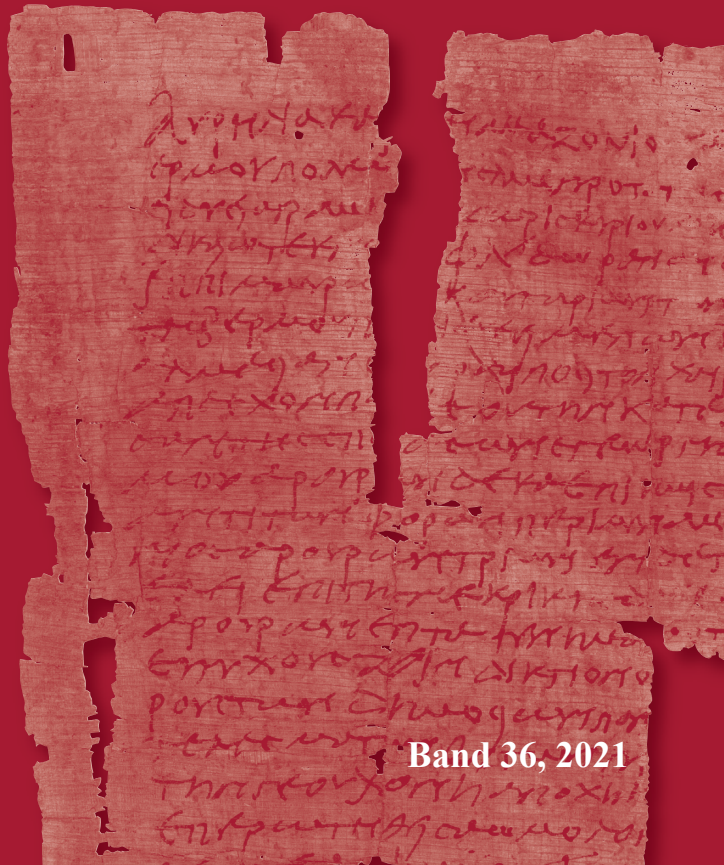


TYCHE

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Papyrologie und Epigraphik



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FEDERICA MICUCCI †

A Hermopolite Sale on Delivery in Vienna and London*

Plates 18–21

CPR IX 31 preserves the top part of a Hermopolite sale of barley and vegetable seed in advance of delivery. Its lower portion is a newly discovered piece, housed in the British Library. Only a few lines have been lost between the two fragments, as we may tell from their combined height, *c.* 30.3 cm. There are some novelties, including a tantalizing reference to an earlier transaction (16–17 and *n.*) and a price for the products if they are not delivered in time (20–21).

There are several sales on delivery of barley and vegetable seed, on their own or with other agricultural products. This is one of the three that concern these two products only, besides P.Bad. II 25 (Ars.; 3rd c.) and SB VI 9282 (Heracl.; *c.* 500); cf. also the loan P.Fay. 89 (Ars.; 9). Barley and vegetable seed are combined with wheat in P.Col. VII 183 (Ars.; 372) and P.Paramone 13 (Ars.?.; *c.* 530), with wine in P.Heid. V 359 (Oxy.; 6th/7th c.), with wheat and wine in P.Mich. XI 608 (Oxy.; 6th c.), with wheat and other crops in CPR X 23.1 (Ars.; 520/521?). The ratio between the two products in our text (5 : 1) is higher than elsewhere (2–4 : 1).

The most important novelty furnished by the London fragment is the notarial subscription, added by Theodosios (*Byz.Not.*, Herm. 8.1.1–5). This notary made his first appearance in print in the same volume that included CPR IX 31, which opens with the section ‘1. - 5. Aus dem Archiv des Notars Theodosios’. Two other contracts signed by him were known at that time, the *descripta* P.Lond. III 1039 and 1153a. The former is now SB XVIII 13585; a later addition is P.Worp 30. None of these documents bears a date. The dossier of Theodosios was originally assigned to the late fifth or early sixth century,¹ a dating retained for SB XVIII 13585 and, with reservations, for P.Worp 30, after SB XVIII 13585 had been reassigned to the sixth/seventh century on the basis of the hand.² The new fragment offers a fixed point in time for the activity of this notary.

