

CORRESPONDENCE,

AND

REPORT OF THE COMMISSION

APPOINTED TO INQUIRE INTO

THE CLAIMS OF THE MALTESE NOBILITY.

Presented to both Houses of Parliament by Command of Her Majesty,
May 1878.



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CORRESPONDENCE.

No. 1.

GOVERNOR SIR C. T. VAN STRAUBENZEE, G.C.B., to the EARL OF CARNARVON. (Received December 29, 1877.)

MY LORD,

Palace, Valletta, December 20, 1877.

WITH reference to former correspondence, I have now the honour to forward to your Lordship the Report dated the 10th instant, of the Commission (consisting of Dr. Naudi and Dr. Pullicino, two of Her Majesty's Judges), which, by letter dated the 8th March last, I appointed to inquire into the claims of some gentlemen to titles of nobility, with a view to remove doubts to which a list of "Titolati" furnished to me by the Secretary to the Committee of the Nobles had given rise, and to establish who are the gentlemen who, as heads of their respective families, are to have precedence of the Chamber of Commerce under your Lordship's Despatch of the 23rd December last.*

2. The Commission having inserted the above quoted letter in the Appendix to their Report, it is unnecessary for me now to transmit a copy. From that letter your Lordship will see that the Commission had been requested to favour me with their opinion on some questions, and that I reserved other questions for your Lordship's special consideration; but by another letter dated the 8th May, which is also appended to the Report, I requested the Commissioners to communicate to me any remarks which they might make, and any documents which they might discover in the course of their inquiry bearing on the reserved questions and calculated to facilitate the decision.

3. The Commission had to inquire into a large number of claims, some of which were included in the list above referred to, and others were submitted directly to the Commissioners. Those learned gentlemen are not sure that those are the claims that might be advanced, because they observe the Committee of the Nobles has no representative character, and no public notice was issued by Government, inviting all persons believing to possess titles of nobility to lay their claims before the Commission.

I have no reason to suspect that anyone having any pretension to be a "Titolato," was ignorant either of the existence of the Committee of the Nobles, or of the appointment of the Commission of Inquiry, and I considered that the publication of a notice to the effect above stated would hardly be consistent with the instructions contained in your Lordship's quoted Despatch. At all events if there are more "Titolati" they are at liberty at any time to prove their claims, and under the rule established by that Despatch, to take the place they may be entitled to in the order of precedence.

4. The Report is divided chiefly into two parts, the first, ss. 19-96, referring to titles granted by the Local Government, viz., by Grand Masters of the Order of St. John of Jerusalem, during the possession of these islands by that Order; and the second (ss. 97-226) to titles granted, during the same period, by foreign sovereigns. But in the lists appended to the Report that distinction is not observed, the titles proved being there enumerated according to the respective dates, independently of their origin, the authority, however, from whom the grant, in each case, emanated being invariably mentioned.

5. There are five of those lists: No. I., including the titles proved, and undisputed; No. II., titles proved, but claimed by different individuals; No. III., titles which did exist, but have long been extinct; No. IV., some hereditary distinctions (not titles of nobility) granted by foreign sovereigns, and never recognised in Malta; and No. V., the claims the settlement of which has been entirely reserved to your Lordship, with an indication of the paragraphs of the Report containing the remarks of the Commissioners, intended to facilitate the decision.

5. The Commissioners refrained from expressing any opinion on the conflicting claims specified in list No. II., because the different claimants may bring their cases before the courts in which the Commissioners themselves preside.

I have, &c.

(Signed)

C. T. VAN STRAUBENZEE,
Governor.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

* No. 4 of H. C. 322 of July 1877.

Enclosure in No. 1.

SIR,

Report.

December 10, 1877.

Instructions conveyed to Commissioners by the letter of the 8th March 1877.

1. By your letter, No. 9066, dated the 8th March 1877, enclosing a list of Maltese "Titolati," which had been forwarded to his Excellency the Governor by the secretary of a Committee of Nobles formed on the occasion of H.R.H. the Prince of Wales's late visit to these islands, we were required to institute a careful inquiry into certain questions stated in that letter, and into such other questions as might arise in the course of our investigation, in order to form a correct list for submission to the Right Honourable the Secretary of State for the Colonies, with a report showing the grounds for the inclusion in or exclusion from that list of any gentleman claiming a title of nobility; for which purpose we were instructed to look to the records existing in the Government archives, and also, when necessary, to call for explanations from the claimants themselves, or from any other person whom we might deem fit to examine.

Question of precedence giving rise to the present inquiry.

2. The inquiry with which we have been intrusted originated in a question of precedence, for the committee aforesaid having on behalf of the Maltese nobility applied to Her Majesty's Government claiming precedence before the Chamber of Commerce, the Right Honourable Earl of Carnarvon, Secretary of State for the Colonies, in reply to that representation by a Despatch of the 23rd December 1876, addressed to His Excellency the Governor, decided that the heads of the families who before the annexation of Malta to the British Dominions obtained titles of nobility, should take precedence of the Chamber of Commerce; and in order to ascertain who were the gentlemen thus entitled to precedence, his Excellency had called upon that committee to transmit to him a list of Maltese "Titolati," with the date of their respective creations.

