

Αριθ. 379.

ΕΦΗΜΕΡΙΣ
ΕΠΙΣΗΜΟΣ

ΚΕΡΚΥΡΑ, 15 / 27 Νοεμβρίου 1858

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ΤΟΥ ΗΝΩΜΕΝΟΥ
ΚΡΑΤΟΥΣ
ΤΩΝ ΙΟΝΙΩΝ ΝΗΣΩΝ.

Δημοσιεύεται κατά Σάββατον.

Αι αιτήσεις είναι δεκαταίς εὐ Τυπογραφείων
εἰς δὲ τὰς ἑλλας Νήσους εἰς τὰ Ἐπιστολεῖα

Ἀπασαι αἱ εἰς τὴν Εφημερίδα ταύτην περιεχόμεναι δημόσιαι πράξεις, παρὰ τῶν ἀρμοδίων Ἀρχῶν ὑπογεγραμμέναι
εἶναι ἐπίσημοι, καὶ ἕκαστος ὀφείλει ὑποταγῇ εἰς αὐτάς.

Επιταγὴ τῆς Γερουσίας.

Α. Α. Δούσμανης,

Γραμματεὺς τῆς Γερουσίας ἐπὶ τῷ Γενικῷ Τμήματι.

Γραμματεία τῆς Γερουσίας
Κερκύρα τῇ 24 Νοεμβρίου 1858.

Εκλαμπρότατε Κύριε

Ἡ Γερουσία, λαβοῦσα ὑπ' ὄψιν ἐκθεσιν τῆς ἐπὶ
τούτῳ διορισθείσης Επιτροπῆς περὶ τῆς ὑποθέσεως
τοῦ γηπέδου ἔξω τῆς πόλεως Ἀγίου Νικολάου ὑπὸ
τὰ τεῖχη τῆς πόλεως, ἐξάγει ὅτι τὸ αὐτὸ γηπεδόν,
ὅπερ ὁ Κύρ. Ιάκωβος Τάυλωρ περιέλαβεν ἐν τῷ
οἰκοδομῆς σχεδίῳ, δὲν περιέχεται ἐν τῇ πρὸς τὴν
Ἐγχώριον διαχείρισιν Κερκύρας γενομένῃ ὑπὸ τῆς
Γερουσίας παραχωρήσει διὰ τὸ ψηφίσματος τῆς 17.ης
Σεπτεμβρίου 1818.

Ἐλαβε προσέτι ὑπ' ὄψιν ἡ Γερουσία καὶ ἀναφορὰν
τοῦ Γενικοῦ Εἰσαγγελέως, δι' ἧς συμπεραίνει, ὅτι τὸ
περὶ οὗ ὁ λόγος γηπεδόν ἀνήκει εἰς τὴν Γενικὴν
Κυβέρνησιν.

Ἐπὶ τῶν ἐκθέσεων τούτων καὶ τῶν σχετικῶν ἐγ-
γράφων βασιζομένη ἡ Γερουσία, ἀκυροῖ τὴν ἀπὸ
30.ης Ιουλίου 1858 περὶ τούτου ἀπόφασιν τοῦ Ἐγ-
χωρίου Συμβουλίου, καὶ ἀποφασίζει ὅτι ἡ ἰδιοκτη-
σία τοῦ περὶ οὗ ὁ λόγος ἀμφισβητουμένου γηπέδου
ἀνήκει τῷ Κράτει, ὅπερ ἀντιπροσωπεύεται ὑπὸ τῆς
Γενικῆς Κυβερνήσεως.

Πρὸς ὑμετέραν δὲ πληροφορίαν, κάμνω γνωστὸν
εἰς ὑμᾶς, ὅτι ἡ ἐκθεσις καὶ τὰ Πρακτικὰ τῆς
Επιτροπῆς καὶ ἡ γνωμοδότησις τοῦ Γενικοῦ Εἰσαγ-
γελέως θέλουσι δημοσιευθῇ διὰ τῆς προσεχοῦς ἐ-
πισήμου Εφημερίδος.

Ἐχω τὴν τιμὴν νὰ ἦμαι
Τῆς ὑμετέρας Εκλαμπρότητος,
Ταπεινός. καὶ Εὐπειθ. Δούλος,
(ὕπογ.) Α. Α. Δούσμανης
Γραμματεὺς τῆς Γερουσίας
ἐπὶ τῷ Γενικῷ Τμήματι.

Πρὸς τὸν Εκλαμπρότατον Κύριον
Ἠλίαν Βασιλάκην
Ἐπαρχον
κτλ. κτλ. κτλ.
Κερκύρα.

Senate Office.

Corfu, 24th. November 1858:

Most Illustrious Sir,

The Senate, having taken into consideration the
statement of the Commission appointed to investi-
gate the question respecting the ground outside
Port San Nicolò, under the Line wall, finds that the
said ground which Mr. James Taylor contemplated
in his Plan, is not comprised in the concession
made by the Senate to the Municipal Administration
of Corfu, by the Decree of 17th. September 1818.

The Senate has also taken into consideration the
Report of the Attorney General, from which it
results that the ground in question belongs to the
General Government.

On the basis of these statements and the relative
documents, the Senate annuls the Resolution passed
on this subject by the Municipal Council on the
30th. July 1858, and decides that the right of
property respecting the disputed ground in question,
is vested in the State, which is represented by
the General Government.

For Your information the Senate also acquaints
You, that the statement and the *Procès Verbal* of
the Commission, as well as the opinion of the
Attorney General will be published in the next
Official Gazette.

I have the honor to be,

Most Illustrious Sir,

Your Most Obedient,
Humble Servant,

(Sig.) A. L. Dusmani,

Secretary of the Senate
for the Gen. Depart.

To the Most Illustrious,
Signor *Elia Vassilachi*,
Regent.
etc., etc., etc.

Corfu.

ΙΑΚΩΒΑΤΕΙΟΣ

ΔΗΜΟΣΙΑ ΚΕΝΤΡΙΚΗ ΒΙΒΛΙΟΘΗΚΗ
ΜΟΥΣΕΙΟ ΛΗΞΟΥΡΙΟΥ

Κερκύρα, 40 Σεπτεμβρίου 1858.

Εντιμὲ Κύριε,

Οἱ ὑπογεγραμμένοι πρὸς ἐκτέλεσιν ἢ ἔλαβον ἐντολῆς παρὰ τῆς Ἐκλαμπροτάτης Γερουσίας τῇ 14.ῃ τοῦ ἄρτι λήξαντος Αὐγούστου, λαμβάνουσι τὴν τιμὴν νὰ ἀναφέρωσιν, ὅτι τὸ ἐν Ἀγίῳ Νικολᾷ γήπεδον, ὅπερ ὁ Κύρ Τάϊτωρ περιέλαβεν ἐν τῷ οἰκοδομῆς σχεδίῳ δὲν περιέχεται ἐν τῇ πρὸς τὴν Εἰσπράκτωρ Κερκύρας γενομένῃ ὑπὸ τῆς Γερουσίας παραχωρήσει διὰ τοῦ ψηφίσματος τῆς 17 Σεπτεμβρίου 1818.

Οἱ ὑποφαινόμενοι ὁμοφώνως ἦλθον εἰς τὸ συμπέρασμα τοῦτο, ὡδηγούμενοι ὑπὸ τῶν ἐν τῷ Πρακτικῷ 30 Ιουλίου 1858 τοῦ Εἰσπράκτου Συμβουλίου Κερκύρας μνημονευμένων ἐγγράφων, — ἐκ τῶν ἐν τῷ χαρτοφυλακίῳ τῆς Γερουσίας σωζομένων ἐγγράφων, ἐκ τῶν γενομένων ἐκτιμήσεων ἐν ἔτει 1808 καὶ 1817 τῶν ὑπὸ τοῦ Δηλίου κατεχομένων γηπέδων ἐξω τῆς Πύλης Ἀγίου Νικολάου, καὶ μετὰ ἐπιμελῆ συμπαράβολὴν τῶν καταμετρήσεων πρὸς τὸ σχέδιον, ὅπερ ἐγένετο τῇ ἐπιμελείᾳ τῶν ὑποφαινόμενων, καὶ πρὸς τὸ γεγνημένον ὑπ' αὐτοῦ τοῦ Κυρ. Σαδέρ, Μηχανικοῦ τῆς τότε Εἰσπράκτου Διαχειρήσεως.

Πρὸς πληροφάνειαν τῆς Γερουσίας οἱ ὑπογεγραμμένοι διαβιβάζουσιν ἐν πρωτογράφῳ τὰ πρακτικὰ τῶν συνεδριάσεων τῶν καὶ ἅπαντα τὰ σχετικὰ ἔγγραφα, περιλαμβανομένων τῶν σχεδίων καὶ τῶν ἐκτιμήσεων, καὶ ἔχουσι τὴν τιμὴν νὰ ὑποσημειώσωσι.

Τῆς ἡμετέρας Εντιμότητος

Ταπεινός. καὶ Εὐπειθὺς Αὐδῶν,

(Υπογ.) Α. Α. Δούσμανης,

Γραμμ. τῆς Γερουσίας
ἐπὶ τῷ Γενικῷ Τμήματι.

(Υπογ.) Νικόλαος Βάρνης,
Εἰσπράκτωρ.

(Υπογ.) Νέστωρ Α. Γερώντζης,

Εἰσπράκτωρ Διευθυντὴς τῶν
ἔργων καὶ Μηχανικὸς Σύμβουλος.

Πρὸς τὸν Εντιμόν
Γραμματεῖα τῆς Γερουσίας
ἐπὶ τῷ Γενικῷ Τμήματι.

Κερκύρα.

Ἀριθ. 1.

Π Ρ Α Κ Τ Ι Κ Α

Κερκύρα, 49.ῃ Αὐγούστου 1858.

Ο Γραμματεὺς τῆς Γερουσίας ἐπὶ τῷ Γενικῷ Τμήματι
Ο Εἰσπράκτωρ Κερκύρας καὶ
Ο Διευθυντὴς τῶν Δημοσίων ἔργων καὶ Μηχανικὸς Σύμβουλος, —

Ἐν Επιτροπῇ.

Αναγινώσκεται Ἐνταλμα τῆς Ἐκλαμπροτάτης Γερουσίας ὑπὸ ἡμερομηνίαν 14 τοῦ ὀδεύοντος, συνιστῶν ἐν ἐπιτροπῇ τὸν Γραμματεῖα τῆς Γερουσίας ἐπὶ τῷ Γενικῷ Τμήματι, — τὸν Εἰσπράκτωρ Κερκύρας, — καὶ τὸν Διευθυντὴν τῶν Δημοσίων ἔργων καὶ Μηχανικὸν Σύμβουλον, ὅπως κατὰ τὰ ἔγγραφα εἰς ᾗ ἀναφέρεται τὸ Εἰσπράκτου Συμβουλίου ἐν τοῖς ἀπὸ 30 Ιουλίου πρακτικαῖς αὐτοῦ — κατὰ τὰ τυχόν ὑπάρχοντα ἐν τῷ Ἀρχαιοφυλακίῳ τῆς Γερουσίας — καὶ μετὰ τὰς σχετικὰς καταμετρήσεις, « ἀναφέρωσιν εἰς τὴν Γερουσίαν, ἐὰν ὁ παρὰ τῷ Ἀγίῳ Νικολᾷ ἐν τῷ παραθαλάσσει τόπος, ὃν ἀφορᾷ τὸ σχέδιον τοῦ Κυρίου Τάϊτωρ, « περιλαμβάνηται θετικῶς εἰς τὴν παρὰ τῆς Γερουσίας διὰ τοῦ ψηφίσματος τῆς 17 Σεπτεμβρίου 1818 γενομένην « παραχωρήσει πρὸς τὴν Εἰσπράκτου Διαχείρισιν. »

Corfu, 10th. September 1858.