* Federica Micucci left a partial draft and notes at the time of her sudden passing (9 Dec. 2021). The article was completed by N. Gonis, with input from Sophie Kovarik. The images of the London papyrus are reproduced by permission of the British Library Board.

¹ The dating in CPR IX ‘aus paläographischen Gründen an das Ende des 5. / Anfang des 6. Jh. n. Chr.’ comes after the following statement: ‘Große Ähnlichkeit weisen auch die Unterschriften in SPP XX 144 [now SB XVI 12492], P.Flor. I 70 (Abb. XI) und P.Strasb. 248 (nach Photo) auf.’ These three texts date from 638, 627/642 and 561 respectively, which could have brought into question the early dating of the dossier.

² See F. Mitthof, P.Paramone 18.29–30 n. (p. 222 n. 27).

CPR IX 2, SB XVIII 13585 and P.Lond. III 1153(a) descr. are land leases; P.Worp 30 is a loan or sale on delivery, called *γραμματεῖον*, like our text. CPR IX 1, 3 and 5 are also *γραμματεῖα*, but their object is no longer known. CPR IX 4 is too fragmentary. What remains of these texts displays the same, standard structure of Hermopolite contracts: the body of the contract (when extant) is followed by the subscription of one of the parties to the transaction, often added by a third person, the subscriptions of two witnesses, all of them from Hermopolis, and the notarial signature.

These papyri come from the finds from Hermopolis that began to flow on the antiquities market from the mid 1880s. CPR IX 2 and 3 (P.Vindob. G 25486 and 25515 respectively) are said to have been purchased in 1887. No year of acquisition is recorded for CPR IX 1, 4, 5, and 31 (P.Vindob. G 1552, 40787, 41159, and 27823 respectively), but Hermopolite papyri in Vienna mostly derive from purchases made around 1886 and in 1897.³ P.Worp 30 (P.Heid. inv. G 147) was acquired in 1897.⁴ P.Lond. III 1153 descr. and SB XVIII 13585 were purchased by the British Museum through the Reverend Chauncey Murch in 1901, with a lot that mostly comprised Hermopolite pieces. The fragment published here (BL Pap. 2876) was formally accessioned in 1930 but was acquired at an earlier, no longer known date.⁵ The British Museum bought numerous papyri from Hermopolis through Murch in 1901 (Papyri 884–1178), 1903 (Papyri 1200–1520), and 1906 (Papyri 1545–1753), but Hermopolite texts also appear in the Myers lot (Papyri 835–878), which entered the Museum in 1900 but stems from purchases in Egypt in the 1880s and/or 1890s.

| | | |
|---------------------|----------------|--------------|
| P.Vindob. G 27823 + | 13.2 × 11.4 cm | 14 March 581 |
| BL Papyrus 2876 | 17.1 × 12.4 cm | Hermopolis |

The writing runs parallel with the fibres; the endorsement was written along the fibres, after the sheet was rotated at 90 degrees.

- [† βασιλεία]ς τοῦ θειοτάτου καὶ εὐσεβεστάτου ἡμῶν
 [δεσπότης Φ]λαυίου Τιβερίου Νέου Κωνσταντίνου
 [τοῦ αἰώνι]ου Αὐγούστου Αὐτοκράτορος ἔτους ἑβδόμου,
 [ὑπατείας] τοῦ αὐτοῦ ἔτο[υς τ]ρίτου, Φαμενωθ τη, ιδ ἰνδ(ικτίωνος).
- 5 [Αὐρηλί]α Ἡραῖς θυγάτηρ Παύλου μητρὸς
 [Κύ]ρας ἀπὸ κόμης Σινελάεως τοῦ Ἑρμοπολίτου
 [νο]μοῦ Αὐρηλίῳ Δανηλίῳ υἱῷ Ταυρίνου
 [τ]ῷ θαυμασιωτάτῳ ἀπὸ τῆς Ἑρμοπολιτῶν
 [χαί]ρειν. ὁμολογῶ ἐσχηκέναι καὶ πεπληρῶσθαι
- 10 [παρὰ σοῦ] τῆς τελείας τιμῆς κριθῆς ἀρταβῶν

