



UNIVERSITÄTS-
BIBLIOTHEK
PADERBORN

**Formulare Aduocatoru[m] et Procuratoru[m] Romane
Curie et Regij Parlamenti**

Katholische Kirche / Curia Romana

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Replicatio[n]es [contra] except[ion]es ex aduerso dat[is]. xxxix

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quoz nō interest etiā pte nō vocata extractū pter scitū z volūtate illi
us p quo impetratū dicit extortū signo z subscriptōe ac alijs debis
tis substantialibz requisitis carēs cameraliter z ad prem extractū et
nō p cācellariā ac vey stilū expeditū ipaqz pñsa regula q̄ in ipō pñs
so sumpto p̄neri pñdiz fuit erat z est vana vaga dubia obscura in
certaz indeterminata exorbitās a iure absqz scitu z volūtate p̄ncipis
edita nō lecta in audiētia publica l̄raz cōtradictaz nec publicata ne
qz in libris seu q̄ncernis cancellarie apostolice inter ceteras p̄stituti
ones scripta in cu. Ro. vel extra eā p lege nō habita neqz scōm eam
in iudicio p̄radictū est iudicatū ac al's talis q̄ ei nulla est fides adhi
benda ac p̄tē p̄ducentē ad illū saltē effectū ad quē p̄duxit in nullo
releuare potest prout ex ipius pñso tenore clare p̄t̄z intuenti ac latius
dicetur suis loco z tpe oportunitis.

Exceptōes ḡiales p̄tra testes z eoz dicta.

XXXVIII

Rocū z eo noīe p̄curatorio honorabilis viri N. tal' dīoc.
p̄testat z dicit q̄ si q̄ sint aut p̄tineant in q̄busdā pñsis atresta
nōibz siue depositions testimoniū p̄ pte sibi aduersa examinatorū q̄
facerēt seu q̄ quo mō facere possent p̄ parte sua z p̄ p̄tē aduersam illi
la in ea dūtaxat pte nō ipugnat neqz i dicta vel p̄sonas obijcere intē
dit q̄nimo approbat z ratificat ac in vim z p̄ modū tacite p̄fessōis
admittit quōs vō p̄ dicta pte aduersa eosd̄ testes p̄ducentē ipi testes
z eoz dicta seu depositions z p̄ p̄tē suā facere videant̄ extūc̄ p̄ testes
z eoz depositions seu dicta citra iniuriā cuiusqz loq̄ndo excipit exci
piēdo dicit q̄ pñsi testes fuerūt z sūt aliq̄ eoz criminosi leues pau
peres sui z auctatē stādī in iudicio nō hñtes insensati furiosi z aliq̄
eoz fugitiui apostate excōicati banniti subornati corrupti infames
p̄tis p̄ quā p̄ducti dicunt̄ inimici capitales z fuerūt z sūt i dictis suis
singulares z cōtrarij ac diuersis criminibz irretiti. ipozūqz testiū pñ
soz depositions siue dicta fuerūt z sunt falsa mēdosa iniq̄ calūniosa
sibi inuicē p̄traria ip̄tinētia mutua nec cām scie bene describētia p̄fisi
era p̄ p̄sciētia depositions iniuriosa diffamatoria corrupta ac al's talia
q̄ eisdem pñsis depositionsibz z dictis in q̄stuz p̄ prem suam faciūt nul
la penitus fides adhibenda est neqz releuat p̄tēz p̄ducentē in aliq̄ nec
p̄bant id ad qd̄ p̄bandum dicuntur induci velut ex eoz inspectōe
cuilibet diligēt̄ intuenti clarissime poterit liq̄re. put al's magis speci
fice suis loco z tpe dicet̄ z p̄t̄m p̄stat ex infrascriptis.

In p̄mis p̄tra p̄sonam B. zc.

Replicatiōes p̄tra exceptiones ex aduerso

das.

XXXIX

Exceptiones varie diuer

Rocestat pcurator z eo noie pns sue q si q sint aut pncea
tur in qbusda pnsis exceptioibz zc. vt s. in generalibz.

Et pmissis qbz insistit saluis lati⁹ replicado dicit⁹ pcurator
q s noie negat expisse q ppositura. N. fuerit z sic de iure patronat⁹
illustrissimi regis Polonie ac ipm dnm regē fuisse z esse in possessi⁹
oñ pñtandi. put false z dolose ex aduerso suggerit qnmo dicta ppo
situra p regulas z pstitutionē cācellarie dispositiōi S. d. n. pape fuit
erat z est cū decreto irritate refuata.

Itē q in casuz z euentū in quē seu in qz de pñso iurepatronat⁹ cōs
stitisset seu p̄stare posset. put nūqz p̄stabit salcē ltime extrūcnil de intē
tione pns aduerse p̄stēdo sed negādo. put diffitet z negat dicit q cōs
tra iur⁹ formā z p̄tra p̄stitutionē cācellarie dñs archieps de iure in
stituere p̄ntatū nisi p̄fixo termino suo suffraganeo recusante ad in
stituēdē dēm. N. aduersariū instituere p̄sump sit. q tacita si exp̄ssa z ecō
uerso p̄nsa cōmissio nullaten⁹ emanasset.

