

Universitätsbibliothek Paderborn

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

Sánchez, Tomás Coloniæ Agrippinæ, 1624

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

De Titulo.

422 uatio, & hominis inhibitio est occulta cocurrente communi errore, l.3. difp. 22. anu. 55. v/a:

ad 59:

7 Matrimonium contractum coram parocho intrulo, non habenti titulum a legitimo Iupeniori, non valer. Sec us, si titulum habeat inualidum ob vitium occultum, licet notum sit contrahentibus, illum non esse verum parochum. Idem si laicus: existimatur sacerdoss assistat matrimonio de licetia parochi intrus. Item erit validum, fireuocet licentiam legitimam concessam stante renocationis errore. Item si parochus eo ipso beneficium amittat, si matrimonium assistat, velalius de eius liscentia, validum est, lib. 3. disp. 22. à nu. 60. vfq. Ad 63.

Vagus:

1 Agi dicuntur carentes domicilio certo habitationis, licet habeant originis. Jtem qui pristinum domicilium omnino delerentes, nauigant, veliter faciunt, quærentes, vbi se collocent, licer destinassent, vbi domiciliu constituturi fint, nondum peruenti ad illud.Item qui relicta parochia, dum no inuenit domum, hospitatur in aliqua parochia ad breue tempus, l.3.d.25.an.1.v/q ad 4.

2 Vagi possunt cuicumque parocho fateri, & idem dicendum de vago qui hospitaturini aliqua parochia obiter, libr. 3. disp. 25. num. 5.60.

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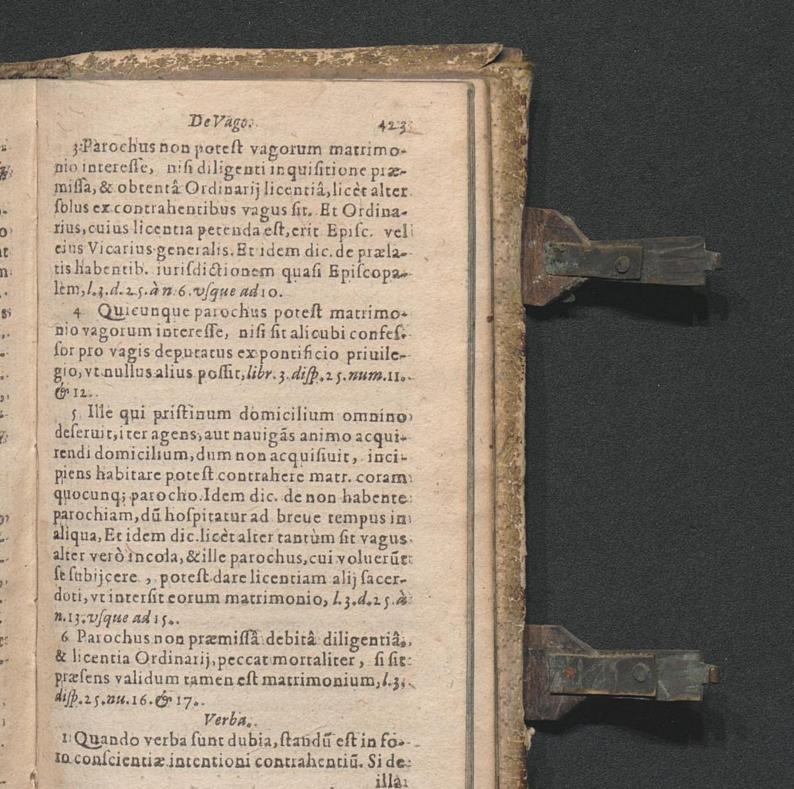
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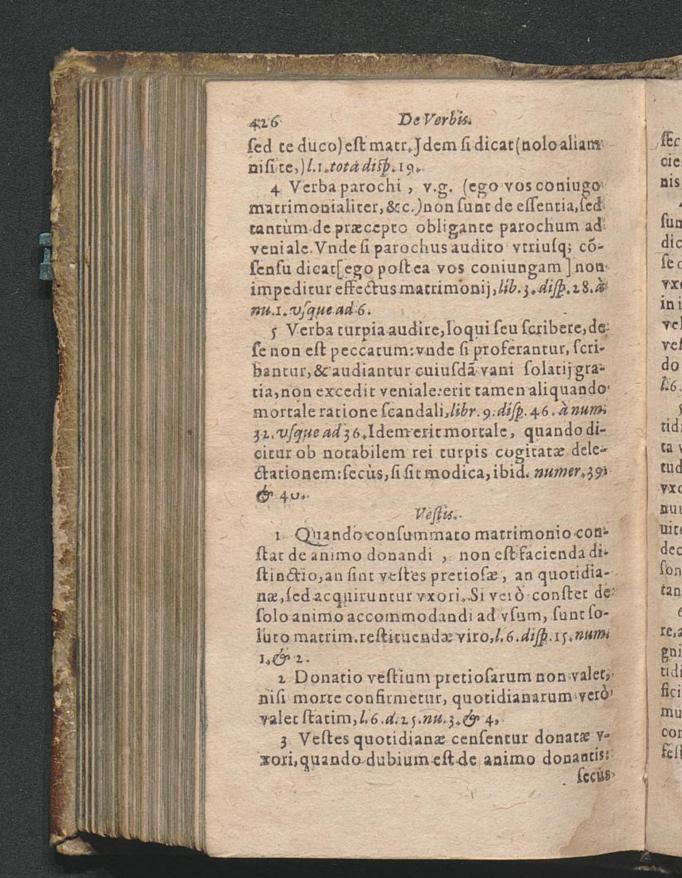
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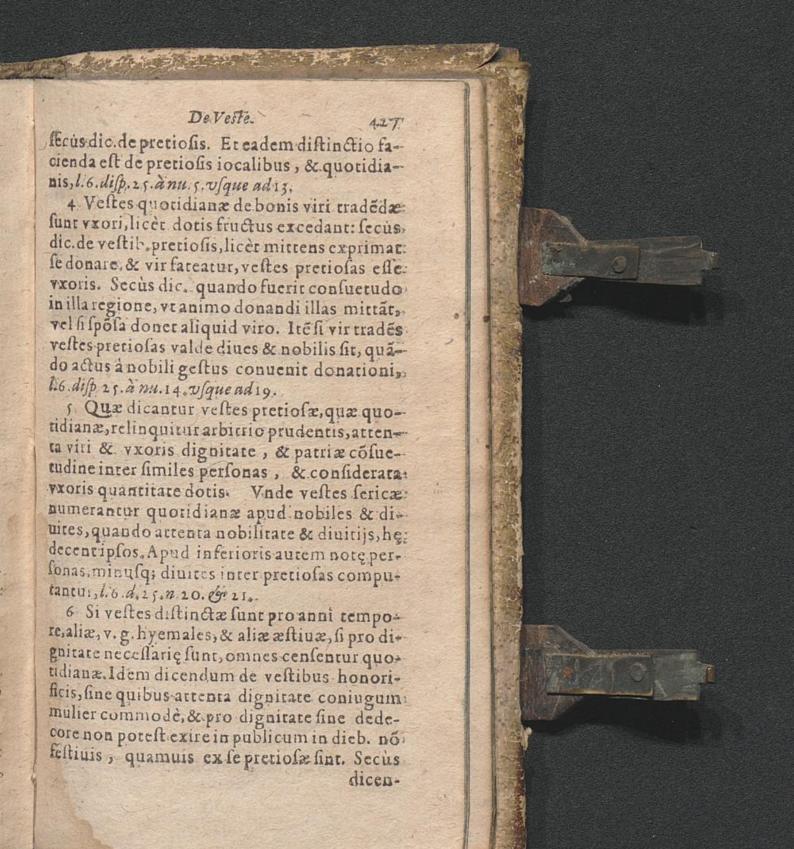


