

# Dryton's Wills Reconsidered\*

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There are remarkably few wills to have survived from Ptolemaic Egypt<sup>1</sup>. Probably the most important and certainly the longest text is the roll from third-century Arsinoites, *P. Petrie I*<sup>2</sup>, which contains over thirty copies of wills; the originals copied on the roll were composed between 238 and 225 B.C.<sup>2</sup>. Other third century wills consist of two short fragments *P. Lond. VII 2015* (Memphis, 242 B.C.) and *SB XII 10859* (Ghoran, 220 B.C.).

Among the second century testaments there is a very particular group of three wills composed for Dryton, a cavalry officer<sup>3</sup>. Other testaments are: *P. Grenf. I 24* (fragmentary; Krokodilopolis, 139-132 B.C.), *SB XVIII 13168* (Pathyris, 123 B.C.), *BGU VI 1285* (copy or abstract of will; Herakleopolis Magna, 110 B.C.), *P. Lond. II 219a verso* and *b* (very fragmentary and unclear; provenance unknown, 2<sup>nd</sup>

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<sup>1</sup> See W.CLARYSSE, *Ptolemaic Wills*, in M.J.GELLER, H.MAEHLER, and in collaboration with A.D.E.LEWIS (eds.), *Legal Documents of the Hellenistic World. Papers from a Seminar arranged by the Institute of Classical Studies, the Institute of Jewish Studies and the Warburg Institute, University of London, February to May 1986*, London 1995, pp.88-105, pp.88-89.

<sup>2</sup> Re-edited by Willy CLARYSSE as *P. Petrie I<sup>2</sup>: The Petrie Papyri. Second Edition* [= *Collectanea Hellenistica 4*], Brussels 1991.

<sup>3</sup> There are four texts, *P. Dryton 1, 2, 3 & 4*, but two of them are copies of one document, *P. Dryton 3 & 4*. The archive was re-edited by Katelijn VANDORPE, *The Bilingual Family Archive of Dryton, His Wife Apollonia and Their Daughter Senmouthis* [= *Collectanea Hellenistica 4*], Brussels 2002.

c. B.C.), P. Berl. ined. (provenance unknown, 2<sup>nd</sup> c. B.C.<sup>4</sup>). The latest Hellenistic will is a Demotic text based on the Greek testamentary model<sup>5</sup>, *P. Mosc.* 123 (Panopolis, 69 B.C.).

The first, perhaps insoluble problem concerns testamentary practices in third century Egypt; by testamentary practice, I refer specifically to the form of the wills, that is the way in which they were made and kept safe after their composition. The most important text in this respect is *P. Petrie I*<sup>2</sup>; the purpose of the roll as well as the circumstances of its composition have already been widely discussed. The discussion has been summarized by Willy Clarysse in his edition of the document<sup>6</sup>, but it is worth reiterating here a few of the most important points.

Mitteis<sup>7</sup> and Kraus<sup>8</sup> claimed that the wills in the *P. Petrie I* roll were composed by a private scribe, that no notary was involved in their composition, and that they were kept by a *syngraphophylax*. Unfortunately, none of the copied wills mentions such a title. The practice of entrusting *syngraphophylakes* with wills is not supported by any evidence and, furthermore, *syngraphophylax* was the custodian of *syngraphai*, that is contractual agreements, and wills are unilateral acts<sup>9</sup>. On the other hand, it cannot be excluded that *syngraphophylakes*, originally responsible for keeping contracts, were eventually entrusted with other legal deeds as well<sup>10</sup>. We can easily imagine that the Greeks, newly arrived in Egypt, would have felt more secure if they entrusted their will to a person already responsible for the safe-keeping of other documents.

It also cannot be excluded that the Petrie wills were composed in an agoranomic office. Such a hypothesis is supported only by means of analogy with the second-century wills from Egypt, which explicitly mentions that they were composed by a notary<sup>11</sup>. The analogy is justi-

<sup>4</sup> *Non vidi*. The document is known to me through R.P.SALOMONS, *Testamentaria*, ZPE 156 (2006), pp.217-241, p.233.

