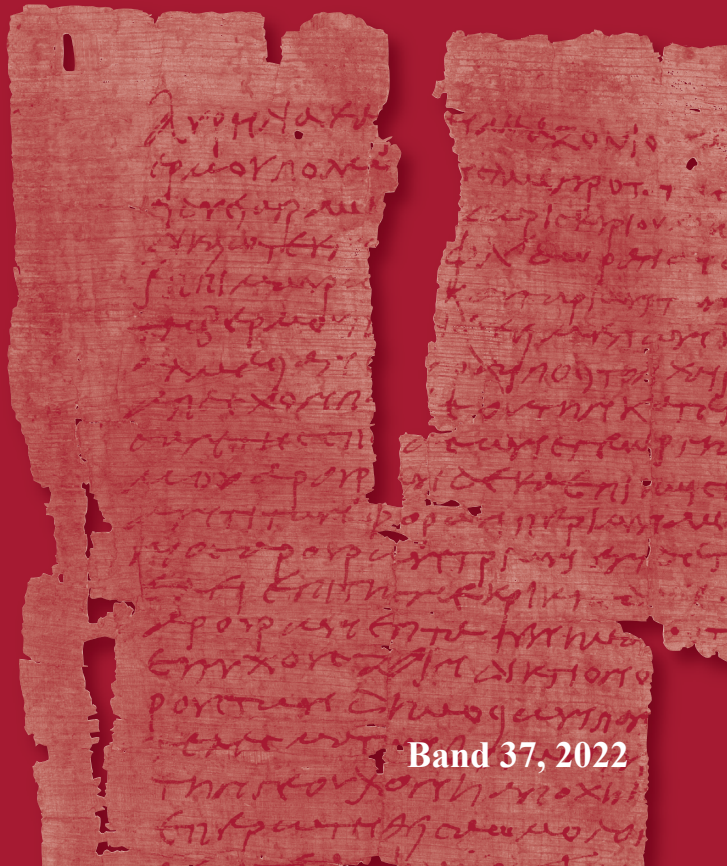


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I N H A L T S V E R Z E I C H N I S

Francesco B e r t a n i: A New Structural Reading of the Cyrenaic Suppliants’ Chapter (SEG L 1638, col. B, ll. 110–141)	1
Dan D a n a — Madalina D a n a — Volker W o l l m a n n: Une lettre latine privée sur support céramique d’Ampelum (Dacie Supérieure): l’ <i>offinator</i> C. Iulius Proclus et son cercle (Taf. 1–5)	13
Anna D o l g a n o v: Rich vs. Poor in Roman Courts: A New Edition of Three Judicial Records from Roman Egypt (M.Chr. 80 = P.Flor. I 61; P.Mil.Vogl. I 25 col. I–col. IV 17; P.Stras. I 5) (Taf. 6–12)	35
Susan F o g a r t y: Loan of Money from a <i>signifer</i> (Taf. 13)	93
Juraj F r a n e k: Early Byzantine Amuletic Pendant for Megale, Daughter of Charitous (BNF Froehner.630) (Taf. 14)	97
Nikolaos G o n i s: A View of Arcadia in the Seventh Century	109
Nikolaos G o n i s: A Hermopolite Account of Late Date (Taf. 15)	113
Herbert G r a s s l: Ein unbekannter römischer Ritter auf einer bekannten Inschrift in der Steiermark (Taf. 16)	117
Alan J o h n s t o n: A Warning from Olympia	121
Nicolas L a u b r y: Le retour d’un sculpteur de renom: L’épithaphe de Novius Blesamus à Rome (Taf. 17–20)	125
Anastasia M a r a v e l a — W. Graham C l a y t o r: Contributions to the Prosopography of Theadelphia in the Second Century CE	137
Élodie M a z y: A List of Taxpayers from Hermopolis (Taf. 21)	143
Ioannis M y l o n o p o u l o s: A Pig for Poseidon. A Laconian Votive Relief in the Athens Epigraphic Museum (EM 8926) (Taf. 22)	163
Johannes P l a t s c h e k: Frage und Antwort in Recht und Geschäftspraxis der römischen Kaiserzeit: Die Klausel <i>ex interrogatione facta tabellarum signatarum</i>	175
Peter v a n M i n n e n: Model <i>synchoreseis</i> (Taf. 23–24)	203
Bemerkungen zu Papyri XXXV (<Korr. Tyche> 1095–1112)	209
Adnotationes epigraphicae XIII (<Adn. Tyche> 123)	217
Tafeln 1–24	

ANNA DOLGANOV

Rich vs. Poor in Roman Courts

New Editions of Three Judicial Records from Roman Egypt
(M.Chr. 80 = P.Flor. I 61; P.Mil.Vogl. I 25 col. I–col. IV 17; P.Stras. I 5)*

Plates 6–12

This article presents new editions of three important papyri containing records of judicial proceedings from Roman Egypt, along with new insights into their historical context and interpretation. In all three cases, a socially eminent litigant is represented by an advocate of high status and rhetorical skill. By contrast, in two instances a non-elite individual is assisted by a demonstrably inferior advocate. In an extended discussion published elsewhere, I have analyzed the performative dimension of Roman adjudication as illustrated by these judicial hearings.¹ Here, I present the papyrological results of my work on these documents, in each case comprising a text, translation and commentary with an analytical introduction discussing the new readings and their significance. Some of the proposed readings shed light on portions of text that have defied decipherment for more than a century, while two of the three papyri, in spite of their historical and juridical interest, have lacked a translation and detailed commentary, which are provided here for the first time. As the documents are very well-known and frequently cited, these textual and interpretive points will, if correct, be consequential for future research on Roman courts and legal practice.

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¹ See A. Dolganov, *Law as competitive performance: performative aspects of the legal process in Roman imperial courts*, in: C. Bubb, M. Peachin (eds.), *Medicine and Law under the Roman Empire*, Oxford 2023, 66–123. The texts published here represent a more advanced stage of papyrological work and exhibit slight differences from the appendix of the earlier volume. On all points of difference, the current editions are to be regarded as authoritative. All dates are CE unless otherwise noted.

1. Proceedings before the prefect Septimius Vegetus regarding the return of a loan
(M.Chr. 80 = P.Flor. I 61, unknown provenance, 8 February 85)

The first text is among the earliest well-preserved verbatim transcripts of proceedings, a distinctly Roman documentary genre that emerges in the papyrological record in the mid-first century CE and continues into the early seventh century.² The text consists of two columns ca. 12 cm wide and is formulated in direct speech, with the names of the speakers offset by spaces and hanging indents into the left margin. The first column is, judging by the format of the document, nearly complete but breaks off at the bottom; the second column is fully preserved and marks the end of the record. The handwriting is a professional script of moderate cursivity that was clearly intended to be easily legible. Its careful layout shows that the text was meant to be kept as a reference, either by one of the litigants or possibly as part of a lawyer's collection of legal cases, numerous examples of which are attested.³

The hearing takes place before the Roman governor of Egypt (*praefectus Aegypti*) Septimius Vegetus in February of the year 85. It concerns a pay order dated to the year 50/51 for 100 *artabai* of grain, allegedly given as a loan by the deceased father of the plaintiff, who seeks to reclaim it from the son of the deceased debtor. Because the loan had been contracted more than three decades earlier, the plaintiff's claim is rejected by the prefect and the pay order cancelled by being struck through (*χιασθῆναι*, 65–66). The plaintiff is also threatened with a public flogging for having seized his opponent, who is referred to as a wealthy man (*εὐσχήμων*, 30 and 61). The proceedings record animated dialogue between the prefect and the advocates (*ρήτορες*) of the litigants: the cautious and deferential Kephalon representing the plaintiff and the more skillful and aggressive Aristonikos assisting the defendant. The dialogue conveys a strong impression that the defendant's alleged wealth was a significant factor determining the superior quality of his legal assistance and securing the goodwill of the presiding official.

² For discussions of this text, see L. Mitteis, *Ägyptischer Schuldprozess v. J. 84/86 p. Chr.*, ZRG 27 (1906) 220–228; U. Wilcken, *Zu den Florentiner und den Leipziger Papyri*, APF 4 (1908) 423–486 at 444–449; V. Arangio-Ruiz, *Juridical commentary to P.Mil.Vogl. I 25*, in: A. Vogliano (ed.), *Papiri della R. Università di Milano* (P.Mil.Vogl. I), Milan 1937, 207–213 at 208; H. Schmidt, *Einfluss der Rhetorik auf die Gestaltung der richterlichen Entscheidungen in den Papyri*, JJP 4 (1950) 165–177 at 171–173; G. Purpura, *Katholikon diatagma. Sulla denominazione dell'editto provinciale egizio*, in *Studi in onore di Arnaldo Biscardi* vol. 2, Milan 1982, 507–522 at 515–516; R. Katzoff, *Law as katholikos*, in: R. S. Bagnall, W. V. Harris (eds.), *Studies in Roman Law in Memory of A. Arthur Schiller*, Leiden 1986, 119–126 at 123; J. A. Crook, *Legal Advocacy in the Roman World*, Ithaca 1995, 70–72; D. W. Chapman, E. J. Schnabel, *The Trial and Crucifixion of Jesus: Texts and Commentary*, Tübingen 2015, 258–262, with a translation that is regrettably riddled with errors; and now Dolganov 2023 (n. 1) 76–82. On Roman court proceedings as a documentary genre, see R. A. Coles, *Reports of Proceedings in Papyri*, Brussels 1966 and B. Palme, *Roman litigation — reports of court proceedings*, in: J. G. Keenan, J. G. Manning, U. Yiftach-Firanko (eds.), *Law and Society in Egypt from Alexander to the Arab Conquest*, Cambridge 2014, 482–502.

³ For case collections, see e.g. P.Oxy. XXXVI 2757 (after 79) and P.Oxy. XVII 2111 (after 135).

Throughout the hearing, the prefect is visibly skeptical toward the plaintiff and sympathetic toward the defendant and his advocate.⁴

By the time of its publication by Girolamo Vitelli in 1906, this Florentine papyrus had already attracted the attention of leading papyrologists. Between 1905 and 1908, both Ludwig Mitteis and Ulrich Wilcken traveled to Florence to autopsy the original and produced a number of new readings that were incorporated into the amended text published as M.Chr. 80 in Mitteis' anthology of documentary papyri in 1912.⁵ Both scholars remarked that certain badly damaged portions of the text were beyond decipherment. As reported by Wilcken (my translation): "above all, I have succeeded in reading something more of the frayed and almost completely abraded lines 4–12 of the first column. Only if one has seen the original is it possible to imagine the laboriousness of such work;" "what text there was in lines 5–7 I have not been able to determine."⁶ Since Mitteis' *Chrestomathie*, no further progress has been made in deciphering this papyrus.

As regards its interpretation, both Mitteis and Wilcken saw the proceedings as centering on the civil lawsuit of the plaintiff Phibion about a loan of grain, with the issue of Phibion arresting his opponent being peripheral.⁷ Vincenzo Arangio-Ruiz cited the case as an illustration of a humble individual trying to assert a financial claim against an eminent opponent and being subjected to ridicule and abuse by the Roman judge. In John Crook's study of legal advocacy in the Roman empire, Phibion's claim is deemed factitious. Scholars since Mitteis and Wilcken have also commented on the significance of the phrase τὸ καθολικόν employed by the advocate Aristonikos with reference to a provincial statute of limitations (*praescriptio temporis*) for legal claims.⁸

The hearing poses other problems that have not been addressed. It is well-known, for example, that the Roman governor's assize court received hundreds of petitions, only a small proportion of which could be examined by the governor in person.⁹ One is

⁴ See the analysis of Dolganov 2023 (n. 1) 79–82.

⁵ See Mitteis 1906 (n. 2) and Wilcken 1908 (n. 2). The *Chrestomathie* of Mitteis incorporated some but not all of the readings suggested by Wilcken, discussed further below.

⁶ See Wilcken 1908 (n. 2) 444 and 446: "Vor allem ist es mir gelungen, von den fast ganz verblaßten und zerzausten Zeilen 4–12 der ersten Kolumne noch etwas mehr zu entziffern. Von der Mühseligkeit solcher Arbeit kann sich nur eine Vorstellung machen, wer das Original sieht;" "Was in 5–7 gestanden hat, habe ich nicht ermitteln können."

⁷ See Mitteis 1906 (n. 2) 225 and Wilcken 1908 (n. 2) 446.

⁸ See, respectively, Arangio-Ruiz 1937 (n. 2) 208; Crook 1995 (n. 2) 70–72; Purpura 1982 (n. 2) and Katzoff 1986 (n. 2). Despite an earlier consensus that such statutes of limitations originated in Greek law, they have now been shown to exist in Roman law, certainly by the Augustan age and perhaps already in the Republican era, see C. Lehne-Gstreithaler, *Zu den klassischen Ursprüngen des Verjährungsrechts*, ZRG 137 (2020) 136–172. That the *praescriptio quinquennii* mentioned in P.Flor. I 61 was generally observed by governors and accordingly belonged to the Roman provincial order is clearly indicated by Aristonikos (ἡγημόνες ... ὄρισαν, 45).

⁹ See P.Yale I 61 (ca. 209) attesting to the receipt of 1,804 petitions by the prefect during a three-day assize in the Arsinoite nome. This was clearly not an atypical number, see R. Haensch, *Die Bearbeitungsweise von Petitionen in der Provinz Aegyptus*, ZPE 100 (1994) 487–546 and H. Horstkotte, *Die 1804 Konventseingaben in P. Yale 61*, ZPE 114 (1996) 189–193.

left wondering why, if Phibion had failed to petition properly, his case was nevertheless heard by the prefect. One is also puzzled by the hostility of the hearing, which begins and ends with threats of violence against Phibion for arresting his opponent. Perhaps the arrest was not so peripheral to the case after all? A reference to appeals from the crowd (61–62) reveals that the hearing was held in the presence of a large audience. This invites the question whether the proceedings may have been affected by the public context of the prefect’s tribunal.

My reexamination of the papyrus at the Biblioteca Laurenziana has yielded a number of readings of the most damaged parts of the text that shed new light on the circumstances of the hearing. New readings indicate that the location was most probably an assize in the hinterland of Egypt ([ἐν ca. 5–7 πρὸ βή]ματος ἐν τῷ ca. 7 [ca. ?], 5). Decipherment of the first lines of the record shows that the hearing began with the prefect ordering Phibion to be brought forward ([προσ]αχθῆναι τὸν Φιβίωνα, line 8). The verb προσάγω is not otherwise attested with reference to a plaintiff being called to present a petition; instead, it typically signifies a defendant or witness being summoned for questioning.¹⁰ This is the first clue that Phibion is not treated as an ordinary plaintiff but viewed with suspicion. Further readings show the prefect addressing Phibion in a hostile tone and threatening to punish him for hauling his opponent to court for a supposed debt (παραστή[σας τὸν ἀντίδικον] φάμενος [ὁ]φέλειν σοι, 9) and for seizing him on his own initiative (διὰ σαντοῦ δὲ κρατήσ[ας], 10). Another new reading reveals that the defendant’s full name is Achillion (4), son of Archias alias Polydeukes (4 and 25–26), grandson of Archippos (4–5), a multigenerational Greek nomenclature that likely identifies the defendant’s family as belonging to the Hellenic gymnasial class.¹¹ It may be noted, however, that no reference is made to any magistracies among Achillion’s family members.¹² Therefore, in spite of Achillion’s description as εὐσχήμων (30

¹⁰ See LSJ s.v. A 8: “bring a person into a law-court as defendant or as witness.” See e.g. BGU II 388 = M.Chr. 91 (Alexandria, ca. 157–159) 25–26 where a notary who has drafted suspect legal documents is summoned for interrogation: κ[αὶ] ἐκ[έλευσ]εν τὸν δηλούμενον γεγραφεῖναι | [τὰς ταβέλλας νομικὸν] Ἰούλιον τὸν καὶ Σαραπίωνα προσα[χ]θ[ῆ]ναι. Petitioners who are “brought forward” (προσαχθέντος / προσαχθέντων) during proceedings do not tend to be plaintiffs in contentious litigation: P.Ryl. II 75 (176–200) concerns applications for *cessio bonorum* and CPR VII 4 = SB XVI 13032 (156) is a request to preserve honors in an inherited gymnasiarchy.

¹¹ Although one might have expected the *alias* Polydeukes of Achillion’s father (25–26) to be mentioned in the introductory formulae, the name of the grandfather is given instead (5). On the gymnasial class of Roman Egypt, see P. van Minnen, *Hai apo gymnasiou: ‘Greek’ women and the Greek ‘elite’ in the metropoleis of Roman Egypt*, in: H. Melaerts, L. Mooren (eds.), *Le rôle et le statut de la femme en Égypte hellénistique, romaine et byzantine*, Leuven 2002, 337–353 and G. Ruffini, *Genealogy and the gymnasium*, *BASP* 43 (2006) 71–99. The inclusion of the grandfather and the use of distinctly literary Greek names (Archippos being rare in papyri) suggest strong Hellenic cultural pretensions in this family.

¹² Magistracies held by a man or his father or grandfather were typically mentioned as part of his titulature, see e.g. SB XX 14311 (Arsinoite, 149–150) 1–2: Χαίρεα Ἰσιδώρου τῶν κεκοσμητην|κότων καὶ γεγυμνασιαρχηκότων and SB XII 10842 (Tebtynis, Arsinoite, 133) 5–6: [παρὰ] Ἡρακλείδου τοῦ Διδύμου εωτέ[ρου τοῦ] | [Ἡρώ]δου τῶν γεγυμνασιαρχηκότων.

and 61), a term used to distinguish wealthier individuals from the general population,¹³ the extent of his “eminence” must be taken with a grain of salt.

In pursuing his debt claim, Phibion had failed to follow the regular procedure of filing a petition and serving it on his opponent, but had resorted to physically detaining Achillion and his wife.¹⁴ Under the Principate, the use of private violence, even in the context of self-help against a recalcitrant debtor, constituted the crime of *vis* punishable under the *lex Iulia de vi privata* — or, alternatively, actionable as a civil delict through the *actio vi bonorum raptorum*.¹⁵ In Roman legal literature, we find a citation of the Hadrianic jurist Salvius Iulianus to the effect that a creditor who employed violence to extract what was owed to him automatically forfeited his claim and was liable for *vis* under the *lex Iulia* (D 4.2.12.2, Ulpianus *libro 11 ad edictum*). The same policy is articulated in a judicial hearing before Marcus Aurelius, who castigates a creditor for taking things into his own hands and “administering justice to himself” (D 48.7.7, [Callistratus 5 *de cogn.*]: *eumque sibi ius in eam rem dixisse*). The emperor’s formulation bears a notable resemblance to the prefect’s statements that Phibion deserves to be flogged for seizing his opponent “by your own means” (διὰ σεαυτοῦ: 10–11, 59–61).

The identification of Achillion as εὐσχήμων suggests another explanation for the prefect’s repeated threats to have Phibion flogged for arresting an “eminent” man (10–11, 59–60, 60–61). From the perspective of Roman law, violent seizure of a socially prominent individual could be construed as aggravated assault (*atrox iniuria*) and pursued as a criminal charge through the court of the governor. This is illustrated by jurisdictional regulations attached to edict of a Hadrianic prefect of Egypt, where *atrox iniuria* (= ὕβρις ἀνήκεστος) is listed together with public crimes and other grave offenses that Roman governors were obliged to examine at first instance.¹⁶ In Roman legal literature, it is stated that factors aggravating *iniuria* included the nature of the deed (e.g. assault with weapons or inflicting an open wound), the context in which it was committed (e.g. in a public place such as the theater or forum) and the status of the individuals involved.

¹³ The status of εὐσχήμων was determined by property-rating (πόρος) and drawn up in registers, termed γραφαὶ εὐσχημόνων, which were used in liturgical nominations, see e.g. BGU I 194 = M.Chr. 84 (Arsinoite, 177). Such registers existed in villages as well as regional capitals (see e.g. P.Alex.Giss. 36, Apollonopolite, 116–117) and the πόρος presumably varied accordingly.

¹⁴ On the procedures of petitioning and summons, see G. Foti Talamanca, *Ricerche sul processo nell’Egitto greco-romano, II: L’introduzione del giudizio, I*, Milano 1979, 5–25 and 48–66; Haensch 1994 (n. 9) and B. Kelly, *Petitions, Litigation and Social Control in Roman Egypt*, Oxford 2011, 94–103.

¹⁵ See e.g. C 9.12.5 and 9.33.3 with the discussion of C. Lehne-Gstreinthaler, *Schiedsgerichtsbarkeit und außergerichtliche Konfliktbereinigung im klassischen römischen Recht*, in: G. Pfeifer, N. Grotkamp (eds.), *Außergerichtliche Konfliktlösung in der Antike. Beispiele aus drei Jahrtausenden*, Frankfurt 2017, 141–168 at 141–146.

¹⁶ See SB XII 10929 (ca. 133–137) with A. Jördens, *Eine kaiserliche Konstitution zu den Rechtsprechungskompetenzen der Statthalter*, *Chiron* 41 (2011) 327–356 and A. Dolganov, *Reichsrecht and Volksrecht in theory and practice: Roman justice in the province of Egypt*, *Tyche* 34 (2019) 27–60 at 40–42.

We are told by the jurists Ulpian and Gaius that *iniuria* against a magistrate was by definition *atrox*.¹⁷ A further aggravating factor was the perpetrator's status in relation to the victim — for example, if *iniuria* was committed against a senator by a lowly person.¹⁸ It is relevant that Aristonikos, the advocate of Achillion, goes out of his way to portray Phibion as a histrionic “fabricator of debts” (τὸν μὲν δ[απειο-]κόπον τοῦτο[ν, 27) and to emphasize the socioeconomic gulf between the two litigants (ὁ δὲ ἡμ[έτερός ἐστι]ν ἐσχήμων, etc., 30). This discrepancy in status was likely exaggerated: the fathers of both litigants had served as collectors of grain taxes (*sitologoi*) and had their estates encumbered by debts to the *fiscus*, to the point that both sons were compelled to refuse their inheritance (49–52).¹⁹ However, through Aristonikos' manipulative rhetoric, Phibion appears to belong to a vastly inferior social class than his “eminent” adversary.

The prefect's threats of corporal punishment are an unmistakable signal of Phibion's classification within the lower strata of society. From a Roman perspective, Achillion's alleged wealth and membership in the Hellenic class (so it may be inferred) protected his person against arrest and corporal punishment, whereas Phibion's apparent lack of such credentials made his body subject to the legitimate exercise of violence by Roman authorities.²⁰ That this judicial narrative seems to have been at odds with the facts of the case, in which the fathers of both litigants had held the same liturgy and been indebted to the *fiscus*, suggests the interesting possibility that the Roman governor consciously chose to magnify the issue of class conflict in order to enhance the dramatic impact of the hearing.

Further new readings shed light on the attempts of Aristonikos to cast doubt on the probative value of the pay order issued by Achillion's father Archias to measure out the grain. Since the pay order seems to be the only piece of documentary evidence in Phibion's possession, Aristonikos predictably seeks to undermine its credibility, arguing that Phibion is asserting a claim on the basis of an undocumented transaction (ἄγραφον ὀφ[είλημα], 32), questioning whether the loan took place at all (52–53) and insisting

¹⁷ See D. 47.10.7.8 (Ulpianus 57 *ad ed.*): *persona atrocior iniuria fit, ut cum magistratui, cum parenti patrono fiat*; Gaius, *Inst.* 3,225: *uelut si magistratus iniuriam passus fuerit*.

¹⁸ See Gaius, *Inst.* 3,225: *uel senatori ab humili persona facta sit iniuria*.

¹⁹ These lines are misconstrued by Y. Broux, *The ousiakos logos, the procurator usiacus, and ousiake ge: was it Vespasian, Domitian or Hadrian?*, *APF* 67 (2021) 302–347 at 306–307 as signifying that “*sitologoi* had come knocking on their doors to claim what was owed” to the *fiscus*.

²⁰ On the Roman state's differential treatment of persons of wealth and status (*honestiores*) vs. ordinary persons (*humiliores*) in the sphere of penal law, see P. D. A. Garnsey, *Social Status and Legal Privilege*, Oxford 1970, 103–180. P.Flor. I 61 and other papyrological evidence for Roman judicial practice corroborates Garnsey's observations and falsifies the arguments of Rilinger against status-based penal practice in the Roman context, see R. Rilinger, *Humiliores – honestiores. Zu einer sozialen Dichotomie im Strafrecht der römischen Kaiserzeit*, München 1988, a study that does not take documentary evidence into account. On the legally privileged status of the provincial officeholding class, see S. V. Dmitriev, *City Government in Hellenistic and Roman Asia Minor*, Oxford 2005, 172 and 327 with further literature.

that the pay order could have been forged (56–58). The prefect takes a similar approach, calling into question whether the pay order is authentic and noting that there is no proof that the grain has not already been repaid (40–43).

In view of the prefect's inimical tone toward Phibion, including overt sarcasm ("what even you do not know we do not attempt either," 35–36; "I concede you half that time: in twenty years, you may return to my court," 63–65) and physical threats (9–11, 59–61) one is left with the sense that the prefect was not examining Phibion's claim in earnest but was predisposed to humiliate and condemn him.²¹ One also detects a peculiar synergy between the prefect and the defendant's advocate Aristonikos, with whom the prefect is in agreement to the point of echoing his statements (Aristonikos: "... whereas our client is an eminent man," 30; prefect: "you deserve to be flogged for seizing an eminent man and his wife by your own means," 59–61). One may venture a guess that the deft and confident Aristonikos, who dominates the proceedings and reduces his opponent to silence, belonged to a circle of elite orators from Alexandria who are known to have accompanied the prefect on his assize tour.²²

It is significant that the hearing took place before crowds of provincial spectators. This grand and highly visible setting of the prefect's tribunal reinforces the general impression that Phibion's hearing was not an ordinary *postulatio* in a civil lawsuit, but had been selected and staged as a punitive spectacle. In threatening to have Phibion beaten and forcing him to cower in fear (10–12), the Roman governor presumably intended to make an example of Roman penal practice, in line with numerous descriptions in literary and legal sources from the empire.²³ A public hearing in which a person of low status is brutally castigated for daring to arrest an eminent man was akin to an allegorical drama enacting the subversion and restoration of social order, as it was envisioned by the Roman imperial state in its provinces.²⁴ That Phibion was forced to plead his case, in spite of his readiness to abandon his claim ("I concede the case to him, so that I may remain unscathed," 11–12), further highlights the theatrical purpose of the hearing. Ultimately, appeals from the audience presented an opportunity for the

²¹ On the humiliation of litigants by Roman officials, see M. Peachin, *Attacken und Erniedrigungen als alltägliche Elemente der kaiserzeitlichen Regierungspraxis*, in: R. Haensch, J. Heinrichs (eds.), *Herrschen und Verwalten: der Alltag der römischen Administration in der Hohen Kaiserzeit*, Köln, Wien 2007, 117–125 at 121–124.

²² On advocates being appointed from the governor's entourage, see Dolganov 2023 (n. 1) 75–76. For examples from Egypt, see P.Stras. I 5 in this article and SB XVI 12749 = P.Daris 2 = P.Stras. IV 179 (Arsinoe, 176–179), a judicial record from an Arsinoite assize featuring an Alexandrian advocate. For examples from Roman North Africa, see A. Dolganov, *Nutricula caudicorum: legal practitioners in Roman North Africa*, in: K. Czaikowski, B. Eckhardt (eds.), *Law in the Roman Provinces*, Oxford 2020, 358–416 at 381–382.

²³ On the spectacularization of Roman penal practice, see K. M. Coleman, *Fatal charades: Roman executions staged as mythological enactments*, JRS 80 (1990) 44–73 and B. D. Shaw, *Judicial Nightmares and Christian Memory*, JECS 11 (2003) 533–563.

²⁴ On the meticulously stratified social order envisioned and implemented by the Roman state in Egypt and elsewhere in the empire, see A. Dolganov, *Imperialism and social engineering: Augustan social legislation in the Gnomon of the Idios Logos*, Klio 104 (2022) 656–692.

prefect to exercise clemency and restraint. If indeed Aristonikos was a member of the prefect's Alexandrian entourage, as the dynamics of the hearing lead one to suspect, it implies that he was appointed by the prefect to deliver a scathing attack against Phibion and a dazzling defence of the injured Achillion, thereby facilitating the stage management of the prefect's public role as a formidable yet magnanimous judge.²⁵ This hearing was, par excellence, a performative display of Roman justice.

It is a curious detail that the heading of the record introduces it as a case (ὑπόθεσις, 6) concerning an attempt to seize (κατασχεῖν, 6) someone in order to exact payment (ἐἴπρα[ξ]ῖν, 7). This unusual preamble suggests, quite interestingly, that the functionaries who drafted the official protocol of the hearing were aware of its performative dimension, and even sought to draw attention to the case as a morality play for contemporary observers and an instructive *exemplum* for future audiences.²⁶

A final point may be made about the format of the record, which consists of two short and narrow juxtaposed columns. This diptych-like layout is attested in a handful of judicial records from Roman Egypt, all dating to the first century CE, and may be a visual echo of Roman waxed tablets, the typical dimensions of which (ca. 12 × 16 cm) correspond to the size of the two columns.²⁷ As illustrated by *tabulae* from Roman Campania, a diptych or triptych was the standard format of official copies of Roman public records in Italy in the first century.²⁸ The significance of this apparent cross-pollination between documentary media in the Flavian period, when the Roman state was grappling with the challenges posed by the fragile medium of papyrus for its official records,²⁹ is a suggestive topic for further investigation.

²⁵ The rhetorical skill of Aristonikos is manifest in spite of the filter of bureaucratic abbreviation, see the extended discussion of Dolganov 2023 (n. 1) 79–82.

²⁶ A similar thematic prescript occurs in P.Fouad 21 (unknown provenance, ca. 63) 10: [ἐπὶ τῶν μισσικίων, περὶ τῆς πολιτείας = “in the presence of discharged soldiers, concerning citizenship.” It is almost as if first-century judicial records anticipated the use of cases as judicial *exempla*. For anthologies of legal cases in papyri, see n. 3. On the practice of citing precedents (*exempla*) see C. Ando, *Exemplum, analogy and precedent in Roman law*, in: M. Lowrie, S. Lüdemann (eds.), *Exemplarity and Singularity: Thinking Through Particulars in Literature, Philosophy and Law*, London 2015, 111–122.

²⁷ See P.Oxy. I 37 (Oxyrhynchus, 49), likewise a record of a single judicial hearing in two 12 cm columns; see also P.Mich. III 159 (ca. 37–43), P.Fouad 21 (63) and SB V 8247 = FIRA III 171b (63–64).

²⁸ See e.g. the record of an *anniculi probatio* in TH² 89 (62) = G. Camodeca, *Tabulae Herculanenses: edizione e commento*, Roma 2017, 59–78. For official copies of records on *tabulae* from Roman Egypt, see e.g. P.Mich. III 166 (Roman birth certificate, 128) and P.Mich. III 169 (Roman birth certificate, 145). The *tabulae* had an exterior and sealed interior text, which the papyri in question do not.

