

## ITALIAN REPUBLIC

## OFFICIAL GAZETTE OF THE SICILIAN REGION

Year 68 Palermo - §Friday 9<sup>th</sup> May 2014 Number 19

## The Attorney General in the Higher Court of Arbitral Justice

Via dei Saraceni N° 15

Massa

It is to be noted that the arbitral tribunal - a permanent body of the Higher Court of Arbitral Justice by judgement of the 18<sup>th</sup> May 2013 reg. no. 11/2013, with the effect of a judicial judgment by the authority of the Italian Republic, registered under no. 372/2013 R.G.V.G. of the ordinary court of Massa, implemented in the territory of the Republic by Presidential Decree of the said ordinary court of 9 July 2013, become definitive on the 18<sup>th</sup> March 2014, decided that in His Highness The Royal Prince Don Francesco Nicola Roberto Paternò Castello di Carcaci, born in Catania, May 6, 1964, are legitimately and irrevocably vested the following rights:

- a) the right to the quality of the Sovereign Prince Grand Master of the Military Order of the Collar of Saint Agatha of Paternò and all dynastic family orders belonging to the Royal House of Aragon, Majorca and Sicily of which he is Sovereign and head of name and arms, being non-national orders for the purposes of Italian Law of the 3<sup>rd</sup> March 1951 no. 178 and as such subject of international law;
- b) the right to sovereign prerogatives granted to the *Jus Maiestatis* and the *Jus Honorum*, with the right to bestow, or to grant, to revive, to recognize noble coats of arms and nobiliary titles of the Military Order of the Collar of Saint Agatha of Paternò with or without a predicate, whether hereditary or not, and honorific and chivalric titles relative to other dynastic family orders also non-national.

This publication is an extract of the original in order to give legal knowledge to third parties.

The Attorney General: Prof. Buzzigoli

N. 17/a

L.c. 19/P0034 (for a fee)

GENERAL ROLL OF THE VOLUNTARY JURISDICTION No. 372/2013  
REPERTORY No. 45/2013  
CRONOLOGY No. 1275

**ORDINARY TRIBUNAL OF MASSA**

JUDGEMENT OF FIRST INSTANCE N° 11/2013 R.G. DELIVERED IN MASSA THE 18<sup>TH</sup> MAY 2013 BY THE ARBITRAL TRIBUNAL - A PERMANENT BODY OF THE HIGHER COURT OF ARBITRAL JUSTICE, WITH THE EFFECT OF A JUDICIAL JUDGEMENT BY THE JUDICIAL AUTHORITY OF THE ITALIAN REPUBLIC, TO BE APPLIED ACROSS THE TERRITORY OF THE ITALIAN REPUBLIC BY DECREE OF THE PRESIDENT OF THIS ORDINARY TRIBUNAL OF THE 9<sup>TH</sup> JULY 2013 IN THE DISPUTE BETWEEN DR. ENG. VINCENZO SANTORO, ITALIAN CITIZEN, BORN IN NAPLES THE 1<sup>ST</sup> JUNE 1977, IN HIS POSITION AS RECTOR PRO TEM. OF THE INTERNATIONAL INSTITUTE OF NOBILIARY LAW, HISTORY AND HERALDRY AND H.H. THE ROYAL PRINCE DON FRANCESCO NICOLA ROBERTO PATERNO' CASTELLO DI CARCACI, BORN IN CATANIA THE 6<sup>TH</sup> JUNE 1964, ITALIAN CITIZEN, RESIDENT IN MISTERBIANCO (CT) VIA ARCHIMEDE N° 12, C.F. PTR FNC 64H06 C351S.

HIGHER COURT OF ARBITRAL JUSTICE  
ARBITRAL TRIBUNAL  
MASSA

**ARBITRAL JUDGEMENT**

**WITH EFFECT OF A JUDGEMENT DELIVERED BY THE JUDICIAL  
AUTHORITY OF THE ITALIAN REPUBLIC IN THE CONTEXT OF ART. 824  
BIS C.P.C.**

Delivered by the Arbitral Tribunal constituted in the Higher Court of Arbitral Justice having its seat in Massa, Via dei Saraceni no.15 and composed of the following Members:

Prof. Adv. RAFFAELLO CECCHETTI, born in Viareggio the 3<sup>rd</sup> November 1949 with his office in Lucca, Viale Lazzaro Papi no. 13, holding the office of President;

Prof. Adv. RICCARDO SCARPA, born in Rome the 8<sup>th</sup> January 1957 with his office in Rome, Via Damiano Chiesa no.47, holding the office of Judge; and

Adv. VITTORIO LANDOLFI, born in Viareggio the 29<sup>th</sup> December 1954 with his office in Viareggio, Piazza Garibaldi no.19, holding the office of Judge;

With the participation of the Attorney General to the Higher Court of Arbitral Justice Prof. FRANCESCA BUZZIGOLI, holding office in the same Court,

With the assistance of the Chancellor PATRIZIA NERI

In the matter of the case brought by

H.H. The Royal Prince Don FRANCESCO NICOLA ROBERTO PATERNO' CASTELLO di CARCACI, born in Catania the 6<sup>th</sup> June 1964, Italian citizen, resident in Misterbianco (CT), Via Archimede no.12, ID no. PTR FNC 64H06 C351S, represented by Dr. Emilio PETRINI who has chosen residence in his office in Viareggio, Piazza Garibaldi no.19 by virtue of a mandate in respect of the application

**AGAINST**

THE INTERNATIONAL INSTITUTE OF NOBILIARY LAW, HISTORY AND HERALDRY with its seat in Viareggio, Piazza Garibaldi no.19 and in Elbasan (Albania), Lagja Kongresi i Elbasanit, pall.36, no.1, in the person of its Rector pro tem. Dr. Eng. Vincenzo Santoro, born in Naples the 1<sup>st</sup> June 1977, resident in Viareggio and holding office in the Institute in Piazza Garibaldi no.19, ID no. SNT VCN 77H01 F839L represented by Dr. Angela Ginghiali who has chosen residence in her office in Lucca, Via Alfredo Catalani no.28, by virtue of a mandate in respect of the reply

**CONCERNING**

Certification in the person of the above mentioned H.H. The Royal Prince Don FRANCESCO NICOLA ROBERTO PATERNO' CASTELLO di CARCACI, the requirements demanded in the articles 6 lett. e) and 7 of the Statutes of the International Institute of Nobiliary Law, History and Heraldry for admission as an Honorary Member of Justice and the consequent right to receive from the aforesaid Institute remunerated assistance in matters heraldic and nobiliary and the payment in his favour of a Study Grant of Lek. 65,000.00 (sixty five thousand) designated for the year 2013 to be disbursed in the Republic of Albania in respect of historical research to be carried out there.

