  
μην[ὸς Ξανδικοῦ ἑνδεκάτη] ἐν Κροκοδίλῳ πόλ[ει τοῦ Ἀρσιωνοῦ] | νομοῦ, τάδε  
διέθετο νοῶν [καὶ φρονῶν ---] ἡς Φίλωνος Σολ[εὺς τῆς ἐπιγονῆς] | ὡς ἔτων ἐξήκοντα  
μέσ[ος μεγέθει βεβλαμμέν]ος τὸν ἀρι[σ]τερ[ὸν ὀφθαλμόν] ||<sup>15</sup> οὐλὴ ὑπ' ὧς δεξιόν. εἴη  
μέν [μοι ὑγιαίνουντι αὐτὸν] τὰ ἑμαυτοῦ διοικε[ῖν. ἐὰν δέ τι πάθω] | ἀνθρώπινον καὶ  
τελευτ[ήσω τὸν βίον, καταλείπω] τὰ ὑπάρχοντά [μοι πάντα τῇ] | γυναικί μου  
Ἀρτεμιδ[ώραι --- καὶ] τοῖς παιδίοις [τοῖς ἐξ αὐτῆς] | Ἀριστοκ[ράτ]ῃ καὶ  
Πτολεμ[αίω] καὶ Τετ... καὶ Νικοῦ[ῖ]. κυριεύσει Ἀρ[τεμιδώρα τῶν] | ὑπαρχόντων  
...[.][--- ἐφ' ὧι π]αρέξει το[ῖς παιδίοις τοῖς] ||<sup>20</sup> προγεγ[ραμ]μένοις τὰ [δέοντα καὶ  
τὸν ἴμα]τισμόν κα[ὶ ὅσα] καθήξει [ἐν αὐτοῖς κατὰ] | δύνα[μιν τῶν] ὑπ[α]ρχόντων  
[αὐτῇ]. Ἀρ[ισ]τοκράτης δ[ὲ ---] | εἰ[.....]σι λαμβανέτω τ[.....]τ[---]. περὶ  
Σε[βέν]υτον τῆς Ἡρακλείδου μεριδ[ος τοῦ Ἀρσι]νοῦτο νομοῦ ὧ[ν γείτονες] | νότου  
...[.]κ[...], βορρᾶ διώρυξ, ἀπληγῶτος Ὀγγῶφριος ἀμπελών, λιβὸς χέρσος [---] ||<sup>25</sup>  
[--- ἐκ] τοῦ κοινοῦ τῶν βασιλικῶν κατ[ὰ ...] θ[...]. τῶν. ἐγδόσθω δ[ὲ Ἀρτε]μιδώ[ρα  
τὰς θυ]γατέρας Τετ[...]. καὶ Νικοῦν, διδοῦσα φερνὴν ἐκάστη ἥν ἂν [αὐτῇ] |  
φαίνη[ται ἀπὸ τῶν] ὑπαρχόντων. ἐὰν δέ [τ]ι πάθῃ [Ἀρ]τεμιδώρα πρὸ τοῦ  
ἐ[κδεδόσθαι] | τὰς θυγατέρας, ἔστω τὸ ἥμ[ισυ] τοῦ προ[γε]γραμμένου μου  
ἀμπελώνος [καὶ τῶν] | συγκυ[ρόντων αὐ]τῷ πάντων Ἀριστοκράτου τοῦ  
πρεσβυτέρου μ[οῦ] υἱοῦ, τὰ δὲ ||<sup>30</sup> λοιπὰ [---] πάντα τ[ῶν] τέκνων μου Ἀριστο-  
κράτους καὶ Πτολεμ[αίου] καὶ | Τετ... καὶ Νικοῦ[ς]. ἐγδοθῇσῶν δὲ τῶν θυγατέρω[ν]  
ἐὰν τι πάθῃ Ἀρτε[μιδώρα] --- τοῦ ἡ[μί]σους τοῦ ἀ[μπελ]ῶνος οὗ καταλ<sup>ε</sup>ξιπῶ  
Ἀριστοκράτη, τὰ λοιπὰ τῶν | ἑμαυτοῦ ὑπαρχόντων Ἀριστ[οκράτη] καὶ

Πτ]ολεμ[αίωι], καὶ [μ]ὴ ἐξέστω Ἀρ[τεμιδώραι] |--- ἀπε[ν]ε[γ]κασθα[ι] μὴτὲν τῶν  
 ὑπαρχόν]των μου μὴδ' ἐξαλλ[οτριῶσαι] ||<sup>35</sup> --- ἄ]κυρος ἔστω [---] εἰσδιδότην δὲ  
 Ἀ[ριστοκράτης] (?) |--- τοῦ ἀμπελ]ώνος ἀπὸ τ[---] εἰς ἔτη π[έντε] καθ' ἕτος' χαλκοῦ  
 νο[μίσματος] | δραχμὰς ἑκατὸ]ν (?) ἀφ' οὗ ἂν ἔτ[ους] --- ἄλ]λων δὲ οὐθεν[ι] οὐθεν |  
 καταλείπω. ἐπιτρόπ]ους δὲ αἰροῦμ[αι] βασιλέα Πτολεμαῖον τὸ]ν ἐγ βασιλέως  
 [Πτολεμαίου] καὶ Ἀρσινόης θεῶν Ἀδελφῶν καὶ βασιλίσσαν Βερενίκην τὴν βασιλέως  
 Πτολεμαίου ἀδελφὴν καὶ γυναῖκα καὶ τὰ τούτων τέκνα.]

15. οὗς

11 Xandikos. ...es to Artemidora. In the reign of Ptolemy son of Ptolemy and Arsinoe, the Sibling Gods, in the twenty-second year, Alexikrates son of Theogenes being priest of Alexander and the Sibling Gods and the Benefactor Gods, Berenike daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the eleventh day of the month Xandikos in Krokodilon Polis of the Arsinoite nome, ...es son of Philon, from Soloi, of the *epigone*, about sixty years old, of medium stature, being disabled at his left eye, with a scar under his right ear, being of sound mind and in full possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me and my life comes to its end, I bequeath all my belongings to my wife Artemidora daughter of ... and to my children Aristokrates and Ptolemaios and Tet... and Niko. Artemidora will master my property ... on condition that she will provide for the children mentioned above food (?) and clothing, and everything which is fitting from this property. Aristokrates ... will get the vineyard near Sebennytyos in the division of Herakleides of the Arsinoite nome, of which the neighbours are: south ... north a canal, east the vineyard of Onnophris, west a dry plot ... after the taxes have been paid (?) from the public fund (?) for one year (?). Artemidora shall give in marriage our daughters, Tet... and Niko, giving to each of them as *pherne* what she considers fitting from my property. If anything happens to Artemidora before the daughters are given into marriage, then half of my abovementioned vineyard with all appurtenances will belong to Aristokrates, my eldest son, all the rest of my property will belong to my children Aristokrates and Ptolemaios, and Tet... and Niko. If anything happens to Artemidora after the daughters have been given into marriage, then, with the exception of (?) the half of the vineyard which I bequeath to Aristokrates, the rest of my property will belong to Aristokrates and Ptolemaios. It will not be permitted to Artemidora ... to carry away anything of my property or to alienate it. Such act will be (?) invalid. Aristokrates shall give as rent (?) for the vineyard ... for five years each year one hundred copper drachmae, starting from the year that ... I bequeath nothing to anyone else. I choose for executors king Ptolemy son of king Ptolemy and Arsinoe, the Sibling Gods, and queen Berenike, the sister and wife of king Ptolemy, and their children.

*P. Petr.* I<sup>2</sup> 26, ll. 1–7  
226–225 BC  
Arsinoite nome

Greek  
Papyrus  
Copy within collection

Text after *P. Petr.* I<sup>2</sup>

[--- οὐλή] | ἀνὰ μέσον ὀφρύων καὶ ἄλλα[ι --- Ἀλεξανδρεὺς] | τῆς ἐπιγονῆς τῶν  
οὐπῶ [ἐπηγμένων εἰς δῆμον --- ὡς ἐτῶν ---] | πέντε μέσος μεγέθει μελ[ίχρως ---  
||<sup>5</sup> Ε]ὐβιος Καμπανὸς τῶν Α [--- ὡς ἐτῶν ---. | β]ραχὺς μελίχρως μακροπρ[ό-  
σωπος ---] Ν]ικάνωρ Ζωπυρίωνος Ἡπ[ειρώτης (?) τῆς ἐπιγονῆς ὡς ἐτῶν ---] |  
μέσος μεγέθει μελίχρως [---]

... with a scar between his eyebrows and others ... Alexandrian of the *epigone*,  
belonging to these not yet enrolled in deme ... about ...-five years old, of medium  
stature, of honey-coloured complexion ...; Eubios, Campanian, of the company  
(?) ... about ... years old ..., short, of honey-coloured complexion, long-faced ...;  
Nikanor son of Zopyrion, from Epirus, of the *epigone*, about ... years old, of  
medium stature, of honey-coloured complexion ...

*P. Petr.* I<sup>2</sup> 26, ll. 8–14  
226–225 BC  
Arsinoite nome

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

ἰς Ἡρακλεῖ[δης ---] βασιλε]ύοντος Πτολεμαίου [τοῦ Πτολεμαίου καὶ Ἀρσινόης  
θεῶν Ἀδελφῶν, ἔτους ||<sup>10</sup> δευτέρου] καὶ εἰκοστοῦ, ἐφ' [ιέρεως Ἀλεξικράτους τοῦ  
Θεογένους Ἀλεξάνδρου καὶ θεῶν | Ἀδελφῶ]ν καὶ θεῶν Εὐεργε[τῶν, κληφόρου  
Ἀρσινόης Φιλαδέφου Βερενίκης τῆς | Καλλιάν]ακτος, μηνὸς Ἀρ[τεμίσίου ἑκτῆς  
καὶ δεκάτης, ἐν --- τοῦ Ἀρσινοῦτου νομοῦ | τὰδε διέθετο νοῶν καὶ φρονῶν Ἡρα-  
κλεΐδης ---]

16. Herakleides to (?) ... In the reign of Ptolemy son of Ptolemy and Arsinoe, the  
Sibling Gods, in the twenty-second year, Alexikrates son of Theogenes being  
priest of Alexander and the Sibling Gods and the Benefactor Gods, Berenike  
daughter of Kallianax being *kanephoros* of Arsinoe Philadelphos, on the sixteenth  
day of the month Artemisios in ... of the Arsinoite nome, Herakleides ... being of  
sound mind and in full possession of his wits, has made this will.

*P. Petr.* I<sup>2</sup> 27

226–225 BC

Arsinoite nome

Greek

Papyrus

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Text after *P. Petr.* I<sup>2</sup>Translation: W. CLARYSSE in *P. Petr.* I<sup>2</sup> (below)

[καταλείπω τὰ ὑπάρχο]ντά μοι πάντ[α].[...].[---| ἄλλωι δὲ οὐθενὶ οὐθέν κα]-  
ταλείπω. ἐπιτρόπους δὲ αἰροῦμαι βα[σιλέα Πτολε]μαῖον καὶ Βερενίκην καὶ τὰ]  
τούτων τέκνα. μάρτυρες· Νικάνω[ρ Μακεδών | τῶν Ἱπποκράτους τῆς δευτέρ]ας  
ἱππαρχίας ἑκατοντάρουρος ὥς ἐτ[ῶν ---||<sup>5</sup> --- ἀναφάλα]νθος μακροπρόσωπος  
ὑπόσκινιπος [---|--- τῶν Ἱπποκρ]άτους τῆς δευτέρας ἱππαρχίας ἑκα[τοντάρουρος  
| ὥς ἐτῶν ---. εὐμεγ]έθης μελίχρως μακροπρόσωπος τετα[νόθριξ ....|--- λοβοὶ  
ῶτων] προσφυεῖς, Διογένης Μακεδών τῶ[ν ---| τῆς ---. ἱππαρχίας ἑκατ]ον-  
τάρουρος ὥς ἐτῶν ὀγδο[ε]ήκοντα [---||<sup>10</sup> --- θ]ριξ ἀναφάλανθος ὀξυρ<ρ>ιν οὐλή  
σιαγόνι ἀρ[ιστερῶν ...|--- φα]κὸς [σια]γόνι ἀριστερῶν, Πολύνδικος Μακεδών τῶν  
| [---. τῆς ---. ἱππαρχίας] ἑκατοντάρουρος ὥς ἐτῶν ἐξήκοντα μέσος | [μεγέθει --  
- τ]ετανόθριξ ὧτα μείζω οὐλή ἐπὶ τοῦ κάτω χ[εῖλος --- Μ]ακεδών τῶν Ἱππο-  
κράτους τῆς δευτέρας ||<sup>15</sup> [ἱππαρχίας ἑκατοντάρουρος ὥς ἐτῶν ---]

5 [ἀναφάλα]ντος

... I bequeath all my belongings to ... I bequeath nothing to anyone else.  
I choose for executors king Ptolemy and Berenike, and their children. Witness-  
es: Nikanor, Macedonian, belonging to the company of Hippokrates and to the  
second hipparchy, holder of one hundred arourae, about ... years old, ... with a  
bald forehead and a long face, having a slight squint ...; ... belonging to the com-  
pany of Hippokrates and to the second hipparchy, holder of one hundred  
arourae, about ... years old, tall, of honey-coloured complexion, with a long face  
and straight hair, ... with attached earlobes; Diogenes, Macedonian, belonging  
to the company of ... and to the ... hipparchy, holder of one hundred arourae,  
about eighty years old, ... with ... hair, with bald forehead, a sharp nose and a scar  
on his left cheek, ... with a mole on his left cheek; Polyndikos, Macedonian,  
belonging to the company of ... and to the ... hipparchy, holder of one hundred  
arourae, about sixty years old, of medium stature, with straight hair, large ears,  
and a scar on his lower lip; ... Macedonian, belonging to the company of Hippo-  
krates ... and to the second hipparchy, holder of one hundred arourae, about ...  
years old ...

*P. Petr.* I<sup>2</sup> 28  
226–225 BC  
Arsinoite nome

Greek  
Papyrus  
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Text after *P. Petr.* I<sup>2</sup>

[---] τῆς Θεμίστου μερίδος τοῦ Ἀρ[σινοίτου ---] σ]ταθμῶι πάντα Ἀγεμόναι ἐμαντοῦ  
θ[υγατρί. ἐπιτρόπους δὲ αἰροῦμαι βασιλέα | Π]τολεμαῖον καὶ βασίλισσαν Βερενίκην  
[καὶ τὰ τούτων τέκνα. ἡ δὲ διαθήκη ἦδε | κυ]ρία ἔστω. μάρτυρες· Νικάνωρ Ἀρκά[ς  
τῶν --- κληροῦχος ὡς ἐτῶν] ||<sup>5</sup> πεντήκοντα πέντε εὐμεγέθης μ[ελίχρως --- οὐλὴ |  
ὑπὲρ ὁ]φρῶν ἀριστεράν, [Ἀρ]ιστόμαχος Θ[---|---] λευκόχρως τ[---]

... of the Themistos' division of the Arsinoite nome ... everything belonging to *stathmos* to my daughter Hagemona. I choose for executors king Ptolemy and queen Berenike, and their children. The will shall be valid. Witnesses: Nikanor, Arcadian of the company of ... cleruch, about fifty-five years old, tall and of honey-coloured complexion ... with a scar over his left eyebrow; Aristomachos ... of pale complexion ...

*P. Petr.* I<sup>2</sup> 29  
226–225 BC  
Arsinoite nome

Greek  
Papyrus  
Copy within collection

Text after *P. Petr.* I<sup>2</sup>

[ὡς δεξι]ὸν κολοβόν, Ἀμύντ[ας --- ὡς ἐτῶν |--- ἐπ]τὰ μέσος πυρρακῆς τ[---]

1. οὖς

... without his right ear; Amyntas ... about ... seven years old ... of medium height, ruddy...

*SB XII* 10859  
220 BC  
Ghoran

Greek  
Papyrus  
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Text after *SB XII*

βα[σι]λεύοντος Π[τολεμαίου τοῦ] Πτολεμαίου καὶ Βερεν[ε]ϊκής θεῶν Εὐεργετῶν  
 ἔτους δευτέρου | ἐπ[ὶ] ἱε[ρ]έως Πυθέου [τοῦ] Απολλοδώρου Ἀλεξάνδρου καὶ θεῶν  
 Ἀδελφῶν καὶ θεῶν Εὐεργετῶν κα[ὶ] νη[φ]όρου Ἀρσινόης[ς] Φιλα[δ]έλφου Θεμισ-  
 {σ}τοῦς τῆς Καλλιμήδους μηνὸς Λωίου Αἰγυπτίων δ[ε] | Τῷ[βι] δευτέραι ἐν Ἀρσι-  
 νόμῃ τῇ ἐπὶ τοῦ χῶματος τῆς Θεμισ[σ]του μερίδος τοῦ Ἀρσινοΐτου νο[μ]ῶ[ς].  
 τὰδε διέθ[ε]το νοῶν καὶ φρονῶν Ἀλέξιππος Σισ[σ]ίνου Πέρσης τῆς ἐπιγονῆς ὡς  
 ἐτῶν ἑξή[κ]κ[οντ]α μέσος μεγέθει μελάγχρως μικρόφθ[α]λμος ὑπόσκνιφος τετανὸς  
 ἀναφάλαντος. Ἦη μ[έν] | μο[ι] ὑγ[ι]αίνοντ[α] τὰ ἐμ[α]ντ[οῦ] [οἰ]κονομεῖν | ὀλοῖκεῖν  
 εἰ δέ τι ἀνθρώπινον πάσ[σ]χω καὶ τὸν βίον τελευτήσω η. [---|---]τω[... ἔ]μαν-  
 τοῦ [ὑ]πάρχοντα πάντα καὶ εἴ τινα μοι συναλλάγματα ὑπάρχει [---|---].[---]  
 Ἀγαθοκλ[---] τε[---]...[---]

6. ὑπόσκνιφος (ὑπόσκνιπος) || 7. εἴη

In the reign of Ptolemy son of Ptolemy and Berenike, the Benefactor Gods, in the second year, Pytheas son of Apollodoros being priest of Alexander and the Sibling Gods and the Benefactor Gods, Themisto daughter of Kallimedes being *kanephoros* of Arsinoe Philadelphos, on the second day of the month Loios, that is the Egyptian month Tybi, in Arsinoe in the territory of the Themistos division in the Arsinoite nome. Alexippos son of Sisines, Persian of the *epigone*, about sixty years old, of medium stature, black-skinned, small-eyed, somewhat short-sighted, with straight hair and bald forehead, being of sound mind and in possession of his wits, has made this will. May I enjoy good health and manage my own affairs. But if anything happens to me and I die ... (I bequeath) all my belongings and any future transactions ...

P. Dryton I = SB XX 14579 (edition)

164 BC

Diospolis Mikra

Greek & Demotic

Papyrus

Original

Text after P. Dryton

Translations: Katelijjn VANDORPE in P. Dryton (below); with minor changes by MN; French: B. LEGRAS, 'Les testaments grecs dans le droit hellénistique: la question des héritières et des testatrices', *Symposium* 2005, pp. 293–306, at pp. 304–305

Recto (fragments 1–5, 7, 12–14)

[Βασιλευόντων Πτολεμαίου καὶ Πτολεμαίου τοῦ ἀδελφοῦ καὶ Κλεοπάτρας τῆς

ἀδελφῆς τῶν Πτολεμαίου καὶ Κλεοπάτρας θεῶν Ἐπιφανῶν ἔτους 5 ἐφ' ἱερέως  
 Πολυκρίτου τοῦ Ἀριστοδήμου Ἀλεξάνδρου καὶ θεῶν Σωτήρων καὶ θεῶν Ἀδελφῶν  
 | καὶ θεῶν Εὐεργετῶν καὶ θεῶν Φιλ[οπατόρων καὶ θεῶν Ἐπιφανῶν καὶ θεῶν  
 Φιλομητόρων, | ἀθλοφόρου Βερενίκης Εὐεργ[ετίδος Ἀριστονίκης τῆς Νωλῆς,  
 κανηφόρου Ἀρσινόης Φιλαδέλφου ||<sup>5</sup> Ἑρμοκρατείας τῆς Ἑρμοκράτου[s, ἱερείας  
 Ἀρσινόης Φιλοπάτορος Δημαρίου τῆς Μητροφάνους | τῶν οὐσῶν ἐν Ἀλεξανδρείᾳ·  
 ἐν δὲ Πτολεμαίδι τῆς Θηβαίδος ἐφ' ἱερέων Πτολεμαίου μὲν Σωτήρος | Νουμηρίου  
 τοῦ Ἡρακλεοδώρου, βασιλέως δὲ Πτολεμαίου Φιλομήτορος --- τοῦ Εὐρυμάχου, |  
 Πτολεμαίου δὲ Φιλαδέλφου [Ἀρίστονος τοῦ Καλλικλέους, ἐφ' ἱερείων βασιλίσσης  
 Κλεοπάτρας | Ἀγαθοκλείας τῆς Νουμ[η]νίου, Κ[λεοπάτρ]ας δὲ τῆς μη[τρὸς Πτο-  
 λεμαίου Θεοῦ Ἐπιφανοῦς Εὐχαρίστου ||<sup>10</sup> Θαῖδος τῆς 3p<sup>tr</sup>, καν[ηφόρου Ἀρσι-  
 νόης Φιλ]αδέλφου Εὐχαρ[ίστης τῆς Πτολεμαίου τοῦ Πτολεμαίου τῶν οὐσῶν | ἐν  
 Πτολεμαίδι, μην]δὸς Παχῶ[v .. ἐ]ν Διὸς πόλει τῇ[ι μικρᾷ τῆς Θηβαίδος ἐπὶ  
 Διονυσίου | ἀγο]ρ[ανόμου. vac.? Τάδε διέθετο εὐαισθ]ητῶν νοῶν κα[ὶ φρονῶν  
 Δρύτων Παμφίλου Φιλωτέρειος τῶν ---] | ἱπ[πέω[v ὡς (ἐτῶν) .. μέ(σος) --- οὐ(λῆ)  
 παρ' ὀφρῶν ἀρι(στερὰν) ἄκρα[v. Εἴη μέμ[οι υ]γιαίνοντι τῶν ἑμ[αυτοῦ] κύριον εἶναι.  
 Ἐὰν δέ τι | ἀνθρώπ[ινον πάθος, καταλείπω καὶ δίδωμι ---] ||<sup>15</sup> Σαραπί[δ]·  
 Ἐσθλάδου τοῦ Θέωνος ἀσθή· ἥ συνειμι γυναικὶ κατὰ νόμους ---]· οὐ καὶ | δι' ἐμοῦ  
 [---]ωι αὐτ[οῦ]· [---] ἄλλωι δὲ οὐθ[εν] | καταλ[είπω] οὐδὲ δίδωμι· ἐπίτροπον δέ  
 καταλείπω [Ἑρμ. φίλον Παμφίλου Φιλωτέρειον Δρύτ]ωνι | Παμφ[ίλου --- τῶ]ν  
 μισθοφόρων ἱπ[πέω[v --- τ]οῦ προγεγραμμέ[νου ---] ||<sup>20</sup> ---]· ἰκ[α]νὸν μ[ηθ]ενὶ 5 [---  
 -[---]· υτο[ν] εἰς ὑποθή[κην ---]· [---]· [---] νη αὐτῶι | [---] (τάλαντα) ρ ||<sup>25</sup> [---]· ν  
 διομολογουμένον | [---]αντινος | [---] οἱ δύο | [---] ἱπ[π]εῖς | vac. [---] (ἔτους) 5  
 Παχῶ[v ..]

Recto (fragment 6; l. 2 is probably a part of the *epitropos*-clause, ll. 17–18)

[---]αὐτῶν [---]---] συγγενῇ [---] | traces

Recto (fragment 8)

[---]στον[---] | [---]· ἰσμου[---]

Recto (fragment 9; l. 3 is probably a part of the penalty clause, l. 20)

[---]· [---]· [---]

[---]· ἡ μένουσα [---]

[---]ιου (δραχμὰς) κβ η[---]

Recto, (fragment 10; l. 2 is a part of the list of witnesses, ll. 26–29)

[---]· [---]· [---]

[---] Ἀντιοχ[---]

[---]τ[---]

## Recto, (fragment 11)

[---] ἀπὸ τῶ[ν ---]

[---] τῶν ..[---]

## Verso (fragment 3)

[--- i ir Trwtwn sz Pnphylw] r s ʾ n tzy=f shm . t [Srpys ta zstlts]

## Recto

In the reign of Ptolemy and Ptolemy, his brother, and Cleopatra, his sister, children of Ptolemy and Kleopatra, the Manifest Gods, year 6, the priest of Alexander, the Saviour Gods, the Sibling Gods, the Benefactor Gods, the Father-loving Gods, the Manifest Gods, and the Mother-loving Gods being Polykritos son of Aristodemos, the *athlophoros* of Berenike Euergetis being Aristonike daughter of *Nwlzts*, the *kanephoros* of Arsinoe Philadelphos being Hermokrateia daughter of Hermokrates, the priestess of Arsinoe Philopator being Demarion daughter of Metrophanes; the priestesses who are (appointed) in Alexandria; in Ptolemais in the Thebaid, the priests of Ptolemy Soter being Noumenios son of Herakleodoros, of king Ptolemy Philometor being ... son of Eurymachos, of Ptolemy Philadelphos being Ariston son of Kallikles, the priestesses of queen Kleopatra being Agathokleia daughter of Noumenios, of Kleopatra, the mother of Ptolemy the Manifest and Beneficent God, being Thais daughter of *zpr*<sup>17</sup>, the *kanephoros* of Arsinoe Philadelphos being Euchariste daughter of Ptolemaios son of Ptolemaios: the priestesses who are (appointed) in Ptolemais, on ... of the month Pachon, in Diospolis Mikra in the Thebaid, before Dionysios, the *agoranomos*. These are the testamentary dispositions of Dryton son of Pamphilos, of the deme Philoteris, of the cavalrymen of ... about ... years old, of medium stature, ... with a scar at the top of his left eyebrow, having keen perception, being of sound mind and in possession of his wits. May it be granted to me to be master of my own property in good health. But if anything happens to me, I bequeath and give ... Sarapias daughter of Esthladas son of Theon, a citizen, the woman with whom I live according to the laws ... and through me ... I neither leave nor give anything to anybody else. As *epitropos* I choose Herm(a)o(philos son of Pamphilos, of the deme Philoteris, ... (a relative) of Dryton son of Pamphilos, ... of the *misthophoroi* of the cavalry ... year 6, Pachon ...

## Verso (in Demotic)

... which Dryton son of Pamphilos has drawn up for the woman Sarapias daughter of Esthladas.

*P. Dryton 2*

150 BC

Latopolis

Greek

Papyrus

Original

Text after *P. Dryton*Translations: K. VANDORPE in *P. Dryton* (below); French: B. LEGRAS, 'Les testaments grecs' (cit. above, p. 256), p. 305

[Βασιλε]ύνωντων Πτολεμαίου καὶ Κλ[εοπάτρας τ]ῆς ἀδελφῆς τ[ῶν Πτολε]μαίου κα[ὶ] Κλεοπ[άτρας θεῶν Ἐπ[ι]φανῶν ἔτο[υς] λα ἑφ' ἱερ[έ]ως τοῦ ὄντος [ἐν Ἀλεξαν]δρείᾳ Ἀλεξάνδρου | [καὶ θε]ῶν Σωτήρων καὶ [θ]εῶν Ἀδελφῶν [καὶ θεῶν Εὐ]εργετῶν καὶ [θεῶν Φιλο]πατόρων καὶ | [θεῶν Ἐ]πιφανῶν καὶ θε[ο]ῦ Εὐπάτρος κ[αὶ] θεῶν Φιλομ[ητόρων ἀθλ]οφόρου Βερε[νίκης Εὐεργε]||<sup>5</sup> [τίδος κα]νηφόρου Ἀρσινόης Φιλαδέλφου ἱ[ερείας Ἀρσινό]ης Φιλοπάτο[ρος τῶν οὐσ]ῶν ἐν Ἀλεξανδρε[ῖαι, | ἐν δὲ Πτ]ολεμαῖδι τῆς Θηβαΐδος ἑφ' ἱερ[έ]ων Πτολεμ[αίου μὲν Σωτ]ήρος .....|<sup>6</sup> του Λυκόφρονος, | [βασιλέως δὲ Πτολεμαί]ου Φιλομήτορος Ἀντιπάτρου τοῦ Ἀντιπά[τρου, Πτολε]μαίου δὲ Φιλαδέλφου | [--- τοῦ ---]ωρου, Πτολεμαίου δὲ Εὐεργέτου Πτο[λεμαίου τ]οῦ Πρωτάρχου, | [---, Πτολεμ]αίου δὲ Φιλοπάτορος Ἰοδώρου τοῦ Δι[---, Πτο]λεμαίου δὲ θεοῦ ||<sup>10</sup> [Ἐπιφανοῦς Εὐχαρίστου Νικίου τοῦ Δημητρίου, Πτολεμαίου [δὲ Εὐπ]άτορος Ζήνωνος | [τοῦ ---, ἑφ' ἱερε]ῖων βασιλείσης Κλεοπάτρας Θ[ε]οδώ[ρας τῆς ---]αγρου, Κλεοπά[τρας] | [δὲ τῆς μητρός ---] τῆς τῆς Διογνήτου, κληφόρου Ἀρσινόης [Φιλαδέλφου ..]αῖδος τῆς | [--- τῶν οὐσ]ῶν ἐν Πτολεμαῖδι, μὲνός Μεχέρ [s ἐν Λάτ]ω ν πόλει τῇ[s | Θηβαΐδος ἐπὶ Πτολεμ]αίου ἀγορανόμου. να. Τάδε διέθετο ὑ[γιαίνων ν]οῶν καὶ φρον[ῶν] ||<sup>15</sup> Δρύτων Παμφίλου ---] Φιλωτέρειος τῶν Διοδότου ἱππέ[ων ὡς ἐτῶν ..] μέ[σος] μελίχρ[ως] [τετα[νὸς] | μακροπρ[όσωπος] ἀνάσιλλος ἐπίγρυπος] οὐ[λῆ] παρ' ὀφρύν ἀρι[στεράν] ἄκρα[ν. Εἴη] μέμ με ὑγ[ιαίνοντα τ]ῶν ἐμαντ[οῦ | κύριον εἶναι καὶ διοικ]εῖν τρόπῳ ὧι ἄν α[ἰρῶμαι. Ἐὰν δέ τι ἀνθρώπινον] πάθω, κα[τα]λείπω καὶ δίδωμι ἀπὸ τ[ῶν ὑπαρχόν]των μοι π[άντων ἐγγαί]ων καὶ ἐπίπ[λων Ἐσθλά]δαι τῷ | ἐξ ἐμοῦ καὶ Σαραπιάδ[ος τῆς Ἐσθλά]δου ἀστῆ[s νύ]ω ἡ συνή[μην γυναι]κί, Ἐσθλά[δαι] ||<sup>20</sup> τῷ προγεγραμ[μέναι νύ]ω τὸ ἡ[μισυ] καὶ τὰ ὄπλα καὶ τ[ὸν ἵπ]πον ἑφ' οὐ σ[τρατεύομαι, | τὰ δὲ λοιπὰ τοῖς] ἐπείσομένο[ις ἐ]ξ ἐμοῦ καὶ Ἀπολλωνί[ας τέκνοις. Ἐπίτρο]πον | δὲ καταλείπω Ἐρμ[.]φιλο[ν] Παμφίλου Φιλωτέρειον Δρ[ύτων] Παμφίλου | ὄντα συγγενῇ, ὁμ[οίως δὲ κ[αὶ Ἐ]σθλάδου τοῦ Ἐσθλάδ[ου. Ἄλλωι δὲ οὐθενὶ οὐ]θὲν [κατα]λείπω οὐδὲ δι[δωμι. Μάρτυρ]ε[s] να. ||<sup>25</sup> [---] ...[--- δὲ]ξ[ι] ---[--- με]λίχρ[ως] τετα[νὸς] [... οὐ[λῆ] ....] δεξι[ο] οἱ δύ[ο] Πέρσαι | [--- Ἀπολλών]ιος Ἀ[σκληπιάδου Ἀσπένδιος τῶ]ν | --- μελ[ίχρ]ως τετα[νὸς] ἀν[αφ]άλαντος] οὐ[λῆ] ὀφρύν δεξι[ο]. Ἡρακλείδης | [--- Πέρσης τῆς ἐπ]ιγονῆς ὡς (ἐτῶν) με εὐμεγ[έθης] μελ[ίχρ]ως τετα[νὸς] ὡς δεξι[ο]ν τετρη[μένος]. ||<sup>30</sup> [--- τῶν Π]τολεμαίου τοῦ Πτολεμαίου ἱππέων ὡς (ἐτῶν) | [---

οὐ(λῆ) ἐπ' ἀμφοτέρων ὀφρύνω[v]. Ἡρόδος Ἀρσάκου Πέρσης | [---] vac. | [II]το-  
λεμαῖος κέχρη(μάτικα).

#### Verso

Ἐγενήθη ὁ γάμος Ἀ[πολλωνίας] | πρὸς Δρύτωνα ἐν Λάτ[ων πόλει] | ἐπὶ Πτολε-  
μαίου ἀγορ[ανόμου] (ἔτους) λα Μεχείρ 5.

#### Recto

In the reign of Ptolemy and Kleopatra, his sister, children of Ptolemy and Kleopatra, the Manifest Gods, year 31, at the time of the office of the priest who is (appointed) in Alexandria, (viz. the priest) of Alexander, the Saviour Gods, the Sibling Gods, the Benefactor Gods, the Father-loving Gods, the Manifest Gods, the God born of noble father, and the Mother-loving Gods, at the time of the office of the *athlophoros* of Berenike Euergetis, at the time of the office of the *kanephoros* of Arsinoe Philadelphos, at the time of the office of the priestess of Arsinoe Philopator: the priestesses who are (appointed) in Alexandria, in Ptolemais in the Thebaid, the priests of Ptolemy Soter being ...ios son of Lykophron, of king Ptolemy Philometor being Antipatros son of Antipatros, of Ptolemy Philadelphos being ... son of ...oros, of Ptolemy Euergetes being Ptolemaios son of Protarchos..., of Ptolemy Philopator being Diodoros son of Di..., of Ptolemy the Manifest and Beneficent God being Nikias son of Demetrios, of Ptolemy Eupator being Zenon son of ..., the priestesses of queen Kleopatra being Theodora daughter of ...agros, of Kleopatra, the mother, being ...te daughter of Diognetos; the *kanephoros* of Arsinoe Philadelphos being ...ais daughter of ...: the priestesses who are (appointed) in Ptolemais, on the 6th of the month Mecheir, in Latopolis in the Thebaid, before Ptolemaios, the *agoranomos*. These are the testamentary dispositions of Dryton son of Pamphilos, of the deme Philoteris, of the cavalrymen of Diodotos, about ... years old, of medium stature and honey-coloured complexion, with straight hair, a long face, hair brushed up, a hooked nose and a scar at the top of his left eyebrow, being healthy, of sound mind, and in possession of his wits. May it be granted to me to be master of my property in good health and to administer the way I prefer. But if anything happens to me, I bequeath and give of my possessions in land and movables: to Esthladas, my son by Sarapias daughter of Esthladas, the woman together with whom I have lived, (so) to Esthladas, my abovementioned son, the half share as well as my armour and the horse on which I serve in the army, the remaining to my children by Apollonia who may yet be born. As *epitropos* I choose Herm(a/o)philos son of Pamphilos, of the deme Philoteris, a relative of Dryton son of Pamphilos, equally to Esthladas son of Esthladas. I neither leave nor give anything to anyone else. Witnesses: ... son of ..., ... right ...; ... son of ..., ..., of honey-coloured complexion, with straight

hair, ... with a scar on his right ..., both Persians ...; Apollonios son of Asklepiades, from Aspendos, of the ... of honey-coloured complexion, with straight hair, with bald forehead and a scar of his right eyebrow; Herakleides son of ... Persian of the *epigone*, about 45 years old, tall, of honey-coloured complexion, with straight hair, his right ear being pierced; ... son of ... of the cavalymen of Ptolemaios son of Ptolemaios, about ... years old, ... with a scar on both eyebrows; Herodos son of Arsakes, Persian ... I, Ptolemaios, have dealt with the matter.

Verso

The marriage of Apollonia with Dryton took place in Latopolis before Ptolemaios, the *agoranomos*, in the year 31, 6 Mecheir.

*P. Dryton* 3  
126 BC  
Pathyris

Greek  
Papyrus  
Copy

Text after *P. Dryton*

Translation: K. VANDORPE in *P. Dryton* (below)

Column I

[("Ετους) μδ Παῦνι θ ἐν Παθύρει ἐπ' Ἀσκληπιάδου ἀγορανό]μου τάδ[ε διέθετο  
ὕγιαίνων νοῶν φρονῶν Δρύτων Παμφίλου Κρής] | [τῶν διαδόχων καὶ τοῦ ἐπιτάγ-  
ματος ἱπάρχης ἐπ' ἀνδρῶ]ν. | [Ἐῖη μέμ μοι ὑγιαίνοντι τῶν ἑμαντοῦ κύριον] εἶναι.  
Ἐὰν δέ [τι ἀνθρώπινον πάθω, καταλείπω καὶ δίδωμι] | [τὰ ὑπάρχοντά μοι ἔγγαιά  
τε καὶ ἐπιπλ]α καὶ κτήν[η καὶ ὅσα ἂν προσεπικτήσωμαι, τὸν μὲν ἵππον ||<sup>5</sup> ἐφ' οὗ  
στρατεύομαι καὶ τὰ ὄπλα πάντα Ἑσθλ]άδαι τῶι ἐξ [ἐμοῦ καὶ ἐξ Σαραπιάδος τῆς |  
Ἑσθλάδου τοῦ Θέωνος ἀστῆς ἥι συν]ήμην γυν[αικὶ κατὰ νόμους καὶ κατὰ δια-  
θήκην τὴν κεχρηματισμένην |<sup>79</sup> διὰ τοῦ ἐν Διὸς πό(λει) τῇ μι(κρᾷ) ἀρχεῖου ἐπὶ  
Διονυσίου ἀγορανόμου ἐν τῶι 5 (ἔτους) ἐπὶ τοῦ Φιλομήτορος ἡ διασαφεῖ τά τε ἄλ-  
λα καὶ ἐπίτροπον Ἑρμ. φιλὸν ὄντα συγγενῇ κατέστησεν καὶ ἀπὸ τῶν οἰκετικῶν  
σωμάτων δ ὦν ὀνόματα Μυρσίνην καὶ ταύτης --- τὰ δέ λοιπὰ θηλυκὰ β ||<sup>10</sup> αἷς  
ὄνομα Εἰρήνην καὶ Ἀμπέλιον Ἀπολλωνία καὶ ταῖς ἀδ(ελφαῖς) οὖσι ε καὶ] τὸν  
ὑ[πάρχον]τά | [μοι ἐπὶ τοῦ Κόχλακος τῆς Ἀραβίας τοῦ Παθυρ(ίτου) ἔδαφος ἀμπε-  
{πε}λῶ(νος) κ]αὶ τὰ ἐν τούτῳ | [φρέατα ἐξ ὁπτῆς πλ(νθου) καὶ τὰλλα συνκύροντα  
καὶ τὴν ἄμαξαν σὺν τ]ῇ ἐπισκευῇ καὶ | [τὸν περιστερῶνα --- καὶ τὸν ἄλλον ἡμι-  
τέ]λεστον καὶ αὐλὴν | [ὦν γείτονες νό(του) ψιλοὶ τόποι τοῦ αὐ(τοῦ) Ἑσθλά(δου)  
βο(ρρᾷ) οἶκος κεκαμαρω]μένους Ἀπ[ολ]λωνίας ||<sup>15</sup> [τῆς νεω(τέρας) ἀπηλ(ώτου)  
τόπος ---s Πετρας ... τοῦ Ἑσθλά(δου) λι(βὸς) ψιλὸς τόπος Ἑσθλά(δου) ἕως τ]ῆς

ἀνεωγγ[έν]ης | [θύ(ρας) ἐπὶ λίβα· τοὺς δὲ λο(ιποὺς) οἴκους καὶ χρηστήρας καὶ παλαιὰν --- καὶ τὸν ψι]λὸν τόπον τὸν εἰς |<sup>17-18</sup> [περιστερῶνα ἀποδεδειγμένον ὑπο-  
κάτω τῆς Ἑσθλά(δου) θύ(ρας) καὶ ἀπὸ λι(βὸς) τῆς καμάρας δίδωμι Ἀπολλωνία καὶ  
Ἀριστοὶ καὶ Ἀφροδισία καὶ Νικαρίω καὶ Ἀπολλωνία νεωτέραι οὐσι εἰ ταῖς ἐξ  
ἐμοῦ καὶ ἐξ Ἀπολλωνίας τῆς καὶ Σεμμώνθιος ἦι σύ]ρει|<sup>19-24</sup> [μι γυν(αικί) κατὰ  
νό(μους) καὶ τὰ θηλυκὰ β σώματα καὶ τὴν βοὺν ἐξ ἴσου κυριευέτωσαν ταῖς οἰκίαις  
καθ' ὃν πεποίημαι μερισμόν· δότω δὲ Ἑσθλάδας ἀπὸ τοῦ δεδομένου αὐ(τῶι) ψιλοῦ  
τόπου ἀπέναντι τῆς θύ(ρας) αὐ(τοῦ) ἐπὶ λίβα πῆ(χαις) ἐμβαδούς δ εἰς κλιβάνου  
τόπον· τὰ δὲ λο(ιπὰ) οἰκόπεδα καὶ ψιλοὶ τόποι ἐν Δι(ὸς) πό(λει) τῇ μεγάλ(ῃ) ἐν τῶι  
Ἀμμωνι]είω |<sup>25</sup> [καὶ ἐν τοῖς Κεραμείοις ἐχέτω Ἑσθλάδας κατὰ τὸ (ἥμισυ)  
Ἀπολλωνία]] δὲ |<sup>26-27</sup> [καὶ ἀδελφαὶ κατὰ τὸ (ἥμισυ) καὶ τὰλλα ὑπάρχοντά μοι  
πάντα σύμβολα] τε σιτικά καὶ ἀργυ(ρικὰ) καὶ ἔπιπλα πάντα κατὰ τὸ (ἥμισυ)· δότω  
δὲ Ἑσθλά(δας) καὶ αἱ περὶ Ἀπολλωνίαν κατὰ κοινὸν εἰς οἰκοδομή]ν | [περι-  
στερῶνος ἀνηλώματα εἰς τὸν ἀποδεδειγμένον περιστερῶνα ἕως ἂν ἐπιτελέσω]σι |  
[καὶ Ἀπολλωνία τῇ καὶ Σεμμώνθι τῇ ἐμῇ γυν(αικί) ἐτῶν δ ἑὰν παραμείνη ἐν  
τῶι οἴκῳ ἂν] ἐγκλη(τος) ||<sup>30</sup> [οὐσα εἰς τροφήν αὐ(τῆς) καὶ ταῖς β θυγατράσιν  
ἐκάσ(του) μηνὸς (πυροῦ) θ (ἥμισυ) κροτῶ(νος) ἱβ χα(λκοῦ) σ καὶ μετὰ δ] (ἐτη) |<sup>31-32</sup>  
[τὰ αὐτὰ μετρήματα δότωσαν ταῖς β νεωτέραις ἐκ κοινου ἕως ἐτῶν ια· δότωσαν  
δὲ Ταχράται εἰς φερνὴν χαλκοῦ (τάλαντα) ἱβ ἐκ τῶν] κο[ινῶν· ὅσα δ' ἂν φαίνηται  
| ἐπίκτη(τα) ἔχουσα ἢ Σεμμώνθις ὄντα αὐτῇ σ]υνοῦσα Δ[ρ]ύτωνι κ[υ]ριεύε[ω]  
αὐτῶν· | [οἱ δ' ἐπελεύσοντες ἐπ' αὐτὴν περὶ τούτων ....] ||<sup>35</sup> Ἦν δὲ ὁ διατιθέμενος  
Δρύτων Πανφίλου Κρής τῶ]ν διαδόχων καὶ τῶν τοῦ ἐπιτάγματος ἱπ(άρχης) ἐπ'  
[ἀνδρῶ]ν.

## Column II

[Μάρτυρες] |<sup>37-41</sup> [Ἐγραψεν ---] | [Ἐγραψεν ---| ἱε]ρεὺς Ἀφρο[δ]ίτης καὶ Σούχου  
|[τ]ῶν πρωτ[οσ]τολιστῶν καὶ ||<sup>45</sup> πτεροφόρ[ων ὡς] (ἐτῶν) λε εὐμεγέθης | μελί-  
(χρως) τετανὸς πλατυπρ(όσωπος) εὐθύρ(ω) | οὐλὴ κροτάφωι δεξ(ιῶι) | Ἐγραψεν  
Νεχούτης Θοτορταίκου> Πέρσης' <ἱερεὺς> πρωτο[στολιστῆς τοῦ ἐν Παθύ(ρει)  
ἱεροῦ ὡς (ἐτῶν) ν ||<sup>50</sup> μέσος μελί(χρως) τετανὸς μακροπρ(όσωπος) εὐθύρ(ω) | οὐλὴ  
μετώπῳ ἐγ δε(ξιῶν). | Ἐγραψεν Πατοῦς Ἐριέας Πέρσης ἱερεὺς | πρω-  
τοστολιστῆς τοῦ αὐτ<ου> ἱεροῦ | ὡς (ἐτῶν) ν μέσος μελί(χρως) τετανὸς ||<sup>55</sup> πλατυ-  
πρ(όσωπος) εὐθύρ(ω) οὐλ(ῇ) μετώπῳ ἐξ ἀρ(ιστερῶν). | Ἐγραψεν Πατοῦς Ὡρου  
ὑπεπιστάτης | Παθύρεως Πέρσης τῶν πεζῶν | ὡς (ἐτῶν) μ μέσος μελί(χρως) τετα-  
νὸς μακροπρ(όσωπος) εὐθύρ(ω) οὐλ(ῇ). ||<sup>60</sup> οὔτοι οἱ τ[έ]σ[α]ρες[.] τοῖς ἐγχωρίοις  
|[---] γράμμασιν διὰ τὸ μὴ εἶναι | ἐπὶ τῶν τόπων τοὺς ἴσους Ἑλλη]νας. | Ἐγραψεν  
Ἀμμώνιος Ἀρείου Πέρσης ||<sup>65</sup> τῶν μι(σθοφόρων) ἱπ(άνων ὡς (ἐτῶν) λ μέσος | μελί-  
(χρως) ὑπόκλαστος μακροπρ(όσωπος) εὐθύρ(ω) | οὐλ(ῇ) μετώπῳ μέσῳ.

For the translation of column I, ll. 1-34, see *P. Dryton* 4 (below)

## Column I, l. 35

The testator was Dryton son of Pamphilos, Cretan, of the *diadochoi* and cavalry officer over men, at the head of those of the *epitagma*-unit.

## Column II

Witnesses: ... has signed; ... son of ..., priest of Aphrodite and Souchos, of the first *stolistai* and the *pterophoroi*, about 35 years old, tall, with a honey-coloured complexion, straight hair, a flat face, straight nose (and) a scar on his right temple, has signed. Nechoutes son of Thotortaïos, Persian, priest, first *stolistes* of the temple in Pathyris, about 50 years old, of medium stature, with a honey-coloured complexion, straight hair, a long face, straight nose (and) a scar on his forehead on the right, has signed. Patous son of Herieus, Persian, priest, first *stolistes* of the same temple, about 50 years old, of medium stature, with a honey-coloured complexion, straight hair, a flat face, straight nose (and) a scar on his forehead on the left, has signed. Patous son of Horos, *hypepistates* of Pathyris, Persian, of the infantry, about 40 years old, with a honey-coloured complexion, straight hair, a long face, straight nose (and) a scar, has signed. These four (witnesses have signed) in the native script because there was not the same number of Greeks on the spot. Ammonios son of Areios, Persian, one of *misthophoroi*, about 30 years old, of medium stature, with a honey-coloured complexion, slightly curly hair, a long face, straight nose (and) a scar in the middle of his forehead, has signed.

*P. Dryton* 4

126 BC

Pathyris

Greek

Papyrus

Copy

Text after *P. Dryton*

Translations: English: K. VANDORPE in *P. Dryton* (below); N. LEWIS, *Greeks in Ptolemaic Egypt. Case Studies in the Social History of the Hellenistic World*, Oxford 1986, pp. 100–101; Sarah B. POMEROY, *Women in Hellenistic Egypt. From Alexander to Cleopatra*, Detroit 1990, pp. 105–106; Jane ROWLANDSON, *Women and Society in Greek and Roman Egypt: a Sourcebook*, New York 1998, no. 86; French: J. MÉLÈZE MODRZEJEWSKI, 'Dryton le crétois et sa famille ou les mariages mixtes dans l'Égypte hellénistique', [in:] *Aux origines de l'Hellénisme. La Crète et la Grèce. Hommage à Henri van Effenterre, présenté par le Centre G. Glotz*, Paris 1984, p. 375; LEGRAS, 'Les testaments grecs' (cit. above, p. 256), pp. 305–306

[Ἐτους μδ Παῦνι θ ἐν Παθούρει ἐ]π' Ἀσκληπιάδου ἀγορανόμου. Τάτε διέθετο

ὑγιαίνων νοῶν φρονῶν Δρύτων Παμφίλου Κρής τῶν διαδόχων καὶ | [τοῦ ἐπιτάγ-  
 ματος ἰπάρχη]ς ἐπ' ἀνδρῶν· εἴη μὲμ μοι ὑγιαίνοντι τῶν ἑμαυτοῦ κύριον εἶναι· ἔαν  
 δέ τι ἀνθρώπινον πάθω, καταλείπω καὶ | [δίδωμι τὰ ὑπάρχοντά μοι ἔγγα]ῖά τε καὶ  
 ἔπιπλα καὶ κτήνη καὶ ὅσα ἂν προσεπικτήσωμαι, τὸν μὲν ἵππον ἐφ' οὗ στρατεύομαι  
 καὶ τὰ ὅπλα | [πάντα Ἑσθλάδαι τῷ ἐξ ἐμ]οῦ καὶ ἔξ Σαραπιάδος τῆς Ἑσθλάδου τοῦ  
 Θέωνος ἀστῆς ἥι συνήμην γυναικὶ κατὰ νόμους καὶ κατὰ διαθήκην ||<sup>5</sup> [τὴν  
 κεχρηματισμένην] διὰ τοῦ ἐν Διὸς πό(λει) τῇ μι(κράϊ) ἀρχείου ἐπὶ Διονυσίου  
 ἀγορανόμου ἐν τῷ 5 (ἔτους) ἐπὶ τοῦ Φιλομήτορος, ἥ διασφεῖ τά τε ἄλλα | [καὶ  
 ἐπίτροπον Ἑρμ. φιλο]ν ὄντα συγγενῇ κατέστησεν καὶ ἀπὸ τῶν οἰκετικῶν σωμαίων  
 δ' ὦν ὀνόματα Μυρσίνην καὶ ταύτης | [--- τὰ δέ] λοιπὰ θη[λ]υκὰ β αἷς ὄνομα  
 Εἰρήνην καὶ Αἰπέλιον Ἀπολλωνίαί καὶ ταῖς ἀδ(ελφαῖς) οὔσι ε καὶ τὸν ὑπάρχοντά  
 μοι ἐπὶ τοῦ | [Κόχλακος τῆς Ἀραβία]ς τοῦ Πα[θυ]ρ(ίτου) ἔδα(φος) ἀμπελῶ(νος) καὶ  
 τὰ ἐν τούτῳ φρέατα ἐξ ὁπτῆς πλίν(θου) καὶ τᾶλλα συνκύνοντα καὶ τὴν ἄμαξαν σὺν  
 τῇ | [ἐπισκευῇ καὶ τὸν περιστ]ερῶνα κ[α]ὶ τὸν ἄλλον ἡμιτέλεστον καὶ αὐτὴν ὦν  
 γείτονος νό(του) ψιλοὶ <τόποι> τοῦ αὐ(τοῦ) Ἑσθλάδου βο(ρῶ) οἴκος κεκαμαρωμένος  
 Ἀπολλω(νίας) τῆς νεω(τέρας) ||<sup>10</sup> [ἀπη]λι(ώτου) τόπο[ς ---]ς Πιτρ[α]ς[...]. τοῦ  
 Ἑσθλάδ[ο]υ λι(βός) ψιλὸς τόπος Ἑσθλάδου ἕως τῆς ἀνεωγμένης θύ(ρας) ἐπὶ λίβα·  
 τοὺς δέ λο(ίπους) οἴκους καὶ χρηστήρας | [καὶ π]αλαιὰν [---] καὶ ψιλὸν τόπον εἰς  
 [π]εριστερῶνα ἀποδεδειγμένον ὑποκάτω τῆς Ἑσθλά(δου) θύ(ρας) καὶ ἀπὸ λι(βός)  
 τῆς καμάρης δίδωμι | [Ἀπολ]λωνίαί καὶ Ἀριστὶ καὶ Ἀφροδισίαί καὶ Νι[κα]ρίωι  
 καὶ Ἀπολλωνίαί νεωτέραι οὔσι ε ταῖς ἐξ ἐμοῦ καὶ ἐξ Ἀπολλωνίας τῆς καὶ  
 Σεμμώνθιος | [ἡ σύ]νεμι γυν(αικὶ) κατὰ νό(μους) καὶ τὰ θη[λ]υκὰ β σώμα[τ]α καὶ  
 τὴν βούν ἐξ ἴσου κυριευέτωσαν ταῖς οἰκίαις καθ' ὃν πεποίημα μερισμόν· | [δότ]ω  
 δέ Ἑσθλάδας ἀπὸ τοῦ δεδομένου αὐ(τῷ) ψιλο[ῦ τ]όπου ἀπέναντι τῆς θύ(ρας)  
 αὐ(τοῦ) ἐπὶ λίβ[α] πή(χεις) ἐμβαδούς δ εἰς κλιβάνον τόπον· τὰ δέ λο(ίπα) οἰκόπεδα  
 ||<sup>15</sup> [καὶ [ψι]λοὶ τόποι ἐν Δι(δος) πό(λει) τῇ μεγά(λῃ) ἐν τῷ Ἀμμου(νείῳ) [κ]αὶ ἐν  
 τοῖς Κεραμείοις ἐχέτω Ἑσθλάδας κατὰ τὸ (ἡμισυ) Ἀπολλω(νία) δέ καὶ ἀδελφαὶ  
 κατὰ τὸ (ἡμισυ) καὶ | [τᾶλλα ὅ]παρχοντά μοι πάντα σύμβολα(τα) τε σιτικά [κ]αὶ ἀρ-  
 γυ(ρικὰ) καὶ ἔπιπλα πάντα κατὰ τὸ (ἡμισυ)· δότω δέ Ἑσθλά(δας) καὶ αἱ περὶ  
 Ἀπολλωνίαν κατὰ κοινὸν | [εἰς οἰκ]οδομὴν περιστερῶνος ἀνηλώματα ε[ἰς] τὸν ἀπο-  
 δεδειγμένον περιστερῶνα ἕως ἂν ἐπιτελέσωσι καὶ Ἀπολλωνίαί τῇ καὶ Σεμμώνθι  
 | [τῇ ἐ]μῇ γυν(αικὶ) ἐτῶν δ' ἔαν παραμείνη ἐ[ν τῷ] οἴκῳ ἀνέγκλητος οὕσα εἰς  
 τροφὴν αὐ(τῆς) καὶ ταῖς β θυγατράσιν ἐκάσ(του) μη(νός) (πυροῦ) θ (ἡμισυ)  
 κροτῶ(νος) ἰβ χαλκοῦ) σ | [καὶ] μετὰ δ' ἔτη τὰ αὐτὰ μετρήματα [δότ]ωσαν ταῖς β  
 νεωτέραις <ς> ἐκ κοινού ἕως ἐτῶν ια· δότωσαν δέ Ταχράτει εἰς φερνήν ||<sup>20</sup> [χαλκο]ῦ  
 (τάλαντα) ἰβ ἐκ τῶν κοινῶν· Ὅσα δ' ἂν φαίνη[ται ἐ]πίκτη(τα) ἔχουσα ἡ Σεμμώνθιος  
 ὄντα αὐτῇ συνοῦσα Δρύτωνι κυριευέτω αὐτῶν· | [οἱ δ' ἐπ]ελεύσοντες ἐπ' αὐτὴν  
 περὶ τοῦ[των ....] | (Ἑτους) || μδ Παῖνι θ.

1. Τάδε || 2. εἴη || 6. συγγενῇ 7. οὔσαις | τὸ ὕπαρχον || 12. οὔσαις || 15. ψιλοὺς τόπους

Year 44, 9 Pauni, in Pathyris, at the office of the *agoranomos* Asklepiades. These are the testamentary dispositions of Dryton son of Pamphilos, Cretan of the *diadochoi* and cavalry officer over men at the head of those of the *epitagma*-unit, being healthy, of sound mind and in possession of his wits. May it be granted to me to be master of my property in good health. But if anything happens to me, I bequeath and give all my immovable and movable property, cattle and everything I may acquire besides: the horse on which I campaign and all my weaponry (I bequeath) to Esthladas, my son by Sarapias daughter of Esthladas son of Theon, citizen, the woman with whom I have lived legally and in accordance with a will which was drawn up in the *archeion* of Diospolis Mikra, before the *agoranomos* Dionysios, in the 6th year of the reign of Philometor, and which records among its dispositions the appointment of Herm(a/o)philos as *epitropos*, being a relative; of the four domestic slaves (I give to Esthladas) those named Myrsine and her (child) ... the remaining two female slaves called Eirene and Ampelion, (I bequeath) to Apollonia and her sisters, being 5 in number; and (to Esthladas I bequeath) the vineyard site belonging to me on the Kochlax of Arabia on the east bank of the Pathyrites, the wells in it made of baked brick and the other appurtenances; (I also (leave to him) the wagon with its equipment, the dovecote, the other, half-finished dovecote, a courtyard of which the boundaries are south: open lots of the said Esthladas, north: a vaulted room of Apollonia the younger, east: a lot ... of Petras ... son of Esthladas, west: an open lot of Esthladas, as far as the door opening to the west. The remaining rooms with appurtenances, on old ... an open lot intended for a dovecote down from the door of Esthladas and to the west of the vaulted room, I give to Apollonia, Aristo, Aphrodisia, Nikarion, and Apollonia the younger, my 5 daughters by Apollonia alias Semmonthis, the woman together with whom I live in accordance with law. They are to possess the two female slaves and the cow in equal shares for their households according to the division I have made. Esthladas shall give, from the open lot granted to him facing his door to the west, 4 square cubits for the site of an oven. Of the remaining building(-site)s and open lots in the Ammonieion(-quarter) in Diospolis Megale and in the Kerameia, Esthladas is to have half, Apollonia and her sisters half. All my remaining belongings, my *symbola* for grain and cash, as well as all my furniture, will be divided in half-shares. Esthladas, Apollonia, and her sisters shall pay in common the expenses of building the dovecote, (that is) the intended dovecote until they have finished it. (Esthladas, Apollonia, and her sisters shall jointly give) to Apollonia alias Semmonthis, my wife, for (a period of) 4 years, if she stays at home irreproachably, for the maintenance of herself and her two daughters, every month 9 ½ (artabae) of wheat, 1/12 (artaba) of *kroton* (and) 200 copper (drachmas). After 4 years they shall make the same provisions from common fund for the two younger daughters for 11 years. They (Esthladas and his

sisters) shall give to Tachratis for a dowry 12 talents of copper out of common fund. Whatever properties Semmonthis appears to have acquired as belonging to herself while living with Dryton, she shall be the owner. Those who will proceed against her for those acquisitions, ... year 44, 9 Pauni.

*P. Grenf.* I 24

139–132 BC

Krokodilopolis

Greek  
Papyrus

Text after *P. Grenf.*

[βασιλευόντων βασιλέως Πτ]ολεμαίου θεοῦ εὐεργέτου τοῦ [ἐκ Πτολ....|---] ἐφ' ἱερέως τοῦ ὄντος ἐν Ἀλεξανδρ[εῖαι ---|---]ων ἀθλοφόρου Βερενείκης εὐεργέτιδ[ος --|---] Πτολεμαίου μὲν σωτήρος καὶ βασιλέως Πτ[ολεμαίου θεοῦ εὐεργέτου ---|<sup>5</sup> ---] ἐπιφανοῦς καὶ εὐχαρίστου καὶ Πτολεμαίου θεοῦ φιλομήτορος[ς ---|--- Κλεοπάτρας] τῆς γυναικὸς καὶ βασιλῆς Κλεοπάτρας τῆς θυγατρὸς καὶ Κλ[εοπάτρας τῆς μητρὸς --|--- μινός] Χοίαχ κέ ἐν Κροκοδίλων πόλει τοῦ Παθυ[ρίτου ἐπὶ ---|---] τάδε διέθετο ὑγιαίνων [νοῶν καὶ φρονῶν ---|---] εἶναι με κύριον τῶν ἐμαυτ[οῦ ---]

6. *BL VII* 62: βασιλίσσης prev. ed.; 1. βασιλίσσης

The poorly preserved fragment was a part of the dating clause and the testator's description.

*SB XVIII* 13168

123 BC

Pathyris

Greek  
Papyrus  
Copy

Text after *SB XVIII*

Translation: R. BAGNALL & P. DEROW in: *The Hellenistic Period: Historical Sources in Translation*, Oxford 2004, pp. 243–244

ἐτους μζ Φ[αμ]ενὼθ β, ἐν Παθύρει ἐφ' Ἡλιοδώρου ἀγορανόμου τῆς ἄνω τοπαρχίας τοῦ Παθυρίτου. | τάδε δι[έθ]ετο Παχνοῦβις Τασκοῦ· εἴη μέμ μοι ὑγιαίνοντι τῶν ἐμαυτοῦ κύριον εἶναι, | ἐὰν δέ τ[ι] ἀνθρώπινον πάθω, καταλείπω καὶ δίδωμι τὰ ὑπάρχοντά μοι ἔγγαίᾳ τε | καὶ ἔπ[ιπλ]α καὶ κτήνῃ κ[α]ὶ ὅσα ἂν προσε[πι]κτῇ-

σωμαι Ταθώτῃ Ἀρνώτου Περσίνῃ ||<sup>5</sup> ἢ σύ[ν]ειμι] γυναικὶ κατὰ νόμους, πλὴν στρώματος ἐνὸς καὶ κλείνης τορνευτῆς α | Πατ[...]ει καὶ Πετεςοράθῃ τῶν Παχνούβιος τοῖς ἐμοῖς υἱοῖς τοῖς ἐξ ἐμοῦ καὶ ἄλλης | γυναικὶ [ἰ]κός], τὰ δὲ λοιπὰ πάντα ὧν τὸ καθ' [ἐ]ν σήμερον ὑπόκειται τῶν τε ἐγγαίων | καὶ κτη[ν]ῶν τῇ προκειμένη Ταθώτῃ, πρόβατα μὲν ὀκτὼ βόες δύο καὶ τὰ | ἐπεσόμ[εν]α τοῦτοισ καὶ οἰκ[ί]αν οἰκοδομημένην καὶ ἐστεγασμένην καὶ τεθυρω||<sup>10</sup> μένην [τῇ]ν οὖσαν ἐν Ταύ[μει] τοῦ Λατο[πολί]του, γείτονες νότου οἰκία Ψενήσιος τοῦ | Παοῦτο[ς, β]ορρὰ ῥύμη βασιλ[ικῆ, ἀ]π[η]λ[ιώτ]ου οἰκία Θαήσιος τῆς Παοῦτος, λιβὸς | οἰκία Πατ[κ]όρμιος, καὶ γῆς ἡ[πείρ]ου σιτ[οφό]ρου (ἀρούρας) δεκαδύο τῆς ἐν τῷ ἀπὸ λιβὸς μέρει | κώμη[ς Ταύ]μεως, ἐν ἡ[λα] [...]μη συμφ[...]ει φρέαρ καὶ ἀνωτερίου ἐξ ὁπ[τῆς] | πλ[ί]νθου.] γείτονες τῆς ὁλ[ῆς γῆς νό]του [οἰκος] Ψεμμίnius τοῦ Καλλίου βορρὰ ὁ αὐτὸς ||<sup>15</sup> ἀπ[η]λ[ιώτ]ου βουνοὶ τῆς κώ[μης] λιβὸς ..... κ]αλουμένη Ἀμμωνος, καὶ ἀπ' ἄλλης | σφρ[αγίδος] Καλεβελλέους τοῦ [---] | τρίτον μέρος, γείτονες τῆς ὁλ[ῆς] | [νότου Ἀρ]ενδῶτου βορρὰ [--- ἀ]π[η]λ[ιώτ]ου ὁδὸς λι[βὸς] ὅρος ἡ οἰ[α] ἀν ὧσι γείτονες | [πάντοθεν μ]ὴ ἐξέστω δὲ [τῷ] καθόλου ἐπὶ τῇ | διαθήκῃ ταύτῃ ἄλλωι τινὶ | [ἐπέρχου]σθαι, εἰ δὲ μὴ ἄκ[υρον] ἔστω καὶ πρ[ο]σαποτεισάτω ὁ ἐπιφέρων ὕστερον ||<sup>20</sup> [---] ἄλλον τῆς αὐ[τῆς] ἐπιτί[μου] παραχρῆμα χαλκοῦ τάλαντα | [---] καὶ ἱερὰς βασιλεύσι ἀργυρί[ου] ἐπισήμου δρα[χμῶν] Ἀσ. ἡν δὲ ὁ διατιθέμενος | [Παχνούβ]ις ὡς (ἐτῶν) ν εὐμ[εγέθ]ης μελίχρ[ω]ς] τετανὸς ἀναφά- λανθος μακροπρόσωπος | [εὐθύριν ο]ὕλῃ. | [μάρτυρε]ς Ἑρμίας Ἀσκλη[πιδό]ου Πέρσης τῶν μισθοφ[όρων] ἱπ[πέων] ὡς (ἐτῶν) κε | [εὐμεγέθ]ης μελίχρ[ω]ς κλ[ασ- τ]ὸς μακροπρόσωπος εὐθύ[ριν] οὕλ[ῃ] ὡς δεξ[ιὸν] τετρη[μένον], | [καὶ Ἀμμώ]νιος Ἀρείου Πέρση[ς] τῶν μι[σθοφόρων] ἱπ[πέων] ὡς (ἐτῶν) λ μέσος [μελί]χρ[ω]ς κλαστὸς μακροπρ[όσωπος] | [εὐθύριν ο]ὕλῃ μετώπῳ, καὶ Ἑσθλάδας Δρύτωνος Πτολεμαίεως ὡς (ἐτῶν) λε | [εὐμεγέθ]ης μελίχρ[ω]ς κλα[στ]ὸς μακροπρόσωπος εὐθύριν, καὶ Πτολεμαῖος Ἀσκλη[πιδό]ου Πέρσης τῶν μι[σθοφόρων] ἱπ[πέων] ὡς (ἐτῶν) λε μέσος μελίχρ[ω]ς μακροπρόσωπος εὐθύριν, | [καὶ ....]ητος Μενεκλέους Πέρσης τῶν πεζῶν ὡς (ἐτῶν) λε μέσος μελάνχρ[ω]ς κλαστὸς | [μακροπρ]όσωπος) εὐθύρ[ιν], οἱ ἐξ τακ[τ]όμ[ισθου]. [Ἄρειος ὁ π]αρ' Ἡλ[ι]οδώρου)] κεχηρη[μάτικα].

5. κλίτης 9. οἰκοδομημένην 26. οὖς

Year 47, 2 Phamenoth, in Pathyris, under Heliodoros the *agoranomos* of the upper toparchy of the Pathyrite nome. Pachnoubis son of Taskos made this will: As long as I am in good health, may I have control of my property. But if anything happens to me, I bequeath and give my belongings, real and movables and animals, and whatever else I may acquire in addition, to Tathotes daughter of Haryotes, Persian, the wife with whom I live in accordance with the laws, except for one coverlet and one bed turned on a lathe to Pates and Petesorathes sons of Pachnoubis, my own sons born to me and another woman, but all the rest of the goods enumerated

below today, in real property and animals, to the aforesaid Tathotes: eight sheep, two cattle, and their offspring, and a built and roofed house equipped with doors which is in Taumis of the Latopolite nome, its neighbours being on the south a house of Psennesis son of Paous, on the north a royal street, on the east a house of Thaesis daughter of Paous, on the west a house of Patkormis; and twelve arourae of grain-bearing high land located in the west part of the village of Taumis, in which there are a ... and a cistern and upper construction of well-baked brick, the neighbours of the entire parcel of land being on the south the household of Pseminis son of Kallias, on the north the same, on the east village mounds, on the west ... called ... of Ammon, ... and from another parcel of Kalebelles son of ... a third share, the neighbours of the entire parcel being on the south (land?) of Harendotes, on the north ... on the east a road, on the west desert land, or whatever the boundaries may be on all sides. No one else at all shall be allowed to challenge this will, or let it (the challenge) be invalid and let the person bringing it pay in addition later ... at once ... talents of bronze ... and 1,200 drachmae of coined silver sacred to the king and queen. The testator was Pachnoubis, about 50 years old, of goodly height, honey-coloured, with black hair, bald on his forehead, long-faced, straight-nosed, with a scar. Witnesses: Hermias son of Asklepiades, Persian, of the mercenary cavalry, about 25 years old, of good height, honey-coloured, curly-haired, long-faced, straight-nosed with a scar and his right ear pierced; and Ammonios son of Areios, Persian, of the mercenary cavalry, about 30 years old, of medium height, honey-coloured, curly-haired, long-faced, straight-nosed, with a scar on his forehead; and Esthladas son of Dryton, from Ptolemais, about 35 years old, of good height, honey-coloured, curly-haired, long-faced, straight-nosed; and Ptolemaios son of Asklepiades, Persian, of the mercenary cavalry, about 35 years old, of medium height, honey-coloured skin, long-faced, straight-nosed; and ...etos son of Menekles, Persian, of the infantry, about 35 years old, of medium height, dark skin, curly-haired, long-faced, straight-nosed, the six being on the payroll. Areios the agent of Heliodoros drew up the document.

BGU VI 1285

110 BC

Herakleopolis

Greek

Papyrus

Copy

Text after BGU VI

κθ Δίωνος Ἐλαίτου διαθή(κη). | ἔτους ὀγδόου μηνὸς Αὐθναίου Ἀθὺρ ἐνάτῃ καὶ εἰκάδι  
ἐν Ἡρακλέους πόλει τῇ ὑπὲρ Μέρμιν | τάδε διέθετο νοῶν καὶ φρονῶν Δίων Δημητρίου

Ἐλαίτης τῶν Δημητρίου μ.[...]...|φων κατοίκων ἱππέων· εἴη μέμ μοι ὑγιαίνειν καὶ κύριον εἶναι τῶν ἐμῶν· ἐὰν δ[έ τελευτήῃ]||<sup>5</sup> σω, καταλείπω τὸν κληρὸν μου καὶ τὰ ὅπλα καὶ τοὺς ἀκολουθοὺς σταθμοὺς Δημητ[ρίω τῶι] | πρεσβυτέρῳ μου νύῳ τῶι γεγονότι μοι ἐκ Μύστας τῆς Εἰξ[...ο]υ Κορινθίας, ἧ[ι] σύνειμι | κατὰ συγγραφὴν συνοικεσίου, καὶ αὐτῇ δὲ τῇ Μύσται κ[αταλείπω ---] | Δίῳνι τῶι δευτέρῳ μου νύῳ τῶι γεγονότι μοι ἐκ [--- τὴν ὑπάρχουσάν] | μοι ἐν κώμῃ Θμοίφθαι οἰκίαν καὶ τὸν προσόντα [---]||<sup>10</sup> δρου τοῦ Ἀντίμαχου καὶ κατεξ[---] | Δίῳνος τοῦ προειρημένου μου νύ[ο]υ [---] | του θεῶν μεγίστων ....[---]|μος παράδεισος ὅς κ[αὶ ---] | δὲ τῶι αὐτῶι Δίῳνι [---] ||<sup>15</sup> καὶ τοῦ μυχ[...][---] | εἴκοσι τρισι[ --- δη]||λουμένης αὐλῇ[s ---] | ἂν ἐπὶ κτήσ[α ---] ||<sup>15</sup> καὶ ἐπανα[---] ||<sup>20</sup> αὐτοῦ μητρ[---]|σης αἰ[---]| ρηνι[---]

29. Will of Dion Elaites. In the eighth year, on the twenty-ninth day of the month Audnaios Hathyr, in Herakleopolis above Memphis. Dion son of Demetrios, Elaites, belonging to the company of Demetrios ... of the catoecic cavalry, being sane and in possession of his wits, has made this will. As long as I am in good health, may I master my property. If I die, I bequeath my *kleros* and my weapons, and the correspondent *stathmoi* to Demetrios, my eldest son born of Mysta daughter of Ex...os, Corinthian, with whom I live according to the laws, and to this Mysta I bequeath ... and to Dion, my younger son born of ... I bequeath ... the house belonging to me in the village Thmoiphtha, and other ...

The following text is too fragmentary to be translated.

*P. Lond.* II 219 A, p. i  
Second century BC  
Itos (?)

Greek  
Papyrus  
Protocol with copies (?)

Text after *P. Lond.* II

A – verso

[---]σειριος τῆς μητρός μου καὶ γαμιτ[---|---]μας μου Ἀπολλωνίῳ τῶ καὶ Σιων[---|---]πρε]σβυτέρῳ μου ὑγῶν τῶ ὄντι μοι ἐκ Θα[---|---]τ]ῆς γυναικός μου ἧ[ι] σύνειμι κατὰ συγγρ[αφὴν ---]||<sup>5</sup> --- ἄλλῳ] δὲ οὐθενὶ καταλείπω οὐθέν τῶν ἐμ[οῖ] ὑπαρχόντων ---|--- δ[ί]δωμι μάρτυρες Ἀσκληπιάδης στ[---|---] τῶν Πτολ[εμαίου] καὶ τῶν νύ[ο]ν τακτόμιθος Δι[---|---]γριπτον κ[...|---]υ Ἀρίστανδρος Φιλοξένο[υ ---]||<sup>10</sup> --- ] κίου Ἀκαρνάν οἱ δύο τῶν Πτο[λεμαίου] ---|---]...ι

## Recto

Περίδειπνον Ἀπόλλωνος καὶ Ἐπιμάχου [---] | ζύτον χο(ῦς) κ (γίνονται) (δραχμαὶ)  
 ω καὶ δειπνον (δραχμαὶ) γ[...] | ἐλαίου (δραχμαὶ) μ ἰβιωβοσκῶ μ (γίνονται) (δραχ-  
 μαὶ) ογ[...] (γίνονται) (δραχμαὶ) ψξ εἰς δὲ ταῦτα Σίμωνι δεδω[κ ---] ||<sup>5</sup>εοφιλιππος  
 Σίμων (εο Φίλιππος Σίμων (?)) πυρρι[....].. Ζήνωνι [---] | Πολέμαρχος Διο[---]  
 ]αλυπη .[---|....]...μαν[---|---]κλῆς [---|---]λλοις Δημη[τριο ---|<sup>10</sup>...]?ων κρ  
 .... Δίδυμος Βέλμου[---|...]σαχουλ Ἀμμώνιος ἀδελ(φός) Διονυσίου [---|...] ωσκα-  
 τυσις Περιγένης Ἰσίδωρος Παμ[---]

1. *BL* I 242: περὶ δειπνον prev. ed. 5.

The document is too fragmentary to be translated. The preserved lines contain a disposition for the benefit of the testator's son and wife, as well as 'completeness formula' and witnesses' list. Verso of the document contains a list of belongings and persons.

*P. Lond.* II 219 A, p. ii-iii

Second century BC

Itos (?)

Greek

Papyrus

Protocol with copies (?)

Text after *P. Lond.* II

## B – verso

[---]θ ἐν Ἰτω τῆς Θηβαΐδος ἐπὶ Ζήνωνος [ἀ]γορανόμου τοῦ | [... τάδε διέθετο  
 ὑ]γιαίνων νοῶν καὶ φρονῶν Πάνισκος ὅς καὶ Πετεμίνις τῆς ἐπὶ | [--- εὐ]μ' ἐγέ(θης)  
 μ' ἐλ(χρως) ὑποκλαστῶς ἀναφάλανθος πλατυπρόσω(πος) εὐθύρ[ιν --- τοῖς δ]φ-  
 θαλμοῖς ὡς δεξιὸν τετρημένους οὐλή ὑπ' ὀφθαλμὸν δε||<sup>5</sup>[ξιὸν, εἴη μὲν μοι ζῶντ]ι καὶ  
 ὑγιαίνοντι τῶν ἐμυτοῦ κύριον εἶναι. ἐὰν δέ τι πάθ[ω | ἀνθρώπων κ]αταλείπω καὶ  
 δίδωμι τὰ ἐπιβάλλοντά μ[οι] μέρη δύο | [---] μοι οἰκίας μητρικῆς καὶ τοῖς ἀδελ-  
 φοῖς ἀ[πὸ] μ[ε]ρῶν πέ[ν]τε [---]... ἀδ[ε]λ[ο]ι[...|...|---]... αμ[ε]νους ..... [---]ενους  
 μοι στ....τ[...].ρ.ψι...τρ....

3. ὑποκλαστός | ἀναφάλαντος || 4. οὗς

In Itos in the Thebaid, before Zenon the *agoranomos* ... Paniskos also called Pete-  
 minis ... tall, of honey-coloured complexion, slightly curly-haired, bald on his  
 forehead, flat-faced, straight-nosed, dim-sighted, his right ear being pierced, with  
 a scar under his right eye, being in good health, sane and of sound mind, has

made this will. May I live and enjoy good health and manage my affairs. But if anything happens to me, I bequeath and I give two parts that fall to me ... of my maternal house and to my brothers from five parts ...

*P. Berl.* ined.  
Second century BC  
Location unknown

Greek  
Papyrus

*Non vidi.* The document is known to me through R. P. SALOMONS, 'Testamentaria', *ZPE* 156 (2006), pp. 217–241, at p. 233. However, no further details can be provided.

*P. Mosc.* 123  
69 BC  
Panopolis

Demotic  
Papyrus

Demotic text based on Greek testamentary model.

## 2. LOCAL WILLS FROM THE ROMAN PERIOD

*SB XVIII* 13232  
First century AD  
Aueris (Arsinoites)

Greek  
Papyrus  
Draft (?)

Text after *SB XVIII*

[---]s Πτολεμαίου Ασπ[.]α[---|--- τοῦ καὶ Ἀλ]θαίεως. βουλομένη μ[---|---] πε-  
πεῖσθαι τὰ τέκ[να] ἐμ[---|---]ν καὶ τὴν τοῦ πατρ[ος] [s ---|<sup>5</sup> ---]ει ἐξοικονομήσω  
τῶν [---|---]ημα[.]ω ἐφ' ὃν περιέ[ιμι χρόνον ---|---]ι καὶ τὰ ὑπάρχοντά μοι  
δοῦλα σώ[ματα ---|---]... καὶ τὰ ..εμο[...ω Ασπ[--- ]|---]...ομαι ---|<sup>10</sup>  
[τῶν προγ]εγραμμένων μου τέκ[ν]ων Πτολ[εμαῖος (?) ---|---]ο ἔσον συν-  
εσφερούση ....ον ..[---]|traces of 11 lines |<sup>21</sup> [--- ε]ἰσάγεται .[...ε]...αφην --- [---

---]ων δὲ καὶ ὁ υἱός[ς] μου Πτολεμαῖος --- [---]λείπειν τοῖς μὲν Καισαρείοις  
 κα[.][---][---].[.][.][α] μὲν ...απα .....[---]||<sup>25</sup>---]ενωι μ.[.][.][α] μοι ὡς χ .....[---]---  
 ]σι[.][θ] --- χρηματίζει .....[---]---] πλὴν μόνον περὶ τ[---]---]ο τῶν ὑπαρχόντων  
 ἐπὶ τὸν δ[---]---]ενον χρηματίζω δὲ ν[---].---]. ὃν τῶν νε .....[---].[---].... as is  
 .... ἐξόντος τῷ Πτολε[μαί]ω] ---ω αὐτῶν ..αν ---] ἐφ' ὃν περιέειμι χρόνον χωρὶς  
 καὶ τῆς ἐμῆς παρουσίας[s ---]

The text is too fragmentary to be translated. It contains some provisions to the benefit of the children of the testatrix (?).

CPR VI 72

First century AD  
 Hermopolite nome

Greek  
 Papyrus

Text after CPR VI

[---].[---][---].μ.[---] ἀπὸ κώμης Π[έ]σλα [τ]οῦ [Ἐρ]μ[ι]([οπολίτου) νο[μ]([οῦ]) α ..|  
 [ὡς] (ἐτῶν) μ[....] μ[α]κ[ρο]πρόσωπος) εὐθ[ύ]ρην οὐλ[ή] γασ[τρο]κνημιά) δ[ε]ξ[ι]α[ι]. εἴ[η]  
 μὲν μοι ὑγιαίνοντι ||<sup>5</sup> τ[ῶ]ν ἐμαντο[ύ] π[αν]των κύριον εἶ[ν]αι διοικεῖν καὶ οἰκονομ[εῖ]ν  
 περὶ αὐτῶν καθ' ὃν ξαν αἰρώμαι τρόπον. εἰάν δέ τι | π[α]θ[ῶ] ἀνθρώπινον καταλείπω τῷ  
 υἱῷ μου Φίβι γεγο[ν]ότ[ι] μοι ἐκ τῆς συνου[ση]ς μοι γυναικὸς Τινυρις ὡς (ἐτῶν) κη |  
 μέ[ση] μελ[ί]χρως) μακ[ρο]πρόσωπος) εὐθ[ύ]ρην <οὐλῇ> ἀγκῶνι ἀριστερᾶς χειρὸς τὴν  
 ὑπάρχουσάν μοι ||<sup>10</sup> οἰκίαν καὶ ἀπὸ ἀπηλιώτου τῆς οἰκ[ί]ας ψειλὸν τόπον καὶ | τῶν  
 τούτοις χρηστηρίοις καὶ ἀνηκ[ό]ντων πάντων καὶ εἰσόδ[ων] | καὶ ἐξόδων τῶν ὄντων  
 ἐν τοῖς ἀπὸ ἀπηλιώτου κωμαστηρίου | Ἐρμού Θότου τοῦ θεοῦ μεγ[ί]στου κώμης Πέ-  
 σλα. γείτονες τῶν | ὅλων νότου δημοσία ῥύμη βορρά Ψοῖς Χενύριος ἀπηλιώτου ||<sup>15</sup> τοῦ  
 προγεγραμμένου υἱοῦ Φίβιος Φίβιος λιβὸς δρόμος | Ἐρμού Θότου τοῦ μεγ[ί]στου τῆς  
 αὐτῆς κώμης Πέσλα. | κυ[ρία] ἡ δ[ια]θ[ῆ]κη. ἐξ ο[ὗ]δε μάρτυρες. Ψοῖς Χενύριος [ὡ]ς  
 ἐτῶν κθ | μέ[ση] μελ[ί]χρως) μακ[ρο]πρόσωπος) εὐθ[ύ]ρην ἄσημ[ος], Πατόφιβις Πα-  
 σχεῖτος ὡς (ἐτῶν) με μέ[ση] μελ[ί]χρως) μακ[ρο]πρόσωπος) εὐθ[ύ]ρην | ἄσημ[ος],  
 Παθούτης ἀδελφὸς ὡς (ἐτῶν) λε μέ[ση] μελ[ί]χρως) μακ[ρο]πρόσωπος) εὐθ[ύ]ρην οὐλ[ή] ἀντικνημ[ί]ω ||<sup>20</sup> ἀ[ρ]ιστ[ε]ρῶ, Παῆσις Χεναμο[ύ]νιος ὡς (ἐτῶν) με οὐλ[ή] ἀντικνημ[ί]ω  
 δεξιῷ | [---]....ημ[ε]....αγ...ρ[...].αλ.[---][---].ητ.[---]

Verso

π.εξ | απ... ||<sup>25</sup> Χενύ[ρι]ος

7. Φίβει || 8. Τινυρεως || 10. ψιλόν

...from the village Pesla in the Hermopolite nome ... about 4... years old, long-faced, with a straight nose and a scar on the right calf ... May I enjoy good health and master all my belongings, manage and control them the way I choose. But if anything happens to me, I bequeath to Phibis, son born to me and Tinyris my wedded wife, about 28 years old, of medium stature, of honey-coloured complexion, long-faced, straight-nosed, with a scar on the right elbow, my house, and the empty lot on the east side of the house, together with their furniture and all the appurtenances, exit and entrance being on the east side of *komasterion* of the greatest god Hermes-Thot from the same village Pesla; the neighbours of the entire property are: a public street on the south, (the land) of Psois son of Chenyris on the north, on the east (the land) of the above-written son Phibis son of Phibis, on the west the street of the greatest Hermes-Thot of the village Pesla. The will is valid. The six witnesses: Psois son of Chenyris, about 29 years old, of medium stature, of honey-coloured complexion, long-faced, straight-nosed, without scars; Patophibis son of Pascheis, about 45 years old, of medium stature, of honey-coloured complexion, long-faced, with a straight nose, without scars; his brother Pathoutes, about 35 years old, of medium stature, of honey-coloured complexion, long-faced, with a straight nose and a scar on his left shin; Paesis son of Chenamounis, about 45 years old, with a scar on his right shin ...

*P. Dura* 16

First century AD  
Dura Europos

Greek  
Parchment  
Copy (in a register?)

Text after *P. Dura*

Fragment A

[---]η[---|---]ιλαι β[---|---]ωμολογ[ήσατο ---|---] Ἐπίνικο[s] Διο[---]||<sup>5</sup> vac?

Fragment B

[--- ἐπὶ τοῦ δέινος στρατηγοῦ καὶ ἐπιστάτου τῆς πόλεως καὶ τῶν ὑπογεγραμμένων μαρτύρων· |--- τὰδε διέθετο ὁ δέιναι· εἴ]η μὲν μοι ὑγιαίνοντ[ι τῶν ἐμαντοῦ κύριον εἶναι, ---|--- ἐὰν δὲ τελευτήσω, καταλείψω τῇ]ν μου οἴκησιν ἣν ἔλαχ[ον ἐκ διακληρώσεως ---|--- σὺν εἰσόδωι καὶ ἐξόδω]ι καὶ τοῖς ἄλλοις το[ῖς συγκύρουσι καὶ καθήκουσι πᾶσιν ---|---] καὶ s .γαλαι .θ .[---||<sup>10</sup>---] σὺν θυρώμασ[ι καὶ πλινθείωι ---|---προ]σεφώνη[σεν ---|--- τ]ῶι Καλλ[ιστράτῳ (?) ---|---]θ[---]

The text preserved on Fragment A is too poorly preserved to be translated.

... before the *strategos* and *epistates* of this city, and the witnesses who signed below  
 ... he has made the will. May I enjoy good health and master my own belongings  
 ... If I die, I bequeath my house, which I obtained as the share ... with exit and  
 entrance, and other fixtures to it, and all the appurtenances ...

SB XVIII 13308 = P. J. SIJPESTEIJN,

BASP 22 (1985), pp. 323–332

AD 81–96

Ptolemais Euergetis

Greek  
Papyrus

Text after SB XVIII

### Fragment A

[ἐτους --- Αὐτοκράτορος Καίσα]ρος [Δο]μιτι[αν]ο[ῦ] | [Σεβαστοῦ Γερμανικοῦ  
 μηνὸς Δύ]στρ[ου] ε Τῦβι [ε] | [ἐν Πτολεμ(αῖδι) Εὐεργ(έτιδι) τοῦ Ἀρσι(νοῖτου) νομοῦ.  
 τ]άδε διέθετο νο[ῶν] | [καὶ φρονῶν δεῖνα δεῖνος τοῦ δέινος μητρ]ός Πτολέμ[as] ||<sup>5</sup>  
 [ἀναγραφόμενος ἐπ' ἀμφοδου --- ὡς ἐτών ---]ος εὐθύρις οὐλή | [--- εἴη μὲν μοι ὑγιαί-  
 νοντι] τῶν ἐμαυ[τοῦ] κύριον εἶναι πωλεῖν καὶ ὑποτίθεσθαι καὶ μεταδιατίθεσθαι καὶ  
 οἰκο[νομεῖν] τὰ ἐμαυτοῦ ὡς ἐὰν αἰρώμαι, τὸ δὲ πρ[ο]σδεδομένον | [κύριον ἔστω ---]  
 vac.? ἐὰν δὲ τελευ[τῇ]<sup>10</sup> [τήσω καταλείψομαι κληρονόμους τοὺς] γεναμένους μοι | [ἐκ  
 Θερμούθως υἱὸς δύο --- τ]ετελευτηκέναι τε | [---]..ιον καὶ Θερμούθι | [--- ἄλλ[η]ν  
 ἐν κώμην | [---] ἐδωντο ἢ καθ' ἐαυ[τοῦ]<sup>15</sup> [τοὺς --- ἐκ τοῦ πρὸς νότο]ν καὶ λίβα μέρους ἄλ-  
 (λην) | [οἰκίαν ---] ἀπὸ τόπων πλατύς | [νότον ἐπὶ βορρᾶ π]ήχεις --- μήκους] λίβα ἐπ'  
 ἀπηλιώτ(ην) | [π]ήχεις --- ἢ ὅσ[ων] ἐὰν ὦσι π]ήχ(εων) | [---]..σεως vac.? τῇ δὲ Θερ-  
 ||<sup>20</sup> [μούθι ἐφ' ὅσον περίεστι χρόνον ---] ἐνησιν τῆς αὐτῆς | [οἰκίας χωρὶς ἐνοικίου ---  
 καὶ ἀπὸ κλήρου κατοικικ]οῦ ἀρούρας πέντε | [--- πλ]ήρης καὶ τὴν ὑπάρχου[σαν] ---  
 Κεφ[αλαίωνος] ἐν κατοικ[ικῶ] ---].[---]..ις ..||<sup>25</sup> [---]ς π[α]ρὰ ἑκασ---

### Fragment B

ἁταγιο θησόμενα ὑπα[---]|| σώματα ἐν οἷς ἐστὶν Κ[ε]λ[ε]ξ (P) --- | ἡσμένα εἰς μέ' ἀφ'  
 οἰησθ[ῆ]ποτε --- τὰ ὑπ' ἐμοῦ καταλειφθ[ῆ]σόμενα [κα]ῖ ἐπίπλω καὶ [σκεύη καὶ  
 ἐνδομενίαν καὶ ἱματισμόν καὶ | ὀνικά κτή]||<sup>30</sup> νη καὶ θρέμμα καὶ τὰ ἐνοφ[ε]ιλόμε-  
 νά μοι ἢ καὶ ἕτερα καθ' ὃν δήποτε οὖν τρόπον | ἐφ' ᾧ καὶ αὐτοὶ οἱ δύο υἱοὶ μι[---]  
 ] | κοινῶς ἐξ ἔσου δώσουσι τὰ[s] ἀργυρίου δραχμάς --- τῇ μητρὶ | Θερμούθι ἄς  
 διατάσσω αὐτ[ῇ] δοθῆναι --- | ἐν ἔτεσι δυσὶ ἀφ' οὗ ἐὰν τε[λευτήσω ---] ||<sup>35</sup> τῇ ἀπε-  
 λευθέρᾳ μοῦ ὕ' Ἡρακλ[ο]ῦτι --- | λόγον ἀργυρίου δραχμά[s] --- ὅπό[τε] τε τελευτήσωι  
 γινομένη[s] --- Ἡρα[κ]λοῦτι ἃ δώσω διακούεσθ[αι] --- | καὶ γεωργήσουσι οἱ δύο  
 υἱοὶ ---] ||<sup>40</sup> ποιήσα[ν]τι τὴν κητ[ί]αν καὶ περιστολὴν τοῦ σώματός μου ὡς καθή-

κει] | ἐὰν τέ τι συνβῇ μοι τελ[ευτᾶν ---] | τῇ Θερμούθι κλήρου <κατοικικοῦ (?)>  
 ἀρούρ[ας ---] | χωρηγήσουσι τῇ Θερμ[ούθι ἐφ' ὅσον χρόνον περίεστι καὶ ἄγαμος  
 καθέστηκεν] | πυροῦ ἀρτάβας ὀκτώ [καὶ ἀργυρίου δραχμᾶς --- κατὰ μῆνα ἑκα-  
 στον] ||<sup>45</sup> Πεθέως Τεν. νῶτος μα[ρτυρῶ --- ἀντικνη]||μῖω ἀριστεράι. Σαραπίω[ν -  
 ---]||κοντα ἐννέα σεσημ[ι]ω[μ]αι ---] | ὡς ἐτῶν πεντήκοντα [---]||ναίου ὡς ἐτῶν ἐξή-  
 κον[τα ---] ||<sup>50</sup> ὡς ἐτῶν πεντήκοντα σ[εσημείωμαι ---]

12. κόμη || 29. ἐπίπλοα || 33. διατάσσω || 37. τελευτήσω | δώσει || 40. κηδεῖαν || 43.  
 χωρηγήσουσι || 46. ἀριστερῶ || 47. σεσημείω[μ]αι

The dating clause is reconstructed almost in full: 'The ... year of the Emperor Caesar Domitianus Augustus Germanicus, on the 5th day of the month Dystros, 5 Tybi, in Ptolemais Euergetis of the Arsinoite nome'; the presentation of the testator and deed followed: '... son of ... and Ptolema, registered in the quarter ... straight-nosed, with a scar ... being sane and of right mind has made the will'. The next phrase is also entirely reconstructed: 'May I enjoy good health and master my own belongings, sell and mortgage them and change this will and control them as I choose, and the new provisions shall be valid.' The succeeding text is too fragmentary to be translated; it contains provisions concerning the testator's property; it begins with the sentence: 'If I die, I will appoint my two sons born to me of Thermoutis as my heirs.' Lines 11–12 specified to whom the testator's property was to go if the sons died; lines 13–19 listed the testator's belongings, that is a house, some land, and probably some other objects; the following lines contained a provision for the testator's wife granting her the right to dwell, use, and hire their common house; a slave is mentioned below, but the sense of the provision is not clear. After this, we find the clause listing goods belonging to the testator. Lines 31–40 are rather fragmentary; they contained financial provisions: the testator's sons were asked to pay some money to their mother and to a freed-woman of the testator, Heraklous. The following disposition concerns the funeral (ll. 39–40). The rest of the text contains some provisions for the testator's wife, and the list of witnesses.

*P. Oxy. II 379* descr.

AD 87/91/95

Oxyrhynchos

Greek

Papyrus

Original

Publication under preparation by Maria Nowak.

*P. Oxy.* I 104 = P. STEINSKY, *RIDA* 51

(2004), pp. 281–294

AD 96

Oxyrhynchos

Greek

Papyrus

Original

Text after *P. Oxy.* I

Translation: German in STEINSKY, *RIDA* 51 (2004), p. 285

ἐτους ἕκτου δεκάτου Αὐτοκράτορος Καίσαρος Δομιτιανοῦ | Σεβαστοῦ Γερμανικοῦ,  
Χοίακ λ, ἐν Ὁξυρύγχων πόλει τῆς Θηβαΐδος, | ἀγαθῇ τύχῃ. | τάδε διέθετο [ν]οοῦσα  
καὶ φρονοῦσα [α] Σο[ῆ]ρις Ἀρποχράτος ἀπελευθέρου ||<sup>5</sup> Σαραπίωνος τοῦ Χαιρή-  
μον[ο]ς μη[τ]ρὸς [ς] Τνεφερώτος τῆς Ἀννίου, | τῶν ἀπ' Ὁξυρύγχων πόλεως, μετὰ  
κυρί[ου] τοῦ ἀνδρὸς Ἄτρεως\* μητρὸς Τεραῦ[τος] τῆς καὶ Θαυβάστιος τῆς Φατρ[ε]ως,  
[τ]ῶν ἀπὸ τῆς αὐτῆς πόλεως, ἐν ἀγνιᾷ. εἴη μὲν μοι ὑγιαίνουσιν κυρί[α]ν ἐ[ῖ]ναι τῶν  
ἐμάντῆς, χρᾶσθαι καὶ διοικεῖν περὶ αὐτῶν καθ' ὃν [ἐ]ὰν αἰρ[ώ]μα[ι] τρόπον. μετὰ δέ  
τῃν ἐσομένην ||<sup>10</sup> μου τελευταίην συνχωρῶ εἶ[ναι] τοῦ υἱοῦ μου Ἀρεῶτου χρημα-  
τίζοντος | μητρὸς ἐμαυτῆς τῆς Σοήριος, ἐὰν ζῇ, εἰ δέ μή, τῆς τούτου γενεᾶς, τὴν  
ὑπάρχουσαν μοι ἐπὶ τοῦ πρὸς Ὁξυρύγχων πόλει Σαραπίου ἐπ' ἀμφοδον | πρότερον  
Ἰππέω[ν] παρεμβολῆς οἰκίαν καὶ αὐλὴν σὺν εἰσόδοις | καὶ ἐξόδοις καὶ τοῖς συνκυ-  
ροῦσι, ἐφ' ᾧ ὁ σημαινόμενος ἀνὴρ Ἄτρης ἔξει ||<sup>15</sup> τὴν ἐνοίκησιν καὶ τὰ  
πε[ρ]ισσόμενα ἐνοίκια τῆς σημαινομένης | οἰκίας καὶ αὐλῆς ἐπὶ τὸν [τ]ῆς ζωῆς αὐτοῦ  
χρόνον χωρὶς ἐνοικίου, | ὑπὸ μηδενὸς ἐγβαλλόμενον, ᾧ χορηγήσει ὁ αὐτὸς υἱὸς Ἀρε-  
ῶτης | κατ' ἔτος ἀργυρίου δρ[α]χμὰς τεσσαράκοντα ὀκτὼ ἄχρι οὗ ἐκπληρωθῶσι  
ἀργυρίου δραχμαὶ τριακόσαι, οὗσαι ἐσταμέναι πρὸς ἀλλήλους ||<sup>20</sup> ὑπὲρ διαλύσεως  
καὶ συμφωνίας περὶ τῶν ὀφειλομένων ὑπ' ἐμοῦ τῷ | αὐτῷ [ἀ]νδρὶ Ἄτρη κατὰ  
ἀσφάλειαν διὰ τραπέζης ἐνοικισμοῦ τῆς | αὐτ[ῆ]ς οἰκίας καὶ αὐ[λ]ῆς ἀργυρίου δραχ-  
μῶν ἑξακοσίων. καὶ δώσει | ὁ αὐ[τὸ]ς υἱὸς τῇ γεγονυῖα μοι ἐκ τοῦ ἀνδρὸς Ἄτρεως

\*The interpretation of this name is doubtful. The editors (as well as Preisigke and the contributors of the trismegistos.org database) interpret it as a Greek name Atreus. Indeed, this name is attested in papyri from Egypt, but it seems that not in this grammatical case (ll. 6 and 23). In two other places in the same papyrus (ll. 14 and 21), the name of the testatrix' husband appears to be Hatres, which is an Egyptian name meaning 'a twin'. A person could have two names, one Greek and one Egyptian; however, in this document such an interpretation seems unlikely. In both lines 6 and 23 the correct form of the name Atreus should be the genitive Ἀτρέως, but the name is apparently in the nominative. Thus, we accept that either the Greek name is undeclined in this particular case, or that Ἀτρεως is a genitive of the Egyptian name Ἄτρης but written without omicron, which could happen easily. In the next line, we find the name of the maternal grandfather of Hatres, Phatres, which is another version of the same Egyptian name. Moreover, the genitive is written in the same way – Φατρεως (l. 7).

