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An edition of fourteen unpublished Greek documents from Roman and Byzantine Egypt

by

Traianos GAGOS

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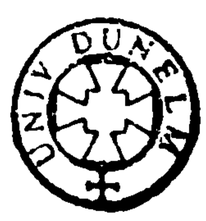
Thesis submitted for the Degree of Doctor of Philosophy

in the University of Durham, Department of Classics

August 1987



ABSTRACT

The present thesis consists of fourteen documentary papyri, all of which belong to the Egypt Exploration Society and originate from Oxyrhynchus. They come from the Roman and Byzantine period, and, chronologically, they range roughly in date between the first half of the second and the beginning of the seventh centuries A.D. The first six papyri are public documents: three of them (nos. 2-4) are orders to arrest: nos. 2 (II A.D.) and 3 (early III A.D.), which is written by an attractive chancery hand, are addressed to the archephodus, while no. 4 (III/IV A.D.), the most interesting one, emanates from the office of the strategus. These texts are preceded by an introduction where this type of document is given a full discussion. The other three texts are of miscellaneous character: no. 1 (138 A.D.) is a rare and interesting type of guarantee for an epiploos; the date of no. 5 (22.6.305 A.D.), which deals with forensic medicine, is important for more than one reason and the text in general presents some special features. The subject of no. 6 (287 A.D.) is also unusual, for it deals with registration of encumbered property.

Among the private documents, four are loans (nos. 8, 10-12) belonging to different types and of diverse character: no. 10 (240 A.D.), the writing of which presents similarities to a literary hand, is a loan of wheat, while nos. 11 (318 A.D.), written in duplicate and 12 (322 A.D.), which records an interesting consular formula and a late occurrence of a komastes, deal with money. These three texts are followed by an Excursus where expressions associated with contractual interest are discussed. No. 8 (618 A.D.) is a late loan with deferred delivery of wine which contains some special features. No. 7 (307/8 A.D.), which gives instructions to pay, records the rarely occurring title of logopractor. No. 9 (289 A.D.) is a very common type of lease of land, but, exceptionally, it does not state the crop to be sown. The date is missing in no. 13 (555 or 600 A.D.), a receipt of offerings in kind made by Apion II or III to a hospital previously unknown, which is represented, exceptionally, by a female steward. The text concluding the thesis (no. 14) is an interesting Christian letter from the first half of IV century A.D.

The thesis is completed by comprehensive indexes of all the texts edited.

ACKNOWLEDGEMENTS

This research project has been completed with the help and cooperation of several persons to all of whom I am grateful. The papyri edited in this thesis all belong to the Egypt Exploration Society and I wish to thank the Society for permission to edit them.

To Dr. J. D. Thomas who supervised the writing of the thesis, I am grateful for showing me my first original papyrus and teaching me how to read it; for helping me glimpse something of the history of Egypt; for trying patiently to make my English readable; for forcing me to elucidate various points and to avoid lack of precision or of documentation; and for offering me a large number of suggestions and alternatives. His invaluable experience, especially in Roman administration, his constructive criticism and kind disposition assisted me considerably during the course of my work and enabled me to complete my task.

My thanks are also due to other scholars who assisted me in various ways; I am particularly grateful to Dr. R. A. Coles and Dr. J. R. Rea, who supplied me with photographs of published papyri and checked the original of others. I tender my warmest thanks to Professor W. H. Willis of Duke University for allowing the use of the "Duke Databank of Documentary Papyri (DDBDP - Phases I and II) to complete this thesis; the DDBDP is a project which aims at installing all published documentary Greek papyri in a computerised bank of information. Additionally I wish to thank Mr. D. Thornton of the Durham University Computer Unit for his constant help and advice in using the MTS and the Oxford Concordance Program (OCP) to enable me to make successful use of DDBDP.

For the financial support I received during the course of my studies

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My special thanks are due to Mrs. I. Williams who with her usual helpfulness typed this thesis and coped so successfully with a very difficult manuscript.

I thank all my friends in Durham and Newcastle, and especially the Greek academic community, for their unforgettable company and valuable friendship.

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NOTE ON THE METHOD OF PUBLICATION

The method of publication and the editorial signs follow those used in the most recent volumes of the "Oxyrhynchus Papyri":

[ ] - lacuna

( ) - resolution of an abbreviation or symbol

[[ ]] - deletion in the original

< > - incorrect omission in the original

{ } - superfluous letter or letters

' ' - insertion above the line

Dots or ca. followed by a numeral within brackets represent the estimated number of letters lost or deleted; dots outside brackets indicate letters mutilated or otherwise illegible letters, dots under letters that the reading is doubtful. A blank within round brackets represents indeterminable resolution of an abbreviation.

The dots indicating letters unread and the estimated number of letters lost within square brackets, are printed slightly below the line. Dimensions are given in the order width by height.

The apparatus criticus contains the lectional signs occurring in the original and corrections of faults of orthography, etc.

LIST OF ABBREVIATIONS

For papyrological publications the standard abbreviations have been employed as listed in Oates, J. F., Bagnall, R.S., and Worp, K. A. Checklist of Editions of Greek Papyri and Ostraca BASP Supplements 4. 3rd ed. [Missoula] 1985. Abbreviations of all subsequent publications, such as, for example, P.Harr.II or P.Münch. III, which are not included there, should cause no difficulties, because they follow the conventional pattern. As a rule, all corrections recorded in BL (see below) are assumed as having been incorporated into the texts; later corrections, if any, or ones that require comment are given full documentation.

With regard to non-papyrological publications which are quoted in a few instances in P.Oxy. ined. 9 and 14, standard abbreviations have been used, for which see LSJ (see below). For periodicals and serial publications the abbreviations in use in L'année philologique have been employed, in some cases with small alterations. In general, references to monographs follow for the most part standard practice and consist of the author's last name, preferably with initials, plus a catchword from the title; see the Bibliography at the end of the thesis, where these abbreviated forms are expanded.

The following are cases worth noting:

BL	= Berichtigungsliste der griechischen Papyrusurkunden aus Ägypten. vols. I-VII, 1922-1986
CPSRE	= The Compulsory Public Services of Roman Egypt, see Lewis, N.

CSBE	= The Chronological Systems of Byzantine Egypt, see Bagnall, R. S.-Worp, K. A.
DDBDP	= Duke Databank of Documentary Papyri, see acknowledgements
LSJ	see Lidell, H. G.- Scott, R. A.
LSJ Suppl.	see Barber, E. A.
NB	= Namenbuch, see Preisigke, F.
ONOMASTICON	see Foraboschi, D.
RFBE	= Regnal Formulas in Byzantine Egypt. see Bagnall, R. S.-Worp, K. A.
SEMEIA	An experimental journal for biblical criticism. Chico, 1974 ff.
SPOGLIO	see Daris, S.
WB	= Wörterbuch, see Preisigke, F., and Kiessling, E.
WB Suppl.	= Wörterbuch, Supplement, see Kiessling, E.

TABLE OF PAPYRI

No.	Title	Date	Page
1	Surety for an *Epiploos*	138 A.D.	1
	Orders to Arrest: Introduction		26
2	Order to Arrest	II A.D.	64
3	Order to Arrest	Early III A.D.	70
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13	Donation to a Hospital	After the middle of VI A.D. (555 or 600 A.D.)	272
14	Letter of Ptolemaeus to Thonius	First half of IV cent. A.D.	300

1. SURETY FOR AN EPIPLOOS

43 5B.66/C(1-3)a

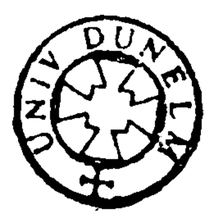
6.5 cm x 26.00 cm 17 December, 138 A.D.

This single sheet of papyrus which is preserved in a fairly good condition contains a complete text on the front; the back bears the remnants of an official account in three long lines: the writing is recoverable at the beginning, but it is severely, if not completely, abraded in the middle and at the right hand side (see below).

The outer edges of the papyrus have survived almost unharmed at the top and the right side; a small portion of the left margin has been broken off, without raising questions of any importance as to the safe restoration of a small number of lost letters, since one is dealing with the formulaic language of the signature and names which are previously cited, see ll. 26-28. At the bottom a strip of ca. 2.00 cm has been lost, but a small portion right at the foot is still undetached due to a narrow vertical strip of fibre from the back; this is l.33.

There is an upper and a left margin of ca. 1.7 cm and 1.4 cm respectively, while a very wide one at the bottom between ll.32 and 33 measures ca. 8.00 cm; there is no free space on the right side, however, where the lines run right to the edge of the papyrus. The writing on both sides of the sheet runs along the fibres.

The document is preserved in two fragments, as a result of an irregular tearing along ll. 26-32 which contain the signature of approval, but both parts fit exactly. At least seven creases are still visible on the back indicating that the sheet was once folded



several times.

Three different hands can be distinguished with certainty on the front of the papyrus and there may also be a different hand in ll. 23-25 (see below). With the possible exception of the fourth hand (l.33), all scripts present a common feature: they are very hasty, cursive, unclear and in some parts very difficult to decipher.

The first hand, responsible for lines 1-22, is a professional semi-cursive scrawl; the script consists of a mixture of average and small letters with a tendency to slope slightly to the right. The variety of forms that some letters, such as alpha, epsilon, eta and mu present, in connection with the clumsy form of others, such as sigma and pi - especially when joined with the previous or following letter - constitutes a rather illegible script.

Quite surprisingly, the date in ll. 23-25 seems to have been written in a hand different from that of the body. It is an extremely cursive, almost illegible scribble - especially in l.25, see note - with minute letters tending to shrink even further at the end of the line. The letter forms bear some resemblances with the first hand, and yet not enough convincing ones; accordingly, I would tentatively suggest a second hand for the date, which, at any rate, is not without parallel, cf. P.Oxy. XXXI 2568, 24-29 (264 A.D.).

A similar hasty scribble is produced by another hand responsible for the signature in ll. 26-32, while the remnants at the far bottom of the sheet indicate one more hand (l.33).

The document on the front is a guarantee by which Horus gives surety and undertakes the responsibility to produce Dionysius whenever required. The text may be compared with a number of parallels

listed in Seidl, Der Eid I 79-80, II 72, 83, BGU XIII p.68; see also CPR VII 17. The most updated list of sworn declarations for liturgic offices, however, is to be found in N. Lewis, CPSRE 121 (Table 4); add now P.Harr. II 193 (ca.A.D. 182-184), 195 (193 A.D.), 204 (III A.D.), P.Oxy. XLVII 3344 (207 A.D.), P.Oxy. Hels.20, ii (139 or 140 A.D., see end of our introduction), the very fragmentary SB XVI/1 12512 (era of Severus Alexander) and the present text. One of the most recent examples, and closest parallel to our text, is P.Oxy.Hels. 20, ii which in some parts is almost identical with ours, especially in the provisions pertaining to the responsibilities undertaken by the guarantor, see ll. 16 ff. and notes.

A general discussion of documents of surety throughout the Roman and the Byzantine periods is to be found in O. Montevecchi, La Papirologia 192-193 (with bibliography), who, however, makes no special reference to the functioning of this type of text within the system of compulsory public services.

The editor of P.Vindob.Sijp. 3 distinguishes two types of suretyship as far as public liturgies are concerned (pp. 17-18):

(a) a declaration by which certain people (usually the presbyteroi of the village) jointly undertake to produce a certain person nominated for a certain liturgy. This type of guarantee is contained in documents which make known to the strategus the names of the liturgists designated by the villagers or by the comogrammateus in the name of the community.

(b) a document which includes the sworn declaration of an individual who has been nominated to the service by the comogrammateus that he will carry out his duties to the best of his abilities, or else that he is liable to certain sanctions; see also K. A. Worp, CE 49 (1974) 344-5.

The present text does not belong to either of these categories.

It is a guarantee for performance of the duties of an epiploos given by a third party who, in case of failure of performance by the nominated person, is himself obliged to carry out the duties allotted to this office (ll. 20-22), cf. N. Lewis, CPSRE 70 and F. La Rosa, JJP 13 (1961) 67-74. As P.Oxy.Hels. 20 shows, this type of guarantee together with the two aforementioned ones was submitted to the strategus; one wonders accordingly whether all three types of suretyship were required in the process of nomination for all posts in the sector of public compulsory services.

The process of nomination and appointment of the epiploos obeyed the same rules as those valid for all the liturgical offices held by villagers. The nominator in the village in the first two centuries A.D. was the comogrammateus; the names were submitted to the strategus who had the main appointive power in the nome. For a detailed discussion, see N. Lewis, op.cit. 65-76 and 83-89, and P.Oxy.Hels. 20 with the bibliography cited there.

The present document, being a guarantee for an epiploos, is associated with the transportation of taxes in grain from the local granaries in the chora to Alexandria. The key-figure in the whole process of gathering and transporting the state revenues was the strategus of the nome who was responsible to the prefect for the payment of the taxes assigned to the area of his administrative competence, although his involvement is only indirect: the duties and the charges were always laid upon the vast and complicated network of the various officials of the nomes, while the primary responsibility for the contribution remained that of the villagers.

Although transport of grain down the Nile could continue throughout the year, it is quite clear that the real pressure came in May/June,

with the beginning of harvest, and afterwards, until the end of August. The state's share in the grain, which was carefully selected by representatives of the government to make sure that it was of first quality, was removed from the villages' threshing floors by whatever possible means, mainly by using pack-animals, to the local granaries, which were located in the centre of every community of any importance.

The key-factor for the location of the thesauroi, which were destined to store the state's revenue, seems to have been their vicinity to water, that is to say the largest canals and the Nile itself, so that the loading of the ships could be effected more easily. The transportation of wheat to Alexandria by water was preferred because ships could carry considerably larger quantities than any other means of transportation and, hence, at less cost. For a detailed discussion, see M. Rostowzew, APF 3 (1906) 201-224, U. Wilcken, Grundz. 376-380, E. Börner, Korntransport, esp. 22-45, S. L. Wallace, Taxation 31-46, J. Schwartz, BIFAO 47 (1948) 179-200, G. Rickman, The Corn Supply 120 ff., J. Frösen, Arctos 12 (1978) 5-17 (with further bibliography) and the recent study by A. Meyer-Termeer, Die Haftung, esp. 3-146.

Although our text has relatively little new information on the office of the epiploos, it is of some importance because:
(i) it is the earliest text to give evidence for the compulsory public service of the epiploos, cf. N. Lewis, CPSRE sv 2, whose earliest example is P.Oxy.Hels. 20, dated in the edition 29 December, 138 A.D.; this date, however, is incorrect, see the concluding part of the present introduction. Furthermore, even if 29 December A.D. 138 were right, P.Oxy.Hels. 20 would be later than the present text.

(ii) it records a month date of 21 Hadrianus (= Choiak 21), see 1.25 and note, which, along with the date of P.Oxy.Hels. 20 of 13 or 26 Tubi (see the final part of the present introduction), is the only evidence known so far for the time of nomination to the office of epiploos. Although the evidence cannot be considered wholly decisive, both texts point to the conclusion that the epiplooi were nominated somewhere near the middle rather than at the beginning of the calendar year, in good time, presumably, for the next harvesting season.

N. Lewis has pointed out a long time ago that "a number of liturgic offices commenced their term somewhere near the middle, rather than at the beginning of the calendar year. Among the officials who appear to have taken office on or about Mecheir 1 were kommogrammateis and sitologoi", see IX Int.Congr.of Pap. 242; cf. also 234 and 239-242. It is likely, therefore, that, as the editor of P.Oxy.Hels. 20 observes (introduction, p.55) the process of appointment and nomination to the office of epiploos might have taken place at more or less the same time, with the official designation, perhaps, made some time later, in February or March. As N. Lewis again observes, "nominations were usually submitted some months in advance, thus allowing time for the subsequent steps that led to the official designation", see CPSRE 66.

The rationale of the administrative procedure in the case of the epiplooi seems to lie in the increased needs and frequency of shipment during summer; in other words all epiplooi had to be designated in the office before harvest, when the real pressure came and continued until the end of August, which was the deadline for the collection of the taxes in grain in Alexandria, see Börner, op.cit.

30-31.

(iii) it contains a number of archaic formulae, see ll. 5ff. and 16ff. and notes ad loc.

The office of epiploos has been discussed in detail quite recently by J. Frösen, in Arctos 12 (1978) 5-17, and although his duties and degree of responsibility are not quite clear, there are certain points which are worthwhile mentioning here, especially as to the nature of his office and his functions in the second century:

(i) The epiplooi, as cargo attendants, were appointed by the state and they are found in documents from the Ptolemaic as well as from the Roman-Byzantine periods; at an early stage and, at any rate, up to the beginning of the second century A.D. they are armed soldiers; the first civilian in this office is attested in P.Oxy. XXXIII 2670 (127 A.D.), cf. Meyer-Termeer, op.cit. 40 note 144; the earliest evidence of compulsory public service appears to be the present text (see discussion above), and the latest P.Petaus 55 and 58 (ca. 185 A.D.), cf. N. Lewis, op.cit. sv 1 and 2; the office of epiploos, however, continued to exist as late as 340 A.D. (P.Vindob.Worp 8).

(ii) His duties consisted of guarding the cargo during transportation and being present during the transfer (παράδοcιc and ζυγοcτατία); in case of damage or loss of part of the cargo he was responsible to the authorities; roughly speaking, his duties were of the same nature as those of the police.

(iii) Not long ago A. Świderek argued that the epiplooi were responsible for the quantity while the sitologoi of the nome were responsible for the quality of the corn transported, see Eos 58 (1969-70) 64; this view has been adopted also by J. Frösen, see art. cit. 10 and P.Oxy.

Hels. 20 introduction (p.54), but it seems to have been questioned by Meyer-Termeer, who, discussing the information provided by SB XII 11082 notes that "Ob die in diesem Text zum Ausdruck gelagende Verantwortung der ἐπίπλοου für die Quantität des beförderten Korns hier einen Spezialfall betraf, oder ob diese Haftung immer bestand, lässt sich nicht sagen", see op.cit. 27 note 70.

(iv) There is no contractual relation between the epiploos and the nauclerus; the former acts as an independent supervisor of the cargo, publicly appointed, who, if necessary, could take drastic measures even against the nauclerus to prevent damage of the cargo, see Meyer-Termeer, op.cit. 56.

For further discussion, see F. Oertel, Die Liturgie 260-1 and 384 ff., U. Wilcken, Grundz. 379, J. Schwartz, BIFAO 47 (1948) 184, 189, O. Gueraud, JJP 4 (1950) 107-115, A. Świderek, Eos 58 (1969-70) 63-66,P.Petaus 55-58 introduction, P.Oxy.Hels. 20 introduction and col. i, note to ll. 19-20, and Meyer-Termeer, Die Haftung 56 with all the relevant notes.

The following texts which record an epiploos must be added to the list given by Frösen, art.cit. 12-15:

(i) P.Oxy. XLIX 3484, 28 (Freight Contract) from 27-33 A.D.; the editor notes that "the document has the air of a private contract..." (introd.), see also note to l.28.

(ii) SB XIV 11398= JJP 18 (1974) 190 (Fragment of a letter) from II/III A.D.

(iii) P. Charite 13 ii 28; 42 (Three tax-receipts) from 20.iii.327 A.D., where an ἐπίπλοος ἀχύρου is recorded, cf. Meyer-Termeer, op.cit. 56.

It is evident from a series of texts (P.Oxy.Hels. 20, P. Petaus 55 and 58 and our text) that the responsibility for the appointment of

individuals to the office of epiploos was imposed upon each individual village, cf. N. Lewis, op.cit. 72-73. It is unlikely, however, that the transportation of the state-taxes directly to Alexandria was initiated and carried out by the individual villages, in such a way that each individual village had its own epiploos who was charged with the supervision of its own particular cargo to Alexandria. On the contrary, as has already been mentioned above and according to recently published texts referring specifically to Psobthis of the Lower Toparchy (see discussion below), the villages contributed their share in the state taxes to one of the central granaries of the nome - which for the purpose of easy loading were close to water - whence it was transported by shipment to Alexandria.

As a result of this administrative procedure one may readily assume that the epiplooi appointed by the individual villages were not asked to serve the particular village of their origin, but the local granary to which that village contributed its own taxes. If this was the case, the epiploos' area of responsibility was not the village, as N. Lewis observes in op.cit. sv 4, but the community in a much wider sense, that is to say the area which consisted of a number of villages contributing their share in taxes to a particular granary in the nome; it is not, therefore, unreasonable to assume that all these villages had a kind of joint responsibility for the transportation of the state revenue to Alexandria.

Unfortunately, no document related to the liturgic office of the epiploos provides explicit and substantial evidence in support of the above assumption. Some implications, however, as to the contradictory nature of the epiploos' office (appointed by a particular

village, but serving a much wider community) and his extraordinary role in the sector of the compulsory public services seems to be reflected in four texts, where the place of origin of the epiploos is specified in two different ways; the different formulation had already been observed by Oertel, who notes that "auf den Repartitionsort scheint hinzudeuten die Überschrift der Liste Amh. 123 Βακχιάδος ἐπίπλοου der Zusatz ὁ δεῖνα ἐπίπλουϲ ἀπὸ Καρανίδοϲ in Goodsp. 28", op.cit. 261.

In my view the two different formulae can be explained rather satisfactorily in the light of the thesis illustrated above, as to the nature of the office and the area of responsibility of the epiploos.

First: P.Amh. II 123, 1-3 (Βακχιάδος ἐπίπλοου followed by the names of the officials) and P. Petaus 58, 1-7 (Κερκεσούχων Ὄρουϲ ἐπ[ί]πλουϲ followed by names); in both documents the epiploos is designated with the genitive of the name of the village, - that is as epiploos of the village - and, also, both documents are related to the procedure of appointment and nomination of certain individuals to this particular office; in the eyes of the officials responsible for this procedure (comogrammateus - strategus) they are epiplooi of this village, in the sense that they have been appointed or nominated in the name of this particular community.

Second: P.Oxy. XXXIII 2670, 11-13 (δι' ἐπιπλόων τῶν δεῖνα ἀπὸ Παώμεωϲ) and P.Cair.Goodsp. 28, 1-2, cf. Frösen, art.cit. 10, (ὁ δεῖνα ἐπίπλουϲ ἀπὸ Καρανίδοϲ) are documents strictly related to the transportation of the taxes; the former is a ναυλωτική (with the epiploos being the earliest civilian to be in charge of this office, but not

yet a liturgist) and the latter a receipt; in both texts the epiplooi have been designated to the office and at the time the documents were drawn up they were in charge. The formula ἀπό + gen. reflects, in my opinion, the extraordinary nature of the epiploos' office, in the sense that he originates from a particular village, but he is in charge of supervising the cargo of taxes contributed by a much wider community than that of his own village.

In our document, the epiploos, Dionysius, son of Eutychus, comes from the city of Oxyrhynchus and resides in the village Psobthis of the κάτω Τοπαρχία (ll. 10-14), see l.14 note. A relatively recently published text, P.Oxy. XLIV 3170 (early III A.D.) gives a clear picture of the procedure by which state taxes were collected and sent to Alexandria: this text, in ll. 1-110 and 119-125, gives a summary of grain received for the monartabia tax for a certain number of months, but it also distinguishes consistently between grain paid directly to Sinary itself, where a central state granary seems to have been located, and that ἀπ' ἄλλων τόπων, see l.52 note. More than half of the amount of monartabia credited to Sinary was received by giro-transfer from other localities, amongst them Psobthis, see P.Oxy. XLIV 3170, 16?, 32, cf. l.16 note. The mentioned document seems to reflect the normal procedure of collecting the state taxes in the Sinary area in the third century A.D. If this administrative practice existed already in the second century - our text dates from 138 A.D. - it is probable that Psobthis of the Lower Toparchy, contributing its own taxes to the central granary at Sinary, also had a kind of joint responsibility along with other villages of the same area for the transportation of the revenue to Alexandria. If this was indeed the situation at the time of our document, I would be inclined to speculate further that the present

epiploos, Dionysius, son of Eutychus, might have had to serve the entire community contributing its own taxes to Sinary (see my general observation above concerning the area of responsibility of the epiploos).

Concluding the discussion on the epiploos, I would like to add that, as there is no good reason to suppose a fixed term of one year for this office, I would be inclined to suggest that the individual appointed was in charge only for one trip from the local granary to Alexandria; he was, perhaps, discharged after the παράδοcιc of the cargo. Consequently, if the term in this office was, more or less, arranged in such a way, it is likely that all villages were not required to appoint epiplooi every year, but at certain times in rotation.

The account on the back of the present papyrus starts with the expression γενήμ(ατα) or γενημ(άτων) ϑ(έτουc). The date could be either the ninth year of Antoninus Pius, i.e. 145/146 A.D., or 169/170 A.D., which is the ninth year of Marcus Aurelius. On palaeographical grounds both dates are suitable.

At this point it is necessary to correct the date of P.Oxy.Hels. 20 - a text which has been widely used for the edition of the present document - since it is both unjustified and miscalculated; I am grateful for some suggestions made by Dr. R. A. Coles who also checked the original.

First, there is no justification for the restoration of the second year of Antoninus Pius in the regnal formula in the two columns of P.Oxy.Hels. 20, see i 26-29 and ii 23-27 (col. iii is very badly damaged in the relevant part).

Second, the date restored has not been calculated correctly, since Tybi 13 of the second year of Antoninus Pius is not the 29th December 138 A.D., but the 8th January 139 A.D.; the miscalculation of

the date has been pointed out by P. J. Sijpesteijn to the editors of BL VII, p.158 (by letter) who also corrects to 8.1.139 A.D. Furthermore, Dr. Coles confirms the reading of the month but not the day, which he suggests is κς rather than ιγ; this is the equivalent of January 21, 139 A.D.

A restoration of the first regnal year of Antoninus Pius has to be rejected on the ground that the strategus at that time is known to us and is not Petronius Dionysius, but Apollinarius who is first recorded in P.Oxy. XII 1472, 1 (after 29 June 136 A.D.) and occurs for the last time on 28 January 138 A.D. (P.Oxy. III 484, 2).

I would like to make clear that the proposed restoration β ἔτους in P.Oxy.Hels. 20 is quite sensible, since, as our document shows, Petronius Dionysius was already in office on 17 December 138 A.D.; the possibility, however, of restoring γ ἔτους instead is not to be rejected, since the next recorded strategus belongs in 146/7 A.D. (P.Oxy. I 171 descr.); this is the equivalent of 9 or 22 January 140 A.D. (one day added, because 140 A.D. was a leap-year), and a three-year term of a strategus in office is not unreasonable (see further the note to line 1).

Πετρωνίῳ Διον(υcίῳ) cτρ(ατηγῷ)
Ὥροc Ὥρου τοῦ Τοτοέω(c)
μητρὸc Τετcοραί[πιδ]οc
ἀπὸ κώμηc Ψώβθεωc
5 κάτω. ὀμνύωι
Αὐτοκράτορα Καίcαρα
Τίτον Αἴλιον Ἁδριαν[ὸν]
Ἀντωνεῖνον Cεβαcτὸν
Εὐcεβῆ ἑκουcίωc ἐν-
10 γυᾶcθαι Διονύcιον
Εὐτύχου μητρὸc
Ταμαοῦτοc ἀπ' Ὀξυρύγχ(ων)
πόλεωc καταγεινόμενο(ν)
ἐν τῇ αὐτῇ Ψώβθει
15 γενάμενον ἐπίπλο(ον)
ὃν καὶ παρέξομαι ἐμ-
φανῆ ὁπηνίκα ἐὰν
ἐπιζητῆται ἐκτὸc
παντὸc ἀcύλου τόπου
20 cκέπηc πάcηc ἢ ὑφέ-
ξομαι τὸν ὑπὲρ αὐτο(ῦ)
λόγον ἢ ἔνοχοc εἴην τῷ ὅρκ(ῳ).
(m.2?) (ἔτουc)β Αὐτο<κ>ράτορο<c> Καίcαροc Τίτου
Αἰλίου Ἁδρι<α>νοῦ Ἀντωνείνου
25 Cεβαcτοῦ Εὐcεβοῦc, Ἁδριανοῦ κα.
(m.3) [Ὥ]ροc Ὥρου τοῦ Τοτοέ-
[ω]c ὀμώμοκα τὸν ὅρκ(ον)
[καὶ ἐ]νγυῶμαι τὸν Διονύ-
cιον ὡc πρόκιται. Θῶνιc

30 ὁ καὶ Θω[ν]ᾶς Οπ....ώτου
ἔγραψα ὑπὲ.ρ αὐτο.ῦ μὴ εἰ-
δότος γράμ(ματα).
(m.4) Ὥρο....

1 perhaps Δι.ο.ν̄, cf. P.Oxy.Hels. 20 (pl.13) or Δι.ο.̄, see note; ς̣τρ̣ʃ
2 τοτοε̄ω, see note 5 l. ὀμνύω; space filler at the end of the line
7 τιτον̣, four first letters corrected 8 l. Ἀντωνῖνον
9-10 l. ἐγγυᾶσθαι 12 οξυρυγ̄χ 13 καταγεινομεν̄ο, l. καταγινόμενο(ν)
15 l. γενόμενον; επιπλο̄ 21 αυτ̣ο̣ 22 ορ̄κ 23 Lβ
24 l. Ἀντωνίνου 27 ορ̄κ 28 l. ἐγγυῶμαι 29 l. πρόκειται
32 γραμ̄

'To Petronius Dionysius, strategus, Horus son of Horus, grandson of Totoeus, my mother being Tetsoraepis, from the village of Psobthis of the Lower Toparchy. I swear by Imperator Caesar Titus Aelius Hadrianus Antoninus Augustus Pius, voluntarily to be surety for Dionysius, son of Eutychus, his mother being Tamaous, from the city of Oxyrhynchus, resident in the said Psobthis, who has been made epiploos, whom I shall also produce, present, whenever he may be asked for, without any place of asylum or shelter in any form, or I shall take the responsibility on his account, or may I be liable to the consequences of the oath .'

(2nd hand?) 'The 2nd year of Imperator Caesar Titus Aelius Hadrianus Antonin Augustus Pius, Hadrianus 21st.'

(3rd hand) 'I, Horus son of Horus, grandson of Totoeus, have sworn the oath and guarantee Dionysius as aforesaid. I, Thonis, alias Thonas, son of Op..otos, wrote on his behalf because he cannot write.'

(4th hand) 'Hor...'

NOTES

1 Πετρωνίῳ Διον(υσίῳ) στρ(ατηγῷ): the second name of the strategus - especially the letters delta and iota - is almost completely abraded; what remains seems to be a very faint trace of the omicron followed, perhaps, by a nu with a bar over; the space left is very short and only an abbreviated form could fit. The same surprising feature is attested for the name of the same strategus in P.Oxy.Hels. 20 i 1; ii 1; iii 1, which has been adopted for the restoration here; however, Διο̄ is also a possible reading.

Petronius Dionysius was strategus of the Oxyrhynchite nome in the years 138-140 A.D.: our document, 17 December 138 A.D., P.Oxy. X 1279, 1, 8 November 139 A.D., and P.Oxy.Hels. 20, coll. i, ii, iii, 1, 8 (9) or 21 (22) January 139 or 140 A.D., see the final part of the above introduction. The previous strategus known to us is Apollinarius whose latest attested date in charge of the office is in P.Oxy. III 484, 2 of 28 January 138 A.D., the next recorded strategus is Dioscorus who occurs in only one document, namely in P.Oxy. I 171 descr. (= P.Oxy. II, p.208) from 146/7 A.D., see J.E.G. Whitehorne, ZPE 29 (1978) 173-4. Apollonius, therefore, took office somehwere in the course of the months February to December 138 A.D.

Like the overwhelming majority of texts of this type - at any rate until the beginning of the IV century A.D. - our document is addressed to the strategus who was the key-figure "in the government's control of liturgies serving the villages, metropoleis and nomes" and, hence, the main appointive power; for the appointive powers and the appointment procedures, see N. Lewis, op.cit. 83-90 and esp. 83-85.

2ff. So far as I know, none of the persons mentioned at this point in the present text has occurred in any other document.

τοῦ: the article, like the name in the previous line, is abraded.

2-4 The description of the guarantor in the parallel text P.Oxy. Hels. 20, ii, 2-4 is more detailed: besides the village of his origin, it also records his age and a scar on his forehead.

Τοτοέ̄ω(c): the writing above the epsilon does not seem to be an abbreviation mark, but rather an omega; abbreviation by superposition of a letter is occasionally employed in this text, see 1.12: Ὀξυρύγχ(ων) and 1.13: καταγινόμενο(ν). The nominative Τοτοεῦc is recorded both in NB sv and ONOMASTICON sv; almost all texts come from the Oxyrhynchite nome.

3 μητρόc: the tau here, as well as in Πετρωνίῳ (1.1), resembles an upsilon; in both occasions it is joined with the following rho in a single movement. However, the writer shows a preference for the non-cursive tau throughout the text.

Τετcορα[ιδ]oc: the small script, the confusing resemblance of some letters and the abrasion after rho creates many difficulties of reading. The second letter is very similar both to an epsilon and a sigma, but the latter must be abandoned as no Egyptian or Greek name starts with four consonants. We face a similar problem with the fourth letter, but the only recorded case of a name beginning Τετεο- is in P.Oxy. II 289, 3: ὁ δεῖνα μητρὸc Τετεο( ), cf. note ad loc., which is not very helpful for our case. On the other hand, a sigma at this part of the name seems to be a better reading. Very faint traces of the first iota can be seen above the theta of the next line, but the reading is very uncertain. Although the room is very short for the restoration of three letters, this is just possible, if the writing was

small and cursive.

The proposed name is recorded in two texts only, namely in BGU IX 1891, 327 and P.Col. II 2.5.27, both from the second century A.D. (see ONOMASTICON). A possible alternative would be to read Τετcορά[πι]ος which palaeographically is suitable, but no such name is recorded in the lexica. There is no doubt that whatever name was originally written here was rare; the lexica provide very little help and no reference to names starting with Τετεο- or Τετco- has been found in DDBDP.

4-5 ἀπὸ κώμης Ψώβθεως κάτω: the name Ψῶβθις occurs in various areas in Egypt; in the Oxyrhynchite nome it is found in four toparchies, see P. Pruneti, I Centri Abitati sv; here, the adverb κάτω indicates that this village was in the Lower Toparchy, see P. Pruneti, op.cit. sv 3; for the significance of the designation see P.Oxy. XLVII 3333, note to l.21 and cf. 3358, note to ll. 4-5.

5-9 Here, as in P.Oxy.Hels. 20 i 11-14, ii 4-12 and iii 7-11, the oath is sworn by the Emperor himself; the editor of that document argues that in all the other declarations as well as guaranties from the 2nd and 3rd century A.D. concerning liturgies, the oath is sworn by the τύχη of the Emperor, see e.g. BGU XIII 2246, 9-11 (98-117 A.D.), 2248, 4-5 (ca. 196 A.D.), but cf. SB VI 9550 (175 A.D.), of Oxyrhynchite provenance, where, contrary to this observation, the oath is sworn by the Emperor himself; he also argues that the present type of oath may have value in dating texts to a rather early period (P.Oxy.Hels. 20 i 11-14 note); for the formulation of the oath, see Seidl, op.cit. I 8ff.; for the imperial titulature, see ll. 23-25 note.

5 ὀμνύωι: for the incorrect addition of -ι to -ω, see Gignac, Grammar I 185.

7 Τίτον: the ink is dark and the letters unusually large; all letters before nu have been corrected, but it is uncertain what was written at first.

9-10 ἑκουσίως ἐνγυᾶσθαι: this short formula is to my knowledge employed only in the parallel P.Oxy.Hels. 20 ii 8, (see note) and iii, 11; all the other texts of the same type have the longer formula ἑκουσίως καὶ αὐθαιρέτως, see e.g. BGU XIII 2247, 5-6 (175/6 A.D.), 2248, 5-6 (ca. 196 A.D.) and 2249, 8-9 (ca. 205 A.D.), the first being from the Diopolite and the other two from the Arsinoite nome; the same expanded type of formula is recorded in texts of Oxyrhynchite provenance, see e.g. P. Köln III 142, 5-6 (173/4 A.D.) and P.Oxy. XXXVI 2763, 10-11 (253/4 A.D.). The evidence for the Hermopolite nome is not very abundant, but at the beginning of the fourth century A.D. the established formula appears to be: ὁμολογῶ...ἐγγεγυῆσθαι, see e.g. P. Vindob.Sijp. 3, 6-9 (325 A.D.), cf. BL V, p.61; 4, 5-8 (340 A.D.), where the formula is followed by the expression μονῆς καὶ ἐμφανείας, and 5, 6-8 (340 A.D.).

15 γενάμενον ἐπίπλοον: cf. P.Oxy.Hels. 20 ii, 12-14: εἰσδ[ο]θέντος εἰς ἐπιπλωίᾳ[ν] δημο[σίο(υ) (πυροῦ)]. The striking feature of our text at this point is the employment of the participle γενάμενος (l. γενόμενος): this, so far as I know, is never used in parallel texts relating to the nomination and appointment to compulsory magistracies, offices and services, cf. the list of words used given in N. Lewis, op.cit. 57-64. Normally, γενόμενος means "former, having ceased to be, ex- ", cf. K. A. Worp, ZPE 30 (1978) 239-244. It is

certain that this sense does not apply here.

One would expect a verb like εἰcδίδωμι or ἀναδίδωμι, see N. Lewis, op.cit. sv, since this guarantee was presumably submitted to the strategus before the actual appointment but after the nomination by the comogrammateus, see P.Oxy.Hels. 20, introd. (p.55). The only relevant entry in WB sv γίγνομαι is WB sv 10, where Preisigke translates: "zu einer Leistung bestimmt werden". But of the texts listed there, BGU I 283, 3 (II A.D.) and P.Amh, II 100, 3(198-211 A.D.), so far as I can judge, do not refer to liturgic offices and, thus, must be excluded from the present discussion: both texts employ the aorist participle γενόμενοc of the verb γίγνομαι, which is used in the usual sense "to become". The remaining three texts can be divided into two groups:
(a) those which use the perfect tense γεγονέναι, that is P. Mey. 3, 12 (148 A.D.): ἐδήλωcεν γεγονέναι cε ἐπιτ(ηρητὴν) μιcθ(ώcεωc) and M.Chr. II 96 II, 13-14 (350 A.D.): ἐπειδὴ κουράτοροc ἐμνημόνευcαc, ἀνάγνωθι, ὅπωc κουράτωρ γεγένηται φιλάδελφοc Διονυcίου κτλ. It can be hardly argued, however, that γίγνομαι in these two examples is used in the sense "to nominate", since the liturgists have already taken office and, from what I can gather, are already in service. Consequently, γεγονέναι in these examples is used in the sense "has been appointed" rather than "has been nominated"; in other words the verb γίγνομαι in both cases has nothing to do with the nomination procedure which is the case in our text.
(b) In P.Amh. II 79, 61 (186 A.D.) there is a different use of the verb γίγνομαι; the text reads (ll. 60-61): δεύτερον δέ τιc [.....]ηc Ἑρμαίου ἐκμετρητὴc γενάμενοc κτλ. The quotation itself is not very clear, but the text is a petition to the prefect concerning the misconduct of the various magistrates at Hermopolis in charge of the collection of corn

and it gives the impression that the various liturgists - including the ἐκμετρητής - had been discharged when the petition was drawn up. Again it is quite clear that γενόμενος in this example has nothing to do with the nomination procedure. On the contrary, γενόμενος is used in the sense of "ex-, former" as Worp interprets it.

16 ff. This is the most interesting part of the present document, since it states explicitly the degree of responsibility and the duties of the guarantor for performance, cf. N. Lewis, op.cit. 69-70.

The formula is almost identical with P.Oxy.Hels. 20, ii, 14-23, except that after σκέπης πάσης (l.18) that text adds: ἕκαστον ἀπαρτίζω[ν] ὡς ἐκελεύσθη (ll. 19-20), which is not included in our text.

The ἐμφανής formula is not found elsewhere in early liturgical guarantees, but only in private declarations; in the liturgical declarations it occurs frequently only after the administrative reform of Septimius Severus, see e.g. P.Oxy. IX 1196 (211-2 A.D., cf. BL IV, p.61); for this observation and kindred expressions along with the relevant documentation, see P.Oxy.Hels. 20 ii 14ff. note.

18 ἐπιζητῆται: cf. P.Oxy.Hels. 20 ii 16 where I suggest that the restoration ἐπι]ζητ[ῆτ]αι which the editor suggests in his note, is to be preferred to [ἐπι]ζητ[ηθ]ῇ which he prints in the text; the documents cited there by the editor date from a later period; the earliest certain evidence supporting the editor's restoration is PSI XIII 1358 (212 A.D.) (the date of P.Princ. III 121 is doubtful), whereas the form ἐπιζητῆται is attested in two earlier documents which are chronologically much closer to P.Oxy.Hels. 20, namely BGU II 581 = M.Chr. 345 (133 A.D.) and BGU III 891 (144 A.D.); other documents which read ἐπιζητῆται are P. Köln III 141, 13 (173-4 A.D.) from Oxyrhynchus and BGU XIII 2249, 13 (ca. 205 A.D.) from Karanis; no example with ἐπιζητηθῇ was found in DDBDP.

18-20 ἐκτὸς παντὸς ἀσύλου τόπου σκέπης πάσης: this and P.Oxy.Hels. are the only two occurrences of the formula of asylum in a guarantee between the 1st century A.D. and 566 A.D., and it implies that the Romans did not abolish the old Ptolemaic right of asylum, cf. U. Wilcken, Chrest. 409 and id., APF 6 (1913-20) 419; for further discussion and literature on the formula, see P.Oxy.Hels. 20 ii 17-18 note.

20-21 ὑφέξομαι: the three last letters are written very cursively and the iota appears to be the lower part of the prolonged right stroke of the alpha; the same feature occurs in l.16: παρέξομαι.

21 ὑπὲρ αὐτο(ῦ): a number of fibres have been removed above these two words; there is no space for the upsilon and some faint traces above the omicron seem to indicate an abbreviation mark rather than a superscript upsilon. Unlike the construction περὶ + gen in P.Oxy.Hels. 20 ii 21, here the genitive is governed by the preposition ὑπέρ and this is not without parallel in the relevant documents, see e.g. PSI XIII 1329, 20-22 (212 A.D.): αὐτὸς ὑφέξομαι τὸν ὑπὲρ αὐτῆς λόγον, ἢ ἔνοχος εἴημαι τῷ ὅρκῳ; P.Flor. I 34, 12-13 (342 A.D.): ἐγὼ αὐτὸν τὸν ὑπὲρ αὐτοῦ λόγον ὑποστήσομαι ἢ ἔνοχος εἴημ... and PSI XIII 1358, 7-10 (212 A.D.): [εἰ] δὲ μὴ παριστῶ[ν] ὑφέξω τὸν [ὑ]πὲρ αὐτῶν λόγον ἢ ἔνοχο[ς εἴην] τῷ ὅρκῳ.

22 λόγον ἢ ἔνοχος εἴην τῷ ὅρκ(ῳ): the ink at the beginning of the line has been abraded, but the restoration is certain, cf. P.Oxy. Hels. 20 i 25 and ii 22-3.

23-25 The script is extremely cursive, small and difficult to read; in ll. 23-24 a number of letters seem to be missing from the titles, due, perhaps, to the speed of the writer's hand. The script is so unclear in

l. 25 that it is extremely difficult to make out the two titles which are expected here, although no part of the writing seems to be missing; for the imperial titulature, see P. Bureth, Les Titulatures 73. The reading of the month's name is also difficult, but the ending -νου and the rather clear delta can fit suitably only to the Roman month Ἀδριανός (= Choiak), as no Egyptian month-name ends in -νου (gen.).

26 ff. A small portion of the papyrus has been cut off from the left side, but the number of letters lost, which ranges between one and four, is easily restored.

The separation of the sheet into two parts is due to a tear which starts from between ll. 27-28 and, following a zeta-like course, ends in l.31.

27 ὅρκ(ου): the abbreviation is effected by superposition of the kappa, cf. the same word in l.22.

28-29 Θῶνις ὁ καὶ Θω[ν]ᾶς Οπ...ώτου: for the second name, which is not frequent, see NB sv and ONOMASTICON sv; the last name is not fully recoverable: the letter after the omicron seems to be a pi and the one before the tau of the ending is very similar to a cursive omega; no entry, however, in NB or ONOMASTICON fits in our case; the closest name given is Ὀπτᾶτος, which is recorded only in two texts, namely in BGU IV 1114, 8; 15, 29 (5 B.C.) and P.Marm. 11, 9 (190/191 A.D.?, cf. BL VII, p.102), but it is unlikely that the letter before the ending -του is alpha. Also no suitable entry was found in Dornseiff-Hansen-Zgusta, Reverse-lexicon of Greek proper-names 178, 294 (names ending in -ωτης, -ωτος).

31-32 On the ἀγράμματοι and the ὑπογραφεύς in the papyri- the latter normally defined as "a person who has...signed a deed on behalf of another"-, see H. C. Youtie, HSClPh 75 (1971) 161-176 = Scriptiunculae II 611-627 and id., ZPE 17 (1975) 201-221 = Scriptiunculae Posteriores

I 179-199; cf. R. Calderini, Aegyptus 30 (1950) 17 ff.

33 Ὠρο....: it is not clear what was written here; the remaining letters suggest the name of the guarantor, either in the nominative or in the genitive. Similar texts afford no help as to what might have been written. The fact that it was written by a fourth hand at a long distance from the rest of the text may imply some sort of note by an official, perhaps the strategus himself.

P.Oxy. ined. 2-4: Orders to Arrest

INTRODUCTION

0.0 A distinguishing characteristic of the socially and economically advanced societies is the existence of a police force whose main function is to keep the citizens in check and to preserve order within certain territorial limits. For Egypt the target of preserving "internal peace" and order had a dual importance, for it was connected with the maintenance of the Roman colonial rule over the country itself and its people.

0.1 P. Jouguet in discussing municipal life in Egypt during the Roman period notes that "un bourg égyptien n'est pas administré pour lui, mais dans l'intéret de l'État. Tout l'effort de sa vie publique aboutit à enrichir le plus possible les caisses et les greniers d'Alexandrie ou du Rome. C'est une exploitation continuelle et réglée"[1]; the same scholar also notes elsewhere that "pour assurer la régularité de cette exploitation du bourg par le pouvoir central, il était necessaire d'y faire régner le bon ordre"[2]. Both observations point to the same direction and sum up comprehensively the role of Egypt within the Roman Empire as well as the nature of the public order which had to be maintained: the primary duty of the police apparatus was to safeguard the proper functioning of administration and taxation and, hence, to assure Rome's economic interests. In this sense it is not surprising that the links between public administration and the police forces remain very close throughout the Roman era: in fact, the chief police duties were exercised by officials who hold important posts in public administration.[3]

0.2.1 My intention in the present introduction is not to discuss the nature of the police forces in Egypt; the above point, however, is necessary in order to clarify the various changes in the police apparatus in the middle of the third century, for they took place in a period when "Rome had more need of supply than usual", but "Egypt was in no condition for further milking".[4]

0.2.2 What follows is a detailed account of the class of documents called "orders to arrest". The discussion focuses chiefly on the various changes that took place at a date ca. 250 A.D. and especially the replacement of the archephodus by the comarchai and the diminution of the strategus' powers. Accordingly, a chronological division is drawn on the grounds of the approximate date at which the changes were effected, i.e. between orders to arrest before ca. 250 A.D. and those dating after ca. 250 A.D.; also the format of the documents is discussed, mainly those from Oxyrhynchus, especially in view of the above mentioned changes.

0.3 This class of documents has been frequently discussed before, most recently by G. M. Browne in P.Mich. X 589-591 introd., pp.47-51 and in greater detail as to the format by U. Hagedorn in BASP 16 (1979) 61-74. A consolidated list of orders has been compiled recently by A. Bülow-Jacobsen in ZPE 66 (1986) 93-98.[5]

1. ISSUES OF GENERAL INTEREST

The Term

1.1 The documents under discussion have been traditionally called "orders to (for) arrest", a term which has been used by the Greek papyrologists as a conventional rather than as an accurate designation, for it does not apply to all cases and it does not reflect with preciseness the exact purpose and nature of this type of document. The descriptive term "Haftbefehl", i.e. "order to arrest", was first introduced by E. J. Knudzon in P.Lund. VI 2 (introd.), but its strict accuracy has been variously disputed thereafter.

1.1.1 As S. Daris, perhaps rightly, observes, these documents "a rigor di termini" are rather "mandati di comparizione di fronte all' autorità che ha ricevuto un'istanza ed è cosi sollecitata ad agire".[6] The editors of P.Yale I 62, starting with the wording of the documents, arrive at the conclusion that, seen within the context of the judicial and legal procedure of Roman Egypt, these documents "as a group are better called "summonses" than "arrest orders" (Haftbefehlen)".[7] Finally, U. Hagedorn, in her recent study on this class of documents coins the term "Überstellungsbefehl": the new term, without contradicting the essence of the above views, seems to express more accurately the nature of this type of document, for it can designate all orders which deal with transfer of certain persons, i.e. the accused, from the village to the higher authority, that is the head of the police in the nome or any other official with such authority.[8]

Physical Dimensions

1.2 The papyri which record this class of document present fairly

fixed dimensions. Although departures from the normal range of height and, especially, of width are not uncommon, the majority of the orders tend to be long rectangles. As the issue has been discussed exhaustively by Browne,[9] I need say no more, but note that the additional information given by A. Bülow-Jacobsen is consonant with Browne's observations.[10]

Writing

1.3 The relatively standardized physical dimensions are not the only common feature that this class of documents presents. As Grenfell had already observed, the writing in the orders for arrest runs, as a rule, across the fibres.[11] This observation has been thereafter generally accepted[12] and confirmed with statistics by Browne.[13] Indeed, the statistical information that emerges from the consolidated list of Bülow-Jacobsen verifies this point:[14] of the 78 documents tabulated there 51 (65, 38%) have the writing across the fibres and in only 13 (16, 66%) does it run parallel to the fibres (approximate ratio 4:1). SB XVI/2 12649 is the only ostrakon to record an order to arrest, and there is no information available for the remaining 13 papyri (16, 66%), but it is hardly possible that the given figures would change drastically if there was access to that information.[15] The above statistics can only imply that writing the order to arrest across - and not along - the fibres must have been a traditionally common administrative practice. It is worth noting at this point that of the 13 documents where the writing is parallel to the fibres seven come from the Arsinoite and six from the Oxyrhynchite nome.[16] This appears to invalidate Browne's argument - which is, in any case, based on different figures - that

"the fact that most of the exceptions come from the Arsinoite nome is perhaps related to a general tendency in that large nome to be somewhat more careless in administrative procedures, because of the press of business than in the less populous nomes like the Oxyrhynchite".[17]

Format: the basic components[18]

1.4 All the orders to arrest normally contain the following features in common:

Recipient(s) (in dative). Imperative of a verb (introducing the order proper) + name of the accused + participial phrase + name of the accused.

A typical example of the basic form is my text P.Oxy. ined. 3

1.4.1 There are occasionally slight additions during the first three centuries, such as the date of the document, a signature, or the word ἑξαυτῆς (added normally at the end of the order in the Arsinoite examples), but the additions become progressively more frequent especially after ca. 250 A.D. when also the basic pattern undergoes fundamental changes throughout.[19]

Chronology

1.5 The normal practice in the orders to arrest is to omit a year date. From among the 82 known documents only two bear a specific regnal year, namely P.Med. inv. 71.39 = Aegyptus 54 (1974) 6 (= SB XIV 11264) (6 B.C.) and P.Oxy. XLII 3035 (256 A.D.). In a few cases a month date is recorded, but even this is quite exceptional;[20] very rarely, if we are lucky enough, a number of orders to arrest may form part of a large archive, as is the case with P.Cair.Isid. 129-131, and, therefore, a more or less precise date can be tentatively calculated.[21]

In two more instances, P.Flor. II 228r (242-54 A.D.) published recently by Pintaudi in ZPE 60 (1985) 260-61 and P.Oxy. XIX 2229 (ca. 346-50 A.D.), an approximate date can be arrived at on the grounds of historical evidence and other clues contained in the texts. The bulk, however, of the relevant documents have been assigned an approximate date by the editors calculated chiefly on palaeographical grounds and on the particular features of the formula employed; other indications and evidence, such as the title of the sender and, especially, the title of the recipient are decisive elements for the chronology of the orders to arrest.

1.5.1 Further assistance as to the chronology of this class of documents comes from the discussion below, where I point out that the archephodus, the chief of the police in the village and, therefore, the main recipient of the orders, was replaced by the comarchai whose office was re-introduced in Egypt at a date lying between 245 and 247/8 A.D.[22] Although the office of the archephodus was not abolished and is still mentioned as late as 359 A.D. (BGU III 909 = W.Chr.I 382) his powers and authority were minimized and he eventually became a minor official, subordinate, perhaps, to the comarchai. The date of this replacement is important in many respects, primarily because it is of vital chronological value in dating the orders to arrest, for now we can draw a clear line between orders addressed to the archephodus and those addressed to the comarchai.[23] On these grounds the texts can be clearly divided chronologically into two basic groups[24]: (a) orders to arrest before ca. 250 A.D.; this group comprises all the orders addressed to the archephodus (sometimes along with other officials, such as the euschemones or the demosioi, etc.), and (b) orders to arrest after ca. 250 A.D., which principally consist of orders addressed to the comarchai (sometimes along with the demosioi and other officials, in the third and fourth centuries A.D.), and other

police authorities of the village from the fourth upto the sixth or seventh centuries A.D.[25]

The archephodus and his replacement by the comarchai

1.6 As already mentioned above, orders to arrest are addressed to various village officials;[26] the overwhelming majority, however, at least up to the middle of the third century A.D., are addressed to one or more archephodi, sometimes together with other officials.[27] A detailed examination of the documents given in Bülow-Jacobsen[28] as well as the relevant entries referring to the archephodus in WB III sv Absch. 8, WB Suppl. sv Absch. 8, SPOGLIO sv and the documents banked in DDBDP suggests that:

(i) his office is attested as early as the first century B.C. in the Arsinoite nome (P.Tebt. I 90, introd.) and, subsequently, in 29 A.D. in Euemeria (P.Ryl. II 127) and in the reign of Claudius or Nero in Caranis (P.Mich. VI 421, see BL VII, p.111), whereas in the Heracleopolite nome he occurs for the first time in the later first century (BGU IV 1060). The evidence to emerge from the Oxyrhynchite documents suggests that this nome was late in adopting the office of the archephodus, since his first appearance in a dated Oxyrhynchite document is in 190 A.D. (P.Oxy. I 69), but it is likely that he existed already in the early second century A.D. (P.Oxy. VI 969).[29] The earliest attested date of the office as a compulsory public service is in 158 A.D. (BGU I 6, cf. P. Fay. 24).[30]

(ii) the number of documents that mention an archephodus decreases substantially after the middle of the third century and this cannot but suggest the decline of his powers and importance, although as a minor official he survives as late as 359 A.D. (BGU III 909 = W.Chr.I 382).[31]

The officials who assume the police powers of the archephodus as chief of the police in the village are undoubtedly the comarchai, who are constantly addressed as such from the middle of the third century A.D. onwards. Although the picture presented in Bülow-Jacobsen's list is somewhat confusing, since he lists the documents according to the approximate dates given by the editors,[32] it is likely that the earliest order to arrest addressed to the comarchai as chief of the village police which can be dated approximately is P.Flor. II 228r (242-54 A.D.),[33] while the replacement is an indisputable fact in P.Oxy. XLII 3035 which is dated with certainty to 256 A.D.

1.6.1 With reference to the decreasing importance of the archephodus after the middle of the third century the editor of P.Oxy. XXXI 2572 notes in his introduction that the last date of appearance of the archephodus in Oxyrhynchus is in 238-44 A.D. (P.Oxy. I 80 = W.Chr.473). U. Hagedorn is therefore correct in observing that this official "als Dorfpolizisten im Oxyrhynchites irgendwann zwischen 244 and 255 verschwunden sein müssen".[34]

1.6.2 I must note in the first place that the most valuable information concerning the time of the replacement comes mainly from Oxyrhynchite documents and therefore my observations here are not necessarily true throughout Egypt. The documents from Oxyrhynchus suggest that the archephodus was still the chief of the police in the village in P.Oxy. I 80 (= W.Chr.473) dating from 238-44 A.D.; this document is a declaration on oath made by the archephodus and is addressed to the chiefs of the police at the city of Oxyrhynchus. The next dated Oxyrhynchite order to arrest, P.Oxy. XLII 3035, is from 256 A.D. and is addressed by the prytanis to the comarchai and the epistatai eirenes; in this document the comarchai are addressed as chiefs of the police

in the village and this means that the replacement has been already effected. It is of some importance for our discussion to mention P.Oxy. XXXI 2577, an order addressed by the strategus to the comarchai and the archephodus together, which is dated by the editor to the third/fourth centuries A.D.; this document reflects, perhaps, the earliest stages of the succession. From among the documents of a different provenance interesting information is provided by P.Flor. II 228r (Arsinoite nome) which is dated by the editor to the period 242-54 A.D.;[35] the recipients of the order are the comarchai and this also points to the suggestion that the replacement in this nome might have taken place at a date close to that in the Oxyrhynchite. It is also worth mentioning here the fragmentary order to arrest P.Giss.Univ. I 15; the order is addressed by the centurio to the comarchai, and the archephodus appears to be the accuser; no concrete information can be derived, however, due to the fragmentary condition of the papyrus, but the archephodus appears to be an official of secondary importance.[36]

1.6.3 As the above documentation suggests, the replacement of the archephodus at least in the Oxyrhynchite nome must have taken place at a date between 238-44 A.D. and 256 A.D. (terminus ante); the terminus ante for the Arsinoite nome seems to be 242-54 A.D. On the other hand as J. D. Thomas has shown, the re-introduction of the office of the comarchai was effected at a date lying between 245 and 247/8 A.D., replacing the commogrammateus who ceased to exist in Egypt.[37] In view of this conclusion and taking into account the above discussion it should be noted that:

(i) since the date of the re-introduction of the comarchai lies between 245 and 247/8 A.D., the comarchai cannot have replaced the archephodus before this date (terminus post). Accordingly it would not be unreason-

able to speculate that the comarchai replaced both the commogrammateus and the archephodus and assumed the powers of both officials simultaneously. (ii) the comarchai become in fact officials with considerable powers, since even the typical divisions between administrative and police competences cease to exist.

1.6.4 The office of archephodus, however, continued to exist as late as 359 A.D. (BGU III 909 = W.Chr. I 382), but as a minor official who was in the first stage subordinate to the comarchai (P.Oxy. XXXI 2577). As a recipient in orders to arrest after ca. 250 A.D. he is encountered only once, namely in P.Mich. X 590 (III/IV A.D.), addressed by the strategus to him along with the nomophylax: the fact that his title stands second in the text is enough to show that he is of minor importance. Similarly minor appears to be his role in P. Sakaon 93 from 314-323 A.D. The remaining documents from the fourth century concerning this official do not bear exact dates.[38]

The diminution of the police powers of the strategus; other officials with similar authority.

1.7 The replacement of the archephodus in the middle of the third century A.D. is not an isolated and unique reform in Egypt in the same period, but represents only a small part of the package of administrative and other reforms which took place in the years 244 to 249 A.D., in the reign of Philippus Arabs.[39]

1.7.1 The documents suggest that reforms on a wider scale within the police apparatus were under way at a time close to that of the above discussed replacement. The most significant repercussion of these reforms at a higher level appears to be the diminution of the police

powers of the strategus; from ca.250 A.D. onwards other civil and military officials whose authority is similar to that of the strategus are designated as senders in the orders to arrest.[40]

1.7.2 Although the sender's title is very rarely indicated in the orders to arrest addressed to the archephodus, that is before ca. 250 A.D., it has been generally assumed that they emanate from the office of the strategus who was the head of the police in the nome.[41] This assumption was first made by J. Nicole in publishing P.Gen.inv. 103 and has become hitherto a standard argumentum ex silentio;[42] that document along with P.Tebt. II 290 are in fact the only orders to arrest from the period before ca. 250 A.D., that is before the introduction of the comarchai, in which the strategus is designated as sender.[43] The secrecy of the sender is broken also in P.Med.inv. 71. 39 (= SB XIV 11264)[44], SB XVI/2 12649 and, perhaps in P.Wisc. I 24, but each of the three documents seem to bear more than one special feature: the first is the earliest order to arrest which also contains a fixed date, 6 B.C., the second is an ostracon with damaged text, which is sent from a decurio to a curator praesidii,[45] and P.Wisc. I 24 begins in a different way from any other order to arrest.[46]

1.7.3 How, therefore, is one to explain the absence of designation of the sender in the orders before ca. 250 A.D.? The answer is very simple if we follow J. Nicole's assumption: if the strategus was the head of the police in the nome and, accordingly, the expected sender of the orders to arrest, there was no reason for this specification to be included in the document. The archephodus, for his part, was well aware that he was taking action on orders received from the strategus. J. Nicole himself interpreted this feature on the same

grounds pointing that: "si c'était régulièrement le stratège qui expédiait les ordres de ce genre, on s'expliquerait le sous-entendu de sa personne et de son titre dans l'addresse".[47] This must surely be correct.

1.7.4 The replacement of the archephodus by the comarchai coincides with the end of the silence surrounding the sender: the usual practice after ca. 250 A.D. becomes the designation of the authority which gives the order and the absence of the title is only exceptional.[48] Quite surprisingly, the strategus is designated as sender in only three documents dating after ca.250 A.D.[49] and this undoubtedly reflects the weakening importance of his role and the considerable diminution of his police powers from the middle of the third century onwards.[50] Later, in the fourth century, the evidence for his police powers and those for his successor, the exactor, becomes even more scanty[51] and this clearly suggests that he ceased to be the sole official with police powers throughout the nome; the exact time of the replacement, however, and the immediate successor in this post are questions still to be considered.

1.7.5 After the middle of the fourth century the riparii are especially prominent in the police force of the nome[52] and the existing evidence suggests that they are the leading officials in this field.[53] In the pagus the role of the praepositus is important and he is also designated as sender in the orders to arrest.[54] What happens in the meantime is far from clear: J. Lallemand implying that the strategus was replaced as head of the police by the eirenarchai of the nome, suggests that the epoptes eirenes might have succeeded the eirenarchai and subsequently the power was transferred to the riparii,[55] while Oertel thinks that the riparii might have been immediate successors of the eirenarchai.[56]

1.7.6 Judging from the preceding discussion I would tend to think that the strategus continued to be the head of the police in the nome even after ca. 250 A.D., until he was replaced by the eirenarchai of the nome at a date perhaps not later than the general reform of Egypt in the reign of Diocletian.[57] The fact that other officials also are designated as senders in the orders to arrest in the period immediately after ca. 250 A.D. does imply the diminution of the strategu's police powers, but not necessarily his replacement. In this sense, the various civil and military officials might have been subordinate, acting either on behalf of the strategus or on commands received from him. In other words, issuing orders is not to be seen as a special area of judicial competence, but rather as a part of their area of administrative authority and this makes them merely executive agents.

... ...

Up to this point I have tried to show the major problems one is faced with as far as the police force and authorities are concerned, when discussing the orders to arrest. The following points deal chiefly with the format of the orders to arrest on the basis of the chronological division drawn above[58] and other related issues, such as, for example, the recipient of the orders after ca. 250 A.D.[59] Since the format of this class of documents has been exhaustively treated by U. Hagedorn,[60] I refer only to her general conclusions on this issue and I deal chiefly with the Oxyrhynchite examples, except for comparative reasons.

... ...

2. ORDERS TO ARREST BEFORE ca. 250 A.D.[61]

Format

2.1.1 The formulaic structure of the relevant texts in this period follows a regular pattern which presents a slight variation in the Oxyrhynchite and the Arsinoite documents.