Questions to be settled ranged in two classes.

3. The questions to which the list forwarded by the committee may give rise are, in the letter of the 8th March 1877, classed under two heads: some have been reserved entirely for the decision of Her Majesty's Secretary of State, whilst others have been referred to the Commission, in order to be settled here in Malta.

Questions reserved to the Secretary of State.

4. The former questions are the following two, namely:—

1st. Whether a grant made to the applicant and his successors or descendants without any express limitation, or with a limitation only as to sex, is to be taken to extend the title to all contemporary successors or descendants, or to be restricted to only one of them, according to the rule of primogeniture.

2nd. Whether a grant limited to male descendants under the rule of primogeniture or otherwise, is to be taken to extend to the sons of female descendants.

Questions to be settled in Malta.

5. The other questions which have been referred to the Commission are 10 in number, viz.:—

1st. Whether the grants mentioned in the list of the committee as emanating from other authorities than the Grand Masters of the Knights of Saint John, were duly registered according to the then existing law, and if they were not, whether there are records showing such an official recognition of them by the Grand Masters as may be taken to be equivalent to that registration.

2nd. Whether the claimants of titles, under unquestionable grants, are the descendants or successors included in those grants.

3rd. Supposing that a grant made to the applicant and his successors or descendants without any express limitation, to extend to all contemporary successors or descendants, whether the list received includes all those who under such construction might claim the title, and if not, who are the gentlemen who have claims equal to those of the gentlemen included in that list, or though they may not be disposed to claim it for themselves, whose issue may do so?

4th. In cases of grants of that description, taking the words "head of a family" to mean the first born of the grantee of the title and his successors, by the rule of primogeniture, who among the gentlemen now claiming the title is the head of the family?

5th. In cases of grants limited to male descendants, whether the present claimants descend from the male or from the female line of the original grantee?

6th. In cases of grants in which the holder of the title has the power to set aside the first born, and to assign that title to another member of the family, if two gentlemen claim the title, one in virtue of the rule established in the grant, and the other in virtue of nomination, which of the conflicting claims is well founded, or, in other words, whether the nomination is legally proved.

7th. On what grounds titles which appear to have been granted to the applicant or to him and his son, exclusively, are claimed by other descendants.

8th. Whether the title of Baron claimed by several gentlemen is, in all instances, derived from a special grant of it, as a title of honour, or only the denomination of

persons holding land of a superior, a word equivalent or nearly equivalent to the word "possessor" in the present law.

9th. Whether, according to the terms of the grants, any of the claimants is under any disqualification.

10th. Where, in the list received, a gentleman bears two or more surnames, which of such surnames is that which, according to law, belongs to him, as coming from his father, grandfather, and other male ancestors; and if one or more surnames have been taken from the original surnames of female ancestors, for what reasons, if any, those surnames have been assumed.

6. By another letter bearing date 8th May last, we are further required to communicate to his Excellency the Governor any remarks we might make, or any documents we might find in the course of our inquiry, bearing on the questions which, by the aforesaid letter of the 8th March 1877, are reserved to the Secretary of State, and which might tend to facilitate their decision.

Additional instructions.

7. It is hardly necessary to point out that we shall proceed to consider the foregoing questions, not in the order in which they are stated, but with reference to the claims successively inquired into, as far as they are applicable thereto.

Such questions to be resolved with reference to each claim.

8. As soon as we entered upon our duties, we directed our attention to the perusal and examination of the patents or diplomas registered in the Government Archives and referred to by the Committee in their list. We also proceeded to look to the documents existing in the said Archives, availing ourselves of the valuable assistance and co-operation of the Government Archivist. Our next care was to consider all such documents and genealogical tables as have been transmitted to us either by the said committee or directly by several gentlemen whose names are inserted in the list.

Proceedings of Commissioners.

9. We feel it, however, our duty to state, before entering upon the subject, that we cannot assure his Excellency the Governor that the titles included in the committee list, and upon which we are to report, correspond to all the existing titles of nobility, and still less that the thirty-one gentlemen whose names are therein inserted represent all those who, under certain conditions, would have the right of claiming a title by virtue of the same grant. On the contrary, as it will be hereafter remarked, many gentlemen not comprised in that list are exactly in the same condition as others therein mentioned. As no notice has appeared in the Government Gazette, informing the public of the existence of our Commission, and inviting all those who might have a right to a title of nobility to lay their claims before us, our inquiry must necessarily be incomplete, and limited to those titles which are included in the list, or which after its presentation have been claimed. On the other hand, we could not ascertain how far the committee are invested with a representative character, with regard to the interests of the Maltese nobility.

