

This historic book may have numerous typos, missing text or index. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. 1902. Not illustrated. Excerpt: ... the shore, if defendant has accepted them, was enough¹ to make him responsible not only for his own act, but for his servants or passengers or travellers, although not himself to blame; and he could not free himself by surrendering a slave noxally. But he was not liable for loss due to shipwreck, pirates or vis major. Clothes, etc. of travellers had also the benefit of the guaranty. The action was in factum, and ran for and against heirs. It was wider than an action locati conducti, because no fault was necessary to found the action, and than depositi, where it is necessary to prove fraud. When concurrent with other actions it was subject to the usual treatment. It could be brought by anyone who had an interest in a thing being safely kept, e.g. a lender on bottomry (D. iv 9 fr 1--5 pr). An action on the case was also granted for delicts; see p. 182. H. Actions On The Case. Agreements are sometimes made which do not come strictly under well-known descriptions and yet are not confirmed by stipulation. If, however, they are of a definite character, containing mutual engagements and intended to raise obligations, the party who performs his engagement was recognised by the Roman law as entitled to the performance by the other or to compensation for his failure. Many such cases bordered on sale or hiring or mandate or partnership, or other contracts. The want of a short title was supplied in framing the issue for trial by a statement of the facts of the case. This appears to have been denoted by two expressions: the plaintiff agit praescriptis verbis² or agit in factum: and sometimes both were combined (in factum praescriptis verbis). Praescriptis verbis refers to the mode of prefixing to the ordinary formula a brief explanation of the case or incorporating it with...

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Roman Private Law in the Times of Cicero and of the Antonines: Family. Front Cover. Henry John Roby. University Press, - Civil law.

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