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[p.7] The Development of the Malta Constitution 1813-1849

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In considering the origins and early development of the Malta constitution, it is necessary to be aware, in the first instance, of those other factors which are inextricably interwoven in the historical pattern of the period. The constitution cannot be seen simply as a politico-legal institution; reference must be made to the general Colonial policy to which Britain was committed at the time, to the character of the Colonial Secretary, to the power and influence of his permanent officials in the Colonial Office, to the personality and policy of the Governor and his officials, to the economic and social conditions on the island which they governed, to the degree of political education of the Maltese people; and over and above all these factors, providing as it were the framework into which they must all conform, the historian must be aware of the essential character of the island as a strategic base. A study of the Malta constitution, therefore, presents a task which is complex and fascinating. I can only hope to indicate, in the time at my disposal, some of these factors, and of the way in which they have affected the development of the constitution.

In the period following the Napoleonic Wars, Britain's Colonial policy was conditioned by three main factors. In the first place there was need for retrenchment and economy after the heavy expenditure of the war years; secondly, there was the desire that the Colonies should serve in a solution to the great economic problems which had resulted from the Industrial Revolution and which had been intensified by the cessation of hostilities in Europe; and, thirdly, it was conditioned by the policy preached by the Christian Humanitarian movement and by its leaders Granville Sharp and Wilberforce, a missionary policy which reaped its great success in 1833 with the Act for the Abolition of Slavery. In these several major issues which absorbed the attention of the Colonial Secretaries of the period, Malta could only play a very small part. The island was at the time a heavy financial liability to the British Government; it had severe economic problems of its own, and its people had no need of missionaries. It is not to be wondered at, therefore, that the island's affairs came rarely under the immediate attention of the Secretary of State.

Moreover, in the period from 1815 to 1846, a period of only some thirty-one years, there were thirteen Colonial Secretaries. Some were men of considerable ability who were destined eventually to lead a ministry, but who, because they held the seals of the Colonial Department for so short a period were unable to contribute very much to a solution of the great Colonial problems of the day. In such circumstances all were very dependent on the information and advice offered [p.8] to them. by their permanent officials. And if dependent upon these officials for advice on the immediate problems, how much greater was their dependence upon them for policy with regard to Malta.

The permanent Under-Secretary of State for the Colonies from 1825-1836 was Robert Hay; and from 1836-1846 was Sir James Stephen. Little has been published about Robert Hay: a colleague of his, hardly a friend, applied to him the proverb "mettle is dangerous in a blind horse," and criticized him for his ability to go straight to a decision whether right or wrong. On the despatches from Malta, Robert Hay maintained a regular and careful consideration and drafted precise instructions in reply. Sometimes proposals from the Governor did not get beyond the Under-Secretary of State, but it would be unjust to criticize

Hay for blocking progress in the development of policy for Malta, for on all important points he reflected very accurately the opinion and policy of the Secretary of State whether he was a Whig or a Tory.

Much more is known of Sir James Stephen. He has been referred to as “Mr Over-Secretary Stephen”; as a man possessing a “gluttony for work”; indeed, nothing less would have sufficed for Stephen allowed not one thing to pass in the Colonial Office without his knowledge. There was in this Under-Secretary a genuine sympathy for the Maltese people which led him on one occasion to criticize the conduct of the English Garrison towards the Maltese. But his sympathy was limited and did not extend to advocating political advancement for the Maltese in the first half of the 19th century. Stephen believed it would be impracticable to give the Maltese a representative government, and went so far in a memorandum to Earl Grey to say that he considered such a proposition as “absurd” in 1847.

Besides the power of the permanent officials there was another important factor affecting the development of Colonial policy; that was the practice of referring despatches from the Colonies to other Departments of State; to the Foreign Office or the War Office, or the Board of Trade and so on. This affected policy not only by the delays which ensued but by the conflicting opinions and instructions which emanated from the various departments and which revealed a lack of co-ordination among them. With respect to the development of policy for Malta, in questions which involved strategy or finance, the decision given by the Foreign Office or War Office or Treasury usually took precedence over that of the Colonial Office. Of all the departments it was perhaps the Treasury which indirectly wielded the most intensive control over Colonial affairs.

