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Dissertationes Juridico-Theologicæ De Jure, & Justitia

Karchne, Simon

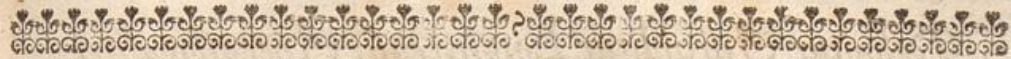
Augustæ Vindelicorum ; [Graz], 1714

§. VII. Cujus pignus, aut hypotheca in concursu plurium creditorum
prævalet

urn:nbn:de:hbz:466:1-40013

Nota quintò-ut exerceatur lex commissoria, non est necessaria interpellatio prævia emptoris pro solutione, dum pro hac est dies certa adjecta, Molin. n. 4. i-

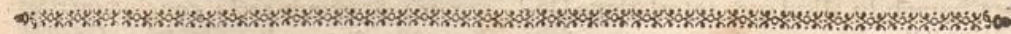
psa enim dies interpellat, & elapsa constituit emptorem in mora L. magnam c. de stipular.



§. VII.

Cujus pignus, aut hypotheca in concursu plurium creditorum prævalet.

Decisio legatur infra à num. 415.



ARTICVLVS SEXTVS.

De jure Emphyteutico, fideicommissorio, & feudali.

153. **F**inis contractus Emphyteutici est, ut res immobilis sterilis, & infrugifera alteri tradita ab eodem excolatur, ac frugifera reddatur unde vox græca Emphyteusis latinè dicitur insitio, seu plantatio, proinde primitus in hoc contractu dabantur agri inculti, hodie autem etiam fertiles, ut Dominus quid firmius & certius percipiat, & si minus, quam si ipse coleret. Agri in culturam hic concessi sunt vocati Emphyteutici, item vectigales à vectigali seu pensione à possessore persolvenda: ve-

ctigal enim quemvis redditum significat L. 1. ff. si ager vectigalis, uno autem nomine Emphyteusis. Inemphyteuticans, seu dans in Emphyteusim vocatur Dominus directus, germanicè Grundherr colonus fundum excolens dicitur Emphyteuticarius, seu Emphyteuta germanicè Erbd. Rechter / Gild. Baur / contractus iste, cum sit usitatissimus, ejus notitia pertinet etiam ad Theologum cum multa conscientiam concernentia contineat, sit igitur,



U

§. I.