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TYCHE

Beiträge zur Alten Geschichte
Papyrologie und Epigraphik

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Papyrologie und Epigraphik**

T Y C H E

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GIULIO IOVINE

Three Latin Business Documents from the *Papyrussammlung*
of the Austrian National Library at Vienna
(ChLA XLIV 1296; 1310; 1303 + XLV 1348)*

Plates 11–12

The Latin or bilingual papyri preserved in the *Papyrussammlung* were bought between 1881 and 1882 from an antiquarian market in Egypt; the only thing certain about their provenance is that they come from that province, probably from the Fayyum¹. Within this large *corpus* lie three unpublished papyri, dated to the 3rd century AD, which can be classified as private contracts: two of them are acknowledgments of loans, whereas the third appears to record a purchase of some sort. The *Chartae Latinae Antiquiores* offer an image and a brief description for the three of them, but no edition. The present contribution will offer an annotated edition of them, thus increasing the number of Latin samples of legal documents.

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¹ See H. Loebenstein, *Vom „Papyrus Erzherzog Rainer“ zur Papyrussammlung der Österreichischen Nationalbibliothek. 100 Jahre Sammeln, Bewahren, Edieren*, in: *Festschrift zum 100 jährigen Bestehen der Papyrussammlung der Österreichischen Nationalbibliothek* (P.Rainer Cent.), Wien 1983, 3–39; 4. See also 24–25 for a complete account of the 'Lateinischer Bestand'.

1. Acknowledgement of debt (*ChLA* XLIV 1296²)*P.Vindob.* L 70

5.5 × 10 cm

early III AD

Arsinoites or Heracleopolites?

Pl. 11

A small scrap with portions of five lines, written on the *recto*; the *verso* is blank. The lower margin (4.5 cm) is visible. The first three Latin lines (ll. 1–3) are followed by two lines in a very informal Greek majuscule slanting to the right (the opposite of the Latin lines, which are decidedly sloping to the left) written with a more broadly pointed pen which produced thicker ink. The module of the Latin and Greek letters is more or less the same (0.2 to 0.5 × 0.7/0.8 cm), and so is the writing space (0.7/0.8 cm); the vertical stroke of *h* is 1 cm. The Latin script is an ancient Roman cursive. *L* (l. 3) and *t* (l. 2) bear ornamental strokes at the bottom, as well as *h* (l. 2) at the top; the circular section of *d* (l. 3) is oval and slants to the right, while its upright stroke is oblique and detached from the circle. A very close comparison can be made with *P.Dura* 55³, fr. B (about AD 218–220), particularly with *c*, *o* (high on the writing space) and the junction stroke between *o* and other letters. For this specific type of *d* (also in ligature with *i*), one will see *ChLA* X 410⁴ (AD 192–196). This writing can also be loosely compared to the hands on *ChLA* VI 314⁵ (see *a*, *l*), 82 and 125, dated back to the mid-3rd c. AD; other comparisons will be found in *ChLA* X 408⁶ (2nd–3rd c. AD: see letter *h*) and in *P.Oxy.* VIII 1114⁷ (AD 237), whose script is also slanting to the right. To conclude, this manuscript may have been produced in the early 3rd century.

→ 1] . . . [
 2]ocuratori hē . [
 3] . ut dilatio[
 4]δωροϛ δε . [
 5] . ακα . [
 — — — — —

Formulaic parallels suggest that this document is an acknowledgment of debt, where a debtor states the entity of his debt and undertakes to pay it back; it may have been in epistolary form. The first subscription, clearly from a βραδέως γράφων, would probably have been by the debtor's own hand, although one cannot know whether the name ending in -δωροϛ was the debtor's name. A striking parallel is *P.Fouad* I 45, a Latin acknowledgment of debt⁸, where all these three elements seem to appear: ll. 7–9 *cum usuris legitimis* | [*tibi aut p*]rocuratori herediue tuo qut ad quem | [*ea res*] pertinebit sine controuersia et | [*spe fut*]uræ di[*la*]tionis, and from l. 13 on, Greek subscriptions.

² = TM 70083.

³ = *ChLA* VI 310 (= *ChLA* XLVIII 310), TM 44774.

⁴ = *ChLA* IV 228 + X 410 recto [= XLVIII 410 recto] + XVIII 663, TM 63048.

⁵ = *P.Dura* 59 (= *ChLA* XLVIII 314), TM 44781.

⁶ = *P.Berol.* inv. 6101 (= *ChLA* XLVIII 408), TM 69911.

⁷ = *ChLA* XLII 1207, TM 21736.

⁸ = TM 20991.

1. Perhaps]*dīa*[can be read here.

2. The formula *procuratori herediue tuo* could be easily accommodated with l. 2 (*pr*)*ocuratori her[edi]*. *Procurator* is in fact a rather generic term, which often appears in business contexts: opening of wills, for instance, and acknowledgment of debts⁹. One cannot rule out, however, a different interpretation of l. 2 (*Jo curator*), which would then involve the presence of a *curator*, also attested in civil¹⁰ and military¹¹ contexts.

3 *J aut* is possible. The word *dilatio* ‘postponement’, ‘adjustment’ is very seldom attested in papyri: an imperial rescript¹² and the aforementioned acknowledgment of debt *P.Fouad* I 45, where the debtor states that he will give the sum back without asking for postponement¹³. Also *J aut dilatio[nis ... spe* may be thought of. One may point out that the original lines of this document must have been rather long, otherwise one would expect the date, not the formula *procuratori* etc. (which in the Fouad papyrus is in the middle of the document), to be so close to the subscriptions. It is possible that immediately after the mention of *dilatio* at l. 3 the date and location of the contract were provided.

