

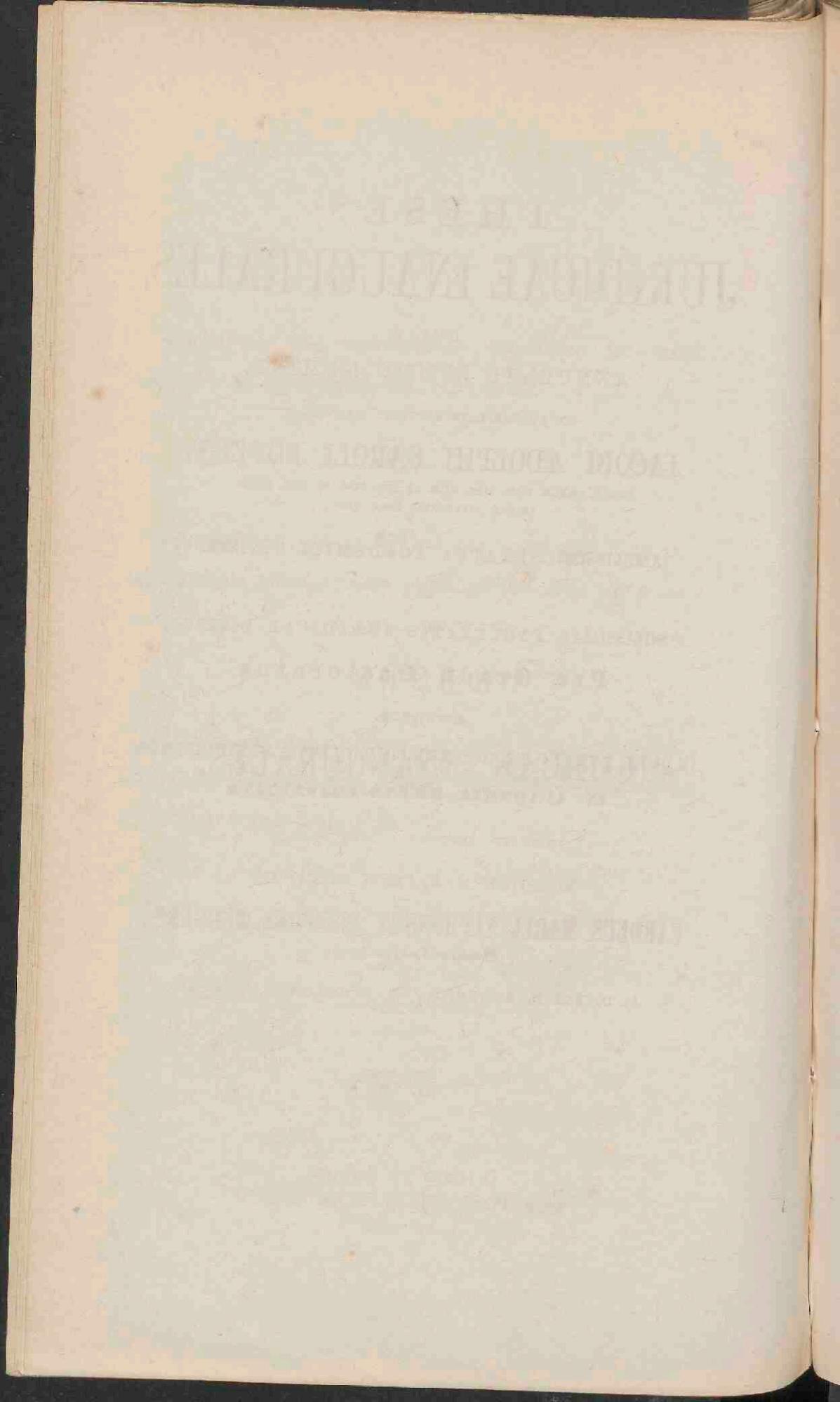


Theses juridicae inaugurales

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THESES

JURIDICAE INAUGURALES.



THESES
JURIDICAE INAUGURALES,

QUAS,

ANNUENTE SUMMO NUMINE,

EX AUCTORITATE RECTORIS MAGNIFICI

JACOBI ADOLPHI CAROLI ROVERS,

PHIL. THEOL. MAG. LITT. HUM. ET JUR. ROM. ET HOD. DOCT.
IN PAC. LITTERARIA PROF. ORD.,

AMPLISSIMI SENATUS ACADEMICI CONSENSU

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

CAROLUS MARIA ALPHONSUS JOSEPHUS BERGERS,

Mosae-Trajectinus.

