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John Davy

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NOTES AND OBSERVATIONS

ON

THE IONIAN ISLANDS AND MALTA.

CHAPTER I.

SKETCH OF THE PRESENT GOVERNMENT OF THE IONIAN ISLANDS.

Form of the Ionian Government as established by Charter, in 1817. The Senate, how Constituted. Its Duties. The Legislative Assembly. Mode of its Election. Its Functions. The Parliament. The Local Governments of the different Islands, and their Composition. How Subordinate to the General Government. Form and Administration of Legal Power. Composition of the Courts of Justice. Supreme and Local Church Establishment. Civil List. Character of the Government. Remarks on the same. Acts of Parliament illustrative of the Forms of Government.

IN accordance with the Treaty of Paris of 1815, these states are under the immediate and exclusive protection of the sovereign of Great Britain. A representative of the protecting power, appointed by the crown, and responsible to her Majesty's government, resides in the islands, with the title of Lord High Commissioner.

The established government of the Ionian Islands is framed on the charter of 1817, to which I would refer the reader who may be desirous of becoming

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minutely acquainted with the formula of its constitution, and the details of its forms, which are somewhat complicated.

Including the Lord High Commissioner, it is considered as consisting of three parts, namely, a Senate, a Legislative Assembly, and a Judicial Power.

The senate is elected out of and by the legislative assembly; and the latter [after a trial of the ballot], by the open votes of the “Sincliti;” that is, such of the people of the Ionian States as possess a certain amount of property,* or the equivalent (as has

* The qualifications of the Sincliti, or noble electors, were not defined in the charter of 1817. In the eighteenth article of that document, reference is made to the constitution of the Septinsular Republic, bearing date the 24th November 1803, and setting forth that the organization of the electors, as then laid down, shall be maintained till “changed or ameliorated” by act of Parliament. The conditions are contained in the sixth article, and are the following:—“Sono Nobili attivi e costituzionali, e possono divenirlo successivamente e indefinitamente per se, e per i loro legittimi discendenti, tanto celibi come maritati ed uniti in famiglia con altri membri della Medesima pur maritati, tutti quelli, che sono, o fossero per essere descritti nel Registro Civico dell’ Isola cui appartengono, ed hanno o fossero per avere, e conservassero complessivamente i seguenti requisiti:—

1. Di essere originari delle Sette Isole.
2. Di essere nati per legittimo matrimonio o legittimati per susseguente, da padre cristiano, e professare la Religione cristiana.
3. Di possedere un annua rendita liquida fondiaria, o usufruttoria, o reale, o risultante da un’ industria assicurata, o da una florida casa di commercio, fissata, per i conscrivibile alla nobiltà attiva delle rispettive isole, in ducati nostri correnti a lire sei l’uno nelle misure seguenti:

Per Corfù Ducato mille ottocento (L.69); per Cephalonia sei cento settanta cinque (L.33, 15s.); per Zante mille trecento cinquanta, (L.67, 10s.); per Santa Maura cinque cento quaranta (L.27); per

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lately been liberally enacted), of a university degree. *

The Senate, constituting the nominal executive part of the government, is composed of four members and a president, the latter named by the Lord High Commissioner, and the former approved by him. It is divided into three departments, each of which has a secretary; namely, a general, a financial, and a political department.

The Legislative Assembly, the functions of which, independent of electing senators, are nominally analogous to those of our House of Commons, is com-

Cerigo, *duc cento venti cinque* (L.9, 4s. 6d.); per Itaca *trecento quindici* (L.15, 15s.); per Paxo *cinque cento quaranta* (L. 27.)

4. Di non esercitare personalmente alcun arte o mestiere meccanico. †

5. Di non tenere personalmente bottega aperta. †

6. Di avere sempre condotto un vita civile, e saper legere e scrivere in una delle lingue usati dal Governo.

7. Di non essere stati mai dichiariti colpevoli di delitti puniti con pene efflittive e infamanti.

8. Di non essere falliti fraudolenti ne detentori gratuiti dell' eredità di un fallito.

9. Di non essere debitore al publico Erario."

It is curious to observe the great differences in the qualifying rates of incomes in the different islands, and especially the very high rate in Corfu, compared with that in Cephalonia, which is little more than that of Paxo. At that time the olive crop was far the most profitable, and it probably was made the foundation for the estimate. The produce of the currant-vineyards, on the contrary, was then of so little value, the English market being closed, that the vines were not worth cultivating. In Zante, I have been assured, many of the vineyards at that time were rooted up, and the ground subjected to the plough.

* In 1837: see act of Parliament on the subject, at the end of this chapter.

† Since abrogated.