θυγατρὶ Τνεφερῶτι | [μ]ετ[ὰ] τὴν τοῦ ἀνδρό[ς] μου τελευτὴν ἐν ἡμέραις τριάκοντα  
 ἂς δια[ί]||<sup>25</sup>[τάσσ]ω αὐτῇ ἀργ(υρίου) (δραχμάς) τεσσαράκοντα· ἢ δ' αὐτὴ ἐνοικήσει ἐν  
 οἴκῳ ἐνὶ | [ἐπιπ]έδῳ ἐν τῷ πυλῶνι ἡνίκα ἐὰν ἀπαλλαγῇ τοῦ ἀνδρός μέχρι οὗ | [ἐὰν  
 καθά]π[α]ξ καταλλαγῇ, χωρὶς ἐνοικίου. καθ[ό]λου δὲ μὴ ἐξείναι μηδενὶ | [---] ἄλλου  
 ἀπαίτη[σι]ν ποιήσεσθαι παρ[ὰ] τοῦ] υἱοῦ ἢ τῶν παρ' αὐτοῦ | [μετὰ τ]ὴν τοῦ ἀν[δ]ρὸς  
 τελευτὴν μηδὲν τ[ῶν] διὰ τῆς τοῦ ἐνοικισμοῦ ||<sup>30</sup> [διὰ τρ]απέζης ἀσφαλείας κατ'  
 οὐδένα [τρόπο]ν, ἀλλὰ ἀπο[λ]ελύσθαι αὐ[τὸν τῆ]ς ἐκτ[ε]ρίσεως τῶν δι[ὰ] ταύτης [-  
 ---]κίαι. ἄλλω δὲ οὐδενὶ | [ἀπλῶς] τῶν ἐμῶν καταλείπω [οὐδέν. εὐδοκε]ῖ δὲ πᾶσι τοῖς  
 προγε[γραμμέ]νοισι ὁ σημερινόμεν[ός] μου ἀνὴρ Ἀτρῆ[ς] τῶν ἀπὸ τῆς αὐτ[ῆς] |  
 [πόλεω]ς ἐν ἀγνιᾷ τῇ αὐτῇ [---]ν Ἀρτεμιδω[ρ] ---] ||<sup>35</sup> [---] .σκ[...].δι[...].  
 [---] τέσ[σαρες] πτ.[---]---]τα ἐξ[---]---]του π[---]---]να η α[---]

3. *BL V 75: ἀγαθῇ* || 5. *BL V 75: Τνεφερῶτος* || 6. *corr. ex απρευσ* || 11. *BL V 75: Θωμῆ[ς]*  
 (1. Θώμιος) *prev. ed.* || 14. *BL V 75: Ἀτρεὺς* *prev. ed.* || 17. *ἐκβαλλόμενος* || 18–19. *BL*  
*V 75: ἐκπληρώσωσι* *prev. ed.* || 24–25. *BL V 75: δια[...]*ν *prev. ed.* || 26. [ἐν οἴκῳ]πέδῳ  
*prev. ed.* || 27. *BL V 75: [.....]*ν *prev. ed.* || 32. *BL V 75: [οὐδέν]* *prev. ed.* || 32. *BL*  
*V 75: [.....]* *prev. ed.* || 33. *BL V 75: [Ἀτρεὺς]* *prev. ed.*

In the sixteenth year of the Emperor Caesar Domitianus Augustus Germanicus, 30 Choiak, at the city of Oxyrhynchos of the Thebaid, for good fortune. Soeris daughter of Harpochras, a freedman of Sarapion son of Chairemon, and (of) Tnepheros daughter of Annios, from the city of Oxyrhynchos, with Hatres, her *kyrios* and husband, his mother being Teraus also called Thaubastis daughter of Phatres, from the same city, being sane and in her right mind, has made this will in the street. May I enjoy good health to master my own belongings, use them and manage them the way I choose. I concede that after my future death the house and courtyard together with entrance and exit, and their appurtenances belonging to me near the Sarapeion of the city of Oxyrhynchos, at the quarter before called Hippeon Paremboule, are to belong to my son Hareotes officially known as a son of mine, that is Soeris, if he is alive; if not, (my property is to belong) to his family on condition that my said husband Hatres will have the right of dwelling and renting the said house and courtyard with no charge until the end of his life; no one is allowed to throw him out. My son Hareotes will be supplying him with forty-eight drachmae of silver every year until the payments reach a total of three hundred drachmae, which was established between one another according to a settlement and agreement about the (money) owed by me to the same husband Hatres, in accordance with a security deed of six hundred drachmae of silver made through a bank concerning the residence in this house and courtyard. And this my son will give forty drachmae of silver appointed by me to Tnepheros, my daughter born to me of my husband Hatres, within thirty days after my husband's death. If

her husband divorces her, she will dwell free of charge at this house on the first floor, in the gate-house, until the moment she is reconciled with her husband. Absolutely no one in any way is allowed ... to demand anything, also of the house-rent of the security deed made through a bank, from my son or his descendants after my husband's death, but he is free from paying in full. ... I do not leave any of my things to anyone else. My said husband Hatres, from those from the same city, in the same street, approved all my above dispositions ...

*P. Oxy.* III 493 = *M. Chr.* 307  
= *Pap. Lugd. Bat.* xxx, pp. 61–62  
Before AD 99  
Oxyrhynchos

Greek  
Papyrus  
Original

See also P. VAN MINNEN, ‘Berenice, a businesswoman from Oxyrhynchos. Appearance and reality’, [in:] S. P. VLEEMING & A. M. VERHOOGT (eds.), *The Two Faces of Graeco-Roman Egypt. Greek and Demotic and Greek-Demotic Texts and Studies Presented to P. W. Pestman*, Leiden 1998, pp. 59–71

Text after *P. Oxy.* III

Translation: B. P. GRENFELL & A. S. HUNT in *P. Oxy.* III (ll. 2–15) (below)

πε[---]νι.[---]...[---]ω[...]. τιμ[...]. | μ.[---].[---]ος [...]. ιωνος .[---]τει [...].  
μεμερισμένω[ν ...] ἔδαφὼν τὴν κυρε[ίαν καὶ τῶν] οἴκοπέδων τὴν ἐνοίκησιν  
[...]. ν, ἔξου[σίας οὐ]σης τῷ ἀφ’ ἡ[μ]ῶν ἐπιζήσαντι ἔάν τε βούληται πωλεῖν | τὰ  
[τε ἴδια κ]αὶ τ[ὰ] τοῦ προτελευ<τή>σαντος δοῦλα σώματα ἡτο[ι]α τὰ ὅλα ἢ καὶ τινα  
αὐτῶν καὶ τῇ τούτων τιμῇ [---]σθ[α]ι [ἀς ---]εται δαδάνας ἐκφ[ο]ρᾶς καὶ  
κηδε[ία]ς τοῦ προτελευ<τή>σ[αν]τος σωματείου καὶ χρεῶν ἀποδώσις, ὁμ[οίως] |  
δὲ [ἐ]ξ[ε]ῖναι τ[ῶν] ἐπιζή[σαντι] ἀφ’ ἡμ[ῶν] διατάσσειν τοῖς γεγονόσι ἡμεῖν ἐξ  
ἀλλήλων τέκνοις Σαραπᾶ καὶ Ἀπολλωνίῳ | καὶ Διογένει | ἀφήλικι [καὶ ---]  
ἀφήλικι τὰ τε ἴδια καὶ τὰ τοῦ προτελευ<τή>σαντος (hand 2) ἔδαφον καὶ τὰ ἅπρατα  
τῶν σωμάτων καὶ τὰ ἄλλα | (hand 1) ὡς ἔαν αὐτῶν ἐπιζή[σαν]τι δοκῇ ἐφ’ ὧν  
ἐὰν αἰρήται μερισμῶν, ἐπὶ δὲ τῆς γυναικὸς Βερενίκης ἐὰν αὐτῇ περ[ι]ῇ εἶναι | ἐὰν  
βούληται κυρ[ι]ᾶν [ἀνε]μποδίστως, μὴ οὐσης μηδενὶ τῶν καθόλου ἔξουσίας πρὸς  
ἀθέτησιν τῶν τούτων ἄγειν μ[ηδέ τι] ||<sup>10</sup> ὑπεναντίως π[οιεῖν ἢ τὴν ἔφοδον] ἄκυρον  
εἶναι καὶ ἐκτίνουν τὸν ἐπιχειρήσαντα παραβαίνειν τῶν τούτων ἢ ἐπ[ε]λ[ευσό]μενον  
τῶν ἐπ[ι]ζήσαντι ἀφ’ ἡμῶν | καθ’ ἐκάστην ἔφοδον τό τε βλάβος καὶ ἐπίτιμον ἀργυ-  
ρίου δραχμὰς δισχιλία[s] | καὶ εἰς τὸ δημόσιον τὰς ἴσας, χω[ρὶς] τοῦ καὶ τὰ προ-  
γεγραμμένα κύρια εἶναι. ἢ διαθήκη κυρία. μάρτυρες δ’ εἰσὶν Λόχος | Λόχου τοῦ  
Σαραπίων[ος] κα[ὶ] Σα[ραπίων] Σαραπίωνος τοῦ Πασιώνος καὶ Πλουτίων Κρα-

τείνον τοῦ Δημητρίου καὶ Εὐ|δαίμων ὁ καὶ Ἀμοῖς Ἀμόιτος τοῦ Σαραπίωνος καὶ Ἀπολλων Διογένους τοῦ Θέωνος καὶ Διόφαντος Διόφαντος τοῦ Αὐλείου(?) ||<sup>15</sup> οἱ ἐξ ἀπὸ τῆς αὐτῆς πόλεως ἐν ἀγνιᾷ τῇ αὐτῇ (hand 3) Πασίων Σα[ρα]πίων[ος] τοῦ Πασίωνο[ς] π[ε]ποιήμαι σὺν τῇ γυναικὶ | Βερενίκη τὴν διαθήκην καὶ καταλ<ε>ίπω με[τ]ὰ τῇ[ν] τελε[ε]ντήν ἐ[ἴ]ναι τοῦ ἀσφ[αλῶς] περι[ό]ντος τὰ τοῦ πρωτε[λευ]τήσ[α]ντος ἀπολειφθησόμενα σιτικά [ἐδάφη καὶ οἰκόπεδα] καὶ ἔπ[ι]πλα καὶ σκε[ύ]η καὶ ἔνδομε[ν]είαν | [καὶ γενή]ματα καὶ γυν<α>ικεῖον κόσμον ἔτι δὲ κ[αὶ] ---]νοντ[---], καὶ τὰ ἐνοίκια | [---] --- [--- ἀπολειφ]θησομέν[ων οἰ]κοπέδων καὶ δοῦλων ||<sup>20</sup> [---] δαπάνας ἐκφο[ρᾶς] | ---] καὶ τῶν [---]τα τεμ[---]ε. [---]

2-3. κυρ[ίαν] || 3. *corr.* ex ονοικησιν || 5. *corr.* ex .[.]αται | δαπάνας | σωματίου | ἀποδο-  
σεις || 6. ἡμῶν || 8. *corr.* ex τες || 9. *corr.* ex τε | *corr.* ex αγειν || 11. *corr.* ex ταθ || 12. *corr.*  
ex μαρτυρας || 14. Διοφάντου || 16. καταλείπω || 16-17. πρωτε[λευ]τήσ[α]ντος

Ll. 2-20: ... shall have the ownership of the estates and right of domicile in the buildings, the survivor of us, if he pleases, having the power to sell all or any of the slaves belonging to himself or to the one of us who first dies, and with the purchase money to defray the expenses of the funeral and burial of the body, and pay the debts of the deceased, and the survivor of us shall similarly be permitted to devise to the children that have been born to us, Sarapas and Apollonios, and Diogenes, and ... the last two being minors, the estates, unsold slaves and other effects belonging to himself or to the one who first dies in such manner as the survivor thinks fit and with any division he chooses, but the wife Berenike, if she survives, shall, if she will, have the undisturbed ownership, and no one at all shall be permitted to set aside aught of these provisions or to do anything opposed to them, but the aggression shall be invalid and the person attempting to disobey them in any respect or making aggression upon the survivor of us shall forfeit for each aggression the damage and a fine of 2000 drachmae of silver, and to the Treasury an equal sum, the foregoing provisions at the same remaining valid. This will is valid. The witnesses are Lochos son of Lochos son of Sarapion; and Sarapion son of Sarapion son of Pasion; and Plution son of Kratimos son of Demetrios; and Eudaimon also called Amois son of Amois son of Sarapion; and Apollon son of Diogenes son of Theon; and Diophantos son of Diophantos son of Aulios, all six from the said city, in the said street. I, Pasion son of Sarapion son of Pasion, acting with my wife Berenike, have made the will, and I decide that after the death (of one of us) the one who remains safely alive will have the things left by the one who dies first: corn lands, houses, movable property, equipment, household utensils and products, and female ornaments, and also the rents ... of buildings and slaves ... funeral expenses (?) ...

*P. Oxy.* III 647 descr.

= *P. Oxy.* II 368 descr.

First century AD

Oxyrhynchos

Greek

Papyrus

Original

Text after papyri.info

ἐτους ὀγδόου Αὐτοκράτορος Καίσα[ρος --- ἐν Ὁξυρύγχων πόλει τῆς Θηβαΐδος. ἀγαθὴ  
τύχη] | τὰδε διέθετο νοοῦσα καὶ φρονοῦσα[a --- Τααρίμη --- μετὰ κυρίου ---] | μητρὸς  
Θατρῆτος ἀπὸ τῆς αὐτῆς π[όλεως --- ἐὰν δὲ ἐπὶ ταύτῃ τῇ διαθήκῃ τελευτήσω] | μηδὲν  
ἐπιτελέσασα καταλείπ[ω ---] ||<sup>5</sup> βῆ ἐάν τι ἄ[λλ]ο ἀπλῶς ἀπολίπο ἐ[φ' ᾧ --- Πεσοῦ] | ρις  
ἄτεκνος ἔστω ἃ διέταξα αὐ[τ --- Τααρίμη πεποῖ] | ημαι τὴν διαθήκην καὶ κα[ταλείπω  
---] | ἀπλῶς ἀπολείπω ἐφ' ᾧ δώσει τῷ [---] | Πεσοῦρις ἄτεκνος ἔστω ἃ διέ[ταξα ---  
] ||<sup>10</sup> Ὀφελᾶς ἐπιγέγραμμαι τῆς ..[--- κύριος --- (hand 3) ὁ δεῖνα] | μητρὸς  
Θερμουθίου ἀπὸ τῆς αὐτῆς [πόλεως μαρτυρῶ ---] | (hand 4) Μ..... μητρὸς Νικαρίου  
ἀπ[ὸ τῆς αὐτῆς πόλεως μαρτυρῶ ---] | (hand 5) ... της [ᾧ] πὸ τῆς αὐτῆς πόλεως  
μ[αρτυρῶ ---] | (hand 6) τηνορος Διογένους [ᾧ] πὸ τῇ[ς αὐτῆς πόλεως μαρτυρῶ ---]  
||<sup>15</sup> traces of 1 line | (hand 8) .. ρις Ἐπαγ[άθου ---] | (hand 1) (ἐτους) ἡ  
Αὐτ[οκ]ρ[άτο]ρ[ος] Κ[αίσα]ρος --- | διαθ(ή)κη Τααρίμης Μ[---]--- ἐμίσ]θωσεν  
Σαραπίων ὃς καὶ Δίδυμος Ηρακλείδου ||<sup>20</sup> [---] ωνι Ἀπολλωνίου Πέρσηι τῆς ἐπιγονῆς  
| [--- ἐ]νεστὸς τέταρτον ἔτος Τιβερίου Κλαυδίου | [--- Καίσαρος Σ]εβαστοῦ Γερμα-  
νικοῦ Αὐτοκράτορος | [--- τῷ]ν βασιλικῶν γεωργῶν περὶ Πέλα[--- Π]έρσης [---  
] ἐμ[...]. ω[---]

3. *BL* I 408: π[όλεως ---] prev. ed. || 4. *BL* I 408: καταλείπ[ει ---] prev. ed. || 5. ἀπολείπω

In the eighth year of the Emperor Caesar ... in the city of Oxyrhynchos of the Thebaid; for good fortune. Taarime ... with her *kyrios* ... his mother being Thatres, from the same city, being sane and of right mind, has made this will ... If I die with this will and no further provisions made, I bequeath ... and if I leave anything else, on condition that ... If Pesouris dies childless, it shall be as I appointed ... I, Taarime, have made this will and I bequeath ... and anything else which I shall leave, on condition that ... he will give to ... If Pesouris dies childless, it shall be as I appointed... I, Ophelas, am registered ... *kyrios* ... I, ... son of Thermouthios from the same city, witness. I, ... son of Nikarios from the same city, witness. I, ... from the same city, witness. ... I, ... son of Diogenes from the same city, witness. I, ... son of Epagathos ... The 8th year of the Emperor Caesar ... the will of Taarime ... Sarapion also called Didymos son of Herakleides has leased ... of Apollonios, Persian of the *epigone* ... this fourth year of Tiberius Claudius ... Caesar Augustus Germanicus Emperor ... (of?) *basilikoi georgoi* ...

*P. Oxy.* III 650 descr.

First-second century AD

Oxyrhynchos

Greek

Papyrus

Original

Known to me only as *descriptum*.

*P. Oxy.* III 652 descr. = DERDA & NOWAK,

*JJurP* 42 (2012), pp. 101–115

First-second century AD

Oxyrhynchos

Greek

Papyrus

Text after DERDA & NOWAK, *JJurP* 42 (2012)

Translation: DERDA & NOWAK, *JJurP* 42 (2012) (below)

#### Fragment 1

[---]α | [ἐτους ---] ἐν Ὀξυρύνχων πόλει τῆς Θηβαΐδος, ἀγαθῇ τύχῃ. | [τάδε διέ-  
θετο νοοῦσα καὶ φρονοῦσα --- ἀ]π' Ὀξυρύνχων πόλεως μετὰ κυρίου τοῦ συγγενοῦς  
Παναροῦς [.....|---, ἐν ἀγνιᾷ. ἐφ' ὃν μὲν περίεμι χρόνον ἔχειν με τὴν τῶν ιδίω]ν  
ἐξουσίαν πᾶν ὃ ἐὰν βούλωμαι περὶ αὐτῶν ἐπιτελεῖν καὶ μ[ετα]ῖ<sup>5</sup> διατίθεσθαι καὶ  
πρὸς ἀκύρωσιν ἄγειν τὴν διαθήκην ὃ δ' ἂν ἐπιτελέσω κύριον ὑπάρχειν. ἐὰν δὲ ἐπὶ  
ταύτῃ τῇ διαθ[ή]κῃ τελευτήσω μηδὲν ἐπιτελέσασα καταλείπω κληρονόμ[ους |---  
ἑκατον δὲ αὐτῶν ἐὰν ζῇ, εἰ δὲ μὴ, τὰ τούτου] τεκνὰ ὧν ἐὰν ἀπολίπω καθ' ὄνδη-  
ποτοῦν τρόπον πάντων [---| ὑπαρχόντων. ---] ἐτέρων ἐκγόνων ἅπερ σώματα σὺν  
τοῖς ἐκ τῆς Τερεῦτ[ος ---|--- καὶ μηδενὶ] ἐξ[ἵ]ναι π[α]ραβα[ί]νει τι τ[ῶν ὑπ'] ἐμοῦ  
διατεταγμέν[ω]ν ---|---. ω[---|<sup>10</sup>---]α[---]μ[---]

#### Fragment 2

[---]ξ.[---|---]..[---|---]α[---|---].ε[---|<sup>5</sup>---]. Ὁξ[---|---].[---]

In the ... year of ... in the city of Oxyrhynchos in the Thebaid, for good fortune.  
... daughter of ... from the city of Oxyrhynchos, with Panares, her relative and  
*kyrios*, being sane and in her right mind, has made this will in the street. So long  
as I survive I am to have full power over my belongings, to make new provisions  
concerning them as I want, and to change this will, and to revoke it so that the  
new provisions will remain valid. But if I die with this will, I appoint as my heirs  
... if each of them is alive, if not, his/her children, of all my belongings which  
I shall leave in any way. ... slaves together with those born to Tereus ... No one  
shall be allowed to transgress any of my testamentary dispositions.

*P. Oxy.* III 649 descr. = DERDA & NOWAK,

*JJurP* 42 (2012), pp. 101–115

First-second century AD

Oxyrhynchos

Greek

Papyrus

Original

Text after DERDA & NOWAK, *JJurP* 42 (2012)

Translation: DERDA & NOWAK, *JJurP* 42 (2012) (below)

(hand 1) [---] ἐν [Ο]ξύρυνχ[ων πόλει τῆς Θηβ]αίδος ἀγ[α]θῇ τύχῃ | [τάδε διέθετο νοῶν καὶ φρονῶν Ἑρακλῆς Σαραπάτος τοῦ Γαίου ἀπ' Ὀξύρυνχ]ων πόλε[ως] ἐν ἀγνιᾷ. εἴη μὲν μοι ὑγιαίνοντι τῶν | [---] σθαι καθ' [δ]ν ξά[ν] α[ι]ρώμα[ι] τρόπον. ξὰν δ' ἐπὶ [τῇδε τῇ] διαθήκῃ τελ[ε]υτήσω καταλείπω --- ἐὰν ζῇ, εἰ δὲ μὴ, τῆς το[ύ]του γενε[ᾶς, Σαραπάτι μὲν κ]ατὰ τὸ δέμοιρον ||<sup>5</sup> [μέρος Πετσοράπι δὲ κατὰ τὸ τρίτον μέρος --- οἰκίας καὶ αἰθρίου καὶ ἀνδρῶν καὶ χρηστηρίων ...] ἐπ' ἀμφοδον | [--- καὶ ἂ ἐὰν ἄλλα ἀπολίπω πάντα καθ' ὄνδηποτον τρόπον, ἐφ' ὃ οἱ αὐτοὶ υἱοὶ Σα]ραπᾶς καὶ Πετσοράπις δώσουσι μετὰ τὴν τελευτήν μου | [τῷ ὁμογενεσίῳ αὐτῶν ἀδελφῷ Ζωίλῳ (δραχμὰς) σ μόνας] ..[.]σι. ἄλλω δὲ οὐδενὶ οὐδὲν τῶν ἐμῶν καταλείπω. ἢ | [--- ἢ διαθήκη κυρί]α. (hand 2) Ἑρακλῆς Σαραπάτος τοῦ Γαίου πεπορίμαι τὴν δια[θ]ήκην --- κληρονόμοις μου Σ[α]ραπᾶτι μ[ε]ν κατὰ τὸ δέμοιρον μέρος ||<sup>10</sup> [Πετσοράπι δὲ κατὰ τὸ τρίτον μέρος ---] οἰκίας καὶ αἰθρίου καὶ ἀνδρῶν καὶ χρηστηρίων | [... ἐπ' ἀμφοδον --- καὶ ἂ ἐὰν ἄλλα ἀπολίπω πάντα κα]θ' ὄνδηποτον τρόπον, ἐφ' ὃ οἱ αὐτο[ὶ] υἱοὶ Σαραπᾶς | [καὶ Πετσοράπις δώσουσι μετὰ τὴν τελευτήν μου τῷ ὁμογ]εν[η]σίῳ αὐτῶν ἀδελφῷ Ζωίλῳ (δραχμὰς) σ μόνας δια[κ]οσίας --- εἰμὶ δὲ ὡς ἐτῶν] .δ οὐ[λ(ῇ)] ῥ[ε]ῖνι καὶ ἔστιν μου ἡ σφραγὶς Σαραπίδος. | [--- ἀπὸ τῆς α]ν[τ]ής πόλεως ἔγραψα ὑπὲρ αὐτοῦ μὴ εἰδότος γράμματα. ||<sup>15</sup> (hand 3) ---]μιος ἀπὸ τῆς α[ν]τ[η]ς πό[λ]εως μαρτ[υ]ρῶ τῇ τοῦ Ἑ[ρακλ]ήου διαθήκῃ | [καὶ εἰμὶ δὲ ὡς ἐτῶν .. καὶ ἔστι μου ἡ σφραγὶς ---]. (hand 4) Ἑ[ρακλ]ήου Σαραπίδος τοῦ Ἑρμιογένο[υ]ς [ἀπ]ὸ τῆς αὐτῆς | [πό]λεως μαρτυρῶ τῇ τοῦ Ἑρακλέου διαθήκῃ καὶ εἰμὶ δὲ ὡς ἐτῶν .. οὐ[λ(ῇ)] ποδ[ι] καὶ ἔστιν μου ἡ σφραγὶς Ἀθηνᾶς. (hand 5) Ἀπίων | [--- τοῦ --- μαρτυρῶ] τῇ τοῦ Ἑρακλέου διαθήκῃ καὶ <ε>ἰμὶ δὲ ὡς ἐτῶν .. καὶ ἔστι μου ἡ σφραγ[ι]ς Διοσκόρου ἐφέβου (hand 6) Διονύσιος Διδύμου ||<sup>20</sup> [τοῦ --- ἀπὸ τῆς αὐτῆς πό]λεως μαρτυρῶ τῇ τοῦ Ἑρακλέου διαθήκῃ καὶ εἰμὶ δὲ ὡς ἐτῶν ..] ἔστ[ι] μοι [ῥ] σφραγ[ι]ς ---|--- (hand 7) .... μαρτυρῶ] τῇ τοῦ Ἑρακλέου διαθ[η]κῇ ---|--- (hand 8) ---]νσιον τοῦ Ἀρβοῶνιος ἀ[πὸ] τῆς αὐτῆς | [πό]λεως μαρτυρῶ τῇ τοῦ Ἑρακλέου διαθήκῃ καὶ εἰμὶ δὲ ὡς ἐτῶν --- κ[α]τὰ δύο καὶ οὐλῇ . γόνατι ἀριστερ[ῶ] ---| καὶ ἔστιν μου ἡ σφραγὶς --- | three-line space ||<sup>25</sup> (hand 1) ---]α | one-line space | [---]η διαθ[η]κῃ | [--- Σαραπ]ᾶ(τος) Πετσορά[π]ιο(s) ἀμφοτέρων κλ[η]ρονόμων).

In the ... year of ... in the city of Oxyrhynchos in the Thebaid; for good fortune. Herakles son of Sarapas son of Gaios, from the city of Oxyrhynchos, being sane and in his right mind, has made this will in the street. May I enjoy good health ... the way I want. If I die with this will, I bequeath to Sarapas two-thirds and to Petsorapis one-third of ... house, and court, and yard, and appurtenances ... in the quarter ... and all that I will leave in any way whatsoever, if each of them is alive, if not, to children of the deceased son, on condition that after my death these sons – Sarapas and Petsorapis – will give the sole 200 drachmae to their full brother Zoilos. I bequeath nothing to anyone else ... The will is valid. I, Herakles son of Sarapas son of Gaios, have made a will ... to my heirs, Sarapas two-third part, and Petsorapis one-third part of ... house, and court, and yard, and appurtenances in the quarter ... and all that I will leave in whatsoever way, on condition that after my death these sons Sarapas and Petsorapis will give the sole 200 (two hundred) drachmae to their full brother Zoilos. I am ...4 years old with a scar on my nose, my seal represents Sarapis. I, ... from the same city, have written for him, because he does not know letters. I, ...mios from the same city, witness to the will of Herakles and I am ... years old, my seal represents ... I, Hermogenes son of Sarapion son of Hermogenes, from the same city, witness to the will of Herakles and I am ... years old with a scar on my leg, and my seal represents Athena. I, Apion ... witness to the will of Herakles, and I am ... years old ... and my seal represents Dioskoros *ephebos*. I, Dionysios son of Didymos ... from the same city, witness to the will of Herakles, and I am ... years old, my seal represents ... I, ... witness to the will of Herakles ... I, ... son of ...nysios son of Harthoonis, from the same city, witness to the will of Herakles and I am ...-two years old with a scar on my left knee ... and my seal represents ... will ... Sarapas, Petsorapis, both heirs.

*P. Oxy.* LXVI 4533

First-second century AD

Oxyrhynchos

Greek

Papyrus

Original

Text after *P. Oxy.* LXVI

Translation: J. D. THOMAS in *P. Oxy.* LXVI (below)

[ἐτους --- Σε]βαστοῦ μηνὸς [Νέου] Σεβαστοῦ ἡ ἐν Ὁξ(υρύν)χων πόλει τῆς  
Θηβαίδος ἀγαθῇ τύχῃ. *vac.*? | [τάδε διέθετο νοῶν καὶ φρονῶν Ἀχιλλᾶς Ἡρακλείου  
τοῦ Θ]έωνος μητρ[ὸς] Τ[απ]οντώτος Νααρῶντος ἀπὸ Ὁξυρύνχων πόλεως ἐν  
ἀγυίᾳ. ἐφ' ὃν μὲν περὶ ἐμοὶ χρόνον ἔχειν με | [τὴν τῶν ἰδίων ἐξουσίαν ὃ ἐὰν βούλω-  
μαι ἐπιτελεῖν καὶ μεταδ[ι]τ[θ]ῆσθαι καὶ ἀκυροῦν τὴν διαθήκην ταύτην, ὃ δ' ἂν ἐπι-



mother being Heraklous daughter of Archias, from the same city ... in equal shares, each of them if he is alive, but if not, his children, and if I have no children, solely the aforementioned Amois and Zoilos or whichever one of them survives, of all that I leave in any way whatsoever, on condition that those appointed as successors give within (?) one year from my death to ... twenty silver drachmae which I bequeath him; no one at all is to have power to contravene these provisions, and any person contravening them is to forfeit to the party abiding by them the damages, and a fine of five hundred drachmae of silver, and an equal sum to the Treasury, and the foregoing provisions shall none the less remain binding. The will is valid. I, Achilles son of Herakleios son of Theon, have made this will and after my death I appoint as heirs any children I may have, and Amois and Zoilos, both sons of Hatres, in equal shares, and if I have no children, solely Amois and Zoilos or whichever one of them survives, of all that I leave in any way whatsoever, on condition that those appointed as successors give within (?) one year from my death to ... twenty silver drachmae, as above. I am 44 years old, with a scar on the left shoulder, and my seal is ... I, ... son of ... son of Glaukias, my mother being Sambous, have written on behalf of my second cousin who does not know letters, and I am 50 years old, without scars. I, Thomoeris son of Thomoeris son of Thomoeris, his mother being Demarous, from the same city, witness to the will of Achilles and I am sixty-four years old, with a scar on the left eyebrow, and my seal is the bust of Sarapis. I, Hekaton ... my mother being ... mmonion (?), from the same city, witness to the will of Achilles, and I am ... years old ... I, ... son of Eudaimon son of Diogenes, my mother being Isidora from the same city, witness to the will of Achilles, and I am ... years old, with a scar on the left ..., and my seal is ... and my seal is Hermes. ... witness to the will of Achilles, and I am ... years old ...

*P. Lond.* II 375, p. xxxv = SALOMONS,

*ZPE* 156 (2006), pp. 217–241.

Second century AD

Ptolemais Euergetis

Greek

Papyrus

Original

Text after *P. Lond.* II

Translation (ll. 1–18): SALOMONS, *ZPE* 156 (2006), p. 222 (below)

[Ἦτος --- Αὐτοκράτορος Καίσαρος ---].ου Μεσορὴ ἐπαγομένων β ἐν Πτολεμαίδι Εὐργέτιδι τοῦ Ἀρσιν[οῦ του νομοῦ.] | Τάδε διέθετο νοῶν καὶ φρονῶν --- μητρὸς ---, ὡς ἐτῶν .. μελίχρο]υς μακροπρόσωπος εὐθύριν οὐλὴ γαστροκνημιά ἀ[ριστερῇ]. | Εἴη μὲν μοι ὑγιαίνοντι τῶν ἐμαυτοῦ κύριον εἶναι, πωλεῖν καὶ ὑποτί-

θεσθαι καὶ μετα]διατίθεσθαι καὶ χρᾶσθαι τρόπῳ ᾧ ξὰν βούλωμαι. Ἐὰν δὲ τ[ελευ-  
 τήσω, | καταλείπω τοῖς γενομένοις μοι ἐκ ἑμαντοῦ γυναικὸς Ἰσιδώρ]ας Διδύμου  
 υἱοῖς Διδύμῳ καὶ Δωρίωνι πρεσβυτέρῳ καὶ Δ[ωρίωνι ||<sup>5</sup> νεωτέρῳ ἔτι ἀφήλικι ὄντι  
 ---, τοῖς] τρισί, ἀπὸ τῶν ὑπαρχόντων μοι περὶ κώμην Τεβέτῳ τῆς Π[ολέμωνος |  
 μερίδος κλήρων κατοικικῶν ἀρούρας --- ἐν σφραγίδι τρισί, ἡ δὲ πρώτη ἀρούρας  
 εἴκο]σι ἐκ τοῦ πρὸς νότον μέρους διατεινούσας λίβα ἐπ' ἀπηλιώτην καὶ ἀπὸ λ[ι]-  
 β[ὸς ἐπὶ | βορρᾶ ---, ἡ δὲ ἑτέρα ἀρούρας --- ἐκ τοῦ πρὸς βορρᾶ μ]έρους  
 διατ<ε>ινούσας λίβα ἐπ' ἀπηλιώτην καὶ ἐλεόνας μετὰ αὐτῶν ἀρου[ρῶν ---]---,  
 ἡ δὲ τρί]τῃ ἄρουραν μίαν τέταρον ἐκκαιδέκατον, πάσας δὲ σχοινίῳ ἐνετήκον[τα ἕξ  
 πήχ(εων) | καὶ τῇ θυγατρὶ μου --- ἔτ' ἀφήλικι οὖσῃ --- καταλείπω τὴν λοιπὴν]  
 ἄρουραν μίαν. Τοῖς δ' ἄλλοις τρισί υἱοῖς μου Δωρίωνι πρεσβυ[τέρῳ καὶ ||<sup>10</sup> Δωρίω-  
 νι νεωτέρῳ καὶ Διδύμῳ --- ἐκάστῳ] αὐτῶν τοῦ περὶ τὴν Τεβέτῳ κατοικικοῦ μου  
 κλήρου ἀρού[ρας ---]--- ἄρουραν] μίαν ἡμισὺ τῇ προγεγραμμένη αὐτῶν μητρὶ Ἰσι-  
 δώρᾳ [---]--- καταλείπω καὶ δ[ι]δῶμι ἐκάστῳ αὐτῶν κατὰ τὸ τέταρον μέρος  
 [κοινῶς ἕξ | ἴσου κατοικικὸν κλήρον (?) --- ἀρουρῶν ὀκ]τὴ ἡμίσεως ὀγδόον ἐκ-  
 καιδέκατον ἡ ὅσων ἐὰν ἦ καὶ πε[ρὶ τὴν | αὐτὴν κώμην κατοικικοῦ κλήρου (?) ---  
 ἀρούρας --- συνεχεῖς] ἀλλήλαις καὶ ἐν κώμῃ Βουβάστω τῆς Ἡρακλίδου μερίδος ||<sup>15</sup>  
 καὶ ἕτερα χρηστῆρια καὶ ὅσα ἐὰν καταλ<ε>ίπω{ι} βοικὰ κ[τῆνη] --- καὶ πάν]τᾳ τὰ  
 ἐμοὶ ὑπάρχοντα καὶ κλήρους καὶ δουλικά σώματα [---]--- καὶ περὶ τὴν] αὐτὴν  
 Τεβέτῳ κατοικ[κ]ικοῦ κλήρου ἀρούρας δεκαπέντε [ἐν τρισί | σφραγίδι, μία μὲν  
 ἀρούρας ---]...ερ...μαι ἐκ τοῦ γυννησιάρχου, ἡ δὲ τρίτῃ ἀρούρας ἐπτά ...[---]---  
 οὐ]δὲν μοι ἄλλον κατα--- [.].εις...ματα...[...]. ||<sup>20</sup> [---]μα]τισμὸν γυναικεῖον καὶ  
 εἶναι αὐτῆς κυρίως καὶ βεβέως ...[---]...μένων ἔχε[ι] τοῦτων οὐδὲν αὐτῆς καὶ ὧν  
 καταλ<ε>ίπω{ι} αὐ[τῇ] --- τῆς] μητρὸς ἔσται κύριος μὴ προσαιρούμε[νος μηδένα  
 |--- ἐν] τῇ Ἑρμουθιακῇ πλατείᾳ οἰκίαν [---]--- γυν]ναικὶ γενέσθαι ἐπίτροπον  
 αὐτῶν καὶ [---||<sup>25</sup>---] ἀνεγλόγιστον καὶ ἀνεπιτρόπευτον καὶ ἐν ᾧ πασι τῆς κο[ινῆς]---[---]  
 ---] περὶ ἐπιτροπῶν, ἡ κ...τάτῃ.[---]---] --- των [κ]αταλειπόμενα πάντα τῶν ε[---]  
 |---] ἡ προγεγρα[μ]μένη Ἰσιδώρα Διδύμου καὶ οἱ ἐπ[---]--- το]ῦ ἀδελφο[ῦ] μου]υ  
 Δωρίωνος Διδύμ[ου] ---||<sup>30</sup> ---[---] α]ὐτῆς παραδῶ [---]---]υ.ερ...α παρὰ τῶν [---]  
 |---] Δωρ]ίωνος φερνῆς ἄλλω δ[---]--- οὐλῇ γαστροκνημ]ίῳ ἀριστερῷ ἄση[μος -  
 |---||<sup>35-36</sup> (hand 2) practically illegible traces | [---]μελ[ι]χ]ροῦς μακροπρόσω[πος] ---  
 |--- (hand 3) εὐ]θύρην οὐλῇ δακτύλῳ [---]--- (hand 4) μάρτυρῶ{ι} Διομέδων τ[ῇ]  
 | διαθήκη---] vac.

7. ἐλαιῶνας || 20. βεβαίως

In the ... year of the Emperor Caesar ... on the 2nd epagomenal day of Mesore,  
 in Ptolemais Euergetis of the Arsinoite nome. ... son of ... his mother being ...  
 about ... years old, honey-coloured, long-faced, straight-nosed, with a scar on his  
 left calf, being sane and in his right mind, has made this will. May I enjoy good

health and master my own belongings, sell and mortgage them, change this will, and to use them the way I want. If I die, I bequeath to my sons, Didymos, Dorion senior, and Dorion junior, who is still minor, these three, born to me by my wife Isidora daughter of Didymos, from the catoecic lots belonging to me near the village Tebetny of the Polemon district ... arourae in three parcels, the first (measuring) twenty arourae in the south part running from west to east and from west to north, the second (measuring) ... arourae in the north part running from west to east, and olive-yards with their ... arourae, the third (measuring) one, a quarter and a sixtieth aroura, all measured with the measure with ninety six cubits, and to my daughter ... who is still minor, I bequeath the remaining one aroura. Moreover, to my three sons, Dorion senior, Dorion junior, and Didymos, to each of them, ... arourae of my catoecic lot near Tebetny ... and one and a half aroura to their abovementioned mother Isidora ... and I bequeath and give to each of them, jointly in equal shares, a fourth part of a catoecic lot ... and a plot of catoecic (?) land of eight, a half, an eighth, a sixteenth arourae, or of how many arourae it is, and near the same village ... arourae of a catoecic lot contiguous to one other, and at the village Boubastos of the Herakleides district ... and other appurtenances, and all the cattle that I leave ... all my belongings and lots, and slaves ... and near the same Tebetny fifteen arourae of a catoecic lot in three parcels, one of ... arourae ...

The rest of the document is too fragmentary to be translated; the lower part of the text contained more dispositions and signatures of the testator and witnesses.

*P. Wisc. I 13*  
Early second century AD  
Oxyrhynchos

Greek  
Papyrus  
Original

Text after *P. Wisc. I 13*  
Translation: P. SIJPESTEIJN in *P. Wisc. I* (below)

[--- μηνὸς Νέο]ν Σεβαστοῦ (hand 2) κς, (hand 1) ἐν Ὁξυρύνγχων πόλει τῆς Θηβαΐδος, ἀγαθῇ τύχῃ. | [τάδε διέθετο νοοῦσα φρονοῦσα Ταπτολλίων --- τοῦ Πολλίωνος μητρὸς ---] ἀπὸ κώμης Φθώχως μετὰ κυρίου τοῦ ἀνειψιοῦ Ἀρμύσιος Νεχθενεΐκιος τοῦ Πολλίωνος μητρὸς Δι[---] ἐν ἀγνίᾳ. ἔφ' ὃν μὲν περίεμι χρόνον ἔχουν με τὴν τῶν ἰδίων ἐξουσίαν πᾶσα]ν, ὃ ἂν βούλωμαι, περὶ αὐτῶν ἐπιτελεῖν καὶ μεταδιατίθεσθαι καὶ πρὸς ἀκύρωσιν ἄγειν τήνδε τὴν διαθήκην, [ὃ δ' ἂν | ἐπιτελέσω κύριον ὑπάρχειν. ἂν δὲ ἐπὶ ταύτῃ τῇ διαθήκῃ τελευτήσω μηδὲν ἐπιτελέ-

σα]α καταλείπω κληρονόμους Ἀρμιῦσιν τὸν καὶ Πέλuka καὶ Ἀμόιν ἀμφοτέρους Ὁρου τοῦ Πέλukος μητρὸς Εἰρ[ήνης ||<sup>5</sup> ἀμφοτέρους ἀπὸ Ὁξυρύγχων πόλεως --- ἐξ ἴσου ἐκάτερον αὐτῶν, ἐὰν ζῇ, εἰ δέ] μὴ, τὰ τούτου τέκνα, [τῶν] ὑπ[αρχου]σῶν μοι περὶ μὲν Ποσομποῦς Ἀριστομάχου τρίτου μέρους ἀρουρῶν δύο ἡμίσεος | [τετάρτου καὶ περὶ Φθῶخين τρίτου μέρους ἀρουρῶν --- καὶ --- ἀρουρῶ]ν δύο καὶ χρηστῆρ[ίων] τῆς μὲν πατρικῆς, τ]ῆς δ' ἄλλης μητρικῆς καὶ ὧν ἐὰν ἄλλων ἀπολίπω καθ' ὀνδηποτοῦν τρόπον παντοῖων πάντ[ων] | ὑπαρχόντων. ἐὰν τις αὐτῶν μεταλλάξῃ ἄτεκνος καὶ ἀδιάθετος, ἔστω τὸ τούτου μέρος] ἐν κληρονομίας μου τοῦ ἐτέρου αὐτῶν, ἐὰ]ν δέ καὶ ὁ ἕτερος ἐπιμεταλλάξῃ, ὁ [μ]ὴ εἴῃ, ἄτεκνος καὶ ἀδιάθετος, ἔστω δέ τιν' ἀπολιπεῖν τῶν ἐγ[γιστά] | μου γένους ὄντων, μὴ οὔσης μηδενὶ τῷ καθόλου ἐξουσίας παραβαίνειν τι τούτων ἢ χωρὶς] τοῦ ταῦτα μένειν κύρια ἔτι καὶ ἐκτε[λείν]ειν] τὸν ἐπιχειρήσοντα πρὸς ἀθέτησίν τι τοῦτων ἀγειν ἐπ[ί] τιμον ὁραχμὰς χιλίας καὶ εἰς τὸ δημόσιον τὰς ἱσ[ας]. | ἡ διαθήκη κυρία. (hand 3) Ταπτολλίων ---]s τοῦ Πολλίωνος πεποιῆμαι τὴν διαθήκην, ἐφ' ἣ ἐὰν τελευτήσω, κληρονόμους καταλείπω Ἀρ[ρ]||<sup>10</sup> μῦσιν τὸν καὶ Πέλuka καὶ Ἀμόιν Ὁρου τοῦ Πέλukος τοῦ ὑπάρχοντός μοι περὶ Ποσομποῦς] Ἀριστομάχου [τρίτου μέ]ρους ἀρουρῶν δύο ἡμίσεος] τε]τάρτου καὶ περὶ Φθῶخين τρίτου[υ μέ]ρους ἀρουρῶν --- καὶ --- ἀρουρῶν δύο καὶ χρηστηρίων τῆς μὲν πατρ]ικῆς, τῆς δέ ἄλλης μητρικῆς καὶ ὧν ἄλλων ἐὰν ἀπολίπω πάντων. ἐὰν δέ τις αὐτῶ]ν | μεταλλάξῃ ἄτεκνος καὶ ἀδιάθετος, ἔστω τὸ τούτου μέρος ἐν κληρονομία μου τοῦ ἐτ]έρου αὐτῶν, ἐὰν δέ καὶ ὁ ἕτερος ἐπιμεταλλάξῃ ἄτεκνος καὶ ἀδιάθετος, ἔστω τὰ ἐμὰ μέρ[η] | τιν' ἀπολιπεῖν τῶν ἐγγιστά μου γένους ὄντων, ὡς πρόκειται. εἰ]μι (ἐτῶν) λε ἄ[ση]μ[ο]ς κ[αὶ] ἔσ]τιν μου ἡ σφραγὶς Ἀγαθοῦ Δαίμονος καὶ Ἀγαθῆς Τύχης[s]. Ἀρμι||ῦσις Νεχθενείκιο τοῦ Πολλίωνος ἐπιγέγραμμαι τῆς ἀνεψιᾶς μου κύριος] καὶ εἰμι (ἐτῶν) .. ἄσημ[ος]. Δημόπο]ιος Ἡλιοδώρου τοῦ Δημοπόου ἀπ' Ὁξυρύγχων πόλεως ἔγραψα | [ὑπὲρ αὐτῶν μὴ εἰδόντων γράμματα καὶ εἰμι (ἐτῶν) --- (hand 4)]os τοῦ Ἀρμιύσιος ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ τῇ τῆς Ταπτολ||<sup>15</sup> [λίωνος διαθήκη καὶ εἰμι (ἐτῶν) .. οὐλὴ κ]νημία ἀριστερᾷ καὶ ἔστιν μου ἡ σφραγὶς Τύχης κυβερνώσης. | [(hand 5) --- ἀπὸ τῆς αὐτῆς πόλεως] μαρτυρῶ τῇ τῆς Ταπτολύονος διαθήκη καὶ εἰμι ὡς (ἐτῶν) μ οὐ(λῇ) ὀφρ(ύ) δεξι[ᾷ] καὶ | ἔστιν μου ἡ σφραγὶς --- (hand 6) ἀπὸ τῆς αὐ]τῆς πόλεως μαρτυρῶ τῇ τῆς Ταπτολ<λ>ίωνος διαθήκη καὶ εἰμ[ε]ι(ἐτῶν) [....] --- καὶ ἔστιν μου ἡ σφραγὶς Βησάτων. (hand 7) Πολλερῶς Διονυάτος τοῦ Πολλερῶτος ἀπὸ τῆς αὐτῆς [πό]λεως μαρτυρῶ τῇ τῆς Ταπτολλίωνος διαθήκη καὶ εἰμι (ἐτῶν) ..] οὐλὴ ἀντικνημίου ἀριστερῷ καὶ ἔστιν μου ἡ σφραγὶς Ἀποχράτης[s]. ||<sup>20</sup> (hand 8) --- ἀπὸ τῆς αὐτ]ῆς πόλεως μαρ[τυ]ν[ρ]ῶ τῇ τῆς Τ[απτολλίωνος] διαθήκη καὶ εἰμι ἐτους τριάκοντα ἑπτά | [--- καὶ ἔστιν μου ἡ σφραγὶς --- (hand 9) ἀπὸ τῆς αὐ]τῆς πό[λε]ως μαρτυρῶ τῇ τῆς Ταπτολ<λ>ίω[νο]ς διαθήκη καὶ εἰμι ἐτῶν τριάκοντα [--- καὶ ἔστιν μου ἡ σφραγὶς ---]

7. κληρονομία || 14. μαρτυρῶ || 16. Ταπτολλίωνος || 19. Ἀποχράτου || 20. ἐτῶν

... on the 26th (of the month) Neos Sebastos, in the city of Oxyrhynchos in the Thebaid; for good fortune. Taptollion daughter of ... son of Ptolion, her mother being ... from the village of Phthochis, with *kyrios* her nephew Harmiysis son of Nechthnikis son of Ptolion, his mother being ... being sane and in her right mind, has made this will in the street. So long as I survive, I am to have full power over my own belongings, to make new provisions concerning them as I want, and to change this will and to revoke it, so that the new provisions will remain valid. But if I die with this will, I appoint as my heirs Harmiysis also called Pelyx, and Amois, both sons of Horos son of Pelyx, their mother being Irene, both from the city of Oxyrhynchos, ... each of them, if he is alive, if not, his children, jointly the third part of two and a half and one-fourth arourae belonging to me in the vicinity of Posompous Aristomachou, and to the third part of ... arourae and ... of two arourae in the vicinity of Phthochis, and to the appurtenances of my father's (property?) on one hand, and to the remainder of my mother's (property?) on the other, and to all other things which I leave in any way whatsoever. If one of them dies childless and without a will, his portion of my inheritance shall belong to the other; should the other one, which god forbid, also die childless and without a will, it shall not be contested that one of my next of kin shall benefit, and absolutely no one shall be allowed to violate one of these provisions, or else, without affecting the validity of these provisions; the person who tries to make any part of these things invalid shall pay to my heirs a fine of one thousand drachmae and an equal sum to the public Treasury. The will is valid. I, Taptollion daughter ... son of Ptolion, have made the will, on the grounds of which I, if I die, appoint Harmiys also called Pelyx, and Amois, sons of Horos son of Pelyx, as my heirs to the third part of two and a half and one-fourth arourae belonging to me in the vicinity of Posompous Aristomachou, and to the third part of ... arourae and ... of two arourae in the vicinity of Phthochis, and to the appurtenances of my father's (property?) on one hand, and to the remainder of my mother's (property?) on the other, and to all other things, whichever I leave behind. If one of them dies childless and without a will, his portion of the inheritance shall belong to the other; if the other one also dies childless and without a will, any part left to him shall be of one of my next of kin, as above. I am 35 years old, without scars, and my seal represents Agathos Daimon and the Good Fortune. I, Harmiysis son of Nechthenikis son of Ptolion, add myself to this as my niece's guardian, and I am ... years old, without any scars. I, Demopoios son of Heliodoros son of Demopoios, from the city of Oxyrhynchos, have written this (will) for them, because they do not know letters, and I am ... years old ... I, ... son of ... son of Harmiysis, from the same city, witness to Taptollion's will, and I am ... years old, with a scar on my left shin, and my seal represents Tyche with steering oar. I, ... son of ... son of ... from the same city, witness to Taptollion's will, and I am about

40 years old, with a scar on my right eyebrow, and my seal represents ... I, ... son of ... son of ... from the same city, witness to Taptollion's will, and I am ... years old, ... and my seal represents Bes. I, Ptolleros son of Dionytas son of Ptolleros, from the same city, witness to Taptollion's will, and I am ... years old, with a scar on my left shin, and my seal represents Harpochrates. I, ... son of ... son of ... from the same city, witness to Taptollion's will, and I am thirty-seven years old ... and my seal represents .... I, ... son of ... son of ... from the same city, witness to Taptollion's will, and I am thirty years old ... and my seal represents ...

*P. Oxy.* VII 1034 recto  
Second century AD  
Oxyrhynchos

Greek  
Papyrus  
Draft (?)

Text after *P. Oxy.* VII

Translation: A. S. HUNT in *P. Oxy.* VII (below)

κληρονόμους καταλείπω τὴν θυγατέρ[α] | μου τινὰ καὶ τὸν {τον} σύντροφον αὐτῆς | τινὰ  
καὶ τινα, τὸν μὲν τινα ἧς προὔπλη[λ]αξα πρὸς τὴν ἐπενεχθεῖσαν αὐτῷ ἐπὶ τῇ ||<sup>5</sup> γυναικὶ  
αὐτοῦ κειμένην αὐτοῖς γαμικ(ήν) | συγγραφῆς ἐπ' ἀμφοδ(ου) οἰκίας καὶ αὐλῆς, | [τ]ὴν δὲ  
θυγατέρα μου καὶ τὸν σύντροφον | α[ὐ]τῆς κοινῶς ἐξ ἴσου ὧν ἔχω οἰκιῶν | [δύο ---]  
||<sup>10</sup> [--- τῆς] μὲν ἐ[π'] ἀμφοδ(ου) ..[ο]υ τῆς δὲ | [ἐτέρα(s) ἐπ'] ἀμφοδ(ου) καὶ .[---].ω

6. συγγραφὴν

I appoint as heirs my daughter so-and-so, and her foster-brother so-and-so, such-and-such part of the house and court in such-and-such quarter, which I previously mortgaged in security for the (dowry) brought to him upon his wife (in accordance with) the contract of marriage drawn up between them, and my daughter and her foster-brother jointly in equal shares of the two houses owned by me ... one in the ... quarter and other in the ... quarter ...

*P. Oxy.* VI 968 descr.  
AD 98–138  
Oxyrhynchos

Greek  
Papyrus

Known to me only as *descriptum*.

*P. Oxy.* III 489  
AD 117  
Oxyrhynchos

Greek  
Papyrus  
Original

Text after papyri.info

Translation: B. P. GRENFELL & A. S. HUNT in: *P. Oxy.* III (ll. 1–13) (below)

# Recto

[ἐτους εἰκοστοῦ Αὐτοκράτορος] Καίσαρος Νέρουα Τραιανοῦ Ἀρίστου Σεβαστοῦ  
Γερμανικοῦ Δακικοῦ Παρθικοῦ μηνὸς Καισαρε[ίου] ἐπαγο[μένων] δ Σεβα[στη], [ἐν  
Ὁξυρύγχων πόλει τῆς Θηβαΐδος, ἀ]γαθῇ τύχῃ. | [τάδε διέθετο νοῶν] καὶ φρο[νῶν  
Διονύσιος Ἀρποκρατίωνος τοῦ Σαραπίωνος μητρὸς Ἑσορσώιτος ἀπ' Ὁξυρύγχων  
πόλεως ἐν ἀγνιᾷ. | [ἐφ' ὃν μὲν περιέμι] χρ[όνον τῶν ιδίω]ν κύριον εἶναι καὶ χρᾶσθαι  
καὶ οἰκονομεῖν περὶ αὐτῶν καὶ μεταδιατίθεσθαι καθ' ὃν ἐὰν αἰρώμαι ||<sup>5</sup> [τρόπον.  
μετὰ δὲ τελευτῇ μου] συνχωρῶ ἔχειν τὴν συνοῦσάν μοι γυναικα Διογενίδα Πτολε-  
μαίου ἀπὸ τῆς αὐτῆς πόλεως ἐφ' ὃν περὶ [εσσι χρόνον ἐνοίκησιν καὶ] χρήσιν χωρὶς  
ἐνοικίου οἴκου [υ] ἐνὸς οὐ ἐὰν αὐτῇ αἰρήται ἀφ' ἧς ἔχω ἐπ' ἀμφοδου βορρά  
Κρηπ[ε]ΐδος | [λιθίνων οἰκίας σὺν εἰσόδω καὶ] ἐ[ξ]σόδω, ἥτις καὶ ἔξει χρήσιν ἐφ' ὃν  
περίεστι χρόνον τῶν ὑπ' ἐμοῦ ἀπολειφθησομένων ἐν τε τῷ | [αὐτῷ οἴκῳ καὶ ἐν τῇ  
οἰκίᾳ σκευῶν καὶ ἐπιπλυν καὶ δουλείαν καὶ ἀποφοράς τῆς δούλης μου Ἰλαροῦτος  
καὶ τῶν ἐξ αὐτῆς] | [ἐκγόνων τρεφομένων καὶ ἱματ]ιζομένων ὑπ' αὐτῆς τῆς Διογε-  
νίδος. μετὰ δὲ καὶ τὴν αὐτῆς τελευτῇ εἶναι τὰ πάντα μου ||<sup>10</sup> [μόνων τῶν ἐξ ἀλλή-  
λων τέκν]ων, οἷς τέκνοις ἡμῶν οὐκ ἐξέσται τὰ ἀπ' ἐμοῦ εἰς αὐτοὺς ἐλευσόμενα ἐτέ-  
ροις μερίζειν εἰ | [μὴ μόνῃ ἐκάστῃ αὐτῶ]ν γενεᾷ καὶ μηδενὶ ἐξέστω τῷ καθόλου  
ἐπέρχεσθαι τῇ γυναικί μου Διογενίδι περὶ μηδενὸς τῶν | [ἐν τῇ διαθήκῃ πάν]των ἢ  
ἀποτίνειν τὸν ἐπελ[ευσόμ]ενον ἐπιτίμου δραχμὰς χί[ε]ιλίας καὶ εἰς τὸ δημόσιον τὰς  
ἴσας. | [ἡ διαθήκη κυρία. (hand 2) Διονύσιος Ἀρπο[υ]χρατίωνος τοῦ Σαραπίωνος  
πεποίημαι τὴν διαθήκην καὶ συνχωρῶ ἔχειν μετὰ τὴν | [τελευτῇ μου τὴν γυναικά  
μου] Διογενίδα Πτολεμαίου ἐφ' ὃν περίεστι χρόνον ἐνοίκησιν καὶ χρήσιν χορ[ε]ῖς  
ἐν||<sup>15</sup> [κίου οἴκου ἐνὸς οὐ ἐὰν αἰ]ρήται ἀφ' ἧς ἔχ[ω ἐν τ]ῇ βορ<ρ>ᾷ Κρηπί[δι λ]ιθίνης  
οἰκίας ἐν ἣ ἔξ[οδος] καὶ ἱσ[ο]δος, ἥτις καὶ | [ἔξει χρήσιν ἐφ' ὃν περίεστι χρ]όνον  
τῶ<ν> ὑπ' ἐμοῦ ἀπολ<ε>φθησομένων ἐν τῷ αὐτῷ οἴκῳ καὶ ἐν τῇ οἰκίᾳ σκευῶν καὶ  
ἐπὶ [πλυν καὶ δουλείαν κα]ὶ ἀποφοράς δούλης μου [Τ]λαροῦ[το]ς καὶ τῶν ἐξ αὐτῆς  
ἐκγόνων τρεφομένων καὶ ἱματιζομέ[νων ὑπ' αὐτῆς Διογενίδος.] μετὰ δὲ τὴν αὐτῆς  
τελε[υτῇ] εἶναι τὰ πάντα μου μόνων [τ]ῶν [ἐξ ἀλλ]ήλων τ[ε]κν[ων] τῶν τέ[κ]νοις  
ἡμῶν οὐκ ἐξέσται τὰ ἀπ' ἐ]μοῦ εἰς αὐτοὺς ἐλευσόμενα ἐτέροις μερίζειν εἰ μὴ μόνῃ  
ἐκάστῃ αὐτῶν γενεᾷ ||<sup>20</sup> [ὥς πρόκειται. εἰμὶ ἐτῶν .. οὐ]λὴ γόνατι ἀριστερῷ καὶ  
ἔστιν μου ἡ σφραγὶς Σαράπιδος. Ἡρακλῆς ὁ καὶ Ἀπίων Ἀπίωνος ἔγρα[ψα ὑπὲρ  
αὐτοῦ μὴ εἰδότος γράμ]ματα, (ἐτῶν) λζ οὐλὴ ποδὶ ἀριστερῷ. (hand 3) Πλουτίων  
Βήσιος Διογένους τοῦ Απολλωνίου ἀπὸ | [τῆς αὐτῆς πόλεως μαρτυρῶ τ]ῇ τοῦ Διο-

νυσίου διαθήκη καὶ εἰμι ἐτῶν τεσσεράκοντα πέντε οὐ(λῆ) γό(νατι) δεξ(ιῶ) κ[αὶ |  
 ἔστιν μου ἡ σφραγὶς ..... (hand 4) ..]χίων Λυκρίωνος τοῦ Ἑρμογένους ἀπὸ τῆς  
 αὐτῆς πόλεως μαρτυρῶ τῇ τοῦ Διονυσίου διαθήκη | [καὶ εἰμι (ἐτῶν) .. οὐ(λῆ) .....  
 καὶ ἔστιν μου ἡ σφραγὶς Ἑρμ[ο]ῦ. (hand 5) Πέδων Καλλιστράτου τοῦ Ἀλεξάνδρου  
 ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ ||<sup>25</sup> [τῇ τοῦ Διονυσίου διαθήκη καὶ εἰ]μι (ἐτῶν) λς  
 οὐ(λῆ) γό(νατι) δεξ(ιῶ) καὶ ἔστιν μ[ου ἡ σφραγὶς] Ἡλίου Ἀμμωνος. (hand 6) Ἀμμώ-  
 νης Ἡρακλείδου τοῦ Πτολεμαίου | [ἀπὸ τῆς αὐτῆς πόλεως μ]αρτυρῶ τῇ τοῦ Διονυ-  
 σίου διαθήκη καὶ εἰμι ἐτῶν εἴκοσι πέντε οὐ(λῆ) ὀφρύ | [δεξιᾶ καὶ ἔστιν μου ἡ  
 σφραγὶς] Ἀρποχράτου. (hand 7) Πανεχώτης Διονυσίου τοῦ καὶ Ἀμεινομερίου ἀπὸ  
 τῆς αὐτῆς πόλεως | [μαρτυρῶ τῇ τοῦ Διονυσίου διαθή]κη καὶ εἰμι ἐτῶν τριάκοντα  
 δύο οὐ(λῆ) ἀγκῶνι ἀριστερῶ καὶ ἔστιν μου ἡ σφραγὶς | [--- (hand 8)]ου τοῦ Ἡρακλεί-  
 δου μητρὸς Διονυσίας τῆς καὶ Σαμβούτος ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ ||<sup>30</sup> [τῇ  
 τοῦ Διονυσίου διαθήκη κ]αὶ εἰμ[ι] (ἐτῶν) λε ἄσσημος καὶ ἔστιν μου ἡ σφραγὶς[s]  
 Ἡρακλέους. | (hand 9) [--- μν]ημονεῖον Ὁξυρύχ(ων) πόλ(εως) | [(ἐτους) κ Αὐτο-  
 κράτορος Καίσαρος Νέρουα Τραιανοῦ] Ἀρίστου Σεβαστοῦ Γερμανικοῦ Δακικοῦ  
 Παρθικοῦ ἐπαγο(μένων) δ Σεβα(στῇ). | [διαθήκη Διονυσίου Ἀρποκρατίωνος το]ῦ  
 Σαραπίωνο(s) μητρὸς Ἑσορσοίτος ἀπ' Ὁξ(υρύχων) πόλ(εως).

#### Verso

[(ἐτους) κ Αὐτοκράτορος Καίσαρος Νέρουα Τρ]αιανοῦ Ἀρίστου Σεβαστοῦ [Γερ]-  
 μ[α]ρι[κο]ῦ ||<sup>35</sup> [Δακικοῦ Παρθικοῦ Καισαρείου ἐπαγο(μένων) δ Σ]εβα(στῇ) [δι]α-  
 θ[η]κ(η) Διονυσίου Ἀρποκρατ[ίω]νος τοῦ Σ[αραπίω]νος | [μητ]ρ[ος] Ἑσορσοίτος  
 ἀπ' Ὁξυρύχων) πόλ(εως).

7. ἐξόδω BL X 138: [ἐξόδω καὶ] ε[ἰ]σόδω prev. ed. || 13. Ἀρποχρατίωνος | συγχωρῶ  
 || 14-15. ἐνοι[κίου] || 15. εἴσοδος || 18. οἷς || 24. corr. ex σφραγι. || 28. ἀγκῶνι || 29.  
 corr. ex απομβουτος

Recto. In the twentieth year of the Emperor Caesar Nerva Traianus Optimus Augustus Germanicus Dacicus Parthicus, on the 4th epagomenal day of the month Kaisarios, *dies Augusti*, at the city of Oxyrhynchos in the Thebaid, for good fortune. Dionysios son of Harpokration son of Sarapion, his mother being Esor-sois, from the city of Oxyrhynchos, being sane and in his right mind, has made this will in the street. So long as I survive, I am to have power over my own belongings, to use them and control them, and to change this will the way I want. But after my death, I concede to my wife Diogenis daughter of Ptolemaios, from the same city, for her lifetime the right to dwell in and use free of rent any one abode which she herself may choose in the stone house belonging to me in the North Quay quarter with entrance and exit. She shall also have the use for her life-time of the effects and furniture left by me in the said abode and in the house,

and the service of and the profits from my female slave Ilarous and her children, who are to be fed and clothed by the said Diogenis. After her death, all my property shall belong solely to our children, which children shall not have the power to alienate what is inherited by them from me, except only to their several families; nor shall any one be permitted under any circumstances to proceed against my wife Diogenis concerning any of the provisions of the will, and the person who does so shall forfeit a fine of one thousand drachmae, and to the Treasury an equal sum. The will is valid, I, Dionysios son of Harpokration son of Sarapion, have made the will and I concede that after my death my wife Diogenis daughter of Ptolemaios will have for her lifetime the right to dwell in and use free of rent any one abode which she herself may choose in the stone house belonging to me in the North Quay quarter with exit and entrance. She shall also have the use for her lifetime of the effects and furniture left by me in the said abode and in the house, and the service of and the profits from my female slave Ilarous and her children, who are to be fed and clothed by the said Diogenis. After her death, all my property shall belong solely to our children, which children shall not have the power to bestow what is inherited by them from me, except only to their own families, as above. I am ... years old, with a scar on the left knee, my seal represents Sarapis. I, Herakles also called Apion son of Apion, have written for him because he does not know letters; I am 37 years old, with a scar on the left leg. I, Ploution son of Besis Diogenes son of Apollonios, from the same city, witness to the will of Dionysios, and I am forty-five years old, with a scar on the right knee, my seal represents ... I, ... son of Lykrion son of Hermogenes, from the same city, witness to the will of Dionysios, I am .. years old, with a scar ... and my seal represents Hermes. I, Pedon son of Kallistratos son of Alexandros, from the same city, witness to the will of Dionysios, and I am 36 years old, with a scar on the right knee, my seal represents Helios Ammon. I, Ammonis son of Herakleides son of Ptolemaios, from the same city, witness to the will of Dionysios, I am twenty-five years old, with a scar on the right eyebrow, my seal represents Harpokrates. I, Panechotes son of Dionysios also called Amoinomerios, from the same city, witness to the will of Dionysios, I am thirty-two years old, with a scar on the left arm, and my seal represents ... I ... son ... also called Herakleides, whose mother is Dionysia also called Sambous, from the same city, witness to the will of Dionysios, I am 35 years old, without scars, and my seal represents Herakles. ... of *mnemoneion* of the city of Oxyrhynchos. The 20th year of the Emperor Caesar Nerva Traianus Optimus Augustus Germanicus Dacicus Parthicus, on the 4th epagomenal day, *dies Augusti*. The will of Dionysios son of Harpokration son of Sarapion, his mother being Esorsois, from the city of Oxyrhynchos.

Verso. The 20th year of the Emperor Caesar Nerva Traianus Optimus Augustus

Germanicus Dacicus Parthicus, in the month of Kaisarios, 4th epagomenal day, *dies Augusti*. The will of Dionysios son of Harpokration son of Sarapion, his mother being Esorsois, from the city of Oxyrhynchos.

*P. Mich.* IX 549

AD 117–118

Karanis

Greek

Papyrus

Copy

Text after *P. Mich.* IX

[---] ἔτους δευ[τέρου] Αὐτοκράτορος Κα[ί]σαρος [Τρ]α[ι]α[ν]οῦ Ἀδρι[α]νοῦ [Σεβαστοῦ | τὰδε διέθετο νοοῦσα καὶ φρο]νοῦσα Σαμβάθιον Νείλου τοῦ Νείλου τῶν ἀπὸ τῆς μητροπόλεω[ς] ὡς ἐτῶν .. ἀσθενή[ς] τὰς ὄψεις μετὰ | [κυρίου τοῦ ..... Σωκρά]-  
τους τοῦ Σαραπίωνος τῶν ἀπὸ τῆς αὐτῆς μητροπόλεως ὑπο [--- τ]οὺς γεγονότας  
| [ἐπὶ --- τοῦ γε]γομένου ἀρχιδικαστοῦ ὑπομνηματισμοὺς ὧν χρόνος τοῦ  
ἐνε[στῶτος] ἔτους ---]οι καὶ μέ[ν]ειν ||<sup>5</sup> [---] ὑπὸ Ἀπολλωνίου νεωτέρου τοῦ Σαρα-  
πίωνος τῶν ἐκ τοῦ καταλ[ογίου] Σα[β]είνου τοῦ ... | [---] τῆς ἐγβατηρ[ί]ας. εἴη μὲν  
μοι ὑγιαίνουσῃ τῶν ἐμαυτῆς κυρία[ν] εἶναι ---] καθ' ὃν ἂν αἱ[ρῶμαι] τρόπον· ἂν  
δὲ πάθ[ω] ἀνθρώπινον ὃ ὑπάρχων μοι δοῦλος Ἀβάσκαντος οἰκογεν[ῆς] ---]ο τοῦ  
μετηλλαχό[τος] | [---] τοῦ Ἀπίωνος κατὰ συγγραφὴν γεγονυῖαν διὰ τοῦ ἐν κώμῃ  
[Καρανίδι γρ]αφ<ε>ίου βουλομ[ένων] | [---] Καισαρείῳ οὐσα ἐν δραχμαῖς  
χιλίας ἑκατὸν καὶ τὰ δὲ δημ[όσια] --- κ]αὶ ὅσα ἂν ἄλλα ||<sup>10</sup> [--- το]ῦ ἀδελφοῦ μου  
Νείλου υἱοῦ Ἰουλίου Σαβείνου τῶν ἀπὸ λε[γιῶνος] ὡς δέ[ ] πρὸ τῆς στρατ[ε]ϊ[κ]ῆς [---]  
[---] τοῦ καὶ Σαβείνου τοῦ Νείλου υἱοῦ Γαίου Ἰουλίου Ἀπο[λλιναρίου] ---]..ι[τ]ης . | [-  
---]ος μου περιστολὴν καὶ κηδεῖαν παρακαλῶ προ[ι]ήσ[α]σθαι το[---]---] ὑπάρχοντί  
μοι ἐν τῇ προγεγραμμένῃ Καραν[ί]δι [...]αφω[---]

2. prev. ed. διελθέμην

The text is too fragmentary to be translated. It preserves the beginning of the regnal formula ('in the second year of the Emperor Caesar Traianus Hadrianus Augustus'), but not the precise date. The following clause is typical for the majority of wills composed in Graeco-Roman Egypt: it identifies the testatrix, Sambathion daughter of Neilos son of Neilos; the clause mentions proceedings before *archidikastes*, whose function is not clear, since he is never attested as an official responsible for making wills. The next sentence emphasises the revocability of the will. The main part of the document contains provisions concerning the testatrix' property. The text mentions a slave, as well as some debts owed to the tes-

tatrix. The preserved text ends with a funerary clause. People bearing Roman *nomina* (perhaps veterans) related to the testatrix were also mentioned.

*P. Oxy.* III 646 descr.

AD 117–138

Oxyrhynchos

Greek  
Papyrus  
Original

Known to me only as *descriptum*.

*P. Oxy.* III 648 descr.

AD 117–138

Oxyrhynchos

Greek  
Papyrus

Publication under preparation by Maria Nowak.

*P. Oxy.* IV 837 descr.

AD 117–138

Oxyrhynchos

Greek  
Papyrus

Known to me only as *descriptum*.

*P. Oxy.* I 105 = *M. Chr.* 303

AD 117–138

Oxyrhynchos

Greek  
Papyrus  
Original

Text after *P. Oxy.* I

[ἔτους .. Αὐτοκράτορος Καίσαρος Τραιανοῦ Ἀδρια]νοῦ Σεβαστοῦ, Τῦβι ιγ, ἐν  
Ὁξυρύγγων πόλει τῆς Θηβαΐδος, ἀγαθῇ τύχῃ. | [τάδε διέθετο νοῶν καὶ φρονῶν  
Πεκῶσις Ἑρμοῦ τοῦ Π]εκύσιος μητρὸς Διδύμης τῆς Φιλώτου τῶν ἀπ' Ὁξυρύγγων  
πόλεως ἐν ἀγνιᾷ. ἐφ' ὃν μὲν περίεμι χρόνον ἔχειν με τὴν κατὰ τῶν ἐμῶν ἐξουσίαν  
| [--- κ]αὶ μεταδιατίθεσθαι. εἰ δὲ ἐπὶ ταύτῃ τελευτήσω τῇ διαθήκῃ, κληρονόμον

ἀπολείπω τὴν θυγατέρα μου Ἀμμωνοῦν μητρὸς Πτολέμας, ἐὰν ζῇ, [ἐῖ δὲ | μή, τὴν ταύτης γενεάν, τῶν ὑπαρχόντων μοι] ἐπ' ἀμφοδου Κρητικοῦ μερῶν κοινωνικῆς οἰκίας καὶ αὐλῆς καὶ καμαρῶν. τὰ δὲ ὑπ' ἐμοῦ ἀπολειφθσόμενα σκεύη καὶ ἔπιπλα καὶ ἐνδομενεῖαι<sup>3</sup> καὶ εἴ τι ἄλλ<sup>4</sup>[ο] ||<sup>5</sup> [ἐὰν ἔχω, πάντα καταλείπω τῇ τῶν μὲν ἐμῶν τέκνων] ν μητρὶ ἐμοῦ δὲ γυναικὶ Πτολέμα, ἀπελευθέρᾳ Δημητρίου Ἑρμίππου, ἐπὶ τῷ αὐτὴν ἔχειν ἐπὶ τὸν τῆς ζωῆς αὐτῆς χρόνον τὴν χρήσιν καὶ ἐνοίκησιν καὶ ἐνοί<sup>6</sup>[κίαν ἀποφορὰν τῶν μερῶν οἰκίας καὶ αὐλῆς καὶ καμ<sup>7</sup>]α<sup>8</sup>ρῶν. ἐὰν δὲ συμβῇ τὴν Ἀμμωνοῦν ἄτεκνον καὶ ἀδιάθετον τελευτήσαι, ἔσται τὰ μέρη τῶν ἐνγαίων τοῦ ὁμομητρίου αὐτῆς ἀδελφοῦ Ἀντάτος, ἐὰν ζῇ, εἰ δὲ μή, | [--- μὴ ἐξέσ<sup>9</sup>]τω ἐν<sup>10</sup>χε<sup>11</sup>ιρεῖν τοῖς ὑπ' ἐμοῦ διατεταγμένοις, ἢ τὸν παραβάντα τι τούτων ἀποτίνειν τῇ θυγατρὶ μου καὶ κληρονόμῳ Ἀμμωνοῦτι ἐπιτίμον δραχμὰς χ<sup>12</sup>(ε)ιλίας καὶ | [---] (hand 2) Πεκύσις Ἑρμού τοῦ Πεκύσιος καταλείπω μετὰ τελευτῇ μου κληρονόμον τὴν θυγατέρα | [μου Ἀμμωνοῦν τῶν ἐπ' ἀμφοδου Κρητι<sup>13</sup>]κοῦ μερῶν οἰκίας καὶ αὐλῆς καὶ καμαρῶν τῇ δὲ γυναικὶ μου Πτολέμα καταλείπω π<sup>14</sup>άν<sup>15</sup> ||<sup>16</sup> [τα τὰ σκεύη μου καὶ ἔπιπλα καὶ ἐ<sup>17</sup>]νδομενεῖαν καὶ εἴ τι ἄλλο αἰὰν <ἐ<sup>18</sup>χ<sup>19</sup>ω, καὶ ἐφ' ὅσον ζῇ τὴν ἐνοίκησιν τῶν μερῶν τῆς οἰκ<sup>20</sup>[[ίας καὶ αὐλῆς καὶ καμαρῶν. ἐὰν δ<sup>21</sup>]ε<sup>22</sup> ἡ Ἀμμωνοῦς ἄτεκνος καὶ ἀδιάθετος τελευτήσῃ, ἔστω τὰ μέρη τῶν ἐνγαίων τοῦ | [ὁμομητρίου αὐτῆς ἀδελφοῦ Ἀ]ν[τ]άτος ὡς πρό<sup>23</sup>κ<sup>24</sup>ε<sup>25</sup>ιται. εἰμὶ ἐτῶν τεσσαράκοντα τεσσάρων, οὐλῇ τραχήλῳ ἐξ ἀριστέρῳ, | [καὶ ἔστι μου ἡ σφραγὶς Ἀμ<sup>26</sup>]μ<sup>27</sup>ωνος. (hand 3) Σαραπίων Σαραπίωνος τοῦ Διονυσίου ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ τῇ τοῦ Πεκύσι<sup>28</sup>κο<sup>29</sup>ς διαθήκῃ, καὶ | [εἰμὶ ἐτῶν .. οὐλῇ --- καὶ ἔστι μου ἡ σφ<sup>30</sup>]ραγὶς Διονύσου. (hand 4) Ἐκάτων Σαραπίωνος τοῦ Ἐκάτωνος ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ τῇ τοῦ Πεκύσιος διαθήκῃ, καὶ εἰμὶ ||<sup>31</sup> [ἐτῶν .. οὐλῇ --- καὶ ἔστι μο<sup>32</sup>]υ ἡ σφραγὶς Σαράπιδος. (hand 5) Παποντῶς Διογένους τοῦ Παποντῶτος ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ τῇ τοῦ Πεκύσιος | [διαθήκῃ, καὶ εἰμὶ ἐτῶν .. ἄσημος, καὶ] ἔστιν μου ἡ σφραγὶς Διὸς ἐπ' ἀέτω. (hand 6) Ζωίλος Ζωίλου τοῦ Πανεχώτου τῶν ἀπὸ τῆς αὐτ<sup>33</sup>[ῆς πόλεως μαρτυρῶ τῇ τοῦ Π]εκύσεος διαθήκῃ, καὶ <ε<sup>34</sup>ἰμὶ ἐτῶν τεσσαράκοντα ὀκτώ, \οὐλῇ/ π<sup>35</sup>ήχ<sup>36</sup>ε<sup>37</sup>ι ἀριστερῷ, ἢ | [δὲ σφραγὶς μου ἐστιν --- Ἀ]ρποκράτου ἐπὶ κιβώρτῳ. (hand 7) Ἡρᾶς ὁ καὶ Σάιος Ζηνᾶτος τοῦ Ἡρᾶτος ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ<sup>38</sup>{ι} τῇ τοῦ Πεκύσιος | [διαθήκῃ, καὶ εἰμὶ ἐτῶν --- οὐλῇ ἀντικνημ<sup>39</sup>]ίωι δεξιῷ, καὶ ἔστι μου ἡ σφραγ<sup>40</sup>[ις π<sup>41</sup>]ρ<sup>42</sup>[ο]τομῇ φιλ<sup>43</sup>[ο]σόφου. (hand 8) Διονύσιος Διονύσιου τ<sup>44</sup>[ο]ῦ Διογένους ἀπὸ τῆς αὐτῆς πόλεως μαρ<sup>45</sup>τ<sup>46</sup>[υ]ρῶ ||<sup>47</sup> [τῇ τοῦ Πεκύσιος διαθήκῃ, καὶ εἰμὶ] ἐτῶν τεσσαράκοντα ἐξ, οὐλῇ παρὰ κρόταφον δεξιόν, καὶ ἔστι μου ἡ σφραγὶς Διονυσοπλάτωνος. (hand 9) μνημ(ονείου) Ὁξυρ(ύγχων) πόλ(εως). | [ἐτους .. Αὐτοκράτορος Καί]σαρος Τραιανοῦ Ἀδριανοῦ Σεβαστοῦ, Τύβι ιγ. | [--- διαθήκη Πεκύσιος Ἑρ]μοῦ τοῦ Πεκύσιος μητρὸς Διδύμης Φιλώτου ἀπ' Ὁξ(υρύγχων) π<sup>48</sup>[ό]λ(εως).

3. *corr.* ex θυγατερα[ν] || 4. *corr.* ex οιοιωνικης || 5-6. *BL* I 316: ἐνοί[κοδόμησιν τῆς αὐτῆς] prev. ed. || 10. ἐὰν || 13. *BL* I 316: [...]. μωνοσ prev. ed. || 16. Διογεπαστω prev. ed. || 18. κιβωρίω || 19. [...].μη prev. ed. || 20. *BL* V 75: μετρημ( ) prev. ed.

In the ... year of the Emperor Caesar Traianus Hadrianus Augustus, 13 Tybi, at the city of Oxyrhynchos, for good fortune. Pekysis son of Hermas son of Pekysis, his mother being Didyme daughter of Philotos, from the city of Oxyrhynchos, being sane and in his right mind, has made this will in the street. So long as I survive, I am to have power over my own belongings, ... and to change this will. If I die with this will, I appoint Ammonous my daughter, her mother being Ptolema, if she lives, if not, her family, as my heir to the parts of the house, and yard, and court, and vaulted rooms held in common, belonging to me in the Cretan quarter. Everything which will be left by me, movables and equipment, and household goods, and anything else that I may have, I bequeath to Ptolema, mother of my children and my wife, who is the freedwoman of Demetrios son of Hermippos, on condition that she has for her lifetime the right to use and dwell in and profit from renting the parts of the house, and yard, and vaulted rooms. If Ammonous dies childless and intestate, her part shall belong to Antas, her brother born of the same mother, if he lives, if not ... No one at all shall be allowed to proceed against my provisions and any person who does so shall forfeit to my daughter and heir Ammonous a damage of one thousand drachmae, and ... After my death I, Pekysis son of Hermas son of Pekysis, appoint Ammonous, my daughter, as my heir to the parts of the house, and yard, and vaulted rooms in the Cretan quarter. I bequeath to Ptolema, my wife, all movables and equipment, and household goods, and anything else that I may have, and the right to dwell in the parts of the house, and yard, and vaulted rooms, as long as she lives. If Ammonous dies childless and intestate, her part shall belong to Antas, her brother born of the same mother, as above. I am forty-four years old, with a scar on the left side of my neck, and my seal represents Ammon. I, Sarapion son of Dionysios, from the same city, witness to the will of Pekysis; I am ... years old, with a scar ... my seal represents Dionysos. I, Hekaton son of Sarapion son of Hekaton, from the same city, witness to the will of Pekysis; I am ... years old, with a scar ... and my seal represents Sarapis. I, Papontos son of Diogenes son of Papontos, from the same city, witness to the will of Pekysis; I am ... years old ... without scars, and my seal represents Zeus on the eagle. I, Zoilos son of Zoilos son of Panechotes, from the same city, witness to the will of Pekysis; I am forty-eight years old, with a scar on my left forearm, and my seal represents ... Harpokrates on a vessel. I, Heras, also called Saïos, son of Zenas son of Heras, from the same city, witness to the will of Pekysis; I am ... years old ... with a scar on my right shin, and my seal represents a bust of a philosopher. I, Dionysios son of Dionysios son of Diogenes, from the same city, witness to the will of Pekysis; I am forty-six years old, with a scar on the right side of my forehead, and my seal represents Dionysoplaton. *Mnemeion* of the city of Oxyrhynchos. In the ... year of the Emperor Caesar Traianus Hadrianus Augustus, 13 Tybi, ... the will of Pekysis son of Hermas son of Pekysis, his mother being Didyme daughter of Philotos, from the city of Oxyrhynchos.

*P. Oxy.* III 583 descr. = *P. Sijp.* 43

AD 119-120

Oxyrhynchite nome

Greek

Papyrus

Original

Text after papyri.info

Translation: Italian: C. BALCONI in *P. Sijp.*

ἐτους τετάρτου Αὐτοκράτορος Καίσαρος Τραιανοῦ Ἀδριανοῦ Σεβαστοῦ μηνὸς  
 --- εἰ ---. | τὰ δὲ [ε] διέθετο νοοῦσα καὶ φρον[ο]ῦ[σα] Θ--- Ἀρπαήσιος τοῦ Ἡρα-  
 κλήου [μ]ητρὸς ... [--- ἀπὸ κώμης --- μετὰ κυρίου ---] στος Πανενσέως μητρὸς ...  
 [---] δωτ... Πανομγέως τοῦ Παν[ομγέως] (?) .. ἐφ' ὃν μὲν περίεμι χρόνον ἔχειν με-  
 τὴν τῶν ἰδίων ἐξουσίαν | ὃ εἰς βούλωμαι ἐπιτελεῖν καὶ μ[εταδιατίθεσθαι] καὶ  
 ἀκυροῦν τὴν διαθήκην ταύτην, ὃ δ' ἂν ἐπιτελέσω κύριον ὑπάρχειν. εἰ δὲ ἐπὶ ταύτῃ  
 τῇ διαθήκῃ τελευτήσω μηδὲν ἐπιτελέσασα, καταλείπω] ||<sup>5</sup> ἀνδρί μου Πλουτίωνι  
 Πεκύσιος τοῦ Δ[...]. ἀπὸ τῆς αὐτῆς κώμης εἰς ζῆ, εἰ δὲ μή, τῷ [εἰς] θέσει υἱοῖς (?) -  
 --] υἱος Ἀρπάλου ἀπὸ Ὀξυρύγχων πόλεως ἐξ ἴσου ἐ[κατ]έρῳ δὲ εἰς ζῆ, εἰ δὲ μή,  
 τοῖς τέκνοις αὐτῶν --- προγε[γραμμένοις] θέσει υἱοῖς Μελανίωνι καὶ Σαραπίωνι  
 ἐξ ἴσου ἑκάτερον εἰς ζῆ, εἰ δὲ μή, τοῖς [τέκνοις αὐτῶν ---] | καὶ ἕτερα χρηστήρια.  
 περὶ δὲ ε[...]. πιαδ[---] περιχερ[...]. ι ..... δούλην Δημητροῦν αὐ[---] | τω εἶναι τοῦ  
 προγεγραμμένου μου ἀνδρὸς Πλουτίωνος ἐφ' ὅσον ζῇ τὴν χρῆσιν καὶ προσόδους  
 πάσας τ[---] ||<sup>10</sup> ᾧ καὶ ἐξέσται πωλεῖν ταῦτα λευσόμενα εἰς τοὺς θέσει υἱοὺς ἐξ  
 ὀνομάτων μου καὶ ἐπιδανέ[ι]ζεσθαι καὶ καταχρᾶσθαι εἰς τὸ ἴδιον χρὸς τοῖς ἐμπε-  
 σουμένους ἐκ πράσεως | ἢ καὶ δανείων ἀργυρίους. μετὰ δὲ ἐνιαυτὸν ἓνα [τῆς] ἐμοῦ  
 καὶ τοῦ ἀνδρ[ὸς] Πλουτίωνος τελευτῇ[s] --- Πλου[...]. τίωνος φύσει θυγατρὶ Λεο-  
 ντοῦτι ἃς μόνας αὐτῇ διατάσσω ἀργυρίου δραχμὰς ἑκατόν. εἰ δὲ τιν[ι] --- συμβῇ  
 --- | σαι επισ. ριουσ[...]. --- μου ἀνα--- ἐμέρισα αὐτῷ εἰς τὸν .. αὐτῶν[...]. |  
 εἶναι ἀδιέρετα τοῖς ἀμφοτέροις τῆς θυγατρὸς μου Αἰζατοῦν .. εἰς ζῆ, εἰ δὲ [μή], τῶν  
 τέκνων αὐ[---] καὶ μηδὲν ἐξεῖναι παραβαίνειν τι τῶν ὑπ' ἐμοῦ διατεταγμένων, ||<sup>15</sup>  
 τὸν δὲ παραβησόμενον ἢ ἀποτίνειν καθ' ἐκάστην ἑ[φοδὸν] τό τε βλάβος καὶ  
 ἐπ[ί]τιμον ἀργ[υρίου] δραχμὰς --- καὶ εἰς τὸ δημόσιον τὰς ἴσας καὶ μηδὲν ἥσσον  
 κύρια μένειν τὰ προκείμενα ἢ διαθήκη κυρία. | (hand 2) Θ.... Ἀρπαήσιος τοῦ  
 Ἡρακλήου πεποίηται τὴν διαθήκην καὶ καταλείπω μετὰ τὴν τελευτήν ἀνδρί  
 μου Πλούτιωνι εἰς ζῆ, εἰ δὲ μή, τοῖς θέσει κ[---] ---[---]

14. ἀδιαίρετα

In the fourth year of the Emperor Caesar Traianus Hadrianus Augustus ... of the month ... at ... Th... daughter of Harpaesios son of Herakles, her mother being ... from the village ... with her *kyrios* ... son of Panesneus, his mother being ... daughter of Panomegeus son of Panomegeus, being sane and in her right mind, has made

this will. As long as I survive, I am to have power over my own belongings, and make any new provisions if I want to, and to change this will, and to revoke it so that the new provisions will remain valid. If I die with this will and no further provisions made, I bequeath to my husband Ploution son of Pekysis son of ... from the same village, if he lives, if not, to the adoptive sons of ...nios son of Harpalos from the city of Oxyrhynchos, an equal part to each of them, if he lives, if not, to their children ... Melanion and Sarapion, the abovesaid adoptive sons, an equal part to each of them, if alive, if not, to their children ... and other fixtures ... Demetrous the female slave ... the use and income will belong to my abovesaid husband Ploution until he lives, ... he is allowed to sell the things which will be left by me to the adoptive children, and to pledge them, and use for his personal needs the silver accruing from either sale or loans. Within one year after my death and the death of my husband Ploution ... to the natural daughter of Ploution, Leontous, the sole one hundred drachmae of silver, which I bequeath her.

Lines 12–13 are too damaged to be translated.

It is undivided for both (children) of my daughter Lezaton (?) ... if she lives, if not, to their children ... and no one shall be permitted to do anything opposed to these provisions, and the person attempting to disobey them shall forfeit a fine of ... drachmae of silver ... and an equal amount to the Treasury, and not less for every attack, the above (provisions) shall remain valid. The will is valid. I, Th... daughter of Harpaesis son of Herakles, have made this will and after my death I bequeath to my husband, Ploution, if he lives, if not, to the adoptive ...

*P. Oxy.* III 490

AD 124

Oxyrhynchos

Greek

Papyrus

Original

Greek text after papyri.info

Translation: B. P. GRENFELL & A. S. HUNT in *P. Oxy.* III (ll. 1–7) (below)

(hand 1) ἔτους ἑνάτου Αὐτοκράτορος Καίσαρος Τραιανοῦ Ἀδριαν[οῦ Σεβαστο]ῦ  
Χοίαχ (hand 2?) ε, (hand 1) ἐν Ὀξυρύγχων [πόλει τῆς Θεβαΐδος, ἀγαθῇ τύχῃ]. |  
τάδε διέθετο νοοῦσα καὶ φρονοῦσα Ταστράτων Ψενοσίριος τοῦ [Ἀτρέως] μητρὸς  
Τσενύριος ἀπ' Ὀξυρύγ[χων πόλεως μετὰ κυρίου τοῦ ἀνεψιοῦ μου --- μητρὸς] |  
Τααμίσιος Ζωΐλου ἀπὸ τῆς αὐτῆς πόλεως ἐν ἀγνιᾷ. ἐφ' ὃν με[ν] περιέμ[ν]ι χρόνον

ἔχειν με τὴν κατὰ [τῶν ιδίων ἐξουσίαν ὃ ἐὰν βούλωμαι ἐπιτελεῖν καὶ μεταδιατίθεσθαι καὶ πρὸς ἀκύρωσιν] | ἄγειν τήνδε τὴν διαθήκην. ἐὰν δὲ ἐπὶ ταύτῃ τελευτήσω καταλ[είπω κατὰ φιλοστοργίαν Διονυσίῳ Πανε[χώτου ἀπελευθέρου Πετοσίριος --- μητρός Ἀμμωνούτος ἀπὸ τῆς αὐ]||<sup>5</sup> τῆς πόλεως νυν{εἰ} ἀφῆλκι ἐὰν ζῇ, εἰ δὲ μή, τῇ του γενεᾶ, τὸ ὑπά[ρχον μοι ἐ]ν κώμῃ Κερκεθύρει τῆς πρὸς [λίβα (?) τοπαρχίας ..... μέρος κοινωνικὸν πρὸς πατέρα μου Ψενοσίριν Ἀτρέως μητρός] | Σπόκxως οἰκίας καὶ αὐλῆς καὶ εἰσό[δ]ων καὶ ἐξόδων καὶ ἃ ἐὰν ἄλλ[α ἀπολίπ]ω πάντα καθ' ὄνητοποτὸν τ[ρόπον]. ἐὰν δὲ συμβῇ τὸν Διονύσιον ἄτεκνον καὶ ἀδιάθετον τελευτήσαι πεμφθήσεται | τὰ ἀπ' ἐμοῦ εἰς αὐτὸν ἐλευσόμενα [εἶ]ς τοὺς ἔγγιστά μου γένους ὄντας. ἄλλω] δὲ οὐδενὶ οὐδὲν τῶν ἐμ[ῶν καταλείπω. ἡ διαθήκη κυρία.] | (hand 2) Ταστράτων Ψενο[σίριος τοῦ Ἀτρέω]ς πεπο[ί]ημαι τὴν διαθήκην καὶ καταλείπω μετὰ τὴν τελευτὴν Διονυσίῳ Πα[νε]χώτου ἀπελευθέρ[ο]υ Πετοσίριος μη[τρός] Ἀμμωνούτος ἃ[φῆλκι τὸ ἐν Κερκεθύρει ..... μέρος κοινωνικὸν πρὸς] ||<sup>10</sup> πατέρα μου οἰκίας κα[ὶ] αὐλῆς καὶ ἃ ἐὰν ἄ[λλα ἀ]πολίπω πάντα. [ἐὰν δὲ ὁ Διονύσιος ἄτεκνος καὶ ἀδιάθετος τελευτήσῃ] | πεμφθήσεται τὰ ἀπ' ἐ[μοῦ] εἰς αὐτὸν ἐλ[ευσόμε]να εἰς τοὺς ἔγγιστά μου γένους ὄντας ὡς πρόκειται. εἰμὶ ἐτῶν ... οὐ]λῃ βραχ[ε]ῖονι δεξιῶ καὶ ἔστιν μου ἡ σφ[ραγίς] δρακοντ>όμορφος [--- ἐπιγέγραμμαι\* τῆς ἀνε]ψιᾶς μου κύριος καὶ εἰμὶ ἐτῶν λ οὐλῃ [κατὰ] μηρὸν ἀριστερό[ν]. --- ἀπὸ τῆς αὐτῆς] | πόλεως ἔγραψα ὑπὲρ αὐτῶν μὴ εἰδότ[ων] γ[ράμματα καὶ εἰ]μι ἐτῶν --- (hand 3) ||<sup>15</sup> τοῦ Ἀπολλωνίου ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ [τῇ τῆς Ταστράτωνος διαθήκῃ καὶ εἰμὶ ἐτῶν --- καὶ ἔστιν μου ἡ σφραγίς] | Ἀρποχράτω ὀρθοῦ. (hand 4) Ἀρίστων Ἀρτεμιδώρου το[ῦ] ... [ἔ]ως ἀπ[ὸ] τῆς αὐτῆς πόλεως μαρτυρῶ τῇ τῆς Ταστράτωνος διαθήκῃ καὶ | εἰμὶ ἐτῶν ν οὐλῃ γ[ό]νατι δεξιῶ καὶ [ἔ]στιν ἡ σφραγίς Κρ[---] (hand 5) ἀπὸ τῆς αὐτῆς πόλεως μαρτυ[ρ]ῶ τῇ τῆς Τ[ασ]τράτωνος [δι]αθήκῃ καὶ εἰμὶ ἐτῶν) ε[---] οὐλῃ ὑπ[ὸ] γένειον δεξιῶ καὶ ἔστιν μου ἡ σφραγίς ..... (hand 6) --- τοῦ] | Σαραπί[ω]νος μαρτυρῶ [τῇ τῆς Ταστράτω]νος [δι]αθήκῃ καὶ εἰ[μι] ἐτῶν .. --- καὶ ἔστιν μου ἡ σφραγίς ..... ||<sup>20</sup> (hand 7) Ἀπίων ... [---] τοῦ Ἀπίω(νος) ἃ[πὸ] τῆς [αὐτῆς] π[ό]λεως

\* This reconstruction is supported by attestations in source material from Oxyrhynchos (cf. PSI XII 1263, ll. 42–43; P. Köln II 100, l. 28; P. Oxy III 492, ll. 16–17). In wills composed for women in the Oxyrhynchite nome, *kyrios* is always mentioned in the part where the testatrix is presented, with the expression *μετὰ κυρίου* followed by a description of *kyrios* in the genitive; however, no information on the assignment procedure is given, as it is the case for wills from the Arsinoite nome. Some documents from the Arsinoites prove that wills used to be copied together with a document of such assignment: P. Hamb. IV 278 = P. Tebt. II 465 descr.

Although the presence of a *kyrios* did not necessarily have any significance for the validity of a deed, it could have had a customary significance. See J. MÉLÈZE MODRZEJEWSKI, 'What is Hellenistic law? The documents of the Judaean desert in the light of the papyri from Egypt', [in:] R. KATZOFF & D. M. SCHAPS (eds.), *Law in the Documents of the Judaean Desert*, Leiden 2005, pp. 7–21, esp. p. 18.

μαρτυρῶ] τῇ τῆς [Ταστράτωνος διαθήκη καὶ εἰμὶ (ἐτῶν) --- καὶ ἔστιν] | μου ἢ  
 σφ[ρα]γ[ί]ς [...].τ[... (hand 8) ...]ων Θέωνος [... μητρ]ῶς Θαΐδος ἀπὸ τῆς α[ὐ]τῆς  
 πόλεως μαρτυρῶ τῇ τῆς Ταστράτωνος διαθήκη καὶ εἰμὶ (ἐτῶν)  
 ---] | καὶ ἔστιν μου ἢ [σφ]ρα[γί]ς .....] Ἰσίδος.

17. δεξιῶ

In the ninth year of the Emperor Caesar Traianus Hadrianus Augustus, 5 Choriach, at the city of Oxyrhynchus in the Thebaid, for good fortune. Tastraton daughter of Psenosiris son of Hatreus, her mother being Tsenyris, from the city of Oxyrhynchus, with her *kyrios* her cousin ... his mother being Taamois daughter of Zoilos, from the same city, being sane and in her right mind, has made this will in the street. So long as I survive, I am to have power over my own belongings, to make any new provisions as I want, and to change this will and revoke it. But if I die with this will, I bequeath, on account of his affection towards me, to Dionysios son of Panechotes, freedman of Petosiris ... his mother being Ammonous, from the same city, who is now a minor, if he lives, and if not, to his family, the ... share belonging to me jointly with my father Psenosiris son of Hatreus and Spokis at the village of Kerkethyris in the ... toparchy, of a house and court with entrances and exits, and all else that I leave in any way whatsoever. If Dionysios happens to die childless and intestate, the property devolving upon him from me shall devolve upon my nearest relatives; I bequeath nothing of my belongings to anyone else. This will is valid. I, Tastraton daughter of Psenosiris son of Hatres, have made this will, and after my death I bequeath to Dionysios son of Panechotes, freedman of Petosiris, his mother being Ammonous, who is now a minor, the ... share belonging to me jointly with my father Psenosiris son of Hatres and Spokis at the village of Kerkethyris, of a house and court, and all else that I leave. If Dionysios happens to die childless and intestate, the property devolving upon him from me shall devolve upon my nearest relatives, as above. I am ... years old, with a scar on my right arm, my seal represents a dragon. ... I am registered (?) as *kyrios* of my cousin and I am 30 years old, with a scar on the left thigh ... I, ... from the same city, have written for them because they do not know letters, I am ... years old ... I, ... son of Apollonios, from the same city, witness to the will of Tastraton; I am ... years old, my seal represents standing Harpokrates. I, Ariston son of Artemidoros son of ... from the same city, witness to the will of Tastraton; I am 50 years old, with a scar on the right knee, and my seal represents ... I, ... from the same city, witness to the will of Tastraton; I am ... years old, with a scar under my chin on the right side, and my seal represents ... I, ... son of Sarapion, witness to the will of Tastraton; I am ... years old, and my seal represents ... I, Apion ... son of Apion, from the same city, witness to the will of Tastraton; I am

... years old ... and my seal represents ... I, ... son of Theon ... my mother being Thais, from the same city, witness to the will of Tastraton; I am ... years old ... and my seal represents ... of Isis.

