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Adel Farid

A New Suggestion on the Sign Heading the Witness List in Demotic Legal Texts.

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PUBLICITY was characteristic in legal documents in Ancient Egypt. This fundamental aim was achieved through a third party i.e. the witnesses. One of the most important duties of the witnesses was to be present when the contract was signed. Another duty of the witnesses was to testify and tell the truth in case the matter of the contract went to court or the god’s court.

From the Late Period till the beginning of the Ptolemaic Period, witnesses signed their name at the end of the document on the recto or on the verso [pl. I-II]. From 644-213 B.C., one of the witnesses or some of them or all of them could copy the whole document or part of it, what demotists call witness copy contracts. It is stated that some of the witnesses could sign their name or the scribe simply wrote the names of the witnesses.

The scribe could have acted as a witness. Witnesses take the risk by signing the contract to go to court or the god’s court to testify and swear to tell the truth. The witness also could be punished by beating or fine if his testimony is proved to be false. The number of witnesses differed according to the period and the importance of the documents. There could be from 2 to 36 witnesses in the demotic contracts (see Annex in fine).
The Demotic Sign Heading the Witness List in Legal Documents

THE OPINION OF GRIFFITH

Griffith read the demotic sign which occurs in papyrus Rylands XXV as $\sigma$ and translated it as “order”.

THE OPINION OF GRIFFITH AND THOMPSON

Griffith and Thompson read the word, which occur in the demotic magical papyrus of London and Leiden $\sigma$ with the meaning of “protection” and “amulet”. Erichsen accepted the suggested meaning and introduced this word into his dictionary.

THE OPINION OF REICH

In 1911, Reich published an article and he considered the demotic sign heading the witnesses list as $\sigma$ and equal in hieroglyphic $\sigma$. Its reading is $\sigma$, meaning “Reihe, Orden”. Reich depended on the reading of Griffith in Papyrus Rylands XXV. Reich said: “Der durchstrichene wagrechte Strich, welcher so häufig über den Zeugenunterschriften steht, den Beginn derselben markierend ist soweit ich sehe bisher weder gelesen noch erklärt worden. Ich halte dieses Zeichen für das Wort $\sigma$ “Reihe, Orden”, vgl. Pap. Rylands XXV wo die Zeugenunterschriften mit diesem Zeichen eingeleitet sind, welches Griffith auch zutreffend s gelesen hat.”

In 1936 Reich published another article and he mentioned the following statement: “The crossed horizontal line, that this sign means list, order, I have shown some years ago”.

THE OPINION OF BOTTI

Botti accepted the opinion of Reich and he read the demotic sign as $\sigma$ and he translated it as “lista (dei testimoni)”.

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11 N.J. REICH, “Eine Ägyptische Urkunde über den Kauf eines bebauten Grundstücks, eine philologisch-historische Studie”, RecTrav 33, 1911, p. 140; N.J. REICH, “A Demotic Divorce (Papyrus University Museum JAR 2, 800 d, 885 in Philadelphia) = Cairo JE 89366”, Mizraim 1, 1933, p. 135-139, pl. XV; in this article Reich reads the demotic sign heading the witness list s and he translates it as “List”; N.J. REICH, Mizraim 2, 1936, p. 17; id., Mizraim 7, 1938, p. 19.
THE OPINION OF MUSTAFA EL-AMIR

Mustafa el-Amir accepted the opinion of Reich and he read it and translated it the same in his book “A Family Archive from Thebes”.

THE OPINION OF E.A.E. REYMONT

Reymond read the demotic sign heading the witness list $\varepsilon \gamma$ and translated it as “Guarantee?”. In the footnote, she adds: “We are inclined to give the sign which frames the signatures of the witnesses a special meaning, and to suggest the reading $\varepsilon \gamma$, meaning protection or guarantee in the legal sense.”

THE OPINION OF NUR EL-DIN

Nur el-Din examined the reading and the meaning of this sign and he found out that it does not give the right and proper meaning of this sign. He studied the different palaeographical forms of this demotic sign in the different contracts. His study yielded that it was written in eight different ways as follows:

1. \\
2. \\
3. \\
4. \\
5. \\
6. \\
7. \\
8. \\


14 M. EL-AMIR, A Family Archive from Thebes, Demotic Papyri in the Philadelphia and Cairo Museums from the Ptolemaic Period II, Cairo, 1959, p. 101, n. 6 «these witnesses write their names and filiation one below another in a column on the verso of the papyrus». «At the top of the column there is often a long stroke which is interpreted as $\varepsilon \gamma = \text{list}» (p. 101, n. 6).