³ See H. Loebenstein, *P.Rain.Cent.*, p. 6f.; F. Morelli, *CPR XXX*, p. 4.

⁴ See https://www.ub.uni-heidelberg.de/papyri/view/p_g_147/.

⁵ The register of papyri at the British Library records that Papyri 2860–2900 were transferred from the Department of Egyptian Antiquities to the Department of Manuscripts at the British Museum and were numbered on 30 December 1930.

[δέκα] καὶ λαχανοσπέρμου ἀρταβῶν δύο, γίν(ονται) κριθ(ῆς) (ἀρτάβαι) ι
 [καὶ λαχ](ανοσπέρμου) (ἀρτάβαι) β, ἄπερ ἀποδώσω σοι ἐν τῷ Ἐπειφ
 [μηνί] καιρῷ τῆς ἀλωνείας καρπῶν τῆς σὺν θ(εῷ)
 [πεντε]καιδεκάτης ἰνδ(ικτίωνος) ἐν γενήμασι νέοις καθαροῖς
 15 [κεκοσ]κινε[υ]μέ[νο]ις μέτρῳ δοχικῷ τῆς ἐμῆς

Fr. 2

[c. 8 κ]αὶ τὴν ἰδίαν ἰσχὺν καὶ δύν[α]μιν
 [ἔχοντος μέ]χρι τῆς τούτου ἐπιλύσεως, καὶ νῦν.
 [παρελθούσ]ης δὲ τῆς προθεσμίας εἰ μὴ ἀποδώσω
 [σοι τὰ α]ὐτὰ γενήματα ἐτοίμως ἔχω παρασ-
 20 [χεῖν σοι ὑ]πὲρ τῆς αὐτῶν τιμῆς χρυσοῦ νομισμάτι(ον) ἐν
 παρὰ κεράτια ἕξ εὐ[θ]ῶς μετὰ τὴν προθεσίαν,
 ὑποκειμένων σοι εἰς τοῦτο τὸ χρέος πάντων μου
 τῶν ὑπαρχόντων καὶ ὑπαρξόντων πραγμάτων
 καθάπερ ἐκ δίκης. τὸ γραμματεῖον τοῦτο κύριον
 25 καὶ βέβαιον καὶ ἐπερ(ωτηθεῖσα) ὠμολ(όγησα). † (m.2) † Αὐρηλία Ἡραΐς
 Παύλου ἢ προκ(ειμένη) ἐθέμεθα τοῦτο τὸ γραμματεῖον
 ὡς πρόκ(εῖται). Αὐρήλιος Μηνᾶ Βασιλείδου ἀπὸ Ἐρ(μοῦ πόλεως)
 ἀξιωθεὶς ἔγραψα ὑπὲρ αὐτῆς γράμματα
 μὴ εἰδύας. † (m.3) † Αὐρήλιος Βασιλείδης Ἰωσηφίου
 30 ἀπὸ Ἐρ(μοῦ πόλεως) μαρτυρῶ τὸ † γραμματεῖον ἀκούσας παρὰ τῆς θεμέ-
 νης. (m.4) † Α(ὐρήλιος) Ζαχαρίας Κολλούθου ἀπ' Ἐρ(μοῦ πόλεως) μαρτυρῶ τῷ
 γραμματεῖῳ
 ἀκούσας παρὰ τῆς θεμένης.
 (m.5) † δι' ἐμοῦ Θεοδοσίου σὺν θ(εῷ) συμβολαιογράφου ἐγράφη, κύ(ριε)
 βοήθ(ει). signs

