

MALTA (POLITICAL CONDITION).

RETURN to an Address of the Honourable The House of Commons,
dated 8 June 1899;—for,

“COPY of a DESPATCH addressed to the SECRETARY OF STATE FOR THE
COLONIES by SIR ARTHUR LYON FREMANTLE, late Governor of Malta,
dated 29th December 1898, on the POLITICAL CONDITION of MALTA; and
of all recent Correspondence relative to the same.”

Colonial Office,
20 July 1899. }

EDWARD WINGFIELD.



(Mr. MacIver.)



Ordered, by The House of Commons, to be Printed,
21 July 1899.

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CORRESPONDENCE.

No. 1.

MR. CHAMBERLAIN to GOVERNOR SIR A. J. LYON
FREMANTLE.

SIR,

Downing Street, October 31, 1898.

IN my despatch of the 31st of August* I stated that, in order to prevent the possibility of the recurrence of such a miscarriage of justice as occurred in the case of Colonel Hewson, it was necessary that the law should be amended, and that I should address you in a separate despatch on the subject.

The particular amendment required to prevent such action as that taken by the magistrate in the case of Colonel Hewson would be one which would ensure that the deposition of a witness, who, not being able to speak Italian, deposes in English, shall be taken down in that language, and that he shall be allowed to sign it as so taken down, and shall not be required to sign any translation of it into Italian.

I have also, after careful consideration, arrived at the conclusion that, having regard to the position of English-speaking persons who are residents in the Colony, and may be affected by legal proceedings, and to the fact that Italian is not the vernacular of the country, and has only been made the authorised language of the courts from considerations of convenience, the use of the English language should be made optional in all the courts, so that a judge, a magistrate, an advocate, or a witness could employ it at will, and further that all summonses, warrants, orders, and judgments, and other legal process served on an English-speaking person should be written in English as well as in Italian.

I should be glad to be favoured with your opinion as to the exact provisions which should be made for these objects, and how they should be brought into force.

Although, no doubt, considerable opposition to such proposals would be shown in the Council of Government, I am, as at present advised, disposed to think that a Bill should be introduced, and the subject discussed in that Chamber. I am aware that attempts have been made to inflame public opinion in Malta in connexion with the cases of Colonel Hewson and Colonel Wynne, and that in the last Council a vote of censure on the Governor was only avoided in the former case by its being ruled out of order. It would, however, seem to be the correct course to endeavour, in the first instance, to effect the results aimed at by means of local legislation, and I should not be without hope that the explanations which would be given on the occasion would have some effect, if it were pointed out that the changes proposed are intended to remedy certain obvious and serious inconveniences. The use of English is optional in the Council, and in Government notices and proclamations English and Italian are both used; and if the employment of both languages is justified in such cases, it is plainly unreasonable to object to the practice in proceedings where the person or property of a British subject is in question.

But if it should prove impossible to induce the Council to pass an Ordinance giving effect to these proposals, I shall consider it my duty to advise Her Majesty to enact them by an Order in Council.

I have, &c.

J. CHAMBERLAIN.

No. 2.

GOVERNOR SIR A. J. LYON FREMANTLE to MR. CHAMBERLAIN.
(Received December 6, 1898.)

The Palace, Valletta,
December 1, 1898.

SIR,

I HAVE the honour to transmit, for your information, the draft of an Ordinance "to amend Articles 357, 369, 377, 387, 392, 396, 445, 502, 519, " and 530, of the Criminal Laws," and of another Ordinance "to amend " Article 30 of the Laws of Civil Procedure."

2. These Ordinances were read a first time and ordered to be printed at the sitting of the Council of Government yesterday afternoon.

I have, &c.

ART. LYON FREMANTLE,
Governor.

Enclosure 1 in No. 2.

(Translation.)

DRAFT.

AN ORDINANCE enacted by the GOVERNOR OF MALTA, with the advice and consent of the Council of Government thereof,

To amend Articles 357, 369, 377, 387, 392, 396, 445, 502, 519, and 530 of the Criminal Laws.

WHEREAS it is expedient to amend Articles 357, 369, 377, 387, 392, 396, 445, 519, and 530 of the Criminal Laws, it is hereby enacted and ordained by His Excellency the Governor, with the advice and consent of the Council of Government, as follows :

Article 1.—In the first paragraph of Article 357 of the Criminal Laws, the words "each person examined" are cancelled, and the words "the party accused" are substituted therefor.

2. In the second paragraph of the said Article the words "the person examined," in the first line, are cancelled, and the words "the party accused" are substituted therefor ; and all the words from "and it shall be lawful" to the end of the paragraph, are cancelled.

3. The following paragraphs are inserted after Article 369 :—

"Any citation, summons or warrant which has to be served on a British subject, not being a native or a naturalized Maltese, shall be written in Italian as well as in English.

"Notwithstanding the provision of the preceding paragraph, a judicial act shall be considered to have been lawfully served on a British subject, not being a native or naturalized Maltese, although it be written in the Italian language only, unless the party upon whom such act shall have been served, shall not return it within 24 hours to the Registrar of the Court under whose authority such act has been issued, with the request that he be served with a copy of the act in both languages.

"A notice containing the text of the two preceding paragraphs shall be printed in English and in Italian at the head of any one of the acts referred to in those paragraphs or upon a paper attached to the act itself."

4. The following paragraphs are added at the end of Article 377 :—

"Nevertheless, whenever the only person accused or all the persons accused be British subjects, not being a native or naturalized Maltese, the Court shall, on application from any of the persons accused, order that the proceedings in the cause be conducted in the English language, and any decision or decree shall be delivered in any such case in English and it shall be registered together with an Italian translation.

"When two or more prisoners, indicted together, are not all British subjects, and any one of them is a native or naturalized Maltese, should any of the

“accused object to the request, made according to the provision of the preceding paragraph, that the proceedings be held in the English language, the proceedings shall be held in English or in Italian at the discretion of the Court, but, in any such case, any sentence or decree that shall be delivered by the Court shall be registered both in Italian and in English.”

5. The following paragraph is inserted after the provision of the first paragraph of Article 387 :—

“The application that the proceedings in the cause be conducted in the English language in the cases foreseen in the penultimate paragraph of Article 377, shall also be made before the reading of the indictment, and before any exceptions are alleged.”

6. The following paragraph is added after Article 392 :—

“In the case, however, referred to in Article 377, the interpretation shall not be made, and the indictment shall be read to the accused, and the questions indicated in Article 391 shall be put to him, in English.”

7. The following paragraph is added after the fourth paragraph of Article 396 :—

“Whenever, in the cases foreseen in Article 377, the proceedings in the cause have to be conducted in the English language, the Court shall fix the day on which the case shall be tried before a special jury.”

8. In the second paragraph of Article 445, the words “and 331” are cancelled, and the words “331 and 369” are substituted therefor.

9. The following paragraph is added after Article 502 :—

“The provisions in Article 369 are also applicable to the indictment.”

10. The following paragraph is inserted after the first paragraph of Article 519 :—

“The officials mentioned in the preceding paragraph shall, in the month of August of each year, form a list, to be called ‘The List of Special Jurors,’ and shall insert therein, according to the best of their knowledge, and in alphabetical order of the surnames, the name, surname, profession, and residence of all persons who, being duly qualified and sufficiently competent to serve as jurors, except for want of a competent knowledge of the Italian language, shall be competently versed in the English language.”

11. The following provision is inserted after the second paragraph of Article 519 :—

“There need not be, however, any proportion between the number of common jurors and that of foremen in the case mentioned in the second paragraph of this article.”

12. The following provision is inserted after the last paragraph of Article 519 :—

“The list of special jurors shall be formed, corrected and published in the manner provided in these laws as regards the list of jurors.

“The names of special jurors shall be written on tickets in the manner provided for as regards the other jurors, and the tickets containing the names of special foremen and of special jurors shall be put in two separate urns.”

13. The following Articles are inserted after Article 530 :—

“530a. Whenever the Court shall order that the proceedings should be held in the English language, the Registrar shall without delay open the urns containing the names of special jurors and draw ten tickets out of the urn of foremen and forty tickets out of that of common jurors to serve in the cause in which the said order shall have been given.

“530b. All the provisions of the law concerning the jury shall be applicable to the special jury.”

14. Any ordinance, law or regulation contrary to, or inconsistent with, this law, is repealed.

15. In any procedure, act, or decision in which the law is to be cited, the citation of Articles 357, 369, 377, 387, 392, 396, 445, 502, 519 and 530 of the Criminal Laws shall imply the citation of the said Articles as amended above, and it shall not be necessary for such purpose to cite this Ordinance.

Enclosure 2 in No. 2.

(Translation.)

DRAFT.

AN ORDINANCE enacted by the GOVERNOR OF MALTA, with the advice and consent of the Council of Government thereof,

To amend Article 30 of the Laws of Organization and Civil Procedure.

WHEREAS it is expedient to amend Article 30 of the Laws of Organization and Civil Procedure, it is hereby enacted and ordained by His Excellency the Governor, with the advice and consent of the Council of Government, as follows:—

Article 1. The following paragraphs are inserted after Article 30 :

“ In any cause, however, to which a British subject, not being a native or naturalized Maltese, be a party, it shall be lawful for any judge, magistrate, advocate, or legal procurator to speak English, if he wishes to do so, and it shall be lawful for any witness to give his evidence in that language, if he wishes to do so.

“ A translation into Italian of any speech or remark made in English by the judge, magistrate, advocate, or legal procurator shall be made in the manner that the Court shall deem fit, if a request shall be made by any of the parties, and if the Court shall be satisfied that the party making the request understands the Italian language and that such party, or the counsel, does not understand the English language.

“ In the causes contemplated in the second paragraph of this Article, the sentence and any decree may be delivered in English, but in any such case they shall be registered together with an Italian translation.

“ Any judicial act in any cause to which a British subject, not being a native or naturalized Maltese, is a party, and any judicial act, official letter, or other act which is to be served through the registry of any court of justice on a British subject, not being a native or naturalized Maltese, shall be written in English as well as in Italian. The English translation of such acts filed in the registry as are written in Italian, shall be made by the officers of the registry in which they are filed.

“ Notwithstanding the provision of the preceding paragraph, a judicial act shall be considered to have been lawfully served on a British subject, not being a native or naturalized Maltese, although it be written in the Italian language only, unless the party upon whom such act shall have been served, shall not return it within 24 hours to the Registrar of the Court under whose authority such act has been issued, with a request that he be served with a copy of the act in both languages.

“ A notice containing the text of the two preceding paragraphs shall be printed in English and in Italian at the head of any one of the acts referred to in those paragraphs or upon a paper attached to the act itself.”

2. Any ordinance, law, or regulation contrary to, or inconsistent with, this law, is repealed,

3. In any procedure, act, or decision in which the law is to be cited, the citation of Article 30 of the Laws of Organization and Civil Procedure shall imply the citation of the said Article as amended above, and it shall not be necessary for such purpose to cite this Ordinance.

No. 3.

GOVERNOR SIR A. J. LYON FREMANTLE to MR. CHAMBERLAIN.
(Received December 8, 1898.)

TELEGRAM.

Referring to my despatch of 1st December,* both Ordinances rejected by whole vote of unofficial members, 7th December.

No. 4.

GOVERNOR SIR A. J. LYON FREMANTLE to MR. CHAMBERLAIN.
(Received January 2, 1899.)

The Palace, Valletta,

December 29, 1898.

SIR,

I HAVE the honour, on the eve of my departure from Malta, to make certain remarks upon the working of the present constitution in the five years of my administration.

2. During the three years of the last Council of Government I experienced little difficulty in inducing three of the elected members to enter the Executive Council. These gentlemen exercised a reasonable control over the Government measures whilst securing the passing of necessary legislation.

3. Many useful measures were thus passed and the Constitution was found to be workable, notwithstanding that I had to contend with the severe excitement caused by the "Marriage Question" and the feverish alarm occasioned by the plague panic.

4. I regret to say, however, that the unofficial members of the Executive Council have generally been exposed to scorn and derision by the Press, which in Malta is often engaged in opposing measures of reform and progress.

5. Gentlemen of suitable position and qualifications are undoubtedly deterred from standing for the Council by their dislike to undergo the abuse and obloquy with which they are often assailed, and it is easy to understand that in a small community such as that of Malta, pressure of the nature I have indicated is far more painful to endure than it would be in larger communities.

6. In the elections last September, though much apathy was apparent by the comparatively small number who polled, the former supporters of the Government were defeated, and a Council has been elected which is held together by opposing nearly every Government proposal, and by endeavouring to cancel and upset the legislation which was passed by the late Council.

7. Dr. Mizzi in an interview with me in October gave me some reason to hope that the Government could reckon upon his support in certain non-contentious matters, and with a view to influence his supporters and to save the loss of time caused by elected members insisting on a translation of what was said in English, the Chief Secretary and the Crown Advocate have lately adopted the use of the Italian language in Council to a much greater extent than has been customary for many years.

8. The Government has with much difficulty got through Committee of Supply on the Estimates for the coming year, but the Council has only passed one-fourth of the money required for Education, viz., a vote on account for the first quarter of 1899, with the plainly expressed intention of retaining a free hand as to the recent educational reforms, and of passing in the interval an Ordinance rehabilitating the Italian language. The enclosed table, marked A, however, shows very clearly that the parents of the poorer children are overwhelmingly in favour of the opposite (or Government) policy.

9. It is now my duty to point out how injurious to Imperial and to Maltese interests is the recent manner of conducting the business of the Council.

10. The undertakings which have been entered into by Government on the strength of votes obtained in former years have been, in important instances, stopped, set aside, or frustrated. The work on the new boat-camber, upon which a considerable sum has already been spent, will soon be brought to a standstill. The project for a new Birchircara Railway station has been set aside, and the work for a bridge to carry the railway over a dangerous level crossing is suspended and remains at present a scandal upon Local Self Government.

11. The urgently required drainage scheme, and the loan which has already been agreed upon in order to carry it out, have been obstructed by opposition to a vote to provide interest, and by a project to repeal the Loan Ordinance, notwithstanding the practical evidence of Imperial interest evinced in the scheme by a contribution promised by the Home Government of 28,386*l.* 6*s.* 6*d.*

12. The exchange of property between the civil and military, called the "Forni Exchange," upon which years of negotiations and infinite trouble have been devoted, has been rendered impossible by the votes of the whole elected bench, who declined to place the extra duty on spirits required in order to provide a new hospital, which is considered absolutely necessary by every doctor in Malta.