List of the committee cannot be looked upon as complete.

10. The Government having left to our discretion to fix the mode of proceeding, in order to obtain the most accurate information for the dispatch of our inquiry, we thought it advisable to request the attendance before us of the gentlemen referred to in the list (with three exceptions which will be noticed hereafter), in order to supply us with all the information and documents requisite for the careful consideration of their respective grants.

Claimants called upon to appear before Commissioners.

11. It is gratifying to state that all those gentlemen, two alone excepted, have most willingly complied with our request, and some of them have displayed peculiar attention, in order to facilitate the discharge of our duties. For that purpose we have held numerous sittings in the Government Archivist's Office.

Claimants readily complied with Commissioners' request.

12. Some of those gentlemen had, ever since the commencement of our investigation, expressed their wish that we should communicate to them some written queries respecting the information we solicited from them; but we did not deem it advisable to deviate from the practice we had hitherto pursued, and which had been accepted by the great majority of the claimants, namely, of communicating orally with them. Had we sent out written queries to each of the claimants an endless correspondence would have been opened, and no result more beneficial than that which could be obtained by *vivá voce* information would have thereby been attained. Nevertheless, we have never objected to receive from the claimants memorandums containing statements of their rights; and similar statements have, in some instances, been asked for directly by us.

Request of some claimants to have written queries not adhered to.

13. The two gentlemen who declined to comply with our invitation, without giving any explanation for their refusal, were Dr. Gaetano Delicata, and Dr. Giuseppe Delicata, as the legal representative of his son, Nicola Maria Delicata Carbott. Seven gentlemen, not included in the committee list, appeared in the course of our inquiry, and referred their claims to the Commission, viz., Alessandro Preziosi, Dr. Vincenzo Camilleri, Enrico

Claimants who declined to attend. Other claimants who appeared

during the Inquiry. Testaferrata, Maria Francesca widow of Dr. Filippo Apap, Francesco Gauci Testaferrata, Angiolino Attard Montalto, and Luisa widow of Captain Walter Strickland, R.N.

Claimants who were not requested to appear before Commissioners. 14. The three gentlemen included in the committee list, whose attendance we did not think proper to call for, are Dr. Pietro Paolo Testaferrata Abela Moroni, who claims the title of "Barone di Gomerino," Augusto Testaferrata Abela, who asserts a claim to the same title, and Monsignor Don Salvatore Grech Delicata de Piro, who claims the title of "Barone di Budak." For this omission we beg to refer to what will be hereafter remarked; we must, however, state that Monsignor Delicata did not fail to insist on his being allowed to appear, and to have an opportunity of furnishing the Commission with the necessary information with regard to his title.

Number of claimants not corresponding with number of patents. 15. We now conclude the above preliminary observations by stating, for the clear understanding of our Report, that the number of patents or charters of titles does not and cannot correspond with the number of claimants included in the list, which amounts to thirty-one, and which added to that of the gentlemen who appeared after the presentation of that list, ascends to thirty-eight. This difference will be easily accounted for by the circumstance that several of these gentlemen claim the same title under the same sovereign grant. Thus Lorenzo Antonio Testaferrata, Gio Paolo Testaferrata Olivier de Puget, Lorenzo Cassar Desain né Testaferrata, Ignazio Testaferrata Bonici, and Dr. Giuseppe Testaferrata Viani presented themselves claiming the right of bearing simultaneously the title of Marquis, in virtue of the same grant originally made to one of the Testaferrata family (Don Mario) Emmanuele Testaferrata and Lorenzo Antonio Testaferrata claim, to the exclusion of each other, the title of "Marchese di San Vincenzo Ferreri," granted by another patent to the aforesaid Don Mario Testaferrata. Amedeo Preziosi, Dr. Antonio Preziosi, Dr. Camillo Preziosi, Alessandro Preziosi, and Dr. Vincenzo Camilleri assert, at the same time, their claims to the title of Count originally conferred upon one of the Preziosi family; and Dr. Pietro Paolo Testaferrata Abela Moroni and Augusto Testaferrata Abela both claim, to the exclusion of each other, the title of "Barone di Gomerino," which, according to the terms of the patent is to be enjoyed by only one of the descendants of the person first ennobled.

Observations respecting questions that are to be considered by Commissioners. 16. The foregoing remarks on the list of the committee and on the way we proceeded with in our inquiry, being premised, we beg respectfully to submit the following observations with regard to the questions which are referred to us.

Origin of the titles of Maltese nobility. 17. The titles of Maltese nobility, which are claimed at present, have a threefold origin. Some proceed from grants made by the Grand Masters during the Government of the order of Saint John of Jerusalem. Others have been by some of the claimants traced back to an epoch prior to the domination of the Knights, and are presumed to have been granted by the Kings of Sicily of the house of Aragon, when those rulers held the sovereignty of these islands; whilst others have been by patent created by foreign sovereigns, during the Government of the order of Saint John.