Itē p̄ q̄rta p̄nsaz cōmissioez in q magnū festū videt⁹ d̄ sōniata n⁹
litate monitorij tū ex eo q p nō pcurēm tū q in ferijs zc. pcurator z
eo noie dicit q licz in iure forsan dubiū dici poterit an pcur recipiat
suā p̄tate executionē sui officij a tpe executionē tū de stilo obfuanā et
psueudie sacri palatij aplici cāp z rote a tpe z p̄ tātū tps de cui⁹ in
tū seu p̄trario hoim memoria nō existit p̄tinue tēnti p̄ricatū z ob
seruatū fuit q acta facta gesta z actitata añqz recipiat pcuratoruz
valuerūt semp z valere psueuerūt sufficit sufficereqz psueuit z suffi
cit q pcuratoruz z mādatū añ sniam pducatur in q añ acta z gesta fuz
it. pcur sicqz vt p̄dicat sp fuit tēntū dictū p̄ricatū z obfuarum d̄qz
tenet p̄ricat z obfuar.

Itē p̄tra scōam ptem adductā dicit⁹ pcur dicit q de stilo palatij
z obfuanā predict⁹ tempore feriaruz huiusmodi monitoria decer
ni z dari psueuerūt potuerūt possunt valide efficaciter etiā de iure
quia verificatio narratorum in rescriptis fieri de iure non pōt nisi
causa cognita causa aut cognita tūc dubiū quid si dicat⁹ cuz pte ad
uersa p̄nte vel vocata z abñte p̄ cōtumaciā. ergo prius vocari partē
z decerni monitoriū oportet z postea parte vocata verificari rescri
ptū nec ad decernendū monitoriū vel citatiōem requiritur partis voca
tio nullaqz discussio iudicialis sed extraiudicialiter etiā ex officio
iudicis fieri potest cum nulla lex: nullaqz decretalis statuit q vbi cō
ceditur processus monitorialis añ monitiōm z citatiōm non debe
at descripta narratorum veritate iudicialiter procedi. Regula iuris
est q p̄us pars citez z moneat z deinde verificet rescriptum z nar
rata. maxime cum monitiō in vim citatiōis resoluti potuit parte cō
parente z rationabilem causam allegāte. merito ergo frustratoria ē

ralis pñsa exceptio z partē in nullo releuat neq; cedula idictioe vacationū phibet act⁹ extraiudiciales sed solū iudiciales. z ex b̄ etiāz cessat z tollit sequēs pñsa exceptio cū p. v. nil iudicialiter sed extra iudicialiter egit. z p̄pterea si nulla snia hodierna esset lata z hodie posset eadē p. v. hmōi cause esse iudex. Et sic.

Item p̄tra septimā octauā decimā z duodecimā pñsas exceptio nes dicit⁹ p̄cur̄ q̄ sup̄ noie dicit q̄ sint false p̄fite imp̄tinētes calūni ose de plurib; mentionē facien̄ de quib; nō p̄stat neq; p̄stare poterit sibi ip̄is z alijs de quib; in actis constat p̄trarie in materia z forma peccan̄ nil p̄cluden̄ inadmissibiles z improbabilēs. Et.

Item p̄tra decimātertā z decimāquartā pñsas exceptio nes dicit q̄ multa falsa in eisdem somniant p̄tra rei veritatē z inter alios false mentionat q̄ p. v. iurisdictionē nō esset progata cum corā. p. v. oēs z sing. termini in talib; seruari soliti dicto mḡfo A. ex aduerso p̄cur̄ ratoze vocato z citato fuerūt seruati. cū ergo nec exp̄sse excipiat. p. v. iurisdictionē in articulo declarationē progauit cū tacite nō excipien do videt de iure in p. v. z iurisdictionē p̄sensisse cū articulis declarationē ali⁹ sit z diuersus a negocio p̄ncipali q̄ diuidi potuit. Et.

Replicationes generales.

xl.

Rotestā p̄cur̄ zc. z p̄tra partē suā facere videant̄ extūc p̄tra p̄dictā pñsam cōmissionē excipit z opponit oēs z singulas exceptio nes generales p̄tra nullā inualidā z surrepticiā ac ob̄ rep̄nciā cōmissionē excipi solitas z p̄suetas.

Et p̄missis quib; existit saluis zc.

Replicationes generales alie.

xlj.

In p̄missis quib; existit saluis laus replicādo dicit⁹ p̄cur̄ e dicit si q̄d rerū a rōne z veritate fore colligendū nō em̄ intendit resistere rōni z veritati replicās nescit cur ex aduerso inue bit de comestione z potatione cū nūq; replicantē neq; taberne neq; potationi neq; comestioni se imiscere pbauit. cur iudiciū equitatis spernit. det certe iudiciū solidū auferat. isectat tradat liberā rem iudicij. placeat sibi p̄ tramitē eq̄tatis incedere. nō calūniādī assumat zelū. maiori quippe cōpendio causa vincit z partib; parat q̄ imoderata calūniādī z p̄iurādī sup̄stitionē. triplicās se somnia egit. illa fecit in p̄mis somnus z p̄mis horis diei iuxta p̄siliū. l. ij. de ver. sig.

Alia ex aduerso deduce fuerunt z sunt falsa p̄tra veritatē fabri cata iniuriosa z calumniosa rebus naturalib; non consona quib; nulla extitit fides adhibenda.

Duplicaciones.

xlj.