

The changes which legal conceptions seem to undergo from the general to a special. The old doctrinal name remains but it discharges only one of its functions.

Nexum -

Are solemn transactions at once for all transactions, that is the general.

Then the transaction with copper and brass is called new special name of Mancipation.

Nexum still designates some ceremony but only when employed for a special purpose of solemnising a contract.

Reason why on legal conception ~~was~~ so long several is that when practical changes are accomplished in primitive societies they occur long before men see occasion to notice or name them.

Nexum, which originally signified a conveyance of property came insensibly to denote a contract also.

A contract was a fact plus an obligation

Obligation is the bond or claim which the law joins together persons in consequence of certain voluntary acts.

In the developed Roman Law the convention as soon as it was completed was in almost all cases crowned with an obligation and so became a contract.

This epoch is synchronous with the period at which the Roman classification of contracts into Verbal Literal Real & Consensual had come into use

Verbal Contracts; -

The old Nexum has now bequeathed to jurisprudence first of all conception of a chain uniting the parties = obligation. Then the Stipulation it was the promisee who in character of stipulator put all the terms of the contract into the form of a question.

Literal or written Contract was the next stage.

Then Real Contract. For the first time moral considerations appear as an ingredient in Contract Law.

Consensual Contracts = Mutuum, Partnership Sale, Letting and Hiring. No formalities are required to create them out of the past. They distinguish those contracts as Juris Gentium & then law of Nature but they never were the first kind.

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