



**Antoninus Diana Panormitanus, Clericus Regularis, Doctor
Celeberrimus, Coram S. D. N. Alexandro VII. Episcoporum
Examinator, & Sancti Officij Regni Siciliæ Consultor,
Coordinatus, Seu Omnes ...**

Diana, Antonino

Lugduni, M. DC. LXXX.

2. An in administratione Sacramentorum liceat sequi opinionem
probabilem, & minus tutam, relcita probabiliori, & tutiori? Et in textu hujus
resolutionis aliqui casus specialiter pro praxi hujus ...

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TRACTATVS PRIMVS.
DE
OPINIONE PROBABILI.

RESOLVTIO PRIMA.

*An sit licitum, relista opinione probabili, & magis tua,
seguí opinionem probabilem, & minus tutam? Ex p.
2. tr. 13. Rel. 1.*

NE GAT IVE ex neotericis , re-
sponder Antonius Perez in Lau-
rea Salmannina certamine 10 . n.
55. Comitulus in resp. mor. lib.
1. quæst. 15. & ante illos Ga-
briel in 4. dist. 15. q. 8. art. 3.
dub. 2. in 3. probatione prima concil. 3. D. Anton. parti-
t. tit. 3.c.10. §. 10. reg. 4. & ex Thomistis, Syluester,
Caietanus, Conradus, Sotus, & alij.

2. Sed communiter Theologi contrariam sententiam amplexi sunt , & prater 17. Doctores quos citat, & sequitur Sanchez in summ. tom. 1. lib. 1. c. 9. num. 14. docet etiam hanc sententiam Layman lib. 1. tract. 1. cap. 5. §. 2. n. 7. Basilius Pontius de mairim. lib. 10. c. 15. n. 4. Malderus in 12. D.Thomae g. 19. art. 5. diff. 8. affer. 5. Filliuscom. 2. tract. 2. c. 4. num. 12. Tannerus in p. 2. diff. 2. q. 4. dub. i. n. 3.6. Emanuel Barbosa in remis. Doctor. ad ordin. Relig. Lust. lib. 3. tit. 64. n. 10. Gasparis de beneficiis tom. 2. par. 1. i. num. 361. Villalob. in summ. tom. 1. tract. 1. diff. 10. num. 2. Sancius in practicis distinctionibus diff. 2. num. 12. Lorca in part. 2. tom. 1. diff. 3.9. membr. 2. Martinez in part. 2. tom. 1. quest. 2.9. art. 6. Alvarez ibid. diff. 80 Sancharillus variar. resol. part. 1. q. 5.9. num. 4. Barbosa in collect. tom. 1. lib. 2. tit. 9. c. 4. num. 6. Portell. in addit. ad dubia regular. ver. opinio, n. 3. Et ratio est. quia operans secundum opinionem probabilem , non potest indicari temerarius , neque imprudens , habet enim proferationes aliquicui momenti : ergo si sic operans , non est imprudens , nec temerarius , non peccat. Secundò , quia licet opinio tutior sit perfectior & securior , non tenetur sequi quod perfectius est , & quod securius , dummodo sequatur perfectum , ac turum. Ergo , &c. Tertiò , quia cum omnimoda certitudine in rebus agendis haberet nequebat , sufficit , vt operemur cum certitudine probabili , & non requiratur omnimoda certitudo : opinio autem minus probabilis , & minus tuta est alias sufficiens ad bene operandum moraliter ; esset enim onus intolerabile , & multis scrupulis oppositum , si opiniones probabiliores semper inuestigate teneremur. Ergo , &c.

Tom. VIII.

R E S O L . I I .

An in administratione Sacramentorum liceat sequi opinionem probabilem, & minus tuam, relata probabilitori, & iutori? Ei in tenui bnius Resolutionis aliqui caus specialiter pro xxi tenui questionis explanantur. Ex p. 2. tr. 3. Ref. 2.

