



**FACULTY
OF LAW**

Masaryk University

Contracts – Part I: Verbal Contracts, Literary Contracts, Real Contracts





Division of Contracts

- Verbal
- Literary
- Real
- Consensual

- Quasi

- Terminology: *Contractus vs. pactum, conventio, ...*



Verbal Contracts

- *Sponsio*
- *Stipulatio*
 - *usurarum*
 - *poenalis*
- *Dotis dictio*
- *Adstipulatio, fideipromissio, fideiussio*
- *Vadiatura, praediatura*
- *Promissio iurata liberti*



Literary Contracts

- *Nomina transcripticia*
 - *Nomina arcaria*
- *Syngrapha*
 - *Chirographa*



Real contracts

- *Mutuum*
- *Commodatum*
- *Depositum*
- *Pignus*

- *Contractus innominati*

(see the following slides for details)

Mutuum

- *Darlehen*
- Generic things (*genus perire non censetur*)
 - *tantumdem eiusdem generis et qualitatis*
 - interests by stipulation (4–12 %, *fenus nauticum*)
- *Stricti iuris*
- *A. certae creditae pecuniae/rei*
- *A. pecuniae traiecticiae*
- *SC Macedonianum*



Commodatum

- *Leihe*
- Individual things (*species*)
- *A. commodati directa/contraria*



Depositum

- *A. depositi directa/contraria*
- *Cui bono? => Dolus, culpa lata*



Pignus (pawn)

- *accessorial*
- *A. pigneraticia directa/contraria*
- *A. pigneraticia in rem*

- *Cf. fiducia*
- *Cf. hypotheca*



Innominate contracts

- *Do ut des*
- *Do ut facias*
- *Facio ut des*
- *Facio ut facias*



Are There Any Questions?

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