The Oxyrhynchite examples usually read:

Recipient (in dative)

πέμψον τὸν δεῖνα

ἐντυχόντος τοῦ δεῖνος.

and the Arsinoite ones:

Recipient(s) (in dative)

ἀνάπεμψον(-πέμψατε) τὸν δεῖνα

ἐγκαλούμενον ὑπὸ τοῦ δεῖνος

ἐξαυτῆς.[62]

2.1.2 Of a total of 35 orders to arrest of Oxyrhynchite provenance[63] 23 are to be dated before ca. 250 A.D.[64] and the above-cited schema is to be found in its exact form in 8 of these texts,[65] namely: P.Oxy. VI 969 as revised by U. Hagedorn,[66] P.Oxy. IX 1212r, P.Oxy. XXXI 2574 (as restored by Hagedorn),[67] P.Harr. II 196B, P.Oxy. XLIII 3130, P.Oxy. XXXI 2575 and 2576, and P.Oxy.ined. 3; very close to the pattern but with small additions is P.Mich.Michael 5 = SB XII 11107.[68]

2.1.3 Significant departures from the basic Oxyrhynchite norm are recorded in P.Wisc. I 23[69]; P.IFAO I 36,[70] P.IFAO I 4 which is in a fragmentary condition,[71] P.Oxy. XXXI 2572-2573, PSI XV 1536,[72] and P.Oxy. I 172[73]; the first two documents are very early examples and both of them are addressed to the ephodoi.[74] In the same group of texts which diverge from the usual pattern we should, perhaps add

three more texts, despite their fragmentary condition: P.Ryl. IV 681,[75] P.NYU inv. 367[76] and P.Oxy.ined. 2.[77]

2.1.4 The imperative πέμψον is sometimes replaced by other verbs, - most frequently compounds of πέμπω-, such as ἐκπέμψατε in P.Wisc. I 23[78], ἄνελθε σύν in PSI XV 1536[79] (which is an order to escort rather than to arrest) and ἀνάπεμψον in P.Oxy. I 169[80]. P.Oxy. I 172[81] follows on the whole a completely different pattern and reads: παράδος τῷ δημοσίῳ Διονύσιον Πανεχώτου πρεσβύτερον ἢ σὺ ἄνελθε. P.Oxy. VI 969 is not to be included in the group of the texts employing a verb different from πέμπω, for the reading μετάπεμψον of the editor is incorrect and as U. Hagedorn suggested one should read Πέλα·πέμψον instead.[82] Finally, P.IFAO I 36[83] and P.Ryl. IV 681[84] are damaged but the editors restore a verb different from πέμπω.[85]

2.1.5 The participle ἐντυχόντος is occasionally omitted in the texts, namely in P.Oxy. XXXI 2572 and 2573 and P.Oxy.I 172 = SB XVI/2 12706.[86] The alternative expression καθ' [ὧν] ἐνέτυχαν is suggested by D. Hagedorn for P.Wisc. I 23,[87] and, perhaps, the variant καθ(ὰ?) ἐνέ[τυχεν] is correct in the very damaged text of P.NYU inv. 367 = SB XVI/2 12697.[88] Furthermore, the participle ἐντυχόντος is missing in P.IFAO I 4 and P.Oxy. XXXI 2874 as the text survives, but it has been restored by U. Hagedorn in both texts and this appears to be correct.[89] Finally, I can add nothing more to the controversial restoration of P.Ryl. IV 681: Youtie has omitted ἐντυχόντος (or ἐντυχούσης) in his own restoration,[90] while U. Hagedorn argues that this participle might have been included in the document.[91]

2.1.6 Among the additions in the texts of this period we must note the use of the adverb ἑξαυτῆς[92] (P.IFAO I 36) and expressions such as

ἢ τὸν ἀρχέφοδον (P.Ryl. IV 681 = Scriptiunculae I 335-7) or ἢ σὺ ἄνελθε (P.IFAO I 4 and P.Oxy. I 172 = SB XVI/2 12706), both of which call the archephodus to appear before the higher authority instead of the accused person;[93] the employment of such expressions makes the relevant documents sound more like summonses than orders to arrest.

The Sender

2.2.1 As I have already noted above, the omission of the sender's title in the orders to arrest seems to have been a general administrative practice throughout Egypt, but it is generally accepted that these orders were issued by the strategus who was the head of the police in the nome.[94] Indeed, none of the hitherto published Oxyrhynchite examples records the sender explicitly or contains any implications as to his office.

2.2.2 In the documents from elsewhere the strategus is designated openly only in P.Gen.inv. 102 (= APF 3 (1906), 226-31) and in P.Tebt. II 290,[95] both of which are of Arsinoite provenance. Other officials, but with similar authority to that of the strategus are recorded in three documents, namely P.Med. inv. 71. 39 = SB XIV 11264 (6 B.C.), where the official is referred to only as Artemidoros,[96] a decurio in SB XVI/2 12649 and an epitropos in P.Wisc. I 24;[97] the first and last documents come from the Arsinoite nome and the second one which is a very damaged ostracon, may come from Contrapollonopolis Major. It is worth noting here that SB XVI/2 12649 is a rather exceptional document and I, indeed, doubt whether it is an order to arrest; the surviving text is too small and fragmentary to enable us to draw any firm conclusions.[98]

The Recipient(s)

2.3.1 With the exception of P.Wisc. I 23 and P.IFAO I 36, which date from the early Roman era, the Oxyrhynchite orders to arrest from this period are addressed exclusively to the archephodus.[99] In contrast, the Arsinoite examples show that, although the archephodus is the normal recipient, the orders are sometimes - and this is not infrequent - addressed to him along with other officials who seem to have had similar authority.[100] In some other cases there is more than one archephodus:[101] the majority of these documents come from big villages in the Fayûm and reflect the increased number of police force which was required to prevent crime and keep order in the overpopulated areas of this nome.

2.3.2 According to Wilcken[102] and Jouguet[103] the archephodus gradually replaced the epistates of the Ptolemaic period as head of the local police, but both coexisted for some time in the earlier Roman period. His primary responsibility was to maintain order in the village, but he was also involved in administrative and financial matters: among his other duties he had an intermediary role in the collection of taxes and the obligation to publish edicts. He was one of the demosioi of the village who were liturgic officials and he was associated chiefly with the presbyteroi in the administration of the village. However, he ranked last in the administrative hierarchy and his powers were only executive.[104]

2.3.3 Although there is no concrete evidence in the orders to arrest from this period, I note also that the involvement of the army in the preservation of order was important[105] and the archephodus was in fact

assisted in this respect by a semi-military gendarmerie. However, as the occupational army was not numerous enough, the archephodus had to rely mostly on the civil guards who were also under his command. The organisation and the number of such mixed forces differed from village to village (perhaps also from nome to nome) according to the needs and the existing conditions.[106]

3. ORDERS TO ARREST AFTER ca. 250 A.D.[107]

3.1.1 In contrast to the earlier period the orders to arrest after ca. 250 A.D. present a great variety of patterns,[108] which in fact are very difficult - if not impossible - to classify into strictly defined groups. P.Oxy. I 65, XII 1505-06, IX 2229 and PSI I 47 do not fit any pattern, each presenting a particular phrasing.[109] Furthermore, BGU XI 2084 and P.Köln IV 189 do not provide reliable information, for both are partly mutilated, but they seem to have some common features.[110] The remaining five Oxyrhynchite texts, although not identical, can be classified into two basic patterns. In P.Oxy. XLII 3035 and XII 1507 the formula reads:

Sender (παρὰ + genitive)[111]

Recipient(s) (dative)

ἐξαυτῆς ἀναπέμψατε τὸν δεῖνα

ἢ ὑμεῖς αὐτοὶ ἀνέλθατε (or ἀνέρχεσθε).[112]

The striking feature of this formula is the absence of accuser, but both documents seem to deal with special cases: in P.Oxy.XLII 3035 the wanted person is a Christian and this is stated in the text (ll.4-5),[113] while the order in XII 1507 concerns not an individual, but a whole group of people who might have been in charge of a certain office.

3.1.2 The verb ἀναπέμπω of the above formula is found also in Arsinoite orders of the same period, namely in BGU XI 2080,[114] BGU II 634,[115] P.Oslo II 20 and P.Giss.Univ. I 15, but the adverb ἑξαυτῆς either occurs after the verb or is absent;[116] all these texts lack the final clause of the above formula.

3.1.3 P.Oxy. I 64 (= W.Chr.473), XLIV 3190 and P.Oxy.ined. 4 form another group, for they present, more or less, the following formula:

Sender (παρά + genitive)

Recipient(s) (dative)

ἑξαυτῆς παράδοτε τῷ δεῖνι τὸν δεῖνα

ἐντυχόντος τοῦ δεῖνος.[117]

3.1.4 A very close wording to this occurs also in P.Cair.Isid. 129 of Arsinoite provenance, but there are two slight differences: the adverb ἑξαυτῆς is employed at the very end of the text, while the participle referring to the accused is, as normally in that nome, ἐγκαλούμενον ὑπό.[118]

3.1.5 Judging from the above discussion one must first of all stress the lack of standardized formulaic patterns and this is better manifested in the Arsinoite nome, where, in contrast to the earlier period, the orders to arrest follow individual patterns. The Oxyrhynchite examples, on the other hand, although they differ markedly from the earlier pattern, do nonetheless exhibit some common features even after ca. 250 A.D. That the various changes which took place in the middle of the third century affected to a certain extent the content and consequently the format of the orders to arrest is beyond any doubt and this has already been shown by U. Hagedorn.[119]

I must make clear, however, that the key-factor for the deviation from the traditional writing patterns lies primarily in the changes that affected the higher authority which was responsible for issuing the orders; in other words, the assumption that the orders before ca. 250 A.D. emanated from the office of the strategus justifies the existence of the traditional patterns in the relevant texts from both nomes, for they were issued by the same office for a period longer than two centuries. The change of the patterns and the deviation from the traditional ones coincides with the diminution of the powers of the traditional sender, the strategus, and the transfer of some of his powers to officials with similar authority which entitled them to the right to issue orders of a similar nature; this evidently resulted in the introduction of different styles of writing and wording.

Some further observations on the format and the content.

3.1.6 A more detailed approach to the texts in this period suggests that after the middle of the third century there were changes even in the procedure concerning the appearance of the accused before the higher authorities.

3.1.7 Firstly, it is worth noting that the Oxyrhynchite examples of this period call for immediate action from the village officials, for they employ constantly the adverb ἐξαυτῆς[120] or phrases with a similar meaning, such as σήμερον (P.Oxy. I 65) and αὐθωρόν P.Oxy. XII 1506). In the Arsinoite examples this feature is attested already in the period before ca. 250 A.D. and it continues up to the fourth century A.D. or even later.[121]

Interesting in this respect is P.Mert. I 29 of Arsinoite

provenance, where the recipients are warned that, if they neglect to fulfil their duties, they will have to appear and justify their negligence before the authorities. In a similar way PSI I 47, a document from Oxyrhynchus, informs us that the police authorities of Tholthis have neglected their duty to find and arrest some culprits and the riparius threatens them with punishment. Both texts show clearly the uneffective functioning of the police apparatus and it is not, perhaps, unlikely that these texts may reflect a general situation rather than two isolated instances.

3.1.8 A second feature is the escorting of the accused individual to the metropolis under a guard provided by the official in command (sender); this is indicated in the documents with the expression: παράδοτε τῷ ἀποσταλέντι (ὑπ' ἐμοῦ)..., a feature which does not occur in orders dating before ca. 250 A.D.[122] These guards have various titles such as νομοφύλαξ (P.Oxy. XLIV 3190), στρατιώτης (P.Oxy. I 64 = W.Chr.475 and P.Wisc. I 24), ὑπηρέτης (P.Oxy. I 65), φρουρός (P.Oxy. ined. 4) and a δημόσιος (P.Cair.Isid. 129). Before ca. 250 A.D. no mention of such guards is made in the orders which is an argument ex silentio that guards were provided by the local police authorities; this is attested at least once in the Oxyrhynchite orders, namely in P.Mich. Michael 5 = SB XII 11107 where the archephodus is ordered to send the culprit διὰ φύλακος (l.3), referring evidently to a guard of the local garrison.[123]

3.1.9 Finally, in quite a few orders it is stated that there is an alternative to arrest in the respective cases: if the local police authorities do not manage to send the culprit to the metropolis, the responsible village official must appear instead. This condition is

not a new feature in the procedure of arrests; similar clauses are recorded both in Oxyrhynchite and Arsinoite texts in the period before ca. 250 A.D.,[124] where the archephodus is asked to turn up in front of the authorities instead of the accused. In the later period similar clauses occur in texts which begin with the imperative ἀναπέμψατε (P.Oxy. XII 1507[125] and XLII 3035[126]) or παράδοτε (P.Oxy. I 64 = W.Chr.475 and P.Cair.Isid. 129 from Arsinoe). In another text from Oxyrhynchus the recipients are told to go to the metropolis, if they have anything to say in favour of the accused (P.Oxy. I 65, 4-5). Very surprising and difficult to explain is the provision in P.Oslo II 20, where the village official is instructed to send ἢ αὐτὸν [sc. the accused] ἢ δραχμὰς ἑκατὸν ἑξήκοντα.

The Sender(s)

3.2.1 I have already mentioned on several occasions that the orders to arrest after ca. 250 A.D., in contrast to the earlier period, record as a rule the title of the sender. For convenience I give below a list of all the Oxyrhynchite examples:

Ref.		Date	Sender	Recipients[127]
1.	P.Oxy.XLII 3035	256 A.D.	prytanis	κωμάρχαι/ἐπιστάται εἰρήνης
2.	P.Oxy.XLIV 3190	III/IV	prytanis	κωμάρχαι/δημόσιοι κώμης
3.	P.Oxy.XII 1507	III	eirenar.	κωμάρχαι/ἐπιστάτης εἰρήνης
4.	P.Oxy. I 64 = W.Chr.495	III/IV	decurio	κωμάρχαι/ἐπιστάτης εἰρήνης
5.	P.Oxy.I 65	III/IV	benefic.	κωμάρχαι
6.	P.Oxy.ined.4	III/IV	strategus	κωμάρχαι[128]/δημόσιοι κώμης
7.	P.Oxy.XII 1506	early IV	praepos.	?[129]
8.	P.Oxy.XIX 2229	346-50	riparius	κεφαλ ( )[130]
9.	P.Oxy.XII 1505	IV	Dioscor.[131]	εἰρήναρχος

Ref.	Date	Sender	Recipients
10. P. Köln IV 189	IV/V	-	εἰρηναρχ ( )
11. PSI I 47	VI A.D.?	riparius	κεφαλ( )/εἰρηναρχ ( )[132]

3.2.2 Similar is the picture presented by the Arsinoite examples and those from elsewhere:

Arsinoite texts

1.	BGU XI 2080	after ca.250	-	?[133]
2.	BGU II 634	III[134]	-	κωμάρχαι
3.	P.Oslo II 20	III	proestos[135]	ληστοπιάστης
4.	P.Flor.II 228r	242-54[136]	-	κωμάρχαι
5.	P.Giss.Univ.I.15	III	centurio	κωμάρχαι
6.	P.Cair.Isid.129	308/9	centurio	κωμάρχαι/δημόσιοι κώμης
7.	P.Cair.Isid.130	308/9	epi tes eir.	κωμάρχαι/δημόσιοι κώμης
8.	P.Cair.Isid.131	ca.314	praepos.	τεσσεράριος/κουαδράριος
9.	P.Mert. I 29	III/IV	-	ἀραβοτοξόται
10	P.Lond.III 1309	VI/VII	comes	εἰρηναρχ( )[137]

3.2.3 Texts from elsewhere

1.	P.Mich.X 590	III/IV	strateg.[138]	νομοφύλαξ/ἀρχέφοδος[139]
2.	P.Turner 46	IV	strateg.	εἰρηνάρχης/δημόσιοι
3.	P.Mich.Michael 6 (= SB XII 11108)	IV	?[140]	ἐπιστάται εἰρήνης
4.	P.Amh.II 146 = M.Chr. II 76	V	riparius	εἰρηναρχ ( )[141]
5.	P.Mil. II 42	VI	-	σύμμαχος
6.	P.Mich.X 591	VI	-	πρωτοκ ( )/εἰρηναρχ( )[142]
7.	P.Lond.III 1074 (desc.)	VI/VII	comes	εἰρηνάρχαι[143]

The sender is designated, as a rule, with παρά+genitive: the

only exceptions are P.Mich. X 590 and P.Oslo II 20 (see III, p.275 and BL III, p.119) which employ a nominative.

3.2.4 The succession of the various officials as head of the police in the nome has been discussed elsewhere in the present introduction.[144] As is shown in the above lists, however, almost all officials who had administrative authority had a say in policing and could also exercise police duties; such officials are the prytanis, the eirenarches (-os, -ai), the strategus, the praepositus and the riparius, so that a clear distinction between officials with purely administrative authority and those with police duties is impossible.[145] In this period also the role and the involvement in the police apparatus of the higher military officials, such as the decurio, centurio and the beneficiarius, becomes more important and decisive.[146]

The Recipients

3.3.1 In contrast to the earlier period, the examples after ca.250 A.D. are characterized by the variety of recipients they present. As the lists above show most common among them are the comarchai who, as I have argued in the second part of this discussion, replaced the archephodus as head of the police in the village as a date close to 250 A.D.[147] These officials are addressed either on their own (e.g. P.Oxy.I 65 and P.Giss.Univ.I 15) or, more frequently, along with other officials who had a similar authority; the comarchai, however, are not attested at all in orders from nomes other than Oxyrhynchite and Arsinoite), but this may be a mere coincidence, for the relevant examples are very few. According to the existing information the comarchai are addressed only along with the demosioi in the Arsinoite orders, while in the Oxyrhynchite ones either with the demosioi of the village or with the epistates (-ai) eirenes. In more or less the same

period other officials are addressed as recipients of such orders too, but they seem to be of a lower grade and, perhaps, subordinate to the comarchai; such officials are: a τεσσεράριος and a πουαδράριος (P.Cair.Isid.131), a ληστοπιάστης(P.Oslo II 20), the ἀραβοτοξόται (P.Mert. I 29), a νομοφύλαξ and an ἀρχέφοδος (P.Mich. X 590).

3.3.2 In the texts which date from approximately the middle of the fourth century onwards different officials occur and this implies that the comarchai too were replaced in the course of the fourth century. Important officials at this later date seem to be the eirenarchai of the village, who might have been the successors of the comarchai; their title and history however, is very complicated and unclear.[148]

3.3.3 What changes and reforms took place in the following centuries is difficult to guess. The number of the orders decreases immensely and the texts diverge altogether from the classical patterns; the eirenarchai of the village still seem to have a distinctive position among the local police officials. Two of the latest documents, PSI 147 and P.Lond. III 1309 (p.251), give the impression of instructions to the local police to make inquiries into certain cases rather than orders to arrest in the proper sense.

NOTES

1. La Vie Municipale 269.

2. Ibid. 259.

3. For a similar observation, cf. e.g. J. Lallemand, L'Administration Civile 162-3.

4. See P. J. Parsons, JRS 57 (1967) 140.

5. The list contains 78 examples; the only other document known to me, but not included there, is P.Lond. 1074 (descr.); add now P.Oxy.ined. 2-3 (total 82 texts).

6. Aegyptus 38 (1958) 59; cf. also H. C. Youtie, TAPhA 91 (1960) 250-1 = Scriptiunculae I 332-3.

7. See introd.

8. Cf. P.Oxy. XLIV 3190, where the editor - and I do not intend to dispute the correctness of his argument here - notes that "a distinction is drawn between 'summons' and 'orders to arrest'; 3190 is probably to be classified amongst the latter for the phrasing of the order suggests that the people are to be escorted to the metropolis under guard" (introd.); cf. also P.Wisc. I 24, introd.

9. See P.Mich. X 589-591 introd., p.50.

10. The measurements of all the known orders are in col.8 of the list in ZPE 66 (1986) 95-97. The dimensions of P.Lond. III 1074 (descr.) which is not included in the list are to be found in the description of the text. For our three texts, see individual introductions below.

11. Quoted by J. Nicole, APF 3 (1906) 229, note 2.

12. See e.g. P. Lund. VI 2 introd., p.121 and P.Aberd.60 introd.

13. See P.Mich. X 589-591 introd., pp. 50-51.

14. Vide supra note 10; the relevant information is listed in col.9.

15. P.Lond. III 1074 (descr.) provides no information about the fibre direction, but a photograph which I have seen seems to suggest that the writing runs across the fibres. Of the documents published here, only P.Oxy.ined.2 is written in the abnormal manner (along the fibres), while P.Oxy.ined.3 and 4 are written in the usual way (across the fibres); this changes the figures given to 14 and 53 respectively.

16. The figures are equal when P.Oxy.ined. 2 is added to the latter group (cf. supra note 15).

17. Vide supra note 13. I do not intend to dispute the argument in principle, but it is not supported by the orders to arrest.

18. This has been discussed in detail by U. Hagedorn, BASP 16 (1979) 61-74; cf. also my discussion below, sections 2 and 3.

19. For detailed discussion, see para. 3.1.1 ff.

20. The relevant documents are: P.Gen.inv. 102 published by J. Nicole in APF 3 (1906) 226-31, P.Haun.inv. 54 published by A. Bülow-Jacobsen in ZPE 66 (1986) 94, PSI XV 1536 (see below note 72), P.Oxy. XLII 3130, P.Mich. X 590, P.Cair.Isid. 131, P.Mich.Michael 6 = SB XII 11108 and P.Oxy.ined. 3.

21. P.Cair.Isid. 129 and 130 date from ca. 308/9 A.D. (see introd. to the former document), and 131 from ca. 314 A.D., "on the assumption that it [sc. the order] was delivered to Isidorus when he was tesserarius" (see introd.).

22. The date has been established by J. D. Thomas in ZPE 19 (1975) 111-119 (see p.115).

23. The higher authority, usually the strategus, but also other officials with similar authority, normally address the orders

to arrest to the chief of the police in the village. Minor or subordinate officials are also known to get such orders, but these seem to be extraordinary or exceptional cases, which become more common from the third or fourth centuries A.D. onwards; for details, see para. 2.3.1 - 2.3.3 (before 250 A.D.) and 3.3.1 - 3.3.3 (after ca. 250 A.D.).

24. The changes in the formulaic pattern of this class of documents coincides with the date of the replacement of the archephodus by the comarchai and other changes in the police machinery in the same period, such as the diminution of the strategus' role as head of the police in the nome; see my discussion below, para. 1.7 ff. As the distinction between the two chronological divisions is so clear, the entire present discussion is based on this very division. That the orders to arrest before and after ca. 250 A.D. present many differences had already been shown by U. Hagedorn, but her discussion focuses mainly on the various formulae employed in this class of documents, see BASP 16 (1979) 61, 64, 66 and especially 73, where she suggests the replacement of the archephodus by the comarchai.

25. For a more detailed reference to these officials in both periods, see below para. 2.3.1 ff. and 3.3.1 ff.

26. All the necessary information is to be found in Bülow-Jacobsen ZPE 66 (1986) 95-97 in col.6.

27. For the various recipients of this class of documents, vide supra note 25. The discussion here focuses only on the dates of introduction and the replacement of the archephodus.

28. Vide supra note 26.

29. For this information cf. also P.Oxy. XXXI 2572-6 introd. along with note 1.

30. The same date in N. Lewis, CPSRE sv ἀρχέφοδος 2.

31. Cf. also ibid. sv. 1.

32. Vide supra note 26; nos. 44-54 and 56 should in fact precede nos. 42-43, since the latter two are addressed to the comarchai.

33. Text published by Pintaudi, ZPE 60 (1985) 260-61.

34. See BASP 16 (1979) 73. J. Lallemand is incorrect in suggesting that the eirenarchai of the village "dirigent la police du village et remplacent sans doute, dans cette fonction, l'archéphode qui existe encore au début du IVe diecle et l'épistate de la paix", see L'Administration Civile 166; in note 5 she quotes P.Oxy. IX 1193 (IV A.D.) and BGU III 909 = W.Chr.382 (359 A.D.) which she understands as documents recording the archephodus as chief of the police in the village; cf. my interpretation of both texts at the end of the present heading, para. 1.6.4 and note 38.

35. Vide supra note 33.

36. This document is definitely to be dated after ca. 250 A.D., since it is addressed to the comarchai.

37. See ZPE 19 (1975) 113-119.

38. See BGU VII 1630 A III 24 (IV/V A.D.), P.Princ. II 99 (IV A.D.), but the remaining of the title is questionable, and P.Oxy. XXXIV 2730 (not later than the beginning of IV A.D., see Aegyptus 48 (1968) 256). In P.Oxy. IX 1193, 2 (IV A.D.) the text is restored and the editor notes in l.2: "perhaps [ἀρ]χ̣εφ̣[όδῳ] is wrong, though it well suits the remaining".

39. See P. J. Parsons JRS 57 (1967) 134-141; cf. also J. D. Thomas, ZPE 19 (1975) 111-119.

40. Cf. A. Bülow-Jacobsen, ZPE 66 (1986) 96-97 (col.5); see also my discussion on the sender in the texts after ca. 250 A.D., para. 3.2.1 ff.

41. The same observation is made by Browne in P.Mich. X 589-591 introd. (p.51); however, he does not stress the fact that after ca. 250 A.D. the designation of the sender is actually the normal practice; he simply speaks of "contrary indications", which "begin to appear in the third century".

42. See APF 3 (1906) 226-231, especially p.230.

43. Cf. also para. 2.2.2 and note 95 of my introduction.

44. The sender is an Artemidoros (l.1), but the name is not followed by a title; see, however, G. Geraci, Aegyptus 54 (1974) 6, where the document was originally published.

45. The document is recorded on an ostracon from Contrapollonopolis Major (?); the lower part of the text is missing and, in my opinion, it is difficult to describe it as an "order to arrest"; see also below para. 2.2.2 (end).

46. The text in l.1 reads ἐξ ἐνκελεύσεων Σαραπίωνος ἐπιτρόπου κτλ.; see further the note to l.1.

47. Vide supra note 42 (p.230).

48. For detailed discussion on the titles of the various officials, see the relevant heading in para. 3.2.1 ff.

49. P.Mich. X 590 (III/IV A.D.), P.Oxy.ined. 4 (III/IV A.D.) and P. Turner 46 (IV A.D.)

50. For the limited powers and activities of the strategus in the fourth century A.D., see J. D. Thomas, CE 35 (1960) 262-270, where he had already suspected that "some diminution in the strategus' powers may have taken place even earlier [sc. than the municipalization of Egypt]", ibid. 262 note 5.

51. See J. Lallemand, L'Administration Civile 121 (with notes 1 and 3) and cf. 162.

52. Their earliest occurence cannot be established with certainty, but the earliest evidence of compulsory public service is in 346 A.D., see N. Lewis, CPSRE sv ῥιπάριος and cf. J. Lallemand, op.cit. 163. The riparius is sender in three orders to arrest, namely: P.Oxy. XIX 2229 (ca. 346 A.D.), P.Amh. II 146 = M.Chr.II 76 (V A.D.) and PSI I 47 (VI A.D.?).

53. So also J. Lallemand, op.cit. 163-164 with detailed discussions on their duties.

54. See ibid. 131-2 and cf. the lists in para. 3.2.1 ff. of the present introduction.

55. Ibid. 163.

56. See Die Liturgie 284.

57. For the complicated history of the eirenarchai and officials with similar titles, see N. Lewis, CPSRE sv and also P. Turner 42 introd. and P.Oxy. XXXI 2568, note to ll.1-3.

58. See para. 1.5.1.

59. See the relevant heading in para. 3.3.1 ff.

60. See BASP 16 (1979) 61-74.

61. This group contains orders addressed mostly to the archephodus, but also in the early Roman period to officials with similar authority, such as the archiphylacites, the ephodoi and the epistates and it consists of nos. 01-08, 10-38, 40-41, 44-45, 47-54 and 56 in the consolidated list of Bülow-Jacobsen, ZPE 66 (1986) 95-97. Nos. 39 (P.NYU inv.367 = ZPE 46 (1982) 221-2) and 46 (BGU XI 2084) are mutilated and lack the part of the text where the recipient is expected; the editors wish to classify them as texts of Oxyrhynchite provenance and although there is no decisive evidence for this, I have accepted the editor's

suggestion in the discussion which follows. In the former text the editor restores ἀρχεφόδῳ in l.1, while in the latter the editor offers no suggestion: judging from the text that survives, I would tentatively include in the group of the early period only P.NYU inv. 367, while BGU XI 2084, recording a rather unusual formula, is perhaps more properly included in the texts after ca. 250 A.D. No. 55 (P.Oslo II 20) addressed by the προεστώς to the λῃστοπιάστης belongs to the orders of the later period for the recipient is attested in documents between 256 and 307 A.D., see N. Lewis, CPSRE sv λῃστοπιάστης. If we add P.Oxy.ined. 2 and 3 the total for the period before ca. 250 A.D. will be 53 texts (including P.NYU inv. 367). No. 9 in the above-mentioned list (BGU XI 2080) dates after ca. 250 A.D. (see BL VI, p.21 and BL VII, p.24) while no. 6 (P.Aberd. 60) was probably addressed to the archephodus (see P.Mich. X 589-591 introd., p.47 note 5 and cf. BL VII, p.1).

62. For both schemata and detailed discussion, see U. Hagedorn, BASP 16 (1979) 63 ff.

63. The figure includes P.NYU inv. 367 published in ZPE 46 (1982) 221-22 and BGU XI 2084 (cf. supra note 61) as well as P.Oxy. ined. 2-4.

64. The figure includes P.NYU inv. 367 (supra note 63) and P.Oxy. ined. 2 and 3.

65. Cf. U. Hagedorn, art. cit. 66-67 note 16.

66. Ibid. 66 note 16.

67. Ibid. 67 note 16(2).

68. The editor dates the text to III/IV cent. A.D., but Browne rightly corrects to II cent. A.D., see P.Mich. X 589-591 introd., p.48 note 6.

69. Text revised by D. Hagedorn, ZPE 1 (1967) 152-3.

70. Originally published by B. Boyaval, ZPE 6 (1970) 11 (not in SB); for the reading in ll.4-5, cf. BL VI, p.55).

71. Text revised by U. Hagedorn, art.cit. 67 note 16(1) (= SB XVI 12313); cf. also BL VI, p.55).

72. Text quoted by R. Pintaudi, ZPE 46 (1982) 263-66 note to P.Oxy. I 172, 4.

73. Ibid. 264 = SB XVI/2 12706.

74. For a detailed discussion of the texts, see U. Hagedorn, art.cit. 68 with note 17 and 69 with note 20.

75. Text revised by H. Youtie, TAPhA 91 (1960) 233-35 (= Scriptiunculae I 335-37); cf. also U. Hagedorn, art.cit. 67-68 note 16(3).

76. Published by H. Caughran, ZPE 46 (1982) 221-22 (= SB XVI/2 12697).

77. See my discussion to this text. Of the remaining texts PSI XV 1537-8 were not accessible to me; P.Harr. II 196A omits the participle ἐντυχόντος, but it should not be listed as variation, because the text is only a draft (see editor's observations in introd.).

78. As revised by D. Hagedorn, ZPE 1 (1967) 152-3.

79. Vide supra note 72.

80. Published by Daris, Stud.Pap. 19 (1980) 5 ff. = SB SVI/2 12534.

81. Vide supra note 72.

82. See BASP 16 (1979) 67-68 note 16 (3).

83. This text allows two different restorations: either ἐ[κπέμ]ψατε (the verb is preceded by the adverb ἐξαυτῆς) or ἐ[ἀναπέμ]ψατε, see ibid. 69 note 20 and cf. BL VI, p.55.

84. The text is very badly damaged; Youtie has suggested the restoration [ἐξαυτῆς ἀναπέμψα]τε (see Scriptiunculae I 337) but Hagedorn seems to prefer simply πέμψον, see ibid. 67-68 note 16(3).

85. A compound of πέμπω was, perhaps, used also in P.Oxy.ined 2, see introduction and note to ll.1-2. The form πέμψον is partly or fully restored in P.IFAO I 4, P.Oxy. XXXI 2574, P.NYU inv. 367 = ZPE 46 (1982) 221-22 (a compound form would also fit to this text) and P.Oxy. XXXI 2575.

86. P.Harr. II 196B also lacks the participle, but see note 77 above.

87. See ZPE 1 (1967) 152-3.

88. Vide supra note 76; see note ad loc.

89. See BASP 16 (1979) 67 note 16 (1 and 2); for P.IFAO I 4 cf. also BL VI, p.55).

90. See Scriptiunculae I 335-7.

91. See art.cit. 67-68 note 16 (3).

92. This adverb is frequently employed in the relevant texts from the Arsinoite nome, cf. the schemata quoted above, para. 2.1.1; in the Oxyrhynchite nome it becomes more common in the orders after ca. 250 A.D.

93. Similar expressions are much more frequent in the Arsinoite orders of the same period, see P.Aberd. 60; BGU XI 2082, P.Tebt. II 560 = SB XVI/2 12707, P.Wisc. I 24 and P.Stras. IV 188; further on such clauses, see para. 3.1.9.

94. See my discussion above in para. 1.7 ff.

95. The editor notes in his introduction: "at the end is a well-preserved seal with the same inscription as that found on a corresponding seal upon a contemporary Geneva papyrus...". The sender, however, is not listed in Bülow-Jacobsen, ZPE 66 (1986) 95 (no.05). A similar seal with the same inscription might have been attached also to P.Yale I 62, see introd. (p.190) and note on the verso (p.193).

96. See editor's introduction in Aegyptus 54 (1974) 5.

97. See editor's introduction.

98. See also note 45.

99. The dative ἀρχεφόδῳ is restored in only one case, namely P.NYU inv. 367 = SB XVI/2 12697. In P.Ryl IV 681 Youtie has restored [πρεcβ(υτέροιc)] (see Scriptiunculae I 335-7), but I think that U. Hagedorn is right in suggesting ἀρχεφόδῳ instead, for this is the rule, as the documents overwhelmingly show, see BASP 16 (1979) 64 note 10 and 67-68 note 16 (3); on the whole I believe that Hagedorn's suggestions on P.Ryl. IV 681 are much closer to the original wording of this document.

100. He is addressed along with the ἡγούμενοc in P.Oslo inv. 1063 = SB VI 9630, BGU XI 2016 and P.Yale I 62; with the δημόcιοι of the village in P.Wisc. I 24, cf. also P.Gen. inv. 102 = APF 3 (1906) 226-31; with the τοπάρχηc in BGU XI 2083 and Stud.Pal. XXII 1; and with the εὐcχήμονεc in BGU II 376 and P.Tebt. II 594. For this feature cf. also U. Hagedorn, art.cit.68.

101. P.Wisc. I 24, BGU XI 2083, II 476, VII 1569 and II 374; cf. also P.Gen. inv. 102 (supra note 100).

102. See Grundz. 415.

103. See La Vie Municipale 259-60.

104. For a detailed account on the office of the archephodus, see P. Jouguet, op.cit. 260 ff. and especially, Oertel, Die Liturgie 275-77; see also P.Mich. X 589-591 introd.51. For the dates of introduction and replacement of the archephodus, see my discussion above, para. 1.6 ff.

105. SB XVI/2 12649 seems to be the only example from this period addressed from a decurio to the curator praesidii; cf. note 45.

106. See P. Jouguet, op.cit. 261 ff. and U. Wilcken, op.cit. 414-5; the former referring to the police powers of the army notes:

"ce rôle de l'armée dans l'oeuvre de police est un caractère général de l'epoque impériale; il ne fera que se developper avec les temps" (ibid. 266).

107. The number of the documents declines abruptly in this period, as there are only 12 examples of Oxyrhynchite provenance (see list below under the sender), 11 of Arsinoite and 7 from elsewhere or unknown provenance; this makes a total of 29 examples contrasted with 53 of the earlier period. Among the Oxyrhynchite orders I include also BGU XI 2084 (see supra notes 61 and 63). Its Oxyrhynchite provenance is supported also by the fact that it presents some resemblances with P. Köln IV 189 from Oxyrhynchus, which is also partly mutilated.

108. For the discussion that follows, cf. also U. Hagedorn, BASP 16 (1979) 64 and 66 (Arsinoite examples) and 69-70 (Oxyrhynchite examples).

109. Cf. ibid. 72.

110. Vide supra note 107.

111. The sender is the prytanis in P.Oxy. XLII 3035 and the eirenarchai of the nome in P.Oxy. XII 1507.

112. In P.Oxy.XII 1507, 6 the editor reads: [καὶ] αὐτοὶ ἀνέρχεσθε; U. Hagedorn observes correctly that the restoration ἢ ὑμεῖς or simply ἢ instead of καί gains more support from the parallel texts, see art.cit. 69 note 25.

113. See note ad loc.

114. For the date of the document, see BL VI, p.21 and BL VII, p.24.

115. Date corrected by Browne in P.Mich. X 589-591 introd., p.48 note 8; cf. also BL VII, p.14.

116. ἀναπέμπω is the most frequently employed verb in the Arsinoite examples of the earlier period, while the adverb ἑξαυτῆς is found

always at the end of the order.

117. P.Oxy. XLIV 3190, 5 reads: ἐντυ{γ}χούσης (fem.). P.Oxy. I 64, 4 reads: ἐπελέγχοντος instead of ἐντυχόντος, and concludes with the additional expression ἢ ὑμῖς αὐτοὶ ἀνέρχεσθε (l.5); cf. the first formula of this period.

118. See e.g. P.Oslo II 20, 2-3, BGU XI 2080, 2-3, BGU II 634, 2 etc.

119. See BASP 16 (1979) 61-74.

120. For the earlier period, cf. my observations in para. 2.1.6 and note 92; after ca. 250 A.D. this adverb occurs in P.Oxy. XLII 3035, XLIV 3190, XII 1507, I 64 (= W.Chr.475) and P.Oxy.ined. 4.

121. Cf. U. Hagedorn, art.cit. 64. For late examples, see BGU XI 2080 (supra note 114), BGU II 634 (supra note 115), P.Cair.Isid. 129-131 and P.Lond. III 1309 (p.251) (πάραυτα); similar is the situation in orders from elsewhere, see P. Turner 46 (ἐξαυτῆς).

122. Except for P.Wisc.I 24, dating before ca. 250 A.D., which has several features, see above para. 1.7.2 with note 46 and 2.2.2 with note 97, the expression is found in P.Oxy. XLIV 3190 I 64, I 65 and P.Oxy.ined.4. P.Oxy. XII 1506 contains a similar wording πέμψον ἅμα τῷ ἀποσταλέντι κλπ. For the Arsinoite nome, see P.Cair.Isid. 129.

123. Cf. also P.Oxy. I 172 = SB XVI/2 12706. In P.Wisc. I 24, however, from Arsinoe, addressed to the archephodoi and the demosioi the guard is provided by the sender, cf. note to l.1.

124. Oxyrhynchite orders: P.IFAO I 4 (= SB XVI 12313), P.Ryl. IV 681 (= Scriptiunculae I 335-37), P.Oxy. I 172 (= SB XVI/2 12706). Arsinoite orders: P.Aberd. 60, BGU XI 2082, P.Tebt. II 560 (= SB XVI/2 12707), P.Wisc. I 24, P.Stras. IV 188. Explicit is the order in P.Mich.Michael 4 = SB XII 11106, 4-6: ἐὰν δὲ μὴ παραστήσῃς σ' ἄνελθε μετὰ τοῦ ὑπηρέτου.

125. Cf. U. Hagedorn, art.cit. 69 note 25.

126. For documents from outside Oxyrhynchus, see P.Mich.Michael 6 (= SB XII 11108).

127. For the indication of the recipients' title in the following lists I follow the original.

128. Title restored, see note to l.2.

129. Recipients' title missing, but the editor restores [εἰρηνάρχῃ] without justification.

130. The editor prints καφαλ(αιωτῇ).

131. The editor assumes that Dioscorus might have been a strategus or praepositus or a police officer.

132. The editor expands κεφαλ(αιωταῖς) καὶ εἰρηνάρχ(αις), cf. supra notes 127-128 and BL IV, p.87.

In the same period belongs, perhaps, also BGU XI 2084, see above notes 61, 63 and 107, but as it is so badly mutilated on the left hand side, I have omitted it from the table.

133. For the date, see BL VI, p.21 and BL VII, p.24. The first line of the text is badly damaged and the editor notes in l.1 that the text allows two restorations: either [κωμά]ρχ[αις] or [τοπά]ρχ[ῃ].

134. For the date, see P.Mich. X 589-591 introd., p.48 note 8 and BL VII, p.14.

135. For the reading, see P.Oslo III p.275.

136. For the date, see editor's introduction to the text in ZPE 60 (1985) 260.

137. The editor expands to εἰρηνάρχ(αις).

138. The sender's title is in the nominative.

139. The first title is abbreviated in the form νομοφυλ( ) and the second is missing after the phi.

140. The sender's title was originally included, but is missing now due to damage.

141. The editor expands in plural.

142. The editor prints πρωτοκ(ωμήταις) καὶ εἰρηνάρχ(αις).

143. See the description of the document.

144. See para. 1.7 ff.

145. Cf. J. Lallemand, L'Administration Civile 162 ff.

146. Cf. ibid. 162.

147. See para. 1.6 ff.

148. See N. Lewis CPSRE sv εἰρήνη, εἰρηνάρχης, εἰρήναρχος and, especially, P.Oxy.XXXI 2568, note to ll.1-3 and P.Turner 42 introd. J. Lallemand is incorrect in suggesting that the eirenarchai of the village replaced the archephodus and the epistates eirenes, see op.cit. 166; cf. note 34 of the present discussion.

2. ORDER TO ARREST

75/35 b

II A.D.

7.2 cm x 4.7 cm

This dark brown strip of poor quality papyrus is preserved in a very bad condition and contains only part of the originally issued order (see below). The surviving portion of papyrus bears a good many holes at the top and the bottom and further damage is caused by two horizontal creases, one of them running along l.3 which is seriously damaged, but the reading ἐντυχόν[τος which is a key-word is secure. The reading of the first two lines is also certain. There is a substantial margin of ca. 1.5 cm at the left hand side and similarly wide is the free room at the bottom, where there are very faint and blurred traces of ink, an off-set, no doubt, caused by the wet ink during folding. The writing, contrary to the normal practice, runs along the fibres, see my introd. para. 1.3, and the back of the papyrus is blank.

However, what immediately attracts attention in this papyrus is a number of indecipherable and meaningless scrawls at the top, above the first line of the text proper in a space measuring approximately 2.00 cm. This odd drawing is partly damaged by holes, but from what I can see, it runs in two parallel lines and consists of eight (above) and seven (below) ovals respectively. From the left, the first oval of the top line is probably crossed from top to bottom with a straight line. Numbers three and four interlock and the fifth contains a sign like an inverted V. The series begins with the shape <. The lower series is marked by a horizontal line which intersects the first four ovals and terminates in a small dot. This creates the impression

of four connected thetas. The last three ovals are similarly connected. As the nib of the pen used for these doodles is much finer than the one used for the proper text, it is obvious that they were written by a different hand, being added after the order had been received. So far as I can judge, the drawing does not appear to convey any particular message or importance, but it may rather be explained as the mere product of an idle moment either by the recipient himself or by an individual in his office.

That the surviving portion of the papyrus preserves only the left hand part of the original order, separated perhaps by a crease running vertically down the middle of the sheet, is suggested by the discontinuity of the text in ll.2-3 and the absence of the accuser's name, which is expected in this text, because it contains the participle ἐντυχόντος at the end of line 3, where the text breaks suddenly (see note); for the formula of these orders before ca. 250 A.D., see my introd. para. 2.1.1 ff. It is very likely that the present order stated the name of the accused (Ταμαῦς) after the verb (πέμψον or a compound, see note) followed by her father's name, whose ending is to be identified with the faint traces in l.3 (see note). If we are to judge from the restoration in l.1, then it is obvious that the room left after ἐντυχόν̣̣[τος in l.3 is rather short and it is unlikely that the participle was accompanied by both the name of the accuser and a patronymic. This pattern is not without parallel in orders before ca. 250 A.D.; a good example is P.Oxy. I 169 = SB XVI/2 12534; cf. also P.Oxy. XXXI 2576.

There is another feature which suggests that only part of the original papyrus survives: its dimensions in its present state are approximately square in contrast to the normal rectangle in this class of document, see my introd. para. 1.2. The only interesting feature

in the surviving part of the order is the fact that the person accused is a woman; for this cf. also P.Oxy. ined. 3.

There is too little left of the text for us to be able to say much about the handwriting. The script is non-cursive, bold and easy to read when preserved in good physical condition. Almost all letters are formed independently with careful strokes and in some cases they are separated with a substantial free space between them, as for example in Φοβώου (l.1).

A year date is, as normally, not recorded, but since the order is addressed to the archephodus, the document must definitely be dated before ca. 250 A.D., see my introd. para. 1.5 ff. On palaeographical grounds the handwriting presents similarities with scripts of the second century A.D., such as P.Wisc. II 81, pl.37 (143 A.D.), P.Harr. II 191, pl.15 (152/3 A.D.?), P.Harr. II 192 (verso), pl.20 (167 A.D.) and P.Med. 60 = O. Montevecchi, La Papirologia pl.62 (II A.D.). It is also worth noting in this respect that P.Harr. II 196 A and B (II/III A.D.), pl.10, - two orders to arrest in draft - are written by a very similar hand.

ἀρχεφόδῳ Φοβώου. [ἐξαυτῆς ἔκ-]

πεμψον Ταμαῦ[ν ca.8]

... ἐντυχόν[τος ca.8]

'To the archephodus of Phoboou. At once send Tamaus,

daughter of ..., who has been accused by ...'.

NOTES

1 ἀρχεφόδῳ Φοβώου: for the archephodus and his main duties, see my introd. para. 1.6 ff; for his designation as recipient of the orders to arrest before ca. 250 A.D., see para. 2.3.1. The archephodus of the same village is addressed in one more document of the same class, namely P.Oxy. I 172 = SB XVI/2 12706 (first half of third century A.D.). For the village, see P. Pruneti, I Centri Abitati sv Φοβώου.

1-2 [ἐξαυτῆς ἔκ]πεμψον: the restoration is exempli gratia and is based on the reading of P.IFAO inv. 323, 3-4 as published by B. Boyaval in ZPE 6 (1970) 11: ἐξαυτῆς ἐ[κπέμ]ψατε (cf. the reading in P.IFAO I 36). This is in fact the only document of the period before ca. 250 A.D. from the Oxyrhynchite nome to use the adverb ἐξαυτῆς, cf. my introd. para. 2.1.6 and note 92. An alternative to ἔκ]πεμψον could be ἀνά]πεμψον which is very frequent in Arsinoite orders of the early period and found once in the Oxyrhynchite examples (P.Oxy. I 169 = SB XVI/2 12534), but without ἐξαυτῆς, see further the note to l.3. On the verb, see my introd.para. 2.1.4.

2 Ταμαῦ[ν: the person to be arrested is a woman, since Ταμαῦς is a feminine name and is the only one of those recorded in the papyrologica lexica to fit in the present instance. According to ONOMASTICON sv, the name is very rare and is recorded only in P.Cair.Zen. V 59819, P.Mich. IV 224 and O. Petrie 313 (it is not recorded in NB).

3 ...ἐντυχόν[τος ca.8]: the traces at the beginning of the line must be identified with the ending of Tamaus father's name. A reasonable reading would be ...τος which is a very likely ending for a

masculine name, but this is very uncertain. On the other hand, it would be without parallel for the name of the accuser to precede the participle ἐντυχόντος.

The name of the accuser must have followed the participle. After the chi of ἐντυχόν[τος the papyrus is damaged due to a hole running along the line, which was caused, no doubt, by a horizontal crease (see introd.). The traces of the omicron and nu are very poor and the room up to the edge of the papyrus is just enough to accommodate the three missing letters. There would be in fact no room for the name of the accuser, if we restored in l.1 simply ἐκ- or ἀνα-, as a compound of πέμπω. On these grounds the adverb ἐξαυτῆς must certainly be restored in l.1. It is unlikely that there was sufficient room in l.3 for the patronymic of the accuser, cf. introd. to this text.

3. ORDER TO ARREST

75/35a early III A.D.

13.00 cm x 10.6 cm

This light yellow papyrus of good quality is preserved in a very good condition and contains an order to arrest written, as normally, across the fibres (see my introd. para. 1.3). There are a good many holes scattered over the surface, some of considerable size, but the losses are only minor. The present papyrus is noteworthy among orders to arrest in that it is not a long rectangle like the majority of the documents of this class, but rather an approximation of a square; cf. P.Mich. X 589-590 introd., p.50. With the exception of the right, the papyrus has margins on all sides, the most substantial being the one at the bottom measuring a surprising 5.00cm, which is more than the papyrus used for the writing of the actual order. On the back which is blank, there are obvious signs of three horizontal creases, but no indication of vertical ones.

The most interesting feature of the text is the handwriting which in some respects resembles a chancery hand; for such hands, cf. G. Cavallo, Aegyptus 45 (1965) 216-249, where he discusses in detail the development of this style from the second to the fourth century A.D. The script is semi-cursive, upright and bold, elegant and easy to read, containing all the required features for an official hand. The letters are tall and, on the whole, formed with clear vertical strokes. Letters like iota, rho and phi have the vertical stroke quite pronounced either at the top or at the bottom, where, occasionally, they curve to the left.

In the order itself there are two interesting features: (i) there are two accused persons of whom the second is a woman, and (ii) it records a month date which is true of only a minority of orders, see my introd. para. 1.5 and the relevant note.

The format of the order follows the normal pattern of the Oxyrhynchite orders, see para. 2.1.1 of my introd. and cf. the schema given there.

Similarly to P.Oxy.ined.2, this order is also addressed to the archephodus and therefore dates before ca. 250 A.D. On palaeographical grounds a date at the beginning of the third century is very likely, since the script presents similarities to hands of the chancery type of that period, such as PSI X 1148 (210 A.D.) and P.Giss. II 40 (ca. 212/215 A.D.), pl.8 and 9 respectively in the above-mentioned article of Cavallo.

ἀρχεφόδωι Νεμέρων. Πέμψον
Διονύσιον Οὐαλερίου καὶ Τααφῦγχιν
Μιεῦτος ἐντυχόντος Ἀτρῆτος Παυ-
σιρίος. Φαῶφι β̄. XXXXXXXXXXXXX

'To the archephodus of Nemera. Send Dionysius, son of Valerius, and Taaphynchis, daughter of Mieus, who have been accused by Hatres, son of Pausiris, Phaophi 2.'

NOTES

1. ἀρχεφόδωι Νεμέρων: on the archephodus, see note to P.Oxy. ined. 2,1. For the village, see P. Pruneti, I Centri Abitati sv.

2. Διονύσιον Οὐαλερίου: the accused is, perhaps, the son of a Roman soldier, cf. H. C. Youtie, Scriptiunculae Posteriores I 17-34, esp. 31 ff.

3. For a list of orders to arrest recording a month date, see my introd. note 20.

The crosses, as in e.g. P.Oxy. XLIII 3130 and BGU II 634, are inserted to prevent unauthorized additions.

4. ORDER TO ARREST

[36] 4B/99A (1-5) (6) Late III/early IV A.D.

19.8 cm x 5.3 cm

The papyrus, which is blank on the back, is preserved in a good condition, except for the left hand side which has suffered some damage along two vertical creases and some mutilation at the top corner; the latter has caused the loss of the beginning of the first two lines, but there is little doubt about the restoration (see notes to ll. 1 and 2). Thirteen creases are clearly marked on the back and, as the damage is limited to the left, the papyrus must have been folded with a sequence from the right to the left. Like the large majority of this class of documents, the present order is written on a papyrus sheet whose dimensions form a long rectangle, see P.Mich. X 589-590 introd., p.50 and my introd. para. 1.2.

The script is the product of a professional, neat and rather attractive semi-cursive hand with letters standing mostly upright and, occasionally, of variable size, notably the omicron - large in Ὁρπαῆσιν (l.3), but very small elsewhere - and the iota, which goes both above and below the line in ἱερέα (l.3), below the line in καί (l.4) and of normal form and size elsewhere. Also notable, but not uncommon in scripts of this period, is the prolongation of the vertical downstroke of letters such as rho and phi - a good example is φρουρῷ in l.3 - as well as of the horizontal stroke of the letter found at the very end of the line (see ll.3-4), but occasionally, also in the middle, such as the alpha in ἱερέα (l.3) and sigma in ἐντυχόν[τ]εc (l.4). A remarkable feature of the script is the frequent word-division in ll.2-3, which together with the unusually broad interlinear space of ll.3-4, may

denote the scribe's desire to fill the lines without leaving free room (though there is a small space at the end of 1.2). As the customary official practice shows, such blanks had to be filled with crosses as a precaution against unlicensed additions (cf. P.Oxy.ined.3, note to 1.4). The same feature explains also, perhaps, the fact that ἐντυχόν[τ]εc in 1.4 is not written at the very beginning of the line, as were the preceding ones, but at some distance from the edge of the papyrus. The writing across the fibres follows the normal official practice; see my introd. para. 1.3.

The order is addressed by the strategus of the Oxyrhynchite nome to the comarchai (see note to 1.2) and the demosioi of the village called Nesmimis and concerns the arrest of a pagan priest who was accused by an individual of the same rank, designated also as a sealer of the sacred calves (μοcχοcφραγιcτής, see note to 1.4). Whether the accusation is brought as a result of personal controversy or is in some way connected with religious matters, is quite uncertain. The formula is not frequent among the orders to arrest of the same period but it finds some close parallels in at least some Oxyrhynchite examples, see my introd. para. 3.1.1 ff. (especially 3.1.3).

As is the practice in this class of document, the present text records neither a month nor a year date. The fact, however, that it is addressed to the comarchai proves that it is not earlier than ca. 250 A.D. and the fact that it is sent by the strategus suggests that it is not later than the beginning of the fourth century A.D. (see my introd. para. 1.7 ff. and 3.3.1 and cf. below note to 1.1).

The palaeography supports such a dating, since the handwriting presents many similarities with P.Med. 52 = O. Montevecchi, La Papirologia pl.79 (285 A.D.), BGU III 922 = W. Schubart, Papyri Grecae Berolinenses pl.37c

(286 A.D.), P. Panop. 2 viii = Β. ΜΑΝΔΗΛΑΡΑΣ, <u>ΠΑΠΥΡΟΙ ΚΑΙ ΠΑΠΥΡΟΛΟΓΙΑ</u> pl.58 (300 A.D.) and P.Select. 7 = Boswinkel - Sijpesteijn, <u>Greek Papyri</u> pl.40 (314 A.D.).

[π(αρὰ)] τοῦ στρ[ατ]ηγοῦ

[κωμά]ρχαις κα[ὶ] δημοσίοις κώμης Νεσμίμεως. ἐξαυτῆς

παράδοτε τῷ ἀπο-

σταλ[έν]τι ὑπ' ἐμοῦ φρουρῷ Ὁρπαῆσιν ἱερέα εἰς τὴν

ἀγορὰν

<vacat> ἐντυχόν[τ]ες Πετοσίρεως ἱ<ε>ρεὺς καὶ

μοσχος[[π]]φραγιστής.

3 ὑπεμου 4 l. ἐντυχόντος; l. ἱερέως καὶ μοσχοσφραγιστοῦ; φ in μοσχοσφραγιστοῦ is a correction from π and the following three letters have been written twice.

'From the strategus to the comarchs and the demosioi of the village Nesmimis. At once give up to the guard sent by me Horpaesis, priest, at the market-place, since Petosiris, priest and sealer of the sacred calves has made an accusation against him.'

1 [π(αρὰ)] τοῦ στρ[ατ]ηγοῦ: the mutilation of the upper left corner has removed the preposition παρά which is expected here (see my introd. para. 3.2.3 end) and the beginning of the next line (cf. introd. to the document). Although there is enough room to accommodate παρά in full, the texts of the same class suggest that the abbreviated form π/ (vel sim.) is to be expected here, see e.g. P.Oxy. XII 1507, 1, I 64, 1, XIX 2229, 1, P.Giss.Univ. I 15, 1, P. Turner 46, 1 etc.

For the diminution of the strategus' police powers after ca. 250 A.D. and his occurrence as sender of orders to arrest, see my introd. para. 1.7 ff and 3.2.1 ff. In the fourth century the range of his duties becomes even smaller (see J. D. Thomas, CE 35 (1960) 262-270) and after 309 A.D. he is gradually superseded by the exactor (see id., CE 34 (1959) 124-140), but his title is still encountered in the papyri as late as 363 A.D. in Hermupolis (P.Lond. V 1651). Here it is uncertain whether the order was issued before or after the introduction of the exactor's office.

2 [κωμά]ρχαις κα[ὶ] δημοσίοις κώμης Νεσμίμεως: the beginning of the title of the first recipient is missing (cf. supra note 1), but we can be confident about the correctness of the restoration, for the comarchai are addressed as recipients along with the demosioi in one more document of this class from Oxyrhynchus (P.Oxy. XLIV 3190) and in two of Arsinoite provenance (P.Cair.Isid. 129 and 130) of approximately the same period. In the Oxyrhynchite orders to arrest the comarchai are usually addressed along with the epistates eirenes.

Palaeographically, the only possible alternative would be to restore [εἰρηνά]ρχαις, but this is less likely and gains little support from the existing evidence, for these officials are addressed, along with the demosioi of the village, in only one document, namely P. Turner 46; this also emanates from the office of the strategus but is of Hermopolite

provenance; see further on the recipients after ca. 250 A.D. my introd. para. 3.3.1 ff. and the preceding lists.

The office of the comarchai was re-introduced into Egypt at a date lying between 245 and 247/8 A.D. and replaced the archephodus between this date and 256 A.D.; see further on this my introd. para. 1.6 ff.

On the village Νεσμῖμις, see P. Pruneti, I Centri Abitati sv. ἑξαυτῆς: for the frequent employment of this adverb or similar expressions and their significance, see my introd. para. 3.1.7 with the relevant notes.

2-3 παράδοτε...φρουρῷ: as frequently in the orders to arrest after ca. 250 A.D., the guard intended to escort the accused to the metropolis is supplied by the sender of whom he is a subordinate; see further on the formula and its interpretation my introd. para. 3.1.8. This is the first instance of a φρουρός in an order to arrest. Other subordinates of the strategus and other high-rank officials who occur in such orders include a στρατιώτης (P.Wisc. I 24 and P.Oxy. I 64 = W.Chr. 475) and an ὑπηρέτης (P.Oxy. I 65). For such subordinates of the strategus, see J. Lallemand, L'Administration Civile 125 with notes 6-7 and 126 with note 1.

3 Ὁρπαῆσιν: according to NB sv, Ὁρπαῆσις is an alternative spelling for Ἁρπαῆσις; it occurs in two more documents, namely P.Oxy. XII 1571, 1 (297 A.D.) and XIV 1747, 36 (late III/early IV cent. A.D.), both of Oxyrhynchite provenance; cf. also ONOMASTICON sv. For the interchange of α with ο (or ω), see Gignac, Grammar I 286-87.

ἱερέα: accused priests occur also in Stud.Pal. XXII 1, P.Oxy. XXXI 2573 and BGU XI 2084.

εἰc τὴν ἀγοράν: this expression, which is without parallel in the orders to arrest, is obscure and ambiguous; it may refer either to παράδοτε - in which case the local police authorities would have to surrender the accused, for reasons far from clear, to the escorting guard at the market-place - , or, perhaps more likely, it may be understood as referring to ἱερέα and, therefore, implying that the accused individual was a priest in a pagan temple located in the market-place.

4 With the exception of καί the line has word-division throughout (similarly also 1.3). The fact that all words except Πετοcίρεωc contain at least one error is very striking.

ἐντυχόν[τ]εc: this should be a genitive ending in -oς to agree with Πετοcίρεωc (subject); for the frequent interchange of o>ε in general and before the final -c in particular, see Gignac, Grammar I 289-90.

ἱ<ε>ρεύc: for the omission of ε in this instance, see ibid. I 304.

μοcχοc[[π]]φραγιcτήc: the initial pi has not been erased properly, but phi has been written on top of it; for the interchange, see ibid. I 87-88.

Although we know a good deal about the μοcχοcφραγιcτήc, the information comes chiefly from literary sources (see e.g. Herodot. II, 38). In the papyri he occurs very rarely, where he is designated also ἱερομοcχοcφραγιcτήc. He belonged to the higher ranks of priesthood and his main duty was to examine the calves destined for sacrificial slaughter and also to stamp them as indication of approval that they could be used for ritual sacrifice. For this purpose he had to issue a certificate that the above procedure (δοκιμαcία) was completed and

that the calf could be offered for sacrifice; see further on this Otto, Priester und Tempel I 62, 84 ff. and II 173 note 3; cf. also H. Kupiszewski, JJP 6 (1952) 259-60.

The present title in its exact form, i.e. ἱερεὺς καὶ μοσχοσφραγιστής is not recorded elsewhere, cf. Otto, ibid. 85 note 1. A μοσχοσφραγιστής is recorded in P.Oxy. I 46, 12 (100 A.D.), BGU I 250, 6, 9, 16, 23 (= W.Chr. 87) Stud. Pal. XXII 138, 1 (II A.D.) and an ἱερομοσχοσφραγιστής in P. Grenf. II 64, 1-2 (II/III A.D.), W.Chr. 89, 2-3 (149 A.D.) and P.Gen. 32, 4, cf. BL I, p.161; in PSI V 454, 9 (320 A.D.) it is uncertain which of the two titles has to be restored. Finally, BGU II 356, 7 (= W.Chr. 88) (213 A.D.) refers to the sealing of a calf, but the actual title of the priest is not recorded. As can be seen from the dates quoted above, the present document records a rather late occurrance of a μοσχοσφραγιστής.

5. PETITION TO A LOGISTES CONCERNING A MEDICAL EXAMINATION

43 5B.64/K(5)a 22 June, 305 A.D.

16.00 cm x 26.00 cm

This sheet of papyrus which contains a document written along the fibres was provided to me in an almost complete form and in a good physical condition - save for minor losses - but it is evident that it has been reconstructed to the present integral unity from five adjoining fragments. One of the fragments is a strip which measures approximately 3.5 cm in width, while its length corresponds to that of the sheet; it bears the final part of all lines of our text, but the script is severely faded in some parts, see e.g. ll.1, 2, 6 and 7, where the text needs to be restored and contrast l.12, where the reading is hopeless and the restoration uncertain (see note). The left side of the papyrus is preserved in better condition, except for parts which are either abraded (l.2) or affected by tearing (l.10).

A small portion of the papyrus sheet which was originally located in the centre, along the irregular tearing running across ll.11-26, has been lost. The missing part of the text (ll.16-22) is not very extensive, but because of the elaborate style and the uncommon wording, it threatens to undermine the precise interpretation of the concluding part of the document.

On the whole, however, the papyrus shows only minor losses, despite its fragmentary condition, and the text is almost completely recoverable.

The margins at the top and the left side of the sheet measure approximately 2.5 cm and there is a space of 4.00 cm left free at

the bottom. There is no margin at the right side and the script runs to the edge.

As the papyrus sheet has suffered distortion, it is hard to estimate the exact number of the creases and the way the sheet was once folded. It is likely, however, that the separate strip at the right hand side was caused by a vertical crease. Possibly this strip was the outer part of the folded sheet, because it has suffered the most serious abrasion and damage. Furthermore, I tend to think that there were not more than six folds - resulting, therefore, from five creases - if one is to judge from the width of the aforementioned strip. On the other hand, the horizontal creases seem to have been only two, located perhaps along ll.10 and 23. The back of the papyrus is blank.

