

gunitatis cum patre, nepos in secundo, pronepos in tertio, & sic de aliis; quia prima persona gradum non constituit, sed semper excipitur, & ab illâ præfati numerantur gradus.

35. Secundò colligimus, quòd in hac rectâ lineâ non solum est prohibitum Matrimonium jure naturæ inter patrem & filiam, verùm & inter omnes ascendentes, & descendentes ab eâdem lineâ; quia sicut natura ipsa abhorret Matrimonium, & seminum mixtionem inter patrem & filiam; pariformiter & in totâ hac lineâ detestari debet; cum in ascendentibus, & descendentes eadem principii, & principiati inveniatur ratio, quæ maximam in principiato reverentiam commedat.

36. Tertiò, in lineâ transversali æquali, quândo utraque persona æquè ab eodem discrepat stipite, tot gradibus distat inter se, quot distat à stipite, v. g. duo fratres, qui à patre æqualiter distant, sunt inter se consanguinei in primo gradu; quia quilibet eorum est consanguineus patri in primo gradu; undè filii duorum fratrum constituuntur consanguinei in secundo gradu, & sic de aliis.

37. Quartò, in lineâ inæquali transversâ, quândo utraque persona inæqualiter à communi distat stipite, quot gradibus distat persona remotior à communi stipite, totidem & distat ab alterâ; quia non habent unitatem sanguinis nisi in stipite: ergo non possunt proximius inter se copulari, quàm remotior eorum adhæret stipiti.

38. Quintò tandem inferimus, Matrimonium prohibitum fore in primo gradu transversalis lineæ jure naturæ. Nam contra jus naturale militat, quòd duo fratres Matrimonio copulentur; sed duo fratres sunt constituti in primo gradu transversalis lineæ: ergo quia jus naturæ prohibet Matrimonium in primo gradu transversalis lineæ. Deindè, quia Pontifex hactenus in hoc primo non dispensavit gradu: ergo quia jure naturæ prohibitum. Hic excipimus Matrimonium filiorum Adami, qui divinâ ex dispensatione indiscriminatim copulabantur; & quia tunc in mundo alii vitam degentes non erant. Et hæc de primâ distinctionis parte sufficiant.

39. PRO SECUNDÆ verò, & ultimæ distinctionis partis clarâ indagine, hæc secunda proponitur thesis: *Superiorum autoritatum ratio, per quasdam satis detegitur congruentias.* Quam suadere pertentat Magister, Patrum præadductas autoritates in textûs litterâ, modò iterùm inculcando, quibus consanguinitatis gradus ad sextum, vel septimum numerum protendere obtinentur.

40. Primò, Isidorus docuit cognationem carnalem, sive consanguinitatem impedire Matrimonium in sextum gradum usque, ut supra expen-

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pendimus, in cujus subsidium hac concinnavit congruentiam: Mundana generatio, hominumque status sex absolvitur aetatibus: ergo & propinquitas generis tot debet terminari gradibus; proindeque solum sex gradus consanguinitas comprehendere valet.

41. Sed oppones: Mundus est perpetuus, sive à principio in finem, in eodem ferè statu permanet semper mundana generatio; sed ex eò quòd mundus sit perpetuus, sive in eodem semper à principio in finem permaneat statu mundana generatio, nequit aetatibus cingi; cum hæc perpetuitatem pellant, & successione commendent: ergo Isidori congruentia de mundi aetatibus non bene pro graduum consanguinitate aptatur.

42. Respondetur, congruentiam de mundi aetatibus à Divo Isidoro contextam pro consanguinitatis gradibus expendendis, aptissimam fore. Quia, cum mundus senescat, necesse est, quòd fuerit juvenis, habeatque senium, & juventutem, perindèque interiacentes aetates, quemadmodum homini ob eandem rationem passim assignantur. Sic à Doctoribus frequenter hæc calculantur seriè: Prima mundi aetas ab Adam usque ad Noe: Secunda à Noe usque ad Abraham: Tertia ab Abraham in David: Quarta à David ad transmigrationem Babylonis usque. Quinta à transmigratione usque ad Christum Dominum: Sexta tandem à Christo Domino in finem.