13. At its last meeting before the Christmas holidays, the Council, by the unanimous vote of the elected members, passed a resolution for an inquiry by a Committee of the Council into the trial of a man who was hanged for murder four and a half years ago—an inquiry practically into the action of a court consisting of three of Her Majesty's Maltese judges and a Maltese jury; the reason being that certain allegations have been made by the editor of a Malta paper. This is an attempt to interfere with the administration of justice which could hardly be tolerated in any portion of Her Majesty's Dominions.

14. During my administration it has always been my desire loyally to uphold the constitution, and I have proved in the last Council that it is feasible to do so, provided that even a portion of the elected members will work fairly and fearlessly in their legislative duties. The constitution is, I consider, a healthy safety-valve for the ventilation and free discussion of grievances (real or supposed), and it is also a valuable safeguard against jobbery and nepotism in the public service, and it tends to the good administration of the Crown property held by the civil Government. As a rule its advantages, in my opinion, outweigh its disadvantages.

15. But when the 14 elected members deliberately band themselves together to oppose nearly all the Government proposals, which have already been decided by a former Council, I consider it to be absolutely necessary that the Council should be warned that such tactics cannot be allowed to continue, and that Her Majesty will be advised that a necessity has arisen for the Secretary of State to use freely the power reserved to him in such cases under the Constitution for legislating by Order in Council, and for sanctioning Estimates of expenditure by the same power.

16. It is my belief that, with the exception of the press and certain local politicians, the propriety and necessity for such a course on the questions above reported on will be understood and acknowledged by the great majority of the Maltese people who are interested in the real well-being and progress of this country.

I have, &c.

ART. LYON FREMANTLE,
Governor.

Enclosure in No. 4.

"DAILY MALTA CHRONICLE," DECEMBER 24.

TABLE showing the NUMBER of GUARDIANS who have chosen ENGLISH OR ITALIAN for their CHILDREN who are attending the SECOND CLASS, INFERIOR SECTION, of the PUBLIC ELEMENTARY SCHOOLS.

School.	For English.		Total.	Per-centage for English.	For Italian.		Total.	Per-centage for Italian.
	Boys.	Girls.			Boys.	Girls.		
Valletta Model School	78	61	139	92·6	4	7	11	7·4
Valletta Strada Zecca -	—	24	24	85·7	0	4	4	14·3
Floriana - - -	25	32	57	100	0	0	0	0·0
Vittoriosa - - -	25	53	78	100	0	0	0	0·0
Cospicua - - -	40	42	82	98·8	1	0	1	1·2
Senglea - - -	28	47	75	100	0	0	0	0·0
Sliema - - -	59	47	106	96·3	1	3	4	3·7
Hamrun - - -	28	27	55	100	0	0	0	0·0
Misida - - -	22	10	32	100	0	0	0	0·0
Notabile - - -	26*							
Zebbug - - -	2	23	25	100	0	0	0	0·0
Siggieui - - -	13	15	28	96·5	1	0	1	3·5
Birchircara - -	58*							
Lia - - -	21	26	47	100	0	0	0	0·0
Musta - - -	17	22	39	92·8	3	0	3	7·2
Gargur - - -	0	9	9	100	0	0	0	0·0
Curmi - - -	17	33	50	100	0	0	0	0·0
Luca - - -	3	13	16	88·9	2	0	2	11·1
Tarxien - - -	30	26	56	100	0	0	0	0·0
Crendi - - -	4*							
Gudia - - -	0	7	7	100	0	0	0	0·0
Axiak - - -	7	10	17	85	3	0	3	15
Gozo, Victoria -	22	12	34	79	2	7	9	21

* No other returns have been received.

N.B.—Casals Dingli, Naxaro, Mellicha, Zurrico, Chircop, Micabiba, Zeitun, and Zabbar have sent no returns.
The Gozo villages have sent no returns.

No. 5.

MR. CHAMBERLAIN to GOVERNOR SIR F. W. GRENFELL.

SIR,

Downing Street, January 31, 1899.

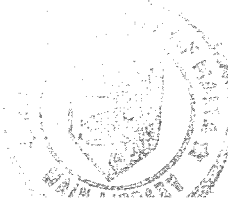
I HAVE the honour to acknowledge the receipt of Sir A. Lyon Fremantle's despatch of the 29th of December,* in which he discusses fully the working of the present constitution of Malta during his administration.

2. I entirely concur in the strictures which Sir A. Fremantle passes upon the attitude of the Elected Members of the Council of Government since the election in September last, but the Council has now been dissolved, and I do not propose to address to the new Council the warning suggested in the 15th paragraph of his despatch.

3. It affords me much pleasure to take this opportunity of expressing my appreciation of the success which has attended the administration of Sir Arthur Fremantle, and my sense of the ability and tact with which in the face of considerable difficulties he has effected reforms, especially in connexion with education, which cannot fail to be of permanent value to the community.

I have, &c.

J. CHAMBERLAIN.



MR. CHAMBERLAIN to GOVERNOR SIR F. W. GRENFELL.

SIR,

Downing Street, March 15, 1899.

I LEARNED, with much regret, from Sir Arthur Fremantle's telegram of the 8th of December,* that the Council of Government had rejected by the unanimous vote of the unofficial members the two Bills "to amend Articles " 357, 369, 377, 387, 392, 396, 445, 502, 519, and 530 of the Criminal Laws," and "to amend Article 30 of the Laws of Organization and Civil Procedure," which had been introduced with my approval. The former of these Bills, had it been passed, would (while incidentally preventing the possibility of a recurrence of a case such as that of Colonel Hewson) have removed the injustice of a British subject unfamiliar with the Italian language being tried by a court of justice in a British Colony in a language which he could not understand. The latter would have given a litigant of the same class certain facilities, not hitherto possessed by him, for the conduct of the civil proceedings to which he is a party, in the English language. I am not, however, prepared to acquiesce in the action of the Council of Government, and I have consequently advised Her Majesty to pass the necessary legislation by Order in Council.

2. I now transmit to you an Order of the Queen in Council making amendments in the Criminal Laws and the Laws of Organization and Civil Procedure, similar to those which were embodied in the two Bills lately before the Council of Government, and I request that you will issue a Proclamation publishing the Order.

3. You should, at the same time, make known by this Proclamation that it is the intention of Her Majesty's Government that the English language should be substituted for the Italian language in all legal proceedings after a period of 15 years. They are confident not only that this change will be for the best interests of the people of Malta, but that in making this announcement, while they are giving full consideration to such members of the legal profession in the Island as are at present unversed in the English language, they are anticipating the wishes of the great majority of the population.

4. I request that you will cause this despatch to be published at the same time as the Proclamation is issued.

I have, &c.

J. CHAMBERLAIN.



Enclosure in No. 6.

At the Court at Windsor, the 7th day of March, 1899.

PRESENT :

The Queen's most Excellent Majesty,
Lord President,
Lord Chamberlain,
Lord James of Hereford.

Whereas Her Majesty did by Clause XLIV. of Her Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 12th day of December 1887, reserve to Herself, Her Heirs and Successors, Her right power and authority to make by and with the advice of Her Privy Council all such laws for the peace, order, and good government of the Island of Malta and its Dependencies as to Her, Her Heirs and Successors might seem necessary :

And whereas it is expedient to make provision for introducing, in certain cases, the English language into legal proceedings in the said Island and its Dependencies, both in civil and criminal causes :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the said Letters Patent or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. The provisions of Article 357 of the Criminal Laws for the Island of Malta and its Dependencies are hereby repealed and revoked, and the said Criminal Laws shall henceforth be construed and take effect as if instead of those provisions the following provision had been inserted in that Article :—

“357. The examination of the witnesses and of the party accused shall be signed by the Magistrate.”

2. Article 369 of the said Criminal Laws shall henceforth be construed and take effect as if the following paragraphs had been inserted after the provisions of that Article :—

“Nevertheless, whenever the only person accused or all the persons accused is or are a British Subject or British Subjects, not being born or naturalized in Malta, the Court shall, on application from the person accused or any one of the persons accused, order that the proceedings in the cause be conducted in the English language, and any decision or decree shall be delivered in any such case in English and it shall be registered together with an Italian translation.

“When of two or more persons accused, indicted together, one or more is or are, and one or more is or are not, a British Subject or British Subjects, not being born or naturalized in Malta, if any one of the persons accused should apply that the proceedings be conducted in the English language, the proceedings shall be conducted in English or in Italian at the discretion of the Court, but, in any such case, any sentence or decree that shall be delivered by the Court shall be registered both in Italian and in English.”

“Any citation, summons, or warrant which has to be served in any proceedings shall be written in English as well as in Italian.”

3. Article 377 of the said Criminal Laws shall henceforth be construed and take effect as if the following paragraph had been inserted at the end of that Article :—

“The provisions of the last three paragraphs of Article 369 shall also be applied by Her Majesty's Criminal Court, in cases within its competence.”

4. Article 387 of the said Criminal Laws shall henceforth be construed and take effect as if the following paragraph had been inserted after the provision of the said Article :—

“The application that the proceedings in the cause be conducted in the English language in the cases foreseen in the second paragraph of Article 369 as applied by Article 377 to cases within the competence of the Criminal Court shall also be made before the reading of the indictment and before any exceptions are alleged.”

5. Article 392 of the said Criminal Laws shall henceforth be construed and take effect as if the following paragraph had been inserted after the provision of the said Article :—

“In the cases, however, in which under the provisions of Articles 369 and 377 the proceedings in the cause are to be conducted in the English language, the interpretation shall not be made, and the indictment shall be read to the accused and the questions indicated in Article 391 shall be put to him, in English.”

6. Article 396 of the said Criminal Laws shall henceforth be construed and take effect as if the following paragraph had been added after the third paragraph of that Article :—

“Whenever, under the provisions of Articles 369 and 377 the proceedings in the cause have to be conducted in the English language, the Court shall fix the day on which the cause shall be tried before a special jury.”

7. Article 502 of the said Criminal Laws shall henceforth be construed and take effect as if the following paragraph had been inserted after the provisions of that Article :—

“The provisions in Article 369 are also applicable to the indictment.”

8. Article 519 of the said Criminal Laws shall henceforth be construed and take effect :—

(a.) As if the following paragraph had been inserted after the first paragraph of the said Article :—

“The officials mentioned in the preceding paragraph shall, in the month of August of each year, form a list, to be called ‘The List of Special Jurors,’ and shall insert therein, according to the best of their knowledge and in alphabetical order of the surnames, the name, surname, profession, and residence of all persons who, being duly qualified, and sufficiently competent to serve as jurors, in all respects other than a competent knowledge of the Italian language, shall be competently versed in the English language.”

(b.) As if the following paragraph had been inserted after the second paragraph of the said Article :—

“There need not be, however, any proportion between the number of common jurors and that of foremen in the case mentioned in the second paragraph of this Article.”

(c.) As if the following paragraph had been inserted after the last paragraph of the said Article :—

“The list of special jurors shall be formed, corrected and published in the manner provided for in these laws as regards the list of jurors.”

“The names of special jurors shall be written on tickets in the manner provided for as regards the other jurors, and the tickets containing the names of special foremen and of special jurors shall be put in two separate urns.”

9. The said Criminal Laws shall henceforth be construed and take effect as if the following articles had been inserted after Article 530 :—

“530 A. Whenever the Court shall order that the proceedings should be conducted in the English language, the Registrar shall without delay open the urns containing the names of special jurors and draw ten tickets out of the urn of foremen and forty tickets out of that of common jurors to serve in the cause in which the said order shall have been given.

“530 B. All the provisions of the law concerning the jury shall be applicable to the special jury.”

10. In any proceeding act or decision in which the law is to be cited, the citation of Articles 357, 369, 377, 387, 392, 396, 502, 519, and 530a and 530b of the Criminal Laws for the Island of Malta and its Dependencies shall imply the citation of the said Articles as amended by this Order, and it shall not be necessary for such purpose to cite this Order.

11. Article 30 of the Laws of Organization and Civil Procedure for the Island of Malta and its Dependencies shall henceforth be construed and take effect as if the following paragraphs had been inserted after the provisions of the said Article :—

“In any cause, however, to which a British subject, not being born or naturalized in Malta is a party, it shall be lawful for any judge, magistrate, advocate, legal procurator, or referee (perito) to speak English, if he wishes to do so, and it shall be lawful for any witness to give his evidence in that language, if he wishes to do so.”

“A translation into Italian of any speech or remark made in English by the judge, magistrate, advocate, legal procurator, or referee (perito) shall be made in such manner as the Court shall deem fit, if a request shall be made by any of the parties, and provided that the Court shall be satisfied that the party making the request understands the Italian language, and that such party or his Counsel, does not understand the English language.”

“In the causes contemplated in the second paragraph of this Article the sentence and any decree may be delivered in English, but in any such case they shall be registered together with an Italian translation.”

"Any judicial act, official letter, or other act which is to be served through the Registry of any Court of Justice shall be written in English as well as in Italian. The English translation of such acts filed in the Registry as are written in Italian shall be made by the officers of the registry in which they are filed."

12. The first paragraph of Article 605 of the said Laws of Organization and Civil Procedure is hereby repealed and revoked, and the said Article shall henceforth be construed and take effect as if instead of the said first paragraph of Article 605 of the said Laws the following paragraph had been inserted therein:—

"The substance of the answers given by witnesses shall be noted down in Italian, except in the case mentioned in the second paragraph of Article 30, in which case the answers of such witnesses as shall give their evidence in English shall be noted in English. Every answer which may have a material bearing on the merits of the case shall be noted down word for word."

13. The said Laws of Organization and Civil Procedure shall henceforth be construed and take effect as if the following Article had been inserted after Article 606:—

"606a. In the case, however, referred to in the second paragraph of Article 30 when a witness shall give his evidence in the English language, the interpretation required by the next preceding Article shall not be made and the provision of the third paragraph of Article 30 shall be applicable to the evidence which shall have been taken down in English."

14. In any proceeding act or decision in which the law is to be cited the citation of Articles 30, 605, and 606a of the Laws of Organization and Civil Procedure for the Island of Malta and its Dependencies shall imply the citation of the said Article as amended above, and it shall not be necessary for such purpose to cite this Order.

15. Any Ordinance Law or Regulation contrary to or inconsistent with this Order is hereby repealed.

16. The cost of translating any documents filed in the Superior and Inferior Courts occasioned by the provisions of this Order shall from time to time be charged by warrant under the hand of the Governor against the public revenue of Malta.

