

MFR visited Egypt and the Holy Land in 1924 and, as a student of classical literature, he was fascinated by all he saw. He visited the tomb of Tutankhamen during its excavation and met Howard Carter. He bought a small alabaster perfume jar at the gate of the tomb, as minor artefacts were being sold freely and openly to help finance the exhibition. This remarkable piece and other small antiquities remain in the family.

REAL ESTATE IN ANCIENT TIMES

by

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Out of the mist of the dim past the searcher of records is bringing to us a story fascinating in its interest and enlightening in its revelation. The romance and tragedy of it, the simple tale of the poor, the story of the rich, the annals of war and subjugation, are revealing their details to the deliver into this domain, which has been hidden for thousands of years and that is yielding now only to the conquering science of painstaking and skilful searchers.

The scientific archaeologist is bringing before our eyes the cinema of the ages. Deeper and deeper as he delves, each strata, reveals a more remote record. He is lifting the ground that century by century has hidden the story of peoples and their affairs, and now he can bring us back by the evidence of written or recorded history some six thousand years.

There is some evidence of the house in which the historic man lived after his cave life. Little urn shaped huts, round and with conical roof, a door, but no windows, a hole in the roof to let out the smoke of his hearth fire.

Of the earlier records that are interesting to the man interested in real estate, we find much in the latest archaeological records of Babylon. Of these cities there scarcely remains the stone upon a stone in this famed country which once was the glory of kingdoms and whose doom was prophesied by Isaiah. The mounds that were thought to be nature's hills have yielded, to the archaeologist their ruins, that have been covered for thousands of years and many interesting records. Some of these date back about five thousand years and they have come down to us in the form of inscriptions upon stones and clay tablets.

We now know who Sargon was, mighty king, although until recently the mention of his existence in the old testament was not confirmed by other records, but in the ancient days his name lived as a great national hero for about two thousand years. His son has left a record cut in on a boundary stone, that he purchased some lands.

The "Kudurru," or Boundary Stone of land of Babylon that marked the

organization of the new system of land tenure, which began when the Kassites' took possession of Babylon, is brought to us in full detail. These stones were set up in a prominent place on the owner's land and their text is complete. There is the record of the grantor and the grantee, the consideration paid, the description of the land, the name of the surveyor and the witnesses to the deed. Those stones were not the original title of the deed in all probability. This was made out in the form of a clay tablet and had the impression of the royal seal and were probably kept in secure places, but the boundary stone was the public record of the deed and while erection was optional with the owner, its existence gave a greater protection and a surer claim for his property and was evidence of his title if the clay tablet deed should be lost or destroyed.

Our deeds today contain certain warranty on the part of the grantor in which he agrees to warrant and defend the title deed. In the old days of the Babylonian boundary stones, this warranty was not used, but instead there was an appeal to all the gods whose symbols appeared on the stone, to bring down their wrath on anyone who violated the grant or who interfered with the peaceful enjoyment by the grantee of his property.

The penalty, if any of the family of the grantor, should make a rival claim, was a fine of twelve times the value or the amount paid for it.

In the British Museum there are several of those boundary stones of particular interest and they record in one of their publications, law suits carried on through three different reigns before the title was finally established as the property of one Ur-Belit-muballitat-miti. In this case the original owner of the estate died without a recognized heir and a rival claim to the property was instituted by his relatives. The case had come before the succeeding kings so much that there were two unsuccessful attempts to compromise. The story of this title is extremely interesting in its detail and well worth the reading.

Then there is the story on another boundary stone of the gracious act of king Nebuchadnezzar who rewarded one of the captains who fought at his right hand during a war of revenge and conquest, by freeing the captain's town forever from taxes and relieving it of dues and confiscation. Inscribed on this stone is a description of a battle fought in the extreme heat of the summer time when

"the axe burned like fire, and the.... roads scorched like flame. There was no water in the wells, and the drinking supply was cut off. The splendor of the great horses failed, and the legs of the strong man turned aside."

