GEORGE M. PARÁSSOGLOU

OFFER TO LEASE FRUIT TREES

[ΛΕΥΚΗ ΣΕΛΙΔΑ]

P. Sorbonne inv. 2370 (= P. Weill inv. 114) is a tattered and abraded sheet of light-colored papyrus broken into two pieces (8 × 13.5 and 7.5 × 9 cm.).[1] The document preserved thereon is a lease cast in the ὑπόμνημα format,[2] dated 20 September 184 A.D., and addressed by Zoilus son of Zoilus to Heron son of Satyrus, superintendent of the estate of Justus in the vicinity of Theadelphia in the Arsinoite nome. Zoilus offers to lease the palms and sycamores growing on a parcel of the estate for a period of one year, the rent to be paid in dates after the harvest; Heron accepts the offer.

Land leases have been thoroughly examined and extensively discussed: see especially S. WASZYŃSKI, *Die Bodenpacht. Agrargeschichtliche Papyrusstudien*, I, *Die Privatrecht*, Leipzig-Berlin 1905; J. HERRMANN, *Studien zur Bodenpacht im Recht der gräco-ägyptischen Papyri* (Münch. Beitr. z. Papyrusforsch. u. ant. Rechtsgesch. 41), Munich 1958; D. HENNIG, *Untersuchungen zur Bodenpacht im ptolemäisch-römischen Ägypten*, Diss., Munich 1967. A convenient list of leases of palm groves and other garden lands may be found in A. C. JOHNSON, *Roman Egypt to the Reign of Diocletian* (vol. 2 of T. FRANK, *An Economic Survey of Ancient Rome*), Baltimore 1936, pp. 101 ff. For palms see especially the exhaustive study of N. HOHLWEIN, ‹Palmiers et palmeraies dans l'Égypte romaine›, *Ét. de Pap.* 5 (1939), 1 ff.

← *Ἡρωνι Σατύρου ἐπιτηρητῆ*
οὐσίας Ἰούστου περὶ κώ(μην) Θεαδέλ(φειαν)
παρὰ Ζωίλου Ζωίλου ἐπικ(αλουμένου)
Ἀβκούις ἀπὸ μητροπόλ(εως). βού[λο-]

1. I should like to express my gratitude to Prof. JEAN SCHERER, Director of the Institut of Papyrology of the University of Sorbonne, who gave me permission to publish the papyrus, supplied me with a photograph, and forwarded me a preliminary transcription made by the late R. RÉMONDON, against which I checked mine. A brief mention of the papyrus was first made by P. COLLART, ‹Les papyrus inédits de la Faculté des Lettres de Paris›, *Atti del IV* [1935] *Congresso Internazionale di Papirologia*, Milan 1936, p. 74. A. TOMSIN (see below, n. on lines 1-2) has already employed the text of the papyrus.

2. See V. ARANGIO-RUIZ, ‹Sulla forma dello ὑπόμνημα negli affiti di terreni dell'Egitto romano›, *Studi E. Belli*, II, Milan 1961, pp. 3 ff. with bibliography.

μαι μισθ(ώσασθαι) παρὰ σοῦ περὶ τὴν
προκ(ειμένην) κώμην ἐν τῷ Κόι(κι)
(ἄρουραν) α ἐν αἷς φ[οίν]ικ(ες) καὶ συκάμ(ινοι) πρ[ὸς]
μόνον τὸ ἐνεστὸς κε (ἔτος)
φόρου {κατ' ἔτ[ο]ς} τοῦ ἔτους
φο[ί]νικ(ος) ξη[ρο]ῦ πατητοῦ
ἀρταβῶ[ν ..] καὶ ἐπιτελέσω
τὰ <προ>σόν[τα μοι τ]οῦ ἔτους ἔργα
πάντα ὅσα [κα]θήκει ἐκ τοῦ
ἰδίου τοῖς δέουσι καιροῖς
βλάβος μηδὲν ποιῶν
.[..].[...]..[..] .... ἀπο[..]
[..... ὁ Ἀ]πκούις [εἰς]
[τὸ]ν τοῦ φοι[ν]ικ(ῶνος) τῆς [οὐσίας λό-]
[γον] ἐξενίαυτ[α ἐν μ]ηνὶ Ἀθύρ, τῶν
δη(μοσίων) ὄντων πρὸς τὸν Ἥρωνα.
m² Ἥρων μεμίσθωκα καθὸς
πρόκειται.
m¹ (ἔτους) κε Αὐρηλίου Κομμόδου
Ἀντωνίνου Καίσαρος τοῦ κυρίου,
Θὼθ κβ̄.

