

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^{co} 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 Gennaio 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.

Primi Guirati of Notabile or of Valletta, the Senior Guirato of the University to which he belongs, and after all the above-mentioned any person who has been a Judge of Appeal, Criminal Judge, or Civil Judge of the Gran Corte della Castellania Capitana e Governatoriale; and then the Doctors of Law or Medicine.

I think that the sequence adopted in this enactment indicates sufficiently the prevalence of the idea that nobility is the qualification most effective in entitling to precedence, and the intention of the legislator with reference to the difficulty proposed by you.

Nor can it be objected that this order of honours may be attributed to chance or supposed to have been introduced at random. The object of this law was purely to regulate precedence:—"Per togliere differenze di precedenza," and the decision was in conformity with the custom of Sicily, and I may say of all Europe.

Again, Grand Master Rohan, in his Chirografo Magistrale of the 17th March 1795,* dwelling on the subject, declares it to be his intention fully to confirm his predecessor's enactment in the following words:—

"Nel concorso di ugual data secondo la graduazione stabilita nel Chirografo Magistrale del nostro predecessore Gran Maestro Despuig di gl. Mems., dei 16 Settembre 1739, quale, in quelle parti che non contradicono la presente nostra disposizione intendiamo di pienamente conservare."

But here we cannot omit to invite the attention of the Government to the fact that during the time of the Revolution, all the documents and diplomas having reference to nobility were burnt by order of the Government of the French Republic. It is probable that many documents having reference to the subject in question have been destroyed. Besides as the collection of Prammatiche existing in the criminal courts begins only from the year 1722, the present question has been probably deprived of a multiplicity of documents which must have had a direct bearing on it.

Persons of advanced age are under the impression of having known a Prammatica by Grand Master De Redin regulating precedence. But as this prammatica is anterior to the above-mentioned date at which the collection existing in the criminal courts begins, I have not been able to trace it. The difficulty of a similar search is rendered still greater by the fact that the Libri Conciliorum Status and the Libri Bullarum preserved in the Office of the Public Registry do not contain an index; and the matter is classified by date; so that in looking for a document, unless its date be known, all the volumes have to be perused, and the document is rather found by chance than by any methodical research. And in some cases, it is strange enough, a document is quoted as existing in the same book with its date specified, which is not to be found in any volume.

Besides the foregoing information which I have followed by documentary evidence in the Archives of the Grand Masters, I proceed to submit that the practice constantly followed in Malta by the British Government since the happy event of the occupation has always been confirmatory of the above-mentioned custom adopted by the previous Government. The first event since the commencement of the British rule, which has brought about the question of precedence, was the funeral of Sir Alexander Ball. On that occasion the place of honour was given to Baron Pasquale Sceberras and Baron P. P. Testaferrata. When Her Majesty Queen Adelaide honoured this Island with a visit, at the Drawing Room reception held by her precedence was given to the Nobility; and at the dinner which Her Majesty gave, the Marquis De Piro, C.M.G., had the honour of being selected to occupy the first place. When his Excellency Sir Henry K. Storks returned to Malta after a temporary absence, all the classes and corporations of Malta desired to present to him an address of congratulation. A question of precedence having arisen, his Excellency ruled that the address of the nobility should be read *immediately after that of the Legislative Council*.

This decision was afterwards confirmed by the Right Honourable the Earl of Carnarvon in his despatch to the Governor of these Islands, dated 23rd December 1876.

But all these facts were followed by the above-quoted petition of the President and Judges, to which the Secretary of State gave a favourable answer, and in this manner derogating the ancient usage and custom of the Island.

Yet I must remark that the case submitted in the petition of the Committee of Privileges differs essentially from that of the petition of the Judges, in so far as in the present instance precedence is only solicited on behalf of the Titolati, and not of the "Cadetti," and only above the puisne Judges, recognising the place assigned to the Chief Justice who has now replaced the President of the Court of Appeal.

* For an English translation of this Instrument, see page 13 of this paper.

p^{mo} chirografo in d^o anno 1654 sono state ordinate diverse altre leggi particolari, unendole, e riformandole secondo il bisogno assieme con d^o chirografo, in virtù del p^{nte}, q^{te} vogliamo che sia da tutti inviolabil^{te} sempre osservato. Ordiniamo che da oggi in avanti in tutti i sudⁱ Consigli Popolari, congregandosi, ci preseda il Veñ n^o Siniscalco, o chi sarà in suo luogo da Noi noñ^{te} godendo le solite e costumate onorevolenze di tutti gl' altri Consulenti, si faccino poi due ale, e votino secondo l' ordine prescritto qui sotto.

Adunati dunque che saranno tutti i Consulenti Vogliamo che p^{ma} di cominciar a votare s' habbia ad intendere la Relat^{te} delli Portieri, o offli ch' haveran hav^{to} l' ordine d' intimarli, per il giorno, ed hora che doveranno intervenire alla convocat^{te}, e se ne faccia nota dal M^{ro} Not^o, perche costì, che siano stati legittim^{te} notificati. Aggiungendo che li Feudatarij, e coloro che sono stati Capⁿⁱ della Verga, Giurati, ed ambasciatori possono intervenire nei Consigli d' Ambedue le Università senza obbligo e necessità di essere citati.

* * * * *

Et finalm^o che il p^{nte} Chirografo doppo registrato in Cancell^a si registri pure negli atti dell' Una e dell' Altra Università e si pubblici ogni volta che si congreghi a Consiglio Popolare all' effetto sud^o. Dat. in Palatio die Prima Junii 1708.—Perellos.

NOT. J. S. CAMILLERI,
Archivist.

(SEAL.)

Sub-Enclosure No. 2 in Enclosure No. 4.

(LETTER from the late BARON DE PIRO to the CHIEF SECRETARY to the GOVERNMENT of MALTA, dated Valetta, December 24, 1866.)

"MY DEAR SIR VICTOR, &c."

(For full text, see Enclosure 4 in No. 1 of papers presented by command, C.—2122, August 1878, page 7.)

Sub-Enclosure No. 3 in Enclosure No. 4.

(Letter from the BARON GAUCI BONICI to GOVERNOR SIR HENRY STORKS, dated the 24th of December, 1886.)

"EXCELLENZA ONORABILISSIMA, &c."

(For full text, see same paper, p. 8.)

Sub-Enclosure No. 4 in Enclosure No. 4.

(REPLY from the CHIEF SECRETARY to the late BARON DE PIRO, dated Secretary's Office, December 24.)

"MY DEAR BARON, &c."

(For full text, see same paper, p. 8.)

Sub-Enclosure No. 5 in Enclosure No. 4.

(LETTER of PROTEST from the JUDGES of MALTA relative to their precedence, dated Valletta, March 22, 1877.)

(For text, see same paper, page 20.)

Sub-Enclosure No. 6 in Enclosure No. 4.

(DECREE in ITALIAN of GRAND MASTER DESPUIG, dated the 16th of September 1739, not printed, as an English translation will be found *post* at pp. 12 and 13 of this paper.)

Sub-Enclosure No. 7 in Enclosure No. 4.

(DECREE in ITALIAN of GRAND MASTER DE ROHAN, dated the 17th March 1795, not printed, as an English translation will be found *post* at p. 13 of this paper.)

The RIGHT HON. THE EARL OF DERBY, K.G., to GOVERNOR SIR J. L. SIMMONS, G.C.B.

SIR,

Downing Street, January 20, 1885.

I HAVE had under my consideration the three petitions from the Committee of Privileges of the Maltese Nobility, which were enclosed in your despatch of the 28th of October last.*

2. With regard to the first petition, I request that you will inform the Committee that I regret to state that I do not feel myself justified in reversing the decision arrived at by the Earl of Carnarvon, and confirmed by Sir Michael Hicks-Beach, as to the precedence which should be assigned to the nobles in Malta. I may observe, however, that the place assigned to them next after the judges is the same as that recently assigned in Canada by Her Majesty to the Baron and Baroness de Longueuil, to whose case the attention of the Committee of the Maltese Nobility has, I believe, been directed. I am further unable to advise the Queen to direct that the wife of any person permanently resident in the Island shall have precedence different from that assigned to her husband.

3. With regard to the second petition, I have to request that you will explain to the Committee that I have no power to deprive the local courts of any jurisdiction which they may possess by law, and that Her Majesty's representative must, of course, recognise the decision of the Courts, even if they should conflict with those of the Committee of Privileges of the Maltese Nobility. I may point out that in their protest of the 27th of August 1878, the Committee protested against the then recent extra-judicial action taken on behalf of the Crown in regard to certain titles and surnames because "the sacred rights of property cannot be disposed of except by due course of law."

4. You will also have the goodness to state to the Committee that Her Majesty cannot confer on the Committee of Privileges of the House of Lords any jurisdiction in questions affecting claims to titles to nobility in Malta.