Another deed recording a purchase by Marduk-nasir, the king's officer, states the consideration paid, which consisted of a chariot, saddles, two asses, an ox, grain, oil and certain wearing apparel, including under garments, all to the value of seven hundred and sixteen shekels of silver. The deed reading in part as

follows:

Five gur of corn-land, a gan, measured by the great cubit, being reckoned at thirty ka of seed.
on the bank the BAD-DAR Canal, in Bit-Khanbi, the upper length to the north, adjoining Bit-Khanbi; the lower length to the south, adjoining Bit-Imbiati; the upper width to the west, adjoining Bit-Khanbi; the lower width to the east, adjoining the bank of the BAD-DAR Canal, which from the hand of Amel-Enlil, the son of Khanbi, Marduk-nasir, the king's officer, has received by purchase.

After the description of the different items included in the consideration paid and the acknowledgement of their receipt by the grantor, there comes this curse which the grantor calls down anyone who shall question the title.

Whensoever in later days an agent,

or a governor, or a prefect, or a superintendent,
or an inspector, or any official whatsoever, who shall rise up and be set over Bit-Khanbi,
shall direct his mind, to take away those lands,
or shall lay claim to them, or cause a claim to be made,
or shall take them away or cause them to be taken away,
or shall side with evil
and shall return those lands to their province,
or shall present them to a god, or to the king,
or to the representative of the king, or to the representative of the governor, or to the representative of his council
or to any other man,
or shall cause curtailment or diminution,
or shall say, "The lands were not the gift of the king"
or because of the curse shall cause another to take them,
or shall send a fool, or a man who is deaf, or one who is feeble-minded, or a vagabond or one who is without intelligence and he shall cause him to remove this memorial-stone, or shall cast it into a river,
or put it in a well or destroy it with a stone, or burn it in the fire,
or hide it in the earth, or hide it in a place where it cannot be seen,
upon that man may Anu Enlil, Ea and Ninmakh,
the great gods look with anger,
and may they curse him with an evil curse that cannot be loosened.

May Sin the light of the bright heavens, with leprosy that never departs
clothe his whole body, so that he may not be clean till the day of his death, but must lie down like wild ass at the outer wall of his city.
May Shamash, the judge of heaven and earth, smite his countenance, so that his bright day may turn to darkness for him.
May Ishtar, the lady, the princess among the gods, send a curse (?) upon him,
and in misery (?), her message of anger, may he multiply his words day and night, and like dog may he pass the night in the open place of his city.
May Marduk, the king of heaven and earth with dropsy, the bond of which cannot be loosened, fill his body,
May Ninib, the lord of the boundary and the boundary stone, tear out his boundary-stone,
tread down his boundary, and change his holding.
May Gula, the mighty physician, the great lady, put a grievous sickness in his body, so that he may pass light and dark blood like water.
May Adad, the ruler of heaven arid earth, overwhelm his fields, so that there may spring up abundantly weeds in place of green herbs and thorns In place of grain.
May Nabu, the exalted minister, appoint him days of scarcity and drought,
as his destiny.
May all the great gods, whose names are mentioned on this memorial-stone, drive him into evil and unhappiness.
His name, his seed, his offspring, (and) his posterity may they destroy in the mouth of widespread peoples. The name of this memorial-stone is "The Establisher of the Boundary forever."

There follows after this the line of witnesses to the deed, which in this case number thirteen, including the son of the governor, the son of the administrator, and the son of the king.

In "Babylonian Life and History", a new book [new and revised edition: 1925] by Sir E. A. Wallis Budge, we learn that the women in the days of Babylonian history had rights and privileges that wore pretty broad. She was always mistress of the dowry which she brought and she could spend her money in any way she pleased. Records prove that she engaged in commercial undertakings and bought and sold slaves and lent money on interest. Incidentally, if for some reason she could not, or' would not live in the same house as her husband, she could compel him to give her an alimony.

The house of every well-to-do man had a bath room, which contained a large flat vessel, which served as the bath.

To be an estate agent in those days required special training, like the man who aspired to be a physician or a lawyer, the estate agent or surveyor was placed under the tuition of expert teachers.

Archaeological research in Palestine has brought to light, some things that not only confirm details in the old testament, but much additional knowledge. From the Tells scattered throughout the country there has been brought the story of successive settlements, one on top of the other. Houses in those early days were flimsily constructed, commonly they were built of undressed blocks of stone set in a mud mortar with flat mud roofs. When a house chanced to fall, the stones were picked out of the heap for re-use and the mud was trampled down to form the subsoil of the new building.

