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Deutsches Archäologisches Institut, Zentrale, Podbielskiallee 69–71, 14195 Berlin, Tel: +49 30 187711-0

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THOMAS DREW-BEAR

An Act of Foundation at Hypaipa

The city of Hypaipa, located south of Mt. Tmolos and north of the Kaystros River in southern Lydia, stood on the site of the Turkish village previously named Tapai and then Datbey.¹ In the last century a small excavation was carried out there on behalf of the Turkish Government by DEMOSTHENES BALTAZZI² and a brief description of the site was published by G. WEBER;³ subsequently numerous inscriptions of the city and its territory were edited by J. KEIL and A. VON PREMIERSTEIN.⁴ Among the documents made known by these scholars are two texts which they had recorded in the town of Ödemiş immediately to the south: «Zwei Fragmente einer großen Platte aus bläulichem Marmor, an beiden nur r. Rand, sonst allseits gebrochen; *A* gr. H. 0.37, gr. Br. 0.39; *B* gr. H. 0.51, gr. Br. 0.38, d. 0.05. Sehr eigenartige Buchstaben des späteren dritten Jahrhunderts auf vorgerissenen Linien, h. 0.02.» KEIL and VON PREMIERSTEIN presented these texts as follows:

A remains of one line
κα]αι σωτηριαν των οικων αυ[τ]ων . . .
ευδηλοις γραμμασιν ενχαράξει μ . . .
4 ο και αυτους ενχαράξει ταυτα εν τω ν . . .
α]λλας δε αναστησαι ταυτα ενγεγραμμε[να
’Ολυ?]μπειω γυμνασίοις, ετι και τουτο πασι . . .
χ]ομαι, ωστε μετα πάσης ευνοίας τε και σ[που-

¹ The name Tapai (perhaps derived from τὰ Ὑπαίπα) appears on R. KIEPERT's «Karte von Kleinasien» at 1:400,000 and in the reports of early travellers; the form Datbey is given by the official repertory: *Türkiye'de meskûn yerler kılavuzu*, Ankara 1947, and maps of the Harita Genel Müdürlüğü; but subsequently the name was changed to Günlüce (infra n. 35).

² For the results see S. REINACH, *Rev. arch.* 1885 II 97–116, and 1886 II 95–6, reprinted in that scholar's: *Chroniques d'Orient*, Paris 1891, 146–67, with also a collection of passages in ancient authors concerning the city and the texts of all inscriptions of Hypaipa published to that date (I shall discuss elsewhere the metrical inscription no. 10, of which REINACH wrote that it «aurait besoin d'être revue», on the basis of a photograph and a new copy).

³ REG 5, 1892, 8–10.

⁴ *Denkschr. Wien* 57, I, 1914, 64 ff., with an introduction listing notably various ancient sites in the territory of Hypaipa. The inscriptions which concern us here are published as no. 84 on p. 67, with a mediocre photograph (Abb. 33) of Fragment *A*.

- 8 [δῆς — — το]ὺς λόγους τοὺς περὶ τῶν κτημάτων με . . .
 τ]ὰς δυνάμεις ἀ(π)ὸ τῶν προσόδων, μεθ' ἀ[ς
 ν κατασκευὰς ἐξοδεύεσθαι ἐπιγραφομε-
 περιγραφέσθω ὁ ἐπιμελητῆς τοῦ ἔργου
 12 εὐκό]σμως τὰς στήλλας ἀναστῆσαι καὶ τὴν
 ρ]τὴν σύνκτησιν οἷς προεῖπον τότε
 τ]οῦ βουλάρχου καὶ τῶν ἀρχόντων ἐν ταῖς στή-
 15 [λαις — — ο]ῆσ remains of letters

B

η . α .

- ποιήσαν[τ]ε[ς]
 ε ἐξέσται τινὶ ε
 4 μέ]ρος τι τῆς συνκτῆ[σεως
 οὐ]δὲν ἦττον μένει τοῦ[το
 ω]μης περὶ πάντα καὶ τῆς ἐκδικίας [τ]ο . . .
 τῆ]ν πρόσοδον ἐκείνου τοῦ ἔτους, καθ' ὃ τὴν
 8 πρ]ονοησαμένων τῆς ἀναστάσεως τῆς
 ἐκγόνου ἀρχιερέως καὶ Ἀμμιανοῦ Θεμι-
 στρα]τηγῶν πρώτων. *vacat*
vacat

The editors interpreted these texts as bearing on the «Steuerwesen» and remarked that: «Wahrscheinlich ist es der Erlaß eines hohen römischen Beamten, etwa eines Prokonsuls von Asien, möglicherweise auch eines Kaisers, an die städtischen Behörden von Hypaipa (*A Z.* 14), welcher Anordnungen über die Anlage von katasterartigen Verzeichnissen der Grundstücke gibt, bei denen anscheinend auf gemeinschaftlichen Besitz mehrerer (σύνκτησις *A Z.* 13; *B Z.* 4) besonders Rücksicht genommen wird.» In fact KEIL and VON PREMIERSTEIN had recorded at Hypaipa interesting fragments of a cadaster obviously drawn up for fiscal purposes,⁵ and this circumstance evidently tempted them to associate these two documents, despite certain difficulties which they recognized themselves.⁶

An inscription preserving a new portion of the same document now permits a quite different interpretation. During a visit to the site of Hypaipa made in the company of Mr. ΜΥΤΕΗΛΑΡ ΒΑΣΟĞLU of Üdemiş in 1965, members of the Sardis Expedition photographed an inscribed slab of white marble broken at the bottom and right but complete on the left and top (max. height 0,715; max. width 0,695; thickness 0,083; letter height varying between 0,020 and 0,027).⁷ An incised verti-

⁵ For this document see the edition and discussion by A. DÉLÉAGE, *La capitation du Bas-Empire*, Nancy 1945, 164–69.

⁶ «Zumal in *A Z.* 5 und 12 die Aufzeichnung auf στήλλαι gefordert wird, während die Katasterinschriften in die Wände eines großen Gebäudes eingehauen waren und der Schriftcharakter ein ganz verschiedener ist.»

⁷ The dimensions were taken by G. F. S. SWIFT and L. J. MAJEWSKI in 1968 after the

cal line delimits the left-hand margin, and setting-lines are visible both above and below the letters (especially in the upper portion of the inscription). It is a pleasure to thank Professors JOHN H. KROLL and G. M. A. HANFMANN for entrusting me with the publication of this text, and Professor V. STROCKA for furnishing the photograph reproduced here (Pl. 24 fig. 1), from which I have made the following transcription:

C και φιλοθέο[ις Χ ' . .]· ^{vac} ἐριοπ[ώλ]αις Χ ' αφ· ^{vac} λινύφοις Χ ' α[φ ^{vac} ---]
 και ἐτήσια πλ(έθρα) · ε · ἀμπέλων ὁ ἐπιμελητῆς φυτεύετω [----- ἐν τῷ]
 τῆς πόλεως ἀμπελῶν, ὅς ἐστιν και αὐτὸς πλέθρων ΕΝ[-----]
 4 τιας ἐπιμελητῆς γενόμενος παραδότην πλήρη τὰ κατα[----- λαμ]-
 βάνοντα τῷ διαδόχῳ· τὸν ὄντα ἐν τῷ χωρίῳ κάλαμον ταῖς [----- ἀμπέ]-
 λοις ἀρκοῦντα βούλομαι ἐξ ἴσης τοῖς ἀμπελῶσιν διαιρεῖσθ[αι ----- ταῖς]
 ἐνφυτευομέναις ἀμπέλοις ἐν τοῖς ἰδίᾳ κατακειμένοις πλ[έθροις -----]
 8 οἰς κάλαμον φυτεῦν οἷς και τὰς ἀμπέλους φυτεῦν διετ[-----]
 ληνῶν τὴν μὲν πρὸς ἄρκτον εἶναι βούλομαι τοῦ κοινοῦ τ[----- τὴν δὲ]
 πρὸς μεσημβρίαν τῶν · ς · συστημ(ά)των κατεργασμένω[ν----- ἐπὶ κλή]-
 ρω κατ' ἔτος τῶν προσεστώτων αὐτῶν, προκλήρου οὐδεν[ός ----- ἐξου]-
 12 σίαν προπατήσαι, ἢ εἰσοίσει ὁ παρὰ ταῦτα ποιήσας τοῖς λ[-----]
 σιν Χ μ(ύρι)α· ^{vac} τοὺς ὄντας πίθους κελεύω ἐξ ἴσου τὴν τε πόλιν [και τὰ · ς ·
συστήμα]-
 τα νείμασθαι· τὸ βαλανεῖον λούειν μελέτω τοῖς ἐπιμελη[ταῖς -----]
 τοὺς κατοίκους· και ἐνεύχομαι [[και [ἐνεύχομαι]]] πᾶσιν τοῖς [-----]
 16 ἐν ταῖς συνόδοις ἐν στήλαις ἐνχαράξαι μου τὴν γνώμη[ν] ἐδῆλοις γραμμασιν
 και τοῖς ἀρχχ^{vac} και αὐτοὺς ἐνχαράξαι ταῦτα [[ἐν τῷ ν[αῶ -----]]
 [[-----]] και στήλας δὲ ἀναστήσαι ταῦτα γεγραμμέ[νας]
 μίαν μὲν ἐν τῷ Ἡρακλείῳ και μίαν ἐν τῷ Ὀλυμπεῖῳ γυμνασίοις· ἐπι και τοῦτο
 20 πᾶσιν τοῖς ἐπιμελησομένοις βουλευταῖς ἐνεύχομαι, ὥστε μετὰ πάσης εὐνοίας τε
 και σ[πουδῆ]ς ἀποδιδόναι τοῖς τε ἐξετάσουσιν τοὺς λόγους τοὺς περὶ τῶν
κτημάτων

L. 2: to indicate the abbreviation, *lambda* is engraved above *pi*. – l. 10: the engraver omitted the horizontal bar of *alpha*. – l. 13: to indicate the abbreviation, *alpha* is engraved above *mu* and an uninscribed space follows the word. – l. 15: the *rasura* eliminates a ditto-graphy, of which the first word can still be detected. – l. 17: the last letter of the third word is doubled to mark the plural, according to a practice which originated in Latin epigraphy: cf. M. AVI-YONAH, Abbreviations in Greek Inscriptions, Quart. Dept. Ant.

stone had been transported to Üdemiş. It was said to have been found at Datbey about 1958, under the house of Mehmet Çavuş. At left a margin (width: 0,025) separates the beginning of the lines from the left edge of the stone. The photograph published here will permit study of the forms of the letters, often adorned with small serifs, which are elongated and closely placed (note *omega* which has the form of W). The letters of Fragment A are similar in appearance (v. infra on Fragment D).

Palestine 1940, repr. by A. N. ΟΙΚΟΝΟΜΙΔΗΣ, Chicago 1974, 41; the abbreviation is indicated by an uninscribed space following the word. – ll. 17–18: this *rasura* is apparently due, not to an error of the engraver, but rather to a change in the text made *after* the document had been inscribed: see the commentary on this line *infra*.

It is apparent that this inscription constitutes a second copy of the document partially preserved by the first of the fragments published by KEIL and VON PREMERSSTEIN. In the text *supra* I have italicized the words which may be restored in the new document on the basis of the previously-known fragment; reciprocally the new inscription now permits a nearly integral restoration of ll. 3–8 of the former text, as follows:

- ἐν ταῖς συνόδοις ἐν στήλαις εὐδήλοις γράμμασιν ἐνχαράξαι μοῦ τὴν γνώμη[ν]
 4 καὶ τοῖς ἄρχουσι καὶ αὐτοῦς ἐνχαράξαι ταῦτα ἐν τῷ ν[αῶ -----]
 [---] καὶ στήλας δὲ ἀναστήσαι ταῦτα ἐνγεγραμμέ[νας] μίαν μὲν ἐν τῷ
 Ἑρακλείῳ καὶ μίαν ἐν τῷ Ὀλυμπεῖῳ γυμνασίῳ: ἔτι καὶ τοῦτο πᾶσιν τοῖς
ἐπιμελησομέ-
 νοις βουλευταῖς ἐνεύχομαι, ὥστε μετὰ πάσης εὐνοίας τε καὶ σ[πουδῆ]ς
ἀποδιδόναι
 8 τοῖς τε ἐξετάσουσιν τοὺς λόγους τοὺς περὶ τῶν κτημάτων με[τὰ -----]

L. 3: the position of the last two clauses is reversed with regard to the new inscription. – l. 4: the *rasura* found in the new inscription seems to be absent here. The text of KEIL and VON PREMERSSTEIN gives *omicron* as the first letter of this line, but this reading is not verifiable. – l. 5: the new inscription shows that it is necessary to restore not [ἄ]λλας but rather [στή]λλας; the spelling with two *lambdas* occurs again in l. 12. The end of the preserved portion of this line offers a small variation in that the participle has here the prefix ἐν. – l. 6: the restoration suggested here by KEIL and VON PREMERSSTEIN is confirmed, as is their restoration in l. 7.

