

T E S T I S.

530
etiam ipsius testimonium nullatenus habendum est ut legitimum ac sufficiens. En que observan- da potissimum esse duximus ad intelligentiam hu- juice materie praesentis ubiorem.

C A S U S X X .

M A U G E R I O habitatore de Parocia Sancte Bozie, & Luperco Parochio de Parocia eadem, litigibus super proprietate silva cadua cuiusdam, cuius Maugerio est possessio; Index pronunciat ac iustit, ut possessor incumbet possessionis sua tempus ex dicti testium assertore. Quatuor testes testificantur, cum gaudeat ab annis 20, proprieate predicta silva, alesveranter aju- sex ali, jam annos obisse ultra 40, a quo tempore predictam silvam possidet. Debetne Index, nisi obstante prefectorum testium discordia, mem- rata silva proprietatem adjudicare Maugerio?

R. et s. p. o. n. s.

Primum omnium, in quo Index totus incum- bere debet, est, ut pro virili parte nitatur, si posse, dicta praetoriam decem testium ad con- solidam revocare. Si autem plures testes contradicuntur, sive omnes, sive produtus ex eadem parte, sive ex opposita partibus; ait S. Antoninus. (a) Juxta, si poterit, concordabit testimonioum contra- rietatem, sive Angustinus concordat dicta Evangeliorum.

Si vero predicta testimonia concordare ad in- vicem nullatenus possint; iuxta testificationem sex testium pronunciare debet, nisi iudicem habendi sint portiores alii quatuor propter suam digni- tatem & mores suos integerrimos, vel istorum testimonioum testificatione lex aliorum testimonioum ex evi- denti aliqua circumstantia proprius ad verum acci- de videatur. Si non potest testimonioum concordare, addit idem Sandus, testimonioum plurim praeval- bit; nisi ex altera parte sit iusta dignitas personarum, quod merito, debet praedicare numero, vel pauciores dicent verisimilitudinem & aperta nega- tio, vel quod per pauciores plura probantur, quam per plures ... ita predicta testimonioum paucorum.

Et, quod ea re subiicit S. Antoninus, exem- plum: u. si plures probant, me post dist. rem 40. anni, pauciores probant post dist. rem 50. anni: & ultro hoc, titulum possident.

Quo decimo eadem omnino est, quam ea de- tradit Innocentius III. (b) qui sic habet: Ad mu- tuitatem tantum restituere non potest, sed ad te- stium qualitatem & ad informum deposita, quibus po- tius Lux veritatis afficit. Atque iuxta principium illud idem summus Pontifex, ad quem contige- rant Episcopi Londinensis & Eliensis, ut ab eodem dicentes, quid facto opus esset, ad compendiam quandam listem, quae inter quendam Archidiaco- num & Religiosos quosdam intervenierat; sic de- clarat: Mandamus, quatenus, si testes utrumque pro- dicti ejusdem bonitatis & estimationis existentes cum confites, iugis Monachorum esse testium Archidiaconi numero pauciores, pro Archidiaco sententiam ferantur. Si vero testes ex parte Monachorum predicti, tanquam praeminentes fuerint quia curum auditoris alto- rum fit merito multitudini preferenda; addit Glossa: vel saltem coquanda, quia iure iudicantur pro reo (c) ab impositione Archidiaco absolvitis eodem.

C A S U S X X I .

H E R O P H I L U S Parochus de S. Guillaino Di- cesis Tornacensis, matrimonium quoddam celebra- vit, cui praefaces non adiunxit nisi duo tan- tummodo testes, adverante nequitnam Edictum mensis Martii 1607, quo Ludovicus Magnus de- clarat, futurum ut matrimonia coram quatuor testibus celebrarentur, atque ea, quae cum pauciori numero testium celebrabantur, sint non valide contrafacta: tentatus est advertere eum afferere, eum in eo peccavisse mortaliter, quin immo- condit ille, ne quidem a se ipso fuisse committitum peccatum. 1. Quia Concilium Tridenti- num, quod quantum ad istud Discipline caput, paucum obtinet intra limites omnes Gallici Regni;

nonsit testes duos exigit, ut matrimonium aliquod valeat; adeoque, considerato summo jure, non incumbit, ad ejusdem celebrationem superiorem numerum testium acceptere. 2. Quoniam Lex mere humana, quae est allegatum Edictum, non potest obligare sub pena peccati mortalitatis: Propterea quod virum Ecclesiasticum illud maxi- me decebat, ut stet constitutus ab Ecclesia Legibus potiori ratione, quam Legi Civili, quae ad eadem non quadrat. Quæritur, num Hierophilius in proposito eatu non posse ex predictis ra- tionibus a mortali peccato vindicari?

