

(Round stamp: COURT OF NOBILIARY LAW ARBITRATION)

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ORDINARY LAW SENTENCE PASSED ACCORDING TO ITALIAN LAW BY THE COURT
OF NOBILIARY LAW ARBITRATION IN PADOVA ON 27.03.2009 IN THE
CONTROVERSY

BETWEEN

THE ISTITUTO DI DIRITTO NOBILIARE (INSTITUTE OF NOBILIARY LAW) IN THE
PERSON OF THE RECTOR MARCHESE RENATO MARIA SPRETI

AND

H.S.H. PRINCE PETROS IOSSIF

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COURT OF NOBILIARY LAW ARBITRATION IN PADOVA

In the year 2009, on the 27th day of March, at 16:00 hours in the studio of the Lawyer Ferruccio Pezzàngora in Padova, via Scrovegni n° 29, seat of the international arbitration, there did appear

the following arbitrators:

- the Lawyer Yolanda Medina Diaz, registered on the List of Lawyers for the District of Catania, arbitrator designated by Institute of Nobiliary Law;
- the Lawyer Giovanni Vassallo Paleologo, registered on the List of Lawyers for the District of Rome, arbitrator designated by Petros Iossif;
- the Lawyer Ferruccio Pezzàngora, registered on the List of Lawyers for the District of Padova, as third arbitrator acting as Chairman of the Board of Arbitration, designated by mutual agreement by the above named arbitrators.

The Court of Nobiliary Law Arbitration in Padova has, according to articles 806 and following of the Italian Code of Civil Procedure, issued the following

SENTENCE

in the arbitration proceedings resulting from the international arbitration agreement advanced by Petros Iossif, born in El Cairo (Egypt) on 22 October 1948, resident in via Nomentana, 299 – 00162 Rome, Tax Code SSFPRS48R22Z336K, represented and defended before this Court by the Lawyer Enrico Natalino di Benko, electively residing at his offices in via Cipro n° 30, Belluno, against Istituto di Diritto Nobiliare (Institute of Nobiliary Law) with registered offices in Milan, viale Coni Zugna n° 7, in the person of the legal representative Marchese Renato Maria Spreti, born in Milan on 01.10.1927, represented and defended by the Lawyer Giulia Ravelli and electively residing at her offices in via Berchet n° 13, Padova

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HAVING AS THEIR OBJECT

the judicial investigation and determination of the right of the above named Petros Iossif to the state of nobility as required by the Statute of the Institute of Nobiliary Law with registered offices in via Coni Zugna No.7 in Milan, necessary for registration with said Institute, and to receive all non gratuitous assistance on questions of an heraldic, nobiliary and chivalrous nature and, also, to obtain the right to receive the scholarship of € 500.00 (five hundred/00) set up for the year 2008.

GIVEN THE FOLLOWING

- that under letter b) of the international arbitration agreement the following arbitrators have been nominated: for Petros Iossif the Lawyer Giovanni Vassallo Paleologo, born in Rome on 23.08.1954, resident in Rome in via Gaverina, n. 12 and for the Institute of Nobiliary Law the Lawyer Yolanda Medina Diaz, born in Bolaños de Calatrava (Ciudad Real) – España, on 22.09.1967, resident in Catania, in viale XX Settembre, n. 76 who, by mutual agreement, have designated as President of the Board of Arbitration the Lawyer Ferruccio Pezzàngora, with offices in Padova, via Scrovegni n° 29, who did accept the position on 4th September 2008;
- that the seat of the international arbitration is established as being in Padova, via Scrovegni n° 29;
- that under letter i) of the agreement, the parties have established that this sentence be issued within a term of 240 days from the date on which the Board of Arbitration is constituted (22 September 2008) and that is to say within 20 May 2009.

