NIKOLAOS GONIS

P. OXY. XVI 1964: A LEASE OF A ROOM FROM BYZANTINE OXYRHYNCHUS


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The papyrus was published in the form of a short description in POxy XVI; I am grateful to the Egypt Exploration Society for the permission to publish the text in full. It belongs to a well-attested type of document; see the detailed study by H. Müller, *Untersuchungen zur MISΘΩΔΙΣΣ von Gebäuden im Recht der gräko-ägyptischen Papyri* (1985) [hereafter Müller], and the Appendix below. A few lines from the beginning and the end have been lost, but what has been preserved contains all the important details of the transaction. Aurelius John, son of Dioscorus, undertakes to lease a room (μονόχωρον) of a house in the quarter of Pammenes’ Garden at Oxyrhynchus. To all appearances the owner of the house, whose name does not survive, is the ‘the holder of some position (perhaps on the staff of the praeses)’ of the province of Arcadia, ‘an inhabitant of Spain but at the time διαγόν at Oxyrhynchus’ (I quote from Grenfell and Hunt’s description); there are several leases in which civil servants, mostly of modest rank, appear as lessors (see Müller 88ff., cf. N. Gonis, *ZPE* 124 (1999) 192 n. 6). The lost parts of the document will have contained the consular dating clause and the name of the lessor (beginning); and the last clause of the contract proper, the subscription, possibly the illiteracy formula, and the notarial subscription (close). The writing is along the fibres.

The lease is drawn up in the form of a hypomnema, typical for the region of Oxyrhynchus. It is set to start on Thoth 1 of the ‘coming year 195/164’, i.e., 29 August 518; it must have been contracted some time before that date, probably in the summer months, see below 7 n. The annual rent amounts to 6 carats private standard, and is to be paid in two half-year instalments. The duration of the lease is not specified, but the owner is given the power of resuming his property whenever he wishes to do so, that is, the lease is effectively determinable at the pleasure of the lessor. This is the case with the great majority of late antique leases of real property, but those from Oxyrhynchus display a noticeable peculiarity, viz. the lack of any reference to the term of the lease, whereas leases from elsewhere in Egypt contain the ἐφ’ ὤσον βούλει χρόνον (vel sim.) clause. It is remarkable that this feature is in evidence even in the earliest Oxyrhynchite lease of indefinite tenure, SB IV 7445 of 382. I can offer no explanation of this difference.
Back, downwards along the fibres:

[† μίθωςις Αὐρήλιου Ἰωάννου ύιοῦ Διοκτόρου αὐτὸ τῆς Ὀξυρυγχ(ητῶν) λόγ(ω) ἐνοικ(ίου) χρ(ῶτοῦ) κερ(άττια c)].

2 Ἰουλίου 10 l. Παραδείσου 11 l. λίβα 16 l. ἀποδόσω

... of the province of Arcadia, son of Iulus of ... memory, from the village of Spania of the Oxyrhynchite nome, now living here in the splendid city of the Oxyrhynchites. Aurelius John, son of Dioscorus, mother [Anna], from the city of the Oxyrhynchites, greetings. I voluntarily undertake to hold on lease from the first day of the month of Thoth of the coming 195/164 year of the, God willing, coming twelfth indiction, from the property belonging to your worship, out of a house situated in this city in the quarter of Pammenes’ Garden, facing west, a whole single room, which happens (to be situated) under the arch, facing north, with all appurtenances and rights; and I shall pay as rent for this annually six gold carats by the private standard in current coinage, which rent I shall pay yearly, one half every six months; and whenever your worship may wish I shall surrender (the same room with) its unimpaired possession in the condition in which I received it."

Back: ‘[Lease of Aurelius John, son of Dioscorus,] from the (city) of the Oxyrhynchites, on account of rent of [6 carats] of gold.’

The date corresponds to 29 August 518, see R.S. Bagnall, K.A. Worp, The Chronological Systems of Byzantine Egypt (1981) 86, 96. The document must have been drawn up on or shortly before this date. For the time that elapsed between the drawing up of the document and the beginning of the lease, in most cases less than a month, see Müller 193f.