3 ζωΐλου ζωΐλου pap.; alternatively ἐπίκ(ληην). 4 αβκουΐς pap. 16 ἀπο[is part of a form of ἀπόδοσις or ἀποδίδωμι. 17]πκουΐς pap. 21 Traces of ink before Ἥρων, as if the signer tried the pen before writing. Read καθώς.

NOTES[3]

1-2. The estate of Justus is otherwise unknown. Although Heron could be understood as holding a post similar to that of a φροντιστής or χειριστής of a private estate, it may be better to see in him an ἐπιτηρητὴς γενηματογραφουμένων ὑπαρχόντων — which will mean that Justus's property was in sequestration (see M. Rostowzew, *Studien zur Geschichte des römischen Kolonates*, Leipzig-Berlin 1910, pp. 135 ff., esp. 138; L. Mitteis - U. Wilcken, *Grund-*

3. Abbreviations of editions of papyri conform to those proposed in <Checklist of Editions of Greek Papyri and Ostraca>, *BASP* 11 (1974) 1 ff.

züge und Chrestomathie der Papyruskunde, I. 1, Leipzig-Berlin 1912, p. 297; F. OERTEL, *Die Liturgie*, Leipzig 1917, pp. 237 ff.; N. LEWIS, P. Leit. 11.4 note). Based solely on the employment of the term οὐσία and understanding Heron to have been an ἐπιτηρητὴς οὐσιακῶν, A. TOMSIN considers Justus's estate an imperial concession (<Le recrutement de la main d'œuvre dans les domaines privés de l'Égypte romaine>, *Studien F. Oertel*, Bonn 1964, pp. 81 ff., esp. 96 f.); see however my *Imperial Estates in Roman Egypt*, Diss. Yale Univ. 1972, esp. App. I, <Non-imperial οὐσίαι>.

4. Ἀβκούις (which is not listed in either PREISIGKE's *Namenbuch* or in FORABOSCHI's *Onomasticon*) is a variant of the well attested Ἀπκού(ε)ις (cf. line 17).

ἀπὸ μητροπόλεως: Zoilus is registered in Arsinoë.

6. ἐν τῷ Κόι(κι) (or, as there is no clear sign of abbreviation, perhaps Κόι) = 'in the locality called Doum-palm'. Cf. such other place-names in Egypt as Ἀκανθών, Ἀμπέλιον, Δάφνη, Μεγάλη Ἄκανθα, Περσέα, Συκάμινος. The locality is new to us, but the name is not: it has already appeared in P. Apoll. 8.3. On the doum-palm, *Hyphaene thebaica*, see Theophr. *Hist. Pl.* 2.6.10, ἄλλο δέ τι γένος ἐστὶν ὃ φασι γίνεσθαι πλεῖστον περὶ τὴν Αἰθιοπίαν, ὃ καλοῦσι κόικας· οὗτοι δὲ θαμνώδεις, οὐχὶ ἓν τὸ στέλεχος ἔχοντες ἀλλὰ πλείω καὶ ἐνίοτε συνηρτημένα μέχρι τινὸς εἰς ἕν, τὰς δὲ ῥάβδους οὐ μακρὰς μὲν ἀλλ' ὅσον πηχυαίας, ἀλλὰ λείας, ἐπὶ δὲ τῶν ἄκρων τὴν κόμην. ἔχουσι δὲ καὶ τὸ φύλλον πλατὺ καὶ ὥσπερ ἐκ δυοῖν συγκείμενον ἐλαχίστοιν. καλοὶ δὲ καὶ τῇι ὄψει φαίνονται· τὸν δὲ καρπὸν καὶ τῶι σχήματι καὶ τῶι μεγέθει καὶ τῶι χυλῶι διάφορον ἔχουσι· στρογγυλώτερον γὰρ καὶ μείζω καὶ εὐστομώτερον ἧττον δὲ γλυκύν. πεπαίνουσι δὲ ἐν τρισὶν ἔτεσιν ὥστ' ἀεὶ καρπὸν ἔχειν, ἐπικαταλαμβάνοντος τοῦ νέου τὸν ἕνον· ποιοῦσι δὲ καὶ ἄρτους ἐξ αὐτῶν. Cf. also Pliny, *HN* 13.47, *gignitur autem in frutice ramis cubitalibus, folio latiore, pomo rotundo, sed maiore quam mali amplitudine; coicas uocant. triennio maturescunt, semperque frutici pomum est subnascente alio*; Theophr. 4.2.7 (= Pliny 13.62) where κουκιόφορον = κόιξ, and *cuci* = *coix*.

