

admitti sine litteris commendatitiis sui Ordinarii? Henriquez *in summ.*  
*lib. 10. cap. 34. §. 6.* Emman. Rodrig. *in qq. regul. tom. 2. q. 121. art. 1.*  
Hieron. Rodrig. *in qq. regul. resol. 25. num. 17.* Barbosa *in Trident. Sess. 23. cap. 16. de reform.*

22. Quæstio 22. An si fidem faciat de suâ ordinatione Clericus peregrinus, possit ad celebrandum admitti absque litteris commendatitiis? De quo, *hic q. 21.*

23. Quæstio 23. An Clericus fiat irregularis exercendo scienter Ordinem, quò non potitur? De quo, *hic quæst. 11.*

24. Quæstio 24. An sit peccaminosa omissione erectionis seminarii, sive Collegii pro debitâ puerorum educatione? Novarinus *in lucerna regular. verb. seminarium.* Lorinus *in Acta Apostol. cap. 7. vers. 22.* Nicol. Garcia de benefic. *p. 12. cap. 2.* Barbosa *in Trident. Sess. 23. cap. 18. de reform.* Gonzalez *ad regul. 8.* Cancell. gloss. *5. §. 7.* Alvarez de Velasco *p. 1. q. 4. §. 2. num. 127. & seqq.*

25. Quæstio 25. An pro seminariis instituendis debeat Episcopus primum ex suâ, & Capituli mensâ contribuere, antequam cogat alios? De quo, *hic quæst. 24.*

26. Quæstio 26. An omnia beneficia simplicia possint seminario uniri? De quo, *hic q. 26.*

27. Quæstio 27. An Scholastræ possint aliis conferri, quam Doctoribus, Magistris, aut Licenciatis in sacrâ paginâ, aut jure canonico? Castro Palao *tom. 2. tract. 13. disp. 4. punct. 6. num. 14.* Joannes de Solorzano *de Jure Indiar. tom. 2. lib. 3. cap. 14. num. 18.* Nicol. Garcia de benefic. *p. 7. cap. 7. num. 35.* Barbosa *in Trident. Sess. 23. cap. 18. de reform. num. 53. & 54.*

#### SESSIO VIGESIMA-QUARTA.

##### DOCTRINA DE SACRAMENTO MATRIMONII.

A DEST modò vigesima quarta Sessio, in quâ Patres conscripti doctrinam de Sancto Matrimonio Sacramento per duodecim Canonos perstringunt. Plures parare libet subtile theologicas quæstiones suo ordine apponendas, discutiendasque pro Legentium arbitratu,

##### QUÆSTIONES.

1. QUÆSTIO 1. Quid sit Matrimonium, & in quo essentialiter consistat? De quo, *tom. 4. p. 1. dist. 26. q. 1.*

2. Quæstio 2. An Matrimonium etiam ante legem Evangelicam,

& in omni populo fuerit Sacramentum? De quo, *tom. 4. p. 1. dist. 26. q. 4.*

3. Quæstio 3. A quò, & quando Matrimonium in esse contractus, & Sacramenti fuerit institutum? De quo, *tom. 4. p. 1. dist. 26. q. 5.*

4. Quæstio 4. An inter fideles possit ratio Sacramenti à Matrimonio separari? De quo, *tom. 4. p. 1. dist. 26. q. 2.*

5. Quæstio 5. Quænam sit materia, forma, & Minister hujus Sacramenti? De quo, *tom. 4. p. 1. dist. 26. q. 3.*

6. Quæstio 6. An commixtio carnalis, aut consensus in copulam sit de essentiâ Matrimonii? De quo, *tom. 4. p. 1. dist. 26. q. 6.*

7. Quæstio 7. An inter Joseph, & ejus illibatam Sponsam Mariam verum fuerit Matrimonium? De quo, *tom. 4. p. 1. dist. 26. q. 8.*

