

MALTA.

COPIES OR EXTRACTS

OF

CORRESPONDENCE

WITH REFERENCE TO THE

MALTESE NOBILITY.

(*In continuation of [C.—3812], August 1883.*)

---

---

Presented to the House of Lords by Command of Her Majesty.  
*May 1886.*

---

---



LONDON:  
PRINTED BY EYRE AND SPOTTISWOODE.

To be purchased, either directly or through any Bookseller, from any of the following Agents, viz.,  
Messrs. HANSARD and SON, 13, Great Queen Street, W.C., and 32, Abingdon Street, Westminster;  
Messrs. EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, and Sale Office, House of Lords;  
Messrs. ADAM and CHARLES BLACK, of Edinburgh;  
Messrs. ALEXANDER THOM and Co., LIMITED, or Messrs. HODGES, FIGGIS, and Co., of Dublin.

1886.

[C.—4628a.] *Price 6d.*

## TABLE OF CONTENTS.

Serial No.	From or to whom.	Date.	Subject.	Page.
1	Governor Sir J. L. Simmons.	Oct. 28, 1884 (Rec. Nov. 3, 1884.)	Transmitting, with observations thereon, three petitions from the Committee of Privileges of the Maltese Nobility, and recommending same to the favourable consideration of the Secretary of State.	1
2	To Governor Sir J. L. Simmons.	Jan. 20, 1885	Conveying the decision of the Secretary of State on the petitions of the Committee of Privileges of the Maltese Nobility respecting the precedence of the nobles in the Island.	10
3	The Marquis Cassar Desain.	July 31, 1885	Transmitting a memorandum on the precedence of the Maltese nobility, and urging that the claims of the nobles should be allowed.	10
4	Governor Sir J. L. Simmons.	Dec. 7, 1885 (Rec. Dec. 12, 1885.)	Transmitting copy of a letter and memorandum from the Secretary to the Committee of Privileges, and submitting observations thereon.	16
5	Ditto - -	Jan. 7, 1886 (Rec. Jan. 12, 1886.)	Transmitting copy of a letter to the Secretary of State from the Secretary to the Committee of Privileges respecting the election of the Marquis Testaferrata Olivier.	25
6	To Governor Sir J. L. Simmons.	Jan. 16, 1886 Telegraphic.	Expressing the opinion that the election of the Marquis Testaferrata Olivier was valid.	25
7	Ditto - -	Feb. 23, 1886	Informing him that Her Majesty has been graciously pleased to sanction an arrangement by which the heads of the noble families may be allowed to take precedence next before the puisne judges hereafter to be appointed.	25
8	Governor Sir J. L. Simmons.	Apr. 12, 1886 (Rec. Apr. 17, 1886.)	Requesting permission to comply with the application of the Committee of Privileges that the Secretary of State's despatch of 23rd Feb. should be published in the Government Gazette.	26
9	To Governor Sir J. L. Simmons.	Apr. 26, 1886	Authorising the publication of the Secretary of State's despatch of 23rd Feb.	26
10	Governor Sir J. L. Simmons.	Apr. 22, 1886 (Rec. Apr. 27, 1886.)	Transmitting copy of a further petition from the Committee of Privileges praying that the nobles may rank according to the title borne as in the English peerage, irrespective of the dates of their patents, enclosing also copy of a correspondence arising out of the petition.	27
11	Ditto - -	Apr. 29, 1886 (Rec. May 5, 1886.)	Transmitting copies of a further correspondence on the subject of the precedence of the "Titolati," <i>inter se</i> .	32
12	Ditto - -	May 5, 1886 (Rec. May 10, 1886.)	Transmitting copy of a letter from the Committee of Privileges asserting the claim of that body to be the only body competent to report on matters affecting the Maltese nobility.	36
13	The Count Strickland della Catena.	May 11, 1886	Resigning his position as supplementary member of the Committee of Privileges.	39

Serial No.	From or to whom.	Date.	Subject.	Page.
14	To Governor Sir J. L. Simmons.	May 19, 1886	Requesting him to inform the Committee of Privileges that the Secretary of State is not prepared to accede to the request that the nobles should rank among themselves as in the English peerage and not according to date of their patents.	39
15	Ditto	May 19, 1886	Transmitting copy of a letter from Count della Catena, resigning his seat as a supplementary member of the Committee of Privileges.	40
16	To Count S. della Catena.	May 19, 1886	Informing him that his letter of resignation has been forwarded to the Governor.	40

MALTA.