4 Perhaps δεκ[.

5 At the beginning of l. 5 one may see a small circle in the upper part of the writing line: *rho* is possible. Two strokes appear after κα: the first is an almost complete upright, and looks like *iota*, whereas the second survives only at its bottom, which appears to be slightly oblique. One may supplement]ρα καὶ ᾧ[ποδώσω: see *P.Fouad* I 45 l. 16 [κ]αὶ ἀπ[ο]δώσω καθὼς πρόκειται.

⁹ *P.Mich.* VII 438 (AD 140, TM 69901) ll. 5–6 *quos tibi re]ddam stipendiō ac[c]ept[o ... aut procuratori herediue [tuo and P.Mich.* VII 445 + inv. 3888c + inv. 3944k, two acknowledgments of debt (for the latter, dated to the late 2nd c. AD, see A. Bernini, *Un riconoscimento di debito redatto a Colonia Aelia Capitolina*, forthcoming in ZPE); *ChLA* X 412 (AD 131, TM 69914), l. 14 *mei procuratorem* (opening of a testament); *T.Mich.* VII 437 (2nd c. AD, TM 78522) fr. B l. 3 *pro]c[u]ratoris mei* (fragment of a testament); *BGU* II 628 verso (late 2nd – early 3rd c. AD, TM 69918) l. 20 *n]eque procuratorem [ne]que emptorem t[ri]butorum esse* (edict on veterans); *CPL* 214–215 (AD 170, TM 9922) ll. 1–3 *Valeria Serapias Antinoi virgo | per procuratore<m> L(ucium) | Val(erium)* (acceptance of inheritance), etc.

¹⁰ For private *curatores* see e.g. *T.Mich.* VII 168 (AD 145, TM 21332) ll. 10–11 *Semp[ronius Valens ap[sens per suorum bonorum] curatorem C(aium) Semp[ronium]*, *P.Ryl.* IV 610 (AD 223, TM 18351) l. 3 *[per me cur(atorem) Tiberium] Horionem*, *P.Harrauer* 46 (AD 332, TM 78302) l. 12 *ut constitu]ant pupillis tutorem sive curatorem et satisfactione completa denuntia* etc.

¹¹ For the military title *curator* see H. Cuvigny (ed.), *Didymoi. Une garnison romaine dans le désert oriental d’Égypte. Praesidia du désert de Bérénice IV. II. Les Textes*, Cairo 2012, 15. See also *O.Did.* 36 (AD 220–240, TM 144603) *Leonti curat<or>i praesidi*, or 334 (AD 88–96, TM 144897) ll. 2–3 *ut Lo(n)gino curatori{u} et | Antoniu sixoplilo (I. Antonio sesquuplicario)* etc.

¹² *ChLA* XVII 657 = *CPL* 243 (AD 436–450, TM 69999), dated 436–450: see ll. 14–16 *[et si res ad iurisd]ictionem suam pertineret | [praefatum Isidorum a]d solutionem debiti uix tandem sine ulla uana dilatione | [cum petitore celebrandam iu]xta legum tenorem const[ringi]*.

¹³ In fact, the imperial rescript also appears to be about repayment of debts (or rather, illegally acquired sums): for a full commentary, see Th. Mommsen, *Fragmente zweier lateinischer Kaiserrescripte auf Papyrus*, in: id., *Gesammelte Schriften. Juristische Schriften III*, Berlin 1905, 342–357, notably 354–356.

2. Legal contract in epistolary form (*ChLA* XLIV 1310¹⁴)*P.Vindob.* L 86

10.6 × 11.5 cm

May, AD 206 or 227

Arsinoites or Heracleopolites?

Pl. 12

A small scrap, particularly ridden with holes. The *recto* has been written across the fibres, i.e. *transversa charta*. It contains the opening of seven Latin lines, followed by a horizontal stroke of the pen and the remnants of two Greek lines, written by perhaps more than one hand, and most probably subscriptions. The left (3.5 cm) and upper (2 cm) margins are both visible; according to the *ChLA*, also part of the lower one is visible (p. 57); in fact, the space below [. . .]ατ . [appears to have been blank. On the *verso*, written along the fibres, at first glance completely empty and therefore not mentioned in the *ChLA*, one can see an almost faded string of letters (the name of a recipient?), and some faint traces of ink in the middle of the page¹⁵. The script is a Roman ancient cursive, only slightly sloping to the right, whose regular magnitude and strokes seem to suggest a rather trained hand. Since the papyrus is to be dated to the beginning of the 3rd c. AD (see below), parallels will be sought in contemporary manuscripts. In particular, one may notice the long stroke of *a* at l. 2 and *m* at ll. 2, 7 to appear also in *P.Oxy.* IV 720¹⁶ (AD 247); the *b* drawn in one stroke only, sloping to the right, with open circle and its right stroke crossing itself (*P.Dura* 60¹⁷, AD 208); a tall *e* with a small circular bottom (*ChLA* X 408¹⁸, 2nd–3rd c. AD); and, although there is no regularity in drawing *n*, the same *ChLA* X 408 and *P.Oxy.* VIII 1114 preserve a very similar *n* to the one in l. 4. *Spatia vacua* are employed at ll. 2–3. Two particular features link this papyrus to an earlier manuscript, *SB* XX 14631 (AD 138)¹⁹: a remarkable *ekthesis* at l. 1, and the fact that letters at the beginning of a word (l. 2 *Aetio*, l. 3 *salutem*, *ri* . [) or of a line (l. 4 *-sonis*) tend to be consistently larger and more developed in ornaments than the others.

