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"Two Petitions from Karanis", A. E. R. Boak, H. C. Youtie, "Raccolta di scritti in onore di Girolamo Vitelli" : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

The publication contains 34 acts. N^o 1 (493 ? p. Chr.) is a *tabella dotis*. This table reads in v. (1) *tab(ella) [do]tis Geminae Ianuarillae sponsae simul cum iuliano [inf]antium sponsum procreandorum cause* and in (v. 13) *fit omnis summa [doti]s fol(les) [duo]d[ecim]ilia e]g[o sponsus iu]l[ia]n[us] [accepi]*. N^o 2 (394) concerns a sale of a slave. The sellers are Donatianus and Saturninus, who *in se susciperunt presentibus suscribturis et secum sustulerunt nihil quesibimus ex eodem pretio* (= *nihil quaesiverunt ex eodem pretio*) *quiquam amplius deberi responderunt a pridie quam venderent abauerunt possederunt iu]risque eorum fuerunt et ex] hac [die in nomine] Geminius Felix].* The buyer is *Felix Fortuni cibus Tuletianensis* who *emit puerum unum nomine Fortinis coloris candidum annorum circiter plus minus sex non erroneum neque malis moribus constitutum neque caducum for auri solidum unum et fo(les) septingentos aureos.*

N^o III—XXXII (between them N^o XI and IV) are sales the object of which is (p. 97) *particella agrorum ex culturis Mancianis (Titii) in fundo tuletianense [qui est] sub dominio (Sempronii)* that means *jus mancianum* distinct from *dominium fundi*. They do not refer therefore to *translatio rei* but to *translatio juris*. The editors supply the edition of these documents with a brilliant commentary, analyzing the particular terms of these contracts as the „*cultura Manciana*” with reference to the „*sermo procuratorum*” D’Aïn-el-Djemala, to the (<*cultor Mancianus*) from „Djenen-Ez-Zitoum (p. 113), the C J XI, 63 (62), 1 and the rule from Henchir-Mettich (p. 116), further their particular clauses relating to the guaranties of the vendor (p. 143) as *habere licere* (p. 169), *auctoritas*, *poena duplae* (p. 170) etc. As these documents derive from the later epoch and from a province subject to the Vandals, their language is far from good Latin, the clauses however are, as the commentary shows, nevertheless adapted to the forms of the classical epoch. It may be pointed out that the commentary contains also very interesting remarks on p. 189 ff on „*cadres économiques et sociaux*” especially on the legal position of women and christianity.

N^o XXXIII contains an account, N^o XXXIV a calculation table.

A. E. R. B o a k — H. C. Y o u t i e, *Two Petitions from Karanis* (Raccolta di scritti in onore di Girolamo Vitelli p. 317 ff).

The first petition (316 A. D.) is addressed to a *praepositus* Aurelius Gerontius by Aurelius Isidorus against six fellow villagers for assault and robbery. He alleges that the malefactors had no grie-

vance against him but were drunk and felt secure from punishment by reason of their wealth. Intoxication was in the Ptolemaic period (cf. my *Strafrecht* p. 15) an aggravating circumstance, in the Roman period an extenuating one (cf. M o m m s e n, *Strafrecht* p. 1043). In our text this seems to be the case. In the second petition (late III cent. early IV cent. A. D.) directed to the *beneficiarius* (στατιζων) Taesis charges an uncle and his family with fraud and assault. Her parents had died while she was still an infant and her father's brother Chaeremon had appropriated her paternal inheritance. During her legal minority (v. 12) ἔτι τὴν καταδεῖγ ἡλικίαν ἄγουσα, (cf. my art. *Sav. Z.* XXXVII p. 180; *Law I* p. 125) she made no attempt to assert her right to the inheritance but after coming of age she presented two successive petitions to the *beneficiarius* then holding the decarchy. When the latter ordered Charemon to make restitution, his instructions were ignored (cf. Oxy 37, BGU 168 and W e n g e r, *Rechtshist. Papyrusstudien* p. 140; Gen. 31) — the instructions were provisional orders (cf. my art. *Journ. Jur. Pap.* V p. 152).

PAPHYRI FROM THE ARAB PERIOD

H. I. B e l l, *A Requisitioning order for Taxes in Kind* (Aegyptus XXXI fasc. 2 (1951) p. 307 ff).

The document is, as it is called in the text itself, an ἐπίσταλμα and belongs to the same class as the entagia preserved in the Aphrodito papyri regularly referred to in the letters of the Arab governor Kurrah b. Sharik, except that they are bilingual. The present requisitioning order is addressed by a Copt pagarch of the Arsinoite nome to a Copt.

P. E. H u s s e l m a n, *Some Coptic Documents Dealing with the Poll-Tax.* (Chronique d'Égypte XXXI fasc. 2 p. 332).

These documents attesting the existence of the poll-tax in the Arab period do yield one or two points of interest on the manner of the collection of the tax. We have here the actual payment of a money tax in goods. Clearly this takes place in what we may call the collecting agency. The Michigan papyri are not receipts but are orders written by the abbot to the „brother of the poll-tax” directing them to receive the commodities offered in payment of the