Palaeographically, the text does not present any extraordinary features. At least three hands can be distinguished with certainty. The first hand responsible for the main text of the petition is a rather neat, semi-cursive script, sloping slightly to the right, and consists of a mixture of letters of various sizes: big, like beta (ll.7, 15), xi (l.11), phi (l.16), psi (l.14), average, such as alpha (in all forms), delta, tau etc. and small ones for which the best example is the tiny omicron throughout the text. In some parts the size of the letter depends on the type of the handwriting employed: the letter epsilon, for instance, when written independently, stands upright and at a somewhat higher position compared to the other letters, see e.g. l.13: ἐπιcταλῆναι, but it is rather smaller and broader when it is formed cursively, see e.g. l.6: ἡμετέραc. Note also that the letters alpha, epsilon, sometimes upsilon, and sigma present a variety of forms. A clear example of the cursive element in the script is the constant

use of ligatures in the writing of the conjunction καί as well as of the diphthongs alpha-iota and epsilon-iota; cf. also the surprising ligature in παρανόμως (l.5) (last five letters).

The script in the regnal formula (ll.20-22) is darker and distinctly more cursive, but there is little doubt, I think, that this part is also the product of the same first hand, since there are many similarities.

The second hand, semi-cursive and rather untidy, is that of the petitioner himself (l.23), while the third one (ll.24-26) is also semi-cursive, but with considerably larger and bold letters and a more free style showing its clerical background: the main features here are the long tails of the letters iota and rho and the way the writing is spread out.

In the present document Aurelius Hierax, son of Asclepiades, addresses a petition to the logistes of the Oxyrhynchites requesting that one of his assistants along with a public physician be sent to carry out a medical examination and certify his wife's condition. She has been assaulted and injured by certain individuals mentioned briefly in the petition. He also requests that a copy of the petition - and, perhaps, the resulting report, see note to l.16 - be kept on file to be used as evidence in case legal action is initiated against the assailants in the future.

Petitions of this type are directly associated with the role of the public physicians (δημόσιοι ἰατροί) in Roman Egypt, who appear to have been assigned specific forensic functions in cases involving violent death or injury.

A good many documents from the Roman period have survived pertaining to this type of medical examination, which, according to D. W. Amundsen

and G. B. Ferngren (see bibliography below) can be divided into four different categories (pp.343-8); each of the types reflects a different stage of the administrative and penal procedure, as well as the various steps and measures for action taken both by the officials and the individuals involved:

(i) Petitions addressed to a high-ranking official requesting medical examination or investigation into a particular case, such as the present one.

(ii) An order from an official to his assistant to examine the case along with a demosios iatros and submit a written report.

(iii) Medical reports (προcφωνήcειc) written by the appointed physician or the ὑπηρέτηc or by a scribe, and signed by the physician(s); this is the best illustrated type of document.

(iv) Use of προcφωνήcειc in a trial; this occurs in only two extant papyri, namely P.Oxy. XVII 2111 (ca. 135 A.D.), see esp. 11.20 ff., and P.Oxy. XII 1502 (ca. 260 A.D.).

In their discussion of the second class Amundsen and Ferngren (art.cit. 345) are right to point out that "the only papyrus that contains the actual text of the official's order is P.Oxy. 475". This papyrus contains also the text of the petition addressed to the strategus, but, so far as I know, this is without parallel among the known examples. In view of this I suggest that the orders of the officials were normally spoken rather than written.

The subject of forensic medicine, the functions of the public physicians and those of the ὑπηρέτηc in the investigatory and certificatory system which operated in Roman Egypt have been discussed in detail from various points of view. I need do no more than mention here the most important and extensive treatments (in chronological order): P.Oslo III

95-96 introd. (pp.100 ff.); O. Nanetti, Aegyptus 21 (1941) 301-314; H. Kupiszewski, JJP 6 (1952) 263-265; R. Taubenschlag, The Law[2] 633-634; E. Boswinkel, Symb. R. Taubenschlag I (= Eos 48) 1956, 181-190; H. Kupiszewski-J. Modrzejewski, JJP 11-12 (1957-8) 141-166; and most recently by D. W. Amundsen and G. B. Ferngren, Bulletin of the History of Medicine 52 (1978) 336-53; for the earlier literature see O. Nanetti, art.cit. 301 notes 1-3; also for further incidental references in more general works, see Amundsen and Ferngren, art.cit. 342-43 note 40.

A list of all the relevant texts then known is given by Nanetti, art.cit. 301-302; to those E. Boswinkel, art.cit. 184 note 6, adds only P.Rein.II 92 (393 A.D., see BL VII, p.169); all these texts are discussed individually by Amundsen and Ferngren, art.cit. 343-348.

Since the publication of P.Rein. II 92 very few relevant documents have appeared. Below I give a list of those known to me according to the type to which they belong (see the classification above):

(i) Petitions for medical examination or investigation

There is only one text to add with certainty to this category, namely P.Oxy. LI 3620 (326 A.D.) of Oxyrhynchite provenance addressed to the νυκτοστράτηγου. The extraordinary feature of this text is the fact that the petitioner requests a μαῖα (l.16) to be sent to make the examination, who might have been a demosia, see ll.17-18 and note.

The recently published P.Harr. II 192 (167 A.D.), perhaps, also belongs to this category. The document, described by the editor as petition to a strategus, is badly damaged (the right segment is completely missing), but from what survives we can be sure that the strategus is requested to send one of his assistants to make an αὐτοψία; a demosios iatros is not mentioned in the surviving part of the text, but the editor argues that a physician was, perhaps, mentioned in the petition, see note to ll.19-20.

(ii) Medical reports (προσφωνήσεις)

(1) P.Oxy. XLV 3245 (297 A.D.) addressed to the prytanis, cf. introduction to the text.

(2) P.Oxy. XLIV 3195 col. ii (331 A.D.): the document is addressed to the logistes along with the defensor (ἔκδικος); no ὑπηρέτης is mentioned and the examination is made by four public physicians, all of them from Oxyrhynchus, see note to ll.28 ff.

(iii) Medical reports mentioned in other texts

The only example of such a text is P.Oxy. XXXI 2563 (ca. 170 A.D.), which is, perhaps, a draft of a petition intended to be addressed to the epistrategus. The petitioner narrates a story of violence and theft presented in that document for the third time and asks the official to take action. That a medical inspection had taken place under the supervision of an ὑπηρέτης is mentioned in ll.17-30.

Returning to the present document it must be stressed that the type to which it belongs is not very well represented in the papyrological documentation: out of 25 texts listed in Nanetti and here, only 5 are petitions for medical examination compared to 17 which record medical reports.

The contents of our document fall under three major headings:

(i) ll.5-8: Aurelius Hierax introduces the main subject of the petition by mentioning the action he had previous taken concerning the assault against his wife. Both the story of violence and the assailants have been posted publicly in a μαρτυροποίημα (l.9), an affidavit. As the petitioner here avoids giving a detailed account of the case and the motives of the assault, this was, no doubt, done in the affidavit (cf. ll.5-10).

What is not clear in this part of the document, is the function

and the role of the affidavit in the whole process. According to a recent suggestion by J. Rea "the affidavit was used particularly when one party to the dispute could not or would not participate in the ordinary legal procedure", see P.Oxy. XLVI 3304 introd.; see further on the affidavit as an edictio actionis E. Seidl, Rechtsgeschichte Ägyptens 116-117.

In the present case, however, the affidavit was made at a very early stage of the procedure, that is even before the petition for the medical examination. Must we, therefore, understand that the culprits had taken flight immediately after the assault, or is there something else implied here?

It is also worth noting in this respect that this is the first instance of an affidavit mentioned in this type of petition and, indeed, so far as I know, the only known instance of its use in a case concerning assault. Both these facts point to the suggestion that the making of an affidavit is not a necessary, but rather an extraordinary step, in such proceedings.

(ii) ll.9-16: the request of the petition: as a result of the assault the petitioner's wife bears a number of injuries. A forensic medical examination is, therefore, needed to certify the fact; the resulting testimony (προcφώνηcιc) will constitute an important document for possible legal action.

(iii) ll.16-19: despite the fact that this is the most damaged part of the text, which also contains a number of unusual expressions (see e.g. note to ll.16-17), the final part of the request clearly reflects the intention of the petitioner to take legal action in the future. The petition must be kept on file as evidence for the case which will be tried in the presence of the prefect of Egypt (see note to l.16).

The same feature is recorded in two more petitions of the same type: P.Oxy. XII 1556, 6-9 (247 A.D.) and P.Oxy. LI 3620, 20-24. The text of P.Flor. I 59, 11-15 is very uncertain, but it should perhaps be listed under the same category, cf. the text as restored by U. Wilcken, APF 3 (1906) 536 and cf. also BL III, p.56. All these petitions, including the present one, request an investigation or examination to be carried out with a view towards possible future legal action. This fact supports the argument put forward by Amundsen and Ferngren, art.cit. 348-350, that the physicians who are encountered in the medical reports are assigned a special and exclusive function, that is to produce written testimony for criminal proceedings and civil suits; on this contrast Nanetti, art.cit. 314.

The present petition, like the majority of the texts associated with forensic examination in the course of the first half of the IV cent. A.D., is addressed to the logistes. This official replaced the strategus as head of much of the administration in the nome just before the general municipalisation in Egypt in 307/8 A.D.

The following relevant documents are also addressed to the logistes: BGU III 928 (307 A.D., see J. Lallemand, L'Administration Civile 108 note 1 and cf. also BL III, p.15 and VII, p.16), SB III 6003 (= P.Oxy. VI 983) (316 A.D.), P.Oxy. VI 896, col.II (316 A.D.), P.Oxy. I 52 (325 A.D.) and P.Rein. II 92 (393 A.D., see BL VII, p.169). Finally, in P.Oxy. XLIV 3195 col. ii (331 A.D.) the logistes is addressed along with the ecdicus.

As to the chronology, it is worth noting that the present text is the earliest example of a document connected with forensic medicine in the Oxyrhynchite nome or elsewhere in Egypt which is addressed to the logistes; the latest one is P.Rein II 92 listed above. For the role and the functions of the logistes in general, see B.R. Rees, JJP 7-8 (1953-4)

83-105, and J. Lallemand, op.cit. 107-114. For the career of our logistes, see note to 1.3.

Other officials addressed in the relevant documents from 297 A.D. onwards are:

(i) ἔκδικος: P.Oxy. XLIV 3195 col.ii (331 A.D., along with the logistes) and P.Cair.Preis. 7 (IV A.D.).

(ii) νυκτοστράτηγος(-ου): P.Oxy. LI 3620 (326 A.D.) and P.Lips. 42 (end of IV A.D.), and

(iii) πρύτανις: P.Oxy. XLV 3245 (297 A.D.), cf. introd.

Two points are worth making here, as to the recipients:

(i) From an examination of the documents before 297 A.D., it is clear that the strategus was the only recipient in the period until just before the end of the third century A.D. and, therefore, the only competent administrative official to conduct cases involving medical examination; see also Nanetti, art.cit. 303-4 and Amundsen and Ferngren, art.cit. 343.

(ii) In the fourth century A.D. the main recipient is the logistes, but, as the above list shows, he shares this administrative competence along with other officials.

Two final remarks on the importance of the present text:

(i) The petition is the only example of this particular type so far published to be addressed to the logistes. It is almost complete and its importance lies mainly in the unusually elaborate style and wording (see notes to 11.5 ff. and 16 ff.).

(ii) The date of June 22, 305 A.D. is of importance for two reasons: firstly, because it provides the latest known occurrence of Diocletian's regnal formula in the Oxyrhynchite nome (see note to 11.20-23) and secondly, it is the safest dated document to preserve the exact name of the first logistes in Oxyrhynchus and perhaps, throughout Egypt, see note to 1.3.

The form, structure and various formulae used in official petitions from the third century B.C. to the third century A.D. have been discussed thoroughly by J. L. White, Form and Structure of the Official Petition. In view of this analysis, the structure and the particular structural units of the present document can be represented in the following schema:

I THE OPENING (ll.1-5)

(i) Consular formula (1-2)

(ii) Address in the form "To B -- from A --" (3-5)

II THE BACKGROUND (ll.5-12)

(i) Statement-proof of unjust treatment; previous legal action (legal background) (5-9, see note)

(ii) Description of the circumstances eliciting the plea (factual background) followed by the "necessity phrase" ἀναγκαίως ἐπιδίδωμι (9-12)

III THE PETITION (ll.12-19)

A. Statement of request (ll.12-13)

(i) The verb of request: [ἀξιῶν] (12, see note)

(ii) The agent through whom action is requested (12-13)

B. Object of request (ll.13-17)

(i) The requested action: ἐπιστὰλῆναι...ἰατρόν (13-14)

(ii) The desired action: τὸν ἐποψόμενον...προσφωνοῦντας (14-16)

(iii) Further request resulting from the fulfillment of the desired action (16-17)

C. Anticipated result issuing from the fulfillment of the request (ll.17-19)

The concluding part of the petition states the anticipated justice

which the petitioner will receive if the request is granted.

IV THE CLOSING (11.20-24)

(i) Regnal formula and date (20-22)

(ii) Signature (23)

The last three lines (23-25) written by a different hand do not count as part of the original petition, since they were added after the presentation of the document to the *logistes*.

ἐπὶ ὑπάτων τῶν κυρίων ἡμῶν Κωνσταντίου καὶ
Μα[ξ]ιμιανοῦ [τ]ῶν ἐπιφανεστάτων Καισάρ[ων τὸ ε//].
Αὐρηλίῳ Σεύηρι τῷ καὶ Ὡρίωνι λογι[στῇ Ὀξ]υρυγχίτου
παρὰ Αὐρηλίου Ἱέρακος Ἀσκληπιάδο[υ] ἀπὸ τῆς αὐ-
5 τῆς πόλεως. ὅσα παρανόμως τετόλμη[ν]τ[αι κ]ατὰ [τῆ]ς
ἡμετέρας συμβίου Σαραπιάδος τοὔνομα ὑπὸ Ψόϊτος
καὶ Τίρωνος γαμβροῦ αὐτοῦ καὶ τῶν τούτων γυναικῶ(ν)
καὶ υἱῶν ἤδη πάντων τὴν διήγησιν πεποίημαι
δι' οὗ προὔθηκα δημοσίᾳ μαρτυροπ[οιή]ματος. ἐπὶ
10 οὖν ἡ ἐνγεγραμμένη μου σύμβιος ἡκί[σ]θαι τῶν
πληγῶν καὶ ἔπληξαν κατὰ τοῦ βραχί[ο]ν[ο]ς ἀναγ-
καίως ἐπιδίδωμι τάδε τὰ βιβ[λία ἀξιῶν] δι' ἑνὸς τῶν
περὶ σὲ ὑπηρετῶν ἐπισταλῆναι δη[μ]όσιον ἰα-
τρὸν τὸν ἐποψόμενον ἅμα τῷ αὐτῷ ὑπηρέτῃ
15 τὴν τῆς συμβίου διάθεσιν καὶ ἐνγρά[φ]ως σοι προς-
φωνοῦντας καὶ αὐ[τὰ] ταῦτα εἶναι ἐν [τῇ] τάξει μαρτυ-
ρείας καὶ ἀσφαλείας [τῆς] ἡμετέρας ἕνεκεν πρὸς τὸ τη-
ρηθῆναι μοι τὸν λ[όγον] περὶ τῆς ἐγ[δι]κείας
παρὰ τῷ μεγέθ[ει τῆς] ἡγεμονίας. <vacat>
20 (ἔτους) κα//καὶ ιγ// [τῶν] κυρίων ἡμῶν [Δ]ιο[κλ]ητιανοῦ
καὶ Μαξιμιανοῦ Σεβα[στ]ῶν καὶ Κωνσταν[τίου καὶ Μ]αξιμιανοῦ
τῶν ἐπιφανεσ[τάτω]ν Καισάρων, Παῦνι κη.

(m.2) Αὐρήλιος Ἱέραξ Ἀσκληπιάδου ἐπιδέδωκα.

(m.3) Αὐρήλιος Ὡρίων ὑπηρ[έτης] λογιστοῦ
25 <vacat> ἐπήνεγκ[α].
(ἔτους) κα// καὶ ιγ//. [Π]αῦνι κή.

1 ϋπατων 3 l. cεύϑει or cεύϑη(?), see note 4 ϊεραϰος

7 γυναιϰῶ 8 ϋιων 9 l. ἐπεί 10 l. ἐγγεγραμμένη; l. ἡϰίϲϑη or ἥϰιϲται, see note; l. ταῖϲ πληγαῖϲ 13 ϋπηρετων

14 ϋπηρετη 14-15 ϊατρον 15 l. ἐγγράφωϲ 15-16 l. προϲφωνήϲονταϲ, see note 16-17 l. μαρτυρίαϲ 18 l. ἐνδιϰίαϲ

20 Lϰαϛ″ϰαιιγϛ″ 23 ϊεραξ 25 ἐπηνεγ'ϰα

26 Lϰαϛ″ϰαι ιγϛ″

'Under the consuls our lords Constantius and Maximian, most noble Caesars, (both) for the fifth time.'

'To Aurelius Seuthes, also called Horion, logistes of the Oxyrhynchite [nome], from Aurelius Hierax, son of Asclepiades, from the same city. Of all those outrages that were committed illegally against my wife called Sarapias by Psois and Tiron, his son-in-law, and their wives and sons, I have already given a detailed account in the affidavit which I have posted publicly. Since, then, my aforementioned wife was assaulted with blows and they wounded her arm, I present of necessity this petition requesting through one of your assistants that a public physician be dispatched to inspect along with the said assistant my wife's condition and make a written report to you, and that these actual documents(?) be kept in your office for the sake of my (or our) testimony and safety in order to secure my legal claim for satisfaction in front of his Highness the prefect. Year 21 and 13 of our lords Diocletian and Maximian, Augusti, and Constantius and Maximian the most noble Caesars, Pauni 28.'

'(2nd hand) I, Aurelius Hierax, son of Asclepiades presented it.'

'(3rd hand) I, Aurelius Horion, assistant to the logistes, delivered it. Year 21 and 13, Pauni 28.'

NOTES

1-5 For the opening of the petition, its structural units and the various formulae involved, see J. L. White, Form and Structure of the Official Petition 13-14, 21-22 and 31. In the Roman period the normal salutation formula employed in petitions is "To B -- from A --", such as here (ibid. 31).

1-2 The writing in these two lines is to a large extent damaged due to abrasion, but this is the only consular formula which corresponds to the regnal formula in 11.20-23, see R. S. Bagnall-K. A. Worp, CSBE 105 and for the concordance ibid. 70-71; cf. also my note to 11.20-23.

Traces of ink at the end of 1.2 show that the space left after the consular year number was filled with a horizontal dash.

3 Aurelius Seuthes, also called Horion, is well illustrated in the papyri; as logistes he was already known to B. R. Rees, JJP 7-8 (1953-4) 104. Today we have a more complete picture of his career, for his name is securely identified in at least four documents.

His earliest occurrence is in P.Oxy. XLV 3246, 6 as γυμνασίαρχος, along with another individual of the same status; the text cannot be given a precise date, because of its fragmentary condition, but the editor reckons as most probable the year 297/8 A.D. As such he is included in P. J. Sijpesteijn, Nouvelle Liste des Gymnasiarques 41 (No.509).

He definitely holds the office of logistes in the years 305 and 306 A.D.; apart from the present text, he is also attested in P.Oxy. VI 895, 3 (= W.Chr. 48) (305 A.D.) and P.Oxy. VIII 1104, 3 (306 A.D.): the former document lacks a month date, but we may be confident, that

this was some time after Pachon (April/May), since the text records a statement of the village accounts for the months Pharmouthi and Pachon; and the latter was written on the fourth of Pauni (11.20, 25), that is May 29: this is also the latest known date of Aurelius Seuthes in office as logistes.

To these documents, however, one must also add P.Oxy. XVIII 2187 (304 A.D.), which records the earliest occurrence of a logistes in Egypt, see J. Lallemand, L'Administration Civile 108 note 2 and cf. BL VI, p.105); the name of the logistes in 11.2 and 5 is missing due to damage of the papyrus sheet on the left hand side and the estimated number of the lost letters is 38 per line. The editors had already suggested that the logistes in question might have been Aurelius Seuthes, but they also questioned whether he might be Zenagenes whose name occurs there in 11.29, 31. The possibility of Zenagenes must be ruled out, however, since we know now that he was the strategus at the time and not the logistes, see P.Oxy. XLV 3246 introd. and note to 1.2. In view of this fact, I would be inclined to suggest the restoration: [Αὐρήλιος Σεῦθις ὁ καὶ Ὡρίων λογιστὴς Ὀξυρυγχίτο]υ (in 1.2) and [Αὐρηλίῳ Σεύθι τῷ καὶ Ὡρίωνι ἀπὸ ταύτης] κτλ. (in 1.5).

If our restoration is right, then Aurelius Seuthes was in charge of the office of logistes for at least three years (304-306 A.D.), which, according to Lallemand, op.cit. 114, seems to be the normal term for this office; in exceptional cases, however, as the papyri show, the term could be extended to four or even five years.

No papyri from Oxyrhynchus, so far as I know, record the name of the logistes in 307 A.D. in that nome. The next known logistes, a Valerius Heron, also called Sarapion, is in office in the years 308 and 309 A.D. in

in the following documents: P.Lond. inv. 2226, described by J. Lallemand, op.cit. 265, and P.Oxy. XXXIII 2666, 1-2 and 2667, 1. If the succession took place in 307 A.D., which seems to me less likely, then the term for our logistes was 4 years.

Two more papyri, namely P.Oxy. XXXIII 2666, 3-4 (ca. 308/9 A.D.) and 2667, 2 (309 A.D.) (for the dates see introduction to the texts) record the name of Aurelius Seuthes as ex-logistes and they refer to misdeeds during his term in office.

At this point, I must briefly refer to one more text which mentions an Aurelius Seuthes, but there is not a second name. This text is P.Oslo III 135, 1-2, dated by the editors between 286 and 293 A.D.; the individual there is qualified as γυμνασίαρχος and, perhaps, as βουλευτής, but it is not certain whether he is to be identified with our logistes, see the editors' note to ll.1-2, although the idea is very tempting.

Finally, the identification is even less likely is P.Oxy. XLIV 3183 (292 A.D.), where an Aurelius Seuthes without a second name and without any further qualification occurs in a document concerning registration of children.

Σεύθι: it is hard to decide if this must be corrected to Σεύθει or Σεύθῃ; both the spellings Σεῦθις and Σεύθης for the nominative are recorded in WB sv and ONOMASTICON sv, the latter form appearing more frequently. Where the same man occurs, the name is in exactly the same form as in the present document in P.Oxy. VI 895, 3, VIII 1104, 3 and XXXIII 2667, 2. In P.Oxy. XXXIII 2666, 3 the dative is Σεύθῃ and in XLV 3246, 6 the genitive is Σεύθου, which both imply a nominative Σεύθης.

λογι̣[cτῇ 'Οξ]υρυγχίτου̣: there is not much room after the iota, but an abbreviated form of the title is unlikely. If the writer were to choose to abbreviate, then he would probably prefer to abbreviate the second word as often in the papyri, see e.g. P.Oxy. XLIV 3195, i 3 : λογ[ι]cτῇ 'Οξυρυγχ(ίτου). On the other hand, no abbreviation at all is employed throughout the text and this implies that the writer avoids it systematically.

5 ff. The style is somewhat elaborate and the wording in some parts unusual.

5-12 As J. L. White, op.cit. 14-15, argues, this part of the petition, which he calls "background", always precedes, and is complementary to, the main request, and is "the most plastic and unstereotyped element within the structure". The main purpose of the "background" is the "description of the circumstances which prompted the plea", see also ibid. 22-23 and 32-36.

In our document the "background" consists of two units: (i) ll.5-9 state that the petitioner's wife was unjustly treated and as a first legal step the petitioner has posted an affidavit. Because this part stresses especially the legal aspect, I call it "legal background". (ii) ll.9-12 describe the circumstances, that is the facts, which elicited the petition. Usually, official petitions contain only the second part, while the "injustice clause" (= (i) above) is much less frequent, see J. L. White, op.cit. 15-16 note 17.

ὅcα παρανόμωc τετόλμη̣[ν]τ̣[αι: the adverb (but not the adjective) is rare and the expression, in this exact form, without parallel in the papyri, see the examples in WB sv and SPOGLIO sv; add P.Oxy. XLVI 3302, 7. Often

παρανόμως and its adjective are found with the verb πράττω, see e.g. P.Oxy. II 237 VI, 13 (186 A.D.): πολλὰ εἰς ἐμὲ ἀσεβῶς καὶ παρανόμως πραξάσης and P.Oxy. VIII 1106, 5 (VI A.D.): καὶ εἴ τινες ἐπι[χ]ειρήσουσιν παράνομόν τι μετ' ἐκείνων πρᾶξαι; cf. also P.Oxy. XLVI 3302, 7 where the verb used is κρατέω. The closest parallel I was able to find is P. Sakaon 38, 2-3 (= P.Flor. I 36) (IV A.D.): τὰ παρανόμως καὶ ῥιψο[κινδύνως ἐπ]ὶ τῶν τόπων τολμώμενα. There is no substantial difference, however, between the expressions with πράττω and those with τολμῶ; it is rather a matter of choice of words than of significance.

τετόλμη[ν]τ[αι: the construction ὑπό+genitive in ll.6-8 suggest that here we must restore the passive form of the perfect; τετολμή[κ]α[σι, therefore, or any other alternative must be ruled out. We must also reject the possibility of the periphrastic perfect indicative for two reasons: (i) there is no room after eta for so many letters, and (ii) periphrastic forms are attested mainly outside the indicative, see Mandilaras, The Verb, §§ 454-455

The only plausible alternative would be to restore τετόλμητ[αι (Attic syntax), but I think that τετόλμη[ν]τ[αι is a better reading, since the lacuna in this part of the papyrus is just enough to accommodate the nu.

6 ὑπό: the writing is severely rubbed and the reading quite uncertain, but what one expects here is a preposition along with the genitive to indicate the agent of the action. This is usually ὑπό+gen. or, less frequently, παρά+gen., but the remnants here support only ὑπό.

7 Τύρωνος: according to NB sv and ONOMASTICON the name Τύρων is found in only four more papyri; add also P.Mert. III 106, 4. None of the individuals

mentioned there seems to be identifiable with the present one.

8 τὴν διήγησιν πεποίημαι: the word διήγησις is very rare in the papyri, see WB sv; add also P.Haun. III 57, 9 (412-415 A.D.?), where the word is partly restored. Furthermore, I was not able to find a parallel for this unusual periphrasis, which is equivalent to δεδιήγημαι. In the texts διήγησις is chiefly used with reference to a preceding narrative, see e.g. SB I 5357, 10: κατὰ τὸν προκείμενον τῆς διηγήσεως τρόπον, P.Oxy. XII 1468, 11: τὰ δὲ τοῦ πράγματος τοιαύτως ἔχει τὴν διήγησιν and P.Monac. 7, 47: πρὸς τὴν ἀνωτέραν διήγησιν. In P.Haun. III 57, 9, however, the word refers to a narrative which is about to follow: καὶ τῆς ὑποθέσεως [μ]ελλούσης κατὰ διήγ[ησιν] [λέγε]σθαι.

9 δι' οὗ προὔθηκα μαρτυροπ[οιή]ματος: translation: "in the affidavit which I have posted publicly"; parallel is the expression in P.Oxy. XLVI 3304, 20-21: τόδε τὸ μαρτυροποίημα δημοσίᾳ προὔθηκεν, cf. also the note to l.10 there.

9-11 The petitioner does not give a detailed account of the facts and his wife's injuries. He speaks generally of blows and the only specific reference is in connection with arm injury, perhaps the most serious one. The clumsy description along with the syntactical blunders imply, perhaps, that the writer was actually trying to summarize at this point the incident as narrated in the affidavit.

10 ἡ ἐνγεγραμμένη μου σύμβιος: cf. the medical report in P.Oxy. XLV 3245, 11-12 (297 A.D.): ὥστε ἐφιδεῖν τ[ὸν ἐνγεγραμ]μένον τοῖς βιβλιδίοις, which in fact is the only example associated with forensic examination that uses this participle, if the restoration is correct.

10-11 ἠκύ[σ]θαι τῶν πληγῶν: a surprising double error. The reading of

the alpha iota is very dubious, but the remaining traces do not favour either an eta or an epsilon iota, which the scribe writes rather broadly, see e.g. τάξει (l.16), μαρτυρείας (ll.16-17), ἀσφαλείας (l.17). The room after theta can accommodate only a very cursive alpha iota, like the one in πεποίημαι (l.8), or, even better, in τηρηθῆναι (ll.17-18). The traces after the lacuna cannot be sigma or tau; the long horizontal stroke and the rather round ones at the top and the bottom seem to favour a theta.

Now, if our reading is correct, it is uncertain what the scribe had in mind: it could be either a third person perfect (ἥκισται) with interchange of τ>θ, which is not unusual after sigma (see Gignac, Grammar I 87) or third person of the passive aorist with interchange of η>αι (see ibid. 247-8). I suspect that the writer had the latter form in mind, cf. the following aorist ἔπληξαν.

Indeed, the grammatical and syntactical confusion after σύμβιος is extraordinary, but apart from ἡκί[σ]θαι..., no other reading can be disputed: the scribe is led from one blunder to another. As to ἡκί[σ]θαι... I must stress that this verb, followed by the dative πληγαῖς, is the one we expect here, as the parallel texts show, see e.g. P.Oxy. XXXI 2563, 33-34 (ca. 170 A.D.): ἡκίσατο αὐτοὺς πληγαῖς and XXXVIII 2853, 8 (245/6 A.D.): ἐπῆλθον ἡμῖν καὶ πληγαῖς ἡκίσαντο. In BGU III 928, 8 the editor prints καὶ ἔληγες εκισαμενου(?), but I think that we must read: καὶ πληγαῖς αἰκισάμενον. Finally, the same expression was, perhaps, included in P.Flor. I 59, 2 (text as restored by Wilcken, APF 3 (1906) 536).

11-12 ἀναγκαίως ἐπιδίδωμι τάδε τὰ βιβ[λία ἀξιῶν] δι' ἑνὸς τῶν: the script at the end of the line has been rubbed and the reading is very uncertain. The traces after the lacuna do not fit with the letters of the expected participle ἀξιῶν, but rather give the impression of a horizontal finish of a delta written in a cursive form together with an iota, such as in e.g. ἐπιδίδωμι (1.12) or διήγησιν (1.8); this means that the participle was written in the space just before and in the lacuna. The next traces on the separate strip suggest a rather flat and narrow epsilon and a nu written in a similar way. The only letter after that which can be recovered with some confidence is the tau; the remaining traces are very dubious. Our restoration, apart from the fact that it is consonant with what follows in the next line, it is also supported by parallels in various types of petitions, see e.g. SB IV 7468, 13 ff. (221 A.D.): ἐπιστα λῆναι αὐτῇ δι' ἑνὸς τῶν περὶ σὲ ὑπηρετῶν τούτου τὸ ὅσον and P.Oxy. XVIII 2198, 7 (II A.D.): ἵνα δι' ἑνὸς τῶν ὑ[πηρετ]ῶν μου μεταδῶ κτλ., see also my note to 11.24-25.

The damage is also severe after the second beta of βιβλία. The fibres have been removed from their original position and they are very distorted. What we are dealing with here, however, is a well-known formulaic expression, which is frequent and typical in all sorts of petitions: the expression normally consists of the verb ἐπιδίδωμι in the present indicative followed by τάδε τὰ βιβλίδια, or its alternative βιβλία (for the word βιβλίον used in the same sense with βιβλίδιον, see WB sv 5) along with the present participle of the verb ἀξιῶ. The participle is completely missing in our text and it should be restored, for it is the governing verb of the infinitives ἐπιστα λῆναι (1.13) and εἶναι (1.16). If this is correct, then I think that the scribe wrote βιβλία and not

βιβλίδια which is too long to be restored.

Alternatively, it could be argued that the writer actually wrote only βιβ[λίδια omitting the participle ἀξιῶν. This solution leaves us with only five letters in the lacuna, but it is not unusual for the scribe to leave space between the letters, like that before the second beta in this line, see also ll.15, 16, 17 and especially after παρανόμως in l.5, where the horizontal dash of the sigma is markedly prolonged. Although such an eventuality is not impossible, for the writer has given in the preceding lines quite a few examples of the kind of errors and blunders to which he is prone, it would be very risky to restore and, at the same time, emend the restoration itself.

Indeed, it would be very odd if the scribe actually omitted ἀξιῶν, which is the most basic structural element of the document, since it introduces the request clause of the petition; for the frequency of the verb ἀξιῶ in this part of the petition, see J. L. White, Form and Structure of the Official Petition 51, 53 and esp. 41 note 46, where he points out that the verb of request occurs in every petition. For the formula ἀναγκαίως ἐπιδίδωμι τὰ βιβλία which White calls either "necessity phrase" or "need clause" depending on its function in the "background", see ibid. 36 with notes 39-40 and 61 with note 68. The "necessity phrase" is very characteristic of the Roman period.

Not all petitions of this type request the official to send an assistant along with the physician, as is the case here. In P.Oxy. LI 3620 (326 A.D.) the petition requests a midwife (who is perhaps a demosia, see note to ll.17-18) to carry out the examination without mentioning an ὑπηρέτης; in P.Oxy. III 475 (182 A.D.), although the petition asks for an ὑπηρέτης to be sent, the official (strategus) orders a demosios iatros to accompany his assistant and submit a report; see for further discussion

on these cases Amundsen-Fermgren, Bulletin of the History of Medicine 52 (1978) 343-4.

On the functions and the role of the ὑπηρέτης and the demosios iatros in the system of forensic medicine and medical examination, see the bibliography given in the introduction. On the ὑπηρέτης as subaltern and assistant to various officials, add the general study by H. Kupiszewski-J. Modrzejewski, JJP 11-12 (1957-8) 141-166; on the exemption of the demosioi iatroi from public services, see N. Lewis, BASP 2 (1964-65) 87-92.

12-19 For the main part of the petition (request) its structure and formulaic nature, see J. L. White, Form and Structure of the Official Petition 15-18, 23-24 and esp. 59-61.

15-16 καὶ ἐνγρά[φ]ως σου προσφωνοῦντας: the participle is not what we expect here. The parallel texts usually employ at this point the aorist infinitive προσφωνῆσαι (here governed by [ἀξιῶν] in l.12), see e.g. P.Oxy. LI 3620, 19 and XII 1556, 4. Our writer, however, might have wanted to avoid such a construction, because employing the infinitive would not have had the desired result, that is to indicate as subjects both the physician and the ὑπηρέτης. In other words, the scribe's implied intention here is to designate both the physician and the assistant as subjects of the action indicated by προσφωνοῦντας.

Now, if the writer had indeed a participle in mind, we should correct into προσφωνήσοντας to accord with τὸν ἐποψόμενον, since both words are governed by ἐπισταλῆναι and signify a future action.

16-19 A very complicated and puzzling word order, which becomes obscure in some parts due to the unusually elaborate, somewhat pompous and strained style.

The petitioner requests that the petition be kept in the office of the logistes, as evidence for his own safety and for future legal action, since he intends to bring the case before the prefect.

Although requests of this kind are often found in petitions of this type, our formula, in this exact form, is without parallel. Similar is the character of the provision in P.Oxy. LI 3620, 21-24 (326 A.D.): (ἀξι[ῶν], l.16) ... ἐγγύας αὐτὰς παρασχέσθαι ὅν' εἰ συμβέη τι τῇ{ι} συμβίῳ μου ἡ δέουσα{ν} ἐνδικία γένηται παρὰ τῷ ἀχράντῳ δικαστηρίῳ τοῦ κυρίου μου διασημοτάτου ἐπάρχου τῆς Αἰγύπτου κτλ. In P.Oxy. XII 1556, 6-9 (247 A.D.) the petitioner very plainly requests: ἔχειν δὲ τὰ βιβλείδια ἐν καταχωρισμῷ ἄχρι τῆς παρὰ τῷ μείζονι ἐνδικίας; the closest parallel, perhaps, could be P.Flor. I 59, 11-15, see text in APF 3 (1906) 536: this at least is the impression given by words like ἀσφαλιζόμενον (l.12), ἵνα μὴ ἁμάρτυρον ᾖ (l.13), ἐνδικηθῆναι (l.14), but the text is very fragmentary (cf. also BL III, p.56).

16 καὶ αὐ[τὰ] ταῦτα εἶναι ἐν [τῇ] τάξει: the infinitive is governed by [ἀξιῶν] in l.12, but I cannot decide whether αὐτὰ ταῦτα refers only to the βιβλία or to both the petition and the resulting medical report. So far, we have learned from two other texts, namely P.Oxy. XVII 2111 (ca. 135 A.D.) and XII 1502 (ca. 260 A.D.) that it was either the προσφώνησις itself (in the former text) or the προσφώνησις along with the petition to the strategus that were introduced as evidence in the respective trials. On this basis I would tend to suggest that we must interpret αὐτὰ ταῦτα as referring to both documents, the petition and the certificate of the examination which is requested.

The expression ἐν [τῇ] τάξει is very rare in the papyri. The closest parallel is P.Oxy. XII 1467 (263 A.D.), a petition for ius trium

liberorum, but the word τάξις is restored: (l.30) ἔσται σο[ῦ] τὰ βιβλία ἐν τῇ [τάξι (sic!) (cf. note there) and the editors translate "your application shall be kept in the office". In a similar tone the petitioner in the body of the same document requests (ll.21-24): ἔχε[ιν] αὐτὰ ἀποκρίτως τοῖς δι]καίοις μ[ο]υ ἐν τῇ σῇ τοῦ [δια]σημοτάτου τ[ά]ξι; actually, what is recorded in l.30 is the answer to this part of the request; cf. also P.Stras. VI 560, 8.

The expression found elsewhere τὰ τῆς τάξεως βιβλία reflects the same practice of keeping documents, especially applications and petitions, in the office (i.e. on file), see e.g. P.Lond. II 306, 15-16 (pp. 118-9) (145 A.D.), P.Fay. 35, 8-10 (150/1 A.D.), P.Oxy. LI 3601, 12-13 (202 A.D.): note especially P.Oxy. XL 2895 ii 12-13 (270 A.D.): διὰ τῶ]ν ὑπ' αὐτοῦ ἐπιδ[οθέντων β]ιβλίων ἐν τάξει.

Finally, I think that the expression ἐν τῇ τάξει (or without the article) is an alternative expression to the more frequent one ἐν καταχωρισμῷ, see e.g. P.Oxy. XII 1556, 6-7 (247 A.D.): ἔχειν δὲ τὰ βιβλίδια ἐν καταχωρισμῷ and P.Oxy. XLVI 3289, 15-16 (258 A.D.): πρὸς τὸ εἶναι αὐτὰ ἐν καταχωρισμῷ κτλ.

After ἐν there is definitely room to insert the article τῇ; the space in the lacuna here corresponds with the room occupied by the letters epsilon and kappa of ἕνεκεν in the next line.

16-17 μαρτυρίας καὶ ἀσφαλείας [τῆς] ἡμετέρας ἕνεκεν: I do not quite understand the function of this provision at this point of the petition. Is the petitioner afraid that he may find himself accused? Or, must we suppose that ἡμετέρας refers both to himself who makes the μαρτυρία and his wife for whose safety (ἀσφάλεια)he is worried?

I could not find a parallel for this juxtaposition of μαρτυρία and ἀσφάλεια; for ἀσφάλεια alone see e.g. P.Oxy. XXXVIII 2849, 20: ἐπιδίδωμι

τάδε τὰ βιβλία ἀcφαλείαc τῆc ἡμετέραc ἕνεκεν and cf. P.Stras. VI 560, 8.

17-18 πρὸc τὸ τηρηθῆναι μοι τὸν λ[όγον] περὶ τῆc ἐγ[δι]κείαc: the best parallel I was able to find is P.Col. VII 171, 18-20 (= P.Coll. Youtie II 77) (324 A.D.): καὶ περὶ τῆc cποράc καὶ περὶ τῆc ὕβρεωc τηρεῖcθαι ἐμοὶ καὶ τὸν λόγον ἐπὶ τοῦ ἡγεμονικοῦ δικαcτηρίου... For λόγον used in this sense see also WB sv 10.

ἐγ[δι]κείαc: the reading of the surviving traces is not without doubts, but this is the only word which fits properly and makes sense in the present context.

The term is found in a similar context in petitions of all types; see e.g. P.Oxy. LI 3620, 21-22: ἵν' εἰ cυμβέη τι...ἡ δέουcα{ν} ἐκδικία γένηται P.Oxy., XII 1556, 7-9: ἄχρι τῆc παρὰ τῷ μείζονι ἐκδικίαc and cf. P.Flor. I 59, 14: ἐκδικηθῆναι.

'Εκδικία is the technical term in Greek penal law denoting satisfaction conceded to injured persons, see R. Taubenschlag, The Law[2] 442.

19 παρὰ τῷ μεγέθ[ει τῆc] ἡγεμονίαc: the expression refers to the prefect; for the formula see e.g. P.Oxy. XVIII 2187, 13, XXII 2343, 3 etc. For ἡγεμών and other titles of the prefect, see G. Bastianini, Atti XVII Congr. Intern. Papirol. III 1335-1340.

According to the list in J. Lallemand, L'Administration Civile 238, the prefect in 305 A.D. was Clodius Culcianus (7 Nov. 302(?) - 29 May 306 A.D.).

20-23 The text is badly damaged, but the restoration is absolutely certain. After ιγ there is no room for another regnal year, cf. also 1.26. The surviving letters at the end of the line suggest the name of

Diocletian; for the regnal formula see Bagnall-Worp RFBE 10 ff. and cf. note to 11.1-2 above.

It is worth noting here that the document was written on June 22, but still mentions Diocletian in the regnal formula, although he had abdicated on May 1 of the same year (see P. Petit, Le Bas-Empire 45), that is nearly two months ago. This is the latest document from Oxyrhynchus to record the regnal formula of Diocletian; the previous one appears to be P.Oxy. XLIII 3143, 21 (27 May or 14 June 305 A.D.). In the Arsinoite nome the latest document is P.Cair.Isid. 41, 75, which dates one day after our document, that is on June 23, 305 A.D.

24-25 Αὐρήλιος Ὡρίων ὑπηρ[έτης] λογιστοῦ ἐπήνεγκ[α]: the whole formula is sometimes used to indicate delivery of the official correspondence and communication by ὑπηρέται, see e.g. P.Oxy. I 59, 22 and P.Oxy. XLIV 3182, 17. Here, however, the case is not the same, for the petitioner is not an official. According to Kupiszewski-Modrzejewski, JJP 11-12 (1957-8) 161 ff., "l'hyperète dèlivre aussi des actes à caractère tout à fait privé, sur la demande du petitionnaire addressée au stratége ou au magistrat auquel il est attaché"; for the various officials that the ὑπηρέτης assists, see ibid. 144-5. Here, therefore, the petition was handed to the ὑπηρέτης who, subsequently, delivered it to the logistes.

26 [Π]αῦνι κή: cf. also l.22. The coincidence of the two dates indicates instant action. The document was drawn up and passed to the logistes in the same day.

6. APPLICATION FOR THE REGISTRATION OF A LIEN

37 4B.109/H(1-2)a 1 January, 287 A.D.

Frag. A: 8.7 cm x 13.7 cm

Frag. B: 10.2 cm x 13.4 cm

The present document survives in two fragments on two, now separate, pieces of an originally single sheet of papyrus: both external (dimensions, quality of the papyrus, handwriting etc.) and, in particular, internal indications (names, subject, continuity of the text) suggest that the two fragments are undoubtedly parts of the same sheet which was broken into almost identical halves due to a folding running along l.25.

Fragment B, which contains the concluding part of the document (ll.25-43), is preserved in a very good condition and the corresponding text is complete, save for l.25 which is partly missing due to its location right at the top of the fragment, that is along the horizontal crease which has caused the papyrus sheet to break. The only other noticeable damage is to be found at the left margin and the left bottom of the sheet, where a small portion of blank papyrus has been broken away.

Fragment A, on the contrary, (ll.1-25) is rather seriously affected at the left, where the margin and the beginning of all lines is missing. In ll.1-20 there are only minor losses and the estimated number of lost letters ranges between one to seven, but the damage is more severe in ll.21-24, because the mutilation becomes progressively more extensive resulting in the almost complete disappearance of the text in l.24. The writing is, on the whole, recoverable and we can be confident that the restoration in ll.20-24 is sensible and secure, for

the missing part is an expected formula which - with slight variants in each individual case - is normal in Oxyrhynchite documents of the same type, see note to 11.21 ff.

The papyrus sheet was originally of light brown colour, which is still preserved in fragment B, whereas the top fragment has been affected by humidity and is covered with dark stains. There are margins on three sides of the sheet, while the script runs to the edge at the right hand side. The free space at the top, which contains the notation of the property registrars (1.1), measures 2.1 cm, while that on the left, as preserved only in fragment B, is somewhat irregular and does not exceed, at its broadest point 1.9 cm. The back of the papyrus contains the endorsement.

It is hard to decide with absolute certainty the exact number of hands on both sides of the papyrus, but we may be confident that at least four are certainly to be distinguished.

The first, rather skilled, hand, responsible for the main part of the document (11.2-38), produces a neat, upright and small, semi-cursive script which in some parts becomes very cursive, such as in the imperial titulature (11.34-37). The letter which is the most distinctive in size and prominent in position is beta which, as a rule, is written independently and is formed with two bold strokes, see e.g. βιβλιοφύλαξι (1.3), βS (1.6) and Βερενίκης (1.8). The broadest letter, although not throughout the text, is the delta, such as in Διδύμου (11.8 and 32) and ἀμφόδου (1.18), and in quite a few instances also the omega, see e.g. συμ]ποσίῳ (1.18), ὡς τό (1.20), δικαίῳ (11.30-31) etc.

The majority of the letters are written in a standard form and it is perhaps only the letters alpha, epsilon and upsilon that occur in two different forms. As to upsilon in particular, it is worth noting that

it is written in two different ways, with the Y-form prevailing throughout the text, whereas the U-form is used mainly after omicron at the end of words and is written as a superscript letter see e.g. δηλουμένου αὐτοῦ (1.15)and [Διδύμ]ου (1.16). Also the letter rho is written either independently, see e.g. χειρόγραφον (1.5) and Βερενίκης (1.8) or cursively in a single stroke with the preceding letter, such as in Αὐρήλιος (1.7) and πατρός (1.15); in the former case the ending of the vertical stroke is rather elongated, whereas in the latter the stroke presents a curving to the right with its final part going up so that it almost meets the following letter.

Finally, abbreviations are indicated in two different ways: either with a superscript letter, see e.g. χρημ(ατίζει) (11.3, 5) or with a mark, which does not present a fixed form throughout the text, cf. the critical notes.

The second hand (11.39-42) is that of the person signing on behalf of the applicant. It produces a rather bold, broad and semi-cursive, script sloping slightly to the right and is written with a very thick nib which turns into a much finer one after ὑπέρ in 1.41.

The signature in 1.43 is that of the property registrar himself. This third hand is apparently very skilled and the script produced is semi-cursive and attractive, with letters of average size. The lower part of the vertical strokes of the letters rho, iota and alpha are considerably elongated with a slight curve of the lower final part to the left. Note in particular the use of the u-form of beta.

The endorsement on the back is due to a fourth, clumsy, semi-cursive hand, which does not seem to be identifiable with any of the other hands of the papyrus. There may be a fifth hand in 1.1, see note.

The handwriting on both sides of the papyrus runs along the fibres.

The papyrus contains a petition from Aurelius Apollonius, a freedman, to the property registrars of the Oxyrhynchites. Although the purpose of the application is not explicitly stated, for the text simply reads ἐπιδίδωμι τὸ ὑπόμνημα in the part where the request clause is expected (11.26-27, see note), it is clear from the docket παρε(τέθη) (see note to 1.1) and the text as a whole that the applicant is requesting that the aforesaid officials make a provisional registration of a part of property encumbered through a loan concluded eight months before the present application was submitted.

According to the cheirograph of the loan, as mentioned in our document, Aurelius Asclepiades borrowed a certain amount of money (11.11-12) from Aurelius Apollonius - henceforth called debtor and creditor respectively - on the surety of a third part of a house, which had come to the former by law of inheritance from his late father Didymus.

The creditor, as the narrative of the application shows, in order to ensure his claim in case of default by the debtor, had taken the following steps with the approval of the debtor: (i) at first he applied to the appropriate authorites (in Alexandria) so that the private transaction (χειρόγραφον) be approximated to a public document through the process of δημοσίωσις (11.21-23), and (ii) he addressed the present application to the property registrars so as to bar a possible alienation of the mortgaged property.

The loan was recorded in a private contract (cheirograph), which was drawn up in the month Pachon (26 April-25 May) 286 A.D. The exact term for the repayment of the loan is not stated, but it is clear from lines 19-20 (διελήλυθυῖην...προθεσμίαν) that it had already expired when the present application was submitted, that is before Tybi 6

(1 January) 287 A.D.. Also unknown is whether the demosiosis of the cheirograph, which took place in Choiak (27 November-26 December) 286 A.D., was effected within the fixed term for repayment. As the dates show, the time-gap between the demosiosis and the application for parathesis is 35 days or less; the precise date of the former is not stated in our document, see 1.23.

The chronological sequence can be summarized in the following way:

(i) 26 April-25 May 286 A.D. (11.6-7, see note): the loan is drawn up in the form of a cheirograph.

(ii) 27 November-26 December 286 A.D. (1.23, see note): the demosiosis of the cheirograph takes place.

(iii) Unknown date before 1 January 287 A.D. (11.19-20): the debtor finds himself in arrears.

(iv) 1 January 287 A.D. (11.34-38): application for parathesis.

Accordingly, the present document records the final stage of the above procedure: the creditor informs the registrars about the mortgaged property, which - it should be stressed - by the time of the present application, is likely to have come to him by contractual right, for the debtor appears to have found himself in arrears.

The debtor has not declared the property at stake to the registrars (1.28: μὴ ἀπογεγράφθαι, see note), but it is still under the name of the previous owner, his father Didymus (11.13-16 and 29-32); this means that there was no record at all of the mortgaged property in the personal folio of the debtor, since no apographe has taken place. The creditor, therefore, in order to ensure the priority of his personal claim to that particular part of the property, and also to bar the possibility of alienation, by whatever means, requests the registrars that a provisional registration (parathesis) be entered in the folio of the debtor. In

passing, it should be noted that no definitive registration can be effected in the present instance, as this presupposes that the property under consideration is free from encumbrance; in other words, the mortgage itself prohibits a definitive registration, a view which was expressed long ago by L. Mitteis, Grundz. 104. Finally, there is no promise that further information will be provided regarding the encumbered property when the ἀπογραφή is made. As a rule such a provision is absent in documents of this class from Oxyrhynchus, see e.g. P.Oxy. IX 1199, P.Oxy. XXVII 2473 and SB VIII 9878 (= JJP 15 (1965) 73-74).

Applications for parathesis constitute a very difficult type of document to deal with; both the legal purpose and the nature of this type of registration has been disputed among scholars of Graeco-Roman and Graeco-Egyptian law. In the interpretation of the present text I follow closely the original analysis made by L. Mitteis, Grundz. 90 ff, esp. 103-105 and partly repeated by A. M. Harmon, YClS 4 (1934) 135-234, see esp. 163 note 28. The main point of this thesis is that the term παράθεσις refers to the recording of an interest or claim to a title and it constitutes a bar to alienation. The resulting registration is characterized either as provisional (Mitteis) or as conditional (Harmon), as a result of a different understanding of the legal purpose of parathesis. R. Taubenschlag, The Law^2 227, refers to applications for parathesis as a means of registration of real property but he does not give an overall and detailed discussion. In recent years the material about the registration of real property has been re-examined by E. Kiessling, JJP 15 (1965) 73-90, where he makes two important points: (i) Graeco-Egyptian legal terminology lacks precision (pp.75-76), and (ii) parathesis in connection with real property registration can be

defined as any kind of entry made by the property registrats (p.81). Finally, the material has been restudied most recently by H. J. Wolff, Das Recht 235-245, where he draws a clear distinction between definitive notifications (Sperrvermerke) (pp.235-238) and provisional registrations (vorläufige Buchung) (pp.238-245), with a detailed list of the previous bibliography (238, note 73); our document falls into the second category.

On the legal purpose and the organisation of the registry of real property (βιβλιοθήκη τῶν ἐγκτήσεων), see R. Taubenschlag, The Law[2] 222 ff. with a summary of the early theories in p.224, and, especially, H. J. Wolff, op.cit. 222-255, with a detailed account of the previous theories and a good bibliography.

The most up-to-date list of applications for parathesis is in H. J. Wolff, op.cit. 238 (P.Coll.Youtie I 65 has been republished as P.Oxy. XLVII 3365); to that list now add: P.Oxy. L 3560 (163/4 A.D.?) described by the editor as "application for the registration of a lien", CPR VII 14 (305 A.D.) from Hermopolis, which is an apographe of land acquired by sale; also add P.Mich.inv. 988 published by M. Damen-N. Priest, BASP 19 (1982) 129-141 (189 A.D.?) (= SB XVI 12333) from Oxyrhynchus (?) described as "registration of a deed of sale".

It is worth noting that the present document is the only Oxyrhynchite application for parathesis of mortgaged property known to me, and is thus without a very close parallel. It presents, however, many similarities with the Oxyrhynchite paratheseis P.Harr. I 75 (III A.D., cf. BL V, p.41) and P.Bibl.Univ.Giss.Inv. No. 243 published by E. Kiessling, JJP 15 (1965) 73-74 (259 A.D.) (= SB VIII 9878).

In conclusion, it should be added that the present application is presented to the registrars accompanied by (i) the docket (chrematismos)

authorizing publication of the private transaction (cheirograph) (ll.23-25), and (ii) copies of the application for demosiosis and the covering letter notifying the registrars, which was affixed to the copy of the application, see note to ll.25-26. All accompanying documents are associated with, and have resulted from, the demosiosis: this is a legal procedure by which private legal instruments (χειρόγραφα) are approximated to public documents (δημόσιοι χρηματισμοί); this could be done only in Alexandria, where both the original cheirograph and an application were deposited in the two central libraries. The publication was authorized by the archidicastes in a docket on the original application and the relevant documents were examined and cleared either by the Catalogue (ἐκ τοῦ καταλογείου) or by the Bureau of Examination (ἀπὸ διαλογῆς); these two offices were closely connected, but the latter seems to have been the office responsible for instruments which, when originally drawn up, did not enjoy the status of public documents, see notes to ll.23-26; for further discussion on the demosiosis, see L. Mitteis, Grundz. 82-87 and, especially, R. H. Pierce, Symb.Osloenses 43 (1968) 68-83, esp. pp. 77 ff, and H. J. Wolff, Das Recht 129-135.

To sum up: the present document is a typical example of request for parathesis, which bears all the essential features of the relevant type of text from Oxyrhynchus, but it is also a unique instance of a parathesis of mortgaged property from this nome. It is preserved in a fairly good condition: the missing part in ll.21-24 has close parallels in texts of a similar type and the restorations can be made confidently, mutatis mutandis. The only uncertainty lies in the legal purpose and nature of this type of text, but this is a more general problem, which must be left to the experts.

(m.5?) παρε(τέθη)

[Α]ὐρηλίοις Ἀσκληπιάδῃ γενομένῳ ὑπομνηματογρ(άφῳ)
[κ]αὶ ὡς χρημ(ατίζει) καὶ τῷ σὺν αὐτῷ βιβλιοφύλαξι
παρὰ Αὐρηλίου Ἀπολλωνίου ἀπελευθέρου
5 [Ἀ]ντωνίου καὶ ὡς χρημ(ατίζει). κατὰ χειρόγραφον
[δ]ισσὸν γεγονὸς τῷ διελθόντι βS καὶ αS ἔτι
[μ]ηνὶ Παχὼν ὡμολόγησεν Αὐρήλιος Ἀσκλη-
[πιά]δης Διδύμου μη(τρὸς) Βερενίκης ἀπὸ τῆς
[λαμ(πρᾶς)] κα[ὶ λ]αμ(προτάτης) Ὀξυρυγχειτῶν πόλεως ἐσχηκέ-
10 [ναι] παρ' ἐμοῦ ἐν χρήσι διὰ χειρὸς ἀργυρίων
[Σεβαστ]ῶν νομίσματος τάλαντον ἓν
[κα]ὶ δραχμὰς {χ}δισχειλίας δι{ο}ακοσίας κεφαλέου
[ἐ]πὶ ὑποθήκῃ τοῦ ὑπάρχοντος αὐτῷ καὶ κα-
[τηντ]ηκότος εἰς αὐτὸν κληρονομικῷ δικαί-
15 [ῳ πρ]ότερον τοῦ δηλουμένου αὐτοῦ πατρὸς
[Διδύμ]ου τρίτου μέρου<ς> οἰκίας καὶ αὐλῆς καὶ
[τῶν] ταύτης χρηστηρίων πάντων χω-
[ρὶς συμ]ποσίω, οὔσης ἐπ' ἀμφόδου Κρητι-
[κοῦ, εἰς] ἐνσταθεῖσαν καὶ διεληλυθυῖαν
20 [τῆς ἀποδ]όσεως προθεσμίαν ὡς τὸ
[χειρόγραφον περιέχε]ι, οὗ δημοσιωθέν-
[τος ὑπ' ἐμοῦ μετ' εὐδοκή]σεως τοῦ ὑποχρέ-
[ου τῷ ἐνεστῶτι γ καὶ β (ἔτει) μηνὶ Χο]ίακ τὸν
[πρὸς ἡμᾶς ἀπὸ διαλογῆς ἀναπεμ]φθέν-
25 τα χρηματισμὸν ἐπιφέρων ὑμῖν σὺν
εὔσοις ἀντιγράφοις ἐπιδίδωμι τὸ ὑπόμνη-
μα καὶ δηλῶ τὸν αὐτὸν ὑπ[ό]χρεόν μου
μὴ ἀπογεγράφθαι τὸ τρίτον μέρος τῶν

προκειμένων οἰκοπέδων εἶναι δὲ αὐτοῦ
30 τοῦτο καθ' ὅ, τι πρόκειται κληρονομικῷ δικαί-
ῳ πρότερον τοῦ δηλουμένω αὐτοῦ πατρὸ(c)
Αὐρηλίου Διδύμου ὡc καθήκει καὶ ὀμνύω
τὸν ἔθιμον Ῥωμαίοιc ὅρκον μὴ ἐψεῦ<c>θαι.
(ἔτουc)γ Αὐτοκράτοροc Καίcαροc Γαΐου Αὐρηλίου Οὐαλερί(ου)
35 Διοκλητιανοῦ Γερμανικοῦ Μεγίcτου καὶ ἔτουc βS
Αὐτοκράτοροc Καίcαροc Μάρκου Αὐρηλίου Οὐαλερί(ου)
Μαξιμιανοῦ Εὐcεβῶν Εὐτυχῶν Cεβαcτῶν
Τῦβι ς. (m.2) Αὐρήλιοc Ἀπολλώνιοc
ἐπιδέδωκα καὶ ὤμοcα τὸν ὅνκον
40 ὡc πρόκιται. Αὐρήλιοc Cαραπίω(ν)
ἔγραψα ὑπὲρ αὐτοῦ μὴ εἰδότοc
γράμματα.
(m.3) Αὐρήλιοc Ἀcκληπιάδηc βιβλιοφύλ(αξ) cεcημ(είωμαι).

Back: (m.4) Ὑποθήκη Cαραπί[ωνοc] χαλκέωc.

1 παρε- 2 υπομνηματογ^{ρ} 3 χρη^{μ} 5 χρη^{μ} 6 l. ἔτει
8 μη' 9 [λαμS]κα[ιλ]αμS, l. Ὀξυρυγχιτῶν 10 l. χρήcει
12 l. διcχιλίαc, l. κεφαλαίου, 18 l. cυμποcίου 19 l. διεληλυθυῖαν
26 l. ἴcοιc 31 l. δηλουμένου, πατρ^{ο} 34 Lγ; ουαλερῖ, so also l.36
39 l. ὅρκον 40 l. πρόκειται; καραπιῶ 41 ὕπερ 43 βιβλιοφυλ/
cεcημ/

'(5th hand?) Entered on the register'.

'To Aurelii Asclepiades ex-hypomnematograph, and however else he is described, and his colleague, (both) property registrars, from Aurelius Apollonius, freedman of Antonius, and however else he is described. According to a cheirograph in two copies drawn in the past 2nd and 1st year in the month Pachon, Aurelius Asclepiades, son of Didymus, his mother being Berenice, from the illustrious and most illustrious city of Oxyrhynchites acknowledged that he had received from me from hand to hand as a loan one talent and two thousand two hundred drachmae of silver in imperial coinage as capital, on the mortgage of the third part of a house and courtyard and all its appurtenances without a dining-room, belonging to him and which had fallen to his share by right of inheritance, formerly the property of his said father Didymus, sited in the quarter of Kretikon, with a fixed term of repayment which has expired, as is contained in the cheirograph, whereof, having been published by me with the approval of the debtor in the present 3rd and 2nd year in the month Choiak, I forward you the official notice of the deed furnished to us by the Bureau of Examination along with identical copies; and I submit the application and declare that my aforementioned debtor has not registered the third part of the aforesaid buildings and that this belongs to him, as aforesaid, by right of inheritance, being formerly the property of his said father Aurelius Didymus, as is appropriate; and I swear the oath customary among the Romans that I have not made a false declaration. Year 3 of our Emperor Caesar Gaius Aurelius Valerius Diocletian Germanicus Maximus and year 2 of our Emperor Caesar Marcus Aurelius Valerius Maximian, Pii Felices Augusti, Tybi 6.'

'(2nd hand) I, Aurelius Apollonius, have submitted it and sworn the oath as aforesaid. I, Aurelius Sarapion, wrote on his behalf because he is illiterate.'

'(3rd hand) I, Aurelius Asclepiades, property registrar, have signed'.

Back: '(4th hand) Mortgage of Sarapion [sic], copper-smith'.

NOTES

1 παρε(τέθη): the handwriting presents no evident similarities with the other four scripts, but it would be reasonable to expect that this notation was made either by the property registrar Aurelius Asclepiades whose hand is identified in l.43 or by the official who wrote the endorsement.

The significance of the notation is clear: the request of the application that a parathesis be made on the folio of the debtor has been accepted by the property registrars and the necessary entry has been carried out. The approval of the request is indicated at the end of the document, where the registrar has added his signature (l.43). The notation παρε(τέθη) simply confirms, I believe, that the entry was made and that the necessary procedure was, thus, completed.

This type of notation is well attested, as far as I know, only in Oxyrhynchite documents, regularly but not exclusively in applications for parathesis, see e.g. P.Oxy. L 3560, 1 (163/4 A.D.?), P.Harr. I 75, 1 (III A.D., cf. BL V, p.41) and SB VIII 9878, 1 (= JJP 15 (1965) 73-74); for other types of documents, see e.g. P.Oxy. IV 713, 1 (= M.Chr.314) (97 A.D.) and W.Chr. 217, 1 (172/3 A.D.).

For the use of notations and dockets and their variation according to nome, see A. M. Harmon, YClS 4 (1934) 161-165.

2-3 Both lines are written in darker ink, but definitely by the same hand as that responsible for the rest of the main part of the document (first hand).

The address formula τῷ δεῖνι καὶ σὺν τῷ αὐτῷ βιβλιοφύλαξι finds a parallel in SB VIII 9878, 2-3. The editor reads: [Α]ὐρηλίῳ Ἀμυντιανῷ καὶ Σαρα[π]ίωνι καὶ τῷ σὺν αὐτῷ βιβλιοφύ'λ'(ακι); however, it is clear

from our text that the abbreviation must be expanded to βιβλιοφ''λ'(αξι): there are two property registrars mentioned in the address and the title qualifies both of them; cf. also P.Harr. I 75, 2-4 and P.Oxy. IX 1199, 1-3.