Although these lines are thus reproduced integrally in the new copy of our document, it is certain that the latter contained nothing which corresponds to the first remaining line of Fragment *A*. This line recalls the formula frequently used for vows on behalf of the reigning emperor(s), ὑπὲρ τῆς αἰωνίου διαμονῆς καὶ σωτηρίας.⁸ It is possible that such a clause was originally included in the section of this document that occupies ll. 15 ff. of the new inscription,⁹ and that it was simply omitted from the copy partially preserved by Fragment *C*;¹⁰ but in the present state of our knowledge, the possibility cannot be excluded that there existed a divergence of greater extent between the copies, for a cause which cannot now be determined.

After the section of Fragment *A* which can now be restored integrally with the

⁸ On this formula cf. H. U. INSTINSKY, *Hermes* 77, 1942, especially 327 f.

⁹ Cf. the injunction by the Emperors in the text of a foundation at Gythion cited *infra* n. 72.

¹⁰ On the variations that one often finds among ancient copies of the same document, see Bull. épigr. 1961 no. 154 and DREW-BEAR, *Nouvelles inscriptions de Phrygie*, Zutphen 1978, 7.

help of the new inscription, the former fragment mentions «the value¹¹ of the revenues» and expenses incurred¹² for «constructions» which are to bear an inscription; in l. 11 requirements are laid down¹³ for the overseer of some work,¹⁴ perhaps precisely the erection of the steles bearing the present text which are mentioned in l. 12. The interpretation chosen by KEIL and VON PREMERSTEIN for the letters at the end of the following line does not seem certain, since the verb may carry no nuance of speaking *viva voce* but simply mean «enjoin», and it may be preferable to consider that a new clause begins here: οἷς προεῖπον, τό τε . . .¹⁵ The last preserved line of this fragment contains the remains of provisions concerning magistrates of the city;¹⁶ the mention of the erection of inscribed steles implies that this fragment belongs near the end of the text, for this is where one would expect to find instructions concerning such matters.

Likewise the mention of the persons responsible for the erection of [a stele] in l. 8 of Fragment *B*, as well as the blank spaces to the right of and below l. 10, indicate that this fragment belonged to the final portion of the document. Preserved are portions of the legal interdiction protecting the terms of this act, e. g. οὐδ[ὲ (or μηδ)] ἐξέσται τινὶ ἐ[ξαλλοτριῶσαι]¹⁷ «nor will it be allowed to anyone (to alienate) any part of the joint property»;¹⁸ l. 5 will thus form part of a clause of the type:

¹¹ This is one of the current meanings of the word δύναμις; cf. Section III. 2 of the article s.v. in LSJ and L. ROBERT, *Hellenica* III, Paris 1946, 33.

¹² For the verb ἐξοδεύω the dictionaries furnish the definition «depart this life»; but it may be suggested that in the present text this verb means «expend» (money), a sense well attested since the Hellenistic period for the corresponding noun ἔξοδος.

¹³ Note the imperative of the third person, which occurs with reference to ἐπιμελεῖται also in three passages of Fragment *C*: l. 2 ὁ ἐπιμελητῆς φυντεύτω; l. 4 ἐπιμελητῆς γενόμενος παραδότη; l. 14 μελέτω τοῖς ἐπιμελη[ταῖς].

¹⁴ The word ἔργον may also mean «construction» (cf. κατασκευάς in l. 10): for this sense see e.g. ROBERT, *Hellenica* IV, Paris 1948, 12 and 144; other attestations for example in ROBERT, *Etudes Anatoliennes*, Paris 1937, 349, *Bull. épigr.* 1973 p. 143, and *RPh* 51, 1977, 13 n. 44. Perhaps it was specified in l. 10 that such constructions were to bear an inscription mentioning the name of the donor, as was frequent; or one might restore at the beginning of the line στήλας]ν.

¹⁵ For the use of the particle after the article cf. Fragment *C* l. 21: τοῖς τε ἐξετάσουσιν (if this document was drawn up at one time, an adverb «then» would be out of place; in the letter of a benefactor to the city of Ariassos, *Etudes Anatoliennes* 379 l. 17, this adverb appears but in a different context: see the commentary of ROBERT ad loc.).

¹⁶ For the office of βούλαρχος cf. the attestations assembled by W. LIEBENAM, *Städteverwaltung im römischen Kaiserreiche*, Leipzig 1900, 246 (the inscription cited there as from Eumeneia in Phrygia is in fact from Tralleis) and the remarks of I. LÉVY, *REG* 8, 1895, 225, and 12, 1899, 270.

¹⁷ For this verb cf. the text cited in the following note; B. LAUM, *Stiftungen* (infra n. 23) I 185 (with the passage from the foundation of Epicteta at Thera, μήτε ἐξαλλοτριῶσαι τρόπωι μηθενί); ROBERT, *Opera Minora Selecta* II, Amsterdam 1969, 1214 and *Hellenica* XIII, Paris 1965, 202.

¹⁸ Cf. a testamentary foundation at Lyrbôtôn Kôme north of Attaleia, J. KEIL, *JÖAI*

violation of this provision will incur such-and-such a penalty, and «this will none the less remain» binding¹⁹ (this interpretation requires the future *μενεῖ* rather than the present tense adopted by KEIL and VON PREMERSSTEIN). At the beginning of the following line, one may restore *γνώ]μης* (cf. Fragment C I. 16); there follow provisions concerning the *ἐκδικία* to be exercised against those who violate the terms here laid down,²⁰ and concerning the disposition of the revenue produced during a year in which a certain event takes place, perhaps contravention of these terms. Finally we learn that one of the persons responsible for the erection of the present inscription was the grandson of a high priest at Hypaipa, and after the name of another man is mentioned the office of «first general».²¹

Fragment C begins in the middle of a sentence, of which the preceding section was inscribed upon another slab placed just above. This fragment renders clear, beyond any doubt, the nature of this document: it is not a missive from a Roman governor or magistrate, but rather was drawn up by a private citizen²² in order to lay down the terms of a foundation which this benefactor was thus establishing.²³

23, 1926, Beibl. cols. 93–4 (SEG VI 673), ll. 9–10: *μηδενὸς ἔχοντος ἔξουσ[ί]αν τὰ προγεγραμ[μένα] ἢ καὶ μέρος[ε]ς τι αὐτῶν πωλῆσαι ἢ ἐξαλλοτριῶσαι κτλ.* (for the word *σύνκτησις* v. infra on Fragment E).

¹⁹ Cf. at Aphrodisias MAMA VIII, Manchester 1962, no. 565 ll. 4 ff.: *ὁ τοιοῦτό τι τολμήσας ἔσται ἐπάρατο[ε]ς . . . καὶ προσοδοποιεῖσθαι . . . καὶ οὐδὲν ἤττον μενεῖ κύρια τὰ . . . [γεγραμμέ]να* (on the clause *οὐδὲν ἤττον κτλ.*, which occurs frequently in legal documents such as those establishing foundations, see ROBERT, *Hellenica* XIII 205).

²⁰ Cf. for instance this provision of a foundation at Aphrodisias, MAMA VIII no. 577 ll. 9 f.: *καὶ τῇ ἱερωτάτῃ βουλῇ διαφέρει καὶ αὐτῇ ἢ περὶ τούτου ἐκδικία διὰ τὸ ἐπὶ ταύτῃ τῇ ἐκδικίᾳ ἀνατεθεικέναι ἕμῃ αὐτῇ εἰς αἰώνιους αὐτῆς νομᾶς (5,000 denarii).*

²¹ Cf. for example R. MÜNSTERBERG, *Die Beamtennamen auf den gr. Münzen* (repr. Hildesheim 1973) 139 (75): the office of «general» is frequently attested on coins of the city of Hypaipa.

²² For a short list of letters inscribed on stone, which were addressed by citizens to their own cities not because of absence but rather in order to create a written, legal document (*ὑπὲρ τοῦ μὴ ἀμάρτυρόν τι ἢ ἄγραφον εἶναι*) μου τὴν ὑπόσχεσιν, διὰ τῆς ἐπιστολῆς ταύτ[η]ς δηλῶ . . . in the words of a benefactor in Pisidia) see ROBERT, *Etudes Anatoliennes* 380 n. 5 (including Fragment D infra, «et peut-être aussi» our Fragments A and B). Another such letter is now at Larnaka (Bull. *épigr.* 1949 no. 205); cf. 1962 no. 337 and 1963 no. 81; on a fragment of a letter by another benefactor to his native city of Kyparissia in Messenia, R. K. SHERK, *Roman Documents from the Greek East*, Baltimore 1969, no. 46, see Bull. *épigr.* 1971 no. 3. The remains of one further text of this category are published by J. CRAMPA, *Labraunda* III. 2, Stockholm 1972, no. 57.

²³ Identification of the nature of the document explains the usage of verbs of command in the first and third persons which are found throughout the present text (cf. infra n. 112). This document is thus to be added to the series of inscriptions which preserve the conditions of such ancient foundations, a group of texts which has increased greatly in number since the publication of the Corpus of B. LAUM, *Stiftungen in der gr. und röm. Antike: Ein Beitrag zur antiken Kulturgeschichte* I (Darstellung) and II (Urkunden) (Leipzig and Berlin, 1914; repr. Aalen 1964); cf. also E. ZIEBARTH, *RE Suppl.* 7 (1940) s.v. *Stiftungen*, cols. 1236–40. On the desirability of a modern Corpus that would collect and study these

An attempt will be made here to interpret the provisions of this text, insofar as its state of preservation allows; but since we possess only a small portion of the entire document, and that in a mutilated condition with (at best) part of each line missing, it is natural that an eventual increase in our understanding of this text, which may be hoped for from the discovery of further fragments, could lead to modification of some of the conclusions reached here: the very personal style characteristic of the author of this document, as well as the nature of the subjects treated, do not in general permit restoration of the missing portion, so that interpretation of what remains must necessarily be incomplete and at times conjectural.

The first preserved line mentions sums of money²⁴ to be given to the wool-sellers²⁵ and the linen-weavers,²⁶ both well-known guilds concerned with the production of clothing.²⁷ These are preceded by the adjective φιλόθεος, which doubtless referred to an association mentioned in the previous line.²⁸ It seems reasonable

documents (even after the recent discussion by A. MANZMANN, *Griechische Stiftungsurkunden: Studie zu Inhalt und Rechtsform*, Münster 1962: cf. Bull. épigr. 1965 no. 83), see *ibid.* 1963 no. 50 and 1964 no. 73. It is possible that the foundation at Hypaipa was established by testament (cf. *infra* n. 107) rather than in the donor's lifetime.

²⁴ At the end of the line *phi* may be restored, on the hypothesis that the linen-weavers received as much as the wool-sellers. If each of the six associations was to receive an identical amount, then the sum distributed here attains the total of 9,000 denarii: but the fact that a figure is specified after the name of each association raises the possibility that some received more than others. On the value of this money v. *infra* n. 98, and on its source, *infra* n. 30.

²⁵ The lacuna here can accommodate two but not three letters, a fact which excludes the restoration ἐριοπ[λύτ]αις <fullers>, a term attested from the first century of our era: the dictionaries cite Dioscurides, de materia medica 2, 163 (on this passage see J. BERENDES, *Des Pedanius Dioskurides Arzneimittellehre* 241); the word also occurs on inscriptions at Hierapolis in Phrygia, IGR IV 821 and Bull. épigr. 1971 no. 652. — The trade of ἐριοπώλης (or ἐρεοπώλης) is attested by literary sources, inscriptions and papyri throughout classical antiquity; on the importance of woollen goods among the products of Lydia see T. R. S. BROUGHTON, in: T. FRANK, *Economic Survey of Ancient Rome IV*, Baltimore 1938, 818–9.

²⁶ Also the trade of the λινύφοι (or λινούφοι) is abundantly attested by numerous inscriptions, papyri and literary sources (see the bibliography assembled by S. LAUFFER on p. 269 of his edition of Diocletian's Price Edict). On the *linyfi* and *linyfia* in the *Notitia Dignitatum* and the Theodosian Code see L. ROBERT, *Cahiers arch.* 8, 1956, 32; on the weaving of linen in Asia Minor, cf. BROUGHTON, *op. cit.* 822. Two epitaphs from Saittai in northeastern Lydia (Bull. épigr. 1963 no. 234) attest a guild of linen-weavers designated as ὁμότεχνον and συνεργασία τῶν λινουργῶν.

²⁷ F. POLAND, *Geschichte des gr. Vereinswesens*, Leipzig 1909, 116, points out that «von allen Gilden zeigen die größte Verbreitung alle die, die es mit der Herstellung der Kleidung zu tun haben.»