§ 1. R espondent communiter Doctores, Sacerdotem administrantem Sacramentum, reliqua opinione probabiliori, non peccare contra reverentiam debitam Sacramento, sed contra charitatem: nam in ordine ad penitentem, quando sentientia diuerfa sunt circa materiam & formam, vel aliquid, quod ad valorem Sacramenti requiratur, debet Sacerdos, ob periculum gravissimi detrimenti inde sequuntur, relinquare opinionem probabilem & probabiliorem amplecti.

2. Sed limitatur hac sententia. Primo, circa essentialia Sacramentorum, qua non sunt de necessitate salutis : nam in his administrandis , possumus ita quacunque opinione probabili , probabiliori relata: ita *Loreto* in part. 2. tom. 1. disp. 19. membr. 2. fol. mibi 4.8. Secundo, quando non est in potestate ministri sequi opinionem magis probabilem , vt quando tempore necessitatis non adest materia , v. g. fumamentum poterit quis consecrare in tapha. Bonacina de *Sacram.* disp. 2. quest. 1. part. 4. n. 4. num. 10. cum Martinez 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 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1861. 1862. 1863. 1864. 1865. 1866. 1867. 1868. 1869. 1869. 1870. 1871. 1872. 1873. 1874. 1875. 1876. 1877. 1878. 1879. 1879. 1880. 1881. 1882. 1883. 1884. 1885. 1886. 1887. 1888. 1889. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2049. 2050. 2051. 205

ubi infra. Tertiò, quando defectus prouenient ex parte suscipientis; vt si penitentis vellent confiteri cum attritione cognita. Sanchez tom. 1. lib. 1. c. 6. num. 34 cum Maldero *infra*. Quartò, quando quis minaretur ministram mortem, aut aliud notabile damnum, nisi relicta sententia certa, iuxta probabilem conficeret Sacramentum, si tamen in contemptu Sacramenti, &c. mortem non minaretur Perez in *Laurea Salmantina*,
sup. hoc in tom. 7. tr. 15. ex Rel. 76. vide §. vlt.

certam. 10. c. 12. & 13. & *Sancius in seletis*, disp. 4. 4.
num. 12. Et tandem, quando opiniones circa iuris-
dictionem Sacerdotis ad audiendas confessiones ver-
santur: nam in tali casu potest Sacerdos sequi opinio-
nen minus probabilem, probabiliori reliqua, ut do-
cet Villalob. in *summ.* tom. 1. tract. 1. dub. 12. *num.* 5.
Malderus in part. 2. q. 19. art. 5. disp. 86. Sanchez in
summ. tom. 1. lib. 1. c. 8. *num.* 35. Martinez in p. 2.
tom. 1. q. 19. art. 6. dub. 6. concl. 7. Henriquez, Salas, Vaf-
quez, & alij, quicquid in contrarium alterat *Sancius in seletis*, disp. 44. n. 19. quia communis error ex ea
probabilis opinione ortus, satis est ad gestorum per
eum Sacerdotem valorem, & Ecclesia stante opinio-
ne probabilis, confert tali Sacerdoti iurisdictionem.
Vnde contra Sancium non peccabit Sacerdos simplex
absolvens extremam vitam agentem, praesente

Tractatus Primus.

eius administratione opinione probabili, relata probabili?

Et an in electione opinionum illa sit amplectenda quae probabilior, & securior? Ex parte 4. tract. 4. & Mil.

Ref. 4.

Sacerdote approbato; neque Parochum, excipientem in aliena diocesi confessiones, absque iusta approbatione: vel si Sacerdos approbatus absoluere à reservatione ex opinione probabili.

Sup. conten.
to in hoc §. accusat de aliquo veniali, & cum simplex Sacerdos ad Ref. 1. venialium abolitionem indubie habeat iurisdictio-
nem, absoluens cum opinione probabili, gratiam cau-
ta, & secun-
dabit, & sic peccantem nulla interrogabitur iniuria, vt no-
post in tunc Suarez in 3. p. tom. 4. disp. 26. s. 6. n. 8. Sanch. in
& in Ref. 1. f. 1. m. 1. lib. 1. c. 9. n. 3. Sancius in selectis, disp. 44.
codem §. Sed p. 2. 4. & alij.
fi, ad me-
dijam, vers.
Adde, &c.