Sir,

The undersigned, in execution of the Warrant received from the Most Illustrious the Senate on 14th. August ult., have the honor to report that the ground at San Nicolò contemplated by Mr. Taylor in his Plan, is not comprised in the concession made by the Senate to the Municipal Administration of Corfu, by the Decree of 17th. September 1818.

The undersigned have unanimously come to this conclusion with the guidance of the documents mentioned in the *Procès Verbal* of the Municipal Council on 30th. July 1858, — the documents existing in the Archives of the Senate, — the Estimates taken in 1808 and 1817, of the property held by Mr. Di Leo outside Port San Nicolò, — and by accurately comparing the measurements and the Plan taken by order of the undersigned, with the Plan drawn by Mr. Saddier, the Engineer of the Municipal Administration at that period.

For the information of the Senate, the undersigned accompany herewith the original *Procès Verbaux* of their Sitings, and all the relative documents, including the plans and estimates,

and have the honor to be,

Sir,

Your Most Obedient

Humble Servants,

(Sig.) A. L. Dusmani,
Secretary of the Senate
for the Gen. Department.

(Sig.) Nicolò Farthy,
Municipal Collector.

(Sig.) Pietro Gironci,
Director of Public Works
and Consulting Engineer.

To the Secretary
of the Senate
for the General Department.
Corfu.

Translation.
No. 1.

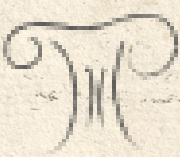
Procès Verbal.
Corfu, 19th. August 1858.

The Secretary of the Senate for the General Department,

The Collector of the Municipal Revenues of Corfu, —
The Director of Public Works, and Consulting Engineer, —

in Committee.

Proceedings commence by reading the Warrant of the Most Illustrious the Senate, dated 14th. Inst., which appoints the Commission, consisting of the Secretary of the Senate for the General Department, — the Collector of the Municipal Revenues of Corfu, — and the Director of Public Works and Consulting Engineer, so that, with the guidance of the documents to which the Municipal Council of Corfu refers in the *Procès Verbal* of 30th. July 1858, as well as those that may exist in the Archives of the Senate, and after the relative measurements, « they may report to « the Senate whether the ground contemplated in Mr. « Taylor's Plan, is positively comprised in the concession which the Senate made to the Municipal « Administration, by the Decree of 17th. September « 1818.



ΙΑΚΩΒΑΤΕΙΟΣ
ΔΗΜΟΣΙΑ ΚΕΝΤΡΙΚΗ ΒΙΒΛΙΟΘΗΚΗ
ΜΟΥΣΕΙΟ ΛΗΕΟΥΡΙΟΥ

Αποφασίζεται ὅθεν

4. Νά ζητηθῶσιν ἐπίσημως παρὰ τοῦ Ἐπαρχοῦ Κερκύρας τὰ ἔγγραφα, περὶ ὧν γίνεται λόγος εἰς τὰ ἀπὸ 30 Ἰουλίου 1858 πρακτικὰ τοῦ Ἐγγωρίου Συμβουλίου.

6. Νά παρουσιάσῃ ὁ Γραμματεὺς τῆς Γερουσίας εἰς τὴν Ἐπιτροπὴν τὰ ἔγγραφα, τὰ ἀφορῶντα τὴν ὑπόθεσιν, καὶ τὰ ὅποια ἤθελον τυχὸν ἐπάρχει εἰς τὸ Ἀρχαιοφυλακεῖον τῆς Γερουσίας.

Υ. Νά ἐπιφορτισθῇ ὁ ἰδιωτικὸς Μηχανικὸς Κύριος Ριβέλλης νὰ λάβῃ, καὶ ὅσον τάχιστα ὑποβάλλῃ εἰς τὴν Ἐπιτροπὴν ἀκριβὲς τοπογραφικὸν σχέδιον ὅλης τῆς ἐξώθεν τῆς Πύλης τοῦ Ἁγίου Νικολάου ἀκτῆς, καὶ νὰ προσδιορισθῶσι τὰ ὅρια, πρὸς μεσημβρίαν, ἀπὸ τῆς ἄκρας τῆς ὑπὸ τὴν Ἐκκλησίαν Μανδρακίτισσαν, καὶ πρὸς δυσμὰς, μέχρι τῆς γωνίας τοῦ τείχους, λεγομένου τοῦ Ἁγίου Ἀνδρέου, ὅπου νῦν ἀποτίθεται τὸ ἠλεκτρικὸν νῆμα.

Ἡ συνεδρίασις ἀναβάλλεται.

Α. Α. Δούμανης,
Γραμματεὺς τῆς Γερουσίας
ἐπὶ τῷ Γενικῷ Τμήματι.

Νικόλαος Βάρνης,
Ἐγγωρίος Εἰσπράκτωρ.
Πέτρος Α. Γερβιτζής,
Διευθυντὴς τῶν δημοσίων ἔργων
καὶ Μηχανικὸς Σύμβουλος.

Ἀριθ. 2.

Π Ρ Α Κ Τ Ι Κ Α.

Κερκύρα, 5.η Σεπτεμβρίου 1858.

Ο Γραμματεὺς τῆς Γερουσίας ἐπὶ τῷ Γενικῷ Τμήματι:

Ο Ἐγγωρίος Εἰσπράκτωρ Κερκύρας καὶ

Ο Διευθυντὴς τῶν δημοσίων ἔργων καὶ Μηχανικὸς Σύμβουλος, —

Ἐν Ἐπιτροπῇ.

Αναγινώσκεται ἐπίσημον τοῦ Ἐλαμπροτάτου Ἐπαρχοῦ Κερκύρας, ὑπὸ ἡμερομηνίαν 20 Αὐγούστου 1858, δι' οὗ διαβιβάζεται τὰ ζητηθέντα παρ' αὐτοῦ ἔγγραφα, εἰς ἃ ἀναφέρεται τὸ ἀπὸ 30 Ἰουλίου 1858 πρακτικὸν τοῦ Ἐγγωρίου Συμβουλίου Κερκύρας, —

Ο Γραμματεὺς τῆς Γερουσίας παρουσιάζει τὰ ἔγγραφα, τὰ ὅποια εὑρεν ἐν τῷ Ἀρχαιοφυλακείῳ τῆς Γερουσίας, ἀφορῶντα τὴν περὶ ἧς ὁ λόγος ὑπόθεσιν.

Παρουσιάζεται ὁμοίως καὶ τὸ τοπογραφικὸν σχέδιον, περὶ οὗ ἐπιφορτίσθη ὁ Ἀρχιτέκτων Κύριος Ριβέλλης.

Αναγινώσκονται ἐπομένως τὰ ἑξῆς ἔγγραφα:

4. Πράξις ὑπὸ χρονίαν 21 Δεκεμβρίου 1543, ἐξ ἧς προκύπτει, ὅτι ὁ Βασιλεὺς Κύριος Μιχαὴλ Τρῶν, κατέχων ἐν τῷ προαστείῳ Κερκύρας Ἐκκλησίαν ἐπιλεγομένην « Ἀγίου Νικολάου εἰς τὸ παραθαλάσσιον, » ἣτις εἶχε κατὰ στραφὴ ὑπὸ τῶν Τούρκων κατὰ τὴν πολιορκίαν τοῦ Βαρβαρόσσα, δίδει διὰ συμβολαιογραφικῶν πράξεων τὴν εἰρημένην Ἐκκλησίαν, ὅλα τὰ προσκείμενα μέρη καὶ εἰσοδήματα αὐτῆς εἰς ἀνταλλαγὴν τῇ Κυρίᾳ Πετρονίλλᾳ, συζύγῳ τοῦ Ἀλεξάνδρου Σαχλίκη, ἣτις, ἐνεργοῦσα ἐν ὀνόματι τοῦ υἱοῦ αὐτῆς, Πέτρου Σαχλίκη, ἔδωκεν εἰς τὸν Τρῶν δεκαπέντε μόδια ἀκαλλιεργήτων γηπέδων εἰς Κεραλόβρυσον.

6. Απόφασις τοῦ Πρωτοδικείου ὑπὸ χρονίαν 25 Νοεμβρίου 1807, δι' ἧς, συνεπίσθ' ἀναφυσισθῶν μεταξὺ τοῦ ἱερέως Σπυρίδωνος Σαχλίκη, ἰδιοκτῆτου καὶ Εφημερίου τῆς Ἐκκλησίας τοῦ Ἁγίου Νικολάου εἰς τὸ παραθαλάσσιον, καὶ τοῦ Μεσίτου Νικολάου Δακοροῦ, ἀπαρτίσθη, ὅτι ὁ Δακορὸς ἠδύνατο νὰ πληρωθῇ τὸ παρ' αὐτοῦ ἐξασκούμενον πέντωμα ταλλήρων ἐνετικῶν ὀκτακοσίων εἰς βάρος τοῦ ἱερέως Σαχλίκη, ἐπὶ τῶν ἀκινήτων κτημάτων τῆς Ἐκκλησίας τοῦ Ἁγίου Νικολάου εἰς τὸ παραθαλάσσιον καὶ, ἐν περιπτώσει καὶ ἂν δὲν ὑπῆρχον ἀρκετὰ κτήματα, νὰ πληρωθῇ καὶ ἐπὶ τῆς Ἐκκλησίας καὶ ἐπὶ τῶν ἱερῶν σκευῶν.

Resolved, —

1ly. That the Regent of Corfu shall be officially requested to furnish the documents mentioned in the *Procès Verbaux* of the Municipal Council on the 30th. July 1858.

2ly That the Secretary of the Senate shall lay before the Commission, the documents relative to the subject in debate, as well as those that may exist in the Archives of the Senate.

3ly. That the private Engineer, Mr. Rivelli, shall be called upon to draw, and submit to the Commission as soon as possible, an exact Plan of the ground bordering on the coast outside Port San Nicolò, restricting the limit, southward, to the point under the Church called *Mandrachiotissa*, and westward, to the angle of the Line-wall at Sant' Andrea, where the electric wire is discharged.

The Sitting is adjourned.

(Sig.) A. L. Dusmani,
Secretary of the Senate
for the Gen. Depart.

(Sig.) Nicolò Farthy,
Municipal Collector.

(Sig.) Pietro Gironci,
Director of Public Works
and Consulting Engineer.

No. 2:

Procès Verbal.

Corfu, 5th. September 1858.

Proceedings continue with the perusal of a Letter from the Most Illustrious the Regent, dated 20th. August 1858, transmitting the documents required with reference to the *Procès Verbal* of the Municipal Council of Corfu, dated 30th. July 1858.

The Secretary of the Senate presents the documents found in the Archives of the Senate, relative to the subject in question.

The plan directed to be taken by the Architect, Mr. Rivelli, is also presented.

The following documents are read; —

1st. An Act dated 21st. December 1543, from which it results that Baron S. Michel Tron, the proprietor of a Church in the Suburb of Corfu, called « San Nicolò alla Marina, » which had been destroyed by the Turks in the siege conducted by Barbarossa, — transfers by Notarial Acts, the said Church, its adjacent premises and its revenues, to Donna Petronilla, wife of Alessandro Saclichi, who, acting in the name of her son Pietro Saclichi, gave Baron Tron in exchange, 15 acres of uncultivated land at Chialovrisso.

