

SIR ADRIAN DINGLI

(By J.M. Ganado, B.A., and J. A. Micallef — with reproductions from notes kindly forwarded by Major Adrian Dingli, M.A., LL.D., O.B.E.)

“...there is real life in a nation, when the people are proud of their fatherland; there is life in a profession when the members are proud of it and what can better instill that sense of love, not unmingled with pride, than the knowledge of the annals of one’s land, the knowledge of the greatness of one’s forefathers or predecessors? And doubtless, how can one feel proud of them without knowing them?”

(Excerpt from Presidential Report, 1944)

A GREAT jurist and a great statesman — that is what the name of Sir Adrian Dingli denotes and, in fact, a close examination of his life will most certainly unfold the mystery of real greatness. It is true that he is one of the most “well-known” luminaries of Malta’s past; but the knowledge of most of us — of the Maltese gentleman at large, of the sons of that Malta which he loved with an ardent devotion, it is sad to say, does not amount to much, perhaps not more than the vague notion that he was the author of the bulk of our civil laws. And, therefore it is to be hoped that this short biography will appeal to the hearts of the real Maltese, since it tends to record at least some of the effects wrought by Time’s destructive might. His life sheds strong light on an entire period of our island’s history. At one time he was the motive power of his country’s destinies, the wielding force which joined together the interests of Malta and those of the Empire and, when perhaps the oceans swelled (since Nature ordains that at times it must be so), he led the ship — it may be called *his* ship — safely into harbour. His acts, actuated by profound love of country and by unbounded loyalty to his King proclaim a really life-long devotion; his was a life of such disinterested service to his land, that we can proudly stand up before all the world and say : “this was a Man”.

Born in Gozo in 1817 he had completed the elementary part of his education by taking his degree in law by the time he was 19. “After that”, as he used to tell his son, “ I began to study in earnest with a full realization of my deficiencies”. He spent six years in Europe, during which time he attended at most of the great Italian seats of learning (particularly Rome and Bologna). Bonn, and Heidelberg, the Sorbonne and finally Oxford for the purpose in this case of historical research. He had a seat in the Chambers of an eminent Chancery lawyer. His diary of life in England is of much interest. As he was a fine horseman, his chief out-door amusement was in the hunting field; and apart from his horsemanship, he was a skilful fencer.

He was a really accomplished linguist. Italian was naturally his best, but there was little to choose between that and his English (very pure and Johnsonian) and his French. He was fluent and accurate in German and could hold his own in Spanish. His Latin was first class with a wonderful range of the classical and early post-classical writers; his Greek was sufficient at any rate for philosophical works. His knowledge of Hebrew and Arabic was not negligible. The immense stress which he laid upon languages was exemplified by the home weekly routine which he rigourously enforced. On two days a week everyone had to speak English only, on two others Italian. One day was French, one German and the seventh unallocated was usually English or Italian.

The knowledge of many foreign languages was obviously of great help to him in his prolonged and extensive studies in the best Universities of Europe. In 1842 he returned to Malta and started practising at the Bar and after a few years of intense work he succeeded in acquiring a substantial practice. In 1849 he was elected a member of the first Council of Government functioning under the 1849 Constitution. He, together with Mr. Lushington the then Secretary to Government drafted the Permanent Rules for the conduct of the Council's activities and his opinion was in many instances acted upon, since, as a lawyer, he was furnished with the necessary legal training which renders golden service to one who wishes to discuss or to amend a law. In fact, he figured very actively in the discussions relating to the enactment of the Criminal Code of 1854 and of the Laws of Organisation and Civil Procedure of the same year — laws which in the main still subsist.