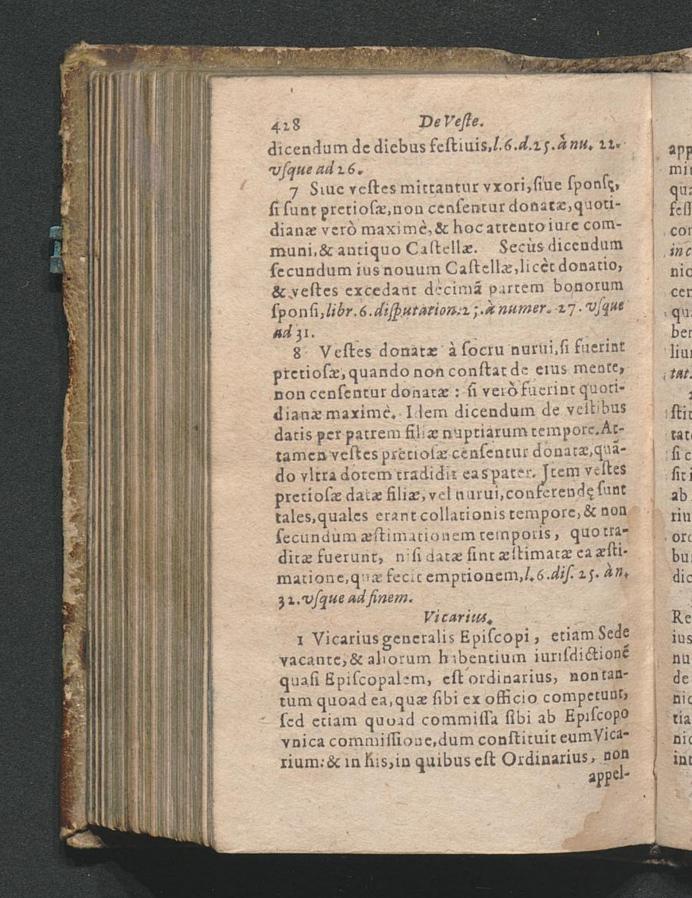
adiunctum, vt(ex nunc te habebo in meam, vel posthac cunctis diebus vitæ meæ prouidebo tibi sicut vxori)que constituunt matrimonium, & sacramentum. Tandem alia sunt dubia, vt (volo te habere in vxorem, vel este mea) ex quibus oriuntur sponsalia, nisi ca verba de libertate prolata essent, id est, adinterrogationem alius, & præcessisset tractatus de contrahendo; vel fi addatur illis (ex nunc) verba tamen, (volo te esse vxorem) sunt æquiuoca. Itë ex verbis (promitto me delponlaturum Mariam)non oriuntur sponsalia, sed tantum promissio de illis contrahendis: tamen ex verbis (habebo, tenebo, tractabo te vt vxorem, vel prouidebo tibi vt vxori)oriuntur tantum [posalia. Idem dicendum de verbis (nunquam te derelinquam pro alia.) Secus dicendum de verbis (posthac eris meus, vel ex nunc,) lib.1, difp.18.a n.9.v/q, ad 29.

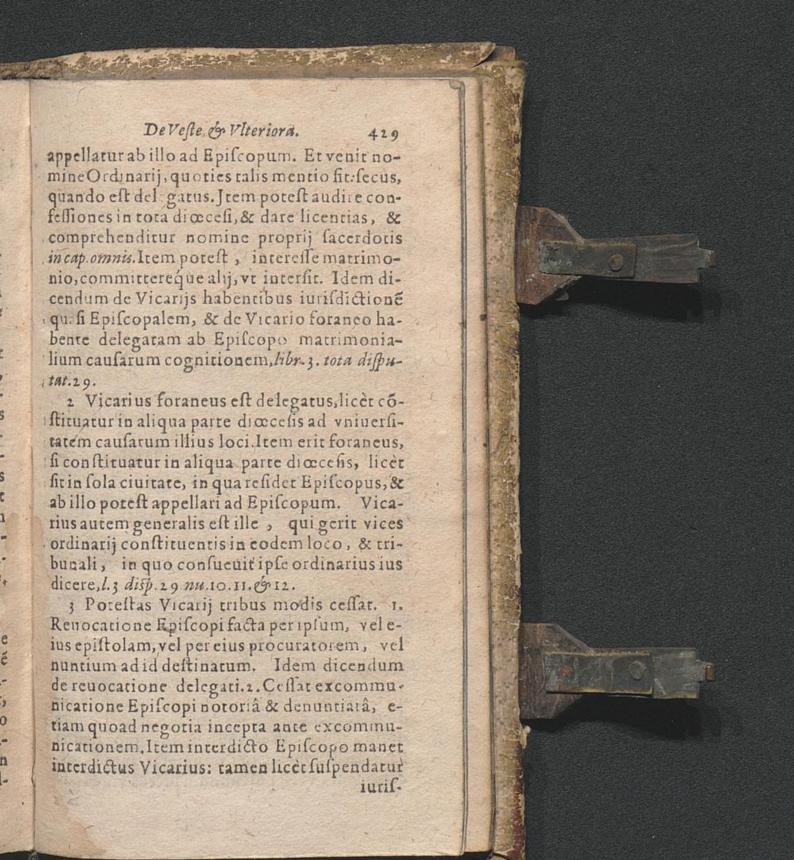
3 Ex verbis (vi nullam aliam à te ducam) nec sponsalia, nec matrimonium oritur; tenetur tamen, qui vsus fuit illis volendo contrahere matrimonium, contrahere cum ista, cui facta est promissio, casu quo matrimonium eligat. Idem dicendum si dicat (nullam aliam ducam nissi te, vel nullam aliam ducam quam te, vel nullam ducam præter te) nissi ex coniecturis colligatur voluisse contrahere, vel sponsalia, vel matrimonium secundum quod tractabas tur: tamen ex verbis (non aliam, sed te ducam) oriuntur sponsalia. Si dicat autem (non aliam,

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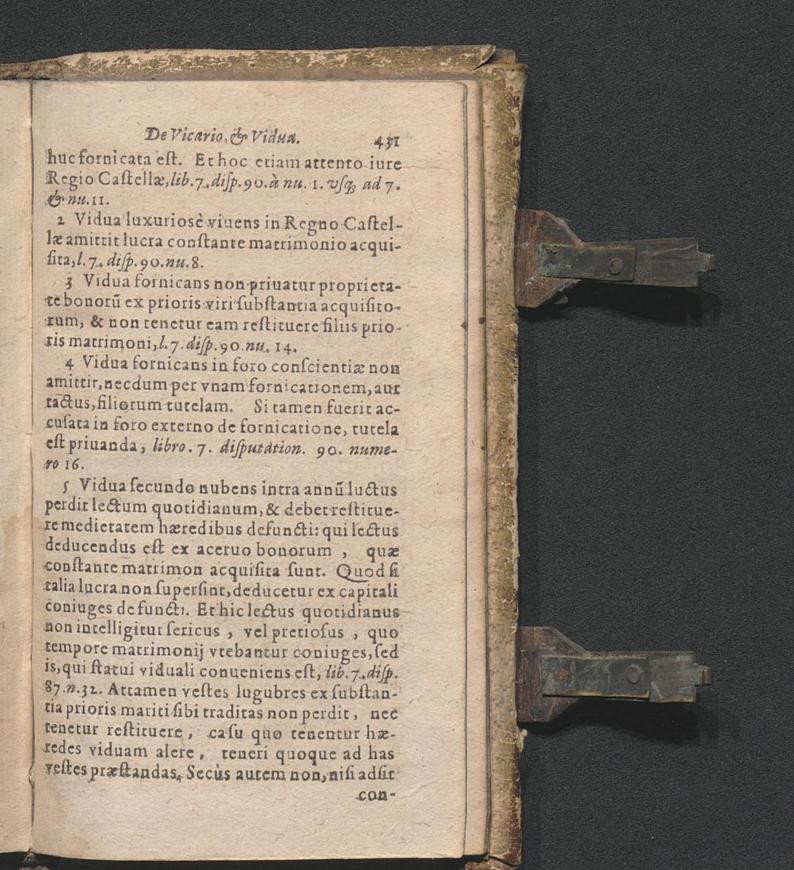