Division of the subject.

18. We purpose to follow this triple classification and to divide the present Report into three sections; in the first of which we shall consider the titles conferred by the Grand Masters, and in the second and third we shall proceed to inquire into the grants made by the Sicilian Kings of the house of Aragon and by foreign sovereigns. We shall subjoin a fourth section respecting certain hereditary distinctions conferred by foreign authorities during the Government of the Knights.

SECTION I.—TITLES CONFERRED BY THE GRAND MASTERS OF MALTA.

19. The order of the Knights of Saint John of Jerusalem ruled these islands for nearly two centuries and a half, that is from A.D. 1530 to A.D. 1798, when it was superseded by the Government of the French Republic.

Grant of Malta to the Order of St. John.

20. These islands were granted out to the Order as a noble, free, and absolute fee (feudum nobile, liberum, et francum) by Emperor Charles the Fifth as King of Sicily Ultra or of the Island of Sicily, by a patent given at Castelfranco, on the 24th May 1530, under the royal seal of the Kingdom of Sicily Ultra. The Grand Masters were, by that deed, bound to acknowledge, as lords of the feud, the Kings of Sicily and their successors for the time being, to whom they were to pay annually the homage of a falcon, and from whom they were to receive the investiture, according to the enactments of the common law.

Grand Masters at first only renewed extinct titles without creating new ones.

21. The Grand Masters who, under the aforesaid dependence, governed these islands as sovereign princes, were twenty-eight in number. We are not aware whether the first twenty Grand Masters from A.D. 1530 to A.D. 1710 ever created new titles of nobility; it appears only that they renewed several grants which had previously become extinct. Grand Master Lascaris, in fact, granted again in 1646 the title of "Barone di Budack,"

which had been extinguished. The creation of titles of nobility was certainly an indisputable right of the Grand Masters, for on the territory subject to their jurisdiction they exercised all the power inherent in a real and full sovereignty.

22. Since that year (A.D. 1710), under the grandmastership of Fr. D. Raimondo Perellos y Roccafull, the Grand Masters began to create nobles by patent, but conferring only upon them the title of barons. Two patents were granted by the aforesaid Grand Master Perellos, one on the 24th December 1710, by which he created the barony of Gomerino, and the other on the 23rd April 1716, by which the barony of Budack was conferred on Gio Pio De Piro. At a later period, Grand Master Fr. D. Antonio Manoel de Vilhena, who governed the Principality from A.D. 1722 to A.D. 1736, issued four other patents creating four barons, but two of these titles are now extinguished. His successor Fr. D. Raimondo Despuig conferred two other titles of baron, on the 2d June 1737 and on the 18th August of the same year. Grand Master Fr. D. Emmanuel Pinto de Fongeca created two titles of count, on the 16th May 1743, and on the 20th January 1745, and lastly, Grand Master Fr. Don Emmanuel de Rohan signed eleven diplomas, from 1775 to 1796, conferring upon several noblemen the titles of baron, count, and marquis respectively. From the foregoing facts we do not mean to infer that besides the said 21 patents, no others were granted by the same or other Grand Masters; on the contrary, we do not hesitate to affirm that several other titles were at different times created, some of which have been determined by the death without issue of their holders, whilst others were granted to the applicants to hold to themselves alone. Other titles of which we have no notice may perhaps also exist, but we are only called upon by our instructions to consider such claims as have been referred to us.

When Grand Masters began to create new titles.

23. We now proceed to report particularly upon each of the titles granted by the Grand Masters of the Order, and which are either included in the list of the Committee, or have otherwise been claimed, and in so doing we shall follow the date of their respective creation.

I.—Title of “Barone di Gomerino.”

24. Among the titles conferred by the Grand Masters and now inquired into, the most ancient is the barony of Gomerino, created by Grand Master Perellos, by a patent dated 24th December 1710, and granted to Paolo Testaferrata and Beatrice Cassia his wife, with succession to one of their legitimate and natural descendants for ever. Gomerino is the name of certain lands situated in this island; they were granted out originally as a noble fee by Frederick King of Sicily to Guglielmo Surdo, and after having been purchased by Grand Master Fr. Giovanni La Valettee, they were again conferred *in allodium* by Grand Master Fr. Alofio Wignacourt on Gio Maria Cassia, from whom they were conveyed to Beatrice Cassia. By the said diploma of the 24th December 1710, the Grand Master in creating the barony of Gomerino gave to the said Paolo and Beatrice Testaferrata Cassia, and to all and each of the holders of the title of “Barone di Gomerino” *in perpetuum*, the power of nominating to the succession of the title one of their male descendants at their will and pleasure, and on failure of such nomination it was provided that the title should descend to their first-born child. The subjoined is an extract from the original diploma registered in the Government *Cancellaria*.