There is another palaeographical new form recorded in Document Hawara II = papyrus Carlsberg 35 kept in Copenhagen and which was published recently by Erich Lüddeckens: \(^{17}\)

Nur el-Din mentioned that this demotic sign might mean “a list” or “a list of names” or a compound preposition meaning “in the presence of” to indicate that the document was completed in the presence of the undersigned names. Nur el-Din mentioned also that it might mean the act of signing or the role of those persons as witnesses; he mentioned also that this demotic sign might mean a verb to seal, that is to say to end the text, not by the actual sealing which would take place after the papyrus was rolled, but by the witnesses, in the sense that their action completes the deed. Nur el-Din noticed also that lists of witnesses when occurring on the recto are not introduced by any sign, and the names are preceded each by \(sb\) “signed”. But when they occur on the verso, the lists are introduced by the sign heading the witness lists, while the names are not preceded by \(sb\). Nur el-Din concluded that the sign introducing the lists is a substitute for \(sb\). He thought of words like \(tb\) and \(htm\) “to close, to seal”, especially since they have both something in common with some forms of this sign. The actual meaning of both is to seal by using a signet which cannot apply to lists of witnesses unless the implication is that the text came to its end (lit. was sealed) by inscribing the names of the witnesses. Then Nur el-Din thought that this sign was a single sign in the early demotic texts, but a combination of two different signs, i.e. \(sb\) and \(mtr\) in the Ptolemaic period to indicate that the undersigned are the witnesses. The horizontal line represents an abbreviated form of the sign \(sb\), the scribe’s palette and the second vertical sign represents the sitting man with hand to mouth, which is in his assumption the determinative of the word \(mtr\); and that the determinative of a word could replace the whole word. Nur el-Din finishes his study saying that his suggestions imply that authenticity and correctness of the document depended upon it having been tested and witnessed in the presence of the undermentioned names.\(^{18}\)

THE OPINION OF CAROL ANDREWS\(^{19}\)

Carol Andrews read the demotic sign heading the witness list \(s\) but she did not translate it; she read it in the transliteration and translation \(\&\) and she referred in all the cases of the demotic papyri of her publication to the opinion of Nur el-Din.

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\(^{18}\) M.A. Nur el-Din, op. cit., p. 388.

THE OPINION OF VLEEMING

Vleeming commented on this sign in his book “Pap. Hou” saying that this sign had no hieroglyphic origin or phonetic value, just as it is clear from its function that it was simply a stroke and no more. He says: “Over the list of witnesses on the verso of the early demotic texts there is regularly found a short horizontal stroke. It was put there by the notary scribes probably feeling their way by keeping an index finger on the recto at the desired spot in order to indicate for the witnesses how to place their signatures exactly behind the initial word of the contract 𓊫 says. This praxis of the witnesses may first be observed in the first half of the 6th century B.C. when the earliest stroke over a witness list may be found. Although the scribes of Ptolemaic times made cross ticks of various shapes in this stroke. It is clear from its early demotic shape that the stroke had no hieroglyphic origin or phonetic value, just as it is clear from its function that it was simply a stroke and no more.”

THE OPINION OF PESTMAN

Pestman commented on this demotic sign several times; in 1978 he said: “Les témoins répètent parfois mot à mot cette déclaration en copiant, sur la même feuille de papyrus, les paroles du déclarant: il s’agit alors de ce qu’on appelle en anglais “witness copies”. Il est évident que ces témoins ont pour tâche de garantir l’exactitude de la mise par écrit des mots du déclarant. Il en va d’ailleurs de même dans le cas où ils se limitent à écrire leurs noms au dos de l’acte puisque – ainsi que je viens de le constater à Turin en examinant la riche collection de documents démotiques qui y est conservée – la colonne avec les noms des témôns débute au verso à l’endroit précis où se trouve, au recto, le verbe 𓊫 qui introduit les paroles du déclarant. Il va sans dire qu’en cas de différend relatif à un contrat démotique on peut faire appel aux témoins et les citer en justice. Cela ressort d’ailleurs d’une clause que contiennent certains contrats et qui interdit de citer en justice un témoin qui habite une autre localité: ce serait en effet un excellent moyen de faire traîner en longueur un procès! D’autre part, le scribe n’a rien à voir avec le contenu des contrats qu’il rédige et un tel contrat n’est certainement pas un acte authentique faisant foi par lui-même. Je n’oserais donc pas qualifier les scribes égyptiens de “notaires”, d’autant plus qu’ils pouvaient rédiger des contrats dont ils étaient eux-mêmes partie.”