CPR VI 1 = SPP II, p. 25

AD 125

Ptolemais Euergetis

Greek

Papyrus

Original

Text after CPR VI

Translation: German: H. J. DREXHAGE, H. KONEN & K. RUFFING, *Die Wirtschaft des Römischen Reiches (1.-3. Jahrhundert). Eine Einführung*, Berlin 2002, pp. 277-278

(hand 1) (ἐτους) ἐνάτου Ἀυτοκράτορος Καίσαρος Τραϊανοῦ Ἀδριανοῦ Σεβαστοῦ  
Μεχεῖρ κζ. | (hand 2) [(ἐτους) ἐνάτου Ἀυτοκρά]τορο[ς] Κα[ί]σαρος Τραϊανοῦ  
Ἀδριανοῦ Σεβαστοῦ μηνὸς Ξανδικοῦ κζ Μεχεῖρ κζ ἐν Πτολεμα[ί]δι Εὐεργέτιδι τοῦ  
Ἀρσινοῦτου νόμου. τάδε διέ[θε]το | [νοῶν καὶ φρον]ῶν Ἀμμ[ώνιος] Ἀπίωνος τοῦ  
Θ[έωνος] μ[η]τρὸς Ἰσαροῦτος τῆς Ὠρίωνος ἀναγρα[φ]ομέν[ος] ἐπ' ἀμφοδ[ου]  
.....ου ὡς ἐ[τ]ῶν ---|--- εἴη] μὲν μοι [ὑ]γιαίνοντι τῶν ἐμα[υτοῦ] κύριον] εἶναι  
πωλ[οῦ]ν[τα] ὑπο[τι]θέμεν[ο]ν μετὰ δια[τι]θέμεν[ο]ν [οἰ]κονομ[οῦ]ντα] τὰ ἐμ[αυτοῦ]  
ὡς εἰάν αἰρώμαι. ||<sup>5</sup> εἰάν δὲ τελευτήσω ---|...|... εἰ... τὰ τέκ[να] μου ἐκ [τῆς] ....  
γυν[αικὸς] Ἀφ[ροδ]ί[τι] τοῦτο[ς] τῆς Νε[έ]λο[υ] ..[---]..[---]..[---]μ[....] ἐν τ[ῇ]  
μητροπό[λει] [ἐ]π' ἀμφοδ[ου] Βιθυνῶν Ἀλλων Τόπω[ν] οἰκί[αν] καὶ αὐλήν, περὶ τὴν  
κώμ[ην] Κερ[κεσοῦ]χα --- ἄρουρας πέντε καὶ | ἐλαιωνοπ[αρα]δε[ί]σου ἄ[ρ]ου[ραν] μ[ί]αν  
καὶ φον[ι]κῶνος ἀρού[ρας] ἡμισυ [οὐ]σ[ας] ἐπὶ τὸ [π]ᾶ[ν] ἄ[ρ]ούρας ἑξ ἡμισυ [ἡ] ὅσ[α]  
εἰάν ὦσιν α. ε. [...]. ..[---]..[---]... ατι [...]. ..[---]... κ[ι]ος κα[ί] ἂ ἐ[ὰν] καταλ[ε]ίπω ὑπάρ-  
χ[ον]τα καὶ τὰ ἐλευσόμεν[α] εἰς με ἀφ' οὗ δήπ[οτε] οὕν τρόπον. ἔτι δὲ [καὶ] ..[ε]...[---]  
..[τα]--- τῇ δὲ γυν[αικί] μου ἡ Ἀφροδε[ι]τ[ου]τ[ι] τὰ ὑπ' ἐ[μ]οῦ καταλειφθησόμενα  
ἐπίπλοα καὶ σκευὴ καὶ ἐνδομεν[ε]ρίαν καὶ ἰματισμὸν ἠδὲ καὶ ἐνοίκη[σιν] ἐφ' ὅσον  
χρόνον περ[ί]εστι καὶ ἄγαμος ||<sup>10</sup> καθ' ἐστηκεν τ[ῆς] καταλειπομένης ὑπ' ἐμ[οῦ] τοῦ[ς]  
τέκνοις ὡς πρόκειται οἰκίας καὶ αὐλῆς ἐπ' ἂμ[φ]οδου Β[ε]θ[υ]νῶν Ἀλλων Τ[ό]πων  
...[....]τ[ῇ]ν γυν[ναῖκά] μου ---| ἐπι[τρο]πον κα... στασιν τῶν ἐξ ἀλλήλων ἀφηλίκων  
τέκνων ἄχρι οὗ ἐν ἡλικίᾳ γένηται οὐδαν ἀν[ε]πιτρώπ[ευ]τον καὶ ἂν νεγλόγιστ[ον] ---  
|...[....]τ[ῇ]τον κατὰ πάντα τρόπον οὐθὲν μέντοι ἀπλῶς ἐξαλλοτριούσαν οὐδὲ  
καταχρηματίζουσαν τῶν ἀνηκόντων ....[....]κα. ἠδὲ πα[---]...[....]οις τοῖς τέκνοις  
παραδῶν ἡ μήτηρ αὐτῶν Ἀφροδε[ι]τοῦς τὰ ὑπάρχοντα καθαρὰ ἀπὸ δημοσίων πάν-  
των καὶ πάσης δ[ι]απάνης]... [ἡ] γ[υνή] [ποι]ήσεται ....[....] τὴν κηδείαν μου καὶ κα-  
τασκαφὴν καὶ ἐνχώριον θεραπείαν εἰς ἣν ἀναλωσάτωι ἀργυρίου δραχμὰς τετρα-

κοστίας τῇ ἰε[ρωσύν]ηι. ἄς δὲ [ἐ]χω ἐν [θέματι ἐπὶ τῆς Πάππου ||<sup>15</sup> τραπ]έξης  
 ἄρ[γυ]ρίου δ[ρα]χμὰς τρεῖςισχι[λί]ας διακοσίας βούλομαι κατατεθῆναι εἰς  
 ἀγορασμὸν εὐάρεστον ἐπ' ὀνόματος τῶν [τέκνων γεν]ομένων μου [...-.....]...[.].ν  
 [...]. καὶ [...-.....]. ἐπακολουθούντος [πᾶ]σι τοῖς τῇ ἐπιτροπῇ ἀνηκούσι καὶ τῷ ἀγο-  
 ρασμῷ τοῦ ἀδ[ε]λφοῦ μ[ου] Θέω[ν]ος μόνου. ἐν δὲ οἷς ἐνοφ[ε]ιλ[ο]ρ[ο]μένους] ἐστὶν καὶ  
 δάν[ειο]ν τῆς μητρο[ς] μου Ἰσαροῦτος ἀργυρίου δραχμῶν χί[λι]ων γενόμ[ε]νον  
 κατὰ πίστιν ἐπ' ὀνόματος τοῦ ἀδελφοῦ μου Θέωνος. ἄλλω δὲ οὐδὲν οὐδενὶ κατα-  
 λείπω. | [Θέ]ων Πετερμουθίωνος ὡς ἐτώ[ν] τρ[ι]άκοντα οὐλῇ ὀφρῦ ἀριστερᾶ,  
 Μυσθαρίων Ζωίλου ὡς ἐτῶν ἐξήκοντα ἑννέα ἄσ[η]μος, [Ε]πίμαχος ὁ καὶ Γέτας  
 Δημητρίου ὡς ἐτῶν | [εἴκο]σι πέντε οὐλῇ δακτύλῳ πρώτῳ χειρὸς ἀριστερᾶς, Διδᾶς  
 Πτολεμαίου ὡς ἐτῶν τριάκοντα ὀκτώι οὐλῇ μῆλῳ δεξιῷ, Ἦρων Ἀρποκρατίωνος ὡς  
 ἐτῶν ||<sup>20</sup> [ἐξή]κοντα οὐλῇ μεσοφρῦνι, Πτολεμαῖος Ἀπολλωνίου ὡς ἐτῶν τεσσαρά-  
 κοντα πέντε οὐλῇ δακτύλῳ πρώτῳ χειρὸς ἀριστερᾶς. οἱ ἐξ μάρτυρες. | (hand 3) [Αμ-  
 μώνιος] Ἀπίωνος τέθειμαι τὴν διαθήκην καταλείπω τοῖς τέκνοις μου Ἀπίωνι καὶ  
 Ἀφροδιτοῦτι ἐξ ἱ[σ]ου τὰ ὑπάρχοντά μου πάντα καὶ ἐνοφειλόμενα, τῇ δὲ γυναικὶ  
 Ἀφροδιτοῦτι τῇ ἐνδομειναι καὶ ἱματισμὸν καὶ ἐνοίκην[σιν οἱ] κί[ς]ας καὶ αὐ[τῆς]  
 [...]τ...τεκν[...]. συνεπέισθην τοῖς προγεγραμμένοις. ἄς δὲ {ἄς δὲ} ἔχω ἐν θέματι ἐπὶ  
 τῆς Πάππου τραπέξης ἀργυρίου δραχμὰς τρισχί[λι]ας διακοσίας βούλομαι κατα-  
 τεθῆναι | [...] τοῖς τέκ[ν]οις μου ἐπακολουθ[ούν]το[ς] τῇ ἐπιτροπῇ καὶ τῷ ἀγορασμῷ  
 τοῦ ἀδελφοῦ μου Θέωνος καθὼς πρόκ<ε>ται καὶ σφραγιῷ γλύμματος Σαράπιδος. ἐν  
 δὲ οἷς ἐνοφειλόμενοι μοι ἐστὶν καὶ δάνειον τῆς μη||<sup>25</sup> [τρ]ὸς δραχμ[ῶ]ν χιλίων  
 γενόμενον κ[α]τὰ πίστιν ἐπ' ὀνόματος τοῦ ἀδελφοῦ μου Θέωνος. (hand 4) Θέων  
 Πετερμουθίωνος μαρτυρῶ[ι] καὶ σφραγιῶ[ι] γλύμματος Με[σ]θασύθυμδος. (hand 5)  
 Μυσθαρίων Ζωίλου μαρτυρ[ῶ] καὶ σφραγ[ι]ῶ[ι] γλύ[μ]ματι Ἑρμοῦ. (hand 6) Ἐπί-  
 μ[α]χος ὁ καὶ Γέτας Δημητρίου μαρτυρῶ[ι] καὶ σφραγιῶ[ι] γλύμ<μ>ατι Ἀρ-  
 ποκράτου. (hand 7) Διδᾶς Πτολεμαίου μαρτυρῶ καὶ σφραγιῷ γλύμματος Ἰσιδός.  
 (hand 8) Ἦρων Ἀρποκρατίωνος μαρτυρῶ καὶ σφραγ[ι]ῶ γλύμματος Ἀμμώνιος.  
 (hand 9) Πτολεμαῖος Ἀπολλωνίου μαρτυρ[ῶ] καὶ σφραγιῷ γλύμματος Ἀγαθοῦ  
 Δαίμονος. (hand 10) Λούκιος ὁ καὶ Ἑρμίας καὶ οἱ ..... διαδ[...]. (ἐτους) θ  
 Αὐτοκράτορος Κα[ί]σαρος Τραιαν[οῦ] Ἀδρια[νοῦ] Σεβασ[τοῦ] Μεχ[ε]ῖρ κ[αὶ] ...[...].  
 ὑρ[ο]σσημ[...]. τὴν προκειμένην διαθήκην εἰς ...[...]. τοῦ[...].  
 ...[...]. υκ[...]. ἐ[...].

In the ninth year of the Emperor Caesar Traianus Hadrianus Augustus, 27 Mecheir. In the ninth year of the Emperor Caesar Traianus Hadrianus Augustus, on the 27th of the month Xandikos, 27 Mecheir, in Ptolemais Euergetis of the Arsinoite nome. Ammonios son of Apion son of Theon, his mother being Isarous daughter of Horion, registered in the quarter ... about ... years old ... being sane and in his right mind, has made this will. May I enjoy good health and master my belongings, to sell them, to mortgage them, and to change this will, and to

administer my belongings as I choose. If I die .... my children ... born to me of my wife Aphrodeitous daughter of Neilos ... house and yard in the metropolis, in the quarter of Bithynians and Other Areas; at the village Kerkesoucha ... five arourae and one aroura of olive grove and a half of aroura of palm grove, in total six and a half arourae or how many they are ... and whatever I leave of my present or future belongings acquired in whatever way ... to my wife Aphrodeitous: equipment, and movables, and household goods, and garments left by me and, as long as she lives and remains unmarried the right to dwell in the house and yard in the quarter of Bithynians and Other Places which I bequeathed to my children as above ... my wife ... the guardian of our minor children without trustee and without being accountable until they reach puberty ... (She is not allowed) at all to either alienate or dispose of anything which belongs to the children in any way ... Their mother Aphrodeitous shall deliver the property free of all taxes and costs ... The wife will look after ... my funeral and digging the grave, and the (funerary) service in accordance to the local custom, for which she shall spend four hundred drachmae of silver for priests. I want three thousand two hundred drachmae of silver, which I deposited in the bank of Pappos, to be used on behalf of my children for the purchase of (things) according to their choice ... only my brother Theon will supervise all matters pertaining to the guardianship and purchase. Among the money which is owed to me, there is a loan of one thousand drachmae of silver granted to my mother Isarous recorded to the name of my brother Theon as trustee. I leave nothing to anyone else. Theon son of Petermouthion, about thirty years old, with a scar on his left eyebrow; Mystharion son of Zoilos, about sixty-nine years old, without scars; Epimachos also called Getas, son of Demetrios, about twenty-five years old, with a scar on the first finger of his left hand; Didas son of Ptolemaios, about thirty-eight years old, with a scar on his right cheek; Heron son of Harpokration, about sixty years old, with a scar between his eyebrows; Ptolemaios son of Apollonios, about forty-five years old, with a scar on the first finger of his left hand. The six witnesses. I, Ammonios son of Apion, have made this will bequeathing to my children Apion and Aphrodeitous equally all my belongings and claims; to my wife Aphrodeitous household goods, and garments, and the right to dwell in the house and courtyard bequeathed to the above-introduced (children). I want three thousand two hundred drachmae of silver, which I deposited in the bank of Pappos, to be used on behalf of my children ... while my brother Theon (will supervise) all matters pertaining to the guardianship and purchase, as above; and I seal with a seal representing Sarapis. Among the money, which is owed to me, there is a loan of one thousand drachmae of silver granted to my mother Isarous recorded to the name of my brother Theon. I, Theon son of Petermouthion, witness and seal with a seal representing Mesthasythmis. I, Mystharion son of Zoilos, witness and seal

with a seal representing Hermes. I, Epimachos also called Getas son of Demetrios, witness and seal with a seal representing Harpochrates. I, Didas son of Ptolemaios, witness and seal with a seal representing Isis. I, Heron son of Harpokration, witness and seal with a seal representing Ammon. I, Ptolemaios son of Apollonios, witness and seal with a seal representing Agathodaimon. I, Loukios also called Hermias and ... in the 9th year of the Emperor Caesar Traianus Hadrianus Augustus, 27 Mecheir ... the above will ...

*P. Oxy. III 491 = M. Chr. 304*  
AD 126  
Oxyrhynchos

Greek  
Papyrus  
Original

Text after papyri.info

Translation: B. P. GRENFELL & A. S. HUNT in *P. Oxy. III* (ll. 1–12) (below)

ἐτους δεκάτου Αὐτοκράτορος Καίσαρος Τραιανοῦ Ἀδριανοῦ Σεβαστοῦ μηνὸς  
Καισαρείου ἐπαγομένων ε, ἐν Ὁξυρύνχων πόλει τῆς Θηβαΐδος, ἀγαθῇ τύχῃ. | τὰδε  
διέθετο νοῶν καὶ φρονῶν Εὐδαίμων Θωνασύχιος τοῦ Θώνιος μητρὸς Θαήσιος ἀπὸ  
Ὁξυρύνχω[ν πό]λεως παστοφόρος Θοήριδος θεᾶς μεγίστης καὶ Ἰσι[δ]ος κ(αι) Σα-  
ράπ[ιδος καὶ τῶν ἄλλων θε]ῶν τοῦ | ἱεροῦ τοῦ ὄντος ἐν κώμῃ Μουχινῶρ, ἐν ἀγνίᾳ.  
ἐφ' ὃν μὲν περίεμι χρόνον ἔχειν μ[ε] τὴν τῶν ἰδίων ἐξου[σί]αν ὃ ἐὰν βούλωμαι  
ἐπιτελεῖν καὶ μεταδιατίθεσθαι καὶ ἀκυροῦν τ[ὴν διαθήκην] ταύτην | ὃ δ' ἂν ἐπι-  
τελέσω κύριον ὑπάρχειν. ἐὰν δ' ἐπὶ τῇδε τῇ διαθήκῃ τελευτήσω κληρονόμους ἀπο-  
λείπ[ω τ]οὺς υἱοὺς μου Θῶνιν καὶ Ὄρων καὶ Εὐδαίμονα τοὺς τρεῖς μητρὸς Τα. [...  
Ἀρπαήσιος] τοῦ καὶ ||<sup>5</sup> Ὄρων ἐξ ἴσου ἕκαστον δ' αὐτῶν ἐὰν ζῇ, εἰ δέ μή, τὰ τούτου  
τέκνα, ὧν ἐὰν ἀπολίπω οἰκοπέδων καὶ ἑδαφῶν καὶ δουλικῶν σωμαμάτων, μόνον δέ  
τὸν Θῶνιν ὧν ἐὰν αἰρήτῃαι .....[---]... παν|τοίων πάντων ἐπὶ τῷ τὸν αὐτὸν Θῶνιν  
ἀποδοῦναι ἃ ἐὰν φανῶ ὀφείλων χρεά καὶ δοῦναι τοῖς ἀδελφοῖς α[ὐ]τοῦ Ὄρων καὶ  
Εὐδαίμονι ἐὰν μὲν ὧσι ἅμα τῇ τελευτῇ μου πεπ[λ]ηρωκ[ότες εἴκοσι ἔτη μετ']  
ἐνιαυτοῦ ἑνα τῆς τελευτῆς μου, ἐὰν δέ μὴ ὧσι τοσούτων ἐτῶν ἑκατέρω ὅταν  
πληρώσῃ τὰ εἴκοσι ἔτη, δραχμὰς πεντακοσίας, ὥς εἶναι ἀμφοτέρων δραχμὰς  
χιλίας, οὐκ ἐξόντος [τοῖς αὐτοῖς Ὄρων καὶ] Εὐδαίμονι οὐδ' ὥτινιούν αὐτῶν τὰ  
ἐλευσόμενα εἰς αὐτο[ὺ]ς ἐξ ὃν[ό]ματός μου πωλεῖν οὐδ' ὑποτίθεσθαι [οὐ]δ' ἄλλως  
καταχρηματίζειν ἄχρι ἑκάτερος αὐτῶν πληρώσῃ ἔτη εἴκ[οσι πέντε. ἐὰν δέ]  
τελευτήσῃ οὐδέπω πεπληροκότων τῶν αὐτῶν Ὄρων καὶ Εὐδαίμον[ος] ἔτη εἴκοσι  
εἶναι τούτων ἑκατέρου ἃ[χρι πλ]ηρώσῃ ἔτη εἴκοσι ἐπίτροπον τὸν τε ἀδελφὸν  
α[ὐ]τῶν Θῶν[ι]ν καὶ τὸ[ν κατὰ μητέρ]α πάπ||<sup>10</sup>πον Ἀρπαῆσιν τὸν καὶ Ὄρ[ο]ν  
Θώνιος. ἐὰν δέ τι νι τῶν τριῶν υἱῶν συμβῇ ἀτέκνω τελευτήσαι ἔστω τὸ το[ῦ]του

μέρος τῶν περιόντων αὐτοῦ ἀδελφῶν ἐξ ἴσου, παρὰ δὲ ταῦτα μὴ [οὔσης μηδενὶ τῶν κα]θόλου | ἐξουσίας παραβαίνειν τὸν δὲ παραβησόμενον ἀποτίνειν τῷ ἐνμένοντι τό τε βλάβος καὶ ἐπίτι[μον] ἀργυρίου δραχμὰς χιλίας καὶ εἰς τὸ δημ[όσιον τὰ]ς ἴσας, καὶ μηδὲν ἥσ[σον κύρια μένειν τ]ὰ | προκείμενα. ἡ διαθήκη κυρία. (hand 2) Εὐδαίμων Θωνασύχιος πεποιήμαι τὴν [δια]θήκην κ[αὶ] κα[ταλεί]πω μ[ετὰ τὴν τελευταίαν κληρονόμους τοὺς] | υἱούς μου Θῶνιν καὶ Ὡρον καὶ Εὐδαίμονα ἐξ ἴσου ὧν ἐὰν ἀπολί[πω] οἰκοπέδων καὶ ἐ[δα]φῶν κ[αὶ] δούλ[ων] [σ]ωμάτων [μό]ν[ον] δὲ τὸν Θ[ῶ]ν[ιν] | τῶν λοιπῶν μου πάντων ἐπὶ τῷ αὐτὸν ἀποδοῦναι <ἀ> ἂν ὀφείλω καὶ δοῦν[αι] τῷ Ὡρῳ καὶ Εὐδαίμον[ε]ι [ἐ]κ[α]τέρῳ ἐπὶ ὧσι ξ[ι]τῶν κ δραχμὰς [π]εν[τε]τακοσίας, οὐκ ἐξόντος τῷ Ὡρῳ καὶ Εὐδαίμον[ε]ι ἂ ἐμέρισα αὐτοῖς πωλεῖν οὐδὲ ὑποτίθεσθαι ἄχρι ἐκ[α]τέρ[ος] πληρώσῃ ἔτη εἴκοσι | πέντε, μέχρι δὲ τότε εἶναι αὐτῶν ἐπίτροπον τὸν Θῶνιν κα[ὶ] τὸν κατὰ μητέρα πάππον Ἀρπαῆσιν τὸν κ[αὶ] Ὡρον]. ἐὰν δὲ τι[ς] | τῶν τριῶν τελευταίῃ ἔστω τὸ μέρος αὐτοῦ τῶν ἀδελφῶν αὐτ[οῦ] ἐξ ἴσου ὡς πρόκ<ε>ιται. εἰμὶ (ἐτῶν) ξα[ν]τὴ πῆχιν δεξ[ι]ῳ καὶ ἔσ[τι]ν | μου ἡ σφραγὶς Ἀθηνᾶς. (hand 3) Κύρος Κύρου τοῦ Διδύμου ἀπὸ τῆς αὐτῆς [πό]λεως [μα]ρτυρῶ τῇ τοῦ Εὐδαίμονο[ς] διαθήκῃ καὶ [εἰμὶ (ἐτῶν) .. οὐλή ..] | δεξ[ι]ῳ καὶ ἔσ[τι]ν μου ἡ σφραγὶς Τύχης κυβερνωσ[α]ς. (hand 4) Θέων Ζωίλου τοῦ Θέωνο[ς] ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ τ[ῇ] τοῦ Εὐ[δαί]μονο[ς] διαθήκῃ καὶ ||<sup>20</sup> εἰμὶ ἐτῶν τριάκοντα ἐννέα οὐλή ποδὶ δεξ[ι]ῳ καὶ ἔστι μου ἡ σφραγὶς Σ[υ]λληνοῦ. (hand 5) Πεμνᾶς Βησάτος το[ῦ] ..[...]. ἀπὸ τῆς αὐτῆς πό[λεως] [μαρτυ]ρῶ τῇ τοῦ Εὐδαίμονο[ς] διαθήκῃ καὶ εἰμὶ ἐτῶν τριάκοντα ὀκτὼ οὐλή μῆλιν δεξ[ι]ῳ [καὶ ἔστιν μου ἡ σφραγὶς ...] | ..[...]. (hand 6) ..[...]. ὁμοπειδίστος τοῦ Κομοάπιος μαρτυρῶ τῇ τοῦ Εὐδαίμονο[ς] διαθήκῃ καὶ εἰμὶ (ἐτῶν) .. | οὐλή ἂ] στραγάλω ἀριστερῳ καὶ ἔστιν <μου> ἡ σφραγὶς Σαράπιδος. (hand 7) Θῶνις Παμμ[α] --- | μαρτυ]ρῶ τῇ τοῦ Εὐδαίμονο[ς] διαθήκῃ καὶ εἰμὶ (ἐτῶν) [.]. ο[ὐ]λή μῆλιν <δε>ξ[ι]ῳ καὶ ἔσ[τιν] μου ἡ σφραγὶς ....||<sup>25</sup> (hand 8) ---] τοῦ Ὡρον μαρτυρῶ τῇ τοῦ Εὐδαίμονο[ς] διαθήκῃ καὶ εἰμὶ (ἐτῶν) λς οὐ(λή) ρινὶ μέσῃ [καὶ ἔστιν μο]ν ἡ σφραγὶς Ἀθηνᾶς. | [(hand 9) ---] μνημονεῖο(ν) Ὀξυρ(ύγχων) πόλ(εως). | [(ἐτους) ι Αὐτοκράτορος Καίσαρος Τραιανοῦ Ἀδριανοῦ Σεβαστο]ῦ Καισαρεῖον ἐπαγο-(μένων) ε. | [διαθήκη Εὐδαίμονο[ς] Θωνασύχιος τοῦ Θῶνιος μητρὸς Θα]ήσιος ἀπὸ Ὀξ[υρ(ύγχων) πόλ(εως)].

2. corr. ex θωνασ\_χιος | BL I 323: .σ.ρ...[... prev. ed. || 7. corr. ex τοτουτων | corr. ex ταν  
|| 17. corr. ex ὕ\_ου | Πήχει || 19. κυβερνωτης prev. ed. || 24. corr. ex \_ειω

In the tenth year of the Emperor Caesar Traianus Hadrianus Augustus, on the 5th epagomenal day of the month Kaisarios, at the city of Oxyrhynchos in the Thebaid, for good fortune. Eudaimon son of Thonasychis son of Thonis, his mother being Thaesis, from the city of Oxyrhynchos, shrine-bearer of the most great goddess Thoeiris, and of Isis and Sarapis, and the other gods of the temple at the village

Mouchinor, being sane and in his right mind, has made this will in the street. So long as I survive, I am to have power over my own belongings, to make any new provisions as I want, and to change this will and revoke it, so that the new provisions will remain valid. But if I die with this will, I appoint my sons Thonis, and Horos, and Eudaimon, all three sons of Ta... daughter of Harpaesis also called Horos, each of them, if he lives, and if not, his children, as heirs in equal parts to all the buildings, estates, and slaves that I may leave, but Thonis alone of all ... whatever that he chooses, on condition that the said Thonis pays back any debts which may be proved against me and gives to his brothers Horos and Eudaimon, within one year after my death, if they have at the time of my death completed twenty years, and if they are not of that age, then to each of them when he has completed twenty years, 500 drachmae, making for both of them together 1000 drachmae; and it shall not be lawful for the said Horos and Eudaimon, nor for any one of them to sell, mortgage, or otherwise dispose of what will come to them from me until each of them has completed twenty-five years. And if I die before the said Horos and Eudaimon have completed twenty years, their brother Thonis and their maternal grandfather Harpaesis also called Horos son of Thonis, shall be guardians of each of them until he completes twenty years. If any of the three sons happen to die childless, his share shall belong to his surviving brothers in equal shares; beyond this no one at all shall have power to disobey these provisions, and any person so doing shall forfeit to the party abiding by them the damages and a fine of one thousand drachmae of silver, and to the Treasury an equal sum, and the foregoing provisions shall none the less remain valid. The will is valid. I, Eudaimon son of Thonasychis, have made this will, and after my death I appoint my sons Thonis, and Horos, and Eudaimon as heirs in equal parts to all the buildings, estates, and slaves that I may leave, but Thonis alone (as an heir) of all other things, on condition that the said Thonis pays any debts I may owe and gives to each of his brothers, Horos and Eudaimon, if they have at the time of my death completed twenty years, five hundred drachmae; and it shall not be lawful for the said Horos and Eudaimon, nor for any one of them to sell or mortgage the things that were allotted to them until each of them has completed twenty-five years, and until that time Thonis and their maternal grandfather Harpaesis also called Horos are their guardians. If any of the three sons happens to die, his share shall belong to his surviving brothers in equal parts, as above. I am 61 years old, with a scar on the right forearm, my seal represents Athena. I, Kyros son of Kyros son of Didymos, from the same city, witness to the will of Eudaimon; I am ... years old, with a scar on the right ... my seal represents Tyche with a steering oar. I, Theon son of Zoilos son of Theon, from the same city, witness to the will of Eudaimon; I am thirty-nine years old, with a scar on the right leg, my seal represents Sylen. I, Pemnas son of Besas son of ... from the same city, witness to the will of Eudaimon; I am thirty-eight years old, with a scar on the right cheek, and my seal

represents ... I, ... son of Thompeidisis son of Komoapis, witness to the will of Eudaimon; I am ... years old, with a scar on the left wrist, my seal represents Sarapis. I, Thonis son of Pamm... ... witness to the will of Eudaimon; I am ... years old, with a scar on the right cheek, and my seal represents ... I, ... son of ... son Horos, witness to the will of Eudaimon; I am 36 years old, with a scar in the middle of the nose, my seal represents Athena. ... of the *mnemoneion* of the city of Oxyrhynchos. In the 10th year of the Emperor Caesar Traianus Hadrianus Augustus, on the 5th epagomenal day of Kaisarios. The will of Eudaimon son of Thonasuchis son of Thonis, his mother being Thaesis, from the city of Oxyrhynchos.

*P. Oxy.* III 634 descr.

AD 126

Oxyrhynchos

Greek  
Papyrus  
Original

Known to me only as *descriptum*.

*P. Oxy.* III 651

AD 126–127

Oxyrhynchos

Greek  
Papyrus

Known to me only as *descriptum*.

*P. Flor.* III 341

AD 129–130

Oxyrhynchos

Greek  
Papyrus

Text after *P. Flor.* III

ἐτους τεσσαρεσκαίδεκάτο[υ ---] | τάδε δ[ι]έθετο νοῶν κ[αί] φ[ρονῶν --- ἐφ' ὃν] |  
μὲν π[ερ]ίειμι χρόνον ἔχει[ν --- ἐὰν δ' ἐπὶ ταύτῃ τῇ διαθήκῃ] | τε[λ]ευστήσω μηδὲν  
ἐπιτελ[έσας ---] ||<sup>5</sup> ἀπ[ὸ] τῆς αὐτῆς πόλεω[s, ἐ]ὰν [ζῇ ---] | εἰω[θ.]δειω αὐτοῖς  
α[--- ἐν]δομενεῖ[α]ν ...[.....]ν.[---]

1. τεσσαρεσκαίδεκάτο[υ]

In the fourteenth year ... being sane and in his right mind, has made this will. ... So long as I survive, I am to have ... If I die with this will and no further provisions made, ... from the same city, if he lives ... household goods...

*P. Oxy.* III 492

AD 130

Oxyrhynchos

Greek

Papyrus

Original

Text after papyri.info

Translation: B. P. GRENFELL & A. S. HUNT in *P. Oxy.* III (ll. 1-10) (below)

ἐτους τεσσαρ[εσκαιδεκά]του Αὐτοκράτορος [Κ]αίσαρος Τραιανοῦ Ἀδριανοῦ  
 Σεβαστοῦ Μεχεῖρ ἡ κη', ἐν Ὀξυρύνχων πόλει τῆς Θηβαΐδος, ἀγαθῇ τύχῃ. | [τ]άδε  
 διέθε[το νοοῦ]σα καὶ φρονούσα Θατρῆς Ἀμμωνίου τοῦ Σαραπίωνος μητρὸς  
 Τσενθοσύμιος τῶν ἀπὸ τοῦ Τρύφωνος Ἰσ[ί]ου τῆς κάτω τοπαρχία[s] καταγεινο-  
 μένη ἐν Ὀξυρύνχων πόλει μετὰ κυρίου τοῦ τῆς ἀνεψιᾶς α[ν]τῆς | Ἡρακλοῦ[τος  
 Σαρ]απίωνος τοῦ Σαραπίωνος μητρὸς Ταυσε[ί]ριος τῆς καὶ Σαραποῦτος υἱοῦ  
 Ὠρίωνος τοῦ καὶ Θέωνος Σαρ[α]πίωνος τοῦ [...ν[...]] ἕως τῶν ἀπὸ Ἰβίωνος Ἀμ-  
 μωνίου τῆς αὐτῆς κάτω τοπαρχίας ἐ[ν] ἀγνιᾷ. | ἐφ' ὃν μὲν [πε]ρίειμι χρόνον ἔχειν  
 [με τ]ὴν τῶν ἐ[δίω]ν ἐξουσίαν πᾶν ὃ ἐὰν βούλωμαι περὶ αὐτῶν ἐπιτελεῖν καὶ  
 μεταδ[ι]ατίθεσθαι [κ]αὶ π[ρ]ὸς ἀκύρωσιν ἄγειν τήνδε τὴν [δ]ιαθήκην ὃ δ' ἂν  
 ἐπιτελέσω κύριον ὑπάρ[χειν]. ||<sup>5</sup> ἐὰν δὲ ἐπὶ ταύτῃ τῇ διαθήκῃ τελευτήσω μηδὲν  
 ἐπιτελέσασα καταλείπω κληρονόμους Πτολλίωνα Θέωνος [τοῦ] Πτο[λ]λ[ί]ωνος  
 μ[η]τρ[ὸς] Ἰσαρεῦτος τῆς Θέ[ων]ος [καὶ τ]ὸν τοῦτου ὁ[μομ]ήτριον ἀδελφὸν  
 [Θέωνα] | Θέωνος τοῦ Θέωνος τοῦ καὶ Ἀπολλωνίου τοῦ Θέ[ων]ος ἀμφοτέρους ἀπ'  
 Ὀξυρύνχων πόλεως κατὰ φιλοστοργίαν κοινῶς [ἐ]ξ ἴσου ἐκάτερ[ο]ν α[ν]τῶν ἐὰν  
 ζῇ, εἰ δὲ μὴ, τὰ τούτ[ου] τέκνα, τῆς ὑπ[α]ρχούσης μοι ἐν τῇ αὐτῇ | Ὀξυρύνχων  
 πόλει ἐπ' ἀμφοδου Ἰππέων Παρεμβολῆς οἰκίας καὶ αἰθρίου καὶ αὐλῆς καὶ χρηστη-  
 ρίαν καὶ ὃν ἐὰν ἀπολίπω δούλων σωμα[τά]ων καὶ ἄλλων καθ' ὅνδ[η] ποτοῦν τρόπον  
 παντ[ρ]ῶν πάντων, οὐκ ἐξόν[τος] | τοῖς αὐτοῖς κληρονόμοις μου τῷ καθόλου  
 παραδέχ[εσθαι] εἰς τὴν δηλούμενην μου οἰκίαν τὸν τοῦ ἐτέρου αὐτῶν Θέων[ος]  
 πατέρα Θ[έωνα] Θέωνος τοῦ καὶ Ἀπολλωνίου τοῦ Θέωνος μητρὸς Ἑλένης ἐφ'  
 ὅλον τὸν τῆς | ζωῆς αὐ[τοῦ] χρόνον παρ ευρέσει ο[ὐ]δ[ε] μιᾷ <ἀ>λλ' οὐδὲ οὐδενὶ  
 παραβαίνε<ει>ν τι τῶν ὑπ' ἐμοῦ διατεταγμένων ἢ χωρ[ί]ς τοῦ τα[ύ]τ[α] μὲνεν  
 κῦ[ρια] ... ἐκτείσε<ει> ὃ ἐπιχειρ[ῶ]ν πρὸς ἀθέτησιν τι τοῦτον ἄγειν ἐπιτ[ε]ίμην  
 δρα[χμ]ᾶς ||<sup>10</sup> χ[ε]ιλίας καὶ [ε]ἰς τὸ δημόσιον τὰς ἴσας καὶ μηθὲν ἥσσον, ἀλ<α> φ  
 δ[ε] ο[ὐ]δενὶ οὐδὲν τῶν ἐμῶν καταλείπω. ἢ διαθήκη κυρία. (hand 2) Θατρῆ[s] Ἀμ-  
 μωνίου τοῦ Σαραπίωνος πεποίημα<ς> τὴν δια[θή]κην κα[ὶ] καταλείπω μετὰ τὴν

τελευτήν μου κληρονόμους Πτολ<λ>ίωνα [Θ]έων[ος τ]οῦ Πτολ<λ>ίωνος μητρὸς  
 Εἰσαρεῦτος καὶ τ[όν] | τούτου ὁμομήτριον ἀδελφὸν Θέωνα Θέωνος τοῦ Θέωνος  
 τοῦ καὶ Ἀπολλωνίου κοινῶς ἐξ ἴσου ἧς ἔχω ἐπὶ Ἰππέων Πα[ρεμ]||βολῆς [ο]ικίας  
 καὶ ἐθρίου καὶ αὐλῆς καὶ ὦν ἐὰν ἀπολίπω δούλων σωμάτων καὶ ἄλλων καθ'  
 ὄνδηποτοῦν τρόπ[ον] | πάντων, οὐκ ἐξόντας αὐτοῖς τῷ καθόλου παραδέχεσθαι εἰς  
 τὴν οἰκίαν μου τὸν τοῦ ἐτέρου αὐτῶν Θέωνος πα[τέ]||<sup>15</sup>ρα Θέωνα Θέωνος τοῦ καὶ  
 Ἀπολλωνίου ἐφ' ὅλον αὐτοῦ τὸν τῆς ζωῆς χρόνον, ἐπὶ δὲ πάντων ὡς πρόκειται.  
 <ἰ>μὶ (ἐτῶν) ογ | οὐλῇ καρπῷ δεξιῷ καὶ ἔστιν μου ἡ σφραγὶς Ἰσις. Ὡρίων ὁ καὶ  
 Θέων Σαραπίωνος Ἀπίωνος ὁ τῆς ἀνεψιᾶς αὐτῆς υἱὸς ἐπιγέγραμμε αὐτῆς <κύ-  
 ριος> κ[α]ὶ ἔγραψα ὑπὲρ αὐτῆς μὴ εἰδυείης γράμματα καὶ εἰμ[ε]ῖ ἐτῶν μ οὐλ[ῇ]  
 παρὰ κανθὸν ἀριστερο[ῦ] | ὀφθαλμοῦ. (hand 3) Ἀπίων Ζωίλου τοῦ Ἀπίωνος μητ-  
 ρὸς Νειλαροῦτος ἀπ' Ὁξυρύνχων πόλ[εω]ς μαρτυρῶ{ι} τῇ τῆς Θατρήτος  
 διαθ[ήκ]ῃ καὶ εἰμὶ (ἐτῶν) μδ οὐλῇ ὑπ[ὸ] | γένειον καὶ ἔστιν μου ἡ σφραγὶς Σάρα-  
 π[ι]ς. (hand 4) Φάλαγξ Διογένους τοῦ καὶ Φάλαγγος Ἀρπάλου ἀπὸ [τῆ]ς [α]ὐτῆς  
 πόλεως μαρτυρῶ τῇ τῆς Θατρήτος διαθήκῃ καὶ <ἰ>μ[ε]ῖ ἐτῶν τεσσα||<sup>20</sup>ράκοντα  
 οὐλῇ ἀντικνημῖω δεξιῷ καὶ ἔστιν μου ἡ σφραγὶς Ἀρποχράτου. (hand 5) Ἡρᾶς ἐπι-  
 καλοῦμένο[ς] Γάιος Κινᾶτος ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ τῇ τῆς Θατρ[ῆ]το[ς]  
 διαθήκῃ καὶ <ἰ>μὶ ἐτῶν με <οὐλῇ> ἀντικνημῖω δεξιῷ καὶ ἔστιν μου ἡ  
 σφρα[γ]ῖ[ς] φιλισόφου. (hand 6) Ἀπολλωνίος Ἀσκληπιάδου τοῦ Ἀπολλωνίου ἀπὸ  
 τῆς | αὐτῆς πόλεως μαρτυρῶ τῇ τῆς Θατρήτος διαθήκῃ καὶ εἰμὶ ἐτῶν ἑβδομή-  
 κοντα οὐλῇ παρὰ κ[α]ὶ ὑ[θ]ὸν τὸν ἐκτὸς δεξιῷ ὀφθαλμοῦ καὶ [ἔσ]τιν μου ἡ σφραγὶς  
 Ἑρμοῦ. (hand 7) Θέων Ἀγαθ[ε]ῖ[νον] | [τοῦ] Θέ[ωνος] ἀπὸ τῆς αὐτῆς π[ό]λεως  
 μαρτυρῶ{ι} τῇ τῆς Θατρήτος διαθήκῃ καὶ εἰμὶ ὡς (ἐτῶν) ξα οὐ(λῇ) ἀντικ(νημῖω)  
 ἀ[ριστ] (εἰρῶ) καὶ ἔστιν μου ἡ [σ]φραγὶς Σαράπιδος. (hand 8) Σαρ[απ]ίω[ν] Φερέμ-  
 φιος θέσει Πο[.....].....[.....] ἀπὸ τῆς αὐτῆς πόλεως μαρτυρῶ{ι} τῇ τῆς  
 Θατρήτος διαθήκῃ καὶ εἰμὶ (ἐτῶν) λς ἄσημος [καὶ ἔστι]ν μου ἡ [σφ]ραγὶς Ἀθηνᾶς.  
 ||<sup>25</sup> [--- μ]νημονεύει.

2. BL VIII 236: Τσενθοτούμιος prev. ed. || 7. Παρεμβ[ο]λῆς || 9. BL IV 59: λλου δὲ prev.  
 ed. ἐπιτίμου || 12. corr. ex ομομητριαν || 13. αἰθρίου || 14. ἐξόντος || 16. Ἰσιδος || 16-  
 17. ἐπιγέγραμμαι || 17. εἰδυείης | corr. ex καθθον || 19. Σαράπιδος διαθήκη || 22. corr. ex  
 ..λη || 23. BL I 323: Φερέμφιος prev. ed.

In the fourteenth year of the Emperor Caesar Traianus Hadrianus Augustus, 28 Mecheir, at the city of Oxyrhynchos in the Thebaid, for good fortune. Thatres daughter of Ammonios son of Sarapion, her mother being Tsenthotsymis, from Isieion Tryphonos in the lower toparchy, now living at Oxyrhynchos, with her *kyrios*, son of her first cousin Heraklous daughter of Sarapion son of Sarapion, her mother being Tauseiris also called Sarapous, Horion also called Theon, son of Sarapion son of ... from Ibion Ammoniou in the same lower toparchy, being

sane and in her right mind, has made this will in the street. So long as I survive, I am to have full power over my own belongings, to make any new provisions as I want, and to change this will and to revoke it, so that the new provisions will remain valid. But if I die with this will and no further provisions made, I appoint, on account of their affection towards me, Ptolion son of Theon son of Ptolion, his mother being Isareus daughter of Theon, and his maternal brother Theon son of Theon son of Theon, also called Apollonios son of Theon, both from Oxyrhynchos, if they live, and if not, their children, as heirs jointly in equal shares to the house, court, yard, and fixtures belonging to me at Oxyrhynchos in the Knight's Camp quarter, and any slaves which I may leave, and all other property of any kind whatever; and it shall nowise be lawful for my said heirs to receive into my house aforesaid the father of the second Theon, namely Theon son of Theon also called Apollonios son of Theon, his mother being Helene, for the whole of his life under any pretext, nor for anyone else to disobey any of my dispositions; and the person attempting to set aside aught of them shall, while not disturbing their validity, forfeit a fine of one thousand drachmae, and to the Treasury an equal sum and none the less (shall these provisions hold good); and I bequeath nothing to anyone else. The will is valid. I, Thatres daughter of Ammonios son of Sarapion, have made this will and after my death I appoint Ptolion son of Theon son of Ptolion, his mother being Isareus, and his maternal brother Theon son of Theon son of Theon also called Apollonios, as heirs jointly in equal shares to the house, which I have in the Knight's Camp quarter, and court, and yard, and any slaves which I may leave, and all other property of any kind whatever; and it shall nowise be lawful for my said heirs to receive into my house aforesaid the father of the second Theon, namely Theon son of Theon also called Apollonios, for the whole of his life; as to everything as above. I am 73 years old, with a scar on the right wrist, my seal represents Isis. I, Horion also called Theon son of Sarapion son of Apion, my mother being her cousin, am registered as her *kyrios*, and I have written for her because she does not know letters; I am 40 years old, with a scar beside the corner of the right eye. I, Apion son of Zoilos son of Apion, my mother being Neilarous, from the city of Oxyrhynchos, witness to the will of Thatres; I am 44 years old, with a scar under my chin, my seal represents Sarapis. I, Phalanx son of Diogenes also called Phalanx son of Harpalos, from the same city, witness to the will of Thatres; I am forty years old, with a scar on the right shin, my seal represents Harpokrates. I, Heras also named Gaios Kinatos, from the same city, witness to the will of Thatres; I am 45 years old, with a scar on the right shin, my seal represents a philosopher. I, Apollonios son of Asklepiades son of Apollonios, from the same city, witness to the will of Thatres; I am seventy years old, with a scar beside the corner of the right eye, my seal represents Hermes.

I, Theon son of Agatheinos son of Theon, from the same city, witness to the will of Thatres; I am about 61 years old, with a scar on the left shin, and my seal represents Sarapis. I, Sarapion, adoptive son of Pheremphis ... from the same city, witness to the will of Thatres; I am 36 years old, without scars, my seal represents Athena. ... of *mnemoneion* ...

BGU VII 1654  
AD 133  
Ptolemais Euergetis

Greek  
Papyrus  
Copy

Text after BGU VII

[ἀντίγρα(φον) διαθήκης ἐ]κλημφθείσης ἐκ δικαιωμάτων παρατεθέν[των ---|---]ωι  
β (ἔτους) Ἀδριανοῦ τοῦ κυρίου Φαμενώθ ιη νας? | [ἔτους .. Αὐτοκράτο]ρος Καί-  
σαρος Νέρουα Τραιανοῦ Σεβαστοῦ Γερμανι[κοῦ --- μηνὸς ---|---] ἐν Πτολεμαῖδι  
Εὐεργέτιδι τοῦ Ἀρσινοείτου νομ[ο]ῦ [διὰ --- ἀγορανόμου (?) τὰδε διέθετο νομ<sup>5</sup>ων  
καὶ φρονῶν ....κ(?)ράτης Ἡρακλείδου τοῦ καὶ Ἑρμογένους ὡς (ἐτών) [---. εἴη μὲν  
μοι | ὑγιαίνοντι ὑπέ]ρ ἑμαυτοῦ κύριον εἶναι καὶ μεταδιατίθεσθαι καὶ ἀκυροῦν τὴν  
| διαθήκην ταύτην ἀ]νεμποδίστως. ἐὰν δὲ τελευτήσω, καταλείψω [τοῖς γενομένοις  
μοι | ἐκ τῆς ἑμαυτοῦ γυν]αικὸς Θεανοῦς τῆς Ἀρπάλου τέκνοις Δημ[---]--- γενη-  
σ]ομένοις μοι τέκν[ο]ις ἐξ ἴσου πάντα τὰ [ὑπάρχοντα ---||<sup>10</sup> ---] καὶ κλήρους καὶ  
δ[ο]υλικὰ σώματα, νας? τ[ῇ] δ' ἑμαυτοῦ γυναικὶ Θεανοῖ ---|--- τὰ ὑπ' ἐμοῦ κατα-  
λ<ε>ιφθισόμενα ἐπίπλοα σκ[εῦ]η ἐνδομενείαν καὶ | τὰ προσγενησόμενά] μοι καθ'  
ὄνδ[η]ποτ[ε] οὖν τρόπον ἐφ' ᾧ καὶ ἀ[ναλῶσαι ---|.... εἰς κηδείαν] καὶ περι-  
στ[ο]λή[ν], ὡς ἐὰν αὐθαιρήτα[ι ---|---] ἐξ ἀλλή[λ]ων β' .μι. 'τέ[κ]νων καὶ τῶν  
ἀνηκόντ[ων] ---||<sup>15</sup> --- ἀ]ρεπιτρό[π]ευτον· ἡ δὲ αὐτὴ Θεανὼ καὶ ἐκ τ[---|---].ο..  
ὑπαρχόντων καὶ κλήρων καὶ δο[υλικῶν] σωμάτων ---|--- ἀπ]οδώσ[ει], ὅσα ἐὰν  
φ[α]ινῶ ὀφείλων κατὰ δ[άνεια ---|---].α...[...].κα ἀργ[υρίου] (δραχμ) τ καὶ ἄλλου  
[...].[---|---]εἰδο(υ) ἀργ[υρίου] 5 καὶ [δια]στῆλαι αὐτὴ ἡ [Θ]εανῶ [---||<sup>20</sup> ---] καὶ  
ἡματ[ί]ων [....] ἐ]ξηλοτρίωσα αὐτῇ [ἐ]πι[---|---]ματα .ω νας? ν[...]. καὶ  
Ἀπολλω( ) μ[...]. ἀνη [---|---]λλου ....οα[...]. Ἡρακλίδο(υ (?) Σαμβα[...]. ὁμ(οίως)  
[...].[---|---]που (ἐτών) λθ ... ---| (hand 2) ἔτους] β Αὐτοκράτορο[s] Καί[σα]ρος  
Τραιανοῦ Ἀδρ[ια]νοῦ ||<sup>25</sup> [....]. ἐν Πτολεμαῖδι [Ε]ὐεργέτιδι τοῦ Ἀρσινο[οῖ]του  
ν[ομοῦ ---|.. ὡς (ἐτών)] --- μετὰ κυρίου τοῦ ἀνδρός [..]τ[---] νας?

Copy of a will taken from documents deposited ... in the 2nd year of the lord Hadrianus, 18 Phamenoth, ... the ... year of the Emperor Caesar Nerva Traianus Augustus Germanicus ... month ... in Ptolemais Euergetis of the Arsinoite nome ...

at the office of the *agoranomos* (?). ...krates son of Heraklides also called Hermogenes, about ... years old ... being sane and in his right mind, has made this will. May I enjoy good health and be master over all my belongings, and change this will and revoke it unhindered. If I die, I bequeath to my children ... born of my wife Theano daughter of Harpalos, and future children ... in equal shares ... all my belongings ... and *kleros*, and slaves ... to my wife Theano ... movables and equipment, and appurtenances, and anything else that I will leave in whatsoever way on condition that on my funeral and laying out will be spent according to her own choice ...

The following text is too fragmentary to be translated; it contains provisions concerning the testator's funeral and his debts. The further part probably enclosed a monetary disposition. The part of the text written in a different hand is perhaps a description of the document, but only a part of the dating clause is preserved.

*P. Köln II 100 = SB X 10500*

AD 133

Oxyrhynchos

Greek

Papyrus

Opening protocol

Text after *P. Köln II*

Translations: English: ROWLANDSON, *Women and Society* (cit. above, p. 263), no. 170; German: D. HAGEDORN in *P. Köln II*; D. KLAMP, 'Das Testament der Taharpaesis. Eröffnungsprotokoll eines griechischen Testaments', *ZPE* 2 (1967), pp. 81–150

ἀντί[γ]ρ(αφον). | ἔτους ἑπτακαιδεκάτου Αὐτοκράτορος Καίσαρος Τραιανοῦ  
 Ἀδριανοῦ Σεβαστοῦ μηνὸς Καισαρείου ἐπαγομένων νεομηνία ἐν κώμῃ Πιμ.[---].  
 | τὰδε διέθετο νοοῦσα καὶ φρονοῦσα Τααρπαῆσις ἡ καὶ Ἰσιδώρα Ἀπολλωνίου τοῦ  
 Ἀπολλωνίου μητρὸς Τσεναμούνιος ἀπ' Ὁξυρύγχων πόλε[ως μετὰ κυρίου τοῦ ὁμο-  
 πατρίου ἀδελφοῦ Ἀπόλλωνος Ἀπολλωνίου τοῦ Ἀπολλωνίου] | μητρὸς Διογενίδος  
 ἀπὸ τῆς αὐτῆς πόλεως ἐν ἀγνιᾷ. ἐφ' ὃν μὲν περίεμι χρόνον ἔχειν μετὰ τῶν ἰδίων  
 ἐξουσίαν πᾶν ὃ ἐὰν βούλωμ[αι περὶ αὐτῶν ἐπιτελεῖν καὶ μεταδιατίθεσθαι καὶ πρὸς  
 ἀκύρωσιν ἄγειν τήν] | δε τὴν διαθήκην. ὃ δ' ἂν ἐπιτελέσω, κύριον ὑπάρχειν. ἐὰν δέ  
 ἐπὶ ταύτῃ τῇ διαθήκῃ τελευτήσω μηδὲν ἐπιτελέσασα, καταλείπω κληρονόμ[ους τὰ  
 τέκνα μου Πτολεμαῖον καὶ Βερενίκη καὶ Ἰσιδώραν τὴν καὶ Ἀπολλωνάριον] | τοὺς  
 τρεῖς χρηματίζοντας μητρὸς ἐμοῦ, ἕκαστον δὲ αὐτῶν ἐὰν ζῇ, εἰ δὲ μὴ, τὰ τούτου  
 τέκνα· τὸν μὲν Πτολεμαῖον ἀφ' ὧν ἔχω οἰκοπέδων ἐν μὲν τῇ Ὁξυρύγχων πόλει  
 ἐπ' ἀμφοδου Νότου Δρόμου οἰκίας καὶ αἰθρίου καὶ αὐλῆς καὶ χρηστηρίων καὶ |  
 εἰσόδων καὶ ἐξόδων καὶ ἐν κώμῃ Φοβοῦ τοῦ αὐτοῦ Ὁξυρρυγχεῖτου ἐν τοῖς ἀπὸ  
 λιβὸς ἐπὶ βορρᾷ μέρεσι ψ(ε)ιλῶν τόπων περιτετειχισμένων καὶ τετάρτου μέρους

παραδείσου [καὶ τῶν ἐνόντων φουνίκων καὶ φυτῶν καὶ φρέατος ἐξ ὀπῆς πλίνθου  
 καὶ χρηστηρίων καὶ ἀνῆ] | κόντων πάντων καὶ εἰσόδων καὶ ἐξόδων καὶ ἐν τοῖς κατὰ  
 μέσου μέρει τῆς αὐτῆς κώμης πατρικοῦ μου ψ[ε]ιλοῦ τόπου περιτετειχισμένου ἐν  
 ὧ οἶκος καὶ αὐλὴ καὶ εἰσόδων κα[ὶ] ἐξόδων καὶ περὶ τὴν αὐτὴν Φοβοῦ ἐκ τῆς  
 Ἑτεάρχου παρειμένης ἐν μιᾷ σφραγίδι | σ[ε]ξιτικῶν ἀρουρῶν τριῶν τετάρτου ὀγ-  
 δόου ἑκκαϊδεκάτου <δ' > ἢ ἰς' καὶ ἐκ τοῦ Ἀπολλωνίου Λυκίου ἀρούρης μιᾶς ἡμί-  
 σους τετάρτου ὀγδόου δυοτριάκοντος καὶ περὶ Ὠφιν τοῦ αὐτοῦ Ὁξυρυγ[χείτου  
 ἀρουρῶν ἡμίους τετάρτου ἑκκαϊδεκάτου δυ<ο>τριάκοντος] ||<sup>10</sup> τετρακαῖξη-  
 κοστοῦ <δ' ἰς' λβ' ξδ' καὶ περὶ Ποσομποῦς Ἀριστομάχου τοῦ αὐτοῦ Ὁξυρυγ-  
 χεῖτου ἐπὶ μιᾶς σφραγ<ε>ιδος ἀρουρῶν τεσσάρων καὶ περὶ τὸ αὐτὸ Ποσομποῦς  
 Ἀριστομάχου ἐν ἑτέρᾳ κοίτῃ μητρι[κοῦ ἀρούρης μιᾶς· τὴν δὲ Βερενίκην καὶ τὴν  
 Ἰσιδώραν τὴν καὶ Ἀπολλωνάριον] | ἑκατέρα<ν> αὐτῶν διὰ τῆς πρὸς τὸν ἄνδρα  
 συγγραφῆς ἐφ' οἷς περιέχουσι δικαίους πᾶσι καὶ διὰ τῆςδε τῆς διαθήκης κοινῶς ἐξ  
 ἴσου οὐ ἔχω πρότερον Ἡραίδος Τεῶτος καὶ ἄλλων ἐν [Ὁξυρύγχων πόλει ἐπὶ τοῦ  
 αὐτοῦ ἀμφοδίου Νότου Δρόμου ἡμίους μέρους οἰκίας καὶ αἰθρί] | ου καὶ χρηστη-  
 ρίων καὶ εἰσόδων καὶ ἐξόδων καὶ ἐν τῇ προκειμένη κώμῃ Φοβοῦ ἐν τοῖς ἀπὸ  
 ἀπηλιώτου μέρεσι πατρικοῦ μου ἡμίους [μ]έρους οἰκίας καὶ αὐλῆς καὶ χρηστη-  
 ρίων κ[αὶ] εἰσόδων καὶ ἐξόδων. καταλείπω δὲ καὶ τῷ τῆς ἑτέρας τῶν θυγατέρων  
 Βερενίκῃς υἱᾷ Εἰσίωνι Ἡρα] κλείδου ἣν ἄλλην ἔχω περὶ τὴν προκειμένην Ὠφιν ἐκ  
 τοῦ Πυρρίου Ἀλλοῦ σὺν τῷ Τρύφωνο[ς] ἀρουρα[ν] μίαν. ὅσα δ' ἐὰν ἀπολίπω  
 ἔπιπλα κ[αὶ] σκε[ύη] κ[αὶ] ἐνδομενεῖαν καὶ ὀφειλήματα ἔνγραφα κ[αὶ] ἄγραφα καὶ  
 ἄλλα πάντα εἶναι Ψενήσιος τοῦ καὶ Εἰσίωνος Πτολεμαίου ---] | μου εὐνοικῶς  
 πρὸς με διακειμένων καὶ πολλὰ μοι παρεχομένου, ἐὰν ζῇ, εἰ δὲ μὴ, τοῦ προ-  
 γεγραμμέ[νου] μου υἱοῦ Πτο[λ]εμαίου. ἐὰν δὲ ε...[...]. ἡ τῷ αὐτῷ Ψενήσει τῷ  
 καὶ Εἰσίωνι τελευτῇ[---] τὴν καρπεῖαν καὶ τὴν ἐνοίκησιν καὶ τὰ ἐνοίκια τῶν  
 ὑ]||<sup>15</sup> παρχόντων μοι πάντων μετὰ τὰ ὑπὲρ τῶν ἐδαφῶν δημόσια. καὶ ἀφ' οὗ ἐὰν ὁ  
 Ψενήσις ὁ καὶ Εἰσίων τελευτήσῃ ἔξει ἡ θυγάτηρ Βερενίκη [μόνη ἐφ' ὅσο]ν ζῇ τὴν  
 {ἀ}καρπεῖαν μετὰ τὰ δημό[σ]ι[α] καὶ [τῆς διατεταγμένης τῷ υἱῷ αὐτῆς Εἰσίωνι  
 ἀρούρης μιᾶς. ἐὰν δὲ καὶ Πτολεμαίῳ καὶ Ἰσιδώρα τῇ] | καὶ Ἀπολλωναρίου συμβῇ  
 ἀτέκνοις> τελευτήσαι, ἔστω ἃ ἐὰν ἀπολίπη ἀπὸ τῶν ἐμῶν ἐπὶ μὲν τοῦ Πτολ[ε]-  
 μα[ί]ου ἀμφοτέρων τῶν θυγατέρων Βε[ρ]εν[ί]κης καὶ Ἰσιδώρας τῆς καὶ Ἀπολλω-  
 ναρίου κοι[ν]ῶς ἐξ ἴσ[ου], ἐπὶ δὲ τῆς Ἰσιδώρας τῆς καὶ Ἀπολλωναρίου Βερενίκης  
 μενούσης τῷ Ψενήσει | τῷ καὶ Εἰσίωνι ἐφ' ὅσον ζῇ τ[ῆς] διατεταγμένης αὐτῷ ὡς  
 πρόκειται καρπεῖας καὶ ἐνοικήσεως καὶ ἐν[ο]ικίων. καὶ μηδενὶ ἐξείναι παραβαί-  
 νε[ιν] τι τ[ῶν] ὑπ' ἐμοῦ διατεταγμέν[ων], τὸν δὲ παραβρόμενον ἀποτίνειν τῷ ἐμμέ-  
 νοντι τό τε βλάβος καὶ ἐπίτιμον ἀργυρίου | δραχμὰς χ[ε]ιλίας καὶ εἰς τὸ δημόσιον  
 τὰς ἴσας καὶ μηδὲν ἤττον. ἄλλω γὰρ οὐδενὶ οὐδὲ ἐν ἐκ τῶν ἐμῶν [κ]αταλείπω. ἡ  
 διαθήκη κυρία. Τα[αρ]παῆσι]ς ἡ καὶ Ἰσιδώρα Ἀπολλωνίου τ[οῦ] Ἀπολλωνίου  
 πεποιήμαι τὴν] δια[θή]κην καὶ καταλείπω μετὰ τὴν τελευτὴν κληρονόμους τὰ  
 τέκνα μου | Πτολεμα[ί]ον καὶ Βερ[ε]νί[κ]ην καὶ Ἰσιδώραν τὴν κα[ὶ] Ἀπολλω-

νάρι[ο]ν, τὸν μὲν Πτολεμαῖον ἀφ' ὧν ἔχω οἰκ[οπέ]δων ἐν Ὁξυρύνγῳ πόλει ἐπ' ἀμφοδου [Νότου Δρόμου] οἰκίας καὶ αἰθρίου καὶ α[ύλης καὶ χρηστηρίων καὶ εἰσόδων] καὶ ἐξ[όδων καὶ ἐν κώμῃ Φοβοοῦ ἐν τοῖς ἀπὸ λιβὸς ἐπὶ βορρᾶ μέρεσι ψ[ε]ιλῶν τόπων] ||<sup>20</sup> περιτε[τε]ιχισμένων καὶ τετάρτου μέρους παραδείσου καὶ τῶν ἐνόντων φοινίκων καὶ φυτῶν καὶ φρέατος ἐξ ὁπ[τ]ῆς πλίνθου καὶ χρηστηρίων [καὶ ἀνηκόν]των πάντων καὶ εἰσόδων καὶ ἐξόδων καὶ ἐν τοῖς κατὰ μέσον] μέρεσι τῇ[ς αὐτῆς κώμης πατρικοῦ μου ψιλοῦ τόπου περιτετειχισμένου ἐν ὧ] | οἶκος καὶ αὐλὴ καὶ εἰσόδων καὶ ἐξόδων καὶ περὶ τὴν αὐτὴν Φοβοοῦ ἐκ τῆς Ἑτεάρχου παρεμμένης ἐν μιᾷ σφραγ[ε]ῖδι σ[ε]ιτικῶν ἀρουρῶν τριῶν τετάρτο[υ] ὀγδόου ἐκ[κα]ιδεκάτου καὶ ἐκ τοῦ Ἀπολλ[ωνίου Λυκίου ἀρουρῆς μιᾶς ἡμίσου]ς τετάρτου ὀγδόου δυοτριάκοντο[υ] καὶ περὶ Ὡφιν --- ἀρουρῶν --- | ἥμισυ τέταρτον ἐκκαιδεκάτον δυ<ο>τριάκοντόν τετρακαῖξηκοντόν καὶ περὶ Ποσομποῦς Ἀριστομάχου ἐν μιᾷ σραγ[ε]ῖδι σ[ε]ιτικῶν ἀρουρῶν τεσσάρων καὶ ἐν ἐτέρᾳ κοίτῃ μητρικοῦ ἀρουρῆς μι[α]ς· τὴν δὲ Βερενίκης καὶ τὴν Ἰσιδώραν τὴν κα[ὶ] Ἀπολλωνάριον ἐκατέραν αὐτῶν διὰ τῆς πρὸς τὸν ἄν[δρα] συγγραφῆς ἐφ' οἷς περιέχει δικαίους καὶ νῦν κοινῶς ἐξ ἴσου οὐ ἔχω πρότερον Ἡραΐδος Τεῶτος καὶ ἄλλων ἐν Ὁξυρύνγῳ πόλει ἐπὶ τοῦ αὐτοῦ ἀμφοδου Νότου Δρόμου ἡμίσεος μέρος οἰκίας καὶ αἰθρίου κα[ὶ] χρηστηρίων [καὶ εἰσόδων καὶ ἐξόδων καὶ ἐν κώμῃ Φοβοοῦ ἐν τοῖς ἀπηλιώτου μέρε]σ[ι] πατρικοῦ μου ἡμίσεος μέρους οἰκίας καὶ αὐλῆς καὶ εἰσόδων καὶ ἐξ[όδων] καταλείπω δὲ κα[ὶ] τῷ τῆς ἐτέρας τῶν θυγατέρων Βερενίκης νύῳ Εἰσίῳνι Ἡ[ρα]κλείδου ἣν [ἐ]χω περὶ τὴν Ὡφιν [ἐκ τοῦ Πυρρίου Ἀλλοῦ σὺν τῷ Τρύφων]ος ἀρουραν μίαν· ὅσα δ' ἐὰν ἀπολίπω ἐπιπλα καὶ σκεύη καὶ ἐνδομενεῖαν καὶ ὀφειλήμα]||<sup>25</sup> τ[α κ]αὶ ἄλλα πάντα εἶναι Ψενήσιος τοῦ καὶ Εἰσίῳνος Πτολεμαίου, ἐὰν ζῇ, εἰ δὲ μὴ, τοῦ αὐτοῦ υἱοῦ μου Πτολεμαίου. ὁ δ' αὐτὸς Ψενῆσις ὁ καὶ Εἰσίῳν κατέξει ἀφ' οὗ ἐὰν τελευτήσω ἐφ' ὅσον ζ[ῇ] τὴν καρπεῖαν καὶ τὴν ἐνοικήσιν] καὶ τὰ ἐνοίκια τ[ῶν] ὑπαρχόντων μοι πάντων μετὰ τὰ ὑπὲρ τῶν ἐ[ξ]δαφῶν δημόσια, καὶ ἀφ' οὗ ἐὰν τελευτήσῃ ὁ Ψενῆσις ὁ καὶ Εἰσίῳν ἐξει ἡ θυγάτηρ Βερενίκη ἐφ' ὅσον ζῇ τὴν καρπεῖαν μετ[ὰ] τὰ δημόσια καὶ τῆς διατεταγμένης τῷ [νύῳ] αὐτῆς Εἰσίῳνι ἀρ[ούρης] μιᾶς. ἐὰν δὲ κα[ὶ] Πτολεμαίου καὶ [Ἰσιδώρα] τῇ καὶ Ἀπολλωναρῖω συμβῇ ἀτέκνοις τελευτήσαι ἔστω] | ἂ ἐὰν ἀπολίπῃ ἀπὸ τῶν ἐμῶν ἐπὶ μὲν τ[οῦ] Πτολεμαίου ἀμφοτέρων τῶν θυγατέρων Βερενίκης καὶ Ἰσιδώρας τῆς καὶ Ἀπολλωναρῖου ἐξ ἴσου, ἐπὶ δὲ τῆς Ἰσιδ[ω]ρας τῆς καὶ Ἀπολλ[ων]αρῖου Βερενίκης μενούσης] τῷ Ψεν[ή]σει τῷ καὶ Εἰσίῳνι ἐφ' ὅσον ζῇ τῆς διατεταγμένης αὐτῷ ὡς πρόκειται καρπεῖ]ας καὶ ἐνοικήσεως καὶ ἐνοικίων. εὐδοκῶ [τ]οῖς ἄλλοις τοῖς προκειμένοις. εἰμὶ δὲ ὡς (ἐτῶν) νθ ο(ύλη) ταρσῷ δεξ(ιου) ποδὸς καὶ ἔσ(τι) μου ἡ σφραγῖς Ἀφροδ[ι]της. Ἀπόλλων Ἀπολλωνίου μητρὸς Διο[γενίδος] ὁμοπατριος ἀδελφὸς τῆς προ[γε]γραμμένης ἐπιγέγραμμαι αὐτῆς κύριος καὶ εἰμὶ ὡς (ἐτῶν) .. ο(ύλη) ---. Θέων] | Ὀννώφριος τοῦ Θώνιος ἔγραψα ὑπὲρ αὐτῶν μὴ εἰδότεων γράμματα καὶ εἰμὶ ὡς (ἐτῶν) νγ ο(ύλη) ποδὶ ἀριστερῷ. Παποντῶς Ἀβὰ τοῦ Ἀπολλωνίου ἀνεψιὸς τῆς προκεκραμμένος Τααρπαή[σιος] τῆς καὶ Ἰσιδώρας μαρ-

τρω τῇ διαθήκῃ αὐτῆς καὶ εἰμὶ ὡς (ἐτῶν) .. ο(ὕλῃ) --- καὶ ἔστι] ||<sup>30</sup> μου ἡ σφραγὶς  
 Ἀπιδος. Διονύσιος ὁ καὶ Ἰσιδώρος Κορίνθου μητρὸς Διογενίδος ἀπ' Ὁξυρύνχων  
 πόλεω[s] μαρτυρῶ τῇ τῆς Τααρπαήσιος τῆς κα[ὶ] Ἰσιδώρας διαθήκ[η] καὶ εἰμὶ [ὡς  
 ὡς] (ἐτῶν) κδ ἄσημ[ος καὶ ἔστι μου ἡ σφραγὶς --- Ἀπολλωνίος Ὁρου τοῦ  
 Ἀπολλωνίου μαρτυ]ρῶ τῇ τῆς ἀνεψιᾶς μου Τααρπαή[σ]ιος τῆς καὶ Ἰσιδώρας  
 διαθήκῃ καὶ εἰμὶ ὡς (ἐτῶν) μα ο(ὕλαϊ) ὀφρῦσι ἀμφοτέραις καὶ ἔστι μ[ο]ν ἡ σφραγὶς  
 προτομῇ Ἡφαίστου. Δ[ιογ]ένης μητρὸς Ἡραίδ[ος ἀπὸ] Ὁξυρύνχων πόλεως  
 μαρτυρῶ τῇ τῆς Τααρπαήσιος τῆς καὶ Ἰσιδώρας διαθήκῃ καὶ εἰμὶ ὡς (ἐτῶν) ..  
 ο(ὕλῃ) --- ] | καὶ ἔστιν μου ἡ σφραγὶς προτομῇ Ἀμμωνος. Ἡρακλείδης Ἀπίωνος  
 τοῦ Ἀπίωνος ἀπ' Ὁξυρύνχων πόλεως μαρτυρῶ τῇ τῆς Τααρπαήσιος τῆς κ[αὶ]  
 Ἰσιδώ[ρας] διαθήκῃ καὶ εἰμὶ ὡς [(ἐτῶν) .. ο(ὕλῃ) --- καὶ ἔστι μου ἡ σφραγὶς ἱβίος.  
 --- μαρτυρῶ τῇ τῆς Τααρπαήσιος] | τῆς καὶ Ἰσιδώρας διαθήκῃ καὶ εἰμὶ ὡς (ἐτῶν)  
 ξ ο(ὕλῃ) γαστροκνημιά δεξιᾷ καὶ ἔστι μου ἡ σφραγὶς Ἀρποχράτου. ἔτους ἑπτα-  
 καιδεκάτου Ἀυτοκράτορος Καίσαρος Τραιαν[ο]ῦ Ἀδριανοῦ Σεβαστοῦ [μηνὸς  
 Καισαρείου ἐπαγομένην νεομηνία ἐν κώμῃ Πιμ --- διαθήκῃ Τααρπαήσιος τῆς  
 καὶ] | Ἰσιδώρας Ἀπολλωνίου μητρὸς Τσεναμουίνιος ἀπ' Ὁξυρύνχων πόλεως. ||<sup>35</sup>  
 (hand 2) Διογένης μητρὸς Ἡραίδος ἀπὸ Ὁξυρύνχων πόλεως ἐπέγνων ἣν ἐπέθηκα  
 σφρα[γί]δαν τῇ ἐνθάδε ἐν καταχωρισμ[ῳ] οὕση [δ]ιαθήκῃ αὐθεντικῇ καὶ ταύτην  
 γραφείσαν καὶ μεταγραφείσαν ἥς ἔστιν ἀντίγραφον τὸ προκείμενον καὶ] | ἐσφρά-  
 γισα σφραγίδι ἐχούσα γλύμ<μ>a προτομῇ Ἀμμωνος. (hand 3) Ἡρακλείδης  
 Ἀπίωνος ἀπ' Ὁξυρύνχων πό[λ]εως ἐπέγνων ἣν ἐπέθηκα σφραγίδα τῇ ἐνθάδε ἐ[ν  
 καταχωρισμῳ] οὕση διαθήκῃ αὐθεντικῇ καὶ ταύτην γραφείσαν καὶ μεταγραφείσαν  
 ἥς ἔστιν ἀν[τί]γραφον τὸ προκείμενον καὶ ἐσφ[ρ]άγ[ι]ς σφραγ[ι]δὶ ἐχούση  
 γλύμμα ἱβίος. (hand 4) Θέων Ὀννώφρι[ο]ς ἀπ' Ὁξυρύν[χων πόλεως] φίλος  
 Ἀ[πολ]λωνίου Ὁρου μαρτυρήσαντος τῇ [τῆς Ταα]ρπαήσιος τῆς κα[ὶ] Ἰσιδώρας  
 διαθήκῃ ἐπέγνων ἣν ἐπέθηκε σφραγίδα τῇ ἐνθάδε ἐν καταχωρισμῳ] | ο[ὕ]ση  
 διαθήκῃ αὐθεντικῇ καὶ ταύτην γ[ρα]φείσαν καὶ μεταγραφείσαν ἥς ἔστιν ἀντί-  
 [γρα]φον τὸ προκείμενον καὶ ἐσφράγ[ι]ς σφραγ[ι]δὶ ἐχούση [γ]λύμ[α]  
 Ἡφαίστου. (hand 5) [..... χρ]ηματίζων [--- φίλος Παποντῶτος Ἀβαῦ τοῦ] |  
 [Ἀπο]λ[λ]ωνίου μαρτυρήσαντ[ο]ς τῇ τῆς Τααρπαήσιος τῆς καὶ Ἰσιδώρας [δ]ια-  
 θήκῃ καὶ .....[...]. αὐτῇ ὄντος [ἐπέγ]νων ἣν ἐπ[έ]θηκε σφραγίδα τ[ῇ] ἐνθάδε ἐν  
 κ[α]ταχ[ω]ρισμῳ] οὕση διαθήκῃ αὐθεντικῇ καὶ ταύτην γραφείσαν καὶ μετα-  
 γραφείσαν ἥς ἔσ[τι]ν<sup>40</sup> τιν ἀν[τί]γραφον τὸ προκείμενον καὶ ἐσφράγισα σφραγ[ι]δὶ  
 ἐχούση [γ]λύμμα Σαράπιδος. (hand 6) παρ[ε]ξέθ[η] (ἔτους) .. Ἀυτοκράτορος  
 Καίσαρος [--- Πα]χῶν [---]

7. corr. ex οξυρυν. χειτου || 11. corr. ex παρι || 14. διακειμένου || 16. Ἀπολλωνάριω | corr. ex  
 ατεκνω | corr. ex εσται || 17. corr. ex παραβηνε[ω] || 19. corr. ex ι. δωραν || 22. ἡμίσους |  
 τετάρτου | ἐκκαδεκάτου | δυοτριακοστοῦ | τετρακαιεξηκοστοῦ || 25. καθέξει || 26.  
 Πολεμαίω || 29. προγεγραμμένης || 30. corr. ex δης || 36. ἐχούση

Copy. In the seventeenth year of the Emperor Caesar Trajan Hadrian Augustus, on the first epagomenal day of the month Kaisarios, at the village Pim... Taarpae-sis also called Isidora daughter of Apollonios son of Apollonios, her mother being Tsenamounis, from the city of Oxyrhynchos, with Apollon son of Apollonios son of Apollonios, his mother being Diogenis, her *kyrios* and paternal brother, from the same city, being sane and in her right mind, has made this will in the street. So long as I survive, I am to have power over my own belongings, to make any new provisions I want and to change them, and to revoke this will. Any such provisions shall be valid. If I die with this will and no further provisions made, I appoint as my heirs Ptolemaios, and Berenike, and Isidora also called Apollonari-  
 on, my children, all three officially known as my children, each of them, if alive, if not, their children; Ptolemaios heir to my estate: the house, and yard, and court, and fixtures, entrances and exits in the quarter Southern Dromos at the city of Oxyrhynchos; the walled vacant lot, the fourth part of the garden together with palm trees growing there, and plants, and well made of burnt brick, and fixtures, and all appurtenances, and entrances and exits in the north-west part of the village Phoboou in the Oxyrhynchite nome; and the walled vacant lot which I got from my father, with the house, and courts, entrances and exits in the middle of the same village; and three and 7/16 arourae of corn land near the same Phoboou of the former holding of Etearchos in one parcel; and one and 29/32 arourae of the former holding of Apollonios son of Lykios; ... 55/64 arourae (of land) near Ophis in the same Oxyrhynchite nome ...; 4 arourae of land in one parcel near Posompous Aristomachou in the same Oxyrhynchite nome; 1 aroura (of land), which I got from my mother near the same Posompous Aristomachou in another parcel. According to the agreement with their husbands, on its all conditions and through this will (I bequeath to) Berenike and Isidora also called Apollonari-  
 on, jointly in equal shares, a half-share of the house, and court, and fixtures, entrances and exits, which previously belonged to Herais daughter of Teos and others, that I have in the same quarter Southern Dromos at the city of Oxyrhyn-  
 chos; paternal half share of the house, and court, and fixtures, entrances and exits, in the east part of the abovesaid village Phoboou. I bequeath to Eision son of Herakleides and my second daughter Berenike one other aroura of the former holding of Pyrrios son of Allous together with (the parcel) of Tryphon which I have near the abovesaid Ophis. I want Psenesis also called Eision son of Ptole-  
 maios to have equipment and movables, and household goods, and debts both recorded and unrecorded, and anything else that I may leave ... because he was kind and generous to me, if he lives, if not, to my abovesaid son Ptolemaios. ... This Psenesis also called Eision shall have the right to benefit from and dwell in, and rent all my belongings after the taxes of the estate are paid. If Psenesis also called Eision dies, from this moment my daughter Berenike shall solely have dur-

ing her lifetime the right to benefit from the one aroura that I bequeathed to her son Eision, after the taxes are paid. If it happens that Ptolemaios and Isidora also called Apolloniarion die childless, any of my (belongings) bequeathed to Ptolemaios shall belong to my two daughters Berenike and Isidora also called Apolloniarion, jointly in equal shares; and those (that I bequeathed) to Isidora also called Apolloniarion shall belong to Berenike and Psenesis also called Eision shall have the right to benefit from, dwell in, and rent them until he lives, according to what I bequeathed to him, as above. No one is allowed to set aside any of my provisions and any person attempting to disobey them shall forfeit to the party abiding by it the damages and a fine of one thousand drachmae of silver, and an equal sum to the Treasury, and none the less. I bequeath nothing to anyone else. The will is valid. I, Taarpaesis also called Isidora, daughter of Apollonios son of Apollonios, have made this will, and after my death I appoint as my heirs Ptolemaios, and Berenike, and Isidora also called Apolloniarion, my children; Ptolemaios to my estate, that is the house, and yard, and court, and fixtures, entrances and exits in the quarter Southern Dromos at the city of Oxyrhynchos; the walled vacant lot, the fourth part of the garden together with palm trees growing there, and plants, and well made of burnt brick, and fixtures, and all appurtenances, and entrances and exits in the north-west part of the village Phoboou; and the walled vacant lot which I got from my father, with the house, and yard, entrances and exits in the middle of the same village; and three and  $\frac{7}{16}$  arourae of corn land in one parcel near the same Phoboou of the former holding of Etarchos; and one and  $\frac{29}{32}$  arourae of the former holding of Apollonios son of Lykios; ...  $\frac{55}{64}$  arourae (of land) near Ophis ...; four arourae of corn land near Posompous Aristomachou in the same parcel, and one aroura (of land) obtained from my mother in another parcel; according to the agreement with their husbands, on its all conditions (I) now (bequeath to) Berenike and Isidora also called Apolloniarion, jointly in equal shares, a half-share of the house, and court, and fixtures, entrances and exits previously belonging to Herais daughter of Teos, and others that I have in the same quarter Southern Dromos at the city of Oxyrhynchos; a half-share of the house, and yard, entrances and exits obtained from my father in the east part of the abovesaid village Phoboou. I bequeath to Eision, son of Herakleides and Berenike my second daughter, one aroura of the former holding of Pyrrhos son of Allous together with (the parcel) of Tryphon near the abovesaid Ophis. Any equipment, and movables, and household goods, and debts, and anything else that I may leave, are to belong to Psenesis also called Eision son of Ptolemaios, if he lives, if not, to Ptolemaios my abovesaid son. From the moment I die, this Psenesis also called Eision shall have during his lifetime the right to benefit from and dwell in, and rent all my properties after the taxes of the estate are paid. From the moment Psenesis also called Eision dies, my daughter Berenike shall solely have

during her lifetime the right to benefit from the one aroura that I bequeathed to her son Eision after the taxes are paid. If it happens that Ptolemais and Isidora also called Apollonarian die childless, any of my (belongings) bequeathed to Ptolemaios shall belong to my two daughters, Berenike and Isidoras also called Apollonarian in equal shares; and those (that I bequeathed) to Isidora also called Apollonarian shall become Berenike's, and Psenesis also called Eision shall have during his lifetime the right to benefit from and dwell in and rent, according to what I bequeathed to him, as above. I am content with everything else above. I am about 59 years old, with a scar on the flat of my right foot, and my seal represents Aphrodite. I, Apollon son of Apollonios, my mother being Diogenis, paternal brother of the above-written (testatrix), am registered as her *kyrios*; I am ... years old ... with a scar ... I, Theon son of Onnophris son of Thonis, have written for them, because they do not know letters; I am about 53 years old, with a scar on my left leg. I, Papontos son of Abau son of Apollonios, a cousin of the above-written Taarpaesis also called Isidora, witness to her will; I am ... years old ... with a scar ... my seal represents Apis. I, Dionysios also called Isidoros son of Korinthos, my mother being Diogenis, from the city of Oxyrhynchos, witness to the will of Taarpaesis also called Isidora; I am about 24 years old with no scars, my seal represents ... I, Apollonios son of Horos son of Apollonios, witness to the will of my cousin Taarpaesis also called Isidora; I am about 41 years old, with scars on both eyebrows, and my seal represents the bust of Hephaistos. I, Diogenes, my mother being Herais, from the city of Oxyrhynchos, witness to the will of Taarpaesis also called Isidora; I am ... years old ... with a scar ... and my seal represents the bust of Ammon. I, Herakleides son of Apion son of Apion, from the city of Oxyrhynchos, witness to the will of Taarpaesis also called Isidora; I am ... years old, with a scar ... and my seal represents ibis. I, ... witness to the will of Taarpaesis also called Isidora; I am about 60 years old, with a scar on the calf of my right leg, and my seal represents Harpokrates. In the seventeenth year of the Emperor Caesar Traianus Hadrianus Augustus, on the first epagomenal day of the month Kaisareios, at the village Pim... The will of Taarpaesis also called Isidora daughter of Apollonios, her mother being Tsenamounis, from the city of Oxyrhynchos. (hand 2) I, Diogenes, whose mother is Herais, from the city of Oxyrhynchos, have recognised the seal that I attached to the present registered original will and (I have recognised) this written and re-written (document) as the (exact) copy of it, and I have sealed with a seal representing the bust of Ammon. (hand 3) I, Herakleides son of Apion, from the city of Oxyrhynchos, have recognised the seal that I attached to the present registered original will and (I have recognised) this written and re-written (document) as the (exact) copy, and I have sealed with a seal representing ibis. (hand 4) I, Theon son of Onnophris, from the city of Oxyrhynchos, friend of Apollonios son of Horos, who was a witness to the

will of Taarpaesis also called Isidora, have recognised the seal that he attached to the present registered original will and (I have recognised) this written and re-written (document) as the (exact) copy of it, and I have sealed with a seal representing Hephaistos. (hand 5) ... officially known as son of ... friend of Papontos son of Abau son of Apollonios, who was a witness to the will of Taarpaesis also called Isidora, have recognised the seal that he attached to the present registered original will and (I have recognised) this written and re-written (document) as the (exact) copy of it, and I have sealed with a seal representing Sarapis. (hand 6) deposited ... In the ... year of the Emperor Caesar ... Pachon ...

*P. Strash.* VI 546

AD 155

Arsinoite nome

Greek

Papyrus

Copy

Text after *P. Strash.* VI

[--- τοῦ σ]ώματος αὐτοῦ κηδ[είαν ---]---]ην κατω...ων[---]--- μά]ρτυρες Δημή-  
τριο[s ---]--- ο]υ ὡς ἐτῶν ἐβδόμη[κο]ντα ---||<sup>5</sup> ---]ο.ο[. Π]τολεμαίου ὡς ἐτῶν ---  
|---] οἱ ἐξ μάρτυρες ἀντίγραφον [---]--- τοῖς προγεγραμ]μένοις μου τέκνοις .καε[---]  
---]--- τ]ίτλοις πᾶσι οἷς καὶ συνεπίσθη[---]---]ς μαρτυρῶ καὶ σφραγιῶ  
γλ[ύ]μ<μ>[α]τι [---]||<sup>10</sup> --- καὶ σφ]ραγιῶ γλύμ<μ>ατι Ἑρμοῦ Ἡ[ρα]κλείδης[s ---] |  
γλύμ<μ>ατι [Ἀφ]ροδίτης. ἀναγέγραπται διὰ γρα[φείου ---]--- κα]ὶ ἐσφράγισα  
γλύμ<μ>ατι Σαράπιδος γ[---]---] τοῦ Κλεάνδρου ἀπο ..[.....]. [---]---] .ε. ἐμαρτύ-  
ρησα καὶ [ἐσφράγισα γλύμ<μ>ατι ---]||<sup>15</sup> ---]....υχης Πτολεμ[αίου ---] (hand 2) ---  
ο]υ Αὐτ[ο]κράτορος Καί[σαρος Τίτου Αἰλίου ---]---] .Στοτοητι ....[---] (hand 1)  
---]των προγεγραμ[μένων ---]--- Σαρ]άπιδος. ἔτους ἐβδ[όμου ---]||<sup>20</sup> ---  
σ]φραγίδα[ν] γλύμ<μ>ατι Α[---]---] τοῦ κυρί[ο]υ Παῖνι η[---]---]ην. [ἐ]σφ[ρά]-  
γισα γλύμ<μ>ατι ---]---]ν σφραγίδα γλύμ<μ>ατι Διὸς [..]ω[---]---]ε.. περὶ τῆς  
συναν.ε..φ.[---]||<sup>25</sup> --- Ἀρσιν]οείτ[ο]υ Θεμίστου καὶ Πολέμων[ος μερίδων ---]---  
].λ. Ὁρον Σαταβούτος ἀπὸ Σοκροπ[αίου Νήσου ---]--- ἐκδο[σί]μο[ν] διαθήκης  
ὅπερ ἔλεγεν [---]--- χειρογρ]άφη. ἐξῆλθεν Ἀρειος ὑπη[ρέτης ---]

25. Πολέμωνος

The text is too fragmentary to be translated; it contains a short fragment of the testator's subscription with a part of funerary disposition. The following part was probably a copy of witnesses' subscriptions. Perhaps it included also an information added at the opening of the will or making a copy.

BGU III 896

AD 161–169

Location unknown

Greek  
Papyrus  
Original (?)

Text after BGU III

ἀνηκόντων πα .[--- Ἀν]τινόου καὶ πᾶσαι ....ι[---] | ἄχρις ἂν τέλεια γένηται,  
 βούλ[ομαι ---]| πων εἰς οἴκησιν αὐτῆς τόπον ἓνα ἄνεν ἐνο[κίου --- κλη]||<sup>5</sup> ρονόμους  
 εἶναι τῇ προγεγραμμένη θ[υ]γατρ[ι ---]|σαι πάντα τὰ ἐμὰ ἀνακάμψει εἰς τὴν προ-  
 γεγραμμ[ένην] θυγατέρα ---] | ἥτις τὴν κηδεῖαν μου καὶ περιστολὴν τοῦ σώμ[ατος  
 ---] | μου τῇ διαθήκῃ ἐκτί[ν]νεν εἰς τὸ δημόσιον ..[---] | (hand 2) Σαραπίωνος τοῦ  
 Φίλωνος Ὁ[σ]ειραγ[γ]ι[τ]ι[ο]εῖον τοῦ καὶ Βιθυνιέως (?) ---||<sup>10</sup> μω[.] τῇ θυγατρὶ μου  
 Τερακειαίνῃ ἀφῆ[λ]ικι --- ἐνδομ[ε]|γείαν καὶ ἔπ[ι]πλα καὶ ἐπισθησ[μ]αῖς .[---] |  
 traces of 5 lines | σφραγιῶ γλύμ<μ>ατι Ἀρποκράτο[υς ---] (hand 6) ἔτους ---]  
 Αὐτοκράτορος Καίσαρος Μάρκου Αὐρηλίου Ἀντωνίνου Σεβαστοῦ [καὶ] Αὐ[το-  
 κρά]τορος Καίσαρος | [Λουκίου Αὐρηλίου] Οὐήρο[υ] Σεβαστοῦ μηνὸς Μεταγειτ-  
 νιώνος Π[αχ]ῶν .. διαθή[κ]η ||<sup>20</sup> ---] Σαραπίωνος τοῦ Φίλωνος Ὁσ[ε]ιρ[αντ]ι-  
 γ[ο]εῖον τοῦ καὶ [Βι]θυνι[έ]ως κ[αὶ] ὥς ..... (ἐτών (?)) ξ[.] | [--- ὀφθα]λμῶ δεξιῶ  
 οὐλῇ ὑπὲρ ὀφρῶν [...] σφραγ[ις] .....

9. BL I 79: ο[.] εἰρο.τῆς [---] prev. ed. || 10. Τερακλεία νῆ prev. ed. (Τερακειαίνῃ) ||  
 21: ἀφῆ[---] γείαν prev. ed.

The text is too fragmentary to be translated. It contains fragments of bequest for the testator's minor daughter, and parts of funeral and penal clauses; the preserved text suggests that heirs were more than one. The testator's autograph follows, with his name and partly preserved disposition concerning the property bequeathed to his daughter; perhaps it contains also the remains of witnesses' clauses. The last part comprises the date, fragments of deed, and the testator's description.

not for commercial use

P. Oxy. III 494 = M. Chr. 305

= Jur. Pap. 24 = Select Papyri I 84

AD 165

Oxyrhynchos

Greek  
Papyrus  
Opening protocol

Text after papyri.info

Translations: English: B. P. GRENFELL & A. S. HUNT in P. Oxy. III (ll. 1–33); A. S. HUNT & C. C. EDGAR in Select Papyri I (below)

ἀντίγραφον. ἔτους ἐννεακαίδεκάτου Αὐτοκράτορος Καίσαρος Τίτου Αἰλίου[υ] Ἀδριανοῦ Ἀντωνίνου Σεβαστοῦ Εὐσεβοῦς | μηνὸς Γερμανικείου λ, ἐν Ὁξυρύνχων πόλει τῆς Θηβαΐδος, ἀγαθῇ τύχῃ. τάδε διεθέμην νοῶν καὶ φρονῶν | Ἀκουσίλαος Δεῖον τοῦ Διονυσίου τοῦ καὶ Ἀκουσίλαου μητρὸς Διονυσίας Θέωνος ἀπ' Ὁξυρύνχων πόλεως ἐν ἀγνιᾷ. ἐφ' ὃν μὲν περὶέμι χρόνον ἔχειν με τὴν τῶν ἰδίων ἐξουσίαν ὃ ἐὰν βούλωμαι ἐπιτελεῖν καὶ μεταδιατίθεσθαι καὶ ἀκυροῦν τὴν δια||<sup>5</sup>θήκην ταύτην, ὃ δ' ἂν ἐπιτελέσω κύριον ὑπάρχειν. ἐὰν δὲ ἐπὶ ταύτῃ τῇ διαθήκῃ τελευτήσω ἐλεύθερα ἀφίημι ὑπὸ | Δία Γῆν Ἥλιον κατ' εὐνοίαν καὶ φιλοστοργίαν δούλᾳ μου σώματα Ψεναμοῦνιν τὸν καὶ Ἀμμώνιον καὶ Ἑρμᾶν καὶ Ἀπολλωνοῦν τὴν καὶ Δημητρίαν καὶ θυγάτερα αὐτῆς Διογενίδα καὶ ἄλλην μου δούλην Δ[ι]ογεν[ι]δ[α], καταλείπω δὲ τῇ γυναικί | μου οὖσῃ καὶ ἀνεψιᾷ Ἀρ[ι]στ[ο]ῦτ[ο]τι τῇ καὶ Ἀπολλωναρίῳ Ἡρακλείδου τοῦ Διονυσίου τοῦ καὶ Ἀκουσίλαου μητρὸς Ἡραίδος Ἀ[λε]ξάνδρου εὐνοοῦσῃ μοι καὶ πᾶσαν πίστιν μοι ἐνδεικνυμένην ἃ ἐὰν ἀπολίπω ἔπιπλα καὶ σκεύη καὶ χρυσία καὶ ἱμάτια ||<sup>10</sup> καὶ κόσμα καὶ πυρὸν καὶ ὄσπρεα καὶ γενήματα καὶ ἐνδομενείαν πᾶσαν καὶ ὀφειλήματα ἐνγραφα καὶ ἄγραφα, | κληροῖον μου δὲ ἀπολείπω τὸν γεγονότα μοι ἐκ τῆς προγεγραμμένης μου γυν[α]ικὸς Ἀριστοῦτος τῆς καὶ Ἀπολ[λω]ν[α]ριῶν υἱὸν Δεῖον ἐὰν ζῇ, εἰ δὲ μὴ, τὰ τούτου τέκνα, ὧν ἐὰν ἀπολίπω ὑπαρχόντων καὶ ἐτέρων δουλῶν σ[ωμ]ά[τ]ων καὶ τῶν ἀπὸ τοῦ νῦν ἐσομένων ἐκ τῶν προγεγραμμένων θηλειῶν δουλῶν ἐκγόνων, ὧν παν[τ]ῶν τὴν χρῆσιν καὶ προσόδους πᾶσας μετὰ τὰ δημόσια ἔξει ἡ αὐτῇ γυνὴ μου Ἀριστοῦς ἡ καὶ Ἀπολλω||<sup>15</sup>νάριον ἐπὶ τὸν τῆς ζωῆς αὐτῆς χρόνον καὶ τὴν δουλείαν καὶ ἀποφοράς τῶν μετὰ [...] τελευτῇ μου[υ] | ἐλευθερουμένων δουλῶν σωμάτων. ἡ δ' αὐτῇ γυνὴ μου χορηγήσει τῷ υἱῷ μου Δεῖῳ εἰς δ[ι]α[τρο]π[ή]ν αὐτοῦ καὶ τὴν ἄλλην δαπάνην κατὰ μῆν[α] ἐν Ὁξυρύνχων πόλει πυροῦ μέτρῳ ἑξωδιαστικῷ ....| ἀρτάβας δύο καὶ δραχμαὶς ἐξήκοντα καὶ ὑπὲρ ἱματισμοῦ κατ' ἔτος δραχμαὶς διακοσίας, τῇ δ' αὐτῇ | γυναικὶ Ἀριστοῦτι τῇ καὶ Ἀπολλωναρίῳ ἐξέστω δι' αὐτῆς πωλεῖν καὶ ὑποτίθεσθαι ἃ ἐὰν αἰρήται ||<sup>20</sup> ἀφ' ὧν ἐὰν ἀπολίπω τῷ υἱῷ μου Δεῖῳ ὑπαρχόν[τ]ων καὶ σωμάτων καὶ καταχρᾶσθαι εἰς τὸ | ἴδιον χρ[ε]ῖ[ος] τοῖς ἐμπεσομένοις ἥτοι ἐκ πράσεως καὶ ἐξ ὑποθήκης ἀργυρίοις. ἡ δ' αὐτῇ γυν[ι]κὶ μου Ἀρι[σ]τοῦς ἡ καὶ Ἀπολλωνάριον ἀποδώσει πάντα ἃ ἐὰν φανῶ ὀφείλων, δώσει δὲ ἡ | γυνὴ μου καὶ μετὰ τελευτῇ αὐτῆς ὁ υἱὸς μου Δεῖος τοῖς δούλοις μου καὶ ἀπελευθέρ[ο]ις εἰς | εὐωχίαν αὐτῶν ἢ ποιήσονται πλησίον τοῦ τάφου μου κατ' ἔτος τῇ γενεθλίᾳ μου ἐφ' ᾧ δι||<sup>25</sup>έπειν ἀργυρίου δραχμαὶς ἑκατόν. ὅσα δ' ἂν ὑπὸ τὸ ἐκδόσιμον τῆς διαθήκης γράψω ἥτοι ἀφαιρούμενός τι ἢ προσδιατάσσω ἢ ἐτέροις χαριζόμενος ἢ καὶ ἄλλοι τα βουλόμενος καὶ αὐτὰ ἔστω κύρια | ὥς δ' ἐῖν[α] | τῇ διαθήκῃ ἐγγεγραμμένα, παρὰ δὲ ταῦτα μὴ οὖσης μηδενὶ τῷ καθόλου ἐξου[σ]ίας παραβαίνει[ν, τὸν] δὲ παραβησόμενον ἐκτίνειν τῷ ἐμμένοντι τό τε βλάβος καὶ ἐπίτ[ε]ξιμον | ἀργυρίου τάλαντα δύο καὶ εἰς τὸ δημόσιον τὰ ἴσα καὶ μηδὲν [ῆ]σσαν μένειν κύρια τὰ προκειμένα. ||<sup>30</sup> ἡ διαθήκη κυρία. Ἀκουσίλαος Δεῖον ὁ προγεγραμμένος πεποιήμαι τὴν διαθήκην ἥς ὅλον τὸ σῶμά | ἐστίν μου ἰδι[ό]γραφ[ο]ν ἐπὶ πᾶσι τοῖς προκειμένο[ις], καὶ εἰμὶ (ἐτῶν) μη

οὐ(λῆ) ποδ(ι) δεξ(ιῶ) κα[ι] ἔστ[ι]ν μου ἡ σφραγὶς Θώνιος. | (hand 2) Δίδυμος  
 Ὀννώφριος τοῦ καὶ Χαιρήμονος Ἡρώδου ἀπ' Ὀξυρύν[χω]ν πόλεως <ε>ἰς τῶν |  
 μαρτυρησάντων τῇ προκειμένῃ διαθήκῃ ἐγνώρισα τὴν ἰδίαν μου σφραγῖδα οὖσαν  
 γλύμματος Ἑρμοῦ καὶ ἐσφράγισα τῇ αὐτῇ σφραγίδι. (hand 3) Ἀσκληπιάδης ||<sup>35</sup>  
 Εὐδαίμονος τοῦ Ἀσκληπιάδου ἀπ' Ὀξυρύν[χω]ν π[ό]λεως ἔτ[ε]ρ[ος] τῶν μαρτυ-  
 ρησάντων τῇ προκειμένῃ διαθήκῃ ἐγνώρισα τὴν ἰδίαν μου σφρ[αγ]ίδα οὖσαν |  
 γλύμματος Σαράπιδος | καὶ ἐσφράγισα τῇ αὐτῇ σφραγ[ι]δί. (hand 4) Δίδυμος  
 Διδύμου | τοῦ Ἐνθέσμου | ἀγορανόμ[ου] τῆς Ὀξυρυνχιδῶν πόλεως ἕτερος τῶν |  
 μαρτυρησάντων τῇ αὐτῇ διαθήκῃ ἐγνώρ[ι]σα τὴν ἰδίαν μου {σ}σφραγίδα ||<sup>40</sup> οὖσαν  
 γλύμματος Ἀπόλλωνος καὶ ἐσφράγισα τῇ αὐτῇ σφραγίδι. (hand 5) Ἀσκληπιάδης  
 Ἀσκληπ[ι]άδου τοῦ Πανσιρ[ι]ωνος ἀπὸ τῆς αὐτῆς πόλεως ἕτερος τῶν | [μαρτυρη-  
 σάντων] τῇ αὐτῇ διαθήκῃ ἐγνώρισα τὴν ἰδίαν μ[ο]υ σφ[ρ]αγ[ι]δί | [οὖσαν γλύμ-  
 μα]τος Ἡρακλέους καὶ ἐσφράγισα τῇ αὐτῇ σφραγίδι. | (hand 6) [παρ]ετέθη 5  
 (ἔτους) Ἀθύρ.

17. ἐξοδιαστικῶ || 21. BL I 323: χ[ι]σ prev. ed. || 31. corr. ex θωνιως || 32. corr.  
 ex πο.εως || 40. corr. ex α. ολλωνος || 40. corr. ex σφραγι.α || 44. [προ(?)]ετέθη (?)  
 prev. ed.

