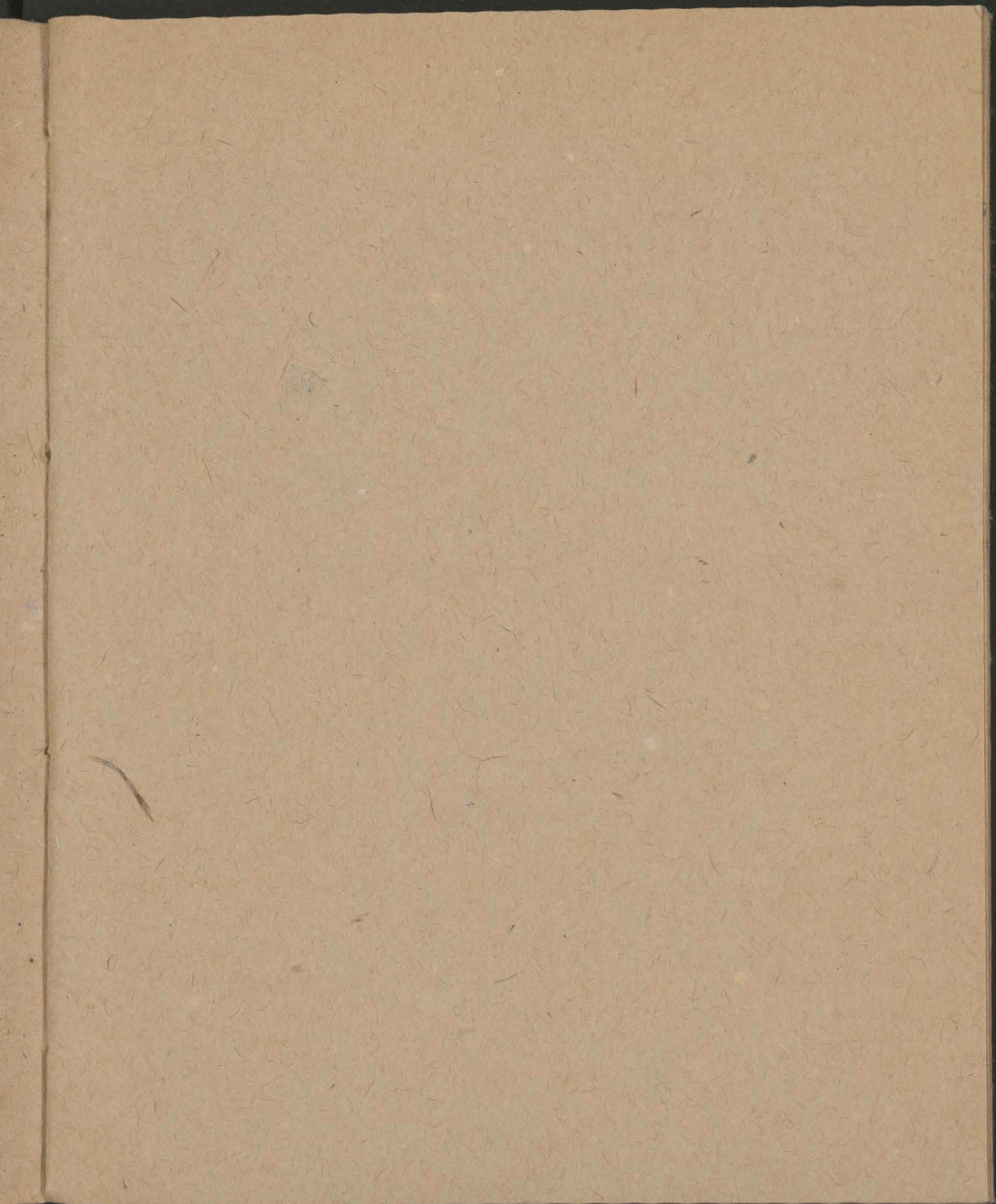


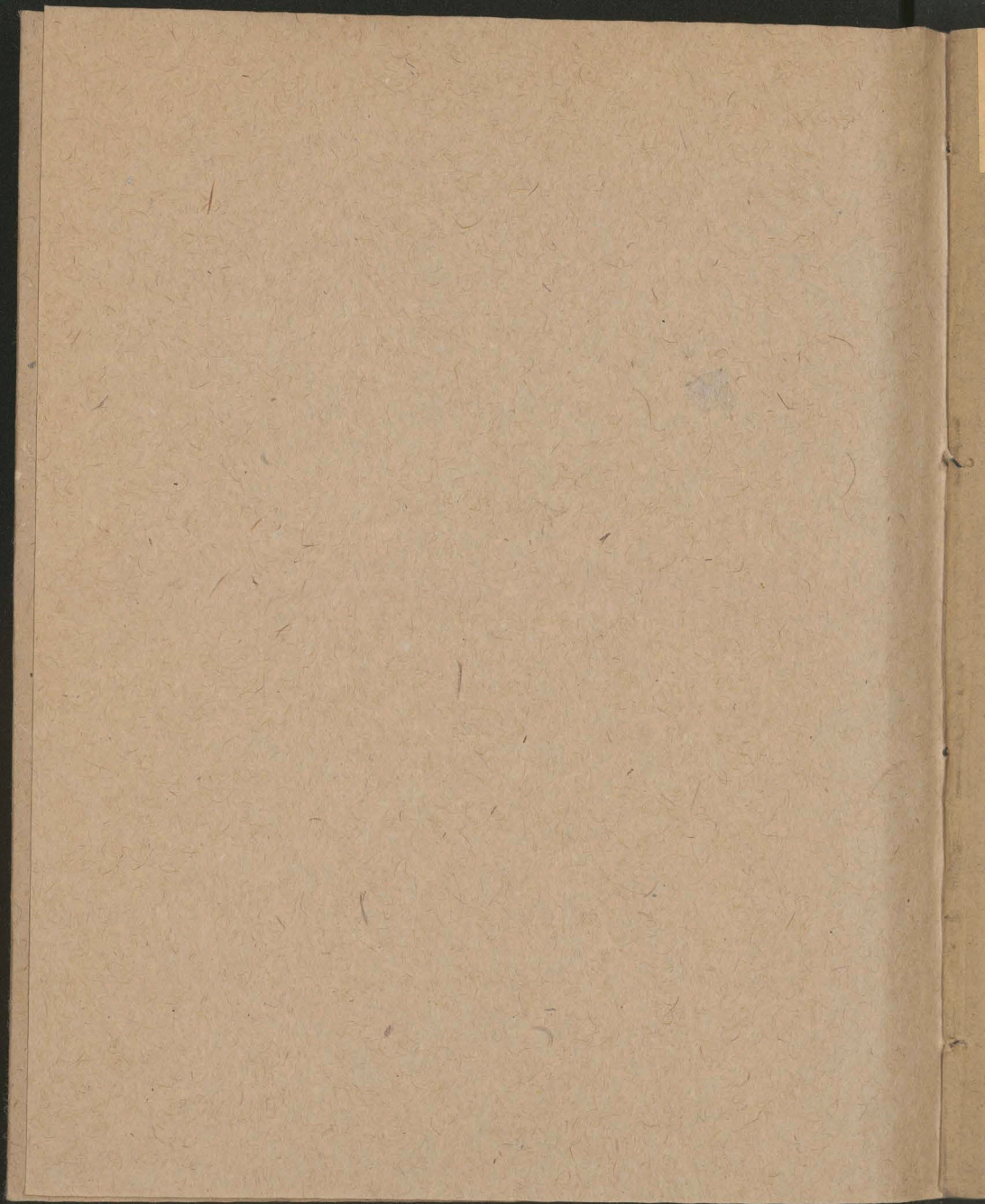
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Pudlowski Stanisławi: Quaestio de geometri-
sibus in criminalibus iudiciis.

~~2661~~ *Sumo*

Q V Æ S T I O

DE

PROCVRATORIBVS

In criminalibus Iudicijs.