It is against this background, therefore, that the constitution provided for Malta in 1813 persisted without change until 1835. The constitution was based solely on the conception of the island as a strategic fortress. “It must be a basic principle”, said the Colonial Secretary, Lord Liverpool, in May 1812, “that the military authority should be free from all restraint in superseding the civil power, whenever the security of the island appeared to demand it.” The Commissioners of Inquiry of 1812, in obedience to such instructions, recommended that complete authority, both civil and military, should be vested in the Governor; though they did suggest the establishment of an advisory Council of 4 English and 4 Maltese members to be nominated by the Governor. Such a recommendation, however, was not in the least to the liking of Sir Thomas Maitland, who was appointed Governor in July 1813 and who ruled the Island with remarkable efficiency, but with a despotic military authority which made him so much hated by the Maltese.

[p.9] On the appointment of his successors, the Marquess of Hastings in 1824 and Major-General Sir Frederick Ponsonby in 1826, the Colonial Office saw no reason to alter in the slightest degree the original constitution for the governance of Malta. The question was not discussed; the initial instructions to the Governor were automatically confirmed.

Yet within a few years, by 1831-2, there is evidence of a restrained yet growing restlessness within the political situation. Lord Goderich, the Secretary of State, was of the opinion in 1831 that if the demand for a Legislative Council for Malta was strongly urged, it would be impossible to refuse it. The Governor, Ponsonby, did not, in the first instance, think the establishment of a Council a good idea. He reported in a despatch to the Colonial Office in July 1832, that although he considered that it would be most agreeable to have the opinion of a group of Maltese to advise him, yet he felt a Council would cause great inconvenience to Britain when the wishes of the mother-country and the interests of the colony were dissimilar. He predicted that this would come on financial questions. He wrote in a letter to Hay dated 28th July 1832 as follows... “Liberal people in England are anxious to get as much as possible out of Malta, and liberal people here will be inclined to get as much as possible out of

England. I see no harm in a Council if I felt that it would be possible to correct or keep in proper bounds this very natural diversity of opinion.”

Indeed, when Ponsonby saw the plan of constitutional reform presented to him by the Maltese liberals under their leader Camillo Scceberras, he was even more convinced of its impracticability. The Maltese liberals in 1832 petitioned for the establishment of an Assembly of 30 members to be freely elected by a wide franchise and to have the power of “indicating” legislation. Such a political privilege was far in advance of anything which had yet been granted to the British Colonies. It was not until 1843, that a new development in general colonial policy can be seen by the grant of a partly elected Legislative Council to the colony of New South Wales.

On the Maltese petition, the Governor reported that such an Assembly “would be found totally unfit for the purposes of legislation and that the result of such a step would be extremely injurious to the real interests of the people.” The Colonial Office were certainly of the same opinion. Yet, despite his preliminary caution and criticism, Ponsonby formulated his own plan for a Legislative Council which gives evidence of his enlightened attitude towards the Maltese people; for although he ruled out the practicability of an elected Council, he argued strongly for a nominated Council on which there should be a majority of Maltese members. He thought any less comprehensive measure would not be attended with any advantage. From his knowledge of the Maltese people, Ponsonby realised that they would not be satisfied by palliatives; and he wished to avoid the unhappy task of having to govern an unappeased people. Ponsonby seems to have assumed that he would be able to manage a Maltese majority on his nominated Council, and probably he would have succeeded, being possessed of a mild temperament and a patient, tactful character. The Colonial Office however, was in no way disposed to present the Governor of Malta with a problem which had not yet been faced or experienced in any other colony. When he received the Governor’s plan for a nominated Council, Robert Hay spoke of it as the worst scheme he had ever seen, and even after two [p.10] years of correspondence with the Governor on this point, he still argued, “but surely the people of Malta have no wish to meddle with the affairs of Government, or if any do, they are not of the most respectable class.” If a Council was absolutely necessary, he said, it must be composed of a definite majority of official members on whose automatic support the Governor could always depend.