<sup>5</sup> J.MÉLÈZE MODRZEJEWSKI, *Droit et justice dans le monde grec et hellénistique* [= *Journal of Juristic Papyrology Supplements* vol. 11], Varsovie 2011, p.374.

<sup>6</sup> *P. Petrie I*, pp.11-21.

<sup>7</sup> *M. Chr.*, p.340.

<sup>8</sup> F.KRAUS, *Formeln des griechischen Testaments*, Borna-Leipzig 1915, pp.54-64.

<sup>9</sup> Commentary to *P. Hal.* 11.

<sup>10</sup> H.KRELLER, *Erbrechtliche Untersuchungen auf Grund der gräco-ägyptischen Papyrusurkunden*, Leipzig-Berlin 1919, pp.320-321.

<sup>11</sup> See p.150.

fied by the virtually identical patterns found in third and second century wills<sup>12</sup>.

Another argument supporting the agoranomic origin of the third-century wills is the fact that the *agoranomos* is already known to have performed notarial functions in the third century B.C. This reasoning, however, is not very convincing, because private documents may have become notarial at a later stage. Furthermore, *agoranomoi* were developing their competences gradually, as in the case of the registration of marriage contracts<sup>13</sup>. The other two third-century testaments (*P. Lond.* VII 2015 and *SB XII 10859*) are too fragmentary to either prove or disprove either of these two interpretations.

Of course, the fact that third-century testaments are formulaic<sup>14</sup> shows that they were written not by a layman, but by a professional; it could even suggest that ready patterns were in use in Hellenistic Egypt. It cannot, however, be used as proof for their notarial composition, as there are many examples of standardized deeds which were composed not by officials, but by scribes<sup>15</sup>.

Even though it is uncertain whether these wills were composed privately or by a notary, the copies seem to have been written deliberately on one roll, and at one place. If one person – or, at least, one family – had been the beneficiary of these wills, it might have offered a good reason for copying them all onto a single roll. However this is not the case with our roll, as a social network is not visible in these texts: the beneficiaries of particular wills are different and appear to be unrelated.

Having thus excluded the possibility that the papyrus was written for one person or family, we may agree that it was an official docu-

<sup>12</sup> *P. Petrie P*, pp.14-15.

<sup>13</sup> See U.YIFTACH-FIRANKO, *Law in Graeco-Roman Egypt; Hellenization, Fusion, Romanization*, in: R.BAGNALL (ed.), *The Oxford Handbook of Papyrology*, Oxford & New York 2009, pp.541–560, p.544.

<sup>14</sup> See J.F.OATES, *The Formulae of Petrie Wills*, *JJurP* 23 (1993), pp.125-132.

<sup>15</sup> The closest parallel is the Roman testament, see See L.MIGLIARDI ZINGALE, *Dal testamento ellenistico al testamento romano nella prassi documentaria egiziana, cesura o continuità?*, *Symposion* 1995, pp.303-312, p.311; M.AVENARIUS, *Formularpraxis römischer Urkundenschreiber und ordo scripturae im Spiegel testamentsrechtlicher Dogmatik*, in: M.AVENARIUS, C.MÖLLER, & R.MEYER-PRITZL (eds.), *Ars Iuris. Festschrift für Okko Behrends zum 70. Geburtstag*, Göttingen 2009, pp.13-41; M.NOWAK, *Mancipatio and its life in late-Roman law*, *JJurP* 41 (2011), pp. 103-122, pp.110-111.

ment. Since, however, there are no exact parallels from Greco-Roman Egypt that might help us interpret this roll, we cannot determine which office was in charge of preparing the *P. Petrie* I<sup>2</sup> register<sup>16</sup>. We may suppose that the wills were kept in a sort of archive, which, for reasons that remain unknown to us, was responsible for issuing rolls such as *P. Petrie* 1<sup>2</sup>. Perhaps new discoveries of texts will clarify this matter. It is worth emphasising that the place where *P. Petrie* I<sup>2</sup> was written and kept does not necessarily have to be the same place where the original wills were composed and executed. If the wills were composed privately, it would be very unlikely that one *syngraphophylax* collected and copied them, for they were composed in different places (Krokodilopolis, and villages in Arsinoite); they would have had to be collected and copied sometime after their composition or, indeed, their opening. Furthermore, the wills composed at a notary's office may, for a variety of reasons, have been copied later by another official, a teacher or local lawyer, perhaps as a case study useful in legal practices or teaching.

