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Contact:
Email: landesbibliothek(at)ooe.gv.at
Telephone: +43(732) 7720-53100

ſedis: ⁊ alijs ſuperiꝰ poſitis. a ¶ Bellatoꝝ.i.ꝑdicatoꝝ q̄ pn̄t here ticis reſiſtere auctoritate diuine ſcripture: q̄ ꝯ nos ſurgūt ⁊ ex aduerſo ī pugnāt nos quos p̄lati eccleſiaꝝ ð ſua dioceſi expellere tenent̄ ī tm̄ ꝙ ſi negligētes extiterīt ab admīſtratiōe remoueant̄.ī.de her.excōicamꝰ ī ſi.
b ¶ Preſbyteros. ad oēs ꝑdcās pſonas pena iſta extēdit̄ ēt ſi hmōi pſonatus curā aīaꝝ nō habeat: q̄ idē iudiciū ē ð pſonatibꝰ curā aīarū nō hn̄tibꝰ ſicuti de bn̄ficijs curā aīaꝝ hn̄tibꝰ annexam.ſ̄.de elec.dudū. ⁊ ꝙ hn̄tes curam aīaꝝ tenent̄ pꝫ q̄ q ad curā aīarū eligit̄ dꝫ ꝑmo ꝓmoueri ad ordinē ſacerdotij: al's ſit ipo iur̄ ꝑuatꝰ.ſ̄.de ꝑbē.extirpāde.§.q vero. ⁊ ī ꝓpria pſona deſeruit̄: niſi ī duobꝰ caſibꝰ vt ibi dr̄. ⁊ idē iudiciū ð pſonatibꝰ: ⁊ ð habētibꝰ curā aīaꝝ eſt habēdū: vt in ꝑdcā decre.dudū. ⁊.ſ̄.ð ꝑbē.ð mr̄ta.maior.n.rō ē de hn̄tibus curā aīaꝝ ꝙ̄ de pſonatibꝰ nō hn̄tibꝰ curam aīaꝝ. Credo ꝙ nullꝰ archidiaconꝰ ðcanꝰ plebanus ꝑpoſitꝰ cātor: ⁊ nulli q hn̄t pſonatꝰ ⁊ q hn̄t curā aīaꝝ poſſint audire leges vl̄ phyſicā ꝑter penā iſtiꝰ ꝯſtōis nulla facta diſtictiōe exquo tales ſūt niſi aliā īterꝑtatiōez ſr̄ h̄ viderē: q̄ papa nullā adhibuit īterꝑtatiōnē: ꝗ nec nos adhibere ðbemꝰ.ii.q.v.ꝯſuluiſti ⁊.ſ̄.ð trāſla.īter corpalia.ſufficit.n.ꝙ ita ſcriptū eſt: ut.vi.q.iii.ſcriptū ē ī lege. ⁊.ff. q a q. ma.li.l.ꝓſperit.
c ¶ Ab his.ſ.legibꝰ vel phyſica.ð qbꝰ ꝑmiſſuꝫ eſt.ſ̄.
d ¶ Spaciū ꝑſcriptuꝫ. duoꝝ mēſiū cōnumerādoꝝ a tpe publicationis huiꝰ ꝯſtōnis: q̄ ante publicationē nemo tenet̄.ſ̄.de cōſti.c.ii.ex quo.n.ꝯſtitutio publice ꝓmulgata ē ⁊ publicata qlibꝫ tenet̄ ad eiꝰ obſeruātiā poſt duos mēſes in auc̄. vt fac.no.cōſti.circa ꝑn.col.v.xvi.di.qō dicis.ſ̄.de poſt.c.i.ſed an̄ nō ar.xxii.q.iiii.dixit ſarra.lxxxii.di.ꝓpoſuiſti.ſed cū iſta ꝯſtō ſit iā diu publicata nullus hꝫ excuſationē. Sed nunqd epi pn̄t tales abſoluere: credo ꝙ ſic: q̄ ꝯditor huiꝰ ꝯſtōnis nō retinuit ſibi abſolutionē: ⁊ iō alijs relicta vr̄.ī.de ſen.ex.nuper.ī.de fal.dura. ⁊.ſ̄.de ꝑben.de multa in ſi.
e ¶ Extēdi.ſ.ꝑmiſſas penas de qbꝰ ſupiꝰ fcā ē mētio.ſ.ꝙ ſint excōicati: ⁊ in nulla cā pᷓ̄ociniū ꝑſtātes audiant̄: ⁊ ita vr̄ ꝙ iſti ſpē ꝓmotiōis amittūt niſi cū eis ꝑ ſedē apoſtolicā fuerit diſpēſatū: ſicut dr̄ de monachis: q̄ hoc ꝓnomē hoc oñdit oēs penas ſupradictas: ſed hoc nō credo ꝙ iſti ꝑꝑ h̄ ſine diſpēſatiōe dn̄i pape ꝓmoueri nō poſſ.nt. ⁊ ꝙ dicit h̄ extēdi ⁊c̄. reſpicit tm̄ qō dixit.ſ̄.excōicati: ⁊ ꝙ ī nulla cā eoꝝ pᷓ̄ociniū admittat̄ q̄ ſi hoc voluiſſet h̄ dixiſſet de iſtis qō dixit de illis.ar.ſ̄.de trāſla.īter corpalia.ſ̄.de deci.ad audientiā: ⁊ pene nō ſūt āpliāde ſiue odia: ſꝫ potiꝰ reſtrīgēde.ð pe.di.i.pene.ff.ð li. ⁊ poſth.cū qdā.ff.ð here.īſti.l.i.§.vl. ⁊ illa clauſula: niſi forte ex miſericordia ⁊c̄. reſpicit tm̄ ꝑcedētia: ⁊ nō ſubſequētia.ar.ſ̄.de ap.īqſitiōi. tutiꝰ ē dicere ꝙ īcurrat oēs penas ꝑdictas cū lr̄a h̄ expſſe dicat dū dicit h̄ extēdi ⁊c̄. ⁊.ſ̄.dū dic̄ ꝑdictis penis obnoxij. B.