R. A. S. Macalister, in his new [1925] "A Century of Excavation in Palestine", outlines in much detail and in a fascinating way, the story of some of those Tells. He describes the accumulation of the rubbish, the gradual raising of the street levels, the building period after period, of foundation upon foundation and the consequent raising of the street levels so that from the natural summit of the hill where the first inhabitants settled, the last builders erected their houses on a level some thirty or forty feet higher. Many of the habitations in Palestine were in caves or in houses that were part caves with structures erected in front in connection with the entrance. Those caves were largely artificial and were hewn in the soft chalky lime stone of the hills and frequently consisted of chambers united by doors and passages. Some of these are quite extensive: One said to be planned to contain about sixty chambers, large and small; and Professor Macalister tells us that many caves with ten and twenty chambers were found.

There must have been bachelor apartments in those days, and one of these was inhabited by a young man who was quite as sentimental as are some of the men of his type today. He lived about two thousand years ago and his name was Nickteides. There was a girl who captured the fancy of his heart, maybe it was in the springtime, but he left a record of her that is well nigh imperishable along the wall of his cave home in Greek letters of monumental size. He inscribed his fancy in words that translated into the customary language of today would read "I think that Snub-nose girl is a peach", and he signed it Nickateides.

The excavations reveal many cases of the burial of infants under the walls of houses and in some cases there are the bodies of grown persons or the bones of sheep. This may have been a form of sacrifice, just as in modern times in Palestine, a sheep is usually killed at the beginning of a house building.

We find in those records of Palestine, as well as those of Babylon and Persia, evidence of the real estate agent. His name appears in some of the documents, and it is probably true that he was a considerable factor in the transfer of properties.

The outline of the story of the Roman Empire contained much that enlarges our knowledge of real estate business. The early Emperors and Capitalists were

extensive investors in land, both in their own country and in the Roman dominions.

At one time to be a soldier in the Roman Army, one must first be a land owner, and to the veterans of the different wars, the emperor would apportion holdings of land, sometimes in Spain, or Britain, or Gaul, or Asia Minor or in one of the other Roman dominions.

We are greatly indebted to Professor M. Rostovtzeff of Yale University for the knowledge he has brought to us with the painstaking skill of the profound scholar in his recent book, "The Social and Economic History of the Roman Empire" [1927]. It is also much interesting reading in Professor Rodolfo Lancian's "Ancient Rome."

We learn that there was a gradual tendency during the period of the Roman Empire for the concentration of lands in the hands of the aristocracy and then gradually the small land owner was forced out of his possessions and degraded to the position of a tenant, thus reverting to the forms of land ownership that in earlier centuries prevailed in the Oriental Monarchies.

Some particular instances of purchase and sale are decidedly interesting. In 702 of the Roman Empire, Julius Caesar purchased the area for his new forum, an extension of the old one, that made Pliny exclaim, "We wonder at the Egyptian pyramids, when Caesar, as dictator, spent one hundred millions of sesterces merely for the ground on which to build his forum." The sum of one hundred millions of sesterces, mentioned by Pliny and confirmed, by Suetonius, corresponds to four million dollars; and as the area purchased by Caesar does not exceed ninety thousand square feet, it is evident he must have paid, on an average, \$44.45 per foot. [*Converting this sum to a dollar value for the year 2000, makes for shocking reading. Using Department of Labor Statistics, this equates to some \$435.75 per square foot.*]

They had traffic problems and municipal problems even in those far away days and the city plan was not unknown then.

During the rule of Claudius, the successor of Caligula little or nothing was done towards the enlargement or the embellishment of the palace the Caesars. Nero, however, the successor of Claudius, conceived the gigantic plan of renewing and of rebuilding from the very foundations, not only the imperial residence but the whole metropolis; and as the metropolis was crowded at every corner with shrines and altars and small temples which religious superstition made absolutely inviolable, and as the slightest work of improvement was fiercely opposed by private owners of property, and gave occasion to an endless amount of lawsuits, and appraisals, and fights among the experts, he rid himself of all these difficulties in the simplest way. He ordered his favorite architects, Severus and Celer, to draw a new plan of the city, and to draw it according to the best principles of hygiene and comfort; then he caused an enormous quantity of wooden booths and tents to be secretly prepared, and ordered fleets

of grain-laden vessels to be kept in readiness to sail from the various harbors of the Mediterranean at a moment's notice.