Proceedings no. 4/2013 R.A.C. Judgement no. 11/2013

**GIVEN**

That in terms of letter b) of the Convention of International arbitration subscribed by the parties in Rome on the 18<sup>th</sup> January 2013 are duly designated Arbitral Judges Adv. Prof. Raffaello Cecchetti with office in Lucca, Viale Lazzaro Papi no.13, Adv. Prof. Riccardo Scarpa of the Court of Rome with office in Rome, Via Damiano Chiesa no.47 and Adv. Vittorio Landolfi with office in Viareggio, Piazza Garibaldi no.19, who duly summoned, have declared their acceptance of such office;

That in terms of letter c) of the aforesaid Convention is nominated President of the Arbitral Tribunal Adv. Prof. Raffaello Cecchetti, who equally has accepted such charge;

That the seat of the arbitration is established in Massa, Via dei Saraceni no.15;

That in terms of letter i) of the said Convention the parties have established that judgement should be given within the period of 7 months from the subscription of the same Convention namely before the 18<sup>th</sup> August 2013;

That the parties have also referred to the said arbitral Convention and the Regulations of the Higher Court of Arbitral Judgement attached to the Statutes of the Institute for the discipline of the arriving at and reporting of the judgement

### **THE COURSE OF THE DECISION**

For the purpose of settling and defining the dispute as it has been described in documents and the exact terms of which are successively laid out by H.H. P.R. Don FRANCESCO NICOLA ROBERTO PATERNO' CASTELLO di CARCACI and Eng. VINCENZO SANTORO in his role as given above, they stipulated on the date 18<sup>th</sup> January 2013 a Convention of International Arbitration in the terms and with the effect of art.807 c.p.c. and of art.II comma 2° of the Convention of New York 10<sup>th</sup> June 1958 ratified and given effect in the Italian Republic by means of Law 19<sup>th</sup> January 1968 no.62, dealing with a dispute about services to be carried out in the territory of the Republic of Albania, a Convention which has been deposited, together with the present judgement that is to define the dispute, in the terms of and with the effect of art.825 comma 1 c.p.c.

By means of the above mentioned Convention the parties confirmed their own full acceptance of the Regulations of the Higher Court of Arbitral Judgement attached to the Statute of the International Institute of Nobiliary Law, History and Heraldry notarized by Notary Roberto Tolomei of Viareggio of the 18th November 2010, no.144.57 in his register, collection no.30.244 recorded in Viareggio the 25th November 2010 in no.4413 vol.1.

As an outcome of the stipulation of the Convention, the recurrent H.H. the P.R. Don FRANCESCO NICOLA ROBERTO PATERNO' CASTELLO di CARCACI, through his lawyer on the 28<sup>th</sup> January 2013 deposited in the Chancellery his own appeal in which he explained his reasons for his request with relevant documentation attached, together as proof of his communication against the opposing party.

Subsequently on the 7<sup>th</sup> February 2013 the International Institute in the person of its Rector through its own lawyer deposited a documentary reply in which it detailed the reasoning of the Institute with relevant documentation attached.

On the 15<sup>th</sup> February 2013 the Arbitral Tribunal convened and convoked the Rector with authority to carry out the acts of instruction in conformity with art; 816 ter 1° co. c.p.c. by the President Prof. Adv. Raffaello Cecchetti and gave the period of 15 days from that date for the parties to deposit further reasoning and further documents.

The party of the Appellant deposited documents on the 1<sup>st</sup> March 2013.

The opposing party deposited no further document.

On the 19<sup>th</sup> March 2013 the Arbitral Tribunal gave the period of 20 days for the deposition of concluding arguments which should be duly deposited with the other parties.

On the 18<sup>th</sup> May 2013 the Arbitral Tribunal convened which having taken into consideration the arguments and other documents which had been deposited and of the conclusions detailed in the same by the parties declared the period of submission to be concluded and moved to consider the decision. As a consequence of this derives the present Judgement.

## THUS

By means of a letter dated the 7<sup>th</sup> December 2012 H.H. The P.R. Don FRANCESCO NICOLA ROBERTO PATERNO' CASTELLO di CARCACI requested the International Institute of Nobiliary Law, History and Heraldry, henceforth designated the Institute, to be admitted to the same in the category of Honorary Member of Justice in the terms of art.6 letter e) and 7) of its Constitutional Statutes. He asked moreover that he be recognized as having the right to obtain from the Institute heraldic and nobiliary assistance and to obtain a Study Grant of Lek. 65,000.00 (sixty five thousand), as had been considered by the Institute during the year 2013, which should have been attributed to the requesting party in the city of Elbasan (Republic of Albania) for the purpose of carrying out there research having as its subject "Skanderbeg and his connections with the Kingdom of Naples".

The requesting party confirmed his ability to demonstrate his nobiliary status enjoying the following titles :

To be Sovereign Grand Master of the Military Order of the Collar of Saint Agatha of Paternò and of all the dynastic family orders in the collation of the Royal House of Aragon, Majorca and Sicily of which he is Sovereign and Chief of Name and Arms and as such subject of International Law of Non-National Orders as defined by the Italian Law of the 3<sup>rd</sup> March 1951 no.178.

Consequently to be possessed of the sovereign prerogatives related to *jus maestatis* and *jus honorum*, with the power to grant or concede, to revive, to recognize noble coats of arms, noble titles of the Sovereign Military Order of the Collar of Saint Agatha of Paternò with or without predicate, hereditary or not, also honorific and chivalric titles related to the other dynastic family orders, since same are not National.

On the 28<sup>th</sup> December 2012 by formal communication the Rector of the Institute informed the requesting party of the refusal of his request alleging that the existence of the Order in question had not been proven,

In the terms of the art. 29 of the Statutes of the Institute the requesting party and the Rector of the Institute agreed however to have the dispute adjudicated by the Arbitral Tribunal being part of the Higher Court of Arbitral Justice having its seat in Massa, Via dei Saraceni no.15.

Thus on the 18<sup>th</sup> January 2013 the respective parties subscribed the relevant Arbitral Convention in which inter alia they submitted fully to the Regulations of the Higher Court of Arbitral Justice attached to the Regulations of the Institute and stipulated that the expenses and fees of the arbitration process would be the responsibility of the requesting party.

## PURPOSE

The question put to the Arbitral Tribunal has two aspects : in the first place it is necessary to establish the existence of the Order under discussion, the juridical status of the same and the attribution of the Grand Mastership of the Order to the said requesting party; in the second place to verify whether the latter as Grand Master of the Order be in himself a *fons honorum*.

The jurisdiction of the Tribunal derives from the fact that the precision requested hinges on matters which are of an historical nature (in fact the Order with which it deals was born in the mediaeval period and has historically been connected with the claims that the House of Paternò has maintained and does maintain in respect of the ancient Kingdom of the Balearics), but it appears to be also in the nature of a juridical issue given that the Law no.178/1951 deals with Chivalric Orders in the various juridical forms (State Orders, Pontifical Orders, non-national Orders etc.) that take on particular relevance also in the Republican Regulations.

