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A Lease of a Palm Grove in Duplicate

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A Lease of a Palm Grove in Duplicate

P.Prag. III 245 is a lease of a third part of a palm grove situated in the Arsinoite village of Aphrodites Berenikes Polis. It was thought to survive in two fragments, but these are two copies of the same document. Their overlap helps with the reconstruction and reading of several damaged or otherwise difficult passages that obscure the text of the first edition. Closer study of the plates (Tavv. XLIV–XLV; digital images at http://www.psi-online.it/documents/pprag;3;245) has led to further textual gains, so that a new edition is presented below. A few problems remain; the state of preservation of the papyrus and the very fast handwriting pose some formidable challenges.

Both copies were written by the same hand, the second on a sheet slightly wider than the first. Copy A is complete at the top and broken below; the opposite applies to B. Copy B corresponds to A.12ff., and contains three further lines not extant in A. B lacks a subscription and date, as often in copies; whether these elements were present in A, we cannot tell. Arsinoite leases surviving in two copies are listed in P.Col. X 284 introd.; see further B. Nielsen, *ZPE* 129 (2000) 187–214. P.Stras. V 336a–b (212) is the only other known lease of a palm grove written in duplicate.

Besides the trees, the lease includes διάψειλα, uncultivated areas around them that the lessee would sow. The only other leases attesting this term concern vineyards and olive groves (see below, A.8 n.), but leases including the grounds around the trees are common; cf. those with ἐδάφη, such as P.Soter. 4 (87), P.Heid. IV 329 (105/6?¹), and probably BGU XV 2484 (117–61) and P.Hamb. IV 269 (3rd c.), or those whose object is a φοινικὼν ὑποcπειρόμενος, a 'palm grove sown beneath', viz. P.Oxf. 13 (154²), P.Stras. VI 571 (175), P.Corn. 11 (204?³), and SPP XX 21 (215). For a list of leases of palm groves from Roman Fayum, see ZPE 208 (2018) 176–7 (it misses this text).

The duration of the lease is four years, counted from the 'current fifth' year of Antoninus Pius, which began on 29 August 141. It was made while the fruits were still hanging from the palm trees, i.e. before the harvest, which would take place in the autumn, mainly in September–October; see M. Schnebel, *Die Landwirtschaft im hellenistischen Ägypten* (1925) 297–8. The latest autumn date on which a lease of a palm grove was made is 29 September; it comes from P.Stras. VI 571, in which the fruits are said to have fallen already. Our lease then is not likely to date from later than October 141. The sowing of other crops mentioned in it would take place in November.

My transcriptions diverge from the *ed. pr.* in numerous places; only some of the more significant differences will be mentioned in the notes. To facilitate comparison, I give the full text of the *ed. pr.* before each transcript, in continuous lines. In the apparatus, *Verschleifung* is indicated as v, vv, or vvv, but the reports are not comprehensive (e.g. the $\omega\mu$ and $\omega\nu$ clusters are not included).⁴

¹ The editor dated this text to '105/6?' (date queried because of its somewhat uncertain attribution to the reign of Trajan) but also noted that the lease would have been made in Pachon or Payni of year 9 (10–11 n.). The remaining summer months are possible too, so that we may place it in May–August 106.

² The HGV date is 154/5. The lease was written in year 18 of Antoninus Pius (= 154/5); we may narrow the date to the early months of the year, since the fruits are described as being on the trees.

³ The HGV date is 204/5 or 233/4 (year 13 of Severus and Sons or Severus Alexander). The earlier date is preferable on prosopographical grounds; cf. P.Yale III 137.11 n. (with BL XII 56), 74 n. The fruits were said to be about to fall in the current year, which implies that the text should date from autumn 204.

⁴ I am grateful to Gabriella Messeri for helpful comments on a draft.