43. Hæc etenim aetates sic appelluntur; non quia fuerint æqualis spatii, sive durationis; sed quia in qualibet earum aliquid novum ac plausibile, & instauratio aliqua memorabilis operata est. In primâ creatio Adami, ejusque lapsus. In secundâ diluvium. In tertiâ circumcisio, & lex. In quartâ Regum unctio. In quintâ populi captivatio, & liberatio. In sextâ demùm nostra felicissima Redemptio. Undè, sicut mundanæ generationis aetates sub senario comprehenduntur numeros; sic & consanguinitatis gradus solum sextum ex ambiunt: ergo præfata Isidori congruentia satis congruè accommodatur.

44. Secundò, alii aliter septem consanguinitatis gradus astruunt, & in illorum tutamen hanc in medium adducunt congruentiam: Post hanc vitam, quæ septem diebus agitur, Ecclesia Christo Domino adhæret: ergo & post septem consanguinitatis gradus vir & uxor poterunt Matrimonium contrahere, sive sponsus sponsæ copulabitur: ergo pro septem consanguinitatis gradibus expendendis, hæc Ecclesiæ congruentia omnibus arridet.

45. Tandem contra dicta objicit Magister ex Gregorio Magno lib. 12. Regist. & habetur dist. 35. q. 3. *Experimento didicimus, ex conjugio*

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gio duorum fratrum germanorum, sobolem non posse succrescere, ideo necesse est, ut quarta, vel quinta generatio fidelium licenter sibi jungantur. Ergo si consanguineis licet in quarto, aut quinto gradu Matrimonium contrahere, has graduum calculationes, earumque congruentias in præcipitem abire censemus.

46. Respondet Magister, Gregorium duntaxat dispensasse in quarto, & quinto gradu cum gente Anglicanâ noviter ad fidem conversâ, ne cogentur, uxores alienigenas ducere. Cæterum, semel in fide solidatis, non licere, nisi servatis sex, vel septem gradibus, juxta jus antiquum, ultra copulari, eò quòd concessio illa fuerit specialis, & non generalis, ut ipse Gregorius innuit in litterâ. Et hæc de secundâ, & ultimâ textus parte satis superque sint dicta.

QUÆSTIONES.

47. QUÆSTIO I. An, & qui gradus consanguinitatis dirimant Matrimonium jure naturæ? Ex Angelicâ Scholâ D. Thomas 2. 2. q. 154. & in 4. dist. 40. q. unic. art. 3. Reding tom. 8. q. 12. art. 1. Controv. 2. & 3. Calsianus à S. Eliâ tom. 1. verb. Matrim. cap. 21. §. 5. Gonetus tom. 5. tract. 8. disp. 9. art. 3. §. 1. & seqq. Raynerius de Pilsis verb. Impedim. num. 1. Sotus in 4. dist. 40. q. unic. art. 1.

48. Ex Subtili Scholâ Scotus in 4. dist. 40. q. unic. Macedo de Clavib. tract. 6. de Matrim. cap. 10. Mastrius in 4. disp. 7. q. 17. art. 1. Hiquæus in 4. dist. 40. q. 1. art. 1. Carriere tom. 2. art. 21. q. 5. Poncius tract. 11. disp. 49. q. 11. Cotonium tom. 1. lib. 5. Controv. 1. cap. 5. q. 3. dub. ult. Durand tom. 4. tract. 5. disp. ult. q. ult. Aquila in 4. dist. 40. q. 1. art. 1.

