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Fragment: Quaestiones in Librum Extra : Universitätsbibliothek Rostock, Fragm. jur. 42

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[illegible] volo te ducere vel accipere in uxorem nec sponsalia nec matrimonium
[illegible] sponsalia non quia non sunt obligatoria nec matrimonium quia
[illegible] non sit obligatio quam de futuro sed voluntas exprimitur quam de presenti
[illegible] Item si dicat aliquis promitto tibi quod te [illegible] uxorem et illa [illegible]
[illegible] de mera gratia [illegible]
[illegible] matrimonio [illegible] nisi [illegible]
[illegible] vel per litteras [illegible] vel nuncium
[illegible] absentes per procuratorem [illegible]
[illegible] matrimonium [illegible] in [illegible] Non si aliquis [illegible]
[illegible] uxore una de filiabus tuis et [illegible] determinat
[illegible] nulla alia duce [illegible] illa quam
[illegible] ducere in uxorem [illegible] causa [illegible] non [illegible] sponsalia sed
[illegible] iuramento [illegible] ad alia [illegible] non obligant se ducere nisi
[illegible] determinatur [illegible] nulla sponsalia fuerint nec matrimonium
[illegible] non consenserit et [illegible] sponsalia non esse [illegible]
[illegible] de sponsalibus De [illegible] Quod si [illegible]
[illegible] et [illegible] et [illegible] consensum [illegible]
[illegible] sit et [illegible] in hoc casu [illegible]
[illegible] libidinis [illegible]

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[illegible] pt absque ei culpa si reddat cum displicentia et dolore petitiam, uo
pt sine culpa et si appetitus sit ad delectationem carnis est culpa. Si a
ad luxuriam animus et infirmitatem sua aspiciens cum timore petit, vera
est pacis quo tamen contingit commisisse peccatum non sit grave sed
hec Hugo. Queritur si liceat festis diebus reddi, pro eo loco quod si alie
locus sit non sit tunc reddens fugiet peccat mortaliter sed quo consigit. Si
tamen ipse fuerit causa periculi vel causa incontinentie peccat venialiter.
Si autem causa saturitate libidinis peccat mortaliter hec Hugo et ma
Queritur si tempore menstruationis liceat debitum petere quod si sine periculo
abortus fieri potest sine peccato mortali petiit potest et reddi quia usque
matrimonium non tunc est in officium sed etiam in remedium. Si autem in eo p
nec debet peti nec reddi quia principalior est institutio in officium quam
in remedium hec Petrus. De desponsatione impuberum
[illegible] si pubes contrahat cum impubere utrum possit dissolvi.
Si impubes contrahat ad etatem petit matrimonium dissolui quod
possit et matrimonium non potest contrahi nisi ex duobus consensibus
[illegible] et de illis et qui in eadem [illegible] etatis. Si a [illegible]
[illegible] dissensus hec [illegible]

bonum. Quero si tempore [illegible] [illegible] [illegible]
quando quis dimissis opinionibus [illegible] [illegible]
tempore presenti [illegible] [illegible] [illegible] aut que [illegible]
tamen qui reddat cum [illegible] quod debet [illegible] confessione [illegible]
[illegible] confessione [illegible] vel cum [illegible] [illegible] tenetur [illegible]
tenetur ac illa infirmitate [illegible] [illegible] dicit [illegible] si [illegible] dicit [illegible]
[illegible] de [illegible] debet ei infirmitate dicit vel [illegible]
Si autem [illegible] hoc non de confessione [illegible] necessitate [illegible]
bono modo [illegible] Et credo quod [illegible] non tenetur [illegible] [illegible]
De suo [illegible] ne det ei confessionem [illegible] confessor [illegible]
sufficit [illegible] quod habeat infirmitatem [illegible] valeat [illegible]
[illegible] salvo meliori iudicio. Quero si [illegible] possit [illegible] [illegible]

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puta ubi non intelligunt [illegible] ipsi [illegible] vel verbo exprimunt puta
si videntur ad domum sponsi et mittit munuscula et similia [illegible]
[illegible] et c. licet. Unde si pueri non habent sensum et in nullo consensum
exprimunt sponsalia non ligant. xxx q. ii. Sponsalia [illegible]
Alii qui pueros contrahunt sponsalia per se ipsos aut per alios in
septennium tunc non tenent sponsalia nec sibi invicem habent [illegible]
aut sunt septennes aut circa septennium tunc tenent sponsalia
aut non consenserint tunc non tenent sponsalia nec quantum impedimentum
publice honestatis donec sibi vel expresse vel tacite consenserint [illegible]
[illegible] q. iii [illegible] ille qui contrahunt [illegible]
aut sunt pubertati proximi [illegible] aut [illegible]
[illegible] sic est matrimonium dum se non cognoverint dum [illegible]
licet suppleat etatem quia sunt carnalis commixtio sic fiunt matrimonium [illegible]

[illegible]

De desponsacione impuberum

[illegible] si pubes contrahat cum impubere [illegible]

[illegible]

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