5. With regard to the third petition, you explain that the custom of addressing the nobility as "Most Noble" and "Most Illustrious" does not seem to have survived the practice of writing official letters in Italian. In that language such superlative phrases are used in addressing letters to persons of various degrees, and they have lost their full literal significance by this conventional use, or rather abuse, as is the case with certain phrases and expressions in all languages. The particular phrases in question have, however, not lost their literal significance in English, and I cannot authorise their use in official documents written in the English language, as I consider that they would be not quite appropriate nor in harmony with English modes of expression. The phrase "illustrious" is, I may observe, used in this country to designate Princes of the Blood Royal.

I have to request that you will convey an expression of my views to the Committee of the Nobility in answering their two other petitions.

Sir J. L. Simmons.

I have, &c.,
(Signed) DERBY.

No. 3.

The MARQUIS CASSAR DESAIN to COLONIAL OFFICE.

Marlborough Club, Pall Mall, S.W.,
July 31, 1885.

SIR,

I HAVE the honour to enclose a "Memorandum on the precedence of the Maltese Nobility," from which you will observe that the nobles occupied the highest place in local precedence till one of your predecessors in office deprived them of it, and that they now only ask for the restitution of what, until then, they had enjoyed under every dynasty.

As to the vexed question of the precedence of ladies, I submit that there should be no hesitation whatever in disallowing that of the wives of officials, especially as, up to a very late period, female precedence was totally unknown in Malta, owing to the peculiar constitution of the Order of St. John, who governed the Island till 1798. For 76 years of British rule the noble ladies enjoyed the place of honour, and it ought,

* No. 1.

in common justice, to be restored to them, particularly as Her Majesty the Queen has recently been pleased to command that the wife of a Maltese nobleman, on presentation at Her Majesty's Drawing Room, should be received in all respects as an English lady of noble rank is received. I need hardly remind you that, in England, it is an invariable rule that no office gives rank to the wife of the person holding it, and that even the wives of the great officers of State have no rank or precedence whatever.

The example of other Colonies and British possessions has often been quoted, or rather misquoted, as a precedent; but it seems to have been forgotten that in Colonies like those of Australia, America, and Africa, there was, and is, no native nobility, and certainly no officials before their colonisation. Those Colonies grew out of nothing, and it was but natural that the wives of officials there should be given rank over the wives of men who had no inherited or recognised social dignity. The case of Malta is widely different, for there existed a nobility for centuries before the English took possession of the Island. Malta had its hereditary Senate even before the Roman dominion.

The solemn engagements entered into by Great Britain in 1800 and 1814, should, I think, be borne in mind in considering the present question.

In determining questions of this nature, it is necessary to distinguish carefully between the points which are absolutely settled by law or by established custom, proved by decisions or precedents emanating from a competent authority, and those which are matters of mere opinion and have been allowed only for a limited period. Points of the second class cannot be considered as settled so as to become matter of right, and must be within the discretion of the officers of the Crown. Until decided by the authority of the Crown they remain matters of opinion and not of right.

The precedence allowed to the puisne Judges in Malta must be classed in the latter category, and I firmly and confidently trust that you will not hesitate to have it altered. It is evident that the Judges had no case from the letter which is published in the memorandum.

I hope that you will take an early opportunity of doing justice to the Maltese Nobility, and so finally set at rest, by a satisfactory solution, this long vexed question. The claim of the nobles is so reasonable and so moderate that I cannot see why it should not be granted.

To the Right Hon. the
Secretary of State for the Colonies,
&c. &c. &c.

I have, &c.,
(Signed) CASSAR DESAIN,
Hon. Secretary to the
Committee of Privileges.

Enclosure in No. 3.

MEMORANDUM on the PRECEDENCE of the MALTESE NOBILITY, presented to the Right Hon. the Secretary of State for the Colonies by the Secretary to the Committee of Privileges of the Maltese Nobility.

The Island of Malta has had a nobility from the remotest times, and even such well-known authors as Livy (1) and Cicero (2) have mentioned it in their works.

The nobility, as at present constituted, was founded by Count Roger the Norman, A.D. 1090, who, after expelling the Saracens, classified the population into barons, nobles, knights, citizens, burgesses, and rustics, and conferred several fiefs on the most distinguished amongst his followers (3).

Malta from that date continued to form part of the Sicilian monarchy, and the Aragonese Kings of Sicily augmented the nobility by no less than thirty new creations (4), some of which are now extinct or revived in favour of descendants in the female line. It was only in 1530 that the Emperor Charles V. granted the Island to the Knights of St. John of Jerusalem, after their loss of Rhodes.

The history of the nobility of Malta from 1090 to 1530, 440 years, was that of the nobility of Sicily. Nay, I may go further, and say that even up to 1798, when the Island was conquered by the French, the nobility of Malta and Sicily were identical, as the Grand Master of the Order of St. John held the Island only in fief from the Sovereign of Sicily.

(1) Lib. XXI, c. 52.

(2) Lib. XIII, epist. 52. M. T. Cic. Regi and In Verrem.

(3) Sanfilippo. "Storia di Sicilia," Cap. 11, No. 16.

(4) Abela, "Malta Illustrata."

We have but to refer to the history of the Sicilian nobility, and to its many privileges and prerogatives, to find out the status held by the Maltese nobility in their own Island.

Any ordinary reader of Sicilian history can tell how the nobility were supreme in everything; how they were the only councillors of State; and how they were the paramount arbitrators of their country's destiny.

In Malta, not only the Governorship of the Island, before the advent of the Knights, was almost hereditary in the family of Inguanez, Barons of Bucana and Diar-el-Bniet, and the keepership of the castle of St. Angelo strictly hereditary in that of Nava, Barons of Marsa; but the Governor of Gozo, the Vice-Admiral, the Segreto, or administrator of Government property, the Jurats (Municipal Senators) (5), the commanders of the various regiments, &c., were all noblemen who kept both horse and foot soldiers and several war-galleys at their own expense. They were, moreover, invested with the chief military commands, together with all executive and judicial authority, and had an hereditary right to sit in the Consiglio Popolare or local Parliament (6).

When Grand Master L'Isle Adam took possession of the Island in November 1530, the nobles received him on horse-back at the gates of the city, and he swore to preserve the rights and privileges of the Maltese (7). His successors repeated the same ceremony every time they were elected to the supreme rule of the Order and the Island, and they augmented the ranks of the nobility by several new creations. All the chief offices were in their hands, and no question as to their status was ever raised (8).

In 1739, Grand Master Despuig regulated the precedence of the nobles and other officials among themselves by the following enactment, which I reproduce in the original Italian, accompanied by an English translation:—

TRANSLATION.

“The Master of the Hospital at Jerusalem and of the Holy Sepulchre.

“To remove differences about precedence among the persons who will be appointed to the Juratships of the Universities of Notabile and Valletta, it is our will and pleasure, and we ordain and command, that they shall *all be preceded by the under-mentioned* (che tutti siano preceduti dagl' infrascritti), and that among the latter the precedence be regulated in the following order, namely:—

“First. Any person who was Capitano della Verga of the said city Notabile and of our Island of Malta.

“Second. The Titolato having a title founded on a fief really existing here, though he may not be in possession of it.

“Third. The Titolato who has not a title founded upon a fief really existing in our dominions, on the registration of the title in the Chancery of our Religion, and in the High Court of our Castellania, and the payment, for the respective registrations, of 116 scudi of our money, to be divided in equal shares between the said Chancery and Castellania.

“Fourth. A descendant in the male line from any person who was Capitano della Verga, if he lives on rents of his own property, and if his intermediate ancestors lived also on rents of their own property.

“Fifth. A descendant in the male line from a Titolato, with title founded on a fief really existing here, if he lives on rent of his own property, and if his intermediate ancestors lived also on such rent.

(5) Previously to the advent of the Order, the Capitano di Verga was the Governor of the Island, and when the Grand Masters assumed power he was the Lieutenant-Governor, and thus enjoyed precedence above everyone, including the Balis and Grand Crosses of the Order. When the Grand Master was seated on the throne, he stood on the right hand. He was the Commandant-in-Chief of the Country Districts, and was invested with both criminal and civil jurisdiction, having a Court of Justice of his own, and even power to exile any person from the Island without referring the matter to the Grand Master. He also presided over the local Parliament, or *Consiglio Popolare*. Vide “*Leggi e Costituzioni Prammaticali del Gran Maestro Vilhena*,” published in 1724. Also Abela and Ciantar, “*Malta Illustrata*,” and Desain, “*Genealogia della Famiglia Testaferrata*,” page 122. The Giurati were not only the Municipal Authorities and Senators, but also the Privy Councillors of the Grand Masters.

(6) Abela and Ciantar, “*Malta Illustrata*.” Vasallo, “*Storia di Malta*.”

(7) Bosio, “*Storia dell' Ordine Gerosolimitano*.”

(8) Ciantar, “*Malta Illustrata*,” and Archives of the Order of St. John.

