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| 1. | Record Nr. | UNICAMPANIASUN0064326 |
| | Autore | Filesì, Teobaldo |
| | Titolo | Nazionalismo e religione nel Congo all'inizio del 1700 : la setta degli antoniani / Teobaldo Filesì - Roma : ABETE, c1972 |
| | Pubbl/distr/stampa | 119 p. ; 24 cm |
| | Descrizione fisica | Biblioteca Lauria. |
| | Lingua di pubblicazione | Italiano |
| | Formato | Materiale a stampa |
| | Livello bibliografico | Monografia |
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| 2. | Record Nr. | UNINA9910459279303321 |
| | Autore | MacMillan Catharine |
| | Titolo | Mistakes in contract law / / Catharine MacMillan |
| | Pubbl/distr/stampa | Oxford ; Portland, Oregon, : Hart Publishing, 2010 |
| | ISBN | 1-4725-6067-1
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9786612659416
1-84731-553-4 |
| | Edizione | [1st ed.] |
| | Descrizione fisica | 1 online resource (348 p.) |
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| | Soggetti | Contracts - England
Contracts - Wales
Mistake (Law)
Mistake (Roman law)
Electronic books. |
| | Lingua di pubblicazione | Inglese |
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| | Livello bibliografico | Monografia |
| | Note generali | Description based upon print version of record. |
| | Nota di bibliografia | Includes bibliographical references and index |
| | Nota di contenuto | 1. Introduction -- 2. Contractual Mistake in Roman Law: From Justinian |

to the Natural Lawyers -- The Law of the Romans -- Roman Contract Law -- Roman Contract Law and Mistake -- Mistakes as to the Identity of a Contracting party: Error in persona -- Mistakes as to the Price to be Paid: Error in pretio -- Mistakes as to the Subject Matter of the Contract -- Medieval Roman Law -- 3. Contractual Mistake in English Law: Mistake in Equity before 1875 -- The Jurisdiction and Procedures of Chancery -- Reasons for the Intervention of Equity -- An Unconscientious Advantage Obtained by Mistake -- Agreement did not Conform to Parties' Intentions -- Instances Short of Fraud -- Protection of a Weaker Party -- The Limits of Equitable Intervention -- Forms of Equitable Relief for Mistake -- Rectification -- Specific Performance -- Rescission -- Conclusions -- 4. The Lack of Contractual Mistake at Common Law and the Nineteenth-century Transformation of Procedure -- Pleading -- Equitable Defences -- Evidence and the Pre-trial Discovery of Facts -- Pre-trial Discovery -- Witnesses -- Matters of Law rather than Fact -- Conclusions -- 5. Pothier and the Development of Mistake in English Contract Law -- Pothier and the *Traite des Obligations* -- Pothier and English Contract Law -- Early Contract Treatise Writers -- Colebrooke and Contract Law -- Macpherson and the Indian Contract Act 1872 -- Leake: The First Scientific Treatise Writer of Contract Law -- Judah Benjamin-The Living Transplant -- Conclusions -- 6. Von Savigny and the Development of Mistake in English Contract Law -- Von Savigny and German Legal Development -- Von Savigny and Contract -- Von Savigny and Mistake -- Sir Frederick Pollock -- Pollock's Principles of Contract -- Pollock as Will Theorist -- Pollock and Mistake -- The Changes in Pollock's Principles -- Sir William Anson and the Principles of the English Law of Contract -- Anson and Mistake -- Anson Modifies his Treatment of Mistake -- Conclusions -- 7. The Creation of Contractual Mistake in Nineteenth-century Common Law -- An Absence of Subject Matter: *Couturier v Hastie* (1856) -- Mistake which Prevents Agreement-*Raffles v Wichelhaus* (1864) -- Mistake as to a Quality of the Subject Matter-*Kennedy v The Panama, New Zealand, and Australian Royal Mail Company (Limited)* (1867) -- Unilateral Mistake rarely renders a Contract Void-*Smith v Hughes* (1871) -- Conclusions -- 8. Mistake of Identity -- An Absence of Mistake of Identity in English Law -- Identity Frauds: Criminal Law and the Law of Obligations -- *Hardman v Booth*: A Turning Point -- *Cundy v Lindsay*: The Beginning of Mistake of Identity -- The Treatise Writers and the Development of Mistake of Identity -- New Legislation and a Changed Judicial Approach -- Conclusions -- 9. Mistake after Fusion -- The Judicature Act 1873 -- Equitable Mistake in the Chancery Division of the High Court -- The Impact of Procedural Unity upon Substantive Law -- Reform and Perform -- The Growing Necessity for the Mistake to be Bilateral -- The Increasing Rigidity of Equitable Relief -- Substantive Fusion of Mistake -- A Reduced Ambit for Mistake in Equity -- Common Law Mistake in the High Court -- The Importance of *Bell v Lever Brothers* -- The Court of Appeal -- The House of Lords -- The Importance of *Solle v Butcher* -- Conclusions -- 10. Summary and Conclusions -- Summary -- Conclusions -- Common Law Legal Development -- Transplants -- Contractual Mistake in Modern law

Sommario/riassunto

It is a matter of some difficulty for the English lawyer to predict the effect of a misapprehension upon the formation of a contract. The common law doctrine of mistake is a confused one, with contradictory theoretical underpinnings and seemingly irreconcilable cases. This book explains the common law doctrine through an examination of the historical development of the doctrine in English law. Beginning with an overview of contractual mistakes in Roman law, the book examines how

theories of mistake were received at various points into English contract law from Roman and civil law sources. These transplants, made for pragmatic rather than principled reasons, combined in an uneasy manner with the pre-existing English contract law. The book also examines the substantive changes brought about in contractual mistake by the Judicature Act 1873 and the fusion of law and equity. Through its historical examination of mistake in contract law, the book provides not only insights into the nature of innovation and continuity within the common law but also the fate of legal transplants

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Collana	Studi storici sul Medioevo italiano ; ; 3
Disciplina	320 306 940 945 355
Soggetti	Italy History 476-1492
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Livello bibliografico	Monografia
Note generali	Collected essays.
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