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## P. Oxy. XII 1561 : 'demosiosis' of a loan

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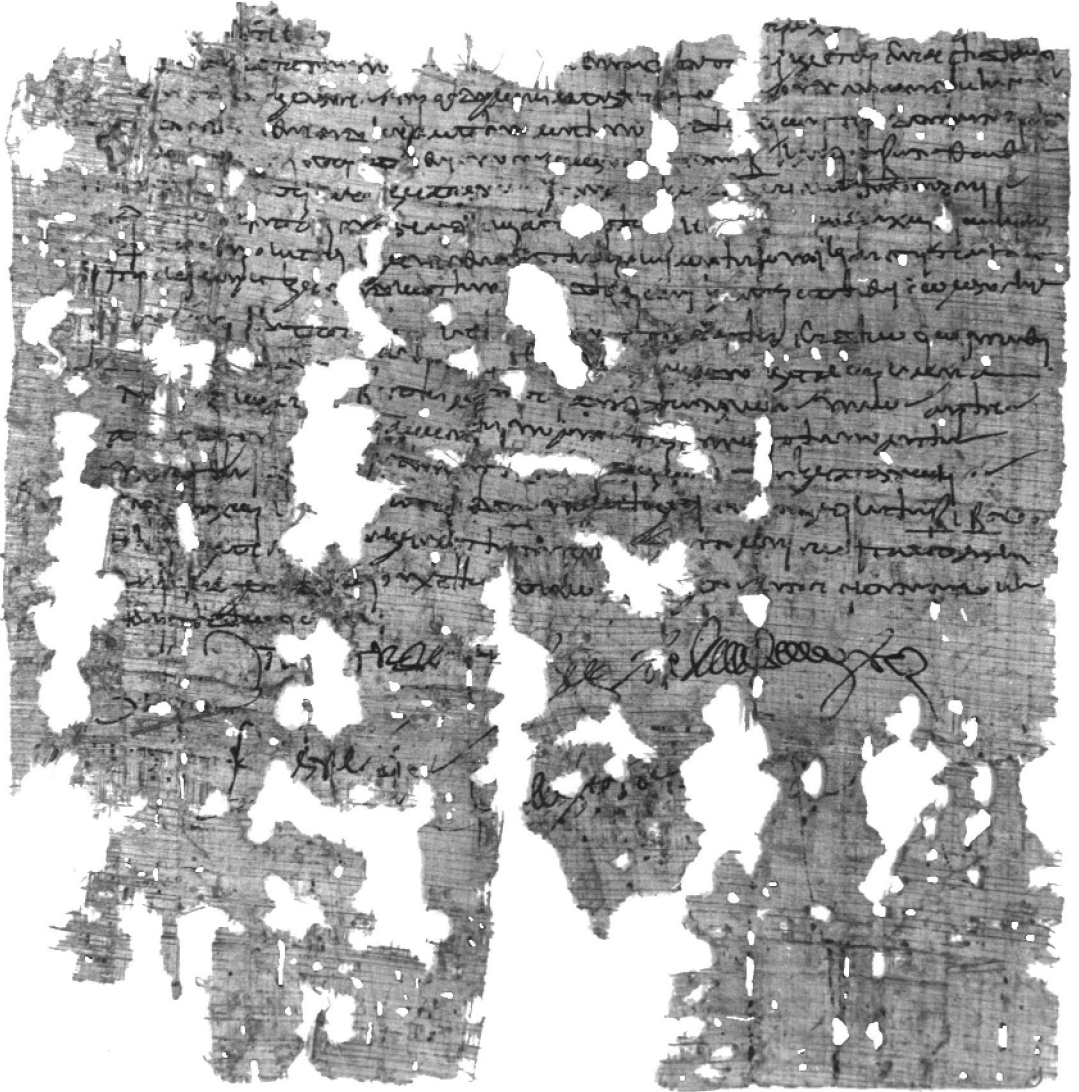
Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

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### **P. OXY. XII 1561: DEMOSIOSIS OF A LOAN**

