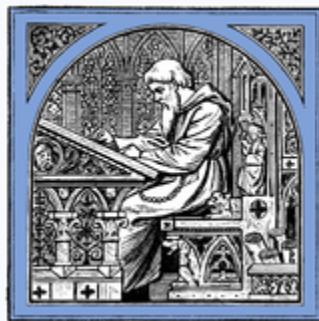


# **Leges statutae reipublicae Sancti Marini.pdf/170**



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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 vigintiquinque denariorum , et omni casu praecedentibus tamen ad eam legitimis indicijs iuxta formam iuris communis , et statutorum huius aliae 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 percussionem 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 responcionem , et excusationem  
reus fuerit sub fideiussoribus relaxatus ( iuxta statuta supra

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