R E S O L . III.

Sup. prima
diffic. huius
tom. 1. lib. 10.
§. 1. tr. 4. ref. 66.
§. 2. & lin. 7.
& seq. & in
tom. 4. tr. 1.
ex ref. 3. le.
ge doctrinā
aliarum eius
prime not.
& hic in ref.

*Quoniam opinio eligenda sit, an illa, que est Sacra-
mento favorabili, an illa, que est favorabili suscipienti?*

Et pro praxi adducitur, an qui petuit Confessio nes, pos-
sit absolvi in articulo mortis etiam sine conditione:
& in tali casu an sufficiat unius testis fide, sestantis in-
firmorum signa paenitentia indicasse: nec talen tem retem
ware, necessarium, nec Christianum esse oportebit:

Ex p. 2. t. 13. Ref. 13.

§. 1. R espondeo eligendam esse opinionem fau-
orabilem, suscipienti, quia Sacramenta in-
2. ad lin. 10. stituta sunt in favorem fidicium, vnde in hoc casu
vers. Tertio, Sacramentum cedit iuri suo. Et ita contra Coque-
Sup. hoc in-
tom. 1. tr. 4.
ref. 58 & le-
ge etiam res
mortis, existimo: & ita docet Sylvius in 3. p. q. 7. art.
& versicus 2. queritur q. cas. 2. Reginald. de off. Confess. c. 21. n. 16.
prime an-
not.

Perr. Fey. in 3. p. q. 9. a. 2. disp. 2. Zambran. de cas.
in mortis art. c. 2. dub. 2. Salas in p. 2. 17. 8. disp. unio.
sec. 5. n. 6. Valent. tom. 2. disp. 7. q. 1. Bellarm. lib. 1.
de pœn. c. 6. Sanch. de marr. lib. 2. disp. 36. n. 8. Pesantius
in addit. ad 3. p. de integrat. Confessarij, q. 10. disput.
11. Pitigian. in 4. to. 2. disp. 5. q. 9. n. 1. Coninch. de Sacra disp.
7. dub. 10. n. 99. Basil. Pontius de marr. lib. 1. c. 25. n. 8.
Montesin. in p. 2. disp. 19. q. 5. n. 17. 6. Filliuc. tom. 1. tr.
7. c. 6. 5. num. 120. Ludovicus de san Iuan. in sum par.
1. tract. de pen. q. 5. art. 19. Henr. lib. 5. c. 1. §. 7. &
alij.

Sup. hoc in
tom. 1. tr. 4.
ref. 67.

2. Imò, existimo in tali casu posse Confessarium
sine conditione absoluere. Nam ille, qui agens ali-
quam actionem, iudicat se non delinquere, ab' olute
potest illam exercere; vnde quando Theologi asser-
unt, ministrandum esse Sacramentum sub condi-
tione, quando dubitatur de valore Sacramenti: id
intelligendum est, in dubio propriè, non autem in
opinionibus, vt est in casu nostro. Et ita ex multis alii
rationibus docet Sancius in selectis, disp. 44. num. 22.
qui etiam recte, n. 35. docet, in tali casu sub conditio-
ne impertiendam esse absolucionem, nempe si am-
biguitas intercederet, num signa sint ex dolore orna,
vel ex angore, & angustia mortis, cum in tali casu
prosternere possit infirmo, & non obesse Sacramento;
vitatur namque sacrilegij periculum, conditione ap-
posita.

Sup. hoc in
tom. 1. tr. 4.
Ref. 59. per
totam, & le-
ge etiam
aliam Ref.
cias not. 2.

3. Notandum est etiam, quod in tali casu suffi-
ceret unius testis fides, restantis infirmum signa
paenitentia iudicasse. Neque talen tem iurare neces-
sarium est, nec talen tem Christianum esse oportebit.

R E S O L . IV.

