As an habitué of the Caltrap’s Corner and Guest book, I have been interested in the discussions provoked by the article of Mr. Kinnane “The Emperor of Palm Beach.” Unfortunately the debate has degenerated to mere personal attacks, without serious consideration of the most important aspect of the question: the documents that Mr. de Vigo Paleologo and Doctor Gauci cite in their replies at www.paleologo.com and www.justicier.com and, recently, at http://intenti.tripoed.it/HERE, which is Mr. de Vigo’s official homepage.

I have tried to suggest refraining from polemics and instead studying the matter from an impartial viewpoint but, unfortunately, Mr. de Vigo himself seems to prefer to defame his detractors without considering that this will do nothing to end the dispute. I perfectly understand, however, that someone in his position, continuously attacked as he is, would change from being a "great philanthropist" into an embittered avenger. In any case I thank him for his reply and, considering how much luckier I have been than some others I have decided to write this article, whose purpose is to open a new and more direct perspective on this dispute.

The great limitation I am under is that like all the critics, I have not the opportunity to see the complete and original documents cited by Mr. de Vigo and Doctor Gauci: the problem is caused by the limitations of the internet and of course we cannot demand that Mr. de Vigo send a copy of his personal dossier to everyone who asks for it. So a part of the present reflections is limited to what Mr. de Vigo and Doctor Gauci report on their personal sites, even if the real documents can present differences due, for example, to an error in translation.

In the following pages I refer to the claimant simply as "Mr. de Vigo" just because it is shorter to write, his legal surname is not the main matter of those reflections. Mr. Kinnane says that his legal name is “Vigo” toutcourt. Even if this were true, this cannot be adduced in my opinion as a proof of anything: there are in fact many ancient and noble families who have not legally added all their surnames, their "predicati" or the "particule de".

But it is a matter of fact that Mr. de Vigo and his ancestors are variously identified as "de Vigo", "Paleologo", "de Vigo Paleologo" and similar such names. As suggested by Mr. de Vigo I have tried to find more information on the book "THE PALEOLOGUS FAMILY, a Genealogical review", by Charles Gauci and Peter Mallat, but I could not find it anywhere. Luckily I have found on Mr. Charles de Brancheforte Said Vassallo’s web page some information on the Paleologus family, including the complete pedigree of Mr. de Vigo, as traced in Doctor Gauci’s work (the file reference shows Doctor Gauci to be the author).

THE GENEALOGICAL TREES

The genealogical tree has puzzled me. I have checked both tables but I could not understand from where the surname (de) Vigo comes from: according to the pedigree Mr. de Vigo’s ancestor Nicola Vigo Aleramico Paleologo (1735-1805) married Caterina Paleologo in 1760, but the mentioned Nicola in table two is indicated as “Paleologo”. The only Vigo in table two is Anna de Vigo “dei Marchesi di Gallidoro” (that Vigo - without de- family obtained the fief of Gallidoro only in 1768, successively elevated to a barony, not to a Marquessate). Why did Nicola Paleologo add his ancestor’s surname?

Mr. Riccardo Bonsi in his True story of the Imperial and Royal House de Vigo Aleramico Paleologo of Constantinople published on Mr. de Vigo’s own homepage pretends that in 71 B.C. a member of this family descending from the Roman Emperor Nero had important properties in the city of Viterbo in Latin “Vetus Verbum”), and that his descendants, when they moved to the eastern part of the empire, assumed the name of that city traduced in Greek: Paleo-Logo! I really would be curious to know which documents the author examined to establish a pedigree up to the first century after Christ. The greatest European noble houses can seldom prove their genealogies further back than the 8th century!

Andronico II, ancestor in the 4th degree of Emmanuel II, had married firstly Anna, daughter of Stephan V King of Hungary; and secondly Jolanda, elder sister and heiress of Giovanni Aleramico, Marquis of Monferrato (died 1305), who became Empress under the name of Irene.[1] Their second son Teodoro went to Italy and assumed the throne of Monferrato in 1306, with which he was invested in 1310 by the Holy Roman Emperor Henri VII (of Luxembourg). This branch of the Paleologus family gave twelve other Marquesses to Monferrato, the last of those was Giovanni Giorgio, later coadjutor Bishop of Casale, who abandoned Holy Orders to marry Giulia of Aragon, daughter of King Frederick of Naples, but had no issue by her (they married by proxy and she arrived at Casale only after her husband’s death). Monferrato then passed to Federico Gonzaga, husband of Margherita, nephew and heir of Giovion Giorgio, who was invested by the Emperor Charles V with the Marquessate of Monferrato in 1536, which was then annexed to Mantova, both being elevated some time later into a Duchy (14 Jan 1574).

