

Nicolaus Iaskier, *Ivris Mvncipalis Maidebvr gensis Liber uulgo Weichbild nuncupatus: ex uetustissimis exemplaribus uigillanti opera nuper latinitati datus, [...] adiunctis simul glosis & textus interpretationibus ad id necessarijs [...], Cracoviae MDXXXV*

Transcription: Maciej Miłkuła

Article LXIX & *glosa*, fol. LVIII verso

Articulus LXIX. De quaerela occasione bonorum haereditariorum.

Conquaeratur si quis super alium in municipio pro bonis haereditariis, quod bona illa sua vera haereditas sit, ex parente ad eum devoluta, quodque ille bona huiusmodi cum iniuria sibi detinet et usurpat. Is vero contra quem quaerela proposita sit, comparet et dicat, iusto esse suum praedium censuale, habereque defensorem bonorum illorum, quae et possedit anno et die sine contradictione et iusta allocutione. Ipsum oportet suum nominare evictorem, eundemque statuere ad iudicium determinatum proximum, et ut sic, ob[]tinebit bona illa censualia possessa, si ut iuris est, per evictorem id probaverit. Sed si in evictore defectum paciatur, actor conservat suam proprietatem in eisdem bonis, ut iuris est.^a Quivis enim homo suam innatam haereditatem facilius conservat, quam alter emptam aut obligatam, aut praedium censuale conservari posset, cum et impossibile est aliquem naturali defraudari portione.

Glosa.

Sensus articuli est, si quis bona anno et die possederit, possessionemque probare posset, propior est, quam ille qui possessione caret.



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In textu cum dicitur quivis enim innatam haereditatem facilius conservat, quam alter emptam etc. Ratio istius est, quia ille qui ex successione bona habet et ex mortuo sibi cedunt, possessionem et defensam habet ex illo mortuo: ut ff. de reg. Iur. L. haeredem. et C. unde liberi. L. si avus. Venditor vero non plus in bonis defense habet, nisi quod se ad evictorem trahat idque difficillime sit, ut C. de empti. in mul. legi. et Spe. Sax. li. i. ar. lvi. Sine etenim consensu haeredum bona illa alienari non poterant.

^a *Sp. Sax. li. ii. ar. xliii.*



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