

Leges statutae reipublicae Sancti Marini.pdf/87



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STATUTORUM

sententias , sive arbitria , ae arbitramenta , et lauda
quaecunque arbitratorum , et arbitramentorum. Nec non
etiam mulctandi, et puniendi omnes, et singulos eis non
obtemperantes in ijs, quae ad eorum spectant officiuni; et
quae ad cognitionem, et expeditionem causarum civilium
fuerint opportuna.

De recusatione , et suspicione Dominorum Capitaneorum.

Rubrica. II.

Quia autem quandoque diversis causis Capitanei praedicti
tanquam Iudices , ut supra , constituti uti suspecti
recusantur, licet divisim, et insolidum, eis iurisdictio
competat, statuimus , et ordinamus , quod coram Dominis
Capitaneis comparentes quicumque sive actoris sive rei
partes substineant, non valeant ambo Capitaneos, ut
suspectos, recusare, ex quacunque causa recusationis ,
etiam iure communi approbata, sed uno legitime recusato,
coram altero causam sive civilem, sive criminalem
cuiuscumque generis, et qualitatis prosequi teneantur., nisi
in quolibet Dominorum Capitaneorum cadat maxima
quaedam , et quasi notoria suspicio , de qua tunc stari
volumus declarationi Consilij duodecim virorum Terrae
Sancti Marini.

Qui Consiliarij omnes, vel maior pars ipsorum pro eorum libito , et voluntate dictas suspiciones , recusationes , et exceptiones declinatorias iurisdictionis rejicere possint, si eis aequum visum fuerit , alias ad eorum libitum , et voluntatem possint adiungere , eligere , et deputare unum adiunctum , qui una cum ambobus Capitaneis, vel secundum declarationem ipsorum Dominorum Consiliariorum de dicta suspicione declarantium una cum Capitaneo minus suspecto, altero magis suspecto penitus remoto, causam ipsam cognoscat, terminet, et decidat.

De quibus suspicionibus , recusationibus , et declinatione iurisdictionis stetur, ut dictum est, Consilio duodecim praedicto, quacumque appellatione etiam iusta , et non frivola, et alio

recursu penitus remotis, etc.

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