



The Contract of Sale in the Civil Law References Law the Laws of England, Scotland and France (Classic Reprint)

John Baron Moyle

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This little book, in a sense, is an experiment. So far as any attempt has hitherto been made to provide English readers with a full knowledge of the Roman law relating to some small and compact subject, it has taken the form of commentary upon the text of some Title in the Digest. Mr. Roby's work on Usufruct, and Dr. Grueber's on the lex Aquilia, are the best-known examples of this method of treatment, though in his systematic exposition the latter has turned his preceding commentary into a form nearly approaching that which I have here adopted. To the generality of English lawyers, however, such an exposition of a foreign system, interesting and instructive though it may be, is distasteful in its method, nor does it lend itself to comparison with English principles, or enable a reader to find with ease the passages which bear upon the case which he is considering, or on which he has to advise. The law of Sale, as laid down in the Corpus Iuris, appears admirably suited for a different mode of treatment. It is expounded with extraordinary fullness, being the subject of some twenty Titles in the Code and Digest: it admits of being easily treated in continuous and connected form, with perhaps less of technicality than would be presented by any other branch of law: and finally its interest to an English lawyer is probably greater than that of any other similar topic, if only for the reason given by O.

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