

XIV. *Donationes Mortis Causa* from Tebtunis

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In 1931 the University of Michigan acquired by purchase a small group of papyri, of which eleven are documents of the first two centuries of the Christian era from Tebtunis. Five of the eleven are of the type known as *donationes mortis causa*, and with another from an earlier purchase they form a noteworthy addition to the small number of known testamentary instruments drawn up in this form. As such they seem worthy of separate publication.

The basic discussion of the *donatio mortis causa* in Graeco-Roman Egypt is to be found in Hans Kreller's *Erbrechtliche Untersuchungen auf Grund der graeco-ägyptischen Papyrusurkunden*,¹ in which is collected and appraised the then available evidence regarding all types of wills. More recently the subject has been briefly taken up by R. Taubenschlag,² who lists the documents published since Kreller's study was made. A. Berger in his very useful *Encyclopedic Dictionary of Roman Law*³ also gives references to the literature to date on this point of law. Supplementing the work of Kreller, Signorina Orsolina Montevicchi has investigated wills and *donationes mortis causa* occurring among the papyri, and has discussed the social and economic implications inherent in their various stipulations.⁴ These aspects of the *donatio mortis causa* need not be taken up here. The legal problems involved must be left to the jurists. This discussion will be limited to those texts, all of the late first and early second centuries, that are similar in form and that may be considered as a unified group.

The six documents in the collection of the University of Michigan are Inv. 5589 (104? A.D.), Inv. 5580A (123 A.D.), Inv. 1335 (125 A.D.), Inv. 5579 (Hadrian), Inv. 5581 (Antoninus), and Inv. 5580B (early II A.D.). They are all *δωρολογίαι*, and in the more completely preserved texts the objectively worded body of the document is followed by the

¹ Leipzig and Berlin 1919, pp. 215-23.

² *The Law of Graeco-Roman Egypt in the Light of the Papyri, 332 B.C.-640 A.D.*, 2d ed. (Warsaw 1955) 204-7.

³ Philadelphia 1953, "Trans. Amer. Philos. Soc." 43.2, s.v.

⁴ "Ricerche di sociologia nei documenti dell'Egitto greco-romano, I. I testamenti," *Aegyptus* 15 (1935) 67-121.

subscription of the donor in the first person, and by the signatures of six witnesses, who sometimes state that they have affixed their seals.⁵ One document, P. Mich. Inv. 5589, has at the end a docket recording its registration in the *grapheion*. Two, P. Mich. Inv. 5579 and 5581, are certainly without such a docket, and in the other three the evidence is lacking.

*Donationes Mortis Causa*⁶

1

P. Mich. Inv. 5589

16.6 x 18.5 cm.

104? A.D.

This document is badly defaced, but is complete except at the top. Only the superscription with the date and place and the name of the testator are lacking, and these can be supplied from the rest of the document.⁷

Tamystha, daughter of Apollonios, makes a testamentary division of her property to take effect after her death. Her brother Satabous acts as her guardian in the transaction, her husband being dead. The property consists chiefly of the half share of a house, which was purchased from Ptolemais, Didis, and a third party whose name is lost, and which is apparently held in common with the sellers without division. This house and the personal and household effects of Tamystha are left to her daughter Taorsenouphis. Two stipulations are added, one that Taorsenouphis shall provide a fitting burial for her mother, and the other that she shall also pay the sum of twenty silver drachmas to her brother Heron.

Such payments of sums of money from the estate to one of the heirs are common in documents of this type. They seem sometimes to be in the nature of token payments, made either because the intention is to disinherit the recipient, or because he or she has already received his inheritance in some other form. In a Milan papyrus from Tebtunis⁸ the

⁵ On the use of seals in Graeco-Roman Egypt see M. Pieper, "Die Siegelung in den griechischen Papyri Ägyptens," *Aegyptus* 14 (1934) 245-52, and A. E. R. Boak, *Soknopaiou Nesos* (Ann Arbor 1935) 24-25.

⁶ The editorial practice followed in these texts is in general that used in most publications of papyri, square brackets indicating lacunae, angular brackets an omission in the original, and braces superfluous letters in the original. Minor orthographic variations commonly found in the papyri, such as ι for εἰ, ο for ω, etc., have only been noted when they might possibly cause confusion.

⁷ On the suggested date see p. 152, below.

⁸ Found during the Italian excavations at Tebtunis and published by A. Sansica, "Un nuovo testamento greco-egizio dell' età romana," *Acme* 1 (1948) 232-42.

son Kronion, who has in some way injured his father, has been cut off with a payment of forty drachmas. In *PTebt.* 2. 381, as here, the real property is left by a mother to her daughter, and the daughter is to pay the small sum of eight drachmas to the son of her deceased sister. In this instance it is possible that the sister had already received her share of the estate as dowry; cf. *PMich.* 5. 350 (37 A.D.) in which a daughter resigns her claims to any share in her parents' estate because of the dowry already given to her on her marriage. In the division of paternal property *PMich.* 5. 321, however, the payments of sixty drachmas made to each of two younger brothers seem to be intended as compensation for the larger amount of real property given to the eldest son.

Traces of letters from one line

τοῦ ὁμ[οπ]ατρείου καὶ [ὁ]μομητρείου ἀδελφοῦ [Σ]ατα[β]οῦτος ὡ[ς] ἐτ[ῶ]ν πεντή-
[κοντα]

οὐλὴ χειρὶ ἀριστερᾷ συνεχωρηκέναι τὴν ὁμολογοῦσαν Ταμύσ[θ]α ν μετὰ
τὴν ἐαυτῆς τελευτῇ εἶναι τῆς γεγονυείας αὐτῇ ἐκ τοῦ μ[ετ]ελλαχότος
αὐτῆς ἀνδρός [.]αβίωνος τοῦ Ἡρωνος θ[υ]γατρὸς Ταορ[σ]εν[οῦ]φews [τ]ὸ
ὑπαρ-