CORRESPONDENCE

RESPECTING THE

MALTESE NOBILITY.

(*In continuation of [C.—3812], August 1883.*)

No. 1.

GOVERNOR SIR J. L. SIMMONS, G.C.B., to the RIGHT HON. THE EARL OF  
DERBY, K.G. (Received November 3, 1884.)

MY LORD,

Palace, Valletta, October 28, 1884.

I HAVE the honour to forward three petitions which have been entrusted to me by the Committee of Privileges of the Maltese Nobility for submission to your Lordship.

2. The first of these petitions relates to the question of precedence; in the second the Committee pray that the decisions of the Committee with regard to questions of nobility may not be subject to revision by the local courts, but only by the Committee of Privileges of the House of Lords; and in the third the Committee ask that in all documents emanating from Government the title "the most noble" may be allowed to every *Titolato* or *Titolata*.

3. With regard to the last petition, I may observe that the custom to which the Committee refer, as having been "latterly" discontinued, of addressing members of the Maltese nobility as "most noble" or "most illustrious" does not seem to have survived the practice of writing official letters in Italian. It is the Italian custom, as your Lordship is probably aware, to prefix an adjective in the superlative degree to the addresses of all letters directed even to persons who in England would only consider themselves entitled to the title "Esquire." The adjective varies according to the rank or calling of the person addressed. The ordinary form is "stimatissimo" or "gentilissimo," and in persons of higher rank the form would be "illustrissimo" or "nobilissimo." The discontinuance of the use of the Italian language in letters emanating from Government has probably led to the disuse of the two latter adjectives in addressing the *Titolati*.

4. As regards the second petition, it would be beyond my province to make any recommendation other than to say that any measure likely to lead to the diminution of litigation in Malta is by all means to be desired. The decisions of the local Committee of Privileges do not affect succession to property, and might, I think, be withdrawn with advantage from the jurisdiction of the local courts, whether the appeal now asked for be granted or not.

5. With reference to the petition on the subject of precedence, I have to report that as the president and members of the Committee of Privileges referred to the decision of the Secretary of State of 12th October 1877\* as being contrary to the law of Malta, the Committee were requested to point out the law to which they referred. I beg to enclose their reply, which fully explains their views on the subject.

6. Your Lordship will observe that it is argued in the petition that there has been a departure from the guarantee given by the British Government to maintain the privileges of the inhabitants of these islands by altering the precedence of the nobles.

\* Not printed.

7. As the privileges of the nobility, so far as they are now recognised by Government, are limited to the actual holders of certain specified titles whose claims to these titles have been fully established, I would suggest for consideration whether, without disturbing the precedence of present holders of office, future appointments to the office of puisne Judge might not be made subject to their taking precedence after the Titolati.

8. The other question raised in this petition, that of the relative precedence of wives of Titolati and of wives of officials who, in virtue of their official position, have precedence of Titolati, is based upon the dictum quoted in the petition, namely, that the official precedence of the husband is not communicable to the wife.

9. In most of the British dependencies this principle is, I believe, not recognised; but in Malta the converse of the principle, namely, that a lady having rank of her own, as the daughter of a British peer, shall take the precedence of her own rank and not the (lower) official precedence of her husband, has been recognised and acted on for a series of years. Apart from the argument that the privilege of a wife of a Titolato to take her husband's precedence to the exclusion of the wives of officials is a privilege which existed in 1813 and ought, therefore, to be restored, the Committee consider that the Government, having discarded the principle that the wife of an official shall take her husband's official precedence in favour of a lady who had no connexion with Malta, ought not in justice to insist on the principle to the detriment of ladies who belong to Malta—the titles and social rank of their husbands being now formally acknowledged by Government, and the Maltese nobility being, to all intents and purposes, a recognised portion of the social polity of Malta.

