

Herausgegeben von:

Thomas Corsten  
Fritz Mitthof  
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# TYCHE

Beiträge zur Alten Geschichte  
Papyrologie und Epigraphik

Band 29, 2014

HOLZHAUSEN  
DER VERLAG



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Tafeln 1–15

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AMIN BENAÏSSA

## A Lease of Crops by a Soldier of the *Mauri Scutarii*

Tafel 1

The papyrus published here is housed in the Österreichische Nationalbibliothek in Vienna and preserves a ‘lease of crops’ dating from 498.<sup>1</sup> The landowner Flavius Sarapion son of Martyrius, a soldier in the Hermopolite unit of the *Mauri Scutarii*, has already been attested in another lease in the Viennese collection dating from a couple of years earlier (4 n.). The lessee is a vegetable gardener or possibly a greengrocer (λαχα[v-; 5–6 n.). The crops, whose nature is not further specified in what survives of the document, are presumably various vegetables (cf. 10 n.) and are situated in a vineyard around an uncertain Hermopolite village. The size of the land is unknown, but the rent of one solidus is relatively modest and is to be paid in three instalments. Interestingly, the lessee is also required to provide as an extra gratuity bundles of the medicinal plant *scammonia* (22 n.), which was perhaps cultivated in the same vineyard.

For bibliography on land leases from late antiquity, see P.Heid. VII 405 introd. For lists of Hermopolite leases, see P.Münch. III 91 introd. and P.Köln IX 373 introd., to which one can add now (*inter alia*) a number of texts in BGU XVII and XIX. Leases in which vegetables are the principal object of cultivation include CPR VIII 71 (Ars.; 684?; BL VIII 115), P.Cair.Masp. II 67170 (Panop.; 562–564), and P.Princ. III 179 (?; V/VI).<sup>2</sup> For contracts styled as ‘leases of a crop’ (rather than of the land), which are often effectively an early sale of the crop (‘Erntekauf’), see the bibliography assembled in P.Bodl. I 85 introd., especially J. Herrmann, *Studien zur Bodenpacht im Recht der graeco-ägyptischen Papyri*, München 1958, 222–229, and R. Kniepkamp, *Ὁ καρπός in den Papyri*, Inaug.-Diss. Köln 1970, 83–112.

Since only the right-hand half of the document survives and several clauses do not follow standard formulas, the restoration of many lines is uncertain. Apart from the last line of the subscription of the *hypographeus*, the document is possibly missing at the bottom only the signatures of witnesses and/or a notarial signature, although neither will necessarily have been present (cf. BGU XIX pp. 8–9).

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<sup>1</sup> I am grateful to Fritz Mitthof for some helpful comments on a draft of this edition.

<sup>2</sup> The first two documents are leases of vegetable gardens which also contained palm and fruit trees.



P.Vindob. G 13263 +  
13376 + 14694  
Hermopolis

12.3 × 20.5 cm

3 February 498

Plate 1

Light-brown papyrus written along the fibres. Complete at the top and right-hand side, with minimal margins. Irregularly broken at the left-hand side and bottom. A *kollesis* runs down the centre. Fair-sized upright cursive with a relatively slow ductus. Back blank.

