

Roman Law of things:

Definition of res:

1. Wider concept of the idea we have today
2. Possesses economic value
3. Divided into corporeal & incorporeal (the rights differ)
4. Only corporeal can be possessed and subject of acquisition of ownership through *usucapio*

Classification of things:

- Gaius divides law into three things:
 - a. *Personae*
 - b. *Actiones*
 - c. *Res*
- 1. Classification of corporeal things:
 - Public and private
 - Public things cannot be owned

Classification of public things:

- *Res communes* – things owned and used by everyone (eg. Sea)
- *Res universitatis* – things that belong and used by the members of the community (eg. A park)
- *Res nullius* – things owned by no one
 - ◆ *Res sanctae* – protected by the gods eg. City walls
 - ◆ *Res religiosae* – gods of the underworld eg. Grave
 - ◆ *Res sacrae* – dedicated to the gods eg. Shrines, temples
 - ◆ **Must be able to identify public things**

The sea shore

- Lacked legal identity
- "Shores are public" therefore have become no one's property VS become everyone's property

Classification of private things

- *Res mobiles & Res immobiles*
 - Relevant for prescription, for possessory interdicts and constitutional servitudes.
- *Res fungibles & res non fungibles*
 - *Fungibles consumed*
 - *Non fungibles were things that had a separate identity and consumed in performance*
- *Res Mancipi & res nec Mancipi*
 - Impact on the method of transfer of ownership
 - Mancipi are transferred through formal methods
 - Only Roman citizens
 - Nec Mancipi – every other way of transfer of ownership (*traditio*)

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Samuel Orchard Beeton



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A Systematic and Historical Exposition of Roman Law in the Order of a Code William Alexander Hunter, 1803
The History of Roman Law from the Text of Ortolan's Histoire de la Législation Romaine Et Généralisation Du Droit
(edition of 1870) Translated with the Author's Permission and Supplemented by a Chronometrical Chart of Roman History
Joseph-Louis-Elzéar Ortolan, Iltudus Thomas Prichard, David Nasmyth, 1871 *The Law Quarterly Review* , 1895 **The Law Magazine and Review** , 1873 *The American Law Review* , 1877 **The United States Democratic Review** , 1846 Vols 1 3 5 8 contain the political and literary portions v 4 the historical register department of the numbers published from Oct 1837 to Dec 1840 *United States Magazine, and Democratic Review* , 1846 **The Law Quarterly Review** , 1910 *The United States Magazine and Democratic Review* , 1815 *The Saturday Review of Politics, Literature, Science, Art, and Finance* , 1861 *From Mesopotamia to the Mishnah* Jonathan S. Milgram, 2016-06-20 In this study Jonathan S Milgram demonstrates that the transformation of inheritance law from the biblical to the tannaitic period is best explained against the backdrop of the legal and social contexts in which the tannaitic laws were formulated Employing text and source critical methods he argues that in the absence of the hermeneutic underpinnings for tannaitic innovations the laws were not the result of the rabbinic imagination and its penchant for inventive interpretation of Scripture Turning to the rich repositories in biblical ancient near eastern Second Temple Greek Elephantine Judean desert and Roman sources the author searches for conceptual parallels and antecedents as well as formulae and terminology adopted and adapted by the tannaim Since the tannaitic traditions reflect the social and economic contexts of the tannaitic period the nuclear family on privatized landholdings in urban centers the author also considers the degree to which tannaitic inheritance laws may have emerged out of these contexts **Beeton's Dictionary of universal information; comprising a complete summary of the moral, mathematical, physical and natural sciences [&c., ed. by S.O. Beeton and J. Sherer. Wanting pt. 13].** Samuel Orchard Beeton, 1861 *Oke's Magisterial Synopsis* George Colwell Oke, 1876 **The Saturday Review of Politics, Literature, Science and Art** , 1856 **The Westminster Review** , 1877 *The English Historical Review* , 1897 **American Law Review** , 1886 **The Cambridge Review** , 1882 Vols 1 26 include a supplement The University pulpit vols 1 26 no 1 661 which has separate pagination but is indexed in the main vol **Saturday Review of Politics, Literature, Science and Art** , 1862 **The Foreign Quarterly Review** , 1844

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