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Court of Bari.

No. 40/51 R.G.  
No. 485/52 sent

**UNITED COURT OF BARI  
REPUBLIC OF ITALY**

**IN THE NAME OF THE ITALIAN PEOPLE**

The Judge of Bari, Sig. Dr. Giovanni de Gioca, in session on the 13th of the month of March 1952, in consequence of the public hearing, there being present the Director of Public Prosecution and the defendant, pronounced the following

**JUDGEMENT**

in the penal proceedings brought directly

**AGAINST**

ZAMBRINI Umberto, son of the late Pier Giuseppe, born in Bari on the 20th February 1918;

**ACCUSED**

of the offence, for example, against Article 498 of the Penal Code by passing himself off in the presence of several persons as the Count of Sant'Ilarico.

Charged in Bari in December 1951;

**IN FACT AND IN RIGHT**

The accusation has come before this Court on the testimony of witnesses that the accused improperly styled himself with the title of Count of Sant'Ilarico, without having any legitimate right to do so.

The accusing witness declares that the accused is known to him as an acquaintance and that it had come to pass that in the course of discussion on unrelated matters he had made proud mention of his nobiliary title.

Having ascertained that no such title was to be found in the Registers of the Italian Nobility as having been conferred on the family of the accused, the accusing witness with the aim of addressing the offence that he had received presented the foregoing denunciation for abuse of nobiliary title and non-existing predicate.

After an adjournment of the case, the accused has had produced in court relevant documentation accompanied by a detailed historical and heraldic expert opinion. From this it would appear that the title of Count of Sant'Ilarico, a place situated in the Balearic Islands, has been granted to him by the Prince of Emmanuel, Francesco Mario Paternò

Castello di Carcaci, in a brevet included in photocopy in the aforementioned documentary evidence in which the above-mentioned Prince styles himself the Pretender to the Throne of the Balearic Archipelago.

On the other hand Zambrini has demonstrated that his family, of noble Emilian origin, was long devoted to the Papacy and received the protection of Pope Alexander VI Borgia by whom it was invested with various titles. Moreover the noble status of the family is evidenced also by its noble arms, in its possession for centuries, which are blazoned as follows : Gold an eagle sable guardant dexter and charged with an escutcheon of sky blue a mount of three peaks proper.

This court believes, therefore, that it should first of all examine the historical and heraldic position of the person who has granted the said title to the accused, for from the legitimacy or no of its acquisition proceeds the legitimacy or no of its use.

From the documentary evidence and from the expert opinion included with it, to which is added a long list of most well known historical works all dealing with the family of Paternò and Aragon, the following is deduced: the Princely Family of the Paternò, one of the greatest houses in Sicily, today divided into many branches among them being that to which belongs the aforementioned Prince and known as Paternò Castello di Carcaci, has its origin in James I the Conqueror, the descendant of the Counts of Gascony, of the Kings of Navarre and of the Kings of Castille, and who was himself the greatest Spanish king in the Thirteenth Century, and who had by his third wife the Duchess Teresa Gil de Vidaure two sons made lords by him of the cities of Xerica and Ayerbe, and these were called James and Peter.

Peter, the Infant of Aragon and Lord of Ayerbe, was father of Peter and James; Peter married Maria de Luna and Violante di Violante di Ventimiglia of the Imperial House of Byzantium, and James married one Roncada and was himself also Lord of Liso, Brancavilla, Vaderasso and Paternoi.

Their descendants moved to Sicily and were called Paternò after their fief of Paternoi; their coat of arms "or, four pallets gules" is in fact identical with that of the House of Aragon, from which they are directly descended, male to male, with in addition "a bendlet azure" to indicate more precisely that this is the cadet branch of the family, for James I of Aragon had other sons by his two previous wives Eleanor of Castile and Violante of Hungary.

By a brevet of Kings James I, which called upon the closest branch of the House of Aragon to succeed him in ruling over the Kingdom, and by the current complete and utter extinction of all the various branches of that family, the claim to this throne moreover is a legitimate one which is made by the Paternò who are indeed a branch of the House of Aragon and are its last representatives. Furthermore the sovereign origin of the Paternò is certain, which is doubly the case in the instance of the aforementioned Prince Francesco Mario whose great-grandmother was a Princess Guttadauro of Emmanuel, a title which passed into the House of Paternò by reason of her marriage with his great-grandfather Paternò, and the Guttadauro being likewise descended from the same King James I the Conqueror, this Court believes it should consider as legal and of legitimate use the title granted to the accused, being attested and confirmed by numerous previous judgements that the descendants of sovereign families suffer the ignominy, that is to say the total and passive withdrawal of the exercise of all their rights of sovereignty, as was the case with the House of Aragon, of which the last remaining branch is that of the Paternò, whose

family name was originally Aragona di Ayerbe or di Paternoi and who have retained many of their rights *iure sanguinis*.

Among those rights is that known as the *fons honorum* or the faculty to ennable, to grant and confirm coats of arms, to bestow titles drawn from places over which their ancestors had exercised their sovereign powers, and also the right to found, re-establish, reform and exercise the Grand Magistracy of the Orders of Chivalry conferred by their family, which may be handed down from father to son as an irrepressible birthright, which indeed is found among the inherited rights of Prince Francesco Mario as also confirmed in 1860 by Francis II di Borbone, King of the Two Sicilies.

The judge observed that, in respect of the possible case of the usurping of a title, it is in the context of the temporary and final Article XIV of the Constitution of the Italian Republic which declares that noble titles are not recognised and which permits making an integral part of the family name only those designations granted before the 23rd October 1922. However the accused must be completely acquitted, having succeeded in proving the right of Prince Francesco Mario Paternò Castello di Carcaci to bestow grants of noble status, being the last representative of a sovereign dynasty, and the said Zambrini being in legal possession of the noble coat of arms described above, being the descendant of a noble family, just as has been proven by the documentary evidence exhibited to the Court.

The accused therefore is acquitted completely.

P.Q.M.

The Judge having considered the Article 479 of the Penal Code acquits the accused of the crime of which he stands accused because the deed does not constitute a crime.

The Judge: signed Giovanni de Gioca. Deposited in the Court today the 1st April 1952.

Clerk of the Court: signed Mussio.

Noted by the Prosecutor of the Republic: signed Scardaccione

By copy which conforms with the judgement described above, confirmed on the 12th April 1952, released at the request of Lawyer Mario Mariani, as approved by the Law.

Bari, the 6th September 1956.

The Clerk of the Court:

(Illegible Signature)