- 5 χον αὐτῇ Ταμύσθα ἀγοραστὸν παρὰ Πτολεμαίδος καὶ Διδίτος καὶ Τα[. .]ητ[. .]
ἐπὶ τὸ αὐτὸ ἥμισυ μέρος κοινὸν καὶ ἀδιέρετον οἰκίας παλαιᾶς καὶ αὐλῆς
καὶ τῶν συνκυρόντων πάντων ἐν τῇ προκιμένη κώμῃ Ταλεῖ, ἥς
αἱ γιγνῆναι καὶ τὰ ἄλλα δίκαια διὰ τῶν περὶ αὐτοῦ οἰκ[ονο]μῶν δεδήλον-
ται, ἔτι δὲ καὶ τὰ ὑπ' αὐτῆς Τ[αμύσ]θ[as] κατὰ[ε]λεφθ[ε]σόμε[εν]α ἐ[πί]πλοα
10 σκευὴ ἐνδομηνία ἱματισμὸν ἐνοφιλόμε[να] ἀψ[τῇ] κ[αθ'] ὅ ν δῆποτε
οὖν τρόπον, ἐφ' ᾧ καὶ αὐτῇ ἡ Ταορσενούφης ποιήσ[ε]ται τὴν τῆς μητρὸς
[Τ]αμύσθας κ[η]δῖαν καὶ περι[σ]τολὴν ὡς [κ]αθήκει καὶ δώσει τῷ ἐαυτῆς
ἀδελφῷ Ἡρ[ω]νι ἃς ἡ μήτηρ Ταμύσθα{s} σ[υν]χωρεῖ δι[δόν]αι αὐτῷ
ἀργυρίου δ[ρ]α[χμ]ὰς εἴκοσι· ἐφ' ὃν δὲ χρόν[ο]ν περ[ί]εστιν ἡ ὁμολ[ογο]ῦσα
15 Ταμύσθα{ν} ἔχ[ει]ν αὐτὴν τὴν κατὰ τῶν συνεχωρημένων ὑπαρ[χ]όν[των]
δλοσχηρῇ ἐξουσίαν οἰκονομεῖν περὶ αὐτῶν ὡς ἐὰν αἰ[ρή]ται. ὑπογρ[αφ]εὺς
'Ισχυρίων 'Ισχυρίωνος ὡς (ἐτῶν) λξ ο(ὐλῇ) γό(νατι) ἀριστ(ερῶ). μάρτυρες
Εὐρυχ[ος] 'Αρεί[ου] ὡς [(ἐτῶν).]β ο(ὐλῇ)... () ἀρ[ιστερ.]),
Σαγάθ[ης] 'Αρείου ὡς (ἐτῶν) λε [ο(ὐλῇ)] ἀντικνη(μῖα) δεξί[ω], Πτολλαρίων
Εὐτύχου ὡς (ἐτῶν)[. . ο(ὐλῇ)] ὀφρύνει ἀρ[ιστερῶ],
Πακῆβεις Ψοίφιος [ὡς] (ἐτῶν) μβ ο(ὐλῇ) ὀφρύνει δεξιᾷ, Ὀνῶφρις Π[. . .]σιος
ὡς (ἐτῶν)
20 κα ο[(ὐλῇ) γ]αστροκνη(μῖα) δεξί[ω], Ψενκῆβεις Πακῆβ[κ]ῖος ὡς (ἐτῶν) κ.
[ο(ὐλῇ)] ὀφρύνει δεξί[ω].
(2nd hand) Ταμύσθα 'Απολλωνίου τοῦ Ἡρακλείδ[ου] μη(τρὸς) Θεοπ[. . .]-
ρώφews [ὁμολο]γῶ συγ-

- κεχω[ρηκ]έναι μετὰ τῇ[ν ἐ]μὴν τελευτ[ῇ]ν εἶναι τῇ[ς θυγα]τρ[ός] μ[ου Ταο]ρ-
[σε]ν[ού]-
φεω[s] ῥ[θ] ἡμισυ μέρος τῆς οἰκίας καὶ αὐλῆς καὶ τὰ ὑπ' ἐμοῦ καταλειφθσόμην[α]
καὶ συνχωρῶ ταῖς ἄλλαις διαστολαῖς καθὼς πρόκ(ε)ται. ἔγραψεν ὑπὲρ
αὐτ(ῶν) Ἰσχ(υρίων) Ἰσχ(υρίωνος) μὴ (εἰ)δ(ότων) γρ(άμματα).
- 25 (3rd hand) Εὐτυχος Ἀρείου μαρτυρῶ ὡς πρόκειται. (4th hand) Σαγάθης
Ἀρείου μαρ(τ)υρῶ καθὼς πρόκιτ(αι).
(5th hand) Πτο[λλ]αρίων Εὐτ[ύ]χου μαρτυρῶ καθὼς πρόκειται.
(6th hand) Πακ[ῆ]βκιος Ψοίφοις [μ]αρτυρῶ κ[αθ]ὼς πρόκειται. (7th hand)
Ὀννῶφρις [. . .]σιος
μαρτ[υρῶ] καθ[ὼς] πρόκειται. (8th hand) Ψεν[κ]ῆβκιος Πακῆβκιος μαρτυρῶ
καθ[θ]ὼς
[π]ρόκιτ[αι]. (9th hand) ἀναγέγρα(πται) διὰ Λουρ[ί]ου τοῦ πρό(ς) τῷ
γρ(αφείψ) Τεβτ[ύ]ν[ε]ως.

24. μὴ (εἰ)δ(ότων) γρ(άμματα): Pap. μὴ^δ γρ. Although the name of the guardian has been omitted in the subscription, the abbreviation has been expanded as a plural form, since Ischyron has obviously written for both Tamystha and her brother.

25. μαρ(τ)υρῶ: Pap. μαρ^υρω.

27. Πακ[ῆ]βκιος Ψοίφοις for Πακῆβκιος Ψοίφιος.

TRANSLATION

. . . [with as guardian] her brother on both her father's and her mother's side, Satabous, about fifty years old, with a scar on his left hand, that she, the contracting party Tamystha, has agreed that after her death there shall belong to her daughter Taorsenouphis, born to her from her deceased husband, .abion, son of Heron, the share that belongs to her of an old house and courtyard, amounting in all to one-half, purchased from Ptolemais and Didis and Ta. . . and held in common and undivided, with all the appurtenances, in the aforesaid village of Talei, of which the neighbors and the other rights are set forth in the contracts relating to it; and also the furniture which shall be left by the same Tamystha and the utensils and the household gear and sums due her of any kind whatsoever, on condition that Taorsenouphis shall provide a fitting funeral and laying out for her mother Tamystha, and shall give to her brother, Heron, the twenty drachmas of silver which their mother Tamystha agrees to give him. For as long as she lives the contracting party, Tamystha, shall have complete power with respect to the possessions that are the subject of this agreement to administer them as she wishes. The signatory is Ischyron, son of Ischyron, about 36 (?) years old, with a scar on his left knee. The witnesses are Eutychos, son of Areios, about . . . years old, with a scar on his left . . . ; Sagathes, son of Areios, about 35 years old, with a scar on his right

shin; Ptollarion, son of Eutychos, about . . . years old, with a scar on his left eyebrow; Pakebkis, son of Psoiphis, about 42 years old, with a scar on his right eyebrow; Onnophris, son of P . . . , about 21 (?) years old, with a scar on his right calf; Psenkebkis, son of Pakebkis, about 2- years old, with a scar on his right eyebrow.