²⁸ The layout of l. 1, with the unscripted space after the adjective, suggests that the adjective was followed by a sum of money expressed in denarii, for which there is indeed space in the lacuna; and the fact that the adjective is preceded by καί indicates that another epithet, referring to the same association, stood at the end of the preceding line. This adjective, with its specifically religious connotation — the word is used for instance

to suppose that these guilds were two of the six *συστήματα* mentioned in l. 10 and doubtless in l. 13. In l. 2 the *ἐπιμελητής*, overseer (v. *infra* n. 82), is directed to plant each year five *plethra* of vines²⁹ in the vineyard belonging to the city, which was of a determined size, e. g. *πλήθρον ἐγ[ενήκοντα]*, and equal in extent (*ὅς ἐστιν καὶ αὐτός*) to another vineyard mentioned in the preceding portion of this document, now lost; this other vineyard, we may deduce, was that given to the six *συστήματα*.³⁰ The directive to plant yearly five *plethra* of vines seems best interpreted as implying not an annual expansion of the vineyard by this amount, but rather a progressive renewal of the plants that already existed.³¹ Vineyards, being income-producing properties, naturally formed the object of numerous foundations.³²

The city of Hypaipa was located on the foothills of Mt. Tmolus, a region famous

of worshippers of Men Motyleites in a dedication from Ayazviran in northeastern Lydia: E. N. LANE, *Corpus Mon. Relig. Dei Menis I*, Leiden 1971, no. 41 – may be compared with the similar title *φιλοσέβαστος*, frequently used by guilds (cf. POLAND, *Vereinswesen* 170).

²⁹ For this use of *ἐτήσιος* cf. TAM II 578 (Tlos): *ἀγρὸν . . . φέροντα ἐτήσια (δηνάρια) ἀσν'*, and also E. BERNARD, *Inscriptions métriques de l'Égypte gréco-romaine*, Paris 1969, no. 87 (Hermoupolis), l. 13: *τάδε πάντα ἐτήσια ἕνθα τελεῖται* «toutes ces offrandes seront faites ici chaque année». According to F. HULTSCH, *Gr. und röm. Metrologie*, Berlin 1882, 700, five *πλήθρα* = 0,475 hectares, so that a vineyard of 90 *πλήθρα* would comprise about 8 1/2 hectares or about 21 acres.

³⁰ Thus the sums of money mentioned in l. 1 were doubtless part of the revenue to be produced each year by the vineyard given to the guilds, and were to be distributed annually as specified in this part of the text. The restoration [*ἐν τῷ*] at the end of l. 2 seems necessary in order to establish a connection between the words *φουτευέτω* and *ἀμπελῶν*. The inference that the two vineyards had already been presented and defined in the preceding portion of the text is supported not only by the words *καὶ αὐτός* in l. 3 but also by the use of the article in l. 6.

³¹ In this way old vines, which had lived past the age of maximum yield, could be replaced, section by section, with new cuttings, which would of course not bear fruit at once: cf. Pliny, NH 17, 182 and (on modern Greece) Aschenbrenner (*infra* n. 40): «Although a new vine begins to bear in four to five years, it is not until about the tenth year that the crop is significant, and fifteen to twenty years are required for full yields. Farmers say that after fifty years the plant yield begins to decline, though there are few examples of vineyards of this age.» During the years before the new plants bore fruit, this vineyard was to continue producing in its older sections. At the end of l. 3 it seems less probable that *epsilon* signifies the number five, since the letters used as numerals elsewhere in this document are set off by dots on each side midway in the height of the line (cf. ll. 2 and 10); in such a case both vineyards would have an area of only five *plethra*, and the overseer of the one donated to the city would be instructed to keep its entire surface planted with vines (naturally a similar conclusion would apply if the figure to be restored in l. 3 were *ἐγ[νέα]*). For the minimum yield, below which vines should be rooted out, cf. Columella, *de rust.* 3, 3, 11.

³² A few examples are cited by LAUM, *Stiftungen I* 135, and others by POLAND, *Vereinswesen* 488 (with indication of the size of the properties involved); others for example in IGR IV 1675 (Kaystros Valley), ROBERT, *Etudes Anatoliennes* 378 ff. (Ariassos in Pisidia), IG X 2, 1 259 (Thessalonike), HERRMANN and POLATKAN, *infra* n. 51 (Nakrason).

in antiquity for its vines:³³ fragments of a great cadastral inscription attest the existence of vineyards in the territory of Hypaipa,³⁴ the geographer A. PHILIPPSON saw vines on Mt. Tmolus to the northwest of Datbey, and C. TEXIER – like G. WEBER a generation later – mentions vineyards on the site of Hypaipa itself;³⁵ but in antiquity (Pliny, NH 5, 110), as today, it is above all the northern slopes of Mt. Tmolus, in the direction of Sardis and the Hermus Valley, that present extensive vineyards to the view of the traveller along the highway from Smyrna to Sardis, Izmir to Salihli, where the road that crosses Mt. Tmolus, the Boz Dağ, descends into the plain.

In ll. 4–5 it is specified that the overseer³⁶ is to deliver to his successor in full items which were mentioned in the lacuna;³⁷ then the donor orders that the reeds in the χωρίον, landed property (cf. infra Fragment E l. 9) – clearly that conveyed by this foundation and described in greater detail in the preceding section of the text – are to be divided equally between the vineyards. Indeed reed-beds formed an integral part of this domain, as of many other vineyards ancient and modern;³⁸

³³ See the discussion by ROBERT, *Villes d'Asie Mineure*², Paris 1962, 276 f., with references to ancient authors.

³⁴ KEIL and VON PREMIERSTEIN, *Denkschr. Wien* 57, I, 1914, nos. 85 and 86: several times in these documents appears the entry ἀμπέλων ἰού(γερα) followed by a number (according to W. BERCHER in RE [1951] s.v. πλέθρον, one *iugerum* was in theory the equivalent of two plethra). Cf. supra n. 5.

³⁵ See PHILIPPSON, *Reisen und Forschungen im westlichen Kleinasien* II, *Petermanns Mitteilungen Erg.-Heft* 172, 1911, 67, for vineyards between the village of Kuşlar and Sala. TEXIER, *Asie Mineure*, Paris 1862, 37, noted that: «Le mont Tmolus était célèbre dans l'antiquité par ses excellentes vignobles, dont il ne reste plus aujourd'hui que de faibles traces dans les villes de Baidir et de Tapöe.» On the regression of viticulture cf. ROBERT, *Opera Minora Selecta* I 384: «Cette culture a reculé depuis l'antiquité, avec l'introduction d'une civilisation islamique, et aussi, sur les côtes, depuis l'échange des populations et l'exode de l'élément grec.» In his description of the site of Hypaipa WEBER remarks, REG 5, 1892, 9, that «la colline de l'Acropole dominait la ville à l'est; elle est aujourd'hui toute couverte de vignes.» On the site of the city with its latest modern name, and on the agricultural resources of the Kaystros valley, see ROBERT, RN 18, 1976, 25–28.

³⁶ A restoration which suggests itself for the word of which the termination is preserved at the beginning of l. 4 is: [ὁ διὰ e.g. διε]τίας, τριε]τίας etc. ἐπιμελητής, specifying the period during which the overseer was to be in charge of the vineyard; another possibility would be: [ὁ τῆς φυ]τ(ε)ίας ἐπιμελητής – for this word in the context of a foundation at Akmonia cf. the testament of Flavius Praxias, F. CUMONT, *Catalogue des Musées royaux du cinquantenaire*², Brussels 1913, 150 no. 133 ll. 10–11 (note that it is question of planting in l. 2 of our document as again in ll. 7–8).

³⁷ The verb partially preserved at the beginning of l. 5 is apparently a participle in the neuter plural, to which belongs the article in the preceding line; it seems reasonable to restore λαμ]βάνοντα, but which prefix (if any) the verb possessed appears now impossible to determine because of the loss of the context.

³⁸ Thus ROBERT, *Opera Minora Selecta* I 390, cites «pour la roselière comme complément d'une pièce de terre, vigne ou autre» inscriptions bearing leases from Mylasa-Olymos: «dans des descriptions de terres (γῆ, γέαι) on lit: καὶ τὸν προσόντα καλαμῶνα,

their importance was thus estimated by Columella:³⁹ *quibus si deficitur agricola, causam faciendi vineta non habet*. The reason for this is that in antiquity, as still in many countries today,⁴⁰ grape-vines were trained on supports made partially or entirely of reeds.⁴¹ In Columella's vineyard reeds served precisely as cross-bars, to which the vines were attached by willow withes, and which were themselves supported by stakes of chestnut.⁴² He gives detailed instructions for the manufacture of these cross-bars, which had to be strong enough to support the weight of the full-grown grape clusters.⁴³ If no other suitable material for the vertical props was available, Varro explains how these too could be made of reeds.⁴⁴ Still another use of reeds was to support the newly-planted vines.⁴⁵ Thus it is not surprising that

σὺν τῷ προσόντι καλαμῶνι; actuellement dans ce pays, comme dans le vallée du Méandre, les levées de terres qui bordent les champs sont plantées de grands roseaux.»

³⁹ De re rust. 4, 30. Columella explains that if props (made of reeds) must be bought outside the domain, then *nec emptiois tantum . . . pretium onerat vilici rationem, sed etiam comparatio molestissima*; on the obligation, essential for financial success, of possessing an adequate source of vine-props within one's own property, cf. his remarks op. cit. 3, 3, 5 and the figures which he gives at 3, 3, 8.

⁴⁰ Cf. for example S. ASCHENBRENNER, in: The Minnesota Messenia Expedition, ed. W. A. McDONALD and G. R. RAPP, Minneapolis 1972, 55, on the vineyards of Messenia: «olive branches or stout reeds (kalamia) are used for stakes and a piece of dry grass for tying.»

⁴¹ Literary allusions to this practice are frequent. For instance an epigram in Caria, W. PEEK, Griechische Vers-Inschriften, Berlin 1955, no. 1144, speaks of ἡδ' ἀπαλὸν Βρομίῳ καταὶ δονακώδεος ὕλης | ἡμερίδος γλυκερῆς στῆσαι πολυανθέα βότρυν, «attach the delicate flowering grape-cluster of the sweet vine of Bromios to the wood of the reed»; commenting this passage, ROBERT (Opera Minora I 382-3) cites a speech of the Emperor Julian (orat. III 125 B; II 16 BIDEZ): κάλαμον, ᾧ χρὴν προσδεδέσθαι καὶ ἐπικεισθαι τὴν ἄμπελον, ἵνα αὐτὴ τε ἀνέχηται, καὶ οἱ βότρυες ἐξηρητημένοι μηδαμοῦ ψαύωσι τῆς βώλου.

⁴² This appears from the interesting passage (4, 30) in which Columella sets forth the relative areas required for each of these plants to complement a vineyard: *salicum viminalium Atticus putat singula iugera sufficere posse quinīs et vicenis iugeribus ligandae vineae, harundineti singula iugera vicenis iugandis; castaneti iugerum totidem palandis, quot harundineti iugandis*.

⁴³ 4, 17: *Harundines . . . inter se conversis cacuminibus vinciendae sunt, ut aequalis crassitudo totius iugi sit; nam si cacumina in unum competunt, imbecillitas eius partis gravata pondere iam maturum fructum prosternit, et canibus ferisque reddit obnoxium. At cum iugum in fascem pluribus harundinibus alterna cacuminum vice ordinatum est, fere quinquennii praebet usum*. Cf. Pliny, NH 17, 166 and 174: *saluberrima in iugo harundo conexa fasciculis durat annis quinīs*.

⁴⁴ De re rust. 1, 8: *inde (from the reed-bed) enim aliquot colligatas libris demittunt in tubulos fictiles cum fundo pertuso, quas cuspides appellant, qua umor adventicius transire possit*.

⁴⁵ Cf. Columella's instructions (5, 5, 8): *posito semini arundo adnectitur, quae velut infantiam eius tueatur atque educet, producatque in tantam staturam, quantum permittit agricola*. The same recommendation is given in the Geoponica 4, 3, 8: παρατηγνύονα δὲ τῷ καταλιμπανομένῳ βλαστῷ ῥάβδον λεπτήν ἢ κάλαμον, ἵνα ὁ βλαστὸς ἀπαλὸς ὢν προσαναπαύοιτο τῇ συναφείᾳ τοῦ καλάμου, καὶ μὴ στρεβλοῖτο.

careful directions for the planting and care of reed-beds are given by numerous ancient writers on agriculture,⁴⁶ and that work on reed-beds is frequently mentioned in the papyri.⁴⁷ In l. 6 the founder specifies that the reeds are sufficient, ἀροῦντα, for the vines;⁴⁸ this provision finds numerous parallels in the papyri,⁴⁹ and clearly means that there are to be enough reeds to provide all the props necessary for the vineyards.⁵⁰

The following line mentions «vines planted in the privately-settled *plethra*»: since the author of this text possessed no authority over land farmed by other citizens of Hypaipa, it seems reasonable to conclude that some aspect of the employment of reeds in the privately-held vineyards is being set as a model for the management of the vineyards which formed part of this foundation. In l. 8 is established the requirement that the persons whom the founder ordered (διέτ[αξα?])⁵¹ to plant vines, i. e. the successive ἐπιμεληταί (cf. ll. 2 and 5), must also plant reeds, clearly in order to ensure a continued supply of this necessary material in the future.

