GOVERNING MALTA IN THE FIRST HALF OF THE NINETEENTH CENTURY – SOME PERSPECTIVES

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A CONSTITUTIONAL VIEWING

The 1850s was a period in Malta’s political development which augured well. After decades of pleading and petitioning, the island had finally acquired a measure of representative government. The 1849 Council of Government had been introduced, and the politically aware elements of the Maltese population knew full well, judging by the profuse acknowledgements showered on Governor Richard More O’Ferrall on his departure in 1851, that the extent of political advancement thus achieved was quite substantial.

In a very real sense, Maltese representatives were then sharing the responsibilities of government, and participating jointly in most of the important decision-making at local level. This was something quite new in Malta’s political experience and contrasted sharply with the state of total dependence on foreign authority which had prevailed until barely fifteen years or so earlier.

For, despite popular clamour in the earlier decades of the 19th century for the restoration of the Consiglio Popolare of old, and the supposed legislative and deliberative rights that went with it, Malta had actually been ruled – over a period of close on three hundred years – in an absolute manner. This was certainly so in the time of the Knights, with the Grand Masters wielding total authority. By no stretch of the imagination could it be said that there was, at that time, a Maltese representative voice in any corridor of real power. Not in the form of a meaningful ‘Popular Council’, nor even in the Colleges of Jurats of the Universitas – Valletta, Notabile and Gozo – which did exercise some authority at municipal level, but were of no consequence in larger political terms.

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Only in the Council of Auditors – the Segnatura – was there a Maltese presence of some weight. But the focus of the Segnatura was primarily on matters coming to the Grand Master for judicial or executive decision and, while the Uditori were well-placed to influence decision-making there, their status was that of counsellors – in their individual capacities – and not as national representatives in any political sense.

The French incursion in 1798 changed little. Napoleon overthrew the old structures of power and substituted others. Here too there was no trace of popular representation. Appointments to the governing institution – the Government Commission – though predominantly Maltese, were by nomination and on the strength of known francophile tendencies. In any event, the authority of this body was totally subordinated to that of the French Commissary as head of the civil administration. The French system never really evolved, of course. The uprising in September 1798 aborted the whole process, and the French chapter ended with the capitulation of 1800.

The turn of the century takes us neatly into the British era. The Cameron, Ball and Oakes terms of office (1800–1813) took place in time of war, when Britain’s status with regard to Malta was yet unsettled. Maltese political passions were now aroused, initially in opposition to the Treaty of Amiens and, subsequently, in protest against the absolute powers vested in the Civil Commissioner by virtue of the Hobart instructions.

A Declaration of Rights was formulated in 1802 and, later, repeated representations were made to London for the restoration of the Consiglio Popolare with nobody, however, being entirely clear as to how this concept of power-sharing would fit the circumstances of the prevailing situation. Lurking behind the Maltese protagonists, and a prime instigator of the unrest, was the shadowy figure of William Eton, busy pursuing his own agenda. Eton’s hand in the fomenting of political passions at this time earns him a scathing mention in the 1812 Royal Commission Report:

‘In fact this specious ... attachment to ancient rights and privileges, appears to have been originally adopted at the suggestion of an individual who endeavoured to turn the dissatisfaction which he himself had artfully excited to the furtherance of his own particular views and personal interests.’

The pressures exerted in London were initially unavailing but, eventually, they coincided with a decision by the British Government to put some order into Maltese affairs. By 1812, developments in Europe had put Britain in a position to lay claim to Malta on a permanent basis. A Royal Commission was appointed with a broad mandate: to establish a settled system of government in Malta. One of its terms of reference was to examine the assertions made in regard to the Consiglio Popolare. The Commissioners found no evidence that this institution had ever exercised a significant political role but, nevertheless, felt that – whatever the historical fact of the matter was – there was a case for allowing the Maltese a measure of participation in the structures of authority which were to be established.

Their suggestion was that there should be an Advisory Council to assist the Governor in Malta, in which four Maltese nominees (two lawyers, one member of the nobility, and one from the citizenry) would sit in a Council of nine. The suggestion did not find favour in London. Secretary of State Bathurst was not keen on it and Sir Thomas Maitland, who was then Governor-designate, was consulted prior to his going out to Malta. He too was strongly against, declaring himself ‘no friend to any Council’.

The decision taken was firmly to exclude all Maltese participation: ‘The authority of the Governor (Bathurst directed) is limited only by the orders of the King; he is responsible to His Majesty and to his country for his conduct, but his discretion is not to be shackled by any person, or by any body of persons, resident in Malta.’ Even so, Bathurst’s instructions of 28 July 1813 did give Maitland the option to ‘form a Council for the investigation and discussion of such matters relating to the civil interests of the island as (he might) think proper to lay before it.’ He chose not to have such a Council.

Things might have taken a different turn if Sir Hildebrand Oakes had agreed to stay on. As one of the Royal Commissioners, he would probably have felt committed by his own recommendation in the Commission’s report that there should be an Advisory Council. Maitland was of another more authoritarian mould. For all its absolutism, however, Maitland’s 1813-24 governorship (despite the posthumous abuse that has been heaped on him) stands up to most tests of good judgement, integrity, firmness and objectivity and, in the general quality of his administration, he has stood

1. National Archives of Malta (NAM), Despatches from Secretary of State, Vol. 1, Hobart to Cameron, 14.v.1801.


4. PROL, CO 158/19; NAM. Despatches from Secretary of State, Vol. 5, Bathurst to Maitland, 28.vii.1813
cases where there might be scope for overruling manifestly unfair decisions taken by the newly-reformed Courts of Law. It was conceived both as a Court of dernier resort and as a means by which Maitland could keep an eye on the behaviour of judges, about whose integrity he had yet (in 1814) to be persuaded. Richardson’s proposal now was that the Supreme Council of Justice should have its terms of reference broadened: to act as a legal advisory body as well as a judicial review tribunal. Hastings apparently favoured the idea, but Bathurst in London was not supportive. In any event, Hastings died soon afterwards and the proposal was not pursued.