The Duchies of Mantova and Monferrato were later inherited in 1627 by the Gonzaga Dukes of Nevers who, during the wars between France and the Holy Roman Empire for the Spanish succession, lost their lands. The two duchies were occupied in 1706, then divided in 1707: Monferrato was annexed to Piedmont in 1707, and this annexation finalized in the Treaty arrangements of 1713, while Mantova was given to the Habsburg ruled Kingdom of Lombardy. For this reason the Head of the Royal House of Savoy also used the title of Duke of Monferrato (the title was used a subsidiary title of the House of Savoy, being granted for the last time to Prince Oddone, son of Victor Emmanuel II, who died in 1866 without heirs). (see Gonzaga, at www.chivalricorders.org/royalty/justia.gonzaga.htm)

The aforementioned Mr. Bonsi claims that the successes of the Gonzaga and the Savoy are invalid, alleging that an ancestor of Mr. de Vigo, Giovanni Battista Vigo (who in table 2 of the genealogy is indicated as Paleologo), had married in 1487 Maria Elena, purported daughter of Marquis Guglielmo, brother of the reigning Marquis Bonifacio. Guglielmo, however, had only four children and no daughter named Maria Elena is recorded, see [3]; according to Bonsi a nuptial pact was made assured to Giovanni Battista’s descendants the right of succession to the crown in case of extinction of the male line.

There is a small problem, however. The illustrious historian Antonio Chiusole, Noble of the Holy Roman Empire, in his book about the Genealogy of the most illustrious Houses of the World, clearly indicates in his table 277 that the mentioned Guglielmo had no descendants from his four children. The genealogy published by Mr. Said Vassallo, however, contradicting that of Mr. Bonsi, indicates that Maria Elena was the daughter of Bonfaccio I (who had died circa 1060) and was born in 1483: even if the laws of the time had permitted him to marry a girl of only 4 years old there is no evidence available to support this claim, and none that they had issue.[4] It is also useful to remember that Monferrato was a feudal state of the Roman Holy Empire, and that the Houses of Gonzaga and Savoy were legitimately invested by the Roman Emperors.

But if we consider, like the author of the paper does, that only nuptial contracts are valid, it remains that Jolanda (II) (known as Violante) daughter of Teodoro I Paleologus, Marquis of Monferrato, had married Count Aimone III of Savoy, whose descendants also should have inherited the Marquessate according to the marriage treaty, a treaty which as a later one must revokes the earlier one. The new Marquis was Giovanni II Paleologo but the House of Savoy did not renounce its claim and all the member of this family from that time always used the quarter of pretensio to Monferrato in their coat of arms.
Concluding, I find Mr. de Vigo's pedigree a little bit curious: we do not know from where the surname "de Vigo" originates; nor why Mr. de Vigo has claims over Monferrato; nor is the family relationship with Manuel II Paleologo and his descendants clear, as published it contradicts the known historical record.

THE DECISIONS OF THE COURTS

The two first documents cited by Mr. de Vigo on his www.paleologo.com site are two decisions of Italian Courts of Justice (1961 and 1964), both concerning the legitimacy of Mr. de Vigo to bestow his knightly orders, according to paragraphs 7 and 8 of the Regulations on Chivalric Orders Act 178/51 (3 March 1951) and its interpretation by the Suprema Corte di Cassazione. It is impossible for a private Italian citizen to award Orders under these provisions of the law, however.

It must be noticed that the Italian Law forbids a state body or employee such as a judge from using and attributing nobiliary titles in official acts of civil state, but while it is strange that in these decisions, as reported by Mr. Bonsi Mr. de Vigo and his father are described as "Prince Henri" and "Prince Cesare", this proves nothing as there is no civil prohibition regarding their use in other documents such as a sentence of the magistrature. Nonetheless, despite their use, they are deprived of juridical validity.

Of course we can not doubt nor discuss of the formal validity of these decisions, a validity which is strictly limited to the specific cases. These decisions do not recognize absolutely and uncontroversially the validity of Mr. de Vigo's claim, but they can be compared with the authorization granted to wear the decorations of an Order of Chivalry made by Decree of the President of the Republic, at the recommendation of the Ministry of Foreign Affairs. Such declarations of civil state are never absolutely final, since it can always be proved by later evidence that an individual is not in fact entitled to be styled the son of another - thus these declarations cannot be regarded as finally and irrevocably binding. The decisions have been shown to be lacking definitive status by other more recent ones: in fact Pietro Donato Paleologo di Bisanzio has obtained by the Tribunale Civile di Salerno, on 19th July 1975 a similar recognition as the Chief of Name and Arms of the Imperial House of Byzantium. It should also be pointed out that a sentence of the Tribunale di Milano in 1990 prohibited Mr. de Vigo from using the Paleologo surname, whose right of use Mr. de Vigo was apparently unable to prove.

