

SIR MICHELANGELO REFALO *

(By HUGH W. HARDING, B.A., L.P.)

*"The life of a great advocate
is a social document"* —

Walker-Smith.

"THE little Island of Gozo sends us the sweetest flowers and the finest fruit but we also get from there the best brains and the best personalities" (1). Thus spoke the Most Noble Count Dr. A. Caruana Gatto at a dinner held at the Casino Maltese to celebrate the conferment of the honour of Knighthood on Sir Michelangelo Refalo.

Born, like one of his eminent predecessors, Sir Adrian Dingli, in Gozo on the 1st March, 1876, Michelangelo Refalo, son of Vincenzo, a Notary Public by profession, and of Agatha née Cachia, passed the first years of his life in the bosom of a family where the proper education of the children was a paramount duty. At the age of 12, his father sent him to the Archiepiscopal Seminary of that Island, where he was educated under the direction of those experienced and unrivalled teachers, —the Jesuit Fathers. From early childhood he showed exceptional brilliance, and a Jesuit Father predicted his meteoric career. In 1891,—still at a very early age—he matriculated for the Malta University, obtaining his degree of B.A. in 1894 and graduating in law in 1898. Called to the Bar one year later, he soon gave the most luminous evidence not only of that extraordinary intelligence which he had revealed from early boyhood, but also of his first-rate legal attainments which brought him to the forefront of his profession at a very young age and at a time when not a few "stars" shone brightly in our legal firmament, which comprised men who would have done credit to any Bench or Bar in the world (2). After a few years in the exercise of his profession, under the guidance of Professor

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(1) Malta Chronicle, 31st January, 1921.

(2) Malta Chronicle, 21st December, 1923.

Benoit Ullo Xuereb,—one of the most eminent barristers our Island has produced—he soon became the leading commercial lawyer of his time (1). He was also one of the foremost barristers pleading in the Criminal Court, where later on he was to distinguish himself as judge. Yet recognition of his abilities came rather late from the Government of the time and it seemed as though the confident prediction of Professor Ullo Xuereb that young Refalo would attain the highest posts in the Island was destined to remain unfulfilled. But true worth is bound to forge through in the end; and by force of sheer merit Dr. Refalo scaled the first rung of the administrative ladder and reached the top with meteoric rapidity.

In 1907 he succeeded Professor Dr. Alfred Parnis, on the latter's elevation to the Bench, as Professor of Commercial Law in the Malta University, and not long afterwards, in 1910, he was appointed Assistant Crown Advocate. In 1912 he wrote an account of the Commercial Laws of Malta which was reproduced in a volume published by Messrs. Sweet & Maxwell dealing with the Commercial Laws of the British Possessions and Protectorates. In 1915 he was called upon to undertake the arduous and onerous task of Crown Advocate on the elevation of the late Sir Vincent Frenzo Azopardi to the Chief Justiceship. He thus became also an Official Member of the Council of Government of the time.

In his new capacity Professor Refalo soon made his mark as one of the ablest Crown Advocates Malta has had, even though his predecessors had included such distinguished lawyers as Sir Antonio Micallef and Sir Adrian Dingli. The office of Crown Advocate under the regime of the time was the most important, onerous and complex post under the Government. The Crown Advocate was the Legal Adviser of the Government, both local and Imperial, the head of the Executive next to the Lieutenant Governor, the Chief Magistrate of the Island, the Public Prosecutor and the Official responsible for legislation; and each of these manifold capacities Professor Refalo filled with the greatest credit to himself and with corresponding benefit to the Island (1). The manifold and thorny problems which confronted the Island as the result of the world upheaval of

(1) *Il Popolo di Malta*, 22nd January, 1924.

(1) *Malta Chronicle*, 21st December, 1923.

1914-1918 called forth to the fullest the display of his extraordinary ability and marvellous energy, and both his legal and administrative measures during that critical and fateful period will stand out among the finest tributes to his memory. As Crown Advocate he was responsible in particular for the promulgation of the laws relating to Succession Duties, Entertainment and Stamp Duties.

In 1918 his signal services were rewarded with the Commandership of the Most Excellent Order of the British Empire. In 1919 he was appointed Chairman of the Commission set up to enquire into the causes which gave rise to the disturbances of the 7th June, 1919. Finally, in August of that year, he was appointed to fill the vacancy created by the death of Sir Vincent Frendo Azopardi and thus Professor Refalo became Chief Justice and President of H.M.'s Court of Appeal at the age of 43 years—the youngest Chief Justice in the British Empire. In this manner he became also Vice President of the Council of Government. His Excellency the Governor, referring to Professor Refalo's appointment as Chief Justice, in the Council of Government, after stating that Professor Refalo's advancement had been "thoroughly well earned and deserved by the meritorious and able manner in which he had carried out his duties" and that the administration of justice in the British Empire had never failed, standing, as it did, for integrity, justice and equity, went on to say that the reputation of the British Empire for the high standard of justice was safe in Professor Refalo's hands (1).

