



# Theses juridicae inaugurales

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# THESES JURIDICAE INAUGURALES,

QUAS,  
ANNUENTE SUMMO NUMINE,

EX AUCTORITATE RECTORIS MAGNIFICI

BART. JAC. LINTELO DE GEER,

LITT. HIST. JUR. ROM. ET HOD. HIST. ET PROF. EXTRAORD.

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

**CASPARUS DE JONGE.**

Zierizeensis.

A. D. XXIX M. OCTOBris, A. MDCCCL, HORA II.



TRAJECTI AD RHENUM,  
APUD J. G. BROESE.

MDCCCL.

THE  
HISTORICAL  
AND POLITICAL

ESSAYS  
OF  
THOMAS HOBbes  
LATE OF THE  
CROWN COUNSEL

WITH A HISTORY OF THE  
LIFE AND WRITINGS OF THE  
AUTHOR

BY  
JOHN LEECH, M.A., F.R.S.

EDITION REVISED AND ENLARGED  
WITH NOTES AND ANNOTATIONS  
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## THESES.

I.  
Superficiarius non habet Juris quasi-possessionem sed corporis, ut emphyteuta.

### II.

Tacitam hypothecam aedium non habet ex Divi Marci Sen. consulto qui ad *reficiendas* aedes pecuniam creditit, nec creditores de in rem verso, ut vulgo appellatur, tacitum pignus habent.

### III.

Non adsentior Cl. Vangerow statuente interpretationem Duarenii l. 7 § 1. D. sol. matrim. probandam

esse: potius Cujacianam in disput. ad illam legem  
preferendam esse existimo.

IV.

Mensis est spatium 30 dierum.

V.

Praeferendam esse existimo Ulpiani sententiam ex-  
pressam in l. 18 D. de reb. cred. alteri Juliani in  
l. 36 D. de acq. rer. dom.

VI.

Creditor hypothecarius, qui usus est conditione ex-  
pressa in a. 1223 al. 2. C. C. omnino praefertur ei,  
qui jus suum in rem oppignoratam exsequitur ex art.  
508 seqq. Cod. de rat. proc. in Causis Civilibus.

VII.

Hypotheca valet, si inscriptio non jure radiatur.

VIII.

Divortium a Judice concedendum erit propter adulterium  
de quo ex sola confessione conjugis nocentis constiterit.

IX.

Mulier quae innupta litem instituit, sed pendente

lite nupsit auctoritate mariti eget in ulterius procedendo.

X.

Non facio cum de Pinto in compendio ad Meth. Proc. in Causis Civ. dicenti per errorem in nostra lege a. 129 al. 3. petitionem hereditatis intra actiones mixtas esse positam.

XI.

Petitio scriptorum communicandorum minus recte in Cod. de Meth. Proc. in Causis Civ. Francico inter exceptiones adnumeratur.

XII.

Debita ob quae declaratio decoctionis provocari possit debent esse mercatoria.

XIII.

Jus Mercatorium minus recte dicitur mera applicatio Juris Civilis ad res mercatorias, vel constare exceptiōnibus a Jure Communi.

XIV.

Verba a. 321. C. M. »*Deze aansprakelijkheid houdt op door den afstand van het schip*» pertinent ad obligationes cum ex delicto tum etiam ex contractu.

XV.

Pactum de re oppignorata non vendenda contra ter  
tium non habet vigorem.

XVI.

Facio cum iis qui putant legem specialem in duellum  
esse constituendam.

XVII.

A. 86 seqq. et 125 Cod. Poen. Franc. et aequitati  
obstant et vero regulae: »cogitationis poenam nemo  
»patitur.”

XVIII.

Assentior Destriveaux in opusculo *Essais sur le  
C. Pénal* dicenti p. 82. »M<sup>r</sup>. Benjamin de Con-  
stant gémit de ce que notre Code prodigue la peine  
»de mort avec une profusion scandaleuse. Il est bien  
»difficile de ne pas souvent partager ses regrets.”

XIX.

Jus Placeti recte abrogatum est.

XX.

Accurate de Bosch Kemper in Opusculo *Hand-*

*leiding tot de kennis van het Ned. Staatsrecht* § 51. »Om-wentelingen, ofschoon altijd hoogst gevaarlijk, kunnen soms wettig zijn. Tot die wettigheid wordt vereischt, dat eerst alle zachtere middelen te vergeefs zijn be-proefd, en dat de omwenteling ten doel heeft, om het Staatsleven te beschermen door het Staatsgezag in andere handen te doen overgaan.”

XXI.

Silente nova lege Fundamentali de illo arguento, cessavit potestas quam dare videbatur Ordinibus Provincialibus a. 63 legis Judicialis.

XXII.

Non video cur Advocatis aut aliis artium disciplinarumque doctoribus Jus suffragii sit concedendum.

XXIII

Vere dicit Michel Chevalier, in *Lettres sur l'Organisation du Travail* epist. XIV »le vrai problème social aujourd’hui n'est pas de changer la distribution de la richesse, c'est d'en accroître la production.

XXIV.

Emigrationes regioni ex qua fiunt magis nocere quam prodesse dici possunt.

## XXV.

Eleganter Macaulay, in Opere *The History of England*. Vol. I. Cap. III initio. »In every experimental science there is a tendency towards perfection. In every human being there is a wish to ameliorate his own condition. These two principles have often sufficed, even when counteracted by great public calamities and by bad institutions to carry civilisation rapidly forward.»

## XXVI.

Institutio qua facilius hypotheca constituatur in primis laudanda ob commoda quae agriculturae offerret.

## VIZZ.