R. et s. p. o. n. s.

Quanquam verum sit, matrimonium valere, cum iuri coram proprio Parochio, praesentibus ibi- dem testibus tantummodo duobus, celebratum; siquidem ex ipsis tota forma constet, quam Con- cilium Tridentinum exigit; nihilominus censemus, non potuisse sine peccato mortaliter proposi- tum matrimonium coram duobus duntaxat testibus ab Hierophilo celebrari, contra dispositionem Edicti Regii, quod legis locum atque vim in toto Galliarum Regno passim obtinet, utpote quod sequitur si prioris contentaneum, ibidemque pro- mulgatum fuerit atque, nemine contradicente, receptum: Ratio est, quia, licet Edictum istud Lex omnino sit mere humana, non potuit tamen praefatus Parochus eidem non parere; quoniam est hoc prius in dubio, ex Legibus humanis obligationem importari sub pena peccati mortalitatis, ut evincere licet ex plurimis rationum argumentis, sive leguntur apud S. Thomam. (d) Januero ut dignoscatur, utrum predicta Leges obligationem sub pena peccati mortalitatis inducant, earundem & q. 3. art. 1. & q. 3. art. 2. & q. 3. art. 3. & q. 3. art. 4. & q. 3. art. 5. & q. 3. art. 6. & q. 3. art. 7. & q. 3. art. 8. & q. 3. art. 9. & q. 3. art. 10. & q. 3. art. 11. & q. 3. art. 12. & q. 3. art. 13. & q. 3. art. 14. & q. 3. art. 15. & q. 3. art. 16. & q. 3. art. 17. & q. 3. art. 18. & q. 3. art. 19. & q. 3. art. 20. & q. 3. art. 21. & q. 3. art. 22. & q. 3. art. 23. & q. 3. art. 24. & q. 3. art. 25. & q. 3. art. 26. & q. 3. art. 27. & q. 3. art. 28. & q. 3. art. 29. & q. 3. art. 30. & q. 3. art. 31. & q. 3. art. 32. & q. 3. art. 33. & q. 3. art. 34. & q. 3. art. 35. & q. 3. art. 36. & q. 3. art. 37. & q. 3. art. 38. & q. 3. art. 39. & q. 3. art. 40. & q. 3. art. 41. & q. 3. art. 42. & q. 3. art. 43. & q. 3. art. 44. & q. 3. art. 45. & q. 3. art. 46. & q. 3. art. 47. & q. 3. art. 48. & q. 3. art. 49. & q. 3. art. 50. & q. 3. art. 51. & q. 3. art. 52. & q. 3. art. 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etiam accedentibus legitimis causis, coacti sunt adhibere sibi subsidium Sacerdotum ad implendum Divini verbi ministerium. Quin etiam, progrediente temporis succesu, judicaverunt hoc pertinere ad summam Fidelium utilitatem, ut aliquos constituerent in suis Ecclesiis, qui ibidem munus exequenterunt ordinorum Divini verbi praecorum; atque curaverunt, iisdem ad vitæ necessaria competentem redditum assignari, qua ratione explicamus in responsione ad Casum, qui secundo loco proponitur in decursu præsentis Tituli, in qua, quæ pertinent ad Institutionem Theologorum, & ad eorum officia præcipua, historico stilo complectimur.

Præbenda, qua Theologis jure peculiari reservantur, & quibus appellatio communis Theologicarum ea de re potissimum vindicatur, juri Graduatorum obnoxia sunt, ac præfertim ab eo tempore, ex quo sic fuit a supremo Parisiensi Senatu constitutum Arresto, pronunciato 17. Februario 1642. in causa Præbenda Theologicæ de Bellovacensi Ecclesia; quemadmodum jam observavimus in Titulo, GRADUATUS. Indeque, quantum videtur, reperit suum fundamentum ejusmodi jurisprudentia, quod nempe coniectatur, sufficietes dotes inesse Graduo, ad implendum Divini verbi ministerium.