7. Either (ἄρουραν) α or αἷς should be corrected.

On the face of it Zoilus is offering to lease the land, but in reality he is leasing the trees growing thereon. M. SCHNEBEL, *Die Landwirtschaft im hellenistischen Ägypten* (Münch. Beitr. z. Papyrusforsch. u. ant. Rechtsgesch. 7), Munich 1925, pp. 254 ff., has called attention to the regular combination of palm growing with the cultivation of other crops (vines, olives, cereals, etc.). Cf., e.g., P. Hamb. I 5.7-14, βουλόμεθα μισθώσασθαι παρὰ σοῦ τοὺς... φοινικίνους καρποὺς τῶν παρεσπαρμένων ἐν τῶι ... ἀ[μ]πελῶνι (scil. φοινικώνων) and P. Aberd. 57.4-9, βούλομαι μισθώσ[ασ]θαι παρὰ [σοῦ το]ὺς ὄντας [σπ]οραδίεις φοίνικε[ς] καὶ ἐλάινα φ[υ]τὰ ... ἐν ᾗ γεωργεῖς δημοσίᾳ γῇ. On the other hand, in CPR I 45 (= Chrest. Mitt 151) the lessee is offering to lease both the palms and the cereal crops of the estate.

συκάμινος (scil. αἰγυπτία) = *Ficus sycomorus*. Cf. Theophr. *Hist. Pl.* 4.2.1-2 (= Pliny, *NH* 13.56-57), ἐν Αἰγύπτωι γάρ ἐστιν ἴδια δένδρα πλείω, ἥ τε συκάμινος.... ἔστι δὲ ἡ μὲν συκάμινος παραπλησία πως τῆι ἐνταῦθα (i.e. in Greece) συκαμίνωι· καὶ γὰρ τὸ φύλλον παρόμοιον ἔχει καὶ τὸ μέγεθος καὶ τὴν ὅλην πρόσοψιν, τὸν δὲ καρπὸν ἰδίως φέρει παρὰ τὰ ἄλλα, καθάπερ ἐλέχθη καὶ ἐν τοῖς ἐξ ἀρχῆς· οὐ γὰρ ἀπὸ τῶν βλαστῶν οὐδ' ἀπὸ τῶν ἀκρεμόνων ἀλλ' ἐκ τοῦ στελέχους, μέγεθος μὲν ἡλίκον σῦκον καὶ τῆι ὄψει δὲ παραπλήσιον, τῶι χυλῶι δὲ καὶ τῆι γλυκύτητι τοῖς ὀλύνθοις, πλὴν γλυκύτερον πολὺ καὶ κεγχραμίδας ὅλως οὐκ ἔχοντα, πλήθει δὲ πολύν. καὶ πέττειν οὐ δύναται μὴ ἐπικνισθέντα· ἀλλ' ἔχοντες ὄνυχας σιδηροῦς ἐπικνίζουσιν· ἃ δ' ἂν ἐπικνισθῆι τεταρταῖα πέττεται· τούτων δ' ἀφαιρεθέντων πάλιν ἄλλα φύεται

καὶ ἄλλα καὶ ἐκ τοῦ αὐτοῦ τόπου μηδὲν παραλλάττοντα· καὶ τοῦθ' οἱ μὲν τρὶς οἱ δὲ πλεονάκις φασὶ γίγνεσθαι. Cf. also 1.1.7, 1.13.1, 4.1.5, and see SCHNEBEL, op. cit., p. 302. I have not been able to consult L. KEINER, <Le sycomore, arbre d'Égypte>. *Egypt Travel Magazine*, Jan. 1957, pp. 21 ff.