On the 1st of January, 1854, on the elevation to the Bench of Dr. Antonio Micallef, the then Crown Advocate (now styled Attorney-General). Dr. Adrian Dingli was appointed Crown Advocate. In a letter to the Secretary of State, Sir William Reid, the then Governor of Malta, who was personally acquainted with Dr. Adrian Dingli, stated: "The ability he has shown in the Council as well as his character as a lawyer makes me think him the fittest person to recommend as Crown Advocate". On the same date Dr. Dingli's Father, Sir Paolo Dingli, was appointed President of the Court of Appeal. This was indeed a family triumph, but apart from that, it was a triumph for Malta, because Dr. Dingli's appointment as Crown Advocate marked the beginning of a grand official career and made possible the things that were to be i.e. the reorganization of our entire civil law system, forged on Roman Law and the Code Napoleon but at the same time reproducing our ancient laws and customs, thus respecting our national sentiments—a legal system which is entirely and essentially our own and of which everyone must needs be proud. "For that important office he possessed all the needful qualification to a remarkable extent. His legal erudition, his stringent dialectic skill and his remarkable tact and prudence all contributed to make him worthy of his illustrious predecessor (Sir Antonio Micallef)" (1)

On his appointment as Crown Advocate he immediately braced himself to carry the modernization of the Maltese laws, which then consisted mainly of the Municipal Code promulgated in 1784. In 1856 formed a complete Civil code. In its general structure it closely followed its prototype the Code Napoleon; but even a cursory examination reveals that there is constantly an original mind at work. Apart from the several titles and innumerable articles which have no counterpart in the French Code, the law presents a solution to many of the heated controversies which arose after the promulgation of the French code thus eliminating many doubts. In 1856, when he was about to start the colossal task he had voluntarily and freely set himself to perform, he was created Companion of the Most Distinguished Order of St. Michael and St. George.

His view was that Roman Law broadly taken was the most secure foundation. He was a profound student of that system. He had early absorbed the techniques of Savigny in the original German and during his long attendances at the Universities of Bologna and Rome he acquired a critical research method, which led him all through to work up to the original Roman source principles apparently grafted from "barbarian" sources on the mediaeval common law. Essentially a Romanist and a civilian he had little sympathy with the arbitrary distinctions within the body of laws introduced by the common law of Middle Ages, of which

(1) "Daily Malta Chronicle". 26th November. 1900

perhaps the most notable and persistent was the separate of the Laws for Merchants—in other words, Commercial Law. This was not the popular view in days when Codes of Commerce were springing up everywhere throughout Europe. Now for the first time a Code of Commerce has recently been abolished in Europe i.e. the 1942 suppression in Italy of the Codice di Commercio and the re-allocation of such provisions as were worth retaining to the new Codice Civile. The laws attributable to maritime matters which are clearly of specific and circumscribed application have, however been concentrated in a separate Code called Codice di Navigazione.

His views on Maltese law are well-known. There could be no question of any break with tradition in our case in the sphere of civil law. We have constantly followed the development of Continental Europe and as Judge DeBono says the study of the history of our legislation is important “perche se non in ogni altro ramo dello scibile, in legislazione e’ pernicioso rigettare le tradizioni”⁽²⁾ - The exception possible has been in regard to criminal law which in its Anglo-Saxon originality of treatment has no boundaries and sets up a new order for the world at large.

During Rejd’s Governorship a Judgeship was offered to him, but he declined to accept it because notwithstanding that the position of a Judge was essentially higher than that of a Crown Advocate, he considered that there was no post in the whole public service more influential than that of Crown Advocate; in fact during his long tenure of the office of Crown Advocate he was the “de facto” Governor of Malta. “Per molti anni, come Avvocato della Corona, fu un governatore di fatto di queste isole e l’arbitro onnipotente degli affari civili politici di questa popolazione”⁽³⁾.

He was naturally not exempt from a factor which unavoidably attends man’s course in life under the shape of insistent criticism kindled by those who were adverse to his policy. The presence of this element of criticism can be easily perceived in the following extract from “La Gazzetta di Malta:” “Certamente la sua politica lascio molto da desiderare, certamente le sue idee non sempre incontrarono la generale approvazione; spesso ancora la sua amministrazione fu causa di agitazioni, di conflitti e di lotte, ne senza dubbio ando scevro dei difetti di tutti quelli che concentrano in se tutta la soma dei poteri, poiche dove sta l’arbitro, non possono evitarsi sempre le ingiustizie”⁽⁴⁾. But as a set-off to this decided attack on his policy—an attack charged, at least it appears, with unjustified severity—a note of encomium immediately follows : “Questo pero si puo dire in suo onore e in giustificazione della sua politica che in 30 anni che governo queste isole, egli seppe con mano ferma contenere entro I giusti limiti le pretensioni del Militarismo e dell’Imperialismo, non permettando mai che eccedessero tanto da urtare I sentimenti nazionali del popolo..”⁽⁵⁾.

