

NIKOLAOS GONIS

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

aus: Zeitschrift für Papyrologie und Epigraphik 132 (2000) 189–192

© Dr. Rudolf Habelt GmbH, Bonn

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

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 ΜΙΣΘΩΣΙΣ 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 Spania but at the time διάγων 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' ὅσον 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.

Cf. Tafel II

- [± 18] τῇ[c 'Αρκ]άδων ἐπαρχί[α]ς νιώ
 [τοῦ τῆς ± 8 μνή]μης Ἰουλίου ἀπὸ κάμης Σπανίας
 τοῦ Ὁξυρυγχί[του νο[μοῦ τὰ] νῦν διάγοντι ἐνταῦθα τῇ λαμπρᾷ
 [·Ο]ξυ[ρυ]γχί[τῳ]ν πόλει, Αὐρήλιος Ἰωάννης νιὸς Διοσκόρου
 5 μητρῷ[c "Αν]γιας ἀπὸ τῆς Ὁξυρυγχίτῶν πόλεως χαίρειν.
 ἔκουσίως ἐπιδέχομαι μισθώσασθαι ἀπὸ νεομηνίας τοῦ
 Θώθ μηνὸς τοῦ εἰσιόντος ἔτους ρῷς ρξδ τῆς cùν Θεῷ
 εἰσιούης δωδεκάτης ἵνδικτίονος ἀπὸ τῶν ὑπαρχόντων
 τῇ cῇ αἰδειμότητι ἀπὸ οἰκίας διακειμένης ἐπὶ τῆς
 10 [τῇ]c πόλεως [ἐπ'] ἀμφόδου Παμμένους Παραδίσου
 [ν]ευούης ἐπὶ λείβᾳ ὄλόκληρον μονόχωρον τυγχάνον
 [ὑ]ποκάτω τῆς ὁ[ψ]ιδος νεῦνον ἐπὶ βορρᾶ cùν χρητηρίοις
 καὶ δικαίοις πᾶσι καὶ τελέων ὑπὲρ ἐνοικίου τούτου
 ἐνιαυσίως χρυσοῦ κεράτια ἔξ iδιωτικῷ ζυγῷ νομιτευό-
 15 μένα, γί(νεται) χρ(υσοῦ) κερ(άτια)ς iδιωτικῷ ζυγῷ νομιτ(ενόμενα), ὅπερ ἐνοίκιον
 [ἀπ]οδόσω κατ' ἔτος δι' ἔξαμήνου τὸ ἡμισυ· καὶ ὄπόταν

βουληθείη ἡ cὴ αἰδειμότης ἀντιπαραδώσω
τὸ αὐτὸ μονόχωρον μετὰ τῆς ἀ]τρώ[τ]ου νῷμῆς ὡς καὶ παρ-

Back, downwards along the fibres:

[† μίcθωcιc Αύρηλιον Ἰωάννου νιοῦ Διοσκόρου ἀ]πὸ τῆς Ὁξυρυγχ(ιτῶν) λόγ(φ) ἐνοικ(ίου)
χ[ρ(υcoῦ) κερ(άτια) c].

2 Ιουλίου 10 1. Παραδείσου 11 1. λίβα 16 1. ἀποδώσω

'... of the province of Arcadia, son of Iulius 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 [An]na, 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, total 6 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.'

1 Ἀρκ]όδων ἐπαρχ[ία]c. For the term, see B. Palme, *Tyche* 12 (1997) 258. The mention of the province of Arcadia suggests that the lessor was on the staff of some high official of the province, probably the *praeses*. If so, the line would have run along the lines of [*office in dative* τῆς ἡγεμονικῆς τάξεως (ταύτης) τῆς Ἀρκ]όδων ἐπαρχ[ία]c; cf. e.g. POxy L 3600.4 (502), XVI 1965.4-5 (553), VII 1042.15 (578), LVIII 3934.10-11 (588).

Oxyrhynchus was the seat of the governor of the province of Arcadia. For the *officium* of the *praeses* and its staff, see G. Lallement, *L'administration civile de l'Égypte de l'avènement de Dioclétien à la création du diocèse* (284-382) (1964) 50; J. G. Keenan, *MPL* 2 (1977) 193 n. 3, 201 n. 26; CPR XIV 39 introd. para. 2. For the social and economic standing of these *officiales*, see R. S. Bagnall, *Egypt in Late Antiquity* (1993) 65f.