9. κατ' ἔτος is of course out of place in a one-year lease, and occupies the place of τοῦ παντός, which usually occurs at this point in the formula. Perhaps the scribe, having realized his mistake, proceeded to write the correct term, τοῦ ἔτους, without crossing out the wrong one. A similar error was perpetrated by the scribe of P. Princ. III 151, who left it uncorrected: in a lease of two cows which was to run for one year only rent is to be paid κατ' ἔτος ἕκαστον; see H. C. YOUTIE, *TAPA* 91 (1960), 257 (= *Scriptiunculae*, I, Amsterdam 1973, p. 339) with n. 64.

10. φοίνικος πατητοῦ: PREISIGKE, *Wörterbuch* s.v. πατητός, writes of 'Pressdatteln' and explains 'zum leichteren Versand zu Ballen zusammengepresst', which is logical enough but will not do, as it disregards ancient testimonies on the existence of a kind of date called πατητός. Cf. Pliny, *HN* 13.45, *tertium ex his* (scil. *palmis*) *genus patetae: nimio liquore abundant, rumpitque se pomi ipsius, etiam in sua matre, ebrietas, calcatis similis*; Galen 6.780, κατὰ δὲ τοὺς φοίνικας ἀξιόλογος (scil. διαφορὰ τοῦ καρποῦ)· εἰ γὰρ παραβάλλοις τὸν Αἰγύπτιον φοίνικα, σκληρὸν καὶ αὐστηρὸν καὶ ξηρὸν ὄντα, τῶι καλουμένωι πατητῶι, γλυκεῖ μὲν ἱκανῶς ὄντι, βραχείας δὲ μετέχοντι στύψεως, ἐναντίαν ἔχειν σοι δόξουσι τὴν φύσιν; id. 10.704, καὶ μὲν δὴ καὶ τὸ διὰ τῶν φοινίκων ἐπίθεμα τῶν λιπαρῶν, ὀνομάζουσι δ' αὐτοὺς πατητούς, ἀγαθὸν φάρμακον. Further references in *Thesaurus* and *LSJ* s.v. A. ERNOUT (in the Budé edition of Pliny, *HN* 13, p. 82) cites P. FOURNIER, director of *Monde des Plantes*, who identifies φοῖνιξ πατητὸς with 'la datte *ghars* du sud algérien'.

