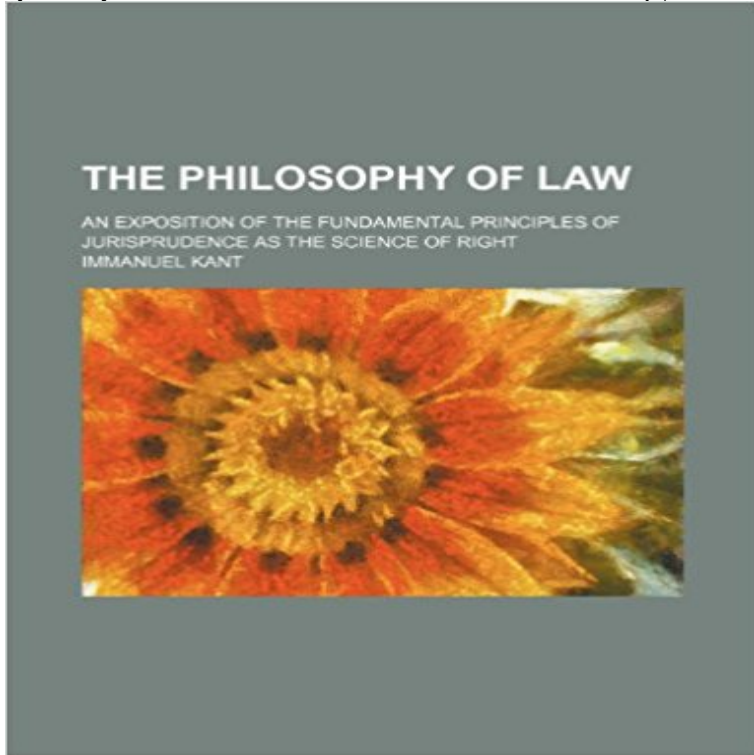


The philosophy of law; an exposition of the fundamental principles of jurisprudence as the science of right



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1887 Excerpt: ... and he is entitled to fetch them back to his house, even before the reasons that may have led them to run away, and their particular right in the circumstances, have been judicially investigated. See Supplementary Explanations, I. II. in. SYSTEMATIC DIVISION Of All The Rights Capable Of Being Acquired By Contract. 31. Division of Contracts. Juridical Conceptions of Money and A Book. It is reasonable to demand that a metaphysical Science of Right shall completely and definitely determine the members of a logical Division of its Conceptions a priori, and thus establish them in a genuine System. All empirical Division, on the other hand, is merely fragmentary Partition, and it leaves us in uncertainty as to whether there may not be more members still required to complete the whole sphere of the divided Conception. A Division that is made according to a Principle & priori may be called, in contrast to all empirical Partitions, a dogmatic Division. Every Contract, regarded in itself objectively, consists of two juridical Acts: the Promise and its Acceptance. Acquisition by the latter, unless it be a pactum reinitum which requires Delivery, is not a part, but the juridically necessary consequence of the Contract. Considered again

subjectively, or as to whether the Acquisition, which ought to happen as a necessary Consequence according to Eason, will also follow, in fact, as a physical Consequence, it is evident that I have no Security or Guarantee that this will happen by the mere acceptance of a Promise. There is therefore something externally required connected with the mode of the Contract, in reference to the certainty of Acquisition by it; and this can only be some element completing and determining the Means necessary to the attainment of acquisiti...

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