One can discuss the formal validity of this kind of recognition: well known students and experts on these matters have expressed several doubts and exposed interesting reflections about their historical and nobiliary legitimacy, reflections that can be summarized as follows. Firstly, while judges are required to know the law, they may be (and generally are) completely ignorant of genealogical and nobiliary questions and they seldom ask the advice of independent experts in these subjects (and the superficiality in attributing to Mr. de Vigo's ancestor the quality of sovereigns of Monferrato is a clear proof of this). Secondly, local courts of first instance are not suitable for such matters, since only a central high authority (such as the now abolished Consulta Araldica of the Kingdom of Italy) could give proper consideration and the necessary publicity to enable third parties who may have an interest in the matter to act for their rights. Finally, it's not clear which nobiliary law must be followed to consider the pretensions of the claimants (for example, would it be in Italy the laws of the Kingdom promulgated before 1922 as asserted by some students or the last Royal Decree of 1943 as suggested by others). Probably all these questions would change if we consider the "Nobiliary Law" of Constantine the Great that indicates that only the issue of a Byzantine Emperors had after his coronation (the "portyrogenites") were eligible for election as Emperor!

We could add a fourth argument against the practice of the Italian courts. The Italian State (as it appears from the 14th "disposizione transitoria e finale" of the Republican Constitution which states that "Nobility titles are not recognized") has a very limited interest in determining who is the Head of a formerly reigning House and, when a judge is called to decide (directly or not) about these matters, he must make the minimum of inquiries needed to solve the case, he has neither the duty nor the faculty to do complete and exhaustive historical, genealogical and nobiliary research. In any case this decision cannot be considered to have a nobiliary character, but as a decision merely regarding certain claimed titles, firstly because it contradicts Italian law on titles, and second because these decisions are concerned with foreign titles, which are outside Italian jurisdiction.

Generally speaking, the superficial approach and total lack of preparation by the Italian Courts when deciding these matters was indicted, for example, by the well known historian Count Enrique Carlos Zeininger de Borja, who for many years enriched the pages of the "Rivista Araldica" with interesting and well-documented articles. Prince Carlo Mistruzzi di Frisinga, great lawyer and author of the "Trattato di Diritto Nobiliare Italiano", a fundamental book on all the judicial and legal aspects of nobility, expressed his views on the peculiar interpretations of paragraphs 7 and 8 of the Italian Chivalric Orders Act no. 178 of 3rd March 1951, which had apparently given impunity to self-styled orders of chivalry bestowed by dubious chiefs of ex-reigning dynasties. The majority of Italian experts and students of noble matters (many of those lawyers) agree with these opinions.

What must one consider concerning the reported decisions of the French courts? Mr. de Vigo in his site reports:

**Republic of France (Supreme Court (Cour de Cassation)); Paris October 1990**

(Court of Appeal) Names; 16th. April 1991

That "even expired (former) reigning families or their descendants have the ability to confer honorary distinctions in strict conditions; and moreover, it is clearly specified in legal decisions pronounced by Italian jurisdictions that Enrico de Vigo Aleramico Paleologo belongs to an ex-reigning House which has conserved through the ages the right to attribute honorary titles (jus honorum); that it is further specified that the legitimate son and only heir of the late Prince Cesare has received iure sanguinis the dynastic prerogatives from which his father benefited including the right to confer honorary titles"

The title given in red is ambiguous, as it could make someone think that the above mentioned decision was taken by the Court of Cassation which in reality, as correctly reported by Mr. Kinnane, can actually determine only the correct application of the law. In this case the French Supreme Court merely annulled the first Appeal decision and ordered a new Appeal hearing to be taken in Nimes.

In this case, Mr. de Vigo was just acting against what he considered a defamation and the only proof requested to obtain a favorable judgment is that the declaration of the defendant prejudices the reputation of the actor. The considerations of the Court about the quality of Mr. de Vigo as fons honorum, are not the central part of the decision.

The Court of Appeal, having considered that superior French authorities had in the past admitted the survival of the jus honorum, simply remarked that other foreign courts have recognized Mr. de Vigo as belonging to an ex-reigning House while Mr. Chairoff and Mr. Godefroy called no evidence in their support.

