

Judge Giovanni Pullicino

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A mirror of the highest civil and domestic virtues: a life of study, unceasing activity, dedication to duty: a spirit guided by noble ideals and fortified by Christian charity; such was Giovanni Pullicino. He stands in the forefront of Maltese jurisconsults. He was destined to make the holocaust of his life on the altar of science. He built to his own eternal memory a monument of judgements teeming with legal wisdom. Vast knowledge, faithful industry, profound thought, were embedded in his nature; a philanthropic disposition, a deep love for his family, a dignified personality, form the complete picture.

Politics did not attract him; his interests lay elsewhere. Music he regarded from the layman's point of view. He was very well versed in Latin, Italian and English and was a lover of Maltese History. Not over addicted to society, he was fond of long walks in the country with some of his intimate friends. There, in Nature's surroundings, he indulged in that fleeting peace and quiet of mind so vital to one who is labouring under the strain of continuous toil. His mission completed, having earned the respect and affection of all, he threw his shadow on the earth in his passage to another world.

Giovanni Pullicino's birth augured well for the future. It occurred at Casal Zebbug on the 16th July 1857. His father was Judge Filippo Pullicino; his grandfather, Dr. Arcangelo, a physician. His early life was that of a young man of position and promise: every material ministration nurtured his youth. From Savona's school, at an early age, he passed on to the University where he obtained his Degree in Law in August 1877. He was one of the brightest young men of his time and was looked upon by teachers and examiners alike as a rising star that would eclipse all competitors in the legal plane. At the University he pursued his studies in law with great enthusiasm, and was one of the first in class. During his Academical Course,

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JUDGE PULLICINO

the following are the theses he submitted for examination at the end of each year:—

1874—Organizzazione del Consiglio di Governo in Malta.

1875—Materia del diritto delle Genti.

1876—Contratto di noleggio—quando si scoglie 'ipso iure'.

1877—Stendere un libello di lesione per parte del venditore.

Barely four years after he had left the Alma Mater, in 1881 Dr. Giovanni Pullicino recrossed its threshold as a Professor. It was Borton's Governorship and education in Malta was undergoing a profound change. On the 7th June 1880, Sigismondo Savona was appointed Director of Education, and, in the face of stiff opposition, set out to implement the reforms advocated in Keenan's Report of 1879 on the educational system of Malta. By his uncompromising attitude and unpopular policy, Savona incurred the enmity of a considerable section of the population. But, let it be said to his credit, during his directorship much progress in education was made.

In the seat of higher studies Mr. Savona carried out very substantial reforms. Since some time previous to his appointment, foreign jurists of continental fame had occupied the Chairs of Law at our University: one may mention Dr. Giacomo Sanfilippo and Dr. Nicolò Crescimanno. The latter, an Italian political exile, was Professor, in 1880, of Commercial Law, Criminal Law, Science of Law, History of Legislation, and International and Constitutional Law. He also occupied *ad interim* the Chair of Civil and Canon Law. Undoubtedly, Dr. Crescimanno discharged his multifarious duties with exceptional ability, but, in the eyes of the new Director of Education, this state of things constituted a unique monopoly of teaching which could no longer be tolerated. Thus, he immediately took steps to fill the vacancy in the field of Civil and Canon Law and his choice was a very fortunate one; it fell upon Dr. Giovanni Pullicino who was still 24 years of age. Thus the brightest hopes which his endowments and attainments had raised in his regard in his early college and University days were soon fulfilled. The new nominee had two distinct advantages over his predecessor: besides being equipped with profound legal theory, he was, unlike Dr. Crescimanno, a practising member of the Maltese Bar; moreover, whilst he could not hope to outshine Dr. Crescimanno in the languages of Virgil and Dante, he was also very well acquainted with the English language. Dr.