↓ 1 Ιυ[liu]ς Sarapamm[on
 2 Aetio Sm [
 3 salutem. Ri . [
 4 sonis uiri co[
 5 quinque plene . . . [
 6 i . . . [
 7 Maias, [A]lbino et Aē[miliano

¹⁴ = TM 70097.

¹⁵ One must note an oddity in the overall status of this fragment. The right portion of ll. 6–8 are provided by a smaller scrap, which joins the greater part of L 86 without material junction. Although the alignment seems correct overall, at l. 8 one can see between the last *sigma* of ιουλιος and the first of σαραπαμμ[the dot-like remnant of what seems to be the right edge of a circle, peculiarly fit to be a portion of the very last *sigma* of ιουλιος, which survives only in its left edge. One could perhaps better reconstruct the sequence of letters in l. 8, with no harm done to the original layout of the text, by drawing the inferior portions of the two scraps, which form L 86, closer together.

¹⁶ = TM 20419.

¹⁷ = TM 44782.

¹⁸ = *ChLA* XLVIII 408, TM 69911.

¹⁹ = *ChLA* X 421, TM 23775.

8 Ἰούλιος . Σαραπάμμ[ων
9 [. . . .]ατ. [
 _ _ _ _ _

verso

→ 1 [.] . . [. . .]

8. 1. Ἰούλιος

This papyrus can be identified as a legal contract in the usual epistolary form. One may see the expected features of this typology — i.e. the sender's name, the recipient's name, and *salutem* — at ll. 1–3, which must have constituted the beginning of the document²⁰. It seems hard to understand the content of the contract: no significant words in this respect seem to survive. One must bear in mind that the declarer *Iulius Sarapammon*, mentioned at ll. 1 and 8, has not written the document by his own hand: the first subscription, which preserves his name, suggests that he was a Greek native speaker and βραδέως γράφων. The closest parallels are *P.Fouad* I 45 and *P.Mich.* VII 438: *Antonius Heronianus* is the professed debtor in both contracts (l. 1), but his hand only comes out when he subscribes the deed, in a rather informal Greek script.

1 There is no record of a *Iulius Sarapammon* in the extant papyrological evidence. However, Greek people with a Latin *nomen* and the *cognomen* *Sarapammon* are widely attested in Egypt²¹. Between ll. 1–2, in the right edge of the papyrus, one can see the bottom of an oblique stroke, trespassing the writing space from below: perhaps part of the ornamental stroke of a letter at l. 1.

2 Also the *nomen* *Aetius* is attested, although seldom, in papyri²². What follows was probably his Greek name, of which only the first two letters (*sm*) can be safely read²³.

3 From the top of *i* a horizontal stroke departs: it may be the beginning of *a* or *r*, but traces are too scanty to be more precise.

4 For the partially preserved word *-sonis* one may tentatively think of *Na]/sonis*, a Latin name which seems to appear in some Latin papyri from Dura Europos and is attested in Egypt²⁴. The presence of what probably is the genitive *uiri* immediately after *-sonis* leads to think to this

²⁰ One might see on the *verso*, though almost entirely lost, the dative of the recipient.

²¹ See e.g. Αὐρήλιος Σαραπάμμων in *BGU* VII 1695, *addendum*, l. 11, 15 (AD 157, TM 69750); Αἴλιος Σαραπάμμων in *PSI* VIII 928, l. 3 (2nd–3rd c. AD, TM 17591); Τίτος Αἴλιος Σαραπάμμων in *SB* IV 7360, ll. 18–19 (AD 214, TM 14013), Αὐρήλιος Κλαύδιος Λυκαργίων ὁ καὶ Σαραπάμμων in *P.Oxy.* LI 3615, ll. 1–2 (AD 214–248, TM 15350) etc.

²² See *Aetius Germanus* (*centuria*) *Aquiti* in *ChLA* XI 505 (AD 88–90, TM 69991), fr. A, l. 12: a Roman soldier, as also *Iulius Sarapammon* may have been.

²³ One could be tempted to read *Sm̄ar[agdo*, as *Σμάραγδος* is in fact an attested name in Roman Egypt. See e.g. *P.Oxy.* III 472 (AD 131, TM 20607), *BGU* II 388 (AD 157–159, TM 20156), *P.Oxy.* XVI 1911 + *SB* XXIV 16324 (AD 557, TM 22041).

²⁴ *Naso* is a centurion in the garrison stationed at Dura Europos: see *P.Dura* 107, l. 6 and *passim* (AD 240–241, TM 44839); *P.Dura* 112 *verso*, l. 2 (AD 241–250, TM 44844); *P.Dura* 113 fr. A+B+C, l. 10 (AD 230–240, TM 44845). One can also see a *Naso* ἐπιστρατηγὸς Ὀηβαΐδος in AD 111 (see *PIR*² N 31).

section of the text as syntactically linked: *Na]/sonis uiri + cof*, which may conceal some kind of title to integrate *uir*²⁵.