The well known author Musenga, in his historical study about the Constantinian Order of Saint George, conserved at the Casanatense Biblioteca in Rome, states that the only descendants of Emmanuel Peter Paleologo (table one), also known as "Blancus", were the Counts Vincenzo and Pietro-Andrea Paleologo Bianchi, who died without descendants!
It clearly appears from the copy of the decision translated by Mr. Bonsi on Mr. de Vigo’s official site, that even if Mr. de Vigo provided various authentic documents attesting of the origins and the social state of his family, the Court only referred to the cited Italian decisions to establish whether Mr. de Vigo could be considered as Chief of an ex-reigning House or not. So that the judges were presumably unaware of the claims of the other Byzantine “Princes” whose claims had succeeded before the Italian courts. These include the famous clown, Antonio de Curtis:

and the amusing Marziano II!

[Marziano”II” Lavarello Lascaris. Several Courts of Justice (Tribunale Civile di Catania, 18th July 1947; Tribunale Civile di Napoli, 6th June 1947; Pretura di Roma, 10th September 1948; Pretura di Vico del Gargano, 27th July 1949; Tribunale Civile di Perugia, 27th March 1950) recognized him as Heir and Chief of the Imperial House of Constantinople with the titles of “Imperatore, Titolare di Costantinopoli, Capo della Casa Lascari Commeno, Errede Perifrageriento dei Nemanite’ Paleologo, Principe di Turgoville, Duca di Savoa Villars, Marchese Obertengo di Lavarello-Cibo-Malaspina, Conte Sovrano di Ventimiglia” and the quality of Grand Master of the Constantinian Order of Saint George. Five titles of nobility granted by him were ordered to be annotated in the birth certificate and the identity cards of the recipient. During a solemn Mass celebrated in Rome on 18th November 1956 by Jean Marie van Assendelft-Atland, “Prince Patriarch of the Ancient Catholic Byzantine Church " he was consacrated as "Basilicus of Constantinople and of all the Christian East!"]

As with the Italian verdict, the French decision’s validity is limited to this specific case: Mr. de Vigo is not officially recognized by the French Republic as a legal fons honorum otherwise the French State should logically recognize all the ways by which the jus honorum is exercised: but we know, as reported by Mr. Kinnane, that the Grand Chancellor of the Légion d’Honneur considers the chivalric orders bestowed by Mr. de Vigo to be self-styled and illegal and I would be curious to know if the Italian Ministry of Foreign Affairs, if someone asked for permission to wear Mr. de Vigo’s chivalric decorations, would give its authorization.

An other important document cited by Mr. de Vigo is:

"Republic of San Marino decree of 28th. May 1994 signed by Dr. Francesco Viroli, Doyen Judge, Commissar of Law of the Republic of San Marino certifying that "in juridical consideration and reply to the petition of Enrico de Vigo Paleologo to be recognized as Sovereign Imperial Prince and heir to the Byzantine Throne with the qualification of Royal and Imperial Highness, the above individual is confirmed in the titles mentioned in the said petition as set forth above, to have and to hold now and for ever."

Unfortunately we do not know the text of Mr. de Vigo's petition nor the complete text of the opinion of Mr Viroli. In both San Marino and Italy the word "decreto", like "ordinanza", refers to a provisional act before a later, more complete "sentenza" (decision). In fact no such sentence is recorded in those of the Commissary of Laws, since this is not a sentence but an ‘extrajudicial act’. Furthermore, the laws of San Marino have always prohibited the recognition of foreign titles (and only recognizes just three foreign coats of arms). Since at the time of this statement Mr. Viroli was no longer Commisar of Laws of the Republic, his cited opinion is in any case of no relevance or validity under the laws of San Marino.

The Serene Republic of San Marino, if we ignore the now extinct aristocratic republics of Genova and Venice, was until recently the only Republic to award and recognize titles and marks of nobility as well as it have its own hereditary Patriciate. But grants and recognitions were always made with Senatus Consultus and foreign citizens only could obtain a new title.

The Law 29th December 1957 about the nobiliary regulations of San Marino reported that: article 1. The Prince and the Sovereign Council
But in the most recent years the Republic is well known for having stopped this practice (by a Law of 1980 suspending it permanently), having earlier limited the exercise of this _jus honorum_ to citizens only and with very strict rules.

