



Theses juridicae inaugurales

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20

THESES JURIDICAE INAUGURALES,

QUAS,

ANNUENTE SUMMO NUMINE.

EX AUCTORITATE RECTORIS MAGNIFICI

GERARDI JOHANNIS MULDER,

MATH. MAG. PHIL. NAT. ET MED. 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

LAURENTIUS CAROLUS LEOPOLDUS ERNESTUS SCHMIDT,

Mosae-Trajectinus.

DIE IX M. DECEMBRIS A. MDCCCLIII, HORA II.

Trajecti ad Rhenum,

APUD J. DE KRUIJFF,

MDCCCLIII.

EX OFFICINA TYPOGRAPHICA L. E. BOSCH ET FILII.

THESES.

I.

Pignus pro obligatione naturali constitutum actione hypothecaria peti potest.

II.

Nulla antinomia est inter l. 5 § 1 dig. de captivis et postliminio et l. 12 eod.

III.

Minus probandum quod dicit Cll. VANGEROW: possessio civilis est possessio cum animo domini, possessio naturalis si quis alieno nomine possidet.

IV.

Minus probandum quod dicit Cl. SAVIGNY
System. II pag. 419 servum, qui dominum habet,
credитorem extranei ex obligatione naturali fieri non
posse.

V.

Minus eleganter van de Water interpretatus est Le-
gem 7 § 13 soluto matrimonio, et fundum fructuosiorem
reddidit *stercorando*.

VI.

Vendor navis qui in repertorio Art. 319 Cod.
Merc. indicato quaedam privilegia omisit non tenetur
actione publica.

VII.

Art. 582 Cod. Merc. restringendus non est ex art.
587 Cod. Merc.

VIII.

Minus probandum quod nauta dimissus probare
tenetur, se sine justa causa demissum esse ut damni
resarcitionem possit consequi.

IX.

Mercator propter debita quae mercaturam non spectant decoctor pronunciari non debet.

X.

Minus probandum quod dicunt adnotatores Amstelodamenses ad Art. 1 Cod. Merc.: ofschoon de aard der overeenkomst van dading geen bewijs door getuigen toelaat zal niets verhinderen dat eene dading tusschen kooplieden over eene koophandelszaak door getuigen worde bewezen.

XI.

Heredes mulieris defunctae quae actionem de dissolvenda communione instituit, eam perficere possunt.

XII.

Non assentior statuentibus servitutem in casu art. 736 C. C. tolli, si dominus praedii servientis, partem fundi domino praedio cui servitus debetur, cedit.

XIII.

Art. 1132 N. 1 c. c. Art. 1134 c. c. potius verbis quam sententia obstat.

XIV.

Illi cui usus rei relictus est, ipsa res tradi debet.

XV.

Ususfructus et usus rei immobilis praescriptione constitui possunt.

XVI.

In Art. 164 C. C. loco de *bewilliging* potius dicendum erat de *lastgeving*.

XVII.

Uxor civitatem retinet licet maritus eam amisit.

XVIII.

Haud immerito acutissimus de Weiss. principes philosophiques, tom. II pag. 185 10^{ne} edition, de infanticidio haec ait: "Un vif sentiment d'honneur, une timide crainte de blâme et la perspective de n'avoir créé qu'un malheureux sont les causes les plus ordinaires de l'infanticide qui mériterait probablement plus d'indulgence d'autant plus qu'il n'est pas rare que le législateur même soit un peu complice par son excès de sévérité dont il pourrait diriger la tendance.

XIX.

Minus probandum quod filius qui patrem in adulterio deprhendit, non excusetur.

XX.

Non adsentior Cl Rauter statuenti traité du droit criminel N°. 119. Ainsi le complice du parricide devrait subir la peine de mort avec les accessoires proscrits par l'art. 13 quand même il eut ignoré la qualité de fils dans la personne du principal auteur pourvu que celai ci l'ait connue.

XXI.

Errare videntur qui praecipuas prosperitatis fontes agriculturam mercaturam et officinas ita sibi adversari putent, ut unius illius prosperitatem alterius flori obstet, contra arctissimum videtur inter omnes necessitudinis vinculum.

XXII.

Agriculturam ad promovendam plunimum facit ut praedia in longum tempus locentur.

the following day will keep you company
attempts not, although at first
25. Nov.

XV.

Observation of you the morning past you
had obtained his desire which I told you
when you collated of late. 25. 7. having
written to the author of your letter
of long ago in which he says 25. that the
same requires no more than about 1000
words, and so I have done. 26. 7. in just one
month after the receipt of your letter

which affords you no opportunity to make any
corrections etc. etc. which is now done. I have
not written to him again, as I have no prospect of
anything further, and I have no time to do
so. 27. 7. I have now sent him the manuscript
and corrections. I will however wait a few days
before I send him the corrected copy, as I have
not yet had time to go over it myself. I will
then send him the corrected copy, and if you can
have it by the 1st of December, I will be very
pleased.