Thus in respect of the issues relating to *fons honorum* these are most commonly dealt with by the judiciary as a matter of the existence and legitimacy of nobiliary titles which mayhap have been conferred by persons in whom is vested *fons honorum*.

The solution to this latter problem is already known since it has previously been confronted several times by this same Arbitral Tribunal.

In this first instance this Arbitral Tribunal notices that the Court of Cassation in Unified Session on the 20<sup>th</sup> May 1965, no. 987, laid down that nobiliary matters have juridical relevance and that every assessment is compatible with the current Regulations and the principles stated in art.3 of the Constitution.

Indeed the Supreme College noted : *“The continuing juridical relevance of the assessment of the right to a noble title is retained and also just in so far as is recognized by authoritative statements pertaining to certain rights (e.g. the right to belong to certain associations, or that of benefiting from certain advantages, such as admission to Colleges, the attribution of study grants) which are conditional upon meeting specific nobiliary requirements.*

*On such a basis the need for an assessment of the existence and the possession of a noble title cannot be denied which presumes the recognition of the said rights, even if no public interest can be attached to noble status.”*

With regard to art. 3 of the Italian Constitution, this Arbitral Tribunal notes therefore that the statements pertaining to the existence of a noble title or the assessment of a *fons honorum* must be considered at all time as implicitly acceptable under Italian Law and should not be considered as harmful to the principle of social equality of its citizens; that is to say that the assessment of noble rank as an incidental appears compatible with the current Italian Regulations and with the principles laid down in the context of art. 3 of the Italian Constitution of the Italian Republic.

The distinguished jurist Prof. Giorgio Cansacchi of the University of Turin commenting on the judgement of the Supreme College no.987/1965 drew attention to the fact that the preliminary assessment of entitlement to a noble title, or more exactly to the noble status of a person, can be sought, for example, in order to establish that person’s right to obtain admission to a college or some other entity, to benefit from a study grant, or a pecuniary reward or certain payments.

The arguments can be various.

In all aspects the principal issue is not to declare the attribution of a noble title to a person or to pronounce the public recognition, nor even to recognize in that person a patrimonial right or any other which may existentially be conditional upon possession of noble status.

So on this basis as has been duly noted the Appeal judgement no.987/1965 it is not harmful to the same social dignity of the citizens, even if the statutes of a private association, the statutes of a foundation of charitable nature, regulations for scholastic benefit, private contractual or testamentary dispositions, make condition of the possession of certain rights in determined situations relevant to the beneficiaries, so for example that of belonging to a family considered noble.

Which is to say that the principal issue should not be considered to be to declare possession of a noble title, nor to recognize in a person a right conditional upon possession of noble status, but rather the assessment that this latter has been fulfilled *incidenter tantum* (only incidentally).

Thus it appears in order the possibility to consider arbitral questions such as those of the current dispute : in fact subject to the previous text of art. 806 c.p.c. before amendment (more restrictive than the current version), it was implicitly admitted that there could be “*decisions of arbitration disputes related to ongoing patrimonial rights which have their basis in rank*” (vide e.g. Punzi, La China, Berlinguer, Andrioli). Which is exactly what applies to the current matter, in which is discussed the entitlement to a patrimonial right which incidentally presupposes the assessment of a quality (such as that of Grand Master of a Chivalric Order, rank of *fons honorum*), only partly deemed to form part of public law.

Based on all the foregoing and moving on to the issue itself it now seems necessary to examine the facts of the Military Order of the Collar of Saint Agatha of Paternò and its juridical status.

In the first place it is relevant as historians relate that the same, originally called The Order of the Collar of Paternò, then The Collar of Saint Agatha Virgin and Martyr and subsequently the Order of Saint Agatha of Paternò, takes its designation from Saint Agatha a virgin from a noble and rich family from Catania martyred after suffering terrible torture (in the year 251 according to certain authors) by order of the Proconsul Quintianus during the persecutions ordered by the Emperor Decius and since considered to be the patron of Catania by virtue of the miracles that have been attributed to her.

This explains the founding of the Order on the part of the Paternò family, recorded as nobles of Catania over centuries and particularly devoted to the Saint.

The Order, according to tradition was founded in the 12<sup>th</sup> Century, but what particularly concerns this deliberation has been fully recognized by the Kingdom of the Two Sicilies as a result of the following dispositions deposited in certified copy :

- 1) Communication from the King’s Attorney to the Civil Tribunal of the Province of Catania of the 18<sup>th</sup> May 1851 car.1 no.2110 sent to the Mayor di Carcaci which reports a provision of the Minister of Justice of the 5<sup>th</sup> May 1851 which says : “*My correspondence has given me the opportunity to note that in general the Officials of the Civil Service do not adhere exactly to the statement to the Officers of the Civil Service related to death certificates for persons not resident in the Commune where they pass*

*away as the law requires with the exact ascription of such Honours and Honorific Titles as the deceased may have earned during their life, particularly deploring such omissions for those Orders legitimately accepted such as the Chivalric Family Order of the Collar of Saint Agatha of the Most Serene House of Paternò in the person of its Regent Grand Master Eccmo Cav. Don Giovanni Paternò Castello of the Dukes of Carcaci Prince of Emmanuel jure maritali, and Order already recognised in the Royal Domains in Sicily ....”*