For the office and the duties of the βιβλιοφύλακες, see the bibliography on the βιβλιοθήκη τῶν ἐγκτήσεων given in my introduction.

The ex-hypomnematographus Aurelius Asclepiades is well represented in the papyri of the last two decades of the third century A.D. as holder of various posts. As deputy strategus and ex-hypomnematographus he occurs in P.Oxy. I 59, 6 (292 A.D.) and XXXIV 2712, 1 (292/3 A.D.) (see note) and he must surely be identified with Aurelius Asclepiades, alias Achillion, of P.Oxy. XLIV 3184 A 4-6 (296 A.D.) (see note ad loc.) and B 4-6 (297 A.D.), where the writing Τιλλίων is an error for Ἀχιλλίων (see note to ll.2-3 there). A. Bowman has also suggested that Aurelius Asclepiades, son of Achillion, known from P.Oxy. XXVII 2477 to have been prytanis in 288-9 A.D., is most probably the same man as Asclepiades called Achillion, see P.Oxy. XLIV 3184 A, note to ll.4-6; cf. also J. Rea, JEA 49 (1963) 180-181.

An Asclepiades son of Achillion is also mentioned briefly in a list of 290 A.D. from Oxyrhynchus (PSI V 461, 24) and an officer with the name Asclepiades occurs in an official document of 289-290 (P.Oxy. X 1252 (verso) i, 4-5), see BL VII, p.136, but the evidence is inconclusive and the identification uncertain; for PSI 461 cf. also BL V, p.123.

As holder of various posts, Aurelius Asclepiades (son of Achillion, or alias Achillion) is recorded in the following lists: as deputy strategus in J.E.G. Whitehorne, ZPE 29 (1978) 183 (no.108); as gymnasiarch in P. J. Sijpesteijn, Nouvelle Liste des Gymnasiarques 40 (nos. 503 and 491?) and A. K. Bowman, The Town Councils, Appendix I 135-136, cf. note 22 there.

An Aurelius Asclepiades is mentioned in P.Oxy. XLII 3049 (texts A and B) as ex-gymnasiarch and prytanis; but this text dates from 247 A.D. and, thus, he is hardly likely to be the man in our text. However, it is possible that the person mentioned there could be a member of the same family, perhaps the father or grandfather of our Aurelius Asclepiades.

There has been much dispute among scholars about the office of the hypomnematographus and, unfortunately, no certain conclusion has been reached yet. Originally found only at Alexandria, from 237 A.D. it is attested also in the metropoleis and as N. Lewis, CPSRE 77, note 64b, observes, it seems likely that the office "was introduced in the nome capitals as part of the broad administrative reform under the reign of Septimius Severus in 200 A.D.".

The most controversial parts of the problem seem to be the following:

(i) The number and the types of the hypomnematographi, both in Alexandria and the metropoleis; in particular, F. Oertel, Die Liturgie 351-54, has suggested that there is evidence for only one type in the Roman period.

(ii) The nature of the office: Braunert, Binnenwanderung 349-52, considers them to be municipal officers, and

(iii) The nature of duties they fulfil: Oertel suggests that they were granted various administrative and jucicial duties.

In the most recent discussion about this office J. Rea finds Oertel's considerations convincing and makes two main suggestions:

(i) The hypomnematographi were Alexandrian citizens resident in the metropoleis "who took a continuing active part in the administration of the area in which they lived", and

(ii) As in some cases these officials seem to have had "a commission to hear and settle doubtful claims, this might well be consistent with what we hear of the judicial activities of the hypomnematographi", see P.Oxy. XL 2892-2922 introduction, where he gives a list of all the previous bibliography; cf. also N. Lewis op.cit. 77, note 64b.

4-5 Aurelius Apollonius, the creditor, is a freedman, that is a former slave who was granted freedom by his patron Antonius. On freedmen in general, see I. Biezunska-Malowist, Atti XI Congr.Intern.Papirol. 433-43; for their occurrence in documents such as sales and loans, see esp. p.438. I have not been able to identify our creditor with any known Aurelius Apollonius.

5-21 This forms part A of the hypomnema which gives a detailed account of the content of the cheirograph; there is no mention of whether interest was provided for in the original transaction.

6-7 τῷ διελθόντι βS καὶ αS ἔτι [μ]ηνὶ Παχών: 26 April-25 May 286 A.D., cf. note to 11.34-38.

The writing between chi and omega of the verb ὡμολόγησεν has almost vanished due to abrasion, but the space is too small to contain a month day number. In the parallel texts there is no universal practice: in some cases, such as, for example, P.Harr. I 75, 9-12 and SB VIII 9878, 11, only the month name is stated, while P.Oxy. IX 1199, 9 and P.Coll.Youtie I 65, 11-12 do give a day as well.

7-8 An Asclepiades, son of Didymus and Berenice occurs in P.Oxy. XL 2935 ii 21. This belongs to the corn dole archive from Oxyrhynchus and must, therefore, date from the period ca. 265 to 280 A.D. It is very likely that this is the debtor in the present papyrus.

8-9 ἀπὸ τῆς [λαμ(πρᾶς)] κα[ὶ λ]αμ(προτάτης) Ὀξ. πόλεως: the alpha of κα[ί is covered with stain of ink: what is still visible, appears to be the upper angular part of the letter. Also slightly smudged is the sigma of the word χρήσι in the next line.

For the use of this formula referring to the city of Oxyrhynchus, see P.Oxy.ined. 11, note to 11.7-8.

12 {χ}δισχειλίας δι{ο}ακοσίας κεφαλέου: apart from the two very common interchanges of ει>ι(δισχειλίας) and ε>αι(κεφαλέου), the line presents two more errors of which the second one is odd; it is also surprising that there is no indication, as far as it can be seen, that the scribe tried to delete or abrade any of the errors.

Whereas the insertion of the chi before the first numeral can be easily explained as a mere confusion between δισχειλίας and χειλίας, the occurrence of the omicron before the alpha in the second numeral is more obscure and it is difficult to decide what the scribe had in mind. Between the omicron and the following alpha the scribe has left an unusually large space free, which perhaps implies that he momentarily ceased writing after omicron and resumed with the alpha, as soon as he realised the error. For the interchange of α with ο, see Gignac, Grammar I 286-88. It is also possible that the first omicron is a mere blunder caused by confusion due to the second omicron in -κο- which the writer had in mind.

13 ὑποθήκη: on the hypothec as a form of lien and its difference from the hypallagma, see R. Taubenschlag, The Law[2] 277-85.

13-14 τοῦ ὑπάρχοντος αὐτῷ καὶ κα[τηντ]ηκότος εἰς αὐτόν: on the significance of these two participles in documents recording property returns, see A. M. Harmon, YClS 4 (1934) 189-92, where he points out that κατηντηκός is characteristic of the Oxyrhynchite property-returns only (p.192).

14 ff. The date of decease is not specified and the expression κληρονομικῷ δικαί[ῳ could be interpreted either as testamentary or intestate succession. For the wording here, see e.g. P.Oxy. IX 1199, 14-16: τὴν ὑπάρχουσαν αὐτῇ κληρονομικῷ δικαίῳ πρότερον τοῦ δηλουμένου αὐτοῦ πατρός θέωνος κτλ.

16 μέρου<c>: for the frequent omission of the final sigma regardless of the nature of the following sound, see Gignac, Grammar I 124-25. Here, however, it is better to explain the omission as result of a strong analogy of μέρος with the nouns of the second declension ending in -ος, -ου (gen.), see ibid. II 43-44, where he quotes examples of the incorrect form μέρου (gen.) (p.43).

16 ff. The fact that Asclepiades has mortgaged one third of the house is based on the right given to him by the communio pro diviso; the co-owners of the jointly held estate (socii) had no right to protest, see R. Taubenschlag, op.cit. 239-43.

On the terms οἰκία, αὐλή, χρηστήρια (always in plural) and συμπόσιον, see G. Husson, OIKIA svv.

17-18 χω[ρὶς συμ]ποσίω: the same feature in l.31: τοῦ δηλουμένω. For the interchange of -ου with -ω(ι), see Gignac, Grammar I 208-211 and 213-14; cf. also II 22.

18-19 The Κρητικὸν ἄμφοδον is well attested in the papyri: it is first recorded in a document of A.D. 117 (P.Oxy. I 105 = M.Chr. 303) and it quite frequently occurs in texts of the third century, see Calderini, Dizionario sv.

19-20 εἰς] ἐ̣νσταθεῖσαν καὶ διε̣ληλυθυῖην [τῆς ἀποδ]ό̣σεως προθεσμίαν: I have not found an exact parallel to this expression, for, as far as I

know, the two participles never occur in such a juxtaposition; in separate examples, both verbs, especially the former, occur with the word προθεσμία, see e.g. P.Oxy. I 37, 11 (49 A.D.): ἐνέστηι ἡ προθεσμία τοῦ δευτέρου ἐνιαυτοῦ, P.Oxy. II 270, 28 (94 A.D.): ἐὰν δὲ τῆς προθεσμίας ἐνστάσης μὴ ἀποδῶ κτλ. P.Flor. I 1, 6 (153 A.D.): ἐὰν δὲ μὴ ἀποδοῦ τῆς προθεσμίας ἐνστάσης κτλ; for the second participle, see e.g. P.Oxy. III 485, 27 (178 A.D.): τῆς δὲ προθεσμίας διελθούσης καὶ τῆς ἀποδόσεως μοι μὴ γενομένης κτλ.

The beginning of l.19 is lost; after the gap there are very uncertain traces, but the reading -σταθεῖσαν and the examples cited above suggest that ἐνσταθεῖσαν is a plausible reading. Before that the restoration of the preposition εἰς seems to be the only sensible suggestion and this is also compatible with the estimated number of missing letters; for the preposition εἰς with the word προθεσμία in a similar context, see e.g. P.Oxy. L 3560, 11-12: ἀπὸ τοῦ αὐτοῦ Φαῶφι εἰς προθεσμίαν τριακάδα Φαμενώθ κτλ.

19 διεληλυθυῖην: the interchange of α with η in this position is very rare, see Gignac, Grammar I 286 and cf. II 8.

20-21 ὡς τὸ [χειρόγραφον περιέχε]ι: the expression concludes the first part of the hypomnema and the description of the private transaction, as contained in the cheirograph. Similar is the wording in all the documents of this class from Oxyrhynchus; it is normal for the expression, as here, to follow immediately after the description of the property at stake, see e.g. P. Harr. I 75, 20-21: ὡς ἡ συγχώρησις περιέχει, SB VIII 9878, 20-21: ὡς ἡ συγχώρησις περιέχει and P.Oxy. IX 1199, 18-19: ὡς ἡ <ἰ>διόγραφος πρᾶσις περιέχει. In the present instance the article τό and the size of the lacuna strongly suggest that χιρόγραφον must be restored; cf. also

11.5-6: κατὰ χειρόγραφον [δ]ι̣ccόν.

21-26 Part B of the hypomnema: this refers to the steps taken by the creditor for the publication (δημοcίωcιc) of the cheirograph, a procedure which appears to have been necessary for applications for parathesis, see my introduction.

The papyrus is very damaged after 1.20 and the largest part of 11.21-24 is now missing. The lacuna, however, can be filled in with the help of the surviving parts at the end of the line and, especially, with the assistance of parallel texts, mutatis mutandis, such as P.Harr. I 75, 21-24: ἧc τὸν ἀναπεμφθέντα πρὸc ἡμᾶc ἀπὸ διαλογῆc χρηματιcμ[ὸν] ἐπι̣δίδωμι ὑμεῖν cὺν ἴcοιc ἀντιγράφοιc κτλ. SB VIII 9878, 21-24: ἧc τὸν ἀναπεμφθέ(ν)τα ἀπὸ διαλογῆc χρηματιcμὸν ἐπιφέρουcα ὑμεῖν cὺν ἴcοιc ἀντιγράφοιc κτλ., and especially P.Coll.Youtie I 65, 78-83: ἧc δημοcιωθείcηc μετ' εὐδοκή̣cεωc τοῦ αὐτοῦ Αὐρηλίου Cαραπίωνοc τοῦ καὶ Διονυcοθέωνοc γραφόντοc ὑπὲρ τοῦ Ο̣ὐ̣ϊβίου Ὠριγένουc τοῦ καὶ Μάγνου ἀπόντοc διὰ τῆc διαλογῆc τῆc πόλεωc τῷ διελθόντι γ(ἔτει) μηνὶ Παχὼν τὸν ἀναπεμφθέντα ὑπὸ διαλογῆc χρηματιcμὸν διυποκολλήcαc μοναχὸ(ν) τῶνδε τῶν βιβλιδίων <ἐπιδίδωμι> κτλ. cf. also P.Oxy. XXVII 2473, 23 ff. and P.Oxy. IX 1199, 19 ff.

All the above documents record either explicit or implicit reference to a preceding demosiosis and mention the resulting chrematismos submitted to the βιβλιοφύλακεc. A similar expression was, perhaps, included also in P.Oxy. X 1268, 13-14, with a very damaged text, where I would restore: ἧc τὸν πρὸ]c ὑμ̣[ᾶc] (l.ἡμᾶc) ἀπὸ διαλογῆc ἀναπεμφθέντα [χρηματιcμὸν ἐπιφέρων ὑ]μῖ̣[ν cὺν] ἴ̣[co]ι̣c ἀντιγράφοιc κτλ.

21-23 οὗ δημοcιωθέν[τοc ὑπ' ἐμοῦ μετ' εὐδοκή]c̣ε̣ωc τοῦ ὑποχρέ[ου]: the expression in approximately this form, but without the words ὑπ' ἐμοῦ, occurs, as far as I have discovered, only in one other text, P.Coll.Youtie

I 65, 78-80, (see the quotation in the preceding note). In our text the restoration δημοσιωθέν[τος μετ' εὐδοκή]σεως will not fill the lacuna. I have, therefore, suggested adding the words ὑπ' ἐμοῦ for which cf. P.Oxy. IX 1199, 19: ἐκμαρτυρηθείσης ὑπ' ἐμ οῦ, and XIV 1636, 36-37: τῇ ἐσομένῃ ὑπὸ σοῦ δημοσιώσει.

Sometimes provision for the demosiosis of a private contract is made already in the original transaction itself, before it becomes a public legal instrument, see e.g. P.Oxy. XIV 1636, 34 (249 A.D.), 1698, 24 (268 A.D.?), 1700, 25 (late III cent. A.D.).

23 [τῷ ἐνεστῶτι γ καὶ β (ἔτει) μηνὶ Χο]ίακ τόν: the surviving letters at the end of the line (ιακτον) do not fit any of the Greek words recorded in O. Gradenwitz, Konträrindex or the DDBDP. As the parallels show, one would expect at this point the date of the demosiosis (see examples supra, note to ll.22-26). Accordingly, the letters must indicate the end of the month name (Χο]ίακ) and τον is the article which goes with the following expression: [ἀναπεμ]φθέντα χρηματισμόν (ll.24-25).

For the restoration I took into consideration the following chronological facts: the cheirograph was drawn up in Pachon of the second and first year of Diocletian and Maximian respectively, that is in 286 A.D., whereas the application to the registrars was submitted on Tybi 6 of the third and the second year, that is on 1 January 287 A.D.; the month Choiak (27 November-26 December) occurs only once between these two dates, which for the scribe was the current year (3 and 2) when he wrote the present application.

24-25 These two lines are the most seriously affected ones as a result of the separation of the two halves of the sheet.

What remains of l.24 is only a nu right at the end of the line and very slight traces of the upper part of the phi, theta and epsilon, which despite their poor condition, sufficiently confirm the proposed restoration; cf. also the parallels quoted in note to ll.21-26. P. Coll.Youtie I 65 provides the following interesting variants of the same expression: in l.5 the text reads ὁ ἀναπεμφθεὶς πρὸς ὑμᾶς ἀπὸ διαλογῆς χρηματισμός, but the general context is different; in l.81 διὰ τῆς διαλογῆς τῆς πόλεως, where the expression depends on the preceding participle δημοσιωθείσης and in ll.81-82: τὸν ἀναπεμφθέντα ὑπὸ διαλογῆς χρηματισμόν in a context similar to the present one with ὑπὸ διαλογῆς governed by the participle.

As the parallels present slight variants, I have suggested the restoration in the text on the basis of the following considerations:

(i) the majority of the parallels give the reading ἀπὸ διαλογῆς when depending on the participle τὸν ἀναπεμφθέντα and this is probable here too. P.Coll. Youtie I 65, 82 which gives ὑπὸ διαλογῆς should, I think, be corrected to ἀπὸ διαλογῆς.

(ii) P.Harr. I 75, 21 reads πρὸς ἡμᾶς, whereas P.Coll.Youtie I 65, 5 reads πρὸς ὑμᾶς; note also P.Oxy. XXVII 2473, 28, a document also asking for parathesis, which reads: τὸν ἀναπεμφθέντα πρὸς τοὺς τῶν ἐνκτήσεων βιβλιοφύλακας χρηματισμόν. These both suggest πρὸς ὑμᾶς in our text; nevertheless I think that ἡμᾶς gives a far better sense. In passing I must note at this point that the editor of P.Coll.Youtie I 65 questions the correctness of ὑμᾶς which the scribe has written there, see note to l.5.

25-26 σ̣ὺ̣ν εἴσοις ἀντιγράφοις: this expression is found in almost all the parallel texts, but it is rather obscure and it has not been discussed by the scholars.

In P.Coll.Youtie I 65 it is very clear that the applicant submits the chrematismos alone, for the text reads in ll.80-82: τὸν ἀναπεμφθέντα ὑπὸ διαλογῆς χρηματισμὸν δυποκολλήσας μοναχό(ν); the word μοναχόν in this context has, syntactically, a position and function similar to the present expression, but it is used in exactly the opposite sense. To put it in a different way: in our text it is stated that the applicant has attached to the hypomnema a certain number of identical copies of other documents and not just the chrematismos.

The problem is too difficult to deal with only on the basis of what is said in the applications for parathesis, as it is not clear what the significance and purpose of the identical copies is. It seems to me that the interpretation of the expression lies with the process of demosiosis and it is, therefore, more sensible to seek information from this process.

As Pierce observes, after the publication of the private legal instruments has been effected and the appropriate officials (i.e. the ones asked to be informed in the application for demosiosis itself) have been notified of this fact, "the applicant, upon payment of a fee, obtained from the Catalogue [in our case from the Bureau of Examination] a copy of the covering letter, the application (sc. for demosiosis) and the docket authorizing publication and sent them, on his own initiative, to the official to whom it was addressed", see Symb. Osloenses 43 (1968) 78. I think that the expression σὺν ἴσοις ἀντιγράφοις is to be understood as referring to copies of all these documents, while in P.Coll. Youtie I 65 the applicant submits only the covering letter.

ll.26 ff. Part C of the hypomnema: this contains (i) the actual request of the application, that is the request that the parathesis be made, and

(ii) a special point about the property at stake.

26-27 ἐπιδίδωμι τὸ ὑπόμνημα: it is quite surprising (but not without parallel) that the purpose of the petition is not explicitly mentioned. The expected formula at this point would run: ἐπιδίδωμι τὸ ὑπόμνημα πρὸς τὸ τὴν δέουσαν παράθεσιν γενέσθαι (vel sim.), see e.g. P.Oxy. IX 1199, 22-23 and P.Oxy. XIX 2231; slightly different (expanded) is the format in P.Coll. Youtie I 65, 81-84: τὸν ἀναπεμφθέντα ὑπὸ διαλογῆς χρηματισμὸν...<ἐπιδίδωμι> ἀξιῶν ἐπιστῖλέ σαι τοῖς τῶν ἐνκτήσεων βιβλιοφύλαξι τὴν δέουσαν παράθεσιν ποιήσασθαι.

Similarly to our text the formula is incomplete also in P.Harr. I 75, 24-25: ἐπιδίδωμι τὸ ὑπόμνημα, while it is missing altogether in SB VIII 9878.

Completely different is the format of the documents from Fayûm, where there is usually reference to a future apographe, see the observations of H. J. Wolff, Das Recht 239-40 and 242-43.

27-31 καὶ δηλῶ ... μὴ ἀπογεγράφθαι κτλ.: it is normal in Oxyrhynchite paratheseis for a special point like this to be singled out, see e.g. P.Oxy. IX 1199, P.Oxy. X 1268 (where it is stated that the previous owner had not had the property recorded; the declaration goes on to give evidence of the title), P.Harr. I 75 and SB VIII 9878, but contrast e.g. P.Coll.Youtie I 65, where there is no such feature.

In our document the debtor, Aurelius Asclepiades, has not reported the encumbered part of the property and, accordingly, the creditor informs the βιβλιοφύλακες about the source of the title, repeating, in fact, what has already been stated in ll.13-14. Once more there is no precise information either about the date of decease of the predecessor or about his status in the books.

The fact that this sort of δήλωσις is singled out in the majority of the Oxyrhynchite paratheseis seems to be of considerable importance to the registrars, since no notification can be made on the folio of the alienator, if he has not reported the property in question, unless evidence is provided about the source of the title. See for further discussion Harmon, YClS 4 (1934) 159, 197-98 and 215-16.

29 οἰκοπέδων: the term summarises the description of the mortgaged property as reported in ll.16-18 and it, therefore, signifies "un bien immobilier qui prend souvent la forme d'un bâtiment", see G. Husson, OIKIA sv.

30 τοῦ δηλουμένου: cf. l.15: τοῦ δηλουμένου and see note to l.18.

32-33 καὶ ὀμνύω τὸν ἔθιμον Ῥωμαίοις ὅρκον μὴ ἐψεῦ<σ>θαι: on this oath, its nature and the dispute on its interpretation, see Harmon, art.cit. 172 note 52.

34-37 The regnal formula in this exact form is not to my knowledge found elsewhere in the papyri. It is very close to formula (1) of Diocletian and Maximianus listed by R. S. Bagnall-K. A. Worp, RFBE 3, with the exception that that formula does not include Γερμανικοῦ Μεγίστου in the titulature of Diocletian, as here. Amongst the imperial titulatures before the first Tetrarchy (292/3 A.D.), Γερμανικῶν Μεγίστων is found only in formula (2) (ibid. 4), which refers to both emperors and it is in use only from year 5 and 4 onwards (288/9 A.D.). This makes it difficult to suggest a possible mingling of the two formulae in our document.

38 Τῦβι ς: the form of the stigma is odd, but nothing else can be

read here. The upper horizontal stroke is unusually long and in the middle there is a mark which resembles an omicron. Also the space between the month name and the figure is large, but there are no indications that there was something written originally there, which the scribe might have rubbed out.

39 ὄνκον: for the interchange of a liquid with a nasal see Gignac, Grammar I 109-110.

44 ὑποθήκη Cαραπί[ωνος] χαλκέως: the reading of the four letters before the lacuna is quite certain and the only name known from the text which could be restored here is Cαραπίων. This name, however, must be an error for Ἀcκληπιάδης, since Sarapion is the person who signs on behalf of the applicant (the creditor), Aurelius Apollonius (1.40).

7. ORDER TO PAY

36 4B.99/J(3-5)a

10.00 cm x 8.80 cm

307/8 A.D.

This light brown piece of poor quality papyrus with a rather rough surface contains an almost complete document written across the fibres. Several small holes are scattered in the centre without causing serious damage to the text, whilst the script has faded and even been abraded along three visible horizontal creases of the papyrus (ll. 1, 4, 6). The lower part of the sheet containing the regnal formula has been torn away, due, perhaps, to another crease, see l.8 note, but on the whole the text is recoverable, cf. l.6 note. There is a very small margin at the top and the left side of the sheet, which measures 1.00 cm and in some parts even less, while the script runs to the edge of the papyrus (esp. ll. 6, 7) on the right hand side. A larger space is left free after l.7 in order, perhaps, to indicate the beginning of the dating formula (l.8). The back is blank.

The entire text is the work of one rather unskilled hand. The widely spaced letters are rather large - with the exception of the tiny omicron - bold, rough and clumsy, and they stand upright. The letters alpha and epsilon are always joined in a single movement with the iota, when it follows: a good example is χαίρειν in l.2. Very surprising is the ligature of the letter pi in the words Πενεχώτης (l.3) and -πράκτορι (l.4). Worth noting also is the large black stain of ink between lines 5 and 6, see note.

The document recorded in our papyrus is an ordinary type of order for payment; these orders normally follow the structure of epistolary texts: i. - prescript (sender - recipient - χαίρειν, in various forms), ii. - body (which contains the order itself), and iii. - date. A large number of

similar texts is included in CPR VI 12-71; see also P.Oxy. XLVIII 3375, 3387, 3388, 3390 etc. and P.Oxy. ined. [27] 3B 42F(3) 73; 74; 75; 76; 77; 78a; 78b; 79a and 79b, of more or less the same period, published by S. A. Stephens in ZPE 31 (1978) 145-160 and republished as P.Oxy. XLIX 3513-3521.

In our text Theudas instructs Ananias to pay one thousand drachmae to Penechotes, the λογοπράκτωρ of an estate; this money is part of a bigger amount (1.5: ἀφ' ὧν μοι ἔχεις) which Ananias owes to Theudas for the value of wine (see below).

Neither the motives for nor the nature of the order can be easily detected due to the phrasing of the text and, especially, because we know so little about the duties and the functions of the logopractor, an official who seems to have been involved to some extent with the collection of taxes, see note to 1.4. Furthermore, it is unknown whether the οὐσία mentioned in 1.4 is a private or state-controlled estate.

We may be, however, rather confident as to the situation implied in the text and the purpose of the order. As said above, Ananias holds a certain amount of money for Theudas (1.5: μοι ἔχεις), which is part of a debt for the value of the balance of wine due; the message of the text would then be that Penechotes is to be paid by giro-transfer, that is by Ananias on behalf of Theudas.

Furthermore, the expression τιμὴ οἴνου frequently occurs, especially at this period, in receipts and denotes the commuted money payment for wine, called ἐξαργυρισμός (adaeratio in Latin) and contributed for the annona (this applies to other products as well). It is, therefore, likely that the present order may have something to do with this kind of taxation, see note to 1.6.

Θευδᾶς̣ Ἀνανίᾳ̣
ἀδελφῷ̣ χαίρειν.
δὸς Πενεχώτῃ̣ λογο-
πράκτορι τῆς̣ ο̣ὐσίας
5 ἀφ' ὧν μοι ἔχεις ἀπὸ
τιμῆς̣ λ̣[οιπ]ά̣δ̣ος οἴνου
δραχμὰς χειλίας, γί(νονται) (δραχμαὶ) Ἀ.
Space of one line
ἔτους ις∫ καὶ̣ δ∫ τῶν
[κυρίων ἡμῶν ±6]
. . . . . .

5 space between μοι and ἔχεις, cf. note ad loc. 7 l. χιλίας; ιϛ

'Theudas to Ananias his brother, greeting. Give Penechotes, the logopractor of the estate, from the money you hold for me, from the value of the balance of wine, one thousand drachmae, total 1.000 dr.. Year 16 and 4 of our Lords....'

NOTES

1-2 In both lines there is word division, which is not a general feature of the text, but it is a rather deliberate effort of the writer to fill the two lines proportionately.

Θευδᾶς: the name is very rare and this is a very late occurrence. According to NB sv and ONOMASTICON sv, it is recorded in only three more texts, namely: SB I 5026, P.Lond. II 194, 23 (p.125) and P.Mich. V 318; all these texts, with the possible exception of the first, date from the first century A.D.; add now SB XIV 11426 30; 126 (end of I A.D.).

'Ανανία: according to NB sv and ONOMASTICON sv, this name is very rare in Ptolemaic texts, but very frequent in late Byzantine ones, especially those of the seventh and eighth centuries. As to the Roman period, there is no positive information, at any rate until at present, that the name was in use at all. So far as I was able to discover, the name occurs only twice in the Ptolemaic period, namely in SB III 6709, 17= P.Cair.Zen. I 59003 = P.Edg. 3 = Sel.Pap.I 31 (259/8 B.C.), and the rather later P.Tebt. III 818, 19 (174 B.C.); both texts are included also in C.Pap.Jud. as nos. 1 and 24 respectively, as they bear explicit evidence of Jewish influence. With the exception of the present text (307/8 A.D.), the name is not attested in the next six or seven centuries and only makes its reappearance in the late Byzantine era; according to ONOMASTICON sv, the earliest text of this period is P.Herm. 25, 24 (V A.D.). It is evident, therefore, that the occurrence of this name in the present text is an exceptionally early one within the later of the two periods.

As regards the Ptolemaic period it is beyond doubt that the name is Jewish and is, indeed, recorded as such by the editor of C.Pap.Jud.I (see introd. p.27), where, with reference to typical Jewish names, it is noted that "all these names had been brought by Jews from their mother country and their use in Egypt would be explained by family tradition and by habit".

It is difficult to assume the same for the late Byzantine period and it is, perhaps, more likely that the name Ἀνανίας had by then been adopted by Christians, see R. S. Bagnall, BASP 19 (1982) 110 and cf. E. Wipszycka, ZPE 62 (1986) 173-181 (especially her general conclusion in 181); if this was the case, the present occurrence would be a particularly early example.

2 ἀδελφῷ: in most cases this word, when occurring in the prescript in the dative, is preceded by the article τῷ; for further examples of its omission, as here, see e.g. P.Oxy. XLVIII 3390,1 and 3405,1.

The use of ἀδελφός on its own, even at this period, does not necessarily indicate that either the sender or the recipient or both of them were Christians, cf. M. Naldini, Il Cristianesimo in Egitto 15-16.

3 Πενεχώτῃ: this spelling is not recorded either in NB or ONOMASTICON. Πενεχώτης seems to be a hitherto unrecorded variant of Πανεχώτης (see NB sv and ONOMASTICON sv); this is a plausible explanation and is supported by the fact that the interchange of α>ε is a common feature, frequently attested in Egyptian names, either when alpha is found in unaccented syllables, such as the present one, or before /r/, see Gignac, Grammar I 278-9.

4-5 λογοπράκτορι τῆς οὐσίας: this is the second text in which the term λογοπράκτωρ occurs fully written; it is mentioned for the first time in P.Baden II 26, 40 (293 A.D., cf. BL III, p.255) from the Hermopolite nome; as the term in its full form has been hitherto unparalleled, the reading of the editor has puzzled the scholars and led to dispute, see BL V, p.8 and VI, p.7.

In a recently published text, P.Oxy. L 3564, from the Oxyrhynchite nome (235 A.D.), the editor suggests that the abbreviation λογοπρ( ) in l.4 must be resolved into λογοπρ(άκτορος) (see note), proposing also the same reading for P.Harr. I 97, 7 (IV A.D.), for which cf. BL III, pp.80-81.

A λογοπράκτωρ is, perhaps, also mentioned in P.Select. 22, 10 (II A.D.), where the editor reads: χάρτας καὶ λόγο πρακτόρω[ν κτλ. and notes that "λογοπρακτορ.[wohl λόγο(l.λόγῳ) πρακτόρω[ν sein 'auf das Konto der Praktoren'"; he also questions the reading of P.Baden II 26, 40 suggesting that one may read instead: "ἐξ ἀπαιτησίμου λόγο(υ) oder λόγο<υ> πράκτορος". In my opinion, the correction of the reading in P.Baden is unjustified and risky, since the editor of P.Select. 22 uses as evidence an already uncertain reading, and it would be, perhaps, safer to read λογοπρακτόρω[ν in the latter text instead; for this cf. BL V, p.64.

In LSJ the term is quoted twice in two different entries; with reference to P.Baden II 26, 40, it is listed as λογοπράκτωρ and noted as "dub.sens.", while the entry for P.Harr. I 96, 26 is λογοπράκτης and is to be found in LSJ Suppl. sv, where it is translated as "accountant".

The term is not included by N. Lewis in his list of the various

πράκτορες in CPSRE sv πρακτορεία, πράκτωρ 6 and it is indeed uncertain if the λογοπράκτωρ was a liturgist, since none of the texts which record him provides any firm evidence. However, a σιτολογοπράκτωρ, a term which bears many similarities with ours, is known to have been a liturgic official; this term is first attested in PSI Omaggio 8,5 (138/9 A.D.?), with the note to l.7; see also CPR I 243,26 (=W.Chr. 367) which dates from 224/5 A.D. In the margin of this discussion, it is worth mentioning also that a term similar to σιτολογοπράκτωρ occurs in an ostracon of the Louvre Museum (Inv. No. E 25684) published by J. Schwartz, in Pap.Brux. 12, p.146; the ostracon, of Arsinoite provenance, dates from 13-12-296 A.D. and the relevant term is found in the abbreviated form σιτοπρακ( ), which the editor expands σιτοπρακ-(τόρων) (gen.pl.). What the link is, if there is any, between these officials, is far from clear. For a list of nouns ending in -πρακτωρ see Buck-Petersen, A Reverse Index 309 and Kretschmer-Locker, Rückläufiges Worterbuch 211.

As to the λογοπράκτωρ, on the basis of the aforementioned texts, including the present one, the following points can be made:

(i) his earliest attested date is in 235 A.D. (P.Oxy. L 3564) and the latest one in 307/8 A.D. (the present text).

(ii) there is no evidence that he is a liturgist, and

(iii) his duties do not seem to be similar in all texts, but in at least two cases, P.Baden II 26, 40 and P.Harr. 97, 7, he is involved in the collection of taxes on baths. In P.Oxy. L 3564 he occurs as acting-representative of a certain individual (no doubt an important person designated as ἀπὸ Μουσείου, see l.2) and the document itself deals with

grain transfer. Since P.Oxy. L 3564 is the earliest one it is possible that his functions and duties changed in the course of the third century A.D.

The editor of P.Oxy. L 3564 translates the term "accounts manager", but, in my opinion, it is unwise to offer any translation until further evidence comes to light.

5 ἀφ' ὧν μοι ἔχεις: the large stain of ink located below this expression led to a space between the words μοι and ἔχεις; this can only imply that ink was spilt before the writing of the latter word.

5-6 ἀπὸ τιμῆς...οἴνου: it is uncertain if the expression τιμὴ οἴνου here has any connection with the annona. The exact phrase, which occasionally occurs in receipts for commuted payments is ὑπὲρ τιμῆς οἴνου, followed sometimes, but not normally, by: εἰς λόγον ἀννώνης, see U. Wilcken, Ostraka I 271-2, Wallace, Taxation 24 and J. Lallemand, L'Administration Civile 199.

6 The middle of the line is badly damaged due to a horizontal crease located at this point.

λ[οιπ]ά̣δ̣ος: the surviving traces of the lambda and the delta are very poor, but this is the only possible restoration which makes sense. The word, which is used in the sense of "remainder" - in our text the translation "balance" is more appropriate - (see LSJ sv) is common in the papyri (see WB sv and SPOGLIO sv); for its use in a similar context and construction, see e.g. P. Sakaon 72,6 (= P.Flor. I 53) (327 A.D.), ὁμολογῶ ἔχειν σοι καὶ ὀφίλει<ν> ἀπὸ λοιπάδος πρόβ̣α̣τ̣α̣ λ̣ε̣υ̣κ̣ά̣ (note the use and construction of ἔχω) and P.Mich. XIII 659, 341-2 (first half of VI A.D.), ὑπὲρ λοιπάδος τῆς τιμῆς τῶν πεπραμένων αὐτῷ κτημάτων.

8ff. ἔτουϲ ιϛ̅ ϰαὶ δ̅ τῶν ϰτλ: with the exception of the first and the last words, the line is badly damaged due to abrasion; the damage is particularly severe between the two regnal years; as a result of this, although we may be confident about the reading of ιϛ̅ and δ̅, the restoration of the symbol ͵ after the first regnal year is very uncertain. What remains from the symbol is extremely poor traces below the rather oblique upper stroke of the sigma of the first regnal figure; the room, however, between this sigma and the following kappa is just enough to accommodate it. The most crucial part of the phrase is after kappa where abrasion is at its worst and, although alpha and iota can be read with some confidence, it is not at all certain whether the following regnal year was merely δ͵ or a two-figure regnal year, the second figure of which was δ. The only possible alternative is to read ιϛ͵ϰαὶ [ι]δ͵, which, if right, would date the document to 321/2 A.D. (= 16th year of Constantinus I and 14th of Licinius). However, this alternative is much less likely, because (i) there is hardly enough room after the faded alpha iota to accommodate another iota, and (ii) this date is only found in papyri without any regnal formula, cf. Bagnall-Worp, RFBE 40 (for the concordance of the regnal years, see id., CSBE 72). In our text, however, the reading τῶν at the end of the line proves that a regnal formula followed.

According to our reading (ιϛ͵ ϰαὶ δ͵) the document dates from 307/8 A.D. and the regnal years correspond to the 16th of Galerius and the 4th of Maximinus; for the concordance see Bagnall-Worp, CSBE 71. The regnal formula, however, which was originally written in our document cannot be restored with certainty, because two different ones are attested in the documents for this particular year (cf. id.,

<u>RFBE</u> 31-33):

either: τῶν κυρίων ἡμῶν Γαλερίου Οὐαλερίου Μαξιμιανοῦ Σεβαστοῦ καὶ Γαλερίου Οὐαλερίου Μαξιμίνου τοῦ ἐπιφανεστάτου Καίσαρος.

or: τῶν κυρίων ἡμῶν Μαξιμιανοῦ Σεβαστοῦ καὶ Μαξιμίνου τοῦ ἐπιφανεστάτου.

8. LOAN WITH DEFERRED DELIVERY OF WINE

389/1 2 May, 618 A.D.

11.8 cm x 33.6 cm

The present document is written on the front of a brown sheet of papyrus along the fibres. Five well-marked creases are easy to see on both sides of the papyrus, four running vertically and one horizontally; the latter, which once divided the sheet into almost equal halves, has caused a good deal of damage to the text in ll.22-26 and has also caused the two halves to break apart. A good number of small holes are scattered mainly within the horizontal zone stretching along the middle of the document, but the losses are of minor importance. With the exception of ll.23-25 which are severely mutilated (see notes), the papyrus, on the whole, is preserved in a good condition and the text, where damaged, is easy to restore.

The papyrus is slightly wider at the top and becomes progressively narrower at the bottom where it measures only 10.3 cm. There are no margins at either side of the document and the script runs from edge to edge. Similarly, the papyrus lacks free room at the top, but there is a very substantial one at the bottom of approximately 6.4 cm. On the back, which contains the address, also written along the fibres, the text has suffered damage both in the middle and the right hand side caused by the above-mentioned horizontal crease and, chiefly, due to abrasion and fading of the ink. The reading of some parts, especially the decipherment of the frequent abbreviations, is difficult and partly conjectural, see notes to ll.41-2. The dark brown patches on the back may imply that the papyrus was once affected by humidity.

Two different hands can be distinguished with certainty on the front, while a third one may have written the address on the back.

The first hand, responsible for the main text, produces a bold and legible, but unattractive, non-cursive script; the letters which are formed independently and upright, are large with an evident tendency to become smaller in the lower part of the main text. Ligatures are very infrequent. A further feature of this hand appears to be the systematic avoidance of hyphenation at the end of the lines by writing very large letters and leaving blanks at the right hand side (see ll.13, 18, 32), or by squeezing the ending of the final word in the interlinear space, as, for example, in ll.20, 27, 35.

The signature at the bottom of the papyrus is the work of a second, very cursive, hand with letters of variable size and form sloping to the right, which are in parts difficult to decipher, see note to l.39. Very surprising is the way that omicron and sigma are written (ligatured?) in the word υἱόc (l.38).

From the little that can be seen on the back it is difficult to decide if the address was written by a third hand. The script is semi-cursive and attractive with bold and upright letters; the formation, nonetheless, of some letters, such as eta, gamma and epsilon-rho in a single movement (see l.41: Ἱερημίο(υ)) is fairly similar to the corresponding letters when written by the second hand. However, this may be a mere coincidence and one should, perhaps, identify a different hand producing the script on the back.

Aurelius Ieremias having as guarantor the administrator of the epoikion where he resides, acknowledges his indebtedness to Aurelius Epiphanius, a veterinary surgeon from the city of Oxyrhynchus, for the

amount of eight gold solidi to be paid back at harvest time by providing an appropriate amount of wine, that is 800 five-sextarii jars. Ieremias - henceforth called debtor - undertakes also the obligations (i) to cover the expenses of the vintage by providing certain goods (see below), and (ii) to deliver the fixed amount of wine and the above-mentioned goods at his own expense (see note to ll.35-36).

The content and the structure of our document can be represented in the following schema:

PRESCRIPT (ll.1-15)

(i) Christian invocation (1-3)

(ii) Regnal formula and date (3-7)

(iii) Address: the contracting parties with the formula: ὁ δεῖνα μετ' ἐγγυητοῦ τοῦ δεῖνος τῷ δεῖνι (8-15)

BODY (ll.15-38)

A. The clause acknowledging receipt (ll.15-21)

(i) Receipt formula: ὁμολογῶ ἐσχηκέναι κτλ. (15-17)

(ii) Specification of the loan, i.e. amount of money received calculated as price for equivalent amount of wine (17-21)

B. The promise-to-repay clause (ll.22-25, see note to ll.22ff.)

(i) Time (22-24)

(ii) Measurement provision (?) (22-25, see note)

C. Surety clauses (ll.25-30)

(i) Surety for payment undertaken by the guarantor in case of default by the debtor (25-28)

(ii) Surety for the good quality of the wine to be delivered undertaken by the debtor with the formula: ἀναδεχόμενος τὴν καλλονὴν τοῦ οἴνου κτλ. (28-30)

D. Additional provisions (11.30-36)

(i) Provision concerning the expenses of the vintage (30-34)

(ii) Delivery provision (35-36)

E. The kyria-clause and the stipulatio (11.37-38)

SUBSCRIPT (11.38-40)

Signature of the debtor.

The document is drawn up in the form of a subjective homologia and follows very closely the structure and the language of ordinary loans; for the similarity compare the above schema with the corresponding one in P.Oxy.ined. 10 introd. The formula is clearly that of a loan, cf. also R. S. Bagnall, GRBS 18 (1977) 86 with note 5.

Such texts are normally described as a "loan with deferred delivery of wine", or else "sale of wine on delivery" and belong to the type of contract in which receipt of money is acknowledged and a certain kind and amount of commodities is promised in the near future in lieu of repayment. This class of document, whose normal purpose is to provide the farmer with the money he needs for bringing the crop in and to assure him an immediate market, has been widely discussed and interpreted in various ways by scholars, but no conclusive or universally accepted answer has so far emerged as to the precise nature of the transaction.

From time to time these documents have been regarded as:

(i) dationes in solutum, i.e. cession of property in settlement of a debt contracted earlier; this explanation was given especially to documents which do not mention the price.

(ii) genuine sales with the payment effected some time before the delivery; the followers of this interpretation, which has been widely

adopted, use descriptive terms such as "sale with deferred delivery" or "sale on delivery", etc.

(iii) simply money loans to be repaid in kind, and

(iv) neither sales nor loans, but a "new type of contract".

The bibliography is extensive and still increasing as is the number of this class of documents. The legal aspects have been treated by D. Simon, Studien zur Praxis 71 ff., R. Taubenschlag, The Law[2] 336 ff. (with ample bibliography up to 1955) and in particular detail by F. Pringsheim, The Greek Law of Sale 268-286. Also the social and economic aspects as well as other more specific issues have attracted the attention of many scholars: beside the standard study by O. Montevecchi, Aegyptus 24 (1944) 131-158, important is also the very constructive analysis of R. S. Bagnall, GRBS 18 (1977) 85-96, which although specifically pertinent to the price in this class of documents, makes, nonetheless, interesting comments on the nature of the transaction and the motives of the contracting parties; the arguments on the price advanced by Z. M. Packman, CE 50 (1975) 286-96, are complicated and, to some extent, far-fetched (see Bagnall's severe criticism in the above article); for incidental references see especially P.Cair.Isid. 90 introd., P.Col. VII 182-184 introd., and cf. P. Köln III 152 introd. and P.Mich. XV 748 introd.

As I already mentioned above, the number of this class of document is ever increasing. The standard list given by Montevecchi, op.cit. 131-133, has been updated by H. Maehler in BGU XII 2198, introd., R. S. Bagnall, art.cit. 85 note 1 (with some deletions) and most recently by P. J. Sijpesteijn, ZPE 62 (1986) 138 note 1. Add now: SB XVI 12267 = Anagennesis 1 (1981) 226 (wine; 540 A.D.) and

P.Gen. inv. 106 published by B. Bouvier-Cl. Wehrli, ZPE 52 (1983) 261-266 (wine; 522 A.D.). A good number of such documents are included also in the recently published CPR X, namely 23 = BGU III 740, see ZPE 20 (1976) 83-86 (vegetable seed, hay and one more unknown commodity; 520/521 (?) A.D.); 24 = BGU I 318, see ZPE 20 (1976) 83-86 (wool; 522/523 A.D.); 25 = P.Laur. II 31 (ll.8 ff. previously published by H. Gerstinger, Eos 48 (1956) 201-203 = SB VI 9281) (vegetable seed; 526/527 A.D.); 38 (beans; 420 A.D.); 39 (wine; 443 A.D.); 107a (vegetable seed; 396 A.D.); and 120 (hay; 523 A.D.). Add also the corrections to SB XIV 11617 by Sijpesteijn, ZPE 55 (1984) 155, and the new edition of Stud.Pal. XX 136 also by Sijpesteijn, ZPE 37 (1980) 281 ff. (republished now as SB XVI 12639). Finally, the six texts published by H. Harrauer in Pap.Flor. VII (= Miscell.Pap.) 109 ff. can now be quoted as SB XVI 12486, 12488-12492 and the text published by Harrauer-Sijpesteijn, CE 57 (1982) 296-302 as SB XVI 12401.

The phrasing of the present document and the general structure with but one exception (see below), do not present any extraordinary divergences from the usual Oxyrhynchite pattern, save for one or two uncommon or unparalleled expressions which I discuss in detail in my commentary, see e.g. notes to ll.19-20, 24-25 (where the text is badly damaged) and 25-28. Insofar as the structure is concerned, the most striking feature is the absence of the introductory formula promising payment (cf. my schema above), but this, as I argue in the note to ll.22 ff., must surely be treated as a merely accidental omission during writing, for the text does not make sense otherwise. There are some features, however, of a more general importance which seem to be related to the particular nature of the transaction and also,

perhaps, to the social and economic status of the debtor and, thus, require a more special treatment at this stage.

A noteworthy feature in our document is the stipulation of a guarantor who undertakes the obligation and the responsibility to deliver the promised amount of wine at his own expense in case of default by the debtor (ll.25-28). This is indeed quite exceptional, for a guarantor is very rarely found in documents of this class as contrasted with the ordinary loans of money or commodities: out of almost a hundred published loans with deferred delivery dating between the first and the early seventh century A.D. a guarantor is, so far as I have discovered, found in only six more documents, which, with the sole exception of SB V 7667 (320 A.D. - cummin), promise to deliver wine, namely PSI XII 1249 (265 A.D.), Pap.Flor. VII (= Miscell. Pap.) pp.109-112 = SB XVI 12486 (470 A.D.), P.Antin. I 42 (= C.Pap.Jud. III 508) (542 A.D.), P.Mich. XV 734 (572 A.D.) and BGU XII 2207 (606 A.D.); our document is thus the latest among the known examples. What is the particular situation in the present document that requires the presence of a guarantor? It seems to me that there is more than one factor which is in fact interrelated. The main factor is the particularly large amount of money involved (8 gold solidi) and, on the other hand, the weak and insecure (for the creditor) social and economic status of the debtor (see below); this is indeed risky business for the creditor and the only way to safeguard his interests is by obliging the debtor to provide a guarantor.

Firstly, the amount of 8 gold solidi in lieu of the price of the anticipated amount of wine is, to my knowledge, the largest ever attested in loans of this type; only P.Mich. XV 743 (VI/VII A.D.) records a price which is at all close, namely 6 solidi, for future

delivery of wine. On the other hand, as only a limited number of documents mention the amount lent (see O. Montevecchi, Aegyptus 24 (1944) 134 and cf. Z. M. Packman, CE 50 (1975) 292), one needs to check also the amount of the wine to be delivered: in doing so I found that only exceptionally is the anticipated amount as high as 2.500-3.000 sextarii and none of the parallels, so far as I have discovered, records 4.000, such as here, see e.g. SB V 8264 (524 A.D., see BL VII, p.198) - 500 six-sextarii, CE 27 (1939) 165 ff. (523 A.D.) - 500 six-sextarii and BGU XII 2207 (606 A.D.) - 240 metra (for metron, see L. Casson, TAPhA 70 (1939) 8).

Secondly, our debtor, Aurelius Ieremias, belongs to the class of the ἐναπόγραφοι γεωργοί (coloni adscripticii) who are found chiefly (but not exclusively) on the estates of the Apion family; now, his status designation is not included in our document, but he occurs in a papyrus of 609 A.D. (PSI I 61) and there he is called ἐναπόγραφος γεωργός; see also note to 11.8-10. On the ἐναπόγραφοι, see e.g. E. R. Hardy, The Large Estates esp. 75-78, 90-91 and 114-115, A. C. Johnson-L. C. West, Byzantine Egypt 29-32 and A.H.M. Jones, P&P 13 (1958) 1-13 = The Roman Economy 293-305; very interesting are also the observations of J. M. Carrié on the use of the term in Atti XVII Congr.Intern.Papirol. (III) 939-948.

It is worth remarking that amongst the loans with deferred delivery known to me there is only one instance, namely P.Oxy.XLIX 3512 (= ZPE 30 (1979) 295), where the debtor is specifically called ἐναπόγραφος (γεωργός is omitted); the creditor there, however, is his patron and it seems that the status designation is necessary only when the ἐναπόγραφος contracts agreements with him/her.

Returning to the discussion on the guarantor I would like to suggest that his presence might have been dictated in the present instance by one

more factor, namely the legal status of the debtor. As Hardy observes, opc.it. 78, the "coloni were forbidden to alienate their personal property without the lord's consent"; in our document there is some reason to suspect that the guarantor may also act as a representative of the patron, for Stephanus was the administrator (προνοητής) of the ἐποίκιον Παγγουλεείου in 616/17 A.D. (P.Oxy. VI 999 = I 196, descr.) and was still in charge of this post when the present loan was made, see note to ll.11-13. To put it in a different way: the debtor, Aurelius Ieremias, being an enapographos, is not allowed to execute the transation without his landlord's consent; the presence of his administrator, however, could perhaps be understood as a positive intervention of the landlord, who, thus, consents to the transaction.

The most unusual feature of the present document is the provision in ll.30-34, whereby the debtor promises that beside the 800 five-sextarii jars of wine he will also furnish certain goods at the cost of four carats for the ἀναλώματα τῆς τρύγης (l.31). Neither the expression ἀναλώματα τῆς τρύγης itself is known to me from any other document nor the provision as a whole.

What is the exact significance or whether there are any implications of surcharges here, I cannot say with certainty. I take the expression to mean "the expenses of the vintage" in its literal sense, but this can raise questions difficult to answer, such as: if the present document is the only one in which the debtor has to cover the expenses of the vintage, for such an obligation is stipulated exclusively here, do we have to understand that in all the other loans of this type it was the creditor who had normally to pay the expenses? Or, is the provision in the present instance associated in some way with the status

of the debtor (cf. above)?

On the other hand, the phrasing of the provision reminds me of similar stipulations found in the Byzantine leases of land, especially from the sixth century A.D. onwards; there the relevant provisions refer in fact to extra charges added to the normal rate of the rent, see e.g. SB VI 9587 (VI/VII A.D.) and IV 7369 (512 A.D.), where it is stipulated that the goods are to be delivered in the vintage (!); see further on this J. Herrmann, Studien zur Bodenpacht 118-122.

Finally, the provision might be associated in some way with taxes; according to Johnson-West, op.cit. 300, the term ἀναλώματα was used as a heading in tax accounts from the fourth century A.D. onwards and included all sorts of minor charges mentioned with taxes in kind in the sixth century. This explanation, however, is not supported by the context.

On vine, wine and the vintage, see Cl.Ricci, La Coltura de la Vite and M. Schnebel, Landwirtschaft 239-292.

+ ἐν ὀνόματ[ι] τοῦ κυρίου καὶ δεσπ'ό'(του) 'Ιης(οῦ)
Χριστοῦ τοῦ θεοῦ καὶ σωτῆρος
ἡμῶν. βασιλείας τοῦ θειοτάτου καὶ
εὐσεβ(εστάτου) ἡμῶν δεσπ'ό'(του) μεγίστου
5 εὐεργέτου Φλ(αουίου) 'Ηρακλείου τοῦ
αἰωνίου Αὐγούστου καὶ αὐτοκρ(άτορος) ἔτους
<vacat> θ̄ Παχὼν ζ̄ ἰνδ(ικτίων)'ό'(ς) ζ̄. <vacat>
Αὐρήλιος 'Ιερημίας υἱὸς 'Ιωσὴφ
μητρὸς Θαησίης ἀπὸ ἐποικίου
10 Παγγουλεείου τοῦ 'Οξ(υρυγ)'χ'(ίτου) νομοῦ
μετ' ἐγγυητοῦ ἐμοῦ Στεφάνο(υ)
προνοητοῦ υἱοῦ τοῦ μακαρίου
Μηνᾶ Αὐρηλίῳ 'Επιφανίῳ
ἱπποιάτρῳ υἱῷ Φοιβάμμονος
15 ἀπὸ τῆς 'Οξ(υρυγ)'χ'(ιτῶν) πόλεως. ὁμολογῶ
ἐσχηκέναι παρὰ σοῦ ἐντεῦθε'ν'
ἤδη χρυσοῦ νομισμάτια
ὀκτὼ ἰδιωτικῷ ζυγῷ
εἰς τὴν συναρέσασάν μοι
20 τιμὴν πλήρης οἴνο(υ) πενταξεστι'α<ί>ω(ν)'
σηκωμάτων ὀκτακοσίων
ἐν τῇ τρύγῃ τ[οῦ] Μεσο[ρὴ] μηνὸ[ς]
τῆς παρούσ[ης ζ̄ ἰνδ(ικτίων)'ο'(ς) οἴνου]
'ρύσεως ὀγ[δόης ἐπινε(μήσεως) ca.5]
25 τοῦ ἁγίου ἐπι[ca. 4]υ ἢ [καὶ ἐ]γὼ
ὁ τούτο<υ> ἐγγυητ[ὴ]ς οἴκο[θ]εν
ὑπὲρ αὐτοῦ διδόν[α]ι ἐὰν ἀγνωμονή'σῃ'
ὁ πρωτότυπος ἀναδεχόμενος
τὴν καλλονὴν τοῦ οἴνου μέχρι

30 τοῦ Τῦβι μηνός. δώσω δὲ καὶ τὰ
ἀναλώματα τῆς τρύγης οἴνου
παλαιὰ σηκώματα ὀκτὼ καὶ
μουστάρια ὀκτὼ καὶ δελφάκιον
ἓν τιμῆς κερατίων τεσσάρων.
35 ὁμολογῶ δὲ ταῦτα ἀποκαταστήσω 'σοι'
ἕως τῆς ἀρχοντικῆς δ[ι]ώρυκος.
κύριον τὸ γραμμ(άτιον) ἁπλ(οῦν) γραφ(ὲν) καὶ ἐπερ(ωτηθεὶς)
ὡμολ(όγησα). (m.2) + [[ι]] Αὐρ(ήλιος) Ἱερημίας υἱὸς
Ἰωσὴφ στοιχῶ <μοι>
τοῦτο τὸ γρ(αμμάτιον) ὡς πρόκ(ειται) ..οφιλος(?) [ἔ]γρ(αψα)
(ὑπὲρ)
40 αὐτοῦ ἀγρ(αμμάτου) ὄντος+.

Back, downwards along the fibres:

(m.3?)+ γρ'α'(μμάτιον) Ἱερημίο(υ) υἱ(οῦ) Ἰωσὴφ ἀπ'ὸ' Πα[γγου]λε-
εἰ(ου) μετ' ἐγγ(υητοῦ) Στεφάν(ου) πρ'ο'(νοητοῦ) χρ(υσοῦ)
ν'ο'(μισματίων) η̄
ἰδ(ιωτικῷ) [ζυγ(ῷ)] τ(ιμῆς) οἴ(νου) (πεντα)ξ(εστιαίων)
[σ]ηκ(ωμάτων) ω̄ +.

1 δεσπς, ιησς 4 ευσεβς, δεσπς 5 φλς 6 αυτοκρ/
7 ινδ°/ 8 ἱερημιας υἱος ἰωσηφ 9 l. θαήσιος, see note
10 οξ^χ 11 στεφανο̄ 12 υἱου 14 υἱω 15 οξ^χ
18 ἰδιωτικω 20 οινο̄πενταξεστ^αω̄ 22 εν̄
32 l. παλαιοῦ, see note 34 ἓν pap. 36 l.διώρυγος
37 γραμμ$απλ/γραφ/καιεπερ/ 38 ωμολ/, αυρ/; l. στοιχεῖ

39 γρ/ωcπροκ/(?), see note; [ε]γρ/ 40 αγρ/

Back: 41 γρ̄/ιερημιου̅ι/, πα[γγου]λεειι/μετεγγ/cτεφανπρ̄/χρ/νη̅

42 ιδ/[ζυγ/?]τ/ οι/εξ[c]ηκ/ω̅

'In the name of our Lord and Master, Jesus Christus, our God and Saviour. In the 9th year of the reign of our most divine and most august ruler, the greatest benefactor, Flavius Heracleius, the eternal Augustus and emperor, on the 7th of Pachon, in the 7th indiction.'

'Aurelius Ieremias, son of Joseph, his mother being Thaesis (?) from the epoikion Pangouleeiou of the Oxyrhynchite nome with my guarantor Stephanus, administrator, son of the blessed Menas, to Aurelius Epiphanius, veterinary surgeon, son of Phoebammon from the city of the Oxyrhynchites. I acknowledge that I have received from you immediately now eight gold solidi on the private standard as price agreeable to me in full of eight hundred five-sextarii jars of wine in the vintage of the month Mesore of the present 7th indiction from the wine yield of the eighth indiction... of the holy ... or, alternatively, I, his guarantor, will give on his behalf at my own expense, if the principal party should be in default, guaranteeing the fine quality of the wine until the month of Tybi. Moreover, I will pay the expenses of the vintage, that is eight jars of old wine and eight moustaria and one suckling-pig, worth four carats. I acknowledge to deliver those to you at the Archontike canal. The document written in a single copy is enforceable and in answer to the formal question I have given my consent.'

'(2nd hand) Aurelius Ieremias, son of Joseph, this contract pleases me, as is written above. I, ... ophilus (?), have signed on his behalf, because he is illiterate.'

'(3rd hand ?) Document of Ieremias, son of Joseph, from Pangouleeiou with guarantor Stephanus, administrator, for 8 gold solidi on the private standard as the price of 800 5-sextarii jars of wine.'

NOTES

1-3 The introduction of the invocation formula in papyrus documents was instituted by imperial decree of Mauricius and it is found for the first time in P.Erl. 67 of 591 A.D. (see BL VII, p.47). During the reign of Heracleius a major division takes place in which (i) the Upper Egyptian nomes continue to use the Trinitarian formula introduced by Phocas, and (ii) the Lower Egyptian nomes revert to the present formula which was in use under Mauricius, see R. S. Bagnall-K. A. Worp, CE 56 (1981) 112-133, esp. 120-1.

3-6 This is the only type of regnal formula of Heracleius found in Oxyrhynchus; the present document is the only example found hitherto for the year 618 A.D. The only other example from Oxyrhynchus dated before the Persian conquest of Egypt in 619 A.D. is P.Iand. III 49 (5 August 619 A.D.), see R. S. Bagnall-K. A. Worp, RFBE 68-69.

ἔτους: the ink has been erased severely, but this is what we have to read here. The letters that survive in comparison with the others in the same line are much smaller and squeezed in at the end of the line; cf. ll.16, 20, 27 and 35.

6-7 ἔτους θ̄ Παχὼν ζ̄ ἰνδ(ικτίων)ο(ς) ζ̄: the ninth year of the reign of Heracleius which coincides with the seventh indiction is 618 A.D.; for the concordance see R. S. Bagnall-K. A. Worp, CSBE 92.

The writing in line 7 is centralised and equal spaces have been left free on either side. This feature is quite common in Byzantine documents, cf. my note to P.Oxy.ined. 13, 2.

8-10 The debtor, Aurelius Ieremias, is known to us from PSI I 61, 10 ff., which dates from the same period (609 A.D.) and belongs to the documents

of the Apion archive. That document is a "deed of surety" and Ἱερημίας is described as γεωργὸς ἐναπόγραφος (see also my introduction). The relevant part of the text reads: ἐγὼ Ἱερημίας [υ]ἱὸς Ἰωσὴφ μητρ(ὸς) Θαή[σι?]ος ἀπὸ ἐτοικ(ίου) Παγγουλεείου τοῦ Ὀξυρ[υγχ(ίτου) νομ]οῦ διαφέρ(οντος) τῇ ὑμετέρ(ᾳ) ὑπερφ(υείᾳ), ἐν[απόγρ]αφ(ος) αὐτῆς γεωργός (for the reading Παγγουλεείου, see BL I, p.390 and cf. BL VII, p.231). For the use and the significance of the gentilicium Aurelius, see the extensive and detailed study of J. G. Keenan, ZPE 11 (1973) 33-63 (esp. 55 and note 96 where he gives a list of all the known enapographoi designated as Aurelii) and 13 (1974) 283-304. Note the absence of the gentilicium in PSI I 61.

What is interesting in our text is the absence of the designation of Αὐρήλιος Ἱερημίας as enapographos georgos. However, there is a substantial difference between the present contract and PSI I 61, for while the latter is a deed of surety addressed to Apion III, who is the patron, our document is of a completely different nature in this respect, since it is addressed to a person, who, to the best of my knowledge, is related neither to the Apion family nor to the particular estate. Although there are no further examples to trace men known as enapographoi in documents coming from outside the estates, the present example seems to suggest that the colonus was not required to specify his status in documents addressed to an individual other than the landlord, whereas this was necessarily done in addressing the patron himself or his agent.

Ἱερημίας: the name occurs frequently in the papyri of the Byzantine period and is quoted both in NB sv and ONOMASTICON sv either in the present or in the alternative spelling Ἱερεμίας.

9 θαησίης: in PSI I 61 11 the editor prints θα[c?]oc (vide supra, note to 11.8-10) from a nominative θαῆcιc which is frequent in the papyri. The form θαησίης in our text would have a nominative θαησία which is attested in a few papyri, see NB sv and ONOMASTICON sv. Now, one of the two genitives must surely be incorrect, for both refer to the same person. The most likely suspect is the version found in this text, primarily because the name θαησία is not particularly frequent and also because the second eta could very easily have resulted from attraction to the preceding eta. I would tend to rule out an explanation on phonological grounds, for the interchange of o and η, despite the fact that it is encountered in a few instances, is uncommon, see Gignac, Grammar I 293.

9-10 ἀπὸ ἐποικίου Παγγουλεείου: the name of the locality, according to P. Pruneti, I Centri Abitati sv, is encountered only in documents of the sixth century and thereafter, with the sole exception of P.Harr. I 137, 5, 24 which is of an early date (II A.D.). The latest example quoted by Pruneti is P.Oxy. VI 999 (descr.) of 616/17 A.D. (see also below, note to 11.11-13); the present document is even later (618 A.D.)

A good many of the papyri which mention ἐποίκιον Παγγουλεείου are associated with the Apion family and it is certain that the epoikion belonged to their estate; cf. the observations of S. Daris, Aegyptus 56 (1976) 70-73, and see the lists given by A. C. Johnson-L. C. West, Byzantine Egypt 50-51.