- [ (vac.) χ]μγ ρθ  
[+ μετά την ύπατείαν τοῦ δεσπό]του ἡμῶν Φλ(αουίου) Ἀναστασίου τοῦ αἰωνίου  
[ (vac.) Αὐγούστου καὶ] Αὐτοκράτο(ρο)ς τὸ β, Μεχειρ θ, ς ἰνδικ(τίονος).  
[Φλαοῦῳ Cαραπίωνι Μαρτ]υρίου στρατιώτῃ ἀριθμοῦ τῶν ἐν Ἑρμοῦ-  
5 [πόλει Μαύρων παρὰ Αὐρ(ηλίου) Κ]ολλοῦθου Παισίου μητρὸς Εὐτος λαχα-  
[v- c.5 ἀπὸ τῆς αὐτῆς πό]λεως. ὁμολογῶ ἔκουσίως καὶ  
[αὐθαίρετος μισθῶσα]θαι παρὰ σοῦ τὸν ἐπικείμενον καρ-  
[πὸν ἐν τῷ ἀμπελικῷ νεο]φυτείῳ διαξε[ι]μένῳ περὶ πρακτορίαν  
[κώμης c.8 τοῦ Ἑρμοπολί]του νομοῦ πρὸς χρῆσιν  
10 [ἐμὴν c.22 ]θίων, φόρου ἐκάκτης  
[ἀρούρης c.18 ], της ἀμπέλου ἕως τῆς  
[ c.10 χρυσοῦ νομίματο]ς δοκίμου ἑνὸς παρὰ  
[κεράτια c.6 ζυγῷ τῆς αὐτῆς] πόλεως, ὄνπερ χρυσικὸν  
[φόρον ἀποδώσω σοι ἐν δόσει τρισί, τῇ πρώτῃ]η δύσει τῇ πεντε-  
15 [καιδεκάτῃ τοῦ N.N. μηνὸς τῆς εἰσιούσης ἐ]βδόμης ἰνδικ(τίονος)  
[τρίτον μέρος, καὶ τῇ δευτέρῃ δόσει ἐφε]ξῆς τῇ νεομηνίᾳ τοῦ  
[ N.N. μηνὸς ἕτερον? τρίτον μ]έρος, καὶ τῇ τρίτῃ δόσι ὡς  
[ c.18 ], . . . τὸ ὑπόλοιπον τρίτον μέρος εἰς  
[συμπλήρωσιν παντὸς? τοῦ] χρυσικοῦ φόρου, καὶ ἐτοίμως ἔχειν ἀνα-  
20 [ c.16 τοῦ] αὐτοῦ νεοφύτου ἐν τῇ πέμπτῃ τοῦ Ἄθουρ  
[μηνὸς c.8 ἀνυπερ]θέτως καὶ ἐτοίμως ἔχω παρασχεῖν σοι  
[ c.10 ὑπὲρ ἐκάκτη]ς? ἀρούρης σκαμίων δεμάτων δύο  
[ c.20 ] ὡς εἰς ἀν γένη[τα]ι μέχρι λήξεως.  
[ἡ μίσθωσις κυρία καὶ βεβαία κ]αὶ ἐπερ(ωτηθεῖς) ὁμολ[ι]((όγησα).  
Αὐρ(ήλιος) Κολλοῦθος]  
25 [Παισίου ὁ προκ(είμενος) μεμίθ(ωμαι) ὡς πρ]όκ(εῖται). Αὐρήλιο[ς N.N.  
τοῦ N.N. ἀπὸ Ἑρ(μουπόλεως)]  
[ἔγραψα ὑπὲρ αὐτοῦ γράμματα μὴ εἰδόςτος. ]
- 

2 φλ/ 3, 15 ἰνδικ 4 c of στρατ- corr. 8 l. νεοφυτεῖω 14, 17 l. δόσει 22 l. ἀρούρης 22 l. δέματα  
24 επερ 25 ]οκ

‘After the consulship of our master Flavius Anastasius, the eternal Augustus and Emperor, for the 2<sup>nd</sup> time, Mecheir 9, indiction 6.’

‘To Flavius Sarapion, son of Martyrius, soldier in the unit of the *Mauri* in Hermopolis, from Aurelius Colluthus, son of Paesis, mother Eus, vegetable gardener(?), from the same city. I acknowledge freely and of my own will to have leased from you the ripening crop in the newly planted vineyard which lies around the tax-district of the village N.N. of the Hermopolite nome for my use ..., at a rent of, for each aroura, ... from(?) the vineyard as far as ... one approved solidus of gold minus *n* carats at the standard of the same city, which rent in gold I will pay back to you in three instalments, in the first instalment on the fifteenth of the month N.N. of the incoming seventh indiction a third part, in the second instalment thereafter on the first of the month of N.N. another(?) third part, and in the third instalment as ... the remaining third part for the fulfilment of the whole(?) rent in gold, and I am ready to ... of the same new plantation on the fifth of the month Hathyr ... without delay ..., and I am ready to provide you ... for each(?) aroura two bundles of scammony ... if/whenever it comes about until the termination (...?). The lease is normative and secure, and upon being asked the formal question I assented.’

‘I, Aurelius Colluthus, son of Paesis, the aforementioned, have taken on (this) lease on the aforementioned terms. I, Aurelius N.N., son of N.N., from Hermopolis, have written on his behalf since he does not know letters. (...?)’

1 There is a large blot of ink at the end of the line, presumably from the dripping pen. On the isopsephic Christological signs  $\chi\mu$  (643 =  $\theta\epsilon\delta\varsigma$   $\beta\omicron\eta\theta\acute{o}\varsigma$ ?) and  $\rho\theta$  (99 =  $\acute{\alpha}\mu\acute{\iota}\nu$ ), which typically mark the top of contracts and other documents in late antiquity, see F. Mitthof, CPR XXIII 34.1 n.

