

UNPUBLISHED NOTES BY SIR ARTURO MERCIECA

Michael Galea

I came to know personally Sir Arturo Mercieca when he was already in his late years. I nurtured a special admiration towards Sir Arturo because in him I saw a living example of the upright man, firm in his ideals and in upholding fundamental principles. The more I read about him the more I came closer to him spiritually, and the more the image of him grew bigger. More particularly, it was through his writings that I discovered the man most: a man of deep culture, erudite and eloquent in his words, cautious in his writings, tolerant in his deeds.

Sir Arturo was a man of many parts. He was a dominant figure in the political arena in the first part of the century, and a prolific writer of history. He published his well-researched studies in local leading historical reviews such as *Archivum Melitense*, *Malta Letteraria* and *Melita Historica*, and in Italy in *Archivio Storico di Malta*. He took an active part in the social life of his time. But, above all, Sir Arturo distinguished himself for his forensic achievements and as legislator. His rapid promotions were climaxed in his appointment as Chief Justice in 1924.

In 1947 he published his autobiography: *Le Mie Vicende*, which book has already gone into its second edition in 1984. These memoirs have been translated into English with the title *The Making and Unmaking of A Maltese Chief Justice*.

Apart from what Sir Arturo wrote and published about himself, I always wanted to have from his own hand some reminiscences particularly about his deportation to Central Africa during the Second World War.

With this idea in mind I decided one day to write to Sir Arturo and ask him for an interview. He cordially accepted to accede to my request. From that first contact with Sir Arturo I had other occasions to meet him again at his villa in Ta' Xbiex. He even consented to write for me an account of the events which led to his deportation – an experience which left an indelible mark on Sir Arturo. These unpublished notes supplement in a way his published memoirs. After all, this was exactly the purpose of my request.

Punctual and faithful to his promise I received this letter from Sir Arturo:

*“Cloe” Ta’ Xbiex
22 giugno ’67*

Caro Sig.r Galea

Vi mando la cronaca da voi desiderata di quanto riguarda il mio internamento e la mia deportazione.

Si tratta del primo abbozzo che non ho la comodità di dattilografare. Se lo farete voi, vi prego di avermi avere una copia.

Sperando di avervi servito come meglio ho potuto, vi saluto cordialmente.

*Vostro
Art. Mercieca.*

I think that the time is now ripe to put in print these random thoughts emanating from the gentle pen of Sir Arturo Mercieca. These reminiscences are printed hereunder as received, that is, in their original English text (as it was my desire to have them written in English) and in an unsophisticated style – they convey the feeling as if Sir Arturo were talking to the reader. Even from these short random notes the outstanding personality and nobility of character of Sir Arturo Mercieca stand out in a prominent way.

Now that Sir Arturo is no more (he died in 1969 at the venerable age of 91) I am sure these notes would eventually lend a hand to the official biographer of Sir Arturo Mercieca.

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CHIEF JUSTICE AND DEPORTEE

The binomen of the above title without doubt carries only the indication of an extraordinary occurrence – hardly believable. And yet it really came about during the last war – many unorthodox happenings form the corollary of a serious conflagration between belligerents.

The scope of these notes is the explanation of the cause, the time and the manner in which the facts that were brought out by the event evolved themselves.

The political situation in Malta in the last years before the break out of the world conflict was not rosy. The last form of the Constitution, which since the grant of Self-Government had led a chequered life of changes and withdrawals according to the whims of the imperial government was most illiberal. Of the twenty members forming the Council ten were elected, eight were officials and two were nominated by the Governor, to whom belonged the decisive vote and the right not only to veto whatever law was passed by that assembly, but also the faculty of imposing any other that would have been rejected by that House.

When war was declared between Germany and the Allied Powers, England and France, the possibility of Italy joining in in favour of the former caused here a panic. The military authorities ordered a general mobilization, various emergency laws were passed by the Legislative Assembly, gas masks were largely distributed, shelters were dug in the rock, civil defence officers were appointed, about a hundred persons, including all the staff of the “*Malta*”, the organ of the Nationalist Party, were interned, and many more were warned by the Police Commissioner.