The epoikia were the nuclei forming the large estates in Byzantine Egypt; see E. R. Hardy, The Large Estates 132-33, and also cf. M. Lewuillon-Blume, Actes XVe Congr.Inter.Papyrol. IV 177-85.

11-13 The guarantor is the pronoetes of the epoikion to which the debtor

belongs and is known to us also from P.Oxy. VI 999 (= I 196) of 616/7 A.D., a document described as an "account of receipts and expenditures on one of the estates of Flavius Apion the younger". The editors cite a small part of the document whose most interesting lines read: δι' ἐμοῦ Cτεφάνου προ(νοητοῦ) Παγγουλεείου cὺν το(ῖc) ἄλλ(οιc) μέρ(εcι) κτλ. Chronologically, our document is only one or two years later and the identification of Stephanus is indisputable, for pronoetae in the Apion estates are mentioned as having been engaged in the same post for two or even three successive years, see Hardy, op.cit. 93.

The chief responsibility of the pronoetae was the collection of the taxes from one or more κτήματα or ἐποίκια which were assigned to their supervision, but they were also closely concerned with the tenants since they checked the whole range of their every-day activities; in general the pronoetae appear to have had considerable influence in the life of the district; see further on this Hardy, op.cit. 87-93. The fact that Stephanus acts as a guarantor in our document is quite exceptional, for, as Hardy notes, op.cit. 92, "the pronoetes is not usually referred to in acknowledgements of loans, but in at least one case [P.Oxy. I 206] we have a receipt showing that it was he who actually paid out the money".

13-15 The lender, Aurelius Epiphanius, a veterinary surgeon, comes, as normally in documents of this type, from the city, while the borrower is from a village; this element, according to O. Montevecchi, Aegyptus 24 (1944) 150-158, is indicative of the economic status - strong and weak - of the contracting parties. The polites to villager pattern stresses the importance of the Egyptian poleis as market-places and denotes the domination, social and economic, of the former class; see also P.Oxy. ined. 11, note to 11.4-8.

Ἱππόιατροc is a title which occurs in less than a dozen papyri and

a few Greek inscriptions from the Ptolemaic period onwards and is the descriptive term for the veterinary surgeons specializing in the medicine and general treatment of draught animals. Their status especially in the Byzantine period is not clear due to the poor documentation. If we are to judge from the existing information, it would be difficult to describe their class as being a prosperous one (but cf. below); for a detailed discussion of the relevant sources, see O. Nanetti, Aegyptus 22 (1942) 49-54. Add now the following documents: O. Florida 15, 3 (II A.D.), SB XIV 12059, 6 (III/IV A.D.) and CPR VII 38, 3 (IV A.D.). The occurrence of an ἱππόατρος here is chronologically the latest.

Although most of the papyrological documentation belongs to the later Roman and early Byzantine era, our knowledge about the ἱππόατρου in that period is very poor and this is chiefly due to the fact that the majority of the relevant papyri are merely lists of payment, such as, for example, the recent SB XIV 12059. The most interesting document, which is of some importance for the present discussion, is P.Oxy. XVI 1974 (538 A.D., see BL VII, p.143), an acknowledgement of a debt of one and a half solidi in compensation, as it seems, for sour wine delivered some time earlier. Now, the transaction recorded there presupposes an agreement such as the present one and the vet was once again the lender. The editors of P.Oxy. XVI 1974 do not comment on the text, but Nanetti rejects the possibility that the document may be payment of the vet, on the grounds that the amount involved is too high for such a service and in fact interprets the text in the same way as I have adopted above, see art.cit. 52-3.

Returning to the present document two features need be pointed out: (i) our vet seems to be quite well-off, for, since he is in the position

to afford eight gold solidi - a rather high amount - for lending (or buying), he must have been in possession of substantially higher funds, and (ii) in compensation for the amount lent he will receive four thousand sextarii of wine, an enormous amount which surely was not intended for personal consumption, but rather for commercial use.

As Nanetti shows the rate of payment of vets, at any rate insofar as the period from Diocletian on is concerned, is not high and vets do not appear to be a particularly prosperous class of people. However, as our document seems to imply, although it is risky to generalize, the ἱππίατροι might have discovered other means to increase their income and to improve their position. Perhaps, also a similar situation in P.Oxy. XVI 1974 (vide supra)?

14 ἱπποιάτρῳ: the word is recorded both as ἱπποίατρος and ἱππίατρος (more frequently) in LSJ sv; any attempt to correct is questionable.

15 ἀπὸ τῆς Ὀξ(υρυγ)χ(ιτῶν) πόλεως: for the title of the city see P.Oxy. ined. 11, note to 11.8-9; the omission of the adjectives λαμπρᾶς καὶ λαμπροτάτης is normal in this period.

15-17 ὁμολογῶ ἐσχηκέναι παρὰ σοῦ κτλ.: this receipt formula, sometimes with slight additions, such as, for example, εἰς ἀναγκαίαν μου χρείαν (e.g. P. Wisc. I 11), is typical of Oxyrhynchite loans belonging to this class. The present version is found also in P.Amh. II 130, 17-18 (592 A.D. - χόρτος), PSI III 239, 13-15 (601 A.D. - χόρτος) and P.Mich. XV 743, 11-12 (VI/VII A.D. - wine). For the close relation to the receipt formula of an ordinary loan, cf. e.g. P.Oxy. ined. 11 i 8-9.

Our document states both the amount of money received and the amount of wine to be paid back and this is not the most common practice in documents of this class, cf. O. Montevecchi, Aegyptus 24 (1944) 134.

Our papyrus is also in accord with Packman's observation that when loans of this type state the amount received, they normally fail to include a penalty-clause, see JJP 19 (1983) 21-26.

18 ff. The papyrus is damaged from here on, chiefly due to holes scattered on the surface of the sheet; the damage is particularly severe in ll.22-25 at the right hand side where the largest part is now missing (see also my introduction).

19-20 εἰc τὴν c̣υναρέcacάν μοι τιμήν: this expression is not frequently found in this class of document, especially those of Oxyrhynchite origin; the only exact parallel, to my knowledge, from the same nome is P.Amh. II 150, 19-20 (592 A.D. - χόρτοc). In two further examples the formula is very close, but lacks the preposition εἰc, namely P.Flor. I 65, 5 (570/1 A.D.? - wine) and P.Mich. XV 734, 14-15 (572 A.D. - wine). On the contrary, the general tendency in all nomes is to use a form of cυμφωνέω instead of cυναρέcκω, see e.g. SB V 8264 (524 A.D. - Oxy.), P.Stras. I 1 (510 A.D. - Herm.), P.Select. 15 (435 A.D. - Heracl.) etc.; in fact the formula which employs a participle of cυμφωνέω is the standard for the Hermopolite nome (where τιμή is preceded in almost all examples by the adjectives τέλειοc and ἄξιοc).

According to F. Pringsheim, The Greek Law of Sale 282-83, the expression εἰc τιμήν in this class of documents indicates that money is advanced "to be used for the price" and not "as a price", which he interprets as a legal scruple and explains that "perhaps the idea, if not the legal interpretation, was that money became price only when the goods came into existence and were delivered".

The employment of the participle cυναρέcαcαν or an equivalent form of the verb cυμφωνέω indicates that there was mutual agreement as to the

amount of money stated in the document; see Bagnall, GRBS 18 (1977) 93.

20 πλήρης: the adjective is frequently used, as here, indeclinably, see Gignac, Grammar II 138-9.

πεντα̣ξε̣σ̣τι̣ α<ι>ω(ν): a small hole at the end of the line is responsible for the damage of the three dotted letters; however, nothing else but the restored letters can be expected here which fit suitably with the remaining traces. The iota of -α<ι>ω(ν) added in the interlinear space has been omitted; the assumption that iota might have been written cursively at the bottom of the alpha must be ruled out, for there is not enough room. An explanation of the omission on phonological grounds is not very convincing. Although there is an occasional interchange of αι>α in medial position, I have, nonetheless, found no example of this interchange before omega, such as here, and it would perhaps be more plausible to interpret the absence of iota as a pure scribal error; cf. Gignac, Grammar I 194-5 with note 1.

20-21 σηκώματα of 5, as here, 6 and 8 sextarii only are known, see L. Casson, TAPhA 70 (1939) 8. The amount to be supplied is 800 five-sextarii (= 4.000 sextarii) at the rate of 1 sol./100 sekomata (= 1 sol. for 500 sext.) This price can be compared with PSI X 1122 (VI A.D.): ca. 1/520 sol., SB I 4505 (606 A.D.): 1/532 sol. and I 4504 (613 A.D.): 1/539 sol. In P.Mich. XV 743 dated roughly to VI/VII A.D., the value is 1/435 sol. In view of the occurrence of the 11th indiction (1.4) in connection with the employment of the invocation (11.1-3), the editor suggests as more probable the dates 592, 607 or 622 A.D. If we are to judge from the value of the wine, on which the editor makes no comment, then the most suitable date would be 592 A.D.

As I mentioned above the price of wine in our text is 1/500 sol.;

taking into consideration Casson's analysis, art.cit. 15, I would say that we certainly deal with wine of the cheapest grade. Casson distinguishes three grades of wine: (i) a very cheap grade ranging from 1/500 to 1/792 sol. per sextarius, (ii) a medium grade ranging from 1/150 to 1/336 sol. and (iii) an expensive grade with prices less than 1/100 sol. Casson's examples for the cheapest grade (i.e. the lowest prices) all come from documents of the same type as the present one, i.e. loans of money with repayment in wine. As Bagnall convincingly argues, GRBS (with note 18) this feature "also points to a deduction of interest before the amount stated", and this may well have been the case in our document. In other words, what Bagnall argues, is that interest was deducted before the eight gold solidi changed hands and, hence, the amount stated as received here represents a price less interest. For a different interpretation (price inflated by the incorporation of interest), cf. Z. Packman CE 50 (1975) 285-296.

22 ff. ἐν τῇ τρύγῃ κτλ.: from here on the text refers to the repayment, but, surprisingly enough, the scribe has omitted the most basic part of the promise-to-repay clause and the text, as it stands, does not make sense. After ὀκτακοσίων in l.21 the total might have, perhaps, been indicated in the form: γί(νεται) οἴ(νου) (πεντα)ξ(εστιαῖα) σηκ(ώματα) ω̄ (vel.sim.) (for the abbreviations cf. the title on the back), although this is not a universal practice in this type of document, see e.g. SB V 8264, 13 (524 A.D.), where the total is stated and cf. P.Wisc. I 11, 16 which gives the total of the price, but lacks the total of the amount of the goods to be delibered.

What is certainly expected and has surely been omitted is the introductory part of the promise-to-repay clause which I supply exempli gratia: ἅπερ ἐπάναγκες ἀποδώσω σοι or ὅνπερ οἶνον ἀποδώσω σοι (vel.sim.); also expressions referring to the good quality of the wine to be delivered should,

perhaps, have been used before οἴνου and, perhaps, also a provision about the supply of the jars by the debtor or the creditor, see e.g. SB V 8264, 13 ff. and the documents published by Harrauer in Pap.Flor. VII (= Miscell.Pap.), pp.109 ff.

22 ἐ̣ν τῇ τρύγῃ τ[οῦ] Μ̣εσο̣[ρὴ] μ̣η̣νὸ̣[c]: the papyrus is seriously damaged after τρύγῃ, but the surviving letters and the parallel texts leave no doubt about the correctness of the restoration.

As normally, the delivery of the wine will take place in Mesore (25 July/23 August), which is the month of the vintage, see O. Montevecchi, Aegyptus 24 (1944) 146 and, especially, M. Schnebel, Landwirtschaft 275-80. The only example from Oxyrhynchus where delivery is promised in a different month is, to my knowledge, P.Oslo II 43, 3 of a rather early date (140/1 A.D.); there the delivery is to be effected in Hathyr (28 October/26 November), well out of the normal period of the vintage.

The term of our loan is very short, for the document was drawn on the 2nd of May, 618 A.D. and repayment is expected at the latest by 23rd August of the same calendar year.

23-24 The space after παρού̣c[ηc is too small to accommodate the number of the indiction as well as the word ἰνδικτίων itself in full; for the restoration I follow the practice of the scribe in 1.7. The genitive οἴνου must surely be inserted in 1.23, for it is normal in this class of document in the late Byzantine period for it to precede ῥύ̣c̣εωc̣ (1.24), see e.g. SB V 8264, 19 (524 A.D.), P.Wisc. I 11, 22 (VII A.D.); contrast P.Mich. XV 743, 18, where οἴνου is not followed by ῥύcεωc due, perhaps, to the different construction of the clause promising repayment. So far as I was able to discover, the expression οἴνου ῥύcεωc is found exclusively in Oxyrhynchite loans of this type. The expression, however, is found rarely

in papyri of various types from other nomes too, see e.g. P.Lond. I 113 11a, 3, 7 (Ars.).

The term ῥύcιc in the papyri properly indicates the total yield from the wine-press; frequently, but not here, it is used in the sense of "vintage", see M. Schnebel, op.cit. 292, and L. Casson, TAPhA 70 (1939) 4 note 1. Also LSJ sv translates "flow, yield" (with reference to liquids).

24-25 This is the most difficult part of the missing section to restore with certainty, chiefly due to the unidentifiable expression at the beginning of l.25, which might have been governed by a missing word at the end of l.24 (cf. below).

The well-preserved ῥύcιc in l.24 is a key-word, because it proves that our scribe, following the traditional practice in the Oxyrhynchite nome, separates the chronological sense of the indiction from the fiscal. In this sense the harvest (τρύγη) will take place at the end of the 7th indiction, that is before Mesore epagomenae 5(6), but the wine is to be accounted to the crops and taxes of the eighth epinemesis running from 1st May 618 A.D. to April 30, 619 A.D., which had already started when our document was drawn up (May 2); for this method of fiscal reckoning in Egypt see R. S. Bagnall-K. A. Worp, CSBE 5 (with note 21) and esp. 26.

This double indictional date is constantly in use in the Oxyrhynchite loans with deferred delivery of wine of a rather late date, such as the present one, and the reference to epinemesis follows straight after the expression οἴνου ῥύcεωc, see e.g. SB V 8264, 19 and P.Wisc. I 11, 22-23; cf. also P.Amh. II 150, 28-29 (χόρτοc), P. Michael. 35 B 9-10 (wheat). Normally, the formula runs τῆc cὺν θεῷ X ἐπινεμήcεωc or τῆc(cὺν θεῷ) εἰcιούcηc X ἐπινεμήcεωc (see the above-quoted examples).

In our text the reading before the lacuna in l.24 is not very

certain, but I think that the traces after ῥύσεως can be interpreted as an omicron followed by a gamma and this is in accord with the expected number of the eighth epinemesis. It is most unlikely that the scribe employed any of the above elaborate formulae, but rather the simple form οὔνου ῥύσεως Χ ἐπινεμήσεως, for which, however, I have not managed to find parallel.

Now, I do not think that the genitive τοῦ ἁγίου ἐπι[ca.4]υ in 1.25 is governed by ἐπινε(μήσεως) and I cannot offer a satisfactory explanation as to what the significance of such an expression could be. On the contrary, I am inclined to think that the word ἐπινεμήσεως was abbreviated in such a way that one more word was originally written at the end of line 24 which was syntactically associated with the genitive in 1.25.

For 1.25 I believe, first of all, that τοῦ before ἁγίου is not to be interpreted as the ending of a word which could have started at the end of 1.24, but is rather the singular genitive of the article (masc. or neuter), because it is alien to the practice of the scribe to hyphenate words.

The reading ἐπι[ca.4]υ is very uncertain, because some of the horizontal fibres of the papyrus have been removed and the surviving ones are seriously distorted. The traces after the upsilon of ἁγίου can be interpreted either as sigma or, more likely, as upsilon, and the iota which I print could also be a rho or a tau whose upper part is missing. The reading of the pi is perhaps more secure. For the trace before eta after the lacuna there is a choice between sigma and upsilon in view of the fact that the word is in genitive; I think that the small trace that survives cannot fit with a sigma.

What was stipulated here must have been indeed very rare, for I

checked many expressions with ἅγιος, but no help has emerged. Furthermore, Oxyrhynchite loans of this type do not provide any help for restoration: after the reference to the epinemesis they usually conclude with the clause securing the quality of the wine, sometimes preceded by the adverb ἀνυπερθέτως, see e.g. SB V 8264, 19-20, P.Wisc. I 11, 23-24 and P.Bad. IV 55, 22. Some other Oxyrhynchite examples of a rather earlier date contain a measure provision or state that the wine comes from a certain parcel of land, but both provisions are found in a different part of the text, see e.g. PSI XII 1249, 24-25 (265 A.D.), 1252, 9-10 (III A.D.) and P.Oslo II 43, 3-4 (140/1 A.D.).

In a good number of documents from the Heracleopolite nome of a late date there is a measure provision at this part of the text, see e.g. P.Amst. I 48, 14 (VI A.D.), BGU XII 2207, 15 (606 A.D.) and 2209, 11 (614 A.D.).

Indeed, the restoration of the dative μέτρῳ at the end of l.24 is very tempting and would fit neatly if ἐπινεμήσεως were abbreviated to επινε̄. If this is so, then we are dealing with the name of a new measure of wine which I have not been able to identify. ἐπι[κίο]υ̣ (for ἐποικίου) is also tempting, but I have found no example of the word ἐποίκιον described as ἅγιον. A possible alternative would be to read ἐπι[σκόπο]υ̣, but this seems too long for the size of the lacuna and ἅγιος when referring to a bishop is used in the superlative, see e.g. P.Grenf. I 66, 4 (VI/VII A.D.).

I have also checked whether ἁγίου ἐπι[ca.4]υ̣ could be identified with any locality in the Oxyrhynchite nome, but no relevant entry was found either in P. Pruneti, I Centri Abitati or in Calderini, Dizionario.

25-28 ἢ[καὶ ἐγώ.... ὁ πρωτότυπος: the only parallel of Oxyrhynchite provenance is, as far as I have discovered, P.Oxy. XVI 1976, 20-21 (592 A.D.)

which reads simply: ἢ κἀγὼ ὁ τούτων ἐγγυητὴς οἴκοθεν ὑπὲρ αὐτῶν διδόναι. That document is an acknowledgement of loan of seed corn and is addressed to the heirs of Fl. Apion II; its primary interest lies in the fact that the borrowers are enapographoi georgoi and their guarantor, similarly to our document, is their pronoetes. Very close is the stipulation concerning the guarantor also in SB XVI 12486, 21-24 (470 A.D.) of Hermopolite provenance: προσομολογῶ δὲ ἐγὼ ὁ ἐγγυητὴς ἀναδέχεσθαι. εἰ δὲ ἀγνωμονήσι σν (sic ed!) ὁ πρωτότυπος, ἐγὼ αὐτὸς οἴκοθεν ὑπερησῶ ἀποδώσω κτλ., see all the relevant notes in Pap.Flor. VII (= Miscell. Pap.) p.112.

In l.25 the reading ἐ]γώ, which is very uncertain, instead of ἐμέ, as subject of the infinitive διδόν[α]ι in l.27 is dictated by the nominatives that follow. The scribe seems to understand the verb ὁμολογῶ as governing the infinitive and for this reason uses the first person as the pronoun. This feature is more understandable in P.Oxy. XVI 1976 (supra).

26 ὁ τούτο<υ>: the interchange of ου and ο in this position is so unusual that it is probably to be regarded as a scribal error.

οἴκο[θ]εν: the most suitable translation is given by LSJ sv 3: "from one's own financial resources, at one's own expense".

27 διδόν[α]ι: for the use of the present infinitive to express future sense see Mandilaras, The Verb §§ 214 ff.

ἀγνωμονή'σῃ': the most suitable interpretation is in WB sv ἀγνωμονέω 1: "lässig sein bei Erfüllung von Verpflichtungen" (with examples); see also the example quoted in my note to ll.25-28.

28 ὁ πρωτότυπος: "principal party to a contract" (LSJ sv II); here, the

debtor, Aurelius Ieremias is to be understood, see e.g. P.Oxy. I 136, 11 (583 A.D.) and P.Stras. I 40, 21, 28, 39 (569 A.D.). The word is frequent only in documents of the sixth century, but very rare in the earlier period, see Pap.Flor. VII p.112 note to l.22.

28-30 ἀναδεχόμενος...Τῦβι: the good quality of the wine is guaranteed, as normally, until Tybi (27 December/25 January) 618/619 A.D., five months from the vintage in Mesore, see Montevecchi, Aegyptus 24 (1944) 146 and Schnebel, Landwirtschaft 279.

The formula in its present form is without parallel, since the Oxyrhynchite documents normally employ the verb ἐνέχομαι instead of ἀναδέχομαι and add καὶ παραμονήν after καλλονήν; the formula, thus, runs: ἀναδέχομαι/-μενος δὲ τὴν καλλονὴν καὶ παραμονὴν τοῦ οἴνου κτλ.; see further on this type of formula and its local variants Pap.Flor. VII (= Miscell. Pap.) pp.125-26 (Anhang, part 1).

καλλονήν: the meaning of the word καλλονή in this context is obscure and scholars have offered various explanations: the editor of P.Flor. I 65, 12, for example, renders "chiarificazione e purificazione del vino" (see note ad loc.) and the editor of P.Mich. IX 608 "goodness", see note to l.13. In the present instance I follow LSJ sv καλλονή - "metaph. fine quality".

30-34 As I have already noted in my introduction, this kind of provision is not attested for certain elsewhere. However, in P.Flor. I 65, 17-18 (570/1 A.D.?), where similar goods are stipulated, the editor reads: λογο[ ]αλομενος κνιδια δ και μουσταρια δ and notes that "aspetterei qualcosa come 'fuori conto' o sim." (note to l.17). The text is damaged at the most crucial point, but I am inclined to suggest tentatively the restoration: καὶ λόγῳ [ἀν]αλόματος (l.ἀναλώματος) κτλ.

31-32 οἴνου παλαιὰ σηκώματα: the expression παλαιὰ σηκώματα is to my knowledge not found elsewhere in the papyri and it seems that the adjective παλαιά is a blunder for παλαιοῦ due to attraction to the following accusative; for the expression οἶνος παλαιός, see e.g. PSI III 191, 2; 193, 3 and Stud.Pal. XX 218, 30.

The capacity of the sekoma is not specified, but I suspect that a five-sextarii jar is also to be understood here, total 40 sextarii; on the measure see note to ll.20-21.

33 μουστάριον: this measure is very rarely encountered in the papyri and is known only from P.Flor. I 65, 18 (μουστάριον δ) P.Mich. inv. 3712, 2 (ἓν διπλοῦν μουστάριον) published by P. J. Sijpesteijn, ZPE 61 (1985) 78 and, perhaps, also in CPR VII 63, 2 (where the reading presents many complications, see note ad loc.). The identification of the term is difficult, but I think that both Ricci, La Coltura della Vite 73-4 and Sijpesteijn, art.cit. 78 note to l.2 are correct to associate μουστάριον with μοῦστος/μοῦσθος and particularly with the measure μοσθίον which is known from P.Oxy. XII 1589, 16. All the documents which record μουστάριον date from the early sixth century A.D. onwards and it seems that the term is a creation of the late Byzantine period.

35-36 For similar provisions whereby the debtor undertakes the delivery to a certain place, see e.g. P.Ant. I 42, 22-23 (542 A.D.), PSI X 1122, 27-30 (VI A.D.), P.Lond. V 1774, 12-14 (570 A.D.).

ταῦτα: the fact that the provision for delivery is inserted at this part of the text and not earlier suggests that the pronoun is to be understood as referring both to the wine and the goods mentioned in the additional provision in ll.30-34. If the debtor was to promise that only the wine

would be delivered at the διῶρυξ then this should have been done after the provision guaranteeing the good quality of the wine, that is straight after Τῦβι μηνός; the writer has put ταῦτα instead of τοῦτον (referring to οἶνος), because he is thinking of the σημώματα.

ὁμολογῶ ... ἀποκαταστήσω: with the verb ὁμολογῶ we expect as supplement either an infinitive in the future, which is the most common construction, or, less frequently, a ὅτι-clause with future indicative or a ἵνα-clause with subjunctive, see Mandilaras, The Verb § 805. The employment of ἀποκαταστήσω only, without ὅτι or ἵνα, seems to imply that the scribe has confused the constructions; there is no reason for a phonological explanation. For the verb ἀποκαθίστημι used in the sense "to hand over, to deliver", as here, see e.g. P.Lond. V 1774, 12 (570 A.D.) and P.Ant. I 42, 22 (542 A.D.).

ἕως: here it is used as preposition+gen. and indicates place; LSJ sv II 1b quotes this construction and translates "up to the point where, as far as"; see also WB sv 1 "bis (räumlich)". The employment with ἀποκαθίστημι is odd.

ἀρχοντικῆς δ[ι]ώρυκος: unique expression, but it is perhaps to be identified with the διῶρυξ τοῦ Ἄρχοντος known from P.Oxy. XVI 2035, 12 (VI A.D.) and quoted by Calderini, Dizionario sv Ἄρχοντος (gen.). The interchange of γ and κ is frequent in this position, see Gignac, Grammar I 79.

The term διῶρυξ in the papyri is closely related to the irrigation system and it describes the main canals which carried the water from the Nile to the dykes or the subsidiary canals. For a detailed discussion of the term, a list of διώρυγες and their location in the various nomes see A. Calderini, Aegyptus 1 (1920) 37-62 and 189-216.

37-38 On the Kyria-clause and the stipulatio, see P.Oxy. ined. 9 notes

to 11.24 and 24-5.

38. The deleted iota after the cross implies that the writer intended to start straight away with Ἰερημίας, but had second thoughts and decided to add the gentilicium.

ϲτοιχῖ <μοι>: the reading ϲτοι is clear and what follows can be read as χι; something seems to have been written after this, but it is not the expected μοι.

38-39 A horizontal dash separates the subscript from the body of the document.

39 ὡς πρόκ(ειται) ..οφιλοϲ(?): after the rho of the verb the papyrus breaks due to a hole and the reading of the slight traces is very uncertain, before and after the lacuna. There is no evidence that the gentilicium Αὐρήλιοϲ was employed before the name and the remnants suggest nothing of this sort. The dotted letters of the proper name are almost completely conjectural and none of the many names ending in -φιλοϲ seems to fit.

[ἔ]γρ(αψα): the ink has been abraded severely and what survives can be identified tentatively only with a gamma followed by rho and a horizontal dash, no doubt an abbreviation mark, but this word must be restored here.

41-42 The middle part of the address is damaged seriously as the papyrus breaks (see introd.) and a good deal of the fibres has been removed, while the script on the right hand side has faded substantially.

Πα[γγου]λεείί(ου): the most damaged part of the address right in the middle of the papyrus sheet. The restoration is in accord with the estimated number of missing letters and the iota is quite certain. Part of an

oblique dash at the top of the following mu suggest that the name of the epoikion was abbreviated.

42 ἰδ̣(ιωτικῷ) [ζυγ(ῷ)] τ̣(ιμῆς): the iota is rather easy to read and the next trace gives the impression of delta, but what follows has been completely rubbed out. For the abbreviation of ζυγός, see e.g. P.Oxy. XVI 1892, 16, 1911, 217, but other versions could also fit.

9. APPLICATION FOR LEASE OF LAND

46 5B.48/C(4-7)a — Between 29 August and

12.00 cm x 27.00 cm — 26 December 289 A.D.

The present light brown sheet of papyrus contains a single document on the front, which is preserved in a good condition, except for the top and the bottom segments which are extensively damaged. At the bottom the papyrus has been torn away unevenly and, as a result, parts of the regnal formula and the countersignature of the lessee are now missing, but restoration can be effected very satisfactorily, see notes to ll.25 ff. At the top the damage is more extensive and has affected the opening part of the document (ll.1-7), where the names of the contracting parties are expected (cf. the schema below); what survives from this section of the papyrus is the left hand margin and a few letters at the beginning of each line; the surviving letters range between only one and four, but this is just enough to enable us to restore the name of the lessor (ll.1-4), a woman landowner, whose signature is recorded in ll.29-31 (see note) and is identifiable also in other papyri. The restoration at the top, however, is not easy and it cannot be effected in full, because the name of the lessee is not known and is not recorded elsewhere in the present papyrus, see note to ll.1-6.

There are two visible creases, one running horizontally and the other vertically, the former indicating that the papyrus was originally folded into almost identical halves; this is also supported by the resemblance of the damage, both at the top and the bottom. The left margin measures approximately 2.00 cm becoming progressively wider at the bottom (2.5 cm),

while the script runs to the edge of the papyrus on the right. At the top there is free room of ca. 1.00 cm above the beginning of l.1 in the present state of the papyrus, but originally this might have been slightly wider. At the bottom the strip of papyrus that survives on the left suggests free room of ca. 5.00 cm. The writing runs along the fibres and the back is blank.

The body of the document is the product of a sole, stylish, semi-cursive hand with letters of average size, some of which - such as alpha, epsilon and upsilon - present a variety of forms. The hand becomes slightly more rapid in the regnal formula (ll.25-29), but on the whole the script is attractive and easy to read. The horizontal stroke of the letter phi is normally quite prominent (see e.g. φόρου in ll. 11 and 21) and the same feature sometimes occurs also in kappa: a good example for the latter is καρπῶν (l.15). A further feature of the script is the elongation of the vertical stroke of letters, such as the phi, rho and, sometimes, the iota, below the line; similarly prolonged is occasionally the left vertical bar of the letter mu, see e.g. τῷ μέν (l.18) and contrast μηνί in the same line. It is also worth noting that the lower bow of beta is similarly written below the line, see e.g. Τῦβι (l.18) and ἀπολάβῃς, βεβαιουμένης (l.16). The omicron is normally very small and the letters eta, nu, pi and omega are rather broad.

With the exception of two or three striking blunders (see ll. 8, 12-13 and 14-15 with notes) the orthography of the text is very good and the occasional phonological errors, such as the <u>iotacismus</u> (e.g. πετρώδις, l.11) or the reverse (e.g. πενταικισχειλίαι, l.12) and the use, only once, of αι instead of ε (καί, l.14) are very common in this period.

The little that survives in ll. 29-31 is just enough to indicate that the signature at the bottom is due to a second semi-cursive hand which produces a legible script with big and bold letters sloping to the right. This hand can be identified also in the signature of P.Chicago Orinst. 17233 published by J. Rea as P.Coll. Youtie II 68, ll.39-40; see further on this the notes to ll.1-6 and 29-31.

The papyrus records an application for lease of private land and belongs to the class of documents known as epidoche. The epidoche is a form of the subjectively worded hypomnema and is especially associated with the Oxyrhynchite nome, see ZPE 9 (1972) 1 note 1. In the Roman period leases of land are recorded in two different types of documents: (i) the hypomnematic lease (subjective style), such as the present one, and (ii) the contract type (objective style), also called private protocol; on the legal background and the significance of both types of documents, see H. J. Wolff, Das Recht 114-128; on their form and the variations in the different nomes, see J. Herrmann, Studien zur Bodenpacht 25 ff.

According to the statistical information given by Herrmann, leases of land in the Roman period recorded in the form of hypomnema are more frequent than those of the contract type (ratio 106:95), see op.cit. 20, note 2. However, as the same scholar also points out, these figures are not representative of the actual preference in the Oxyrhynchite nome, where, in contrast to the rest of Egypt, at any rate until the end of the third century, leases of land are drawn up preferably in the form of a private protocol (op.cit. 21 with notes 1-3, where he offers all the relevant statistical figures).

In view of this observation, insofar as the Oxyrhynchite leases are concerned, I checked all the documents of this class originating from

this nome which date from the first century A.D. to 364 A.D. using as source the most recently compiled list given in P.Oxy. L 3589 introd. Of the papyri tabulated there I was able to establish concrete information about the type of the lease in 97; of those 62 are private protocols and 35 hypomnemata and this, in fact, reinforces Herrmann's argument about the preponderant number of the former type in Oxyrhynchus. However, as it can be seen from the list given below, the balance changes progressively in each century and the hypomnema becomes the normal type of document in the fourth century; for this see also Herrmann, op.cit. 39-40 with note 1.

	Protocols		Hypomnemata		Total	
I A.D.	6	[6]	1	[0]	7	[6]
II A.D.	29	[26]	5	[1]	34	[27]
III A.D.	25	[11]	16	[6]	41	[17]
IV A.D. (until 364 A.D.)	2	-	13	-	15	-
Total:	62	[43]	35	[7]	97	[50]

The figures in square brackets are those given by Herrmann, op.cit. 21 note 3.

On leases in general, see A. C. Johnson, Roman Egypt 74-146 and O. Montevecchi, La Papirologia 214-219; for a more detailed discussion on the various aspects and problems concerning this class of document, see J. Herrmann, Studien zur Bodenpacht and D. Hennig, Untersuchungen zur Bodenpacht, both with detailed lists. The most updated list of the Oxyrhynchite examples is to be found in P.Oxy. L 3589 introd.,

which records all the relevant leases from 31 B.C. to 364 A.D. (With reference to this list I should mention that P.Oxy. L 3558 (134 A.D.) is an incorrect entry, for it is not of Oxyrhynchite provenance and should be deleted). The most recently published example of this type of document from Oxyrhynchus is P.Harr. II 224 (late II/early III A.D.), where the citation P.Coll. Youtie II 60 is an error for 68 (see introd.).

The epidoche is addressed to Aurelia Heracleidiaena, daughter of Aurelius Heracleides, an ex-bouleutes of Alexandria, both of them being known from other papyri; the name of the lessee is, unfortunately, missing due to the damage at the top, but there is good reason to assume that he was resident in the Oxyrhynchite nome, see notes to 11.1-6 and 1.9. The unknown lessee undertakes to lease thirty four arurae of private land at a total rent of 2 talents and 5.000 drachmae, that is 500 dr./arura, which is a rather low rate of rent (see below). The term of the lease is, as normally in this period, one year (see note to 11.7-8) and the rent is to be paid in three-monthly instalments (see 11.14 ff. with notes).

The following schema gives a detailed account of the content of the present lease:

PRESCRIPT (11. 1-6)

The contracting parties with the typical formula: τῷ δεῖνι (lessor) παρὰ τοῦ δεῖνος (lessee), see note ad loc.

BODY (11. 6-29)

A. The object of the lease (11. 6-12)

(i) The epidoche formula: ἑκουσίως ἐπιδέχομαι μισθώσασθαι κτλ. (6-7)

(ii) The term of the lease (7-8)

(iii) Specification and description of the area and of the parcel (8-10)

(iv) Extent of the rented parcel followed by the formula: ἢ ὅcαc ἐὰν ὦcι (10-11)

(v) Quality of the land (11)

(vi) Total amount of rent (11-12)

B. General and special provisions (ll. 13-22)

(i) The ἀκίνδυνοc clause (13)

(ii) The public taxes provision (13-14)

(iii) The καρποί clause (14-16)

(iv) The βεβαίωcιc clause (16)

(v) Clause concerning the payment of rent (method and amounts involved) (16-22)

C. The execution clause (ll. 22-23)

D. The kyria-clause and the stipulatio (ll. 24-25)

E. Date (ll. 25-29)

SIGNATURE (ll. 29-31)

For the content of the present lease, cf. the discussion in J. Herrmann, op.cit. 30-39.

As is clear from the above schema, the present document follows very closely the normal pattern of the hypomnematic leases from the Oxyrhynchite nome and it can be compared with a number of similar texts of approximately the same date, such as P.Coll. Youtie II 68 (266 A.D.), II 70 (272/3 or 278/9 A.D.), PSI III 187 (280/1 A.D.?, cf. BASP 11 (1974)

65-6), P.Coll. Youtie II 80 (= P.Oxy. XLV 3255 (315 A.D.)), etc.

However, our lease differs from all the others in two respects: (i) it contains an unparalleled expression to describe the poor quality of the land in l.11: ἐν αὖς πετρώδεις τόπου (see note), and (ii) there is a striking absence of information about the crop to be sown; this makes the present document unique, so far as I was able to discover, among the leases of land, at any rate those of Oxyrhynchite provenance. The specification of the crop is always detailed and, as a rule, the relevant clause follows straight after the description of the leased object and its exact location, see e.g. P.Coll. Youtie II 68, 14, II 70, 14 and P.Harr. II 224, 11 ff.; cf. also J. Herrmann, Studien zur Bodenpacht 68-72.

In the short discussion that follows I try to give a convincing and satisfactory answer to the question raised by the absence of the clause concerning the crop in our lease, by process of elimination. I start with two important pieces of information contained in the text: (i) the location and the quality of the parcel to be leased, as well as further information referring to the area, and (ii) the low rate of rent (500 dr./ ar.).

Two possible suggestions can, I think, be ruled out: firstly, it could be argued that the clause referring to the kind of crop was not required here, for there existed a previous agreement between the parties or, alternatively, that the present lease is just a renewal of a previous agreement. The document, however, contains no hint at such a fact and it is unlikely that a relevant clause was originally included in the missing part of our papyrus; cf. notes to ll. 1-6.

Secondly, one could argue that the option of the crop to be sown

was left at the whim of the lessee and, therefore, the crop was not specified in our document. However, this is also implausible and it is not supported by parallel texts, for when the lessee is allowed to choose the crop to be sown, as happens frequently in the Byzantine period, the leases always contain a special clause making this clear, see J. Herrmann, op.cit. 71 with notes 7-8.

As the rent is to be paid in money, we must first of all exclude from consideration crops which pay rent in kind (especially wheat); see further on these crops the detailed discussion in D. Hennig, Untersuchungen zur Bodenpacht 3-6 with all the relevant notes.

The range of possibilities as to what might have been the crop in question decreases significantly, if we confine our attention to leases of land referring to περίχωμα Πέκτυ itself, where the present parcel of land was located, see ll. 9-10 with notes. Of the four existing leases two deal with flax-land and in the other two the object is grass-land. A very similar picture is presented in the leases which refer to the περίχωμα Νέcλα: this embankment was in the same area as ours, that is in the territory of the village of Ision Panga, and so the documents referring to Νέcλα may be of some value for our discussion; for the location of the embankment of Νέcλα, see P. Pruneti, I Centri Abitati sv Νέcλα (last four documents of the list along with note 4).

For convenience I list below the documents referring to both perichomata:

A. περίχωμα Πέκτυ

Ref.	Date	Kind of crop	Rent
1. PSI III 187*	280/1 A.D.? cf. below	χόρτος	200 dr./ar.

2.	PSI IX 1079	296 A.D.	χόρτος	1300 dr./ar. in 3 instalments
3.	P.Oxy. XXXI 2585	315 A.D.	λινοκαλάμη	4 tal./ar.
4.	P.Coll. Youtie II 80 (= P.Oxy. XLV 3255)	315 A.D.	λινοκαλάμη	4 tal./ar.; half of crop (2 parcels)

B. <u>περίχωρα Νέσλα</u>

1.	PSI III 187*	see above A1	at the whim of the lessee	600 dr./ar.
2.	P.Oxy. I 103	316 A.D., cf. <u>BL</u> I, p.315	λινοκαλάμη	half of crop
3.	P.Oxy. XLV 3257	318 A.D.	λινοκαλάμη	3 tal. 1000 dr./ar.
4.	PSI V 469	334 A.D.	λινοκαλάμη	1 cent. tow/ar.

*In this document land is leased in both <u>perichomata</u>.

For A3, B2 and B4, see also P.Oxy. XLV, p.129.

What strikes one in both lists is the fact that, with the exception of PSI III 187 in list B, all the leases concern either flax or grass produces which were, perhaps, rotated. The main crop, however, seems to have been flax, whose cultivation, as J. Rea has already suggested in P.Coll. Youtie II 68 introd., was associated in some way with <u>perichomata</u>, because flax needs a good supply of water; on flax in general see M. Schnebel, <u>Landwirtschaft</u> 203-5 and P.Oxy. XLV 3254-3262 introd., and on χόρτος, ibid. 211-218. However, I would be inclined to suggest that flax was not the crop sown in our document on the following grounds: (i) the parcel is of poor quality (l.11: ἐν αἷς πετρώδεις τόποι, see note) and this cannot be a factor favourable to the production of flax, (ii) the rent rate at 500 dr./ar. is very low for flax-land, even if we suppose that there was some reduction because of the poor quality of the land. The Oxyrhynchite leases of flax-land of a similar date to our document, at a time of high inflation, record much higher rates of rent: already in P.Mich. XI 610 (282 A.D.) the rent is 1.600 dr./ar. - although

the document is seven years earlier than ours - in P.Oxy. XIV 1691 (291 A.D.) 2.500 dr./ar. and in P.Oxy. I 102 (306 A.D.) 1 tal. 3.500 dr./ar.

Although there can be no conclusive answer to the question under discussion, the possibility that the parcel leased was intended to be used merely as grass-land gains some support from the relevant documents of the same period. I must note, however, that the documentation for grass-land is very scanty. In PSI IX 1071 (296 A.D.) the rent runs as high as 1.300 dr./ar. but this is not an unreasonable rate for a document which dates some seven years later than our lease. Another document which is of importance is PSI III 187 where the rent for χόρτος is only 200 dr./ar. (cf. lists above); this document, however, lacks an exact year date. The editor suggests a date at the beginning of the fourth century A.D., but this is very unlikely, for, as I noted above, the rent for grass-land in 296 A.D. (PSI IX 1071) was already as high as 1.300 dr./ar. Discussing the date of the same document, J. D. Thomas suggested a date either in 289/90 A.D. or, less likely, in 280/1 A.D., see BASP 11 (1974) 65-6. Now, if the crop in question in our document is indeed grass, only the latter date can be suitable for PSI III 187. Consequently, if this is right, the rates of rent for grass-land at the end of the third century will present the following picture:

PSI III 187	280/1 A.D.?	200 dr./ar.
P.Oxy.ined. 9	289 A.D.	500 dr./ar.
PSI IX 1071	296 A.D.	1.300 dr./ar.

Finally, I should like to argue that the document is to be dated before the end of 289 A.D. The problem of an exact year date is raised by the

lack of a month date, which was originally included at the end of the regnal formula in 1.29 (see note), but is now missing.

As the text itself informs us, the hypomnema was to last for one year, that is for the regnal year 6 and 5 of Diocletian and Maximian which ran from Thoth (September) 289 A.D. to the end of Mesore (August) 290 A.D. The use of the word ἐνεστ[ὸς] (sc. ἔτος) in 1.7 proves that the hypomnema was drawn up when the above regnal year had already started, that is after 29 August 289 A.D. (terminus post). The first instalment for the rent is due to be paid on the 15th of Tybi (10 January 290 A.D.) and this means that the document was signed before this date. Furthermore, if the month date in 1.29 was the 1st of Tybi or later in the same month, the expression in 1.18 would be τῷ μὲν παρόντι Τῦβι μηνί (vel sim.) indicating that the first instalment was to have been paid in the same month as that in which the document was drawn up. For this reason we must almost certainly assign the document to a date before 1st of Tybi, that is before 27 December 289 A.D. (terminus ante). It would be quite normal for a lease of land to begin between 30th August and 26th December.

Αὐρ[ηλίᾳ Ἡρακλειδιαίνῃ ματρώνᾳ στολάτᾳ θυγα-]
τρὶ Α[ὐρηλίου Ἡρακλείδου γενομένου βουλευτοῦ]
τῆ[ς λαμπροτάτης πόλεως τῶν Ἀλεξανδρέ-]
ω[ν παρὰ ca.30]
5 δι [ca.35]
α[ca.10] [ca.18 .ἑκουσίως]
ἐπ[ι]δέχ[ομα]ι μισθώσασθαι [πρὸς μό]νον τὸ ἐνεστ[ὸς]
ς(ἔτος)// καὶ ε(ἔτος)// ἐκ τῶν ὑπαρχόντων σοι ἐν περιχ[ώ-]
ματι Πέκτυ τοῦδε τοῦ νομοῦ ἐν κοίτῃ καλουμένῃ
10 Ψενερῶτος ἀρούρας τριάκοντα τέσσαρας ἢ ὅσας
ἐὰν ὦσι ἐν αἷς πετρώδις τόποι φόρου ἀποτάκτο'υ'
ἀργυρίου τάλαντα δύο καὶ δραχμαὶ πεντακισχειλίαι
ἀκινδύνων παντὸς κινδύνου τῶν τῆς γῆς
δημοσίων ὄντων πρὸς σαὶ τὴν γεοῦσαν κυ-
15 ριεύ<ου>σαν τῶν καρπῶν ἕως τὰ ὀφιλόμενα ἀπο-
λάβῃς. βεβαιουμένης δέ μοι τῆς ἐπιδοχῆς ἀπο-
δώσω τὸν φόρον ἐν μησὶ τρισὶ κατὰ μῆνα
πέντε καὶ δεκάτην, τῷ μὲν Τῦβι μηνὶ ἀργυρίο<υ>
τάλαντον ἓν καὶ τῷ ἑξῆς Μεχεὶρ ἕτερον τά-
20 λαντον ἓν καὶ τῷ Φαρμοῦθι τὰς λοιπὰς
τοῦ φόρου δραχμὰς πεντακισχειλίας ἀνυπερ-
θέτως, γεινομένης σοι τῆς πράξεως παρά
τε ἐμοῦ καὶ ἐκ τῶν ὑπαρχόντων μοι πάντω(ν).
κυρία ἡ ἐπιδοχὴ καὶ ἐπερωτηθεὶς ὑπὸ σοῦ
25 ὡμολόγησα. (ἔτους) ς Αὐτοκράτορος Καίσαρος Γαΐου
Αὐρηλίου Οὐαλερίου Διοκλητιανοῦ καὶ (ἔτους) ε ..
Α[ὐτο]κράτορος Καίσαρος Μάρκου Αὐρηλίο[υ] Οὐαλερίου
Μ[αξιμιαν]οῦ Γερμανικῶ[ν] Μεγίστων Εὐσεβῶν
Ε[ὐτυχῶ]ν Σεβαστῶν [ca.6] (m.2) Αὐρηλία
30 Ἡ[ρακ]λειδίαιν[α ἔσ]χον τού-

8 cS//καιεS//; l. ς(ἔτος)// καὶ ε(ἔτος)// , see note 10 l. ἡ ὅσαι
11 l. πετρώδεις 12 l. ἀργυρίου ταλάντων δύο καὶ δραχμῶν
πεντακισχιλίων, see note 14 l. πρὸς σὲ τὴν γεοῦχον, see note
15 l. ὀφειλόμενα 18 l. δεκάτῃ 21 l. πεντακισχιλίας
22 l. γινομένης 25 Lς 26 Lε, see note

'To Aurelia Heracleidiaena, matrona stolata, daughter of Aurelius Heracleides, ex-councillor of the most illustrious city of the Alexandrians from [...]. I undertake of my own free will to lease for the present 6th and 5th year only out of the possessions that belong to you at the embankment of Pekty of this nome in the parcel of land called Pseneros thirty-four arourae, or however many they may be, in which there are rocky places, at fixed rent of two talents of silver and five thousand drachmae, guaranteed against risk of any kind; the public taxes on the land being at the charge of you, the landowner, and you are to retain ownership of the produce until you receive what is owed. If my undertaking to lease is confirmed, I shall deliver the rent in three instalments on the fifteenth of each month: in the month of Tybi one silver talent and in the following month Mecheir one further talent and in Pharmouthi the rest of the rent, five thousand drachmae, without delay, you having the right of execution against me and all my property. The undertaking to lease is enforceable and in answer to the formal question I have given my assent. Year 6 of Imperator Caesar Gaius Aurelius Valerius Diocletianus and year 5 of Imperator Caesar Marcus Aurelius Valerius Maximianus, Germanici Maximi Pii Felices Augusti, [month + day].' (2nd hand) 'I, Aurelia Heracleidiaena, have received the duplicate of this.'

NOTES

1-6 It is most unlikely that anything is lost before the first surviving line; above the alpha there is free room of ca. 1.00 cm which bears no traces of ink and, therefore, must have been part of the free room which is usually left at the top of the papyrus, cf. my introduction. What one could, perhaps, expect to precede line 1 of the printed text, is only a consular formula; this method of dating was introduced at the time of Diocletian, but became, in fact, frequent only after 293 A.D., the year of the establishment of the Tetrarchy, see R. S. Bagnall-K. A. Worp, CSBE 50-54 (esp. p.50). For the year 289, from which our document dates (see my introduction), the above scholars quote only one example of consular formula, namely P.Mich. X 593 i. 18 (doc. 312) of Arsinoite provenance (see ibid. 104), which, however, is only a conjectural restoration. The earliest known example of Oxyrhynchite origin to record a consular date is P.Oxy. IX 1205, 14 (= C.Pap.Jud.III 473) from 14 April 291 A.D., and even there the consuls are not mentioned at the beginning of the text. On these grounds one must abandon the possibility of there being more text missing at the top of the present papyrus.

The damage in ll.1-6 is very extensive and the little that survives is a very narrow strip of papyrus at the left hand side which preserves a very small number of letters at the beginning of each line. The damaged section of the document is the prescript which contained the names of the two parties. Normally, the formula employed here in the hypomnematic leases runs: τῷ δεῖνι (lessor) παρὰ τοῦ δεῖνος (lessee), and is not followed by χαίρειν, see e.g. P.Harr. II 224, 1-5, P.Coll. Youtie II 68, 1-6, P.Oxy. I 102, 3-6, I 103, 1-5; cf. also J. Herrmann, Studien zur

Bodenpacht 25 and 30.

The countersignature in ll.29-31 is that of the lessor herself (see note), a certain Aurelia Heraleeidiaena who is known from other documents. She appears for the first time in P.Oxy. XIV 1637, a division of landed property in the Oxyrhynchite and the Hermopolite nomes. The document is dated only roughly by the editor in the period 257-9 A.D. but as J. Rea suggests, the date could be anywhere between 256/7 and 261 A.D. (see P.Coll. Youtie II 68, note to l.1). As Heracleidiaena acts with a guardian in P.Oxy. XIV 1637, she could not have been older than 25 in that document (see note to l.3) and, accordingly, she was aged between 53 and 58 in our document. Heracleidiaena also occurs in P.Coll. Youtie 68 (266 A.D.), once again as a lessor in a lease of flax-land in the area of Antipera Pela; for the lessee in that document see P.Oxy.ined. 10, note to ll. 1-4. There is a strong possibility that the land leased here might have been assigned to Heracleidiaena in P.Oxy. XIV 1637, but the document lacks a section at the end due to damage.

P.Coll. Youtie II 68, 1-3 reads: Αὐρηλίᾳ Ἡρακλειδιαίνῃ ματρώνᾳ στολάτᾳ θυγατρὶ Ἡρακλείδου γενομένου βουλευτοῦ τῆς λαμπροτάτη[ς] {λαμπροτάτης} πόλεως τῶν Ἀλεξανδρέων. This formula appears to fit suitably the surviving letters in ll.1-4 of our document with a small alteration in l.2, where the remnants of the fourth letter cannot be interpreted as eta but rather as alpha and I therefore added the gentilicium Aurelius before Ἡρακλείδου. An alternative to the restoration in ll.3-4 of our text would be: τῆ[ς λαμπροτάτης τῶν Ἀλεξανδρέων πόλε-] /ω[ς παρά κτλ. As our document dates 23 years after P.Coll. Youtie II 68, it is not unlikely that the address of Heracleidiaena might have changed or become more elaborate; ll. 1-4 may admit other restorations.

As to the lessee whose name and designation are completely missing (ll.4-6), one can infer very little from the text: what can be suggested with certainty is that there was only one person and, accordingly, one name is to be expected in the relevant lines, for the text constantly uses the singular (see e.g. the stipulatio in ll. 24-25). Also the expression τοῦδε τοῦ νομοῦ in l.9 implies a previous reference to the city of the Oxyrhynchites or a village of the Oxyrhynchite nome; P.Coll. Youtie II 68 suggests that this was not included in Heracleidiaena's designation, and so it must have followed after the details of the lessee, that is in l.6. In fact, because of the surviving alpha at the beginning of the line it is very tempting to restore: ἀ[πὸ τῆς λαμ(πρᾶς) καὶ λαμ(προτάτης) Ὀξυρυγχ(ιτῶν) πόλεως. ἑκουσίως] and this is not incompatible with the estimated number of missing letters.

6-7 ἑκουσίως] ἐπ[ι]δέχ[ομα]ι μισθώσασθαι: the first word in l.7 is damaged and the reading is very uncertain, especially of the three letters between the pi and the chi; the iota is definitely missing and it seems that the delta and the epsilon were written cursively as in δεκάτην (l.18), for example, but much smaller and narrower. It is most unlikely that a different verb was used here, for this formula is invariably found in the hypomnematic leases of Oxyrhynchite provenance at this date; see further on this introductory formula J. Herrmann, op.cit. 30-31.

7-8 [πρὸς μό]νον τὸ ἐνεστ[ὸς] ς(ἔτος)// καὶ ε(ἔτος)// : the first figure for the regnal year of Diocletian is a mere blunder; the expected number is ς (= 6), as is correctly written in l.25, and not c (= 200). The regnal years are the 6th year of Diocletian and the 5th of Maximian (289/90 A.D.); see also ll. 25-9 with note.

One-year leases are quite common in the Oxyrhynchite nome in the third

century A.D.; cf. the list given in D. Hennig, Untersuchungen zur Bodenpacht 291-298. For a general account of the period in leases of land throughout Egypt and the various expressions used, see J. Herrmann, op.cit. 90 ff.

8 ἐκ τῶν ὑπαρχόντων σου: the preposition normally employed in this formula is ἀπό, see e.g. P.Coll. Youtie II 68, 8, II 80, 8 (= P.Oxy. XLV 3255), P.Oxy. XLV 3256, 6-7 and 3257, 6. The examples of μισθώσασθαι followed by the preposition ἐκ are very few in DDBDP and none of them comes from the Oxyrhynchite nome, see P. Sakaon 73, 4 and BGU XI 2032, 7. Similarly negative is the information to emerge from the documents listed in P.Oxy. L 3589 introduction. The use of the present formula with the verb ὑπάρχω denotes private ownership as distinct from any other type of land; see further on its significance, Herrmann, Studien zur Bodenpacht 74 ff., esp. p.76.

8-9 ἐν περιχ[ώ]ματι Πέκτυ: for a list of the documents that mention this perichoma see my introduction above (under A) and cf. Pruneti, I Centri Abitati sv Πέκτυ. The present expression is identical with that found in PSI III 187, 12 and P.Oxy. XXXI 2585, 8. The other two documents, PSI IX 1071, 10 and P.Coll. Youtie II 80, 9 provide more specific information as to the location of this perichoma and state that it was in the territory of the village of the Ision Panga (περὶ τὸ Ἴσεῖον Παγγᾶ ἐν περιχώματι Πέκτυ). For other perichomata in the same area see my introduction above.

According to the editor of P.Tebt. I 13 (114 B.C.) the term περίχωμα, which occurs in a variety of documents from the early Ptolemaic period onwards (see WB sv, WB Suppl. sv and SPOGLIO sv), is used in two senses: "(i) for χώματα which surround an area of land as distinct from χώματα

which run in one direction", and "(ii) by a natural extension for the area of land surrounded by a περίχωμα, a sense frequently found in the survey lists, where the land is arranged according to the different περιχώματα, which sometimes are numbered and sometimes have special names", see note to l.9. Cf. also M. Schnebel, Landwirtschaft 35 ff. Here the term is used in the latter sense.

Unfortunately, there is no specific information on how exactly perichomata were used for agricultural purposes. However, as I have already mentioned in my introduction, the cultivation of flax in the late Roman and early Byzantine periods seems often to have been associated with them.

9-10 ἐν κοίτῃ καλουμένῃ Ψενερῶτος: G. M. Browne in publishing P.Oxy. XXXVIII 2847 remarked that "the term κοίτη corresponding to σφραγίς designates the topographical sections in which the land was divided, especially for purposes of ἐπίσκεψις. It has so far been used in this sense in the Oxyrhynchite, Hermopolite and Mendesian nomes", see note to col. II, l.18.

In the Oxyrhynchite nome, however, the word κοίτη does not seem to have been frequently used, because it occurs in only half a dozen documents and in contrast to the normal practice in the other nomes, the κοίτη is numbered in only two Oxyrhynchite examples; see further on this P. J. Sijpesteijn-K. A. Worp, Aegyptus 58 (1978) 157-159 with a list of all the known κοῖται in the volumes of the Oxyrhynchus papyri (p.157); add now P.Oxy. XLVII 3365, 36, 53, 62 (after May 241 A.D.). The present κοίτη is named and this, so far as I have discovered, is the only known example from the Oxyrhynchite nome.

Ψενερῶτος (gen.) implies a nominative Ψενερῶς, but this is not recorded in the papyrological lexica either as a personal name or as

the name of a locality; no relevant entry was found in DDBDP.

10-11 ἣ ὅcαc ἐὰν ὦcι: the pronoun is attracted to the preceding accusative ἀρούρας τριάκοντα τέccαρας; the same feature, which is quite frequent, occurs in e.g. P.Oxy. I 102, 12.

11 ἐν αἷc πετρώδιc τόποι: neither the expression as a whole nor the adjective πετρώδηc is found elsewhere in the papyri. LSJ, which quotes the adjective, suggests that it is attested as early as the Hippocratic corpus and translates it "like rock or stone, rocky, stony"; the same entry is also to be found in Δ. ΔΗΜΗΤΡΑΚΟΣ, ΜΕΓΑ ΛΕΞΙΚΟΝ sv which describes it as being very common in the koine and modern Greek and gives further quotations from the earlier literature of which the most interesting is from Dioscorides Medicus, De Materia Medica 3, 72: φύεται δὲ ἐν τόποιc πετρώδεcι καὶ ὀρεινοῖc; the editor (D.C.G. Kühn) translates: "in rupestribus et montosis locis nascitur".

In our document it is difficult to say with certainty exactly what the expression signifies. The "rocky places" may imply either the original physical condition of the parcel or merely indicate a stage of the gradual degeneration of its quality due to erosion. Both explanations are plausible, but the latter seems to be more reasonable. Nonetheless, regardless of the exact explanation and significance of the expression, the condition of the parcel must surely have been considered inferior in respect of its degree of fertility and productivity.

The employment of the expression under discussion is unusual for one more reason: reference to the quality of land is rarely made in this class of private agreements in the Roman period, see Herrmann, op.cit. 72, where also a number of other formulae describing the poor quality of land are to be found.

φόρου ἀποτάκτου': in the Ptolemaic and Roman periods the technical term φόρος normally indicates rent in money, whereas ἐκφόριον is the corresponding term for rent in kind; in the Byzantine period this distinction ceases to exist, see Herrmann, op.cit. 98-100 and cf. D. Hennig, op.cit. 102, note 1.

12 The total amount to be paid for rent is two talents and 5.000 drachmae and this is equal to 500 dr. per aroura; as I have noted in my introduction, this rent rate is quite reasonable for χόρτος-land.

12-13 ἀργυρίου τάλαντα...καὶ δραχμαὶ πεντακισχειλίαι ἀκινδύνων: the syntax is very confusing. The text should run: ἀργυρίου ταλάντων... καὶ δραχμῶν πεντακισχιλίων to agree with the following ἀκινδύνων. Similarly confused is, for example, the same expression in P.Oxy. I 102, 12-13: ἀργυρίου τάλαντον ἓν καὶ δραχμὰς τρισχιλίας πεντακοσίας, which is corrected by Grenfell and Hunt to: ταλάντου ἑνός κτλ. (see critical notes). On the other hand, ἀκινδύνων is correct as a grammatical form, but it seems to have resulted due to attraction to the following genitive ὄντων (l.14), for since the ἀκίνδυνος formula refers to the amount of rent (see below), the word should agree grammatically with the preceding τάλαντα and δραχμαί; the same blunder also appears in P.Oxy. I 102, 15, see the correction in the critical notes.

13 ἀκινδύνων παντὸς κινδύνου: the clause is regularly used to secure the lessor's interest against loss in the Roman period and the early stages of the Byzantine, but it gradually disappears completely in the late Byzantine era. The present formula in precisely this form is found only in Oxyrhynchite examples, where also the expanded version ἀκίνδυνα πάντα παντὸς κινδύνου is frequently employed; see further on this and

the various formulae found in the different nomes J. Herrmann, op.cit. 134-5 and U. Wollentin, Ὁ κίνδυνος in den Papyri (Diss. 1981) [not seen].

13-14 τῶν τῆς γῆς δημοσίων...τὴν γεοῦσαν: as in the majority of the Oxyrhynchite leases, the lessor is liable for the payment of the public taxes; the formula in precisely this form is an exclusively Oxyrhynchite feature, see Herrmann, op.cit. 122-4.

14-15 γεοῦσαν κυριεύ<ου>σαν: read γεοῦχον κυρ. A very striking double blunder. γεοῦσαν has presumably resulted from false analogy with κυριεύουσαν; after the diphthong ου, which is the common sound in both words, the scribe seems to have incorrectly added the ending of the latter word to the former. Furthermore, it is hard to explain the omission of the diphthong ου in the second word on phonological grounds. It is, perhaps, more likely that the scribe omitted it due to confusion caused by the sound of the previous word.

κυριεύ<ου>σαν τῶν καρπῶν κτλ.: for the lessor's rights over the crop, see Herrmann, op.cit. 140-42 and, especially, A. Kränzlein, Akten XIII Int. Kongr. 215-24. The present version of the formula is the normal one only for the Oxyrhynchite nome.

16 βεβαιουμένης δέ μοι τῆς ἐπιδοχῆς: this clause of warranty which is undertaken by the lessor, in precisely this form, is typical of the hypomnematic leases from the Oxyrhynchites. Unlike the Arsinoite, in the Oxyrhynchite nome the employment of the βεβαίωσις-clause lasts until the end of the fourth century A.D., see J. Herrmann, Studien zur Bodenpacht 153 ff.

16-22 On the payment of rent in money by instalments, see Herrmann,

op.cit. 113-4 and D. Hennig, Untersuchungen zur Bodenpacht 24-5 and 117-8. Rent is to be paid in three instalments also in PSI IX 1036 (192 A.D.) and P.Oxy. XIV 1632 (353 A.D.). The specification of an exact day, here the fifteenth of each month, is not common in leases, at any rate those from the Oxyrhynchite nome; for a similar case, see P.Coll. Youtie II 68, 27 ff., where the rent is to be paid on the 10th of each month.

The sum due is two talents of silver and five thousand drachmae and the provision for payment is fixed in the following order:

Instalments	amount	time	
First	1 sil. tal.	Tybi 15 (= 10 Jan.)	290 A.D.
Second	1 sil. tal.	Mecheir 15 (= 9 Feb.)	" "
Third	5.000 dr.	Pharmouthi 15 (= 10 April)	" "

The time of the year for the payment of the rent is unusual, although almost all months occur in leases of land. However, the months Tybi (= 27 December - 25 January) and Phamenoth (= 25 February - 26 March) appear to have a special connection with the cultivation of χόρτος, see Hennig, op.cit. 24 and 117 notes 135-6, and M. Schnebel, Landwirtschaft 211 ff. For the question of the crop in the present document see my introduction.

18 δεκάτην: read δεκάτῃ (dat. of time); the accusative instead of dative seems to have resulted due to attraction to the preceding κατὰ μῆνα.

ἀργυρίο<υ>: the omicron is very small - not larger than a dot - and there are no traces of the expected final upsilon.

22-23 γεινομένης σοὶ τῆς πράξεως...πάντω(ν): this is the full version

of the praxis clause; contrast e.g. P.Oxy. XXXI 2585, 18-19 with note, where the formula is shortened. For the occurrence of the clause in leases of land, see J. Herrmann, op.cit. 150 and notes 1-2; also for its use and significance in contracts of all types, see H. J. Wolff, TAPhA 72 (1941) 418-38.

24 κυρία ἡ ἐπιδοχή: for the study of the kyria-clause see H. J. Wolff, Das Recht 145-6 and 155-64, and M. Hässler, Die Bedeutung d. Kyria-Klausel in d. Papyruskunden (Berlin 1960) [not seen].

