

226. This title was never registered in this island, and no evidence of its recognition on the part of the sovereign authorities during the Government of the Knights of Saint John having been produced, we are of opinion that the claimant has failed to establish his right to it.

failed to establish his right.

SECTION IV.—HEREDITARY DISTINCTIONS CONFERRED BY FOREIGN AUTHORITIES.

227. Having thus far inquired into the titles of nobility granted by the local sovereigns and by foreign princes, and claimed by gentlemen whose names are included in the committee list or who directly appeared before the Commission, we now proceed to consider several charters or diplomas given by two Emperors of Germany who styled themselves also Emperors of the Romans, or by certain municipal corporations of several Italian cities called *senates*. Two patents or bulls have been produced before the Commission, one of which was on the 6th November 1637 issued by Ferdinand 3rd, Emperor Elect of the Romans and of Germany, at Vienna, in favour of the Doctor of Laws Giacomo Testaferrata De Robertis, and the other granted at Vienna on the 19th November 1698 by Leopold I., who was likewise Emperor of the Romans and of Germany, to Massimiliano Balzano, *Uditore* of the Religious Order of Saint John.

Patents issued by two Emperors of Germany and by certain Italian Municipal Corporations.

228. In the former of these patents, Emperor Ferdinand, having premised some expressions in commendation of the merits of Dr. Giacomo and of his family, created, of his mere motion, the said Dr. Giacomo and his descendants male and female for ever, *Military Noblemen* and *Tornearii* of the Holy Roman Empire. The following is an extract from the original patent :—

Grant made to Dr. Giacomo Testaferrata De Robertis.

“ Te Jacobum Testaferrata, tuosque liberos, hæredes, posteros ac descendentes, masculos et fœminas, natos et nascituros in infinitum, ex legitimo matrimonii fœdere ortos, et æterna serie orituros, in numerum, cœtum et consortium, statum gradum atque dignitatem Nostrorum et Sacri Romani Imperii aliorumque Regnorum et dominiorum Nostrorum hæreditariorum Nobilium Militarium et Torneariorum, assumpsimus et aggregavimus ; vosque omnes et singulos, juxta qualitatem conditiones humanæ, Nobiles, Militares, et Tornearios dicimus, nominamus, et declaramus, adeoque ab omnibus et singulis cujuscumque status, gradus, ordinis, conditionis, dignitatis et præminentie existunt, pro veris Nostris et Sacri Romani Imperii Regnorumque et Ditionum Nostrorum Hæreditariorum, Nobilibus Militaribus et Torneariis dici, nominari, atque reputari volumus”

Terms of grant.

229. In the patent granted also by the sovereign's mere motion, to Massimiliano Balzano, Emperor Leopold, after having extolled the personal merits of the grantee, expresses himself as follows :

“ Te Maximilianum Balsanum, omnesque liberos, hæredes, posteros, ac descendentes, legitimo ex matrimonio natos et nascituros in infinitum, masculos et fœminas, in numerum, cœtum, atque consortium, statum, gradum et dignitatem nostrarum et Sacri Romani Imperii aliorumque Regnorum et Ditionum nostrarum Hæreditariorum Nobilium Tornearium seu scutariorum et armigerorum assumimus, extollimus, et aggregamus ; vosque omnes et singulos, juxta sortis humanæ qualitatem, nobiles et tamquam de nobili genere, domo ac familia procreatos, dicimus ac nominamus, atque adeo ab omnibus et singulis cujuscumque status, gradus, ordinis, conditionis, dignitatis, aut præherentie existant, pro veris Nobilibus dici, nominari, haberi, reputarique volumus”

Granting clause of the patent given to Massimiliano Balzano.

230. From the tenor of the two foregoing patents, it appears that it was thereby intended to raise to the dignity, and to elect into the Order, of the Noble Tornearii or “*Ecuyers*” and Armigers of the Holy Roman Empire, the said Testaferrata de Robertis and Balzano and their issue male and female *in infinitum*.

Such patents not conferring any feudal title.

231. We have no means of ascertaining the difference, as to rank and dignity in the German Empire, between titled persons or persons ennobled by the sovereign with a particular title of nobility descendible to their issue, and the Noble Tornearii or *Ecuyers*, who possessed a distinction of an hereditary character. From a careful inspection of the patents of the said Testaferrata and Balzano, we are unable to determine whether the order of the Tornearii formed properly a part of the nobility of the German Empire. Nor have the gentlemen (who, as descendants of the original grantees, claim the enjoyment of all the privileges proceeding from the said two patents) supplied us with any satisfactory information on the subject. We can only state that the descendants of Giacomo Testaferrata De Robertis and of Massimiliano Balzano contend that they have a right to bear the generic designation of *noblemen* prefixed to their baptismal, and the male descendant assert moreover a right to the prefix of *cavalieri*.