Ceterum, qui manus implendum Theologi suscipit, eum oportet non esse tantummodo rerum Theologicarum, ac præfertim earum, quæ pertinent ad moralē disciplinam, peritissimum, sed præterea requisitis aliis dotibus instrūctum esse, qua conducunt, ad verbum in publico plurima cum fandi copia faciendum; qualia sunt, latera firma, validaque corporis constitutio, clara vox, ac omnimode ad dicendum accommodata, & memoria tenax; cum exemplo prælucere tum integritate morum, tum vivendi ratione, quam nulla sinistra suspicio violare possit; eumque tandem nullo luci turpis intuitu duci in iis omnibus, quæ spectant ad tam augustas adeoque Sacras altissimi hujusce ministerii functiones. Quas prædictas egregias dotes Summus Pontifex Honorius requirit in Doctore, & paucissimis istis verbis complectitur. *Qui velut stelle, in perpetuas eternitates manjuri, ad justitiam valeant plurimos erudire* (a).

(a) Honori.
III. c. 1.
per fin. de
Magistris. &c.
lib. 4. tit. 5.

CASUS PRIMUS.

URANIUS Episcopus de quadam intra limites Imperii Gallici constituta Diocesie, cum in predicta sui Diocesi neminem haberet Laurea Sacrae Theologie Doctorali insignitum, quem eum esse judicaret, qui posset Munus Theologi in ipsius Ecclesia Cathedrali laudabiliter sustinere, ad illud idem exequendum designavit Paulum Canonici Juris Doctorem, virum, ut præclarus prorius eruditus, sic etiam virtutis omnino speciatissimus. Nunquid hoc ipsum tentare potuit iuxta mentem ipsius Ecclesie, & qua ab eadem ea de re consti-tuantur, instituti?

RESPONSUS.

Neque tertio, neque quarto Concilio Lateranensi (b), quæ Concilii Basileensis celebrationem præcesserunt, aliquam cautam tuit, ut in Theologo requireretur ejusmodi laura Doctoratus, sed tantummodo constitutum est, ut Episcopi curarent ejusmodi de muneri præficiendis viro ea doctrina, morumque integratè prædictis, ut illud idem exequi dignæ summaque cum laude possent. Neque vero quidquam ea de re magis exp̄rimentum occurrit apud Concilium Tridentinum: (c) adeo ut merito posse afferri, lauream in Sacra Theologia Doctoralem Ecclesiæ vilam suffise, quantum ad rationem istam, prorius indifferenter; satisque esse, quod Theologus, quem putavit esse necessario instituendum, certis dotibus insignitetur, que in eo requiruntur, qui nuntianto Divine verbo, ius tradidit Theologicis Lectionibus præponeretur; quemadmodum revera reperiuntur infiniti propemodum in plurimis insignioris notæ Congregationibus tum Secularibus, tum Regularibus, in quibus, ut plurimum, ad Lectiones Theologicas tradentes adhucientur, qui returnunt Theologicarum peritissimi; quanquam ad nullum nec Doctoris, nec Baccalaurei Gradum fuerint unquam in aliqua ex Universitatibus Regni promoti.

Nihilominus Fagnanus (d) loquens de Cremonensi Episcopo, narrat, cum predictus Praelatus nullum in sua Diocesi reperiret Theologia peritum, qui

(b) Conc. La-
teran. III. &
IV. c. 10.

(c) Concil.
Tridi. fest. 5.
c. 1. de Re-
form.

(d) Fagnanus
in C. Quæ
nonnulli. &
de Magistris
etc. l. 5. tit. 4.

poterit idoneus ad. Theologi munus exequendum, ab eo Canonicam ejusmodi muneri suffit præpositum, quanquam tamen dubitaret, an id sibi licet. Quæ de laudibus Auctoꝝ, qui depositoris erat Codicis Sacrae Congregationis, fidem facit, nihil in dictum occurrere sibi decisio[n]is, quod probaret, aut improbat illam ab Episcopo prædicto præstatam nominationem, sed annotationem tantum apposita ibidem a Cardinali Aliciato, qui fertur, non potuisse Canonitam in Theologum ab Episcopo constitui: audit præterea, sibi legenti subjectam suffisam annotationem, qua enunciatur quædam ea de re dictio a Cardinali de S. Sixto proposita, istis verbis: *si non inventur Theologus, facit diligenter nosolum in loco, sed etiam extra, poterit non solum Ca-nonis affigari, sed cuiuslibet.*

