

And having heard His Excellence the Attorney-General Senator DeFalco urging the rejection of the appeal.

THE CASE.

In the month of May, 1880, having been published by the Royal Commissioner charged with the liquidation of the ecclesiastical estates at Rome the advertisement for the sale at public auction of certain real estates belonging to the congregation of the Propaganda fide, to convert the price in public consolid. this last before the day appointed for the auction opposed citing the royal commissioner to appear before the Court to order the suspension of the sale, and to declare that the real estates of that congregation are not subjected to the conversion of the real estates.

Firstly, the lower Court, and after the Court of Appeal in Rome had refused the demand, but after appeal brought forth by the congregation, this Court, judging not convertible the estates of the Propaganda, because it does not consider it as a person ecclesiastical having worship for its object, quashed the sentence, remitting the case for a new trial before the Court of Appeal at Ancona.

And that Court, rejecting the appeal of the Congregation, confirmed the sentence of the first Court so far as it declared subject to conversion the reality of the said congregation.

Against the said decision the Congregation now appeals to this Court in united divisions, bringing as the only motives for annulling, the application of the Article 11th, of the law of the 7th July, 1866, and of the Articles 16, 17 and 18, of the law of the 19th June, 1873; of the Articles 1, n 6, of the law of the 15th August, 1867; and of the Article 360, n 6, of the civil code.

There is a contra appeal.

RIGHT.

Whereas, according to the Article of the law of 7th July, 1866, which oblige to conversion all the reality of every ecclesiastical person which does not fall under the law of the suppression, making only an exception in favour of the parishes benefices, the only point to determine in this present judgment is, in determining if the Propaganda ought or ought not to be classified among the ecclesiastical persons to which the above law refers.

As by the fact of the administration which the government created for the execution of the law, the controversy had been brought before the Court, we must confine this question to the ground of a purely and entirely judicial question; and every consideration about the historical origin of the Institution, about its excellency, about its importance which bring its benevolent action beyond the boundary of the state, cannot influence in one or in the other side, from the moment that, for all that, the legislator has not judged to dictate a formal exception in favour of the Propaganda in the two laws of the 19th June, 1873. and 13th May, 1871, by which, in the city of Rome, was decreed the conversion, and was ordered the matter concerning it, and from the moment in which is put out of question and of doubt the immunity of the Propaganda, there we do not discuss of nothing else than this obligatory transformation of the patrimony, which, without