

Petition of Dionysia (Grenfell and Hunt)

I. vi.4— vii.8. Chaeremon, however, once more renewed his attacks upon me without cessation, but recognizing the impossibility of accusing me any longer concerning my rights to possession after such elaborate inquiries and so much correspondence had taken place, turned his schemes in another direction ; and though your highness had like your predecessors recently proclaimed that applications concerning private suits were not to be sent to you, he not only wrote but came in person and mutilated the case, as if he were able to deceive even the lord praefect. Ignoring entirely both the circumstances under which the letter of Rufus was written, my petition to Rufus, his answer, the inquiry held by the strategus, the report of the keepers of the archives, the letter written to you on the subject by the strategus, the reply to it which you sent to me on my petition, and the orders consequently issued to the keepers of the archives, he merely wrote to you a letter to the following effect:

II. 'From Chaeremon, son of Phantias, ex-gymnasiarch of Oxyrhynchus. My daughter Dionysia, my lord praefect, having committed many impious and illegal acts against me at the instigation of her husband Horion, son of Apion, I sent to his excellency Longaeus Rufus a letter in which I claimed to recover in accordance with the laws the sums which I had made over to her, expecting that this would induce her to stop her insults. The praefect wrote to the strategus of the nome in the 25th year, Pachon 27, enclosing copies of the documents which I had submitted, with instructions to examine my petition and to act accordingly. Since therefore, my lord, she continues her outrageous behaviour and insulting conduct towards me, I claim to exercise the right given me by the law, part of which I quote below for your information, of taking her away against her will from her husband's house without exposing myself to violence either on the part of any agent of Horion or of Horion himself, who is continually threatening to use it. I have appended for your information a selection from a large number of cases bearing upon this question. 26th year, Pachon.' Such was his letter.

III. He could not indeed cite a single insult or any other act of injustice against himself with which he charged me, but malice was the root of his abuse and assertion that he had been shamefully treated by me, saying that forsooth I turned a deaf ear to him, and a desire to deprive me of the right which I retain over the property. Stranger accusation still, he professes that he is exposed to violence on the part of my husband, who, even after my marriage contract with him which stated that I brought him this right unimpaired, gave his consent to me and afterwards to my mother . . . when we wished to agree to Chaeremon's mortgaging the property in question for a total sum of 8 talents. Since that time (he has continued) attempting to deprive me of my husband, being unable to deprive me of my property, in order that I may be unable to get provision even from my lawful husband, while from my father I have had neither the dowry which he promised nor any other present, nay more, I have never received at the proper times the allowance provided. He also appended the judgements of Similis as before, and other similar cases quoted by the archidicastes in his letter to Longaeus Rufus, unabashed by the fact that even Rufus had paid no attention to them as a precedent on account of their dissimilarity (to the present case). . . . But your lordship exercising your divine memory and unerring judgement took into consideration the letter written to you by the strategus, and the fact that a searching inquiry into the affair had already been held, and that . . . was a pretext for plotting against me; and you answered the strategus as follows

IV 'Pomponius Faustianus to Isidorus, strategus of the Oxyrhynchite nome, greeting. The complaint which I have received from Chaeremon, ex-gymnasiarch of Oxyrhynchus, accusing

Horion, the husband of his daughter, of using violence against him, has by my orders been appended to this letter. See that the matter is decided in accordance with the previous instructions of his excellency Longaeus Rufus, in order that Chaeremon may not send any more petitions on the same subject. Farewell. 26th year, Pachon 30.' On the receipt of this letter, Chaeremon brought it on Epeiph 3 before Harpocraton, royal scribe and deputy-strategus ; and I appeared in court through my husband, and not only welcomed your orders and desired to abide by them, but showed that a decision in accordance with the previous instructions of Rufus had already been reached. For while Chaeremon had written to protest against my claim as being illegal, Rufus, as was proved both by his answer to Chaeremon and his reply to my petition, desired that an inquiry should be held to investigate the justness of my claim, and gave orders to the strategus on the subject. The strategus did not fail to execute them. He held a searching inquiry on the evidence of the keepers of the archives, and wrote to the praefect a report on the whole case. . . .