Ad c. j. de Iudic. in Sexto. iun. l. tunc conuenit. C. de Accusat.

A



M. STANISLAW PUDŁOWSKI, Nouorū
Iurium Professore, & Colleg. DD. Iuris-
consultorum Collega,
Proposita ad Disputandum.

*In eundem Collegij DD. Iurisconsultorum Lectorio
Die 3 Augusti, Horâ antemeridianâ.
Anno M. DC. XXXIV.*

CRACOVIAE,

In Officinâ Matthiæ Andreouiensis.

34. V. 78. 55



Sub felicitis Junis auspicijs Magnifici & Claris Junis Do-
mini, **D. CHRISTOPHORI NAY-**
MANOWICZ, Philosophiae & Medicinae
Doctoris, & Ordinarij Professoris, Studij Un-
versitatis Craconiensis Generalis
RECTORIS.

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Q V Æ S T I O

Ad c. j. de Iudic. in Sexto. iun. l. tunc conuenit. C. de accusat.

Vtrum in Iudicijs Publicorū priuatorumq; delictorum, & in ijs, pro quibus pœna arbitrio Iudicis imponenda venit, Procurator pro Accusatore, ad prosequendum, & pro Reo, ad defendendum, interuenire debeat, nec ne?

CO N C L U S I O I.

In Criminibus publici Iudicij prosequēdis,
ac de-

ac defendendis, frustra Procuratores interueniunt.

COROLLARIA.

1. *In Iudicijs Publicis, parte non opponente contra Procuratorem, adhuc Iudex ex officio procedens, eum remouere debet.*
2. *Illustribus, & Præpotentibus viris Iura non suffragantur; ut in Publicis Iudicijs, per Procuratores, non per se, compareant.*
3. *Delinquens vniuersitas ordinariè debet sese tueri, in Iudicio Criminali, per Syndicum.*
4. *Quando Reus præsens est in Iudicio Criminali, potest ei Procurator assistere, & illius nomine Exceptiones, Capitula, & alias defensiones, producere.*
5. *Excusator, ad dandas causas legitimas absentia, in Criminali Iudicio, pro Reo admitti, & audiri debet,*

CONCLUSIO II.

In causis delictorum Priuatorum, pro quibus,

bus Pœna pecuniaria, non corporis afflictiva, imponitur, Procurator pro Accusatore, vel Reo, interuenire non prohibetur.

C O R O L L A R I A.

1. *Quælibet Pœna corporalis, maior est, quâcunque Pœnâ pecuniariâ.*

2. *Quandocunque Iure communi Pœna corporis afflictiva, pro Crimine imposita, statuto vertitur in pecuniariâ principaliter; Procurator non prohibetur defendere.*

3. *Quando Pœna pecuniaria in corporalem, per accidens vertitur; scilicet quia aliquis Pœnam pecuniariam soluere non valens, punitur in corpore, nihilominus per Procuratorem sese defendere permittitur.*

4. *In quibus casibus Procurator pro Reo Criminoso admittitur, mandatum specialissimum exhibere tenetur.*

5. *Si alicuius Criminis Pœna ab initio incerta, pendente Iudicio certa ex euentu redditur,*
quod

quod sit corporalis, Procurator in eo Iudicio non admittitur.

CONCLUSIO III.

Iudex in causis delictorum, ad Pœnam arbitrio suo reservatam procedens, eodem arbitrio, regulato tamen, pro qualitate causæ, utitur, in admittendo, vel reijciendo Procuratore.

COROLLARIA.

1. *Falsa est opinio eorum, qui in causis delictorum, omnes Pœnas, arbitrarias esse, temere asserunt.*

2. *Judex arbitrium habens, in causis Criminalibus, pro qualitate delicti, Pœnas exasperare, & mitigare potest.*

3. *Judici in causis Criminum arbitrarijs admittenti, vel reijcienti Procuratorem, ante definitivam sententiam, nulla necessitas imponitur; quominus, pro exigentia negotij, Principalem*

compa-

comparere iubeat.