17. This Order shall come into operation on the expiration of three calendar months from the date of its publication in Malta and its Dependencies.

18. Notwithstanding the provision of Clause 8 of this Order, the officials therein mentioned shall within the term of one month from the publication thereof in Malta, form a list of special jurors to serve for the year 1899 which shall be published in the Malta Government Gazette without any delay. The term established in the fourth paragraph of Article 519 shall run from the date of such publication, and the amended list of jurors to serve in 1899 shall be published in the Malta Government Gazette during the first eight days in the third month after the publication of this Order in Malta.

19. This Order may be cited for all purposes as the "Malta (Use of English Language in Legal Proceedings) Order in Council, 1899."

A. W. FITZROY.

No. 7.

GOVERNOR SIR F. W. GRENFELL to MR. CHAMBERLAIN.

(Received March 29, 1899.)

The Palace, Valletta,
March 24, 1899.

SIR,

I HAVE the honour to report that I opened the Session of the Council of Government on the 22nd instant, and delivered a speech of which a copy is enclosed.

2. I also caused to be published on the same day in the "Government Gazette" your despatch of the 15th of March,* and Her Majesty's Order in Council of the 7th of March, together with my Proclamation establishing that after 15 years from the 22nd instant the English language is to be substituted for the Italian language in the Courts of Justice of Malta.

I have, &c.

F. GRENFELL,

Governor.

Enclosure 1 in No. 7.

DEBATES of the COUNCIL of GOVERNMENT of MALTA in the SESSION 1899.

ADDRESS BY PRESIDENT.

The President: Gentlemen of the Council of Government, I have great pleasure in meeting the Elected Members of the Council for the first time since I have assumed the position of Governor of Malta and its Dependencies, and I have summoned you at the earliest opportunity on the conclusion of the recent General Election as I desire to have without delay the advantage of your experience and local knowledge, in promoting important measures of reform for which projects of legislation will be at once submitted to you.

The General Estimates were passed before the close of the last Session; but as the Appropriation Ordinances were not read the third time, two Supplementary Estimates for 1898 and the General Estimates for 1899 will be submitted to you to be re-voted, together with the additional provision, under the head of Education, required for the last nine months of this year.

I observe that the annual revenue is far from being adequate for the growing needs of this rapidly increasing population and for developing the progress of Malta at the rate required by modern European civilization.

Many important works are progressing slowly for want of funds. Among these is the building of a leper hospital, which has already received the sanction of the Council, but which from information I have received has appeared to me to call for immediate attention, and a vote of 2,000*l.* will be submitted to you in a Supplementary Estimate on account of the continuation of the work, which I have ordered to be pushed on. This will be met from the sum of 9,800*l.* which was the balance of revenue over expenditure at the end of 1898, and will, with the other Supplementary Estimates, be chargeable to the General Reserve Fund.

The usual supplementary estimates of excesses and re-votes will also be submitted without delay for your sanction, but I regret to observe that if all the necessary works and votes are sanctioned the Reserve Fund will have to be expended.

This makes it an imperative duty to consider the means by which the public revenue may be increased in order that the proceeds may be expended in promoting the public welfare.

The needs of drainage and sanitation require that immediate action should be taken in order to safeguard the credit of this Council and of the Government in the performance of one of the first and indispensable duties for which these institutions are established.

This Government did not at the outset adopt the system of Imperial Penny Postage, it being uncertain whether this could be done without financial disadvantage, but it has been found in practice that the posting of letters on board ships, in closed bags with English penny stamps, entails a greater loss of revenue than the general adoption of the penny rate with Malta penny stamps. I have therefore agreed that Malta shall on the 1st of April join with the other Colonies in Imperial Penny Postage under the Washington Convention, which I am authorised to follow by Ordinance No. XII of 1893.

Legislation will be submitted under the following heads:

1. To amend certain provisions of the criminal laws with regard to the violation of official secrets and other secrets;

2. To authorise the head of the Government to establish in Malta and Gozo industrial schools and houses of correction;

3. To amend and consolidate the laws relating to patents and to make provisions concerning designs and trade marks;

4. To consolidate and amend the laws relating to the Post office and to the Postal Service;

5. To consolidate and amend the laws relating to the Public Health Department and other sanitary authorities;

6. To consolidate and amend the laws concerning the exercise of sanitary and kindred professions;

7. To consolidate and amend the laws concerning the healthiness of the soil and of dwelling houses;

8. To consolidate and amend the laws concerning foods and drinks;

9. To consolidate and amend the laws to prevent the spread of infectious diseases in men, beasts, and crops;

10. To consolidate and amend the laws concerning cemeteries and the interment of corpses;

11. To consolidate and amend the laws concerning appeals in criminal cases;

12. To amend the Ordinance promulgated by Proclamation No. VIII. of 3rd November 1837, as regards the duty on imported cattle;

13. To improve the public revenue of these Islands;

14. To amend the criminal laws as to false evidence and perjury in certain cases.

It is my duty to acquaint you that the refusal of the former Council to give full consideration to certain measures to relieve the hardships felt by British subjects not domiciled in Malta on account of the linguistic difficulty in our Courts has called for the direct action of the Crown by Order in Council under the powers which Her Majesty has reserved in the Letters Patent of 1887; and I have directed correspondence on the subject to be laid on the table.

I trust that this Council will not hesitate to co-operate with the Government in settling the various important questions which will be placed before you.

I can assure you, gentlemen, that I am prepared to take full advantage of the local knowledge and practical experience of the newly-elected members, and I hope that I may have their assistance in the Executive Council as provided by the Constitution. I trust that your deliberations in this Council may tend to assist the Government to promote the progress, improvement, and prosperity of the inhabitants of these Islands.

Enclosure 2 in No. 7.

THE MALTA GOVERNMENT GAZETTE, WEDNESDAY, MARCH 22, 1899.

Anno Domini 1899.

PROCLAMATION.

By His Excellency SIR FRANCIS WALLACE GRENFELL, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Lieutenant General in Her Majesty's Army, Governor and Commander-in-Chief in and over the Island of Malta and its Dependencies, and Commander of the Troops serving within the same.

HIS EXCELLENCY THE GOVERNOR is pleased hereby to direct the publication, for general information, of the following "Malta (Use of English Language in Legal Proceedings) Order in Council, 1899."

His Excellency the Governor is further pleased to communicate to the loyal population of these Islands the decision of Her Majesty's Government that the English Language shall be substituted for the Italian as the language of the Courts of Law on the expiration of 15 years from the date hereof.

His Excellency is confident that the loyal population of these Islands will receive with satisfaction the announcement of this decision of Her Majesty's Government, which will tend to consolidate the union of the inhabitants of Malta with the rest of Her Majesty's subjects, and to promote their material welfare.

His Excellency trusts that within the period of 15 years, before the expiration of which the necessary legislative enactment to give effect to the above announced reform will be promulgated, all persons connected with the legal profession will have made the necessary preparations in order that the law may be enforced with their cordial co-operation.

Palace, Valletta, this twenty-second day of March 1899.

By command,

G. STRICKLAND,

Chief Secretary to Government.

God save the Queen.

No. 8.

GOVERNOR SIR F. W. GRENFELL to MR. CHAMBERLAIN.
(Received April 13, 1899.)

[Answered by No. 10.]

The Palace, Valletta,

April 8, 1899.

SIR,

I HAVE the honour to transmit, for your information, a copy of a letter signed by the Elected Members of the Council of Government, together with a translation thereof.

2. I also have the honour to transmit a copy of the Chief Secretary's letter in reply to the communication above referred to.

3. After the publication of the above in the local press, a further communication (of which a copy and a translation are enclosed) has been received. It does not appear to me that vague expressions on the subject of the position of the Italian language in electoral addresses several years ago are of much importance in considering what may be suitable 15 years hence.

I have, &c.

F. GRENFELL,

Governor.

Enclosure 1 in No. 8.

(Translation.)

SIR,

Valletta, April 1, 1899.

WE, the undersigned, Elected Members of the Council of Government, feel it our duty to inform your Excellency of the painful impression produced on all the Maltese by Her Majesty's Order in Council of the 7th of March last and by the despatch of the Secretary of State for the Colonies of the same month.

2. Her Majesty's Order in Council introduces special and exceptional laws in favour of a small section of the community—that class of Her Majesty's subjects that are not born nor naturalized in Malta. This class consists of the English people residing here, who are very few in number; of the soldiers who are temporarily stationed here; and of the sailors that land from Her Majesty's Ships. For these few persons a special language and special form of proceedings have been sanctioned for the Courts of Justice, notwithstanding that the law should be one for all. Special and privileged laws are an insult to the country, which is not so backward in European civilization as to deserve them on account of its action, and because they establish and legalise, as between the two races composing Her Majesty's subjects, a difference which is a disgrace to the Maltese population.

3. It is alleged that those subjects of Her Majesty who are neither born nor naturalized in Malta labour under a disadvantage, inasmuch as cases to which they are a party are dealt with in the Italian language. This allegation is, as a matter of fact, devoid of foundation. Apart from the circumstance that they obtain the interpretation of oral proceedings by means of sworn and competent interpreters, there are the Judges and the Magistrates, all of whom, more or less, are sufficiently acquainted with the English language to be in a position to make sure that the interpreters carry out their duties with precision and efficiency. Moreover, persons summoned to appear in Court are always accompanied by lawyers—it is the custom with English private parties to pick up advocates who are conversant with the English language; while soldiers and sailors have at their disposal lawyers who have a competent knowledge of the English language, and who are specially employed by the Military and the Naval Authorities.

4. Her Majesty's Order in Council has also wounded the hearts of the Maltese, because it legalizes provisions which had been unanimously rejected by the votes of the Elected Bench in the past legislature, at a time when the Elected Members, whilst offering opposition to privileged laws, promised to introduce amendments in the laws of organization and civil procedure and in criminal proceedings which would have improved the condition of Her Majesty's subjects who are not born or naturalized in Malta. (Council Debates, Sitting 7th December 1898.)

5. The despatch of the 15th March announces a future law whereby the English language will be substituted for the Italian language in the Courts of Law. This procedure degrades the whole population, who is entitled to liberty, and wants to be free, and highly and very deeply resents a law which is undeserved even by such people as are subject to the lowest state of slavery. It is an attempt against our ancient usages and our most vital interests, and it violates not only the repeated generic pledges (officially given to us by the British Government at the time it was installed among us) to the effect that it should respect and maintain our usages; but also the repeated specific assurances, officially given by the Government, that the English language will never be substituted for the Italian.

6. We, the only and legitimate representatives of the Maltese people, solemnly, energetically and officially declare that we do not want to have the English language substituted for the Italian—a substitution which becomes still more harmful when it is introduced in the laws and the proceedings of the courts. It is our duty to oppose energetically and with all the constitutional means at our disposal such an imposition, which is unbecoming the British Government that wants to carry it out, and unbecoming the Maltese people who, although few in number, feel strong within them the sense of freedom to which they have a sacred right.

7. We desire the Government to know—we desire to place on record for the information of those who will come after us—that we, the elected members of the Council of Government, are strictly fulfilling our duty in strongly resisting, by every means afforded us by the constitution, this imposition, which is repugnant to the feelings of the whole population.

8. We therefore protest against the assertion that the announced measure is desired by the Maltese people. This is an absurd assertion: it is a paradox that a population can desire any imposition whatsoever. If the Maltese people had indeed desired to change their language of education, they would have done so themselves, and there would have been no necessity for the Government to have recourse to an imposition and to announce it fifteen years before.

If there are in Malta a dozen people who may be so deluded with regard to the effects of this substitution as to believe it to be useful and beneficial to the population, and to desire it, surely these same persons, unless they have lost all sense of national love and of patriotism, must needs feel horror at the thought that their desire should be met by an imposition which places us below the position of slaves. That is how this most hateful measure can be wanted or desired by the whole population.

9. That the Maltese, far from evincing a desire to change their language of education, have on the contrary continually fought for its maintenance, especially since 1880, is clearly shewn by the fact that no election has from that time been held which was not based on programmes wherein pledges were given for the maintenance and the upholding of the Italian language. It was not only the case with the popular candidates—who have been elected on such pledges which were, generally speaking, explicit and clear, and only unexpressed in some special cases when the candidates' opinions were known—but their opponents themselves, including the Government candidates, have always adopted the same programme, feeling quite certain that unless they promised to maintain the Italian language they could not hope to get a seat in Council. This establishes in an absolute manner and beyond any doubt that the will of the people is on this point unalterable. Our uncontested election which took place recently, and the successful result of the contested election in the preceding legislature, show that the will of the people has not undergone any change.

And here we beg to be allowed to make reference to only two programmes, it being impossible to quote so many that were published between 1880 and the present time: the first is that of Count Strickland, the present Chief Secretary to Government, who in 1880* signed a programme in favour of the maintenance of the Italian language, and, not satisfied with having signed the same programme with his colleagues, he put also his signature on a separate one which was published both in Italian and in Maltese; the second is that of Dr. Alfredo Naudi, the present Crown Advocate, who came forward as a candidate for election to the Council in 1880 with a programme similar to that of Count Strickland. And we beg also to be allowed to quote the case of Mr. Sigismondo Savona, of the man who has been wanting to try the substitution, but who, from his seat in Council, as an Elected Member, declared at the sitting of the 30th March 1898, that according to his experience "it was absolutely impossible" to adopt the English language as a means of communication in the Education Department, and declared also that the Maltese people do not want this substitution.

10. In order to fully understand the importance of our elections, your Excellency must know that they are in Malta the only means whereby this population can express its views, because it is a secret means which may be made use of by everybody without getting personally into trouble. Political life here, under the flag of the nation which is foremost for freedom, is too unhappy, because the majority of the people are compelled to keep silence. In fact it is not only the case that a colonial regulation forbids *totidem verbis* members of the civil service from taking part in political movements—it is not only the case that this regulation is interpreted in such a way as to restrict as much as possible the liberty of the persons so employed—but a corrupt and corruptible policy has always been at play to terrorise the people, so much so that in view, on the one hand, of regard for the members of a family who may be in Government employment and, on the other hand, of the fear of getting one's name in the Black Book and of incurring the displeasure of the powers that be, there are indeed very few who have the courage to speak and to act with that freedom which independent citizens should command; and, it is painful for us to say it, there is no lack of those who, in order to get into one's favour, belie their feelings. It is, therefore, impossible to ascertain officially the truth and sincerity of public opinion otherwise than by the secret means of the ballot, where the influence of powerful and interested parties cannot be felt; nor should any notice be taken of improvised information which is the result of influence and which is but a deplorable imposition and a fraud. The truth is that which is revealed by the electoral urns in which secret votes are dropped.

