

# A Roman Will from North Wales

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The document published here is a typical Roman waxed writing-tablet (*tabula cerata*) intended for inscribing with a *stilus*, a needle-pointed metal pen. However, it is unique in being the first such tablet to be found in Wales, and in content it is unique in Roman Britain; in fact for parallels we must look to Egypt. It is the first ‘page’ of a formal Roman will, a *testamentum per aes et libram*.<sup>1</sup>

## PHYSICAL DESCRIPTION

The tablet is a thin rectangular slab of silver fir (*abies alba*), the wood most used for making *stilus* tablets; it was not native to Britain, so they must have been imported, or at least made from imported timber. This tablet has now broken into two conjoining pieces, and its wax coating is degraded, but otherwise it is complete, measuring 147 by 99mm, and 6mm thick. One face is plain; the other has been recessed to a depth of 2mm, leaving a narrow raised border (5–7mm wide) to enclose and protect the wax. This would have been a smooth dark coating made of beeswax and a colouring agent, probably soot, in which the scribe wrote with his *stilus* to expose the pale wood underneath. Some three hundred *stilus* tablets have now been found on English sites, notably at London, Vindolanda and Carlisle; but unlike those found in Italy at Pompeii and Herculaneum, in Roumania at the Dacian gold mines of Alburnus Maior, and in Egypt, they have almost all lost their wax.<sup>2</sup> Most of them are illegible, therefore, but if they were used only once, the text can sometimes be recovered from the cuts left by the *stilus* in the wood. This tablet, however, is doubly an exception: the *stilus* has bruised and cut the wood less than usual, but there is still some wax with traces of writing. This wax is now residual, a very thin black coating, badly worn in places; thus the smaller fragment is almost bare, and the larger is rubbed around the edges. This is worse on the right, perhaps the result of handling in modern times. Only two words are now almost as legible as they would once have been: the phrase TESTIBVS PRESENTIBVS (‘in the presence of witnesses’), a helpful indication that this is a legal text. Nonetheless, by careful photography and extended study of the original, it is possible to discern a ghost of the writing in many places: there is a difference in colour and texture between the bare, brownish wood itself and the brownish-black coating.<sup>3</sup>

The tablet was once one of several. Two holes have been bored through the lower border to take the cord or wire that hinged it to others, and there is a nick in the middle of the top and bottom edges to take the cord which bound them all together into a block. The Roman term for this was *codex*, a ‘block (of wood)’, hence a block of wooden tablets; and later, by transference, the ‘book’ formed by binding sheets of papyrus or parchment together.

## PROVENANCE

The tablet was found in the nineteenth century in North Wales, near Trawsfynydd (Merionethshire, now Gwynedd). The only evidence of date and place consists of two undated letters prompted by the find, which have fortunately been preserved.<sup>4</sup> The first details the circumstances of discovery, and may be quoted in full:

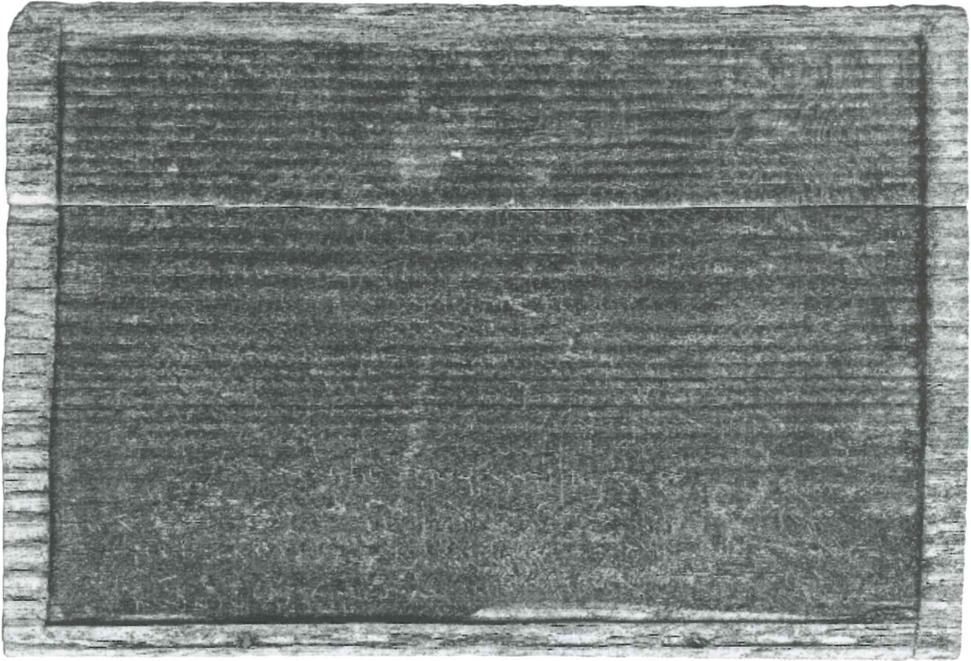


Fig. 1. 'A Roman Will from North Wales'. Photograph: Institute of Archaeology, Oxford.