5 The figure *quinque* and the adjective (?) *plene* must have been followed by the name of an item, which is unclear.

6 This line is particularly difficult to decipher. The first two letters are in the lacuna at the beginning of the line: one can see the upper portion of what may be an *f* or an *i*, and then some scanty traces on the edge of the lacuna, which point out to a circle (*o*?). Three completely visible letters then come, but the ligature makes it difficult to distinguish them: perhaps *ytt*, or *ytr*, or (less likely) *tta* are to be read. The subsequent lacuna probably contains two letters: the first may be an *n* (but one would expect the second oblique stroke — the one pointing downwards — to be lower in the line), and the second a forked *e* at the end of a word. The clearest letter, an *i* in the middle of the line, might represent a figure. The following letter consists in a long oblique stroke, finely ornamented at the top, and with a horizontal stroke springing from its middle portion: *k* or *h* are possible, but there is no certainty; one can only think that a new word began with this letter. The bottom of an oblique stroke, pointing upwards, can be eventually seen before the lacuna.



7 This line and the preceding one provided the place and date of the contract in the original document. Only the consular couple and the month (May) survive. The sequence *et̄ae[* at the end of the line points to two possible consular couples: *Marcus Nummius Umbrius Primus Senecio Albinus* + *Lucius Fulvius Gavius Numisius Petronius Aemilianus* (AD 206) and *Marcus Nummius Senecio Albinus* (son of the aforementioned *Albinus*) + *Marcus Laelius Fulvius Maximus Aemilianus* (AD 227). Both dates are possible; AD 206 appears several times in Latin papyri and is phrased in the following manners: *ChLA XLIV 1316 recto*, l. 6 *Albi]no et Aemil(iano) co(n)s(ulibus)*²⁶; *P.Ant. I 41 recto*, l. 4 *Albi]no et Aemil(iano) co(n)s(ulibus)*²⁷; *P.Dura 100*, col. XXVIII, l. 13 *Albino et Emelia]no co(n)s(ulibus)*²⁸; *P.Dura 101*, col. XXIII, l. 6 *[Albino et Aemiliano c]o(n)s(ulibus)*²⁹. It must be remarked that the year 206 is also attested in *P.Mich. VII 451*, l. 7³⁰, but instead of *Albinus* the scribe has employed one of his preceding *cognomina*: *Prim[o et Aemiliano co(n)s(ulibus)]*. A similar event occurs in *P.Dura 69 fr. b*, l. 5³¹, where the scribe signals AD 227 with the formula *Albino et Max[imo consulibus* (not with *Albino et Aemiliano*).

²⁵ Though it is no more than a guess, one may point out the possibility of *consularis* but this high senatorial rank seems hardly plausible in this context.

²⁶ AD 217, TM 70103. Editors construe *Aemil* as *Aemil(io)*, but since *Maximus* occurs at l. 11, and *Aper* and *Maximus* were consuls in AD 207, *Aemil(iano)* may be a better interpretation.

²⁷ AD 219–222, TM 30482.

²⁸ AD 219, TM 44832.

²⁹ AD 222, TM 44833.

³⁰ = TM 78529.

³¹ = *ChLA VI 324*, AD 235–238. TM 44798.

verso

1 Only a few scattered strokes of ink survive. The last three letters might be Greek (cηι) and signal a name in dative case (the addressee of the contract?), but there is no certainty.

Some considerations on the form of the documents

The two Viennese papyri seen so far share four key features: (1) a professional scribe (or a literate bystander) is employed to draw the Latin text; (2) witnesses are present, as one can infer from the subscriptions; (3) the witnesses and the main actors of the contract are Greek native speakers (and βραδέως γράφοντες); (4) the nature of the document, if not always clear, is at any rate legal. The aforementioned *P.Fouad* I 45 appears to be the closest parallel for them all. *P.Mich.* VII 438, another Latin acknowledgment of debt, though belonging to the same context (*Antonius Heronianus* is the main actor of both documents), bears only his own subscription. One might also include the epistolary form as a feature; but this is shared only by L 86, and — however likely — cannot be granted for L 70.

P.Fouad I 45 is included in that particular section of *FIRA*, collected by Arangio-Ruiz, which is devoted to loans (*pecunia credita*)³². It is described as a “mutuum inter cives romanos ad chirographi formam redactum”³³; in fact, its clear epistolary nature (l. 3 *salutem*), the formulas employed (*fateor* = ὁμολογῶ etc.), its content (the acknowledgment of a debt), and the definition it is given by one of its Greek subscribers (l. 21 χιρογράφου) remind the reader of the common Greek χειρόγραφον³⁴. *ChLA* XLIV 1296 and 1310 may therefore be added to the short list of Latin *chirographa* on papyrus or tablet, which is given by Platschek³⁵. A remark, however, must be made as regards to the documentary typology of the Viennese papyri.

Within Platschek's list, only *AE* 1992, 1139, *P.Mich.* III 161 and *P.Mich.* VII 445 + inv. 3888c + inv. 3944k are proper Roman *chirographa*, sharing the typical features of this document as described by Amelotti and Purpura³⁶: the date at the beginning and

³² V. Arangio-Ruiz (ed.), *Fontes iuris Romani antejustiniani in usum scholarum. III. Negotia*, Firenze 1969 (2007), 391–400 (nn. 120–127).

³³ *FIRA* III 121, 391–393.

³⁴ See a brief account in O. Montevecchi, *La papirologia*, Milano 1988 (2008), 198–199, and some recent research in U. Yiftach-Firanko, *The Cheirographon and the Privatization of Scribal Activity in Early Roman Oxyrhynchus*, in: E. Harris, G. Thür (ed.), *Symposion 2007. Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Durham, 2.–6. September 2007), Vienna 2008, 325–340.