11. Now, it is unquestionable that the elections have always resulted in accordance with programmes which were in favour of the Italian language, ever since the time when the people understood that this was doomed by the Government; and it is positive that no one has ever come forward with a programme contemplating the substitution of the English for the Italian language, although, after the elections, there have been some breaches of faith; it is moreover known that no one has ever proposed to the Council a law to obtain such a substitution. Wherefore it is absurd to say that the substitution

* See paragraph 4 of Enclosure 3.

is desired by the Maltese, and we, who are the only legitimate representatives of the Maltese people, declare that the public opinion is absolutely against such a substitution.

12. It is on the same ground that we have to rebut the other assertion, that this substitution is desired in the interest and for the good of the Maltese. It is unnecessary on this point to adduce many arguments, as the Maltese are the only legitimate judges of what is to be to their advantage or to their disadvantage; nor can the world be ever made to believe that the British Government love us more than we love ourselves and our own children, or that the British Government can see better than ourselves what might be of advantage to us and to our dear country. This measure is being imposed upon us in the sole interest of the British Government and to the greatest sacrifice of our national feelings and material welfare.

13. It is simply self evident that our material welfare requires the use of the Italian language in Malta, in view of the position we occupy in the Mediterranean, and as we are surrounded by Latin races with whom we are continually in contact and in commercial relations; and this is also proved by our Italian habits during nearly ten centuries; it is indeed hard for us that the Government, setting apart our feelings and our interests, does not take any notice of the harm that will accrue to the island from a law which will lower us to the utmost deplorable condition that may be conceived.

14. It is not out of place here to submit to your Excellency that this language question, that has caused us so much trouble in different periods of the British domination, has for the last 25 years assumed an acute character, the effect of which has been the dragging of the education question into the political arena and the ruin of public instruction. It is high time that it should be banished once for all, and that it should be dealt with according to justice and in conformity with the interests of this population and with the right it has of regulating such interests. We have never opposed the study of English; we have on the contrary encouraged it, and those of the present members who have been formerly in the Council have invariably voted the necessary expenditure: but our object is that the study of this language may be useful to the Maltese, and certainly not that they may thereby become slaves.

15. As the Secretary of State for the Colonies has declared it to be his intention, in giving his directions, to benefit the Maltese and to adhere to their wishes, we must infer that that distinguished gentleman has received from Malta information which clashes with truth. We beg, therefore, that your Excellency may be pleased to transmit to him our protest and the reasons we have here briefly set forth, because we trust that the Government will finally know what are the true wishes of the Maltese and their true advantages, both material and political.

We further desire to prove beyond doubt the truth of our assertions and to silence, once for all, the bad counsels of the enemies of the people; and with this object in view, we propose that your Excellency may order the holding of a "plebiscite" by secret ballot on the language question, sufficient guarantee being given to the loyalty of the proceedings, and the precise terms of the question to be framed and agreed upon by the Government and ourselves. This is the safest means of learning the wishes of the population, if it is indeed desired to ascertain their wishes.

Your Excellency might also have recourse to the dissolution of the Council and to a fresh election. In the latter case, we are sure that all the candidates that will come forward at that election will adopt only one programme—the language question—in order to fix the attention of the public to that question. We, on our part, would have already sent in our resignation and afforded the public an opportunity of expressing their views for the thousandth time on this question, had it not been for the fear that your Excellency might receive superior orders for carrying on the business of the Council with only the Official Members, notwithstanding that all the seats of the Elected Bench may have been vacated.

In the hope that your Excellency will favourably entertain our proposal before charging the exorbitant and most unjust expenditure involved in the announced law upon our already exhausted revenue, we avail ourselves of this

opportunity to offer to your Excellency our best wishes on the eve of Easter Sunday and our sincere regards, and have the honour to be, &c.

ALFONSO M. MICALLEF,
AVV. BEN. BONNICI,
J. BENCINI,
DR. AND. PULLICINO,
PAOLO SAMMUT,
ANTONIO DALLI,
AVV. FRANCESCO CARDONA,
CESARE DARMANIN,
NOT. PIETRO BARTOLI, P.L.,
F. WETTINGER, P.A.,
E. SEMINI,
S. CACHIA ZAMMIT,
AVV. FORTUNATO MIZZI.

To His Excellency Sir F. W. Grenfell, G.C.B., G.C.M.G.,
Governor of Malta and its Dependencies,
&c. &c. &c.
The Palace.

Enclosure 2 in No. 8.

Chief Secretary's Office, Malta,
April 3, 1899.

GENTLEMEN,

I AM directed by his Excellency the Governor to acknowledge the receipt of your letter of the 1st instant, in which you comment on the "Malta (Use of English Language in Legal Proceedings) Order in Council, 1899," and suggest that the Council of Government should be dissolved, or that his Excellency should seek to ascertain public opinion thereon by means of a "plebiscite."

2. Sir Francis Grenfell will forward without delay to the Secretary of State for the Colonies a copy of your Italian communication, with an English translation.

3. His Excellency the Governor considers it important, for the good government of these Islands, that all sections of this loyal population should clearly understand the necessity of accepting as final the decision of Her Majesty's Government, arrived at after most careful deliberation, and with full knowledge of all the aspects of the question involved.

4. His Excellency trusts that the Elected Members of the Council of Government will readily understand that the ordinary business of the administration cannot be brought to a stand with the object of re-opening an unalterable decision; and he trusts that the many other important questions as to which your advice and that of your colleagues would be most valuable to the country and to his Excellency, will receive early and unbiassed attention.

I have, &c.

G. STRICKLAND,

Chief Secretary to Government.

The Honourable Alfonso Maria Micallef,
And the other 12 Elected Members.

Enclosure 3 in No. 8.

(Translation.)

SIR,

Valletta, April 5, 1899.

WE acknowledge the receipt of the letter dated the 3rd instant, addressed to us by the Chief Secretary to Government, who informs us that your

Excellency will forward at an early date to the Secretary of State for the Colonies a copy of our letter of the 1st instant, with an English translation thereof. We are grateful to your Excellency for this act of courtesy, which we shall ever keep in mind.

2. For the Maltese, neither a plebiscite nor a dissolution of the Council is necessary, as public opinion on the language question is quite clear to us; we only wished to point out the way in which, whoever has given wrong information on the subject to the Secretary of State, might challenge our assertion.

3. Notwithstanding that your Excellency tells us that the decision of Her Majesty's Government is irrevocable, yet we cannot silence the voice of our right, and cannot be led to believe that justice will never be done to us: on the contrary the trust we place in your Excellency's sense of equity makes us hope for your support.

4. In the copy of the letter sent to your Excellency, which we have retained, we find that it is said that the Electoral Programme of Count Strickland is of the year 1880. We do not know whether the error is only in the copy or in the original also: in order to be correct, we have, therefore, to rectify the error, as that programme is of the year 1888.

We have, &c.

ALFONSO M. MICALLEF.

AVV. BEN BONNICI.

JOSEPH BENCINI.

Dr. ANDREA PULLICINO.

P. SAMMUT.

DALLI ANTONIO.

AVV. FRANCESCO CARDONA.

CESARE DARMANIN.

Not. PIETRO BARTOLI, P.L.

F. WETTINGER.

E. SEMINI.

S. CACHIA ZAMMIT.

AVV. FORTUNATO MIZZLI.

To His Excellency Sir Francis W. Grenfell, G.C.B., G.C.M.G.,
Governor of Malta and its Dependencies,
&c. &c. &c.



No. 9.

GOVERNOR SIR F. W. GRENFELL to MR. CHAMBERLAIN.
(Received April 19, 1899.)

[Answered by No. 11.]

The Palace, Valletta,
April 14, 1899.

SIR,

I HAVE the honour to report that at a sitting of the Council of Government held on the 6th instant, on the motion for going into Committee of Supply, a debate arose on the Letters Patent excluding priests from the Council of Government and on the "Malta (Use of English in Legal Proceedings) Order in Council, 1899." A copy of the shorthand writer's report is transmitted herewith for your information.

2. At the same sitting a vote for the educational establishments for nine months, from April to December, 1899, was also submitted to the Council. The following items of this vote, viz., 112*l.* 10*s.*, salary of an Assistant Rector; 30*l.*, remuneration to the Professor of Mathematics and Physics for delivering a second lecture; 37*l.* 10*s.*, salary of an Assistant Inspector, Elementary Schools; and 75*l.*, salary of an Assistant Inspectress, were rejected; and with regard to the remainder of the vote, so much thereof was passed as will meet the expenditure to the end of June.

3. The object of this policy is stated to be to enable the Council to pass, before granting supply for the rest of the year, an Ordinance which Dr. Mizzi has introduced, entitled "For the better management and control of the "University and other Educational Establishments," and of which the second clause is in the following terms:—

“The Italian language is the medium of instruction and the language of communication in every public educational institution.”

4. The policy of the majority of the elected members appears to be to make the further voting of supplies for the Education Departments dependent on assent being given to the Ordinance proposed by Dr. Mizzi. This Ordinance is on the notice paper for second reading at the sitting of the Council to be held to-day. It appears advisable that the questions involved in this policy should be decided as early as possible.

5. As soon as Dr. Mizzi's Ordinance has been read a third time, I shall submit my report to you thereon, and take early steps to re-submit the vote for the Education Department to cover the provision required to the end of the year.

I have, &c.

F. GRENFELL,

Governor.

Enclosure in No. 9.

DEBATES of the COUNCIL of GOVERNMENT of MALTA in the SESSION 1899.
Sitting No. 2, Thursday, April 6, 1899.

His Honour Sir Giuseppe Carbone, K.C.M.G., LL.D., Vice-President.

Members present :

Chief Secretary.	Mr. P. Sammut.
Crown Advocate.	Mr. A. Dalli.
Collector of Customs.	Mr. F. Cardona, LL.D.
Comptroller of Char. Institu- tions.	Mr. C. Darmanin.
Superintendent of Public Works.	Mr. P. Bartoli, Not.
Mr. B. Bonnici, LL.D.	Mr. F. Wettinger, LL.S.
Mr. G. Bencini.	Mr. E. Semini.
Mr. A. Pullicino, M.D.	Mr. S. Cachia Zammit.
*	Mr. F. Mizzi, LL.D.
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ALTERATIONS IN THE CONSTITUTION AND LANGUAGE QUESTION.

Observation.

DR. MIZZI: Prima che il Presidente lasci la Sedia desidero richiamare l'attenzione del Consiglio sulle alterazioni recentemente seguite nella Costituzione, sull'Ordine di Sua Maestà in Consiglio relativo alla lingua e sul dispaccio del Ministro delle Colonie relativo anche alla lingua. Non dirò molte parole: soltanto mi sento obbligato di richiamare l'attenzione perchè non si pensi che alla prima opportunità il banco elettivo non abbia fatto la sua protesta. Però sarò breve perchè sento che è inutile in questo stadio delle procedure, dare le ragioni che militano in favore nostro, che sono state intieramente dimenticate dal Governo Imperiale e probabilmente anche dal Governo locale. Ultimamente una lettera patente di Sua Maestà riduceva a tredici il numero dei membri elettivi di questo Consiglio e nello stesso tempo vietava agli ecclesiastici di essere nominati a sedere in questo Consiglio. Il pretesto sul quale si è fatto questo cambiamento, era una lettera di Sua Eccellenza Reverendissima Monsignor Arcivescovo Vescovo la quale vietava ai preti di presentarsi candidati senza suo consenso. In verità questa lettera non era espressa in modo di fare vedere chiaramente le sue ragioni e vi furono di quelli che non ebbero piacere di vederla emanata. Però quando si seppe il motivo pel quale Sua Eccellenza Reverendissima aveva emanato quella lettera, non si è potuto non riconoscere che egli non si immischiava punto nella parte politica e si limitava unicamente allo esercizio di un suo dovere pastorale. Infatti Sua Eccellenza Reverendissima non impedì ai preti di presentarsi in Consiglio perchè vuole che coloro che si presentassero avessero a sostenere piuttosto un'idea che un'altra in politica, ma unicamente perchè non voleva che coloro i quali avessero doveri

religiosi da adempire potessero accettare questa carica con pregiudizio dell'esercizio dei loro doveri ecclesiastici. Infatti di quelli che si presentarono per candidati non fu rifiutato il permesso che ad uno solo e le ragioni sono note a Sua Eccellenza Reverendissima, e credo che meritano di essere rispettate. Era ben giusto che Sua Eccellenza Reverendissima potesse dire "non voglio che il prete tale, il quale è solo in un casale, o che deve prendere cura di anime in una numerosa popolazione, o che deve prendere cura di determinate istituzioni religiose, o che ha doveri speciali ad adempire o che un tal altro che si fosse assunto una carica benefica alle anime, potessero essere distratti dai loro doveri coll' accettare candidature" e perciò egli ha voluto che si facesse ricorso a lui per poter egli rispondere se era conveniente o no accordare il permesso, ma questo indipendentemente da ogni e qualsiasi considerazione politica. Ed il Reverendo Sacerdote Bugelli, che era fra noi nell' ultima legislatura e che ha avuto il permesso di presentarsi candidato e fu eletto, si è fatto il dovere di pubblicare una dichiarazione dalla quale risulta ad evidenza che Sua Eccellenza Reverendissima non si è nè punto nè poco immischiato nelle sue opinioni politiche mentre è certo che—altri membri al Governo—hanno voluto fare delle pressioni su lui. Per riguardo all' Ordine di Sua Maestà in Consiglio relativo alla lingua ed al dispaccio del Ministro delle Colonie sullo stesso soggetto io non ho che da esprimere i miei sentimenti di dolore che il Governo di Sua Maestà abbia potuto mettere da parte e dimenticarsi affatto dei sentimenti della popolazione, dei diritti della cittadinanza maltese, delle promesse generiche e specifiche fatte dal Governo e di dimenticarsi per fino che Malta in fin dei conti è dei Maltesi.