Equidem verum est, si loqui velimus ad strictos juris apices, Theologum sive debere, aut Laurea Sacrae Theologie Doctorali insignitum, aut in eadem Facultate designatum, falso Doctorum prædictum, præstabilitate Basileensi Concilio, Pragmatica, Concordato, atque Edicto Aurelianensi, que referuntur in sequenti Decisiōnē, & consequenter ad istud principium iuxta Probum (e) in Pragmaticam citatum a D. Brilon, (f) Theologus non potest resignare suum Beneficium nisi Doctori, aut Licentiatu, seu Baccalaurei Sacrae Theologie formatu, ut ait:

(e) Proba-
tio de collati-
bus 1. v. 1.
De aliis.
(f) De Bas-
ili. v. 1. Log. 2. 1.

Ex istimam, in prædicta specie potuisse prorsus ab Uranio, abique eo quod quidquam in eo tentaverit aduersus mentem Ecclesie, nec Legem ab eadem, quantum ad istud caput constitutam, eligi Paulum in Theolog. Ius Ecclesiæ; siquidem duabus essentia[tib]us dotibus pollet, ad munus istud exequendum, nimis præclaræ eruditio[n]e, pietateque omnino singulari; atque prædictus Praelatus aliunde reperire non potuerit in sua Diocesi ullum Sac. Theologum. Confitit hac assertio nostra sententia Rebutu[m] (g) Rebus in ipsius in Concordatum Commentariu[m] (g), in qua ait, Præbenda, cuius occurrit vacatio, conteret, quæ Doctori Sacrae Theologie, si vero non invenerit, D. Brilo[n] (h) D. Brilo[n] (i) D. Brilo[n] (j) D. Brilo[n] (k) D. Brilo[n] (l) D. Brilo[n] (m) D. Brilo[n] (n) D. Brilo[n] (o) D. Brilo[n] (p) D. Brilo[n] (q) D. Brilo[n] (r) D. Brilo[n] (s) D. Brilo[n] (t) D. Brilo[n] (u) D. Brilo[n] (v) D. Brilo[n] (w) D. Brilo[n] (x) D. Brilo[n] (y) D. Brilo[n] (z) D. Brilo[n] (aa) D. 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a praecedenti difficultate, Theologi fuerunt, quantum ad Ecclesias Metropolitanas, ab oecumenico Concilio Lateranensi quarto (^a) constituti, quo qui-
dam sacerdotum et presbiterorum Magistris.

(a) Cit. c. 21. Cum ad Ecclesias Metropolitanas, ab Ecclesiis Concilio Lateranensi quarto (a) constituti, quo qui-
cunq[ue] ecclesia in eis sit, etiam magister Magistros.

(b) Concil.
Later. III. c. 18
qui fuerant in singulari Casu-
tuti a Concilio ejusdem nominis tertio, quod cele-
bratum fuit sub Alexandre III. (b) u in singulari
Metropolitanis Ecclesiis unus Theologus institu-
reatur. Sane Metropolitanis Ecclesiis Theologus nibilo-
minus debet, qui sacerdotes, & alios in Sacra pagina
docat, & in his� preterim informet, quae ad curam
animarum speleb[us] noscuntur. Quae ipsissima sunt me-
morati Concilii verba, quibus adit: *Affugent an-
tem cuiilibet Magistrorum a Capitulo unicus Præbende
protentus, & pro Theologo a Metropolitanis tantum
dem: nos quid propter hoc officiarit Canonicus, sed
standi redditus ipsius percipiat; quamdui persisterit in
discendo. Ex quibus inferendum est, si Theologus
gauderet redditus unius Præbendæ ipsius officio anno-
xo; quamquam tunc temporis nec fuerit titularis,
nec proinde ipsius incubuerit officio Canonico ad-
esse; sequunt non esse, propterea quod hodiernis
temporibus sit titularis, at revera nunc est, eidem
imponi gravius onus, cum totus infundat in im-
plendis officiis sui partibus, nimisim Sacras con-
tiones habendi, atque proponendi lectiones, iplo
onere, quod ei fuit impositum a prima ipsius in-
stitutione.*

RESPONSES.