The second century wills were composed by an *agoranomos*, a public notary, in whose office different legal documents, like contracts of sale, loan or marriage, etc. (*l'acte agoranomique*) were drawn up<sup>17</sup>. He was also responsible for registering both agoranomic documents and privately composed ones<sup>18</sup>. This fact is attested by the phrase 'in front of the *agoranomos*' found in four documents: *P. Dryton* 2: [ἐπὶ Πτολεμαίου] ἀγορανόμου; *P. Dryton* 3: ἐπ' Ἀσκληπιάδου ἀγορανόμου (attested also in the second copy *P. Dryton* 4); *P. Grenf.* 24: ἐφ' Ἡλιοδώρου ἀγορανόμου; *P. Lond.*

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<sup>16</sup> Such a practice, however, is attested for the Ravenna papyri dated to a much later period. *P. Ital.* 4–5 form a register of wills opened at a notarial office in Ravenna between the 5<sup>th</sup> and 6<sup>th</sup> centuries AD. Only abstracts of the wills are included, but since each of them is preceded by a description of the act of the opening, so there is no doubt why and when the register was composed. See G.FERRARI DALLE SPADE, *Papiri ravennati dell'epoca giustiniana relativi all'apertura dei testamenti*, in: *Studi in onore di Pietro Bonfante*, vol. 2, Milano 1930, pp.633–644; for a description see L.MIGLIARDI-ZINGALE, *Le fonti di cognizione papirologiche e il diritto romano tardoantico: gli instrumenta ravennati*, *Analecta papyrologica* 21–22 (2009–2010), pp.157–169, pp.167–168.

<sup>17</sup> P.W.PESTMAN, 'Agoranomoi', in: *Pap. Lug. Bat.* XXIII, pp.9–44, pp.33–44.

<sup>18</sup> YIFTACH-FIRANKO, *Law in Graeco-Roman Egypt*, *cit.*, pp.544–546

VII 2015: ἐπὶ Ζήνωνος [ἀ]γορανόμου<sup>19</sup>. These documents, however, do not provide any explicit data that might allow us to reconstruct what happened to wills after they had been composed.

Reconstruction of the process of safekeeping the wills is possible only by comparison with the Roman period. Such a comparison is justified, as the parallels between Hellenistic and Roman testaments are clear: for example, there exists a *continuum* in testamentary patterns, that is wills composed in Ptolemaic and Roman period were based on very similar models using the same formulae<sup>20</sup>; both Hellenistic and local testaments from the Roman period were composed by *agoranomoi*<sup>21</sup>.

The testaments composed for non-Romans according to the local legal customs, were written at the agoranomic office and were left there after composition. The testator received only an official copy of the will (ἐκδόσιμον) which he entrusted to someone, usually a relative. This copy was presented at the *agoranomeion* after the testator's death, together with a petition for the opening<sup>22</sup>, as is attested in several documents: *M. Chr.* 310 (Fayum, AD 150–153), *P. Fouad.* I 32 (Oxyrhynchus, AD 174), *P. Mert.* II 75 (Oxyrhynchus, AD 185), *P. Oxy.* 3166 (Tholthis, AD 187), *P. Oxy.* LXIII 4354 (Oxyrhynchus, AD 307).

*P. Mert.* II 75, ll. 9–17:

Δημητρία Ἀχιλλᾶτος τοῦ Παάπιος, μητρὸς Σαραπούτος, ἀπὸ τῆ[ς] αὐτῆς πόλεως, θεμένη διὰ τοῦ ἐνθάδε ἀγορανομείου τῷ Φαρμούθι μηνὶ τοῦ ἐνεσ[τῶ]τος κα (ἔτους) ἐπὶ σφραγίδων διαθήκην καὶ παραθεμένη μ[ο]ι τὸ ταύτης ἐγδόσιμον, ἐτελεύτησεν.

