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P. Oxy. XVI 1979 desc. Deed of surety

The Journal of Juristic Papyrology 32, 29-34

2002

Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.
The papyrus was described in Volume XVI of *The Oxyrhynchus Papyri* in the following fashion: “A nearly complete undertaking on oath addressed to Flavius Apion (III; ...) by a *γεωργός* to act as surety that Aur. Victor, a *φύλαξ*, would remain on his holding. The formula is practically identical with that of P.S.I. 61-2; cf. also 135 (W. 384), 996, P. Brit. Mus. 778 (iii, p. 279), P.S.I. 52, 180. (...) On the verso some remains of the title.”

The description was accompanied by transcripts of lines 1-11 and 23-26. For the sake of completeness, a full edition is presented below.¹

*P. Oxy. XVI 1979* is one of the few deeds of surety addressed to the Apions in which the person under surety is not an *ἐναπόγραφος γεωργός*.²

A parallel is *P. Oxy. I 199* = *P. Lond. III 778* (568), which concerns a field-guard (*ἀγρόφυλαξ*).

The Oxyrhynchite deeds of surety have received extensive commentary by Itzhak F. Fikhman on several occasions.³ A comprehensive study of this

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¹ Minor differences from *ed. pr.* (e.g. in the supply of brackets and sublinear dots) will not be signalled in the notes.


³ In Russian and French; I mention only those in French: “Une caution byzantine pour des *coloni adscripticii*. *P. Oxy. VI* 996”, [in:] *Miscellanea Papyrologica* (cit. n. 2), pp. 67-77; “Les cautionnements pour les *coloni adscripticii*”, [in:] *Proceedings of the XVI International Congress of*
documentary genre by Bernhard Palme (Form und Funktion der byzantinischen Gestellungs bürgschaften) is due to appear shortly.

**P. Oxy. XVI 1979**

Plate 17.6 × 36.3 cm 19 August 614

†ἐν ὀνόματι[τ] ἀνήμικον καὶ δεσπό(του) Ήρακλείου Χριστοῦ τοῦ Θεοῦ καὶ

cο[ς] ἡμῶν καὶ βασιλείας τοῦ θείου τάτου καὶ

eυεβδ(εκτάτου) ήμῶν [δεσπότου μεγίς] του εὐεργέτου[που]

Φλ[αουίων] Ἡρακλείου τοῦ αἰῶνιον Ἀδ[υ]κοτ(άτορος) ἐτόν [δ],

Μεσορῆ κς, ἡ[δικτίωνος] β.

Φλ[αουίων] Ἀπίωνι [τῷ πανευθύμου] πατρικίῳ

χεωχι(οῦντι) καὶ ἑνταύθα τῇ λαμπρᾷ Ό[ξυρ(υγχιτών)] πόλει διὰ Μηνιᾶ ὁ [οίκετόν ἐπερω(τῶντος) καὶ προσπορίζ(οντος) τῷ ἒδρῳ δεσπό[της] τῷ αὐτῷ ἀνδρί

8 τὴν ἄγωγὴν καὶ τοῦ ἐνοχο[ύς] Αὐρήλιος Μακάριος νῦς

Μηνιᾶ μητρός Μ[άνης] Ἃπειρο[ύς] Εἰρηναρχίου τοῦ Ἤξυροχί(του) νομίμῳ δ[ιαφέροντος τῇ ὑμετέρᾳ ὑπερφυείᾳ]


παρείληφα ιν τῇ φυλακῇ τοῦ ενδόξου υμῶν οἴκου. ε[ν] τῷ τύχ[ε] κυρία ἡ [εγγύη]

P. Oxy. XVI 1979 desc.
In the name of the lord and master Jesus Christ, our God and Saviour.

In the reign of our most pious master, greatest benefactor, Flavius Heraclius, the eternal Augustus and Imperator, year 4, Mesore 26, indiction 2.

To Flavius Apion, the renowned patrician, landowner here also in the splendid city of the Oxyrhynchites, through Menas, oiketes, asking the formal question and supplying for his own master, the said man, the conduct of and responsibility for (the transaction). I, Aurelius Makaris, son of Menas, mother Manna, from Megalou Eirenarcheiou of the Oxyrhynchite nome, a possession belonging to your extraordinariness, registered farmer of your extraordinariness, greeting. I acknowledge by willing resolve and voluntary choice, swearing the divine and august oath, that I guarantee and receive from your extraordinariness Aurelius Victor, guard, son of Matthias, mother ..., from the same settlement, himself too a registered farmer, upon condition that he shall remain continuously and abide in the same estate, and if he is required of me I shall bring him forward and hand him over without cavil in the place where I have received him, in the prison of your glorious house. If I do not do this, I acknowledge myself accountable to answer for all that is required of him. This deed of surety, written in a single copy, is binding, and in reply to the formal question I gave my assent.

We, the collective body of persons — this deed of surety satisfies us as aforesaid. I, Markos, wrote on his behalf as he is illiterate.

Through me ... the completion was made.

Commentary

4. [δ]: [γ] ed. pr. See BL VIII 252. The correction was made so that the regnal year could match the indiction.


[τώ πανευφημίῳ]. For the restoration see P. Oxy. LVIII 3939.4-5 n. (= BL X 145).

6-8. διὰ ... ἐνοχήν. On the clause see P. Oxy. LXVII 4616.4-6 n. with references.

