

JUDGE LUIGI GANADO

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LIFE is a great and noble calling, demanding hard and strenuous labour with an austere regularity to the duties that are to be performed. The life of Judge Luigi Ganado shows that success in a vocation is achieved through force of will and undeterred effort. Fame and honour in his profession did not come to him by any accident of birth or fortune but rather because he possessed the precious attributes of sagacity, diligence and clearness of vision. Through zeal and constant observation he acquired a deep knowledge of mankind; he knew, loved and understood humanity : indeed, he was devoted to the welfare of one and all. His work at the Bar and on the Bench is in full accord with Cardinal Newman's precept that "we are not born for ourselves but for our kind, for our neighbours, for our country ; it is but selfishness, indolence, a perverse fastidiousness, an unmanliness and no virtue or praise to bury our talent in a napkin."

Many of the men from whom great movements spring appear to have fuller understanding of the world's life than other men. They are responsible for the development achieved in various fields of activity; through them come those ideas which are force in the shaping of character, inspiring and guiding men in the ordinary walks of life.

Judge Ganado's insight in all that is human, his clear judgment independent character and high principles for which he was ever distinguished, elevate the subject of our biography to the rank of those of whom Professor Bradley said "the quality of genius or inspiration or insight of our great men are indeed the main factors in the progress of a nation." The lives of such men were compared by a writer of great repute to "un fulgido astro che decore pei reidnti campi eterei, lascia di se lunga luminosa traccia. Tale e il passaggio dei Giusti, dei Grandi di mente e di cuore".

On the 21st June, 1833, Luigi Ganado was born in the city of Valletta. When still very young, he was sent to school and a few years later he joined the Lyceum where he completed his secondary education. He showed great proficiency in his studies. The intensely religious atmosphere in which he was brought up helped in the moulding of his character and exercised a strong influence all through his life. A writer at the time of his death described him in such terms : "Era poi religiosissimo... scevro di orgoglio. Egli non si vergognava di confondersi col popolino innanzi al Giudice del cielo e della terra, manifestandosi sincero Cattolico, figlio devoto della Chiesa".

He cherished the Church as much as he cherished the State : he thought of the Church as being the soul of the State. He believed that the attainment of the ends of Government depended upon Religion, as he was convinced that real cohesion in a nation corresponded with the religious sentiment of the Community, of which the State is but the political manifestation. He was devotedly attached to the Church. In his early youth he had decided to lead the clerical life and he had already started to wear the priestly habit. He was guided in his study of Philosophy and Literature by the most learned Prelates of the day, amongst whom Professor Canon Cap. Salvatore Cumbo, *Chierico* Luigi Ganado, seldom away from his books, distinguished himself in discussions on literary and philosophical subjects. Although he had as yet been following a course which he later abandoned and was not answering the call which Destiny had in store for him, the deep Catholic education and

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profoundly religious teaching imparted to him both at home and at school were to him throughout his career a steadfast light in the midst of the doubts and difficulties of life.

He read extensively on a very wide range of subjects. He loved the superior poetic style of the graceful, melodious and pathetic Virgil. The works of Cicero appealed to his sense of oratory. He excelled in Italian Literature; the vivid conception and imposing structure of Dante's "Divina Commedia" were a light and a source of inspiration to him. He paid much attention to and attained considerable proficiency in the literature of the *Risorgimento* and particularly in Manzoni's works. Latin was also his "forte" and he could freely take part in discussions in that language; although, he was, naturally, at his best in Latin and Italian, he was also accurate in English.