Against this firm stand taken by the permanent Under Secretary, Ponsonby was compelled to modify his plan, but with creditable energy and persistence he refused to yield on the principle of a Maltese majority. He presented a second plan; but again without success. His third plan he presented officially to the Secretary of State, Lord Stanley, on the 11th February 1834. But Robert Hay, as already indicated, reflected accurately the opinion of his chief. Lord Stanley refused to accept the principle of a Maltese majority even on a nominated advisory Council. Ponsonby’s plan was altered: it was eventually decided to appoint a Council of seven members of whom three were to be nominated Maltese representatives. It was originally intended that the Archbishop should be one of the three, but he found it impossible to accept the oath of office required of a councillor and the Maltese representation was thus reduced. The three unofficial members of the nominated Council, (the Baron de Piro representing the landed proprietors of the Island; Agostino Portelli representing the Maltese merchants; and Nicholas Aspinall chosen to represent the British born merchants in Malta) were to hold office only “during pleasure.” They could be suspended for absence or incapacity or any “just cause,” and in suspending them the Governor need only represent his reasons to the Secretary of State. They could “enjoy freedom of debate and vote in all affairs of public concern,” a doubtful pleasure when limited to questions introduced only by the Governor. At most the members could suggest motions for discussion but only in writing to the Governor. If a majority in the Council did rise against him, Ponsonby was empowered to

act in opposition to them if he saw sufficient cause, by virtue of the authority vested in him by his Commission and initial instructions. The Secretary of State made it clear that the Governor was to use this final authority only under extreme circumstances. Nevertheless, he always possessed that final authority; an authority moreover which was safeguarded, for the Governor was not to propose or assent to any Ordinance in Council which was in any way “repugnant” to this Commission; so he was prevented from acting on his own initiative in restricting the fundamental basis of his authority. Ponsonby, Bouverie and Stuart, therefore, all retained the essentials of that autocracy with which Sir Thomas Maitland had been invested in 1813. The grant of a nominated Council on 1st April 1835 made no real difference; the Governor’s authority was unimpaired but restrained in that he had to administer through a Council.

It was in the next stage, in the period following 1835, that significant developments took place. Although in 1832 the efforts of Camillo Scceberras deserve recognition, it is in the period after 1835 that the political activity of the Maltese liberals organised by him may be judged as of vital importance in the chain of events leading to the grant of a partly elected Legislative Council in June 1849.

It is not difficult to imagine the reaction in Malta to the publication in May 1835 of those Instructions which established the nominated Council. The Maltese looked upon the institution as worse than useless. Long before the nomination of [p.11] De Piro and Portelli, Camillo Scceberras had on the 20th May 1835 informed the Secretary of State that the grievances complained of in the Petitions of 1832 were in no way, remedied but had rather been increased by the Proclamation of 1st May 1835. Scceberras recommended the Petitions yet again to the attention of the new Secretary of State, Lord Glenelg, pleading that “they do not appear to have been taken into a full consideration by H.M.’s former Colonial Ministers on the grounds which they appear to have merited.” This letter from Scceberras to Glenelg was delivered in London by Giorgio Mitrovich, who was commissioned by the Maltese liberals to represent their cause personally at the Colonial Office. He was instructed to give the Minister first-hand information on the issues arising from the letter and from the Petitions of 1832.

Mitrovich proved himself an obedient, and at this time a successful agent of the Maltese liberals. He had served no apprenticeship in politics, but had been employed as a clerk in two English commercial houses in Malta before setting up in business unsuccessfully himself. Yet he had the ability to convince others of the justice of his cause and to enlist their help in his struggle to bring under the notice of the Colonial Office, the English people and their Parliament the grievances under which the Maltese suffered.