The use of this noun suggests that the lessor was addressed to as ἀδεκτός. For other leases mentioning individuals styled as ἀδεκτοί, see Müller 99 n. 1.
17 ἀντιπαραδόσα. See POxy XVI 1889.23 n.; to the examples cited there add PRein II 108.12 (VI), SB XX 14110.16ff. (VI), SB I 4485.12 (VI/II). The verb has not been recognised in PBerol inv. 21754.8 (VI) (ed. APF 42 (1996) 109ff.), where the edition has αὐ[t]ὴ παραδόσα ἡ τῆς νομῆς [τοῦ αὐτοῦ] τοῦτον ὡς καὶ παρείληπε; examination of the original indicates that the papyrus reads ἀντιπαραδόσα. (The provenance of this document is said to be unknown, but the formulas employed strongly suggest that it is Oxyrhynchite.)

18 μετὰ τῆς [ἀρ]γ[ὴν] νομῆς. For the sense of νομῆ, a term which occurs exclusively in Oxyrhynchite documents, see Müller 277f.; to his list of examples of the prepositional construction (277 n. 3) add POxy L 3600.21 (502).

18-19] Restore παρ[λα]βον or παρ[ε]λήφα. The text probably continued along the lines of κυρία ἡ μίθος ἀπλή? γραφέα καὶ ἐπεριστηθεὶς ὀμωλόγησα (several abbreviations should be assumed).

APPENDIX

In 1985, Müller listed 104 leases of buildings dating from the reign of Diocletian to 707 (nos. 60-163, pp. 350ff.). With more than forty such leases of this period published since, it seemed worthwhile to present the accretions to Müller’s list in tabular form.  

<table>
<thead>
<tr>
<th>Document</th>
<th>Date</th>
<th>Provenance</th>
<th>Object</th>
<th>Duration</th>
<th>Rent</th>
<th>Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>PKell I 31</td>
<td>27.4.306</td>
<td>Mothite</td>
<td>οἰκία</td>
<td>9? talents</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>PHaun III 55</td>
<td>16.6.325</td>
<td>Ars.</td>
<td>χήλα</td>
<td>1 year</td>
<td>1 artaba 8 metra/wheat</td>
<td>H</td>
</tr>
<tr>
<td>CPR XVIII 38</td>
<td>336/37</td>
<td>Herm.</td>
<td>χήλα</td>
<td>2 years</td>
<td>?</td>
<td>H</td>
</tr>
<tr>
<td>PDubl 31</td>
<td>3.9.355</td>
<td>Panop.</td>
<td>1/2 ἐραστήριον</td>
<td>indefinite</td>
<td>200 talents</td>
<td>C</td>
</tr>
<tr>
<td>PKell I 32</td>
<td>28.10.364</td>
<td>Moh.</td>
<td>χήλα</td>
<td>1 year</td>
<td>2 artabas/wheat</td>
<td>C</td>
</tr>
<tr>
<td>PKell I 33</td>
<td>21.11.369</td>
<td>Moh.</td>
<td>χήλα</td>
<td>?</td>
<td>200 talents</td>
<td>C</td>
</tr>
<tr>
<td>POxy LI 3639</td>
<td>11.9.412</td>
<td>Oxy.</td>
<td>ἔλαιον</td>
<td>120(+?) sext./radish oil</td>
<td>H</td>
<td></td>
</tr>
<tr>
<td>SB XXII 15620</td>
<td>28.7.425</td>
<td>Antin.</td>
<td>χήλα</td>
<td>indefinite</td>
<td>120(+?) art./clean</td>
<td>H</td>
</tr>
<tr>
<td>CPR XIV 126</td>
<td>25.5.450</td>
<td>Hera.</td>
<td>οἰκία</td>
<td>1 year</td>
<td>1 1/2 nom.</td>
<td>C</td>
</tr>
<tr>
<td>SB XVIII 13620</td>
<td>14.9.473</td>
<td>Herm.</td>
<td>χήλα</td>
<td>indefinite</td>
<td>8,000 talents</td>
<td>H</td>
</tr>
<tr>
<td>SB XXII 15461</td>
<td>17-25.3.481</td>
<td>Hera.</td>
<td>συλή, θησαυρός</td>
<td>indefinite</td>
<td>800 talents</td>
<td>C</td>
</tr>
<tr>
<td>CPR VI 79</td>
<td>12.2.502</td>
<td>Hera.</td>
<td>ζυγία</td>
<td>?</td>
<td>?</td>
<td>C</td>
</tr>
<tr>
<td>PPrag II 159</td>
<td>1.12.502</td>
<td>Ars.</td>
<td>μύλονορτσοκοτίτιον</td>
<td>4 artabas clean</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>POxy L 3600</td>
<td>12.2.532</td>
<td>Oxy.</td>
<td>οἰκία</td>
<td>indefinite</td>
<td>1 nomisma min. 5 keratia</td>
<td>C</td>
</tr>
</tbody>
</table>