In 1981 Pestman commented on this demotic sign for the second time in his book of Amenothes.

In 1993 Pestman commented on this demotic sign for the fourth time in his book of Choachites.

In 1994 Pestman commented on this demotic sign for the fifth time in his book of the papyrus of Tsenhor mentioning: “Les témoins: il n’y a pas d’endroit fixe pour les signatures des témoins dans les documents du “type étroit”. Elles peuvent se trouver au verso mais aussi au recto dans le cas où le scribe a laissé un espace vide en bas du contrat, précisément destiné à cet usage. C’est ce qui était pratiqué, semble-t-il, quand il y avait peu de témoins. Ce qui permettait d’avoir une disposition assez esthétique des différents écrits. Voir l’exemple du n° 15 (deux témoins) et, à l’époque ptolémaïque, le contrat de divorce P. Tor. Botti 16 (pl. XXI; quatre témoins).”

THE OPINION OF MARK DEPAUW

Mark Depauw commented on this demotic sign twice; the first time in 1999 he said: “This enumeration of the witnesses on the verso is in most cases found at a very precise spot, namely behind the initial word of the actual contract dd on the obverse. This place is often marked by a horizontal stroke, sometimes with a short dash perpendicular to it.” And he adds in fn. 96: “this is no linguistic sign and has no phonetic value”.

In 2000 Mark Depauw commented on this demotic sign again: “As is normal for documents of the larger type, the witnesses are listed on the verso, under a small stroke that indicates where the dd introducing the parties of the agreement is written on the recto.”
A New Suggestion on the Demotic Sign Heading the Witness List in Demotic Legal Documents: it equals protection

In spite of the opinions of Pestman, Vleeming and Depauw that the demotic sign heading the witness list in demotic legal documents is not a linguistic sign and had no hieroglyphic origin or phonetic value, and had no meaning and that it was simply a stroke and no more, I believe that this sign was certainly a linguistic sign and had hieroglyphic origin and phonetic value, and had with all certainty a meaning as we will see from my explanations and interpretations.

The principal aim of witnesses is publicity and to keep the contract safe from any manipulations of any of the two parties; also to tell the truth before judges, if the matter went to court or the god’s court.

A sentence occurring several times in the demotic family archive from Siut, which was published by H. Thompson, supports the opinion that the contract was completed with the signature of the witnesses.28 The Demotic Legal Code of Hermopolis, which was published by G. Mattha,29 states issuing contracts (draw a deed) in the presence of witnesses, who will sign it, and parties of the contract.

Interpretation of the Hieroglyphic Origin of the Demotic Sign Heading the Witness List

The hieroglyphic origin of the demotic sign heading the witness list is the hieroglyph る.

The question is, where does the meaning “protect, guard, escort, watch, keep, hold, maintain” come from? This hieroglyphic sign る, “hobble for cattle” means originally “to pull up, to check, curb, restrain, control, repress” the animals from bolting so that they will not hurt the human beings, when they dash, rush and run; so this hieroglyphic sign means to protect people from the harm of animals and it means also it protects the animals from hurting themselves, probably from dash against something.