²⁹ This struggle is illustrated by the harsh Roman reaction to the malfunctioning of local public archives, documented in P.Fam.Tebt. 15 (Arsinoite, ca. 114–115) and 24 (Arsinoite, 124).

M.Chr. 80 = P.Flor. I 61
unknown location

col. I ca. 15.5 cm × 18 cm
col. II ca. 15.5 cm × 18 cm

8 February, 85
Plate 6

col. I

- ἀντίγραφον [ἐξ ὑπομνημα]τισμῶν
ἔτους δ̄ Α[ὐτοκράτο]ρος Καίσαρος Δομιτιανοῦ Σεβασ-
[τοῦ] Γερμα[νικοῦ μηνός] Μεχεῖρ ᾄδ.
Ἰσιδωρᾶς [ὁ καὶ Φιβίων Ν. Ν.] πρὸς Ἀχιλλεῖωνα Ἀρχ[ίου τοῦ]
5 Ἀρχίππου [ἐν ca. 5–7 πρὸ βή]ματος ἐν τῷ ca. 7 [ca. ?]
ὑπόθεσις [περί(?) ca. 9] κατασχεῖν [ca. ?]
ἔσπρα[ξ]ιν . . . [ca. 6] . . . *vac.*
Σεπτίμιος Οὐέγετος ἐκέλευσεν προσ]αχθῆναι τὸν Φιβίωνα καὶ ἔφη·
παραστή[σας τὸν ἀντίδικον] φάμενος [ὁ]φείλειν σοι
10 διὰ σαυτοῦ δὲ κρατήσ[ας] αὐτὸν ἄξιός ἦς εὐθέως
μαστιγωθῆναι. [Φι]βίον [εἰ]πεν· τὸ πρᾶ[γ]μα χαρίζομαι
αὐτῷ, ἵν' ἀμελῶ[ς ἔξ]ῳ.
Σεπτίμιος Οὐέγετος· [περ]ὶ ποί[ου] ἐγκαλεῖς αὐτῷ;
Κεφάλων ρήτωρ· τῆς σῆς εὐεργεσίας δεόμενος ἐντυγ-
15 χάνει σοι τὸ πρῶτον κ[α]ὶ ἀναγκαιότατον συ[γ]γνώμην
αἰτούμενος, ἐπεὶ ἐπλανήθη περὶ τὴν ἔντευξιν· ἔ-
δει γὰρ ἀναφορίον σο[φ]ίᾳ δοῦναι, ὡς καὶ σὺ ἠθέλησας. δε[ό]-
μεθα οὖν μὴ μαστιγοθῆναι αὐτόν. τὸ δὲ ζήτημα [νὸν(?)]
ἐστὶ τοιοῦτο. ὁ πατὴρ τοῦ ἀντιδίκου ἐδανείσατο π[αρά]
20 τοῦ πατρὸς τοῦ ἡμετέρου ἑκατὸν ἀρτάβας πυροῦ. κ[λη-]
ρονομικὸν δὲ τὸ δίκαιον. δοκῶ δὲ ὅτι οὐ τῶν χαρα[κτῆ-]
ρων μόνων κληρονόμους δεῖ εἶναι, ἀλλὰ καὶ τὰ ὀφ[ειλό-]
μενα ὑπὸ τῶν κληρονομηθέντων ἀποδ[ι]δόναι.
[Αρ]ιστόνικος ρήτωρ· ἀναγνώτω πῶς ὀφείλεται[ι ταῦτα.]
25 [Κε]φάλωνος ἀναγνόντος ἐπίσταλμα Ἀρχίου τοῦ [καὶ Πολυ-]
δεύκου ἐπὶ τοῦ ἰᾱ (ἔτους) θεοῦ Κλαυδίου *vac.*
Ἀριστόνικος· τὸν μὲν δ[ανειο]κόπον τοῦτο[ν ὡς τοιοῦτο]
ἐνθάδε καλοῦνται οἱ ἀπατε]ῶνες ἐκ πολλ[ῶν ἔδει χρο]-
γῶ[ν] ἄνθρωπον στα[λῆναι] εἰς τὰ θέατρ[α ca. 7–9]
30 [.]ο[φ] . .]γα, ὁ δὲ ἡμ[έτερός] ἐστι[ν] εὐσχήμων [ca. 6–8]
[. . .]ων ἐν Νε[ca. 13]ν τοῦ μεν[ca. 6–8]
[. . .] . . . ποτε δ[ca. 12] ἄγραφον ὀφ[είλημα]
[. . .] γ]εγραπ[τ ca. 11]τωι ἐπ[ca. 7–8]
[. . .]νου τ[ca. 18] . [ca. 11]

col. II

- 35 Φιβίων· οὐκ οἶδα. Σεπτίμιος Οὐέγετος· ὃ γε σὺ οὐ-
κ οἶδας οὐδὲ ἡμεῖς[ς] πε[ι]ρῶμεν.
Κεφάλων· τὸ μὲν ἐπίσταμα τοῦ πατρὸς τούτου
ἐστίν· προστάτης δὲ ὢν ὁ δοῦλος ὑπέγραψεν ὅτι
μετρήσει, οὐδὲν δὲ μεμέτρηκεν ἄπαξ ἀπὸ τοῦ ἐπι-
40 στάματος. Σεπτίμιος Οὐέγετος· πρῶτον μὲν
ζητεῖται, εἰ τοῦ πατρὸς τούτου γράμματά ἐστιν, δεύ-
τερον διὰ τί ἕως σήμερον οὐκ ἀπήτησας; δύναται
γὰρ καὶ γεγραφέναι ἐκ[εῖ]νος καὶ μεμετρηκέναι.
Ἄριστόνικος· σὺ μὲν ζητ[εῖ]ς ὀρθῶς ταῦτα, ἐγὼ δὲ σοὶ τὸ
45 καθολικὸν λέγω· ἡγεμόνες πεν[τ]αετίαν ὥρισαν
περὶ τῶν πολυχρονίων· ἄλλ' οἱ δεκαετίαν, οὐχ ὅπου
διαλογισμοὶ καὶ ἡγεμόνες παραγενόμενοι. πυθοῦ
αὐτοῦ πόσα ἔτη ὁ πατήρ αὐτοῦ ἐπέζησεν.
Φιβίων· ἠρνήσατο οὗτος [τῆ]ν κλη[ρ]ονομίαν τοῦ πατρὸς
50 καὶ ἐγὼ τὴν {καὶ ἐγὼ τὴν} τοῦ ἰδίου πατρὸς, ἐπεὶ σιτο-
λόγοι ἦσαν καὶ ἀπητο[ῦ]ντο εἰς τὸν Κ[α]ίσαρος λόγον.
Ἄριστόνικος· εἰ οὖν καὶ ὠφεύετο εἰς τὸν Κ[α]ίσαρος λόγον,
διὰ τί οὐκ ἀπῆτει τότε; Σεπτίμιος Οὐέγετος·
λειμοῦ γεν[ομ]ένου πε[ι]νῶν οὐκ ἀπή[τ]εις τὸν πυρόν,
55 εἰ ὠφεύετό σοι; Φιβίων· παρεκάλει με τέσσαρας
μνάς λαβεῖν. Ἄριστόνικος· ἐὰν τούτῳ προχωρή-
σῃ, ἐποίησιν μυριοὶ χειρόγραφα τοῦ πατρὸς τούτου·
ἐν ὀρφανείᾳ γὰρ κατελί[π]η οὗτος.
Σεπτίμιος Οὐέγετος τῷ Φιβίωνι· ἄξιός μὲν ἦς μαστι-
60 γωθῆναι, διὰ σεαυτοῦ κατασχῶν ἄνθρωπον
εὐσχήμονα καὶ γυν[αῖ]καν· χαρίζομαι δέ σε τοῖς ὀ-
χλοῖς καὶ φιλανθρωπ[ότ]ερ[ό]ς σοι ἔσομαι. διὰ τεσσε-
ράκοντα ἐτῶν ἐπιφέ[ρε]ις ἐπίσταλ[μ]α· τὸ ἡμισ[ύ] σοι
τοῦ χρόνου χαρίζομαι· [μ]ετὰ εἴκοσι ἔτη ἐπανε-
65 λεύση πρὸς ἐμέ. καὶ ἐκ[έ]λευσε τὸ χειρ[ό]γραφον χια-
σθῆναι.

Apparatus

1–12. omitted in Vitelli *ed. pr.* and transcribed in M.Chr. 80

1. ἀντίγραφ[ον] M.Chr. 80, Wilcken 1908 (n. 2); [ἀ]ντίγρα[φον] Mitteis 1906 (n. 2)

2. [Αὐτοκράτο]ρος M.Chr. 80, Mitteis 1906

2–3. Δομιτιανοῦ | Σεβασ[τ]οῦ Γερμανικοῦ M]χειρ[τ] M.Chr. 80, Wilcken 1908

4. Ἰ. Ἀχλλίανα; Ἰ[σ]ίδωρος ὁ καὶ Φιβίων π[ρ]ὸς Ἀχιλλεὺς . . . ρα . . . M.Chr. 80, Wilcken 1908

5. χ [ca. 10] ντ M.Chr. 80, Wilcken 1908

6. [ὁ]πόθεσις [ca. 10]. ἀπέχειν [. . . .] M.Chr. 80, Wilcken 1908
7.ρα [ca. ?] vac. M.Chr. 80, Wilcken 1908
8. Σεπτίμιος Οὐδέγετος [τὸν Φιβίωνα M.Chr. 80, Wilcken 1908
9. [π]αράστα [ca. 13] ἀμεινος [ὄφε]ύλειν σοι M.Chr. 80, Wilcken 1908
10. ἰ. σεαυτοῦ; δι' ἃς αὐτ. [. . . .] ca. 9 εὐθέως M.Chr. 80, Wilcken 1908
11. μαστιγω Φιβί[ι]ων· τὸ πρῶ[ι]μα χαρίζομαι M.Chr. 80, Wilcken 1908
12. ἴν' ἀμελῶ[ς ἔχω] M.Chr. 80, Wilcken 1908
13. Οὐδέγετος· [. . . .] ἐγκαλεῖς αὐτῶι M.Chr. 80, Wilcken 1908; Οὐδέγετος· [. . . .] καλεῖ αὐτῶι
Wilcken apud Mitteis 1906; Οὐδέγετος· [ca. 6 ἀλλ]ὰ λέγε σὺ τὸ [ca. 6] Vitelli
- 17–18. δ[εό]μμεθα M.Chr. 80, Vitelli
19. [παρά] M.Chr. 80; [παρά] Mitteis 1906; [παρά] Vitelli
21. δίκ[α]ιον M.Chr. 80, Vitelli
22. κληρο[ν]όμου M.Chr. 80; κληρονόμους Mitteis 1906; κληρο[ν]όμους Vitelli
23. ἀποδ[ι]δόναι M.Chr. 80; ἀποδι[δ]όναι Mitteis 1906; ἀποδ[ι]δόναι Vitelli
26. τοῦ ἰα (ἔτους) [Τιβερ]ίου Κλαυδίου M.Chr. 80; τοῦ ἰα (ἔτους) θεοῦ Κλαυδίου Wilcken apud
Mitteis 1906; τοῦ ἰα (ἔτους) [Τιβερ]ίου Κλαυδίου Vitelli
27. τοῦτο[ν ca. ?] M.Chr. 80; τοῦτο[ν ὅς] Wilcken apud Mitteis 1906; τοῦτο[ν ca. ?] Vitelli
- 28–29. ο[ἰ] δεδ[αν] <εικότ>ες ἐκ πολλ[ῶν] χρό[ν]ων M.Chr. 80; ο[ἰ] δεδ[αν] <εικότ>ες ἐκ πολλ[ῶν
χρό]ν[ων] Wilcken apud Mitteis 1906; ο[ἰ] ca. 5]αες ἐκ πολλ[ῶν ca. ?] [. . .] Vitelli
- 29–30. στα[τέον] εἰς τὰ θέατρ[α] [α] [. . .] τα M.Chr. 80; στα[τέον] εἰς τὰ θέατρα [. . .] τα Mitteis 1906;
εἰς τὰ θέατρ[α] εἰς τὰ θέατρ[α] [α ca. ?] [. . .] τα Vitelli
- 30–31. εὐσχ[ή]μων [. . . .] ἐν εννε[ca. 11] ν τοῦ μελ[ca. ?] M.Chr. 80, Mitteis 1906; εὐσχ[ή]μων [. . . .]
[. . . .] νεν δι[ca. 11] ν τοῦ μελ[ca. ?] Vitelli
32. [ca. 6] πότε δ[ca. 12] γραφο . . . [ca. ?] M.Chr. 80; [ca. 6] πότε δ[ἐ ὑπομνηματο]γράφος Wilcken
1908; [ca. 6] πότε δ[ca. 12] γραφο . . . [ca. ?] Vitelli
33. [ca. 6] ε γραπ[ca. 12] ωι . . . [ca. ?] M.Chr. 80, Vitelli
34. [. . . .] νουτ[ca. 30] M.Chr. 80, Mitteis 1906; [. . . .] νουτ[ca. 30] Vitelli
35. ο[ἰ] καὶ M.Chr. 80, Vitelli
36. οὐδὲ ἡμεῖ[. . . .] ὦμεν M.Chr. 80, Mitteis 1906; οἶδας οὐδ' ἡμεῖ[ca. 11] ἐν Vitelli
37. π[ατρ]ός M.Chr. 80; πατρ[ός] Mitteis 1906; π[ατρ]ός Vitelli
43. ὁ [. . . .] ἰος καὶ μεμετρηκέναι M.Chr. 80; ἐκ[εῖ]νος καὶ μεμετρηκέναι Wilcken 1908; ὁ [. . . .]
[. . . .] ἰος καὶ μεμετρηκέναι Vitelli
45. καθολικὸν λέγω· ἡγεμόνες πεν[τ]αετίαν M.Chr. 80; καθολικὸν λέγω· ἡγεμόνες πεν[τ]αετίαν
Mitteis 1906; κ ἐπὶ πεν[τ]αετίαν Vitelli
46. περὶ τῶν πολυχρον[ί]ων ca. 12 M.Chr. 80, Mitteis 1906; χ [. . .] ν Vitelli
47. πωθ[οῦ] M.Chr. 80; πωθ[οῦ] Mitteis 1906; πωθ[οῦ] Vitelli
54. ἰ. λιμοῦ; [τὸ]ν πωρόν M.Chr. 80, Vitelli
59. μ[έ]ν M.Chr. 80, Vitelli
60. [κ]ατασχόν M.Chr. 80, Vitelli
61. ἰ. γυν[αῖ]κα

Translation

col. I

Copy from judicial records (*commentarii*).

Year 4 of the emperor Domitian Caesar Augustus Germanicus, Mecheir 14.

Isidoros [*alias* Phibion son of N. N.] against Achillion, son of Archias, grandson of Archippos, before the tribunal [in the . . . nome] in the . . .

A case [concerning(?)] . . . to seize . . . exaction . . .

(9–11) Septimius Vegetus, [ordered] Phibion to be brought forward and said:

“Having produced [your opponent] declaring that he is indebted to you and having seized him by your own means you deserve to be flogged immediately.”

(11–12) Phibion said:

“I concede the case to him, so that I may remain unscathed.”

(13) Septimius Vegetus:

“What are you prosecuting him about?”

(14–23) Kephalon, advocate:

“Needful of your beneficence, this man petitions you while first and foremost asking your forgiveness, since he was misled regarding the procedure of petitioning. For he should have submitted a written petition to you, in accordance with your wishes, so we beg you not to have him flogged. The [present] object of litigation is as follows: the father of our opponent took a loan of 100 *artabai* of wheat from the father of my client. This claim is heritable, for I believe that it is compulsory for heirs not only to inherit the legal personhood of testators but also to return any debts owed by them.”

(24) Aristonikos, advocate:

“Let him read out how it is that these things are owed.”

(25–34) After Kephalon read the pay order issued by Archias *alias* Polydeukes dated to the 11th year of the Divine Claudius (50–51), Aristonikos (said):

“This fabricator of debts, as [cheats of this sort] are called here, is a guy who should have been sent into the theater long ago ... whereas our client is an eminent man ... in Ne- ... undocumented debt ... was written ...”

col. II

(35) Phibion:

“I do not know.”

(35–36) Septimius Vegetus:

“What even you do not know we do not attempt either.”

(37–40) Kephalon:

“This is a pay order from this man’s father. The slave, being his administrator, signed that he would measure out the grain but did not measure it out even once after the order was issued.”

(40–43) Septimius Vegetus:

“The first point of inquiry is whether this is indeed the writing of this man’s father and secondly why you have not sued for the return of the loan until now? For it is possible that he (the slave) measured out the grain and confirmed it in writing.”

(44–48) Aristonikos:

“You are right to ask this, and I will give you the general policy on this issue: governors have established five years as a time-limit for filing long-standing claims, while those who have established ten years did not do so for places where governors and judicial assizes occur. Ask him: for how many years did his father survive (after issuing the pay order)?”

(49–51) Phibion:

“This man refused the inheritance of his father and I that of my own father, since both were collectors of grain taxes (*sitologoi*) and indebted to the *fiscus*.”

(52–53) Aristonikos:

“Particularly if grain was owed to the *fiscus*, why did he not sue for its return back then?”

(53–55) Septimius Vegetus:

“Suffering hunger during a famine, would you not sue for the return of grain if it were owed to you?”

(55–56) Phibion:

“He invited me to take four minae.”

(56–58) Aristonikos:

“If he (Phibion) is allowed to go this far, thousands more will bring documents issued by the father of our client, since he has been left an orphan.”

(59–66) Septimius Vegetus to Phibion:

“You deserve to be flogged for seizing an eminent man and his wife by your own means. But I shall concede you to the crowd and be more humane to you. You present a pay order after forty years; I concede you half that time: in twenty years, you may return to my court.” And he ordered the deed to be struck through.

Commentary

My edition follows the most recent published text of M.Chr. 80 and notes all departures from it. In addition to introducing new readings, my edition restores underdots marking damaged letters that tended to be omitted in the *Chrestomathie* of Mitteis. These restored underdots are not included in the *apparatus criticus*. I use underdots for any traces of ink, even if the letters in question are no longer identifiable. I supplement my readings of damaged portions of the papyrus with images made by a Dinolite digital microscope.

The dimensions of the two papyrus fragments are ca. 15.5 cm × 18 cm, with the two columns of text measuring ca. 12 cm (11 cm text + 1 cm hanging indent) × 16 cm and ca. 12 cm (11 cm text + 1 cm hanging indent) × 14 cm, respectively.

1–7. The introductory formulae of this record contain standard elements characteristic of judicial records from the first century: 1) a formula signifying that the text is a copy from the ὑπομνηματισμοί = *commentarii* of an official; 2) the date; 3) the name of the plaintiff + πρὸς + the name of the defendant; 4) the location. Compare, in a slightly different order, P.Oxy. I 37 = M.Chr. 79 (Oxyrhynchus, 49) 1–4: ἐξ ὑπομ[ν]ηματισμῶν Τι[βερίου]ν Κλαυδ[ίου]ν Πασίωνος στρατη(γού). | (ἔτους) ἐνάτ[ο]ν Τιβερίου Κλαυδίου Καίσαρος Σεβαστοῦ Γερμανικοῦ | Αὐτοκ[ρά]τορος, Φαρμουῦθι γ, ἐπὶ τοῦ βήματος, | [Π]εσοῦρι[ς] πρὸς Σαραεὺν. A fifth, more unusual element is a prescript denoting the substance of the case, see the commentary to lines 6–7 below. On the introductory formulae of Roman judicial records, see Coles 1966 (n. 2) 29–38.

2–3. Δομυτιανοῦ Σεβασ[ι]του Γερμα[νικοῦ] μηνός] Μεχείρ: In spite of all previous editions ending line 2 with Δομυτιανοῦ, traces of the first letters of Σεβαστοῦ are visible at the end of the line:



Δομτιανού Σεβασ- (of Σεβασ[ι]του), 2

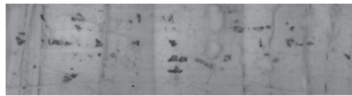
The position of the subsequent traces of Γερμα[νικου] suggest [μηνός] to fill the lacuna before Μεχείρ.

4. Ἴσιδωράς [ὁ καὶ Φιβίων N. N.]: The *alpha* of the name is clear. In view of the defendant being named in lines 4–5 (πρὸς Ἀχιλλείωνα, etc.) it seems inevitable that this is the nomenclature of Phibion the plaintiff. A genitive form of the female name Ἴσιδωράς may therefore be excluded. Instead, we seem to have a previously unattested variant of the Egyptian male name Δωρᾶς, well-documented in Ptolemaic and Roman Egypt. A Ἡλιοδωρᾶς appears in P.Münch. II 84 (Arsinoite, 211), which means that Ἴσιδωρᾶς and other compounds are possible. The plaintiff's name was evidently followed in the lacuna by a patronymic and the *alias* or nickname Φιβίων, which is the name used throughout the hearing. For a parallel example where a nickname appears in an official document as the primary name of the individual, see P.Harr. II 227 (Arsinoite, 221) 3: Αὐρήλιος [Αγ]αθὸς Δαίμων ὁ [κ]αὶ Νεῖλος ἐπικεκλημένος Ἑρμίας γυμν[ασι-αρχήσας βουλευτῆς; 15: συνδανίσα[σ]θαι τὸν Ἑρμίαν, etc. See also P.Oxy. XXXI 2560 (Oxyrhynchus, 256) 2 and P.Oxy. XLVI 3290 (Oxyrhynchus, 258–260) 1–2 where the name and *alias* are interchangeable. That both names of Phibion are of Egyptian origin suggests a distinct cultural milieu from that of Achillion with his thoroughly Greek nomenclature, see further W. Clarysse, *Ethnic identity*, in: K. Vandorpe (ed.), *A Companion to Greco-Roman and Late Antique Egypt*, Hoboken 2019, 299–313 at 300–303.

4–5. πρὸς Ἀχιλλείωνα Ἀρχ[ίου τοῦ] | Ἀρχίπτου: The reading πρὸς Ἀχιλλεὺς (M.Chr. 80 after Wilcken 1908) with the nominative is implausible and assumes a grammatical error in a damaged part of the text. Paleographically, the accusative Ἀχιλλέα may be excluded. Instead, the traces after Ἀχιλλε are compatible with ι and ω after which να is reasonably clear. The name therefore appears to be a variant spelling of Ἀχιλλίων (see e.g. P.Oxy. XII 1494 [Oxyrhynchus, early 4th cent.] 21: Ἀχιλλείωνος). The *ap* that follows is clearly visible and Ἀρχ[ίου] may be supplemented on the basis of the father's name in line 25. A logical possibility for what follows is τοῦ + name of the grandfather. In view of the traces extending into the right margin in lines 9–12 there is certainly space for the article τοῦ at the end of the line. At the beginning of line 5, χι is clear, with traces of a vertical leg of the next letter (*nu*, *pi* or *eta*) meeting *iota* at the bottom. What follows looks like *pi* (or, conceivably, *eta*) followed by *omikron*. The letter before χ extends toward it with a horizontal stroke. All of this suggests the reading Ἀρχίπτου, with a close parallel for the paleography of *apχ* with *alpha* extending horizontally through *rho* toward *chi* (compare the extension of *theta* through *rho* in ἄνθρωπον, 60) furnished by Ἀρχίου (25):



Ἀρχίου, 4



Ἀρχίπτου, 5



Ἀρχίου, 25

One might have expected the *alias* Polydeukes (mentioned in lines 25–26) to be included in the nomenclature of Achillion’s father Archias in lines 4–5. This reading, however, is paleographically impossible. Instead, we have a clear *chi* indicating the Greek name of the grandfather at the beginning of line 5.

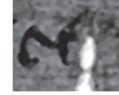
5. [έν ca. 5–7 πρὸ βή]ματος έν τῷ ca. 7 [ca. ?]: After the lacuna, there is a clear *alpha* followed by traces that suggest a word ending in ατος. This points to the standard formula πρὸ βήματος (or, less frequently, ἐπὶ βήματος). For the paleography of μ compare δε[ό]μεθα (17–18); for the paleography of *sigma* followed by έν, compare σε in ἐκ[έ]λευσε (65):



μ of δε[ό]μεθα,
17–18



[πρὸ βή]ματος έν, 5



σε of ἐκ[έ]λευσε,
65

A plausible reconstruction in line with the standard formulae of Roman judicial records would be: [έν (nome or city) πρὸ βή]ματος.³⁰ The lacuna has space for 5–7 letters for the placename, which suggests a nome with a short name, such as the Xoite, Saite or Ombite. Since Phibion had seized his opponent and hauled him to court, the hearing probably took place at a local assize in proximity to the litigants’ place of residence. Clear traces of εντ followed by a rounded letter indicates έν τῷ with reference to the precise location of the hearing, such as a gymnasium or imperial cult temple, see e.g. the heading of SB XIV 12139 col. II 2–3: έν Ξό[ι]τι έν τῷ | γυμνασίῳ. A conceivable alternative possibility would be to read έν τῷ (nome) after πρὸ βήματος (see e.g. P.Amh. II 80 [Arsinoite, 232–233] 7: πρὸ βήματος έν [A]ρσινοίτη δικάζῳ) but this does not have parallels in known introductory formulae.

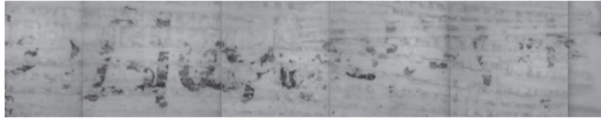
6. ὑπόθεσις [περί(?) ca. 9] κατασχεῖν: Here, ὑπόθεσις refers to the substance of the legal case, a meaning that emerges in documents from the Roman period and likely corresponds to the Latin *causa*, see e.g. P.Oxy. III 486 (131) 26–27: καὶ τὴν ὅλην ὑπόθεσιν ὑπερθεμένου τοῦ ἐπιστρ[ατήγο]υ ἐπὶ σέ = “after the *epistrategos* referred the entire case to you” (contrast the Ptolemaic P.Mich. I 57 (248 BCE) 7 where ὑποθέσεις are propositions or arguments). The traces after the lacuna are not compatible with ἀπέχειν (M.Chr. 80 after Wilcken 1908). The letters ατασ are reasonably clear, while *kappa* may be inferred. The seizure of Achillion is mentioned multiple times in the document (9–10, 59–61).

7. εἴσπρα[ξ]ιν . . . [ca. 6] . . . : The traces indicate the accusative εἴσπραξιν with reference to Phibion’s attempt to exact payment from Achillion.

8. ἐκέλευσεν προσ[α]χθῆναι τὸν Φιβίωνα καὶ ἔφη: The φ of ἔφη at the end of the line is clear and traces of a small καὶ are discernible (compare the paleography of καί,

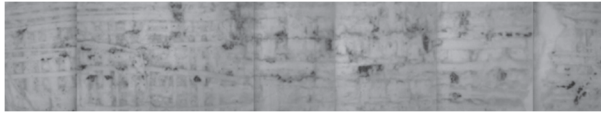
³⁰ See e.g. P.Stras. IV 179 = SB XVI 12749 = P.Daris 2 (after 176–179) 4: έν Ἀρσινοίτη πρὸ βήματος; P.Stras. I 41 = M.Chr. 93 (Hermoupolis, ca. 250) 1: έν Ἀ[ν]τινόου πόλει πρὸ βήματος.

61). Evidently, the introductory formulae of this record extended ca. 1 cm into the right margin beyond the main text of the proceedings.



Φιβίωνα καὶ ἔφη, 8

After the lacuna, ηναι is clear (compare the paleography of μαστιγωθῆναι, 18) with traces of χθ visible with reasonable clarity, indicating a passive infinitive ending of a verb derived from ἄγω:



προσαχθῆναι τὸν, 8

For ἐκέλευσεν προσαχθῆναι καὶ ἔφη, compare P.Oxy. XVIII 2177 (Oxyrhynchus, *Acta Alexandrinorum*, 3rd cent.) fr. 2 col. II 9–11: ἐκέλευσε [...] | [...]την καὶ Ἀθάμαν[τα] | [ἀχθ]ῆναι καὶ ἔφη αὐτ[οῖς]. See also BGU II 388 = M.Chr. 91 (Alexandria, ca. 157–159) 25–26: κ[αὶ] ἐκ[έλευσ]εν τὸν ... νομικὸν Ἰούλιον τὸν καὶ Σαραπίωνα προσα[χθ]ῆναι and the introductory formula of P.Ryl. II 75 (late 2nd cent.) 3–5: προσαχθέντων Γλύκωνος Διονυσίου | καὶ Ἀπολλωνίου Γλύκωνος μεθ' ἕτερα | Ἀρχ[έλ]αρος ῥήτωρ εἶπεν.

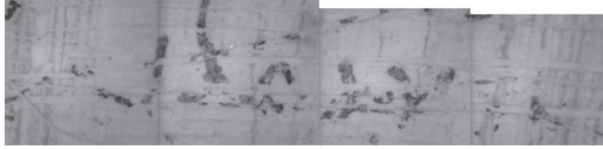
9. παραστή[σας τὸν ἀντίδικον] φάμενος [ὁ]φείλειν σοι: The reading [π]αραστα [(Wilcken 1908) may be amended in favor of a syntactically preferable participial construction. *Alpha* is by no means clear and *eta* is compatible with the traces. The left leg of *pi* is clearly visible. The standard meaning of παρίστημι is to produce someone in court, see LSJ s.v. C I: “bring forward, produce, esp. in a court of justice” and WB II s.v. 2a: “jmd. vor den Richter bringen, vorführen.” The supplement ἀντίδικον seems more plausible in this context than Achillion being referred to by name, but Ἀχιλλείωνα is also possible. I supplement φάμενος as fitting the traces, the space and the required meaning; the *alpha* is clearly visible:



φάμενος, 9

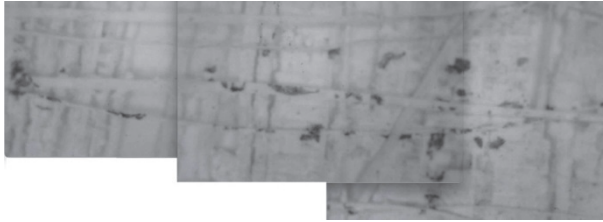
See in a similar sense of “to declare” the expression φάμενος μὴ εἰδέναι γράμ[ματα] in papyri from the Roman period (e.g. P.Ryl. II 88, 156). I strongly suspect that φάμενος in this context is a Greek equivalent of *professus* in Latin legal documents.