Copy A

Εd. pr. ¹ Cαραπιάδι Άριςτ[ονίκ]ου [ἀπὸ] κώ(μης) Τα couc ² Ἡρακλεί(δου) μερ(ίδος) ³ παρὰ Μυςθ[αρίωνος το]ῦ Θέωνος ἀπὸ μητρ(οπόλεως) ⁴ ἀναγρα(φομένου) ἐπ' ἀμφόδ[ου Φρ]εμεὶ Πέρςου τῆ[ς ἐπιγον]ῆς. βού- ⁵ λομαι μιςθώς[αςθαι π]αρὰ coῦ [τὸ] ὑπάρχον coι ⁶ περὶ κώμην Ἀφροδ(ίτης) Βερνίκην πόλιν Ἡρακλ(είδου) μερίδος ⁷ τρίτον μέρ[ος φοινικῶνος 8 cùν διαψείλοις [ἀρούραις ε)ξ ἢ ὄςων ἐὰν ὧςι 9 εἰς ἔτη τέςςαρα καρπ[οὺς] καὶ επορὰ[ς τ]ἐςςαρα 10 τοὺς μὲν φοίνικ[ας ἀπὸ] τῶν [ἐπικει]μένων 11 τοῦ διε(λη)λυθότος τετάρτου (ἔτους) [Ά]ντωνίνου Καίςαρος 12 φ[οι]γικικῶν καρπῶ[ν τὰς δὲ] δια[ψ]είλα[ς ἀρούρας 13 ἀπὸ [τοῦ ἐνε]ςτῶτος [πέμπτο]υ (ἔτους) Ἀντωνίνου Καίςαρος 14 ςπορᾶς φόρου τοῦ [παντὸ]ς τοῦ αὐτ(οῦ) τρίτου μέρους 15 κατ' ἔτος ἕκαςτον ἀργ[υρίου δρ]αχμῶν ὀγ[δοήκ]ον- 16 [τ]α καὶ [ca. 15] καὶ τὰ κατὰ και- 17 ρὸν ἔργ[α πά]ντα χωματιςμοὺς ποτιςμοὺς 18 ἀν[αβολὰς] δὶωρύγω[ν 19 ς[6-7] διάψειλα[20 ... 21 καὶ τὸν ω[ca. 5]ον φόρ[ον? 22 ... 23 ὄντων [πρὸς] ἐμὲ [τὸν Μυςθαρίωνα 24 δημοςίων πάντων [ὄντων πρὸς cὲ τὸν Καραπιάδα 25 καὶ μετὰ τὸν χρόνον [τὸν κλῆρον ἀποδώςω καθαρὸν 26 ἀπὸ θρύου καλάμ(ου) ἀγρώς[τεως δείςης πάςης 27 [ca. 5] φοίνικας ... [

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παρὰ Μυσθαρίω[νο]ς τοῦ Θέωνος μητρ(οπόλεως)
     άναγρ(αφομένου) ἐπ' ἀμφόδ(ου) Φρεμει Πέρςου τῆ(ς) ἐπιγονῆς. βού-
5
     λομαι μιςθώςα[ςθα]ι [π]αρὰ ςοῦ τὸ ὑπάρχον ςοι
     περὶ κώμην Άφροδ(ίτης) Βερνίκην πόλιν τῆς Ἡρακ(λείδου) μερίδ(ος)
     τρίτον μέρο(ς) κ[οινὸν] κ[αὶ] ἀ[διαί]ρετον φ[οι]νεικῶνο(ς)
     εὺν διαψείλοις ἀ[ρουρ]ῶ[ν] εξ ἢ ὅςων ἐὰν ὧςι
     είς ἔτη τέςςαρα καρπού[ς] καὶ ςπορά[ς] τέςςαρας,
10
     τούς μεν φοίνικας ά[πὸ] τῶν ἐπικ[ε]ιμέ[νων]
     τοῦ διεληλυθότος τετάρτου (ἔτους) [Ά]ντωνεί[νο]υ [Καίς]αρ[ος τοῦ κυρίου]
     φ[οι]νικικῶν καρπῶ[ν, τὰ δ]ὲ διάψειλα [
     ἀπὸ τῆς τοῦ ἐνεςτῶ[το]ς πέμ[π]του (ἔτους) Ἀντων(ίνου) Καίςαρος τοῦ κυρίου
     επορᾶς, φόρου τοῦ πα[ντ]ὸς τοῦ αὐτοῦ τρίτ(ου) μέρους
15
     κατ' έτος έκας τον άργ [υρίου δρ] αχμῶν ὀγδο[ή] κον-
     τα καὶ ἐπιτελέςω κ[αταςπα]ςμ[ού]ς καὶ τὰ κατὰ και-
     ρὸν ἔργ[α πά]ντα χ[ωματιςμο]ὺς ποτιςμ[οὺς] ὑποςχ(ιςμοὺς)
     άναβολὰς διωρύγων κ[αὶ πάν]τα ὅςα [κα]θήκει,
     cπ[είρων] τὰ διάψειλα [οίc] ἐὰν αίρῶμαι
20
     πλη[ν κνήκου κα]ὶ ἑ[αυ]τ[ῷ χ]ορηγῶ[ν] επέρ[ματα,]
     καὶ τὸν κατ' ἔτος φόρο[ν ἀποδώςω μηνὶ]
     [Άθυρ, τῶν τ]οῦ ἐπιςπο[υδαςμοῦ δημοςίων φορέτρων]
     ὄντων [πρό]ς ἐμὲ τ[ὸν Μυςθαρίωνα, τῶν δὲ ἄλλων]
     δημοςίων πάντων ὄ[ντων πρὸς ςὲ τὴν Cαραπιάδα,]
25
     καὶ μετὰ τὸν χρόνον π[αραδώςω τὸν φοινικῶνα καθαρὸν]
     ἀπὸ θρύου καλάμου ἀγρώς[τεως δίςης πάςης,
     [τοὺς] δὲ φοίνεικας ὑπὸ [καρπόν
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2 ηρακτνηρακ/ 3 μητρ/ 4 τη 6 αφροδ, ηρακριδ Ι. Βερνίκης 7 μερο φ[οι]νεικωνο, Ι. φοινικώνος 8 Ι. διαψίλοις 11 διεννθοτος, L. Ι. Άντωνίνου 13 Lαντων/καιςαρννν 12, 19 Ι. διάψιλα 14 αννντριτ 17 υπος 25 26 καλνν 27 Ι. φοίνικας