(2d hand) I, Tamystha, daughter of Apollonios son of Herakleides, my mother being Thenp . . . rophis, acknowledge that I have agreed that after my death there shall belong to my daughter Taorsenouphis the half share of the house and court and the property that shall be left by me, and I agree to the other stipulations as aforesaid. I, Ischyryon, son of Ischyryon, wrote for them because they are illiterate.

(3d hand) I, Eutychos, son of Areios, bear witness as aforesaid.

(4th hand) I, Sagathes, son of Areios, bear witness as aforesaid.

(5th hand) I, Ptollarion, son of Eutychos, bear witness as aforesaid.

(6th hand) I, Pakebkis, son of Psoiphis, bear witness as aforesaid.

(7th hand) I, Onnophris, son of . . . , bear witness as aforesaid.

(8th hand) I, Psenkebkis, son of Pakebkis, bear witness as aforesaid.

(9th hand) Registered through Lourios, who has charge of the *grapheion* of Tebtunis.

2

P. Mich. Inv. 5580A

6 x 21.5 cm.

123 A.D.

Two fragments have been joined to make the superscription and beginning of a document which is undoubtedly a *donatio mortis causa*, although lines 4–5, on which this assumption rests, are largely restored. The donor is Ptolemaios, son of Herakles and Herois, and grandson of Herodion. At least two sons are to receive the property, but further details are lacking.

ἔτους ὀγδόου Αὐτοκράτορος Καίσαρος Τραιανου Ἀδριανου Σεβαστου μην[ὸ]ς
Νέου Σεβαστου

ἐνάτη Ἀθὺρ θ ἐν Τεβτύνι τῆς Πολέμωνος μερίδος τοῦ Ἀρσινόεϊτου νομοῦ.
ὁμολο-

γεί Πτολέμαιος Ἡρακλήου τοῦ Ἡρωδίωνος μητρὸς Ἡρωίδος ἀπὸ τῆς
προκειμένης κώμης

Τεβτύνεως ὡς ἐ[τῶν] τριάκοντα . . .]. ο(ὐλή) γόνατι δεξ[ιῶ] σ[υνκεχωρηκέ]ναι
μετ[ὰ τὴν ἑαυτοῦ τελευ]-

5 τὴν τοῖς ἑαυ[τ]οῦ [τέκ]νοις Ἰ[. . . .]ωι καὶ Σεραπεί[ω]νι [

A few more letters from line 5 and traces of letters from line 6 remain.

TRANSLATION

The eighth year of Emperor Caesar Trajan Hadrian Augustus, the ninth of the month Neos Sebastos, Hathyr 9, in Tebtunis in the division of Polemon of the Arsinoite nome. Ptolemaios, son of Herakles son of Herodion, his mother being Herois, from the aforesaid village of Tebtunis, about thirty- . . . years old, with a scar on his right knee, acknowledges that he has ceded to his children, . . . and Serapion . . .

3

P. Mich. Inv. 1335

9.2 x 28 cm.

125 A.D.

Fourteen complete lines and a few traces of letters from a fifteenth line remain from the top of this document. The full width of the papyrus is preserved and the upper margin is intact.

Soueris, daughter of Onnophris and Soueris and granddaughter of Labesis, acting with her husband, Orseus son of Tryphon, as her guardian, divides her property equally between her two sons, Onnophris and Tephersais. The property consists of a house inherited from her father, a share of another house and court that has been purchased, and household goods and clothing. The sons have the responsibility of providing a fitting funeral for their mother. To her daughter, Thermouthis, Soueris has left the sum of sixty drachmas, perhaps in addition to dowry already received (cf. No. 1 above, introd.). This is probably to be a charge on the estate after the mother's death. All the other terms of the agreement have been lost.

- ἔτους δεκάτου Αὐτοκράτορος Καίσαρος Τραιανοῦ Ἀδριανοῦ Σεβαστοῦ Φαῶφι
 εἰκάδι ἐν Τεβτύνι τῆς Π[ο]λέμων(ος)
 μερίδος τοῦ Ἀρσινοείτου νομοῦ. ὁμολογεῖ Σουήρις Ὀννώφρεως τοῦ Λαβήσιος
 μητρὸς Σουήριος ἀπὸ [τ]ῆς
 προκίμενης κώμης Τεβτύνεως ὡς ἑτῶν πεντήκοντα δύο οὐλήν ἀντικνημίῳ δεξιῶ[ι]
 μετὰ τοῦ κυρ[ίου]
 τοῦ ἑαυτῆς ἀνδρὸς Ὀρσέως τοῦ Τρύφωνος ὡς ἑτῶν ἐξήκοντα δύο οὐλήν δακτύλῳ
 μικρ(ῶ) χειρὸς ἀριστερ[ᾶ]ς
 5 συνεχωρηκέναι τὴν ὁμολογοῦσαν Σουήριν μετὰ τὴν ἑαυτῆς τελευτὴν τοῖς
 γεγονόσι αὐτῆς τοῦ
 προγεγραμμένου ἀνδρὸς Ὀρσέως τέκνοις Ὀννώφρι καὶ Τεφερσαίτι καὶ Θερμούθι
 τοῖς τρισί, τοῖς μὲν
 δυσὶ Ὀννώφρι καὶ Τεφερσαίτι κοινῶς ἐξ ἴσου ἐκάστωι καθ' ἡμίσιαν, ἐὰν δέ
 τις αὐτῶν μὴ π[ερ]ι[έ]σ[τ]ι

τῶν τούτου τέκνων, τὴν δὲ ὑπάρχουσαν αὐτῇ Σουήρι πατρικὴν οἰκίαν καὶ τὸ
ὑπαρχον αὐτῇ
ἀγοραστὸν ἥμισυ ἕνατον μέρος ἐτέρας οἰκίας καὶ αὐλῆς καὶ τὰ πάντων συνκύροντα
πάντα

- 10 ἐν τῇ προκείμενῃ κώμῃ]ι Τεβτύνι καὶ τὰ ὑπ' αὐτῆς ἀπολειφθησόμενα ἐπίπλοα
καὶ σκευῇ καὶ
ἐνδομενίαν καὶ ἱματ[ι]σμ[ὸ]ν καὶ ἐνοφιλόμενα αὐτῇ ἢ καὶ ἕτερα καθ' ὃν δήποτε
οὖν τρόπον, τῇ δὲ
Θερμοῦθι δ[ι]ατεταχέναι ἀργυρίου δραχμὰς ἐξήκοντα· πρὸς τοὺς δύο Ὀννώφριν
καὶ Τεφερσαίω
κοινῶς ἐξ [ἴσ]ου οὔσης τῆς τῆς μητρὸς κηδίας καὶ περιστολῆς ὥς ἂν αὐτοῖς
δόξῃ, καὶ τῆς {καὶ τῆς}
[...]. τὰς δια[τερ]αγμένους τῇ Θερμοῦθι δραχμὰς [ἐξ]ήκοντα καὶ
ἐ]ὰν προφερ[...]. . . αὐτῆς

Traces of letters from another line

8. τῶν . . . τέκνων for τοῖς . . . τέκνοις.

