

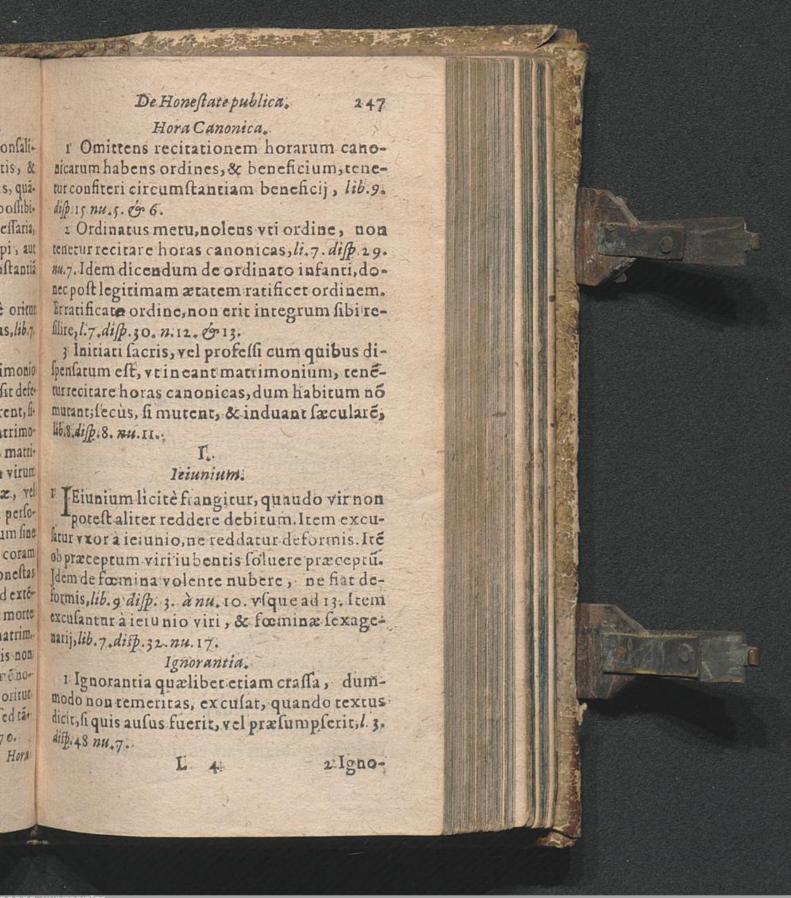
Universitätsbibliothek Paderborn

Compendivm Totivs Tractatvs De S. Matrimonij Sacramento R. P. Thomæ Sanches E Soc. Iesv

Sánchez, Tomás Coloniæ Agrippinæ, 1624

Ι.

urn:nbn:de:hbz:466:1-41559



cæterisque pænis, ignorantia iuris positiu eas imponentis, librig. disputati 32, à num. Il

v que ad 17.

7. Quando in noua constitutione releruatur absolutio alicuius peccati in odiumillius; ve fecit Xistus V. contra male promotosad ordines, ignorans cam constitution inuinci