“Sixth. Any person who was first Jurat of Notabile.

“Seventh. Any person who was first Jurat of Valletta.

“Eighth. The Senior Jurat of the University to which he belongs.

“Ninth. Any person who was Judge of Appeal, Criminal Judge, or Civil Judge of the Court of Castellania, or of the Courts Capitanale and Governatoriale.

“Tenth. A Doctor of Law, or a Doctor of Medicine. We declare that, among persons of the same rank, the antiquity of the original title must be attended to, and that a person who was a Jurat, if he be appointed Console di Mare, shall have precedence over other Consoli, and among the latter the precedence shall be regulated by the date of appointment.

“Given at the Palace, the 16th September 1739.

“(Signed) DESPUIG.”

And Grand Master de Rohan, in 1795, finally fixed the precedence of the nobles among themselves by the following other decree :—(9)

TRANSLATION.

“The Master of the Hospital at Jerusalem, of the Holy Sepulchre, and of the Order of St. Anthony of Vienna.

“It being a principle universally acknowledged that the greater lustre of nobility principally depends on its greater antiquity, nothing is more just and reasonable than that the older noble should have precedence over the more recent. We have, therefore, determined to ordain that, in regulating the precedence among the nobles of this our dominion, whether first-born or cadets indiscriminately, regard should only be had to the greater or less antiquity of the title by which their family was ennobled, whether that title had been granted by ourselves or our predecessors, or by foreign princes; provided, however, it was registered in our Chancery, and in the High Court of the Castellania. In cases, however, of grants bearing the same date, the person possessing two or more titles shall have precedence over another who has less titles, according to the rule established by the magisterial decree of our lamented predecessor, Grand Master Despuig, of the 16th September 1739, which, in any part not inconsistent with our present enactment, we intend hereby fully to confirm.

“Given at the Palace, the 17th March 1795.

“(Signed) ROHAN.”

When England took possession of the Island, not by conquest, but at the special request of the Maltese, who were the conquerors of the French invaders (10), both Sir Alexander Ball and Commissioner Cameron, in the name of King George III. and his successors, promised that the “laws, rights, privileges, and religion” of the Maltese should be maintained (11).

The British Government is, therefore, bound by special engagements, as well as by international law, not to alter, but to preserve, the precedence of the nobles.

In fact, there never was a question as to their rank and position till 1876. They invariably were granted precedence over all the officials of the Island, and most of the principal situations under Government were occupied by nobles without emolument. When Sir Thomas Maitland abolished the Capitano di Verga and the Jurats, he established by proclamation of the 5th June 1815, in lieu thereof, several Lord-Lieutenancies, to be entirely recruited from the nobility (12), and, when the Order of St. Michael and St. George was founded by the King as a reward for distinguished services in the Ionian Islands and Malta, several Maltese noblemen were decorated

(9) The Maltese nobility is limited to 28, and has the peculiar feature of not being able to increase, as there have been no creations since 1796. On the contrary, very often two titles are merged into one. *Vide* list in Appendix No. 2.

(10) Miège, “*Histoire de Malte*.” The following words are inscribed under the Royal Arms in the principal square of Valletta :—

MAGNE ET INVICTÆ BRITANNIÆ
MELITENSIS AMOR ET EUROPE VOX
HAS INSULAS CONFIRMAT
A.D. MDCCCXIV.

(11) *Vide* Sir Alex. J. Ball's Despatch to Mr. Wyndham, then Secretary of State, of the 28th February 1807; Mr. Cameron's proclamation of July 15, 1801; and other documents quoted in Appendix No. 3.

with the Cross of the Order. And, as the Order originated in Malta and the Ionian Islands, a certain number of Maltese nobles are always made members of the same.

On all official occasions, such as investitures of the said Order, funerals of Governors, &c., the nobles were always allotted their proper place, not excluding the Drawing-room held by Queen Adelaide on the occasion of her visit to the Island in 1838. The nobles were on that occasion ushered before any of the Judges (13).

It was only on the 23rd March 1877 that the Maltese Puisne Judges, without assigning any reason or quoting any precedent, claimed precedence through the following characteristic letter:—

Valletta, 23rd March 1877.

(For the text of the letter here quoted in the pamphlet, *see* p. 20 of C.—2122 Parliamentary paper, presented by command, August 1878.)

Strangely enough, their claim was allowed by Lord Carnarvon, then Secretary of State for the Colonies, in his despatch of the 12th October 1877, by ruling that the nobles "are to rank next after Her Majesty's Puisne Judges in Malta, and before the Chamber of Commerce."

He even went further, and in violation of the principle laid down in England and elsewhere, that "official rank does *not* extend to the wife," established "that in all cases the precedence of ladies will follow that of their husbands."

This was a distinct breach of the existing laws and privileges which England was bound to preserve, and particularly of the *prammatica* of Grand Master Despuig quoted above.

The nobles have protested continuously against this violation of their rights and privileges, and it was only the other day that a debate took place in the House of Lords on the subject, which will be found in the Appendix to this Memorandum.

Since then, a Maltese nobleman, the Marquis Cassar Desain, and his wife were presented at the Levée of the 11th and the Drawing-room of the 18th May 1885, and they were not only received as such, but the Queen, whose royal pleasure was specially signified in the matter, was graciously pleased to command that the Marchioness should be received in the fashion of an English Peeress (14).

It seems to me now the following questions raise themselves:—

1. Why should not the Maltese nobles be reinstated forthwith to their former place of precedence,—*videlicet*, before the Puisne Judges?
2. Why should official rank in Malta extend to the wives, and what reasons are there for not repealing Lord Carnarvon's despatch?
3. And why, if the wife of a Maltese noble is received in the English Court just as if she had been a peeress, on going back to Malta she should not hold that very same rank that an English Peeress holds when in Malta? (15).

(13) *Vide* Malta Government Gazette, No. 1463, 19th December 1838, page 530, and Lord Sidmouth's speech in the Appendix. The order of precedence observed on that occasion was the following:—(1), Members of Council; (2), a Member of H.M.'s Privy Council; (3), the Nobility; (4), the Judges; (5), Heads of Departments not Members of Council; (6), the Queen's Counsel; (7), Magistrates; (8), Dean and Chapter of the Cathedral; (9), Clergy, secular and regular; (10), Lawyers and Physicians; (11), Foreign Consuls; (12), Minor Officials.

(14)

Lord Chamberlain's Office,
St. James's Palace, S.W.,
May 11, 1885.

SIR,

THE Lord Chamberlain has taken the Queen's pleasure as to the ceremonial to be observed at the presentation of the Marquise Cassar Desain at the Drawing-room, and has been commanded to inform you that the Marquise will be permitted the privilege of kissing the Queen (instead of kissing Her Majesty's hand), according to the custom of English Peeresses.

The Marquis Cassar Desain.

I am, &c.,
(Signed) S. PONSONBY FANE.

(15) The Dowager Countess of Donoughmore, in the winter of 1884-5, was given precedence over all the wives of officials, and when Lady Hornby, wife of the Vice-Admiral Commanding-in-Chief of the Mediterranean Station, claimed precedence over Lady Louisa Feilding, daughter of the late Marquis of Bath, and over Lady Margaret Crichton (now Crichton Maitland), daughter of the Earl of Radnor, and the question was referred to the Home Authorities, it was ruled that Lady Hornby, though the wife of the Vice-Admiral of the Station, could not claim precedence over the daughters of English Peers. Now, if the daughters of peers rank in Malta above all the wives of officials, why should not the wife of a Maltese nobleman have the same privilege? Is it because the one is English and the other Maltese?

Addendum to note 15.—Another anomaly brought about by the despatch of the 12th October 1877 is, that the *wives* of the *elected* members of Council take rank *before* the wives of the nobles; or, to illustrate it by a practical example, it is the same as if the wife of an M.P. had precedence over a Scotch or Irish Peeress.

Should the Colonial Office, unjustly preferring some Colonial regulations to treaties and rights to which it is irrevocably bound, hesitate to dispossess the present Puisne Judges and their wives, who, after all, have only enjoyed this privilege (16) since 1877, the question might be settled by way of compromise,—videlicet, by directing that all future Puisne Judges are to come after the nobles; and by nobles I mean only the titled heads of families, and not the cadets.

I hope I have succeeded, with this brief Memorandum, in proving that it is not without just cause that the nobles complain of the conduct of the Government of Malta towards them, and I am confident that the sense of justice which animates the English people in general, and the governing bodies in particular, will not allow the just claims of the Maltese nobility to remain unnoticed.

APPENDICES.

I.—THE MALTESE NOBILITY.

This Appendix consists of a report of a conversation in the House of Lords, taken from the *Times* of the 21st of April 1885. The discussion is recorded in *Hansard*, 3rd series, vol. 297, pp. 131-4.

II.—LIST OF THE MALTESE NOBILITY.

(Alphabetically arranged.)

MARQUESESSES (9).