³⁵ See J. Platschek, *Das Edikt de pecunia constituta. Die römische Erfüllungszusage und ihre Einbettung in den hellenistischen Kreditverkehr*, München 2013, 249–253. The items on his list are *ChLA* XLV 1340 (AD 27, TM 16273), *AE* 1992, 1139 (AD 83), *T.Vindon.* 3 (AD 90, TM 130492), *P.Mich.* III 161 (2nd c. AD, TM 69895), *P.Mich.* VII 438 (AD 140), *P.Fouad* I 45 (AD 153), *P.Mich.* VII 445 + inv. 3888c + inv. 3944k (AD 160, TM 69890: Platschek only mentions *P.Mich.* VII 445; see the already quoted Bernini, *Un riconoscimento* [n. 9]), and *P.Mich.* VII 435+440 (AD 162, TM 69887).

³⁶ M. Amelotti, *Συγγραφή, χειρόγραφον* – testatio, chirographum. *Osservazioni in tema di tipologie documentali*, in: L. Migliardi Zingale (ed.), *Mario Amelotti. Scritti giuridici*, Torino

subjective but not epistolary form (*scripsi*). Although this kind of document had a clear Greek origin, in the aforementioned cases it had acquired some typical features of Roman acknowledgments of loan. Subscribers were probably present in the first two documents, as they are undoubtedly present in the third, a papyrus from *Aelia Capitolina*/Jerusalem. *T.Vindon.* 3 looks more like a *stipulatio*, even if it clearly consists of an acknowledgment of debt, and is akin to documents such as *FIRA* III 122, 123; a similar formula also appears in *P.Mich.* VII 438. The recently found London tablets, datable to the mid-1st c. AD, have offered several documents that can be added to this list³⁷. The remaining items from Platschek's list — *ChLA* XLV 1340, *P.Mich.* VII 438, *P.Fouad* I 45 and *P.Mich.* VII 435 + 440 — are all from Egypt (whereas the three Roman-type *chirographa* were all written *outside* Egypt), and have been drawn up in a military context with the typical features of the Greek χειρόγραφον: epistolary form and the date at the end. A third feature, the absence of subscribers, was allegedly no longer a strict requirement for the Greek χειρόγραφον of Roman age³⁸; subscribers are certainly present in the Fouad papyrus.

This being the case, only *ChLA* XLIV 1310 can be classified as a Greek χειρόγραφον in Latin language, as it is clearly written in epistolary form. On the other hand, *ChLA* XLIV 1296 might have been a Greek χειρόγραφον in Latin language as well as a proper Roman *chirographum*: too little has survived of the original papyrus for us to determine its nature.

One may wonder why these two χειρόγραφα were written in Latin. When purchases, loans, or anyway business problems were dealt with, Roman citizens were allegedly allowed to resort to local law and procedures³⁹. Latin language and Roman law were

1996, 129–136 [reprint from G. Nenci, G. Thür (ed.), *Symposion 1988. Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Siena, Pisa 6.–8. Juni 1988), Cologne, Vienna 1990, 297–304], 135–136. A brief sketch of this documentary typology is also given by G. Purpura, *Diritto, papiri e scrittura*, Torino 1999, 192.

³⁷ R. S. O. Tomlin, *Roman London's first voices: writing tablets from the Bloomberg excavations, 2010–2014*, London 2016, particularly tablets <WT44> (pp. 152–155), <WT45> (pp. 156–159), <WT50> (pp. 168–169) and <WT53> (pp. 176–177), perfect samples of a Roman *chirographum*. One ought to remark a recurring formula in <WT54> l. 10–11 [*eiue*] *a[d] quem ea res* | [*pertinebit*] (pp. 176–177) and <WT55> l. 8 *eiue ad quem ea res pertinebit* (pp. 178–179).

³⁸ According to Yiftach-Firanko, *Cheirographon* (n. 34) 326, a typical feature of the χειρόγραφον in Ptolemaic Egypt, when this document was used in its original sense, was the absence of witnesses: “the *chheirographon* [...] does not report, before the Byzantine period, where it was composed or by whom; nor does it report the presence of witnesses”. However, this situation was dramatically altered in Roman and Byzantine Egypt, when scribes began to use the formulas of the *chheirographon*, which for this very reason, according to Yiftach-Firanko, ceased to be an entirely private act. He also points out that in a handful of cases witnesses are in fact documented, and quotes the already mentioned *P.Fouad* I 45 (*ibidem*, n. 5); others are *P.Dura* 20 (AD 121, TM 17218), *P.Yadin* I 11 (AD 124, TM 23489), *P.Yadin* I 17 (AD 128, TM 23497), *P.Dura* 22 (AD 133, TM 17219), *P.Dura* 23 (AD 133, TM 17220), *SPP* XXII 53 (AD 149, TM 15122).

³⁹ This is the core argument in C. Ando, *Legal Pluralism in Practice*, in: C. Ando, P. du Plessis, K. Tuori (ed.), *The Oxford Handbook of Roman Law and Society*, Oxford 2016, 283–293.

required — and apparently, constantly employed — only for inheritance, family, and status. The Arsinoite nome, where the Viennese papyri here published come from, was inhabited by a number of Roman citizens, mainly veterans, who regularly had testaments, *manumissiones*, *testationes* and *professiones* drawn up in Latin⁴⁰; but when it came to business, they employed Greek documents and language⁴¹, and if they had needed a *chirographum*, one expects they would have had it drawn up entirely in Greek. A likely reason for using Latin language for *ChLA* XLIV 1296 and 1310 might be that they were written, like all the other Greek χειρόγραφα written in Latin quoted above, in a military context, rather than a civil one. Although private business in the Roman army could be — and frequently was — dealt with in the native language of the actors⁴², one also finds Latin in some occasions⁴³, and Latin-speaking scribes were always available in a military unit. Therefore, *ChLA* XLIV 1296 and 1310 might have been written in a military context and kept as record by soldiers or veterans that had them drawn up while in service.

