71. Agreement

Inv. 29 recto  ca. 19 x at least 200 cm  6th c.
Field No. XXIII  left margin 2–3 cm
Glass Plates 122–27
Plates CXXIX–CXXXIII

This is the original inside (recto) of a papyrus written on both sides, while the verso is published as 72. The three main fragment series giving some text are G, H, and I. The G-fragments preserve the beginnings of lines. Somehow, below stack G was an entity assigned the letter H, of which some fragments can be joined with G, the I-stack being on the right side of the H+G-stack. The frs. G 14–15 and I 16 formed the core of the roll. The I-stack had significantly more layers on the roll’s lower side (i.e., the half giving the counterlayers), as the fragment numbers continue up to I 53. However, the outer fragments are in a hopeless state of preservation, and the handwriting is bigger. Thus, very little can be read from this part of the document. There are remains of two other hands between frs. I 41 and I 53. Here, the conservator noted that the stack was divided and enlarged with J-fragments, but she still considered it to be part of the same roll. If the other hands present signatures or witnesses, they can hardly come from the roll’s beginning. After fr. I 53, there are several further fragments (not numbered individually), which have no writing on the verso. Their handwriting is big (probably m1), but no whole words are preserved. For the fragments, see table on p. 251.

The largest combined H+G-fragments measure 9 x 4.5 cm and the largest I fragments 5 x 3.5 cm. The text was written transversa charta across the fibers in a fine, large, cursive hand, which resembles, e.g., that of 29 but is not quite as upright. There were ca. 8–9 letters per 5 cm; with an estimated papyrus width of 26–29 cm and margins of 2–3 cm, the amount of letters per line should have been 35–45. The left margin is partly preserved, and approximately 5 cm is missing between the G- and I-fragments (see Introduction to 72). The recto side was likely to have been written first. This conclusion is supported by the fact that, when the papyri were burnt, the roll had been turned, the recto being on the outer side. The length of the roll is difficult to estimate, but the fragments that have been preserved fill at least two meters, counting also the missing counterlayers.

The conservator assumed that the text on both sides of the papyrus ran from the outer layers toward the roll’s core. The recto text at the core ends abruptly without signatures or witnesses. As there are secure ink matches only between frs. G15/14 and G16/13 respectively but none between these pairs (whole revolutions of the roll), it cannot be ruled out that the layers actually ran in the opposite direction, beginning at the core. This might explain the change of hands on the outer fragments. However, the extant lines at the core clearly cannot derive from the very beginning of a document, so, whichever way we read the layers, a part of the papyrus must have been cut off. This may show how the papyrus was reused: separate shorter texts were written on the verso, some of which were sufficiently valuable on their own to be excised.

The transcript now runs in the direction suggested by the conservator, based on the way the last verso fragments were written. In any case, since the fragments must have been confused in many ways, and we cannot
read any coherent story from the individual lines, it does not matter much how we reconstruct the roll. The order of fragments remains tentative and, as the counterlayers are often missing, several lines may have been lost between the fragments, especially in the beginning. Moreover, all the undecipherable lines on the outer layers have been left out from the transcript as well as some traces of letters which form no sensible words. Thus, the line numbering used in the transcript has been constructed purely for the sake of indexing.

The document seems to be an agreement covering grainland, houses, dry gardens, and a κεφάλαιον ("capital sum"). It mentions the ninth indiction year, but, since we do not know if that refers to the past, present, or future, it does not help much with the dating. The verso was most likely written after the recto and after the death of Patrophilos, which occurred certainly after 565 and probably around the 580’s (see Introduction to 72). The ninth indictions within the probable range of years were 545/6, 560/1, 575/6, and 590/1.

Among the people involved, Ailianos, son of Gessios, is the sole person for whom we have both the name and patronymic, and he is attested only in this papyrus. He may be acting as the curator of a minor, since that word appears in the following line. The name Diphilos is found in the genitive (possibly a patronymic), and the end of a name in -philos in the dative (e.g., Diphilos or Patrophilos). Moreover, words for “brother” appear twice (ἀδελφός as well as ὀμογνής). Diphilos, son of Gessios, politeuomenos, is a witness in 29. If Ailianos and Diphilos were brothers and the first was acting as the curator of the latter, this would date our document before 29. In l. 37, we have ζαυρος πατρ[; whether we can interpret Sauros as a name is not certain (see comm. ad loc.). The following πατρ- could be the beginning of the name Patrikios or Patrophilos or an adjective referring to something patrimonial. The name Νικις can probably be read on a loose fragment. While honorific titles are rare, θεοφιλέστατος appears once or twice on loose fragments.