Pullicino fully appreciated the novel responsibility which had been laid upon him, and he made it a point to impress upon all that the trust shown in him was not misplaced. He tried to infuse into his pupils the sincere love of study and the devotion to the rule of law which animated his whole being. A vast general culture, a deep learning of the law, and a sharp, intelligent brain stood him in good stead, and made his tasks seem easy and simple. With his students he associated himself with paternal affection; his characteristic affability made the cold walls of the classroom burn with the warmth of hearth and home. He enlightened his pupils as to the duties which their profession entailed: "L'avvocato dovrebbe, per così dire, immediarsi colla causa di cui assume il patrocinio; ed apportando nella difesa del suo cliente, il corredo di tutte le sue cognizioni ed il frutto della sua esperienza, cercare di diradare tutte le tenebre, spuntare i sofismi, abbattere gli ostacoli con cui talora con grand'apparato si voglia offuscare la verità e fare trionfare l'ingiustizia. Nella difesa dei deboli e degli inermi, deve raddoppiare la sua perseverante energia e cercare in tutti i modi di rintuzzare e rendere inani gli sforzi della prepotenza e dello arbitrio." (1)

During Dr. Giovanni Pullicino's professorship, the Royal University of Malta, as far as its administration is concerned, entered upon the brightest period of its history under British rule. To a large extent it became autonomous. In 1887, Mr. Savona no longer held the post of Director of Education. On the 26th September of that year, subsequent to the recommendation of a Government Commission, the Fundamental Statute of 1838 of the University was repealed, and a new Statute was promulgated, creating a Senate which was vested with very wide powers. Four members of the Senate were to be elected by the Special Councils of Theology, Laws, Medicine, Arts and Sciences respectively from among those forming each Special Council. Professor Giovanni Pullicino was chosen by the Faculty of Laws, and he took a most active part in the discussions and deliberations of that body.

He was probably the youngest member of the Senate, but

(1) Vide "La missione educatrice delle classi professionali". Discorso del Prof. G. Pullicino LL.D., letto nella Pubblica Biblioteca di Malta il 19 Settembre 1895 all'occasione del conferimento dei gradi accademici—p. 6.

his words carried much weight with the hearers. When the thorny language question arose in the Senate, he took a fearless stand in promoting the teaching and knowledge of English, but would not brook any attempt aiming at the suppression of Italian. In this he fully concurred with the opinion of the majority, among whom were Mons. S. Grech Delicata, Judge Luigi Ganado, Judge Paolo Debono, Dr. Oreste Grech Mifsud and Professor V. Micallef.

The powers of the newly created body were further amplified by the promulgation of Ordinance XII of 1889. Seven years later, Dr. Caruana, the Director of Education, at his final interview with the Governor, before leaving the Service, alleged that he had found it impossible, because of the Senate, to carry out his duties satisfactorily. This led to the appointment, by the Council of Government, on the 16th December, 1896, of a Select Committee to inquire and report upon the organisation of the Education Department and to report upon any necessary reforms in the law concerning same. Judge Pullicino as a member of the Senate gave his evidence before this Committee, and, together with other members of the Senate, categorically denied that the Senate had at any time impeded the action of the Director of Education; it merely was a check on that officer. The Senate always gave the Director of Education such assistance as it was in their power to give, and the action of the Senate had always been approved by the Government, except in a few instances when their resolutions were vetoed. The Director himself had always expressed his acknowledgements to the Senate for the services rendered to him, and, in some instances, in somewhat emphatic language.

But the Government had, for political reasons, taken an obstinate stand in favour of the abolition of the autonomous body governing the University and, in 1897, the Draft Ordinance for its abolition became law, notwithstanding the fierce opposition of the Elected Bench. It was substituted by a General Council which had a merely consultative capacity, and the management of the University was to rest for the next fifty years in the hands of a single man, the Rector, subject only to the Governor.

Dr. Pullicino was one of the foremost advocates practising at the Maltese Bar. After finishing his studies at the University, he went abroad, to Italy, it is thought, to complete his education and, on his return, he acquired, within a few years,

an appreciable clientele, both as regards its numbers and its kind. He had a masterly way of treating the subject in dispute: no repetition, verbiage, rhetoric, but a clear exposition of carefully marshalled arguments, brief and to the point. He wended his way through the delicate intricacies of many important fideicommissa and primogeniture cases with consummate skill and rare ability: so much so that when he was elevated to the Bench, he was allowed by the Government to continue to plead before our Court of Appeal in a complicated and vital issue on Primogenitures.