10–11. διὰ σαυτοῦ δὲ κρατήσ[ας] αὐτόν ἄξιός ἤς εὐθέως | μαστιγωθῆναι. In lieu of δι' ἃς αὐτ. (Wilcken 1908) I propose to read διὰ σαυτοῦ, a common alternative orthography of σεαυτοῦ, echoing the phrase διὰ σεαυτοῦ κατασχών (60):



διὰ σαυτοῦ, 10

The traces that follow suggest the horizontal stroke of *delta*, followed by clear traces of *epsilon* and the letters κρα:

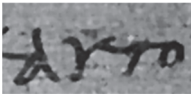


δὲ κρατ (of κρατήσ[ας]), 10

My supplement διὰ σαυτοῦ δὲ κρατήσ[ας] αὐτόν is in line with the visible traces and continues the parallel participial construction with παραστή[σας] (9). An alternative supplement could be: παραστή[σας τὸν ἀντίδικον] φάμενος [ὁ]φείλειν σοι | διὰ σαυτοῦ δὲ κρατήσ[αι] αὐτόν = “having produced [your opponent] stating that he is indebted to you and that you have seized him by your own means.” The parallel sequence of παραστή[σας ... διὰ σαυτοῦ δὲ κρατήσ[ας] seems to me preferable, however. For κρατέω meaning “to seize” see LSJ s.v. IV 1: “lay hold of;” 2: “seize, hold fast, arrest” with the example of Matthew 14:3: Ὁ γὰρ Ἡρώδης κρατήσας τὸν Ἰωάννην ἔδησεν καὶ ἐν φυλακῇ ἀπέθετο = “And Herodes, having seized John, bound him and placed him in custody.” For the paleography of *nu* in αὐτόν compare τόν (52):



αὐτόν, 10



αυτο in σεαυτοῦ, 60



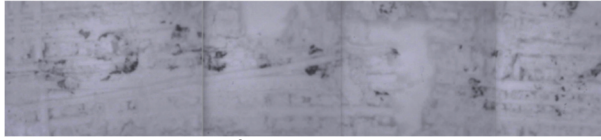
ν in τόν, 52



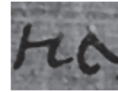
ν in εἶναι, 22

At the beginning of line 11, it is possible to discern the passive infinitive ending of μαστιγωθῆναι. The *upsilon* of εὐθέως is unambiguously clear. The traces preceding εὐθέως are compatible with ἄξιός ἤς (the top part of the *xi* is reasonably clear), which

is in line with the formulation ἄξιος μὲν ἦς μαστιγωθῆναι (59–60). Compare the paleography of ἄξιος ἦς in both places:



ἄξιος ἦς ἐν (of εὐθέως), 10



ἄξιος and ἦς, 59

11. [Φι]βίω[ν] [εἰ]πεν: The infinitive μαστιγωθῆναι suggests the end of a sentence, after which traces of the letters βίω may be discerned. My proposed supplement fills the space and is compatible with the traces before the final ν of [εἰ]πεν, which is clear.

13. Σεπίμιος Οὐδέγετος: The omission of εἶπεν in judicial records formulated in direct speech is an exception rather than the rule, and one wonders whether this reflects abbreviation by the copyist. For other examples, see P.Mil.Vogl. I 25 in this article and P.Tebt. II 286 = M.Chr. 83 (Arsinoite, 131).

[π]ερ[ὶ] ποίου[ν] (sc. πράγματος): The letters ερ are visible with reasonable clarity. The sense of this part of the text was already clear to Wilcken 1908: 446. For parallels, see e.g. Clem. Al., *Strom.* 8.4.12: μαθεῖν περὶ ποίου ζητεῖς, σαφῶς εἰπέ = “state clearly what you seek to learn about” and P.Oslo II 64 (5th cent.) 8: ὡς οἶδας περὶ ποίου = “you know what about.”

14. τῆς σῆς εὐεργεσίας: A stock phrase in petitions, see e.g. BGU I 168 (Arsinoite, 171) 28 and P.Cair.Mich III 15 (Karanis, Arsinoite, 161–164) 24.

15. τὸ πρῶτον κ[α]ὶ ἀναγκαιότατον: A rhetorical stock expression, see e.g. Phld. *Περὶ οἰκονομίας* col. IX 10, Philo, *De congr. erud.* 30 and PSI XII 1275 verso (Oxyrhynchus, 2nd cent.) 3.

18. μὴ μαστιγωθῆναι αὐτόν: Corporal punishment in the Roman judicial system was reserved for slaves and individuals of non-elite status (*humiliores*, see the literature cited in n. 20). Use of the whip (μάστιξ = *flagellum*) was specifically associated with the punishment of slaves, hence the outrage expressed in a second-century petition at the flogging of free men by agents of a local official, P.Wisc. I 33 (Arsinoite, after October 147) 20: τοὺς ἐλευθέρους τύπτειν καὶ παῖειν καὶ μαστιγοῦν.³¹ The punishment prescribed in the Roman legal sources for free individuals is to be beaten with sticks, see e.g. D 48.2.6 (Ulp. 2 *de off. procons.*) *vel fustibus castigare vel flagellis servos verberare* and P.Oxy. IV 706 (Alexandria? early 2nd cent.) 13: [ξυ]λοκοπηθῆναί σε κελεύσω. That Phibion is threatened with, but ultimately not subjected to, excessively demeaning treatment is another sign of the highly theatrical nature of the hearing.

³¹ See the new text of A. Dolganov, *A strategos on trial before the provincial governor: a new look at a petition to the Roman prefect of Egypt (P. Wisc. I 33)*, APF 67 (2021) 354–391.

21–22. δοκῶ δὲ ὅτι οὐ τῶν χαρα[κτῆ]ρων μόνων κληρογόμεους δεῖ εἶναι: This seems an unmistakable reference to the notion of universal succession in Roman law, see W. W. Buckland, A. D. McNair, *Roman Law and Common Law*, Cambridge 1952, 143–195.

26. ἐπὶ τοῦ $\bar{\iota}\alpha$ (ἔτους) θεοῦ Κλαυδίου: Here, I incorporate the reading of Liesker and Sijpesteijn in BL VIII 125, which was already suggested by Wilcken *apud* Mitteis 1906 but abandoned in M.Chr. 80.

27–28. τὸν μὲν δ[ανειο]κόπον τοῦτο[ν ὡς τοιοῦτοι] | ἐνθάδε καλοῦνται οἱ ἀπατε]ῶνες: Vitelli’s adventurous supplement of δ[ανειο]κόπον was approved by Wilcken and Mitteis and was subsequently accepted into the standard lexica of ancient Greek with the meaning of “usurer” (LSJ) on the basis of this one papyrus. The term is not otherwise attested. As analogs, Vitelli cites δοξοκόπος = “thirsting for notoriety” (LSJ), ἀργυροκόπος = “striker of coins” and ἄρτοκόπος = “baker”; the alleged parallel δανειογλύφος (Vitelli 1906, 115) is nowhere attested; instead, Vitelli probably had in mind τοκογλύφος = “one who marks down his interest, usurer” (LSJ). In the context of our document and in view of the meaning of ἀργυροκόπος and ἄρτοκόπος it seems to me that δανειοκόπος should rather be translated as “fabricator of loans” (“inventore, millantatore di δάνεια,” Vitelli 1906, 115) rather than its now standard definition of “usurer” (LSJ). After all, the *rhetor* Aristonikos and his client are not complaining about excessive interest, but are trying to deny that the debt existed at all. Aristonikos explains to the prefect that δανειοκόπος is a kind of folk expression in Egypt (ἐνθάδε καλοῦνται), hence one should arguably not be surprised at its absence from literary and documentary sources. Wilcken’s “admittedly somewhat bold insertion” of οἱ δεδ[αν]εικότ>ες after the lacuna of line 28 (“freilich etwas kühne Einschlebung” in the words of Mitteis 1906: 223) is perhaps too bold: the shape of the letter after the lacuna is uncharacteristically short and round for *alpha* and the preceding traces are not compatible with *delta*. Instead, I would suggest *omega* binding to the right, similar to the $\omega\upsilon\upsilon$ of [Κε]φάλωνος (25):



$\omega\upsilon\upsilon$ (of [Κε]φάλωνος), 25



]ωνες, 28

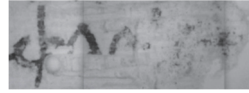
This reading points to a derogatory verbal noun ending in $\omega\upsilon\upsilon$ and describing Phibion’s activity as a “fabricator of loans.” A plausible supplement is ἀπατεῶν = “cheat, rogue, swindler,” a term well-attested in Greek literary sources of the Roman period, see e.g. Josephus, *Ap.* 2.161: τοιοῦτος μὲν δὴ τις [αὐτὸς] ἡμῶν ὁ νομοθέτης, οὐ γόης οὐδ’ ἀπατεῶν = “and such is the character of our legislator: not a charlatan, nor a cheat.” There is space for ca. 8–10 letters (and up to 13 letters, compare line 25) in the lacuna at the end of line 27, where an expression with ὡς was already suggested by Wilcken *apud* Mitteis 1906. My supplement ὡς τοιοῦτοι fits the space and fulfils the necessary function of connecting δανειοκόπος and ἀπατεῶν, the first being a subtype of the second.

28–30. ἐκ πολλ[ῶν ἔδει χρο]ῖω[ν] ἄνθρωπον στα[λῆναι] εἰς τὰ θέατρ[α ca. 7–9]|.]ο[.]ντα, The text of M.Chr. 80 has χροῖω[ν], which is presumably a misprint, since the column breaks off on the right and there is no mention of additional letters being visible in Mitteis 1906 or Wilcken 1908. The lacuna at the end of line 28 leaves space for ca. 8–10 letters (see above), indicating another word of ca. 3–4 letters between πολλ[ῶν] and [χρο]ῖω[ν]. My supplement of [ἔδει] ties the text together with what follows, and results in a word order that conveys rhetorical emphasis as befits the context. Mitteis' supplement of the verbal adjective στα[τέον] (29) is a rare form that mostly occurs in literary texts. There are no documentary parallels for στατέον and the TLG gives only Plato, *Resp.* 503a; in papyri, we find only BKT I 1 (Didymus, commentary on Dem. *Phil.* 3) 2: καταστατέον and BKT VII 5 (exercise based on Dem. *Lept.*) 105–106: ἀποστατέον. Instead, an infinitive construction seems more plausible in our text. I supplement στα[λῆναι] going with [ἔδει] in the previous line. In this context, ἄνθρωπον in apposition most probably has a contemptuous meaning, see LSJ s.v. A 4. For the expression εἰς τὰ θέατρα, see e.g. Plut., *De mus.* 15: κατεαγῦίαν καὶ κωτίλην εἰς τὰ θέατρα εἰσάγουσι = “and they bring into the theaters a kind of effeminate chatter.” Does Aristonikos mean that Phibion's false claims are worthy of the dramatic stage? Or is he saying that Phibion is a rogue fit for amphitheater spectacles?³² Both interpretations seem possible. The reading θέατρ[α] in M.Chr. 80 omits the lacuna of ca. 8–10 letters. The ligature before τα in line 30 strongly suggests *nu*, compare the ντ in καλοῦνται, line 28. The preceding traces suggest *omikron*, compare the ductus of ὀ in the same line. Here, one would expect an accusative participle ending in οντα or an adjective followed by ὄντα referring to Phibion.

30–31. εὐσχίμων [ca. 6–8] | [. . .]ων ἐν Νε[ca. 13]ν: After the lacuna at the beginning of line 31, the somewhat abraded letters ων are nevertheless clearly visible. In view of εὐσχίμων, one might expect a nominative singular participle describing Achillion. In this context, the letters εννε most probably stand for two words: ἐν νε[and represent a placename (e.g. ἐν Νε[ύλου πόλει]). A plausible supplement would be for Achillion to be identified as a landowner in a certain locality, e.g. εὐσχίμων [τε καὶ | γεουχ]ῶν ἐν Νε[.

32. ἄγραφον ὄφ[εῖλημα]: Traces of a narrow loop before *gamma* look like *alpha* rather than *omikron* (suggested by Wilcken 1908) because *omikron* is consistently round and written at some distance from the following letter; compare the similarly compact *alphas* of τέσσαρας in line 55. The letter after γραφο is not *sigma* (Wilcken *ibid.*) but *nu*, the upper lefthand corner of which has been lost to surface damage. After this follow traces compatible with *omikron* and a clearly visible *phi*:

³² See Cass. Dio 43.22, where the expression θέατρον κνηγετικόν refers to a Roman amphitheater. In the Greek East, amphitheater spectacles are known to have taken place in alternative venues when an amphitheater was not available, see L. Robert, *Une vision de Perpétue martyre à Carthage en 203*, *CRAI* (1982) 228–276.

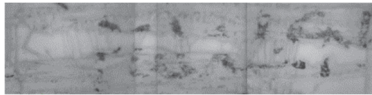


ἄγραφον ὄφ[εῖλημα], 32

This appears to be a reference to an “undocumented” debt — a phrase well-attested in papyri, signifying that a loan has not been recorded in a notarized legal instrument and registered in the provincial system of public records.³³ Aristonikos seems to be playing up Phibion’s dearth of written evidence for the loan, consisting only of the pay order (*epistalma*).

33. [. . . γ]εγραπ[τ ca. 11]τωι ἐπ[ca. 7–8]: The traces after ωι suggest *epsilon* and *pi*. The right part of the horizontal hasta of *tau* is visible; it does not bind to the *omega*, compare τω in ῥήτωρ (24). In this line, Aristonikos may be referring to the contents of the *epistalma* (e.g. γ]εγραπ[ται ca. 9] τῶι ἐπ[ιστάλματι]) in his effort to undermine its probative value.

35–36. ὃ γε σὺ οὐκ οἶδας οὐδὲ ἡμεῖ[ς] πε[ι]ρῶμεν: The *rho* is clear and πε[ι]ρῶμεν is compatible with the visible traces, with the top of the first *epsilon* curving slightly downward (compare εὐσχήμονα, 61). The sarcasm of the prefect’s response may now be fully appreciated.



πε[ι]ρῶμεν, 36

42–43. δύνανται | γὰρ καὶ γεγραφέναι ἐκ[εῖ]νος καὶ μεμετρηκέναι: Here, I restore ἐκ[εῖ]νος, a reading already proposed by Wilcken 1908: 447. The *epsilon* is clear and the paleography of *kappa* resembles καί (61), see also εκ in ἐκ[έ]λευσε (65). Contrary to Wilcken, I do not think that ἐκ[εῖ]νος refers to the father, but rather to the slave who signed the pay order and was supposed to measure out the grain. The prefect is questioning Phibion’s ability to prove that the grain was not previously measured out.

44–45. τὸ | καθολικόν: For the term with reference to general policies in the provincial order of Roman Egypt, see BGU I 19 = M.Chr. 85 (Arsinoite, 135) 5; BGU II 823 (Arsinoite, 176–177) 13 and 28; BGU III 983 (Arsinoite, 138–161) 17; P.Giss. I 7 (Apollonopolite, 117) 13; P.Louvre III 174 (Arsinoite, 137–159) II 18–19; P.Oxy. LXXXV 5500 (Oxyrhynchite, 171) 23; SB XIV 12139 (Oxyrhynchite, mid-2nd cent.) II 11 and III 8; SB XX 15147 (unknown provenance, after 138) 2, with the literature

³³ “Undocumented” debts are routinely mentioned in documents of repayment, where the debtor insures himself against any further liability to the creditor. See e.g. P.Fouad 57 (after 113) 28–31: μηδὲ περὶ ἄλλου μηδενὸς ἀπλῶς | πράγματος μηδὲ ὀφειλήματος μηδὲ παντὸς | καθόλου) συν[αλλάγ]ματ(ος) ἐνγράφ(του) μηδὲ ἀγρ(άφου) ἀπὸ τῶ(ν) | ἐνπροσθεῖ[ν χρόνω]ν μέχρι τ(ῆς) ἐνεστώσης ἡμ(έρας) τρ[όφου] μηδενί]. On notarized documents and their registration in Roman Egypt, see H. J. Wolff, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemaeer und des Prinzipats*, Zweiter Band: *Organisation und Kontrolle des privaten Rechtsverkehrs*, München 1978, 139–140 and 129–135 and F. Burkhalter, *Archives locales et archives centrales en Égypte romaine*, *Chiron* 20 (1990) 191–216 at 203–208.

cited in n. 8. Such policies could emanate from the pronouncements (edicts, letters, court judgments) of the emperor or high-ranking provincial officials, see e.g. P.Giss. I 7, 10–14: ὁ κύριος ἡμῶν Ἀδριανὸς | Καίσαρ Σεβαστὸς Γερμανικὸς Δακικὸς | Παρθικὸς ἐκούφισεν τῶν ἐνχωρίων | τὰ βάρη καθολικῶς διὰ προγράμμα|τος; P.Oxy. LXXXV 5500, 23: καθολικῶς ἴστημι; SB XX 15147, 2: καθολικὸν ἔστιν καὶ οὐκ ἄκριτον.

45–47. ἡγεμόνες πεν[τ]αετίαν ὄρισαν | περὶ τῶν πολυχρονίων· ἄλλ' οἱ δεκαετίαν, οὐχ ὅπου | διαλογισμοὶ καὶ ἡγεμόνες παραγενόμενοι: The origin of these statutes of limitations has been debated. Contrary to earlier opinion attributing these to Greek law, it has been demonstrated that such *praescriptiones* existed in Roman law as early as Plautus, see Lehne-Gstreinthaler 2020 and other literature cited in n. 8. For an example of distance from administrative centers being taken into account in Roman regulations, see P.Oxy. I 34 verso = M.Chr. 188 (Oxyrhynchus, 127) II 10–14, where an additional month of time is allowed for the archival registration at Alexandria of documents from the hinterland.

49–50. Φιβίων· ἠρνήσατο οὗτος [τῆ]ν κλη[ρ]ονομίαν τοῦ πατρὸς | καὶ ἐγὼ τὴν {καὶ ἐγὼ τὴν} τοῦ ἰδίου πατρὸς: The scribe wrote the same phrase twice with no sign of deletion. If the estates of both fathers were so encumbered by fiscal debt that both sons refused their inheritance, it follows that Achillion later came into money from another source (e.g. another relative's inheritance or an advantageous marriage) to qualify as εὐσχήμων. A recent socioeconomic rise would accord with the apparent lack of magistracies in Achillion's family history.

50–51. ἐπεὶ σιτο|λόγοι ἦσαν: On the *sitologia*, a liturgy at the *metropolis* and village level, see F. Oertel, *Die Liturgie. Studien zur ptolemäischen und kaiserlichen Verwaltung Ägyptens*, Leipzig 1917, 250–257.

55–56. Φιβίων· παρεκάλει με τέσσαρας | μνᾶς λαβεῖν: The price of an *artaba* of wheat in Roman Egypt at this time is documented at ca. 10–11 *drachmai*, see the data collected in R. P. Duncan-Jones, *The Price of Wheat in Roman Egypt under the Principate*, *Chiron* 6 (1976) 241–262 at 252. Accordingly, 4 *minae* would have constituted only ca. 36–40% of the value of the alleged loan of 100 *artabai*.

58. ἐν ὀρφανείᾳ γὰρ κατε[λί]πη οὔτος: The form κατελίπη receives no comment from Vitelli, Wilcken or Mitteis, even though it is not otherwise attested. Either this is to be regarded as an orthographical error and one should read the active κατέλιπε, or this constitutes what seems to be the only attestation of the second aorist passive of λείπω in literary and documentary sources. If so, λείπω may be added to the list of verbs with both first and second aorist passive forms (see Smyth, *Greek Grammar* §595).

61–62. χαρίζομαι δέ σε τοῖς ὄχλοις: The prefect appears to be intentionally mimicking the words of Phibion who, fearing corporal punishment, offers to drop charges and concede the case to his opponent (τὸ πρῶ[γ]μα χαρίζομαι | αὐτῷ, 11–12). For the expression χαρίζομαι + acc. meaning to “give up as a favor” in a judicial context, see LSJ s.v. χαρίζω II 3 with the example of Plut. *C. Gracch.* 4.2: φήσας τῇ μητρὶ Κορνηλίᾳ δεηθείση χαρίζεσθαι τὸν Ὀκτάβιον = “having said that he spared Octavius as a favor to his mother Cornelia at her request.”

65–66. καὶ ἐκ[έ]λευσε τὸ χειρ[ό]γραφον χια|σθῆναι: The debt contract was cancelled by crossing out. For material evidence of this practice, see e.g. the documents

published in W. G. Claytor, N. Litinas, E. Nabney, *Labor Contracts from the Harthotes Archive*, *BASP* 53 (2016) 79–119.

2. Proceedings before a local official (*strategos*) on delegation by the prefect regarding the return of a deposit (P.Mil.Vogl. I 25 col. I–col. IV 17, Tebtynis, Arsinoite, 27 December–25 January 126/127)

The second text is a record of a court hearing from December/January of 126/127 documented on a papyrus from the Arsinoite village of Tebtynis.³⁴ The hearing involves Paulinus son of Patron, a high-ranking member of the local civic elite (former gymnasiarch), acting in his capacity as manager of the estate of his recently deceased brother Geminus. The two men belonged to a prominent officeholding family in the Arsinoite nome with properties in Tebtynis, where the family kept an archive of papers.³⁵ This long roll contained records of at least two other court cases: a hearing before the *archidikastes* of Alexandria in May/June of 127 involving a lawsuit against Paulinus and the two sons of Geminus by their maternal aunt Thaubarion daughter of Herakleides (IV 18–V 15) and traces of a third case of an unknown nature (VI 1 ff.). The records are written in a careful moderately cursive script with the names of speakers offset by hanging indents and blank spaces, clearly to facilitate legibility.

The subject of the first case on the papyrus is similar to Phibion's lawsuit against Achillion. A freedman named Demetrios, a member of the household of Geminus (οἰκιακός), sought to reclaim a mortgage of real estate and a deposit of 2,000 *drachmai* made to Geminus before his death. In contrast to Phibion in P.Flor. I 61, Demetrios had submitted a petition to the prefect Flavius Titianus, which passed muster and was delegated to a regional administrator (*strategos*) for adjudication. Since Demetrios obtained the adjournment of his first claim pending further investigation (τὸ μὲν οὖν περὶ τῶν οἰκοπέδων τὸ παρὸν ὑπερτίθεται, II 9–10; τὴν περὶ τῆς τῆς οὐλοῦτος διακρίσιν ... παραιτεῖται, II 29–30), the hearing concerns the second of his two claims regarding the deposit.

The term οἰκιακός and the name of Demetrios' former master being Herakleides, which happens to be the name of Geminus' father-in-law, make it a plausible guess that Demetrios was a former household slave of the family of Geminus' wife Chaeremonis who joined her household upon her marriage. It is relevant that the lawsuit of Demetrios coincided with a second lawsuit against Paulinus and the sons of Geminus by Thaubarion the sister of Chaeremonis over property that she claims to have inherited from her father

³⁴ For discussions of this text, see the juridical commentary of Arangio-Ruiz in Vogliano 1937 (n. 2) 207–213; Crook 1995 (n. 2) 75–77; M. Heath, *Practical advocacy in Roman Egypt*, in: M. J. Edwards, C. Reid (eds.), *Oratory in Action*, Manchester 2004, 62–82 at 65–70; and now Dolganov 2023 (n. 1) 82–88.

³⁵ On the family and its papers, see R. Smolders, *Patron's descendants*, in: *Papyrus archives in Graeco-Roman Egypt*, Trismegistos Archives 2013, <www.trismegistos.org/archive/66> and A. Dolganov, E. Rebillard, *Not a Roman trial of Christians: a reassessment of P.Mil.Vogl. VI 287*, *JLA* 14 (2021) 177–212 at 202–204.

Herakleides (IV 18–V 15; see further P.Mil.Vogl. I 27, 129). It seems that the broader context of both disputes documented in P.Mil.Vogl. I 25 was a feud between members of two propertied families linked by the marriage of Geminus and Chaeremonis, with the demise of the couple and the survival of their underage sons creating a perfect storm of competing property claims.

As in P.Flor. I 61, the litigants are assisted by advocates (ρήτορες) of widely discrepant skill corresponding to the difference in wealth and status between the litigants themselves. Accordingly, Paulinus' advocate Palamedes outperforms and silences his fumbling opponent Ammonios, the advocate of Demetrios. A *rhetor* named Ammonios is attested in other papyri from Tebtynis in this period. It seems likely that our Ammonios was the same man, who was active in the Arsinoite nome and offered his legal services to local families.³⁶ By contrast, the Homeric name of Palamedes, his superior rhetorical training and dexterity in the courtroom, indicate a lawyer of a higher caliber, possibly a *rhetor* from Alexandria who had traveled to the Arsinoite assize of the prefect.³⁷

The financial claim of Demetrios was based on a written agreement (χειρόγραφον) drafted three years earlier in 123–124 (III 26–28), in which Geminus confirmed the receipt of a deposit (παράθεσις) of 2,000 *drachmai* from a certain Deios.³⁸ Demetrios explains that Deios is a merchant and a friend of his, in whose name he had the deposit drawn up (III 19–20, IV 6). Why he did so is not specified. Perhaps, as a freedman living with his patron's family, Demetrios sought to involve a freeborn acquaintance outside the family to ensure the return of his money. That Demetrios chose the format of a deposit, a contract accompanied by heavier penalties than a simple loan (δάνειον), likewise suggests that he was concerned with the security of the transaction and expected problems from the family of Geminus.³⁹ Such precautions appear justified, in view of the aspersions cast against Demetrios by Paulinus and the hard-hitting Palamedes in order to discredit his claim. Employing the rhetorical figure of *coniectura*, Palamedes plays up the status difference between Demetrios and the “most eminent” Geminus (εὐσημιονέστατος, III 3–4), arguing that a man working for wages is indigent and therefore inherently suspicious, that such a man could never have owned 2,000 *drachmai* in the first place, and that, by virtue of his presence in Geminus' household,

³⁶ See P.Fam.Tebt. 19 = SB VI 9252 (Tebtynis, Arsinoite nome, April 6, 118) and P.Fam.Tebt. 24 ll. 22–40 (Tebtynis, Arsinoite nome, 124) and Dolganov 2023 (n. 1) 86–87.

³⁷ On elite lawyers from Alexandria traveling to assizes in the hinterland, see above at n. 22 and Dolganov 2023 (n. 1) 75 and 80.

³⁸ On χειρόγραφα, non-notarized documents that could later be registered in the provincial system of public records through a special procedure of *demosiosis*, see Wolff 1978 (n. 33) 106–113 and 129–135. For a χειρόγραφον attesting to the receipt of a deposit of 750 *drachmai*, see P.Mich. IX 571 (Karani, Arsinoite, 96–98) with a *kyria* clause (12–15) enabling the deposit to be claimed by a different person than the bearer. This was the likely format of the deed of deposit issued by Geminus to Deios.

³⁹ Roman-period papyri from Egypt and Arabia show that defaulters on deposits were liable to pay a penalty *in duplum*, see P.Yadin I 17 (Maoza, 128) and P.Lond. II 298 (Arsinoe, 124).

he must have stolen the deed (III 9–13).⁴⁰ These suspicions appear to be shared by the *strategos*, who subjects Demetrios to probing questions (II 36.37; III 30–33) and sarcastic remarks (IV 9–16).⁴¹

In addition to the deed of deposit drafted in 123–124, Demetrios presents a written statement by Deios dating to September 27, 125 confirming that the 2,000 *drachmai* belonged to Demetrios (III 22–25). Demetrios explains that he felt compelled to obtain this statement because he encountered resistance getting his money back after the death of Geminus (III 33–36). Although Paulinus points out that Geminus died on October 9, 125, two weeks *after* Deios' statement was drafted (III 36–IV 5), this does not diminish the evidentiary value of the document.

The juridical basis of Paulinus' role as a defendant in this case is a question of considerable interest. Ammonios states that Paulinus is liable for the deposit by virtue of posthumously managing Geminus' estate (ἀξιοὶ παρὰ τοῦ Παυλείνου, | φροντίζοντος τῶν ὑπ' ἐκείνου ἀπολιφθέντων, ἀπολαβεῖν, II 11–13). Palamedes retorts that Paulinus has no liability because he is not the guardian (ἐπίτροπος) of his brother's children (22), but that he chooses to participate in the proceedings in order to expose the malicious deeds of Demetrios (23–24). In spite of this rhetorical posturing, it seems clear that Paulinus is regarded by Roman judicial authorities as liable for financial claims on the estate. Why, exactly, is not obvious: one would not expect the steward of an estate (the most common meaning of φροντίστης in papyri) to be liable for debts owed by the deceased proprietor, and it is unclear why legal responsibility does not fall to the heirs of Geminus with the assistance of a guardian. I suspect that φροντίζων τῶν ὑπ' ἐκείνου ἀπολιφθέντων in this context refers not to an ordinary estate-manager but to a special kind of trustee, termed *curator bonorum* in Roman legal literature, appointed to manage an estate on behalf of an underage heir. In the rubric *de curatore bonis dando* (D. 42.7), the Severan jurist Paul speaks of a *curator* being appointed to settle claims in a debt-laden estate if the heir was an unborn baby or an underage child lacking a guardian.⁴² A similar sort of trusteeship is alluded to in a Roman will cited by the second-century jurist Scaevola, where a woman named Maevia laments that the law does not permit her to appoint two men as *curatores* of her estate, to hold it in trust for her underage

⁴⁰ On *coniectura*, a rhetorical device for interpreting past events with reference to character, capacity, and intent (Quint. *Inst.* 7.2.27: *nam is ordo est, ut facere voluerit potuerit fecerit*), see Quint. *Inst.* 7.2 and Hermog. *Stas.* 46.8–47.7 with M. Heath, *On Issues: Strategies of Argument in Later Greek Rhetoric*, Oxford 1995, 81–83 and 156–159.

⁴¹ The “*animo di diffidenza*” of the *strategos* toward Demetrios was already noted by Arangio-Ruiz 1937 (n. 2) 208–209 and linked to P.Flor. I 61.

⁴² D. 42.7.1.2 (Paulus 57 *ad ed.*) *sed si grave aes alienum sit, quod ex poena crescat, per curatorem solvendum aes alienum, sicuti cum venter in possessione sit aut pupillus heres tutorem non habeat* = “but if there should be a heavy debt that grows through penalties, this debt is to be discharged by a *curator bonorum*, as in cases where an estate is held for an unborn child or where an underage heir lacks a guardian.” It is strange that Arangio-Ruiz in his juridical commentary offers no remarks on the nature of Paulinus' liability but appears to accept the manipulative claim of Palamedes that Paulinus is not formally liable but voluntarily participates in the proceedings, Arangio-Ruiz 1937 (n. 2) 208.

grandchildren, bypassing her children. This implies that under different circumstances — if, for example, Maevia had been a man, capable of appointing guardians and trustees in her will — the institution of such *curatores* would have been possible.⁴³ Precisely how Paulinus came to exercise his function of trustee of Geminus' estate is unclear: he may have been designated by Geminus in his will, or may have petitioned in the name of his nephews and been appointed by the prefect of Egypt (in line with D. 27.10.1pr. and 42.7.2). How common such trusteeships were, under what circumstances they could be created, and how this institution coexisted with legal guardianship, remain questions for further investigation.