Sir Frederick Ponsonby (1827-1836) had a longer tenure of office and he did prove responsive in his later years to renewed Maltese pressures for political change. What eventually emerged was the 1835 Council of Government. Composed of the Governor, the Bishop of Malta (who resigned his seat, without ever actually taking it, on instructions from Rome), three official members, and three nominated members (two of whom were at all times to be Maltese), the Council was empowered to ‘advise and assist (the Governor) in the administration of the Government’.

A requirement that the Governor should involve the Council in all important business at a local level was clearly stated in the instructions:

“We do hereby command you that, in the execution of the several powers and authorities granted and committed to you, you do on all occasions of difficulty and importance consult and advise with our said Council and that you do not on any such occasion exercise the powers and authorities aforesaid or any of them except by and with the concurrence and advice of our said Council...”

This Council did not satisfy Maltese political aspirations, which were still rooted in Consiglio Popolare expectations, and did not take kindly either to the inbuilt official majority, or to the fact that the unofficial members were not subject to any form of elector process. Even so, however, the Council might still have given useful service had the terms of the constitution been truly respected.

There was a great deal of ‘difficulty and importance’ going on in Malta after 1836 due to the wholesale reforms that were put in train by the 1836-38 Royal Commission. Despite this, there was little or no involvement of the Council in the decision-making on these reforms. The Commissioners
dealt directly with London in their reports, London would then seek the
Governor’s views, but nobody seems to have felt (neither London nor the
Governor) that the Governor should call on the Council for ‘advice and
assistance’ in the course of taking positions on the reforms, except when
there was legislation to be enacted. The few occasions, during this period,
when the reforms did figure on the Council’s agenda confirmed its passive
role, since such motions as were put to the Council were in virtually all
instances premised on political decisions already taken.

This short-circuiting of the Malta Council had nothing to do with national
balance on the Council, or the weight of numbers. It was the Council, as a
Council, that was side-stepped. It was consulted on minor matters, or (as in
legislative and financial matters) when the form required that it should be,
but ignored in other respects. The Council did not, in the circumstances,
establish itself as a major influence in administrative decision-making at
the Malta level, neither in the 1836-38 period, nor later under Sir Henry
Bouverie (1836-43) and Sir Patrick Stuart (1843-47), as the 1835 Letters
Patent continued to be fouled in letter and spirit. All this underscored the
Maltese political point that the Council was not the answer.

Earl Grey in London, in the latter 1840s, was favourably disposed to give
Malta greater autonomy. He sent out Richard More O’Ferrall as Governor
(1847-51) and, between the two, after various alternative formulae had been
considered, the 1849 Council of Government was conceived. This was
the Council which was to see Malta through to 1887, though with some
amendments along the way. It was an enlightened measure for its time, in
the van of prevailing British colonial practice for similarly-placed territories,
and (as at the late 1840s) marked an extraordinary progression from the days
of total Maltese political exclusion barely fifteen years earlier.

The 1849 Council had some distinct features about it:
(a) The new Council, like the 1835 model, had an inbuilt official majority.
This time, however, ten officials were faced by a bench of eight elected
representatives, with the status and authority that the electoral process
gave them. But it must be said that election was by a highly-restricted national
constituency, in which the franchise was limited to the upper, professional
and propertied social classes, just 3767 eligible voters11 out of a total
population of around 124,000.12
(b) Maltese nationals (including those on the official side) now had a
preponderance of voting power in the Council, since five of the officials
were at all times to be Maltese. This ensured that decision-making, even
when exercised under the discipline of the official majority, would at least
be sensitive to Maltese national feelings.
(c) Apart from numbers, national composition, and responsiveness to an
electorate, however restricted, this Council was recognised by the Colonial
Office to be a different species from the earlier one, different in that, on
its formation, ‘the Crown thereby practically renounced the exercise of its
power of legislating for Malta in matters of purely domestic character,
unless in very extreme cases’.13
(d) Sensitivity was therefore not just a matter of heeding national feelings,
but also a consequence of the legal character and nature of the 1849 Letters
Patent. Both political intent and legal construction now combined to require
the Malta Government, as it entered the 1850s, to pay heed to the pulse of
the elected bench of the Council, and to the national majority within it.

This political intent was not strictly adhered to in the post O’Ferrall /
Sir William Reid (1851-8) years. There were times, in the early and late
1860s, when the official majority was used to over-rule the elected bench
even when there was no sufficient justification for doing so. Following a
spate of complaints by the elected bench, the script was tightened in 1864
by Cardwell, the Secretary of State for the Colonies. Under the Cardwell
principle, Governors of Malta were directed to give ‘great consideration’
to the ‘opinions of the elected members in all matters of local and domestic
interest’. This was to apply especially in matters of finance with Mr.
Cardwell’s despatch adding an important rider to the effect that the votes
of the majority of the elected members should prevail in the case of money votes
unless the public interest or credit were thereby put seriously at risk.14

Even this explicitly stated declaration of policy however got fouled, and
there were repeated subsequent clashes between the elected and official
benches in the 1870s and early 1880s which led to further orders from

11.v.1849.
11. H.I. Lee, Malta 1813-1914 – A Study in Constitutional and Strategic Development, Malta
1972, 116.
12. According to the 1851 census, the population of the Maltese islands amounted to 123,496
persons. C.R. Censo di Malta e Gozo – 31 Marzo 1851, Malta 1852.
13. NAM. Despatches from Secretary of State; Vol. 50, Newcastle to Reid, 5.xi.1854 (65)
14. PRO, CO 159/27, Cardwell to Le Marchant, 19.xi.1864.
London in 1883\textsuperscript{15} imposing more rigid restraint on the use of the official majority and the Governor’s casting vote. Effectively, the Governor of Malta was now directed not to over-rule the wishes of the elected members, when unanimously expressed, without the express authority of the Secretary of State.