verso

→ (m.1?) χ(ει)ρ(όγραφον) γενάμ(ενον) π(αρά) Ἡραΐδος Παύλου ἀπὸ κώμ(ης)
 Σινε[λάεως τοῦ Ἐρ(μουπολίτου)] (vac.) κριθ(ῆς) (ἀρταβῶν) ι καὶ
 λαχ(ανοσπέρμου) (ἀρταβῶν) β//

2 φλαῖου 4 ινδ 5 ηραῖς 7 υῖο 11 γιν κριθς - ι' 12]s- β'' 13 συνθ 14 ἰνδ 17 και: κ ex
 α 20 νομισματιεν 23 ὑπαρχοντων ὑπαρξοντων: ξ ex χ 25 επερωμολ/ 26 η corr. l. ἐθέμην γραμματεῖ
 26, 27 προκ 27, 30, 31 επ 29 †s 30 το† l. τῷ γραμματεῖῳ 31 α 33 συν κῶβοι 34 † γεναμ
 π κωμς κριθς- λαχς-

‘In the reign of our most godly and most pious master, Flavius Tiberius Novus
 Constantinus, the eternal Augustus Imperator, year seventh, in the consulship of the
 same (emperor), year third, Phamenoth 18, indiction 14.

‘I, Aurelia Herais, daughter of Paulos, mother Kyra, from the village of Sinelais of the Hermopolite nome, to Aurelius Danielios, son of Taurinos, the most admirable, from (the city) of the Hermopolites, greetings. I acknowledge that I have received and been paid from you the full price of ten artabas of barley and two artabas of vegetable seed, total 10 artabas of barley and 2 artabas of vegetable seed, which I shall repay in the month of Epeiph at the time of the threshing of the crops of the, D.V., fifteenth indiction, in new, cleansed, sifted produce by the receiver’s measure of my (village?) ... (fr. 2) ... and retaining its own force and power until its discharge — and now. Should I fail to repay when the due date has passed, I am prepared to offer to you one gold solidus minus six carats for the price of these immediately after the due date, with all my possessions, present and future, being mortgaged to you for this debt, as though by decree of court. This document is authoritative and secure, and having been asked the formal question I gave my consent.’ (Hand 2) ‘I, the aforementioned Aurelia Herais, daughter of Paulos, have executed this document as set out above. I, Aurelius Menas, son of Basileides, from Hermopolis, having been requested, wrote on her behalf as she is illiterate.’ (Hand 3) ‘I, Aurelius Basileides, son of Ioseph, from Hermopolis, am witness to the contract, having heard from the executing party.’ (Hand 4) ‘I, Aurelius Zacharias, son of Kollouthos, am witness to the contract, having heard from the executing party.’

(Hand 5) ‘Written by me, Theodosios, D.V. notary, Lord help!’

Verso: (Hand 1?) ‘Chirograph made by Herais, daughter of Paulos, from the village of Sinelais of the Hermopolite (nome), of 10 artabas of wheat and 2 artabas of vegetable seed.’

1–2 Only three Hermopolite documents published to date attest regnal clauses of Tiberius II, called Τιβέριος Νέος Κωνσταντῖνος. The other two are SB VI 9085 inv.16050 (16.ix.579), re-ed. *APF* 50 (2004) 176–178, and BGU XIX 2837 (9.i.582) (*CSBE*² 259 assigns CPR IX 31 to the ‘Antaiopolite?’), but this is an oversight).

4 [ὑπατείας] τοῦ αὐτοῦ ἔ[τους τ]ρίτου. This is the only consular dating by Tiberius II in a Hermopolite text. It is noteworthy that τοῦ αὐτοῦ is not followed by a reference to the emperor, but cf. P.Köln III 157.2 (Apollonopolis Heptakomias; 589), a consular dating by Maurice.