'To Sarapias daughter of Arist-, with her guardian Herakl- son of Herakl-, her relative, from Mystharion son of Theon, (of those from the) metropolis, registered in the district of Phremei, Persian of the descent. I wish to lease from you the third part, common and undivided, of a palm grove that belongs to you in the village of Aphrodites Berenikes polis of the division of

216 *N. Gonis*

Herakleides, with uncultivated areas, of six aruras or as many as they may be, for four years, four crops and sowings, the palm trees from the hanging palm fruits of the past fourth year of Antoninus Caesar the lord, the uncultivated areas from the sowing of the current fifth year of Antoninus Caesar the lord, at a total annual rent for the same third part of eighty silver drachmas; and I shall carry out the harvesting and all the seasonal tasks, the making of dikes, irrigation, ploughing, the clearing of dikes, and everything that is appropriate, sowing the uncultivated areas with whatever I choose except for safflower, and providing myself with seed; and I shall pay the annual rent in the month of Hathyr, the public transport charges falling to me, Mystharion, and the other public charges falling to you, Sarapias; and at the end of the term I shall surrender the palm grove free from rushes, reeds, coarse grass and all dirt, and the palm trees bearing fruit ...'

1–2 Ed. pr. read Cαραπιάδι Ἀριστ[ονίκ]ου [ἀπὸ] κώ(μης) Τα couc | Ἡρακλεί(δου) μερ(ίδος), but everything after the first name is dubious: the origin of the lessors was not given in Arsinoite leases of hypomnematic form, and Sarapias, being a woman (not recognized by the editor, who translated 'Sarapione figlio di Arist(onico?)' and restored [τὸν Cαραπιάδα] at 24 and B.13), would have appeared with a male guardian. What was read as κώ(μης) Τα conceals μετά, and the line ends νους. This suggests the common phrase μετὰ κυρίου τοῦ συγγενοῦς, followed by the name of the relative and guardian, but it is not easy to match the expected text with the traces. The text I have adopted, μετὰ (κυρίου τοῦ) συγγενοῦς, may account for the spatial distribution of the traces, but it is a compromise; I have also tried to read μετὰ κ(υρίου) τ[ο]ῦ c[υ]γγενοῦς, but this seems less likely. Here is a clipping with the ends of lines 1 and 3:



3 Θέωνος ... μητρ(οπόλεως). One might read θεων απο, but then we would have a nominative instead of a genitive, and ἀπὸ μητροπόλεως (cf. ed. pr.), though attested in registers, is not found in contracts or declarations when a reference to a city district follows. The expected phrase is τῶν ἀπὸ τῆς μητροπόλεως, with τῶν sometimes omitted. I have wondered whether the saw-tooth writing before μ might represent τῶν ἀπὸ τῆς, reduced to a minimum as it is a common formulation, but the shortening would be excessive.