During the administration of Sir Gaspard le Merchant he was entrusted to take charge of the negotiations then under way with the Imperial Government for the extension of the Grand Harbour and was asked by the Admiralty to effect in its name the purchase of the property in French Creek. During this period in 1859 the Companionage in the Most Honourable Order of

(2) De Bono—“Storia della legislazione in Malta”

(3) “La Gazzetta di Malta”, 27th November, 1900

(4) Ibid.

(5) Ibid

the Bath was conferred upon him and, later, before hardly a year had elapsed, he was created Knight commander of the Most had elapsed, he was created Knight commander of the Most Distinguished Order of St. Michael and St. George. This profusion of honours decidedly reveals the confidence reposed in Sir Adrian by the "Fountain of Honour", naturally, not unaccompanied by the friendship of the "fountain" of honours; but it also shows that everyone who came in touch with him was impressed by the magnitude of his energy and of his intellectual attainments.

An anecdote typifying his quiet insistence on his views is based on all occurrence during Sir Adrian's tenure of the post of Crown Advocate. Some Governor, freshly appointed, a gentleman rather of the "Colonel Blimp" type, had lost patience over some local development and had announced to Sir Adrian his intention of recommending the reorganization of the Police. "I suppose that will mean that I will have to keep my eye on this head of the Police", Sir Adrian said, "Not a bit of it", retorted the Governor, "I'll do that myself." "that will make it most awkward for me", Sir Adrian commented, as I shall have to keep an eye on you", at which both burst out laughing. The proposal was never heard of again.

As Malta's Crown Advocate he did not only thoroughly perform the ordinary duties of the Legal Adviser to the Government, but he also directed his attention to the general administration of the Island. He was the leading figure in the Council of Government—demonstrating a titanic energy and ability, especially when the opposing team happened to be formidable, led, as it was, by men like Dr. Sciortino, Dr. Pullicino and Dr. Torreggiani. Besides all this, he showed himself equally prepared to put his energies to fruition far away from his island's shores. For instance in 1862 the Secretary of State directed that an Ordinance on Extradition be enacted in Malta. "Dingli drew up the draft on which the Council of Government expressed a favourable opinion, and, proceeding to England, where he discussed the Ordinance in great detail with both the Colonial and the Foreign Offices, won the golden opinion of Her Majesty's Ministers who asked him to go to Turin and get in touch with the Italian Government. Even there Dingli was at his best and the draft Ordinance was approved by King Victor Emmanuel's Ministers who even consulted him about their own difficulties." (6) The Commenda dei Santi Maurizio e Lazzaro was offered to him but his acceptance of it was disallowed by the British Government, since it was thought that an exception could not be made to certain long-established regulations. In 1868 his K.C.M.G. was turned in a G.C.M.G

The favourable opinion which Sir Adrian had created at the Foreign and Colonial Offices gave another proof of its reality and extent in June, 1878, when on the British occupation of Cyprus Sir Adrian was appointed legal adviser to the new Commissioner, Sir Garned (later Viscount) Wolsely. His duties, however, were far more important and onerous than those of an ordinary legal adviser, because he had to lay the foundations to a new legal and judicial system. In July, 1880, he was invited by the imperial government to form part of a Board of Arbitration composed of the representatives of the British, Italian and French Governments and of the Bey of Tunis, in order to adjudge upon a question which had arisen between the Bey of Tunis and a Tunisian subject on the other. The President of the Municipality of Tunis and the President of the Commercial Court represented the Bey; Judge comm..V. della chiesa, the Italian Government; Judge M. Comze, the French Government; and Sir Adrian, the