2nd. A sentence of the Civil Tribunal, dated 25th. November 1807, by which, on account of several lawsuits that arose between the Rev. Spifidione Saclichi, proprietor and officiating Minister of the Church of « San Nicolò alla Marina, » and the broker Nicolò Dacoron, — it was decided that Mr. Dacoron should enforce payment of his credit on the Rev. S. Saclichi, amounting to 800 Venetian Dollars, by the seizure of the lands and tenements appertaining to the said Church, and should these not prove sufficient, by extending the same to the Church itself and all its contents.

ΙΑΚΩΒΑΤΕΙΟΣ
ΔΗΜΟΣΙΑ ΚΕΝΤΡΙΚΗ ΒΙΒΛΙΟΘΗΚΗ
ΜΟΥΣΕΙΟ ΛΗΞΟΥΡΙΟΥ

4
γ'. Εκτιμήσεις υπό χρονίαν 16 και 30 Νοεμβρίου 1808 της Εκκλησίας του Αγίου Νικολάου εις τὸ παραθαλάσσιον, οἰκοδομῶν καὶ προσκυμένων οἰκοπέδων, προσαχθεῖσαι ἐπὶ τοῦ Δακρονὸς δι' ἐμφανιστηρίου πιστώματος αὐτοῦ, τῆς ἀξίας δουράτων 7,832. Ἐκ τῶν ἐκτιμήσεων τούτων προκύπτει, ὅτι τὰ μὲν συνεπαρμένα οἰκοπέδα κατεῖχον ἑκτασιν τεσσαράκοντα καὶ ὀκτὼ ὄργυια, τὰ δὲ ἀσκητῆς εἰκοσι τριῶν καὶ ἡμισίας ὄργυιων.

δ'. Απόφασις χρονολογούμενη τῇ 7 Νοεμβρίου 1808 τοῦ Διαχειριστοῦ τῆς Κυβερνήσεως, δι' ἧς, ἐν τοῖς ἄλλοις, ἀπηγγέρευε τῷ πιστωτῇ Δακρονὶ νὰ κάμῃ πληρωμὴν ἐπὶ τῆς Εκκλησίας τοῦ Αγίου Νικολάου εἰς τὸ παραθαλάσσιον καὶ τοῦ νέκροκος—διέτασεν, ὅτι ἡ κυριότης τῆς Εκκλησίας θέλει πάντοτε ἀνήκει εἰς τὴν οἰκογένειαν Σαχλίχη μέχρι οὗ δὲν ληφθῶσι μέτρα διάφορα παρὰ τῆς Κυβερνήσεως καὶ ὑπεχρέουν τὸν Σαχλίχην ὅσον τὸν Δακρον, ὅς τις εἴη λάβει εἰς πληρωμὴν καὶ τὰ κτήματα τὰ ὅποια ἡ Εκκλησία κατεῖχεν ἐν τῇ ἐξοχῇ τῆς Κερκύρας, πρὸς συντήρησιν τῆς λατρείας, καθ' ἃ ἐπίσης διέτασεν καὶ ἡ ἀπόφασις τοῦ ρηθέντος Πρωτοδικείου.

ε'. Πράξις, 9/24 Ιουλίου 1810, δι' ἧς προκύπτει, ὅτι, διὰ συμβολαιογραφικῆς πράξεως τῆς ἡμέρας ἐκείνης, ὁ Κύριος Φηλιξ Διλέος, διὰ πιστώματα τὰ ὅποια ἐξήσκει ἀπέναντι τοῦ ἀπόντος Ιερῆος Σπυρίδωνος Σαχλίχη, ἐτέθη εἰς τὴν κατοχὴν τῶν κτημάτων τοῦ Ιερῆος Σαχλίχη ἐν τῇ παραλίᾳ τοῦ Αγίου Νικολάου.

ς'. Ἐκτεήριος, τοῦ ἔτους 1810, δι' ἧς ὁ Διλέος, πρὸς διευκλύνσιν καὶ τῆς ἐργολαβίας αὐτοῦ, καθὼς προμηθευτοῦ τῶν στρατευμάτων, ἐζήτην παρὰ τοῦ ὑποστρατήγου Δονζε-λάτου τὴν ἄδειαν νὰ ὑψώσῃ τὰς οἰκοδομὰς τὰς ὁποίας κατεῖχεν εἰς Ἅγιον Νικόλαον, ὑπείκων, ἐν περιπτώσει ἀνάγκης, εἰς ὅ,τι ἡ Κυβέρνησις ἤθελε κάμει, προηγουμένης ἀρ-μοδίας ἀποζημιώσεως, ὡς πρὸς πάντα ἄλλον ἰδιοκτήτην.

ζ'. Ἐπιστολὴ, 25 Νοεμβρίου 1810, δι' ἧς ὁ Διευθυν-τὴς τῶν ὀχυρωμάτων, Βαυδράνδ, πληροφορεῖ τὸν Διλέον, ὅτι τὸ ὑπουργεῖον τοῦ Πολέμου, δι' ἀποφάσεως 20 Ιουλίου 1810, τῷ ἐκείνῳ προσέταξε τὴν ἄδειαν, ἥτις τῷ εἶχε δοθῇ καὶ ἐπὶ τοῦ Διοικητοῦ ἐκτελεσθῇ, νὰ ἐξακολουθήσῃ τὰς ἐξω τῆς Πύλης τῆς Πύργου ἀρισθείας ἐργασίας, συμμορφούμενος πρὸς τὸ σχέδιον, τὰς ῥῆ-σας, τὰ βάρη καὶ τοὺς ὅρους τῆς προσφορᾶς του.

η'. Ἐπιστολὴ, 2 Δεκεμβρίου 1810, δι' ἧς ὁ ὑποδιευ-θυντὴς τῶν ὀχυρωμάτων, ἀναγγέλλων, ὅτι εἶχε πληροφο-ρηθῇ, ὅτι ὁ Κύριος Διλέος εἶχε τολμήσει νὰ κατασκευάσῃ ἐκ λίθων ὅ,τι τῷ εἶχεν ἐπιτραπῇ νὰ κατασκευάσῃ μόνον ἐκ ξύλων μεταξὺ τῶν ἀβεστοκαμίνων καὶ τοῦ προμαχώ-νος, τῷ διέτασεν τὴν ἐντὸς 24 ὥρων κατεδάφισιν, καὶ, παρελθούσης τῆς προθεσμίας ταύτης χωρὶς νὰ ἐκτελεσθῇ ἡ διαταγὴ, ἤθελεν ἀποστείλει ἀπόσπασμα σκαπανέων, ἵνα κάμωσι τὴν διαταχθεῖσαν κατεδάφισιν.

θ'. Πράξις, ἐπὶ ἡμερομηνίαν 2 Ἀυγούστου 1811, δι' ἧς ὁ Ταγματάρχης τοῦ Μηχανικοῦ Τουρμάνδρος, δίδει τῷ Δι-λέῳ τὴν ἄδειαν νὰ ἐγείρῃ ἐκ ξύλων παράπηγμα, προσηρ-ταμένον εἰς τὴν πρώτην τιτανοκάμινον, πρὸς χρῆσιν σφα-γείου, ἐπὶ τὸν πρῶτον τῶν ὀρεινῶν ὅρων νὰ τὸ κατεδαφίσῃ κατὰ πάσαν αἰτήσιν.

ι'. Ἐπίσημον, ἐπὶ ἡμερομηνίαν 19 Μαρτίου 1817, δι' οὗ ὁ Διαχειριστὴς τῆς Κυβερνήσεως διαδηλοῖ τῷ Κυρίῳ Διλέῳ, ὅτι ἐπειδὴ αἱ ἀβεστοκαμίνοι οὐδέποτε ἔπαυσαν ἀνήκουσαι εἰς τὴν Κυβέρνησιν, ἡ τις ἐξακολουθεῖ νὰ ᾔναι ὁ νόμιμος καὶ ἀπεκλειστικὸς ἰδιοκτήτης αὐτῶν, διατάσσει τῷ Κυρίῳ Διλέῳ νὰ ἀφίσῃ αὐτὰς ὅσον τάχιστα εἰς διάθεσιν τῆς Κυ-βερνήσεως, ἥτις ἐπεφυλάττετο νὰ παραδεχθῇ νόμιμα μέτρα κατ' ἐκείνων οἱ τινες ἐτόλμησαν καὶ συνέτεινον εἰς τὸν ἐφετεριστὴν τοιαύτης μερίδος τῆς δημοσίας κυριότητος.

ια'. Πράξις, 28 Ἀπριλίου 1817, δι' ἧς ὁ Διαχειριστὴς τῆς Κυβερνήσεως διατάσσει τῷ Κυρίῳ Διλέῳ νὰ θέσῃ εἰς διάθεσιν τοῦ Συνταγματάρχου Ροβινσῶνος, τῇ 25 τοῦ προσε-χούτος Μαΐου, ὅλας τὰς οἰκοδομὰς, ἄνευ οὐδεμιᾶς ἐξαιρέ-σεως, ὅσας κατέχει ἐξωθεν τῆς πύλης Αγίου Νικολάου εἰς τὸ παραθαλάσσιον, ὧν αὐτὸς ἔχει εἴτε νόμιμῶς εἴτε ἀνό-μως τὴν ἰδιοκτησίαν, καθὼς ἐγερθεῖσιν τῶν οἰκοδομῶν τού-των ἐν μέρει ἐπὶ τόπων ἄλλοτε ἀνηκόντων εἰς τὸν Σα-

3rd. Estimates, dated 14th. and 30th. November 1808, produced by Mr. Dacoron with the declaration of his credit, valuing the Church of « San Nicolò alla Marina, » the buildings and adjoining grounds at 7,832 Ducats. From these estimates it results that the buildings occupied an extension of 42 passi (238 feet), and the open grounds, 23 1/2 passi. (133 feet.)

4th. A decision of the Government Administrator, dated 7th. November 1808, which specially forbade the creditor Dacoron to enforce any claim on the Church of « San Nicolò alla Marina » and its vesti- bule,—stating that the proprietorship of the Church, should always be vested in the Saclichi family, until the Government should make other arrangements,— and obliging both Saclichi and Dacoron, the latter of whom had also seized the country property of the Church in payment, to maintain the performance of Divine Worship therein, as had also been directed by the Sentence of the Tribunals abovementioned.

5th. An Act dated 21st. July 1810, from which it results, that by Notarial Deeds of the same date, Mr. Felice Di Leo, enforcing his claims on the Rev. S. Sa- clichi during his absence, was put in possession of the property belonging to the said Saclichi, on the sea-side at San Nicolò.

6th. A petition addressed in 1810 to Lieut. Gener- al Donzelot by Di Leo, who, to facilitate his engage- ments as Contractor for the supply of the Troops, solicited permission to raise the buildings that he owned at San Nicolò, promising in case of need to comply with any orders relative thereunto, on receiv- ing a suitable indemnification, such as granted to ev- ery other proprietor.

