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Anecdota Bodleiana

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ANECDOTA BODLEIANA¹

Application for Lease
(P. Bodl. d. 54)

26,5 × 10,5 cm.

September 18th A.D. 297(?)

The present document shows an application made probably in the year 297 A.D. to Theodorus, a senator of the city of Arsinoe, by a certain Aurelius Ekysis for the lease of five arurae. The lease is fixed for two years at a rent of ten artabae of wheat. For similar land-lease contracts cf. Waszynski, *Bodenpacht* p. 13 seq. A complete list of lease documents from Roman and Byzantine times published since 1905 was given by Mickwitz, *Geld und Wirtschaft im römischen Reich des IV Jahrh. n. Chr.* (1932) pp. 195—204 and continued by Comfort, *Prolegomena to a Study of Late Byzantine Land-leases*, (*Aegyptus* XII: 2 (1933) pp. 589—609). Among documents later discovered or published may be mentioned those published by Boak, *Early Byzantine Papyri*. (*Études de papyrologie* 1939) particularly Nr 13, a land-lease from Arsinoe of the year 296 A.D. Further we may refer to the important contracts among the P. Georg. Ross. III and V. The present text has much the same appearance as e.g. P. Amh. 91 (159 A.D.) and P. Tebt. 378 (265 A.D.).

The dating of our document offers some exceptional difficulties. In the opening lines the years of consulship of Diocletianus and Maximianus are lost and have to be reconstructed. At the same time the emperors mentioned held the consulship in the years 287, 290, 293, 299, 303, and 304. The years 287 and 290 can, however, be disregarded, since the Caesars Constantius and Maximianus (nominated 293) are mentioned in the closing formula.

¹ For the authorization to publish these documents I feel greatly indebted to the Keeper of the Department of Western Manuscripts of the Bodleian Library.

Now line 11 reads τοῦ [ἐνεστ]ῶτ[ος ιδ] καὶ γ' ἔ(τους). γ' ἔ[τους] refers to the latter of the two emperors i.e. Maximianus. Having been nominated an August April 1st 286 his 13th year was 297/298. In the year 297 he was consul for the 5th time. His colleague, however, was not Diocletianus as mentioned in line 1, but the latter of the Caesars, Galerius Valerius Maximianus (for the 2nd time), cf. Liebenam, *Fasti consulares* p. 32. Diocletianus again had been consul (for the 6th time) the previous year = 296. Provided the reckoning of emperors years is correct there has obviously been made an error when Diocletianus is mentioned as a consul in the year 297. But this is by no means guaranteed, although it seems plausible since the 13th year of Maximianus occurs twice in the text and quite clearly written (lines 11 and 29). If the 13th year of Maximianus is wrong we have again to choose out of the years 293, 299, 303 and 304 during which Diocletianus and Maximianus shared the consulship. So the question still remains open.

The document is written in a skilful cursive hand clearly representative of the third century A.D. The state of preservation is, unfortunately, rather poor. The reading is rendered difficult firstly by abundant worm holes, secondly because the whole of the left margin is lost. The lines 12—14 defy all attempts at restauration and the closing date written by a different hand is hard to decipher.

