

Leges statutae reipublicae Sancti Marini.pdf/170



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In quibus casibus, et quomodo ad torturam procedi possit.

Rubrica XVIII.

Statuimus , quod in causis criminalibus quibuscumque ubi agitur de poena capitali, vel corporali indistincte, adhiberi possit tortura , in pecuniaria autem non nisi ascendat saltem ad quantitatem librarum viginti quinque denariorum , et omni casu praecedentibus tamen ad eam legitimis indicijs iuxta formam iuris communis , et statutorum huius almae libertatis , et praesertim sequentis statuti, ac dato prius termino cum copia ipsi reo eam petenti ad ea elidenda iuxta ordinem iuris communis , praeterquam contra fures , latrones , homicidas , et proditores , contra quos liberum Iudici concedimus arbitrium procedendi ad torturam.

De indicio sanguinis , et fugae.

Rubrica XIX. Si contigerit aliquos cuiuscumque conditionis existant venire simul ad rixam , et probetur rixatio , et quod in fine rixae immediate visus fuerit fluere sanguis ab aliqua parte corporis alicuius ex rixantibus, immo idem, et si percussio appareat sine sanguine, talis sanguis, et percussio faciat sufficiens indicium ad torturam contra corrixantem ,

etiam quod non constaret ipsum habuisse in rixa instrumentum ad talem percussione[m] aptum.

Et idem statuimus in fuga, ut si imputatus de delicto aufugerit post dictum delictum commissum, et diffamationem contra eum laborantem quod ipse commiserit, talis fuga in quibuscumque criminibus sit sufficiens indicium ad torturam, etiam si fugiens postmodum citatus sponte comparuerit.

De modo procedendi contra reum absentem in casu indiciorum ad torturam.

Rubrica XX.

Ne autem processus criminales aliquo reorum subterfugio reddi possint elusorij, et inutiles, statuimus, quod in casibus, quibus post responsionem, et excusationem reus fuerit sub fideiussoribus relaxatus (iuxta statuta supra

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