



**Francisci Monacelli Eugubini J. U. D. Protonotarii
Apostolici, olim Ecclesiae Venusinae, ac deinde Aesinatis
Vicarii Generalis, &c. Formularium Legale Practicum Fori
Ecclesiastici**

In Quo Formulæ Expeditionum usufrequentium de his, quæ pertinent ad
Officium Judicis nobile, continentur ; Opus Episcopis, Vicariis Generalibus,
Aliisque Iurisdictionem quasi Episcopalem exercentibus: necnon
Confessariis, Parochis, Cancellariis, cæterisque in dicto Foro versantibus,
apprimè utile ...

In qua præter formulas Declaratoriarum Censurarum, ponuntur aliæ
formulæ, tum Citationum, ac Monitionum pro validitate processuum
requisitarum, tum Decretorum, aliorumve actuum ad opportunitatem, &
ornatum materiæ incidentium; acceditque in calce Appendix miscellanea,
plura, ad Gubernium ...

Monacellus, Franciscus

Venetiis, 1709

Sententiæ declaratoriæ excom. contentæ in c. Prætereà 7. de usur. Form.
XIX.

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Sententiæ Declaratoriæ.

F O R M U L A XIX.

Visa relatione, comparitione, & instantia nostri Promotoris Fiscalis *comram nobis exhibita* contra N. Usurarium: visaque monitione pluribus ab hinc mensibus exequuta sub pœna excommunicationis ut abstineret ab exactationibus, & *Contractibus usurariis*, nec non informatione capta *ex qua constat etiam post monitionem*, de usurarum crimine, visoque toto processu, Sacrorum Canonum institutis inhærendo, dicimus, & declaramus, prædictum N. tanquam Usurarium, esse excommunicandum, prout nos eum excommunicamus, & à consortio fidelium segregamus, donec ab usurarum exactatione cessaverit, & *receptas restituerit*, & pro excommunicato publicè denunciari volumus, mandamus, cedulones decernimus, & relaxamus omni, &c.

N. Episcopus N.

Loco ✠ Sigilli.

N. Actuarius.

S U M M A R I U M.

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| <p>1 Episcopus Contra usurarios procedit ex officio.</p> <p>2 An usura sit delictum mixti fori, referuntur DD. sententiæ, & num. 3. 4. 5. & 6.</p> <p>7 Usura quotidie committitur in contractibus cambiorum, & n. 8. 9. & 10.</p> <p>11 Contractus societatis initus cum pacto capitalis salvi, est usurarius, & omni jure prohibitus, & n. 12. 13. 14. 15. 16. 17. 18. 19. 20. & rejiciuntur contrarium tenentes.</p> <p>21 Contractus Societatis Officiorum vacabilium cum pacto capitalis salvi: nec non societatis, affectionis, & venditionis lucri sperati, an sint liciti, remissivè, & numero 22.</p> <p>23 Contractus mutui frumenti cum pacto tacito, vel expresso, restituendi cum aliquo augmento, est usurarius, etiam si augmentum ap-</p> | <p>plicetur operi pio.</p> <p>24 Contractus anticresis est usurarius.</p> <p>25 Proponitur remedium contra hunc contractum.</p> <p>26 Delictum usuræ, quibus indiciis, & conjecturis dicatur probatum, ostenditur, & quæ sint probationes legitima indicatur, & num. 27. & 28.</p> <p>29 Datur formula monitionum.</p> <p>30 Usurarius, quando possit, vel non appellare à Decreto, scû declaratoria, & num. 31.</p> <p>32 Usuræ exactæ quibus, & a quibus sint restituendæ ostenditur.</p> <p>33 Principes, Domini temporales, Judices, & alii qui sunt cooperatores, vel statuunt, aut decernunt, quod usuræ promissæ solvantur, aut exactæ non restituantur, tenetur ad restitutionem in solidum, quando usurarius non vult, vel non potest restituere.</p> <p>34 Clericus usurarius qua pœna sit puniendus ostenditur. Clericus usurarius est infamis.</p> |
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