[ὕπατ]είας τῶ[ν κυ]ρίων ἡμῶν Διοκλητιαν-
 [οῦ Σεβ]αστοῦ τ[ὸ ζ] καὶ Μαξιμιανοῦ Σεβαστο[ῦ]
 [τὸ ε] Θεοδώρῳ βουλ(ευτῇ) τῆς Ἀρσι(νοιτῶν) πόλ[εως]
 [παρὰ Αὐ]ρηλίου Ἐκύσεως Αἰώνεως μ[ητρὸς]
 5 · [·]τριας ἄ[πὸ] ἐποικίου Σουχᾶ. βούλ[ομαι]
 [μ]ισθῶσασθαι [παρ]ὰ σοῦ τὰς ὑπαρχούσας [σοι]
 [περὶ] [κ]ώμη[ν] Ἰ[σ]αυρίαν πρὸς τῷ αὐτῷ ἐπ[ο]ι-
 [κί]ῳ [σι]τικᾶς ἀρ[ού]ρας πέντε ἢ ὅσας ἐὰν ὦσι
 εἰς [σπορὰν] πυροῦ [εἰς] ἔ[τη] δύο ἀπὸ σπορᾶς τοῦ
 10 [ἐνεστ]ῶτ[ος ιδ] καὶ γ' ἔ(τους) ἐκφορίου κατ' ἔτος
 ἔ[κα]στον πυρ[ο]ῦ ἀρταβῶν δέκα [··]λα
 [·]·[·]· [·]·[·]· [·]·[·]· [β] [·]·· το[ῦ] πυροῦ
 [·]·[μ]ελλ[ο]ντ[·] [β]ων γείτονες ἀπὸ
 [·]·· [·]·[·]· [·]·[·]· [·]·[·]· [·]·[·]· [·]·[·]·
 15 [κατ' ἔτος τῶν] ἀρ[ου]ρῶν ἔργα πάντα ὅσα
 [καθῆκει] περιχ[ω]ματισμοὺς ποτισμοὺς
 ὑ[ποσχι]σμοὺς διωρύγων τε καὶ ὕδρ-

- γ[ω]γῶν [ἀναβολ]ᾶς καὶ τὰ ἄλλα ὅσα καθήκει
 [ἐκ τ]οῦ [ἰδίου τοῦ]ς δέουσι χαίρουσι. τὸ δὲ κατ'
- 20 [ἔτος ἐκφόριον]ν ἀποδώσω μηνὶ
 [παῦνι ἐφ' ἄλλω] μέτρῳ τετραχοινικῶ
 τῶ[ν] δημοσ[ίων π]άντων ὄντων πρὸς
 σὲ τὸν κτήτορα καὶ παραδώσω μετὰ
 τὸν χρόνον τὰς ἀρού[ρ]ας ἀπὸ συγκ-
- 25 ομι[δῆ]ς τ[ῶ]ν σπαρησομένων.
 ἡ [μίση]ω[σις] κυρία καὶ ἐπερω(τηθεὶς) ὠμολ(όγησα).
 (2. Hand.) Αὐρήλ(ιος) Ἐκῦσις ἔτ(ων) μ οὐλλη ἀντικνημίφ.
 (3. Hand.) ἔτους [ιδ] χ[α]ι γ (ἔτους) τῶν χ[υ]ρίων ἡμ[ῶ]ν
 Διο[κ]λη(τιανοῦ)
- 30 χα[ι] Μα[ξι]μιανοῦ σεβαστῶν καὶ Κω[ν]στ[αντί]ου
 καὶ Μ[αξι]μιανοῦ τῶν ἐπιφανε[σ]τάτων
 καισ[άρ]ων. Θῶθ κα.

In the consulship of our masters Diocletianus Augustus for the 6th (?) time and Maximianus Augustus for the 5th (?).

To Theodorus, councillor of the city of Arsinoe, from Aurelius Ekysis, son of Aionis, his mother being [] tria, from the hamlet of Souchas.

I wish to lease from you the five corn-bearing arurae or thereabouts, belonging to you near the village of Isauria (?) close to the aforesaid hamlet, to be sown with wheat, for two years from the sowing of the present 14th and 13th year, at the yearly rent of ten artabae of wheat (— about three illegible lines —). And I will perform all the regular annual operations of the arurae, the making of dykes, irrigation, ploughing, banking up of canals and conduits and all else that is fitting, at my own expense, in the proper seasons. The annual rents I will pay in the month Payni at the threshing floor, according to the fourchoinix measure, all the state dues being paid by you the landlord. And at the end of the period I will deliver the arurae immediately after the harvest of that which has to be sown. The lease is valid; and in answer to the formal question I have given my consent.

Aurelius Ekysis, 40 years old, having a scar on the shin.

The 14th and 13th year of our masters Diocletianus and Maximianus the Augusti and of our masters Constantius and Maximianus the most distinguished Caesars. Thoth 21th.