COURSE OF JUDGEMENT

With the purpose of settling and defining the above controversy, the terms of which will be set out in further detail below, under the heading “Fact and right”, Marchese Renato Maria Spreti, in his above mentioned position, and Petros Iossif, born in El Cairo (Egypt) on 22 October 1948, did stipulate the international arbitration agreement on 22 July 2008, and did register it on 21

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August 2008 at the Inland Revenue Office, Padova Branch, under No. 10726 series 3, which is filed as one with this sentence which defines it under art. 825, paragraph II, of the Code of Civil Procedure.

The parties, in accordance with the points foreseen by them and set down under letter j) of the international arbitration agreement and in accordance with the act of constitution of the Padova Court of Nobiliary Law Arbitration, as per point 2 of the act of constitution (22 September 2008) of said Court, did assign the peremptory term of 31 October 2008 for the plaintiff and the peremptory term of 31 November 2008 to the defendant for filing of their memorials containing all specifications, etc.

The memorial containing the plea by the plaintiff was filed with this Board on 18 October 2008, while the memorial from the other party was filed on 30 November 2008.

The session set by this Court for 12 December 2008, in view of point 11) of the act of constitution itself, was postponed due to a national strike, by the order of the president and by unanimous agreement in the presence also of the legal representatives of the other party, until 16 January 2009.

Finally, the parties sent the Board of Arbitration their respective final pleas, that on the part of the plaintiff being received on 23 February 2009, and that on behalf of the other party being received on 24 February 2009.

The parties having concluded as per their respective memorials, the President Ferruccio Pezzàngora together with the arbitrators Yolanda Medina Diaz and Giovanni Vassallo Paleologo did consider and declare the inquiry closed.

The Padova Court of Nobiliary Law Arbitration, having examined the documents, did issue the following sentence.

FACT AND RIGHT

The plaintiff, in accordance with the Statute of the Institute of Nobiliary Law of Milan, did apply for inscription in the relevant category of law, vaunting the legitimate possession of various dynastic and nobiliary titles. The Rector of said Institute did resolutely refuse inscription, and the parties, on 22 July 2008, together signed an international arbitration agreement,

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registered on 21 August 2008 at the Inland Revenue Office, Padova Branch, under number 10726 series 3, in which they accepted the heraldic and nobiliary regulations and Statute of the Institute, requesting that a Court of arbitration, set up for that purpose on 22 September 2008 with acceptance of the arbitrators, ascertain the right to the heraldic, nobiliary and chivalrous rights to which claim is laid:

- prince with the predicate of Lemessos, prince of the Holy Roman Empire of the East, Count Palatine, Baron of Villarosa and Patrician of Byzantium, Grand Master of the Holy Sovereign Imperial Military Angelical Constantinian Order of St. George, otherwise known as the Milizia Aurata d'Oriente (Golden Militia of the Orient) and Sovereign Grand Master in office of the Ordine Ecumenico Ospedaliero di San Giovanni – Cavalieri di Malta otherwise known as the Ecumenical Hospitaller Order of Saint John Knights of Malta;
- the quality of Serene Highness;
- the right to use the arms of the Lascaris Royal House, bearing the motto *LASCARORUM FELICITATI – COSTANTIA ET FIDES*;
- the family arms and those of the Knightly Orders;
- the Sovereign prerogatives of *Jus Majestatis* and *Jus Honorum*;
- the quality of a subject of international law;
- the styles of Don for males and Donna for females.

During the hearing on 25 February 2009 the parties presented their respective conclusions, the plaintiff concluding that all the claims were legitimate, and the defendant opposing acceptance of all the claims made by the plaintiff.

The application is based to a certain extent on fact.

Indeed, art. 9 of the heraldic-nobiliary regulations on the subject of international arbitration by the Institute of Nobiliary Law, accepted by both parties, states that recognition of the nobiliary or dynastic distinctions rests on the original concession, or other legitimate means of acquisition, and in the legitimate transfer to the party requesting recognition thereof, and art. 12, paragraph 2 states that a counterclaim regarding a title, a coat of arms, a predicate, qualifications, pretensions, styles, Grand Masterships, etc., is valid without the need, as in the case

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in question, for sovereign ratification, which is on the contrary foreseen in the presence of other possible successors.