THIS PAPYRUS, only partially transcribed by Grenfell and Hunt and here published in full, preserves the lower part of an application for the public registration (*demosiosis*) of a loan. A creditor (the reading of his name is uncertain; see below, 7 n.) had lent to Aurelius Sarapion *alias* Apollonius the relatively substantial sum of 5225 drachmas, with the usual 12% annual interest and on the security of the debtor's property. The creditor submitted this agreement through an intermediary to the *archidikastes* for registration in the public record offices at Alexandria. Through this process, known as *demosiosis*, a private contract (*χειρόγραφον*) acquired the authority and force of a public document and could be used for the recovery of the debt.<sup>1</sup> The request for *demosiosis* is followed by the signature of Aurelius Alexander, an official styled ὁ πρὸς τῇ διαλογῇ from the bureau of

<sup>1</sup> On the process and function of *demosiosis*, see H.-J. WOLFF, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemaeer und des Prinzipats* II, München 1978, pp. 129–135, with references to older bibliography. See further O. PRIMAVESI, 'P. Cair. Inv. 10554r: Mahnverfahren mit *Demosiosis*', *ZPE* 64 (1986), pp. 99–114, and H. MELAERTS, *P. Sijp.* 17 introd.; for some aspects of the procedure and recent corrections to published documents, see A. BENAÏSSA, 'Two notes on *demosiosis* documents', *JJP* 37 (2007), pp. 15–19, and P. SÄNGER, 'Bemerkungen zu δημοσίωσις-Urkunden', *Tyche* 22 (2008), pp. 222–224. A recent list of the pertinent documents can be found in *P. Oxy.* LXX 4772 introd.; add *P. Sijp.* 17 (287).



the *archidikastes*, which presumably confirms the receipt of the requisite fees and the public registration of the contract (Alexander is attested in two other Oxyrhynchite papyri of the same period; see 20 n.). The appearance of the signature of  $\delta \text{ πρὸς τῇ διαλογῇ}$  at the foot of the text indicates that the application to the *archidikastes* did not include a request to communicate the publicly registered document to other officials such as the

strategus.<sup>2</sup> When complete, *P. Oxy.* 1561 would thus have contained only a prefatory notice to the *archidikastes*,<sup>3</sup> a copy of the contract (its concluding part is preserved in ll. 1–10), the request for *demosiosis* (ll. 11–19), and the dated signature of ὁ πρὸς τῇ διαλογῇ (ll. 20–21).

The papyrus is complete on the left, lower, and right sides, but is beset by numerous holes of varying sizes. The left margin measures 1.8 cm, the lower one 4.4 cm, with writing running to the edge of the right side. The writing is along the fibres and the back is blank. Minor divergences from the partial transcription in the *editio princeps*, such as the placement of brackets and dots, are not indicated in the commentary below.

Bodl. Ms. Gr. class. e 122 (P)<sup>4</sup>

16.9 x 17.3 cm

269/270

.....]α[  
 .....]τιθ[.].[ c 20 ].[.....].[.....]πραχθ[.....]α[...].  
 [...]... κύρια τὰ τοῦ ὑπο[...].[γ]ρά[μμ]α[τα τρ]ισσὰ γραφ[έ]ντα,  
 ὅπ[η]νίκα ὅπερ ἐὰν αἰρή δημοσι-  
 4 ὡσειε διὰ τοῦ καταλογίου οὐ προοδεόμενος μεταλήμψεώ[ς μο]υ  
 οὐδὲ ἑτέρας εὐδ[ο]κήσειω  
 διὰ τὸ ἐντεῦθεν εὐδοκεῖν με τῇ ἐσομένῃ ὑπὸ [σο]ῦ δημοσιώσει.  
 περὶ δὲ τοῦ ταῦτα ὀρθῶς  
 καλ[ῶς] γενέσθαι ἐπερωτηθεῖς ὑπὸ σοῦ ὠμολόγη[ς]α. ἔτους β  
 Κλαυδίου Σεβαστοῦ, Θώθ.

<sup>2</sup> See BENAÏSSA, ‘Two notes’ (cit. n. 1), pp. 17–18. If such a communication (*metadosis*) had been requested, the signature would have appeared ‘as an endorsement following the *archidikastes*’ instruction to the concerned official at the top’ (*ibid.*, p. 18).