7 Αὐρηλίω Δανηλίω υἱῷ Ταυρίνου. The buyer (or creditor) in our text is a witness to the transaction in P.Worp 30, a document signed also by Theodosios.

9 [χαίρ]ειν is after BL X 48; the first editor read [πόλ]ε[ς].

15 μέτρω δοχικῶ τῆς ἐμῆς. On this measure, see R.-L. Chang, *P.Stras. IX*, p. 121f. The first edition supplied κόμης in the next line, which is plausible but unparalleled.

16–17 τὴν ἰδίαν ἰσχύν καὶ δύν[α]μιν | [ἔ]χοντος. This phrase suggests that there was an earlier debt secured on a mortgage; cf. CPR VII 40.5–6 (Herm.; 492) κ[υ]ρίου ὄντος καὶ βεβαίου τοῦ προτέρου μου ὑποθήκης (γράμματος) | τοῦ ὄντος παρὰ σοὶ τ[ο]ῦ κ[α]ὶ [τῆ]ν ἰδίαν ἰσχύν καὶ δύν[α]μιν ἔχοντος; sim. SB V 7758.9–12 (Herm.; 497), P.Lond. III 1319.4–6 (Herm.; 544). It is peculiar that this is mentioned at this point and not at the beginning of the body of the contract, as in the other texts.

17 μέ]χρι τῆς τούτου ἐπιλύσεως. Cf. SB V 7758.13 (497), BGU XVII 2683.14 (513), P.Stras. IV 248.13–14 (561); or ἄ]χρι, as in CPR VII 40.6 and P.Lond. III 1319.6. All these texts are Hermopolite. The phrase also occurs in contracts from Antinoopolis and Aphrodito, and the preposition is always μέ]χρι.

καὶ νῦν. These words allude to an earlier transaction involving a debt. They should begin a new main sentence, but a new sentence starts in l. 18; cf. SB V 7758.13–14 μέχρι ἐπιλύσεως, καὶ νῦν ὁμολογῶ ἐσχη|κέναι καὶ δεδέχθαι, and P.Lond. III 1319.7 ἄχρι ἀποδόσεως | τοῦ ἐν αὐτῇ χρέους καὶ ἐπιλύσεως τούτου καὶ νῦν ὁμολογοῦμεν. This may be due to the odd positioning of the previous clause (see above, 16–17 n.), which has created this curious sequence. Fritz Mitthof observes that the transaction in this document would affect a debt that has not yet been repaid.

18 [παρελθούσης] δὲ τῆς προθεσμίας εἰ μὴ ἀποδώσω. On this clause, see A. Jördens, P.Heid. V, p. 327 with n. 261; cf. N. Kruit, *Tyche* 9 (1994) 86f.

19 σοι is too short for the break, but it is difficult to propose something else.

20–21 νομισμάτι(ον) ἔν | παρὰ κεράτια ζξ. The writing at the end of l. 20 is somewhat ambiguous, but νομιματιεν is an easier reading than νομιματιονεν. This sum would have been higher than the usual market price of 10 artabas of barley and 2 artabas of vegetable seed; cf. A. C. Johnson, L. C. West, *Byzantine Egypt. Economic Studies* (Princeton 1949) 175f.

21 εὐ[θὺ]ς μετὰ τὴν προθεσίαν. For Hermopolite parallels, see e.g. SB XXII 15596.14 (6th c.), XVI 12491.13 (6th/7th c.), 12492.25–26 (638).