He considered the profession in the noble light in which it should be regarded. He deplored the egoism of those who look upon their academic degree solely as a medium for gain, those who, in the words of Lamartine "*non hanno altra religione che l'aritmetica e pongono una cifra al posto del cuore.*" It was the duty of the professional body to educate the masses, "*ingentilendone i costumi, infondendo in esse l'amore al lavoro, la pratica della pietà, il rispetto all'ordine e frenandone le tendenze sovversive.*" What a sharp contrast to what we are witnessing to-day all around us, and unfortunately even in Malta! Far from inculcating into the minds of the masses the true principles of Christian Sociology, far from instilling into their hearts love of work, the practice of virtue and respect for law and order, individuals belonging to the professional classes, imbued with the malign spirit of secularism and rationalistic philosophy, are spreading the seeds of revolt among the workers, in whose minds ignorance acts as a powerful and rich fertilizer!

In 1895, unripe in years but fully mature in learning, Professor Pullicino entered upon the second and last stage of his life. He was only 38, when his virtues and merits were rewarded by the grant of a Judgeship; but, striving though he might, he could not attain the coveted treasure of the Office of Chief Justice, though, for close on two years, it lay within his grasp. His appointment, together with that of Dr. Zaccaria Roncali, was made known to the public on the 11th September 1895,

and was to have effect from the 1st of October (2). Professor Pullicino had long been designated as one of the best fitted to occupy a seat on the Judicial Bench and his nomination was unexceptionable in every respect. In this new field, his brilliant qualities stood out more conspicuously than ever, and there was not one Court — Civil, Commercial or Criminal — in which he did not shine. He sat like the great judge he was, hearing with an open mind and with trained patience the case deployed on either side, giving full opportunity to an exhaustive treatment of the point at issue, now and then interjecting a question or brief comment, searching or pregnant, which tended to bring out the relevant points of the case in dispute. A truly wonderful memory at the service of an equally great intelligence, which enabled him to grasp thoroughly and at once, even to the minutest detail, any matter brought before him; a perfect lucidity of mind which begot a corresponding lucidity of expression, coupled with an extensive and profound knowledge of every branch of law and subjects connected therewith; an intimate understanding of the workings of the human heart, and a penetrating power of observation and discrimination — they were all his. And they made him one of the brightest ornaments that adorned our Bench, which, in the words of King Edward VII, has ever been second to none in the British Empire.

All his great qualities are clearly reflected in many masterly judgements with which he has enriched our Case Law. Until 1902, when he took up his duties in the Commercial Court, he sat in the First Hall of the Civil Court. Upon the death of Judge Paolo Debono, in 1906, he succeeded him in the Criminal Court and in the highest Tribunal of these Islands, the Court of Appeal, where he sat with President Sir Giuseppe Carbone, and Judge Sir Alessandro Chappelle. As his predecessor had

(2) Governor Freemantle in his despatch of the 22nd August 1895, to the Secretary of State, states that after having considered very carefully the claims of such lawyers as he deemed qualified to fill the vacant posts created by the retirement of Judge Sir Salvatore Naudi and Judge Agostino Naudi, and after consulting in the first place the Crown Advocate and also the Chief Justice and the Acting Chief Secretary, he decided to recommend Dr. Z. Roncali and Prof. Dr. Giovanni Pullicino for appointment as two of His Majesty's Judges. Judge Pullicino he describes, as one of the leading barristers and very well acquainted with the English language.

been before him, Judge Pullicino, though the junior member, became the life and soul of that Tribunal: most of the judgments delivered by this Court were the product of his intelligence, study and labour.

Upon the status of the Judges in Malta he had very definite ideas. A Memorandum, drawn up by him and forwarded by the Judges to the Secretary of State in 1915, makes interesting reading. This Memorandum considered the system of selection and appointment of Chief Justice in Malta, and the gist of it all is that a judge has a better title than the Crown Advocate to be nominated Chief Justice. In it His Majesty's Judges stated that "we are not aware of any instance in which the post of Crown Advocate has been offered to any of His Majesty's Judges, a circumstance which shows that the position of a Judge has never been considered inferior in importance to that of Crown Advocate." Moreover, Judges in Malta have equal duties, rights and privileges as the Chief Justice, who is "primus inter pares", and hence a judge is deemed to possess all the qualifications requisite for the office of Chief Justice. A judge is better qualified for that office also because he has experience of judicial business, whilst the Crown Advocate is almost exclusively entrusted with legislative and executive duties.