8. Quæstio 8. An, quæ, & quanta sit indissolubilitas Matrimonii? De quo, *tom. 4. p. 1. dist. 27. q. 5.*

9. Quæstio 9. An, & quò jure Matrimonium ratum per solemnum Religionis professionem dissolvatur? De quo, *tom. 4. p. 1. dist. 27. q. 6.*

10. Quæstio 10. Quid sint sponsalia, & quænam ad illorum valorem requirantur? De quo, *tom. 4. p. 1. dist. 27. q. 7.*

11. Quæstio 11. Qui possit sponsalia contrahere? De quo, *tom. 4. p. 1. dist. 27. q. 8.*

12. Quæstio 12. An per solum ingressum in Religionem, & votum simplex castitatis sponsalia dissolvantur? De quo, *tom. 4. p. 1. dist. 27. q. 9.*

13. Quæstio 13. An Matrimonium contractum inter absentes per procuratorem, aut litteras sit Sacramentum? De quo, *tom. 4. p. 1. dist. 28. q. 2.*

14. Quæstio 14. An, & quomodo sponsalia dissolvantur? De quo, *tom. 4. p. 1. dist. 28. q. 7.*

15. Quæstio 15. An error personæ irritet Matrimonium? De quo, *tom. 4. p. 1. dist. 30. q. 1.*

16. Quæstio 16. An error qualitatis personæ invalidet Matrimonium? De quo, *tom. 4. p. 1. dist. 30. q. 2.*

17. Quæstio 17. An Matrimonium contractum sub conditione servandi castitatem sit validum? De quo, *tom. 4. p. 1. dist. 30. q. 3.*

18. Quæstio 18. An promissio, sive intentio Matrimonii omnino facta sit valida ad obligandum? De quo, *tom. 4. p. 1. dist. 30. q. 7.*

19. Quæstio 19. An, & quo jure votum solemne castitatis dirimat Matrimonium? De quo, *tom. 5. p. 2. dist. 38. q. 6.*

20. Quæstio 20. An votum simplex castitatis impediat valorem, &

- usum licitum Matrimonii? De quo, tom. 5. p. 2. dist. 38. q. 6.
21. Quæstio 21. An votum simplex castitatis emissum à PP. Societatis Jesu dirimat Matrimonium? De quo, tom. 5. p. 2. dist. 38. q. 6.
  22. Quæstio 22. An votum ante, vel post carnalem copulam emissum, obliget virum ad continentiam, etiam invitâ uxore? De quo, tom. 5. p. 2. dist. 38. q. 6.
  23. Quæstio 23. Quò jure obligentur conjuges ad usum Matrimonii, sive petendo, sive reddendo debitum? De quo, tom. 5. p. 2. dist. 32. quæst. 1.
  24. Quæstio 24. An, & quæ tempora, sive circumstantiae excusat reddendo debitum? De quo, tom. 5. p. 2. dist. 32. quæst. 2.
  25. Quæstio 25. An ex conjugibus possit unus castitatis votum emittere, altero non consentiente? De quo, tom. 5. p. 2. dist. 32. quæst. 1. & 2.
  26. Quæstio 26. An, & qualis ordo dirimat Matrimonium? De quo, tom. 5. p. 2. dist. 37. q. 1.
  27. Quæstio 27. An, & quo jure ordini sacro annexa sit continetia obligatio? De quo, tom. 5. p. 2. dist. 37. q. 2.
  28. Quæstio 28. An fidelis cum infideli verum valeat Matrimonium contrahere? De quo, tom. 5. p. 2. dist. 39. q. 1.
  29. Quæstio 29. An Matrimonium infidelium, quandò ambo baptizantur, evadat Sacramentum? De quo, tom. 5. p. 2. dist. 39. quæst. 3.
  30. Quæstio 30. An Matrimonia cum hæreticis, semper censeantur illicita? De quo, tom. 5. p. 2. dist. 39. q. 4.