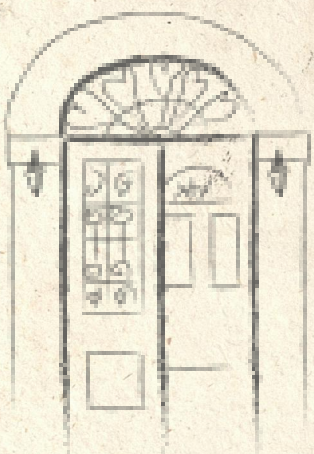
7th. A Letter dated 25th November 1810, in which the Director of Fortifications, Baudrand, informs Di Leo, that the War Office, by a decision of 20th. July 1810, sanctions the temporary permission given him by Governor Donzelot, to continue the buildings com- menced outside « Porta d'Epiro, » in conformity with the plan, the clauses, the engagements and the condi- tions specified in his application.

8th. A Letter dated 2nd. December 1810, in which the Sub-Director of Fortifications states the informa- tion received respecting Mr. Di Leo's having taken upon himself to build with stone, between the Lime- kilns and the rampart, what he had been permitted to build with wood only,—and orders Mr. Di Leo to demolish the same within 24 hours, or, at the expi- ration of that period, the order not being complied with, a party of Sappers shall be sent for the pur- pose.

9th. An Act dated 2nd. August 1811, in which the Chef de Bataillon of Engineers, Tournandre, grants Mr. Di Leo permission to erect a wooden Shed abut- ting against the first Lime-kiln, to be used as a slaughter-house, on the condition proposed, viz. to demolish the same whenever ordered.

10th. A Letter dated 19th. March 1817, in which the Government Administrator informs Mr. Di Leo that the Kilns have never ceased to belong to Gov- ernment, which continues to be the lawful and ex- clusive proprietor, and directs him to place them without delay at the disposal of the Authorities, as legal proceedings are to be instituted against those who have dared usurp, or have contributed to the usur- pation of this portion of public property.

11th. An Act dated 28th. April 1817, by which the Government Administrator orders Mr. Di Leo to place at the disposal of Colonel Robinson on the 25th. of May following, all the buildings that he possesses outside Port San Nicolò without exception, the pro- prietorship of which he may have acquired either le- gal or illegally; the said buildings having been erect- ed partly on property formerly belonging to Saclichi,



ΙΑΚΩΒΑΤΕΙΟΣ

ΔΗΜΟΣΙΑ ΚΕΝΤΡΙΚΗ ΒΙΒΛΙΟΘΗΚΗ

ΜΟΥΣΕΙΟ ΛΗΞΟΥΡΙΟΥ

Πρώτον.—Οτι ἡ ἔκτασις τῶν 65 1/2 ὀργυίων τῶν σχεπημένων καὶ ἀσχεπητῶν οἰκοπέδων, τῶν ἀναφερομένων ἐν τῇ ἐκτιμήσει τοῦ 1808, καὶ συνιστῶντων τὴν ἰδιοκτησίαν ἣ τις ἀπὸ τοῦ Τρώων μετέβη εἰς τὸν Σαχλίαν, ἀπὸ τοῦ Σαχλίου εἰς τὸν Δακρόν, καὶ ἀπὸ τοῦ Δακρόν εἰς τὸν Διλέον, ἀναποκρίνεται ἀκριβῶς πρὸς τὰς ἐν ἔτει 1817 γενομένας ἐκτιμήσεις, ὥς πάντα ἀκριβῶς περιλαμβάνονται ἐν τῷ ὑπὸ τοῦ Κυρίου Σαδδίου γενομένῳ σχεδίῳ.

Δεύτερον.—Οτι αἱ Γαλλικαὶ Στρατιωτικαὶ Αρχαί, ἵνα θῶσι τὸν Κύριον Διλέον ἐν καταστάσει νὰ ἐγείρῃ τὰ καταστήματα, ἃ τινὰ τῷ ἦσαν ἀναγκαῖα εἰς τὴν ἐργολαβίαν του, καθὼς προμηθευτοῦ τῶν γαλλικῶν στρατευμάτων, ἐδίδον τῷ αὐτῷ Κυρίῳ Διλέῳ προσωρινὰς ἀδείας, καὶ ὑπὸ φρεσμένους ἄρους, νὰ ἐπεκτείνῃ τὰ ὑπάρχοντα κτίρια, καὶ νὰ ἐγείρῃ ἐν τῇ παραλίᾳ ἐκείνῃ τοῦ Αγίου Νικολάου νέας οἰκοδομὰς, ἀποθήκας καὶ ξύλινα παραπήγματα.

Τρίτον.—Οτι τὸ ὑπὸ τοῦ Κυρίου Διλέου τασκευασθὲν ξύλινον παραπήγμα, διὰ προσωρινῆς ἀδείας, ὡς εἴρηται, τῶν Γαλλικῶν Αρχῶν, πρὸς χρῆσιν σφαγείου, προσσηρημένου εἰς τὴν πρώτην ἀσβεστοκάμινον, ἦτο τὸ ἔσχατον οἰκοδόμημα, ὅπερ ἐκ τοῦ μέρους ἐκείνου τῆς Δίσεως κατετίχεν ὁ Κύριος Διλέος.

Τέταρτον.—Οτι τὰ σχέδια ἃ τινὰ ἐγένοντο ἐν ἔτει 1810 ὑπὸ τὴν Γαλλικὴν Κυβέρνησιν, δὲν προβαίνουνσι πρὸς δυσμὰς ἐπέκεινα τῆς δευτέρας ἀσβεστοκάμινου.

Πέμπτον.—Οτι τὸ ὑπὸ τοῦ Εγγώριου Μηχανικοῦ Κυρίου Σαδδίου γενομένον σχέδιον, ἔνθα, ὡς εἶδομεν, εἶναι σημειωμένα ἅπαντα τὰ γήπεδα καὶ κτίρια, εἴτε νομίμως εἴτε ἀνόμως κατεχόμενα ὑπὸ τοῦ Κυρίου Φήλικος Διλέου ἐν Αγίῳ Νικολάῳ εἰς τὸ παραθαλάσσιον, ἔχει ὡσαύτως ὅριον πρὸς δυσμὰς τὴν αὐτὴν δευτέραν ἀσβεστοκάμινον.

Ἑκτον.—Οτι τὸ γήπεδον, τὸ ὁποῖον ἀφορᾷ τὸ σχέδιον τῆς οἰκοδομῆς τοῦ Κυρίου Τάυλορ ἐν Αγίῳ Νικολάῳ, κεῖται εἰς τὸ σύνορον τῆς δυτικῆς παραλίας ἐπέκεινα τῆς δευτέρας ἀσβεστοκάμινου.

Ἡ Ἐπιτροπὴ, ἐπομένως, βασιζομένη ἐπὶ τῶν ἀνωτέρω ἔργων, καὶ χωρὶς ποσῶς νὰ εἰσέλθῃ εἰς ἄλλας ἐρευνάς, ἢ διασκέψεις, ἀλλὰ μένουσα αὐστηρῶς ἐντὸς τῶν ὁρίων ἧς ἐλαβεν ἐντολὴς παρὰ τῆς Ἐκλαμπροτάτης Γερουσίας.

Ομοφώνως ἀποφαινεται.—

Οτι ὁ τόπος ὃν ἀφορᾷ τὸ σχέδιον οἰκοδομῆς τοῦ Κυρίου Τάυλορ παρὰ τῷ Αγίῳ Νικολάῳ ἐν τῷ παραθαλάσσιῳ, δὲν περιλαμβάνεται εἰς τὴν παρὰ τῆς Γερουσίας, διὰ τοῦ ψηφίσματος τῆς 17 Σεπτεμβρίου 1818, γενομένην παραχώρησιν πρὸς τὴν Εγγώριον Διοικήσιν Κερκύρας.

Αποφασίζεται, ὅθεν, ἵνα υποβληθῇ εἰς τὴν Ἐκλαμπροτάτην Γερουσίαν ἀνάλογος ἐκθεσίς, διαβιβαζομένων, σὺν πᾶσι τοῖς σχετικοῖς ἐγγράφοις, καὶ τῶν πρωτογράφων τούτων πρακτικῶν.

Λέγεται ἡ συνεδρίασις,

Α. Α. Δούσμανης,
Γραμματεὺς τῆς Γερουσίας
ἐπὶ τῷ Γενικῷ Τμήματι.

Νικόλαος Βάρθης,
Εγγώριος Εἰσπράκτωρ.

Πέτρος Α. Γερόντζης,
Διευθυντὴς τῶν δημοσίων ἔργων
καὶ Μηχανικὸς Σύμβουλος.

Γενικὸν Εἰσαγγελεῖον.

Κερκύρα, τῇ 12 Νοεμβρίου 1858.

Ενταῦς Κύρις.

Ἡ διένεξις ἣτις ἐσχάτως ἀνεφύη μεταξὺ τῆς Ἐκλαμπροτάτης Γερουσίας καὶ τοῦ Ἐπαρχιακοῦ Συμβουλίου Κερκύρας περὶ τῆς κυριότητος τοῦ δημοσίου γηπέδου ὑπὸ τὰ τείχη τῆς πόλεως, ἐφ' οὗ ὁ Κ. Ταῦλορ ἐσχέδισε τὴν ἀνέγερσιν οἰκοδομῆς, παρέχει ἐν μόνον ἡ-

Firstly, that the length of 65 1/2 passi (371 feet) occupied by the buildings and grounds specified in the Estimates of 1808, and constituting the property transferred by Baron Tron to Sacchi, — by Sacchi to Dacoron, — and by Dacoron to Di Leo, corresponds exactly with the Estimates drawn up in 1817, — and that the whole is accurately comprised in the Plan taken by Mr. Saddier.

Secondly, that the French Military Authorities, in order to enable Mr. Di Leo to have the establishments required for the fulfilment of his contract for the supply of the French Troops, granted him temporary licences on special conditions, to enlarge the buildings then existing, and to erect on the sea-side at San Nicolo, new buildings, store-houses and wooden sheds.

Thirdly, that the wooden shed erected by Mr. Di Leo with the temporary permission of the French Military Authorities, to serve, as has been said, for the purpose of a slaughter-house, and abutting against the first lime-kiln, was the last building that Mr. Di Leo owned in the westerly direction.

Fourthly, that the abovesaid Plans drawn in 1810, under the French Regime, do not extend westward beyond the second lime-kiln.

Fifthly, that the Plan drawn by the Municipal Engineer, Mr. Saddier, which shows, as has been stated, all the grounds and buildings legally or illegally occupied by Mr. Di Leo at "San Nicolo alla Marina," — is also limited, westward, to the second lime-kiln abovementioned.

Sixthly, that the ground contemplated by Mr. Taylor in his plan of the building at San Nicolo, is situated at the western extremity of the sea-shore, beyond the second lime-kiln.

The Commission, therefore, on the basis of the above results, and without entering into any further investigations or considerations, but strictly limiting itself to the instructions contained in the Warrant received from the Most Illustrious the Senate, —

Unanimously finds, —

That the ground contemplated in Mr. Taylor's Plan of the building at "San Nicolo alla Marina," is not comprised in the concession which the Senate made to the Municipal Administration of Corfu, by the Decree of 17th, September 1818.

It is therefore decided that a report to this effect shall be addressed to the Most Illustrious the Senate, accompanied with the relative documents, as well as these original *Procès Verbaux*.

The Sitting is closed.

(Sig.) A. L. Dusmani,
Secretary of the Senate
for the Gen. Department.

(Sig.) Nicolò Varthy,
Municipal Collector.

(Sig.) Pietro Gironci,
Director of Public Works
and Consulting Engineer.

Attorney General's Office.

Corfu, 12th, November 1858.

