

# Taubenschlag, Rafał

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"Contributi allo studio delle vendite all'asta nel mondo classico", Mario Talamanca, "Memorie. Classe di Scienze Morali, Storiche e Filologické", ser. VIII, vol. VI, 1954, fasc. 2 : [recenzja]

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The Journal of Juristic Papyrology 9-10, 521-522

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1955-1956

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

T. Schwarz, *Die Grundlage der condictio im klassischen römischen Recht* (1952).

This work is devoted to the *condictio* in classical Roman law, taking as a starting point the *condictio indebiti*. After a discussion on the conception *indebitum solutum* and *error* and *scientia* the author investigates the conception *ob rem datam* and the typical cases of *condictio* based on this conception, finally the legal foundation of the *condictio* in general. The work will also interest the papyrologists with regard to the discoveries of papyri containing legal fragments devoted to the *condictio* (cf *JJP* VI, 269—70; VII—VIII 292; my *Law*<sup>2</sup> 38<sub>132</sub>).

C. Préaux, *Note sur la vente à terme dans le droit de l'Égypte gréco-romaine* (*Antiquité Classique* 24 [1945] 143).  
not seen.

Mario Talamanca, *Contributi allo studio delle vendite all'asta nel mondo classico* (*Atti della Accademia Nazionale dei Lincei* [1954] *Memorie. Classe di Scienze Morali, Storiche e Filologiche*, serie VIII, vol. VI, fasc. 2, 1954).

The task of this work is to investigate some of the most remarkable aspects of the sale at auction in the classical antiquity. In the first part there are studied the peculiarities of the auction in the Ptolemaic Egypt insofar as they refer to the sale of immovables belonging on whatever account to the fisc, to the lease of tax, and public works, to the lease of land belonging to the Crown, to the sale of the personal property belonging to an insolvent debtor by the courts.

The second part, divided in two chapters, is dedicated to the sales at auction (*auktiones*) in Roman law. The first chapter deals with auction in private law trying to establish its origin and dogmatic construction in the classical period; in the second chapter are taken into consideration the *venditio sub corona* and the *sectio bonorum* which represent the most ancient forms of the auction known in Rome. The author tries then to give a picture of fiscal alienations in the period of the Principate taking into consideration the administrative practice in the Greco-Roman Egypt, as it appears in the law of the papyri and the imperial constitutions from the

III and IV cent. A.D. conserved in the C.I.. He tries especially to throw a light on the form of the fiscal sales, on the cases of the dissolution the acquisitions from the fisc and the effects of the payment of the prices on the transfer of property.

E. Neufeld, *The rate of interest and the text of Nehemiah 5, 11* (repr. from *The Jewish Quart. Rev.* XLIV [1954] 194—204).

This dissertation consists of six chapters: I The rate of interest among the Semites; II The Biblical prohibitions against usury and the practice; III The text of Nehemiah 5, 11; IV *Me'ā* and centesima or Hekatostos; V The Elephantine papyri; VI Interest on money-loans and on loans in nature. The dissertation makes also use of the papyri (cf. p. 196<sub>19</sub>, 197<sub>20</sub>, 201, 202<sub>43</sub>).

A. Steinwenter, *Precarium* (S.A. aus *RE*, 1814—1827).

In this article the clause ἐφ' ὅσον χρόνον βούλει on p. 1824 is being investigated which since Mitteis had been linked with the Roman *precarium* while the author represents the opinion that this clause confirms rather Levy's view about the retrocession of the conductores-class than the continuation of the existence of the Roman *precarium*. His remarks about the παρακλητική ὁμολογία on p. 1825 are also very interesting. Only SB 6000 seems to refer to a right of passage granted *precario modo* (cf. my *Law*<sup>2</sup> 259); the other cases of παρακλητική ὁμολογία are based on transactions which have nothing at all in common with the holding of certain immovables *precario modo*.

H. Gerstinger, *Zur Klausel ἀποτάττομαι πάσῃ βοηθείᾳ νόμων in den byzantinischen Landpachtverträgen* (Ἐπετηρὶς Ἑταιρείας Βυζαντινῶν Σπουδῶν 23 [1953] p. 206—212).

not seen.

D. Daube, *Eisern Vieh* (*Sav. Z.* LXIX [1952] 388—392).

It has long been realized that the *Eisern Vieh* of medieval German law, and parallel notions of French, Danish and Czech law, may well derive from the *so'n barzel*, the "small cattle of iron" or "iron sheep" of Jewish law. His remarks intend to show that the Jewish