

CONTENTS

LIST OF ABBREVIATIONS	xi
-----------------------	----

INTRODUCTION	i
--------------	---

PART I

LAW OF ACTIONS

INTRODUCTION	ii
--------------	----

CHAPTER I. FUNDAMENTAL NOTIONS	13
--------------------------------	----

1. Iurisdictio and Iudicatio.
2. Iurisdictio and Lex.
3. Formula.
4. Iudicium.
5. Actio.
6. Executio.

CHAPTER II. CLASSIFICATION OF ACTIONS	28
---------------------------------------	----

1. Actiones civiles and actiones honorariae.
2. Formulae in ius and in factum conceptae.
3. Actiones utiles.
4. Actiones in rem and in personam.
5. Bonae fidei iudicia.
6. So-called actiones arbitrarie.
7. So-called actiones directae and actiones contrariae.
8. Actiones poenales and actiones rem persequentes.
9. So-called actiones famosae.
10. Actiones perpetuae and actiones temporales.
11. So-called iudicia divisoria.
12. Praejudicia.

CHAPTER III. EXCEPTIONES	50
--------------------------	----

1. Conception of the classical exceptio.
2. Classification of exceptions.

CHAPTER IV. INTERDICTA	59
------------------------	----

1. Interdicto experiri.
2. Classification of interdicts.

CHAPTER V. STIPULATIONES HONORARIAE AND IN INTEGRUM RESTITUTIO	66
--	----

1. Stipulationes honorariae.
2. In integrum restitutio.

PART II

LAW OF PERSONS AND FAMILY LAW

CHAPTER I. SINGLE PERSONS	71
---------------------------	----

1. Persona, Status, Caput.
2. Birth and Death.
3. Cives Romani, Latini, Peregrini.
4. Enslavement and release from Slavery.

CHAPTER II. CORPORATIONS	86
--------------------------	----

1. Introduction.
2. Populus Romanus as a corporation.
3. Princeps.
4. Municipis civium Romanorum.
5. Collegia.

CONTENTS

vii

CHAPTER III. HUSBAND AND WIFE	103
1. Introduction. 2. Betrothal. 3. Conclusion of Marriage. 4. Personal effects of marriage. 5. Law of matrimonial property. Principles. 6. Law of matrimonial property. Dos. 7. Law of matrimonial property. Parapherna. 8. End of matrimony. 9. Legal effects of the end of matrimony. Appendix. Concubinatus.	
CHAPTER IV. PARENTS AND CHILDREN	142
1. Introduction. 2. Beginning of patria potestas. 3. Rights of the paterfamilias over the child's person. 4. Proprietary incapacity of a child in power. 5. Obligations of a child in power. 6. End of patria potestas. 7. Relations between parents and children apart from patria potestas.	
CHAPTER V. GUARDIANSHIP	162
1. Introduction. 2. Impubes. 3. The three kinds of tutela impuberum. 4. Functions of the tutor impuberis. 5. Liability of the tutor impuberis. 6. Irrationality of the classical tutela mulierum. 7. The three kinds of tutela mulierum. 8. Functions of the tutor mulieris. 9. Liability of the tutor mulieris. 10. Cura minorum. 11. Cura furiosi. 12. Cura prodigi.	

PART III

LAW OF SUCCESSION UPON DEATH

INTRODUCTION	203
CHAPTER I. FUNDAMENTAL NOTIONS	211
1. Successor, Successio, Succedere. 2. Heres, Hereditas. 3. Bonorum possessor, bonorum possessio.	
CHAPTER II. INTESTATE SUCCESSION	220
1. Introduction. 2. Intestate succession under the Twelve Tables and the Lex Voconia. 3. Senatusconsultum Tertullianum and Orfitianum. 4. Bonorum possessio ab intestato. 5. Bona vacantia. 6. Post-classical intestate succession.	
CHAPTER III. SUCCESSION UPON TESTAMENT	239
1. Introduction. 2. Testamentum per aes et libram. 3. The classical military testament. 4. The so-called praetorian will. 5. Absence of public wills. Post-classical forms. 6. Revocation of the will. 7. General character of the rules concerning institutio heredis. 8. Formula for the institutio heredis. 9. Place of the institutio heredis within the text of the will. 10. Completeness of the will. 11. Heredis institutio ex re certa. 12. Certa persona. 13. Substitutiones.	
CHAPTER IV. SUCCESSION AGAINST THE WILL	266
1. Introduction. 2. Succession iure civili upon praeteritio of sui. 3. Bonorum possessio contra tabulas testamenti. 4. Querella inofficiosi testamenti.	