Given that Petros Iossif has the status of only son, this board of arbitration has been presented with an authenticated copy of the sovereign counterclaim documents to Mr. Iossif, by H.I.H. Prince Amoroso d'Aragona, of the Grand Mastership of the Holy Sovereign Imperial Military Angelical Constantinian Order of St. George otherwise known as the Golden Militia of the Orient, and to the father of the plaintiff (and therefore, by hereditary succession, to the plaintiff himself), by H.I.H. Marziano II, of the Grand Mastership of the Ecumenical Hospitaller Order of Saint John of Malta.

If, therefore, from this point of view the regulatory requirements accepted by the parties are satisfied, the formal and substantial problem that comes logically to the preliminary attention of this Court relates to the legitimacy of the *fons honorum* of the grantor, as, in application of the principle *nemo plus iuris in alium transferre potest quam ipse habet*, the point is not whether or not the confutations are legitimate – as it has already been seen that they are – but whether or not the original parties thereto were actually in possession of nobiliary and chivalrous prerogatives of *fons honorum*, and therefore with the ability to transmit the above mentioned knightly honours.

However, from this point of view also the confutations cannot be censored in any way, as the plaintiff has produced so many legal precedents of such nature that, after careful examination of the documents exhibited, ascertain sovereign rights and relevant *fons honorum*, that it is not possible to endorse the point of view of the defendant, who contests their value, which it is repeated is such and of such number, as well as being coherent, in agreement and univocal – said precedents being: at least sixteen sentences passed by Courts and Tribunals, both of the Kingdom and of the Republic, ascertaining the legitimacy of the Imperial House of Amoroso d'Aragona and its knightly orders; more than ten sentences passed by Courts of the Republic recognising titles and predicates for said House, including the sentence issued on 18 June 1914 by the Court of Avezzano and that issued on 26 October 1948 by the Court of Trani, Section 1, which ascertained the legitimate descent of Luigi Amoroso d'Aragona from the Imperial Byzantine family of Flavio Michele II Balbo d'Amorio.

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In effect, the defendant does not contest – “it is undoubtedly true” – that “Italian jurisprudence over recent decades has established that the descendants of any dynasty that has never renounced its rights possesses the *fons honorum*”, nor does he contest, in effect, that jurisprudence has recognised that sovereign rights are transmitted to infinity, provided that no *debellatio*, abdication or renunciation of said prerogatives takes place, nor does he contest, in reality, that these sentences can also be referred to the claimants of the nobiliary, chivalrous and heraldic patrimonies, whose counterclaims are under discussion at this time: sentence 10-9-1948, n. 5143 *bis*, n. 23828/48 R.G., issued by the VIIth section of the Court of Rome, noted, with regard to the question of the continuing prerogatives of the Sovereign Family of H.I.H. Prince Don Marziano II Lascaris Comneno Flavio Angelo Lavarello Ventimiglia di Turgoville, that the Royal prerogative is transmitted *jure sanguinis* by the King to his successors even when, for various reasons, they lose their territorial rights, and that it is preserved over the centuries even after loss of the throne, it thus being inferred that the Head of the House of Lascaris, descendent of the dynasty Flavio Comneno Ducas expelled by force, conserves even in exile all the prerogatives of *fons honorum* to which reigning sovereigns are entitled, and that the acts performed by him in that guise have legal value (i.e. in terms, also sentence 27-06-1949, n. 114, n. 217/49 R.G., issued by the Court of Vico del Gargano, which likewise recognised the right of the Imperial family of Lascaris Comneno Flavio Angelo Lavarello Ventimiglia di Turgoville, in the person of H.I.H. Don Marziano, Titular Basileus of Byzantium, may confer nobiliary rights to their faithful servants or to persons worthy of that honour).

Thus, even the arguments brought by the defendant, although not without merit, on the basis of which generally recognised international law makes a distinction between what was and what was not sanctioned by the Vienna Conference, is not so indisputable, if other legal precedents cited by the plaintiff evince from the possession of sovereign prerogatives, what is more in a criminal court (sentence 02/07/1964, n. 135, issued by the Criminal Court of Pistoia, Sole Section), the quality of a subject of international law under the terms of the Law of 3 March 1951, No. 178.