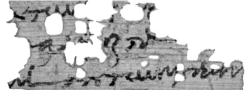
6 κώμην Άφροδ(ίτης) Βερνίκην πόλιν = TM Geo 232. The case of Βερνίκην was assimilated to πόλιν; l. Βερνίκης. After that, Ἡρακ(λείδου) μερίδ(ος) with κμε written very quickly, or Ἡρακ(λείδου) ⟨με⟩ρίδ(ος). 7 τρίτον μέρο(ς) κ[οινὸν] κ[αὶ] ἀ[διαί]ρετον φ[οι]νεικῶνο(ς). Cf. P.Soter. 4.4–6 (87) τὸ ἥμιςοι μέ[ρος] κοινὸν καὶ ἀδιαίρε[τον] | τῆς καρπωνείας τοῦ ὑπάρχοντ[ός coι] π[ερ]ὶ Θειαδέλφιαν φοινικῶνος.

8 cùν διαψείλοις. Ed. pr. restored cùν διαψείλοις [ἀρούραις ε]ξ, but this would leave us only with the acreage of the uncultivated area ('uncultivated aruras' were restored also in l. 12 and frB.1). διαψείλοις is used as a substantive. There is no other instance of cùν διαψείλοις, but cf. P.Hamb. I 71.34 (Ars.; 149) ἄνευ διαψίλων (sim. l. 19). The term is discussed in P.Panop. 14 introd. (ZPE 7 (1971) 35–6); DGE s.ν. διάψιλος, -ov, is also helpful: 'no cultivado, baldío τόποι POxy.1648.50 (II d.C.), ἄρουραι CPR 1.34.6 (II d.C.), γῆ POxy.707.23 (II d.C.), 3365.65 (III d.C.) ... • subst. τὸ δ. terreno baldío, PRyl.583.20 (II a.C.), PBerl.Leihg.31.2.24 (II d.C.).' One of the passages cited requires correction. CPR I 34.5–6 (Ars.; 217–23) runs ἐλαι[ῶνος] ἀρούρας πέντε ἢ ὅς[αι] ἐὰν ὧςι | οὕςαις διαψιλ(εῖς). οὕςαις was considered a mistake for οὕςας, but this would be odd. The online image shows that the text should be revised to read [ε]ν αἷς διάψιλα, 'in which (there are) uncultivated (areas)'; cf. P.Oxf. 13.9 (Ars.; 154) ἀμπελονος ἐν οἷς διάψιλα.

9 εἰς ἔτη τέςςαρα καρποὺ[c] καὶ ςπορὰ[c] τέςςαρας. Cf. P.Corn. 10.11 (119), P.Stras. VI 571.6. Other four-year leases of palm groves are P.Corn. 11 (204?) and P.Lond. inv. 1602a, ed. *ZPE* 208 (2018) 173ff.

11 [Ά]ντωνεί[νο]ν [Καίς]αρ[ος τοῦ κυρίου]. *Ed. pr.* read [Ά]ντωνίνου Καίςαρος here (as if nothing were lost) and Άντωνίνου Καίςαρος in 1. 13, but this would be anomalous: τοῦ κυρίου ought to have fol-

lowed Καίcαροc. We may squeeze τοῦ κυρίου in the lacuna at the end of l. 11, with a slight rearrangement of the text before it. There is no textual loss at the end of l. 13, but the writing is very cramped and the scribe uses *Verschleifung*; I juxtapose clippings of the ends of ll. 11–13 and the corresponding part from B.2:





In l. 13, the papyrus has αντων/καιcαρννν, which may be represented as Ἀντων(ίνου) Καίcαρος τοῦ κυρίου. There are more strokes used for τοννον = τοῦ κυρίου in B.3, but there is little point in trying to assign them to particular letters. Similar *Verschleifung* occurs in lines 1 (see n.), 11, and elsewhere.

12 τὰ δ]ὲ διάψειλα [. Nothing will have followed in the break at the end of the line; cf. B.2.