Gomerino granted first in a noble fee and afterwards *in allodium*. Succession to the Barony how regulated.

“Praefatos Paulum et Beatricem et post eosdem, omni futuro tempore et in perpetuum, unum ex omnibus et singulis eorumdem successoribus de suis corporibus legitime et naturaliter descendentibus, semper Baronis Gomerini titulo decoramus et insignimus, et barones creamus et constituimus. Tribuentes iisdem Paulo et Beatrici omnibusque ac singulis aliis qui omni futuro tempore ac in perpetuum titulo ac prerogativa Baronis Gomerini fruuntur, facultatem nominandi et eligendi unum ex dictis eorum descendentibus sive marem sive foeminam, ad ipsorummet libitum et beneplacitum, pro hujusmodi titulo Baronis Gomerini consequendo et adipiscendo, dictaque nominatione et electione minime facta, ex tunc censeatur per eosdem eorumque singulos barones, nominatus et electus ipsorum Primogenitus, nisi erit ad Sacros Ordines promotus et in Religione professus et in defectu marium foemina primogenita.”

Terms of the grant.

25. This title is claimed by Dr. Pietro Paolo Testaferrata Abela Moroui and Augusto Testaferrata Abela, both of whom are descendants of the said Paolo and Beatrice Testaferrata, and each of whom demands the title to the exclusion of the other. Augusto contends that he is the possessor of the garden and lands of Gomerino, and that he was appointed to the title by Francesco his brother, the last holder of it, by a testament published on the 12th January 1861. Dr. Pietro Paolo asserts that the title belongs to him as the first-born son in the primogenial line of the said Paolo and Beatrice, and as the holder of a *primogenitura* (*Anglice* entailed estate) descendible from

Gentlemen claiming this title, and statements of their respective claims.

the first born to the first-born child), to which Beatrice had annexed the baronial title. Both these gentleman have produced documents and genealogical trees, in order to substantiate their respective claims. In the year 1861 a suit on the succession to the lands of Gomerino was instituted in the civil courts of these islands by Ettore Testaferrata against Augusto his brother, after the death of the last possessor of those lands, Francesco, their common brother. The court gave judgment in favour of Augusto, who was thereby put in possession of the lands of Gomerino, but no decision was delivered as to the title, which was claimed by Ettore as annexed to the lands of Gomerino. Whilst the cause between the two brothers was pending, Giuseppe Testaferrata, father of the present claimant Dr. Pietro Paolo, in a *protesto*, which he presented on the 21st April 1862, against the two contending parties, asserted that the title belonged to him, for as he contended, it was not annexed to the lands of Gomerino, but to the *primogenitura* founded by Beatrice Testaferrata and by her pre-deceased husband Pietro Paolo, on the 7th March 1714, in the acts of Notary Benedetto Vassallo, of which *promogenitura* he was the possessor, Beatrice, in fact, in a public instrument bearing date 5th November 1734, and received by Notary Tommaso Gatt, availing herself of the power given her by the sovereign, named to the succession of the title of "Barone di Gomerino," her son Ercole Martino Testaferrata and his legitimate and natural children and descendants, and annexed the present title to the possession of the *primogenitura*, in the following terms:—"Cum hac tamen conditione, quod prædictus titulus Baronie Gomerini, ut supra, prædicto Don Erculi Martino ejus filio, suisque filiis et descendentes datus et relaxatus, sit et esse debeat, cunctis futuris temporibus et in perpetuum, adjunctus datus et concessus illi filio seu filie et descendenti, qui vel quæ consequutus vel consequuta fuerit Primogenituram fundatam per prædictos dominos jugales De Testaferrata, in quodam donationis instrumento rogato in actis quondam Magnifici Benedicti Vassalli, sub die septima Martii Millesimi Septingentesimi decimi quarti"

Decision on the present claim withheld.

26. As the controversy between the two claimants may lead to litigation in our local courts, and as in our capacity of two of Her Majesty's Judges we may, at some future time, be called upon to take cognizance of, and decide, the disputed claims of the aforesaid two gentlemen, we think it advisable not to express any opinion on their respective claims. Moreover, in order to deal properly with this question, it is necessary that the matter in dispute should be more or less minutely investigated before a Court of Judicature. It is for the forgoing reason that we did not ask the claimants to appear before us, to furnish the necessary information. Consequently, in the list of titled gentlemen which, agreeably to the instructions we have received, will be appended to the present Report, no mention will be made of the claimants names; and in withholding our decision on their respective claims, we must add that the title of "Barone di Gomerino" lawfully exists.

II.—Title of "Barone di Budack."

Fief to Budack twice granted out, and it twice reverted to the Crown.