Having taken all these precautions, and insured the success of his stratagem as far as human foresight could. Lanciani tell us Nero set the whole city into a blaze of fire, and did it so neatly that although, of the fourteen regions, or wards, into which Rome had been divided by Augustus, three were annihilated completely and seven for the greater part, yet not a single human life seems to have been lost in the gigantic conflagration.

Even in our age of progress, and material improvement, and comfort, we cannot help admiring the profound wisdom shown by the two imperial architects, Severus and Antonin, in designing and rebuilding the city. The straight line and the right angle were followed, as far as could be done in a hilly region, in tracing the new streets and avenues through the still smoking ruins. Hasty and irregular constructions were forbidden; the line of frontage of each new building had to be sanctioned and approved by one of the official surveyors. Large squares were opened in place of filthy, thickly inhabited quarters. The height of private houses was not allowed to exceed double the width of the street, and porticoes were to be built in front of each one, to provide the citizens with cool, sheltered walks in case of rain or of excessive heat.

Of the wonders of the Golden House of Nero, which had an area of about one mile square, it is enough to say that there were comprised within the precincts of the enchanting residence waterfalls supplied by an aqueduct fifty miles long; lakes and rivers shaded by dense masses of foliage, with harbors and docks for the imperial galleys; a vestibule containing a bronze colossus one hundred and twenty feet high; porticoes three thousand feet long; farms and vineyards, pasture-grounds and woods teeming with the rarest and costliest kind of game; zoological and botanical gardens; sulphur baths supplied from the springs of the aquae Albulae, twelve miles distant at the nearest point; thousands of columns crowned with capitals of Asia Minor; walls encrusted with gems and mother-of-pearl; banqueting-halls with ivory ceilings, from which rare flowers and precious perfumes could fall gently on the recumbent guests. More marvelous still was the ceiling of the state dining-room. It was spherical in shape, and cut in ivory to represent the constellated skies, and kept in constant motion by machinery in imitation of the movements of the stars and planets. The day Nero moved into this Golden House, he looked around and was heard to say "at least I am lodged like a man."

Outside the city of Rome was the district known as the Campagna, in which the aristocrats had summer homes.

No wonder that, at this stage of luxury, the price of elegant private mansions should have reached fabulous sums. Messala bought the house of Antonius for a sum corresponding to \$165,000 [2000: \$1,617,000]. Cicero gave for the house of Crassus \$155,000 [2000:\$1,519,000]; the House of Claudius had cost

\$655,000 [2000: \$1,519,000]; that of Scaurus was valued at \$4,425,000 [2000: \$43,365,000]; and I am speaking of republican times. No wonder that the contractor for the maintenance of public drains should have required from M. Scaurus a security against any possible danger of the sinking of streets in the transportation of his columns and blocks of marble, so heavy were they.

Standing on some of these hills in Palestine and other Eastern lands and looking around I saw the same scenes that the cave man saw. I have been in his hillside caves and touched my hand to their clay roofs. I have ridden the camel on the sands of the desert, as men did thousands of years ago. In the ruins of the palaces of the Pharaohs and the Caesars I have looked upon faded magnificence and gazed with curious eyes, wondering what the next period of the cycle would bring about in that scene.

I have seen these Pharaohs, wonderful men, conquerors of many lands, and now, wrapped in their mummy cloths, encased in glass, exposed to the flippancy of the curious, the awe of the reverent and profound interest of scholar and historian and they seem to say, 'we were once as you are now.' I have touched my hand to these stone deeds and clay tablets of many thousand years ago, and realized I was now simply helping to re-enact the same things they record.

It has helped me to do these things and to read about these happenings and I hope their telling in my own, altogether inadequate way, may have interested you. All this has taught me something, not the least of which is the realization of the dignity of that commodity we deal in.

True, we know almost nothing of property rights in pre-history days, but from the beginning of mans recorded. actions, the thing in which we deal had a large part in his life and it brought about some of the earliest laws ever enacted. There has never been a period in the world's history, when real property has not had a large function, and us we look back and consider all these records, we are impressed that man in those days was much as we are today, his domestic life, his activities, his ambitions, the whole scope of his human relations, brought him problems, such as you and I face.

And out of it all comes this to me, and maybe to you, one thing, one idea, one realization, that while human nature remains as it was in those early days and is today, man's home is or should be his castle the center of all his aspirations, the realization of all his striving, its ownership the culmination of his effort and that the chief dignity of your business and mine is that we are factors in the attainment of it.

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¹ Now known as The Appraisal Institute

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