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"Zur Rechtskraft im ptolemäischen Prozessrecht", E. Berneker, "Festschrift Koschaker", III, 1939 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

H. KORTENBEUTEL, Γεωργοί. R. E. Suppl. VII, 206ff.

A. ZAMBON, *Ancora delle didascalikai*. Aegyptus XIX (1939), p. 100.

The author deals with new contracts on *διδασκαλία* published after his article in Aegyptus XV, p. 3-66. There are those in C. Préaux, *Les ostraca grecs de la collection Charles-Edwin Wilbour au Musée de Brooklyn*, New York (1935), Mich. III and Oslo III.

W. HELLENBRAND, *Arbeitsrechtliches in den Zenon Papyri*. Festschrift Koschaker III (1939), p. 41ff.

The article deals with the organization of groups of workers under a headman (foreman) in the Hellenistic law. The author points out that such organizations were also found in the ancient Egyptian, Babylonian and Roman law. The author discusses the legal character of these organizations, the agreements by means of which they used to be founded and the modes of straightening of the workers' obligations.

B. KÜBLER, *Ἐπαφή und kein Ende*. Sav. Z. LX (1940), p. 226.

The meaning of *ἐπαφή* is, as it is known, contested. Some scholars consider it as "leprosy," others as "a claim of a third person." Kübler belongs to the latter group. He finds a confirmation of his view in a papyrus from Strassburg published in Sav. Z. XXXII, 367.

O. MONTEVECCHI, *Ricerche di sociologia nei documenti dell' Egitto greco-Romano III. Contratti di compra-vendita*. Aegyptus XIX (1939), p. 11.

The author gives a collection of all sales of slaves and animals in the papyri without drawing any general conclusions.

PENAL LAW

MICKWITZ, *Strassenraub*. R. E. suppl. VII 1243/4.

PROCEDURE

L. WENGER, *Institutes of the Roman law of civil procedure, translated by Fisk*, New York 1940.

These outlines are a revised edition of the author's *Institutionen des römischen Zivilprozessrechts*, which appeared in 1925. We have to mention it here because of its frequent references to the papyri. (v. Index).

E. BERNEKER, *Zur Rechtskraft im ptolemäischen Prozessrecht*. Festschrift Koschaker III (1939), p. 268ff.

The author, taking as a starting point the papyrus B.M.eg. 10.591 ed.

by Thompson, points out that the sentences of national courts had no juristic force. Another law-suit was therefore admissible. To prevent it the defeated party had to draw-up a deed of submission.

R. TAUBENSCHLAG, *La chose jugée dans le droit des papyrus*. Repr. of Archives du droit oriental III (1940).

The juristic force of judgment was not acknowledged in the national law. In order to create respect for a pronouncement, the defeated party had to draw up a declaration of submission; otherwise he could reopen the case.

In contrast with this practice, the sentence passed by the king or his *χρηματισταί*, according to a royal diagramma of the III cent. B.C., had juristic force and the reopening of the case was forbidden under threat of penalty.

This principle, however, does not apply to sentences of single officers. The case, once decided, could be reopened unless the defeated party drew up a declaration of submission. Hence it is clear that the parties reopened a lawsuit decided, for instance, by the epistates. The practice disregarded even declarations of submission and left the officers to deal again with cases once decided.

The Roman legislation proclaimed a principle: τῶν νόμων κωλύόντων δις περὶ τούτου κρίνεσθαι. The formulation recalls that of Hermogenes, τέχνη ῥητορική. It was the same principle which Tiberius Alexander emphasized in fiscal matters. The principle applied to sentences passed by the prefect's court, but not to those of other officials, such as epistrategos or strategos.

L. WENGER, *Zu drei Fragen aus dem römischen Zivilprozessrecht* (Eine Nachlese) Sav. Z. LIX (1939), p. 315ff.

The author deals with P. Yale Inv. No. 1528 (cf. B. Welles, *die Immunitas of the Roman Legionaries in Egypt*, Actes Oxford 1938, p. 521) and points out that from the three meetings with the prefect, mentioned in this papyrus, two took place "in transitu," but were recorded in his *ὑπομνηματισμοί*. The latter were available to anyone who could take copies and make use of them.

E. ZIEBARTH, *Mahnverfahren*. R. E. Suppl. VII, 436ff.

E. ZIEBARTH, *ὑπόμνημα*. R. E. Suppl. VII, 281ff.

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