By August 1835, Mitrovich had contacted several influential men who promised him their support. The most important for the practical help which he gave was William Ewart, the friend of Huskisson. Ewart was member of Parliament for Liverpool. He was known in the House of Commons as an advanced liberal, as a speaker for the repeal of the Corn Laws and as a protagonist of popular causes. He gave Mitrovich immediate assistance by transmitting copies of his pamphlet to the Parliamentary Under-Secretary of State for the Colonies, Sir George Grey, and also to Lord Glenelg. He arranged an interview for Mitrovich at the Colonial Office, and supervised all his correspondence with the Secretary of State.

Yet it was by his pamphlets that Mitrovich won his success; particularly by the two published in London in July and November 1835, “The Claims of the Maltese founded on the principles of justice,” and “Indirizzo ai Maltesi.” In these pamphlets, Mitrovich developed in some detail the historical basis for the regranting of a *Consiglio Popolare* to Malta. According to his argument, a *Consiglio Popolare* had been established in 1090 by Count Roger of Normandy and had been composed of representatives of the clergy, the nobility and the people; and Mitrovich claimed for it the sovereign right of legislation. Mitrovich further maintained that the *Congresso* of 1798 was a revival of the *Consiglio Popolare*, and like its

predecessor possessed legislative power, and that in suppressing the *Congresso* Britain had broken all her solemn pledges to the Maltese.

The importance of these pamphlets lies mainly in their attack against the national honour of Great Britain, and in the circumstance of them being refused publication in Malta, by which the whole question of the freedom of the press was brought into high relief. Both the principles involved were dear to, and of interest in the House of Commons: the pamphlets thus provided a climate of opinion in the House and prepared the way for the presentation of a Petition to the Commons which was already being formulated in Malta in September 1835.

The Maltese had striven to bring their cause under the notice of ordinary Englishmen and their representatives in Parliament, feeling assured that by this [p.12] means the power of the Governor could be curtailed, and the reforms so necessary granted to the island. There seems also to have been the realisation that lack of personal interest of the Secretary of State in Maltese affairs was not altogether unconnected with the Maitland system of government in the island. Mitrovich had great hope that Glenelg and Sir George Grey could not fail to grant justice to the Maltese people.

The pamphlets had that advantage so often denied to a Governor's despatch of coming immediately and directly under the cognizance of the Secretary of State and presenting him with an account which, when due allowance is made for the inflammatory tone and inaccurate statistical detail given, did present a general picture of conditions in the island. The Maltese were distinctly favoured for at this opportune moment the Colonial Minister, Glenelg, was a man susceptible to the cries of the peoples of the colonies. He ordered the Governor to conduct an immediate inquiry not only into the circumstances preventing the freedom of the press in Malta, but also into the complaints made against Britain in the pamphlets. Moreover, Glenelg was already considering whether it might not be more expedient to pursue the inquiry by a Royal Commission.

It was unfortunate that by the turn of events the Local Government was made wholly responsible for the administrative and economic system in Malta which gave rise to many of the grievances complained of by Sceberras and Mitrovich. The Maltese liberals never realised that which was understood by many in Parliament, that the fault lay not solely in the Governor, but in the entire system and method of Colonial Government which he represented and administered, and which extended over much of the Empire at that period.

Meanwhile, under Ewart's personal guidance the Maltese Petition to the House of Commons was taking shape. Ewart emphasized that the Maltese should criticize the system rather than individuals, and that while being temperate in language, they should mention that the people, while remaining well-disposed to the British government, deprecated the continuance of a system which might alienate their affections. It was essential that reference be made to the Council of Government and its "utter inadequacy to meet the needs of the people."

By February 1836, the Colonial Office was informed of the preparation of the Petition on the island and received a copy of it from the Acting-Governor. It revealed a marked development in the political outlook of the Maltese for which Ewart, with his advice, was probably responsible. In it, emphasis was laid on the absence of any free means of representing the needs of the people either in a newspaper press or by municipal bodies; the insufficiency of education was given a prominent position in the list of grievances; the reassertion of the claim for a *Consiglio Popolare* was relegated from the first to the last point and was used simply to substantiate a claim for elected representatives and not for sovereign legislative power.