Rubrica de ſponſalibus. ſ̄.ꝑcedēti libro viſuꝫ ē de actibꝰ ⁊ geſtibꝰ ſpectātibꝰ ad clericos merito nūc reſtat videre de ſpectātibꝰ ad laicos. ⁊ h̄ rubrica hꝫ duas ptes. in ꝑma dicit de ſponſalibꝰ. in ſcða de mr̄imonijs. Ab.ſi.
De francia. ¶ Diuidit̄.primo ponit caſum.ſcðo diffinit ibi: diffiniuit. Ab.ſi. f ¶ Lege.i.conſuetudine.
g ¶ Legibus.i.conſuetudinibus.
h ¶ Frācoꝝ.quā putabat eē ð ſubſtātia mr̄imōij. ar.xxx.q.v. aliter. vbi vr̄ ꝙ mr̄imoniū omiſſis ſolēnitatibꝰ non valeat: ſꝫ nō ē veꝝ: q̄ illa q̄ dicunt̄ i.c.al'r: potiꝰ ad ſolēnitates referūtur q̄ tn̄ ꝑuāde ſūt: ſꝫ ꝙ ūis ñ ꝑuēt̄ tꝫ mr̄imōiū: q̄ ſolꝰ ꝯſēſus fac̄ mr̄imoniū.xxvii.q.ii.ſufficiat.
i ¶ Dimiſſaqꝫ.qō facere nō debuit auctoritate ſua: vt.xxxiii.q.ii.ſecula-

pugnabili bellatoꝝū[a] qbꝰ reſiſtere valeat aſcēdētibus ex aduerſo: ad archidiaconos decꝰos plebanos prepoſitos cantores ⁊ alios clericos perſonatus habētes: necnō ꝑſbyteros[b]: niſi ab his[c] īfra ſpaciū[d] preſcriptuꝫ deſtiterint: hoc extēdi[e] volumꝰ ⁊ mādamꝰ ⁊ appellatiōe poſtpoſita firmiter obſeruari.

