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Bayer, Rochus

[S.l.], um 1660-1661

Quaestio 8tana

urn:nbn:de:bsz:31-118955

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[illegible] Matrimonium contractum sub conditione [illegible] statim [illegible] valorem [illegible] lege publica [illegible] sicut [illegible] conditio habetur pro non adiecta [illegible] solet [illegible] conditio [illegible] futurum [illegible] contra [illegible] valet matrimonium sub conditione impossibili [illegible] contra [illegible] valet [illegible] conditionibus [illegible] [illegible] obligat [illegible] contra [illegible] valet [illegible] sub conditione impertinenti [illegible] capitulo [illegible] de conditionibus appositis [illegible] pro conditionibus non adiectis [illegible] [illegible] contrahere [illegible] vide [illegible]

Quaeres an [illegible] sit valida [illegible] generationem prolis [illegible] prolem [illegible] contra [illegible] et bona [illegible] valere [illegible] contrahendi [illegible] et bona [illegible] obligatio [illegible] contractum [illegible]

Notandum [illegible] contra substantiam [illegible] conditione impediendi generationem prolis [illegible] se obligare [illegible] contractus nullus est [illegible] contra substantiam contrahere [illegible] [illegible] prolem habere et [illegible] eodem modo contra substantiam [illegible] contrahere [illegible] prolem [illegible] [illegible] sicut in aliis contractibus [illegible] valeat [illegible] conditio [illegible] contra substantiam contractus [illegible] [illegible] porro [illegible] de sponsalibus conditionatis [illegible] sub conditione [illegible] in futurum tendente [illegible] contractus [illegible] conditionem eodem momento [illegible] valere vide [illegible] [illegible]

Quaestio octava

De Matrimonio Clandestino

Matrimonium clandestinum id est sine parocho et duobus testibus celebratum irritum est et invalidum iuxta concilium Trid: sess: 24 [illegible] [illegible] non autem [illegible] circa valorem matrimonii [illegible]

sub gravi p̃cto, ā libertate ad fore [illegible] conditionis contrahentium alterius locum et tempus matrim. celebrati ita Trid. et C. [illegible] ...

Adverto tamen Ecclia contractum matrii clandestini [illegible] [illegible] annullet, n ideo [illegible] naturam de sua lege sua [illegible] [illegible] [illegible] contrahendo matrim tamen a [illegible] [illegible] Barochi et [illegible] Contractus n [illegible] Valor subo [illegible] potestati ita [illegible] C. et D. [illegible] pt [illegible] Ecclia [illegible] [illegible] [illegible] facere inhabilem ad matrimum valide [illegible]

—— Tertio si solam personam contrahentis [illegible] inhabilem ——

Secundo si persona [illegible] habilis ad contrahendum ipsa [illegible] [illegible] [illegible] legitimam [illegible] [illegible] matrimonium sine Barocho et Testibus celebratum [illegible] [illegible] ... adsit [illegible] contrahentibus [illegible] [illegible] [illegible] Barochi [illegible] ad valorem matrii [illegible] Selectiam si celebret [illegible] matrimonium [illegible] necessitate vel metu [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut contractus [illegible] nullus si [illegible] [illegible] [illegible] celebrantes [illegible] [illegible] [illegible] necessitate sive [illegible] metu [illegible] Celebrantes [illegible] [illegible] [illegible] [illegible] a [illegible] contractum [illegible] ideo [illegible] valedum [illegible] [illegible]. —— Seqt ergo [illegible] [illegible] matrio nullam [illegible] obligationem nec [illegible] sponsalitie ita Trid. et [illegible] supra citato. Except nisi contrahentes expresse [illegible] sponsalia facere, [illegible] ergo matrimum clandestinum [illegible] [illegible] vel [illegible] [illegible] [illegible] [illegible] celebratum [illegible] [illegible] [illegible] sponsalia valebit [illegible] capitulum [illegible] [illegible] [illegible] sponsalitione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] se obligare modo quo [illegible] [illegible] ad sponsalia [illegible] [illegible]. —— Seqt tertio matrimonium sine Barocho (et autem sine Testibus) in locis hereticorum [illegible] [illegible] promulgatum [illegible] contracta [illegible] valida si nullus omnino sacerdos haberi potest q contractum assistat ita [illegible] C. et Bellarmino [illegible] [illegible] [illegible] Belligam, [illegible] M. DC. Die 30 Septembris. —— Seqt 4to. Valide [illegible] matria sine Barocho in locis etiam catholicis [illegible] [illegible] [illegible] [illegible] unde pt aliqs studio [illegible] et ibi sine Barocho contrahere matrim [illegible] [illegible] contrahent [illegible] [illegible] [illegible] et alibi [illegible] [illegible] [illegible] patriae suae. Econtra si peregrinus celebret matrimum [illegible] [illegible] [illegible], n valide celebrabit sine Barocho