The next section of the document, still devoted to regulation of the vineyards, concerns implements necessary for the production of wine: ληνοί, «grape-presses»,⁵²

⁴⁶ Notably Cato, *de agricultura* 6, 3–4; Columella, *de arboribus* 29 and *de re rust.* 4, 32; *Geoponica* 5, 53 (Περὶ φυτείας καλάμων); Pliny, *NH* 17, 144; Palladius 3, 23.

⁴⁷ Cf. M. SCHNEBEL, *Die Landwirtschaft im hellenistischen Ägypten*, Munich 1925, 255–62: for example a lease of a vineyard mentions καλαμουργία and καλαμοστασία (P. Giessen 56; cf. P. Oxy. 729); P. Oxy. 1631, a contract for labor in a vineyard, specifies [τ]ιλμός καλάμου, συλλο[γῆ] καὶ μεταφ[ο]ρά τούτου, ἀνκαλισμός καὶ δέσις; P. Oxy. 1692 is a similar contract for work in a κλήρου ἀμπελικοῦ κτήματος καὶ καλαμείας

which naturally formed an integral part of every vineyard.⁵³ The verb προπατήσαι in l. 12 indicates that the preliminary pressing of the grapes was accomplished by trampling,⁵⁴ as usual throughout the ancient world.⁵⁵ From the phrase ληνῶν τὴν μὲν πρὸς ἄρκτον at the beginning of l. 9, it may be deduced that the founder donated two presses:⁵⁶ that to the south (l. 10) was to belong to the six συστήματα, whereas the northern press was given to a κοινόν. Since in ll. 13–14 the πίθοι are divided (according to the restoration adopted here) equally between these six συστήματα on the one hand and the city on the other, and since in l. 3 the vineyard of the city is said καὶ αὐτός to be of the same size as another vineyard which, we have concluded, belonged likewise to the six συστήματα, it is logical to infer that here too the presses are to be divided between the συστήματα and the city, the latter

ληνοὶ belonging to the mutilators of the Hermes, sold at auction by the Athenian state, see W. K. PRITCHETT, *Hesperia* 22, 1953, Stele II l. 255, V 31, VI 137 (cf. *Pollux* 10, 130 and also 7, 151); they are defined by D. A. AMYX, *Hesperia* 27, 1958, 242 ff., as «simple treading-vats of stone.» For this word used in the sense of «cask», usually expressed by πίθος, see DREW-BEAR, *Glotta* 50, 1972, 206–7; the two words were amalgamated in the late formation ληνόπιθος, «vat» (LSJ) or rather «Kelterfaß» (P. Hamb. I 23 l. 18). On presses for trampling grapes cf. OLCK, in *RE* (1897) s.v. calcatorium (cf. also A. JARDÉ, in: DAREMBERG-SAGLIO, *Dictionnaire* s.v. torcular). The maker of such presses was called ληνοποιός or ληνῶς: for the latter word (absent from LSJ and its Supplement) on an inscription from Philadelphia in Lydia see O. MASSON, *An. Ec. Ht. Et.* IV^e Sect. 1971/2, 195; the term had been registered already by K. DIETERICH, *Untersuchungen zur Geschichte der gr. Sprache*, Leipzig 1898, 166, who explains «ληνῶς = ληνοβάτης Kelterer» (precisely the same word ληνοβάτης is used by LSJ to define ληνοποιός). Both explanations are erroneous, for the trampling of grapes, which naturally required no special skill, was carried out as part of normal agricultural routine and therefore would not have given rise to a professional designation used to identify the occupation of the deceased on an epitaph like that at Philadelphia.

⁵³ Thus presses were often rented in connection with the vineyard to which they were adjacent (for a document attesting the μισθὸς ληνοῦ cf. for instance P. Tebt. 1058). On the successive operations of trampling and pressing the grapes, and the different methods employed, see R. BILLIARD, *La vigne dans l'antiquité*, Lyons 1913, 436–58.

⁵⁴ The verb normally used for this operation is πατέω (for a series of examples see SCHNEBEL, *Landwirtschaft* 282 nn. 4–7): thus for instance P. Ryl. IV 583 l. 50 mentions pay for the πατηταῖς as well as the μισθὸς ληνοῦ. On the verb (προ)πατεῖν see A. SWIDEREK, *La propriété foncière privée dans l'Égypte de Vespasien et sa technique agricole d'après P. Lond.* 131 recto, Wrocław 1960, 92. *Stud. Pal.* XIII pp. 6–7 = XX 78 is a contract by which a fluteplayer undertakes to provide αὔλησις καὶ τέρπις for the ληνοβάται employed by the proprietor of a vineyard. Beside ληνοβάτης there exist the verbs ληνοβατέω and ληνοπατέω.

⁵⁵ On the procedure to be followed cf. *Geoponica* 6, 11: ἐμβληθείσας δὲ τὰς σταφύλας εἰς τὰς ληνοὺς εὐθὺς τοῖς πόσιν ἀποθλιβέτωσαν οἱ πρὸς τοῦτο τεταγμένοι, πᾶσαν τε ὄψα ἁμαλῶς πατήσαντες. The trampers must be scrupulously clean (εὖ μάλα τὰ περὶ τοὺς πόδας κεκαθαμένους), abstain from food and drink while in the press, etc.

⁵⁶ Thus the restoration at the end of l. 9 seems certain, since τὴν μὲν requires a corresponding element in this sentence.

being designated by a phrase containing the word κοινόν, as is not rare.⁵⁷ It is certain that one of the meanings of the word σύστημα is 'guild':⁵⁸ the word is attested in this sense also by literary sources,⁵⁹ and indeed it came to be employed in legal language as the technical translation of the Latin term *corpus*.⁶⁰

Lines 10–13 contain instructions, given in detail as is characteristic of this document, concerning the press belonging to the six guilds, which is to be worked by each guild in turn according to an order determined κατ' ἔτος, every year, by lot⁶¹

⁵⁷ One may suggest the restoration τοῦ κοινοῦ τῶν πολιτῶν (perhaps preferable to τῆς πόλεως): the line thus obtained is comparable in length to ll. 13 and 16. On the right edge of the stone at l. 9 after *tau* is preserved a vertical stroke which could form part of either *eta* or *omega*. For this meaning of κοινόν see the numerous examples cited by ROBERT, *Monnaies antiques en Troade*, Geneva/Paris 1966, 90 (add CIG 2672, at Iasos). On the variety of associations to which this word could be applied see KORNEMANN, RE Suppl. 4 (1924) s. v., and W. W. TARN, *Hellenistic Civilisation*³, 1952, 68.

⁵⁸ For this meaning of the word see DREW-BEAR, *Glotta* 50, 1972, 222–3; in addition to the texts mentioned there, another which escaped the editors of LSJ and its Supplement is a dedication to Demeter Karpophoros at Pessinus by two persons ἐπιμελοῦ[μ]ενοι συ(σ)τήμα[τ]ος κηπουρῶν: CIG 4082, corrected by J. OEHLER, *Eranos Vindobonensis*, 1893, 278 no. 29 (also in E. ZIEBARTH, *Das gr. Vereinswesen*, 1896, 106; J. P. WALTZING, *Etude historique sur les corporations professionnelles chez les Romains*, 1895/1900, III 43 no. 130; POLAND, *Vereinswesen* 607 no. Z 75; ROBERT, *Hellenica* VII 204 n. 6). For this guild cf. also Nov. Just. 64.

⁵⁹ E.g. Cassius Dio 74, 4, 6: at the funeral of Pertinax offerings were sent by τὰ ἐν τῇ πόλει συστήματα, and Plutarch, Numa 17: ἡ κατὰ τέχνας διανομή τοῦ πλήθους μάλιστα θαυμάζεται... ἀλλητῶν, χρυσοχῶν, τεκτόνων κτλ... τὰς δὲ λοιπὰς τέχνας εἰς ταῦτο συναγαγὼν ἐν αὐτῶν ἐκ πασῶν ἀπέδειξε σύστημα (cf. also Lydus, *de mag.* 3, 7).

⁶⁰ WALTZING, *Etudes sur les corporations* I 340–41, points out that this juridical application distinguished σύστημα from the other words used to designate a 'guild': κοινόν, σύνδοξ, συνέργιον, τέχνη, ὁμοτέχνιον, συντεχνία etc. The term occurs frequently in the Cod. Just. (e.g. 10, 19, 9, 4: τὰ συστήματα τῶν πόλεων) designating a range of organizations wider than that suggested by the English 'guild' (cf. *ibid.* 1, 3, 55, 1 and also 1, 3, 45, 9). The categories of individuals permitted to form συστήματα are defined in Basilica 8 tit. 2, 101. In the so-called 'Ἐπαρχικὸν βιβλίον' of Leo the Wise regulating the guilds of Constantinople, the most frequent word for 'guild' is σύστημα: the occurrences are collected by A. STÖCKLE, *Spättrömische und byz. Zünfte*, *Klio Beiheft* 9, 1911, 8–9. For a Byzantine legal definition of the word see J. and P. ZEPHOS, *Jus Graecoromanum* IV, Athens 1931, 213: «σύστημα δὲ ἡ (τέχνη) μὴ ἔχουσα διὰ χειρῶν τὴν ἐργασίαν»; as we have seen, this does not correspond to the usage of earlier periods.

⁶¹ The restoration at the end of l. 10 may be supported by the sense of l. 11, which seems to require an anterior mention of the requirement concerning use of the lot. On the employment of the lot in the regulations of various foundations see LAUM, *Stiftungen* I 100. P. HERRMANN suggests that at the end of l. 11 it is preferable to understand προκλήρου rather than πρὸ κλήρου (in the sense 'casting of the lot') one would expect rather κλήρωσις); the word is attested elsewhere only in a passage which has baffled successive editors of an inscription of Aphrodisias: LE BAS-WADDINGTON, *Inscriptions grecques et latines recueillies en Asie Mineure*, Paris 1870, no. 1603; S. REINACH, *REG* 19, 1906, 131 no. 60; *Mon. Asiae Min. Antiqua* VIII, Manchester 1962, no. 497: ἀναθέντας εἰς δια[νομάς

cast in a meeting of the guild's chief officers;⁶² nobody is to have the authority⁶³ to trample the grapes before the lot is cast, and whoever violates this provision must pay a fine of 10,000 denarii.⁶⁴ The founder's purpose in setting a fine of such a large amount was evidently to dissuade those responsible in each guild from simply trampling their own grapes at a time convenient to themselves, for example when the weather made it desirable to harvest the grapes rapidly,⁶⁵ thus creating disputes of precedence. Next it is ordained that the city and the six guilds⁶⁶ are to share equally τὸς ὄντας πίθους, «the jars which are in place» (phrase frequently attested in the papyri). As with the vines themselves, the reeds and the presses, it is clear that here too provisions are being made for the disposition of property that is currently functioning.⁶⁷ These πίθοι must be envisaged not as portable jars⁶⁸ but

αἰώνιους καὶ σ]τεφανώσεις τῆ τε βουλῆ [καὶ τῷ δήμῳ καὶ ταί]ς φυλαῖς καὶ προκλήροις (the interest from 11,000 denarii).

⁶² On the terms προεστώς and προστάτης in connexion with guilds see POLAND, Ver-einswesen 363–66, and STÖCKLE, RE Suppl. 4 (1924) s.v. Berufsvereine col. 189.

⁶³ The restoration at the end of l. 11 seems to be required by the sense, which would appear to be as follows: προκλήρου οὐδεν[ὸς ἔχοντος τὴν ἔξου]σίαν προπατήσαι (this would yield a line comparable in length to the others: cf. n. 48).

⁶⁴ At the end of l. 12 a possible restoration would be: ἄρχου]σιν (cf. Fragment A l. 14), for these magistrates would constitute an authority capable of exacting fines from the guilds.

⁶⁵ Cf. Geoponica 5, 75: the full maturity of grapes lasts only six days, it is explained, for earlier the grapes are not ripe and yield weak wine, and later frost or hail could destroy the crop, and the weight of the grapes begins to damage the plants; different methods are given in this passage to determine just when the grapes should be harvested. The different guilds would naturally all want to trample their grapes at approximately the same time.

⁶⁶ The restoration of l. 13 adopted here is based on the occurrence of these words in l. 10 and results in a line of a length comparable to that of ll. 16 and 19, of which the restoration is founded securely on the corresponding passages in Fragment A.

⁶⁷ Like grape-presses, πίθοι were considered an integral part of a vineyard in operation, for they were employed to contain the must (γλεῦκος, μούστος) during fermentation, after the grapes had been pressed by the πατηταί in the ληνός. Thus in contracts for the lease of vineyards, the proprietor was required to furnish such πίθοι, cf. Digest 19, 2, 19: *dominum praestare oportere . . . dolia vinaria, quae ad praesentem usum colonum picare oportebit* (Columella, de re rust. 12, 18, 5, gives instructions for coating *pitthoi* with pitch 40 days before the vintage), and the owner was likewise responsible for their good condition (Digest, loc. cit.: *si quis dolia vitiosa ignarus locaverit, deinde vinum effluxerit, tenebitur in id quod interest, nec ignorantia eius erit excusata*).