10. The Committee express their willingness that the wife of the Lieut.-Governor should take her husband's official precedence; and I assume that they would not object that the wives of the Naval Commander-in-Chief, and of the General Commanding the Infantry Brigade and of the present Chief Justice, all of whom take precedence of the Lieut.-Governor's wife, should also take the official precedence of their husbands.

11. The demand, then, narrows itself to this—supposing the Titolati to be granted precedence over the puisne Judges—that the wives of the Titolati should take precedence over the wives of members of Council.

12. And here we are met with the difficulty that eight out of the seventeen members of Council are elected members. Should your Lordship, after considering the arguments advanced by the Committee, be of opinion that they have made out a claim in the matter of the precedence of the wives of the Titolati, and give a decision in favour of that claim, I have no doubt that the official members of Council would loyally accept your Lordship's ruling. The elected members may probably take a different view.

13. I have only to add, in submitting these petitions to your Lordship, that I think the Maltese nobility, as a body, have claims to your Lordship's favourable consideration. The unfavourable verdict passed on them by Sir G. Cornwall Lewis, and by others since his time, may be deserved by some of them; but there are amongst them men of education, enlightenment, and intelligence, who deserve to be countenanced and encouraged. These gentlemen are not less interested than their brother Titolati in obtaining the recognition and maintenance of their privileges. Although the boons they ask may, viewed from a distance, appear of small importance, in this small community they are not so regarded; and should your Lordship find yourself able to meet the wishes of the Titolati, you will have earned the lasting gratitude of a body of good and loyal citizens.

I have, &c.,  
(Signed) J. L. A. SIMMONS,  
Governor.

The Right Hon. the Earl of Derby,  
&c. &c. &c.

## Enclosure 1 in No. 1.

To the Right Hon. the EARL OF DERBY, Her Majesty's Principal Secretary of State  
for the Colonies, &c. &c. &c.

The Petition of the President and Members of the Committee of Privileges of the  
Maltese Nobility.

SH EWETH,

THAT the Earl of Carnarvon, then Secretary of State for the Colonies, by his despatch of the 12th October 1877, ruled contrary to the ancient usage and custom of the Island, that the Titolati, or titled heads of families, should rank "next after Her Majesty's Judges in Malta and before the Chamber of Commerce," and "that in all cases the precedence of ladies is to follow that of their husbands."

That the nobles protested and have ever been protesting against this decision, being contrary to the ancient custom and law of the country, and to the well-known maxim that "the official precedence of the husband is no way communicable to the wife."

That whilst the wives of Titolati are only allowed the precedence of their husbands, the daughters of English peers are allowed here precedence above the wives of even the members of the Council of Government.

Wherefore, the undersigned President and Members of the Committee of Privileges of the Maltese Nobility pray that Her Majesty may be graciously pleased to rule that the Titolati should rank next after the members of the Council of Government and before Her Majesty's puisne Judges, and that, even as regards members of Council, the official precedence of the husband should not be communicable to the wife, excepting in the case of the Governor and Lieut.-Governor.

And your Lordship's petitioners, as in duty bound, will ever pray.

Valetta, Malta, 18th June 1884.

CIANTAR PALEOLOGO, President.

APAP BOLOGNA.

DE PIRO.

MANDUCA P. M. CASSIA.

DELICATA, LL.D.

## Enclosure 2 in No. 1.

To the Right Hon. the EARL OF DERBY, Her Majesty's Principal Secretary of State for  
the Colonies, &c. &c. &c.

The Petition of the President and Members of the Committee of Privileges of the  
Maltese Nobility.