2–3 On the second consulship of emperor Anastasius in 497 and for the conversion of the date, see R. S. Bagnall, K. A. Worp, *Chronological Systems of Byzantine Egypt*, Leiden <sup>2</sup>2004, 146, 161, 201, and R. S. Bagnall et al., *Consuls of the Later Roman Empire*, Atlanta 1987, 529, 531.  $\kappa\alpha\iota$   $\text{A}\acute{\upsilon}\tau\omicron\kappa\rho\acute{\alpha}\tau\omicron\rho\omicron\varsigma$  is rarely added to the emperor’s titulature in other instances of the formula.

The restoration of the post-consular formula makes line 2 slightly longer — by about 4 or 5 letters — than the other lines with whose break it is aligned (4–8). The line may therefore have been slightly in *ekthesis*, or perhaps the scribe wrote erroneously a consular formula ( $\acute{\upsilon}\pi\alpha\tau\epsilon\acute{\iota}\alpha\varsigma$  instead of  $\mu\epsilon\tau\grave{\alpha}$   $\tau\eta\nu$   $\acute{\upsilon}\pi\alpha\tau\epsilon\acute{\iota}\alpha\nu$ ) in this early part of the Julian year. An abbreviation of  $\acute{\upsilon}\pi\alpha\tau\epsilon\acute{\iota}\alpha\nu$  in the post-consular formula would be very unusual.

4 The restoration is based on the likely attestation of the same lessor in SB VIII 9776.3–5 (Herm.; 496; see BL VII 214) = P.Vindob. G 17809:  $\Phi\lambda\alpha\upsilon\acute{\omicron}\nu\acute{\iota}\phi$   $\text{C}\alpha\rho\alpha\pi\acute{\iota}\omega\nu\iota$   $\text{M}\alpha\rho\tau\upsilon\rho\acute{\iota}\omicron\upsilon$   $\text{C}\tau\rho\alpha\tau\iota\omega\tau\eta$   $\acute{\alpha}\rho\iota\theta\mu\omicron\upsilon$  |  $\tau\omega\nu$   $\gamma\epsilon\nu\nu\alpha\iota\omicron\tau\acute{\alpha}\tau\omega\nu$   $\text{M}\acute{\alpha}\upsilon\rho\omega$ [ $\nu$ ]  $\tau\acute{\omega}$ [ $\nu$ ]  $\acute{\epsilon}\pi\acute{\iota}$   $\tau\eta\varsigma$   $\text{E}\rho\mu\omicron\upsilon\text{p}\omicron\lambda\iota\tau\omega\nu$  |  $\kappa\alpha\theta\iota\delta\rho\mu\acute{\epsilon}\nu\omega\nu$ . The document is a lease of land(?) addressed to Fl. Sarapion by the son of a deacon from a village whose name ends in  $\eta$ .

4–5  $\acute{\alpha}\rho\iota\theta\mu\omicron\upsilon$   $\tau\omega\nu$   $\acute{\epsilon}\nu$   $\text{E}\rho\mu\omicron\upsilon$ [ $\rho\acute{\omicron}\lambda\epsilon\iota$   $\text{M}\acute{\alpha}\upsilon\rho\omega\nu$ ]. On the cavalry unit of the *Mauri Scutarii*, a detachment of which was stationed in Hermopolis from at least 340 until 538 (cf. Not. Dig. Or. XXXI 23–24), see the references assembled by B. Palme in CPR XXIV p. 23 n. 3. More recent instances include BGU XIX 2803–2804 (V), P.Oxy. LXXII 4893 (375), P.Jena II 16.2 (V), 17.4 (515?).

5 Αὐρ(ηλίου) Κ]ολλοῦθου Παισίου. Not apparently attested elsewhere, though cf. [. . . ]ϩ[.]θϩ ([Κολλ]ϩ[ύ]θϩ?) λαχανᾶ(τι) [ἀ]πὸ Ἑρμοῦπόλεως in the rent receipt BGU XII 2194.2 (Herm.; VI), where the lessor is Anatolius, *vir clarissimus*. Another Hermopolite greengrocer (λαχανοπώλης) named Colluthus, son of Lilous and Maria, appears in P.Cair.Masp. II 67164.1 (Antin.; 569).