It is curious that no guardian of the sons of Geminus is ever mentioned by name in our text. Six months later in the next case on the papyrus (IV 18–V 15), the sons appear in court at Alexandria alongside Paulinus and without a guardian. Because the older son is still deemed too young to act alone, the hearing is adjourned until an ἐπίτροπος is appointed. The involvement of Paulinus and the absence of a guardian in both cases suggest that Paulinus was eager to exercise exclusive control over the management of his nephews' property. One wonders why Paulinus, although the closest male relative of his nephews, did not offer to serve as their statutory guardian. It may be that he sought to perform the role unofficially, while avoiding the legal responsibility attached to guardianship under Roman provincial rule.⁴⁴

Already in the 1930s, the editor of P.Mil.Vogl. I 25 complained of the fragile and damaged state of the papyrus and the loss of numerous fragments during its transport from Egypt to Milan.⁴⁵ As a result, the *editio princeps* had to rely on black and white photos of the papyrus taken before its removal from Egypt. My reinspection of the document together with the photos in question has produced a number of new readings that improve our understanding of the case and its extensive and complex dialogue, particularly the manipulative rhetoric put forward by the *rhetor* Palamedes.

⁴³ See D. 36.1.80.1 (Scaevola 21 *dig.*). The current consensus of Roman legal scholarship is that testamentary executors did not exist in Roman law; accordingly, B. Strobel, *Römische Testamentsurkunden aus Ägypten vor und nach der Constitutio Antoniniana*, München 2020, 141–146 infers from this passage that the *curatores* envisioned by Maevia were a juridical impossibility under any circumstances, which is implausible. I will address this in a separate article. Many thanks to Ulrike Babusiaux for discussing this question with me.

⁴⁴ On the guardianship of minors in Roman Egypt, see T. Kruse, *Governmental control of guardianship over minors in Roman Egypt*, in: U. Yiftach, M. Faraguna (eds.), *Ancient Guardianship: Legal Incapacities in the Ancient World*, Trieste 2017, 177–188. On *tutela* and *cura* in Roman law, see S. Hähnchen, *Vormundschaft (tutela) und Pflegschaft (cura)*, in: U. Babusiaux, C. Baldus, W. Ernst, F.-S. Meissel, J. Platschek, T. Rüfner (eds.), *Handbuch des römischen Privatrechts*, Tübingen 2022, I: 780–805 and U. Babusiaux, *Klage aus Vormundschaft (actio tutelae)*, *ibid.* 2400–2440. The liability incurred by guardians under Roman law extended to non-Roman provincials, see H. Cotton, *The guardianship of Jesus son of Babatha: Roman and local law in the province of Arabia*, *JRS* 83 (1993) 94–108.

⁴⁵ See Vogliano 1937 (n. 2) 201.

A new reading at the beginning of the text establishes that the *rhetor* Ammonios, who opens the hearing with a summary of Demetrios' grievances (II 4–19), then proceeds to recite the petition submitted by Demetrios to the prefect (ἀνα[γ]γω[σθ]έντος οὗ παρ[ε]κόμ[ι]σε[ν] ὁ Δημήτρ[ι]ος | [ἀ]ναφορίου, II 19–20). This explains why the subsequent dialogue repeatedly refers to the text of the petition (II 24–26, 34–36, 39–41). It is possible, but not certain, that Ammonios was the petition's author. Alternatively, it is an interesting possibility that the petition may have been composed by a different legal practitioner and submitted to Ammonios, whose role was to argue the case in court.⁴⁶ Either way, the petition appears to reflect the extent of Ammonios' familiarity with the case, since his brief interventions on behalf of Demetrios do not add much to what was already stated in the petition.

More new readings show literary language being employed by Palamedes, who uses a rarefied expression to state that his client is prepared ([ἐ]τοίμως ἔχει, II 24) to answer both accusations put forward by Demetrios. Palamedes proceeds to employ a financial metaphor to underscore the significance of Demetrios having previously served as an estate manager (συγκαταβάλλεται, III 8).

As Palamedes begins to cast aspersions on Demetrios' other lawsuit concerning the mortgaged real estate (II 25–33), Demetrios intercedes with an objection. His words are supplemented in the *editio princeps* as: περὶ [τούτ]ου [νῦν οὐ βούλομαι λέγειν] = “I do not wish to speak about this now” (II 33) on the basis of Palamedes' subsequent statement that the plaintiff “does not wish to speak about it” (II 34–35). It seems unlikely, however, that Demetrios would have undermined his own credibility with a statement of this sort. Instead, it seems more probable that his words accord with his restatement of the issue in II 38–39: ὡς δὲ προε[ῖ]πον, νῦν πε[ρ]ὶ τούτ[ου] οὐ λέγω. τὸ | δὲ ἀργύριον ἀξιῶ ἀπολαβεῖν = “as I said earlier, I am not arguing this case right now but asking to get back the money.” Amending errors in the transcription of the *editio princeps*, I propose to reconstruct Demetrios' first statement as περὶ τού[του] ἐγὼ νῦν [οὐ λέγω] = “[I am not arguing] this case right now” (II 33). This was a valid procedural objection, since the claim being adjudicated concerned only the deposit, and information pertaining to other pending claims was, one could argue, juridically irrelevant.⁴⁷ It is the rhetorical sleight of hand of Palamedes that attributes Demetrios with a suspicious unwillingness to discuss his other lawsuit.

⁴⁶ Legal practitioners in Roman Egypt are routinely attested in teams of two or three, which accords with the evidence for legal practice at Rome, see e.g. SB XIV 12139, col. II–IV (2nd–3rd cent.), Quint. *Inst.* 12.3 and Pliny, *Ep.* 2.11–12; 3.9 and 6.33 with Crook 1995 (n. 2) 73–99 and 127–130. It is possible that Ammonios specialized in pleading cases and received Demetrios' petition as a brief from an assistant.

⁴⁷ Granting a legal action corresponding to a single claim was an elemental principle of Roman legal procedure, see the overview of E. Metzger, *An outline of Roman civil procedure*, Roman Legal Tradition 9 (2013) 1–30. This principle remained a core characteristic of Roman civil jurisdiction in the empire under the Principate, see e.g. P.Oxy. II 237, col. VIII 13–15 (142), a prefectorial edict stating that additional charges are to be handled separately from the original pecuniary claim and could not be used to interrupt these proceedings.

Further new readings clarify the confusion regarding Demetrios' friend Deios, the titulary of the deposit. Deios' name is mistaken by the *rhetor* Ammonios and this error is repeated by Palamedes, which leads Demetrios to give the correct name in III 19. The incorrect name begins with the letters Ατρη and is supplemented in the *editio princeps* as Ἀτρηνός, a name not otherwise attested. The effort to reconstruct this name throughout the text leads the editor to assume a scribal error in line 17: τὸν Ἀτρηνὸς, οὗ εἰς ὄνομα, whereas it is more logical to read τὸν Ἀτρηῆν οὗ εἰς ὄνομα. An examination of all other instances of the name confirms that the incorrect name used by Ammonios is not Ἀτρηνός but Ἀτρηῆς (III 19; gen. Ἀτρηῆος, II 17 and III 19; acc. Ἀτρηῆν II 18 and III line 17), a common name of Egyptian origin. Demetrios then clarifies that his friend's name is not Hatres, but Deios son of Hatres in III 19.

These revised readings shed light on the nature of Ammonios' mistake and, by extension, on the quality of his legal services. Clearly, no mention of Deios was made in Demetrios' written petition to the prefect, which was recited in court. Instead, Demetrios had evidently mentioned Deios privately to Ammonios, who failed to retain this information — instead of the Greek name Deios, son of Hatres, he remembered only the Egyptian name Hatres. This suggests that Ammonios had only brief contact with his client before the hearing and confirms the general impression that Demetrios' written petition represents the extent of Ammonios' knowledge of the case. The fumbling of Ammonios poses a stark contrast to the rhetorically deft and aggressive performance of Palamedes: whereas the role of Ammonios seems to have been limited to a brief presentation of the petition (II 4–20), after which he leaves Demetrios to fend for himself, Palamedes energetically pursues his client's interests throughout the hearing (II 20–III 24). One suspects that the low quality of Ammonios' services — by virtue of his inferior skill (e.g. his defective memory) and limited time investment — reflects the plaintiff's modest financial means in comparison with his wealthy opponent.

Another new reading clarifies the demand of Palamedes that Demetrios present a written statement by Deios confirming that it is Demetrios' money that is involved in the transaction with Geminus (ὁμολ[ογ]ῶντο[ς] τούτου [εἶ]ναι τὸ διὰ τοῦ χιρο-χ[ρ]ά[φο]ν [ἄ]ργύριον, III 23–24). Palamedes does this in order to cast doubt on the claim, ostensibly because he does not believe that Demetrios has written evidence beyond the deed of deposit itself. Palamedes is then foiled by Demetrios' announcement that he has precisely such a statement by Deios in his possession (III 24–25). Undeterred, Palamedes questions whether the “deposit” of money referred to in the deed of Geminus corresponds to the “loan” of money described in the written statement of Deios, and disparages the discrepant dates of the two documents (III 36–IV 5). At this point, one has the impression that Palamedes is grasping at straws in order to dismantle the written evidence presented by Demetrios.

The hearing concludes with an order by the *strategos* for Demetrios to produce Deios to testify to the nature of his transaction with Geminus. Without Deios, Demetrios clearly did not stand a chance of reclaiming his money. If, however, Deios came to court to confirm the circumstances of the deposit, the claim would presumably have been granted accordingly. Although the *strategos* exhibits a skeptical attitude toward Demetrios, he does not dismiss the claim or the evidence supporting it and allows the

case to progress into the next phase. Therefore, in spite of the rhetorical professionalism of Palamedes and the visible affinity of the *strategos* toward the more socially eminent litigant (a dynamic similar to P.Flor. I 61), it remains unclear whether Paulinus' superior status and legal assistance were sufficient to win him the case.

P.Mil.Vogl. I 25
col. I–col. IV 17
Tebtynis

ca. 21 cm × 77 cm

27 December 126–
25 January 127
Plates 7–9

col. I

ἀγαθῆι τύχηι
Κερδῶν Ἑρμῆς Ἀφροδείτη
ἐπ' ἀγαθῶ

vac. (ca. 14 lines)

[ἀ]ντίγ[ρα]φ[ο]ν ὑπομνημ[α]τισμ(οῦ)

vac. (ca. 2 lines)

5 ἐν Τεβτύνι Πολέ[μ]φνος μερίδος

vac.

—————

col. II

Ἄνδρομ[ά]χου στρατηγοῦ Ἄρσι(νοΐτου) Πολ(έμωνος) μερίδ(ος) ἰα (ἔτους)
Τῶβ[ι ca. ?]

ἐξ ἀναφορίου Φλαυίου Τιτιανοῦ τοῦ κρατίστου ἡγεμ[όνο]ς
Δημητρίου ἀπελευθέρου Ἡρακλείδου πρὸς Παυλείνο[ν]
Πάτρωνος τῶν γεγυμνασιαρχηκότων. Ἀμμώνιο[ς]

5 ῥήτωρ ὑπὲρ Δημητρίου· δεῖ οὐ παρ[ε]κόμισεν ὁ συνηγο[ροῦ-]
μενος ἀναφορίου ἐγκλήματα δύο ὥρισεν κατὰ τοῦ ἀ[ν-]
τιδίκου, ἐν μὲν περὶ πίστεως οἰκοπέδων, τὸ δ' ἕτερον
περὶ δραχμῶν δισχιλίων, ἃς παρέ[θ]ετο [[τῶ] Γεμείνφ
ἀδελφῶ τοῦ Παυλείνου. τὸ μὲν οὖν περὶ τῶν οἰκοπέ-
10 δων τὸ παρὸν ὑπερτίθεται, τὰς δὲ δισχιλίας δραχμὰς
τοῦ Γεμείνου τελευτήσαντος ἀξιοῖ παρὰ τοῦ Παυλείνου,
φροντίζοντος τῶν ὑπ' ἐκείνου ἀπολιφθέντων, ἀπολα-
βεῖν. πῶς δὲ ὁ Γέμεινος ἔσχεν τὸ ἀργύριον λέγω. ὁ συνη-
γορούμενο[ς], οἰκιακὸς ὢν ἐκείνο[ν], ἐνίστε δὲ καὶ φροντισ-
15 τής, παραθέμενος αὐτῶ τὰ[ς] δισχιλίας δραχμὰς,

- ἐποίησεν τὸ τῆς παραθέ[σ]εως γράμμα ἐ[ί]ς ὄνομα [φ]ίλου
 ἑαυτοῦ Ἄ[τρ]ήους τινὸς γραφ[ῆ]ναι. ἄξι[ο]ί οὖν, ἐπιφέρων
 τὰ τοῦ Γεμείνου[υ] εἰς τὸν Ἄτρῆν γ[ρ]άμματα, τὸ ἀργύριον
 [ἀ]πολαβεῖν. ἀναγ[γ]ω[σθ]έντος οὗ παρ[ε]κόμε[ι]σε[ν] ὁ Δημήτρι[ος]
 20 [ἀ]ναφορίου *vac.* Παλαμήδης ῥήτωρ ὑπὲρ [Π]αυλεῖ[ί]νου·
 [ἐ]δύνατο μὲν ὁ συν[η]γορούμενος τὸ περὶ τ[ῶ]ν δισχιλίων
 [δρ]αχμῶν ζή[τ]ημ[α] διακρούσασθαι· οὐ γάρ[ρ] ἐ[σ]τιν ἐπ[ί]τροπος
 [τ]ῶν [τοῦ] ἀδελφ[ο]ῦ [υ]ίων. [ί]να δὲ ἐπιγνώσῃ τὴν [τ]οῦ ἀντιδίκου
 [κ]ακοπραγμοσύνην [ἐ]τοίμως ἔχει πρ[ὸ]ς ἀμφοτέρω τὰ διὰ τ[οῦ]
 25 ἀναφορίου ἐγκλήματα ἀπολογήσασθαι. ἐστὶν δὲ τὸ πρῶτον ἐν-
 κλημα ὡς αὐτὸς ὥρισεν τοιοῦτον· ἐπὶ τοῦ προστρατηγήσαντος
 Κλαυδίου Διονυσίου κεκρίσθαι πρὸς τὸν [Π]αυλεῖνον περὶ πείστε-
 ω[ς οἰ]κοπέδων ἐκ[έ]κληκεν καὶ προσέθη[κεν] κεκρίσθαι ἀποκα-
 τ[ασ]τήσαι αὐτῷ τὸν Παυλεῖνον τὴν πείστ[ι]ν. νῦν δὲ τὴν πε-
 30 ρ[ί] τ[οῦ]του διάκρισιν εἰδὼς ὅτι καταγνωσθήσεται παραιτεῖται.
 [ὁ] γὰρ Παυλεῖνος διαβεβαιούται μηδ' ὅλως κεκρίσθαι πρὸς αὐτὸν
 ἐπὶ τοῦ Διονυσίου περὶ πίστεως οἰκοπέδων, ἀλλὰ πρὸς ἕτερα πρόσ-
 [ωπα.] Δημήτριος· περὶ τού[του] ἐγὼ νῦν [οὐ] λέγω. *vac.* (?)
 Παλαμήδης· διὰ τοῦ ἀναφορείου τὸ ἐγκλημα [ὥ]ρισεν· εἰ μ[ὲ]ν περὶ τού-
 35 του μὴ βούλεται λέγειν, αὐτὸ τοῦ[το] δ[ὲ] ἀποκρεῖ[θ]ῆναι μ[οι] δεῖ· ἄρα μὲν
 ἐκρίθη]
- π[ρ]ὸς τὸν Παυλεῖνον περὶ οἰκοπέδων; ὁ στρα[τηγ]ὸς Δημητρίω· τί πρ[ὸ]ς
 τ[ὸν] Παυλεῖνον; Δημήτριος· πρὸς μ[ὲ]ν τὸν Παυλεῖνον οὐκ ἐκρίθη
 περὶ τῶν οἰκοπέδων· ὡς δὲ προεῖπον, νῦν περ[ί] τού[του] οὐ λέγω. τὸ
 δὲ ἀργύριον ἀξιώ[ω] ἀπολαβεῖν. Παλαμήδης· ἤδη μὲν ἐν τῷ
 40 π[ρ]ώτῳ ὁ Δημήτριος ὡμολόγησεν παραλελογ[ί]σθαι τὸν κράτιστον

col. III

- ἡγεμόνα, ἀλλὰ κα[ὶ] ἐν τῷ περὶ [τοῦ] ἀργυ[ρ]ίου ἔτι μάλλον
 αὐτ[οῦ] καταγνώση. ἀνανκαῖον δὲ [κα]ὶ περὶ τῶν προσώ-
 πων [τ]οσοῦτον προειπεῖν ὅτι ὁ μ[ὲ]ν Γέ[μ]εινος εὐσχη-
 μονέ[σ]τατος ἦν ἄνθρωπος, ὁ δὲ ἀντίδικος ἄπορός ἐστίν,
 5 οὐδεμ[ί]αν ἀφορμὴν ἔξω ἀποδειξα[ι], ἀφ' ἧς τὸ ἀργύριον
 δύναται ἐ[σ]χηκεῖναι. καὶ [τ]ὸ ὡμολογηκεῖναι δὲ αὐτὸν
 οἰκιακὸν γεγονέναι, ἐν[ί]στε δὲ καὶ φροντιστὴν τοῦ
 Γεμε[ί]νου[υ] μάλιστα συγκαταβάλλεται πρὸς τὸ παρὸν
 ζήτημα· ἐκ τούτου γὰρ ἐλέγχεται ὀψονίου μὲν ὑ-
 10 πηρετῶν ἐνδεία τῶν ἀνανκαίων, ὑποπτος δ' ἐστ[ί]ν
 μὴ ἄρα ἐν τῇ τοῦ Γεμείνου οἰκίᾳ διατρέψων τὸ χιρό-
 γραφον ἔκλεψεν, ὅπερ, ζῶντος μὲν αὐτοῦ δυναμένου

- ἀκρειβέστερον διδάξει πῶς παρέπεσεν, οὐκ ἐπήνεγκεν.
 ἡνίκα δὲ ἐκεῖνος ἐτελεύτησεν τὸ ἀργύριον μετέρχε-
 15 ται. τούτοις προστίθημι τ[ὸ] πάντων μείζον καὶ συνέλεγχον
 τ[ῆ]ν τοῦ Δημητρίου [κα]κουργείαν· [φη]μί γὰρ αὐτὸν μ[η]δ[ε]
 τὸν Ἀτρήν οὐ εἰς ὄνομα ἐ[ί]πε συντετάχθαι τὸ χειρόγραφον
 εἰδέναι, μη[δ]ὲ δύνασθαι ἀποκρεῖθῆναι τίς ἐστι[ν] ἢ ἀπὸ π[ό]θεν.]
 Δημήτριος· [ο]ὐκ ἐστ[ιν] Ἀτ[ρ]ῆς ἀ[λλ]ὰ Δεῖος Ἀτρήους, φίλος μου,]
 20 [εἶ]ς ὃν ἐποίησα τὸ χειρόγραφον [γ]ραφήναι. *vac.*
 Π[α]λαμήδης· οὐδὲ ὁ Δ[ε]ῖος τίς ἐστ[ιν] ἐπίσταται ἢ οὔτε ὀπόθεν
 ἐστίν. καίτοι οὐκ ἀπαρκεῖ τοῦτ[ο], ἀλλὰ κα[ὶ] γράμμα[τ]α τ[ο]ῦ Δ[ε]ί-
 ου [ἐ]πενενκε[ῖ]ν [ὀ]φείλει ὁμο[λογ]οῦντο[ς] τούτου [εἶ]ναι τὸ δι-
 ἀ τοῦ χιρογ[ρ]ά[φο]υ [ἀ]ργύριον. Δημήτριος· κ[αὶ] γρ[α]μ[μα]τα
 25 αὐτοῦ ἔχω. ὁ στρατηγός· ἀνάγνωθι τά τε το[ῦ] Γεμείνου καὶ
 τὰ τοῦ Δείου γράμματα. ἀναγνωσθέντος τοῦ μὲν Γεμείνου
 χιρογράφου κεχρονισμένου εἰς τὸ ὄγδοον ἔτος Ἀδρ[ια]νοῦ
 Καίσαρος τοῦ κυρίου, ὧν δὲ [λέγει] ὁ Δημήτριος εἰληφέναι
 30 παρὰ τοῦ Δείου γραμμάτων κεχρονισμένων εἰς τὸ δέκα-
 τον ἔτος Θῶθ τριακάδα. ὁ στρατηγός Δημη-
 τρίω· διὰ τί οὐχ ἅμα [τ]οῖς τοῦ [Γ]εμείνου γράμμασιν καὶ παρὰ
 τοῦ Δείου ἐξομολογουμένου τὴν πίστιν τὸ χειρόγραφον
 ἐ[λ]ηφας; Δημήτριος· ἐφ' ὅσον ὁ Γέμεινος περιῆν ὑπεισ-
 χνεῖτο ἀποδώσε[ιν], μετὰ δὲ τελευτὴν ἐκείνου ἀ[γ]νωμο-
 35 νούντων τῶν ἀντι[δίκω]ν ἐδέησε με καὶ γράμματ[α] τοῦ
 Δείου [λα]βεῖν. Π[αυλ]ε[ῖ]νος· καὶ ἐκ τῶν χιρογ[ρ]ά[φο]ν
 το[ύ]των ἢ κακουρ[γεί]α συν[ε]λέγχετα[ι]. τοῦ μὲν γὰρ [ἀ]δελ-
 φοῦ μου παραθέσ[ε]ως ἐ[σ]τιν χιρόγραφον·

col. IV

- ὁ δὲ λέγει μετὰ τελευτὴν αὐτοῦ εἰληφέναι παρὰ τοῦ Δείου
 ὧς περὶ δαγείου ἐγράφη καὶ κεχρόνισται μὲν εἰς Θῶθ τριακάδα
 τοῦ δεκάτου ἔτους, ὁ δὲ Γέμεινος ἐτελεύτησεν δωδεκάτῃ τοῦ
 Φαῶφι. δ[ύ]ναται δὲ καὶ σήμερον ὑφ' ὅτου δήποτε γραφῆ[ι]ν ἐξ ὀνό-
 5 ματος Δείου τινὸς [ἐ]νφέρεσθαι· πλὴν λεγέτω πόθεν ἐστὶν Δεῖος.
 Δημήτριος· ἔμπορος ἐστίν/, φίλος μου, ἀπὸ νομοῦ Ἑρακλεοπολείτου.
 Παυλεῖνος· παραστησάτω αὐτὸν. ὁ στρατηγός Δημητρίω·
 ἐν πόσαις ἡμέραις τὸν Δεῖον παραστήσεις; Δημήτριος· ἐν ἡμέραις
 δεκαπέντε. Ἀνδρόμαχος ὁ στρατηγός Δημητρίω· τὰ
 10 μὲν εἰρημένα ὑπεμ[νη]ματίσθη, ἀν[τ]ὶ δὲ ὧν ἠτήσω ἡμερῶν
 δεκαπέντε, δίδω[μ]ί σοι ὅλας τριάκοντα ἐν αἷς παραστή[σ]ειν τὸν
 Δίον, οὗ λέγεις εἶναι ὃ ἐπιφέρεις χιρόγραφον. ἐν τοσούτ[ω] δὲ αὐ-

- τὸ τὸ χιρόγραφον ὑπογραφὲν ὑπὸ σου ὅτι ἐστὶν ἰδιόγραφον τοῦ
 Δίου, ὃν [λέγει]ς ἀπὸ [νομι]οῦ Ἑρακλεοπολείτου, καὶ σφρα[γι]σ[θῆ]ν ὑπὸ
 15 τέ σου καὶ τοῦ Παυ[λε]ίνου μενὶ παρὰ Θέωνι ὑπη[ρ]ήτη· [ἔ]ταγ γὰρ ὁ
 Δεῖος παρατύχη, ὃ[ψόμ]εθα τί καὶ αὐτὸς περὶ τούτου λ[έγει]. καὶ ἐπέ-
 τρεψεν τῷ Θέωνι τ[ὸ ἀ]κόλουθον ποιῆσαι. *vac.* ἀνξ[γνων].]

Apparatus

- I 4. [ἀντίγρ]αφ[ο]ν ὑπομ[ν]η[μα]τισμ(οῦ) Bastianini BL XI 135; [ἀ]ντίγ[ραφο]ν ὑπομ[ν]η[μα]τισμ[οῦ]
 Vogliano
 I 5. [ἐν Τεβτ]ύνη Πτολ[έμ]ιφνος μερίδος Bastianini BL XI 135; [ca.? Π]τολ[έμ]ιφνος μ[ερίδος] Gallazzi,
 Vandoni BL VII 118; [ca.?] .λε[. . .]νοσμ[ca.?] Vogliano
 II 1. (ἔτους) ια Vogliano
 II 2. ἡγεμ[όνος] Vogliano
 II 5. *l.* δι; 2.12. *l.* ἀπολειφθέντων
 II 7. ἔτερ[ον] Vogliano
 II 12. *l.* ἀπολειφθέντων
 II 16. τ[ὸ] τῆς παραθέ[σεως] γράμματ[α εἰ]ς Vogliano; [φί]λ[ο]ν Vogliano
 II 17. [έ]τα[το]ῦ Ἄ[τρ]η[νοῦ] Vogliano; [ἀ]ξ[ιο]ῖ Vogliano
 II 18. εἰς τὸν Ἄτρη[νὸν] γρ[άμματα] Vogliano; ἀργύρι[ον] Vogliano
 II 19. ἀπο[λα]βεῖν [.] .ω[. .]μ[. .]εν . . [.]ου πα[ρ]ε[κ]ό[μι]σεν ὁ Δ[η]μήτρ[ι]ος Vogliano
 II 21. *l.* [έ]δύνατο; σ[υ]ν[γ]ορ[οῦ]μενο[ς] τ[ὸ] περὶ τ[ὸν δ]ισχι[λί]ων Vogliano
 II 22. [δραχμῶ]ν ζή[τημ]α διακ[ρ]οῦσασθαι Vogliano
 II 24. [έ]τοιμ<ό>ς ἐστι π[ρ]ὸς εἰ[. .] .[.]ς Vogliano
 II 27. π[ρ]ὸς τ[ὸν] Π[αυλ]εῖνον Vogliano
 II 27–28. *l.* πίστε[ω]ς
 II 28. π[ρ]οσέθη[κεν κ]εκρίσθαι Vogliano
 II 29. *l.* πίστ[ιν]
 II 29–30. πειρ[ί] τ[ούτων] διάκρισιν [εἰ]δὸς ὅτι Vogliano
 II 32. πίστ[ε]ως οἰκοπέδων, ἀ[λλ]ά Vogliano
 II 33. περὶ [τούτ]ου [νὸν οὐ βούλομαι λέγειν] Vogliano
 II 34. Πα[λα]μήδης Vogliano; *l.* ἀναφορ[ί]ου
 II 35. τοῦ[τό γ]ε Vogliano; *l.* ἀποκρι[θῆ]ναι; [μ]έν Vogliano
 II 38. προε[τί]πον Vogliano
 II 39. Παλαμή[δης] ἥδη Vogliano
 II 40. [πρ]ώτῳ Vogliano
 III 1. ἡγε[μ]όνα, ἀλλὰ κ[αὶ] ἐν τῷ περὶ [τοῦ ἀ]ργυρ[ί]ου ἔτι μ[ᾶ]λλον Vogliano
 III 2. *l.* καταγνώση; ἀνακκα[τί]ον [δέ] Vogliano; *l.* ἀναγκαῖον
 III 3–4. [εὐ]σχημονέ[στ]ατος Vogliano
 III 6. ὁμολογη[κ]έναι Vogliano
 III 7. ἐν[ί]στ[ε] Vogliano
 III 9. ἐλέγχεται Vogliano; *l.* ὄψωνίου
 III 9–10. *pap.* ὑπηρετων; ὑπηρε[τ]ῶν Vogliano; *pap.* ὑποπτος
 III 10. *l.* ἀναγκαῖον; δ' ἐσ[τίν] Vogliano
 III 11. ἡμετέρου οἰκία Vogliano; *l.* διατρέβων; [τό] Vogliano; 3.11–12. *l.* χειρόγραφον
 III 13. *l.* ἀκριβέστερον; π[ί]θ[ος] Vogliano
 III 15–16. προστίθημι[ι] τ[ὸ] πάντων μεῖζον καὶ σ[υ]ν[ε]λέγ[χ]ον [τῆ]ν τοῦ Δη[μη]τρ[ε]ίου [κα]κουργε[ί]αν-
 [φ]ημὶ γὰρ ἀν[τι]όν Vogliano
 III 16. *l.* κακουργίαν
 III 17. Ἀτρινὸς<ν>, ο>ῦ εἰς ὄνομα εἰ[π]ε συντ[ετ]άχθαι τὸ χειρόγ[ρ]αφον Vogliano
 III 18. δύν[α]σθ[ο]ι ἀποκρε[ί]θῆναι τίς ἔστιν Vogliano; *l.* ἀποκρι[θῆ]ναι; ἀποπ[ό]θεν] Kapsomenos BL IV
 56; ἀπὸ π[ca.?] Vogliano
 III 19. [ο]ῦκ ἐστ[ίν] Ἀτρινὸς ἀ[λλὰ] Δεῖος Ἀτρινου, φίλ[ος] μου] Vogliano
 III 20. [εἰς] ὃν Vogliano; χε[ι]ρ[ό]γραφον [γραφε]ῖναι Vogliano; *l.* χειρόγραφον

- III 21. ἐπίσταται οὔτε ὀπόθεν] Kapsomenos BL IV 56; ἐπίσταται .οτε[.] πό[θ]εν Vogliano
 III 22. καί τοι οὐκ ἀπαρκεῖ τοῦ Γ[ε]μείνου, ἀλλὰ κα[ί] Vogliano
 III 22–23. Δ[ε]ί[ο]υ [έ]π[ε]ν[ε]ν[κ]ε[ί]ν Vogliano
 III 23. *l.* ἐπενεγκεῖν
 III 23. ὁμολ[ογ]οῦντο[ς] τού<τ>ου [εἶ]ναι Bartoletti BL V 70; ὁμολ[ογ]οῦντο[ς] τουδου[.]ναι Vogliano
 III 23–24. τὸ [δ]ι[ά] Vogliano
 III 24. χειρ[ογρ]ά[φο]υ Vogliano; *l.* χειρογράφου; κ[αὶ] γρ[άμ]μα[τα] Vogliano
 III 26. μὲν Γεμείνου Vogliano
 III 27. *l.* χειρογράφου
 III 28. Δημή[τ]ριος Vogliano
 III 29. γραμμ[ά]των Vogliano
 III 29–30. δ[έ]κα[τον] Vogliano
 III 30. *l.* τριακάδα
 III 31. [το]ῖς τοῦ Γ[ε]μείνου γράμ[μ]ασιν Vogliano
 III 32. *l.* χειρόγραφον
 III 33–34. ὑπεισ[χ]ν[εῖ]το Vogliano; *l.* ὑπισ[χ]νεῖτο
 III 34. ἐκείν[ο]υ Vogliano
 III 35. ἀντι[δ]ίκων] ἐδέ[η]σε με καὶ γρά[μ]ματ[α] Vogliano
 III 36. Π[αυλ]ε[ί]νος]· καὶ ἐ[κ τῶν] Vogliano
 III 37. *l.* κακουργία
 III 38. *l.* χειρόγραφον
 IV 2. [ὁ]ς περὶ δ[αν]εῖου Vogliano
 IV 3. δεκά[του] Vogliano
 IV 4. *l.* γραφέν
 IV 6. Δημήτρι[ο]ς Vogliano; Ἡρακλεοπολίτου Vogliano
 IV 7. [π]αραστησάτω Vogliano
 IV 8. πόσα[ι]ς [ἡ]μέραις Vogliano; ἐν ἡ[μέ]ραις Vogliano
 IV 10. *pap.* ὑπεμ[ν]η[μα]τισθη; ὑπεμ[ν]η[μα]τίσθη, ἀν[τὶ] δ]ὲ ὧν ἡτήσω ἡ[μερ]ῶν Vogliano
 IV 11. δι[δ]ομ[ί] Vogliano; παρ[α]στή[σ]ειν Vogliano
 IV 12. [λ]έγει[ς] Vogliano; *l.* χειρόγραφον
 IV 13. *l.* χειρόγραφον; [ὑ]π[ο]γραφέν Vogliano; *pap.* ἰδιογραφον
 IV 14. Ἡρακλεοπολίτου Vogliano; *l.* Ἡρακλεοπολίτου; σφρα[γ]ισθ[έ]ν Vogliano
 IV 15. τ[ο]ῦ Vogliano; *l.* μενεῖ
 IV 16–17. λ[έ]γει. καὶ ἐπέ[τ]ρεψεν Vogliano
 IV 17. τ[ὸ] ἀ[κ]ό[λ]ουθον Vogliano; ποιῆσαι. ἐξῆλ[θ]εν ὁ Θέων? Wilcken BL III 147; ποιῆσαι. . . . [ca.?
] Vogliano

Translation

col. I

With good fortune, profit-bringing Hermes and Aphrodite, for a favorable outcome.
 Copy of a judicial record (*commentarius*).
 In Tebtynis of the district of Polemon.

col. II

(Judicial record) of Andromachos, *strategos* of the Arsinoite nome, district of Polemon, year 11 Tybi [X] (27 December 126–25 January 127).