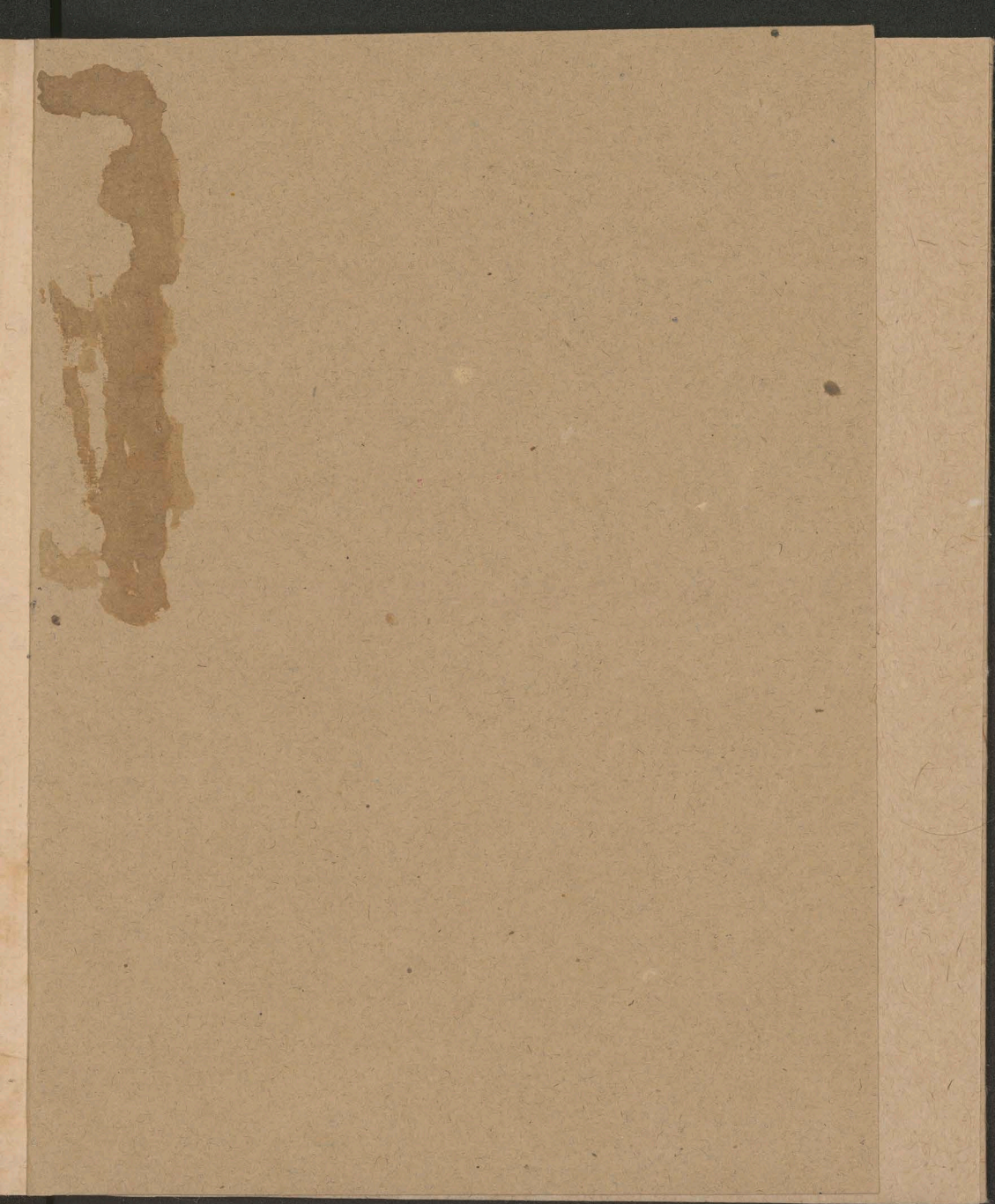
4. *Quamuis Reus mandatum speciale Procuratori dederit, ad sic, & non aliter respondendum, in causa delicti; potest tamen Iudex adhuc Reum compellere, ut per se, & non per Procuratorem, respondeat.*