Figure 1. Drawing of Field No. XXIII by the conservator (ML).

↑

1 \[\ldots]\thetaηεν[ c. 25–35 ]
2 \[0–3\] διαδογ[ c. 30–40 ]
3 \[0–5\], [. ]κομ[ c. 25–35 ]
4 \[0–5\], δικαιολ[ c. 25–35 ]
5 \[0–5\]ειρημένοι [ c. 25–35 ]
6 \[0–5\]ηε \[c. 25–35 ]
7 \[0–5\]ηηθεν[ c. 10 ]ηνοε[ c. 11–21 ]
8 [ c. 14–19 ἵνα ἰδικ( ) ἐνά[τη c. 9–19 ]
9 [ κα] ἐκ τ[ο] ἱδικ[ ] ἐνά[τη c. 18–28 ]
10 [ c. 8 ] ἐν τ[ο] ἱδικ[ ] ἐνά[τη c. 11–21 ]
11 [ c. 9 ] ἐνά[τη c. 11–21 ]
12 [ c. 10 ] ἐνά[τη c. 11–21 ]
13 [ c. 17 ] ἐνά[τη c. 11–21 ]
14 [ c. 18 ] ἐνά[τη c. 11–21 ]
15 [ c. 18 ] ἐνά[τη c. 11–21 ]
16 [ c. 18 ] ἐνά[τη c. 11–21 ]
17 [ c. 18 ] ἐνά[τη c. 11–21 ]
18 [ c. 20–30 ]
19 [ c. 11–21 ]
20 [ c. 11–21 ]
21 [ c. 11–21 ]
22 [ c. 11–21 ]
23 [ c. 11–21 ]
24 [ c. 11–21 ]
25 [ c. 11–21 ]
26 [ c. 11–21 ]
27 [ c. 11–21 ]
28 [ c. 11–21 ]
29 [ c. 11–21 ]
30 [ c. 11–21 ]
31 [ c. 15–25 ]
32 [ c. 25–35 ]
33 [ c. 11–21 ]
34 [ c. 20–30 ]
35 [ c. 25–35 ]
36 [ c. 11–21 ]
37 σαυρὸς πατρ[ c. 9 ]ω υπ[ c. 11–21 ]
38 χωρίων ἀρχ[ c. 9 ]και ο[ c. 11–21 ]
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39 σπορίμων καὶ τῶν ξηροκηπίων [ c. 11–21 ]
40 [ca.3]ηνων κ[ c. 9 ]κ[ c. 15–25 ]
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41 δομημάτων [ c. 9 ]ωϲ ελ[ c. 11–21 ]
42 οπερ μετὰ ς[ c. 9 ]κ[ c. 15–25 ]
43 ςεω γενομέν[ηϲ μετα[ξυ μου καὶ τ[ c. 11–21 ]
44 [Δ]ιφίλου καὶ [ c. 25–35 ]
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45 ἑξακοϲιοϲτοῦ [ c. 9 ]ϲ ἄλλον[ c. 11–21 ]
46 διαφέροντα[ c. 9 ] λ[ c. 15–25 ]
47 καὶ παραδεδ[ c. 9 ]τω μ[ c. 11–21 ]

Fragments
48 ἰνδικτίονοϲ G: B1+A1
49 ]αι δικαιατ[ G: Dr
50 ἕγω ὁ [ (kollesis on verso) G: Fa1 + loose fr from Glass Plate 123
51 θεφι[ετατ- H: no code
52 θεφι[ετατ- Separate frs. under G
53 Νικα[ G

8 ἵνα ὁ δικαστήριον Pap. 19 ἐγκεφαλαίῳ 30 θεός Pap. 48 ἰνδικτίωνοϲ

Translation

(Lines 2–14) ... successors ... pleading (?) ... the said ... ninth indiction ... of the total ... we (?) agreed my brother ... originating ... agree ...
(Lines 15–27) ... to my full brother ... total ... thirty ... golden solidi ... in total ... now paid ... thirty ... Ailianos son of Gessios ... our ... curator ... I agree ... golden ... pay ...
(Lines 31–47) ... legally ... month ... for each month ... he would pay to you (?) ... one’s own ... of old land ... of grain[land and] dry gardens ... of buildings ... the past ... between me and ... [son of?] Diphilos ... six hundredth ... other ... belonging ... and have/has given ...