Availing themselves of this opportunity, His Majesty's Judges also brought to the notice of the Secretary of State that "Malta is the only British Possession in which, contrary to the ordinary rule, a Judge of the Supreme Court is not officially styled 'His Honour'. This omission, for which there appears to be no justification, is emphasized in certain unofficial publications, that in Malta that title is withheld from the Judge. We express our hope that, by your sanction, such disparaging exception will be removed, and that the same style which under the Colonial Regulations is accorded to Judges of the Supreme Court will be extended to us and to our successors." It was not until ten years ago that, after lengthy correspondence between the Government and the Secretary of State, the title of "The Honourable Mr. Justice" was conferred upon H.M.'s Judges in Malta.

There were other similar matters which troubled Judge Pullicino's tranquillity of mind. Both Professor Pullicino and Dr. Zaccaria Roncali had, in 1895, been appointed Judges by

one and the same Government Notice with effect from the same date: so the question of precedence between them arose. Dr. Roncali contended that the right was his, as he had received first mention in the Government Notice: Professor Pullicino rejoined that before his elevation to the Bench he had already been in the service of the Government for fourteen years, and this was enough to give him a major claim. Until the death of Judge Debono, Dr. Roncali was considered the senior of the two, in conformity with Freemantle's despatch to the Secretary of State, recommending the two nominations. But, in 1906, for some reason or other, it was Judge Pullicino who succeeded Judge Debono in the Court of Appeal.

Judge Pullicino also took up another question with the Government. Previously, it had been the practice for His Excellency the Governor to send invitations to official dinners to the Chief Justice and the two Senior Judges. Later, only the Chief Justice used to be invited. Judge Pullicino insisted that the invitation be extended, as before, to the two senior Judges, in view of the fact that the Chief Justice did not represent the Judicial Bench and that the other Judges were his equals.

On the death of Sir Joseph Carbone, towards the end of 1913, Dr. Pullicino, as the Senior Judge, was appointed Chief Justice and President of the Court of Appeal. But Fortune did not smile upon him this time: after he had occupied this exalted position for almost two years, the then Crown Advocate, Sir Vincent Frendo Azzopardi was made Chief Justice on the 15th November 1915. This was a cruel blow to Judge Pullicino's fondest hopes, and he was to feel its effects for the few remaining years of his career. In view of this appointment, Judge Pullicino asked leave to be transferred from the Supreme Court to the Commercial Court. When he returned to the Court of Appeal, it was only to act as Chief Justice during Sir Vincent Frendo Azzopardi's illness. During the war years, Judge Pullicino also sat in the Prize Court.

In the midst of his manifold and onerous duties, he found time to attend to other equally important work not connected with his judicial office, such as the Food Control Board and the Emigration Committee, of both of which he was Chairman. He organised the translation branch of the Courts Department, and the Government sent him a letter of appreciation for the

care and ability with which he had compiled (with the assistance of Mr. Achille Micallef, Acting Registrar) "The Collection of forms in use in the Malta Law Courts rendered into English with a Glossary of Italian and English technical words and phrases occurring in pleadings." In 1896, Judge Pullicino was appointed a Member of the Commission of Management of the Public Library and, in 1908, a member of the Financial Commission: for several years he was examiner in English Literature at the University. He also did much good work as a Commissioner of Charity: he was well known as an ardent and munificent protector of the Fra Diego Institute for Orphans.

In recognition of his valuable services, in connection with the International Eucharistic Congress held in Malta in 1913, Judge Pullicino was created a Knight Commander of the Order of St. Gregory: this high honour, conferred upon him by the saintly Pope Pius X, he richly deserved. Prompted by his deep Christian piety and religious zeal, he had eagerly accepted Mgr. Pace's invitation to be a member of both the General and the Executive Committees on the occasion of the Congress. His wise counsels, his energy and his ability were of the highest value in the organisation and celebration of the memorable event.

Judge Pullicino had spent most of the day, on the 3rd February 1919, at the Lieutenant Governor's Office in connection with a new Emigration Scheme. At 4.30 p.m. he returned home. Two hours later he was taken ill in his study. At 8.00 p.m. his condition had become desperate. Later he received the Last Sacraments. At 1.40 a.m. he died.

The subject of our study was one of the ablest and keenest Judges of the Maltese Bench. When the allotted span of life had run out, he passed swiftly and silently from our midst. Between the setting of the sun and night there was only the briefest twilight. It was better so. Upon the verge of eternity, with failing hand, he attempted to finish a judgement he was to deliver next day in the Courts of Justice; instead he was called before God to render the final account of his doings. In harness to the end, he left behind him an example and an inspiration to all concerned in the administration of justice.

His spirit will ever live with us!