SH EWETH,

THAT the Earl of Kimberly, then Secretary of State for the Colonies, by his despatch of the 16th August 1882, granted to the Body of the Titolati in this Island, a "Committee of Privileges" with functions analogous to those of the "Committee of Privileges" in the House of Lords, including the right of laying matters concerning their rights, claims, or privileges at the foot of the Throne.

2. That the above-named despatch also lays down that any decision by a competent Court of Law would over-ride the decisions of the Committee.

3. That this Committee was evidently constituted as a Board with certain judicial attributes, for the very object of avoiding the decision of questions of nobility by the local courts.

Wherefore, the President and Members of the Malta Committee of Privileges humbly pray that Her Majesty the Queen may be graciously pleased to order that the only competent Court to over-ride the decisions of this Committee is the "Committee of Privileges in the House of Lords."

And your petitioners, as in duty bound, will ever pray.

Valetta, Malta, 18th June 1884.

CIANTAR PALEOLOGO, President.

APAP BOLOGNA.

DE PIRO.

MANDUCA P. M. CASSIA.

DELICATA, LL.D.

Enclosure 3 in No. 1.

To the Right Hon. the EARL OF DERBY, Her Majesty's Principal Secretary of State  
for the Colonies, &c. &c. &c.

The Petition of the President and Members of the Committee of Privileges of the  
Maltese Nobility.

SHEWETH,

THAT during the Government of the Order of St. John each and every Titolato  
in Malta was allowed the style and title of "Most Noble," or "Most Illustrious"  
(enclosure A).

That this practice has been kept up to this day, but latterly has been omitted from  
all documents emanating from the Government.

Wherefore, the President and Members of the Committee of Privileges of the  
Maltese Nobility humbly pray that Her Majesty the Queen may be pleased to order  
that the style and title of "the Most Noble" be allowed to each and every Titolato or  
Titolata in all documents emanating from Government.

And your Lordship's petitioners, as in duty bound, will ever pray.

CIANTAR PALEOLOGO, President.  
APAP BOLOGNA.  
DE PIRO.  
MANDUCA P. M. CASSIA.  
DELICATA, LL.D.

Valetta, Malta, 18th June 1884.

Sub-Enclosure in Enclosure No. 3.

A.

ESTRATTO dal suo Originale, dal Volume Bandi e Prammatiche dell' anno 1725, al  
fol. 105, esistente conservato nella Corte Criminale di Sua Maestà, per l' isola di  
Malta e sue Dipendenze.

Per li Titoli.

PRAMMATICA.

S. A. Serēnia Padrone in virtù della presente Prammatica, perpetuo valitura,  
volendo rimediare agli abusi, et inconvenienti da qualche tempo a questa parte  
introdotti in materia di Titoli, ordina e comanda che da oggi in avanti nessun  
Avvocato, Notaro, et Attuario di questo nostro dominio, ardisca dare il Titolo di  
Illustrissimo, nè di Nobile, nelle scritture, contratti, ed atti pubblici, a veruno dei nostri  
Vassalli, eccettuato il Capitano della Verga pro tempore, e li due Magistrati delle  
nostre Città Notabile e Valletta, et il Milite Barone Marc Antonio Inguanez nostro  
Feudatario, con la Baronessa Inguanez sua consorte, e loro discendenti, sotto pena,  
in caso di contravvenzione, in quant' alli Avvocati di sospensione, ed in quanto alli  
Notari et Attuarj della prescrizione dell' officio, et altre pene arbitrarie a detta  
A. Serēnia.

Die XXX., mensis Aprilis 1725, data et pubta. fuit, et ego pñs Prammatica in locis  
publicis, solitis et consuetis, Has Civitates Vallette Victoriose Sengle et Burmule  
sono Tubi, Populi parte congregata audiente, et intelligente, Actuario Hujus Mag.  
Cur Castelle legente, et Jose Vella Precone, alta et intelligibile voce preconizante,  
unde:—

S. A. Serēnia Padrone, ordina e comanda che nella suddetta Prammatica s'intendono  
pure eccettuati il Barone di Cicciano, D. Fabrizio Testaferrata e la Baronessa del  
Gomerino D. Beatrice Cassia Testaferrata sua madre, e tutti li suoi figli maschi e  
femmine, con loro mariti e legittimi discendenti. Oggi li 11 Maggio 1725. Ita  
referent.