So there are good reasons in my opinion to doubt of the legitimacy of the "Commissar of Law" to recognize the foreign titles and honors claimed by foreign citizens (Mr. de Vigo does not seem to be citizen of San Marino and has never had a San Marino title), even if such a sentence had in fact been issued, in any case he could not be recognized as a prince nor with a foreign title. This extrajudicial act is no more than an 'opinion' without any juridical validity in San Marino.

To conclude my consideration of these four judicial "recognitions" I must state that, following general legal principles, the recognition of a foreign sovereignty (and the _jus honorum_ can not exist without the attribute of sovereignty) is not an act within the competence of the magistracy, because it is a question of diplomatic and political interest that can be dealt with only by political bodies such as the Parliament or the Chief of the State to whom are delegated those responsibilities, and not magistrates. The parliament and the president are responsible of their acts before the law, so that if they do something irregular they have a political and judicial responsibility and can be judged, while the magistrates are not subjected to any control (this is the great problem in Italy where every day we hear of major judicial errors, abuses and mistakes).

The historical validity of the recognitions of the Russian Confederation (heir of the Bolshevik USSR), of the College of Arms of Albania (supposed reconstitution of a previously non-existent body) and of the late King Peter of Yugoslavia (who was specifically prohibited by the Yugoslavian Constitution from recognizing titles of nobility) has been so much discussed by authors more expert than I that I consider it unnecessary to give this aspect further examination.

I have found particularly interesting the "Instrument of recognition granted by King Victor Emmanuel II of Italy to Prince Gerolamo Paleologo, Prince Henri's great grandfather (1865)" as well as the "Grant of title of Prince of the Holy Roman Empire made by King Umberto II of Italy to Cesare de Vigo Paleologo, father of Prince Henri (1946)", this last being a very interesting fiction!

The fact is that King Vittorio Emanuele II dedicated so much attention to make Italy united (and... in his way also the Italians) that he made only a few grants and even fewer recognitions of titles.

Count Carlo Alberto Bertini Frassoni, President of the Collegio Araldico of Rome, published years ago a very interesting book reporting all the grants and recognitions of the Kings of Italy from 1861 to 1948: he does not reports the names Paleologo or (de) Vigo Paleologo. But in any case, when someone was recognized with or granted a title, the names of the beneficiary and of his legitimate descendants were recorded in the "Libro d'Oro del Regno", now conserved by the Central Archive of the State in Rome, and this last, official, source does not make any mention of Mr. de Vigo nor his ancestors. And it is the same in the _Elenco Ufficiali_, the official records published in 1922, 1933 and 1926, and not even the _Elenco Storico della Nobiltà Italiana_ published by the Sovereign Order of Malta and the Italian Ministry of Interior mentions these names.

The most ridiculous is the purported grant by Umberto II: even the most ignorant observer could understand that only the Holy Roman Emperor could grant such a title and not the King of Italy! And of course the name of Cesare de Vigo Paleologo is not included in the official published list of nobiliary decrees issued by King Umberto II during his life, compiled by Marquis Falcone Lucifero d'Agriglione, Ministry of the Royal House of Savoy, who had to sign and register all such decrees.

In any case I find it inconceivable that the Head of the Royal House of Savoy, who uses the title of Duke of Monferrato and the relative quarter of pretension in his "Great Coat of Arms", as everybody can check in the Almanach de Gotha, would recognize the same title for another person, thereby making himself an usurper!

According to Mr. Bonis, it seems that Mr. de Vigo's great-grandfather Girolamo (1823-1901) was awarded by a decree of 12th September 1860 by the King of Two Sicilies Francesco II of the "Cross of Justice" of the Illustrious and Royal Order of San Gennaro. In fact, the Order was never awarded in differing classes (despite the statutory regulation on this) and it was awarded only in the rank of Knight, by diploma issued by the King. September 1860 was not a very happy period for the poor "Franceschelli": on the 7th of that month Garibaldi had conquered Naples and the most of the kingdom and I am sure that the King had more important things to do than bestow his orders. But, to be certain, I have checked the official lists (published also in the 60s in the _Rivista Araldica_ by Marquis Achille Di Lorenzo) of the bestowals of the Order of San Gennaro that report, for 1860, as well as the revised, augmented and amended Roll issued by the Secretariat of the Grand Magistry of the Order:

- Eminentissimo e Reverendissimo Signor Don Girolamo Cardinale d'Andrea, del Titolo di Santa Agnese fuori le Mura.
- Conte Don Ettore Lucchesi Palli, VI Duca della Grazia, Gentiluomo di Camera con esercizio di Sua Maestà Siciliana.
- Don Antonio Spinelli, dei Principi di Scalea, Patrizio Napolitano, Ministro Segretario di Stato, Presidente del Consiglio dei Ministri, Gentiluomo di Camera di entrata di Sua Maestà Siciliana.
- Don Francesco Casella, Tenente-Generale dei Reali Eserciti, Ispettore della Fanteria di linea, Presidente del Consiglio dei Ministri di Sua Maestà Siciliana a Gaeta.
- Johann-Bernard, Conte di Rechberg-Rothenloeven, Ministro della Casa Imperiale e degli Esteri, Ciambellano e consigliere Intimo di Sua Maestà Imperiale e Reale Apostolica l'Imperatore d'Austria.
- Emmerich, Conte Szechényi di Sarvár-Felsővidék, Inviato Straordinario e Ministro Plenipotenziario di Sua Maestà Imperiale e Reale Apostolica alla Real Corte di Napoli.
- Conte Franz Folliot de Cremenville-Poutet, Feldmarschall, Primo Aiutante di Campo Generale, Consigliere Intimo e Gran Ciambellano di Sua Maestà Imperiale e Reale Apostolica l'Imperatore d'Àustria.
- Charlemagne-Émile Maupas (de Maupas 1863), Inviato Straordinario e Ministro Plenipotenziario di Sua Maestà l'Imperatore dei Francesi alla Real Corte di Napoli (1853-54), Ministro dell'Interno, Senatore.
The Roman nobility was the object of other Bulls, Constitutions and Chirographs, but the most interesting act to understand who was a real Roman noble and who was not is the Massimario included in the Bollettino Ufficiale della Consulta Araldica, volume III, page 17. According to the article number 1 the following can be considered Roman nobles:

a) the families of the Roman Princes and Dukes living in Rome;

b) the families admitted by the Capitoline Heraldic Congregation, which was the only body having such power;

c) the families admitted under the chirograph 12th January 1746;

d) the families of the Roman Pontiffs after Benedict XIV;

e) the still extant families of those of the 180 indicated in the Constitution Urbem Romam and only if descending from a Conservatore or a Priore dei Caporioni before 1746.

And article number 2 clearly says that all the diplomas of nobility granted before the Urbem Romam must be considered as simple awards of citizenship as indicated by the Papal Constitution itself.

Continuing, if we consider the contents of the cited documents, if we consider that the surnames Vigo and Paleologus are not indicated in the Urbem Romam, nor in the list of the Princes living in Rome, nor in the lists of the 60 families which were decorated with the title of "cancello" (and a prince, recognized as descendant of an Imperial House would have surely been honored with such title) we can conclude that the first three documents were in reality simple grants of Roman citizenship. And the names (de) Vigo and Paleologo do not appear in the official records of the Roman nobility compiled by the Kingdom of Italy, the last instrument mentioned by Mr. de Vigo.

Similarly it must be remembered that the Commune of Orvieto, even if it had its own local hereditary nobility, was part of the Papal States and the Pope was the city's sovereign, so that the Gonfaloniere could only recognize general nobility and titles and not the quality of sovereign and fons honorum.
As for the "recognition" by Maximilian II, who whilst he was dying of a terrible illness in 1579 is purported to have found the strength to remember Mr. de Vigo's ancestors, of Ferdinand II and of Charles VI (I presume Mr. de Vigo talks about the Holy Roman Emperor who was also King of Hungary) there are many points to make. Normally the copies of the first two documents would be preserved in the General Austrian Archives in Vienna, but the official records published in 1979 do not include the names Paleologo nor (de) Vigo. The third one is said to be at the Budapest State Archives, ref. Denizenship, April 1720, A 35, and in the "Libri Regni" of the Kingdom of Hungary, vol. XXIII.

But in any case the problem is always the same: what do they recognize? General nobility, the title of prince, or the quality of Chief of the Imperial House of Byzantium with all the purported consequent rights?

I believe it important to cite also a diploma of 3rd November 1630 in which Ferdinand II generically recognizes to Leonardo Andronicus Comneno (d'Otranto) his descent from the Eastern Emperors; and another one of 4th August 1714 in which Charles IV (it's strange, this is the same sovereign as Charles VI...) nominates the "Most Serene Prince" Giuseppe, son of Leonardo Andronicus, Imperial Ambassador in Russia. The Comneno of d'Otranto family has been recognized as noble and admitted in the Sovereign Military Order of Malta in person of Alessandro Angelo Flavio Comneno d'Otranto, Knight of Grace and Devotion, as one may easily note from the official "Rituale Generale" published by the Order in 1988.