On the very day Italy waged war against the Allies in June 1940, I was put in the necessity of resigning the Chief Justiceship to avoid removal, which had been sanctioned by Letters Patent, in spite of the privilege of immovability guaranteed to Judges by the Constitution. At the same time I was interned, with my wife and two unmarried children in my Villa at S. Paul tat-Targa. The motive given was my pro-Italian inclinations and the existing state of war. On leaving the hall at the Palace where Governor Dobbie [1940-1942] had announced to me those measures, he shook my hands saying: “I know nothing about you.” I replied: “You are shaking the hand of a gentleman.”

The drastic action taken against me was the corollary of a series of incidents that, since my promotion to the highest judiciary post, showed the diffidence towards me of the imperial forces in Malta caused by my well known defence of the Italian language and culture.*

* Two funny anecdotes occurred during the reception given in my house on the day of my raising to the Knighthood. An aged official who had the same prefix “Sir” said to me that hence-forward I would be called “Sir Arthur”. I promptly replied: “How sorry I am that my father was dead, who had given me the name ‘Arturo’, and I could not ask his permission to make the change.” Another high official on another occasion unceremoniously told me that he had fancied that the promotion to the Chief Justice would fall on Judge Parnis. To him I also remarked that had I known in time his desire I would have ceded the way to his protege.

The first clash took place during the short period of Lord Strickland's premiership [1927-1932]. The Court of Appeal was made the target of serious attacks from him and the members and newspaper organ of his party for alleged partiality, for which I had to enter a protest with the Speaker of the Senate, which went unheeded. Not long afterwards Sir Ugo Mifsud wrote a local paper having learned in London that Governor Du Cane [1927-1931] had reported me as having shown political partisanship in the Court's judgement. Having failed to obtain a confirmation or denial from General Du Cane, I broke all connection with him.

Another mark of non-confidence in the Court's judgement on the part of the government then in office was expressed by appointing to that tribunal, when vacancies occurred, not the senior judge among those presiding over the Court of First Instance, but the newly nominated judge, for the evident purpose of controlling the deliberation of my Court.

Still another sign of diffidence came out when, on the occasion of an appeal to the Privy Council from a decision of the same Court copies of some speeches of mine sounding respect and admiration for the Italian colony in Malta were produced as evidence in the case.

An exceptional fact occurred when a judgement of the Privy Council affirmed that of the Court of Appeal in an important case, which had excited great popular interest. On entering the building of the Tribunals for the usual Sitting, a crowd come out from anywhere and started applauding and followed me up the stairs to the hall of the Court of Appeal. I merely lifted my top hat as a salute. But, when we entered the hall, we found it full of public. All the advocates were present in their forensic toga. We feared that some hot-head would mar the traditional seriousness of and the respect to the Court. No applause however was attempted, nor any voice heard. The demonstration was silent, imposing and significant. The policemen who hurried into the hall to disperse the crowd were ordered to withdraw their intervention not being required.

My attachment to the Italian language which may have given offence occurred in 1927. I was asked to grant my patronage to a concert at the Opera House on the occasion of the King's birthday. I replied that I would grant the request provided some of the items of the programme would, as in the past, be produced in Italian. Having received no assurance in that sense I declined the honour.

When that year the Constitutional Party gained the power, I was informed by the Minister of Justice that I was released from the function of presiding over the Criminal Court, a post constantly occupied before by the Chief Justice. When I

remonstrated with Prime Minister Strickland against the measure taken, he gave orders for me to be reinstated in that function.

Several encounters occurred between me and Lieutenant Governor Sir Harry Luke which merit to be recorded. When preparing for the ceremony of the oath-taking by the newly appointed Governor Sir David Campbell [1931-1936] he required the Judges to attend as a body in full judiciary dress. When he refused our request to have a special bench raised up for us, I said that we would attend individually, as a part of the public, in morning dress. He retorted: "Remember you are public employees." I spoke out: "Yes, but of a special character and with the guarantee of immovability." He insisted: "The Government may take a decision which you will be bound to obey." And I: "Not before appealing to the Secretary of State for the Colonies." The following day Sir Harry gave way to our demand.

When I sent for publication a historical contribution to the Italian review by name *Archivio Storico di Malta* the same Lieutenant Governor made me know that the Government disapproved of my publishing articles in foreign periodicals. At one time afterwards he pointed out to me in writing that I had defied the Government's objection by having another of my articles printed in the foreign Review. I replied that he was in error, as my contribution appeared in a local periodical bearing an almost similar title.