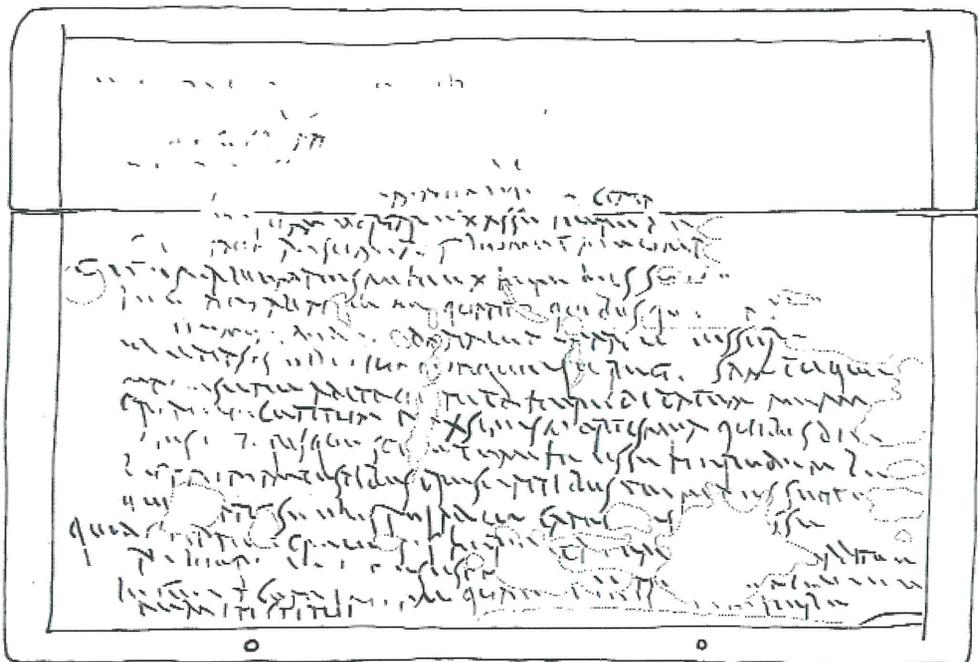


Fig. 2. The original writing-tablet is 147 by 99mm. Drawing: R. S. O. Tomlin.

The wooden book in q(uestio)n was found at Bodyfuddau farm in the Parish of Trawsfynydd Co(nty) Meirioneth by the farm servants as they were cutting turf for fuel. It was found deep in the Earth with a thick layer of peat soil covering it. The soil at that spot is, a little under the surface, always moist, and, at the depth in which it was found, is not affected by atmospheric changes – hence the excellent state of preservation of the wood. The book when first found was of the form and size of a thick octavo. It consisted of some 10 or 12 leaves. These were joined together with a wire which was *entirely corroded* when it was first found. All the leaves except the covers had a narrow raised margin on both sides in order to preserve the impression – The covers on the inside only. All the leaves were written upon on both sides – the two covers on the *inside* only – I saw the book a few days after it was first found – only 2 or 3 of the leaves *then* contained the inscription perfect – On the rest it had been partly obliterated by the carelessness of the farm servants. The work is, probably, a relic of the ancient Druids, who may have employed a modification of the Roman alphabet to write their own language.

This letter is signed with the initials ‘M.LI’. The writer was evidently a careful contemporary observer with local knowledge and a scholarly mind. His writing is nineteenth-century, but cannot be dated more closely. Nor can he be identified himself, but quite possibly he was Morgan Lloyd (1820–93) or his father Morris Lloyd (1789–1867) of Cefngellgwm (Cefn-gallt-y-cwm), which is only 2 kilometres WSW of Bodyfuddau. Morgan Lloyd, a successful barrister on the North Wales and Chester circuit who was MP for the Anglesey boroughs during 1874–85, first studied as a land surveyor; in 1839 he assisted John Matthews in mapping the parish of Trawsfynydd, before going to Edinburgh University and then the Middle Temple, where he was called to the Bar in 1847.<sup>5</sup> ‘M.LI’ may be forgiven his Druidical fantasy; at least he recognized the writing as Roman, at a time and place in which Roman cursive was unknown. Only one *stilus* tablet is recorded from Britain in the nineteenth century, the one found in London in 1841; Charles Roach Smith, who catalogued it in 1854, made no attempt to decipher the inscription, although he was aware of the Dacian tablets which had been published with facsimile drawings in 1840.<sup>6</sup>

The find-spot, however, can be located more closely. The farmhouse of Bodyfuddau is 2.5 kilometres east of Trawsfynydd (at SH 7325 3525). Traditionally it cut its peat near the southern edge of the *ffridd*, below the mountains of Craiglaseithin and Ffridd Wen. Here (at SH 732 338) there is a shallow lake almost entirely filled with peat, with two settlements nearby of unknown date. Craiglaseithin (SH 732 338) shows a well-defined hut circle, but Ffridd Bod y Fuddau (SH 731 343) three huts and, despite the altitude (350m), ‘an extensive field system, defined by low banks and stone walls covering some 3 hectares, which is almost completely filled with narrow cultivation ridges’.<sup>7</sup> The possible association of Ffridd Bod y Fuddau with the writing-tablet will be noticed later; also the relevance of the nearest major Roman site, the fort of Tomen-y-Mur (SH 706 386) 5 kilometres to the north-west.

‘M.LI’ apparently addressed his letter to Joseph Philips, the author of the other letter, which itself was addressed to George Carr Pearson of Southampton Buildings (off Chancery Lane, now London WC2). It records the subsequent history of the tablet:

My dear Pearson

I called today at your chambers but found no one at home but Sambo – I intend leaving “the leaf” as I leave tomorrow – that it has lain by some four years is some proof that it is rather too hard a nut for a conversation. I cannot give you any clew [clue] – I don’t even recollect Twrner’s opinion except that it amounted to nothing - The book consisted of several leaves closing I suppose one upon another - it was dug up in a morass where they were cutting turf for firing at Trawsfynydd a wild mountainous parish in Merionethshire. My wife tells me that the people when cutting in such

places they come to a tree, they say that it was there before the deluge – so that to a Cambrian imagination this might appear to be the every day books of Shem – There are traces of Roman encampments (I think) about the parish which is ten miles in diameter