From a petition submitted to the prefect Flavius Titianus, *vir egregius*, by Demetrios, freedman of Herakleides, against Paulinus, son of Patron, former gymnasiarch.

(4–19) Ammonios, advocate (said) on behalf of Demetrios:

“By means of the petition brought by my client he has defined two charges against his opponent: one regarding a mortgage of some houses, the other regarding 2,000 *drachmai* that he deposited with Geminus, the brother of Paulinus. While the charge regarding the houses has presently been postponed, the 2,000 *drachmai* he asks to receive back from Paulinus, since Geminus has died and Paulinus is the one managing the property left by him. By what means Geminus came by the money I will now relate. My client, being a member of Geminus’ household and occasionally employed as his estate manager, made a deposit of 2,000 *drachmai* and had a deed of deposit drawn up in the name of his friend, a certain Hatres. Accordingly, he presents the deed written by Geminus to Hatres and asks to receive the money back.”

(20–33) After the petition brought by Demetrios was read out, Palamedes, advocate (said) on behalf of Paulinus:

“My client could have steered clear of the claim of the 2,000 *drachmai*, since he is not the guardian of his brother’s children. However, just so that you learn of the evil-doings of our opponent, my client is prepared to defend himself on both charges in the petition. The first charge, as this man has defined it, is as follows: he has alleged that his case against Paulinus concerning the mortgage of houses was adjudicated by the former *strategos* Claudius Dionysios, adding that the judgment was for Paulinus to restore him the mortgaged property. And now he begs for an investigation concerning this matter because he knows he will be defeated, since Paulinus can prove that the case of the mortgage was not adjudicated by Dionysios against him at all, but against other persons.”

(33) Demetrios:

“[I am not arguing] this case right now.”

(34–36) Palamedes:

“He has ‘defined this charge by means of his petition’ — if he does not wish to speak about it, he must still answer me this: was the case of the houses really adjudicated against Paulinus?”

(36–37) The *strategos* to Demetrios:

“And what is your response to Paulinus?”

(37–39) Demetrios:

“The case of the houses was not adjudicated against Paulinus. As I said earlier, I am not arguing this case right now but asking to get back the money.”

(39) Palamedes:

“Demetrios has confessed to deceiving the prefect, *vir egregius*, already in his first charge,

col. III

(1–18) but you will be even more inclined to condemn him in the charge concerning the money. But first it is necessary to say this much about the parties involved, namely, that Geminus was a most eminent man (ἐδσχημονέστατος), while our opponent is indigent (ἄπορος) and can have no means of demonstrating where he could have gotten the money in the first place. His confession to being a ‘member of Geminus’ household and occasionally employed as his estate manager’ contributes most significantly to the

present inquiry, since through this he is revealed on the one hand to be working for wages due to his lacking necessities, and on the other hand arouses the suspicion that, while spending time in the household of Geminus, he *stole* the deed! — which he never brought to court while he (Geminus) was alive and could demonstrate precisely how it was mislaid. But now that he (Geminus) is dead he pursues the money! To this I add the gravest matter of all, which is most revealing of Demetrios' evildoing: for I declare that he does not even know the Hatres in whose name he claims to have drawn up the deed, nor is he able to answer who he is or where he is from."

(19–20) Demetrios:

"It is not Hatres but Deios, son of Hatres, a friend of mine, in whose name I had the deed drawn up."

(21–24) Palamedes:

"Neither does he know who Deios is nor where he is from. Nor is this sufficient, since he also needs to bring a written statement by Deios confirming that it is *his* (Demetrios') money that is referred to in the deed."

(24–25) Demetrios:

"I have his written statement as well!"

(25–33) The *strategos*:

"Read the documents of Geminus and Deios."

After the deed of Geminus, dated to the eighth year of Hadrian our lord (123–124), and the document Demetrios [claims] to have obtained from Deios, dated to the 30th of Thoth of the tenth year (27 September, 125), were read out, the *strategos* (said) to Demetrios:

"Why did you not receive the document from Deios confirming the deposit at the same time as the deed of Geminus?!"

(33–36) Demetrios:

"As long as Geminus was alive, he was able to return (the deposit), but since after his death my opponents were ignoring my claim it became necessary for me to obtain a written statement from Deios as well."

(36–38) Paulinus:

"Through these documents too his evildoing is revealed, for this is a handwritten deed confirming the receipt of a deposit by my brother,

col. IV

(1–5) while the document he says he obtained from Deios after my brother's death was written about a loan and dated to the thirtieth of Thoth of the tenth year (27 September, 125). Geminus, however, died on the twelfth of Phaophi (9 October, 125). Indeed, he could be presenting a document written on this very day by anyone whatsoever in the name of someone called Deios. But let him explain where this Deios comes from!"

(6) Demetrios:

"He is a merchant, a friend of mine, from the Herakleopolite nome."

(7) Paulinus:

"Let him produce him!"

(7–8) The *strategos* (said) to Demetrios:

“In how many days will you produce Deios?”

(8–9) Demetrios:

“In fifteen days.”

(9–17) Andromachos the *strategos* (said) to Demetrios:

“The statements have been entered into the minutes. Instead of the fifteen days you have asked for, I give you a whole thirty in which to produce Deios, whose handwritten deed you claim to present. In the meantime this deed — which you will certify with your signature has been handwritten by Deios, who you claim is from the Herakleopolite nome — will be affixed with seals by you and Paulinus and remain with Theon the assistant. Whenever Deios happens to be present, we shall see what he himself has to say about it.” And he instructed Theon to act accordingly. “I have read (the minutes).”

Commentary

My edition follows the *editio princeps* of Vogliano 1937 (P.Mil.Vogl. I 25) and notes all departures from it. In addition to autopsy and high-resolution images of the papyrus in its current state, my edition relies on a black and white photo taken in Egypt in the 1930s before the papyrus was damaged during its transport to Milan, which has been kindly provided to me in a high-resolution digital format by Prof. Claudio Gallazzi. It is unclear to me whether this exact photo was available to Vogliano, whose edition omits numerous ink traces and a significant number of clearly visible letters, as noted in the apparatus and commentary. In part, Vogliano seems to have routinely bracketed letters even when ink traces were visible. His edition also displays a number of oversights, bracketing clearly visible words and omitting brackets for restorations of lost text, etc. In this edition, I hope to present a clearer picture of what can be seen and inferred from autopsy and images of the papyrus.

The dimensions of the papyrus (which contains a second judicial record and traces of a third) are ca. 21 cm × 77 cm, with individual columns measuring as follows:

II: 18 cm × ca. 16 cm; III: 12 cm × ca. 16 cm; IV: 15 cm × ca. 16 cm; V: ca. 13 cm × ?

I 1–3. ἀγαθῆ τύχη | Κερδῶν Ἑρμῆς Ἀφροδείτη | ἐπ’ ἀγαθῶ: Such prescripts invoking good fortune are not otherwise found in records of judicial proceedings from Roman Egypt. An attestation of ἀγαθῆ τύχη Κερδῶν Ἑρμῆς in a small fragment (SB XIV 11393, Arsinoite, 2nd cent.) leaves the context unclear. A similar prescript occurs in a list of payments for wool: P.Mil.Vogl. IV 250 (Arsinoite, 166–167) 1: ἐπ’ ἀγαθ[ῶ] Κερδῶν Ἑρμῆς Ἀφ[ροδίτ]η. Κερδῶν Ἑρμῆς also appears next to surplus sums (as a compulsive gesture of thanks for divine favors granted?) in a *penthemeros* register: BGU III 812 (unknown provenance) 2nd–3rd cent. A further parallel is offered by a poetic text (cited by Vogliano in his commentary) in which a shoemaker invokes “profit-bringing” Hermes and Peitho for a favorable conclusion to his business affairs: Herod. *Mimiambi* 7.74: Ἑρμῆ τε Κερδέων καὶ σὺ Κερδέη Πειθοῖ. The expression ἀγαθῆ τύχη appears in the midst of dialogue during a judicial hearing recorded in SB XXII 15775 (Herakleopolis, 203–206) 6. There are also several attestations of ἐπ’

ἀγαθῶ with reference to the Roman governor’s assize tour, see e.g. P.Tebt. II 303 = M.Chr. 53 (Arsinoite, 177) 14–17: παραγγεῖλα[ι] αὐτῶ ὅπως | παρατόχη εἰς τὸν ἐπ’ ἀγαθῶι γινόμενον διαλογισμὸν ὑπὸ τοῦ λαμπροτάτου ἡγεμόνος = “to serve summons on him so that he appears at the assize to be auspiciously held by the prefect, *vir clarissimus*.” It is unclear from our document whether the prescript asks Hermes and Aphrodite for a favorable judicial outcome or thanks them for granting one. Since none of the records on the papyrus mark the end of the legal cases in question, the former scenario seems more likely. The family may have copied out documents pertaining to pending lawsuits that were due to be heard by the *strategos*.

I 4. [ἀ]ντίγ[ρα]φ[ο]ν ὑπομημη[α]τισμ(οῦ): This phrase is well-attested along with ἀντίγραφον ἐξ ὑπομημηματισμῶν (P.Flor I 61 = M.Chr. 80), signifying a copy made from the judicial records (ὑπομημηματισμοί = *commentarii*) of an official. On the introductory formulae of judicial records, see Coles 1966 (n. 2) 29–38. The letters ντυγ of [ἀ]ντίγ[ρα]φο[ν] are visible in the 1930s black and white photo of the papyrus but have since disappeared. Contrary to Bastianini BL XI 135, I do not see any ink traces of *alpha* before *phi*.

I 5. ἐν Τεβτόγι Πολέ[μ]ωνος μερίδος [ca.?]: The letters εντεβτ are clearly visible in the 1930s photo of the papyrus but have been bracketed by Vogliano. This is clearly the location of the hearing, since no other placename is given in the introductory formulae that follow. Evidently, the *strategos* was conducting a local assize of his *meris*, see e.g. SB XVI 12685 (Arsinoite, 139) 12–13: ἐπὶ Αἰλίου Νου[μισιανο]ῦ στρα(τηγοῦ), γενομ(ένου) ἐν [κώμη Ἡρ]ακλεία, ἐγένετο ὑπομημηματισμός = “a judicial record was made before the *strategos* Aelius Numisianus during his presence in the village of Herakleia.”

II 1. ἰά (ἔτους) Τῦβ[ι ca.?]: Vogliano seems to have accidentally reversed ἰά and (ἔτους).

II 2. ἐξ ἀναφορίου Φλαυίου Τιτιανοῦ τοῦ κρατίστου ἡγεμ[ό]νου: The end of the *sigma* of ἡγεμ[ό]νου is clearly visible. ἐξ ἀναφορίου signifies that Demetrios had submitted a petition to the prefect, in which he outlined his two legal claims and cited earlier hearings pertaining to the first (II 25–29). It is unclear whether Demetrios’ petition was presented to the prefect in person. There is no reference to earlier proceedings but only to the written petition, so it may have been processed in writing by the prefect’s staff and forwarded to the *strategos*. For a parallel example where the *strategos* hears cases forwarded by the prefect at an Arsinoite assize, see SB I 5761 (Arsinoite, 91–96) 36–38: ἐξ ὧ[ν] ἔπ[ε]μψας ἐν[τολ]ῶν ἐν διαλογισμῶι τοῦ [Αρ]σινοεῖ(ου) | ἤκουσα [Πτολ]έμας πρὸς Ἀπίαν = “from the cases you delegated to me during the Arsinoite assize I heard that of Ptolema against Apia.” See further the commentary to II 40–III 1.

II 3. Δημητρίου ἀπελευθέρου Ἡρακλείδου: It is a plausible inference that Ἡρακλείδης the former master of Demetrios is the same man as the father of Thaubarion and Chaeremonis, the wife of Geminus, on whom see Smolders 2013 (n. 35). It is a fair guess that Demetrios was a household slave before acquiring his freedom.

II 4–5. Ἀμμώνιος[ς] | ῥήτωρ ὑπὲρ Δημητρίου: On the relatively rare omission of εἶπεν in judicial records formulated in direct speech, see my comments to line 13 of P.Flor. I 61.

Π 7. ἕτερον: Traces of *omikron* and *nu* are visible.

Π 9–10. τὸ μὲν οὖν περὶ τῶν οἰκοπέδων τὸ παρὸν ὑπερτίθεται: In this context, the expression ὑπερτίθεται refers to Demetrius obtaining adjournment of the case pending additional investigation, as we are informed by Palamedes in Π 29–30 (νὺν δὲ τὴν περὶ τούτου διάκρισιν εἰδὼς ὅτι καταγνωσθήσεται παραιτεῖται). Palamedes casts aspersions on this as a delay tactic, arguing that Demetrius knows he will lose the case and wants to make sure that it is adjudicated separately from his deposit claim. For the expression ὑπερτιθῆναι εἰς διάκρισιν, see e.g. SB I 5240 (Arsinoite, after 17). In Roman-period papyri, διάκρισις has a similar sense to ἐξέτασις and implies the examination of documents, see e.g. P.Giss. I 48 = W.Chr. 171 (Antaiopolite, 202–3) 4–9: ἐκ τῆς γενομένης ὑπ’ ἐμοῦ ... ἐξετάσεως καὶ διακρίσεως, | ὡς ἐνεδέχτο ἐκ τῶν πεμφθέντων βιβλίων ... ἐγνώσθη = “from the investigation and examination ... undertaken on the basis of submitted records ... it was discovered ...”

Π 11–13. τοῦ Γεμείνου τελευτήσαντος ἀξιοῖ παρὰ τοῦ Παυλείνου, | φροντίζοντος τῶν ὑπ’ ἐκείνου ἀπολιφθέντων, ἀπολαβεῖν: On the juridical significance of Paulinus’ role, ostensibly as a trustee of Geminus’ estate, see the discussion at nn. 42–43. The term φροντιστής has a broad range of meaning in papyri. It most frequently refers to administrators of private estates, see lines 14–15: οἰκιακὸς ὢν ἐκείνο[υ], ἐνίστε δὲ καὶ φροντιστής with reference to Demetrius, as well as BGU XIII 2347 (Theadelphia, Arsinoite, 250 CE) 1: Ἡρωνεῖω φρο(ντιστῆ) and other documents from the Heroninos archive. φροντιστής is also one of several terms for a legal representative in an economic transaction, see e.g. SB XVIII 13167 (unknown provenance, 2nd cent.) 1: ἐπιτρόπων ἢ φροντιστῶν. The term also occurs with reference to the legal assistants of minors, which blurs the boundary between φροντιστής and ἐπίτροπος, see e.g. BGU III 869 (Arsinoite, 134–135) 4–7: παρὰ Ταουήτις τῆς Ἀρπαγάθου ἀφήλικος μετὰ | φροντιστοῦ τοῦ συγγενοῦς | Σαταβούτος τοῦ Σαταβ[οῦ]τος. Instances of both φροντιστής and ἐπίτροπος with reference to *tutela* are collected and discussed in R. Taubenschlag, *The Law of Graeco-Roman Egypt in Light of the Papyri*, Warsaw 1955, 157–170.

Π 14–15. οἰκιακὸς ὢν ἐκείνο[υ], ἐνίστε δὲ καὶ φροντιστής: The term οἰκιακός is rare in papyri with reference to individuals. There is one attestation of an οἰκιακὸς καὶ φροντιστής in a private letter from the first century (P.Haun. Π 32, unknown provenance). Another private letter uses the term to refer to an individual seeking to enter the service of a court official (ἀρχιστάτωρ) to improve the prospects of his legal affairs (P.Oxy. II 294, Oxyrhynchus 22). I suspect that οἰκιακός may be a calque of the Latin *domesticus*, a common term for members of the *familia* and household, including specifically household slaves (see e.g. Suet. *Otho* 10), also used for the retinue of officials (see e.g. C.Th. I.12.3).

Π 16. τ[ὸ] τῆς παραθέ[σ]εως γράμμα ε[ἴ]ς: Traces of the ending of παραθέ[σ]εως are visible. There is no room for the reading γράμματ[α εἴ]ς (Vogliano); instead, γράμμα is in the singular, followed by a visible *epsilon*.

Π 17. Ἀ[τρ]ήους τινος: The standard genitive form of the name Ἀτρῆς.

Π 17–18. ἐπιφέρων | τὰ τοῦ Γεμείνο[υ] εἰς τὸν Ἀτρῆν γ[ρ]άμματα: The accusative Ἀτρῆν is clearly discernible. The reading Ἀτρηνόν (Vogliano) is a name that is not otherwise attested and does not leave sufficient space for γράμματα. The term ἐπιφέρων

may imply that the χειρόγραφον of deposit contained a *kyria*-clause declaring its validity in the hands of a bearer different from the titular, see e.g. BGU I 69 = M.Chr. 142 (Arsinoite, 120) 12–15: τὸ δὲ χειρόγραφον τοῦτο | [κύριον] ἔστω πανταχῆ καὶ παντὶ | [τῷ] ἐπιφέρῳ[ντι] ὡς ἐν δημοσίῳ | [κατακεχωρ[ί]σμένον = “and let this χειρόγραφον be valid everywhere and for every bearer as if it were registered in a public archive.” This clause did not make the document a blank check for any bearer, however, as the inquest into Deios’ identity and relation to Demetrios shows, see further Wolff 1978 (n. 33) 148 and 166–169 with critical remarks on the juridical commentary of Arangio-Ruiz 1937 (n. 2).

II 19. ἀνα[γ]νω[σθ]έντος οὐ: All letter traces are visible and fit the context. Evidently, the petition of Demetrios was read aloud in court. For a parallel, see e.g. P.Oxy. II 237 (ca. 186) col. V line 13: ἀναγνωσθέντος τοῦ βιβλιδίου πρὸ βήματος ἐσιώπησεν.

II 21. [ἐ]δύγεται / [ἐ]δύγατο: Departures from the thematic *α* of δύναμαι (ἐδύνατο) are rare in papyri and the testimonia are limited to private letters, see e.g. BGU I 74 (Arsinoite, 166–167) 6: καὶ αὐτοὶ δύνεσθ’ ἄν.

II 22–23. οὐ γὰρ | ἐστιν ἐπιτροπος | τῶν [τοῦ] ἀδελφοῦ [υἱ]ῶν: See the commentary to II 11–13. Palamedes is clearly anxious to clarify that Paulinus’ role as φροντιστής — one of several terms used for guardians of minors in papyri — does not imply guardianship but refers only to his administration of Geminus’ estate.

II 24. [ἐ]τοίμως ἔχει πρ[ὸ]ς ἀμφοτέρα: Most of the letters are clearly visible and the expression ἐτοίμως ἔχει well-attested, see LSJ s.v. ἐτοίμος A III with the example of Demosth. 18.161: εἰς ἔχθραν δὲ καὶ τὸ προσκρούειν ἀλλήλοις ἐτοίμως ἔχοντας = “but were ready to quarrel and attack each other.” It is unclear why Vogliano has ε[. .] [.]ς between πρ[ὸ]ς and ἀμφοτέρα because there is no space for these letters.

II 29–30. νῦν δὲ τὴν περὶ τούτου διάκρισιν εἰδὼς ὅτι καταγνωσθήσεται παραιτεῖται: See the commentary to II 9–10.

II 32–33. πρόσ|[ω]πα]: This technical term, which also occurs in III 2–3 (περὶ τῶν προσώπων), emerges in Roman-period papyri as a Greek rendition of *persona* with reference to juridical personhood, see e.g. P.Oxy. II 237 col. VIII 34 (a judicial record from 133): ὁμοίως ὑποθέσεως ἀκούσαντα [ἐξ] Αἰγυπτιακῶν προσώπων = “having heard a similar case from persons of Egyptian status.”

II 33. περὶ τούτου ἐγὼ νῦν [οὐ λέγω. vac. (?): In the 1930s photo, traces of του after περί and the word νῦν are clearly visible. It is therefore difficult to understand why Vogliano has περὶ τούτου [νῦν οὐ βούλομαι λέγειν]. My supplement echoes Demetrios’ statement in line 38: ὡς δὲ προεἶπον, νῦν περὶ τούτου οὐ λέγω. It does not seem plausible to me that he would have said οὐ βούλομαι λέγειν (Vogliano); these words are merely what his adversary’s advocate Palamedes attempts to put in his mouth (εἰ μὲν περὶ τούτου μὴ βούλεται λέγειν, II 34–35).

II 34. ἀναφορεῖ[ου] τὸ ἔγκλημα: The letters ι in ἀναφορεῖ[ου] and τοεν in τὸ ἔγκλημα (Vogliano) are not visible to me in the 1930s photo or in the papyrus in its current state. Possibly, Vogliano was able to place a fragment that has not been preserved.

II 35. αὐτὸ τοῦ[το] δὲ ἀποκρει[θῆναί] μοι δεῖ: The particle δέ seems preferable to γε (Vogliano) after μὲν in the previous line.

II 35–40. The 1930s photo is regrettably too dark to assess the presence of ink traces where Vogliano may have omitted them. The papyrus in its current state is very damaged in this part of the text.

II 39. Παλαμήδης· ἦδη: The letters δης and subsequent η are clearly visible in the 1930s photo and still discernible on the papyrus in its current state.

II 40–III 1. παραλελογ[ί]σθαι τὸν κράτιστον | ἠγεμόνα: See the commentary to II 2. This remark does not necessitate that Demetrios presented his petition to the prefect in person — a hearing at which one would expect Paulinus to have been present, of which there is no indication. It is, of course, conceivable that Paulinus was served summons and failed to attend, but it would be strange for Demetrios not to mention this. It seems more plausible that Palamedes is accusing Demetrios of misrepresenting his claims in his written petition. Evidently, Demetrios had boasted of obtaining a previous conviction against Paulinus, an aggravating circumstance that made it more likely for the prefect to approve the reexamination of his case.

III 2–3. περὶ τῶν προσώπων: See the commentary to II 32–33.

III 3–4. ὁ μ[ὲν Γέ]μεινος εὐσχημονέ[στ]ατος ἦν ἄνθρωπος, ὁ δὲ ἀντίδικος ἄπορός ἐστιν: Status difference is played up in a similar fashion by the *rheto*r Aristonikos in P.Flor. I 61, see the discussion at nn. 11–13 and 19–20. The status of εὐσχημων was determined by wealth threshold (πόρος) and drawn up in registers, see BGU I 194 = M.Chr. 84 (Arsinoite, 177) and P.Alex.Giss. 36 (Apollonopolite, 116–117). The superlative εὐσχημονέστατος suggests that Geminus far exceeded the πόρος in question. Both εὐσχημων and its opposite ἄπορός (indigent) were used with reference to financial qualifications for liturgies.

III 5. ἔξων ἀποδείξα[ι]: On ἔχω with the infinitive meaning “to be able” see Smyth, *Greek Grammar* §2000a. The sense of the future participle is presumably that Demetrios would never be able to prove the source of his money, even if asked to do so.

III 6–7. καὶ [τ]ὸ ὁμολογηκέναι δὲ αὐτὸν | οἰκιακὸν γεγονέναι, ἐν[ί]στε δὲ καὶ φροντιστήν: Here, Palamedes is ostensibly mocking Ammonios by citing his own words in II 16–17.

III 8. συγκαταβάλλεται: Traces of all letters are visible in the 1930s photo, but κατα has since disappeared. This supplement was already suggested by Vogliano in his commentary. The term occurs in literary texts but is not otherwise attested in papyri, illustrating yet again the elevated linguistic register of Palamedes. The metaphor here evidently compares the accumulation of evidence to the collection of monetary contributions, see e.g. Cass. Dio 48.53: ἐσελθόντας συγκαταβαλεῖν | τὰ χρήματα = “they pooled their contributions upon entering.”

III 9–12. ἐκ τούτου γὰρ ἐλέγχεται ὀψονίου μὲν ὑπηρετῶν ἐνδεία τῶν ἀνανκαίων, ὑποπτος δ' ἐστ[ί]ν | μὴ ἄρα ἐν τῇ τοῦ Γεμείνου οἰκία διατρεῖβων τὸ χιρόγραφον ἔκλεψεν: Palamedes' character assassination of Demetrios showcases his use of the rhetorical device of *coniectura* (see the discussion at n. 40), arguing that a man working for wages could be presumed indigent (motive) and inferred to be morally dubious and capable of anything (character), while his privileged position in the household gave him the chance to steal the deed (capacity).

III 15–16. συνέλεγχον: The *upsilon* and traces of *epsilon* are visible on the papyrus in its current state.

III 17. τὸν Ἀτρῆν οῦ: The assumption of an error by Vogliano (τὸν Ἀτρηνο<ν ο>ῦ) is unnecessary, because the named used throughout the text is Ἀτρῆς and not Ἀτρηνός.

ἐ[ί]πε συντετάχθαι: Traces of all letters are visible in the 1930s photo but εἶπε and ετα in συντετάχθαι have since disappeared.

III 18. ἀποκρειθῆναι τίς ἐστι[v]: The letters θηναιτισεστι are visible in the 1930s photo but have since disappeared.

III 19. [ο]ῦκ ἐστ[iv] Ἄτρ[ρ]ῆς ἀ[λ]λὰ Δεῖος Ἀτρήους, φίλος μου]: The reading Ἀτρηνοῦ φίλος (Vogliano) is not compatible with the traces, as there is an additional letter before φίλος and no space for both η and ν. Clearly the name here is Ἀτρήους, the genitive of Ἀτρῆς. The letters λαδειοσατρηουσφιλ of ἀ[λ]λὰ Δεῖος Ἀτρήους, φίλος are visible in the 1930s photo but have since disappeared.

III 20. τὸ χιρόγραφον [γ]ραφῆναι: After *chi*, a clear *iota* and traces of *rho* and *omikron* are visible. Traces of the letters ραφη are visible in the 1930s photo but have now almost completely disappeared. For the paleography, with a wide *alpha*, compare χιρόγραφον in III 11–12. This somewhat tautological phrase distinguishes the simple speech of Demetrios from the sophisticated diction of Palamedes and Paulinus.

III 21–22. οὐδὲ ὁ Δ[ε]ῖος τίς ἐστ[iv] ἐπίσταται ἢ οὔτε ὀπόθεν | ἐστίν: The letters ε and the second τ in ἐπίσταται and the letters θεν of ὀπόθεν are visible in the 1930s photo but have since disappeared. There seems to be a grammatically superfluous ἦ before the second οὔτε.

III 22. καίτοι οὐκ ἀπαρκεῖ τοῦτ[ο]: The reading τοῦ Γ[εμείνου] (Vogliano) is both unidiomatic and too long for the space. The supplement τοῦτ[ο] is preferable.

III 22–23. τοῦ Δ[ε]ῖ[ο]υ: The letters υδ are visible in the 1930s photo but have since disappeared.

III 23–24. ὁμολ[ογ]οῦντο[ς] τούτου [εἶ]ναι τὸ διὰ τοῦ χιρογ[ρ]ά[φο]υ [ἀ]ργύριον: The letters ογουντο of ὁμολ[ογο]ῦ[ν]το[ς] and the final τό are visible in the 1930s photo but have since disappeared. The reading of τούτου is clear. In view of the deed of deposit being drawn up in the name of Deios, Palamedes insists on written proof that the money belonged to Demetrios.

III 24. χιρογ[ρ]ά[φο]υ: Contrary to Vogliano, who reads χειρ[ογρ]ά[φο]υ, the first letters are clearly visible and there is no trace of *epsilon*.

III 25. The letters γεμειν of Γεμείνου are visible in the 1930s photo but have since disappeared.

III 26. The letters γεμει of Γεμείνου are visible in the 1930s photo but have since disappeared.

III 37–38. The letters ελε in συν]ελέγχετα[ι] and στιν in ἐ]στιν read by Vogliano are not visible in the 1930s photo. Perhaps Vogliano was able to place a fragment that has since been lost.

IV 6. Δημήτριος ἔμπορος ἐστίν\ν/, φίλος μου: The *nu* of ἐστίν has been added above the line.