He graduated in Law "cum laude" in 1856 and was the first Student in his Course. His conduct at the University was exemplary; his temperament was as sweet as his manners were winning. His great love for the study of law, first noted in his brilliant University career, continued throughout his life. As years brought him experience, his wide knowledge of matters juridical broadened and deepened. He had a predisposition towards Science of law, that branch which, as Carmignani holds, "e il tronco dal quale sorge ogni ramo del diritto Civile. Essa forma la piu sublime parte del diritto e ben puo dirsi la Scienza genealogica delle leggi civili e il gran peristilio del loro tempio, la loro grammatica generale." He abided by the maxim "senza il diritto filosofico la scienza legale e un corpo senza anima, un edificio di cui non si conoscono ne i fondamenti ne la vera architetur".

His practice at the Bar grew rapidly and in a short time he had already acquired a reputation as a very learned advocate. "He had a quick penetrating mind and he would see straight through the intricacies and entanglements and obscurities of most questions better than most men. And he had a ready tongue and a command of language... which enabled him to put before others even knotty matters in as clear a light as they presented themselves to himself". (Malta Chronicle—25th October, 1902)

The barrister,, indeed, may be, and ought to be a powerful instrument for the administration of Justice as between man and man or Crown and prisoner. His duties are clearly put by Lord Herschell in his address to the Glasgow Juridical Society on December, 17, 1889 : "To penetrate the inmost recesses of the human mind and find there the sources of man's actions, to reveal their true motives, to tear the mask from the seemingly fair exterior and exhibit the real nature which lies behind—these are the duties of the advocate. He must discharge them fearlessly and faithfully."

Within a few years after Luigi Ganado had left the "Alma Mater", he acquired a substantial practice and when he was chosen to occupy a seat on the Bench, he was one of the most eminent members of the Bar. Deep into the small hours of the morning Dr. Ganado would still be in his study drafting pleadings, for his practice was remarkable not only for its volume but also for the fact that he was briefed in many cases of outstanding magnitude and importance. "Il Dottor Ganado ha trattato e discusso molte cause di importanza e di vitale interesse nelle quali si e sempre distinto e fatto onore per la acutezza del suo ingegno". (Portafoglio Maltese—4th November, 1886).

He performed his duties honourably and with great ability. He was indeed worthy of his profession, that profession which as D' Aguesseau said "Is an ancient as the Magistrate and as necessary as Justice". He loved it and was proud of it, and had a high idea of the

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responsibilities which it entailed. He studied with equal care all the causes for which he was briefed, the sensational and the unimportant alike. He had a very realistic mind and perhaps his strongest point was that he always clearly grasped the essential facts in his case which in itself amounted almost to the solution of the difficulties; and as the Right Honourable the Earl of Birkenhead says : "The man who has learned this lesson has mastered one of the elementary secrets of advocacy."

No doubt, "speeches, debates and pleadings like the manna that fed the children of Israel in the wilderness lose their savour and power of nutrition on the second day". Yet, after all it is to his contribution in the educational reforms and to his judgments that Luigi Ganado owes his reputation. Public appreciation marked him out for a judgeship. All the local papers existing at that time commented favourably on the appointment. *La Voce di Malta* on the 6th November, 1886 described Dr. Ganado as "un ottimo giureconsulto, integerrimo avvocato, l'uomo probo cui nessuna ambizione o vaghezza di dissipamento indusse mai a preterire il minimo dovere annesso alla delicata sua professione". *Il Risorgimento*, at that time one of the leading papers, remarked that "la nomina del nuovo giudice in persone dell'egregio Dottor Luigi Ganado, ha incontrato l'approvazione generale per la scelta dell'ottimo Avvocato che sta per occupare l'importante carica." The Governor of Malta, Sir Lintorn Simmons in his despatch to the Secretary of State of the 30th June, 1887 commented that "the appointment of the successor (Judge Ganado) to Judge Pullicino met with very general, in fact I may almost say, universal approval".

