

Rafał Taubenschlag

"Noch einmal zum Verfahren de plano et pro tribunali", L. Wenger, "Sav. Z.", LXII, 1942 : [recenzja]

The Journal of Juristic Papyrology 3, 168

1949

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.

to appear in court, he could at once deny his obligations on account of some criminal act of his creditor, which he should name at the same time writing that he would accuse his opponent. This mode of defence would be of use to the debtor in so far as it enabled him to sequester the amount he was said to be due and to act instantly against his creditor by bringing him before the court on a criminal charge. In this situation it was tacitly understood that the judgement of the civil affair was adjourned till the criminal case had been tried. But when the debtor did not follow the course stipulated in the edict, he could derive no advantage from an accusation of his adversary and had to pay without respite, it being obviously understood that no other obstacles to the creditor's winning his case had arisen. The reason for this provision was, of course, that an accusation made in a later stage of the action was supposed to be nothing but a chicane.

L. WENGER, *Noch einmal zum Verfahren de plano et pro tribunali* (Sav. Z. LXII (1942), 366—376).

Not seen.

R. TAUBENSCHLAG, *Autorité de la chose jugée dans le droit gréco-égyptien* (Archives d'histoire du droit oriental III (1948), 299—306) cf. *Journal of Juristic Papyrology* I 98.

V. ARANGIO-RUIZ, *Una cognitio dell' imp. Caracalla in Siria* (IV Testi e documenti I Estr. Bull. I.D.R. 49—50 (1947) pp 46—57).

P. Roussel and F. de Visscher have published in *Syria* 23 (1942/3) [1945] pp 173—92 two processual inscriptions found in the temple of Zeus at Dmeir. The first one, referring to sacred objects or more precisely to the disappearance of a certain number of statues, is very mutilated. The other one is intact and contains the record of proceedings which took place in the *auditorium* of Caracalla in Antiochia. It is valuable because it concerns the faculty of the parties to apply to the emperor in course of an ordinary lawsuit before the prefect. Arangio-Ruiz reproduces the later text supplying it with some notes, a commentary and a Latin translation of its Greek parts. As far the law-suit itself is concerned, it is certain that Aurelius Carzeus, the son of Sergius acts as the *defensor* of the whole community of the inhabitants of Gohara and that Avidius Hadrianus is indicted to have usurped the functions and privileges of the priest of Zeus but we dont know whether