

M A L T A.

R E P O R T

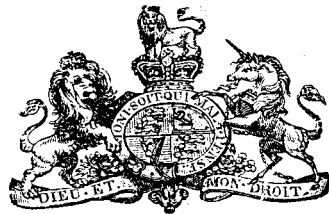
OF THE

COMMITTEE OF PRIVILEGES OF THE MALTESE
NOBILITY ON THE CLAIMS OF CERTAIN MEMBERS
OF THAT BODY,

WITH THE

SECRETARY OF STATE'S REPLY.

Presented to both Houses of Parliament by Command of Her Majesty.
August 1883.



L O N D O N :

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1883.

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MALTA.

No. 1.

GOVERNOR SIR A. BORTON, G.C.M.G., K.C.B., to the RIGHT HON. THE EARL OF DERBY. (Received May 7, 1883.)

MY LORD,

Palace, Valletta, May 1, 1883.

I HAVE the honour to transmit the Report of the Committee of Privileges of the Maltese Nobility, containing the result of their investigation into the titles of nobility appended to the above Despatch.

I also enclose a letter and report which I have received, for transmission to your Lordship, from two of the members of the said Committee.

I have, &c.
(Signed) A. BORTON,
Governor.

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

Enclosure 1 in No. 1.

MY LORD,

A COPY of the Despatch from Downing Street, dated 16th August 1882, addressed by the Earl of Kimberley to the Governor of Malta, having been communicated by the local Government to each of the Titolati of these islands, we, the undersigned, have been duly constituted into a committee of privileges, with functions analogous to those of the Committee of Privileges of the House of Lords. Preamble.

In pursuance of the instructions contained in that Despatch and its enclosures, we have fully considered the cases of four Titolati who were not included by the Commissioners, Judges Naudi and Pullicino, in the list of Titolati, and we have the honour of submitting to your Lordship the result of our inquiry in the following report.

TITLE OF BARONE DI BULEBEN, in the Islands of Malta.

2. These islands on the 24th of May 1530 were granted by the Emperor Charles V., King of Sicily, to the Sovereign Order of the Knights of St. John of Jerusalem in fee noble, free and absolute.

First claim
appended to
Despatch
of 16th
August 1882.

The Grand Masters of this Order governed with royal prerogatives.

3. Grand Master de Rohan by a patent issued on the 23rd of July 1777 granted the title of Barone di Buleben to the Nobleman Gaetano Azopardi, with the explicit declaration that the grant was made "mera liberalitate munificentia et speciali gratia ac de certa sua scientia."

PATENT.

Frater Emmanuel de Rohan, etc. Custos. Nobili Cajetano Assopardij Vassallo nostro nobisq, dilecto salutem prosperosque ad vota successus. Laudabilia et diuturna obsequia, ac munera publica per Te tuosq. majores omni cum sedulitate, et fidelitate erga Nos, et Prædecessores nros. laudabiliter præstita, multiplicesque animi tui dotes quibus insignitus dignosceris promerentur, et Nos inducunt ut Tibi nrae munificentiae, et Splis. benevolentiae significationem aliquam exhibeamus. Cum itaque inter alia feuda, et Bona stabilia ab hoc Dominio et Principatu Melae et Gaudisii dependentia, et ad nram mensam Magtlem spectantia eidemq. mensae annexa, et incorporata reperitur Baroniam, et feudum de Buleben nunct cuius titulus Baronis usque ad huc, et de pnti vacat, huojque Baronis tituli concessionem ad nos, et pertinere dignoscatur; Hinc est, quod praemissar meritorum, obsequiorum tuor quae majorum intuitu psum Bnis de Buleben, titulum sive hoc, sive alio quovis modo vacantem, et ad nos nramque provisionem spectantem de mera nra liberalitate, largitate, munificentia, et spli. gratia ac de nra certa scia tibi Nobili Cajetano Azopardi tribuimus concedimus, et donamus, huodique titulo insignimus, ac Bnem. dt. Feudi de Buleben Constituimus, et ita nominari posse et deberi atque uti frui ac gaudere oibus. et singlis. juribus, honoribus,

et antelationibus quibus de jure, usu et consuetudine huoj. Barones utuntur, fruuntur et gaudent volumus, et decernimus sub annua recognitione tribuendi et consignandi, in festo S. Jacobi Apostoli Nobis, nrsque in Magisterio successoribus duos sclopos equestres bonae conditionis ac receptibiles, qua stante recognitione Te Nob. Cajetanum Azzopardi ab omni alio onere militiae tum pedestris, tum equestris eximimus, et liberamus, ac exemptum, et liberum esse volumus, et decernimus. Dummodo investituram huoj. Baroniae prout moris est a Nobis accipias, ac jusjurandum fidelitatis in manibus nris. facias Mandantes oibus. et singulis dae Domus nrae Fribus quacumque aucte. et Dignitate fungentibus nris., vero subditis et Vassallis sub Sacramento fidelitatis et homagii quo nobis et Religni nrae. sunt astricti, et sub pœnis Nobis, eisdemque nris. successoribus benevisis ne contra pus. nrum. concessionis tituli Baronis de Buleben privilegium aliquats. facere, vel venire praesumant immo illud observare et ab aliis observare studeant et procurent. In cujus Rei, etc. Bulla nra. Maglis Plumbea, etc. Datum Melitae, etc. die 23 Ms. Julii 1777.

4. This patent presents the characteristics inherent in a real, proper, and noble feud, without designating or tracing the order of descent; but according to feudal custom, concessions of feuds made by a deed "inter vivos," without limitations or restrictive clauses, and under an onerous title must always be interpreted as conceded not only to the grantee personally, but also to his male children "de primogenito in primogenitum" "in infinitum."

5. This recognised principle of feudal law cannot be considered inapplicable to the case in question only for the reason that the Sovereign Grand Masters in similar patents made use of different and restrictive clauses.

We are humbly of opinion that each feudal concession should be dealt with on its own merits, independently of limitations and restrictive clauses that the sovereign at the time being may have introduced in other deeds of similar concessions, and that it is wholly erroneous to attempt the interpretation of this grant by comparison with other grants made in favour of other people totally extraneous to the Azzopardi, wherein the grantor was evidently pleased either to limit and restrict his liberality, or to designate a different order of succession.

6. The legal interpretation of this grant must necessarily be made in accordance with the principles of the law, which principles cannot be altered unless there be in the deed of grant an explicit limitation.

7. It would be irrelevant to assert the non-perpetuity of this grant, from the fact that the fief of Buleben remained in the possession of the Crown.

8. Concessions of titles of nobility annexed to fiefs are governed by the same rules that obtain when the concession is of the corporeal fief itself, and it would be incomprehensible that the succession to a fief should be perpetual, while that of a title of nobility appended to a fief should be only personal.

9. Moreover, according to the principles of the civil law, all concessions and donations "inter vivos" and without restrictions, even if granted, not under an onerous but under a gratuitous title, are held as perpetual for the grantee himself and his successors.

10. This rule is in strict harmony with the known principle, that with royal concessions, wherein no prejudice results to third parties, the interpretation should be full, liberal, and extensive.

11. This maxim of law cannot be refuted on the plea that the Azopardi concession was not made "Motu proprio" of the Grand Master.