Mr. de Vigo says that the Pope and the Emperors always recognized the Paleologus as Grand Masters of the chivalric orders he now bestows, this is not true at all. In fact the Pope, until 1921, appointed a Cardinalis Protector to the Constantinian Order of Saint George, bestowed by the Kings and later heads of the Royal House of the Two Sicilies (the last one died in 1927)! I have never heard of Italians, ennobled by Mr. de Vigo and his ancestors, who obtained recognition from the Kingdom of Italy nor by the other pre-unification states. The lists of those persons awarded the Order of Saint Sylvester also omit the name of Enrico II de Vigo.

And why does Mr. Vigo describe himself as Enrico "III"? The second of that name was seemingly his grandfather, but who was the first? In the pedigree there are no other Enricos.

Instead all these matter should be considered from another and more interesting point of view, that of the characteristics and peculiarities of the *jus honorarium*.

This right, which is not limited only the power to grant titles of nobility but also the faculty to bestow other marks of honor, such as pensions, knighthood orders, civil and military awards, is strictly connected to the attributes of sovereignty. This follows the general principle of *superiorem non recognoscere*, independently of the effective exercise of the power over a territorial entity.

Practically, the *jus honorarium*, which comes from the possession of sovereignty as the other powers that characterize the sovereignty itself (such as *jus imperii*, *jus gladii* and *jus majestatis*) survives also when the effective exercise of *jus imperii* and *jus gladii* is suspended by the loss, for example, of the effective control over a country.

This theory was supported by many important students and experts and, to give an example, they usually cite the case of the British sovereigns exiled in the Netherlands and France in the 17th and 18th centuries, who maintained diplomatic and political relationships with other sovereigns, who usually recognized the titles and honors they bestowed; and of King Umberto II, some of whose nobiliary and chivalric concessions in exile were recognized in Belgium and by the Sovereign Military Order of Malta and Holy See.

If we suppose that the *jus honorarium* can survive the debellatio, the loss of effective sovereignty over a territory, we have to reflect about who has the power to recognize the dethroned individual as a *fons honorum*, and the quality of Chief of Name and Arms of a Sovereign House with all the rights and power connected to this status.

In my opinion and logically it cannot be somebody of the same rank invoked by the pretender (for example, another reigning Sovereign House) because this would imply a subordination of the subject recognized to the person recognized. For this reason I doubt that Charles VI recognized Mr. de Vigo's ancestor as Head of the Imperial House of Byzantium. Only somebody who is higher then the Sovereign can recognize the Sovereign himself, such as a higher feudal lord could recognize the lower ones, but so the problem is that, if we exclude the Lord, there is nobody higher then the Sovereign and that the Lord's will is, by definition, impossible to be known.

To support this assertion we can observe that not one European State ever admitted the possibility to recognize *sic et simpliciter* another *fons honorum*, especially if living in the same country and being consequently a possible rival.

The nobiliary rules of the Kingdom of Italy, in particular, had never considered recognizing the rights or claims of former Sovereign Houses within Italy, nor the possibility of them obtain any official recognition of their prerogative of *fons honorum*, and not only for political reasons but also for logical, juridical reasons, and the titles they granted after 1861 have never been directly recognized by the Italian State. The dynastic chivalric orders were merely tolerated: it was only with the advent of the Republic and after the Presidential Decree of 3rd March 1951 that it became possible to request authorization to wear them and the former Savoy royal orders were not included.

This practice must be nevertheless viewed more as a declaration of non competence than as a disavowal of these rights. Indeed when members of the Bourbon Two Sicilies House came to Italy for the marriage of a Bourbon Princess to a Savoy Prince earlier this century, in their passports, court protocol, and official acts, they were accorded and treated with all the titles and attributes they legitimately possessed.

The conclusion of this reflection is that, if we exclude the possibility for a *fons honorum* to officially recognize another one, only an implicit recognition is possible by the exchange of decorations and knighthood orders, or by the recognition of the titles bestowed by the other claimant and similar acts. Instead of an official recognition from above there can be an implicit declaration of parity.

Of course the matter can be more complicated if the pretender has never reigned, so that if there were doubts about the legitimacy of the titles granted by King Umberto II during his exile, the questions and doubts multiply for what concerns Prince Vittorio Emmanuele. Some students absolutely deny that the *jus honorarium* can be transmitted, others assert that this can be only in the case of absolute sovereigns and not for constitutional ones, others require the observation of all the duties and procedures indicated in the succession law that was in force at the time of the loss of the effective sovereignty. So, we can say everything and the opposite of everything, definitively what really counts is, as we have said before, the effective behavior of the other *fons honorum*.