2 [τῆς ± 8 μνή]μηc. μακαρίαc is a possible restoration, but there are other possibilities too, cf. POxy LVIII 3955.5 n. κώμηc Σπανίαc. For this village, see P. Pruneti, *I centri abitati dell'Ossirinchite* (1981) 184f. Its identification with Saffaniya indicates that it was situated in the Lower Toparchy of the nome, see F. Gomaà, R. Müller-Wollermann, W. Schenkel, *Mittelägypten zwischen Samalüt und dem Gamal Abū Sir = TAVO* B 69 (1991) 102, 111.

3 τὰ] νῦν διάγοντι. For the *Fernwanderung* of civil servants, see H. Braunert, *Die Binnenwanderung* (1964) 304f.

3-4 λαμπρᾶ [Ὀξυ[ρυ]γχ[ι]τῶν πόλει. The latest example of Oxyrhynchus called λαμπρὰ καὶ λαμπροτάτη dates to 511 (or 516); thereafter, with the exception of a short interval in the 570s, the city is uniformly styled as λαμπρά, see D. Hagedorn, *ZPE* 12 (1973) 286, 290.

6-7 νεομηνίαc τοῦ Θώθ. For leases of real property set to begin on the first day of the Egyptian year, see Müller 180f.

7 The date corresponds to 29 August 518, see R.S. Bagnall, K.A. Worp, *The Chronological Systems of Byzantine Egypt* (1978) 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.

9 αἰδειμότητι. The use of this noun suggests that the lessor was addressed to as τῷ αἰδειμῷ (-ωτάτῳ). For other leases mentioning individuals styled as αἰδέιμοι, see Müller 99 n. 1.

10 Παμμένους Παραδίσου (l. -είcοv). For this quarter, see J. Krüger, *Oxyrhynchos in der Kaiserzeit* (1990) 85; cf. also T. M. Hickey, J. G. Keenan, *AnPap* 8-9 (1996-97) 217 n. 1. 4.

11 μονόχωρον. For the significance of the word, see POxy XLII 3057.13 n. (to the examples cited there add now POxy XLVII 3355.3, 8, 12, of 535); see also G. Husson, *OIKIA. Le vocabulaire de la maison privée en Égypte d'après les papyrus grecs* (1983) 32, 209 n. 2. On houses in Egypt see the literature cited in CPR XIV 12 introd. para. 6; also Bagnall, *Egypt in Late Antiquity* 49ff., and H. Saradì, *BASP* 35 (1998) 17ff.

12 [ὑποκάτω τῆς ἀ[ψ]ιδοc. Cf. POxy XVI 1957.11-12 (430) συμπόσιο[ν διακείμ(ενον)] | ἐπάνω τῆς ἀ]ψιδοc [in place of διακείμ(ενον), τυγχάν(ον) might also be considered]; POxy I 43v = WChr 474.5.10 (295) πρ(ὸ)c τῇ ὄγιδει οικίαc Φλαβιανοῦ. On the term see POxy LXIV 4441.17 n.

13-15 For rents in Byzantine Egypt, see Müller 218ff., 350ff. (list); cf. also K. A. Worp, *Tyche* 3 (1988) 273ff. See further the appendix below.

16 κατ' ἔτος δι' ἔξαμινον τὸ ἥμιcο. For the half-yearly installments see Müller 224f.

16-17 ὁπόταν βουληθείη. For the grammar, see J.-L. Fournet, *ZPE* 117 (1997) 169f. n. 1. 4.

For leases of immovables terminable at the will of the lessor, see Müller 187ff., 271; see also A. Syrcou, *APF* 42 (1996) 111 n. ll. 7-8 for further references. The earliest example of an indefinite lease is PDubl 31 of 325, but the concept may well go back earlier, see B. C. MacGing, *ZPE* 82 (1990) 118 n. 1. 7 (ed. pr. of PDubl 31).