Dear Pearson  
truly yours  
Joseph Philips

There are some marks in the part split off – very much like Hobnails

Philips dates his letter ‘November 1st’, but does not give the year. His name is not distinctive, but there was a Joseph Philips who married Jane Owen at Trawsfynydd in 1836; he is not listed in the 1851 census, and it may be noted that our Joseph Philips relies on his wife for local knowledge. ‘Sambo’ is the name of a black servant in Thackeray’s *Vanity Fair*, but is here presumably the dog which barked when Philips knocked at the door of Pearson’s chambers. Pearson himself has not been identified.<sup>8</sup> Since Philips relied on his wife for local knowledge, the land and thus the writing-tablet may have belonged to a member of her family; and Philips, with his wider connections, may have undertaken to find out what it said. This can only be conjecture. His reference to ‘Twrner’ is the best clue as to date, since this learned authority who failed him can reasonably be identified as John Lloyd of Cefnfaes, known locally as *Twrne Llwyd*.<sup>9</sup> Lloyd, who lived in the parish of Maentwrog near Tomen-y-Mur, was the leading antiquary of Merioneth in the first half of the nineteenth century; his collection, which was exhibited to the Cambrians when they visited Dolgellau in 1850, included the famous Trawsfynydd Tankard found locally in peat-digging. He excavated at Tomen-y-Mur, where he recovered pottery and most of the centurial stones now in the Segontium Museum, Caernarvon.<sup>10</sup> He was thus the obvious person to consult about local antiquities found in the peat, but his interests were largely pre-Roman, and he would certainly have known nothing about Roman cursive writing. His death in 1857, at the age of about 80, would then be the *terminus ante quem* for the discovery of the tablet.<sup>11</sup> It was not shown to the Cambrians when they dug at Tomen-y-Mur in August 1850, and was evidently unknown to them; but it would be unsafe to infer that it was only found after their visit.<sup>12</sup>

The date is only of antiquarian interest. It may be conjectured that Philips brought his ‘leaf’ to Pearson in the 1840s, and that by now it had been separated from the rest of the ‘book’, presumably to serve as a sample. It was evidently examined by Pearson since, as well as the two letters preserved with it, there is a slip of paper with a drawing of the smaller fragment annotated by a third hand:

facsimile of the lesser part of the last leaf of a wooden book found in a bog at Trawsvynnyd, apparently in the Danish or Icelandic language (perhaps part of a Saga or an historical memoir) concluding with letters deeper engraven with a needle than the rest, perhaps the author’s or the writer’s name.

This at least shows that the tablet was already broken in two. But fortunately the wood had lost its moisture without the cellular structure collapsing, and it survived more than a century’s benign neglect thereafter. In 1991 it was found again when clearing a house in West Kensington, which for ninety years had been the home of the surgeon Stafford Thomas Cass (1849–1934) and his children after him; before he bought the house, he married Grace Peele Walter (1874–1963), who is said to have had Pearson connections. The documentary evidence has not been found, however, and it must be conjectured that she was the indirect legatee of George Carr Pearson.<sup>13</sup> Evidently he never returned the tablet to Joseph Philips, which paradoxically ensured its survival. In 1991 it came into the possession of Grace Walter’s

only grandson, Stafford Ellerman, who in 2003 saw a television programme about the Vindolanda tablets owned by the British Museum; he realised that he too owned a Roman writing-tablet, and he brought it to the museum for identification. Here it was entrusted to the present writer by Ralph Jackson, and when Mr Ellerman learned of its importance, he gave it generously and fittingly to the National Museum of Wales.

#### FORMAT

The tablet is single-recessed, so it must be one of the two covers seen by 'M.LI'. In fact it was the top cover, since it is inscribed with legal formulas from the beginning of a Roman will, and is thus its first 'page'. This raises a question. Roman wills, like other legal documents, were witnessed by seven witnesses, who attached their seals to the binding cord. These seals were usually accommodated in a recessed groove or rebate down the centre of the penultimate tablet — the second in the usual 'trptych' of three — and each seal was then identified by writing the witness' name on the waxed surface either side.<sup>14</sup> Exceptionally in the Egyptian will of Antonius Silvanus, which survives complete in five tablets, the seals were accommodated in a recess cut into the outer face of the last tablet, and concealed by an ingenious sliding panel to protect them.<sup>15</sup> But 'M.LI' implies, even if he is not explicit, that there was no difference between the two covers: they were both single-recessed. Nor does he mention any rebate in one of the inner tablets, or any sign of seals. However, this must be an oversight; and presumably the seals had been lost by the time he saw the 'book', either because of the careless handling he mentions, or because it had already been opened in antiquity when the testator died.

The smaller fragment retains a few letters along its bottom edge. Otherwise it is now blank, as it was when Pearson drew it, but from a few slight traces and the line-spacing of the larger fragment, it can be deduced that there were once five lines of text (1–5). Cut into its surface are Pearson's 'Danish or Icelandic' letters — evidently he interpreted them as runes — which are just possibly crudely-cut Roman cursive letters. But if so, they are now illegible.

The larger fragment is more rewarding: it carries fifteen lines of Roman cursive writing (6–20). In form this resembles the writing of the four British *stilus* tablets which can be dated, all of the period AD 75–125, and in the absence of other dating-evidence this is a reasonable date for the present tablet.<sup>16</sup> It coincides more or less with the military occupation of Tomen-y-Mur.<sup>17</sup> The larger fragment at once reveals two details of format. The last line (20) terminates one-third of the way, with unscripted surface to the right. This was evidently a sentence-ending. The third line up from it (17) extends to the left, a scribal convention which indicated the beginning of a new sentence or paragraph; the previous line (16), as might be expected of a sentence-ending, stops a little short of the width. Thirdly, but only after close examination, it can be seen that the third line (8) also extends to the left, and is thus the beginning of another sentence. This would also have been the case with the first line (1) of the smaller fragment, but there is now no real trace to confirm this.

