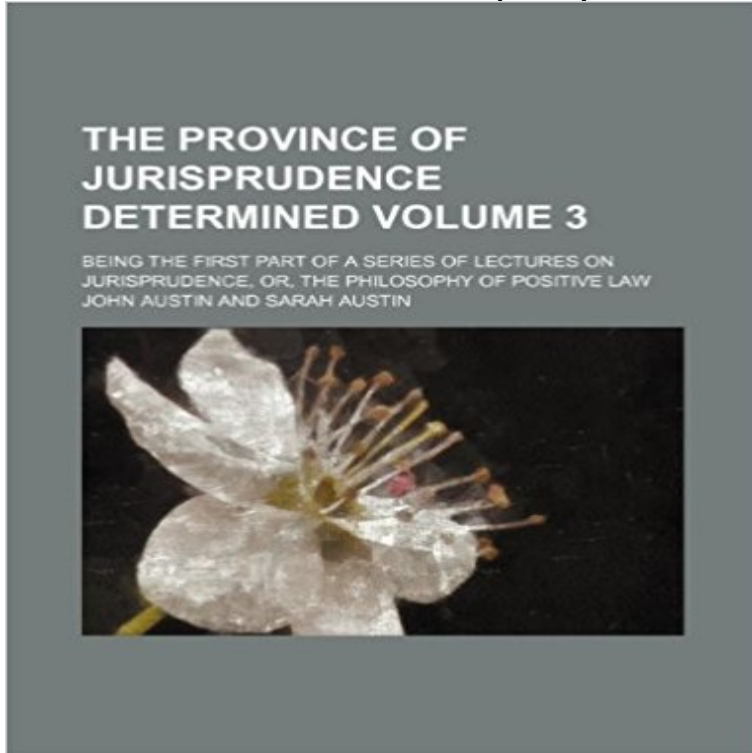


# The province of jurisprudence determined Volume 3; being the first part of a series of lectures on jurisprudence, or, the philosophy of positive law



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. 1863 Excerpt: ...servitudes rerum or servitudes reales i.e. rights of servitude annexed or belonging to things. The rights of servitude which are not conjoined with such occupation, cannot be spoken of as if they resided in things. And, since it is necessary to distinguish them from real or praedial servitudes, they are styled servitudes personarum or servitudes personales.- i.e. rights of servitude annexed or belonging to persons. floc G. Or, more generally, ex Conventione. (A.) Promises are distinguished by the Roman Lawyers into conventions and pollicitations. A convention is defined thus--duorum vel plurium in idem placitum consensus: Or thus--promissio ab altero data ab altero acceptata. A pollicitation is a promise not accepted by the promisee. Conventions are divisible into two classes. Some might be enforced by action, according to the more ancient laio. Others, according to that law, could not be enforced by action. Conventions of the former class are styled contracts: conventions of the latter class, pacts. In consequence of rules introduced by the Praetors, or in consequence of laws passed by the supreme legislature, the parties interested in certain pacts were enabled to enforce them by action. In other words, pacts of certain species passed into the

class of contracts, but improperly retained the name which formerly applied to them with propriety. Pacts of other species were not affected by these changes, but continued in their primitive state. Pacts which the interested parties are enabled to enforce by action, are distinguished by the Roman Lawyers into praetorian and legitimate: that is to say, into such as the parties can enforce by virtue of the Praetorian edict, and such as the parties can enforc...

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