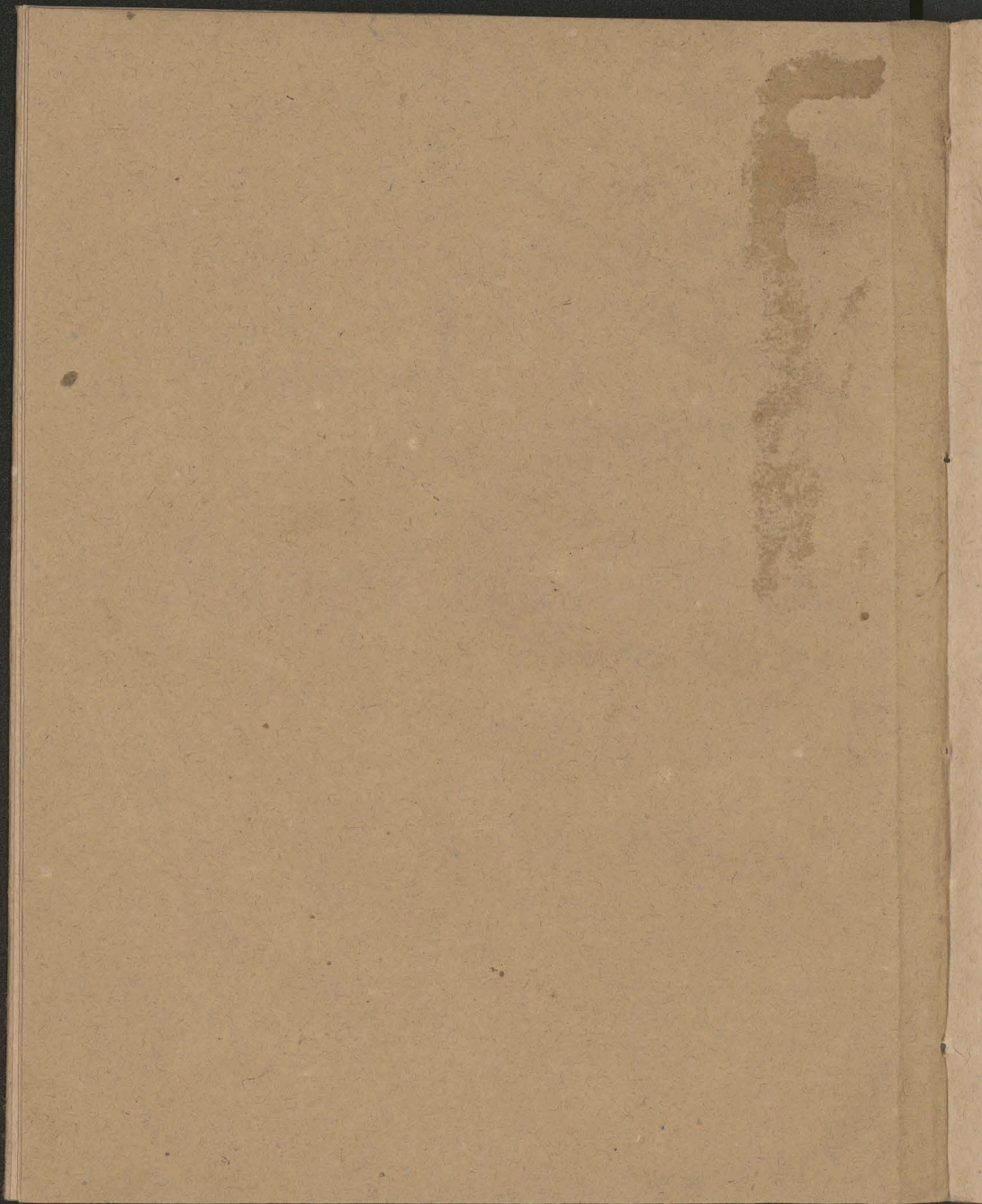
5. *Quando poena arbitrio Accusatoris ob delictum imponenda venit, an Procurator admitti debeat, nec ne, dubium resoluetur; ex petitione Accusatoris, ad Pœnam corporalem, vel pecuniariam, agere volentis.*