13. Besides the usual farming and arboricultural works which the generic term ἔργα denotes (e.g., ποτισμός, περιχωματισμός, ἀναβολὴ διωρύγων, κατασπασμός, etc.; cf. HOHLWEIN, op. cit., pp. 31 ff., and SCHNEBEL, op. cit., pp. 296 f.), there are two operations peculiar to the trees leased by Zoilus. The sycamore fruit needs scraping, ἐπίκνισις (see Theophr. *Hist. Pl.* 4.2.1, quoted above, n. on line 7, and cf. FOURNIER in A. ERNOUT, op. cit., p. 87). The palm requires what is termed in papyri — and only therein — ὀχεία, i.e. pollination (PSI I 33 [= P. Phil. 12].22; P. Ryl. II 172.21; P. Oxf. 13.25; SB IV 7441.12; P. Köln. Panop. 9.5; cf. CPR I 45.26, φοίνικας κατωχευμένους). Theophr. *Hist. Pl.* 2.8.4 is a good description of the process: τοῖς δὲ φοίνιξιν αἱ ἀπὸ τῶν ἀρρένων πρὸς τοὺς θήλεις· οὗτοι γάρ εἰσιν οἱ ἐπιμένειν ποιοῦντες καὶ ἐκπέττειν, ὃ καλοῦσί τινες ἐκ τῆς ὁμοιότητος ὀλυνθάζειν. γίνεται δὲ τόνδε τὸν τρόπον. ὅταν ἀνθῆι τὸ ἄρρεν, ἀποτέμνουσι τὴν σπάθην ἐφ' ἧς τὸ ἄνθος εὐθὺς ὥσπερ ἔχει, τόν τε χνοῦν καὶ τὸ ἄνθος καὶ τὸν κονιορτὸν κατασείουσι κατὰ τοῦ καρποῦ τῆς θηλείας· κἂν τοῦτο πάθηι, διατηρεῖ καὶ οὐκ ἀποβάλλει. Herodotus, 1.193.5, gives a correct description of carpification (ἐρινασμός) but incorrectly transfers the process to the palm (see H. STEIN and W. W. How - J. WELLS ad loc.): τοὺς (scil. φοίνικας) συκέων τρόπον θεραπεύουσι (scil. οἱ Βαβυλώνιοι) τά τε ἄλλα καὶ φοινίκων τοὺς ἔρσενας Ἕλληνες καλέουσι, τούτων τὸν καρπὸν περιδέουσι τῆισι βαλανηφόροισι τῶν φοινίκων, ἵνα πεπαίνηι τέ σφι ὁ ψὴν τὴν βάλανον ἐσδύνων καὶ μὴ ἀπορρέηι ὁ καρπὸς τοῦ φοίνικος· ψῆνας γὰρ δὴ φέρουσι ἐν τῶι καρπῶι οἱ ἔρσενες, κατά περ δὴ οἱ ὄλονθοι.

19. ἐξενίαυτ[α ἐν μ]ηνὶ Ἀθύρ: *LSJ* translates ἐξενίαυτα as 'yearly', which would make nonsense in a one-year lease (but cf. above, n. on line 9). In fact the term *never* means 'yearly';

cf. H. C. YOUTIE, *TAPA* 92 (1961), 551 (= *Scriptiunculae*, I, p. 357): 'The use of ἐξενίαυτα, which may be understood ... as equivalent of ἔξω ἐνιαυτοῦ, *extra annum*, literally «outside the year», hence «beyond the year», specifically «in the following year», is particularly appropriate to leases of fruit trees'. See also U. WILCKEN, *Griechische Ostraca aus Aegypten und Nubien*, I, Leipzig-Berlin 1899, p. 311, and J. DAY - C. W. KEYES, note on P. Col. V 1 verso 5.4-5. Zoilus's lease run from 22 Thoth (= 20 Sept.) 184 to 22 Thoth 185, thus extending into the new Egyptian year, which begins on 1 Thoth. The date was harvested in Egypt from late August to late November (see SCHNEBEL, op. cit., pp. 297 f.); Zoilus, therefore, is offering to pay his rent in Hathyr (28 Oct. - 26 Nov.) 'of the following year', i.e. during or after the harvest and two months after the expiration of his lease. Cf. also P. Hamb. I, p. 19 with n. 1.

20. δημοσίων (scil. τελεσμάτων): for the taxes paid on trees see S. L. WALLACE, *Taxation in Egypt from Augustus to Diocletian*, Princeton-Oxford 1938, pp. 47 ff. and 374 ff.

TRANSLATION

To Heron son of Satyrus, superintendent of the estate of Justus in the vicinity of the village of Theadelphia, from Zoilus son of Zoilus, called Apkouis, metropolitan.