<sup>3</sup> Something along the lines of Ν.Ν. ἀρχιδικαστῆ καὶ πρὸς τῇ ἐπιμελείᾳ τῶν χρηματιστῶν καὶ ἄλλων κριτηρίων παρὰ Αὐρηλίου . . . αἰεως *patronymic (status) origin* τῆς προεμένης μοι διουσις ἀσφαλείας σὺν τῇ ὑπὸ αὐτῆν/μετὰ τὸν χρόνον ὑπογραφῇ ἀντίγραφον ὑπόκειται; cf., e.g., *SB* I 5692.1–5 (Oxy.; III), *P. Oxy.* XII 1475.8–9 (267). According to the lists in *P. Theon*. Appendix B, and P. J. ΣΙΥΡΕΣΤΕΙΝ, K. A. WÖRPF, ‘P. Lond. inv. 2175: A full edition’, *ZPE* 110 (1996), pp. 181–182, the name of the *archidikastes* in 269 is not yet attested.

<sup>4</sup> The photograph, made by the International Photographic Archive, is reproduced courtesy of the Bodleian Library, University of Oxford.

- Ἀϋρηλιος [Ca]ραπίων ὁ καὶ Ἀπολλώνιος ἔσχη[ον] παρὰ . . . αἰέως  
 τὰς τοῦ δανίου  
 8 δραχμ[ά]ς πεντακισχειλίας διακοσίας π[έν]τη [εἴ]κο[ς]ι [τό]κων  
 δραχμιαίων καὶ ἀπο-  
 δώσω ὡς πρόκειται καὶ ὑπεθέμην τὴν προκειμένην μου οἰκίαν ἐπὶ  
 πᾶσι τοῖς  
 προκειμένοις καὶ εὐδοκῶ τῇ ἐσο[μένῃ] δημοσιώσει καὶ ἐπερωτη-  
 θεὶς ὠμολόγησα.  
 β[ο]υλ[ό]μεν[ος] δὲ ἀπὸ τ[ῆ]ς τριςῆ[ς] ἀσφα[λεί]α[ς] μοναχὴν ἐν  
 δημοσίῳ γενέσθαι  
 12 δι[δωμι τῇ] πρόξει τὰς ὀρι[σθ]είζα[ς] δ[ρ]α[χμ]ᾶς δεκαδύο καὶ τὰ  
 ὠρισμένα  
 τέ[λη]. ἀξιώ[ω] ἀν[α]βόντας αὐτὴν παρὰ τοῦ διαπεσταλμένου ὑπ’  
 ἐμοῦ Ἀρηλίου  
 Ἀπολλωνίου ὑπ[ογε]γραμμένην ὑπὸ αὐτοῦ περὶ τοῦ εἶν[α]ι τὴν  
 ὑπὸ αὐτὴν  
 ὑπογραφὴν ἰδι[ό]γρα[φον] ἐμοῦ Ἀρηλίου Καραπίωνος τ[ο]ῦ καὶ  
 Ἀπολλωνίου  
 16 συγκα[ταχωρί]σαι αὐτ[ὴ]ν τῷδε τῷ ὑπομνήματι εἰς [τ]ὴν Ἀδρια-  
 νὴν βιβλιο-  
 θήκην ἀντε[ί]γραφον δὲ καὶ εἰς τὴν τοῦ Ναν[αίου]υ, π[ρ]ὸς τὸ  
 μένειν μοι τὰ ἀπὸ αὐτῆς  
 δίκαια ὡς ἀπὸ δημοσίου χρηματισμο[ῦ] εἴ[νεκ]α τοῦ αὐτὸν ἔκτοτε  
 εὐδοκῆ-  
 κέναι τῇ δημοσιώσει.  
 20 (m. 2) ὁ πρ[ὸς] τῇ διαλογῇ τῇ[ς] πόλ[ι]εως δι’ ἐμ[οῦ] Ἀρηλίου  
 Ἀλεξάνδρου σε[ς]σημείωται).  
 ἔτ(ου)ς β Κλαυδίου C[ε]βαστοῦ. [ ] α.