13–14 ἀπὸ τῆς τοῦ ἐγεςτῷ[το]ς πέμ[π]του (ἔτους) ... επορᾶς. τῆς, not transcribed in the *ed. pr.*, is vestigial but is required by the grammar. The formulation is novel; leases (mostly) of the third century have ἀπὸ επορᾶς τοῦ ἐνεςτῶτος ἔτους.

15–16 ἀργ[υρίου δρ]αχμῶν ὀγδο[ή]κονΙτα. This corresponds to a rent of 40 drachmas per arura (the lease concerned one-third of 6 aruras = 2 aruras), which is not high; cf. the table in *ZPE* 208 (2018) 176–7.

16 κ[αταcπα]cμ[ού]c. Restored from B.6. The term refers to 'plucking' (LSJ s.v.) and generally the gathering of fruits from olive and palm trees. It is mentioned in three other leases of palm groves, but as part of a series of works; cf. P.Soter. 4.27 (87), P.Stras. IV 267.18 (126–8), SB IV 7441.12 (230). The wording of the clause is not attested elsewhere; cf. also next note.

16–17 τὰ κατὰ καιρὸν ἔργ[α. This expression has occurred only in Oxyrhynchite 'leases of works', usually in vineyards and orchards: P.Oxy. XLVII 3354.36–7 (257), XIV 1631.27, 29 (280), PSI XIII 1338.15 (299), P.Col. X 284.8 = SB XXII 15769.10 (311).

17 χ[ωματιcμο]ύc. The traces of the first letter would also admit π , but π [εριχωματιcμο]ύc would be too long for the lacuna.

 $20 \pi \lambda \dot{\eta}$ [ν κνήκου. A common provision in Arsinoite land leases (cf. P.Soter. 3.24f. n.); among those of palm groves, cf. P.Soter. 4.13 (87) and BGU XV 2484.3–4 (2nd c.). The note in *ed. pr.* (B.8 n.) refers to the older view that the cultivation of safflower was avoided because it would have affected the quality of the land. D. Hagedorn, *ZPE* 17 (1975) 85–90, has argued that the reason may have been financial: the cultivation of safflower and other plants used for dyeing may have been subject to a state monopoly and attracted additional taxation.

 $\dot{\epsilon}$ [αυ]τ[$\dot{\phi}$ χ]ορηγ $\dot{\omega}$ [ν] $c\pi\dot{\epsilon}$ ρ[ματα]. This phrase may be paralleled from a number of Arsinoite leases of earlier date: P.Mich. XII 632.15–16 (26), P.IFAO I 1.15 (27), P.Mich. V 311.16–17 (32).

22 ἐπιcπο[υδαcμοῦ δημοcίων φορέτρων]. A charge for the transport of tax grain from the granaries to the river harbours; for references, see P.Berl.Monte 8.13-15~n.

26 The lost part of the line corresponds to B.15; there may have been further textual losses after $\pi \acute{\alpha} c \eta c$, but the sense seems complete.

27 ὑπὸ [καρπόν is restored from B.15. *Ed. pr.* gives ὑπόκαρπον there, a word recorded in LSJ from CPR I 45 = M.*Chr.* 151 = SPP XX 21.26 (215), τοὺς [δὲ] φοίνικας κατωχευμένους ὑποκάρπο[υς]. It recurs in P.Stras. VII 673.9 (4th c.) παραδώςομεν τὰς ἀρούρας καὶ [τὰ] ἐλάινα ὑπόκαρπον; the editor of this text suggested that ὑπόκαρπον might be adverbial, but it is preferable to articulate ὑπὸ καρπόν, with BL VIII 428. The same applies to the Vienna papyrus; the online image shows that it has υποκαρπον, i.e. ὑπὸ καρπόν. ὑπόκαρπος may thus be deleted from the lexica.

The lacuna at the right may have contained a phrase on the lines of 'as I received (them)'; SPP XX 21.27 continues ιcπ[ε]ρ παρέλαβον, and P.Stras. VII 673.9–10 καθω[c] {καθωc} | παρελάβαμεν. The text would have continued as in B.16–18, followed by the subscription of the lessee.