Further arguments may come from *Iust. D.* 21 2,6 (Gaius *ad ed. provinc.* 10) *si fundus venierit, ex consuetudine eius regionis in qua negotium gestum est pro euictione cauere oportet*; 50 17,34 (Ulp. *ad Sab.* 45) *semper in stipulationibus et in ceteris contractibus id sequimur, quod actum est: aut, si non pareat quid actum est, erit consequens, ut id sequamur, quod in regione in qua actum est frequentatur. Quid ergo, si neque regionis mos appareat, quia uarius fuit? ad id, quod minimum est, redigenda summa est*; 50 1,27 (Ulp. *ad Edict.* 2) *si quis negotia sua non in colonia, sed in municipio semper agit, in illo uendit emit contrahit, <in eo> foro balineo spectaculis utitur, ibi festos dies celebrat, omnibus denique municipii commodis, nullis coloniarum fruitur, ibi magis habere domicilium, quam ubi colendi causa deuersatur.*

⁴⁰ Latin wills from Arsinoites are attested: see *BGU* VII 1696 (2nd c. AD, TM 69751), *P.Diog.* 10 (AD 211, TM 10689). Roman citizens from other Egyptian regions are known to have resorted to them: see a full account in M. Amelotti, *Il testamento romano*, Firenze 1966, and a collection of samples in L. Migliardi Zingale, *I testamenti romani nei papiri e nelle tavolette d'Egitto: silloge di documenti dal I al IV secolo*, Torino 1997. Birth certificates of legitimate (*professiones*) and illegitimate (*testationes*) children are attested too in Latin documents from Arsinoites: see for instance *T.Mich.* III 166 (AD 128, TM 78515), *BGU* VII 1692 (AD 144, TM 69747), *T.Mich.* III 169 (AD 145, TM 11979). *Manumissiones* are instead quite infrequent among Latin documents from all Egypt: only *Chrest.Mitt.* 362 (AD 221, TM 23523) is in Latin. Documents related to a *manumissio* might be found in *P.Wisc.* II 50 (AD 165, TM 15894), whose origin is, however, unknown so far.

⁴¹ See for instance *P.Mich.* IX 554 (AD 93, TM 12047), *PSI* VII 738 (AD 100, TM 13789), *BGU* I 300 (AD 148, TM 9043), etc.

⁴² See *PSI* IX 1063 (AD 117, TM 17472), *P.Dura* 26 (AD 227, TM 17223), *BGU* I 316 (AD 359, TM 20204), etc.

⁴³ See the *emptio pueri* in *ChLA* III 200 (AD 166, TM 11654), or the purchase of a horse in *PSI* VI 729 (AD 77, TM 70005), etc.

6 Lic]ini Gallieni German[ici
7 A]ug(usti)

8] .c Πτολει .[
9] . [. . .] που[
— — — — —

frg. b

↓ 1] .eius .[
2] . . l . sex [.
3] .setis .[
4]tati[
5]edoni . [.
6] .caesa . [.
7]çima . .[

8] .ουπ .κ . [.
9] .μεν[
10 ά]ργυρίου [.
11] .α . . [.
12] . . . [.
— — — — —

Given its scanty remains and the absence of characteristic formulae, there is no certainty as to the content of this document. Probably its most noteworthy element is that it preserves the remnants a dating formula. Ll. 5–7 clearly show that the document was written during the 7th consulship of Emperor *Gallienus* and the 1st of *Sabinillus*, AD 266. The name of the Emperor, probably following the regnal year, can be read at l. 6, and the imperial dating formula certainly ended at l. 7 with *A]ug(usti)*. A notable parallel can be found in *P. Oxy.* XLI 2951⁵² ll. 15–18 (written only one year later, in AD 267)⁵³. It is perhaps possible to spot some remnants of the same dating formula in *b*, even if badly preserved and less safe: *Caesar[is* (l. 6), *Max(-)*. [or *Maxi[mi* (l. 7).

frg. a

1 An *Je[* or a *Jq[*.

2 Traces might support *Jç. still[* or *Jg. stil[*: almost nothing survives of the letter before *still[* but a faint, dot-like trace in the middle of the writing line. Perhaps *ç* is to be read. Instead of *l[*,

⁵² = TM 16515.

⁵³ *Actum in hibe[rnis] leg(ionis) II Tr(aianae) Fort(is) Germ(anicae) Gallienae VII Kal(endas) Iun(ias) / Paterno et Arcesilao co(n)s(ulibu)s, anno XIII Imp(eratoris) Caes(aris) Pupli / Licin[ni] Ga[l]l[ien]i Germanici Max(imi) Persici Max(imi) Pii Felic(is) Aug(usti) / menşę Paunı dię İ.*

cl might be thought of, even if one would expect it closer to the bottom of the writing line. The presence of *equites* (*eqq*) is an argument in favour of a military context of this document.

3 The first letter of *et* is particularly damaged by the loss of ink; it may also be *ς*, but the reconstructed sequence (*sextast*) would make no apparent sense. After *eius* one is tempted to read *hoc*: the upper portion of the second vertical stroke of *h* might be visible, and after it an oval letter. However, other *o*'s in the papyrus are located in the middle of the line and are more circular (l. 5 *Sabinillo*); *hec* could be read as well, but is less satisfactory in sense.