In 1869, he married Carmela Gatt, daughter of Major W, Gatt, R.M.F.A., and it can well be seen from the respect and love towards his wife and his family that he fully subscribed to Mazzini's ideal that "marriage is sacred because it is one of the most potent means of accomplishing life's mission. It gives the almost superhuman strength that comes of love, the supreme comfort that makes sacrifice a joy, the dew that tempers the scorching heat upon the flower. "

Dr. Luigi Ganado was of a quiet and unassuming disposition. He was gentle and affectionate, a friend and counsellor to those who knew him, always ready to uphold the rights of those who sought his advice.

On his elevation to the Bench, he presided for a while over the Civil Court, where his deep knowledge of civil law and civil matters manifested itself to all those who attended his Court. In 1888 Judge Ganado was appointed to act as Judge in His Majesty's Commercial Court, apart from his duties in the Civil Court, whilst the Judge of the Commercial Court had taken leave of absence for almost one whole forensic year. His untiring energy was put to test in the summer of 1888 (according to law the Courts, in, summer, are in a period of vacation) when he had to hold regular sittings every week in order that judgment upon long-delayed cases might be pronounced. A year later he was appointed ordinary Judge of the Commercial Court.

In his judgments we perceive profound judicial wisdom together with practical common sense : they manifest his extreme intellectual penetration in the wide field of practical thought for which he acquired the respect and confidence of the whole commercial community. Among the most important of his decisions we find several that refer to controversies on entail and

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moot points on the right of preference in emphyteusis. An elaborate judgment in the case “Testaferrata Bonnici utrinque” referring to primogenitures is worthy of mention.

The Board of Examiners in the Faculty of Laws at the University of Malta was at the time composed of only three members and in 1881 Dr. Luigi Ganado was one of them. He took a deep interest in the matter of education. The state of Public Instruction was deplorable. The Governor in 1887 appointed, a Commission for the purpose of revising the system on which the Examinations at the University were held. On the Commission's recommendation, a Senate consisting of four members to be elected by the various Faculties and six to be nominated by the Governor was appointed with the power, subject to the Governor's approval, to alter or amend existing statutes and to recommend candidates for appointment in the Professorial staff(1). In December, 1888, the Governor appointed a Committee of which Judge L. Ganado was a member to report upon the question relating to the constitution of the University of Malta as autonomous within certain limits. The Committee in its Report recommended that “the University should be granted a Charter which assigns the control of it to the Senate subject only to the Governor. The Government was to contribute Lm3500 a year for ten years and all fees were to be remitted to the Treasury and placed to the credit of the Senate but all accounts were to be submitted for Government Audit”. Some of these recommendations were embodied in Ord. XIII of 1889. Prior to the enactment of this Ordinance the Governor forwarded to Judge Ganado the Draft Charter of the University prepared by Sir Walter Hely Hutchinson and asked him to favour him with any remarks he desired to offer on the subject (2).

During his last ten years of service on the Bench Judge L. Ganado presided over His Majesty's Civil Court, Second Hall, where in the words of one of his friends. “egli adoperava la sua veramente paterna e assennata autarita”. He regularly served on the Criminal Court when it was composed of three Judges and from 1892 to 1895 he served as the ordinary Judge in that Court, and in that capacity he presided over many well-known criminal trials (3). In his addresses to the Jury he was concise and impartial. He was at times considered as being rather severe; but his perspicacity and clear insight into the intricacies of life, coupled with a somewhat stern disposition, prevented him from dealing lightly, or leniently, with matters that came within his purview; but, his sense of justice, intransigent though it was, was a potent factor in enhancing the respect of the Bar and the public in general. A writer once stated : “La fiducia tetragona che si aveva nel Dottar Ganado avvocato... gli fu mantenuta inalterata allorche di poi gli venne affidata la importante carica di Giudice. O che, infatti, il Giudice Ganado presiedesse nell'Aula Criminale... il pubblico, o interessato o meramente spettatore, ne rimneva fo_remente compreso da una

(1) The six members of the Senate appointed by the Governor to sit on the first Council were: Judge L. Ganado Esq., LL.D., The Rev. V. Hornyold S.J., Rt. Rev. Mons. Canon P. Pullicino D.D., G. C. Schinas Esq., LL.D., Salvatore Souchett Esq., LL.D., The Rev. J. M. Sutton B.A., R.N.