## DECRETUM DE REFORMATIONE MATRIMONII.

**A**CCREDIT jam decretum de Reformatione Matrimonii à Patribus Concilii latum, quod per decem capita nobilem ac diffusam materiem, pro pluribus quæstionibus movendis, suppeditat sub hac continuata serie.

## QUÆSTIONES.

1. **Q**UÆSTIO 1. An Matrimonium clandestinum sit jure divino, aut tantum ecclesiastico prohibitum? De quo, tom. 4. p. 1. dist. 28. quæst. 9.
2. Quæstio 2. An Matrimonium clandestinum ante, & post Concilium Tridentinum fuerit illicitum, & invalidum? De quo, tom. 4. p. 1. dist. 28. quæst. 10.
3. Quæstio 3. An sit necessarius proprius ac internus conjugum consensus ad essentiam Matrimonii? De quo, tom. 4. p. 1. dist. 26. q. 7.

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4. Quæstio 4. An sufficiat consensus internus ad Matrimonium absque signis externis? Aut è contrà, signum externum consensus, licet internus deficiat? De quo, tom. 4. p. 1. dist. 27. q. 4.
5. Quæstio 5. An consensus conditionatus sit satis ad validitatem Matrimonii? De quo, tom. 4. p. 1. dist. 28. q. 1.
6. Quæstio 6. An sponsalia clandestina sint valida, & licita, estò non contrahantur coram parocho, & testibus? De quo, tom. 4. p. 1. dist. 28. q. 8.
7. Quæstio 7. An ad Matrimonium validè contrahendum requiriatur libertas physica, seu à necessitate? De quo, tom. 4. p. 1. dist. 26. q. 7.
8. Quæstio 8. Quisnam sit metus cadens in virum constantem? De quo, tom. 4. p. 1. dist. 29. q. 3.
9. Quæstio 9. An Matrimonium contractum ex metu gravi iuste inculso sit irritum, & nullum in utroque foro? De quo, tom. 4. p. 1. dist. 29. q. 2.
10. Quæstio 10. An Matrimonium contractum ex metu levi sit validum? De quo, tom. 4. p. 1. dist. 29. q. 4.
11. Quæstio 11. An metus reverentialis sit sufficiens ad invalidandum Matrimonium? De quo, tom. 4. p. 1. dist. 29. q. 5.
12. Quæstio 12. An, & quomodo renovandus sit contractus matrimonialis, nullus ex defectu veri, liberi, ac legitimi consensus? De quo, tom. 4. p. 1. dist. 29. q. 7.
13. Quæstio 13. An, & quæ sit cognatio spiritualis, & undè oriatur? De quo, tom. 5. p. 2. dist. 42. q. 1.
14. Quæstio 14. An, & quæ cognatio spiritualis dirimat Matrimonium? De quo, tom. 5. p. 2. dist. 42. q. 2.
15. Quæstio 15. An, & quæ sit cognatio legalis, & undè oriatur? De quo, tom. 5. p. 2. dist. 42. q. 3.
16. Quæstio 16. An, & quæ cognatio legalis dirimat Matrimonium? De quo, tom. 5. p. 2. dist. 42. q. 4.
17. Quæstio 17. Per quam copulam affinitas contrahatur? De quo, tom. 5. p. 2. dist. 41. q. 1.
18. Quæstio 18. Quæ affinitas Matrimonium dirimat? De quo, tom. 5. p. 2. dist. 41. q. 2.
19. Quæstio 19. In quò affinitatis constitutivum consistat? De quo, tom. 5. p. 2. dist. 41. q. 3.
20. Quæstio 20. Quid sit fornicatio, ejusque species? De quo, tom. 5. p. 2. dist. 41. q. 9.
21. Quæstio 21. An, & quid sit raptus; & utrùm dirimat Matrimoni-