Sir,

The dispute which lately arose between the Most Illustrious the Senate and the Municipal Council of Corfu, respecting the right to the public ground under the Line-wall, on which Mr. Taylor proposed the erection of a building, is limited, in

ΙΑΚΩΒΑΤΕΙΟΣ

ΔΗΜΟΣΙΑ ΚΕΝΤΡΙΚΗ ΒΙΒΛΙΟΘΗΚΗ
ΜΟΥΣΕΙΟ ΛΗΞΟΥΡΙΟΥ

7
τμήμα ως πρὸς τὸν ὑποφαινόμενον τὸ παρὰ τῆς Γερουσίας προτεινόμενον διὰ τῆς ὑποσημασμένης ἐπὶ τῶν ὑπ' ἀριθ. 7,285] 11 ἐγγράφων—τὸ περὶ τῆς ἐρμηνείας δηλ. τοῦ ἀρθροῦ 423 καὶ ἀκόλουθα τοῦ Πολ. Κώδ. καὶ τῆς ἐννοίας τῆς λέξεως *Stato*.

Περὶ τοῦτου θέλομεν εὐσεβάστως παρατηρήσει ὅσον ἔπεται.

Τὰ ἀρθρα 422 μέχρι 428 ἀντεγράψαν, καθὼς κατὰ τὸ πλεῖστον αὐτοῦ μέρος ὁ ἡμέτερος Πολιτικός Κώδῃξ, μὲ μικρὰς τροπολογίαις, ἐκ τοῦ Γαλλικοῦ Πολιτικοῦ Κώδικος. Εἰς τὴν γαλλικὴν νομοθεσίαν οἱ εἰδικοί Διοικητικοὶ Νόμοι, προσδιορίζοντες πᾶν τὸ ἀνήκον εἰς ἕκαστον Τμήμα τοῦ Κράτους, λύουσι πᾶν ζήτημα, ὥστε οἱ ἄνθρωποι, αἱ ἑπαρχίαι καὶ ἕκαστον Δημοσίον Κατάστημα γνωρίζει, ὅτι τῷ ἀνήκει. Παρ' ἡμῖν ὅμως τοιαύτη ἐπικουρία ἐλλείπει—δὲν ἔχομεν ἐν γένει εἰδικούς περὶ τοῦ ἀντικειμένου νόμους, καὶ ἐντεῦθεν φυσικῶς αἱ ἀμφιβολίαι, τὰ ζητήματα, αἱ διενέξεις περὶ τῆς δημοσίας ιδιοκτησίας.

Θέλομεν μόνον βραχέως ὑπενθυμίσει, ὅτι τῇ βάσει τῶν νόμων, τρία πρῶτιστα εἶδη κτημάτων ἀνηκόντων εἰς τὸν δημοσίον διακρίνονται ἐν γένει.

α.) Δημοσία ιδιοκτησία εἴτε κοινὴ, ἢ περιέχουσα τὰ κτήματα, ἢ χρῆσις ἢ ἡ ὠφέλεια τῶν ὁποίων εἶναι κοινὴ εἰς ἅπαντας—καὶ τὰ ὅποια ἀναγκαίως δὲν εἶναι ιδιοκτησία οὐδενός, καθότι ἰδιαίτερας κυριότητος δὲν εἶναι ἐπιδεκτικά.— Ἀνήκει δὲ κατὰ τοὺς νόμους εἴτε εἰς τὸ Κράτος ἢ εἰς τὰ διάφορα Διοικητικά αὐτοῦ Τμήματα, καθ' ὅσον τὰ πράγματα ἃ τινὰ συμπεριλαμβάνει, χρησιμεύουσι πρὸς χρῆσιν ἢ ὠφέλειαν ὅλων τῶν κατοίκων οἰουδήποτε μέρους τοῦ Κράτους—εἴτε κατὰ εἰδικότεραν ἐποψὴν καὶ πρὸς ἐγχώριον οὕτως εἰπεῖν ἐνδιαφέρον, χρησιμεύουσιν εἰς τοὺς κατοίκους Τμήματος τινὸς τοῦ Κράτους.

β.) Ιδιοκτησία τοῦ Κράτους—ἢ περιλαμβάνουσα τὰ πράγματα ἐφ' ὧν εἴτε τὸ Κράτος εἴτε μέρος αὐτοῦ ἔχει δικαίωμα κυριότητος.

γ.) Τὰ ἀνήκοντα τοῦ Ἀρχόντος τῆς Πολιτείας, εἴτε τὸ μέρος ἐκεῖνο τῆς ιδιοκτησίας τοῦ Κράτους, ἢ νομὴ τοῦ οὐοίου ἐδόθη εἰς τὸν Ἀρχηγὸν τοῦ Κράτους, ἀπομένους ἢ κυριότης εἰς τὸ Κράτος αὐτό. Τὰς διακρίσεις ταύτας, τὰς πηγάζουσας ἐξ αὐτῆς τῆς φύσεως τῶν πραγμάτων καὶ τῆς χρήσεως τῶν διαφόρων κτημάτων, ἃ τινὰ ἀποτελοῦσι τὸ ἀντικείμενον αὐτῶν, νομίζομεν ὅτι δυνάμεθα νὰ παραδεχθώμεν καὶ ἡμεῖς ὑπὸ τὴν ἰσχύϊν τῶν ἀρθρων 422 μέχρι 429 τοῦ Πολιτικοῦ Κώδικος.

Ἀπομένει ὅμως πάντοτε τὸ ζήτημα, ποῖαν Ἀρχὴν ὁ Ἰόνιος Νομοθέτης αἰνιττεται διὰ τῆς λέξεως *Stato*, οὕτως ἀνήκουσι τὰ εἰς τὸν δημοσίον ὑποκείμενα πράγματα εἴτε τίτλῳ ιδιοκτησίας εἴτε ἐτέρῳ λόγῳ.

Οὐσιωδῶς ἰδοὺ τί διασχυρίζεται τὸ ἑπαρχιακὸν Συμβούλιον Κερκύρας, λύον ὑπὲρ αὐτοῦ τὸ ζήτημα.

— Τὰ μὴ εἰς τοὺς ιδιώτας ἀνήκοντα κτήματα δὲν εἶναι ἐπιδεκτικά ἑλλῆς διακρίσεως ἢ τῆς ἐπομένης= κτήματα ἑπιχώρια—τόποι κατεχόμενοι παρὰ τῆς Προστασίας κατὰ τοὺς ὅρους τοῦ 5ου ἀρθροῦ τῆς Συνθήκης τῶν Παρισίων τῶν 1815.

— Ο Πολιτικός Κώδῃξ λέγων *Stato*, αἰνιττεται τὸ ἑπαρχιακὸν Συμβούλιον.

— Μιᾶς μόνης διαχειρήσεως δημοσίων κτημάτων ὑπαρχούσης εἰς ἕκαστην νῆσον, — ἔπεται ὅτι ἐν μόνον εἶδος δημοσίων κτημάτων ὑπάρχει—τὰ ἑπιχώρια—τὸ σύνολον τῶν ὁποίων καθιστᾷ τὴν δημοσίαν ιδιοκτησίαν, — ἐξαιρουμένων τῶν παρὰ τῆς Γενικῆς Κυβερνήσεως ἀποκτηθέντων, ἢ δαπάνῃ αὐτῆς οἰκοδομηθέντων.

the opinion of the undersigned, to one question only, which is stated by the Senate in the remark at the back of the documents No 7,285) 11—viz. that, respecting the interpretation of the 423rd. and subsequent Articles of the Civil Code, and the meaning of the word *Stato*.

On this subject we will respectfully offer the following observations.—

The Articles 422 to 428 are copied, as well as the greater part of our Civil Code, with slight modifications, from the French Civil Code. In the French legislation special Administrative Laws prescribe every thing relative to each Department of the State, and solve every question, so that every District, Province and Public Establishment knows what belongs to it. We however, are deficient in this kind of assistance,—we have not, generally speaking, any special Laws on the subject, and hence naturally arise doubts, questions and disputes respecting public property.

We will briefly premise that according to Law grounds belonging to the public are generally held be to of three principal kinds;—

1st. *Public property or Common*,—comprising grounds the use or advantage of which is common to all,—and which are necessarily the property of no one, inasmuch as they cannot be held by any special tenure. Such property belongs, according to Law, either to the State, or to its different Administrative Departments, as the things which it comprises are intended for the use or advantage of all the inhabitants of every part of the State, or, in a more special point of view, and for Municipal purposes, as it were,—they serve for the inhabitants of some particular division of the State.

2nd. *Property of the State*,—comprising things over which either the State, or a part of the same has the right of seignior.

3rd. *Property belonging to the Chief of the State* or that part of the State property the use of which has been assigned to the Chief of the State, while the right of property is still vested in the State itself. These distinctions, deriving from the nature of things, and the use of the different kinds of property which constitute them, may, in my opinion, be also admitted by us, as subject to the provisions of Art. 422 to 429 of the Civil Code.

But the question still remains, as to what Authority the Ionian Legislator meant by the word *Stato*, to which, things subject to the public belong either by the right of property or by some other title.

The pretensions upheld by the Municipal Council of Corfu, when solving the question in their own favour, are substantially these:—

— Property not belonging to private individuals, admits of no other distinction than the following:—Municipal property,—or property occupied by the Protecting Power in conformity with the provisions of Art. 5 of the Treaty of Paris in 1815.

— The Civil Code when saying *Stato*, means the Municipal Council.

— One sole administration of public property existing in each Island,—it follows that all public lands and tenements are comprised under one sole denomination, viz. Municipal,—and the totality of these, constitutes the public property,—excepting those acquired by the General Government, or built at the expense of the same.

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— Αἱ ὁδοί, οἱ ποταμοί, αἱ χεῖμαρροι, αἱ ἀκταὶ εἶναι εἰς βάρος τοῦ Ἐπιχωρίου Συμβουλίου, εἰς δ' ἀνεγνωρίσθη ὅτι ἀνήκουσιν αἱ ἀκταὶ Μανδουχίου, Γαρτζῆς καὶ Ἀνεμομυλίου—καὶ οὐδεὶς ὑπάρχει λόγος δυνάμει τοῦ ὁποῦ εἰς τὸ αὐτὸ Συμβούλιον νὰ μὴ ἀνήκει ἡ ἀκτὴ ὑπὸ τὴν τῆς πόλεως εἰς ἅγιον Ἀνδρέαν.

Οἱ λόγοι οὗτοι οὐδολως ἐκανοποιοῦσι τὸν ἐξετάζοντα ἀπροκαταλήπτως τὸ ζήτημα καθότι μὴ λύοντες αὐτὸ, ἐξ ὧν οὐδὲν ἀπομακρύνοντε.