Another remark out of place was made evidently through his initiative. A large representation of the Calabrese Society "Mattia Preti", on passing through here honoured the memory of their famous compatriot whose name they bear by placing a bronze wreath under his portrait in the Sacristy of St. John's. The following day I was summoned by Governor Campbell to explain my presence at the ceremony. I said that I had been simply one of the many admirers of the great Calabrese artist who attended the proceedings.

During that period I felt that I was being kept away from solemn and official occasions where the presence of the Chief Justice was customarily required. Having complained of this treatment with the newly appointed Crown Advocate Jackson he mentioned the subject to Governor Sir Charles Bonham Carter [1936-1940] by whom I was called at the Palace, and showed his displeasure at my frequent meetings with an ex-Superintendent of Fine Arts, who had been removed from office and with the Italian Consul. I explained that I saw often the former when organizing the Art Amateur Exhibition annually inaugurated with a speech by the Governor, and usually met the Consul at the receptions given by His Excellency.

Among the lack of proper attention used in my respect the instance may be quoted that no consultation and no information was given to me on the occasion of

the appointment of new judges, and the alteration in my disfavour as Chief Justice of the table of precedence without asking my views beforehand.

I must have also given offence to the local imperialist forces, by frequently attending the activities of the newly created *Istituto Italiano di Cultura*, consisting in lectures by eminent savants, concerts by well-known musical virtuosi and exhibitions by famous artists all hailing from the continent. This was made clear to me by the notice my frequency gave to the spying men in plain dress.

Another striking episode marred by relations with Governor Bonham Carter. At a dinner given by him in honour of Admiral Riccardi and of other officers of the Italian warship *Cavour* I noticed that the place assigned to me at the table was lower in rank to that allotted to Sir Edward Jackson my junior in the scale of precedence. Having heatedly protested with the Governor, not accepting his excuse that no precedence had been applied in the assignment of places, he brusquely said that he might have asked me to withdraw. I replied that that was exactly what I was doing with my wife. He melted down suggesting that we should discuss the matter the following day. I accepted but took no food. When I called on the morrow he gave as an explanation for the lower place fixed for me his desire to put my wife near Admiral Pound who would certainly be pleased. I smiled sceptically, and did not press my point.

A few months before my internment, and presumably in preparation thereof, I was approached during a ball at the *Casino Maltese*, of which I was President, by Col. Ede, head of the Intelligence Service. After remarking that I was the only man to bring down politically Lord Strickland, he suggested that I should resign the Chief Justiceship and enter politics in order to fight. I obviously laughed away the proposal, evidently intended to make me renounce to my privileges as a judge.

My forced resignation from my post of Chief Justice and President of the Court of Appeal rendered possible my internment, which was accompanied by that of my wife, my daughter Lilian, and my son Victor. A special treatment was offered us in that we were allowed to remain in our country house, 'Hunters' Lodge' in S. Paul tat-Targa, under Police surveyance, with strict prohibition to leave it, or to see our other children, other relatives and close friends except for a couple of hours each Sunday afternoon. My radio, telephone instrument, photo camera and binoculars were taken away from our house. Severe restrictions of various kinds were imposed. We were not allowed to attend the conferment of the degree LL.D. on our son Victor, the weddings of two nieces of ours, and the baptism of two grand-children. I was not allowed to write for papers nor dispose of my money.

After a few months my son Victor was transferred as an internee to the house of his fiancée, but was soon released, conscripted and granted a commission in the army.

During the debate in the Council of Government on my pension which was given me in full, the Lieutenant Governor Jackson in replying to the protests of the members belonging to the Constitutional Party, declared that no charge could be brought against me, and that I had discharged my duties commendably.

At one time, with our consent, Mgr. [Albert] Pantalleresco who had been interned in the Augustinian Convent at Rabat, was transferred to our house, and lived as part of our family for the whole period of our loss of personal liberty. This measure brought us the advantage of a daily Mass and Communion at home for all that period.

No efficient shelter was prepared for us from the frequent air raids. At first we moved to the *garigor* and subsequently a cement ceiling was constructed in the Tower adjacent to our villa. I collected from the roof some shrapnels that fell when a bomb exploded a few yards from our house.