218 *N. Gonis*

Copy B

Ed. pr. 1 τας διαψεί[λους] ἀπομεμιςθ[ωμένας ἀρούρας 2 αντ[3 ἀπὸ] παντὸς [το]ῦ μέρους κατ' ἔτος ἕκαςτον 4 ἀργυρίου δραχμῶν ὀγδοήκοντα καὶ π. προ[5 ωντα κατ' ἔτ[ος ἐξαιρ]έτων ἀρτάβας ἐπτὰ 6 7 [ca. 15 $c\pi$]είρων [τὰ] διάψειλα οἷς [ἐὰν 8 αἰρῶμαι πλὴν κνήκου καὶ αὐτῷ χορηγῶ [τὰ 9 $c\pi$ έρματα καὶ τὸν κατ' ἔτος φόρον ἀποδόςω 10 μηνὶ Άθὺρ τῶν τοῦ ἐπιςπουδαςμοῦ δημοςίων 11 φορέτρων ὄντων πρὸς ἐμὲ τὸν Μυςθαρίωνα 12 τῶν δὲ ἄλλων δημοςίων πάντων ὄντων πρός ce^{-13} τὸν caραπιάδα] καὶ μετὰ τὸν χρόνον παραδώ- 14 ca τὸν φοινικῶνα ca 10] ... 15 ca 20] ὑπόκαρπον 16 ca 20] τοῖς ἔργοις ca 25] δὲ κατ' ἔτος 18 ca 300

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Άντωνείνου Καίςαρ[ο(ε)] τοῦ κυρίου επορᾶε, φόρου τοῦ παντ[ὸε]
    τοῦ αὐτοῦ τρίτου μέρους κατ' ἔτος ἕκαςτον
    άργυρίου δραχμῶν ὀγδοήκοντα· καὶ ἐπιτελέςω
5
6
    {πάντα} καταςπα[ςμ]οὺς (καὶ) τὰ κατὰ καιρὸν ἔργα πάντα
    χωματιςμούς π[οτιςμούς ύποςχι]ςμούς ἀναβολὰς δ[ιωρ]ύγων
6a
    όςα καθήκε[ι, ςπ]είρων τ[α] διάψειλα οἷς ἐὰν
    αίρωμαι πλην κνήκου καὶ ἑαυτῷ χορηγων
    cπέρματα, καὶ τὸν κατ' ἔτος φόρον ἀποδώςω
    μηνὶ Άθυρ, τῶν τοῦ ἐπιςπουδαςμοῦ δημοςίων
    φορέτρων ὄντων πρὸς ἐμὲ τὸν Μυςθαρίωνα,
    τῶν δὲ ἄλλων δημοςίων πάντων ὄντων πρὸς ςὲ
    [τὴν Cαρ]απιάδα, καὶ μετὰ τὸν χρόνον παραδώςω
    [τὸν φοινικῶνα καθαρὸν ἀπὸ θρύου] καλάμου ἀγρώςτεως δίςη[ς]
    [πάcης, τοὺς δὲ φοίνικα]ς ὑπὸ καρπὸν
15
    μυϊαϊων ςάκκους δύο.
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- 2, 7 l. διάψιλα 3 l. Άντωνίνου καιcap[°]τοννον 16 φαρ $\overline{\mu}$
- 6 Cf. A.16. My reading is tentative, as the clause is not exactly paralleled and the writing is partly lost. It assumes two scribal errors, the first of them not easy to explain. For another error, see next note.
- 6–7 A saut du même au même: the scribe jumped to the text that came after the second πάντα in the original, and then added the omitted text between the lines, here signalled as line 6a.
- 14 This line corresponds to A.25–26. It looks long as restored; unless there was an omission, some of these words must have been written very quickly or ellipitically (cf. θρύου καλάμου in A.26).
 - 15 Unlike the previous line, this is too short. One more word or two may be missing after $\pi \acute{\alpha} c\eta c$.
- 16 τοῖς ἔργοις Φαρμ(ουθι). The phrase is unparalleled, but K. Maresch reminds me of the Φαρμουθιακὴ ἐργαςία in leases of ἀμπελουργικὰ ἔργα, on which see P.Oxy. XLVII 3354.12 n.
- 18 Leases often mention extra payments in kind, and this may be one: two sacks of a product whose name is uncertain. What remains of the first letter suggests c or c, but no such word is known. μυϊαϊων recalls μούια, a measure of hay. The mysterious μούια cακτά in SB XVII 11960.43, 116 (c0 might offer a parallel. K. Maresch tentatively suggests (c0)μουιαίων or (c0)μουιαίων.

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