

# Taubenschlag, Rafał

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## "Der Eigentumsübergang beim Darlehen und Depositum irregulare", Erwin Seidl, "Festschrift Schulz", I : [recenzja]

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The Journal of Juristic Papyrology 6, 291

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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.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

Erwin Seidl, *Das Erlöschen der Obligation im ptolemäischen Recht* (Studi in onore Siro Solazzi p. 197 — 202).

The author asserts that the Ptolemaic law does not know an extinction of the obligation. The Ptolemaic jurisprudence is only interested in the question concerning the evidence in the law-suit in which the existence and the fulfilment of the obligation could be contested. The debtor who had fulfilled it, is sufficiently secured against a repeated claim of the creditor when the document essential in the obligation has been returned. The author indicates that also in the Demotic documents the securing of the evidence of the debtor and not the material extinction of the obligation seems to be its indispensable element.

Erwin Seidl, *Der Eigentumsübergang beim Darlehen und Depositum irregulare*. (Festschrift Schulz I p. 373 — 379).

The most recent investigation in various branches of ancient law accepts a historical development whereupon it was in loans first of all only tendency to establish a sphere of power approximately corresponding to the property and not as in later times the passing of property itself. The author asserts the same for the old Egyptian, the cuneiform, the Greek and Hellenistic laws. Especially as far as the Ptolemaic law is concerned, an evidence that the property on borrowed things passes over when a loan is contracted, is missing. The same holds good for hire of livestock where the lessee has to return just as many heads of cattle of the same kind and of the same age. The manifold use of *depositum irregulare* in the papyri of the early imperial epoch as for instance for a dowry, can be comprehended only when one assumes that according to the national law there is no passing over of property under this contract.

E. Montevicchi, *I contratti di lavoro e di servizio nell' Egitto greco-romano e bizantino*. Milano 1950.

The author gives a critical reedition with a commentary and translation of 30 papyri of the I — VII centuries A. D., adding other 7 fragmentary papyri. The present collection is limited to labour-contracts and to service-contracts.

#### PENAL LAW

R. Taubenschlag, *Il delatore e la sua responsabilità nel diritto greco romano* (Studi in onore di Arangio Ruiz) (1952).