Reverting to the 1850s, however, there can be no doubt that, in constitutional terms, Malta had come a long way. No less important than constitutional advancement, in a mid-century context, was the freedom of public expression secured in 1839, following the liberalising of printing and publishing of printed matter. After an initial period of exuberance, the press scenario had settled to reasonable levels of responsible publishing by the middle of the century, and Governor Reid could well say in 1856 that

‘if liberty be correctly defined as security against wrong, the Maltese are in possession of liberty, civil and political. With the Press free, and with a portion of the Council elective, all wrongs can be and are exposed. There is security against the abuse of power.’\textsuperscript{16}

In 1864, this was paraphrased by Governor Sir John Gaspard Le Marchant, substantially to the same effect, when he said that the Council of Government, politics apart, served as an effective check against abuse of authority:

‘By the publicity of its proceedings and the power which eight elected members possess of canvassing every act of the Executive, it exercises a wholesome control over the management of public affairs and an effective check against abuse on the part of public officers while, on the other hand, it affords the Government an opportunity of giving public explanations in regard to its measures and thus preventing or removing from the minds of intelligent and impartial men any misunderstandings or unfounded suspicions.’\textsuperscript{17}

\textbf{SYSTEMS OF GOVERNMENT}

Maitland’s arrival in October 1813 marked the formal assumption of sovereign status by Britain in Malta. The Civil Commissioners before him (Cameron, Ball and Oakes) had been required to govern more or less as the Knights had done before them, and to change as little as possible. With the coming of Maitland, however, the wraps were off and he was not only free, but mandated to set about reordering the apparatus of the state along conventional British colonial lines. Maitland saw it as an essential part of his reforms that he should unify Government; that Government should function as a disciplined whole and not, as hitherto, rather loosely, as the sum of its parts.

The core features of the system he adopted are here highlighted by reference to the structures of authority and control he established, structures which became, and remained for later Governorships, the particular hallmarks of the British colonial presence in Malta under Crown Colony rule.

\textbf{Governor’s Personal Responsibility}

All executive power, by the terms of the Governor’s appointment, was vested in him alone. Even the Chief Secretary had no authority in relation to other departments except that which the Governor chose to delegate to him. He was the ‘chief ministerial agent of the Governor and nothing more’ and a particular Chief Secretary – Sir Victor Houlton – in Governor Reid’s time (1856) was sharply reprimanded by the Secretary of State for presuming himself

‘entitled to claim the rights and responsibility attaching to an independent branch of the public service, having in some measure concurrent powers with the Governor.’\textsuperscript{18}

\textbf{Secretariat Control}

The system of ’central control’ was nevertheless anchored on the Secretariat, to the exclusion of any form of Treasury intervention on British lines. Treasury control, in the British tradition, was in fact (in Malta) an aspect of Secretariat control. The predominant position accorded to the Secretariat derived from the concentration of authority in the person of the Governor, and from the Chief Secretary’s functions as: (i) the Governor’s

\textsuperscript{15} NLM, Derby to Borton, 8.iii.1883, Item 8 in Command Paper 3524, March 1883.
\textsuperscript{16} NAM, Copy of Despatches to Secretary of State, Vol. 7, Reid to Labouchere, 19.v.1856 (45).
\textsuperscript{17} Quoted after A.V. Lafeira, \textit{British Malta}, Vol. 1, Malta 1945, 258.
\textsuperscript{18} PROL, CO 158/175, Colonial Office internal minute on Reid to Labouchere, 20.iii.1856.
principal lieutenant and senior administrative assistant; (ii) the channel of communication between the head of the Government and the various heads of establishments; and (iii) as the agent through whom the Governor acted in exercising control over the finances of the Government.

Chief Secretary - Governor's Principal Lieutenant

The office of Governor was far from being that of a figurehead. Ultimately, as the representative of the British Government, he bore the full burden of responsibility and was expected to deal personally with problems of more than ordinary consequence. Yet most Governors necessarily had to lean a great deal on their Chief Secretaries. The Governor was usually both head of the Civil Administration and Commander-in-Chief of the fortress, which meant there were other demands on his time; and there was the added factor that changes of Governor tended to be more frequent than changes of Chief Secretary. This usually meant that the Chief Secretary was more experienced and better informed, and therefore a necessary factor of continuity.

The precise extent of the influence and authority wielded by the Chief Secretary varied in accordance with the personalities of the Governors, and of the Chief Secretaries themselves. A Maitland would demand (and get) personal loyalty from his Chief Secretary, and would expect him to identify totally with his own views, while a Ponsonby (for instance) would tend to allow his Sir Frederick Hankey greater scope to give the administration his personal imprint. But the Chief Secretary’s authority was always very substantial. There were times indeed when the Chief Secretary was allowed—or assumed—a degree of authority which placed him in a position "not subordinate to but almost co-equal to the Governor himself." Le Marchant, a strong Governor, lamented to the Secretary of State in 1858 that there had been a tendency for some Chief Secretaries to over-reach themselves.19

19. NAM, Confidential IA 1852-64, Le Marchant to Sir E. Bulwer Lytton, 10 IX.1858, Separate.

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antagonistic to the prerogative of the Representative, but most injurious in its consequences, by revealing before the public the picture of a Government divided against itself."

On the other hand, some Governors were not uncomfortable with a strong Chief Secretary, and there was at least one occasion when the Secretary of State felt constrained to remind the Governor that it was his—that is, the Governor’s—job to head the administration, not the Chief Secretary’s.

