

## LIFE AND WELLBEING HISTORY

It happened in March

## The first real liberty of the press in Malta – 1839 (Part 1)

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Among the grievances of the Maltese during the first years of British domination was press censorship. As early as 1812, due to the efforts of Marquis Mario Testaferrata, a Royal Commission made up of William a'Court, John Burrows and Sir Hildebrand Oakes (the island's Civil Commissioner) was sent to Malta to report about Maltese grievances, but nothing resulted with regard to press liberty.

In 1831, Camillo Scceberras, Giorgio Mitrovich and other Maltese patriots set up the *Comitato Generale Maltese* whose aim was to petition for administrative reforms. In 1832, a memorial was sent to the Secretary of State for the Colonies. This memorial was soon to bear fruit.

By 1835, the British government was arriving to the conclusion that there was no real argument in favour of the continuation of censorship at Malta. It was being realised that, if the press were to be regulated by adequate press laws, imperial interests would not be prejudiced and the local Catholic Church's rights would not be endangered. It was quite natural that any nascent Maltese press laws would be on the British model, but the problem would be to harmonise imperial, religious and rule-of-law exigencies.

Chief Justice of Malta, Sir John Stoddart, drafted two ordinances entitled 'An Ordinance for establishing the lawful freedom of the press and for guarding against abuses thereof', which incorporated the principle of press liberty with limitations in religious matters and 'An ordinance for regulating the market, selling and using of printing presses and the printing and publishing newspapers and other like periodicals'. However, in July 1835, everything came to a standstill because the matter was to be considered by a Royal Commission which was sent to Malta in 1836.

Meanwhile, in July 1835, Giorgio Mitrovich went personally to London to plead the Maltese cause. Here he published pamphlets calling for the full

recognition of the rights of the Maltese. His writings clearly show that the Maltese sought a moderate freedom of the press rather than an absolute freedom that could degenerate into immorality or bring about offences to religious sentiments.

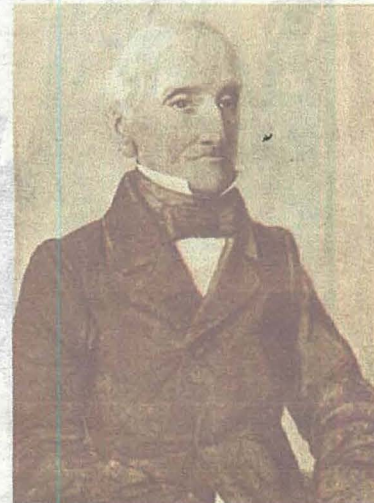
The question of religion was, in fact, one of the greatest headaches to be contended with. Since the advent of British rule over Malta, Protestant bible societies had been trying to distribute bibles in Italian and Maltese among the local populace. This was frustrated by the Catholic clergy who banned the reading of Protestant propaganda. A protest by Bishop Ferdinando Mattei made Governor Sir Thomas Maitland prohibit the use of the printing presses of the American Missionary Society and the Society of English Independents to the detriment of the Catholic religion. However, nothing practical was carried out to enforce this prohibition.

In London, Mitrovich was aided and abetted by various Members of Parliament, especially by William Ewart. Lord Glenelg, Secretary of State for the Colonies, was eventually persuaded to take steps to inquire into the affairs of Malta. In March 1836, Glenelg expressed his wish "to administer the affairs in Malta in the free, open, and confiding spirit which is the peculiar excellence of the British constitution, and that consequently the censorship of the press should be abolished and that without delay".

The Acting Lieutenant-Governor, George Cardew, informed Glenelg that the local clergy were against the abolition of censorship because they feared attacks on the Catholic religion; however, he was of the opinion that these high feelings would gradually decrease. Chief Justice Stoddart suggested that religious matters should be left as they were and that only political liberty need be granted because of the difficulties to be faced in determining the religious question.

On March 18, 1836, Bishop Francesco Saverio Caruana requested the governor not to grant freedom of the press "in the same measure as it was practised in England" because it could result in fatal consequences to the Catholic Church. For the same reason, the Holy See also opposed the freedom of the press in Malta.

Not all Englishmen were in favour of press liberty for Malta.



Camillo Scceberras, a campaigner for administrative reforms in Malta.



Duke of Wellington



Sir Hildebrand Oakes, Civil Commissioner of Malta and a member of the Royal Commission of 1812.

The Duke of Wellington objected on military grounds. He wrote the following in *The Times* (of London) in 1838: "The mania of this Melbourne ministry for the manufacture of 'commissions' has already brought it into trouble, and will bring the noble lords and honourable gentlemen composing it into a great deal more... Two gentlemen were sent out as commissioners to Malta,

in 1836, by an order of the King in Council, to inquire into the affairs of the island. One of these affairs was the censorship of the press.