Habenimus ex Bafleensi Conclio aliud probatio-
nis argumentum disertioribus verbis adhuc con-
ceptum, ac multo luculentius; jubet etenim, ut
ejusmodi Theologus instituatur in omnibus Eccles-
iis Cathedralibus, & titulo gaudete unius Prae-
bendae, abique eo quod nihilominus a Choro abesse
censeatur, cum iis vacat, quae pertinent ad ipsius
officium Theologi. Verumtamen, inquit Patres
oficium Conclii (c), ut liberius studio vacare pos-
sit, nihil perdat, cum absens fuerit a Divinis. Qua-
bus verbis nihil magis exprefsum desiderari po-
test, ut proberet, Theologo vindicandas esse om-
nes distributiones quotidianas, quamquam Divi-
nus non interfit, quando ab ildem non abeat, nisi
necessitatibus studiorum causa, ut vel Sacras con-
ciones habeat, vel suas Lectiones proponat. Sic
differit Guymerus (d) qui sic habet: *Etiam de*
distributionibus quotidianis (nihil perdat, que dicantur)
tantum intercessibus horis divinis, per verbum
nihil, quod est universale negativum, nihil ex-
cudes: de grossis enim fructibus non erat dubium;
alias enim nihil novi concederet ista Constitutione; nam
concessit Canonicus Theologorum, supponendo pro lec-

(e) Petrum
Robustum in Con-
cordat. t. de
collationis. s.
a. v. habent.

Rebusutus (e) in hac verba Pragmaticæ: *Hab-
itur pro praesente*, advertit in Concordato ferri ver-
ba pro Theologo adhuc exprefiora, quam in Prag-
matica; & ait, quod in contrarium a Capitulo
conficeretur statutum, futurum at inordinatum,
atque nullius roboris esse pronunciaretur, quod
probat Arrelitus duobus lati a supremo Partifis
Senatus. In verba sunt Autoris Laudati: *sunt
verba addita ultra Pragmaticam, & sunt verba ra-
tionabilia, nam qui abest a Civitate, causa studio-
rum, dicitur esse in Civitate* Et has distribu-
tiones recipiunt, etiam non obstante statuto Canonicerorum
in contrarium, quod male in iurisdictione sibi

(f) Clem. ne
Romani de
elect. &c.
Theologi: cum inferior Legem Superioris collere non
posset... ut fuit alias prolatum Arrejum in bo-
Senatu contra Canonicos Rhemensis Ecclesie, qui sic
statuerunt contra Theologum anno 1523. die 4. Ja-
nuarii. Quibus idem Author addit præterea moni-
tum illud: Vide Arrejum contra Canonicos Car-
mantenus Diocesis pro Theologo latum hoc anno 1544.
quia solent ignari Canonici hos doctos & probos odo-
prosquei, & literates.

Tandem Concilium Tridentinum, quod insitutione Theologorum ut jam obtinente admittit (g), nihil pronuntiat circa distributiones quotidianas, quod ictum ultatum adverbiter : & Sacra Congregatio Cardinalium praediti Concilii Interpretum in his, quae pertinent ad Mores, & ad Disciplinam, pro iudeum fert sententiam, ita re-

rente Barbosa (b), „Dubitatum fuit, an obtinens (b) August.
Theologam, impeditus studio & lectione ad Barbos. sum.
ejusmodi Præbendam spectante, lucrari posse sicutum Col-
distributio & emolumenta quacunque perfo-
laliter interestibus dari solita, etiamque Choro
non inferiantur,, Quibus verbis eruditus iste
Canonista referat questionem, quæ dissolvenda pro-
ponebatur. Potestaque sic prolegitur: Et censuit
(Sacra Congregatio) distributions lucrari; sed
quod alia emolumenta, confundendum Sanctissimum
Opus visum fuit, ea etiam deberi ex identitate ratio-
nis. Referat in collectaneis ad diuum caput primum
num. 33. & de Canonici e. 27. n. 34. & legg. (i). (i) samb. m.
C A S U S IV.
3. casu 44.

C A S U S IV.