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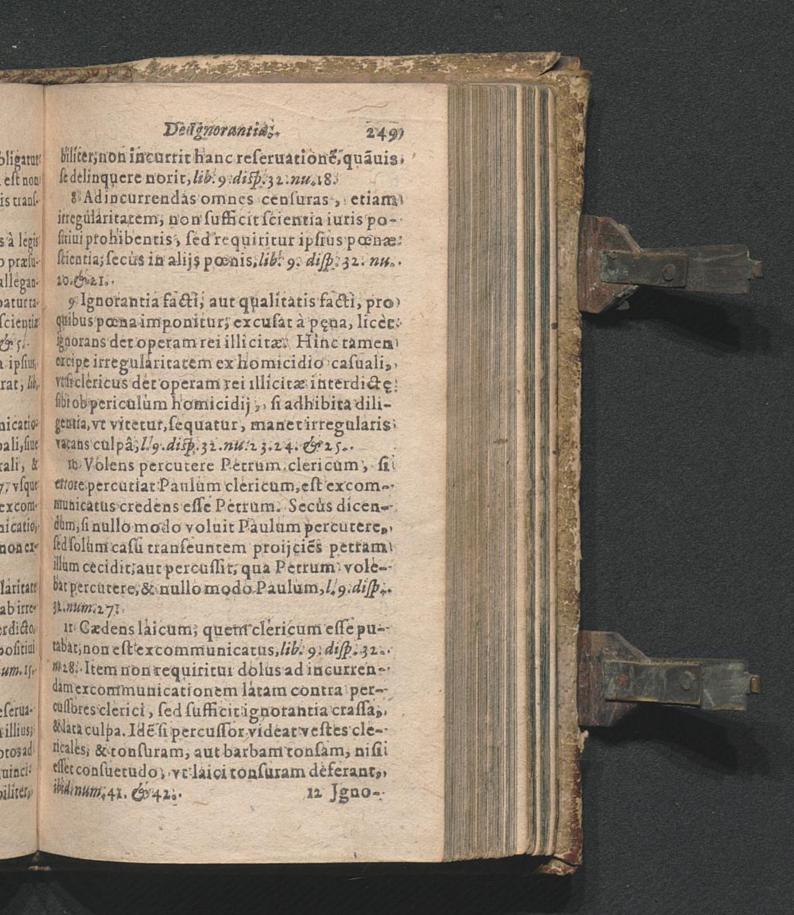
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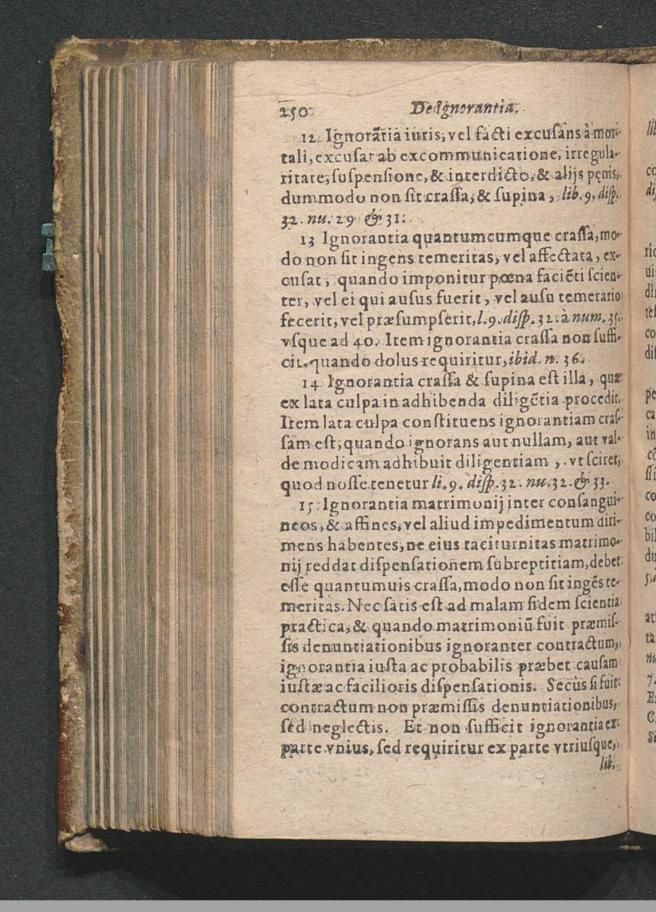
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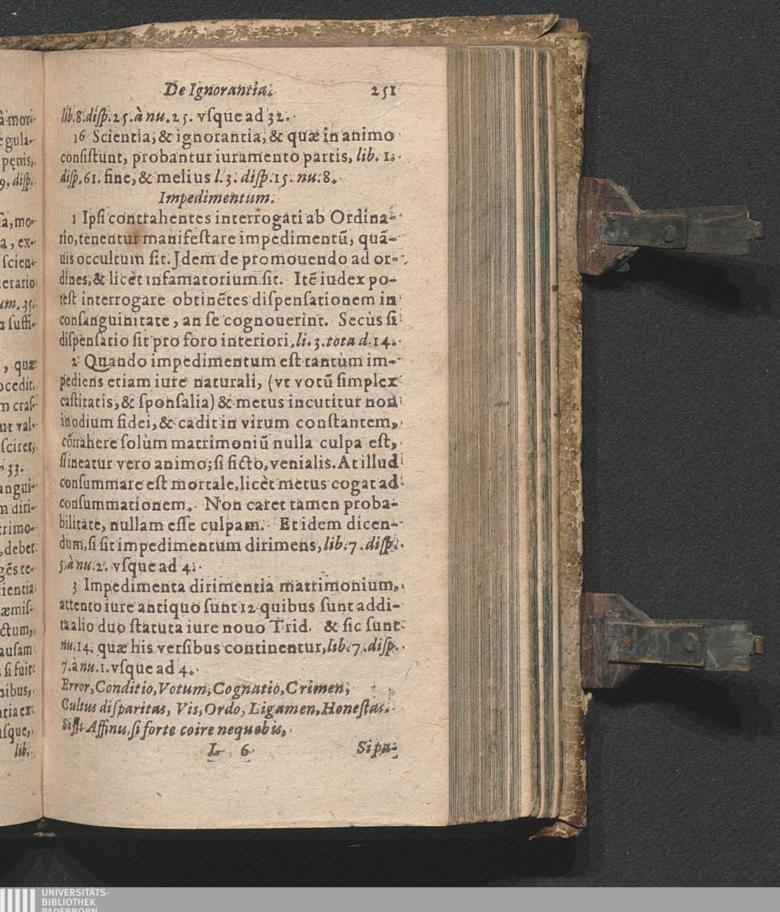
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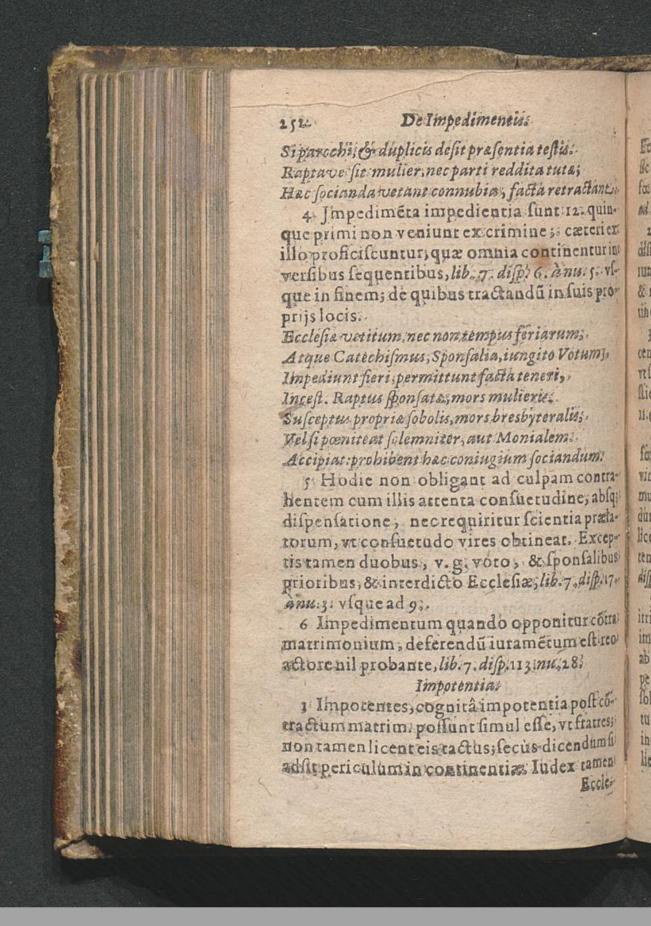
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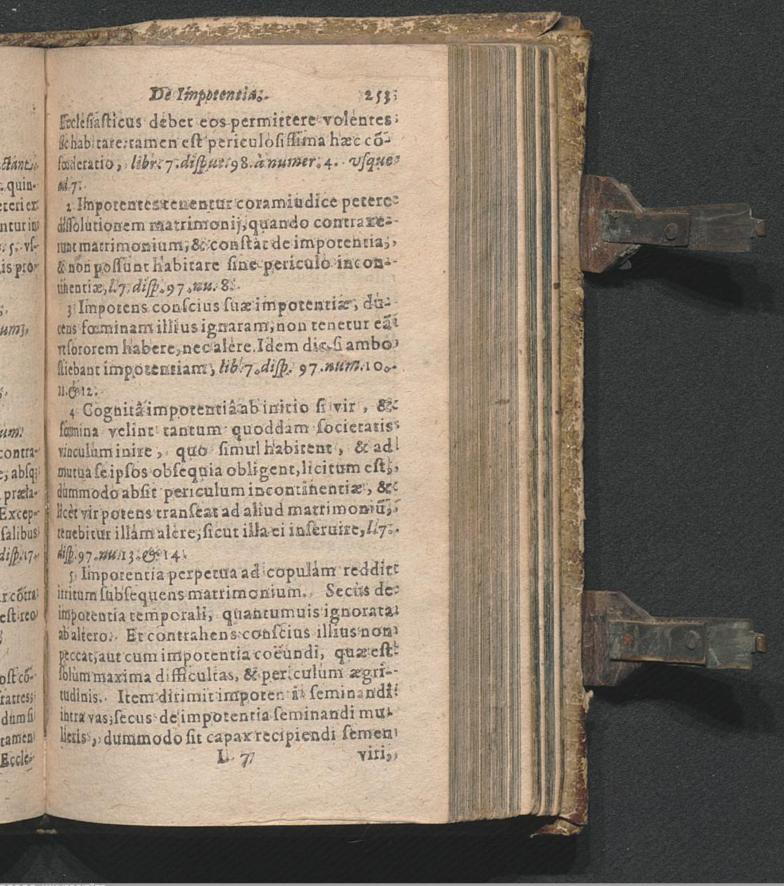