During this period Chief Justice Refalo laboured quietly, but none the less efficiently, to obtain our Constitutional liberties, always keeping in mind the fact that he was, above everything, a Maltese who had the welfare of his country at heart. He was also instrumental, together with Sir Augustus Bartolo and the then Lieutenant Governor W.F.C. Robertson, in fostering the erection of a Malta War Memorial after World War I in the form of a children's ward at Zammit Clapp Hospital.

In 1920, he was presented to His Majesty King George V at Buckingham Palace, and he availed himself of that favourable opportunity to submit to His Majesty, in the name of the Maltese people, their feelings of deepest gratitude for the new Constitution promised to them; to which His Majesty replied

(1) Debates, Sitting No. 74, 30th August, 1919.

that his solicitude had always been, and always would be directed towards the prosperity and welfare of these Islands; and he was happy to give, through the grant of a Constitution, a tangible proof of his recognition and appreciation of the loyalty of the Maltese people. His Majesty expressed his confidence that the Maltese would be able to administer their public affairs with that ability and patriotism whereof their history affords outstanding examples (1). During his stay in London he was invited to assist at the hearing of cases in the English Courts of Justice and he sat on the Bench with the English Chief Justice. The following morning some of the leading papers in London appeared with the caption "Two Chief Justices on the Bench."

In 1921, His Majesty set the seal on his brilliant career by the conferment on him of a Knighthood, which, in the words of a leading newspaper, was "a Royal recognition of personal worth and merit" (2). All classes, from the highest to the lowest, rejoiced over the honour bestowed on the Chief Justice. The reason for this was not far to seek; it was in the personal attributes of the man, in his invariably courtesy and amiability to all, in his uprightness, and, above all, in his utter contempt for ostentation and idle display. Indeed, the new Knight Bachelor was a living illustration of a great writer's dictum that "true merit is like a river, the deeper it becomes the less noise it makes."

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Such in brief was Sir Michelangelo Refalo's rapid and brilliant career. A biography, however, would not be complete without a review of those personal qualities and attributes which went to make the man, both in public and in private life.

With regard to his public life, as a young lawyer, his admirable intelligence, his common sense, his great industry and irreproachable honesty soon brought him a numerous and select clientele and marked him out for higher offices.

As a Professor, he gave a fresh and enlightening impulse to legal studies and was idolized by his students.

As Crown Advocate, he soon won the respect and admiration of all those who came in touch with him. He was soon

(1) Malta Chronicle, 4th January, 1921.

(2) Malta Chronicle, 31st January, 1921.

noted for his power of lucid expression both in word and on paper and for the masterly exposition of facts and opinions given by him to the Government and to the Forces. To him problems that worried other people presented no difficulties. He worked in difficult and critical times but he overcame all obstacles in his usual masterly way.

As Vice President of the Council of Government, the speeches he made reflected invariably public opinion. His prudence and moderation served to tone down the feelings of others when these ran high. He directed the discussions with impartiality and with that tact which characterised every action of his (1).

As Chief Justice and President of the Court of Appeal, he revealed all those qualities which go to make the ideal Judge. He exercised his functions with dignity, intelligence and impartiality, earning prestige for himself and for our Tribunals. He possessed deep learning, a firm grasp of legal principles and a capacity beyond the common for apprehending and marshalling complicated facts. The principle he always followed was that the law should govern and not men.

Sir Michelangelo Refalo was endowed in a pre-eminent degree with those sterling qualities of mind and heart which are essential qualities in a man entrusted with the lives and property of citizens (2). No judge was more imbued with the true spirit of justice and fairness which evoked the deepest respect of all litigants. His addresses to the jury in criminal trials were a model of clarity of exposition and fairness.

Sir Michelangelo Refalo had in a high measure that interest in the things that pertain to human life, and that knowledge of the intricate workings of human nature, which, united to a sound knowledge of the Law, constitute the best equipment for judicial office. He was, indeed, to use the words of Lord Hewart, when speaking of a great English judge, "a wise, experienced and humane Judge with a consummate knowledge of human nature and the world."

His vast legal attainments, as revealed in his brilliant judgments, and his deep sense of duty fully deserved the praise of the late Lord (then Count Sir Gerald) Strickland: "There is

(1) *Il Popolo di Malta*, 22nd January, 1924.

(2) *Malta Herald*, 20th December, 1923.

no doubt whatsoever that he did by his personality raise the respect due to the administration of justice in Malta by very many degrees. Without, and it is suitable that I should avoid, any comparisons with the past—I hope I may be allowed to bear testimony to the fact that the administration of justice in Malta for promptitude and efficiency has been raised by Sir Michelangelo Refalo to such a point that it compared, to my mind, favourably with the administration of justice in England and in other places of the Empire” (1).