There is no established opinion in the local jurisprudence, that when in a patent of nobility there is not the expression "Motu proprio" that patent is to be held as granted on the petition of the Donee. In the original concession of 1777, independently of the "ampliazione" of 1778, there is no trace that the grant was not issued "Motu proprio" of the Grand Master; on the contrary, we find the words, "de mera nostra liberalitate largitate, munificentia, etc., etc., etc."

12. From the foregoing remarks it clearly results that the Noble Calcedonio Azopardi, as the eldest son of Barone Vincenzo, C.M.G., eldest son of Barone Calcedonio, senior, the eldest son of Barone Gaetano, is now the person, according to the original grant of 1777, entitled to use the designation and enjoy the dignity of Barone di Buleben as previously held by his ancestors.

13. The said Calcedonio Azopardi is also to possess the title of Barone di Buleben, not only as the first born son in the primogenial line of Gaetano, but likewise as the holder of the Azopardi primogenial estate.

14. By another patent or rescript, dated 25th April 1778, far from having revoked or altered the original grant of 1777, the same Grand Master extended that concession to any descendant of Baron Gaetano who in the course of time would be the holder

of the afore-mentioned "primogenitura," although such successor be not the first born son.

The wording of this patent or rescript as endorsed on Gaetano's petition is the following:—

ALTEZZA SERENISS^{MA}.

Il Barone Gaetano Azzopardi Serv^{ro} uñio, Vassallo fedeliss^{mo} dell' A. V. S^{ma} con ogni riverente ossequio espone, che nell' atto della concessione benignamente fattagli del Titolo della Baronìa di Buleben essendosi l' A. V. S^{ma} degnata rescrivere, che per allora fosse solamente a suo favore spedito dalla Cancellaria il Diploma, si fa pertanto oggi lecito rappresentare ritrovarsi nella di lui Famiglia fondata una Primogenitura, in primo luogo a favore di quello, de' figli Maschi dell' oratore, che nominerà per succedervi e non nominando a favore del maggior' d'età, purchè non sia costituito in verun Ordine Sacro, ne' Professo in qualche Religione, dovendo poi quella sotto le stesse leggi passare da un Primogenito all' altro sin' alla estinzione di tutta la linea mascolina di quello de' figli dell' oratore, che avra egli nominato al godimento di da Primogenitura: Dopo di che subintrebbè in secondo luogo sotto le med^e leggi l' altro Figlio Maschio dell' oratore, ed i di lui Discendenti Maschi di Primogenito in Primogenito, però, similmente sino all' estinzione di questa altra linea Mascolina, colla facoltà bensì in ciascun grado di successione al Possessore di d^a Primogenitura, di poter tra suoi Figli maschi nominare quello che più li piacerà per succederli in essa, come il tutto più ampiamente si scorge nell' Istromenti d'erezione di d^a Primogenitura stipolato negli atti del Not^{ro} Domenico Geronimo Bonavita sotto li 10 Giugno 1751. Essendo dunque l'annuale rendita di tale Primogenitura più che sufficiente per dare il decoroso mantenimento al Possessore, anche nel caso, che non fosse provisto d' altri bene, l' oratore si fa lecito implorare umilmente dalla somma munificenza dell' A. V. S^{ma} degnarsi ampliare la concessione del titolo della Baronìa di Buleben a favore di quello de' Figli dell' oratore, e suoi discendenti Maschi, che si troverà possedere col tempo la Primogenitura sud^a il che riceverà a Grazia singularissima dell' quale.

"Majester hospitalis Hyerusalem gratiam petitam oratori concedimus pro ejus filio " successore in Primogenitura de qua in precibus tm." Datum in Palatio die 25 Aprilis 1778.

15. Baron Gaetano Azopardi, after having duly obtained on the 27th July 1777 the investiture of the Baronial dignity conferred on him on the 23rd of the same month, presented the above petition, and obtained on the 25th of April 1778 the extension of the Barony di Buleben in favour of the one amongst his children and his male descendants that in due course of time might be in the possession of the Primogenitura mentioned and qualified in the above petition.

16. The wording of the rescript, and the purport of the petition itself when we construe the "tm" as "tantum," leave it fully evident that the original concession of the 23rd July 1777 was by the Grand Master extended in favour of any of Baron Gaetano's male children that would in the future succeed to the "Primogenitura" for the "seizin," of which a nomination in accordance with the deed of its grant is legally sufficient.

17. Neither from the whole purport of Gaetano's petition, nor from any particular phrase therein contained, can it be conjectured that the Baron wished to declare that the original patent was to determine after his decease.

The Baron, following the conception of the patent, enunciated in the same words of the patent that the investiture of the Barony had only yet been obtained by himself, without ever suggesting that the original grant was incompatible with the feudal law of succession.

Therefore, as far as the perpetuity of the original grant is concerned, it is clear and evident that the Baron did not in any way prejudice his successors.

18. What the Baron asked for and obtained was the descent of the title together with the "Primogenitura."

19. The word "ampliacione" has been very appropriately made use of in this instance, owing to the circumstance that this extension implies the future possessors of an elective Primogenitura, who in the absence of the patent or rescript of the 25th April 1778 would be defeated by the natural "Primogenitus."

20. An exceedingly weak conjecture against the perpetuity of this title would be the assertion that the Grand Master had not adopted the usual words "juxta preces" or "fiat ut petitur," but instead "gratiam petitam oratori concedimus," which latter words are fully equivalent to the others.

21. The generality of the grace and favour granted to the petitioner was not limited by the words "pro ejus filio successore in primogenitura de qua in precibus tm," and it

would be incomprehensible to sustain that the word "tantum" excluded the perpetuity of the title in favour of any successor beyond the son in the first degree.

22. The operative power of the "tm" is evidently intended to comply with the petitioner's request that the title should vest in the child that would have been legally chosen as the nominee to the Primogenitura to the exclusion even of the eldest son.

23. The legal interpretation of the word "filio," when there is not a conflicting statement in the whole of the deed, has always been regarded in local jurisprudence as clearly comprehending the Donee's successors of his body born, besides it clearly results that allusion was being made to future events dependent on the title of purchase of the Primogenitura "de qua in precibus," which is progressive and perpetual, so that with regard to the subject matter "filio" in the singular number was the only appropriate term to use.

24. The consequence is clear and manifest. Each child successor in the "Primogenitura" has the title vested in him; this is still more evident when we consider that the "tm" is only referable to its immediate words "'successore' in Primogenitura de qua in precibus," and not to the word "filio" preceding "successore."

25. On the strength of the above-examined two patents, dated 23rd July 1777 and 25th April 1778 respectively, Baron Gaetano Azopardi was succeeded in the Barony di Buleben by his son Calcedonio, both as "primogenito" and as the nominee elect to the primogenial estate.

INVESTITURE.