Ἐννοεῖται ὡς ἀποκρίσιμος, ὅτι ἡ διαρραγή τοῦ Κράτους εἰς ἐπὶ τὴν κεφαλὴν ἐκείνου τῶν ὁποίων εἰσὶν αἱ Κυβερνήσεις μὲν ἴσα δικαιώματα καὶ καθήκοντα καὶ ὁργανισμὸν, δίδει λαβὴν εἰς τοὺς διςχυρισμοὺς τοῦ Ἐπιχωρίου Συμβουλίου Κερκύρας—ἀλλ' οὐχ' ἦττον εἶναι βέβαιον, ὅτι πᾶσα ἐπιχωρὶς Κυβέρνησις εἶναι ἐπὶ κεφαλῆς ἱμῆματος τινὸς ἐπὶ τῆς Διοικητικῆς τοῦ Κράτους, περὶ τῆς πολιτικῆς ἐνότητος τοῦ ὁποίου ξέν δύναται τις νὰ ἀμφιβάλλῃ εἰμὴ θέλει ταυτοχρόνως νὰ ἀνατρέψῃ καὶ τὴν ἐννοίαν καὶ τὸ λεκτικὸν καὶ τοῦ Συντάγματος καὶ τῆς Συνθήκης τῶν 1815, δυνάμει τῆς ὅποιας τὸ Κράτος ὑπάρχει, καὶ νὰ καταστήσῃ τὰ δι' ὅρα ταῦτα Τμήματα εἴτε Ἐπαρχίας τοῦ Κράτους—τοσαῦτα κράτη ἡνωμένα εἰς Ὁμοσπονδίαν.

Εἶναι φανερόν, ὅ Ὁμοσπονδία ὁμοίων περὶ τοῦ Κράτους *Stato*, δὲν πρέπει νὰ ἐννόησεν, εἰμὴ περὶ τοῦ συνταγματικῶς καλουμένου Ἰονικοῦ Κράτους—περὶ τῆς ὁλοκληρίας, οὕτως εἰπεῖν ἀντιπροσωπευμένης παρὰ τῆς Ἀρχῆς ἐκείνης, ἡ ὅποια εἶναι ἐπὶ κεφαλῆς καὶ παρὶς τὴν πολιτικὴν ἐνότητα αὐτοῦ. — Καὶ τὸ Σύνταγμα πραγματικῶς ὁμιλεῖ περὶ ἐνιχῆς Κυβερνήσεως *un Governamento Generale* (ἀρθρ. 2 κεφ. Α') συγκεκμημένης *da un' Assemblea, da un Senato* (ἀρθ. 7.) *in virtù del potere e sotto gli ordini del quale agirà il Governo Locale di ciascuna isola* (ἀρθ. 1. Τμήμα 2 κεφ. 4).

Ὅτι ἐδύνατο ἄλλως νὰ ᾔται, καθότι τὸ Σύνταγμα ὡς ἔχει νὰ ἔχῃ βάσιν τὴν Συνθήκην τῶν Παρισίων τῆς 5 Νοεμβρίου 1815 κατὰ τὸ Α' ἄρθρον τῆς ὁποίας “αἱ νῆσοι Κερκύρας, Κεφαλληνίας, Ζακύνθου, Λευκάδος, Κηθύρων καὶ Παξῶν . . . ἀποτελοῦσιν ἓν μόνον ἐλευθέρον καὶ ἀνεξάρτητον Κράτος ὑπὸ τὸ ὄνομα Ἠνωμένων Κράτη τῶν Ἰονίων Νήσων.”

Καί τοι ἴσως περιττον, οὐδ' ἀναρμόδιον οὐδ' ἀνωρελὲς, ὁπως κρινόμεν νὰ πειρώμεν τὴν γνώμην τοῦ συντάξαντος τὸ Σχέδιον τοῦ Συντάγματος ὅπως ἀποφασίσῃ πῶς ἐννοήθη παρὰ τῶν Ἀρχῶν τῶν παρὰ δ' ἡμετέραν οὐτὸ, ὁ πολιτικὸς ὁργανισμὸς τοῦ Κράτους.

Εἰς τὸν λόγον τὸν ὁποῖον ὁ Σίρ Θ. Μάιτλανδ ἐξεφώνησε κατὰ τὴν 3 Νοεμβρίου 1817, παρουσιάζων εἰς τὸ Προκαταρκτικὸν Συμβούλιον τὸ σχέδιον τοῦ ἀκολουθῶντος παραδεχθέντος Συντάγματος, ἐκθέτων τὰς βάσεις αὐτοῦ, εἰς τὸν ὁργανισμὸν δὲ τοῦ Κράτους ἀναφερόμενος λέγει ὅτι “*il Governo degli Stati Uniti delle Isole Ionie è stabilito come uno Stato Generale — e di fatto benchè possano istituirsi de' Governi Locali per la geografica separazione naturale delle parti componenti di questo Stato, il Governo Generale nondimeno è qui il solo potere regolatore.*”

Ἀπέναντι τούτων, τὸ Ἐπαρχικὸν Συμβούλιον Κερκύρας διὰ τῆς ἐρμηνείας ἣν ἔδωκεν εἰς τὸ ἄρθρον 423 καὶ ἀκόλουθα τοῦ Πολιτικοῦ Κώδικος, ᾗθελε καταστήσῃ τόσα Κράτη ὅσα αἱ νῆσοι, ἐκτὸς τοῦ Ἠνωμένου Κράτους τῶν Ἰονίων Νήσων.

— The roads, rivers, torrents and sea-coasts are under the jurisdiction of the Municipal Council, to which, it has been acknowledged that the sea-coasts at Manduchio, Castrades and Molino a Vento, belong,—and there is no reason why the seashore under the line-wall at Sant Andrea, should not belong to the same Council.

These reasons do not in the slightest degree convince a person who examines the question dispassionately, inasmuch as, while affording no solution, they also deviate from the subject.

It may easily be conceived that the division of the State into seven parts, having a Government at the head of each with the same rights, the same duties and the same organization, gives an impulse to the pretensions of the Municipal Council of Corfu,—but it is not less certain that every Municipal Government is at the head of a simply Administrative Department of the State, respecting the political unity of which no one can entertain a doubt, unless he wishes to counteract both the meaning and the expressions of the Constitution as well as the Treaty of 1815, in virtue of which the State exists, and to transform these different divisions or Provinces of the State,—into as many States united in a Confederacy.

It is evident that the Civil Code, speaking of the State, *Stato*, must be understood to imply only the Ionian State, Constitutionally so called,—its integrity being represented by the Authority that is at the Head, and that constitutes its political unity. In fact, the Constitution speaks of a General Government *un Governamento Generale* (Art. 2, Chap. 1.) composed of *un' Assemblea ed un Senato* (Art. 7) *in virtù del potere e sotto gli ordini del quale agirà il Governo Locale di ciascuna Isola* (Art. 1, Sec. 2, Chap. 4).

Nor could it be otherwise, as the Constitution was obliged to have for its basis the Treaty of Paris, of 5th. November 1815, according to the first Article of which “the Islands of Corfu, Cephalonia, Zante, Sta Maura, Cerigo and Paxò . . . constitute one sole, free and independent State, under the name of the United States of the Ionian Islands.”

Although perhaps superfluous, yet we do not consider it either inopportune or irrelevant to quote the opinion of the projector of the Constitution, in order to show how the political organization of the State was understood by the authorities that accepted it.

In the address which Sir Th. Maitland delivered on 3rd. November 1817, when presenting to the Primary Council the project of the Constitution which was subsequently accepted,—and explaining its basis, with reference to the Organization of the State,—he said, “*il Governo degli Stati Uniti delle Isole Ionie è stabilito come uno Stato Generale — e di fatto benchè possano istituirsi de' Governi Locali per la geografica separazione naturale delle parti componenti di questo Stato, il Governo Generale nondimeno è qui il solo potere regolatore.*”

In opposition to this, the Municipal Council of Corfu by the interpretation which it has given to the 423rd. and subsequent articles of the Civil Code would constitute as many States as there are Islands, within the State Constitutionally styled the United States of the Ionian Islands.

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χλίκην, ἐν μέρει δὲ τῶν τόπων προσωρινῶς παραχωρηθέντων αὐτῷ ὑπὸ τῆς Γαλλικῆς Κυβερνήσεως, καὶ ἐν μέρει ἐπὶ τόπων οὐδ' ἐσφατερίσθη. — Καὶ προσκαλεῖ τὸν Διλέον, ἵνα συνδράμῃ μετὰ τῶν ἐκτιμητῶν αὐτοῦ πρὸς ἐκτίμησιν τῶν τόπων ἐφ' ὧς ἠδύνατο νὰ ἔχῃ δικαίωμα.

16. Απόφασις τῆς Γερουσίας, 23 Μαΐου 1817, παρουσιασθεῖσα ὑπὸ τοῦ Κυρίου Φήλικος Διλέου εἰς τὴν Γερουσίαν, ὡς πρὸς τὴν περιουσίαν αὐτοῦ ἐν Ἀγίῳ Νικολάῳ εἰς τὸ παρατάλασσιον.

17. Απόφασις τῆς Γερουσίας, 7 Ιουνίου 1817, δι' ἣς ἐπὶ σκοπῷ δημοσίας ἐμφυλίας, ἀποφασίζεται, ἵνα ἀπῶσαι αἱ ιδιοκτησίαι, ὅσας νομίμως, προσωρινῶς, ἢ αὐθαίρετως κατέχει ὁ Κύριος Φήλιξ Διλέος ἐξωθεν τῆς Πύλης τῆς Ηπείρου (Ἀγίου Νικολάου) ἀνταλλαχθῶσι, δι' ἐκτιμήσεων, πρὸς ἄλλην δημοσίαν ιδιοκτησίαν, ὅπως μείωσιν ἀπολύτου δημοσίου ἐγγυρίου δικαίματος, — καὶ διαδηλοῦται, ὅτι αἱ ἐν τῇ τοποθεσίᾳ ἐκείνῃ κτισθεῖσαι ἀσβεστοκρήνηναι, ἐπειδὴ οὐδέποτε ἔπαυσαν ἀνέκουναι εἰς τὴν Κυβέρνησιν, θέλουσι διαμείνει ἐλευθέρως δημοσίας ιδιοκτησίας.

18. Εκτιμήσεις, ὑπὸ ἡμερομηνίαν Δεκεμβρίου 1817, τῶν οικοδομῶν, γηπέδων καὶ ξυλίων ἀποθηκῶν, τὰ ὅποια κατέχει ὁ Κύριος Φήλιξ Διλέος ἐξωθεν τῆς Πύλης Ἀγίου Νικολάου, ὑπολογισθέντα ὡς πρὸς τὴν νόμιμον αὐτῶν ἀπόκτησιν, τὴν κατασκευὴν δι' ἀδείας ὑφ' ἑρῶν, καὶ τὴν καταχρηστικὴν κατασκευὴν. — Οἱ ἐκτιμηταὶ τῆς Κυβερνήσεως ὑπελογίσθησαν ἅπασαν τὴν εἰρημένην ιδιοκτησίαν πρὸς 25,436 γρόσια καὶ 49 πρᾶδες, ἥτοι τάλληρα 4,624, Διτρ. 26, καὶ σολῖα 17. — Οἱ δὲ ὑπὸ τοῦ Διλέου διαρυσθέντες, πρὸς 39,724 γρόσιων, καὶ 43 πρᾶδες, ἥτοι 7,222 τάλληρα, Διτρ. 20 καὶ σολῖα 2.

19. Απόφασις τῆς Γερουσίας, 17 Σεπτεμβρίου 1818, δι' ἣς διαδηλοῦνται ἐγχώριος ιδιοκτησία τῆς Κερκύρας τὰ κενὰ γήπεδα καὶ παντὸς εἶδους κτίρια, ἃ τινὰ τότε νομίμως ἢ ἀνόμως κατέχειν ὁ ῥηθείς Κύριος Φήλιξ Διλέος ἐξωθεν τῆς Πύλης Ηπείρου, ῥηθέντος ἐξαίρουμένου, καὶ μετὰ διαφόρων λεπτομερειῶν διατάσσεται ἡ ἀπόκτησις ἐφ' ἣς ὁ Κύριος Διλέος θέλει ἔχει δικαίωμα, μὴ ἀκίνητα ἀγρὰ δημοσίας ιδιοκτησίας, πρὸς τάλληρα 6,000 ἢ, ἂν κατ' αἴτησιν αὐτοῦ ἦθελε νὰ λάβῃ τὴν πληρωμὴν εἰς χρηματικὴν, νὰ λάβῃ αὐτὴν μὲ τὸ τέταρτον ὀλιγώτερον, ἥτοι μὲ τάλληρα 4,500.

