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"Il testamento di Antonio Silvano e il senatoconsulto di Nerone", Vincenzo Arangio-Ruiz, "Studi in onore di Emilio Albertario", 1950 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

Ugo Enrico Paoli, *L'assentiment paternel au mariage du fils dans le droit attique* (Extrait de la *Révue "Archives d'histoire du Droit Oriental et Révue Internationale des Droits de l'Antiquité"*, tome I, 1952).

This study although it concerns the Attic law will interest also the papyrologists (cf. on the rights of the father to grant his daughter the consent for her marriage in the Greco-Egyptian law my *Law I*, 37 ff.).

Boaz Cohen, *Concerning Divorce in Jewish and Roman Law* (Reprinted from *Proceedings of the American Academy for Jewish Research*, vol. XXI, [1952]).

This study devoted to the Jewish and Roman law will also interest the papyrologists all the more as it makes use of papyrological literature p. 10, 11, 32. The author points out that in a Greek papyrus dated 390 A.D. there is a reference to a woman having given her husband a *repudium* (μετὰ τὸ δοθὲν αὐτῷ ῥιπουδίου) which agrees literally with R. Johanan's statement in this matter.

Giuseppe Ignazio Luzzatto, *A proposito di una "Datio tutoris mulieribus" da parte del "Praefectus Aegypti"* (Scritti in onore di V. Arangio-Ruiz IV, 377—385).

The author endeavours to explain why the *tutor* in the Arangio-Ruiz *Fontes* III, 25, p. 68 (cf. my *Law*, I, p. 131), notwithstanding that he is appointed by the prefect, is called *tutor legitimus*. According to the author's opinion this designation is caused by the fact, that the *datio* in this case is based on the *lex*. From this point of view the *tutor datus ex lege Julia* can be named *tutor legitimus*. However the term *tutor legitimus* is nothing else than the translation of the Greek term νόμιμος ἐπίτροπος which appears in Oxy. 485 (cf. on νόμιμος ἐπίτροπος my *Law*, I, 121).

Vincenzo Arangio-Ruiz, *Il testamento di Antonio Silvano e il senatoconsulto di Nerone* (Estr. da *Studi in onore di Emilio Albertario*) 1950.

The problem concerns the case of the last will of Silvanus and the *senatus consultum*, promoted by Nero, to guarantee the secrecy of testaments. Upon the analysis of the whole material the author comes to the conclusion that not only Antonius Silvanus but also other Roman provincials were accustomed to write their testaments

in the same manner i. e. quasi in public. The author cendeavours to reconcile the practice of the testators with the prescriptions of the *senatus consultum*.

E. Weiss, *Procurator ex testamento* (Studi in onore di V. Arangio-Ruiz IV, 68 ff.).

The juristic and non-juristic sources, the papyri and the inscriptions indicate a number of instances, in which the testator with a view to his will, entrusts the third party with its execution after his death. The author endeavours to prove that in these cases it is not the question of the executors of the testament but of the appointment of a *procurator*. In the papyri there appears such a *procurator ex testamento* in the last will of a Roman *eques* Antonius Silvanus dated 142 A.D. (cf. Arangio-Ruiz, *Negotia*, No. 47, p. 129).

J. F. Gilliam, *Minimum subject to "vicesima hereditatum"* (repr. American Journal of Philology, vol. LXXIII, 4, 1952).

Though the *πένητες* of Dio Cassius (LV, 25, 5) is too vague a term to be acceptable, the phrases used by Pliny Panegyric 39. 5—40 seem clearly to indicate how limited the practice of the exemption was. The Michigan papyrus strenghtens this impression and shows that the estates even of *ca* 1900 drachmas were taxed. In any event, the *vicesima* was not simply a tax levied on the rich, even in those periods when exemptions were not curtailed or altogether revolted. This conclusion furnishes support for Dio's explanation of the extension of citizenship in 212. It is quite probable that Dio was not right though it cannot be denied that Caracalla might have had other motives. But in itself Dio's statement is quite reasonable and its plausibility is strenghtened by the fact that Caracalla raised the tax by 10 per cents: he was evidently interested in increasing his revenues by this particular tax.

PROCEDURE

E. Schönbauer, *Attische Klagen in neuer Quellenschau* (S.A. aus dem Anzeiger der phil.-hist. Klasse d. öst. Akad. d. Wiss., Jhg. 1952, No. I).

In this dissertation which is very important for the papyrologists, the author considers the Attic legal actions from a new point of view namely: the Attic regulation of landed property. He asserts