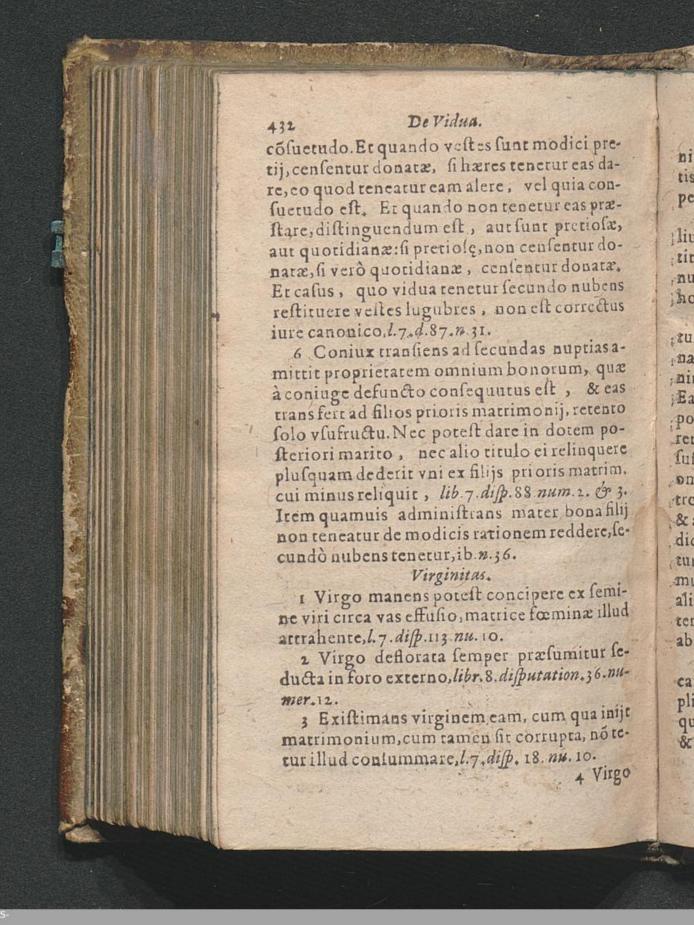


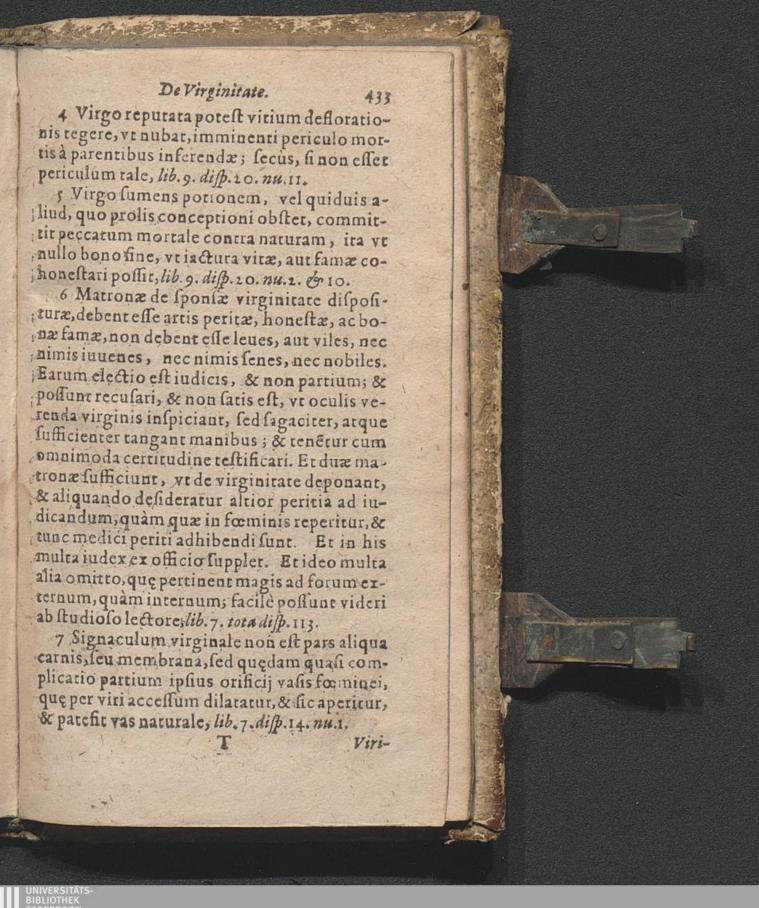
fornicatur, iam lecundo nuplerat ante fornicationem, vel fi post annum luctus vidua ad-

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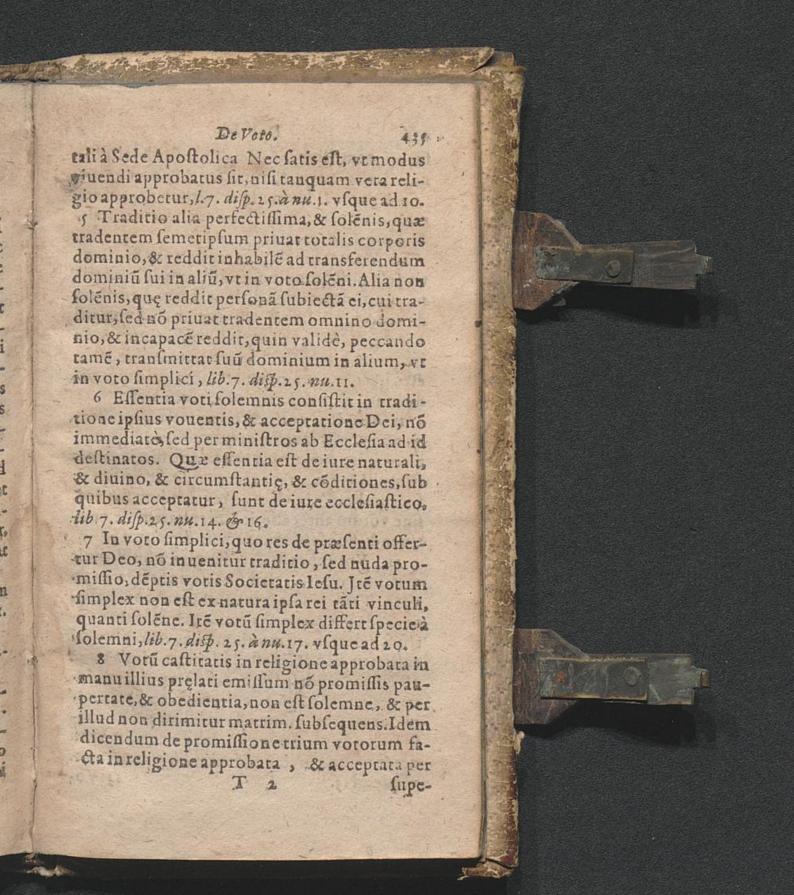
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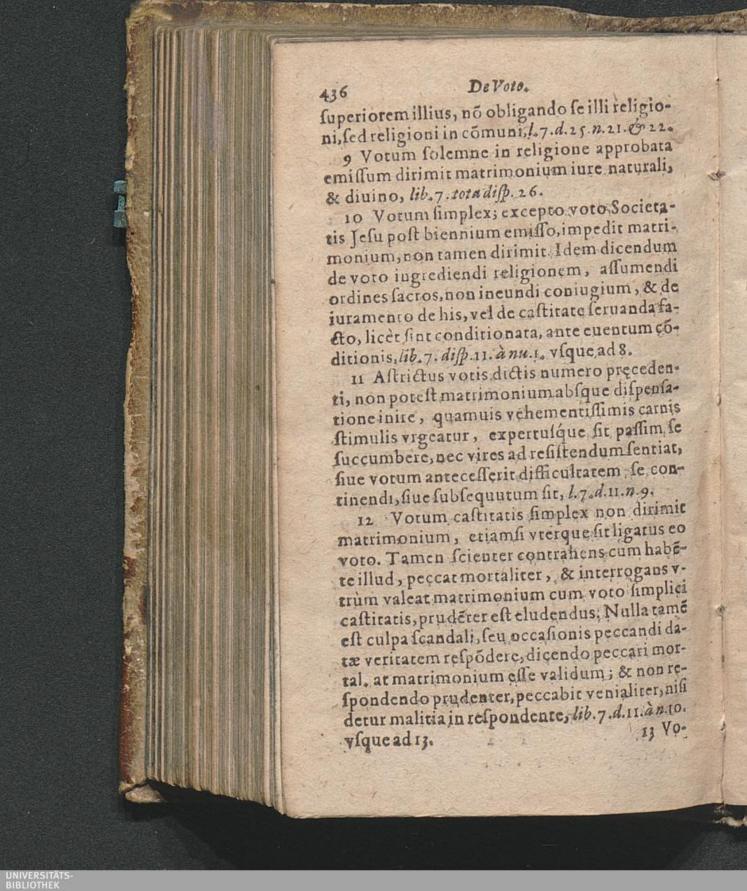