Demetria, daughter of Achilles son of Paapis, whose mother was Sarpous, from the same city, having made this will with seals through the local agoranomeion in the month Pharmouthi of the present 21<sup>st</sup> year, and having deposited the official copy (ἐκδόσιμον) of it with me, has died.

<sup>19</sup> See, VIERROS, *Bilingual Notaries in Hellenistic Egypt. A Study of Greek as Second Language* [Collectanea Hellenistica vol. 5], Brussels 2012, p.73.

<sup>20</sup> KRAUS, *Formeln*, cit.

<sup>21</sup> The presence of *agoranomos* was necessary to make a valid will in Roman times, which is attested by the text of *Gnomon of Idios Logos*, § 7; *BGU* V 1210, ll. 33-34: Δ[ι]αθήκαι, ὅσα μὴ κατὰ δημοσίους χρηματισμοὺς γείνωνται, ἄκυροί εἰσι. We cannot be sure, however, whether the rule was introduced during the Roman reign or had already existed in the Ptolemaic period.

<sup>22</sup> A.EL-MOSALLAMY, *Revocation of wills in Roman Egypt*, *Aegyptus* 50 (1970), pp.59-73, p.60.

A similar clause appears in the documents listed above, which makes clear that the fiduciary keeper of a will had only its copy. The document was also perhaps kept by the *agoranomos* after opening (that is after testator's death), while the beneficiaries only obtained copies<sup>23</sup>. Such copies could have been composed according to the original deposited in the archive either during the opening procedure (see *P. Oxy.* III 494 [Oxyrhynchus, AD 156], *P. Köln.* II 100 [Oxyrhynchus, AD 133]) or at any other time (*BGU* VII 1654 [Ptolemais Euergetis, AD 133]). In the former case, the witnesses who recognised their seals confirmed it (with their own hands) on the copy (*ek-dosimon* (?) probably in order to keep the original unchanged. The original remained in the archive, as it was the best way of producing proof in the event of a legal dispute.

The role of *agoranomoi* in keeping wills is attested, *inter alia*, by some documents in which an earlier testament is revoked. As far as we know, one could not revoke his/her will by composing a new will. Most of the documents composed in the Roman period contain a clause informing that a testator could revoke and change his will. The clause could differ, but the sense was always the same, e.g., *P. Köln* II 100 (Oxyrhynchite nome, AD 133), ll. 4-5:

ἐφ' ὃν μὲν περιέιμι χρόνον ἔχειν με τὴν τῶν ἰδίων ἐξουσίαν πᾶν ὃ ἐὰν βούλωμαι περὶ αὐτῶν ἐπιτελεῖν καὶ μεταδιατίθεσθαι καὶ πρὸς ἀκύρωσιν ἄγειν τήν]δε τὴν διαθήκην.

So long as I live I am to have full power over my belongings, to make new provisions according to my wish, and to change this will, and to revoke it so that the new provisions will remain valid<sup>24</sup>.

According to some scholars, such a clause was necessary to revoke a will<sup>25</sup>. The Ptolemaic wills, both in the third and in the second centu-

<sup>23</sup> PESTMAN, *Agoranomoi*, *cit.*

<sup>24</sup> See also *inter alia*: *SB* XVIII 13308 (Oxyrhynchus, AD 81-96), *P. Oxy.* I 104 (Oxyrhynchus, AD 96), *P. Dura* 16 (Dura Europos, AD 75-99), *CPR* VI 72 (Herakleopolite nome, 2<sup>nd</sup> c. AD), *P. Oxy.* LXVI 4533 (Oxyrhynchus, 1<sup>st</sup>-2<sup>nd</sup> c. AD), *P. Mich.* IX 549 (Karanis, AD 117-118), *P. Sijp.* 43 (Oxyrhynchus, AD 119-120), *P. Oxy.* III 490 (Oxyrhynchus, AD 124), *P. Oxy.* III 491 (Oxyrhynchus, AD 126), *P. Oxy.* I 105 (Oxyrhynchus, AD 117-137), *P. Oxy.* III 492 (Oxyrhynchus, AD 130), *BGU* VII 1654 (Ptolemais Euergetis, AD 133), *P. Flor.* III 341 (Oxyrhynchus, 2<sup>nd</sup> c. AD), *P. Lond.* II 375 (Ptolemais Euergetis, 2<sup>nd</sup> c. AD), *P. Wisc.* I 13 (Oxyrhynchus, 2<sup>nd</sup> c. AD), *P. Col.* X 267 (Oxyrhynchus, AD 180-192).