24-25 καὶ ἐπερωτηθεὶς ὑπὸ σοῦ ὡμολόγησα: the earliest occurrence of the stipulatio in the hypomnematic leases from Oxyrhynchus is, so far as I was able to discover, in P.Oxy. XVII 2137 (226 A.D.). For a comprehensive study, see D. Simon, Studien zur Praxis, esp. 61-66 for its functioning in the hypomnemata. In the Oxyrhynchite documents the addition of ὑπὸ σοῦ, as here, after ἐπερωτηθεὶς is very frequent and limited exclusively to this nome, see ibid. 15 note 72.

25-29 The titulature of Diocletian and Maximian is regular for this year, see R. S. Bagnall-K. A. Worp, RFBE 4; for the concordance see id. CSBE 69.

26 καὶ (ἔτους)ε̣̣: it is very uncertain what was written after the epsilon, but the remnants are difficult to interpret as oblique dashes which normally follow the regnal year, as, for example, in l.8. It is perhaps more plausible to assume that the scribe wrote the first two letters of the next word and then crossed them out.

29 The month and the day are expected at the end of the regnal formula and before the signature, but the papyrus is badly mutilated, see introduction. The name of the month must have been very short, for the

estimated number of missing letters (including the figure for the day) is ca. 6. As I have already noted in my introduction, the year in which the document was signed was 289 A.D. and the month date between Thoth 1 and Tybi 1. In this period the months with the shortest names are Thoth, Hathyr and Choiak.

29-31 The lessor's signature in the document suggests that this copy (τὸ ὔcον) was held by the lessee, while the lessor retained another copy bearing the countersignature of the lessee.

The surviving letters are enough to enable satisfactory restoration, for as I have already noted (supra, note to ll.1-6), Aurelia Heracleidiaena is known from other papyri of, more or less, the same period. Similarly to the present document the signature in P.Coll. Youtie II 68, 39-40 is the product of her own hand in an identical formula and the editor notes: "this hand is Heracleidiaena's own, since there is no countersignature of an amanuensis. It is a good practised cursive", see note ad loc.

I am grateful to the editor of that document, J. Rea, for kindly providing me with a photograph; in the short letter sent with the photograph he notes that he also thinks that the signature in the present papyrus is Heracleidiaena's own. The signatures are obviously very similar, with the exception of the letter nu and the ligatures of upsilon and rho in P.Coll. Youtie II 68, but this is not surprising as the present document was written 23 years later.

10. LOAN OF WHEAT

48 5B.25/F (6-7)a 4 January, 240 A.D.

12.00 x 25.00

The present light-brown sheet of papyrus contains one document written on the front in an attractive, semi-formal script running along the fibres: the back of the papyrus is blank. With the exception of minor losses caused by mutilation and several holes, confined chiefly to the left-of-centre part of the sheet, all sides of the papyrus are preserved almost intact. Fortunately enough, mutilation has affected only the upper and the lower parts of the left margin and it is only in 1.25 where it causes some inconvenience of reading, see note. Where the left margin survives in full, it measures comfortably 2.00 cm. In a similar way, and contrary to the usual practice in at least the private documents, the right hand margin is distinctly wide and measures between 1.2 to 2.00 cm, with the exception of 1.24 where the script runs to the edge of the papyrus. The free room at the top extends to 1.5 cm, whereas the blank at the bottom exceeds 5.00 cm.

As mentioned above, the most severe damage to the papyrus is to be found on the left side. A good many holes of various sizes cause the papyrus to present a rather distorted picture, but the missing part of the text is easy to restore. The largest hole is located at the top left hand segment and affects the beginning of 11.1-10, but the restoration presents no major problems.

There seem to be seven vertical creases - most of the holes run in a direction parallel to them - and three horizontal ones; note the almost complete loss of 1.18 which was apparently caused by

a horizontal crease, see note. As the most severe damage and distortion along with the obvious effects of humidity is confined chiefly to the left, it is likely that the sheet was folded from the right to the left, the latter being, thus, left unprotected against damage.

The palaeography is one of the most interesting elements of the document. The script is produced throughout by a single, stylish, attractive, elegant and "Formal-mixed" hand with few ligatures, as for example in καί in 1.12 and in general the diphthong alpha-iota throughout the text. The letter rho is sometimes ligatured to the preceding letter, see e.g. -τρῖς (1.7) and παρά (1.14), and contrast χωρὶς διαφόρου in 1.10, where this letter is formed independently. Note also the exceptional cursive formation of the epsilon in ἐμ[ο]ῦ (1.15). On the whole the script, which slopes slightly to the right, consists of a mixture of narrow letters, such as epsilon, omicron (which is extremely small), theta (see ll.1, 3, 11, 19) and sigma, and a number of broad letters such as delta (see Διονυσίου in 1.1) kappa (a good example is καί in 1.19), mu, sometimes pi (see e.g. προκίμενον in 1.12) and the flattened omega. As the hand slopes to the right, the angularity of some broad letters such as delta, mu and lambda is somewhat emphasised. Furthermore, the lower part of the vertical strokes of the letters rho, phi and sometimes iota (see e.g. διάφορον in 1.13) is elongated and gives the impression of a decorative serif.

All these features suggest that in the present document one is dealing with a literary hand. The script bears many similarities with Schubart's "Strenge Stil", the "Severe Style", as this had developed in the third century A.D., and with similar hands of the same period, see W. Schubart, Paläographie 124 ff. and pl.89, and Ἀ. Σιγάλας, Ἱστορία

τῆς Γραφῆς 150-1 with pl.86. According to Turner's classification, the present hand could be described as "Formal-mixed" (a term which I adopted in my description); this term, however, does not contradict Schubart, but as Turner himself observes "the hands I classify as "Formal-mixed" would have been included by Schubart under the rubric 'Strenge Stil', the 'severe style'", see E. G. Turner, Greek Manuscripts 26-27 with the plates mentioned there (a good example is pl.14).

The μένοντος τοῦ λόγου clause in ll.24-25 seems to be an afterthought added by the same hand; for detailed discussion see note ad loc. Despite the fact that the script is evidently smaller and more cursive, the colour of the ink darker and the strokes of the letters thicker (the same feature occurs also in ll.1-7), the general formation of the letters is very similar to that in the body of the document. The main indication, however, that these lines were written by the same hand is given by the use of the possessive pronoun μου (l.25); this pronoun is to be identified with the debtor himself, who also wrote the entire document, as is easy to deduce from the statement γραφὲν ὑπ' ἐμοῦ κτλ. (ll.17-18) along with the subjective style of the homologia (see below and ll.4ff.: ὁμολογῶ...ἀποδώσω κτλ.). Now, if the document was drawn up by the creditor or a third person, a signature of the debtor would be expected to follow after the regnal formula, but such an element is not necessary here, as the transaction has an immediate effect on the debtor with the addition of the κυρία-clause and the response to the stipulatio (ll.16-20).

A final remark: the text throughout presents some surprising blunders, such as in l.3 (Ζωίλι), perhaps in l.11 (ἐγτείσω), l.17 (ἀπλῆ) and l.24 (μένοστός σοι) and corrections from other letters in χαίρ[ει]ν (l.4) and Αὐρηλίου (l.17); none of the blunders can be explained on phonological grounds and both these and the corrections

have resulted from confusion caused by preceding words or sounds. If the writer was using an exemplar in writing up the document, it would hardly be possible that he would have been led to such mistakes; on the contrary, I would prefer to explain all these blunders as the result of the fact that the document was dictated to the writer.

The document is a contract, which, like the overwhelming majority of Oxyrhynchite loans, is a subjective homologia in the form of a cheirograph; further instances of this type of homologia included in the present thesis are P.Oxy. ined. 11 and 12, both of Oxyrhynchite provenance. For a detailed discussion on cheirographs and their legal importance, see H. J. Wolff, Das Recht 106-114.

The transaction recorded here is a private contract of loan written in a single copy (l.17: ἁ̣πλῇ γ̣ρ̣α̣φ̣έν, see note). The debtor is an Aurelius Theon, alias Zoilion (see note to l.1) from the city of Oxyrhynchus, who acknowledges his indebtedness to Aurelius Theon, alias Zoilus, a person frequently mentioned on various occasions in the papyri (see note to ll.3-4), who was a gymnasiarch in the city of Oxyrhynchus, for a loan of thirteen and a half artabae of wheat. The text also contains reference to a preceding credit granted by the same creditor to the father of the present debtor (ll.24-25), but it is not clear how this statement of indebtedness functions within the present transaction, unless one is to understand it as a provision employed here to guarantee the creditor with respect to the execution of his claim on the previous debt. The clause as used seems to imply that in case of the father's death the son becomes responsible for the execution of the previous debt; see further note to ll.24-25.

The following detailed schema gives a good picture of the content and the format of the document:

PRESCRIPT (ll.1-4)

The contracting parties with the typical epistolary formula: A (the borrower) to B (the lender) χαίρειν.

BODY (ll.4-20)

A. The clause acknowledging receipt (ll.4-7)

(i) Receipt formula: ὁμολογῶ ἐcχη[κέ]ναι κτλ. (4-5)

(ii) Detailed description of the loan, i.e. kind and amount (5-7).

B. The promise-to-repay clause (ll.7-10)

(i) Repayment formula: ἃc καὶ ἀποδώcω c[o]ι (7)

(ii) Time (7-8)

(iii) Place (8)

(iv) Amount (8-9)

(v) Measurement provision (9-10)

(vi) The χωρὶc διαφόρου formula (10)

C. Penalty clauses (ll.10-13)

(i) The failure-to-discharge on time clause (10-11) followed by the ἡμιολία penalty clause (11-12).

(ii) The overtime-interest penalty clause (12-13)

D. Execution clause (ll.14-16)

E. The kyria-clause and the stipulatio (ll.16-20)

F. Date (21-23)

POSTSCRIPT (24-5)

The μένοντοc τοῦ λόγου formula.

On loans in general, see R. Taubenschlag, The Law[2] 341-9, O. Montevecchi, La Papirologia 225-229 (with ample bibliography, lists

and mention of recently published loans of wheat) and H. Kühnert, Kreditgeschäft [not seen].

The fixed term for repayment is rather short: the loan was made on the 4th of January 240 (ll.21-23, see note) and must be paid back by the end of Epeiph (= 24 July), no doubt, of the same year, see 1.7 with note. No interest is stipulated for the normal term of the loan, since it is stated that the amount borrowed (13½ artabae) is to be repaid χωρὶς διαφόρου (1.10). In case of failure to repay on time the debtor is obliged to compensate the creditor with an additional 50% (1.12: μεθ' ἡμιολίας) of the amount stated, that is 50% of 13½ art. = $6\frac{3}{4}$ art. along with overtime interest, the actual rate of which is not specified in the text (1.13: διάφορον), but might have been 50% per annum, see note to 1.13.

The statement that the amount of 13½ art. is to be repaid χωρὶς διαφόρου, is not to be understood in the sense that the loan was interest-free, but merely that this amount had already been added on the contractual interest at the normal rate of 50% and, therefore, no more had to be added at the time of the repayment, see further the discussion in the Excursus.

Let us sum up the obligations of the debtor:

(i) If the loan is paid back on time, the debtor will have to return only the amount stated as received, that is 13½ art. of grain, regardless the question whether this is the amount which actually changed hands or is a made-up figure which represents the principal plus the contractual interest.

(ii) If the debtor finds himself in arrears, then he is obliged to compensate the creditor as follows: 13½ art. (amount stated as received)

+ $6\frac{3}{4}$ art. (ἡμιολία penalty for failure to repay on time, calculated on the basis of the amount stated as received) + x% overtime interest = $20\frac{1}{4}$ art. + unknown overtime interest. If we assume that the amount which actually changed hands was 9 art. only, it becomes very clear that this loan was a very risky burden for the debtor in case of arrears, for he would have to pay back almost more than double the amount he had actually received.

Finally, it is worth noting that the dates in which the contract was signed (early January) and that fixed for the repayment (July) - the latter coinciding with or being just after the harvest - are of some importance as to the nature and the purpose of the present loan. One could, for instance, argue on the basis of the first date, that the present document is a loan of seed-corn which the debtor might have needed for the purpose of sowing; this case, however, seems to be the less likely here, for, although sowing could continue as late as January - and sometimes, perhaps, until February - this would be rather exceptional, see M. Schnebel, Landwirtschaft 137-145, esp. 144-5. Furthermore, the document contains no indication that seed was the object of the transaction, in which case a more detailed and careful description would be expected regarding its purity and quality. On the contrary, it seems more probable that the debtor, six months after the previous harvest found himself short of wheat to keep his family until the next harvest (almost half a year ahead!) and had no other choice but to make this loan; see also note to ll.7-8.

Α[ὐ]ρήλιος Θέων ὁ καὶ Ζωιλίων Διονυσίου
μητρ[ὸ]ς Σεραπιάδος ἀπ' Ὀξυρύνχων
πόλεω[ς] Αὐρη[λ]ίῳ Θέωνι τῷ καὶ Ζωίλι
καὶ ὡ[ς χρη]ματ[ί]ζι χαίρ[ει]ν. ὁμολογῶ
5 ἐσχη[κέ]ναι π[α]ρὰ σοῦ πυροῦ γενήματος
τοῦ δ[ιε]λθόντος β (ἔτους) ἀρτάβας δεκα-
τρῖς ἥ[μυσ]ου, ἃς καὶ ἀποδώσω σ[ο]ι τῷ Ἐπεὶφ
μηνὶ ἐ[ν] Ἀντιπέρα Πέλᾳ τὰς ἴσας τοῦ πυροῦ
ἀρτάβ[ας] δεκατρῖς ἥμυ[σ]ου μέτρῳ ᾧ παρί-
10 ληφα χωρὶς διαφόρου. ἐὰν δὲ μὴ ἀ-
ποδῶ καθ' ἃ γέγραμμε, ἐγτείσω σοι τὸν
προκίμενον πυρὸν μεθ' ἡμιολίας καὶ
διάφορον τοῦ ὑπερπεσόντος χρόνου,
γινο[μ]ένης σοι τῆς πράξεως παρά
15 τε ἐμ[ο]ῦ καὶ ἐκ τῶν ὑπαρ[χ]όντων
μοι π[ά]ντων. κύριον τὸ χιρόγραφον
ἁπλῆ γραφὲν ὑπ' ἐμοῦ τοῦ Αὐρηλίου
Θέ[ω]ν[ος] π[ε]ρί δε [το]ῦ ταῦτα ὀρθ[ῶς]
καὶ καλῶς γίνεσθαι ἐπερωτηθεὶ<ς>
20 ὡμολόγησα. <vacat>
(ἔτους) γ Αὐτοκράτορος Καίσαρος Μάρκου
Ἀντωνίου Γορδιανοῦ Εὐσεβοῦς Εὐτυχοῦς
Σεβαστοῦ, Τῦβι η̄.

μένος τός σοι τοῦ λόγου περὶ ὧν ὀφίλ[ι σο]ι ὁ πα-
25 τ[ήρ] μου.

2 l. Σαραπιάδος; l. Ὀξυρύγχων 3 l. Ζωΐλῳ, see note

4 l. χρηματίζει; χ in χαιρ[ει]ν corrected from ζ, see note 6 β̣L, see note 7 l.-τρεῖς ἥμισυ

9 l. δεκατρεῖς ἥμισυ; l. παρεί- 11 l.γέγραμμαι;

l. ἐκτείσω, γ corrected perhaps from c, see note.

12 l. προκείμενον 16 l. χειρόγραφον 17 l. ἁπλοῦν;

υ in αυρηλιου corrected from ρ 21 Lγ̣, see note

23-24 An interlinear horizontal bar at the left hand side of the text marks the end of the document and the beginning of the additional provision, see note ad loc.

24 l. μένοντός σοι; l. ὀφείλει 25 τ in -τ[ηρ] is a correction.

'Aurelius Theon, alias Zoilion, son of Dionysius, his mother being Sarapias, from the city of Oxyrhynchus, to Aurelius Theon, alias Zoilus, and however he is styled, greeting. I acknowledge that I have received from you thirteen and a half artabae of wheat from the produce of the past 2nd year, which I shall give back to you in the month Epeiph in Antipera Pela, an equal amount of thirteen and a half artabae of wheat by the measure by which I have received it without (additional) interest. But, if I do not repay it according to what I have written, I will forfeit to you the aforementioned amount of wheat along with an additional one half and overtime interest, you having the right of execution on me and all my property. The cheirograph of which a single copy has been written by me, Aurelius Theon, is enforceable, and in answer to the question whether this is rightly and fairly done I have given my consent. The 3rd year of Imperator Caesar Marcus Antonius Gordianus Pius Felix Augustus, Tubi 8th.'

'You retain the claim to the debt which my father owes you.'

NOTES

1-10 The left hand segment of the papyrus bears considerable damage; the corresponding part of the margin has been mutilated almost completely, while a large hole has caused some damage to the text at the beginning of the relevant lines; the restoration, however, is certain throughout.

1-4 The ink is markedly darker in some parts of the prescript; the same feature occurs in ll.6-7 and in 24-25, but this is merely due to the freshly dipped pen of the writer. The interlinear space between ll.1-2 is slightly wider than is normal elsewhere in the document.

In spite of the seeming similarity of the two names, there is irrefutable evidence that there is no family tie between the contracted parties. First, the employment of the possessive pronoun μ̣ου in the expression ὁ πατ[ήρ] μ̣ου (ll.24-25) strongly suggests that the two parties cannot have been brothers. Second, and most important, both the debtor (probably) and, especially, the creditor are known from other papyri which, apart from other valuable information they provide, also show that they originate from different families.

The debtor's second name, Ζωιλίων, which is an <u>addendum papyrologicis lexicis</u>, is found to my knowledge only in P.Coll.Youtie II 68, 5 (see note). This document, published by J. R. Rea, is a lease of flax-land of Oxyrhynchite provenance and dates from 266 A.D., that is 26 years after the present one. What is even more interesting in P.Coll.Youtie, concerns the full name of Ζωιλίων there, which is: Αὐρήλιος Ζωιλίων Διονυσίου μητρὸς Σαραπιάδος, who comes from the city of Oxyrhynchus; since the full name is so close to the present one -

the only difference is the omission of θέων in P.Coll.Youtie - and also as the two texts are not far distant in time, I am inclined to identify our Zoilion with the individual referred to in P.Coll.Youtie II 68, 5. On double names in the papyri, see R. Calderini, Aegyptus 21 (1941) 221-260 and 22 (1942) 3-45; for the occasional omission of one of the two names see pp.249-252.

The creditor, Aurelius Theon, alias Zoilus, is frequently found in the papyri either as addressor or addressee or mentioned incidentally. As the formula καὶ ὡ̣[c χρη]ματ̣[ί]ζι in 1.4 of our papyrus implies, the creditor was an important man who once held a high magisterial post. The relevant papyri disclose abundant information in this direction: he is mentioned as an ex-gymnasiarch as early as ca.218-225 A.D. (P.Oxy. XLIII 3131, 9-11) and, subsequently, in 235 A.D. once again with the same designation (P.Oslo III 111, 128, cf. ll.154, 208, 216, 217, 224, 256, 264, 277): as such he is included in P. J. Sijpesteijn, Nouvelle Liste des Gymnasiarques 29 (No.356). In the former document, a fragmentary official letter addressed to a deputy archidicastes (ἀνταρχιδικαστής) by a strategus, he occurs as plaintiff along with his father, Aurelius Theon, alias Ammonius, an ex-eutheniarch, ex-agoranomus and ex-bouleutes of Alexandria. Aurelius Theon, alias Zoilus is also mentioned in ca. 264/5 A.D. in a petition to a prefect (P.Oxy. XLIII 3113, 2) where he calls himself an old man (1.18). His heirs are mentioned in P.Oxy. XIV 1701, 10, a very fragmentary sale of house-property at Oxyrhynchus roughly dated by the editor to the third century A.D., which, in view of P.Oxy. XLIII 3113, is to be dated after ca. 264/5 A.D. Members of his family are likely to be mentioned in two more documents, P.Oxy. XXII 2338, 45 (late third century A.D.) and P.Oxy. IX 1199, 9, 16 (third century A.D.); in the latter document he is mentioned as

ex-exegetes of Alexandria. Finally, a woman called Αὐρηλία Θεωνίς appears in P.Oslo. III 111, 134 (235 A.D.), but it is uncertain whether she is related to our creditor; cf. P.Oxy. XLIII 3113 note to l.2. Judging from the above quoted dates, it is reasonable to assume that in our document which belongs in 240 A.D., Aurelius Theon, alias Zoilus, might have been in his late forties or early fifties.

2 Cεραπιάδος: for the frequent interchange of α>ε, see Gignac, Grammar I 278-282; this feature is quite common in Egyptian personal and place names, especially in unaccented syllables and before /r/ (see p.279).

2-3 Ὀξυρύνχων πόλεω[c]: for the titulature of the city see D. Hagedorn, ZPE 12 (1973) 277-292.

3 Ζωίλι: this form is a mere blunder. As the relevant documents show (supra, note to ll.1-4), the second name of the creditor is Ζωίλος (nom.) and this would give a dative form Ζωίλῳ. The use of iota instead of omega in our text cannot be explained on phonological grounds, for such an interchange to my knowledge, is not attested elsewhere in the papyri, but rather as the result of a confusion caused by the preceding iota or, more likely, due to false analogy or assimilation to the dative form of the first name, Θέωνι.

4 χαίρ[ει]ν: chi is a correction from zeta which has not been erased: the incorrect letter may have resulted from a false start at repeating the ending of the preceding verb or it may be a repetition of the initial consonant of either Ζωιλίων (l.1) or Ζωίλι (l.3).

5 ἐcχη[κέ]ναι: the second letter is definitely a sigma and not an iota; the top is missing and what remains is a very short vertical

stroke, whose lower part is slightly curved to the right, such as in δ[ιε]λθόντος (1.6) and -τρῖς (1.7). Thus, the restoration εἰλη[φέ]ναι is to be rejected, although the surviving lower part of chi gives the false impression of a lambda.

πυροῦ: the reading is quite difficult here due to damage caused by a hole, but this is the word expected. The first letter is a broad pi of the same form as that in Πέλᾳ (1.8), but much larger. The remnants of the two damaged letters are very poor; the trace after pi can be interpreted as the upper part of the two oblique strokes of an upsilon, but the ink before the omicron is difficult to explain as the upper round part of a rho, for it is square rather than round. It seems, however, that both the upsilon and the following rho were written cursively in a single movement, so that the right oblique stroke of the former was in a way part of the latter; for the same feature, see γραφέν (1.17) and περί (1.24).

6 τοῦ δ[ιε]λθόντος β(ἔτους): the lower part of the letter which stands for the number of the regnal year is damaged. The respective letter in 1.21, where one expects the year in which the loan was drawn up, is similarly damaged. As the imperial titulature in 11.21-23 shows, however, our document dates from the reign of Gordianus III who was Emperor from 238 A.D. to 244 A.D., and this is equivalent to 7 Egyptian regnal years (year 1 = 237/8 A.D.), see D. W. Rathbone, ZPE 62 (1986) 110-111. What is important for our document lies in the fact that from among the seven figures which correspond to the seven regnal years only beta can fit the remaining traces in this line. On the same grounds I restore gamma in 1.21, see note to 11.21-23.

7 ἥ[μυς]ου: for the restoration cf. 1.9. The normal spelling is ἥμιcυ, but ἥμυcυ (declinable as here) and other othographic variants are

sometimes found, see Gignac, Grammar I 270, cf. I 199, 215, 237, 238, 240, 243, 253-4 etc.; for the inflectional variations of ἥμισυ see id., Grammar II 128-9. "½ is normally expressed by the neuter which like all fractions, follows the integer immediately without an intervening καί. It is normally used indeclinably, but inflected forms are found occasionally" (ibid. II 128-9).

7-10 ἃς καὶ ἀποδώσω ς̣[ο]ι̣...χωρὶς διαφόρου: the clause includes a surprising reiteration of the amount to be repaid, which is also stressed very emphatically with the expressions τὰς ἴσας(l.8), μέτρῳ ᾧ παρίληφα̣ (ll.9-10); to put it differently, the entire clause, with the exception of the expressions referring to the time and the place of the repayment, underlines that the amount stated as received is the amount to be paid back without additions or weighed with different measures. The resulting construction is somewhat odd, as the verb seems to be followed by two objects: ἃς (l.7) and ἀρτάβ[ας] (l.9); the word ἀρτάβ[ας], however, along with the adjective τὰς ἴσας (l.8) and the numeral δεκατρῖς ἥμυ[ς]ου, in effect, elucidates ἃς which clearly refers to the amount stated in ll.6-7.

7-8 τῷ Ἐπεὶφ μηνί: in the present document, as in the majority of loans in kind, the repayment is scheduled for one of the harvest months; as Z. M. Packman observes, however, in a recent study, loans of grain are regularly to be paid in Pauni (May/June) (42 cases out of 61), see JJP 19 (1983) 21. These loans are usually received by peasants to tide them over until the harvest of the new crop and this may well be the case here.

The present debt is to be repaid in the month Epeiph (June/July), but there is no mention of a specific date, such as occurs in e.g. P.Oxy.ined. 12, 12-13: μέχρις δευτέρας Παχὼν τοῦ ἐ̣[ν]εστῶτος ἔτους;

the exact date of repayment is unspecified also in P.Oxy.ined. 11 ii 12-13: τῷ ὄντι μηνὶ Παχών (also in i 13).

If the starting term (dies a quo) of the present contract (Tybi 8 in l.23) coincides with the date on which the loan was actually delivered to the borrower, one is inclined to suggest that the closing term (dies ad quem) will be Epeiph 8 (duration: six months). However, if the contract was signed some days after the amount of grain was handed over to the debtor, a practice which, according to J. Modrzejewski, is not unknown in contracts concerning loans of commodities, see JJP 7-8 (1953-4) 214-224, one may be tempted to speculate that the starting and the closing terms of the contract might have been Tybi 1 (retrospectively) and Epeiph 30 (duration: seven months).

8 ἐ[ν] Ἀντιπέρα Πέλᾳ: this village, which was in the western toparchy, probably on the opposite side of the Bahr Yusuf from Pela, first occurs in P.Oxy. III 495, 5 (181-189 A.D.); the latest document that mentions it is P.Oxy. XLV 3260, 8 (323 A.D.), see P. Pruneti, I Centri Abitati sv.

As R. Taubenschlag notes, "the loan in kind had to be repaid at the creditor's domicile; if to be effected at another place special provisions were required", see The Law^2 334. In our document the repayment at Ἀντιπέρα Πέλα seems to be a special provision requested, perhaps, by the debtor and not the creditor. Both parties come from the city of Oxyrhynchus (for the creditor, see ll.1-4, note); the debtor, however, appears to be associated with the same village both in the present document and in P.Coll.Youtie II 68 (supra, note 1-4), where he leases flax-land.

9-10 μέτρῳ ᾧ παρέληφα: the specification of a special grain measure in contracts, and especially in loans, is necessary due to the diversity

of measures which existed in Egypt. The artaba, which was the chief dry measure, varied in different nomes and sometimes within the same nome. Further on the complicated problem of the ratios and the nomenclature for the artaba, see R. P. Duncan-Jones, Chiron 9 (1979) 347-375 and D. W. Rathbone, ZPE 53 (1983) 265-275 with all the relevant bibliography in p.265.

10 χωρὶς διαφόρου: the word διάφορον basically means "difference" and is used normally in loan contracts in kind of Oxyrhynchite provenance to indicate interest charges of any magnitude, that is the difference between the amount received and the amount to be paid back. It may signify either contractual interest or overtime interest; sometimes, it is used in both these senses in the same document such as in the present one, see N. Lewis, TAPhA 76 (1945) 128 et passim. For the interpretation of the expression χωρὶς διαφόρου and mention of other documents that contain it, see my Excursus: it means in effect that no more interest is to be added to the amount to be paid back which in fact is equal to the amount stated as received; this, however, does not exclude the possibility that interest was added on to the principal in advance; with regard to this I would suggest that the translation "without (additional) interest" is more accurate than simply "without interest" which gives the impression that the loan itself is interest-free.

11 γέγραμμε: for the interchange of αι>ε, see Gignac, Grammar I 192-193.

11-12 ἐγτείσω σοι...μεθ' ἡμιολίας: in case of failure to discharge on time the debtor will have to pay back an additional one half of the amount stated, that is $13\frac{1}{2} + 6\frac{3}{4}$ artabae.

According to Packman there is a tendency in loans of commodóties

to omit the penalty clause from the Roman period onwards and it became the normal practice to omit it in later centuries of Graeco-Roman Egypt, see JJP 19 (1983) 21-26 and especially Tables 2 and 3.

ἐγτείcω: the second letter, although not damaged, is difficult to read. As the writer has not written kappa, one expects as alternative a gamma. The lower part of the letter, however, curves slightly to the right which is not a normal feature of the gamma in our text, see e.g. γινο[μ]ένηc (1.14)and γίνεcθαι (1.19), but rather of a sigma, such as in coι (1.11) or ἡμιολίαc (1.12). The alternative reading, however, is less likely and cannot be explained on phonological grounds but as a mere blunder, cf. 1.24: μένοcτόc coι with note. I print gamma only because it is the expected letter, although the reading is not convincing. The assimilation of the preposition ἐκ- in composition is not normal before voiceless consonants in the Roman papryi, see Gignac, Grammar I 174 note 1, but it is not unusual in the Ptolemaic period, see Mayser, Grammatik I^2, 1, 201-2.

μεθ' ἡμιολίαc: this term when occuring in the penalty clause, as here, always denotes an amount (not an annual rate) which is equal to 50% of the amount to be repaid, see N. Lewis, art.cit. 126; for a different interpretation, cf. L. Mitteis, Grundz. 118-119 and A. Berger, Die Strafklauseln 24, 92 note 5 and 123-124.

13 διάφορον τοῦ ὑπερπεcόντος χρόνου: here the word διάφορον signifies overtime interest of a certain rate - not an amount - calculated on the principal, see N. Lewis, TAPhA 76 (1945) 128 and note 12. Quite surprisingly the rate of the διάφορον is not specified; the papryi show that the normal rate of overtime interest in loans in kind was equal to the normal rate of the contractual interest, that is 50% per annum,

see e.g. P.Oxy. XII 1474, 18: διάφορον ἐξ ἡμισείας, P.Oxy. XXII 2350 i 23: διάφορον ἡμιόλιον. There is no obvious reason for the omission of the specification here and I am inclined to suggest that διάφορον in our text is an ellipsis for διάφορον...ἐξ ἡμισείας (vel sim.).

For the obligations of the debtor and the amounts involved on the two occasions, that is repayment on time or failure to discharge on time, see my introduction.

14-16 γινο[μ]ένης...π[ά]ντων: the same form of praxis-clause is to be found also in P.Oxy.ined. 12, 16-18 and 9, 22-23, see note ad loc.; cf. 11 i 17-18 with note.

16 κύριον τὸ χιρόγραφον: for the kyria-clause, see P.Oxy.ined. 9, note to l.24.

16-20 A very odd construction for which I have not found an exact parallel. In the examples I was able to discover with the help of DDBDP the γραφὲν ὑπ' ἐμοῦ expression precedes followed by the kyria-clause, see e.g. SB X 10492, 11 (recto) (163 A.D.): [τὸ δὲ χειρόγραφον τοῦτο διcc]ὸν γραφὲν ὑπ' ἐμοῦ κύριόν ἐστι, BGU XI 2117, 10-11 (end of II A.D.): [τὸ δὲ χε]ιρόγραφον τ[ο]ῦτο ἁπλοῦν [γραφὲν ὑπ' ἐμο]ῦ κύριον ἔστω and P. Vindob.Tandem 23 i 9ff. (225 A.D.): [τὸ χειρ]ό[γραφον] τοῦτο [δ]ιccὸν γραφὲν ὑπ' ἐμ[οῦ]τοῦ [Ἀμμωνί]ο[υ] κ[ύ]ριον κτλ. followed in ll.12-13 by an expanded form of stipulatio (see also ii 34 ff.) similar to ours in ll.18-20.

17 ἁπλῇ γραφέν: a small hole has damaged almost completely the eta and the vertical stroke of the gamma; the former is the only letter suggested by the remnants and there is too little room to accommodate the ending of the correct form ἁπλοῦν. A possible alternative to our reading could be an abbreviated form ἁπλ/ which would suggest that the abbreviation symbol

should be identified with the traces after lambda; this, however, is against the writer's normal practice. ἁπλῇ is a blunder which seems to have resulted due to false analogy with χειρογραφία that the writer had in mind.

18 The writing in this line is very badly damaged partly due to a large hole in the middle and chiefly because of abrasion caused by a horizontal crease of the papyrus which runs along the line. What remains from θέ[ω]ν[oc] is very poor traces of the upper and lower parts of the dotted letters, but because of ὑπ' ἐμοῦ in the preceding line which through the use of the subjective style of the document leads straight to the identification of the debtor and also because of the lack of signature at the end, we may be confident about the correctness of the restoration. The rest of the line includes part of a well-known formula and the restoration is also certain.

18-20 ὑπὸ coῦ after ἐπερωτηθείc in the stipulatio is a normal feature in documents of Oxyrhynchite provenance, but it has been omitted here, cf. P.Oxy.ined. 9, 24-25 with note and 12, 20-21; for close parallels to the present expanded form of stipulatio, see e.g. P.Oxy. VII 1040, 32-35, cf. BL I, p.331 (225 A.D.) and P.Oxy XXII 2350, 28-30 (223-4 A.D.) which include ὑπὸ coῦ after ἐπερωτηθείc, but omit καί between the two adverbs; see also BGU XI 2118 (cf. BL VI, p.22) (225 A.D.) which also includes ὑπὸ coῦ; all three texts are loans of Oxyrhynchite provenance. See further on this expanded form of stipulatio, Simon, Studien zur Praxis 7, 46-48 and all the relevant notes (note 26 in p.46 gives a list of the documents which record the ὀρθῶc καὶ καλῶc form of stipulatio).

21-23 The symbol L and especiall' the figure used to indicate the regnal year have been damaged severely. What remains from the regnal

year is an uncertain upraised horizontal bar, which can only fit a gamma, such as that in γενο[μ]ένης (l.14); this restoration is also supported by l.6, see note. For the regnal formula of Gordian III, see P. Bureth, Les Titulatures 113.

Tybi 8 in 240 A.D. corresponds to 4 January (not 3), because 240 was a leap-year.

24-25 The darker ink and the thicker strokes of the letters suggest that this additional provision is an after-thought, but it is unlikely that this is a different hand. There are minor losses at the end of 24 and the beginning of the next line, but we may be confident about the restoration, since the clause follows a certain formulaic pattern which can be expressed as: μένοντος τοῦ λόγου τῷ X (= creditor) περὶ ὧν ἄλλων ὀφείλει ὁ Y (= debtor).

According to G. Häge, XII Int.Congr. of Pap. 205, the meaning of this formula is the same as that of the identification clause τοῦτο δ' ἔστιν τὸ δάνειον (see the quotation from BGU IV 1054, 15ff. at the end of the present note) and the later formulae: χωρὶς ἄλλων ὧν ὀφείλει or μὴ ἐλαττουμένου or κυρίων μενόντων, all of which are found in daneia, chreseis, parathecae and untypified loan contracts. All these formulae refer to previous credits and they are used to ensure the right of execution for the creditor; they ensure that, where there are other obligations between the contracting parties, the debtor is obliged to hand over to the creditor, when the latter claims his due, only documents which are connected with the loan in question; see further on this, H. A. Rupprecht, Studien zur Quittung 100-102 with lists of the relevant documentation in notes 50-51; according to Rupprecht, the earliest contract to record the μένοντος τοῦ λόγου clause is P.Flor. III 370, 21-23 (132 A.D.) and the earliest

receipt P.Harr. I 66 (155 A.D.); the earliest receipt, however, is now P.Oxy. XLII 3051, 8ff (89 A.D.). Some further instances of the expression, which are not recorded in Rupprecht, are the following: P. Turner 33, 8-9 (211 A.D.), PSI XII 1249 (265 A.D.), P.Münch. III 101, 17ff. (150 A.D.), P.Vindob.Sal. 6, 23ff. (192 A.D.), SB X 10293, 23 (198 A.D.), CPR VII 31, 39-41 (197 A.D.) and P.Vindob.Tandem 23 i 19-22 (225 A.D.).

The clause is normally expected either in the body of the document, before or after the kyria-clause, see e.g. PSI XII 1250, 14ff., P.Fay. 90, 20ff. and P.Münch. III 101, 17ff., or less frequently incorporated in the signature, see e.g. P.Flor. III 370, 21-23, PSI XII 1249, 59-60 and P.Vindob.Tandem 23 i 19ff. In the present document the fact that the clause has been added on its own, separated from the text by a horizontal bar between ll.23-24, implies that the writer did not have it in mind initially so as to include it in the body of the document, but it had to be added alone at the end as an after-thought.

Furthermore, the clause refers to a previous loan which was not made by the debtor himself, but by his father, and it is difficult to establish how this functions within the present document. It seems, however, that the clause is used here to ensure the creditor that the debtor is aware of his father's transaction which has not expired yet and also that, in case of death, the son is going to undertake to fulfil all the obligations of the previous debt. P.Oxy. XLII 3051, 8-11 (89 A.D.): μένοντός [μοι τοῦ λ]ό̣γου τῶν ὀφε̣ιλομένων τῷ πατρί μου Κλαυδί̣ῳ [.....] ὑπ̣[ὸ τ]οῦ π[ρ]ογεγ[ρ]αμμένου πατρός cou, where the transation is made by the sons both of the creditor and the debtor of the previous loan, is very similar to the present document. In P.Gen. I 9 i 16-18 and ii 15-17 (251 A.D.) the responsibility for the previous debt is jointly undertaken by

the father and the son; the clause reads: μένοντός cοι τοῦ [λόγου πρὸς ἐ]μὲ καὶ τὸν [πατέ]ρα μου περὶ ὧν ἄλλων [ὀφείλομέ]ν cοι δανείων; for a similar case expressed with a different formula, see BGU IV 1054, 15ff. (13 B.C.): τοῦτο δ' ἔcτιν τὸ δάνειον ἐκτὸc ἑτέρων ὧν ὀφείλει ὁ αὐτὸc Ἀμμώνιοc cὺν τῇ μητρὶ αὐτοῦ τῷ Ἀπολλωνίῳ καθ' ἑτέραν cυγχώρη[cιν] δραχμῶν ἑκατόν.

μένοcτόc cου: the first sigma is abraded, but the traces do not fit with a nu. The writing of sigma cannot be considered as phonological error, but as a mere blunder caused by confusion of the following sigmas.

πατ[ήρ] μου: the lower part of the vertical stroke of the tau seems to be prolonged turning straight to the left; this additional trace could be either part of a letter which was afterwards corrected to tau, or a mere off-set. The explanation as an abbreviation mark is unsuitable.

11. LOAN OF MONEY

48 5B.107/A(1-2)a 26 April - 25 May, 318 A.D.

25.00 cm x 13.00 cm

This single sheet of papyrus contains a private loan of money in duplicate; the two copies are written in two parallel columns - hereafter cited as coll. i and ii - separated by a blank strip of approximately 2.00 cm. The lower part of the papyrus has been torn away unevenly and a certain part of the text in both columns is now lost, see note to i 18ff. The colour of the sheet is light brown with some darker patches on both sides, especially on the back, which may imply that the papyrus was affected by humidity either during the manufacture or in the course of time, cf. N. Lewis, Papyrus in Classical Antiquity 59-60 note 34.

The three surviving edges of the sheet were cut regularly but not straight and, as a result, the width of the papyrus increases slightly towards the middle. At the top there is a free room of approximately 1.3 cm above col.i, but it becomes markedly narrower above col.ii, where it measures from 0.5 cm to 1.0 cm. On the left side there is a substantial margin of 2.5 cm contrasted to the right one where there is practically no free room left and the script of col.ii runs right to the edge.

Apart from the mentioned mutilation of the lower part, there are also a good many small holes scattered throughout the papyrus. Half of the ten well-marked vertical creases of the sheet as folded once are located in col.i where the papyrus is badly damaged, especially along the second and third creases from the left; nevertheless, restoration can be effected successfully with the assistance of the well-preserved text in col.ii.

There are two features which may suggest that the papyrus, similarly to P.Oxy.ined 10 (see introd.), was folded from the right to the left and that the left side was the outer part of the sheet once folded:

(i) col.ii located on the right side is well preserved, whereas col.i which is on the other side, was more vulnerable to damage and mutilation,

(ii) the endorsement of the document is on the back of the second folding from the left to the right, that is on the back of col.i.

The writing on both sides of the papyrus runs along the fibres; two different hands can be easily distinguished on either side of the papyrus: one is responsible for the main text in coll.i and ii and the other only for the endorsement on the back. The hand on the front is professional and well-exercised and produces a mediocre but legible script, which is mostly semi-cursive and in some parts turns into cursive, see e.g. ii 4: Ταλλῶτος, i and ii 12: ἀποδώσω etc. The most surprising ligature is in ii 10: τάλαντα, where all letters before the second tau were written in a single movement. The letters are of average size and they present the following particular features:

(i) they are bigger at the beginning of the line and they gradually diminish towards the right; with regard to this feature it is worth noting that the initial letter in some lines, such as in i 1, 4, 8, 9, 13 and ii 1, 4, 8, 16 is markedly oversized.

(ii) the script slopes slightly to the right.

(iii) letters like the alpha, epsilon, nu and upsilon present a variety of forms.

(iv) the letters alpha and kappa are, as a rule, written in a single movement together with one or more letters, see e.g. i and ii 3:

Καίσαρος, ii 8: ἐσχηκέναι etc., while the conjunction καί is always written in a single movement. Furthermore, the letter rho is written either independently or, more frequently, in a cursive form in such a way that the left side of its bow is unfinished.

The transaction contained in the present papyrus is a private contract of loan in money; it is a subjective homologia in the form of a cheirograph, such as P.Oxy.ined. 10 and 12. The format and the structure of the present document is comparable with the two above mentioned documents, especially with the latter; see further the introduction to P.Oxy.ined. 10 with a detailed schema and the relevant bibliography.

As our papyrus shows, the present agreement was written in duplicate, that is one copy for each party, but for reasons which are far from clear the two copies were never separated. Similar appears to have been the case with P.Select. 7 - a close parallel to our text (see below) - which survives in duplicate but on separate sheets; the editor describing the physical condition of that papyrus notes that "the sheets - when bought - were one papyrus containing the text of a cheirograph in duplicate" (p.15). Whether this feature reflects a more general practice at the beginning of the fourth century from which both texts date, is uncertain and I am not in the position, at least at present, to make any speculation of this kind.

The loan is made between Aurelius Choous (debtor) and Aurelius Ammon (creditor), both from the city of Oxyrhynchus, and concerns an amount of 3 talents and 3.000 drachmae for a term of 30 days or less, see note to i 12-13. According to the statement in l.13 (ἄνευ τόκου), the loan must be repaid without interest; the implication of the statement presumably is not that the loan is interest-free, but rather that, as interest had already been added on to the principal in advance,

no more had to be added at the time of the repayment; for the justification of this interpretation and a general discussion on the various expressions of this type including ἄνευ τόκου, see my Excursus.

Although not absolutely relevant either to the present loan or to P.Oxy.ined. 10, it is significant to note that, because of the Pentateuchal injunctions against exactions of interest on loans made between Jews, it has sometimes been suggested that interest-free loans reflect Jewish influence; see further on this matter the bibliography cited in O. Montevecchi, La Papirologia 226, where there is also a list of such loans. This theory gains at least no obvious support either from the present document or from P.Oxy.ined. 10.

The most interesting features of the text are to be found in the promise-to-repay and penalty clauses. Firstly, the loan, as already mentioned above, is made for a very short term, perhaps less than thirty days, and it calls for repayment at the end of the same month as that in which the agreement was signed, see i 13 with note.

Secondly, the expression ἄνευ τόκου in i and ii 13 is very rarely used in the papyri to declare that a loan is "free from (additional) interest", see my Excursus under ἄνευ τόκου and note to i 13.

Thirdly, if the loan is not repaid on time, the debtor is to pay overtime interest, which is stipulated by the expression: τόκον [τὸν σταθέντα τῆς] μνᾶς ἑκάστ[ης] κατὰ μ[ῆνα ἕκαστον] (i 16-17); the implications of this provision are not very clear, but there seem to be two possible interpretations:

(i) the rate implied here is the legally permissible maximum of 12% per annum, i.e. 1% per month, which seems to have been fixed by law and was customary in loans of money in Roman Egypt, see R. Taubenschlag,

The Law[2] 343.

(ii) the expression implies that a certain rate of overtime interest was agreed orally between the contracting parties before the agreement was signed.

Although both interpretations are attested in the papyri, I am inclined to adopt the latter one as being more applicable here, for it gains stronger support from the relevant documentation; further on this matter see the extensive discussion in note to i 14-17.

The parallel texts which most closely resemble the present one are P.Select. 7 and P.Oslo II 41, both of them "loans of money" from Oxyrhynchus dating from the years 314 A.D. and 331 A.D. respectively.

col. i

ὑπατείας [τῶν δ]εσποτῶν ἡμῶν Λι[κ]ινίου
Σεβαστο[ῦ τὸ ε]ϛ// καὶ Κρ[ί]σπου τοῦ ἐπιφανεστάτου
Καίσαρος τ[ὸ αϛ]// . <vacat>
Αὐρήλιος [Χωοῦς] Καμῆτος μη(τρὸς) Ταλλῶτος
5 ἀπὸ κώ[μης Τα]αμπέμου ε// πάγου τοῦ
Ὀξυρυγχ[είτου] νομοῦ Αὐρηλίῳ Ἄμμωνι
Θέωνος ἀπὸ τῆς λ[α]μ(πρᾶς) καὶ λαμ(προτάτης) Ὀξυρυγ-
χειτῶ[ν] πόλεως χαίρειν. ὁμολογῶ
ἐσχηκ[έν]αι παρὰ σ[ο]ῦ ἐν χρήσει διὰ χειρὸς
10 ἐξ οἴκου σου ἀργυρίου Σεβαστῶν νομίσ-
ματος τά<λα>ντα τρία καὶ δραχμὰς τριςχιλίας,
γί(νονται) (τάλαντα) γ (δραχμαὶ) Γ, ἅπερ ἐπάναγκαις
ἀποδώσω σοι
τῷ ὄν[τι μ]ηνὶ Παχὼν ἄνευ τόκου καὶ ἄνευ
πάσης [ὑπερθέσε]ως καὶ εὐρησιλ[ο]γί[α]ς, εἰ δὲ μή,
15 ἐκτίσ[ω σοι το]ῦ ὑ[περ]πεσόντος χρόνου
τόκον [τὸν σταθέντα τῆς] μνᾶς ἑκάστ[ης
κατὰ μ[ῆνα ἕκαστον, γινομ]ένη[ς σοι] τῆ[ς πρά-]
[ξεως -]

col. ii

ὑπατείας τῶν δεσποτῶν ἡμῶν Λικινίου
Σεβαστοῦ τὸ ε ʃ// καὶ Κρίσπου τοῦ ἐπιφανεστάτου
Καίσαρος τὸ α ʃ// . <vacat>
Αὐρήλιος Χωοῦς Καμῆτος μη(τρὸς) Ταλλῶτος
5 ἀπὸ κώμης Τααμπέμου ε// πάγου τοῦ
Ὀξ[υ]ρυγχείτου νομοῦ Αὐρηλίῳ Ἄμμωνι
θέωνος ἀπὸ τῆς λαμ(πρᾶς) καὶ λαμ(προτάτης)
Ὀξ(υρυγχιτῶν) πόλεω(ς)
χαίρειν. ὁμολογῶ ἐσχηκέναι παρὰ σοῦ
ἐν χρήσι διὰ χιρὸς ἐξ οἴκου σου ἀργυρίου
10 Σεβαστῶν νομίσματος τάλαντα
τρία καὶ δραχμὰς τρισχιλίας, γί(νονται) (τάλαντα) γ
(δραχμαὶ) Ἓ,
ἅπερ ἐπάναγκαις ἀποδώσω σοι τῷ ὄν-
τι μηνὶ Παχὼν ἄνευ τόκου καὶ ἄνευ πά-
σης ὑπερθέσεως [κα]ὶ εὑρησιλογίας,
15 εἰ δὲ μή, ἐκτίσω σο[ι τ]οῦ ὑπερπεσόντος
χρόνου [τόκο]ν τὸν σταθέ[ντα τ]ῆς μνᾶς
ἑ[κ]ά[στ]η[ς κατ]ὰ μῆνα ἕκα[στον], γινομένη[ς]
[σοι τῆς πράξεως - - - - - - - - - - - - - - - -]

Back, along the fibres:

(m.2) χ(ειρόγραφον) Χωοῦτος ἀπὸ Ταμπέμου (ταλάντων) γ (δραχμῶν) Ἓ.

col. i

1 l. Λικιννίου 4 μη) 5 ταα]μ'πεμου

6 l. 'Οξυρυγχίτου 7 λ[α]μ//καιλαμ// 8 l. -χιτῶν

9 l. χρήσει, χειρός 12 γtζγ§'Γ ; επαναγ'καις, l. ἐπάναγκες

15 εκ'τις [ω

col.ii

1 ν of ἡμῶν is a correction; l. Λικιννίου 4 μη)

6 l. 'Οξυρυγχίτου 7 λαμ//καιλαμ//οξ//πολεῶ; π of πόλεω(c) is a correction, see note. 9 l. χρήσει, χειρός

11 γtζγ§Γ 12 επαναγ'καις, l. ἐπάναγκες

On the back

ж , Zγ§'Γ ; l. Τααμπέμου

'5th consulship of our lord Licinius Augustus and 1st of our lord Crispus the most noble Caesar.'

'Aurelius Choous, son of Cames, his mother being Tallos, from the village of Taampemou in the 5th pagus of the Oxyrhynchite nome to Aurelius Ammon, son of Theon, from the illustrious and most illustrious city of the Oxyrhynchites, greeting. I acknowledge that I have received from you as a loan from hand to hand out of your house three talents and three thousand drachmae, total 3 talents and 3.000 drachmae in imperial silver coinage, which I am bound to give back to you in the present month Pachon without (additional) interest and without delay or excuse; if not, I will forfeit to you interest for the time I shall be in arrears, being stipulated per mina per month, you having the right of execution...'.

On the back: (2nd hand) 'Cheirograph of Choous from Taampemou for 3 talents and 3.000 drachmae.'

NOTES

Col.i

1-3 The 5th consulship of Licinius and the 1st of Crispus is in 318 A.D.; for the concordance and the regnal formula, see Bagnall-Worp, CSBE 72 and 107 respectively. The correct spelling of the name Λικίνιος is with two nus, see e.g. ibid.107; the present form is also found in P.Oxy.ined. 12, 1 and 2.

2 ἐ̣π̣ι̣φ̣α̣ν̣ε̣σ̣τ̣ά̣τ̣ο̣υ̣: this is one of the best examples in this column to show the writer's tendency to reduce the size of the letters at the end of the line; similarly in col.ii 7: πόλεω(c).

The upsilon is very damaged here because of a hole, but it seems that it was written in a high position in a similar way to the same letter of the same word in col.ii 2. It would be incorrect to assume that upsilon in this particular word was abbreviated, for upsilon is written throughout the document in the same way; cf. all the instances of this particular letter in the present line.

4-8 None of the two parties is known to me from elsewhere. Here, as in the majority of loans of all kinds, the lender, Aurelius Ammon, is a polites living in the metropolis and the borrower, Aurelius Choous, is a villager. As J. G. Keenan observes, the polites-to-villager pattern, which becomes more evident in the succeeding centuries, points to the importance of the Egyptian poleis as market-centres and, at the same time, the domination of the πολῖται over "their contemporary villagers in a variety of economic relationships", see Proceed.XVI Int.Congr. 479-485.

4 Ταλλῶτος: the spelling of the name Ταλῶς with a double lambda is very unusual and is recorded only once in NB (not quoted in

ONOMASTICON), while the alternative spelling Ταλῶς is frequent (NB sv and ONOMASTICON sv).

5 ἀπὸ κώ[μης Τα]μπέμου ε// πάγου: this village which is attested in documents from the beginning of the second century onwards was located in the eastern toparchy of the Oxyrhynchite nome, see e.g. P.Oxy. X 1285, 85, 88 and XIV 1747, 27, 33. The present document provides the earliest evidence for its assignment to the fifth pagus; previously the earliest evidence was P.Oxy. VI 901 which dates from 336 A.D.; see further P. Pruneti, I Centri Abitati sv. The following documents should be added to the list given in Pruneti: P.Oxy. XLVIII 3387, 3 (342 A.D.); 3408, 9, 29 (IV A.D.); 3409, 6 (IV A.D.); 3410, 24 (IV A.D.); 3423, 2, 11 (IV A.D.) and L 3584, 3 (V A.D.).

7-8 ἀπὸ τῆς λ[α]μ(πρᾶς) καὶ λαμ(προτάτης) Ὀξυρυγχειτῶ[ν] πόλεως: for this formula which first appears in Oxyrhynchite documents in 272 A.D. and is subsequently employed regularly up to the early sixth century A.D., see D. Hagedorn, ZPE 12 (1973) 277-292.

9-10 παρὰ c[o]ῦ ἐν χρήσει διὰ χειρὸς ἐξ οἴκου cou: the formula is identical with that in P.Select. 7 A and B 4-5 (314 A.D.) and P.Oslo II 41, 9-10 (331 A.D.).

Some papyrologists wished to refer the term χρῆσις to interest-free loans as made between friends in contradistinction to the term δάνειον which, according to the same theory, is a loan bearing interest and is the result of purely economic motives; but as Pestman observes "this construction is really too good to be true" and also "the theory mentioned above cannot be correct and gives no information about the loans"; furthermore, the texts and the existing evidence in no way warrant the contrast χρῆσις - δάνειον, see JJP

16-17 (1971) 22 and notes 59-61.

10-11 ἀργυρίου Cεβαcτῶν νομίcματοc: for this descriptive term of silver currency, see L. C. West - A. C. Johnson, Currency 67-68.

11 τά<λα>ντα: the damage here, as well as in the previous and the following lines, is caused by the second vertical crease from the left to the right (see physical description in my introduction). It is hard to say what exactly was written originally here, but it is certain that the writer omitted at least two letters of the word. The number of damaged letters in ll. 10 (cou) and 12, where the figure representing the amount of drachmae has been affected, is compatible with the estimated number of omitted letters in l.11. The traces after the first tau of the word under discussion are very uncertain but could be the lower part of a rather wide alpha which is what is expected here. The letter before the second tau is again very damaged, but the remnants suggest a nu rather than a lambda. The omission of the two letters is due to haplography.

The talent, a unit of currency equal to 6.000 drachmae (= 1.500 denarii), was used in Egypt from the Ptolemaic period onwards and, inasmuch as it can be proved, it never represented an actual coin, but was merely an accounting term; see further, R. S. Bagnall, Currency and Inflation 16-17.

τά<λα>ντα τρία καὶ δραχμὰc τριcχιλίαc: the same amount is stated in ii 18 and also on the back.

Amounts less than 4 talents are not unusual in loans from this period: P.Oxy. XIV 1711 (late III cent. A.D.): 2 tal. and 4.800 dr., P.Bad. II 27 (316 A.D.): 3 tal. and 400 dr., P.Sakaon 64 (= P.Thead. 10) (307 A.D.): 3 tal. and 3.000 dr. By the fourth decade of the

fourth century, there are some extremely large amounts, e.g. P.Oslo II 41 (331 A.D.): 53 tal. and 1.000 dr. and P.Coll. Youtie II 82 (337 A.D.): 500 tal., which reflect the "rapid and violent inflation" which the silver currency underwent in this period, see A. C. Johnson - L. C. West, Byzantine Egypt 168 and R. S. Bagnall, op.cit. 49-55, where with regard to loans of money in silver currency he notes that "lending money at interest for repayment in a fixed number of units of billon currency must have been a somewhat risky business, for the value of a loan outstanding could be reduced substantially by the issue of a new wave of currency" (p.55).

13 τῷ ὄν[τι μ]ηνὶ Παχών: the date at which this agreement was signed is lost, see note to i 18, but the wording employed here, which refers to the conclusion of the loan, implies that it was not made for a term longer than one month, perhaps even shorter than thirty days. For the frequency of short-term loans, see O. Montevecchi, La Papirologia 226.

In a good number of loans the closing term is fixed on a definite day, e.g. P.Oxy. XIV 1711, 9-10 (late III A.D.): ἕως δεκάτης Ἀθὺρ τοῦ ἰσιόντος κτλ., P.Mert. I 25, 10 (214 A.D.): μέχρι τριακάδος Παῦνι κτλ.; in other cases, such as here, the closing term is merely fixed to a month, e.g. P.Coll.Youtie II 82, 15 (337 A.D.): τῷ Φαμενὼθ μηνί; it is not, therefore, unreasonable to assume that in the second case the effects of the legal obligations will cease on the last day of the month by which the debt has to be repaid; see further P.Oxy.ined. 10 note to 11.7-8.

13-14 ἄνευ τόκου καὶ ἄνευ...εὑρησιλ[ο]γί[α]ς: this provision in

precisely this form is not known to me from any other text.

The expression ἄνευ τόκου is found in one more document, P. Mich.inv. 1410 of Arsinoite provenance, published by J. G. Shelton in JJP 18 (1974) 157-160 (ll.10, 22) (= SB XIV 11385) and dates from 326 A.D. In both instances the expression ἄνευ τόκου, regardless of its exact position in the text, is used to indicate that no more interest has to be added on to the amount stated as received at the time of the repayment of the loan, since it had already been calculated and included in that amount in advance; see further on this my Excursus.

The following part of the provision (ἄνευ πάσης...εὑρησιλ[ο]γί[α]ς) is in the expected form which is very frequent, see e.g. the parallels P.Select. 7 A and B 7-8 and P.Oslo II 41, 14-15; see also P.Mich. XI 614, 19-20 and SB XII 11040, 15-16, etc. An alternative form, but much less common, uses the preposition χωρίς instead of ἄνευ and, thus, the expression becomes χωρὶς πάσης ὑπερθέσεως καὶ εὑρησιλογίας (vel. sim.), see e.g. P. Genova II 62, 25-26, P.Mil. II 52, 12-13, etc.

14-17 Here and in P.Oxy.ined. 12, 14-16 the ἡμιολία-penalty clause is omitted; cf. P.Oxy.ined. 10, 11-12 with note, where the clause is included. Furthermore, none of the three texts specifies the rate of the overtime interest: P.Oxy.ined. 10, 13 uses the expression: διάφορον τοῦ ὑπερπεσόντος χρόνου (see note), while P.Oxy.ined. 12 and the present text hint at a fixed rate; in the former text overtime interest is determined by private agreement of the contracting parties and reads: τόκον τὸ<ν> σταθέντα πρὸς ἀλλήλους (ll.15-16).

The present provision relating to the overtime interest - which in fact is a kind of penalty - finds a close parallel in P.Select. 7 A 8-9: εἰ δὲ μή, ἐκτείσω σοι τοῦ ὑπερπεσόντος χρόνου τόκον τὸν σταθέντα ἑκάστης μνᾶς τοῦ μηνὸς ἑκάστου. In both texts the rate of the overtime

interest is not specified, but the employment of the participle σταθέντα suggests that it had been fixed in one way or another, which at this stage of the discussion cannot be established with certainty (cf. below).

With regard to the use of this participle the editor of P.Select. 7 notes that "for the period in which he should be in default, the borrower promises to pay the monthly interest-percentage, which has been agreed on" (p.17). What the editor, therefore, suggests here is that there was an oral agreement between the two parties only in so far as the rate of the overtime interest was concerned, for, as he also observes, "there is no mention of an obligation to pay interest [sc. contractual]".

J. Shelton, however, in discussing the expression τὸν τούτους ὁρισθέντα τόκον which, although using a different participle, conveys in effect the same message as the participle τὸν σταθέντα - expresses a different opinion in assuming that "since the rate of overtime interest is not fixed elsewhere in the contract, it must have been fixed by law", see JJP 18 (1974) 159 note to ll. 14 ff.

The two quoted interpretations illustrate in the best possible way the uncertainty that surrounds the exact meaning of provisions such as the present one. That the relevant expressions imply a fixed rate is beyond any question and this is not the point of conflict of views between the above editors. What the expressions, however, do not get across to us is firstly the way in which the interest was fixed (by law or by private agreement) and secondly, the actual monthly interest-percentage; both these questions are interconnected and any possible answer to the former can elucidate the latter. The problem is too subtle and complicated to be discussed in a short note in full, but I

append a few preliminary remarks.

In the notes appended to the above mentioned Michigan papyrus J. Shelton, although avoiding an explicit statement and a general conclusion, seems to suggest that documents which do not specify the rate of overtime interest, but simply contain expressions which denote that the rate was fixed or agreed upon, such as the present one, can be divided into two categories:

either (i) the rate of the overtime interest is not fixed elsewhere in the text and it is, therefore, likely that it was fixed by law,

or

(ii) the rate of the overtime interest has been determined by private agreement of the contracting parties, as is the case in P.Oxy.ined. 12, 15-16; see JJP 18 (1974) 159 note to ll.14ff.

Documents which belong to the latter category can be easily demonstrated as a result of the explicit wording of the relevant formula and I, therefore, absolutely agree with Shelton on this point. The following documents (not all of them known to Shelton) fall into this category, as indicating plainly the existence of a private (oral) agreement between the two parties:

(A1) SB XIV 12088, 22-23 (=ZPE 23 (1978) 139 ff.): τόκον τὸν σταθέντα πρὸς ἀλλήλους; the same formula also in P.Oxy.ined. 12, 15-16.

(A2) P. Sakaon 66, 11-12 (=P.Flor.I 14): τὸν ἑστά[μενον] μεταξ[ὺ] αὐτῶν τόκον; the same formula, but very damaged, also in P. Sakaon 65, 14-15.

(A3) P. Sakaon 64, 12-13 (= P.Thead. 10): τὸ[ν συ]μφωνηθέ[ντα μ]ετοξὺ ἀλλήλων τόκον.

These expressions indicate clearly and unequivocally the way in

which overtime interest was fixed in the relevant documents; yet, they give no indication at all of the exact rate of this type of interest. That the rate of overtime and contractual interest was fixed by law at a certain period is beyond question, as Shelton has already observed, and this must have been the ordinary charge set at 12% per annum for loans in money as the permissible maximum, see art.cit. 159 note to ll.14ff., where he gives the relevant quotations. One suspects, therefore, that rates determined by oral agreement normally exceeded the permitted legal maximum. Accordingly, it is reasonable to expect that texts where the rate was fixed by law, must either state that the rate is 1% per month (that is 12% per annum) or contain a reference to the relevant law. The former case is indeed very common in loans of money; the latter is encountered at least once in the relevant documents, namely in P.Mich.Inv. 1353 (288 A.D.) of Arsinoite provenance, which is the second document published by Shelton in JJP 18 (1974) 160-162; that text in ll.15-16 reads: [ὁ κατ]ὰ μῆνα ἕκαστον τῇ μνᾷ κατὰ νόμους τ[ό]κος, see note to ll.15ff. (p.161). Among the documents quoted by Shelton, however, on p.159 note to ll.14ff., there are cases like P.Oxy. II 269, 10 and P.Gen. 43, 13ff. which, in my opinion, cannot be explained as loans bearing overtime interest fixed by law. Shelton himself appears to be uncertain about the actual situation, for, although he acknowledges that the two mentioned documents bear the "customary" rate of interest, at the same time he implies that this customary percentage is to be identified with that fixed by law, i.e. 12% per annum. Starting with the examples quoted by Shelton my own search for expressions used to denote fixed or agreed rate of interest went further and with the help of DDBDP I discovered more relevant material - partly unknown to Shelton

when he published the Michigan texts -, which in order to facilitate the discussion, I have arranged into two basic groups.