- 2) An Ordinance of the Intendant of the Province of Catania dated 30<sup>th</sup> March 1853 which on the demand of the Ministry of the Lieutenant General of His Majesty on the 26<sup>th</sup> February 1853, declares “*absolutely forbidden to participate in public and official Ceremonies wearing the clothing and decorations of the Royal Uniforms of the State with decorations of Foreign Orders for which Royal assent has not been sought and given*” stipulating that “*the only exception to which being honours awarded by His Holiness the Roman Pontiff, the Order of the Hospital of Saint John called of Malta and the Military Order of the Collar of Saint Agatha of the Most Serene House of Paternò Castello Guttadauro of Emmanuel which by especial permission His Majesty The King (graciously reigning) in his wisdom has seen fit to allow.*”
- 3) A Certification of the Royal Commission on Noble Title given in Naples on the 27<sup>th</sup> June 1859 with reference to Giovanni Paternò Castello of the Dukes of Carcaci which declared that he was recognized as Prince of Emmanuel by virtue of his marriage and “*by Sovereign wish Regent Grand Master of the Family Dynastic Order of the Collar of Paternò dedicated to Agatha the Holy Virgin and Martyr of Catania*”;
- 4) A Certification of the Royal Commission on Noble Titles given in Naples on the 27<sup>th</sup> June 1859 that in consideration of a request from Don Giovanni Paternò Castello Regent Grand Master of the family and Dynastic Order of the Collar of Paternò addressed to the King seeking to obtain a just and favourable deliberative outcome of the 14<sup>th</sup> June 1853 by a deed of Notary Accardo of Palermo “*the transmission of the powers of the Chivalric Order of Paternò and all the prerogative, honours .... and Royal Claims as designated Head, wished and recognized by the House of Paternò and Paternò Castello .... As witness and in the person of the aforesaid Eccmo don Mario*” which is to say “*Don Mario Paternò Castello Guttadauro of the Dukes of Carcaci Prince of Emmanuel*”, his son; expressed its favourable opinion “*denoting with only reservation the Magisterial Deposition on the Order of the Paternò to be freely and legitimately as already made known by just and Sovereign wish in both kingdoms of the Two Sicilies and on the contrary for such chivalric distinctions that the Ecc’mo Grand Master had wished to distribute throughout the Kingdom in Sicily the Opinion of the Sovereign is at all times to be content in no way considering that it does not respect or pertain to the Magisterial Decree.*”
- 5) The Communication of the 8<sup>th</sup> March 1860 by which the Lieutenant General in the Royal Domains in Sicily conveyed to “*Cav. D. Giovanni Paternò Castello di Carcaci Prince of Emmanuel ‘maritale nomine’ the Most Serene Regent Grand Master with Collar of the Order of the Collar of Paternò*” the Royal Decree of the 11<sup>th</sup> February 1860 which designated him President of the District Council of Catania “*for the session of the current year of 1860*”.
- 6) The Royal Decree of Francesco II given in Gaeta on the 16<sup>th</sup> September 1860 and countersigned by the Minister Secretary of State for Justice Pietro Ulloa in which the



King finally recognized Don Mario Paternò Castello Guttadauro of the Dukes of Carcaci as *“Head of the Dynastic Order of the Collar dedicated to Saint Agatha Virgin and Martyr, the undeniable patrimony of the Most Serene House of Paternò with the title and rank of Sovereign Grand Master with the power to grant honours and chivalric ranks and noble titles on the family name, on predicates in the Balearic Islands, once the Royal Dominion of his Ancestors as on the Palace of the Paternò.”*

Don Mario Paternò Castello subsequently married Anna Spitaleri and begat Eleonora, the heiress of the family, who married Roberto Paternò Castello di Carcaci, the son of Francesco Mario Duke of Carcaci.

From Roberto the descent continues to the current appellant, as is certified and documented by the judgement of the Arbitral Tribunal of Ragusa of the 8<sup>th</sup> January 2003 no.50 which took effect with the decree of the President of the Ordinary Tribunal of Ragusa of the 17<sup>th</sup> February 2003 no.17 to which we shall refer further.

It is to be noted that descent in the female line appears perfectly legitimate not only because in conformity with the rules of nobiliary succession in force at the time in the Kingdom of the Two Sicilies but also in so far as is stipulated in the aforesaid Decree of Francesco II of the 16<sup>th</sup> September 1860 which specified *“to guarantee the continuation of the Grand Master”* that the Grand Magistracy of the Order might be transmitted by descent in the male line and *“in the absence of direct and immediate legitimate masculine descent having the required qualifications to masculine legitimate offspring of legitimate female descent in order of primogeniture and so that forever the Order may remain in the House of Paternò.”*

The Order under reference thus registered in the juridical structure of the Kingdom of the Two Sicilies is therefore “received” and thus perfectly legitimate, according to the regulations of the new Kingdom of Italy, which arose following Unification, in the sense of art. 78 of the Albertine Statute which thus states : *“Chivalric Orders already in existence are maintained with their competences. The same may not be put to any other use unless foreseen by the said institution. The King may create other Orders and prescribe the Statutes.”*

It follows therefore the decorations of the Order have been legitimately conferred, including to persons of distinction, during the period of the monarchy.

So the existence and legitimacy of the Military Order of the Collar of Saint Agatha of Paternò are thus proven and the appellant legitimately holds the rank of its Grand Master.

There follows the problem of verifying if the said Order may be qualified as “non-national” in the terms of the Italian law of the 3<sup>rd</sup> March 1951 no. 178. It is premised that the discipline of Chivalric Orders in the republican régime is governed by the aforesaid Law of the 3<sup>rd</sup> March 1951 no. 178 which has “suppressed” (in reality simply not recognised) the Orders of the House of Savoy and has regulated the legitimate use of the decorations of other chivalric Orders, which may be envisaged when appropriately authorized.

More specifically; art. 7 of the law lays down that : *“Italian citizens may not use in the territory of the Republic chivalric honours and distinctions conferred in Orders which are*

*non-national or of foreign States, if they have not been authorized by decree from the President of the Republic, on the proposition of the Minister of Foreign Affairs.*

*Persons in contravention are to be punished by a fine of five hundred thousand Lire.*

*The use of honours, decorations and chivalric distinctions of the Holy See and of the Equestrian Order of the Holy Sepulchre continued to be regulated by the dispositions in force.*

*Equally there is no change to the rules in force concerning the use of honours, decorations and chivalric distinctions of the Sovereign Military Order of Malta.”*

Therefore from the legislative provisions it is possible to deduce the following principles :

- a) Italian citizens can freely accept honours and chivalric distinctions of Orders which are non-national or from Foreign States;
- b) On the contrary, except for the decorations of the SMOM, citizens may not use within the territory of the Republic decorations received unless “authorized”;
- c) Authorization is given :- for the decorations and honours of the Holy See and the Equestrian Order of the Holy Sepulchre conveyed by the President of the Council of Minister (in terms of the Royal Decree of the 10<sup>th</sup> July 1930 no.974); for other decorations and honours by the Ministry of Foreign Affairs (in terms of the Law of the 12<sup>th</sup> January 1991 no.178, in amendment of art.7 of the law no.178 of 1951).
- d) The Orders of the House of Savoy are abolished;
- e) Simple associations made up of private persons may not confer honours.

It is however interesting to note that the law in no way speaks of “recognition” of the Orders : consequently all Orders which are non-national or of foreign States are by definition legitimate, but in the sense of having no bearing on Italian legislation, so acceptance on the part of an Italian citizen of honours bestowed upon him has no relevance.

In fact the law restricts itself only to the use (public) of the decorations “within the territory of the Republic”, which must therefore be “authorized”.

It seems totally obvious : it suffices only to think of the case of a senior officer in the Italian Army who in the 50s had been awarded the Order of Lenin by the government of the USSR : he had been able to accept it but to use it on his uniform he would certainly have faced obviously inopportune arguments.

Thus, it can be stated that it is not the authorization to use decorations which makes an Order legitimate, simply because, since we cannot talk of recognition, the act of authorization limits itself to expressing the licit use of something (the honour) which emanates from a reality which is (and remains) outside the juridical regulations of the State, with the further corollary that the act of authorization in question is characterized by a certain degree of discretion which moreover must result from motivation.

