

Remains of an *agnitio bonorum possessionis*: P.Duk. inv. 466*

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P.Duk. inv. 466
Oxyrhynchus

3.6 x 13.6 cm (a)
0.5 x 1.5 cm (b)

212 or later (perhaps 239)

This document is a Latin papyrus in two fragments kept at Duke University and formerly registered as P.Miss. 32. The upper margin is ca. 0.5 cm. The lower part of the document is lost, but traces of letters in the middle and right parts of line 7 are still visible. How much is missing on the left and/or the right of the text is unclear, although some parallels suggest that several words (the *tria nomina* and title of the addressee in line 1, a likely juristic formula in lines 3 and 5), namely between 15 and 18 letters altogether, have been lost on the left. The text is written across the fibers in an old Roman cursive. An independent fragment contains traces of ca. 5 letters.

The document dates to AD 212 or later, as is clear from the recurrence of the *nomen gentilicium* Aurelius/Aurelia, an obvious reference to Caracalla's grant of Roman citizenship to nearly all peregrines within the empire. Such a dating would be consistent with the writing, an old Roman cursive comparable to *P.Diog.* 10 (= *P.Coll.Youtie* I 64 = *ChLA* XLVII 1403, from Philadelphia), dated to June 3, 211, or *P.Thomas* 20 (Oxyrhynchus, 269–270), or *ChLA* XLV 1324, dated to the late 3rd–early 4th c. Most, if not all, parallels belong to the same period (cf. below). If the proposed reading of the consul's name in line 6 is correct, then we would want to date the papyrus to AD 239.

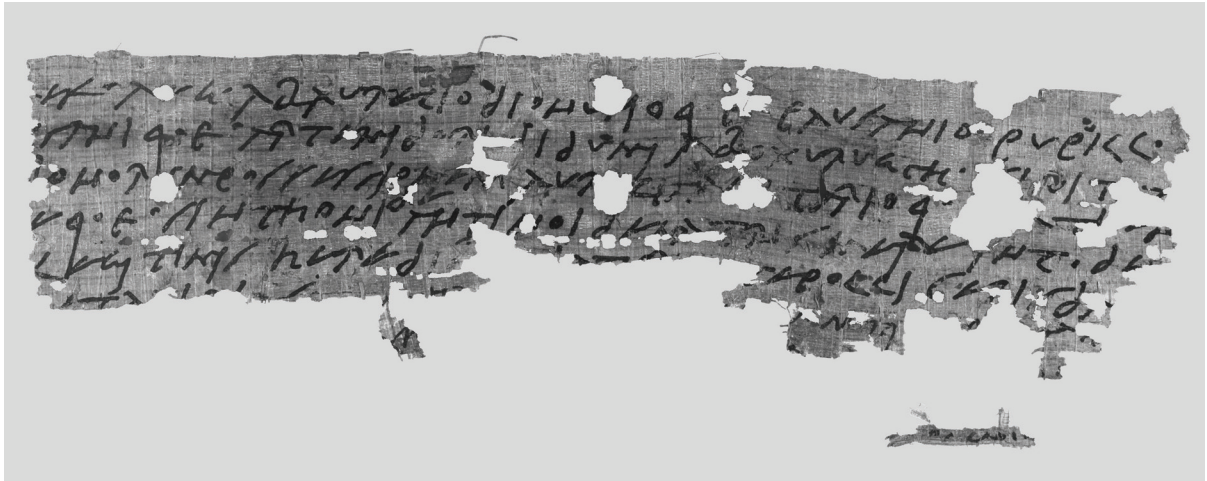
The papyrus likely comes from Oxyrhynchus. One or, possibly, two of the individuals are recorded as inhabitants of the city. One may be an Antinoite. Most, if not all, parallels come from Oxyrhynchus. It is possible that the traces in lines 6 and 7, and on the second fragment, are Greek. Parallels are often bilingual (cf. below).

→

Fr. a [ca. 15? pr]aef(ecto) · Aeg(ypti) · ab Aurelio Dionusio q(ui) · e(t) · Pausanio
[·?] pupill(o) · [?]
[ca. 15?]usani q(ui) · e(t) · Artemidori [·] Didumi ab Oxurugch(itarum) ·
civit[a]t[e ?]
[rogo, domine, des mihi] bonorum possessionem Aurelia(e) A[c]l[ar]ario(u) q(uae) · [et
·] A[th]en[?]
4 [ca. 15?]e q(ua/uae) · e(t) · Sinthoni`de' Antinoide matris · meae
int(estatae) · def[unctae ?]
[ex ea parte edicti qua] legitimis heredi[us] d[atu]m[um] te polliceris. Da[tum - - -]
[ca. 15 ?]eta ç[] . . . [- - -] traces
] . [] traces [