Like the late Lord Justice Darling Sir Michelangelo Refalo possessed a very pretty wit and a strong sense of humour which revealed his humanity. Like Lord Darling he knew just when to be firm and when to introduce the human touch. Like him he was gifted with that lightning association of ideas that is the basis of *extempore* humour. But his judicial duties never suffered from the fact that he was a born wit. Nor was his humour in the Courts ever irrelevant; one of its most striking features was that it was so extraordinarily *à propos*. Indeed, in Jury cases, his witticisms very often served another useful purpose in addition to that of providing some light relief, which would assist the Jury in keeping their minds on the task; not infrequently they constituted the most effective method of epitomising the point for the benefit of the Jury. His wit was never used to wound. It was rarely laboured, and never unkind. As such it was an asset to him both as Judge and man. What was said of Lord Darling may be very well said of him: “It was his happy fortune to demonstrate day by day to all concerned that in order to be wise it is not necessary to be dull. *Ridentem dicere verum quid vetat?*” (2).

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So far we have considered Sir Michelangelo Refalo's personal qualities in public life. If Sir Michelangelo Refalo achieved greatness in the service of his country, he shone, if possible, even more brightly in private life. He was the true type of Christian in the strict sense of the word—a model husband and father, a sincere and loyal friend, a supporter of the friendless and needy, he possessed that rarest and most valuable of combinations,—a brilliant mind and the kindest of hearts. As the late Sir Augustus Bartolo pointed out in the Legislative Assembly, he was “the true

(1) Legislative Assembly, Sitting of 20th December, 1923.

(2) “Life of Lord Darling”, Walker-Smith, p. 300.

Christian soldier, the devoted husband, the self-sacrificing parent, the faithful friend, the helper of the poor and needy, the champion of Justice, in one word, the model of the Christian citizen" (1).

Sir Michelangelo Refalo displayed no pride in his rapid rise to the highest place in the Judiciary or when honours were conferred upon him. These honours failed to make him giddy as in the case of persons of mediocre calibre and he always remained his old self. To his old clients he remained "the Advocate", to his students "the Professor", to his friends "their loyal friend". To him pride was a stranger.

His versatility revealed itself in the interest which he displayed in literature and art. Many of his friends remember him as a notable 'cello player in an orchestra of talented amateurs. He was a connoisseur of French and Italian operas, knowing practically all the librettos by heart. He himself wrote the libretto of the opera "Frazir", composed by Maestro Paolino Vassallo.

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Unfortunately for Malta, Sir Michelangelo Refalo was not destined to serve his country for long. On the 20th December, 1923, coming like a bolt from the blue, the news spread throughout the Island that Sir Michelangelo Refalo had passed away in the small hours of the morning; the distressing news created the deepest consternation from end to end of the Island. For although it was generally known that Sir Michelangelo Refalo was on sick leave, as the result of what was generally believed to be a slight attack of influenza, very few people knew that he had developed bronchitis and had taken a turn for the worse the day before. At 11 o'clock on the night of Wednesday, 19th December, 1923, his condition became very grave and the last rites of the Church were administered to him and death intervened shortly before 5 o'clock on the following morning.

When on his death bed, not many hours before Providence had decided to set an end to his career, he turned to his medical advisers and asked of them: "Non c'è qualche rimedio estremo?" What problem could he have been faced with of which he would not have found a solution, he must have felt then!

(1) Legislative Assembly, Sitting of the 20th December, 1923.

The death of Sir Michelangelo Refalo was described by all local newspapers as a public calamity and a national loss, a loss which Malta could ill afford at any time but which fell particularly heavily at that juncture when the Island was still in the experimental stages of Self-Government and needed the services of just such men as were endowed with the brilliant qualities that adorned Sir Michelangelo Refalo. The profound feeling of sorrow produced throughout the Island by his death revealed itself in his funeral which was truly a national tribute of homage to the memory of one of Malta's most brilliant and beloved sons and in which the cortege was headed by His Excellency the Governor, attended by the whole of his personal staff (1).

Again, the words of Viscount Hailsham on Lord Darling may very well be applied to Sir Michelangelo Refalo: "He leaves behind him the memory of a gentleman, who, doing nothing common or mean in his search for distinction, did not shrink from the high office which came to him and endeavoured to discharge its duties in the spirit of those distinguished men who had sat before him on the Bench and as an example to those who shall come after" (2).

Sir Michelangelo Refalo is no more. Like the "soul of the just" which the poet so fittingly likens to the comet, he has gone back to his heavenly abode, "doomed in his airy path awhile to burn, and doomed, like it, to travel and return". But his name shall live in Maltese history and shall be enshrined in Maltese hearts, and even from the world beyond, his voice will appeal to us to follow his noble and brilliant example in the great cause of duty.

(1) Malta Chronicle, 22nd December, 1923.

(2) "Life of Lord Darling", Derek Walker-Smith.