Chief Secretary - Channel of Communication

Treasurer Thomas Fyers, in Oakes’s tenure of office, had been acting as if he had some over-riding authority of his own, distinct from that of the incumbent Civil Commissioner, indeed, as if his office was in some way analogous to the Treasury Department in England. Fyers, it must be said, had been encouraged to spread himself, initially by General Oakes, and also later by the 1812 Royal Commission. But Maitland would have none of it. He was the Governor, all authority was vested in him, and that was that. Accordingly, one of his first administrative acts, as soon as the plague situation of 1813-4 had abated sufficiently, was to issue a Government Minute20 instructing that

"in future all orders of whatever kind will be given to every department by Government alone ... Such orders will be issued ... either by the Governor himself or through the office of the Chief Secretary ... No other office whatsoever has any power or authority to issue orders".

In other words, only the Governor had authority, only the Chief Secretary’s office had authority to speak for the Governor, and anybody seeking to communicate officially with the Governor could only do so through the Chief Secretary’s office.

This order, together with the financial reforms later in the year, set the seal on a system of Government through the medium of the Secretariat. The measure Maitland adopted was similar to the system he had already introduced with good effect in Ceylon, but the immediate impulse seems to have been a desire to let Fyers know where he stood21. It must be said

21. NAM, Ms A 29, Maitland to Banbury, 14 II.1814.
however that, having settled the issue his way, Maitland subsequently developed a good working relationship with Fyers and sincerely regretted the Treasurer's death not long afterwards.

**Chief Secretary - Governor's Financial Agent**

Acting on instructions from the Secretary of State, but also (as always) injecting his own views and his Ceylon experience into the shaping of a reform, Maitland proceeded, later in 1814, to effect a radical reordering of the financial rules of administration. He put an end to the lack of system and orthodoxy which had bedevilled financial administration in former years, and introduced three basic rules of procedure:

(i) all public revenue received by the various collecting departments was to be paid in without deduction to the Treasury;
(ii) the money required to meet the expenses of the administration was to be drawn by departments from the Treasury, but the Treasury was not to issue any public money except under a warrant from the Governor;
(iii) no expenditure was to be incurred, or commitment entered into (likely to result in the expenditure of public money), without the Governor's prior authority, conveyed through the Chief Secretary. A system of Budgetary Estimates was introduced, to be approved prior to the commencement of each accounting period.

The rules provided for the exercise of detailed supervision by the Secretariat over almost every form of administrative activity involving the use of public funds, and further curtailed the scope of the Treasurer's office by limiting it, particularly after Fyers' death, to the status of an office of account and custodian of public monies, virtually a cashier's function.

This arrangement remained the basis of administration of Government in Malta and, indeed, became a feature of Crown Colony Government in Colonies elsewhere. Financial control through the Secretariat lasted in Malta through to 1921 when, with the introduction of responsible Government, the first Maltese Government to be formed assigned financial responsibility to a Ministry of Finance.

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22. PROL, CO 158/25, Maitland to Bunbury, 28 x.1814.
23. NAM, Ms A. 29, Maitland to Bunbury, 12 x.1815.
24. PROL, CO 158/39 and NAM, Despatches to Secretary of State, Vol. 1 (1803-16): Chief Secretary's Circular 26 x.1814 with Maitland to Bathurst, 24 x.1814.

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**Audit**

There was a great deal to criticise in the way public accounts were kept and rendered during the first years of British rule, that is prior to 1814, but possibly the most unsatisfactory feature was the total absence of audit in Malta in any shape or form. Sir Alexander Ball has been blamed for much of the financial muddle of those early years, but blamed very unfairly, for the records show that, as early as 1801, the London authorities had undertaken to furnish Malta with guidelines for the regulation of financial business but had subsequently neglected to do.

Ball took the matter up with London early in 1805 and suggested that it would help if the Auditor of Military Accounts were to be asked to audit the civil accounts as well on a regular basis. On several subsequent occasions, he again urged the appointment of a resident Auditor, while stressing that he had received no financial guidelines, and had perforce to work on the systems he found in place, which were those in force in the time of the Knights. London failed to respond to Ball's urgent concern. After Ball's death, his insistence was taken up by his successor (Oakes) with further multiple reminders and eventually bore fruit in 1812, when an Examiner of Civil Accounts, James Toole, was appointed for duty with the Government of Malta.

Toole's appointment was really part-time because he had to couple his civil audit function with his other duties as an Army Commissary of Accounts. On this basis, the Civil Examiner (later renamed Auditor) could not adequately cope with current audit business, let alone tackle the pre-1812 muddle which remained to be sorted out. With arrears further building up, and with the added confusion generated by the plague outbreak of 1813-1814, the decision was taken to appoint a second Auditor specifically to examine all accumulated 'arrear accounts' over the period 1800 to 1814, with responsibility for current audits remaining with Toole. This cleaning-up of past accounts was assigned to William Thornton in 1815 who eventually completed the mammoth task in 1824. In the meantime Toole, who had

25. PROL, CO 158/1, Hobart to Cameron, 14 x.1801: 'With respect to the mode of keeping an account of the Receipt and Expenditure of the Civil Revenue of the Island, and of transmitting the same to this country, you will receive particular instructions from the Lords Commissioners of His Majesty's Treasury.'
26. NAM, Ms 530 and A 36, Ball to Camden, 30 x.1805. Cf. also PROL, CO 158/10.
27. PROL, CO 158/18, Oakes to Bunbury, 29 x.1811, and Oakes to Bathurst 28 x.1812.
been virtually incapacitated by ill-health for several years, had retired and
the two posts of Civil Auditor were unified under Thornton in 1822. 29

Thornton’s particular merit is that he not only managed to unravel the
obscure financial transactions of the earliest days of the British connection
and the chaotic accounts of the Plague period, but he also – under the
Maitland reforms, and later under the UK Treasury Regulations of 1824
– had a major hand in introducing systems of regularity and accountability
which were the basis of all subsequent financial administration. Thornton
was a solid rock of dependability in financial matters throughout his long
career (1815-1858) 30 and, indeed, he was a major Government player throughout
this period, not just in his capacity as Auditor but effectively
also as the Government’s financial adviser and trouble-shooter throughout
his tenure of office, and particularly after Maitland’s time, from the mid-
1820s onwards.