IV 11. δίδω[μ]ί σοι ὄλας τριάκοντα: A clear instance of sarcasm, as already noted by Arangio-Ruiz 1937 (n. 2) 208 n. 3 and 210. Thirty days were a standard period

granted in various contexts of Roman criminal and civil procedure, and were a typical deadline for attending a future court hearing, see e.g. BGU II 592 (Arsinoite, 2nd cent.) 6–7: ἐν ἡμέραις τριάκοντα γενέσθαι[ι] ἐπὶ τοῦ στρα|τηγοῦ. This was also the traditional time interval prescribed by the Twelve Tables for debtors to comply with court judgments (*dies iusti*), see XII Tables 3.1–6 and Gell. *NA* 20.1.42.

IV 12. λέγεις: The entire word is clearly visible but has inexplicably been bracketed by Vogliano.

IV 14–15. καὶ σφρα[γι]σ[θῆ]ν ὑπό | τέ σου καὶ τοῦ Παυ[λε]ΐνου μενὶ παρὰ Θεώνι ὕπη[ρ]ῆτη: The practice of sealing written evidence pending the resolution of a legal case is illustrated by BGU II 388 = M.Chr. 91 (Alexandria, ca. 157–159) col. III 8–10: τὰς δὲ ταβέλλας ἀριθμῶ | πέντε οὔσας κατασημνηνόμενος καὶ ποιήσας καὶ τὴν Πτολεμαΐδα σφραγίσαι ἔδωκεν Γε|μέλλῳ βιβλιοφύλακι = “and, having sealed up the *tabulae* numbering five and having made Ptolemas apply her seal to them as well, he (the procurator of the *idios logos*) gave them to Gemellus the archive-keeper.” The same principle is observed in imperial instructions to *eirenarchai* to submit written records of their interrogations in sealed form, see D. 48.3.6.1 (Marcianus 2 *de iudic. publ.*).

IV 16–17. καὶ ἐπέ|τρεψεν: The letters καιεπε are clearly visible but have been bracketed by Vogliano.

IV 17. ἀνέ[γνω]ν: The processing mark ἀνέγνων = *legi* has been missed by Vogliano and subsequent commentators. ἀνέγνων was typically inscribed after each entry of an official’s *commentarii*, signifying that these had been read and approved — as occurs throughout the original *commentarii* of the Ombite *strategos* in P.Par. 69 = W.Chr. 41 (Elephantine, 232). Contrary to Wilcken BL III 147, the traces here are not compatible with ἐξῆλ[θεν N. N. ὑπηρέτης], a formula indicating the presence of a member of the prefect’s staff, as at V 15 in another judicial record preserved on this papyrus.

3. Petition to the *strategos* citing a record of proceedings before the prefect Aurelius Theodotos regarding the seizure of crops and livestock from an elderly cultivator of imperial land (P.Stras. I 5, Hermopolis, before 7 September, 262)

The third text is a fragmentary petition from late August or early September of 262 to a *strategos* of the Hermopolite nome via his deputy.⁴⁸ The upper and lower margins are visible but the papyrus breaks off on the left. It may be estimated on the basis of the imperial dating formula in line 7 that approximately one third of the text is missing. Administrative instructions in the upper margin of the petition show that it was processed on September 7, 262 and accordingly submitted at some point before this date and after August 14, the date of the court hearing cited in the petition (7–19).

The petitioner is an elderly resident of the Hermopolite village of Alabastrine and a cultivator of imperial and public land (7–9 and 13). He accuses a group of men with

⁴⁸ For discussions of this document, see the commentary of the editor F. Preisigke (ed.), *Griechische Papyri der Kaiserlichen Universitäts- und Landesbibliothek zu Strassburg*, Leipzig 1912, 20–28; Crook 1995 (n. 2) 99–100; and now Dolganov 2023 (n. 1) 96–98.

Egyptian names of violently intruding onto his property and carrying off crops that were intended as payment to the *fiscus* (11–14). It may be plausibly inferred that this occurred during the most recent harvest season in April/May of 262.⁴⁹ After the petitioner's initial complaint to the Hermopolite *strategos*, the same men allegedly came back and took his livestock (15–16). Whether this *strategos* was the same man as the addressee of the present petition is an interesting question addressed further below. The petitioner cites a record of proceedings from an assize in the city of Hermopolis Parva in the Nile Delta three weeks earlier on 14 August 262 (7–19) during which his petition was presented to the prefect by a high ranking Alexandrian official acting as his advocate (Ἐρμῶν ἑναρχὸς ἀρχιδικαστῆς ῥήτωρ, 7). Evidently, the petitioner had traveled or sent a representative to obtain a judgment from the prefect, presumably anticipating the latter's arrival in the Hermopolite nome where the culprits could be brought to court. An upcoming Hermopolite assize is likewise suggested by a reference to matters being sent to the prefect's tribunal (ἐπὶ τὸ ἐ[μὸν] δ[ι]καστήριον, 19). The tactic of obtaining a response in advance of an assize is well-attested in the evidence for litigation in Roman Egypt.⁵⁰

Processing marks in the upper margin of the petition indicate that on 7 September, 262 it was forwarded by the deputy *strategos* to an assistant (*hyperetes*), whose name may be supplemented as Nemesinos (1). New readings show that Nemesinos was instructed to act in accordance with an enclosed copy of an ordinance of the prefect (ἐν[τεταγμέ]νου ἀντιγράφου ἐ[νκελεύ]σεως τοῦ λ[α]μπροτ[άτου] ἡγεμόνος, 2) to convey the alleged perpetrators. The ordinance in question was evidently the text of the prefect's judicial pronouncement (18–20). The timeline of the legal process in this document is remarkably fast, with the petitioner receiving a hearing from the prefect in Hermopolis Parva on August 14, obtaining a copy of the record and coming back from the Nile Delta to Hermopolis to hand over the prefect's instructions to the *strategos* before September 7, when his petition was processed by the deputy.

The involvement of a deputy *strategos* is interpreted by Preisigke (*ed. pr.*) as a sign that the *strategos* had been removed from office for maladministration.⁵¹ This is unparalleled in the evidence and accordingly seems unlikely.⁵² Instead, one would expect this to be one of many attested instances of a deputy-*strategos* filling in for a *strategos* who was absent on administrative duties in the nome or attending one of the prefect's

⁴⁹ For the approximate dates of the harvest season, see M. Schnebel, *Die Landwirtschaft im hellenistischen Ägypten. Erster Band: Der Betrieb der Landwirtschaft*, München 1925, 162–167. The harvest in the Hermopolite nome is documented in P.Lond. I 131, 497 and 499 for the year 79, where wheat is harvested in April and other crops such as fenugreek in early May.

⁵⁰ For an illustration of this tactic, see P.Wisc. I 33 (Arsinoite, after October 147) with Dolganov 2021 (n. 31) 354–391. Ptolemaios first traveled to Alexandria to file his initial petition to the prefect; there, he obtained permission to have his case heard at the prefect's upcoming Arsinoite assize, with instructions issued to local officials to locate his opponent and haul him to court.

⁵¹ Preisigke 1912 (n. 48) 23–24.

⁵² Even in a clear instance of a *strategos* accused of maladministration and investigated by the governor, he was not convicted and remained in office, see Dolganov 2021 (n. 31).

assizes.⁵³ That the *strategos* is addressed “via his deputy” (διά ... διαδόχου) in lieu of the deputy being the direct addressee suggests, furthermore, that the deputy was not replacing the *strategos* in all of his functions but performing specific tasks on his behalf.⁵⁴

The social profile of the petitioner and the circumstances of his complaint are a matter of some interest. The *editio princeps* identifies him as an elderly farmer (“Landwirt”) who has been illegally burdened with compulsory cultivation of imperial land (*ousiake ge*) and the forcible purchase and cultivation of additional land from the *dioikesis*. Preisigke interprets the “robbery” of the crops as a predatory exaction by local tax officials, in line with his broader argument that the petitioner is a victim of official abuse.⁵⁵ Preisigke’s view is echoed by Crook in his study of legal advocacy, where he describes the petitioner as a “poor, elderly countryman” and a “peasant,” and expresses wonder that the grievances of such a humble person are presented to the prefect by such an illustrious figure as the *archidikastes*.⁵⁶

This interpretation of P.Stras. I 5 rests on a number of inaccuracies. It may be noted, first of all, that the complainant states that he has petitioned the prefect “not only on record in his *commentarii* but also by means of a letter” (ἐνέτυχον δι’ ὑπομνημάτων οὐ μόνον ἀλλὰ [κ]αὶ δι’ ἐπιστολῆς, 6). For a petitioner to communicate with the governor by letter was an exclusive prerogative of individuals of particular eminence or privilege.⁵⁷ This accords with the man’s financial ability to travel or send a representative to the court of the prefect in a region far away from his residence. The phrase “in the village of Alabastrine in the Hermopolite nome” (ἐν κώμῃ Ἀλαβασ]τρεινῆ τοῦ Ἑρμοπολείτου γ[ο]μοῦ, 8) used by the *rhetor* Hermon in introducing his client suggests the supplement γεουχοῦντα ἐν κώμῃ Ἀλαβασ]τρεινῆ identifying the petitioner as a landowner in that village, as also seems to be implied by a reference to his purchasing public land (ἀλλὰ

⁵³ See e.g. P.Münch. III 67 (119–129) for a *strategos* conducting an assize tour of the nome and BGU I 168 (Arsinoite, 169–170) where a deputy steps in for a *strategos* who has left the city.

⁵⁴ See M. H. Eliassen-de-Kat, *Substitution of strategus and royal scribe in the Roman period*, in: *Actes du XV^e Congrès International de Papyrologie, Brussels, 29 August–3 September 1977*, Brussels 1978, 116–123, who argues that the formulation διὰ ... διαδόχου corresponds to a strictly temporary or task-specific delegation. The existence of two distinct forms of delegation is illustrated by P.Oxy. LIX 3975 (Oxyrhynchus, 165–166), where an oath is addressed to the royal scribe as acting *strategos* (διαδεχόμενος τὰ κατὰ τὴν στρατηγίαν) through an ex-gymnasiarch as his deputy (διά ... διαδόχου τῆς στρατηγίας). The difference was presumably that the royal scribe was replacing the *strategos* in all of his functions, whereas the ex-gymnasiarch was deputizing in specific tasks.

⁵⁵ Preisigke 1912 (n. 48) *ibid.*

⁵⁶ Crook 1995 (n. 2) 100.

⁵⁷ The same was true of letters by private individuals to the emperor, attested for senators, prominent *equites*, literary celebrities and provincial officeholders, see F. Millar, *The Emperor in the Roman World*, Oxford 1977, 216–217 and 469–472. For an example of a petitioner’s letter to the prefect of Egypt, see the letter of an ex-gymnasiarch of Oxyrhynchus in P.Oxy. II 237 (ca. 186) col. VI 11–16. Preisigke 1912 (n. 48) 23 cites this papyrus but does not remark on the significance of the letter.

καὶ ἀπὸ τῆς δ[ι]οικῆσεως ἐτέραν ἐπρίατο, 9).⁵⁸ This would be consistent with a broader pattern whereby individuals chosen by the Roman state to undertake compulsory cultivation of imperial and public land (ἐπιβολή) tended to be landowners of sufficient wealth to bear the costs.⁵⁹ While duties to tend these properties could be attached to private land, some landowners performed such cultivation willingly for profit.⁶⁰ In the well-known case of Apollonarian, a third-century Oxyrhynchite widow who petitioned Roman authorities to release her from compulsory cultivation, it is clear that she had performed it for many years — presumably because she had found it profitable.⁶¹

Contrary to Preisigke, it is by no means clear from the phrase γῆν μὲν γὰρ γεωργεῖν οὐσιακὴν, ἀλλὰ καὶ ἀπὸ τῆς δ[ι]οικῆσεως ἐτέραν ἐπρίατο (“for he cultivates imperial land, but has also bought other land from the *dioikesis*,” 9) that the petitioner has been forced into the cultivation of *ousiaka ge*. That this cultivation is described as “entrusted” to the petitioner “for many years” (ἐκ παλαιοῦ χρόνου τὴν γεωργίαν ἐνπιστευθεὶς, 10) and that he subsequently purchases public land rather than speak for him cultivating imperial properties voluntarily for financial gain. Further evidence supporting this interpretation may be found in line 11. Here, Preisigke proposes to read a reference to the petitioner being illicitly appointed, in spite of his advanced age, to a liturgical post assisting a *tabularius* (ταβ]ουλαρίω ἔσχεν ἐπ[ιδια]κονεῖν παρ’ ἕκαστα ἐπανηρημένος, Preisigke line 11).⁶² This reading is unlikely for a number of reasons. The verb ἐπιδιακονέω is

⁵⁸ It is possible that the petitioner is identified in the lacuna as a lessee of imperial land (see the commentary below) or as a citizen of Alexandria or Antinoupolis who was residing in the countryside, compare P.Flor. III 382 (Hermopolis, 222–223) 28–29: παρὰ [Αὐ]ρηλί[ου Ἡρώως Ἀντωνᾶτος τοῦ Πανίσκου Ἀ]ρχιστρατιῶτος τοῦ καὶ Ἀλθα[έ]ως γεουχοῦντος ἐπὶ Μοιρῶν τοῦ | μεγάλου Ἐρ[μοπολ(ίτου) νομοῦ] and SB XXII 15781 (Arsinoite, 158–159) 2–3: παρὰ Γαίου Ἰουλί[ου Νίγερ]ος Ἀντινοέως γεου]χοῦντος ἐν κώμῃ Κ[α]ρανίδι. This would help explain his privileged standing with regard to the prefect. It is also conceivable that he was a veteran of the Roman army (compare BGU I 180 [Arsinoite, 172] 1–3: οὐ[ε]τρανοῦ γε[ο]υχ[ο]ῦ[ν]τος ἐν κώμῃ Κ[α]ρανίδι), although one might expect this to be mentioned elsewhere in the text.

⁵⁹ See J. Rowlandson, *The Organisation of Public Land in Roman Egypt*, CRIPEL 25 (2005) 173–196 and *ead.*, *Landowners and Tenants in Roman Egypt: The Social Relations of Agriculture in the Oxyrhynchite Nome*, Oxford 1996, 55–61, 91–92, 100–101. Although imperial land became a *de facto* category of public land by the second century, it was administrated separately by a special procurator in charge of the *ousiakos logos*. On the administration of imperial properties in Egypt, see Rowlandson *op. cit.* and more recently Broux 2021 (n. 19), F. Beutler, *Wer war ein procurator usiacus? Die Verwaltung des Patrimoniums in Ägypten in der ersten Hälfte des 2. Jahrhunderts*, CG 18 (2007) 67–82 and specifically on the third century P. Sängler, *Veteranen unter den Severern und frühen Soldatenkaisern: die Dokumentensammlungen der Veteranen Aelius Sarapammon und Aelius Syrion (P.Vet.Aelii)*, Stuttgart 2011, 101–111. The older study of G. M. Parássoglou, *Imperial Estates in Roman Egypt*, Amsterdam 1978, focuses on the early Principate.

⁶⁰ See Rowlandson 1996 (n. 59) 88–92 and 97–101.

⁶¹ See P.Oxy. VI 899 with Rowlandson 1996 (n. 59) 91–92.

⁶² *Tabularius* emerges as a technical term for notary in the fourth century (see e.g. P.Lond. III 985 = W.Chr. 466, Herakleopolite, 4th cent.) whereas in earlier documents it refers to officials in charge of public records, see e.g. P.Stras. V 340 (Arsinoite, 117). It is also possible that the text refers not to a *tabularius* but to a *tabularium*, a Roman state archive.

not otherwise attested, nor is there evidence for liturgical duties under a *tabularius*, nor is it clear why the phrase *παρ' ἕκαστα ἐπανηρημένος* should be translated as “gegen alles Recht ausgehoben” (Preisigke 27) as opposed to “constantly undertaking” in line with the usual meaning of these words. The reading *ἐπ[ἰδία]κονεῖν* is also paleographically dubious, the traces rather indicating the initial letters *ευ*. A new reading of *εὐ-μ[νη]μονεῖν* = “to remember, be mindful of” instead shows that the petitioner “was able to be mindful of ... to the *tabularius/tabularium*, which he continually undertook” (*ταβ]ουλαρίω ἔσχεν εὐμ[νη]μονεῖν παρ' ἕκαστα ἐπανηρημένος*). In this context, *ταβ]ουλαρίω* seems likely to refer to a *tabularius officii* of a procurator, mentioned in lines 13 (*τῆ ἐπιτροπῆ*) and 19 (*ὁ ἐπίτ]ρ[ο]πος*).⁶³ This part of the text may plausibly refer to the petitioner's diligence in paying dues to the *tabularius* of the procurator in charge of imperial estates.

References to the petitioner paying rent (*τοὺς φόρους καταβέβληκεν*, 10; *ἀπὸ τῶν καρπῶν καὶ τοὺς φόρους τελεῖσθαι καὶ τῆ ἐπιτροπῆ καὶ τῷ [ταμείω]*, 14) suggest, furthermore, that he was not a compulsory cultivator but a lessee of imperial and public land. It is well-documented that imperial properties were often leased in large parcels for periods of several years by wealthy lessees (*μισθωταί*, often termed “Großpächter” in the scholarship) who made profits from subletting, typically for shorter periods and at higher rates, to sublessees (*ὑπομισθωταί*) who could themselves sublet to others.⁶⁴ The petitioner's clout with the prefect and elite legal representation would accord with his being a large-scale lessee (*μισθωτής*) of this sort, who repeatedly leased large parcels of imperial land over an extended period (*ἐκ παλαιοῦ χρόνου τὴν γεωργίαν ἐνπιστευθεὶς*, 10; *παρ' ἕκαστα ἐπανηρημένος*, 11) and was reliable in paying his dues (*ὅμως αὐτός ... τοὺς φόρους καταβέβληκεν*, 10; *πάλιν κατὰ τὸ ἔθος τὸ ἑαυτοῦ τῆς γῆς ἐπιμέλειαν πεποιήται*, 11). Such an individual was a valuable asset to the Roman imperial administration.⁶⁵

The hypothesis of Preisigke was that the culprits who carried off the petitioner's crops and livestock were abusive tax officials. An alternative possibility is that they

⁶³ This was, presumably, the *procurator usiacus* in charge of imperial estates, see Beutler 2007 (n. 59). A procuratorial *tabularius officii* is attested in another third-century papyrus as a lessee of an *ousia* of imperial land in the Hermopolite nome: *ὁ τῆς | τάξεως ταβουλάριος ἐμισθώσατο οὐσίαν ἐν τῷ ἄνω Ἑρμοπολείτη* (P.Oxy. LXXXV 5321, 3rd cent., 31–33).

⁶⁴ See Parássoglou 1978 (n. 59) 12, 48 and 53–54 and Sängner 2011 (n. 59) 101–111 and 288–308. P.Vet.Aelii 16 (Ankyron, Herakleopolite, 225) records a sublease of sixty-nine *arourai* by Aelius Syron as sublessee (*ὑπομισθωτής*) of the Μεσσαλινιανή οὐσία to two men for one year. The low rent of less than one *artaba* per *aroura* indicates that the subleased parcel was of inferior quality. In P.Vet.Aelii 15 (Ankyron, Herakleopolite, ca. 223) Syron himself leases a large parcel of one or more thousand *arourai* of the Μεσσαλινιανή οὐσία for one year, a short period that suggests a sublease rather than a primary lease from the *ousiakos logos*.

⁶⁵ As a parallel: a second-century archive documents a primary lessee of imperial properties (marshland) who receives special attention and assistance from the prefect and the procurator in charge of imperial estates, see the archive of Ptolemaios of Theadelphia with Dolganov 2021 (n. 31). By contrast, BGU I 106 = W.Chr. 174 (Arsinoite, 199) contains a search warrant for a former imperial *μισθωτής* who was indebted to the *fiscus*.

were, or had previously been, sublessees or tenants on the land cultivated by the petitioner. A conflict in which disgruntled tenants in the village of Karanis steal crops from a new landlord from Antinoupolis and hinder him from accessing his land is illustrated by the archive of Gemellus Horion in the early third century.⁶⁶ The roles of tenant and tax collector were not mutually exclusive: in the case of Gemellus, one of the culprits was in an empowered position as a local collector of grain taxes (*sitologos*) and emerges in another document as a tenant on Gemellus' estate.⁶⁷ Another papyrus documents a profiteering *μισθωτής* of an imperial estate outbidding local villagers and depriving them of their pastureland, which he rents out to others. Both scenarios offer plausible parallels for the circumstances described in our text.⁶⁸

The rhetorical performance of Hermon the *archidikastes* on behalf of the petitioner also deserves comment. In spite of the heavy abbreviation to which Roman judicial records were subject, it is clear that this *rhetor* was a skilled professional.⁶⁹ His speech is formulated in long periods and is replete with literary language and rarefied expressions that have few or no parallels in documentary texts.⁷⁰ The *rhetor*'s strategy is to capitalize on the petitioner's advanced age (ὁ πρεσβύτης, 8; εἰς τοῦτ[ο] ἡλικίας ἦκων, 9; ἐκ παλαιοῦ χρόνου τὴν γεωργίαν ἐνπιστευθεῖς, 10; καταφρογήσαντες τῆ[ς] ἡλικίας, 12; ἀνάσφατον τὸν πρ[ε]σβύτην πεποίηται, 16; τῶ[ι] πρ[ε]σ[β]ύτῃ, 17) and to emphasize his importance as a long-term cultivator of public land and contributor of dues to the *fiscus*. Both are common rhetorical *topoi* in petitions and court speeches from the Roman empire.⁷¹ Presenting the petitioner as a vulnerable old man was clearly

⁶⁶ See the following papyri, all from Karanis in the Arsinoite nome: P.Mich VI 422 (dupl. SB XXII 15774) (197); P.Mich VI 423 (dupl. P.Mich. VI 424) (197); P.Mich VI 425 (dupl.? P.Mich. inv. 2926a, see P.Mich. VI, p. 127) (198); P.Mich VI 426 (ca. 199–200); P.Sijp. 12f (222–235); SB XIV 11478 (210–211) with A. Bryen, A. Wipustek, *Gemellus' evil eyes* (P.Mich. VI 423–424), GRBS 49 (2009) 535–555 and Kelly 2011 (n. 14) 60–62 and 138–143.

⁶⁷ A certain Julius is accused by Gemellus for hindering him from cultivating his land in P.Mich. VI 422 (197). The same man is attested as *sitologos* in P.Col. VIII 230 col. II 39 (early 3rd cent.) and as a tenant of Gemellus in P.Mich. VI 398 (207), presumably indicating a resolution of the conflict.

⁶⁸ See P.Oxy. XXIV 2410 (Oxyrhynchus, 120) with Rowlandson 2005 (n. 59) 173 and 193–194.

⁶⁹ The abbreviation of Roman judicial records is described by Philo, *In Flacc.* 16.131 and Lucian, *Apol.* 12, see further Coles 1966 (n. 2) 19–24.

⁷⁰ See e.g. line 11: ἔσχεν εὐμ[νη]μονεῖν = “he was able to be mindful” a verb attested in a single private letter from Alexandria (P.Giss. Bibl. III 20, 113–117) and line 13: κατασπτάσεις ἐνσυνλαβόμεν[ο]ι = “taking advantage of the circumstances,” an idiomatic expression with exclusively literary parallels.

⁷¹ For the *topos* of the vulnerable ἄνθρωπος πρεσβύτης, see e.g. BGu I 180 (Arsinoite, 172–204); P.Stras. I 41 = M.Chr. 93 (Hermopolis, ca. 250); P.Cair.Mich. III 15 (Karanis, Arsinoite, 161–164); P.Oxy. XLIII 3113 (Oxyrhynchus, 264–265); P.Panop. 31 (Panopolis, 329); P.Rein II 113 (Kaminioi, Arsinoite, 263); P.Stras. III 128 (unknown provenance, 186); P.Stras. VIII 709 (unknown provenance, 2nd cent.). Virtually all evidence for πρεσβύτης consists of petitions and court proceedings. References to the interests of the *fiscus* include P.Flor. I 6 (Hermopolis, 210); P.Flor. I 58 (Hermopolite, after 234); P.Giss. I 112 (unknown provenance, 3rd cent.) — to cite only a few examples. This *topos* is likewise common in documents beyond Egypt, see e.g. the petition of the Skaptopareni to Gordian III (SEG XLIV 610 = IGBR IV 2236, Skaptopara, Thracia,

somewhat contrived, however, in view of his landholdings and financial ability to travel and defend himself by legal means. In weaponizing the petitioner's age, it may be noted that the *rhētor* manages to avoid any reference to poverty, which typically accompanies the figure of the ἀνθρώπος πρεσβύτης in petitions.

An intriguing question concerns the role of the Hermopolite *strategos*, to whom the petitioner had initially reported the removal of his crops (βιβλία ἐπιδεδόκαμεν τῷ στρατηγῷ αὐτὰ ταῦτα μαρτυρούμενοι, 14). This petition was served on the culprits (καὶ ἡμῶν παραγ[[γειλάντων, 14–15) who ignored the summons and allegedly retaliated by taking the petitioner's livestock (καὶ τὰ θρέμματα καὶ τὰ | τετράποδα τὰ ἡμέτερα ἀφήρπασ[α]ν, ὅσα εἶχομεν, 15). It appears that the *strategos* did not take any measures against the men. It seems a significant nuance that the petitioner asks the prefect to issue orders directly “to the *eirenarchai*” of the nome (16) as opposed to instructing the *strategos* to do so.⁷² There may be an implicit allegation of negligence or complicity against the Hermopolite *strategos*.

The prefect concludes the hearing by issuing orders “to the *strategos* and to the *eirenarchai*” for the culprits to be summoned and for any property seized by force to be returned immediately. A new reading reveals a further directive: that any matter found to pertain to the prefect's jurisdiction be forwarded by the procurator to the prefect's tribunal: πρᾶ]γμα ἀναπ[έμψη ὁ ἐπίτ]ρ[ο]πος ἐπὶ τὸ ἐ[μὸν] δ[ι]καστήριον, 19. This presumably refers to the prefect's exclusive jurisdiction over administrative offenses and violent crimes. If, for example, it were established that the petitioner was a victim of armed violence (*vis armata* = βία σὺν ὄπλοις) or that the culprits were abusive local officials, the prefect was the sole judicial instance qualified to adjudicate.⁷³ The involvement of a procurator suggests that the *procurator usiacus* was expected to examine the case — the administration of imperial estates being under his charge — and this may have been specified by the prefect in the missing text in line 19.

The implementation of the prefect's orders prompts further questions. It is curious that the petition is not handled by the *strategos* himself, but by a deputy, and that no orders are issued to the *eirenarchai* at all. Instead, the deputy instructs an assistant

238) lines 17 and 93–94 with T. Hauken, *Petition and Response: An Epigraphic Study of Petitions to Roman Emperors*, Bergen 1998, 74–137.

⁷² The *eirenarchai* were liturgical officials in charge of policing, instituted in Egypt at some point after the Severan municipal reforms, see P. Sängler, *Zur Organisation des Sicherheitswesens im kaiserzeitlichen Kleinasien und Ägypten: Rezension eines neuen Buches und comparative Studie zur Eirenarchie*, *Tyche* 25 (2010) 99–122 and *id.*, *Die Eirenarchen im römischen und byzantinischen Ägypten*, *Tyche* 20 (2005) 143–204. On *eirenarchai* and their attendant troops (*diogmitai*) in Asia Minor, see C. Brélaz, *La sécurité publique en Asie Mineure sous le Principat (I^{er} – III^{ème} s. ap. J.-C.): institutions municipales et institutions impériales dans l'Orient romain*, Basel 2006, 90–122 and 145–156.

⁷³ *Vis armata* was among the crimes adjudicated exclusively by governors, see the edict of Petronius Mamertinus (SB XII 10929, ca. 133–137) discussed above at n. 16. On the prefect's jurisdiction over administrative crimes, see P.Mil.Vogl. II 98 (Tebtynis, ca. 139) with Dolganov 2021 (n. 31) 366–367.

(*hyperetes*) to find and convey (*ἀγαγεῖν*) the culprits. One wonders whether one assistant was sufficient to fulfil the task of summoning a group of allegedly violent men who had previously evaded trial, or whether failing to involve the *eirenarchai* could be a sign of ill will or obstructionism on the part of the *strategos*. In view of the evidence for corrupt, abusive and vindictive officials in Roman Egypt, such a scenario is entirely possible.⁷⁴

All of this amounts to a rather different picture than the one envisioned by scholars so far. The petitioner of P.Stras. I 5 was demonstrably not a poor farmer but a well-to-do landowner and lessee of imperial and public land in the Hermopolite nome. This man had the financial means to travel or send a representative to intercept the prefect at an assize in Lower Egypt and the social clout to address to him a personal letter. That the grievances of this petitioner were singled out for a grand speech by a high-ranking Alexandrian official arguably provides the clearest indication of his privileged standing as a lessee of imperial properties. One would not imagine that Hermon the *archidikastes* was in any sense “hired” by the petitioner to defend his interests; more likely, his role in presenting the petition was due to his administrative affiliation with the court of the prefect.⁷⁵ Here as in P.Flor. I 61, the narrative of the case — whereby a man of venerable age who had faithfully served the Roman state by cultivating imperial land for many years is violently robbed of his property — was well-suited to the public self-fashioning of the Roman governor as a scourge of violence and warden of social order. In other words, this was precisely the sort of case that enabled Roman jurisdiction to function as ideologically charged performative communication with the inhabitants of the empire.⁷⁶ It is a tribute to the dazzling rhetorical skill deployed in such performances that modern interpreters have remained convinced that this Hermopolite petitioner was a poor and defenceless old man, helpless if not for his rescue through the machinery of Roman justice.

⁷⁴ On corruption and abuse by officials, see Dolganov 2021 (n. 31) with discussion of a dossier documenting negligence or collusion by a *strategos*. See further P. A. Brunt, *Charges of provincial maladministration under the early Principate*, *Historia* 10 (1961) 189–227 and K. L. Noethlichs, *Beamtenum und Dienstvergehen: Zur Staatsverwaltung in der Spätantike*, Stuttgart 1981. A third-century private letter documents a woman’s desperate efforts to escape the vicious cycle of a hostile official to whom she keeps getting referred by successive prefects, see P.Oxy. XLIII 3094 (Oxyrhynchus, 217–218).

⁷⁵ Preisigke 1912 (n. 48) 22–23 hypothesizes that the *archidikastes* acts on the petitioner’s behalf by virtue of the case posing a financial interest to the *fiscus*, but overlooks the petitioner’s status as a factor determining his high-profile legal assistance. Contrary to Preisigke, use of the first-person voice by the *archidikastes* (οὐχ ἡσυχάσαμεν, βιβλία ἐπιδεδόκαμεν, line 14) is a rhetorical convention (see e.g. M.Chr. 93, Hermopolis, 250) that does not imply that the *archidikastes* had already supported the petitioner in an earlier phase of the case.

⁷⁶ See my extended discussion in Dolganov 2023 (n. 1).

