

# Taubenschlag, Rafał

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"In dubiis benigniora (D 50, 17, 56)",  
Adolf Berger, "Atti del Congr. int. di dir.  
rom. e di storia del diritto", vol. II :  
[recenzja]

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The Journal of Juristic Papyrology 6, 270-271

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

This dissertation is devoted to P. Berl. Inv. 16. 976/977 published by Schubart in „Festschrift für Leopold Wenger” (vol. II) under the title „Actio condicidia et longi temporis praescriptio”. With penetrating criticism the autor analyses the theories of Seidl and his pupil Dr Rudolf Regler, presented in a not printed dissertation „Gedanken zu Pap. Berl. Inv. 16.976/977” and develops his own hypothesis that the fragments deal with various *praescriptiones temporariae*. The author points out that this text is of topical importance for the question on the legal working of the local and provincial law after the C. A.

E. Seidl, *Studia et Documenta Historiae et Iuris* XV (1949) p. 335 — 336.

Seidl's X survey on legal papyrology contains very interesting remarks on Berl. Zill. N<sup>o</sup>. 8 (663 A. D.). In this papyrus a *colonus*, convicted of a theft but not yet brought to punishment promises by a written oath to pay a fine in case of being tried for a new theft, besides παραδοθῆναι με τῷ ἐνδόξῳ πραιτω(ρίῳ) [χ(α)ί] ζημίᾳ ὑποκ]εῖσθαι ἐπὶ νοτίῳ πληγγῶν and confirms all that by a *stipulatio*. This would be impossible from the point of view of the imperial law, but it is admissible under the ancient Egyptian law (cf. Seidl, *Einführung* 50).

F. Pringsheim, *A suggestion on P. Col. Inv. N<sup>o</sup> 480* (Journal of jur. pap. V. 115 ff).

A. Fuks, *Notes on the archive of Nicanor* (Journal of jur. pap. V 207 ff).

J. Modrzejewski, *The πρόσταγμα in the papyri* (Journal of jur. pap. V. 187 ff).

A. Würstle, *Untersuchungen zu Cair. Zen. III 59. 355* (Journal of jur. pap. V 9 ff).

T. B. L. Webster, *Note: Addendum to Rendel Harris Papyri N<sup>o</sup> 56* (Journal of jur. pap. V 237).

Adolf Berger, *In dubiis benigniora* (D 50, 17, 56). *Considerazioni interpolazionistiche* (Atti del Congr. int. di dir. rom. e di storia del diritto, vol. II, p. 187 — 205).

This paper deserves attention because of his new interpretation of BGU I, 140. The author remarks that in lines 19 — 20 the terms φιλανθρωπότερον ἐρμηνεύων are a literal version of the terms *humanius (benignius) interpretari* and confirms perfectly the *humanior interpretatio* of Marcus Aurelius in the text of Marcellus (C 28, 4, 3 pr. and 50, 17, 192, 1).

Adolf Berger, *Miscellanea papyrologica* (Bull. dell' Ist. di dir. rom. vol. XIV — XV N. S. = LV — LVI della collezione „Post — bellum”, Milano 1951, p. 98 — 123).

The *Miscellanea* are a reprint of his former articles I *P. Mich. Inv. 4703 and dotis dictio in Roman Law* (from *The Journal of Juristic Papyrology* vol. I 1945 p. 13 — 40); II *Ἀναλαμβάνεσθαι in the Epistula Hadriani BGU I 140* (ibid. p. 40); III *The Emperor Justinians Ban upon commentaries to the Digest* (from the *Bulletin of the Polish Institute of Arts and Sciences in America* III New York, 1945 pp. 656 — 696).

J. F. Gilliam, *Notes on PSI 1307 and 1308* (I cent. A. D.) (*Classical Philology* vol. XLVII N<sup>o</sup>. 1 1952 p. 92).

PSI 1307 concerns assignments and activities of legionary soldiers and Miss Norsa quite rightly cites *P. Gen. lat. I. The Dura acta diurna* (Gilliam, *Yale Classical Studies* XI 1950 p. 209 — 52 cf. also *P. Mich.* 455) may also be compared. Gilliam gives some interesting new readings. From this II 17 is most interesting: *excubuerunt ad aquilam et signa*. The men in this entry stood guard at the shrine, housing the legion's eagle and standards. Its appearance here is evidence that it was a regular part of the military religion in all periods of the Empire. PSI 1308 dates in the middle of the second century A. D. and may be a list of sailors.

J. F. Gilliam, *Michigan Papyri vol. VII* (Reprint from *American Journal of Philology* vol. XLVII N<sup>o</sup>. 1 p. 432 — 433).

In his review Gilliam p. 433 remarks that no other certificate of assumption of the *toga pura* than that in *Mich.* N<sup>o</sup>. 493 is known. The fact however, that young Romans would then be at the age when other youth in Egypt subject to the *epicrisis* were being enrolled, suggests that their registration and the certificate were required when they came of age.