Notum sit quod cum alias titulum Baronis Feudi de Buleben sub die 23 mensis Julii 1777 Nobili Cajetano Azopardi pro ejus persona tantum concesserimus; quodque pariter vigore nostri Magistralis Rescripti sub die Aprilis 1778 editi Titulum hūoi etiam ad ejus filium Primogenituram habentem ampliaverimus, prout in hūoi concessionis diplomate et rescripto ad quæ habeatur relatio plenius continetur. Hinc est quod secuto obitu pcti Baronis Cajetano Azopardi M. Calc. Azopardi hujus Civitatis et Insulæ nŕæ Melitæ Civis attentata nominatione a pcto quod Mŕo Cajetano Azopardi ejus patre ad Primogenituram in Tabulis Nuptialibus ejusd Mŕi Calcedonii Azopardi cum Mŕi Vincentia Xaveria Agius initio secuta in Actis Notari Francisci Xaverii Bonavita sub die 18 Junii 1781 Nos et Ordinem nŕum, sicut Cliens, etc. agnovit fidelitatem, etc. secum Jurisjurandi Sacramento promisit, ad quæ nobis nŕoque ordine, Dŕs Mcŕs Calcedonius Azopardi obligatus est, ac tenetur ob titulum Feudi pŕi de Buleben nuncupatum, Qui quidem titulos modo dicti Feudi ad pctum Mŕum Calcedonium Azopardi ut supra pervenit et in nostro Vassalaggio et clintela esse dignoscitur a Nobisque dependet, quia in hac nŕa Insula Melitæ situm est; ad quod fidelitatis Sacramentum et Clinteralis Officii sponsonem admisimus sæpeditum Nobilem Calcedonium Azopardi isthæc, præstantem et jurantem eidem pro investitura nomine nostro nostræque Religionis vŕge, alterius rescripti sub die 5, m. Julii pŕti æditi chirotecam porrigentes, sub annua recognitione tribuendi et consignandi Nobis nostrisq in Magisteris successoribus duos scopos equestres bonæ conditionis ac receptibiles juxta præcalendatæ concessionis litteras. Vobis itaque, etc. ne in posterum homagij fidelitatis Nobis nom redditi prætextu dŕm Nobilem Calcedonium Azopardi in dicto Baronis Titulo turbetis, nec a quocŕmq defensionem præstantes, ut pro Barone ubique haberi, etc. valeat. In cujus Rei, etc. Bulla nŕa. Maglis in cera, etc. Datum Melitæ, etc. Die 10 m Augusti 1788.

26. Arguments raised from this formula of investiture against the perpetuity of the title cannot but be fallacious and misleading.

The investiture had been duly given, according to the custom then prevalent in the Court of the Grand Master, to Baron Calcedonio the elder, in conformity with the request made by him on the 5th July 1778.

Baron Calcedonio, after reciting in his petition for this investiture that, owing to the previous petition of Baron Gaetano and the rescript of the 25th April 1778, the original grant of the 23rd July 1777 had been extended in favour of that son, who would have been nominated as successor to the "Primogenitura," he therewith filed an official copy of the deed whereby his father had nominated him as his successor in the Primogenitura.

This petition when duly laid before the Grand Master was honoured with his affirmative decree.

27. On the sheets containing the petition with the affirmative decree, the formula of the oath for the investiture was being drawn out, and appears to have been left incomplete. The same formula of investiture was afterwards entirely written upon separate papers from the petition and the decree, according to the practice of those times, and the

investiture duly given to Baron Calcedonio Azopardi on the 10th August 1778. It appears that the clerk who had begun to write the formula on the petition, or some other unknown person, cancelled with a vertical line the deed left incomplete, and erroneously extended this line across the petition and across the decree of the 5th July 1778, and, what is still more strange, also across the official copy of Calcedonio's nomination to the Primogenitura, a manifest error, as in the deed of investiture of the 10th August 1778, the petition and affirmative decree of the 5th July 1778 are explicitly alluded to, on the strength of which the investiture was given. Considering that even the official copy of the instrument of nomination had so been cancelled, makes it still more evident that such cancellations are of no effect whatsoever.

28. On the other hand, let juridical consequences be whatever they may on the senior Calcedonio's acts, certain it is that these acts can never be interpreted with regard to Barone Vincenzo, C.M.G., and Barone Calcedonio, junior, and their descendants, except in accordance with the original concession of the 23rd July 1777, and its extension of the 25th April 1778.

29. Therefore, with regard to Barone Vincenzo, C.M.G., and also to Calcedonio, junior, together with his descendants, we must repeat that the perpetuity of the title of Barone di Buleben is fully established—

1st. From the fact that the "tantum" in the act of investiture is only seen in the preamble of that document, and not in the original grant of the 23rd July 1777, whereby it is evidently intended to recite that Gaetano's successors had not yet been personally designated.

2nd. From the fact that in the same investiture is enunciated how the decree of the 25th April 1778 extended the original grant in favour of the holder of the "Primogenitura."

3rd. From the fact that in the act of the same investiture we observe the word "filium" in the singular substituted for the word "filios" in the plural, which, according to the necessary propriety of the subject matter, was the right word to use, because it is only one at a time that possesses and holds a "Primogenitura."

30. Barone Calcedonio held the baronial dignity according to the grant of the 23rd July 1777, and as the nominee elect to the "Primogenitura," in virtue of the rescript of the 25th April 1778, until his demise, which occurred on the 20th of February 1799. After his death Baron Vincenzo, C.M.G., his firstborn son and also possessor of the "Primogenitura," held the same dignity for a very long time exceeding the 40 years, not only without the least contention, but with the direct recognition both of the Imperial and local Governments. The Imperial Government, under the Sign Manual of Her Majesty Queen Victoria, qualified the said Vincenzo as Baron, when he received the Cross of the Most distinguished Order of St. Michael and St. George, the local Government in public notices recognised him as Baron in the Government Gazettes of the 4th of June 1814, 20th of November 1821, 21st of October 1828, 31st December 1832, 21st June 1837, 1st March 1850, 1st January 1852, and 4th November 1852.

31. Nor can it be asserted that all these recognitions on the part of the Imperial and local Government have been made "causa non cognita" and void of legality, the legal presumption is that such solemn public and direct recognitions are made with the necessary authoritative cognisance. Moreover, in this case the lengthened and more than quadragenary possession, which united to that of his ancestors is centenary, would be more than sufficient according to any law to maintain Baron Vincenzo and his descendants in the right of holding the baronial dignity even if it were not based upon written documents, whereof the interpretation has been for nearly 100 years, that the said Baron, his ascendants and his descendants, are the lawful holders of the title of Barone di Buleben.

32. Baron Vincenzo died in 1857, after a personal, peaceful possession of nearly 60 years. Calcedonio Azopardi, the junior, succeeded to the paternal rights, in whose person both titles of "primogenito" and that of possessor of the "Primogenitura" are united; he peacefully held the dignity of Barone di Buleben for the long period of more than 20 years, until unfortunately the Executive Government, without any solid reason, and not in pursuance of a legal action brought forward by people that had an interest to sustain the determination of the title of Barone di Buleben, gave him to understand that this title had been for a long time extinct, and what is more remarkable and strange, that it had determined before Baron Vincenzo his father had succeeded to this dignity.

Owing to the above stated reasons it is to be hoped that the decision, emanated not under the authority of a court of justice, nor delivered on the suit of persons legally interested in the matter, be over-ruled, that ample justice may be done to Baron Calce-

donio the junior, his sons and descendants by authorising them, through the grace and favour of the Crown, to hold the said title of Barone di Buleben, as it was held previously and possessed by the "Primogeniti" Azopardi possessors of the "Primogenitura," and the memorialist Baron Calcedonio to have his name duly entered in the official list of Titolati.*

TITLE OF CONTE DI BEBERRUA.