4. l. καταλογεῖοι || 7. l. δανείου || 8. l. πεντακισχειλίας, πέντε || 9. l. πρόκειται || 15. l. τοῦ  
 in place of ἐμοῦ (see n. below) || 16. l. συγκαταχωρίσαι || 17. l. ἀντίγραφον

... the triplicate bond of the ... is normative; you may publish it through the record-office whenever you choose without requiring my concurrence nor

*any further concurrence, because I hereby consent to the publication to be made by you; and having being asked by you the formal question whether this is done rightly and fairly, I have given my assent. Year 2 of Claudius Augustus, Thoth.*

*I, Aurelius Sarapion alias Apollonius, received from Sarapion the five thousand two hundred (and) twenty-five drachmas of the loan at the interest 'of the drachma', and shall pay back as aforesaid; and I have mortgaged my aforesaid house upon all the aforesaid conditions, and I consent to the publication to be made (by you), and in answer to the formal question I have given my assent.*

*Wishing that one copy of this triplicate bond be made public, I pay to the city the prescribed twelve drachmas and the prescribed dues. I request that, on receipt of the bond from the person dispatched by me, Aurelius Apollonius, with his attestation that the signature under the bond is the autograph of Aurelius Sarapion alias Apollonius, you register it with this application in the Library of Hadrian, and a copy in that of the Nanaeum too, in order that the rights derived from it may be assured to me as from a public deed, because he has consented to the publication.*

*(2nd hand) The examiner-in-chief of the city, through me, Aurelius Alexander(?), has signed. Year 2 of Claudius Augustus [month] 1.*

2. ]...τιθ[...]. Possibly ὕ]ποτιθ[έ]ν[τ- or ὕ]ποτιθ[έ]μ[ε]ν-, referring to the mortgaged property (cf. 9).

3. ὕπο[...]. Not ὕπομνήματος, whatever the distribution of brackets and dots.

ὄπ[η]νίκα ὄπερ. The word-order is the opposite to the normal one; we also expect ἄπερ, but alpha cannot be read.

6. ἔτους β Κλαυδίου Σεβαστοῦ, Θώθ. On the evidence of the reign of Claudius II in Egyptian papyri, see J. R. Rea, *P. Oxy.* xl, pp. 18–21, and D. Rathbone, 'The dates of the recognition in Egypt of the emperors from Caracalla to Diocletianus', *ZPE* 62 (1986), pp. 120–121. The Julian year given by Grenfell and Hunt (268) is wrong, for 'year 1' of Claudius II is 268/269. Thoth 1 of year 2, therefore, is equivalent to 29 August 269.

7. *Ἀυρήλιος [Ca]ραπίων ὁ καὶ Ἀπολλώνιος*. This individual, who is presumably from Oxyrhynchus, does not appear to be otherwise attested in the published papyri. The Alexandrian *exegetes* and *bouleutes* of same name in *PSI* IV 303.3–4 (245–302; see *BL* VIII 397) is probably a different person.

... α. *ἰεωσ. Cαραπίωνος ed. pr.* The letter between *alpha* and *iota* is probably *nu* or *pi*, but we have not been able to match such an ending with a known personal name.

8. *π[έν]τη (I. πέντε) [ε]ἴκο[ς]: π[εν]τη [κα]ῖ ἴκοσι ed. pr.* There is no room for *κα* in the break, and there is only one *iota* after it.

*[τό]κων δραχμαίων. Sc. ἐκάστης μνάς κατὰ μῆνα ἕκαστον*, ‘at the interest of one drachma per mina (= 100 drachmas) each month’, i.e., at the usual and legal interest rate of 1% per month or 12% per year, which would be equivalent to 627 drachmas per year; for the fuller phrase cf. e.g. *P. Oxy.* XII 1471.14–15 (81).

9. *καὶ ὑπεθέμην τὴν προκειμένην μου οἰκίαν*. For the mortgage of real property, and specifically houses, as security for loans, see for the first two centuries B. Tenger, *Die Verschuldung im römischen Ägypten*, St. Katharinen 1993, pp. 244–247.

11. *β[ο]υλ[ό]μην[ος] κτλ.* This signals the beginning of the request for *demosiosis* by the creditor. The subject is no longer Aurelius Sarapion *alias* Apollonius, who subscribes in ll. 7–10, but the creditor, whose name would have figured in the prefatory notice at the head of this document (cf. above, n. 3); see Wolff, *Recht* II (cit. n. 1), p. 131: ‘so gut wie stets geschah die Betreibung der Demosiosis auf einseitige Initiative des Interessenten’. On the erroneous *ἐμοῦ* in l. 15, see n. below. To mark the new section, the scribe writes an exaggeratedly enlarged initial *beta*, slightly in *ekthesis*.