⁶⁸ The phraseology of P. Flor. I 50 l. 17, which mentions a καλαμῖα and fields as well as χρηστηρίους καὶ ληνῶν καὶ πίθῳ καὶ ἡλιαστήριῳ, is illuminating, for if the πίθος had been a movable object, it would have been included among the χρηστήρια, but in fact it is listed separately as part of the real estate (cf. ll. 50, 98, 103 of the same text and also SB V 7817 ll. 40 ff., a description of a vineyard ἐν ᾧ ληνός καὶ πείθος καὶ ἡλιαστήριον κτλ.). Cf. also PSI 1328 ll. 44–5, a foreclosure on mortgage mentioning an ἀμπελικὸν κτήμα with καλαμῖα and ἐποίκιον ἐν ᾧ ληνός καὶ πείθος. Also in inscriptions *pitthoi* are men-

rather as large ceramic containers with thick walls, buried in the earth in such a way that only their mouths protruded.⁶⁹

This is the end of the provisions concerning the operation of the vineyard, which occupy the entire text up to this point. In l. 14 it is ordered that the overseers (v. infra n. 82) are to λούειν τὸ βαλανεῖον, i. e. provide for the functioning without charge⁷⁰ of the public baths for the inhabitants.⁷¹ The following lines are devoted to the «publication» of this document, again with characteristic thoroughness: the

tioned separately when furnished in leases (e.g. IG XII 5, 572 ll. 13 ff., from Keos) or sold outright (e.g. op. cit. 872 l. 82, from Tenos). Cf. Georonica 6, 2: τοὺς δὲ πίθους ἔδραστέον μὴ ψαύοντας ἀλλήλων (Pliny, NH 14, 27, gives the same advice) . . . ἐν ξηροῖς τόποις, ὥστε κατὰ γῆς εἶναι τὰ δύο μέρη αὐτῶν. For the proper location of *pithoi* in respect to the grape-press see Palladius, de re rust. 1, 18.

⁶⁹ Cf. R. V. FORBES, Studies in Ancient Technology III, Leiden 1955, 111: after pressing, the must «was then stored in cellars in huge pottery fermenting vats. These «pithoi» of considerable size were the common storage vats for oil, wine and the like in the Greek world, which did not know the wooden barrel, and later only seldom used this northern invention. Often these «pithoi» were buried deep in the ground after they had been smeared with pitch or resin inside and outside . . . «pithoi» were often up to 10' high with a mouth of 3' diameter» (cf. also A. MAU, RE [1903], and E. POTTIER, in: DAREMBERG-SAGLIO, Dictionnaire [1892], both s.v. dolium, and SCHNEBEL, Landwirtschaft 285 f.; D. A. AMYX, Hesperia 27, 1958, 168–70, discusses the price of various sizes of *pithoi* in relation to their capacity). The vineyard recently excavated at Pompei in the so-called «Foro Boario» bordering upon the Via dell'Abbondanza possessed ten such *dolia*, with a capacity of well over a thousand liters each, embedded in the dirt floor of a shed adjacent to a grape-press: cf. W. F. JASHEMSKI, AJA 72, 1968, 73, with a photograph of the *dolia* in place in their shed, Pl. 34 fig. 5. I shall publish elsewhere photographs of *pithoi* of this type discovered in the territory of Dionysoupolis in Phrygia.

⁷⁰ On this expression see DREW-BEAR, Glotta 50, 1972, 208–9 s.v. λούσις and λούω following ROBERT (the correct interpretation was set forth first by E. CUQ, RPh 35, 1911, 190). Cf. also P. Mich. V 312 (the lease of a bath), ll. 17 ff.: ἡ μίσθωσις ἦδη εἰς ἔτη τρία . . . ἐφ' ᾧ λούσωσι τὸ βαλανεῖον κατὰ μῆνα ἕκαστον μίαν παρὰ μίαν οἱ αὐτοὶ μεμισθωμένοι καὶ ταῖς ἐορταῖς, with the commentary ad loc. On the great importance of public baths even in the smaller communities of Asia Minor see ROBERT, Opera Minora I 368, and for baths especially in Lydia see ROBERT, Hellenica IX, Paris 1950, 30 n. 5, and HERRMANN, Anz. Wien 107, 1970, 101. Some foundations made for the support of public baths in Latin-speaking regions are listed by LAUM, Stiftungen I 114.

⁷¹ The word κατοίκους brings to mind a village, κατοικία (for two inscriptions attesting donations for the construction and repair of a κανὼν and a παλαιὸν βαλανεῖον in the village of Dideiphyta, within the territory of Hypaipa, see ROBERT, Documents de l'Asie Mineure méridionale, Geneva/Paris 1966, 75 n. 2); but the baths alluded to by this document may belong to one of the city gymnasiums (v. infra), and what is preserved of the remainder of this text informs us about division of property between the city and the six guilds. It appears therefore possible to understand the word κατοίκους as referring simply to the «inhabitants» of Hypaipa (not merely the citizens), unless the baths in question were located in a village, belonging to that city, where the author of the present document possessed the properties which he made over to his foundation.

founder enjoins⁷² doubtless upon all the officials⁷³ of the guilds⁷⁴ to inscribe his will upon steles, which are apparently to be erected in the meeting-places of the *συστήματα*; he takes pains to specify that these inscriptions must be «readily legible», as is provided also in the text of a testamentary foundation from Nakrason or Nakra-

⁷² This verb appears again in l. 20, there followed by *ὥστε* and the infinitive (as in a passage of the foundation of Epikteta at Thera, IG XII 3, 330 l. 14: *ἐνευξαμένου ὥστε κατασκευάζει με τὸ Μουσεῖον*); but it is not certain that *ὥστε* stood also at the end of l. 15, since this verb can be followed also by the simple infinitive (as in a passage of a foundation for the gymnasium at Gythion, IG V 1, 1208 l. 50: *ἐνεύχομαι . . . ὑμᾶς ποιήσασθαι πρόνο[ιαν]*): doubtless the insertion of *ὥστε* in l. 20 of our text was motivated by the fact that here *ἐνεύχομαι* was already given a direct object, *τοῦτο*, in the preceding line (for the use of *ὥστε* cf. the instances collected by LAUM, *Stiftungen* I 55). – For the passage from the personal dative to the accusative in l. 17: *ἐνεύχομαι . . . τοῖς ἄρχ(ουσι) καὶ αὐτοὺς ἐνχαράξαι*, motivated by the infinitive which requires a subject in the accusative case, a precise parallel is afforded by the text at Gythion: *ἐνεύχομαι ὑμῖν . . . τὴν τῶν Σεβαστῶν Τύχην . . . θρε[πτῶν καὶ ἀπελε]υθέρων διὰ παντὸς ὑμᾶς ποιήσασθαι πρόνο[ιαν]*. – This construction of *ἐνεύχομαι* with the infinitive is not registered by LSJ, nor by its Supplement despite the remarks of M. N. TOD, *Hermathena* 59, 1942, 83, who (in a list of additions and corrections to the dictionary, ignored by the editors of the Supplement) cited IG XII 9, 185 (Eretria): *ἐνευχομένη [μηδὲνα ἔτε]ρον τεθῆναι*. When making this correction to LSJ, TOD unfortunately did not consult the entry s.v. *ἐνεύχομαι* in the *Thesaurus Linguae Graecae*, for he was unaware of a correction made there by DINDORF to an inscription of Larisa, now IG IX 2, 931, where O. KERN printed (without comment) the following text: *ἐνέχομαι μηδὲνα ἔτερον τεθῆναι*. Already BOECKH (*CIG* I 1786) had remarked perspicaciously: «non intelligo istud *ἐνέχομαι*; hoc enim est *teneor*; sed desideratur ἀπαγορεύω vel simile»; DINDORF solved the problem (*loc. cit.*): «leg. videtur *ἐνεύχομαι*». His correction escaped the notice not only of TOD and KERN but also of AD. WILHELM, who made the same correction independently in: *Griechische Inschriften rechtlichen Inhalts*, Πραγμ. Ἀκαδ. Ἀθην. 17, 1951, 93 f., citing also similar formulas on inscriptions from the territory of Klazomenai and in Egypt (for another, at Kedreai in Caria, see ROBERT, *Hellenica* XIII, Paris 1965, 101 n. 2).

⁷³ At the end of l. 15 the restoration *προεστῶσιν* would be supported by the occurrence of this word in l. 11 and would produce a line of the same length as l. 13.

⁷⁴ On the different associations designated as *σύνοδοι* see POLAND, *Vereinswesen* 158–63, who states that this term was not used of guilds (the *σύνοδος Νεικομηδέων λιθοξῶων* at Nikopolis on the Istros: ROBERT, *Hellenica* XI–XII, Paris 1960, 35, and the *σύνοδος Σμυρναεῖτων* at Magnesia: TH. IHNKEN, *Die Inschr. von Magnesia am Sipylos*, Bonn 1978, no. 18, were associations of citizens outside their native city). On the various groups called *σύνοδοι* in Egypt see M. SAN NICOLÒ, *Aegyptisches Vereinswesen zur Zeit der Ptolemäer und Römer I: Die Vereinsarten*², Munich 1972, Chap. IV: *Berufsvereine*, and on Jewish *σύνοδοι* see ROBERT, *op. cit.* 261, and Bull. *épigr.* 1952 no. 116. In addition to the well-known *σύνοδοι* of the athletes and the Dionysiac *τεχνῖται*, the word frequently designated a club or society organized for religious or festal purposes, such as that of the Poseidoniasts of Berytus at Delos (referred to as both *σύνοδος* and *κοινόν*, as occurs also elsewhere: cf. the group connected with the gymnasium at Chalkis, IG XII 9, 916), or the banquets that took place at the meetings of such societies (see Bull. *épigr.* 1955 no. 163 p. 240; 1958 no. 336; 1959 no. 259), or the meetings themselves: the word is used thus in the foundation of Epikteta at Thera (n. 72); in ll. 44–5 of the decree of the Poseidoniasts of Berytus

so in northern Lydia:⁷⁵ βούλομαι τὴν διάταξιν ταύτην μου ἐνχαραχθῆναι (both verbs occur also in our text) στήλλη λιθίνῃ εὐσήμοις γράμμασιν. The same adjective appears in a similar context in the letter of Cn. Vergilius Capito,⁷⁶ whereas the word of equivalent meaning εὐδήςλος employed in our text appears again in an edict of the prefect of Egypt in 206 A.D. repressing extortion.⁷⁷ ὑμεῖς (the *strategoi*) φροντίσατε εὐδήλοισ γράμμασι ἐπὶ τ[ῶν] μητροπόλεων καὶ ἐν τοῖς τῶν νομῶν φα[ν]ερωτάτοις τόποις προ(θ)εῖναι κτλ. Also the archons must cause this text to be inscribed, apparently in the temple of a divinity whose name is lost (the restoration here is made on the basis of l. 4 of Fragment A; but the *rasura* in this copy seems to indicate that this provision was annulled after the text had been cut on stone); they must also erect two steles, each bearing the present document, one in the Heraclian and one in the Olympian gymnasium. This multiplication of copies explains the survival by chance of two inscriptions, Fragments A and C, bearing portions of the same text, and allows reasonable hope that further sections of this document may be found in the future.

The author of this document was able to request the guild officials to inscribe it upon marble because he had given to the guilds a vineyard with its appurtenances, and he could make the same request of the archons because he had given another vineyard to the city; the fact that the archons were to erect steles with this text in the two gymnasiums indicates that the revenues from the vineyard given to the city were to benefit these institutions. In fact the provision of olive-oil for use in the gymnasiums free of charge was a common form of generosity on the part of municipal benefactors, and this was often associated with another liberality bestowed by the same individuals: payment of the costs of operating the public baths.⁷⁸

(I. Délos no. 1520): ταῖς κατὰ μῆνα συνόδοις; in a village of the Hyrcanian Plain (K. BURESCH, *Aus Lydien*, Leipzig 1898, 39): σύνοδοι κωμητικαί (cf. HERRMANN, *Denkschr.* Wien 80, 1962, 9); for other examples of this sense of the word see POLAND, in *RE* (1932) s.v. σύνοδος col. 1421.

⁷⁵ HERRMANN and POLATKAN (supra n. 51) 12 ll. 63–5.

⁷⁶ SEG XX 694: βούλομαι οὖν [σ]ε ἐν [τόποι φανερ]ῶι [ἔ]ν τε τῇ μητροπόλει τοῦ νομοῦ καὶ καθ' ἐ[κ]άστην κώ[μ]ην αὐτὸ (the present διάταγμα) προθεῖναι σαφῆσι καὶ εὐσήμοις [γράμμασι]ν.