FUNCTIONS OF GOVERNMENT
The British administrators, after 1800, were required to revert to the forms
and systems of Government which had prevailed in the time of the Knights.
The emphasis was on continuity and no innovations were in order unless
absolutely necessary. Substantially, this policy was adhered to and this
meant that the first Civil Commissioners took on a mixed bag of functions
that extended from areas traditional to most European Governments at
the time – such as central authority, law and order, public health, port
administration, tax/revenue collection, etc. – to other areas which were not so
typical, areas which were in fact specific to the Maltese situation such as grain
provisioning, estate management, a variety of charitable/welfare activities,
and public instruction, effectively the University and the Lyceum.

Where the British innovated after 1800 was in regard to regional structures.
Those they found in place – the three municipal authorities or Universitas
– were continued initially, though Maitland phased them out altogether in
1819. This winding up of the Universitas, when it happened, was a major
departure from the status quo. In regard to the village magistracies, which had
existed in the time of the Order and which had operated on the basis of limited
civil jurisdiction, experience during the anti-French insurrection had shown

29. PROL CO 158/31, Public Secretary Sir Richard Plasket to Wilford Horton (Colonial Office),
16 vy. 1822.
30. Prior to 1815, Thornton had served for several years with the Commissariat Department in
Malta, and he was a member of Chapman’s team on the controversial grain purchasing mission
which was sent to Odessa in 1805-06.

that the Maltese country districts lent themselves very well to management
by village “headmen”. Ball, and subsequently Cameron, developed this
into the post-1800 system of district management by Luogotenenti 31 which
continued substantially in operation, though in modified form, until the last
decade of the 19th century.

The modules of government in the early 1800s were thus based very
largely on the systems found in place. Even in the course of the 1812 enquiry,
these features remained substantially intact. The Commission focussed
rather on factors bearing on the political situation, on church issues, and on
the elimination of features in the judicial and administrative systems which
were either inefficient, grossly inappropriate, or alien to the British way of
doing things.

Maitland, too, left the broad canvas of government largely as he found it,
and his main efforts were concentrated on rearranging and rationalising
systems, particularly in the area of judicial administration, central
government, and financial management. His was essentially a managerial
rather than a functional revolution.

Malta went through a Special Parliamentary Commission sitting in
London (1830), plus a second Royal Commission (1836-38) on the spot,
in the space of eight years. There was plenty of chopping and changing
of departmental arrangements resulting from these Commissions, and most
Governors grouped, hived off, or regrouped departmental structures from
time to time. But right up to the 1850s, it is basically correct to state that,
constitutional developments apart, the activities and responsibilities then
being undertaken by the Government were by and large what they had been
in the earlier years, with three notable exceptions: grain provisioning, health
regulation and public instruction.

Grain Provisioning
On the 1812 Royal Commission’s recommendation, Maitland was instructed by Secretary Bathurst in 1813 to withdraw grain business from
the Università’s management, and to entrust it to a board of officials acting
under his own immediate authority. Maitland implemented this directive
in two stages. In 1814 he reformed the Università, placed its control more
firmly in English hands and introduced efficiency safeguards but, otherwise,
left the institution substantially as it had been. In 1819 he got round to

31. Later, in 1815, re-designated Deputy Lieutenants and, from 1839 to 1896, Syndics. For details,
abolishing the Università altogether, both as a grain concern and as a municipal authority.

In its place, he set up a Board of Supply to run what continued to be a Government monopoly of grain procurement, along with other ancillary activities. His decision to compromise in 1814, taken with London’s concurrence, had been a concession to public temper which was suffering from a spurt of reform at that point in time and would not have taken kindly to the abolition of the Università which were associated longstanding historical traditions of municipal self-government. By end 1818, however, Maitland judged it safe to proceed with abolition, which took place without incident at the time though it later ranked as a major cause of Maltese political complaint. The Board of Supply, under a Board of three Englishmen thereafter managed the grain supply business directly on behalf of the Government. However, pressures were building up in British merchants with influence in London fought persistently for the opening-up of the corn trade in Malta. In time, they won political support and, eventually, Maitland in Malta conceded the point, though with considerable reluctance. The grain trade was thrown open in 1822.

The terms of Proclamation No IV of 1822, in its early paragraphs, betray an evident lack of conviction on Maitland’s part, so untypical of him. In fact, he seemed to be going out of his way to declare that the opening up was being done against his better judgment. The measure was acknowledged later to have been a sop to the merchants who were at the time passing through a rather lean period, and it also seems likely that considerable pressure was brought to bear on Maitland when he was in London in 1821. Otherwise it is difficult to explain why, with all the reservations he professed still to have, he took the step at this point. In this connection, it is interesting to note Maitland’s change of heart on the monopoly issue. Initially, he had been against ‘this forced and unnatural state’ but later came to realise that, in local circumstances, the monopoly had its merits and his focus then was not on its abolition but on its efficient administration.

In discarding the monopoly, Maitland provided for the maintenance of a reserve stock of wheat, which was to be brought on to the market in the event of scarcity, or if the merchants exploited their new-found freedom by combining to raise prices unduly. He also levied consumption duties on imported grain. This was necessary as a revenue-yielding measure to replace the income which the Government had been deriving from the profits of the grain establishment after 1814 and also as a means of continuing the protection which local agriculture had enjoyed under the former system. The management of the Government’s reserve stock was placed under the control of a Grain Department, headed by an Englishman.