Αναγινώσκονται διάφορα ἔγγραφα, ἐξ ὧν προκύπτει, ὅτι ὁ Κύριος Φήλιξ Διλέος, ἐπὶ ἰδίᾳ αἰτήσῃ, ἔλαβεν τὴν πληρωμὴν τῆς ιδιοκτησίας αὐτοῦ διὰ χρηματικῶν, καθ' ἃ ὥριζεν ἡ ἀπόφασις τῆς Γερουσίας.

Αναγινώσκονται ἔτερα ἔγγραφα, ἀφορῶντα πρᾶξις καὶ ἄλλας λεπτομερείας, περὶ τῶν ἀντικειμένων εἰς ἃ ἀναφέρονται τὰ ἀνωτέρω ἀναγνωσθέντα ἔγγραφα.

Ἡ Επιτροπὴ λαμβάνει ἐπομένως ὑπ' ἐξέτασιν

α'. Σχέδιον, ὑπὸ ἡμερομηνίαν 25 Μαρτίου 1810, ἐπὶ τοῦ ὁποίου εἶναι διαγεγραμμέναι αἱ οικοδομαὶ α' ὁ Γενικὸς Διοικητὴς Δονζελὸς ἔδωκε προσωρινῶς τὴν ἄδειαν τῷ Κυρίῳ Φήλικι Διλέῳ νὰ ἐγείρῃ ἐξωθεν τῆς Πύλης Ηπείρου.

β'. Ἐτερον σχέδιον ὑπὸ ἡμερομηνίαν Νοεμβρίου 1810, ἐν ᾧ ὑπάρχουσι διαγεγραμμέναι αἱ προσθήκαι, τὰς ὁποίας ὁ Γενικὸς Διοικητὴς Δονζελὸς ἐπέτρεπε τῷ Κυρίῳ Φήλικι Διλέῳ νὰ κτίσῃ εἰς τὰς οικοδομάς τῆς ιδιοκτησίας του ἐξωθεν τῆς Πύλης Ηπείρου.

γ'. Σχέδιον, γεγνημένον ἐν ἔτει 1817 ὑπὸ τοῦ Μηχανικοῦ τῆς ἐγγυρίου διαχειρίσεως Κερκύρας, Σαδδὶ, ἐν ᾧ εὐκρινῶς σημειοῦνται αἱ ὑπάρχουσαι οικοδομαὶ ἐξωθεν τῆς Πύλης Ἀγίου Νικολάου ἥτοι τῆς Πύλης Ηπείρου.

4. ον δι' ἐρυθροῦ χρώματος, τὰ παλαιὰ κτίρια, πάλαι ποτε ἀνήκοντα εἰς τὴν οικογένειαν Σαχλίκην, καὶ ἀκολουθῶς μεταβάντα εἰς ιδιοκτησίαν τοῦ Κυρίου Φήλικος Διλέου. — 2. ον διὰ κίτρινου χρώματος, αἱ γεγνημέναι αὐξήσεις μετὰ τὸ ἔτος 1809 ὑπὸ τοῦ Κυρίου Διλέου, μὲ προσωρινὰν ἄδειαν ληφθεῖσαν τότε παρὰ τοῦ Γαλλοῦ Διοικητοῦ. — 3. ον διὰ πρασίνου χρώματος, αἱ παρὰ τοῦ Κυρίου Διλέου γεγνημέναι αὐξήσεις ἐπὶ τόπων τοῦς ὁποίους εἶχε σφετερισθῇ.

δ'. Τὸ ὑπὸ τῆς Επιτροπῆς διαταχθέν σχέδιον.

Ἐκ τῆς ἐξετάσεως καὶ τῆς συμπαραβολῆς τῶν εἰρημένων σχεδίων, καὶ ἐκ τῶν ἐνῶ εἰρημένων ἐγγράφων προκύπτει

partly on ground temporarily granted him by the French Government, and partly on ground that had been usurped. — The Government Administrator likewise directs Mr. Di Leo to call in his own appraisers, and estimate the property to which he has any right.

12th. Defence presented to the Senate, 23rd. May 1817, by Mr. Felice Di Leo, relative to his property at « San Nicolò alla Marina. »

13th. A Resolution of the Senate, dated 7th. June 1817, by which it is decided that, for purposes of public utility, all property lawfully, temporarily or arbitrarily possessed by Mr. F. Di Leo outside « Porta d' Epiro » (San Nicolò) shall be taken in exchange for other public property, on due valuation, so that it may become exclusively Municipal property; — and it further decides, that the Kilns built in that locality, never having ceased to belong to Government, they shall continue to be free public property.

14th. Estimates dated December 1817, calculating the value of the buildings, grounds and wooden store-houses owned by Mr. F. Di Leo outside Port San Nicolò, with reference to their legal acquisition, — their construction on conditional tenure, — and their abusive construction. — The Government Appraisers valued all the above property at 25,436 piastres and 49 paras, or 4,624 Venetian Dollars, 26 lire and 17 soldi, — those of Mr. Di Leo, at 39,724 piastres and 43 paras, or 7,222 V. D., 20 lire and 2 soldi.

15th. A Resolution of the Senate dated 17th. September 1818, which declares the open grounds and buildings of all kinds and without exception, then legally or illegally held by Mr. F. Di Leo, outside « Porta d' Epiro, » to be Municipal property of Corfu, and assigns, after various details, the compensation to which Mr. Di Leo shall have a right in real property belonging to Government, of the value of 6,000 Dollars; — or, should he wish to be paid in ready money, the amount shall be one fourth less, or 4,500 Dollars.

Various other documents are read from which it results that Mr. F. Di Leo received payment for the property above stated, in ready money, according to his request and in conformity with the Resolution of the Senate.

Other papers are brought forward regarding merely the detail of Acts relative to the subjects referred to in the documents above quoted.

The Commission proceeds to examine;—

1st. A plan, dated 25th. March 1810, on which are marked the buildings that the Governor General Donzelot gave Mr. F. Di Leo temporary permission to erect outside « Porta d' Epiro. »

2d. Another plan dated November 1810, on which are marked the additions that the Governor General Donzelot also permitted Mr. Di Leo to make to the buildings that were his property, outside « Porta d' Epiro. »

3d. A plan drawn in 1817 by the Engineer of the Municipal Administration of Corfu, Mr. Saddier, in which the buildings existing outside Port San Nicolò, or « Porta d' Epiro », are distinctly marked;—

(a) in red, the old buildings formerly belonging to the Sacchi family, and which subsequently became the property of Mr. Di Leo; — (b) in yellow, the additions made after 1809 by Mr. Di Leo, with the temporary permission then granted by the French Government; — (c) in green, the additions made by Mr. Di Leo on ground which he had illegally appropriated.

4th. The plan drawn by order of the Commission. From the examination and comparison of the said plans, — and from the documents quoted, — it results,

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Πρὸς ὑποστήριξιν δὲ τοῦ ἡμετέρου προνήματος καὶ τῆς ἐννοίας ἣν δίδωμεν εἰς τὴν λέξιν *Stato*, δὲν ἐλλείπουσι παραδείγματα εἰς τὰ κεῖμενα ἄλλων νόμων ὅπου ὁ αὐτὸς ὅρος τίθεται πρὸς διαστολὴν τῆς Γενικῆς Κυβερνήσεως ἐκ τῶν Εἰσχωρίων.

Οὕτω τὸ προοίμιον τῆς ὑπ' ἀριθ. 68 Πράξεως τοῦ 7.ου Κοινοβουλίου —

“ Visto che colla separazione della rendita generale dello Stato dalle rendite *Municipali* delle rispettive Isole κτλ. κτλ. κτλ.

Ἀκολουθῶν εἰς τὸ 1.ον ἀρθ. τῆς αὐτῆς Πράξεως —

“ Tanto la rendita *Municipale*, come le spese relative dovranno tenersi in conto separato dal Tesoriere Generale, e distinta dai conti generali dello Stato.

Τὸ αὐτὸ καὶ εἰς τὴν 10.ην Πράξιν τοῦ 8.ου Κοινοβουλίου, εἰς τὸ προοίμιον —

“ Essendo prescritta . . . la separazione delle rendite e delle spese *Municipali* dai conti generali dello Stato.

Ἐξορνεότερον δὲ πάντων τούτων εἶναι τὸ 5.ον ἐδάφ. τοῦ ἀρθ. 2.ου τῆς αὐτῆς Πράξεως ἔχον ὡς ἀκολουθῶν:

“ Le spese alle quali le rendite *Municipali* saranno applicate, sono

“ 1. 2.

“ 3. 4.

“ 5. Le spese di conservazione dei moli esistenti, o di costruzione di nuovi moli.

“ I moli però annessi ai porti, o che scendono alla sicurezza dei porti medesimi, e servono o ad ampliare o a formare piccoli o grandi porti artificiali, staranno a carico dello Stato.

Ἡ χρῆσις τὴν ὁποίαν οἱ εἰρημένοι νόμοι ποιοῦσι τῆς λέξεως *Stato*, ὅπως διακρίνωσι τὴν παρὰ τοῦ Συντάγματος καλουμένην Γενικὴν Κυβέρνησιν ἐκ τῶν Εἰσχωρίων, εἶναι ἡ ἀσφαλεστέρη καὶ ἐπισημοτέρα οὕτως εἰπεῖν ἐρμηνεία περὶ τῆς ἐννοίας τῆς αὐτῆς λέξεως, τὴν ὁποῖαν καὶ ὁ Πολιτικὸς Κώδὴξ μετεχειρίσθη βεβαίως πρὸς τὸν αὐτὸν σκοπὸν.

Ἡ αὐτὴ 10.η Πράξις τοῦ 8.ου Κοινοβουλίου καὶ ἄλλο τι πρὸς τούτοις δηλοῖ ἀπέναντι τῶν δυσχερισμῶν τοῦ Ἐπαρχιακοῦ Συμβουλίου.

α. Ὅτι, τῆς ἐκχωρίου προσόδου καὶ τῶν κτημάτων ἐξ ὧν προέρχεται προσδιοριζομένων παρὰ τῆς Πράξεως ταύτης, δὲν δύνανται τὰ Εἰσχωρία Συμβούλια νὰ ἀξιώσι περισσότερα δικαιώματα ἀφ' ὧν διὰ τοῦ νόμου τούτου τοῖς χορηγοῦνται.

β. Ὅτι αἱ προκυμᾶται, καὶ οὐχὶ ὅλαι, οἱ σημειωτέον, ἐδόθησαν δυνάμει ἐνός νόμου εἰς τὴν Εἰσχωρίον Διαχείρισιν, ὅθεν ἀκριβὴς ἡ παρατήρησις ὅτι αἱ αὐταὶ ἀνήκουσι δικαιοματικῶς εἰς τὰς Εἰσχωρίους Κυβερνήσεις.