Second claim
appended to
Despatch
of 16th
August 1882.

33. On the 23rd October 1783 the same Grand Master Rohan, granted the title of Conte di Beberua to Luigi Gatt.

PATENT.

Fra Emmanuel de Rohan et Ordinis Sui Antonii Vieñnen et Custos: Nobili Aloysio, seu Ludovico Gatt fideli Vassallo nro Nobisque dilecto SaIm, prosperosque advota successus: laudabilia, ac diuturna obsequia nobis, Religionique nra non minus fideliter quam Sedulo per tuum Genitorem praestita in exercendis quam plurimis publicis muneribus, et praesertim in officio auditoris nostri, binorumque nrorum Praedessorum, et qua in dies praestare non desinit, Teque accedentibus annis praestitutum confidimus, promerentur, ut munificentia nra fidelia hmoi servitia aliquomodo compensentur nonnulla gratitudinis, ac benevolentiae nrae significationem exhibendo. Cum itaque Titulus Comitis Pheudi di Beberua nuñcupat de pñti vacet illiusque concessionem, utpote ab hoc Dominio et Principatu Melitae dependentis, ad nos spectare dignoscatur, Hinc est quod praemissorum Genitoris tui meritorum intuitu ptum Comitis de Beberua Titulum, sive hoc sive alio quovis modo vacantem, et ad nos devolutum atque ad nram provisionem spectantem, de mera nostra liberalitate largitate, munificentia, et speciali gratia ac ex certa scientia, Tibi tribuimus, concedimus, et fidelitate nostro donamus, ac Te Comitis hujus modi Titulo decoramus et insignimus nec non ita nominari posse ac deberi, atque uti, frui et gaudere omnibus, et singulis Juribus, honoribus, et antelationibus, quibus de Jure, usu, et Consuetudine Comites utuntur, fruuntur, et gaudent, volumus et decernimus; Reservato tam utili, quam directo Dominio pñti Pheudi de Beberua, et omnium ab eodem dependentium sub annua recognitione tribuendi, et consignandi in Festo S. Martini Papae nobis, nrisque in Magisterio Successoribus unum Florem, qua stante recognitione Te ab omni alio onere militiae tum pedestris, tum equestris eximimus et liberamus, dummodo investituram hmoi Pheudi (prout moris est) a nobis accipias jusquejurandum fidelitatis in omnibus nris facias. Mandantes omnibus et singulis dtæ Domus nrae fribus, quacumque auctæ Dignitate, ubicumque fungentibus in virtute obed^o nris vero suditis, et Vassallis sub Sacramento fidelitatis, et homagii, quo nobis, et Religioni nrae sunt astricti, et sub pœnis nobis, eidemq nris successoribus benevisis, ne contra praesens nram concessionis Tituli Comitis Pheudi di Beberua Privilegium aliquatenus facere, vel venire praesumant; immo illud observare, et ab aliis observare studeant et procurent. In cujus rei etc. Bulla nrae Maglis Plumbea Dat. Melitae Die 23rd M^s 8 bris 1783.

34. The patent of this grant is another feudal concession like the one of the 23rd July 1777, already examined, whereby the title of Conte annexed to the fief of Beberua was granted directly by Grand Master de Rohan, the Sovereign for the time being of these islands, to Luigi Gatt, by a deed "inter vivos" under an onerous title and issued under the Sovereign's seal in a writ, "Bulla," therefore the concession is a real, proper, and noble feud.

35. All feuds are of their own nature perpetual and heritable to the male descendants of the grantee; the fact that no words in the patent direct the inheritance does not make the grant endure for the lifetime of the grantee only, but it lawfully endures for all the male issue "de primogenito in primogenitum in infinitum," according to the recognized feudal custom, admitted also by local jurisprudence.

36. These recognized principles of the law we have had occasion to submit in the first part of this report, wherein it was stated that whenever there are no limitations, restrictive clauses, or words to direct the inheritance in the deed of grant these principles obtain "ex providentia legis," so that we are not able to find the reason why the title of Conte di Beberua should have been considered as intended to endure only for the grantee's lifetime.

Our opinion is that the title at the death of the grantee vested in Conte Nicolo Gatt, LL.D., the only surviving son of the person first ennobled, and that it should continue.

* With deference to a precedent the term "patent" has been made use of in the present report instead of the more appropriate word "writ" (bulla).

to descend, "de primogenito in primogenitum in infinitum," to the male descendants of the grantee. Under these circumstances we consider this title fully deserving the grace and favour of recognition from the Crown, that the bearer may have his name duly entered in the official list of Titolati.

TITLE of "MARCHESE" claimed by GIO. PAOLO TESTAFERRATA OLIVIER and LORENZO CASSAR DESAIN.

37. These two noblemen are contemporary descendants through males in two masculine sublines of Don Mario Testaferrata, in whose favour two diplomas of nobility, with the title of "Marchese," are still duly preserved; the one granted by King Philip of Spain, in 1716, conferred the title of "Marchese" di San Vincenzo Ferreri on him, his heirs and the successors of his body lawfully begotten; the other granted by King Victor Amadeus, Duke of Savoy, in 1717, conferred on the said Mario and all his descendants, "successivamente," the title and rank of "Marchese."

3rd and 4th claim appended to Despatch of 16th August 1882.

38. The above-named two noblemen have laid before this Committee several official copies of authentic documents preserved in the Government Archives, wherein repeated direct recognitions are found of the title of "Marchese" on the part of the Grand Masters as possessed simultaneously by their respective immediate male ancestors.

39. Precedents fully justify Gio. Paolo Testaferrata Olivier and Lorenzo Cassar Desain in restricting the allegations on which they found their hopes and expectations to the above-mentioned direct recognitions that go so far back as 1745 in the case of Gio. Paolo Testaferrata Olivier and 1749 in that of Lorenzo Cassar Desain; this alone, independently of any diploma, places these two noblemen in a most favourable position with regard to the Despatch of your Lordship's predecessor, dated 16th August 1882.

40. Under these circumstances we feel bound "vi et potestate" of the reiterated direct recognitions, custom, possession, and prescription upheld also during the British rule by several public official acts in their own favour, as well as in that of their immediate male ancestors, to record our earnest recommendation that Her Majesty the Queen may vouchsafe to bestow Her consideration, grace, and favour on the petitioners Gio. Paolo Testaferrata Olivier and Lorenzo Cassar Desain, that their names and those of their respective eldest sons be successively entered in the official list of Titolati, with the honorary title of "Marchese" as already enjoyed by their respective lineal ancestors. Their places in the official list of Titolati should be respectively allowed according to the above-mentioned recognitions, viz., in the case of Gio. Paolo Testaferrata Olivier from 1745, in that of Lorenzo Cassar Desain from 1749.

APPENDIX.

41. In the course of this inquiry Emmanuele Testaferrata Bonici preferred a claim before this Committee by his letter of the 2nd December 1882, which he had already submitted both to the local Government and to Her Majesty's Principal Secretary of State for the Colonies in a petition engrossed on the 12th September 1882, wherein it is propounded that the title of "Marchese" granted by King Victor Amadeus to Don Mario Testaferrata on the 13th July 1717 belongs to him exclusively, he being the first born son in the primogenial line of the grantee.

Claims preferred during the investigation of the four claims appended to Despatch dated 16th August 1882.