This demotic sign is recorded also in the book of Erichsen.31

28 THOMPSON, A Family Archive from Siut. B. I, 20-21, pl. I; ibid., B. II, 23, pl. II; ibid., B. III, 5, pl. III; ibid., B. IV, 13, pl. IV; ibid., B. V, 15-16, pl. V; ibid., B. V, 21, pl. V.
The Wörterbuch der Ägyptischen Sprache\textsuperscript{32} and the Demotic Dictionary of Erichsen\textsuperscript{33} mention the two following words, the first is a noun while the second is a verb:

\begin{itemize}
\item\textit{s"\textdegree w} bewachen, hüten, sich hüten, gewöhnlich mit direktem Objekt, I. einen Ort (ein Land und seine Grenzen, Örtlichkeit im Himmel und Jenseits) bewachen, ein Gebäude (besonders ein Tor) bewachen; II. Personen hüten, bewachen, besonders auch Feinde, Gefangene (daß sie nicht entfliehen); III. eine Schlange bewachen (daß sie nicht Schaden); Briefe aufbewahren; \textit{Worte eines Vertrages halten}; den Schritt hüten = vorsichtig gemessen gehen (im Tempel), / guard, escort, protect, watch, keep, hold, maintain, take care of, / สิ่ง ประดิษฐ.
\end{itemize}

Erichsen, Demotisches Glossar, 403, Schutz, Amulett; Wb. III, 416, 12-19; 417, 1-19.

It means: guard, escort, protect, watch, keep, hold, maintain, take care of, and it mentions exactly the meaning “\textit{Worte eines Vertrages halten}”

\begin{itemize}
\item \textit{s"\textdegree w} bewachen, hüten, sich hüten, gewöhnlich mit direktem Objekt, I. einen Ort (ein Land und seine Grenzen, Örtlichkeit im Himmel und Jenseits) bewachen, ein Gebäude (besonders ein Tor) bewachen; II. Personen hüten, bewachen, besonders auch Feinde, Gefangene (daß sie nicht entfliehen); III. eine Schlange bewachen (daß sie nicht Schaden); Briefe aufbewahren; \textit{Worte eines Vertrages halten}; den Schritt hüten = vorsichtig gemessen gehen (im Tempel), / guard, escort, protect, watch, keep, hold, maintain, take care of, / สิ่ง ประดิษฐ.
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The source which the Wörterbuch der Ägyptischen Sprache took this meaning “\textit{Worte eines Vertrages halten}” from is the Peace Treaty\textsuperscript{34} between King Ramses II and Khatuselis King of the Hittites, which took place in the regnal year 21 of Ramses II, and which is recorded on the walls of the temples of Karnak and the Ramesseum.

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The hieroglyphic text

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[Hieroglyphic text]
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TRANSLATION

As for these words (31) which are on this silver tablet from the land of Kheta and from the land of Egypt, as for this who will not keep them, a thousand gods from the land of Kheta, and a thousand gods from the land of Egypt, they will destroy his house and his land and his servants.

As for him who will keep these words which are on this silver tablet whether they are from the Hittite or from the people of (32) Egypt, and will not neglect them, a thousand gods from the land of Kheta, and a thousand gods from the land of Egypt, they will give him health and they will let him live with his house and his land and his servants.

THE PALAEOGRAPHY OF THE DEMOTIC SIGN

The palaeography of the demotic sign, which precedes the witness list is the same as the first demotic sign of the word \( s \), “protection, amulet”; if we take it as a verb, it equals the hieroglyphic sign \( s \) and in this case it is a full word; in the other hand it could be a shorthand of the word, which means “guard, escort, protect, watch, keep, hold, maintain, take care of”, the words of the contract.

Therefore, the meaning of the demotic sign heading the witness list is:

“This contract or this document has been “guarded, escorted, protected, watched, kept, hold, maintained, taken care of” through these witnesses, who signed their names, and who will prevent any manipulations from any of the two parties of the contract.”
According to the previous explanation I would suggest the reading św and the meaning “guard, escort, protect, watch, keep, hold, maintain, take care of” as to the demotic sign heading the witness list. The Egyptian-Arabic word

沧桑, 保护, 看守, 保持, 维持, 照顾

is derived from the Ancient Egyptian word św, ⲫ Ⲫ ⲧ Ⲫ ⲧ, after adding the letter N at the end of the word; as parallel Egyptian words taking in the Egyptian Arabic or the Arabic at the end of the word n or wn or zn, cf. the following list of words:

<table>
<thead>
<tr>
<th>EGYPTIAN</th>
<th>ARABIC</th>
<th>MEANING</th>
</tr>
</thead>
<tbody>
<tr>
<td>pr-حضور</td>
<td>فرعون</td>
<td>Pharao / Pharaoh / , (EDG 133; Wb I, 516),</td>
</tr>
<tr>
<td>sjb-لاعس</td>
<td>لاؤس, / louse, vermin /</td>
<td>, (EDG 408),</td>
</tr>
<tr>
<td>sw-حفظ</td>
<td>حفظ, حماية / guard, protect /</td>
<td>, (EDG 412),</td>
</tr>
<tr>
<td>pt-آرئيكي</td>
<td>مبالاة, / vexed, mad, angry, discontented, dissatisfied, /</td>
<td>, (Wb IV, 454; cf. also bpt, bpt),</td>
</tr>
<tr>
<td>klz-تاجن</td>
<td>بيتفيزدن, / bolt /</td>
<td>, (EDG 545, 567, 576).</td>
</tr>
<tr>
<td>tmj-المدينة</td>
<td>مدينة</td>
<td>, (EDG 632-633).</td>
</tr>
</tbody>
</table>

ANOTHER INTERPRETATION OF THE DEMOTIC SIGN HEADING THE WITNESS LIST

The origin of the horizontal demotic sign heading the witness list could also be the hieroglyphic sign Ⲫ Ⲫ ⲧ ⲧ, the bolt as a shorthand of the word św meaning protect, because the bolt of the door protects the house and its inhabitants from danger. (The closed door prevents the hurrying destiny; Egyptian popular proverb).

الباب المفتوح يمنع القضاء المستعجل

THE ARTISTIC FORM OF THE DEMOTIC SIGN

HEADING THE WITNESS LIST AND THE WITNESS LIST ALSO

The horizontal form of the Demotic sign heading the witness list and the witness list itself which resembles a vertical column, look like the form of the umbrella taking the shape of the letter T which protects people from rain and from the sun heat and sunrays; the figurative meaning of this shape is to protect the contracts and documents from the manipulations of any of the two parties of the contract. The panorama of this scene is as if the witnesses were carrying or standing under the umbrella of protection to protect the document from manipulations of the two parties of the contract.

**Annex: Number of Witnesses in the Contracts**

**CONTRACTS WITH 2 WITNESSES**


**CONTRACTS WITH 3 WITNESSES**

– P. Berlin 3108 (W. Spiegelberg, *Demotische Papyrus aus den Königlichen Museen zu Berlin*, Leipzig, Berlin, 1902, p. 17, Taf. 33);
  – P. Turin 2125 (P.W. Pestman, *op. cit.*, p. 77-79);

**CONTRACTS WITH 4 WITNESSES**

– P. Turin 2124 (P.W. Pestman, *op. cit.*, p. 74-76);
  – P. Turin 2128 (*ibid.*, p. 90-92);
  – P. Berlin 3076 (W. Spiegelberg, *op. cit.*, p. 5, pl. 2);
  – P. Berlin 3077 (*ibid.*, p. 5, pl. 3);
  – P. Berlin 3078 (E. Lüddeckens, *op. cit.*, *Urk.* 7, p. 19-19);
  – P. Loeb 41 (W. Spiegelberg, *Die demotischen Papyri Loeb*, München, 1931, verso, Taf. 24, col. 70-72);
  – P. Loeb 43 (*ibid.*, Recto Taf. 24, col. 73-75);
  – P. Loeb 44 (*ibid.*, Verso, Taf. 24, col. 75-76);
  – P. Loeb 47 (*ibid.*, Verso, Taf. 26, col. 79-80);
  – P. Loeb 48 (*ibid.*, Verso, Taf. 27, col. 80-81);

**CONTRACTS WITH 5 WITNESSES**

– P. Libbey Toledo, Ohio (E. Lüddeckens, *op. cit.; Urk.* 9, p. 22-23);
– P. Strasbourg 2 (W. Spiegelberg, *op. cit.*, p. 15-16, pl. I);
CONTRACTS WITH 6 WITNESSES
- P. Cairo CG 30907 (E. Lüddeckens, op. cit., Urk. 2, p. 12-13, 185, n. 15a);

CONTRACTS WITH 7 WITNESSES
- P. Louvre 3231 A (P.W. Pestman, op. cit., p. 82-84).