#### THE TEXT

The text is written in Roman cursive, but this cannot simply be read letter by letter: letters may be ligatured, and individual letters, especially if damaged or incomplete, may be ambiguous. It is true that Q, R and S can be recognized by their long descenders, and C can only be mistaken for G or S, but other letters incorporate much the same strokes as each other; it is only the complete stroke which is

diagnostic.<sup>18</sup> Backward-sloping diagonals dominate, in part because the writing-pressure was greater then; thus the second and fourth strokes of M in isolation resemble E. It is particularly difficult to tell E from V: V was properly made with two vertical strokes like modern 'u', the first stroke curving down to the horizontal, whereas E was made with two diagonal strokes. But the possibility of confusion, especially when the letters are now incomplete, can be seen in the words TESTIBVS PRESENTIBVS (15) which have survived intact: the first V is indistinguishable from E, but the second is correctly formed. Another difficulty of this hand is to distinguish N from T ligatured to a succeeding letter: the similarity of the two can be seen in INSTITVI (20), where the context distinguishes them. When the context is uncertain, however, differentiation becomes a problem.<sup>19</sup>

In practice, therefore, it is necessary to read whole words to be sure of individual letters. The usual convention is to mark 'doubtful' letters with a subscript dot, regarded by some palaeographers as evidence of an uneasy conscience, and here it has been used both for isolated letters whose reading is ambiguous, and for letters which are badly damaged. An illegible letter is represented by a stop, a series of such letters being noted as 'traces'. Square brackets enclose spaces where nothing can be seen, if possible with an indication of the number of letters lost; three stops represent an unknown number.

The text was written in 'lower-case' cursive letters, but for clarity it has been first transcribed in capitals, so that V does duty both for modern 'v' (the consonant) and 'u' (the vowel). Also for clarity, words have been separated, although the scribe on the whole wrote an unbroken text. His only punctuation is the leftward extension of lines 8 and 17 already noted, which marks new sentences.

#### TRANSCRIPTION

[ ... ]  
 [ ... ]  
 [ ... ]  
 [ ... ]  
 5 *traces*  
 [ ... ]QVAM MORIAR EX ASSE HEREDE[ ... ]  
*traces* ASVM *traces* LIVM ET MEVM .[ ... ]  
 CETERI ALII QMNES MIHI EXHEREDES SVN.[ ... ]  
 10 LEG[.] NON ALIA *traces* QVANTA QVIBVSQV[ ... ]  
*traces* DED[2-3] DONAVI DONARI[.]V[.] IVSSER.[ ... ]  
 ...NAS.*Straces*NQVE ..VREG[2-3]SAM TVQVE  
 MA[2-3]SENE ADITO CE[.]NITO HEREDITATEM MEAM  
 PR.N... CENTVM P[.]XSIMIS MORTIS MEA QVIBVS DIE  
 [.]ES [.]T[.]RISQVE SCI[.]E TE MIHI ESSE HEREDEM LE  
 15 LEGITVMAM TESTIBVS PRESENTIBVS HEREDES SVNTO  
 QVI [...]ANT SE EIVS REI ADVO CA..[ ... ]SSE  
 QVOD SI ITA N.. CREVERIS HEREDITATEM [ ... ]. ADITVM  
 NOLVER*traces*ES ESTO [ ... ] *traces*  
 ..TEAT C.....AM QVAM *traces* HERE  
 20 DEM INSTITVI

This raw text can be reconstructed to some extent in lower-case, except for some unexplained letters which have been left in capitals. The letters whose existence can be deduced are supplied in [square

brackets], and letters omitted by the scribe in (round brackets). <Hooked brackets> enclose letters he wrote by mistake. These questions will be discussed in the notes which follow.

## RECONSTRUCTED TEXT

[ ... ]  
 [ ... ]  
 [ ... ]  
 [ ... ]  
 5 ...  
 [ante]quam moriar ex asse herede[m iubeo]  
 ...  
 ceteri alii omnes mihi exheredes sunt[o . . .]  
 leg[e] non alia [quam] quanta quibusqu[e . . .]  
 10 . . . ded[ero] donavi donari[q]u[e] iusser[o . . .]  
 . . . tuque  
 MA[2–3]SENE adito ce[r]nito hereditatem meam  
 . . . centum p[ro]xsimis morti<s> mea(e) quibus DIE  
 [sci]es [po]t[er]isque sci[r]e te mihi esse heredem le-  
 15 <le>gitumam testibus pr(a)esentibus heredes sunt  
 qui [sci]ant se eius rei ADVO CA[. . .]sse  
 quod si ita n[on] creveris hereditatem [meam s]i aditum  
 noluer[is exher]es esto [ . . .]  
 . . . C[. . .]AM quam [ex asse mihi] here-  
 20 dem institui

## TRANSLATION

‘[The name and status of the testator] . . . before I die, I order that [name] be my sole heir . . .

‘Let all others be disinherited for me [ . . . ] on no other terms than that as much as I shall give, have given, shall have ordered to be given [ . . . ] and you [ . . . ] enter upon, accept my estate [ . . . within ] the next hundred [days] after my death in which you know or can know that you are my legitimate heir, in the presence of witnesses [ . . . ] let the heirs be those who know that they are [ . . . ] of this property.

‘But if you do not thus accept my estate, if you refuse to enter upon it, be thou disinherited [ . . . ], whom I have instituted as my sole heir.’