Returning to Mr. de Vigo's case, it is clear that he never obtained this implicit declaration of parity, and we can consider all the explicit recognitions he has mentioned as *void ab origine* because they were attributed by bodies which do not have the competence to judge this, or have done so, in a form that implies submission to the person recognized, submission which is absolutely incompatible with the *jus honorarium* and the quality of sovereign. Furthermore, supposing even that Mr de Vigo was in fact the heir to the Byzantine throne, the alleged Orders that he distributes did not exist as such under the authority of the Byzantine Emperors, and neither did these Emperors grant titles of nobility on the Western European model.

Finally we can not say that Mr. de Vigo is not what he claims to be as well as nobody can say the opposite, because one thing is the recognition or the ability to recognize of a right, another thing is the existence of the right itself. But I believe I have demonstrated that, until now, there is no convincing proofs of the existence of the *jus honorarium* in his person, and he does not have the implied recognition by other sovereigns that I consider indispensable and the only one really valid.
NOTES

[1] See Benvenuto di San Giorgio nella Cronica di Monferrato (il più importante trattato umanistico di storia monferrina) scritta alla fine del secolo XV inizio XVI ma pubblicata solo nel 1613 scrive: "gli oratori del paese giunsero a Costantinopoli, e alla serenissima imperatrice non senza mestizia significarono la dolenta e luttuosa morte del marchese Giovanni suo fratello, e quanto aveva ordinato nella sua ultima testamentaria disposizione; pregandola e invitandola affettuosamente, che si degnasse venire a pigliare la possessione del fraterno patrimonio, ovvero concedergli uno de' suoi figliuoli per signore, nella quale linea e discendenza dell'illustrissima casa di Monferrato si avesse a continuare e propagare..." My thanks to Dr Pier Felice degli Uberti for this information, and for the further notes on the history of Monferrato and the nobiliary laws of the Republic of San Marino. GSS.


[3] These children were: 1) Giovanna for whom it was established in the dowry pact of 11 December 1479 that lacking heirs of her uncle Marchese Bonifacio I Paleologo (Marchese 1483-1494) she would inherit Monferrato. She married Marchese Ludovico di Saluzzo in 1481; 2) Annibale, bastard son who died in 1523; 3) Bianca married 1485 Duke Carlo of Savoy; 4) Lucrezia married a) Giambartolomeo del Carretto; & b) Rinaldo d'Este, natural son of Niccolo Marchese di Ferrara in 1472. This is proven by the sole contemporary records: Galeotto del Carretto, Cronaca del Monferrato, dated 1493; Guglielmo Catania da Lu, Cronica dei Marchesi di Monferrato, dated 1494 and Benvenuto San Giorgio di Biandrate, Storia del Monferrato (fine secolo XV inizio XVI century).

[4] This Bonifacio had only two sons, Guglielmo II (IX) and Gian Giorgio who left no legitimate issue, while Marchese Giovanni IV had also left two natural children, a daughter, and a son who was assassinated in 1485. Gian Giorgio was the last reigning Paleologo Marchese, and had a natural son, Flaminio Paleologo, who was invested by his father in 1532 with the feudatory of San Giorgio and of Caluso, confirmed by the Gonzaga dukes in 1539 and 1546. Flaminio (who having been involved in a plot against the Gonzaga was imprisoned, where he died in 1571) was a knight of San Giacomo and married Lucia, daughter of Sigismondo Fanzini of Mantova. They had descendants who never claimed the duchy, two of whom served at the Manutan Court in the 17th century.

[5] The precise law on this will be posted later.

[6] On 31 Jan 1990 there was an adoption, and succession by adoption, of the name “Principe Hohenlohe” in San Marino, but this only had the effect of being a legal adoption and was unconnected with the nobiliary jurisdiction of the Republic.

[7] In fact in the Republic of San Marino the last sentence of verification of a nobiliary title was made on 14th of May 1992 (to a member of the Giustiniani family). Subsequent requests for nobiliary verification have been refused by the Commissario della Legge. From a juridical point of view there is a difference between "Verification" and "Recognition." The sentences of the Republic of Saint Marin only verify nobiliary titles, and do not recognize them (under the Nobiliary Laws of 1931 recognition of nobiliary titles was permitted, but only of San Marino titles, not foreign titles. These recognitions could be made only by the Consiglio Grande e Generale with a Senato Consulto and not by a juridical sentence.