Mr. CACHIA ZAMMIT: A tutto ciò che ha detto l'onor. mio amico, il Dr. Mizzi, non posso che fare eco. Certo egli è che l'esclusione del prete dal Consiglio ha scosso l'indignazione pubblica: fu un atto arbitrario. Uno dei pregi più cari di questa patria fu mai sempre la riverenza alla Chiesa, ai suoi pastori ed alla religione dei padri suoi, così che con quest' ingiustificabile atto fu vivamente offesa l'intera popolazione. In quanto alla questione della lingua, io sottoscrivo ancora pienamente a tutto quello che è stato detto dall'onor. mio amico. Però aggiungerò qualche cosa, che io non posso, ne debbo tacere. Nel suo dispaccio del 15 Marzo, il Signor Chamberlain, ci fa sapere che allo spirare di quindici anni dalla data di quel dispaccio, la lingua inglese sostituirà la lingua italiana nei nostri tribunali. Questo è l'intento del Governo di Sua Maestà ci dice e si compiace di informarci in pari tempo che egli non faceva altro che anticipare i desideri della grande maggioranza della popolazione maltese. Ora ditemi: dove è questa maggioranza? me la potete indicare? sfido gli oratori del Governo a dimostrarmi l'esistenza di questa maggioranza. Ma che! Essi si trovano nella impossibilità di farlo. Il Signor Chamberlain deve essere stato ingannato nel dire che la grande maggioranza della popolazione maltese era favorevole alla sostituzione della lingua inglese alla italiana. È questo un modo di agire onesto ed equo? Chi fu mai l'individuo che ha teso codesta ingrata insidia al Ministro? Mi si risponda. Il Signor Chamberlain ha non v'ha dubbio basato la sua asserzione su rapporti inviatigli, ed ha scritto quel dispaccio sotto dettatura: egli ha preso da altri l'imbeccata. Non voglio supporre che l'onor. Principal Segretario abbia suggerito la sostituzioni dell'inglese all'italiano perchè nel 1888 firmò un programma favorevole al mantenimento della lingua italiana. (CHIEF SECRETARY: Please quote.) Potrei anche indicare all'onor. Principale Segretario un programma in maltese segnato da lui—(CHIEF SECRETARY: Quote) per maggiormente indurre i suoi costituenti a votare per lui e convincerli della sincerità delle sue opinioni. (CHIEF SECRETARY: Quote.) (Dr. MIZZI: Sarà presentato a suo tempo, giacchè l'onor. Principale Segretario nega questo fatto.) Ma che abbia firmato dei programmi favorevoli al mantenimento della lingua italiana è innegabile. È mai possibile che l'onor. Principal Segretario abbia una memoria così infelice da non ricordarsi dei suoi programmi? Mi potrà forse rispondere: Nous avons changé tout cela, ma non mai negarmi l'esistenza dei suoi programmi—

The CHIEF SECRETARY: Sir, I rise to order. I do not wish to deny the accuracy of the hon. member, but my memory does not go so far back as to remember the exact words upon which the hon. member has placed his own interpretation, and based his own conclusions. According to parliamentary usage, no personal reference of this character should be made without its being

supported by quotations, in order to afford suitable information to those who wish to draw their own conclusions, and to enable the member attacked to reply to such like allusions. Loose statements and vague quotations from an electoral address of many years ago which is not produced, are not suitable grounds for arriving at a conclusion. I must, therefore, insist upon a quotation of the words attributed to me before admitting the reasonableness of the hon. member's conclusion.

Mr. CACHIA ZAMMIT: Con tutto suo comodo prego l'onor. Principale Segretario a produrre i suoi programmi ed allora staremo a quel che dicono.

The CHIEF SECRETARY: Sir, I must repeat the request that the words attributed to me should now be quoted.

The VICE-PRESIDENT: It is the duty of the hon. member to quote the documents he has alluded to. But it appears that the hon. member is not prepared to do so at this moment.

The CHIEF SECRETARY: The hon. member should, under the circumstances, be expected to withdraw his statement if he is not able to substantiate it.

Mr. CACHIA ZAMMIT: Si sa bene che quei programmi furono stampati. Li leggeremo assieme, e se mai, ciò che è impossibile, avrò sbagliato—(Dr. MIZZI: "No, non ha sbagliato")—sarò il primo a fargli una apologia. Andiamo avanti. Non voglio supporre neppure che sia stato l'onor. Avvocato della Corona che abbia suggerito al Signor Chamberlain l'espeditenza di fare sostituire la lingua inglese all'italiana, perchè anche lui firmò un programma nel 1888 favorevole al primato della lingua italiana. Potrei io anche aggiungere che qualche giornale era ispirato da lui quanto al mantenimento della lingua italiana. Saranno stati dunque il Direttore dei Contratti, il Controllore delle Istituzioni Caritatevoli, il Soprintendente dei Lavori Pubblici, il Collettore della Dogana che avranno insistito presso Fremantle perchè spedisse un nefasto dispaccio al Ministro delle Colonie e lo informasse dell'ardente desiderio che invadeva gli animi della maggioranza della popolazione di voler sostituire la lingua inglese alla italiana nelle nostri Corti? stento a credere che essi sono stati gli ufficiali che, secondo l'espressione usata da un loro presente collega nel 1866, monopolizzano e travisano l'opinione pubblica. Ma qualunque sia stata la persona che abbia fatto dei suggerimenti al Ministro delle Colonie perchè la lingua inglese sostituisse la italiana, bisogna dirlo, era una suggestione non basata su alcun fondamento. Il Ministro non lo stimo tanto colpevole quanto coloro che gli hanno suggerito sul da farsi. Per quante sottigliezze si adoprano non è possibile sfuggire alla verità chiara e lampante che non si vuole che la nostra lingua di educazione sia sostituita dalla inglese. Giova parlare francamente al Governo Imperiale. I veri e soli amici dei governanti sono coloro che loro mostrano la faccia della verità. Il Signor Chamberlain in un discorso pronunciato nel 1897 diceva che bisognava imitare adottare la politica degli statisti della antica repubblica Veneta, i quali nella amministrare le loro colonie si studiavano di cattivare il cuore e l'affezione dei loro sudditi. Di più, il Signor Chamberlain ingiungeva che qualunque governatore, qualunque persona che esercitasse una autorità, dovrebbe guadagnarsi la lealtà e l'affezione dei suoi sudditi inculcando giustizia ed onestà in tutti i loro provvedimenti ed affari. Addottando la massima degli Statuti Veneziani si otterrà lealtà e riconoscenza. Questo è il premio che dovrebbero ambire i nostri governanti diceva il Ministro. Giova pure dire che il 3 Aprile 1877 Lord Carnarvon, Segretario di Stato per le Colonie, asseriva, che fosse intento del Governo di Sua Maestà che in Malta si dovesse incoraggiare la lingua inglese "legittimamente, senza pressione, senza ingiustizia." Auree parole! Dopo 77 anni di dominazione Britannica Lord Carnarvon che avea visitato quest'Isola e studiato il carattere e le tradizioni di questa leale popolazione si esprimeva in una maniera da conciliare gli animi di tutti. Nel 1877 era collega di Carnarvon l'attuale Primo Ministro Marchese Salisbury; e i due amici condividevano la stessa opinione sulla questione della lingua. Giova rivolgerci al Ministro e al suo capo il Marchese di Salisbury. Se noi Maltesi sottoponessimo la questione tanto al Ministro delle Colonie quanto al suo Capo, io avrei tutta la speranza che essi si metterebbero a studiare con tutta attenzione il nostro stato di cose e quali uomini dotati di senno pratico

non mancherebbero di rispettare le opinioni profondamente radicate nel popolo e immedesimate colle sue tradizioni e colle sue usanze. Noi forti nella piena coscienza della giustizia della nostra causa, reclamiamo i privilegi che godiamo da secoli, e reclamiamo questi privilegi come osservanza di antiche e ripetute promesse fatte dall'Inghilterra al cospetto di tutta Europa. Alle significazioni del volere dei suoi sudditi è mestieri che il Governo Imperiale presti ascolto. Certo il Governo non può violare i riguardi e gli obblighi che lo vincolano alla popolazione maltese nè potrà mettere in non cale le nostre aspirazioni, le nostre opinioni, anzi gli corre il dovere di informarsi ai sentimenti del paese, di penetrarsi dei suoi giusti desideri, dei suoi voti, e dei suoi dritti.

Dr. BONNICI: Perchè non si dica che il Banco Elettivo abbia accettato con tutta quiete i fatti compiuti, e perchè l'Inghilterra non possa dire che abbiamo cordialmente approvato tali fatti, io mi associo ai due onor. signori che or ora hanno parlato per protestarmi, in primo luogo, della mutilazione fatta alla Costituzione col dispaccio di Dicembre ultimo, in forza del quale al Banco Elettivo venne tolto un voto, riducendone il numero da quattordici a tredici. Io non credo che lo scopo di questa mutilazione sia quello indicato nel dispaccio; io ritengo ci siano altri scopi occulti. In primo luogo, per scemare la forza del Banco Elettivo di un voto per potere, il Governo, in circostanze forse favorevoli a lui, aver una probabile maggioranza colla quale potesse passare leggi invise alla popolazione. In secondo luogo si è voluto eliminare la presenza del Clero dal Consiglio perchè il Clero Maltese non è stato mai secondo a nessun altro corpo per patriottismo ed onestà. Il Ministro col levare il dritto al prete di mettersi avanti candidato per essere eletto rappresentante del popolo ha ridotto i membri del Clero ad uno stato peggiore di quello di un pizzicagnolo; il prete coll'essere prete non cessa di essere cittadino, ed io non comprendo come il Ministro abbia tolto al corpo del Clero un dritto che egli non ha mai sognato di dover levare ad altri corpi della società meno importanti. In quanto all'Ordine di Sua Maestà in Consiglio ed al dispaccio che lo accompagna—rapporto alla introduzione della lingua inglese nelle Corti, da qui a tre mesi, e la introduzione della stessa lingua in sostituzione alla italiana da qui a quindici anni, ci sarebbe da dire molto, ma per non far perdere il tempo a questo consesso, mi limito a protestarmi altamente contro quel dispaccio e quello Ordine. Io credo che l'Ordine in Consiglio fino ad un certo punto, offende i sentimenti dei maltesi più del dispaccio, quantunque l'uno e l'altro siano a recare incalcolabili pregiudizi morali e materiali al paese. Coll'Ordine in Consiglio, stabilendo una legge di privilegio e di eccezione per una classe, che, a paragone della intiera popolazione, è minima, il Ministro ha ridotto i maltesi ad una condizione simile a quella del fanatico musulmano e del selvaggio africano, perchè soltanto nei paesi di costoro esistono leggi di privilegio per gli europei, quasi che i maltesi non fossero europei! Il Ministro ha bollato i maltesi con una macchia che ha provocato un forte risentimento in loro perchè li ha calcolati qual razza inferiore a quella degli inglesi! Da qui a quindici anni, se sarò ancora in vita, quando il Governo di Sua Maestà sarà a forzare la lingua inglese ed a farla sostituire alla italiana nelle nostre Corti, io sarò lontano, ma molto lontano dai tribunali, nè ho figli per l'avvenire dei quali devo pensare, equindi non posso sentirmi oggi sussurrarmi alle orecchia che io stia avocando la causa mia. Ma non devo essere egoista, molto più, quando son rivestito del carattere di rappresentante del popolo: e devo pensare ai propri fratelli. Lo scopo dell'Inghilterra, nel forzare la lingua inglese nei nostri tribunali, è quello di dare il colpo di grazia alla nostra lingua di educazione. Ma il Governo di Sua Maestà deve avere altri scopi ancora, uno politico e l'altro materiale. Egli avrà detto: togliendo la lingua di educazione ai maltesi—lingua che li ha fatto eccellere fra i popoli di Europa—io avrò levato il loro carattere marcato di nazionalità; e allora potrò più facilmente dominarli, potrò inschiavirli. E questo è lo scopo politico. Lo scopo materiale poi è questo. La unica barriera che esiste per gli inglesi qui in Malta è la lingua italiana; tolta questa barriera, l'Inghilterra troverebbe uno sfogo per la sua crescente e sovrabbondante popolazione, e allora vedremo affluire miriadi di emigrati inglesi in cerca di un'impiego sotto questo nostro bel clima, invece di andare sotto climi glaciali e torridi, ma se sarà avverato questo, io credo che fra quindici anni nessun impiego di quattro scellini al giorno resterà pei maltesi; i maltesi non avranno da far altro che pagare le tasse per fornire l'erario del denaro necessario onde sfamare le centinaia di migliaia

d'inglesi spostati. Il Ministro ha detto anche nel dispaccio, non so se seriamente—in buona fede o no—ha detto che ciò facendo l'ha fatto soltanto per contentare la maggioranza della popolazione, e per creare una *entente cordiale* fra l'una e la altra razza. Se l'Inghilterra però vuol creare comunità di idee e di sentimenti, non deve usare questa politica a colpi di coltello; l'Inghilterra dovrebbe cambiare politica, usare miglior senno: deve smettere la sua brutalità—la forza dei suoi cannoni e delle baionette, deve mettersi da parte per lasciar passare la giustizia, perchè colla giustizia penetra la fiducia, e l'affezione, ed il sentimento. Ma altri sono gli scopi della Inghilterra; ed io credo che ultimo non sia lo scopo religioso. Fino a pochi anni addietro, io pensava diversamente; ma da poco tempo a questa parte, incomincio a credere che avevo torto. Dacchè in giornali seri ed autorevoli del Regno Unito ho visto dei comunicati (CHIEF SECRETARY: Quali sarebbero questi giornali?) Il *Globe*, il *Daily Mail*, il *Broad Arrow* e molti altri—dacchè, dico, ho visto dei comunicati in cui s'insiste che dovrebbe essere forzata la lingua inglese perchè i maltesi fossero in grado di apprezzare e di rendersi famigliari agli usi ed alla religione degli inglesi—quando simili comunicati compariscono senza alcuna nota di protesta, devo ritenere che l'opinione di quella parte degli inglesi che quei giornali rappresentano, è quella indicata in quei comunicati. Quando hanno detto che ai maltesi conviene forzare la lingua per famigliarizzarli agli usi inglesi, certo non avranno voluto alludere agli usi politici e costituzionali inglesi perchè questi ce li negano continuamente, e di quel poco che ci resta di continuo ne fanno strage. Quando parlano di religione, alludono forse alla religione Cattolica? No, perchè quella l'abbiamo. E dunque allora? Allora parlano del protestantismo. Si è detto ancora che gli avvocati ed i preti fanno opposizione alla sostituzione della lingua perchè temono che coll'inglese sarà più facile evangelizzare i maltesi. (CHIEF SECRETARY: Quale giornale ha detto questo?) Non mi ricordo, ma le dirò più tardi. (CHIEF SECRETARY: E ora che converrebbe di dirlo?) Siccome sono molti i comunicati che compariscono nei giornali inglesi e che ci caluniano, non è gran che se mi sia sfuggito il nome del giornale. Hanno detto che i preti e gli avvocati sono contrari alla sostituzione della lingua inglese perchè temono l'evangelizzazione dei maltesi, se veramente così è, io mi glorio di appartenere alla classe la quale si è data la mano ai preti per difendere la religione nostra. Credo che mi sia dilungato su questo e di aver parlato forse troppo. (CHIEF SECRETARY: Hear! hear!) *Ex abundantia cordis, os loquitur*. Faccio voti che, meglio illuminato il ministro vorrà rimediare al male a noi fatto coll'Ordine di Sua Maestà e col suo dispaccio, e così egli sarà a ridonare ai maltesi ciò che hanno il dritto di avere.