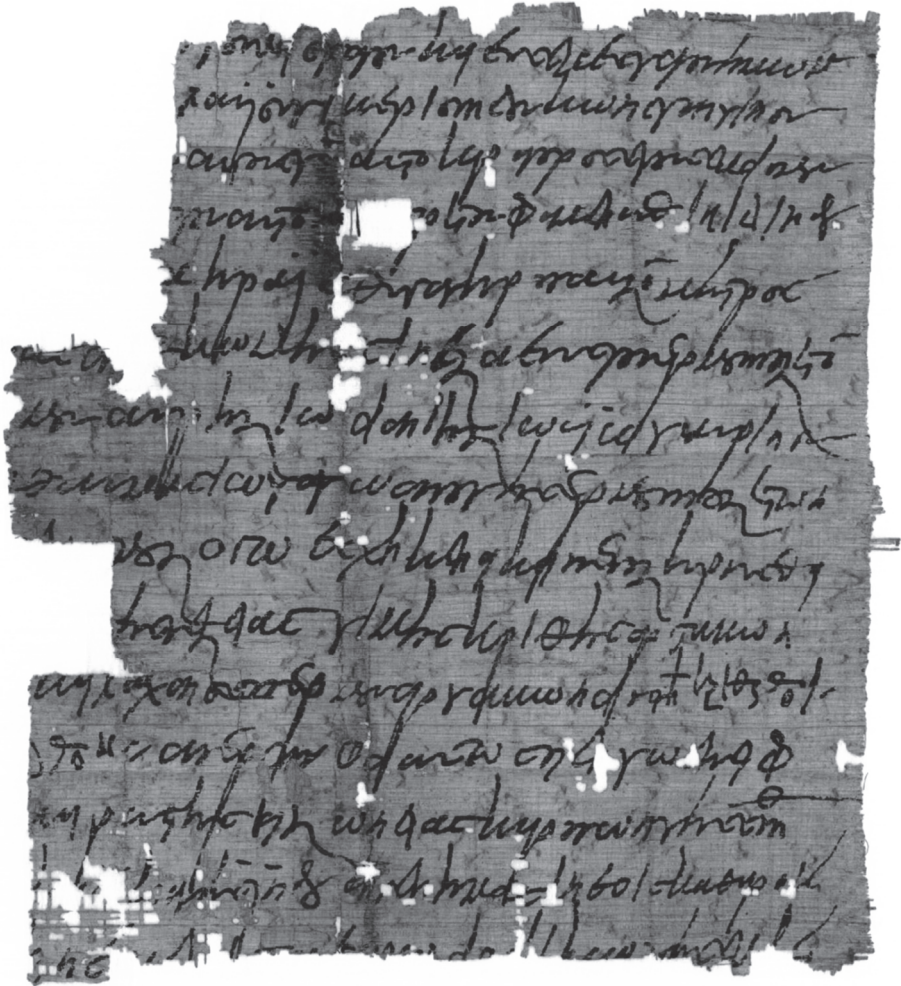
22–24 On the liability clause, see R. Ast, P.Jena II 17.21–24 n.

27 Αὐρήλιος Μηγᾶ Βασιλείδου. The same person or a namesake wrote on behalf of the lessor in P.Gascou 40.27 (Herm.; 556). The hand could be the same, with letters written mostly separately, but there are also differences, perhaps due to the twenty-five years that separate the two texts.

