CHAPTER THREE

PRELIMINARY PROTOCOLS AND RECORDS OF STATEMENTS IN COURT

The text-types discussed until this point all include a record of the outcome of a case. The discussion now turns to texts that end without recording the case’s outcome. Instead, these texts reflect different stages of the legal proceedings. The discussion will begin with preliminary protocols (section 3.A) and memoranda of proceedings (section 3.B). Like the decision records, both of these text-types include descriptions of proceedings involving authorities. These descriptions provide the necessary information to situate the texts within the context of a trial. The discussion will then turn to the different text-types that record only statements: accusatory depositions (section 3.C.1), depositions of testimony (section 3.C.2), memoranda of depositions (sections 3.C.3) and depositions under oath (section 3.C.4). These text-types do not explicitly mention the activities of a court. Thus, identifying their place within a trial and their legal function must depend on other factors, such as the authorities involved or the content of the statements made. The description of these two text-types will note these different factors.

3.A Preliminary Protocols

Texts of this text-type describe proceedings without recording the outcome of the case. The absence of a record of the cases’ outcome distinguishes the preliminary protocols from the decision records. Because these texts include descriptions of procedures, and not only records of statements, they are also to be distinguished from depositions (discussed below in section 3.C).

The legal function of this text-type is to record the preliminary stages of the trial.¹ The most direct evidence for this use of the preliminary

protocols comes from the comparison between YOS 7, 140, a preliminary protocol, and YOS 7, 161, a decision record, both of which pertain to the same trial.2 YOS 7, 140 reads as follows:

1. 1-en UDU pu-ḫal u₂ 4-ta UDU
   U₈. ME₃ [NIGIN 5-ta] ṣe-e⁻nu ša₂₄ kak-kab-tu₄
2. še-en-du NIG₂.GA ₄INNIN
   UNUG₃ [u ṣa-na-a] ša₂₄ ṣa-n₄-du₃ U₈ ME ME₃ NIGIN 5-ta
3. A-šu₂ ša₂₄ ₃LUGAL-DU
   [UNUG₃] ša₂₄ qa-pu-ul₃-tu₄
4. ša₂₄ ₃EN-₃LUGAL-URI₃ A-
   šu₂₄ ša₂₄ ₃ŠEŠ₃-ia-a-[li-du ša₂₄ ṣa-n₄-du₃ NA₃-SHES-MU ṣa-n₄-du₄]
   [LUGAL]
5. ṣa-n₄-du₄ EN pi-qit₃-tu₄ E₂.AN NA u₃
   [. . .] iq-bu₃-u₂
6. um-ma man-na še-e-nu-a ṣa₂₄
   [kak-kab-tu₄ še-en-du . . .]
7. ₃EN-₃LUGAL-URI₃ ina
   UKKIN iq-bi "um-ma ina
   MU ₂₃[kam₂ "kam-bu₃-z₂] ū₄ ia
   LUGAL TIN.TIR ṣa₄ LUGAL KUR.KUR
8. 1-en UDU pu-ḫal u₂ 4-ta UDU
9. ₃EN-BA-ša₂₄ A-šu₂ ša₂₄ ₃sil-la-a
   ina ŠU₂. ia [ip-qid ₃EN-BA-
   ša₂₄]
10. i-bu₃-u₄ ₃iš-ša₄-al-[lu-
    šu . . . iq-bi]
11. um-ma 1-en UDU pu-ḫal 4-ta
    [UDU U₈. ME] ša₂₄ kak-kab-tu še-en-du u₃ (7–9) In the assembly, ₃Bēl-šarras-
   uršur said thus: “In year 2 of
   [Cambyses] king of Babylon, king
   of the lands, ₃Bēl-qišša son of
   “Šillaya [deposited] 1 ram and 4
   [ewe], [total] 5 [sheep branded
   with a star] with me.”

(1–6) 1 ram, 4 ewes, [total 5]
sheep, branded with a star,
property of 1štar of Uruk [and
Nanaya] belonging to ₃šarru-šarru-usur son of ₃Šarru-kī, a
herdsman of Ištar [of Uruk . . .],
from the pen of ₃Bēl-šarr-ašur son of ₃Aḫiya-a[lidu], (regarding)
which ₃Nabû-aḫḫa-iddin, the ša
rēš] šarrī administrator of the
Eanna and […] said thus:

(6) “Who . . . these sheep [branded
with a star . . .] ?”

(9–11) They brought [₃Bēl-qišša]
and question[ed him . . . he said]
thus:

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2 The connection between the two texts is first identified by San Nicolò, ArOr 4 (1932), p. 341.