

# Taubenschlag, Rafał

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"Un nuovo testamento per aes et libram", Mario Amelotti, "Studia et Documenta Historiae et Iuris", XV, 1949 : [recenzja]

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right of legitimacy was given to be enjoyed together with the rights attributed to them by their national law. In one of the quoted cases one of the peregrine consorts who has become Roman citizen shall abide the Roman law and therefore shall also be subject to the provisions regulating the Roman marriage. Consequently his marriage no longer has from the Roman law point of view the validity of a marriage *iuris peregrini* but may become legal only when it bears the features of *iustae nuptiae Romanae*. The marriages *iuris peregrini* in cases when the man becomes Roman citizen is held to be valid as a Roman lawful marriage (*iustum matrimonium*) and therefore the sons born of a father with a Roman citizenship and of a peregrine mother *cum conubio* will be legitimate sons, Roman citizens and submitted to the *patria potestas* of the father by virtue of the principle declared by Gaius I 56. From the epigraphic and papyrological documents we learn that the Roman authorities sought to prevent by all means the transformation of a marriage *iuris peregrini* into an illegitimate union from the point of view of the Roman law and endeavoured instead to transform the marriage *iuris peregrini* into a *iustum matrimonium Romanum*.

E. Balogh, *Some Notes on Adultery and the epikleros according to Ancient Athenian Law* (Estr. Studi in memoria Emilio Albertario vol. II p. 683 — 719).

This essay although dealing with problems of ancient Athenian law will also interest the papyrologists because of its references to the law of the papyri (p. 683) and the papyrological literature (cf. p. 696). The author rightly points out that some marriage contracts in the papyri (as the oldest P. Eleph. 1) prescribe a pecuniary penalty of adultery (cf. my Law. I 353, see also on  $\mu\omicron\tilde{\iota}\chi\omicron\varsigma$  and adultery my art. in Journ. Jur. Pap. V, p. 266).

Mario Amelotti, *Un nuovo testamento per aes et libram* (Studia et Documenta Historiae et Iuris XV 1949 p. 34).

This papyrus is the property of the Egypt Exploration Society and will be published in part XXII of the Oxyrynchos Papyri. It contains a Greek translation of a *testamentum per aes et libram* from 224 A. D. written in Latin. The author gives a larger interpretation of this papyrus and its clauses especially the clauses on *multa testamentaria*, the subscription of the testator and the opening of the testaments. Most interesting are also his remarks on general

problems, especially on the C. A. „Confining oneself to the testamentary matters we must admit that our papyrus rather supports the theory of *Mitteis* than that of *Schönbauer*.” The testator is an Egyptian who — as his *prenomen* shows — received the Roman citizenship; he does not know Latin, nevertheless he writes his testament *per aes et libram*, entirely corresponding to the disposition of the Roman law with the exception of one single clause relating to a testamentary fine which is in conformity with the Greco-Egyptian law. It is clear that if Aurelius had had still the possibility to avail himself of a Greco-Egyptian διαθήκη he would have done it.

J. Dauvillier, *Note sur un testament romain récemment découvert en Égypte* (Recueil de l'Académie de Législation de Toulouse XVIII, 1947).

not seen.

#### THE LAW OF PROPERTY

Boaz Cohen, *Antichresis in Jewish and Roman Law* (New York 1950, reprint from Marx Jubilee Volume, The Jewish Theological Seminary of America).

The author who since many years works on the problem of the relationship of Jewish to Roman Law [cf. *The relationship of Jewish to Roman Law* 1943, (repr. from the Jewish Quarterly Review, New Series vol. XXXIV N<sup>o</sup> 3—4); *The Testimonial Oath* (repr. from *Historia Judaica* 1945); *Civil Bondage in Jewish and Roman Law*, (repr. from Louis Ginzberg Jubilee Volume, American Academy for Jewish Researches, New York 1945); *Some remarks of the Law of Persons in Jewish and Roman Jurisprudence* (repr. from the Proceedings of the American Academy for Jewish Research vol. XVI 1947); *Contractatio in Jewish and Roman Law* (repr. from *Mélanges F. de Visscher* vol. I 1949 p. 133—156); *Peculium in Jewish and Roman Law* (Repr. from Proceedings of the American Academy for Jewish Research vol. XX 1951)] — deals in this dissertation with questions which may also interest the papyrologists. The author availed himself of the papyrological literature.

Ugo Enrico Paoli, *La loi de Solon sur les distances* (Rev. hist. droit franc. et étr. XXVII 1949 p. 505 — 517).