Copy. In the nineteenth year of the Emperor Caesar Titus Aelius Hadrianus Antoninus Augustus Pius, on the 30th of the month Germanikios, at the city of Oxyrhynchos in the Thebaid, for good fortune. I, Akousilaos son of Deios son of Dionysios also called Akousilaos, my mother being Dionysia daughter of Theon, from the city of Oxyrhynchos, being sane and in my right mind, have made this will in the street. So long as I survive, I am to have power over my own belongings, to make new provisions as I want, and to change this will and revoke it, so that the new provisions will remain valid. But if I die with this will, I set free under the sanction of Zeus, Gaia, and Helios, for their goodwill and affection, my slaves Psenamounis also called Ammonios, and Hermas, and Apollonous also called Demetria, and her daughter Diogenis, and another slave of mine called Diogenis. I bequeath to my wife and cousin Aristous also called Apollonarian daughter of Heraklides son of Dionysios also called Akousilaos, and of Herais daughter of Alexander, being well disposed and showing all faithfulness towards me, whatever I may leave in the way of furniture, utensils, objects of gold, clothing, ornaments, wheat, pulse, crops, all my household stock, and debts owed to me, recorded and unrecorded. I appoint my son Deios by my aforesaid wife Aristous also called Apollonarian, if he lives, and if not, his children, as heir to all the property that I leave and to my other slaves, and the future offspring of the aforesaid female slaves, of all which things my said wife Aristous also called Apollonarian shall have the use and entire income, after payment of the taxes, for the

term of her life, together with the service and the earnings of the slaves who are to be freed after my death. My said wife shall supply to my son Deios every month at Oxyrhynchos, for his sustenance and other expenses, two artabae of wheat by the measure used for payment ... and sixty drachmae, and for clothing two hundred drachmae yearly. My said wife Aristous also called Apollonarion shall have the right to sell and mortgage on her own authority anything she chooses out of the property and slaves bequeathed to my son Deios, and to use for her personal needs the money accruing from sale or mortgage. My said wife Aristous also called Apollonarion shall pay all the debts which I shall be found to owe. My wife, and after her death my son Deios, shall give to my slaves and freedmen for a feast which they shall hold beside my tomb every year on my birthday one hundred drachmae of silver wherewith to furnish it. Anything that I append to the officially returned copy of the will, whether cancelling or supplementing, or making bequests, to other persons, or with any other purpose, shall also be valid as if contained in the actual will; beyond this no one shall have any power at all to infringe it, and the party who infringes it shall forfeit to the party who abides by it the damages and a fine of two talents of silver, and to the Treasury the like sum, the above provisions remaining none the less valid. The will is valid. I, the aforesaid Akousilaos son of Deios, have made this will, the whole body of which is in my own writing, with all the above provisions. I am 48 years of age, with a scar on the right foot, and my seal is an image of Thonis. (Certified) I, Didymos son of Onnophris also called Chairemon son of Herodes, from the city of Oxyrhynchos, one of the witnesses to the above will, have recognised my seal being an imprint of Hermes, and I sealed with this seal. I, Asklepiades son of Eudaimon son of Asklepiades, from the city of Oxyrhynchos, another of the witnesses to the above will, have recognised my seal being an imprint of Sarapis, and I sealed with this seal. I, Didymos son of Didymos son of Enthesmos, *agoranomos* of the city of Oxyrhynchos, another of the witnesses to the said will, have recognised my seal being an imprint of Apollon, and I sealed with this seal. I, Asklepiades son of Asklepiades son of Pausirion, from the said city, have recognised my seal being an imprint of Herakles, and I sealed with this seal. (endorsed) Deposited in the 6th year, Hathyr.

PSI XII 1263 = SB V 7816  
AD 166–167  
Oxyrhynchos

Greek  
Papyrus  
Copy

Text after PSI XII

## Column I

[χορηγήσω (?)] ἀφ' οὗ ἐὰν τελευτήσω ἐφ' ὅσον ζῇ ἡ Ταυσίρις [...] κατὰ μῆνα ἐν Ὁξυρύν[χων πόλ(ει) | (πυροῦ) (ἀρτάβ) .....]. ἡμισ{ο}ν καὶ κατ' ἕ[τος] ὑπὲρ ἱματισμοῦ (δραχμᾶς) κδ, ἡ δὲ αὐτὴ Ταυσίρις ἐ[φ' ὅσον ζῇ | ἐνοικήσει] χωρὶς ἐνοικίου ἐν οἴκῳ ἐνὶ ὄντι ἐν τῇ αὐλῇ τῆς ὑπαρχούσης μοι ἐπ' [ἀμφοδου ---| οἰκίας, καὶ ἀ]φ' οὗ ἐὰν τελευτήσω παραμενεῖ <ή> ἡλευθερουμένη Στεφανοῦς τῇ προ[ογεγραμμέ]νῃ μου ||<sup>5</sup> [θυγατριδῇ] Συνθεῦτι ἐφ' ὅσον ζῇ ἡ Συνθεὺς ὑπηρετοῦσα αὐτὴν τρεφομέ[ν]ῃ καὶ ἱματιζο[|μὲν]ῃ αὐτῆς τῆς θυγατριδῆς μου Συνθεύτος· δαπανηθῆναι δὲ β[οῦ]λομαι ὑπὸ τῶν | [νύων μου] καὶ κληρονόμων ἐξ ἴσου εἰς κηδείαν καὶ περιστολὴν τοῦ σωμ[α]τίου μου ταφησο[|μὲν]ου Αἰγυ[π]τίας ταφῇ, ἐπακολουθοῦντος τοῦ προγεγραμμένου μου ἀδελφοῦ Φαῦστου υἱοῦ | [---, ἀρ]γυρίου δραχμᾶς χ[ξ]ιλίας ἐξακοσίας καὶ μηδενὶ ἐξείναι παραβεῖναι τι τῶν ὑπ' ἐμοῦ ||<sup>10</sup> [διατεταγμέ]νων ἢ χωρὶς τοῦ ταῦτα μένειν κύρια ἔτι καὶ ἐκτ[ε]ίνε[σ]ιν τὸν ἐπιχειρήσαντα πρὸς ἀ[|θ]έτησίν τι] τούτων ἄγειν ἐπίτειμον ἀργυρίου (τάλαντα) β καὶ εἰς τὸ δημόσιον τὰ ἴσα, καὶ μηδὲν ἡτ<τ>ον. | [ἄλλω δὲ ο]ὐδενὶ οὐδὲν τῶν ἐμῶν καταλείπω. ἡ διαθήκη κυρία. Συνθεὺς Διογένους τοῦ | [Σαραπίωνος] μετὰ τελευτῆν μου καταλείπω κληρον[όμους] τοὺς υἱοὺς μου Σαραπίωνα καὶ | [Διογένην, ἐκ]άτερον δ' αὐτῶν ἐὰν ζῇ, εἰ δὲ μὴ, τὰ τούτου τέκνα, τὸν μὲν Διογένην κατ' ἐξέ[|<sup>15</sup> [ρετον ἀς ἐ]χῶ' περὶ Τοῦ (πρότερον (?)] Στῶτοῦτος Θέωνος (ἀρούρας) ιε, τὸν τε αὐτὸν Διογένην καὶ Σαραπίωνα | [ἐξ ἴσου ὦν (?)] ἐὰν ἄλλων ἀπολ<ε>ίπω παντοίων πάντων πλὴν τῶν δούλων μου Ταυ[σί]ριος καὶ τῆς ταύτης | [θυγατρὸς] Στεφανοῦτος, ὥσπερ εἶναι ἐλευθέρως. ἔτι δὲ καὶ παρέξω πε[ρὶ] τὸ αὐτὸ Σατύρου ἐποίκ(ιον) | [(ἀρούρας) --- ἀς κατα(?)]λείπω τῇ υἱδῇ μου [...] Συνθεῦτι ἐφ' ᾧ οἱ αὐτοὶ κληρονόμοι [...] δ. μενῶναι | [--- Σι]νθεῦτι [---] ξης .οον δ' ἔχω ψελίων χρυσῶν ἐλικτῶν ζεύγος μ. .[---] ἐὰν μὴ υ||<sup>20</sup> [---] σα χρυσοῦ δοκίμου μναγεῖα εἴκοσι. ἔτι δὲ καὶ χορηγήσω [τῇ] προ[γ]ραφεί[σ]η Ταυσίρι ἐφ' | [ὅσον ζῇ κα]τὰ μῆνα (πυροῦ) (ἀρτάβας) [. ] καὶ κατ' ἕτος (δραχμᾶς) κδ καὶ ἐνοίκησι<ν> ἐν τῷ προγεγραμμένῳ οἴκῳ. Παρα[|μενεῖ] δὲ ἡ Στεφανοῦ[ς] τῇ υἱδῇ Συνθεῦτι ὥς πρόκ<ε>ιται. δαπανηθῆναι δὲ βούλομαι ὑ[|πὸ] τῶν κλη[ρ]ονόμων μου ἐξ ἴσου εἰς κηδείαν καὶ περιστολή<ν> μου τοῦ σωματίου (δραχμᾶς) Αφ[|---] ντων μου ὥς πρόκ<ε>ιται. καὶ εἰμι ἐτῶν ἐξήκοντα ἄσημος καὶ ἐστὶ μου ||<sup>25</sup> [ἡ σφραγὶς] Σαραπίδος. Φαῦστος τῶν ἡγορανομηκῶτων ἐπιγέγραμμαι τῆς ἀδελ[φ]ῆς κύριος | [καὶ ἔγραψα] ὑπ(ἐρ) αὐτῆς μὴ εἰδυί[ε]ις γράμματα καὶ εἰμι ἐτῶν ξγ οὐλὴ ὀφρύ[ε]ι ἀριστερᾷ. | [--- Σα]ραπίωνος(?) πρεσβυτέρ[ου] Φανίου τῶν γεγυμνασιαρχ(ηκότων) τῆς αὐτῆς πόλ(εως) μαρτυρῶ τῇ τῆς Σιν[ι]θεύτος δια[|θή]κῃ καὶ εἰς >μὶ (ἐτῶν) [. ] οὐλὴ ἀντικνημῶν δεξιῶ καὶ ἐστὶν μου ἡ σφραγί[ς] Ἀθηνᾶς | [---]s Ζήνωνος τοῦ Σ[. ] α() τῶν γεγυμνασιαρχηκ(ότων) τῆς Ὁξυρύν[χ]ων πόλ(εως) μαρτυρῶ τῇ τῆς ||<sup>30</sup> [Σινθεύτος] διαθήκῃ καὶ εἰμι (ἐτῶν) με οὐλὴ μετόπῳ μέσῳ ὑπὸ τρίχα καὶ εὐστί μου ἡ σφραγίς [---]

## Column II

[---]ον τοῦ Σαραπ( ) τοῦ καὶ Φίλα[---] μαρτυρῶ τῇ τῆς] Συνθεῦτος διαθήκη καὶ εἰμὶ ἐτ[ῶν .. ---] .. Ἀ]πολ(λ) τοῦ Θέωνος τῶν ἐξηγητευκότ[ων] τῆς [Οξ(υρρυγχει- τῶν) πόλ(εως) μαρτυρῶ τῇ τῆς Συνθεῦτος διαθήκη καὶ εἰμὶ ἐτῶν ..] | οὐλὴ ἀντικνημῖω δεξιῶ καὶ ἐστί μου ἡ σφρα(γίς) [---] ||<sup>35</sup> τῆς Ὀξυρρυγχειτῶν πόλ(εως) μαρτυρῶ τῇ τῆς Συν[θεῦτος διαθήκη καὶ εἰμὶ ἐτῶν .. ---] | καὶ ἐστί μου ἡ σφραγίς προτομῇ Ἑρμοῦ. [--- τῶν γεγυ]μνασιαρχηκότων δι' ὅλου ἔτους τῆς Ὀξυρρυγχειτῶν πόλ(εως) [μαρτυρῶ τῇ τῆς Συνθεῦτος διαθήκη καὶ] | εἰμὶ ἐτῶν νγ ἄσημος καὶ ἐστί μου ἡ [σφραγίς ---] | χει καὶ ὑπεγράφη πρὸς ἐπίδειξιν βι[---] ||<sup>40</sup> Συνθεῦς Σαραπ(ίωνος) ἐπ' ἡνεγκα [---] | (ἔτους) ζ Αὐτοκρά[τορος Καίσαρος Μάρκου Αὐρηλίου ---] | καὶ Αὐτοκράτορος Καίσαρος Λουκίου Αὐρηλίου Οὐήρου --- Φαῦστος ἐπιγέγραμ[μ]ε τῆς ἀδελφῆς μου κύριος.

4. ἡλευθερωμένη || 9. παραβῆναί || 15. *corr. ex* [ε][τῇ] || δὲ || 20. *μνα<i>εῖα* || 29. τῆς (MN) ταῖς prev. ed. || 30. μετώπω | ἐστί || 42-43. ἐπιγέγραμ[μ]αι

(I supply?), from the moment of my death, as long as Tausiris lives, every month at the city of Oxyrhynchos ... and a half artabae of wheat, and for clothing 24 drachmae yearly, and this Tausiris shall have for her lifetime the right to dwell free of rent in the single house standing in the court of my estate in the quarter ... From the moment of my death, as long Stephanous the freedwoman will be with and serve Sintheus, my aforementioned granddaughter, Sintheus my granddaughter shall for the term of her (Sintheus') lifetime feed and cloth her. I want my sons and heirs to spend one thousand six hundred drachmae of silver jointly in equal shares for my funeral and the laying out of my body, and its burial according to the Egyptian custom ... and son of my above-written brother Phaustos should participate in it. No one is allowed to infringe any of my provisions, or else, without affecting the validity of these dispositions, and any person infringing the will is to forfeit a fine of two talents of silver, and an equal sum to the Treasury, and none the less. I bequeath nothing to anyone else. The will is valid. After my death I, Sintheus daughter of Diogenes son of Sarapion, appoint as my heirs Sarapion and Diogenes my sons, each of them, if he lives, if not, their children; Diogenes specially to 15 arourae, which I bought previously from Stotous son of Theon, that I have near Toou; the same Diogenes and Sarapion in equal shares to all other things which I leave behind, except for my slaves Tausiris and her daughter Stephanous, who are to be freed. If I acquire any arourae near Satyrou Epoikion, I bequeath them to my granddaughter ... Sintheus on condition that my heirs (Diogenes and Sarapion) ... to Sintheus ... a pair of twisted gold armlets that I have... if not ... twenty coins of good gold, (each) worth a mina of silver. I also supply ... and a half artabae of wheat ... to

the above-mentioned Tausiris monthly for her lifetime, and 24 drachmae yearly, and the right to dwell in the aforewritten house. Stephanous will stay with my granddaughter Sintheus, as above. I want my heirs to spend 1500 (?) drachmae in equal shares for the burial and laying out of my body ... as above. I am sixty years old, without scars, and my seal represents Sarapis. I, Phaustos, one of the former *agoranomoi*, am registered as my sister's *kyrios* and I have written for her, because she does not know letters; I am 63 years old, with a scar on my left eyebrow. I, ... son of Sarapion elder son of Phanios, one of the former gymnasiarchs, from the same city, witness to the will of Sintheus; I am ... years old, with a scar on my right shin, and my seal represents Athena. I, ... son of Zenon son of ... one of the former gymnasiarchs, from the city of Oxyrhynchos, witness to the will of Sintheus; I am 45 years old, with a scar in the middle of my forehead under my hair, and my seal represents ... I, ... son of Sarap... also called Phila... witness to the will of Sintheus; I am ... I, ... son of Apoll... son of Theon, one of the former *exegetai* of the city of Oxyrhynchos, witness to the will of Sintheus; I am ... years old, with a scar on my right shin, and my seal represents ... I, ... from the city of Oxyrhynchos, witness to the will of Sintheus; I am ... years old, and my seal represents the bust of Hermes. I, ... one of the former Oxyrhynchite gymnasiarchs of the full year, witness to the will of Sintheus; I am 53 years old, without scars, and my seal represents ... it was subscribed to use as a proof ... Sintheus daughter of Sarapion has presented ... In the 7th year of the Emperor Caesar Marcus Aurelius ... and the Emperor Caesar Lucius Aurelius Verus ... I, Phaustos, am registered as my sister's *kyrios*.

*P. RyI. II 153*

AD 169

Hermopolis Megale

Greek

Papyrus

Copy

Text after *P. RyI. II*

Translation: J. DE M. JOHNSON, V. MARTIN & A. S. HUNT in *P. RyI. II* (below)

[---]ο.[.]απα..[---]κ[α]τ' ἔτος ἐφ' [δ]ν .....]ς ὁ Μάξιμος ἐπιζή[σ]η μοι  
 χρόνον ..[.....]. πυροῦ ἀρτάβας δ[έ]κα καὶ τῶ | [..... τῶ αὐ]τῶ ἀπελευθέ[ρω]  
 ... ἐπιμ[έ]νοντι ὡς προγέγραπται τῇ πατρίδι μου κατ' ἔτος ἐφ' ὃν καὶ αὐτὸς ἐπι-  
 {σ}ζήσῃ μοι | [χρόνον ὑπὲρ μ]έν τροφίων ὁμοίως πυ[ρο]ῦ ἀρτάβας δέκα ὑπὲρ δὲ  
 ἱματισμοῦ καὶ παντὸς λόγου ἀργυρίου δ[ρ]αχμὰς ||<sup>5</sup> [---] παραβάλλον[τα] ἐν ταῖς  
 ἐπ[ισ]τήμοις τοῦ ὄρους ἡμέραις εἰς τὸν τάφον μου τὸν ἐπὶ τὴν ἀμμον τοῦ Σαρα-  
 [πιείου τοῦ ἐπὶ τ]ῆς Ἐρμού π[ό]λ[εως] ποιοῦ[ν]τα τὰ νενο{σ}μισμένα τοῖς κατοι-

χομένοις. ἔξ<ε>ι δὲ <ό> αὐτὸς ἀπελεύθερος | [--- ἐφ'] ὃν περίεστι χρόνον ἀκ[ω]-  
λύτως ἄνευ ἐνοικίου οἴκησιν καὶ χρήσιν οὐ νῦν ἔχει τόπου ὄντος ἐπὶ τοῦ | [.....  
τῆς τε]τραστέγης τῇ[ς] ὑ]παρχού[ση]ς μοι οἰκίας καινῆς καὶ αὐλῆς καὶ ἀνηκόν-  
των πάντων' ἐν Ἑρμοῦ πόλ<ε>ι [ἐ]φ' ἀμφοδου | Φρουρίου Λιβό[ς, καὶ] ἡ προ-  
γεγραμμένη τε γυν[ή] μου Κλαυδία Λεοντίς καὶ ὁ φίλος μου Μάξιμος Ἑρμείου καὶ  
ἡ ὁμ[ο]μητρί[ς]<sup>10</sup> α μου ἀδελφῇ [Ἀλί]νῃ Σαραπίων[ος] καὶ ὁ κατὰ μητέρα μου  
ἀνεψιὸς Ἀχιλλεύς Σαβουρίωνος τοῦ Ἀπολλωνίου κα[ὶ] αὐτὸς εὐνοήσας ἔμα[ν]τῳ  
καὶ τῷ πατρὶ μου Ἀμμων[ί]ῳ ἐν πολλοῖς καὶ ὑπηρετήσας πράγμασι ἡμῶν καὶ  
ὠφέλιμος ἡμεῖν | γενόμενος [παρ]ὰ τὴν ἡμῶν[ν] εἰς τοὺς ἔξω [τό]πους ἀποδημυλῇ  
καὶ πατρὶ μου Ἀμμωνίῳ ἐπιδημήσαντι τῇ ἰδίᾳ, | ὃ πολλὴν χά[ριν] οἶδα, ἔξουσιν  
σὺν τοῖς τοῦ ἀβ[ι]τοῦ' ἀνεψιοῦ μου' Ἀχιλλεύς ἰδίῳις πάσι καὶ τῷ κληρονόμῳ μου  
τὴν τῶν λ[οι]πῶν τό[πων] πάντων [καὶ τ]ῶν χρηστηρίῳ[ν] τῆς αὐτῆς' καὶ προ-  
κ[ε]ιμένης οἰκίας καινῆς καὶ αὐλῆς οἴκησιν καὶ χρήσιν ἐφ' ὃν περίεστι χρόνον ||<sup>15</sup>  
ἀκωλύτως ἄν[ε]υ ἐνοικίου. κλ[η]ρονόμον δὲ [τ]ῶν ἐμῶν πάντων ὧν τε νῦν ἔχω  
καὶ ὧν ἔαν ἐπικτήσωμαι ἢ προσγένηται | μοι καθ' ὃνδ[η]ποῦν τρόπον καὶ πρὸς  
πάν εἶδος καὶ ἥς ἔαν ἀπολίπω ἐνδομενίας πάσης καὶ ἀποθέτω κ[αὶ] ἄλλων | καὶ  
τῶν ὀφ<ε>ιλο[μέν]ων μοι ἢ κα[ὶ] ὀφ<ε>ιληθησομένων ἀποδ<ε>ίνυνμι τὸν ἀφ' ἡλικίας  
μου υἱὸν Ἑλλάνικον ἐκ μητρὸς τῆς προγεγραμμένης Κλαυδίας Λ[εοντί]δος ὃν  
κατέλυσεν ἐν Ζμύρῃ τῆς Ἀσίας παρὰ τροφῷ θηλάζοντα, οὐ καὶ καθίστημι ἐπι-  
τρόπους | [ἄ]χι οὐ γένη[ται] τῇ[ς] ἐνὸς[μο]υ | ἡλικίας ὅταν' μετὰ ταύτην τὴν  
ἡλικίαν δόξῃ αὐτῷ παραγένεσθαι εἰς Ἑρμοῦ πόλει οὖς ||<sup>20</sup> [οἶδα ἐπιτηδεύου]ς καὶ  
ἀξίου[ς τ]ῆς ἐπιτροπῇ[ς τ]οὺς προγεγραμμέ[ν]ου[ς] Μάξιμον Ἑρμαίου φίλον μου  
καὶ Ἀχιλλέα Σαβου[ρίωνος] ἀνεψιόν[ο]υ ἐπὶ τῷ αὐτ[ο]ῦς τρέφειν κ[αὶ] ἱματίζειν  
τὸν προγεγραμμένον μου υἱὸν καὶ κληρονόμον ὥς ἔαν αὐτοὶ δο[κ]ῶσι χορηγοῦν-  
τα[ς] κ[αὶ] ἰδόντας τοῖς προγεγ[ρ]αμμένοις ὅσα ἐκάστῳ ἡθέλησα δοθῆναι ὥς  
πρόκειται ἄχι οὐ ὁ υἱός μου | [Ἑλλάνικος γέν]ηται τῆς ἐν[ν]όμου ἡλικίας[ς] ἢ  
παραγένηται εἰς Ἑρμοῦ πόλιν· ἐπὰν δὲ γένηται τῆς ἐνὸς[μο]υ ἡλικίας ἢ μετὰ | [ταύ-  
την τὴν ἡλικί]αν παραγέν[η]ται εἰς Ἑρμοῦ [π]όλιν, καὶ αὐτὸς χορηγήσει τοῖς  
αὐτοῖς τὰς αὐτὰς ἐφ' ὃν ἕκαστον αὐτῶν περίεστι ||<sup>25</sup> [χρόνον ὥς προγέ]γραπται.  
ὅσ[ο]υ δὲ χρόνου [ἐν]οφ<ε>ιλεται μοι ὀψώνια ὑπὲρ οὐ ἔσχον ἀθλητικοῦ στεφάνου  
ἀπὸ τῶν ὑπαρξάντων τῆς | [Ἑρμοῦ πόλεως καθὼς] διατέξα[ν] ὁ κύριος ἡμ[ῶ]ν  
Ἀντωνίνος Καῖσαρ καὶ ὁ θεὸς αὐτοῦ πατὴρ Ἀδριανὸς ταῦτα αἱ προγεγραμμέ[ν]οι  
ἐπίτροποι τοῦ υἱοῦ] μου κα[ὶ] κ[λη]ρονόμ[ο]υ μετελεύσονται καὶ προσθήσουσιν τῷ  
υἱῷ μου. ἄχι δὲ οὐ ὁ αὐτὸς υἱός μου κα[ὶ] | [κληρονόμος γέν]ηται τῆς ἐν[ν]όμου  
ἡλικίας ἢ μετὰ ταύτην τὴν ἡλικίαν παραγένηται εἰς Ἑρμοῦ πόλιν, ἔξ<ε>ι ||<sup>δε</sup>  
προγεγρα[μ]μένη μου γυνὴ αὐ[τ]οῦ [δὲ μήτηρ] Κλαυ[δί]α Λεοντίς τῇ[ς] τῶν ἐμῶν  
δούλων πάντων δουλίαν τῶν δούλων χωρηγοῦ||<sup>30</sup> [μένων] ὑπὸ τῶν προγε-  
γραμμένων ἐπιτρ[ό]πων τὸ μὶσθῆμα [κα]ὶ τὸν ἱματισμὸν ἐκ τ[ο]ῦ τοῦ υἱοῦ μου καὶ  
κληρονόμου λόγου | [--- ἐπὰν δὲ γέν]ηται τῆς ἐνὸς[μο]υ ἡλικίας ἢ καὶ μετὰ ταύ-  
την τὴν ἡλικίαν παραγένητ[α] εἰς Ἑρ[μ]οῦ πόλιν, ἔξ<ε>ι ἡ προγεγραμμένη μήτηρ

α]υτοῦ Κλαυδ[ί]α Λεοντίς ἐφ' ὃν αὐτὴ περίεστιν χρόνον τὴν τῶν αὐτῶν δούλων δουλί[αν χορηγοιμένων ὡς προέγραπται ὑπ]ὸ μόνου το[ῦ] υἱοῦ μου. ἐπὶ δὲ ὁ μητρικός μου δούλος Μύρων ἐκ μητρὸς Συρι[---]ἀνεξ[.....]ῆς[...] τοῖς προγεγραμμένοις τοῦ υἱοῦ μου καὶ κληρονόμου ἐπιτρό[<sup>35</sup>]ποις ---]ὑ ἀπὸ φόρων τοῦ παρωχημένου χρόνου ἀργυρίου δραχμὰς τριακοσίας εἴκο[σι ---].[---] αὐτῷ περὶ δ[ν] ὁ πατήρ μου Ἀμμώνιος Σύρου παρὰ τὴν ἐμὴν ἀποδημίαν ἀπε[λ]εύτερος ἔστω, ἐὰν δ[ἐ] ἀπιθῇ ὁ [Μύρων καὶ μὴ ἀπ]οδοῖ ταύτας ἐν τῇ προκειμένη προθεσμῇ κατασχεθήσεται τῷ κληρονόμῳ | [---]. τὴν καταχ[...].σο[.....]ς, ἐὰν βούληται[ι], καὶ ὑπηρετήσῃ τῇ προγεγραμμένῃ μου γυναικ[ε]ῖ σὺν τοῖς ἄλλοι[ς] | [μου δούλοις. ἐ]ὰν δέ, ὁ μὴ γέ[νοι]το, ἀνθρ[ώπι]νόν τι συνβῇ τῷ υἱῷ μου καὶ κληρονόμῳ Ἑλλανίκῳ ἀτέκνῳ ὄντι καὶ μηδὲν ||<sup>40</sup> [ὥκονομηκότ]ι μηδὲ δια[θε]μένον περὶ ὧν καταλ<ε>ίπω αὐτῷ ἢ καὶ τέκνα μὲν ἔ[ι]χοντι ἐπιμεταλ<λ>άξῃ δὲ καὶ τὰ τέκνα | [---] ἔσ[τα]ι πάντων τ[ῶν] ἐ[μῶ]ν κληρονόμος ἢ προγεγραμμένη μου γυνὴ Κλαυδία Λεοντίς, ἐὰν περιῇ, ποιούσα πάντα τὰ προγε[γραμμένα]. ἐὰν] δὲ μὴ περι[ῇ], ἔσ[τα]ι ὁμοίως πάντων κλ[η]ρονόμος ἢ προγε[γ]ραμμένη μου) ὁμομητρία ἀδελφῇ Ἀλίνῃ Σαραπίωνος ποιούσα καὶ | [αὐτὴ τὰ προγ]εγραμμένα. [κ]ύριος γὰρ ὢν τῶν ἰδίων οὕτως ἤρμαι διατέσθαι. ἢ διαθήκη κυρία. ἐπέγραψα δὲ Εὐδαίμονι Ἑρμαίῳ(υ) | [τοῦ .....] μη[τρὸς] Ἰσιδώρας τ[ῆς] καὶ Τασέβθιος Τιθοῆος Ἑρμοπολίτῃ ἀναγαφομένῳ ἐπ' ἀμφοδόν Φρουρίου Ἀπῆ||<sup>45</sup> λι[ώ]του φίλου μο[υ] πολ.( ) γράψαι ὑπὲρ ἐμο[ῦ] τῆς ὑπογραφῆς τὸ σῶμα διὰ τὴν περὶ ἐμὲ ἀσθέν<ε>αν. μάρτυρες Τιθοῖς Ἀνουβίωνος | ὡς ἐτῶν τεσ[σ]α[ρ]άκ[οντα] πέντε μέσος μελίχρως μακροπρόσωπος εὐθύρ<ρ>ιν οὐλὴ παταρσον ἀριστερόν ὀφθαλ<λ>μόν. Ἑρμαῖος ὁ καὶ | Φιβίων Ἀμφο[...]ωνος ὡς ἐτῶν τριάκοντα ἕξ μέσος εὐθύρ<ρ>ιν οὐλὴ τραχήλῳ ἕξ ἀριστερών. Σαραπίων Ἑρμ<α>ίου ὡς ἐτῶν τριάκοντα μέσος [εὐθ]ύρ<ρ>ιν φακὸς ὑπὲρ ὀφρὺν ἀριστεράν. Ἑρμαῖος Πτολεμαῖος ὡς ἐτῶν τεσσαράκοντα δύο μέσος εὐθύρ<ρ>ιν οὐλὴ | ὑπὲρ μῆλον [δ]εξιόν. Ἡρώδης Εὐτυχίδου ὡ[ς] ἐτῶν εἴκοσι δύο μέσος εὐθύρ<ρ>ιν οὐλὴ ρίνι. Ἑρμαῖος Ἑρμαῖος ὡς ἐτῶν τριάκον||<sup>50</sup> τα πέντε μ[έ]σος εὐθύρ<ρ>ιν οὐλὴ ἀντικνημῖα δεξιῶ. (hand 2) Κλαύδιο(ς (?)) προκ(ειμένος) διὰ Διο(δώρου) προκ(ειμένου) ἀπὸ Λιβ(ὸς) ἐπιγ( ) κυριεύειν τῶν παρακει( ) ὄντι κατοι( ) πωλεῖν τ. υς κατ' ἀνδρα . αὐτοῦ | δ.....κ.....].. μου ὑπὸ ...με. α.( ) μ[...]. (hand 3) Φλαύιος Ἀγαθ( ) Δαρείου συμφωνῶ) τῷ ἐπ( ). (ἐτους) θ Ἀντωνεῖνου καὶ Οὐγγρου Καيسάρων | τῶν κυρίων) Φαρ(μουθι) α. (hand 4) Ἀρτεμίδωρος β[ι]ση(θὸς)] καὶ ὑπ(ηρέτης) βιβλ(ιοθήκης) Ἑρμοπολίτου).

3. *corr. ex* ἐπιμ[ε]νων | *corr. ex* ωρους || 5. τῆς ἄμμου || 6. *corr. ex* ἐπερχομενοις || 8. τετραστέγης || 9. Ἑρμαῖου || 11. ἡμῖν || 12. ἀποδημίαν, *corr. ex* ἀποδημῖαν || 14. *corr. ex* καιτων | *corr. ex* κριτηριων | περιείσιν || 16. *corr. ex* ἡν || 17. ἀποδείκνυμι || 18. *corr. ex* σμυρνη | *corr. ex* θαλαζοντα | ου και *corr. ex* νυν | *corr. ex* κατιστημη | *corr. ex* ἐπι το-που || 19. *corr. ex* [ῆ] || πόλιν || 20. *corr. ex* ἐρμεινου || 21. *corr. ex* ἐματιασιν || 22. *corr.*

*ex ακρι | corr. ex ουν || 23. corr. ex μεμψα || 24. ἑκαστος || 25. corr. ex οἰωνίου || 26. corr. ex αδριανου || 27. BL I 389: [ἐπίτροποι] prev. ed. | BL I 389: κ]ληρονόμ[οι] prev. ed. | corr. ex μητε || 29-30. χορηγουμένων, corr. ex χωρηκου[μενων] || 31. ταύτην || 32. corr. ex ἐξ || 36-37. BL I 389: ἀπε[--- prev. ed. || 37. ἀποδῶι | corr. ex προσθεσμία, corr. ex προσθεμμία || 38. corr. ex υπηρεθησει | corr. ex τω || 39. corr. ex αδιανω || 40. corr. ex μηδεν διαθεμένω | corr. ex τεκνω | corr. ex ειχεντι || 41. corr. ex [εσ]τω | corr. ex παντα corr. ex προγε[γ]ραπται || 43. διαθέσθαι || 44. corr. ex ταβ.βταπεστιος θετηνους || corr. ex ερμπολιτης | corr. ex αναγραφομενος || 45. corr. ex θοτης || 46. παρά τόν, corr. ex οφλαμον | corr. ex ερμιος*

Ll. 3-33: ... the said freedman, while he remains as aforesaid at my native city, shall also receive annually, for so long as he too survives me, for victuals likewise 10 artabae of wheat, and for clothing, and all other expenses ... drachmae of silver, provided that on the high days of the cemeteries he goes to my tomb in the sand of the Sarapeum at Hermopolis and performs the accustomed rites for the departed. The said freedman ... shall have as long as he lives the right of dwelling in and using without hindrance, free of rent, the room which he now has on the ... of the four-storeyed new house, and yard, and all appurtenances belonging to me in Hermopolis in the Western Guardhouse quarter. My aforesaid wife Claudia Leontis and my friend Maximus son of Hermeios, and my maternal sister Aline daughter of Sarapion, and my maternal cousin Achilles son of Sabourion son of Apollonios (who also has showed himself well disposed towards me and my father Ammonios on many occasions, and has been of service in our affairs and useful to us on the occasion of our absence abroad, and to my father Ammonios when he was living at home, and to whom I owe much gratitude), shall have together with all the relations of my aforesaid cousin Achilles and with my heir the right of dwelling in and using all the remaining rooms and the fixtures of the same new house and yard aforesaid as long as they survive, without hindrance, free of rent. I appoint as heir to all the property which I now possess, or may acquire, or which may accrue to me in any way soever and in whatsoever form, and to all the furniture which I leave, and my stores and other property, and to the sums which are or shall be due to me, my son Hellanikos by my aforesaid wife Claudia Leontis, who is a minor and whom I have left at Smyrna in Asia for feeding and rising. I choose for his guardians until he attains the legal age, or until he thinks fit to come to Hermopolis after his attainment of the legal age, the aforesaid persons whom I know to be suitable and worthy of the office, my friend Maximus son of Hermeios, and my cousin Achilles son of Sabourion, upon condition that they shall provide my aforesaid son and heir with food and clothing as they think fit, supplying and giving to the aforesaid persons what I desired to be given to each of them as stated above, until my son attains the legal age or

comes to Hermopolis. When he attains the legal age or after attaining it comes to Hermopolis, he himself shall supply to the said persons the said provisions, as long as each of them survives as aforesaid. The allowances due to me from the property of Hermopolis on account of my athletic crown, according to the ordinances of our lord Antoninus and his deified father Hadrian, shall be claimed by my aforesaid guardians and heirs and delivered to my son. Until my said son and heir attains the legal age or after attaining it comes to Hermopolis, my aforesaid wife, his mother Claudia Leontis shall enjoy the service of all my slaves, who shall be supplied by the aforesaid guardians with linen (?) and clothing from the account of my son and heir ... When he attains the legal age or after attaining it comes to Hermopolis, his aforesaid mother Claudia Leontis shall retain for so long as she survives the services of the said slaves, who shall then be supplied as aforesaid by my son alone. As soon as my mother's slave Myron son of ...

Ll. 39–52: If, which may the gods forbid, my son and heir Hellanikos suffers the fate of mankind, being yet childless and having neither dealt with nor disposed by will of the property which I bequeath to him, or, if he has children, in the case of the decease of those children ... then my aforesaid wife Claudia Leontis shall be heiress to all my property, if she survives, fulfilling all the aforesaid provisions. If she does not survive, my aforesaid maternal sister, Aline daughter of Sarapion, shall be likewise heiress to everything, she too fulfilling the aforesaid provisions. Being master of my own property, I so choose to dispose of it. This will is valid. I have directed Eudaimon son of Hermeios son of ... his mother being Isidora also called Tasebthis daughter of Tithoes, of Hermopolis, registered in the Eastern Guardhouse quarter, my friend, ... to write for me the body of the subscription on account of my illness. Witnesses: Tithois son of Anoubion, aged about forty-five, of medium height, having a fair complexion, a long face, a straight nose, and a scar near the left eye; Hermaios also called Phibion son of A..., aged about thirty-six, of medium height, having a straight nose and a scar on the left side of the neck; Sarapion son of Hermias, aged about thirty, of medium height, having a straight nose and a mole above the left eyebrow; Hermaios son of Ptolemaios, aged about forty-two, of medium height, having a straight nose and a scar above the right cheek; Herodes son of Euty-chides, aged about twenty-two, of medium height, having a straight nose and a scar upon it; Hermaios son of Hermaios, aged about thirty-five, of medium height, having a straight nose and a scar on the right shin. The aforementioned Claudius through the aforementioned Diodoros from Libos ... to manage ... and sell ... by individual. I, Flavius Agath... son of Dareios ... agree to ... In the 9th year of Antoninus and Verus Caesars and Lords, 1 Pharmouthi. Artemidoros, assistant and servant of *bibliotheke* of Hermopolis.

SB XIV 11642 = SALOMONS, *Aegyptus* 58  
(1978), pp. 117–136  
AD 178–179  
Ptolemais Euergetis

Greek  
Papyrus  
Copy

Text after SB XIV

Translation: German: SALOMONS, *Aegyptus* 58 (1978), p. 118

ἀντίγρ(αφον) δ[ι]αθή[κης] | (ἔτους) ιθ Ἀὐτοκρατόρ[ων] Καيسάρων Μάρκου Ἀὐρη-  
λίου Ἀντωνίνου καὶ Λουκίου | Ἀὐρηλίου Κομμόδου Σε[βαστῶν] Ἀρμενιᾶκῶν Μη-  
δικῶν Παρθικῶν Γερμανικῶν | Σαρματικῶν μεγίστω[ν] μ[ηνὸς] --- ἐν Πτολε-  
μαίδι Εὐεργέτιδι τοῦ ||<sup>5</sup> Ἀρσι(νοῖτου) νομοῦ διὰ Παπεί[ρ]ίου Κλ[---] ἀγορανόμου.  
τάδε διέθετο | νοῶν καὶ φρονῶν Μάρων Σαραπίων[ος] --- | ἡγορανομηκότων τῆς  
Ἀρσι(νοῖτων) πόλε[ως] ἀπὸ ἀμφοδου Διονυσίου Τόπων | ὥς (ἐτών) ξ ἄση(μος)· εἴη  
μὲν μοι ὑγιαίνοντι τῶν ἐμαντοῦ κύριον εἶναι πωλοῦντα | ὑποτιθέμενον μετα-  
διατιθέ(μενον) [οἰκονομοῦντα τὰ ἐμαντοῦ ὥς ἐὰν αἰρώμαι,] ||<sup>10</sup> ἐὰν δὲ τελευτήσω,  
ἔστω μου κληρὸν[όμοι] τὰ τέκνα μου --- Μά[ρ]ωνα καὶ Φ[ι]λουμένην καὶ Σαρά-  
πιδ[α] --- γεγονότα ἐκ τῆς | συνούσης [μοι] γυναικὸς Ἀμμωνί[ας] ---[---].[---]  
].κοῦ..[---]

Copy of will. In the 19th year of the Emperors Caesars Marcus Aurelius Antoninus and Lucius Aurelius Commodus Augusti Armeniaci Medici Parthici Germanici Sarmatici Maximi, ... month ... in Ptolemais Euergetis of the Arsinoite nome, at the office of Papirius ... *agoranomos*. Maron son of Sarapion ... one of the former *agoranomoi* of the city of Arsinoe, from the quarter Dionysiou Topon, who is about 60 years old, without scars, being sane and in his right mind, has made this will. May I enjoy good health and master my own belongings, to sell and to mortgage them, to change this will and to use them as I choose. If I die, my children ... Maron and Philoumene and Sarapis born to me by my wife Ammonia ... shall be heirs ...

P. Strash. IV 284  
AD 176–180  
Ptolemais Euergetis

Greek  
Papyrus  
Copy\*

Text after P. Strash. IV

\* The will was copied together with another document, most probably an appointment of a *kyrios* for the testatrix.

[ἔτους --- καὶ δεκάτου Αὐτοκράτορος Καίσαρος Μάρκου Ἀβερghλίου Ἀντωνίνου καὶ Λουκίου Ἀβρηλίου Κομμόδου] Σεβαστῶν Ἀρ[με]νιακῶν Μηδικῶν Παρθικῶν Γερμανικῶν Σαρ[μ]ατικῶν μεγ[έ]στω[v] μηνὸς Ἀπελλαί[ου] Φαῶ[φι ἐν Πτολεμαΐδι | Εὐεργέτιδι τοῦ Ἀρουνοῦτον νομοῦ. ---] ἀπὸ κώμης Τ[επτ]ύνεως τῆς Πολέμωνος μερίδος, ὡς ἐτὼν ἐβδομήκοντα πέντε ο[ὗ] λή χειρὶ ἀριστερᾷ [μετὰ κυρίου οὐ ἐκούσιως | ῥηται διὰ Ἡρακλείδου ἱερέως ἐξηγητοῦ --- κατὰ τὸν ἐπιστάληντα ὑπὸ αὐτοῦ χρηματισμὸν ὅφ' ὃν ἐστιν καὶ τ[ὸ ἐπι]δοθ[έν] ὑπὸ αὐτῆς βιβλίδιον ὧν τὰ ἀντίγραφα ὑποτέ[τακ]ται Κρονίωνος Α[---| με]σιτεύουσιν παραχ[ωροῦσ]αν μ[ετ]αδιαθεμένην οἰκονομοῦσαν τὰ κατ' ἐμαυτήν ὡς ἀνήρω- [μ]αι ἐὰν δὲ τελευτ[ήσω ---||<sup>5</sup> ---] [θυγα]τέρα{v} μου Τααρμ[ι]ύσιν Πακήβ[κ]εως τοῦ Ἡρακλήου καὶ τὴν ταύτης θυγατέρα{v} Κρ[ο]νοῦν Ἡρακλήου τοῦ Ἡρακλήου ---|---] καὶ διατάσσω τῇ [αὐτῇ Τααρμ]ιύσιν πατρικὸν ἥμισυ μέρος οἰκίας καὶ αὐλῆς καὶ εἰσόδ[o]v [κ]αὶ ἐξόδου Πόννιτος [---|--- καὶ τῇ Κ]ρονοῦτι περὶ τὴν [προκειμ]ην κώμην Τεπτύνων κλήρου κατοικικοῦ ἀρούρας τ[έσ]σρες ὄγδοο>v ἐν δυσὶ σ[φραγίσ]ι ---|--- κ]λήρω Σωτηρίχ[ου τὸ τε]ρεκεεικοστὸν μέρος οἰκίας καὶ αἰθρίου καὶ αὐλῆς καὶ δούλην Θαλίαν καὶ [---|--- Σ]αραπιάδος κα[ὶ τῇ τοῦ Σα]ραπίωνος τοῦ καὶ Εὐαγγέλου θυγατρὶ Εὐ[δ]αιμονίδι δουρικὰ σώματα ἐλ[---||<sup>10</sup> ---] καὶ Ἀρσινόη κα[ὶ Εὐδαι]μονίδι κοινῶς ἐξ ἵσου ἀπὸ τῶν ὑπαρχόντων μοι περὶ τὴν αὐτὴν κώμην Τε[πτό]νων ---|--- κλήρου κ]ατοικικοῦ ἀρού[ρας πέντ]ε ἐν δυσὶ σφραγίσιν καὶ περὶ κώμην Κερκήσιν καὶ περὶ [ἐρ]ί .. δειδo[v] ἐποί[κιον ---|--- Εὐδαιμ]ονίδι κοινῶς ἐξ ἵσου τὰ ὑπ' ἐ[μ]οῦ [ἀπ]ολ[έ]θησ[ι] μένεα ἐπίπλασκέυη ἐνδομe[v]ίαν πάσαν κ[...].[...]. αμ.[...]ς γενῆ κα[---|---] πολλοῖς μοι εὐν[---] φιλοστ[...],.... πρὸς ἐμὲ ἐνδε>ειζάμενος ἐν τοῖς κατα[...]ονδ. vμων κ[---|---], ο ἀπὸ κώμης [---]ια.. γραφη[.] ἀσφάλian ἀργυρίου κεφαλαιὸν [δραχμ]άς [...]].[...].[...] καὶ του[---||<sup>15</sup> --- ἀ]πὸ δὲ Θερμουθαρί[ου ... ἀργ]υρίου κεφαλαιὸν [δ]ραχμάς πεντακοσίας καὶ τ[...],.... δραχμ]άς πεντακο[sίας ---|---] ἀρουρών τεσσάρων .....]. ω δίκως καὶ κοινῶς δι' ἑτ' αξ' α ὡς πρόκ[ε]ιται ὑπαρχόντων . ως [...]].[---|---] προκειμεν [...].,.... ἕκαστος ἔχειν τὴν ἐξουσία[v] ὧν δι.[...], ν μετὰ τὴν τελευταίην μο[v ---|---] τεσσαράκοντα α[..... κ]ληρονόμοι ὡς καὶ ποιήσονται τὴν τοῦ σ[ώ]ματός μου κηδian καὶ περιστ[ολήν ---|--- ἐστι δὲ τοῦ βιβ]λιδίου τὸ ἀντίγραφο[v] Ἡρακλείδης ἱερέως ἐξηγητῆς καὶ ἀρχιτροίτανι[s ....]ολιεμισ[...]. κ]εκρομη[τευκῶς ---||<sup>20</sup> --- ἐξ ονόματος Ἡρακλείας ἐπιστέλλεται ὑμῖν ὡ' εἰ μηδὲν ἀπλῶς ἐν]αντιοὔτε συνηρηματίστητε αὐτῇ διατιθεμένη μετὰ κυ[ρίου] ο[ὗ] ἐκου[sίως ῥηται δι' ἐμοῦ Κρ]ονίωνος ---|--- κεκο[σμη]τευκότος ἱερεὶ ἐξηγητῇ παρὰ μὲν Ἡρακλείας τῆς [...]].[...]. μ]ητρος Θεναπ[ύ]γχεως ---|--- ἐμποδίζομαι μὴ ἔχουσα τὸν ἐπιγραφησόμενον μου κύριον τῷ ἁπανδρόν με εἶναι καὶ μὴ περιεῖναί μοι πατέρα μήτε το[ὺ π]ατρ[ός] πα[τέρ]α μή[τ]ε ἐξin με ἀδελ[φόν ἢ υἱόν ---|--- ὅθεν αἰρουμένη διὰ σοῦ τὸν προδεδηλωμένον Κρονί]ωνα ἐπιδίδωμι καὶ ἀξιῶ ἐπισταλῆναι τοῖς τὰ ἀρχ[ε]ία π[ρα]γματευομ[έν]οις συνηρηματίζειν μ[οι διατιθεμένη ---]

7. τέσσαρας || 8. τετρακαίκοστόν | *corr. ex αι[τ]ριου* || 18. κ]ληρονομίως prev. ed.  
 || 19. ἀρχιπρύτανις || 20. ἐν]αντιοῦσθε

In the ... year of the Emperor Caesar Marcus Aurelius Antoninus and Lucius Aurelius Commodus Augusti Armeniaci Medici Parthici Germanici Sarmatici Maximi, in the month Apellaios Phaophi, in Ptolemais Euergetis of the Arsinoite nome. ... from the village Tebtynis of the division of Polemon, about seventy-five years old, with a scar on her left hand, with Kronion son of ... her *kyrios*, whom she has voluntarily chosen through Herakleides priest and *exegetes* ... according to the ordinance issued by him, appended to which is the petition presented by her, copies of which documents are added below ... (may it be mine) to pledge, and give, and to change this will, and to use (my things) as I choose. If I die, (I appoint as heirs) Taarmysis daughter of mine and Pakebkis son of Herakleos, and Kronous daughter of hers and Herakleos son of Herakleos; ... and I bequeath to this Taarmysis a paternal half-share of the house, and court, and entrance and exit belonging previously to Ponnis...; and (I bequeath) to Kronous four and one-eighth of aroura of the catoecic land near the aforementioned village Tebtynis in two parcels ... one twenty-fourth share of the house, and yard, and court in the *kleros* of Soterichos, and a slave Thalia ... (and I bequeath) to ... of Sarapias and to Eudaimonis, daughter of Sarapion also called Euangelos, slaves ... and (I bequeath) to ... and Arsinoe and Eudaimonis, jointly in equal shares, of the belonging to me near the same village Tebtynis ... five arourae of the catoecic land in two parcels and near the village Kerkesis and near ... the village ... (I bequeath) to ... Eudaimonis jointly in equal shares all equipment, and movables, and household goods left by me ...

What follows is too fragmentary to be translated; the text mentions sums of money, probably bequeathed to different persons, and contains funerary dispositions.

Lines 19–23 contain a copy of the petition to which a copy of will was appended, beginning with the following words: This is the copy of the petition, Herakleides priest and *exegetes* and *archiprytanis* ... has issued ...

*P. Col.* X 267  
 AD 180–192  
 Oxyrhynchos

Greek  
 Papyrus

Text after *P. Col.* X  
 Translation: G. F. FRANKO in *P. Col.* (below)

[ἔτους --- Αὐτοκράτορος Καίσαρος Μάρκου Αὐρηλίου Κομμόδου Σεβαστοῦ  
 Εὐσεβοῦς Ἀρμενίου] καὶ Μηδικοῦ Παρθικοῦ Σαρματικοῦ Γερμανικ[οῦ] | Μεγίστου  
 Βρεταννικοῦ (month and day) ἐν Ὀξυρύνχων πόλει τῆς Θηβαίδος, ἀγαθῇ τύχῃ.  
 τάδε διεθέμην νοῶν καὶ φρονῶν] Νιλίων Σαραπίωνος τοῦ Σαραπίωνος μητρ[ὸς] |  
 --- ἀπ' Ὀξυρύνχων πόλεως ἐν ἀγνιᾷ. ἐφ' ὃν μὲν περίεμι χρόνον ἔχειν με τὴν κατὰ  
 τῶν ιδίων ἐξουσίαν ὃ ἐὰν βούλ[ω]μαι ἐπιτελεῖν καὶ μεταδιατίθεσθαι κ[αὶ] | πρὸς  
 ἀκύρωσιν ἄγειν τήνδε τὴν διαθήκην ὃ δ' ἂν ἐπιτελέσω κύριον ὑπάρχειν. ἐὰν δὲ ἐπὶ  
 ταύτῃ τῇ διαθήκῃ τελευτήσω μηδέ]ν ἐπιτελέσας ἐλευθέραν ἀφίημι ὑπὸ [Δία ||<sup>5</sup>  
 Γῆν Ἥλιον --- κατ' εὐνοίαν καὶ φιλοστοργίαν --- τὴν δούλην --- καὶ τὰ ἐσόμενα  
 ἐξ αὐτ[ῆς] ἔκγονα, τῶν τῆς ἐλευθερώσεως [---|---] τὸν τε αὐτὸν υἱόν μου Σαρα-  
 πίω[να] ---|--- Παπίωνος ἐπικεκλημένον | [--- τ]ὰ ἐσόμενα αὐτῷ τέκνα τὸν με[-  
 ---|--- ἀρουρῶν] δυοστριακοστοῦ περιμ[έτρων] Τυχινάκ[ι] τῶος ---||<sup>10</sup> --- οἰκίας] καὶ  
 αἰθρίφ[υ] καὶ αὐλ[ῆς] καὶ χρηστ[η]ρίων ---|--- ἡμίς]ους μέρου[s] γῆς τῆς [π]ρο-  
 κειμένη[s] ---|--- ἐνδ[ο]μενείας [καὶ δ]φ[ε]ι]λημάτων ἐν[---] ἀδε]λφο[---] Ἀρσιη[σι  
 ---]. κυρι ---

In the ... year of the Emperor Caesar Marcus Aurelius Commodus Augustus Pius Armeniacus Medicus Parthicus Sarmaticus Germanicus Maximus Britannicus, on ... at the city of Oxyrhynchos in the Thebaid, for good fortune. Nilion son of Sarapion son of Sarapion, his mother being ... from the city of Oxyrhynchos, being sane and in his right mind, has made this will in the street. So long as I survive, I am to have power over my own belongings, to make any new provisions as I want, and to change this will and revoke it, so that the new provisions will remain valid. But if I die with this will and no further provisions made, I grant freedom, by Zeus, Gaia, Helios, to ... on account of goodwill and affection ... her future descendants, with those of the manumission ... my said son Sarapion ... of Papiion, also called ... his future children. The ... of arourae ... and one thirty-second near the village of Tychinakitoou ... of the house, yard, court, and fixtures ... of a half share of the land of the aforementioned ... of the household goods and what is owed ... brother Harsiesis ... valid ...

P. Oxy. III 495  
 AD 181–189  
 Oxyrhynchos

Greek  
 Papyrus

Text after papyri.info

[ἔτους ---] καὶ εἰκοστοῦ Αὐτοκράτορος Καίσαρος Μάρκου Αὐρηλίου Κομμόδου



long as I am alive, I am to have power over my belongings, to make new provisions as I want, and to cancel and revoke this will freely, so that any further provisions I make are to remain valid. But if I die with this will and no further provisions made, I appoint as my heir Epineikos, son born to me of ... from the same city, if he is alive; if not, his children, if he has such, and my other future children; if no other children are born to me ... everything ... which belongs to me, formerly of Hermias officially known as a son of Isi... in Antipera Pela, ... to the future ... offspring, and of all that I may leave, equipments and movables, and household goods, and debts ... to Apollonous, my sister, if she is alive; if not, to this my son Epineikos. (I bequeath) movables and household goods, and anything else which will be in the three ... and this my son Epineikos, in *exedra* and room in the upper part of the gateway, and in the entire ... of these I bequeathed to her (she is to) pay any debts which may be proved against me and to have full power to settle the accounts as she deems worthy ... manage all as ... the said son shall remain under her guardianship until he has completed twenty years ... and with what is left over she shall bring him up, (she shall treat) him with motherly affection, and she shall give him (the property) back when he has completed the above-stated age ...

The following lines (10–15) are too fragmentary to allow for translation.

I want Apollonous, my sister, to take care of the supervised ... And anything I shall write with my own hand after (writing down) the official copy of this will, whether cancelling something from these aforementioned (dispositions), or supplementing, or making bequests to other persons, or with any other purpose, it shall also be valid as if contained in the actual will. No one shall have any power at all to infringe these my provisions, (and the party who infringes it shall forfeit) to the party who abides by it three thousand drachmae, and to the Treasury the like sum, the above provisions remaining none the less valid. The will is valid.

*P. Hamb.* IV 278 = *P. Tebt.* II 465 descr.

AD 190  
Tebtynis

Greek  
Papyrus  
Copy\*

Text after *P. Hamb.* IV

\*The will was copied together with another document, most probably an appointment of a *kyrios* for the testatrix.

## Fragments A–C

ἀντίγραφον) διαθήκης. (ἔτους) λα Ἀπελλαίου Φαῶφι γ διὰ...[...].ος δι[α]||δε-  
 χόμενον τὰ γραφεῖα τῆς τε μητροπόλεως καὶ τῶν τριῶν μερίδων [το]ῦ | Ἀρ[σ]ι-  
 [νοῖτου νομοῦ.] τὰδε διέθετο νοῦσα καὶ φρον[ὸ]ῦσα Μεσσαλείνη | Κρονίωνος τοῦ  
 Κρονίωνος [μη]τρ[ὸς ---] ||<sup>5</sup> ἀναγρα(φομένη) ἐπ' ἀμφοδον Συριακῆς ὡς ἐτῶν  
 ἐξήκοντα [---] | μετὰ κυρίου οὐ ἐκουσίως ῥηται διὰ Ποσειδωνίου ἱερέ[ως  
 ἐξηγ(ητοῦ) | ---] traces [---] lines 7–15: only vague traces, no coherent text can be  
 read ||<sup>15</sup> ...ου ἀμφο. [---] | αἱ καὶ φιλοστοργίαν προσενεγκαμ[εν- ---] | πάντων  
 τῶν ὑπ' ἐμοῦ καταλειφθησομένων ὑπαρχόντων [ν μοι] | οἰκοπέδων καὶ δουλικῶν  
 σωματίων καὶ ἐπιπλόων σκευ[ῶν καὶ ἐν]||δομενείας καὶ γενῶν καὶ γενημάτων καὶ  
 ἐνοφείλ[ομένων] ||<sup>20</sup> ἡ καὶ ἐλευσομένων εἷς με καθ' ὀνήποτε τρόπον [τοῖς] προγε[-  
 γραμμένοις μου υἱοῖς Κρονίωνι καὶ Ἡρακλείδῃ βον[...]. θῆναι | εἰς τὸν ἐμὸν λόγον  
 ἐκατέρω ἀργυρίου δραχμᾶς ε. [---] | γνώμη τῶν κληρονόμων μου. ὅσα δὲ ἐὰν φανῶ  
 ὀφ[είλουσα] | δημόσια ἢ ἰδιωτικὰ χρέα ἀποδώσουσι οἱ αὐτοὶ κληρ[ονόμοι] ||<sup>25</sup> ἐξ  
 ἴσον. ἄλλω δὲ οὐδενὶ οὐδὲν καταλείπω. ἔστι δὲ το[ῦ] χρηματισ[μοῦ] τοῦ ἀντίγρα-  
 (φον) Ποσειδωνίου ἱερεὺς ἐξηγ(ητής) καὶ ἀρ[χιπρύτανις] | υἱὸς Χαριτείμου ἀγο-  
 ρανομήσαντος τοῖς τὰ ἀ[ρχαία] πραγμα[τε]υομένοις χαίρ<ε>ιν. βιβλιδίων [δοθ]έν-  
 των μοι [ἐξ ὀνόματος] | Μεσσαλείνης Κρονίωνος τὸ ἴσον [ὑ]μ[ε]ῖν ἐπιστέλλεται  
 [διὰ] ||<sup>30</sup> Ἀρποκρατίωνος ὑπη[ρέτου τῆς ἀρχῆς] ἢ εἰ μηδὲν ἀπλὸς ἐναντιοῦται |  
 συνηρηματίσητ[ε αὐτῇ ---] | Ἡρώνης ἐπὶ μόνου τοῦτου ...[---] | Ποσειδωνίῳ  
 ἱερεὶ ἐξηγ(ητῇ) παρὰ [Μεσσαλείνης Κρονίωνος ---] lines 34–47: only vague  
 traces, no coherent text can be read ||<sup>47</sup> α[---] | ο...[---] | Μεσσαλείν[---] ||<sup>50</sup>  
 ἀπογρ(α-) ...[---] | δουλικά σώμ[ατα ---] | (ἐτῶν (?)) λδ καὶ Διοσκ[ο] [---] | καὶ  
 Σαραπίων ..[---] | (ἐτῶν (?)) κθ .[---]

Copy of will. In the 31st year, 3 Apellaios Phaophi, ... (issued) by ... representing the record-office of the metropolis and three divisions of the Arsinoite nome. Messaleine daughter of Kronion son of Kronion, her mother being ..., registered in the Syrian quarter, about sixty years old, with her *kyrios* whom she has voluntarily chosen through Poseidonios, priest and *exegetes*, being sane and in her right mind, has made this will.

The following lines (7–15) are illegible, but we can assume that they contained the revocation clause and the beginning of testamentary dispositions.

... of all my belongings I am leaving, estates, and slaves, and equipments, movables and household goods, and other goods, and effects and debts owed to me, and anything which will come to me in any way whatsoever (I bequeath) to my above-written sons Kronion and Herakleides ... to each ... drachmae of silver on my account ... of the intention of my heirs. These my heirs will pay in equal

shares any public or private debt which may be proved against me. I bequeath nothing to anyone else. This is the copy of the document. Poseidonios, priest and *exegetes* and *archiprytanis*, son of Chariteimos *ex-agoranomos*, to those in charge of the archives, greetings. A copy of the petition presented to me in the name of Messaleine daughter of Kronion is sent to you through Harpokration, assistant to the office, in order that if there is no obstacle of any kind you may act with her ... of Heron for only ... to Poseidonios, priest and *exegetes*, from Messaleine daughter of Kronion ...

The following fragments are too fragmentary to be translated; some names can be distinguished.

*P. Lund.* VI 6  
AD 190–191  
Tebtynis

Greek  
Papyrus  
Copy

Text after *P. Lund.* VI

ἀντίγραφον [διαθήκης] (ἔτους) λα Αὐτ[οκρατορ ---]..[--- ἀγορα]|νόμου. τάτε  
διέθετο ν[οοῦσ]α καὶ φρονούσα Ἰαδ[---] | τοῦ Θέωνος ἀπὸ τῆς αὐτῆς κώμης ....  
---]....[--- εἰς δὲ ἐπὶ ταύτῃ τελευτῇ]|σῶ, καταλείπω κληρονόμους τὰς γεγο-  
νη<ί>α[s μου ---]....[---]||<sup>5</sup>κως ὑπ' ἐμοῦ διατασσομένων ἐκάστη τῇ ἀ[δελφῇ ---]  
...τη[--- πα]|τρικὴν οἰκίαν καὶ τόπον Κούριον λεγόμενον[ν ---].....[---] | κατὰ  
τὴν κειμένην μοι τοῦ γάμου συγγραφ[ήν ---]. ἐνὴν καὶ παρα[χώρησιν --- κώ]|μην  
Θεογενίδαν κλήρον κατοικικοῦ ἀ[ρουρῶν --- κ]αὶ ἐν Τεπτύν[ει ---] | ταῖς δυσὶ  
Διδυμητ. καὶ Θεναπύγχι καὶ Ζ. [---]. α ἀ[λλ'] εἰς [--- θυγατέ]||<sup>10</sup>ρες μου ποιή-  
σονται τὴν τοῦ σώματος μου [κηδεία]ν καὶ περιστολ[ήν ---] | μετὰ κυρίου τοῦ  
ἀνδρὸς Διοσκόρου Γο[---]...τη τοῦ ..[---] | καὶ νῦν τὰ προκείμενα οἰκόπεδα καὶ  
τὴν [---]τὴν Καλλιόπῃ[ν ---] | καὶ ἐπὶ τοῖς αὐτοῖς οἷς καὶ ἐξ ἀναγνώσεως τ [---]  
ν καθὼς πρό[κειται] | μαρτυρῶ καὶ σφρα[γιδί] γλύμματα Ἰσιδος, Δίδυμος ἀπά-  
τωρ μ[ητρὸς --- σφρα-]||<sup>15</sup>γιδί γλύμματα Ἀπόλλ[ωνος] Κρονίων Μάρωνος τοῦ  
Κρονίωνος μ[ητρὸς ---] | ε... ἔγραψα [ὑπέ]ρ τῆς γυναικ[ός] μου ἀ[γρα]μμάτου  
Πασι[---] | [Διδ]ύμος ἀπ[άτωρ] μητρὸς Θα. traces .. traces .. traces εἰς ... ---  
] | [---]. ου ἀπ[ὸ κ]ώμης Τεπτύνεω[s ---]...[---] | [---]. ιας ἀπὸ κώμης Τεπ-  
[τύνεωσ ---] ||<sup>20</sup> [---]. ων καὶ ἐγνώρισα τῇ[ν ἰδί]α[ν μου σφρα]γιδία. [---]---] .  
traces ι... εἰς ... traces ..[---]---]..[---]---]..[---]

2. τάδε || 8. Θεογονίδαν

Copy of will. In the 31st year of the Emperor ... at the office of ... *agoranomos*. ... Iad... daughter of Theon, from the same village, being sane and in her right mind, has made this will ... If I die with this will, I appoint as my heirs my daughters ... bequeathed by me to each of my sisters ... and a house inherited from my father, and a place called Kourios ... in accordance with my marital contract ... and giving up ... near the village Theogonis arourae of the catoecic land ... and in Tebty-nis ... these two Didymet... and Thenapynchis ... my daughters should take care of my funeral and laying out of my body ... with Dioskoros son of Go... a *kyrios* and husband ... and now the already-mentioned building-place and ... Kalliope ... and to the same who ... from reading out ... as above. I, ... witness and seal with a seal representing Isis; I, Didymos the fatherless, my mother being ... seal with a seal representing Apollo; I, Kronion son of Maron son of Kronion, my mother being ... have written for my wife who is illiterate ... I, Didymos the fatherless, my mother being ... from the village of Tebtynis ... from the village of Tebtynis ... and recognised my own seal ...

*P. Lips.* II 149

AD 199

Oxyrhynchos

Greek  
Papyrus

Text after *P. Lips.* II

Translation: German: Ruth DUTTENHÖFER in *P. Lips.* II

ἐτους ἑβδόμου Αὐτοκρατόρων Καί[σά]ρων Λουκίου Σεπτιμίου[ν Σεουήρου Εὐσε-  
βοῦς Περτίνακος Αραβικοῦ Ἀδιαβηνικοῦ Παρθικοῦ Μεγίστου καί] | Μάρκου Αὐ-  
ρηλίου Ἀντωνίνου Σεβαστῶν Παύλι κη [ἐ]ν Ὁξυρύγχων πόλει τῆς Θηβαίδος,  
ἀγαθῇ τύχῃ. | τάδε διέθετο νοοῦσα καὶ φρονοῦσα Α...[.....] ἀπελευθέρῃ Τααμοίτος  
[--- μετὰ κυρίου ---] | μητρὸς Σαραεύτος ἀπὸ τῆς αὐτῆς πόλεως, ὄνπε[ρ] ἡρῆται  
καὶ συνε[---] ||<sup>5</sup> διὰ Διονυσίου διαδόχου ἀκολουθῶς ὃ ἐπέδωκε [αὐτ]ῷ βιβλίδιον ο[---  
--- τοῖς τοῦ α]γορανομείου ἐπιτηρηταῖς ἐν ἀγνῷ: ||[δι] ἐφ' ὃν μὲν περίε[ιμι] χρόνον  
ἔχειν μετ' ἡν τῶν ἰδίων ἐξουσίαν ὃ ἐὰν βούλωμαι ἐπιτελεῖν καὶ μεταδιατίθεσθαι καὶ  
ἀκυροῦν | τήνδε τὴν διαθήκην, ὃ δ' [ἀν] ἐπιτελέ[σω] κῦ[ρ]ιον ὑπάρχειν. ἐ[ὰν δ' ἐπὶ  
τῇδε τῇ διαθήκῃ τελευτήσω κληρονόμους ἀπολείπω] | τὸν τε υἱόν μου Ἄγαθον τὸν  
καὶ Ἀγαθεῖ[...]. |ν Θέω[νος] τοῦ καὶ Διογένους [καὶ ---] | ἀμφοτέρους ἀπὸ τῆς αὐτῆς  
πόλεως[ς], ἐκᾶτερον [δὲ] αὐ[τ]ῶν ἐὰν ζῇ, εἰ [δὲ μὴ --- τῆς ὑπαρχού]||<sup>10</sup> σης μοι ἐπ'  
ἀνφόδου Μη[τρώου] οἰκ[ί]α[ς] διπυργ[ί]ας κα[ὶ] αἰθρ[ί]ον υἱό[ν] ἢν [κατάγειον ---] |  
τὸν τοῦ τῆς αὐτῆς οἰ[κί]α[ς] κατ[ὰ] ..ου[...]. |την[---]. οἰκίτην ευπορ[---] | τῆς αὐτῆς οἰ-  
κίας καὶ ἀπὸ τῶν ὑπαρχ[όντων] μο[ι] πε[ρὶ] κώμην Πα[---] | τοῦ[ς] ἀμφοτέρους δὲ

κοι[ν]ῶς ἐξ ἑ[α]υ[τοῦ] τοῦ .. αρ...[---]! αὐτῆς καὶ τῶν [--- καὶ] | τῶν ἄλλων ὑπ' ἐμοῦ ἀπολειφθ[η]σομ[ε]νων [καθ' ὄνδ]η[σ]οτοῦν τρόπ[ον] παντοίων πάντων ---] ||<sup>15</sup> βούλομαι ὑπὸ τῶν προδηλουμένων μου κλ[ηρονό]μων κοινῶς κ[αὶ] [---] | ἀπὸ τῆς αὐτῆς πόλεως ἐὰν ἀνθρώπινόν τι [πάθ]η, ἐπακολουθησα[---] | μοις μου π[ε]ρί οὐδενὸς ἀπλῶς τῷ κα[θόλ]ου [παρευρέσ]ει οὐδεμιᾷ δ[ι] [---] | με περιγράφ[ει]ν, παρὰ δὲ ταῦτα μη[δ]ε[ν] ἐξ ὅ[ν]τος παραβαίνειν, τ[ὸν] δὲ παραβησόμενον ἐκτίνειν τῷ ἐμμένοντι τό τε βλάβος καὶ ---] | εἰς [ἐπ]ί[τ]ιμου λόγον ἀ[ργυ]ρίου δραχμ[ᾶς] δισ-  
χ[ί]λ[ι]ας καὶ ||<sup>20</sup> εἰς τὸ δ[ι]ημόσιον τὰς ἴσας ---[---]....[---]

8. Θέω[νος] || 10. ἀμφόδο

In the seventh year of the the Emperors Caesars Lucius Septimius Severus Pius Pertinax Arabicus Adiabenicus Parthicus Maximus and Marcus Aurelius Antoninus, Augusti, 28 Pauni, at the city of Oxyrhynchos in the Thebaid, for good fortune. A... freedwoman of Taamois ... with her *kyrios* ... his mother being Saraeus, from the same city, whom she chose ... through Dionysios, *diadochos*, consistent with the petition which she gave to him ... to the officials of *agoranomeion*, being sane and in her right mind, has made this will in the street. As long as I survive, I am to have power over my own belongings, to make new provisions as I want, and to change this will and revoke it, so that the new provisions will remain valid. If I die with this will, I appoint as heirs my son Agathos also called Agatheï... son of Theon also called Diogenes, and ... both from the same city, each of them, if he is alive, if not ... to the house with two towers and with cellar and the court belonging to me in the quarter Metroos .... of this house ... to this house and to my belongings near the village Pa... both of them jointly in equal shares ... and to everything else which will be left by me in any way whatever ... I want my aforesaid heirs jointly (to) ... from the same city, if anything happens to him ... regarding anything absolutely under no pretext at all ... defraud me ... No one is allowed to do anything opposed to these provisions, and who does so shall forfeit to the party abiding by it the damages and a fine of the sum of two thousand drachmae of silver, and to the Treasury an equal sum ...

SB XVI 1233I = PRIEST, *BASP* 18.3-4

(1981), pp. 133-140

Second-third century AD

Oxyrhynchos

Greek  
Papyrus

Text after SB XVI

Translation: Nancy E. PRIEST in *BASP* 18.3-4 (1981)

πρόκ<ε>ι[ται ---] | (ἀρούρας) β. τοῖς δ[έ]..[---]..... καταλείπω ὅσα ἐὰν [ἀπολεί-  
 πω καὶ ἃ ὥς] | πρόκ<ε>ιται κατέλ<ε>ιπον αὐτοῖς οἰκοπέδοις σκεύη καὶ ἔπι[πλα  
 καὶ ἐνδομενίαν] | καὶ τὰ ἄλλα πάντα καθ' ὀνδηποτοῦν τρόπον. ἃ δὲ ἄλλα ἀπολείπω  
 ἀδιά[τακτα ὑπάρχοντα καὶ ἄλλα πάντα καθ' ὀνδηποτοῦν τρόπον [[αδι]] 'ὁμοίω[ς]'  
 ||<sup>5</sup> ἀδιάτακτα εἶναι βούλομαι τῆς μὲν θυγατρὸς μου Τσενσαραπίωνος κ[ατὰ] | τὸ  
 ἡμισυ μέρος, τῶν δὲ περὶ τὸν Ἑρμίαν ἐξ ἴσου κατὰ τὸ ἕτερον ἡμισυ{ο}υ μέρος | ἐπὶ  
 δὲ ἐκάστου ἐὰν περιῇ, εἰ δὲ μὴ, τῶν τέκνων αὐτοῦ. ὃ δὲ ἄλλο εἶχον | περὶ Τῆιν ἐκ  
 τοῦ Καλλικράτους κλήρου ἀμπελικὸν κτῆμα φθάνω καταγράψ[αι]

... as above ... 2 arourae. And to ... I bequeath all the furnishings, and equipment, and household goods, and all other belongings of any sort whatsoever which I may leave and which, as stated above, I bequeathed (in my previous will?), including the building sites. And the other belongings which I leave without disposition and all other possessions of any sort whatsoever similarly without disposition, I desire to belong, on one hand, to my daughter Tsensarapion in regard to one half-share, and, on the other hand, in regard to the other half-share, to those around Hermias, equally, for each, if he survives, but if he does not, for his children. But the other property which I owned near Teis, (namely) a vineyard in the allotment of Kallikrates, I have previously signed over ...

### 3. ROMAN WILLS

*CbLA* IX 399

AD 91

Location unknown

Latin & Greek

Papyrus

Copy

Text after *CbLA* IX

Translations: G. M. PARÁSSOGLU, 'Three Latin papyri', *CdÉ* 48 (1973), pp. 318–323 (below); Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 2

[Si quid ego post hoc testamentum nuncupatum codicillis charta] | mem[brana  
 aliove quo genere scriptum signatumque reliquero,] | per · qu[od non recto testa-  
 menti iure legumve dari quid aut fieri] | iusse[ro, aut si quid vel vivus dedi donavi  
 dederō donavero, vel] ||<sup>5</sup> liberu[m liberamve esse vetuero aut servum servamve,  
 ratum esto ....] | cere · su[---] | Huic · testamen[to dolus malus abesto.] | Familiam ·

pecu[niamque testam(enti) f(aciendi) c(ausa) e(mit) --- (sestertio) n(ummo) I,] |  
 [Li]bripende · Ti( ) · [---] | Ante<te>status est · [---] ||<sup>10</sup> Testamentum f[actum est -  
 --] | M(arco) [·] Acilio · Glabr[ione M(arco) Ulpio Traiano co(n)s(ulibus)] | anno XI  
 Imp(eratoris) · Cae[saris Domitiani Aug(usti) Germanici ---] | (hand 2)\* Τιβέριος ·  
 Κλα[ύδιος ---] ||<sup>15</sup> θ ..... γοντ[---] | (hand 3) Τι... Σιλο[ύει[os ---]] | (hand 4) M(arcus) ·  
 [C]aunius · [---] | (hand 5) Ti(berius) · Claud[ius ---] | (hand 6) C(aius) · Iuli[us ---]

If, after this my witnessed will, I shall have left anything written and sealed as codicils on papyrus, parchment, or any other medium, through which, not by the correct rule of will-making or of laws, I shall have ordered anything to be given or done; or if I, while alive, have given or presented or shall have given or presented anything, or shall have forbidden that a male or a female slave become a freedman or a freedwoman, it shall be valid ... May evil guile be absent from this will. On the making of this will ... purchased the household and chattels for one sestertius, Ti... being the scale-holder, summoned as the first witness.\*\* The will was made ... in the consulate of Marcus Acilius Glabrio and Marcus Ulpius Traianus, in the 11th year of the Emperor Caesar Domitianus Augustus Germanicus ... Tiberius Claudius ... Ti... Silvius ... Marcus Caunius ... Tiberius Claudius ... Caius Iulius ...

*P. Hamb. I 73* = *SB III* 6273  
 Second century AD  
 Philadelphia

Greek  
 Papyrus  
 Copy

Text after *P. Hamb. I*

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 13

ἐν τῇ βιβλιοθήκῃ [---] | χρῆσιν καρπῖαν ἀ[γροῦ ---] | ὡναί' τὸν προ[γεγραμμένον -  
 --] | τῆς τελευτῆς [---] ||<sup>5</sup> τὴν ἀ[ντ]ήν. [---] | παρέχεσθαι [---] | μου θέλω τῶ [---] |  
 παρέχεσθαι καὶ [---] τῶ δέινι καταλείπω δοθῆναι τε βούλομαι κατ' ἑαυτὸν [---] | κόντα  
 ἐφ' ὅνπερ [ζητεῖται χρόνον. εἰ δέ τι ἐγὼ μετὰ ταῦτα γεγραμμένον καταλείπω τῇ] ||<sup>10</sup>

\* The text's editor claimed that the signatures were written in different hands. This would be hardly understandable in a copy; thus, we should interpret this text as either an original or an official copy containing signatures of those witnesses who came to recognise the will. Both interpretations are rather unlikely, since there are no parallels in the source material.

\*\* The meaning of the expression *antetestatus est* is controversial. For interpretations, see Chapter 1, p. 28. I have decided to accept that the subject of the sentence is *familiae emptor* and that he is the one who summons witnesses, of whom the first is given in the accusative as the object to *antetestatus est*, unless the syntax of the sentence implies another understanding.

ἐμῇ χ<ε>ριὶ γράφ[μενον οἷω δῆποτε τρόπῳ, βέβαιόν μοι εἶναι θέλω ἀκολουθῶς  
ταύτη μου τῇ] | βουλήσει. Κορνηλία [---] | τὸ πρᾶγμα, μὴ ἐλαττο[υμένης αὐτῆς  
περὶ ὧν ἄλλων ὀφείλεται. ταύτη τῇ διαθήκῃ δόλος πονηρὸς ἀπέσ]τω. οἰκετικὰ  
χρήματα τ[αύτης τῆς διαθήκης γενομένης ἐπρίατο ---] | [σ]ηστερτίων νούμμ[ου  
ένός, ζυγοστατοῦντος τοῦ δέινος, ἀντεμαρτυρήθη\* ---] ||<sup>15</sup> Ἀπρώνιος Νίγερ ὁ  
καλ[οῦμενος --- ἡ διαθήκη ἐγένετο ἐν ..... πόλει πρὸς ..] | καλανδῶν Ἰουνίων [---  
ὑπάτοις, ἔτους --- Καίσαρος] | τοῦ κυρίου μηνὶ Παχ[ῶν .. οἱ λοιποὶ σφραγισταί -  
--- ἐσφρά]γισα (?), Γάιος Λικίνιος [---] | Λούκιος Ἐγνάτι[ο]ς Λό[γγος --- (Ἡ δια-  
θήκη) ἡνοίχθη καὶ ἀνεγνώσθη ἐν τῷ ἐπὶ --- πόλεως Καί]||<sup>20</sup>σαρείῳ θεῶν  
Σεβα[στών ἐπὶ παρόντων τοῦ δέινος στρατηγοῦ τοῦ νομοῦ καί] | πλεῖονος μέρους  
σφρ[αγιστῶν, --- ὑπάτοις, ἔτους ..] | Αὐτοκράτορος Καίσαρο[s ---]

#### 14. σηστερτίου

Lines 1–8 are too fragmentary to be translated. They probably contain a disposition granting someone the right to use land for lifetime, together with an annuity for life.

Ll. 9–22: If, after composing this will, I leave anything written with my hand in whatever way, I want it to be valid according to my wish. For Cornelia ... the thing, so that she shall not suffer any loss of those other which are owed to her. May evil guile be absent from this will. On the making of this will ... bought the household and chattels for one sestertius ... being the scale-holder, Apronius Niger was summoned as the first witness ... The will was made ... at the city of ... day before the calends of June ... in the consulate ... year of ... Caesar, the lord, on the ... day of the month of Pachon ... The other sealers ... I have sealed; Caius Licinius ...; Lucius Egnatius Longos ... The will was opened and read ... in the *kaisareion* of *divi Augusti* in the presence of the *strategos* of the nome and as many sealers as possible ... in the consulate ... year ... of the Emperor Caesar ...

*P. Select.* 14

Second century AD  
Arsinoite nome

Greek  
Papyrus  
Greek copy

Greek text after *P. Select.* 14

Translation: German: H. W. VAN SOEST in *P. Select.*; Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 7

\* The reconstruction is not necessarily right, as the form ἀντεμαρτυρήθη does not have many analogies in the papyri. It should be reconstructed as ἀντεμαρτύρατο.

[--- Ἑρμην]εῖα διαθήκης | [---] γ Γάιος Ἰούλιος Διογένης οὐ[ε]ραὶ | [διαθήκην ἐποίησεν. ἐλεύθεραι ἔστωσαν αἱ δοῦλαι μο]υ Ἰουλία Ἀπολλωνάριον μ[ειζο]τέρα ἔ[τ]ων | [τριάκοντα καὶ --- μειζότερα ἔτων τριάκοντ]α καὶ κληρονόμοι μου ἔστωσαν ||<sup>5</sup> [ἔξ ἴσου μέρους. προσερχέσθωσαν δὲ τῇ κληρονομίᾳ μου ὅταν] δυνηθῶσι μαρτυρασθαι ἑαυτὰς | [ἐμοῦ κληρονόμους εἶναι ἐκάστην ἔξ ἴσου μέρους ἄποντος δό]λου πονηροῦ ἐν νομῷ Ἀρσινό[ι]τῃ ---] τ[ε]---]τολεμας κατὰ διαθήκην | [καὶ τῷ δεῖνι --- δίδωμι καταλείπω] ἀρούρας ἔξ ἀπὸ ἀνέμου ἀπηλιώτου | [κειμένας --- ἀπηλι]ώτου καλαμίας ἀρούρης τέταρτον δ' καὶ ||<sup>10</sup> [--- ἄλλα]ς ἀρούρας σιτικὰς ἔξ καὶ ἃ δέδωκα | [πάντα ---] ἡ δούλην [μ]ον [Εὐ]τέρπην Ἰουλίᾳ Ἀπολλ[ωνάριον ---] γ[υ]τ[...]. καὶ μ[ε]τ[...]. τ[...]. τελευτήν μου δίδω[μι] ---] μενη δούλη μου ὀνόματι Σύραν σ[υ]λ[...]. ἡ προγεγραμμένη ἐπ' ἀγαθοῖς Ἰουλίᾳ ||<sup>15</sup> [Ἰσαροῦτι τῇ σπουρίᾳ μου θυγατρὶ ἐκ τ]ῆς ἀπελευθέρως μου Ἰουλίᾳ Πριμίλλᾳ | [καταλείπω ---]. ἀρούρας σιτικὰς δέκα καὶ περὶ κώμην Φιλαδέ[λ]φειαν τοῦ αὐτοῦ νομοῦ προσέτι ἀρούρας φοινικῶνος δύο ἀπὸ ἀνέμου ἀπηλιώτου κει[μέν]ας ---].. παραδώσουσι αὐτοῖς .. κληρονομο[...]. μου | [ἀνυπερθέτως ---]..[...]. α. μ. καὶ τρίτον μέρος[ς] πύργου[ν] μου ἀπὸ ἀνέ||<sup>20</sup> μου --- κειμένων καὶ μέρους ο]κίας πατρικῆς μου. εἰάν δέ τι φανῶ ὀφείλων ἐν[...]. λόγῳ καὶ ὑποθήκης δικαίῳ] ἐκ τῶν ὑπαρχόντων Ἰουλίᾳ Ἰσαροῦτος καὶ Ἰουλίῳ | [Διογένης ---]... α ἀποδοθῆναι θέλω καὶ ἐστίν. ἄλλοις | [---] μου κ[αὶ] δ[ι]οφανοῖ ἀποδοτῶσαν. εἰάν δέ τι ἀνθρώπινον | [πάθῃ ὁ προγεγραμμένος ---]...[...]. μ]ῇ τέκνα γεννήσας τὸ μέρος αὐτοῦ ἐπὶ τὸν ||<sup>25</sup> [δεῖνα καταντάν θέλω, τέκνα δὲ λιπὼν] ἐπ' [αὐ]τούς. θέλω τ[ε] Ἰουλίαν Ἰσαροῦν καὶ Ἰουλίαν Διογένην | [τρέφειν καὶ ἱματίζειν διὰ βίου τὴν μ]ῇτ[ε]ρ[...]. α]ν αὐτῶν Ἰουλίαν Πριμίλλαν ἀπελευθέραν | [μου. ἐμμαντὸν ἐκκομισθῆναι τε καὶ πε]ρισταλῆναι θέλω θελήσει τῶν θυ[γ]ατέρων μου | [καὶ θέλω τοὺς κληρονόμους μου πρὸς τὴν ἐπιμέλειαν τοῦ σώματός μου μὴ ἔλατ<τ>οκ<ν> ὁκ|τακοσίῳν δραχμῶν δαπανᾶν. ταύτῃ τῇ] διαθήκῃ δόλος πονηρὸς ἀπέστω. οἰκετεῖαν ||<sup>30</sup> [χρήματά τε τῆς διαθήκης γενομένης] ἐπρίατο Γά[ι]ος Νουμίσσιος Κρίσπος οὐετρανὸς | [σηστερτίου νούμμου ἐνός.]

Translation of will. ... Caius Iulius Diogenes, veteran, has made a will. My slaves – Iulia Apollonarian, about thirty years old, and ... about thirty years old – shall be free and be my heirs in equal parts. They shall enter upon my inheritance when they are able to testify that each is my heir in equal parts, with no evil guile, in the Arsinoite nome ... according to the will ... I give and bequeath six arourae situated on the west side ... and one-fourth of aroura of reed-land situated on the west side, and ... other six arourae of wheat-land, and all I have given ... Iulia Apollonarian ... my slave Euterpe ... and I give after my death ... my slave called Syra with ... I bequeath to the previously appointed for good Iulia Isarous, my illegitimate daughter born of Iulia Primilla, my freedwoman, ... ten arourae of wheat-land and two arourae of palm-grove near the village of Philadelphia of the same nome situated on the west side ... (they) shall immediately give to my heirs (?) ... and the third

part of my tower situated on the west side ... and a part of a house inherited from my father. If I happen to have any debts as a pledge and with the force of a mortgage, I want them to be paid back from the property of Iulia Isarous and Iulius Diogenes ... and the orphans shall give ... If the aforewritten ... dies childless, I want his part to fall to ... if he, however, produces children, I want his part to fall to them. I want Iulia Isarous and Iulius Diogenes to feed and dress Iulia Primilla, their mother and my freedwoman, for her lifetime. I entrust the laying out and burial of my body to the care of my daughters and I want my heirs to spend not less than eight hundred drachmae for the expenses related to my body. May evil guile be absent from this will. On the making of this will, Caius Numissius Crispus, veteran, has bought the household and chattels for one sestertius.

*P. Oxy.* LII 3692  
Second century AD  
Oxyrhynchos

Latin  
Papyrus  
Copy

Text after *P. Oxy.* LII

Translations: Helen M. COCKLE in *P. Oxy.* LII (below); Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 16

C. Iul[i]us Diogenes [---] *vac.* [---] *testam[entum] fecit.* | C. Iulius Romanus et C. Iulius Diogene[s] et C. Iulius | Ptolemaeus filii me[i] et Claudia Tech[o]sis [--- is] | *sima fem[i]na mater* | *ber[o]rum meoru[m] ex asse\* omnium* ||<sup>5</sup> *bonorum meorum aequis partibus mi[hi] heredes sunto.* | *ceteri omnes exheredes sunto.* *cernitoq[ue] hereditatem* | *meam unusquisque eorum pro sua parte simul acciet* | *poter[i]tque testari se mihi heredes[se] esse.* --- | *qui ex eis mihi heredesve non erin[t] testati, non* ||<sup>10</sup> *mihi heredesve erint.* *hae[---] | partibusve mihi heredesve erint --- | q() mihi heredesve erint ---* ---

C. Iulius Diogenes ... has made this will. C. Iulius Romanus, and C. Iulius Diogenes, and C. Iulius Ptolemaeus, my sons, and Claudia Techosis, (my wife?), most ... lady, mother of my children, shall be my lawful heirs to all my property in equal shares. All others shall be disinherited. Each of them shall accept his part of my inheritance at once he is able to testify that he is my heir. Whoever of them has not testified that they are my heir or heirs shall not be my heir or heirs ...

\* *Heres ex asse* signifies an heir appointed to the entire property. However, in papyri it appears also in wills where more than one heir was appointed; therefore, I assume that it served to express that the heirs were to inherit the entire estate. I translate it as 'lawful heir'.

*ChLA* X 427

Second century AD

Location unknown

Latin

Papyrus

Copy

Text after *ChLA* XTranslation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 17

--- [---] | C(aius) [· H]ostilius Clemens [---] | C(aius) · Hostili[s]us · Clemens  
 fil[ius (?) ---]tilia Gaia · liberi · mei na[turales (?) ---] ||<sup>5</sup> heredes sunt · c(eteri) ·  
 o(mnes) · ex · her[edes sunt ---]tove · quisque · pro sua · por[tiōne ---]es ubi  
 poter..... testar[i ---]s ---s.s[.]t.eri.[---] |--- q. qui.....m...[---] ||<sup>10</sup> proxi  
 .. om<n>es ..[.]...d....b.[---] | h[ere]ditas mea ....i.ii fil[---] | ..a..e |--- qar-  
 --[---] |---[---]

The text is too fragmentary to be translated. The first five lines contain *heredis institutio*, where natural children of the testator (Caius Hostilius Clemens and ... tilia Gaia) were appointed as heirs. Moreover, those children were probably described as ‘liberi mei na[turales]’, which suggests that they were extramarital children of the testator. The following, very poorly preserved lines contain *exheredatio* and *cretio* clause.

*ChLA* X 412 = *CPL* 220

AD 130

Ptolemais Euergetis

Latin &amp; Greek

Papyrus

Copy

Text after *ChLA* IXTranslation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 3

Column I

[---].... Magdola .. iugera fr[....]--- septesemi statio m[---] --- gaumu ..a [---]ua  
 calami a scrin[---] --- iugera cc a[.]b.s m[---]rum matrimonium | [---]...[---]---  
 - icoe[---] partuculam quae st ||<sup>5</sup> [---]....[---]--- eter[---]![.]eius · aut domuculas  
 | [---] --- [---]no[.....]naeum a me per hoc testamentum | [---]...[---] filiabus  
 meis quattuor · dl aequis parti[---]--- Diodora et Longinia · quae sunt | [---]---  
 clam et sarcinas et vestem et quae habe||<sup>10</sup> [fil]iabus meis et vit...s et unota omnia  
 · ut ea Diodora · | [---]---[.....]....cc( ) · qu[o]d volo efferri et sepeliri more | [---]  
 ]---[.....]....g. quas volo Diodoram et Longiniam | [---]--- [Diodoram] et Longi-  
 niam aneglogistas esse [d]e rebus | [---]---[---] . mei procuratorem ||<sup>15</sup> [---]---

[.....] pupill[o]rum Heraidos et [..]. amyfaos | [---]---[---] ..... s he .... tuas sibi auferas | [---]---[---] etsi fuerint suae tutelae tu[t]i sin[t] | [---]---[.....]. tione sublata Iuliano quidem is · | [---]---[Diodora] et Longinia · post · centum dies · ||<sup>20</sup> [---]---[.....]. icas · erepta · sunt ..... pupillae | [---]---[---]... meis DM · non en terra [v]el in mare | [---]---[---] contra hoc testamentum facere [q]uod si quis | [---]---[---]ibus suis · singulis dr(achmas) · mille Thaisan | [---]m[---]... [---] quae mihi molesta sit · quam · propter · ||<sup>25</sup> [--- volo] et iubeo eam non pervenire corpori meo | [---] neque habere nullum negotium cum · filias | [---]itus actio erit una · ex · filiabus meis antequam | [---] quam su[.....]e fuerit iubeo omnem · | [---]venire [.....] d(olus) · m(alus) · ab(esto) · ||<sup>30</sup> f(amiliam) · p(ecuniam)q(ue) t(estamenti) · f(aciendi) · c(ausa) · e(mit) f(iduciarius) M(arcus) Lucretius

### Column II

Clemens (sestertio) n(ummo) (uno) lib(ripende) · M(arco) · Longino Longo | [....] · ante[s]t(atus) · C(aium) · Longinum Priscum | [.....] f(actus) · Arsinoite vico Car[anid]e | X · k(alendas) · April(es) · Ser(vio) · Octavio Lae[n]a P[o]nti||<sup>5</sup>ano M(arco) Antonio Rufino co(n)s(ulibus) anno XV Imp(eratoris) | Caesaris Traian[i] Hadriani Aug(usti) | mense Ellenio Phamenot die XXVII | Μάρκος Σεμπρώνιος Πρεῖσκος | ἀντεβαλόμ[ην τ]ῇν διαθήκην καὶ ||<sup>10</sup> ἐπανεγνώσθη μοι καθὼς πρόκει-ται. ape[r]t(um) et recitat(um) / in Caesario | ... reo ante statione(m) · XX · he-(reditatium) | [in Arsino[e]] ..... vi[.] [e]isdem co(n)s(ulibus) anno XVI Imp(eratoris) | Caesaris Tra[ia]ni Hadriani Aug(usti) ||<sup>15</sup> me[ns]e C[h]oia die XXX [pa].|.....ig [C(aius)] Iulius Sat..... vet(eranus) adg(novi) | C(aius) Valerius [.]..... vet(eranus) adg(novi) | C(aius) · Iulius S[a]tu[r]ninus vet(eranus) adg(novi) | C(aius) · Domitius Clemens vet(eranus) adg(novi)

Col. II, 16. *ChLA* 48, p. 70: rog(atus) prev. ed. || Col. II, 17. *ChLA* 48, p. 70: r[ol]g(atus) prev. ed. || Col. II, 18. *ChLA* 48, p. 70: rog(atus) prev. ed. || Col. II, 19. *ChLA* 48, p. 70: rog(atus) prev. ed.

The majority of text in the first column is too fragmentary to be translated. It contains some minor dispositions, including a bequest of fibulae and clothes, as well as funerary dispositions, an appointment of procurator, and a disposition concerning pupils. However, it is not clear whether the testator appointed tutor for his own children, or he bequeathed something for the benefit of his pupils. The will contained penal clause and disposition prohibiting Thais from approaching the testators' dead body.

Col. I, ll. 29–30 – col. II, ll. 1–19: May evil guile be absent. On the making of this will, Marcus Lucretius Clemens purchased in a fiduciary way the household and

chattels for one sestertius, Marcus Longinus Longus being the scale-holder, and summoned Caius Longinus Priscus as the first witness. The will was made in the village of Karanis of the Arsinoite nome on the 10th day before the calends of April in the consulate of Servius Octavius Lena Pontianus and Marcus Antonius Rufinus, the 15th year of the Emperor Caesar Traianus Hadrianus Augustus, on the 27th day of the Greek month Phamenoth. I, Marcus Sempronius Priscus, have collated this will and it was read to me again as above. (The will) was opened and read in Caesareum before the *statio vicissimae hereditatum* in the consulate of the same consuls, the 16th year of the Emperor Caesar Traianus Hadrianus Augustus, on the 30th day of the month Choiach. ... Caius Iulius Sat... veteran (I have recognised). Caius Valerius ... veteran (I have recognised). Caius Iulius Saturninus, veteran (I have recognised). Caius Domitius Clemens (I have recognised).

*P. Oxy.* XXXVIII 2857

= *ChLA* XLVII 1413

AD 134

Location unknown (Oxyrhynchos?)

Latin & Greek

Papyrus

Draft

Text after *P. Oxy.* XXXVIII

Translations: A. H. M. JONES & J. CROOK in *P. Oxy.* XXXVIII (below); Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 4

#### Greek text

Τι[βέ]ριος Κλαύδιος Τιβε[ρ]ίου [...]ελεύθερος Ἀλέξανδρος διαθή|κην ἔθ[ε]τ[ο]. | Κ[λαυ]δία Θεανοῦς ἡ συνεξελευθέρα μου πάντων τῶν ὑπαρχόντ(ων) | μοι ἔμοι κληρο-  
νόμος ἔστω, οἱ δὲ λοιποὶ πάντες ἀποκληρόνομο(ι) ||<sup>5</sup> μοι ἔστωσαν· αὐτή τε κατὰδικος  
ἔστω διδόναι ποιεῖν πάντα ὅσα ἐν | ταύτῃ τῇ διαθήκῃ ἐνγεγραμμένα ἔσονται χωρὶς  
δόλο(υ) πονηρο(ῦ), | ἀποφηνάσ[θ]ω τε τὴν κληρονομίαν μου ἐν ἡμέραις ρ ταῖς ἐγγιστα  
| α[έ]ς γνώσε[ται] δυνήσεται τε μαρτύρ[ε]σθαι ἑαυτήν μου κληρονόμο(ν) | [εἶνα]ι. ἐὰν  
[δε] μὴ ἀποφύνη[τα]ι μήτ[ε] μ[αρ]τύρητ(αι), ἀποκληρόνομο(ς) ἔστω. ||<sup>10</sup> [---] Τι-  
β[έριος] Κλαύδιος Π[τ]ολε[μ]αῖος[ς] ὁ ταύτης υἱὸς δευτέρῳ τόπῳ | [ἐμοὶ κλ]ηρ[ον]όμος  
ἔστω, οἱ δ. [---]. [π]άντες ἀποκληρόνομοι ἔσ[τ]ω[σαν]· ο[ὗ]το[ς] τε κατὰδικος ἔστω  
[δι]δόναι ποιεῖν πάντα ὅσα | [---]. [---]ν μου [κ]ληρονόμο[ν] μ[η]τέρα τε αὐτο[ῦ]  
διδόναι | [---]. [---] ἀποφηνάσθω τε τὴν [κλ]ηρ[ον]ομίαν μου ἐν [ῆ]μέραις ||<sup>15</sup> [ταῖς  
ἐ]γγι[σ]τα χωρὶς [δό]λου πονη[ρ]οῦ. ὅστις μου κληρονόμος | [---]ηται [---  
π]αρατίθεμαι δῶναι. Τιβερίῳ | [Κλαυ]δίῳ Θεωνᾷ συνεξελευθ[έ]ρα μου δίδωμι  
καταλ<ε>ίπω (δραχμας) ἑκατόν. | Τιβερίῳ Κλαυδίῳ Δημ[η]τρίῳ συνεξελευθέρ[ω]  
μου δίδωμι κα[ταλ<ε>ίπω] δραχμας ἑκα[τ]όν. τοῦ σώματός μου [τ]ὴν ἐπιμέλειαν ||<sup>20</sup>

τῷ κληρονόμῳ μου [κ]αταλείπω, εἰς ὃ δαπανηθῆναι θέλω | μὴ ἔλαττον δραχμῶ[ν]  
 ἑκατόν. εἰ δέ τι μετὰ ταύτην μου | [τῇ]ν διαθήκην πω[α]κ[ε]ῖσι κωδικίλλοις  
 χ[ά]ρτη ἢ ἄλλῳ τινὶ | [...]εἰ ὑπ' ἐμοῦ γεγραμμένον ἢ ὑπογεγραμμένον  
 ἐσφρα[γισ]μένον τε καταλε[ί]πω, δι' οὗ δοθῆναι τι ἢ γενέσθαι παρ[ε]ῖ||<sup>25</sup> χεῖν τε  
 ἐπιτρέψω κωλύσω τε, ἐν ἴσῳ βέβαιον εἶναι θέλω | ὥς καὶ ταύτην μου τὴν διαθήκην.  
 ταύτης τῆς διαθήκης | δόλος πονηρὸς ἀπίτω. οἰκετεῖαν χρήματά τε διαθήκης |  
 γε[ω]μ[ε]ν[η]ς ἐπρίατο *vac.* σηστ(ερτίω) νούμμ(ω) α | [ξ]υγοστατούντος *vac.* ||<sup>30</sup>  
 [ἀ]ντεμαρτύρατο *vac.* | ἡ δ[ι]αθήκη ἐγένετο ἐν Ὀξυρύνχ(ων) πόλ(ει) τῆς Θηβαΐδος πρὸ  
 ις καλανδ(ῶν) | Ἰουνίων Δουκίῳ Ἰουλίῳ Οὔρσῳ Σερουιανῶ τῷ γ Τίτῳ Οὐίβιῳ |  
 Οὐ[ά]ρῳ ὑπάτοις (ἔτους) ιη αὐτοκράτορος Καίσαρος Τραιανοῦ | Ἀ[δρι]ανοῦ  
 Σε[βα]στοῦ Παχών κβ. (hand 2) Τι[β]έριος Κλαῦδιος ||<sup>35</sup> Ἀλέξανδρος ἀνέγνω μου  
 τὴν διαθήκην πρὸς [ἡν] ἠθέλησα τὴν Ῥωμαϊκὴν μου γ[ρ]αφῆναι. | [συμ]φων<ε>ί μοι  
 [γ]ὰρ πάντα ὡ[ς] πρ[ό]κ[ει]ται.