CONTRACTS WITH 8 WITNESSES
- P. British Museum 10120 B (ibid., p. 50-52);
- P. Bibl. nationale 216 (ibid., p. 53-56);
- P. Bibl. nationale 217 (ibid., p. 57-59);
- P. Turin 2122 (ibid., p. 60-62);
- P. Turin 2123 (ibid., p. 67-70);
- P. Louvre 7128 (ibid., p. 71-73);
- P. Turin 2126 (ibid., p. 80-81);
- P. Berlin 3079 (W. Spiegelberg, Demotische Papyrus aus den Königlichen Museen zu Berlin, Leipzig, Berlin, 1902, p. 5, pl. 3);
- P. Loeb 45 (W. Spiegelberg, Die demotischen Papyri Loeb, recto Taf. 25, col. 76-78);
- P. Loeb 65 (ibid., recto Taf. 35 verso, col. 99-102);
- P. Lonsdorfer I (= P. Berlin 15830: E. Lüddeckens, op. cit.; Urk. 8, p. 20-21);
- P. Hauswaldt 16 (W. Spiegelberg, Die Demotischen Papyri Hauswaldt, Leipzig, 1913, p. 51-54, Taf. 22);
- P. Strasbourg 6 (W. Spiegelberg, Die Demotischen Papyrus der Straßburger Bibliothek, Straßburg, 1902, p. 25-26, Taf. X);

CONTRACTS WITH 9 WITNESSES
A NEW SUGGESTION ON THE SIGN HEADING THE WITNESS LIST IN DEMOTIC LEGAL TEXTS

CONTRACTS WITH 10 WITNESSES

- P. Ashmolean Museum D. 16 and D. 17 (ibid., p. 112-126, pl. XII-XIII);
- P. British Museum 10592 (H. Thompson, A Family Archive from Siut from Papyri in the British Museum, Oxford, 1934, p. 65-67, pl. XXV);

CONTRACTS WITH 11 WITNESSES

- P. Ashmolean Museum D. 3 (E.A.E. Reymond, op. cit., p. 55-67, Pl. II);
- P. Rylands II (F.Ll. Griffith, op. cit., vol. II, pap. II, pl. 9-14 (facsimiles); (witness list) pl. 8; vol. III, p. 47-50, 207-209);

CONTRACTS WITH 12 WITNESSES

- P. Ashmolean Museum D. 10 (E.A.E. Reymond, op. cit., p. 84-92, Pl. VIII);
- P. British Museum 10528 (S.R.K. Glanville, Catalogue of Demotic Papyri in the British Museum I. A Theban Archive of the reign of Ptolemy I, Soter, London 1939, p. 15-19, pl. 8, 10, 11);
- P. Museo Nazionale di Napoli N. 8414 (G. Botti, Testi Demotici I, Firenze, 1941, p. 65-73, Tav. XIV);
- P. Philadelphia 4 (N. J. Reich, «the Papyrus-Archive in the Philadelphia University Museum», Mizraim 7, 1938, p. 11-19, pl. 1-10. There is a difference in the given numbers of this document; in the text he mentioned document IV, while in the plate he mentioned document IV; M. el-Amir, A Family Archive from Thebes, Cairo, 1959, document IV, p. 17-21);
- P. Philadelphia 12 (ibid., p. 53-55);
- P. Reinach 2 (W. Spiegelberg, op. cit., p. 19-20, Taf. XI);
- P. Reinach 3 (ibid., p. 27-30, Taf. XIII);
- P. Reinach 4 (ibid., p. 21-26, Taf. XII);
- P. Reinach 7 (ibid., p. 40-44, Taf. XVI, verso Taf. XVII);
CONTRACTS WITH 13 WITNESSES

CONTRACTS WITH 15 WITNESSES
– P. Rylands IV (*ibid.*, vol. I, pap. IV, recto, pl. XV; verso (witness list) pl. XXII; vol. III, p. 52-53, 210-211).

CONTRACTS WITH 16 WITNESSES
Most of the contracts in the Ptolemaic Period have sixteen witnesses.

CONTRACTS WITH 17 WITNESSES
– P. Louvre 10935 (P.W. Pestman, *op. cit.*, p. 35-42);

CONTRACTS WITH 19 WITNESSES

CONTRACTS WITH 21 WITNESSES

CONTRACTS WITH 24 WITNESSES

CONTRACTS WITH 36 WITNESSES
– P. Chicago Oriental Institute 17481.