This according to the terms of the law.

Nevertheless there remains the question of the meaning and usage of the term “non-national Orders”. This came about however specifically only in 1999 by virtue of the relevant Regulation issued by the said Ministry of Foreign Affairs.

From the said Regulation (no.022/363 of the Italian Ministry of Foreign Affairs approved on the 27<sup>th</sup> July 1999 to give effect and clarify such as is laid down in art.7 of the law of the 3<sup>rd</sup> March 1951 no.178), may be quoted in particular what follows :

*“5) In general is permitted in Italy only the use of decorations of Orders legally in existence in their country of origin or those subject to international law or belonging to the particular heraldic patrimony of once regnant dynasties and which are based upon a continuing and uninterrupted title in the head of the dynasty or of a jus honorum or finally belonging to the heraldic patrimony of a foreign citizen recognised by the justice system of a foreign state.”*

*Thus in summary: in particular it seems opportune to proceed to a further closer examination of the matter in question, namely art. 7 of the law no.178/1951.*

*Indeed while the notion of honours or distinctions conferred by a “Foreign State” is clear as is equally clear the discipline of sections 3 and 4 which relate to decorations conferred by the Holy See, the Equestrian Order of the Holy Sepulchre and the Sovereign Military Order of Malta, the notion of “non-national Orders” must be clarified.*

*These must obviously fall outside the current Italian regulations and not emanate directly from a foreign state ordinance (that is, from a Foreign State).*

*It concerns therefore a category of Orders, that is chivalric institutions, constituted and functioning not as expressions of Sovereign State Ordinances and thus outside the Italian State Ordinance (vide Council of State I Sect. 26<sup>th</sup> November 1981 no.1863).*

*Given the non-coincidence of the State Sovereignty of a Foreign State and of the irrelevance of the Italian Ordinance, the need appears obvious to lay down criteria to identify a “non-national” order which permits its qualification as such and which juridically legitimizes its chivalric dignity, in terms of the art. 7 abovementioned.*

*Such elements of identification and thus of recognition in the sense of authorizing the use of honours must be reviewed however in the discipline laid down by Ordinances legitimately existing or having existed, civil or canonical.*

*In the light of all of which, to sum up, the following categories may be identified (vide Bascapè, Pellicioni di Poli, as well as “The Concluding Report of the Study Group of the Ministry of Foreign Affairs of the 18<sup>th</sup> April 1996 under Prof. Lanza).*

- A) The National Orders of Foreign States, or rather those being part of the heraldic patrimony of a Nation (vide e.g. the Legion of Honour in France).*
- B) Pontifical Orders, or rather emanating from the Supreme Pontiff.*
- C) Dynastic Orders, in which the Grand Magistracy is hereditary in a Family currently reigning (such as the Order of the Garter in England).*

- D) *Non-national Dynastic Orders in which the Grand Magistracy is hereditary in an ex-Sovereign Family (for example the Golden Fleece, the Order of San Gennaro).*
- E) *Sovereign Orders, in which the Sovereignty derives either from ancient possessions with the character of sovereignty or from the recognition of same on the part of Sovereigns or Pontiffs (for example the Order of Malta).*
- F) *Magistral Orders which have a Grand Master not descending from an ex-Sovereign Family or rather in which the Grand Magistracy is elective and not hereditary.*

On this basis the Regulation in question thus continues :

*Orders to which the letter C) applies are recognizable and able to be authorized (in the sense already detailed of the authorization of the use of said honours) in so far as non-national Orders.*

*The Orders to which letter D) applies are recognisable and able to be authorized as non-national Orders on condition that they arose and were constituted when a family currently no longer regnant was on the contrary regnant and which have known an uninterrupted title in the head of the family and where there has been no suppression of the Order on the part of the Head of that same Family.*

*It is to be noted in this context that “suppressions” effected by other juridical subjects or states are irrelevant, since they have no power to “suppress” the Order (simply because this is the patrimony of the Family that was once regnant) but only that of not recognizing it.*

*And this is the case for example of the Dynastic Orders constituted by the States of Italy prior to its unification.*

*The Orders to which the letter E) applies are recognizable and able to be authorised in so far as may be proven the previous existence of sovereign territoriality or when such sovereignty has been recognized by a King, Emperor or Sovereign Pontiff and when they can demonstrate a continuity in conformity with their own internal ordinances.*

*Also in such a case eventual “suppressions” on the part of other authorities are not relevant.*

*Orders to which the letter F) applies are recognizable and able to be authorized only in the event that such Orders have had recognition at least by a Foreign State (provided that obviously there do not exist express conditions to the contrary or political reasons which preclude it) and therefore they may be included within the broad concept of non-national Orders.*

*On the other hand such Orders are to be considered mere associations in civil law that in the case that they bestow honours, decorations or chivalric distinctions they can be sanctioned in terms of art.8 of the said law.”*

*It is to be stressed that the Regulation in question is in addition to what has already been clarified by the Council of State (Sect.I, Opinion no.1869 26<sup>th</sup> November 1981 in respect of the Sacred Military Constantinian Order of Saint George) which stipulated that non-national Orders “are totally outside Italian regulations, but do not emanate from a foreign state, and that is institutions constituted and operating in another country, but not expressions of sovereign state ordinances, which have obtained recognition which identifies their existence and which legitimates juridically the chivalric quality”.*

It should also be added that the Supreme Court of Cassation had already held (e.g. Cass., pen. III, 20<sup>th</sup> December 1963, Castelbianco, in Mass. Pen. 94, no.255) that in order to establish whether an Order be non-national (or not) there should be taken into account (not necessarily together) the following elements :

- Historical precedent
- Organization
- Territorial extent
- Scope and purpose of its operations
- Hereditary character of its Grand Magistracy in a dynasty once possessed of *fons honorum*

The Italian citizenship of the Grand Master was then held to be symptomatic (in negative sense) but only when he was also the founder of the Order.

More relative and recent case law has demonstrated how “the legislative provision simply because it presumes a “recipient” has held not predetermined for non-national Orders, does not foresee the indication of the necessary requirements for the operator to take an order into that particular category”. However “*it deals with a blank norm which has its scope in the prudent evaluation of the interpreter who must refer to the principles of the juridical ordinance, to an accurate historical investigation above all from an heraldic nobiliary point of view and to the international usage*” (Libertini, “*From the Knights of Old to Current Chivalric Orders*”, Pesaro-Urbino, 2009, p.73 et seq.).

It may therefore be held that the Regulation under reference of the Ministry of Foreign Affairs no.022/363 of 1999 sought to give a more specific sense to the “blank norm”, completing and integrating it.

