

CORRESPONDENCE,

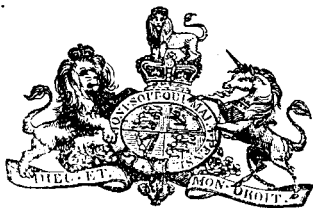
AND

REPORT OF THE COMMISSION

APPOINTED TO INQUIRE INTO

THE CLAIMS OF THE MALTESE NOBILITY.

Presented to both Houses of Parliament by Command of Her Majesty,
May 1878.



LONDON:

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SCHEDULE.

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CORRESPONDENCE.

No. 1.

GOVERNOR SIR C. T. VAN STRAUBENZEE, G.C.B., to the EARL OF CARNARVON. (Received December 29, 1877.)

MY LORD,

Palace, Valletta, December 20, 1877.

WITH reference to former correspondence, I have now the honour to forward to your Lordship the Report dated the 10th instant, of the Commission (consisting of Dr. Naudi and Dr. Pullicino, two of Her Majesty's Judges), which, by letter dated the 8th March last, I appointed to inquire into the claims of some gentlemen to titles of nobility, with a view to remove doubts to which a list of "Titolati" furnished to me by the Secretary to the Committee of the Nobles had given rise, and to establish who are the gentlemen who, as heads of their respective families, are to have precedence of the Chamber of Commerce under your Lordship's Despatch of the 23rd December last.*

2. The Commission having inserted the above quoted letter in the Appendix to their Report, it is unnecessary for me now to transmit a copy. From that letter your Lordship will see that the Commission had been requested to favour me with their opinion on some questions, and that I reserved other questions for your Lordship's special consideration; but by another letter dated the 8th May, which is also appended to the Report, I requested the Commissioners to communicate to me any remarks which they might make, and any documents which they might discover in the course of their inquiry bearing on the reserved questions and calculated to facilitate the decision.

3. The Commission had to inquire into a large number of claims, some of which were included in the list above referred to, and others were submitted directly to the Commissioners. Those learned gentlemen are not sure that those are the claims that might be advanced, because they observe the Committee of the Nobles has no representative character, and no public notice was issued by Government, inviting all persons believing to possess titles of nobility to lay their claims before the Commission.

I have no reason to suspect that anyone having any pretension to be a "Titolato," was ignorant either of the existence of the Committee of the Nobles, or of the appointment of the Commission of Inquiry, and I considered that the publication of a notice to the effect above stated would hardly be consistent with the instructions contained in your Lordship's quoted Despatch. At all events if there are more "Titolati" they are at liberty at any time to prove their claims, and under the rule established by that Despatch, to take the place they may be entitled to in the order of precedence.

4. The Report is divided chiefly into two parts, the first, ss. 19-96, referring to titles granted by the Local Government, viz., by Grand Masters of the Order of St. John of Jerusalem, during the possession of these islands by that Order; and the second (ss. 97-226) to titles granted, during the same period, by foreign sovereigns. But in the lists appended to the Report that distinction is not observed, the titles proved being there enumerated according to the respective dates, independently of their origin, the authority, however, from whom the grant, in each case, emanated being invariably mentioned.

5. There are five of those lists: No. I., including the titles proved, and undisputed; No. II., titles proved, but claimed by different individuals; No. III., titles which did exist, but have long been extinct; No. IV., some hereditary distinctions (not titles of nobility) granted by foreign sovereigns, and never recognised in Malta; and No. V., the claims the settlement of which has been entirely reserved to your Lordship, with an indication of the paragraphs of the Report containing the remarks of the Commissioners, intended to facilitate the decision.

5. The Commissioners refrained from expressing any opinion on the conflicting claims specified in list No. II., because the different claimants may bring their cases before the courts in which the Commissioners themselves preside.

I have, &c.

(Signed)

C. T. VAN STRAUBENZEE,

Governor.

The Right Hon. the Earl of Carnarvon,

&c.

&c.

&c.

* No. 4 of H. C. 322 of July 1877.

Enclosure in No. 1.

SIR,

Report.

December 10, 1877.

Instructions conveyed to Commissioners by the letter of the 8th March 1877.

