



**FACULTY
OF LAW**
Masaryk University

Contracts – Part II: Consensual Contracts, Quasi-Contracts





Division of Contracts

- Verbal
- Literary
- Real
- Consensual

- Quasi



Consensual Contracts

- *Emptio venditio*
- *Locatio conductio*
- *Societas*
- *Mandatum*

(see the following slides for details)



Emptio venditio

- Informal (but immovables written since Constantine the Great)
- *Titulus acquirendi* (sc. *Modus* must follow)
- *Periculum est emptoris* (cf. *Casum sentit dominus*), a. *empti*
- Deliver the thing (*rem tradere*)+*evictio*, a. *venditi*
- *Laesio enormis*, a. *redhibitoria*, a. *quanti minoris*
- *Pacta adiecta: pactum displicentiae, lex comissoria, ...*

***Locatio conductio* (Letting and Hiring)**

- *Locator* lets out his thing/his services/completion of his work to *conductor*
- *A. locati, a. conducti*
- *L. c. rei* (*conductor* pays rent)
 - *Relocatio/reconductio tacita*
- *L. c. operarum* (*locator* works in person)
- *L. c. operis* (*locator* orders and gives material, *conductor* assures the work to be done)
 - *Lex Rhodia de iactu* (jettison)



Societas (Partnership)

- *Not a legal person*
- 2+ *socii* share loss and profit (not *societas leonina*)
- *Societas omnium bonorum/unius rei*
- Termination:
 - Ex voluntate (agreement, time elapses, partnership renounced)
 - Ex rebus (aim achieved/achieving impossible)
 - Ex personis (death)
 - Ex actione (a. pro socio)
 - Bankruptcy of partner (under Justinian)



Mandatum (Mandate)

- *No payment (but honorarium can be enforced via a. in factum)*
- *Mandatum mea/alinei gratia, not tua gratia, not post mortem*
- *A. mandati directa/contraria*

- *Mandatum qualificatum* (connected with *mutuum*, but not accessorial unlike *fideiussio*)



Quasi contracts

- *Legatum per damnationem/sinendi modo*
- *Negotiorum gestio*
 - *A. negotiorum gestorum directa/contraria*
- *Votum (see VSLM), ...*



Are There Any Questions?

- ... if not, thank You for Your attention