12–13. *τὰς δρι[σθ]εῖσα[ς] δ[ρ]α[χμ]ῶ[ς] δεκαδύο καὶ τὰ ὠρισμένα τέ[λη]*. The 12 drachmas were the standard fee for the registration of the document in Alexandria (cf. the phrase *ἐνεκα τοῦ μοναχὸν δημοσιόυθαι* in *P. Mich.* XI 614.35, with J. Shelton’s note); but the nature and purpose of the additional *ὠρισμένα τέλη* remain unclear (in some other documents the expression is *τὸ/τὰ τιμήματος τέλος/τέλη* or *τὸ ὑπὲρ τῆς δημοσιώσεως ὠρισμένον*; cf. Sängner, ‘Bemerkungen zu δημοσιώσις-Urkunden’ (cit. n. 1), p. 224). See in general Wolff, *Recht* II (cit. n. 1), p. 130.

13–14. *ὑπ’ ἐμοῦ Ἀυρηλίου Ἀπολλωνίου*. The authorized representative of Aurelia Isidora in *P. Oxy.* IX 1200.46–47 (266), an application for the *demosiosis* of a sale, is likewise called Aurelius Apollonius, but this may be a coincidence.

15. *ιδι[ό]γρα[φον]*. See Wolff, *Recht* II (cit. n. 1), p. 108, on the implications of this term.

*ἐμοῦ Ἀυρηλίου Cαραπίωνος τ[ο]ῦ καὶ Ἀπολλωνίου. ἐμοῦ* must be a scribal mistake for *τοῦ*, since the subject of this demand (beginning with *βουλόμενος* in l. 11) is the creditor, not the debtor Aurelius Sarapion *alias* Apollonius; cf. above, II n.

16–17. *εἰς [τ]ὴν Ἀδριανὴν βιβλιοθήκην ... καὶ εἰς τὴν τοῦ Ναν[αίου]*. On these central state archives in Alexandria, see Wolff, *Recht* II (cit. n. 1), pp. 47–48.

17. ἀντε[ίγραφον] (ἰ. ἀντίγραφον). For the spelling cf. *P. Col.* x 279.15 (111) ἀντει-γράφεις, *P. Oxy.* VII 1069.32 (111) ἀντείγραφον.

20. ὁ παρ[ὸς] τῇ διαλογ(ο)γῇ τῇ[ς πό]λ(ε)ως. The διαλογία was a sub-department of the καταλογεῖον (cf. l. 4 διὰ τοῦ καταλογ(ε)ῖου), the notarial office at Alexandria under the charge of the *archidikastes*; see Wolff, *Recht* II (cit. n. 1), pp. 28, 249–250, n. 127.

In such signatures, the article before παρὸς τῇ διαλογῇ varies between the singular (ὁ) and the plural (οἱ); see Benaissa, ‘Two notes’ (cit. n. 1), p. 17, n. 4.

δι’ ἐμ(οῦ) Αὐρ(ηλίου) Ἀλεξάνδρου ζεζ(ημείωται): διέγρ(αψεν) Αὐρ(ηλίου) Ἀλεξάνδρου χρη(ματιζοντος) *ed. pr.* On these signatures, typically written in a heavily ligatured chancery hand, see Benaissa, ‘Two notes’ (cit. n. 1), pp. 17–19, with discussion of further instances. The same Aurelius Alexander appends his signature to two Oxyrhynchite *demosioseis* of sales of land involving different individuals: *P. Oxy.* IX 1200.4 (266) and XII 1475.3 (267). These are second applications to the *archidikastes* requesting the communication of the completed *demosiosis* to the keepers of the record-office (βιβλιοθήκη ἐγκτήσεων) of Oxyrhynchus. The signature of Aurelius Alexander at the top is an endorsement to this effect on behalf of the *archidikastes*.

21. [ ] α. Θ[ὠθ] α *ed. pr.* On the impossibility of restoring the month Θ[ὠθ], see Benaissa, ‘Two notes’ (cit. n. 1), p. 16, n. 3. All we can tell with certainty is that the *demosiosis* took place within a year from the conclusion of the contract.

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