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A DONATIO MORTIS CAUSA

aus: Zeitschrift für Papyrologie und Epigraphik 98 (1993) 292–296

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## A DONATIO MORTIS CAUSA

P. Lond. II 288<sup>1</sup>  
Soknopaiu Nesos

26.5 x 11.7 cm.

March 27, A.D. 90  
Tafel 17

## Column I

- (ἔτους) ἐνάτου Ἀυτοκράτορος Καίσαρος Δομιτιανοῦ Σεβαστοῦ Γερμανικῶ μηνὸς  
Δαισίου ἅ Φαρμουῦθι ἅ  
[ἐν Σοκνοπαίου] Νήσῳ τῆς Ἡρακλείδου μ[ερ]ίδος τοῦ Ἄρσινοεῖτου νομοῦ. ὁμολογεῖ  
[Σ]τοτοῆτις νεώτερος Πανεφρέμ-  
[μεως ] τοῦ Ὠρου (ἐτών) μγ οὐλ(ῆ) καρπῶ δεξιῶ μεμερικέν[α]ι μετὰ  
τὴν ἑαυτοῦ τελευτὴν τοῖς αὐτοῦ τέκνο[ι]ς  
4 [Στοτοῆτι, Ὠρω,] Θαουῆτι τοῖς τρισὶ γεγονόσι αὐτῶ ἐκ τῆς μετη[λλα]χυῆς αὐτοῦ γυ-  
[ν]αικὸς Στοτοῆτιος τῆς Πανεφρόμ-  
[μεως ] τῶ υἱῶ Στο[το]ῆτι μερίζει ὁ ὁμολογῶν μετὰ τὴν ἑαυτοῦ τελευτὴν ἀπὸ  
τῶν ὑπαρχ[όντων] αὐτῶ ἐν τ[ῆ]  
[προγεγραμμένη κώμη Σοκ]νοπαίου Νήσῳ οἰκοπέδων τέταρτον [μέρος] οἰκίας τρι-  
στ[έ]γου καὶ αὐλῆς ἐν [τε τῶ] πρὸς Νότον  
[μέρει τῆς αὐτῆς κώμ]ης ἡμισυ μέρος τόπων περιτειχισμ[ένων] καὶ τὰ συνκύροντα πάν-  
τα, τῶ δ' αὐτῶ υἱῶ  
8 [Στοτοῆτι μερίζει ὁ ὁμολο]γῶν μετὰ τὴν ἑαυτοῦ τελευτὴν ἡμισυ [μέρος] ἐλαιουργί[ο]υ  
ἐξηρητισμένον πάντα τὰ χρ[η]-  
[στήρια καὶ τὰ σ]υνκύροντα πάντα, τῶ δ' αὐτῶ υἱῶ Στο[το]ῆτι μερίζει ὁ ὁμ[ολο]γῶν  
μετὰ τὴν [ἑ]αυτοῦ τελευτὴν  
[οἰκίαν στεγον] καὶ αὐλὴν καὶ ταμεί[ο]ν καὶ τὰ συνκύρ[οντα] πάντα, τ[ῶ δ'] αὐτῶ  
[υἱῶ] Στοτοῆτ[ι] μερίζει ὁ ὁμ[ολο]-  
[γῶν μετὰ τὴν ἑαυτοῦ τελευτὴν] τρίτον μέρος καινῆς οἰκίας καὶ αὐλῆς καὶ τὰ  
συνκ[ύρον]τα πάντα πρότερον τῆς [μητρὸς]  
12 [αὐτοῦ, τῶ δ' αὐτῶ υἱῶ] Στοτοῆτι μερίζει ὁ ὁμολογῶν με[τὰ] τὴν ἑαυτοῦ τελευτ[ῆ]ν τὸ  
ἐπιβάλλον αὐτῶ [ ]  
[μέρος ] ἐροῦ θεοῦ Σοκνοπαίου, τῶ δ' α[ὐτ]ῶ υἱῶ Στοτ[ο]ῆτι μερίζ[ε]ι ὁ  
ὁμολογῶν μετὰ [τὴν]  
[ἑαυτοῦ τελευτὴν τὰς ὑπ]αρχ[ούσας] τῶ ὁμολογοῦντι ἐ[ν] Φιλοπάτορ[ι] Ἀπιάδ[ος] τῆς  
Θεμίστου μερίδος  
] ἀρ[ούρας] X ὄντας κοινὰς καὶ ἀδιαίρ[έτο]υς καὶ τὰ συν[κύρον]τα  
πάντα, τῶ δ' αὐτῶ [υἱῶ]

<sup>1</sup> The papyrus consists of three larger and one smaller panel between which only a few letters have been lost. The text runs along the fibers; the other side is blank. At the top, where 1.5-2 cm. have been left free, the papyrus is partly cut off. At the left border, where ink traces of the following column are still vaguely visible, there is a κόλλησις. About 1 cm. has been left free between the columns.