1 I have not included uncertain but probable cases such as PMünch III 90, POxy XVI 1960, 1967 (cf. Bagnall, Egypt 291), 1994 (ed. Hickey & Keenan, AnPap 8-9 (1996-97) 211ff.), 1995, LVIII 3934, PSI XIII 1345 (cf. Gonis, ZPE 124 (1999) 191ff); note also that SB XIV 11423 = PPalauRib 25. (I wish to thank Dr J. Hengstl, who kindly supplied details on the texts included in SB XXII in advance of publication.)

2 Besides the ἐραστήριον, the lease also concerns two looms, as rental for which the lessee is to weave ten linen items for the lessor. Cf. now POxy LXVI 4534.

3 The editor suggests that the commodity may be vegetable seed; cf. PPrag II 159.


5 The type of the coinage in which the rent is payable is unknown. 120 myriads of denarii = 800 talents.


7 For the date see BL IX 304. This is the latest Hermopolite lease of this kind drawn up as a hypomnema.


9 Possibly of ὅρτος, ἀρακός, or ἀγανακτήριον, see the editors’ note on 71ff.; cf. POxy LI 3639.

10 Published in full by Hickey & Keenan, AnPap 8-9 (1996-97) 214ff.

11 This is a re-edition with an additional fragment of no. 109 in Müller’s list. The alternative dating, viz. 11.2.516, should probably be abandoned, cf. K. Maroesch, Nomisma und Nomismatia (1994) 24 n. 13 (= BL X 30).
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N. Gonis

CPR X 27  5.10.533  Ars.  ?  ?  90 myriads/denarii\textsuperscript{12}  [C]
PHarr II 238  4.4.539  Oxy.  χυμάτου  ?  ?  H
CPR VIII 61  27.3-25.4.546  Ars.  χορτοθήκη  indefinite  ?  C
PBo 136\textsuperscript{13} 31.3.543/558  Ars.  τόπος  indefinite  1/2 nomisma  [C]
CPR IX 32  8.7.551  Herm.  ἔποιες  indefinite  ?  ?
CPR XIV 10  556-579  Ars.  ἐργαστηρίου  βυραυτικὸν  ?  ?
CPR IX 33  1.2.566  Herm.  1/8 φίκτο  indefinite  x keratia  ?
CPR VIII 62  29.7.575  Hera.  τόπος, δῶμα,  indefinite  1000 nummi\textsuperscript{14}  C

PHarr II 238  4.4.539  Oxy.  χυμάτου  ?  ?  H
CPR VIII 61  27.3-25.4.546  Ars.  χορτοθήκη  indefinite  ?  C
PBo 136\textsuperscript{13} 31.3.543/558  Ars.  τόπος  indefinite  1/2 nomisma  [C]
CPR IX 32  8.7.551  Herm.  ἔποιες  indefinite  ?  ?
CPR XIV 10  556-579  Ars.  ἐργαστηρίου  βυραυτικὸν  ?  ?
CPR IX 33  1.2.566  Herm.  1/8 φίκτο  indefinite  x keratia  ?
CPR VIII 62  29.7.575  Hera.  τόπος, δῶμα,  indefinite  1000 nummi\textsuperscript{14}  C