In light of the above it follows that the Order which is the subject of the present judgement :

- a) Is an Order historically constituted by a family once sovereign accepted as such by numerous judgements of jurisdictional bodies;
- b) Has obtained the recognition of the Kingdom of the Two Sicilies and in terms of art.78 of the Statutes of the Kingdom of Italy has been “maintained” according to the Italian state juridical ordinances;
- c) Currently it has obtained recognition by the Republic of Gambia whose President has not only accepted to be distinguished by the Grand Collar of the Order but has also wished a positive development of relations between the Republic and the Royal House of Ayerbe-Aragon (vide letter of the 3<sup>rd</sup> May 2002 in annexe);
- d) Is structured in various Italian priories and in other countries;
- e) The Grand Master is a person who enjoys *fons honorum*, as has been deemed by King Francesco II of the Two Sicilies and confirmed by judgements from the Tribunals of the (Italian) Republic to which reference has previously been made.

Consequently, in application of the parameters of the opinion of the Council of State no.1869/1981, whether those designated by the Supreme Court in penal session (Cass. III, 20<sup>th</sup> December 1963, Castelbianco) or those stipulated in the Regulations of the Ministry of Foreign Affairs no.022/363 (usually relevant for the reasons given above), the Order under reference must be designated as a non-national Order in the terms of and with the effect of art.7 of the Law no. 178 no. 151.

More precisely the Order under reference is to be found in the specific category of the said Regulation under letter D) (*non-national Dynastic Orders in which the Grand Magistracy is hereditary in an ex-Sovereign Family*) or possibly under letter E) (*Sovereign Orders in which the Sovereignty derives either from ancient possessions with sovereign character or from the recognition received on the part of Sovereigns or Pontiffs*).

The honours awarded by the Order however are not only freely acceptable by Italian citizens but may also be authorized by the Ministry of Foreign Affairs.

The Order as such, by virtue of its Grand Master, is finally to be considered as a subject of international law.

It now appears necessary to verify if in the appellant in his aforementioned quality can be recognized the sovereign prerogatives connected to *jus maiestatis* and to *fons honorum*.

As has been laid down since time immemorial in the matter of Sovereignty in its fullest sense includes the expression of four fundamental rights : 1. “**JUS IMPERII**” that is the right to command; 2. “**JUS GLADII**” that is the right to impose obedience on those under command; 3. “**JUS MAJESTATIS**” that is the right to be honoured and respected; 4. “**JUS HONORUM**” that is the right to reward merit and virtue. Whenever a Sovereign is deprived of the political rule over a territory without having carried out any act of abdication or acquiescence to the new Political Order, he undergoes a “freezing” of his two rights *jus imperii* and *jus gladii* which however he preserves as potential and within himself in his rank as Pretender to the lost Throne. On the other hand he retains in their integrity the exercise of the other two rights *jus maiestatis* and *jus honorum* which constitute his particular Prerogative which goes by the name of “*fons honorum*” related to his sovereign functions which may be explained by the ability to “create nobles and arm knights” in the Chivalric Orders in the dynastic and family collation of his own House. Such a right is transmitted “*jure sanguinis*” indefinitely to his own descendants in the person of “Chief of Name and Arms of the Dynasty”, hence the principle in English public law that “*Rex non moritur*” (the King does not die) in the sense of the dynastic functional perpetuity of said Royal Prerogative. Historically thus is to be explained why the Sovereign, whether an absolute or constitutional monarch, exercises his mandate “by the grace of God”, related to the theological principle “*omnis potestas a Deo*” (all power comes from God); an approval which by its divine nature can know no limits. The Sovereign can lose these “Prerogatives” only as the result of a political capitulation, in the form of an abdication, renunciation, vassalage, acquiescence which has come to be known as “*debellatio*”. In fact it is natural that the territory which cannot be the “subject” but rather the “object” of the Sovereignty in so far it is over it that sovereign power is exercised and being moreover under such a power does not constitute the power itself. That the sovereignty may be separated from the territory in fact has been confirmed by the juridical situation of the S.M.O.M.; of the Holy See since 1870 by the Concordat; by the International Red Cross; for a while by the League of Nations, subsequently the United Nations as has justly observed Hon. Casilnuovo in his report on the Law of 3<sup>rd</sup> March 1951 no.178. There exist therefore in fact with full recognition internationally “*International Juridical Persons*” completely without territory as also “*Sovereign Orders*” without subjects or territory. Bascapè of the Sacro Cuore in Milan says precisely that : “*The princely family that was once sovereign maintains its dynastic character and its Head maintains the title and attributes of the last Sovereign who was dispossessed with the name of ‘Pretender’*”. Such principles are confirmed by the opinions of illustrious jurists such as H.E. Dr. Ercole Tantarri, First Hon. President of the Supreme Court of Cassation to whom may be added Prof. Leonardo

Puglionisi, Professor of Canon Law in the University of Rome and H.E. Dr. Raimondo Jannitti-Piromallo, then President of the Division of the Court of Cassation (Journal of Heraldry and Genealogy no.7-12 of December 1954) who inter al. wrote : “*Sovereignty is a perpetual quality indelibly connected and united across centuries to the entire descendance of him who first achieved or reclaimed it and it is made real in the person of the Chief of Name and Arms of the Dynasty, independent of whatsoever consideration or event of a nature that is political, juridical, moral or social that this latter may undergo and that as history teaches absolutely cannot damage sovereign quality*”. Gorino-Causa adds : “*Honours can be conferred even by him that no longer enjoys sovereign territoriality. The dispossessed Sovereign retains the collation of his noble Orders while he loses the Grand Magistracy of those of the Crown being thenceforth part of the patrimony of the State*”. In other words, as Sovereign he is the proprietor of two distinct heraldic patrimonies : that which is dynastic and of his family and that which is of the State. The loss of territorial sovereignty has as a consequence the loss of all which belongs to the Crown (and thus to the State) but never that which constitutes his personal patrimony be it economic or heraldic. In the person of the dispossessed Sovereign beyond the legitimate exercise of the Grand Magistracy of his Dynastic Orders remains that special indelible quality which makes him a “*Fons Honorum*”. The distinguished Magistrate H.E. Dr. Ciro Gini, First Hon. President of the Supreme Court of Cassation in a Judgement of the Italian Judiciary delivered subsequent to the Law of the 3<sup>rd</sup> March 1951 : It would be the same as to wish to constrain the descendants of the House of Savoy in conferring the Order of the Most Holy Annunciation or those of Saints Maurice and Lazarus while they belong exclusively to their “once Sovereign House” or Otto von Hapsburg in conferring the Golden Fleece which in fact he often confers on whomever he pleases. Indeed one cannot dispute the quality of Pretender in Umberto of Savoy, since he can never be considered a Sovereign who has renounced his rights. In fact it is well known that immediately after the Referendum of 1946 he decided to travel abroad without even waiting for the official proclamation of the results, which clear act of protest to the world as to how the consultations had been conducted; an explicit demonstration of neither accepting nor recognizing the juridical and political value of the vote.