42. On the 12th December 1882 another claim was preferred before this Committee in a letter signed by Enrico Testaferrata, Lorenzo Antonio Testaferrata, Luigi Testaferrata, Ignazio Testaferrata, and Carmela Testaferrata, this last claimant being sister to Ignazio, whereby they contend that the title granted in virtue of the above-mentioned diploma to Don Mario Testaferrata should belong to and be borne by all the contemporary descendants of the grantee indiscriminately, and as they descend from Don Mario Testaferrata they requested the Committee to recommend their claim to the title of "Marchese" to the grace and favour of the Crown.

43. On the 3rd of January 1883 a further claim, based on the same diploma of the 13th July 1717, was duly forwarded to the Committee by another contemporary descendant of Don Mario Testaferrata, viz., Giuseppe Apap, signed in his petition "Giuseppe dei Marchese Apap Marchese Testaferrata."

44. Francesco Gauci Testaferrata on the 6th of March of this year forwarded a letter to this Committee, claiming the privilege of bearing the same title simultaneously with these claimants as derived from and based on this diploma; all these members of the

Testaferrata family trace their descent from Don Mario Testaferrata through males, the last two only, viz., Giuseppe Apap and Francesco Gauci descend through a female.

DIPLOMA.

Vittorio Amedeo Per grazia di Dio Re di Sicilia, di Gerusalemme, di Cipro, Duca di Savoya, Monferrato Aosta, Ciabrese, Genovese, Principe di Piemonte e d' Oneglia; Marchese d'Italia, Saluzzo, Susa, Ivrea, Ceva del Maro e di Sesana Conte di Mauriana, Geneva, Nizza, Tenda, Romont, Asti ed Alessandra; Barone di Vaud e Famigni; Signore di Vercelli, Pinerolo, della Tarantasia Lumellina e Val di Sesia, Principe, Vicario perpetuo del Sacro Romano Impero in Italia.

La cognizione che habbiamo delle reguardevoli qualità che s' incontrano nella persona del diletto fedel nostro D. Mario Testaferrata Maltese Cavagliere del Sacro Romano Impero ci ha benignamente portati a fargli provare gli effetti della nostra Munificenza, ed a dargli un argomento della distinzione con cui lo rimiriamo con accordargli perciò il titolo di Marchese di cui egli si rende ben meritevole non meno per il nostro servizio, che per la nobiltà del di lui nascimento; Quindi è che in virtù delle presenti di nostro mano firmate, di nostra certa scienza Regia autorità, e podestà assoluta, e col parere del nostro Consiglio, e per grazia speciale conferiamo al predetto D. Mario Testaferrata ed a tutti li suoi discendenti legittimi e naturali successivamente il Titolo di Marchese con tutti li privilegi prerogative-dignità immunità preëminenza, onere, libertà ed esenzioni delle quali godono, e possono godere gli altri Marchesi, mandiamo per tanto a tutti gli nostri Magistrati, Ministri, Vasalli e generalmente a tutti li nostri Sudditi tanto di quà, che di là dal mare di dover riconoscere, stimare, trattare e reputare il predetto D. Mario Testaferrata e li suoi Discendenti legittimi e naturali Successivamente per Marchese come sopra da Noi creato nominato e costituito con farlo e lasciarlo gioire di tutti gli honori prerogative dignità preëminenze, esenzioni ed altre cose suddette per quanto stima ogn' uno d' essi cara la grazia nostra: che tale è nostra mente, in testimonio di cui gli habbiamo fatto spedire le presenti munite del nostro Sigillo le quali vogliamo, che sieno registrate nella nostra Prima Segretaria di Stato degli affari interni de' Nostri Dominj.

Dato à Ciambery li 13 del Mese di Luglio l' anno del Signore mille settecento diecisette, e del Regno nostro il quarto.

Firmato V. Amedeo
Controseg^{to} Mellarede
Reg^{ta} in Registro privilegiorum
Regni Siciliae fol. 180, No. 1.
Subscript: Razan
Loco + Sigilli.

45. The purport of this diploma clearly shows that the concession is one of those royal gratuitous gifts that are styled in the Justinian Code, "Codicilli honorariae dignitatis," known likewise in the Common Law as "privilegia gratiosa." King Victor Amadeus thereby bestowed the honorary title and rank of Marchese on Don Mario Testaferrata, and on all his descendants.

46. This grant not being a feudal concession its inheritance cannot be governed by the same laws that obtain with the feudal titles granted to and possessed by the generality of the Maltese nobility, and no feudal laws can be invoked except by analogy, either to restrict the designation of Marchese, as derived from this diploma, to the primogenial line of the grantee exclusively, or to extend the same to all his contemporary descendants.

47. Owing to these facts the Committee think that similar claims can be satisfactorily settled through an examination of such official documents as the claimants may produce and prove therewith the possession of a title of nobility acknowledged on the part of the Grand Masters in the male ancestors of each claimant. In claims so established, as has been the case with those already examined in paragraphs 37-40, it is desirable that the title should be allowed under the definitive rule that its descent be limited to the eldest son in each case, and that their names be placed in the official list of Titolati according to the date of the first recognition of the title in each respective line.

48. We humbly beg to submit, after a most careful examination, that no other advice on the part of this Committee could be effectual with regard to claims exclusively based

on the diploma of King Victor Amadeus, as against the claim preferred by Emmanuele Testaferrata Bonici.

We have, &c.
(Signed) CONTE CIANTAR BARONE DI SAN GIOVANNI,
Presidente.
MARCHESE APAP BOLOGNA.
MARCHESE DE PIRO.

Nel presente Rapporto noi due dei cinque membri del Comitato qui sottoscritti approviamo unicamente i due reclami l'uno di Azopardi e l'altro di Gatt e per gli altri reclami dei Testaferrata Olivier, Cassar Desain, ed Apap Testaferrata abbiamo scritto un Rapporto separato.

MONSIG^{NR} CANCÒ SALVATORE CONTE MANDUCA, P.M.

MARCHESE GAETANO DELICATA, LL.D.

Signed at Malta this day, 21st April 1883.

To the Right. Hon. the Earl of Derby,
Her Majesty's Principal Secretary of State
for the Colonies,
&c. &c. &c.

Enclosure 2 in No. 1.

MY LORD,

Valletta, April 20, 1883.

WE feel it our duty as members of the Committee of Privileges of the Maltese Nobility, while forwarding a separate report concerning the claimants of the title of Marquis granted by King Victor Amadeus to Don Mario Testaferrata in the year 1717, to respectfully submit to your Lordship some explanations in which we do not concur in the opinions of other colleagues about the way of conducting their definition.

Our first care, which we think indispensable in the examination of such questions, has been to duly consider the nature of the said grant and its operative clauses, as being admissive of an extensive construction.

A letter of protest, however, from Emanuele Testaferrata Bonici, one of the claimants already alluded to in the said report, made us discontinue such investigation and refrain from giving any definite opinion on the merits of the said grant, leaving the decision entirely to the competent courts of justice.

We then proceeded to examine the indirect recognitions made by the Grand Masters and by the present Sovereigns of these islands to the ancestors of Gio. Paolo Testaferrata Olivier, of Lorenzo Cassar Desain, and of Giuseppe Apap Testaferrata, independently of any diploma in their families, with the aim of having a rightful motive and foundation to support our recommendation to the sovereign grace and favour.