On October 20, 1836, John Austin and George Cornewall Lewis, the two members forming the commission, arrived on the 50-gun frigate *HMS Vernon* and immediately set themselves to work. The first subject that engaged their attention was precisely the state of the press in Malta. The following includes the salient points of the commissioners' report from which only the most important points are being noted. The commissioners considered the following four topics:

**"Bishop Francesco Saverio Caruana requested the governor not to grant freedom of the press... because it could result in fatal consequences to the Catholic Church"**

some time in 1836, to examine into all sorts of matters whereto it might be feasible in any manner to attach the name of imputation of abuse... There was, so far as yet appears, opportunity enough afforded them on that spot for troublesome and tiresome exertions, but none for extensive or really useful results... It is a fortress, a seaport, a great naval arsenal in the Mediterranean... The whole island must, from the nature of things, be like a regiment under strict military discipline, otherwise we shall lose our garrison and our harbour."

The duke was referring to the royal commission sent to Malta

**I. The legal basis and administration of censorship in Malta:** The commissioners, after briefly considering the administration of the press by the British, went on to recount more briefly still the development of the press under the Order of St John and the French. They concluded that a censorship was enforced on the island by these governments' monopoly of printing based on an old law enacted by the Order of St John that forbade the setting-up of any business without permission.

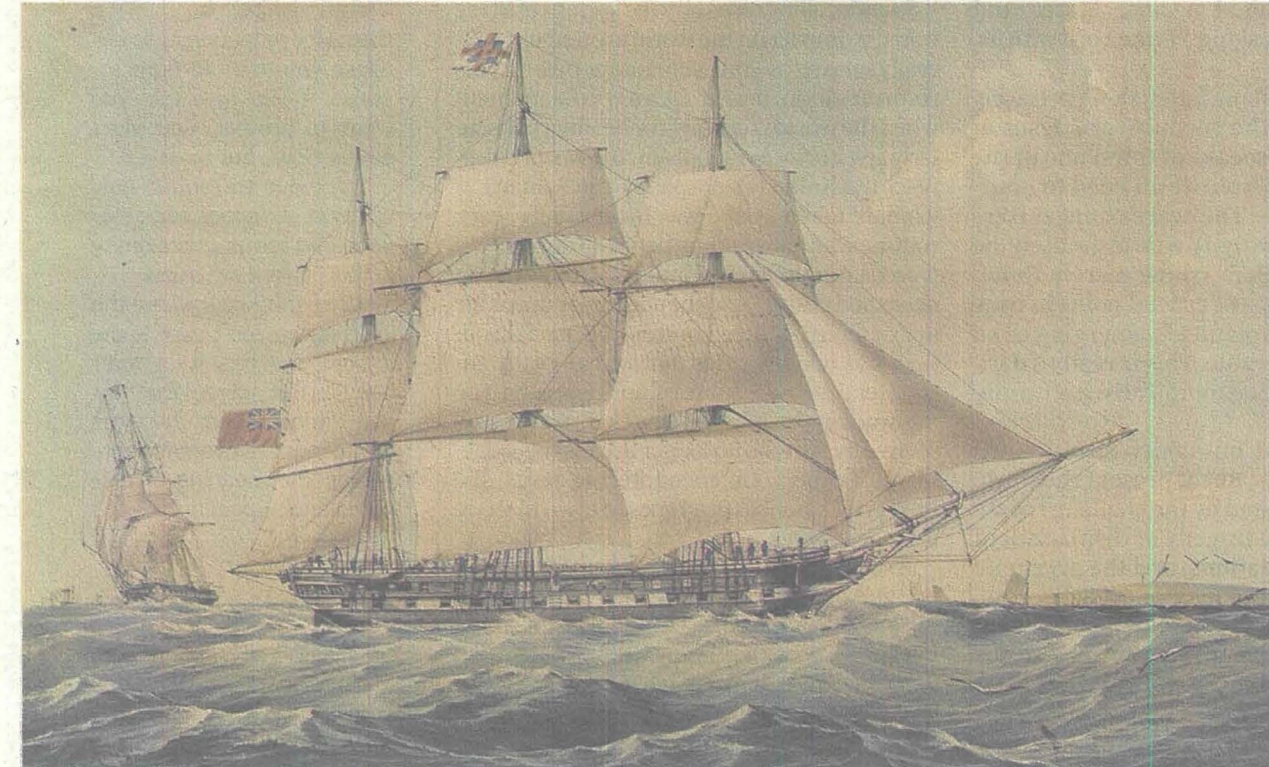
They pointed out that the *Codice de Rohan* of 1784 - Book I, c.38, s.15 - determined the manner of enforcing it and the officers by whom it was to be enforced. Therefore, according to the commissioners, "the legality of the censorship exercised by His Majesty's government may be justified by a well-known rule of colonial law, that is, that every institution, existing in a colony at the time of its acquisition by the Crown, continues

to exist until it is abolished by His Majesty."