(6) Laferla — "British Malta"

British Government. It seems that Sir Adrian's reputation had preceded him, because he was appointed President of the Court on the suggestion of the Italian and French representatives. Four years later he was again asked by the Imperial Government to represent Great Britain in the Board of Arbitration constituted in order to decide two questions between France, Great Britain and the Bey of Tunis. In both cases judgment was drafted by Sir Justice and President of the Court of Appeal. The title of Chief Justice was given to him as a special privilege because all his Maltese predecessors had been only styled as President of the Court of Appeal. His new title naturally affected his place in the scale of precedence, because as Chief Justice he had precedence over the members of the Executive Council. A special salary was also given to him in view of his outstanding merits.

On his elevation to the Bench new opportunities were afforded to Sir Adrian to make use of his profound legal knowledge; he had to interpret and apply that law which was the product of long years of hard work : in fact a new career was opened to him. As is well-known, during his term of office he enriched our Jurisprudence with many elaborate decisions and actually many of his judgements are still of the greatest importance today. There are hdimberies decisions, some of which are the cardinal points of our case law, which demonstrate his intellectual faculties and his vast legal erudition; besides a meticulous care as to their form, they manifest extreme intellectual penetration both in the doctrinal field and in that other wide held of practical thought i.e. in the repression of the deceitful and the unjust. It is true that since he was in appellate court, some of the judgments which are often quoted nowadays might well have been written by his brother Judges; in fact some of his colleagues in the Court of Appeal likewise bear a name worthy of the greatest veneration; but, no doubt, his opinion, if not his pen, must certainly have influenced all the pronouncements of the Court.

In spite of his manifold duties as a member of the Bench, he accepted the post of Vice-President of the Council of government and, as the Marquis of Ripon noted, Sir Adrian was definitely the best person to choose for a Vice-President of the Council. For over 30 years he had been a member of the Council of Government, at first as the representative of Gozo and later on in his official capacity of Crown Advocate. In fact as Vice-President of the Council he earned universal applause for the sureness and wisdom demonstrated in resolving questions of procedure which at times arose.

Excepting for his legal activities his greatest intellectual interests were undoubtedly history and philosophy. His historical knowledge was immense. Within the framework of a general knowledge the periods he seemed to prefer were that between the years 750 and 1150, the most obscure and yet the most rewarding in the analytical research for caused; the period of the Rinascimento, with its parallerism between classical, scientific and artistic culture, and more narrowly that part of European history found him at a loss; in fact he was once heard contributing ex tempore in a discussion on the influence of Troubadour poetry on Dante, Petrarca and Chaucer; and on one notable occasion six months before his death on the influence of early Christian teaching and of the Gospel on the framing of the Koran. His memory was really fantastic.

His attitude to art is also worth the mention. His taste in pictures gravitated to the late sixteenth and seventeenth century; he liked authors like Reni. Solimene. Caracci. He disliked

Holbe'n and was indifferent to Rembrandt and Rubens. He was an admirer of the 18th century English portrait painters, particularly Romney. In music, to which he was devoted, his taste was static in Donizetti and the earlier Verdi up to "Aida". In poetry he was more Catholic in his selections. He knew much of Dante by heart and could quote from memory extensively from Shakespeare and Milton, while at the same time he kept quite well abreast with widely different authors like Browning and Swinburne.

To understand his philosophic appreciation of a cardinal event such as the great French Revolution it is necessary to know the boundaries of his mental make-up. His philosophy was Aristotelian with such concessions to the Platonic as had enabled him to reach conviction in the correctness of the foundation for the scholastic system inaugurated by St. Thomas often through the guidance of those remarkable converted Jewish philosophers and eventually influenced by the Saracen Averroes, and his school, whose contribution to the philosophic transition from pure Aristotelian paganism to its Christian adaptation was so notable. With regard to the three great expressions which precede the French revolution his views may be summarized thus: he disliked the cynical and barren anti-clericalism of Voltaire, despised the platonic and valueless abstractions of Rousseau; he was, however, by temperament and his own intellectual industry favourably disposed and, in fact, influenced by the Enevelopedist methods of Diderot and 'Alembert, while completely rejecting the avowedly atheistical doctrine of the school.