The Colonial Office, therefore, was well prepared for the formal presentation of the Petition which was made on the 7th June 1836. On that day four petitions were actually presented to the House of Commons: the most important the political Petition with 2,359

signatures was presented by Ewart; a petition of the grievances of the merchants relative to Malta's trade, signed by 96, was presented by Holland, [p.13] and two personal petitions were presented. by Hume. It is at this point that the close connection between commerce and politics in Malta, which can be detected in various ways throughout the period, is made obvious. It was not simple coincidence that the commercial house with which Mitrovich was formerly connected was that of a Liverpool merchant; that Jameson Hunter, who assisted in financing his mission to London, was one of the most important merchants in Malta, and that Ewart represented a constituency whose main lifeline was trade. Malta undoubtedly owed much to the merchants, British and Maltese, who, by combating the restrictions on trade, undermined the political system of which they were part.

The presentation of the Petitions in the House of Commons, besides giving precise information to the House on conditions in Malta, provided the final impetus to the plan of sending a Royal Commission to Malta, a Commission which would eventually report to the House of Commons. Camillo Sceberras, however, was not satisfied that this should be the method of proceeding: he wanted no inquiries; the Maltese hoped for immediate reform; the grievances under which they suffered were obvious to them without further investigation. When he received news of this attitude, Ewart was forced to admit to Mitrovich that "If the gentlemen who represent the Maltese are unwilling to admit the expediency of sending a Commission to Malta, I shall feel myself perplexed by their decision." As yet there was only this small difference of opinion between Ewart and Sceberras: later, the activity and actual recommendations of the Commission were to prove an insuperable stumbling-block to the good relations between the two men. Ewart had the fullest confidence in the judgement of the Commissioners while Sceberras hoped they would accept his formula as the only possible solution for Malta's problems. The appointment of the Commissioners, John Austin and George Cornwall Lewis, precipitated the undertaking of a plan which had long been maturing in his mind; it was the plan that a *Consiglio Popolare* should be organised without delay and should be in session when the Commissioners arrived in Malta. Sceberras quickly reassembled the committee of Maltese which had prepared the petition in 1832 and which had ceased to meet in the September of that year, and enlisted their support for his new scheme. Under his enthusiastic and devoted leadership and with the help of these men committees were elected from among the professional groups in the island and from these committees two or three deputies were again elected to represent the profession in a General Assembly which was called the *Comitato Generale*. The *Comitato Generale* contained in addition representatives of the clergy and the nobility, and deputies elected by the heads of families in the towns and casals. There were no franchise regulations except the customary bar against women and minors; no secret ballot or formal ballot papers. The electors were not sure of the aim and purpose of this political activity; many thought it the preliminary to the presentation of yet another petition to the House of Commons. By the close of 1836 the *Comitato Generale* numbered, besides the inner committee of 16, about 90 deputies.

Undoubtedly the whole organisation was accepted as the revival of the *Consiglio Popolare* and in essence it probably resembled very much its ancient predecessor for the nucleus of the whole was still oligarchic. This is evident from the fact that the original group led by Sceberras was never limited in any way. The men who had organised the petitions to the House of Commons, who formed [p.14] the inner-committee of the *Comitato Generale* before any elections took place, were in November 1836 accepted automatically by the people of Valletta as their representatives. To their number were added other deputies from Valletta invested solely with the power of confirming decisions already taken by this committee.

Although the *Comitato Generale* was illegal according to the law of the Island, the Governor Bouverie allowed it to proceed unhindered. And in answer to a question from the Colonial Office he reported the presence of only 9 Italian refugees in Malta, of whom only

three were without passports. This substantiates an impression derived from the documents available, that at this period 1835-1838 the political activities of the Maltese, though perhaps influenced by the example of efforts in Italy, were not organised or encouraged by political exiles in Malta. Such a development came later and may be dated from about 1844.