Fr. b [traces [

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No. 3

To NN, prefect of Egypt, from Aurelius Dionysius, also known as Pausanias, ward of [NN -]jusanus, also known as Artemidorus Didymus [*or*: Artemidorus, son of Didymus], from the city of the Oxyrhynchites. [I ask, lord, that you grant me] possession of the property of Aurelia As[k]latarion, also known as Athen-[daughter of NN] also known as Sinthonis of Antinoe, my mother, who has died intestate [according to the part of the edict whereby] you promise to grant (it) to legitimate heirs. Given on [date].

- 1 The function of the prefect of Egypt was preceded by his name and, possibly, its title *viro perfectissimo* (or in an abbreviated form), which would then imply a larger lacuna in the left part of the text. If the dating of the papyrus in AD 239 is correct (cf. below), then the missing name is L. Lucretius Annianus. Cf. A. Jördens, *Statthalterliche Verwaltung in der römischen Kaiserzeit: Studien zum praefectus Aegypti* (Historia Einzelschriften 175) (Stuttgart 2009) 530.
q(ui) e(t): it is possible that *et* is either ligatured or abbreviated, which would explain why *e* is shaped differently from—i.e. less cursively than—other *e*'s in the text.
 Aurelius Dionysius, also known as Pausanias, is otherwise unknown, although each single name is fairly common in the third century.
 The last sign of the line is more likely to be an inter-punctuation than a small *o* (as ending of *pupillo*).
- 2 The sequence *Jusani* can only be part of the proper name Pausanias and relatives, or, a less likely possibility in this document, Lusantias or Lusantos, which name is applied to a neighborhood (*amphodos*) located in the Arsinoite nome (*P.Fay.* 30, Theadelphia, 171).
- 3 *As[c]latarion(u)*. The name Ἀσκλητάριον is very common in Roman Oxyrhynchite. However, as Rodney Ast pointed out to me, the available space might call for a shorter name; he suggests *Alitarion(u)* as a possibility.
 The final letter of *As[c]latarion(u)* may have been written above the line where traces of ink are visible, in which case one should read *As[c]latarion`u`*.
 The alias of Aurelia Asklatarion is a name deriving from Athena (if not Athena itself, then perhaps Athenodora, Athenais, Athenarion, Athenarous, or Tathenturis).
- 4 Sinthonis is a common female name in Greek papyri dated from the first to the fourth century, but occurs here for the first time in Latin. The word *de* is clearly written above the line, as an addition, between *Sinthoni* and *Antinoide*. It could be the ending (ablative case?, perhaps connected with the final *-e* occurring as the first visible letter of line 4) or the preposition *de* (Gr. ἀπό). The case of either word and the relationship between Sinthonis and Aurelia Asklatarion are uncertain.

In *P.Thomas* 20 (Oxyrhynchus, 270), a very close parallel, a filiation is expressed with *ex* + ablative (line 4–5: ... *ex eode(m) / [patre qui supra, matre Hieraciain]e*, reconstructed in Latin from the better preserved Greek translation. Another solution is suggested by *CPL* 216 (= *SB I* 1010 = *ChLA* XI 486 = *FIRA* III² 61, Antinoopolis, Sept. 15, 249), lines 2–3, in the form of an absolute ablative: *t(utore) a(uctore) patre / [suo] M. Aurelio Chaeremone q(ui) e(t) Zoilo hieronica / [An]tinoense*. Cf. below.

int(estatae) de(functae) is certain, by comparison with *P.Thomas* 20.6: [*sororis nostrae consanguineae sine pu]eris et intestatae defunctae*, again confirmed in the Greek translation that follows. It is possible that *defunctae* was written *def(unctae)*.

5 The incomplete text can be reconstructed on the basis of parallels in both Latin and Greek. Cf. below.

5–6 The consular date, expected after *polliceris* is difficult to reconstruct on the basis of extant traces. The only group of letters, *eta*, would point to (Publius Septimius) Geta, consul (named in second position) in 203, 205, and 208, which does not fit the likely *terminus post quem* in 212. Following H el ene Cuvigny’s clever and compelling suggestion, we can take *et* as the conjunction, and read *et Αϋτολα ρο(η)s(ulibus)]*, giving us a date of 239. The other consul for that year was Imp. Caesar M. Antonius Gordianus Augustus (= Gordian III, emperor from 238 to 244, then consul for the first time).