1. seq. The introductory dating is probably incorrect, cf. lines 10 and 29 and the preliminary remarks.

3. Theodorus is *bouleutes* of Arsinoe. Obviously the councillors very often appear as landlords in lease contracts from these times.

4. Ekysis is a common name in Post-ptolemaic papyri. The father's name was apparently Aionis, since the form Aioneus has not been found.

5. Souchas was a rather common Egyptian name, cf. Preisigke, *Namenbuch*.

7. The reconstruction of the name of the village remains uncertain. I would suppose it is Isauria, cf. Lefebvre, *Recueil des inscriptions grecques-chrétiennes d'Égypte* Nr 363.

10. seq. The yearly rent for the five arurae seems to have been 10 artabae of wheat. It is, however, possible that the illegible line 12 may have contained some additional stipulation. The amount of ten artabae would correspond to a rough average of rents from this time as shown in the list given by Mickwitz p. 199 seq. Boak, *Early Byz. P.* Nr 13 (296) from the same place shows a rent of 9 artabae for 4 arurae.

12 seq. The reconstruction of the lines is quite impossible since the conventional schemes seem not to have been followed. L. 13 I read γείτονες, but there is scarcely space enough left for the usual remarks about neighbourhood.

15. The reconstruction and word order are established according to Boak, *Early Byz. P.* Nr 13 (296).

16. To the technical meaning of the notions περιχωματισμός, ποτισμός, ύποσχισμός, ύδραγωγός, διώρυξ and άναβολή cf. Schnebel, *Die Landwirtschaft im hellenistischen Ägypten* pp. 61 seq., 160 seq. 106 and 306, 32 seq., 31 seq., 34 seq. respectively.

21. The reconstruction of the month name Payni is due to the well known fact that most land-leases have their term of payment in Payni immediately after the harvest. Cf. Waszynski *op. cit.* p. 104. To the stipulations concerning the repayment cf. Schnebel p. 109 seqq. and 113 seqq. For δημόσια πάντα see Schnebel p. 115 seqq. The μέτρον τετραχοινικόν = 1/10 artaba occurs very often in similar documents from this epoch, cf. P. Osl. 37, 10 with further references.

24 seq. As for the meaning of συγκομιδὴ τῶν σπαρησομένων cf. Schnebel p. 68 seq.

29 seqq. The years of reign of the Caesars G. Galerius Valerius Maximianus and G. Flavius Valerius Constantius (nominated in the year 293) are occasionally omitted.

ὁμολόγη]σα. Αὐρήλιος Ῥοῦφος Λογ(γίνου)
 ἀπὸ κώμης Ῥαρεω]ς δεδάνεισμαι καὶ ἡρίθμη-
 20 μαι παρὰ σοῦ τὸ προγεγρ(αμμένον) κε]φάλαιον σὺν τόκοις τάλαντα
 ἑπτὰ γί(νεται) ζ] καὶ ἀποδώσω τῇ προθεσ-
 μιά ὡς πρό](κειται). Αὐρήλιος Ἀφροδείσιος Ἀλε-
 ξάνδρου γραμματ]εὺς ἔγραψα ὑπὲρ αὐτοῦ
 ἀγραμμάτου. διὰ Σω]σιστράτου διδασκάλου.

1. 9]ας και ιγ και δ και βς. 1. 17 επε/.

1. 18 Λογ/.

To [] from Aurelius Rufus, son of Longi-
 nus of the village of Ares(?); Greetings.

I acknowledge that I have recieved from you on loan for my personal and pressing need, cash immediate, out of your house, seven talents of imperial silver coinage, in all 7, which I am bound to pay to your account the 30th of Mesore in the present 31st and 13th and 4th and 2nd year, without any delay or objection. And if the time should expire before I have repaid the money, I will forfeit to you for any further period the usual rent, you having the right of execution upon myself and upon all my property, no matter what or where it may be, acting as if by legal decision. This bond to be valid and legal wherever produced, by my hand; and in answer to the formal question I have given my consent.