Sceberras hoped that the Commissioners would be so impressed with the *Comitato Generale* that they would recommend its formal establishment to the Colonial Office. G.C. Lewis reported that the Maltese seemed to be under the impression that he and Austin had come to Malta with a “Maltese Magna Carta” in their pocket. This was precisely what they hadn’t got.

Although Glenelg had instructed them as their first duty to investigate the claim for a *Consiglio Popolare*, the Commissioners thought it wiser to inquire first into the several branches of the administration before forming an opinion as to the expediency of popular institutions for the Island. This latter task occupied their time from their arrival in October 1836 until their departure in June 1838. It was not until May 1840 that Austin and Lewis communicated their opinion on the *Consiglio Popolare* to the Secretary of State: and how near this opinion was to the hopes of Sceberras was never known in Malta for the despatch was not published. The Commissioners agreed with the opinion expressed by Glenelg in his instructions to them in September 1836, that the grant of a *Consiglio Popolare*, invested with extensive power, would not be in the best interests of the security of the Island: it would serve neither the interests of the Empire nor those of Malta herself. Nevertheless they were convinced that some reform was necessary and recommended the introduction of a representative Council of Maltese to be elected by holders of property and the educated classes in Malta, and to be invested with the functions, purely consultative, of the existing Council of Government. The Commissioners maintained that such a Council as they proposed would be an exponent of the opinions and wishes of the intelligent classes, and would give the Maltese efficient security against any attempted misrule. The Commissioners hesitated to make a formal report on this subject for they were convinced that their recommendation would not be acceptable to either party. The Maltese, they argued, would resent their refusal to recommend the establishment of a *Consiglio Popolare*, since in proving the inexpediency of such an Assembly they would have to insist on the “imprudent and disastrous uses” which would probably be made of its powers. While on the other hand, what they considered as a moderate and sufficient concession would most certainly be refused by Great Britain. The Commissioners were correct in both their assumptions. In the Colonial Office, Sir James Stephen and Lord John Russell, the Secretary of State, thought the proposal inexpedient and declined to request a formal report on the subject. Yet within nine years, both this recommendation of the Commissioners for the recognition of elected Maltese [p.15] representatives, and the other they made for the appointment of a Civil Governor, were enacted.

But by that time, by 1849, several vitally important changes had taken place. The first in point of time was the emergence in office of the third Earl Grey as Secretary of State for Colonial Affairs in July 1846. He was a politician of independent ideas with the courage to enforce them when he had the opportunity, even though it meant a break with traditional policy. He made it clear from the outset that he would not accept ready made decisions on policy from a subordinate, and within a few months “Mr Over-Secretary Stephen” was forced to resign: his successor adopted a more conventional interpretation of his duties as permanent Under-Secretary. Again from his first moments in office, Earl Grey was aware that all was not well with Malta. The more he considered the problem the greater was his conviction that the appointment of a civil Governor was a sound and necessary policy. He went even further and overcame the many obstacles raised to appoint a Governor who was also a Roman Catholic. Richard More O’Ferrall became Governor of Malta in November 1847. O’Ferrall was an

experienced and capable administrator who had merited praise for his work in the Treasury and as Secretary to the Board of Admiralty. He became convinced, within a few months, that the support and cooperation of the Maltese in the government of the island would not be secured without some reform of the existing Council of Government.