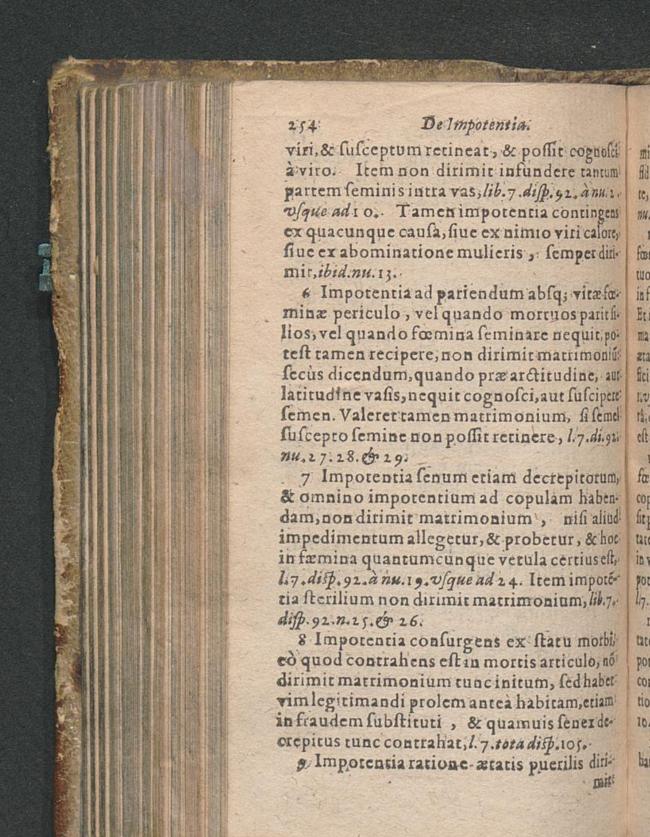
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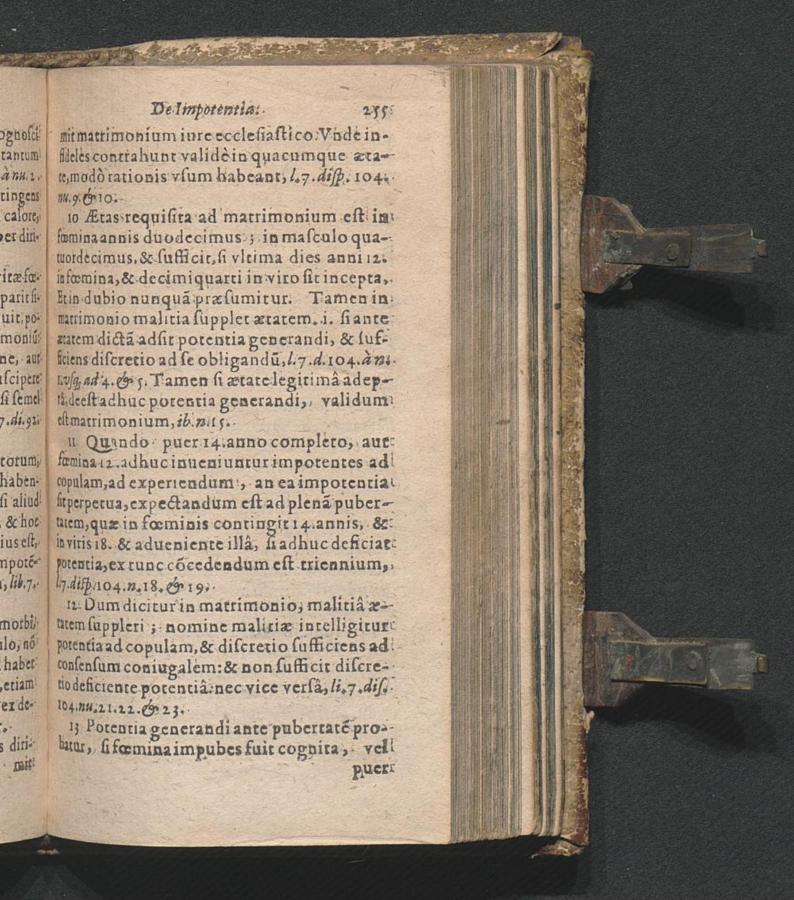


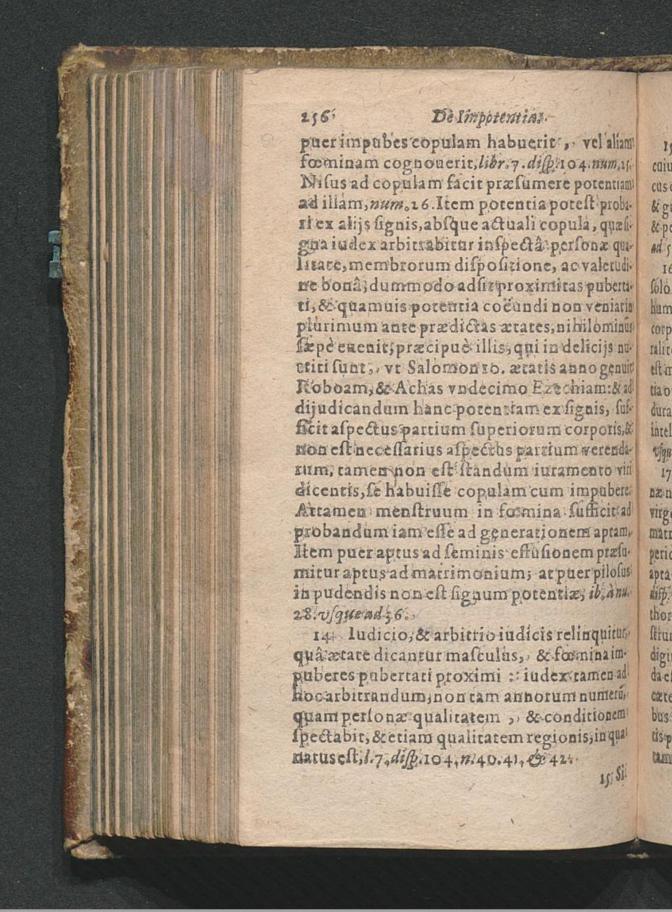


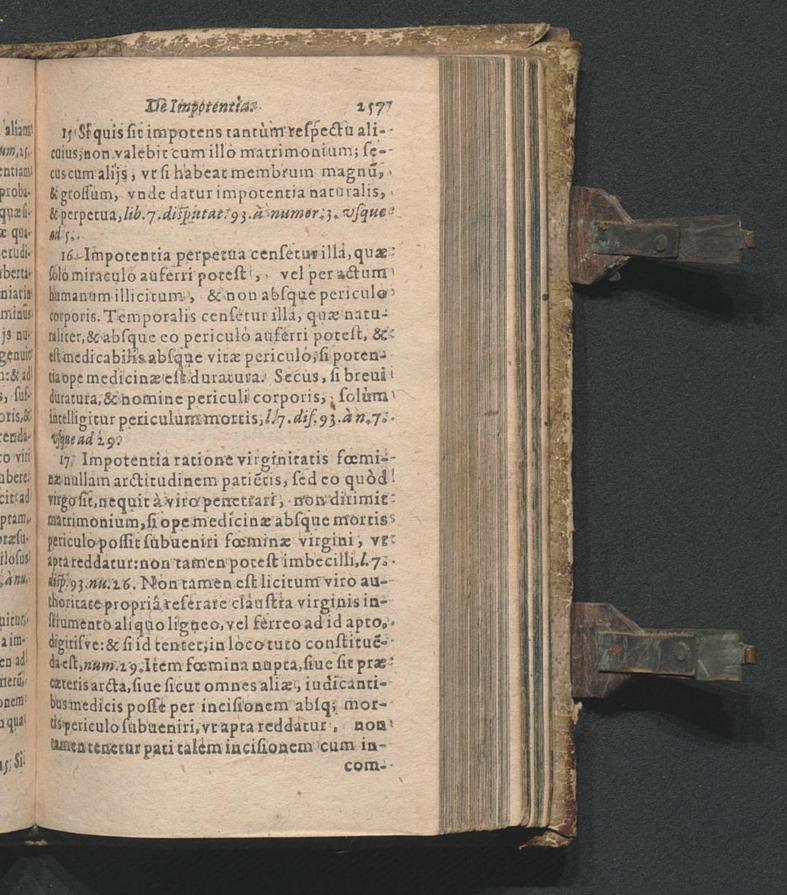












commodo gravissimo morbi: secus, sieum dolore gravi & molestia. Et hæcincisso set, quando potentia cum corrupta est manifesta, quando in membro nullus est descetus, & illeiurat, se eas cognovisse, & ipsa se de cognovisse, ib. à n 30, v/q, ad 35.