5–6 λαχα[ν- c.5]. There are several possible restorations: λαχα[νευτοῦ, λαχα[νοπώλου, λαχα[νοπράτου, λαχα[νᾶ; on these terms, see K. Ruffing, *Die berufliche Spezialisierung in Handel und Handwerk*, Rahden/Westf. 2008, II 628–31. The last, synonymous with λαχανοπώλης and λαχανοπράτης, is too short for the available space and can be discounted. λαχανοπράτης is attested only in the Arsinoite nome. λαχανοπώλης would imply that the lessee is leasing the right to harvest the crop so as to sell it, which would accord well with the formulation of the contract as a ‘lease of a crop’: the greengrocer was not necessarily involved in the cultivation and tending of the vegetables. The word, however, may be slightly too long for the space, which leaves λαχα[νευτοῦ as the likeliest supplement. A λαχανευτής is properly one who λαχανεύει, ‘plants vegetables’, not a ‘greengrocer’ as LSJ s.v. implies, though of course the two functions could easily overlap and a vegetable gardener no doubt often sold his own produce (cf. Drexhage, *infra cit.* 115). In the petition P.Giss.Bibl. 1.3 (Ars.; II BCE), two λαχανευταί are said to have leased a garden from the petitioner and cultivated it with vegetables. P.Oxy. VIII 1139.2 (after 322) reveals that the λαχανευταί of Oxyrhynchus were organized into a corporation headed by *μηνιάρχαι* in the fourth century, apparently with the implication that they were involved in marketing their produce. The relatively uncommon word has occurred in three additional papyri: P.Oxy. I 43v iii.12 = W.Chr. 474 (after 295), BGU XIX 2837.4 (Herm.; 582), and SB XX 14288.4, 6, 19 (Herm.; VII). On λάχανα and their cultivation in (Roman) Egypt, see H.-J. Drexhage, *λάχανον und λαχανοπῶλαι im römischen Ägypten (1.–3. Jh. n. Chr.)*, MBAH 9.2 (1990) 88–117.

8 ἐν τῷ ἀμπελικῷ νεο]φυτίῳ (*l. νεοφυτεῖῳ*). Cf. 11 ἀμπέλου, 20 τοῦ] αὐτοῦ νεοφύτου. The phrase ἀμπελικὸν νεοφυτεῖον recurs in P.Hamb. I 68.23 (Aphrodito; 548/9 or 563/4); cf. also P.Köln X 421 App. I l. 27 (Aphrodito; c. 525–550) ἐν νεοφυτίῳ ἀμπέλῳ and the several instances of the expression νέφυτος ἀμπελών (mostly in the earlier period). ‘Vegetables were often grown in vineyards and orchards, between the rows of vines or trees, since they too required perennial irrigation’ (J. Rowlandson, *Landowners and Tenants in Roman Egypt*, Oxford 1996, 19); on the practice of intercultivation, see further Drexhage, (above, 5–6 n.) 92, K. Ruffing, *Weinbau im römischen Ägypten*, St. Katharinen 1999, 86–89, and J. S. Kloppenborg, *The Tenants in the Vineyard: Ideology, Economics, and Agrarian Conflict in Jewish Palestine*, Tübingen 2006, 566.

9–10 πρὸς χρῆσιν [ἐμήν. With the addition of καὶ οἴκησιν the phrase is more typical of leases of house-property and the like; for comparable phrases in leases of crops, cf. BGU XI 2127.12–14 (Memph.; 156) ὅςτ’ ἐμὲ ἀποκαρπίσασθαι τὸν τῶν αὐτῶν φοινίκων καρπὸν καὶ χρᾶσθαι ὡς ἐὰν βούλωμαι (lease of a crop of dates), XII 2182.10–11 (Herm.; 510) ] ἡμετέραν χρῆσιν (lease of a crop of acacia husks).

10 ]θίων. The word can refer to a vegetable (e.g. ἐρεβν]θίων or κολοκυν]θίων) or perhaps to the number of baskets of vegetables to which the lessee was entitled (e.g. ψια]θίων, ‘rush-baskets’, on which see BGU XIII 2334.5 n. and P.Neph. 5.11 n., or καλα]θίων), but there are other possibilities (e.g. ἀκαν]θίων, ‘acacia trees’).

11 ] της ἀμπέλου ἕως τῆς. The trace before the break looks like a rounded letter (with some confused traces at the top), in which case one could restore e.g. ἀπ]ὸ τῆς ἀμπέλου ἕως τῆς [.