So in conformity with prevailing authoritative teaching no one has ever questioned the *Fons Honorum* of the representatives of ancient dispossessed Dynasties, whereby remote descendants of the Imperial Family “Angela Flavia” had bestowed numerous noble titles, the validity of which is never put in doubt by Bodies at one stage in charge of their protection.

Equally no one has ever doubted the legitimacy of the celebrated Chivalric Orders belonging to no longer regnant dynasties, of which the aforementioned Golden Fleece of the Hapsburgs as also the Constantinian Order of the House of Bourbon Two Sicilies, both very widespread no less than the Sovereign Military Order of Malta, while numerous also are the examples of noble titles awarded by dispossessed Sovereigns yet still recognised internationally. It suffices to remember those bestowed by King Ferdinand II Bourbon in exile in Gaeta, recognized by the Heraldic Council of the Kingdom of Italy; the title of Prince of Santa Flavia bestowed by that Sovereign in the euphoria of the unexpected victory reported over Garibaldi at Caiazzo on the Ambassador of Spain Don Salvatore Bermudez de Castro and confirmed by the Heraldic Council by decree on the 19<sup>th</sup> December 1886 in his legitimate descendant Donna Maria Bermudez. The same King Victor Emmanuel II as reported to us by Raffaele de Cesare in “The End of a Kingdom” in granting to General Cialdini the noble title of Duke of Gaeta sought preventatively an explicit rebuff to the Bourbon already in exile, this title being in the “personal gift” of the former Sovereign.

The examples are innumerable ancient and modern of fallen Sovereigns who even in exile and outside their own territory have availed themselves of the prerogative of ennobling or conceding honours in their own Dynastic Orders : from Emperor Sigismund who in 1416 in Paris at the request of King Charles VI of France dubbed as a knight a certain Sig. de Signal when he raised him to the office of Seneschal of Beaucaire, to Saint King Louis of France who as a prisoner of Sultan Maleth made a knight of his favourite, a Muslim servant, on condition that he converted to Catholicism. Moving on to modern times we recall Grand Duke Cyril who proclaiming himself to be Head of the Romanov Dynasty after the executions in Ekaterinburg awarded to Matilda Feixeyevna the wife of his brother Grand Duke Andrew the title of Princess Kransinka and to Natalia Cerenetovski the wife of his other brother Grand Duke Michael the title of Princess Broso, and to both the style of Serene Highness; King Victor Emmanuel II who recognized the legitimacy of the award of the title of Duke of Danarca (in Cyprus) conceded in exile by the King of Spain to the Marquis Torres; King Leopold of the Belgians who while still a prisoner bestowed the title of Princess de Rety with the style of Royal Highness; King Carol of Romania who in his distant exile in Brazil bestowed on Mme Magda Lupescu the title of Royal Princess of Romania with the appropriate style of Highness. Even the Republic of San Marino has recognized the princely quality of the Canusian Dynasty to which belonged the legendary Countess Matilda. Titles fully recognized internationally even when conceded by Sovereigns no longer in the full effective exercise of their political powers.

On the basis of such precedents and on international law in Italy are to be found numerous confirmations in the field of jurisprudence, both civil and criminal, which have entered into law, in which the sovereign quality has been recognized of the Grand Masters of some very notable Independent Orders, held however to be subject of International Public Law and thus not included in the prohibition in art. 8 of the Law which applies to “Entities, Associations and Private Individuals”.

With the abolition of the specific bodies which at one time were charged with the care of noble titles, today the only authority called upon to decide in the matter is the judiciary which provides for the execution of the decisions handed down by the Arbitral Tribunals.

Princes, Chiefs of Name and Arms of Houses once Regnant are therefore in full, legitimate and juridical possession of the “Dynastic Privileges” consisting in the “*FONS HONORUM*” by means of which they may validly grant or revive noble titles, with or without predicate, related to their former dominions, as well as honours in the Chivalric Orders in their dynastic family collation.

As has already been demonstrated beforehand, there remains the issue of the free ability to “accept” such honours and those bestowed by “Foreign States” by Italian citizens, which is in fact allowed “in limited use” in the absence of the envisaged authorization from the Ministry of Foreign Affairs, on occasions as a private person in public with only the obligation that the rank and the Order are specified, unless with permission for full official use. The common weight of jurisprudence tells us that the legitimacy of acquiring such an award derives from the legitimacy of the use of the Titles, as was expressed in the judgement of the Prosecutor for Naples Dr. Tullio Chiariello no.2230 of the 2<sup>nd</sup> February 1942.

In Italy in addition to the Savoy and the Bourbons there are to be found other Sovereign Houses of firmly established solidity and in which the *Fons Honorum* has been recognized through numerous legal judgements.



Among these must certainly be included the Royal House of Aragon, of Majorca and of Sicily.

The Chief of name and Arms of the aforesaid Royal House of Aragon, of Majorca and of Sicily is undoubtedly H.R.H. The Royal Prince don Francesco Nicola Roberto Paternò Castello di Carcaci, consanguineous with and descended in collateral line from the last sovereign of the Royal House of Aragon, and as such his legitimate successor and pretender to the throne with all the rights and privileges which pertain to same.

All the above results manifestly from the Royal Decree of Francesco II King of the Two Sicilies given in Gaeta on the 16<sup>th</sup> September 1860 countersigned by the Minister Secretary of State for Justice Pietro Ulloa in which the King recognized Don Mario Paternò Castello Guttadauro of the Dukes of Carcaci “Head of the Dynastic Order of the Collar dedicated to Saint Agatha Virgin and Martyr undeniable patrimony of the Most Serene House of Paternò with the title and rank of Sovereign Grand Master with the power grant honours and chivalric ranks and noble titles of the surname, on predicates in the Balearic Islands once the Royal domains of his Forebears as also on the Palace of the Paternò”, as well as from three legal judgements regarding the Paternò dynasty handed down in the republican period, which have confirmed the consanguinity with the House of Aragon-Majorca-Sicily and the legitimacy as a *fons honorum*.

The first of these is from the United District Court of Bari of the 3<sup>rd</sup> March 1952 no.485 since become irrevocable in law which certified that “*the Princely Family of Paternò had its origins in James I the Conqueror descendant from the Counts of Gascony, the Kings of Navarre and the Kings of Castile*” and that to the Paternò pertain “*many rights iure sanguinis*” such as “*fons honorum, namely the right to ennoble ... as also the right to found, revive, exercise the Grand Magistracy of the chivalric orders in the family’s collation*”.

The second judgement of the 5<sup>th</sup> June 1964 no.119 from the Penal Tribunal in Pistoia, in single session, specifically confirmed the legitimacy of the *fons honorum* in the senior representative of the Royal House of Paternò, in so far as the legitimacy of the pretender of the Paternò Family derives from legitimate and proven descent from a member of the Royal House of Aragon.