18 Separato matrimonio ratione frigiditatis, vel arctitudinis fœminæ, interdicitur vitique coniugi transitus ad alias nuptias, quando impotentia est absoluta, & perpetua expane viriusq; coniugis. Si verò alterius tantum, illi interdicitur; concessa non impedito licentia ad alias transeundi, & si transeat absq; licentia peccat, sed matrimonium tenet, l. 7 disposamm 37.

presumitur talis respectu omnium. Ité cognoscibilis ab vno non presumitur cognoscibilis ab omnibus. Item vir potens ad corrupta, non præsumitur potens ad virginem, l.7. disp. 93. he 27. 28. Et mulier aliquando inspicienda est à medicis ad dijudicandum, an viro aprussime matrimonium validum dissoluatur, l.7. disp. 11. num. 23.

20 Impotentia perpetua, siue absoluta, siue respectiua, siue naturalis, siue ex malesicio or ta, & licet sit sola veri seminis emittendintra vas, dirimit matrimonium iure naturali. Vnde interinsideles manet matrimoniu nullum contractum cum tali impotentia, l. 7. 1018 disp. 38. Item impotentia perpetua nota con-

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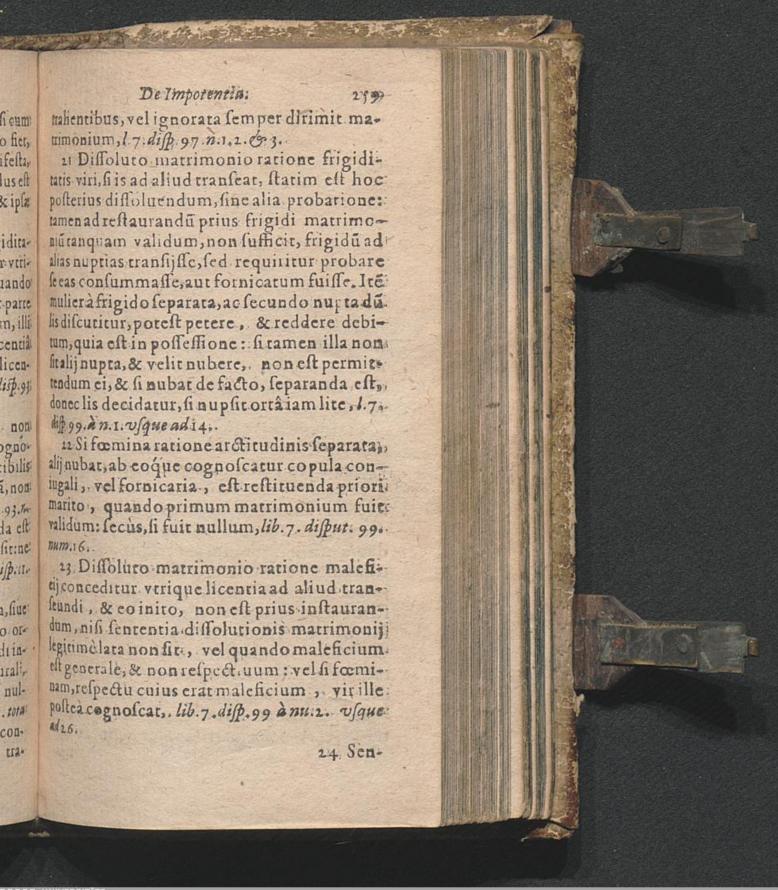
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Ad 21



zem iudi asam erkim bis confirmata. Nonpotest tamen corrigi prætextu appellationis.
Transis tamen quoad hoc, vt non indiscriminatim eam impugnare volens audiatur: sedo
portet allegare aliquam verisimisem iniusting
causam, quæinte optimo indiscem adid cedendum inducat. Item non transit in tem indicatam quoad ipsum coningium, secus quoad expensas, non respectu coningum: secus quoad expensas, non respectu coningum: secus respectu terris contra matrimonium agentis. Item, quando ex illius sententize observatione
nutritur peccatum, nec consensu partis virialque potest cessare culpa. Secus, quando potes
cessare viriusque consensu, quando potes
cessare viriusque consensu, l. 7. tota dispiso.

25 Impotentia superueniens matrimonio rato, vel consummato, non ipsum dirimi, Quando tamé est ratú, prebet iustá dispensar di causam, si timeatur incontinentiæ pericula alterius confugis, l.7. disp. 102. à n.1. vsque ad 4

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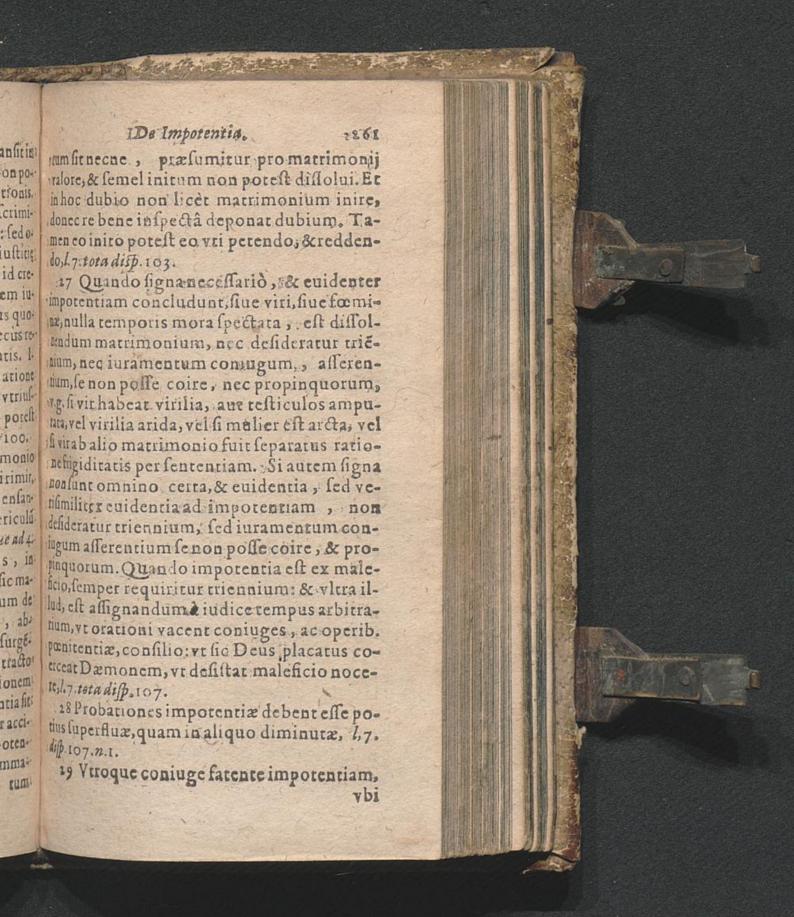
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vbi non est certa, semper desideratur triennii, & vitra illud, iuramentum vtriusque coniugis, vrieptima manus propinguorum iute, vel vicinorum bonæ famæ, fi propinqui delcient. Et iuramentum septimæ manus he w cipiendum est, v.g.si vterque coniux fateaus impedimentum cuiuslibet coningis lepten conlanguinei iurent, vel eis deficientibus, lo ptem vicini cuiuslibet, & ita debent effe qui tuordecim. Et sitot testes haberi nequean Aufficiunt pauciores arbitrio iudicis, viduo Eth defint colanguinei, vel vicini, debental-Sumi alij teltes bonæ famæ, & omni exceptio ne maiores:nec sufficit testem tangere Eungelia pede, vel cubito, fi manus habeat. Jden ipli coniuges debent iurare de certa scientis propinqui verò de cradelitate: & impotenti transcunte ad aliud matrimonium, vel form cante, conlanguinei non censendi periuri. de cus dicendu de iplis coniugib. iurantibus, d.108, an.1.v/g, ad 19. Tamen ad probationen imporentiæ insenibus, non requiritur mennium experientiæ, sed sufficit tempus arbituo iudicis raxandum, ib. nu. 21.