⁷⁷ P. Oxy. 1100 (the editor cites similar expressions ad loc.). Cf. also the letter addressed by the prefect of Egypt in 198/9 to district governors, commanding the suppression of divination: J. REA, *ZPE* 27, 1977, 151–52: τῆς ἐ[πι]στολῆς ταύτης τὸ ἀντίγραφον δημοσίᾳ ἔν τε ταῖς μητροπ[ό]λεσιν καὶ κατὰ κώμην φανεροῖς καὶ εὐαναγνώστοις τοῖς γράμμασιν ἕκαστος ὑμῶν [εἰς λε]ύκωμ[α] προθ[ι]ν[ν]αι προνοησάτω.

⁷⁸ The principal expense was that of furnishing firewood to provide warm and hot water (cf. for example LAUM, *Stiftungen* II no. 60 at Tenos, a gift of 50,000 denarii ἵνα ἐκ τοῦ τόκου αὐτῶν θερμαίνηται τὸ βαλανεῖον). On the donation of oil to gymnasiums by means of such foundations see op. cit. I 88 ff., and on the payment by a single benefactor of the charges for both the gymnasium and the public bath cf. the texts assembled in Bull. épigr. 1954 no. 146 p. 139.

Perhaps the town baths of Hypaipa were installed in one of the two gymnasiums.⁷⁹ Hermes and Herakles were the patron divinities of gymnasiums throughout the Greek world,⁸⁰ but since Zeus had no special ties with gymnastics, it seems reasonable to suppose that the two gymnasiums at Hypaipa derived their names from nearby temples consecrated to the gods in question. The last preserved portion of this fragment contains yet another injunction,⁸¹ this time directed to all the municipal councillors who are to take charge⁸² of the administration of this foundation: they must submit to the examiners their accounts concerning the treasury which

D Ποστουμίω Τιτια[νῶ - - - - -]
 ἐν Ὑπαίποις Ἀῦρ. Ἐφ[- - - - -]
 3 στεφανηφόρων καὶ ἀσιαρχ[ῶν - - -]
 πόλει καὶ βουλευταῖς [- - - -]
 την καὶ αὐταρχον ὑμῶν κατα[- - -]
 6 ἠπιστάμην, ὅτι μείζονα πά[ντων? - -]
 [τη?] παρ' ὑμῶν μάλιστα ἀρετη ν[- -]

L. 2: Ἐφ[- - ἐκ προγόνων] VON PROTT. - l. 6: μείζον ἀπα[σῶν - -] or μείζονα πα[σῶν τῶν -] VON PROTT. - l. 7: ὡ παρ' ὑμῶν μάλιστα ἀρετῶν VON PROTT.

In the second edition, this fragment is described as being the «linkes oberes Eck einer Platte aus bläulichem Marmor, gr. H. 0.215, gr. Br. 0.305; Buchstaben 0.021–0.016.» The sole reason advanced by KEIL and VON PREMIERSTEIN in support of their attribution of this fragment to the same document as their texts *A* and *B* was the similarity of the letter forms displayed by the three inscriptions, despite the difference which they observed in letter height between this fragment on the one hand and inscriptions *A* and *B* on the other.⁸⁵ For this reason it is disquieting to read the remark of VON PROTT (loc. cit.) that: «Der Majuskeltext mußte der schmalen Schrift und *ungewöhnlich* zahlreichen Ligaturen wegen unterdrückt werden» (my italics), since in the new inscription published here, there is not a single ligature at any point. The revised edition of VON PROTT's inscription published by KEIL and VON PREMIERSTEIN provides neither a photograph nor a facsimile that would enable the reader to decide whether the similarity in letter forms observed by these scholars is sufficient to outweigh the important difference constituted by the numerous ligatures in Fragment *D*, of which KEIL and VON PREMIERSTEIN do not mention the existence.

The latter scholars failed however to notice that the inscription in question had already been published, on two occasions, before their own edition and before that of VON PROTT – in works which KEIL and VON PREMIERSTEIN themselves cite: S. REINACH, *Rev. Arch.* 1885 II 110, and subsequently: *Chroniques d'Orient* I, 1891, 161 no. 3, after a copy and squeeze communicated by D. BALTAZZI.⁸⁶ REINACH transmits for this stone, «brisée à droite et en bas», the measures «h. 0,17; l. 0,19» (thus considerably smaller than those given by KEIL and VON PREMIERSTEIN), offers several divergent readings (l. 2: Ἀῦρ. Ἐφφ. - l. 3: καὶ omitted, as by VON PROTT. - l. 7:

⁸⁵ «In den sehr charakteristischen Buchstabenformen stimmt dagegen ein von E. JORDANIS in Ödemisch gefundenes . . . Bruchstück mit den neuen Fragmenten so genau überein, daß man es trotz der etwas größeren Lettern gern als den Anfang des Erlasses ansehen möchte.»

⁸⁶ KEIL and VON PREMIERSTEIN refer (op. cit. 65) for BALTAZZI's epigraphical researches to REINACH, *Rev. Arch.* 1885 and *Chroniques d'Orient* 1891, «dem auch eine ausgezeichnete Zusammenstellung aller auf die Stadt bezüglichen Zeugnisse verdankt wird» (unknown to VON PROTT in 1898).

.. [ἐ]φ' ὑμῶν μάλιστα ἀρετήν), and above all states that this inscription possessed «lettres serrées et grêles de 0,02 avec nombreuses ligatures» (my italics). This observation agrees precisely with the account given by VON PROTTE.

KEIL and VON PREMERSTEIN wrote that this text is part of an edict contained in the «Schreiben eines höheren Funktionärs an die Stadt Hypaipa und ihre Behörden.» In ll. 5 and 7 is preserved the word ὑμῶν, which (together with the verb in the first person in l. 6) leaves no doubt that this text is in fact part of a letter;⁸⁷ and indeed the remains of l. 5 mention the αὐταρχον ὑμῶν κατά[στασιν], «your independent⁸⁸ constitution» (doubtless this word must be restored here, though it was suggested by none of the preceding editors)⁸⁹ – the sort of phrase one might find in a missive from the government. But we have seen that the document which concerns us here is in fact meant to establish a private foundation. Cf. the schema of the opening lines of an inscription preserving the terms of a foundation at Orkistos in northern Phrygia, dated to 237 A. D.:⁹⁰

Μαρίῳ Περπετούῳ καὶ Μομίῳ Κορηλια[νῶ]
 ὑπάτοις πρὸ ἕξ καλ. Ἰουνίων ἐν Ὁρκιστῶ, Οὐάρι[ος]
 [Α]ὐρ. Μάρκος Θεοβούλου Ὁρκιστηνὸς ἀποτί[θη]μι[αι] κτλ.

If the present text followed the same outline, then after a consular dating (expressed in the dative case, equivalent of the Latin ablative) the phrase ἐν Ὑπαίτοις would indicate the place where this document was drawn up, and the following name (in the nominative) would designate the individual who had written it. VON PROTTE and KEIL and VON PREMERSTEIN considered the words in l. 3 to be nouns in the genitive plural,⁹¹ but they could also be interpreted as participles in the nominative singular, in apposition with the proper name in the preceding line.⁹² As KEIL and VON PREMERSTEIN suggested, this fragment is dated in l. 1 by

⁸⁷ REINACH (loc. cit.) curiously remarked that «l'inscription est sans doute funéraire», judgement contradicted by the formulas employed especially in the second half of the text.

⁸⁸ The entry s.v. αὐταρχος in LSJ gives the definition «autocratic», citing Dio Cassius 61, 7, πᾶσα ἰσχὺς αὐταρχος (cf. this author's frequent use of the terms αὐταρχέω and αὐταρχία) and the present document: «as Subst., IG Rom 4. 1612 (Hypaipa)» (naturally the editors of LSJ did not know the revised edition of this text by KEIL and VON PREMERSTEIN: cf. supra n. 84). But it is by no means assured that αὐταρχος is used as a substantive in this inscription, and the definition furnished by the dictionary is certainly inexact for this text.

⁸⁹ At the end of l. 5 of this fragment is visible a horizontal stroke on the top of the line, which would suit *sigma*.

⁹⁰ W. H. BUCKLER, JHS 57, 1937, 2 (note that this document is not a letter).

⁹¹ In this case, the author would have been «relative of stephanephoroi and Asiarchs». REINACH (corrected) the text given by the stone, reading: στεφανηφόρο(ν) ἀσιάρχ... , but there is in fact no reason to postulate a stonemason's error here, in order to obtain an accusative difficult to explain in this context.

⁹² In this case, the author would be an Asiarch to add to the list of M. ROSSNER, Stud.

the consuls T. Flavius Postumius Titianus and Virius Nepotianus, who held office in 301 A. D. – the year of the promulgation of Diocletian's price edict. The theory that this fragment forms part of the same document as inscriptions *A* and *B* (and hence *C* as well) would thus date our text to a time when foundations generally ceased to be created in Asia Minor,⁹³ not simply because of lack of wealth, but rather on account of the inflation which was characteristic of the age.

We have previously noted the existence of numerous ligatures, which differentiate the script of *D* from that of *A–C*, and about which we are informed by VON PROT and REINACH, who present also a few divergent readings. Fortunately these scholars' description of the letter forms may be confirmed, and the various differences in the readings may be settled: for with the aid of the Kommission für die Archäologische Erforschung Kleinasiens, Professor P. HERRMANN kindly located in the archives of the Tituli Asiae Minoris 'Durchreibungen' made by KEIL and VON PREMIERSTEIN of Fragments *A*, *B* and *D*; although less precise (especially at the edges) than squeezes, this form of record is nevertheless more objective than hand-drawn facsimiles. The three photographs published here Pl. 25 and 26 fig. 2–4) render possible examination of the letter forms of each fragment,⁹⁴ and in fact it is clear that *A* and *B* belong to a copy of the same document of which the new fragment *C* is another one. In *A* l. 14 appears twice the ligature *omega nu*, and in *B* l. 7 (at the end of the line and perhaps also at the beginning) the ligature *eta nu* – the only ligatures employed in these two fragments, whereas *D* on the other hand displays a whole series.⁹⁵

In the latter fragment, at the end of the first line *nu* (read by none of the preceding editors) is clearly visible, and in l. 2 there is a small *vacat* between the second and third words; at the end of this line the existence of the second *phi*, read

Class 16, 1974, 112 ff. (for a new high-priest of Asia to add to this list see DREW-BEAR, *Nouvelles inscriptions de Phrygie*, Zutphen 1978, 67 no. 2, and on this inscription cf. DREW-BEAR, *Chiron* 9, 1979, 275 n. 1). The occurrence of this title in a document dated to 301 A.D. attests the existence at this date of the function of ἀσιαρχία, which was still the subject of regulation in an edict of the emperor Valens in 372: H. GRÉGOIRE, *Recueil des inscriptions grecques-chrétiennes de l'Asie Mineure*, Paris 1922, no. 100.

⁹³ Cf. LAUM, *Stiftungen* I 8–9 (the facts are displayed on Table II); on the causes for the disappearance of foundations see *ibid.* 222 f.

⁹⁴ The small photograph of Fragment *A* in the editio princeps shows (less clearly) the 'Durchreibung' illustrated here as Pl. 25, 2. Numerous letters (especially at the edges of the fragments), placed within square brackets by KEIL and VON PREMIERSTEIN, were in fact partially preserved: thus in Fragment *A* l. 1 *tau*, l. 7 *chi*, l. 9 *tau* (*pi* is on the stone, despite the editors), l. 13 *rho*, l. 14 *tau*; and in Fragment *B* l. 2 *tau*, l. 4 *sigma*, l. 5 *tau*, l. 6 *omega* and *tau*, l. 7 *eta* – these letters should all be dotted, in order to distinguish them from letters *restored* by the editors on the basis of the sense required (for example in Fragment *B* ll. 4 and 10).

⁹⁵ In l. 3 *nu eta*, *rho omega nu*, and doubtless (at the end of the line) *omega nu*; in l. 5 *tau eta nu kappa* and *mu omega nu kappa*; in l. 6 *mu eta nu* and *mu epsilon*; in l. 7 *mu omega nu mu* and apparently *tau eta* (read [τῆ]ς . . . ἀρετῆ[ς]?).

only by REINACH, is confirmed (one may suggest the name Ἐρριανός). Also in l. 3 the reading of REINACH and VON PROTT is confirmed against that of KEIL and VON PREMIERSTEIN: καί is not on the stone (not even in the form of a ligature of *kappa* with the preceding letter). At the beginning of l. 7 the reading of VON PROTT and of KEIL and VON PREMIERSTEIN is confirmed against that of REINACH,⁹⁶ but at the end of this line REINACH and KEIL and VON PREMIERSTEIN were apparently correct in reading *eta* (in ligature) rather than the *omega* (in ligature) seen by VON PROTT.