49. Ex Scholâ Eximiâ Vazquez tom. 21. q. 74. art. 8. & disp. 102. num. 7. Reginal. lib. 31. num. 119. Carleton tom. 2. disp. 104. sect. 1. Dicastillo tom. 3. tract. 10. disp. 7. dub. 22. Mart. Perez disp. 28. sect. 2. num. 8. Valentia disp. 10. q. 5. punct. 3. Tannerus disp. 8. q. 4. dub. 4. Bellarm. lib. 1. de Matrim. cap. 28. Coninch disp. 32. dub. 1. Gasp. Hurtado disp. 17. diff. 4. num. 9. Mæratius de Matrim. disp. 9. sect. 2. num. 11.

50. Ex aliis D. Bonaventura in 4. dist. 40. q. 1. art. 1. Basilius Ponze lib. 7. de Matrim. cap. 31. Bassæo verb. Matrim. §. 4. num. 19. & 20. Diana p. 8. tract. 1. resol. 69. Rebellus lib. 3. q. 5. Gavardi tom. 6. q. 3. de Matrim. art. 4. Bonacina q. 3. punct. 1. num. 6.

51. QUÆST. 2. An, & qui gradus consanguinitatis dirimat Matrimonium jure ecclesiastico? Ex Angelicâ Scholâ D. Thomas in 4. dist.

dist. 40. q. unic. art. 2. & 2. q. 154. Gonet tom. 5. tract. 8. disp. 9. art. 3. Reding tom. 8. q. 12. art. 1. Controv. 2. & 3. Calsianus à S. Eliâ tom. 1. verb. Matrim. cap. 21. §. 5. Sotus in 4. dist. 40. q. unic. art. 1. Mauritijs de Lezana verb. Matrim. num. 10. Raynerius de Pilsis verb. impedim. num. 2. & seqq.

52. Ex Subtili Scholâ Scotus in 4. dist. 40. q. unic. Mastrius in 4. disp. 7. q. 17. art. 1. Macedo de Clavib. tract. 6. de Matrim. cap. 10. Carriere tom. 2. art. 21. q. 5. Cotonium tom. 1. lib. 5. Controv. 1. cap. 5. q. 3. dub. ult. Poncius tract. 11. disp. 49. q. 11. Aquila in 4. dist. 40. q. 1. art. 2. Durand tom. 4. tract. 5. disp. ult. q. ult. Hiquæus in 4. dist. 40. q. 2. art. 2. num. 1. & seqq.

53. Ex Scholâ Eximiâ Dicastillo tom. 3. tract. 10. disp. 7. dub. 21. Carleton tom. 2. disp. 104. sect. 1. Tambur. tom. 2. lib. 8. cap. 5. §. 1. Gasp. Hurtado disp. 17. de Matrim. diff. 4. Sanchez lib. 7. disp. 21. num. 5. Palao disp. 4. punct. 7. num. 22. Bellarm. lib. 1. de Matrim. cap. 28. Vazquez 1. 2. disp. 112. num. 8. Mæratius de Matrim. disp. 9. sect. 2. num. 11. Valentia disp. 10. q. 5. punct. 3.

54. Ex aliis D. Bonaventura in 4. dist. 40. q. 1. art. 1. Gavardi tom. 6. q. 3. de Matrim. art. 4. Rebellus lib. 3. q. 5. Basilius Ponze lib. 7. de Matrim. cap. 31. Bassæo verb. Matrim. §. 4. num. 19. & 20. Bonacina q. 3. punct. 1. num. 6. Diana 4. p. tract. 4. resol. 70.

55. QUÆST. 3. Quot, & quænam sint regulæ ad gradus consanguinitatis dignoscendos? Ex Angelicâ Scholâ D. Thomas in 4. dist. 40. q. 1. art. 1. & 2. Anton. à Spirit. S. tom. 1. tract. 11. disp. 7. sect. 8. §. 1. Gonet tom. 5. tract. 8. disp. 9. art. 3. Reding tom. 8. q. 12. art. 1. Controv. 1. Calsianus à S. Eliâ tom. 1. verb. Matrim. cap. 22. §. 1. Sotus in 4. dist. 40. q. unic. art. 1. & seqq.