The first years of open corn trading gave cause for concern. The trade was very sluggish, shortages of stocks in Malta threatened, the Government reserve stock was brought into play, and the merchants then used this as an excuse for keeping market stocks at a dangerously low level. In these circumstances, the resumption of Government control seemed distinctly possible. A modus vivendi was eventually established, with the merchants undertaking to keep up an adequate supply, and the Government undertaking to bring its stock on to the market only in certain specific situations.

The subject arose again when the Commissioners of Colonial Enquiry, sitting in London, reviewed the position in 1830. Obviously under pressure from mercantile lobbies, and without sounding Malta at all, they were inclined to take trade liberalisation a stage further by dispensing altogether with the Government reserve stock. Ponsonby strongly opposed this measure and, on his insistence, the decision was to let things stand. Thereafter, the Department of Grain entered the market only when disposal of stock was necessary to prevent deterioration or when reserve stocks needed to be replenished. Maintenance of the reserve stock on this straight-jacketed basis proved costly, and losses were incurred.

Pressures in the early thirties continued to mount in London for a total withdrawal from grain supply operations by the Government of Malta, pressures primarily from London-based British merchants with associates in Malta. The political temper in London, meanwhile, was also becoming increasingly sceptical about Government having any sort of hand in the grain business. Eventually, Lord Glenelg, the Colonial Secretary, was won over. Instructions were sent out, late in 1836, requiring the Malta government to wind up grain intervention altogether and dispose of its reserve stocks.

It was the end of an era, a decision taken without any real consultation with the Malta Government which was considerably unsettled by it, and entirely out of harmony with Maltese public opinion. The nominated members – Baron G.M. Depiro, Agostino Portelli and Nicholas John Aspinall – put up a spirited resistance in the Council which left the British Government in no

33. PROL, CO 158/55, Corn Report with Ponsonby to Bathurst, 15 iii:1827.
34. George Ward, who headed the department until it was eventually wound up in 1837.
doubt that they were totally opposed to it. They were ignored by London and by the Royal Commissioners (1836-38) who had, in the meantime, come out to Malta. This was an early demonstration of the futility of the 1835 Council, and the limitations of its influence.

**Health Regulation**

Public health policy at the onset of the 19th century was focussed primarily on preventing disease from entering the country from external sources. Malta’s position at the heart of the trading lanes of the Mediterranean made her especially susceptible to the reception of disease from a number of countries on the eastern and southern Mediterranean seabords, where dreaded diseases like plague and cholera were always present. Malta had experienced these ‘imported’ diseases in the past, had suffered enormously in consequence, and had (along with other Mediterranean states) developed defensive mechanisms to shield the islands against them.

The procedures were based on the imposition of rigorous, lengthy, quarantine isolation, and the depuration of all ships, goods and persons arriving in an infected state, or from infected or potentially infected areas. On this perception of where the primary health hazards lay, quarantine management was a vital responsibility of Government, ranking among the topmost priorities of the Civil Commissioners. Yet it was a badly-neglected area in the years preceding the outbreak of the plague in 1813. William Eton, who was Superintendent of that establishment from 1801 up to the time of his dismissal in 1811, had spent little more than a year in Malta and, thereafter, contrived to stay away on full pay while engaging in unceasing political intrigues to destabilize the Government. His successor, William Pym, had a term of office lasting some two years. This man, too, spent barely a month in Malta and was allowed to go off to England on private business. He was still there when a plague epidemic broke out in April 1813, and his offer to return to his duties at that point was declined.

During these years, part-time substitutes (usually British Army medical men) acted for the absentee heads but, having their own regular jobs to attend to, could only give the Quarantine Department their very divided attention. Discipline suffered, regulations were abused, and it was a serious lapse in this area which gave rise to the epidemic.

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This particular cholera crisis did not actually materialize, but the defensive systems mobilized reflected the internal health policy preoccupations then gaining ground. The rest of the century, despite (or indeed as a result of) several other cholera visitations, saw a progressive development of this concern, with the emphasis now not solely on stopping external disease at the gateway—although preventive quarantine measures continued to be taken—but also, and especially, on the identification and elimination of disease-predisposing factors within the country.

A major step in developing better health and sanitary awareness on a country-wide basis was the introduction of district medical services late in 1848. The immediate object of this measure was to provide a medical outreach to country areas which had previously been totally dependent on hospital medical services in 'remote' Valletta or in equally 'remote' Rabat. But these medical doctors represented a Government sanitary presence as well. They were available for vaccinations, for inspection of foodstuffs, for keeping the Government informed as to the general state of health and cleanliness of their respective villages. They were, in fact, designated 'Medical Police' under a Chief Medical Officer styled 'Police Physician', and operated as an arm of the police force which was itself indicative of their character as health monitors as well as medical practitioners.

Several authoritative reports in the 1850s, 1860s and the 1870s drew attention to the bad sanitary conditions in which most people lived, to the dangerous overcrowding which typically prevailed in most houses, and to the low standards of personal hygiene in most households. The Government was urged to think in terms of the development of a more plentiful water supply and to ensure that the supply was carried and stored in a manner less exposed to contamination. It was urged to promote the development of drainage systems which did not themselves constitute health hazards and was advised to update the building regulations so as to promote better ventilation. The elimination of insanitary domestic practices and the improvement of street cleanliness were also recommended.

Health policy after 1850 was therefore largely about sanitary-enhancing initiatives and the spotlight was taken off quarantine, which even lost its separate identity when it was merged with the Port Department in 1851. These sanitary measures were seen at the time as extensions of police functions requiring enforcement by that particular agency and only later did the Government come round to the view that sanitary concerns had best be entrusted to, and coordinated by, a dedicated authority focussed specifically on that responsibility. A Sanitary Office was set up in 1875, with the chief Government (Police) Physician—now styled Chief Sanitary Officer—functioning at the head. This office in turn was the forerunner of a more broadly-based Medical Department which came into being after 1885.