14. Not only is this line badly mutilated, but the letters are carelessly formed. The suggested reading is not impossible, although the dotted letters are extremely doubtful.

TRANSLATION

The tenth year of Emperor Caesar Trajan Hadrian Augustus, Phaophi the twentieth, in Tebtunis in the division of Polemon of the Arsinoite nome. Soueris, daughter of Onnophris son of Labesis, her mother being Soueris, from the aforesaid village of Tebtunis, about fifty-two years old, with a scar on her right shin, with her guardian, her husband, Orseus son of Tryphon, about sixty-two years old, with a scar on the little finger of his left hand, acknowledges that she, the contracting party, Soueris, has ceded after her death to the children born of her to her aforesaid husband Orseus, to the three of them, Onnophris and Tephersais and Thermouthis, to the two Onnophris and Tephersais, half to each to be held in common and equally, and if either of them does not survive, to his children, the house that belongs to the said Soueris by inheritance from her father and the share of eleven-eighteenths of another house and court that belongs to her by purchase and all the appurtenances of all the property in the aforesaid village of Tebtunis, and all the household goods that shall be left by her and the utensils and furniture and clothing and sums owed to her, or other things of any kind whatsoever; and to Thermouthis she has bequeathed sixty drachmas of silver. The funeral rites and laying out of their mother shall devolve upon the two, Onnophris and Tephersais, together and equally, as shall seem best to them. . . .

4

P. Mich. Inv. 1579

21.7 x 15.7 cm.

Hadrian

This document, written in the small rapid cursive characteristic of the second century, is complete in height, but is broken off on the left and at least a third of the text is gone. Because of the extensive lacunae and the difficulty of deciphering the broken and defaced text, many details of the agreement are uncertain.

The testator, whose name is lost, is a son of Didas and Dioskoros and grandson of Didymos. His two sons, Ammonios and Herakleides, share equally in the estate, which consists of one aroura of vineyard, and the half share of a house and courtyard held in joint ownership with the testator's brother, Moschion. The right to reside on the property and to have the services of the slaves bequeathed by her husband is secured to the wife, Kleopatra, for as long as she lives and remains unmarried. So also in *BGU* 86 the wife is to receive support for the rest of her life after her husband's death, as long as she does not remarry.

That the sons are under age is apparent from the stipulation in line 11 that Kleopatra shall feed and clothe them. In the comparable document, *BGU* 86, where the children are also minors, a guardian is appointed for them, but none is mentioned here.

Provisions for the burial of the father are unusually detailed, but unfortunately they fall in the most mutilated portion of the papyrus. The amount of money to be spent, not less than two hundred drachmas, is designated, as well as the place where the body is presumably to be interred, near the Labyrinth. This Labyrinth is the funerary temple of the pyramid of Amenemhet III at Hawara, to the north of which is the necropolis of the metropolis of Ptolemais Euergetis.

[έτους X Αὐτοκράτορος Καί]σαρος Τραιανοῦ Ἀδριανοῦ Σεβαστοῦ
μηνὸς Ἀπελλαίου ἡ Φαῶφι ἡ ἐν Τεβτίνι τῆς Πολ(έμωνος)

[μερίδος τοῦ Ἀρσινόϊτου νομοῦ. ὁμολογεί X πρε]σβύτερος Διδᾶ τοῦ
Διδύμου μητρός Διοσκοροῦτος τῆς Μοσχίωνος τῶν ἀπὸ τῆς μητροπόλεως

[X ὡς ἐτῶν πεν]τήκοντα οὐλή χειλὶ τῷ ἄνω ἐξ ἀριστερῶν συνκεχωρηκέναι
μετὰ τὴν ἑαυτοῦ τελευτὴν εἶναι τῶν

[γεγονόσι αὐτῷ ἐκ τῆς ἑαυτοῦ γυναικὸς Κλεοπάτρας τῆς Διονυσίου υἱοῖς
δυσὶ Ἀμμωνίῳ καὶ Ἡρακλείδῃ ἑκάστῳ ἐξ ἴσου τὴν ὑπάρχουσαν αὐτῷ
περὶ

5 [X]μύκου τοῦ καὶ Ἀρείου Ἀρχιστρατείου τοῦ καὶ Ἀλθαιέως
ἀμπελῶνος ἐκτολογουμένου ἄρουν

- [μίαν καὶ τὸ ὑπαρχον αὐτῷ ἡμισυ μέρος κοινὸν] καὶ ἀδιαίρετον πρὸς τὸν ἀδελφὸν αὐτοῦ Μοσχίωνα οἰκίας καὶ αὐλῆς καὶ ὅσα ἐὰν ἄλλα καταλίψῃ
- [X ἢ καὶ ἕτερα σὺν τοῖς ἄλλοις ἐλευ]σομένοις εἰς αὐτὸν ἀφ' οὗ δῆποτε οὖν τρόπον, ἔτι δὲ καὶ τὰ ὑπ' αὐτοῦ ἀπολειφθησόμενα ἐπι-
[πλοα X καὶ ἐνδομ]ερίᾳ καὶ ἐνοφιλόμενα αὐτῷ καθ' ὃν δῆποτε οὖν τρόπον. ἢ δὲ προγεγραμμένη αὐτῶν μὴ-
[τηρ Κλεοπάτρα X] ἀφ' οὗ ἐὰν ἔτους τελευτήσῃ ἐφ' ὃν χρόνον περίεστιν καὶ ἄγαμος καθέστηκεν τὰ προ-
10 [X ἐ]νοικεῖν ἐν τοῖς οἰκοπέδοις καὶ δουλεύεσθαι ὑφ' ὧν ἐὰν καταλίψῃ δουλικῶν σωμάτων
[X]. αὐτὴν Κλεοπάτραν τρεφούσης αὐτῆς καὶ ἱματιζούσης τὰ αὐτὰ ἐξ ἀλλήλων τέκνα
[X] τοῖς αὐτοῖς τέκνοις ἐξουσίας μὴδὲν ἐπὶ καταχρηματισμὸν οἰκονομῆσαι κατὰ τῶν
[X] τῆς μητρὸς αὐτῶν πρὸς τὸ μένειν αὐ[τῇ τῇ]ν καρπείαν καὶ ἐνοικήσιν καὶ δουλείαν
[X το]ῦ σώματος αὐτοῦ κηδεῖαν εἰσερ[ενκέτ]ωσαν ἀργυρίου δραχμὰς διακ[οσίας]
15 [X τὸ] σῶμα αὐτοῦ ἐν τοῖς περὶ Λαβύρ[ι]νθ[ον . . .]οις ὡς ἔδοξεν αὐτῷ. ἀκυρῶν ὁ προγε-
[γραμμένος X] κατὰ πάντα τρόπον, τοῦτο δὲ τὸ συνχώρημα κύριον εἶναι σὺν τοῖς δι' αὐτοῦ ἐγγεγρ[αμ]-
[μένους. ἐφ' ὃν δὲ χρόνον περίεστιν ὁ ὁμολογῶν ἔχειν αὐ]τὸν κατὰ τῶν ἑαυτοῦ ὑπαρχ[όντων] ὁλ[οσχερῇ] ἐξου[σίαν] πῶλιν ὑποτίθεσθαι μεταδι-
ατίθεσθαι
[X]ς ἄλλῳ δὲ οὐδενὶ οὐδενὸς ὑπ[ο]χωρῶ. μάρτυρες Ἡρακλείδης ὁ καὶστρ[ο]λος Ἡρακλείδου . . .
[X]ων οὐλή ὀφρύνει δεξιᾷ, Δίδυμος Ὀριγένους τῶν κεκοσμητευκότ(ων) ὡς ἐτῶν τεσσαράκοντα πέν-
20 [τε X Σάτυρος ὁ καὶ Ὀρίων Λαβήσιος ὡς (ἐτῶν)] τριάκοντα οὐλή ὀφρύνει ἀριστερᾷ, Μυσθῆς Διδύμου ὡς ἐτῶν τριάκοντα
[X Σ]αβεῖνος Ἀπολλωνίου τοῦ καὶ Ἰσιδώρου ὡς ἐτῶν πενήτηκον-
[τα X Διόσκορος Ῥ]ούφου ὡς ἐτῶν τριάκοντα ὀκτῶ οὐλήν ποδὶ δεξιῶν, οἱ ἐξ
[X (2d hand) X συνεχ]ώρησα μετὰ τὴν τελευτήν μου τοῖς υἱοῖς μου Ἀμμωνίῳ καὶ
[Ἡρακλείδῃ X ἄρ]ουραν μίαν καὶ τὸ ἡμισυ μέρος τῆς οἰκίας καὶ αὐλῆς καὶ ὅσα ἐὰν
25 [καταλείψω X]ου ἢ καὶ ἕτερα σὺν τοῖς ἄλλοις ἐλευσομένοις εἷς με ἀφ' οὗ δῆποτε οὖν