56. Ex Subtili Scholâ Scotus in 4. dist. 40. q. unic. Mastrius in 4. disp. 7. q. 17. art. 1. Macedo de Clavib. tract. 6. de Matrim. cap. 10. Carriere tom. 2. art. 21. q. 5. Cotonium tom. 1. lib. 5. Controv. 1. cap. 5. q. 3. num. 303. Frassen tom. 4. disp. ult. art. 3. §. 12. Poncius tract. 11. disp. 49. q. 11. Hiquæus in 4. dist. 40. q. 2. art. 1. Durand tom. 4. tract. 5. disp. ult. q. ult.

57. Ex Scholâ Eximiâ Dicastillo tom. 3. tract. 10. disp. 7. dub. 20. Tambur. tom. 2. lib. 8. cap. 5. §. 1. Coninch disp. 32. dub. 1. Sanchez lib. 7. de Matrim. disp. 50. num. 4. Reginal. lib. 31. num. 141. Carleton tom. 2. disp. 104. sect. 1. Valentia tom. 4. disp. 10. q. 5. punct. 3. Bellarm. lib. 1. de Matrim. cap. 28. Vazquez 1. 2. disp. 112. num. 7. Gasp. Hurtado disp. 17. diff. 5. & seqq.

58. Ex aliis D. Bonaventura in 4. dist. 40. q. 2. & seqq. Bassæo verb. Matrim. §. 4. num. 18. Bonacina q. 3. punct. 1. num. 6. Diana 4. p. tract. 4. resol. 70. & seqq. Basilius Ponze lib. 7. de Matrim. cap. 32. Rebellus lib. 3. cap. 5. & seqq. Gavardi tom. 6. q. 3. de Matrim. art. 4. & seqq.

59. QUÆST. 4. An in primo gradu lineæ transversalis, sive inter fratrem & sororem lex naturalis irritet Matrimonium? Ex Angelicâ Scholâ D. Thomas 2. 2. q. 154. art. 9. & in 4. dist. 40. q. 1. art. 2. Gonet tom. 5. tract. 8. disp. 9. art. 3. Sotus in 4. dist. 40. q. unic. Reding tom. 8. q. 12. art. 1. Controv. 2. & 3. Casianus à S. Eliâ tom. 1. verb. Matrim. cap. 22. §. 6. Anton. à Spirit. S. tom. 1. tract. 11. disp. 7. sect. 8. §. 1. & seqq.

60. Ex Subtili Scholâ Scotus in 4. dist. 40. q. 1. Mastrius in 4. disp. 7. q. 17. art. 1. Macedo de Clavib. tract. 6. de Matrim. cap. 10. Carriere tom. 2. art. 22. q. 5. Cotonijs tom. 1. lib. 5. Controv. 1. cap. 5. q. 3. num. 303. Frassen tom. 4. disp. ult. art. 3. §. 12. & seqq. Castillentus in Polyanth. Seraph. verb. Matrim. diff. 20. num. 1. Hiquæus in 4. dist. 40. q. 1. art. 1. Durand tom. 4. tract. 5. disp. ult. q. ult.

61. Ex Scholâ Eximiâ Toletus lib. 7. sum. cap. 7. num. 2. Carleton tom. 2. sect. 1. Dicastillo tom. 3. tract. 10. disp. 7. dub. 23. Sanchez lib. 7. de Matrim. disp. 52. num. 11. Tambur. tom. 2. lib. 8. cap. 5. §. 1. Mart. Perez de Matrim. disp. 28. sect. 5. Valentia tom. 4. disp. 10. q. 5. punct. 3. Lugo de pœnit. disp. 16. num. 142. Henriquez lib. 22. de Matrim. cap. 4. Maratius de Matrim. disp. 9. sect. 7.

62. Ex aliis D. Bonaventura in 4. dist. 40. q. 2. art. 1. & seqq. Diana 4. p. tract. 4. resol. 70. Bonacina q. 3. punct. 5. §. 1. Bassæo verb. Matrim. §. 4. num. 18. Rebellus lib. 3. q. 5. Basilius Ponze lib. 7. de Matrim. cap. 31. Gavardi tom. 6. q. 3. de Matrim. art. 4. & seqq.

