

44. Cæterùm , prædicta doctrinâ sic ad normam advocari valet. Primò , quòd juramentum fit illicitum tripliciter ; aut quia jurat quis quod in se est vitiosum , ut adulterium , vel homicidium ; & sic tale juramentum non est implendum : Vel dùm quis jurat quod in se non est vitiosum , sed per accidens ; ut si quis post votum castitatis , juret aliquam accipere in uxorem : Vel dùm quis jurat aliquid ommittere , quod in se est bonum , quippè , non dare elemosynam.

45. Quintum quæsitum sic inscribit Magister : *An sit perjurus , qui non facit quod incautè juravit ?* Et respondet affirmativè , rationemque assignat , nempe , quia non servat quod juravit , eò quòd teneatur illud mutare , ut nuper dicebamus. Et quia juravit injustum , illicò reus efficitur , sicut ille qui pejerat : igitur jurans incautè , meritò debet appellari perjurus.

46. Unde subinfert Magister , quòd qualitercumque juretur , juramentum ad recipientis , & non jurantis intentionem semper refertur. Atque adeò qui falsò juramentum præstat , gemino ex capite peccat. Primò , quia nomen Dei in vanum assumit. Secundò , quia proximum dolo capere tentat.

47. Sextum , & ultimum quæsitum hæc rubricâ apposuit Magister in litterâ : *An peccet ille , qui alium jurare cogit ?* Et respondet cum distinctione. Quòd si nescit eum juraturum falsum , non peccat , quoniam hoc solùm fit , ut fides servetur de re super quam juratur ; & ideò non est peccatum , sed humana tentatio. Si autem scit eum juraturum falsum , & tamen compellit eum jurare , homicida est , & gravissimum peccatum haud dubiè perpetrare videtur.

48. Hoc etenim , non pro suo arbitratu , sed ex Augustini nutu lib. de Verb. Apost. serm. 28. tradidit Magister. En ejus verba : *Qui exigit juramentum , multùm interest si nescit jurare falsum , an scit. Si enim nescit , & ideò dicit jura mihi , ut fides ei sit , non est peccatum ; tamen humana tentatio est. Si tamen scit eum fecisse , & cogit eum jurare , homicida est. Idem Augustinus his pergit in uberiores probationem verbis : Qui provocat hominem ad jurationem , & scit eum falsum jurare , vincit homicidam , quia homicida corpus occisurus est , ille animam : Imò duas animas , & ejus , quem jurare provocavit , & suam. Hucusque Aurelius.*

49. Tandem de modo , normâ , & solemnitate jurandi agit Magister , & subdit , quòd debet fieri à jejuniis , nisi necessitas aliter

cogeret. Quod ex Concilio Aurelianensi ad litteram decerpit Magister sub hæc ordinatissimâ verborum serie : *Sancta Synodus decrevit , nisi pro pace faciendâ , ut omnes fideles jejuni ad Sacramenta accedant* : ergo quia juramenta , ex Concilio , hæc debent præstari formâ.

50. Sed dices : Nulla ratio , sive cordata congruentia adigit , ut juramentum tantâ sit solemnitate præstandum , quòd circa ipsum forma sit observanda jejunii , cum nullum reverà sit juramentum opus privilegiatum ; eò quòd perfectos imperfectosque ex æquò comprehendat homines : igitur incongruè juramento hanc adjicit solemnitate Magister.

51. Respondetur pro Magistro ex ipsius Aurelianensis Concilii contextu negando Antecedens , & Consequentiam. Nam sufficiens ratio , ac cordata congruentia ad sensum apparet , ut hæc in juramentis præstandis sit solemnitas jejunii servanda ; quia cum homo post cibum , & potum sit proclivis ad multiloquium , faciliùs in perjurium labere possit ; ideòque ad tantum fugandum periculum , præfata jejunii solemnitas fuit per Concilium prudentissimè ordinata. Et hæc de tertiâ , & ultimâ distinctionis parte satis superque sint dicta.

