

Commissionsartikel bei einer Fallitmasse betreffend.

Angeregt durch eine Anfrage in Nr. 101 des Börsenbl. kann ich nicht umhin meine Meinung dahin auszusprechen, daß die Fallitmasse durchaus keinen Anspruch an Commissionsartikel zu machen, und daß der Syndik vor der Veräußerung der Waaren unbedingt die Verpflichtung hat, alles à Cond. Erhaltene, was noch vorhanden ist, an die Verleger zurückzusenden. Die Masse kann kein größeres Eigenthumsrecht haben, als der Fallit selbst, ist also durchaus nicht befugt, fremdes Gut, solange es unverkauftes Eigenthum des Verlegers bleibt, zum Besten der andern Gläubiger zu veräußern, es sei denn daß die betreffenden Verleger dies zugegeben hätten. Ich habe bei einigen an unserm Handelsgerichte vorgekommenen Fällen so verfahren und kann mich von der Ueberzeugung nicht trennen, daß es so Recht und ein anderes Verfahren Unrecht wäre; es scheint mir dies auch so auf der Hand zu liegen, daß ich nicht recht begreife, wie man darüber einen Zweifel haben kann.

Coblenz, im August 1856.

J. Hölcher.

Neuigkeiten der ausländischen Literatur.**Belgische Literatur.**

(Auszug aus der „Bibliogr. d. l. Belgique“ v. C. Duquardt in Brüssel.)

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