Public Primary Instruction

The Government's record in education matters during the first four decades of the 19th century was a sorry one. Lord Bathurst's instructions to Maitland in 1813 had been quite explicit:

'The establishment of Public Schools, where the reading and writing of English might be taught upon the simple and economical principles lately introduced in this Kingdom, would be of very beneficial effect, and I am to request you will promote such establishments and give them the support of Government.'

Whatever may have been the underlying objective of this instruction, Maitland, with his responsibilities divided between Malta and Corfu, never found the time, or discovered the inclination, to do much about it. Although he professed to have education very much in mind in his early days—'I shall certainly not lose sight of... a due attention to the encouragement of the education of youth in this island'—he did not touch education at primary level at all, and in so far as he devoted time to education in Malta it was mostly to try to get the University to function at acceptable levels of competence.

Maitland did indeed get involved in 1815 in the discussions which would have led to the setting up of a Greek College in the Maltese islands. This was a short-lived romantic notion of Lord Bathurst, who dreamt of making Malta (Gozo actually) the seat of a Greek College—an international University—which it was hoped would attract the scions of wealthy Italian and Greek families. As conceived by Bathurst, it was all about the diffusion of British influence in the Mediterranean and not at all about providing additional educational facilities for the Maltese. The idea fell through when, after the general peace of 1815, the Ionian Islands were assigned to Britain.

37. NAM, Chief Secretary's Office, Letters Vol. 21, Lushington to Dr Francesco Paolo Mifsud et al., 18.xii.1848.
38. NAM, Register of Despatches to Secretary of State, Vol. 1 (1813-24), Maitland to Bathurst, 13.x.1814 (22). Cf. also PROI, CO 158/25.
Maitland had an extremely low opinion of the Malta University, and it is to his credit that, while the Greek College project was still alive, he argued strongly against having two Universities operating in Malta at different levels of proficiency. He was against discrimination, and he also saw this as an opportunity of raising standards at the Malta University on the coat-tails of the Greek College.

‘...it is extremely necessary ... not to show any preference to new institutions over those that already exist in this island...’ And again: ‘...the necessity ... for being most cautious in the mode in which we introduce the Greek School, and the indispensable obligation we are under, not of considering the institution as one in itself, but with reference to the College already established under the Order. ... My clear opinion is that the whole should be made into one, both Maltese and Greek.’

Maitland appreciated the value of good education, and indeed it was on his initiative that two Maltese boys of socially prominent parentage—the sons of G.N. Zammit and Vincenzo Casolani—were sent to be educated in Scotland. He also sent promising young artists to Rome on attachment to established academies of art there. But the bottom line remains that his overall record was poor, unaccountably so by his standards. He achieved little as far as the University was concerned and he did nothing at all for education at primary level. It is interesting to note, though, that the first real efforts to provide primary education, for those who could not afford to go to private schools, were made in his time on private initiative and without encouragement or support from the Government.

In the van of these private initiatives was that taken by the Normal School Association which was set up in 1819 by a number of leading residents, British and Maltese, who felt the need to do something in the way of primary education where Government had singularly failed to act. They raised funds by public subscription, sent Giuseppe Naudi for training in England in the Lancastrian method of teaching, and established a school in Valletta for boys (under Naudi), with an associated school for girls under Mrs Catherine Nuzzo. Eventually, some small Government financial assistance was forthcoming. In 1820 a similar ‘Normal Free School’ was running at Zejtun as well, on a personal initiative taken by a public-spirited Maltese priest, Rev Dr Luigi Camilleri, who financed the cost from his own private resources initially, until he too got some support from the Government. In 1834 a third Normal School, under Canon Panzavecchia, was set up in Senglea, this time on Government initiative to service the children in the Three Cities area.

Along with the Normal Schools there were two ‘Public Free Schools’, at Notabile and at Rabat in Gozo. The Notabile school, which never took much more than 20 male students, was run by a Maltese priest, Rev Dr Antonio Ciantar, on a miniscule stipend from the Government. The Gozo school, which took up to 50 boys, was run by a lay school master, Francesco Saverio Muscat, who also got a modest stipend from public funds.

Governor Ponsonby was honest enough to admit that elementary schooling in Malta was a disgrace. In 1833, he confessed to London that

‘nothing can be more discreditable than the state of education in Malta. The Government does little towards it, the Church scarcely anything, and the attempts of individuals towards so laudable an object are necessarily very limited for want of means.’

The conventional excuse for this state of affairs was that the Catholic hierarchy in the island was opposed to education of the populace. Ponsonby however put it in better perspective. It was a funding problem with a religious dimension, and this dimension was not insurmountable.

‘The Roman Catholic clergy are not friendly to the education of the lower orders, but if the Government had funds to establish it on a large scale I have no doubt of their consent, provided they had the superintendence in everything relating to religion.’

In 1833, reverting to the same subject, Ponsonby gave it a slightly different slant. The problem of education was not simply a matter of funding, or providing more schools.

39. PROL., CO 158/26, Maitland to Bunbury, 9.iv.1815.
40. In 1822 the artist trainees being supported by the Government in Rome were Pietro Paolo Caruana, Salvatore Busuttil and Giovanni Farrugia. Cf. PROL., CO 158/32 and CO 158/34.
41. NAM, Chief Secretary's Office Letters (Individuals) 1817-35; Richard Plasket to Joseph Slythe, 6.vii.1819.
42. NAM, Copies of Despatches to Secretary of State (Register III 1829-1834), Annual report for 1832 with Ponsonby to Goderich, 18.iii.1833.
43. PROL., CO 158/60, Annual Report for 1830 with Ponsonby to Goderich, 3.iii.1831.
'Considerable difficulty has always existed on this important subject, from the circumstance that the Government of the Colony is Protestant and the population Roman Catholic, and from the jealousy of the Clergy that education was only another word for conversion; and this jealousy has been increased by the well meant, though I must think indiscreet, exertions of individuals who have attempted to form schools, no doubt for the latter purpose.'