P.Stras. I 5
Hermoupolis

47.5 cm × 22 cm

before 7 September, 262
Plates 10–12

- (m. 2) [N. N. στρατηγός Ἑρμο]πολίτου δι' Αὐρηλίου [Κ]αλλιστράτου *vac.*
 δια[δόχ]ου *vac.* [Νεμ]εσίνῳ *vac.* ὑπηρέτ[η]
 [ca. ? N. N. ca. ? κόμης] Ἀλαβαστρίνη[ς] ἐν[τεταγμέ]νου ἀντιγράφου
 ἐ[νκελεύ]σσεως τοῦ λ[α]μπροτ[άτου ἡ]γεμόνος Αὐρηλίου Θεοδότ[ο]υ
 / ἐπιστέλλετα[ί] σοι ἀγαγεῖν τοὺς ἐνγεγραμμένους εἰς τὸ τό
 [ca. 51 ἀπ]οπληρωθῆναι. [ca. ?] —
 [(ἔτους) ἰ] Αὐτοκράτορος Καίσαρος Πουπλίου Λικινίου Γαλλιηνοῦ
 Γερμανικοῦ Μεγίστου [Εὐσε]βοῦς Εὐτυχοῦς Σε[βαστο]ῦ — [Θὼ]θ ἰ. /
- (m. 1) 5 [N. N. στρατηγῶ Ἑρμοπολίτου διὰ Αὐρηλίου Καλλιστρ]άτου διαδόχου —
 [παρὰ N. N. ca. ?] φθάσας κατέφυγον ἐπὶ τὸ μέγεθος τοῦ λαμπροτάτου
 Θεοδότου ἡγεμόνος. ἐνέτυχον δι' ὑπομνημάτων οὐ μόνον ἀλλὰ [καὶ
 δι' ἐπιστολῆς κεχρ[ο]νισμένης εἰς τὸ θ̄ (ἔτος) // τοῦ κυρίου
 [ἡμῶν Γαλλιηνοῦ Σεβαστοῦ ca. 13 ἔστι δὲ ἀντίγραφον τοῦ]δε τοῦ
 ὑπομνήματος *vac.* (ἔτους) θ̄ / τοῦ κυρίου ἡμῶ[ν] Γαλλιηνοῦ Σεβαστοῦ
 Μεσορῆ κᾱ ἐν Ἑρμουπόλει μικρᾶ πρὸ βήματος. Ἑρμων ἔναρχος
 ἀρχιδικαστῆς ῥήτωρ εἶπεν·
 [κέλευσον κληθῆναι N. N. γεουχοῦντα(?) ἐν κόμῃ Ἀλαβασ]τρίνη τοῦ
 Ἑρμοπολείτου γ[ο]μοῦ. κληθέντος καὶ ὑπακ[ο]ύσαντος εἶπεν· ἀνάξια
 [τ]ῆς ὑπὸ σοῦ πᾶσιν ἡμῖν πρυτανευομένης εἰρή[ν]ης ὃ πρεσβύτης παθὼν
 ἐπὶ τὸ σὸν
 [ca. 53]αἰ εἰς τοῦτ[ο] ἡλικίας ἦκων πέπονθεν βίαν πα[ρ]ὰ πάντα τοὺς
 νόμους. γῆν μὲν γὰρ γεωργεῖν οὐσιακὴν, ἀλλὰ καὶ ἀπὸ τῆς δι[ο]ικησεως
 ἑτέραν ἐπρίατο καὶ ὃ ἄν
- 10 [ca. 53]. πολλάκις τῆς γῆς ταύτης [πο]ταμοφορήτου γενομέν[ης] ὅμως αὐτός,
 ἐπειδήπερ ἐκ παλαιοῦ χρόνου τὴν γεωργίαν ἐνπιστευθεὶς ἐτύνηανεν, τοὺς
 φόρους καταβέβληκεν καὶ
 [ca. 50 ταβ]ουλαρίῳ ἔσχεν εὐμ[νη]μονεῖν παρ' ἕκαστα ἐπανηρημένος, καὶ δὴ
 τούτου ἐνστάντος τοῦ καιροῦ πάλιν κατὰ τὸ ἔθος τὸ ἑαυτοῦ τῆς γῆς
 ἐπιμέλειαν πεποιήται καὶ
 [ca. 53] καρπούς, ἀλλὰ ἔφοδον αὐτῶ πεποιήνται καταφρογγήσαντες τῆ[ς]
 ἡλικίας τᾶ {α}νδρὸς Κάνωπος Ἀνουβάτος καὶ Ἀργώθης Σιλβανοῦ καὶ
 Πειῶμις Παχύμιος καὶ Ἀσιῆς Παχύ-
 [μιος ca. 44 κατασ]τάσεις ἐνσυνλαβόμενο[ι] τοὺς καρποῦ[ς] ἤρπασαν τ[ο]ῦς
 μέλλοντας τῶ ἱερωτάτῳ ταμείῳ. ἀπὸ τῶν καρπῶν καὶ τοὺς φόρους
 τελεῖσθαι καὶ τῆ ἐπιτροπῇ καὶ τῶ
 [ταμείῳ ca. 45 π]άντα χρόνον γεωργεῖν. ἀ[λ]λὰ οὐχ ἡσυχάσαμεν, βιβλία
 ἐπιδεδόκαμεν τῶ στρατηγῶ αὐτὰ ταῦτα μαρτυρόμενοι, οἱ δὲ ἐδεήθησαν
 ἕσα ποιήσασθαι, ὥστε καὶ ἡμῶν παραγ-

- 15 [γελάντων ca. 40 ἀπολ]ογησομένους πρὸς τὰ ἀεὶ ἀ[ί]ρόμενα αὐτοῖς καὶ τὴν ἀρ[π]αγὴν τὴν τῶν καρπῶν. οἱ δὲ μετὰ ταῦτα καὶ τὰ θρέμματα καὶ τὰ τετράποδα τὰ ἡμέτερα ἀφήρπασ[α]ν, ὅσα εἴχομεν
 [ca. 53]η τί δεῖ λέγειν ἀνάστρατον τὸν πρ[ε]σβύτην πεποιήνται. διὰ τοῦτο ἐπὶ σὲ καταφεύγει καὶ τοὺς νόμους, καὶ ὁ δεῖται τοῦτό ἐστιν· ὥστε ἐπιστεῖλαι σε τοῖς εἰρηνάρχαις
 [ca. 51 τῶ] πρε[σ]βύτη κ[α]λὶ τῶ ο[ύ]σια]κῶ λόγῳ ἢ ἐ[ί] ἐπιμένονιεγ ἐκείνοι ἀπ[ο]νοῖα χρώμενοι εἰς τὸ σὸν δικαστήριον παραπέμψαι, ὧν παρὰ τοὺς νόμους ἔπραξαν καὶ ὧν
 [ca. 50 Θεό]δοτος ἔ[παρ]χος Αἰγύπτ[ο]υ εἶπεν· ἐ[π]ιστελω τῷ στρατη[γ]ῶ καὶ τοῖς εἰρηνάρχ[αι]ς, ὥστε, εἴ τι πρὸς[ς] βίαν ἐλήμφθη, τοῦτο ἀποκατασταθῆ τὴν ταχίστην
 [ca. 50 πρᾶ]γμα ἀναπ[έ]μπε ὁ ἐπίτ[ρ]οπος ἐπὶ τὸ ἐ[μ]ὸν δ[ι]καστήριον. *vac.* ὅθ[ε]ν φανερά σοι ἐπο[ί]ησα εἰς τὸ τὰ ἀκόλουθα πραχθῆναι καὶ ἐπιστεῖλαι σε τοῖς τοῦ νομοῦ εἰρη-
 20 [νάρ]χαις ca. 35 κατὰ τὸ κελυ[σ]θὲν τὰ δ[ί]καια ἀπ[ο]λαβεῖν. δι[ε]τύχει. (ἔτους) ἰ Αὐτοκράτορος [Κ]αίσαρος Πουπλίου Λικιννίου Γ[α]λληνοῦ Γερμανικοῦ Μεγίστου Εὐσεβοῦς Εὐτυχοῦς Σεβαστοῦ
 [month, day ca. ?]

Apparatus

1. [Κα]λλιστράτου Preisigke; [. . .]ασίνῳ Preisigke; (m. 3) ὑπρέτ[η] Preisigke
2. Ἀλαβαστρίνη[ς] ἐν[.]νου ἀντιγράφου ἀ[. . .]κέλευ[σι]ς Preisigke; ἐπιστέλλετα[ί σοι] ἀγαγεῖν [τ]οῦς Wilcken BL I 404; ἐπίστελλε· τα[χ]οὶ ἀγαγεῖν [τ]οῦς Preisigke
3. [ca. ?]ο πληρωθῆναι Preisigke
6. [ca. ?]φθάσας Preisigke; [τ]οῦ κυρίου Preisigke
7. [ca. ?]δὲ τοῦ ὑπομνήματος Preisigke; *l.* μικρᾶ
8. [ἐάν σοι δοκῆ, κάλεσον τὸν δεῖνα ca. ? Ἀλαβασ]τρίνη Preisigke
9. [ca. 53]αι εἰς τοῦτ[ο] Preisigke; τοὺς νόμου[ς] Preisigke; καὶ ὁ ἀν- Preisigke
10.] πολλάκις Preisigke; *l.* ἐτύχανεν
11. [ca. ? ταβ]ουλαρίῳ ἔσχεν ἐπ[ί]διακονεῖν Preisigke; δὴ το[ύ]του Preisigke
12. ἔφοδογ [α]ὐτῶ Preisigke
- 13–14. καὶ τῶν | [ca. ? πᾶ]ντα Preisigke
14. [γ]εωργεῖ[ν] Preisigke; [σ]τρατηγῶ Preisigke; οἱ δ[έ] Preisigke; ὥστε Preisigke
- 14–15. παραγ[ι] [ca. ? ἀπολ]ογησομένους Preisigke
15. [ἀ]εὶ Preisigke; ἀρ[π]αγὴν Preisigke; τῶν Preisigke
16. [ca. ?] ἢ τι Wilcken BL I 404; [ca. ?]η τι Preisigke; ἀν[ά]στρατον Preisigke; π[ε]ποιήντα[ι] Preisigke
17. ἐπιμ[έ]νονιεγ Wilcken BL I 404; ἐπ[ι]π[ρ]οῖεγ Preisigke
18. [ἐ]πιστ[ε]λω Preisigke; κ[α]ί Preisigke
19. [ca. ? τὸ πρᾶ]γμα ἀναπ[έ]μπε . . .]π[ρ]ος Preisigke; ἀκόλου[θ]α Preisigke
20. ca. ?]εθὲν τὰ δ[ί]καια ἀπ[ο]λαβεῖν Wilcken BL I 404; ca. ? εὐεργ[ε]θέντα.; δ[ί]καιον] Preisigke
20. Πουπλίου Preisigke; ca. ? εὐεργ[ε]θέντα δ[ί]καιον ἀπ[ο]λαβεῖν Preisigke
21. *deest apud* Preisigke

Translation

(1–4) (hand 2) [N. N. *strategos*] of the Hermopolite nome via his deputy Aurelius Kallistratos to [Nem]esinus the assistant ... the enclosed copy of an ordinance of the prefect Aurelius Theodotos, *vir clarissimus* ... [N. N.] from the village of Alabastrine you are instructed to convey the inscribed persons for ... [orders(?)] to be fulfilled.

Year 10 of the emperor Caesar Publius Licinius Gallienus Germanicus Maximus Pius Felix Augustus, Thoth 10 (7 September, 262).

(5–7) (hand 1) [“To N. N. *strategos* of the Hermopolite nome] via his deputy Aurelius Kallistratos.

[From N. N. ...] I have already sought refuge with his greatness the prefect Theodotos, *vir clarissimus*. I petitioned him not only on record in his *commentarii* but also by means of a letter dated to year 9 of our lord [Gallienus Augustus (261–262)] ... And here is a copy] of the *commentarius* in question:

(7–8) ‘Year 9 of our lord Gallienus Augustus, Mesore 21 (14 August, 262). In Hermopolis Parva before the tribunal. Hermon the *archidikastes* in office, acting as advocate, said:

“[Order to call forward N. N. landowner(?)] in the village of Alabastrine of the Hermopolite nome.”

(8–18) After he was called and came forward, (Hermon) said:

“Having suffered things unworthy of the peace you maintain for us all, this old man [seeks refuge with(?)] your [greatness(?)] ... having reached such an advanced age he has suffered violence contrary to all the laws. For he cultivates imperial land, but has also bought other land from the *dioikesis* and whatever ... although the harvest of that land was often swept away by the river, he nevertheless paid the rent because he had been entrusted with the cultivation of this land for many years ... he was able to be mindful of ... to the *tabularius/tabularium*, which he continually undertook. And when this time came he again tended to the land as was his custom, and ... the fruits, but Canopos, son of Anoubas, Hargothos, son of Silvanus, and Peiomis, son of Pachymis, and Hasies, son of Pachymis, attacked him in contempt of his age ... taking advantage of the circumstances, they carried off the fruits that were intended for the imperial *fiscus* ... both to pay rent to the procurator’s office and to the [*fiscus*] from the fruits ... to cultivate [the land] throughout this time. But we did not stay silent, we submitted petitions to the *strategos* attesting to these events. But (the opponents) failed to do the same, with the consequence that even though we served summons on them [it was not possible for us to bring them to court(?)] to account for what they have repeatedly taken for themselves and for the robbery of the fruits. But after this they carried off our flocks and cattle as well, all that we had ... what is there to say: they have driven the old man out! For this reason he seeks refuge with you and with the laws, and what he asks is this: for you to send written orders to the *eirēnarchai* ... to the old man and to the imperial estate treasury, or, if these men persist in their lunacy, to send them to your tribunal to ... of their illegal deeds and ...”

(18–19) Theodotos, prefect of Egypt, said:

“I will issue written orders to the *strategos* and to the *eirēnarchai* that, if anything has been taken through violence, it should be restored as quickly as possible ... the procurator should refer the matter to my court.”

(19–20) For this reason I have reported these things to you, so that you act accordingly and send orders to the *eirēnarchai* of the nome ... to receive my rightful due in accordance with the (prefect’s) orders. Farewell.

Year 10 of the emperor Caesar Publius Licinius Gallienus Germanicus Maximus Pius Felix Augustus [month, day ...] (14 August–7 September, 262)”

Commentary

My edition follows the *editio princeps* of Preisigke 1912 with the corrections of Wilcken reported in Preisigke BL I 404.

1. [N. N. στρατηγός Ἐρμο]πολίτου δι’ Αὐρηλίου [Κ]αλλιστράτου δια[δόχ]ου: This is a standard formulation, see e.g. BGU XIII 2236 (152) 2–3: Ἰέ[ρακ]ι στρ(ατηγῶ) Ἄρ[σ]ι(νοίτου) Ἡρακ(λείδου) [μερίδος] | δ[ιὰ] Ἀπολλωνίου διαδ[όχου]. On this form of deputization, see the discussion at n. 54. The identity of the *strategos* in our text is unclear. It is conceivable that Αὐρήλιος Σπαρτιάτης ὁ καὶ Χαυρήμων, who is first attested as *strategos* in August of 258 (see G. Bastianini and J. E. D. Whitehorne, *Strategi and Royal Scribes of Roman Egypt*, Firenze 1987, 73), was still in office in 262. Spartiates belonged to an officeholding family from Oxyrhynchus: he was the son of Sarapion *alias* Apollonianos, who had served as gymnasiarch of Oxyrhynchus and *strategos* of the Arsinoite and Hermopolite nomes, and he was married to a woman from Alexandria (see P.Coll.Youtie II 67, Oxyrhynchus 260–261 and www.trismegistos.org/archive/210). This family was not above illicit financial dealings: a private letter to Spartiates’ father Sarapion shows the latter pursuing a lucrative lease of imperial properties in the Hermopolite nome under another name, presumably to evade the restrictions on him as Hermopolite *strategos*.⁷⁷ A letter dated to February of 259 shows Spartiates as Hermopolite *strategos* corresponding with two *eirenarchai*, both of whom are former Alexandrian officeholders (P.Oxy. XVII 2108). If Spartiates and the *eirenarchai* are still in office in our document, their difference in social rank may be significant for assessing why the *strategos* fails to involve them, contrary to the prefect’s orders. Alternatively, our *strategos* may be an entirely different person about whom more evidence may yet come to light.

[Νεμ]εσίνο: The reading of *alpha* after the lacuna (Preisigke) creates difficulties with the name ending in -ασινος; instead, I propose to read *epsilon* (compare εἰς, 2) and supplement Νεμεσίνοσ accordingly. There are large spaces separating the words δια[δόχ]ου, [Νεμ]εσίνο and ὑπηρέτ[η] in the salutation, a phenomenon attested in other documents from the late third and early fourth centuries, see e.g. P.Vindob.Bosw. 4 (Hermopolis, ca. 280), P.Cair.Isid. 73 (Karanis, Arsinoite, 314) and PSI VI 685 (Oxyrhynchus, 324–327).

⁷⁷ See PSI XII 1260 (Oxyrhynchus, 3rd cent.) with Rowlandson 1996 (n. 59) 59.

ὕπηρετ[η]: It is not clear to me that this word is written in a different manner from the rest of the line (Preisigke). It is conceivable that it was added later using a newer stylus, but by the same writer.

2. [ca. ? N. N. ca. ? κώμης] Ἀλαβαστρίνη[ς]: One would expect the name of the petitioner and perhaps a reference to the prefect's ordinance being "issued to" or "concerning" him; if the petitioner was an imperial lessee, as seems likely, this may have been mentioned as well, e.g. [περὶ τοῦ N. N. μισθωτοῦ οὐσιακῶν κτημάτων ἀπὸ κώμης] Ἀλαβαστρίνη[ς].

ἐν[τεταγμέ]νου ἀντιγράφου ἐ[νκελεύ]σεως: The supplement ἐν[τεταγμέ]νου fits the space and the visible traces. The copy in question is clearly the text of the prefect's pronouncement at the end of the judicial record. For a parallel, see e.g. P.Oxy. VIII 1119 (Oxyrhynchos, 253) 3: ἐντεταγμένων καὶ ἀντιγράφων ἐπιστολῶν δύο = "and with enclosed copies of two letters." The letter traces after ἀντιγράφου do not resemble *alpha* in this hand (compare Ἀλαβαστρίνη[ς], 2) but rather suggest *epsilon* (compare ἐπιστέλλεται[ί, 2]). The ending of the word does not look like ευ[σι]ς (Preisigke) but rather σεως (compare the rounded *omega* in ἀπ[ο]πληρωθῆναι, 3) suggesting ἐ[νκελεύ]σεως. It seems probable that ἀντιγράφου in the genitive is instrumental, preceded by διὰ τοῦ in the lacuna and looking forward to ἐπιστέλλεται[ί σοι], 2.

2–3. / ἐπιστέλλεται[ί σοι] ἀγαγεῖν [τ]οὺς ἐνγεγραμμένους εἰς τὸ τό | [ca. 51 ἀπ]οπληρωθῆναι [ca. ?] — : The expression ἐπιστέλλεται[ί σοι] is standard in official correspondence, see e.g. P.Ryl. II 117 (Hermopolis, 269) and CPR XVII A 37 (Hermopolis, 340). The phrase typically takes a direct object (e.g. ἴσον βιβλιδίου ... ἐπιστέλλεται[ί σοι]) but in our text is clearly a command followed by an infinitive. The instructions issued to the assistant are offset by a diagonal stroke, possibly to ensure that the order was clearly visible. The phrase εἰς τὸ τό | [ca. 51 ἀπ]οπληρωθῆναι is a purpose clause, likely with a double infinitive construction such as: "in order for [(object) to be (infinitive) and (object)] to be fulfilled." The object of the second infinitive (which I supplement as ἀπ[ο]πληρωθῆναι) are presumably the prefect's orders, compare e.g. P.Cair.Isid. 126 (Arsinoite, 308–309) 16: [ἵνα οὕτως ἢ] πᾶσα κέλευσις ἀπ[ο]πληρωθῆ = "[so that this way] the entire ordinance may be fulfilled." In the rest of the lacuna one may imagine something along the lines of εἰς τὸ τό | [πράγμα ἐξετασθῆναι] or εἰς τὸ τό | [ἀκόλουθον γενέσθαι], see the parallels of P.Oxy. XLIII 3117 (235) 9 and P.Berl.Leihg. I 18 (163) 21. It seems likely that ἀπ[ο]πληρωθῆναι marks the end of the instructions, but it cannot be excluded that further letters follow in the lacuna. The traces after the lacuna may signify a horizontal stroke or, possibly, a word ending in *sigma*.

4. [(ἔτους) ι] Αὐτοκράτορος Καίσαρος Πουπλίου Λικιννίου Γαλληνοῦ Γερμανικοῦ Μεγίστου [Εὐσε]βοῦς Εὐτυχοῦς Σε[βαστο]ῦ: This dating formula establishes that ca. 53 letters are missing on the left side of the papyrus.

5. [N. N. στρατηγῶ] Ἐρμοπολίτου διὰ Αὐρηλίου Καλλιστρ[ά]του διαδόχου: See line 1. As already noted by Preisigke, 23, this is the standard opening formula one would expect in the petition (see e.g. P.Oxy. XXXIV 2714 [256] 1–3: Αὐρηλίῳ Σαβεῖνῳ στρατηγῶ Ὁξυρυγχείτου | δι' Αὐρηλίου Πετρωνίου διαδόχου | παρὰ Αὐρηλίων, etc.). The name of the *strategos* was evidently ca. 15 letters or, if Ἐρμοπολίτου was omitted,

ca. 26 letters. The latter would be compatible with Αὐρηλίῳ Σπαρτιάτῃ τῷ καὶ Χαϊρήμονι.

6. [παρὰ N. N. ca. ? φ]θάσας: παρά is standard for the headings of petitions, see the parallel cited above. On the basis of [ἐν κώμη Ἀλαβαστρεῖνῃ in line 8, it may be inferred that the petitioner identified himself as a landowner in the village of Alabastrine (γεουχοῦντος ἐν κώμη Ἀλαβαστρεῖνῃ) or, possibly, as a lessee of imperial properties in that village (οὐσιακοῦ μισθωτοῦ ἐν κώμη Ἀλαβαστρεῖνῃ). For parallels see, respectively, P.Mich. VI 426 (Karanis, Arsinoite, ca. 199–200) and P.Mich. XI 617 (Theadelphia, Arsinoite, 145–146).

ἐνέτυχον δι' ὑπομνημάτων: For a similar expression connoting the entry of a petition into the court records of an official, see SB XVIII 13932 (Oxyrhynchus, 298) 7–8: ἐνέτυχόν σοι ἐπὶ τῶν ὑπομνημά[των] and 14–15: ἔντυχέ μοι ἐπὶ | [τῶν ὑπομνημά[τ]ω[v]. This expression appears to be the Greek equivalent of the Latin *apud acta*, see e.g. D. 49.1.2 (Macer 1 *de appellat.*) *sed si apud acta quis appellaverit, satis erit, si dicat "appello"* and C.J. 1.3.2, a pronouncement of Constantine recorded *apud acta*.

6–7. δι' ἐπιστολῆς κεχρ[ο]νισμένης εἰς τὸ θ (ἔτος) τοῦ κυρίου | [ἡμῶν Γαλληνοῦ Σεβαστοῦ: The date of the letter's composition is not preserved, but it was likely in temporal proximity to the hearing on August 14, 262.

7. [ἔστι δὲ ἀντίγραφον τοῦ]δε τοῦ ὑπομνήματος: This supplement is standard for the citation of documents, compare e.g. P.Fouad 26 (Arsinoite, 157–159) 28–29: ἔστι δὲ ἀντίγραφον | ἀν[α]φορίου, followed by the text of the document, as here. The term ὑπόμνημα in this context appears to signify the record of the hearing during which the petition is presented to the prefect, echoing ἐνέτυχον δι' ὑπομνημάτων, 6.

8. [κέλευσον κληθῆναι N. N. γεουχοῦντα(?) ἐν κώμη Ἀλαβαστρεῖνῃ τοῦ Ἐρμοπολείτου γ[ο]μοῦ. κληθέντος καὶ ὑπακ[ο]ύσαντος εἶπεν: This is a standard formula, see e.g. SB I 5676 (232, Hermopolite) 12: ῥήτ[ω]ρ εἶπεν· κέλευσον κληθῆναι Σερήνον Ἴσιδ[ώ]ρου καὶ Ἐρ[μ]εῖνο]ν κοσμητεύσαντα. κ[λη]θέντος καὶ [ὑ]πακούσαντος, etc. and P.Coles 22 (after 189) 4–6: Ἐρμόδωρος ῥήτ[ω]ρ εἶπεν· κέλευσον | κληθῆναι Ἄρπαλον τὸν καὶ Σάτυρον. κληθέντος καὶ μὴ ὑπακούσαντος, etc. I supplement γεουχοῦντα as opposed to a reference to the petitioner being an imperial lessee because the latter seems tautological in view of γῆν μὲν γὰρ γεωργεῖν οὐσιακὴν, 9.

8. ἀνάξια: A literary term: of ca. 21 testimonia in papyri, only 8 are documentary, all from legislative or forensic contexts.

8–9. ἐπὶ τὸ σὸν | [ca. 53]αι: In view of φθάσας κατέφυγον ἐπὶ τὸ μέγεθος τοῦ λαμπροτάτου Θεοδότου ἡγεμόνος in line 4 and ἐπὶ σὲ καταφεύγει in line 16, a plausible supplement here would be ἐπὶ τὸ σὸν μέγεθος/μεγαλείον καταφεύγει. This expression is attested in a number of third-century petitions, see e.g. P.Tebt. II 326 (266–267) 4: ἐπὶ τὸ σὸν μέγεθος καταφεύγω, P.Amh. II 82 (306–337) 16: κ[ατέφυ]γον ἐπὶ τὸ σὸν μεγα[λείον] and P.Cair.Isid. 66 (299) 18–19: καὶ κ[ατέφυ]γον ἐπὶ τὸ σὸν | μεγαλίον. Another possibility would be ἐπὶ τὸ σὸν δικαστήριον, see e.g. P.Flor. I 58 (234) and P.Oxy. XVIII 2187 (304).

9. τοὺς νόμους. γῆν μὲν γάρ: I punctuate with a full stop before the beginning of a new period with μὲν γάρ.

καὶ ὃ ἄν: Since the sequence καὶ ... καὶ establishes the petitioner as the subject of each clause, the accusative supplement ὃ ἄν = “whatever” appears to be the best fit for the context (as opposed to e.g. καὶ ὁ ἀ[νὴρ], which would be syntactically implausible).

10. πολλὰκις τῆς γῆς ταύτης [πο]ταμοφορήτου γενομέν[ης]: It was customary for tenants or lessees of overflowed land to deduct losses from their dues, see e.g. P.Amh. II 85 (Hermopolis, 78) and P.Oxy. LV 3304 (Oxyrhynchus, 566), hence it is highlighted as extraordinary that this petitioner did not do so — an indication, arguably, that he was subletting to tenants at great profit that offset any losses.

11. [ca. 50 ταβ]ουλαρίῳ ἔσχεν εὐμ[νη]μονεῖν παρ' ἕκαστα ἐπανηρημένος: Contrary to the interpretation of Preisigke, 21 and 26–27, there is no evidence for a liturgical function involving service to a *tabularius*, nor is the verb ἐπ[ι]δικονεῖν (Preisigke) attested in any Greek source. Furthermore, the letters before the lacuna are not compatible with *epsilon pi* in this hand, which is consistently executed with a horizontal bar over *pi*. Instead, the paleography appears identical to *epsilon upsilon* in Εὐσεβοῦς, 20. More plausible is the reading εὐμ[νη]μονεῖν = “to remember, be mindful of” (see LSJ s.v. εὔμνηστος and ἀμνημονεῖν), a verb that fits the context and is attested in a private letter from Alexandria (P.Giss. Bibl. III 20 (Alexandria, 113–117) 17–18: εἰ οὐδ' ἔστι δύνασαι | τὸν χ[ρόν]ον εὐμνημονεῖσαι = “therefore, if you are able to recall the date ...”). For the paleography of *mu* compare κεχρ[ο]νισμένης, 6. On ἔχω with infinitive meaning “to be able” see Smyth, *Greek Grammar* §2000a; compare P.Münch. I 6 (6th cent.?) 31–32: καὶ τούτω γὰρ τῷ | λόγῳ οὐδὲ ἀντειπεῖν ἔσχεν Ἰωάννης = “for Ioannes was not able to respond to this argument either.” The phrase παρ' ἕκαστα ἐπανηρημένος, which is translated by Preisigke as “appointed against the law” to a liturgical function, rather means that the petitioner was “continually undertaking” something — presumably the payment of dues from his cultivation of imperial land. For παρ' ἕκαστα (LST s.v. ἕκαστος III 2: “constantly, in every case”) in a similar sense see P.Oxy. II 286 (Oxyrhynchus, 82) 13: τῆς δὲ Φιλουμένης παρ' ἕκαστα διοχλούσης με = “since Philoumene is constantly harassing me” and P.Ryl. II 239 (unknown provenance, 3rd cent.) 10. For ἐπαναιρέομαι (LSJ s.v. II: “take upon one, enter into”) see the papyrological examples of SB XVIII 13995 = P.Hamb. I 65 (140–141) with reference to land cultivation and P.Oxy. L 3577 (343) with reference to taking up an occupation.

12. καρπούς: A technical term referring to the produce of the land, the equivalent of *fructus* in Latin. For καρπούς with reference to the produce of wheat fields, see e.g. P.Oxy. LVII 3911 (Oxyrhynchus, 199).

καταφρογήσαντες τῆ[ς] ἡλικίας: For other occurrences of this expression in petitions, see P.Enteux 25 (Magdola, 221 BCE) 9–10: καταφρονοῦ[σά μου διὰ τοῦ γ]ήρωσ and P.Gen. II 6 (Soknopaiou Nesos, Arsinoite, 146) 13: καταφρονεῖν μου τῆς ἡλικίας.

τὰ {α}νδρός: I cannot confirm the unattributed reading of τοῦ ἀνδρός in papyri.info (accessed on 19.9.2023). The traces, which bind downward with the alpha that follows, are simply not compatible with ου in this hand. Instead, the text clearly shows two *alphas*, one of them superfluous, in the common crasis τάνδρός. This reading was originally suggested by Wilcken BL I 404 over τ(οῦ) ἀνδρός (Preisigke).

12–13. Κάνωπος Ἀνουβάτος καὶ Ἀργώθης Σίβανοῦ καὶ Πειώμις Παχύμιος καὶ Ἀσιῆς Παχό[μιος]: The culprits may have been abusive tax officials (Preisigke, 21) or

ousted tenants on the land bought by the petitioner, see my remarks at nn. 66–68. It seems likely that Peiomis and Asies were brothers.