In his first project of reform, More O’Ferrall proposed the amendment of the Council by the inclusion of a greater number of nominated Maltese members; and he intended to choose men whom he thought would receive the popular vote if elected. Among the 15 men whom he considered for nomination were A. Pullicino, P. Sciortino, Count Gatto, and M. Cachia Castagna who had originally been members of the *Comitato Generale* and who had continued their political activities as members of a revived Popular Committee. The Governor thought it a wise policy to nominate such men, maintaining that their distrust was due to ignorance rather than malice or disloyalty, and that if better informed they would support the Government. When the proposal was received in London, Earl Grey expressed himself entirely disposed to promote the Governor’s wishes: it seems probable that the possibility of an amendment of the Council had been discussed with More O’Ferrall before the Governor’s departure for Malta. But Earl Grey was not prepared that all 15 men mentioned by the Governor should be nominated: he thought it a necessity from the strategic importance of the Island that the Executive authority should be preserved and strengthened by every fair means and especially by a majority of official members in the Council of Government. Grey’s fears were unfounded for More O’Ferrall had not envisaged a Council with either the number or power to dictate a policy to the Governor. In July 1848, he presented a further precise plan of reform by which the Council was to consist of 10 official and 8 unofficial members: but now the Governor went beyond his Instructions which had emphasized that the peculiar circumstances distinguishing Malta from the other possessions of the Crown would “preclude” the Maltese from enjoying representative institutions. If Grey had discussed an amendment of the Council he had certainly not provided for the inclusion of elected Maltese members: in fact in March 1847 Grey considered representative government for Malta to be altogether out of the question. It was therefore with great care and much justification that [p.16] More O’Ferrall now proposed that this in fact should be the method of extending the Council, that it should be enlarged by right of popular vote. He argued gently that events in Europe during 1848 justified a reconsideration of the policy to be adopted towards Malta; that until that year, the contrast between the government of Malta and the governments in Sicily and other Italian states was strongly in favour of Malta, but since the acquisition of political rights in Sicily, the feeling in Malta in favour of representation of some kind had greatly increased. He had indeed considered establishing elected municipal institutions for the island, but had finally decided against them. He reported that those who desired an elected Legislative Council regarded municipal institutions with indifference; some were even hostile at the suggestion of a substitute. The Governor’s own opinion was that the grant of municipal institutions without an elected Assembly would not satisfy the Maltese people, and the erection of such institutions would in itself be attended by many difficulties. Since no direct taxation of any kind was levied, the new corporations would have either to levy a rate, a departure which would create universal dissatisfaction, or be granted a portion of the general revenue to defray the charge of the duties entrusted to them. It would be extremely difficult to fix a franchise for the country people. Moreover the Governor was strongly opposed to subjecting this section of the inhabitants, whose attachment to Britain was strong, to what he called the “deteriorating influence of political excitement.” He considered that from their lack of education they would be weak against the influence of ambitious and designing men who would seek to destroy Britain’s hold on their affections. These arguments convinced Earl Grey: he approved at the same time the alternative to municipal institutions proposed by the Governor which he considered an ingenious plan. More O’Ferrall maintained that the

legislative duties of his Council would occupy only a few days in the year; he therefore proposed its subdivision into committees which were to be charged with municipal duties and with the supervision of a certain portion of money voted in Council.

This entire scheme, however, was based on the project that the 8 unofficial members of the Council were to be elected, and that each of the three committees of the Council, that of Public Charities, of the University and Primary Instruction, and of Public Works, were to consist of three elected and two official members. More O'Ferrall pointed out that Britain would not be endangering the security of the fortress by thus granting a limited right of representation; his plan, he said, gave no real power to popular bodies and could be suspended in time of war. He frankly believed that the existing system of government was better adapted to the needs of the people and to the position of Malta as a fortress, and in making the proposed change he desired to adhere as much as possible to that which had been proved in practice; but he was convinced that, although the Local Government would always secure the rights and liberties of the people, it was impossible "to inspire the Maltese with that truth." It was also preferable to put that popular support which the Maltese leaders claimed they possessed to the test of a free election than to nominate such persons to the Council making "advancement the reward of agitation." Other than this he expected few benefits to be derived exclusively from the establishment of representative institutions; he confessed that his recommendation for them was founded on "extraneous causes which operate on opinion at Malta."