However, Ponsonby felt that the Bishop was now won over

'... and he is ready to cooperate with me in the reform of the University, and the establishment of Normal Schools.'

Having thus focussed on the problem, and apparently negotiated the religious minefield, one would have expected a substantial surge forward in primary schooling at this point. Ponsonby’s enthusiasm, however, seems to have waned. He did persuade the Colonial Office to provide some small additional funds for education, but his priority now was the University/Lyceum, and the money went mostly there. If the situation was disgraceful in 1833, it was no less so in 1835 at the end of Ponsonby’s term of office. Out of a total education budget of some £1,400, £1,000 of it went on the University/Lyceum, and some £400 in support of the Normal and Public schools. Attendance, mostly casual, at these schools did not exceed 800 boys and girls altogether.

In 1836 Malta had another Royal Commission, with a mandate to review the entire system of government. Specific terms of reference related to the different aspects of the enquiry. The terms on education were again, as in 1813, highly explicit. The Commissioners were told by Secretary Genelg:

'The extension of elementary instruction to all classes of the inhabitants... (demanded by the Maltese)... this rational demand should be accomplished as extensively as possible... always bearing in mind that such an interference would inevitably fail, and would probably be productive of positive mischief, unless it were guided by a vigilant regard for the religious opinions and feelings of the Maltese people.'

The Royal Commissioners (1836-38) reproved the Government for its poor record in elementary education. In spite of the efforts of Giuseppe Naudi, Catherine Nuzzo et al., the primary schooling available at the existing Normal and Public Free schools was ‘small in quantity and bad in quality.’ The Government could no longer shirk its responsibility in this area. The Commissioners made extensive recommendations concerning the University, but of particular interest was their proposal that the Government should establish and support in Malta and Gozo such an additional number of elementary schools as ‘... might instruct the whole of the population in elementary knowledge...’ Obviously this was a vision for the long term, but the important thing that was, at long last, this was now official policy to which both London and Malta were formally committed.

The Government in Malta set about creating an infrastructure for the development to take place. The late 1830s and early 1840s saw the first stages of a systematic build-up. Initially, in 1838, the Rector of the University was in charge of the development programme and responsible for the expansion of primary education. In 1844, the executive direction was entrusted to Canon Francesco Panzavecchia as Director of Government Primary Schools.

The major constraint faced initially was not, surprisingly, finance. The difficulty was to find suitable locations for the new primary schools which were to pioneer the development, and to ‘sell’ education to the parents: persuade the parents, the village parents in particular, that sending their children to the schools would be to their offsprings’ advantage.

As the new policy got under way, the Valletta ‘Normal’ schools (boys and girls) were taken over and reformed as model units, and central locations were selected for the first batch of new/reformed schools – at Vittoriosa, Notabile, Zurrieq, Lija, Zebbug, Zejtun and Gozo – in the hope that each would attract children not just from their domestic catchments, but from the neighbouring villages as well. The Government relied on the influence of the local parish priests who were reasonably supportive. But distance thwarted the hope that children from neighbouring villages could also be taught in these centrally-located schools, and a programme for further expansion was undertaken. Cospicua and Senglea were provided with schools of their own, Mosta followed, then Birkirkara, Qormi and Zabbar. A second school was added in Gozo, at Nadur.

The school population responded slowly to the new opportunities. By 1843, there were some 1100 boys and 870 girls attending; by 1847, they had risen to 1420 and 1300 respectively; but by 1850 they were down to 1320 and 1230.

44. NAM, Copies of Despatches to SS (Register III 1829-1834), Ponsonby to Stanley, 23.x.1833.
45. PROL, CO 159/16, Genelg to Austin and Cornwall Levis, 16.x.1836.
By and large, the Government did its part and, in a real sense, money was now flowing quite freely for elementary education. In 1855, the money provision for education at all levels had risen to around £5,500. The demand, however, was still much too shy.

In 1848 Panzavecchia resigned and, two years later, Canon Dr Paolo Pullicino was appointed Chief Director of Primary Schools, a post he was to hold till 1880. A noteworthy thing about Pullicino’s appointment was the fact that he was also nominated to a newly-created post of Professor of Primary Instruction at the University. The idea behind it seems to have been that Primary School teachers should be given a measure of professional training at the University. Limited lecture courses were actually held in subsequent years, but nothing like professional studies in any real sense, possibly because the poor salaries on offer did not attract the right sort of ‘trainable’ material. At all events teacher training, such as it was, appears to have been geared to practical experience at the Model Schools of Valletta, with only peripheral University involvement.

Pullicino, a man of great drive and a sense of mission, was influenced by the year he spent in Ireland, and on the European continent, before coming back to launch a vast expansion of public education in Malta. One can gauge the extent of growth of the sector from the fact that a Secondary School for girls was set up in Valletta in 1856, and a second Lyceum for boys at Vittoriosa in 1867, with the main effort however going into expansion at primary level. By the time of the 1878 Keenan Report there were as many as 63 primary schools (for boys and girls) in Malta and another sixteen in Gozo catering for a primary school population of 3700 boys and 4000 girls all told.

Pullicino’s ministry started on a mid-century platform and took him through to 1880. His tenure of office is of considerable historical interest because it coincided with an awakening of political interest in public instruction generally and was the subject at times – in the late 1860s and early 1870s – of heated controversy in the Council of Government. It bestrode a phase in the development of public education which saw out the days when preoccupation with the susceptibilities of the Church took precedence in education concerns, and saw in – via the upheaval caused by the Keenan Report – the onset of the language controversy (Italian vs English) which was to bedevil education policy, and wider Maltese politics, for a great many years thereafter.

47. NAM, Blue Books, passim, the relevant sections that deal with the setting up of schools, the curriculum, pupil attendance, and expenditure on schools.