FERDINANDUS Theologus de Cathedrali Ecclesia Cremonensi, cum sibi permisit inducere, vacacionis causa, suos gavios, ut reliquias Canonici solent indulgere; vocatus a proprio suo Episcopo, duos integros mesmes infussum in quadam missione, ut ad alias urbes ac vicos quosdam de Diocesi sacras haberet orationes, atque per illud temporis spatium commisit quemadmodum Divini verbi Praeconem, qui vice illius omnibus Dominici sacras conciones ad Populum faceret, quo ratione ipsimet Theologo incumbit. Numquid in eo casu potest quotidiana distributiones abique ullo conscientie scrupulo sibi vindicare?

*menli, cum libi permisit
aufa suisset gravissus ut*

cationis causa, nunc gavios, ut regnus Canonicos solent indulgeri; vocatus a proprio suo Episcopo, duos integros menses insumpsit in quadam missione, ut ad aliquas urbes ac vicos quoddam de Diocesi sacras haberet orationes, atque per illud temporis spatium commisit quemadam Divini verbi Praeconem, qui vice illius omnibus Dominici sacras conciones ad Populum faceret, que ratione ipsiems Theologo incumbit. Numquid in ea causa potest quotidiana distributione abique ultra conscientia scrupulis fibi vindicare?

ANSWER.

Obtinet haec regula tanquam omnino indubitate
cum nonne a Legi generali Canonibus constituta
non sint excipiendi nisi causas tantummodo, quos
immanitatis privilegio donari, ius ipsumfem declar-
atur: *Ubi Lex non distinguit, neque nos distingue*
re debemus (K). Porro Lex, id est, *Concelia Ba-*
leensis, & Tridentinum, Pragmatica, nec concor-
dat um non excipiunt causam, in quo Theologus
proprio suo Episcopo adhuciter, ad Sacras
orationes faciendas in ipsius Diocesis extra Ca-
thedralem Ecclesiam. Ergo nec praedicta causa
excipiens est, nec afferendum, ei licet tute
conscientia percipere distributiones quotidianas,
nec eas, quas sub appellatione manuum circum-
fusare consuetum est, per tempus eumodi ab-
sentia; quamquam in proprium fum locum con-
cioneatorum alium sufficerit: siquidem aliquoq
inde directe adversaretur Legibus constitutis ab
Ecclesia; quaesum, cum Theologos instituit, iisdem
simil induxit obligationem residiendi, & impositis
sibi officiis per lepitos fungendi; quemadmodum
evidenter habetur vel ex ipsis verbis Concilii
Baileensis, que retilimus in prima decisione.
Ex parte 6. *Concessio non licet, sive Ecclesie*

Enimvero, si Canonicos non fecerat alios Ecclesiasticos in iuueni locum subrogare, qui nomine ac vice eorum Divinis interfuerint, ut aliab demonstravimus; Quoniam fundamento Theologi per-tenderent, sibi liberum fieri, ut alios praedicatores committant in suum locum, cum possumus officiis per se ipsos fauiscere? Atque in ea re sentientia Theologi cuiusdam magni nominis in-haeremus, (1) qui docet, ab Episcopo non adhibendum esse Theologum ad ejusmodi functiones, qui easdem in se fuscipiens, non potest censereri praefens, neque adeo iuas distributiones omnis immunitionis expertes lucrari. Vide casum fequentem.

C A S U S . V

LUCIUS Theologus, jus habens Præbendam in Ecclesia Metropolitana Mechliniensis, animo adjecti suum beneficium restringere in favorem filii fratris sui vel lorioris sue, qui quidem annum attigit requiritum est, ut ei positis de eodem provideret, & cuius aliunde pietas omnibus nota per spectata est, sed, qui nichilominus nudus est tunc Scientiam, tum ceteris dotibus necessariis, ad proponendas lectiones, & Sacras conciones faciendas. Protestus predictus iste definitum animo propositum tuam conscientiam exequi; cum aliunde certo certius nolcas, futurum ut, a prefato filio viri profus idonei in ipsis locum substituantur, qui imponita ex quatuor Theologo officia rite, laudabiliter quo eo perficiant?

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RESONS.

