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"Praescriptio und exceptio ausserhalb des Formularsverfahrens", Werner Kolitsch, "Sav. Zeitschr.", 76, 1959 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

the author has taken into account all the papyri concerning this institution. Especially in the § 28, where there is discussed the question of *donati omortis causa* with the limited or excluded rights to demand the return, the author proved that in the legal practice of Egypt there was applied the following rule: *sed et sic donari potest, ut non aliter reddatur, quam si prior ille, qui acceperit, decesserit* (D. 39, 6, 13, 1; 39, 6, 35, 4).

In the further part of the work of special interest is the use of the papyri in the chapter which presents the post-classical and Byzantine „Umdeutung der klassischen Struktur” of the *dmc* (§ 61, p. 244 ff). [H.K.]

Mariano Amelotti, *La prescrizione delle azioni in diritto romano*.
Milano Giuffrè 1958 pp. 290.

This excellent monograph devoted to the problem of praescriptio in the Roman law-suit *per formulas* and in the *extra ordinaria cognitio* will be more widely discussed in the Polish scientific periodical: *Czasopismo historyczno-prawne*. We wish to draw the readers attention to Chapters 8—11 of Part III which treat about the *longi temporis praescriptio*. During the fifty four years which had elapsed since the publication of the essay written by J. Partsch, the institution of the *longi temporis praescriptio* has never been the subject of a special monograph. For a new and novel study of this institution M. Amelotti has especially been qualified, because he masters the modern methods of investigation of the Roman law as well as the methods usually applied by juristic papyrology and epigraphy. Chapter 8 of Part III of the work concerns the provincial origin of the *longi temporis praescriptio*. The author gives a keen analysis of the papyri BGU 267 and Strassb 22 which contain the first mention of this institution, and next he deals with its function and material requirements. In the subsequent chapters he discusses the processual nature of the *longi temporis praescriptio* as well as its historical evolution from Constantine to Justinian and finally compares with Justinian's reform. [H.K.]

Werner Kolitsch, *Praescriptio und exceptio ausserhalb des Formularsverfahrens* (*Sav. Zeitschr.* 76 (1959) pp. 265—305).

This fine monograph, dedicated to the origin of *praescriptio* and *exceptio* in the extraformulary procedure, will be of interest

for the papirologists in such degree in which the author deals with the origins of *longi temporis praescriptio* which are known to us from the papyri. [H.K.]

Stanisław Płodzień, *Dowód z opinii biegłych w prawie kanicznym* (*Proof from the surveyorship in the Canon Law*) Lublin 1958 pp. 168.

The second chapter of this monograph concerning the canon law process is devoted to the proof by opinion of the experts and its historical evolution (p. 41 ff.). The author discusses successively the problem of experts in Jewish sources and in the Roman law from the oldest times to Justinian. Special attention is given to the provincial practice (especially in the Roman Egypt). The papyrological records of judicial proceedings have furnished the author with copious information on the subject and have made it possible for him to demonstrate how the principles of the Roman law were applied in daily practice (e.g. *edictum de inspiciendo ventre* D. 24, 4, 10 and *P. Genf.* published in *Archiv f. Pap.* 3 (1903) 373 ff. by U. Wilcken). [H.K.]

Artur Steinwenter, *Das Verfahren sine scriptis im justinianischen Prozessrecht* (*Sav. Zeitschr.* 76 (1959) pp. 306—323).

This posthumous article is a successive monograph of the deceased Master on the iurisdiction and procedure of the late Roman Empire. From the rich treasury of his knowledge he gave us the solution of one of the important and difficult problems of judicial proceedings. For the papyrologist it will most certainly be of high interest what the author says about the division of jurisdictional competence between the prefect and the *defensor civitatis* (p. 319 ff.). [H.K.]

R. Taubenschlag, *Die körperliche Züchtigung im Rechte der Papyri* (*Études de Papyrologie* t. 8 (1957) pp. 97—101).

The author gives here a short description of the character and application of the torture and corporal punishment in the Ptolemaic and Roman Egypt. [C.K.]