

BGU 4.1106.1-53

P.Berol. 13190 recto (duplicate: P.Berol. 13205)

Other editions: Mitteis, *Chrest.* 108; CPJ 2.146; Hengstl, *Griechische Papyri* 77; CPG 1.5

Other translations: Thierfelder, *Unbekannte antike Welt*, pp. 21-22; CPJ 2, pp. 17-18 (repeated in Kraemer, *Women's Religion*, pp. 125-126); Hengstl, *Griechische Papyri*, pp. 192-193; CPG 1, p. 63; Jördens in *TUAT* N.F. 1, pp. 339-340; Legras, *Hommes et femmes*, pp. 60-61; Jördens in *Law and Legal Practice*, pp. 421-422; Ricciardetto-Gourevitch in *En marge du serment hippocratique*, pp. 71-72

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Other texts on the same papyrus: "confirm..." below the text; two unpublished texts on the verso, the second from year 17

Wetnursing contract (*synchoresis*)

February/March, 13 BC

(a) *Addressee*

¹ To Protarchos, who is in charge of the tribunal,

(b) *Party 1*

² from Marcus Aemilius, the son of Marcus, of the *tribus Claudia* (?; *papyrus reads*: Kallidia),

(c) *Party 2*

and from ³ Theodote, the daughter of Dositheos, a Persian, with as guardian ⁴ and guarantor of the terms specified in this agreement ⁵ her husband Sophron, the son of ⁶ ...archus (*followed by Sophron, cancelled*), a Persian of the *epigone*.

(c) *Agreement to nurse a child for wages*

⁷ Concerning the points at issue, Theodote agrees that ⁸ for a period of eighteen months from Phamenoth ⁹ of the current 17th year of Caesar (*Augustus*) she will ¹⁰ nurse and suckle outside (*Marcus's house*) in her own house in the city ¹¹ with her own milk, pure and unspoiled, ¹³ Marcus's own infant foundling slave child, Tyche, ¹² whom he has handed over to her, ¹⁴ receiving from him each month ¹⁵ as wages for the milk and the nursing including ¹⁶ oil eight silver drachmas,

(d) *Receipt of wages in advance*

and Theodote has (*already*) received ¹⁷ with Sophron as her guarantor from Marcus ¹⁸ in cash and not through a bank for the aforementioned eighteen ¹⁹ months the nursing wages of nine months, a sum total of ²⁰ 72 drachmas,

(e) *Child mortality clause*

and she agrees that, if it happens that within these ²¹ (*nine months*) the child suffers a fatality, ²² after taking up another child, Theodote will nurse ²³ and suckle it and will provide it to Marcus for ²⁴ an equal period of nine months, receiving nothing at ²⁵ all on account of the fact that she has undertaken to nurse it on condition that death does not result in loss to the owner,

(f) *Nurse's obligations*

^{|26} (and), if regularly compensated with the rest of ^{|27} the monthly nursing wages, she agrees to see to her own ^{|28} and the child's proper care by not ^{|29} spoiling her milk or lying with a man or becoming ^{|30} pregnant again or taking another child to suckle in addition, ^{|31} and she agrees that whatever she receives or is entrusted with she will keep safe ^{|32} and will give back whenever it is asked back or else she will pay back the ^{|33} value of each except in case of evident wear and tear, in which case, ^{|34} once it has been made clear, she should be released (*from liability*), and she agrees not to abandon ^{|35} the nursing within the time,

(g) *Penalty clause*

and she agrees that, if she transgresses any (*of these provisions*), ^{|36} she and Sophron are liable to seizure ^{|37} and can be held under arrest until they pay back ^{|38} the nursing wages she has received and whatever she receives along with half as much again and the ^{|39} damages and expenses and another 300 drachmas, while the ^{|40} right of execution (*of the claim*) belongs (*to Marcus*) from both of them, who are ^{|41} each other's guarantors, or from one (*of them*) or from whomever ^{|42} of them he chooses and from all their belongings, ^{|43} just as if by virtue of a legal decision, while ^{|44} all safe-conducts (*and*) every kind of protection they adduce are ineffective,

(h) *Owner's obligations*

^{|45} and, if she performs each (*of the specified tasks*), Marcus Aemilius agrees ^{|46} to provide her with the monthly ^{|47} nursing wages for the remaining nine months and not ^{|48} to take the child away within the time or else himself also ^{|49} to pay the same penalty,

(i) *Monthly inspection*

and Theodote will ^{|50} visit Marcus ... times a month ^{|51} bringing the child along for the purpose of being inspected ^{|52} by him.