- 17 ἀντιπαραδώσω. See P.Oxy. XVI 1889.23 n.; to the examples cited there add P.Rein II 108.12 (VI), SB XX 14110.16ff. (VI), SB I 4485.12 (VI/VII). The verb has not been recognised in P.Berol inv. 21754.8 (VI) (ed. *APP* 42 (1996) 109ff.), where the edition has αὐτὸν παραδώσω | τὴν νομῆν [τ]οῦ αὐτοῦ | τόπου ὡς καὶ παρείληφα; examination of the original indicates that the papyrus reads ἀντιπαραδώσω. (The provenance of this document is said to be unknown, but the formulas employed strongly suggest that it is Oxyrhynchite.)
- 18 μετὰ τῆς ἀτρίώτου νομῆς. For the sense of νομῆς, a term which occurs exclusively in Oxyrhynchite documents, see Müller 277f.; to his list of examples of the prepositional construction (277 n. 3) add P.Oxy. L 3600.21 (502).
- 18-[19] Restore παρ[έ]λαβον or παρ[ε]ίληφα. The text probably continued along the lines of κυρία ἡ μίθωσις ἀπλῆ? γραφεῖσα καὶ ἐπερωτηθεὶς ὡμολόγησα (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.¹ (H = *hypomnema*, C = *cheirographon*)

<i>Document</i>	<i>Date</i>	<i>Provenance</i>	<i>Object</i>	<i>Duration</i>	<i>Rent</i>	<i>Form</i>
PKell I 31	27.4.306	Mothite	?οἰκία	?	9? talents	?
PHaun III 55	16.6.325	Ars.	κέλλα	1 year	1 artaba 8 metra/wheat	H
CPR XVIIA 38	336/37	Herm.	κέλλα	2 years	?	H
PDubl 31	3.9.355	Panop.	1/2 ἐργαστήριον λινούφικόν ²	indefinite	200 talents	C
PKell I 32	28.10.364	Moth.	κέλλα	1 year	2 artabas/wheat	C
PKell I 33	21? 11.369	Moth.	κέλλα	?	200 talents	C
P.Oxy. LI 3639	11.9.412	Oxy.	ἐλαιουργεῖον	?	120(+?) sext./radish oil, 120(+?) art./clean [] ³	H
SB XXII 15620 ⁴	28.7.425	Antin.	κέλλα	indefinite	120 myriads/denarii? ⁵	H
CPR XIV 126	25.2.450	Hera.	1/2 οἰκία, τόποι	1 year	1 1/2 nom.	C
SB XVIII 13620	14.9.473? ⁷	Herm.	2/3 οἰκία	indefinite	8,000 talents	H
SB XXII 15461 ⁸	17-25.3.481	Hera.	αὐλή, θησαυρός	1 year	1/2 nom. minus 1 1/2 ker.	C
CPR VI 79	V	Hera.	ἔπαυλις	?	?	C
PPrag II 159	V	Ars.	μυλοαρτοκοπεῖον	?	4 artabas clean [] ⁹	C
P.Oxy. L 3600	1.12.502	Oxy.	συμπόσιον	indefinite	?	H
P.Oxy. XVI 1963 ¹⁰	early VI	Oxy.	οἰκία	indefinite	18 keratia	H
P.Oxy. XVI 1964	before 29.8.518	Oxy.	μονόγωρον	indefinite	6 keratia	H
CPR X 26 ¹¹	12.2.532	Ars.	part of οἰκία	indefinite	1 nomisma min. 5 keratia	C

¹ I have not included uncertain but probable cases such as PMünch III 90, P.Oxy. 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) 194); note also that SB XIV 11423 = PPalaRib 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 ἐργαστήριον, the lease also concerns two looms, as rental for which the lessee is to weave ten linen items for the lessor. Cf. now P.Oxy. LXVI 4534.

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

⁴ PMich inv. 456, ed. pr. T. Gagos, P. van Minnen, *JRA* 5 (1992) 200ff.

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

⁶ Cf. A. Papathomas, *Tyche* 10 (1995) 147f.; Gonis, loc. cit. 191ff.

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

⁸ PVindob G 10869a+, ed. pr. P. J. Sijpesteijn, *CE* 68 (1993) 160ff., *CE* 71 (1996) 120f; cf. Gonis, loc. cit. 191ff.

⁹ Possibly of ὄρτος, ὄρακος, or λαχανόσπερμον, see the editors' note on 7f.; cf. P.Oxy. 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. Maresch, *Nomisma und Nomismata* (1994) 24 n. 13 (= BL X 30).