#### QUÆSTIONES.

52. **Q**uæstio I. An sit licitum jurare per Deum ? Ex Angelicâ Scholâ D. Thomas 2. 2. q. 89. art. 2. & in 3. dist. 39. q. 1. art. 2. Sotus de Just. lib. 8. q. 1. art. 3. Sylvius 2. 2. q. 89. art. 2. Camerinus tom. 2. q. 89. art. 2. Prado tom. 2. cap. 32. q. 1. §. 1. Bancel tom. 2. verb. Juramentum , q. 3. Nicolai in 3. dist. 39. q. 1. art. 3. Rayner. de Pisis tom. 2. verb. Juramentum , cap. 1. & seqq. Acacius verb. Juram. resol. 151.

53. Ex Subtili Scholâ Scotus in 3. dist. 39. q. unica Matrius disp. 11. q. 3. art. 2. Poncius tract. Append. disp. 60. q. 7. Pitygianus in 3. dist. 39. q. unic. art. 2. Aquila in 3. dist. 39. q. unic. Rada 3. p. controv. 17. art. 1. Castro contra Hæres. verb. Juram. Cottonius lib. 1. controv. 11. cap. 1. Marchant tom. 2. tract. 3. tit. 3. q. 2. dub. 1. & seqq. Cavellus in Schol. dist. 39.

54. Ex Scholâ Eximiâ Suarez tom. 2. de Relig. lib. 3. de Juram. cap. 4. Gordonus tom. 2. q. 6. cap. 2. Palao p. 3. tract. 14. disp. 1. punct. 4. Dicastillo tom. 1. disp. 2. dub. 1. & seqq. Sanchez lib. 3. cap. 4. Toletus in Summ. lib. 4. cap. 21. Filliucius tract. 25. cap. 2.

q. 3. Layman lib. 4. tract. 3. cap. 3. Azor p. 1. lib. 11. cap. 2. q. 3. Escobar lib. 3. de Juram. cap. 5. num. 6.

55. Ex Aliis D. Bonaventura in 3. dist. 39. art. 2. q. 1. Rocafull in Praxi, lib. 1. sect. 1. & seqq. Bassæus verb. Juram. 3. Bonacina disp. 4. q. 1. punct. 3. Sayrus in Clav. Regiâ, lib. 5. cap. 3. num. 7. Bonæpei disp. 6. dub. 1. Estius in 3. dist. 39. §. 3. & 7. Malletus tom. 2. pag. 38. Leander tom. 2. tract. 1. disp. 1. q. 18.

56. Quæstio 2. An juramentum coactum obliget? Ex Angelicâ Scholâ D. Thomas 2. 2. q. 89. art. 7. Sotus lib. 8. de Justitiâ, q. 1. art. 7. Sylvester 2. 2. q. 89. art. 7. q. 7. Bancel tom. 2. verb. Juramentum, q. 18. Palacius in 4. dist. 39. disp. unic. Nicolai in 3. dist. 39. q. 1. art. 6. Camerinus tom. 2. q. 89. art. 1. & seqq. Rayner. de Pisis tom. 2. verb. Juram. cap. 1. & seqq. Acacius verb. Jurament. resol. 151. & seqq.

57. Ex Subtili Scholâ Scotus in 3. dist. 39. quæst. unic. numer. 9. & seqq. Matrius disp. 11. de Legibus, q. 3. art. 2. Poncius tract. Append. disp. 60. q. 7. Rada 3. p. contr. 15. art. 2. Rodriguez in Summ. tom. 2. cap. 93. Castillentus in Polyanth. Seraph. verb. Juram. à num. 1. & seqq. Portellus verb. Juram. num. 1. & seqq. Cottonius lib. 1. contr. 11. cap. 1. & seqq. Cavellus in Schol. in 3. dist. 39. q. unic.

58. Ex Scholâ Eximiâ Suarez lib. 1. de Voto, cap. 8. & tom. 2. de Relig. lib. 3. de Juram. cap. 2. & seqq. Castro Palao p. 3. tract. 14. disp. 2. de Juram. punct. 2. & seqq. Sanchez lib. 4. de Matrim. disp. 20. q. 1. Molina tom. 1. de Just. tract. 2. disp. 149. Dicastillo tom. 1. tract. de Juram. disp. 3. dub. 13. Lessius lib. 2. cap. 42. dub. 6. Azor tom. 1. lib. 11. cap. 7. q. 2. Layman lib. 4. tract. 3. cap. 1. num. 2. Vazquez 1. 2. disp. 174. cap. 5. Reginal. lib. 18. num. 62. Saâ verb. Juram. num. 11. Filliucius tom. 2. tract. 25. cap. 6. q. 9. Gordonus tom. 2. quæst. 6. cap. 12. Escobar tom. 4. lib. 29. sect. 1. cap. 3.