impotentiæ, & vir negat, nec illa matrimoni initio proclamauit, v.g. rransacto bimestria die, qua vir copit tentare copulam, minime audienda est proclamans aduersus matrimonium: sed eius petitio reijcienda est, ac virose des adhibenda fatenti, se consummassemani-

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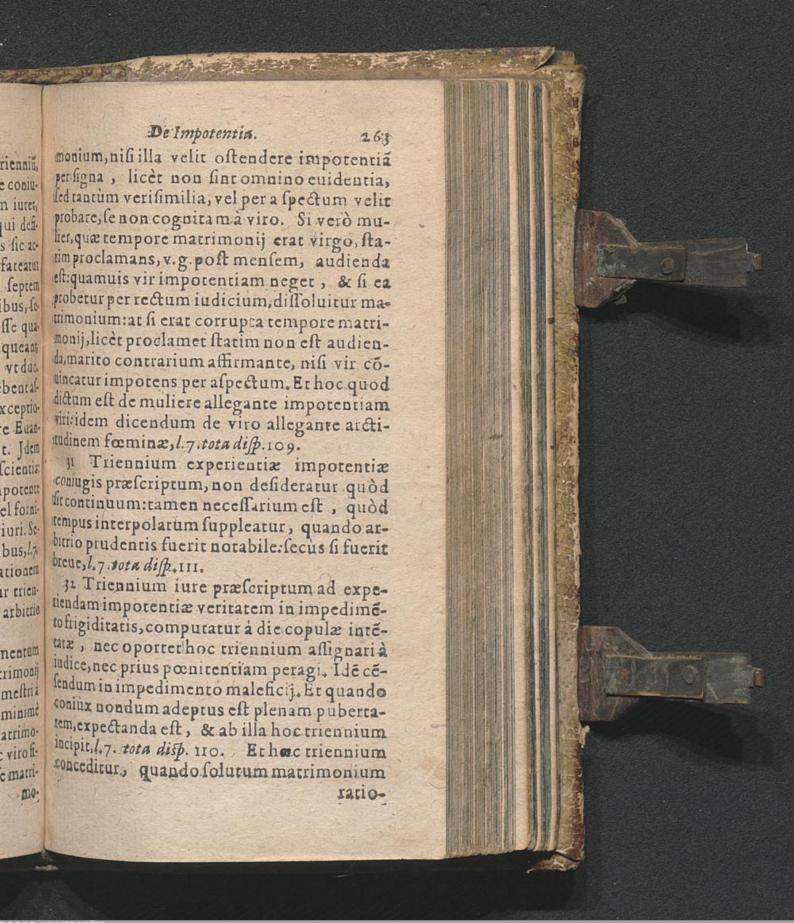
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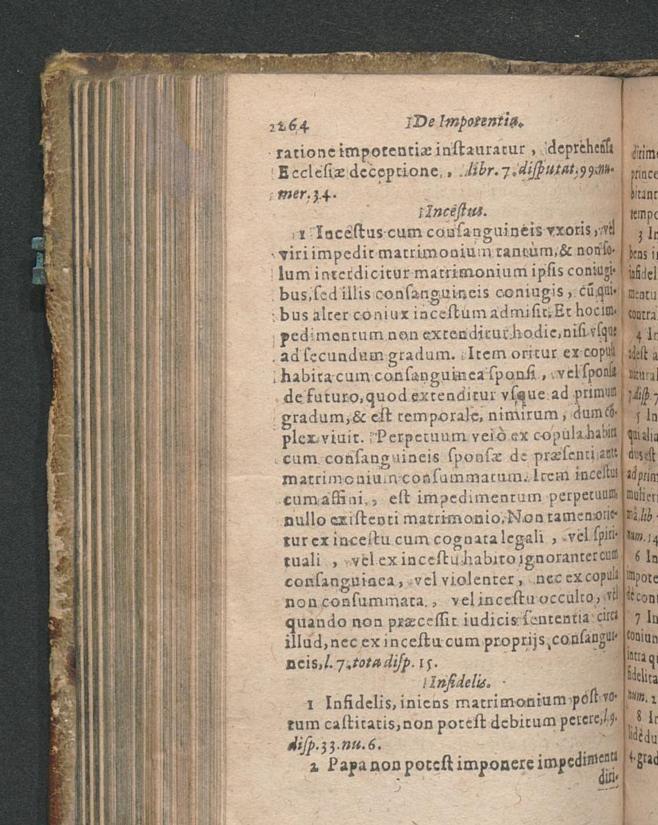
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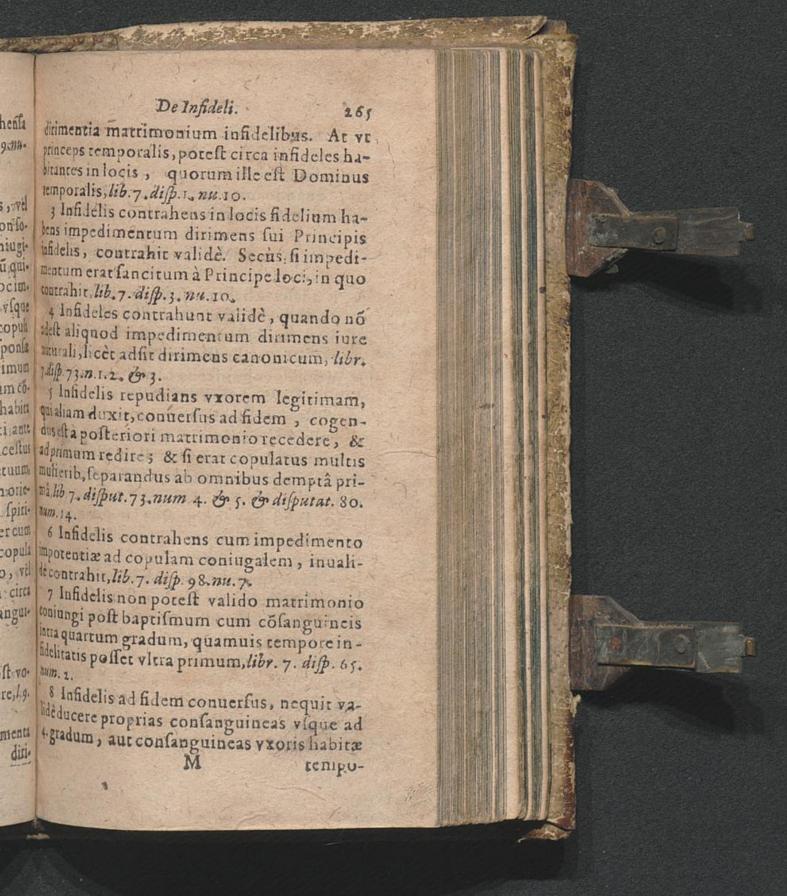
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rempore infidelitatis, quamuis matrimonium non esset consummatum. Potest tamen duce re consanguineam in 1. gradu sponsæ de fun quando inita fuerunt sponsalia tempon infidelitatis. Item cum confanguinea inm gradum prohibitum, quam fornicarie cognouit tempore infidelitatis, lib. 7. disp. 65. ann. vique ad 11.

9 Si fidelis re habeat cu fideli vel infidelife mina, & illa habeat forore infidele, contratt affinitatem cu illa forore infideli, ac proile eam effectam Christianam non potest duce Item fidelis cognoscens carnaliter infidela si illa infidelis posteà facta fidelis concipiato alio filiam, & baptizetur, contrahit affinium cum illa filia. Et idem, si adhuc materperme nens in infidelitare pareret illam filiam, &p stea filia baptizaretur, lib. 7. disput. 65 num.11 eg 13.