63. QUÆST. 5. An Pontifex possit dispensare in impedimentis dirimentibus? Ex Angelicâ Scholâ D. Thomas 2. 2. q. 88. art. 11. Labat tom. 7. disp. 6. dub. 8. §. 1. & 2. Contenson tom. 2. lib. 11. p. 4. dissert. 1. cap. 2. specul. 3. Gonet tom. 5. tract. 8. disp. 6. art. 2. §. 3. Joan. à S. Thomâ tom. unic. disp. 29. q. 88. art. 18. & 19. Prado tom. 2. cap. 31. q. 14. §. 1. & 2. Capisuchus Controv. 11. q. unic. Anton. à Spirit. S. tom. 1. tract. 5. disp. 2. sect. 38.

64. Ex Subtili Scholâ Scotus in 4. dist. 38. q. unic. Macedo de Clavib. tract. 6. de Matrim. cap. 10. Durand tom. 4. tract. 5. disp. ult. q. ult. Cotonijs tom. 1. lib. 4. Controv. 5. cap. 5. Mastrius in 4. disp. 7. q. 20. art. 1. Portel in dub. regular. verb. votum, num. 5. Castillentus in

Polyanth. Seraph. verb. votum, diff. 3. num. 1. & seqq. Boscus tom. 6. disp. 12. sect. 13. Angles 2. p. q. unic. de voto, art. 8. diff. 1. & seqq.

65. Ex Scholâ Eximiâ Suarez tract. de voto, lib. 6. cap. 9. Tambur. tom. 2. tract. 2. lib. 8. cap. 3. Castro Palao tom. 1. tract. 3. de legib. disp. 6. punct. 4. Sanchez lib. 8. de Matrim. disp. 7. num. 4. Gasp. Hurtado disp. 26. de Matrim. diff. 1. Carleton tom. 2. disp. 104. sect. 2. Filliucius tract. 10. p. 2. cap. 10. Layman tract. 10. p. 4. cap. 6. Dicastillo tom. 3. tract. 10. disp. 8. dub. 1. & seqq. Tannerus disp. 5. q. 6. dub. 6. Fagundes praecep. 2. lib. 2. cap. 40. Azor lib. 12. cap. 7. q. 1.

66. Ex aliis D. Bonaventura in 4. dist. 38. art. 2. q. 1. Bonacin. q. 3. punct. 15. num. 2. Bassæo verb. Matrim. 3. num. 1. & 2. Sylveira Opuscul. var. resol. 27. de potest. q. 1. Bartholomæus à S. Fausto lib. 3. q. 36. num. 3. Diana p. 8. tract. 1. resol. 73. Trullench tom. 1. lib. 2. cap. 3. dub. 10. Gaudentius tom. 5. tract. 1. de voto, disp. 1. q. 8. & seqq.

67. QUÆST. 6. An Pontifex possit dispensare in voto solemnî castitatis? De quo, dist. 38. q. 4.

68. QUÆST. 7. An Pontifex possit licitè ac validè in impedimentis dispensare? De quo, dist. 37. q. 12.

69. QUÆST. 8. An Papa in impedimento ordinis dispensare valeat? De quo, dist. 37. q. 12.

DE GRADIBUS AFFINITATIS.

DISTINCTIONIS QUADRAGESIMÆ-PRIMÆ SYNOPSIS.

Quod jus cognatos inhihet, connectier unâ
Legitimè affines nectit, idem minimè.

Sic incipit: Nunc de affinitate.

Sic terminat: Nec uxoris frater.

1. **C**onnectitur hæc distinctio cum superiori. In illâ egit Magister de impedimento cognationis carnalis, sive consanguinitatis; sed in præsentî determinat de impedimento affinitatis; ergo rectè hæc cum superiori consonat distinctio.