59. Ex aliis D. Bonaventura in 3. dist. 39. quæst. 2. Malletus tom. 2. pag. 40. Bonacina tom. 2. disp. 4. q. 1. punct. 9. Basilius Ponce lib. 12. de Spons. cap. 8. Bassæus verb. Juram. 2. Bonæpei disp. 6. dub. 1. Estius in 3. dist. 39. §. 7. & seqq. Sayrus in Clavi Regiâ, lib. 5. cap. 3. num. 7. & seqq. Leander tom. 2. tract. 1. disp. 1. q. 18. & seqq.

60. Quæstio 3. An jurans ex consuetudine peccet mortaliter? Ex Angelicâ Scholâ D. Thomas 2. 2. q. 98. art. 3. Araujo 1. 2. q. 71. art.

art. 5. Bancel tom. 2. verb. Juram. q. 8. Greg. Martinez 1. 2. q. 71. art. 4. Raphael la Torre tom. 2. in 2. 2. q. 89. art. 3. disp. 3. Prado tom. 2. cap. 32. q. 8. §. 2. Rayner. de Pisis tom. 2. verb. Juram. cap. 1. & seqq. Petrus Ledesma tom. 2. Summ. tract. 11. cap. 5. dub. 5. Sylvius 2. 2. q. 98. art. 3. Medina lib. 1. cap. 14. §. 4.

61. Ex Subtili Scholâ Scotus in 3. dist. 39. q. unic. Poncius tract. Append. disp. 60. q. 7. Matrius de Legib. disp. 11. q. 3. art. 2. & seqq. Rodriguez tom. 1. cap. 192. num. 11. Angles p. 2. q. unic. de Voto, art. 1. difficul. 3. Cottonius lib. 1. contr. 11. cap. 1. & seqq. Castillentus in Polyanth. Seraph. verb. Juram. num. 1. & seqq. Aquila in 3. dist. 39. quæst. unic. Portellus verb. Juram. num. 1. & seqq.

62. Ex Scholâ Eximiâ Suarez lib. 3. de Juram. cap. 6. & 8. Palao p. 3. tract. 14. disp. 1. punct. 9. Filliucius tom. 2. tract. 25. cap. 10. num. 315. Gordonus tom. 2. q. 6. cap. 6. Fagundez tom. 1. lib. 2. cap. 8. Valentia 2. 2. disp. 6. q. 7. punct. 3. Azor tom. 1. lib. 4. cap. 3. q. 3. Vazq. disp. 49. cap. 2. Escobar tom. 4. lib. 29. sect. 1. cap. 5. Dicastillo tom. 1. disp. 2. dub. 9. Sanchez lib. 3. de Matrim. cap. 5. Reginal. lib. 18. num. 87. Layman lib. 1. tract. 2. cap. 3.

63. Ex aliis D. Bonaventura in 3. dist. 39. q. 1. & seqq. Diana 1. p. resol. 55. Caspens. tom. 2. tract. 12. disp. 3. num. 54. Bonacina tom. 2. disp. 4. q. 1. punct. 13. Trullench lib. 2. cap. 1. dub. 20. Vega in Summ. cap. 16. casu 14. Joann. Sanchez in Selectis, disp. 20. numer. 5. Bonæpei disp. 6. dub. 3. Malletus tom. 2. pag. 41.

64. Quæstio 4. An obliget juramentum absque animo se obligandi? Ex Angelicâ Scholâ D. Thomas in 3. dist. 39. q. 1. art. 3. D. Antoninus 2. p. tit. 10. cap. 5. casu 5. Cajetan. 2. 2. q. 88. art. 2. Candidus tom. 2. disquis. 26. art. 2. dub. 4. Sylvius 2. 2. q. 89. art. 7. Camerinus tom. 2. q. 89. art. 7. Prado tom. 2. cap. 32. q. 4. §. 1. Sylvester verb. Juram. q. 19. Raph. de la Torre 2. 2. disp. 11. art. 7. conclus. 3. Bancel tom. 2. verb. Juram. q. 15. Nicolai in 3. dist. 39. quæst. 1. art. 7.

