



# Theses juridicae inaugurales

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THESES  
JURIDICAE INAUGURALES.



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# THESES JURIDICAE INAUGURALES,

QUAS<sup>1</sup>

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EX AUCTORITATE RECTORIS MAGNIFICI

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ET

NOBILISSIMAE FACULTATIS JURIDICAE DECRETO,

## Pro Gradu Doctoratus

SUMMISQUE IN

JURE ROMANO ET HODIERNO HONORIBUS AC PRIVILEGIIS,

IN ACADEMIA RHENO-TRAJECTINA

RITE ET LEGITIME CONSEQUENDIS,

ERUDITORUM EXAMINI SUBMITTIT

GERARDUS VAN ROSSEM,

EX URBE PADANG, IN INSULA SUMATRA.

A. D. V. M. MAII, A. MDCCCLXIII, HORA II.

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ROTERODAMI.

APUD P. C. HOOG.

MDCCCLXIII.

САЛАНТ  
ЗАДАЧИ ПО ФИЗИКЕ

занятие с оценкой знаний  
математики и физики

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## THESES.

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### I.

Vendor fundi, ratione servitutum praediorum, non de evictione tenetur, nisi dolose eas adesse celaverit.

### II.

In contractibus innominatis, quam alter contrahentium obligationem suam implevit, condicere non potest, si res, quam alter dare promiserit, sine ejus culpa perierit.

### III.

Non facio cum Cl. MOMMSEN (Beiträge I: 342), putante rerum, quae pondere, numero, mensura constant, non per aversionem venditarum, periculum deteriorationis emtorem spectare.

## IV.

Non assentior Cl. OPZOOMER (Ann. ad art. 1297, § 1 C. C.), statucenti, existente conditione, a debitore exhibendos esse fructus rei debitae, inde a tempore conventionis initae perceptos.

## V.

Jure nostro valet regula „Quae temporalia sunt ad agendum, perpetua sunt ad excipiendum.”

## VI.

Actorem, ut ex art. 1302 C. C. ad dissolvendam conventionem agat, obligationi suae satisfecisse necesse est.

## VII.

Minus recte, ut mihi videtur, Cl. OPZOOMER (ad art. 827 C. C.) usufructuario omnia, quae in rem usufructuariam attulit, auferendi jus denegat.

## VIII.

Domicilium electum in heredes transit.

## IX.

Non facio cum Cl. DIEPHUIS (VI: 982) neque cum

Doct. MARCADÉ (IV ad art. 1299 C. C.), statuentibus, eum, qui neglecta compensatione solverit, condictione indebiti agere posse.

## X.

In art. 1690 C. C. nomine „zedelijke ligchamen” continentur corpora pia (stichtingen).

## XI.

Concordatus homologatus judicium, non contractus est.

## XII.

Plerumque actiones in personam, ortae ex obligatiōnibus, ante sententiam forocessionis contractis, non statim coram judice institui possunt, verum verificationi subiectae sunt.

## XIII.

Quod ad partem debiti, forocedenti concordatu remissam, restat obligatio naturalis.

## XIV.

Recte Senatus Supremus (Arr. d. 21 Nov. 1862) exercitoribus jus derelinquendi (het regt van abandon) in ratiocinatorem denegavit.

## XV.

Non facio cum sententia Curiae Supremae d. 28 Nov. 1817, judicante „dat het bloot toezendien van een cognossement of het bezit daarvan aan den houder vis à vis van den afslader geen regt geeft, om zich tegen diens wil, wanneer hij verkiest van dispositie te veranderen, in de possessie van de lading te stellen.”

## XVI.

Qui cognoscimentum misit, de iisdem mercibus aliud cognoscimentum alii tradere non potest.

## XVII.

Sors in societate commenditaria per partes in blanco dividi potest.

## XVIII.

Casu praescripto art. 825 C. M. litigantes procuratoris officio uti tenentur.

## XIX.

Minus recte CHAUVEAU et HÉLIE (Théorie du C. P. chap. IX, n°. 456): „Pour que la récidive soit une présomption de perversité, il faut, qu'il y ait *identité* entre les délits, qui la constituent.”

## XX.

Art. 380 C. P. non prohibet, quominus ratione delicti consortium valeant artt. 59 et 60.

## XXI.

Improbanda articuli 13<sup>i</sup> paragraphus ultima Legis d. 29 Junii A. 1854.

## XXII.

Rejicienda mihi videtur distinctio, recepta artt. 309—311 C. P., de majore vel minore poena infligenda, prouti vulneratus intra viginti dies sanatus fuerit, necne.

## XXIII.

Non facio cum Doct. CARNOT (de l'Instr. Crim. I, 102): „Pour qu'il y ait question *préjudicelle*, il faut que le fait qui la constitue, venant à être établi, ne laisse aucune prévention possible de crime, de délit ou de contravention.”

## XXIV.

Male Senatus Supremus (Arr. d. 2 Nov. 1841) censuit, voce „*woning*,” ut est in art. 153 Leg. Fund., non quoque esse intelligendam *narem*.

## XXV.

Quae ab Ordinibus Generalibus petuntur tributa ac vectigalia denegare non licet ob causas, ab ipsa administratione civitatis pecuniaria alienas.

## XXVI.

Regis administer, qui non curat legem suo nomine obsignatam a rege promulgandam, puniendus est ex art. 3 Legis d. 22 April. a 1855 coll. artt. 115 et 73 Leg. Fund.

## XXVII.

Eene afschaffing der bepalingen, die de levensverzekering-maatschappijen in hare werking belemmeren, is wenschelijk.

## XXVIII.

Ten onregte zegt N. CONSIDERANT (du travail des enfants dans les manufactures et dans les ateliers de la petite industrie, p. 6). „C'est ainsi, que la question du travail des enfants dans les manufactures se lie intimement à celle de l'instruction gratuite et obligatoire, et que l'on ne peut essayer de résoudre l'une sans être invinciblement conduit à aborder l'autre.”

## XXIX.

Ofschoon van eene wettelijke beperking van den fabriekarbeid door kinderen niet veel te wachten is, laat deze zich verdedigen, terwijl door de schoolpligtigheid voor te schrijven de staat buiten hare bevoegdheid treedt.

and the first stage of the evolution of the species included all or nearly all the species which had been hitherto described. He also said that the "whole range of evolution" of the species had been covered.

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