- 16 [Στοτοῆτι μερίζει ὁ ὁμολογῶν μετὰ τὴν ἑαυτοῦ] τελευτὴν τ[ὰς ὑ]παρχούσας [αὐτῷ] ἐν  
 ἐποικίῳ Σενθέως τ[ῆς Θε-]  
 [μίστου μερίδος ἀρούρας X καὶ τὰ σ]υνκύροντα π[ά]ντα, τῷ δ' [αὐτῷ υἱ]ῷ Στο-  
 τοῆτι μερίζει ὁ [ὁμο-]  
 [λογῶν μετὰ τὴν ἑαυτοῦ τελευτὴν τὰ] ὑπάρχοντα αὐτῷ δουλ[ικὰ σώμ]ατα παιδιά καὶ  
 δούλην [  
 ] πάντα τὰ μετε[σόμε]να αὐ[τ ± 8 τ]οῦ τε[  
 20 ἔτι δὲ τὰ καταλει[φθησόμενα [ὑπ]ὸ τοῦ ὁμο[λογοῦντος]ς ἐπίπλοα [καὶ  
 σκεύη  
 ] η καὶ ἀπὸ τ[ῶν λ]οιπῶ[ν ] ν θ[  
 ]υ τ[.] α[.....] αθησ[ ]ο καὶ ν[  
 ] ο ἑαυ[τ  
 24 μερίζει ὁ] ὁμολ[ογῶν μετὰ τὴν ἑαυτοῦ τελευτὴν  
 ἀπὸ τῶν ὑπαρχόντων] αὐτῷ [  
 καὶ τὰ συνκύρον]τα πάντα [  
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## Column II

- ὁμολογοῦντι ἀδελφοῦ Ὁρου ταφήν  
 28 καὶ κηδεῖαν· ἐὰν δὲ εἷς τῶν τέκνω(ν)  
 τελευτῆι vacat ἀδι[ά]θ[ετος], εἶ[ναι]  
 πάντα τὰ μεμερισμένα τῶν δύο  
 ἀδελφῶ[ν· ἐ]φ' ὃν χρόνον περιέσται  
 32 ὁ ὁμολ[ογῶν {χρον χρόνον} ἔχειν  
 αὐτὸν τ[ῆ]ν κατὰ τῶν ἰδίων πάντ[ων]  
 ὀλοσχερῆ ἐξουσίαν {αὐτῷ οὔσης}  
 πωλεῖν μετατίθεσθαι ὑπο(τί)θεσθαι  
 36 οἷς ἐὰν β[ο]ύληται ἀμέμπως·  
 παρόντων ἐπὶ τῆς [ἀρ]χῆς μαρ-  
 τύρων ὁ τοῦ ὁμολο[γοῦντος] ὁμο-  
 πάτριος καὶ ὁμομή[τριος ἀδ]ελφός  
 40 Στοτοῆτις πρεσβ[ύτερος] [(ἐτῶν) ] οὐλ(ῆ) ὀφρ(ύτι) δεξι(ᾶ)  
 καὶ Ὀνωφρις Πε[ ] (ἐτῶν) λς  
 οὐλ(ῆ) μετώ[πω] μέσῳ καὶ [Σαταβ]οῦς  
 νεώτ(ερος) Σ[αταβοῦτος] (ἐτῶν) ]ς οὐλ(ῆ)  
 44 ἀντικ(νημίω) δεξιῶ καὶ N.N.]  
 Πτολε[μαίου]  
 [ ] τιεω[  
 -----

2 Ἀρσινότου  
 χρ[ηστηρίοις]

7 περιτετεχισμ[ένω]ν; συγκύροντα, also in lines 9, 10, 11, 15, 17 and 26  
 12 ἐπιβάλλον 15 οὔσας