The third arbitral judgement of the 8<sup>th</sup> January 2003 no.50, which took effect with the decree of the President of the Ordinary Tribunal of Ragusa on the 17<sup>th</sup> February 2003 no.177 has declared that to Francesco Nicola Roberto Paternò Castello di Carcaci as Head of the Royal House pertain “*the sovereign prerogatives connected with the jus maiestatis and the jus honorum with the faculty to confer noble titles, with or without predicate, noble coats of arms, honorific and chivalric titles related to the orders hereditary in his family; the quality of subject of international law and grand master of orders which are non-national in the terms of the law of the 3<sup>rd</sup> March 1951 no.1978*”.

All that which has been previously expounded and given that the *Fons Honorum* has already been recognized in the appellant, we may consider valid also all the other Dynastic Orders of the Paternò Family since he is head of them equally, namely the Royal Order of James I of Aragon, the Royal Aragonese Order of the Knights of Saint George and the Double Crown, the Order of the Royal Balearic Crown, the Order of San Salvador of Aragon and the Royal Order of Saint Isabel of Aragon, although of this latter the Grand Master is the Consort of the Head of the Dynasty.

In conclusion therefore the appellant’s request can be fully accepted.

Nothing needs to be said on the matter of expenses since it has already been covered in the Arbitral Convention.

In view of all the foregoing, in the first instance this Arbitral Tribunal

### **DECLARES**

That H.H. The Royal prince don Francesco Nicola Roberto Paternò Castello di Carcaci is entitled to the quality of Sovereign Prince Grand Master of the Military Order of the Collar of Saint Agatha of Paternò and all the Dynastic Family Orders belonging to the Royal House of Aragon, of Majorca, of Sicily of which he is the Sovereign and Chief of Name and Arms, since such Orders are non-national in the terms of the Italian law of the 3<sup>rd</sup> March 1951 no. 178 and as such subject of international law; that He has moreover the sovereign prerogatives connected with *Jus Maiestatis* and *Jus Honorum* with the faculty to grant or rather bestow, to revive, to recognize noble coats of arms and noble titles of the Military Order of the Collar of Saint Agatha of Paternò with or without predicate, hereditary or not, and honorific and chivalric Titles related also to the other dynastic orders of his family since they also are non-national.

Consequently in the light of all that has been certified and effected, definitively pronouncing

### **DECLARES**

That H.H. The Royal Prince Don Francesco Nicola Roberto Paternò Castello di Carcaci having the requisite quality has the right to be admitted to the International Institute of Nobiliary Law, History and Heraldry as an Honorary Member of Justice and to receive from that same Institute heraldic and nobiliary assistance, as well as the payment of the sum of Lek. 65,000.00 (sixty five thousand) as a study grant to be distributed in the seat of the said Institute in Elbasan (Republic of Albania).

No comment is made on expenses.

The Execution of this current judgement having the effect of a judgement handed down by the Judicial Authority of the Italian Republic may take effect also in the territory of the Republic of Albania as well as in the territory of all states signatories of the New York Convention of the 10<sup>th</sup> June 1958 in the manner and terms foreseen by International Law and of individual States at the charge and expense of the interested parties.

The present judgement will be published thanks to the Attorney General of the Higher Court of Arbitral Justice and the costs will be met by the appellant, by means of an extract attached to the related decree of execution issued by the President of the Ordinary Tribunal of Massa ex art.825 c.p.c. in the Official Gazette of the Sicilian Region.

Massa, 18<sup>th</sup> May 2013

Adv. Prof. Raffaello Cecchetti, President (signature)

Adv. Prof. Riccardo Scarpa, Judge (signature)

Adv. Vittorio Landolfi, Judge (signature)

Seen : The Attorney General  
Prof. Francesca Buzzigoli (signature)

Deposited in the Chancellery, today 1<sup>st</sup> July 2013

The Chancellor  
Patrizia Neri (signature)

No. 1275 CRON.

TRIBUNAL OF MASSA

MINUTES OF AN ARBITRATION AWARD

In the year 2013 on this day the 2<sup>nd</sup> of the month of July in Massa in the abovementioned office before the undersigned administrative director appeared Dr. Emilio Petrini, born in Lucca the 25<sup>th</sup> June 1975 with office in Viareggio, Piazza Garibaldi 19, identified by Diploma no. U17563717N issued by the UCO on the 30<sup>th</sup> January 2007 who as the legal representative of H.R.H. The Royal Prince don FRANCESCO ROBERTO PATERNO' CASTELLO di CARCACI deposits the original Minutes of the Arbitration Award issued on the 18<sup>th</sup> May 2013 signed by the arbitral college and deposited with the Higher Court of Arbitral Justice at its seat in Massa on the 1<sup>st</sup> July 2013.

The said Minutes are written on 37 complete sheets and records the decision in the dispute between H.R.H. The Royal Prince don Francesco Roberto Paternò Castello di Carcaci and the International Institute of Nobiliary Law, History and Heraldry in the person of Eng. Vincenzo Santoro in his capacity as Rector of the said Institute.

REQUESTS that the said Award be declared in force and that all communication in respect of it be transmitted by means of fax to: Dr. Emilio Petrini, Piazza Garibaldi 19, Viareggio, fax : 0584-51749.

L.C.S.  
(signature)  
L.c.s.

## TRIBUNAL OF MASSA

## THE ITALIAN REPUBLIC

In the name of the Law

We command all Judicial Officers as they may be requested and to whomsoever responsible to give full execution to this present deed, to public ministers to give assistance in its regard and to all public Officials to collaborate with it in so far as they may be legally requested.

Massa, the 15<sup>th</sup> July 2013

The Judicial Officer  
M.R. Guido  
(signature)

Copy in conformity with the original  
Issued in executive form to Adv. Emilio Petrini  
On behalf of Francesco N.R. Paternò Castello di Carcaci

Massa the 15<sup>th</sup> July 2013

The Judicial Officer  
M.R. Guido  
(signature)

(invoice confirming payment of Euros 168,00 by Paternò Castello di Carcaci, Francesco Nicola Rob. Of Catania to Santoro, Vincenzo of Naples

## TRIBUNAL OF MASSA

## VOLUNTARY JURISDICTION CHANCELLERY

It is hereby certified that in the terms of art.323 et seq. of the Code of Civil Conduct in the matter of the of the arguments of the Decree which the arbitral award has declared in force between H.H. The Royal Prince Don Francesco Nicola Roberto Paternò Castello di Carcaci and the International Institute of Nobiliary Law, History and Heraldry of date 9<sup>th</sup> July 2013 Reg.No. 372/2013 no opposition having been made in terms of the law, the said decree is deemed to be definitive.

Duly issued for the purposes permitted by the law.

Massa, the 18<sup>th</sup> March 2014

The Judicial Officer  
M.R. Guido  
(signature)