

Leges statutae reipublicae Sancti Marini.pdf/165



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STATUTORUM

Nec contra tales obijci valeat aliqua odij, vel inimicitiae macula , nisi forsitan ante talia delicta exorta, quo casu legitime probata admittatur, et prosit.

De testimonio mulierum, et minorum in criminalibus.

Rubrica IX.

Ut facultas probationum ampliatur hoc praesenti statuto ordinamus, quod in omnibus maleficijs, vel quasi, mulieres, ac minores viginti annis, maiores tamen quatuordecim possint recipi in testes, et eorum testimonio, nisi aliud obsit, detur plena fides ad condemnandum quacumque poena, non obstante sexu, vel aetate. Ab inde autem infra pupillo credatur quatenus de iure permittitur communi.

Quod minores , et filij familias legitimam habeant personam in criminalibus.

Rubrica X.

Generaliter statuimus, quod minores viginti quinque annis, maiores tamen quatuordecim , sive sint filij familias, sive non, etiam sine consensu curatoris , vel patris in criminali

causa in iudicio stare valeant, et legitimam habeant personam tam in agendo, quam in defendendo, et tam si per accusationem , quam si per denunciationem , vel inquisitionem criminalis causa ageretur.

Et hoc tam in primis, quam in secundis causis appellationum, nec praetextu praedictorum aliqua in integrum restitutio obtineri possit.

De poena mitiganda mulieribus, et minoribus.

Rubrica XI

Statuimus tamen mulierum imbecillitati , et minorum inconsultationi parcendo , quod mulieres delinquentes condemnentur ad dimidiam tantum partem poenae pro delicto per ipsas commisso alias generaliter impositae, ubi videlicet poena esset pecuniaria.

Ubi vero esset corporalis, vel capitalis, propter gravitatem tunc talium delictorum poenis subiaceant ordinarijs.

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