6. Μηνα. On Menas see P. Oxy. LVIII 3957 n., LXVII 4616.4 n.

8-9. Aurelius Makaris was probably a brother of Aurelius Georgios, son of Menas and Manna, who submitted P. Oxy. XVI 1991 (601, cf. BL VIII 252), a receipt for replacement parts of a water-wheel; both were tenant farmers, but Georgios is in the service of Strategios Paneuphemos, while Makaris serves the main branch of the Apion family.

9. Μεγάλου Ἐλευθεριάχου (l. -είου). This settlement is also attested in P. Oxy. I 141 (= SPP VIII 1155.5 (503) and XVI 2012.2 (590); in these two texts it occurs with villages known to have been situated in the northern part of the Oxyrhynchite region, so that Μεγάλου Ελευθεριάχου was probably a northern locality too.

The name of the settlement seems to suggest the presence of a police station in the area. This would suit the fact that P. Oxy. 1979 associates the settlement with a φύλακας, and especially the context in P. Oxy. 141.4-5, which refers to τοῖς ἀγροφύλαξ(ι) τοῦ Μεγάλου | Εἰρηναρχείου φυλάττει(ι) τὸ αντιπελ (l. αντιπέρας) (?). 4

In P. Oxy. I 141 Μεγάλου Εἰρηναρχείου appears to be part of an area controlled by Ioannes, comes (the dossier of this person is discussed in P. Oxy. LXVII [forthcoming]); this Ioannes is not known to have been related to the Apion family. P. Oxy. 2012 indicates that by the later sixth century the settlement had passed to the control of the Apions. For other examples of properties that passed from one estate to the other in the course of the sixth century, see P. Oxy. LXVII 4615.7 n.


12. ἐπωμυμενος. An orthographic variant of ἐπωμυμενος, present in several Oxyrhynchite deeds of surety. (Inspection of the original shows that P. Oxy. XXIV 2420.10 (614, cf. BL X 148) does not to have the exceptional ἐπωμυμενος, but ἐπωμυμενος.)

14. para τη ὑμεις[τ]ε[πα ὑπερβλευεια]. For the construction see P. Turner 54.2-3 n. φυλακα. (Cf. above, 9 n. para. 2.) Other Oxyrhynchite documents of this period attesting φυλακες are P. Oxy. XVI 1858.2 and 2056.5, 7, 8, 11 (but note that the editors’ resolution φυλακ(ίτη)不合适 introduces a term not used at that time). It is doubtful whether they were ἀγροφυλακες (on whom see Bonneau, [cit. n. 4], pp. 303-315); a large estate would have required guards of various kinds.

15. μηρ(ρο)ς. No known name is suggested.


18. ἐπιζητομενον. For the verb and its use in similar contexts see CPR XXII 4.14 n. προ[ε ἐμε]. Before this prepositional construction Oxyrhynchite deeds of surety usually have αὐτὸν or the like. A possible parallel to the omission of αὐτὸν may be found in P. Oxy. LVIII 3959.19-20 (620), where the edition prints ἐπιζητομενον | [αὐτὸν παραφέρω] the length of the break suggests that προς ἐμε may be preferred to αὐτὸν.

19. δίχα λόγου. See Fikhman, Pap. Flor. VII p. 75 (n. 1. 17), and now CPR XXII 4.17-18 n., with a full citation of earlier literature.

20. φυλακη. For references see Fikhman, loc. cit. 76 (n. 11. 17-18), and CPR XXII 4.17-18 n.

Given the nature of his duties, things could well go wrong for a guard. Imprisoned guards are mentioned in P. Oxy. 2056.5, 7, 8, 11 (VII); their eventual release may have been combined with a deed of surety such as P. Oxy. 1979. A good illustration of the pitfalls of the function is provided by P. Gron. Amst. 1 (re-ed. K. A. Worp, APF 42 [1996], pp. 235-242), a petition to a riparius of Oxyrhynchus dated to 455, in which the petitioner reports on an incursion of a gang of criminals on his landed property and asks: τους δε ὑπευθύνους φύλα-
κας | τῶν τόπων ... ἀνενεκθῆναι | καὶ ἐν τῷ ἁσφαλεῖ καταστήσαι (ll. 12-14).
There are several texts attesting similar circumstances affecting ἀγρόφυλακκες, see Bonneau, (cit. n. 4), p. 313.

23. τὸ κοιν(ὸν) τῶν ὄνομ(άτων). For a brief discussion of this phrase see P. Oxy. LXVI 4536.32-3 n. (to the examples given there add P. Oxy. LXII 4351.17, of the later sixth century).

26. The reading of the notarial signature causes considerable difficulty, and I have preferred not to print any name. In ed. pr. the name of the notary is read as ... seny, and receives the following comment: "There is no evident change of hand in l. 23, but in l. 26 Marcu seems inadmissible, for though cu could well be read instead of en, and the first two letters may be ma, the third is not in the least like r." J. M. Diethart and K. A. Worp, Notarsunterschriften im byzantinischen Ägypten, Wien 1986, p. 83 (Oxy. 12.1.1, reproduced in Taf. 44), read the signature as di em[u M]arcu aibeliobbb, and note: "U. E. besteht kaum ein Unterschied zwischen der Schrift des Notars und der des Hypographeus; -r- vor -cu sehr schwierig". As for the verb, et is beyond doubt, but after that and before el there seems to be one extra letter that I cannot explain, unless it has been corrected.

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