The document records a petition addressed to a prefect of Egypt whose name is not preserved. A very close parallel is found in *CPL* 216 (= *SB I* 1010 = *ChLA* XI 486 = *FIRA* III² 61, Antinoopolis, Sept. 15, 249), a so-called *agnitio bonorum possessionis* addressed to Aurelius Appius Sabinus, prefect of Egypt, by one Marcus Aurelius Chaeremon, also known as Didymus, a minor acting with the permission of his father and guardian, Marcus Aurelius Chaeremon, also known as Zoilus. The Latin text reads: [*Au]relio Appio Sabino v(iro) p(erfectissimo) praef(ecto) Aegypti / [a M.] Aurelio Chaeremone q(ui) e(t) Didymo inpub(ere) t(utore) a(uctore) patre / [suo] M. Aurelio Chaeremone q(ui) e(t) Zoilo hieronica / [An]tinoense. Rogo, domine, des mihi bonorum possessi[o]nem matris meae Aureliae Hammonillae Heracla / [fil(iae)] civitatis Oxyrhynchitarum ex ea parte edicti qua<e> / [legi]timis heredibus b(onorum) p(ossessionem) daturum te polliceris. Dat(um) XVIII kal(endas) / [Oct(obres)] Aemiliano II et Aquilino cos.* (“To Aurelius Appius Sabinus, most perfect person, prefect of Egypt, from Marcus Aurelius Chaeremon, also known as Didymus, a minor whose father, Marcus Aurelius Chaeremon, also known as Zoilus, victor at the games, from Antinoopolis, acts as guardian and guarantor. I ask, Lord, that you give me possession of the estate of my mother, Aurelia Hammonilla, daughter of Heracla(s), from the city of the Oxyrhynchites, on the basis of the edict whereby you promise to grant possession of property to legitimate heirs. Given on the 18th day before the kalends of October, under the consulship of Aemilianus, for the second time, and Aquilinus”).

An exact Greek translation of the latter document is provided in *P.Iand. inv.* 253 (= *SB VI* 9298, Oxyrhynchus, Sept. 14, 249), with an inversion of the sender’s name and alias (Aurelius Didymus, also known as Chaeremon). Cf. also *P.Oxy.* IX 1201 (= *CPL* 218 = *ChLA* IV 233, Oxyrhynchus, Sept. 24, 258). For a bilingual parallel, cf. *P.Thomas* 20 (Oxyrhynchus, 269–270), with the Latin text and a Greek subscription in the first column, and a Greek translation in the second column; and possibly *ChLA* XLVI 1385b (= *P.Mur.* II 158, 1st c., with the word [*h]eredibus*). For parallels in Greek only, cf. *P.Oxy.* I 35r (223); *PSIX* 1101 (Oxyrhynchus, Jan.–Febr. 271); and possibly *P.Oxf.* 7 (256–257).

An *agnitio bonorum possessionis* (Marcellus [9 *dig.*] *Dig.* 38.15.5 *pr.*; *Clust.* 6.9.7 (305); *CTh.* 4.1.1 and the *interpretatio* in *Brev. Alar.* 4.1.1) is a formal request addressed to a magistrate, the praetor in Rome, or the governor in the provinces, to obtain possession of an inheritance as a successor according to praetorian law. The petitioner had to prove his kinship to the deceased, to make—in Latin—a declaration of acceptance of the inheritance (*cretio*), and to pay the inheritance tax (*vicesima hereditatum*). Cf. R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri, 332 B.C.–640 A.D.*

(2nd ed., Warsaw 1955) 42, 183, and 211–217; T. Gagos and P. Heilporn, “A New *agnitio bonorum possessionis*”, in *P. Thomas*, p. 175–185, with a list of parallels; D. M. Santos, “La fórmula de la ‘agnitio bonorum possessionis’ en el siglo III”, *Revista de Estudios Históricos-Jurídicos* 31 (2009) 159–168, esp. 161, n. 7, where P.Duk. inv. 466 is mentioned; and Ruey-Lin Chang, “Papyrus bilingue: requête pour *agnitio bonorum possessionis*, de provenance oxyrhynchite, datée de septembre 258 apr. J.-C.”, in IFAO, *Une image, un commentaire...*, <http://www.ifao.egnet.net/image/7/> (consulted on Sept. 13, 2011). On the law of succession in the papyri, cf. L. Migliardi Zingale, *I testamenti romani nei papiri e nelle tavolette d’Egitto: silloge di documenti dal I al IV secolo d.C.* (2nd ed., Torino 1991). On *bonorum possessio intestati*, cf. M. Käser, *Das römische Privatrecht* (2nd ed., Munich 1971), vol. 1, 695–701.

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