## LINE-BY-LINE COMMENTARY

The reading and interpretation of this fragmentary text depend upon the wording of other Roman wills, which is known not only from Gaius’ *Institutes*, the only surviving ancient handbook of Roman Law, and from the writings of Roman jurists which are preserved in Justinian’s *Digest*, but also from the actual wills which survive at least in part or at second-hand.<sup>20</sup> Only one set of tablets survives complete, the

will already mentioned of Antonius Silvanus, which was found in the 1930s in Egypt.<sup>21</sup> It was written at Alexandria on 27 March 142, but was found in the Arsinoite nome, probably at Philadelphia together with fragments of two other wills, themselves now reduced to a single tablet each.<sup>22</sup> Also from Egypt comes part of one tablet of a fourth will.<sup>23</sup> Considering that Roman wills were regularly written on waxed tablets, with good reason to preserve them and millions of Roman citizens to write them (4,957,000 in the census of AD 14), it is surprising that the actual tablets should be so rare: perhaps only the four examples from Egypt, and now this earlier discovery from Wales.<sup>24</sup>

1–7. The first sentence, now largely lost, contained ‘the institution of the heir’, which Gaius calls ‘the source and foundation of the whole will’.<sup>25</sup> The testator first named the heir (*heres*) who was to succeed him: the heir would be his legal successor, not only by receiving his estate apart from specific legacies detailed later, but also as the executor responsible for carrying out the will’s provisions (for example the payment of legacies, the manumission of slaves, the funeral and the erection of a monument) and further for meeting in full any liabilities due to the estate. Such debts might be greater than the estate itself, a good reason for refusing to be the heir; or there might be personal reasons for refusal.<sup>26</sup> It might even happen that the heir predeceased the testator, or did not ‘enter upon’ the estate in time by the process known as *cretio* (see below). As a precaution, therefore, and as a compliment to kinsmen and friends, the testator would name ‘substitute’ heirs in the second or even third degree.

Surviving wills begin with the testator’s name and the formula *testamentum fecit* (‘ABC has made a will’), sometimes abbreviated to the letters T F. Thus Antonius Silvanus, who was a junior officer in the First cavalry regiment of Thracians *Mauretana*, begins his will: *Antonius Silvanus eq(ues) alae I Thracum Mauretanae, stator praef(ecti), turma Valeri, testamentum fecit*. Something of the kind has been lost here. The testator was a Roman citizen, and it was his privilege — and a social duty — to make a Roman will.<sup>27</sup> In this remote and recently-conquered corner of the Empire, there would have been few Roman citizens; they would almost certainly have been soldiers or veterans, and thus connected with the auxiliary unit stationed at Tomen-y-Mur. The only certain Roman citizen was the commanding officer, a member of the equestrian aristocracy, but in practice there would have been other citizens among the rank and file.<sup>28</sup> Moreover, veterans of the unit would receive citizenship on discharge.<sup>29</sup>

Serving soldiers, if they were Roman citizens, enjoyed the privilege of making valid Roman wills even if they were not in legal form; in the emperor Trajan’s words: ‘let them make wills however they want, let them make them however they can, and let the bare wish of the testator suffice for the division of their property’.<sup>30</sup> But, although this will was found in a ‘military area’, it is not an informal document of this kind; it has all the formality of a regular will. It marked a Roman citizen, whether he was a serving soldier or a veteran.

6. *[ante]quam moriar*. This phrase does not occur in surviving wills, so its application must be guessed. The testator is referring to something done ‘before I die’ which affects his heir, as the succeeding phrase indicates. Most likely it was the institution itself, but possibly it was the recognition of a child whose paternity was in doubt, or the manumission of a slave.

*ex asse herede[m iubeo]*. When there were two joint-heirs or more, the proportion they each received had to be specified; the fractions were those of the *as*, which was divided into twelve *unciae*. But when there was a sole heir, the term used was *ex asse* (meaning, in effect, ‘of the whole’). The name of the heir, like that of the testator, has been lost; it was probably in the preceding line (5). We only know that the heir was a woman (see below, 15), and that she may have been called *Cf. . . Ja* (19).

The correct verb in this formula was *iubeo*, according to Gaius, who adds that most authorities disapproved of using *instituo* [for which there is not enough space here any way] or *facio*.<sup>31</sup>

7. The sentence ended here, and we might expect a general reference to the estate, in the way that Antonius Silvanus declares his son to be sole heir to ‘all my property in the fort and at home’, *omnium bonor[um meo]rum castrens[ium et d]omesticum*. But the phrase cannot be read here.

8. *ceteri alii omnes mihi exheredes sunt[o]* introduces the standard clause of disinheritance which regularly followed the institution of the heir; almost the identical formula is used by Antonius Silvanus, *ceteri al(i)i omnes exheredes sunt*, which is quoted by Gaius as *ceteri omnes exheredes sunt*.<sup>32</sup>

9–11. The testator introduces a qualification which cannot be paralleled from the other surviving texts; Antonius Silvanus, for example, proceeds at once to the formula of *cretio* (here not until 11). A formula like that in 10, with reference to past and future dispositions, forms part of the clause which guarantee codicils in some of the surviving wills, the rule being that codicils had to be mentioned explicitly to be treated as part of the will.<sup>33</sup> However, the surviving traces here do not suit the other elements in such a clause, nor is there enough space for them all; and in any case, other wills locate this clause towards the end.

11–12. *tuque* | MA[2–3]SENE introduces the standard formula of *cretio vulgaris* (see next note). The testator as it were addresses his heir directly, like Popilius Heracla in the extract from his will which was inscribed on his monument in the Vatican cemetery: *vos heredes mei rogo iubeoque* (‘I ask and order you, my heirs’).<sup>34</sup> There is reasonable evidence for the reading MA[2–3]SENE, but it remains uncertain: after *tuque* we might expect a vocative, the name of the heir, but the termination *-e* would be masculine whereas the heir was a woman (see below, 14–15), and her name may have been *C[.] . . Ja* (19).

12–15. An heir was required to ‘enter upon’ an estate by accepting it formally by the declaration known as *cretio* within a time-limit, usually 100 days, reckoned absolutely or from when he knew that he had been named heir. The latter was more usual, and Gaius quotes the formula for this ‘ordinary *cretio*’: *cernitoque in centum diebus proximis quibus scies poterisque*.<sup>35</sup> The testator is clearly using an extension of this formula, but there are three problems of detail.

First, it is not possible to read *in diebus* before *centum p[ro]ximis*, although the sense requires it. IN may well have been lost at the end of 12, but DIEBVS cannot be read at the beginning of 13.