Dr. PULLICINO: Non posso che uniformarmi a tutto ciò che hanno detto gli onor. signori che hanno parlato sin ora. Solo ho da aggiungere che insin dal 1880, quando del Governo fu dichiarata la guerra alla lingua italiana, non comparve verun candidato all'elettorato, pronto a difendere la lingua inglese a danno della lingua italiana. Quando candidati inglesi si sono presentati allo elettorato hanno anche essi promesso di dover difendere la lingua italiana. L'onor. Principale Segretario, non si è semplicemente contentato di sottoscrivere il suo programma, del 18 Febbraio 1888, in favore della lingua italiana, ma si cooperò ancora col Dr. Souchet, di felice memoria, per persuaderlo a presentarsi candidato in quella circostanza; ed in quel abboccamento, egli si era molto disimpegnato con quel signore in favore della lingua italiana. Quel signore disgraziatamente non ha veluto sentire i consigli dell'onor. Principale Segretario. Anche il fautore della sostituzione dello lingua inglese alla lingua italiana, dopo una esperienza di molti anni di Direttore della Pubblica Istruzione dichiarava in questo pubblico Consiglio, che ara una impossibilità sostituire la lingua inglese alla lingua italiana, e che perciò egli proponeva che sola la lingua italiana dovesse essere il mezzo di comunicazione e la base di istruzione. Credo che nessuno meglio di lui poteva dare consiglio su questo riguardo. Mi riferisco all'ex-Direttore dell'Università che in pari tempo occupava anche egli una sedia in questo Consiglio e nel Consiglio Esecutivo il quale ha saputo condurre quel dicastero con onore per molti anni.

Mr. DALLI: Onorevole Signor Presidente, Per un dispaccio ufficiale, non è guari, si disse che in Malta ci è una sezione di stampa anti-inglese. Questo non

è da mettersi in dubbio ; però è necessario che i consultori del Governo ne comprendano bene la causa, e sappiano donde origina. Secondo il mio umile giudizio, la ragione di questa disaffezione che omai si rende mortale tra una razza e l'altra non è altro se non colpa dei consultori del Governo, i quali, misinterpretando i fatti, fanno l'opera dei carnefici dei propri fratelli. Dico carnefici dei propri fratelli (è forse un linguaggio un poco aspro), ma è un fatto, e innanzi alla verità non si deve retrocedere. Come si vorrebbe conciliare la affezione del popolo maltese alla razza inglese, quando una costituzione viene mutilata, quando il Ministro delle Colonie ci chiama popolaccio, quando bandisce il prete dal Consiglio—quel prete che dalla stampa inglese fu indicato come mezzo per cui in questa aula sono saliti membri anti-inglesi—quando forzosamente, ci si vuol imporre una lingua non nostra, sebbene di essa la necessità si sente? Nessuno fra i deputati del popolo ha mai avversato lo studio dell'inglese, anzi introducendo il “pari passu” non si introduceva che una burla, perchè in molte classi dell'Università si spiegava in inglese, e in sole due classi si spiegava in italiano; cosicchè la preponderanza rimase alla lingua inglese. Un altro dispaccio ci informa che fra 15 anni la lingua del Foro sarà l'inglese. Io piango amaramente la sorte dei miei fratelli i quali, siano essi Avvocati della Corona, siano Principal Segretarii, siano cima di scibile inglese, saranno spostati addirittura dal protezionismo inglese, e non avranno l'appoggio che si meritano di diritto in Patria. I figli dei maltesi, come già ho avuto occasione di ripetere, saranno messi nella impossibilità di guadagnar il pane, perchè fino lo ultimo spazzino sarà inglese; fra migliaia di inglesi, per un posto di boia, ci erano 150 avvocati; e se questo non piace all'onore. Principal Segretario, dico che per sei pence un inglese ha venduto la moglie all'asta pubblica. Come rappresentante del Terzo Distretto io devo proclamare la mia disapprovazione a questi mezzi violenti che fanno del popolo maltese una manata di iloti, dopo le tante promesse fatte dall'Inghilterra quando si impossessò dell'isola. Ma allora l'Inghilterra rispettava i maltesi perchè erano armati e trionfanti di orde nemiche più forti allora degli eserciti della Gran Bretagna?

The CHIEF SECRETARY: Sir, when my hon. and learned friend, the member for the Tenth District, rose to make some well weighed remarks on two recent important political events, it was evident that he had chosen with care what he wished to say, and what to leave unsaid, and that he had done this so well that no reply was called for. But the remarks that have fallen from several members that have followed him deserve greater attention from the opposite point of view, for they have, I believe, in the most eloquent and conclusive way, proved to the hilt the wisdom of the recent action of Her Majesty's Government. The tenour of the latter speeches has substantiated the fact that there is only one section of the population who are in the least anxious as to the possible results of those measures, that class being the particular section of the legal profession so worthily represented by my hon. friend Dr. Beniamino Bonnici. Sir, the want of logic and the absence of any attempt at accuracy in what we have heard against the action of Her Majesty's Government are the most eloquent and conclusive support that could possibly in this Council have been given thereto. In the first place, Sir, I will reply to the grievance based on the alteration of the constitution by the exclusion of ecclesiastical persons from this Council. The definition of ecclesiastical persons in the original Letters Patent appeared to cover all ecclesiastical persons, from those who have received “minor” orders, rising up in the ecclesiastical hierarchy to His Grace the Archbishop Bishop of Malta. That eminent ecclesiastic is perhaps more fully entitled to speak for them than the member for the Tenth District. That eminent ecclesiastic has, however, so far, not uttered one word of protest against the exclusion of ecclesiastical persons from this Council. We have therefore every reason to take it for granted that that eminent person has approved most thoroughly of the step which had been taken. I know nothing except what is of a negative character; but I do not hesitate to say that I have heard it rumoured that another eminent ecclesiastic has expressed in public full approval of the step. (Dr. Mizzi: Citate i nomi, ora è il momento di citare i nomi.) The rule as to quotations from words held up to censure applies to members of this Council who are stated by some other member to have made specific assertions which may not be fully admitted. I repeat that His Grace the Archbishop has not uttered one word of protest against the exclusion of

ecclesiastics from this Council, and I will ask—however much the hon. member for the Tenth District may regret it, however much many or any of us may regret it—what right have we—what right has Dr. Mizzi—to constitute ourselves as the spokesmen for the grievance of a class, when that grievance has not been brought forward by personages entitled to do so? That consideration disposes entirely of the contention that Her Majesty's Government have, in the words of the hon. member, broken any pledge or violated any right of this population by the exclusion of priests from this Council. And I feel bound to go further and to protest generally and emphatically against quotations being attempted from memory of promises and pledges assumed to have been given on behalf of Her Majesty's Government at the beginning of this century, when those quotations are of the vaguest and most misleading description, if they are quotations. No pledge was ever given by, or in the name of Her Majesty's Government, to uphold for ever the recent position of the Italian language in the Courts of Law in Malta. There was a time when the maintaining, or the prolongation of that state of affairs, was expedient. There was a time when Her Majesty's responsible Ministers considered it to be expedient not to alter for the time being that state of affairs. There was a time when I also, and others who have since changed their minds, thought that the time had not yet come for the change from Italian to English as the language of the courts. The psychological moment for the making of that change was a point about which opinions might differ. But who have we to thank if that moment has been hastened, and if it has been hastened with greater rapidity than perhaps might otherwise have been our fate? That moment has been hastened by my hon. and learned friend the representative of the Tenth District, in leading his majority in this Council to throw out the second reading of the Ordinances which my learned friend, the Crown Advocate, had submitted in the past session of this Council and in leading the majority, which then followed him, to throw out those Ordinances, without fair discussion and without meeting that most earnest and solemn appeal made by the Government to consider those Ordinances in Committee, otherwise than in an uncompromising spirit. The enemies of the Italian language, and of this offshoot of the Tower of Babel where we have three languages in a Colony of the British Empire—these enemies of a foreign Italian tongue in Malta ought to raise a statue to the leader of the majority who has brought about the realization of their hopes. (Dr. MIZZI: *Avete una cattiva causa da trattare?*) A dozen years ago, Sir, I was, I admit, of opinion that the time had not yet come for the substitution of English for Italian in the courts, nor am I of opinion that it should take place now, but I rejoice that it is to take place some little more than a dozen years hence. The policy of the British Empire as a colonising power has not, as a rule, been to press the adoption of the English language until the same had been adopted by a very large section of the population. Ten years ago the number of educated people who spoke Italian rather than English was considerably more important than it is at present. The change within the course of these twelve years has been due in a great measure to that admirable institution, known as the English College of St. Julian's. I was in my earliest days one of those who used the little influence in my power at the time to encourage the starting of that college in these Islands. I was then confident that when the generation there educated would grow up among the manhood of this country, the day of the domination of the foreign Italian language as the language of education would be over. (A voice: "*Questo monstra la buona fede del suo programma.*") No one who is anxious that the people of this country, that the educated classes as well as the uneducated classes, should take their place as a European Colony in this great British Empire—need ever hesitate to declare his anxiety that we should henceforth be as thoroughly British as possible in speech and in thought as well as in fact. I regret that the hastening of that happy day should cause unnecessary anxiety or distress to that small privileged class whose position, prospects, and daily bread may seem to depend upon the anomalous supremacy of the Italian language in the Courts of Law. The supremacy of that language in the Courts of Law is logically inexcusable. The language of the people of this country is the Maltese, and the language of the Empire is English. The language of education in Malta for the last twenty years has been the English language. The language of

quasi education has for about the same period been the Italian language. And if historically we go back to the arrival of the Knights of St. John, some three hundred years ago, we shall find that there was very little, if any, education in this country, and what there was in the way of education was based upon Latin as the language of education. It is positive that, when the Order of St. John became sovereign in Malta there were not three hundred persons in this Island who could speak any sort of Italian; and there were not ten who could ever speak a dialect of Italian which to-day would be intelligible in Rome. The official language of the Order composed of Knights of many languages was inevitably Latin, as may be seen from a perusal of the minutes of their Executive Council. The language of the early legislation of the Knights was also Latin. The language of our courts and of the deeds drawn up by our notaries was Latin. Latin was till recently the universal language of education. The people of this country by descent were no more Italian than the people of Great Britain. In fact, in my opinion, the Italian, and even the Latin races in general, are more foreign to the people of Malta than is the Maltese race to some important sections of the English race, I refer to the inhabitants of Cornwall, South Wales, Cumberland, and the Scotch Islands, where Phœnician Colonies were established. But the complaint against immigration into Malta of a small professional class from the neighbouring peninsula ought to have been made, not hundreds of years ago, but in the latter days of the last century, in the days of the decadence of the Order of St. John, when that Order allowed that magnificent patrimony of a Latin and universal education to be supplanted, not by the high sounding Italian of Rome or the pure tongue of Tuscany, but by a peculiar dialect of Sicily. It was then that a certain class of immigrants came here to oust the real Maltese from taking their legitimate place in the legal profession, that place which should have been protected in their interests by the promises of the Knights. We should be proud of such names as Sciberras and other real Maltese names. Was it right that real Maltese should be ousted by a small knot of immigrants who displaced the local language as well as the real language of education, Latin, and what was more unjust, the newcomers succeeded in passing laws to uphold a privileged position, which has since been maintained to the detriment of a vast majority of the ancient inhabitants of this country? I hope it will be recognized as an act of justice to the people of this country, that if a foreign language is to have a privileged position that language should be the language of the Empire—that great Anglo-Saxon tongue which already represents three quarters of the correspondence that passes through the post offices of the whole world, that tongue which is rapidly being adopted from America to Japan, that tongue which every other nation already aspires to adopt when an additional language can be added to its educational system. Nevertheless, to-day some hon. members here present say that the people of Malta are against the steps taken to gradually establish the English language. I do not agree with this assumption. I am confident that the people as a whole (minus $2\frac{1}{2}$ per cent. the minority that know Italian), I believe that the Maltese people are absolutely passive; because they understand that they must educate their children, that English will help them the better to earn their bread, and the people of Malta also know that it is ridiculous to attempt to compel the majority of children to try simultaneously to learn two languages; and if the attempted compulsion is not ridiculous and impossible, the effect is so troublesome that human nature will not submit to the drudgery of learning what is not worth the time. It is the common opinion of at least 90 per cent. of the fathers of the children now in the public schools that the time necessary to attempt to learn Italian is time wasted under the present conditions of the struggle for existence. That being the case, I hope my hon. friend opposite, the member for the Ninth District will see how absolutely futile it is to make any appeals to Her Majesty's Government to alter its present solemn decision. Can the hon. member be serious in attempting to depict in this Council Mr. Chamberlain, the Secretary of State for the Colonies, as a common village noodle who can be so easily duped? (Dr. MIZZU: È lei che lo stà dipingendo così, dicendo che quel che ha fatto, l'ha fatto per causa mia.) (VICE-PRESIDENT: Order, please.) Can the hon. member for the Ninth District induce anybody to follow him in the belief that the Secretary of State for the Colonies has written the covering despatch and

sanctioned the Use of English Language in Legal Proceedings Order in Council, because he, Mr. Chamberlain, was "ingannato"? Is that an argument to bring forward in an assembly such as this? The hon. member for the Ninth District proceeded to say that he could not bring himself to believe that the despatch and the Order in Council had been prompted by the Chief Secretary to Government, or by the Crown Advocate, because in the hon. member's opinion they had at one time held other opinions. Such a policy could not presumably, he went on to assume, have been prompted by this or that other Official Member. Sir, it is not within the duties of the hon. member to go upon a fishing expedition to discover how far, or who, of the members of the Government agree with the policy of the Secretary of State. I also have noted with regret that the hon. member for the Ninth District was so discourteous as altogether to ignore the existence in this country of so exalted a person as the representative of Her Majesty. Does he wish to imply that the head of the Government is a person whose opinion is worth nothing? (MR. CACHIA ZAMMIT: As far as Fremantle is concerned. (VICE-PRESIDENT: Please make no reference to absent persons.) The hon. member exceeded the limits of fair argument and of discussion in implying that the Secretary of State had been deceived or that the Secretary of State had not officers under his orders sufficiently reliable and responsible to give him such information as he might call for. The hon. member for the Tenth District may, however, be quite certain that every officer of this Government, without a single exception, and every person in this Island holding Her Majesty's Commission, in every department, henceforth feels it a bounden duty to uphold the decision of the Secretary of State. And for my part I am thoroughly convinced, now that a decision has been taken, that any attempt to undo it or to go behind it could not be in the interests of any class of persons in this country. Another member opposite stated that when the English language becomes the language of the Courts we shall have "centinaia di migliaia di inglesi affamati" seeking employment in this country. He also stated that against such a calamity "la lingua italiani è l' unica barriera." I would ask this Council to judge whether it is reasonable to suppose that hundreds of thousands of Englishmen—let us suppose he meant only 200,000—could flock in search of employment to Malta—to a place which is already more overcrowded than any other country in the whole world, to a place where a person newly arrived would find he cannot understand the language of the people? Doctors and lawyers, English professionals who knew Italian well, have in the past utterly failed in professional competition with Maltese, and they will continue to fail for centuries to come, because the Maltese language is the language of the people of Malta, and the Maltese—not the Italian—the Maltese language is the real barrier. No person brought up out of Malta can possibly expect to succeed in learning Maltese, whereas the knowledge of Italian could for business purposes be easily achieved abroad. As to the idea that there will not be a Government situation worth 4s. a day open to British subjects born in Malta when the English language has been made the language of the Courts, the apprehension is only applicable to the few who will not learn English; that fear is so absurd that I am sure it has no terror for those who can already speak English and are taking care to teach it to their children: that argument falls by its own weight.