10 Infidelis coniunctus matrimonio primo affinitatis gradu lineæ rectæ, postb ptismum non est separandus, lib.7. disp. 66 ml

11 Matrimonium inter fidelem & infide theo lem est irritum i ure Ecclesiastico solum, a leap consuetudine Ecclesiæ;interdictum verdim kdem diuino naturali, Idem dicendum de matrimo nio interfidelem & cathecumenum ante Bir ptismum. Tamen ex dispensatione Pontiful potest esse validum, lib. 7. tota difp. 71.

12 Coniux infidelis conversus ad fidemon quam obligatus fuit ad cohabitandum cun

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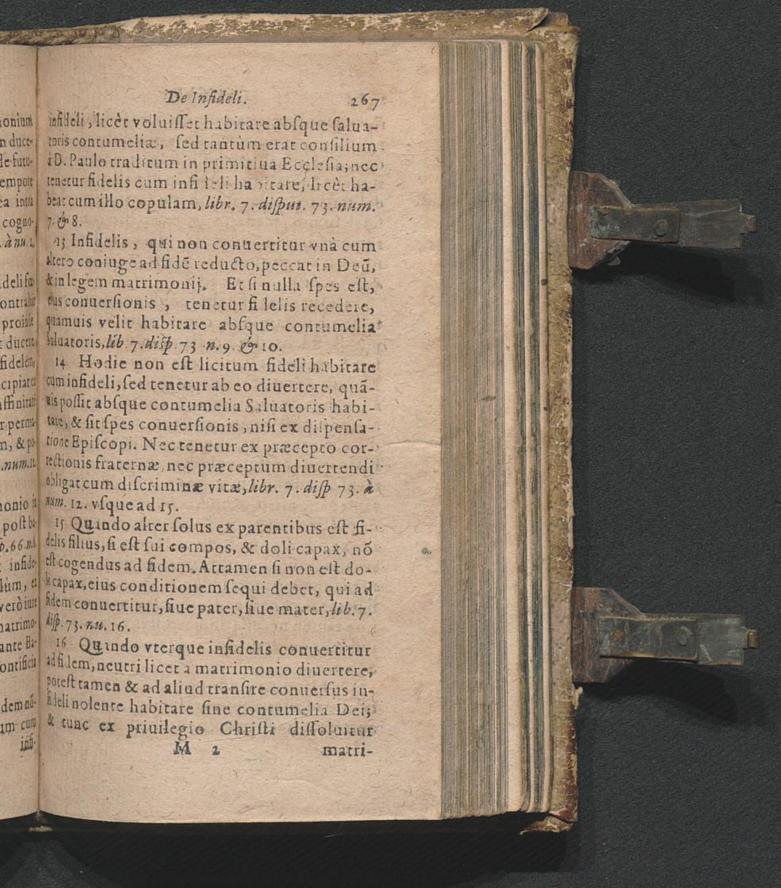
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matrimonium quantumuis consummatum, nisiinsidelis renuat habitare ob adulteriumsidelis. Dicitur autem nolle habitare absque contine sumelia Saluatoris, quando id peccatuminsidelitatis redundat aliquo modo in coniugem sidelem, nisi recedat, v. g. ex crebro conuito rum in Christum auditu, vel quando suade non leu ter aliquod peccatum mortale, dib. 7, disp. 74. à nu. 1. vsque ad 7.

17 Quando infidelis renuit conuerti, vill gamen habitare fine contumelia Saluatoris potest fidelis aliud matrimonium cotrahet fine sententia iudicis, nisi casus sit occultus Necessaria tante est monitio, & interrogatio, an velite convertere, nifi conftet moralita aliunde obstinatio infidelis, vel quandod distantiam requiri nequit, vel quando facto factoiplo constat voluntas infidelis, v.g. transeat ad aliud matrimonium. Requiritu ramen monitio, quando conversus est dubius de obitinatione. Sufficit tamen nuntius cerzus ac fide dignus, & non requiritur præfixio rermini infideli authoritate Ecclesia. Nou men sunt negandæ induciæ ad conversionen fi petantur fine fraude. Et eft fanum confilie non tamen necessarium, testes adhiberidum infidelis monetur, lib. 7 disp. 74. à nu. 8. vique ad 20.

18 Matrimonium non dissoluitur, donct fidelis ad alias nuprias transeat, & infidelem ante eum transitum conuersum tenetur fide

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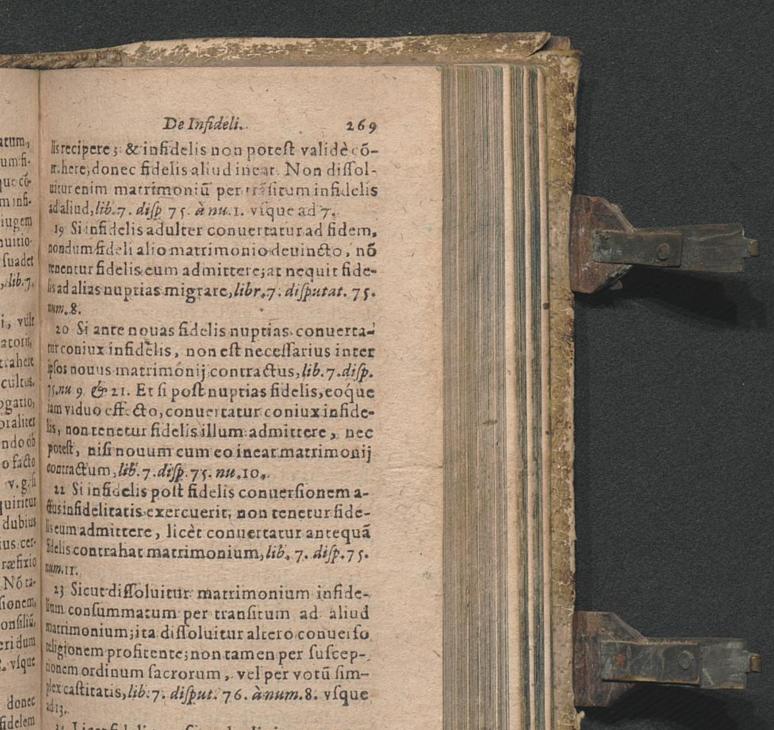
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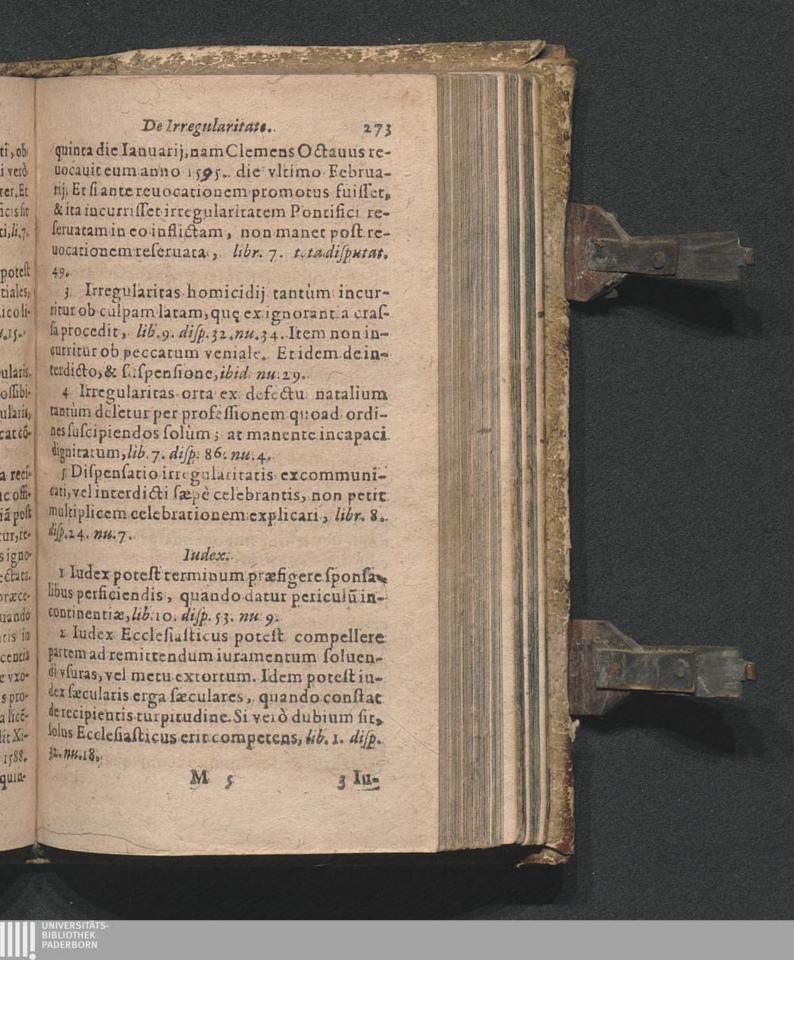
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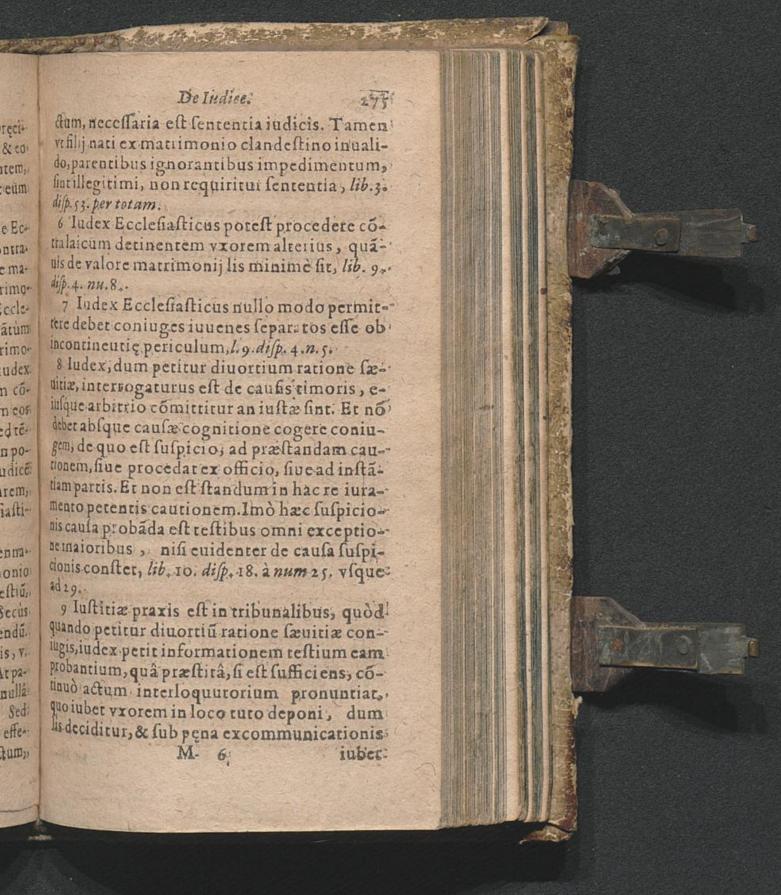