No reliable information furnished to Commissioners respecting the nature and extent of the distinction of “ Nobles Tornearii.”

Patents not enrolled in the Cancellaria and in the Court of the Castellania.

Recognition of the distinction of Nobilis Tornearius of the Holy Roman Empire on the part of the Grand Masters.

Grant of Dr. Giacomo Testaferrata De Robertis if taken to extend to all the descendants inheritable not only by claimants but by all the gentlemen included in Enclosure No. 16.

Distinction granted to Massimiliano Balzano only claimed by Luisa widow of Captain W. Strickland.

Lawful holders of this distinction very numerous, if it is inheritable by all the grantees's descendants.

Questions on the nature and extent of these grants reserved to the Secretary of State.

Distinction of Messinese Patricians claimed by some members of the Testaferrata family. Documents produced in support of their claim. Such grant never registered in Malta.

232. We must not, however, omit remarking that the said two patents were not registered in the *Cancellaria* and in the High Court *della Castellania*; that of Testaferrata being only enrolled in the office of the Jurats of the city of Notabile, on the 12th October 1683, and that of Balzano in the same office on the 3rd March 1704. And although the decree issued by Grand Master Despuig, on the 16th September 1739, providing that all foreign titles should be registered in the *Cancellaria* and in the Court of the *Castellania*, was published subsequently to the date of the above-mentioned patents, this circumstance could not have certainly dispensed with the said registration. This omission is, however, supplied by the recognition of the distinction we are considering, on the part of the Grand Masters, who at different times, and in their official acts, styled "Nobiles Sacri Romani Imperii" some of the descendants of the original grantees.

233. All the members of the Testaferrata family, who have presented themselves before the Commission, and who descend from Don Mario Testaferrata, upon whom the title of Marchese was, as already stated, conferred by Phiip V. and Victor-Amadeus in the year 1716 and 1717, claim the distinction of "Tornearii del Sacro Romano Impero," in virtue of the patent of 1637. A similar claim might be asserted by all the other male and female descendants of the aforesaid Don Mario, who did not appear before us. From the table of descent of the Testaferrata family, already referred to in a foregoing paragraph, and appended to the present Report, it appears that the number of such descendants amounts to no less than 157.

234. The distinction granted to Massimiliano Balzano is only claimed by Luisa, widow of Captain Walter Strickland, in her own name and on behalf of her sons, who are all minors. The claimant is the daughter of Dr. Pietro Paolo Bonici Mompalao, lately deceased, and she has produced a genealogical tree, supported by sufficient evidence of her descent from the original grantee. Upon the same grounds might this dignity be claimed by other descendants of Balzano, who all bear family names different from that of the grantee, the male line of Balzano having become extinct, and the female descendants having married into different families. We have no *data* for determining the number of such descendants.

235. It appears from what has already been stated, that if the distinction referred to is to be taken to extend to all the contemporary lineal successors of the grantees, the lawful holders of it would be very numerous, as that dignity would be inheritable by all the male and female descendants without any limitation. Among such descendants there are persons of all classes, and whilst some live on income from their own property, others pursue mean occupations and have slender means of support.

236. Having submitted the above-stated circumstances, we beg respectfully to quit the subject under consideration, leaving it to Her Majesty's Secretary of State for the Colonies to decide:—

1st. Whether by the dissolution of the German Empire (A.D. 1806) the Order of the Nobiles Tornearii ceased to exist:

2ndly. Whether the distinction of "Tornearius" of the Holy Roman Empire must be reckoned among the orders of nobility in Malta, and in case it is to be so reckoned, whether,

3rdly. It is descendible to all the grantee's contemporary lineal successors, or to only one of them under the rule of primogeniture. Should it be decided that the distinction of "Tornearius" is to be inherited by all such descendants, an inquiry will become necessary in order to ascertain the number of Balzano's descendants.

237. Several gentlemen belonging to the Testaferrata family have, moreover, in the committee list, laid a claim to the dignity of Messinese patricians, and have in support of that claim produced the following documents, viz. :—

1st. A personal *privilegium* conferred on the 20th December 1553, by the *Jurats* of the city or municipality of Messina, on the nobleman Mariano Testaferrata, registered in the Royal *Secrétairerie* of Messina, on the 17th April 1554, and recorded in the Civil Acts of the Inquisitorial Office of Malta, on the 27th August 1689. The said Mariano is the most distant ancestor to whom the claimants have been able to trace the pedigree of the Testaferrata family. By the said *privilegium*, Mariano obtained the citizenship of Messina, and he became thereby entitled to all the rights of a Messinese citizen, and to the exemption from certain taxes which were payable by strangers.