ry<sup>26</sup> normally contain the clause which may plausibly have played a similar role<sup>27</sup>, e.g. *P. Petr.* P<sup>2</sup>: εἴη μὲν μοι ὑγιαίνοντι αὐτον τὰ ἐμαυτοῦ διοικεῖν, 'may I in good health manage my own affairs'.

As several examples from Oxyrhynchos show, in the Roman period a person who wanted to revoke his will had to remove it from the office where the testament was deposited. Such a method seems practical, for it prevents a 'collision' of two wills. The testator wishing to revoke the will had to make a petition addressing either the *agoranomos* or *strategos*, who could order the chief of *agoranomeion* to return the document to its issuer. The will was then handed over to the testator (after checking whether the document was untouched), which he had to acknowledge with his signature (*P. Oxy.* XXXVI 2759 [Oxyrhynchos, AD 116], *P. Cair. Preis.* 32 [Oxyrhynchos, AD 116], *P. Oxy.* I 178 [Oxyrhynchos, AD 117-138], *P. Oxy.* I 107 [Oxyrhynchos, AD 123], *P. Oxy.* I 106 [Oxyrhynchos, AD 135]). If the testator could not remove his testament from the notary's office because of the distance between the place he lived and the one where he deposited the document, he could declare his will invalid (*SB X* 10280 [Oxyrhynchos, AD 146-160], *P. Wash. Univ.* I 13 [Oxyrhynchos, AD 161-169<sup>28</sup>]). The above examples show that the will was kept at the office of the public notary at least until the moment of its opening, unless it was removed by the testator.

The same method may have been applied to Hellenistic testaments, especially given that the Hellenistic wills (from both the third and second centuries) also contain the 'revocation clause'. However, there are a couple of problems. First of all, there are no documents that attest a similar practice in Hellenistic Egypt, thus our only argument is the analogy. Secondly, the practice is not well proven even for Roman

<sup>25</sup> R.TAUBENSCHLAG, *The Law of Greco-Roman Egypt in the Light of the Papyri*, 332 B.C.-640 A.D., Warsaw 1955, p.153.

<sup>26</sup> The majority of wills preserved in *P. Petr.* P<sup>2</sup>. Other examples are *P. Lond.* VII 2015, *SB XII* 10859, Dryton's wills, *SB XVIII* 13168, *BGU VI* 1285.

<sup>27</sup> KRELLER, *Erbrechtliche Untersuchungen*, cit., p.339.

<sup>28</sup> See KRELLER, *Erbrechtliche Untersuchungen*, cit., pp.389-395; R.TAUBENSCHLAG, *The Law*, cit., p.153; A.E.SAMUEL, *Six Papyri from Hamilton College*, *JJurP* 13 (1961), pp.33-51; P.J.SIPESTEIJN, *New Light on the Revocation of Wills* (*P. bibl. univ. Giss. inv. 311.*), *CdÉ* 42 (1967), pp.360-368; N.LEWIS, *P. bibl. univ. Giss. Inv. 311 Reconsidered*, *CdÉ* 43 (1968), pp.375-378; *idem*, *Revocation of Wills in Roman Egypt*, *Scripta Classica Israelica* 24 (2005), pp.135-138 EL-MOSALLAMY, *Revocation of wills*, cit.

Egypt, as almost all of the documents quoted above were composed in the second-century Oxyrhynchite nome; we cannot be sure whether testaments from other places were kept and revoked in the same way. Since the application of this method is uncertain in Roman Egypt, its employment in Hellenistic Egypt is even more doubtful.

