

Taubenschlag, Rafał

"Die Grundlage der condictio im klassischen römischen Recht", T. Schwarz, 1952 : [recenzja]

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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, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

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*² 38₁₃₂).

C. Préaux, *Note sur la vente à terme dans le droit de l'Egypte 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