The VICE-PRESIDENT left the chair and the Council resolved itself into Committee.

No. 10.

MR. CHAMBERLAIN to GOVERNOR SIR F. W. GRENFELL.

SIR,

Downing Street, April 28, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 8th instant,* transmitting copies of a correspondence which has passed between the Elected Members of the Council of Government and yourself on the subject of the Order in Council and Proclamation recently published relating to the use of the English language in legal proceedings in Malta.

* No. 8.

2. I request that you will inform the Elected Members that I have read their protest, but that I am not prepared to reverse the policy embodied in the Order in Council which provides that in a British Colony legal proceedings to which Englishmen are parties shall not be conducted in a language they do not understand.

3. With regard to the announcement which has been made in the Proclamation of 22nd March that the English language will be substituted for the Italian as the language of the Courts of Law at the expiration of 15 years, you should inform the Elected Members I entirely dissent from the view that Her Majesty's Government have at any time given pledges that under any circumstances the Italian language would always be recognised as the official language in the Courts of Law; that after most careful consideration of the whole question I had come to the conclusion, in view of the spread of the English language, and the desire of the inhabitants of Malta to learn it and to have their children instructed in it, as shown by the education returns, that there is every reason to expect that in the near future the English language would be understood by a large and increasing majority of the population; that I was of opinion under these circumstances that the time had come for such an announcement to be published, it being, in my judgment, the duty of Her Majesty's Government to take care that those whose interests might be affected should know that the change was impending, and should have ample time to prepare themselves for it; you should add that it appeared to me that a period of 15 years was ample for such notice, and that I hope that when the time comes for giving effect to the change it will be carried out with the approval of the great majority of the inhabitants of the Island, and that in the meantime a dissolution of the Council or a plebiscite seems to me entirely unnecessary in respect of a change contemplated at so distant a date.

I have, &c.

J. CHAMBERLAIN.

No. 11.

MR. CHAMBERLAIN to GOVERNOR SIR F. W. GRENFELL.

SIR,

Downing Street, April 28, 1899.

I HAVE the honour to acknowledge the receipt of your despatch* of the 14th of April, reporting the proceedings at a sitting of the Council of Government on the 6th of April, and to express my approval of the course proposed in paragraph 5 of your despatch.

I have, &c.

J. CHAMBERLAIN.

No. 12.

GOVERNOR SIR F. W. GRENFELL to MR. CHAMBERLAIN.

(Received May 6, 1899.)

The Palace, Valletta,

SIR,

April 29, 1899.

I HAVE the honour to report that the members of the legal profession in Malta have held several meetings to decide upon a course of action which they consider it in their interests to follow, in consequence of the "Malta (Use of English Language in Legal Proceedings) Order in Council, 1899," and the Proclamation which was published together therewith, establishing that after 15 years the English language will be the language of the Courts of Law.

2. A document has been signed by Dr. Oreste Grech Mifsud, as President of the Chamber of Advocates, empowering Dr. F. Mizzi, LL.D., an Elected

Member of the Council of Government, to proceed to England with a view to laying before the Prime Minister, the Secretary of State for the Colonies, and the Parliament and Press of England a remonstrance in the name of the legal profession and of such of the people of Malta as may be aggrieved by the alteration of the language of the Courts of Law in Malta.

3. This morning Dr. Mizzi, LL.D., and Mr. Cachia Zammit called on me to take leave on their departure for England as a deputation of the Council of Government.

I have, &c.

F. GRENFELL,
Governor.

No. 13.

GOVERNOR SIR F. W. GRENFELL to MR. CHAMBERLAIN.

(Received June 12, 1899.)

(EXTRACT.)

The Palace, Valletta,

June 8, 1899.

I HAVE the honour to report that the second reading of the Ordinance "to increase the public revenue of these islands and to amend the Ordinance promulgated by Proclamation No. VIII. of 3rd November 1837," was before the Council of Government yesterday.

From announcements made by several elected members at previous sittings, from the organs of the press and from other sources, it was clear that a majority of the elected members were deeply pledged to reject the Ordinance.

As the rejection of this Ordinance would put off the financial provisions necessary for carrying out the important drainage scheme (referred to in previous correspondence as Schedule B.), I took the chair myself as President of the Council, and as the Crown Advocate was about to rise to close the debate on the second reading, I addressed a few words of warning to the Council, of which the shorthand writer's report is forwarded herewith. The chair was then taken by the Vice-President.

After the debate had been closed, an attempt was made by Mr. Sammut to move an amendment, which was ruled out of order by Sir Joseph Carbone, whereupon Mr. Sammut resigned his seat in the Council of Government.

Several other elected members left their seats, and, on a division, one elected member voted with the official members, and only four of the usual majority were in their places to vote against the Ordinance.

I ascribe this result to the effect of the warning that refusal to pass the necessary legislation would call for an Order in Council, and might be followed by a restriction of the powers of the elected members. There has been no sign of resentment in connection with this weighty intimation.

The Council refused to consider the Ordinance in Committee on the 9th instant, and put off that stage to the 14th instant. I am unable to forecast the final result.

Enclosure in No. 13.

The PRESIDENT: Before the Crown Advocate moves the second reading of this Ordinance, I have a few words to say to the Council. There are few questions on which I should presume to interfere with your discussions, but by this Ordinance means are provided to enable the Government to carry out the drainage scheme as recommended by the sanitary authorities. On this drainage scheme depends the health, nay, the lives, of your fellow countrymen. This Ordinance has been before the Council since the 19th April, and the Government cannot any longer consent to a postponement of the question. Any

further delay will be taken by the Government as a refusal to grant the necessary funds; and steps will be taken, in accordance with the Constitution, to carry out the scheme by an appeal to the Secretary of State. I earnestly hope and trust that this course may not be necessary, and that elected members will take a reasonable view of this question, and do their obvious duty by the discussion and the passing of this Ordinance; thereby ensuring the sanitation of these islands and protection against any future epidemics. I must, in conclusion, point out to the Council that repeated refusals to vote useful legislation renders the Constitution entirely unworkable, and also may end by its revision and its reformation.

No. 14.

GOVERNOR SIR F. W. GRENFELL to MR. CHAMBERLAIN.

(Received June 20, 1899.)

[*Answered by No. 15.*]

The Palace, Valletta,

June 16, 1899.

SIR,

I HAVE the honour to report that at the sitting of the Council of Government held on the 14th instant, a motion to go into Committee on the Ordinance "To improve the Public Revenue of these Islands and to amend the Ordinance promulgated by Proclamation No. VIII. of the 3rd November 1837," was postponed by the votes of all the elected members present.

2. In view of the speech* delivered by me in the Council on the 7th instant, of which a copy is enclosed, I have addressed to the Chief Secretary, and caused to be read in the Council, this day, a Minute directing that the Ordinance is to be considered as rejected, and stating that the question of causing its provisions to be embodied in an Order in Council was to be referred to you as one in which the credit of the Government is concerned.

3. I consider that no time should be lost in commencing these drainage works, as the urgency thereof has been the justification of the attitude of the Government.

4. I have, therefore, ordered the preliminary steps for the drainage works under Schedule "B." to be taken in hand to-morrow, and I shall issue such warrants of advance, from time to time, as will be necessary to open out the work in the districts where the drainage is most pressingly required, these warrants of advance to be covered by the sums which will be provided by the Order in Council above referred to.

5. The drainage works referred to in Schedule "B." are those towards which the Imperial Government has agreed to contribute 25 per cent. of their cost, in accordance with your despatch of the 25th of June 1898.†

I have, &c.

F. GRENFELL,

Governor,

Enclosure in No. 14.

Translation.

DRAFT.

AN ORDINANCE enacted by the GOVERNOR OF MALTA, with the advice and consent of the Council of Government thereof,

To increase the Public Revenue of these Islands and to amend the Ordinance promulgated by Proclamation No. VIII. of 3rd November 1837.

WHEREAS it is expedient to improve the Public Revenue of these Islands, and to amend the Ordinance promulgated by Proclamation No. VIII. of 3rd

November 1837, it is hereby enacted by his Excellency the Governor, with the advice and consent of the Council of Government, as follows :—

Article 1. From the day on which it shall, by a notice published in the Government Gazette, be announced by the head of the Government that the provisions contained in this Ordinance are to take effect, a duty of 2*l.* 11*s.* 6*d.* per Maltese barrel, equal to 5*s.* per imperial gallon, shall be levied by the collector of customs on spirits or strong waters of any strength not exceeding the strength of proof by Sykes' hydrometer (London proof), and so in proportion for any strength greater than that of the said proof, imported into Malta.

2. Every notarial deed shall bear an adhesive stamp or stamps of the value of so many pence as there are written pages in the deed.

Every notary who omits to stamp, or insufficiently stamps, any deed received by him shall be subject to a fine not exceeding ten pounds sterling.

3. It shall be the duty of the Court of Revision of Notarial Acts to report to the Crown Advocate any non-compliance with the provision contained in the first paragraph of the preceding article. The Crown Advocate, in case the notary does not pay the fine or fines to which he may have become liable, shall take legal action against him for recovering such fine or fines.

4. No copy of any instrument executed in these islands, or relating, where-soever executed, to any property situate, or to any matter or thing done or to be done, in these islands, and no bill of exchange, promissory note, receipt, or any other private agreement or writing, shall, except in criminal proceedings, be given or admitted in evidence before any court of justice unless they are duly stamped as follows :—

(a) Copies or extracts of Notarial Acts shall bear a stamp or stamps of the value of so many halfpence as there are written pages of not more than 120 words ;

(b) Other documents shall bear a stamp of the value of one penny.

5. From the stamp duty on receipts are however exempted all public offices, civil, military, or naval.

6. A document which, in pursuance of Articles 2 and 3, is to bear adhesive stamp or stamps, shall not be deemed duly stamped unless, in the case of the documents referred to in Article 2 and of the copies or extracts thereof referred to in Article 3, the Notary, and, in the case of every other document referred to in Article 4, any of the parties who shall have signed the document cancels the same by writing on or across each stamp his name or initials, together with the date of his so writing, so that the stamp may be effectually cancelled and rendered incapable of being used for any other instrument.

7. Every person who is required by the preceding Article to cancel an adhesive stamp and wilfully neglects or refuses to do so in the manner aforesaid, shall be liable to a fine not exceeding 10*l.* sterling ; and in cases where the documents referred to in sub-section a of Article 4 bear the signature of more than one person, all persons who shall have originally signed the document referred to in Article 6 shall be liable alike to the said fine of 10*l.* sterling.

The provision contained in Article 3, referring to the duty of the Court of Revision of Notarial Acts, shall obtain in the case of Notarial Acts bearing stamps not duly cancelled as prescribed above.

Any action for the recovery of penalties under this Article shall likewise be instituted by the Crown Advocate.

8. All actions for the recovery of penalties incurred under the preceding articles are proscribed after five years from the day in which the contravention shall have been committed. This proscription, however, shall not have the effect of making the document admissible in evidence, unless the party desiring to produce the document shall have paid the penalty incurred, together with the amount of the stamps which the document was by this Ordinance required to bear.

9. Whosoever shall forge a die or stamp ; shall make an impression upon any material with a forged die ; shall sell, expose for sale, or utter, or use forged stamps ; and whosoever shall knowingly be found in possession of forged dies or stamps, or shall be unlawfully in possession (and the proof of the lawful possession lies with the person accused) of any genuine die or dies, shall be punished with hard labour from one to four years.

10. The manufacture and sale of stamps is reserved to the Government. Their shape and value shall be fixed by the Head of the Government.

11. Any other law contrary to the provisions of this Ordinance, or inconsistent therewith, is hereby repealed.

No. 15.

MR. CHAMBERLAIN to GOVERNOR SIR F. W. GRENFELL.

SIR,

Downing Street, June 24, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 16th June,* respecting the attitude of the elected members of Council towards the draft Revenue Ordinance, and to inform you that in the circumstances I approve of your action in commencing the Drainage Works, and that when the draft Order in Council arrives it will be dealt with as soon as possible.

I have, &c.

J. CHAMBERLAIN.

No. 16.

MR. CHAMBERLAIN to GOVERNOR SIR F. W. GRENFELL.

(Sent 2.55 p.m., June 26, 1899.)

TELEGRAM.

Dr. Mizzi and deputation have not yet asked for an interview with me or communicated with Colonial Office.

No. 17.

