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"Ein 'Intestatkodizil' (?) und eine Legatsübernahmeerklärung aus spätbyzantinischer Zeit in dem Pap. Graec. Vindob. 25875. und 26270", Hans Gerstinger, [w:] "Festschrift Artur Steinwenter" : [recenzja]

The Journal of Juristic Papyrology 14, 174

1962

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.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

reading of the P. Lond. 165 a—c, line 2 as well as of the P. Bon. 31, lines 4-5 [C.K.]

PAPYRI FROM THE BYZANTINE PERIOD

Edda Bresciani, *Un papiro aramaico da El Hibeh del Museo Archeologico di Firenze* (*Aegyptus* 39 (1959) fasc. 1—2 pp. 3—8.)

This papyrus from the V cent. B.C. is a private letter adressed to a certain Joshibiah by his servant. [H.K.]

Hans Gerstinger, *Ein „Intestatkodizil“ (?) und eine Legatsübernahmeerklärung aus spätbyzantinischer Zeit in dem Pap. Graec. Vindob. 25875. und 26270.* (*Festschrift Artur Steinwenter* pp. 132—139).

The first document is a testament or a *codicillus ab intestato* analogous to the *codicillus* preserved in P. Lips. 29=M. Chr. 318. The document was drawn before three witnesses although C.J. 6, 23, 31, 3; 38, 8,3 require the presence of five witnesses. It seems that the corresponding rules of the Justinian law did not find application in the legal practice of Egypt. This evidence, too, is brought by Coptic testaments from the same period where not infrequently the last will would be attested by three witnesses (see Till, *Erbrechtliche Untersuchungen* 68; Steinwenter, *Das Recht der koptischen Urkunden* 48).

As it is known, the Byzantine law required the presence of three witnesses for the validity of a *testamentum ruri conditum* (see Eclogē 5, 4; Epanagoge 29, 16 and Zachariae von Lingenthal, *Geschichte d. griech. -röm. Rechts* 155). It will not be correct, it seems, to exclude a possibility, that the decrease in number of witnesses from five under the Justinian law to three in the quoted Byzantine sources took place owing to the influence of the local practice of Egypt.

The P. Graec. Vindob. 26270 is a declaration under oath confirming the receipt of a whole bequeathed estate. [H.K.]

H. C. Youtie, *The Warsaw „Venditionis Asini Syngrapha“* (*Chronique d'Égypte*, t. 33, No. 66 (1958) pp. (268—272).

This is a re-edition of the papyrus published by I. S z y m a ń s k a in *JJP* II pp. 115—119. Mr Youtie suggests some improvements in the reading of this text. [C.K.]