γ. Ὅτι πᾶν τὸ χρησιμεύον πρὸς ἀσφάλειαν ἢ ὑπεράσπισιν οἰουδήποτε μέρους τοῦ Κράτους ἀνήκει πάντοτε εἰς τὸ Κράτος *allo Stato*.

Περὶ δὲ τῆς παρατήρησεως ἀναφερομένης εἰς τὰς ὁδοὺς — παραδεχομένου ὅτι αὗται εἶναι ἅπασαι εἰς βάρος τῶν Εἰσχωρίων Κυβερνήσεων — τοῦ δὲ 423 ἀρθ. τοῦ Πολιτικοῦ Κώδικος ἐμπεριλαμβανόμενος περὶ τῶν εἰς βάρος τοῦ δημοσίου (*dello Stato*) ὁδῶν — μόνῃ καὶ νόμιμος συνέπεια ἦθελεν εἶσθαι, ὅτι οὐδεμίας ὁδοῦ ὑπαρχούσης εἰς βάρος τοῦ Κράτους, εἰς τοῦτο οὐδεμία ὁδὸς ἀνήκει.

Περὶ τῆς διαιρέσεως τῶν κτημάτων εἰς Εἰσχωρία καὶ εἰς κτήματα Στρατιωτικῆς κατοχῆς τῆς Προστασίας τὴν ὁποίαν τὸ Ἐπαρχιακὸν Συμβούλιον στηρίζει ἐπὶ τοῦ 5.ου ἀρθ. τῆς Συνθήκης τῶν Παρισίων

In support of our opinion, and the meaning that we assign to the word *Stato*, examples are not wanting in other laws, in which the same term is used as a distinction between the General Government and the Municipalities.

Thus in the Preamble of Act LXVIII of the Seventh Parliament, we find —

“ Visto che colla separazione della rendita generale dello Stato dalle rendite *Municipali* delle rispettive Isole, etc. etc. etc.

Again in Art. I of the same Act.

“ Tanto la rendita *Municipale*, come le spese relative dovranno tenersi in conto separato dal Tesoriere Generale, e distinta dai conti generali dello Stato.

The same occurs in the Preamble of Act X of the Eighth Parliament —

“ Essendo prescritta . . . la separazione delle rendite e delle spese *Municipali* dai conti generali dello Stato.

But the most marked distinction of all, is observable in the 5th. clause of Art. II of the same Act, which is as follows;—

“ Le spese alle quali le rendite *Municipali* saranno applicate sono

“ 1. 2.

“ 3. 4.

“ 5. Le spese di conservazione dei moli esistenti, o di costruzione di nuovi moli.

“ I moli però annessi ai porti, o che scendono alla sicurezza dei porti medesimi, e servono o ad ampliare o a formare piccoli o grandi porti artificiali, staranno a carico dello Stato.

The sense in which the Laws above quoted use the word *Stato*, to distinguish the General Government, so styled by the Constitution, from the Municipalities, is the safest and the most official interpretation of its meaning, and the Civil Code also has certainly used it for the same purpose.

The said Act X of the Eighth Parliament, proves also, in opposition to the pretensions of the Municipal Council, —

1ly. That, the Municipal Revenue and the property whence it derives, being prescribed by this Act, the Municipal Councils cannot claim greater rights than those granted by the Law in question.

2ly. That the Quays, and not all, which is specially to be remarked, — have been given up to the Municipal Administration in virtue of a Law, hence the observation that the said Quays rightfully belong to the Municipal Governments, is incorrect.

3ly. That whatever serves for the safety or the defence of any part of the State, shall always belong to the State, *allo Stato*.

Respecting the observation relative to the roads — admitting them all to be at the charge of the Municipal Governments, — and with regard to Art. 432 of the Civil Code relative to roads at the charge of the public (*dello Stato*) — the sole and the legal deduction would be, that, as there is no road at the charge of the State, the State has no road belonging to it.

Respecting the distinction between Municipal property, and property occupied by the Protection, for Military purposes, — a distinction founded by the Municipal Council on the 5th. Article of the Treaty of Paris in 1815, — a mere perusal of the Article would be sufficient to persuade any

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των 1815, απλή του άρθρου τούτου ανάγνωση αρ-
κει, όπως πεισθή έκαστος ότι ουδεμίαν έχει βράσιν το
έπιχείρημα τούτο. — Σημειωτέον δὲ πρὸς τούτοις, ὅτι
ὁ δι' αὐτοὺς ἐκτελούμενος τούτο Επαρχιακὸς Σύμβουλος ἀν-
τιφάσκων ἑαυτὸν, παραδέχεται ἀκολούθως κτήματα
ἀνήκοντα εἰς τὴν Γενικὴν Κυβέρνησιν — τὰ
παρ' αὐτῆς ἀποκτηθέντα ἢ δαπάνη αὐτῆς οὐ-
κοδομηθέντα

Προσδιορισθείσης οὕτω τῆς σημασίας τῆς λέξεως
Stato τῆς περιλαμβανομένης εἰς τὰ ἄρθρα 423 καὶ
ἀκόλουθα τοῦ Πολιτικοῦ Κώδικος, πρὸς λύσιν τοῦ
πραγματικοῦ ζητήματος, ἀρκεῖ νὰ παρατηρήσωμεν ἐν
πράγματι

Ὅτι τὸ Επαρχιακὸν Συμβούλιον δὲν ἀμφισβητεῖ, μά-
λιστα παραδέχεται, ὅτι τὸ περὶ οὗ πρόκειται γήπε-
δον ἀπετέλει μέρος τῶν ὀχυρωμάτων τῆς πόλεως,
εὐρισκόμενον ὑπὸ τὰ ὀχυρωμένα τεῖχη αὐτῆς.

Τούτου δὲ ὁμολογουμένου, χωρὶς νὰ ἐνδιατρίψω-
μεν περαιτέρω εἰς τὴν ἐξέτασιν ἐὰν, ἀκριβῶς ὁμιλοῦν-
τες, πρόκειται περὶ αὐτῆς ἢ περὶ κενοῦ γηπέδου πλη-
σιάζοντος τὴν αὐτὴν — εἶναι βέβαιον ὅτι, παύσεως τῆς
ιδιότητος τόπου ὑπαγομένου εἰς ὀχυρώσεις, δυνάμει
τοῦ 426 ἄρθρου, αὐτὸ ἀνήκει εἰς τὸ Κράτος (Stato),
ἐκτὸς ἂν ἀποδειχθῇ ὅτι παρὰ τοῦ Κράτους παρεχωρήθη.

Θέλωμεν ἐπομένως συμπέραναι, συμφώνως πρὸς ὅσα
προεξεθέσαμεν, ὅτι τὸ περὶ οὗ ὁ λόγος κενὸν γήπε-
δον ἀνήκει εἰς τὴν Γενικὴν Κυβέρνησιν — εἰς τὴν Γε-
νικὴν ἐκείνην Κυβέρνησιν ἀνεῖ τῆς παραχωρήσεως τῆς
ὁποίας τὸ Επαρχιακὸν Συμβούλιον κεκέρυρας δὲν ἤθε-
λε κατέχει τὰ κτήματα πρὶν τὴν ἀπώλειαν — παραχωρή-
σις ἀποτελοῦσα τὸν μόνον τίτλον τοῦ Εγγχωρίου Συμ-
βουλίου, καὶ ἐπὶ τῆς ὁποίας ἐβασίζετο μέχρι οὗ ἐνό-
μιζεν ὅτι τὸ περὶ οὗ ἡ διένεξις γήπεδον συμπεριλαμ-
βάνετο εἰς αὐτὴν — τὴν ὁποίαν ὅμως ἐγκατέλειψεν
ἀκολούθως, ὅπως τὰς ἀδείας τοῦ ἀπὸ τῆς ἐπὶ τῆς
θεωρίας τὴν ὁποίαν περὶ δημοσίας κυριότητος ἀνέπτυ-
ξεν εἰς τὸ πρακτικὸν αὐτοῦ τῆς 30 Ἰουλίου 1858.

Επαναπέμψω ἅπαντα τὰ διαβιβασθέντα μοι ἐγγρα-
φα, καὶ διατελῶ

Τῆς Υμετέρας Εντιμότητος
Εὐπειθέστατος Δούλος,
Δ Κουρκουμέλλης,
Γενικός Εἰσαγγελεὺς.

Τῷ Εντίμῳ Κυρίῳ
Σὺρ Α. Α. Κόμ. Δούσμανη,
Ι. Τ. Μ. Γ.
Γραμματεὶ τῆς Εκλ. Γερουσίας
ἐπὶ τῷ Γενικῷ Τμήματι,
κτλ. κτλ. κτλ. Κερκύρα.

ΑΝΑΟΠΟΙΗΣΙΣ.

Ἀρμ. σ. τ. εἶον.

Τῇ 22 Νοεμβρίου 1858.

Ὁ Εντίμος Α. Φ. Βούδ Σκουδιέρος ἐπιστρέψας ἐν-
ταῦθα, καθ' ἣν ἔλαβεν ἀδειαν ἀπουσίας, ἀνέλαβε σή-
μερον τὰ καθήκοντα Γενικοῦ Θησαυροφύλακος τοῦ Κρά-
τους τούτου.

Κατ' Ἐπιταγὴν τῆς Αὐτοῦ Εξουχότητος.
Γ. Φ. Βώεν,
Γραμματεὺς τοῦ Α. Μ. Ἀρμοστοῦ.

one that this argument has not the slightest founda-
tion. It is also to be observed, that the Municipal
Councillor who upholds this claim, contradicts him-
self by subsequently admitting of property belonging
to the General Government, either acquired or built
at its own expense.

Having established the meaning of the word
Stato, contained in the 423rd. and subsequent
Articles of the Civil Code, in order to solve the
question practically, it will be sufficient to observe
respecting fact, —

That the Municipal Council does not contend
that the ground in question was not a part of the
Fortifications of the Town, but on the contrary,
admits it, the said ground being under the Line-wall.

This being acknowledged, — without proceeding to
any further inquiry whether, strictly speaking, the
subject of debate is the sea shore, or a vacant space
of ground bordering on the same, — it is certain that
having ceased to be ground belonging to the For-
tifications, it becomes property of the State in
virtue of Art. 426, unless proved that the State
has ceded it.

We therefore conclude, in accordance with what
we have already stated, that the vacant ground in
question belongs to the General Government, — to
that General Government without whose concession
the Municipal Council of Corfu would not have pos-
sessed the property formerly belonging to Di Leo —
a concession that constitutes the sole title of the
Municipal Council, and on which it based its claims
while of opinion that the disputed ground was
comprised in it, — but, afterwards abandoned the
concession in order to found its claims on the theory
developed with regard to public property, in the
Procès Verbal of 30th. July 1858.

Returning herewith all the documents sent to me,

I remain,
Sir,
Your Most Obedient Servant,
D. Curcumelli,
Attorney General.

To
Sir A. L. Count Dusmani,
K. C. M. G.
Secretary of the Senate
for the Gen. Department,
etc. etc. etc. Corfu.

NOTIFICATION.

Palace,

November 22 1858.

A. F. Boyd Esquire, having returned from his
leave of absence, has this day re-assumed the du-
ties of Treasurer-General of these States.

By Command of His Excellency.
G. F. Bowen,
Sec. to the L. H. Commissioner.

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ΔΗΜΟΣΙΑ ΚΕΝΤΡΙΚΗ ΒΙΒΛΙΟΘΗΚΗ
ΜΟΥΣΕΙΟ ΛΗΞΟΥΡΙΟΥ