Support for the hypothesis that the way of making, preserving and opening wills in the Hellenistic period was analogous to the methods applied in the Roman period is found in the archive of Dryton. This private archive contains three wills composed for one man<sup>29</sup>. The first will, *P. Dryton 1*, was composed in Diospolis Mikra in 164 B.C. The document has been preserved fragmentarily, but fortunately it contains the dating formula and other formal clauses. Katelijm Vandorpe identified it as a copy, but in my opinion such a conclusion is not obvious<sup>30</sup>. The fact that the dating formula is written in full suggests that this could be an original, as we often find abbreviated versions of the dates in copies<sup>31</sup>. The second will (*P. Dryton 2*) was composed before the *agoranomos* on the occasion of Dryton's marriage with

<sup>29</sup> About the archive see the commentary in *P. Dryton*, pp.25-48.

<sup>30</sup> She supports her identification with the observation that the fragments containing witnesses' names were written with the same hand; this argument, however, may not necessarily be correct, for we know that wills before Roman period were normally concluded with a list of witnesses (not their signatures) written with one hand. This applies to both third and second century wills, e.g. copies preserved as *P. Petrie I<sup>2</sup>*, but also the testaments composed later than those belonging to Dryton's archive: *SB XVIII 13168* and *P. Lond. II 219R*. There are even two examples from the Roman period of wills concluded with a list of witnesses (*CPR VI 72* [Hermopolites, 1<sup>st</sup> c. AD], *P. Ryl. II 153* [Hermopolis Magna, AD 169]), thus *P. Dryton 3* including copies of the witnesses' 'subscriptions' is very exceptional. Moreover, preserved fragments of the witnesses' list (if we are really dealing with such) do not even slightly suggest that they are copied signatures. VANDORPE has suggested that the copy could have been written by one of Dryton's descendants. I cannot agree with this supposition, for there would have been no point in copying a will which was not binding. On the difficulties with distinguishing between originals and agoranomic copies see VIERROS, *Bilingual Notaries, cit.*, pp.98-100.

<sup>31</sup> In *P. Petrie I<sup>2</sup>*, which contains the only copies, all the wills start with the full dating clause. On the other hand, as was discussed above, the aims in composing the roll are not clear to us. The roll could have been written as a 'book' of examples for a local scribe, in which case dating clauses would have been necessary. In the other second-century copy of a will (*BGU VI 1285*) the date is abbreviated. What seems even more convincing in Dryton's wills is the fact that we find two types of dating clauses, the full and the short one. The latter appears in copies and, thus, the probability that the wills containing the full dating were originals is high.

Apollonia *alias* Senmonthis in 150 B.C. The document is far better preserved than the previous one. It seems to be an original as well, as it contains a full dating clause, the list of witnesses and all formal clauses; it was written with the hand of a professional notary<sup>32</sup>. *P. Dryton 2* contains a description of the deed on the *verso*, which was written with the same professional hand as the text on the *recto*. The deed kept in the private archive could have been described on the *verso*, but it would have probably been written with the hand of the owner of the archive, as in case of some loan documents from the same archive<sup>33</sup>. We do not find any information that the document is a copy (such a way of indicating the documents was well known already in the Hellenistic period<sup>34</sup>). Last but not least, one must ask why the heirs would make an effort to copy documents that were never enforced.

The third will of Dryton, composed in 126 B.C., has been preserved as two documents (*P. Dryton 3* and 4). One of the documents is an agoranomic copy (*P. Dryton 3*), while the other is a copy written by Dryton's son Esthladas (*P. Dryton 4*<sup>35</sup>). Both texts present features characteristic for copies. Firstly, the dating clauses are in abbreviated versions – (Ἐτους) μδ Παῦνι θ ἐν Παθούρει – while in the two earlier wills (*P. Dryton 1 & 2*) the regular long Ptolemaic dating clauses were employed. Secondly, the witnesses' clauses, which are first person declarations<sup>36</sup>, are written in the same hand. Thirdly, the Demotic subscriptions have been translated into Greek. Finally, *P. Dryton 3*

<sup>32</sup> See the commentary to *P. Dryton 2: P. Dryton*, p.61.

<sup>33</sup> M.VIERROS, *Greek or Egyptian? The language choice in Ptolemaic documents from Pathyris*, in: A. Delattre & P. Heilporn (eds.), *Et maintenant ce ne sont plus que des villages... Thèbes et sa région aux époques hellénistique, romaine et byzantine. Actes du colloque tenu à Bruxelles les 2 et 3 décembre 2005* [=Papyrologica Bruxellensia vol. 34.], Brussels 2008, pp.73-86, p.78.