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posed of forty members. Twenty-nine of these are furnished at each election from the several islands, in the following proportion, viz., Corfu, seven; Cephalonia, seven; Zante, seven; Santa Maura, four; Ithaca, one; Cerigo, one; Paxo, one;—each of the three last in rotation electing a second. The other eleven are not elected as such at the time: they consist of the members of the preceding senate, of the last regents of the four principal islands, and one of the regents of the three smaller islands in rotation; and they together constitute what has been denominated the Primary Council.* Both the legislative assembly and its primary council, are presided over by one of its members, and each has its secretaries.

The Senate and Legislative Assembly, constitute the parliament of the Ionian States, the sessions of which are regulated,† and the duration of which is

* “ A certain time previous to the regular dissolution of parliament, the primary council is required to prepare double lists of the individuals from whom the members of the new legislative assembly are to be elected; which lists are to be transmitted to each island, at least fourteen days before the “death of the parliament.” The qualification for the legislative assembly is the same as that for the elective franchise. Out of the double list, nominated by the primary council (fourteen for instance for the larger islands), half the number are elected by the Sincliti, by a majority of votes; which election, or rather selection, is final. The Sincliti are, in the first instance, registered by the regents of the respective islands, and a return of them is annually made to the senate.

† The session of parliament is biennial, commencing the 1st of March, and lasting at least three months; it may take place, however, at other times, on emergency, by order of the Lord High Commissioner, in whom also is vested the power of proroguing parliament.

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for five years, liable to be dissolved, however, by the protecting sovereign, by an order in council.

Besides the general government exerting control over all the islands, there are local governments, one for each island, consisting of a Resident appointed by and acting immediately under the Lord High Commissioner, and a regent assisted by a municipal council of five, and by an advocate-fiscal, archivist, secretary, and treasurer. The regent and advocate-fiscal are appointed by the Senate, with the approval of the Lord High Commissioner; the archivist and secretary by the regent, with the approval of the senate; and the treasurer by the treasurer of the general government, with the sanction of both the Lord High Commissioner and the Senate. The municipal body are selected and appointed by the joint agency of the Sincliti, and of the resident and regent; the former, by a majority of votes, returning ten of them; the regent, with the approval of the resident, selecting five. The municipal council, acting under the regent, is required to attend, according to the charter, to the following subjects, each member having one for his special care, viz. :—

1. Agriculture, Public Instruction, and objects of National Industry.
2. Commerce and Navigation.
3. Subsistence of the People.
4. Civil Police and Charitable Establishments.
5. Religion, Morals, and Public Economy.

Each island is divided into districts, determined by

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the municipal council, to which particular officers are assigned, constituting a municipal and an executive police; the former appointed by the respective regents and the municipal council; the latter by the Lord High Commissioner, with the consent of the Senate. The agents of the municipal police are inspectors of districts, primates (*primati comunali*), and messengers. The agents of the executive police are lieutenants (*luogotenenti di distretto*), and their constables; *capi di decima*, and their *cernide*. The number of these officers are proportioned to the extent of the districts and the size of the villages and their wants, for the purpose of keeping the peace and enforcing the laws.

The legal power, which, according to charter, forms a part of the civil government, is exercised by a supreme court of justice (or court of appeal) at the seat of government, and by local courts in the different islands. The former is composed of four members, one of whom acts as a president; two of them are appointed by the Crown, by the Lord High Commissioner's warrant; and two by the Senate. The Lord High Commissioner, and the President of the Senate also form a part of the court, as extraordinary members, acting in particular cases, and especially in instances in which the ordinary members are equally divided in opinion, the Lord High Commissioner having a casting vote, should he and the president differ in judgment.

The local courts in each of the islands are three in

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number, viz., the civil, the criminal, and one of commerce, independent of the minor offices of justices of peace, for the trial of petty offences. In each court there are commonly several judges. In Paxo, in 1837, there were two and a president: in Cephalonia, including a president, there were ten. The legal officers derive their appointments from the senate.*

* The judicial establishments maintained in these islands are very expensive, and the payment of them absorbs a considerable proportion of the revenue. The yearly salary of each officer was determined by a law of 24th July 1834, according to which the total amount is L.19,422. As examples, may be inserted the salaries of the respective officers of the courts, in one of the large islands, and also in one of the small, as Cephalonia and Paxo.

CEPHALONIA.

One president,	.	.	L.425
Four judges, at L. 320 each,	.	.	1280
Five ditto do.,	.	.	1600
Six registerers, at L.120 each,	.	.	720
Six deputy registerers, at L.78 each,	.	.	468
Four assistant registerers of the first class, at L.65 each,	.	.	260
Four ditto of second class, L.50 each,	.	.	200
Fourteen ditto of third class, L.35 each,	.	.	490
Three messengers at L.30 each,	.	.	90
Four ditto, at L.26 each,	.	.	104

PAXO.