- monium? De quo, tom. 5. p. 2. dist. 41. quæst. 12.
22. Quæstio 22. An, & quid sit adulterium; & utrū dirimat Matrimonium? De quo, tom. 5. p. 2. dist. 41. q. 13.
23. Quæstio 23. An, & quid sit incestus? De quo, tom. 5. p. 2. dist. 41. quæst. 11.
24. Quæstio 24. An, & quid sit stuprum? De quo, tom. 5. p. 2. dist. 41. quæst. 10.
25. Quæstio 25. An nuptias celebrare, sit tempore aliquo prohibitum ab Ecclesiâ? De quo, tom. 5. p. 2. dist. 32. q. 5.
26. Quæstio 26. An sit impedimentum dirimens celebrare Matrimonium temporibus prohibitibus? De quo, tom. 5. p. 2. dist. 32. q. 5.
27. Quæstio 27. An prohibeatur consummare Matrimonium his temporibus, quod jam præcessit contractum? De quo, tom. 5. p. 2. dist. 32. quæst. 5.
28. Quæstio 28. An de licentiâ Ordinarii valeat his temporibus prohibitibus, sine solemnitate, Matrimonium celebrari? De quo, tom. 5. p. 2. dist. 32. quæst. 5.
29. Quæstio 29. An benedictio conjugum sit necessariò exhibenda à proprio Parocho? De quo, tom. 5. p. 2. dist. 32. q. 5.
30. Quæstio 30. An benedictionem nuptialem omnino omittere sit tantum peccatum veniale? De quo, tom. 5. p. 2. dist. 32. quæst. 5.
31. Quæstio 31. An benedictiones nuptiales in secundis nuptiis possint recipere, qui in prioribus jam acceperunt? De quo, tom. 5. p. 2. dist. 32. q. 5.
32. Quæstio 32. An benedictio conjugalis debeat necessariò fieri inter Missarum solemnia? De quo, tom. 5. p. 2. dist. 32. q. 5.
33. Quæstio 33. An Sacerdos tam sacerdotalis, quam Regularis conjugens in Matrimonium, vel benedicens subditos alterius parochiæ absque licentiâ, maneat suspensus ab officio? De quo, tom. 5. p. 2. dist. 32. quæst. 5.
34. Quæstio 34. An Sacerdotes Regulares Matrimonia ministrantes, seu solemnizantes, non habitâ super his parochialis Presbyteri facultate speciali, ultra suspensionem, ipso factâ sint excommunicati? De quo, tom. 5. p. 2. dist. 32. q. 5.
35. Quæstio 35. An Parochus proprius, non alienus debeat recipere eleemosynam occasione benedictionis? De quo, tom. 5. p. 2. dist. 32. quæst. 5.
36. Quæstio 36. An, & qui gradus consanguinitatis dirimant Matrimonium jure naturæ? De quo, tom. 5. p. 2. dist. 40. quæst. 1.