CUS XX 15008\textsuperscript{15}  6.4.578  Hera.  2 τόποι, ὑποπέπτωσις, indefinite  7 keratia  C
CPR XIV 11  20.12.578  Ars.  ἐργαστηρίου  ?  ?  C
CPR IX 8  VI  Herm.  ἔποιες  indefinite  4 keratia  ?
CPR X 22  VI  Ars.  ?  720 myriads/denarii\textsuperscript{16}  ?
CPR X 28  VI  Ars.  χίλια  ?  x lita keratia  ?
CPR X 30  VI  Ars.  τόπος  ?  100 (??) myriads\textsuperscript{17}  ?
PBo 1754\textsuperscript{18}  VI  Ars.  τόπος  indefinite  1/3 nomisma  ?
PPrag II 161  VI  Ars.\textsuperscript{19}  ?  2 keratia  ?
PBo 1754\textsuperscript{18}  VI  Ars.  τόπος  indefinite  1/3 nomisma  ?
CUS XX 14110  VI  Ars.\textsuperscript{19}  ?  150 myriads\textsuperscript{20}  ?
CUS XXII 15245\textsuperscript{21}  VI  Ars.  ?.  2 keratia  ?
PHamb IV 265  late VI  Antaeop.  ?\textsuperscript{22}  ?  1 1/2 art/wheat  ?
PBo 138\textsuperscript{23}  VI/VII  Apoll.  χολοφορουργεῖν  x years  ?  C
CPR VIII 69  VI/VII  Hera.  ἐξέδρα  indefinite  2 keratia  ?
PVindob G 26451\textsuperscript{24}  VI/VII  Herm.  ?  ?  x nom.  ?
PBo 137  7.3.600  Ars.  χορτοθήκη  ?  ?  C
PBo 142\textsuperscript{25}  7.7.612?  Ars.  τόπος  ?  ?  ?
CUS XII 1526A\textsuperscript{26}  28.9-4.10.634  Ars.  ἐξέδρα  ?  ?  ?

\textsuperscript{12} 90 myriads of denarii = 600 talents.
\textsuperscript{13}  For the date see R. Ziegler, \textit{ZPE} 125 (1999) 212.
\textsuperscript{14}  For the monetary value of \textit{nummis} at that date, see Maresch, op. cit. 29-31, 61, 175.
\textsuperscript{15}  This is a re-edition of Müller’s no. 144 with an additional fragment.
\textsuperscript{16}  720 myriads of denarii = 4,800 talents.
\textsuperscript{17}  In lines 1-2 the edition has [ἐν[ο[ - ἐνυςαντι[ος]] [νομ[ιματο[ν σύμφω[ο[ν κέρματο[ν] ἔστ[α[σ[ν, restored on the basis of CPR X 27.9-10 κέρματος δὴ[ν]ν[ώρια[ν] μυριάδας ἐγνή[κτα[ν. I suggest reading [- - ἐπέρ[ν] ἐνο[ικοί σωτ[ο[ν ἐνυςαντι[ος]] [κέρματο[ν σύμφω[ο[ν κέρματο[ν] ἔστ[α[σ[ν - - ] in CPR X 30.1-2, and κέρματος ἐργα[ρ[ίο[ν in CPR X 27.9 (cf. Taf. 15). (But the formulation κέρματος ἐργα[ρ[ίο[ν is not otherwise attested.)
\textsuperscript{18}  Ed. A. Syrcou, \textit{APF} 42 (1996) 109ff. On the provenance of this text see above note to line 17.
\textsuperscript{19}  Arsinoite, Oxyrhynchite, or possibly Heracleopolite according to ed. pr. on the basis of the Latein notarial signature; but the formulation πο[τ(ο[) νομ[ιμα[το[ς] (line 7) has not been attested in any text from Heracleopolis or Oxyrhynchus, see Maresch, \textit{Nomisma und Nomismatia} 27, 144.
\textsuperscript{20}  150 myriads = 1000 talents.
\textsuperscript{22}  The editor argues for a ‘Getreidespeicher’, or a tailor’s shop, see introd. (para. 3).
\textsuperscript{24}  Ed. A. Papathomas, \textit{AnPap} 8-9 (1996-97) 197ff.
\textsuperscript{25}  A full edition of this text is in preparation.
\textsuperscript{26}  PVindob G 36920a, ed. pr. J. Diethard, \textit{AnPap} 5 (1993) 106ff.

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