

CONTENTS

OF

VON SAVIGNY'S RIGHT OF POSSESSION.

BOOK I.

	Page.
NOTION OF POSSESSION.	
Sect. 1. Introduction to the Inquiry	1
— <i>Detention</i> —difference of <i>jus possessionis</i> , and <i>jus possidendi</i> .	
— 2. Juridical meaning of term,	5—7
In relation to { 1. Usucaption. 2. Interdicts.	
— 3. Refutation of other relations	8
Delivery and Occupancy, &c.	
— 4. Passages containing the doctrine in the Roman law	13
— 5. Is Possession a right?	16
— 6. To what class of rights does it belong	21
— 7. Terminology of the Roman law	38
<i>Civilis</i> and <i>naturalis</i> possessio.	
Possessio ad interdicta and <i>naturalis</i> possessio.	
— 8. Terminology <i>continued</i>	65
Possessio <i>justa</i> , <i>injusta</i> .	
— 9. Essential (<i>material</i>) notion of Possession	71
— 10. Literary History of the Notion	96
— 11. All Possession exclusive	112
Compossessio.	
Possessio <i>justa</i> , <i>injusta</i> .	
— 12. Review of the contents of Treatise	129
Possession only possible of things corporeal.	
Jura and jura in re.	
Juris quasi possessio.	
Errors of Jurists.	
— 13. Account of Possession on historical grounds	135

BOOK II.

ACQUISITION OF POSSESSION, MODE OF ACQUIRING.

Sect. 14. General view	142
<i>Factum</i> , first condition (Prehension).	
— 15. Ficta apprehensio examined	143
— 16. Prehension of immoveables	149
Corporeal presence.	
— 17. Prehension of moveables	152
Presence.	
Delivery of Keys.	
— 18. Continuation of last chapter	160
Prehension without presence.	
— 19. More precise definition of prehension	169
— 20. Acquisition of Possession, where the physical relation had previously existed	174
<i>Traditio brevi manu</i> .	
Conditional delivery.	
Mode of acquiring Possession.	
— 21. <i>Animus</i> , second condition for acquiring Pos- session	177
— 22. Persons, incapable of <i>animus</i>	179
Juridical persons.	
Lunatics, wards, infants.	
— 23. Possession of a part of a thing	189
— 24. Acquisition of profits	199
1. By the owner of the principal thing	
2. By tenants, fructuaries.	
3. By <i>bonæ fidei</i> possessor.	
4. In cases of <i>emphyteusis</i> .	
5. By Pledge-creditors.	
— 25. Derivative Possession	205
Three classes of transfer of custody without change in the property.	
— 25. 1st Class—where the right of Possession does not pass	205
— 26. 2nd Class—where the right of Possession passes with the custody	215

CONTENTS.

xv

	Page.
Sect. 27. 3rd Class—where the right of Possession some- times passes, sometimes not . . .	221
— 28. Acquisition by means of an agent . . .	224
Peculiarity of this mode.	
Act of the agent.	
— 29. Constitutum possessorium . . .	236
Meaning of constitutum.	
— 30. Results of this Book . . .	241
Mere juridical acts do not give possession.	
Succession—Mancipation.	

BOOK III.

LOSS OF POSSESSION.

— 31. Introduction . . .	245
Continuance and loss of Possession equivalent terms.	
Rule as to loss derived from the notion of Possession, <i>factum</i> and <i>animus</i> .	
— 32. Historical investigation of this rule . . .	247
— 33. Loss by external events. (<i>Factum</i>) . . .	253
Moveables held by another.	
Immoveables.	
Mere absence does not lose Possession.	
— 34. Loss by <i>Animus</i> . . .	266
— 35. Continuance of Possession by an Agent . . .	272
What must be done by the Possessor?	
What by the Agent?	
Loss by act of the Agent himself.	
Loss by act of another towards the Agent.	

BOOK IV.

REMEDIES FOR PROTECTION OF POSSESSION, INTERDICTS.

Sect. 36. Notion of Interdicts . . .	285
Not a summary procedure.	
— 37. Possessory Interdicts . . .	289
Notion.	
Interdicta <i>adipiscendæ</i> possessionis.	

	Page.
Sect. 38. Possessory Interdicts not provisional vindications	297
— 39. <i>Interdicta retinendæ Possessionis</i>	301
Requisites for them.	
Object.	
— 40. <i>Interdictum, uti possidetis</i>	310
Requisites.	
— 41. <i>Interdictum, Utrubi</i>	314
— 42. <i>Interdictum De Vi</i>	322
— 43. <i>Interdictum de clandestina possessione</i>	348
— 44. <i>Interdictum de precario</i>	354
— 45. New right given by the constitutions?	360
Common opinion.	
Refutation of it.	

BOOK V.

JURIS QUASI POSSESSIO.

— 46. Introduction	366
— 47. Personal easements (easements in gross)	367
— 48. Real easements (easements appurtenant)	372
— 49. Superficies	388

BOOK VI.

MODIFICATIONS OF THE ROMAN LAW.

— 50. Introduction	390
— 51. Notion of Possession	391
— 52. Spoliatory suits	395
— 53. <i>Possessorium Summariissimum</i>	406
— 54. Results of the Sixth Book	417

ERRATA.

- Page 23, line 10, for *malificiis*, read *maleficiis*.
 Pages 33, 35, and 37 (head line), for *POSSESSIONE*, read *POSSESSIONIS*.
 Page 55, note (p), for *esse in potestate*, read *esse in possessione*.
 " 203, line 20, after *example*, insert *is*.
 " 265, line 1, for *nundinæ*, read *nundinas*.
 " 288, line 9, for *restipilutations*, read *restipulations*.
 " 299, line 1, for *then*, read *than*.