In the first months of 1942, when Malta was on the point of falling to the enemy, owing to the extreme lack of food for the population (it was rumoured that General Gord [*sic*] [1942-1944] had been appointed Governor for the purpose of handing over the Island-fortress) about forty internees, me included, were ordered to be deported to Uganda. The Governor's command was subsequently declared *ultra vires* after a series of lawsuits promoted by some of the deportees. My submission, insisted upon by my family, that I was not in a condition to stand the risk of a long voyage owing to ill-health, certified by two Maltese medical professors, was turned down. To my wife and daughter the option was given to remain, by joining the internees of the female sex. They chose without hesitation to accompany me, even when they were warned that the passage to Alexandria was very dangerous.

In effect the conditions under which we journeyed to Egypt resulted appalling both as regards the accommodation on the ship *Brekenshire* [*sic*] and our safety. We were hustled into the hold with no other comfort but bare wooden benches and tables to sit and to sleep on, and a metal pail for all purposes. On taking us down the officer commanding our military escort had this to say to us: "I have no sympathy for you. Anyone who in case of an accident, will try to approach the boats will be shot." Our only consolation was a daily Mass and Communion by Mgr. Pantalleresco, another of the deportees. My wife and daughter were allotted an officer's cabin on the forecabin.

The crossing to Alexandria proved true the bad forebodings. Our ship was the target of three long attacks from the sea and from the air by the Italian and German warships and aircraft and it was by some miracle that we were not hit and sunk. The *Egyptian Mail* of Alexandria described the attacks as one of the most ferocious battles fought in the Mediterranean, with a loss of two ships of those that escorted us.

From Alexandria we were taken by rail to Cairo, and housed and treated in a most inhuman manner. Amassed in two bare large barrack-rooms deprived of all requirements for personal cleanliness and conveniences, we were made to sleep on the floor covered only by rough blankets, bit by a procession of ludicrous [*sic*] insects, guarded by soldiers with fixed bayonets. The food was scarce and nauseating, and served in tin cans, which made a Zealander exclaim: "Is it for that we're brought here, to see these gentlemen treated in this fashion." My wife and daughter received better consideration. They were housed in an Indian Military hospital, where I was lucky enough to be now and then invited to a proper lunch and to have a bath.

When at the Citadel all my underclothing was stolen, and it took months before I could be compensated. We were allowed to visit the monumental mosques; and after three weeks our journey to Uganda was resumed. By train and then by steamer on the Nile and then by rail again to Khartoum; from where, as a chartered convoy for ourselves, we enjoyed the experience, which only millionaires are said to regale themselves with on account of costs, consisting in travelling the whole length of the classic Nile, from delta to source. My wife, my daughter and I were accommodated in a river vessel propelled by paddles and the rest were placed in two barges towed, one on either side, by the ship.

The nice journey lasted nineteen days owing to halts for brief or long periods to embark fuel in primitive villages, crowded with natives, generally naked, except where religious missions were established. I gave on board, in two evenings, two lectures in Italian on 'the Glories of Malta through the centuries'. The applause I received gave offence to the military escort and lecture giving was forbidden.

On our arrival in Uganda we were settled in the village Bombo, 23 miles distant from Kampala, the Capital, an erstwhile station of a regiment of Ugandan soldiers and their British officers. A commodious bungalow was assigned to me and to Monsignor Pantalleresco. Former military quarters consisting of three blocks of rooms were adapted for the other deportees.

Permission was granted our colleagues to go for walks, under guard of barefooted native policemen, around the beautiful surroundings. On Monsignor, on me and

mine no restrictions of movement were imposed, except that we were escorted on our trips to Kampala, the capital of Uganda.

Through a radio set we kept ourselves informed of the ups and downs in the course of raging world conflict. My birthday and Dr. [Enrico] Mizzi's were celebrated by the group with pleasant luncheons. The deportees had the assistance of an Italian doctor, himself a prisoner, who finished by taking his meals at our house. All deportees, we included, suffered the attacks of malaria, prevailing in that region, and had to be taken for treatment in the hospital of Kampala.

Other dangers menaced our existence in Bombo. Two serpents of a certain size and smaller reptiles took an interest in us. A lion and a lioness with their male cub were on the prowl, and we were warned not to enter the jungle.

