

# Rafał Taubenschlag

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"Sanktionsklausel", E. Ziebarth, "R. E.", Suppl. VII : [recenzja]

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The Journal of Juristic Papyrology 1, 95

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Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej [bazhum.muzhp.pl](http://bazhum.muzhp.pl), gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

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by virtue of the imperial resp. prefectural legislation. In cases when private persons were involved, the *πρωτοπραξία* was effective when recorded in the *βιβλιοθήκη ἐγκτήσεων*.

A. SEGRÉ, *An essay on the nature of real property in the classical world*, New York, 1943.

s. below p. 134ff.

E. ZIEBARTH, *Niessbrauchsrecht* R. E. Suppl. VII, p. 567.

E. ZIEBARTH, *Pfandrecht* R. E. Suppl. VII, p. 981.

E. SCHOENBAUER, *Untersuchungen zum Publizitätsrechte im ptolemäischen und römischen Ägypten*. Arch. f. Pap. XIII (1939), p. 39ff.

The author deals with the principle of publicity in conveyances of immovables (*καταγραφή*), in acts of emancipation and marriage-contracts. As far as the latter is concerned, the author gives a review of the latest theories and lays down a series of theses, promising strict evidence in a subsequent article.

M. SAN-NICOLÒ, *Zu dem Schutze gegen damnum infectum bei nachbarlichen Verhältnissen im Liegenschaftsrecht der Papyri*. Sav. Z. LXI (1941), p. 402.

The author deals with P. Fouad 30 (121 A.D.), a counterfeit of Wess. Stud. XXII, 131. He considers it a non-processual *παραγγελία* to the proprietor, to repair his ruinous house, otherwise he will be responsible for any damage that may occur. This summons issued by the imperiled neighbor, and the threatened consequences for their disregarding, obtain a half official character, because the strategos accepts the *ὑπόμνημα* and serves it upon the neighbor. In this way the *παραγγελία*, like the summons to the *conventus*, is authorized by the strategos. The author expresses the view that the case relates to Greco-Egyptian law and is an application of *δίκη βλάβης*. The liability results from the non-fulfillment of the summons for the repairs of the ruinous house.

B. KÜBLER, *Ἔργα καὶ δυνάμει. Vi ac potestate*. Sav. Z. LIX (1939), p. 562.

According to the author the clause "*ἔργα καὶ δυνάμει*" means that the promise to pay penalty for breach of a contract is not only a phrase but can be executed. The expression derives from the language of the Roman jurists.

E. ZIEBARTH, *Sanktionsklausel*. R. E. Suppl. VII, 1200ff.