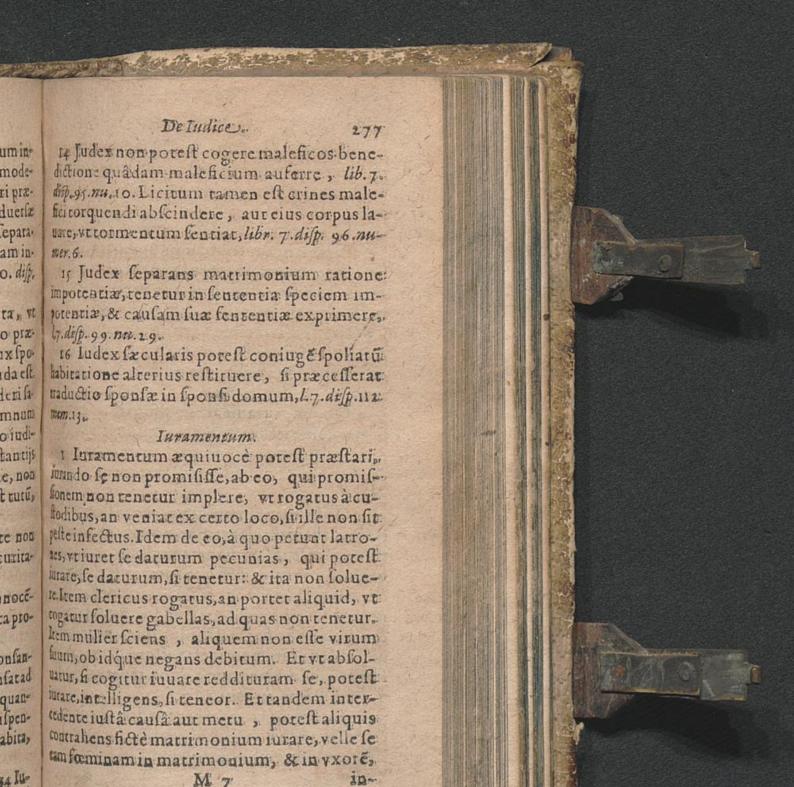
34 Licet sideli transire ad religionem, orunes, vel ad vorum castiratis, renuente M 3 infide-