27. The second title in the committee list, according to the antiquity of the patent of creation, is that of "Barone di Budack," conferred by the same Grand Master Perellos, by a diploma of the 23rd April 1716. The grant was made to Gio Pio De Piro and to one of his issue male or female *in perpetuum*. The fief "ta Budack," which is of a very old erection, had been granted out to the Proto Medico Nicolo Cilia, by whose death it had reverted to the Crown, but it was, by a patent of the 22nd December 1646, reconferred, by Grand Master Lascaris De Castellar, upon Silvestro Fiteti, on whose death it again fell back to the Principality. It was lastly for the third time granted, by the above-mentioned patent of the 23rd April 1716, to Gio Pio De Piro, and to such of his descendants as the last holder should name, and, in default of nomination, to the first-born child, not being a member of the clergy, secular or regular. The terms of the grant are nearly identical with those of the preceding patent of the title of "Barone di Gomerino," and are as follows:—

"Tibi Nobili Joanni Pio De Piro et post tui obitum uni ex filiis vel filiabus legitimis et naturalibus, ex te et Nobili Anna Gourgion tua conjuge procreatis vel procreandis quem vel quam omni futuro tempore et in perpetuum. Tu et quilibet seu quælibet ex tuis successoribus in dicta Baronia constitutus seu respective constituta, malueritis eligendum vel eligendam, tribuimus, concedimus et donamus hujusmodique titulo insignimus ac Baronem dicti Feudi de Budacco constituimus et ita nominari posse et debere Hoc etiam addito, quod in casu tui vel tuorum in infinitum decessus, absque ulla nominatione vel electione dicti tituli seu Baronie, ex nunc censeatur nominatus et electus Primogenitus, nisi erit ad sacros Ordines promotus et in Religione professus, et in defectu marium femina primogenita"

28. The only gentleman who claims this title is Monsignor Don Salvatore Grech Delicata, a lineal descendant of Gio Pio De Piro, and nominated to the succession of the title by the last holder of it, Baronessa Francesca De Piro. Although no other person has appeared to claim the present title, Giuseppe De Piro, however, who is also one of the descendants of the original grantee, has laid before the Commission an oppository *nota* accompanied with several documents calling in question Monsignor Delicata's claim, and contending that the title of "Barone di Budack," having since a long time become extinct, the estate annexed thereto had devolved upon him by the title of a *Primogenitura*. We have taken no notice of the documents produced by Giuseppe De Piro, nor have we called for information from Monsignor Delicata, for the same reasons for which we had not asked the two claimants of the title of "Barone di Gomerino" to appear before the Commission; consequently we pronounce no opinion as to the justice of Monsignor Delicata's claim, nor will his name be included in our list; the decision of that claim being thus left to the competent authority.

Monsignor Delicata's claim reserved to the competent authorities.

III.—Title of *Barone di San Marciano*.

29. The third title, in order of date, is that of "Barone di San Marciano," in Gozo, conferred by Grand Master Manoel de Vilhena, by a patent dated the 14th June 1726, on Diego Antonio Galea Ferriol, and on such of his descendants as each holder of the title should name *in perpetuum*, and in the failure of such nomination on the first-born descendant, as in the two preceding grants of the titles of "Barone di Gomerino" and "Barone di Budack." The following is an extract from the diploma:—

"Tibi Nobili Didaco Antonio Galea Ferriol et post tui obitum, uni ex filiis vel filiabus legitimis et naturalibus ex te legitime procreatis vel procreandis, quem vel quam omni futuro tempore et in perpetuum. Tu et quilibet ex tuis legitimis successoribus in dicta Baronia constitutus seu respective constituta, malueritis eligendum vel eligendam. Et in casu tui vel tuorum in infinitum decessus, absque ulla nominatione vel electione successoris in dicto titulo, ex nunc censeatur nominatus et electus primogenitus nisi erit ad sacros ordines promotus, aut in religione professus, et in defectu marium, foemina primogenita."

Terms of the grant.

30. The present holder and claimant of the title is Pietro Paolo Galea, who proves by documentary evidence his descent from Barone Diego Antonio Galea Ferriol, and the regular transmission of the title through the first-born male descendants successively down to his person. His claim is called in question by no one, and he will consequently be referred to in our list as Pietro Paolo Galea, Barone di San Marciano.

Claimant's right fully established.

IV.—Title of "*Barone della Tabria*."

31. The fourth title is that of "Barone della Tabria," granted by Grand Master Manoel, by patent, on the 11th December 1728, to the nobleman Isidoro Viani, and to one of his male or female descendants, with power to each holder of the title to name his successor, precisely as in the preceding title, "Barone di San Marciano."

"Tibi Nobili Isidoro Viani et post tui obitum uni ex filiis vel filiabus legitimis et naturalibus ex te legitime procreatis vel procreandis, quem vel quam omni futuro tempore et in perpetuum. Tu et quilibet ex tuis legitimis successoribus in dicta baronia constitutus seu respective constituta, malueritis eligendum vel eligendam. Et in casu tui vel tuorum in infinitum decessus absque ulla nominatione vel electione successoris in dicto titulo, ex nunc censeatur nominatus et electus primogenitus, nisi erit ad sacros ordines promotus et in religione professus, et in defectu marium, foemina primogenita."