- [τρόπου X] καὶ τὰ ἐγροφειλόμενα καὶ γενήματα, τῆς γυναικὸς
 μου Κλεοπάτρας
 [X] καὶ ἐνοικουσίας καὶ δουλενομένης, τρεφούσης καὶ
 ἱματιζούσης
 [X]s καὶ συνεπίσθη ἅπασι καθὼς πρόκειται καὶ σφραγιῶ
 γλύμματι
 [X (3d hand) X]δου . . . ακ() Λουρίου τοῦ Ἡρακλείδου μαρτυρῶ καὶ
 σπραγιῶ. (4th hand) Δίδυ-
 30 [μος Ὀριγένους τῶν κεκοσμητευκόντων μαρτυρῶ]ι καὶ σφραγιῶ. (5th hand)
 Σάτυρος ὁ κ(αὶ) Ὀρίων Λαβή(σιος) μαρτυρῶ καὶ σφραγιῶ. (6th hand)
 Μυσθῆς Δι(δύμου) μαρτυρῶ
 [καὶ σφραγιῶ. (7th hand) Σαβεῖνος Ἀπολλωνίου τοῦ καὶ Ἰσιδ]ώρου μαρτυρῶ
 καὶ σφραγιῶ. (8th hand) Διδόσκορος Πούφου μαρτυρῶ καὶ [σφραγιῶ].

1. With hands of this type it is impossible to estimate with any degree of accuracy the number of letters lost. The restorations are only intended to give the sense of the missing passages and to assist in the understanding of the text.

3. Possibly the lacuna contained the name of the tribe and deme to which the testator belonged. τῶν: for τοῖς.

5.]μύκου τοῦ καὶ Ἀρείου: perhaps, with πρότερον, the name of a former owner of the vineyard.

14. εἰσε[ενκέτ]ωσαν: cf. BGU 7. 1655, 20–21: is περιστολὴν . . . ἰσενενκέτωσαν τ[ὰς ὑ]π' [ἐ]μοῦ προγεγραμμένα[s] τέσσαρας δραχμάς.

15. Λαβύρ[ι]γθ[ον]: the other occurrences of the Labyrinth in the papyri date from the Ptolemaic period; cf. SB 5216 and the original publication in *Bull. Soc. Alex.* 14 (1912) 194 ff.

[. . .]ois: possibly [τόπ]ois; [τάφ]ois, suggested by the referee, could also be read.

18. ὑπ[ο]χωρῶ: for ὑποχωρεῖ or ὑποχωρεῖν. The significance of the phrase here and its connection with what precedes is uncertain.

Ἡρακλείδης, etc.: cf. the signature of this witness in line 29 below. The names should correspond, but although the readings are uncertain, they cannot be the same.

TRANSLATION

The . . . year of Imperator Caesar Trajan Hadrian Augustus, 15th of the month Apellaios, Phaophi 15, in Tebtunis in the division of Polemon of the Arsinoite nome. . . the elder, son of Didas son of Didymos, his mother being Dioskorous daughter of Moschion, from the metropolis . . . fifty years old, with a scar on his upper lip on the left, acknowledges that he has agreed that after his death there shall belong to his two sons, Ammonios and Herakleides, born of his wife Kleopatras, daughter of Dionysios, to be shared by each of

them equally, the one aroura of vineyard of the class paying one-sixth, that belongs to him near . . . formerly belonging to (?) . . . also called Areios, of the Archistratian tribe and the Althean deme, and also the half share of the house and courtyard that belongs to him and to his brother Moschion in common and undivided; and also whatever else he shall leave . . . or anything else, together with what shall come to him from any source whatsoever, as well as the household goods that shall be left by him . . . and the furnishings and what is owed to him in any way whatsoever.

Their aforesaid mother, Kleopatra, daughter of Dionysios . . . shall from the year in which he dies for as long as she lives and remains unmarried . . . to reside on the property and be served by the slaves that he shall leave . . . the said Kleopatra, she feeding and clothing their said children . . . and the said children shall not have the power on the strength of this document to manage anything . . . of their mother, so that there shall remain to her the crop and the residence and the service . . . for funeral rites for his body let them pay two hundred silver drachmas . . . his body among the . . . near the Labyrinth, as it seems best to him. The aforesaid . . . if he invalidates . . . in every way, and this agreement shall be valid together with the conditions set forth in it. For as long as the acknowledging party shall live he shall have complete power to sell, to mortgage, to alter the will . . . to give up nothing to anyone else. The witnesses are Herakleides also called . . . son of Herakleides . . . with a scar on his right eyebrow; Didymos son of Origenes, one of the ex-cosmetes, about forty-five years old . . . ; Satyros also called Horion, son of Labesis, about thirty years old, with a scar on his left eyebrow; Mosthes, son of Didymos, about thirty years old . . . ; Sabinus, son of Apollonyos also called Isidoros, about fifty years old . . . ; Diodoros, son of Rufus, about thirty-eight years old, with a scar on his right foot. The six . . .