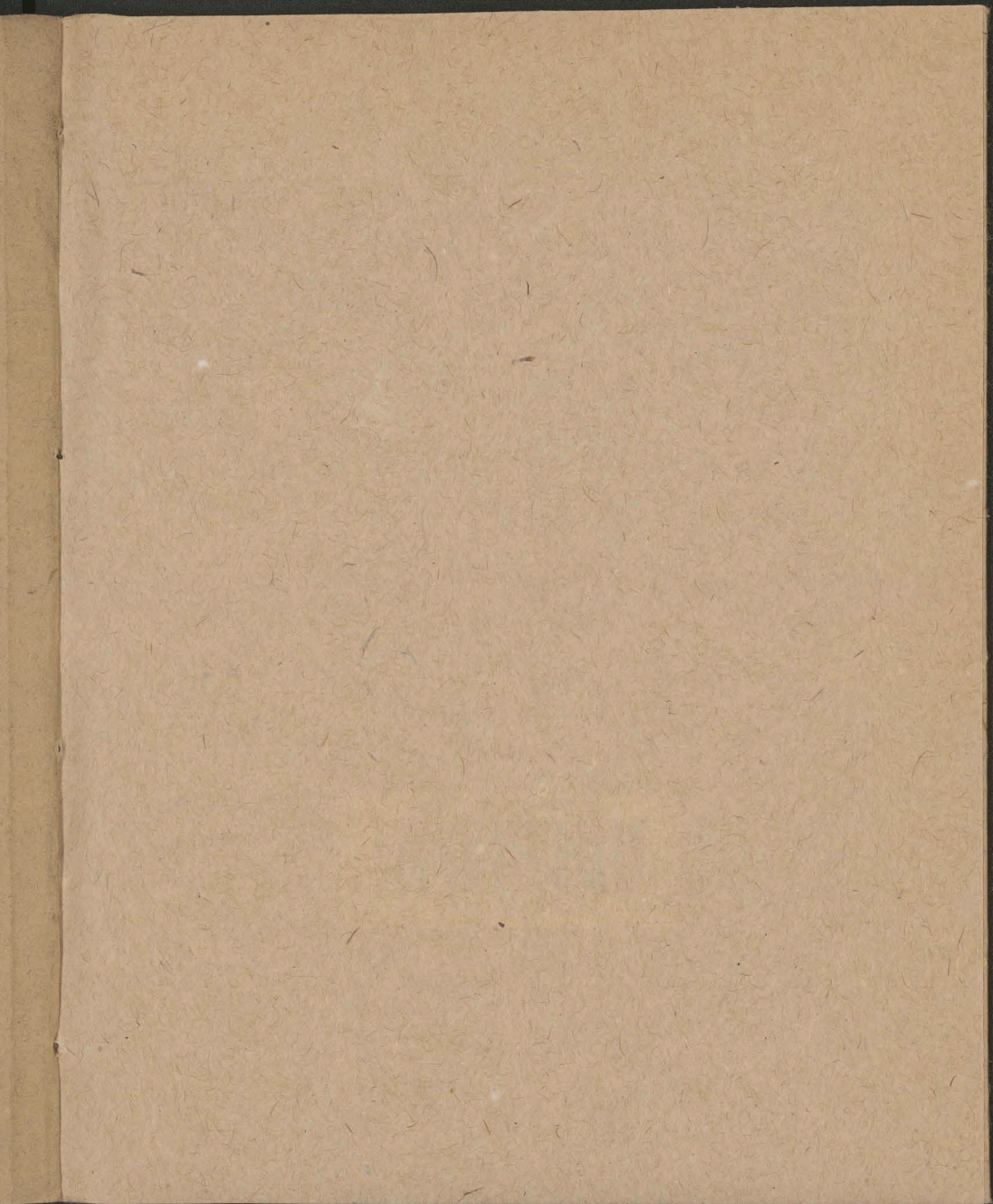


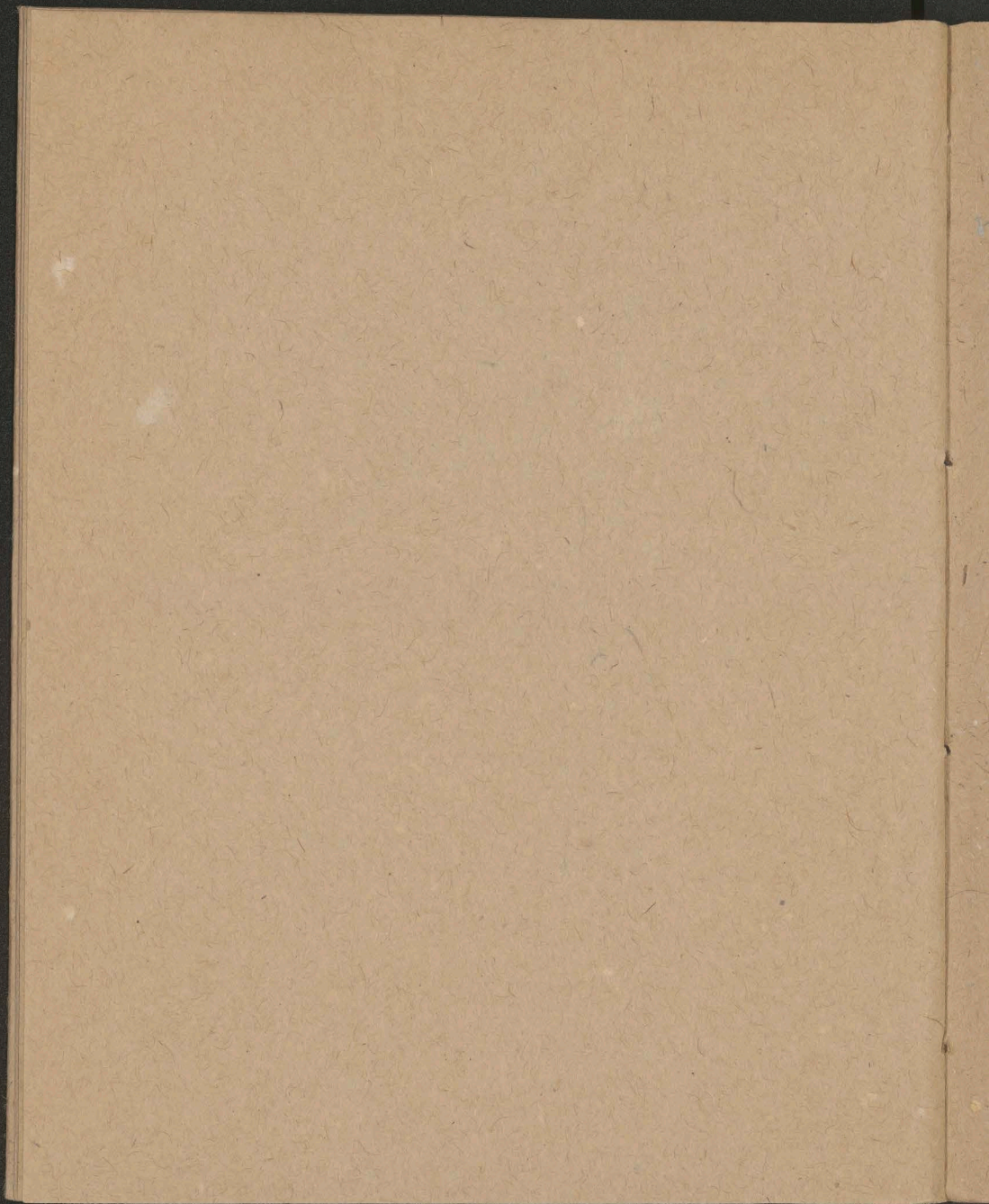
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