V (The decision of the depuly-strategus was) '... that the strategus carried out Rufus' instructions by the commands given to the keepers of the archives, and by writing the aforesaid letter on the subject. But since Chaeremon in the petition which he has now sent to his excellency the praefect claimed to take away his daughter against her will from her husband, and since neither the letter of his late excellency Rufus nor that of his excellency the praefect Pomponius Faustianus appears to contain any definite order on this question, his excellency the praefect can receive a petition concerning it giving a full account of the facts of the case, in order that judgement may be given in accordance with his instructions.'

VI VII 8–19. 'On all points then, my lord praefect, the affair being now clear, and the malice of my father towards me being evident, I now once more make my petition to you, giving a full account of the case in accordance with the decision of the royal scribe and deputy-strategus, and beseech you to give orders that written instructions be sent to the strategus to enforce the payment to me of the provisions at the proper times, and to restrain at length his attacks upon me, which previously were based upon the charge of an illegal claim, but now have the pretext of a law which does not apply to him. For no law permits wives against their will to be separated from their husbands ; and if there is any such law, it does not apply to daughters of a marriage by written contract and themselves married by written contract. In proof of my contention, and in order to deprive Chaeremon of even this pretext, I have appended a small selection from a large number of decisions on this question given by praefects, procurators, and chief justices, together with opinions of lawyers, all proving that women who have attained maturity are mistresses of their persons, and can remain with their husbands or not as they choose ; and not only that they are not subject to their fathers, but that the law does not permit persons to escape a suit for the recovery of money by the subterfuge of counter-accusations ; and thirdly that it is lawful to deposit contracts in the public archives, and the claims arising from these contracts have been recognized by all praefects and emperors to be valid and secure, and no one is permitted to contradict his own written engagements. In this way too he will at length cease from continually troubling the praefecture with the same demands, as you yourself wished in your letter.'

VII VII 19-20. 'Extract from the minutes of Flavius Titianus, sometime praefect. The 12th year of the deified Hadrian, Payni 8, at the court in the agora. Antonius, son of Apollonius, appeared and stated through his advocate, Isidorus the younger, that his father- in-law Sempronius had been induced by his mother to quarrel with him and to take away his (Sempronius') daughter against her will, and that, when she fell ill on being deserted, the epistrategus Bassus, being

sympathetically disposed, declared that if they wished to live together Antonius ought not to be prevented. But Sempronius took no notice, and ignoring this declaration sent a petition to the praefect accusing Antonius of violence, to which he received an answer ordering the rival parties to appear. Antonius claimed therefore that, if it pleased the praefect, he should not be divorced from a wife with whom he was on good terms. Didymus, advocate of Sempronius, replied that his client had had good reason for having been provoked. For it was because Antonius had threatened to charge him with incest, and he refused to submit to the insult, that he had used the power allowed him by the laws, and had himself brought the action against Antonius. Probatianus on behalf of Antonius added that if the marriage was not cancelled the father had no power over the dowry any more than over the daughter whom he had given in marriage. Titianus said 'The decision depends upon the question, with whom the wife wishes to live. I have read over and signed this judgement.'

VIII VII 29–38. 'Extract from the minutes of Paconius Felix, epistrategus. The 18th year of the deified Hadrian, Phaophi 17, at the court in the upper division of the Sebennyte nome, in the case of Phlauesis, son of Ammounis, in the presence of his daughter Taeichekis, against Heron, son of Petaesis. Isidorus, advocate for Phlauesis, said that the plaintiff therefore, wishing to take away his daughter who was living with the defendant, had recently brought an action against him before the epistrategus and the case had been deferred in order that the Egyptian law might be read. Severus and Heliodorus, advocates (for Heron), replied that the late praefect Titianus heard a similar plea advanced by Egyptian witnesses, and that his judgement was in accordance not with the inhumanity of the law but with the choice of the daughter, whether she wished to remain with her husband. Paconius Felix said, 'Let the law be read.' When it had been read Paconius Felix said, 'Read also the minute of Titianus.' Severus the advocate having read 'The 12th year of Hadrianus Caesar the lord, Payni 8 (&c.),' Paconius Felix said, 'In accordance with the decision of his highness Titianus, they shall find out from the woman,' and he ordered that she should be asked through an interpreter what was her choice. On her replying 'To remain with my husband,' Paconius Felix ordered that the judgement should be entered on the minutes.'