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37. Quæstio 37. An, & qui gradus consanguinitatis dirimant Matrimonium jure ecclesiastico? De quo, tom. 5. p. 2. dist. 40. q. 2.
38. Quæstio 38. Quot, & quænam sint regulæ ad gradus consanguinitatis dignoscendos? De quo, tom. 5. p. 2. dist. 40. q. 3.
39. Quæstio 39. An in primo gradu linea transversalis, sive inter fratrem, & sororem lex naturalis irritet Matrimonium? De quo, tom. 5. p. 2. dist. 40. q. 4.
40. Quæstio 40. An Pontifex possit dispensare in impedimentis dirimentibus? De quo, tom. 5. p. 2. dist. 40. q. 5.
41. Quæstio 41. An Pontifex possit licite ac validè in impedimentis dispensare? De quo, tom. 5. p. 2. dist. 37. q. 12.
42. Quæstio 42. Quæ habilitas, & ætas ad sponsalia ineunda requirantur? De quo, tom. 5. p. 2. dist. 36. q. 1.
43. Quæstio 43. An peccet mortaliter, sponsalia contrahens ante legitimam ætatem à jure præscriptam? De quo, tom. 5. p. 2. dist. 36. q. 2.
44. Quæstio 44. Quænam sit ætas legitima, tunc in pueris, tunc in pueris ad contrahendum Matrimonium? De quo, tom. 5. p. 2. dist. 36. q. 3.
45. Quæstio 45. An ætas ad Matrimonium contrahendum sit computanda à die conceptionis, sive à nativitatis die? De quo, tom. 5. p. 2. dist. 36. q. 3.
46. Quæstio 46. An dies bissexti in legitimâ ætate sit computandus? De quo, tom. 5. p. 2. dist. 36. q. 3.
47. Quæstio 47. An, & quâ ratione conditio servilis dirimat Matrimonium? De quo, tom. 5. p. 2. dist. 36. q. 6.
48. Quæstio 48. An servus possit nubere absque consensu domini? De quo, tom. 5. p. 2. dist. 36. q. 6.
49. Quæstio 49. An servus, invito domino, possit religionem intrare, vel ad sacros ordines assumi? De quo, tom. 5. p. 2. dist. 36. q. 6.
50. Quæstio 50. An servitus cum errore Matrimonium impedit? De quo, tom. 5. p. 2. dist. 36. q. 6.
51. Quæstio 51. An ob adulterium alterius conjugis, Matrimonium quoad vinculum dissolvatur? De quo, tom. 5. p. 2. dist. 31. q. 4.
52. Quæstio 52. An, & quæ bona necessaria sint, ut Matrimonium reddatur honestum? De quo, tom. 5. p. 2. dist. 31. q. 5.
53. Quæstio 53. An usus conjugalis ob solam delectationem sit licitus? De quo, tom. 5. p. 2. dist. 31. q. 6.
54. Quæstio 54. An usus conjugalis sit licitus propter vitandam fornicationem, præcise? De quo, tom. 5. p. 2. dist. 31. q. 6. & dist. 26. Quæ-

55. Quæstio 55. An liceat sterilitatem procurare? De quo, tom. 5. p. 2. dist. 31. q. 8.
56. Quæstio 56. An liceat procurare abortum? De quo, tom. 5. p. 2. dist. 31. q. 9.
57. Quæstio 57. An procurantes abortum fœtus animati, verè homicidæ dicantur? De quo, tom. 5. p. 2. dist. 31. q. 9.
58. Quæstio 58. Quibus subjaceant pœnis procurantes abortum fœtus animati, aut inanimati? De quo, tom. 5. p. 2. dist. 31. q. 9.
59. Quæstio 59. An in quocunque abortu verè detur homicidium? De quo, tom. 5. p. 2. dist. 31. q. 9.
60. Quæstio 60. Quanto temporis spatio præexistat fœtus animatus in muliebri alvo? De quo, tom. 5. p. 2. dist. 31. q. 9.
61. Quæstio 61. An liceat procurare abortum tūm fœtus animati, tūm inanimati, propter vitam matris servandam? De quo, tom. 5. p. 2. dist. 31. q. 9.
62. Quæstio 62. An ob honorem servandum liceat mulieri procurare abortum fœtus animati? De quo, tom. 5. p. 2. dist. 31. q. 9.
63. Quæstio 63. An, & quā ratione simplex fornicatio sit contra legem naturæ? De quo, tom. 5. p. 2. dist. 33. q. 1.
64. Quæstio 64. An polygamia, sive uxorum pluralitas sit prohibita jure divino? De quo, tom. 5. p. 2. dist. 33. q. 2.
65. Quæstio 65. An polygamia aliquando fuerit valida? De quo, tom. 5. p. 2. dist. 33. q. 3.
66. Quæstio 66. An divortium sit licitum, & quas ob causas? De quo, tom. 5. p. 2. dist. 33. q. 4.
67. Quæstio 67. An possint, & debeant conjuges divortiari? De quo, tom. 5. p. 2. dist. 33. q. 5.
68. Quæstio 68. An adulterium sit semper causa sufficiens ad divortium? De quo, tom. 5. p. 2. dist. 33. q. 6.
69. Quæstio 69. An in lege veteri, & novâ Virginitas sit fœcunditate præstantior? De quo, tom. 5. p. 2. dist. 33. q. 7.
70. Quæstio 70. An sit melius ac beatius manere in Virginitate, aut cœlibatu, quam Matrimonio jungi? De quo, tom. 5. p. 2. dist. 33. q. 7.
71. Quæstio 71. An Virginitas sit virtus, & in quo medio constat? De quo, tom. 5. p. 2. dist. 33. q. 7.
72. Quæstio 72. An præmium Virginitati debitum, sit tantum gaudium essentiale, an etiam simul aureola? De quo, tom. 5. p. 2. dist. 33. q. 7.