And, on reviewing the lines of descent of the said gentlemen, we find that only the line of the sole remaining descendant, viz., Giuseppe Apap Testaferrata can boast of having obtained direct recognition from the present reigning house in the reigns of George and William IV., when his grandfather, Sir Giuseppe the Marquis Testaferrata, was invested with the title of Knight, and subsequently of Commander of the Most distinguished Order of St. Michael and St. George, in the respective warrants under their sign manual, and was repeatedly styled Marquis, a recognition which was uninterruptedly maintained, even in the course of the present happy reign of our Gracious Sovereign, by correspondence which passed between the said Sir Giuseppe Marquis Testaferrata and the former Colonial Secretaries of State.

When therefore arguing on such a most important circumstance we could not pass over unobserved and put aside the said sovereign recognition. Had we acted in this way, our proceedings would indeed have been most remarkable, viz., not to give to the acts of the present reigning house, whom we pride ourselves in being faithful subjects of, the due importance of their high value as much as to those sovereign acts of the ex-Hierosolomytan Government. Therefore we insisted that the name of the said Giuseppe Apap Testaferrata should, if not by prior titles, but for the above reasons, be put in the list of Titolati.

Nor is the obstacle, that Giuseppe Apap Testaferrata descends from a female, and therefore cannot enjoy an honorary title, of any avail. The present question, besides having been fully entered into by the said claimant in his demand laid before this Committee, has been already decided upon by the Commission nominated to investigate into the claims of the Maltese Nobility (in the Supplemental Report of the 11th March, 1878, par. 4-10, 14-21), when they admitted the Baron of "Grua" and Count Laz-zaro Sant Tournier, both descendants of a female.

These, my Lord, have been the motives which caused a division between us concerning the said claims, motives which doubtless will meet the full approval of your Lordship, and which, having consulted our reason and not our heart, oblige us to do justice by giving to each what is his due.

We have, &c.
(Signed) MARQUIS GAETANO DELICATA, LL.D.,
MONSIEUR CANÇO SALVATORE CONTE
MANDUCA, P.M.,
Members of the Committee of Privileges of the
Maltese Nobility.

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

Enclosure 3 in No. 1.

MY LORD,

Valletta, April 20, 1883.
ACCORDING to the instructions contained in the Despatch of the 16th August 1882, we, the undersigned, two of the members of the Committee of Privileges of the Maltese Nobility, have considered and examined the Acts of concession of the titles of Baron "ta Buleben" claimed by Calcedonio Azopardi, of Count "ta Beberua" claimed by Dr. Nicolo Gatt, and of Marquis granted by King Vittorio Amadeo to Don Mario Testaferrata in the year 1717, claimed by Gio. Paolo Testaferrata Olivier and Lorenzo Cassar Desain, to which special mention is made in said Despatch, and to which we also unite Giuseppe Apap Testaferrata, another claimant to the said title of Marquis, having been admitted by your Lordship's predecessor, the Earl of Kimberley, that his claim might be examined and reported into by this Committee, together with the above-named four gentlemen as per annexed copy of petition and letter adhering to your Lordship's request of the 27th December 1882.

That regarding the two first, that is, as regards the title of "Buleben" and of "Beberua," we, the undersigned, fully agree and approve the decision come to by the other colleagues on same in our respective meetings. We, however, do not concur in the opinion together with the said colleagues as regards the title of Marquis granted by King Vittorio Amadeo, as far as the definition of same is concerned, of which we respectfully submit to your Lordship the following separate report.

Title of Marquis granted by King Vittorio Amadeo to Chev. Don Mario Testaferrata.

Diploma, 13th July 1717.

From the contents of the present diploma, drawn in Italian, the following clauses may be extracted.

"Thus it is that in virtue of these presents signed by us, of our firm knowledge, royal authority and absolute power and with the advice of our council, by special grace we confer to the above-named Mario Testaferrata, and to all his descendants, natural and legitimate, successively the title of Marquis, with all the privileges, prerogatives, dignities, immunities, precedences . . . of which other marquesses enjoy and may enjoy. We, therefore, command to all our magistrates, ministers, vassals, and to all our subjects in general, both from beyond and within these seas, to acknowledge as Marquis the said Don Mario Testaferrata and his descendants, legitimate and natural, successively.

CONSIDERATION of said TITLE as regards the nature of the DIPLOMA.

1. The concession is quite clear in demonstrating what moved the King to grant said title, that is the good qualities, activity in the service, nobility of birth, reasons which gave right to an estimation and not to a compensation which would have certainly determined the nature of said concession given by special grace, and as a mere gift that consisted in the right to use the title of Marquis, that by doctors is usually styled, *titulus sine re*. Such gifts amongst sovereign deeds are also styled, *Codicilli honorariæ dignitatis*.

2. And, indeed, nothing particular is possessed by the simple concession of a title in question with that of the lands to which the title is annexed. In the simple grant of a title no movable or immovable property is given; in the grant of an estate an immovable property or an equivalent is essential. Moreover, the nobility of the concession in question is personal, the nobility derived from a titled estate is real, and many other differences that are omitted for brevity.

3. It therefore clearly results that the simple concession of a title and that of a titled estate are of a quite different nature as above explained, so that between them no analogy exists, and for which no feudal laws can be quoted, be it for restricting or for extending the said simple concession of a title. An unlawful thing it would then be to extend to the simple concessions of a title the dispositions of a titled estate.

4. Should it result as well that the Sovereign be not by duty obliged to the concession of said title, it only rested with the Sovereign munificence to extend or restrict the enjoyment of what has been given, hence it follows that one must stick to the phrases used and afford them their full meaning, as *favores sunt ampliandi*. And it is not lawful under any pretence to restrict their meaning.

5. From what has been stated in the preceding paragraphs, it follows that it must be understood as given what has been explained. The words made use of by the Sovereign in the diploma in question are quite clear. The title of Marquis was also granted to the descendants of Chev. Mario Testaferrata. The word descendant is of its nature general, it therefore extends to all those in whose veins the blood of that common author runs. To the word descendants, the King prefixed the adjective *all*, it is therefore universal and excludes no one, followed as well by the clause *successively*, therefore it follows that said diploma excludes the idea of primogeniture as regards the title granted. And it was thus understood at first.

6. Under this explanation in the diploma are also included the females and the males born of the females. We can draw very much at length to show with legal reasons the truth of this assumption, but to prove this, it is enough to assert that the same King Victor Amadeo in the grant of the title of Count, conferred on Giuseppe Preziosi by diploma of the 19th October 1718, a year subsequent to the concession in question, in which he excluded from succession the feminine line, order that the title should be possessed by his descendants male and legitimate born of lawful wedlock born and to be born (v. Report, 1878, par. 127).

Therefore we can with certainty admit that the King where he wished to exclude, he said it openly and frankly, for which the well known rule, *ubi voluit dixit ubi noluit tacuit*, may be applied.

7. We conclude that nothing in common can be possessed by the feudal laws that regulate the Duchies, the Marquesates, and the Earldoms, as regards the transmission to the descendants regarding the concession of said title made by Amadeo, King of Sicily, Duke of Savoy.