Commentary

9 ἰνδικτίωνοϲ: cf. l. 16 below, and 29 94–96, ἐγκεφαλαίῳ ... [nomisma twn trep koxwn] kai idioche[ ]ph[ion ] "a notarial deed of a capital sum [of thirty-three solidi] and private deeds for other ..."

10 There is a kollesis below the line in fr. I 2.

15 The word ὁμογνήϲιοϲ does not appear elsewhere in the Petra papyri. It was most likely followed by the noun ἀδελφόϲ ("brother"), ὁμογνήϲιοϲ μου [ἀδελφόϲ], cf. l. 12, though it was occasionally used for sons or daughters as well.
17 τριάκοντα: cf. l. 20 below; the sum mentioned, 30 solidi or somewhat more, reminds us of 29 (582–92), the settlement of a debt between Patrophilos, son of Bassos, and Theodoros, son of Obodianos, where the sum is 33 1/3 solidi minus 34 keratia.

19 εὲς ἐν κεφαλαίῳ: either ἐς ἐν κεφαλαίῳ (“six in capital / sum total”), ἐς ἐκκεφαλαίῳ, or ἐς ἐκκεφαλαίῳ. WB, s.v. κεφαλάιου, cites several occurrences of λόγος ἐν κεφαλαίῳ or the like referring to accounts in total sums, so the first option is the most likely. Taking the word as the compound ἐγκεφαλαίον is improbable. It might of course be an abbreviation of ἐγκεφαλαίωμα, cf. P. Lond. II 259.73 (94–95 B.C.) ἐνκεφαλαίῳ, but the meaning would remain more or less the same (“sum total”).

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21 Αἰλιανοῦ Γεϲϲίο: an Ailianos appears as the father of Patrikios in 22–24, 45–47, 50, and 65. However, we cannot identify him with this Ailianos, son of Gessios.

22 κουράτοροϲ: a curator appears only in 1 and 2, for Theodoros, son of Obodianos. The dative φιλω in the adjacent fragment (I 6) does not necessarily refer to the person who is aged under twenty-five and thus advised by a curator, because a genitive was normal in such cases.

23 There is a kollesis under l. 23 on fr. I 7, but it is difficult to see if there is one on fr. G4+2.

29 συνορ: possibly a form of συνοράω (“comprehend, decide”).

35 τελ̣είῃ: possibly a misspelling for τελέῃ (e.g., third-person subjunctive) or some other form of τελέω (“fulfill, accomplish, execute, pay taxes”). It might also be a feminine form of τέλειοϲ, even though the confusion between α and η is rare.

36 ἱδική: the feminine ἱδική does not appear often in the papyri, the adverb ἱδικῶϲ being much more common, especially in the phrase ἱδικῶϲ καὶ γενικῶϲ. Cf. P. Cair. Masp. I 67004.17; 67005.18, [ἐν τῇ] ἱδικῇ αὐτφιλή; P. Lond. II 394.10, τὴν ἱδικήν χρῆϲιν ποιεῖϲθαι; P. Lond. IV 1346.20, ἐς ἱδικὴν καὶ γενικήν πάντων αὐτοῦ τῶν ὑπαρχόντων; SB XX 14606.14, ἱδικῆϲ χάρ̣ιτοϲ περὶ τούτου φοιτώϲηϲ.

There is a kollesis below this line, visible both on frs. G11 and I 13.

37 σαυρο̣ϲ πατρ: the name Saurus has not been attested before, but Isauros, Saurias, and Sauroon exist. The present scribe did not often divide words between the lines, but cf. l. 43 with comm. Thus, we might here have, e.g., ἡτο-σαυρόϲ. What follows could easily be understood as a patronym, either Patrikios or Patrophilos, but it need not have been a name.

39 [ἡ]ροκήπιων: “dry gardens,” see P. Petra II, pp. 15–16. In 27 Fr. 1, the word has been written ἐροκ(ήπου).

42 στρ: there is a stroke of ink above the omikron; it might be a correction to upsilon, but ώτέρ or ωτέρ would be unlikely.

43 τετραχομήνης μετατόποιοϲ καὶ τῇ: the first word must have been divided between lines; it probably refers to a contract made between the author of this document and Diphilos in the next line. The contract may have been a sale (πρᾶϲιϲ) or a division (διαίρεϲιϲ).

The space between the G- and I-fragments is somewhat large for the proposed supplement, but the text runs so naturally that it is difficult to think of anything else. Another way to read the first letters would be cἔ ὦς χενομέναϲ, but it appears less likely.

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