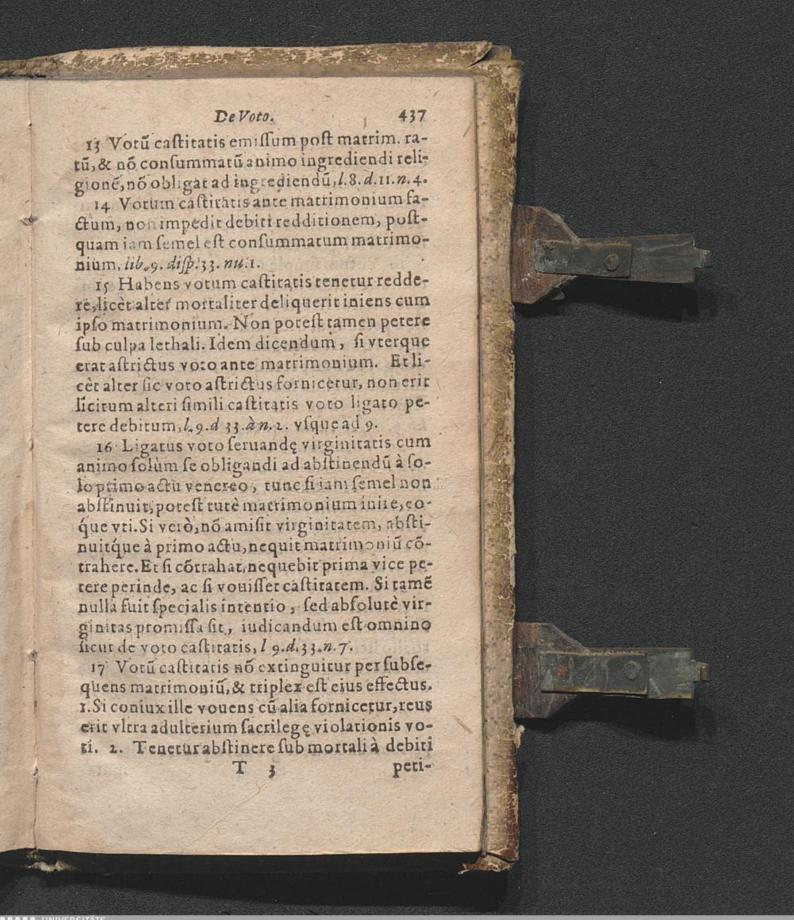


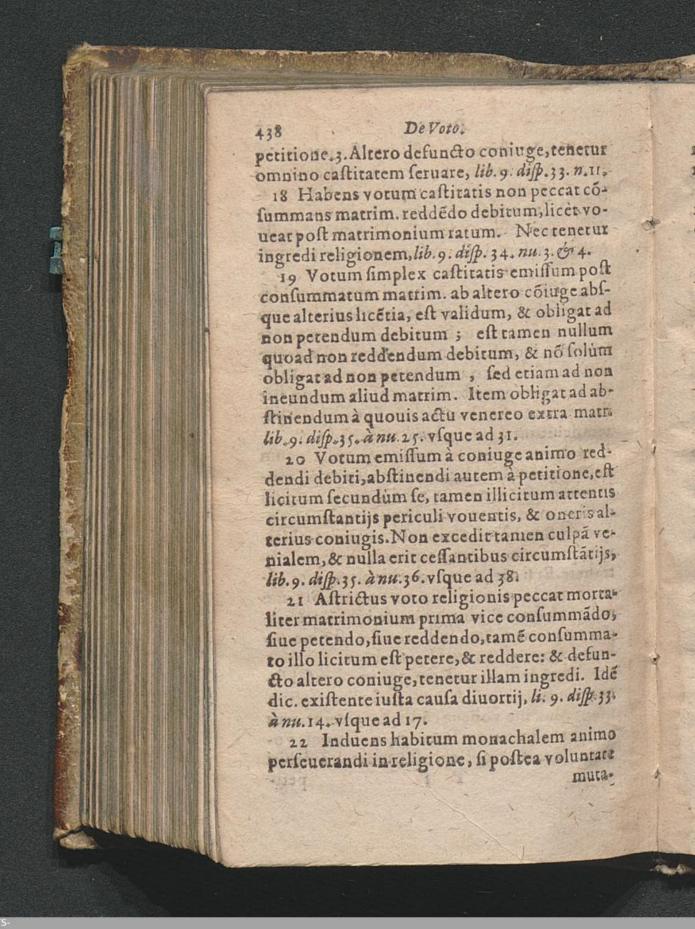


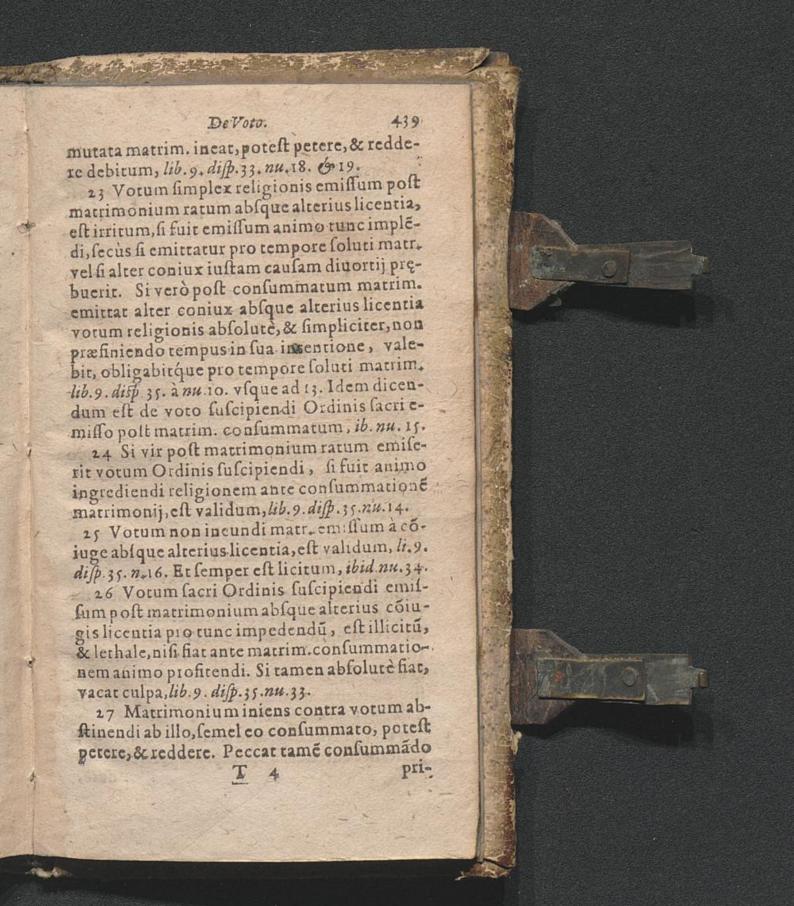
De Voto. 434 Viridicium. I Viricidium non impedit matrimonium, lib.7. disp.16. nu.6. Votum. 1 Votum de cotrahendo, nisi matrimoniu sit in præcepto, val causa pia, non obligat, nec valet. Item votum religionem profitendiante consummationem, excepto voto Beatæ Mariæ ob peculiarem rationem. Item non valet votum sub conditione, nisi Deus aliter disposuerit. Item votum de actibus virtutis, qui priuant maius bonum. Est tamen validum votũ nổ ludendi quoad ludu caufa recreationis honestæ; & de contrahendo propter instantes rentationes carnis, & affiduas Item de contrahendo cum cocubina, à qua difficillimè recedere potest. Item votum concludens aliquod bonum, quod potest esse ipsius materia, liect perfectiora bona excludat. Nota quòd, vtaliquid fiat ob causam piam, duo requiruntur, nempe, vt concurrat pietas in persona, & fiat causa pietatis, lib. 1. tota disp. 4. 2 Votum religionis impletur per ingressum bona fide, licet posteà exeat iusta caula, lib.i. disp. 34. 154 17. 3 Votum de re illicita non obligat, ea postibili, vellicita facta, lib.1. dip.50. nu. 60. 4 Castitas, paupertas, & obedietia sunt annexa essentialiter statui religioso; & desidera. tur essentialiter, vt hæc tria confirmenturaliquo voto, & fiant in religione approbata pro