A. D. XXX M. SEPTEMBRIS, ANNI MDCCCLXI, HORA II.



TRAJECTI AD RHENUM,
APUD POST UITERWEER & SOC.

MDCCCLXI.

Ex officina typografica J. G. ANDRIESSEN.

THESES

I.

Armis victricibus von Savigny impugnavit opinionem Jureconsultorum, qui dicunt: „Zur Rechtsfähigkeit gehört also nicht nur Leben des Geborenen, sondern auch Lebensfähigkeit oder Vitalität, so dass das wegen Unreife nicht lebensfähige Kind keine Rechte hat, vielmehr einem todt geborenen, einem abortus gleich zu achten ist.“

II.

In actionibus in rem causa adjecta exceptione rei judicatae non summovetur.

III.

Savignii interpretatio l. 23 de don, inter vir. et ux.
(24. 1) admittenda est.

IV.

Ex illo, prouti etiam ex aliis locis, patet nondum
impletam donationem inter virum et uxorem morte
donatoris ex oratione Antonini convalescere.

V.

Actio in factum de mortuo inferendo non transit ad
heredes.

VI.

Pater vel mater, qui non satisfecit praecepto art.
407 C. C., tutelam liberorum non ipso jure, sed judicis
sententia amittet.

VII.

Superficiarius dominus non est inaedificatorum.

VIII.

Legatum est modus acquirendi dominii.

IX.

Domino in fundo hypothecato servitutes constituere
licet.

X.

Jus conductoris in re locata est personale non vero
reale.

XI.

Corpora pia (stichtingen) continentur voce „zedelijke
ligchamen“ in art. 1690 C. C.

XII.

Art. 437 C. Merc. enuntiative est intelligendus.

XIII.

Societas dissoluta forocedere potest.

XIV.

Actio art. 777 C. M. a curatore instituenda est.

XV.

Responsa ad interrogations in jure factas, initium probationis per scripturam esse possunt.

XVI.

Art. 62 seqq. leg 9 Julii A. 1842 derogant art. 660 C. de Method. proc. in caus. civ. „de verzegeling heeft ambtshalve plaats, indien de overledene openbare bewaarder van eenige zaken is.“

XVII.

Falsum **admissum** in nominibus a Banca Neerlandica quae dicitur solvendis, non in art. 139 C. P. verum in art. 147 C. P. incidit.

XVIII.

Ad applicationem art. 333 C. P. non refert utrum auctoritas in personas, quarum pudicitia sollicitata est, derivetur ex lege an vero ex contractu.

XIX.

Art. 380 C. P. non favet liberis naturalibus non agnitis.

XX.

Sine traditione conatus stellionatus non adest.

XXI.

Minus recte ad art. 462 C. P. dicit Carnot (commentaire sur le Code Pénal IV. 90) „l'emprisonnement ne peut être prononcé contre eux *pour moins d'un mois*; et cette peine peut même être aggravée d'un tiers en sus de celle qui aurait pu l'être à tout autre individu, qui se serait rendu coupable du même délit, de telle sorte, que si des particuliers sans caractère public avaient pu être condamnés à l'emprisonnement *d'un an*, le garde ou l'officier de police pourrait l'être à *seize mois*.

XXII.

Ut quis possit condemnari ex art. 471 n^o 11 C. P. debet constare reum, non provocatum, conviciis esse consectatum.

XXIII.

In integrum restitutio (rehabilitatie) damnatis apud nos concedi nequit.

XXIV.

Ex decreto judicis in causa delicti (art. 83 Cod. Quacst. Crim.), interrogatio rei qui citandus est mandari potest judici delegato tribunalis, in cuius tractu ille habitat.

XXV.

Si spectemus legem 28 Junii A. 1854 de cura egenorum, nobis appareat, administrationem pauperum civilem non contineri voce „armeninrigtingen“ in art. 923 C. C.

XXVI.

Te regt zegt E. LAURENT (Le paupérisme et les associations de prévoyance, p. 90) „L'institution des sociétés de secours mutuels organise et féconde la prévoyance par l'association ; par l'assurance elle lui donne

des bases solides ; par la fusion des classes elle lui enlève tout caractère exclusif et en fait une puissance de civilisation et de paix."

XXVII.

Werkinrichtingen voor de armen leveren weinig bevredigende uitkomsten op.

XXVIII.

Eene afdoende , alles omvattende armenzorg van staatswege is af te keuren.



Tydgang

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