73. Quæstio 73. An, & quæ impotentia dirimat Matrimonium? De quo, tom. 5. p. 2. dist. 34. q. 1.
74. Quæstio 74. An Pontifex, aut Ecclesia possit statuere impedimenta Matrimonium dirimentia? De quo; tom. 5. p. 2. dist. 34. q. 5.
75. Quæstio 75. An Princeps possit statuere impedimenta Matrimonium dirimentia? De quo, tom. 5. p. 2. dist. 34. q. 6.
76. Quæstio 76. An propriâ authoritate possint conjuges divorciari? De quo, tom. 5. p. 2. dist. 35. q. 1.
77. Quæstio 77. An urgente necessitate, possit Matrimonium celebrari absque parochi licentiâ, aut non servatâ Tridentini formâ? De quo, tom. 4. p. 1. dist. 28. q. 10.
78. Quæstio 78. An raptus, quò foemina rapit virum, dirimat Matrimonium? De quo, tom. 5. p. 2. dist. 41. q. 12.
79. Quæstio 79. An sit mixti fori concubinatus crimen? De quo, tom. 5. p. 2. dist. 41. q. 13.

## DECRETUM DE REFORMATIONE IN VIGESIMAM-QUARTAM Tridentini Sessionem.

CUM miram ac diversam hujus Sessionis de reformatione decreta doctrinam sanè contineat, partitam tamen in plura capitula, idèo à primo ad decimum usque, sequentes possumus Scholasticorum iudicio jure optimo parare quæstiones.

## Q U A E S T I O N E S.

1. QUÆSTIO 1. An sub mortali sit in Episcopum eligendus, qui dignior, & utilior Ecclesiæ videtur? Sigismundus à Bononiâ de elect. dub. 33. Reginald. lib. 30. tract. 3. n. 163. Castellinus de elect. cap. 3. num. 2. Emman. Rodrig. in qq. regul. tom. 2. q. 52. art. 1. Azor in instit. moral. p. 2. lib. 6. cap. 6. Sanchez tom. 1. lib. 2. cap. 5. Moya in select. tom. 1. tract. 6. disp. 4. q. 2. & 3. Delugo tom. 2. de Just. disp. 37. sect. 10. Martinez de Prado tom. 2. cap. 17. q. 15. §. 7.
2. Quæstio 2. An pro formâ, & validitate electionis necessariò sit præmittenda Missa de Spiritu Sancto? De quo, hic q. 1.
3. Quæstio 3. An eadem atas, quæ ad Episcopatum requiritur, ipsa ad Cardinalatum desideretur? De quo, hic q. 1. Et omnes quæstiones, quas fusè assignavimus supra Sessione 22. à capite primo ad sextum de reformatione.
4. Quæstio 4. An, & quomodo Concilium Provinciale quolibet triennio sit celebrandum? Tambur, de Jure Abbat. tom. 3. disp. 3. q. 114. Tom. V. Eee num.