(2d hand) I . . . have ceded after my death to my sons, Ammonios and Herakleides . . . one aroura and the half share of the house and court and whatever I shall leave . . . or anything else, together with what shall come to me from any source whatsoever . . . and what is owed to me, and the crops; my wife Kleopatra . . . and residing and being served, feeding and clothing . . . and she has agreed to all these conditions, as aforesaid, and I shall seal with the seal . . .

(3d hand) . . . of Lourios, son of Herakleides, am a witness and shall affix my seal.

(4th hand) I, Didymos, son of Origenes, one of the ex-cosmetes, am a witness and shall affix my seal.

(5th hand) I, Satyros, also called Horion, son of Labesis, am a witness and shall affix my seal.

(6th hand) I, Mysthes, son of Didymos, am a witness and shall affix my seal.

(7th hand) I, Sabinus, son of Apollonios, also called Isidoros, am a witness and shall affix my seal.

(8th hand) I, Dioskoros, son of Rufus, am a witness and shall affix my seal.

5

P. Mich. Inv. 5581

21.1 x 11.9 cm.

Antoninus

The left side of the papyrus is broken off, but the full height is preserved, with the upper and lower margins intact. From lines 1–2 it is clear that well over half of the document is lost, and it would be unprofitable to attempt to restore the missing text. As a result of the extensive losses it is difficult to understand the exact significance of the special provisions in the disposition of the property.

The testator is Petesouchos, son of Pelmasis and Thenpepheros (lines 2 and 21) and his property is divided between his son Petesouchos and his daughter Tapeteus (line 22). The property consists of 1) unidentified holdings near Kerkesoucha Orous (line 5); 2) one aroura of a catocic allotment (lines 5 and 23); 3) an uncertain amount of sacred land (lines 6 and 23); 4) a share of a date-palm garden (line 7); 5) some shares of house property otherwise undescribed (lines 8 and 24); and 6) the usual household goods, etc. (lines 9–10).

All the property listed in lines 5–10 is given to the son Petesouchos, but something is left to Tapeteus in addition to her dowry and marriage gifts (lines 10–11 and 25). After some directions regarding the irrigation of the property (lines 12–13), lines 14–17 deal with the management of the date-palm garden and the disposition of its fruits, in which it appears from line 16 that Tapeteus has an interest.

The responsibility for providing suitable burial for his father rests upon the son Petesouchos (line 18), and as usual the father retains the right to manage the property for as long as he lives (lines 19–20).

Following the brief subscription of the donor (lines 21–27) the witnesses add their signatures and affix their seals (lines 27–30), which are described. Although seals are frequently mentioned in the signatures of witnesses in the *donationes*, no seals have been found with the documents and there is no indication as to how or where they may have been attached. The document concludes with the names and signalments of the witnesses (lines 31–33).

[έτους X Αὐτοκράτορος Καίσαρος Τίτου Αἰλίου Ἀδριανοῦ Ἀντωνίνου
Σε]βαστοῦ Εὐσέβους Παχών ᾗ ἐν Τεβτύνι τῆς Πολέμωνος
[μερίδος τοῦ Ἀρσινόιτου νομοῦ. ὁμολογεί Πετесουχος Πελμάσιος τοῦ X]-
οῦτον μητρὸς Θεnπεφερωτος ἀπὸ κώμης Κερκεσουχω(ν)

- [“Ορους X] συνκεχωρηκέναι μετὰ τὴν ἑαυτοῦ τελευταίην εἶναι
 [τοῦ X] . . ἂν δέ τις αὐτῶν μὴ περιῇ τὰ τούτου τέκνα ὡς καὶ
 εἶναι
- 5 [X] . . Κερκεσοῦχα “Ορους τὴν τε ἐν δυσι
 σφραγεῖσι κλήρου
 [X] ἱερᾶς γῆς ἀρούρης μιᾶς τρίτου τὸ ἐκ τοῦ
 πρὸς νότον μέρους
 [X] τον μέρος φοινικῶνος ἐκτολογουμένου
 ἀρούρης μιᾶς
 [X] ὥς ὑποκεῖται καὶ τὰ ὑπάρχοντα αὐτῷ ἐν τῇ
 κώμῃ μέρη οἰκο-
 [πέδων X] . τὰ ὑπάρχοντα παντοῖα καὶ ἐπίπλοα καὶ
 σκευὴ καὶ
- 10 [X ἥ καὶ ἔτ]ερα καθ’ ὃν δὴποτε οὖν τρόπον. τῇ δὲ θυγατρὶ
 Τα-
 [πετεῦτι X χωρὶς τῆς] αὐτῆς φερνῆς καὶ παραφέρνων, καὶ νυνὶ τὸ
 λοιπὸν
 [X] . . [. . .] σχοινισμοῦ τοὺς ποτισμοὺς
 ποιήσεται διὰ τοῦ
 [X] υ τοῦ δὲ Πετεσοῦχου ποιουμένου τὰς ἐχύσις
 τουτο
 [X] τος εἶναι καὶ τοὺς ὑπολελιμμένους ὡς
 πρόκειται φύνικας
- 15 [X] αὐλὴ τοῦ λεγομένου, τὸν δὲ ἕτερον κοινὸν
 ἀπὸ φοινίκων
 [X] . δὲ τῶν διατεταγμένων αὐτῇ ὡς πρόκειται
 φοινίκων
 [X] υ τοῦ φ[οι]νικ[ῶ]νος ἀρούρης τε[τρ]ακαιεξ-
 ηκοστὸ <ν> ἐν καὶ
 [X] Πε[τε]σοῦχον οὔσης τῆς τοῦ πατρὸς κηδ[ε]ῖ[ας]
 καὶ περιστολῆς
 [X]] ἐφ’ ὃν δὲ χ[ρ]όνον [πε]ρίεστιν ὃ [ὁ]μολ[ο]γῶν
 Πετεσοῦχος
- 20 [X κ]αὶ ὀλοσχη[ρῇ] ἐξο[υσία]ν οἰκονομεῖν πε[ρι]
 αὐτῶν ὡς ἂν αἰρήται.
 [X] οὐλὴ μετῶ[π]ω μέ[σω]ι. . (2d hand)
 Πετεσοῦχο[s] Πελεμ[άσιο]s ὁμολογῶ συνκε-
 [χωρηκέναι X] μου Πετε[σοῦ]χον καὶ Ταπετέα, ἂν δέ τις
 αὐτῶν μὴ περι-

30. Μεταόρπιος: on this deity, who occurs also in papyri of the Ptolemaic period from Tebtunis, see H. C. Youtie, "Critical Notes on Michigan Ostraca," *CP* 37 (1942) 148-49. In addition to the references given there see H. Bonnet, *Reallexikon der ägyptischen Religionsgeschichte* (Berlin 1952) s.v. "Gebet."