Operative clauses of grant.

32. This title is held by Dr. Giuseppe Testaferrata Viani, a lineal descendant of Isidoro Viani, first baron, as appears from documents exhibited by him. He does not, however, uninterruptedly descend from a male line, for Barone Isidoro was succeeded in the title by Barone Gio Battista Viani, his son. Barone Gio Battista having left on his death no male issue the title was inherited by his daughter, Anna Viani, who married Mario Testaferrata, the claimant's great-grandfather. It is for such reason that the real claimant's family name is Testaferrata and not Viani. But as in the grant it is provided that in default of male issue the title is inheritable by female descendants, the said Dr. Giuseppe, although he descends from the grantee through a female line, is entitled to enjoy the present barony. No person having appeared to dispute his claim, he will be therefore included in the list, under the name of Dr. Giuseppe Testaferrata, "Barone di Tabria."

Claimant though the great-grandson of a female descendant may enjoy the title.

This gentleman claims also the title of "Marchese" as one of the descendants of Mario Testaferrata. This point will be considered in another part of the present Report when we shall inquire into the titles granted by foreign sovereigns.

V.—*Title of Barone della Culeja.*

33. The fifth title is that of "Barone della Culeja," conferred by patent, dated the 2nd June 1737, by Grand Master Fr. Raimondo Despuig, upon the nobleman Ignazio Bonnici, with succession to one of his issue, male or female, and with power to each of the holders of the title to name as his successor one of the descendants of the grantee. The terms of the patent of creation being identical with those contained in the charter of the "Barone della Tabria" are, for the sake of brevity, omitted. The claimant and present holder of the title is Baronessa Vincenza Bonnici, wife of Barone Pietro Paolo Galea, who inherited the title from her father, Barone Ignazio Bonnici, junior, who left no male issue. No one having called in question her claim, and she having fully proved by documents her descent from the person first ennobled, she will be included in our list, and designated as "Vincenza Galea, Baronessa della Culeja."

Claimant's
right to the
title made
out.

VI.—*Title of "Barone di Benuarrat."*

34. The sixth title in order of date is that of "Barone di Benuarrat," which was granted by patent on the 18th August 1737, by the same Grand Master Despuig to the nobleman Saverio Gatto, and to such of his sons or daughters *in perpetuum* as should be named by the holder of the title, and in default of nomination, to the first-born male descendant, and in the failure of male issue to the first-born daughter. We do not think it necessary to quote the terms of the patent, they being similar to those of the deed granting the title of Barone di San Marciano. The claimant of the title is Angiolino Attard, who descends from the first titled person, although through a female line, as appears from documents produced by him; and he is the first-born descendant in the primogenial line of the grantee. Now as females are also qualified to enjoy the title *in subsidium*, we do not hesitate to include in our list the claimant as "Barone di Benuarrat."

Succession
to the title
how regulated.

Claimant's
title legally
proved.

VII.—*Title of "Conte della Bahria."*

35. The next title is that of "Conte della Bahria," conferred by Grand Master Fr. D. Emmanuel Pinto de Fonçeca by a diploma of the 16th May 1743. This is the first title of count which appears to have been granted by the Grand Masters, the former patents containing only grants of baronies. It was conferred upon Don Ignazio Muscati Falsone Navarra. The terms of the diploma differ from those of the six preceding charters, which are worded in an uniform style, and which confer the power to each holder of the title to name his successor. The title of "Conte della Bahria" was annexed to the lands of the same name, situated in this island, and which were erected by the said patent into a noble feud. The title is inheritable not only by one of the grantee's descendants, but by his sons and successors, whether relations or strangers, and it is annexed to the possession of those lands. The following is an extract from the diploma:—

Terms of
the grant.

"Te Dñum Ignatium Muscati Falsone Navarra tuosque filios, hæredes, et successores etiam extraneos, comitem et comites Territorii seu Tenutæ della Bahria positæ in hac Nostra Insula a Te et antecessoribus tuis jure pleni domini et proprietatis possessæ constituimus et in perpetuum creamus, dictamque tenutam seu territorium, illiusque membra et districtum in feudum nobilem sub titulo comitis erigimus atque extollimus."

Claimant's
right fully
established.

36. The present holder of the lands of Bahria is Antonio Stagno Navarra Muscati, who resides at Messina. His pedigree through a female line is fully proved, and no one has appeared to dispute his right to the exclusive title of conte, which unquestionably belongs to him as the possessor of the feud to which it is annexed. He will be referred to in the list appended to this Report as "Antonio Stagno Conte della Bahria." The claimant in the committee list is also styled "Patrizio Messinese" and "Conte di Casandola," which latter title is presumed to have been granted by Charles II., King of Spain and Sicily, on the 6th January 1685. The date of the creation of the title of "Patrizio Messinese" is not specified in the list, and no proof of the existence of either of these titles having been made by the Procurator of Conte Stagno, we must conclude that the claimant has failed to establish his right to those dignities.