I Aurelius Rufus, son of Longinus of the village of Ares (?), have recieved the aforesaid principal and rents, seven talents, in all 7, and I will pay them before the end of the term, as aforesaid. I Aurelius Aphrodisius, son of Alexander, scribe, have written for him as he is illiterate. Executed by Sosistratus the teacher.

1. Rufus was a common name, not least in Oxyrhynchus. Cf. Preisigke, *Namenbuch s. n.*

2. Cf. 19. The name of the village remains quite uncertain, probably Ares, which is supported by many examples from different times.

4. Instead of ἐσχημέναι we could as well conjecture παρειληφέναι. In parallel documents of the IV century ἐσχημέναι or compounds of it are, however, predominant.

5 seq. The reading παρα[χρημα] is supported by numerous instances, cf. e.g. P. Soc. Arch. Ath. 22, 10—12 ἔχειν παρ' [αὐτοῦ] παραχρη-

[μα διὰ χειρὸς] ἔξ οἴκου ἀργυρ[ίου] etc. As for the expression διὰ χειρὸς ἔξ οἴκου cf. Preisigke, *Girowesen* p. 216.

8. The expression [σοῦ τ]ῷ λόγῳ seems to be quite exceptional. The meaning expected is "to your account" (λόγος = account, cash). Cf. εἰς λόγον τινός e.g. Mitt. Chr. 372 Col. II, 10 (II A.D.). The date Mesore 30th = August 23rd just at the end of the Egyptian year speaks strongly in favour of the reading ἐνεστῶτος I.9, since credit at that time, in consequence of the great inflation (cf. the amount of seven talents), was rather shortterm. Cf. the table of loans given by Mickwitz, *Geld und Wirtschaft* etc. p. 218 seqq.

12 seq. τὸν συνή[θη τόκον] Since the times of Augustus the usual interest was generally 12%. For the interest in Byzantine times see e.g. Johnson-West, *Byzantine Egypt* (1949) p. 167.

13 seq. The different forms of execution have been explained by Schwarz, *Die öffentliche und private Urkunde im röm. Ägypten* (1920) p. 31 seqq.; cf. the tables 298 seqq. See also Segré, *Note sul documento esecutivo Greco-egizio*, (*Aegyptus* VIII (1927) 4, pp. 3—62) and Pringsheim in *Zeitschrift d. Sav. Stift.* XLIV (1924) pp. 396—526.

15. The formula πράσσοντι etc. as e.g. SB 5146, 5148, 5149 (193, 257, 216 A.D. respectively). As Schwarz, *op. cit.* has pointed out, this formula, possibly, indicates a Heracleopolitan origin.

17. The expression ἐμοῦ γράφοντος in this connection is odd and not supported by any parallels. I think the meaning must be = καθὼς ἐγράφη ὑπ' ἐμοῦ as in P. Teb. II 396 (188 A.D.) Cf. Schwarz *op. cit.* p. 80.

18. There seems to be a sort of abbreviation stroke after Λογ. At first hand one would be inclined to think of λογιστήs. But since it looks extraordinary that a *logistes* should be *agrammatos* we have to take into consideration the father's name, probably Longinus, which is to be expected in this formula. The sign of abbreviation supposed can, however, belong to the last letter of λογ and, provided the name is divided, there is space enough in the next line for γινου. The abbreviating of surnames is rather uncommon.

20. The stipulation σὺν τόκοις is strange and seems having been put in the wrong context as related to δεδανείσμαι καὶ ἡρίθμη[μαι] - τὸ κεφάλαιον. Or is κεφάλαιον σὺν τόκοις to be regarded as a phrase fixe?

24. As for the meaning of the note [διὰ Σω]σιστράτου διδασκάλου I suppose it is equivalent to the usual δι' ἐμοῦ ἐγράφη. For early in-

stances of this formula cf. P. Oxy. 1627, 29 (342 A.D.) with further references. Sosistratus presumably works as a private *symbolaiographos*. It should be noticed that the whole subscription is made by one and the same hand, which indicates a draft or a copy.

[Helsingfors]

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