Alessi of Tafia.	Cassar Desain.
Apap of Gnien Is-Sultan.	Testaferrata Olivier.
Crispo-Barbaro of St. George.	Mallia-Tabone of Fiddien.
Delicata of Ghain Kajet.	Testaferrata of San Vincenzo Ferreri.
De Piro.	

COUNTS (10).

Sant Cassia (Baron of Ghariexem and Tabia).	Preziosi.
Fontani della Senia.	Ciantar Paleologo (Baron of San Giovanni).
Fournier.	Stagno of Bahria.
Gatt of Bebirrua.	Bologna Strickland della Catena.
Manduca of Montalto.	Teuma-Castelletti of Ghain Toffieha.

BARONS (9).

Testaferrata Abela of Gomerino.	Galea of San Marciano.
Azopardi of Buleben.	Sceberras-Damico-Inguanez of Diar-el-Bniet, Bucana, and Castel Cicciano.
Bonici of Culeja.	Attard Montalto of Benuarrat.
Delicata Carbot of La Grua.	Testaferrata Viani of Tabria.
De Piro of Budak.	

III.

Malta is in a very exceptional position; it is not a colony in the sense of Australia, nor is it a Crown colony like Gibraltar, having been conquered by the English. Malta, strictly speaking, is under the protectorate of Great Britain.

The following other documents will prove sufficiently that Malta was *not* conquered:—

1. Address of Brigadier-General Graham (afterwards Lord Lynedoch) of the 19th of June 1800.
2. General Pigot's proclamation of the 19th of February 1801.
3. Lord Hawkesbury's Despatch to the British Ambassador at St. Petersburg, dated 29th of January 1803.
4. Speech of Lord Melville in the House of Lords on the 23rd of May 1803.
5. Proclamation of Sir Thomas Maitland, 5th of October 1813.

(16) They can hardly be said to have possessed this usurped privilege, as the nobles have persistently refused to take part in any ceremony where the judges or their wives were likely to be allowed the *pas* before them.

6. Eton's "Authentic Materials for a History of the Maltese People."
7. Pawsley, "Essay on the Military Policy and Institutions of the British Empire."
8. Jones Webster's "Travels."
9. Martin's "History of the British Colonies."
10. Dillon's "Memoir on the Political State of Malta."
11. Declaration by the members of the Maltese Congress of the 15th of June 1802.
12. Petition to the King of the 11th of July 1811.
13. Petitions to the House of Commons in 1821, 1832, 1835, 1836, and 1839.
14. Baron Azopardi's "Raccolta di cose antiche e moderne," pages 222-224, 226-234, and 234-255.

IV.—THE MALTESE NOBLES.

This Appendix consists of an article from the *London Globe* of the 21st of April 1885.

V.—SOCIAL INTERCOURSE IN INDIA AND MALTA.

M. Molinari, in his recent disquisition on India, says:—"The English have introduced into India European progress, but they have not been amiable as masters. All travellers give evidence of their contemptuous bearing towards the natives, even of the highest caste." This is an unpleasant indictment, and it is all the more unpleasant because it is to some extent true. There is, of course, something to be said on the other side. The natives themselves are not very approachable. They hide their real feelings under a shroud of reserve, and the regulations of caste render social intercourse difficult. Nevertheless, those who visit the French settlements at Pondicherry and Chandernagore must admit that our friends across the Channel possess the art of getting closer to the natives than we have managed to get. They are less stiff in their manners, and they are more ready to adopt native ways. Apropos of this question, it is worth while to glance at a little debate which took place in the House of Lords on Monday evening, when Lord Sidmouth brought forward some Maltese grievances. Part of the discussion referred to the status occupied by the native nobility of Malta, which may seem a matter of purely local interest, but a different light was thrown upon it by a speech which the Duke of Edinburgh delivered. We remember being ourselves surprised to learn, during a visit to Malta some thirty years ago, how very little intercourse existed between the English residents (who are mostly connected with the naval and military services) and the native gentry. It is evident from the Duke's out-spoken address that matters are scarcely any better now. The English will not admit the Maltese gentlemen to their club, which, says H.R.H. boldly, is "the greatest possible mistake, and a great injustice to those high-minded Maltese gentlemen who are so anxious to become members there." When Royalty speaks, the most stiff-necked British snob is wont to become subservient. We hope it may be so in this instance, for this lack of adaptability tends to weaken the cohesion of the widely-divided fractions which make up the British Empire.—*Graphic*, April 25, 1885.

No. 4.

GOVERNOR SIR J. L. SIMMONS, G.C.B., to COLONEL THE RIGHT HON. F. A. STANLEY, M.P. (Received December 12, 1885.)

SIR,

I HAVE the honour to forward, in compliance with the request contained therein, a copy of a letter and memo., dated 18th November, of the Honorary Secretary of the Committee of Privileges of the Maltese Nobility, as well as copies of the previous correspondence to which the memo. refers.

2. With reference to this correspondence, I have to observe that if the Honorary Secretary's letter of the 3rd November had stood alone, I should not have asked for the minute of proceedings of the meeting of nobles, which are not required to be sent to me, and should have had no objection of publishing the election of the Marquis Testaferrata Olivier to the vacant seat in the Committee, but as it was followed

immediately by an official letter transmitting a copy of the minutes of proceedings of the meeting, I was under the necessity of considering the two communications together, and accordingly directed the Lieutenant-Governor to write in the terms of his letter of the 17th November.

3. The Honorary Secretary of the Committee remarks on that letter under three heads.

4. As to the first, I have to observe that although attention was directed to the third paragraph of the Secretary of State's Despatch of 16th August 1882,* in which it is expressly stated that the Titolati voting at the meeting for the election of members of the Committee are to be of full age, no opinion was given as to the legality or otherwise of the vote taken at the meeting of the 31st October.

5. Under the second head, the question is discussed of the power of a guardian to appoint a proxy to vote for his ward who is under age. On this point I have to observe that there is no record in the Government offices of the Crown Advocate having given any opinion on the subject, and the Crown Advocate has no recollection of ever having given any such opinion verbally. Whether he did or not is immaterial, as his opinion cannot decide the question, which, although a precedent has been cited by the Honorary Secretary as having occurred at the meeting of the 9th October 1882, remains for your decision. It appears to me, however, that the decision of the Secretary of State that the Titolati voting at the meeting should be of full age precludes a Titolato not of full age from giving a vote at a meeting by proxy.

6. As to the third head, having reference to the titles with which the nobility are to be addressed in official documents, whether they are to be styled "Most Illustrious and Noble Marquis, Count, &c." in English, or "Illustrissimo e Nobile Marchese, Conte, &c." in Italian, I have to point out that the instructions of your predecessor, in his despatch of 20th January 1885,† are most explicit, that he cannot authorise the use in official documents, written in the English language, of the titles of "Most Illustrious and Most Noble."

7. The Honorary Secretary having been informed of this decision, which was entirely ignored at the meeting, I conceived I could not take upon myself to recognise its proceedings.

8. In the course of the interview I had with the Honorary Secretary, to which he refers in his letter of the 18th November, I pointed out that the Italian and English expressions were very different in importance, and that the phrase "Illustrious" being limited in Great Britain to Princes of the Blood Royal, its adoption by the Maltese nobility was out of the question, and would even subject the bearer of it to ridicule in England, to which he assented, and suggested that some sort of compromise should be adopted.

9. I gave no adhesion to this suggestion, nor even said that I would recommend its adoption, but as there can be no doubt that the nobility enjoyed the titles of illustrissimo and nobile under the Grand Masters, and as the British Government undertook to maintain the ancient privileges of the inhabitants of the Island, it might be worthy of consideration whether, while retaining the Italian titles granted to them, they might not be addressed in official documents in English as "The Most Noble" as a quasi equivalent translation of their Italian title.

10. Their claims to the titles granted to them by the Prammatica of Grand Master Vilhena, and by subsequent patents, have been conceded, but as it is most desirable to get rid of Italian expressions in official documents, it might be advisable to meet their wishes by making this concession.

11. In considering this question, however, the fact must not be lost sight of that there is no special precedence due to the actual titles, it having been settled that the nobility take relative precedence, *inter se*, according to date of creation. The senior noble in the Island, under this rule, is the Baroness Inguanez, whose creation dates back to 1350.

Colonel the Right Hon. F. Stanley,
&c. &c. &c.

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

* See Appendix.

† No. 2.

Enclosure 1 in No. 4.

SIR,

Valletta, November 18, 1885.

WITH reference to your letter of the 17th instant, I have to request you to lay before his Excellency the Governor the enclosed copy of a memorandum which I have already had the pleasure of reading to his Excellency.

I am, &c.,

(Signed) CASSAR DESAIN,
Hon. Secretary.

The Hon. the Lieut.-Governor,
Chief Secretary to Government.

MEMORANDUM presented to HIS EXCELLENCY THE GOVERNOR by the SECRETARY
TO THE COMMITTEE OF PRIVILEGES.