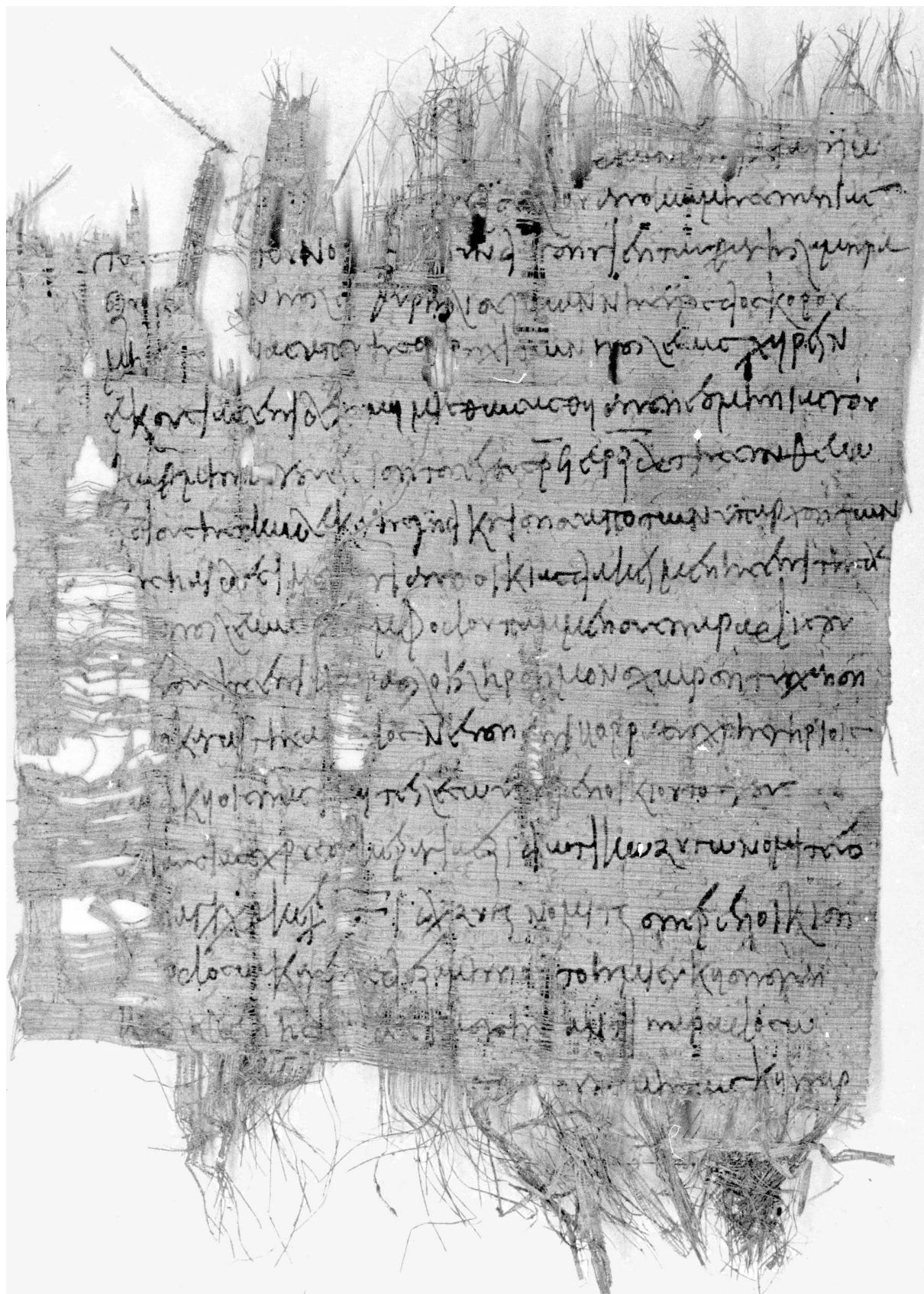
<u>CPR X 27</u>	5.10.533	Ars.	?	?	90 myriads/denarii ¹²	[C]
<u>PHarr II 238</u>	4.4.539	Oxy.	ϲυμπόϲιον	?	?	H
<u>CPR VIII 61</u>	27.3-25.4.546	Ars.	χορτοθήκη	indefinite	?	C
<u>PBodl I 36</u> ¹³	31.3.543/558	Ars.	τόπος	indefinite	1/2 nomisma	[C]
<u>CPR IX 32</u>	8.7.551	Herm.	ἐπωλις	indefinite	?	?
<u>CPR XIV 10</u>	556-579	Ars.	ἐργαϲτήριον βαϲφεντικόν	?	?	C
<u>CPR IX 33</u>	1-2.566	Herm.	1/8 οἰκία	indefinite	x keratia	?
<u>CPR VIII 62</u>	29.7.575	Hera.	τόπος, δῶμα, ἀρτοθήκη	indefinite	1000 nummi ¹⁴	C
<u>SB XX 15008</u> ¹⁵	6.4.578	Hera.	2 τόποι, ὑποπέϲϲιον, indefinite 2 ἀρτοθήκαι	7 keratia		C
<u>CPR XIV 11</u>	20.12.578	Ars.	ἐργαϲτήριον	?	?	C
<u>CPR IX 8</u>	VI	Herm.	ἐπωλις	indefinite	4 keratia	?
<u>CPR X 22</u>	VI	Ars.		?	720 myriads/denarii ¹⁶	?
<u>CPR X 28</u>	VI	Ars.	κέλλα	?	x lita keratia	?
<u>CPR X 30</u>	VI	Ars.	τόπος	?	100 (+?) myriads ¹⁷	?
<u>PBerol inv. 21754</u> ¹⁸	VI	Oxy.	τόπος	indefinite	1/3 nomisma	?
<u>PPrag II 161</u>	VI	Ars. ¹⁹	?	?	150 myriads ²⁰	?
<u>SB XX 14110</u>	VI	Oxy.	ἐργαϲτήριον	indefinite	2 keratia	H
<u>SB XXII 15245</u> ²¹	VI	Ars.	ἐργαϲτήριον	?	?1/2 nom. minus 5 ker.	?
<u>PHamb IV 265</u>	late VI	Antaeop.	? ²²	?	1 1/2 art./wheat	?
<u>PBodl I 38</u> ²³	VI/VII	Apoll.	κωϲθαρουργεῖον	x years	?	C
<u>CPR VIII 69</u>	VI/VII	Hera.	ἐξέδρα	indefinite	2 keratia	?
<u>PVindob G 26451</u> ²⁴	VI/VII	Herm.?	?	?	x nom.	?
<u>PBodl I 37</u>	7.3.600	Ars.	χορτοθήκη	?	?	C
<u>PBodl I 141</u> ²⁵	7.7.612?	Ars.	τόπος	?	?	?
<u>SB XII 15263</u> ²⁶	28.9-4.10.634	Ars.	ἐξέδρα	?	?	?