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deni annexa laudabiliter, ac rite adimplenda;
Negre vero ab aliis refutetur est, ut, quia modo
afferimus, comprebentur, ac plurimum robo-
rentur, hic loci referre verba cuiusdam insi-
gnioris note Professio e Avenionensis, qui scri-
bebat anno circiter 1684, quique de Theolo-
gis facit ex professio Sermonem. En qua-
lia se habent: Quia vero, dicente Apostolo a
Omnibus, quae sua fuit, querunt, non que Iesu
Christi, abutus passim in hoc regno involuti
ut his provisi Prebendis. eas vel cum aliis
commutent, vel cum unice penitentiam resiguent
in eorum favorem, qui munia docendi, & pro-
dicandi, vel numquam, vel variissime perfol-
vent. Meminerint, quicunque sic agunt, aut
agentibus facient, & opitulantur, quale judi-
cium apud Christum Ecclesie sponsum, & ani-
marum tremendo sanguine redemptiarum Zela-
torum, imminent, qui sanctissimas ecumenicas
Conciliorum provisiores circa Cleri, &
Christianae plebis per Divini verbis predicatione-
num, & sacrarum Literarum expositionem elu-
dunt & absolvunt, solo retento Theologali Cano-
nicis nomine, & Hispaniæ fine spirituali usi
at fructu.

Vide (C A N O N I C U S .
D I S T R I B U T I O N E S .

THESSAURUS.

PRÆDICTÆ voci quinque subjiciuntur variae notiones. 1. Namque adhuc
betur aliquando, ad significandam quandam Jurisdictionem, qualis obtinet
una Parisiorum in foro Regio, quæ dicitur: *Curia questorie jurisdictionis*,
gallice *Chambre du Tresor*, ad quam eorum cognitio, quæ spectant ad Regium
Dominium. 2. Solet etiam usurpari pro significando illo loco, in quem defer-
tur pecunia proveniens e vestigalibus, ac ex ceteris redditibus Regis, quicquid ea
de causa fortuita nominis appellacionem *Thesauri*, seu potius ararum Regi. 3.
Sumitur per metaphoram ad significandam quacumque rerum pretiosarum
five sacrarum, five profanarum suppelleat. Eaque de re confueverunt istæ
voces passim circumseri: *Thesaurus fæciæ de S. Dionysio*: *Thesaurus seu Tabularium
Regii juris auctoritatum, & instrumenorum*, id est locus, in quo servantur ac
custodiuntur omnes tabulae, atque omnia instrumenta gravioris alicuius momen-
ti, quæ pertinent ad Regia jura: aut ad exprimendas quædam dotes, quæ vel
excellentia sua sunt admirabiles, vel omnino rarae ac singulares. 4. Dicitur
quoque *Thesaurus Ecclesiæ*, de præclara illa multitudine meritorum Corporis illius
Mystici; cuius quidem Iesus Christus est Caput. Viri vero sanctitate præ-
cellente sunt membra. 5. Tandem appellatur in sensu proprio *thesaurus*, vetus
depositio Auri, argenti, aut cujusvis alterius pretiosæ rei in aliquo loco re-
conditæ, quæ inventur absque eo, quod possit illius ejusdem Proprietarius
innotescere, juxta definitionem, quam de codem tradit Lex, quæ ad marginem
indicatur, & cuius propria verba referuntur in decisione, quæ primum
in hoc præsenti Titulo teneat locum.

Allucinantur profecto, nec orationem Christianam prædican^t, qui ajunt, Thefauros non inveniri, nisi ex casu mere fortuito, aut cœca quadam agente fortuna. Inventio etenim ejusmodi est potissimum referenda ad aliquam supremam intelligentiam, qua res aliqua regitur, ac movetur; determinaturque ad rem aliam licet natura diversam, ut inde effectus idem exurgat. Atque ita docetur a S. Augustino, (a) quando sic habet: " Nos enim eas causas, quæ dicuntur fortuitæ, unde etiam fortuna nomen accepit, non esse dicimus, nullas; sed latentes easque tribuimus, vel Dei veri, vel quorumlibet spirituum voluntati; ipsaisque naturales nequaquam ab illius voluntate, sejungi- mus, qui est author omnis, conditorque naturæ.

Quoniam vero in decisionibus, qua sequuntur, explicamus, quenam circa Thelauros viguerit Juris Romani Jurisprudentia, quenam autem in Galliarum Regno jam obtineat; nihil hic loci de presenti materia fusius subjeciemus.