His claims to
the titles of
Conte di
Casandola
and Patrizio
Messinese
not made out.

VIII.—Title of "Conte delle Catene, or delli Mori."

37. The title of "Conte delle Catene," or "delli Mori," which is the eighth in order of date, was conferred by Grand Master Pinto, by a patent of the 20th January 1745, upon Pietro Gaetano Perdicomati Bologna and his sons, as well as on his heirs and successors, whether relations or strangers. The terms of the patent are almost identical with those of the preceding grant, and this dignity is annexed to the landed estate *delle Catene* or *delli Mori*. The said estate was by that patent erected into a noble feud. The following is an extract from the deed of grant:—

"Te supradictum Dominum Petrum Cajetanum Perdicomati Bologna tuosque filios
 "jam natos vel nascituros, haredes et successores primogenitos et etiam extraneos,
 "Comitem et Comites Territorii seu Tenutæ *delle Catene* hodie vero *delli Mori* appellati,
 "positi in hac Nostra Insula a te et antecessoribus possessi jure pleni domini et pro-
 "prietatis, nec non Primogenituræ masculinæ ordinatæ per bon mem canonicum Don
 "Alessandrum Perdicomati Bologna in feudum nobilem sub titulo comitis
 "erigimus atque extollimus."

Terms of grant.

38. The title of conte being annexed to the feud and Primogenitura Bologna, on the succession to which a suit is at present pending, in the civil courts of these islands, between Marchese Felicissimo Apap and Luisa, widow of Captain Walter Strickland, in her own name, and on behalf of Gerardo her son, who is a minor, we must necessarily refrain from expressing any opinion on the subject. And as the title is to be enjoyed by that of the contending parties to whom that Primogenitura will by a definitive sentence be awarded, no one of the claimants will, in the list appended to this Report, be designated as "Conte delle Catene," or "delli Mori," and the decision on the matter in dispute must be left to the competent authority; for mere information, however, we beg to state that the last holder of the *Primogenitura* and of the title of conte was Sir Nicolò Sceberras Bologna, K.C.M.G., and that one of the two suitors, Luisa, widow of Captain Strickland, is the daughter of Maria Teresa Bonici née Sceberras, eldest married sister of the last possessor, and that the other suitor, Marchese Felicissimo Apap, is the son of Maria Apap née Sceberras, youngest sister of the said Sir Nicolò.

Succession to the title disputed. Decision thereon left to the competent authority.

IX.—Title of *Barone della Marsa*.

39. The title of "Barone della Marsa" was conferred by Grand Master Fr. Emmanuel de Rohan, by a patent dated the 10th March 1775, upon Gio Francesco Dorell Falzon, with succession to his male issue. The same title had been previously granted by Grand Master Manoel de Vihena, by a patent of the 12th June 1725, to the nobleman Ferdinando Castelletti, and to such of his male or female children and successors as the holder of the title *in perpetuum* should appoint. By the death of Ferdinando without issue the title was extinguished, and it was once more, by another diploma of the same Grand Master, bearing date the 4th December 1753, granted to Giovanni Antonio Azopardi Castelletti and to one of his descendents, in the same terms as the preceding patent. The second grant having also been determined by the death without issue of Giovanni Antonio, the title was, for the third time, conferred upon Gio Francesco Dorell Falzon, in the following terms: "Tibi Magnifico ac Nobili
 "D. Joanni Francisco Dorel Falzon tuisque descendentibus masculis tribuimus
 "concedimus et donamus, hujusmodique Baronis titulo insignimus, ac Baronem dicti
 "feudi della Marsa constituimus, et ita nominari posse et debere"

Title della Marsa twice granted and twice determined by the death of the grantees without issue.

Re-conferred for the third time on Gio Francesco Dorell.

40. The aforesaid Barone Dorell having left on his death no issue, the title of "Barone della Marsa" became for the third time extinct. Nevertheless the Marchesa Maria Francesca, widow of the Marchese Dr. Filippo Apap, whose name is not included in the committee list, has laid before the Commission an application accompanied with several documents, claiming this title as the only surviving daughter of the testamentary heir of the said Barone Dorell. But the latter, destitute of any issue, devising by testament the whole of his estate to Paolo Sceberras his nephew *ex sorore*, did not, and could not, transmit to him, as a collateral, the title of "Barone della Marsa," granted only to the male issue of Dorell, by the death of whom it became extinct. Paolo Sceberras could not consequently convey that title to the claimant, who, moreover, being a female, would not be comprised in the grant, even if she descended from the said Dorell. We are therefore of opinion that she has failed to establish her right to the title, and her name will not consequently be included in our list.

Barony extinguished by the death of Dorell without issue.

Claimant failed to establish her right.