The Lieut.-Governor and Chief Secretary's letter of the 17th November 1885, reduces itself to three heads.

1. That your Excellency observed that a Titolato, who was a minor, had voted at the general meeting of the 31st October last, and, consequently, calls the attention of the Secretary to the Committee of Privileges to the Secretary of State's Despatch of the 16th August 1882.

2. That the Crown Advocate has no recollection of having ever given an opinion as to a guardian's power to vote.

3. That the Secretary of State not having authorised "the use in official documents written in *English* the titles of "Most Noble" and of "Most Illustrious," your Excellency, considering the *informality* of the proceedings and the use of those titles, does not think proper to publish the appointment of the Marquis Testaferrata Olivier, nor to recognise the minutes as an *official* document.

FIRST ITEM.

The letter refers to the matter as if the Secretary to the Committee of Privileges had not already observed that a minor had inadvertently been allowed to vote. So far back as the 8th November, the Secretary called the attention of the Crown Advocate to the fact in a letter, copy of which is annexed, and asked his opinion, and the Crown Advocate, instead of saying whether, in his opinion, the election was valid or not, wrote to say that in due course the Secretary to the Committee of Privileges would hear officially on the subject.

It is true that the Lieut.-Governor's letter does not say that the election is void, but virtually it declares it to be so; as the proceedings are considered "*informal*," and even the minutes are called "*unofficial*." The Secretary to the Committee of Privileges holds that the election is perfectly legal:

(a), because, even if the minor's vote were to be deducted, there would be still a *majority* in favour of the candidate declared to be duly returned, in accordance with Lord Kimberley's Despatch;

(b), because there are precedents to prove that a vote illegally given does not invalidate a decision or election.

In 1660 a person, styling himself Earl of Banbury, sat in the House of Lords, voted and performed divers acts as a peer of the realm, and, presumably, may have sat on a Committee for Privileges. Were the decisions of the House of Lords, were the legislative enactments passed during that session declared null and void?

Certainly not. (*Vide* Sir George Bowyer's "Commentaries on the Constitutional Law of England," London, 1846, p. 471, the Gardiner peerage claim, and other works of the kind.)

Another case in point is that of the Earl of Mar and Kellie who, a few years ago, voted at the election of Scotch representative peers at Holyrood, and the election, as far as the undersigned is aware, was never annulled.

The first point is, therefore, solved in favour of the election of the Marquis Testaferrata Olivier in virtue of precedents that occurred in England. And as the prerogatives of the Malta Committee of Privileges are similar to those of the Committee of Privileges of the House of Lords (*vide* Lord Kimberley's Despatch of the 16th August 1882), it is there that we have to look for a guide and not to the opinion of persons who may or may not be conversant with such matters.

SECOND HEAD.

When the Secretary of State granted the Committee of Privileges in 1882, the undersigned, then an elected member of Council, was, by letter of the 16th September 1882, from the Chief Secretary to Government, Sir Victor Houlton, requested to carry out the election of the Committee and report for the information of the Secretary of State. It was evident that all Titolati of full age were to attend the meeting and vote; but as on the roll there was a Titolata (of full age) in her own right, and a Titolato, also of full age, whose mental ailments incapacitated him from ever voting, and as he could find no precedents to guide him, he referred the matter to Sir Victor Houlton, who was himself perplexed which way to decide. Sir Victor sent for the Crown Advocate, and, in the presence of the undersigned, submitted the queries to him. The Crown Advocate there and then said that, as to the Titolata, there was nothing in the despatch that could preclude her voting, and it was settled that, should she attend the meeting, she was to vote like any Titolato, but, should her husband attend, he being a Titolato, was to have a double vote. (*Vide* my report to the Secretary of State, forwarded through the local Government, on the 10th October 1882). The Crown Advocate further stated on that occasion (the end of September 1882) that as the Baron della Grua was mentally unable to vote, and there was no hope of his ever being able to do so, he thought that his father, who was the younger son of the late Marquis of Ghain Kajet, ought, as his guardian, to be allowed to vote in his stead, and, accordingly, a circular was issued to him and he attended and voted, as may be seen from the minutes of the 9th October 1882, enclosed in my report of the 10th just quoted, which minutes must have been sent to the Secretary of State, as on the 2nd November 1882 Lord Kimberley wrote (Malta, 552,) acknowledging Sir Arthur Borton's despatch of the 19th October 1882, covering a letter (report) from the Secretary to the Assembly of the Maltese nobility, and thanked him for the vote of thanks passed to his Lordship at the meeting of the 9th October 1882, mentioned in the above-named minutes.

Lord Kimberley not only made no remark because the guardian of the Baron della Grua was allowed to vote, but the local authorities have never up to date impugned that election, though more than three years have already elapsed.

The Secretary to the Committee of Privileges, if his recollection does not fail him, has a record of the conversation with Sir Victor Houlton and the Crown Advocate, and will look for it amongst his papers if time is given him.

The undersigned thinks, that though the Crown Advocate's memory fails him in this point, he has succeeded in proving to the satisfaction of your Excellency, that it was, with the concurrence of the local authorities, confirmed by the Secretary of State, that guardians have been allowed to vote for their wards at the meeting of the Titolati.

THIRD HEAD.

It was Grand Master Manoel de Vilhena who, by a prammatica of the 30th April 1725, granted the title of "*Illustrissimo e Nobile*" to the Milite Marc' Antonio Inguanez, Baron of Diar-il-Bniet and Bucana.

It may not be out of place here to state that a prammatica was an official edict much more important and solemn than a Government notice of our own time.

That prammatica was subsequently extended to the then Baroness of Gomerino and her descendants, to the Baron of Cicciano and his descendants, to the Marquis of San Vincenzo Ferreri and his descendants, to the Marquis De Piro and his descendants, and to several other noble families whose names it is unnecessary to mention, and in all the more modern creations that took place in the time of subsequent Grand Masters; it was expressly recited in the *Bolla Magistrale* (Patent) that they (the nobles so created) were to enjoy all the rights, exemptions, and privileges of the other nobles, so that virtually Vilhena's prammatica was extended to the whole body of the nobility. This privilege they enjoyed up to the abdication of Grand Master Hompesch in 1798.

When the Maltese voluntarily placed themselves under British protection they were guaranteed all their rights and privileges, amongst which should be included this prammatica, and this is borne out by Sir Alexander Ball's Despatch of the 28th February 1807 to Mr. Wyndham, then Secretary of State for the Colonies, in which he said:—

"You are aware, Sir, that when the British took possession of the Island, it was stipulated that the privileges of the Maltese should be preserved and their ancient laws continued in force."

And who better than Sir Alexander Ball could assert what was then stipulated, he who was one of the contracting parties?

No Secretary of State can, without infringing international law, expunge that *prammatica*.

If it is the wish of the Secretary of State and of your Excellency that the titles of *Illustrissimo e Nobile* should be preserved in the official language of the time, viz., the Italian, the undersigned is quite willing to revert to that old custom, especially as the Secretary of State in his despatch, the date of which was not even quoted in the letter to the undersigned of the 3rd February (received only on the 6th February 1885), if that letter is to be considered as the text of the despatch, stated "that he cannot authorise their use in official documents written in the *English* language," thereby authorising their use in all documents written in any other language.

The Secretary to the Committee of Privileges cannot but observe this with much regret, as he will be compelled, much against his will, to keep all the Minutes of the Committee and all other documents in Italian, which he has studiously up to the present been trying to avoid, even in spite of the express wish of some of the *Titolati* as expressed and insisted upon at the meeting of the 31st October last.

The undersigned begs further to remark that in all civilised countries the nobility are always addressed by some superlative title or appellation appropriate to their grade, thus in England a Duke is called "his Grace," a Marquis "Most Honourable" or "Most Noble," and all the other ranks of peerage "Right Honourable," in Spain and Sicily and Naples they are given the "Excellency" and so on. It seems, therefore, strange that the Secretary of State (I allude to Lord Derby, but I suppose his successors are more or less responsible for his acts until they have remedied them) should wish to ignore a state of things which not only existed previous to English rule, but was guaranteed to the nobility, when England took, at the request of the Maltese, possession of these Islands, the spontaneousness of which act is most graphically and publicly expressed in the inscription over the Main Guard—

"Magnæ et Invictæ Britanniæ
MELITENSIVM AMOR et Europæ vox
Has Insulas Confirmat."

Moreover, it may be added that when a lady of the nobility was last spring presented at Court, the Queen, through an express order conveyed through the Lord Chamberlain, was pleased to command that she should be "received in the fashion of an English peeress." Now, if Her Majesty was graciously pleased to receive a *Titolata* in such a way, is it likely that Her Majesty would not sanction the ancient customs of the *Titolati*?

The undersigned acknowledges that the title of "Most Illustrious" in England is invariably given to princes of the blood only, but surely the Secretary of State could not have any objection to allow the style and title of "*Most Noble*" instead.