A person of consequence joined us in the Camp as a deportee, U. Saw, Prime Minister of Burma, a patriot and a journalist, who had suffered imprisonment for his pleadings for the complete independence of his country. He remained with us for all the time we were kept in exile, and when he also was freed and returned home and to politics, he became implicated in the simultaneous shooting and killing of the Prime Minister and other Ministers and was sentenced to death.

For some time a weekly newspaper in Italian was set up and read with interest, to which I contributed articles and verse. After seventeen weeks it was suppressed by the Commandant of the Camp. With the mild weather, the days always equal: the sun rising at seven, and setting at seven – we felt as if we were living in an eternal spring or autumn.

Two incidents marred somehow our good relations with the authority. One of the deportees found a big dog roaming about ostensibly lost and without an owner, and presented it to my daughter who took a fancy to it. After several days the Commandant called with a person, who claimed the dog in the name of a friend of his, who had left the animal in his charge during his absence from the country. I said that I wished to speak to the owner himself on his return and possibly buy the dog for my daughter, and declined handing it over. The Commandant despondently [*sic*] entered the interior of our house and took away the dog with him. At this action I reacted by forbidding my daughter from continuing to help the Commandant's wife in tending to the kitchen for the meals of the deportees.

As regards the other incident, when I wrote to my son Victor in Italian, addressing him as *Tenente*, at the time he served a Commission, a remark was made by his Superiors, that sounded like a rebuke, that no grade of that name existed in

the British Army. The same criticism was repeated to me in Uganda by the Captain in charge of the deportees, who asked for an explanation.

It was quite easy for me to refer to the ignorance of the home censors, who did not know that in Italy no use was made of the long word "Luogotenente", but officers were variably, called and addressed as "Tenente", "Tenente Colonello" and "Tenente Generale". No further insistence reached me to alter my mode of writing to my son.

After five months the Bombo Camp was broken up. We, Monsignor and U. Saw were transferred to Kawanda, a small village, converted into an experimental agriculture centre, and all the others to Soroti, an arid, swampy and consequently malaria-infested locality. They in fact all contracted the illness, with relapses, and were shortly afterwards removed to Entebbe.

The officials who were engaged in the experimental station were placed in charge of us, with a recommendation not to enter into familiar relations with us. We were allowed only once to pay our friends a visit at Entebbe.

In February 1944 we five were ordered back to Bombo, where a number of families, deported from Palestine, Syria and Iraq and Iran were herded together. They belonged to various nationalities, and were Hebrew, Germans, Hungarians, Roumanians and a few Italians. They brought a diversional interest, but we were bound to witness scenes and situations which required tolerance on our part and to bear language apt to outrage our sense of responsibility.

In April a small group of Maltese, chosen mostly among dockyard workers were allowed to return home. Other groups followed at long intervals. The last one, we included, was allowed to leave Uganda on the 19th January 1945.

We left when the first general strike in Uganda was on, and during our drive for entraining to Kampala the Commandant's car that took us was stoned by the strikers. We four were conveyed to Makindu in Kenya, passing through Gingia, where we saw the source of the classic Nile. From Makindu, where fires are daily lit to keep away wild beasts from human habitations we could see at a distance the high mountain Kilimangiaru, covered with perennial snow.

In Mombasa harbour we boarded the luxurious ship [Batory], full of Italian and Polish troops which over the Indian Ocean and the Red Sea took us to Egypt. We were entertained for several days in Ismailia, on one of the Salt Lakes, closed in a Rest Camp owing to lack of an Egyptian visa. The winter was exceptionally severe, and I fell ill with bronchitis, luckily arrested and cured. When the day for the move

came, we were taken to Port Said, for embarkation on the transport ship "*Thelma*", that, before taking to Malta, made a call in Taranto. During the last days on board, an order of liberation, signed that same day by the Governor Schriber [1944-1946] was read out to us. I jokingly asked the commissioned officer whether H.E. was still with us on the ship or had flown back by train to Malta!

When back in the Grand Harbour, before landing, the Police Commissioner told us some restrictions were put to our freedom, i.e., not to enter or approach any prohibited area, not change our residence without his consent, not take any employment or start business without informing him, nor give press interviews, publish articles, or hold public meeting. An enthusiastic crowd cordially welcomed us at the Customs House.