2nd. Another *privilegium* of the Senate of Messina, bearing date the 28th August 1792, stating, with reference to that of 1553, that Mariano Testaferrata had been elected into the "Senatorium Messinensium Ordinem inter que Nobiles Cives Mamertinos." By the same instrument, the Marchese Don Mario Testaferrata Castelletti, Don Daniele and Don Pandolfo Testaferrata De Noto, and the Barone P. P. Testaferrata Avela, all descendants of the said Mariano, were recognised as noble citizens and patri-

cians of Messina, and their nobility was traced so far back as the year in which the Privilegium was granted to Mariano, being thus reinstated in the possession of that dignity, together with their children and descendants. This instrument was recorded in the Acts of Notary Vincenzo Farrugia, on the 20th February last.

238. Now, independently of the circumstance that the distinction of Messinese patrician is a municipal concession, and that it is not derived from the Crown as the fountain of all honours, the said instruments were never registered in the Court of the *Castellania* or in the *Cancelleria* of the Order; nor have the claimants produced any proof of its having ever been recognised by the local sovereigns.

Such grant never registered in Malta.

239. The foregoing remarks apply also to another Privilegium, obtained on the 11th day of the calends of June of the year 1590, from the Roman senate, by which the honour of Roman citizenship and the dignity of Roman Patrician were conferred upon Monsignor Don Leonardo Abela, Bishop of Sidonia, Placido and Alessandro Abela his brothers, and upon his three nephews *ex sorore* Pietro di Ferro, Ascanio Surdo, and Paolo Testaferrata, and their children and grandchildren. This diploma was entered in the Civil Acts of the Inquisition in Malta on the 26th August 1689, but was never registered in the Government offices according to the enactments of Grand Masters Despuig and De Rohan. This distinction is claimed by the following gentlemen referred to in the committee list, who contend that they are the lineal descendants of some of the original grantees; viz., Dr. P. P. Testaferrata Abela, Augusto Testaferrata Abela, Monsignor Don Salvatore Grech Delicata, Lorenzo Cassar Desain, and the Marchesi Saverio De Piro and Felicissimo Apap. For the reasons already stated we refrain from making any inquiry in order to ascertain whether the claimants descend or not from the said grantees.

Dignity of Roman citizens and patrician, and gentlemen claiming it.

240. Two similar diplomas of Roman Patricians are mentioned in the committee list, dated respectively the 6th July 1674 and the 4th July 1744, the former grant being claimed by Emmanuel Testaferrata Ascicak and by Lorenzo Cassar Desain, and the latter by the Conte Serafino Ciantar. No proof or document whatever having been produced concerning these grants, such claims cannot be consequently allowed. The same conclusion will also hold good with regard to the claims of Giorgio Crispo Barbaro to the dignity of Venetian Patrician, and of the Conte Fontani to the distinction of Knight of the 1st Class of Charles III., King of Spain. We may add that the distinction last mentioned cannot according to the law now in force be borne in Malta without Her Majesty's special permission.

Distinctions of Roman and Venetian Patricians, and of Knight of the 1st class of Charles III. of Spain.

GENERAL OBSERVATIONS.

241. It only remains now to reply to the tenth query in your letter of the 8th March last respecting the assumption of certain surnames, which by some of the gentlemen included in the committee list are borne after their paternal family names. As stated in a foregoing part of this Report (§ 82), the titles of nobility conferred by the sovereigns of Malta previous to the annexation of these islands to the British dominions are accompanied by the denomination of lands existing here, and in some instances possessed by the grantees themselves, and in others by the Order of the Knights in its corporate capacity. But with the exception of the titles of "Barone di Cicciano" and of Conte di Mont' Alto, the titles granted by foreign sovereigns bear no feudal denomination; but to some of them a peculiar designation is attached, such as "Marchese di San Vincenzo Ferreri" and "Barone di San Giovanni."

242. The practice, however, followed by the "Titolati," including those who received their titles from the Grand Masters of Malta, is to prefix their respective titles to their patronymics, without any mention of lands, or other designations. Thus Pietro Paolo Galea, who is the present holder of the title of "Barone di San Marciano," usually styles himself "Barone Pietro Paolo Galea."

Practice of the Maltese "Titolati" to bear the title before the family name.

243. Some of the "Titolati" add sometimes to their patronymics one or more surnames taken from maternal ancestors, apparently to show their connexion with families on which a title of nobility was originally conferred, or to indicate the possession of lands "*primogeniture*" entailed by persons who bore those surnames. Such, as far as we have been able to ascertain, is the case of Alessandro Sceberras Barone di Castel Cicciano, who in the list furnished by the committee is reported as bearing the surnames Damico and Inguanez, besides his patronymic Sceberras; and of the late "Conte delle Catene," who to his patronymic (Sceberras) added the surname Bologna, on account of the possession of a *primogenitura* founded by Canon Alessandro Bologna. In some cases surnames from maternal or female ancestral lines seem to have been assumed for no other reason than that of distinguishing the different branches of the same family. This expedient is resorted to by many members of the nobility.

Some Titolati assume other surnames besides their patronymics.