IX VIII. 2-7. 'Copy of a lawyer's opinion. Ulpus Dionysodorus, ex-agoranomus, lawyer, to his most esteemed Salvistius Africanus, praefect of a troop and judicial officer, greeting. Since Dionysia has been given away by her father in marriage, she is no longer in his power. For even though her mother lived with her father without a marriage contract, and on that account she appears to be the child of a marriage without contract, by the fact of her having been given away in marriage by her father, she is no longer the child of a marriage without contract. It is about this point probably that you write to me, my good friend. Moreover, there are minutes of trials which secure the rights of the daughter against her father in respect of the dowry, and this too can help her.'

X VIII 7-18. 'The 22nd year of the deified Hadrian, Mecheir 20. Copy of a decree. Proclamation of Valerius Eudaemon, praefect of Egypt. Following a most illustrious precedent, the opinion of his highness Mamertinus, and having myself from my own observation discovered that many debtors when pressed for payment refuse to satisfy the just claims of their creditors, and by the threat of bringing a more serious charge, attempt either to evade altogether or to postpone payment, some because they expect to terrify their creditors who perhaps may be induced through fear of the danger to accept less than the full amount, others because they hope that the threat of an action will make their creditors renounce their claims, I proclaim that such persons shall abstain from

this form of knavery, and shall pay their debts or use persuasion to meet the just demands of their creditors. For any person, who, when an action for the recovery of a debt is brought against him, does not immediately deny the claim, that is to say does not immediately declare that the contract is forged and write that he will bring an accusation, but subsequently attempts to make a charge either of forgery or false pretences or fraud, either shall derive no advantage from such a device and be compelled at once to pay his debts ; or else shall place the money on deposit in order that the recovery of the debts may be assured, and then, when the money action has come to an end, if he has confidence in the proofs of his accusation, he shall enter upon the more serious law-suit. And even so he shall not escape his liabilities, but shall be subject to the legal penalties. The 5th year of the deified Aelius Antoninus, Epeiph 24.'

XI VIII 18-21. 'The 15th year of Antoninus Caesar the lord, Thoth 16. Flavia

Maevia having been summoned to defend herself against Flavia Helena and having obeyed, her advocate . . . said : 'We have been posted in the list (of accused persons), we demand our rights in connexion with the money claim.' Munatius said 'The money claim is not barred by these new accusations. Otherwise every one will say that I am your accuser'.

XII VIII 21-27. 'And (a copy) of a decree of Similis. Proclamation of Flavius Sulpicius Similis, praefect of Egypt. When I wished to know on what pretext it came about that Egyptian wives have by native Egyptian law a claim upon their husbands' property through their marriage contracts both for themselves and for their children in very many cases, and the question was disputed for a year, . . . that (because) they deposited their marriage contracts at different record-offices, Mettius Rufus sometime praefect ordered that wives should insert copies of their marriage contracts in the property-statements of their husbands, and ordained this by a decree, a copy of which I have appended to make clear that I am following the commands of Mettius Rufus. The 23rd year, Athyr 12.'

XIII VIII 27-43. 'Proclamation of Marcus Mettius Rufus, praefect of Egypt. Claudius Areus, strategus of the Oxyrhynchite nome, has informed me that both private and public affairs are in a disorganized condition because for a long time the official abstracts in the property record-office have not been properly kept, in spite of the fact that my predecessors have on many occasions ordered that these abstracts should receive the due corrections. This cannot be done adequately unless copies are made from the beginning. Therefore I command all owners to register their property at the property record-office within six months, and all lenders to register their mortgages, and all others having claims upon property to register them. And when they make the return they shall severally declare the sources from which the property acquired has come into their possession. Wives shall also insert copies in the property-statements of their husbands, if in accordance with any native Egyptian law they have a claim over their husbands' property, and children shall do the same in the property-statements of their parents, where the usufruct of the property has been guaranteed to the parents by public contracts but the right of ownership after their death has been settled upon the children, in order that persons entering into agreements may not be defrauded through ignorance. I also command all scribes and recorders of contracts not to execute contracts without an order from the record-office, and warn them that not only will failure to observe this order invalidate their proceedings, but they themselves will suffer the due penalty of their disobedience. If the record-office contains any registrations of property of earlier date let them be preserved with the utmost care, and likewise the official abstracts of them, in order that, if any inquiry is made here- after concerning false returns, those documents and the abstracts of them may supply the proofs. Therefore in order that the use of

the abstracts may become secure and permanent, and prevent the necessity of another registration, I command the keepers of the record-offices to revise the abstracts every five years and to transfer to the new ones the last statement of property of each person arranged under villages and classes. The 9th year of Domitian, Domitianus 4.'