More important is the fact that the general impression created by fragment *D* is quite different from that given by *A-C*: the letters on these three fragments are more regular and better cut, whereas those of fragment *D* are shaky and produce a much less pleasing overall effect. This general impression is strongly confirmed by study of the individual letters; thus, in addition to the ligatures massively present in *D* and all but absent from *A-C*, *alpha* has a serif at its summit in *D* but not in the three other fragments; *lambda* terminates in a single vertical line in *D* but has its normal form in *A-C*; *omicron* is abnormally small in l. 5 of *D*, in order to fit between the two projecting arms of *chi* which precedes it – a form of this letter which is entirely absent from *A-C*; the upper part of *rho* is small and angular in *D* but larger and rounded in the other fragments; *upsilon* in *D* displays a horizontal bar below its fork but completely lacks this feature in *A-C*; and the round portion of *phi* in l. 3 of *D* is small and narrow whereas in *A* and *C* (the letter is lacking in *B*) this part of the letter is round and larger (cf. *A* ll. 10–11 and *C* l. 1). These observations confirm the doubts raised by the accounts of REINACH and VON PROTT: *D* surely belongs to the same period as *A-C*,⁹⁷ but it was not engraved by the same mason and, contrary to the affirmation of KEIL and VON PREMIERSTEIN, its letter forms afford no reason to believe that it once formed part of the same document.

On the other hand, this difference in letter styles naturally does not exclude the identification of *D* as part of the text to which belong the other inscriptions: for this fragment could have stood at the beginning of a third copy, distinct from the two represented by *A-B* and *C* (we have seen that the founder frequently employs verbs in the first person, as in l. 6; for the municipal councillors mentioned in l. 4, cf. ll. 11–12 of Fragment *F* infra).⁹⁸ The anxious care embodied in the detailed

⁹⁶ There seems however to be a horizontal stroke at the top of the line at the left margin of l. 7, which would exclude the restoration suggested by KEIL and VON PREMIERSTEIN (at the end of l. 4 there appears to be a vertical stroke: *pi*?).

⁹⁷ For these thin, tall letters, a style characteristic of the later Roman empire, cf. for instance ROBERT, *Hellenica* IV, Paris 1948, Pl. V and VII. REINACH placed the limit a century too early when he wrote that on the basis of its letter forms Fragment *D* was «pas antérieure au II^e siècle après J.-C.».

⁹⁸ The precise date supplied by Fragment *D* would then enable us to estimate the relative value of the sums of money mentioned in *C* ll. 1 and 13; for the daily wage

instructions concerning the management of the foundation, like the multiplication of copies of the same text, could well belong to the age that produced the price edict of Diocletian.⁹⁹ Although we possess no means estimating of the original length of the present text, the careful detail of the regulations in the preserved portions indicates that this document was once of very considerable extent; and this circumstance, in conjunction with the existence of multiple copies as ordered by the founder, affords reasonable hope that eventual discovery of further portions of this text will provide evidence better than that now available to confirm or disprove the attribution of Fragment *D*.

No similar doubt attaches, however, to the attribution of another inscription, which may now be added with certainty to our text. The fragment in question was published by H. VON PROTTE (on the basis of information supplied by E. JORDANIDIS) in *MDAI(A)* 23, 1898, 366, on the page following that occupied by the edition of the fragment which we have just examined, but it nevertheless escaped the notice of KEIL and VON PREMIERSTEIN; furthermore, as was the case also with the preceding inscription, VON PROTTE (who presented this text as unpublished) failed to observe that it had already been published twice by S. REINACH, *Rev. Arch.* 1885 II 112–13, and again in: *Chroniques d'Orient* I, 1891, 162–63 no. 9, after an «estampage peu distinct» sent by D. BALTAZZI. According to VON PROTTE this stone, which had been brought by 1898 from Hypaipa to Ōdemiş, measured 0,55 m in height and 0,45 m in width and carried letters 0,025 high, whereas Reinach provides quite different information: «mutilé en haut et à droite. H. 0,32; l. 0,30. Lettres de 0,015.» There can be no doubt however that these two sets of measurements apply to the same stone, which bore a text that may be presented as follows:¹⁰⁰

E

ΛΙ (*hedera*) ΠΑΙ
 Σ τὸν τόπον ΑΥ
 τ]ίθεμαι ἵνα ΠΑΡΕ
 4 τῆ] π]όλει δηνάρια τετ[ρακ
 δίδωμι ὑποθήκην
 ΟΥΡΑ εἴτε τισὶν ἄλλ[
 Α τοῦ φίσκου καὶ ΤΩ
 8 τ]ὸ κεφάλαιον ὃ τῆ] π]όλει
 ΤΟΣ ἐκ τοῦ χωρίου
 σύν]κτησιν ΕΝΕ

most frequently cited in Diocletian's price edict is of the order of 50 denarii according to E. FRÉZOUS, *Ktéma* 2, 1977, 260–61.

⁹⁹ But already in the second century A.D. the text of the foundation at Gythion, *IG V* 1, 1208, was to be displayed on steles in the agora before the benefactor's house, in the Kaisareion, and in the gymnasium.

¹⁰⁰ Both previous editions present this text in capital letters without transcription.

L. 1 is given only by REINACH; the leaf doubtless marked the end of a section. – l. 2: the three letters at beginning and end are given only by REINACH. – l. 3: ΙΘΕΜΑΙ REINACH; ἀνατ[ί]θεμι VON PROTT, but the form *τίθεμι does not exist, and the verb ἀνατίθημι appears indeed in many texts of foundation, but in the active mood (cf. the examples collected by B. LAUM, *Stiftungen in der griechischen und römischen Antike*, 1914, I, 120–121): v. infra; ἵνα παρ[έ]χη VON PROTT, but other restorations (e.g. παρ' ἐ[κ]άστου) are not impossible. – l. 4: τετ[ρ]ακόσια REINACH and VON PROTT, independently; but τετ[ρ]ακοσιλίλια would also be possible. – l. 6: ΟΥΡΑΝ . ΤΕΤΙΣΙΝΑΛ[λοις? REINACH, ΥΡΑΕΙΤΕΤΙΣΙΝΑ VON PROTT: v. infra. – l. 7: the first letter is given only by REINACH. – l. 8: VON PROTT has only ΚΕΦΑΛΑΙΟΝ; τ]ὸ DREW-BEAR, π[ό]λει REINACH. – l. 9: -- ΣΕΚΤΟ -- Ω -- ΟΣ -- REINACH. – l. 10: the first two preserved letters are given only by VON PROTT, and the last two only by REINACH; σύν]κτησιν L. ROBERT (per litt.).

Although no details were made known concerning the letter forms¹⁰¹ or the physical appearance of this stone, the text which it preserved may be assigned without hesitation to the document containing the terms of our foundation¹⁰² on the basis of the rare word σύνκτησις which is to be restored in l. 10, for it appears also in l. 4 of the second fragment published by KEIL and VON PREMERSTEIN: μέ]ρος τι τῆς συνκτῆ[σεως as well as in l. 13 of the first fragment. LSJ translates this word as <joint possession>, but the only reference given by the dictionary is to the texts published by KEIL and VON PREMERSTEIN, where the meaning is not clear from the mutilated context. In fact the word was known also from the C. Gloss. Lat., which furnishes three different definitions, none of which is cited by the editors of LSJ: II 111. 36 *compossessio*;¹⁰³ II 127. 49 *massa* (cf. *Thes. Ling. Lat. s. v. massa*, col. 430 2b: «i. q. fundus cum casa, praedium»);¹⁰⁴ and II 440. 48 *saltus*. In our document, which furnishes at present the only epigraphical attestation of this word, it may seem that σύνκτησις could have designated, according to the second definition provided by the C. Gloss. Lat., a rural <estate> which formed part of the foundation. However, in Fragment *F* (v. infra) the word reappears, this time in a relatively undamaged context (ll. 3 ff.): βούλομαι ταῦτα δίδ[ο]σθαι καὶ ἀναλίσκεσθαι ἀπὸ τῆς

¹⁰¹ Without explaining the reasons for his judgement, REINACH dated this inscription to the «premier ou second siècle après J.-C.»: again a century too early, as with Fragment *D* (supra n. 97).

¹⁰² REINACH believed this text to be a «fragment d'inscription funéraire».

¹⁰³ This entry provides the only attestation of the word *compossessio* registered by the *Thes. Ling. Lat.*: doubtless the word was formed by the author of this gloss in order to reproduce the Greek word literally in Latin. The <Patristic Greek Lexicon> of G. W. H. LAMPE s.v. σύνκτησις cites Nilus Ancyranus (4th/5th century A.D.) for the sense <joint possession>.

¹⁰⁴ The <Thesaurus> of ETIENNE-DINDORF cites Nicetas Choniates (13th century) for this meaning (πολλὰς μὲν συγκτῆσεις πρὸς παραδοῦς). Cf. κτῆσις <domain> (on this sense see ROBERT, *Etudes Anatoliennes* 377), for example in a letter of Philip V published by J. CRAMPA, *Labraunda III*, 1, Lund 1969, 29 no. 5 ll. 29 ff.: τῶν μεμισθωμένων τὰς κτῆσις τὰς καθηκούσας τῷ[ι] θεῷ (cf. CRAMPA's commentary in *Labraunda III*, 2, Stockholm 1972, 74).

αὐτῆς συ[v]κτήσεως τῆς κάτω δηλουμένης. The description which followed is no longer preserved, but one may recall the six guilds which appear in l. 10 and doubtless in l. 13 of the new inscription as sharing a ληγὸς and πίθοι that belong to them in common: such joint ownership of property could well have been designated as σύνκτησις.

In l. 2 of Fragment *E* mention is made of a <place> (land incorporated in the foundation, or perhaps rather a burial plot), and in the following line may be suggested the restoration [ὑποτ]ίθεμαι <mortgage> (cf. the phrase δίδωμι ὑποθήκην in l. 5)¹⁰⁵ rather than [ἀποτ]ίθεμαι <deposit (in the public archives)>¹⁰⁶ or [διατ]ίθεμαι <bequeath>, a term which one would expect to find at the very beginning or end of a testament¹⁰⁷ (it is clear that here and in l. 5 the founder speaks in the first person, as he does in the preceding fragments). What remains therefore of this text in ll. 2–4 suggests that the benefactor mortgages a plot of land in order to provide for the city a sum of money denominated in denarii – but it will be evident that the fragmentary state of the text renders this reconstruction largely hypothetical. At the beginning of l. 6 may be restored the indigenous toponym Κιναμουρα, attested as the name of a village in the territory of Hypaipa by the cadaster supra n. 5; if correct, this would furnish the location of the landed property mentioned in the present fragment.¹⁰⁸ Then come allusions to the fiscus,¹⁰⁹ to a sum of capital apparently made over to the city,¹¹⁰ and to a rural property designated as χωρίον (cf. l. 5 of Fragment *C*).¹¹¹

Finally a sixth fragment must be added to the list of *disiecta membra* of the text which concerns us. Also this inscription was published by S. REINACH, *Rev. Arch.*

¹⁰⁵ For parallels cf. LAUM, *Stiftungen* II 46 ll. 78 f. (the testament of Epicteta): δίδοντες ἀσφαλεῖς τὰς ὑποθήκας, and HERRMANN and POLATKAN (supra n. 51) 31. The role of mortgages in ancient foundations was often to serve as security for the capital donated by the founder, which was let out at interest to the owner of the mortgaged property (see the discussion by LAUM, *Stiftungen* I 170 ff.), but here it is the founder himself who engages this operation: it appears from Fragment *C* that he is donating land rather than money.

¹⁰⁶ Cf. the foundation document from Orkistos quoted supra: ἀποτί[θ]εμ[αι ε]ἰς τὰ τοῦ δήμου ἀρχεῖ[α δόσι]ν εὐχαριστι[κὴν], and again in ll. 46 f.: τὸ ἀ[ντιγ]ραφο(ν) ἀπε[θέ]μην εἰς τὰ ἀρχεῖα.

¹⁰⁷ Thus the verb occurs in l. 2 of the foundation of Epikteta (τάδε διέθετο) and at the end of the testament of Epikrates: cf. HERRMANN and POLATKAN (supra n. 51) 18 n. 8; it was the standard term in this context, as is shown for example by the wills of Aristotle and Theophrastus as reported by Diog. Laert. 5, 11 (τάδε διέθετο) and 51 (τάδε διατίθεμαι).

¹⁰⁸ In the second portion of this line, because of the lack of sufficient context a different word-division such as ἵνα cannot be excluded.

¹⁰⁹ Cf. the discussion of this term by HERRMANN and POLATKAN (supra n. 51) 25–6.

¹¹⁰ For the use of the word κεφάλαιον to designate the endowment of a foundation, see the examples and discussion in LAUM, *Stiftungen* I 147.

¹¹¹ On the various meanings of χωρίον see ROBERT, *Etudes épigraphiques et philologiques*, Paris 1938, 260 n. 1.

first lines of this text. LAUM inserts a comma at the end of l. 2, but the function of the words *καὶ . . . δέ* is not apparent and the sense thus obtained is not entirely satisfactory. It seems preferable to place the punctuation after the first preserved word, for in this way *καὶ* introduces a new clause, and *δέ* serves to set off the *ἐναγισμός* of the founder's son as opposed to his burial proper, which was certainly provided for in the lines immediately preceding the preserved portion of this text: «and as for the funerary sacrifice for my son if he is buried in the tomb, I wish this (money) to be paid¹¹³ and spent» etc.