1. By your letter, No. 9066, dated the 8th March 1877, enclosing a list of Maltese "Titolati," which had been forwarded to his Excellency the Governor by the secretary of a Committee of Nobles formed on the occasion of H.R.H. the Prince of Wales's late visit to these islands, we were required to institute a careful inquiry into certain questions stated in that letter, and into such other questions as might arise in the course of our investigation, in order to form a correct list for submission to the Right Honourable the Secretary of State for the Colonies, with a report showing the grounds for the inclusion in or exclusion from that list of any gentleman claiming a title of nobility; for which purpose we were instructed to look to the records existing in the Government archives, and also, when necessary, to call for explanations from the claimants themselves, or from any other person whom we might deem fit to examine.

Question of precedence giving rise to the present inquiry.

2. The inquiry with which we have been intrusted originated in a question of precedence, for the committee aforesaid having on behalf of the Maltese nobility applied to Her Majesty's Government claiming precedence before the Chamber of Commerce, the Right Honourable Earl of Carnarvon, Secretary of State for the Colonies, in reply to that representation by a Despatch of the 23rd December 1876, addressed to His Excellency the Governor, decided that the heads of the families who before the annexation of Malta to the British Dominions obtained titles of nobility, should take precedence of the Chamber of Commerce; and in order to ascertain who were the gentlemen thus entitled to precedence, his Excellency had called upon that committee to transmit to him a list of Maltese "Titolati," with the date of their respective creations.

Questions to be settled ranged in two classes.

3. The questions to which the list forwarded by the committee may give rise are, in the letter of the 8th March 1877, classed under two heads: some have been reserved entirely for the decision of Her Majesty's Secretary of State, whilst others have been referred to the Commission, in order to be settled here in Malta.

Questions reserved to the Secretary of State.

4. The former questions are the following two, namely:—

1st. Whether a grant made to the applicant and his successors or descendants without any express limitation, or with a limitation only as to sex, is to be taken to extend the title to all contemporary successors or descendants, or to be restricted to only one of them, according to the rule of primogeniture.

2nd. Whether a grant limited to male descendants under the rule of primogeniture or otherwise, is to be taken to extend to the sons of female descendants.

Questions to be settled in Malta.

5. The other questions which have been referred to the Commission are 10 in number, viz.:—

1st. Whether the grants mentioned in the list of the committee as emanating from other authorities than the Grand Masters of the Knights of Saint John, were duly registered according to the then existing law, and if they were not, whether there are records showing such an official recognition of them by the Grand Masters as may be taken to be equivalent to that registration.

2nd. Whether the claimants of titles, under unquestionable grants, are the descendants or successors included in those grants.

3rd. Supposing that a grant made to the applicant and his successors or descendants without any express limitation, to extend to all contemporary successors or descendants, whether the list received includes all those who under such construction might claim the title, and if not, who are the gentlemen who have claims equal to those of the gentlemen included in that list, or though they may not be disposed to claim it for themselves, whose issue may do so?

4th. In cases of grants of that description, taking the words "head of a family" to mean the first born of the grantee of the title and his successors, by the rule of primogeniture, who among the gentlemen now claiming the title is the head of the family?

5th. In cases of grants limited to male descendants, whether the present claimants descend from the male or from the female line of the original grantee?

6th. In cases of grants in which the holder of the title has the power to set aside the first born, and to assign that title to another member of the family, if two gentlemen claim the title, one in virtue of the rule established in the grant, and the other in virtue of nomination, which of the conflicting claims is well founded, or, in other words, whether the nomination is legally proved.

7th. On what grounds titles which appear to have been granted to the applicant or to him and his son, exclusively, are claimed by other descendants.

8th. Whether the title of Baron claimed by several gentlemen is, in all instances, derived from a special grant of it, as a title of honour, or only the denomination of

persons holding land of a superior, a word equivalent or nearly equivalent to the word "possessor" in the present law.

9th. Whether, according to the terms of the grants, any of the claimants is under any disqualification.

10th. Where, in the list received, a gentleman bears two or more surnames, which of such surnames is that which, according to law, belongs to him, as coming from his father, grandfather, and other male ancestors; and if one or more surnames have been taken from the original surnames of female ancestors, for what reasons, if any, those surnames have been assumed.