" F. N. NALVANUS DE VAJUS, AUD."

S. A. Serēnia Padrone ordina e comanda che nella suddetta Prammatica s'intenda  
eccettuato il Marchese di San Vincenzo Ferreri Don Mario Testaferrata, e li suoi  
discendenti. Oggi il di 9 Luglio 1725. Ita referent.

" F. N. NALVANUS DE VAJUS, AUD."

S. A. Serñia Padrone ordina e comanda che nella suddetta Prammatica s' intendono eccettuati Carlo Falzon, et Donna Eleonora Testaferrata, giugali, con li loro figli et discendenti, et anche Salvatore Dorell e Teresa Falzon, giugali, con li loro figli e discendenti. Oggi li 13 Giugno 1726. Ita referent.

" F. N. NALVANUS DE VAJUS, AUD."

S. A. Serñia Padrone ordina e comanda che nella suddetta Prammatica s' intenda eccettuati il Barone di San Marciano D. Diego Galea Ferriolo, con li suoi discendenti. Oggi li 2 Settembre 1726. Ita referent.

" F. N. NALVANUS DE VAJUS, AUD."

S. A. Serñia Padrone ordina e comanda che nella presente Prammatica s' intendono eccettuati il Barone Gio Pio de Piro, e li suoi discendenti. Oggi li 19 Marzo 1727. Ita referent.

" F. N. NALVANUS DE VAJUS, AUD."

S. A. Serñia Padrone ordina e comanda che nella presente Prammatica s' intendono eccettuati il Can<sup>co</sup> D. Giuseppe di Costanzo, D. Rosa vedova di Gio Battista di Costanzo et i loro figli e discendenti, per essere la detta famiglia di Costanzo nobile aggregata al seggio di Porta della Città di Puzzolo. Oggi li 24 Maggio 1729. Ita referent.

" F. N. NALVANUS DE VAJUS, AUD."

S. A. Serñia Padrone ordina e comanda che nella presente Prammatica s' intenda eccettuato il Barone Isidoro Viani, e suoi discendenti. Oggi li 27 Giugno 1730. Ita referent.

" F. N. NALVANUS DE VAJUS, AUD."

S. A. Serñia ordina e comanda che nella presente Prammatica s' intendono eccettuati D. Vincenzo Platamone, et Antonio Bonnici, e tutti i loro discendenti. Ita referent.

" F. N. NALVANUS DE VAJUS, AUD."

S. A. Serñia Padrone ordina e comanda che nella presente Prammatica s' intende eccettuato Baldassare Bonnici, e tutti i suoi discendenti. Oggi li 13 Gennaro 1732. Ita referent.

" F. N. NALVANUS DE VAJUS, AUD."

S. A. Serñia Padrone ordina e comanda che nella presente Prammatica s' intendono eccettuati Calcerano Mompalao, e suoi figli, e discendenti, ed anco Giuseppe Cuschieri, e Catarina, giugali, con li loro figli e discendenti. Oggi li 6 Marzo 1732. Ita referent.

" F. N. NALVANUS DE VAJUS, AUD."

S. A. Serñia Padrone ordina e comanda che nella presente Prammatica s' intenda eccettuato il Barone Saverio Gatt, e sua famiglia, cioè consorte e discendenti. Oggi li 23 Agosto 1737. Ita referent.

" A. CARBONE, F. AUD."

S. A. Serñia Padrone ha ordinato e comandato che si desse il titolo di Illustrissimo al Signor Ludovico Bianchi, e suoi discendenti in qualunque scrittura. Oggi li 25 Ottobre 1741. Ita referent.

" TOE. MARDESIUS FISCI, AUD."