6

P. Mich. Inv. 5580B

16.7 x 9.1 cm.

Second century A.D.

This mutilated and defaced fragment came with the two fragments described in No. 2 above, but although it is also from a *donatio mortis causa*, it is not from the same document. No. 2 is more carefully written, but the hands are similar and we might not be able to distinguish two separate documents on that basis alone, especially since the handwriting often has a tendency to deteriorate toward the end of a document. The donor's name in No. 2 is Ptolemaios, while here it appears to be Peteeus; but again in this very careless cursive hand this not too secure reading is not decisive. But certainly from line 20 it is clear that here there is but one son who is to receive the property, while in No. 2 there are two sons.

The text is too defective to permit a detailed analysis of the terms of the agreement. The settlement of property is almost completely lost, but it includes land, a house and court, and personal property which is described in more detail than usual. In line 11 there is provision for the payment of debts that may still be due on the death of the donor. Lines 12–15 provide for the care of the son till he becomes of age and apparently stipulate that the mother may reside on the property with her son as long as she lives. Again as in No. 5 no other guardian is provided. Peteeus reserves control of the property during his lifetime (lines 16–17).

The names and signalments of the witnesses (lines 18–19) are followed by the subscription of Peteeus (lines 20–26) and by the signatures of the witnesses, who affix their seals (lines 27–30).

1–9 Only a few letters from the ends of the lines

- 10 [X] ριπην καὶ διφρον ξυλινὸν
 [X ἀποδ]ώσεως ὧν ἐὰν φανῇ ὀφείλων ιδιωτικῶν χρε-
 [ῶν X]. ἡλικίας καὶ τῶν ἀνηκόν-
 [των X]ς ἐξαλλοτριούσα
 [X]αν ὡς πρόσηκόν ἐστιν, τελοῦσα τὰ τῶν
 15 [X] ὃν περιῆ χρόνον σὺν τῷ υἱῷ ἐν τοῖς
 [X] δὲ χρόνον περιέστιν ὁ ὁμολογῶν Πεττεῦ(ς)
 [X ο]ικονομεῖν ὡς ἐὰν αἰρῇται. ὑπογραφεὺς Σαγάθης
 [X]. . . . Μαρεψῆμις Πακήβκιω(ς) ὡς ἐτῶν νη οὐλή ρινὶ

- [X] . . . "Ἡρῶν Κρονί(ωνος) (ὥς) (ἐτῶν) μς οὐλ(ή) πήχ(ει) δεξιῶι.
 Σωσικράτῃ(ς)
- 20 [X (2d hand) X συνκεχωρηκέ]νε μετὰ τὴν τελευτήν μου τῷ υεῖῳ
 [X] . . . ἀρροῦρῶν καὶ τῆς οἰκείας καὶ αὐλῆς
 [X] καὶ λήμψονται παρὰ τοῦ
 [X] καὶ μὴνίσκην χρυσοῦν τετάρτων τεσ-
 [σάρων X] ελεια δύο ὀλκῆς δρα-
- 25 [χμῶν X] ν κασιδηρεῖν καὶ δίφρον ξυλει-
 [νὸν X] Σεράπιδος. ἔγραψεν ὑπὲρ αὐτοῦ Σαγάθας
 [X (3d hand) X] μαρτυρῶ καὶ ἐσπράκται γλύμ<μ>ατα
 [X (4th hand) X κ]αὶ ἐσφράγισα γλύμματα "Ἰσι-
 [δος. (5th hand) X Σ]ούχου. (6th hand) 'Οννώφρις Πανήσις
 μαρτυρῶ καὶ σφράκκα.
- 30 [X (7th hand) X] γλύμματα 'Αρποχράτου. (8th hand)
 "Ἡρῶν

11–12. Cf. *PTebt.* 2. 381, 18–19: καὶ διευλυτώσει ὧν ἐὰν φανῇ ἡ Θαῆσις ὀφίλουσα ἰδιοτικῶν χρῶν.

25. κασιδηρεῖν: for κασιτερίνην.

26. Σεράπιδος: probably preceded by γλύμματι: the design on the seal of the testator.

27. ἐσπράκται: for ἐσφράγισται. The future tense is more commonly used, as in Nos. 4 and 5.

γλύμ<μ>ατα: for γλύμματι; so also in lines 28 and 30.

29. σφράκκα: for ἐσφράγκα.

Just as these documents are alike in form, an analysis of the texts shows that they are alike also in content. The donor, who is completely identified by age and signalment, makes a division of his property among his heirs, this division to take effect only after his death. The description of the property and the details of its distribution are followed by special stipulations covering various individual circumstances, such as the care of minor children, the support of the surviving wife, and the management of the property. Responsibility for furnishing a suitable burial for the testator is laid on one or more of the heirs. And finally the testator specifically retains control of the property until death.

A number of previously published *donationes mortis causa* are certainly of the same type as these Michigan documents. The most often cited is *BGU* 86 (= Mitteis 306), dated 155 A.D., from Soknopaïou Nesos, in which Stotoetis leaves his property to his two minor sons, for whom he designates his brother-in-law as guardian. His wife is to

receive support for as long as she lives and remains unmarried, and he himself retains control of the property until his death. He appends his subscription, and the document is attested by six witnesses. The bottom of the papyrus is broken off and the question of registration in the *grapheion* is therefore left open.

BGU 483, consisting of two much mutilated fragments, from the Fayum and dated in a year of Antoninus, is, as Kreller has pointed out, another example of a testament of this type. As published it appears to be in one hand throughout. If there is no change in the hand, it is probably a copy of the original document, since the alteration from the third to the first person in line 10 shows it to be an agreement with a subscription. The names and signalments of witnesses are given in lines 8-9, and part of one signature is preserved in line 14, which should be read σφραγ]ιδι γλύμματι Σαράπιδ[ος rather than]ρωι. λημματι Σαραπιδ[. There seems to be too little space for the signatures of the usual number of six witnesses. Part of a date remaining at the end suggests there was also a docket of registration in the *grapheion*.

SB 7559 (99 A.D.), from Tebtunis, is also a *ὁμολογία*, with the subscription of the testator, the signatures of six witnesses, and in this instance again with the note of registration. Thaisas, a freedwoman, divides her small property between her son and daughter, but retains control of it for as long as she lives.