Next, the reading in 13 of MORTIS MEA is certain, but sense and grammar require *morti meae*. This is presumably a copying-error, like *le<le>gitumam* in the next line, perhaps involving a repetition of IS from the previous word.

Third is the redundant DIE at the end of 13, which is possibly part of the missing *diebus* misplaced.

14–15. *heredem le|<le>gitumam*. This is certainly a copying-error. The scribe wrote the first syllable of *legitumam* at the end of 14, and then started again by mistake in 15. The feminine accusative termination *-am* is certain, and provides all that we know for certain about the heir: she was a woman, most likely the testator’s wife or daughter. If the latter, she was his only child.<sup>36</sup>

15. *testibus pr(a)esentibus*. In view of the fragmentary state of 16, it is not clear whether this ‘presence of witnesses’ refers to the *cretio* which has gone before or to the clause which follows. The witnesses may be those of the will itself, in whose presence it was meant to be opened.<sup>37</sup>

The spelling PRESENTIBVS for *praesentibus* is a trivial ‘Vulgarism’, the only one in this formulaic text, but in the more or less contemporary Vindolanda tablets ‘the digraph *ae* ... is correctly written with remarkable consistency’.<sup>38</sup>

15–16. The succeeding clause *heredes sunt* . . . [e]sse is too fragmentary for restoration, but it seems to have reinforced what went before with a general statement of principle: for example, perhaps, that heirs must be persons who knew they had been named in the will. It is difficult to restore *advoca[stos]* . . . e]sse, whatever that would mean, because of the space between O and C, and the uncertainty of the two letters after CA.

17–18. This again is an elaboration of a standard formula, disinheritance of the instituted heir if he (or she) declined the inheritance: it is quoted by Gaius as *quodni ita creveris, exheres esto*.<sup>39</sup> *quodni* cannot be read here, but the traces are consistent with *quod si ita n[on]*, which is equivalent in meaning. *aditus* in this context is equivalent to *cretio*.<sup>40</sup>

18–20. After ESTO the surface is too damaged to read any more of 18, despite the extensive traces. In 19–20 there must be a reference to the heir, since the last two words of the sentence, HEREIDEM INSTITVI, are certain. Between them and QVAM (which itself is fairly certain), the space available and the surviving traces accord with the appropriate *ex asse mihi* ('. . . whom I have instituted as my sole heir'). The word before QVAM is intriguing, therefore, since it is likely to describe the heir (for example as 'my wife', 'my daughter', etc.) or actually to name her. The final letter is M, which corroborates the incomplete A which precedes it, indicating a feminine accusative.<sup>41</sup> The word begins with C (or possibly G), to judge by the preceding T, but there is no easy reading of a plausible name. COMINIAM is consistent with what remains, but although *Cominius* is quite a common nomen, we might have expected a cognomen here. In Britain the cognate *Cominus* is the cognomen of an auxiliary centurion.<sup>42</sup> The previous word may end in TEAT, but it would be difficult to restore *paelniteat*, with its implication that the testator hoped that his preferred heir would not 'regret' her refusal, since the first letter of 19 looks like L, somewhat displaced to the left.

## THE SOCIAL CONTEXT

The text remains a fragment, therefore, and as we try to read it, should we rejoice that it survived at all against the odds, or regret not having the whole of the 'book' which 'M. Ll' once saw, even if 'only 2 or 3 of the leaves *then* contained the inscription perfect'? It would illuminate the unmilitary aspect of the Roman frontier in Wales, like the more or less contemporary Vindolanda tablets on the northern frontier, if only we knew who (and what) the testator was, who was his heir, and what he was bequeathing.<sup>43</sup> The length of his will is tantalising: its '10 or 12 leaves' are twice as many as the five tablets of Antonius Silvanus. The very presence of a formal Roman will in this remote place is startling, at an altitude of 350m, 5 kilometres from Tomen-y-Mur. We can only guess what brought it here. It was not found in the fort or its *vicus*, as we might have expected, and it can hardly have been taken from there for dumping in the mountains. We can also dismiss the idea of casual loss by some campaigning legionary. A will is a domestic object, and we should associate it with the nearby settlement of Ffridd Bod y Fuddau, identifying this as the farmstead of an auxiliary veteran who bought land locally with his savings, or acquired it with a wife. The only asset the Roman government gave him on discharge was Roman citizenship, and he asserted it by contracting a Roman marriage and making a Roman will. Its formulas argue that Latin and the use of Roman Law percolated through the army into the furthest corners of the province. Perhaps that peat-bog also hides a military diploma, the certified copy of the law which granted their status to this veteran and his family.

In AD 14 the Pannonian mutineers had complained of being granted land on discharge which was 'either swampy marsh or uncultivated mountains'.<sup>44</sup> They were Roman legionaries, however, and at least

the land was a gift from the government. Our veteran on his peaty mountainside paid for his own land or married into it, and what he gained was mountain *and* marsh. This is conjecture, of course, but it can be checked by excavating Ffridd Bod y Fuddau, an opportunity for someone: many Roman farms and villas have been excavated in Britain, but excavation hitherto has revealed next to nothing of the status and identity of their owners.