[p.17] The essential points of the plan for a partly elected Legislative Council which had been transmitted to the Colonial Office in the confidential despatch of 10 July 1848 were enacted in Malta by Letter Patent of 11 May 1849. The details of the Letters Patent are well known. The right to vote was given to all men over 21 years of age who possessed land or property of an annual value of 100 scudi (£8.6.8.) or who occupied as a tenant a dwelling valued at 50 scudi, or who was a partner in a mercantile firm with a person having the necessary qualifications: clergymen, practising advocates, surgeons and physicians possessing such qualifications were to be included in the electoral lists. On this basis an electorate of 3,486 in Malta and 281 in Gozo was established. The voters were to elect 7 representatives for Malta and 1 for Gozo: these eight members together with the 10 nominated official members, of whom 5 were to be Maltese, were to form the new Legislative Council. By the Letters Patent of May 1849, therefore, both the recommendation of Ponsonby for a Maltese majority and that of the Commissioners of Inquiry for elective representation were promulgated.

In the excitement of those first elections, the majority of those entitled to vote availed themselves of their newly won privilege; 3,056 voted in Malta and 259 in Gozo. Among the eight successful candidates were two members of the original *Comitato Generale*, A. Pullicino and G.B. Vella: G. Pulis Montebello, the chairman of the committee of Maltese merchants and an active member of the Popular Committee was also elected: three priests were chosen and with M. Scerri completed Malta: the member elected by the Gozitans was Adrian Dingli who was to have a remarkably brilliant career and eventually to be appointed Chief Justice of Malta.

The new Legislative Council, which formally assembled on the 8th January 1850, was invested with important powers, but the crucial question was to be the manner in which the Governor used the official majority: whether despite the 5 Maltese among their number he compelled them to vote as a government bloc. But this point, with the study of the political discipline of the elected Maltese members and the activity of men like Fortunato Mizzi and Lord Strickland, provide the core of the constitutional history of Malta in the later half of the 19th century and are outside the province of this paper.

In conclusion, therefore, it is clear that the period from 1813 to 1849 was one of slow but significant development. The military despotism of Sir Thomas Maitland long survived

him: the benevolent despotism of Sir Frederick Ponsonby brought no real contentment to the Maltese. The important economic and social reforms enacted on the recommendations of the Commissioners of Inquiry 1836-38 were grudgingly appreciated. Of all their grievances, it was the lack of political representation in the counsels of the government which provided the dynamic motive for the efforts of Camillo Scceberras and his friends. When his work is compared with that of Ponsonby, Ewart, Grey and More O'Ferrall, it can be seen that these men possessed much in common: they all had a very deep love of this Island, a clear appreciation of its many problems, a tremendous sense of responsibility and devotion to the tasks which confronted them and a profound desire to foster the good government and prosperity of the people. Without the work of these men, Maltese and English, the development of the constitution would have long been postponed.

[p.18] BIBLIOGRAPHICAL NOTE

The important primary source for this study was the Colonial Office records in the Public Record Office, London; references:

- C.O. 158: vols 19-168. Despatches from Malta to the Secretary of State.
- C.O. 159: vols 5-24. Despatches from the Secretary of State to the Governor of Malta.
- C.O. 160: vol 1: Malta Acts. Ms and printed.
- C.O. 161: vols 1-21. Malta Sessional Papers relating to the Council of Government.
- C.O. 162: vols 3-13. Malta Government Gazettes.

The material in these several volumes is essential to any study of the colonial policy for Malta. The volumes of C.O. 158 contain the private as well as the official correspondence of the Governor, and of the Chief Secretary to the Malta Government. From 1836 a regular series of minutes written on the despatches reveal the details of Colonial Office administration as well as the development of policy and the officials responsible for it. From 1836 also there is in this same series a regular procedure of drafting despatches to the Governor; the final copy was then entered in the volumes C.O. 159.

A further important source was the unpublished material 1813-1850 in the Royal Malta Library, Valletta. I would refer students to the index to the Library Mss.

A study was also made of the published Parliamentary Papers; the Parliamentary debates (Hansard); and contemporary newspapers and journals in the P.R.O., London and the R.M.L., Valletta.