

The Representative Government Constitution of 1887

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The 1887 constitution was the first one which granted responsible government to the Maltese nation, in that the elected members, for the first time ever, were in a majority as opposed to the official members who always used the block vote in favour of the Governor's desires and dictates.

The year 1887 was a very long shot from the year 1801 when, on 15 July, Charles Cameron, Malta's Civil Commissioner, issued a Proclamation on behalf of the King of Great Britain in virtue of which he stated:

I embrace with the highest satisfaction this opportunity of assuring you of the paternal care and affection of the King towards you, and that His Majesty grants you full protection, and the enjoyments of all your dearest rights.

The Maltese Members of the *Congresso*, set up against the French invader in 1798, followed up this solemn promise on 15 June 1802 with

the memorable Declaration of Rights, the main right being that of

fixing a constitution of government, which shall secure to us, and our descendants in perpetuity, the blessings of freedom, and the rights of just law which His Majesty's Governors shall ever be bound to observe and keep inviolable.

With the departure of Cameron, this 'full protection' was swiftly converted to absolute rule by his successors Alexander Ball and Lieutenant-General Hildebrand Oakes who wrote in 1812, as one of the members of a Royal Commission, that the Maltese people were singularly unfitted to enjoy 'any portion of political power'. This frame of mind had led Oakes the year before to insult publicly the hundred-odd petitioners who had requested a free representation of the people under a constitution which would merge the Maltese ancient rights with those of the British constitution.

Nothing changed under the administration of Maitland, dubbed 'King Tom', and the Governors who came after him, until we come across a ray of light penetrating the gloom. One of the Royal Commissioners of 1836, George Cornewall Lewis, vindicated the Maltese in a private letter to his father.

After expressing himself in favour of the freedom of the press, he wrote that the Government had intentionally kept the Maltese people in a state of pupilage and had perpetuated ignorance. He added that the really valuable part of the population consisted of the merchants, the advocates, the doctors and the civil servants. The government should look to improving the condition of the community, "and not merely to raising a revenue in order to divide it among English heads of useless departments".

Although this letter was made public in 1870, Governor Sir John A Lintorn Simmons, a General of autocratic principles, was of the opinion in 1884 "that Malta should be regarded as always in a state of siege" (letter to the Earl of Derby, Secretary of State for the Colonies), and that the Maltese should never have had a Council of Government at all.

Indeed, the Colonial Secretary had to warn him "not to use his casting vote unnecessarily or to depart from a modicum of regard for the views of elected members".

Simmons' frame of mind was completely antagonistic to the popular Anti-Reform Party, led by Fortunato Mizzi, which was clamouring for a liberal constitution and lambasting the Anglicisation of Malta's institutions being carried out by Sigismondo Savona.

There were at the time two political parties: the Reform Party, bent on doing away with the Italian language, and the *Partito Antiriformista* of Dr Mizzi, which was later renamed *Partito Nazionale*. In 1880 the *Partito Antiriformista* won five seats in the Council of Governments,



The Letters Patent dated 12 December 1887, which gave the Maltese a new constitution.

while three seats went to the Reform Party. The Reform Party had the full support of successive Governors and the backing of the pro-government newspaper *The Malta Standard*, edited by George Alfred Page, which emphasized that Malta was a garrison town and a naval station, “and also contains a number of civilians”. So, the presence of 150,000 souls in Malta was a mere inconsequential incident!

One should add that this policy was not endorsed, but only occasionally, by London officials. Lord Kimberley, the Secretary of State, wrote in the 1870s: “I cannot see why we should force English on the Maltese”, while Sir John Anderson minuted at the Colonial Office that the question of English or Italian was ‘certainly’ one which the Maltese should be allowed to settle for themselves.

The language question had thus become a vital component of nationalism, as much as perhaps the claim for a liberal constitution. When Simmons used his casting vote on the education estimates against the unanimous will of the elected members, Mizzi had to resort to the stratagem of holding *elezioni infami* (infamous elections). Mizzi and Canon Paolo Agius resigned from the Council and the party presented two candidates to contest the seats vacated: a brothel keeper and an uncouth blacksmith. Although their election was contested by a priest and a lawyer, they were returned with large majorities.

The Council became a charade, but Simmons would not budge. However, the permanent officials at the Colonial Office were taking a completely different view. Two of them were disgusted and dismayed by Savona’s reactionary attitude and Sir John Anderson wrote that a return to Crown Colony government pure and simple was practically out of the question, and that “the popular party in Malta had sufficient power to prevent any such retrograde step”. Concessions had to be made to the popular demands, without endangering British interests.

Meantime the organization of the National Party continued to improve and it found the support of Gerald Strickland, then a law student at Cambridge, who launched a campaign in *The Times* against the prevailing constitution (of 1849) and the casting vote of ‘a military beaurocracy’. Mizzi and Strickland joined forces and they submitted

to London a constitutional project embodying full representative government. Another project was sent by two lawyers, Zaccaria Roncali and Salvatore Magri, upholding the same principle, but giving more attention to a financial council. A previous project of a responsible government made in August 1885 by Chev. Vincenzo Bugeja had met an outright refusal.