16. δοῦναι || 17. *corr. ex θεωνι* || 22. Τιβέριος *corr. ex τιβιριος*

Tiberius Claudius Alexandros, freedman of Tiberius, made a will: Claudia Theanous, my fellow-freedwoman, shall be my heir to all that belongs to me. All others shall be disinherited. And she shall be obliged to give and do all that is written in this will without fraud. She shall enter upon my inheritance within 100 days beginning when she knows and is able to testify that she is my heir. But if she does not make entry nor testify, she shall be disinherited. Then Tiberius Claudius Ptolemaios, her son, shall be my heir in the second grade and all others shall be disinherited, and he shall be under obligation to give and to do all that the heir in the first grade, viz. his mother, is under obligation to give. And let him make entry into my inheritance within ... days immediately following, without fraud. Whoever will be made my heir, I entrust to his faith to give. To Tiberius Claudius Theonas, my fellow-freedman, I give and bequeath one hundred drachmae. To Tiberius Claudius Demetrios, my fellow-freedman, I give and bequeath one hundred drachmae. The duty of caring for my body I leave to my heir; upon which I wish to be spent not less than one hundred drachmae. And if I leave anything subsequently to this my will, in tablets, codicils, papyrus, or any other medium, written or signed and sealed by me, on the basis of which I instruct or forbid anything to be given or happen or be carried out, I wish it to be as valid as this my will. May evil guile be absent from this will. On the making of this will *vac.* purchased the household and chattels for one sestertius, *vac.* being the scale-holder, and summoned *vac.* as the first witness. The will was made in the city of Oxyrhynchos in the Thebaid, on the 16th day before the calends of June, in the consulate of Lucius Ursus Servianus for the third time and Titus Vibius Varus, in the 18th year of the Emperor Caesar Traianus Hadrianus Augustus, 22 Pachon.

I, Tiberius Claudius Alexander, have read my will in consonance with which I wished my Roman will to be written. For I agree with it all as set out above.

Latin text – diplomatic transcription

[---] t. f. | [---] ūm̄bonoru[.]m̄eo | [---]. d. e d. f. a. c. e. r. e. e. a | [---] n. t. s. d. m[.] cer ||<sup>5</sup> [---]  
] s. c. i. e. t. p. o. t. e. r. i. t. q. | [---] e. r. i. t. q. u. e. x. [.] | [---] v. a. c. ? t. [---] | [---] ū. n. d. o. l. o. c. o. m̄ [---] | [---]  
] e. e. a. o. m. n. i. a | [---] m. a. t. r. e. m̄ [---] | [---] e. a. m. i. n. d. i [---] | [---] e. r. e. s. e. r. v. a. c. ? | [---]  
] o. t. h. e. o. n. a [---] | [---] m. t. i. c. l. a. u. d. [---] ||<sup>20</sup> [---] e. n. t. [.] m̄ v. a. c. | [---]. c. o. m̄ [---] | [4 lines  
missing] | [---] | [1 line missing] | [---]. q

Latin text – reconstruction

Ti. Claudius Ti. Alexander *t(estamentum) f(ecit)*. Claudia Theanous colliberta mea omnium bonorum meorum mihi heres esto, ceteri omnes exheredes sunt. Eaque *d(amnas) e(sto) d(are) facere ea* omnia quaecumque in hoc testamento scripta erunt *s(ine) d(olo) m(alo)*. Cernitoque hereditatem meam in diebus c(entum) proximis quibus *s(ciet) poteritq(ue)* testari se mihi heredem esse. Quae nisi testata erit *creveritque*, exheres esto. Tum Ti. Claudius Ptolemaeus illius filius *secundo loco* mihi heres esto, ceteri omnes exheredes sunt. Isque *d(amnas) e(sto) d(are) facere ea* omnia quaecumque principalem heredem meam *matremque* eius *d(are) facere* oportet (?). Cernitoque hereditatem *meam in diebus* ... proximis quibus *s(ciet) s(ine) d(olo) m(alo)*. Quisquis mihi *heres erit* illius fidei haec omnia committo (?). Ti. Claudio *Theonae* colliberto meo do lego drachmas centum. *Ti. Claudio* Demetrio colliberto meo do lego drachmas centum. Corporis mei curationem heredi meo *committo*, in quod impendi volo ne minus drachmas centum. Si quid autem post hoc testamentum meum nuncupatum (?) tabellis (?) codicillis charta aliove quo genere a me scriptum vel subscriptum signatumque reliquero, per quod dari fieri praestari alioquid iussero vetuero, id haud aliter valere volo atque testamentum meum. Huic testamento dolus malus abesto. Familiam pecuniamque testamenti faciendi causa emit ... HS nummo uno, libripende ... antetestatus est ... etc.

*FIRA* III<sup>2</sup> 47 = Tablettes L. Keimer  
= *CPL* 221

AD 142  
Alexandria

Latin & Greek  
Wax tablets  
Original

Text after *FIRA* III<sup>2</sup>

Translations: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 5; German: D. LIEBS, 'Das Testament des Antonius Silvanus, römischer Kavallerist in Alexandria bei

Ägypten, aus dem Jahr 142 n. Chr.', [in:] K. MÄRKER (ed.), *Festschrift für Weddig Fricke zum 70. Geburtstag*, Freiburg 2000, pp. 113–128

Tab. 1, pag. post.: Antonius Silvanus eq(ues) alae I | Thracum Mauretanae, stator praef(ecti), | turma Valeri, testamentum | fecit. Omnium bonor[um meo]||<sup>5</sup>rum castrens[ium et d]omes[ticum M(arcus) Antonius Sat[ri]anus |<sup>tab. II pag. ant.</sup> filius meus ex asse mihi heres | esto: ceteri ali<i> omnes exheredes | sunt: cernitoque hereditatem ||<sup>10</sup> meam in diebus C proximis: ni i|ta creverit exheres esto. Tunc | secundo gradu [...] Antonius | R..[---].[...].lis frater |<sup>pag. post.</sup> meus mihi heres esto, cernito||<sup>15</sup>que hereditatem meam in diebus | LX proximis: cui do lego, si mihi | heres non erit, (denarios) argenteos septingentos quinquaginta. Procurato|rem bonorum meorum castrensi||<sup>20</sup>um ad bona mea colligenda et | resti<t>uenda Antonia<e> Thermutha<e> |<sup>tab. III pag. ant.</sup> matri heredi<s> mei s(upra) s(cripti) facio Hieracem | Behecis dupl(icarium) alae eiusdem, turma | Aebutii, ut et ipsa servet donec ||<sup>25</sup> filius meus et heres suae tute{l}||lae fuerit et tunc ab ea recipiat: | qui do lego (denarios) argenteos quinquaginta. Do lego Antonia<e> Thermutha<e> | matri heredi<s> mei s(upra) s(cripti) (denarios) argenteos ||<sup>pag. post., 30</sup> quingentos. Do lego praef(ecto) meo | (denarios) arg(enteos) quinquaginta. Cronionem | servom meum pos<t> mortem meam, | si omnia recte tractaverit et | trad<i>derit heredi meo s(upra) s(cripto) vel ||<sup>35</sup> procuratori, tunc liberum volo | esse vicesimamque pro eo ex | bonis meis dari volo. |<sup>tab. IV pag. ant.</sup> H(o)c t(estamento) d(olus) m(alus) {h}<a>besto. Familiam pequi|niaemque t(esta-menti) f(aciendi) c(ausa) e(mit) Nemonium ||<sup>40</sup> dupl(icarius) tur(mae) Mari, libripende M. Iulium | Tiberinum sesq(ui)pl(icario) tur(mae) Valeri, ante<te>s|tatus est Turbinium sig(niferum) tur(mae) | Proculi. Testamentum factum | Alex(andrae) ad Aeg(yptum) in castris Aug(ustis) (?) ||<sup>45</sup> hibernis leg(ionis) II Tr(aiana) For(tis) |<sup>pag. post.</sup> et alae Mauretanae, VI kal(endas) | Ap[ri]l[is] Rufino et Quadrato co(nsulib)us. | (hand 2) Ἀντώνιος<ο>ς Σιλβανὸς ὁ προγεγραμ|μένος ἀντέβαλον τὴν προκ<ε>ιμέν||<sup>50</sup>ήν μου διαθήκην καὶ ἀναγνώσθε καὶ | {θα} ἥρεσ[έ] μοι κ]αθὼς πρόκ<ε>ιται. |<sup>tab. V pag. post.</sup> (hand 3) Nemonius — | dupl(icarius) t(urmae) Mari signavi. | (hand 4) Ἰούλι<ο>ς Τιβερινο(ς) ||<sup>55</sup> σησκομπλ[ικ]άρι<ο>ς τύρμης Οὐαλ[ερίου]. | (hand 5) Turbinus eq(ues) | sig(nifer) turm(ae) | Proculi. | (hand 6) Valerius | Rufus eq(ues) sig(nifer) |.e. tur[...]. uis | (hand 7) Maximus dupl(icarius) | [---] Ἀυγῆστι σι[γ]ναῖ. | (hand 8) --- (hand 9) Ἀντώνιος<ο>ς Σιλανὸς σιγν[άου] (?)].

32. servum || 38–39. pecu|niamque || 39. Nemonius || 40–41. Iulio | Tiberino || 50. ἀνεγνώσθη

Antonius Silvanus, *equus* of the first *ala Thracum Mauretana*, *stator praefecti* of *turma Valeri*, has made a will. My son Marcus Antonius Satrianus shall be my lawful heir

to all my belongings, both those acquired during the military service and the domestic ones. All others shall be disinherited. He shall accept my inheritance within 100 days following (the opening of my will). If he does not accept, he shall be disinherited. Then my brother Antonius R... shall be my heir in the second degree. He shall enter on the inheritance within 60 days following (the opening of my will); if he is not my heir, I give and bequeath seven hundred fifty silver denarii to him. I appoint Hierax Behecis, *duplicarius* of the same *ala* and *turma Aebutii*, as procurator of all my belongings acquired during the military service in order to collect them and bring to my heir's mother Antonia Thermoutha, so that she keeps them until the guardianship over my son and heir is over and when he takes them from her. I give and bequeath fifty silver denarii to him (Hierax). I give and bequeath fifty silver denarii to Antonia Thermoutha, the mother of my above-written heir. I give and bequeath fifty silver denarii to my prefect. I want my slave Kronion to be free after my death, if he handles everything well and hands over all (my belongings) to my above-written heir or the procurator, and I want his *vicesima* to be paid from my inheritance. May evil guile be absent from this will. On the making of this will Nemonius *duplicarius* of *turma Mari* bought the household and chattels, Marcus Iulius Tiberinus *sesquiplicarius* of *turma Valeri* being the scale-holder, and summoned Turbinus *signifer* of *turma Proculi* as the first witness. The will was made in Alexandria by Egypt in the Augustan winter camp of the *legio II Traiana Fortis* and *ala Mauretana*, on the 6th day before the calends of April, in the consulate of Rufinus and Quadratus. I, the above written Antonius Silvanus, received the above testament, and it was read out, and it pleased me as it is above. I, Nemonius ... *duplicarius* of *turma Mari*, have sealed. Iulius Tiberinus *sesquiplicarius* of *turma Valeri*. Turbinus *eques*, *signifer* of *turma Proculi*. Valerius Rufus *eques*, *signifer* ... I, Maximus *duplicarius* ... of Augustus, have sealed. ... I, Antonius Sianos, have sealed (?).

BGU VII 1696 = CPL 224

Second century AD

Location unknown

Latin  
Wax tablets  
Original

Text after BGU VII

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 14

Fragment A

[---]us Gemellus | [---].epi omnes | [--- he]redes sunt ce[---]unt cernito he-  
||<sup>5</sup>[---]que suo nomine | [---]. creverit ex | [---] Numissia Gemella | [---]o ceteri

omnes | [---]to hereditatem ma||<sup>10</sup>[---]. et ad se heredita|[---].s..ma Numissia d  
| [---]rite heres non erit | [---]..loius era,au..s

### Fragment B

[--- vicu]m Philadelpheam ce.||[---].. Chrestiadem in ..|[---]um unum et dimi-  
dium | [---]hora circa vicum ||<sup>5</sup>[---].tiş dimidiam par||<sup>5/6</sup>[tem ---]n.is alteram |  
[--- ci]rca vicum eundem | [---]reo vico Philadelphia | [---] ex altera domu ||<sup>10</sup>  
[---].o tertiam | [---]. heredes ...| [---] C(aius) Numissius | [---] d]amnas esto |  
[---].. herediōq(ue) · ||<sup>15</sup>[---]m.

The text is too fragmentary to be translated. However, the preserved words are typical for Roman wills, which enables us to distinguish some clauses characteristic of this kind of legal deeds. The document contained *heredis institutio* (the names and number of heirs are not preserved), as well as the disinheritance formula and *cretio* clause. It perhaps contained substitution and a bequest for the substitute in case he did not become heir. Most probably the legacies concerned landed property in Philadelphia.

BGU VII 1695 = CPL 223

AD 157

Alexandria

Latin & Greek

Wax tablets

Original

Text after BGU VII

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 8

### Fragment A

cl(assis) Alexandr(inae) | igna.i | ἐξ ταύρου πτο..κλιος ---

### Fragment B1

---|--- ι καλ(ενδας) ---| χχιχ --- ωλιας |---

### Fragment B2

contentus heredi meo ...ss.... | sepeliri me volo et in corpus meum | consumi  
d(enaria) Aug(usta) ducenta sh d(olus) m(alus) ab(esto). | f(actum) Alex(andreiae)  
ad Aeg(yptum) nonis Octobr(ibus) Barbaro et ||<sup>5</sup> Regulo co(n)s(ulibus) anno XXI  
Imp(eratoris) Caesaris T(iti) | Aeli Hadr[ia]ni Antonini Aug(usti) Pii | mense  
Phaophi die X.

## Fragment C

Safinnius Herminus | mil(es) classis Aug(ustae) Alex(andrinae) | tutela Tauro.

## P. 212, addendum

...ρ...ος ...απίων | θ --- εωτ( ) |---| Αὐρ(ήλιος) Τέραξ Πτολεμαί(ου) οἰκ(ῶν) ||<sup>5</sup> ἐγ-  
γὺς οἰκίας Θέωνος | ἀδελφοῦ Ἰππαλᾶ | Αὐρ(ήλιος) Σαραπίων ---|---| Αὐρ(ήλιος)  
Μέγας Πακύσιος ο[ἰ]κ(ῶν) καὶ ||<sup>10</sup> ἐπιγραφον...ρ[...].| Αὐρ(ήλιος) Σαραπάμμων  
Ἀθηνο|δώρου υἱὸς Ἡρωδία νοῦ' | Αὐρ(ήλιος) Νεωκόρος ...μο|θίωνος ---||<sup>15</sup> Αὐρ(ή-  
λιος) Σαραπ---|γγήμωνος ---

Reconstruction (after AMELOTI, *Il testamento*, Appendix, no. 7)

## Tablet I

*Pag. ant.:* blank

*Pag. post.:* Safinnius Herminus | mil(es) classis Aug(ustae) Alex(andrinae) | tutela Tauro.

## Tablet II

*Pag. ant.:* contentus heredi meo ...ss ... | Sepeliri me volo et in corpus meum | con-  
sume d(enaria) Aug(usta) ducenta s h. d(olus) m(alus) ab(esto). | f(actum) Ale-  
x(andreia) ad Aeg(yptum) nonis Octobr(ibus) Barbaro et ||<sup>5</sup> Regulo co(n)s(ulibus)  
anno XXI Imp(eratoris) Caesaris T(iti) | Aeli Hadr[ia]ni Antonini Aug(usti) Pii |  
mense Phaophi die X.

*Pag. post.:* ---|--- υ καλ(ενδας) ---| χχχχ --- υλίας |---

## Tablet III

*Pag. ant.:* blank

*Pag. post.:* cl(assis) Alexandr(inae) | signavi | ἐξ ταύρου πτρ...κλῖος ---

Safinnius Herminus, soldier of *classis Augusta Alexandrina*, under the guardianship of Taurus. ... I have ordered my heir ... to bury me and I want him to spend on it two hundred Augustan denarii. May evil guile be absent from this will. (The will) was made in Alexandria by Egypt, on the nones of October in the consulate of Barbarus and Regulus, in the 21st year of the Emperor Caesar Titus Aelius Hadrianus Antoninus Augustus Pius, on the 10th day of the month Phaophi ... (the following two tablets illegible).

## Addendum:

... Aurelius Hierax son of Ptolemaios living near the house of Theon brother of Hippalas; Aurelius Sarapion ... Aurelius Megas Pakysios living and ... signed (?) ... Aurelius Sarapammon son of Athenodoros son of Herodianos; Aurelius Neokoros ...of ...mothion ... Aurelius Sarap...

*P. Mich.* VII 437 = *CPL* 225  
= ARANGIO-RUIZ & COLOMBO,  
*JfurP* 4 (1950), p. 118

Second century AD  
Location unknown

Latin  
Wax tablet  
Original

Text after *P. Mich.* VII

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 15

*Pag. ant.:* [--- mihi | heres e]sto: ceteri o|[mnes exh]eredes sunt | [cernitoqu]e in  
diebus ||<sup>5</sup> [LX proxim]is: eique d(o) l(ego) | [si heres non erit ---

*Pag. post.:* [---]aetoria .... (?) | [--- ded]uctisq(ue) legatis | [--- pro]c[u]ratoris mei  
(?) |---|---||<sup>5</sup> ---|---

The text is too fragmentary to be translated. It contains fragments of *heredis institutio*, disinheritance clause, *cretio* clause, and some minor provisions.

*P. Mich.* VII 446 = *CPL* 226

Second century AD  
Location unknown

Latin  
Wax tablet  
Original

Text after *P. Mich.* VII

[---] | mil(es) · coh(ortis) I Apamenorum | (centuria) Octavi per II nuntios | ad  
testamentum suum ||<sup>5</sup> ---|---|.... testamen |---| leg(ionis) II Tr(aianae) Fort[i]s  
||<sup>10</sup> [te]stamentu(m) factu(m) (?) | VIII k(alendas) Decembris

Reconstruction (V. ARANGIO-RUIZ & A. M. COLOMBO, 'Documenti testamentari latini della collezione di Michigan', *JfurP* 4 [1950], p. 122)

[N. N.] mil(es) · coh(ortis) I Apamenorum | (centuria) Octavi per II nuntios |  
ad testamentum suum [signandum testem rogavit A. A. mil(item) (?) ] leg(ionis) II  
Tr(aianae) Fort[i]s [te]stamentu(m) factu(m) | VIII k(alendas) Decembris

... soldier of *cohors I Apamenorum* of *centuria Octavi*, asked by two heralds ... soldier of *legio II Traianae Fortis* to seal his will. The will was made on the 7th day before the calends of December ...

TOMLIN, *Archaeologia Cambrensis* 150  
(2001), pp. 143–156 = TOMLIN, HAS-  
SALL, *Britannia* 35 (2004), pp. 347–348  
Second century AD  
Britain

Latin  
Wax tabler  
Original

Text after TOMLIN, *Archaeologia Cambrensis* 150 (2001)

Translation: R. S. O. TOMLIN, *Archaeologia Cambrensis* 150 (2001) (below)

Lines 1–5 illegible [ante]quam moriar ex asse herede[m iubeo] | [---] | ceteri alii  
omnes mihi exheredes sunt[o ---] | leg[e] non alia [quam] quanta quibusqu[e --  
-] ||<sup>10</sup> --- ded[ero] donavi donari[q]u[e] iusser[o ---] | illegible text tuque | MA[---]  
SENE adito ce[r]nito hereditatem meam |--- centum p[ro]ximis mortis  
mea(e) quibus DIE | [sci]es [po]t[e]risque sci[r]e te mihi esse heredem  
le||<sup>15</sup>{le}gitumam testibus pr(a)esentibus heredes sunt | qui [sci]ant se eius rei  
ADVO CA[--- e]sse | quod si ita n[on] creveris hereditatem [meam s]i aditum |  
noluer[is exher]es esto [---] | C[---]AM quam [ex asse mihi] here||<sup>20</sup>dem institui

... before I die, I order that ... be my lawful heir ... All others shall be disinherited  
for me ... on no other terms than that as much as I shall give, have given, I shall  
have ordered to be given ... and you ... enter upon, accept my estate ... within the  
next hundred days after my death in which you know or can know that you are  
my legitimate heir, in the presence of witnesses ... let the heirs be those who know  
that they are ... of this property... But if you do not accept my estate, if you refuse  
to enter upon it, be thou disinherited ... whom I have instituted as my lawful heir.

*P. Mich.* VII 439 = *CPL* 222 = *ChLA* V 301  
AD 147  
Oxyrhynchos (?)

Latin  
Papyrus  
Copy

Text after *P. Mich.* VII

Translation: <http://papyri.info/ddbdp/p.mich;7;439> (below); Italian: MIGLIARDI  
ZINGALE, *I testamenti*, no. 6

[--- u]xori q[ua]m dilego quac[um ---]---]eb. si qua .... t in domo [---| aut argen-  
tu]m aut aeramenta aut [supellectilem (?) |---]si habeat quam et anegl[ogistam  
(?)]||<sup>5</sup> --- D]iogenidi filiae meae et [---]--- se]rvare sive tutas defun[cta ea eius |  
liber]is distribui .... q( ) · quam [---]---]e...t...[.]ma Claudi mun[us (?) ---]---

menšiš dr(achmas (?)) Aug(ustas (?)) viginti [---||<sup>10</sup> --- T]heodoraē filiae dil(ectae)  
 h(oc) t(estamento) · [d(olus) m(alus) a(besto) |---] cōporis mei curam arbi(trio  
 Theodoraē (?) | filiae] meae committo si qu[id post hoc | testame]ntum pugil-  
 larīb[us] codic[ibus] vel alio | quo gene[r]e scriptum vel subscri[ptum] manu ||<sup>15</sup> mea  
 sit] per quot dari aut fieri ius[sero] id | ratum es]se volo ac si hoc testa[mento]  
 scri[ptum] esset] f(amiliam) p(ecuniamque) · t(estamenti) · f(aciendi) {e} <c(ausa)>  
 e(mit) · Tirem.[---||<sup>17a</sup> [[in quo sig(navit) · Ti[rem ...]]] lib(ripende) Cl[audio]  
 Unione ant(etestatus) e(st) [---| f(actum) Oxyryn]cho Thebaidis VI idus [...  
 L(ucio) Annio Largo ||<sup>20</sup> C(aio) Prasti]nā Messal[li]no co(n)s(ulibus) anno X [---|  
 T(iti) Aelii Hadriani Antonini Aug(usti) | mense --- die ---]

i. diligo || 20. or IX

... to my wife whom I hold dear and with whom ... in the house ... either money, or  
 bronze vessels, or furniture ... to Diogenis my daughter and ... I have given all these  
 to keep either to her or, if she is deceased, to her children (?) ... of the *turma* (?) of  
 Claudius ... twenty Augustan drachmae per month (?) ... to Theodora, my dear  
 daughter. May evil guile be absent from this will! I entrust the care of my body to  
 the supervision of my daughter Theodora (?). If, after this will, I have left written  
 or subscribed in my own hand, on small codicillary tablets or on any other kind (of  
 writing material), something according to which I have ordered to give or do some-  
 thing, I want all this to be considered as if it was written in the present will. On  
 the making of this will Tirem... purchased the household and chattels ... to which  
 signed Tirem... Claudius Unio being the scale-holder; summoned ... as the first wit-  
 ness. (The will) was made in Oxyrhynchos (?) in the Thebaid, on the 6th day before  
 the ides of ... in the consulate of Lucius Annius Largus and Caius Prastina Messalli-  
 nus, in the tenth (?) year of Titus Aelius Hadrianus Antoninus Augustus ...

BGU VII 1655

AD 169

Philadelphia

Greek  
Papyrus  
Copy

Text after BGU VII

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 10

Column I

[--- ἐν] τόπῳ Καίσαρος ἀρούρας σιτικὰς γ, ὁμοίως | [ἄλλας (?) σιτι]κὰς γ ἐν τόπῳ  
 Κάλλω[νος], καὶ περὶ κώμ(ην) | [--- ἀρ]ούρας σιτικὰς . ιβ' vac.? | [---]θίος [...]

.ν..σ.ειω ὑπ[.][.][.]... κλη||<sup>5</sup>[---]υτου περὶ κώμην Φιλαδ[έ]λ(φειαν) ἀρούρας σιτι-  
κ(ὰς) | [---]λαβεν ..τα [τ]έκνα μ[ο]ν [τά] προγεγραμμ(ένα) | [---].ε ἐχέτωσαν  
κοινῶς [---]κιανοὶ Πτολ( ) | [---] Νεμεσίλλῃ δίδωμι καταλείπω ἀρ)ούρας σιτικὰς  
ε | [---].s ὁμοίως ε ἐν τόπ[ω ..]σερκis καὶ παι||<sup>10</sup>[δίσκην ---]ροῦν καὶ τέκνα  
αὐτ[ῆς Σ]αρ[α]πίωνα | [καὶ ---] τῶν ἀδελφ[ῶ]ν ἐαν[τ].[.][.]η..ται κα[---]---]ν  
φοινικ[ῶν]α τητου[.][ρ][.][.]...μιαν[---]---]μη ἐν Φ[ι]λαδέλφεια μ[.][.][.ρ ---]κο[---]  
|---]θη[---] ἐχέτω[σα]ν χεσσω..[---]||<sup>15</sup>vac.?---]ωχαλκ[.][.][.]. κατεσκευ[ασ]μένα  
καὶ..[---]---].c[.][.][.]. τ[ῶ] προγε[γρα]μμένω | [---] ἀμφοτέροι [.]ε[.][.] μέρου[s]  
κληρονομ[.][---].[.][.] Στε[φ]ανοῦν .... | [---]...[.][.][.] κλήρον [.]ε. αὐτοῦ

### Column II

||<sup>20</sup> <ε>ἰς περιστολὴν τοῦ σώματός μου ἴσενενκέτωσαν | τ[ὰς ὑ]π' [έ]μου προγε-  
γραμμένα[s] τῆσσαρες δραχμὰς | [.]...[.]κο... εἰς αὐ[τ]ῶν μὴ  
[...].θη[.][.][---] |...[---]κληρο[.][.][.]ο. ---[...]. (δραχμ) γ ... | δοθ[ῇ]ναι θέλω  
θ[υ]γατρ[ί] μου Νεμεσίλλῃ ||<sup>25</sup> ἵνα τ[.] ἐαυτῆς θελ[ή]σει καὶ διαπανήσει [εἰ]ς τὸ |  
σῶ[μά] μου (τ) ὁμοίω[s] αὐτῇ Νε[με]σίλλα [---] ἀπὸ Κόσ[μου] [δο]ύλου μου λήμ-  
ψεται [.]ν καὶ δηνάρια γ | ἔω[s .] μηνῶν ἐγ[γ]υτέρων [με]τὰ τὴν τε[λ]ευτήν |  
μ[ο]ν δαπάνην τοῦ σώματος μ[ο]ν ἀναλω[θ]ῇναι ||<sup>30</sup> πρ[ὸ] ἐρ[ιστο]λῆς μου, μετὰ  
[.][.][.]επτα. νον | Κόσ[μος] ὁ προγεγ[ρ]αμμένος ἀσχολάσει καὶ δουλεύσει[ε] τῷ  
τάφῳ μου ἐφ' ὃ[σ]ον ζῇ καὶ οὐδεὶς | αὐτο[ῦ] ἐξουσίαν ἐξ[ε]ἶ[αι] ἀ[πὸ] τῶν κ[λη]ρονό-  
μω[ν] μου. | εἰς δὲ [.] [.]...ων] ἀνθρώπ[ι]νον, [ὃ οἶ] θεοὶ μὴ [πι]οῖ||<sup>35</sup>σαι σα. ---  
η[---].σθερ.το...[.] κληρονομῶν ... καὶ χωρὶς τέκνων ἀπογένηται, υ[π]οῦ |  
ημο[...]. ἐπὶ τοὺς παρόντας [τέκν]α υἱοὺς με[τ]ελθεῖν | θέλω. vac.? γεινώσκ[ε]ῖν  
μέλω τέκνα μου στρατευόμενα, | ἐπειδὴ διὰ τῇ[ν] στρατείαν ἀπεισιν, μ[η]δὲν μοι  
ἐν ||<sup>40</sup> δραχ[μ]αῖς Σεβασταῖς τὸ καθόλον ὑπάρχειν ἢ καταλ[ε]λεῖφεν[αι], ἵνα μὴ  
τοῖς ἀδελφοῖς ἐαυτῶν | [.]... λόγ]ους παρέξονται ὑπὲρ αὐτοῦ τοῦ πράγματος.

### Column III

καὶ ὁμοίως ὑπὲρ ἐνδυμεν[ε]ίας Τιτανιανῶ καὶ Νεμεσίλλῃ. ||<sup>45</sup> ταύτ[η] τῇ διαθήκῃ  
δ[ό]λος π[ο]ν[η]ρὸς ἀπέστω. [οἶκε]τεῖ[αν] χρή[μα]τα [---]...[.][.][.]...[---] |  
ἐ[π]ριάτο Μάρκος Ἰούλιος [.]...[.]μα.εἰα[.][.][.]...[.] σηστ[ε]ρ[ί]ων νομίμων χ[ε]ι-  
λίων. | ἐ[π]ριάτο [Π]ούπλιος Μή[ν]ος Ἡρακλιανός. ||<sup>50</sup> ἀ[ν]τεμαρτύρατο Λου-  
κιος Ἰγνάτιος Σατορνείλος. | δι[ι]αθήκῃ ἐγένετο ἐν Αἰγύπτῳ νομῶ Ἀρσινό[ε]ι[τ]ῃ  
ἐν κώμῃ Φιλαδελφεία πρὸ ἰς καλανδῶν | Μ[α]ρτίων ὑπάτοις τοῖς οὐσι. | (ἐτους)  
[θ] Αὐτοκρατορ[ῶ]σι' Καίσαρ[ῶ]σι' Ἀντωνίνω καὶ Οὐήρῳ ||<sup>55</sup> Ἀ[γο]ύστοις Ἀρμενιакών  
Μηδικῶν Παρθικῶν Μεγίστων μηνὸς [Ἑλλ]ήνων Μεχείρ κ. | Στεφανῶν δούλην  
μου κελεύω μὴ ἀναχωρεῖν αὐτὴν ἀπὸ τῆς κώμης ἄχρι τῆς περ[ιστο]λῆς μου.  
||<sup>60</sup> ἡνύγῃ καὶ ἀνεγνώσθη ἐν αὐτῷ τῷ νομῷ καὶ [κ.ω] | κώμῃ ἐν τῷ Καίσαρεϊῳ  
παρόντων σφραγιστῶν | ἐπ[ι]γνόντων καὶ σφραγίδες ὑγιαῖς πρὸ γονῶν | Ἰου-  
νίων ἐπὶ Κουίντῳ Σοσσίῳ Πρείσκῳ

## Column IV

Πουπλίω Κ'οι[λί]ω' Ἀπολι||<sup>65</sup>ναρίω ὑπάτοι[s .]....| (ἐτους) θ Ἀὐτοκ[ρ]άτο[ρος]  
 Καίσαρος | [Ἀν]τωνί[νου] Σεβαστ]ῶ | [Ἀρμενία]κῶ [Μη]δικῶ | [Παρθικο]ῦ Με-  
 γίστου | [---] Παο[ί]νι ... [ῥ]μ]έρᾳ θ |....v---

Col. II, 20. εἰσενεγκέτωσαν || Col. II, 21. τέσσαρας || Col. II, 33. ἔκ' || Col. II, 40-  
 41. κα|ταλελείφθαι || Col. III, 43. ἐνδομενίας || Col. III, 50. Λούκιον | Ὑγνάτιον |  
 Σατορνείλον || Col. III, 54. *corr. ex αυτοκρατορι, Αὐτοκρατόρων* | *corr. ex καισαρι,*  
*Καيسάρων* | Ἀντωνίνου | Οὐήρου || Col. III, 55. Αὐγούστων || Col. III, 60. ἡνοίγη ||  
 Col. III, 62. σφραγίδας | ὑγιείς || Col. IV, 64. *corr. ex κ[...ω]* || Col. IV, 67. Σεβαστ]οῦ  
 || Col. IV, 68. [Ἀρμενία]κού | Μηδικού

The first column of the text lists landed property bequeathed to some people

... they are to spend the above-written four (*sic*) drachmae for the burial of my body ... if any of them does not ... I want my daughter Nemesilla to be given ... so that she (will take care) of my body of her own volition and at her own expense ... similarly this Nemesilla ... will take from my slave Kosmos ... and 3 denarii within ... months following my death for the expenses for my body, which are to be spent on laying it out ... after ... the aforewritten Kosmos will be occupied with my grave and serve it until the end of his life and none of my heirs will have power over him. If anything happens to me – let gods not allow this to happen – ... I want ... of heirs, and dies childless ... I want it to be divided among those who have children ... I want my children who are now in the army to know after their discharge that I neither possess any Augustan drachmae nor have bequeathed them at all, thus they do not have to request an account in this respect from their brothers, and alike for the household goods for Titanianos and Nemesilla. May evil guile be absent from this will. On the making of this will Marcus Iulius ... purchased the household and chattels for one thousand sestertii, Publius Maevius Heraklianos purchased, and Lucius Ignatius Satorneilos was the first witness. The will was made in Egypt, in the Arsinoite nome in the village Philadelphia, on the 16th day before the calends of March in the consulate of those being (consuls); in the 9th year of the Emperors Caesars Antoninus and Verus Augusti Armeniaci Medici Parthici Maximi, on the 20th day of the Greek month Mecheir. I order my slave Stephanos not to walk away from the village until my funeral. (The will) was opened and read in the same nome and village in the *kaisareion* ... in the presence of sealers who recognised their intact seals, on the 3rd day before the nones of June in the consulate of Quintus Sossius Priscus and Publius Caelius Apolinarius ... in the 9th year of the Emperor Caesar Antoninus Augustus Armeniacus Medicus Parthicus Maximus ... Pauni ... day 9 ...

PSI XIII 1325, ll. 9–24

AD 172–175

Phebihis

Greek

Papyrus

Copy in ἀναγραφὴ of inherited property

Text after PSI XIII

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. II

[Σα]βινία Ἀπολλωνάριον θυγάτηρ Σαβινίας Ἡρα[...][--- διαθήκην ἐποίησε. Μάρκος Ἀντωνίνος Ἡλιοδωρος καὶ Μάρκος Ἀντωνίνος Ἄπερ υἱοί μου ||<sup>10</sup> μέ]χρι ἀσσαρίου ἐξ ἴσου μέρους κληρονόμοι μου ἔστωσαν· οἱ δὲ λοιπ[οὶ πάντες ἀποκληρόνομοί μου ἔστωσαν. προσερχέσθωσαν τῇ κληρονομίᾳ μου ὅποτε γνῶσι καὶ δύνωνται μαρτύρασθαι ἑαυτοὺς ἐμοῦ κληρονόμους εἶναι. Κληρο[ν]όμος κληρονόμοι τε κατὰκριτος ἔσται δῶναι ἀποδῶναι ὅσ[α] ἐν ταύτῃ τῇ διαθήκῃ μου γεγραμμένα ἐστί, τοῦτό τε τῇ πίστει αὐτῶν παρακατατίθεμαι. τῷ υἱῷ μου Μάρκῳ Ἀντωνίῳ Ἡλιοδώρῳ καταλείπω ---|.]. . . . Ἀρσάμου καὶ Μουχίου Παπεῖ ἀρούρας σιτικὰς πέντε καὶ μ[--- ἐν | χ]ρυσῷ ὀλκῆς μναία ὀκτὼ καὶ παιδίσκην οἰκογενῇ ὄν[όματι ---| ἀ]πὸ κλήρου Κυδρεῶς ἀρούρας σιτ[ικὰς] ἐξικοσιτρ[εῖς] ὁμοίως [---||<sup>15</sup> τ]ρίτον καὶ ἐν χρυσῷ ὀλκ[ῆς] μναία[τα] ὀκτὼ καὶ παιδίσκην μ[---] | δόλου πονηροῦ Μάρκος Ἀ[ντωνίνος] Ἡ[λιοδω]ρος υἱὸς μου κλ[---|.]. . . .]ν. . . ἡμί[σ]ιν δωδ[έκατον] . . . . . ἀπὸ πλεονασμοῦ χω[---|---] σδ [---] ἀρουρῶν δεκαεπτὰ [---|---] μετὰ τῶν τέκνων ε[---||<sup>20</sup> --- δόλ]ου πονηροῦ. ἐκκομισθῆναι ἐμ[αὐτὴν θέλω τῇ φροντίδι καὶ εὐσεβείᾳ τῶν κληρονόμων μου. εἰ δέ τι ἐγὼ μετὰ ταῦτα γεγραμμένον καταλείπω τῇ ἐμῇ χειρὶ γεγραμμένον οἷω δῆποτε τρόπῳ, βέβαιον --- | ἐμοὶ εἶναι θέλω. ταύτης τῆς] διαθήκης δόλος πονηρὸς ἀπέστω. [οἰκετεῖαν χρήματά τε τῆς διαθήκης γενομένης ἐπρίατο --- σηστερτίου νούμμου ἐνός --- ζυγοστατούντος ---|. . . . . ἀντεμαρτυρήθη\*\* Μ]άρκος Σαβίνος Ρούφος οὐατρανὸς ἐπέγν[οι. ἡ διαθήκη ἐγένετο ἐν κώμῃ Φεβίχι τοῦ Κωίτου τοῦ ὑπὲρ Μέμφιν Ἡρακλεοπολίδος, --- ἔτους --- Αὐτοκράτορος | Καίσαρος Τίτου Αἰλίου Ἀδριανοῦ Ἀντωνίνου Σεβαστοῦ Εὐσεβοῦς] --- οἱ λοιποὶ σφραγισταὶ [---] Μάρκος Σαβίνος Ρούφος· Μάρκος Σαβ[---]

II. δοῦναι | ἀποδοῦναι || 13. corr. ex οἰκογενῇ[ν] || 22. οὐετρανὸς

Sabinia Apollonaron daughter of Sabinia Hera... has made this will: Marcus Antoninus Heliodoros and Marcus Antonius Aper, my sons, shall be my heirs in equal parts up to one assarius. All others shall be disinherited. They shall enter upon my inheritance after they know and are able to testify that they are my heirs. Heir or heirs shall be obliged to give and pay back these things written in this my will, and I commit it to their trust.

\* For the meaning of this term in wills, see Chapter I, p. 28.

Fragmentarily preserved text in lines 11–20 mentions dispositions for the benefit of heirs and other persons. The dispositions' objects are plots of land, money, and slaves. The amounts of land and money that appear in the text are considerable.

L. 20–24: I entrust the burial to the piety and care of my heirs. If I leave anything written in my hand in whatever way after this document, I wish it ... to be firm. May evil guile be absent from this will. On the making of this will ... bought the household and chattels for one sestertius, ... being the scale-holder, Marcus Sabinus Rufus, veteran, was the first witness, recognised. The will was made in the village of Phebichis in the Koite district above Memphis of the Herakleopolite nome ... year of the Emperor Caesar Titus Aelius Hadrianus Antoninus Augustus Pius ... the other sealers ... Marcus Sabinus Rufus, Marcus Sab...

BGU XIII 2244, ll. 9–24 = MIGLIARDI  
ZINGALE, *Iura* 43 (1992), pp. 125–131  
AD 186  
Alexandria

Greek  
Papyrus  
Copy

Text after BGU XIII

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. II

[Αὐρήλι]ον Θέωνα .[---]θη ἀπο[---] ἡ διαθήκη ἐγένετο ---[---]ων Μαίων Αὐτοκρά-  
τορι [Καίσαρι Μάρκῳ Αὐρηλίῳ Κομ|μύδῳ τὸ] ε καὶ Αὐρηλίῳ Τλεβρίωνι τὸ β [ὑπά-  
τοις· (ἔτους) κς Αὐτοκράτορος Καί|σαρος Μάρκου] Αὐρηλίου Κομμύδου Ἀντωνίνου  
Ε[ὑσεβοῦς Εὐτυχοῦς Σεβαστοῦ Ἀρμενι|<sup>5</sup>κοῦ Μηδικ]οῦ Π[αρθικ]οῦ Σαρματικοῦ  
Γερμ[α]ν[ικ]οῦ Βρετανικοῦ Μεγίστου [---]..[---].[---]κιανὸς Φιλοσαρᾶπις] δι-  
ε-  
θέμ[ην ὡς πρόκειται ---[---]εἰ|ον[---]ι σφρα[γίσαντες ---[---]κιανὸς Φιλοσαρᾶπις,  
Αὐρήλιο[ς Ἀσκληπιάδης, Τίτος | Πακτούμιος, Αὐρήλιος Θέων, Μάρκος ο[---]..[.]  
Ἀ[χιλλεύς, |<sup>10</sup> --- Γάιος Ἀντ|ώνιος Χαιρήμων ὁ καὶ Ἀπολλώνιος, Τίτ[ος Μάρκος |  
Μάριος Τί]βερεῖνος, Λούκιος Τί[τι]τιος Νεμε[σ]σιανός· ἡν|οῖγγ καὶ ἀνεγνώσθη ἐν |  
τῇ Ἀλεξανδρείᾳ] πρὸς Αἰγύπτῳ ἐν Πατρικοῖς πρὸς τῇ στατιῶν[ι τῆς εἰκοστῆς τῶν  
κληρονομιῶν | καὶ ἐλευθεριῶν] πρὸ ε εἰδῶν καὶ τῶν αὐτῶν καὶ τοῖς αὐτοῖ[ς ὑπάτοις  
[---]. σφραγισται τῆς ἀνοίξεως οἱ καὶ ἐπ[ι]γνόντε[ς Αὐ|<sup>15</sup>ρήλιος --- Ἀσκλη]πιάδης,  
Τίτος Πακτουμ[ή]ιος, Αὐρήλιος Θέων, Μάρκ[ος | [---] Ἀ]χιλλεύς, Γάιος Ἀντώ-  
νιο[ς] Χαιρήμων ὁ καὶ Ἀπολλώ[νιος [---] Τίτος] Μάρκος Μάρ[ι]ος Τιβερεῖνο[ς],  
Λούκιος Τίτιος | Νουμ[ι]σιανός ---]

3. Ἀκίλιϝ | Γλαβρίωνι

... Aurelius Thon... The will was made ... of May in the consulate of the Emperor Caesar Marcus Aurelius Commodus for the 5th time, and Aurelius Glabrio for the 2nd time. In the 26th year of the Emperor Caesar Marcus Aurelius Commodus Antoninus Pius Felix Augustus Armeniacus Medicus Parthicus Sarmaticus Germanicus Britannicus Maximus. I, ...kianos Philosarapis, have made this will as above ... The sealers ...kianos Philosarapis, Aurelius Asklepiades, Titus Pactumius, Aurelius Theon, Marcus ... Achilleus, Caius Antonius Chairemon also called Apollonios, Titus Marcus Marius Tiberinus, Lucius Titius Nemesianus. (The will) was opened and read in Patrika in Alexandria by Egypt at the *statio vicesimae hereditatum et manumissionum* on the 5th day before the ides in the consulate of the same consuls ... the sealers of the opening of the document are those who recognised the seals (on the will) Aurelius ... Asklepiades, Titus Pactumius, Aurelius Theon, Marcus ... Achilleus, Caius Antonius Chairemon also called Apollonios, Titus Marcus Marius Tiberinus, Lucius Titius Nemesianus.

*P. Diog.* 9

AD 186–224  
Philadelphia

Greek  
Papyrus  
Copy

Text after *P. Diog.* 9

Translations: French: P. SCHUBERT in *P. Diog.*; Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 19

ἀντί[γραφον] διαθήκη[ς] Ἰω[αν]νῆς μακρῆς ἐρμηνευθείσης κατὰ τὸ [δυνατόν]. Μάρκος Λουκρήτιος | Μίνωρ Ἀδριάνειος [ὁ] καὶ Ὀλύμπιος Ἀντινοεὺς διαθήκην ἔθετο. Μάρκος Λουκρήτιος --- | καὶ Μάρκος Λο[υ]κρή[τ]ιος Διογένης καὶ Λουκρητία Ὀκτανία καὶ Λουκρητία --- τὰ γλυ[υ]κύτατα παι[δ]ία μου τῶν ὑπαρχόντων μοι [---] ο[---] [--- μετὰ] ||<sup>5</sup> τὴν τελευταίην μ[ου] ἐξ ἴσου μέρος ἐμοῦ κληρονόμοι | ἔστωσαν οἱ δὲ λοιποὶ πάντες | ἀποκληρόνομ[οί] μου ἔστωσαν προσερχέσθωσαν [δὲ ἕκαστος τῇ κληρονομίᾳ μου ἐν] | [ἡ]μέρας ἑκατ[ο]ν[τα] ἑνγίστα ἐν αἷς δυνήσονται μαρτυρεσθαι ἑαυτοὺς εἶναι μου | κληρονόμους· ὅς ἂν μου κληρονόμος γένηται [---] | [ὁ] πύθωνος ἐ[σ]τω διδόναι ποιεῖν παρέχεσθαι [--- ταῦτα πάντα ἂ ἐν] ||<sup>10</sup> ταύτη μου τῇ δ[ι]αθήκῃ γεγραμμένα εἴη [--- τῇ συμβίβ[ω] μου, ἥπερ [---] ---, δίδωμι καταλείπω --- τὴν ἐνδομ[ε]νείαν πᾶσα[ν] --- ---ων ---ον [--- εἶ] | μάλα τοί γε τρέφῃ καὶ ἱματίζει τοὺς κληρονόμους μ[ου] --- | καὶ εἰ ἄγα[μος] παραμείνῃ. ἐὰν δὲ ἡ σύμβιός μου [---] ||<sup>15</sup> [---] η, κωλύω αὐτὴν μηδὲν ἐκ τῶν ὑπαρχόντων μοι λαμβάνειν χωρὶς τοῦ | ἀποδοθῆ[ναι] αὐτῇ τὴν πᾶσαν προίκα ἣσα[---] ἀκολου[θ]ῶς τοῖς δι[και]ώμασι τοῦ γάμου συντηθη[ῖ]σαν --- | συνγεν[ε]ί μου δίδωμι καταλείπω τ[ε] μὴν [--- δραχμῶν]

| τρισχ{ε}ιλ[ίων] . δ--- θυγατρὶ γαιων --- [--- δίδωμι] ||<sup>20</sup> καταλε[ίπω] --- χάριν  
 Σεβαστοῦ δεξαμεν --- [---] | δε --- [.]μ. ε --- δεκαετεί χρόνω ..[---]|λῆναι [.] ---  
 βούλομαι Ἑλληνικῶν . [---] | μου ..[.]α ταύτῃ τῇ διαθήκῃ δόλος [πονηρὸς ἀπέστω·  
 οἰκετεῖαν] | χρήματά [τε τ]ῆς διαθήκης γεινομένης ἐπρίατο [---]

8. ἔγγιστα || 23. Ἑλληνικῶν

Copy of Roman will translated to the possible extent. Marcus Lucretius Minor of the Hadrianian tribe and Olympian deme, citizen of Antinoopolis, has made a will. After my death, Marcus Lucretius ... and Marcus Lucretius Diogenes, and Lucretia Octavia, and Lucretia ... my sweetest children, shall be my heirs to all my belongings in equal shares. All others shall be disinherited. Each of them shall enter upon my inheritance within one hundred days after they are able to testify that they are my heirs. The one who will become my heir shall be liable to give and do and allow ... everything written down in this will ... To my wife who ... I give and bequeath ... the complete household ... if she supports my heirs with food and clothes ... and if she remains unmarried. If my wife ... I order that she takes nothing of my belongings, except for her dowry in full, estimated according to the marital contract. To my relative ... I give and bequeath the amount of ... three thousand drachmae. To ... daughter I give and bequeath ... received in favour of Augustus ... May evil guile be absent from this will. On the making of this will ... purchased the household and chattels ...

BGU I 326 = *M. Chr.* 316 = *Jur. Pap.* 25

= *Select Papyri* I 85 = *FIRA III*<sup>2</sup> 50

AD 194

Karanis

Greek

Papyrus

Copy

Text after *FIRA III*<sup>2</sup>

Translation: English: A. S. HUNT & C. C. EDGAR in *Select Papyri* I; ROWLANDSON, *Women and Society* (cit. above, p. 263), no. 139 (below); Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 12

Recto – column I

[--- Ἐρμηνί]α διαθ(ήκης). | [Γάιος Λογγίνος Κάστωρ οὐ]ε[τ]ρανὸς ἐντίμως ἀπολυ-  
 θε[ί]ς, | [ἐκ κλάσσης πραιτωρί]ας Μισσηνῶν [δια]θήκην ἐποί[η]σεν. | [ἐλευθέρας  
 εἶναι κελεύω] Μαρκέλλαν δοῦ[λ]ην μ[ο]υ μ<ε>ίζονα ἐ[τ]ῶν ||<sup>5</sup> [τριάκοντα καὶ Κλεο-  
 πάτραν] δοῦλην μου μ[ο]υ εἰζονα ἐτῶν τριάκ[οντ]α | [---]ομο[.] ἐξ ἔσου μ[ο]υ [έρους] ἐμοῦ  
 κληρον[όμο]ι | [ἔστωσαν, οἱ δὲ λοιποὶ πά]ν[τε]ς ἀποκληρόνομοι [μοι] ἔστωσαν.

προσε[ρ]χέσι[[θωσαν οὖν τῇ κληρονομίᾳ] μου ἐκάστη ὑπὲρ τοῦ ἰδίου μέρους  
 ὁπότ[α]ν | [γνῶ καὶ δύνηται μα]ρ[τύ]ρασθαι ἑαυτὴν ἐμοῦ κλ[η]ρονόμον εἶναι, μὴ  
 ἐξ<ε>[ῖ]<sup>10</sup> [ναὶ δέ] π[ι]π[ρά]σκ<ε>ιν μηδὲ ὑποτίθεσθαι. ἀλλ' εἴ τι ἂν ἀν[θ]ρώπιν[ο]ν  
 πά[θ]η] Μαρκέλλ[α] ἢ προγεγραμμένη, τότε τὸ μέρος τῆς κληρονομίας ἑαυτῆς |  
 [πρ]ὸς Σαραπίωνα καὶ Σωκράτην καὶ Λόγγον καταντῆσαι θέλω. ὁμοίως | [Κλε]ο-  
 πάτρην τὸ μέρος αὐτῆς πρὸς Νεῖλον καταντῆσαι θέλω. ὃς ἂν μου κλη[ρον]όμος  
 γέ[νητ]αι ὑπεύθυνος ἔστω δῶνα ποιῆσαι παρασχέσθαι ταῦ||<sup>15</sup> [τα] πάντα, [ἃ εἰ]ν  
 ταύτῃ τῇ διαθήκῃ μου γεγραμμένα εἴη, τῇ τε πίστ<ε>ι | [α]ὐτῆς παρακατατίθεμαι.  
 | [Σαρ]απίας δούλη μου, θυγάτηρ Κλεοπάτρας ἀπελευθέρᾳς μου, ἐλευθέρα ἔστω, |  
 [ῆ] κ[αὶ] δίδωμι καταλ<ε>ίπω ἀρούρας σιτικὰς πέντε ἅς ἔχω περὶ κώμην Κα[ρ]α[ν]ίδα  
 ἐν τόπῳ λεγομένῳ Στρουθῷ, ὁμοίως ἄρουραν μίαν τέταρτον ||<sup>20</sup> [κο]ιλάδος, ὁμοίως  
 τρίτον μέρος οἰκίας μου καὶ τρίτον μέρος ἐκ τῆς αὐ[τ]ῆς οἰκίας, ὃ ἡγόρασα πρότε-  
 ρον παρὰ Πραπεθεύτος μητρὸς Θασεῦτος | [ὁ]μοίως τρίτον μέρος φοινικῶνος, ὃν  
 ἔχω ἔγγιστα τῆς διώρυγος, ὃ καλεῖται

## Recto – column II

Παλαι[ᾶ] Διῶρυξ. ἐκκο[μι]σθῆναι περιστ[αλ]ῆναι τε ἑμαυτῷ[ν] θέλω τῇ φροντίδι  
 καὶ εὐσεβείᾳ | τῶν [κ]ληρονόμων μου. εἴ τι ἂν ἐγὼ μετὰ ταῦτα γεγραμμένον  
 καταλ<ε>ίπω τῇ ἐμῇ χειρὶ γεγραμμένον | οἷω δὲ [π]οτε τρόπῳ, βέβα[ι]όν μοι εἶναι  
 θέλω. ταύτῃ τῇ διαθήκῃ δόλος πονηρὸς ἀπέστη. οἰκετίαν χρή[ματ]ά τ[ε] τῆς δια-  
 θήκης γενομένης ἐπράτο Ἰούλιος Πετρωνιανὸς σηστερτίου νούμμου ἐνός, ζυ||<sup>5</sup> γο-  
 στα[τοῦ]τος Γαῖου Λουκρητίου Σατορνείλου, ἐπεγνῶ. ἀντ[ε]μαρτύρατο Μάρκον  
 Σεμπρώνιον Ἡρακλ[ι]ανόν], ἐπεγνῶ. ἢ δια[θ]ήκη ἐγένετο ἐν κ[ώ]μῃ Καρανίδι  
 νομῷ Ἀρσινοείτῃ πρὸ ιε καλανδῶν Νο[ε]μβρ[ι]ῶν δυσι Σιλάνους ὑ[π]ά[τοι]ς (ἔτους)  
 λ Αὐτοκράτορος Καίσαρος Μάρ[κο]ν Αὐρηλίου Κο[μμ]όδου Ἀντων[ι]ν[ο]ν |  
 Εὐσεβοῦς Εὐτυχοῦς Σεβαστοῦ Ἀρμενιακοῦ Μηδικοῦ Παρθικοῦ Σαρματικοῦ Γερ-  
 μανικοῦ Ἀθῶρ κα. εἰ δέ | τι πε[ρ]ισσὰ γράμματα τῇ χειρὶ μου γεγραμμένα κατα-  
 λ<ε>ίπω, βέβαια εἶναι θέλω. ||<sup>10</sup> ἡνύγη [κ]αὶ ἀνεγνώσθη Ἀρσινοείτῃ μητροπόλει ἐν  
 τῇ Σεβαστῇ ἀγορᾷ ἐν τῇ στατιῶνι τῆς εἰκοστῆς τῶν κληρονομιῶν καὶ ἐλευθεριῶν  
 πρὸ θ καλανδῶν Μαρτίων ὑπάτοις τοῖς οὖσι, (ἔτους) β | Αὐτοκράτορος Καίσαρος  
 Λουκίου[ν] Σεπτιμίου Σε<ο>νήρου Περτίνακος Σεβαστοῦ Μεχείρ. κς. οἱ λοιποὶ  
 σφραγισαὶ | Γαῖος Λογγίνος Ἀκύλας, ἐπεγνῶ, Ἰούλιος Βολύσσιος, Μάρκος  
 Ἀντίστιος Πετρωνιανός, Ἰούλιος | Γεμέλλος οὐτερ[α]νός. ||<sup>15</sup> Ἑρμην<ε>ία  
 κωδικίλλων διπτύχων. Γαῖος Λογγίνος Κάστωρ οὐετρανὸς ἀπολυθεὶς ἐν[τ]ίμως ἐκ  
 κλάσσης πραιτωρίας Μισσηνῶν κωδικίλλους ἐποίησα. Μάρκον Σεμπρώνιον Ἡρα-  
 κλιανὸν φίλον καὶ ἀξιόλο[γ]ον ἐποίησα ἐπίτροπον τῇ ἰδίᾳ πίστ<ε>ι. συγγενεῖ  
 Ἰουλίῳ Σερήνῳ δίδωμι | καταλ<ε>ίπω σεστερτίους νούμμους δ. πρὸ ζ εἰδῶν Φεβ-  
 ραριῶν τῇ ἰδίᾳ μου χειρὶ ἔγραψα. ἐσφρά[γισα]ν Λογγίνος Ἀκύλας καὶ Οὐαλέριος  
 Πρίσκος· σφραγισαὶ Γαῖος Λογγίνος Ἀκύλας, ἐπεγνῶ, Ἰού||<sup>20</sup>λιος Φιλόξενος,  
 Γαῖος Λουκρήτιος Σατορνείλος, ἐπεγνῶ, Γαῖος Λογγίνος Κάστωρ, Ἰούλιος

Γεμέλλος οὐε|τρανός. ἡνύγησαν καὶ ἀνεγνώσθησαν τῇ αὐτῇ ἡμέρᾳ ἐν ᾗ καὶ ἡ διαθήκη ἐλύθη. (hand 2) Γάιος Λούκκιος Γεμινι[ανός] νομικός Ῥωμαϊκὸς ἡρμήνευσα τὸ προκειμένον ἀντίγραφον καὶ ἐστὶν σύμφωνον τῇ αὐθεντικῇ διαθήκῃ.

## Verso

[--- Γ]αί[ου] Λογγείνου Κ[άσ]τορος

R, col. I, 6. *BL VIII 23*: καὶ ἐκάστη ἔστω κληρονομία {κληρον[ομ.]ν} prev. ed. || R, col. I, 7. *BL VIII 23*: prev. ed. || R, col. I, 8. *BL I 435*: [---]μου prev. ed. || R, col. I, 9. *BL III 11*: [---]ασθαι prev. ed. || R, col. I, 16. παρακατατίθεμαι || R, col. II, dupl. 4. *BL VIII 23*: τ[αύ]τησ prev. ed. || R, col. II, dupl. 5. ἐπέγνων || R, col. II, dupl. 6. ἐπέγνων || R, col. II, dupl. 10. ἡνοίγη || R, col. II, dupl. 13. ἐπέγνων || R, col. II, dupl. 19. ἐπέγνων || R, col. II, dupl. 20. ἐπέγνων || R, col. II, dupl. 21. ἡνοίγησαν || V 1. *BL VIII 24*: [Γ]αί[ου] Λογγείνου prev. ed.

Translation of will. Caius Longinus Kastor, honourably discharged veteran of the praetorian fleet of Misenum, has made a will. I order that Marcella, my slave woman, over thirty years of age, and Kleopatra, my slave woman, over thirty years of age, be free ... They shall be my heirs in equal shares. All others shall be disinherited. They shall enter upon my inheritance, each for her own part, after she knows and is able to testify she is my heir; it shall not be possible to sell or mortgage it. But if anything happens to the above-written Marcella, then I wish her share of the inheritance to devolve upon Sarapion and Sokrates and Longus. Likewise for Kleopatra, I wish her share to devolve upon Neilos. Whoever becomes my heir shall be liable to give, to do, to provide all these things that have been written in this my will, and I commit them to her trust. My slave woman Sarapias, daughter of Kleopatra my freedwoman, shall be free; to whom I also give and bequeath: five arourae of grainland which I hold in the vicinity of the village of Karanis in the place called 'Sparrow'; likewise, one and a quarter arourae of *wadi*-land; likewise, a third share of my house and a third share of the same house which I earlier bought from Prapetheus, his mother being Thaseus; likewise, a third share of a palm-grove which I hold very close to the canal called 'Old Canal'. I wish my body to be carried out and wrapped by the care and piety of my heirs. If I leave behind anything in writing after this, written in my own hand, in any way whatsoever, I wish this to be valid. May evil guile be absent from this will. On the making of this will, Iulius Petronianus purchased the household and chattels for one sestertius coin, Caius Lucretius Saturnilus being the scaleholder, (he acknowledged) and summoned Marcus Sempronius Heraklianos as the first witness (he acknowledged). The will was made in the village

Karanis in the Arsinoite nome, on the 15th day before the calends of November, in the consulate of the two Silani, the 30th year of the Emperor Caesar Marcus Aurelius Commodus Antoninus Pius Felix Augustus Armeniacus Medicus Parthicus Sarmaticus Germanicus, Hathyr 21. If I leave behind any further writings in my own hand, I wish these to be valid. Opened and read in the Arsinoite metropolis in the Forum of Augustus, in the *statio vicesimae hereditatum et manumissionum*, on the 9th day before the calends of March, in the consulate of the present consuls, the 2nd year of the Emperor Caesar Lucius Septimius Severus Pertinax Augustus, Mecheir 27. The remaining sealers: Caius Longinus Akylas (he acknowledged); Iulius Volusius; Marcus Antistius Petronianus; Iulius Gemellus, veteran. Translation of codicil tablets. I, Caius Longinus Kastor, honourably discharged veteran of the praetorian fleet of Misenum, have made codicils. Marcus Semprianus Heraklianos, a friend and a man of worthy repute, I have made trustee on his own good faith. To my kinsman, Iulius Serenus, I give and bequeath 4000 sestertertius coins. I have written this in my own hand, on the 7th day before the ides of February. Longinus Akylas and Valerius Priscus have sealed them. Sealers: Caius Longinus Akylas (he acknowledged); Iulius Philoxenos; Caius Lucretius Saturnilus (he acknowledged); Caius Longinus Kastor; Iulius Gemellus, veteran. Opened and read on the same day on which the will was opened. I, Caius Lucius Geminianus, expert in Roman law, translated the above copy and it is in conformity with the original will.

*P. Hamb.* I 72 = *CPL* 174 = *ChLA* XI 496

Second-third century AD

Location unknown

Latin

Papyrus

Formular

Text after *P. Hamb.* I

Translations: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. I; EADEM, *Vita privata e vita pubblica nei papiri d'Egitto. Silloge di documenti greci e latini dal I al IV secolo d. C.*, Turin 1992, no. I

[Quicumque mihi ex ea, quae uxor mea est, tempore] mortis · meae · natus · natave · erit · mihi hereş [---] | esto · suntove · quod · şı unus unave ex his, · quicumque [---] | natus · native · erit · eruntve · moriatur · eřogať[io ---]| hereditatis · pro portione maior · esto. | cum autem sciam mihi non licere per testamentum [plus ---] ||<sup>5</sup> quam quod in lege Fufia{m} Caninia · comprehensum [---] | sit · manu[mittere], řogo, hereş · karışıme, · manum[ittas ---]|ei n(on) obstet fugitiyorum · servorum · <m>eorum numer[us ---] | si quid ego · post h[o]c testa-

mentum meum · nuncupatu[m ---] | codicillis · charta · membrana · aliove quo  
 genere [---] ||<sup>10</sup> scrip[tum signatumque re]li[quero, quo non recto tes]|tamen[ti  
 iure l]egum[v]e d[ar]i quid · aut · fieri · iu[sse]||ro, [aut si quid] vel vi[v]us · d[ed]i ·  
 donavi · deder[o ---] | do[nav]er[o vel li]b[er]um liberamve · esse vetuer[o ---] |  
 {au[t]} se{e}r[vum s]e[rvam]v[er]e, ratum · esto ac si · in hoc t[es]||<sup>15</sup>t[am]e[n]t[um]  
 cau[tum] c[on]prehensumve esset · | h[uius] · t[estament]o · d[olus] m[ale] ab[e]sto  
 · | f[am]iliam pec[uni]a[m]ue testam[en]ti · f[aciendi] <c[ausa]> e[mit] · quis ·  
 (sestertio) i, [---] | lib[er]ip[er]endis) | o[co] quis, ||<sup>20</sup> ant[et]estatus est) qu[e]m.

Whoever will be born to me of the one who is my wife, at the time of my death shall be my heir. But if one of those who will be born to me dies, there shall be distribution ... of the inheritance according to the share. For I know that I am not allowed to (manumit) in a will more (slaves) ... than *lex Fufia Caninia* mentions ... I ask you, my dearest heir, to manumit ... if the number of fugitive slaves does not hinder it ... If, after making this formal testament, I make ... in codicils, on the papyrus or parchment, or any other writing material ... written and signed, I order this (which I will bequeath) and which is not directly implied from testamentary law to be given and done, and ... what I have already given and donated and I will give ... and donate, and slaves already manumitted, and those whom I will manumit to be ... shall be as valid as written in this will. May evil guile be absent from this will. On the making of this will so-and-so bought the household and chattels for one sestertius, so-and-so being the scale-holder, and summoned so-and-so as the first witness.

*P. Diog.* 10 = *P. Coll. Youtie* 1 64  
 = *ChLA* XLVII 1403

Latin & Greek  
 Papyrus  
 Copy

AD 211

Ptolemais Euergetis

Text after *P. Diog.*

Translations: A. K. BOWMAN & J. D. THOMAS, 'P. Lond. inv. 2506: a reconsideration', *BASP* 14 (1977), pp. 59–64, at pp. 62–63 (below; modified by MN according to the newest edition, *P. Diog.*); French: P. SCHUBERT in *P. Diog.*; Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 20

exempl[um] test[ame]nti. | L[ucius] · Ignatius Rufinus Ant[ino]ites) · t[estamen]tum) f[ecit]. L[ucius]·Ignatius Nemesianus fr[at]er meus | ex asse mihi heres esto o[mnium] · b[onorum] · m[eorum]. c[eteri] · o[mnes] exheredes sunto, cer-

nītoque | hereditatem meam infra diē[m] centesimum proximis qua s[ci]et ||<sup>5</sup> poterit heredem esse s(ine)· d(olo) m(alo)· d(o)· l(ego) Lucretia<e> Octavia<e> [c]on- iulgae meae, qui multum laboraverit in infirmitatem meam, iug(era)· | fr(umenta- ria)· V· semis in loco Potamoni· secundum Serēni la[t]us et | partem dimidiam domum meam qui appellatur i-p'i'ari | secundum Antonium Didumianum veterani. si q[ui]d ve||<sup>10</sup>nerit debitum causa aut aliquem rationem, ex[aequa]bitur ab herede me[o],· et si quid habeo in domu mea [id volo u]xoris meae esse. · vac. corpus m[e]um funerari volo fid[el]i per | fratrem meum· et heredem meum· sup[er]a) s(criptum)· in vico Philad[elphia] | nomi Arsinoitu Heraclidu partis, V· nonas Martia[s Fau]||<sup>15</sup>stino et Rufino co(n)s(ulibus), anno XVIII imp(eratorum) Caesarum L(ucii) Sep[ti]mi | Severi et M(arc)i Aureli Antonini· et P(ublii) Septimi Getae Aug(ustorum), [men]se Phamenoth die VII · ἀ(ντί)γραφον ὑπογράφ(η)ς· Λούκιος Ἰγνάτιος Ρου[φίνος] | διεθέμην ὡς πρόκειται. apert(um) et rec(itatum) Aug(usto foro) Ars(inoitu) met(ropoleos)· III non[as Iunias], | Quintiano et Basso co(n)s(ulibus), anno eodem, mense Pauni die· V[IIII] ||<sup>20</sup> praes(ente) pl(urima)· part(e)· signat(orum)· f(igentium) sig(na). · L(ucius) Valerius Lucretianus adg(novi)· M(arcus) L[... ]nus adg(novi)· Fl(avius) Didu[mianus] 'Diogenes' · adg(novi)· Arrius Nigerus adg(novi). M(arcus) Aurel(ius) Anubion· L(ucius) A[... ] | Cottarus.

Copy of will. Lucius Ignatius Rufinus, citizen of Antinoopolis, has made his will. Lucius Ignatius Nemesianus, my brother, shall be my lawful heir to all my property. All others shall be disinherited. He shall accept my inheritance within one hundred days after he knows and is able to testify that he is my heir, without fraud. I give and bequeath to Lucretia Octavia, my wife, who has laboured much during my infirmity, five and a half *iugera* of wheatland in the place of Potamon next to the side of Serenus' property, and a half share of my house which is called ... next to the property of Antonius Didumianus, veteran. If anything is to be sold to meet a debt or on any other account, it shall be made up by my heir. Whatever property is in my house, I wish it to belong to my wife. I wish my body to be given a funeral faithfully by my brother and heir aforementioned. (The will was made) in the village of Philadelphia of the Arsinoite nome, division of Herakleides, on the 5th day before the nones of March, in the consulate of Faustinus and Rufus, the 19th year (*sic*) of the Emperors Caesars Lucius Septimius Severus and Marcus Aurelius Antoninus and Publius Septimius Geta Augusti, on the 7th day of the month of Phamenoth. Copy of the subscription. I, Lucius Ignatius Rufinus, have disposed my will as above. Opened and read in the Forum of Augustus in the metropolis of the Arsinoite nome, on the 3rd day before the nones of June in the consulate of Quintianus (*sic*) and Bassus, which is the same year, on the 9th day of the month of Pauni, in the presence of as many witnesses who attached their seals as it was possible. I, Lucius Valerius Lucretianus, acknowledge.

I, Marcus L...nus, acknowledge. I, Flavius Didumianus Diogenes, acknowledge. I, Arrius Niger, acknowledge. Marcus Aurelianus Anoubion. Lucius A... Cottarus.

*P. Bagnall 5*

AD 213

Oxyrhynchos

Greek  
Papyrus  
Copy

Text after *P. Bagnall*

Translation: Italian: G. BASTIANINI in *P. Bagnall*

[---]ση[---] | [---].δ[---]...[.].γ, τοῦτο ..|[---].[.] θέλω· εἴ τι ..|[---].ου 'δέδωκα'  
[.π.], κύριον | [ἔστω· εἴ τι]! [ἐλεύθερον 'ἀν' τε εἶναι][---] ἄκ]υρον ἔστω· εἴ τινα  
ἐλεύ[<sup>2</sup>][θερο]ν ἐλευθέραν τε εἶναι [ἐκ]ἐλευσ[α, ἐλεύ]θερος ἐλευθέρα τε ἔστω· | [εἴ  
τινα] ἐκώλυσα ἐλευθερον, ἐλευθερος ἐλευθέρα μη ἔστω. | [οἶκε]εἰαν χρήματά τε  
τῆς διαθήκης γεινομένης ἐπρίατο Λούκιος | [---]ιος Τείρων σηστερτίω νούμμω  
ένί, ζυγοστατοῦντος | [Μάρ]κου Αὐρηλίου Λολλιανοῦ· ἀντεμαρ[.] τύρατ[ο] Μάρ-  
κον Αὐρήλιον ||<sup>10</sup> [---].γ τὸν καὶ Θέωνα. Ἡ διαθήκη ἐγένετο ἐν Ὁξύρυνχων πόλει  
| [π]ρὸ τρεσάρων καλανδῶν Ὀκτωμβρίων Αὐτοκράτορι | [κυρ]ίῳ ἡμῶν Ἄντω-  
[ν]ε[ί]νῳ Εὐσεβεί Σεβαστῶ τὸ τέταρτον ---

Ll. 3-12: ... If I ordered to manumit someone, he or she shall be manumitted. If I forbade to manumit someone, he or she shall not be manumitted. On the making of this will, Lucius ... Teiron purchased the household and chattels for one sestertius, Marcus Aurelius Lollianus being the scale-holder, summoned Marcus Aurelius ... also called Theon as the first witness. The will was made in the city of Oxyrhynchos, on the fourth day before the calends of October, in the fourth (consulate?) of the Emperor, our lord, Antoninus Pius Augustus ...

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*P. Oxy. XXII 2348 = AMELOTI, SDHI*

15 (1949), pp. 34-59

AD 224

Oxyrhynchos

Greek  
Papyrus  
Copy

Text after *P. Oxy. XXII*

Translations: C. H. ROBERTS in *P. Oxy. XXII* (below); Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 21

## Column I

[---].τ[ε][---]ε[---] | [---]μ[...].κλ[---]εχ. | [---] ἐμοῦ κ[---]αι ες[...]. | [---] κλ[η]-  
 ρονομ[ί]α μου | ὁπόταν ||<sup>5</sup> [---] ἐμ[ο]ῦ κλη[ρονόμο]υς εἶναι | [---] χεῖν ταῦ[τα π]άντα  
 τὰ | [---] τε τῇ π[ί]στει | αὐτῶν παρα[---]ϊκιμ[...].η μεγίστας | [---] δ.κατ[...]  
 νους ἐκ τοῦ ||<sup>10</sup> [---] ν[ε]ιμῆ[ς χ]άριν σειτι | [---] τοῖς μ[...].ι ὕδρευ[---] κ[ω]μηγ[---]  
 [φιν] ἄρου[---] δ[ε]κ. [---] ξ[ε]ταστον | [---] ὧν μου ||<sup>15</sup> [---] γάρ τι τῶν | [---] ἐ αὐτίκα  
 | [---] γαί τῷ | [---] ἐὰν δὲ ὀφεί[---]. ἀποδιδ[ο] ||<sup>20</sup> [---]. Ἡρακλείδου | [---] ἐπὶ τὰ  
 αὐτὰ | [---]. ἐπικεκλη[---] ἐ[δ]αφῶν | [---] οὓς κληρου ||<sup>25</sup> [---] μ[έ]ρους ὃ ἐστίν | [---]  
 - ἀμπ[ε]λῶγων | [---]. εἰ τῶν ὕδρευ[---] οἱ αὐτοὶ κλη[---] ἐὰν ἀνθ[ρῶ]πινόν τι ||<sup>30</sup>  
 [---] τοῦτο μέρο[ς] | [---] τοῦ σώ[μα]τός μου

## Column II

[τῇ] ν[φρ]ο[ν]τιδα ἐντέλλομαι τοῖς αὐτοῖς υἱοῖς μου καὶ τὸ σωματί[ι]όν μου | κα[τ]α-  
 ταφῆναι θέλω ἐν ᾧ ἡτοίμασα ὀρύγματι πρὸς τῷ μνημείῳ τῆς προτε[τα]γμαμένης  
 μακαρείδος μου γυναικὸς Ἡρακλείας. εἰς δὲ τὴν περιστολήν ||<sup>35</sup> βούλομαι ἐξ ἴσου  
 δοῦναι τοὺς υἱοὺς μου δραχμὰς πεντακοσίας σὺν ἀνοι[κο]δομῇ τύμβου ἐπακολου-  
 θούντων τῆς τε προτεταγμένης συμβίου | μου Τασεῦτος καὶ Αὐρηλίου Ἀπίωνος  
 τοῦ καὶ Ἀμμωνίου τοῦ προτεταγμένου | καὶ Πτολλίωνος φίλου μου. εἰ δέ τις  
 ὑπενάντιος τῆς βουλήσεως τῆς | διαθήκης μου πράξη τῶν κληρονόμων μου, δώσει  
 εἰς τὸ ταμεῖον τοῦ ||<sup>40</sup> κυρίου ἡμῶν αὐτοκράτορος δραχμὰς τρισχιλίας. εἴ τι ἐὰν  
 μετὰ ταῦτα | οἰωδῇποτε τρόπῳ ἀσφαλίσωμαι τοῦτο ἰσχύειν θέλω. οἰκετεῖαν χρή-  
 ματά τε | τῆς διαθήκης γενομένης ἐπρίατο Αὐρήλιος Σαραπίων σηστερτ[ί]ω  
 ν(σύμμω) ἐνί, ἐπέγ(νω) | ζυ[γ]οστατοῦντος Αὐρηλίου Θέωνος. ἀντεμαρτύρατο  
 Τιβέριον Κλαύδιον | Τρ[ύ]φωνα. ἡ διαθήκη ἐγένετο ἐν Ὁξυρυγχῶν πόλει τῇ πρὸ  
 ιβ καλανδῶν ||<sup>45</sup> Α[ὐ]γ[ού]στου Κλαυδίου Ἰουλιανῶ τὸ β καὶ Βρου[τ]ίω Κρεσπεῖνῳ  
 ὑπάτοις | ἔτους τρίτου | Αὐτοκράτορος Καίσαρος Μάρκ[ου] Αὐρηλίου Σεουήρου  
 Ἀλεξάνδρου | Εὐσεβοῦς Εὐτυχοῦς Ἐπιφ[κ]ζ. ἀντίγραφον ὑπογραφῆς. Αὐρήλιος  
 | Χα[ιρ]ήμων Ἡρακλείδου διεθέμην ἐπὶ {π} τοῖς προκειμένοις. ὁμοίως ἐτέρας |  
 ὑπογραφῆς τῆς ἐν τῷ Ἑλληνικῷ ἀντιγράφῳ. Α[ὐ]ρήλιος Χαιρήμων Ἡρακλείδου  
 ||<sup>50</sup> ἀνέγνω τὸ προκείμενον Ἑλληνικὸν ἀντίγραφον τῆς διαθήκης μου | καὶ συμ-  
 φωνεῖ μοι πάντα καθὼς ἐγὼ ὑπηγόρευσα. ἡνύγη καὶ ἀνεγνώσθη | ἐν τῇ αὐτῇ πόλει  
 παρόντος Αὐρηλίου Ἀρποκρατίωνος στρατηγοῦ πρὸς τῷ | λογιστηρίῳ αὐτοῦ καὶ  
 τοῦ πλείονος μέρους τῶν σφραγιστῶν οἱ καὶ ἐπέγνωσαν καὶ ἐσφραγίσαν τῇ πρὸ  
 μιᾶς εἰδῶν Ὀκτωβρίαν τοῖς αὐτοῖς ὑπάτοις ||<sup>55</sup> ἔτους τετάρτου Αὐτοκράτορος  
 Καίσαρος Μάρκου Αὐρηλίου Σεουήρου | Ἀλεξάνδρου Εὐσεβοῦς Εὐτυχοῦς Σεβ[α]σ-  
 τοῦ Θωῶ ιε. οἱ λοιποὶ σφραγισταὶ | Αὐρήλιος Σαρᾶς Αὐρήλιος Ἡρων ἐπέγνωσαν  
 Αὐρήλιος Διογένης | Μάρκος Αὐρήλιος Σαραπόδωρος.

Ll. 31–58: ... I lay upon the aforesaid sons the charge of caring for my body and I wish my body to be buried in the grave which I have prepared near the tomb of my aforesaid deceased wife Herakleia. I wish my sons to give in equal proportions five hundred drachmae towards the costs of my funeral dress, together with the erection of a tomb; this to be supervised by my aforesaid companion Taseus and the aforesaid Aurelius Apion also known as Ammonios, and my friend Aurelius Ptollio. If any of my heirs acts contrary to the intention of this my will, he shall pay to the Treasury of our lord the Emperor three thousand drachmae. If hereafter I make any provision in any manner whatsoever, I wish it to be valid. On the making of this will, Aurelius Sarapion purchased the household and chattels for one sestertius (acknowledged), Aurelius Theon being the scale-holder, and summoned Tiberius Claudius Tryphon as the first witness. The will was made in the city of Oxyrhynchus on the 12th day before the calends of August, in the consulate of Claudius Iulianus for the second time and Bruttius Crespinus, in the third year of the Emperor Caesar Marcus Aurelius Severus Alexander Pius Felix, 27 Epeiph. Copy of declaration: I, Aurelius Chairemon son of Herakleides, have made my will as stated above. Likewise of another declaration made in the Greek copy: I, Aurelius Chairemon son of Herakleides, have read the aforesaid Greek copy of my will and I agree with it all, just as I dictated it. Opened and read in the same city, in the presence of Aurelius Harpokration, *strategos*, in his office, and in the presence of as many sealers as it was possible, who have acknowledged and given their seal, on the day before the ides of October in the same consulate, in the fourth year of the Emperor Caesar Marcus Aurelius Severus Alexander Pius Felix August, 15 Thoth. The remaining sealers: Aurelius Saras; Aurelius Heron (both acknowledged); Aurelius Diogenes; Marcus Aurelius Sarapodoros.

*P. Laur.* I 4

AD 246

Hermopolite nome (?)

Greek

Papyrus

Opening protocol

Text after *P. Laur.* I

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 22

[κώ]μηγ ..[---] | [κυ]άμου ἀρτάβας [---] | [τ]ῶν κατοικομένων εἰς[---] | [οἰκ]ε-  
τεῖαν χρήματά <τε> τῆς δ[ιαθήκης ---] ||<sup>5</sup> νούμου ἐνὸς Ἀνρήλιος Δ[---] | Ἀνρή-  
λιον Σαραπίωνα τοπ[ογ]ραμμ[ατέα ---] | Φεβραρίων Πραισέντω καὶ Ἀλβ[ίνω --  
-] | γενναιοτάτου καὶ ἐπιφαν[ε]στάτο[υ ---] | καὶ ἀεγνώσθη ἐν τῷ Καισαρείῳ  
[---] ||<sup>10</sup> διὰ Ἀνρηλίου Ἀμμωνίου διαδόχο[υ ---] | ἔτι καὶ μὲν τῷ αὐτῷ ἡμέρᾳ [-

--] | Σαραπίων ὁ καὶ Νέαρχος βουλ[ευτῆς ---] | Διαδέλιος βουλευτῆς Ταυρεῖνο[υ  
 --- Πολυ]δευκοῦς ἔχω τὸ αὐθεντ[ικόν ---]

village ... artabae of beans ... of those who are gone ... On the making of this will, Aurelius D... purchased the household and chattels for one sesterius, ... Aurelius Sarapion, *topogrammateus* ... of February, when Praesentius and Albion were consuls (?) ... most noble and renowned ... Opened and read in the *kaisareion* ... through Aurelius Ammonios, successor ... in the same month and day ... Sarapion also known as Nearchos, member of *boule* ... Diadelios, member of *boule*, son of Taureinos ... I, ... son of Polydeukos, have the original ...

CPR VI 76

Third century AD

Location unknown

Greek

Papyrus

Copy

Text after CPR VI

Translations: German: H. HARRAUER in CPR VI; Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 18

Fragment A

[---]...[...]. καὶ δίδωμι [---|---]αδ[...]. ἀκατιθεμα[---|---]το]υλῖα Σερ[η]νίλλα θυγατρῶσι [---|---]οῦτι γυναικὶ εὐσεβεστάτῃ ἀρ[γυρίου τά]λαντο[ν ἐν ---]||<sup>5</sup> --- Π]οβλί[ω] Διδυμειανῶ στρατιώτῃ [λε]γιῶνος β' Τρα[ιανῆς ---|---] καὶ φ[ίλ]ω πραιτερίτων τάλαντον σε[β]αστὸν ἐν | [---]λεγιω]ναρίω [ν]ὴν οὐετρανῶ δραχμὰς σεβαστὰς διακοσίας | [---]αχῶ σοῦμμω εἰλῆς Μαυριτανῆ[ς] (δραχμὰς (?)) σεβαστὰς χ | [---]. φ οὐετρανῶ δραχμὰς σεβαστ[ά]ς σ ||<sup>10</sup> [---]. ιανω ση[μ]εαφόρῳ σπείρης πρῶ[τ]ῆς σεβαστῆς Παννο[νίων καὶ] | (hand 2) [....ε]λ]

Fragment B

Αἰλῖω Μέμ[νονι οὐ]ετρανῶ ἐκ κεφαλαίου ἀρ[γυρίου ---] | ἐκάστῳ [(δραχμὰς) σε]βα[σ]τὰς σ | [Ἀν]τωνίῳ Εὐφράνορι οὐετρανῶ καὶ φίλῳ (δραχμὰς) σεβ[ασ]τὰς - ---] ||<sup>15</sup> [Α]ιλίῳ Τιβερίῳ Εὐδαίμονι ὁμοίως οὐετρανῶ καὶ φίλῳ (δραχμὰς) ---] | [...]εστω ἀπελευθέρῳ Σερῆνου Ἀσκληπιάδου γενομ[ένου ---] ἐπεὶ | ἀσ[φαλῶς] καὶ πιστῶς ὑπ[ε]ρέστησεν δίδωμι καταλ[εί]πω (δραχμὰς) ---| ἐπιτ[ρό]πους δίδωμι τῷ νῖῳ μου καὶ κληρονόμῳ [---] | προσενεχθῆναι τῇ κληρονομίᾳ Ἰούλιον Θ[εοῦ] [---] καὶ --- οὐε||<sup>20</sup> τρ]ανοὺς καὶ φίλους ἢ τὸν αὐτῶν ...[---] | ἐκά[σ]τῳ τειμῆς χάριν ἐξ ὧν ἐκαστ[ὸν] ---| ὁμοίως ο. [...] ἐάν μου κληρ[ο]νόμος γένη[ται ἐν ἐννόμῳ ἡλικίᾳ ---] | παραχρῆμα τῆς τελευτ[ῆ]ς μ[ου γ]εν[ομένης ---] | ἢαι ἐκ τῶν ὑπαρχόντων μου

ἄ[λλων ---||<sup>25</sup> ..].ων ἐν ἡμέρᾳ τῆς [τ]ελε[υτῆς μου ---]λομαι μέχρι οὗ ὁ υἱὸς  
κληρ[ονόμος γένηται ---] | ταῦτα ἅπαντα ἅτινα[---] | αὐτῷ ἐν ἡλικίᾳ γεγ[ενημένῳ  
---] | τὴν τε[.]ε[---] ||<sup>30</sup> τῶν ὑπαρχόντων[ν ..] καθὼς ε[.---] τῶν παιδῶν μου |  
ἀφῆλίκων γεινο[μ]ε[νων].[.] ἐπάνω .[---] | ἐὰν δὲ ἡ μήτηρ αὐτοῦ τελευτήσῃ πρὶν  
ἢ ὁ υἱ[ὸς] ἀφῆλιξ γέγονεν (?) | τότε οἱ ἐπίτροποι φρογ[τίσ]ωσιν ὑ[π]έρ κ[ληρονο-  
μίας] (?) ---|---] traces [---]

#### Fragment A

And I give ... to Iulia Serenilla, daughters, to ... most pious wife one talent of silver  
... to Publius Didymianos, soldier of *legio II Traiana* ... and to a friend of former  
comrades one Augustan talent ... to legionary soldier, now veteran, two hundred  
Augustan drachmae ... to *summus alae Mauretanae* 600 ... to ... veteran 200 Augustan  
drachmae ... to ... *signifer* of the *cohors prima Augusta Pannoniorum* and ...

#### Fragment B

(I give) to Aelius Memnon, veteran, ... of silver capital ... to each 200 Augustan drachmae,  
Antonius Euphranor, veteran and friend, ... Augustan drachmae ... Aelius  
Tiberius Eudaimon, also veteran and friend, ... drachmae ... a freedman of Serenus  
Asklepiades ... because he served unfailingly and faithfully, I give and bequeath ...  
drachmae ... I appoint ... tutors for my son and heir ... Iulius ... enter upon inheritance  
... veterans and friends, or one of those ... each for the costs ... similarly ... if  
my heir reaches maturity ... at the moment of my death ... of my other belongings ...  
on the day of my death ... until that my son and my heir will be ... him reaching maturity  
... of my belongings ... my children being minors ... if his mother dies before my  
son reaches puberty ... the tutors shall take care of the inheritance ...

SPP XX 35 = PER 1702 = SB I 5294

AD 235

Herakleopolite nome

Greek

Papyrus

Original

Text after papyri.info

ἐτους τεσσαρεσκαδεκάτου Αὐτοκράτ[ορος Καίσαρος Μάρκου Αὐρηλίου Σεουή-  
ρου Ἀλεξάνδρου Εὐσεβοῦς] | Εὐτυχοῦς Σεβαστοῦ Δαισίου Φαρμοῦθι δεκάτ[η ἐν -  
-- τοῦ ὑπὲρ Μέμφιν] | Ἡρακλεοπολείτου. τάδε διέθετο νοῶν καὶ φ[ρονῶν Αὐρή-  
λιος ---] | μητρὸς Ταστωῦτος ἀφ' Ἡρακλέους πόλε[ως ἀναγραφόμενος ἐν τῇ ---  
ἀμφοδαρ]||<sup>5</sup> χία ὡς ἐτῶν ἐξήκοντα τεσσάρων[ν οὐ]λῇ [---] εἴη μὲν μοι ὑγιαίνοντι καὶ  
ζῶντι κύριον εἶναι | τῶν ἐμαυτοῦ πάντων καὶ διοικεῖν καὶ ἐσ[οδεύεσθαι] πωλοῦντα

ὑποτιθέμενον μεταδιατιθέμενον. | ἐὰν δὲ ὁ μὴ εἴοιτο ἀνθρώπινόν τι πάθω [κληρο-  
νόμον ἀπολείπω ---] | ἐκ παιδόθεν ὡ[μο]γνήσιον υἱὸν Αὐρηλί[ον --- ἀπὸ τῆς] | αὐ-  
τῆς πόλεως ε[ὑ]νοίας καὶ φιλοστοργί[ας ἔνεκα --- τῶν ἐμῶν] ||<sup>10</sup> παντοίων παντὸς  
εἶδους καθ' ὃν δῆπ[οτε τρόπον ἐμοὶ ὑπαρχόντων --- κατ' ἐξουσίαν] | πᾶ[σαν]. ἀλ-  
λ' [δὲ οὐ]δεν[ι οὐδ]ἐν κα[ταλείπω ---] | ὁ [δὲ προ]κείμε[ν]ός [μου κλη]ρονόμος  
[--- τὴν διαθήκην ἐποίησα γράμμασιν] | Ἑλληνικοῖς ἀκο[λου]θως τῇ θείᾳ κ[ε-  
λε]ύσει τοῦ κυρίου ἡμῶν Αὐτοκράτορος Μάρκου Αὐρηλίου | Σεουήρου Ἀλεξάν-  
δρ[ο]ν Εὐσεβοῦς Εὐτυχ[οῦς Σεβαστοῦ ἐφ' ὑπογραφῇ μαρτύρων --- ἐξ ὧν τὰ νό-  
ματα] ||<sup>15</sup> καὶ οἱ εἰκονισμοὶ ἐξῆς δηλοῦνται ἰδίαι[s αὐτῶν γράμμασι --- καὶ  
ἐπερωτῇ] | θεῖς ὡμολόγησα. ἡ διαθήκη κυρία. (hand 2) Αὐρή[λιος --- διεθέμην] |  
ὡς πρόκειται. (hand 3) Α[ὐρ]ήλιος[ς] Ἡράκλειος Ἰσιδώρου [--- μαρτυρῶ] | τῇ [δια-  
θήκ]ῃ [---]...φ... [--- (hand 4) --- ἀπὸ] | τῆς αὐτῇ[s πόλεως ---] μαρτυρῶ [τῇδε  
τῇ διαθήκῃ ---] [--- (hand 5) ---] ἡγας μ[αρτυρῶ ---] [--- (hand 6) ---] ιουίου Φιλ[---  
--- (hand 7) ---] .ν.. [---]

2. *BL V* 143: δι' ἐπιτηρητῶν ἀγορανομίας --- prev. ed. || 4. *BL VIII* 462: --- prev. ed.  
|| 7. *BL II* 2.159: βούλομαι prev. ed. || 8. ὁμογνήσιον || 9. *BL V* 143: κληρονόμον εἶναι  
--- τῶν ἐμῶν prev. ed. || 12. *BL V* 143: [---] prev. ed. || 13. *BL V* 143: ν[ομοθεσί]α prev.  
ed. | *BL VIII* 462: Αὐτοκράτορος Καίσαρος prev. ed. || 16-17. *BL V* 143: [μαρτυρῶ  
τῇδε τῇ διαθήκῃ] ὡς prev. ed. || 17-19. *BL V* 143: [μαρτυρῶ τῇδε] τῇ  
[δι]α[θη]κασ[φαλ]είᾳ --- Α[ὐρ]ήλιος prev. ed.

In the fourteenth year of the Emperor Caesar Marcus Aurelius Severus Alexander Pius Felix Augustus, on the tenth day of the month Daisios (and the Egyptian month) Pharmouthi, at ... of the Herakleopolite nome above Memphis. Aurelius ... son of ... his mother being Tastuous, from Herakleopolis, registered in ... quarter, about sixty-four years old, with a scar ... being sane and in his right mind, has made this will. May I enjoy good health and be master over my all belongings until the end of my life, managing them and being able to sell them, and mortgage them, and to change this will. If anything happens to me – let it not happen – I appoint as my heir ... Aurelius ... son of the same family since childhood ... from the same city, due to his kindness and love ... of all my belongings of any kind, my property (acquired) in whatever way ... and the complete power over it. I bequeath nothing to anyone else. My appointed heir ... I have made the will with Greek letters, in accordance with the ordered constitution of our lord, the Emperor Marcus Aurelius Severus Alexander Pius Felix Augustus, signed by six witnesses whose names and descriptions are given in their own hands ... and acknowledged being asked. The will is valid. I, Aurelius ... have made this will as above. I, Aurelius Heraklios son of Isidoros ... witness to the will ... from the same city ... witness to this will ... witness ...

*P. Princ.* II 38

AD 264

Hermopolis Megale

Greek  
PapyrusText after *P. Princ.* II

Translations: ROWLANDSON, *Women and Society* (cit. above, p. 263), no. 146 (below); Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 23; French: R. BURNET, *L'Égypte ancienne à travers les papyrus. Vie quotidienne*, Paris 2003, no. 155

[Αὐ(ρη)λία] Σε]ρηνίλλα ἐπικαλουμέ[νῃ] Δημητρία Φιλιππιανοῦ τοῦ καὶ Κοπρέου γε[νο]μένου βουλ(ευτοῦ) Ἑρμοῦ πόλ(εως) τῆς μεγάλης ἀρχαίας καὶ λαμ[προ-τά]της μετὰ κυρίου Αὐ(ρη)λίου Ἑρμ[ίν]ου τοῦ κ[α]ὶ Ἀχιλλέως Εὐδαίμονος εὐθη-νιάρχ(ου) τῆς αὐτῆς Ἑρμοῦ πόλ(εως) καὶ κουράτορος Αὐ(ρη)λίου Οὐαλερίου Λόγγου | [οὐετρ]ανοῦ ἀπὸ τῆς αὐτῆς [Ἑρμ]οῦ πόλ(εως) διαθ(ήκην) ἐποίησεν γρα-φισομένην τε ὑπηγόρευσεν. Αὐ(ρη)λία Ἀσκλητάριον ἢ κα[ὶ] Κόπριλλα μήτηρ μου | [κλη]ρονόμος μοι ἔστω. οἱ δὲ υἱοὶ <οἱ> ἐμοὶ ἀποκληρόνομοι ἔστωσαν.\* προσ-ερχέσθω δὲ τῇ κληρονομίᾳ μου ἐν ἡμέραις ρ ταῖς ἐπι||<sup>5</sup>[σήμοις] μου ὅταν γνῶ καὶ δύνῃται μαρτυρασθαι ἑαυτὴν εἶναί μοι κληρον[ό]μον. Αὐ(ρη)λίῳ Ἀχιλλεῖ τῷ καὶ Ἑρμίνῳ κοσμητ(ῇ) συμβίῳ μου | [καταλεί]πω περὶ Ἰβιῶ[ν]α Πετεαφθὶ μαχί-ξ|ς μου συντάξων ἐκ τοῦ Ναυβη κλήρου ἀφ' ὧν ἔχω ἐν μία κοίτῃ ἀρουρῶν | [---]...ς ἐξ[---].. ἀρ[ο]ύρα[s π]έντε καὶ περὶ τὴν α[ὐ]τὴν] κῶμην βίου κοινωνίας Ἀλίνης ἧς ἔχω ἀρούρας τρεῖς | [---]...[.]τουμ[---]κα.υ. [---]...[.]ις κουρα- [τ.]πιφ[η]...[.]β ἧς οἰκῶ, τῷ δ' ἐπ' [ἐμ]οῦ κουράτορι εὐ.οι | [---]δεν ζητη-θ[η]σ[.]ου. [---]γο ||<sup>10</sup> [--- τῆς] αὐτῆς πόλ(εως) δοθῇ[ναι ---]ογ | [---] μίαν τέταρ-τον [---]ογ |---|--- traces of 2 lines

Aurelia Serenilla also called Demetria daughter of Philippianos also called Kopreus, former councillor of Hermopolis Megale, ancient and the most illustrious (city), with Aurelius Hermeinos also called Achilles son of Eudaimon, *eutheniarques* of the said Hermopolis, her *kyrios*, and Aurelius Valerius Longos, veteran from the same Hermopolis, her *curator*, has made a will which was written and translated. Aurelia Asklatarion also called Koprilla, my mother, shall be my heir. My sons shall be disinherited. She shall enter upon my inheritance within 100 days immediately after she knows and is able to testify that she is my heir. To Aurelius Achilles also called Hermeinos, *kosmetes*, my husband, I bequeath in the

\* Wilcken proposed a different reading of this passage: οἱ δὲ λοιποὶ πάντες ἀποκληρόνομοί μου ἔστωσαν, but the examination of the photograph of the papyrus confirms the reading proposed in *P. Princ.* II 38. This is also the reading accepted by Mario AMELOTI (*Il testamen- to*, p. 123, n. 2).

vicinity of Ibion Peteaphthi *machimos*-assignment land from the allotment of Naubes, of those arourae which I hold in one parcel ... five arourae, and near the same village from the ... which I have in partnership with Aline, three arourae ...