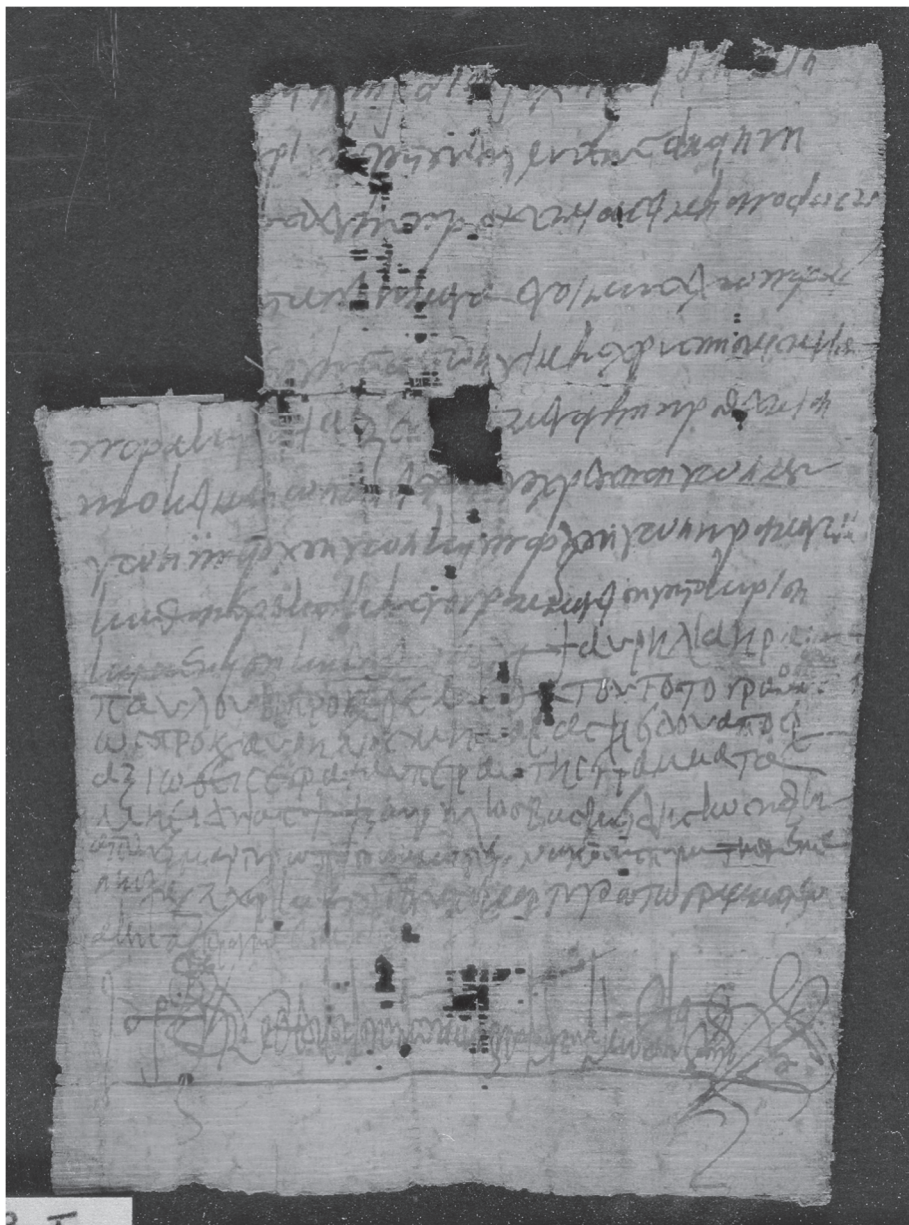
29 Αὐρήλιος Βασιλείδης Ἰωσηφίου. Not known otherwise. In theory he could be the father of Menas, who signed on behalf of the lessor.

31 Α(ὐρήλιος) Ζαχαρίας Κολλούθου. A person of this name signs as a witness in SB XVIII 13173.118–20 (Herm.; 629/644?).

34 χ(ε)ρ(όγραφο). On this abbreviation, see S. Kovarik, P.Köln XIV 591.7 n.