65. Ex Subtili Scholâ Scotus in 3. dist. 39. q. unic. Matrius de Legib. disp. 11. q. 3. art. 2. num. 53. Faber disp. 47. cap. 14. Poncius disp. 54. q. 2. Villalob. tom. 2. tract. 36. difficul. 6. Castillent. in Polyanth. Seraph. verb. Juram. num. 7. & seqq. Portellus verb. Juram. num. 1. & seqq. Herincx 3. p. tract. 2. disp. 6. q. 4. Cottonius lib. 1. contr. 1. cap. 1. & seqq. Marchant tom. 2. tract. 3. tit. 3. q. 2. Cavellus in Schol. in 3. dist. 39. q. unic.

66. Ex Scholâ Eximiâ Suarez tom. 2. de Relig. lib. 2. cap. 29. Lugo de Contrat. disp. 22. sect. 4. Dicastillo tom. 1. disp. 2. dub. 11. Palao 3. p. tract. 3. disp. 2. punct. 2. Filiucius tom. 2. tract. 25. cap. 6. q. 3. & seqq. & cap. 12. q. 3. & 4. Gordonus tom. 2. q. 6. cap. 9. Escobar tom. 4. lib. 29. cap. 2. sect. 1. Valent. 2. 2. disp. 6. q. 7. Sanchez lib. 1. de Matrim. disp. 6. Molina tom. 2. disp. 352. Fagundez tom. 1. lib. 2. cap. 11.

67. Ex aliis D. Bonaventura in 3. dist. 39. q. 1. art. 3. Bonacina disp. 4. q. 1. punct. 7. Rocafull lib. 1. sect. 4. cap. 1. & seqq. Bassæus verb. Juram. 2. Trullench lib. 2. cap. 1. dub. 10. Covarrubias de Pactis, 1. p. §. 5. num. 2. Bonæspei disp. 6. dub. 4. Malletus tom. 2. pag. 39. Leander tom. 2. tract. 1. disp. 1. q. 16.

68. Quæstio 5. Quid sit iuramentum, & quod illius species? Ex Angelicâ Scholâ D. Thomas 2. 2. q. 89. art. 2. Candidus tom. 2. in Disquis. disp. 26. art. 1. dub. 1. Camerinus tom. 2. q. 89. art. 1. Rayner. de Pisis verb. Juram. num. 7. & seqq. Prado tom. 2. cap. 32. q. 1. §. 1. & seqq. Sotus lib. 8. q. 1. art. 1. Raph. de la Torre 2. 2. q. 89. art. 1. Bancel tom. 2. verb. Juram. q. 1. Nicolai in 3. dist. 39. q. 1. art. 1. Aca- cius tom. 2. verb. Juram. Lezana tom. 2. verb. Juram. cap. 1. & seqq.

69. Ex Subtili Scholâ Scotus in 3. dist. 39. q. unic. Maftrius de Legib. disp. 11. q. 9. art. 2. Herincx p. 3. tract. 2. disp. 6. q. 5. Castillent. in Polyanth. Seraph. verb. Juram. num. 1. & seqq. Aquila in 3. dist. 36. q. 1. art. 2. Portellus verb. Perjurium, num. 1. & seqq. Cottonius lib. 1. controv. 12. cap. 1. & seqq. Cavellus in Schol. in 3. dist. 39. q. unic. Rada 3. p. controv. 18. art. 1. & seqq.

70. Ex Scholâ Eximiâ Suarez tom. 2. de Relig. tract. 4. lib. 1. cap. 12. Palao 3. p. tract. 14. disp. 1. punct. 1. & seqq. Gordonus tom. 2. q. 6. cap. 1. Fagundez tom. 1. lib. 2. cap. 1. Escobar tom. 4. lib. 29. sect. 1. cap. 1. Dicastillo tom. 1. disp. 1. dub. 1. & 2. Filiucius tract. 25. cap. 2. Valent. 2. 2. disp. 6. q. 7. Sanchez de Matrim. lib. 3. cap. 1. num. 1. Lay- man lib. 4. tract. 3. cap. 4. Reginal. lib. 18. num. 31. Toletus lib. 4. cap. 20. Lefsius lib. 2. cap. 42. dub. 2.