8-9 πᾶσι τοῖς

## Translation:

Year nine of Emperor Caesar Domitianus Augustus Germanicus, the 1st of the month Daisios, Pharmuthi 1, in Soknopaiu Nesos in the Herakleides district of the Arsinoite nome. Stotoëtis junior, son of Panephremmis - - -, grandson of Horos, 43 years of age, with a scar on his right wrist acknowledges to his children, Stotoëtis, Horos, Thaues, all three born to him of his deceased wife, Stotoëtis, daughter of Panephrommis - - - to have divided to them after his death. To his son Stotoëtis the acknowledging party divides after his death of the buildings which belong to him in the afore mentioned village Soknopaiu Nesos a fourth part of a house with three stories and a courtyard and in the southern part of the same village a half share of building plots surrounded with walls and all appurtenances; to the same son Stotoëtis the acknowledging party divides after his death a half share of an oil-press equiped with all utensils and all appurtenances; to the same son Stotoëtis the acknowledging party divides after his death a house with - - - stories and a courtyard and a store-house and all appurtenances; to the same son Stotoëtis the acknowledging party divides after his death a third part of a new house and a courtyard and all appurtenances; to the same son Stotoëtis the acknowledging party divides after his death the xth share which falls to him of - - - of the holy god Soknopaios; to the same son Stotoëtis the acknowledging party divides after his death the x aruras which belong to the acknowledging party in Philopator Apiados in the Themistos division being common and undivided and all appurtenances; to the same son Stotoëtis the acknowledging party divides after his death the x aruras which belong to him in the village Senthis in the district of Themistos - - - and all the appurtenances; to the same son Stotoëtis the acknowledging party divides after his death the slaves which belong to him, males and a female slave - - - - - burial and funeral. And if one of the children dies and intestate his shares will be of his brother and sister. But for as long the acknowledging party lives he shall have complete power with respect to his possessions to sell, to alter the will, to mortgage to whomsoever he wants without reproach. As witnesses were present at the (registration) office Stotoëtis senior, a brother of the same father and the same mother of the acknowledging party, . . . years of age, with a scar on his right brow and Onnophris, son of Pe- - -, 36 years of age, with a scar in the middle of his forehead and Satabus, son of Satabus, .6 years of age, with a scar on his right shin and N. N., son of Ptolemaios, - - -

In his interesting book, *Final Judgments. Duty and Emotion in Roman Wills 200 B.C. - A.D. 250*, Berkeley - Los Angeles - Oxford 1991, E. Champlin makes extensive use of papyri. He does not only use testaments preserved on papyri but donationes mortis causa as well (for literature, see P.Ups.Frid p. 2, footnote 1; add: *New Documents Illustrating Early Christianity 6*, Macquarie University 1992, 27ff.) both Roman and Greco-Egyptian. The more similar texts become known the better we shall be able to check his results and eventually change or supplement them. With the kind permission of T.S. Pattie I publish here a London gift in contemplation of death which was already described in 1898 (P.Lond.II p. xxviii) but has never been incorporated in any list. As far as preserved the text has been written by one hand only. However, in the part lost underneath line 46 and in column III (cf.description) the individual declarations of the testator and the witnesses may have been written (cf., e.g., M.Chrest. 306). It cannot be established whether we are dealing with an original document or with a copy, c.q. draft.

O. Montevecchi (*Aegyptus XV*, 1935, 73; eadem, *La papirologia*, Milano <sup>2</sup>1988, 208 and 568) collected all of the then known (wills and) donationes mortis causa. The list of the latter

kind of documents was supplemented on p. 204 of P.Vindob. Tandem. Since then the following donationes mortis causa have been published:

P.Ups. Frid 1	Dionysias	A.D. 48
P.Vindob. Tandem 27	Soknopaiu Nesos	I A.D.
P.Strasb. 603	Tebtynis	A.D. 102-117
P.Strasb. 684	?	A.D. 117-138
P.Diog. 11-12	Ptolemais Euergetis	A.D. 213
P.Coll. Youtie	Oxyrhynchos	A.D. 353

N.B.: P.Mert. III 105 = SB XII 10888

In the present papyrus the widower Stotoëtis junior, son of Panephremmis (junior or senior), grandson of Horos, only 43 years of age, divides his property between his three children, two sons: Stotoëtis and Horos, and one daughter: Thaues. Due to mutilation of the papyrus at the bottom only the part of his father's possessions which Stotoëtis receives is (for the main part) preserved. In line 24 the enumeration of the goods left to his other son, Horos, seems to start. It is quite possible that the daughter, Thaues, had already received (a part of) her inheritance in the form of her dowry. Among Stotoëtis' possessions the following items are found:

(a)	οικόπεδα in Soknopaiu Nesos (l. 7)	1/4
(b)	τόποι περιτετριχησμένοι in Soknopaiu Nesos (l. 6)	1/2
(c)	έλαιουργίον (in Soknopaiu Nesos?) (l. 8)	1/1
(d)	οικία + ἀύλη + ταμεῖον (in Soknopaiu Nesos?) (l. 10)	1/1
(e)	οικία + ἀύλη (in Soknopaiu Nesos?) (l. 11)	1/3
(f)	X in Soknopaiu Nesos (ll. 12-13)	1/1
(g)	ἄρουραι in Philopator Apiados (ll. 14-15)	1/1
(h)	ἄρουραι in Senthis (ll. 16-17)	1/1
(i)	slaves (ll. 18-19)	?
(j)	household goods (ll. 20ff.)	?