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#### NOTES

1. So called because it was the fictive sale of the testator's property 'by bronze and scales', in the archaic ceremony of sale known as *mancipatio*. See Gaius, *Institutes* ii (ed. F. de Zulueta), 101–4.
2. For general accounts, see P. J. Sijpesteijn, *Tavolette lignee e cerate da varie collezioni* (1989) (with excellent photographs) and E. Lalou (ed.), *Les tablettes à écrire de l'Antiquité à l'Époque Moderne*, *Bibliologia* 12 (1992). Many of the British tablets are unpublished, but for a selection see *Roman Inscriptions of Britain (RIB)* II.4, 2443; and for London, *Britannia* 25 (1994), 302–4 and *Britannia* 34 (2003), 41–51; for Vindolanda, E. Birley, R. Birley and A. Birley, 1993. *Vindolanda Research Reports, New Series, II. The Early Wooden Forts: Reports on the Auxiliaries, the Writing Tablets, Inscriptions, Brands and Graffiti* (especially pls XIX–XXIII) and R. Birley, *Vindolanda Research Reports, New Series, IV.iv. Writing Materials* (1999); and for Carlisle, T. G. Padley and R. S. O. Tomlin, 'The writing tablets', in T. G. Padley and S. Winterbottom, *The Wooden, Leather and Bone Objects from Castle Street, Carlisle: Excavations 1981–2* (1991), 210–18 and *Britannia* 23 (1992), 146–50.
3. Ian Cartwright took a meticulous series of conventional photographs, including the one reproduced here. Jake Matchett and I experimented with digital scanning by infra-red, but found there was no improvement in legibility. I made my drawing with ink on drafting film using an enlarged photograph as my guide, while studying the original with a low-power binocular microscope and a closed-circuit television camera. With the latter, details could be enlarged, and the brightness and contrast of the image be manipulated.
4. They were kept with the tablet. The first is not really a letter since it has no heading or salutation, but on the reverse it was apparently addressed to Joseph Philips, who wrote the second letter: his name can just be recognized, despite systematic crossing-out which has destroyed the address. In transcribing the first letter, two abbreviations have been expanded, and italics indicate underlining in the original.
5. His career is summarised by the *Dictionary of Welsh Biography down to 1940* (1959). The 1851 census describes his father Morris Lloyd as 'farmer', but he is said to have been kin to the Lloyds of Cynfal, a prominent local family, and his son Morgan was well educated.

6. *RIB* II.4, 2443.17 = C. Roach Smith, *Catalogue of the Museum of London Antiquities* (1854), 77, no. 343, alluding to the discovery of ‘two ancient tabellae in a good state of preservation, some few years since in Transylvania’ published (but he does not say so) in J. F. Massmann, *Libellus Aurarius sive Tabellae Ceratae et antiquissimae et uncae Romanae in fodina auraria apud Abrudbanyam, oppidulum Transylvanum, nuper repertae* (1840). Roach Smith and ‘M.LI’ might have used this as a guide to Roman cursive, had they known it, but they were both writing long before E. Maunde Thompson, *Handbook of Greek and Latin Palaeography* (1893).
7. Peter Crew in *Archaeology in Wales* 28 (1988), 53 and 79–80. For Ffridd Bod y Fuddau see further, P. Crew and C. Musson, *Snowdonia from the Air* (1997), 23.
8. The location of his ‘chambers’ might suggest a barrister, but no George Carr Pearson has been admitted to the Middle Temple, so its archivist Lesley Whitelaw kindly informs me; nor can she find a barrister of that name in other lists of the mid-nineteenth century.
9. E. G. Bowen and C. A. Gresham, *History of Merioneth* 1 (1967), 284–5. He was a barrister, and thus known as ‘Attorney [*twrmai*] Lloyd’. Philips has anglicised the spelling, and it is possible that he actually wrote ‘Turner’, but the second letter looks more like ‘w’ than ‘u’.
10. *Ibid.* (see previous note). The pottery is noted by W. O. Stanley, ‘Ancient interments and sepulchral urns found in Anglesey and North Wales’, *Archaeol. J.* 24 (1867), 16, n. 7.
11. He is presumably ‘a Mr Lloyd of Maentwrog’ who died of a cold caught at Tomen-y-Mur while supervising excavations ‘about ten years ago’ (J. W. Grover, ‘Herirmons, or Castell Tomen-y-Mur’, *Journal of the British Archaeological Association* 27 (1871), 280). The Cambrians in 1884 referred to this excavator variously as ‘the late Mr Lloyd’ (*Archaeol. Cambrensis* 1st ser., 5 (1884), 336) and ‘Dr Lloyd’ (*ibid.*, 375), but when C. A. Gresham, ‘The Roman fort at Tomen-y-Mur’, *Archaeol. Cambrensis* 93 (1938), 204, speaks of ‘a Dr Lloyd’, he is being too cautious.
12. *Archaeol. Cambrensis* 1st ser., 2 (1850), 327.
13. Information from Stafford Ellerman.
14. For some British examples see *RIB* II.4, 2443.17 (London); H. Chapman and V. Straker, ‘Writing tablets’, in L. Miller, J. Schofield, M. Rhodes, *The Roman Quay at St Magnus House, London* (1986); Birley 1993 op. cit. (note 2), pl. XXII (Vindolanda). Others have been found at Carlisle.
15. O. Guérard, and P. Jouguet, ‘Un testament latin *per aes et libram* de 142 après J-C (Tablettes L. Keimer)’, (*Études de Papyrologie* 6 (1940), 1–21, at 2 with pl. VI.)
16. The will would have been dated at the end, with a note of where it was written. The dated tablets from Britain are *Britannia* 23 (1992), 147 (Carlisle, 7 Nov. 83); *RIB* II.4, 2443.11 (London, Domitianic); *Britannia* 34 (2003), 44 (London, Flavio-Trajanic); *Britannia* 25 (1994), 302, No. 34 (London, 14 March 118).
17. The fort was built immediately after the Agricolan conquest (78), subsequently reduced in size, and probably abandoned in c. 140: see M. G. Jarrett, ‘Excavations at Tomen-y-Mur, 1962: interim report’, *Journal of the Merioneth Historical and Record Society* 1962, 1–5. If the will is that of a veteran from the fort, as I suggest, it could not have been much later than c. 140.
18. The letter A, for example, can only be distinguished from P if the first (down)stroke is complete: for A it tends diagonally to the left, but for P to the right, with an upward curve at the end.
19. For example after CA in 16, and in the personal name in 19.
20. There is a convenient collection of documents in V. Arangio-Ruiz (ed.), *Fontes Iuris Romani Antejustiniani (FIRA)* III, *Negotia*, Ch. 3 (‘testamenta et hereditates’), and fuller collections in M. Amelotti, *Il testamento romano attraverso la prassi documentale* (1966) and L. M. Zingale, *I testamenti romani nei papiri e nelle tavolette d’Egitto: silloge di documenti dal I al IV secolo d.C.* (1991). Juristic texts are quoted by Zingale (pp. 129–67). For bibliography see E. Champlin, *Final*