When added to all this his devoted Catholicism, with his essentially realistic mind which rejected such misleading and specious formulae as "Liberty, Equality, Fraternity", and his views on the Revolution, became defined. He, a monarchist, aristocratic by conviction, fundamentally just and detesting oppression in any form intransigent in his religion regarded the movement as inescapably necessary, while abhorring and condemning its course. These were not popular views in the early part of his life, at any rate for a man "of the right" to use modern jargon (itself derived from the worst developments of that self-same revolution). None the less, contemporary historical analysis has justified their theoretical correctness. He possessed, perhaps to excess, the rare trait of a complete superiority "complex", which meant that he was at ease and natural in the company of anyone from the highest to the lowest; he was slow to take umbrage, willing to condone, incapable of rancor, quiet in manner, decisive but not over-assertive in expressing opinion. He treated the smallest people with precisely the same courtesy and consideration as the greatest. His intellectual make-up was that of a man of the Right in the best sense of that description. Conservative, traditionalist, religious, anti-socialist yet a realist and quick to defend the weak.

For a strong monarchist and traditionalist he had one queer characteristic: he disliked hereditary titles, in which connection an anecdote is worth repeating. A royal Personage (probably the Duke of Cambridge). Who had for years an affection for him, took steps to recommend him for the grant of a baronetcy, which as is well-known, is a hereditary title. After doing this he informed Sir Adrian, who it seems was indignant that this should have been done without consulting him, and was so determined in his opposition that the recommendation was withdrawn. His real reason was his dislike of the hereditary title principle, although he pressed as a reason that he could not afford the £800 or so which was the fee payable to the Herald's College in present of the Grant. Lady Dingli was extremely disappointed, but he made a joke of the whole matter to one of his most confidential friends: "Di baroni ne abbiamo parecchi I baroncini non ci mancano; aggiungerci I baronetti!—via, Malta non so lo merita."

The year 1894 marked the close of his career; old age had already for some time been nibbling at his forcible energy and he therefore asked for leave to retire. After over 50 years of hard work—as a barrister, as Crown Advocate and finally as Chief Justice—he had rendered much more than the land of his birth had the right to demand. As is clearly evidenced by facts, he did not limit his attention merely to the duties of his office, but he likewise directed his dynamic energy to other problems which affected his island's welfare. Emigrant was one of the questions which constantly attracted his notice and he went abroad on several occasions in order to arrange some emigration schemes. Even after his retirement he did not permit himself an untainted ease, but he strove to find a logical and a fair solution to the foreign marriages questions, which have been debated over and over again, adjudged upon in a dozen different senses and still remain unsolved up to the present day. His supervening death cut short all his attempts to arrive at a conclusion or, at any rate, as far as is known, to make any suggestion. In the small hours of the morning of the 25th November, 1900 the flame which had sparkled so much was peacefully spent away. The funeral took place on the 27th November at 3.30 p.m. at the Addolorata Cemetery. His Honour Sir Joseph Carbone, Sir Gerald (later Lord) Strickland, Dr. Alfredo Naudi, Judge Luigi Ganado, Judge Baron Alessandro Chappelle and Mr. Fredrick Mamo acted as Pall Bearers.

Some time after the death of the great patriot, whose life has been briefly recorded, a bronze statue was erected in the Maglio Gardens at Floriana. The statue was unveiled by King Edward VII on the 15th April, 1907. it is a lasting tribute offered by the sons of that nation which had admiringly witnessed him from his early days passing through the various stages of life always with one sole generous object in view. "Some of us live for pleasure, some for work. Some for mere sentiment. But those who succeeded in making some mark on the history of their country are those who have lived to do their duty. And that is what Sir Adrian Dingli lived for." ⁽⁷⁾

(7) Speech delivered by Sir Gerald Strickland in the Council of Government in Sitting No. 6. on the 28th November, 1900.