8. The aspect that is wished to be given by some as most important in the question, if the title ever existed in Malta, that is to say, if it was registered in the Chancellery of Government or in the great Court of Castellania, or otherwise known by the Sovereign authority in Malta. By a slight examination, by a simple reading of the Magisterial Decrees, by which it was wished inadvertently to maintain the legal non-existence of said title, one of Grand Master Despuig, the other of Grand Master Rohan of the year 1739, the drift of the ordered registration may well be seen by which it was resolved to take away the differences of precedence amongst the persons promoted to the jurorship, and the other to determine the greater or smaller antiquity of the title.

Now how could it be understood and an illegitimate inference be drawn that the want of precedence and anteriority should deprive the enjoyment of the title from any other benefit accorded by the concession; this is erroneous and cannot legally stand.

9. During this investigation, besides Messieurs Gio. Paolo Testaferrata Olivier, Lorenzo Cassar Desain, and Giuseppe Apap Testaferrata, the following gentlemen have put forward a claim for said title before this Committee of Privileges:—

Emanuele Testaferrata Bonici, by letter of the 2nd December 1882, claiming said title exclusively to himself, Enrico Testaferrata, Lorenzo Antonio Testaferrata, Luigi Testaferrata, Ignazio Testaferrata, and Carmela Testaferrata, who placed before this Committee another claim by letter of the 12th December 1882, and who maintain that said title granted to Don Mario should belong to all his descendants contemporarily. Francesco Gauci Testaferrata also put forward another claim for the same title by letter, March 1883.

10. We have thus put forward a few of the many valuable and legal reasons regarding the concession in question, with a view of submitting to your Lordship a simple idea of

the probability that before a court of justice said concession, considering it of an extensive construction, might produce to the claimants the right to enjoy the title of Marquis. We abstain from giving a definite opinion on same, leaving the decision entirely to a competent court of justice, on account of the pretensions of one of the claimants, Emanuele Testaferrata Bonici by said letter of the 2nd December 1882, already submitted by him to the local Government and to your Lordship's predecessor, the Earl of Kimberley, by petition of the 12th September of the same year, and by which he maintained that the title of Marquis, granted by King Vittorio Amadeo on the 13th July 1717, must exclusively belong to him as firstborn in the family of the grantee.

11. It is to be noted that the said Emanuele Testaferrata Bonici had already then put forward a claim to the Commissioners, Judges Naudi and Pullicino, for said title of Marquis, asserting that it belonged to him respectively along with other descendants of Don Mario Testaferrata, and not exclusively as he now pretends. (Rep. 1878, par. 152.)

12. Amongst all the claimants of said title, of which we have made mention in paragraph 9, only Gio. Paolo Testaferrata Olivier, Lorenzo Cassar Desain, and Giuseppe Apap Testaferrata produced before this Committee several official copies of authentic documents wherein exist repeated expressions of indirect admittances to the title of Marquis from the Grand Masters of the Order and from the present Sovereigns of these Islands, as enjoyed simultaneously by the respective and immediate ancestors of their respective lines.

13. May it be allowed us to note, as it has as well been recognised by Judges Naudi and Pullicino in their very same report, that, in the default of a regular diploma, and independently of same, the mere Sovereign recognitions are equal to a Sovereign concession. (Rep. 1878, par. 165).

14. It is worthy of observation that the family Testaferrata was undoubtedly numbered among the noble Patricians since 1553, and in 1631 it obtained the "Cavalierato" of the sacred Roman Empire, and during the sway of the Grand Masters, as already stated, the ancestors of the claimants were repeatedly and simultaneously acknowledged as *Marquesses*, as well as under the present sovereignty in the times of King George IV. and William IV., when Sir Giuseppe Marchese Testaferrata, grandfather of the said Giuseppe Apap Testaferrata, was honoured with the title of Knight and then of Commander of the Most distinguished Order of Saint Michael and Saint George, in the respective warrants, and by their seal they repeatedly styled him *Marquis*.

15. The above important facts place Gio. Paolo Testaferrata Olivier, Lorenzo Cassar Desain, and Giuseppe Apap Testaferrata in a most favourable position, as well as the fact of their being able to hold up their rank, honoured by some title to be presented on the obtaining of some special grace and royal favour.

16. In view of what has been laid down, and independently of the respective claims and of any known diploma in the family Testaferrata, we find ourselves in duty bound to add in the present report that we have the honour respectfully to submit to your Lordship our hearty recommendations and to solicit your Lordship to intercede with our Gracious Sovereign that it may please Her Majesty to confer a title of nobility with those clauses and conditions to the pleasure of Her Majesty, and that the names of Gio Paolo Testaferrata Olivier, Lorenzo Cassar Desain, and Giuseppe Apap Testaferrata be placed in the official list of the *Titolati*.

We have, &c.
(Sined) MARQUIS GAETANO DELICATA, LL.D.,
MONSIEUR CANCO SALVATORE CONTE
MANDUCA, P.M.,
Members of the Committee of Privileges of the
Maltese Nobility.

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

The HUMBLE PETITION of the NOBLE GIUSEPPE APAP TESTAFERRATA.

SHEWETH,
THAT according to the Despatch of the 16th August sent by your Lordship to the Governor of these Islands, which ordered that a Committee, with functions analogous to those of the Committee of Privileges in the House of Lords, should be

144, Strada Cristoforo, Valletta, Malta.

electèd by a majority of votes among the Titolati of the Maltese nobility formally acknowledged by the Government.

That the said Committee having been legally constituted and officially notified in the Government Gazette of the 17th October of the present year.

That whereas by the said Despatch of your Lordship, and the enclosed letter of the Honorary President of the Maltese Nobility, Sir George Bowyer, the aforesaid Committee are to examine into the claims of those Titolati who were not included in the list of the Commissioners, Judges Naudi and Pullicino, and report on the said cases in order that they may be admitted by an act of royal grace and favour.

That the Petitioner being one of the legitimate descendants of the Marquis Mario Testaferrata, who in the year 1717 was honoured by special grant and privilege of King Victor Amadeus with the title of Marquis for himself and all his descendants successively, is entitled as such to the legal possession of the aforesaid title of Marquis, and which, if required, he is able to prove.

That the Petitioner not having been warned nor called upon to send in his claims to the Commissioners then appointed for the information of the local Government was therefore not included in the list drawn up by the Judges Naudi and Pullicino.

The Petitioner therefore humbly prayeth your Lordship to vouchsafe to order that his claim relating to the said title of Marquis obtained by the said Mario Testaferrata be accepted, examined, and reported upon by the Committee of Privileges of the Maltese nobility, together with the claims of those other noblemen who were not included by the aforesaid commission in the list of Titolati mentioned in the said Despatch of your Lordship.

And moreover the said Petitioner submitteth to your Lordship that his claims will not give rise to any legal questions nor pretensions of other claimants to the exclusion of the aforesaid Petitioner.

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

Chief Secretary's Office, Valletta,
December 27, 1882.

SIR,

WITH reference to the petition addressed by you to the Secretary of State, praying that your claim to the title of Marquis may be inquired into by the Committee of Privileges of the Maltese Nobility, I have the honor to acquaint you that a Despatch has been received from the Earl of Kimberley, in which his Excellency the Governor is desired to inform you that it is open to you to bring your claims before the Committee of Privileges yourself.

I have, &c.
(Signed) VICTOR HOULTON,
Chief Secretary to Government.