6. By another letter bearing date 8th May last, we are further required to communicate to his Excellency the Governor any remarks we might make, or any documents we might find in the course of our inquiry, bearing on the questions which, by the aforesaid letter of the 8th March 1877, are reserved to the Secretary of State, and which might tend to facilitate their decision.

Additional instructions.

7. It is hardly necessary to point out that we shall proceed to consider the foregoing questions, not in the order in which they are stated, but with reference to the claims successively inquired into, as far as they are applicable thereto.

Such questions to be resolved with reference to each claim.

8. As soon as we entered upon our duties, we directed our attention to the perusal and examination of the patents or diplomas registered in the Government Archives and referred to by the Committee in their list. We also proceeded to look to the documents existing in the said Archives, availing ourselves of the valuable assistance and co-operation of the Government Archivist. Our next care was to consider all such documents and genealogical tables as have been transmitted to us either by the said committee or directly by several gentlemen whose names are inserted in the list.

Proceedings of Commissioners.

9. We feel it, however, our duty to state, before entering upon the subject, that we cannot assure his Excellency the Governor that the titles included in the committee list, and upon which we are to report, correspond to all the existing titles of nobility, and still less that the thirty-one gentlemen whose names are therein inserted represent all those who, under certain conditions, would have the right of claiming a title by virtue of the same grant. On the contrary, as it will be hereafter remarked, many gentlemen not comprised in that list are exactly in the same condition as others therein mentioned. As no notice has appeared in the Government Gazette, informing the public of the existence of our Commission, and inviting all those who might have a right to a title of nobility to lay their claims before us, our inquiry must necessarily be incomplete, and limited to those titles which are included in the list, or which after its presentation have been claimed. On the other hand, we could not ascertain how far the committee are invested with a representative character, with regard to the interests of the Maltese nobility.

List of the committee cannot be looked upon as complete.

10. The Government having left to our discretion to fix the mode of proceeding, in order to obtain the most accurate information for the dispatch of our inquiry, we thought it advisable to request the attendance before us of the gentlemen referred to in the list (with three exceptions which will be noticed hereafter), in order to supply us with all the information and documents requisite for the careful consideration of their respective grants.

Claimants called upon to appear before Commissioners.

11. It is gratifying to state that all those gentlemen, two alone excepted, have most willingly complied with our request, and some of them have displayed peculiar attention, in order to facilitate the discharge of our duties. For that purpose we have held numerous sittings in the Government Archivist's Office.

Claimants readily complied with Commissioners' request.

12. Some of those gentlemen had, ever since the commencement of our investigation, expressed their wish that we should communicate to them some written queries respecting the information we solicited from them; but we did not deem it advisable to deviate from the practice we had hitherto pursued, and which had been accepted by the great majority of the claimants, namely, of communicating orally with them. Had we sent out written queries to each of the claimants an endless correspondence would have been opened, and no result more beneficial than that which could be obtained by *vivá voce* information would have thereby been attained. Nevertheless, we have never objected to receive from the claimants memorandums containing statements of their rights; and similar statements have, in some instances, been asked for directly by us.

Request of some claimants to have written queries not adhered to.

13. The two gentlemen who declined to comply with our invitation, without giving any explanation for their refusal, were Dr. Gaetano Delicata, and Dr. Giuseppe Delicata, as the legal representative of his son, Nicola Maria Delicata Carbott. Seven gentlemen, not included in the committee list, appeared in the course of our inquiry, and referred their claims to the Commission, viz., Alessandro Preziosi, Dr. Vincenzo Camilleri, Enrico

Claimants who declined to attend. Other claimants who appeared

during the Inquiry. Testaferrata, Maria Francesca widow of Dr. Filippo Apap, Francesco Gauci Testaferrata, Angiolino Attard Montalto, and Luisa widow of Captain Walter Strickland, R.N.

Claimants who were not requested to appear before Commissioners. 14. The three gentlemen included in the committee list, whose attendance we did not think proper to call for, are Dr. Pietro Paolo Testaferrata Abela Moroni, who claims the title of "Barone di Gomerino," Augusto Testaferrata Abela, who asserts a claim to the same title, and Monsignor Don Salvatore Grech Delicata de Piro, who claims the title of "Barone di Budak." For this omission we beg to refer to what will be hereafter remarked; we must, however, state that Monsignor Delicata did not fail to insist on his being allowed to appear, and to have an opportunity of furnishing the Commission with the necessary information with regard to his title.