4 Most of the line is vanished. One may perhaps spot the name *Antist[i]us*. This name is attested in Roman Egypt at various stages: see e.g. *O.Heid.* 429, 430⁵⁴ (3rd c. AD), where the *imaginer* *Antistius Valens* is the addressee of two Greek letters.

8 In Πτολει. [one may read Πτολείω[ν (either the nominative or any inflected form), also attested in Roman Egypt in a few instances⁵⁵.

frg. *b*

2 The second uncertain letter is a circular stroke in the middle of the writing line; it could be *o* or *υ*. If *o*, the presence of an *interpunctum* after it and before *sex* could be understood as an abbreviation mark: one might have e.g. *drachmas P]tol(emaicas) sex* . [⁵⁶, or] *çol(umna)*⁵⁷, or even *çol(lega)*⁵⁸, and after that a name (perhaps *Sext[us]*?).

5 Since one does not usually find *donum* in Latin papyri, the name *Macedo*, attested both for Greek and Latin people, may be read here: *Mac]edoni*⁵⁹.

8 Perhaps υποκε[ιμ-.

10 The silver mentioned here might refer to a payment in silver (ἀργυρίου, *scil.* δραχμαί).

A possible reconstruction of *ChLA* XLIV 1303 + XLV 1348

Since *a* and *b* most probably came from the same document, one may also consider the likelihood that the two scraps could be part of the same portion of text and therefore attempt to realign the two fragments. However, there is no material junction and therefore no decisive evidence. The dating formula could be of some use in proposing a

⁵⁴ TM 80628, 80629.

⁵⁵ *SB* V 7565 (2nd c. AD, TM 27326) l. 2 Ὁρίων Πτολείωνος, *P.Varsov.* 16 (2nd–3rd c. AD, TM 27534), l. 11 Θέων Πτολείωνο(ς), and *SB* XIV 12053 (5th–6th c. AD, TM 34813), l. 6 Πτολείωνος Εὐλογίου. A (mistaken) variant of Πτολεμαῖος, i.e. Πτολειμαῖος (hence Πτολεμ[αῖος?]), is attested only once in *P.Bingen* 109 (post AD 212, TM 44512), fr. B+B1, l. 16 Πτολεμαίου Νεοκ(ο)μίου). In this case *my* seems unlikely, as its first stroke should be drawn from the bottom of the line instead of being in ligature with the upper part of *iota* (see *b*, l. 9 μεν[).

⁵⁶ See the aforementioned *ChLA* XLV 1340 and *P.Aberd.* 61 (AD 48–49, TM 20224).

⁵⁷ A very rare abbreviation, found only in *O.Claud.* IV 846 (AD 98–117, TM 118498).

⁵⁸ For this abbreviation, see *P.Hib.* II 276 (AD 157, TM 21149); and some Vindolanda tablets: *T.Vindol.* II 210 (AD 92–97), II 260 (AD 97–103), II 345 (AD 92–97).

⁵⁹ From the Latin side, see *SB* XX 15139, l. 1 [Di]aconu[s] Macedoni suo salutem (5–2 BC, TM 23892), *T.Cair.* inv. JdE 29807 (= *P.Mich.* III p. 152–154), l. 3 T(it) Fenii Macedonis (AD 148, TM 78511), *PSI* IX 1026, l. 13 (centuria) [.] laudi Macedonis (AD 150, TM 17460); from the Greek side, see e.g. a centurion: *P.Oxy.* LXI 4063, ll. 8–9 ὑπὸ [Ι]ουλίου Μακεδόνος (ἐκατοντάρχου) (AD 183, TM 22547).

plausible reconstruction, provided that ll. 7 of both scraps are set on the same reconstructed line, as the distance between them and the Greek lines is the same (one blank line).

5
10

].eius.[
].I·sex.[±6].stil[.]eqq(-) r[
].setis.[±6] sexta et · eius .c · et man[
].tati[±7].imm Antisti[
]ēdoni G[allieno Au]g(-) VII et Sabinillo c[oss anno XIII]
[Im]p(-) Caesar[is Publi Lic]ini Gallieni German[ici Max(-) Per-]
[si]c[i Max(-) P[ii Felic(-) A]ug(-)
].ουπ.κ.[±13].c Πτολει.[
].μεν[±16].[. . .]που[
ἀργυρίου[
].α. . . [
]. [

There is no certainty, of course, about where the scribe has started a new line: one could as well have ll. 5–6 *anno | XIII Im|p(-)* and ll. 6–7 *Max(-) | Persi|çi*, or even ll. 5–6 *ç|oss | anno XIII Im|p(-)* and ll. 6–7 *German|fici | Max(-) Persi|çi*. Whereas in *P.Oxy.* 2951 mentioned above *Caesaris* is abbreviated *Caes*, this genitive does not always undergo the same treatment in imperial dating formulas⁶⁰; instead, *Maximi* and *Imperatoris* appear to be consistently shortened⁶¹. This reconstruction⁶² seems to strengthen one's first impression that the Greek lines are not simply subscriptions but belong to a longer and more articulate Greek section. Now, this document might have been a χειρόγραφον (either the Roman or the Greek type, written in Latin): *P.Fouad I* 45, again a potential parallel for this kind of document, contains a short Greek section after the Latin date⁶³, which sums up the Latin-written act and precedes the Greek subscriptions. However, the aforementioned *P.Oxy.* XLI 2951 might also be a parallel for *ChLA* XLIV 1303 + XLV 1348, since it contains a full Greek version of the Latin act

⁶⁰ One can see the full version of *Caesaris* for instance in *BGU* VII 1692–1695 (AD 144–163, TM 69747–750), *P.Ryl.* IV 611 (AD 87–88, TM 13022), the aforementioned *ChLA* X 412, etc.

