



Theses juridicae inaugurales

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THESES
JURIDICAE INAUGURALES.

THE HISTORY OF THE
AMERICAN REVOLUTION

BY JAMES BROWN,

WITH A HISTORY OF THE
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THESES
JURIDICAE INAUGURALES,

QUAS,

ANNUENTE SUMMO NUMINE,

EX AUCTORITATE RECTORIS MAGNIFICI

HENRICI EGBERTI VINKE,

THEOL. DOCT. ET PROF. ORD.

NEC NON

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

FREDERICUS GOTHOFREDUS VAN MARLE,

Zutphaniensis.

A. D. XXVII. M. OCTOBRIS ANNI MDCCCLIV, HORA III.

TRAJECTI AD RHENUM,
APUD POST UITERWEER & COMP.

MDCCCLIV.

THESES.

I.

Non facio cum Cl. nootio (de forma emend. dol. mal. c. 14) in L. 7 pr. D. de dolo malo; verba: »aut nullam esse venditionem, si in hoc ipso, ut venderet, circumscriptus est,” spuria esse.

II.

Nulla antinomia est inter L. 45 pr. D. de solut. et L. 34 de pign. act.

III.

Donationes inter conjuges stipulatione contractae, confirmatae sunt oratione D. Severi et Antonini.

IV.

Damnum fatale debitorem, qui in mora est, resarcire debere, si non probat creditorem, apud quem perinde periisset, rem distrahere non potuisse, cum Cl. SAVIGNY, *System. VI*, p. 184 sq. defendo.

V.

Non adsentior viro Cl. DE PINTO (*Handl. tot het B. W. II*, § 18) dicenti: »*Ingeral de moeder buiten hare woning bevallen is, kan de aangifte van geboorte niet geschieden door den vader.*”

VI.

Idem mihi errare videtur *in eod. opere*, § 301, quum dicit: »*De Curatele mag nimmer worden verleend wegens doofheid, stomheid, hooge bejaardheid of door-gaande ziekte.*”

VII.

In casu, de quo agitur in art. 504 C. C., omnino mihi opus esse videtur curatore subrogato.

VIII.

Art. 991 C. C. conciliari nequit cum art. 1950, n. 4.

IX.

Qui veniam aetatis adepti sunt jure nostro executores testamentarii esse non prohibentur.

X.

Jus accrescend iad emtorem hereditatis pertinere videtur, non ad venditorem.

XI.

Commodum, a testatore antea datum sub titulo oneroso non mihi conferendum videtur.

XII.

In art. 4, no. 4 C. M. verbum *aannemingen* tantum mili pertinere videtur ad naves non ad alias res.

XIII.

Commissionarius merces vendendas etiam ipse emere, et emendas ex suis praestare potest.

XIV.

Ex art. 825 C. M. patet judicium universale in nostra lege non adesse.

XV.

Conatum bigamiae ex Codice Poenali puniri posse contendo.

XVI.

Minime adsentior iis, qui putant art. 59 C. P. ita intelligendum esse, ut coauctores in omnibus casibus eadem poena afliciendi sint qua ipsi delicti auctores.

XVII.

Poena exsiliū mihi abroganda videtur neque adsentior BECCARIAE dicenti: »*Celui, qui trouble la tranquillité publique, qui n'obeit pas aux lois, qui viole les conditions, sous lesquelles les hommes se soutiennent et se défendent mutuellement, celui-là doit être exclu de la société, c'est-à-dire banni.*”

(Des delits et des peines ch. XVII).

XVIII.

Egregie spiritum, quo animatus esse debet legis poenalis lator, declarant hi versus HOOFTII, inscripti carceri Amstelodamensi :

»Ick wreec geen quaet, maer dwing tot goet,
Straf is myn hant, maer lieflyk myn gemoet.”

(WAGENAER, Beschrijv. v. Amsterdam VIII, p. 253.
HOOFTS Brieven, №. 1, p. 1).

XIX.

Testes in inquisitione praevia criminali jurati audiendi videntur.

XX.

Lex 28 Aug. 1851 de ademtione dominii in utilitatem publicam non adversatur legi fundamentali.

XXI.

Improbandum videtur a civitate pretium panis definiri (broodzetting).

XXII.

Recte dixit ADAM SMITH: »*The interest of the inland dealer, and that of the great body of the people, how opposite soever they may at first sight appear, are, even in years of the greatest scarcity, exactly the same.*

(Book IV, chap. V).