The first group includes texts which contain the verb καθήκω in the expression referring to overtime interest and read: τοὺς καθήκοντας τόκους (or the singular). This expression occurs quite frequently, at any rate in documents of a rather early date (first century A.D.), see e.g. P.Oxy. II 269, 10, SB X 10222, 14-15 (= P.Oxy. II 305 descr.), 10238, 15-16 (= P.Oxy. II 319 descr.), 10246 (= P.Oxy. II 304 descr.), 10249 (= P.Oxy. II 318 descr.), P.Oxy. X 1282, 16 and SB XIV 11284, 13 (= P.Mil.Congr. XIV, p.80), see further WB sv καθήκω The verb καθήκω is used in a variety of senses, and both LSJ sv and WB sv justify Shelton's interpretation in the sense that the expression τοὺς καθήκοντας τόκους denotes a "customary rate of interest", but, nonetheless, I am inclined to think that Shelton's implication which tentatively identifies the customary rate of interest with that fixed by law is unlikely to be correct. As the overwhelming majority of the above documents come from the Tryphon archive - and this means that the lender in all these cases is the same person - I would rather tend to think that the expression τοὺς καθήκοντας τόκους hints at a "customary" interest-percentage "fixed" by the lender himself and not by the law.

Apart from the documents which use the verb καθήκω there is a second group, including the present document, which uses a different verb; at least four of the following five texts (if not all of them) must, in my opinion, be explained according to the second theory mentioned above, that the rate of overtime interest was fixed or agreed upon by private (oral) agreement. The relevant texts are:

(B1) P.Select. 7 A 8-9: τόκον τὸν σταθέντα

(B2) our text, i 16: τόκον [τὸν σταθέντα]

(B3) P.Gen. I 43, 13ff: [τὸν ἑστάμ]ενον [τό]κον

(B4) P.Amst. I 44, 13-14: τόκον τὸν συν[πεφωνημένον]

(B5) P.Mich. Inv. 1410, 14-15 (Shelton's first text):

τὸν τούτοις ὁρισθέντα τόκον.

I have arranged the examples in such a way that the correspondence between the expressions given in list B with those in list A (see above) is very clear. With the exception of B5 all expressions find a parallel in list A. The only difference between the expressions of the two categories lies in the fact that those in list B do not contain the words πρὸς ἀλλήλους or μεταξὺ αὐτῶν; in P.Amst. I 44 the text is damaged but there is certainly no room for either of these expressions.

How can one, therefore, interpret the expressions in list B? P.Amst. I 44 must refer to an oral agreement (accepting the editor's restoration συν[πεφωνημένον] which appears to be certain); this shows that the addition of μεταξὺ ἀλλήλων which is used in P. Sakaon is not absolutely necessary. Further evidence to support this explanation comes from LSJ which interprets συμφωνέω sv II 2 "make an agreement or bargain with any one". The examples quoted as B1, B2 and B3 are expressions with the verb ἵστημι which, according to WB sv 4, means "ausbedingen, vereinbaren" and this can be rendered into English "stipulate" or "agree"; similarly LSJ sv ἵστημι A III 6 quotes the expression στᾶθεὶς τόκος and translates "fix by agreement".

In conclusion, I would like to make clear that, in my opinion, the expressions listed in B appear to be shortened forms of those given in A and I would, therefore, be tempted to suggest that the examples B1-3, which include also the present document, must be interpreted according to those in list A. In other words, that the overtime interest has been agreed orally between the contracting parties.

16-17 [τῆς] μνᾶς ἑκάστ[ης] κατὰ μ[ῆνα ἕκαστον]: substantial portions of the papyrus are missing and the surviving script is distorted, especially at the beginning of l.17. The restoration, however, is certain and is effected with the assistance of col. ii 16-17, see note.

The construction of the first adjective ἕκαστος, accompanied by the article, while the second is preceded by the preposition κατά, is so far as I have discovered, without a parallel. Close to the present one are the expressions in P.Mert. I 15, 15-16 (214 A.D.): ὡς τῆς μνᾶς κατὰ μῆνα ἕκαστον (but this omits the first adjective ἑκάστης) and P.Oxy. XIV 1711, 14-15 (III A.D.): ἑκάστης μνᾶς τοῦ μηνὸς ἑκάστου (article τῆς and preposition κατά omitted); cf. also P.Oxy.ined. 12, 15.

17-18 [γινομ]ένη[ς σοι] τῆ[ς πρά-]/[ξεως]: for the participle cf. ii 17. The epsilon and the nu are clearly written, but the upper right part of eta is lost. The surviving traces of the tau and eta of the article give the impression of a pi, but this is a mere optical illusion, because: (i) the lower part of the first vertical stroke of the alleged letter pi is curved to the left, which is a feature of the letter tau in our text, (ii) the slight traces of ink at the edge of the gap cannot be interpreted as part of the letter rho and it would be, therefore, wrong to restore πρ[άξεως] instead of the article, which in any case is expected here, and (iii) two or three horizontal fibres have been removed just above the horizontal stroke of the suggested tau and this has also damaged the connecting horizontal bar of the restored eta of the article.

The room in the gap at the end of line 17 suggests that the word πράξεως may have run on into the following line (18), but this

cannot be established with certainty because the number of letters at the end of the lines varies: so, for example, the last omicron of the word χρόνου (l.15) is exactly below the iota of εἰ δὲ μή (l.14).

17 ff. For the πρᾶξιc-clause, see P.Oxy.ined. 9, 22-23 note ad loc. The parallels P.Select. 7 A 10-13 and P.Oslo II 41, 19-24 both read: γινομένηc τῆc πράξεωc παρά τε ἐμοῦ καὶ ἐκ τῶν ὑπαρχόντων μοι πάντων. κύριον τὸ χειρόγραφον διccὸν γραφὲν πανταχῇ ἐπιφερόμενον καὶ παντὶ τῷ ὑπὲρ coῦ ἐπιφέροντι καὶ ἐπερωτηθεὶc ὑπὸ coῦ ὡμολόγηcα.

P.Select. 7 continues in col. A - col. B is mutilated - with the regnal and consular formulae, for there is no date or any kind of formula at the beginning of the text, and concludes with the signature. P.Oslo II 41 concludes with the signature of the borrower and this is likely to have been the case also in our document.

col. ii

1 ἡμῶν: the eta is not connected with either the previous or the following letter; the rest of the word is written at a higher position and the ink is darker. The letter nu is unusually wide and there is evidence that it was corrected from a letter which is now illegible.

5 Ταα̣μπέ̣μου: the dotted letters have been affected by a vertical crease. There seems to be an almost vertical stroke between the epsilon, of which only the lower part is partly visible, and the mu; however, a more careful examination of the handwriting shows that this merely is the way the two letters are ligatured together. The

same feature occurs in i 9: ἐν and ii 9: ἐν. As a rule, the epsilon is written in two movements throughout the text, one for the lower and one for the upper part; the latter is almost always joined with the next letter.

7 πόλεω(c): the writer has squeezed this word in the very small space at the end of the line. The letters are tiny and compact and the ink is dark; the sigma seems to have been omitted, but very uncertain and faded traces just above the epsilon and the omega seem to suggest the existence of a horizontal bar which, if right, was no doubt an abbreviation mark. Also the letter pi seems to be a correction, but the original trace is difficult to interpret.

8 ἐcχηκέναι: neither form of the two epsilons in this word is frequently employed by the writer in the present text: of the first only the upper part exists and it is formed in a single movement along with the following sigma, which seems to have a double function here, both as the lower part of the epsilon and the sigma itself.

16 [τ]ῆc μνᾶc: there is a big gap just before the article and the damage has affected the eta and the sigma; the remaining traces, especially those where the eta is expected, give a very uncertain reading. However, there is hardly room for a word longer than the article τῆc, which is also confirmed by the following μνᾶc, see i 16.

19 The writing on the back is not clear at all due to fading of the ink, but we may be confident that the name of the village is written with one alpha only; for the spelling Ταρπεμοῦ see e.g. P.Oxy. XLI 2974, 5 and XII 1491, 13.

12. LOAN OF MONEY

10 1B.169/J(a) 29 March, 322 A.D.

11.2 cm x 22.7 cm

Frag.A: 3.1 cm x 6.1 cm

The present document was originally written in duplicate by the same very cursive hand. Apart from the main sheet which records the transaction in full, another small portion of papyrus - described here and referred to henceforth as fragment A - bears the final parts of ll.1-8, merely enough to show that the texts are identical (underlined in the transcription of the complete text), see l.19 (δυc[cὸν γρα]φέν) and note ad loc.

The outer dimensions of the main sheet have survived almost complete, with the exception of two minor losses both on the left, at the top and right at the bottom of the papyrus (ll.1-3 and 26-27 of the text respectively); the missing part of the text is easy to restore, - save, perhaps, for the beginning of l.3, where the restoration [Καί̓c]αρος appears to be incompatible with the estimated number of the lost letters, see note - for we are dealing with well-known passages of formulaic type.

The most serious and extensive damage to the text is to be found at the lower part of the sheet and is confined mainly to the left-of-centre segment, between ll.16-23. The damage appears to have resulted partly from two vertical creases located at the left side which have distorted and even disjointed the relevant segment of the papyrus, and partly due to severe abrasion of the writing; there are also dark stains caused by humidity, as well as tiny holes and gaps of a more considerable size, which indicate that the corres-

ponding parts of the papyrus have been broken away. Once again, the surviving readings of the relevant passage with the assistance of parallel texts enable satisfactory restoration to be effected, see notes to 11.16-20. Problems of reading are also encountered in the consular formula (11.1-3), especially in 1.3; the formula, however, can be identified only with the one used to denote the era dating from the postconsulatum of the Licinii; see further on this the note to 11.1-3.

There are four vertical creases, whereas it is difficult to calculate the number of the horizontal ones - if there were any - due to the rather distorted condition of the papyrus. As the most serious damage is confined to the left, it seems that the sheet was folded from the right to the left protecting the former and exposing to damage the latter; cf. introductions to P.Oxy.ined. 10 and 11.

There is hardly any room left free at either side of the sheet: at the right the writing runs almost to the edge, whereas at the left the margin does not exceed 0.7 cm. At the bottom the only free room is, in essence, that which is left at the end of 1.27, where the scribe has scribbled his signature, while at the top the free room is less than 1.00 cm.

The first hand - which is to be identified also in frag. A - is responsible for the body of the document (11.1-21) and it produces a very rapid and unclear, but also flourishing and flowing, cursive script, which consists of letters of a surprisingly wide variety in size and form; the smallest letter is the omicron, especially when it is written cursively with the previous letter, see e.g. πόλεως (1.8), νομίσματος (1.10) etc., whereas there is no certain practice for the larger ones, see e.g. the epsilon in ἐσχηκ[έν]αι and cf. the same

letter in ἐν χρήcι (l.9). Note also that it is normal for the initial letters in the lines to be enlarged, see e.g. ll.4, 9, 10, 13.

The following points seem worth noting as to the form of some letters:

(i) the form of the letter delta, such as in διὰ χιρόc (l.9), is very similar to that of the alpha as in Αὐρήλι[oc] (l.4) and ἀργυρίου (l.10).

(ii) the letters alpha and epsilon present at least three different forms each.

(iii) the letter epsilon when followed by rho (and in one case by xi, see ἐξ οἴκου in l.9) is formed in the following way: its lower part is written either independently or in one stroke with the preceding letter, while its upper part is conspicuously upraised, as if forming part of the rho itself, see e.g. Θερμουθίηc (l.4), ὑπερθέcεωc (ll.13-14) etc.

(iv) at the end of the lines the final letter presents either an extremely elongated horizontal stroke (a feature especially of the sigma, see e.g. ll.1,2 (with note), 11, 15 etc. - cf. also the surprisingly flattened nu in Παχών (l.12)) or it is written very big and wide, see e.g. ll.6,8 and 10 (δύο), where the size of the final omicron has no equivalent throughout the text.

The notarial countersignature in l.28 is written in a very cursive and difficult to decipher script (cf. introduction to P.Oxy. ined. 13 and note to l.38), but both the delta and the epsilon in δι' and ἐγρ(άφη) present many similarities with the respective letters of the first hand and I would tentatively suggest that the signature must be assigned to the same first hand, see note to l.28.

A second bilinear semi-cursive script, clear and rather attractive, is to be found in the signature of the document in ll.22-27. The script slopes slightly to the right and employs a rather flat, broad and somewhat square form of letters, with the exception of the tiny omicron which in some cases is no bigger than a dot, see e.g. πρόκειται (ll.24-25) and the second one in ὡμολόγηκα (ll.25-26).

This contract, like the majority of the Oxyrhynchite loans, is a subjective homologia in the form of a cheirograph; the format of the document and its content present many similarities with our loans P.Oxy.ined. 10 and 11; for a more detailed discussion and bibliography, see introduction to P.Oxy.ined. 10. A close parallel is P.Oxy.ined. 11 (318 A.D.); even closer is P.Select. 7 (314 A.D.) of Oxyrhynchite origin.

The present transaction is a private contract of loan, drawn up in duplicate, see l.19 note. The debtor is Aurelius Apphous, a priest of Zeus and Hera and celebrant (κωμαστής) of the imperial busts, see notes to ll.4-7, who acknowledges his indebtedness to Aurelius Aphthonius, a councillor, perhaps, of the city of Oxyrhynchus, see notes to ll.7-8, for the amount of 2 talents and 4.000 dr.

The fixed term for repayment, as frequently at this period, is very short and is not to exceed 30 calendar days, see note to ll.12-13. No interest is stipulated for the normal term of the loan (one month), but this might have been added on to the principal in advance, see my Excursus. In case of arrears overtime interest is to be paid calculated per mina per month, the actual rate of which is not specified in the text, but it has been agreed upon only orally; for a similar case, see P.Oxy.ined. 11, ll.13-14 with note.

The present text contains the following particularly interesting features:

(i) the earliest attested Oxyrhynchite example of the era dating from the postconsulatum of the Licinii (29.3.322 A.D.), see notes to ll.1-3.

(ii) a rather late occurrence of a pagan priest who also holds the office of κωμαστής, ll.5-7 and note, and

(iii) a new councillor of the city of Oxyrhynchus, ll.7-8 and note.

[μετὰ τὴν ὑπατ]εί̣αν τῶν δεσποτῶν ἡμῶν Λικινίου

[Σεβαστοῦ τὸ ς' καὶ] Λικινίου τοῦ ἐπιφανεστάτ[ο]υ

[Καίσ]αρος τὸ β' τοῖς ἀποδιχθησομ(ένοις) ὑπ(άτοις) <τὸ> β',

Φαρμοῦθί γ.

Αὐρήλι[ος] Ἀπφοῦς Θέωνος μη(τρὸς) Θερμουθίης

5 ἀπὸ τῆς λ[α](μπρᾶς) καὶ λα(μπροτάτης) Ὀξυρυγχιτῶν

πόλεως ἱερεὺς

Διὸς καὶ Ἥ[ρ]ας καὶ κομαστὴς θίων προτομῶν

καὶ Νίκης αὐτῶν Αὐρηλίῳ Ἀφθονίῳ υἱῷ Στρατονίλου

ἄρξ( ) βου[λ]( ) τῆς αὐτῆς πόλεως χαίρειν. ὁμολογῶ

ἐσχηκ[έν]αι παρὰ σοῦ ἐν χρήσι διὰ χιρὸς ἐξ οἴκου σου

10 ἀργυρίου Σεβαστῶν νομίσματος τάλαντα δύο

καὶ δραχμὰς τετρακισχιλίας, (γίνεται) (τάλαντα) β (δραχμαὶ)

Δ, ἅπερ ἐπάναγ-

κες ἀποδώσω σοι μέχρις δευτέρας Παχὼν

τοῦ ἐ[ν]εστῶτος ἔτους ις∫ ιδ∫ ς∫ ἄνευ πάσης ὑπερ-

θέσεως καὶ εὑρησιλογίας, εἰ δὲ μή, ἐκτίσιν σοι τοῦ

15 ὑπερπεσόντος χρόνου τόκον τὸ<ν> σταθέντα πρὸς

ἀλλήλους ἑκάστης μ[νᾶ]ς τοῦ μηνὸς ἑκάστου, γινο-

μέ[ν]η[ς σοὶ τ]ῆς πράξε[ω]ς π[α]ρ[ά τ]ε ἐμοῦ καὶ [ἐ]κ τῶν

[ὑπαρχόντω]ν μοι πάντων. κύριον τὸ χιρόγραφον

δισ[σὸν γρα]φὲν πανταχῇ [ἐ]πιφερόμενον

20 καὶ πα[ντὶ τῷ ὑπὲ]ρ σοῦ ἐπι[φέ]ροντι καὶ ἐπερ[ω]-

τη[θεὶς ὑπὸ σοῦ ὡμο]λόγησα. <vacat>

[m.2] Αὐρή[λιος Ἀπ]φ[οῦ]ς ἔσχον ἐν χρήσι τὰ [[τ]]{α}

τοῦ ἀργυρίου τάλαντα δύο καὶ δραχ(μὰς) τε-

τρακισχει<λί>ας καὶ ἀποδώσω ὡς πρό-

25 κειται καὶ ἐπερωτηθε[ὶ]c ὡμολόγη-
ca. Αὐρ(ήλιοc) Ζωίλοc ἔγραφα ὑ(πὲρ) αὐτοῦ μὴ
[εἰδότοc γ]ράμματα. <vacat>
[m.1?] <vacat> Δι' ἐμοῦ cωτᾶ ἐγρ(άφη).

1 l.Λικιννίου, also in 1.2 3 αποδιχθηcομ/υπ' β ?, see note; l.ἀποδειχθηcομ(ένοιc) 4 μη ;l.θερμουθίαc 5 λ[α]καιλα 6 l. κωμαcτὴc θείων προτομῶν 7 l.αὐτῶν 8 αρξ/βου[λ] 9 l. χρήcει, χειρόc 11 /γ Δ, see note 14 l.ἐκτίcειν 18 l.χειρόγραφον 22 l.χρήcει 23 δραχ 23-24 l. τετρακιcχι<λί>αc 26 αυρ ?, see note; υ 28 εγρ

'After the 6th consulship of our lord Licinius Augustus and the 2nd of our lord Licinius the most noble Caesar, under the consuls to be designated for the 2nd time, Pharmouthi 3'.

'Aurelius Apphous, son of Theon, his mother being Thermouthia, from the illustrious and most illustrious city of the Oxyrhynchites, priest of Zeus and Hera and celebrant of the imperial busts and their Victoria to Aurelius Aphthonius, son of Stratonilus, ex-magistrate councillor of the same city, greeting. I acknowledge that I have received from you as a loan from hand to hand out of your house two talents and four thousand drachmae in imperial silver coinage, total 2 tal. and 4.000 dr., which I am bound to give back to you by the second of Pachon of the present year, that is the 16th and 14th and 6th year, without delay or excuse; if not, I will forfeit to you interest for the time I shall be in arrears, being fixed between us per mina per month, you having the right of execution against me and all my property. The cheirograph, written in duplicate, is enforceable, wherever it may be produced and for everybody who produces it on your behalf, and in answer to the formal question, I have given my assent'.

(2nd hand) 'I Aurelius Apphous, have received as a loan the two talents and four thousand drachmae in silver and I shall repay as described above and in answer to the formal question I have given my assent. I, Aurelius Zoilus, have signed on his behalf, because he is illiterate'.

(1st hand ?) 'Written by me, Sotas'.

NOTES

1-3 The present date formula is the earliest example attested in Oxyrhynchus of the type linking a postconsulatum of Licinius (VI) and Licinius Caesar (II) to the second year of the short era denoted by unspecified consuls to be designated (P.Oxy. XLIII 3123, 16 dating from 29.3.322 A.D., cf. P.Oxy. XLV, p.xviii, is not of Oxyrhynchite provenance). This type of date is in use only in documents dating from 322-324 A.D.; the formulae found differ between the Thebaid and the Arsinoite and Oxyrhynchite nomes. In documents of the latter two geographical divisions the formula for the year 322 A.D. runs: postconsulatum of the Licinii + τοῖς ἀποδειχθησομένοις ὑπάτοις τὸ β, see L. C. Youtie - D. Hagedorn - H. C. Youtie, ZPE 10 (1973) 121-124 and Bagnall-Worp, CSBE 108; for the date of the present text, see also l.14 and note.

Both in the complete text and, as far as it can be decided, in fragment A, the date formula is separated from the rest of the text, as the writer leaves a rather wide space between ll.3 and 4 (first line of the text proper). Also the letters are smaller and the writing, especially in l.3, is very compact.

1 [μετὰ τὴν ὑπατ]εί̣α̣ν̣: the estimated number of missing letters in the lacuna here and in l.2 is ±11; contrast, however, [Καί̣c]α̣ρ̣ο̣c in l.3 with the note. The surviving traces before the article τῶν are very faded and, with the exception of the prominent upper part of the iota and the lowermost part of the nu, the reading is rather uncertain. This type of date formula, however, always begins with the postconsulatum (μετὰ τὴν ὑπατείαν) of the Licinii (vide supra, note to ll.1-3) and this also fits with the number of the missing letters.

The end of the line is very damaged in Fragment A, but the surviving, very uncertain, traces and the fact that line 2 concludes with the same word both in the fragment and the complete text, makes it very likely that one should read Λυκυνίου.

3 As the beginning of the line is missing and some parts are severely abraded, the restoration of the line presents some difficulties. There are very faint traces after the gap, merely enough to confirm the otherwise expected genitive [Καί̓c]αρος. The number, however, of the restored letters is not consonant with the estimated number of the missing letters, that is ±11 (vide supra, note to l.1), but it is hardly possible that the scribe had added something else before [Καί̓c]αρος. It is, perhaps, more likely that he started the line with big and broadly formed letters and, perhaps, left also some free room at the beginning. This may well imply that the arrangement of the script in this line which the scribe had had originally in mind was to write only the month date after [Καί̓c]αρος τὸ β′and, therefore, to centralize the script leaving equally free space on either side; this however, would give an incorrect date and the writer, therefore, realizing this in due time, inserted the expression τοῦς ἀποδιχθησομ(ένοις) ... <τὸ>β′.

τοῦς ἀποδιχθησομ(ένοις) ὑπ(άτοις) <τὸ> β′: the writing after the first theta is severely abraded and the reading very uncertain, while the letters before beta are very cursively written, but there is little doubt that both words were abbreviated, for there is too little room otherwise. Before the upsilon of ὑπ(άτοις) there is an upraised stroke which is very similar to an iota, but it cannot be part of the ending -ενοις, as there is not room enough to accommodate so many letters; on the contrary, it would be more reasonable to take it as an abbreviation

mark. After the pi in ὑπ(άτους) there is a little mark which could also be a very small and cursive alpha, but once again I interpret it as an abbreviation mark, because that is what is expected here; the expected article τό has definitely been omitted. On the whole the writing in this line is very careless and the abbreviations quite astonishing and this indicates clearly the writer's confusion. He may have been confused, because this system of dating was very new.

In fragment A the writing seems to have followed the normal pattern, as the corresponding line there ends with the complete form ὑπάτους τὸ β′ ; this may also imply that the preceding participle was also fully written; as a result of this the month date (Φαρμοῦθι γ̣) had to be transposed to the next line and is now lost. A horizontal stroke running to the tau of the article gives the false impression that the writer had underlined the preceding part of the script, but I am inclined to believe that this is only part of the space filler that the writer used after writing the month date in l.4.

4-7 This is a rather late attestation of the pagan priesthood for Zeus and Hera combined with the sacerdotal dignity of "celebrant of the imperial busts and their Victoria"; the only later occurrence is P.Oxy. X 1265, 6-11 and 21-22 (336 A.D.) (cf. BL I, p.334 and note 11).

It is worthy noting that the office of komastes - of which the relevant texts tell us little - is in all documents, with the sole exception of P.Mich. XI 610 (282 A.D.), explicitly connected with the priesthood of Zeus and Hera and a number of σύνναοι θεοί, some of whom are named, see e.g. P.Oslo III 94 and P.Oxy. XII 1449.

The θεῖαι προτομαί refer to the emperor and his family and the Νίκη αὐτῶν is their Victoria, which in two texts (but not here) is designated as προάγουσα, i.e. "advancing", see P.Oxy. XII 1449, 2 (see

BL I, p.336 and note 3) and P.Oxy. X 1265, 11 (see BL I, p.334 and note 11). As the title shows, the komastes was a priest, as a rule of Zeus and Hera, whose duty was to carry the busts of the emperor (and his family) and a small statue representing his Victoria (Νίκη) in the sacred processions; see on this P. Oslo III 94 note to 1.2 and P.Mich. XI 610 note to 1.9 with bibliography on the komastes and the Graeco-Egyptian Caesar cult.

The following is a full list of all documents known to me which attest a komastes: P.Oxy. III 519, 10, 11 (II A.D.) (= W.Chr.492); Stud.Pal. XXII 39,4 (118 A.D., see BL III, p.238) (text revised by P.J. Sijpesteijn in BASP 20 (1983) 159-161); P. Oslo II 94 (II/III A.D.); P.Oxy. XII 1449, 2 (see BL I, p.336 and note 3) (213-7 A.D.); P.Mich. XI 610, 9 (282 A.D.); P.Oxy. XXXVIII 2855, 30 (291 A.D.) and P.Oxy. X 1265, 10, 21-22 (see BL I, p.334 and note 11) (336 A.D.); also, perhaps, in P.Harr. II 197, 18 (169-176 A.D.),see note and P.Ryl. IV 592, 1, 16, see note to 1.1, but the reading is very uncertain in the former.

Quite surprisingly the komastes is recorded only in texts of Oxyrhynchite origin, with the exception of Stud.Pal. XXII 39, 4 which comes from the Arsinoite nome.

4 Θερμουθίης: for the use of the form in -ης instead of -ας in names ending in -ᾱ, see Gignac, Grammar II 3.

5 For the use of the formula referring to the city of Oxyrhynchus, see P.Oxy.ined. 11 note to 11.7-8.

The horizontal stroke of the final sigma in πόλεως is extremely elongated, almost twice as long as that in Θερμουθίης in the preceding line, and, in fact, it penetrates all the letters of the following ἱερεύς which the scribe seems to have added as a second thought.

7 αὐτῶν: also cf. κομαστής and προτομῶν in 1.6. For the frequent

interchange of ω and ο, see Gignac, Grammar I 275-277.

7-9 The abbreviations in 1.8 are somewhat confusing for it is not clear if they refer to the creditor himself or to his father Stratonilus; neither of the names is recorded in A. K. Bowman, The Town Councils.

βουλ[λ]( ) τῆς: there is enough room between the upsilon and the tau of the article to accommodate one more letter; however, in fragment A line 8 we appear to read [βο]ῡ only.

8-21 The format of our document in these lines is almost identical with P.Select. 7 A 4-12 and B 4-15; cf. also P.Oxy. ined. 10 and 11, 11.4 ff. and 8 ff. respectively and the relevant notes.

11 The mark above the delta in the number representing the total is not clear at all, but it gives the impression rather of a ς than of the usual ϛ.

12-13 ἀποδώσω σοι..ἔτους ιϛ ιδ ϛ: the loan was drawn up on Pharmouthi 3 (29 March) (1.3) and it is to be repaid by Pachon 2 (27 April) of the same year (322 A.D.).

The regnal years 16, 14 and 6 correspond to those of Constantinus I, Licinius and the three Caesars, that is 321/2 A.D.; no regnal formulae are used in this period, see Bagnall-Worp, RFBE 40; for the concordance of the regnal years, see id., CSBE 72.

14-16 εἰ δὲ μή,...τοῦ μηνὸς ἑκάστου: the second part of 1.16 is seriously damaged, but the restoration is certain.

The parallel P.Select. 7 A 8-9 and B 8-10 is very close and reads εἰ δὲ μή, ἐκτίσω σοι τοῦ ὑπερπεσόντος χρόνου τόκον τὸν σταθέντα ἑκάστης μνᾶς τοῦ μηνὸς ἑκάστου; cf. also P.Oxy.ined. 12 i 14-17:

εἰ δὲ μή, ἐκτίc[ω coὶ το]ῦ ὑ[περ]πεcόντος χρόνου τόκον [τὸν cταθέντα τῆc] μνᾶc ἑκάcτ[ηc] κατὰ μ[ῆνα ἕκαcτον].

The expression τὸ<ν> cταθέντα πρὸc ἀλλήλουc leaves no doubt that the rate of the overtime interest was agreed upon orally between the contracting parties, but, for unknown reasons, they avoid mentioning explicitly its actual rate; on this expression and kindred ones, see the long discussion in P.Oxy. ined. 11 note to 11.14-17.

16 ff. The concluding part of the text is very damaged, but the surviving readings and the formulaic nature of the missing part are sufficient for a safe restoration.

The damage has affected the section of the document which included the following elements:

(i) πρᾶξιc -clause (11.16-18),

(ii) an extended form of the κυρία-clause (11.18-20),

(iii) stipulatio (20-21).

The damaged part is identical with P.Select. 7 A 9-12 and B 10-14.

19 διc[cὸν γρα]φέν: very uncertain traces, but the restoration is supported by the existence of fragment A.

21 There is enough room for ὑπὸ coῦ between the participle and the verb; identical is the stipulatio in P.Select. 7 A 12 and B 14. This formula of stipulatio is confined to Oxyrhynchus, see P.Oxy.ined. 9 note to 11.24-25.

22 τὰ [[τ]]{α}: the mistake has been caused either by an erroneous repetition of the article - and this seems to be the most likely - or, perhaps, due to confusion caused by the following τάλαντα in 1.23, which the scribe had in mind.

26 Αὐρ(ήλιος): a part of the sheet has been broken off at the bottom left and the remaining traces are very uncertain, but there is too little room for the scribe to have employed a full form of the name. At the top left of the following zeta there is a very uncertain trace, but it gives the impression of the abbreviation mark which the second hand uses, cf. δραχ(μάς) (1.23) and ὑ(πέρ) (1.26). The room between the alpha and the zeta does not seem to be enough for more than two letters.

28 The countersignature is an unclear and very fast scribble which is difficult to decipher, but it is a rather early example of a formula which is well known in later texts, especially those of the late Byzantine period when Latin is normally employed. The formula usually runs: δι' ἐμοῦ + name of the scribe +ἐγράφη (ἐσημειώθη, ἐτελειώθη); for examples from the early period, see e.g. P.Select. 7 A 20; 13, 25; 15, 26; see further on the problems concerning the decipherment and the role of the countersignature the note to P.Oxy. ined. 13, 38.

EXCURSUS

P.Oxy. ined. 10-12: Interest-free loans or loans free from additional interest?

The main interest in the preceding three loans lies in their provisions which concern the contractual interest. The relevant statement is effected in each case in the following way:

P.Oxy.ined. 10 includes the expression χωρὶς διαφόρου (l.10) in the promise-to-repay clause (ll.7-10), while the amount stated as received is the amount to be paid back; in case of arrears, interest is to be paid, but the rate is not specified (l.13).

P.Oxy.ined 11 presents a very similar picture to the previous document; the relevant expression here is ἄνευ τόκου (ll. i 13 and ii 13), but in contrast to P.Oxy.ined. 10 this loan does not include the ἡμιολία-penalty clause, in case of failure to discharge the debt on time.

Finally, P.Oxy.ined. 12 makes no mention of contractual interest at all; overtime interest, however, is stipulated, the rate of which is unspecified, but it was agreed upon between the contracted parties (ll. 14-16).

Leaving aside at present P.Oxy.ined 12 which contains no mention of contractual interest and, therefore, a relevant expression to indicate this, my discussion will focus chiefly on the first two documents seen in the light of further information deriving from other texts where these expressions occur. Although the information is poor and the evidence weak, we may be confident that, as relevant theories dealing with the question of interest-free loans also strongly suggest, P.Oxy.ined. 10 and 11 are not actually interest-free loans, but loans which already include contractual interest added on to the principal

in advance; the expressions χωρὶς διαφόρου and ἄνευ τόκου do not imply that the respective loans were exempted from contractual interest, but simply that no more interest had to be added to the amount stated as received, which was also equal to the amount to be paid back. In other words, although the two expressions, when interpreted on their own, give the false impression that no interest was involved, it is hardly possible that the amounts stated as received were the actual amounts that changed hands.

A long time ago N. Lewis, discussing the meaning of the expressions σὺν ἡμιολίᾳ (διαφόρῳ, τόκῳ), made two important points:

(i) When these expressions occur in the clause acknowledging receipt (ἔχω Χ ἀρτάβας σὺν ἡμιολίᾳ or διαφόρῳ or τόκῳ), it signifies that the amount stated as received, which is also the same as that to be paid back, includes 50% interest or some other rate of interest; in this case the expressions are used as an adjectival modifier of the amount of the loan.

(ii) When σὺν ἡμιολίᾳ (διαφόρῳ, τόκῳ) is found in the promise-to-repay clause (ἃς καὶ ἀποδώσω σὺν ἡμιολίᾳ or διαφόρῳ, κτλ.), it indicates that the amount stated as received, will have to be paid back "along with (i.e. plus) 50% "or some other rate of interest; in this case the relevant expression is an adverbial modifier of the verb to "repay". See further on this, TAPhA 76 (1945) 126-139.

More recently P. W. Pestman studied the so-called "interest-free" loans or "ἄτοκος" loans, see JJP 16-17 (1971) 7-29. The stimulus for this study came from the diametrically opposed views of the Greek papyrologists and the demotists as to the interpretation of the group of loans in which the word is used. "According to the papyrologists",

Pestman observes, "ἄτοκος means "without interest"", and "according to the demotists, "including interest"". After a detailed discussion, which focuses mainly, but not exclusively, on the ἄτοκος loans, he arrives at the following two conclusions:

(i) the word ἄτοκος means that no more interest has to be paid in addition to the sum stated, regardless of the syntactical position of the word; although there are some cases of ἄτοκος loans where the debtor has to pay back the same sum as he borrowed without having to pay any interest on it, in the overwhelming majority of ἄτοκος loans "the debtor has in reality received less than he states since the interest has already been calculated in the principal".

(ii) the word ἔντοκος, on the contrary, indicates that the customary interest has to be paid on the sum stated in the agreement; while in the ἔντοκος loans, it is clearly stated that the debtor has to pay interest and also how much, these factors are ignored in the ἄτοκος loans.

Inevitably, when the modern scholar finds himself dealing with expressions such as those above or different ones, such as those in P.Oxy.ined. 10 and 11, which, however, have a similar or opposite meaning, he has to bear in mind the above arguments and take a rather sceptical view of there not being actual interest in the relevant loans. Both studies have enabled us to understand more clearly and in detail the practices in drawing up contracts of loan in Greco-Roman Egypt; at the same time, however, both studies have managed to reverse the question one is faced with when dealing with loans which contain certain Greek or Demotic circumlocutions referring to contractual interest. The question one has to ask in these cases is not whether

the relevant document is interest-free, but rather, whether interest was added on in advance or had to be calculated later at the time of the repayment.

Although Lewis and Pestman started from opposite directions, the former studying expressions meaning "plus", "in addition" (σύν), the latter dealing with ἄτοκος, a word which includes the a-privans, meaning "without", "-less", both of them were actually dealing with different aspects of the same problem and, quite reasonably, they arrived at almost identical conclusions (see the correspondence of the conclusions above).

Linguistically, the expressions χωρὶς διαφόρου and ἄνευ τόκου, as is obvious, correspond to the word ἄτοκος and I am, therefore, inclined to adopt Pestman's conclusions pertaining to the ἄτοκος loans. My intention here is neither to produce a new theory, which in any case is not necessary since Pestman's conclusions are quite suitable, nor to discuss in detail the expressions χωρὶς διαφόρου and ἄνευ τόκου; I intend merely to refer briefly to the relevant documentation. It is significant to note here that the only other document where ἄνευ τόκου is found makes a strong case in favour of the view that this expression is used in the sense that no more interest has to be added at the time of the repayment, since contractual interest was added on to the capital in advance (see below).

(i) χωρὶς διαφόρου

This expression is very rarely used in loans; the texts show a preference for the opposite σὺν διαφόρῳ in the clause acknowledging receipt, or its equivalents σὺν ἡμιολίῳ and σὺν τόκῳ; for examples, see N. Lewis, art.cit. 128-130 note 14, both in "loans in kind" and

in "loans in money" (διάφορον is used only of interest in kind on loans in kind). Apart from the present document, there is, so far as I was able to discover, only one further loan containing this expression, namely P.Oxy. XII 1474, 14 (216 A.D.), described by the editors as "application concerning a loan". The expression is to be found, as in the present document, in the promise-to-repay clause and reads: ταύτας ἀποδώσιν σοι χωρὶς διαφόρου. In case of arrears, the debtor will have to pay διάφορον ἐξ ἡμισείας (l.18 with note); the amount stated as received is 45 artabae of wheat.

The relevant expression is also found in three more documents which concern acknowledgement of indebtedness for rent, see P.Oxy. XXII 2350 i 21 (223/4 A.D.): ἐπὶ δὲ πάντων χωρὶς διαφόρου (the expression is in the promise-to-repay clause) and also P.Panop. 2, 7-8 (308 A.D.) and 6,8, published by Youtie and Hagedorn in ZPE 7 (1971) 9-12 and 20-21 (= SB XII 10969 and 10973); the editors note in P.Panop. 2,7-9 (p.11) "Unter διάφορον (vgl.auch 6,8) ist hier daher das Wohlbekannte διάφορον φορέτρων zu verstehen". In this category of texts one should also add P.Oxy. XIV 1628, 16 = Sel.Pap. I 40 (73 B.C.) a loan in kind which instead of χωρὶς διαφόρου reads ἀδιάφορον; the editors, Grenfell and Hunt, observe rightly in the note to l.16 that "this word which is new in this context, evidently corresponds to χωρὶς διαφόρου (sc. ἀποδώσειν) in 1474, 14".

Unfortunately, none of these documents contains any information about the exact meaning of the expression χωρὶς διαφόρου and there is no explicit evidence that interest was added on to the principal in advance. The editor of P.Oxy. XXII 2350, however, who translates the expression under discussion "free from interest" is puzzled and

sceptical since "the indebtedness is in respect of a tenure now expired so that the document is in fact a deed of loan" (for this observation cf. BL IV, p.66) and, consequently, "there is no reason why interest is not charged on what is in fact a loan since the repayment is spread over three years" commenting also that "there is no reason to suspect any Jewish influence".

Despite the lack of explicit evidence, I believe that the majority of these documents can be explained according to the ἄτοκος-loans theory of Pestman, namely that interest was added on in advance and that no more interest is to be added on the amounts stated. It is important at this point to see if this theory gains support from the figures of the amounts found in the documents which include the expression χωρὶς διαφόρου. In fact all of them record a figure divisible by three. In our loan (P.Oxy.ined. 10), the amount to be repaid χωρὶς διαφόρου is 13½ art. of wheat; this figure can be analysed into 9 art. (principal) + 4½ art. (50% of the principal) as contractual interest added on in advance. Similar is the picture in P.Oxy. XII 1474, where the amount to be repaid is 45 art. which can be analysed into 30 art. (principal) + 15 art. (contractual interest). Finally, the figures in P.Oxy. XIV 1628 are 7½ art. of κριθή and 7½ art. of φακός, and these could be equal to 5 art. principal and 2½ art. contractual interest.

This kind of analysis of figures is not always safe, since interest could be charged at a lower rate, but it is, at any rate, indicative of the possibility of 50% interest added on in advance.

(ii) ἄνευ τόκου

Apart from P.Oxy.ined 11 this expression is to my knowledge found in only one more document, P.Mich.Inv. 1410, published by J. C. Shelton in

JJP 18 (1974) 157-160 (= SB XIV 11385), who rightly translates "free from additional interest". This document is quite revealing as to the meaning of the expression ἄνευ τόκου and, in fact, supports my suggestion that both this and χωρὶς διαφόρου, having the same meaning, must be explained in the same way as Pestman explained the ἄτοκος loans. In the Michigan text the debtor acknowledges that he has received 46 talents and 4.000 drachmae ἄνευ τόκου; the expression is found in the clause which acknowledges receipt and the borrower states that he will have to pay back the same amount as is stated as received. On the back of the document, however, there is a docket (ll. 24-5) which reads: "capital sum of 35 talents plus 11 talents 4.000 drachmae for eight months interest". It is clear that here the interest was added on to the capital in advance and not, as the editor suggests, "deducted in advance", see Shelton, art.cit. 159 note 24. Furthermore, the editor, surprised by the high rate of interest (50% per annum), suggests that "this is rather a new loan to replace one or more earlier unpaid loans that had been subject to interest in the normal fashion". This is a far-fetched assumption, however, and similar arguments in parallel cases have met in the past with severe criticism, see e.g. Pestman, JJP 16-17 (1971) 26 note 77 and N. Lewis, TAPhA 76 (1945) 130-135.

* * *

When one comes to discuss the question of contractual interest in P.Oxy.ined. 12, it is impossible to reach a clear conclusion: there is no mention at all of contractual interest, whereas, although there is a reference to overtime interest, the rate is unknown and stated as τόκον τὸ<ν> σταθέντα πρὸς ἀλλήλους (ll. 15-16), i.e. "interest fixed between us", see note to P.Oxy.ined. 11, ll. 14-17. It is evident,

therefore, that no concrete conclusions can be drawn. Each of the following three assumptions could be right:

(a) the loan bears no interest at all (interest-free).

(b) interest has already been added on to the principal and, therefore, the amount stated as received consists of principal plus interest.

(c) the amount stated is only the principal; interest is going to be charged in addition to the principal at the time of the repayment.

In view of the above discussion, as well as the discussions by Lewis and Pestman, I would suggest as most probable the second explanation, which seems to be the most frequent practice in loans. The absence of an expression similar to those discussed above does not necessarily exclude the possibility of interest having been added on in advance.

13. DONATION TO A HOSPITAL

54 IB.25(B)/A(1)a

11.00 cm x 30.00 cm

After the middle of VI A.D.

(19 September 555 A.D. or
18 September 600 A.D.)

This single, rather long and light brown sheet of papyrus contains one document on the front. All four sides of the papyrus are preserved in a perfect condition, except for the top, which has been broken off unevenly; the missing section of the sheet comprised originally the regnal formula, which, as is normal in the Byzantine period, is expected in the opening part of the document (see discussion below). There are no margins on either side of the papyrus and the script runs almost from edge to edge, see esp. ll. 6, 7, 10, 12, 17 etc. At the bottom of the sheet, there is a blank of ca.3.00 cm. before an illegible notarial countersignature; also at this part of the papyrus, on the right hand side, there is a well marked incision, which extends vertically for ca. 5.00 cm and reduces the width of the sheet to ca. 10.2 cm.

A number of small holes are located mainly along a discernible vertical line at the left-of-centre on the front, which, apparently, is to be taken as a vertical crease of the papyrus. Furthermore, two horizontal creases are easy to distinguish on the back of the sheet which appear to have affected also the front, as a number of fibres have been either removed or lost, see end of l.8; elsewhere the script has been abraded and damaged due to small holes, see l.26 and note. A careful examination and calculation of the distance between the creases shows that the papyrus was first folded vertically about 4.00 cm in from the left hand margin and then twice horizontally, which appears to have divided the sheet into approximate thirds.

The sections which are shown by the horizontal creases measure upwards as follows: the lower 11.00 cm, the middle 13.5 cm and the upper one 5.5 cm in its present state. It is very reasonable, therefore, to assume, on the basis of this information, that the length of the missing part at the top ranged between 4.5 cm and 7.5 cm, and this is enough room to accommodate half a dozen lines; for the importance of this assumption, see the discussion on the date.

The existence of brown and dark brown patches on both sides - some of them large - implies careless processing and polishing and speak of the poor quality of the papyrus used; this is very common from the 3rd century A.D. onwards, cf. introd. to P.Oxy.ined. 11. The back contains the title of the document.

The writing runs parallel to the fibres on both sides of the sheet; no less than four different hands can be distinguished with certainty.

The first, responsible for the body of the document, is a large and clear semi-cursive script; the letters present a great irregularity in size and they are, on the whole, bold and easy to read. Some letters are very prominent, notably the epsilon, see e.g. ὑπερφυεστάτῳ (1.6), δεσπότῃ (1.12) and ἔθους (1.23), and cf. the rounded one in e.g. Λευκαδίου (1.17), ἔσχον (1.19) etc. The letters phi and the huge kappa regularly also stretch above the line.

There are few ligatures, mainly in words where the letters alpha and epsilon are followed by an iota; on the whole, however, the letters are formed independently from each other. Finally, it is worth noting that the letters epsilon, eta and mu appear in two different forms, throughout the document; for the eta a good example is ἐπληρώθην in 1.22. The most common and evident feature of this script is the big

letters at the beginning of the line (especially the first letter); the writing tends to get smaller and run downwards at the right, see esp. ll. 10, 12, 17 and 25.

The grammar and syntax with long and complicated clauses (see e.g. ll. 4-18), as well as the elaborate style and the rather pompous expressions, is typical of texts of the late Byzantine period. There are a few minor phonological errors in ll. 10, 13, 14, and 20.

The first hand is a rather careful, slow, but also unskilled one; the scribe avoids systematically the division of words at the end of the line and for this very reason the end of the line is either left blank - sometimes of surprising width - (see ll. 5, 9, 13, 19, 21, and 27) or overcrowded, such as in ll. 10, 12, 17 and 25.

The second hand is cursive with small letters; some of them present a slight irregularity in size, note especially the kappa in ll. 33 (οἰκονόμος) and 34 (νοσοκομίο(υ)); in lines 35-37 this hand degenerates into a tiny and very rapid cursive, which in some parts is difficult to read.

A notarial subscription in Latin appears at the bottom of the papyrus in an extremely cursive third hand. The hand seems to be skilled and fluent, but, as has been frequently the case with these notarial countersignatures, the writing after Iosef has resisted decipherment. As the same name (Ἰωσήφ) occurs both in the signature of approval (l.36) and the notarial countersignature, one might assume that the two scripts are due to the same writer who employed different styles on different occasions, cf. Stud.Pal. XVII, 1-8 and P.Oxy. XVI 1881, note to l.24. In the present instance, however, the style of the script in the countersignature has not the slightest resemblance to the second hand; also the paler ink of the countersignature confirms that this is another hand; for further discussion, see note to l.38.

Finally, a different hand is responsible for the title on the back.

The document is a receipt from a hospital called Leukadiou (see note to ll. 16-17) for 7 artabae of wheat, as an offering "according to the custom" (l.23: ἐξ ἔθους προσφοράν, see below and note ad loc.) paid for the 4th indiction. It is addressed to a certain Flavius Apion "landholder here also in the illustrious city of the Oxyrhynchites" (ll. 4-9), who, according to the formula of titles, is likely to have been either Apion II or, more probably, Apion III (see below and note to ll. 4-9); the landlord is represented by the agent of the oikos answering to the name Menas, see note to ll. 9-11.

The final statement of Maura, the stewardess of the hospital, that Anoup, who delivered the donation, was notary of "our honourable house" (ll. 29-30) suggests that she herself was in the service of the Apion family and also that the hospital, as a charitable institution, might have been under the protection and control of this family, see note to l. 30.

Although the present document has very little to add to our knowledge about donations in general, it is of some importance, because:

(i) it mentions a new hospital called Leukadiou; this institution takes its name either from a church which was in charge, as frequently is the case with charitable institutions in this period, or, more likely, from the name of the locality where it was established, see note to ll. 16-17;

(ii) it records the only case, as far as I know, of a woman being oikonomos in a church or charitable institution; and

(iii) it is the second fully published document to record acknowledgement of receipt of a donation; the only similar text and also close parallel is P.Oxy. XVI 1898 (587 A.D.) = Pap.Primer^2, No. 70, a receipt for a donation made to the hospital of Abbot Elias; cf. also P.Oxy. XVI 1993, a document of the same type which is merely published in description.

Donations in the sense of voluntary contributions made to individual churches, monasteries or charitable institutions are well represented in the papyri of the Byzantine period, especially those from the sixth century A.D.; abundant information emerges chiefly from the documents of the Apion family who made gifts to the various churches found on their estate, which were probably of a private character. These donations, very often in kind - especially corn, wine, oil - but also sometimes in money, appear to have been the only source of income for the churches, which also had to meet expenses of a philanthropic kind and to keep up hospitals and other charitable institutions; for a detailed discussion on the matter, see E. R. Hardy, The Large Estates 140-145 and, especially, E. Wipszycka, Les Ressources 64-92 with a special treatment of the relevant documents relating to the Apion family.

The main point of dispute between the two scholars has to do with the interpretation of the nature and character of the donations made by the big landowners and, especially, those of the Apion family. Hardy argues that "the donations were in lieu of ecclesiastical dues normally paid to the village church" and concludes with the observation that "these payments were a charge on the land rather than a donation by the landowner", op.cit. 141. Wipszycka, on the contrary, after a detailed discussion of all the texts cited in Hardy (op.cit. 83-85), observes that none of those texts proves his argument and adds

that "le monde byzantine, à la difference du moyen âge occidental, n'a pas connu de taxes ecclésiastiques" (p.84) and she concludes that: "les offrandes des grandes proprietaires étaient plutôt des subventions, dont l'importance et le frequence étaient reglées par la coutume et le bon plaisir des propriétaires eux-mêmes" (p.85). As to the motives for the donations made to charitable institutions, as in the present document, the big landowners "les faisaient par piété ou pour des raisons de prestige" (op.cit. 85).

When the pious donations are given a definite name, then the word used is προcφορά, which is employed either on its own or, very often, in the expanded form ἁγία προcφορά or, very rarely, as in the present text, in the expression ἐξ ἔθουc προcφορά (vel sim.), see note to l.23. It is uncertain, however, whether these three formulaic occurrences indicate any substantial difference in the character and the purpose of the offering in each individual document.

The word προcφορά was not first coined in the Byzantine period; it already existed in the Roman period and it was used in the texts of that period in the sense of a gift of real property in a marriage settlement and the like; for examples see WB sv 1. Later, in the Byzantine texts, it came to have a technical meaning acquired from its liturgical use in a purely Christian context, indicating (i) a mass or other requiem office for the dead, (ii) the mass itself or the eucharist, and (iii) an offering made to a church or monastery for a mass, see P.Oxy. XVI 1898, note to l.23, E. R. Hardy, op.cit. 143 and E. Wipszycka, op.cit. 65; also cf. J. D. Thomas, Bibl.Orient. 31 (1974) 159, where, commenting on the meaning of προcφορά as explained by Wipszycka, he suggests that "the development must surely be from a basic meaning of offering to that of offering made for a mass, and

finally to that of the mass itself".

In connection with the discussion on the meanings of the word προσφορά, one must note that in the present document, as well as in P.Oxy. XVI 1898 and all the relevant texts where the donation is made to a charitable institution, the word προσφορά cannot be classified directly and without question under any of the above mentioned categories, but it has to be interpreted as a donation for purely pious and philanthropic purposes distinct from the donations made to churches or monasteries for the purpose of masses for the dead, etc. In other words the προσφορά in this type of text has no connection with the mass and other requiem offices and is used in the sense of a gift made to a charitable institution, perhaps, in lieu of the mass or the eucharist ; at any rate, it is certain at least that none of the texts which record such a type of donation mentions or hints at the purpose of the offering or the motives of the person who makes the offering.

Finally, although it is difficult to define strictly the sense in which the term προσφορά is used in the various types of documents, we may be rather confident that in at least the wills the word is used only in the sense of offering made for a mass or the mass itself, unless otherwise stated, see e.g. P.Cair. Masp.I 67003, 21 (567 A.D., see BL I, p.241), P.Oxy. XVI 1901, 50, 52 (VI A.D.), P.Lond. I 77, 57 (VII A.D.), P.Cair. Masp. III 67312, 76 (567 A.D.).

A good many documents mentioning the term προσφορά are to be found in E. Wipszycka, op.cit. 78 ff.; add also: P.Wash. Univ. I 56, 13, 16, 17-18 (V/VI A.D.), P. Köln III 111, 12 (V/VI A.D.), SB XVI/2 12574, 6 (VI A.D.) = ZPE 33 (1979) 289, 5; SB XVI/1 12474, 10 (VI/VII A.D.) = JOEByz. 28 (1979) 25, 2; P. Köln III 165, 9 (VI/VII A.D.) and SB XVI/1 12433 = IFAO, Livre du Centenaire 1880-1980, p.327 (a re-edition of O.Amst.91).

A final remark: E. Wipszycka in her discussion on the customary donations (ἐξ ἔθους or κατὰ τὸ ἔθος προσφορά) includes the following three texts: P.Oxy. XVI 1913, 8 and 2024, 5-6, 21, and P.Oxy. XXVII 2480, 31, 44 (op.cit. 81, 83-84); now although these texts hint at offerings of the Apion family to churches and monasteries, which were founded on their estates, the word προσφορά itself is not recorded in any of the three documents. That they refer to προσφορά, however, is very questionable as P.Oxy. XVI 2024, 5-6 at any rate shows; there the text reads: ἀναλ(ώματος) εἰς τὴν ἁγί(αν) ἐκκλ(ησίαν) Νήσου Λευκαδίου κτλ., while the following entries which refer to the same ἐποίκιον record payments made to the phrontistes of the village and a φυλλάτ(ης?) πύργων. It is very uncertain, therefore, whether donations are implied here in the senses given above or whether the entries concern expenditure of a different nature.

The chief problem of the present text, which needs a special treatment, is that it lacks an exact date, as a result of the mutilation at the top of the sheet; what remains from the dating clause, which was located originally at this part of the document, is the month date of Thoth 21 (18 (19) September) (ll.1-3, note) of a fourth indiction (ll. 2-3 and 24-25). It is evident that the remains of the dating clause as such are not of much help; an approximate date, however, can be arrived at, because the person addressed is a Flavius Apion (ll. 4-6), no doubt, one of the Apions of the well-known family of the large landowners in Oxyrhynchus and other nomes of Egypt; for a detailed treatment of the genealogical tree, the career of the various members of the family - both as high rank officials and as landowners - along with their order of succession as heads of the family, which is still partly conjectural, see P.Oxy. XVI 1829, note to l. 24, Hardy, op.cit. 25-38

and the most recent discussion by J. Gascou, Les Grands Domaines 61-75.

According to the generally accepted view three different persons - heads of the said family - are to be classed under the name of Apion in the period between 489 or 492 A.D. until ca. 623 A.D., see the family tree in J. Gascou, op.cit. 69; for the purpose of distinguishing them these individuals have been classified as Apion I, II and III. It is evident, therefore, that in the present instance two interconnected questions need to be answered: (i) which of the three is the Flavius Apion mentioned in our text, and (ii) what year(s) can be established for the fourth indiction within the chronological limits set by a possible identification of our Flavius Apion.

It is, indeed, very unfortunate that the text itself is very short of information about the Apion in question and also lacking any concrete historical evidence or clues; inevitably, therefore, the discussion must concentrate chiefly on the titles given in ll. 4-6 (τῷ πανευφήμῳ καὶ ὑπερφυστάτῳ ὑπάτῳ) in comparison with the respective formula of titles of all three Apions and its development.

A preliminary observation would be that the formula recorded in our text is without an exact parallel, but bears many similarities with well-known ones, from different historical stages, namely formulae referring to Apion II and Apion III.

First of all it is beyond any doubt that the person in question is not Apion I (he is first mentioned before 489 or 492 A.D.; he died between 524 and 532 A.D.). This rejection can be justified in various ways, but the principal reason is that, so far as is known, no document exists which is certainly addressed to him as landowner in Oxyrhynchus

or any other nome; furthermore, his titles do not correspond to the present ones, cf. P.Oxy. XVI 1886, 1 (end of Vth or beginning of the VIth century A.D.); for a detailed description of his career and the posts he held, see J. Gascou, op.cit. 61-65.

Apion II is very well illustrated in the papyri (he is first recorded before 539 A.D.; he died between 577 and 579 A.D.); for his career, see J. Gascou, op.cit. 65-66, with a list of all the relevant documents in p.65 note 368; now add P.Oxy. LI 3641 (544 A.D.). He became consul ordinarius in 539 A.D., but he is addressed in person for the first time in a document of 543 A.D. (P.Oxy. XVI 1985, 2); his latest attestation while still alive is in 577 A.D. (P.Oxy. XVI 1896, 5-6).

The formula used to address Apion II, as illustrated in the relevant documents, presents a certain development; from a chronological point of view, three basic stages are easy to distinguish:

A: In the years 543 A.D. and 544 A.D. he is addressed as:

Φλαουίῳ Ἀπίωνι τῷ ὑπερφυεστάτῳ ὑπάτῳ ὀρδιναρίῳ κτλ.

(P.Oxy. XVI 1985, 2 and LI 3641, 3)

B: From 550 A.D. onwards formula A is expanded with the addition of τῷ πανευφήμῳ before ὑπερφυεστάτῳ and becomes:

Φλαουίῳ Ἀπίωνι τῷ πανευφήμῳ καὶ ὑπερφυεστάτῳ ἀπὸ ὑπάτων ὀρδιναρίων κτλ., see P.Oxy. I 133, 4 (550 A.D., cf. BL VII, p.128) and P.Lond. III 776, 1-2 (552 A.D.) (p.278). To this stage of the formula, perhaps, also belongs P.Oxy. XVI 1915, 2 (555/6 A.D.) which is damaged and the editor reads:

τ...[...]ρ[...] τῷ ὑπερφυεστ(άτῳ) ὑπάτῳ ὀρδιναρ(ίῳ) Ἀπίωνος;

although a photograph was not available to me, I would tentatively suggest the restoration τῷ πα[νευ]φ[ήμῳ] καὶ ὑπερφυεστ(άτῳ), since

the proposed word suits exactly the estimated number of missing letters and also a misreading of a rho instead of a phi is very likely; finally, what looked like a tau to the editor could be the final part of a kappa followed by a cursive alpha-iota.

C: With the exception of P.Princ. II 96, 77 (566/7 A.D.) all documents from 566 A.D. onwards include the title patricius after ὀρδιναρίων of formula B and, accordingly, read φλ. Ἀπίωνι τῷ πανευφ. καὶ ὑπερφ. ἀπὸ ὑπάτων ὀρδιν. καὶ πατρικίῳ; see PSI VI 709 (πανεύφημος omitted, 566 A.D.), P.Lond. III 775, 4-5 (567 A.D.) (p.279), P.Lond. III 778, 4-5 (p.280) (568 A.D., cf. Bagnall-Worp, CSBE 58 note 31), P.Oxy. I 134, 6-7 (569 A.D.), SB XII 11079, 5-6 (= P.Vars. 30) (571 A.D.), PSI I 58, 3 (before 574 A.D., see BL I, p.390) and P.Oxy. XVI 1896, 5-6 (577 A.D.).

P.Oxy. XVI 2019 (cf. BL III, p.140) and XVIII 2204 (both from VI A.D.) lack an exact date and record an unusual formula which does not conform to any of the above categories, cf. J. Gascou, op.cit. 65 note 367.

A very similar picture is presented by the development of the formula of titles ascribed to Apion III (from before 587 - after 623 A.D.) who is also very well represented in the papyri from Oxyrhynchus, see J. Gascou, op.cit. 70 with a list of the relevant texts in note 387.

The development of the formula also presents three stages (henceforth called A(2), B(2) and C(2)):

A(2): In 593 A.D. (P.Oxy. XVIII 2202, 5-6; cf. BL VII, p.146) Apion III is addressed as: φλαουίῳ Ἀπίωνι τῷ πανευφήμῳ ἀπὸ ὑπάτων; no information can be derived from P.Lond. III 779 (593 A.D.), because it is merely described.

B(2): In the texts from 595 A.D. to 602 A.D. the formula is, without exception, identical to that in B of Apion II, except for the omission of the title ordinarius; see PSI I 60, 6-7 (595 A.D.), P.Oxy. XXVII 2478, 4 (595 A.D.,) see BL V, p.82), PSI I 59, 4 (596 A.D., see BL I, p.390) and PSI III 179, 6-8 (602 A.D.).

C(2): From 609 A.D. formula B(2) is expanded with the addition of the title patricius and, consequently, comes to be very similar to formula C of Apion II; the title ordinarius, however, is once more omitted; see PSI I 61, 5-6 (609 A.D.), P.Oxy. I 138, 5 = Sel.Pap.I 24 (610/11 A.D.), P.Oxy. XXIV 2420, 4 (611 A.D., cf. BL VII, p.150), P.Oxy. XVI 1981, 7 (612 A.D.), P.Oxy. I 139, 6 = Sel.Pap. I 25 (612 A.D.), PSI I 62, 5-6 (613 A.D., see BL I, p. 390) and P.Iand. III 49, 7-8 (619 A.D.); P.Oxy. XVI 1979, 5 (614 A.D.) includes the title patricius, but omits the adjectives πανεύφημος and ὑπερφυέστατος.

We must stress at this point that all the above documents which refer to Apion III, as a rule omit the word ὀρδιναρίων after ὑπάτων, and this suggests, perhaps, that our text, which also lacks this title, is more likely to be assigned to Apion III than Apion II.

It emerges from the preceding discussion that the person mentioned in the present text could be either of the two Apions (II or III), if one is to judge from the formula of titles alone, since they present a parallel, if not almost identical, picture. From 539 A.D. to 577 A.D. (Apion II) and from 587 A.D. to 619 A.D. (Apion III) a fourth indiction occurs five times, that is in 540 A.D., 555 A.D. and 570 A.D. for Apion II, and in 600 A.D. and 615 A.D. for Apion III.

The formula recorded in our text, however, although not identical

(see note to 11.4-6), can be compared only with the types B (Apion II) and B(2) (Apion III); the possibility of a date in 570 A.D. or 615 A.D. must be abandoned on the grounds that our formula omits the title patricius which is included in all texts of those dates (types: C and C(2)); also a date in 540 A.D. (Apion II) has to be rejected as there is no document as early as this addressed to Apion II. Consequently, we are left with two possible dates, that is 555 A.D. or 600 A.D.; the latter seems to be more likely, since at that date documents from Oxyrhynchus may be expected to conclude their dating formula with a specific reference to the year of Mauricius's postconsulatum; if this is the case with our document, the year ιη of this postconsulatum is to be expected before the month date in 1.2 and, indeed, the traces before θ[ώ]θ could be interpreted rather convincingly as the concluding part of an eta, see note to 1.2.

To sum up: since our document is lacking an exact date due to the mutilation of the upper part of the papyrus, I have tried to establish a more or less precise date by comparing the formula used to address the Apion recorded in our text with the respective ones of the various Apions of the well-known family of landowners. Accordingly, it has been shown that the Apion mentioned in the present document could be either Apion II or Apion III - the latter being more likely - and I concluded by elimination that, taking into account the occurrence of a fourth indiction, there are two possible dates: 555 A.D. (Apion II) and 600 A.D. (Apion III). The latter date seems to be more plausible, because: (i) the formula of Apion III is closer in this period to that recorded in our text, and (ii) the traces in 1.2 before the month date can be interpreted convincingly as part of a numeral

corresponding to the 18th year of Mauricius' postconsulatum and this is the equivalent of the year 600 A.D. (see further on this and its complications the note to 1.2).

[ca.6] . [...] .. [....]