And now as to the Minutes themselves, the Secretary to the Committee of Privileges must remark, that in no part of Lord Kimberley's despatch of the 16th August 1882, nor, as far as he is aware in any subsequent Despatch, is it stated that Minutes are to be sent to the Chief Secretary's Office or to the Colonial Office, but it has been thought advisable to do so to give as clear a report of the proceedings as possible. If the Minutes are to be considered henceforth as an *unofficial document* simply owing to the introduction of the words "*Most Illustrious and Noble*" which are only a translation of the Italian titles "*Illustrissimo e Nobile*," granted by an express *prammatica*, the undersigned will have to refrain from sending such documents and will have to adopt a different mode of procedure, until the Secretary of State's pleasure is made known.

The Secretary to the Committee of Privileges trusts that he has proved to your Excellency's entire satisfaction—

- (a.) That the election of the Marquis Testaferrata Olivier is perfectly legal;
- (b.) That it was with the concurrence of both the Local and Home Authorities that guardians have been allowed to vote;
- (c.) And that the Minutes are not invalid simply owing to the introduction of words the *English* version of which has been objected to;

but should your Excellency still entertain a doubt, he requests that this Memorandum, together with its enclosures and all the documents referred to, be forwarded, without delay, to the Secretary of State for decision thereon.

18th November 1885.

(Signed) CASSAR DESAIN.

DEAR DR. CARBONE,

St. Julian's,
November 8, 1885.

At a meeting of the Titolati, held on the 31st ultimo, to fill up the vacancy caused on the Committee by the death of Count Manduca, the Countess Dowager of Gain Toffieha, guardian of her eldest son, who is a minor, sent me a power of attorney to vote in her son's name.

I submitted the paper to the meeting, and it was allowed, as you may see from the Minutes which I sent to the Chief Secretary's office on the 4th inst.

It never struck me, till yesterday, that the despatch of the 16th August 1882 only grants power to vote to the *Titolati of full age*. The present Count of Gain Toffieha being a minor, he and his representatives are necessarily precluded from voting.

Considering, however, that the Marquis Testaferrata Olivier secured a majority of votes, I think that the election *need not* be declared null and void. I think it best to submit the case to your consideration, and would feel obliged if, after perusing the minutes and the *procura* which I am forwarding, you will kindly let me know whether the election is valid or not.

The Honourable G. Carbone, LL.D.,
Crown Advocate.

Believe me, &c.,
(Signed) CASSAR DESAIN.

DEAR MARQUIS DESAIN,

November 11, 1885.

I BEG to acknowledge the receipt of your letter of the 8th instant, and to state in reply that, as the papers relative to the election of the Marquis Testaferrata Olivier have been laid before his Excellency the Governor, you will probably receive an official communication on the subject.

I return the document (*procura*) which accompanied your note.

With, &c.,
(Signed) G. CARBONE.

Enclosure 2 in No. 4.

SIR,

Valetta, November 2, 1885.

I HAVE the honour to report that at a meeting of the nobles of this Island (*Titolati*) held on the 31st October, in accordance with the enclosed circular, Gio Paolo, Marquis Testaferrata Olivier, was duly elected to fill up the vacancy in this Committee caused by the demise of Monsignor Salvatore Manduca Piscopo Macedonia Cassia, Count of Montalto.

I have to request that you will be pleased to notify this alteration in the *Malta Government Gazette* as soon as convenient, making reference to Notice No. 73 of the 17th October 1882.

The minutes of the proceedings will be forwarded to your office in due course.

The Hon. the Lieut.-Governor
and Chief Secretary to Government,
&c. &c. &c.

I have, &c.,
(Signed) CASSAR DESAIN,
Hon. Secretary.

COMITATO DI PRIVILEGI DELLA NOBILTA MALTESE.

NOBILISSIMO SIGNORE,

Valetta, Ottobre 21, 1885.

SABATO, 31. carrente, alle ore 10 a.m. precise, n sarà una riunione dei "Titolati" in casa del Conte Ciantar Paleologo, K.C.M.G., Valetta, Strada Teatro,

No. 86, per eleggere un membro del comitato di privilegi invece del compianto Monsignor Conte Manduca Piscopo Macedonia e per trattare, occorrendo, altre materie.

(Signed) CASSAR DESAIN,
Segretario.

Enclosure 3 in No. 4.

SIR,

I HAVE the honour to transmit, for the information of his Excellency the Governor, copy of the minutes of a general meeting held on the 31st October to fill up the vacancy caused by the demise of one of the members of this Committee, as well as an extract from the minutes of the previous general meeting of the 8th November 1883 with reference to the use of titles in Italian.

November 3, 1885.

The Hon. the Lieut.-Governor
and Chief Secretary to Government.

I have, &c.,
(Signed) CASSAR DESAIN,
Hon. Secretary.

MINUTES of a GENERAL MEETING of the NOBLES of MALTA (TITOLATI) holden in Count CIANTAR PALEOLOGO's Town House, 86, Str. Teatro, at 10 a.m. on Saturday 31st October 1885, as per annexed circular.

Present, the most illustrious and noble:—

1. Mary Sceberras D'Amico Inguanez, Baroness of Diar il Bniet, Bucana, and Castel Cicciano.
2. Sir Giorgio Serafino, Count Ciantar Paleologo, Baron of San Giovanni, K.C.M.G., President of the Committee of Privileges.
3. Colonel Saverio, Marquis De Piro, C.M.G.
4. Gio Paolo, Marquis Testaferrata Olivier.
5. Lorenzo, Marquis Cassar Desain, C.M.G., Hon. Secretary to the Committee of Privileges.
6. Francesco Manduca Piscopo Macedonia, Count of Montalto.
7. Lazzaro Sant, Count Fournier.
8. Calcedonio Azzopardi, Baron of Buleben.

The Baron of Buleben, before allowing the minutes of the previous meeting to be read, proposed that Count Ciantar Paleologo be voted in the chair.
Marquis Cassar Desain objected, as the Count was *de jure* president of this general meeting.

The Baron of Buleben contended that the Count was only president of the Committee of Privileges and not of this general meeting, and that to preside legally over this meeting it was necessary to vote him in the chair.

Marquis Cassar Desain replied that, if the Baron's argument held good, he himself had no right to act as secretary, as he was secretary to the Committee of Privileges, and therefore would immediately vacate his place.

Baron of Buleben objected, for whereas the secretary, though secretary to the Committee, could legally and lawfully act as secretary to this general meeting, he held that Count Ciantar Paleologo could not do so.

The secretary said this was a manifest contradiction, and explained that when the Committee of Privileges was first instituted, the *Titolati* elected a committee of five, and that the committee appointed as president the person who had secured the largest number of votes, and that, therefore, though Count Paleologo did not directly owe his appointment as president to the *Titolati*, yet he had lawfully been elected, and was *de jure* president both of the Committee, about which there was no question, and of these general meetings. Moreover, two general meetings had already been held in which Count Ciantar Paleologo presided without any objection being raised, and he held that they had to be looked to as precedents. He therefore moved that Count Ciantar Paleologo be considered as *de jure* chairman of this meeting.

After a long and animated conversation, in which all the nobles present took part, it was resolved to divide on Baron Buleben's proposal, the result being:—

For the Baron's proposal	-	1
Against	-	7
		6
Majority against	-	6

Count Ciantar Paleologo having been installed in the presidential chair—

The secretary began reading the minutes in English,

The Baron of Buleben protesting in strong terms, as "la nostra lingua è l'Italiana."

The secretary said that the language of the Committee of Privileges of the House of Lords was the English, and as the prerogatives of the Malta Committee of Privileges were identical, he held that the official language of this Committee was the English, and all minutes were consequently kept in English.

At the request of Marquis Testaferrata Olivier, the secretary translated the minutes into Italian, for the benefit of the Baron of Buleben.

The minutes were confirmed.

The secretary then read a brief report of what the Committee had done since its instalment, and all the correspondence that took place since last meeting.

The secretary laid on the table a power of attorney from the Countess Dowager of Ghain Toffieha, guardian to her eldest son, Francesco Saverio, fourth and present Count of Ghain Toffieha, a minor, appointing him, the said Marquis Cassar Desain, her legal representative, to vote for her at this election, and, in case of non-acceptance, power to appoint in his stead the Marquis De Piro, and explained that, as there was no precedent to guide him, he wished to elicit the opinion of those present thereon. He further stated, there was no doubt guardians, when connected with the nobility, had power to vote for their wards, and that this point had been settled by the Crown Advocate when the Committee was first instituted; and it was resolved to allow Dr. Giuseppe dei Marchesi Delicata di Ghain Kajet to vote in his son's name, the Baron della Grua, which he had actually done, but that the present question was, had the guardian power to appoint a deputy?