71. Ex aliis D. Bonaventura in 3. dist. 39. art. 1. q. 1. Bonacina tom. 2. disp. 4. q. 1. punct. 1. Rocafull in Praxi, lib. 1. sect. 1. cap. 1. & seqq. Bassæus verb. Juram. num. 1. & seqq. Marchantius in Resol. Past. cap. 2. q. 3. Bonæspei disp. 6. dub. 2. Estius in 3. dist. 39. §. 1. & seqq. Malletus tom. 2. pag. 37. Leander tom. 2. disp. 1. q. 1. Balthaf. Conrad. de Mendaciis, cap. 1. & seqq.

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72. Quæstio 6. An omne perjurium sit peccatum? Ex An- gelicâ Scholâ D. Thomas 2. 2. q. 89. art. 3. & in 4. dist. 39. art. 9. Came- rinus tom. 2. q. 98. art. 3. Prado tom. 2. cap. 32. q. 8. §. 1. Cajetanus verb. Perjurium, cap. 1. Raph. la Torre 2. 2. q. 98. disp. 1. art. 3. D. Antoni- nus 2. p. tract. 10. cap. 4. Sotus lib. 8. de Just. q. 1. art. 7. dub. 1. Bancel tom. 2. verb. Perjurium, q. 4. Rayner. de Pisis tom. 3. cap. 1. verb. Perjurium, num. 1. & seqq. Nicolai in 3. dist. 39. q. 1. art. 9.

73. Ex Subtili Scholâ Scotus in 3. dist. 39. q. unic. Maftrius de Legib. disp. 11. q. 9. art. 2. Herincx p. 3. tract. 2. disp. 6. q. 5. Castillent. in Polyanth. Seraph. verb. Perjurium, num. 1. & seqq. Aquila in 3. dist. 36. q. 1. art. 2. Portellus verb. Perjurium, num. 1. & seqq. Cotto- nius lib. 1. controv. 12. cap. 1. & seqq. Cavellus in Schol. in 3. dist. 39. q. unic. Rada 3. p. controv. 18. art. 1. & seqq.

74. Ex Scholâ Eximiâ Suarez lib. 3. de Juram. cap. 20. Escobar tom. 4. lib. 29. sect. 1. cap. 7. Valentia tom. 3. disp. 6. q. 7. punct. 2. Palao p. 3. tract. 14. disp. 1. punct. 6. Azor tom. 1. lib. 11. cap. 12. q. 6. Lefsius lib. 2. de Just. cap. 24. dub. 14. Filiucius tom. 2. tract. 25. cap. 10. num. 300. Dicastillo tom. 1. disp. 2. dub. 6. Toletus lib. 4. cap. 21. Sanchez lib. 3. cap. 4. num. 16.

75. Ex aliis D. Bonaventura in 3. dist. 39. art. 1. q. 2. Bassæus verb. Juram. 4. in Supplem. num. 3. Sayrus lib. 5. cap. 2. Navarrus in Manuali, cap. 12. num. 1. Trullench lib. 2. cap. 1. dub. 6. Diana 4. p. tract. 4. resol. 70. Abulensis in cap. 5. Matth. q. 302. Bonæspei disp. 6. dub. 3. Estius in 3. dist. 39. §. 5. Malletus tom. 2. pag. 41. Balthafar Conradus de Mend. cap. 1. & seqq.

76. Quæstio 7. An omne perjurium sit mendacium? De quod hic q. 6.

77. Quæstio 8. An omne perjurium sit peccatum mortale? De quod hic q. 6.

78. Quæstio 9. An liceat per creaturas jurare? De quod hic q. 1.

79. Quæstio 10. An in omni iuratione Deus adhibeatur ut testis, aut creatura Deo oppigneretur? De quod hic quæst. 1.

80. Quæstio 11. An liceat per idola, dæmoniaque jurare? De quod hic quæst. 1.

81. Quæstio 12. An sit minus malum per Deos falsos jurare veraciter, quam per Deum verum fallaciter? De quod hic q. 1.

82. Quæstio 13. An omne iuramentum sit implendum? De quod hic q. 1. & 5.

Tom. III.

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