*P. Oxy. VI 907 = M. Chr. 317 = FIRA III<sup>2</sup> 51*

AD 276

Oxyrhynchos

Greek  
Papyrus  
Copy

Text after *FIRA III<sup>2</sup>*

Translation: B. P. GRENFELL & A. S. HUNT in *P. Oxy. VI* (below); Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 24

[Αὐρή]λιος Ἑρμογένης ὁ καὶ Ε[ὐ]δαίμων ἐξηγητὴς βουλευτὴς [καὶ π]ρ[ύ]τανις τῆς λαμπ[ρ]ᾶς καὶ λαμπροτά[της] Ὀξύρυγχιτῶν πόλεως τόδε τὸ βούλημα | Ἑλληνικοῖς γράμμασι κατὰ τὰ συνκεχωρημένα ὑπηγόρευσεν | Αὐρήλιοι Ἑρμείνος καὶ Ὁρείων καὶ Ἡρακλείδης καὶ Πτολεμαῖς καὶ Διδύμη, τὰ πέντε τέκνα μου γλυκύτατα [ἐ]κ [τῆς] συνουσίας μοι --- γυναι[κ]ὸς Αὐρηλίας Ἰσιδώρας τῆς καὶ Πρείσκας ματρῶνας στολάτας, αἰρέσει τῇ ὑποτεταγμένη ἔφ' οἷς ἕκαστος προσδ[έ]ξεται κληρονόμοι μου ἕστωσαν, οἱ δὲ λοιποὶ] ||<sup>5</sup> πάντες ἀποκληρόνομοι μου ἕστωσαν, προσερχέσθωσάν τε τῇ κληρονομίᾳ μου ἐπὶ τοῖς ἐκάστῃ καταλιμ[πανομένοις] ὅταν γνῶ καὶ δύνηται μαρτύρασθαι | ἑαυτοὺς ἐμοὺ κληρονόμους εἶναι, οὗτοί τε ὑπεύθυνοι ἕστωσαν διδόναι ποιῆσαι παρασχέσθαι ταῦτα πάντα [ὅσα ἐν τούτῳ μου τῷ βουλήματι γεγραμμένα ἐστί], | τοῦτό τε τῇ π[ίσ]τει αὐτῶν παρακατατέθειται. vac. Αὐρηλίοις Ἑρμείνῳ καὶ Ὁρείωνι καὶ Ἡρακλείδῃ τοῖς τρισὶ μου [υἱοῖς] γλυκυτάτοις διδωμι καταλείπω κοινῶς ἐξ ἡ[ς] σου ὑπὲρ τῆς κληρονομίας τῆς ἐμῆς ὁ ἔχω περὶ τὸ Ἰστρου τῶν κατὰ τὸ ἄνω Ἰσεῖον ἀμπελικὸν χωρίον καὶ σ[ε]ξ[ι]τ[ικ]ὰς ἀρούρας πάσας καὶ --- ]νυς καὶ χρηστήρια καὶ συνκυροῦντα πάντα καὶ ἃς ἔχω περὶ Σεφῶ σ[ε]ξ[ι]τικὰς ἀρούρας πάσας καὶ ἐν τῇ μητροπ[ό]λει τὴν ---] ||<sup>10</sup> μου οἰκίαν καὶ τὴν ἐν αὐτῇ ἐνδομεναίαν πάσαν, τῷ δὲ Ἑρμείνῳ μόνῳ κατ' ἐξάρετον ἃς ἔχω περὶ Σεφ[---] κοινὰς πρὸς] | σ[ε]ξ[ι]τικὰς ἀρούρας πάσας καὶ δούλιον μου ὀνόματι Φιλοδιόσκορον. Αὐρηλίας Πτολεμαῖδι καὶ Διδύμῃ ταῖς πρ[ο]γεγραμμέναις θυγατράσι μου --- δίδωμι κατὰλείπω καὶ αὐτάς κοινῶς ἐξ ἴσου ὑπὲρ τῆς κληρονομίας τῆς ἐμῆς ὁ ἔχω κοινὸν πρὸς τὸν αὐτ[ὸν] --- ἀμπελικὸν] | χωρίον καὶ σ[ε]ξ[ι]τικὰς ἀρούρας πάσας καὶ προχρείας καὶ χρηστήρια καὶ συνκυροῦντα πάντα, τῇ δὲ Διδύμῃ [μόνῃ] κατ' ἐξάρετον προῖκα ἀργυρίου ταλάντων δ] | ἀλλὰ καὶ τῇ Πτολεμαῖδι βεβαιῶ διὰ τοῦτον μου τοῦ βουλήματος ἦν φθάσας ἐπιδέδωκα αὐτῇ προῖκα ἐ[ν] ἀργυρίῳ ταλάντους δ καὶ τὴν ἐμὴν] ||<sup>15</sup> δούλην ὀνόματι Εὐνοίαν, τὰ δὲ λοιπά μου δούλα σώματα τέσσαρα Διοσκουρίδην καὶ Σαβεῖνον καὶ Ἑρμ[... καὶ ..... τοῖς προκειμένοις ἄρρεσι τοῖς] | τρισὶ

καὶ τῇ μιᾷ τῶν θηλειῶν, λέγω δὴ τῇ Διδύμῃ. Αὐρηλία Ἰσιδώρα τῇ καὶ Πρείσκα τῇ συνουσίῃ μοι [γυναικὶ ---] | πρεπόντως περὶ τὴν συμβίωσιν ἀναστραφείσῃ καταλ[ε]ίπω κυριευτικῶς ἃς ἔχω κοινὰς πρὸς τὸν [αὐτὸν --- περὶ ---]|βιν σ[ε]ξ[ι]τικὰς ἀρούρας πάσας προυπαλλαγείσας αὐτῇ ὑπ' ἐμοῦ πρὸς τὴν προσενεχθείσάν μοι ἐπ' αὐτῇ τ[ό]τε φερνήν. ἐπίτροπον δὲ ποιῶ τῶν προκειμέ[ν]ων ἀφηλίκων μου τέκνων τ[ριῶ]ν Ὁρείωνος καὶ Ἡρακλείδου καὶ Διδύμης ἕως ἂν οἱ μὲν ἄρρ[ε]νες τῆς ἡλικίας γένωνται ἢ δὲ θήλεια] ||<sup>20</sup> ἀνδρὶ γαμηθῇ Αὐρήλιον Δημήτριον [τοῦ] Διονυσιοθέωνος, ἐπακολουθήσῃς πᾶσι τοῖς τῇ ἐπιτροπείᾳ διαφέρ[ου]σι τῆς προγεγραμμένης μου γυναικὸς] | Ἰσιδώρας τῆς καὶ Πρείσκας, καὶ διὰ τοῦτο [οὐ] βό[υ]λομαι ἄρχοντα ἢ ἀντάρχοντα ἢ ἕτερόν τινα παρεντιθέναι ἑαυτ[ὸν] --- ἐ[ξ]|πι-τρίψω γὰρ καὶ τῆς τοῦ ἀνεψιοῦ μο[υ] Διδύμου εἶναι εὐσεβείας βοηθήσειν τῷ Δημήτριῳ ἐν οἷς ἐὰν αὐτοῦ [δέξεται ---] | Αὐρηλίῳ Διονυσάμμωνι φίλῳ μο[υ] καταλείπω δοθῆναι τε βούλομαι κατ' ἔτος ἐφ' ὃν ζήσεται χρόνον ἅ[φ'] ὧν ἔχω ---] | περὶ Μῶα σ[ε]ξ[ι]τικῶν ἀρου[ρ]ῶν οἷον μὲν ἅμα τρύγγη κεράμια τριάκοντα καὶ πυροῦ μέτρων δεκάτω τῷ Παῦ[ν]ι μηνὶ ἀρτάβας καὶ ἵνα δοθῶσιν τῇ Δι[δ]ύμῃ . ὥρα [γάμου] γενομένη ὑπὸ τῶν ἀδελφῶν αὐτῆς ἀργυρίου τάλαντα τέσσαρα, τὴν φροντίδα τ[---] | κληρον[ο]μία. τὸ βούλημα ἐποίησα ἐν τῇ λαμπρᾷ καὶ λαμπροτάτῃ Ὀξυρυγχειτῶν πόλει α (ἔτει) τοῦ κυρίου ἡμῶν [Μάρκου Κλαυδίου Τακίτου Παῦνι ζ.] | (ἔτους) α Αὐτοκράτορος Καίσαρος Μάρκου Κλαυδίου Τακίτου Εὐσεβοῦς Εὐτυχοῦς Σεβαστοῦ Παῦνι ζ. Αὐρή[λιος] Ἑρμογένης ὁ καὶ Εὐδαίμων τὸ βούλημα πεποίη[ν]|κα ἐπὶ [πᾶσι] τοῖς[σ] προκειμένοις. ἐλύθη τοῦ αὐτοῦ α (ἔτους) Ἐπίφ.

4. BL I 329: προσδ[.....] prev. ed. || 5. BL III 133: [όπόταν --- ρασθαι] prev. ed. ||

6. BL III 133: ταύτῃ τῇ διαθήκῃ μου prev. ed. || 8. BL III 133: υἱοῖς ὡς πρόκειται prev. ed. || 12. corr. ex ποιων || 18. BL I 329: τ[...] prev. ed. || 24. σιτικῶν

Aurelius Hermogenes also called Eudaimon, *exegetes*, councillor and *prytanis* of the illustrious and most illustrious city of Oxyrhynchus, dictated the following will in the Greek language, in accordance with the permission. Aurelius Herminos, Aurelius Horion, Aurelius Herakleides, Aurelia Ptolemais, and Aurelia Didyme, my five dearest children by my ... wife Aurelia Isidora also called Prisca, *matrona stolata*, shall be my heirs according to the disposition written below, and on the condition on which each ... All others shall be disinherited. They shall enter upon my inheritance, each in accordance with what was left to him, when each knows and is able to testify that they are my heirs; they shall be responsible for giving, doing, and providing all this which is written in this my testament, and I confide this to their trust. To Aurelius Herminos, Aurelius Horion, and Aurelius Herakleides, my three dearest sons, I give and bequeath jointly in equal shares, on behalf of my inheritance, the vineyard belonging to me near the village of (?) Istros by the upper temple of Isis, and all the corn-land, and ... and fixtures, and

all appurtenances, and all the corn-land belonging to me at Sepho, and in the metropolis my ... house and all the furniture in it; and to Herminos alone, as his special property, all the corn-land belonging to me at Sen... jointly with ... and my slave called Philodioskoros. To Aurelia Ptolemais and Aurelia Didyme, my aforesaid daughters, ... I give and bequeath likewise jointly and in equal shares, on behalf of my inheritance, the vineyard belonging to me at ... jointly with the said ... with all the corn-land, and the plant, fixtures, and all appurtenances. To Didyme alone, as her special property, I bequeath ... and I also confirm to Ptolemais by this my will the dowry ... which I previously gave her, and I bequeath to her my slave named Eunoia; my remaining four slaves, Dioskourides and Sabeinos, and Herm... and ... I bequeath to the three sons and one of the daughters, Didyme. To Aurelia Isidora also called Prisca, my wedded wife ... who has conducted herself becomingly in our married life, I bequeath as her own property all the corn-land belonging to me at ...bis jointly with the said ... which was previously mortgaged by me to her in security for the dowry brought to me with her ... I appoint as guardian of my three children aforesaid who are under age, Horion, Herakleides, and Didyme, until the boys attain majority and the girl is married, Aurelius Demetrios son of Dionysotheon, with the concurrence, in all that pertains to the guardianship, of my aforesaid wife Isidora also called Prisca; and accordingly, I do not wish any magistrate or deputy or any other person to intrude himself ... for I further enjoin it upon the piety of my nephew Didymos to assist Demetrios in any way that may be required of him. To my friend Aurelius Dionysammon I bequeath and wish that there be given him during his lifetime from ... and the corn-land belonging to me at Moa, thirty jars of wine at the vintage and ... artabae of wheat by the tenth measure in the month of Pauni. (I direct that there be provided as dowry) for Didyme ... by her brothers four talents of silver ... This will was made by me in the illustrious and most illustrious city of Oxyrhynchos in the first year of our lord Marcus Claudius Tacitus, Pauni 7. The first year of the Emperor Caesar Marcus Claudius Tacitus Pius Felix Augustus, Pauni 7. I, Aurelius Hermogenes also called Eudaimon, have made this will with all the above provisions. Opened in the same first year, Epeiph.

*M. Chr.* 318 = *P. Lips.* I 29

AD 295

Hermopolis Megale

Greek  
Papyrus  
Original (?)

Text after *M. Chr.* 318

Translation: ROWLANDSON, *Women and Society* (cit. above, p. 263), no. 145

[Αὐρηλία Εὐστόργις ---|--- οὐλή ---]ω ἀριστερῶ χρηματίζ(ουσα) χωρὶς κυρί[ο]ν  
 τέκνων δικαίω κατὰ τὰ Ῥωμαίων ἔθῃ ---| ἀναγρα(φομένη) ἐν τῇ λα[μπ]ροτάτῃ  
 Ἑρμοῦ πόλει ἐπ' ἀμφόδου φρουρ[ί]ου λιβὸς μετὰ συνεστώτος [ἐμαντῆ Αὐρηλίου]  
 Τριαδέλφου | [Ἑρμοφίλου ἀναγρα(φομένου) ἐπ' ἀμ]φόδου πόλεως λιβὸς τῇ ἐμαντῆς  
 θυγατρὶ Αὐρηλία [Υ]περεχίω τῇ καὶ Ἀμμων[α]ρίω χαίρειν]. εἴη μὲν μοι ὑγιαί-  
 [νευ]καὶ τῶν ἡμετέρων ||<sup>5</sup> [ἀπολαύειν,] εἰάν δέ, ὃ μὴ εἴη, συμβαίη τ[ί] μοι ἀνθρώπι-  
 νον, ὅπερ ἀπεύχ[ο]μαι, κληρονόμον σε μ[ό]ν[η]ν κατὰ πάντας τοὺς ν[ό]μους καθί-  
 στημι | [ὥστε αὐτεξούσιόν σε εἶναι, ὅπου δὴν βουληθῆς, πορεύεσθαι, ἅτε δὴ τῆς  
 ἐννόμου ἡλικίας γεγεννημ[έν]ην.] καὶ δι' ἀφορμὴν ταύτην πάντα τὰ ἐ[μ]μαντῆς σοι  
 ἐπανεθέμην διὰ τοῦ[δε] τοῦ Ἑλληνικοῦ βουλήματος νοο[ύ]σα καὶ φρονούσα. πρὸς [-  
 --]περ γὰρ περὶ ἐμέ νόσον ὑφορωμέ[ν]ην ἀνθρώ[π]ινόν τι παθεῖν, νοοῦσα καὶ φρονούσα  
 διεθέμην τότε μου τὸ βούλημα ὑπὲρ [τοῦ μὴ] ἐξεῖναι ὥτινι[ο]ν ἀντιπαραβῆναι | [ἀ  
 διεθέμ]ην, μήτε τὴν γενομένην σύμβιον τοῦ ἀπογενομένου μου υἱοῦ Σαρμάτου  
 Α[ύ]ρ[η]λίαν Τ[α]μεῖν {μὴ} ἐπ[ι]βῆναι τῇ ἡμετέρᾳ οἰκ[ί]ᾳ ||<sup>10</sup> [οὕτῃ ἐ]π' ἀμφόδου  
 φρο[υ]ρί[ο]ν λιβὸς, μηδὲ παρακ[ύ]πτ[ε]ιν ὥτινιόν πράγμα[τι] δια[φ]έρον[τ]ί μοι  
 ἢ καὶ αὐτῶ τῷ ἀπογενομένῳ | [κηδεμ]ονείας τοῦ σώματος αὐ[τ]οῦ ἔνεκεν, αὐταρ-  
 κούσης σου τῆς τε προδεδηλωμένη[s μ]ου θυγατρὸς καὶ κλη[ρο]νόμου καὶ τῶν  
 ἡμε[τέρων] καὶ αὐτ[οῦ] τοῦ Σαρμάτου φ[ί]λ[ω]ν. α]ντάρκης γὰρ καὶ ὑπ' αὐ[τ]ῆς  
 ἔπαυσεν πρὸς ἀ οὐ βούλ[ω]μαι αὐτὴν παρατ[ύ]χε[ι]ν τοῖς ἡμετέροις | [πράγμασιν],  
 μάλιστα μη[δέ]ν ἔχουσα<v> πρὸς μὲ ἢ τὸν ἀπογενομέν[ο]ν μου υἱόν, ἀκολου[θ]ως  
 κ[αὶ] ἡ ἔθετό μοι τρ[ί]τῃ ἀνεγκλησίᾳ πλη[ρ]ωθεῖσα ὧ]ν ἔφασκεν ἔχειν α[ύ]τ[η]ς τὸν  
 ἡμέτερον υἱόν. γινώσκειν δέ σε βούλομαι [ὅ]τι ἀπὸ τ[ῶν] ὀφειλομ[ένων] τ[ῶ]ν αὐτῶ υἱῶ  
 μ[ο]ν ||<sup>15</sup> [ὑπὸ ---]ιου γυμνασιάρχου [Ἀ]λεξανδρείας ἀπὸ τιμῆς ὀθόνης ἀργυρίου  
 καὶ[νοῦ] τ[ά]λαντα δώδεκα μόνο[ν] μοι[ι] προήκατο ἐν | [--- καὶ --- θ]εβαίου κνιδ[ί]α  
 ἕκα[τ]τὸν πρὸς τὸ μετε[λ]θεῖν σε αὐτ[ὸ]ν περὶ τῶν λοιπ[ῶν] ὀφειλομένων μοι ὑπ'  
 αὐτοῦ. τὸ Ἑλληνικὸν | [βούλημα κύρι]ον δ καὶ δις σὸν σοι π[ρο]ηκ[ά]μην, ὥς ἐν δημο-  
 σίῃ ἀρχεῖω κατακείμενον, καὶ ἐπε[ρωτ]ηθ(εῖσα) νοοῦσα καὶ φρονούσα ὡμολό[γη]σα).  
 (ἔτους) ια ||[καὶ (ἔτους) ι τῶν κ]υρίων ἡμῶν Διοκλητι[α]νοῦ καὶ Μαξιμιανοῦ Σεβα-  
 στῶν καὶ (ἔτους) γ τῶν κυρ[ί]ων ἡμῶν Κωνσταντίου καὶ Μαξιμιανοῦ τῶν | [Ἐπι-  
 φανεστά]των Kaisarων Εὐσεβ[ί]ων Εὐτυχῶν Σεβαστῶν ὑπα[τ]ε[ί]α[s] Νουμμίου  
 Τρύσκο[υ] καὶ Αννίου Ανυλλε[ί]ου τῶν λαμπροτάτων ||<sup>20</sup> [--- (hand 2) Αὐ]ρηλία  
 Εὐστόργ[ι]ς διεθέμην ὥς πρ[ό]κειται. Αὐρ[η]λίας Τριαδέλ[φος]. Ἑρμοφίλου  
 σ[υμ]πάρ<ε>μι αὐτῇ καὶ ἔγρ[αψα] ὑπὲρ αὐτῆς {μῆς} μὴ εἰδυῖς γράμματα.

6. δὲ εἰάν || 11. [μου υἱῶ κηδεμ]ονίας || 14. γινώσκειν

Aurelia Eustorgis ... with a scar on her left ... styling herself as without guardian by the *ius liberorum* according to Roman custom, registered in the most illustrious city of Hermopolis in the West City District, with the assistance of Aurelius Triadelphos son of Hermophilos, registered in the West City District, to my own

daughter, Aurelia Hyperechion also called Ammonarion, greetings. May I enjoy good health and benefit from our property; but if – may it not happen! – anything happens to me, which I wish may not come about, I appoint you as sole heir according to all the laws so that you may be fully empowered to go wherever you wish, inasmuch as you have become of legal age. On account of this reason, I have devolved upon you all my property through this Greek testament, being of sound intention and mind. For suspecting that a mortal illness has come upon me, but being of sound intention and mind, I have drawn up this my will so that it may not be possible for anyone to go against my dispositions, and so that Aurelia Tameis, the former wife of my deceased son, Sarmates, may <not> enter our house, which is in the West Fort District, nor meddle with any property that belongs to me or to him, my deceased son, on the grounds of the care of his corpse, you, my above-described daughter and heir, being self-sufficient with our and Sarmates' friends. For I, too, though independent, have suffered at her hands, as a result of which I do not wish her to inherit any of our property, especially since she has no claim against me or against my deceased son, pursuant to her declaration to me in a third written quit-claim that she had been paid in full for the property of hers which she alleged our son had. I wish you to know, that of what was owed to my same son by ..., gymnasiarch of Alexandria, for the price of linen, twelve talents of new silver, he had delivered to me only one (talent) ... and of Theban (wine) one hundred *knidia*, with respect to your pursuing him at law concerning the balance owed me by him. The Greek testament, which I have issued to you in double copy, is valid as if deposited in a public archive, and having been asked the formal question, being of sound intention and mind, I have agreed. In the 11th and 10th year of our lords Diocletian and Maximian, Augusti, and the 3rd year of our lords Constantius and Maximian, the most glorious Caesars, in the consulship of Nummius Tuscus and Annius Anullinus, the most excellent. I, Aurelia Eustorgis, have made this testament as above. I, Aurelius Triadelphos son of Hermophilos, am present with her and have written on her behalf as she is illiterate.

PSI IX 1040 = FIRA III 10  
Third century AD  
Oxyrhynchos

Greek  
Papyrus  
Copy/abstract

Text after PSI IX

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 28

διαθήκη | Ψεναμούνιος Ἀρποκράτος τοῦ Ἀρποκράτος | μη(τρὸς) Θατρῆτος ἀπ'

Ὅξ(υρύγχων) πόλ(εως) ||<sup>5</sup> γράμματα <ε>ιδώς. | κληρονόμον ποιου[μαι] | τὸν υἱὸν  
 Αὐρήλιον | Θεόδωρον ἐκ τῆς γενο(μένης) | καὶ μετῆλλαχούης γυναι||<sup>10</sup> κὸς Διογενί-  
 δος ἀπὸ | τῆς α(ὐτῆς) πόλ(εως). | Δαμηίδα δούλην | αὐτοῦ <ως> ||(ἐτών) ιγ|| | ἀγο-  
 ραστ(ήν) ὡς ἐ(τών) ιγ ||<sup>15</sup> παραντίκα τῆς τελευτ(ῆς) | ἐλευθεροῖ καὶ ἀπολύει | τῶν  
 πατρωνικῶν δικ(αίων) | σὺν πεκουλίῳ | παντί, ἧ καὶ διατάσσει ||<sup>20</sup> τέταρτον μέρος  
 | ἧς ἔχει ἐν τῇ αὐτ(ῇ) | πόλ(ει) ἐπ' ἀμφοδ(ου) Πλατείας | θεάτρου οἰκίας οἰκε|τικῆς  
 αὐτοῦ σὺν χρη||<sup>25</sup> στηρίοις πᾶσι κυριευ|τικῶς καὶ πρὸς ἅπαξ | κράβακτον σὺν  
 χαλα|δρίῳ ἐξεστρωμένον | καὶ ||<sup>30</sup> ἐφ' ᾧ τε μὴ ἐξέσω | μισθώσασθαι, | ἀλλὰ τὸ μέ-  
 ρος | ἐὰν βούλ(ηται) μισθῶν | τῷ ἀδελφῷ.

9. μετῆλλαχούας || 25-26. *corr. ex* κυριευτικων || 33. μισθοῦν

Will of Psenamounis son of Harpokras son of Harpokras, of the mother Thatres, from the city of Oxyrhynchos, who knows the letters. I appoint as heir my son Aurelius Theodoros, born of my late wife Diogenis, from the same city. He will manumit his slave girl Dameis bought at the age of 13 immediately after (my) death and release her from the rights of patronage, (and he will let her keep) all her *peculium*. He will give her the fourth part of a house, which he has at the same city in the quarter of the Plateian theater, and all the fixtures with the full right of ownership, once for all, and mattress with a cover; but she is not allowed to lease it (i.e. her part of the house), unless she intends to lease this part to the brother.

PSI VI 696  
 Third century AD  
 Arsinoite nome

Greek  
 Papyrus

Text after PSI VI

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 25

[---]ελεπ[.]....[.].π.[---] | χ[ο]μ[α] | [ᾱ]νθρώπων τι πάθω, μη[---].[---] | Ἑλένη καὶ  
 Λητωεῖς *vac.* ὁμογνή[---] ἀδ]ελ[φ ---] | ἡ δὲ Λητωεῖς ὁμομητρία, κληρ(ονόμοι) μου  
 ἔστωσαν με[---] ||<sup>5</sup> προσερχέσθωσαν τε τῇ κληρ[ονομία] μου, ὡς ἔφην, μετ' ἐμὲ τετε-  
 λευτη[κότα ---] ὅποταν γνῶ καὶ δύνηται μαρτύ||ρασθαι ἑαυτὰς ἐμοῦ κληρ(ονόμους)  
 εἶναι, αὐταὶ τε ὑπεύθυναι ἔστωσαν δι[ιδόναί ποιεῖν] παρασχέσθαι ταῦτα πάντα | τὰ ἐν  
 τούτῳ μου τῷ βουλήματι ἐγγεγραμμένα, κατὰ μὲν ἐξαίρετον [---]|ῶν τῷ μὲν  
 δοκ<ε>ὶν ὁμογνήσιον ἀδελφόν, τῇ δὲ π<ε>ίρᾳ μηδὲ πώποτε [---] | ἡ καὶ ἐν ταῖς κατα-  
 λαβούσας με νόσοις ἐν τῇ αὐτῇ Εὐεργέτιδι ἐν τοῖς ν[---]||<sup>10</sup> .... τὸ] αἶρουν καὶ ἐπιβάλλον  
 μοι μέρος τόπου κοπριώδους οἴας τυ[γχάνει διαθέσεως (?) [---].]γπυτης καλουμεν[---]

5. *corr. ex τα* || 5-6. *BL* III 224: τετελευτη[κότα ---]ρασθαι prev. ed. || 6. *ὑπεύθυνοι*

... if anything happens to me ... Helene and Letoeis ... this Leoteis, born of the same mother, shall be my heirs ... They shall enter upon my inheritance, as I said, after my death ... when each knows and is able to testify that they are my heirs. They shall be obliged to give, do, and provide everything written in this my will, and especially ... think that my full-brother, in the trial whenever ... and in the illness which happened to me in this Euergetis ... the part of the impure place which I acquired and belongs to me ...

*P. Oxy.* XXVII 2474  
Third century AD  
Oxyrhynchos

Greek  
Papyrus

Text after *P. Oxy.* XXVII

Translation: L. KOENEN in *P. Oxy.* XXVII (below); Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 26

Recto

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Verso

χρυσοῦ [ο]ὔγκίας ἑξ καὶ ἀσήμου λίτρας δέκα [--- ἃ ὑπάρχει μοι ἐν] | ὀνικοῖ[s  
κτῆνεσι καὶ] πρόβασι καὶ --- [--- καὶ] | ἐσθῆς [πάσα] ἑρεᾶ τε καὶ λινῇ καὶ ἐνδομε-  
[νία --- ἔχειν αὐτ... ] | θέλω ἑξ ἴσου μέρους τοὺς τέσσαράς μου [---] ||<sup>5</sup> Αὐρηλίαν δὲ  
Χαιρημονίδα εὐνου[σ]τάτην μου [σύμβιον ---] | θεῶ καὶ ἀνθρώποι[s], ἐ[ῦ]νοήσα-  
σάν μοι ἐν [πρώτοις καὶ πᾶσαν πίστιν μοι ἐνδεικνυμένην (?) | τήν] αὐτὴν θέλω κυ-  
ριευτικῶ[s ...]...[---].]ου τὸ λοιπὸν ἡμισυ μέρος τῆς προκειμένη[s οἰκίας --- καὶ  
τῆς] | μικρὰς οἰκίας λογιστήριον λεγομένης καὶ τῆς ἐξ[---] ||<sup>10</sup> καὶ τὸ λοιπὸν τέταρ-  
τον μέρος τῆς γῆς τοῦ Θωνίου[υ] σ[---] | μέρος τῆς τε ἐπάνω χορτοθήκης καὶ  
σι[τοβολώνος (?) καὶ τῆς --- τῆς] | μένης πρὸς τῇ ὄχθῃ τοῦ ποταμοῦ ἀποκ[---  
καὶ τῶν ---] | ἐν οἷς ἐστὶ κτῆνη βοικὰ Πανσε[ῖ]ρ[εως --- ἡ δὲ ἡμε] | τέρα μήτηρ Ἀσ-  
κλατάριον ἐν ρύμῃ Ψύλλου λεγομένῃ[η ---] ||<sup>15</sup> καὶ κοινωνοῦσ[α] κατὰ τὰ λοιπὰ μέ-  
ρη [--- τῇ δὲ Χαιρημονίδι] | τῇ προκειμένη εὐνουστάτῃ μου συμ[βίω] δοθῆναι θέλω  
κατ' ἔτος ἐπὶ τὸν τῆς ζωῆς αὐτῆς χρό[νον] σίτου ἀρτάβας ἑκατὸν καὶ οἶνον [κερά-  
μι]α ἑκατὸν καὶ ..[...]. ἀρτάβας εἴκοσι πέντε [κ]αὶ | λαχανοσπέρμον ἀρτάβας ἑξ.  
καὶ ὅσα ἐώνημαι καὶ συνεταξάμην ἐπ' ὀνόματος τῆς αὐτῆς συμβίω[υ] | μου Χαιρη-  
μονίδος δοῦλικά σώματα ..... ἐν τε καὶ Πανχάριον καὶ τὰ ταύτης τέκνα ||<sup>20</sup> Κοπρήν

καὶ Π--- καὶ Θνηῶν, ἔχειν α[ὕτη]ν θέλω κυριευτικῶς. κηδεμόνα δὲ κατίστημι τοῖ[s]  
 αὐτοῖς ἀφήλιξι μου υἱοῖς τὸν ἡμέτερον γαμβρὸν Αὐρήλιον Ἀχιλλίωνα Κορνηλιανοῦ  
 πρυτανεύσαντα τῶν αὐτόθι, πᾶσαν πίστι[ε]ιν μέλλοντα ἀποσώζειν τοῖς αὐτοῖς |  
 παισι[v] μου καὶ κληρονόμοις. πρὸς τε ἡλικίας αὐτῶν γενομένων ἀποκατασταθῆναι  
 ἐκάστω | αὐτῶν τὰ ὑπ' ἐμοῦ διαταγέντα αὐτοῖς σὺν τοῖς ἐσομένοις ἀπὸ τοῦ γυν ἀπὸ  
 τῶν ὑπαρ[<sup>25</sup>]χόντων φόροις τε καὶ ἐκφορίοις ὑγρῶν τε καὶ ξηρῶν. ἔαν δέ, ὃ μὴ εἴη,  
 ὁπότερος τῶν | αὐτῶν παίδων μου ἐξ ἀνθρώπων γένηται ἄτεκνος ἢ καὶ ἀδιάθετος,  
 τὸ μέρος αὐτῆς | τῆς κληρονομ[<sup>4</sup>]ας τῆς ἐμῆς ἀνατρέχειν εἰς τοὺς λοιποὺς ἀδελφοὺς  
 αὐτοῦ, ἐμοῦ τε υἱοῖς καὶ κληρο[γ]όμοις ἐξ ἴσου μέρους. ἅμα δὲ τῇ τελευτῇ μου  
 ἐλευθέρους εἶναι θέλω ἡμετέρους | οἰκέτας Θέωνα καὶ Τααμμῶνιν. εἶναι δὲ αὐτοὺς  
 βούλομαι ὑπὸ τὴν ἐξουσίαν τῆ[s] ||<sup>30</sup> αὐτῆς εὐνουστάτης μου συμβίβιν Χαιρημονί-  
 δος, ἐφ' ὃν περιεστὶ χρόνον· πρὸς τῷ τε | τελευτᾷ α[ὕτ]ῃ[v] πορεύεσθαι αὐτοὺς  
 ἀκωλύτως, ὅπουδ' αὖν βουληθῶσι. Τὴν | γε ὁμογενεσίαν μου ἀδελφὴν Θεογονώστην  
 παραμεῖναι θέλω τῇ εὐνο[υ]στάτῃ μου | συμβίβιν Χαιρημονίδι διαιτωμένῃ καὶ ὑπη-  
 ρετουμέ[νῃ]ν] ....[.]. | καὶ ἔ[χειν αὐ]τ[ὴν] παρὰ τῶν προ[κ]ειμένων μου κληρονό-  
 μων προ[ο]νοῖα τοῦ ||<sup>35</sup> κηδεμόνος οἶνον κεράμια εἰκ[οσι]ι [τ]έσσαρα{s} κατ' ἔτος, οἷς  
 αὐτὴν ἀρκεσθῆναι[αι] | βούλομαι. Ἐπίμαχον δὲ ἐπίτροπον ἡμέτερον, ᾧ καὶ αὐτῷ  
 εὐχαριστῶ ἐδ γενέσ[θαι] | τὰ διαφέροντά μοι πράγματα, ἀντὶ πόνων ἀμυβῆς ἔχειν  
 θέλω ἅμα τῇ τ[ε]λευτῇ | μου κυριευτικῶς ὥς κέκτημαι περὶ κώμην Σενοκώμειν  
 .δο....[---] | Πέλα ἐκ τοῦ Σισίνου [[κληρου]] καὶ Ἀβδιέου κλήρων σιτικὰς ἀρουρά[s  
 --- αἷς] ||<sup>40</sup> καὶ αὐτὸν ἀρκεσθῆναι βούλομαι. παραγγέλλω δὲ τῷ αὐτῷ Ἐπι[μάχῳ -  
 --] | παραμεῖναι τοῖς αὐτοῖς υἱοῖς μου τὴν αὐτὴν χώραν διοικόντι κ[αὶ] ἔχοντι ἐπὶ  
 | ὀψωνίῳ καὶ τηρήσ<ει> αὐτοῦ προνοῖα τοῦ αὐτοῦ κηδεμόνος Ἀχιλλίωνος. [---] |  
 τοὺς τε προνοήσ<α>[<ντα>s] καὶ τοὺς φροντίσ<α>[τας καὶ τοὺς] λοιποὺς πρὸς τὸ .[---  
 ]|τηθῆναι τὰ ἐν αὐτοῖς δ[.].....[---]... ' [.....]. τοῖς κλ[ηρονόμ]οις ||<sup>45</sup> μοις μου μηδε[ν]  
 [ἐ]ξεί[ναι ---] | ....το[---]

20–21. καθίστημι || 27. υἱοὺς || 36. *corr. ex* ἡμέ.ερον | *corr. ex* πυ || 37. ἀμοιβῆς ||  
 39. τῶν

... six ounces of gold and ten pounds of silver. ... Whatever donkeys and small cattle belong to me ... and all my woolen and linen clothing, and all my furniture ... I wish them to have ... in equal portions my four ... Aurelia Chairemonis, my wife, who is well disposed to me ... god and men, but likes me first of all and shows all faith to me, I wish her with full proprietary rights to have ... and the remaining half-portion of the aforementioned house ... and of the small house which 'counting-house', and of the equipment (?) ... and the remaining fourth portion of Thonius' land ... and the ... portion of the hay-cock on the hill, and of the granary and of the ... which is situated on the dyke of the river ... and of ... in which Pausiris' cattle are ... Our mother Asklatarion in the street called 'of Psyllus' ... and as com-

mon property according to the remaining portions ... I wish my aforementioned wife, who is well disposed to me, for the term of her life each year to receive one hundred artabae of corn, and one hundred jars of wine, and twenty-five artabae of *arakos* (?), and six artabae of vegetable seed. And with full proprietary rights she shall own all the slaves whom I have bought and put under the name of the said wife Chairemonis, ... and Pancharion, and her children Kopra and P... and Thnas (?). I appoint my son-in-law Aurelius Achillion son of Kornelianos, who has been a *prytanis* here, as guardian of the aforesaid sons who are minors, and he shall preserve all good faith to the said children and heirs. When they have come to the proper age, all that I have instructed shall be bestowed on them together with all future rents in money and in dry and liquid measure, which shall be produced from now on. If – may it not be so – one of my children dies without issue and intestate, then his portion of the inheritance shall go to his remaining brothers, my sons and heirs, in equal portions. On my death, I wish my house-slaves Theon and Taammonis to be free; but they shall be kept in the power of my said faithful wife Chairemonis so long as she lives. On her death, they shall be allowed to go unhindered wherever they wish. I wish Theognoste, my full sister, to stay with my wife Chairemonis, to be maintained and supplied ... and from the aforesaid heirs through the provision of the guardian she shall receive twenty-four jars of wine each year; with this I wish her to be satisfied. As reward for his troubles, I wish my steward Epimachos, whom I thank for the prosperity on my affairs (?), on my death with all proprietary rights to receive the arourae of corn-land, which in the area of the village Senokomis... (and the village) Pela I own from Sisines and Abdieus' plots ... with these he shall be satisfied. I instruct the same Epimachos ... to stay with my aforesaid sons and to manage the same land with them; through the provision of the *tutor minorum* Achillion, mentioned above, he shall receive as salary and payment for his maintenance, ... the people who provide and take care, and the other ...

*P. Strasb.* IV 277  
Third century AD  
Ptolemais Euergetis

Greek  
Papyrus

Text after *P. Strasb.* IV

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 27

[*M*]άρκος Αὐρ[ήλιος --- ἀπὸ κώμης | Σ]εκνεπτύν[εως ---|...]αι ἐν χάρτῃ Ἑλ[λην-  
νικοῖς γράμμασι διαθήκην ἐποίησεν γραφησόμενήν τε ὑπηγόρευσεν] | Αὐρηλία

Ἡραῖς [--- κληρονόμος ἔστω ἐκ τρίτου μέρους καὶ --- θυ|<sup>5</sup>γ]άτηρ Πανσινί[ο]υ --- κληρονόμος ἔστω ἐκ | δι|μοίρου μέρους .[... καὶ ὑπεύθυνοι ἔστωσαν δοῦναι ποιῆσαι παρασχέσθαι ταῦτα πάντα | ὅσ]α διατάσσω κ[αὶ τῇ πίστει αὐτῶν παρακατατίθεμαι --- τῷ προγεγραμμέν]ῳ αὐτῆς ἀνδρὶ [δίδωμι καταλείπω ---] | φόριδος ἐπικεκ[λημένης ---] ||<sup>10</sup> ...οντων ὧν [--- οἱ δὲ λοιποὶ πάν]τες ἀποκληρόνο[μοί μοι ἔστωσαν. προσερχέσθωσάν τε τῇ κληρονομίᾳ μου ἐκάστη ὑπὲρ τοῦ ἰδίου] | μέρους ἐν ἡμέραις [ἐκατὸν ταῖς ἐπισήμοις μου ὅποταν γνώσι καὶ δύνωνται μαρτύρασθαι] | σὺν ἐπιτρόπο[ις αὐτῶν --- ἐαντὰς ἐμοῦ κληρονόμους] | εἶναι ἕως ἀνδρὶ [γαμηθῶσιν --- παρα|<sup>15</sup>σ]κεύασα τῇ προκ[ειμένη --- ἐνω|τ]ίων δεῦρος ὅλκ[ῆς δραχμῶν ---].ιον χρυσίου κα[---] | σουβρικοπαλλ[ιον].[---] | αὐτῆς, εἰδυῖαν δὲ υ .[--- εἰλη]||<sup>20</sup> φέναι εἰς προικὸς λόγον [---] | ἔστω τήν τε εἰκοστὴν α[--- ἀπελεύθερόν] | μου καὶ κληρονόμον [εἶναι, ἀλλ' ἐὰν ἀνθρώπινον πάθῃ ἢ προγεγραμμένη ---] | τὸ μέρος τῆς κληρον[ομίας αὐτῆς πρὸς --- καταν]||τῆσαι θέλω· τὸ δὲ ἐπιβ[άλλον --- μέρος --- αὐ]||<sup>25</sup> τὸν συντηρηθῆναι κ[ελεύω ---]||γν ἐξ οὗ Σαβεῖνος ..[---]

#### 16. ζεύγος

Marcus Aurelius ... from the village Seknebtynis ... has made a will on papyrus, with Greek words, which was written and translated ... Aurelia Herais ... shall be my heir to the third part (of my estate) and ... daughter of Pausinios ... shall be my heir to two-thirds (of my estate). They shall be obliged to give, do, and provide whatever I will ordain and I entrust to their (good) faith ... I give and bequeath ... to her above-written husband ... All others shall be disinherited. Each shall enter upon my inheritance, each to her part, within one hundred indicated by me days after she knows and is able to testify – acting with their tutors – that they are my heirs ...

What follows is too fragmentary to be translated. Lines 14–26 contain minor dispositions (bequests of money and other goods); there is also information on someone's dowry (probably the testator disposed its repayment), and the request to free a slave, as well as a decision concerning the inheritance in case of the heirs' (premature?) death.

*P. NYU II 39 = SB V 8265*

AD 335–345

Karanis (?)

Greek

Papyrus

Original

Text after *P. NYU II*

Translation: Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 30

[Αὐρήλιος (?) --- τοῦ (?) --- ἀπὸ (?) --- κώμης] νοῶν καὶ φρονῶν διαθήκην ἐποίη-  
 σεν γραφῆσ[ομένην τε ὑπηγόρευσεν ---|---]μ...[.] πατρὸς Εὐδαίμωνος καὶ Ἰσί-  
 δωρος ὁμοίως πατρ[ὸς] Εὐδαίμωνος ---|--- κληρο]νόμοι μου ἔστωσαν αἰρέσει τῇ  
 ὑποκ<ε>μένη καθὼς ἐξῆς ἐκ[ασ]το[ς] προσδέξεται. οἱ δὲ λοιποὶ πάντες ἀποκλη-  
 ρόνομοί μου ἔστωσαν. προσερχέσθωσάν τε τῇ | κληρονομία μου ἐπὶ τοῖς ἐκάστω  
 καταλιμπανομένοις, ὅταν γνῶσι καὶ δύνωνται μαρτύρ]ασθαι ἑαυτοὺς ἐμοῦ κληρο-  
 νόμους εἶναι. ΗΛ[...]|ν [---|<sup>5</sup>---]ς δὲ αὐτὴν καὶ δωριμαίαν ἐξου[σί]αν ...σποιη  
 ....[---|---]... δέκα, πρόβατα λευκὰ τέλεια δύο π...ε...σοκαίτων ρ...[---|---]....,  
 ὧν εἰσὶν γ<ε>ίτονες ἀπὸ μὲν ἀνα[το]λῶν [...].π.ρ.σπα[---|---]α [κα]ὶ [ο]ῦς εἶχον  
 καὶ οἰκοῦσιν ἀπὸ τῆς ἀλλή[ς] μ]ου οἰκίας τόπους [---|---] θυγα]τρὶ Εὐδαίμωνος  
 τετελευτηκόσ μου υἱοῦ πρόβατα τέλεια λευκὰ τρία. [---|<sup>10</sup>---]...ἐμ[...]|ν καὶ  
 δοῦλον [Ἀ]νδρισκον καὶ Ἰσίδωρον περὶ τινος γο[---|---] ἐχε]τωσαν. καὶ αὐτοὶ  
 κοινῶς ἐξ ἴσου πέμπτον μέρος εἰς τὸ μέρος ἑαυτῶν (?) ---|---]τοῖς καὶ τοῖς  
 ἄλλοις κινουμένοις ἐπιπλόν και σκευῶν καὶ ἐν[δομενείων ---|---]ην ἐν πᾶσι  
 φαν.... μοι καὶ [...].καμόντες ἐν τεπ[---|---] πρόβα]τα λευκὰ τέλεια δέκα. τὴν δὲ  
 τοῦ σωματίου μου .κω...[περιστολήν ---|<sup>15</sup>---] οἰκε]τίαν χρήματα ταύτη]ς δια-  
 θήκης γ<ε>ινομένης ἐπρίατο χαλκοῦ ἀσσαρίου Αὐρ[ή]λιος Ἀρτεμίδωρ[ος, ζυγο-  
 σταυόντος ---. ἀντεμαρτύρατο ---] ὑπατείας Ἰουλίου Κωνσταυτίνου πατρικίου  
 ἀδελφοῦ τοῦ δεσπότη ἡμῶν Κωνσ]ταντίνου Αὐγουστοῦ καὶ Ρουφίου Ἀλβίνου  
 τῶν λαμπροτάτων ..[---|---] κ[αθά]περ καὶ πρὸ τούτου ..καὶ <κ<ε>κτηται ἐν  
 αὐτῷ καὶ ἀντεπερωτηθεῖ[ς ---|---] (hand 2). θ[...]|ω ληγαταρίους ἀπ[ο]δ<ε>ξίς  
 τοὺς λοιποὺς ....[---|---] (hand 3) Αὐρήλιος Μέλας Ὠρίωνος ἀ]πὸ τῆς αὐτῆς κώ-  
 μης κ.[---|<sup>20</sup>---] (hand 4) Αὐρήλιος Ἡράκλειος ...κκαλ[... μαρτ]υρῶ τῇ διαθήκῃ  
 καὶ ἐσ[φράγισα (?) ---]

Aurelius ... son of ... son of ... from the village ... being sane and in his right mind, has made (this will) which was written down and translated. ... son of Eudaimon, and Isidoros, also son of Eudaimon, ... shall be my heirs. Each shall take and accept one after another as set below ... All others shall be disinherited. They shall enter upon my inheritance, each to the part which is left to him by me, after they know and are able to witness that they are my heirs. ... this and power of donating\*.... ten, two white full-grown sheep ... neighboring from the east with ... and the (properties) of my another estate which I had and (they?) dwell ... daughter of my late son Eudaimon, three white grown-up sheep ... and slave Andriskos, and Isidoros ... they shall have jointly in equal shares the fifth part to their part ... of equipment and furniture, and household goods ... ten white grown-up sheep ... the laying out of my body ... On the making of this will, Aure-

\* On the expression δωριμαίαν ἐξου[σί]αν, see the commentary to *P. NYU II* 39.

lius Artemidoros purchased a household and chattels for one *assarius* of copper, ... being the scale-holder, summoned ... as the first witness. In the consulate of Iulius Constantinus *patricius*, brother of our lord Constantinus Augustus and Rufius Albinus, the most illustrious ... according to and for this ... in this and asked ... and others who were appointed as *legatarii* ... I, Aurelius Melas son of Horion, from the same village ... I, Aurelius Heraklios ... witness to the will and I have sealed ...

#### 4. LATE ROMAN AND BYZANTINE WILLS

*P. Col.* VII 188 = *SB* XII 11042 (copy)

AD 320

Karanis

Greek

Papyrus

Original

Text after *P. Col.* VII

Translation: N. LEWIS in *P. Col.* VIII (below); Italian: MIGLIARDI ZINGALE, *I testamenti*, no. 29

Υπατείας τῶν δεσπ[οτ]ῶν [ἡμ]ῶν [Κωνσ]ταντίνου Σεβαστοῦ τὸ 5 καὶ Κωνσταν-  
τίνου τοῦ ἐπιφανεστᾶτου Κ[αί]σ[αρος] τὸ α] Φαμενώθ ιη. Οὐαλέριος Αἰῶν ἐκα-  
τόνταρχος οὐξιλατίωνος ἱππέων | προμώτων λεγίων[ος] β Τραιανῆς τῶν ὑπὸ Δη-  
κέντιον π[ραι]πόσιτον διακεῖ[μέ]νων ἐν κώμῃ Α[σ]φ[ύνης] τοῦ Α]ατοπολείτου  
νομοῦ Αὐρηλίου Ἡράτι καὶ Ἀβουθίω καὶ Ἀτρήτι καὶ Θαῆσι καὶ Ἐρώιτι τοῖς  
πέντε ἀδ[ελ]φοῖς μου τ[ῶν] αὐτῶν γονέων ἐκ πατρὸς Ἀττιτίου μητρὸς Τιμαρέτ[ης]  
ἀπὸ κώμης ...] ... ικου τοῦ Ἀρσινοῦτου νομοῦ ὑπὲρ μερῶν πέντε καὶ Αὐρήλιος Σε-  
παχούμι | Βήκιος Λαμψιδεύς πρεσβυτέρου μητρὸς Τὰ νεωτέρας γ[υ]ναῖκί μου κα[ὶ]  
...] ἀῆρι θυγατρί [μου] μητρὸς τῆς προκειμένης Σεπαχούμιος ταῖς δυοῖς ὑπὲρ με-  
ρῶν δύο ἀπὸ τῆς αὐτῆς καὶ προκει[μένης] κώμης Ασφύνεως τοῦ αὐ[τοῦ] Α]ατο-  
πολ[εί]του νομοῦ εἰσσυμπιπροκ[ε]ν[τ] ...]ς ἐπτά νο[μ]ῶν κ[αὶ] φρονῶν καὶ ἔπακο-  
λουθούντων οἷς λέγω[ν] δὴ καὶ φ.α.σων ..εἰμι ζῆν | καὶ ὑ[γ]ιαίνειν ἔχω τῇ[ν]  
δεσ[πο]τείαν τῶν] ὑ[π]ογεγραμμένων μου πραγμάτων, εἰ δὲ ἀν[θρώπων] ἔχω τῇ[ν]  
συνβαίην ἐν τῇ καταλαβούσῃ με <ε>νοτάτῃ νόσῳ ὑμᾶς τοὺς προκειμένους | ἐπτά  
κληρονόμους κληρονομεῖ[ν] πᾶντα [τ]ὰ καταλ<ε>ιθησόμε[να] ὑπ' ἐμοῦ ---] εἶδη  
ἐνδομ[εν]ικά. ἔστι δὲ τὸ κατ' εἶδος· ἐν μὲν χρυσῶ· χρυσοῦ ὀλοκοτ[ε]λ[ί]νους τοὺς μὲν  
ἐν ἀποθέτῳ δύο καὶ παρὰ Σκεύακι δ[ι]ὰ χ[ειρο]γραφ[ῶ]ν δύο καὶ παρὰ Κεφάλωνι

ὁ[μ]οίω[ς] διὰ χε[ι]ρογρά(φου) δύο καὶ παρὰ Ἀμμωνίῳ βιάρχῳ ἐν καὶ παρὰ Πμου-  
 εἰτι Τέρακος ἀλειῦτι δι[ι]ὰ χειρογρά(φου) ἐν | γίνονται τοὺς προκ[ι]μένους ὁλ[ο]-  
 κ[οττ]ήνου[s] ηκ[.]...[.] | νενων[---]. ο[.]ν α κοβαθρ[ο]ν ἡμουλίτρινον α ἀργυ-  
 ρίου τάλαντα ἑκατὸν ἐνενήκοντα ἐννέα ἡμισυ ||<sup>10</sup> ἐν ἀποθέτω .. παρὰ Σκ[ε]υ[α]κι  
 τ[ά]λαντα τέσσερα [--- κ]αὶ π[α]ρὰ Ἰσιδώρῳ Τιθοη[το]ς διὰ χειρογρά(φου) κεφα-  
 λαίου τάλαντα τέσσερα καὶ παρὰ | Παχοῦμι Ἀρσάκου ὁμοί[ως] διὰ [χειρο]γρά-  
 (φου) [κεφα]λαίου τάλαντα ---] .. αἰ[ως] ὁμοίως διὰ χειρογρά(φου) κεφαλαίου τά-  
 λαντα δεκαοκτὼ καὶ παρὰ Πλήνι ποιμέν[ε]ξι ἀπὸ Λεμαίως | δι[ι]ὰ χειρογρά(φου)  
 κεφαλαίου τάλ[α]ντα [--- ἐπ]τ[ὰ] ἡμ[ι]σιν --- καὶ | παρὰ Πετρεροτμ[ο]ύθη ἀπὸ Λε-  
 μαίως διὰ χειρογρά(φου) κεφαλαίου τάλαντα ἐπ[τ]ὰ ἡμ[ι]σιν καὶ παρὰ τῷ αὐτῷ |  
 Π[ε]τε[ρο]τμ[ο]ύθη κεφ[α]λαίου τάλ[αν]τα [---]φίου [ἀ]ργυρίου[ν] κεφαλαίου  
 τάλαντα πέντε καὶ παρὰ Παντβεῦτι Ἡλιά[ς] (ἐκατοντάρ)χ(ω) .. διὰ χειρογρά(φου)  
 | ἀ[ρ]γυρίου τάλαντα τέσ[σε]ρα [---]ς διὰ χ[ειρ]ογρά(φου) κεφαλαίου τάλαντα δύο  
 καὶ παρὰ Πεισιᾶνε Παιούτος διὰ χειρογρά(φου) ἀπὸ (ταλάντων) γ ἀφ' ὧν ἔσχω  
 παρ' αὐτοῦ ||<sup>15</sup> τ[ά]λαντον ἐν λοιπὰ τ[ά]λαντα δύο --- ἀργυρίου κεφ[α]λαίου τά-  
 λαντα τρία τῆς ἀπ[ο]δ[ό]σεως ἐν φοινικίων π. γ(ίνονται) ἀργυρίου τὰ π[ρ]οκ[ε]ί-  
 μενα | τάλαντα <ρ> ρθ (ἡμισυ) ἵππο[---] γ μοσχίον πν[.]...[.] α ὀπλὸν α κοντός [α]  
 ἀλαβαντικὸν α θωρακίον α πελὺκίον α ἱμάτι[ο]ν α ἄλλ(ο) πελὺκ[ι]ον ---] α σ[α]κ-  
 κους τριχίνους β θαλ<λ>ῖον ὁμοίως τρίχινον α δισάκκιον μικρὸν τρι[χί]νον α |  
 δ[ι]σά[κκ]ιον δ[ε]ρμά[τ]ικον ---] β βάλτιον ὁμοίως α τράπεζ(α) χαλκ(ῆ) α ματίδιον  
 ὁμοίως χαλκῶν α | [---] α κα[ί] αρ... [....] γενομένας αβ καὶ [πα]ρὰ τῷ αὐτῷ  
 Ἀτρήτι ἀπὸ Τάνεως διὰ χειρογρά(φου) κεφ[α]λαίου ||<sup>20</sup> ..... ἀρτάβας ὀκτῶ ἡμ[ι]σιν  
 --- παρὰ] Ἀπίωνι ἀργυρίου τάλαντα ζ καὶ εἰς τὴν ἀν. ην μου ἀ[ρ]γυρίου τάλαντα  
 [.] καὶ πα[ρ]ὰ τῷ αὐτῷ | Ἀπίωνι (ἐκατοντάρ)χ(ω) ἀργυρίου τάλαντα [--- εἰς τὰς  
 ἐκ]ατοστὰς μου ἀργυρίου τάλαντα] δεκαπέντε, τῶν δὲ ὑπαρχ[ό]ντων μοι εἰ.  
 παρ[.]πα [....] ἀπόκληρος νομ[ι]---] καὶ τὰ [π]ροκεί[με]να εἶδη εἶναι παρὰ τῷ  
 πρ[ο]κειμένῳ Ἀπίωνι (ἐκατοντάρ)χ(ω) καὶ [ἐ]ξουσίαν ἔχειν [.] ...[.]ων | διαιρή-  
 σασθαι εἰς τοὺς κληρονόμους μου (?) κα[ί] μὴ ἐξεῖναι αὐτοὺς μηδὲ [μ]δ[ε] [ἐ]να  
 ἄλλον μετὰ θάνατ[ο]ν μου ἐνκ[α]λεῖν μηδὲ ἐνκαλέσιν μηδὲ ἐπελεῦσθαι ἐν μηδενὶ  
 | καιρῷ καθ' ὃνδ[ι]πο[το]ν τρόπον περὶ τῶν ἐνγεγραμ[μέν]ων ---] ο[.] καὶ ἐπὶ τοῖς  
 δηλουμένοις πᾶσι πεπε<ε>ῖσθαι ὡς πρόκειται ||<sup>25</sup> τ[ο] δὲ  
 βούλημα τοῦτο ἀπ[λ]ῶς γραφ[έ]ν[ε] ἔσ[τ]ω κύρι[ο]ν με[τ]ὰ τὴν τελευτήν μου ...[.]  
 παντα[χ]ῇ ἐπιφερόμενο[ν] ὡς ἐν δημοσίῳ κατακεχω[ρισ]μένον ἐπερωτηθεῖς  
 ὁμολό[γ]ησα. Αὐρήλ[ι]ος | Ἰσιδωρίδου ε[.]...[.] .. (hand 2) Οὐαλέριος ..[.....]  
 (ἐκατοντάρ)χ(ος) σ[υ]νκολλήγας ...[---]ν τῷ προκ[ε]ιμένῳ Ἀει[ω]νι (ἐκατοντάρ)-  
 χ(ω) τὸ πρ[ο]κ[ε]ιμένον βο[ύ]λη[μ]α ἔφ' αἷς περιέχε[ι] | διαστολὰς ἀπά[σαι]ς ---  
 ].ι. (hand 3) Οὐαλέριος ...[.....] τῷ προκ[ε]ιμένῳ Ἀπίωνι (ἐκατοντάρ)χ(ω) τὸ  
 πρ[ο]κ[ε]ιμένον β[ο]ύλη[μ]α ὡς πρόκ[ε]ιται. Οὐαλέριος Ἀπ[ε]λ[ι]ς (ἐκατοντάρ)χ(ος)  
 [σ]υ[ν]κολλ[ή]γη[α]ς <ς> ἔγραψα ὑπ[ε]ρ α[ὐ]τοῦ γρ[α]μ[μ]ατα μὴ εἰδ[ό]τ[ο]ς. (hand 4)  
 Οὐαλέριος Ἰσιδ[ω]ρος (ἐκατοντάρ)χ(ος) συνκολλ[ή]γας συν[έ]στηκα κα[ί] μαρτυρῶ.

Οὐαλέριος .....ιος | [(ἐκατόνταρ)χ(ος) συνκολλήγα]ς συ[νέστηκα καὶ μαρτυρῶ.  
 Οὐα]λέρι[ος Ἰσι]δωροῦ (ἐκατόνταρ)χ(ος) ὁ προκ[ί]μενος ἔγραψα ὑ]πὲρ αὐτοῦ  
 γράμματα μὴ εἰδότης. (hand 5) Οὐαλέριος Σαραπίων (ἐκατόνταρ)χ(ος)  
 [συ]ν[κ[ο]λλήγ[η]||<sup>30</sup> γας συνέστηκα καὶ μα[ρ]τοῖρῶ. (hand 6) Οὐαλέριος Τέραξ (ἐκα-  
 τόνταρ)χ(ος) συνκολλήγας συνέ[σ]τηκ[α καὶ μαρτυρῶ]. (hand 7) Οὐαλέριος Πα-  
 λήμων (ἐκατόνταρ)χ(ος) συγκολλήγας παρῶν κ...[...][---]] Οὐαλέριος Σαρα-  
 πίω[ν (ἐκατόνταρ)χ(ος)] ἔγρ[α]ψ[α] ὑπὲρ αὐτοῦ ἀγρ[α]μμάτου.

1. *corr. ex κωνστα. τινου* || 3. *Αὐρηλίας* || 5. *corr. ex επακολουτων* || 7. *ὀλοκόττινοι* |  
 οἱ || 9. *οἱ προκείμενοι* | *ὀλοκόττινοι* || 17. *σάκκοι τριχίνοι* || 23. *διαιρήσεσθαι* | *μηδὲ*  
 | *ἐγκαλέσειν* || 26. *Ἰσιδωρίδης* || 28. *μαρτυρῶ* || 30. *μαρτυρῶ*

In the consulate of our lords Constantinus Augustus for the 6th time, and Con-  
 stantinus the most noble Caesar for the 1st time, 18 Phamenoth. Valerius Aeion,  
*centurio vexillationis equitum promotorum legionis II Traianae* (cavalrymen), stationed  
 under the *praepositus* Decentius in the village of Asphynis of the Latopolite nome,  
 to Aurelii Heras, Abouthios, Hatres, Thaesis, and Herois, all five siblings born of  
 the same parents – father Attitios, mother Timarete – from the village of ...ikos  
 of the Arsinoite nome, for five shares, and to Aureliae Senpachoumis, my wife  
 (daughter of Bekis son of Lameeios the elder, her mother being Tas the younger)  
 and ...eris, my daughter, her mother being the aforesaid Senpachoumis, the two  
 of them for two shares, from the same and aforesaid village of Asphynis of the  
 same Latopolite nome, the total of the aforesaid being (?) seven. Being sane and  
 in my right mind and confirming that what I say and declare, as long as I live and  
 enjoy good health I am to have power over my described things, but if anything  
 happens to me in the very serious illness that has attacked me, you, the aforesaid  
 seven heirs, shall inherit everything that will be left by me, ... and household  
 effects. The itemised list is: in gold: gold solidi: in the strongbox: two; with  
 Skeuax on *cheirophon*: two; with Kephalon, likewise on *cheirophon*: two; with  
 Ammonios *biarchos*: one; with Pmouis the fisherman son of Hierax, on *cheiro-*  
*graphon*: one; total of the aforesaid solidi: 8 ...; half-pound chest: one. Silver tal-  
 ents, one hundred ninety-nine and a half: in the strongbox ... with Skeuax (?): four  
 talents; ... with Isidoros son of Tithoes, on *cheirophon*, a sum of four talents;  
 with Pachoumis son of Arsakes, likewise on *cheirophon*, a sum of ... talents;  
 with ... son of ... likewise on *cheirophon*, a sum of eighteen talents; with Plenis,  
 shepherd from Lemaïos, on *cheirophon*, a sum of ... talents; with Peterot-  
 mouthes from Lemaïos, on *cheirophon*, a sum of seven and a half talents;  
 Peterotmouthes, a sum of ... talents; with ... son of ...phios, a sum of five talents  
 of silver; with Pantbeus son of Elias, centurion, ... on *cheirophon*, four talents  
 of silver; with ... on *cheirophon*, a sum of two talents; with Peeiaune son of

Paous, on *cheirophon* for three talents, of which I have received from him one talent, remainder two talents; with ... a sum of three talents of silver, to be returned in eighty (measures) of dates ...; total – the aforesaid one hundred ninety-nine and a half talents of silver. Horse: ... calf: 1; weapon: 1; pole: 1; *alabandicum*: 1; breastplate: 1; hatchet: 1; cloak: 1; another hatchet: ... 1; haircloth sacks: 2; bag, likewise made of haircloth: 1; small haircloth saddlebag: 1; leather saddlebag ... 2; belt, likewise: 1; bronze table: 1; small measure, likewise bronze: 1; ... 2 and with the same Hatres from Tanis, on *cheirophon*, a sum of eight and a half artabae of ... with Apion, 7 talents of silver; for my ... talents of silver; with the same Apion, centurion, ... talents of silver; ... for my percentages, fifteen talents of silver. Disinherited of my belongings ... and the aforesaid effects shall remain with the aforesaid Apion, centurion, and he shall have the power to divide them among my heirs, and neither they nor anyone else shall have the right after my death to sue then or thereafter at any time in any way whatsoever concerning the dispositions herein, (and I declare?) that I am satisfied with all the foregoing provisions and have covenanted them as written above. This will written in one copy shall be valid after my death whenever it will be produced, as if it had been deposited in the public archive. Having been asked a formal question, I acknowledged. Aurelius son of Isidorides ... I, Valerius, centurion colleague, (witness) for the aforesaid Aeion, centurion, the aforesaid will in all provisions it contains. I, Valerius ... (witness) for the aforesaid Aeion, centurion, the aforesaid will, as above. I, Valerius Apis, centurion colleague, wrote for him because he is illiterate. I, Valerius Isidoros, centurion colleague, have been present and witness. I, Valerius ...ios, centurion colleague, have been present and witness. I, Valerius Isidoros, the aforesaid, wrote for him because he is illiterate. I, Valerius Sarapion, centurion colleague, have been present and witness. I, Valerius Hierax, centurion colleague, have been present and witness. I, Valerius Palemon, centurion, being present ... I, Valerius Sarapion, centurion, wrote for him because he is illiterate.

*P. Oxy.* VI 990  
AD 331  
Oxyrhynchos

Greek  
Papyrus

Text after *P. Oxy.* VI

Notes: The edition did not introduce division into lines.

ὑπατείας Ἰουνίου Βάσσου καὶ Φλαυίου Ἀβλαβίου τῶν λαμπροτάτων ἐπάρχων  
Μεσορῇ κη ἐν τῇ λαμπρᾷ καὶ λαμπροτάτῃ Ὀξυρυγχείτ[ων] πόλει. Αὐρηλία Αἰῖας

θυγάτηρ Ἀγα[θ]οῦ Δαίμονος Κεκιλίου ἄρξ(αντος) γενομ[ένου βουλευτοῦ] τῆς λαμπ(ρᾶς) καὶ λαμπ(ροτάτης) Ὁξυρυγχειτῶν πόλεως τότε τὸ βούλη[μα ....] ἐποίησα νοοῦσα καὶ φρονοῦσα ἐπινόσως ἔχουσα γραφ[έν (?) ....] Ἑ[λ]ληνικοῖς γράμμασιν κατὰ τὰ συνκεχωρημένα ὑπ[ηγόρευσα ---]---|---

In the consulate of Iunius Bassus and Flavius Ablabius, *virī clarissimi*, on 28 Mesore, at the glorious and most glorious city of Oxyrhynchos. I, Aurelia Aias daughter of Agathodaimon son of Kekilios, the former magistrate and councillor of the glorious and most glorious city of Oxyrhynchos, being sane and in my right mind but suffering a sickness, have made this testament ... with Greek letters according to what was allowed, and dictated it ...

*P. Hamb.* IV 264

AD 331

Oxyrhynchos (?)

Greek  
Papyrus

Text after *P. Hamb.* IV

[ὑπατε]ίας Ἰουνίου Βάσσου καὶ Φλαυίου Ἀβλαβίου τῶν λ[αμπροτάτων ἐπάρχων  
---| Αὐρ[ή]λιος Πλούταρχος Πλωτί[ν]ου μη(τρὸς) [---]ρας ἀπὸ τῆς λαμπ[ρ]---|  
---] καὶ εὐσεβεστάτη[s] μου γυναικὸς Αὐρ[ή]λίας ---|---]ων τῶν αὐτῶν τοῖς πασι  
ἀπὸ τῆς αὐτῆς πόλεως [χαίρειν. ---|]⁵ ---] ἐφ' αἰκάστου ὑμῶν ζηλοῦται· σὺ μὲν τῇ  
ἡ[---|---].[.].... δὲ τῇ Σαρματοῦτι ἀλλη[ν] μου θυγατρὶ .[---|--- τ]ῷ ἐτέρῳ μου  
νιῷ ἀπὸ τῶν ὑπ' ἐμοῦ καταλειφ[θ]ησομένων ---|--- κοιν]ῶς ἐξ ἴσου ἅπερ ἐὰν  
ἀπολ<ε>ύσω μέρη [---|---]ον μέρος καὶ τῆς ταύτης αὐλῆς κοινῶν [καὶ ἀδιαιρέτων  
---|]¹⁰ --- κοιν]ωνικῆς πρὸς [---|---]σι καὶ συγκληρονομ[---]

5. ἐκάστου | δηλοῦται | σοὶ || 11. συγκληρονομ[---]

The text is too fragmentary to be translated. It starts with the dating clause according to the consular year of Iunius Bassus and Flavius Ablabius, but the rest of the date is not preserved. The introductory clause contains the testator's name: Aurelius Ploutarchos son of Plotinos. It probably contained greetings, which is rather untypical for wills. The following lines included dispositions to the benefit of the testator's family, perhaps in the form of division of particular goods between them.

## Will of Gregory of Nazianzus

AD 381

Constantinople

Greek

Copy

Edition: Joëlle BEAUCAMP, 'Le testament de Grégoire de Nazianze', [in:] EADEM, *Femmes, patrimoines, normes à Byzance* [= *Association des amis du Centre d'histoire et civilisation de Byzance. Bilans de recherche* 6], Paris 2010, pp. 183–264

Text after BEAUCAMP, 'Le testament de Grégoire de Nazianze'

Translation: French: BEAUCAMP, 'Le testament de Grégoire de Nazianze'

Ἦσον τῆς διαθήκης τοῦ ἁγίου Γρηγορίου τοῦ θεολόγου, | μεταγραφὲν ἐκ τοῦ ἀρχε-  
τύπου δικαιώματος, ἐν ᾧ καὶ ιδιόχειροι ὑπογραφαὶ | σώζονται αὐτοῦ τε καὶ τῶν  
ὑπογραψάντων μαρτύρων. | Ὑπατεία Φλαβίου Εὐχερίου καὶ Φλαβίου Εὐαγρίου,  
τῶν λαμπροτάτων, ||<sup>5</sup> πρὸ μιᾶς καλανδῶν ἰουνίων. | Γρηγόριος ἐπίσκοπος τῆς κα-  
θολικῆς ἐκκλησίας τῆς ἐν Κωνσταντινουπόλει, ζῶν καὶ φρονῶν καὶ ὑγιεῖ γνώσει  
καὶ ἔρρωμένους τοῖς λογισμοῖς, | διεθέμην τὴν διαθήκην μου ταύτην, ἣν κελεύω καὶ  
βούλομαι εἶναι | κυρία καὶ βεβαία ἐπὶ παντὸς δικαστηρίου καὶ πάσης ἐξουσίας.  
||<sup>10</sup> Ἦδη μὲν γὰρ τὴν ἑμαυτοῦ γνώμην κατέστησα φανεράν καὶ πᾶσάν μου τὴν |  
οὐσίαν καθιέρωσα τῇ καθολικῇ ἐκκλησίᾳ τῇ κατὰ Ναζιανζὸν εἰς τὴν | τῶν πτω-  
χῶν διακονίαν τῶν ὑπὸ τὴν εἰρημένην ἐκκλησίαν. διόπερ καὶ | τρεῖς προεστησάμην  
πτωχοτρόφους, ἕνεκα ταύτης μου τῆς προαιρέσεως, Μαρκελλόν τε τὸν διάκονον  
καὶ μονάζοντα καὶ Γρηγόριον τὸν διάκονον καὶ ||<sup>15</sup> μονάζοντα, τὸν ἐκ τῆς οἰκίας  
μου γενόμενον, καὶ νῦν Εὐστάθιον τὸν μονάζοντα, | τὸν καὶ αὐτὸν ἐκ τῆς οἰκίας  
μου γενόμενον. Καὶ νῦν δὲ τὴν αὐτὴν | συνείδησιν τῇ ἁγίᾳ ἐκκλησίᾳ τῇ κατὰ  
Ναζιανζὸν φυλάττων, ἔχομαι τῆς | αὐτῆς προαιρέσεως. | Ἐὰν οὖν συμβῇ με τέλει  
τοῦ βίου χρήσασθαι, ἔστω μου κληρονόμος ὁ ||<sup>20</sup> προειρημένος Γρηγόριος ὁ διάκο-  
νος καὶ μονάζων, ὁ γενόμενος ἐκ τῆς | οἰκίας μου, ὃν πάλα ἡλευθέρωσα, ἐξ ὁλο-  
κλήρου πάσης μου τῆς οὐσίας, | κινητῆς τε καὶ ἀκινήτου, τῆς πανταχοῦ – οἱ δὲ  
λοιποὶ | πάντες ἔστωσάν μου ἀποκληρόνομοι – οὕτω μέντοι ὥστε αὐτὸν πᾶσάν μου  
| τὴν οὐσίαν, κινητὴν τε καὶ ἀκίνητον, ἀποκαταστήσαι τῇ ἁγίᾳ καθολικῇ ||<sup>25</sup>  
ἐκκλησίᾳ τῇ ἐν Ναζιανζῷ, μηδὲν τὸ παράπαν ὑπελεξόμενον, πλην ὧν ἂν ἐν | ταύτῃ  
τῇ διαθήκῃ μου τισιν ἰδικῶς καταλίπω λεγάτου ἢ φειδομυμίσσου | χάριν, ἀλλὰ  
πάντα, ὡς προείπον, ἀκριβῶς ἀποσῶσαι τῇ ἐκκλησίᾳ, ἔχοντα | τὸν τοῦ Θεοῦ  
φόνον πρὸ ὀφθαλμῶν καὶ εἰδότα ὅ τι εἰς διακονίαν τῶν πτωχῶν | τῆς αὐτῆς ἐκκλη-  
σίας προσέταξα πᾶσάν μου τὴν οὐσίαν προσχωρήσαι, καὶ ||<sup>30</sup> ἐπὶ τούτῳ αὐτὸν  
ἐνεστησάμην κληρονόμον ὥστε δι' αὐτοῦ τῇ ἐκκλησίᾳ | πάντα ἀπαρλείπτως  
ἀποσποθῆναι. | Τοὺς οὖν οἰκέτας, οὓς ἡλευθέρωσα, εἴτε ἐξ ἑμῆς προαιρέσεως εἴτε  
ἐξ | ἐντολῶν τῶν μακαρίων γονέων μου, τούτους πάντας βούλομαι καὶ νῦν |  
ἐλευθέρους μένειν καὶ τὰ πεκούλια αὐτοῖς πάντα μένειν βεβαίως ἀνευ||<sup>35</sup> ὀχλῆτα. |  
Ἦτι βούλομαι κατασχεῖν τὸν κληρονόμον μου Γρηγόριον τὸν διάκονον, | ἅμα τῷ

μονάζοντι Εὐσταθίῳ, τοὺς γενομένους ἐκ τῆς οἰκίας μου, κτῆμα ἐν | Ἀριανζοῖς τὸ  
ἐκ τῶν Ῥηγίνου κατελθὼν εἰς ἡμᾶς. Τὰ δὲ φοράδια καὶ τὰ | πρόβατα, ὅσα ἤδη  
αὐτοῖς παρὼν ἐκέλευσα δοθῆναι, ὧν καὶ τὴν νομὴν αὐτοῖς ||<sup>40</sup> καὶ τὴν δεσποτείαν  
παρέδωκα, ταῦτα μένειν αὐτοῖς ἀνενόχλητα βούλομαι | δεσποτείας δικαίῳ. Ἐτι δὲ  
ἐξαιρέτως Γρηγόριον τὸν διάκονον καὶ κληρο|νόμον μου, γνησίως ὑπηρετήσαντά  
μοι, βούλομαι κατασχέιν ἰδίῳ δεσπο|τείας δικαίῳ χρυσίνους τὸν ἀριθμὸν πεντήκο-  
ντα. | Τῇ αἰδεσιμωτάτῃ παρθένῳ Ῥουσιανῇ, τῇ συγγενίδι μου, ῥήτὰ ἐκέλευσα  
||<sup>45</sup> καθ' ἕκαστον ἔτος δίδοσθαι πρὸς τὸ ἐλευθερίως αὐτὴν διάγειν, ἅπερ | βούλομαι  
καὶ κελεύω πάντα κατὰ τὸν τύπον, ὃν προσέταξα, ἀνυπερθέτως | αὐτῇ δίδοσθαι  
καθ' ἕκαστον ἔτος. Περὶ δὲ οἰκίσεως αὐτῆς, τότε μὲν οὐδὲν | διατεξάμην, μὴ εἰ-  
δὼς ποῦ μᾶλλον ἀρεστὸν αὐτῇ ἐστὶν διάγειν· νῦν δὲ καὶ | τοῦτο βούλομαι ὥστε, ἐν  
οἷῳ ἂν ἐπιλέξῃται χωρίῳ, κατασκευασθῆναι αὐτῇ ||<sup>50</sup> οἰκίαν ἐλευθερίαν πρέπου-  
σαν εὐσχήμονι διαγωγῇ παρθένου· ἥνπερ οἰκίαν | δηλαδὴ ἔξει ἀνενοχλήτως εἰς  
χρήσιν καὶ καρπίαν μέχρι βίου ζωῆς, μετὰ δὲ | ταῦτα ἀποκαταστήσει τῇ ἐκκλη-  
σίᾳ. Προστεθῆναι δὲ αὐτῇ βούλομαι καὶ δύο | κόρας, ἅς ἂν αὐτῇ ἐπιλέξῃται, οὕτω  
μέντοι ὥστε αὐτῇ παραμεῖναι τὰς κόρας | μέχρι τοῦ τῆς ζωῆς αὐτῆς χρόνου. Καὶ  
εἰ μὲν αὐταῖς εὐχαριστήσκειν, ἐξεῖναι ||<sup>55</sup> αὐτῇ ἐλευθερίᾳ τιμῆσαι αὐτάς· εἰ δὲ μή,  
καὶ αὐτὰς διενεγκεῖν τῇ αὐτῇ | ἐκκλησίᾳ. | Θεόφιλον τὸν παῖδα, τὸν παραμένοντά  
μοι, ἥδη ἡλευθέρωσα· βούλομαι | ὅν αὐτῷ καὶ νῦν δοθῇναι λεγάτον χάριν νομί-  
σματα πέντε. Εὐπράξιον δὲ τὸν | ἀδελφὸν αὐτοῦ βούλομαι ἐλεύθερον εἶναι καὶ δο-  
θῆναι αὐτῷ λεγάτον λόγῳ ||<sup>60</sup> χρυσᾶ νομίσματα πέντε. Ἐτι βούλομαι Θεοδόσιον  
τὸν νοτάριον μου | ἐλεύθερον εἶναι, δοθῆναι δὲ αὐτῷ καὶ λεγάτου λόγῳ χρυσοῦ νο-  
μίσματα πέντε. | Τὴν γλυκυτάτην μου θυγατέρα Ἀλυπιανήν – τῶν γὰρ ἄλλων  
Εὐγενείας τε | καὶ Νόννης ὀλίγος λόγος, ὧν καὶ ὁ βίος ἐπιλήψιμος ἐστὶ – βούλομαι  
||<sup>65</sup> συγγνύμην ἔχειν μοι, εἰ μὴδὲν αὐτῇ καταλιπεῖν κύριος ἐγενόμην, πάντα | προ-  
επαγγειλάμενος τοῖς πτωχοῖς, μᾶλλον δὲ τοῖς μακαριωτάτοις γονεῦσιν | ὑποσχο-  
μένοις ἀκολουθήσας, ὧν ἀθετήσαι τὴν γνώμην οὕτε ὅσιν οὕτε | ἀσφαλὲς ἡγοῦμαι.  
Ὅσα μέντοι ἐκ τῶν τοῦ μακαρίου μου ἀδελφοῦ Kaisarion πραγμάτων ἐν ἐσθῇτι  
σηρικῇ ἢ λινῇ ἢ ἐρέᾳ ἢ βουριχαλίοις περι||<sup>70</sup> λέλειπται, ταῦτα διαφέρειν τοῖς  
τέκνοις αὐτῆς βούλομαι καὶ ἐν μηδενὶ μήτε | ἐκείνην μήτε τὰς ἀδελφὰς αὐτῆς ἐνο-  
χλεῖν μήτε τῷ κληρονόμῳ μου μήτε τῇ | ἐκκλησίᾳ. | Μελέτιος ὁ γαμβρὸς μου τὸ  
κτῆμα τὸ ἐν Ἀπηνζινσᾷ τὸ ἐκ τῶν Εὐφημίον | ἴστω κακῶς κατέχων· καὶ ὑπὲρ  
τούτου καὶ πρότερον ἐπέστευλα πολλάκις τῷ ||<sup>75</sup> Εὐφημίῳ, ἀνανδρίαν αὐτοῦ κατα-  
γινώσκων, εἰ μὴ τὸ ἑαυτοῦ ἀναρρύσαιτο· καὶ | νῦν μαρτύρομαι πάντας καὶ ἄρχο-  
ντας καὶ ἀρχομένους, ὅτι ἀδικεῖται ὁ | Εὐφήμιος· χρῆ γὰρ τῷ Εὐφημίῳ ἀποκατα-  
στήναι τὸ κτῆμα. | Τὴν ὠνὴν τοῦ χωρίου Κανοτάλων τῷ αἰδεσιμωτάτῳ υἱῷ, τῷ  
ἐπισκόπῳ | Ἀμφιλοχίῳ, ἀποκαταστήναι βούλομαι· ἔστι γὰρ ἐν τοῖς χαρτίσις  
ἡμῶν, καὶ ||<sup>80</sup> πάντες ἴσασι· ὅτι καὶ τὸ συνάλλαγμα ἐλύθη καὶ τὴν τιμὴν ἀπέλαβον  
καὶ τὴν | νομὴν καὶ τὴν δεσποτείαν τοῦ κτήματος πάσαι παρέδωκα. | Εὐαγρίῳ τῷ  
διακόνῳ, πολλὰ μοι συγκαμόντι καὶ συνεκφροντίσαντι, διὰ | πλειόνων τε τὴν εὐ-

νοϊαν παραστήσαντι, χάριν ὁμολογῶ καὶ ἐπὶ Θεοῦ καὶ ἐπὶ | ἀνθρώπων· καὶ τοῖς  
 μείζοσι μὲν αὐτὸν ὁ Θεὸς ἀμείβεται· ἵνα δὲ μηδὲ τὰ ||<sup>85</sup> μικρὰ τῆς φιλίας σύμβολα  
 παρ' ἡμῶν ἐλλείπῃ, βούλομαι αὐτῷ δοθῆναι | κάμασον ἓνα, στιχάριον ἓν, πάλλια  
 δύο, χρυσὰ νομίσματα τὸν ἀριθμὸν | τριάκοντα. Ὁμοίως καὶ τῷ γλυκυτάτῳ συν-  
 διακόνῳ ἡμῶν Θεοδούλῳ δοθῆναι | βούλομαι κάμασον ἓνα, στιχάρια δύο, τῶν ἐν  
 τῇ πατρίδι, χρυσὰ νομίσματα | εἴκοσι, ἐκ τοῦ ἐν τῇ πατρίδι λόγον. Ἐλαφίῳ τῷ  
 νοταρίῳ, εὐτρόπῳ τε ὄντι καὶ ||<sup>90</sup> καλῶς ἡμᾶς ἀναπαύσαντι ὃν ὑπηρετήσατο χρό-  
 νον βούλομαι δοθῆναι | κάμασον ἓνα, στιχάρια δύο, πάλλια τρία, σιγγιλίωνα ἐν τῇ  
 πατρίδι, χρυσὰ | νομίσματα εἴκοσι. | Ταύτην μου τὴν διαθήκην κυρίαν καὶ βεβαίαν  
 εἶναι βούλομαι ἐπὶ παντός | δικαστηρίου καὶ πάσης ἐξουσίας. Εἰ δὲ καὶ ὡς  
 διαθήκη μὴ ἰσχύσειεν, ὡς ||<sup>95</sup> βούλησιν αὐτὴν εἶτ' οὖν κωδικοῦν ἰσχύειν βούλο-  
 μαι. Ὁ δὲ ἐπιχειρῶν | αὐτὴν ἀνατρέπειν δώσει λόγον ἐν ἡμέρᾳ κρίσεως, καὶ ἔξει  
 τὸν λόγον πρὸς τὸ | ὄνομα τοῦ Πατρὸς καὶ τοῦ Υἱοῦ καὶ τοῦ ἁγίου Πνεύματος. |  
 Γρηγόριος ἐπίσκοπος τῆς καθολικῆς ἐκκλησίας τῆς ἐν Κωνσταντινουπόλει, ἀνα-  
 γνούς τὴν διαθήκην καὶ ἀρεσθεῖς πᾶσι τοῖς γεγραμμένοις ||<sup>100</sup> ὑπέγραψα χειρὶ ἐμῇ,  
 καὶ ἰσχύειν αὐτὴν κελεύω καὶ βούλομαι. | Ἀμφιλόχιος ἐπίσκοπος τῆς καθολικῆς  
 ἐκκλησίας τῆς ἐν Ἰκονίᾳ, παρὼν | τῇ διαθήκῃ τοῦ αἰδεσιμωτάτου ἐπισκόπου Γρη-  
 γορίου καὶ παρακληθεὶς | παρ' αὐτοῦ, ὑπέγραψα χειρὶ ἐμῇ. | Ὀπτιμος ἐπίσκοπος  
 τῆς κατὰ Ἀντιόχειαν καθολικῆς ἐκκλησίας, παρὼν ||<sup>105</sup> διατιθεμένῳ τῷ αἰδεσι-  
 μωτάτῳ ἐπισκόπῳ Γρηγορίῳ κατὰ τὰ προγεγραμμένα | καὶ παρακληθεὶς παρ'  
 αὐτοῦ, ὑπέγραψα χειρὶ ἐμῇ. | Θεοδόσιος ἐπίσκοπος τῆς καθολικῆς ἐκκλησίας τῆς  
 ἐν Ὑδρῇ, παρὼν τῇ | διαθήκῃ τοῦ αἰδεσιμωτάτου ἐπισκόπου Γρηγορίου καὶ παρα-  
 κληθεὶς παρ' | αὐτοῦ, ὑπέγραψα χειρὶ ἐμῇ. ||<sup>110</sup> Θεόδουλος ἐπίσκοπος τῆς ἁγίας  
 καθολικῆς ἐκκλησίας τῆς κατὰ Ἀπάμειαν, παρὼν τῇ διαθήκῃ τοῦ αἰδεσιμωτάτου  
 ἐπισκόπου Γρηγορίου καὶ | παρακληθεὶς παρ' αὐτοῦ, ὑπέγραψα χειρὶ ἐμῇ. | Ἰλά-  
 ριος ἐπίσκοπος τῆς καθολικῆς ἐκκλησίας τῆς κατὰ Ἰσαυρίαν, παρὼν | διατιθεμένῳ  
 τῷ αἰδεσιμωτάτῳ ἐπισκόπῳ Γρηγορίῳ καὶ παρακληθεὶς παρ' ||<sup>115</sup> αὐτοῦ, ὑπέγρα-  
 ψα χειρὶ ἐμῇ. | Θεμιστίος ἐπίσκοπος τῆς κατὰ Ἀδριανούπολιν τοῦ Θεοῦ ἁγίας ἐκ-  
 κλησίας | παρήμην ἐν τῇ διαθήκῃ τοῦ αἰδεσιμωτάτου ἐπισκόπου Γρηγορίου καὶ |  
 παρακληθεὶς παρ' αὐτοῦ, ὑπέγραψα χειρὶ ἐμῇ. | Κληδόσιος πρεσβύτερος τῆς καθο-  
 λικῆς ἐκκλησίας τῆς ἐν Ἰκονίᾳ, παρὼν ||<sup>120</sup> τῇ διαθήκῃ τοῦ αἰδεσιμωτάτου ἐπι-  
 σκόπου Γρηγορίου καὶ παρακληθεὶς παρ' | αὐτοῦ, ὑπέγραψα χειρὶ ἐμῇ. | Ἰωάννης  
 ἀναγνώστης καὶ νοτᾶριος τῆς ἁγιωτάτης ἐκκλησίας Ναζιανζοῦ πόλεως πεποι-  
 ηκῶς | τὸ ἴσον τῆς θείας διαθήκης τῆς ἀποκειμένης ἐν τῇ κατ' ἐμὲ ἁγιωτάτῃ ἐκ-  
 κλησίᾳ, τοῦ | ἁγίου καὶ ἐνδόξου καὶ θεολόγου Γρηγορίου, ἐκδέδωκα. ||<sup>125</sup> Μετε-  
 γράφη ἐκ ἀρχετύπου τοῦ συγκειμένου ἐν τῇ ἐκκλησίᾳ Ναζιανζοῦ.

Copy of the will of saint Gregory the theologian transcribed from the original document, in which subscriptions made with his own hand and those of witnesses who subscribed are preserved. In the consulate of the most illustrious Flavius

Eucherios and Flavius Euagrios, on the first day before the calends of June. I, Gregory, bishop of the catholic church in Constantinople, being alive and in my right mind and of sound judgement and reasoning, have made this will, which I order and want to be valid and firm before any court and authority. I have already made my intention clear and I have offered my entire property to the catholic church of Nazianzus for the service of the poor under the care of the said church. Thus, for the sake of this my purpose, I have instituted three caretakers: Markellos deacon and monk, Gregorios deacon and monk born at my house, and now Eustathios, monk also born at my house. And now, preserving the same conscience towards the holy church of Nazianzus, I keep to this my intention. If I meet my end, the said Gregorios, deacon and monk born at my house, whom I freed long time ago, shall be my heir to my entire property – movable and immovable – and everywhere. All the others shall be disinherited. (I appoint him heir) so that he delivers my entire property – movable and immovable – to the holy catholic church in Nazianzus taking absolutely nothing for himself, besides those (things) which I bequeathed to certain (people) in this will in a special way through legacies or *fideicommissa*; however, as I said before, he keeps everything accurately for the church, fearing God and knowing that I have ordered to donate my entire property for the service of the poor of this same church; and for this I appointed him heir so that everything be preserved by him completely for the church. I want all the household slaves, freed either of my intention or upon the order of my late parents, to remain freedmen also now, and to keep all their *peculia* firmly and in an undisturbed manner. I also want that my heir, deacon Gregorios, together with the monk Eustathios, both born at my house, keep a property in Arianzoi which came to us from the property of Reginos. Mares and cattle which I have already ordered to be given to them when I was present, and whose possession and ownership I transferred to them, I want to remain undisturbed in their power lawfully. And I especially want Gregorios, deacon and my heir, who served me lawfully, to have for himself as owner according to the law, gold coins in the number of fifty. I have ordered Roussiane, the most respectful virgin and my relative, to be given (certain goods) every year in order to make her life noble, and I want and order everything to be the way I have ordered, and to be given every year without delay. About her dwelling, I have not decided anything, for I do not know where it would be best for her to live. And now I want that in a place which she would select there will be prepared a house for her, appropriate for a free person and convenient for the use of a virgin. She will have this house freely to use and enjoy its fruits until the end of her life, and after her death it shall return to the church. I want two girls of her own choice to be handed over to her, and I want these girls to remain with her until the end of her life. If she likes to show them her grace, she is allowed to reward them with freedom. If not, they

shall belong to the same church. I have already freed Theophilos, a boy who had served me; now I want him to be given five solidi as a legacy. I want his brother Eupraxios to be free and given five gold solidi as a legacy. I also want my secretary Theodosios to be free and given five solidi of gold as a legacy. I want my sweetest daughter Alypiane (a little word about the others – Eugenia and Nonne – whose life is reprehensible) to have my apologies that I had no power to bequeath her anything, for everything was promised to the poor, because I followed my late parents' promises in this matter; I believe that denying their will is neither pious, nor sound. Therefore, I want all of the things belonging to my late brother Kaisarios – either of cloths made of silk, or linen, or wool, or barouches – to belong to her (Alypiane's) children, and I want that neither she nor her sisters would trouble my heir or the church in any respect. Meletios, my brother-in-law, shall know that he wrongly possesses the property in Apenzinsos acquired from those of Euphemios. And I have already addressed Euphemios many times about this matter, remarking his cowardice if he does not take back what is his. And now I witness in front of all rulers and ruled that injustice happened to Euphemios, and it is necessary to restore the property to Euphemios. I want the sale of land in Kanotaloi to be restored to the most venerable bishop Amphilochios. According to my documents, it is clear and everyone knows that the contract was dissolved and I recovered the price and handed over the power over the property a long time ago. In front of God and people, I acknowledge my grace towards the deacon Euagrios who shared many sufferings and troubles with me, and who especially showed good will towards me many times. And God will reward him better; yet in order not to leave unrewarded any small token of friendship, I want him to be given one shirt, one tunic, two coats, and the amount of thirty gold solidi. Equally, I want our colleague, deacon Theodoulos, to be given one shirt, two tunics which are in my homeland, and the amount of twenty solidi from the treasury in my homeland; I want the secretary Elaphios, a good man who well relieved us during the time of his service, to be given one shirt, two tunics, three coats, and light clothing which are in my homeland, and twenty solidi. I want this will to be valid and firm in every court and before any authority. If the will is void, I want it to be kept in force as a codicil. Anyone attempting to disprove it will pay his penalty at the Judgement Day and will give the account in the name of the Father, and the Son, and the Holy Spirit. I, Gregory, bishop of the catholic church in Constantinople, having read the will and agreed with everything written in it, signed with my hand, and I order and want it to be in force. I, Amphilochios, bishop of the catholic church in Iconium, being present at his (Gregory's) request when the will of the most venerable bishop Gregory was composed, signed with my own hand. I, Optimos, bishop of the catholic church of Antioch, being present at his request when the most venerable bishop Gregory composed his will, as it is written,

signed with my own hand. I, Theodosios, bishop of the catholic church in Ida, being present at his request when the will of the most venerable bishop Gregorios was composed, signed with my own hand. I, Theodoulos, bishop of the holy catholic church of Apamea, being present at his request when the will of the most venerable bishop Gregorios was composed, signed with my own hand. I, Hilarios, bishop of the catholic church of Isauria, being present at his request when the most venerable bishop Gregorios composed his will, signed with my own hand. I, Themistios, bishop of the holy church of God of Adrianopolis, being present at his request at the making of the will of the venerable bishop Gregorios, signed with my own hand. I, Kledonios, presbyter of the catholic church in Iconium, being present at his request when the will of the most venerable bishop Gregorios was composed, signed with my own hand. I, Ioannes, secretary and notary of the holiest church of the city of Nazianzus, have made the copy of the divine will of the famous saint Gregorios of Nazianzus the theologian which was deposited at my holy church. It was transcribed from the original kept at the church of Nazianzus.

*FIRA* III<sup>2</sup> 52 = *SPP* I, pp. 6–7  
End of the fifth century AD  
Antinoopolis (?)

Greek  
Papyrus  
Copy

Text after *FIRA* III<sup>2</sup>

[--- καὶ τῇ συμπτώσει τοῦ ἐμοῦ σώματος καταπο|νούμενος μὴ ἐξ]αίφνης καὶ παρὰ προσδοκίαν τὸν βίον μεταλλάξω, νοῶν | [καὶ φρονῶν κα]ὶ ἐπ' ἀκριβείας πολλὰς φέρων τὸν λογισμὸν καὶ ἐρρωμένην ἔχω[ν | τὴν διάνοιαν ταύ]την τὴν διαθήκην τίθημι ἐπ' ὄψεσι τῶν προσκληθέντων [ἐπτα | νομίμων μαρτύρω]ν τῶν καὶ ἐξῆς καθυπογραφόντων, ἥνπερ ἐν Ἑλληνικο[ῖς ||<sup>5</sup> ῥήμασι ὑπηγόρευσα ...]δὴν σπεῖσθαι καὶ ἔχειν τὴν ἰδίαν δύναμιν καὶ | [βεβαίαν εἶναι] βούλομαι αὐτὴν ἐφ' αἷς περιέχει διαστολαῖς πάσαις προκεῖ...[--- ἐπὶ πάσης ἐξου]σίας παντὶ χρόνῳ καὶ καιρῷ κατὰ π[άντα | ἀπὸ τῶν νόμων δι]ηγору[ε]μένα. εἴη μὲν με ζῆν καὶ ὑγιαίνειν καὶ τῶν ὑπαρχ[όν]των μοι πάντων μετρίων ἀπολαύειν καὶ κυριεύειν. ἐπὰν δὲ ὅπερ ἀπ[εύχομαι ||<sup>10</sup> ἀνθρώπινόν τι π]άθω κληρονόμος μου ἔστω ἢ εὐνουστάτη μου γαμετῆ[ι] | [Αὐρηλία Τισοῖα ἀπὸ τῆς Ἀντινόου] πόλεως πάντων τῶν καταλειφθησο[μένων] ἐμῷ --- κ]ινητῶν τε καὶ ἀκινήτων ἐν παντί | εἶδη καὶ γένει μέχρ[ις] ἀ[σσαρίου] ἑνός, ἔτι] μὴν καὶ τὴν ὑπάρχουσάν μοι οἰκίαν | τὴν νῦν οἰκῶ σὺν χρηστηρίοις πᾶσι οἷα ἐστὶν διαθέσεως ἐν στενορμύει ||<sup>15</sup> Νε...αν εἰς λίβα καὶ τὸ ἥμισυ τοῦ φρε[α]τος καὶ ὁμοίως τὸ ἥμισυ τῆς αὐλῆς | ὧντων πρὸ θύρα[s] τῇ[s] ἐμῆς οἰκίας καὶ χρηστηρίων καὶ ἀνηκόντων καὶ |

σ[υνκ]υρούντων πάντων καὶ εἰσόδων καὶ ἐξόδων ἐπὶ ῥύμης Πτεμάσεως | διακειμένων  
ἐπὶ τῆς αὐτῆς Ἀντινοέων <πόλεως> μετὰ παντὸς τοῦ ἀνήκοντ[ος] | αὐτῶν δικαίου  
κατὰ κοινωνίαν Χαιρήμωνος τοῦ εὐλαβεστάτο υἱῷ<sup>20</sup> πρεσβυτέρου ὑπὲρ τῶν ὑπολοί-  
πων ἡμίσεους μέρους τῆς τε αὐλῆς | καὶ τοῦ φρέατος, δέξασθαι τὴν αὐτὴν μοῦν γαμε-  
τὴν διόπερ ταύτῃ πολλὰ | εὐχαριστῶ ἔνεκεν εὐεργεσιῶν τ[ε] καὶ γηροκομιῶν καὶ  
αὐτὴν τὴν | Τισοῖαν πληρῶσαι τὰ χρε<ς>α μοῦν τὰ [τε] ὀφειλόμενα τῷ ἐμῷ δανειστῇ.  
| οἱ δὲ λοιποὶ πάντες ἀποκληρόνομοι μοῦν ἔστωσαν διὰ τὸ οὕτω<sup>25</sup> μοι δεδόχθαι ἐξου-  
σίας οὐκ οὕσης οὐδενὶ ἀντιλέγειν ταύτῃ μοῦν τῇ | διαθήκῃ. τὸ σωματίον μοῦν περι-  
σταλῆσαι βούλομαι καὶ τὰς ἀγίας μοῦν | προσφορὰς καὶ ἀγαπὰς γίνεσθαι ὑπὲρ  
ἀναπαύσεως τῆς ἐμῆς | ψυχῆς παρὰ τῷ παντοκράτορι θεῷ. ἥς δόλος φθόνος πονηρὸς  
| ἀπίτῳ ἀπέστω, κυρίαν δὲ οὖσαν καὶ βεβαίαν αὐτὴν ἐθέμην ἐφ' ὑπογραφῆς<sup>30</sup> ἐμῆς  
καὶ τῶν αὐτῶν ἑπτὰ νομίων μαρτύρων ὁμοῦ συνηγμένων | καὶ σφραγιζόντων κατὰ  
τὴν θείαν διάταξιν. ἴσον ὑπογραφῶν. | (hand 2) Αὐρήλιος Κόλλουθος Σερήνου ὁ προ-  
κείμενος διε[θέ]μην ὡς πρόκειται (hand 3) Αὐρήλιος | [--- μαρτυ]ρῷ τῇ διαθήκῃ  
[α]ἰ[τ]ηθεῖς | [παρὰ τοῦ διατιθεμένου ---]<sup>35</sup> --- Ἀντινοοπολίτου | [---]ς | [---]μος  
Φοιβάμμου Ἰσιδώρου ὑποδιάκονος | [--- καὶ μαρτυ]ρῷ τῇ διαθή[κ]ῃ αἰτηθεῖς  
[παρὰ τοῦ] δ[ια]τι[θε]μένου.

8. τῷ κειμένον || 13. εἶδει BL III 233: ἀ[έ]ρ[ος] καὶ παντὸς ὕψους] prev. ed. || 14. ἦν  
| οἱ, ηἱ prev. ed. || 33. BL I 407: [ὁ δεῖνα μαρτυρῷ ---] prev. ed. | BL I 407: [ὡς  
πρόκ(είται)] prev. ed.

... suffering because of the infirmity of my body, lest I die suddenly and contrary to expectations, being sane and in my right mind, and with full precision and sound reasoning, and having such intention, I have made this will in the presence of the summoned seven legal witnesses who signed below; I dictated it in Greek words ... I want it to have its own power and to be valid in its dispositions ... under any power, at any occasion or time, declared according to all laws. May I live and enjoy good health and take advantage of my entire modest property and manage it. But if anything happens to me, which I pray not to happen, my kindest wife Aurelia Tisoia from Antinoopolis shall be my heir to everything which will be left by me ... movable and immovable, of any kind and sort up to one *assarius*, and a house belonging to me where I live now, together with all the fixtures ... which is located by the road Ne... from the south, and a half-share of the well and yard situated close to the door of my house, and all fixtures, and furniture, and appurtenances, and entrances and exits by the road of Ptemasis situated in the same Antinoopolis, with the full right of ownership, and the remaining half-share of the yard and well, which property I have in joint ownership with Chairemon, the kindest presbyter. (I want) my wife to accept it, for I am very thankful to her for the care also in my old days, and (I want) this my wife Tisoia

to pay my debts which I owe to my creditor. All the others shall be disinherited. For it seemed fair to me that no one has power to contest this my will. I want my body to be buried, and holy offerings and alms to be offered for the repose of my soul in Almighty God. May guile and malice depart and be absent from this my will. I have made this valid and effective (will) with my signature and the signatures of seven legal witnesses who gathered and sealed according to the imperial constitution. Copy of signatures. I, the above-mentioned Aurelius Kollouthos son of Serenos, have made this will as above. I, Aurelius ... witness to this will, for I was asked by the testator ... Antinopolite ... Phoibammon son of Isidoros, the subdeacon ... and witness to this will, for I was asked by the testator.

*P. Ital.* I 4-5, A 10-13

Fifth century AD

Ravenna (?)

Latin

Papyrus

Abstract/extract

Text after *P. Ital.* I

Translation: German: J.-O. TjÄDER in *P. Ital.* I

[--- sana mente integroqu]e consilio, cogitans condi|[--- qui suscribturi] atque signaturi sunt, in hac | [--- fe]ci, claudi signarique precipi, | [--- ab intesta]to vice codicellorum meorum | [---]

The text is too fragmentary to be translated. Fragments of introductory and codicillary clauses are preserved.

*P. Ital.* I 4-5, B II 1-7

Fifth century AD

Ravenna (?)

Latin

Papyrus

Abstract/extract

Text after *P. Ital.* I

Translation: German: J.-O. TjÄDER in *P. Ital.* I

[---] exnum(erarius) inl(ustris) po(testatis), sanus, sana mente integroque consilio, | [---] qui suscribturi vel signaturi sunt, in hac cartula testamentum | [feci -- - manu] mea suscribsi, claudi signarique praecipi, quod testamentum | [---] vice codicellorum meorum valere illud volo, hac valeat, ratam ||<sup>5</sup> que [--- commi]tto,

et quod cuique hoc testamento meo dederō, legavero, darive iussero | [--- v]el  
voluero, liveri liveraevae sint totae. | [---]

... former accountant of the glorious power, being sane and in his right mind and sound intention ... which are to be signed or sealed, I have made my will on this papyrus ... I have signed with my own hand and I have closed it, and sealed, and ordered this will ... I want it to be valid as my codicils; it shall be valid and effective ... I entrust, and what I give and bequeath, and order to be given to anyone ... or I will want, my slaves and my slave-women should be all free ...

*P. Athen.* 31

Fifth–sixth century AD

Arsinoite nome

Greek  
Papyrus

Text after *P. Athen.*

[---] | της διατι[--- γεωρ]|γικῶν καὶ ἀγε[ωργήτων ---] | θυγατράσιν καὶ [---] ||<sup>5</sup>  
καὶ τῆς διαθή[κης ---] | η...[---] | μάρτυρῶ ταύτῃ τῇ δι[αθήκῃ ---] | τὸ ὑποσ-  
νηγμέν[ον ---]

The text is too fragmentary to be translated. The preserved fragments contain a part of a disposition, probably repeated in the testator's subscription, as well as one of the witnesses' clauses.