(2) Letter dated the 12th March, 1889.

(3) Some of the most noteworthy cases were Regina v. Giuseppe Vella, Regina v. Maria Schembri, Regina v. Antonio Micallef.

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rassicurante tranquillita di animo. E precisamente questo intimo sentimento di incrollabile fiducia nel Giudicante che e sicuramente il risultato di molte doti ben temperate fra loro, e quello che a ben conto meglio riveli il buon Giudice.”

Judge Luigi Ganado was at the zenith of his career when in 1892 he was chosen to sit in His Majesty's Court of Appeal. Some of the judgments delivered by that Court at the time are still quoted nowadays, and, although in an appellate Court it can never be stated with certainty who the author of the judgment was, the constant references to the Roman Law and to the early legal interpreters of the “*ius commune*”, the pointed turn of early legal sentences and the phraseology in general—reminiscent of his earlier pronouncements—unmistakeably mark out the man that had penned them.

Worth of mention is the happy coincidence that Judge Ganado was an Appeal Judge together with Sir Salvatore Naudi in whose chambers he had practised thirty-five years earlier.

Soon after the dawn of the century Judge Ganado went on sick leave for several months. His life had been a whole mass of labour and self-sacrifice—always undiminished, as the years rolled by : as a barrister he kept alive within him the interest of all those who sought his counsel ; as a Judge, his task was more difficult since it consisted in an unbiassed search for Truth which is generally enveloped in the Unknown—a search that knew no moment of respite. Nevertheless there was always a human heart at the back of his toil and above all, an unquenchable faith in the Providence of his Creator.

When, a few months later, he resumed his duties, Advocates, solicitors and the general public gathered in the Court where Judge Ganado presided and through Dr. Oreste Grech Mifsud, the then President of the Chamber of Advocates, they conveyed their sense of rejoicing in having him in their midst and offered their sincere wishes for his good health. The *Malta* commented on such an unusual manifestation of respect in the following terms : “Sono queste delle piccole cortesie di semplice convenienza, che pero per la spontaneita onde provengono o per la rara frequenza di cui la austerita dell ambiente ne possa consentire, prendono un significato speciale che agevolmente e compreso da ognuno”.

The good wishes of the members of the Bar were however short-lived. Judge Ganado's health kept growing weaker and he went on retirement the subsequent year—for he knew that the time had come when he had to “lower sails and gather in his ropes”. During the last months of his life, an Address was drawn up by the Chamber of Advocates in the following terms :

“Illustrissimo Signor Giudice,

Dal momento che Voi per migliorare la Vostra salute, determinaste di ritirarvi dalle fatiche del Banco Giudiziario, se tutti noi abbiamo avuto un conforto nella speranza di tale miglioramento, perche per la vostra salute trepida ogni cuore, abbiamo pero sentito un forte dolore al pensare e di dovervi perdere.

A tutti noi rimarranno per tutta la vita scolpite nella memoria le vostre virtu, il vostro delicato e nello stessa tempo forte sentire, la vostra indipendenza di carattere, e tutta cio che vale a rendere il Giudice un vero ornamento del Foro.

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Il Signore vi dia il beneficio di godere per lunghi anni quel riposo che voi tanta degnamente meritate.”

After a short interval, Death came upon him on the 21st April, 1903. The Great Leveller was impotent to erase the traces left by Judge Ganado's career which has left behind it a name that Posterity will cherish and that Time itself will guard.

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“For my own part I believe that the independence of the judges is by far the most important guarantee of the liberty of the subject that can possibly be devised, and that the moment you allow the judges to be at the mercy of the political power, you are destroying the great guarantee of the freedom of the people. —

Viscount CECIL OF CHELWOOD.