Wolfson College, Oxford

Nikolaos Gonis

¹² 90 myriads of denarii = 600 talents.¹³ For the date see R. Ziegler, *ZPE* 125 (1999) 212.¹⁴ For the monetary value of *nummia* at that date, see Maresch, op. cit. 29-31, 61, 175.¹⁵ This is a re-edition of Müller's no. 144 with an additional fragment.¹⁶ 720 myriads of denarii = 4,800 talents.¹⁷ In lines 1-2 the edition has]ένο[ἐνιωϲίωϲ] | [νομίϲματο]ϲ ἀργυρίο[ν κέρματο]ϲ ἔκατ[όν, restored on the basis of CPR X 27.9-10 κ[έρματοϲ δη]ν[να]ρίον | μυριάδαϲ ἐνενήκοντα. I suggest reading [- - ὑπὲρ] ἔνο[ικίου αὐτοῦ ἐνιωϲίωϲ] | [κέρματο]ϲ ἀργυρίο[ν μυριάδα]ϲ ἔκατ[όν - -] in CPR X 30.1-2, and κ[έρματοϲ] ἀρ[γυρίο]ν in CPR X 27.9 (cf. Taf. 15). (But the formulation κέρματοϲ ἀργυρίο is not otherwise attested.)¹⁸ Ed. A. Syrou, *APF* 42 (1996) 109ff. On the provenance of this text see above note to line 17.¹⁹ Arsinoite, Oxyrhynchite, or possibly Heracleopolite according to ed. pr. on the basis of the Latinate notarial signature; but the formulation ρύπ(αροῦ) νομίϲμα(toc) (line 7) has not been attested in any text from Heracleopolis or Oxyrhynchus, see Maresch, *Nomisma und Nomismata* 27, 144.²⁰ 150 myriads = 1000 talents.²¹ PVindob G 25578, ed. pr. M. Derndarsky, *AnPap* 5 (1993) 59ff.²² The editor argues for a 'Getreidespeicher', or a tailor's shop, see introd. (para. 3).²³ Cf. F. Mitthof, *Tyche* 12 (1998) 268; Gonis, *ZPE* 124 (1999) 194.²⁴ Ed. A. Papathomas, *AnPap* 8-9 (1996-97) 197ff.²⁵ A full edition of this text is in preparation.²⁶ PVindob G 36920a, ed. pr. J. Diethart, *AnPap* 5 (1993) 106ff.

TAFEL II



P. Oxy. XVI 1964; N. Gonis, pp. 189–192