(at the end of each entry the share the son Stotoëtis receives).

#### Notes

1 μῆνός Δαισίου: cf. U. Hagedorn, Proceedings of the XIV International Congress of Papyrologists, London 1975, 127ff.; eandem, ZPE 23, 1976, 143ff.

Between δεξιῶ and μεμερικέν[α]ι there is a small spatium. Like P.Mich. V 321 (A.D.42), 322a (A.D.46) and P.Ups.Frid I (A.D.48) the present papyrus has in the homologia-formula μεμερικέναι while the parallel documents - as far as they are complete at this point - use συγκεχωρηκέναι (cf. P.Ups. Frid 1,6n.). Since the two Michigan papyri come from Tebtynis (from which village the most donationes mortis causa originate) but the Uppsala papyrus from Dionysias, the differences in the use of the verb cannot be attributed to local habits.

μερίζει as an expression of disposition is repeated with nearly every procuration (lines 8, 9, 10, 12, 13, 16 and 17. The exception being lines 6-7).

3 Supplement in the lacuna at the beginning of this line and of line 5 either νεωτέρου or πρεσβυτέρου.

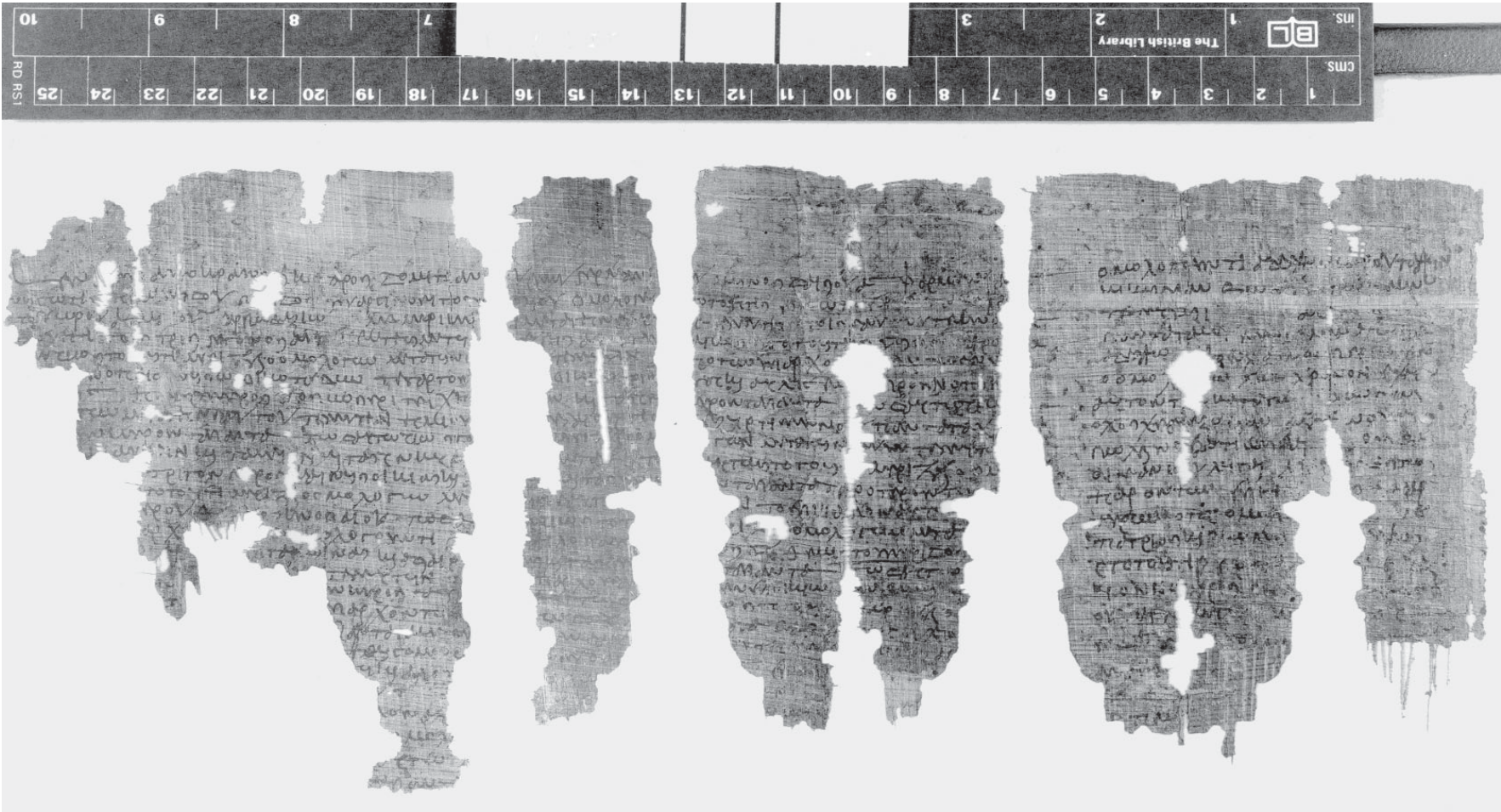
4 There is not enough space in the lacuna at the beginning of this line to supplement καὶ between the names of the children. I have supplemented Ὀρφ, since (a) we need a short proper name and (b) the name of his greatgrandfather is also Horos.