⁶¹ *Maximi* as a part of the imperial title — not just as part of a name — is in fact written in full only once in *SB* III 6223 (AD 198, TM 18820).

⁶² Two letters still seem to create a difficulty. At l. 6, whereas the upper portion of *c* in *Caesaris* seems identical to the *c* in *hoc* at l. 3, its lower part shows an oblique stroke, which is not easy to explain in a *c*. At l. 7, after *x*, one can see the lower portion of an oblique stroke with a hook aiming to the left, whereas for a *p* (which one would expect from this section of the formula) one would require the hook to aim at the opposite direction. This can only be explained by considering the hook an ornamental stroke, which closes the second oblique stroke of *x*, and from which may have sprung the oblique stroke of *p*.

⁶³ *P.Fouad I* 45, ll. 12–16 Ἀντώνιος Ἡρωνιανὸς ἱππεὺς | [ὁ προ]εγραμμένος ἔλαβα καὶ
ὀφίλω | τὰ προκείμενα δηνάρια πεντήκοντα [κ]αὶ ἀπ[ο]δώω καθὼς πρόκειται.

much longer than in the Fouad papyrus⁶⁴; and this document is an *emptio*, rather than a *chirographum*. The exact content of this reunited fragment, though quite likely a business document, cannot be identified with certainty. As was the case for *ChLA* XLIV 1296 and 1310, it was probably written in a military context.

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⁶⁴ At ll. 19–30. See in particular ll. 21–23, which produce a Greek version of the core of the Latin act, which was not preserved in the papyrus: πέπρακα τῷ Αὐρηλίῳ | Ἀπολλωνίῳ ὀπτίῳ
τὴν δούλην Νίκην ἐπικεκλημένην | Μετεθεν, γένι Ἀράβισσαν, κτλ.



No. 1: P.Vindob. L 70 recto

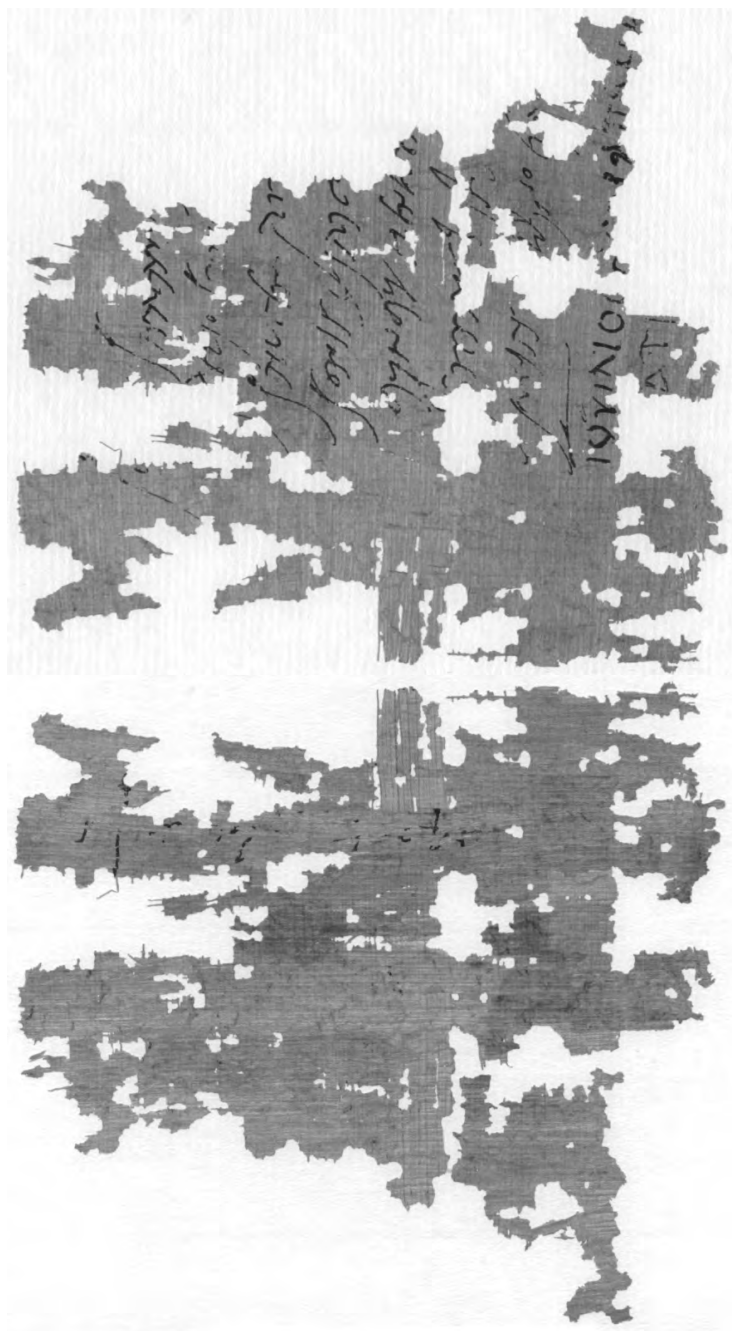


No. 3: P.Vindob. L 77 recto



No. 3: P.Vindob. L 145 recto

zu G. Iovine, *Business Documents* S. 46; 54
(Österreichische Nationalbibliothek, Papyrussammlung)



zu G. Iovine, *Business Documents* S. 48
No. 2: P.Vindob. L 86 recto (above) and verso (below)
(Österreichische Nationalbibliothek, Papyrussammlung)