[ca.5] . θ[ὼ]θ κ̅α̅ [ἰ]νδ(ικτίωνος)

[<vacat> τ]ετάρτης. <vacat>

Φλ[αουίῳ] Ἀπίωνι τῷ

5 πανευφήμῳ καὶ

ὑπερφυεστάτῳ ὑπάτῳ

γεουχοῦντι καὶ ἐνταῦθα

τῇ λαμπρᾷ Ὀξυρυγχ(ιτῶν)

πόλει διὰ Μηνᾶ

10 ο[ἰ]κέτου τοῦ ἐπερωτῶντος

καὶ προσπορίζοντος

τῷ ἰδίῳ δεσπότῃ τῷ αὐτῷ

πανευφήμῳ ἀνδρὶ

τὴν ἀγωγὴν καὶ [[εχ]]

15 ἐνοχήν, τὸ εὐαγὲς

νοσοκομῖον τὸ καλούμ(ενον)

Λευκαδίου δι' ἐμοῦ Μαύρας

τῆς ἐν αὐτῷ οἰκονόμου.

ἔσχον ἐγὼ ἡ αὐτὴ

20 Μαύρα παρὰ τῆς ὑμῶν

ὑπερφυείας καὶ

ἐπληρώθην τὴν

ἐξ ἔθους προσφορὰν

καὶ ὑπὲρ τῆς παρούσης

25 τετάρτης ἰνδ(ικτίωνος) πρὸς ἅπαξ

σίτου ἀρτ<άβ>ας ἑπτά, γί(νονται) σί(του)

(ἀρτάβαι) ζ̅, δοθείσας μοι

διὰ τοῦ εὐδοκειμωτάτου

Ἀνούπ, νοταρίου τοῦ

ἐνδόξου ἡμῶν οἴκου.

κυρία ἡ ἀπόδειξεις ἁπλ(ῆ)

γραφ(εῖσα) καὶ ἐπερ(ωτηθεῖσα) ὡμολ(όγησα).

(m.2)✠ ἐγὼ Μαύρα οἰκονόμος

τοῦ νοσοκομίο(υ) Λευκαδίο(υ)

στοιχεῖ μοι ἡ παροῦσα ἀποδειξ(ις)

ὡς πρόκ(ειται). Ἰωσὴφ ἔγρ(αψα) (ὑπὲρ) αὐτῆς

ἀγραμμ(άτου) οὔσης.

(m.3?) ✠ di' emu Iosef ... th(e)

Back, along the fibres:

(m.4)✠ ἀπόδ]ε[ιξ](ις) τοῦ νοσοκομ(είου) καλουμ(ένου)

Λευκαδίου διὰ Μαύρας οἰκονόμου

σί(του) (ἀρτάβαι) ζ.

2 [ι]νδ// 6 ὑπερφὑεστατωὑπατω 8 οξυρυγχ/

10 επερωτονῖο, l. ἐπερωτῶντος 12 ὑδιω, αυτ^ω 13 δ corrected from τ in ἀνδρί, see note 14 εχ erased, see note

16 l. νοσοκομεῖον; καλουμ/ 20 ὑμων, υ corrected from η?, see note.

21 ὑπερφὑειας 24 ὑπερ 25 ὑνδ//

26 γι/σι/ 27 ζ 28 ευδοκειμωτατο^ε, l. εὐδοκιμωτάτου

30 οικο^ν, see note 31 l. ἀπόδειξις; απλ//

32 γραφ/καιεπερ/ωμολ/ 34 νοσοκομιο^ν, l. νοσοκομείο(υ); λευκαδιο^ν

35 αποδειξ 36 προκ//ὑωσηφεγρ/Χαυτης; η corrected from ο in αὐτῆς

37 αγραμμ/ 39 αποδ]ε[ιξ]/(?), see note; νοσοκομ/ καλουμ/ λευκαδιο^ν, see note; 40 perhaps σι/ζ

'..., Thoth 21, of the fourth indiction.'

'To Flavius Apion, the all-honoured and most excellent consul landowner here also in the illustrious city of the Oxyrhynchites, through Menas, oiketes, putting the question and providing for his own master, the same all-honoured man, the liability and responsibility, the sacred hospital called Leukadiou through me, Maura, its stewardess. I, the said Maura, received from your magnificence and was paid in full the customary offering of seven artabae of corn also for the present fourth indiction once for all, total 7 artabae of corn, delivered to me by Anoup, the most honoured notary of our honourable house. The receipt, issued in a single copy, is enforceable and in reply to the formal question I gave my assent.'

(2nd hand) 'I, Maura, stewardess of the hospital Leukadiou; the present receipt satisfies me as aforesaid. I, Joseph, wrote on her behalf, because she is illiterate.'

(3rd hand?) '.....through me, Joseph.'

(4th hand) 'Receipt from the hospital called Leukadiou through Maura the stewardess for 7 artabae of corn.'

NOTES

1-3 All that remains from the dating clause is the month date and the indiction; the traces above Θ[ὰ]θ in 1.2 are too poor to be of any help for restoration.

The trace in 1.2 before the first theta of the month is the rounded right part of a letter, whose lower part turning to the right touches the upper part of an epsilon from 1.3 (τ]ετάρτης). Above these remains in 1.2 there seems to be very faint traces, which could be interpreted as the final part of a horizontal dash; in such a case the letter in 1.2 would be part of an eta and the horizontal stroke above would indicate a numeral; for the resemblance of the remnants to an eta, cf. τῇ (1.8), δεσπότῃ (1.12) and ἡ αὐτή (1.19).

In the introduction we suggested by process of elimination that the most likely dates for the present document are 555 A.D. or 600 A.D. Now, the possibility of an eta in 1.2 is supported by the second date as it coincides with the eighteenth year of the postconsulatum of Mauricius, see Bagnall-Worp, CSBE 91, and in the relevant documents we expect it to be indicated just before the month date; in such a case a possible restoration in 1.2 would be ἔτους ι]η and this is consonant with the estimated number of missing letters in that line.

It is worth noting at this point that if the reading ι]η is right, then the count of Mauricius' postconsulatum in our text is carried on by reckoning the consulatum itself (583 A.D.) as year 1; only according to this method, which is sometimes referred to as the Modus Victorianus or "new style" and is used from 541 A.D. onwards, it is possible for the fourth indiction to be in concordance with the eighteenth year of Mauricius' postconsulatum. Mauricius became consul on December 25, 583 A.D. and according to the above method, only the remaining five days of December are reckoned as year 1 of the consulatum; see further

on this matter, Bagnall-Worp, CSBE 88 note 1 and 91 note 1.

On the other hand, Thoth 21st in 555 A.D. corresponds to September 19 (not 18) of the Julian calendar, because 555 A.D. was a leap year; according to Bagnall-Worp, ibid. 93-94, leap year equivalents are valid from 30.viii of the year which precedes years divisible by four until 29.ii of the following one, in our case from 30 August 555 A.D. until 29 February 556 A.D.

As was already noted in the introduction and is supported by the estimated number of missing letters on the back, the lost part of the sheet seems to have been of considerable length; therefore, it is possible that the missing dating clause was rather long, covering, perhaps, not less than half a dozen lines.

The relevant formula both in 555 A.D. and in 600 A.D. appears to be suitable for this. In 555 A.D. the dating formula would run: βασιλείας τοῦ θειοτάτου καὶ εὐσεβεστάτου ἡμῶν δεσπότου Φλαουίου Ἰουστινιανοῦ τοῦ Αἰωνίου Αὐγούστου καὶ αὐτοκράτορος ἔτους κθ, τοῖς τὸ ιε μετὰ τὴν ὑπατείαν Φλαουίου Βασιλείου τοῦ λαμπροτάτου, κτλ. (with many abbreviations), see Bagnall-Worp, RFBE 46; for the concordance of the regnal and postconsular year, see id., CSBE 89.

Correspondingly, in 600 A.D. the formula would be: βασιλείας τοῦ θειοτάτου καὶ εὐσεβεστάτου ἡμῶν δεσπότου μεγίστου εὐεργέτου Φλ. Τιβερίου Μαυρικίου (or Μαυρικίου [Νέου] Τιβερίου) τοῦ αἰωνίου Αὐγούστου (καὶ) αὐτοκράτορος ἔτους ιθ, ὑπατείας τοῦ αὐτοῦ εὐσεβεστάτου ἡμῶν δεσπότου ἔτους υη, κτλ. (with many abbreviations) see, Bagnall-Worp, RFBE 58-59 and id., CSBE 91.

2 κᾱ: the remains at the edge of the gap are very poor, but they seem to suit only the initial curved stroke of a rather flat alpha, such as in καί (ll.5,7); also note there the immense difference in the

size of the two relevant letters and the position of the alpha at the same level as the angle of the two oblique strokes of kappa.

3 τ]ετάρτης: for the remains of the epsilon, see note to l.1.

The word must have been centralized in the line with equal blanks left on either side; this is a common practice with the writing of the indiction number and the month date in the dating formula of Byzantine documents, see e.g. P.Oxy. XVI 1898,6; 1961, 3; 1966,2 etc.

4-6 The formula of titles both for Apion II and Apion III, as a rule, after ὑπερφυεστάτῳ reads ὑπάτῳ ὀρδιναρίῳ or ἀπὸ ὑπάτων ὀρδιναρίων or merely ἀπὸ ὑπάτων, cf. introduction, especially types B and B(2). ὑπερφυεστάτῳ: according to LSJ sv, this adjective is "frequently also joined with other adjs., in which case, as a rule, it stands second".

7 γεουχοῦντι καὶ ἐνταῦθα: this formula, which, as a rule, is found in all Oxyrhynchite documents of the Apion family after 543 A.D. (first found in P.Oxy. XVI 1985) signifies that the family possessed land not only in Oxyrhynchus, but also in other nomes; for the size and the extent of their estate, see Hardy, op.cit. 81-82, Johnson - West, Byzantine Egypt 50-55 and J. Gascou, op.cit. 73.

8-9 τῇ λαμπρᾷ...πόλει: for the titulature of the city, see D. Hagedorn, ZPE 13 (1973) 277-292, esp. 289-291.

9-15 διὰ Μηνᾶ ο[ἰ]κέτου...ἐνοχήν: the formula is regular in private documents of the Apion family; Menas, always with the status of oiketes, is mentioned in the papyri for almost a whole century (523 A.D. to 619 A.D.). As it is evident that all documents do not refer to the same person, it has been assumed that:

(i) either the post was transmitted hereditarily to members of the same

family (the followers of this interpretation believe that Menas in each case was a free servant), or

(ii) the post was granted to different individuals who also took the name Menas or who, by chance, already had that name (according to this version, Menas was a slave), see P.Oxy. XVI 1829 note to l.24, Hardy, op.cit. 83-85 and I. F. Fikhman, Akten XIII Int.Pap. 120.

As the status of Menas (free or slave) is not yet unanimously agreed by scholars and the evidence is inconclusive, in my translation I have preferred to maintain the original Greek term oiketes. I quote here some of the translations or interpretations adopted by various scholars:

- servant: all publications of P.Oxy. and Hardy, op.cit. 84.
- slave who represents his master(s), see L. Wenger, Die Stellvertretung 261-267.
- headwatchman: H. Maclennan, Oxyrhynchus 70
- agent: Johnson - West, op.cit. 63.
- superintendent (or steward): D. Bonneau, Proceed. XII Int. Congr. Pap. 55

See further on this matter, Pap.Flor. VII (= Miscell.Pap.) 71-72 note to l.4.

10-15 ο[ἰ]κέτου...ἐνοχήν: this formula of a legal nature derives from Justinian's constitution and occurs in a large number of contracts of the late Byzantine period; R. Taubenschlag regards them as contracts made by slaves on behalf of their master, The Law^2 91.

10 τοῦ ἐπερωτῶντος: stipulantis, see note to l.32.

11-15 προσπορίζοντος...ἐνοχήν: LSJ sv προσπορίζω quotes the expression and translates "acquire for one the actio and obligatio of the transaction".

12-13 τῷ ἰδίῳ δεσπότῃ...ἀνδρί: sc. Φλαουίῳ Ἀτίωνι. The formula is called adscriptio; according to Taubenschlag it was added in the late Byzantine contracts to indicate whose slave the contractor is (op.cit. 91).

ἀνδρί: delta is corrected from a tau which has not been erased: the interchange of δ>τ in this word is very frequent (e.g. P. Rein. I 43, 9-10 and BGU II 598, 12), see Gignac, Grammar I 81.

14-15 ἀγωγήν...ἐνοχήν: ἀγωγή (actio) refers to the rights or claims one is entitled to set up as plaintiff and ἐνοχή (obligatio) to the obligations that are incumbent upon him to fulfil in case of initiation of a civil suit, see L. Wenger, op.cit. 262.

[[εχ]]: the two letters are rather carefully erased; contrast ἀνδρί in l.13; chi is an error for nu of ἐνοχήν in the next line, but the writer decided, perhaps, that there was not enough free room to insert the word fully; cf. introduction for word division in this text.

15-16 τὸ εὐαγὲς νοσοκομῖον: the same formula in SB I 4668,4; 4869,3 and P.Amh. II 154,1,8; the adjective εὐαγής which is attested in documents from the sixth century A.D. onwards is used in a religious sense and is part of the Christian phraseology introduced in the Byzantine era; besides νοσοκομεῖον, the adjective εὐαγής is frequently used with reference to μονή or μοναστήριον and κλῆρος, see WB sv Abs. 21 and SPOGLIO sv.

The establishment and upkeep of hospitals and other charitable institutions was part of the philanthropic activity of the church; these institutions were either of a public nature, in the sense that they were under the direct control of the bishop, or they were under the protection and control of a church founded on a private estate, which, no doubt, had a private character. The present hospital seems to fall into the second

category, that is under the supervision and control of the Apion family, cf. following note; see further on the matter, E. Wipszycka, op.cit. 117-118 with a list of all known hospitals.

16-17 τὸ καλούμ(ενον) Λευκαδίου: a hitherto unrecorded hospital. This participial expression is without parallel in the relevant documents and its interpretation is obscure and ambiguous, for Λευκαδίου could be either the name of a Saint, and, therefore of the church which supervised the hospital, or the name of the locality where the hospital was established. Both interpretations can find some justification, but neither is certain, on the basis of the information deriving from the relevant texts:

(a) hospitals named after a Saint or a church are recorded in: P.Oxy. XVI 1898, 19-20 (οἰκονόμος τοῦ ἁγίου νοσοκομίου ἀββᾶ Ἠλία), Stud.Pal. III 47,1 and 314,1 (π(αρὰ) το(ῦ) νοσοκ(ομίου) τοῦ Ἁγίο(υ) Ἀμβ[ᾶ Λ]εοντίου), P.Oxy. XIX 2238, 16ff. (τοῦ νοσοκομίου τῆς αὐτῆς ἁγίας ἐκκλησίας).

(b) hospitals designated according to locality occur in: SB I 4668,4 (τῷ εὐαγεῖ νοσοκομείῳ ταύτης τῆς ἀρσινοϊτῶν πόλεως), SB I 4903, 1-2 (ν]οσοκομῖον [τῆς ἀρσινοειτῶν πόλεως] ἐπὶ λαύρας ψανπαλλίο]υ, see E. Wipszycka, op.cit. 117) and Stud.Pal. X 219,7 (δ(ιὰ) τ(ὸ) νοσοκομῖ(ον) Πτολομαΐδος, l. Πτολεμαΐδος).

(c) varia: SB I 4869,3 (τῷ...νοσοκομίῳ ἐν πεδίῳ), Stud.Pal. VIII 791,1 and 875,2 (εἰ(ς) βο(ρρᾶν) τοῦ μ(εγάλου) νος(οκομίου)).

The first interpretation does not seem to be applicable here for two reasons: (i) from the existing information no Saint or church is known with the name Λευκάδιος, and (ii) the word ἅγιος, which is lacking here, would be expected either before νοσοκομῖον or Λευκαδίου, cf. the quotations above (type a).

Although it cannot be established with certainty, it seems

probable that the hospital under discussion is named after the locality where it was founded. This interpretation, however, also faces problems, as the only comparable name of locality in Oxyrhynchus is the ἐποίκιον or κτῆμα Νήσου Λευκαδίου, which was part of the Apion estate, see e.g. P.Oxy. XVI 1911, 84 and 2025,4,35 and cf. the lists in Johnson-West, op.cit. 50-51; the documents record this locality from the fifth century onwards (P.Princ. II 88,1), see P. Pruneti, I Centri Abitati sv; the name is always recorded as Νήσου Λευκαδίου without variants.

The only other occurrence of a genitive Λευκαδίου is in the expression "μυλαῖον Λευκαδίου", to be found in P.Oxy. XLIII, 3120,3 (310 A.D.), the interpretation of which has been disputed. The editor translates "mill of Leucadius" and lists Λευκάδιος as a personal name, while Pruneti questions the original interpretation and speculates that Λευκάδιος might be the name of a locality, op.cit. sv Λευκαδίου (gen.). Unfortunately, both interpretations are mere assumptions and it is perhaps unlikely that a village which was important enough to have its own hospital, would survive in only two documents, which, besides, are almost three centuries apart.

Leaving aside the ambiguous interpretation of P.Oxy. XLIII 3120,3, I would suggest that the writer had in mind the locality Νῆσος Λευκαδίου. In P.Oxy. XVI 2024,6,21 (end of VI A.D.), which is also connected with the Apion family, an ἁγία ἐκκλησία Νήσου Λευκαδίου is mentioned and it is, perhaps, the church which supervised the present hospital.

17-18 δι' ἐμοῦ Μαύρας...οἰκονόμου: the name Μαύρα is very rare and is found only in three Byzantine documents, namely Stud.Pal. XX 138,2, P.Oxy. XVI 1988, 13 and 2029,10 (see NB sv and ONOMASTICON sv); none of them can be identified with the present stewardess.

The role and the responsibilities of the steward in the administration of the churches (of all types), monasteries and charitable institutions have been discussed exhaustively by E. Wipszycka, op.cit. 125-130, 134-142 and passim. So far as I know, this is the first instance of a woman holding this particular post.

19-21 ἔcχον...ἐπληρώθην: cf. the parallel text P.Oxy. XVI 1898, 21-22: ὁμολογῶ εἰληφέναι...καὶ πεπληρῶcθαι.

20 ὑμῶν: upsilon is a correction; the letter originally written has been deleted very carefully, but there are very slight remains to the left of the upsilon which seem to be the left vertical stroke of an eta.

21-23 In these lines the letters are larger than anywhere else in the papyrus. Ligatures are almost completely absent and the tendency of the writer to shrink the size of the letters at the end of the line is manifest.

23-25 τὴν ἐξ ἔθου̣c προcφοράν...πρὸc ἅπαξ: cf. P.Oxy. XVI 1898, 22-23, τὴν ἁγίαν προcφορὰν τῆc cὺν θ(εῷ) ἕκτηc ἐπινεμ(ήcεωc).

The expression ἐξ ἔθουc προcφορά is very rare in the relevant texts and occurs in only two documents, namely in PSI III 786, 11-12 (τὴν ἐξ ἔθου̣c ἁγίαν προcφοράν), and in PSI I 89, 1-2 (λόγῳ προcφορ(ᾶc) ἐξ ἔθουc καὶ ἐπὶ τῆc θ ἰνδ., see BL I, p.391). E. Wipszycka quotes in this connection a certain number of texts from the Apion archive which include the expression κατὰ τὸ ἔθοc, but not the word προcφορά, and assumes that the latter is to be understood; her assumption, however, is somewhat questionable, cf. my introduction.

It is notable that when donations are mentioned, especially in wills (but also, sometimes, in other documents), the phraseology is

religious and the usual expression is ἁγία προσφορά, see e.g. P.Oxy. XVI 1901,50; 52, Stud.Pal. I 7,26-27, P.Lond. I 77,57 and P.Cair. Masp. 67324,7, cf. l.4; for this observation, cf. Hardy, op.cit. 143 note 3.

24-25 καὶ ὑπὲρ τῆς παρούσης τετάρτης ἰνδ(ικτίωνος): the expression has a two-fold significance; (i) it indicates the period of time for which the donation is made (this is indicated by the preposition ὑπὲρ + τετάρτης ἰνδ.), and (ii) it specifies the frequency of the ἐξ ἔθους προσφορά (this is clarified by the employment of καί).

For the indiction year starting from Pachon 1, see Bagnall-Worp, op.cit. 17-29.

πρὸς ἅπαξ: "once for all"; the expression is very rare and is found, so far as I have discovered, only in Byzantine texts, see e.g. P.Oxy. VIII 1138,12, BGU IV 1020,15 and CPR V 18,12; in the last text the editor prints πρὸς ἅπαξ as one word, but this is incorrect.

26 σίτου ἀρτ<άβ>ας ἑπτά κτλ.: considerable parts of the dotted letters are missing due to holes along the line, and the ink has faded; for the restoration and reading at the end of the line, cf. l.39.

As is the rule with donations κατὰ τὸ ἔθος made by the Apion family, the hospital is receiving the surprisingly modest amount of seven artabae of corn, cf. E. Wipszycka, op.cit. 81-82; also cf. 117-118, where, in discussing the documents recording hospitals, she points out that some of them had their own resources (see Stud.Pal. III 47 and 314, P.Paris p.144 and P.Lond. III 1028 (p.276-277), cf. BL I, p.299 and VII, p.88).

The omission in ἀρτ<άβ>ας is due to haplography.

29-30 τοῦ ἐνδόξου ἡμῶν οἴκου: an expression used exclusively in Oxyrhynchus of the house of the Apions, see P.Oxy. XVI 1844, introd. p.28.

The first person of the pronoun suggests that the stewardess was in the service of the Apion family, which may also imply that the hospital is a private institution controlled by the family, unless we suppose that ἡμῶν is an error for ὑμῶν; the scribe, however, seems to be rather meticulous about the proper use of the pronouns, cf. the correction in 1.20 (ὑμῶν).

οὔκου: rather surprisingly the writer has employed two different methods of abbreviation at the same time: both a horizontal dash above the omicron and an upraised upsilon, of u-form which is unparalleled throughout the text, although there is enough room to complete the word properly.

32 ἐπερ(ωτηθεῖcα) ὡμολ(όγηcα): "interrogata spopondi", see P.Oxy. ined. 9, note to 11.24-25.

35 ἀπόδειξ(ιc): a good deal of fibre after the iota has been removed and the ink of the following letter, perhaps, along with an abbreviation mark appears to have vanished completely; some traces of ink above the eta in 1.36 (αὐτῆc) suggest part of a xi.

38 The handwriting is very cursive and attractive, but the notarial counter signature, as very often in contemporary texts, although surviving in full, is difficult to recover. The expected form is di' emu, name, title (sometimes), verb such as egrafe, esemiothe, etelesthe, eteliothe; however, none of these verbs seems to suit in our case.

Although the same name (Ἰωcήφ) occurs in 1.36, from a palaeographical point of view it is almost impossible to suggest that both signatures were written by the same hand, cf. introduction.

Such transliterated notarial subscriptions were restricted in use to late Byzantine Oxyrhynchus and their very illegibility seems to have been an ingredient in their being "a form of code writing to prove

the authenticity of the document", P.Lugd. Bat. XVII, p.80; for further bibliography, see introd. above.

39-40 The endorsement of the document is preserved in a fairly good condition and can be restored in full; the writing which is found between the two horizontal creases has faded and this implies that this part of the sheet was the external one of the papyrus as once folded. The only missing part of the title is at the beginning; a very faint trace at the upper left part of the tau in the article τοῦ suggests an abbreviation mark and this is also supported by the fact that there is not much room between the surviving upper part of the upraised epsilon and the tau of the article; for the abbreviated word, cf. 1.36.

c̣ι̣(του): the iota and the abbreviation mark are certain; also, cf. 1.26

14. LETTER OF PTOLEMAEUS TO THONIUS

45 5B. 57/C (4-7)a — First half of IV cent. A.D.

4.1 cm x 26.00 cm

This light brown strip of papyrus contains an almost complete text on the front which, on the whole, is preserved in a fairly good condition. Several small holes are scattered over the surface of the sheet; the damage is sometimes crucial, especially in ll. 6-19, and is caused by large holes and small portions of the papyrus which have been torn away. The two creases located along ll. 6 and 19, as well as the darker colour of the papyrus on the back at this part, can only indicate that the portion of the papyrus corresponding to the most affected part of the text was once the external part of the folded sheet. The text, with only one exception, see note to ll. 13-14, is fully recoverable (cf. also ll. 6, with the note, and 19), but it ends quite abruptly, that is without the typical closing formula of salutation addressed to the recipient; this implies that a small portion, perhaps the lowest folding of the sheet, has been broken off, see note to l. 40. An extremely narrow margin is left on the left side and at the top of the sheet, while the script runs to the edge of the papyrus at the right hand side. The width of the sheet shrinks markedly at the bottom where it measures ca. 3.00 cm.

The back contains the address of the letter which is seriously damaged and faded, see note to l. 41.

The writing on both sides runs along the fibres and is produced by the same rather skilled, semi-cursive and attractive hand; on the front it slopes slightly to the right. The letters are of average

size at the beginning with a tendency to become smaller as the text progresses; note the distinctive size of the letters in χαίρειν (l. 5). Some letters vary in form, notably the epsilon (with one or two strokes, see l. 4: ἀδελφῇ ἐν, where both forms are to be found) and the eta (with one stroke, see l. 8: ὁλοκληρεῖν, or two, see l. 3: ἀγαπητῷ; see also the first eta of ἀμελήσης in ll. 23-24 and note ad loc.). It should also be noted that the diphthongs alpha-iota, epsilon-iota and alpha-upsilon are, as a rule, written with a single stroke. A final feature of the script is the prolongation of the lower part of the vertical stroke of letters such as iota, rho and phi.

On palaeographical grounds the script presents many similarities with P.Med. 55 = O. Montevecchi, La Papirologia pl. 82 (307 A.D.), P.Wisc.Inv. No. 74 = Boswinkel - Sijpesteijn, Greek Papyri pl.35 (IV A.D.), PSI IV 311, as reproduced in the dust-cover of Naldini's book, Il Cristianesimo in Egitto (first half of IV A.D.) and P. Abinn. 8 (ca. 346 A.D.).

Like the overwhelming majority of private letters, the present one does not bear a date, at any rate insofar as the surviving part of the letter is concerned. We may be confident, however, that a date in the first half of the fourth century A.D. is very plausible, as is clear from the above parallels. The style and the language of the letter point in the same direction: the elaborate Christian vocabulary, used here so openly, especially in the opening part of the letter, implies the Christian background at least of the sender; it also suggests that at the time the letter was written, Christianity was expanding and that there was no fear of persecution. It would not, therefore, be unreasonable to speculate that the present letter might have been composed some time after the last persecution of the Christians

by Diocletian in 303 A.D. (terminus ante), cf. M. Naldini, Il Cristianesimo in Egitto 34-36 and introd. to no.35.

Ptolemaeus, who is no doubt living in the chora, gives instructions to Thonius, who seems to have been in a city, either in Alexandria or, perhaps more likely, in Oxyrhynchus, as to the purchase of certain goods.

The structure and the content of the present letter can be represented in the following schema:

A. LETTER-OPENING (1-10)

1-5: Opening formula of salutation in the form: A-- to B-- ἀδελφῷ χαίρειν.

6-10: The ὁλοκληρεῖν wish or formula valetudinis.

B. THE BODY OF THE LETTER (10-36)

10-11: Transition to the body of the letter.

12-21 (Order A): Cancellation of purchase (12-16); the reason for cancellation (16-21).

21-29 (Order B): Instructions on the purchase of a πίναξ.

30-36 (Order C): Purchase of other goods

C. LETTER-CLOSING (36 ff.)

36 ff: Concluding part of the letter with the προσαγορεύειν formula in the form: name of the person saluted + verb.

For detailed discussions on the structure of the Greek non-literary papyrus letters, the various formulae employed and the transitional devices involved in the body of the letter, see F. J. Exler, The Form of the Letter and, especially, J. L. White, Form and Function 1-41 and id., SEMEIA 22 (1982) 89-106; an updated list of Greek papyrus letters

is to be found in C. H. Kim, SEMEIA 22 (1982) 107-112.

The instructions for purchase in our text fall into three parts:

A(12-21): this order is complicated and rather obscure mainly due to our lack of knowledge of the background and to a smaller extent because of the uncertainty which surrounds the interpretation of some parts such as καὶ τὰ ἄλλα (ll. 14-15), ἀπετάξατο περὶ αὐτοῦ (ll. 17-19) and the particular synctactical position of ὅτι οὐκ ἐγὼ θέλω (ll. 20-21); see all relevant notes. Uncertain is also the restoration of the word τὸ ἀγ[γ]αρίδιον in ll. 13-14, which seems to have been the key-word in the order.

The purpose of the instructions, so far as one can gather from the relevant part, is to prevent Thonius from buying the ἀγγαρίδιον(?) and other unspecified goods merely described as καὶ τὰ ἄλλα (ll. 14-15), at any rate insofar he had not completed their purchase at the time he received the letter. From what follows in the text (ll. 16-21), it emerges that a third person (ll. 16-17: ὁ γὰρ ἄνθρωπος) was actually interested in the purchase of the ἀγγαρίδιον (?) (and not Ptolemaeus), but for reasons which are not made clear he changed his mind and cancelled the order.

To conclude: the first order is not directly concerned with Ptolemaeus himself, but he rather seems to act as a messenger or an intermediary between Thonius and a third person.

B(21-29): apart from the problem of the exact interpretation of the word πίναξ which is used in various senses, see note to ll. 21-22, this order is put quite straightforwardly; Thonius is instructed to send the πίναξ to Ptolemaeus as soon as possible; he is also asked to transfer the cost of the purchased item to any person of his own

choice (giro-transfer), see note to ll. 26-29.

C(30-36): the final order instructs Thonius to get hold of two more items: a pair of slippers (l.33: cόλιον, see note) and one more article of clothing described as κανωπικόν (ll. 35-36) which is of dubious sense, see note ad loc. Once more the structure of the text is rather confusing as to the number of goods to be purchased, see note to ll. 30-34.

The letter itself can be characterized as an extensive and detailed catalogue of instructions. However, there is a certain style to be seen in the language of the writer, see e.g. the elaborate ὁλοκληρεῖν formula (ll. 6-10); the language also presents an admirable variation in the way the orders are introduced in each individual case:

Order A (12-16): εἰ οὔπω [ἠ]γόρασας...μὴ ἀγοράσῃς.
(conditional with subjunctive of prohibition)

Order B (21-29): μὴ ἀμελήσῃς πέμψαι καὶ δήλωσόν μοι...
(subjunctive of prohibition plus imperative)

Order C (30-36): μνήσθητι ἀγοράσαι μοι...
(imperative)

The attractive handwriting, the stylish and fluent language, and the number of goods ordered suggest something of the personality of the sender himself: a well-off person who, perhaps, had had the chance of a good education.

The elaborate language of the opening formula of salutation (ll. 1-5), as well as that of the ὁλοκληρεῖν wish denote a Christian background. The following three linguistic features support this view:

(i) the verbal adjective ἀγαπητός, employed twice in our text (ll. 3, 37), is one of the most decisive elements in Christian letters and has been constantly associated with Christian literature, especially with NT and St. Paul's epistles, see 1.3 note ad loc..

(ii) the word ἀδελφός itself is not a decisive element for the religious beliefs of the writer; here, however, it is accompanied by the expression ἐν Κ(υρί)ῳ (1.4), which is abbreviated as is normal when it is a nomen sacrum; hence, the whole expression reflects the ideal of fraternity as defined by Christ himself, developed by the Apostles and put into practice by the early Christians, see 1.4 note ad loc..

(iii) finally, the ὁλοκληρεῖν wish (ll. 6-10) as formulated here with the employment of the words ψυχή and σῶμα also strongly points to the sender's Christian background and, perhaps, some familiarity with Christian literature, see note.

The nature of the relation between the two men is far from clear and the typical salutation in the opening formula (ll. 3-5) is not of much help. The letter on the whole, despite the attractive style and the fluent language, is lacking elements of familiarity and polite requests: predominant is the use of the harsh imperatives and subjunctives of prohibition, see above; the absence of these elements leads one to think of the present letter rather as one of arranging or sorting out business matters than as a letter between friends or relatives. It is likely, therefore, that Thonius was either an employee or a representative of Ptolemaeus. As to the sender, it would not be unreasonable to assume that he was associated, perhaps quite closely, with the monastic or ecclesiastical life.

On Christian letters, see the extensive treatments by M. Naldini, Il Cristianesimo in Egitto (esp. introduction, pp. 7-59) and G. Tibiletti, Le Lettere Private. Further on this matter, see E. Wipszycka, JJP 18 (1974) 203-221, an extensive and detailed critical approach to Naldini's study: she criticises Naldini for including in his corpus all the letters from the fourth century arguing that "starting with the middle of the fourth century, the conditions in which the Christians in Egypt lived were completely different from those of the earlier period" (pp. 204-5). Concluding her discussion she points out that texts 14-17 in Naldini are certainly not Christian, whereas a large number of the remaining ones (31 in all) could be either pagan or Christian or Jewish (p.221); also cf. M. Naldini, JJP 19 (1983) 163-168, who replies to Wipszycka's criticism.

Πτολεμαῖος
θωνίῳ τῷ
ἀγαπητῷ
ἀδελφῷ ἐν Κ(υρί)ῳ
χαίρειν.
πρ[ό] μεν π[άν]-
των εὔχο[μαί]
σε ὁλοκληρεῖν
ψυχῇ καὶ σώμα-
[τι]. γεινώσκει[ν]
σε θέλω ὅτι
εἰ οὔπω [ἠ]γό-
ρασας τὸ ἀγ[γ]α-
ρίδιον καὶ τὰ
ἄλλα μὴ ἀγορά-
σῃς· ὁ γὰρ ἄν-
θρωπος ἀπε-
τάξατο περὶ αὐ-
τοῦ ὡς εἶπον
σοι ὅτι "οὐκ ἐγὼ
θέλω". τόν δε
πίνακα ἐξαυ-
τῆς μὴ ἀμελή-
σῃς πέμψαι
καὶ δήλωσόν
μοι τίνι θέ-
λεις μεταβα-
λεῖν τὴν τι-

μὴν αὐτοῦ.
μνήcθητι ἀ-
γοράcαι μοι παρ-
θενικὸν τέ-
λειον cόλιον
τρίχινον
καὶ κανωπι-
κὸν ᾱ. τὸν
ἀγαπητὸν
Τιθοῆν
ἀπ' ἐμοῦ
προcαγόρευε
. . . . .

Back along the fibres: Θωνίῳ ἀ[δελ]φ(ῷ) π(αρὰ) Πτολεμ(αίου)

4 κ῱ 10 l. γιγνώcκειν 23 τ of -τῆc corrected, probably from ρ
41 α[δελ]φ/ π/πτολεμ/

'Ptolemaeus to Thonius, his beloved brother in the Lord, greeting. Before all else I pray for you to be in good health in soul and body. I want you to know that if you have not yet purchased the beast of burden (?) and the rest, do not buy (them); for the man said goodbye to it as I told you saying "I do not want them". Do not neglect to send the writing-tablet (picture?) at once and let me know to whom you wish to transfer its price. Remember to buy for me a maiden's complete (ready for use) pair of slippers, made of hair, and one canopicon. Give my regards to my beloved Tithoes...'

Back: 'To Thonius, his brother, from Ptolemaeus.'

NOTES

1-5 The opening formula of salutation in the form: A-- to B-- (ἀδελφῷ) χαίρειν, such as the present one, is by far the most common throughout the Ptolemaic and Roman periods; in contradistinction to the formula: To B-- from A-- χαίρειν, which normally occurs in applications of various kinds, the present one is used in all sorts of letters, see F. J. Exler, op.cit. 23-73 passim.

According to M. Naldini, op.cit. 21-22, the preference for the formula: To B-- from A-- χαίρειν becomes common from the early second century A.D. onwards in pagan letters addressed from inferiors to superiors; consequently, it is adopted in Christian epistolography, where it reflects the humility of the sender according to Jesus Christ's words: εἴ τις θέλει πρῶτος εἶναι, ἔσται πάντων ἔσχατος καὶ πάντων διάκονος. However, both opening formulae coexist in the course of the III and IV centuries A.D., and it is only in the late Byzantine period that the use of the latter prevails, see G. Tibiletti, op.cit. 28-29.

3-5 ἀγαπητῷ ἀδελφῷ ἐν Κ(υρί)ῳ χαίρειν: this is an explicitly Christian formula which never occurs in pagan letters. The expression ἐν Κυρίῳ is very frequently attested in Christian letters: the earliest document which contains it (either in the prescript or in the final salutation) is P.Bas. 16,21, dated by M. Naldini, op.cit. (no.4) 73-75, to the beginning of the III A.D. century. The overwhelming majority of the texts, however, which include ἐν Κυρίῳ date from the late III and the IV century A.D. onwards, see G. Tibiletti, op.cit. 29-30, and this is consonant with the date suggested for the present text, cf. introd.

3 ἀγαπητῷ: this adjective when used in the prescript qualifies either the noun ἀδελφός, as here, or similar ones such as μήτηρ, πατήρ etc. According to Tibiletti this adjective is confined to securely Christian texts, "come per esempio quelle di ambienti monastici...e quelle scritte da personaggi ecclesiastici", op.cit. 44; see also Naldini, op.cit. 19 "l'aggetivo è rivolto in prevalenza ad ecclesiastici"; cf. my observations in the introd.

Indeed, so far as I was able to discover, ἀγαπητός is never found in pagan letters. When it occurs in documents of the pre-Christian era - and this is very rare - it is always used in a different context and has the original classical construction (ἀγαπητὸν ἐστί) and meaning, see e.g. PSI VI 577, 16 (248/7 B.C.): ἀγαπητὸν οὖν ἐγένετο Ἰάσονι προφασί[ζεσθαι κτλ. The earliest occurrence of ἀγαπητός used in the Christian sense appears to be in a horoscope of the first century A.D., namely in P.Oxy. II 235,2 (20-50 A.D.): Τρύφων ἀγαπετέ; the reading, however, is heavily dotted, and, thus, very uncertain; according to Naldini, this text seems to show Jewish influence, and he concludes that "non troviamo, nei secoli d.C., nessuna lettera sicurament pagana in cui si legga con certezza questo aggettivo", op.cit. 19 and note 3.

Naldini's argument, however, that the expression ἀγαπητὸς ἀδελφός - and, hence, the adjective itself - is a purely Christian feature, has been disputed by E. Wipszycka who, rejecting Naldini's interpretation that P.Herm. 4 is a Christian (not a pagan) letter, argues that: (i) Rees, the first editor of P.Herm. 4, was right to believe that this letter was written by pagans who were associated with the cult of Hermes Trismegistos, and (ii) on these grounds "l'argument tiré de l'emploi de l'expression ἀγαπητὸς ἀδελφός est extremement faible. Cette expression

ne constitue pas un critere plus sur que celui que fournirait, selon M. Naldini, la formule εὔχομαι παρὰ τῷ κυρίῳ θεῷ", art. cit. 213-5 (esp. 214); cf. M. Naldini, JJP 19 (1983) 165. However, apart from the largely disputed interpretation of P.Herm. 4, she offers no quotations of ἀγαπητός or, especially, of ἀγαπητὸς ἀδελφός to prove their employment in an explicitly pagan text or context. As I noted above, the verbal adjective ἀγαπητός occurs in papyri of the pre-Christian era, but it is used in a different sense. As to the expression ἀγαπητὸς ἀδελφός, C. Spicq had observed, a long time before Naldini, that "les chrétiens se saluent du titre, ἀγαπητὲ ἄδελφε", see Mnemosyne (ser.4) 8(1955) 29 note 4, where he also notes that "dans les textes paiens, ἀγαπᾶν est tantot synonyme de φιλεῖν"; finally, the same scholar discussing ἀγάπη in the papyri points out that "ἀγάπη n'apparaît lui aussi que tardivement, du IIIe siècle, et là encore sous des plumes chrétiens" (ibid. 32).

ἀγαπητός is frequently used in Christian literature, that is in NT (60 times), in St. Paul's epistles (very often with reference to ἀδελφός) and in letters of the post-apostolic era, reflecting the ideal of ἀγάπη, which constitutes one of the fundamental concepts of Christianity. For other adjectives of affection occuring in private letters, pagan and Christian, and their subtle difference in meaning, see G. Tibiletti, op.cit. 43-46; also for the conceptual difference between the verbs ἐρᾶν, φιλεῖν and ἀγαπᾶν and their derivatives, see M. Naldini, op.cit. 16-21 and G. Tibiletti, op.cit. 95-102. Especially for ἀγαπάω, ἀγάπη and ἀγαπητός and their use in classical literature, Old and New Testament, see also C. Spicq, AGAPÈ. Prolégomènes 32 ff., id., AGAPÈ dans le NT. III 230-237 and id., Notes de Lexicographie I 15-30 (with a detailed list of updated bibliography in pp.28-30); for the alleged pagan use of ἀγάπη in P.Oxy. XI 1380 in connection

with the cult-titles of Isis and the controversy regarding this text, see S. West, JThS 18 (1967) 142-3 and id., JThS 20 (1969) 228-30.

4 ἀδελφῷ ἐν Κ(υρί)ῳ: the family terms "brother" and "sister" are often employed to express the friendship and equality of the correspondents, whether or not they are actually family members. The word Κύριος, as a nomen sacrum, when used in its sacral meaning, is usually abbreviated by contraction, as in the present text; to put it in a different way, Κύριος is normally abbreviated only in Christian writing and this is sufficient by itself to prove that the sender was a Christian. The abbreviation of this word, however, is not universally adopted in non-literary texts, including a comparatively large number of letters due to the fact that the writers of such texts are often not familiar with contractions, see A. H. Paap, Nomina Sacra 101-102.

Tibiletti discussing the construction of Κύριος with the preposition ἐν, as here, observes that it was borrowed "in parte dell' ebraico b^e e diffuso nel greco biblico: ἐν Κυρίῳ sta cosi ad indicare l'unione mistica dell' uome con Dio e con i fratelli", op.cit. 30.

Furthermore, it is better to suppose that the expression ἐν Κυρίῳ here and in other opening formulae with a similar format, refers to the noun ἀδελφός rather than to χαίρειν, cf. M. Naldini, op.cit. no.21,3 note ad loc. Different is, in my opinion, the case with the opening formula: χαῖρε ἐν κυρίῳ ἀγαπητὲ ἀδελφέ (e.g. P.Alex. 29 - III/IV A.D.), where ἐν κυρίῳ is more likely to refer to the verb.

6 A horizontal crease located along the line has caused the script to vanish almost completely. The papyrus has been seriously torn and it is only two extremely fragile strips of fibre which have resisted the separation of the sheet into two fragments. On the right hand side, a

small portion of the papyrus has been torn away damaging to some extent the end of ll.7-8. The restoration does not give rise to problems, because the text at this point follows a known formulaic pattern.

6-10 For the various wishes, the prayer formula and the secondary greetings which occur in the opening part of the epistolary papyri see F. J. Exler, op.cit. 101-113 and esp. 107-111; Exler described all these elements as "Conventional Phrases in the Body", but he himself implied, in a contradictory way, that these conventions belong to the opening part of the letter and not to the initial phrase of the body of the letter. However, both the letter-opening and the letter-closing are more extensive than Exler initially suggested; the health wish is connected integrally either with the opening of the letter, such as in the present instance, or with the closing part, cf. our schema in the introduction; for this observation, see J. L. White, Form and Function 1 and the relevant notes, and id.,art.cit. 92-95.

The ὁλοκληρεῖν wish (also called formula valetudinis), introduced with the stereotype expression of intensification πρό μεν πάντων εὔχομαι, as in the overwhelming majority of cases, constitutes a developed and elaborate variation of the basic form πρό μεν πάντων εὔχομαί σε ὑγιαίνειν (or: ὁλοκληρεῖν) normally followed by expressions like παρὰ τοῖς θεοῖς, or (παρὰ) τῷ κυρίῳ θεῷ etc. There is positive evidence that from the late third century A.D. onwards the infinitive ὑγιαίνειν is not so frequently met in the opening wish of the letters, where the synonym ὁλοκληρεῖν is used instead; often also the infinitive ὁλοκληρεῖν is interchanged with the adjective ὁλόκληρος or with the noun ὁλοκληρία, and in some other cases ὁλοκληρεῖν and ὑγιαίνειν both occur in the same text, see G. Tibiletti, op.cit. 47-52.

The two terms σῶμα and ψυχή, as they occur here, have a purely spiritual value, for they divide the human being into body and soul (dichotomy); in most cases these two terms are followed by the word πνεῦμα (spirit) and, thus, constitute a typical example of the trichotomy - a classical term in theology - attested in St. Paul's epistle I Thess. 5,23: αὐτὸς δὲ ὁ θεὸς τῆς εἰρήνης ἁγιάσαι ὑμᾶς ὁλοτελεῖς, καὶ ὁλόκληρον ὑμῶν τὸ πνεῦμα καὶ ἡ ψυχὴ καὶ τὸ σῶμα ἀμέμπτως ἐν τῇ παρουσίᾳ τοῦ κυρίου ὑμῶν Ἰησοῦ Χριστοῦ τηρηθείη, see G. Tibiletti, op.cit. 115 and note 25, and M. Naldini, op.cit. no. 5,8 note ad loc. For σῶμα and ψυχή related in such a way, see Lampe, A Patristic Lexicon, sv ψυχή.

The employment of the dichotomy in the present text should not be regarded, I suggest, as insignificant. In my opinion, it underlines the background of the sender, Ptolemaeus, and at the same time, it implies that this person might have been familiar with Christian literature; this obviously supports our assumption that Ptolemaeus might have been associated with monastic or another type of religious life.

Finally, it must be added that there is very scanty evidence for the employment of either dichotomy or trichotomy in the formula valetudinis. I have found no close parallels; the most similar example is P.Harr. I 107, 4-11 (= M. Naldini, op.cit. no.5): πρὸ μὲν πάντων εὔχωμαι τῷ πατρὶ θεῶι τῆς ἀληθείας καὶ τῷ παρακλήτῳ πνεύματι ὃς σε διαφυλάξωσιν καὶ τά τε ψυχὴν κα<ὶ> σῶμα καὶ πνεῦμα, etc. (elaborate trichotomy - beginning of III century A.D.).

Dichotomy or trichotomy is also employed in the body of two more letters, both dating from the fourth century A.D.: P.Herm. 5, 13-15 (= G. Tibiletti, op.cit. no.27): ἧς εὐχόμεθα καὶ ἐλπίζομεν τεύξεσθαι παρὰ

τῆς τοῦ παντοκράτ[ο]ρος θεοῦ χάριτος, ἀπολαβόντες σε ἐρρωμένον ψυχῇ τε καὶ σώματι καὶ καλῶς ἀπαλλάξαντα and P.Oxy. VIII 1161, 6-7 (= M. Naldini, op.cit. no.60): ὅπως οὗτοι πάντες β[ο]ηθήσωσιν ἡμῖν τῷ σώματι, τῇ ψυχῇ, τῷ [[πν(εύματ)ι]] πν(εύματ)ι.

Add also two recently published documents, namely SB XII 11144,5 (VI/VII A.D.) and P.Coll.Youtie II 91,5 (V/VI A.D.), where there is a long note on the trichotomy and further bibliography.

10 ff. Large holes on both sides of the papyrus which extend to l.14, have damaged, in some cases seriously, the script.

10-11 γεινώσκει[ν] σε θέλω ὅτι: this is a very common expression in letters; it usually follows immediately after the formula valetudinis and introduces directly the subject of the letter, see G. Tibiletti, opc.it. 68.

From a structural stand-point this expression is a transitional device from the letter-opening to the opening of the body of the letter and it may function (as indeed is the case in the present letter) as a background from which the writer requests something of the recipient. It always includes the verb "to know" (γιγνώσκω) in a variety of forms and has been described as "disclosure formula" for it conveys "the addressor's desire or command that the addressee know something", see J. L. White, op.cit. 2-5 with examples of its employment also in other parts of the letter; the present example is the full form of the disclosure formula.

For the loss of gamma before nu in γεινώσκει[ν], see Gignac, Grammar I 176.

12 ff. εἰ οὔπω [ἠ]γόρασας: conditionals are very rarely employed to open the body of the letter. The case most often encountered in the papyri is the future - protasis with ἐάν plus subjunctive. The

combination here of the disclosure formula plus conditional is very unusual, cf. J. L. White, op.cit. 13-15.

13-14 τὸ ἀγ[γ]αρύδιον: the lower part of the two above-mentioned holes (see note to 11.10 ff.) has seriously damaged the end of 1.13; what survives after the final sigma of [ἡ]γόρασας (11. 12-13) is uncertain traces, mainly of the lower part of some letters. The remnants of the letter below the gap suggest a tau, but pi could also be a reasonable alternative; the second trace is even more uncertain, but on the basis of the construction καὶ τὰ ἄλλα in 11. 14-15 and since the item was already in the list of goods to be purchased (that is known to Thonius), I would be inclined to suggest that the definite article τὸ is to be expected here and this is a possible reading. On the other hand, it is also possible that this was the beginning of a single word ending in -ρύδιον; none of the words, however, listed in Buck-Petersen, A Reverse Index, or in O. Gradenwitz, Konträrindex, fit in with the room and the traces.

The restoration becomes even more complicated as a result of the ambiguous reading of the traces after the article and also due to the uncertainty as to the estimated number of damaged or missing letters. At first sight, it can be argued that the damaged letters are three, but it is possible that this figure could rise to four, if we suppose that there is enough room for one more letter which might have been lost due to the hole just before the end of the line. The first letter after the article τὸ seems to be an alpha, but epsilon or lambda are also possible alternatives. What survives from the next letter is a vertical stroke sloping to the right, while the upper part of the letter is completely missing; the remaining part is very similar to the vertical stroke of a gamma, which was, perhaps, followed by one more gamma - missing now in the hole - of the same size as the gamma used in 1.16 (ὁ γάρ); it is equally possible, however, that there was only one letter, which could

be either a pi or a rather wide nu. The final trace in the line is also difficult to decipher, although both the lower and the upper parts of the letter survive: this could be either an alpha or an epsilon.

Accordingly, a secure reading is impossible. The only word I have been able to discover which would fit and, at the same time, would make sense in this context is ἀγγαρίδιον preceded by the article. The word is listed in Buck-Petersen, op.cit. 61 (but not in O. Gradenwitz, op.cit.); furthermore, ἀγγαρίδιον is included neither in the papyrological lexica nor in LSJ, but only in Sophocles sv., where it is translated as "beast of burden"; see also Δ. ΔΗΜΗΤΡΑΚΟΣ, ΜΕΓΑ ΛΕΞΙΚΟΝ sv.

It is worth noting also at this point that my research with the help of DDBDP was fruitless; the command used was: pick words "@@@ρίδι* @@@@ρίδι*", where @ stands for only one letter - that is three or four missing letters before -ρίδιον, see above-, and * stands for an unlimited number of letters, which in our case would represent the ending of the various cases; to this command the computer responded by picking the following words: ἀργυρίδιον, ζωδαρίδιον, ὀσπρίδιον, οὐαρίδιον, ποτηρίδιον, σπυρίδιον, σφυρίδιον, χοιρίδιον; none of them, however, is suitable for restoration here.

17-19 ἀπετάξατο περὶ αὐτοῦ: the verb ἀποτάσσω in the middle and passive voices is not infrequent in texts after the third century A.D., see WB sv 5-8. It is usually constructed with the dative or, less frequently, with the genitive, see LSJ sv ἀποτάσσω IV, which translates "bid adieu to a person, part from; have done with, get rid of a person". The construction with περί + gen. is very rare and I was able to find only one close parallel, namely P. Köln IV 198, 3-5 (III A.D.): ὕστερον

καταλαβόντων ἡμῶν γραμμάτων ὑμῶν περὶ τοῦ μηκέτι ἀγοράζειν ἀπεταξάμεθα cf. also P.Haun. II 15,35 (= ZPE 58 (1985) 76, ll.95-96) and P.Oxy. XLVII 3358,17, where the verb, although constructed with the dative, is used in a similar context and has the same meaning, that is "say or bid goodbye to someone or something".

The very scanty occurrence of the construction ἀποτάσσομαι περί + gen. and the very frequent one of the same verb with dative or genitive indicates that the former is not a standardised formulaic occurrence of the verb; in other words the construction περί + genitive was devised by the writer at this point of the letter in order to make clear his reference to the ἀγ[γ]αρίδιον in ll.13-14. As J. L. White observes "whether in tandem with a stereotyped formula or in a non-formulaic clause περί (sc. + gen.) frequently denotes a matter of previous communication (the reference is either to a previous occasion or to an earlier matter in the body) in all three sections", op.cit. 16-17 (with many examples of περί + gen.).

Furthermore, the verb ἀποτάσσομαι is frequently used in religious contexts "particularly, to renounce the world; said of monachism", see Sophocles sv and Lampe, A Patristic Lexicon sv ἀποτάσσω IID; it is quite possible, therefore, that the use of this word in the present text may indicate something of the background of the sender.

20-21 ὅτι "οὐκ ἐγὼ θέλω": the mingling of direct and indirect speech with the recitative ὅτι after verba dicendi et declarandi is common in all stages of Greek literature as well as in the papyri, see E. Mayser, Grammatik. Band II3 46-47, N. Turner, Grammar of NT Greek 325-6 and A. T. Robertson, Grammar of the Greek NT 1027-8; Robertson explains the use of the recitative ὅτι in the following way: "the ancients had no quotation-marks nor our modern colon. But sometimes ὅτι was used before

the direct quotation merely to indicate that the words are quoted". Since Ptolemaeus is the subject of εἶπον and this is the verb introducing the direct speech οὐκ ἐγὼ θέλω, we must understand ἐμ̣ to refer to Ptolemaeus, even though the sentence would make better sense if it referred to the ἄνθρωπος (ll.16-17).

21-22 τὸν δὲ πίναικα: what this word signifies in the present text is far from clear. In LSJ sv it is recorded in a variety of senses, but, in my opinion, interpretations 5-8 are unlikely to apply in the present context. In the papyri the word is rare and is also used in various senses, see WB sv, WB Suppl. sv and SPOGLIO sv; add P.Coll.Youtie I 7,15 (224 A.D.). If we are to judge from the general context of the present text, I would suggest that there are two possible explanations: (i) if the πίναξ is going to be presented along with the slippers (l.33) to the girl (perhaps the writer's daughter or relative) implied in ll.31-32, I would translate it as "drawing- or writing-tablet" or even "board for painting", (ii) if the πίναξ is going to be used by the sender himself, given his Christian background, I would think that the πίναξ might be "a votive tablet hung on the image of a god" or, perhaps, merely a "picture" of a Saint, see LSJ sv 1,3,4.

22-23 ἑξαυτῆς: a small hole has almost removed the eta and part of the tau; a long stroke running parallel to the vertical one of the tau indicates that there was a correction, probably from a rho.

23-24 μὴ ἀμελήσης πέμψαι: the first eta of ἀμελήσης is written very cursively and hastily in an n-form in contrast to the H-form (with one or two strokes) which is regularly used throughout the document.

The verb ἀμελέω - frequently as a subjunctive of prohibition such as here - or alternatively the verb μέλω, are employed in letters as two distinct formulae in order to summon "the addressee to be concerned,

or not to be neglectful, about something within the body of the letter"; this type of formula is called "responsibility" statement , see J. L. White, op.cit. 7-9.

25-26 καὶ δήλωσόν μοι: this is a very frequent transitional construction which occurs mostly in letters of the Roman and Byzantine periods; in the present instance it is not employed to introduce a new subject, but to develop a major aspect of the preceding subject, see J. L. White, op.cit. 35.

26-29 τίνι θέλεις μεταβαλεῖν τὴν τιμὴν αὐτοῦ: linguistically a very interesting construction of μεταβάλλω. The most appropriate translations are found in LSJ sv B2b "order to be paid, remit" and, especially, in Lampe, A Patristic Lexicon sv A1a "transfer, distribute"; μεταβάλλω, however, is used in these senses only when it occurs in the middle voice; similar information emerges from the papyri, see e.g. P.Oxy. XIV 1665, 21-24 (III A.D.): τῆς τιμῆς ἑξαυτῆς μεταβαλλομένης ὑπ' ἐμοῦ ᾧ ἐὰν δοκιμάσῃς (transl.: 'the value to be handed over by me at once to anyone approved by you'), which is also the closest example I was able to find, and P.Oxy. XII 1470, 12 (336 A.D.): ἐκ πλήρους τούτῳ μεταβαλ{ε}όμενος τὴν συμφωνη[θεῖ]σαν τιμήν (transl.: 'and paid him in full the price agreed upon'); see also P.Oxy. VIII 1153, 7-9 (I A.D.) and P.Oxy. XII 1419, 4-6 (265 A.D.).

In our text, τίνι refers apparently to a person, sc. ἀνθρώπῳ, and the whole expression indicates that Thonius is instructed to make some sort of giro-transfer of the price of the πίναξ ; in other words he is asked only to collect the πίναξ and transfer the debit to a third person.

30-34 The interpretation of this part of the document is very complicated. Two problems, which are connected to some extent, must

be solved: (i) in what sense is the word cόλιον (l.33) used here, and (ii) what goods is Thonius ordered to purchase (number and definition).

Firstly, the word cόλιον according to LSJ sv can be used in two senses: either as "slipper (Lat. solea)" or as "seat, stool (Lat. solium)". In the present context, however, the interpretation of this word is dictated by the position and the proper interpretation of παρθενικόν : if this refers to cόλιον, it is unlikely that there were stools made especially for the use of maidens. Furthermore, I cannot imagine such a stool made of hair (τρίχινον), for it should be steady for somebody to sit on. It is, therefore, beyond doubt that the second meaning of cόλιον does not apply in the present text.

The singular cόλιον is not infrequently used to indicate a pair of slippers, see e.g. PSI III 206, 9-11: cόλια γυναικῖα δύο, ἓν μὲν τῇ μητρὶ, τὸ [δ᾽] ἄλλο τῇ γυναικεί cου (with editor's note) and P.Mich. VII 508, 5-6: καὶ cόλια τέcca[ρ]α καὶ δύο Cερήνῳ καὶ ἓν Ἀμμωνίῳ κτλ. (with editor's note); for the use of the singular with the force of the dual or of the plural in the case of cόλιον, see P.Mich. VIII 477, 27 note ad loc.

The second problem arises from the arrangement of the various adjectives: if Ptolemaeus instructs Thonius to buy only the pair of slippers, one would expect the adjective τρίχινον, which describes cόλιον, to follow.

Furthermore, the word παρθενικόν can be interpreted here in two ways: either as an adjective qualifying cόλιον, see LSJ sv, or as an independent noun qualified by τέλειον, which, according to LSJ sv παρθενικά II, can be identified with the plant ἀρτεμιcία. In either case the word is not recorded in any other document and it is an

addendum papyrologicis lexicis.

The possibility, however, of understanding παρθενικόν and cόλιον as two different nouns - that is as two different items for purchase - must be abandoned; it becomes even more suspect because of the lack of the conjunction καί to connect the two words, as happens with κανωπικόν (1.35). The whole problem seems to arise only due to an accidental misplacement of the adjective τρίχινον after, and not before, cόλιον.

32-33 τέλειον : this adjective is used in various senses both in literature and the papyri, see LSJ sv and WB sv. Normally, it occurs in a variety of documents as an adjective describing fully grown people or animals, or amounts received in full (especially in receipts), see WB sv 2a,b,c and 3. In the present text it refers to cόλιον and is used in the sense of "complete, ready (for use)", see WB sv 4; a good parallel example is P.Hamb. I 10, 14: cυνθέceιc λευκὰc τελείαc δεκατρεῖc (transl.: 'thirteen complete white suits'); see also P.Oxy. II 278, 4 and P.Tebt. II 406, 12 (= Sel.Pap. I 189)

34 τρίχινον; the specification of the material is necessary, according to the writer, since slippers could also be made from the stalk of the papyrus plant, see e.g. P.Oxy. XIV 1742, 6: cόλια γυναικῖα παπύρινα. Papyrus was abundant in Egypt and the various parts of the plant were used for the manufacture of various products, see N. Lewis, Papyrus in Classical Antiquity 21-32; accordingly, as one might expect, this material and the whole range of products resulting from it - apart from the writing material - were much more accessible, economically, to the lower classes. However, as Lewis observes "papyrus sandals are thus far attested only in upper-class milieux, where they were no doubt something of a luxury product"; he also conjectures that "there is no

reason to suppose that cheaper versions were not available for mass use" on the ground that the raw material was abundant and inexpensive, see op.cit. 29.

As to the present instance of τρίχινος used with reference to σόλιον, it is to be noted that, so far as I was able to discover, there is no parallel. The designation τρίχινος is frequently (but not exclusively) used in the papyri to describe either the material used to make "sacks" (σάκκος or σακκίον) or "rope" (σχοινίον), see e.g. P.Mert. II 91,11: σάκκον τρίχινον καινὸν ἕνα and P.Lond. IV 1414, 13: σχοινία τρίχινα; for further examples on the use of τρίχινος, see WB sv, WB Suppl. sv and SPOGLIO sv. In at least two cases also the type of hair (or better the animal from which the hair was sheared) is specified, see SB III 7243, 10: καὶ [σ]άκον τρίχινον ἀμφακοῦ and P.Tebt. III 796, 10: καὶ σάκκον τρίχινον αἰγός; no such specification is made in the present text.

35-36 κανωπικόν: the word, which is used in the singular for the first time in the present text, occurs only in two more documents, namely P.Oxy. XIV 1774, 15 (early IV A.D.): κανωπικά σοι λημφθέντα αὐτῶν ἀποστέλλονται, and SB III 7243, 32 (Cf. BL III, p.182) = SB VIII 9746, 32 (early IV A.D.): προσαγόρευε τὴν καλὴν Βικεύτιαν, εἰ ἐκομίσθη παρ' Αἰωνίου τὸ κεφαλοδέσμιον καὶ κανωπικὰ δύο; both texts are included in M. Naldini, op.cit. as nos. 37 and 36 respectively.

As to the interpretation of the word κανωπικά, the editor of P.Oxy. XIV 1774 notes that "according to Chrysippus ap.Athen. XIV 647 c κανωπικά were an εἶδος πλακούντων" and M. Naldini, op.cit. no. 36 note to l.32, following the same line remarks that "I κανωπικά erano una sorte di pasticci"; see also LSJ sv II "kind of cake".

This interpretation, however, is very dubious, since the information

which emerges from the relevant texts does not really support this view, but rather suggests that καυωπικά (or καυωπικόν) may be an article of female clothing; in all three texts (including the present one) where καυωπικόν is mentioned, the word is always used along with other terms referring to female clothing (see SB III 7243, 32 above and our text) or there are implications that a woman has received a καυωπικόν (see P.Oxy. XIV 1774, 15). The information, however, is poor and, thus, it is difficult to give an exact interpretation; at present it is wiser to keep the Greek word itself.

Furthermore, it may be worth noting that all the relevant documents where this word is found are profoundly Christian letters which, without exception, date to the beginning of the IV A.D.

36-40 For the final formula of salutation and its variants, see G. Tibiletti, op.cit. 59-61: the discussion there suggests that the employment of ἀγαπητός in this part of the letter is unusual.

40 προcαγόρευε : the letters in this line are considerably smaller than in the rest of the text, indicating perhaps the end of the body of the letter. The script is preserved in a very bad condition and all letters after sigma are extremely faded.

The text ends abruptly and it lacks the final salutation addressed to the recipient himself. It seems that a crease just below l.40, which is damaged seriously, has caused the final part of the papyrus to break off.

41 The address of the letter is damaged very seriously due to a large hole, some smaller holes and a number of fibres which have been torn away. The script is also very faded, as it was located in the most vulnerable part of the sheet.

Traces of ink immediately after, and at a higher position than the final omega of the first name indicate that no article is to be read here, but rather an upright alpha, that is the beginning of ἀδελφός; a few surviving, but decisive, traces of the phi and a quite prominent oblique stroke very close to it show that the word was abbreviated.

The traces after the lambda of the final name are extremely uncertain, but there seems to be enough room for two more letters; a little trace of ink below mu suggests that this name was also abbreviated, possibly as Πτολεμ/.

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