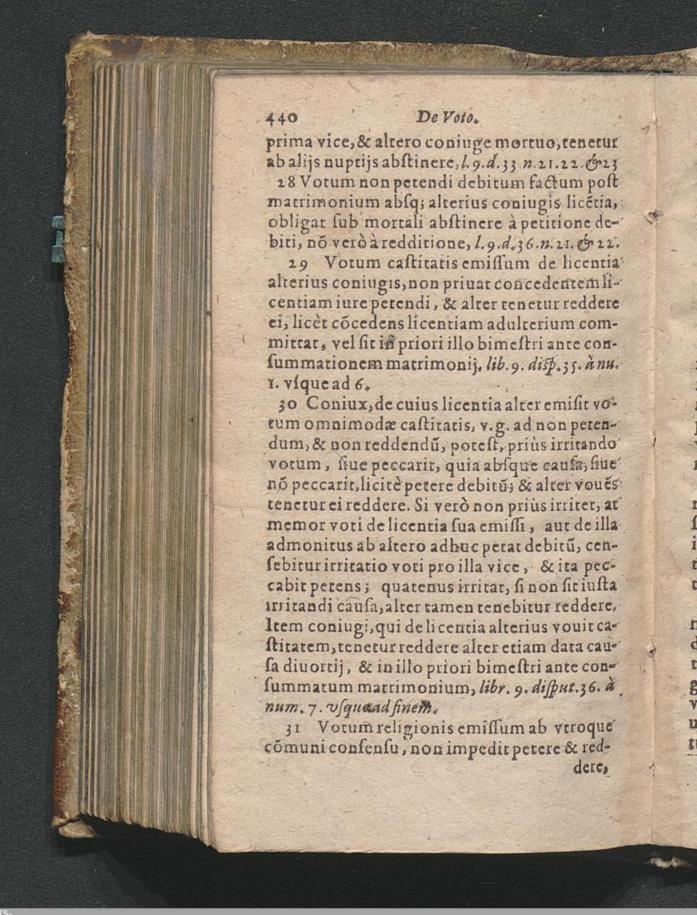


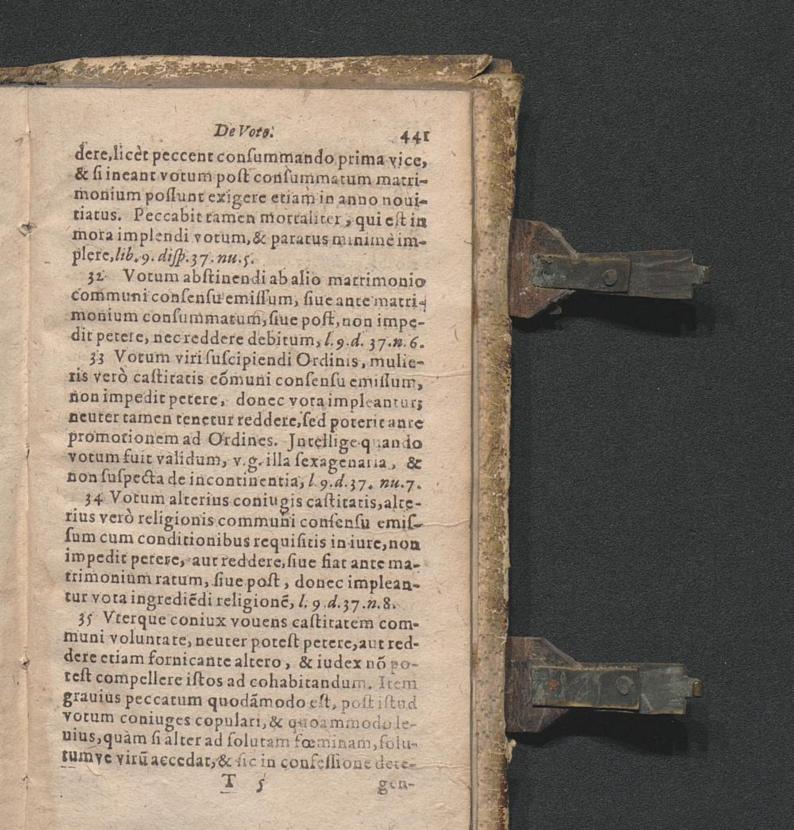


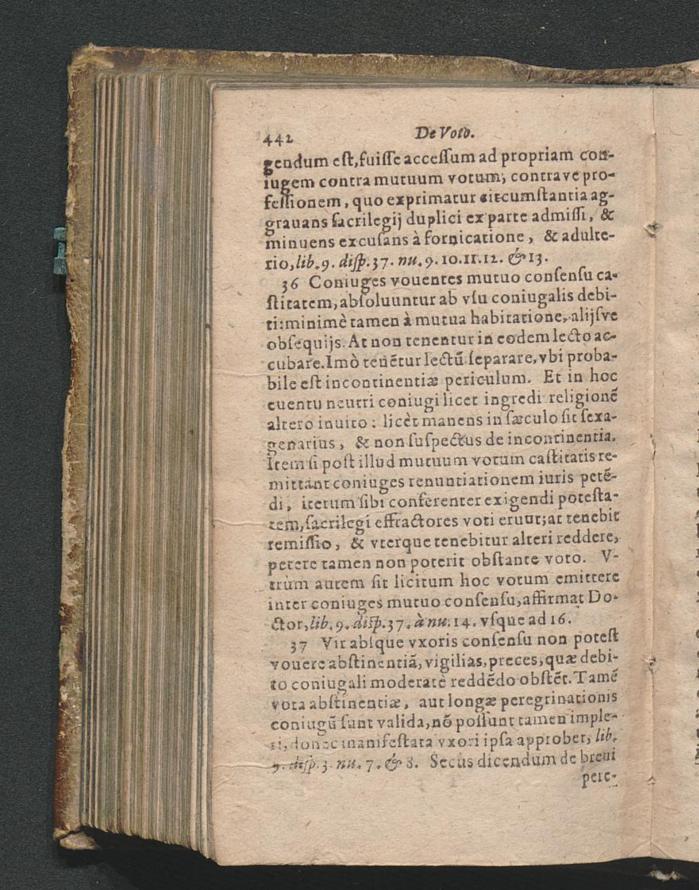


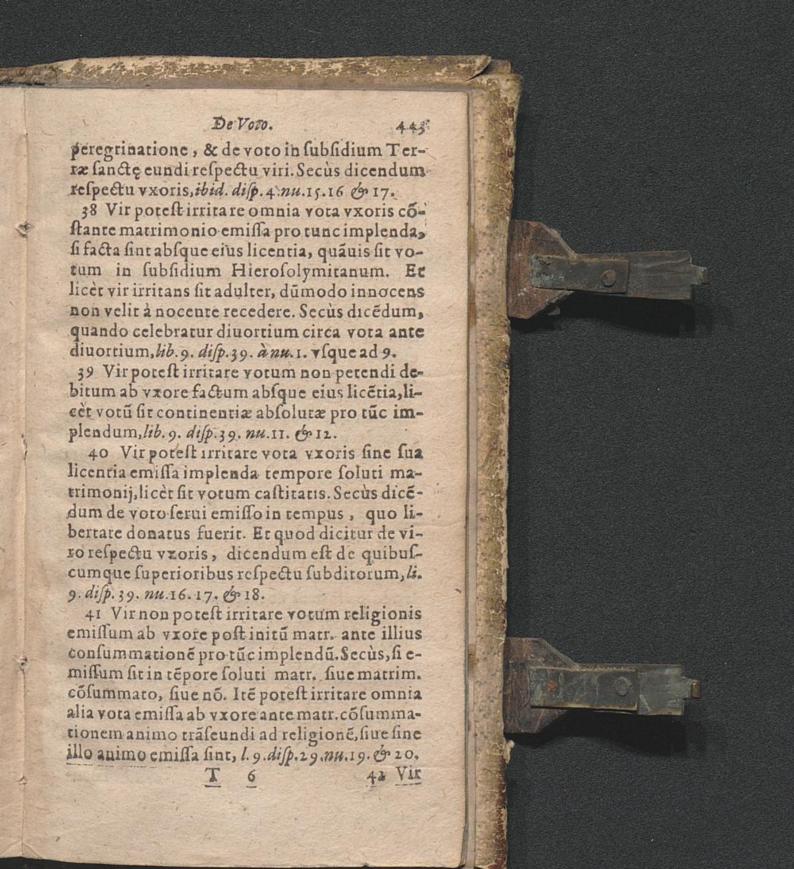


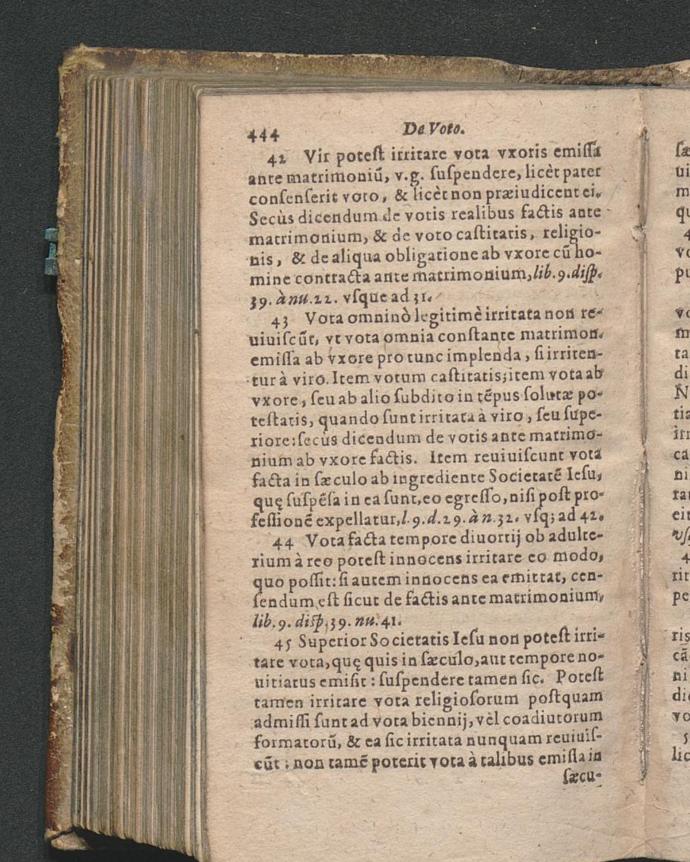


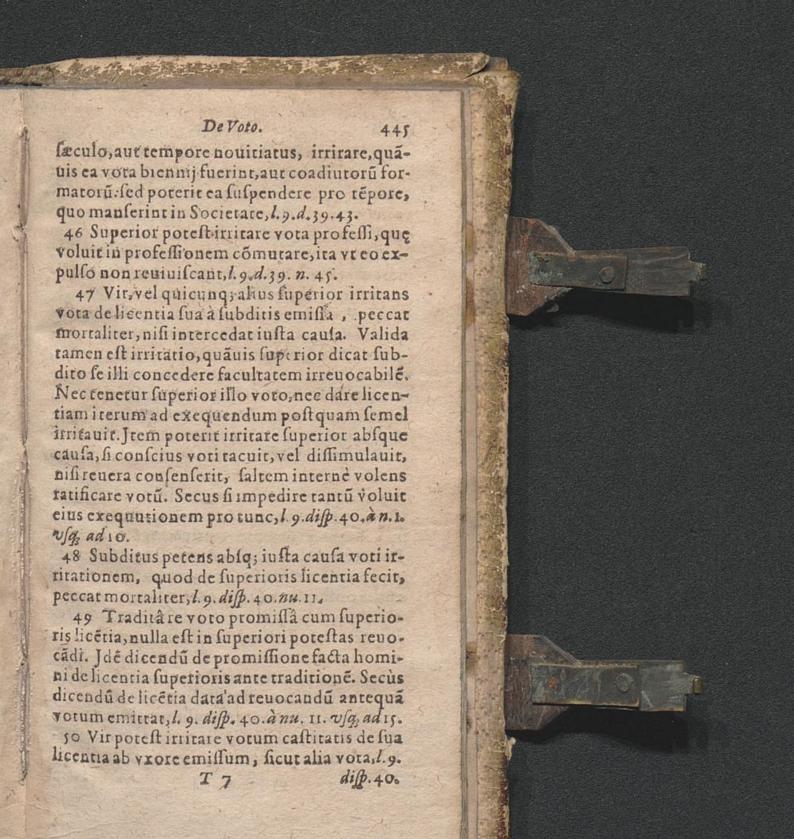


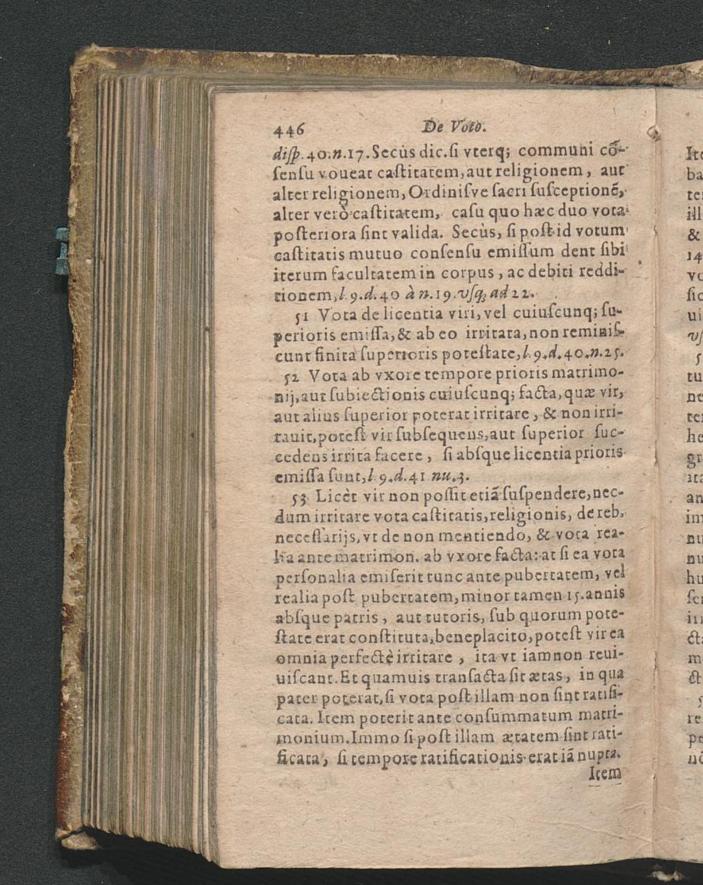














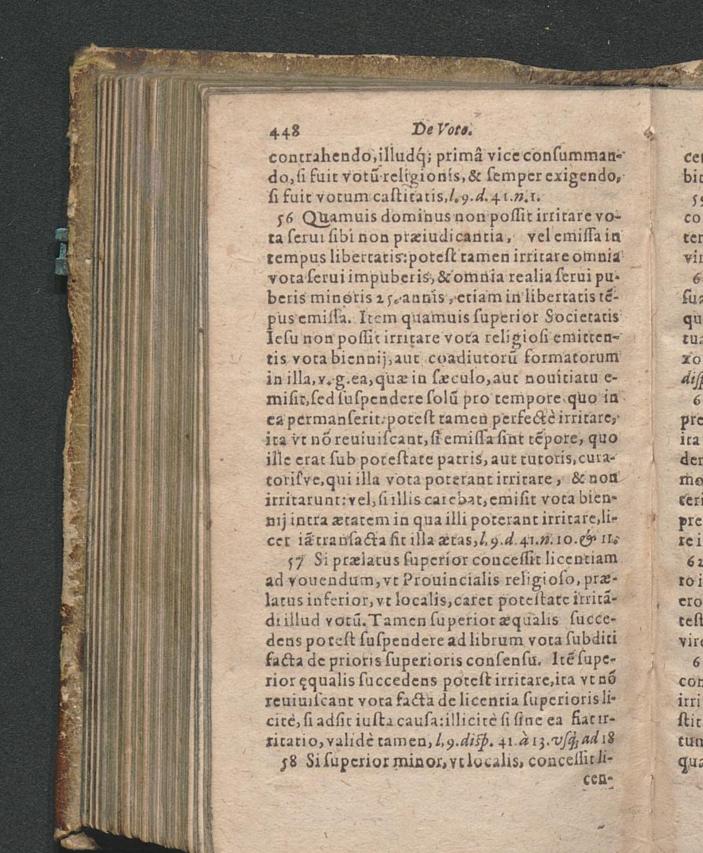
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Item si fœmina dum voto se adstrinxit carebat parentibus, & tutoribus, qui irritarent, poterit maritus, si adhue est in ætate, qua possent illi, vt si adhue sœmina esset minor 25. annis, & votum suit reale, & si fuit personale minor 14. annis. Item si tempore prioris matrimonij vouit vxor continentiam absq; viri licentia, sicut ille poterat persecte irritare, vt non reuiuiscat, ita & vir sequens, lib. 9. disp. 41. à nu. 4.