¶ Incipit Liber Quartus.

Rubrica De ſpōſalibꝰ ⁊ mr̄imōijs

Ex cōcilio triburienſi.

¶ Matrimonium conſenſu contrahitur nec inualidatur ſi conſuetudo patrie non ſeruetur.

De francia qdā nobilem mulierē ð ſaxonia lege[f] ſaxonū duxit in uxoreꝫ. ueꝝ q̄ nō hiſdē utuntur legibꝰ[g] ſaxones ⁊ frācigene: cauſatus ē ꝙ eā ñ ſua.i.frācoꝝū[h] lege deſpōſauerat: dimiſſaqꝫ[i] illa aliā ſuꝑduxit. ¶ Diffiniuit ſuꝑ h̄ ſcā ſynodus vt ille trāſgreſſor euāgelice[k] legis ſubijciat̄ pnīe: ⁊ a ſcða cōiuge ſeparet̄ ⁊ ad priorē redire cogat̄.

Lucius.iij.exoñ.epo.

¶ Spōſalia ð futuro diſſoluūt̄ ſi ſpōſi ſe diſſoluūt: ēt ſi fuerit iurata

Preterea hi q ð mr̄imōio cōtrahēdo pure ⁊ ſine oī cōditiōe[l] fidē dederūt: cōmonēdi ſūt ⁊ mōis oībꝰ īducēdi[m] ut ꝑſtitā fidem obſuēt. ¶ Si āt ſe adinuicē admittere noluerit[n]: ne forte ðteriꝰ[o] iñ cōtigat vt talē.ſ.ducat quā odio[p] hꝫ: vr̄ ꝙ ad iſtar eorū q ſocietatē[q] īterpoſitiōe[r] fidei ꝯtrahūt ⁊ poſtea eā dē ſibi remittūt hoc poſſit in patiētia tolerari[s].

Eugenius papa

¶ Si maior ſeptēnio duxit ī vxorē minorē ſeptēnio: ⁊ eaꝫ traduxit ad domuꝫ: orit̄ ex tali cōtractu publice honeſtatis iuſticia.

Iuuenis qui puellā nōdū ſeptēnē duxit: quāuis etas repugnaret: ex hūana tn̄ fragilitate forſan tētauit qō cōplere non potuit. ¶ Quia igit̄ ī his q̄ dubia[t] ſunt qō certiꝰ eſtimamꝰ tenere debemꝰ: tū ꝑꝑ honeſtatez eccleſie: q̄ ipa ꝯiūx[u] ipſiꝰ fuiſſe dicit̄: tū ꝑꝑ ꝑdictā dubitationē: Mādamꝰ q̄tenꝰ cōſobrinā ipſius puelle quam poſtmoduꝫ duxit diuidas[x] ab eodem.

Alex.iij.papieñ.epo.

¶ Ex ſponſalibus cōtractis cum conſanguinea oritur publice honeſtatis iuſticia.

Ad audientiam noſtri apoſtolatus peruenit ꝙ cum.M.papieñ.ciuis filiam ſuam cuidam filio: um.l.vellet dare vxoreꝫ: iurauit ꝙ ſi ille[y] habere eaꝫ caſu aliquo īteruenieute non poſſet: alteri filio quem de alia uxore genuerat eandem matrimonio copularet. Contractis aūt a filio ꝑore ſpōſalibꝰ q dā ꝯſanguinitate inter eos eē iuramētis interpoſitis firmauerūt. Iō qꝫ prefatus.M.eandem dare alteri filio nitit̄: ut iurauit. ¶ Sed qm̄ ſcriptū ē ꝙ ſpōſā[z] fratris frat habere[ꝛ] nō pōt: mandamꝰ quatenus