Those entitling the current plaintiff are the legitimate successors and descendants, legally, and legally and peaceably ascertained, of

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the dynasties that succeeded each other on the throne of Byzantium, and as a consequence they have been able to exercise their rights of knightly pretension on the Orders received by the plaintiff and claimed at this time for the purpose of registration in the category of law of the above named Institute of Nobiliary Law: then again, the defendant himself calls the attention of the Court to the need to exercise due prudence when ascertaining the points under question, limiting all considerations only to the Knightly Orders that, at this time, do not contrast with the above mentioned Law No. 178/1951.

In this regard, an exemplary case is the careful examination carried out by the Court of Pistoia into a pretender to a throne whose status can certainly not be considered dissimilar to that of the assignors of the plaintiff, but rather coincides in its respective requirements and formal suppositions, in that neither derives its sovereign legitimacy from the Vienna Conference, but from descent that is in any case recognised by law as having sovereign effects and reflections to infinity.

The criminal judge ascertained that the accused had not contravened the precepts of Law No. 178/1951, as it is “legal for non-national or Foreign orders to award and grant honours to Italian citizens”, evidently considering the Orders of respective dynastic origin to be equivalent to the non-national Orders cited under the above mentioned Law No. 178/1951, because “in substance with the laws under examination the legislator intended to prohibit other individuals from taking the initiative of presenting or awarding honours and decorations without actually having the pre-existing right and title to do so”, as the act of awarding an honour “is not a crime if the person so awarding has the legitimate right to do so”: and it is equally obvious that what counts, and must first be ascertained at this time, is that said faculty is pre-existing and effective, which, in the case of H.I.H. Prince Don Marziano II Lascaris Comneno Flavio Angelo Lavarello Ventimiglia di Turgoville and H.I.H. Prince Francesco Amoroso Comneno Angelo Flavio Lascaris Paleologo d’Aragona, has been fully and repeatedly ascertained by the Italian courts in numerous sentences passed and rendered effective.

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Having admitted counterclaims as a legitimate means of transmitting a patrimony of undoubted sovereign provenance, the right of the plaintiff to be Grand Master of the Orders in question and his right to be a subject of international law are indisputable, so that Petros Iossif is legitimate Sovereign Grand Master in force of the Ordine Ecumenico Ospedaliero di San Giovanni – Cavalieri di Malta otherwise known as the Ecumenical Hospitaller Order of Saint John Knights of Malta, and equally is Grand Master in force of the Holy Sovereign Imperial Military Angelical Constantinian Order of St. George, otherwise known as the Golden Militia of the Orient, and is also entitled to the related styles of Serene Highness and the connected sovereign prerogatives of *fons honorum*, as well as to the state of subject of international law under Law No. 178/1951, obviously with the ability to be registered in the Institute of Nobiliary Law category of law.

As example and evidence of the above motivation, sentence 10-9-1948, n. 5143 *bis*, n. 23828/48 R.G., issued by the VIIIth section of the Court of Rome, acknowledged to H.I.H. prince Don Marziano II Lascaris Comneno Flavio Angelo Lavarello Ventimiglia di Turgoville the claim to the imperial throne of Byzantium and the consequent ability to perform acts of sovereignty insofar as Porphyrogenite and heir to an August and previously Sovereign House, which was dethroned without *debellatio*, with the legitimate authority confer Knighthoods in the Orders of which it is patron, including the Order in question, the Holy Sovereign Imperial Military Angelical Constantinian Order of St. George, otherwise known as the Golden Militia of the Orient.

Where the claims of Petros Iossif cannot be accepted is in aspiration to the noble title of Baron of Villarosa, said title having being granted him on 31.3.1991 in a writ issued by Mr. Alessandro Tommasi di Vigano: in effect, the plaintiff has not produced any documentation proving that the person granting this title was in the legitimate possession of the necessary *fons honorum*, but there is absolutely no proof provided of the possession of dynastic pretensions, other than a mere declaration, and for this reason, for the purposes of registration in the category at law, the attribution of said nobiliary title to him cannot be recognised.