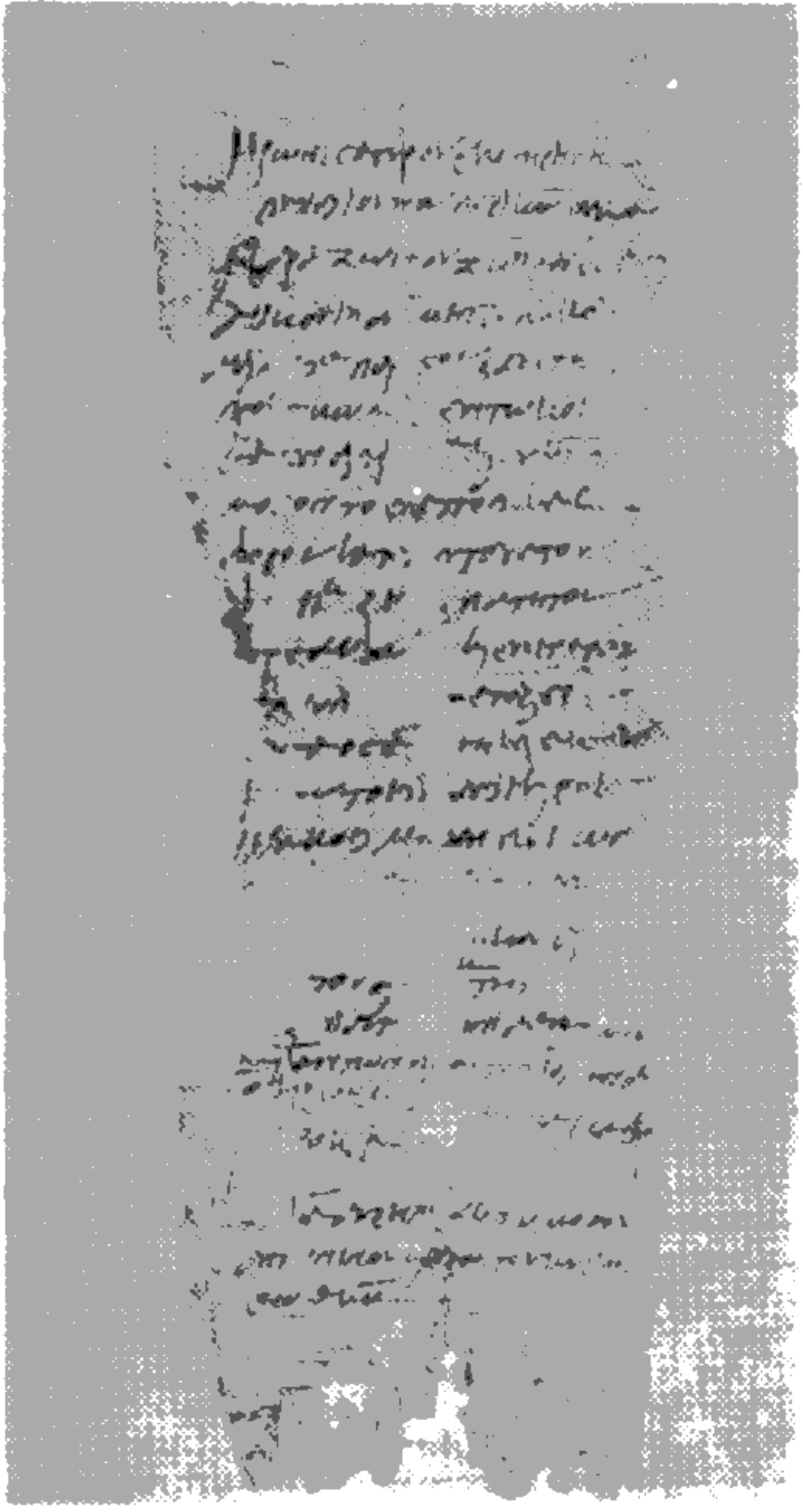
I wish to lease from you in the vicinity of said village, at Kois, one aroura whereon palms and sycamores (grow) for the current 25th year only, the rent {each year} for the year being ... artabas of dry patetoi dates. I will perform all the appropriate operations falling to my share at my own expense and at the proper times without doing any damage. [The rent will be paid by] Apkouis to the account of the palm grove of the estate next year in the month of Hathyr, all public imposts resting upon Heron.

(2nd hand) I, Heron, have leased as aforesaid.

(1st hand) In the 25th year of Aurelius Commodus Antoninus Caesar the lord, Thoth 22nd.

Σπουδαστήριο Κλασικῆς Φιλολογίας
καὶ Ἀρχαίας Ἱστορίας

G. M. PARÁSSOGLOU



P. Sorbonne inv. 2370 (= P. Weill inv. 114). Thead[elphia], A.D. 184