If the son is *not* buried in the tomb, then no *ἐναγισμός* at all is provided for, since this rite followed the burial proper and was intimately connected with it. Cf. an inscription of Lampsakos:¹¹⁴ *Κῦρος Ἀπολλωνίου τὴν ταφὴν καὶ τὸν ἐναγισμὸν τῷ πατρὶ Ἀπολλωνίῳ Ἀπολλωνίου*, and the epitaph of a judge sent by the city of Mylasa to Byzantion:¹¹⁵ *ὁ δᾶμος τὰν ἐνταφὰν καὶ τὸν ἐναγισμὸν Ἰατροκλεῖ Αἰνίτου Μυλασσεῖ δικάξαντι ὀρθῶς καὶ δικαίως καὶ κατὰ τοὺς νόμους*. The word *ταῦτα* in l. 3 refers beyond question to a sum of money, fixed in the part of the text immediately preceding the preserved portion, which is to be spent «according to the same conditions», *ἐπὶ ταῖς αὐταῖς αἰρέσεσιν*, as those governing an operation (burial of another member of the family?) that was set forth in a portion of the document now missing. This is one of the normal meanings of *αἵρεσις*, although this definition is absent from the entry in LSJ s. v.:¹¹⁶ cf. for example the ratification of a will at Deriopolis in Macedonia:¹¹⁷ *ἀποδέξασθαι* (the capital of a foundation) *ἐπὶ τε ταῖς ὑπ' αὐτοῦ κατὰ τὴν διαθήκην γεγραμμέναις αἰρέσεσιν*, and letters of Roman magistrates at Corinth:¹¹⁸ *ἐπιτρέπω τὸν προδηλούμενον τόπον ταύτη τῇ αἰρέσει αὐτῷ πρᾶθῆναι*, and in the dossier of Opramoas:¹¹⁹ *τὴν οὖν προδηλουμένην αὐτοῦ δωρεὰν βεβαῶ . . . ἐπὶ ταῖς ἄλλαις αἰρέσεσιν αἷς ἐπην[γείλ]ατο*, etc.

The founder wished also that a statue of his son in marble from Aphrodisias¹²⁰ be erected at each side of the doorway into the tomb. There follows a mention of

¹¹³ On this sense of the verb *δίδωμι*, which in passages like the present «n'implique pas l'idée de «don», mais celle de «versement»», see ROBERT, Documents de l'Asie Mineure méridionale 33 n. 2.

¹¹⁴ P. FRISCH, Die Inschriften von Lampsakos, Bonn 1978, no. 23.

¹¹⁵ Bull. épigr. 1959 no. 252 p. 208. Our text from Hypaipa furnishes a good parallel, not cited previously, for the inscriptions of Lampsakos and Byzantion.

¹¹⁶ This meaning was added to the Supplement by an inadequate definition («condition attached to a bequest») on the basis of a single citation from the Cod. Just. Naturally *αἵρεσις* was employed in this sense also in documents other than bequests, as the texts cited here clearly demonstrate.

¹¹⁷ LAUM, Stiftungen II no. 35, ll. 18 f.

¹¹⁸ Corinth VIII 3, Princeton 1966, 120 no. 306.

¹¹⁹ IGR III 739 V Cap. 18.

¹²⁰ Cf. for example the statues erected beside the tomb protected by the foundation of Epikteta (LAUM, Stiftungen II no. 43 B 2), and the ζῶδια Ἀφροδισιακά mentioned in a funerary foundation at Apatheira (Tire), KEIL and VON PREMERSTEIN, Denkschr. Wien 57, 1,

distributions, *διανομαί*, introduced by *ἄστινας* which implies that these distributions were described in detail earlier in this document;¹²¹ they are mentioned here in order to impose a general condition, eternal care of the tomb, upon which their continuation is made to depend, as is normal in such foundations. But the grammatical structure of the last portion of this fragment is unclear. REINACH commented that «le texte est certain jusqu'a la ligne 14, ou le verbe dont τὴν πρόνοιαν est le complément fait défaut.» Since REINACH described this stone as broken only at top, the text must therefore have continued on another block, as is also true of Fragment C. Thus the missing verb surely stood immediately after what is now the last preserved line: but the present text, as constituted by REINACH and reproduced by LAUM, does not in fact allow the existence of a verb to govern *πρόνοιαν*, since the particle *ἔάν* is followed by the present subjunctive *ῆ* which is naturally intransitive. Furthermore, the sense of the words *εἰς αὐτήν* remains unexplained (no account is taken of this problem in the translation by LAUM), and no connection is established between the last two words and the rest of the text.

These difficulties may be solved by interpreting the penultimate word as the feminine article *ἡ* which precedes [*ἐπι*]μέλεια. This leaves a place in the syntax for a verb in the subjunctive to follow *ἔάν* and govern *πρόνοιαν*.¹²² In l. 14 *αὐτήν* must refer to the nearest feminine word, i. e. *βουλή* in l. 12: the responsibility of caring for the tomb is to be given to the municipal council. Fragment C mentions a vineyard with its appurtenances that is given to the city (cf. especially ll. 3 and 13), and in C l. 20 we learn that the overseers in charge of the administration of this vineyard are to be members of the city council.¹²³ For this reason it is specified in F l. 11 that the distributions provided by the foundation are to be given first to the city, and then by the city to the municipal councillors: only on condition that the latter fulfill all the founder's wishes.

1914, 89 no. 117 l. 10 (this sense of the word *ἀφροδισιακός* is not registered in LSJ or its Supplement); see M. SQUARCIAPINO, *La scuola di Afrodisia*, Rome 1943, 7, and J. B. WARD-PERKINS, *JRS* 41, 1951, 101 n. 106.

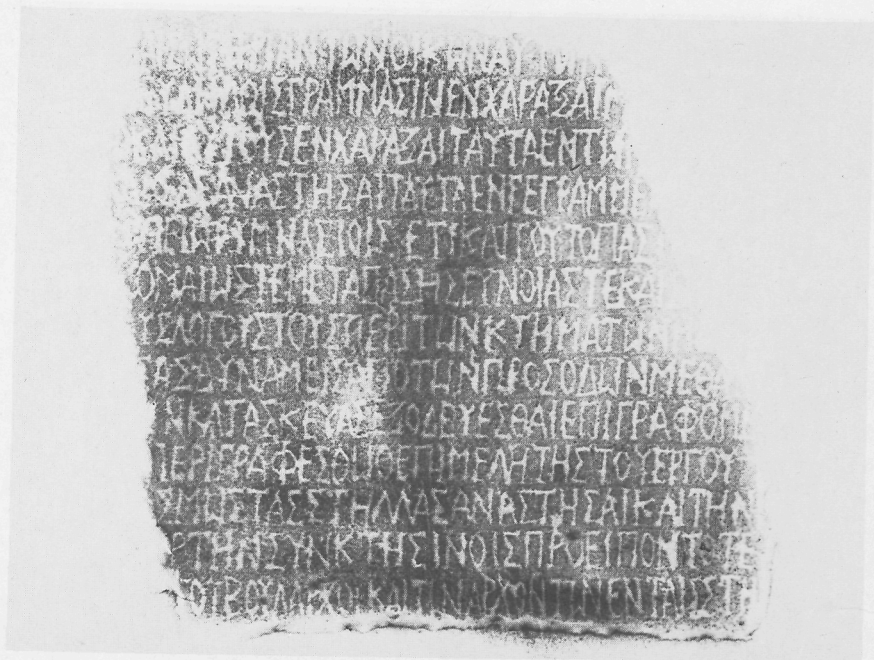
¹²¹ Perhaps the beneficiaries were to receive these distributions in front of the tomb with its statues: for donations made before the statue of the benefactor see e.g. Bull. épigr. 1944 p. 226 (at Ephesus), and on such commemorations of the deceased by groups see in general POLAND, *Vereinswesen* 510 ff.

¹²² The subject of this verb was doubtless [*ἐπι*]μέλεια; but here, as in most of the missing passages of this text, the highly personal style of the author affords no basis on which to propose a restoration.

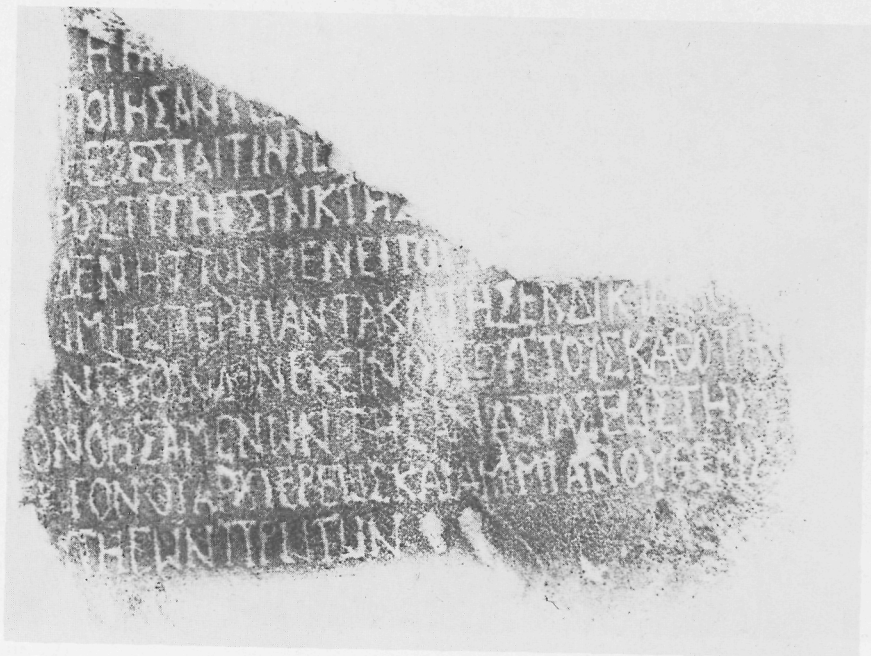
¹²³ It is normal that property belonging to the city be administered by the *βουλή*: for concrete examples see A. K. BOWMAN, *The Town Councils of Roman Egypt*, Toronto 1971, 91 f. For a list of cities in which foundations distributed money to members of the municipal council see LAUM, *Stiftungen* I 100 f. and 160 f. (attestations of this practice are of course far more numerous at present).



1. Fragment C

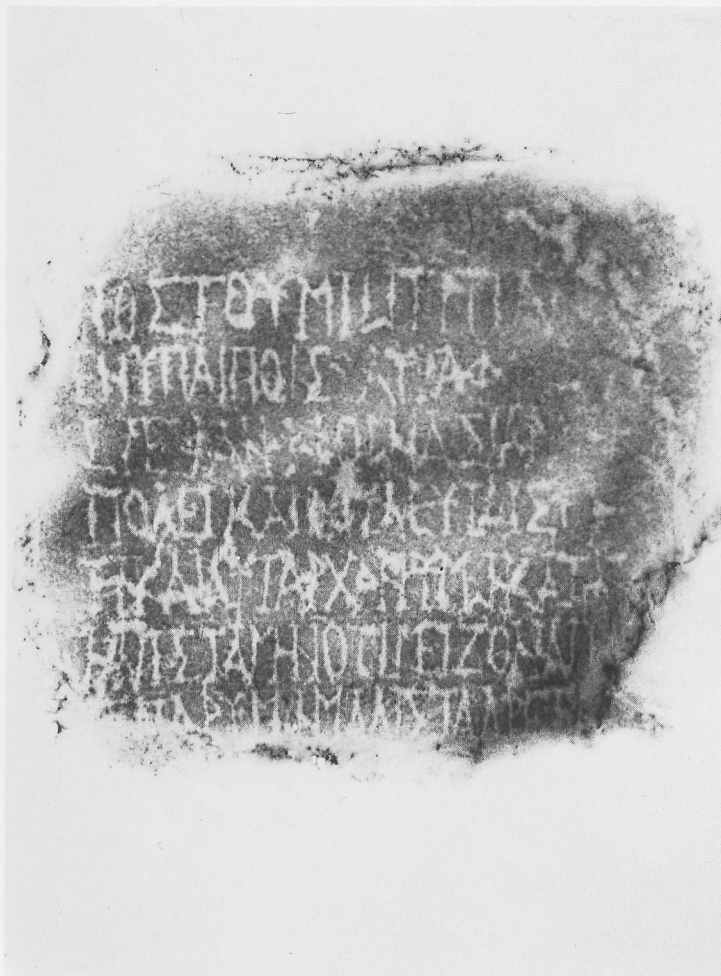


2. Fragment A



3. Fragment B

Ad: Th. Drew-Bear, *An Act of Foundation at Hypaipa* (p. 509ff.). Photos: Th. Drew-Bear.



4. Fragment D