FOR THESE REASONS

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the Padova Court of Nobiliary Law Arbitration, passing its decision on the question subjected to it by Marchese Renato Maria Spreti, in his position as Rector of the Institute of Nobiliary Law, with registered offices in Milan, and by Petros Iossif, resident in Rome, in the international arbitration agreement signed on 22 July 2008 and registered on 21 August 2008 with the Inland Revenue Office, Padova branch under No 10726 series 3, and having examined the documentation produced and the memorials presented to this Court, and ignoring all other claims, exceptions and defences,

DECIDES AS FOLLOWS

- 1) Petros Iossif, son of Apostolos, born in El Cairo (Egypt) on 22 October 1948, resident in via Nomentana, 299 – 00162 Rome, Tax Code SSFPRS48R22Z336K, is, for the purposes of registration in the category of law of the Institute of Nobiliary Law, legitimately to be considered Sovereign Prince and Grand Master in force of the Ordine Ecumenico Ospedaliero di San Giovanni – Cavalieri di Malta otherwise known as the Ecumenical Hospitaller Order of Saint John Knights of Malta, as well as being Grand Master of the Holy Sovereign Imperial Military Angelical Constantinian Order of St. George, otherwise known as the Golden Militia of the Orient, Prince of Lemessos, Prince of the Holy Roman Empire of the East, Count Palatine, Patrician of Byzantium, to whom the following do pertain: the style of Serene Highness, the arms of the family and knightly orders, the arms of the Lascarid sovereign dynasty, the motto *Lascarorum Felicitati Costantia et Fides*, the sovereign prerogatives of *ius maiestatis* and *ius honorum*, also for the purposes of granting knightly and nobiliary titles issued statutorily by the Grand Master of the above Orders, the styles of Don and Donna and the quality of a subject of international law under and according to Law No. 178 of 3 March 1951.
- 2) Petros Iossif, described *ut supra*, is “noble” and thus has the right to be registered in the Category of Law of the Institute of Nobiliary Law with registered offices in Milan, of which Marchese Renato Maria Spreti is Rector, the right to receive all assistance foreseen

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on heraldic, nobiliary and chivalric questions and, again, the right to receive the scholarship of € 500.00 (five hundred/00 Euro) set up for the year 2008, to be paid in Switzerland, as foreseen by the international arbitration agreement dated 22 July 2008.

- 3) liquidates the honorarium due to the Board of Arbitration itself in the total sum of Euro 8,000.00 plus VAT and CPA (Lawyers Provident Fund), of which sum Euro 5,500.00 to be paid by Institute of Nobiliary Law and Euro 2,500.00 to be paid by the plaintiff. Likewise condemns the defendant to reimburse the plaintiff for all legal expenses sustained by this latter.
- 4) This sentence, which is rendered irrevocable under Italian law, is executed, without prejudice to the limitations foreseen by international law, at the care and expense of the interested party, within the territory of the Member States of the New York Convention of 10.06.1958, rendered executive in Italy by Law No. 62 of 19.01.1968 (Official Gazette of the Italian Republic No. 66 dated 02.02.1968);
- 5) Publication in the Official Gazette of the Italian Republic and on the Regional Gazette for the Veneto Region of a certified copy of an extract of this sentence and of the relevant decree by the President of the Court of Padova, in accordance with art. 825, paragraph three, c.c.p., at the expense of Marchese Renato Maria Spreti, in his position as Rector of the Institute of Nobiliary Law.

Read, confirmed and signed, drawn up in No. 4 original copies for notification to the parties in accordance with art. 825 c.c.p.

Padova, dated 27 March 2009

The President

Ferruccio Pezzàngora, Lawyer

(Signature illegible)

The Arbitrator

Yolanda Medina Diaz, Lawyer

(Signature illegible)

The Arbitrator

Giovanni Vassallo Paleologo, Lawyer

(Signature illegible)