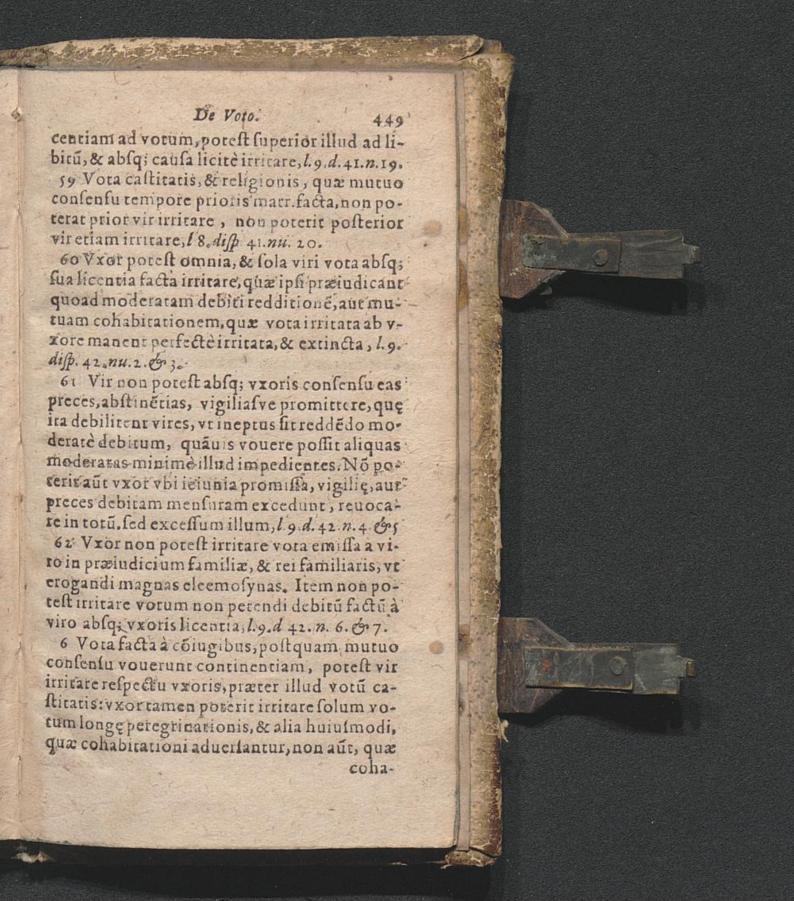
viquead 6.

54 Si vxorinconsulto viro post consummatum matrimonium, velantea voueat religionem in tempus soluti matr. arque eo soluto iterum nubat, (quo peccat mortaliter contrahendo, & tenetur ante confummationem ingredireligionem) potest virid votum irritare, manunqua reuiuiscat. Secus, fi emissum estet ante matrimonij confummationem, & tunc implendum. Item fæmina impubere valide nubeti, vt cum malitia supplet ætatem, & post nuptias ante matrimonij confummatione adhucimpubere vouente religionem abiq; præsentis virilicentia, potest vir perfecte id votu irritare. Et fi tune non irritaret, potest transacta ea ætate, quandocunq; licet post consummarum marrim. id ratificauerit iam pubes faet 15, 1.9 disp: 41.nu.7.098.

55 Fomma nubens post votum castitatis, & religionis absque viri licentia, vel alterius superforis cui suberat, atq; qui poterat irritare, no irritauit, peccat morraliter, matrimonium



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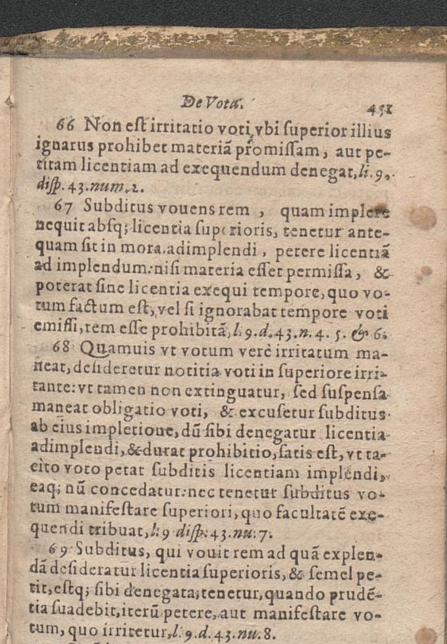
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cohabitationi adueisantur, non auté, quæ debito coniugali persoluendo Nec vxor poterit irritare vota facta à viro in tepus foluti matr. nec vota facta à viro absque eius licentia anto matr. consum.si animo transeundi ad religionem fiant: secus; si non eo animo, vel cum illo consummato ia mat. Item potestirritare vxor vota præiudicantia facta à viro cum eius licentia. Item si vir de eius licentia fecerit votum omnimodæ castitatis, abstinendi nempe à petitione, & redditione, & servandi omnino castiratem, potest vxor exiusta causa licità irritare quoad redditionem, &absque iusta: causa valide, sed cum peccato. Si autem coniuges, qui mutuo consensu vouerunt castitarem, iterum fibilius in corpus concedant, & renuntiatione iuris remittant, non potest vxor illud votum viri irritare, lib. 9. disp. 42. à no 8. su que adissi

64 Vxorsubsequens vota à marito sacta tépore prioris matr. priori vxori præiudicantia quoad debitum, & cohabitationem, persects irritare potest, siue sacta sint sine prioris vxozis licentia, siue cum illa, aut mutuo consensu, si adsit iusta causa licitè: illa deficiente illicitè,

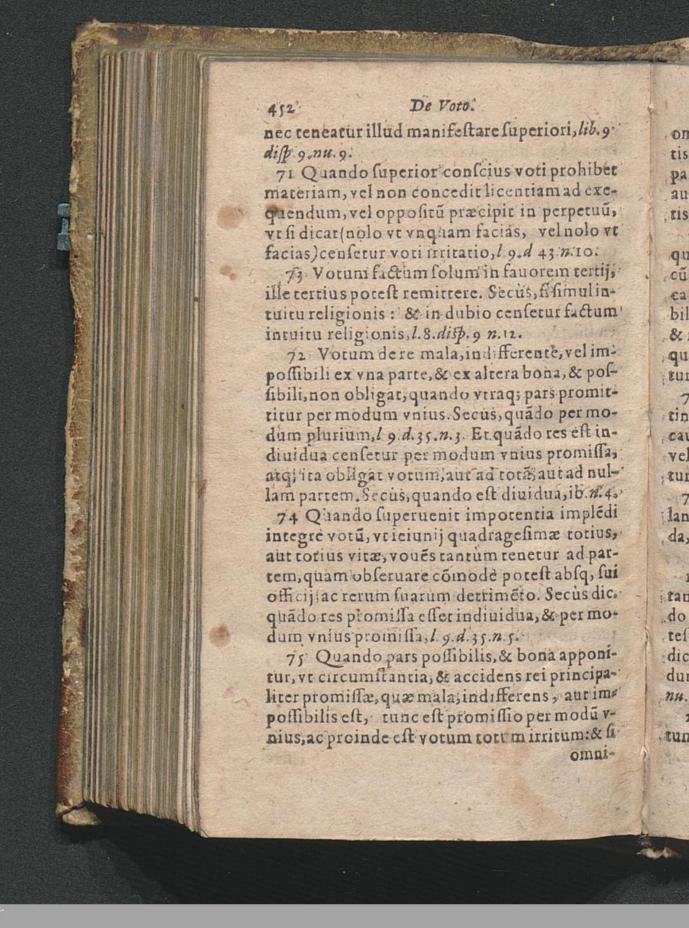
fed valide, l g. difp: 42. n. 16. 6 17.

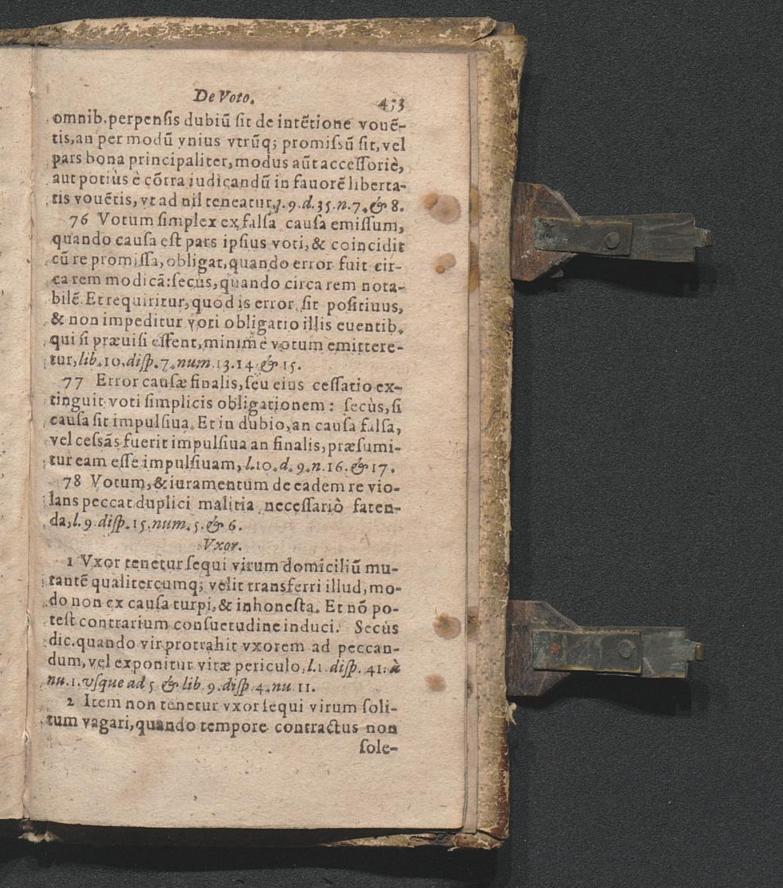
65 Vota ante matrim. facta non potest vxor persectè irritare, ita vt soluto matrim. non reuiuiscant: at potest illorum exequutione suspendere, si danum sibi inferant, & proinde tue non obligabunt donce soluatur matril. 9. d. 24. nu. 18. 66 Non-