Number of claimants not corresponding with number of patents. 15. We now conclude the above preliminary observations by stating, for the clear understanding of our Report, that the number of patents or charters of titles does not and cannot correspond with the number of claimants included in the list, which amounts to thirty-one, and which added to that of the gentlemen who appeared after the presentation of that list, ascends to thirty-eight. This difference will be easily accounted for by the circumstance that several of these gentlemen claim the same title under the same sovereign grant. Thus Lorenzo Antonio Testaferrata, Gio Paolo Testaferrata Olivier de Puget, Lorenzo Cassar Desain né Testaferrata, Ignazio Testaferrata Bonici, and Dr. Giuseppe Testaferrata Viani presented themselves claiming the right of bearing simultaneously the title of Marquis, in virtue of the same grant originally made to one of the Testaferrata family (Don Mario) Emmanuele Testaferrata and Lorenzo Antonio Testaferrata claim, to the exclusion of each other, the title of "Marchese di San Vincenzo Ferreri," granted by another patent to the aforesaid Don Mario Testaferrata. Amedeo Preziosi, Dr. Antonio Preziosi, Dr. Camillo Preziosi, Alessandro Preziosi, and Dr. Vincenzo Camilleri assert, at the same time, their claims to the title of Count originally conferred upon one of the Preziosi family; and Dr. Pietro Paolo Testaferrata Abela Moroni and Augusto Testaferrata Abela both claim, to the exclusion of each other, the title of "Barone di Gomerino," which, according to the terms of the patent is to be enjoyed by only one of the descendants of the person first ennobled.

Observations respecting questions that are to be considered by Commissioners. 16. The foregoing remarks on the list of the committee and on the way we proceeded with in our inquiry, being premised, we beg respectfully to submit the following observations with regard to the questions which are referred to us.

Origin of the titles of Maltese nobility. 17. The titles of Maltese nobility, which are claimed at present, have a threefold origin. Some proceed from grants made by the Grand Masters during the Government of the order of Saint John of Jerusalem. Others have been by some of the claimants traced back to an epoch prior to the domination of the Knights, and are presumed to have been granted by the Kings of Sicily of the house of Aragon, when those rulers held the sovereignty of these islands; whilst others have been by patent created by foreign sovereigns, during the Government of the order of Saint John.

Division of the subject.

18. We purpose to follow this triple classification and to divide the present Report into three sections; in the first of which we shall consider the titles conferred by the Grand Masters, and in the second and third we shall proceed to inquire into the grants made by the Sicilian Kings of the house of Aragon and by foreign sovereigns. We shall subjoin a fourth section respecting certain hereditary distinctions conferred by foreign authorities during the Government of the Knights.

SECTION I.—TITLES CONFERRED BY THE GRAND MASTERS OF MALTA.

19. The order of the Knights of Saint John of Jerusalem ruled these islands for nearly two centuries and a half, that is from A.D. 1530 to A.D. 1798, when it was superseded by the Government of the French Republic.

Grant of Malta to the Order of St. John.

20. These islands were granted out to the Order as a noble, free, and absolute fee (feudum nobile, liberum, et francum) by Emperor Charles the Fifth as King of Sicily Ultra or of the Island of Sicily, by a patent given at Castelfranco, on the 24th May 1530, under the royal seal of the Kingdom of Sicily Ultra. The Grand Masters were, by that deed, bound to acknowledge, as lords of the feud, the Kings of Sicily and their successors for the time being, to whom they were to pay annually the homage of a falcon, and from whom they were to receive the investiture, according to the enactments of the common law.

Grand Masters at first only renewed extinct titles without creating new ones.

21. The Grand Masters who, under the aforesaid dependence, governed these islands as sovereign princes, were twenty-eight in number. We are not aware whether the first twenty Grand Masters from A.D. 1530 to A.D. 1710 ever created new titles of nobility; it appears only that they renewed several grants which had previously become extinct. Grand Master Lascaris, in fact, granted again in 1646 the title of "Barone di Budack,"