res.xxxv.q.vi.multoꝝ.ēt ſi īpedimētum manifeſtū ſubeſſet.ī.de diuor.porro.
k ¶ Euāgelice legis.qua dr̄ nullus dimittat vxorem ſuam excepta cauſa fornicationis.xxxii.q.i.dixit dn̄s.ī.ex parte.
Preterea. ¶ Primo iubet.ſcðo diffinit ibi.ſi aūt.ab.ſi.
l ¶ Sine ꝯditiōe.ꝑ hoc vr̄ ꝙ ſolui nō poſſit: q̄ q̄ ſine ꝯditōe ꝓmittunt̄ ſine ꝯditione ſoluuntur.xxxii.q.vlt.c.vlt. ⁊.xxii.q.iiij. inter cetera.
m ¶ Inducēdi. ⁊ ēt ꝯpellēdi ſi iuraſſēt.ī.e.ex lr̄is. ꝑꝑ piculū iuramēti.ar.ꝯ.ī.e.reqſiuit.ſꝫ illō ſoluit̄ ibi.ſꝫ ꝯ vr̄.ī.e.c.vl.
n ¶ Noluerint.i. abſolute reſtiterint.
o ¶ Deteriꝰ.ſ.adulteriū cū ſecūda: vl̄ ꝙ eā forte īterficeret.
p ¶ Odio.q̄ qō qs nō diligit facile ꝯtēnit.xxx.q.ii.pn̄s clericus. ⁊.xxxi.q.ii.§.i.Ber.
q ¶ Societatē.ff.ꝓ ſo.l.verū.§.vlt. ⁊.l.actiōe.§.diximus.
r ¶ Interpoſitōe fidei.ſiue ꝑ iuramētū ēt q̄ eqpollēt.ſ̄.ð fideiuſſ.ꝑuēit. ⁊.xxii.q.v.iuramēti.
s ¶ Tolerari.hoc iō dicit: q̄ ex quo nō ē ꝓceſſuꝫ ad mr̄imōiuꝫ ꝯria volūtate accedēte poſſunt ſe īuicē abſoluere vt vr̄: q̄ oīs res ꝑ q̄ſcūqꝫ cās naſcit̄ ⁊c̄.ī.ð re.iur.oīs res. ⁊.ff.ð re.iur.nihil tā naturale: q̄ ī tali caſu fide ꝑſtita ſiue iuramēto ſubīteł ligēda ē ꝯditio.ſ.ſi ī eadē volūtate ꝑmāſerit.ar.ſ̄.de iureiu.quēadmodū. ⁊.xxii.q.ii. ne qs arbitret̄: hec fuit opi.T.dicentis ꝙ hec decr.ꝯtīebat ius cōe.Mu.dicebat ⁊ bn̄ ꝙ loqt̄ ð cōparatiua ꝑmiſſione: ut.ī.qui cle.vel vo.c.veniēſ.qō ⁊ mihi vr̄: ⁊ loqt̄ diſpēſatiue: ⁊ h̄ apte indicāt iſta ūba hoc poſſit ī patiētia tolerari ne deteriꝰ īde cōtingat: nā multa ꝑ patiētiā tolerāmꝰ ⁊c̄.ꝯ.ð ꝑbē.cū iā dudū. al's de iure mero debēt cōpelli: vt fidē ſiue iuramētuꝫ ꝑuarent de h̄ dr̄.ī.e.ex lr̄is.ii.Ber.
Iuuenis. ¶ Si maior ſeptēnio cuꝫ ꝓria ſeptēnio ł q̄ malicia ſupplet etatē ſpōſalia ꝯhit: ex his orit̄ iuſticia publice honeſtatis maxīe ſi cōmiſceri tētauerit: ita cōiter ſūmat̄: ſꝫ in ūitate ſūmariū nō colligit̄ ex lr̄a ut patebit clariꝰ ex.ī.dicēdis.ſꝫ inherēdo lr̄e pōt ſic ſūmari vt in rubro. Diuidit̄ ꝑmo narrat factū ⁊ caſum dubiū.ſcðo duplici rōne diffinit ibi: q̄ igitur. Ab.ſi.