*P. Ital.* I 4–5, B III 4–8

AD 470

Ravenna

Latin  
Papyrus  
Abstract/extract

Text after *P. Ital.* I

Translation: German: J.-O. TjÄDER in *P. Ital.* I

Flavio Basilio Iun(iore) v(iro) c(larissimo) consul(e), s(ub) d(ie) G kal(endarum) Ianuariar(um), in Classe, castris praetorio, Rav(ennae). Ego Colonicus v(ir) r(e-verendus), diaconus ||<sup>5</sup> [---] graviter tedians, cogitans humanas condiciones casus, ne, ut adsolit, repentina morte praeveniar, conrogatis mihi testibus numero competenti sub | [--- fe]ci, idque et manu mea olografa suscripsi, et valere

iussi. Quod si quo casu iure civili aut praetorio hoc testamentu meum valere non potuerit, etiam tanquam | [ab intestato vice codicellorum meorum in perp]etuum valeat volo, ratamque hanc voluntatem meam esse iubeo. Si qui mihi heres erit, heredesve erunt, huius ego fidei, vel horum, omnia committo; cui quod | [---] praestitetur; quos quasque liberos liberaevae esse iussero, hii omnes liberi liberaevae sint totae.

In the consulate of Flavius Basilius Iunior, *vir clarissimus*, on the 3rd day before the calends of January, in Classis, in the *castrum* of praetorian fleet, in Ravenna. I, Colonicus, *vir reverendus*, deacon ... being severely ill and aware of the human fate, let not, as it usually happens, the death come suddenly, in the presence of the summoned by me witnesses whose number was proper ... I have made (this will) and signed it with my own hand, and I ordered it to be valid. But if this my will could not be valid for any reason in civil or praetorian law, I want it to be always valid as my codicil, as if I died intestate, and I order this my will to be effective. If anyone is my heir or heirs, I entrust everything to his or their good faith ... Those men and women whom I order to be freed, they all shall be free.

*P. Ital.* I 4–5, B IV 3–6

AD 474

Ravenna

Latin

Papyrus

Abstract / extract

Text after *P. Ital.* I

Translation: German: J.-O. TjÄDER in *P. Ital.* I

Fl(avius) Constantius v(ir) h(onestus), tinct(or) publicus, procedens sanus sana mente integroque consilio, cogitans condiciones humanas et repentini casus, praesenti|bus testibus numero competenti in hac cartula testamentum feci, idque scribendum dictavi Domitio Iohanni for(ensi), cuique ipse litteras ignorans subter manu propria signum feci; ||<sup>5</sup> quod testamentum meum, si quo casu iure civili seu praetorio vel alia quaelibet iuris ratione valere non potuerit, etiam ab intestato vice codicellorum meorum valere illud | volo, hac valeat, ratamque hanc voluntatem meam esse cupio et iubeo. Pascasia h(onesta) f(emina) iugali.

I, Flavius Constantius, *vir honestus*, public dyer, acting sane and in my right mind and sound reasoning, being aware of the human fate and sudden death, have made this will on this papyrus in the presence of the witnesses whose number was proper, and I have dictated it to Domitius Iohannes, scribe of the court, so that he

wrote it down, because I do not know letters, and I have made a sign below with my own hand. But if this my will cannot be valid in civil or praetorian law or for any other reason, I want it to be valid as my codicil, as if I died intestate, and I wish and order this my will to be effective. For Pascasia, *femina honesta*, (my) wife.

*P. Ital.* I 4–5, B V 7–11

AD 521

Ravenna

Latin

Papyrus

Abstract/extract

Text after *P. Ital.* I

Translation: German: J.-O. TjÄDER in *P. Ital.* I

Caelius Aurelianus v(ir) v(enerabilis), episc(opus) sanctae ecclesiae catholicae Ravennatis, cogitans casus fragilitatis humanae, sana mente sano|que consilio hoc testamentum meum Agnello v(iro) h(onesto) for(ensi) scribendum dictavi propria manu suscribturus cum testibus conrogatis numero competenti. Quod si iure | civili vel praetorio aut cuiuslibet novellae legis interventum forsitan valere niquiverit, ab intestato vice codicellorum meorum valere volo. Quod cuique ||<sup>10</sup> hoc testamento dederō, legavero, darivae iussero sive constituerō, id ut detur, fiat, fidei heredes meae committo; quos quas liberos liberas esse iussero ac voluero, | liberi liberique sint. Te itaque, sanctam eclessiam catholicam Ravennatem, in cuius servitio crevi, heredem mihi ex axe esse iubeo ac volo.

I, Caelius Aurelianus, *vir venerabilis*, bishop of the holy catholic church of Ravenna, being aware of the fragility of human life, and being sane and in my right mind and sound reasoning, have dictated this my will to Agnellus, *vir honestus*, scribe of the court, so that he wrote it, and I have signed it with my own hand in the presence of the summoned witnesses whose number was proper. But if (this my will) could not be valid for any reason in civil or praetorian law, or because of any new constitution, I want it to be valid as my codicil, as if I died intestate. Whatever I give to anyone, bequeath, order to give, or decide with this will, I entrust to good faith of my heirs, I want to be done and happen. I will order and I want that those men and women who are to be free, shall be free. And I order and I want that you, holy catholic church of Ravenna, whom I decided to serve, be my lawful heir.

*P. Oxy.* XVI 1901  
Sixth century AD  
Oxyrhynchus

Greek  
Papyrus  
Original

Text after *P. Oxy.* XVI

Translation: B. P. GRENFELL & A. S. HUNT in *P. Oxy.* XVI (ll. 26–27) (below)

#### Fragment 1

ἐν[---] | εἰ ἐθελήσω ε.[---] | τινὸς ὥς[---|...] ὡςια .[---||<sup>5</sup> ...].[...].ια.[---]

#### Fragment 2

[---].α[...].[---|---]οπολίτι[ς] ζ[---|---]ελων μου ν...ρ.[---|---] ἔως ἀποδω[---  
||<sup>10</sup> ---]...ῆνεσα ὥς [---|---]. εἰς λόγον [---]

#### Fragment 3

[---].εκτ[...].[---|---] καὶ .μη[---|---].[...].ει[.]ου.[---]

#### Fragment 4

[---].β[ά]λλειν [---|---]κ[...].α[---]

#### Fragment 5

[---].ς κατ[---]

#### Fragment 6

[...].[---] | κατὰ δεσποτ<ε>ίαν [...].[...].[---] ||<sup>20</sup> διακειμένον ἐπὶ τῇσδε τῆς  
[πόλεως] ἐπ' ἀμφ[όδου --- τοῦ τῆς] | ἐνδόξου μνήμης Σ[...].ν[...]. ἡ[γό]ρῃσα  
..[---] | τοῦ α[ὐ]τοῦ μου οἶκ[ου ---] τὴν δεσποτ<ε>ίαν τ[---] | κατ[---] ἔχοντος  
ἐξουσίαν [---]|ητ[--- τῆς] αὐτῆς οἰκ[ε]ίας [---] ||<sup>25</sup> τούτου πρ[---].νικον ἀδυνάμων  
[---] | βούλομαι[ι δὲ καὶ κελεύω ὥστε τὴν πρ]οσκωλληθείσάν [μοι γυναῖκα Κυ-  
ρίαν] | κληρονο[μ]εῖν τὰ εὐρεθισόμενα ἱμάτι]α αὐτῆς ἐν τῷ α[ὐ]τῷ μου οἶκῳ καὶ |  
κόσμῳ, οὐ μὴν καὶ τὸ [ἡ]μισυ μέρος [τοῦ ἄ]λλου ἡμίσεος μέρος τοῦ αὐτοῦ  
οἴκου | τοῦ διαπραθέντος μο[ι πα]ρὰ Ἐπιφ[ανίου] ἀδελφοῦ Πτο[... καὶ τὴν ἐν τῷ  
οἴκῳ] ||<sup>30</sup> μου πᾶσαν ὕλην ἀπὸ κεφαλαίου μέχρι ἐλαχίστου τινός. β[ούλομαι δὲ καὶ  
κελεύω] | ἔχ[ε]ι[ν] κ[...].[---].[...].[...].οὐ κύρα<ν> Μάνναν λόγῳ [---] | τὸ ὑπό-  
λο[ιπον ἡμισυ μέρος τοῦ ἡμίσεος μ]έρους τοῦ αὐτοῦ μου οἶκ[ου τοῦ διαπραθέντος]  
| παρὰ τοῦ αὐ[τοῦ], τουτέστι τὸ τέταρτο]ν μέρος τῆς πά[σης οἰκίας, καὶ τὸ] |  
βατελλίκιον καὶ τ[ὰ] τρία μου κοχλιάρ]ια καὶ τὰ δύο μου [καμψία (?), ---] ||<sup>35</sup> ἀργύ-  
ρον ἀνήκοντ[ο]ς τ[ῇ] κυ[ρία] [αὐ]τῆς μητρὶ Ταρωτ[...]. ἔχειν δὲ τὴν αὐτὴν |  
κύρα<ν> Μάννα<ν> βούλομαι καὶ τὸ τρίτον μέρος πάντων τῶ[ν ἱματίων καὶ τῶν]  
| χ<ε>μιονικῶν καὶ τῶν θεριακῶν, τὸ δὲ ἄλλο δίδιμοιρον μέρος τ[ῶν αὐτῶν ἱματίων]

| βούλομα[ι] δο[θ]ῇ[ναι Σ]αμπᾶ καὶ Ὑουλιανῶ κούρσορ<σ>ι τοῖς υἱοῖς τῆς .[---] |  
 εὔσεβ<ε>[as εὔ]εκ[ε]ν. βούλομαι δὲ καὶ [κελεύω ὥστε τὰς προσφ[οράς ---] ||<sup>40</sup>  
 ὥσπερ ἐποίησάμην πρῶην εἰς [...] μακαρίαν μου θυγά[τερα --- καὶ τὴν] | εἰρη-  
 μένην προσκωλληθεῖσάν μοι γυναῖκα Κυρίαν αρ.[---] | πανταχοῦ πρ.ο-  
 φερ[ο]μένας. βούλομαι δὲ καὶ κελεύω ὥστε [μὴ δύνασθαι τὴν] | προσκωλληθεῖσάν  
 μοι γυνὴ Κυρία<ν> ἀθετήσαι ταύτην μου τῇ[ν διαθήκην, εἰ δ' ἐπέλθῃ] | πρὸς  
 τα[ύτ]ην, βούλομαι καὶ κελεύω μὴδὲν αὐτὴν λαβεῖν ἐκ τ[ῶν ἐμῶν πάντων] ||<sup>45</sup> εἰ  
 μὴ μό[να τ]ὰ αὐτῆς ἱμάτια καὶ χρ[υσοῦ] νομισμάτια ἐξ πρὸς .[---] | τὸ τηnikaῦτα  
 γεγεννημένης μ...[.] μου κοινογίας μετὰ ..[---] | μητρὸς οἰ[.]λο[.]ε[...]  
 ἀπ[ο]κληρονόμους δὲ ποιῶ πάντ[ας τοὺς πρὸς γένους] | τυγχάνοντας καὶ τυχα-  
 νούσας. διὰ δὲ ἀγαθῆς πίστεως[ τῶν προκειμένων] | κληρονόμων γενέσθαι βούλο-  
 μαι τὴν περιστολὴν καὶ ἔκκομι[δ]ῇν [τοῦ ἐμοῦ σώματος] ||<sup>50</sup> καὶ τὰς ἀγίας μου  
 προσφορὰς καὶ ἀγάπας ὑπὲρ ἀναπαύσεως [τῆς ἐμῆς ψυχῆς,] | καὶ βούλομαι καὶ  
 κελεύω ὥστε τὸ ἥμισυ μέρος τῆς ἐμῆς σιτα[ρχίας δοθῆναι] | εἰς τὰς ἐμὰς ἀγάπας  
 καὶ προσφορὰς, καὶ τὸ ἄλλο ἥμισυ μέρος[ τῆς αὐτῆς μου] | σιταρχίας δοθῆναι τῇ  
 εἰρημένῃ Κυρίᾳ. οὐκ ἐξέσται δὲ οὐδ' ἐνὶ οὐτὲ παραβῆναι | τὴν διαθήκην οὐτὲ ἐνα-  
 ντιωθῆναι τοῖς δόξασίν μοι πᾶσ[ιν, ἀ]λλ[ὰ δόλος φθόνος] ||<sup>55</sup> πονηρὸς ἀπίτῳ ἀπέ-  
 στῳ ταύτης μου τῆς διαθήκης καλῶς [ἐχούσης, ποιηθείσης] | ὑπάτοις τοῖς προ-  
 κειμένοις, καὶ ἡξίωσα τοὺς ἐξῆς ἀξιοπίστ[ους μάρτυρας] | ἐνθεῖναι τὴν αὐτῶν  
 μαρτυρίαν καὶ σφραγῖδα μετὰ τὴν ἐμὴν [ὑπογραφὴν πρὸς] | ἀσφάλειαν καὶ βεβαί-  
 ωσιν τῶν ἐμοὶ παραστάντων. (hand 2) Φλάβιος Ποῦσι ἀπὸ] τῆς<σ> σχολῆς τὸν  
 κουρσαρ<ῶ>ν τῆς ἡγεμονικῆς τάξεως τῆς Ἀρκαδ[ίας υἱὸς τοῦ] ||<sup>60</sup> τῆς μακαρίας  
 μνήμης Παύλου ὁ προγεγραμμένος πεποίημ[αι τὴν διαθήκην] | νοδὴν καὶ φρονόδῃ  
 καὶ ἐπὶ γῆς βαζήδον ἐνστησάμενος κληρονόμο[us τὴν ἐκκλησίαν] | τοῦ ἀγίου  
 Γεωργίου τοῦ καλουμένου ἁπα Σημεονίου τοῦ ἡμῆ[σους μέρους τοῦ εἰρη]||μένου  
 ὀλοκλήρου μου οἰκήματος καὶ τὴν προσσκολοθηδ[άν μοι γυναῖκα Κυρίαν] | τοῦ  
 τετάρτου μέρους τοῦ αὐτοῦ ὀλοκλήρου μου οἴκου καὶ τῶν [εὐρέθησομένων] ||<sup>65</sup> ἐν  
 τῷ ἐμῷ οἴκῳ ἱματίων γυνεκίων καὶ κοσμήων καὶ πά[σης τῆς ἐν τῷ οἰκήματ]ί μου  
 ὕλης ἀπὸ κεφαλῆος μέχρι ἐλαχίσμου τινός, καὶ τ[ὴν εἰρημένην (?)] | κύρα<ν>  
 Μάνναν τοῦ ἁλλοῦ τετάρτου μέρους ὀλοκλήρου μο[υ οἰκήματος] | καὶ τοῦ φορη-  
 μένου βατελληκήρου καὶ τῶν τριῶν κοχληαρή[ων καὶ τῶν δύο καμ]ψίων καὶ τοῦ  
 τρίτου μέρους τῶν ἐμῶν ἱματίων χημονι[κῶν καὶ θεριακῶν,] ||<sup>70</sup> τὸ δὲ ἄλλο ζῆμερον  
 μέρος τῶν αὐτῶν μου ἱματίων κατὰ[λείπω τοῖς εἰρημέ]νοισ Σαμβᾶ καὶ Λουλιανοῦ  
 τὸν κουρσόρον τῆς ἐκ μητρὸς τῆς --- | Ἑραεῖδος. ἀποκληρονόμους δὲ ποιῶ  
 πάντας τοὺς πρὸς γέ[νους τυγχάνον]τας κὲ νυνχανούσης, καὶ συμφωνή μοι πάντα  
 τὰ προ[γεγραμμένα] | καὶ ὑπογράφας χερὴ ἐμῇ. † (hand 3) Αὐρήλιος Μηνᾶς δημό-  
 [σιος --- υἱὸς] ||<sup>75</sup> τοῦ μακαρίου Δανιηλίου μαρτυρῶ τῇδε τῇ διαθήκῃ ἀκο[ύσας  
 παρὰ Ποῦσι ἀπὸ] | τῆς σχολῆς τὸμ κουρσῶρος τοῦ θυμένου ὡς πρόκειται. (hand  
 4) --- | τῆς ἀγίας καθολικῆς ἐκκλησίας υἱὸς τοῦ μακαρίου Γερωντίου μαρ[τυρῶ  
 τῇδε τῇ διαθήκῃ] | ἀκούσας παρὰ Ποῦσι κούρσορος τοῦ διαθεμένου ὡς πρόκειται.

† (hand 5) Φοιβ[άμμων υἱός] | Θεοτίμου μαρτυρῶ τῇδε τῇ διαθήκῃ ἀκούσας παρὰ Ποῦσι κούρσ[ορος τοῦ διαθεμένου] ||<sup>80</sup> ὡς πρόκ(ε)ται). (hand 6) ✠ Φλ(αούιος) Φοιβάμμων πριμικήριος σχολῆς πραικόνων μ[αρτυρῶ τῇδε τῇ] | διαθήκῃ ἀκούσας παρὰ Ποῦσι κούρσωρος τοῦ διαθεμένου ὡς πρό[κειται. (hand 7) ---] | υἱὸς τοῦ τῆς μακαρίας μνήμης Μουσαίου μαρτυρῶ τῇδε τῇ διαθήκῃ ἀκούσας] | παρὰ Ποῦσι κούρσωρος τοῦ διαθεμένου ὡς πρόκ(ε)ται). (hand 8) Μηνᾶ[s --- υἱός] | Θέωνος μαρτυρῶ τῇδε τῇ διαθήκῃ ἀκούσας παρὰ Ποῦσι κούρσωρος τ[οῦ διαθεμένου] ||<sup>85</sup> ὡς πρόκειται. ✠ (hand 9) Πέτρος διακόνου τῆς ἀγίας ἐλισίας υἱὸς τ[οῦ μακαρίου] | Ἰωάννου γεναμένου πρεβητέρου μαρτυρῶ τῇδε τῇ διαθ[ήκῃ ἀκούσας] | παρὰ Ποῦσι κούρσωρος τοῦ διαθεμένου ὡς πρόκ<ε>ται.

26. [πρ]οσκολληθεῖσάν || 41. προσκολληθεῖσάν || 42. προφερ[ο]μένας | προσκολληθεῖσάν || 43. γυναῖκα || 59. τῶν | κουρσῶρων | τάξεως || 60. μακαρίας || 61. νοῶν φρονῶν | βαδίζων || 62. ἀγίου | ἡμί[σους] || 63. προσκολληθεῖσ[άν] || 64. τῶν || 65. τῷ | ἐμῷ | οἴκῳ | ἱματίων | γυναικείων | κοσμίων || 66. κεφαλαίου *corr. ex κεφαλεο* | μέχρι | ἐλαχίστου *corr. ex ελαχισμο*. | τινός || 68. βατελλικίου | τῶν | τριῶν | κοχλιαρί[ων] || 68–69. [καμ]ψίων || 69. τῶν | ἐμῶν | ἱματίων | χειμῶν[κῶν] || 70. δίμοιρον | τῶν | αὐτῶν | ἱματίων || 71. Ἰουλιανῷ | τῶν | κουρσῶρων || 73. καὶ | τυγχανούσας | συμφωνεῖ || 74. ὑπέγραψα | χειρὶ || 75. διαθήκῃ || 76. τῶν κουρσῶρον | θεμένου || 81. διαθεμένου || 85. διάκονος | ἐκκλησίας || 86. πρεσβυτέρου || 87. διαθεμένου

Approximately twenty-five opening lines of the document are too fragmentary to be translated.

Ll. 26–87: I wish and order that Kyria, the wife who has been joined to me, shall inherit her clothing which shall be found in my house and ornaments, together with the half-share of the remaining half-share of the said house which was sold to me by Epiphanius brother of Po... and all the furniture in my house from the chief pieces down to the smallest item. I wish and I order that ... mistress Manna should have ... the remaining half-share of the half-share of my said house which was sold by the said person, that is to say, the quarter-share of the whole house, and the small plate, and my three spoons, and my two caskets, the silver belonging to her lady mother Taro... and I also wish the said mistress Manna to have the third part of all my clothes, both winter and summer, and the other two-thirds of the said clothes I wish to be given to Sambas and Iulianos, couriers, sons of ... because of their devotion to me. I wish and order that the gifts ... which I formerly made to ... my late daughter / my daughter Makaria ... and Kyria, the wife aforesaid who has been joined to me, should be (invalid?) everywhere where they are produced. I wish and order that Kyria, the wife who has been joined to me, shall have no power to set aside this my will, and if she shall proceed against it,

I wish and order that she shall take nothing of all my belongings except her own clothing and six solidi of gold ... and I disinherit all my kindred of either sex. I wish the laying out and burial of my body, and my holy *prospora* and services for the repose of my soul to be conducted through the good faith of my heirs aforesaid, and I wish and order that a half-share of my allowance in kind be given towards the services and *prospora*, and the other half-share of my said allowance be given to the aforesaid Kyria. It shall be unlawful to anyone to transgress my will or to oppose any of my dispositions, and may guile and malice depart and be absent from this my will, which holds good having been made in the consulate aforesaid, and I have summoned the following trusty witnesses to give their testimony and seal after my signature for the security and support of my associates. (Signed) I, Flavius Pousi, of the *schole* of couriers of the office of the *praeses* of Arcadia, son of Paulos of blessed memory, the above-written, have made the will, being sane and in my right mind and walking the earth, and have appointed as heirs the church (?) of St. Georgios called Apa Symeonios' to the half-share of my said entire dwelling, and Kyria, the wife who has been joined to me, to the quarter-share of my said entire house and to the articles of female clothing found in my house, and the ornaments, and all furniture in my dwelling from the chief pieces down to the smallest item, and the said mistress Manna to the other quarter-share of my whole dwelling, and to the small plate that has been used, and the three spoons, and two caskets, and to the third-share of my clothes, both winter and summer; and the other two-thirds of my said clothes I bequeath to the aforesaid Sambas and Iulianos, couriers, their mother being ... Herais ... I disinherit all my kindred of either sex, and I agree to all that is written above and have signed with my own hand. I, Aurelius Menas, public ... son of Daniel of blessed memory, witness to this will having heard it upon its making from Pousi of the school of couriers, as above. I, ... of the holy catholic church, son of Gerontios of blessed memory, witness to this will having heard it from Pousi, courier, having composed it, as above. † I, Phoibammon son of Theotimos, witness to this will after having heard it from Pousi, courier, who has composed it, as above. ‡ I, Flavius Phoibammon, *primicerius* of the school of couriers, witness to this will after having heard it from Pousi, courier, who has composed it, as above. I, ... son of Mousaios of blessed memory, witness to this will after having heard it from Pousi, courier, who has composed it, as above. I, Menas ... son of Theon, witness to this will after having heard it from Pousi, courier, who has composed it, as above. † I, Petros, deacon of the holy church, son of Ioannes of blessed memory the former presbyter, witness to this will after having heard it from Pousi, courier, who has composed it, as above.

*P. Lond.* III 1308, p. lxxii = SALOMONS,  
ZPE 156 (2006), pp. 217–241

AD 521–522

Antinoopolis

Greek  
Papyrus  
Original

Text after *P. Lond.* III

[---].....ς ὁ καὶ [---]... | traces μων [---| δι'] Ἀγαθοκλέους ἀναλώματα [εἰς ---]  
...||<sup>5</sup> ἔτι μὴν καὶ τὰς ἀγίας μου προσφ[ορὰς καὶ ἀγάπας ---]... | βούλομαι δι' αὐτοῦ  
γενέσθαι κα[τ' ἔτος\* ---]... | --- αὐτῶν μ... [---| δι' Ἀγαθο]κλέους γενέσθαι πιστεύω  
[καὶ --- τῇ | αὐ]τοῦ προαιρέσει ὡς οὐδὲ μετα[---]...||<sup>10</sup> ταύτης τῆς διαθήκης,  
ἥς δόλο[ς, φθόνος πονηρός] | ἀπέστω, ἥνπερ ἐθέμην με[τ]ὰ [τὴν ὑπατεῖαν Φλ(α-  
ουίου)] | Ἰουστινιανοῦ τοῦ ἐνδοξοτάτου Τῦ[βι .. τῆς | πεντ]εκαδικάτης  
ἰνδικτίωνος. Ι[---] | .[---].ωνος ἡ προγεγραμμένη διεθ[έμην ὡς πρόκειται.] ||<sup>15</sup>  
Α[ὐ]ρήλιος Ταυρίνος Ἰωσηφίου ἀπὸ τ[ῆς Ἑρμο]πολιτῶν | ἔγραψα ὑπὲρ αὐτῆς  
γράμματα μὴ [εἰδύας. † (hand 2) Φλ(αούιος) ---] | Ἀφούτος πρεσβυτέρ(ου) ἀπὸ  
Ἑρ(μοπόλεως) μαρτυρῶ τῇ δια[θήκη] ἀκούσας παρὰ τῆς | δ[ι]αθεμένης. † (hand  
3) Φλ(αούιος) Πέτρος Σαραπίωνος μ[αρτυρῶ τῇ διαθήκη] | ἀκούσας παρὰ τῆς δια-  
θεμένης. † (hand 4) Φλ(αούιος) Ἀλέξα[νδρος] ||<sup>20</sup> μα[ρτυρῶ τῇ διαθήκη] ἀκούσας  
παρὰ τῆς δια[θεμένης. (hand 5) ---] | ἀπ[ὸ Ἑρμ]οπόλεως μαρτυρῶ τῇ διαθήκη  
ἀκούσας παρὰ τῆς δια[θεμένης. † (hand 6) ---].....ς ἀπὸ Ἑρ(μοπόλεως) μαρτυρῶ  
τῇ διαθήκη ἀκούσας παρὰ τῆς δια[θεμένης † (hand 7) ---] ἀπ[ὸ Ἑρ]μοπόλεως  
μαρτυρῶ τῇ διαθήκη ἀκούσας παρὰ τῆς δια[θεμένης. † (hand 8) Αὐρήλιος] |  
Κ[ο]λλοῦθος ἀπὸ Ἑρ(μοπόλεως) μαρτυρῶ τῇ διαθήκη ἀ[κούσας παρὰ τῆς] ||<sup>25</sup> δια-  
θεμένης †.]

The beginning of the text is too fragmentary to be translated. It contains dispositions of funerary and religious character, i.e. concerning holy offerings for the redemption of the testatrix' soul and probably an annual celebration. The text mentions a man named Agathokles; however, it is not clear whether the testatrix bequeathed him something, or she made him responsible for the execution of some tasks.

Ll. 10–25: ... of this will, from which may guile and malice be absent. I have made it after the consulate of the most illustrious Flavius Justinian, ... Tybi of the fifteenth indiction. I, the above-written ... have made the will as above. I, Aurelius Taurinos son of Iosephios from Hermopolis, have written for her, because she

\* κα[τ' ἔτος]. This reconstruction, proposed in the second edition of the papyrus, is based on the fact that the noun ἀγάπη appears in the plural form.

does not know letters. † I, Flavius ... son of Aphous from Hermopolis, witness to the will having heard from the testatrix. † I, Flavius Petros son of Sarapion, witness to the will having heard from the testatrix. † I, Flavius Alexandros, witness to the will having heard from the testatrix. † I, ... from Hermopolis, witness to the will having heard from the testatrix. † I, ... from Hermopolis, witness to the will having heard from the testatrix. † I, ... from Hermopolis, witness to the will having heard from the testatrix. † I, Aurelius Kollouthos from Hermopolis, witness to the will having heard from the testatrix. †

*P. Lond.* V 1894 descr.

AD 524–545

Antinoopolis

Greek  
Papyrus  
Copy (?)

Unpublished text, certainly from the archive of Dioskoros.\* Image available at [http://www.misha.fr/papyrus\\_bipab/pages\\_html/P\\_Lond\\_V\\_1894.html](http://www.misha.fr/papyrus_bipab/pages_html/P_Lond_V_1894.html)

The following transcription is mine.

[ἀκούσας] |<sup>1</sup> παρὰ τοῦ θεμένο[υ]. Ἑρμίας [---] | μαρτυρῶ τῇ διαθήκῃ ἀκούσας  
παρὰ τοῦ θεμένου ---] | Ἑρμίου πρεσβυτέρου καθολι[---] | μαρτυρῶ τῇ διαθήκῃ  
ἀκούσα[ς παρὰ τοῦ θεμένου ---] ||<sup>5</sup> διάκ(ονος) καθολικῆς ἐκλ[ησίας μαρτυρῶ τῇ] |  
διαθήκῃ [ἀκούσας παρὰ τοῦ θεμένου ---]

The preserved text contains fragments of four subscriptions of witnesses, written, however, in one hand.

*P. Cairo Masp.* III 67324 recto

AD 525–526

Aphrodito

Greek  
Papyrus  
Original

Text after *P. Cairo Masp.* III

τῶν ἐμῶν πραγμάτων [---] | δεδόχθαι. βούλομαι δὲ καὶ το(ῦ)το, ὡς εἰ συμβαίῃ τῇ

\*J.-L. FOURNET, 'Annexe 2. Liste des papyrus édités de l'Aphrodité byzantine', [in:] IDEM (ed.), *Les archives de Dioscore d'Aphrodité cent ans après leur découverte. Histoire et culture dans l'Égypte byzantine. Actes du Colloque de Strasbourg, 8–10 décembre 2005*, Paris 2008, pp. 307–344, at p. 332.

ῥάθυμ[ία τὰς κληρο(νόμους) μου] | θυγατέρας οὐσας μὴ καταβα[λ]εῖ[ν] ἐβ[γ]νω-  
 μόνως, ἢ τοὺς κληρονόμο(υ)ς αὐτῶν, | τὴν προορισθεῖσαν παρ' ἑμο(ῦ) προσφ[ο]ρὰν  
 τῷ ἀγίῳ μοναστηρίῳ σίτου τε καὶ οἴν[ο(υ)] ||<sup>5</sup> τ[.]χ[.]τ[ο(υ)] τρυγηθέντος, κελεύω  
 τὸν εὐλαβέστατον πρεσβύτερον το(ῦ) αὐτο(ῦ) | μοναστηρίου(υ) καὶ τοὺς ἐν αὐτῷ  
 ἐὺλαβ(εστάτους)' μονάζοντας ἀπαιτῆσαι τα(ῦ)τα{s} ἐκόντας καὶ ἄκοντας | διὰ  
 πάντος, πρὸς τῷ ἀκαταγνώστως προβῆναι τὰ τῆς ἀγίας προσφορᾶς εἰς ἀ[ε] | τοὺς  
 ἀποθανόντας προσδοκεῖν. αὐτῇ δὲ ἡ διαθήκη· ἀπέστω πᾶς φθόνος καὶ | [δό]λος  
 πονηρός, ἥνπερ βούλομαι ἀπανταχο(ῦ) κρατεῖν καὶ κυριεύειν, ἥνπερ ||<sup>10</sup> δι[αθ]ήκην  
 ὑπεγόρευσα καὶ παρεσκεύ[α]σα α(ῦ)τὴν γραφῆναι κ(αὶ) ὑπογραφ[ῆ]ναι πα[ρ]ὰ τ[οῦ]ν  
 | ἐξῆς ὑπογραφόντων μαρτύρων ἑπτὰ τὸν ἀριθμόν, οὐσπερ μάρτυρας προσ[ε]καλε-  
 σάμην, κ(αὶ) παρανέγνων αὐτοῖς τὴν δύναμιν τῆς διαθήκης καὶ πέπεικ[α] | κατὰ  
 τοῦς ὑ[ό]μους' ὑπογράψαι. οἱ δὲ λοιποὶ πάντες ἀπόκληροί ἐσονται, διὰ τὸ | οὕτως  
 μοι ὀρθῶς καὶ δικαίως δεδόχθαι. ἡ διαθήκη κυρία ἔσται καὶ ||<sup>15</sup> βεβαία δισση γρα-  
 φ(εῖσα) ὁμότυπος ἐφ' ὑπογραφῆς ἑμῆς καὶ ἐπερωτη(εῖς) ἐπὶ τούτοι[s] | πᾶσι ὁμο-  
 λόγησα. ✠✠✠ Αὐρήλιος Πα[ν]χάβ Πανοῦφιο(υ) ὁ προκ(είμενος) ἐθέμην ταύτην |  
 τὴν διαθήκην πεπεσ>ισμένους ἐ[πὶ] πᾶσ[ε]ι τοῖς ἐγγεγραμμένοις ὥς | καὶ ὑπέγραψα  
 ἰδίᾳ μ[ο]υ χειρί. ✠ Ψενθαῆσις Ὀλλότος πρεσβ(ύτερος) μαρτυρῶ τῇ διαθήκῃ |  
 ἀκούσας παρὰ τοῦ θεμένου. ✠ Αὐρήλιος Βίκτωρ Σύρο(υ) μαρτυρῶ τῇ διαθήκῃ  
 ἀκούσας παρὰ το(ῦ) θεμένου(υ). ||<sup>20</sup> [✠ Αὐρ]ήλ[ιο]ς Ἀβραάμιος[ς .... μ]αρ[τυρ]ῶ τῇ  
 δ[ιαθ]ή[κ]ῃ ἀκο(ῦ)σας παρὰ το(ῦ) θεμέ[ν]ο(ῦ). ✠ Αὐρήλιος Κ....

10. ὑπηγόρευσα | δι[αθ]ήκῃ prev. ed. (MN)

... I also want the following: if it happens that by negligence my heirs, that is my  
 daughters, or their heirs, will not pay gratefully to the holy monastery the *pros-  
 phora* of wheat and wine determined by me, gathered ... I order that the most  
 pious presbyter of this monastery and the most pious monks belonging to this  
 monastery demand them by all means – no matter whether willingly or not – in  
 order to prepare the things pertaining to the holy *prosphora*, unexceptionably for  
 ever, for the commemoration of the deceased. This is the will – may guile and  
 malice be absent – which I want to be valid and have power everywhere, and  
 which I have dictated and ordered to be written and signed with signatures  
 of the following subscribed witnesses in the number of seven, which witnesses  
 I have summoned and I read in front of them the power to the will, and I have  
 persuaded them to sign according to the laws. All the others will be disinherited,  
 for this seemed to me right and just. The will written in two copies identical in  
 tenor will be valid and firm through my signature, and having been asked about  
 all the above, I confirmed. ✠✠✠ I, the above-mentioned Aurelius Panchab son of  
 Panouphios, have made this will and signed with my own hand being convinced  
 about everything as it is written. ✠ I, Psenthaesis son of Ollos, presbyter, witness

to the will having heard it from the testator. ✠ I, Aurelius Biktor son of Syros, witness to the will having heard it from the testator. ✠ I, Aurelius Abraamios ... witness to the will having heard it from the testator. ✠ I, Aurelius K...

*P. Bodl. I 47*  
After AD 535  
Hermopolis Megale

Greek  
Papyrus  
Original (?)

Text after *P. Bodl. I*

[---].[...].[...].[---].[...].δοσθαι Χριστο[δώρα καὶ κρατεῖσθαι καὶ κατέ]χειν καὶ διακατέχειν | [---].ἀλω καὶ ἀφ[ε]λονίκως ||<sup>5</sup> [---]ησето ἀντ<ε>ιπεῖν ἢ ἀντι[ποι-  
ήσασθαι ἢ ἐναντιωθῆν]αι ταύτης μου τῆς | [διαθήκης --- τῶν κα]τακειμένων νόσω  
| [---] ρωνος ὑπέρ τοῦ αὐτοῦ | [--- ἢ δι'] ἐαυτῆς ἢ δι' ἐντολέως ||<sup>10</sup> ἢ δι' οἰονδήποτε  
προ[σ]ῶ[που ἢ διὰ π]ροφάσεως αὐτῆς | οἰανδήποτε ζημίαν πρ[οσπ]οιῆσθαι  
κατὰ τοῦ αὐτοῦ | νοσοκομ<ε>ίου, βούλομαι αὐτὴν ἀποστειρεῖσθαι τῶν ἀφωρισμέ-  
νων αὐτῇ παρ' ἐμοῦ ἐν ταύτῃ τῇ διαθήκῃ πραγμάτων, | τῆς θείας καὶ νεαρᾶς δια-  
τάξεως τοῦτο αὐτὸ συγχωροῦσης ||<sup>15</sup> γενέσθαι διὰ τὸ τὴν αὐτὴν θείαν καὶ νεαρὰν  
διάταξιν | ἄδειαν δεδωκέναι τοῖς διαθεμένοις μητέ τὰ ἐκ τοῦ | ληγάτου νόμου  
φυλάξαι τοῖς ἐναντιουμένοις τῆς αὐτῶν | [διαθήκ]ης, βούλομαι τοῖνυν τὴν αὐτὴν  
Χριστοδώραν, | εἰ, ὅπερ ἀπείη, τολμήσῃ τοιοῦτό τι ποιῆσαι κατὰ τ[ο]ῦ ||<sup>20</sup> αὐτοῦ  
νοσοκομ<ε>ίου ἢ κατὰ τῶν αὐτῶν πραγμάτων, μηδὲν | πανταπᾶσιν ἔχειν ἐκ τῆς  
ἐμῆς κληρονομίας, ἀλλὰ | καὶ τούτων ἐκπεσεῖν τῶν διατυπωθέντων παρ' ἐμοῦ | ἐν  
ταύτῃ τῇ διαθήκῃ, δίδοσθαι αὐ[τ]ῇ ὑπέρ τῆς ἰδίας | [.....].[.....].[--- τῶν]  
προγεγραμμένων ||<sup>25</sup> πραγμάτων προχ[ρείαν τῶν ὀφ]ειλομένων τῷ αὐτῷ | νοσο-  
κομ<ε>ίῳ κ[...].[...]. Ἡγησάμην ἀναγκαῖον | διατυπῶσαι ἐν ταύταις μο[ν] ταῖς  
τελ[ε]υταίαις βουλῇσεσιν | [---].ησα τὴν | [--- βού]λ[ομαι] κ[α]ὶ κελεύω ||<sup>30</sup> [---  
π]άσαν ἰσχὺν καὶ | [---]. τὸν ἐμφορόμενον | [---] διατάττω ὥς, εἰ συμβαίη | [---]  
Χριστοδώραν | [---]εμένα

The beginning of the text is too fragmentary to be translated; it contained dis-  
positions to the benefit of the testator's wife Christodora.

Ll. 9-23: ... If anything is claimed to the disadvantage of this hospital by her (Christodora), or by an agent, or by any representative of hers, or under any pre-  
text, I want her to be deprived of the things appointed for her by me in this very  
will, for the new imperial constitution allows this, and as the freedom was grant-  
ed to testators by this same new imperial constitution to not obey the provisions

of the law concerning legacies towards those opposing their will. I want the same Christodora, if she, let it not happen, dares to do anything against this hospital or against its interests, not only to have nothing at all of my inheritance, but also to be deprived of those things bequeathed by me in this very will ...

The remaining text contained further provisions.

*P. Vat. Aphrod.* 7  
Before AD 546/547  
Aphrodito

Greek  
Papyrus  
Original (?)

Text after *P. Vat. Aphrod.*

#### Fragment A

[---]....[.]....[---]...[ελ[.]υσι[.]....[---]..ων ..[---] |..τῇ πρώτῃ [..]η τῆς εν[---]  
| τοῦ μειζοτέρ[ου τ]ῶν υἱῶν Φοι[βάμμωνος ---] ||<sup>5</sup> Βίκτωρος Ψιμ ..ε...[---].....]. εν  
βαμ[---]| μὴ ἀναλώσασθαι γεν...[---]προ --- [--- ἐν καιρῶ] | τελευτῆς ὡς  
προείπο[ν --- ἔ]χομεν .ιν εἰς τὰ κτ[.....]. εν[---] | μετ' ἐμοῦ .τον παρέχομεν μὴν  
ὑπὲρ τῆς αὐτῆς εὐσεβείας ||<sup>10</sup> τὰ δὲ ἐμὰ παντοῖά μου διάφορα γονικά τε κ.ονικα  
....[....]μελι σου | [π]άλιν ἔχειν κατὰ τοὺς ἐμ...[....].. μέρος δηναρίων μοι διβωκεαρι\*  
βούλ[ομαι δὲ καὶ] | κελεύω δὲ παρὰ τῶν ἐμῶν κληρονόμων δωθῆναι τῇ Μάρθῃ τῇ  
καὶ Εὐμένους | τὸ νεοτητοπρόβατον ἓνα ἐκλει[π ---] αὐτῇ δὲ ἡ διαθήκη ἀπέστω | πᾶς  
φθόνος καὶ δόλος πονηρός, ἥνπερ β[ούλομαι ἀπαντα]χοῦ κρατεῖν ||<sup>15</sup> καὶ κυριεύειν,  
ἥνπερ διαθήκην ὑπεγόρευσα καὶ παρασκευάσα αὐτῇ | γραφῆναι καὶ ὑπογραφῆναι  
παρὰ τῶν ἐξῆς ὑπογραφόντων μαρτύρων ἐπ'τὰ | τὸν ἀριθμὸν οὐσπερ μάρτυρας  
προ[σε]κ[α]λεσάμεν καὶ παραγένων | αὐτοῖς τὴν δύναμιν τῆς διαθήκης καὶ πέ-  
π[ει]κα κατὰ τοὺς νόμους | ὑπογράψαι. τὸν δὲ ....ε.... τὴν α..λεγον[.] ---||<sup>20</sup> ἡμῶν  
καί με στοιχεῖ[ν] τούτῳ μου τῷ βουλευμάτι ἀποκληροῖ ---[....]μοιρ....[.....]  
ἀμετ....[---]...ρχειν ἀλλὰ μον[....] | ἔχειν τὸ α..ον μου. φ..λ[---]....[---] | ἡ δια-  
θήκη κυρία ἔσται καὶ βεβαία δισση[ν] γ[ραφ]είσα μεθ' ὑπογραφῆς | τοῦ ὑπὲρ  
ἐμῆ[s] ὑπογράφ[οντος] καὶ ἐπερωθετ[είσα] [τούτοις πᾶσι ὡμολόγησα. (hand 2)  
✠ ||<sup>25</sup> δηλαδὴ ἀποκρινομένους θιο[....]...[....]..εμ[---] | χειρογράφων τῶν ἐγγεγραμ-  
μένων εἰς αὐτὸν Φοιβάμμω[να ---] | μέχρι τῆς δὲ προκειμ[ένης]. (hand 3) ✠ Αὐρηλία  
Ἥραεῖς Βίκτωρος ἡ προκ[ειμένη] | ἐθέμην ταύτην τὴν διαθήκην ὡς πρόκ[ε]ιται).  
Αὐρ[ήλιος] Πχαεῖς Βίκτωρος | ἀξιωθεῖς ἔγραψα ὑπὲρ αὐτῆς γράμματά μοι εἰδων

\* The meaning of the word remains obscure. The editor commented: 'Ovviamente se letto bene!'.

χμγ ..||<sup>30</sup> (hand 4) ✠ Αὐρήλιος Προμαῶς Ἡρακλείου μαρτυρῶ τῇ διαθήκῃ ἀκούσας  
 παρὰ τῆς | θεμένης χμγ ρθ. (hand 5) ✠ Προμαῶς Παύλου πρεσβ(ύτερος) μαρτυρῶ  
 τῇ διαθήκῃ ἀκούσας | παρὰ τῆς θεμ<έν>ης. (hand 6) ✠ Αὐρήλιος Ἀπολλῶς Διοσκό-  
 ρου μαρτυρῶ | τῇ διαθήκῃ ἀκούσας παρὰ τῆς θεμένης. (hand 7) ✠ Αὐρήλιος Παῦλος  
 Βίκτορος | χρυσοχόος μαρτυρῶ τῇ διαθήκῃ ἀκούσας παρὰ τῆς θεμένης. (hand 8)  
 Αὐρήλιος Φοιβάμμων ||<sup>35</sup> Φοιβίον μαρτυρῶ τῇ διαθήκῃ ἀκούσας παρὰ τῆς θεμένης.  
 (hand 9) ✠ Αὐρήλιος Ἀπολλῶς | Ὑσακίου μαρτυρῶ τῇ διαθήκῃ ἀκούσας παρὰ τῆς  
 θεμένης. (hand 10) ✠ Αὐρήλιος Βίκτωρ Σεναμοννίου | μαρτυρῶ τῇ διαθήκῃ ἀκούσας  
 παρὰ τῆς θεμένης. (hand 11?) ✠ δηλαδὴ ἀκολύτως ἔχουσα | ιθλιακων θ...ερ καὶ ---  
 θεμένης ὡς ---| καὶ .. ἀρτοποιεῖαν ἐκ τοῦ ἀρτοκοπίου λ... τῶν τοῦ εν... μου καὶ --  
 - ἀδελφοῦ ||<sup>40</sup> Φοιβάμμωνος καὶ Κολουθ. --- αὐτὸν χρόνον μὲν καὶ ---| καὶ ... καμ  
 ---| ὑπὲρ αὐτῆς γράμματα μὴ εἰδυνείας. (hand?) ✠ δηλαδὴ ὅτι εἰ δὲ σύμβιος |...ει τοῦ  
 βίου χρησαμένου νηπίου ημ --- τὸν ἄλλον | κ --- Εὐδόξιος ---||<sup>45</sup> (hand?) .... ἀδελφὸς  
 υἱὸς τῆς προκ(ειμένης) --- πειθωμηνου τῆς ητιαστικημws ..| ✠ Αὐρήλιος --- συμβίω  
 --- Βίκτορος --- Αὐρήλιος |---|--- δι' Ἀπολλ ...

### Fragment B

ομ.μ....[---][...][...] μέρ[ου]s ...[---] | εἶδει μοι [...] μέρους [---] | θ. ιος κ[...]  
 .ιος ....[---] ||<sup>5</sup> πρὸς τ[ο]ῦς ...ρ.να...[---] | ἀπὸ τρίτου μέρους ε.[---] | ἔχειν τὰ  
 ε[...][τ[---][---][---][...] | λει.ριε...μα δηλ.[---] ||<sup>10</sup> ἐξ ἴσου ἔχειν κ(αὶ) αὐτὸ τρι.[---]  
 | κ(αὶ) τοῦ ἐμοῦ ἀνδρὸς δια[---] | οἰκήματα κ(αὶ) χωρήματα [---] | ἐξ ἴσου ἔχειν  
 κ(αὶ) αὐτὸ πειμ[---] | ἀπὸ .εινον ἄχρι μ.[---] ||<sup>15</sup> μέχρι ξυλικού κ(αὶ) ὀστρακ[ίνου  
 καὶ --- καὶ ὑαλίνου] | εἰδους κ(αὶ) διετῇ εἶναι π[---][---].[---]

Fr. A 12. δοθῆναι || 13. ἐν || 15. ὑπηγόρευσα | παρεσκεύασα || 24. ἐπερωτηθ(εῖσα) || 27.  
 Βίκτορος || 28. Βίκτορος || 29. μὴ | εἰδυίας || 30. Προμαῶς || 34. *corr. ex* θεμηνης || 37.  
 ἀκολούθως || 39. ἀρτοποιίαν || 42. εἰδυίας

Fragment B is perhaps the upper part of the document and contains *heredis insti-  
 tutio* including clauses characteristic of the period. The first preserved lines of  
 the fragment A are also too incomplete to be translated; a certain ‘elder among  
 the sons of Phoibammon’, whose role is unclear, appears in the text.

Ll. 9–37: ... therefore I offer for her piety, whereas all my various things, ancestral  
 and ... to have back according to ... part of denarii ...; I want and order one new-  
 born sheep to be given by my heirs to Martha also called Eumenois ... This is the  
 will – may guile and evil malice be absent – which I want to be valid and have  
 power everywhere, and which will I have dictated and ordered to be written and  
 signed with signatures of the following subscribed witnesses in the number of  
 seven, which witnesses I have summoned and read in front of them the power of

the will, and I persuaded them to sign according to the laws ... to correspond with this my will ... disinherit (?) ... The will written in two copies and subscribed by the one who wrote it for me will be valid and firm, and having being asked about all the above, I agreed. ✠ Clearly distinguished ... written in hand and written down to this Phoibammon ... until the abovementioned. ✠ I, the abovementioned Aurelia Heraeis daughter of Biktor, having been asked wrote for her because she does not know letters.  $\chi\mu\gamma$  ✠ I, Aurelius Promaos son of Herakleios, witness to the will having heard it from the testatrix.  $\chi\mu\gamma$   $\varphi\theta$  (amen). ✠ I, Promaos son of Paulos, presbyter, witness to the will having heard it from the testatrix. ✠ I, Aurelius Apollos son of Dioskoros, witness to the will having heard it from the testatrix. ✠ I, Aurelius Paulos son of Biktor, goldsmith, witness to the will having heard it from the testatrix. ✠ I, Aurelius Phoibammon son of Phibios, witness to the will having heard it from the testatrix. ✠ I, Aurelius Apollos son of Isakios, witness to the will having heard it from the testatrix. ✠ I, Aurelius Biktor son of Senamounios, witness to the will having heard it from the testatrix. ✠

From line 38 onwards, the text is too fragmentary to be translated. It is unclear whether the text is related with the testament; the editor has suggested that the said part could have been written in a different hand.

*P. Ital.* I 5, B VI 12 – VII 11  
Before AD 552  
Ravenna

Latin  
Papyrus  
Abstract / extract

Text after *P. Ital.* I

Translation: German: J.-O. TjÄDER in *P. Ital.* I

Imp(eratore) d(omino) n(ostro) Iustiniano p(etr)petuo Aug(usto) | ann(o) XX[V], undec[i]es p(ost) consulatum) Basili Iun(ioris) v(iri) c(larissimi), s(sub) d(ie) III non[a]r(um) Ianuariar(um), ind(ictione) quintadec(ima), Rav(ennae). Providae suae disponent ar[bi]trium, qui mentes sui corporis integritate consistens voluntatis suae arcana proderit, [--- a]e[g]r[i]tudinē[m] morbi[s] m]ens sol[i]dum non potest habere [iu]d[i]cium. Itaque ego [G]eorg[iu]s [v(ir) d(evotus), olosiricoprata civ(itatis) Rav(ennatis), (fil)ius q(uon)d(am) Iuliani de civ(itate) Anthiocia, sanam habens mentem sed et | linguam vel sensum gravi egritudine detentus, agnoscens tam in omnibus introeuntes et exeuntes ad meam visitationem, metuens emergentes casus humanos, timens, ne me inordinatum occupet mors, hoc meae volun-

tatis condidi testamentum, quem etiam Deusdedit for(ensi) civ(itatis) Classis Rav(ennae), noto amico quoque meo, scribendum dictavi, in quo subter, postequam | ad singula, quae iussi scribi, ab eodem scribtoem mihi relicta fuissent, diligenter intelligens, faciente nequissima egritudine polagrae, quia suscribere non potui, signum tamen | be[at]ae crucis, ut potui, coram testibus inpressi. Testium quoque rogatorum numero competenti ad hanc tantum causa, scientium quur venirent, uno tempore eundem in loco sub meo|rum visione conspectuum suscriptionibus signaculisque firmavi, quem claudi signarique praecipi, et valere iussi. Quod testamentum meum, si quo casu iure civili seu praetorio vel novel|larum legum aut nuper datarum, vel alia qualibet iuris ratione valere niquiverit, etiam ab intestato vice codicellorum meorum valere volo hac iubeo, praemisso in omnibus capite | generari, quam ratam, firmam stabilemque ac voluntatem meam im perpetuum omnibus esse praecipi. Quisquis mihi heredis erit, heredisve erunt, ego eorum omnia fidei committo. | Quod cuique hoc testamentum meum dederō, legavero, darive iussero, fieri mandavero fidei vae commiserō, ut id {ut} detur, fiat, praestitur, fidei heredum meorum committo. | Quoscumque autem liberos esse iussero vel voluero, hii liberi sint toti fiantque. Si quos codicellos in carta, membrana aliavae qua materia conscribiturus reliquero, rati, firmi | stabilisque sint totae, eosque perpetuam optinere desidero de legibus firmitatem. Te itaque, sanctam catholicam matrem Rav(ennatē) eccl(esiam), in qua omnes populus cristianus exorat | remedia peccatorum, in decem unciis substantiae meae heredem constituo.

In the 25th year of the Emperor our lord Justinian, the eternal August, eleven years after the consulate of Basilius Iunior, *vir clarissimus*, 3 days before the nones of January, in the fifteenth indiction, in Ravenna. Settling his decision prudently, being in his right mind and sane, he disclosed the secret of his will ... for the sorrow of illness the thought cannot give a right sentence. Therefore, I, Georgius, *vir devotus*, silk merchant of the city of Ravenna, son of the late Iulianus from the city of Antioch, am of sane mind, but my tongue and senses are disabled because of the severe sickness; and generally recognising those coming and departing from my sight, and being afraid of the coming of death, and fearing that death will meet me when I am unready, I decided to make a testament of my will, whic I dictated to Deusdedit, notary of the city of Classis of Ravenna, my fellow and friend, so that he wrote it; in this (testament) below there are provisions, which, understanding them correctly, I ordered to be written down by this scribe. For the unfortunate sickness I could not sign it; however, I put the sign of the holy cross in the presence of witnesses, as I could. I have confirmed (this will) with the subscriptions and seals of witnesses, whose number was proper, and who were summoned for this very reason and aware why they came at one time and one place before my eyes; I ordered (the will) to be closed, signed, and taken, and (I ordered) it to be valid. If this my

will cannot be valid for any reason in civil or praetorian law, or because of any new constitution or new law, or any other legal reason, I want and order it to be valid as my codicil, as if I died intestate. Having released a general disposition, I order that this my will be valid, firm, and immutable forever and in all respects. Whoever will be my heir or heirs, to their good faith I entrust everything (written here). Whatever I give, bequeath, order to give, or command to be done, or entrust, I want it to be given, done and become, and I entrust it to the good faith of my heirs. Those whom I will order and want to be free, shall be and become all free. If I leave a codicil written either on papyrus or parchment or any other support, I want it to be valid, effective, and immutable in every respect; I desire it to obtain validity according to the laws. Therefore, I have appointed you, mother holy catholic church of Ravenna, in which all the Christian people pray for remission of their sins, as heir of ten-twelfths of my property.

*P. Cairo Masp.* III 67312 recto  
AD 567  
Antinoopolis

Greek  
Papyrus  
Draft (?)

Text after *P. Cairo Masp.* III

✠ βασιλείας καὶ ὑπατείας τοῦ θειοτάτο(υ) ἡμῶν δεσπότου | Φλαυίου Ἰουστίνου(υ)  
τοῦ αἰωνίου(υ) Ἀυγούστου Ἀυτοκράτορος | ἔτους δευτέρου(υ), Φαρμο(ῦ)θι πέμπτη  
πεντεκαδεκάτης | ἡνδικτίονος. ἐν Ἀντινόο(υ) πόλει τῇ λαμπροτάτῃ. | ✠ Φλαύιος  
[Θ]ε[ό]δ[ω]ρ[ος] ἑξ[ε]κ[τ]ῶρ τῆς κατὰ Θηβαῖδα δουκικῆς ||<sup>5</sup> τάξεως, υἱὸς τοῦ τῆς  
ἐ[ν]δ[ο]ξο[τάτης] μνημ[η]ς Φοιβάμμων[ος] γεγονότος σχολαστικο(ῦ) | φόρου Θη-  
βαῖδος, ὁρμώμενος ἀπὸ τῆς Ἀντινοέων, ταύτην | ποιο(ῦ)μαι τὴν ἐγ[γ]ραφον δια-  
θήκην καθὰ ὑποτέτακτ[α]ι ..υ | συνεχόμενος καὶ δεδ[ι]ξ[ε]ὺς τὸ μέλλον, μὴ, πρὶν  
διαθῶμαι ||<sup>10</sup> καὶ τὰ καθ' ἑμαυτὸν διατυπώσω, καὶ παρὰ προσδοκίαν τὸν | βίον  
μεταλλάξω, διὰ τοῦτο, νῶν καὶ φρονῶν καὶ ἐπ' ἀκριβείας | πολλὰς φέρων μο(υ)  
τὸν λογισμὸν καὶ ἐρρωμένως ἔχων σὺν Θεῷ | τὰς φρένας καὶ πάσας τὰς ἐσθήσεις  
καὶ τοὺς λογισμοὺς | ἀπαθείς διασώζων, ταύτην τὴν διαθήκην τίθημι, ||<sup>15</sup> ἐπὶ πα-  
ρουσίᾳ τῶν κατὰ παράκλησιν ἐμὴν προσκληθέντων | καὶ ἐπὶ τὸ αὐτὸ συνηγμένων  
ρόγατων νομίμων ἐπὶ τὰ μαρτύρω(υ), | πολιτῶν ὄντων Ῥωμαίων, ἐφήβων, καὶ  
ὑπολήμψεως ἀντιποιο(υ)μένων, τῶν κ(αί) ἐξῆς ὑπογραφόντων ταύτῃ μο(υ) τῇ  
δ[ια]θήκῃ | καὶ σφραγίζόντων αὐτὴν ἐν μιᾷ συνόδῳ καὶ ῥοπῇ καὶ ὥρᾳ, μηδεμιᾶς  
||<sup>20</sup> ἑτέρας πράξεως μεσολαβούσης, κατὰ τὴν τῶν νόμων δύναμιν, | ἥνπερ δια-  
θήκην ὑπαγόρουσα Ἑλληνικοῖς ῥήμασί τε καὶ | γράμμασι γραφῆναι ἐπέτρεψα, καὶ  
βούλομαι αὐτὴν ἔχειν τὴν | ἰδίαν δύναμιν καὶ βεβαίωσιν ἐφ' οἷς περιέχει πᾶσι

κεφαλαίοις, | ἐπέχειν δὲ αὐτὴν οὐδὲν ἦττον καὶ κωδικίλλου τάξιν καὶ δύναμιν ||<sup>25</sup>  
 πάσης τελευταίας βουλήσεως καὶ φιδεικομισσαρίας | ἐπιστολῆς, προκομιζομένην  
 καὶ δημοσιευομένην ἐπὶ πάσης | ἀρχῆς καὶ ἐξουσίας παντὶ χρόνῳ καὶ καιρῷ, κατὰ  
 τὰ θειώδως | ὑπὸ τῶν νόμων διηγορευμένα. εἰ δὲ δόξῃ μοι μετὰ ταῦτα | κ[ω]δι-  
 κίλλον ἢ καὶ κωδικίλλους θέσθαι καὶ ἕτερα ἐν αὐτοῖς ||<sup>30</sup> κεφάλαια διατυπῶσαι,  
 βούλ[ο]μ[α]ι [κα]ὶ [κελ]εύω τὸν παρ' ἐμοῦ | γενησόμενον κωδικίλλον ἢ τοὺς παρ'  
 ἐμοῦ γενησομένους | κωδικίλλους ἔχειν καὶ ἔξειν τὴν ἰδίαν δύναμιν καὶ τὸ | ἐκ  
 νόμων κύρος ὡς κεκομφιρματευμένους ἐν ταύτῃ μο(υ) | τῇ διαθήκῃ. εἴη μὲν ἐμὲ ἐφ'  
 ἕτερον χρόνον ζῆν καὶ τὰ ||<sup>35</sup> συνήθη πράττειν, ὃν ἂν παρασταίῃ τῷ σωτήρι Θεῷ.  
 ἐπειδὴ δὲ | ἀνάγκη τελευτᾶν καὶ τῶν ἀνθρωπίνων ὑπαναχωρήσαι | πραγμάτων,  
 κληρονόμους ἐ[ν]ί[σ]τ[η]μι καὶ κλη[ρον]όμους μου | εἶναι βούλομαι καὶ κελεύω τὸ  
 δ[ί]καιον τοῦ εὐαγοῦ[ς] μου ἀστηρίο(υ) | καλο(υ)μένο(υ) ἅπα Σεν[οῦ]θ[ου], κ[ε]ι-  
 μέ[νο(υ)] ἐν τῷ ὄρει Τριφί(ο)υ τοῦ Πανοπολίτου ||<sup>40</sup> νομο(ῦ), διὰ Πέτρ[ου] τοῦ  
 θεοφιλεστάτου(υ) ἀρχιμανδρίτου, οὐ μὴν | ἀλλὰ καὶ τὸ δίκ[αι]ον τοῦ μο[ν]α[σ]-  
 τη[ρίου(υ)] κ[α]λο(υ)μένο(υ) ἁ[γ]ίου Μουσαίου(υ) | κειμένο(υ) (?) ἐν τῷ ὄρει Α.λ.  
 [τοῦ] Ἑρμοπολίτου(υ) νομο(ῦ), διὰ Φοιβάμμωνος | τοῦ θεοφιλεστάτου(υ) αὐτοῦ  
 ἡγοῦμένο(υ), καὶ Ἡραὶν τὴν | εὐγενεστάτην μου πρὸς μητρὸς μάμμην, πάντων  
 τῶν ||<sup>45</sup> ἐν καιρῷ τελευτῆς καταλειφθησομένων παρ' ἐμοῦ(υ) πραγμάτων | καὶ ἀγω-  
 γῶν καὶ ἐνοχῶν καὶ παντὸς δικαίου(υ), ἀπὸ πολυτελοῦς μέχρι | ἐλαχίστου καὶ  
 ἀσσαρίου(υ) ἐνός, ἐπὶ τῇ ἐξῆς ἐφ' ἐκάστῳ τῶν | εἰρημένων κληρονόμων προελευσο-  
 μένη παρ' ἐμοῦ(υ) διαστολῇ [τ]ε | καὶ διατυπώσει. οἱ δὲ λοιποὶ πάντες ὅσοι πρὸς  
 γένος μοι ||<sup>50</sup> δ[ι]ενηνόχασιν ἢ κατ' ἀγκιστεῖαν διαφέρειν οἴονται, ἀποκληρόνομοί  
 | μο(υ) ἔστωσαν, ο[ὐ]κ ἐφ' [ὕ]βρις μὴ γέν[ο]ιτο, ἀλλὰ διὰ τὸ οὕτω μοι |  
 δεδοχθαι, σώφρον[ε]ς καὶ ἀκριβεῖ λογι[σ]μῷ χρησαμέ[ν]ω. βούλομαι δ[ε] | τοῖνυν  
 καὶ κελεύω Πέτρον τὸν εὐλαβέστατον ἀρχιμανδρίτην[ν], | ἥτοι τὸ δίκαιον τοῦ(υ)  
 αὐτοῦ(υ) εὐαγοῦς μοναστηρίου(υ) ἅπα Σενοῦθου, ἔχειν ||<sup>55</sup> εἰς τὴν ἰδίαν ἔνστασιν  
 πάντα τὰ παρ' ἐμοῦ(υ) ἐν καιρῷ τελευτῆς | καταλειφθησόμενα ἀκίνητα πράγματα  
 κατὰ τε τὸν Ἑρμοπολίτην καὶ Ἀντινοῖτην καὶ Πανοπολίτην τοὺς νομούς, | ἢ καὶ  
 κατ' ἐτέρους ὡς εἰκὸς διαγίεται τόπους, ἔχειν δὲ οὐδὲν | ἦττον εἰς τὴν ἰδίαν ἔνστα-  
 σιν[ν] καὶ πάντα τὰ κατὰ τὴν Ἀντινοῖων) ||<sup>60</sup> ἢ κατὰ τὴν Ἑρμοπολιτῶν διακει-  
 μένα παντοῖά μο(υ) πράγματα | ἀκίνητα, ἐφ' ᾧ τὴν ἐξ αὐτῶν παντοῖαν  
 συλλεγομένην | ἐτήσιαν πρόσδοδον δὲ κα[ὶ] στεγανόμια δαπανᾶσθαι εἰς εὐσεβεῖς |  
 διαδόσεις. βούλομαι [δὲ] καὶ κελεύω τὸ[ν] αὐτὸν εὐλαβέ[σ]τα[ν] | ἅπα Πέτρον,  
 ἥτοι τὸ δίκαιον τοῦ αὐτοῦ(υ) εὐαγοῦς μοναστηρίου(υ) ||<sup>65</sup> τῶν ἁπᾶ Σενοῦθου, τὴν  
 διακειμένην μο(υ) κ[α]τὰ τὴν Ἀντινοῖων | οἰκητικὴν πατρῶϊαν μο(υ) οἰκίαν, μετὰ  
 π[αν]τὸς αὐτῆς τοῦ δικαίου(υ) | καὶ στάβλο(υ) καὶ οἰκοπέδων συνημμένω[ν] τῇ  
 αὐτῇ οἰκίᾳ, | ἅμα τῇ ἐμῇ τελευτῇ διαπιπράσ[κε]ιν, καὶ τὴν τούτων | ἀποτί-  
 μησιν διαδιδόναι εἰς [τ]ε ἀνάρρησιν αἰχμαλώτων ||<sup>70</sup> καὶ εἰς ἑτέρας εὐσεβεῖς δια-  
 δόσεις. ἔτι βούλομαι τὸ[ν] αὐτὸν | εὐλαβέστατον ἄνδρα, ἥτοι τὸ δίκαιον τοῦ(υ)  
 αὐτοῦ(υ) μοναστηρίου(υ), | πάντα τὰ περιερχόμενα εἰς αὐτόν) ἐκ τῇ[ς] ἐμῆς μέ[ν]ε[ν]

| ὑποστάσεως, ἀνήκοντα δὲ τῷ εἰς ἐμέ [π]εριελθ[όντι] | κλήρω ἐ[ξ] ἐ[ὺ]σεβεῖα[s  
τ]ῆς μακαριωτάτῃ[s μο(υ) γ]αμ[ετῆς], ||<sup>75</sup> διαπιπράσκειν, καὶ τὴν τούτων ἀποτί-  
μη[σιν δια]δο[ῦ]ναι | ὡσαύτως ὑπὲρ ἁγίας προσφορᾶς τῆς αὐτῆς μακαρ[ίας] |  
μο(υ) γυναικὸς ἧ καὶ εἰ[s] ἐ[τ]έρας ἐ[ὺσεβεῖ]ς διαδόσεις ὑπὲρ ἀφέσεως | [τῶν  
αὐτῆς πλημμελημάτων .....] πρὸ μνήμ[ης] | αὐτῆς ..... βούλομαι δὲ καὶ κ[ε]-  
λε[ῖ]ω Φοιβάμμω[να] ||<sup>80</sup> τ[ὸν] εὐλα]βέστατον [π]ροεστῶτα τ[ῷ]ν ἅπα Μο(υ)-  
σαίο(υ) ἧ[το]ι [τ]ὸ δίκ[αιον] | τ[οῦ] αὐτοῦ μον[αστηρί]ο(υ), ἔχειν εἰς τὴν οἰκίαν  
ἐνστασιν | π[ά]ν[τα] [τὰ] ἐν καιρῷ τελευτῆς καταλε[ι]φθ[ε]ντά | παρ' ἐμ[οῦ]  
κινῇ τὰ πρά[γματ]α, [κ]αὶ ταῦτα ἔχειν ἐξ αὐτῶν διαδόσεις | πρὸς [οὓς] α[ὐ]ν  
δοκιμάσῃ ἑαυτοῦ θεοφίλεια· πέπο[ιθ]α γὰρ ||<sup>85</sup> [τὸν] αὐτὸν] θεο[ε]β[έ]στατον  
ἄνδρα ὡς ν[ῦ]ν | τ[ῶν] δό[ξ]α[s] | ἀμειώτως ὑπὲρ ἀφέσεως τῶν ἐμῶν πλημ-  
μελημάτων. | βούλομαι δὲ καὶ ἀξίῳ τὴν προνομασθεῖσαν εὐγενεστάτην μο(υ) |  
πρὸς μητρὸς μάρμην ἔχειν δικαίῳ κληρονομίας | κτήμα καλο(ῦ)μενον vac.? ὑπὸ  
vac.? γεωργόν ||<sup>90</sup> διακείμενον ἐν vac.? | μετὰ [πα]ντὸς αὐτοῦ τοῦ δικαίου καὶ  
μετὰ πάσης τῆς αὐτοῦ | περιοχῆς, καὶ τούτῳ βούλομαι αὐτὴν ἀρκεσθῆναι, οὐδὲν  
ἕτερον | δικαίῳ φαλκιδίο(υ) ἐπιζητοῦσαν πρὸς τ[ε] τὸ δίκαιον τῶν | προρηθέντων  
δύ[ο] μοναστηρίων ἧτοι πρὸς τοὺς προ||<sup>95</sup> μνημονευ[θέντ]ας Πέ[τ]ρον καὶ Φοιβάμ-  
μωνα τοὺς εὐλαβε[στάτους] | προεστῶτα[s τῶν] ἐ[κ]τ[ῆ]ς [π]λημμελ[έων] δ[ύ]ο μ[ον]α-  
στηρίων, | τοὺς καὶ ἐμοὺς κληρονόμους, διὰ τὸ καὶ τὰ καταλειφθέντα | αὐτοῖς ἐν  
ταύτῃ μο(υ) τῇ διαθήκῃ [π]ροχωρεῖν εἰς εὐσεβεῖς | διαδόσεις. βούλομαι δὲ καὶ  
κελεύω ἅμα τῇ ἐμῇ τελευτῇ ||<sup>100</sup> ἐλευθεροῦσθαι πάντας τοὺς ἐξ οἷου δήποτε κάσου  
ἢ προ[φάσεως] δούλους μο(υ) καὶ δουλίδας μετὰ τοῦ] πεκουλίου αὐτῶν, | καὶ  
δοθῆναι ἐκάστῳ παρὰ Πέτρο(υ) καὶ Φοιβάμμωνος τῶν | εὐλαβεστάτων ἐμῶν κλη-  
ρονόμων προσάπαξ ἐξ ἰσομοιρίας ἀνὰ | νομίματα ἐξ εὐσταθμα. βούλομαι δὲ καὶ  
κελεύω Ταδελεφῆν ||<sup>105</sup> τὴν τροφὸν μο(υ) καὶ Λεοντίαν τὴν αὐτῆς θυγατέρα ἔχειν |  
ἐτησίως παρὰ Πέτρο(υ) καὶ Φοιβάμμωνος τῶν προγεγραμμένων) | ἐὺ[λ]α-  
βεσ[τ]άτων ἧτοι δ[ιὰ] (?) τῶν ἁγίων μοναστηρίων ἐμῶν | κληρονόμων ἀ[δ]ι[α]-  
γε[μ]ήτω[s] [νο]μίματα δώδ[ε]κα εὐσταθμα κατ' ἑτο[s]. | Ρε. α. δὲ τῇ τροφῇ τῆς  
[τρ]ι[ε]ῖ[ς] [ισ]μακα[ρ]ίω[τά]τῃς μ[οῦ] μ[η]τ[ρ]ὸς Αἰίας, ||<sup>110</sup> πρὸς [τ]ῷ ἡδὴ δοθ[έντι]  
αὐτῇ ληγάτω κατὰ διαθήκα[s αὐτῆς] | τῆς μακαριωτάτῃ[s, βούλομαι Π]έτρον  
καὶ [Φοι]βάμμωνα [τοῦ]s | [εὐ]λαβ[έ]στατους καὶ ἐμ[οὺς] κληρονόμους | [διδόν]αι  
...η.ιση...s traces of 4 lines

10. κατ' || 13. αἰσθήσεις || 21. ὑπηγόρευσα *corr.* ex υ(ῦ)πογορευσα || 62. τε | *corr.* ex  
στεγανομία[ν] || 86. πλημμελημάτων || 110. τὸ

✠ The second year of reign and consulate of our most divine lord Flavius Iustinus, eternal Augustus and Emperor, on the fifth (day) of Pharmouthi of the fifteenth indiction, in the most glorious Antinoopolis. ✠ I, Flavius Theodoros, *exceptor* in the service of the office of the *dux* of the Thebaid, son of Phoibammon of blessed

memory, former *scholasticus* of the Forum of the Thebaid, from the city of the Antinoites, make this written will in accordance with what follows ... being distressed and fearing about the future, lest I die against the expectations before I compose my will and make dispositions concerning my property; for this reason, being sane and in my right mind, my reasoning being accurate, and *D. v.* having sound wits and all senses, and keeping my reasoning unaffected, I have made this will in the presence of seven witnesses summoned on my request, who gathered for this reason, *rogati nominatim*, being Roman citizens, adults, claiming that they were of good reputation, who signed this my will below and sealed it at one place, time, and hour, with no other action interrupting it, according to the power of laws. I have dictated this will in Greek words and I commanded it to be put in writing, and I want it to have its own power and warranty in all its paragraphs, and (I want) it to have no less position and power than a codicil and complete last will and fideicommissary letter, if brought and produced in front of every magistrate and authority, in every time and on any occasion, according to the imperial requirements given by laws. If it seems right to me to make a codicil or codicils after this and to make principal dispositions in them, I want and order that this codicil made by me, or these codicils made by me, have and will have the same power and legal validity, as confirmed in this my will. May I live twice as long and manage my affairs in a usual way, if God the Saviour commands, but since it is necessary to die and depart from the human things, I appoint and want and order the *dikaion* of the holy monastery called (the monastery of) Apa Senouthos located on the hill Triphion in the Panopolite nome, through the most God-loving archimandrite Petros; and also the *dikaion* of the monastery called (the monastery of) Apa Mousaios located on the hill A.I... in the Hermopolite nome, through Phoibammon, its most God-loving hegumen; and Herais, my most noble grandmother on my mother's side, to be my heirs to all things left by me at the moment of death, and legal actions, obligations, and legal matter, from the precious down to the smallest thing and one coin, according to the following command and disposition made by me for each of the said heirs. All the others who belong to my kin or who believe to belong to it according to the rights of inheritance shall be disinherited; not because of any outrage – may it not be – but because I deemed it right, having consulted my own sound and accurate reasoning. I want and order that Petros, the most pious archimandrite, and the *dikaion* of the same holy monastery of Apa Senouthos, have as their inheritance all immovable goods left by me at the moment of my death in the Hermopolite, and Antinoite, and Panopolite nomes, and in other likely places, and to have not less as their inheritance, and all my immovable goods situated in Antinoopolis and in Hermopolis, on the condition that all the collected rents and incomes from them are to be spent on pious distributions. I want and order the same most pious apa

Petros, and the *dikaion* of the same holy monastery of Apa Senouthos, to sell after my death my family house located in Antinoopolis, which I inherited from my father, with all the rights, and stable, and buildings belonging to this house; and to spend the price on ransoming captives and other pious distributions. I also want this most pious man, or the *dikaion* of the same holy monastery, to sell everything acquired from me and my substance, which came to me thanks to the piety of my wife of blessed memory, and to spend the price of sale for the holy *prosphora* for my wife of blessed memory or other pious distributions, for the remittal of her sins and ... her memory. I want and order Phoibammon, the most pious prior of those from Apa Mousaios, and the *dikaion* of this monastery, to have as their own inheritance all movable goods left by me at the moment of my death, and to spend their revenues on distributions which he thinks would please God. I convinced this God-fearing man to give ... which are not to be diminished, for the remittal of my sins. And I want and consider it right that my above-named most noble grandmother on my mother's side shall have by the title of succession a plot of land named [blank] under [blank] situated in [blank] with everything that justly belongs to it and in all its entity, and I want it to satisfy her, so that she shall not demand anything else on account of *falkidion* from the *dikaion* of none of the two abovesaid monasteries or the abovementioned Petros and Phoibammon, the most pious priors of the said two monasteries and my heirs, since the things left to them in this my will are to be expended on pious distributions. I want and order that all my slave men and women (enslaved) for any chance or reason will be freed at the moment of my death, with their *peculia*; and Petros and Phoibammon, my most pious heirs, shall give once six gold coins of good weight to each. I want and order my nurse Tadelphe and her daughter Leontia to have every year undivided twelve gold coins of good weight from my aforementioned most pious heirs Petros and Phoibammon and holy monasteries; and I want Re.a.. a nurse of my mother Lia of three times blessed memory, to be given according to the bequest made in her (my mother's) will ... I want Petros and Phoibammon, my most pious heirs, to give ...

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AD 570

Antinoopolis

Greek & Latin

Papyrus

Draft (?)

Text after papyri.info

Translation: Maria NOWAK & Joanna WEGNER

Φλ(αουίου) Βίκ(τορος) ἐνδοξο(άτου) κόμετ(ος) | καὶ πατρικ(ίου) διασημω(άτου) |  
 δ(ιὰ) Δωροθ(έου) ἐνδοξο(άτου) | στρατηλάτου καὶ ταβουλαρ(ίου) ||<sup>5</sup> κ.... ν( )  
 ἰν(δικτίονος) θ

✠ βασιλείας κ[αὶ ὑ]π[ατ]είας τοῦ θειοτάτου ἡμῶν δεσπότης | Φλαυίου Ὑουστίνου  
 τοῦ αἰωνίου Αὐγουστοῦ Αὐτοκράτορος ἔτους | πέμπτου, Ἀθῦρ τοῦ μηνὸς ἐννεακαι-  
 δεκάτῃ τῆς παρούσης | τετάρτης ἐπινεμήσεως. ἐν Ἀντι(νόου) πόλει τῇ λαμπροτάτῃ.  
 ||<sup>5</sup> Φλαύιος Φοιβάμμων, ὁ υἱὸς τοῦ τῆς μακαρίας μνήμης | Εὐπρεπέιου τοῦ ἀπογε-  
 νομένου ἀρχιῤάτρου, ὀρμώμενος | ἀπὸ ταύτης τῆς καλλιπόλεως Ἀντινοέω[ν], ἐξῆς  
 ὑπογράφων | ἰδίοις αὐτοῦ γράμμασι, τὴν παροῦσαν τίθημι καὶ ποιούμαι | δικαίαν  
 καὶ ἔννομον διαθηκ(ι)αίαν βούλησιν, ἐν τάξει ||<sup>10</sup> τελευταίας ἐγγράφου διατυπώσε-  
 ως, ἀσήμεντρον | οὖσαν καὶ ἀνυποσφράγιδα διὰ τὸ τῆς μετριότητος ἡμῶν | ἐξασθε-  
 νουσι ἀπορίας καὶ ἐλαχίστης ἡμῶν περιουσίας | σπανώτερον καὶ ψιλότερον, τοῦ δύ-  
 νασθαι τοὺς ἔμοις | κληρονόμους ὅτε δὴ ποτε βούλωνται ἐμφανῇ ποιῆσαι ||<sup>15</sup> τὴν  
 αὐτῆς δύναμιν, γινῶναι τε ἀναμφισβητήτως καὶ ἀμάχως | τὸ τί περιέχει ἕκ τε κεφα-  
 λαίου μέρο ὅς αὐτῆς καὶ ψιλοῦ | λόγου τὸ καθάπαξ ἐπὶ τοῖς ἐφεξῆς λόγοις. † πέρας  
 μὲν πάντων | καὶ βροτῆσι γένους ὁ θάνατος, καὶ τοῦτον ἀδύνατον ἔστιν | ἐκφυγεῖν  
 παντελῶς, τοῖς δὲ καλῶς φρονοῦσι τοῦτο προμαθεῖν ||<sup>20</sup> καὶ εὐλαβεῖσθ(αι) πάντων  
 εὐτυχέστερον. ἐγὼ τοιγαροῦν ὁ προ|νομασθεὶς Φοιβάμμων Εὐπρεπέιου ἀρχία-  
 τρος, ἀναγκαιῶς | τὰ καθ' ἐ<μ>αυτὸν διανοηθεὶς, ἐσκόπησα πάντα τὰ κατ' ἐμέ |  
 πράγματα πρὸ θανάτου διατυπῶσαι κατὰ τὸ προσήκον ὀρθῶ | καὶ ἀγαθῶ συνειδότε  
 καὶ δικαίῳ σκοπῶ καὶ ἀκριβεῖ λογισμῶ, ||<sup>25</sup> ἐφ' ὅσον ἐν τοῖς ζῶσι τυγχάνω, ἀκο-  
 λούθως τοῖς συγκεχωρημένοις | ἅπασιν ἀπὸ θεῶν νόμων τοῖς τὰ ἴδια φρονοῦσιν μετ'  
 ἀδείας | πάσης καὶ ἐξουσίας καὶ αὐθεντείας διαθέσθαι τοῖς ἑαυτῶν | φίλοις τέκνοις,  
 καὶ μὴ τοῖς μετὰ θάνατον ἀμφισβήτησιν | καταλείπειν. τοῦτον τοῦ τρόπου, καθ'  
 ὅσον ζῶ καὶ ὑγιαίνω καὶ ||<sup>30</sup> ἐπ' ἀγορᾶς βαδίζω τὰ συνήθη πράττων, σώφρονι τε  
 λογισμῶ | καὶ σκοπῶ δικαίῳ καὶ ἀγαθῶ συνειδότε καὶ ἀκριβεῖ διανοίᾳ | καὶ ἐρρω-  
 μένῃ διαθέσει, εἰς ταύτην τὴν ἐγγραφὸν διαθηκ(ι)αίαν | βούλησιν ἐλήλυθα, νοῶν,  
 φρονῶν, λογισμοὺς καὶ φρένας | ἀπαθεὶς διασώσων, καὶ ὑγιεῖς ἔχων ὡς προείπον τὸ  
 σῶμα μου ||<sup>35</sup> σὺν εὐμενείᾳ τοῦ πανκρείττονος δεσπότης τῶν ὅλων | Θεοῦ παντο-  
 κράτορος, εὐλαβούμενος μὴ ἐξαίφνης | ὑπαναχωρήσαί με τῶν τῇτε ἀδιαθέτως  
 πραγμάτων | πρὶν οὕτω πρότερον διαθῶμαι καὶ διατυπώσω τὰ καθ' ἐμαυ[τόν] |  
 παντοῖά μου ἐλάχιστα πράγματα, τὰ τε ἐν ἀγρῶ ὄντα μοι ||<sup>40</sup> ἐκ διαφορῶν τόπων(ν)  
 γονικῶν τε κληρονομαιῶν μου καὶ | ἰδιοκτητήτων, καὶ τὰ ἐν τῇτε τῇ πόλει Ἀντινόου  
 καὶ ἄφ' ἑκασταχοῦ | τόπου. ἀκολούθως τοῖς θειώδως συγχωρητέοις ἅπασιν θνητοῖς  
 περιοῦσι πράξει, τὴν παροῦσαν κατεθέμην διαθηκ(ι)αίαν | βούλησιν ὡς προέφην,  
 πολιτικοπρατωρίαν οὖσαν ἐπὶ παρουσίας ||<sup>45</sup> τῶν κατὰ παράκλησιν ἐμὴν προ-  
 σκληθέντων νομίμων(ν) ἐπὶ μαρτύρων, | πολιτῶν ὄντων ἐφῆβον Ῥωμαίων, ὑπολή-  
 ψεως ἀντιποιοιμένων, | τῶν καὶ ἐξῆς ὑπογραφόντων αὐτῇ ἐν μιᾷ συνόδῳ καὶ καιρῶ  
 | μηδεμιᾶς ἐτέρας πράξεως μεσολαβούσης, ἀκολούθως | τῇ τῶν νόμων δυνάμει·  
 ἥνπερ διαθήκην ὑπηγόρευσα Ἑλληνικοῖς ||<sup>50</sup> ῥήμασί τε καὶ γράμμασι γραφῆναι

ἐπέταξα ἐν δημοσίῳ καὶ | πρακτικῷ τόπῳ. καὶ βούλομαι αὐτὴν τὴν ἰδίαν ἰσχὺν καὶ  
 δύν[αμ]ι[ν] | ἔχειν ἐφ' οἷς περιέχει πᾶσι κεφαλαίοις κατὰ τὴν ἐκάστου | διαστολήν,  
 ἐπέχειν τε αὐτὴν οὐδὲν ἥττον καὶ κωδικύλλου τάξιν | καὶ πάσης τελευταίας βουλή-  
 σεως καὶ φιδεικομισσαρίας ἐπιστολῆς, ||<sup>55</sup> προκομιζομένην καὶ δημοσιευομένην  
 ἐπὶ πάσης ἀρχῆς καὶ ἐξουσίας | καὶ θρόνου καὶ κυριότητος ἐν παντὶ χρόνῳ καὶ  
 καιρῷ, κατὰ τὰ θειώδως | ὑπὸ τῶν νόμων διηγορευμένα, καὶ πάντα τὰ ἐν αὐτῇ  
 κεφάλαια | δίδοσθαι καὶ πληροῦσθαι κατὰ τῶν ἐξ ἀδιαθέτου βουλομένων | κληρο-  
 νομήσαι τῶν ἐμῶν δικαίων, ἔτι μὴν προβῆναι ταῦτα ||<sup>60</sup> τὰ ὑπ' ἐμοῦ ὀρισθησόμενα  
 μόνα ἀκέραια, καὶ ἀσάλευτα | φυλάττεσθαι τοῖς ἐμοῖς φιλ[ι]α[τ]άτοις γνησίοις υἱοῖς  
 καὶ μόνοις, | οἷς ἐξῆς διατάσσω δικαίως καὶ εὐλόγως. εἰ δέ γε μετὰ ταῦτα | κωδί-  
 κυλλον ἢ κωδικύλλους πο[ι]ήσω καὶ ἕτερα κεφάλαια | ἐν αὐτοῖς διατυπώσω, βούλο-  
 μαι αὐτὸν ἢ αὐτοὺς καὶ τὴν ἰδίαν ||<sup>65</sup> δύναμιν καὶ βεβαίωσιν ἔχειν ὡς *confirmateu-*  
*menous* | ἐν τῇ παρούσᾳ τελευταίᾳ βουλήσει. εἴη μὲν οὖν ἐμὲ ζῆσαι | ἐφ' ἕτερόν τινα  
 χρόνον, ὡς ἂν παρασταίῃ τῷ κρείττονι καὶ δεσπότῃ | Θ(ε)ῷ, καὶ τῆς ἐμῆς ἔτι ὡσαύ-  
 τως ἀπολαύσαι μετριότητος | καὶ πάσης τῆς ἐλαχίστης μου περιουσίας· ἔξεσται  
 κατὰ νόμο(υ)s, ||<sup>70</sup> ἐφ' ὅσον ἐμοὶ περιόντι χρόνον, τῶν ἐμῶν ἀπάντων κρατεῖν | τῆς  
 νομῆς δικαίως καὶ συνήθο(υ)s δεσποτείας, καὶ τῆς ἐπικαρπίας | πάντων τῶν ὄντων  
 μοι πραγμάτων ἥτοι *ousufructu* παντός, | μετὰ τὰ εὐσεβῆ δημοσία τέλει κανονικά  
 τε καὶ πρόσκαιρα το(ύ)των. | ἐπὶ δὲ ἀνθρώπινόν τι πάθος καὶ τῶν ἐν ταῦθα ὑπανα-  
 χωρήσω ||<sup>75</sup> πραγμάτων ἐκ τῆς τοῦ πεπρωμένου ἀνάγκης, τότε ἐνίστημι | κληρο-  
 νόμους τοὺς προσφιλεστάτους μου υἱοὺς *vac.* / *vac.* καὶ διαδόχο(ι)s τῆς ἐμῆς κληρο-  
 νομίας | καὶ πάσης περιουσίας μου, ἐν ἀγρῷ διαφόρων τόπων, καὶ ἐν τῇτῃ | τῇ  
 Ἀντινοέων πόλει, καὶ τ[α] ἐφ' ἑκασταχοῦ τόπου, ὥστε τούτους ||<sup>80</sup> ἐπ' αὐθεντείας  
 καὶ ἐξουσίας πάσης μετὰ τὴν ἐμὴν τελευτὴν | πάντων τῶν ὄντων μοι κρατεῖν καὶ  
 κυριεύειν καὶ δεσπόζειν, | γονικῶν τε ἐμῶν κληρονομιαίων πραγμάτων καὶ ἰδιο-  
 κτήτων, | τῶν ἀφ' οἷον δήποτε δικαίου καὶ νομίμου τίτλου ἐ<γ>γράφου καὶ | πόρου  
 περιελθόντων εἰς ἐμέ, καὶ κληρονομήσαι αὐτοὺς ταῦτα ||<sup>85</sup> ἀκωλύτως καὶ ἀνε-  
 μωδῶς οὐδενὸς τὸ συνόλον καὶ | ἀνεγκλήτως ἐπάναγκες, ἐπέκεινα δὲ ὁρθῶς  
 αὐτοὺς κληρονομήσαι, | ὡς ἔφην, πάντων τῶν ὄντων μοι παντοίων καὶ ὑπ' ἐμοῦ |  
 καταλειφθησομένων πραγμάτων ἐξ ἰσορρόπου μοίρας, κατὰ | κεφαλικὴν μερίδα  
 ἀνηλογοῦσαν ἐξ ἴσου ἐκ τε κινήτων ||<sup>90</sup> καὶ ἀκινήτων καὶ αὐτοκινήτων πραγμάτων,  
 πάσης ἐνοχῆς | καὶ ἀγωγῆς, ἐν παντὶ εἶδει καὶ γένει καὶ πάσῃ ὕλῃ καὶ | ποιότητι  
 καὶ ποσότητι, ἀπὸ πολυτελοῦς εἵδους μέχρι εὐτελοῦς | καὶ ξυλικοῦ καὶ ὀστρακίνου  
 καὶ ὑαλίνου καὶ ἀσπαρίου ἐνός | καὶ ὀβολοῦ καὶ λεπτ[οῦ], ἀπαξαπλῶς πάσης λήψε-  
 ω[s] ||<sup>95</sup> καὶ δόσεως ὑπὲρ ἐμοῦ· καὶ εἴ τι εὐλόγως χρεωστώ | ἢ ὡς εἰπεῖν ἔπος χρε-  
 ωστούμενος, ἀποδοῦναι τούτους | καὶ ἀπολαμβάνειν ἀμειώτως πάλιν ἐξ ἴσης μοί-  
 ρας. | βούλομαι δὲ τοὺς ἐμοὺς υἱο(υ)s καὶ κληρονόμους τοὺς | προαφη[γ]θέντας  
 κληρονομεῖν πάντα τὰ ἐμὰ ὡς προεῖπον, ||<sup>100</sup> παρέξ ὧν [ε]ξῆς διατάσσω καὶ ὀρίζω  
 ἐν τῇ παρούσᾳ μου | διαθηκῇ βουλήσει.† βούλομαι οὖν· καὶ κελεύω τὸ εὐαγές  
 | καὶ πάνσεπτον μοναστήριον τὸ καλούμε(νον) ἅπα Ἱερημίου | τοῦ ἐν ὁσίοις τῇ μνή-

μη, μετὰ τὴν ἐμὴν ὡσαύτως τελευτήν, ἐπ' αὐθεντείας πάσης καὶ ἐξουσίας παραλαβεῖν εὐθέως ||<sup>105</sup> μίαν καθ[α]ρὰν ἀμπελοφορίμου γῆς ἄρουραν ἐκ πλήρους | ἀπὸ ἐξήκοντα τεσσάρων ἀμμάτων, μεμετρημένην | τῷ δημοσίῳ σχοῖν[ι]φ, [ἀτ]ελ[οῦ]ς καὶ ἀνυποτέλους γῆς, ἀποκρινομένην | ἐκ τῶν ὅλων περιελθόντων εἰς ἐμὲ ἀμπελικῶν χωρίων | ἀπὸ δια[δο]χῆς καὶ κληρονομίας τοῦ ἐμοῦ πατρὸς καὶ ἐν μακαρίοις ||<sup>110</sup> τῇ μνήμ[η] E]ὑπρεπείου ἀρχ[ι]ατρο(υ), διακειμένων ἐπὶ κώμης | Ἰβιδῶνος Ἐσεμβύθειας τοῦ Ἐρμουπολίτου νομοῦ, ὑπὸ τὴν παραφυλακὴν | ὄντων τῆς αὐτῆς, ἐξ ἀπηλιώτου ταύτης, κατὰ τὰς ἀγρογεινίας, | ἀφ' οὗ βούλεται τόπου καὶ ἀκρογώνου τῶν αὐτῶν ἀμπελώνων | ἐκ τετραέντου κυκλόθεν, μετὰ παντὸς τοῦ ἐπιβάλλοντος ||<sup>115</sup> τῇ προσημανθείσῃ μὲ ἀμπελοῦ ἀρούρη[ς] γῆς φορίμου | ἐκ τε ὕδρευμάτων καὶ μονῶν καὶ χρηστηρίων πάντων καὶ ἐπαυλέων καὶ ἀχυροβολῶνων καὶ κυκλευτηρίων | καὶ [ἐξυλ]ίνων ὀργάνων ἐξηρισμένων καὶ πάσης τῆς τούτων | καθ[ό]λου πε[ρι]οχῆς, μὴ προῦποκειμένην οἷω δῆποτε π[ρά]γματι ||<sup>120</sup> ἢ βάρει ἢ [σκήψ]ει μὴτε οἷα δῆποτε ἀφορμῇ, ἀλλὰ καθαρὰν διόλου | αἰώνιον [ἄ]πτωτον ὑπαρχθῆναι ταύτην ἐν πάσῃ βεβαιώσει | καὶ καθαρτοποιήσῃ τῷ προειρημένῳ μοναστηρίῳ, εἰς μνημόσυνον | αἰώνιον καὶ πρεσβεῖον, ὑπὲρ ἰλασμοῦ ψυχῆς μου καὶ ἀγίας | προσφορᾶς, πρὸς Θεὸν ἀπερχομένον. ταύτην γὰρ τὴν προειρημένην ||<sup>125</sup> μίαν ἄρουραν ἀμπελόφυτον προσπορίζομαι κατὰ χάριν ἀναφαίρετον | καὶ δωρεὰν νόμιμον ἐγγραφον τῷ προλεχθέντι εὐαγεί μοναστηρίῳ, | ἰάσεώς μου ψυχῆς χάριν, ἐπέχουσιν ταύτην δύναμιν ἀμετάθετον' | σκοπόν τε καὶ ἀμετανόητον, καὶ οἷον δῆποτε τρόπον καὶ λόγον | καὶ χρόνον καὶ τόπον, ἀλλὰ ἰκανῶς κρατοῦσαν βεβαίον τρόπον ||<sup>130</sup> παντὸς καὶ τοῦ inter vivos κατὰ τὸν νόμον, ὥστε μὴ παντοίας | πώπο[τε] ἀν[α]τροπῆς τυχεῖν, ἐπὶ πάσης ἀρχῆς καὶ ἐξουσίας καὶ | θρόνου κ[αὶ] κ[υριό]τητας ὑφ' ἧλίῳ, καθ' ὅτι ἐπ' ἀγαθῇ καὶ εὐλικρινεῖ | προαιρέσει ταύτην ἐχαρισάμην καὶ ἐδωρησάμην τῷ προειρημένῳ | εὐαγεί μον[α]στηρίῳ ὑπ[ὲρ] ἀγίας μου προσφορᾶς αἰωνίου. καὶ ὀρίζω τὸ ταύτης ||<sup>135</sup> τέλος αἰεὶ ποτε βασιλικὸν ἐνέλκεσθαι καὶ ἐπισύρῃσθαι | καὶ ἐπαναστρέφῃσθαι τῇ ἐμῇ πάσῃ περιουσίᾳ, ἐπανειλημμ[έ]νον || εἶναι διηνεκῶς τῷ παντὶ ἐποφειλομένῳ δίδοσθαι ὑπὲρ ἐμοῦ | παρὰ τῶν ἐμῶν νίων καὶ κληρονόμων δημοσίῳ τελέσματι, | κανονικῶ τε καὶ προσκαίρῳ, ἐν τε σίτῳ ἐμβολῆς καὶ χρυσικῶ ||<sup>140</sup> καὶ ναύλῳ καὶ παντοίοις βάρεσι, ἀποκρινομένων αἰωνίως | ὑπὲρ αὐτῆς τῷ δημοσίῳ λόγῳ καὶ τὸ ἰκανὸν ποιοῦνται | τοῦτο ὑπὲρ ταύτης διηνεκῶς, καὶ τοῦ εἰς τοῦτο ἀταράχου | καὶ ἀστασιάστου καὶ ἀνυπομνήστου καὶ ἀζημίου καὶ ἀνεπισπάστο[v] | καὶ ἀνεν[οχλ]ήτου φυλαττομένου πάντοτε τῷ εὐαγεί μοναστηρίῳ, ||<sup>145</sup> ἀνθ' ὅτου ταύτην αὐτῷ ἐδωρησάμην ὑπὲρ ἀναπαύσεως ψυχῆς μο[υ] | καὶ ἀφέσεως πλημμελημάτων, ἐφ' οὗ τοὺς κατὰ καιρὸν ἡγουμένο[υ]ς τε | καὶ οἰκονόμους καὶ διοικητὰς πραγμάτων τοῦ αὐτοῦ ἀγίου μον[α]στηρίου, ἔπειτα δὲ | καὶ τὸν νῦν [δ]ιοικοῦντα προεστώτα καὶ θεοφιλῇ πατέρα ἅπα Βησά[v] | τὸν εὐλαβέ[ς]-τ[ατον] πρε[σ]βύτερον καὶ κοινοβιάρχην, δεσποτικῶ δικαίῳ ||<sup>150</sup> κατὰ πᾶν ἐκ νόμων ἀρμόττον προπριαταρίας δίκαιον | ἐγκρατεῖς γένεσθαι τῆς αὐτῆς μιᾶς ἀμπελοῦ, ὡς προεσημνήμα, | καὶ τὴν παντοίαν ταύτης πρόσοδον κομίσασθαι καθ'

ἔτος ἀπὸ καρπ[ῶν] | καὶ κανόνος τῆς σὺν Θ(ε)ῶ μελλούσης vac.? | καὶ αὐτῆς καὶ τοῦ  
 ἐξῆς χρόνου διὰ παντὸς εἰς τὸ παντελές, καὶ τὴν ||<sup>155</sup> ταύτης διοίκησιν καθάπερ βού-  
 λωνται ἀναθεσθαι εἰς τὴν ἁγίαν μο(ν) | προσφοράν· μέντοι γε αὐτοὺς μὴ δύνασθαι  
 ταύτην πώποτε | ἐκποιῆσαι ἢ ἐτέρῳ μεταλλάξαι ἐπὶ τὸν παντελῆ χρόνον, ἀλλ' |  
 αὐτὴν ἐπίμονον εἶναι καὶ παραμόνιμον, ἐξυπηρετοῦσαν | τῇ ἁγίᾳ μου προσφορᾷ, διὰ  
 τὸ ἐμοὶ οὕτως ὀρθῶς καὶ δικαίως ||<sup>160</sup> δεδόχθαι. βούλομαι δὲ καὶ κελεύω τοὺς  
 ποθεινοὺς μου υἱοὺς | τὴν περιστολὴν ἥτοι κηδεῖαν κατ' ἁγίαν ἐμὴν τοῦ ἐμοῦ σώμα-  
 τος | ποιῆσαι, ἐξορκίζω δέ' τὸν εὐλαβ(ῆ) καὶ θεοφιλῆ ἡγούμενον | τοῦ προειρημέ-  
 (νου) μου(αστηρίου) ἅπα Ἱερημίου, κατὰ τῆς ὁμοουσίου | Τριάδος ἁγίας καὶ ἀηττή-  
 του, ὑποδέξασθαι τὸ ἐμὸν εἰς δαφνὴν ||<sup>165</sup> καὶ μνήμα λείψανον εἰς τὴν εὐαγεστάτην  
 μὲνην, | εἰς μνήμα τῆς ἐμῆς πάντοτε βραχύτητος, καὶ συναρίθμ[ιου] | ὀνομασίαν  
 μου' ἐν τῇ τοῦ καταλόγου τῶν μακαρίων ἐκείσε | πάντων ἀναπαυσαμένων  
 ἐκφ' ῥ' αἵετι ἐνεραδνουμίου 'γενέσ[θαι]'. | βούλομαι δὲ καὶ κελεύω τὴν εὐγενέστατην  
 σύμβιόν μου ||<sup>170</sup> γαμετὴν ἐξουσιάζειν τῶν ἑαυτῆς καὶ μόνων ἔδνων τῶν | ὑπ' ἐμοῦ  
 αὐτῇ προδοθέντων ἐν ὥρᾳ τῶν αὐτῆς αἰσίων γάμω[v] | πρὸ μίξεως, καὶ τούτοις  
 ἀρκεσθῆναι καὶ μὴ δύνασθαι περαιτέρω | τούτων ἐπιζητεῖν πρὸς οἷον δῆποτε κλη-  
 ρονόμον ἐμὸν | ἢ συγκληρονόμον, μήτε μὴν αὐθεντήσαι καὶ ἰθ' οἷον δῆποτε ||<sup>175</sup> τρό-  
 πον ἀποσπασθαι παντελῶς οἷον δῆποτε πράγμα | ἐκ παντοίων ἐμῶν πραγμάτων,  
 οἷον εἰκόσ εἰ βουληθησομένην | ἰδιοποιήσασθαι [τ]ῇ ἐ[αυτῇ τῶν] ἐμ[ῶν],  
 κ[ακοθ]έλουσ[αν] | ἐκ τούτων ἀπὸνασθαι, μὴ γένοιτο αὐτῇ τοῦτο μετὰ τὴν ἐμὴν |  
 τελευτήν, ἐξεῖναι δὲ μόνον αὐτῇ τὰ ἑαυτῆς γονικά πράγματ[α] ||<sup>180</sup> συλλαβεῖν ἐξερ-  
 χομένη τοῦ οἴκου μου, ἅπερ ἐναποδείκτω[s] | ἐμφανίσειται ὡς ἦσαν ἐκεῖνα συνεισ-  
 <εν>ηγέμενά μοι | παρ' αὐτῆς γονικόθεν. τὴν δὲ ἁγίαν διοίκησιν καὶ ἐπιμέλειαν |  
 καὶ πρόνοιαν τοῦ εὐαγοῦς ἡμῶν ξενεῶνος κατὰ τὰς πατρο[παραδόσεις] ἐν ἅπασι  
 ὀρίζω(ν), καὶ βούλομαι καὶ κελεύω ||<sup>185</sup> τὴν πᾶσαν τῶ(ν) ἀρρώστων φιλοκαλίαν τε  
 καὶ ἐπιμέλειαν | καὶ διατοχορηγίαν περαιωθῆναι ἐπιμελῶς καὶ ἐπιπόνως | ἀκατα-  
 φρονήτως, εὐσεβεῖς καὶ φοβῶ Θεοῦ καλλιεργουμένην, | μετὰ σπουδῆς πάσης καὶ  
 ἐπιεικείας, ἅμα τε διατελείσθαι | παρὰ τοῦ προσφιλεστάτου μου ἀδελφοῦ Ἰωάν-  
 νου, καὶ ἔξειν ||<sup>190</sup> αὐτὸν ὡ[σ]αύ[τ]ως τῇ[v] τῶν π[ρα]γμάτων πρεπόντ[ως] τῶ[υ]  
 αὐτοῦ | ξενεῶνος κηδεμονίαν, εἰς ἀνανέωσιν διόλου [τῆς] τ[ῶν] | ἀρρώστων φρο-  
 νήτιδος καὶ λειτουρ[γίας] καὶ ἀποτροφῆς τ[ῆς] | συνήθους καὶ ἐξορκίζω αὐτὸν  
 κατὰ τοῦ ἀεδαίου Θε(ο)ῦ | τούτου μὴ ῥαθυμῆσαι τοῦ περισπουδάσθαι Θεοῦ ἔργον·  
 ||<sup>195</sup> καὶ εἰ ἀμελήσοι ὀψεται πρὸς τὸν Θεόν· ἀξίω δὲ καὶ | παρακαλῶ πάντας τοὺς  
 θεοπίστους καὶ ἐλεήμονας, | ἔτι καὶ τοὺς λαμπροὺς καὶ σοφωτάτ(ους) συνηγόρους,  
 οὓς περ | καὶ ἐνορκῶ κατὰ τῆς ἁγίας Τριάδος, καὶ πάντα κριτὴν καὶ δικαστὴν | καὶ  
 ἐξουσίαν καὶ κυριότητα, αἰε παραφυλάξαι ἐβρώμενην ||<sup>200</sup> ταύτην μου τὴν διαθή-  
 κ(ην), δίχα οἷας δῆποτε ἐναντιώσεως | καὶ ἀντιπαθείας καὶ συλλογισμοῦ ῥητόρων  
 καὶ δεκανικῆς | λεπτολογίας. τοὺς γὰρ ἐμοὶ ἅπαντας διαφέροντας καὶ | [ἐ]κ γένους  
 μοι ἀγχιστέλλοντας οὐκ' ἐφ' ὕβρει λέγω ἀ[ποβλήτους] | καὶ ἀμοίρους καὶ ἀκλήρους  
 παντελῶς εἶναι, βούλομαι δὲ ||<sup>205</sup> καὶ κελεύω ὡς νόθους καὶ ἀπελευθέρους τῆς