Mizzi travelled to London for consultations with Strickland and the influential Earl De La Warr. In 1887 the new Colonial Secretary, Sir Henry Holland (later Viscount Knutsford), waived aside the constant opposition of the local government to political rights and called Simmons to London for talks to finalize decisions with regard to a new representative government constitution. He was accompanied by Dr Giuseppe Carbone, the Crown Advocate. Simmons had just written to London that Mizzi could not be regarded as ‘an exponent of public opinion in Malta’, when practically the only opposition to Mizzi’s demands, came from Savona, Francesco Saverio De Cesare, whose newspaper *Risorgimento* was considered a government mouthpiece, and, strangely, Tancredi Sciberras.

The new constitution in draft form was made known in April 1887, shortly after Simmons had dissolved the Council because of the recurrent elections and resignations of the elected members. The draft, which incorporated Roncali’s proposal of a Separate Financial Council, was based on the premise that the introduction of Responsible Government was “incompatible with the position of Malta as an Imperial fortress and unsuitable to... the political capacity of the people”, harking back to the 1812 Oakes denunciation of the Maltese character. The contents of the draft provoked widespread political agitation. The press was unanimous in its condemnation, while the Mizzi-Strickland party resolved that if the proposals were brought into effect, a ‘protesting’ election would be resorted to. Savona joined the fray. On 14 May 1887 he resigned from the post of Director of Education, envisaging a better future as a representative of the electors. He violently attacked the administration and alleged that he had found it impossible to serve a Government that disregarded the just and reasonable demands of the Maltese to

have a wider and more effective control over the administration of their own local affairs and the expenditure of their own revenue. Angered by Savona's attacks against his government, Governor Simmons retaliated by publishing in the Malta Government Gazette of 8 July 1887, from the confidential minutes of the Executive Council, statements made by Savona on 28 October 1886 to the effect that Malta should be made a Crown Colony of a severe type! It is perhaps only fair to state that Savona expressed this opinion in view of the elections of infamous or ridiculous candidates, but the Governor's revelation was no feather in Savona's political cap.

On the other hand, Fortunato Mizzi was inclined to be more moderate when a compromise was reached on the education question. In August 1887, on behalf of his party, he submitted a draft project to Simmons. Amicable discussions followed, with the result that a new and more liberal constitution was granted. On 22 December 1887 the new Letters Patent dated 12 December were read at the Palace. Roncali's plan was discarded, and the new constitution was modelled to a considerable extent on that proposed by Mizzi and Strickland.

In his accompanying dispatch of the 14th December 1887, Sir Henry T. Holland, the Secretary of State for the Colonies, wrote, possibly with a touch of pride:

The main object which Her Majesty's Government had in view, ... and which the new Letters Patent are designed to effect, is to give to the representatives of the people of Malta, for the first time, a specific power of deciding questions of finance and other questions of local concern.

Full power was reserved to the Crown in matters of security of the fortress and to legislate or otherwise in regard to any question by a direct exercise of the royal prerogative.

Under the 1849 constitution the Council of Government was to consist of the Governor (with an original and a casting vote), nine official members (four of whom were English and the rest Maltese)

and only eight elected unofficial members. Now, in 1887, the Council was to be presided over by the Governor (who had neither an original nor a casting vote), and it consisted of only six official members and fourteen elected members. Although the Governor had the power of veto, this constitution was a great step forward towards full responsible government.

Of the 14 elected members, ten were to be returned from ten single member constituencies, while four were to be elected by special electors and chosen from four specific classes, namely: ecclesiastical persons; holders of titles of nobility and persons with a yearly income of £150 from immovable property; graduates of the University of Malta; members of the Borsa di Commercio.

The number of ecclesiastics sitting on the Council elected by the general electors was limited to two, but another ecclesiastic was included among the special members. A general elector had to be of the age of 21, a British subject, and was either qualified to serve as a juror, or paid £6 a year as rent for immovable property or received £6 from such property. A special elector, who could also be a general elector, had, besides, to possess immovable property in Malta yielding a clear yearly income of £60, or to pay £60 a year as rent for such property.

The qualifications for a member of the Council elected by the general electors were registration as a general elector, and either the possession of immovable property in Malta of the clear value of £100 or the payment of £10 rent a year, or of £40 a year for board and lodging, or of £10 for lodging only. Holders of any office of emolument under the Crown or under the Government of Malta were ineligible.

The Executive Council was made to consist of: the Military Officer in command of the Forces, not being in the administration of the Government; the Chief Secretary; the Crown Advocate; four public officers; not less than three of the Elected Members (styled Unofficial Members of the Executive Council and paid £300 p.a.).

The first general election was held in February-March 1888. The issue was clear: Mizzi or Savona. The *Partito Nazionale* swept the boards, electing its fourteen candidates and eliminating all opposition

from Savona's party. It was a great triumph for Mizzi, remarkable for the fact that the Reform Party was led to defeat by Savona himself. As for Governor Simmons, it is unlikely that he offered Savona his condolences.