After due discussion, it was resolved that the Dowager Countess of Ghain Toffieha had power to do so; but the Baron of Buleben wished that it should be recorded in the minutes that he objected to the person appointed being a *Titolato*, as it gave him a double vote. The Countess might have appointed a *cadetto*, according to Baron Buleben.

The other nobles, notably the Marquis De Piro and Count of Montalto, contended that the *Titolati* had no right to interfere in the choice of person.

The Baron of Buleben objected to the voting lists having to be signed by each *Titolato*, as it destroyed the secrecy of the vote.

The secretary said that in the two previous elections this method had been adopted, and

The Baron of Buleben:—"Non è vero."

The secretary produced the voting lists of the previous meeting, which were found to be identical to those handed round, and went on to say that the method had been adopted, with the concurrence of Sir Victor Houlton, then Chief Secretary to Government, and copied from the way in which Scotch representative peers were elected.

Count Fournier having been appointed scrutator, the following was the result of the election to fill up the vacancy caused by the demise of Monsignor Salvatore Manduca Piscopo Macedonia Cassia, Count of Montalto:—

Marquis Testaferrata Olivier	-	-	6 votes
Count Fournier	-	-	2 "
Count della Catena	-	-	1 "

The Marquis Testaferrata Olivier was declared to have been duly elected, and the secretary was requested to report to Government in the usual way.

The meeting was then adjourned.

(Signed) CASSAR DESAIN,
Hon. Secretary.

EXTRACT from the MINUTES of a GENERAL MEETING of the TITOLATI, held in the Town House of the Marquis CASSAR DESAIN, 24, Str. Mercanti, on Thursday 8th November 1883, at 9 a.m., as per circular.

"Count Fontani della Senia then called attention to the practice which had lately been introduced in all Government departments of addressing Titolati by the Italian equivalent of their title, instead of the English one, namely, *marchese* instead of *marquis*, &c. This practice, he said, had been carried so far that even in official English translations, if the name of "Conte Fontani" happened to be mentioned, it was not translated into "Count Fontani," but left in the original Italian. He proposed that the attention of Government be called to the subject.

"The Marquis of St. George seconded.

"The Baron of Gomerino and the Marquis Testaferrata Olivier thought that there was no necessity of giving so much prominence to the matter. All the other members (9) concurred with Count Fontani."

A true copy.

(Signed)

CASSAR DESAIN,
Hon. Secretary.

Enclosure 4 in No. 4.

SIR,

Chief Secretary's Office, Valletta,
November 17, 1885.

I DULY laid before his Excellency the Governor your letters noted in the margin, transmitting the minutes of the proceedings of the general meeting of the "Titolati," held on 31st October last, and informing him of the election of Marquis Testaferrata Olivier as a member of the Committee of Privileges.

His Excellency observes that one of the "Titolati," a minor, was allowed to vote by proxy. On this subject, I beg to refer you to the Secretary of State's Despatch of 16th August 1882, which provides for the election of the Committee of Privileges, and to draw your attention to the fact that in the third paragraph of that despatch it is expressly stated that the "Titolati" voting at the meeting for the election of the members of the Committee are to be of full age.

As regards the statement in the minutes, that the Crown Advocate had settled the point contended for by the Secretary at the meeting, that guardians had the power to vote for their wards, I am to inform you that the Crown Advocate has no recollection of having ever given any opinion on the subject.

I am further to draw your attention to the last paragraph of my letter, No. 1767, of 3rd February, in which you were informed, with reference to the third petition from the nobility, dated June 1884, that the Secretary of State could not authorise the use, in official documents written in the English language, of such titles as "Most Noble" and "Most Illustrious."

Having regard to the informality in the proceedings of the election, his Excellency does not feel justified in endorsing the legality of the proceedings by publication of the nomination of Marquis Testaferrata Olivier in the Government Gazette, nor having regard to the heading of the proceedings above referred to, and to the instructions of the Secretary of State, can he recognise the minutes of the general meeting as an official document.

To Lorenzo,
Marquis Cassar Desain, C.M.G.,
&c. &c. &c.

I have, &c.,
(Signed) WALTER HELY-HUTCHINSON,
Lieut.-Governor and Chief Secretary.

No. 5.

GOVERNOR SIR J. L. SIMMONS, G.C.B., to COLONEL THE RIGHT HON. F. A. STANLEY, M.P. (Received January 12, 1886.)

Palace, Valletta, January 7, 1886.

SIR, WITH reference to my despatch of 7th ultimo,* I have the honour to forward a further communication addressed to you by the Secretary of the Committee of Privileges of the Maltese Nobility.

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

Colonel the Right. Hon. F. Stanley, M.P.,
&c. &c. &c.

Enclosure in No. 5.

January 2, 1886.

SIR, WITH reference to the memorandum presented to you by the Secretary to this Committee on the 3rd August last, and the other memorandum presented to his Excellency the Governor concerning the election of a member of this Committee, we have the honour to request that you will favour us with an early decision.

Without a declaration on your part whether the election of the Marquis Testaferrata Olivier is valid or not, the Committee cannot proceed to the discussion of the petitions before it; and as to the precedence question, it is high time that it should be settled in a satisfactory way. It has already been the cause of much unpleasantness, which we are most anxious to avoid.

We have, &c.,
(Signed) CIANTAR PALEOLOGO,
President.

The Right Hon. the
Secretary of State for the Colonies.

CASSAR DESAIN,
Hon. Secretary.

No. 6.

COLONEL THE RIGHT HON. F. A. STANLEY, M.P., to GOVERNOR SIR J. L. SIMMONS, G.C.B.

(TELEGRAPHIC.)

January 16, 1886. In reply to your despatch of the 7th January,† election, in my opinion, valid.

No. 7.

The RIGHT HON. THE EARL GRANVILLE, K.G., to GOVERNOR SIR J. L. SIMMONS, G.C.B.

Downing Street, February 23, 1886.

SIR, I HAVE had under my consideration the desire of the Maltese nobility to have assigned to them a higher precedence than that which they now enjoy. This subject received the attention of my predecessor, in connexion with your despatch of the 7th of December* last, and with a letter received from the Hon. Secretary to the Committee of Privileges, dated the 31st of July last,‡ enclosing a printed memorandum on the subject.

I have also recently received a memorial relating to the same matter addressed by the Committee of the Ladies' Union of the Maltese nobility to H.R.H. the Duke of Edinburgh.§

* No. 4.

† No. 5.

‡ No. 3.

§ Not printed. Returned by Colonial Office to Duke of Edinburgh's equerry at his request.

After carefully examining the representations of the Maltese nobility, I concurred in the opinion which my predecessor left on record, that the heads of the noble families may properly be allowed to take precedence next before the puisne judges hereafter to be appointed; the precedence enjoyed by the existing judges being of course reserved to them personally.

I accordingly submitted this arrangement to the Queen, and I am commanded to acquaint you that Her Majesty has been graciously pleased to approve it. You will communicate this decision to the Committee of Privileges of the Maltese Nobility, through their Secretary, explaining that the wives of the nobility will, in accordance with the principles of Colonial precedence, rank with their husbands; their case not being the same as that of other ladies of high rank who visit or temporarily reside in a Colony.

I am also to desire you to give directions for resuming the practice of according to the "Titolati" in all public and official documents and in all communications from officers of the Government their customary titles of "Illustrissimo e Nobile," or the "Most Noble," as suggested in your despatch of the 7th of December,* as there can be no good reason for withholding a courtesy the discontinuance of which has been felt to be a grievance.

I have observed with satisfaction the high terms in which you spoke of the nobility of Malta in the despatch which you addressed to the Earl of Derby on the 28th of October 1884,† and I am glad that it has been in my power to announce to you the concessions which have been made after consideration of their wishes.

Sir J. L. Simmons.

I have, &c.,
(Signed) GRANVILLE.

No. 8.

GOVERNOR SIR J. L. SIMMONS, G.C.B., to the RIGHT HON. THE EARL GRANVILLE, K.G. (Received April 17, 1886.)

MY LORD,

Palace, Valletta, April 12, 1886.

THE Committee of Privileges of the Maltese Nobility having expressed to me their desire that your Lordship's Despatch of the 23rd February‡ last, the substance of which was communicated to them in accordance with the instructions therein contained, may be published in the Government Gazette, I have the honour to request your Lordship's permission to comply with that application.

The Right Hon. Earl Granville,
&c. &c. &c.

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

No. 9.

THE RIGHT HON. THE EARL GRANVILLE, K.G., to GOVERNOR SIR J. L. SIMMONS, G.C.B.

SIR,

Downing Street, April 26, 1886.

I HAVE the honour to acknowledge the receipt of your despatch of the 12th inst.,§ stating that the Committee of Privileges of the Maltese Nobility had expressed a desire that my despatch of the 23rd of February‡ may be published in the Government Gazette, and requesting permission to comply with that application. I have much pleasure in complying with the wishes of the Committee of Privileges, and I authorise you accordingly to publish the despatch in the Government Gazette.

Sir L. Simmons.

