

Taubenschlag, Rafał

"Un atto di divorzio", G. Flore, "Studi in on. P. Francisci", I, 1956 : [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.

effected by *traditio* or *mancipatio*. In view, however, of the similarity of the formulae (e.g. the *optimo maximoque iure*-clause expressing complete freedom from servitudes, and the phrasing of the guarantee clause) in the tablet and the Transylvanian triptych, which is expressly stated to have been transacted *per mancipationem*, it is perhaps worth while to call attention to the latter possibility, and to its consequences. In his introduction to the text of the Transylvanian triptych in *Negotia*, p. 289, Arangio-Ruiz states the now accepted view that real property on provincial soil could be regarded as *res Mancipii* only if it were situated in the territory of a city that had been granted *ius Italicum*, and that it is unlikely that Alburnus Maior, the place in question, had received this privilege. He concludes that the formulae of *mancipatio* have been wrongly used in that text. The tablet would fall into the same case for the fact that it may have been drawn up after the *Constitutio Antoniniana* is not relevant to the status of provincial soil. The possibilities are twofold: (1) the property to which the sale relates was situated in the territory of a community enjoying *ius Italicum*. Possibly this was not situated in Britain at all. If it was in Britain, could it have been *Aquae Sulis* or *Gleuum*? (2) The formulae are in fact wrongly used. Perhaps the purchaser was not sure whether the land in question was *fundus Italicus* and wished to protect himself in case it was. Or perhaps by application of the forms of *mancipatio* he hoped to assert a *dominium* over a *res nec Mancipi* and usurp a better title to it.

J. Schwartz, *Deux ostraca de la région du wādī Hammāmāt* (*Chron. d'Égypte* XXXI, No. 61 [1956] 118—123).

These two ostraca of the Roman epoch concern the army. The first of them confirms the presence of the *cohors Prima Apamenum* in the zone, where the *ala Vocantiorum* and the *cohors I Flavia Cilicum equitata* have been attested.

The second ostrakon confirms the presence of a curator, a real chief of a cohort of the auxiliary body, in the zone of wādī Hammāmāt. The receiver of the ostrakon seems to live in the environment of the *curator*.

G. Flore, *Un atto di divorzio* (*Studi in on. P. Francisci* I [1956] 395—397).

In this deed of divorce: Mil. Inv. 79 (139 A.D.) (cf. my *Law*² 121 ff.) of a marriage between brother and sister (cf. on such marriages my *Law*² 111) is only the restitution of the κόσμος by the husband mentioned, as the only thing of which the φερνή of the wife consisted. Noteworthy is the provision in ll. 26—28, by which the divorcing husband promises not to bring any claims to the acquisitions made by the wife during the marriage, evidently because they had been acquired with her own money. It may be finally mentioned that the father of the couple acts in this deed as their κύριος.

S. Eitrem — L. Amundsen, *Sale of Wine on Delivery* (*Symbolae R. Taubenschlag dedicatae* II = *Eos* 48, 2 [1957] 77—81).

This text: P. Osl. inv. No. 1440 (91 A.D.) belongs to a well-known and much discussed group of documents, contracts for cash payment with deferred delivery. Where wine is concerned most of the contracts of this type date from the VI and VII centuries. Beside this text, the only specimen that has so far come to light from the 1st century A.D. seems to be P. Athen. 23 (Theadelphia, A.D. 82). From the 2nd century A.D. comes the formulary draught P. Osl. 43, and from the 3d cent. the group PSI 1249, 1250, 1252 (Oxyrhynchus, A.D. 265). On sale on delivery see my *Law*² 336 ff.

F. Zucker (rev. of:) J. Day — C. W. Keyes, *Tax Documents from Theadelphia* (*G.G.A.* 211, No. 1/2 [1957] 59—72).

J. Day — C. W. Keyes, *Tax Documents from Theadelphia: Columbia Papyri* vol. V (1956) 342 pp.

The rectos of the papyri whose versos are published in this volume were edited by W. L. Westermann and C. W. Keyes and published in 1932 under the title *Tax Lists and Transportation Receipts from Theadelphia* (hereafter referred to as P. Col. II).

In the new volume of the Columbia Papyri No. 1 verso 1b—1c (ca 160 A.D.) contains records of taxes owed and payments of taxes. No. 1 verso 1a (160 A.D.) balances of tax collections in money. No. 1 verso 3 (155 A.D.) accounts of tax payments and lists of