Visto il 5 Settembre 1794. E' stato accordato il titolo d' Illustrissimo al Dr. Ugolino Bonnici, come si era fatto pochi anni prima col Dr. Saverio Crispo.

(Vedi il Vol. de' Bandi in detta data.)

Vera copia,

NOT. M. LA ROSA,

Registratore.

## Enclosure 4 in No. 1.

Valletta, September 8, 1884.

SIR,

I HAVE communicated your letter of the 20th June requesting me to indicate the law which has regulated precedence, and which is referred to in the petition of the Committee of Privileges to the President of the same Committee, and I am desired to submit to you the following information.

The question of precedence has in every country always been regulated by assuming that the nobility is the body which immediately follows sovereignty, and consequently it has, from time immemorial, been recognised in possession of the first place of honour, not always in force of a positive law, but certainly by general consent. In England, where this principle has ever been most strictly observed, previous to statute 31 of Henry VIII., no written law existed on the subject; yet the nobility enjoyed always their precedence.

In countries where alterations have been attempted, the first hints indicating the desired deviation were framed in a manner sufficiently implying the anterior recognition of the principle, and the words *cedant arma togae* are sufficiently indicative of the contrary prior state existing.

A similar practice has prevailed in Malta, and the petition itself by which the President of the Court of Appeal and the Judges have lately obtained precedence over the nobility confirms this assertion.

That petition does not quote any law or custom existing either in Malta or in any other country in favour of petitioners, but it simply contains a request that his Excellency should take into consideration their position on the subject of precedence as President and Her Majesty's Judges in these Islands. This request, though it does not explicitly ask for the repeal of a law, still it tacitly implies, as an ultimate result, the introduction of a new principle, and the repeal of a contrary custom; and it is painful to remark, previous correspondence is sufficiently replete with disparaging allusions to the nobility and of insinuations which must have contributed to a great extent in bringing about this innovation.

Tracing the process of legislative enactments applicable to these Islands, we find that the supremacy of the nobility is constantly recognised. Certainly previous to the advent of the knights of St. John, we cannot trace any record of local legislation without reference to the Aragonese laws or the Jus Siculum. This law continued to prevail in Malta (a fief of the Sicilian Sovereignty) even during the rule of the knights of St. John, with the occasional introduction, when necessary, of some enactments of the Grand Masters, called *Prammatiche* or *Chirografi Magistrali*.

In the Jus Siculum, Garsia Mastrill is considered the best authority on the subject of precedence, and has the most immediate bearing on practice in Malta. In his book, *De Magistratibus*, Lib. IV., Cap. XIV., N. 7, he begins the category of precedence from the sovereign, and proceeds with immediate sequence through princes, dukes, marquises, counts, and viscounts, down to all the barons.

The same principle strictly obtained in Malta, and the nobility has always had the first place.

Tracing our history from the earliest records, we find that all high places were invariably occupied by nobles. The Nava family were in possession of the Castel St. Angelo. The family Inguanez had the right to place their coat-of-arms on the gate of the town. In the procession of the Grand Master, on his taking solemn possession of the town after his election, the nobles figured in the highest places. The standard-bearer was a nobleman, and the Grand Master's carriage was guarded by noblemen. The feudal lords had a seat in the Consiglio by their own rights without the necessity of being summoned.

From the above-stated facts the high rank of the nobility is inferred.

Following more closely the question, I submit to your consideration other pertinent facts having a more direct bearing on the subject.

Grand Master Despuig, in his *Chirografo Magistrale* of the 16th of September 1739,\* establishes explicitly a precedence which is evidently inspired by the principles of Garsia Mastrill, and which confirms our views on the subject. In this *Chirografo*, in order to avoid any question of precedence, he fixes the qualifications which establish the successive claims in the following order.

He gives the first preference to any person who has been "*Capitano di Verga della Città Notabile e nostra Isola di Malta.*" Then follow the *Titolati*, the male descendants of the *Capitano di Verga*, those of the *Titolati*, persons who have been

\* For an English translation of this Instrument, see pages 12 and 13 of this paper.