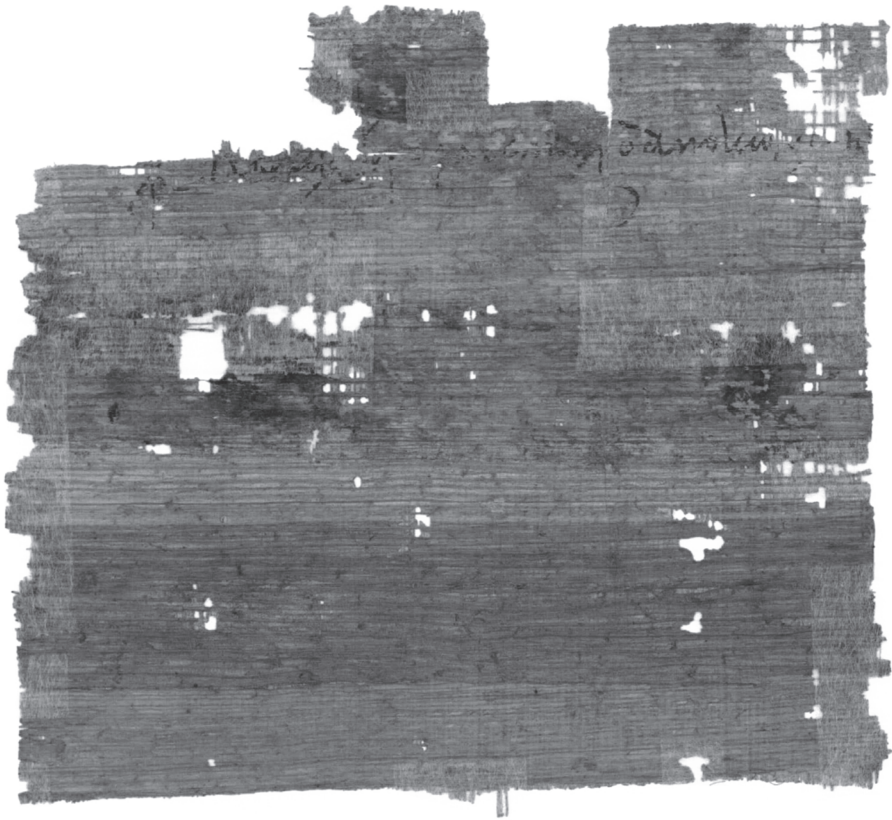


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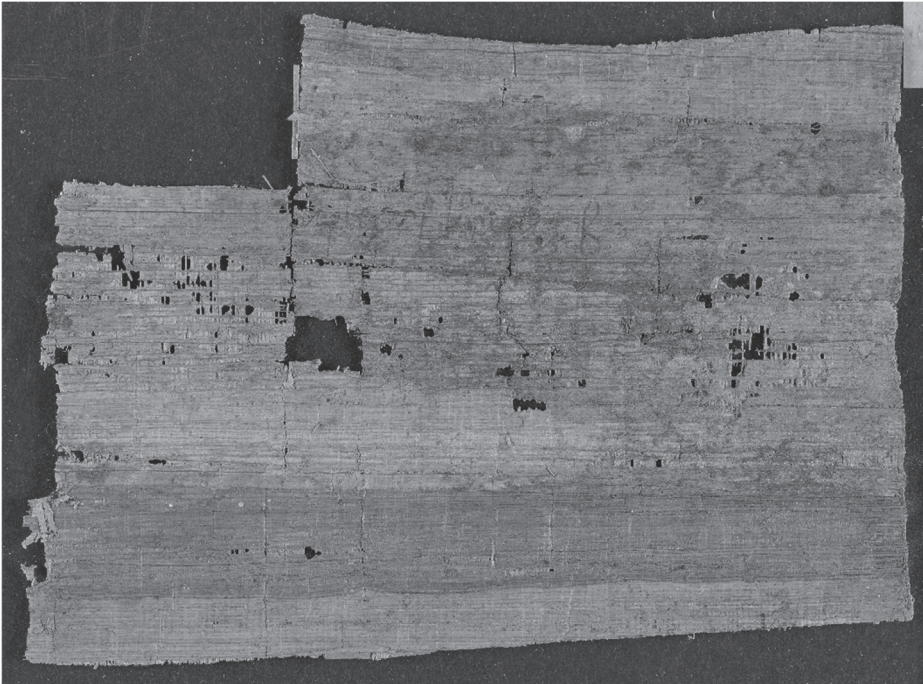
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