4-5 The possibility that Stotoëtis junior and his wife, Stotoëtis, daughter of Panephrommis, were brother and sister is not to be excluded.

10 Supplement in the lacuna at the beginning of this line either δίστεγον or τρίστεγον.

ταμει[ο]ν = store-house. Cf. ZPE 90, 1992, 271 (+ footnote 23).

- 12-13 In the lacuna at the end of this line the size of the ἐπιβάλλον μέρος. Does the son Stotoëtis receive a part of a property which his father had ἐντὸς περιβόλου ἱεροῦ θεοῦ Σοκνοπαίου (cf., e.g., P.Ryl. II 161,8. Perhaps such a supplement would become too large) or a part of a service which his father performed for the deity (note the absence of τὰ συγκύροντα)?
- 13 Σοκνοπαίου: cf. G. Ronchi, *Lexicon theonymum rerumque sacrarum et divinarum ad Aegyptum pertinentium* - - - V, Milano 1977, 1003ff.
- 14 For Φιλοπάτωρ Ἀπιάδος, cf. A. Calderini - S. Daris, *Dizionario dei nomi geografici e topografici dell'Egitto greco-romano* V, Milano 1987, 85; E. Battaglia, *Aegyptus* 63, 1983, 101.
- 16 For the ἐποίκιον Σενθέως, see A. Calderini - S. Daris, *op.cit.* IV.3, Milano 1986, 263.
- 19 In this line there may be a question of the off-spring of the slave mentioned in line 18.
- 21 In the lacuna at the end of this line probably also καὶ ἐνδομενία has to be supplemented.
- 27-28 A part of the stipulations concerning the funeral and burial of the testator has been preserved. Due to mutilation it is not absolutely clear what is meant. We expect something like ἔτι δὲ καὶ ποιήσονται οἱ αὐτοὶ τρεῖς τὴν τοῦ ὁμολογούντος ταφὴν καὶ κηδεῖαν (cf., e.g., P.Mich.V 322a,33-34. A genitivus absolutus [πρὸς τοὺς τρεῖς κληρονόμους οὔσης τῆς τοῦ ὁμολογούντος ταφῆς καὶ κηδεῖας. Cf., e.g., SB VI 9377,10-11] cannot be excluded). Does the scribe mean that the son Stotoëtis has to take care σὺν τῷ ὁμολογούντι ἀδελφῷ Ὁρῷ of the burial and funeral of their father?
- 29 After τελευτῆι one expects ἄτεκνος what, however, was not written.
- 31 ἀδελφῶ[ν]: with the same meaning as the German Geschwister. Probably the two surviving children received each half a share of the parts intended for the child that died.
- 31ff. Cf., e.g., P.Münch. III 80,26n.
- 34 {αὐτῷ οὔσης}: confusion of accusativus cum infinitivo and genitivus absolutus.
- 37ff. For ἐπὶ τῆς [ἀρ]χῆς, see M.Chrest. 306,25; P.Vindob. Tandem 27,22. The names and descriptions of 4 (5) of the 6 witnesses have been (partly) preserved. Stotoëtis senior, brother of the testator (l.40), must have been older than 43 years. In line 46 perhaps a part ([ ] τιέω[ς]) of the name of the father of the 5th witness.



Donatio mortis causa (P.Lond. II 288)