

Taubenschlag, Rafał

"La γηρο?ομία dans le droit des papyrus", R. Taubenschlag, "RIDA", 3 sér., III, 1956 : [recenzja]

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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.

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sation-pledge, established by agreement (with rare exceptions) neither a forfeiture pledge. Accordingly to its cautionary character it lets untouched the liabilities of the debtor resulting from the *u'iltu* and even the liability of the sureties, as accessory liabilities. In this way the Babylonian and Assyrian laws in their last epoch developed, in contrast with the old cuneiform law, into a quite modern institution. It is noteworthy because the ancient Greek and Greco-Egyptian hypothec was considered as a forfeiture pledge or as a compensative pledge not accompanied by the personal responsibility of the debtor. It is not possible to establish when the development toward the cautionary pledge was accomplished.

Treating of the *antichresis* (p. 117) the author takes the papyri Lond. III 1168 and Dura 10 into account.

R. Taubenschlag, *Rechtsverhältnisse an der Grenzmauer im Rechte der Papyri* (*Studi in on. U. E. Paoli* [1956] 683—684).

This article deals with the question of the relationship between the neighbours concerning the property of the boundary-wall. Generally, the boundary-wall was subject to joint-property of the neighbours, but in the Byzantine period this wall could be owned exclusively by one of them. In other cases the *servitus oneris ferendi* on the neighbouring lot could be constituted.

OBLIGATIONS

H. J. Wolff, *Die Grundlagen des griechischen Vertragsrechts* (ZSS 74 [1957] 26—72).

This excellent monograph, although dedicated to the ancient Greek law, will also be of great interest for the papyrologists, all the more that it uses not only the papyri but also discusses many questions and aspects of this field (*πράξις καθάπερ ἐκ δίκης* p. 36; *μισθωσις* p. 39; *δίκη καρποῦ* p. 43; *ὁμολογεῖν* p. 53 ff.; *δίκη βλάβης* p. 67 ff.).

R. Taubenschlag, *La γηροκομία dans le droit des papyrus* (RIDA 3 sér. III [1956] 173—179).

The law of the papyri as well as other laws of Antiquity knows the *γηροβοσκία* or *γηροτροφία* or *γηροκομία*, being the obligatory

care of old people. The author analyzes this obligation in the above mentioned study.

H. J. Wolff, *Zur Romanisierung des Vertragsrechts der Papyri* (ZSS 73 [1956] 1—28).

See *JJP* 9—10 (1956) p. 583—4.

E. Levy, *Weströmisches Vulgarrecht: Das Obligationenrecht (Forschungen zum röm. Recht* hg. von M. Kaser, H. Kreller u. W. Kunkel, 7. Abh. 1956) 384 pp.

The second volume of this fundamental work contains, as the first one (cf. my review *JJP* V [1951] 248) much interesting information for papyrologists. Remarkable are: § 3 on multiplicity and uniformity of the vulgar law: hellenistic popular law; § 6 — characteristic features of the vulgar law of obligations and the chapters in which the author makes use of papyrological literature and sources. These are: the chapter on the contracts, esp. on the stipulatory clause (*pactum nudum*, p. 41₁₁₈), on the decline of the representation (p. 65₂₂₆), and the principle *alteri stipulari non potest* (p. 86₃₁₆); on the surety (p. 198₂₁₂); on the revocation of a gift because of ingratitude (p. 245₄₄₈); on the transformations of the stipulation in Eastern doctrine and practice (p. 138₄₀); on the responsibility for legal defects (p. 220); on the *depositum irregulare* (p. 171₈₃) and on the sale-guarantor (p. 222).

V. Arangio-Ruiz "*Mancipatio*" e documenti contabili (da Ercolano a Piacenza) (*Acme* VIII, 2—3 [1955] = *Fascicolo speciale in memoria del Prof. A. Vogliano*, 27—36).

In this excellent dissertation the author shows that the tables of Herculaneum give certain examples of account-documents taken from the *codices accepti et expensi*, in which occasionally are mentioned some principal elements of transactions concerning the conveyance of *res mancipi*.

C. Michurski, *Les avances aux semailles et les prêts de semences dans l'Égypte gréco-romaine* (*Eos* 48 fasc. 3 = *Symbolae R. Tauenschlag dedicatae* III [1957] 105—138).