13. καταστ[ά]σεις ἐνσυναβόμενο[ι]: A literary turn of phrase. For the plural καταστάσεις = “conditions,” including climactic and seasonal conditions, see LSJ s.v. Π 2 with Hippoc. *Aph.* 3.15: τῶν δὲ καταστασίων τοῦ ἐνιαυτοῦ τὸ μὲν ὄλον οἱ αὐχμοὶ τῶν ἐπομβριῶν εἰσιν ὑγιεινότεροι, καὶ ἥσσον θανατώδεις = “of the seasons of the year, the dry are on the whole more healthy than the rainy, and less deadly.” All parallels appear to be literary.

13. τοὺς καρπὸν[ς] ἤρπασαν τ[ο]ὺς μέλλοντας τῷ ἱερωτάτῳ ταμείῳ: μέλλω with the dative does not seem to have parallels in published papyri, but see Plato *Theaet.* 178e, περὶ τοῦ μέλλοντος ἐκάστῳ (ἡδέος) and MAMA III 605 (4th–5th cent.) 2–3: ἰρήνην σου ἢ καλὴ | ψυχὴ καὶ τὰ μέλλοντά σοι.

13–14. ἀπὸ τῶν καρπῶν καὶ τοὺς φόρους τελεῖσθαι καὶ τῇ ἐπιτροπῇ καὶ τῷ | [ταμείῳ ca. 45] πάντα χρόνον γεωργεῖν: The reading of καὶ τῶν at the end of line 13 (Preisigke) is incorrect. This is clearly a dative article (as one would expect in this context) with an additional loop in the *omega* as in ὑπομνημάτων, 6. The text shows the petitioner paying rent on his leases of imperial and other public land to the two relevant administrative entities. I accordingly supplement τῷ | [ταμείῳ], in line with the previous sentence. Presumably the sequence καὶ τοὺς φόρους τελεῖσθαι ... πάντα χρόνον γεωργεῖν refers to the petitioner continuing to pay rent and cultivate his leaseholds in spite of the attacks.

14–15. ὥστε καὶ ἡμῶν παραγ[γειλάντων]: A genitive absolute construction with reference to charges being filed and served on the opponents summoning them to court (*παραγγελία*), compare P.Stras. IV 196 (Arsinoite, 2nd cent.) 12–13: παραγγέλαισα τῷ Ἡρώδῃ ἔντυ|χέ μοι δικάζοντι = “having served charges on Herodes, petition me during my judicial hearing” and M.Chr. 55 (Hermoupolis, 368) 4: π[αρή]γ[γ]εῖλαι μὲν ὑμῖν καὶ πολλάκις = “for I served charges on you and did so many times.” The opponents evidently ignored the summons. Hence, the purpose of the petitioner’s subsequent appeal to the prefect was to involve the *eirenarchai* in locating and forcibly conveying them to court.⁷⁸ For a similar request, see P.Abinn. 47 (Arsinoite, 346) 10–14: διὰ αὐτὸ τοῦτο ἀξιῶ καὶ δέομαί σου τῆς | φιλανθρωπίας τῷ εἰρήναρχον καὶ τοὺς | δημοσίους τῆς αὐτῆς κώμης Ἑρμοῦ πόλει|ως <συλλαβόμενος> | {καὶ} καταναγκάσης αὐτοὺς τοὺς κακουρ|γοῖς συ παραστήσαι = “as a result of this I am needy of your beneficence and ask to rally the *eirenarches* and the *demosioi* of the village of Hermopolis and to compel them to produce the culprits before you.”

15. ἀπολογησομένους πρὸς τὰ ἀεὶ ἀ[ἰ]ρόμενα αὐτοῖς: Evidently, the petitioner’s hostilities with the men in question had a longer history, which is suggestive of ousted tenants or local villagers who had lost their land to a new leaseholder but still sought to claim what they felt was rightfully theirs, see the discussion at nn. 66–68. For ἀπολογεομαι + πρὸς, see Lys. 12.38: πρὸς μὲν τὰ κατηγορημένα μηδὲν ἀπολογεῖσθαι = “to say nothing in defence against the charges” and SB IV 7367 (Alexandria, ca. 139)

⁷⁸ For a similar scenario, see P.Wisc. I 33 with Dolganov 2021 (n. 31). On the procedures of *παραγγελία*, see the literature cited in n. 14.

22–23: ὅπως ἀπολογη|σ[ά]με|νο|ς πρὸς ἃ ἐπιζητεῖ = “so that, having defended myself concerning his demands,” etc.

16. ἀνάστατον: The term belongs to a literary register and is rare in documentary sources. For ἀνάστατος, see e.g. BGU XVI 2603 (Herakleopolis, ca. 20 BCE–5 CE) with reference to cultivators of δημοσία γῆ being driven from their land. The term also occurs in the highly rhetorical petition of the Skaptopareni mentioned in n. 71, see SEG XLIV 610 = IGBR IV 2236 (Skaptopara, Thracia, 238) 13–14: ἀναστά|τους γίνεσθαι τοὺς ἐνοικοῦντας.

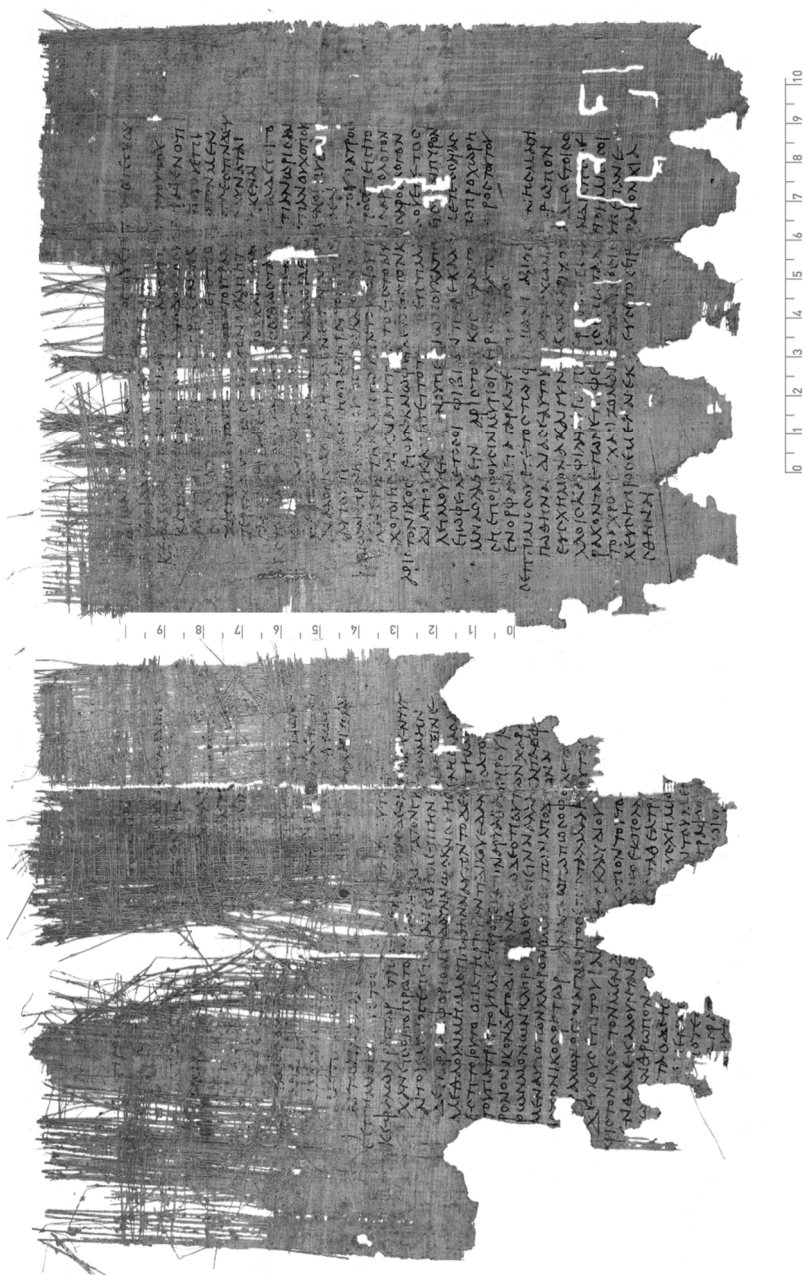
ἐπιστεῖλαί σε τοῖς εἰρηνάρχαις: These were high-ranking civic liturgists from the officeholding class of the *metropoleis*, who were responsible for policing at the level of the nome. They emerge in the papyrological record in the reign of Gordian III (see P.Oxy. I 80, Oxyrhynchus, 238–244) on a model already existing elsewhere in the Greek East, see the literature cited in n. 72.

17. τῷ ο[ὐ]σια|κῶ λόγῳ: As noted by Broux 2021 (n. 19) 309, this appears to be the latest known attestation of the *ousiakos logos*, although more may yet come to light. The reading may be confirmed as clearly correct.

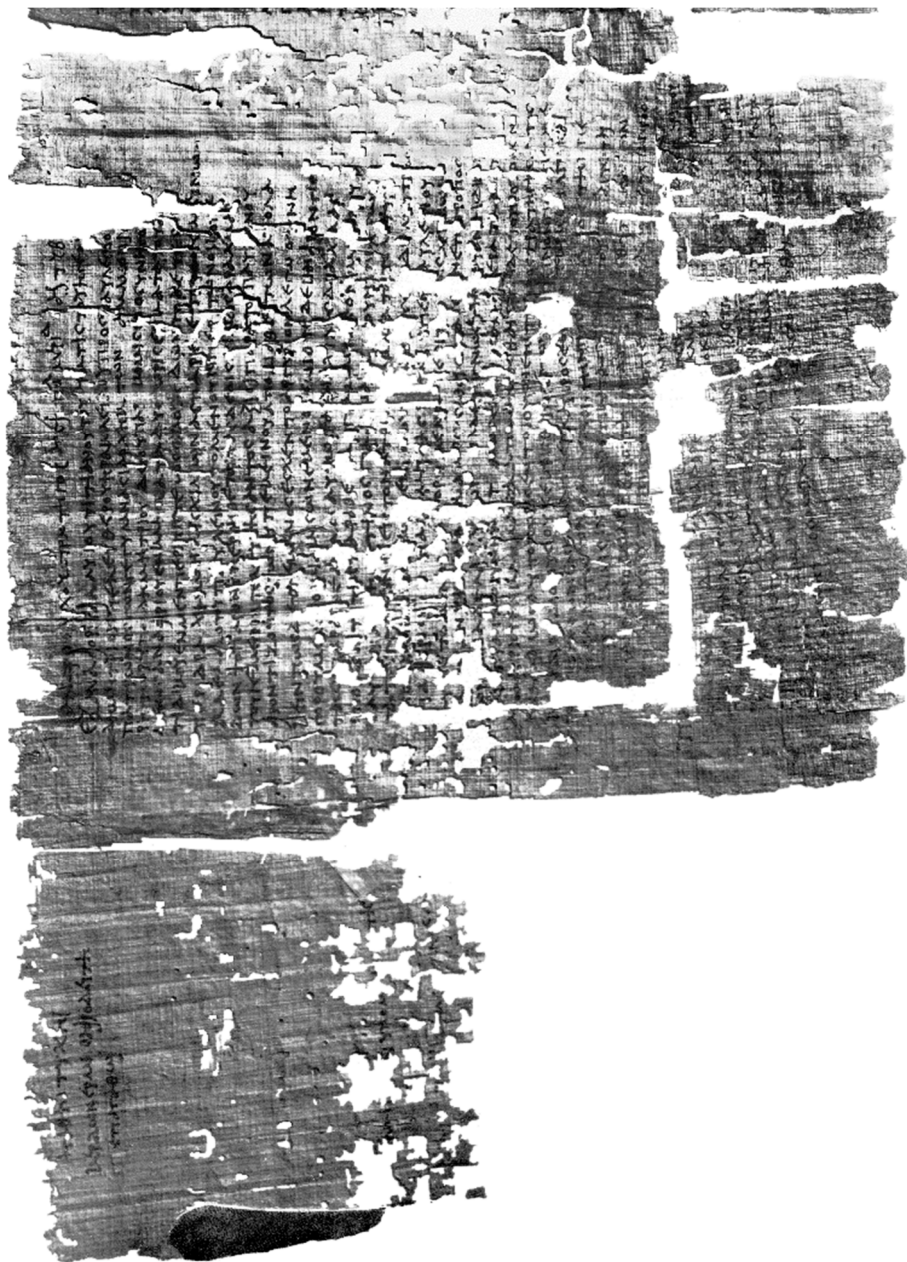
19. [ca. 50 πρᾶ]γμα ἀναπ[έ]μτη ὁ ἐπίτ[ρ]ο[ς] ἐπὶ τὸ ἐ[μ]ὸν δ[ι]καστήριον: The letters before ἐπί τό are clearly -πος which most plausibly indicates the ending of ἐπίτροπος. I supplement the subjunctive ἀναπ[έ]μτη in a clause that continues from ὥστε ... ἀποκατασταθῆ in the previous line. Contrary to Preisigke, 23, I am not persuaded that δικαστήριον necessarily refers to the prefect’s permanent tribunal at Alexandria, see for example P.Flor. I 58 = M.Chr. 75 (Hermoupolis Magna, 3rd cent.) where a petitioner asks the *epistrategos* to “come out” to Hermoupolis ([ἐ]πεξελ[θ]εῖν, line 15) to hear him at his *dikasterion*, clearly with reference to his assize court. Similarly, it seems to me that our petitioner is trying to secure access to the prefect’s tribunal at his upcoming Hermoupolis assize, see the discussion at n. 50.

20. κατὰ τὸ κελευ|σθέν: It seems to me that the letter after the lacuna is *sigma* rather than *epsilon* (suggested by Wilcken BL I 404) indicating a reference to the prefect’s orders (τὸ κελευσθέν). For the expression τὸ κελευσθέν or, more frequently, τὰ κελευσθέντα, see e.g. BGU I 95 (147) 6–7: κατὰ τὰ κελευσθέντα ἀπογρά|φομαι and P.Fam.Tebt. 24 (dupl. SB IV 7404, 117–138) 75: ἄχρι ἂν τὸ κελευσθέν ὑπὸ τοῦ κ[ρ]α|τίστου ἡγεμόνος πέρασ λάβητ[αι].

21. [month, day. ca. ?]: One would expect an extra line with this information, possibly followed by a concluding formula such as N. N. ἐπιδέδωκα, see e.g. Stud.Pal. V 62 II (Hermoupolis, 266–267) 36–40.

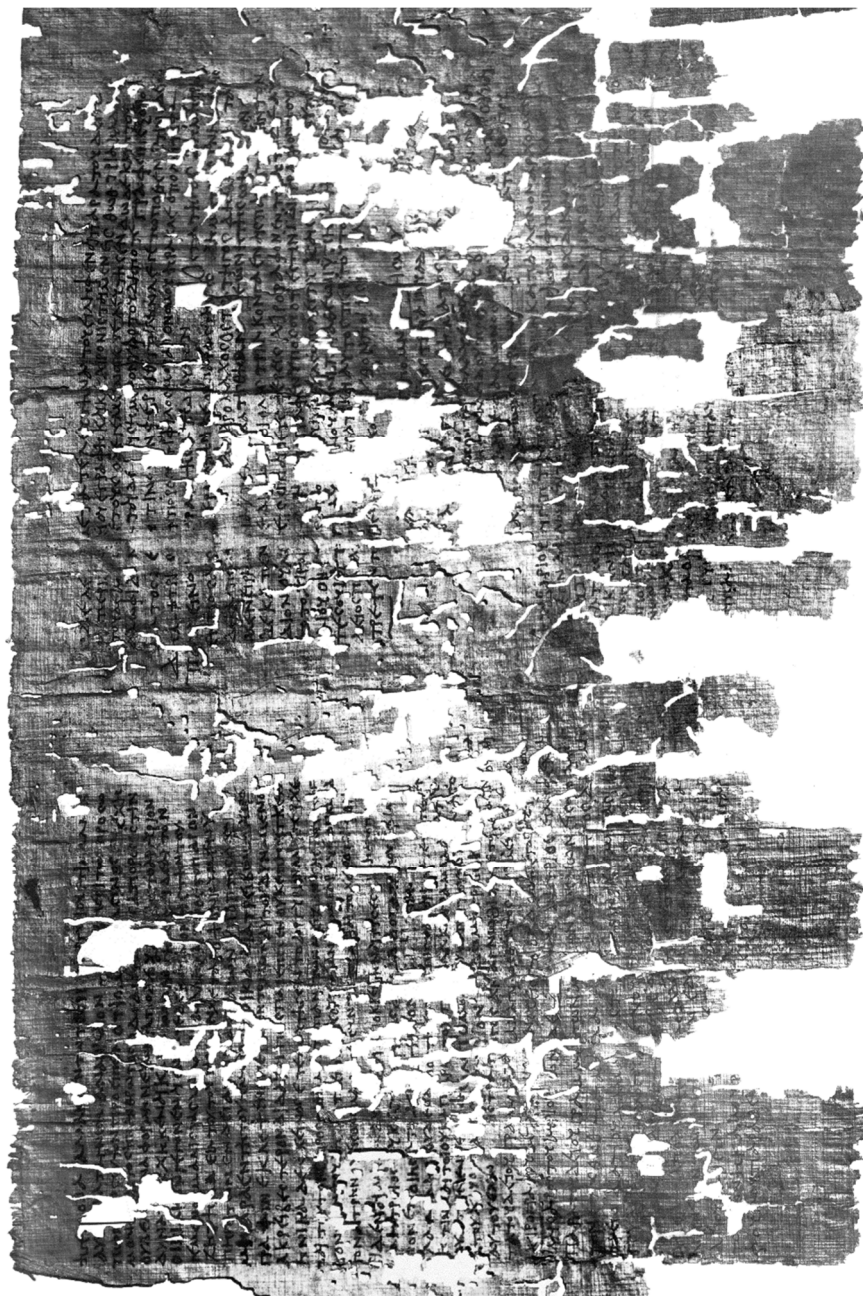


M.Chr. 80 = P.Flor. I 61, unknown provenance, 8 February 85
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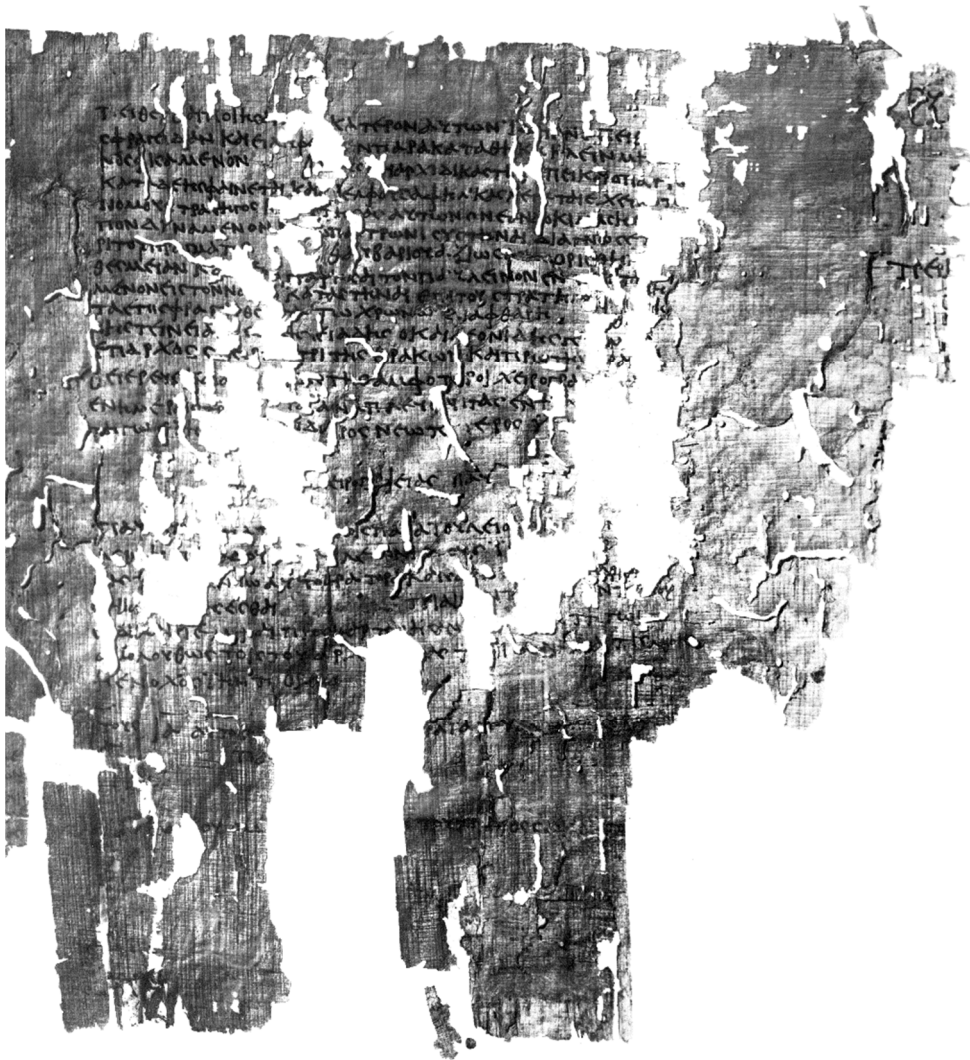
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zu A. Dolganov, S. 63



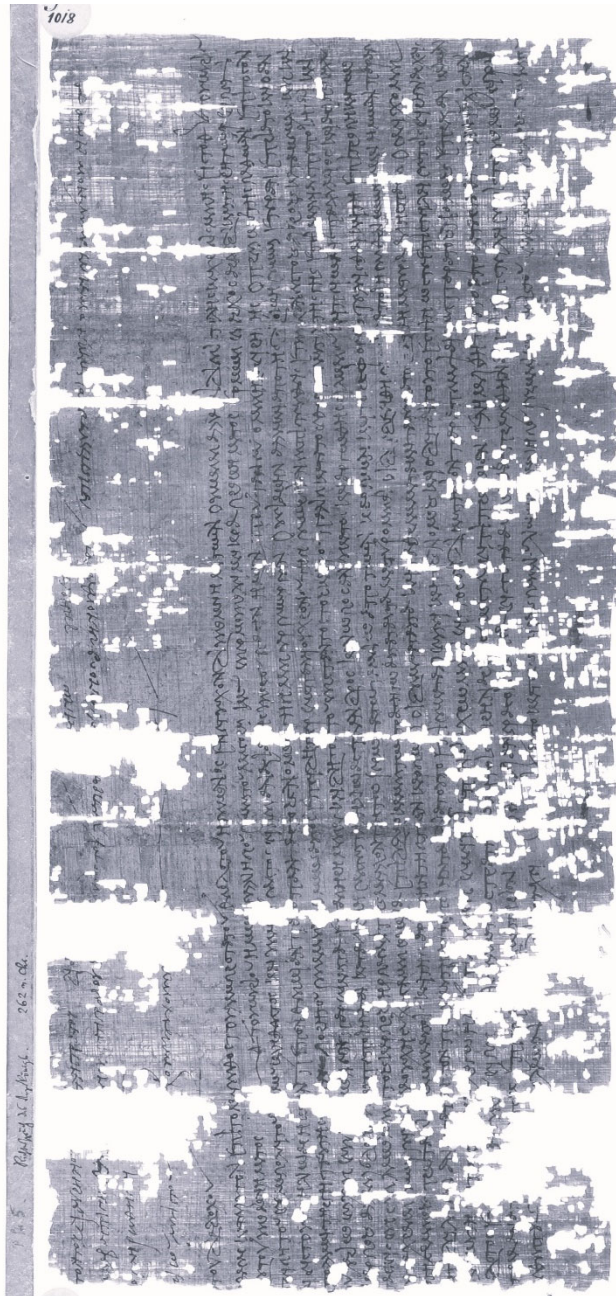
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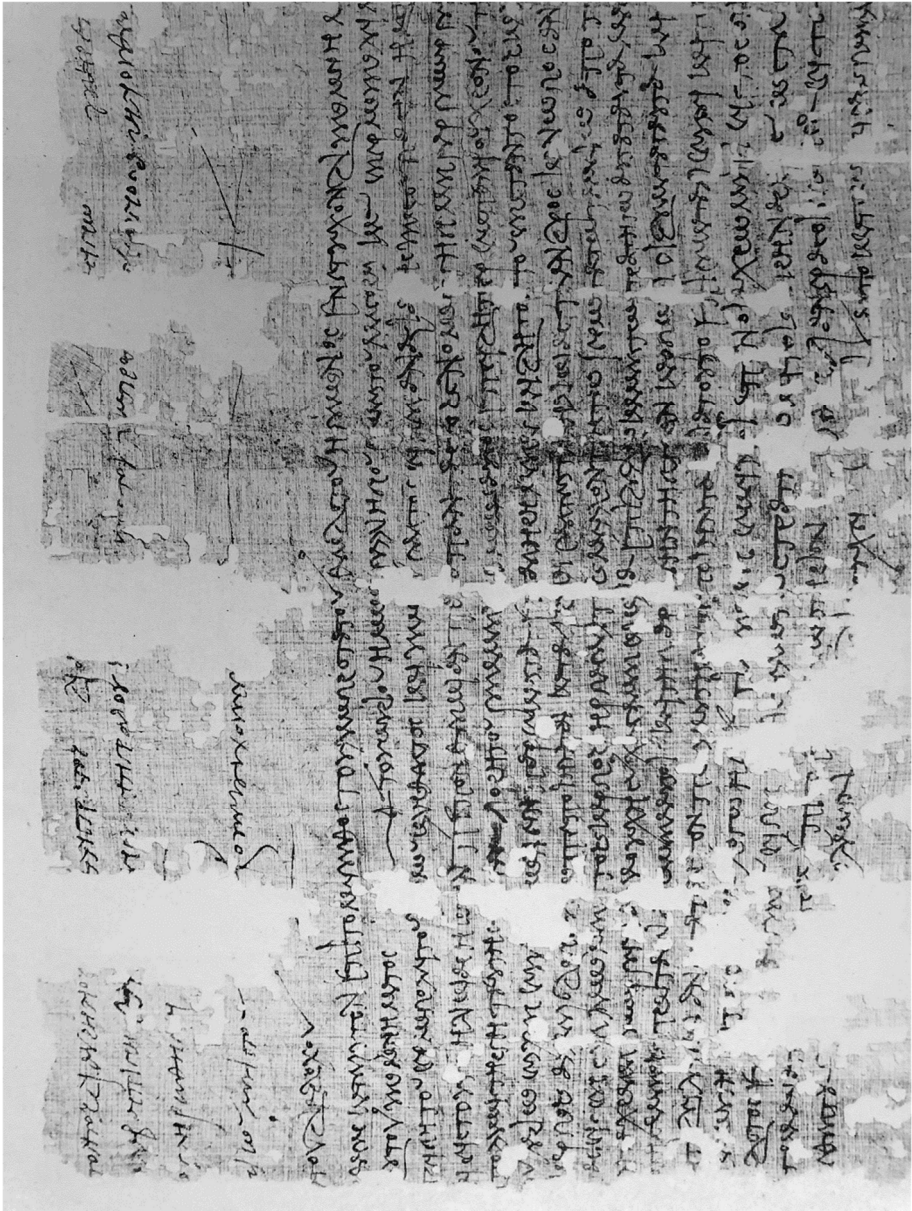


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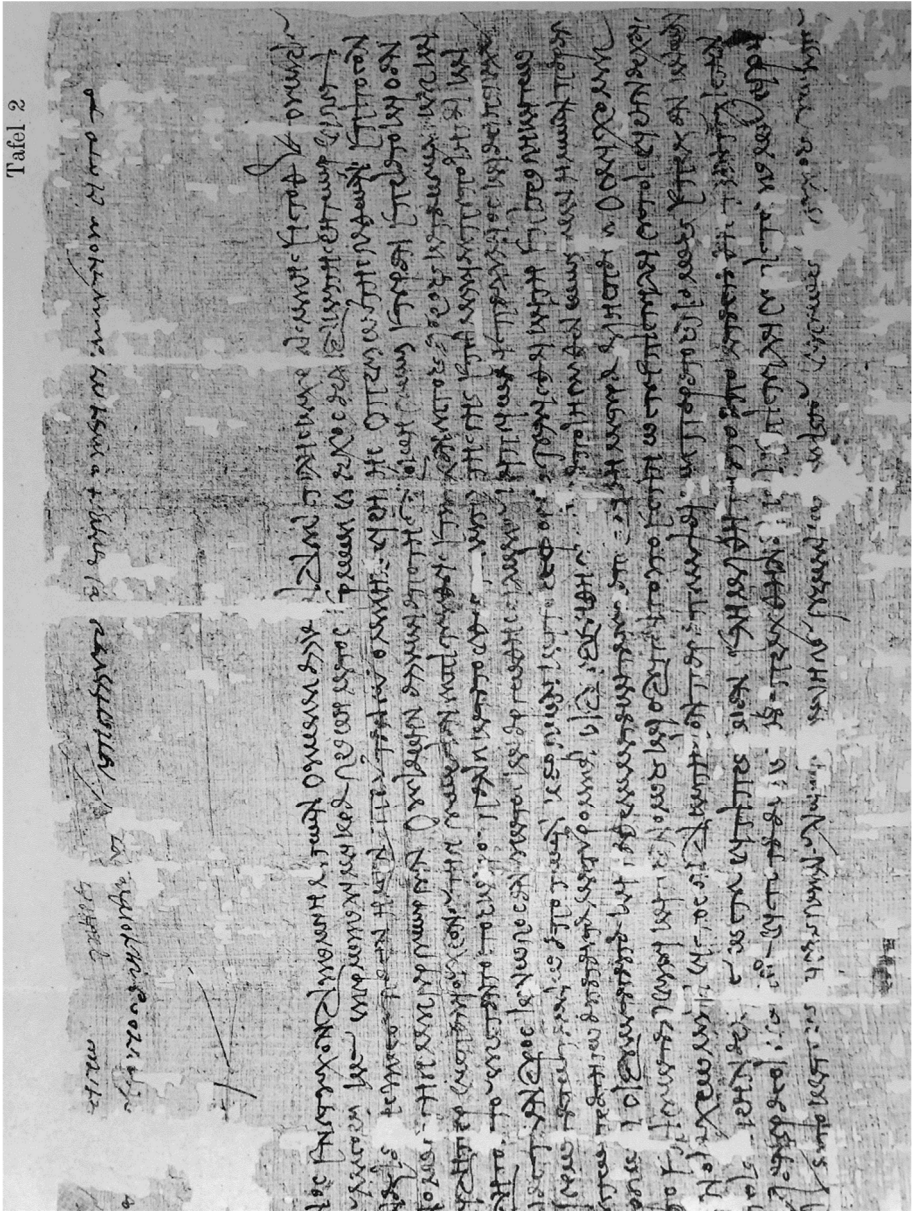
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P.Stras. I 5, Hermopolis, before 7 September, 262
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P. Stras. I 5, Hermopolis, before 7 September, 262, detail
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