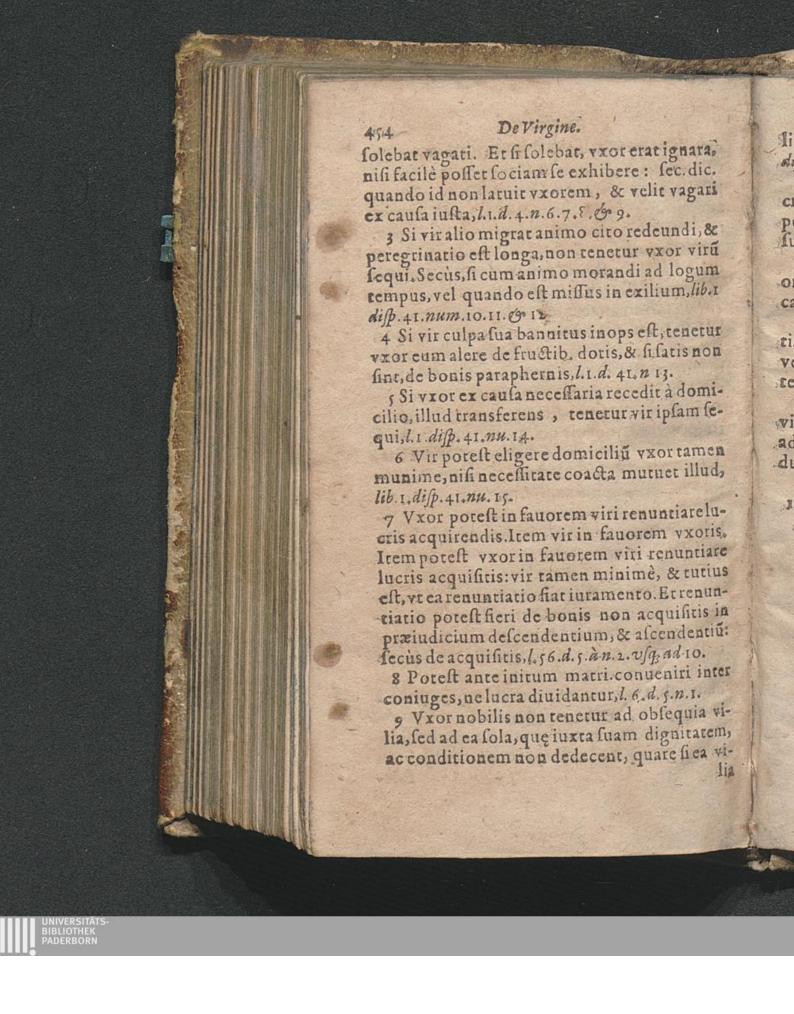


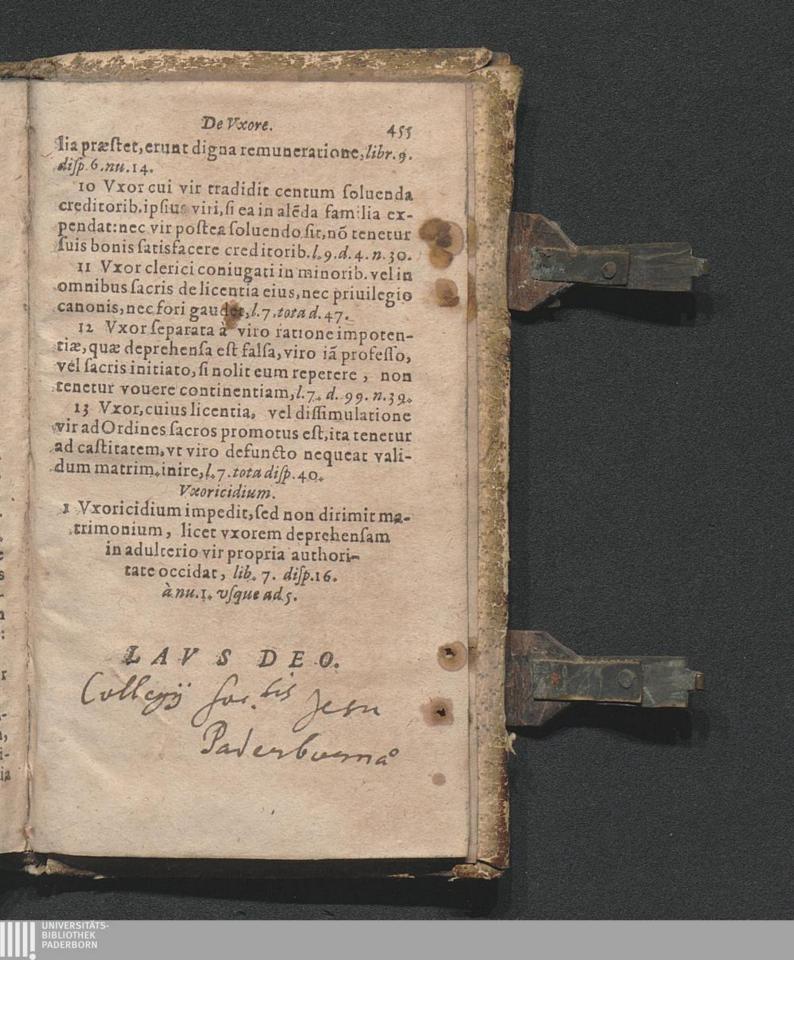
70 Quado votum est in temporis honorem, vt cundi Romaanno sancto subilæi, si superior inscius voti prohibeat eo tempore materia, subditus omnino est liber, ita vt superiore concedente licentiam non teneatur ad votu,

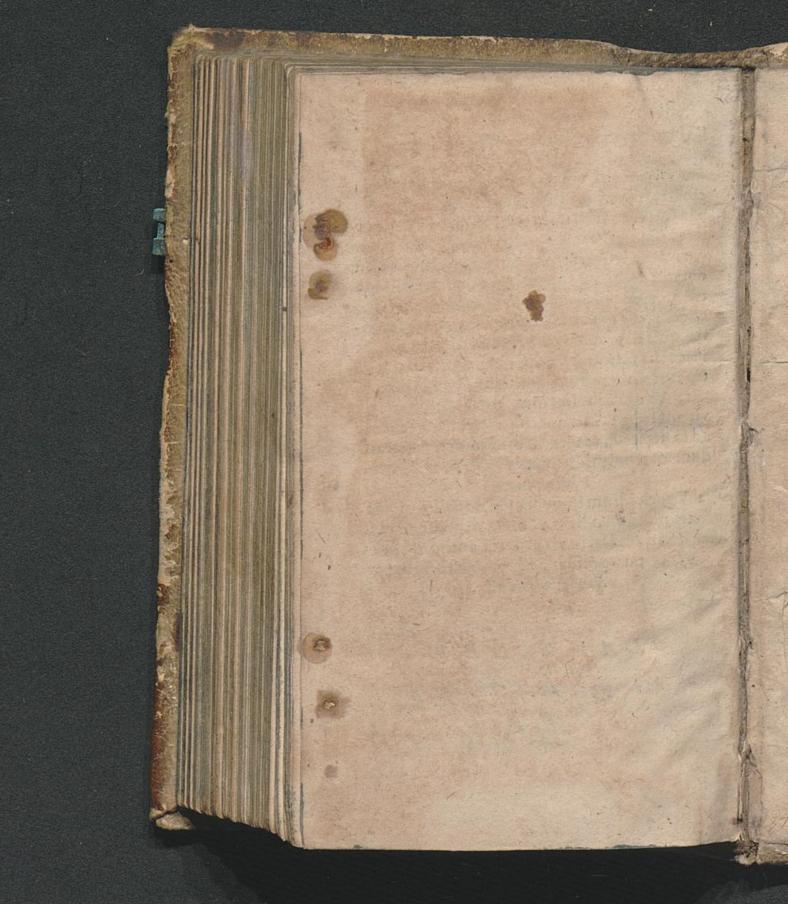
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