*Judgements: duty and emotion in Roman wills, 200 B.C. – A.D. 250* (1991), 187–94, Appendix I, ‘Wills Attested in Literature’; 195–7, Appendix II, ‘Papyri’; 198–200, Appendix III, ‘Select Inscriptions’.

21. This ‘marvellous survival’ is translated by J. A. Crook, *Law and Life of Rome* (1967), 131–2. It is *FIRA* III, 129, No. 47 = Zingale op. cit. (note 20), no. 5, and is well illustrated with useful commentary by its first editors, Guérard and Jouguet op. cit. (note 15).
22. *Aegyptische Urkunden aus den Staatlichen Museen zu Berlin, Griechische Urkunden VII (BGU)*, 1696 = Zingale op. cit. (note 21), no. 14 and *BGU VII*, 1695 = Zingale op. cit. (note 20), no. 8.
23. H. A. Sanders (ed.), *Latin Papyri in the University of Michigan Collection VII*, 437 = Zingale op. cit. (note 20), no. 15.
24. No such tablets were found in the Dacian gold mines (H.-C. Noeske, ‘Die römischen Wachstafeln von Alburnus Maior’, *Bonner Jahrbücher* 177 (1977), 386–415) or the Vindonissa deposit (M. A. Speidel, *Die römischen Schreiftafeln von Vindonissa* (1996)), nor even in Campania at Pompeii and Herculaneum (as Giuseppe Camodeca kindly informs me).
25. *Institutes* ii 229.
26. The heir was not required to give his reasons; he might not want the bother of it, or be afraid of quarrels (*Digest* 36.1.4). *Sui heredes* (unemancipated children who would inherit automatically) might ‘abstain’ from the assets of the estate, which would then be sold to satisfy debts without their incurring further liability.
27. For the motivation and circumstances of making a will, see Champlin op. cit. (note 20).
28. Compare the two contemporary (first-century) epitaphs of serving members of successive units at Cirencester: Dannicus (*RIB* 108) was not a citizen, but his two executors (comrades-in-arms presumably) were citizens; and so was Sextus Valerius Genialis (*RIB* 109).
29. This included the right to make a valid Roman marriage and, at least until AD 139/40, the citizenship for their children if an existing marriage was being validated.
30. *Digest* 29.1.1; compare Gaius, *Institutes* ii 109–11. See also J. B. Campbell, *The Emperor and the Roman Army 31 BC – AD 235* (1984), 210–29 (‘The soldier’s will’).
31. Gaius, *Institutes* ii 117.
32. Gaius, *Institutes* ii 128.
33. See for example T. Mommsen (ed.), *Chartae Latinae Antiquiores XI* 496 = Amelotti op. cit. (note 20), no. 10 = Zingale op. cit. (note 20), no. 1: *si quid ego post h[oc] testamentum meum nuncupatu[m] codicillis charta membrana aliove quo genere [ ] scrip[tum] signatumque re]ll[iquero quo non recto tes]tamen[ti iure l]egum[v]e dari quid aut fieri iu[sse]ro aut [si quid] vel vi[v]us dedi donavi deder[o] donaver[o] ... ratum esto acsi in hoc t[es]t[am]ento cau[tum] comprehensumve esset.*
34. Amelotti op. cit. (note 20), no. 4. When Gaius quotes the formula (*Institutes* ii 165), he shifts from the third-person imperative (*heres Titius esto*) to the second-person (*cernito*, etc.).
35. *Institutes* ii 165, defined in 171 as *cretio vulgaris*. Antonius Silvanus, however, employed the absolute form (called by Gaius (ii 171) *certorum dierum*): *cernitoque hereditatem meam in diebus C proximis*.
36. Children would inherit automatically by intestate succession, unless excluded explicitly by name and for good reason. That is not the case here.
37. *Pauli Sententiae* iv 6.1–3, *praesentibus testibus*.
38. J. N. Adams, ‘The language of the Vindolanda tablets: an interim report’, *Journal of Roman Studies* 85 (1995), 87, confirmed in J. N. Adams, ‘The new Vindolanda writing-tablets’, *Classical Quarterly* 53.2 (2003), 537. By contrast, *xs* for *x* is ‘common’ (Adams 1995, 90–1), and

PROXSIMIS (13) here can be seen as an archaizing spelling for Classical *proximis*. The same is true of LEGITVMAM (15) for Classical *legitimam*, which also occurs in major early inscriptions like the ‘laudatio Turiae’ (*Inscriptiones Latinae Selectae (ILS)* 8393) and the Pisa cenotaph (*ILS* 140).

39. *Institutes* ii 165; in the will of Antonius Silvanus, *n[i] ita creveri[s], exheres est*.
40. Thus Pliny, *ep.* x 75, *ut hereditatem suam adirem cerneremque*.
41. But MEAM (‘my’) cannot be read, which makes a ‘description’ of the heir unlikely.
42. *RIB* II.1, 2411.120–2.
43. It is intrinsically likely that the testator was a man, not a woman, but nothing in the surviving text guarantees this. But if it were a woman, there would have been a man in question — whether her husband, living or dead, or her late father.
44. *Tacitus, Annales* i 17, *uligines paludum vel inculta montium*.