President,	.	.	L.250
Four judges, at L.210 each,	.	.	840
Two registerers, at L.78 each,	.	.	156
Two deputy registerers, at L.50 each,	.	.	100
Two assistant registerers, at L.25 each,	.	.	50
Two messengers, at L.20 each,	.	.	40

The members of the Supreme Council of Justice in Corfu were paid

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The principal law-officers are selected from the body of advocates, which is very large. According to a law of 1834, no Ionian subject can practise as an advocate, unless duly enrolled, after election, in the college of his order; and, according to the same law, in each island such a college should exist, composed of the judicial body, of the advocate-fiscal, and of two advocates elected by those of their order authorized to make the choice.*

at a higher rate; the two Greek judges had L.600 a-year each; the two English, L.1000; and for some time one of them received L.1900 a-year.

* In future it is required that every advocate shall have studied and graduated at the Ionian university; be a native; not under twenty-four years of age; acquainted with the Greek language; and professing the christian religion. Before any one can be enrolled on the list of advocates, it is necessary for him to make the following declaration, pledging himself to the same by oath:—"Io A. B. giuro di eseguire le Leggi, statute, ordinanze e Regolamenti, che sono in vigore in questi stati, e che potessero in appresso essere stabiliti. Giuro di non consigliare, o difendere alcuna causa, che sia per mia opinione ingiusta, eccetuate le difese criminali; di difendere onestamente e diligentemente tutte le cause che mi fossero fidate, e di non arvalorare, e vendere autentico colla mia firma, verun atto che non sia della causa da me stesso patrocinata, o nella quale non fossi consultore. Così Iddio mi ajuti."

What effect this new training may have, it is impossible to say. That a great reform is required, appears to be undoubted. From want of principle and integrity, the abuses in the administration of the laws are said to be extreme. "Such things are practised in the courts of law" [says Sir Charles Napier], "which make the people *abhor* them;" "where a system of intrigue and of devilry is carried on, that would take volumes to describe." Hitherto bribery and perjury have been carried so far, and so systematically, that in Zante, Sir Charles Napier was informed "there are regular shops for furnishing false witnesses, at so much a-head."

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According to charter, the orthodox Greek religion is the established religion of the States; the Roman Catholic is specially protected, and all other denominations are tolerated.

The ecclesiastical establishment consists principally of four metropolitan archbishops, viz., those of Corfu, Cephalonia, Zante, and Santa Maura; and of one archbishop, namely, of Cerigo, who are each independent of the others in their separate jurisdictions; and of two bishops, those of Ithaca and Paxo, acting under the archbishops of Cephalonia and of Corfu. These dignitaries are elected by the clergy of their respective dioceses, by plurality of suffrages and by secret scrutiny, according to the canons and ancient usages of the islands. The election is subject to the *veto* of the executive power.

The highest authority in the Greek Church is exercised by the Exarch, which office in rotation is filled by a metropolitan archbishop, who, whilst he holds it, is required to reside at the seat of government; the period of its tenure is limited to two years and a-half.

The Latin Church is presided over by a vicar-general, who has subordinate to him certain officers, as have also the higher functionaries of the Greek Church.

The Greek bishops owe allegiance to the patriarch of Constantinople, as the vicar-general does to the pope.*

* The clergy of the higher grades, both of the Greek and Latin

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The number of officiating priests is very large, not less, it is conjectured, than one to every fifty inhabitants. Depending on their flock for the means of subsistence, they are commonly very ill paid,* and their condition is often miserable. Their intellectual deficiencies will be noticed in the sequel, with the measures in progress to educate the order, curtail their number, and increase their respectability and usefulness.

Besides the officers already mentioned belonging to the general and local governments, there are many more connected with the revenue, the customs, public works, ports, the quarantine establishment, and the establishments of public instruction, constituting

Church, are paid by Government, by a law of 1833, according to the following rates:—Each metropolitan of the three larger islands, Corfu, Cephalonia, and Zante, L.312 a-year; that of Santa Maura, L.234; the bishops of Ithaca and Paxo, and the archbishop of Cerigo, each, L.156; the archbishop, the head of the Latin Church in Corfu, L.265; an archdeacon, 380 dollars; three canons, 264 dollars each.

* On an average, they receive from 150 to 180 dollars a-year; that is, from L.32 to L.39, with a house free of rent, which is little better than the wages of a tolerable man-servant in the Ionian Islands, his food provided him. Some priests, no doubt, receive considerably more, such as are attached to churches, the patron saints of which are popular, and to which many offerings are made, particularly by sailors and the petty traders, before setting sail, or undertaking any thing with which risk is connected. The church of the Madonna, on the little rocky islet at the entrance of the port of Gaja in Paxo, is of this description: no mariner, I have been informed, thinks of passing it, even though only going to Corfu or Parga, almost within sight, without stopping to say a prayer and make an offering. On the same rock, according to a story current in Paxo, Antony and Cleopatra, attended by thirty kings, feasted before the battle of Actium.