ἐμ[ῆς] | ἐν ᾧ πασι μετοχῆς κληρονομίας καὶ σχέσεως πραγμ[άτων] | γενέσθαι ἅπα-  
 θεν, ἄλλοτριουμένους τούτων πάντ[α] | πᾶσιν, καὶ πάσης λήμψεως καὶ δόσεως ὑπὲρ  
 ἐμοῦ, διὰ τὸ [ἐμ]ε | ὀρθῶ καὶ δικαίῳ κεκρίσθαι σκοπῶ καὶ ἡρῆσθαι οὕτως.  
 ἐκ[αστος γάρ] ||<sup>210</sup> ἀπολανέσθω τῶν ἰδίων· λίαν δὲ μόγισ τὰ τῆς ἐμῆς μετριοσύν[ης]  
 | ἐλάχιστα πράγματα ἐπαρκήσονται τοῖς νηπίοις μου καὶ ἀφ[ήλιξι υἱοῖς μου, οἷς καὶ  
 καταλείψω τὸν βίον στυγνὸν κ(αὶ) ἀδιοίκητον, | δεομένοις πολλῆς ἀνατροφῆς καὶ  
 πολλῶν ἀναλωμάτων | καὶ ἐπιμελείας. καί, ὡς προώρισα, τούτοις μόνοις πάντα τὰ  
 ἐμὰ ||<sup>215</sup> ἀπονεμηθῆναι καὶ ὑπαρχθῆναι βούλομαι, καὶ ποιῆν | κατὰ τοῦ ἐθέλοκα-  
 κεῖν δυσσεβῶς βουλευθισομένον κατ' αὐ[τ]ῶν | ὀρῶ[ν] μῖα λίτρας χρυσίου εἰς  
 ἕκτισιν, καὶ μ[ε]τὰ ταύτ[η]ς | κατὰ μηδὲνα τρόπον μηδὲν μὲν ὠφελείσ[θ]αι αὐτὸν  
 ἐκ τοῦ[το] | ἐ[γ]χειρήμα[τ]ος, ἀλλὰ μάλλον βλαβῆναι καὶ ἡτ[τάσθαι, (?) ||<sup>220</sup> ἄκοντά  
 δε καὶ ἀνωφελῆ ἐπησυχάζειν τοῖς ὑπ' ἐ[μ]οῦ νῦν | διατυπωθεῖσι ἐν τῇ παρούσῃ μου  
 δικαίᾳ δ[ιαθ]ήκ[ῃ], ἀφ' ἧς | ἀπέστω πᾶς φθόνος καὶ δόλος πονηρός. κ[αὶ] εἴη  
 [βεβαία, ὑπό] | Ὑ(ησο)ῦ τῷ κυρίῳ κ(αὶ) Θ(ε)ῷ ἡμῶν βραβευομένη καὶ [ἀεὶ φυλατ-  
 τομένη] | ἐπὶ πᾶσι τὸς ἐμπεριχομένοις αὐτῇ γ[ενικοῖς κεφαλαίοις]. ||<sup>225</sup> οἷς ἐπευ-  
 δοκῶν κατεθέμην *uas*. καὶ τοῦτ[ο] τὸ κεφάλαιον, | συνελόντι δέ[ι] ἐίπειν, ἔτι γε  
 εὐδην αὐτὸ [κυριώτερον εἶναι] | καὶ βεβαιότερον σχεδὸν τούτων πάντων, ὡς  
 ἡ[γοῦμαι, (?) καὶ], | ὡσαύτως προστακτικῶς προβῆναι, ἐφ' ᾧ δὲ τοῦ[το] εἰρημένους  
 | ποθεινοὺς υἱοὺς μου καὶ κληρονόμους πατρωνέ[υσθαι καὶ] ||<sup>230</sup> κουρατορεύεσθαι  
 καὶ εἰκότως διοικεῖσθαι, μ[ε]τὰ τῶν ἐ[λ]αχίστων | αὐτῶν πραγμάτων, ὡς ν[η]-  
 πί[ο]ς καὶ [ἀ]φήλικα[s], [ἔ]ως ἂν ἐπανξήσωνται | τὴν ἡλικίαν, παρὰ τοῦ δεσπότου  
 μου καὶ θεο[φ]ιλοῦς π[ατ]ρός ἡμ[ῶν] Βη[σά] | τοῦ προεστῶ[τος] τοῦ πρ[ο]ειρημέ-  
 νου εὐαγοῦς μου[ν] α[στηρίου] ἁπα | Ἱερημίου, ἐν τάξει γενικοῦ κουράτορος καὶ κατὰ  
 νόμους κηδεμόνος. ||<sup>235</sup> καὶ τούτον ἀξιώ καὶ ἐνορκῶ κατὰ τοῦ παντοκράτορος  
 Θ(εο)ῦ πρ[ο]σ[ώ]πο[υ] | καὶ τῆς ἐντίμου καὶ ὑπερβαλλούσης αὐτοῦ σωτηρίας, καθ'  
 ὅσο[ν] ἐπιε[κ]κῶς | καὶ σπουδαίως κέχρηται περὶ πάντων ὅτιον ἐνάρεστον τῷ [Θε]ῷ  
 ἀγαθὸν ἔργον, καὶ τοῦτο τὸ ψ[υ]χωφελές κατ' εὐσέβειαν Θ(εο)ῦ καὶ | φιλανθρωπίαν  
 προσθέσθαι ἑαυτῷ, καὶ εἰκότως φροντίζειν ||<sup>240</sup> ἐπιμελῶς καὶ ἐπιπόνως τῶν εἰρη-  
 μένων δειλαίων μου | τέκνων καὶ τῶν τούτων ἐλαχίστων πραγμάτων ἄχρη, ὡς προ-  
 εἶπο[ν], | τ[ῆς] αὐτῶν ἐννόμου ἡλικίας, πρὸς τῶν αὐτοῦς μὴ ἀδίκω[s] | πλεονεκτεῖ-  
 σθαι παρ' οἷον δήποτε προσώπου ὡς ὀρφανούς [κ]αὶ ἀπεριστάτο[υ]ς[s], | μὴ  
 δυναμένους μήτε δυνησομένους λογοθετῆσαι [α]ὐτὸν ||<sup>245</sup> ἐν ᾧ πασι τὸν εἰρημένον,  
 καὶ κατὰ παράκλησιν ἐμῇ ἐπ' αὐτοὺς | κ[ατα]ιδεῖν ὀφείλοντας τὸν θεο[φ]ιλ[ῶ]ν[τ]ε[ρ]  
 α[τ]ο[ν] κουράτορα, καὶ | αὐτῷ πειθαρχῆσαι ἐν ᾧ πασι ὡς ἐ[μ]οῖς. καὶ ἐλπίδι  
 χρώμενος | ἀγαθῇ, θαρρῶ ὡς οὐ παρόψεται μὴ ποιῆσαι πάντα τὰ κατ' εὐσεβῆ  
 τινά | θεραπεύοντα, διὰ δὲ τοῦτο κέλωρα αὐτῶν [ἀκοῦσαι (?) καὶ] προθέσθαι ||<sup>250</sup>  
 αὐτῷ τὴν ἐπικουρίαν καὶ ἐπιμελείαν αὐτῶν δι' [εὐσέβειαν καὶ] | φόβον Θεοῦ, καὶ  
 ὅτι οὐκ ἀθετήσῃ εἰς τοῦ[το] (υ)ς, ὑπὲρ σωτηρίας αὐτοῦ. | εἰ ἀμελήσοι δέ, ὅπερ  
 ἀπείη, τῆς τούτων δ[ιοικ]η[σ]εως, ἐ[ῖ]η [ὑπεύθυνος] | τῷ φρικτῷ Θ(εο)ῦ βήματι,  
 τὰς ἀπολογίας [παρέ]χων τῷ πα[ντοκράτορι] | Θ(ε)ῷ καὶ ὀρφανοπάτορι ὑπὲρ τῆς

ταύτη[ς ἀμελε]ίας· εἰ δὲ ἀ[γαθὸν αὐτῶν] ||<sup>255</sup> φρόντισμα ποιήσῃ, καὶ ἰαυτὸς ὁ ἰκα-  
νοδότῃ[ς] | Θεὸς ἀντὶ τῶν πόνων [τούτων] | ἀμεύβηται αὐτῷ πλουσία χειρὶ ἐκ τ[ῶ]ν  
ἀμυθῆτων ἐκείνων [αὐτοῦ (?)] | ἀγαθὼν τὰ ἀντάμοιβα μυριανταπλασίως, καὶ πολυ-  
χρόνιον [αὐτὸν κατα]στήσῃ, ἕως οὗ ἐν ἀπολαύσει γένηται πάσης ἐλπίδος αὐτοῦ  
καὶ [σωτηρίας]. | ἐγὼ γὰρ ὁ δαίλιος εἰς ὁδὸν πάντων πορεύσομαι, δέόμενος ἰ[λασ-  
μοῦ καὶ] ||<sup>260</sup> πρὸς βεΐας ἀπάντων, καὶ χάριν ἀνθομολογήσῃ αὐτῷ τούτων ἔν[ε-  
κ]ε[ν οὐκ] | ἔτι δ' ἐ[ξ]εγυρίσκω. [τ]ὴν δὲ ἐμὴν θείαν, ὀνόματι *να*. | ἀξιῶ καὶ β[ού]-  
λ[ο]μαι ἐ[πι]στῆναι, ὅθεν ἐπίστατα[ι, τ]ὸν .ικ.ρ. .... | ἄργυρον, κείμενον, ὄντα παρὰ  
τῷ δαν<ε>ιστῇ, ὄν, τι[μῆ]ματος ὅσου ἐστίν, | αὐτῷ ὑπεθέμην ἐνεχύρου λόγῳ καὶ  
ὑποθήκης δ[ικαίῳ, καὶ μερίζειν] ||<sup>265</sup> τούτων καὶ πιπράσκων τοῖς βουλομένοις, ἅμα  
τ[ε] καὶ φυλάττεισθαι | τὸ τ[ού]τον τίμημα, καὶ πρῶτον μὲν ἀποπλή[ρουν τὸν εἶρη]-  
μένον τι χρήσ[την] | ἐκ τούτου τὸ δαν<ε>ιον, εἰτα δὲ μετα[λαβεῖν τὸ περιττεῦ]όμενον  
κα[ὶ τὸ] | πλεῖον τιμῆματος ο[ὐ]κ[ε]ῖνοῦσθ[αι αὐτῇ, εἰς λόγον τῶν ἀ]ποτροφίμω[v] |  
αὐτῆς, ἐφ' ὅλον τὸν τῆς ζω[ῆς] χρόνον[ν, μέντοι γε μὴ δυνῆσα]μένης πώπο[τε] ||<sup>270</sup>  
ἕτερόν τι ἐπιζητεῖν πρᾶ[γμα πρὸς τοὺς ἐμοὺς κληρονόμ]ους μ[ὴ] δ[ε] | καὶ ἔ>κείνους  
πρὸς αὐτὴν π[ε]ρὶ τούτου ἀντιποιήσεσθαι καθ' οἷον δήποτε | τρόπον καὶ λόγον καὶ  
χρό[νον] καὶ τόπον, ἀλλ' ἐμμεῖναι τοῖς προορισθείσι, | διὰ τὸ ἐκότερον μέρος  
ο[ὐ]τως --- ἀνεληφ[θέν]αι τὴν [ἐ]κ [π]λήρου[s] | ἐαυτῷ ἀρμόττουσαν κα[ὶ ---  
]κον[ι]... κ[λ]ηρονομίαν [ἐ]νστασιν. ||<sup>275</sup> βούλομαι δὲ καὶ κελεύω καὶ πάλ[ιν  
δω]ροῦμαι τῷ προειρημένῳ ἀγίῳ μονασ[τηρίῳ] | ἅπα Ἱερηλίου, διὰ τοῦ θε[ο]φ[ι]λε-  
στάτ[ου] ἅπα Βησᾶ τοῦ προλεχθέντος ἡγουμένου[v] | καὶ τῶν μετ' αὐτὸν μετ[α-  
π]αραληψομένων τῇ τοῦ τόπου ἡγουμενίαν, τὸ κα[ὶ νὸν] | σκαφιδίον μου ἐκ τῶν  
ἐμῶν δύο σκαφιδίων ἐξηρητισμένω[v], μετὰ πάσης | αὐτοῦ ἐξαρτίας ὡς ἔστιν καὶ τῆς  
προκτιητικῆς ἐγγράφου [πράσ]εως, ἐλθὼ[v] ||<sup>280</sup> εἰς ἐμὲ ἀπὸ ἀ[γορασ]τικοῦ δικαίου  
παρὰ τινων Ἀνταιοπολιτῶν, παρ' ὧν κειμέν[ην] | εἰ καὶ ἔσχον κα[τ]έχων τῇ[v]  
πρᾶσιν ἦν ἀρτίως βούλομαι ἐκδοθῆ[ναι τ]ῷ αὐτῷ τόπῳ | ὑπὸ πᾶσαν αὐτοῦ ἐξου-  
σίαν [εἰ]να[ι] | δ[ι]ην[εκ]ὼς αὐτοτελεῖ καὶ αἰώ[νιον] κατ[α]ρχή[v] | καὶ κυριότητα καὶ  
χρησ[ί]ν καὶ κομι[δῇ]ν προσόδου αὐτοῦ, ὡς εἶκος [το]ῦτο | ὑπὲρ ἀφέσεως ὁμοίως τῶν  
ἐμῶν πλημμελημάτων πρὸς Θε[ο]ν καὶ [ψ]υχῇ[s] ||<sup>285</sup> ἐμῆς εἰς ἴ[ασ]ιν. ἐπειδὴ δὲ  
εὐλόγως χρεωστὼ τῷ λαμ[π]ρ[ο]τάτῳ κ[αὶ] ὑ[π]ὸ Χριστοφόρῳ υἱῷ Θεοδώρου νο-  
μίσματα πεντήκοντα εὐστα[θ]μα ἀπλᾶ | ζύγω Ἀντινόου, ἀξιῶ ὁμοίως τὸν θεοφιλῆ  
ἡγούμενον ἅπα Β[η]σᾶν | λαβεῖν ταῦτα παρὰ Πέτρου τοῦ θαυμασιωτάτου ὑποδέ-  
κτου ἐκ [τῶν] | χρεωστομένων μοι παρ' αὐτοῦ ὑπὲρ τῶν ἐλείμων μου [ἀννωνῶν],  
||<sup>290</sup> ἥτοι τῶν νομισματίων ἐξήκοντα, ἀκολουθῶς τῷ παρ' ἐμοῦ δ[ε]δεγμένῳ | δικα-  
στικῷ προστάγμ[ατι, ὑπ]ὲρ τῆς [π]αρ[ο]ύσης τε[τ]άρτης ἐ[πινεμήσεως], | καὶ  
ἀποδοῦναι αὐτῷ καὶ ἀναλαβεῖν εἰς χιασμόν τὴν ἐ[νεχυρασίαν (?)] | ἦν ἔχει ὑπὲρ  
τούτω[v]. βούλομαι δὲ καὶ κελεύω ἀπο[νέμεσθαι] | κατ' εὐσέβειαν Ἀθανασίῳ τῷ  
τρεφομένῳ π[αρ'] ἐμοῦ, τῇ ἐ[πιφανείᾳ (?)] ||<sup>295</sup> καθ' ἑ[ς]τος, λόγῳ ληγάτου, ἐκ τῆς  
ἐλαχίστῃ[s] μου π[ε]ριουσί[ας, μέχρι τῆς] | ἐννόμου αὐτοῦ ἡλικίας καὶ μόνης, σίτου  
ἀρτάβας δέκα καὶ [κριθῆς (?)] | τέσσαρας, ἐλαίου ξέστας δώδεκα, οἴνου ἀγγ<ε>ια

εἴκοσι. μ[ετὰ δὲ τὸ αὐτὸν] | ἐφικέσθαι τῆς αὐτῆς μεγίστης ἡλικίας, ὡς ἔφ[η]ν,  
 βού[λομαι τοίνυν] | τὸ προειρημένον ληγᾶτον ἀποκοπῆναι καὶ ἀνατραπῆναι καὶ  
 ||<sup>300</sup> [ἀνασ]τέλλ' ἐσθλαί μοι ἦτοι τ[οῖς] ἐμοῖς κ[λη]ρονόμοις, ὥσπερ ἐ[πίκ]τητον (?), |  
 εἰ[ς] τὸ ἀδιανέμητον. καὶ ἐπὶ τούτοις [κα]ὶ ἐπὶ π[άσ]ι τ[οῖς] [διατυπωθεῖσι] | καὶ  
 ὀρισθεῖσι παρ' ἐμοῦ, κατεθέμην καὶ διεθέμην τῇ[ν παρούσαν] | διαθηκιμαίαν βού-  
 λησιν μετὰ πάσης ἀκριβολογί[ας] κατ' [ἐ]γγραφον | βου[λ]ημάτιον κύριον καὶ βέ-  
 βαιον, ἐπὶ βασιλείας καὶ ὑπατε[ίας] ||<sup>305</sup> το[ῦ] θειοτάτου ἡμῶν δεσπότηου Φλαυίου  
 Ἰουστίνου τοῦ [αἰώνιου Αὐγ(ούστου)] | Αὐτοκράτορος ἔτους πέμπτου, Ἀθὺρ τοῦ  
 μηνὸς παρόντο[ς] ἐννεακαι[δεκάτῃ] τῆς παρούσης τετάρτης ἐπιμεμήσεως. ἐν Ἀντι-  
 (νόου) [πόλ(ει) τῇ λαμπρο(τάτῃ)].

Protokollon: 3. *BL* II 2.39: λ...ρωθε...οξοτ( ) prev. ed. || 4. *BL* II 2.39: .υπ...ν...φ.  
 ... ( ) prev. ed. || 5. *BL* II 2.39: .....ἰν(δικτίονος) ιηιθ λ prev. ed.

Text: 6. *corr.* ex ορμωμενος || 14. *corr.* ex τη || 19. *corr.* ex εκφαγειν || 22. κατ' || 32. *corr.*  
 ex ταυτης || 37. τῇδε | πραγμάτων || 38. κατ' || 39. πράγματα || 40. *corr.* ex διαφορον  
 || 41. τῇδε || 60. *corr.* ex ακαιραια, ογ ἀκέραια || 66. παρούση || 67. *corr.* ex το || 73. τέλη  
 || 77. διαδόχους || 78. τῇδε || 89. ἀναλογούσαν || 100. παρούση || 113. *corr.* ex ακρογονου  
 || 144. *corr.* ex ανεν[οχλ]ητος || 152. κατ' || 164. ταφήν | ἐμφανίσεται || 198. *corr.* ex  
 ενοργω || 203. *corr.* ex αχχιστεῦντες || 220. τε | ἐφησυχάζειν || 221. παρούση || 223.  
 τοῦ κυρίου Θ(ε)οῦ || 227. *corr.* ex απαντως || 235. *corr.* ex τουτων || 242. τὸ || 265.  
 τοῦτον || 288. *corr.* ex θαυμασιστατου || 289. *corr.* ex χρεωστούμενον || 295. κατ' || 306.  
*corr.* ex μενος

Flavius Victor, most glorious *comes* and *patricius perfectissimus*, through Dorotheos, most glorious *magister militum* and *tabularius* ... 9th indiction.

✠ In the fifth year of reign and consulate of our most divine lord Flavius Iustinus, eternal Augustus and Emperor, on the nineteenth (day) of the month Hathyr of the present fourth indiction, in the most glorious Antinoopolis. I, Flavius Phoibammon son of Euprepeios of blessed memory, the late *archiiaetros*, originating in the same fair Antinoopolis, signing below in his (*sic*) own letters, compose and make this present just and legal testamentary will as the last written disposition, which is without seals or subscriptions, because of the shortage and deficiency of the insufficient means and meagre property belonging to our modesty, so that my heirs are able to make known the power of this (will) whenever they want, and to learn from its main part and minor formulations, without mistake and dispute, what it contains, once and for all, according to what follows.

† Death is the end of all things and of mortal race, and it is altogether impossible to escape it; and for those who are prudent, it is fortunate to predict it and efficiently take care of everything. For this very reason I, the abovesaid Phoibammon son of Euprepeios the *archiiaetros*, perforce having in mind these (things) concerning myself, have decided to make dispositions with regard to all my

belongings before my death, according to what is fit, with right and good consciousness, and just intention, and precise reasoning, as long as I am among the living, according to what was granted by imperial laws to all those who have understanding of their own affairs, (so that they may) – with complete freedom, and power, and authority – arrange (matters) for their beloved children so as not to leave room for dispute after their death. Thus, as long as I live and enjoy good health, and walk in the agora managing usual affairs, with sound reasoning and just intention, and good consciousness, and accurate understanding, and in good health, I resolved on this written testamentary will, being sane and in my right mind, preserving unaffected reasoning and wits, and, as I said, being physically healthy, with grace of God the Almighty, the Lord of all things, taking precaution lest I leave my affairs suddenly and without a will; before this (happens), I make will and dispositions concerning all my humblest belongings, those being in the countryside, which consist of different plots, ancestral, or inherited by me, or acquired by me, and those in this very Antinoopolis, and any place whatsoever. According to how imperial laws allowed all mortals to manage (their affairs) while they live, I have made the present testamentary will, as I said, which is a will of civil and praetorian law, made in the presence of seven legal witnesses summoned on my request, being Romans citizens, adults, claiming that they were of good reputation, who signed it (the will) below, in one place and moment, without no other action interrupting, in keeping with the power of laws, which will I have dictated in Greek words and commanded it to be put in writing in a public place of business.\* I want this (will) to have its own power and warranty in all its paragraphs and in every disposition; and to have no less position than a codicil and any last wish, or fideicommissary letter, whenever brought and produced before any magistrate, or power, or throne, or authority, in every time and moment, according to the imperial requirements given by the laws; and (I want) all dispositions included in it to be bestowed and fulfilled in regard to my lawful wishes, as if my heirs inherited without a will; also (I want) my arrangements not to be contravened but to be kept inviolated and unshaken for by my beloved legitimate only sons, to the benefit of whom I will arrange below rightly and reasonably. If after these (dispositions) I make a codicil or codicils and make other dispositions in them, I want it or them to have the same validity and efficacy as confirmed in this present last will. May I still live for some time – if such is the wish of the mighty Lord God – and enjoy my mediocre condition and all my humble resources; may it be allowed to me according to laws, as long as I live, to master *iusta possessio* and by customary ownership all belongings and profits of all things being mine, that is all *ususfructus* which will remain after paying due public

\* Office of the dux of the Thebaid.

taxes, both regular and extraordinary ones. When anything happens to me and I depart from the world because of fateful necessity, I appoint my beloved sons [blank] as my heirs and successors to my inheritance and entire estate: various parcels in the countryside and in this very Antinoopolis, and everywhere else, so that after my death they master, have power and control – with full power and authority to manage – all things being mine: ancestral, inherited by me, and acquired by me through whatever right and legal written title, and by any means; (I want) them to inherit these things without hindrance or impediment from anyone as regards anything (I have arranged), facing no legal dispute; henceforth, (I want) them to rightly inherit, as I said, all my things of every sort, bequeathed by me in equal shares, according to individual and proportionated share, and equally of the movable and immovable and self-moving things, every liability and legal action, of every kind and nature, and material, and quality, and quantity: from a precious item down to a cheap one, and one made of wood, or clay, or glass, and one *assarion*, and *obolos*, and a small coin – in general everything acquired and bestowed by me: and if justly I owe anything or I have a claim, I want them (my heirs) to pay or receive what is due undiminished, also in equal parts. I want my aforesaid sons and heirs to inherit everything mine, as I said, except for (the things) which I bequeath and order below in this my present testamentary will. † I want and order that the holy and most sacred monastery called (the monastery) of apa Ieremios of hallowed memory, receive in like manner immediately after my death – with full power and authority – one full *aroura* of cleared vineyard, consisting of sixty-four *hammata* measured with the public measure, of tax-free and unburdened land, set apart from all my vineyards that came down to me as succession and inheritance of my father Euprepeios, *archi-iatros* of blessed memory, located in the village Ibion Esembytheos in the Heropolite nome and being under surveillance of the same village, east of the same (village), according to the boundaries of adjoining fields, (to be chosen) from any place and corner of these vineyards all around according to the four points of the compass, with everything which belongs to the aforesaid one *aroura* of fruitful vineyard of the irrigation system and buildings, and all utensils and courtyards, and barns, and waterwheels, and attached wooden utensils, and everything in general contained in them; which (*aroura*) has not been mortgaged before in any way, or burdened, or pleaded for any reason; but it is to belong – altogether free and secure in perpetuity, in all unassailability and freedom from debts – to the abovesaid monastery, as an eternal memento and gift for the redemption of my soul and for the holy *prospthora* of the one who departed to God. This aforesaid one *aroura* of vineyard I give as an offering which is not to be taken away, and as a legal gift recorded in writing, to the aforesaid holy monastery, for the sake of healing of my soul, having such power and unalterable and unregretted purpose,

in every way and for every reason, and in any time and place, (the donation) being fully valid in every effective way and as an *inter vivos* deed, according to the law, so that no annulment may occur in any way whatsoever, in front of any magistrate, or power, or throne, or authority under the sun, for I gave it freely and donated it with a good and sincere intention to the aforesaid holy monastery for my eternal holy *prospora*. And I order that its (the aroura's in question) royal tax will always be imposed on and drawn from and charged upon my entire estate, and it will be invariably included in the total public obligations paid for me by my sons and heirs, whether regular or extraordinary, the *embole*-grain, and (tax paid) in gold, and freight charges, and all burdens, (my sons and heirs) being always liable before the public Treasury for it (the aroura), and fulfilling properly the obligations towards it (the Treasury) for it (the aroura) in perpetuity; moreover, this (disposition) will be maintained as unchallengeable and undisturbed, and unconstricted, and undiminished, and unseizable, and uncontested, preserved for ever for the holy monastery, for I have donated (the aroura) to it (the monastery), on account of the repose of my soul and remission of sins, so that each next hegumen, and *oikonomos*, and *dioiketes* in charge of affairs of this holy monastery, and also the currently administering *proestos*, the God-loving father apa Bésas, most pious presbyter and *koinobiarches*, be masters of this very one (aroura) of vineyard, in conformity with the right of ownership and according to every pertinent rule of ownership law, as I said before, and to collect all the income from (its) yield every year, and of the assessment of the upcoming *D. v.* [blank] (indiction) – of this one and of all time to come, and forever – and to dedicate its revenue for my holy *prospora* as they want. Moreover, they are never allowed to alienate it (the aroura), or ever exchange it with anyone, but it (the aroura) is to provide permanently and constantly for my holy *prospora*, because it has seemed just and right to me. I want and order that my beloved sons provide for the preparation and funeral of my body as befits my dignity, and I entreat by the consubstantial, holy, and invincible Trinity the pious and God-loving hegumen of the said monastery of apa Ieremios to accept my mortal remains for burial and commemoration in the most holy monastery, for the eternal memory of my transience, and to count my name in the recital of the list enumerating all the deceased resting there (in the monastery). I want and order my most noble companion and wife to have power solely over her wedding-gifts given by me to her in the hour of her propitious marriage before the intercourse, and to be satisfied with them and not to be allowed to demand anything beyond them in any way from my heir or co-heir, and not to have power to separate anything whatsoever from all my things in any way; therefore, if she wants to appropriate for herself any of my belongings and is unwilling to separate herself from them – let it not happen after my death – let her be allowed to take only her

ancestral belongings upon leaving my house – those that can be demonstrably proven to have been brought by her to me from her ancestors. And arranging in every respect the sacred administration, and care, and control of our holy hospital, in accordance with the ancestral tradition, I wish and order that all concern and care of the sick, and their maintenance, is to be carried through carefully and patiently and without negligence, in a pious manner and in fear of God, with all earnestness and equity, and it is to be continued by my beloved brother Ioannes; he shall be, in like manner, in general charge of all property belonging to the said hospital, for the sake of continuity of the customary care, and service, and support of the sick; and I entreat him by eternal God not to neglect this much desired godly work; and if he proves negligent, he will face God. I ask and beseech all those who are faithful to God and merciful – especially the illustrious and wisest advocates whom I entreat by holy Trinity, and every juror and judge, and power, and authority – always to observe this said will of mine, without any disagreement or opposition, or rhetoric argument, or bureaucratic pedantry. And I announce – not out of insolence – that my relatives and my heirs-in-law belonging to my kin be put aside and deprived of any share and inheritance whatsoever, and I want and order that bastards and freedmen be far from participation in my inheritance and affairs in every respect, and estranged from everything in general, and my every recipience and bestowment, for thus I have determined and decided for right and just reason. Let everyone enjoy their own (things); for the modest belongings of my humbleness will hardly suffice my infant and minor sons, who are in need of much provisions, and expenses, and care, and to whom I will leave meagre and unordered means of living. And, as I have determined, I want all my things to be divided among them and to belong to them only; and against anyone godlessly willing to harm (them) in a deliberate manner, I set the fine of one pound of gold to be paid, and beside that, he shall not profit from the attempt in any way, but will suffer damage and be diminished (?), and he shall acquiesce involuntarily and without profit to what I determined in this my present just will, from which may be absent malice and evil guile. May it be firm, as safeguarded and preserved forever by Lord Jesus and God, in all paragraphs comprised therein, which I have established with my approval [blank]. It must be said – so that it be clear that this is more important and firmer than all these (paragraphs) in general, as I decide (?), and thus imperatively superior – that my aforementioned beloved sons and heirs, as infants and minors, shall be under *patronatus* and *cura*, and shall be properly controlled – together with their most humble belongings – until they reach puberty, by my lord and God-loving father apa Besas, *proestos* of the aforesaid holy monastery of apa Ieremios, in the position of the family curator and legal guardian. And I ask and entreat him by the presence of Almighty God and His precious overflowing salvation, according to

what was stated reasonably and splendidly about every God-pleasing and good work, to take upon himself this soul-profitting (task) according to piety towards God and love of men, and similarly to take care diligently and laboriously of my aforesaid hapless children and their most humble belongings until, as I said, they reach the legal age, so that no one mistreats them unjustly as orphans and forlorn; and they are and will not be allowed to claim anything from him the above-mentioned, and according to my exhortation they will be obliged to revere the God-loving curator and to obey him in every respect as myself. I, entertaining good hope, have confidence that he will not prove neglectful and will fulfil everything as befits a pious servant, and for this reason their voice will ... and he will take upon himself their maintenance and care, because of piety and fear of God, and he will not break faith with them, for the sake of his own salvation. And if he neglects the administration of their finances – may it not happen – he will give account at the fearsome judgement of God, justifying himself of his negligence in front of Almighty God and father of orphans. If he provides them with good care, the same rewarding God will compensate him generously for these labours ten-thousandfold from his ineffable treasure, and will bestow long life upon him, until he attains in joy all his hope and salvation. I, the hapless one, will follow the way of all beings, striving for atonement and everyone's intercession; and I cannot find the way to express my thanks to him for these things. I ask and I want my aunt named [blank] to demand, as she is aware ... silver deposited with the creditor, which, as much as it is, I have pledged to him as security and right of mortgage, and to divide them and sell to those who want, and to keep its price; and firstly to pay the debt to the creditor with the price acquired, and then to take the remainder and claim for herself its full value for her sustenance as long as she lives; and consequently, not to be allowed to demand anything from my heirs; and them, in turn, not to contend with her for it in any way, and on any account, and in any time and place, but to abide by the above disposition, and everyone will take for themselves a corresponding part of the entire estate ... appointment of inheritance. I wish and order, and again I give to the said holy monastery of apa Ieremios, through the most God-loving apa Besas, the aforesaid hegumen, and those who shall assume the leadership (*hegumēnia*) of the monastery (*topos*) after him, my new boat, one of my two equipped boats, together with its equipment, as it is, and the written deed of sale (relating to previous ownership), which has come to me by right of purchase from certain people from Antaiopolis from whom I bought it, and I have the document of sale, and I now am willing to give it to the said monastery, so that (the monastery) has full power over it in perpetuity, and independent and eternal possession and dominion, and use, and revenue, as it is clear, also for the atonement of my sins against God and for the redemption of my soul. And since for good reason I owe lord

Christophoros *clarissimus*, son of Theodoros, fifty whole single solidi of good weight according to the Antinoopolite standard, I ask in like manner the God-loving hegumen apa Besas to take them from Petros, the most admirable *hypodektes*, from the sum he owes me for my customary yearly rent, that is sixty solidi, received by me according to legal order of payment for the present fourth indiction, and to pay the sum back to him, and to cancel the mortgage he holds against it. I want and order to assign to Athanasios whom I feed ten artabae of wheat, four artabae of barley, twelve *xestai* of oil, twenty vessels of wine from my most humble estate on account of legacy, because of piety, every year on the day of Epiphany, until he reaches legal puberty and no longer. And when he reaches the age of puberty, as I said, I want the aforesaid legacy to cease and be made void and cancelled in my favour, that is (in favour of) my heirs, as added to undivided property. On account of these (things) and everything disposed and determined by me, I have established and made this present testamentary will, precisely and according to written and valid and firm last wish, in the fifth year of the reign and consulate of our most divine lord Flavius Iustinus, eternal Augustus and Emperor, on the nineteenth day of the present month Hathyr of the present fourth indiction, in the most glorious Antinoopolis.

*P. Köln X 421*  
c. AD 524–545  
Aphrodito

Greek  
Papyrus  
Original

Text after *P. Köln X*

Fragment A

δυναμεινο[---] | αὐτῶν ὦ.[---] | του, καὶς .[---]

Fragment B

οὐ .οὐ .πολ .[---] ||<sup>5</sup> εἰ δέ τις ἐξ .[---] | αὐτὸν τρεφ[---] | μήτε αὐτὸν ζητεῖν οὐ .[---] | τῆς αὐτῶν τελευτῆς ὄντων μ[---] .]..δῆ. οὐς ἐμοὺς κληρ[ονόμους ---]

Fragment C

μειν .επλ .[---] | ἀδελφῶν ἄχρ[ι ---] | τῷ βουληματ[ίω ---]

Fragment D

ἐφ' ᾧ δε τῶν θηλειῶν μο .[---] | κτήματος κλήρου Ψινεῖ[ο]υ [---] ||<sup>15</sup> φοινίκια [ἀ]ρ-  
τάβας δύο κ[---] | ἀπὸ τῶν ἐμῶν τριῶν κληρ[ονόμων ---]|τῆσαι τὸ τρίτον αὐτοῦ

τοῦ .[---] | τῶν ἐμῶν ἀδελφῶ[ν ---] | τοῦ ἀγνωμονοῦντος τ[---] ||<sup>20</sup> καὶ διοικεῖν  
 κ[α]ῖ ... ο .[---] | ἐν τάξει ἀτελοῦς ἀχ[---] | χωρηγήσαι τὸ ε .[---] | ἀδελφῶν δυνα-  
 μέν[ων --- τέκνων] | ἢ ἐγγόνων ἢ οἰουδήποτ[ε --- κινήτων καὶ ἀκινήτων] ||<sup>25</sup> καὶ  
 αὐτοκινήτων κ...[---] | καὶ τούτου μεταβαλεῖν ἐκ δε[--- κληρονόμων μου] | ἢ δια-  
 δόχων ἢ διακατόχων[ν ---] | ἐμῶν τριῶν κληρονόμ[ων ---] | ἀδελφῶν ἀπὸ τῶν  
 ἑαυτῶν [---] ||<sup>30</sup> ἢ εἰς... ἀρ ἑαυτῇ κωδικ[ιλλ --- τέκνων] | ἢ ἐγγόνων ἢ λαμβάνουσιν  
 [---] | ὀφειλεῖσθαι τοῦ ἐπιχειρήμ[ατος ---] | ἢ λαβεῖν ὑπὲρ ἐμοῦ .[---] | ὑπὲρ τῆς  
 ταύτης αν...[---] ||<sup>35</sup> ποιῆσαι ἀόκνως τῇν ε .[---] | τοῦ ἀγίου ὄρους ἐν παντὶ χ[ρόνῳ  
 ---] | καὶ τὸν ἐρχόμενον μετ' αὐτοῦ [---] | ἐκβαλεῖν το .[---] | πρὸς ἅπαντα χρόνου  
 εἰμ[---] ||<sup>40</sup> τῆς γεωργίας τοῦ γεωρ[γίου ---] | (hand 2) ὁ προγεγραμμένος ἐθέ[μην  
 ταύτην τὴν διαθήκην ἐπὶ πᾶσι τοῖς] | ἐγγεγραμμένος κ[αῖ ---] | (hand 1) ἀπὸ τῶν  
 ἐμῶν κληρονόμ[ων ---] | ἐν τῷ βορινῷ κτήματι κλήρ[ου ---] ||<sup>45</sup> τῷ ἀγίῳ νεοκτί-  
 στου ὄρει μ .[---] | τῆς γεγεννημένης ..[---] | μὴ τινα δυνάμενον [---] | ἢ ἐνάξει πρὸς  
 ἀλλήλο[υς ---] | τῶν δοθέντων αὐτοῦ παρ[---] ||<sup>50</sup> πρὸς [ἀ]λλήλους ..η...ου ..[---]  
 | πρὸς ἀλλήλους πε .[---] | πράγματα . ο .ητατε .[---] | (hand 3) Ἐρεβέκκας μοναχῆς  
 [---] | (hand 1) ἐφ' ᾧ τοὺς ἐμοὺς κλ[ηρονόμους ---] ||<sup>55</sup> π...ην κηλεῖ[---] | προ-  
 σφορὰν καὶ ἀγάπην[ν ---] | μένων παρ' ἐμοῦ[ν] ὥς[---] | (hand 4) κληρονόμους .....ε[---]  
 | ἀκαταφρονήτως τῆς ἀγία[ς ---] ||<sup>60</sup> ἐμῆς ὑποστάσεως κ[---] | πασχέει  
 .ηστ .ησαι[---] | παρὰ Φοιβάμμωνος [---] | κηνεῖοι Παχὴλ μετὰ Φλ[αυίου] .[---] |  
 στοιχεῖ μοι καὶ τ...[---] † (hand 5) [---] ||<sup>65</sup> μαρτυρῶ τῇ διαθήκ[ῃ] ἀκούσας παρὰ τοῦ  
 θεμένου. † (hand 6) [---] | Βίκτορος μαρτυρῶ τῇ διαθήκ[ῃ] ἀκούσας παρὰ τοῦ θεμένου.  
 † (hand 7) [---] | μαρτυρῶ τῇ διαθήκ[ῃ] ἀκούσας παρὰ τοῦ θεμένου. † (hand 8)  
 [---] | πρεσβ[ύτερος] μαρτηρ[ῶ] τῇ διαθήκ[ῃ] ἀκούσας παρὰ τοῦ θεμένου. † (hand 9)  
 Φλ[αυίου] [---] μαρτυρῶ τῇ διαθήκ[ῃ] ||<sup>70</sup> ἀκούσας παρὰ τοῦ θεμένου. † (hand 10) -  
 -- μαρτυρῶ τῇ διαθήκ[ῃ] ἀκούσας παρὰ το[ῦ] θεμένου. [† (hand 11) --- μαρτυρῶ  
 τῇ δια]θήκ[ῃ] ἀκούσας παρὰ τ[οῦ] θεμένου. † (hand 12) (?) [---] | μοναχῇ  
 ..[.....]. ελ.υ[---] | καὶ .....μ.[.....]τῇ[---] ||<sup>75</sup> ..σ.[...]χφλ .....[---]  
 |.....[---] (hand 1) ✠ ἐγράφη δι' ἐμοῦ Ἀβρααμίου Ἀπολλ[ώ]τος.)]

19. ἀγνωμονοῦντος || 22. χωρηγήσαι || 32. ὠφελεῖσθαι || 39. ἅπαντος || 45. νεοκτίστῳ  
 || 68. μαρτυρ[ῶ]

The text is too fragmentary to be translated. It contains fragments of dispositions typical for wills of the period, i.e. a detailed list of the testator's belongings, instructions concerning his property, bequests for religious institutions (and perhaps for a nun), as well as dispositions concerning holy offerings (*prosphora*) and burial. It contains fragments of seven witnesses' signatures based on the pattern μαρτυρῶ τῇ διαθήκῃ ἀκούσας παρὰ τοῦ θεμένου, and a subscription of Abraham son of Apollon who prepared the document.

*P. Nessana* III 115  
Sixth century AD  
Nessana

Greek  
Papyrus

Text after *P. Nessana* III

---| [Α(?)]μαθαλλαν τῇ[ν θυγατέρα μου (?) ---] | καὶ ἀπήλλαχε[ν ---] | ἔτι βούλο-  
μαι καὶ κελεύω κλ[ηρονομῆσθαι (?) ---] ||<sup>5</sup> τὰ δύο λογεῖα τὰ ἐν τῷ ἀλλ'---| τοὺς  
ἐμοὺς κληρονόμους[s ---] | εἰ δέ, ὅπερ ἀπίη, συμβῇ τοὺς δύο[ο] παῖδας τελ[ευτῶν  
---] | κληρονομῆσθαι αὐτοὺς ὑπὸ τ[ῆς] ὡνησ...σα[---]|χης. εἰ δέ καὶ συμβῇ, ὅπερ  
ἀπεύχομ[αι ---]

The text is too fragmentary to be translated; it contains a fragment of the appointment of heirs, as well as minor dispositions. Due to the state of preservation, there is no certainty whether the document is indeed a will.

*P. Ital.* I 6  
AD 575  
Ravenna

Latin  
Papyrus  
Original

Text after *P. Ital.* I

Translation: German: J.-O. TjÄDER in *P. Ital.* I

[---] Ravennate ad omnia s(upra) s(crupta) consensi et suscripsi [---] | testes, ut  
suscriberent, conrogavi. Albanione cum uxore et filia | ingenuos esse volo,  
civesque Romanos, neque fac[.]! [---] securit[at]e [..]n offi[---]. | [Iohannis] vir  
st(renuus) huic testamentum rogatus a Mannane v(iro) d(evoto), filio q(uondam)  
Nanderit, ipso praes[ente] ||<sup>5</sup> [et su]scribente, atque ei testamentum relictum, per  
quo constituit heredem s(an)c(t)am | [e]cclesiam catholicam Ravennate, testis  
suscripsi. Ego Io-ha-(nnis) | [Emili]anus v(ir) d(evotus), scr(ì)n(iarius) gl(oriosae)  
s(edis), huic testamentum rogatus a Mannane v(iro) d(evoto) testatur, | [fili]o  
q(uon)d(am) Nanderit, ipso praesente et suscribente, adque testemaentum, per  
quo | [con]stituit h(ere)dem s(an)c(t)am ecclesiam catholicam Ravennate, testis  
suscripsi. ||<sup>10</sup> [Ric]citanc v(ir) c(larissimus) huic testamentum rogatus a Mannane  
v(iro) d(evoto) testatore, filio q(uon)d(am) | [Nand]erit, ipso praesente et  
suscribente, adque ei testemaento reli[c]to, pe[r] quo constituit h(ere)dem s(an)c-  
(t)am ecclesiam catholicam Rav(enna)tem, [tes]tis suscripsi. Ric-ci-ta-nc su-scrib-  
si. | [T]he[o]dosius v(ir) d(evotus), magister l(itterarum), huic testame[n]t[o] roga-

tus a Mannane v(iro) d(evoto) testatore, ||<sup>15</sup> [filio] (quon)d(am) Nanderit, ipso praesente et suscribente, atque ei testemaentū[m] | [reli]ctum, per quo constituit heredem s(an)c(t)am ecclesiam catholicam | [Rave]nnatem, testis suscribsi. | [Andreas v(ir)] h(onestus) huic testamentum rogatus a Mannane v(iro) d(evoto) testatore, filio q(uon)d(am) Nanderit, | [ipso pr]esente et suscribente, adque ei relicto, per quo constituit heredem ||<sup>20</sup> [s(an)c(t)a] ecclesia Ravennate, testis suscribsi. | [Quiria]cus v(ir) h(onestus) orr(earius) uhic testamentu rogatus a Mannane v(iro) d(evoto) testature, fili[o] | [q(uon)d(am) N]anderit, ipso presente et suscribente, adque ei testamentu relictum, | [per] quo constituit hiride s(an)c(t)a eclisia Ravennatis, testis suscribsi. χμγ | *Εγώ Πετρος v(ir) h(onestus) κολεκταριως ονει τησταμηντων ρογατος a Μαννα[vη]* ||<sup>25</sup> [v(iro) d(evoto)] τηστατωρη, φιλιως κωμδα Ναρδερη, ηψου πρησεντη ετ σουσκριων[τη], | [ατκο]η ει τησταμεντω ρηλεκτου, περ κου κουσιτιτουετ ερηδε σαντα ηκλίσια | [καθο]λεκα Ραυεννατη, τηστης σουσκριψιν. | [Iulianus] v(ir) h(onestus), scrib[or] h[u]i[us] c[artul(ae)] e[t] adi(utor) Iohannis forens(is), habens station[em] | [apud s]anctum Iohannem Baptista, suscriptum complevi. ||<sup>30</sup> [Me]lminius Cassianus Iun(ior) mag(istratus) recitata apud me charta | [test]amenti q(uon)d(am) Mannani d(evotae) m(emoriae) v(iri) subnotavi s(ub) d(ie) kal(endarum) Aprilium, imp(erante) d(omino) n(ostro) | [Iust]ino p(er)p(etuo) Aug(usto) anno decimo, p(ost) c(onsulatum) eius secundo anno septimo, ind(ictione) | [octa]va, Rav(ennae). † | [Iohan]nis v(ir) h(onestus), for(ensis) huius civ(itatis) Rav(ennatis), hunc testamentum Mannani v(iri) d(evoti), per q(uo) sibi heredem constituit ||<sup>35</sup> [s(an)c(t)]am eccl(esiam) Rav(ennatem), scrib[um] a Iuliano v(iro) h(onesto), adi(utore) meo, et a testibus roboratum et traditum, complevi et absolvi. † † | [No]titia testium: | [Io]hannis v(ir) st(renuus), fil(ius) q(uon)d(am) Ianuari prefectiani. | E[mi]lianus v(ir) d(evotus), scr(i)n(iarius) gl(oriosae) s(edis). | Riccitanus v(ir) c(larissimus), fil(ius) q(uon)d(am) Montani. ||<sup>40</sup> [T]heodosius v(ir) d(evotus), mag(ister) l(itterarum). | Andreas v(ir) h(onestus) cata ipso Zenobio. | [Q]uiracius v(ir) h(onestus), orrear(ius), qui tenet stationem ad domo Otratarit. | [P]etrus v(ir) h(onestus), collictarius, fil(ius) q(uon)d(am) Thomatis defensor(is). | Testamentum vitalem Mannanis v(iri) d(evoti), factum s(ub) d(ie) V kal(endas) Martias, ||<sup>45</sup> imp(erante) d(omino) n(ostro) Iustino | p(er)p(etuo) Aug(usto) anno decimo, p(ost) c(onsulatum) eius anno septimo, ind(ictione) octava, Ravennae, | [e]x commendat(ione) Iohannis vir(i) st(renuu) reseratus est s(ub) d(ie) kal(endarum) Aprilium, imp(erante) d(omino) n(ostro) Iustino | [p(er)p(etuo) Aug(usto)] anno decimo, p(ost) c(onsulatum) eiusdem secund(um) anno septimo, ind(ictione) octava, Rav(ennae), | [e]x commendat(ione) Iohannis vir(i) st(renuu) reseratus est s(ub) d(ie) Kal(endarum) Aprilium, imp(erante) d(omino) n(ostro) Iustino | [p(er)p(etuo) Aug(usto)] anno decimo, p(ost) c(onsulatum) eiusdem second(um) anno septimo, ind(ictione) octava, Rav(ennae).

- V 1: † Iohannis | v̄ir st(renuus) | t̄eṣ[ta] | m̄en̄t(um) ||<sup>5</sup> [Ma]n̄n̄ani | [si]g[n]aṽi | [†]  
 V 2: † Emilianus | v̄(ir) devotus scr̄(i)n̄(iarius) gl̄(oriosae) s(edis) testa|men|t(um) |  
 Man|nani | signavi †  
 V 3: † Riccitant | v̄(ir) c(larissimus) testa|mentum | Man||<sup>5</sup>na|nis | signa|vi †  
 V 4: † Theodos[ius] | [v̄(ir)] d(evotus) testamen|tum Man|nani [...||<sup>5</sup>.....]  
 V 5: † Andreas v̄(ir) h(onestus) | [t̄]eṣtamen[.] | Manna[....|.....]||<sup>5</sup>vi †  
 V 6: Quiriacus | v̄(ir) h(onestus) orrearius testa|... | [Man...||<sup>5</sup>.. sig|navi]  
 V 7: † π̄ετρο[...|.....|.....|.....]||<sup>5</sup>.....|.....]

... of Ravenna, I have agreed to and signed everything which is written above. ... I have summoned witnesses to sign. I want Albanion, together with (his) wife and daughter, to be free Roman citizens ... I, Iohannis, *vir strenuus*, have signed being witness, because I was summoned by Manna, *vir devotus*, son of the late Nanderit, who was present and signed the will by which he appointed the holy catholic church of Ravenna heir. I, Iohannis. I, Emilianus, *vir devotus, scriniarius* of the glorious court, have signed being witness, because I was summoned by the testator Manna, *vir devotus*, son of the late Nanderit, who was present and signed the will by which he appointed the holy catholic church of Ravenna heir. I, Riccitant, *vir clarissimus*, have signed being witness, because I was summoned by the testator Manna, *vir devotus*, son of the late Nanderit, who was present and signed the will by which he appointed the holy catholic church of Ravenna heir. I, Riccitant, signed. I, Theodosius, *vir devotus, magister litterarum*, have signed being witness, because I was summoned by the testator Manna, *vir devotus*, son of the late Nanderit, who was present and signed the will by which he appointed the holy catholic church of Ravenna heir. I, Andreas, *vir honestus*, have signed being witness, because I was summoned by the testator Manna, *vir devotus*, son of the late Nanderit, who was present and signed this (will) by which he appointed the holy catholic church of Ravenna heir. I, Quiriacus, *vir honestus, orrearius*, have signed being witness, because I was summoned by the testator Manna, *vir devotus*, son of the late Nanderit, who was present and signed this will by which he appointed the holy catholic church of Ravenna heir. χμν. I, Petrus, *vir honestus*, banker, have signed being witness, because I was summoned by the testator Manna, *vir devotus*, son of the late Nanderit, who was present and signed this will by which he appointed the holy catholic church of Ravenna heir. I, Iulianus, *vir honestus*, have written his will on the papyrus and I have assisted Iohannes, notary having his office by the church of St. John the Baptist; I have performed *completio* of this which is written above. I, Melminius Cassianus Iunior, *magistratus*, have subscribed the will of Manna d.m., *vir devotus*, which was read in front of me on the day of the calends of April, in the tenth year of the Emperor our lord Iustinus eternal Augustus, the seventh year after his second consulate of the eighth indic-

tion, in Ravenna. † I, Iohannes, *vir honestus*, notary of this city of Ravenna, have performed *completio* and *absolutio* of this will of Manna, *vir devotus*, by which the holy catholic church of Ravenna was appointed heir, written by Iulianus, *vir honestus*, my assistant, and enforced and delivered by (the presence) of witnesses. † † List of witnesses: Iohannes, *vir strenuus*, son of the late Ianuarius *praefectianus*. Emilianus, *vir devotus*, *scriniarius* of the glorious court. Riccitanc, *vir clarissimus*, son of the late Montanus. Theodosius, *vir honestus*, *magister litterarum*. Andreas, *vir devotus*, by Zenobius. Quiracius, *vir honestus*, *orrearius*, whose office is at the house of Otratarit. Petrus, *vir honestus*, banker, son of the late Thomas, *defensor*. The valid will of Manna, *vir devotus*, made 5 days before the calends of March, in the tenth year of the Emperor our lord Iustinus, eternal Augustus, the seventh year after his consulate of the eighth indiction, in Ravenna, was opened by the command of Iohannes, *vir strenuus*, on the calends of April, in the tenth year of the Emperor our lord Iustinus, eternal Augustus, the seventh year after his second consulate of the eighth indiction, in Ravenna.

† I, Iohannes, *vir strenuus*, have signed the will of Manna. †

† I, Emilianus, *vir devotus*, *scriniarius* of the glorious court, have signed the will of Manna. †

† I, Ricchitanc, *vir clarissimus*, have signed the will of Manna. †

† I, Theodosius, *vir devotus*, (have signed) the will of Manna.

† I, Andreas, *vir honestus*, (have signed) the will of Manna. †

† I, Quiriacus, *vir honestus*, *orrearius*, have signed the will of Manna.

† I, Petros, *vir honestus*, have signed the will of Manna.

*P. Oxy.* XX 2283

AD 586

Oxyrhynchite nome

Greek

Papyrus

Original

Text after *P. Oxy.* XX

Note: the text was not fully published.

χμγ | [† βασιλεία]ς τοῦ θειοτάτου καὶ εὐσεβεστάτου ἡμῶν δεσπ<ότ>ου μεγίστου  
ἐπεργέτου Φλ(αουίου) Τιβερίου Μαυρικίου | [τοῦ αἰωνίου] Αὐγούστου καὶ Αὐτο-  
κράτορος ἔτους δ ὑπατείας τοῦ αὐτοῦ εὐσεβεστάτο[υ] ἡμῶν δεσπότου ἔτους γ |  
Μεχεῖρ ιγ ἰνδ(ικτίονος) δ ἔτους σξδ (καὶ) σλα. ||<sup>5</sup> [Αὐρήλιος Π]έτρον υἱὸς Παμτᾶ  
μητρὸς Μάρθας ὀρμώμενος ἀπὸ κώμ[η]ς Τάμμογος τοῦ Ὁξυρυγχίτου νομοῦ |  
[διατίθεμα]ι τὰ ἐξῆς ὑποτεταγμένα τὰ ἀνθρώπινα λογιζάμενος καὶ τὸ κοινὸν τοῦ

βίου τέλος | [καὶ τὴν ἐμὴν]ν ἔκβασιν, ἔτι δὲ μᾶλλον νῶν καὶ φρονῶν καὶ τῶν λογισμῶν τῶν ἐμαυτῶν καλῶς καὶ ὀρθῶς | [φέρων καὶ] τὴν διάνοιάν μου ἐρρωμένην ἔχων καὶ ἀκεραίαν, τὰ αἰ<σ>θητήρια ἀβλαβής, εἰδὼς ὡς ὀφείλει | [...].[...] ταύτης τῇ[s] ἐμῆς τελ[ε]υτέας βουλήσεως πρὸς τῷ τοῖς μετ' ἐμὲ μὴ ἑᾶσαι ἀφορμὴν ἢ ἀψίμαχ[ε]ῖαν ||<sup>10</sup> [---].... χάριν τοῦ ἐμοῦ ἐλαχίστου κληρονομαιτας διλαμενος πρὸς τῶν κωμο{υ}γραμμ(ατέα) | [προσελθὼ]ν ὑπηγόρευσα αὐτοῦ ταύτην μου τὴν διαθήκην <ῆ>τοῖ βο<υ>λημάτι<ον>, ἣντινα καὶ κωδικιλλοῦν | [πρὸς τὸ τῶν τ]ρόπων ἐπέχειν δύναμιν εἰσχύειν καὶ ἀσάλετων εἶναι ἐπὶ πάσης ἀρχῆς καὶ ἐξουσία<ς> τῷ | [δικαστηρί(ς)]ω καὶ πραιτωρίω δικαίω τῷ ξενικῷ κεφαλαίου χάριν. |---

5. [IT]έτρος || 6. λογιζόμενος || 7. μᾶλλον | τὸν | λογισμὸν | ἐμαυτοῦ || 8. ὀφείλει || 9. τελ[ε]υταίας | τὸ || 10. κληρονομή<μα>τος | διελόμενος | τὸν || 11. ὑπηγόρευσα | κωδικιλλοῦν || 12. ἰσχύειν || 13. corr. ex κεφαλαι[σ]ου

χμγ† in the 4th year of the reign of our most divine and most august lord the greatest benefactor Flavius Tiberius Mauricius, eternal Augustus and Emperor, the 3rd year of the consulate of our most august lord, 13 Mecheir of the 4th indiction, of the year 264 and 231. I, Aurelius Petros, son of Pamta, my mother being Martha, from the village Tammonos in the Oxyrhynchite nome, make the following will, considering the human condition and common end of life, and my own death, being still sane and in my right mind, and reasoning well, and being in good health, with my senses sound and intact, and being aware that is owed ... of my last will, not to allow a pretext or alteration for those after me; because of my most humble donation, I came to *komogrammateus* with clear decisions concerning the inheritance, dictated him my testament and will, as well as the codicil, so that it is valid and in force and unmodified before any power, and magistrate, and court, and praetorian court, the foreign ...

SB XVIII 13740

Sixth-seventh century AD  
Upper Egypt

Greek  
Papyrus  
Original

Text after SB XVIII

[---]---[...].[...]...[... τ]ὴν παρουσί[α]ν τῶν εὐλαβεστά[των --- υ]ῶν Στεφάνου καὶ Παύλου υἱὸν Παμουθίου | [---] υἱὸς Φοιβάμμωνος μονάζ(ων (?))· κελεύω εἴ τι ἔχω | [--- καὶ] Ἀβραάμ οἱ κληρονόμοι μου· εἴ τι ἔχω ||<sup>5</sup> [---] ἐργαστήριον καὶ εἴ τι ἔχω εἰδέσιμα | [---]· παρέχει τοῖς .... | [---] καὶ Ἀβραάμ υἱοῖς μου καὶ κληρονόμοις | [---]· ἔχω αὐτοῖς· καὶ εἴ τι ἔχω χρύσινον | [---].. σήμερ[ο]ν ἡμέρ[α ---] Θὼθ ιζ ε

ἰνδ(ικτίονος) ||<sup>10</sup> [--- νίου Παμου]θίου καὶ Ἡλία{s} μονάζ(οντος) καὶ Ἀβρααμίον | [-  
 -- κα]ἰ ἐπερωτηθεὶς ὁμολόγησα. | [---]εργίας τῆς κώμης καὶ περὶ τὴν | [---].ος ὡς  
 ὁ νιός μου Ἀβραὰμ ἀδελφ( ) | [---] .ρε.ουσιν οἱ ἀδελφοὶ ἔκαστοι ||<sup>15</sup> [--- κυρία ἡ  
 δια]θήκη καὶ βεβαία, καὶ ἐπερ(ωτηθεὶς) ὁμολ(όγησα) καὶ ἀπέλυσα. | (hand 2) [---]s  
 υἱὸς Παοῦ δη|[--- πάντ]α τὰ ἐγγεγραμ|[μένα ἐν τῇ διαθ]ήκῃ ὅς πρόκιτε. | [---].  
 μονάζον ἔγρα||<sup>20</sup> [ψα ὑπὲρ αὐτοῦ γρ]άμματα μὴ <ε>ἰδό[τος] [---] // (hand 3) ✠  
 Ἀπωλλῶς | [διάκονος (?) τῆς κα]θολικῆς ἐκκλη|[σίας υἱὸς ---]. ωνος [π] μαρτυρῶ |  
 [τῇ διαθήκῃ (hand 4) ✠ ---]. ιηούς υἱὸς Διδή||<sup>25</sup> [μου ---]vos μαρτυρῶ τῇ [διαθήκῃ ✠  
 Φ]οιβάμων Στεφά|[νου --- μαρ]τηρῶ τῇ διαθή|[κῃ --- κ]αθολικῆς ἐκκλησίας | [υἱὸς  
 --- μα]ρτυρῶ τῇ διαθήκῃ ||<sup>30</sup> [--- ✠ Πw]ουτίων μοναζος | [υἱὸς ---]νωσ ἀξιωθ<ε>ῖς  
 | [ἔγραψα ὑπὲρ τῶ]ν μαρτύρον ἀ[γγραμμάτων γεγον]ώτων καὶ παρ[όντων ---]

5. αἰδέσιμα || 11. ὁμολόγησα || 15. ὁμολ(όγησα) || 18. ὡς | πρόκειται || 19. μονάζων  
 || 21. Ἀπολλῶς || 27. [μαρ]τυρῶ || 30. μονάζων || 32. μαρτύρων || 33. [γεγον]ώτων

In the presence of the most pious ... son of Stephanos, and Paulos son of Pamouthios ... son of Phoibammon, monk. I order that if I have something ... and Abraam, my heirs. If I have something ... workshop and if I have any *eidesima*\* ... provides them ... and Abraam, my sons and heirs ... I have ... to them. And if I have any gold ... today ... 17 Thoth of the 6th indiction ... son of Pamouthios, and Elias, monk, and Abraamios ... and I acknowledged when I was asked a formal question ... of the village and near ... as my son Abraam, brother ... each brother ... The will is valid and firm, and I was asked a formal question and I acknowledged and released. ... son of Paes ... all written in this will as above. I ... monk, have written for him, because he does not know letters. ✠ I, Apollos, deacon of the catholic church, son of ... witness to the will. ✠ I, ...ious son of Didymos, ... witness to the will. ✠ I, Phoibammon son of Stephanos ... witness to the will. I, ... of the catholic church, son of ... witness to the will. ✠ I, Pinoution, monk, son of ... wrote at request on behalf of those witnesses who are illiterate and present.

*P. Bodl. Ms. Gr. Class. A 17 (P) / 1-2*  
 Sixth-seventh century AD  
 Location unknown

Greek  
 Papyrus

The very fragmentary text has not been published.

\* See the editor's commentary, who interpreted the word as referring to 'religious articles of some sort'.

SB VI 9402  
Seventh century AD  
Kerkesis

Greek  
Papyrus  
Original (?)

Text after SB VI

Translation: German: H. VON GERSTINGER, 'Ein Intestatkodizill (?) und ein Legatsübernahmeerklärung aus spätbyzantinischer Zeit in den Pap. Graec. Vin-dob. 25875 und 26270', [in:] *Festschrift Artur Steinwenter* [= *Grazer Rechts- und Staatswissenschaftliche Studien* 3], Graz – Cologne 1958, pp. 132–139

[--- πεντεκαίδ]εκάτης ἰν(δικτίωνος) ιε ἰνδ(ικτίωνος) | [---]ανις ἀπὸ κώμης Κερ-  
κήσεω[s | τοῦ Ἀρσινοείτου νομοῦ] Ἰσιδώρω τῷ ἐμῷ υἱῷ χ(αίρειν). | [ἐὰν ἀνθρῶ-  
πινόν τι πάθω, βο]ύλομαι καὶ κελεύω, καθὼς ||<sup>5</sup> [γέγρα(α)πται] τεθνηκυίας τῆς  
ἐμῆς] θυγατρὸς Τσέει Ταήτου | [καὶ οὐκ ὄντων ἔξω σοῦ ὑ]πὸ τῶν σπλάγχ(α)νων  
μου | [ἐληλυθόντων νομίνων κλ]ηρονόμων σέ καταστήσω | [κληρονόμον καὶ διάδο-  
χον π]άντων τῶν καταλ(ε)ιμπανομένων | παρ' ἐμ[οῦ π]ραγμ[άτων ε]ἰ[s] τῇ[v]  
ὑπάρχουσιν τοῦ μακαρίου μου ||<sup>10</sup> ἀνδρὸς Γερωντίου <οἰκίαν> εἰς E[.]ε[.] τὴν  
κώμην καὶ τοῦ αἰγιαλοῦ | ἄχρι ἀ[σ]σαρίου ἐνὸς <ὥστε> καὶ [ἐ]ξ[ου]σίαν σε ἔχειν  
Ἰσιδώρον | κρατεῦν καὶ κυριεύειν πάντα τὰ [ὑ]πάρχοντά μου καὶ τὴν ὑπάρχ[ου]-  
σαν τοῦ μακαρίου μου [ἀνδρ]ὸς Γε[ρ]οντίου <οἰκίαν> ἀδεῶς καὶ | [ἀφειδῶς ἀπὸ  
τοῦ νῦν καὶ] εἰ[s] τ[ὸ]ν ἐξῆς ἅπαντα χρόνον ||<sup>15</sup> [μηδενὶ ἐξόντος τῶν δια]φερ<όν-  
τ>ων μου ἔξελθεῖν πρὸς σέ | [μῆτε ἀντιποιεῖσθαι π]ερὶ τοῦτου καὶ ἐπομοσάμεν  
θ(εὸ)ν ἴ† | [παντοκράτορα καὶ βασιλικ]ή[v] τὴν σωτηρίαν κυρίαν | [εἶναι τὴν  
βουλήσιν] ἐξ[ουσίας οὐσης οὐδενὶ] ἀν[τιλέγειν αὐτῇ] | μῆτε ἐν δικαστηρίῳ μῆτε  
ἐκτὸς δικαστηρίου καὶ μηδὲν ||<sup>20</sup> [τῶν ὑπ' ἐμοῦ διατεταγ]μένων παρασαλεύσαι  
ἢ παραβέννιν | [αὐτὴν μῆτε ἐν καιρῷ ζωῆς μου] μῆτε ἐν ὥρᾳ τοῦ ἐμοῦ θανάτου |  
[μεταμεληθεῖσαν θέσθαι τιν]ᾶ ἄλλην ἀσφάλειαν ἐπὶ τῷ ἄκαιρον εἶναι | [αὐτὴν  
τῆσδε τῆς βουλῆσεως ἀ]περ[ι]γεγ[ραμμ]ένης). † μα<ρ>τυρῶ ἐγὼ | [ὁ δεῖνα ἐν ὄψεσι  
τοῦ δεῖνα] καὶ Φοιβάμμω<νος> υἱοῦ Ἀνδρέα ||<sup>25</sup> [... ἀνεῖ τῇ τοῦ μακαρίου  
Γερωντίου γαμ]ετῇ, ὡς πρόκ(ε)ιται). | [---] |||||† | [δὲ ἐμοῦ Πα]μουθίου  
ἐγρ(άφη).

16. ἐπομοσάμεν || 20. παραβαίνειν

... fifteenth indiction, 15th indiction ...anis from the village Kerkesis of the Arsi-  
noite nome to Isidoros, my son, greetings. If anything happens to me, I want and  
order (my affairs to be managed as) it is written below. Since Tseeis, daughter  
born of me and Taetos, has died, and I have no other children who happen to be  
my legal heirs, except for you, I appoint you as heir and successor to all things  
left by me, and to the house located in the vicinity of the village ... and shore, and

belonging to Gerontios, my husband of blessed memory, and down to one *assarion*, so that you, Isidoros, have power to master and own everything which belongs to me, and the house belonging to Gerontios, my husband of blessed memory, without fear and freely, now and forever. No one of my kinsfolk is allowed to proceed against you or lay claim concerning this (will). I swear by God Almighty † and Imperial Safety that this will is valid. No one has the power either to speak against it, whether in court or out of court, or to disturb my provisions or transgress them during my lifetime or at the moment of my death. I regret that I have made another security as it is ill-timed, but that decision had not been written down. I, ... in the presence of ... and Phoibammon son of Andreas ... witness to the (will) of ...anis, the wife of Gerontios of blessed memory, as above. Written by me, Pamouthios.

*P. Lond.* I 77, p. ccxxxi = *M. Chr.* 319  
Seventh century AD  
Hermonthis

Greek  
Papyrus  
Original

Text after papyri.info

Translation: English: Leslie MACCOULL, 'Apa Abraham: testament', [in:] L. THOMAS & A. CONSTANTINIDES HERO (eds.), *Byzantine Monastic Foundation Documents. A Complete Translation of the Surviving Founders' Typika and Testaments*, Dumbarton Oaks 2000

... γραφομενο() ... [τ]ῷ καὶ συνεκλήω μ[ου] ....|..σεως μάλιστα τῆς τελευτῆς ἀπα-  
σιν οὐσης καὶ τῇ συμπτώσει τοῦ ἐμοῦ σώματος καταπονούμενο[s | μὴ] ἐξαίφνης καὶ  
παρὰ προσδοκίαν τὸν τῆδε μεταλλάξω βίον ἀδελφου ὄντος τοῦ μέλλοντος.| ὅθεν εἰς  
ταύτην ὥρμησα τὴν ἐγγραφον ἀμεταμέλητον ἐσχάτη[v] διαθηκημι[αίαν] ἀσφάλειαν  
||<sup>5</sup> ἔχουσιν τὸ ἐκ τῶν νόμων κύρος ἀπανταχοῦ προφερομένην κ[αὶ] δημοσιευομένην,  
δι' ἧς | ὁμολογῶ ἐκὼν καὶ πεπεισμένος δίχα παντὸς δόλου καὶ φόβου καὶ βίας καὶ  
ἀπάτης καὶ | ἀνάγκης τινὸς καὶ πάσης νομίμου παραγραφῆς καὶ συναρπαγῆς καὶ μη-  
χανῆς παντοίας | ἄνευ οἰασδῆποτε διχονοίας τε καὶ κακονοίας ἀλλ' ἐξ οἰκεία[s] προ-  
θέσεως καὶ σκόπῳ | αὐθαιρέτῳ καὶ ἐκουσίας ἐμῆς βουλήσεως ὀρθῇ διανοίᾳ βεβαία  
[π]ίστει παντὶ πληρεστάτῳ ||<sup>10</sup> δεσποτεία καὶ αὐτοτελῇ ἐξουσίᾳ παρεθέμην σοι  
πεπεισμένος πάσῃ προαιρέσει ζῶν νοῶν | φρονῶν ἐρρωμένην ἔχων τὴν διάνοιαν καὶ  
ἐπ' ἀκριβείας πολλῆς φέρων τὸν λογισμόν | μου καὶ ἐπὶ γῆς βαδίζων καὶ ἐπ' ἀγορᾶς  
προΐων ὅπερ τὸ ἔσχατον [θε]λημάτιον ἐπαγόρευσα μὲν | τῇ τῶν Αἰγυπτίων φωνῇ  
Ἑλληνικοῖς δὲ καὶ ῥήμασιν ἐπέταξα γραφῆναι κατὰ τε θειωδῶς | ὑπὸ τῶν καλῶς καὶ  
εὐσεβῶς κειμένων νόμων διηγορευμένα. εἴη τοίνυν ἐμὲ ζῆν καὶ ὑγιαίνειν ||<sup>15</sup> καὶ πάν-

των τῶν ἐμῶν μετρίων ἀπολαύειν. ἐπὶ δὲ ὅπερ ἀπεύχομαι ἀνθρώπινόν τι | πάθω  
καὶ τὸν βίον τοῦτον καταλύσω βούλομαι καὶ κελεύω μετὰ τὴν ἐμὴν ἀποκοίμῃσιν | σέ  
τὸν προμνημονευθέντα † Βίκτορα τὸν εὐλαβέστατον πρεσβύτερον καὶ μαθητὴν μου  
| ὑπείσιναι εἰς τὴν καταλειφθησομένην ὑπ' ἐμοῦ παντοίαν μετρίαν ὑπόστασιν καὶ  
κληρονομεῖν | με κινήτην τε καὶ ἀκίνητον καὶ αὐτοκίνητον ἐν παντὶ εἶδει καὶ γένει  
καὶ ποιότητι καὶ ποσότητι ||<sup>20</sup> ἔν τε χρυσῷ καὶ ἀργύρῳ καὶ ἐσθήσεσι καὶ χαλκώμασι  
καὶ ἱματίοις καὶ γραμματέοις καὶ οἰκοπέδοις | καὶ ψιλοῖς τόποις καὶ αὐλαῖς καὶ πᾶ-  
σιν ἀπαξιαπλῶς ἀπὸ τιμί(υ) εἰδους ἕως ἐλαχίστου καὶ πλέθρο(υ) γῆς | καὶ ἄσσαριου  
ένος καὶ ὀβόλου καὶ τοῦ τυχόντος ὀστρακίνο(υ) καὶ ξυλίνο(υ) καὶ λιθίν(υ) σκεύους  
πρὸς τὴν | αὐτὴν καταλειφθησομένην ὑπ' ἐμοῦ παντοίαν μετριακὴν ὑπαρξιν κἂν ἀπὸ  
κληρονομίας | τῶν ἀποικοιμένων μου κἂν ἀπὸ ἰδίων μο(υ) καὶ ἰδρωτῶν καὶ ἀπὸ ἀγο-  
ρασίας καὶ χαρίσματος ||<sup>25</sup> καὶ ἑτερασθητοῦ ἐπινοίας ἐγγράφως ἢ ἀγράφως, οὐ  
μὴν δὲ ἄλλα καὶ τὸ ὑπ' ἐμῆ ἁγίον τόπιον | τοῦ ἁγίου ἀθλοφόρου μάρτυρος ἀββᾶ Φοι-  
βάμμωνος τοῦ διακειμένου κατὰ τοῦ προρηθέντος | θείου ὁρους Μεμνονίων ὡσαύτως  
τὴν ἀδιάλειπτον δεσποτείαν παρεθέμην σοι μετὰ τῆς αὐτοῦ | σεπτῆς ὕλης ἀπὸ εὐτε-  
λοῦς εἰδους ἕως πολυτελοῦς καὶ ἀνθρακῆως, ἐφ' ᾧ σε τὸν προμνημονευθέντ[α] | †  
Βίκτορα τὸν θεοφιλέστατον πρεσβύτερον καὶ μονάζοντα τὸν ἐμὸν μαθητὴν μετὰ τὴν  
ἐμὴν ἀπο||<sup>30</sup> κοίμῃσιν εὐθὺ καὶ παραχρῆμα ὑπείσιναι εἰς τὴν ὑπ' ἐμοῦ καταλειφθη-  
σομένην μετριακὴν | ὑπαρξιν ἐπικρατεῖν καὶ κυριεύειν καὶ δεσπόζειν πάντων τῶν  
καταλειφθησομένων ὑπ' ἐμοῦ | παντοίων πραγμάτων ἀπὸ μικροῦ εἰδους ἕως ἐλαχί-  
στου καὶ πλέθρου γῆς καὶ ἄσσαρι(υ) ένος καὶ ὀβολο(υ) | καὶ τοῦ τυχόντος ὀστρακί-  
νο(υ) καὶ ξυλίνο(υ) καὶ λιθίνου σκεύους ἔτι μὴν καὶ τοῦ εὐαγοῦς εὐκτηρί(υ) | μετὰ  
καὶ τῆς αὐτο(υ) σεπτῆς ὕλης ἀπὸ εὐτελοῦς εἰδους ἕως πολυτελοῦς καθά καὶ ὁ προ-  
λαβὼν ||<sup>35</sup> ἑσαφήνισεν ὁ ένός κτᾶσθαι διοικεῖν οἰκονομεῖν φιλοκαλεῖν οἰκεῖν οἰκοδο-  
μεῖν νέμεσθαι | ἐκμισθοῦν πωλεῖν παραχωρεῖν ἀντικαταλλάτ' εἶν δωρεῖσθαι χαρί-  
σασθαι ἀποχαρίσασθαι καὶ πάντα | περὶ αὐτῶν πράττειν κυρίως καὶ ἀνεπικωλύτως  
καὶ ἐξ αὐτῶν ἐξωδιάζειν εἰς τὴν διοίκησιν τοῦ | εἰρημέν(υ) εὐαγοῦς τόπου καὶ χορη-  
γ(ε)ΐαν τῶν παρερχομένων πενητῶν διὰ τὸ οὕτω μοι δεδόχθαι | καὶ εὐδοκηκέναι καὶ  
ἐληλυθέναι εὐχαριστῶν εἰς τὴν παρούσαν πληρεστάτην διαθηκημαίαν ||<sup>40</sup> ἀσφάλει-  
αν, μηδενὸς οὐν τῶν ἐκ τοῦ γένους μο(υ) ἀγχιστευόντων ἢ ἄλλου τινὸς ἐκ προσώπο(υ)  
μο(υ) οὐ κατὰ | πατέρα οὐ κατὰ μητέρα οὐκ ἀδελφῶν οὐκ ἀδελφιδ(ι)ῶν οὐ συγγενῶν  
οὐκ ἀνέψιων οὐκ ἄλλου οἴ(υ)δῆποτε | ἀνθρωπίν(υ) προσώπο(υ) μὴ δυνομένων  
πώποτε καιρῷ ἢ χρόνῳ ἐπελεύσασθαι σοι ἢ τοῖς σοῖς κληρονόμοις | ἢ διαδόχοις  
ἢ διακατόχοις ἢ ἄλλῃ τινὶ σοι διαφέροντι μηδὲ ἐγκαλεῖν ἢ ἐγκαλέσειν ἐν δικαστηρίῳ  
| ἢ ἐκτός δικαστηρίου) ἢ ἐν ἐπιχωρίῳ ἢ ὑπεριόρῳ νόμῳ μικρῷ ἢ μεγάλῳ μηδὲ ἐπὶ  
φύλων μέμψασθαι ||<sup>45</sup> μηδὲ προσέλευσιν κατὰ σου ἢ τῶν μετὰ σε ποιήσασθαι δῆποτε  
ἄρχοντι ἢ δικαστῇ μηδὲ διὰ ἐκβοήσεως | ἐν ἀγιοτάτῃ ἐκκλησίᾳ ἢ ἐν πραιτωρίοις ἢ  
τρόπῃ τινὶ χρήσασθαι μηδὲ αἰτῆσαι θεῖον καὶ πραγματικὸν | τύπον πρὸς τήνδε τὴν  
διαθήκην ἢ μέρος αὐτῆς τὸ σύνολον μηδὲ μὴν παραβῆναι αὐτὴν | κατὰ τὸ παντελὲς  
διὰ τὸ ἐπὶ πᾶσιν δέδοκται καὶ συνήρηκεν τῷ ἐμῷ ἀγαθῷ σκοπῷ <σε> καὶ λαβεῖν |

καὶ διδόναι ὑπὲρ ἐμοῦ) εἶπερ εὐρεθείην ἔχων ἢ χρεωστῶν ἢ χρεωστούμενων μοι καὶ τὴν πᾶσαν ||<sup>50</sup> λημψαπόδοσιν ὑπὲρ ἐμοῦ) ποιήσασθαι. εἰ δέ τις πειρώμενος πώποτε καιρῷ ἐναντιωθῆναι | ταύτης τῆς ἀπεριγράπτο(υ) διαθήκης ἐφ' ᾧ αὐτὸν τὸν τοιοῦτό τι διαπραττόμενον πώποτε καιρῷ | πρωτοτύπως ἔνοχον ἔσσεσθαι τῷ θείῳ καὶ φρικοδεστέρῳ ὄρκῳ καὶ τῷ τῆς ἐπιτορκείας ἐπηρητημένῳ | κινδύνῳ τε καὶ ἐγκλήματι καὶ ὑποκείσθαι τῇ ὀρισμένη ἐπιτιμίᾳ κατὰ τῶν παραβαίνειν τολμώντων | θείους καὶ βασιλικούς ὄρκους καὶ ἐπινύσκειν λόγῳ προστίμου καὶ παραβάσεως χρυσοῦ ο<ὕ>γκίας ||<sup>55</sup> ἔξ γί(ν)ονται χρ(υ)σοῦ) (οὕγκιαί) 5 ἔργῳ δυνάμει ἀπαιτούμενας ἐκ τῆς τοῦ ἐπιφυομένο(υ) καὶ ἐνάγοντος ὑποστάσεως, εἴθ' | οὕτως ἐπάναγκες ἐμμεῖναι πᾶσι τοῖς ἐγγεγραμμένοις ταύτῃ τῇ ἀτρώτῳ διαθήκῃ. βούλομαι καὶ | κελεύω μετὰ τὴν ἐμὴν ἔξοδον τοῦ βίου(υ) τὴν περιστολὴν τοῦ ἐμοῦ σώματος καὶ τὰς ἀγίας μο(υ) προσφοράς | καὶ ἀγάπας καὶ τὰς τοῦ θανάτο(υ) ἐπισήμους ἡμέρας ἐκτελεσθῆναι προνοίᾳ σου κατὰ τὸν ἐπιχώριον | νόμον καὶ κατὰ τὴν ἐμὴν ὕψιν καὶ ὑπόληψιν. προσομολογῶ δὲ ὡς εἰ ἐμφανεῖς ἕτερος χάρτης προ||<sup>60</sup> γενέστερος ἢ μεταγενέστερος ἐναντιωθῆναι ταύτης τῆς διαθήκης, ἐφ' ᾧ τὸν αὐτὸν χάρτην ἔωλον | εἶναι καὶ ἀνίσχυρον ἀπανταχοῦ προτεινόμενον ταύτης δὲ τῆς διαθήκης ἐχούσης τὸ ἐκ τῶν νόμων | κύρος, προ[s] δὲ σύστασιν καὶ ἀσφάλειαν πάντων τῶν παρ' ἐμοῦ(υ) διομολογηθέντων ἐπωμοσάμην | πρὸς τῆς ἀγίας καὶ ὁμοουσίᾳ(υ) τριάδος καὶ τοῦ περιβεβλημένο(υ) μοι σχήματος ἐν μηδενὶ παραβῆναι | μηδὲ παρασαλεύσαι σύμπαντα τὰ προγεγραμμένα, ἀλλ' ἀσάλευτα εἶναι καὶ ἀρραγῇ ἐπὶ τὸ διηκεκὲς διὰ τῆς ||<sup>65</sup> παρούσης διαθήκης ἥς δόλος φθόνος πονηρὸς ἀπ{ε}ξίτω ἀπέστω, ἥντινα πεποιήμαι σοι εἰς | ἀσφάλειαν κυρίαν οὖσαν καὶ βεβαίαν ἀπανταχοῦ προφερομένην καὶ ἀναγι<γ>νωσκομένην ἐπὶ πάσης | ἀρχῆς καὶ ἐξουσίας καὶ δυνάμεως ἐνομῶν ἰσχυρὰς ἐφ' ὑπογραφῆς τοῦ ὑπὲρ ἐμοῦ ὑπογράφοντος καὶ τῶν | ἐξῆς μαρτυρούντων ἀξιοπίστων μαρτύρων κατ' ἐπιτροπὴν ἐμὴν καὶ ἀξίωσιν καὶ ἐπερωτηθεῖς εἰς | ἅπαντα ἐρμηνευθέντα μοι διὰ τῆς Αἰγυπτιακῆς διαλαλ{ε}ίας παρὰ τοῦ ἐξῆς συμβολαιογράφου(υ) ἀρεσθέντα ||<sup>70</sup> μοι καθὼς τῷ ἐμῷ στόματι ἀφηγγήσασθαι. ταῦθ' οὕτως καλῶς ἔχειν δώσειν ποιεῖν φυλάττειν στέργειν ἐμμένειν | ὡμολόγησα καὶ ἀπέλυσα. ✠ δηλονότι ἐπειδὴ ἐδήλωσα ὅτι χρυσίον καὶ ἄργυρον ἐνορκῶ κατὰ τῆς | τῶν Χρ{ε}ιστιανῶν πίστεως οὐδὲ χρυσίον οὐδὲ ἄργυρον οὐκ ἔχω οὐδὲ οὐκ ἔκτησα ἀφ' οὗ ἐγενάμην | οὐκ ἔχω οὐδὲ ἔσωθεν οὐδὲ ἔξωθεν ἕως ἐνὸς τριμησίου(υ) καὶ ἐπὶ τούτῳ ὡμολόγησα † οὐδὲ οὐκ εἶσα | ἐν καιρῷ τῆς τελευταίας μο(υ) κἂν ἔκτησα ἔδωκα αὐτὰ εἰς λόγον τῶν πενήτων πλὴν ὡς εἴρηται. ||<sup>75</sup> χρυσίον οὐδὲ ἄργυρον οὐκ ἔχω καὶ ἀπόλογον ἔχω δοῦναι τῷ δεσπότη Θεῷ περὶ τούτου. † | (hand 2) † Ἀβραάμιος ἐλέει θε(ο)ῦ ἐπίσκοπος καὶ ἀναχωρητῆς τοῦ θείου ὁροῦς Μεμνονίων υἱὸς τοῦ τῆς | μακαρίας μνήμης Σαβίνου ἐκ μητρὸς Πρεβέκκας ὁ προγεγραμμένος ἐθέμην τὸ π[αρόν] | διαθηκῆμαίον γράμμα ἐφ' οἷς πᾶσι περιέχει κεφαλαίους τε καὶ ὁμολογήμασι σὺν | θείῳ ὄρκῳ καὶ το προκειμένῳ προστίμῳ καὶ στοιχεῖ μοι πάντα τὰ ἐγγεγραμμέν[α] ||<sup>80</sup> ὡς πρόκειται καὶ ἀπέλυσα. † Ἰωσήφ Ἰωάννου ἐλάχ(ιστος) πρεσβύτερ(ος) ἀγίας ἐκκλησίας Ἑρμωνθ(έως) | κελυσθείσης μοι ἔγραψα ὑπὲρ αὐτοῦ γράμματα μὴ ἐπισταμένον. (hand 3) † Διόσκο-

ρος Ἰακώβου) ἀρχηπρε(σβύτερος) | ἀγίας ἐκκλησίας Ἑρμωνθ(έως) μαρτυρῶ τῇ παρούσῃ διαθήκῃ ἀκούσας παρὰ τοῦ ὀσιωτάτου | ἅπα Ἀβρααμίον ἐπισκ(όπου) Ἑρμωνθ(έως) τοῦ καὶ ταύτην θεμένου. (hand 4) † Φλ(άουιος) Παντώνυμος Ἀπαδίου μαρτυρῶ | τῇ παρούσῃ διαθήκῃ παρὰ τοῦ θεμένου. (hand 5) † Φλ(άουιος) Ἀβραὰμ Θεοδωσίου πολιτευνόμενος Ἑρμωνθέως ||<sup>85</sup> μαρτ<υρ>ῶ τῇ πράσει αἰτηθεὶς παρὰ τοῦ θεμένου. (hand 6) † Παῦλος Ἀβρααμίον ἐλάχ(ιστος) διάκ(ονος) μαρτυρῶ | [τ]ῇ παρούσῃ διαθήκῃ ἀκούσας παρὰ τοῦ θεμένου. (hand 7) † Φλ(άουιος) Θεόφιλος σὺν θ(ε)ῶ ἔκδικος Ἑρμωνθ(έως) | μαρτυρῶ τῇ διαθήκῃ αἰτηθεὶς παρὰ τοῦ θεμένου. ✠✠✠ ✠ | (hand 1) δι' ἐμοῦ Πέτρ[ου ---] ἐγένετο. †

12. ὑπαγόρευσα | BL I 241: καταλεθειω (l. κατ' ἀλήθειαν) | δ' ὡς prev. ed. || 23. καὶ ἂν || 24. καὶ ἂν || 35. BL I 241: ἐσαφήνισε νοεποσ prev. ed. || 37. ἐξοδιάζειν || 38. BL I 241: ὑπερερχομένων prev. ed. || 42. δυναμένων || 48. διὸ || 49. χρεωστούμενον || 53. ὠρισμένη || 54. ἐπιγινώσκειν || 67. ἐνομον ἰσχυρὰν || 71. BL I 241: ἐν ὀρκῳ prev. ed. || 74. καὶ ἂν || 79. τῷ || 81. ἀρχηπρε(σβύτερος)

... as there will certainly come the end of everything, my exhausted body will collapse, lest I depart from the world suddenly and against expectations, the future being obscure. Thus, I turned to this uttermost, immutable written testamentary guarantee, being valid in accordance with the laws wherever brought and produced as evidence. By this I acknowledge – willingly and of my own free choice, without any evil guile and fear, and force, and deceit, and any necessity, legal fraud and outrage, and any trick, without any discord and malice whatsoever, but for my own purpose, and with a freely chosen motive, and out of my free will, and with solid and straightforward intention, and in good faith, and being the owner, and having complete power – (that) I have provided you (with my will) being fully convinced, alive, sane, in my right mind and good health, having clear reasoning and with great precision, bringing my account and walking on earth and coming to the agora; I have dictated this last will in the language of the Egyptians and ordered that it be written in Greek words according to the imperial requirements given by just and pious laws. May I enjoy good health and my entire modest estate. If, however – which I pray not to happen – anything happens to me and I end my life, I want and order that, after my death, you, the aforementioned † Biktor, the most pious presbyter and my pupil, enter upon the modest property of all sorts left by me, and inherit from me movable and immovable, and self-moving belongings, of any shape, and sort, and quality, and quantity, of gold and silver, and garments, and bronzes, and clothes, and writings, and lands – both built-up and empty – and yards and everything in general, from a precious thing down to the smallest item, and one *plethron* of land, and one *assarion* and *obolos*, and any object which happens to be made of clay, or wood, or stone, and belongs to the

entire modest property left by me – be it a part of inheritance from my ancestors, or part of my own property acquired by my own labour, bought or given to me or acquired in any way whatsoever, written or unwritten; and not only those, but also the holy place of the holy victorious martyr abba Phoibammon situated on the aforesaid holy hill Memnoneia, over which I have also given you perpetual power, along with its august resources – from things of cheap kind up to precious ones and charcoal, on condition that you, the aforementioned Biktor, the most God-loving presbyter and monk and my pupil, enter directly and immediately after my death upon the modest property left by me to hold power over (it), and master (it), and to be lord over all things left by me, from a small thing down to the smallest one, and a *plethron* of land, and one *assarion* and *obolos*, and any object which happens to be made of clay, or wood, or stone, as well as the holy oratory along with its august resources, from things of cheap kind up to precious ones, and, as determined in what precedes, to acquire, control, manage, put in order, dwell, build, hold, lease, sell, surrender, exchange, donate, give up as a favour, present, and do anything with them lawfully and without any hindrance, and to pay in full the costs of administration of the said holy place and expenses on the poor who come (to the monastery), because this seemed right and satisfactory to me, and I gladly resolved upon this present complete testamentary guarantee. Any of the heirs-at-law of my kin, or anyone representing me, either on the father's or the mother's side, or any of the brothers, or nephews, or kinsmen, or cousins, or any other person whatsoever, cannot, at any occasion or time, sue either you or your heirs, or successors, or holders of goods, or anyone else related to you; he cannot bring a charge against you either now or in future, to court or out of it, or in the nome we are in or in a foreign one, whether big or small. Nor can he complain about you in front of friends, bring a charge against you or those who come after you before any magistrate or judge, nor through a solemn declaration in the holiest church or in *praetoria*, or in any other way, nor proclaim or demand imperial or pragmatic sanction against this will or its part in general, nor transgress it, forever; for this seemed good to me in every respect and was put together for my right purpose, so that you can take and give in my stead, and if it was found that I have or owe or something is owed to me and you can make a full account of all my receipts and payments in my stead. If anyone on any occasion makes an attempt to contradict this valid will, (I order that) the person trying to do such a thing on any occasion be in the first place subject to the divine and most terrifying oath and the danger and charge impending over perjury, and liable to the penalty imposed on those who dare to transgress divine and royal oaths, and they will accept as a fine for their transgression the amount of six ounces of gold, total: 6 ounces of gold, the actual payment of which is to be exacted from the property belonging to the attacker and accuser. Since it is necessary to have everything

written in this intact will, I want and order the burial of my body, and holy *prospophora*, and alms, and days commemorating my death to be performed by your effort after my departure from life, according to the local custom and my dignity and plan. I concede that if another document written on papyrus before or after (this will) is brought in order to oppose this will, (I order) this other document to be void and invalid wherever brought, because this very will is valid according to the laws. As a confirmation and guarantee of all my dispositions, I take an oath on the holy and consubstantial Trinity, and monastic habit clothing me, that I will never transgress or undermine at all those things written above, but they will be unshaken and unbroken forever through the present will, from which may evil guile and malice depart and be absent, and which I made for you so that it is a valid and firm guarantee wherever brought and read before every magistrate and authority and power, legally powerful through the signature put by the one who has subscribed for me and the following trustworthy witnesses bearing witness (to the will), in accordance with my power to decide and opinion, and being asked in regard to everything translated for me in the Egyptian language by the notary, I am satisfied; it is as said by my mouth. I have acknowledged that all this had been possessed, given, done, watched, satisfied and executed fairly and I have released it. ✠ I have assuredly clarified concerning gold and silver and I swear on the Christian faith that I have neither gold nor silver and I did not acquire them from the moment of my birth, I do not have them either inside or outside, not even one tremis, and about this I agreed. † Neither have I allowed (such thing) at the moment of my death, and if I acquired, I gave them to the account of the poor; as it was said: I have neither gold nor silver and I can confess about this in front of God. †† I, the above-written Abraham by the mercy of God bishop and anchorite of the holy hill Memnoneia, son of Sabinos of blessed memory, born of mother Rebekka, have made the present only testamentary document, with all the paragraphs and provisions it contains, together with the divine oath and the aforesaid fine; and everything written here is satisfactory to me, as above, and I released. † I, Joseph son of Ioannos, most humble presbyter of the holy church of Hermonthis, was ordered and I wrote for him because he does not know letters. † I, Dioskoros son of Jacob, archpresbyter of the holy church of Hermonthis, witness to this present will, for I heard it (dictated) by holy apa Abraham, bishop of Hermonthis, who is also the one who made it. † I, Flavius Pantonymos son of Apadios, witness to this present will having heard from the testator. † I, Flavius Abraham son of Theodosios, citizen of Hermonthis, witness to this contract (*sic*), for I was asked by the one who made it. † I, Paulos son of Abraham, most humble deacon, witness to this present will, for I heard it from the testator. † I, Flavius Theophilos, *D. v. defensor* of Hermonthis, witness to this will, for I was asked by the testator. ✠✠✠✠ Made by me, Petros ... †

SB I 4319  
AD 634  
Hermonthis

Greek & Coptic  
Papyrus  
Original

The text is in Coptic but includes a Greek dating clause. It was partially edited in *P. KRU* 77 and *SB I* 4319 (only the Greek text with corrections proposed by Harold I. Bell on p. 668). The publication of all the fragments of the testament is now under preparation by Esther Garel.

## 5. MEROVINGIAN WILLS

The manuscript tradition has preserved a number of testaments allegedly of Merovingian date; the following list contains only the documents considered authentic by the scholars.

1. *Testamentum Abbonis*: P. J. GEARY, *Aristocracy in Provence: the Rhône Basin at the Dawn of the Carolingian Age*, Stuttgart 1995, pp. 38–79
2. *Testamentum Adalgiseli*: W. LEVISON, 'Das Testament Diakons Adalgisel-Grimo vom Jahre 634', *Trierer Zeitschrift* 7 (1932), pp. 69–85
3. *Testamentum Aridii et Pelagiae matris eius: Diplomata, chartae, epistolae, leges aliaque instrumenta ad res gallo-francicas spectantia* I, J.-M. PARDESSUS *et alii* (eds.), Paris 1843 (reprint 2012), no. 180, pp. 136–141
4. *Testamentum Bertechramni / Bertranni*: Margarete WEIDEMANN, *Das Testament des Bischofs Berthramn von Le Mans vom 27. März 616 [= Monographien des Römisch-Germanischen Zentralmuseums 9]*, Mainz 1986, pp. 7–49
5. *Testamentum Burgundofarae*: J. GUEROUT, 'Le testament de sainte Fare: Matériaux pour l'étude et l'édition critique de ce document', *Revue d'histoire ecclésiastique* 60.3–4 (1965), pp. 761–821
6. *Testamentum Caesarii episcopi Arelatensi: Sancti Caesarii episcopi Arelatensis opera omnia nunc primum in unum collecta* II, G. MORIN (ed.), Maretioli 1942, pp. 281–289; English translation: W. E. KLINGSHIRN, *Caesarius of Arles. Life, Testament, Letters*, Liverpool 1994, pp. 67–70
7. *Testamentum Ermintrudis: Diplomata, chartae, epistolae, leges aliaque instrumenta ad res gallo-francicas spectantia* II, J.-M. PARDESSUS *et alii* (eds.), Paris 1849 (reprint 2014), no. 452, pp. 255–258

8. *Testamentum filii Iddanae: Diplomata, chartae, epistolae, leges aliaque instrumenta ad res gallo-francicas spectantia* II, J.-M. PARDESSUS *et alii* (eds.), Paris 1849 (reprint 2014), no. 452, pp. 255–258
9. *Testamentum Hadoindi episcopi Cenomanensis: Diplomata, chartae, epistolae, leges aliaque instrumenta ad res gallo-francicas spectantia* II, J.-M. PARDESSUS *et alii* (eds.), Paris 1849 (reprint 2014), no. 300, pp. 69–71
10. *Testamentum Irminae*: H.-C. WAMPACH, *Geschichte der Grundherrschaft Echternach im Frühmittelalter* I.2, Luxemburg 1930, no. 4
11. *Testamentum Remigii episcopi Remensis*: Hincmar of Reims, *Vita Remigii episcopi Remensis*, B. KRUSCH (ed.), *MGH SRM* 3 (1896), pp. 250–341
12. *Testamentum Wideradi Abbatis: The Cartulary of Flavigny*, C. B. BOUCHARD (ed.), Cambridge (Massachusetts) 1991, no. 1, 2, 57, 58

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