HOSPLIS MAGR ET HIERLEM STI. SEPULCHRI.

To remove differences of precedences between the persons who will be promoted to the jurorships of the Universities of Notabile and Valletta, We will, order, and command that all be preceded by the undermentioned, and that between these latter precedence will be regulated in the following order, that is:—

1st. Whoever has been Captain of the Rod (Verga) of the aforesaid city of Notabile and our Island of Malta.

2nd. The Titolato who has a title founded upon a fief really existing here, although he may not be in possession of it.

3rd. The Titolato who has no title founded upon any fief really existing in our dominion, the title being registered in the Chancery of Our Religion and in the High Courts of Our Castellany, and for the respective registration the tax of 116 scudi of the same money having been paid, to be divided into two halves between the aforesaid Chancery and Castellany.

4th. The descendant in a male line of whomsoever was Captain of the Rod (Verga) if he lives on his own income, and if his descendants intermediate have also lived on their own income.

Liber Bullarum Magni Magistri F. D. Raymundi Despuig, anno 1739.

5th. The descendant in a male line of a Titolato, with a title founded upon a fief really here existing if he lives on his own income and if his intermediate ascendants have lived thus also.

6th. Whomsoever was the first juror in Notabile.

7th. Whomsoever was the first juror in Valletta.

8th. The most ancient in jurorship of that University of which he may have been created a juror.

9th. Whomsoever has been Judge of Appeal, Criminal or Civil of the High Court of the Castellany and of the Captaincy and Government Court.

10th. The Doctor in Law and the Doctor in Medicine.

We declare that amidst persons of the same rank the seniority of the patrimonial title must be attended to, and that everybody who has been a juror if made Maritime Consul will precede the other Consuls, amid whom seniority of office must be attended to.

Dat. in Palato, die xvi. Septembris 1739.

(Signed) DESPUIG.

HOSPITIS MAG^R HIERLEM S^{II} SEPULCHRI ET ORDINIS S^{II} ANTONII VIENNENSIS.

Dal Libro
Minute
1794, tom. 2.

It being a maxim universally received that the greater lustre of nobility depends firstly by greater antiquity, nothing is juster and more reasonable than that the most ancient noble should precede the modern, so that we came to the determination to order that in regulating precedence between the noblemen of our dominion, firstborn sons as well as younger sons indistinctly, one must only regard the greater or lesser antiquity of the title which had ennobled their family, and whether the title has been granted by us or our predecessors, or whether, if they have received it from foreign Princes; proved, it has been suitably registered in our Chancery or High Court of the Castellany. In the recurrence, however, of similar dates, he who has more titles vested in his person must be preferred to him who has less, according to the graduation established in the magisterial document (in his own handwriting) of our Predecessor Grand Master Despuig, of glorious memory, of the 16th September 1739, which, in such points as do not contradict our present dispositions, we intend fully to confirm.

Datum in Palatio die xvii. Martii 1795.

(Signed) ROHAN.

SIR,

69, Strada Forni, Valletta,
December 2, 1882.

I TAKE the liberty to transmit to you copy of a letter sent by me to his Lordship the Secretary of State for the Colonies on the 12th September last, with which I requested that the title of Marquis, granted by Vittorio Amadeo, King of Sicily and Duke of Savoy, may be exclusively granted me, and I beg that as one of the members of the Committee of Privileges of the Maltese Nobility to take into consideration my aforesaid claim, and inform all those who have a right to know it.

I have, &c.

(Signed) MSE. EL^E TESTAFERRATA BONICI.

To Marquis G. Delicata, LL.D.

LIST of DOCUMENTS by which it is demonstrated that the late Sir Joseph Marquis Testaferrata, grandfather of the claimant, had been recognized as Marquis, being really such, by the present Royal House of England and by the public of these Islands until his death.

A. An Official Gazette of the United States of the Ionian Islands of the 21st January 1822, in which the Lord Chief Commissioner in the Sovereign's name admitted him as Knight of the Most distinguished Order of St. Michael and St. George (with the title of Marquis).

B. A letter from the Colonial Department of the 10th November 1832, by which a copy of the States of the said Order of St. Michael and St. George was transmitted to him (with the title of Marquis).

C. A letter from the Colonial Department of the 2nd February 1833, by which he was informed that under the date of the same day the Sovereign appointed him Knight Commander of the said Order of St. Michael and St. George (with the title of Marquis).

D. A letter from the Secretary of the local Government of the 4th May 1833, by which the day of the investiture was intimated (with the title of Marquis).

E. Official Gazette of the local Government of the 29th May 1833, in which the appointment of Commander and of the investiture (with the title of Marquis) were notified.

F. A note from the Acting Secretary of Government of the 4th July 1835, by which he was invited to be present at the ceremonial of the investiture of Dr. C. V. Bonnici as Knight Commander of the said Order (with the title of Marquis).

G. A letter from the Acting Secretary of Government of the 23rd February 1836, through which he was invited to take a part in the funeral train of Sir Raffaello Crispino Xerri (with the title of Marquis).

H. An official list of the 18th March 1842 of all the members composing the aforesaid Order of St. Michael and St. George sent by the Secretary H. Greig, in which Sir Giuseppe Marquis Testaferrata is registered.

I. A letter from the aforesaid Secretary H. Greig, of the 16th August 1843, by which he invited him to the ceremony of the investiture of his Excellency the Governor as K.G.C. (with the title of Marquis).

K. A letter from Secretary Lushington of the 28th February 1828, inviting him to the reception of Mehmet Ali (with the title of Marquis).

L. A letter from the said Secretary of the 1st of March 1848, where it informed that His Highness Mehmet Ali would hold a reception for the members of the said Order of St. Michael and St. George (with the title of Marquis).

M. A letter of the 14th of June 1858 by order of his Excellency the Governor, inviting him to the ceremony of investiture of the Admiral Lord Lyons as K.G.C. of the said order (with the title of Marquis).

N. The "Ordine," a newspaper of the day of the 6th January 1860, mentions the demise on the 30th December 1859 of my said grandfather, and styles him, besides Knight Commander of St. Michael and St. George, Knight of the Holy Roman Empire, Messinese Patrician (with the title of Marquis).

No. 2.

The RIGHT HON. THE EARL OF DERBY to GOVERNOR SIR A. BORTON, G.C.M.G.,
K.C.B.

SIR,

Downing Street, May 11, 1883.

I HAVE had before me your Despatch* of the 1st inst., forwarding the report of the Committee of Privileges of the Maltese Nobility on the claims of certain persons whose titles of nobility were disallowed by the Commissioners appointed to inquire into claims to nobility in Malta.

In accordance with the recommendations of the Committee, the following additions should be made to the list of Titolati, without prejudice to any decision of a competent court of law, viz., Calcedonio Azopardi, Barone di Buleben, Nicolo Gatt, Conte di Beberua, Gio. Paolo Testaferrata Olivier, Marchese, and Lorenzo Cassar Desain, Marchese. As I understand that the claims of other members of the Testaferrata family to the title of Marchese which were submitted to the Committee are not established to the satisfaction of a majority of the Committee these will not be recognized as Titolati.

I request that you will communicate my decision to the Assembly of Nobles.

Sir A. Borton.

I have, &c.
(Signed) DERBY.

* No. 1.

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