GOVERNOR SIR F. W. GRENFELL to MR. CHAMBERLAIN.

(Received July 11, 1899.)

[Answered by No. 18.]

SIR,

The Palace, Valletta,
July 7, 1899.

I HAVE the honour to forward a communication, addressed to yourself and signed by nine of the elected members of the Council of Government, and purporting to be a "Protest" against the action of the Government in connection with the draft Ordinance "To increase the public revenue of these islands and to amend the Ordinance promulgated by Proclamation No. VIII. of November 3, 1837."

I have, &c.

F. GRENFELL,
Governor.

Enclosure in No. 17.

(TRANSLATION.)

A PROTEST from the REPRESENTATIVES of the PEOPLE in the COUNCIL of GOVERNMENT of MALTA.

SIR,

WITH reference to the minute of His Excellency the Governor of these islands, placed on the Council table on the 16th inst., we beg most respectfully to submit to your consideration the following remarks:—

(a.) That before the Council there was not any Draft of an Ordinance meant to provide the necessary funds to enable the Government to undertake the Drainage Scheme, as it is stated in the minute referred to.

(b.) That the Draft Ordinance to which the said minute refers had for its object, as it results from its title and preamble, "to increase the public revenue of these islands" without in any way making an allusion to the Drainage Scheme.

(c.) That on the Council table existed a report approved by the Council after Resolution No. 58 in the sitting of the 14th inst., in which the necessary means are suggested to empower the Government to give effect to the Drainage Scheme.

(d.) That the postponement of the aforesaid Ordinance in sitting of the 14th inst. took place inasmuch as in that sitting matters were to be treated proposed by the elected members, as can be seen from the Council Debates Sittings No. 10 and 11, under date of the 7th and 14th inst. respectively.

(e.) That the aforesaid Draft of an Ordinance has been withdrawn from the consideration of the Council without asking for leave to do it, and this in violation of Art. 11 of the Standing Rules of our Council.

2. Therefore, we, the undersigned representatives of the people, do hereby protest against the action taken by the Government, and against the menace contained in the minute above referred to, that is to say, that questions involving outlay of money belonging to the people can be decided otherwise than by the representatives of the people.

We have, &c.

ALFONSO M. MICALLEF,

Dr. BEN BONNICI,

G. BENCINI,

Dr. AND. PULLICINO,

AVO. FRANCESCO CARDONA,

CESARE DARMANIN,

P. BARTOLI,

F. WETTINGER,

E. SEMINI.

30 June 1899.

No. 18.

MR. CHAMBERLAIN to GOVERNOR SIR F. W. GRENFELL.

SIR,

Downing Street, July 20, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 7th of July* transmitting a protest signed by nine of the elected members of the Council of Government against the action of the Government in connection with the Draft Revenue Ordinance.

I have to request you to state in reply to the nine members of Council, that they were repeatedly informed that the object of the Draft Ordinance in question was to provide for the cost of the Drainage Scheme; and that, after your speech† at the sitting of the 7th of June, I consider that you were justified in regarding the vote on the 14th of June to postpone the motion to go into Committee on the Ordinance as an indication that the elected members intended to reject it.

I have, &c.

J. CHAMBERLAIN.

No. 19.

MR. CHAMBERLAIN to GOVERNOR SIR F. W. GRENFELL.

SIR,

Downing Street, July 20, 1899.

I HAVE the honour to transmit to you an Order of Her Majesty in Council providing for an increase of the duty on spirits, and for the imposition of certain stamp duties in order to enable the Government of Malta to meet

* No. 17.

† See Enclosure in No. 13.

its obligations in regard to the loan to be raised for the purpose of Drainage Works, and also providing a salary for an assistant rector of the University of Malta for a period of three years.

I regret that the action of the elected members has made it necessary to resort to legislation by Order in Council in regard to these matters.

I request that you will cause the Order to be proclaimed without delay.

I have, &c.

J. CHAMBERLAIN.

Enclosure in No. 19.

At the Court at Windsor, the 14th day of July 1899.

PRESENT :

The Queen's most Excellent Majesty.

Lord President,
Duke of Marlborough,
Lord Chamberlain.

Whereas Her Majesty did by Clause XLIV. of Her Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 12th day of December 1887, reserve to Herself, Her heirs and successors, Her right, power, and authority, to make, by and with the advice of Her Privy Council all such laws for the peace, order, and good management of the Island of Malta and its dependencies as to Her, Her heirs and successors, might seem necessary :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf, by the said Letters Patent or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows :—

1. A sum corresponding to the interest which shall be due on the loan which shall be raised by virtue of Ordinance No. 1 of 1897 promulgated by the Governor of Malta by Proclamation No. II. of that year, and any sums set aside as sinking fund for the redemption of the said loan shall be charged on the revenue of Malta, and shall be paid by the Receiver General upon such warrants as shall be directed from time to time under the hand of the Governor.

2. A sum not exceeding 250*l.* a year shall, for each of the three years next after the publication of this Order, be charged on and paid out of the revenue of Malta by the Receiver General upon a warrant under the hand of the Governor for the salary of the assistant rector of the University of Malta.

3. From the day which shall be fixed by the Governor of Malta by a notice published in the Government Gazette, the Collector of Customs of Malta shall levy on the account of the Government thereof a duty of 2*l.* 7*s.* 6*d.* per Maltese barrel, corresponding to 5*s.* per imperial gallon, on spirits or strong waters of any strength not exceeding the strength of proof by Sykes' hydrometer (London proof), and so in proportion for any strength greater than that of the said proof, imported into Malta.

4. Spirits and strong waters (whether perfumed or not) mixed with any ingredient or ingredients, and, although thereby coming under same designation, except varnish, shall nevertheless be deemed to be subject to duty as such.

Fractions of a degree not exceeding two-tenths shall not be reckoned ; those exceeding two-tenths shall be reckoned as a degree.

5. The provision contained in the two last preceding clauses shall not be applicable to spirits or strong waters imported before the day on which this Order shall come into operation.

6. Every notarial deed shall bear an adhesive stamp or stamps of the value of so many pence as there are written pages of 120 words or parts of pages.

7. Every notary who omits to stamp, or insufficiently stamps, any deed received by him shall be subject to a fine not exceeding 5*l.* sterling.

8. It shall be the duty of the Court of Revision of Notarial Acts of Malta to report to the Crown advocate thereof any non-compliance by a notary with the

provision contained in clause 6 or clause 15 of this Order. The Crown Advocate, in case the notary does not pay the fine or fines to which he may have become liable under clause 7 or clause 16 of this Order, shall take legal action against him for recovering such fine or fines.

9. Every bill of exchange (including draft, order, cheque or letter of credit), every promissory note (including any document or writing, except bank notes) containing a promise to pay any sum of money, every bill of lading, charter party, policy of insurance, every receipt, and any other instrument or written document containing an agreement and being under hand only and not bearing the signature of a notary public, every appraisement or valuation, and every license shall bear a stamp of the value of one penny.

10. The said duty of one penny on a bill of exchange, promissory note, bill of lading, charter party, policy of insurance, receipt, instrument, or other document referred to in the next preceding section and drawn or made out of Malta shall be noted by an adhesive stamp, which shall be affixed thereto by the person into whose hands it comes before he presents for payment, or indorses, transfers, or in any manner negotiates or pays the bill of exchange or promissory note, or before he executes such bill of lading, charter party or policy of insurance, or produces any such receipt, instrument, or other document.

11. Provided, however, that when a bill of exchange is drawn in a set according to the custom of merchants, and one of the set is duly stamped, the other or others of the set shall unless issued or in some manner negotiated apart from the stamped bill, be exempt from duty; and upon proof of the loss or destruction of a duly stamped bill forming part of a set, any other bill of the set which has not been issued or in any manner negotiated apart from the lost or destroyed bill may, although unstamped, be admitted in evidence to prove the contents of the lost or destroyed bill.

12. Copies or extracts of Notarial Acts shall bear an adhesive stamp or stamps of so many half-pence as there are written pages of not more than one hundred and twenty words or parts of pages in the Act.

13. The following shall be exempted from the stamp duty :—

- (1.) Bill drawn in Malta by any person under the authority of the Admiralty upon and payable by the Accountant General of the Navy or by the District Paymaster in Malta.
- (2.) Bill drawn in Malta (according to a form prescribed by Her Majesty's Orders by any person duly authorised to draw the same) upon and payable out of any public account for any pay or allowance of the Army or Auxiliary Forces or for any other expenditure connected therewith.
- (3.) Receipt given for, or upon payments of money not exceeding 1*l*.
- (4.) Receipt given for money deposited in any bank or with any banker in Malta to be accounted for and expressed to be received of the person to whom the same is to be accounted for.
- (5.) Acknowledgment by any banker of the receipt of any bill of exchange or promissory note for the purpose of being presented for acceptance or payment.
- (6.) Receipt given for and upon the payment of any duties or for any sums due to the Government of Malta.
- (7.) Receipt given by any agent for money imprested to him on account of the pay of the army.
- (8.) Receipt given by any officer, seaman, marine, or soldier, or his representatives, for or on account of any wages, pay or pension due for the Admiralty or Army Pay Office.
- (9.) Receipt written upon a bill of exchange or promissory note, duly stamped, or upon a bill drawn in Malta by any person under the authority of the Admiralty upon and payable by the Accountant General of the Navy or the District Paymaster in Malta.
- (10.) Receipt endorsed or otherwise written upon or contained in any instrument liable to stamp duty and duly stamped, acknowledging the receipt of the consideration money therein expressed, on the receipt of any principal money, interests, or annuity thereby secured or therein mentioned.

- (11.) Receipt given for any allowance by way of drawback or otherwise upon the exportation of any goods or merchandize from Malta.
- (12.) Receipt given for the return of any duty of customs upon a certificate of over entry.
- (13.) Instruments of apprenticeship, bonds, contracts, and agreements entered into in Malta for or relating to the service therein, or in the United Kingdom, or in any of Her Majesty's Colonies or possessions abroad of any person as an artificer, clerk, domestic servant, handcraft, mechanic, gardener, servant in husbandry or labourer.
- (14.) Agreement or memorandum the matter whereof is not of the value of 2*l*.
- (15.) Agreement or memorandum for the hire of any labourer, artificer, manufacturer or menial servant.
- (16.) Agreement or memorandum made between the master and mariners of any ship or boat for wages on any voyage between Malta and Gozo or coastwise from port or bay to port or bay in the said islands.
- (17.) Appraisement or valuation made for, and for the information of one party only, and not being in any manner obligatory as between parties either by agreement or operation in law.

14. No copy of any instrument executed in Malta or relating, wheresoever executed, to any property situate or to any matter or thing done or to be done, in Malta, and no bill of exchange, promissory note, bill of lading, charter party, policy of insurance, receipt or any other agreement, appraisement or valuation, or licence, shall, except in criminal proceedings, be given or admitted in evidence before any Court of Justice of Malta, unless they are duly stamped or are exempted from the stamp duty by virtue of any law.

15. A document which, in pursuance of clauses 6, 9 and 12 is to bear an adhesive stamp or stamps, shall not be deemed duly stamped, unless, in the case of the documents referred to in clause 6 and of the copies or extracts thereof, referred to in clause 12, the notary, and, in the case of every other document referred to in clause 9, any of the parties who shall have signed the document, cancels the same by writing or printing on or across each stamp his name or initials, together with the date of his so writing, or otherwise effectively cancels the stamp and renders the same incapable of being used for any other instrument or for any postal purpose, or unless it is otherwise proved that the stamp appearing on the instrument was affixed thereto at the proper time.

16. Every person who is required by the preceding article to cancel an adhesive stamp, or wilfully neglects or refuses to do so, in the manner aforesaid, shall be liable to a fine not exceeding ten pounds sterling; and in cases where the documents referred to in clause 12 bear the signature of more than one person, all persons who shall have originally signed the document shall be liable alike to the said fine of ten pounds sterling.

17. No action for the recovery of penalties incurred under the preceding clauses shall be instituted after the expiration of five years from the day on which the contravention shall have been committed. But notwithstanding such lapse of time an unstamped or insufficiently stamped document shall not be admissible in evidence, unless the party desiring to produce the document shall have paid the penalty incurred together with the amount of the stamps which the document was by this Order in Council required to bear.

18. Whoever shall—

- (1.) Fraudulently remove or cause to be removed from any instrument any adhesive stamp, or affix to any other instrument or use for any postal purpose any adhesive stamp which has been so removed, with intent that the stamp may be used again; or who shall
- (2.) Sell or offer for sale, or utter any adhesive stamp which has been so removed, or utter any instrument having thereon an adhesive stamp which has been, to his knowledge, so removed as aforesaid, shall be condemned by the Court of Judicial Police of the said Island to a fine.

19. Whosoever shall forge a die or stamp; shall make an impression upon any material with a forged die; shall sell, expose for sale or utter, or use forged stamps; and whosoever shall knowingly and without lawful excuse

(the proof of which shall lie on the person accused) be found in possession of forged dies or stamps, shall be punished with hard labour from one to four years.

20. Whoever shall without lawful authority or excuse (the proof of which shall lie on the person accused) purchase, or receive or knowingly have in his custody any plate, die, dandy roller mould or other implement peculiarly used in the manufacture of a stamp or of the paper reserved by the Government for the impression of stamps, shall be liable to the punishments provided by the Criminal Laws of Malta, for contraventions.

21. The manufacture and sale of stamps is reserved to the Government of Malta. Their shape and value shall be fixed by the Governor.

22. Any law contrary to the provisions of this Order in Council, or inconsistent therewith, is hereby repealed.

23. In this Order in Council the word "Malta" means the Island of Malta and its Dependencies and the word "Governor" means Our Governor and Commander-in-Chief of the Island of Malta and its Dependencies and includes any person for the time being lawfully administering the Government of Malta and its Dependencies.

24. This Order shall come into operation from the day or days to be fixed by a Proclamation of the Governor of Malta.

25. This Order in Council may be cited for all purposes as the "Malta Revenue Order in Council, 1899."

A. W. FITZROY.

MALTA (POLITICAL CONDITION).

COPY of a DESPATCH addressed to the SECRETARY OF STATE FOR THE COLONIES by SIR ARTHUR LYON FREMANTLE, late Governor of Malta, dated 29th December 1898, on the POLITICAL CONDITION of MALTA; and of all recent Correspondence relative to the same.

(*Mr. MacIver.*)

Ordered, by The House of Commons, to be Printed,
21 July 1899.

[*Price 4½d.*]