t ¶ Dubia.ſic ergo pꝫ ꝙ in dubijs ſꝑ certiꝰ ē tenēdū de pe.di.vij.c.ii.§.item ſi vbi dr̄ tene certū ⁊ dimitte īcertū. ⁊.ī.ð homi.ad audiētiā. ⁊.xiiii.di.ſicut. ⁊ ī re dubia certa nō ꝑt ferri ſn̄ia.xi.q.iii.graue. ⁊.xxiii.di.hūiſſe. ⁊.xxxii.q.vl.§.vlt. ⁊ inſti.de re.di.§.illud q̄ſitū: inſti.de ac.§.curare.qn̄qꝫ tn̄ cū obſcura ſunt iura ꝑtiuꝫ certa fert̄ ſn̄ia.ſ̄.de fi.inſtr.int̄ dilectos ī ſi.ſꝫ nō dr̄ dubia res ibi: q̄ actor nō ꝓbauit clare: ⁊ ita ꝓ poſſeſſore iudicari dꝫ: ſꝫ q̄re dicit in his q̄ dubia ſunt: q̄ ſi ex toto an̄ ſeptēniuꝫ ducta fuit: ⁊ pꝰ.vij.ānos nō ꝯſenſit: vl' an̄ receſſit res nō eſt dubia: ſꝫ certa: q̄ nō īpedit mr̄imoniū cū ꝯſāguīea ēt cū mr̄e.ī.ti.ꝓxi.lr̄as acceſſit: ſi poſt ſeptimū annū ꝯſenſit ſpōſalia tenuerūt: ⁊ ita nō ē res dubia.ī.e.ſpōſum. ⁊.ī.ti.ꝓxi.ꝯtinebat̄.§.ſi ūo.So.ſic intellige puella iſta pꝰ.vii.ānos nō ꝯſentit vel nō obſtabat de ꝯſenſu.q̄ ſtati receſſit ab eo: vel mortua ē: verūtn̄ q̄ tētauit forſitā qō cōplere nō potuit ꝑſumit̄ ꝙ erat doli capax: ſiue q̄ malicia ſupplebat etatē quo ad ſpōſalia: ſicut ſupplet malicia quo ad mr̄imoniuꝫ.ī.ti.ꝓxi.de illis. ⁊.c.vl. vnde ꝑꝑ hoc dubium: q̄ h̄ plene non ꝯſtabat tum ēt ꝑꝑ honeſtatē eccleſie non pōt hr̄e conſobrinā illius.ī.c.proxi.ar.al's non vr̄ ꝙ poſſet ſtare illa littera ſi diceremus ꝙ poſt.vii.annos conſenſit ut dixit.T. q̄ ſic non eſſet res dubia. u ¶ Coniunx.i.ſponſa.
x ¶ Diuidas.ar.ꝯ.xxxv.q.iii.extraordinaria.ſol.ibi cꝫ naturalia cā polluit ⁊ nō maritali affectu: h̄ ūo tentauit in naturalibus: ⁊ maritali affectu.
Ad audientiā. ¶ Prīo narrat fcm̄.ſcðo decidit ibi: ſed qm̄. Ab.ſi.
y ¶ Quod ſi ille: hec ꝯditio nulla fuit: q̄ ex quo deſpōſat̄ vni fratꝝ alius eā hr̄e nō pōt.xxvii.q.ii.ſi qs vxorē. ⁊.c.ſe.niſi forte an̄ ſeptēniū ꝯtracta eēnt ſponſalia.ī.ti.ꝓxi.lr̄as. ⁊.c.acceſſit. ⁊.c.duo pueri.ceſſante eo qō dr̄.ſ̄.c.ꝓx.xxvii.q.ii.ſi qs deſponſauerit. z ¶ Sponſaꝫ fratris.xxvi.di.§.Joānes.xxvii.q.ii.ſi quis deſponſauerit.ar.ꝯ.viii.q.i.olim. ⁊.ī.de diuor.c.vlt.Sol.illud myſticum fuit ⁊ obtinuit in fratre ſine ſobole defuncto.hodie ſecus.
ꝛ ¶ Hr̄e nō pōt.ſed videt̄ ꝙ hec rō nulla fuerit: q̄ inter eos nullū obligatoriuꝫ