An in Sacramento paenitentie, quando agitur de iuris-
dictione Confessarij, possit ille, & paenitent vis in

A firmatuum sententiam docui contra Pe-
regrinum in 3. part. tr. 2. ref. 13. sed ipse inc-
rum absolute in addit. ad nosfr. confit. part. 1. quod si
negatiuam sententiam tenet, & putat in tali casu ab
facientes esse sacrilegos, & se exponere pericu-
laciendi Sacramentum nullum.

2. Sed notandum est quod quedam veritates à
Christo instituta sunt, vt sic fiant, & non altera-
leant, v. g. si forte institut quod tipha, hordeum
vel amyrum materia non sit confectionis, sed tan-
tum panis triticus, vel quod forma Baptismi in tan-
tum ea, que nomine Patris, & Filii, & Spiritus fas-
ci significatur, non que nomine genitoris, & geniti
& procedentis ab utroque, vel quod pars minima
corporis abluta sufficiens non sit ad valorem Deplo-
mi, &c. haec igitur res cum à Christi institutione de-
pendente quod suum valorem, sic, & non altera-
illum sortientur qualiter reuera institute sunt, quam-
uis ex opinione probabili aliter fiant, aliae vero res
sunt, quarum veritas à Summo Pontifice determinata
existit, v. g. quod talis Confessarius habeat iuris-
dictionem, vel non, aut quod talis sit Parochus, vel non,
vel quod hic, vel talis contractus sit man-
monium, vel, non, hoc, vel tale uomum valorem
habeat, vel non, aut quod haec, vel talis professo
emissa à Religioso irrita sit, vel non, &c. haec ipsi-
tur rerum veritas in indubibili non constitit, sed
iuxta opinionum varietatem multiplicatur, vnde
quando opinio probabilis adest circa eorum valorem,
tunc in aedificatione Ecclesie. Summus Pontifex
illam approbat, & Ecclesia tacite in his casib[us] pra-
bet iurisdictionem, alias nimis conscientie graue-
tur, & ita hanc sententiam docet Caius Palau-
in opere moralis tom. 1. disput. 2. punt. 5. num. 9.
Leffius libro 2. cap. 29. dub. 8. num. 68. Bonacina in
Decalog. disp. 2. quest. 4. punt. 9. numero 19. Maldemer
in 1. 2. D. Thom. quest. 19. art. 5. disput. 86. Vnde Se-
chez in summ. tom. 1. libro 1. cap. 9. numero 5. dic-
at. Quando opiniones circa iurisdictionem Sacra-
dotis ad audiendas confessiones verantur, arguit
opinio probabilis docet illam habere, probabilior an-
tem negat, talis Sacerdos nullo modo peccabit audiens
confessiones. Ita ille. Et ideo recte Henr. lib. 5.
c. 14. num. 3. assertur non esse minus potestem op-
pinionem sapientium, quam vulgi errorum ad confe-
rendam iurisdictionem.

3. Hanc etiam opinionem preter Doctores cito-
tatos tenent omnes illi, qui docent approbationem ab
uno Ordinario posse ubique eligi in Confessarij
virtute Bullæ Cruciatæ, quorum nomine adduxi in Q.
1. part. tract. 11. ref. 7. nam si quis elegeret hanc
opinionem, relinqueret Confessarium certum pro-
incerto; sed quia in tali casu opinio probabilis ex
consenso Ecclesie, vt dictum est, confort ministerio
nem, ideo in praxi illam sequi posse non est dubium.
Hanc etiam sententiam docent illi Doctores,
qui existimant posse simpliciter Sacerdotem absolu-
re moribundum prælente proprio Parochio, quorum
nomina adduxi in part. 1. tr. 5. ref. 5. & in hoc casu
icitati Doctores consequenter docent posse aliquem
reflinqueret Confessarium certum pro incorro, sine illa
causa, & necessitate, & alios multos casus similes po-
terant adducere; sed quia breviter ita, affero pro-
pter opinionem probabilem Ecclesiam tribuere iuris-
dictionem Confessario.

4. Sed videamus quomodo hanc sententiam im-