12–13 ἐνὸς παρὰ [κεράτια c.6 ζυγῶ τῆς αὐτῆς] πόλεως. The value of the monetary ‘standard’ of Hermopolis is not stable in the late fifth and early sixth centuries: 1 sol. minus 1.5 car. in 472, minus 2 car. in 476, minus 3 car. in 491, minus 2.5 car. in 492, minus 5 car. in 504 and 513, minus 6 car. in 538 and 541; the latter value becomes the norm in the later part of the century. See K. Maresch, *Nomisma und Nomismatia: Beiträge zur Geldgeschichte Ägyptens im 6. Jahrhundert n. Chr.*, Opladen 1994, 159–171, to which one can add now e.g. BGU XVII 2675.13–15 (481) for minus 3 car. and CPR XIX 10.12–13 (522) for minus 6 car. The space available here excludes the restoration of δύο, ἕξ, and perhaps also τρία, leaving τέσσαρα (so far unattested) and πέντε as the likeliest alternatives.

14 δούκει (*l.* δόκει). The phonetic interchange of ο and υ is relatively uncommon in the papyri; see F. T. Gignac, *A Grammar of the Greek Papyri of the Roman and Byzantine Periods. Volume I: Phonology*, Milano 1976, 293–294 (another example in P.Oxy. IV 809 descr. l. 15 [101?]), fully edited in APF 58/1 [2012] 61–66). Reading δυεί = δυί (‘two’) does not permit any obvious reconstruction of the following lines.

14–19 Although it is clear that the lessee was required to pay the rent in three installments, the exact restoration of the large lacunae in the left-hand half of the document remains rather uncertain given the atypicality of the situation. My supplements are only *exempli gratia*.

14–15 τῆ πεντε[καιδεκάτη τοῦ N.N. μηνὸς τῆς εἰσιούσης ἐ]βδόμης ἰνδικ(τίονος). The new indiction began on the 6<sup>th</sup> of Pachon (1 May) in the Thebaid. The month name must have been short, no longer than c.3–5 letters (e.g. Παχων, Πανυ, Ἐπεφ, Θεθ).

18 ] . . . The second letter looks like the lower part of beta, and the third is a descender with a short intersecting horizontal stroke near the bottom. Perhaps Τ]υβι, but the intersecting stroke, if it is significant, rather suggests an abbreviation (] . ρ).

19–20 ἀνα-. The initial alpha is oddly misshapen. The clause here perhaps specifies the tasks of the gardener towards the end of the lease. Fritz Mitthof suggests restoring e.g. ἀνα[[κκάπτειν. 5 Hathyr = 1 November 498. Hathyr is the usual month for the sowing of vegetable seed; see Drexhage, (above, 5–6 n.) 101.

22 σκαμίων. If read correctly here, this form has only been attested in P.Ryl. IV 630–637.446, 487 (317–323), ‘perhaps connected with σκαμμωνία (σκαμων(α))’ according to the editors ad loc. For the latter word in the papyri, cf. also P.land. IV 67.4 (?; VII/VIII) σκαμ(νί)α, P.IFAO III 37 col. v 13 (Oxy.; after 136) σκαμωνία, SB XXVI 16750.1 (Herm.(?); 324/5) σκαμμων(ί)α, and uncertainly PSI IV 291.2 (Oxy.; V/VI) σκαμ(ωνί)ου (see BL XII 250). As D. Hagedorn and K. A. Worp, *Neues zu der Papyrussammlung Gradenzwit, ZPE 128* (1999) 155 (1 n.), remark, the editors’ equation of σκαμίων (gen. pl.) in P.Ryl. IV 630–637 with *scammonia* is confirmed by its mention together with colocynth (another purgative) in that document (l. 445), as is also the case in P.IFAO III 37 and SB XXVI 16750. *Convolvulus scammonia* was a medicinal plant, and the resin extract from its root was used as a diuretic, laxative, or antirheumatic; see e.g. L. Manniche, *An Ancient Egyptian Herbal*, Austin 1989, 93.

δεμάτων δύο. For the use of δέμα in relation to vegetables and plants, see *WB* III Abschnitt 18 (Maße) s.v.

23 ] ὧς. ]αc also possible.

] ὧς ἐὰν γένη[τα]ι μέχρι λήξεως. One would expect a genitive noun to depend on λήξεως in the next line, e.g. [τῆς μισθώσεως], although this is perhaps unnecessary (there is hardly any space before the *kyria* clause, unless one restores [τῆς μισθώσεως, ἥτις κυρία κτλ.]).

26 The subscription of the *hypographeus* may have continued καὶ δι' ἐμοῦ ἐγράφη τὸ σωματίον *vel sim.* (cf. BGU XVII 2675.24 [Herm.; 481], XIX 2806.6 [Herm.; late V]), since the hand of the subscription is identical to that of the body of the contract.

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