I have, &c.,
(Signed) GRANVILLE.

* No. 4.

† No. 1. ‡

‡ No. 7.

§ No. 8.

No. 10.

GOVERNOR SIR J. L. SIMMONS, G.C.B., to the RIGHT HON. THE EARL
GRANVILLE, K.G. (Received April 27, 1886.)

MY LORD,

Palace, Valletta, April 22, 1886.

I HAVE the honour to forward to your Lordship a petition from the Committee of Privileges of the Maltese Nobility, praying that in future Marquises of the Maltese nobility should have precedence of Counts and Counts of Barons.

2. The petition is signed by the President of the Committee, Count Ciantar Paleologo, who holds the title of Count, and by all the members, who are all Marquises.

3. Annexed to the petition is a letter in support of it, signed by four of the Titolati, namely, two holding the title of Marquis and two of Count.

4. I observed, however, that none of the Titolati holding the title of "Baron" appeared to have been consulted, and as neither the petition nor the covering letter made any mention of the fact that the Titolati, as a body, had been consulted, I considered it my duty to ascertain the views of the Assembly of Nobles on the proposal made by the Committee of Privileges.

5. I accordingly informed the Committee of Privileges that I had considered it my duty to ascertain the views of the Assembly of Nobles, and forwarded a copy of the petition to their Secretary, Baron Ugo Testaferrata Abela.

6. I enclose copies of the letters which were addressed to the Secretary of the Committee of Privileges and to Baron Abela, and a copy of Baron Abela's reply, stating that the documents had been transmitted to the President of the Assembly.

7. I have not yet received any definite expression of the views of the Assembly.

8. Meanwhile I have received from the President of the Committee of Privileges the letter of which a copy is enclosed, requesting me to consider that the Committee of Privileges is the only competent authority to address the Secretary of State on questions affecting the Maltese nobility.

9. I am unable to perceive that the despatch of 16th August 1882, under which the Committee of Privileges is constituted, precludes me from ascertaining the views of the general body of nobles on any matter affecting their rights, claims, or privileges, and I have so informed the President of the Committee in a letter of which a copy is enclosed; but I think it better, under the circumstances, to forward the whole correspondence at its present stage to your Lordship, with the observation that, in my opinion, it would be better to postpone taking any action until the views of the Titolati, as a body, have been ascertained.

10. I am, and have always been, most anxious to meet the views of the Maltese nobility, especially in matters to which they attach serious importance; but, putting aside the fact that a compliance with the demand of the Committee of Privileges would undoubtedly be regarded by those whose precedence would be interfered with as an invasion of the rights and privileges which were guaranteed to them at the time of the British occupation, I am doubtful whether the proposal of the Committee of Privileges is one which would meet with acceptance at the hands of the general body of the Maltese nobility.

11. I annex two lists showing the precedence of the nobility as it is, and the precedence which would obtain if the proposal of the Committee of Privileges were to be accepted.

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

The Right Hon. the Earl Granville, &c. &c. &c.
&c. &c. &c.

Enclosure 1 in No. 10.

To the Right Hon. the EARL GRANVILLE, K.G., Her Majesty's Secretary
of State for the Colonies, Colonial Office, London.

MY LORD,

THE Committee of Privileges of the Maltese Nobility, after the command of Her Majesty ordering that the noble ladies should take precedence according to their husbands, have received a petition forwarded by the Most Noble Marquis Barbaro of Saint George and four other Titolati, requesting this Committee to define that

precedence among the several Titolati should obtain in accordance with the dignity of the title and not according with the date of creation (Doc. A.).

The Committee having taken into full consideration the petition forwarded by the Most Noble Marquis Barbaro of Saint George, have the honour of now submitting the same to your Lordship that any future questions of precedence among the Titolati themselves may be avoided.

After a despatch of the 30th April 1878 from Sir M. E. Hicks-Beach, then Secretary of State for Her Majesty's Colonies, it was established that the said Titolati should take precedence here among themselves according to the respective date of creation, contrary to the general principle that the dignity of the title should have precedence, viz. :—Marquesses before Counts and Counts before Barons.

The Titolati of the Maltese nobility have been granted by royal favour a Committee of Privileges with functions analogous to those of the Committee of Privileges in the House of Lords; so that it seems natural that the precedence of the Titolati should be now regulated by laws similar to those that obtain in the United Kingdom of Great Britain.

The Committee besides beg to observe that the Duke of Westminster, although created A.D. 1874, takes precedence over Marquesses, and the latter over Earls, Viscounts, and Barons, notwithstanding that the creation of some of the Barons dates A.D. 1200.

The Committee of Privileges, with all deference to your Lordship's opinion, believe that the annexed petition forwarded by the Most Noble Marquis Barbaro of Saint George is well grounded, quite in accordance with the laws of England, and deserves your Lordship's consideration.

Therefore, we, the undersigned president and members of the Committee of Privileges, have the honour to request your Lordship to take the matter into consideration, and be pleased to direct that the necessary instructions be forwarded to his Excellency the Governor of Malta respecting this change in the order of precedence amongst the Titolati themselves.

We have, &c.,

(Signed) COUNT CIANTAR PALEOLOGO, President.
MARQUIS APAP BOLOGNA.
MARCHESE DE PIRO.
MARCHESE G. DELICATA, LL.D.
MARCHESE TESTAFERRATA OLIVIER.

Malta, La Vallette,
26th March 1886.

Villa Barbaro, Tarxien,
March 15, 1886.

MOST NOBLE SIR,

IT is very gratifying that at last the nobles of Malta are being placed on a proper footing, yet a preposterous irregularity still exists among us which is contrary to all common sense; and that is, that we rank among ourselves according to the date of our creation regardless of the title we enjoy. Therefore, I have the honour to submit, for the serious consideration of your Committee of Privileges, that steps may be taken with a view to our taking precedence as is customary in all countries, viz. :—marquises before counts and counts before barons.

I have, &c.,

(Signed) ST. GEORGE,
Supplementary Member of the
Committee of Privileges.

We, the undersigned, approve of and agree to the above request.

(Signed) COUNT FONTANI.
MARQUIS ALESSI.
MARQUIS E. TESTAFERRATA BONICI.
CONTE GATTO.

A true copy.

(Signed) MARCHESINO DE PIRO,
Honorary Secretary to the Committee
of Privileges of the Maltese Nobility.

The Most Noble Count
Sir George S. Ciantar Paleologo,
Baron of St. John, K.C.M.G.,
President of the Committee of Privileges.

Enclosure 2 in No. 10.

LIEUT.-GOVERNOR to HONORARY SECRETARY OF COMMITTEE OF PRIVILEGES.

Chief Secretary's Office,
Valletta, April 17, 1886.

SIR, WITH reference to your letter of the 29th ultimo, I am desired by his Excellency the Governor to inform you that his Excellency will forward the petition therein enclosed to the Secretary of State in due course, but that before sending it he has considered it his duty to ascertain the views of the Assembly of Nobles on the subject.

As soon as the Governor receives a reply from the Assembly of Nobles, the petition will be transmitted.

I have, &c.,
(Signed) WALTER HELY-HUTCHINSON,
Lieut.-Governor and Chief
Secretary to Government.

The Marchese De Piro Testaferrata,
Honorary Secretary to the Committee of
Privileges of the Maltese Nobility,
&c. &c. &c.

Enclosure 3 in No. 10.

LIEUT.-GOVERNOR to SECRETARY OF ASSEMBLY OF MALTESE NOBILITY.

Chief Secretary's Office,
Valletta, April 14, 1886.

SIR, HIS Excellency the Governor has received from the Committee of Privileges of the Maltese Nobility the accompanying petition for transmission to the Secretary of State for the Colonies.

Before sending it to Earl Granville, his Excellency would be glad if you would be so good as to submit the matter to the Assembly of the Maltese Nobles and communicate to the Governor any observations which the Assembly may desire to submit to the Secretary of State on the subject of the Committee's request.

I have, &c.,
(Signed) WALTER HELY-HUTCHINSON,
Lieut.-Governor and Chief
Secretary to Government.

The Secretary to the
Assembly of the Maltese Nobility.

Enclosure 4 in No. 10.

HONORARY SECRETARY OF ASSEMBLY OF MALTESE NOBILITY to LIEUT.-GOVERNOR.

Valletta, 116, Str. S. Giovanni,
April 15, 1886.

SIR, I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, together with a copy of the petition from the Committee of Privileges, and a copy of another petition forwarded to the Committee of Privileges by five of the Titolati, requesting alterations with regard to their precedence.

The said documents have been duly transmitted to the President of the Assembly.

I have, &c.,
(Signed) TESTAFERRATA ABELA,
Baron of Gomerino,
Hon. Secretary to the Assembly
of the Maltese Nobility.

The Hon. W. H.-Hutchinson, C.M.G.,
Lieut.-Governor and
Chief Secretary to Government,
&c. &c. &c.