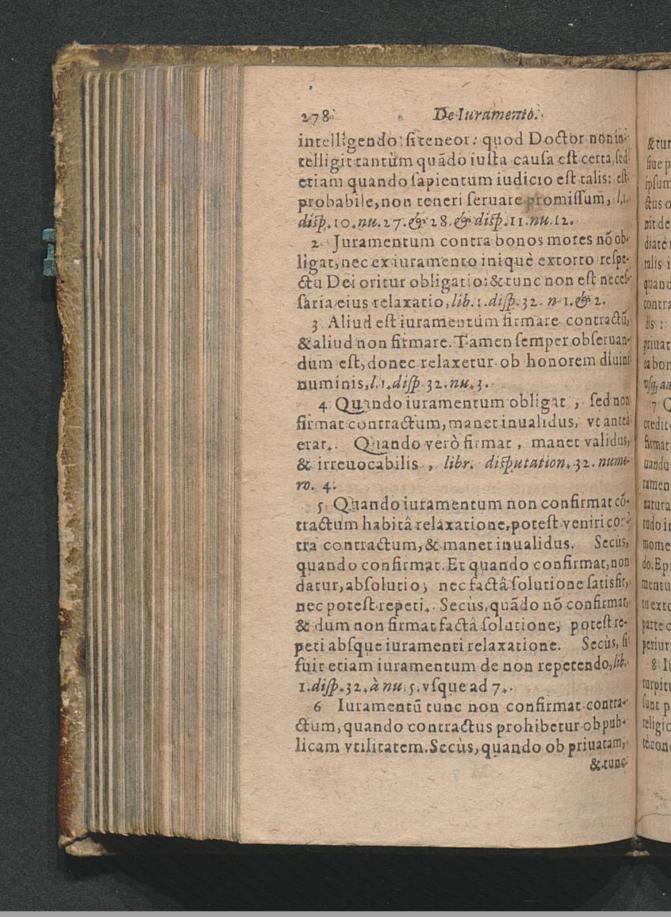
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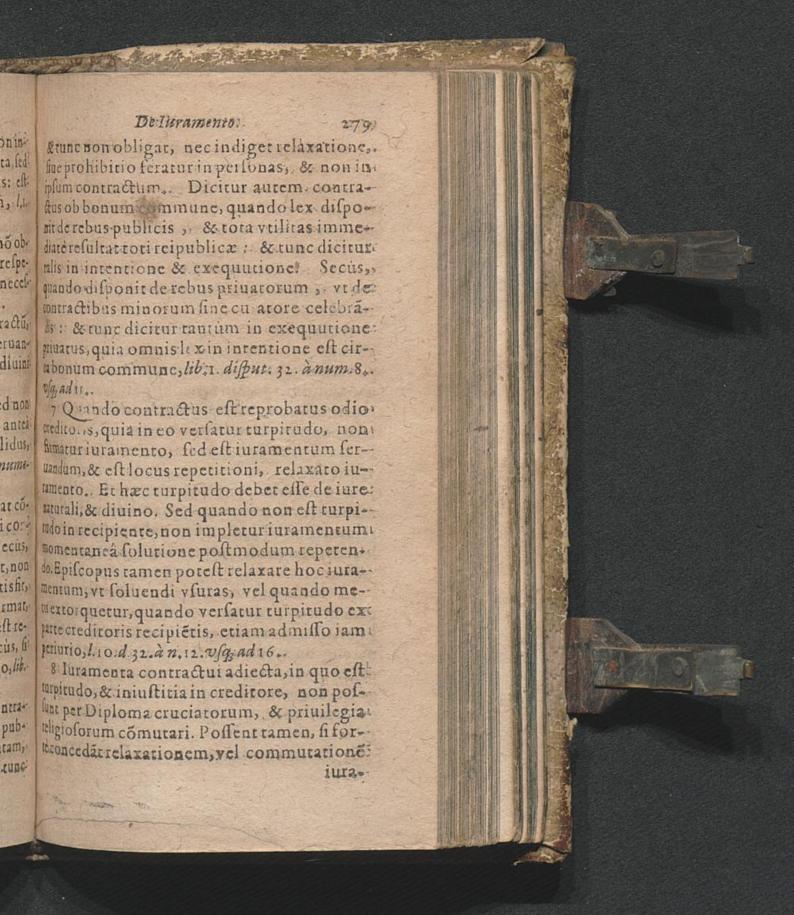
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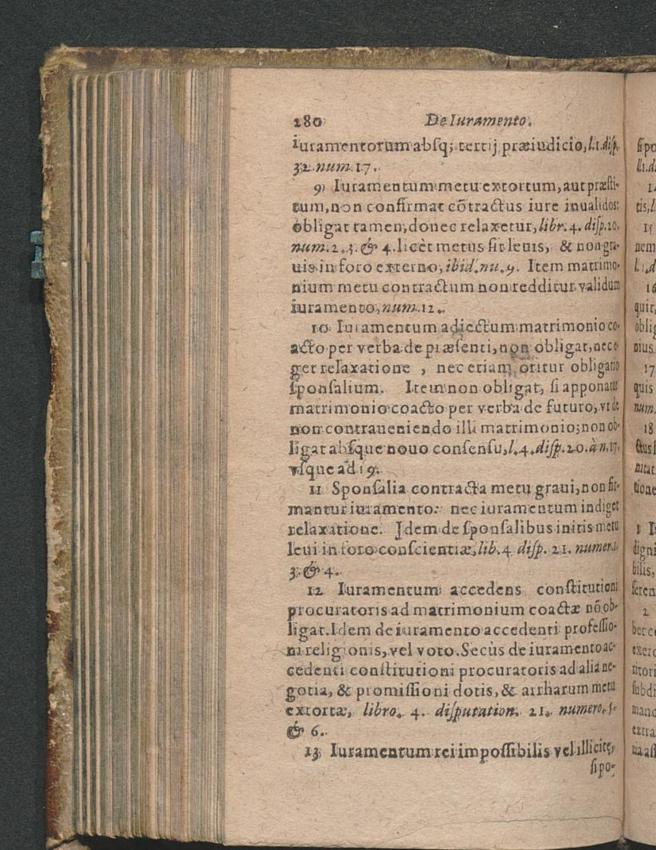


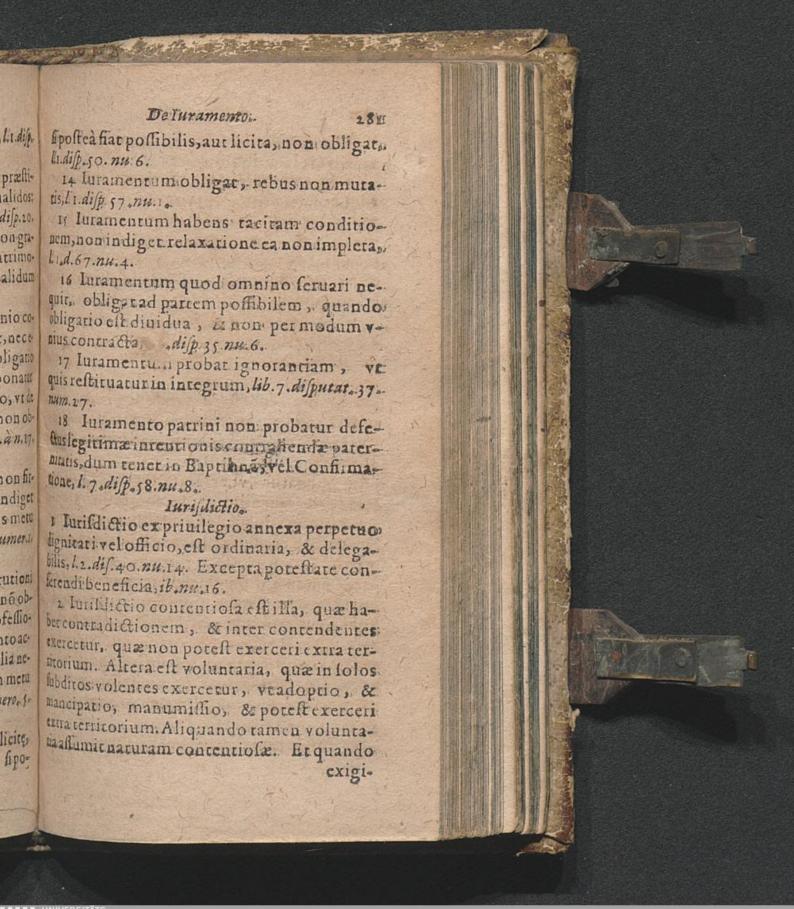






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exigitur causa iudicialis, nequit extra territorium exerceri absque licentia iudicis, & consensus partium, l. 3. d. 19. n. 7. 8. & 9.

3 Inrisdictio non adimitur ignoranti, libsi disp 30.nu. 11. Nec prodest cum ignoranti, nec potest conferri actuinterno, lib.3. disp.36.nu. mer 8.

4 Iurisdictione concessa conceduntures, fine quibus illa explicari nequit: & concessa concedi videntur necessaria ad illam comparandam, les disp. 19 nu. 4.

L

Largitas sponsalitia.

Ster spon sos de futuro, matrimonij mendi spe, cire, mausa. Huius autem donationis est natura, ve pacto inito inter sponso, ne ad donatem vllo easu redeat, statim acquiratur irreuocabiliter donatario, quamuis ne copula, nec osculum intercedat, & eius culpi matrimonium non sequatur. Sed quandotale pactum non sit, hodie habet tacitam conditionem, v.g. si matrimonium sequatur. 82 eocos summato perficitur, libr. 6 disput. 18. numer.

2 Matrimonio non sequuto culpa donantis, perdit omne datum, . & omne promisum & acceptam tenetura estituere. Si autem cali, v.g. morte alterius sponsa, intercedente osculo, lucratur dimidiam sponsalitiam largitatem

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