<sup>34</sup> *BGU III 997* (provenance unknown, 103 B.C.), *BGU III 1002* (Hermopolis, 55 B.C.), *BGU VI 1253* (provenance unknown, 2<sup>nd</sup> c. B.C.), *P. Adler 2* (Pathyris, 124 B.C.), *P. Adler 7* (Pathyris, 104 B.C.), *P. Ashm. I 22* (Aueris, 106 B.C.), *P. Tebt. I 164* (Kerkeosiris, 105 B.C.), *P. Tebt. III.1 814* (Tebtynis 227 B.C.), *P. Tor. Choach. 5 A* (Thebs, 111-110 B.C.), *SB I 428* (Krokodilopolis, 99 B.C.), *SB XVIII 13848* (Thebais, 128 B.C.), *SB XX 14069* (Krokodilopolis, 204 B.C.).

<sup>35</sup> See also PESTMAN, *Agoranomoi*, *cit.*, p.28.

<sup>36</sup> Such form of witnesses' list is very unique, for we do not have any other attestation of a Ptolemaic will containing such a list. Normally, the lists follow the pattern present in *P. Dryton 1* and 2. See *P. Petrie P*, *SB XVIII 13168*, *P. Lond. II 219*.

was written in columns which would have been an extraordinary form for the original document.

If we explain these documents in terms of the procedures described above, the presence of three wills in one private archive makes perfect sense. Indeed, the wills allow us to reconstruct the following sequence of events: Dryton marries Sarapias and makes his first will, which he deposits in a public archive. Then, as result of divorce or Sarapias' death, he marries again and changes his will, because the first one has appointed his first wife as the main successor. He addresses a petition to the *agoranomos*, who returns the will to him. Then, on the occasion of his second marriage, Dryton makes the second will, which divides his property between his son Esthladas born of Sarapias and the prospective children born of the new wife. Twenty-four years later Dryton's situation changes again. He is old, probably ill and expects to die soon<sup>37</sup>. He decides to change his will again. He addresses the *agoranomos* with a petition, which again results in withdrawing the previous will from the archive (or declares it void). The third will of Dryton contains far more specific and detailed provisions than the previous two. The testator divides his property between his son Esthladas and daughters born during his second marriage. This will is the final one and thus it would have been the one put into effect. After its opening the copies are made, while the original remains at the archive. This explains also the fact that copies are more than one. Each beneficiary could have a one for her-/himself, and it is probable that there were more copies of the third and last will of Dryton than the two that have survived. Such a narrative would explain the state of the documents.

Moreover, such an explanation of the group of Dryton's wills offers the most probable scenario. If *P. Dryton* 1 and 2 were copies, this would mean that either Dryton or his successors copied the two wills which were never enforced; this would not have made a lot of sense for anyone, especially given that the wills were written with a professional (expensive) hand. Another explanation for the keeping of copies would be that *P. Dryton* 1 and 2 were *ekdosima*. This would force us to conclude that Dryton, each time he made a new testament, left

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<sup>37</sup> One of the dispositions concern the half-built pigeon house; the testator or his family did not manage to provide the required number of Greek-writing witnesses, so the part of the witnesses' clauses is in Demotic.

the original of the previous one at the agoranomic office; this interesting scenario would make the local legal practice very close to the Roman one, but is not supported by the papyrological evidence.

If the above interpretation is accepted, then the methods for making wills in the Hellenistic period – as well as the methods for revoking them and keeping them safe – were, at least in the second century B.C., similar to those known from the Roman era. This is not, however, a unique example of Hellenistic legal practices continuing into the Roman period, especially in the field of family and succession law<sup>38</sup>.

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<sup>38</sup> See for instance, J.MÉLÈZE-MODRZEJEWSKI, *La règle de droit dans l'Égypte romaine*, in *Proceedings of the Twelfth International Congress of Papyrology*, ed. D.H.SAMUEL, pp.317-377.