

# Taubenschlag, Rafał

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"Zur Beurkundung des  
Konsensualvertrages", Erwin Seidl,  
"Studi in onore di Emilio Albertario",  
1950 : [recenzja]

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The Journal of Juristic Papyrology 6, 290

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

The article may be mentioned here, because of its reference to the Pap. Hal. 1.

Maxime Lemosse, *Querela non numeratae pecuniae e (contra-dictio)* (Studi in onore Siro Solazzi p. 470 — 482, Napoli 1948).

The edict of Valerius Eudaemon — according to the author — furnishes valuable data for the explanation of the enigmatic institution of the *querela non numeratae pecuniae*. The author examines the import of the edict and the provisions referred thereby. Next he restores the provincial provisions to their proper place thus pointing out the disparity between the practice of the papyri and the Roman law. The author ascertains that the *querela* proceeds from the corresponding Hellenistic precedents which survive under the principate. Finally he explains how these two components, the Roman and the provincial developed to fuse finally in the Justinian legislation.

Erwin Seidl, *Zur Beurkundung des Konsensualvertrages* (Estr. di Studi in onore di Emilio Albertario) 1950.

The author deals in this interesting essay with Ostrakon Medinet Habu 4038 (III cent. A. D.) (cf. R. A. Parker, *Journal of Egyptian Archeology* 26 (1940) p. 84 ff.) which is in his view a historical curiosity. It reflects namely a *locatio-conductio operarum* in its pure form as a consensual contract. In addition it is so far the only evidence that the Roman consensual contract was adopted in Egypt (cf. my *Law* I 281 ff.).

Erwin Seidl, *Eine neue Urkunde aus Ägypten zum Prinzip der notwendigen Entgeltlichkeit* (Estr. dagli Studi in onore di Vincenzo Arangio-Ruiz vol. I 47—56) 1952.

One of the most interesting documents for the historians of law published in the last year is, according to the author, that by P. L. acan, *Une stèle juridique du Karnak*, Le Caire 1949. This document derives from the epoch of the 17 dynasty (about 1600 B. C.) and shows the application of the principle of the necessity of recompense in case of an acquisition of property, a principle which prevailed in cuneiform, Greek, Germanic and the ancient Roman law. As the author points out this principle can contribute to the understanding of the συγγραφή πράξεως and συγγραφή ἀποστασίου from the Ptolemaic epoch.