The papyrus in Milan mentioned above,⁹ also from Tebtunis and dated in the year 138 A.D., exhibits the same characteristics. The body of the document is followed by the subscription of the donor and by the signatures of the six witnesses. It was also registered in the *grapheion*. There is provision for the division of the property between the heirs, with one son being disinherited; the burial of the father is to be fittingly carried out, and control of the property remains, as usual, in the hands of the owner until he dies.

Still another papyrus from Tebtunis, *PTebt.* 2. 381 (123 A.D.), is almost certainly to be classed with these, although the bottom of the document is broken off so that neither subscription nor witnesses' signatures remain. Most of the property is left by a mother to her daughter, who is to see that the proper funeral rites are performed, and who must also pay any debts that may be outstanding at the mother's death. The mother continues to exercise control over her property during her lifetime.

PTebt. 2. 517 (II A.D.) was not published in full by the editors.

⁹ See p. 136 and note 8, above.

Enough remains from the right side of the document to identify it as a *donatio mortis causa* with the subscription of the donor, but the bottom is also broken off and the witnesses' signatures, if there were any, are lost. The two defective texts, *PVars.* nov. ser. 6 (II A.D.),¹⁰ again from Tebtunis, and *PStrassb.* 122 (161–169 A.D.), from Euhemeria, probably belong with this group although the details of the transactions are obscure because of the condition of the papyri. *SB* 4322 (84–96 A.D.) is also too defective to permit analysis, but it seems to fall within this category.

The other documents referred to by Kreller and by Taubenschlag either show some significant variation that puts them outside the strictly limited group under discussion, or do not fall within the first two centuries of the Roman period. If we consider, then, only this limited group that consists of documents that are alike in form and content, we find that there are fifteen documents that may be reasonably judged to fall within the same classification. Of these the earliest is dated in the reign of Domitian (*SB* 4322) and the latest in a year of Marcus Aurelius (*PStrassb.* 122). It is worth noting that eleven of the fifteen documents were drawn up in Tebtunis. The point may not be particularly significant, and yet it is interesting to speculate whether this situation results from any cause other than mere chance.

SB 7559, dated 99 A.D., was registered through Lourios, who was at that time in charge of the record office of Tebtunis and Kerkesoucha Orous. No. 1 (P. Mich. Inv. 5589), dated in a year of Trajan, has the same docket. Two of the same witnesses appear in both documents and one of them, Sagathes son of Areios, who is thirty years old in *SB* 7559, is thirty-five in No. 1, giving us the approximate date of 104 for the Michigan document.

This Lourios is almost certainly the same as Lourios, also called Apollonios, well known from other texts, whose registration of a contract for the division of property in Tebtunis, *PTebt.* 2. 527,¹¹ dated 101 A.D., falls within the same period as No. 1 and *SB* 7559. The double name occurs again in *PFamTebt.* 21 (122 A.D.) and *PFamTebt.* 23 (123 A.D.).

¹⁰ G. Manteuffel, "Papyri e collectione Varsoviensi, series nova," *Jour. Jur. Pap.* 2 (1948) 81–110.

¹¹ A photograph of this very fragmentary text was kindly sent to me by the Librarian of the University of California Library, Mr. Donald Coney. From the photograph it is clear that the docket should be read: ἀνα[γ(ε)γραπται] δι]ὰ Λουρίου τοῦ καὶ Ἀπολλωνίου τοῦ πρὸς [τῶι γραφεῖ]ωι Τεβτύνεως καὶ Κερκεσοῦχ(ων) Ὀρους, thus eliminating the καὶ read by the editors before Τεβτύνεως. One record office served the two villages in both the first and the second century; cf. the dockets in *PFamTebt.* 21.36 and 23.30, as well as the heading of the ἀναγραφὴ, *PMich.* 2.121V.1.2.

In *PFamTebt.* 27 (132 A.D.) the single name, Lourios, is again used.¹² That Lourios was dead by 150 A.D. is clear from *PSI* 10. 1124, in which his widow, acting with her son Apollonios, makes an application for a lease of land. A grandson, Achilleus, son of this Apollonios, was *nomographos* in 173 A.D. (*PSI* 10. 1105) and was still living in 189 A.D., at which time he made a census declaration (*PTebt.* 2. 322).

Lourios, also known as Lourios Apollonios, was therefore in charge of the record office in Tebtunis for some thirty-five years, from the last decade of the first century to nearly the middle of the second quarter of the second century. And it is probable that his grandson, Achilleus, occupied the same post in 173 A.D.,¹³ with some other incumbent, perhaps of the same family, holding it during the intervening period. This situation would be analogous to that which existed in the first century in this same village, when Apion conducted the record office from at least 7 A.D. to 25 or 26 A.D., and on his death was succeeded in the discharge of its duties by his son Kronion, who carried on the work until about 56 A.D.¹⁴

The eleven papyri from Tebtunis in which these *donationes mortis causa* were included were offered together for purchase, and we may assume with reasonable justification that they came originally from a single find. Since there is no relationship between the individual documents except the place of their execution, it is likely that the source was the record office itself, operated in all probability in the family home first by Lourios Apollonios and then by other members of his family.

The suggestion that these papyri formed part of an archive in the house of Lourios Apollonios receives some support from P. Mich. Inv. 5582, which was received in the same purchase. This papyrus contains a property declaration for the year 100/1 A.D., made by Didymos, son of Herakleides also called Lourios. Herakleides Lourios was a member of a prominent family in Tebtunis known from a number of documents in the first-century archive from that village.¹⁵ Although one must always use caution in identifying persons in the papyri from the identity of names, the name Lourios is not a common one, and the combination of Lourios with Herakleides and the provenance and dates of the docu-

¹² Possibly *PFamTebt.* 25.13 (129 A.D.) could also be read: [διὰ Λ]οῦρ[ι]ου νομογράφου.

¹³ On the connection between the *nomographos* and the *grapheion* see *PMich.* 5, pp. 1-3.

¹⁴ See note 13 and E. M. Husselman, "Two New Documents from the Tebtunis Archive," *TAPA* 81 (1950) 69-77.

¹⁵ See *PMich.* 5, pp. 17-18.

ments suggest that Herakleides Lourios of the first-century documents was the father of Didymos of 100/1 A.D. It is not unreasonable to conjecture that this Didymos, who would probably have been well on in years at the time the property return was made, was a member of the same family as Lourios Apollonios, probably of the preceding generation and possibly even his father.

If then the record office of Tebtunis was operated by members of a single family during the period from which most of these *donationes mortis causa* come, the predominance of Tebtunis as the source of documents of this specific type may be explained as the result of a chance find of a semi-public archive belonging to a clerk or family of clerks who had a preference for wills drawn up in this particular form. It would naturally have no legal significance, but throws some additional light on procedures in government offices in the villages of Graeco-Roman Egypt.