CHAPTER V. ACQUISITION AND REFUSAL OF THE INHERITANCE	280
1. Introduction. 2. Acquisition and refusal of hereditas ab intestato. 3. Acquisition and refusal of hereditas a testamento. 4. Hereditas iacens. 5. Acquisition of bonorum possessio.	
CHAPTER VI. THE HEIR AFTER THE ACQUISITION OF THE INHERITANCE	296
1. Introduction. 2. Ius adcrendi. 3. The heir and the inherited property. 4. The heir and the debts of the <i>de cuius</i> . 5. Legal protection of the heir.	
CHAPTER VII. LEGACIES (LEGATA ET FIDEICOMMISSA)	310
1. Introduction. 2. Creation and revocation of legacies (legata and fideicommissa). 3. Legal effects of legacies (legata and fideicommissa). 4. Modus. 5. Donatio mortis causa.	
APPENDIX. EXECUTOR	333

PART IV

LAW OF PROPERTY

INTRODUCTION	334
CHAPTER I. OWNERSHIP	338
1. Conception of ownership. Terminology. 2. Classical kinds of ownership. 3. Transfer of ownership by acts inter vivos. 4. Acquisition of ownership by usucapio and longi temporis praescriptio. 5. Other modes of acquiring ownership. 6. Judicial protection of ownership.	
CHAPTER II. SERVITUDES	381
1. Introduction. 2. Personal servitudes. 3. Praedial servitudes. 4. Appendix. Superficies and Emphyteusis.	
CHAPTER III. REAL SECURITIES (FIDUCIA CUM CREDITORE AND PIGNUS)	400
1. Introduction. 2. Kinds and creation of classical real securities. 3. Legal content of the classical real securities. 4. Accessory character of the real security. 5. Plurality of hypothecs on the same object. 6. Judicial remedies.	
CHAPTER IV. POSSESSION	428
1. Introduction. 2. Acquisition of possession. 3. Continuance and loss of possession. 4. Possessory interdicts.	

PART V

LAW OF OBLIGATIONS

INTRODUCTION	455
CHAPTER I. LAW OF CONTRACTS	465
1. Introduction. 2. The stipulation in general. 3. Special types of stipulation. 4. So-called literal contract. 5. Real contracts in general. 6. Mutuum and Commodatum. 7. Depositum and Pignus. 8. So-called innominate real contracts. 9. Consensual contracts in general. 10. Sale. 11. Hire (<i>locatio conductio</i>). 12. Partnership (<i>societas</i>). 13. Mandate (<i>mandatum</i>). 14. <i>Pacta praetoria</i> . Appendix. <i>Donatio</i> and <i>intercessio</i> .	
CHAPTER II. LAW OF DELICTS	572
1. Introduction. 2. <i>Furtum</i> (theft). 3. <i>Damnum iniuria datum</i> (loss caused by injury to things). 4. <i>Iniuria</i> (offences against the personality). 5. <i>Actio metus causa</i> (extortion) and <i>actio de dolo</i> (fraud).	
CHAPTER III. UNJUSTIFIED ENRICHMENT AND NEGOTIORUM GESTIO	610
1. Unjustified enrichment. 2. <i>Negotiorum gestio</i> (agency without a mandate).	
CHAPTER IV. TRANSFER AND DISCHARGE OF OBLIGATIONS	626
1. Transfer of obligations. 2. Discharge of obligations.	
INDEX	635
ADDENDA	645