As an argument against censorship, the commission pointed out that the French had abolished censorship and, therefore, when the British remained in Malta after the expulsion of the former, they were not really perpetuating the mentioned rule of colonial law. But they themselves counteracted this argument by stating that the French had spent most of their time defending Valletta and the neighbourhood and did not really establish a regular government while the Maltese insurgent leaders were only concerned with expelling the French from Malta. Moreover, the French did not seem to have done anything inconsistent with censorship.

Moreover, since the King was the supreme legislator and had permitted the exercise of the existing censorship, "His Majesty has established it as effectually as if he had created it by an express declaration of his pleasure". They ended this section by declaring that the only safeguard against abuses was the Roman Law relating to *libelli famosi*, regarded by them to be "a very ineffectual restraint on abuses of the liberty of publication".

**II. The censorship law's principal inconveniences:** The commissioners wrote that these came about both from the government monopoly of printing and from press censorship. The former resulted in high prices and delay in the execution of private work while the latter incurred the hatred of the populace for the government and prevented the diffusion of political knowledge and instructive information.



HMS Vernon, a 50-gun frigate launched in 1832 that transported the members of the 1836 Royal Commission from England to Malta.

**III. Recommendation to abolish the censorship law and the consideration of objections to the liberty of the press:** As substitutes for the censorship then in force, the commissioners suggested either "a liberty of printing accompanied by an extension of the present incomplete censorship to printed writings imported into the island" or "a liberty of printing and publishing, accompanied by a law for preventing its abuses".

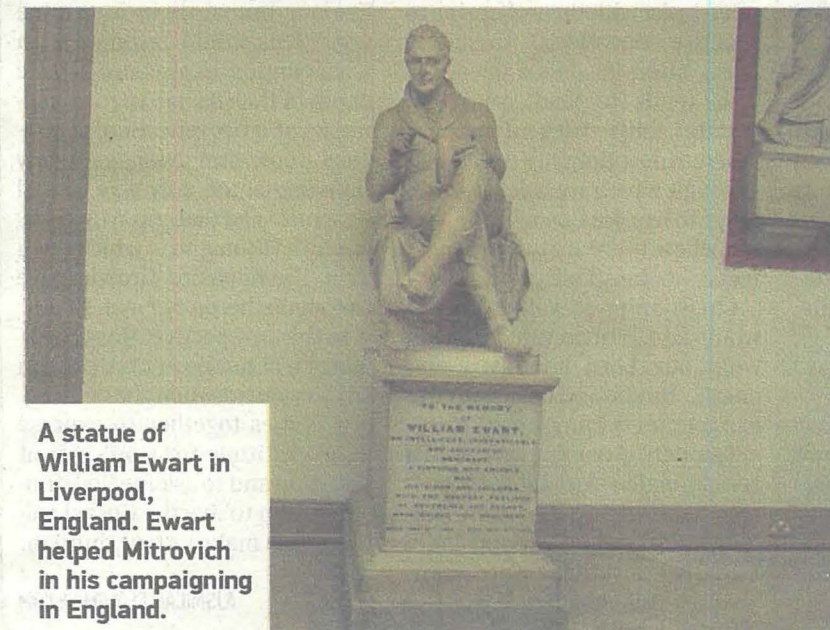
The commissioners recommended the latter course and disposed of objections regarding dangerous disclosures concerning the military defences of the island, and attacks on the local and friendly governments, the Catholic Church and on private persons. As part of the law granting press liberty, the commissioners recommended the setting-up of a law of libel to check abuses.

**IV. Means to prevent abuses:** Together with the legal means to check abuses, the commissioners also made the following recommendations: the abolition of the government printing establishment; the discontinuation of the *Malta Government Gazette*; the publication of government Acts and notices in newspapers established by private persons; the publication of government Acts and notices which could not be conveniently published in a newspaper; and keeping the government printing materials in case they would be needed in the future.

(To be concluded)



Codice de Rohan, printed in Malta 1784



A statue of William Ewart in Liverpool, England. Ewart helped Mitrovich in his campaigning in England.