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The Maltese judiciary during wartime Malta

by Anthony Zarb Dimech

A luncheon held at the Casino Maltese on 12 July 1942 to honour his Hon. Dr. G. Borg M.B.E. LL.D (Chief Justice and later Sir), the Hon. Mr. L. Galea LL.D (Attorney General) and the Hon. Mr. Justice T. Gouder perhaps best epitomises and immortalizes the appreciation showered by both the Maltese and British, civil and military authorities to these three men in charge of Malta's wartime judiciary, implementing such critical wartime legislation as the Emergency Powers Ordinance.

The chosen venue for this luncheon was the Casino Maltese which originally housed the Treasury of the Knights of St. John and over time was kept to its original 16th century features. During the war it was (and still stands today) a truly outstanding place with a long list of noble visitors.

It is truly amazing how this luncheon was held in such a building and not in some secluded underground bunker considering that Malta was at the height of the Second World War. The luncheon programme is five pages long and contains the names of more than 200 distinguished guests revealing the magnitude of appreciation given to these three men. A glance at the names reveals a spectrum of people from the judicial, legislative and executive branches of government as well as prominent Maltese businessmen of the time. In a nutshell the guests were a representation of the crème de la crème of Maltese society.

Among the British guests one can mention, Squadron Leader J. Warfield of the Royal Air Force. In February 1939 just before the Second World War started, Warfield was appointed as Command Armament Staff Officer at HQ Mediterranean Command at RAF Luqa serving under Air Vice Marshall Hugh Lloyd, a post he held until the spring of 1941 when he was promoted to Wing Commander and appointed as Officer Commanding of the Malta airbase RAF Ta' Qali.

These three Maltese gentlemen whose names appear on the luncheon programme had the unenviable task of ensuring the smooth running of the judiciary at a time when air raids over Malta were on the increase and in fact kept on increasing up to the latter part of 1942. Nevertheless with determination the judiciary kept holding sittings of various courts as circumstances best allowed. After the Law Courts were completely destroyed by aerial bombing on 13 May 1941, business went on as usual for the judiciary as sittings were held at the Archbishop's Seminary in Floriana. Merit also goes to all the staff of the H.M. Superior Courts, Courts of Appeal, Inferior Courts of Appeal and Second Hall Sittings, such as ushers and messengers who distributed citations in the various villages in acute transport situations that made work arduous

Chief Justice George Borg was appointed on 1 January 1940, nearly six months before the war began having succeeded Sir Arturo Mercieca who was illegally removed for his pro-Italian sentiments and replaced by one with pro-British sentiments and coming from the Constitutional party. Chief Justice Borg is also best remembered for having received the George Cross Medal on behalf of the Maltese people from the British in April 1942.

Malta at the start of the war had to contend with the removal of Maltese compatriots that were considered undesirable by the British due to their pro-Italian stand and other Maltese were put to the task of implementing this political controversy, including the deportation by the Governor of the Maltese internees to Uganda. Chief Justice Borg and Judges Edgar Ganado and William Harding also had the judgement of the only treason trial in Malta during the war, that of Carmelo Borg Pisani. It was truly testing for the Maltese judiciary to keep its political independence within an environment of mixed Imperial anglophile and Italianate and Fascist political inclinations.

Indeed the Maltese judicial system stood up to be counted in such difficult times. Malta did not impose any Martial Law as was the case in other fortress colonies. Throughout the blitz there was no sign of a 'peace movement' and the motivating factor for the Maltese population's resistance arose from the fact that the politically articulate Maltese felt themselves more British and the population fought on almost after the first Italian bombing that made the Maltese mad. After that, Italian sympathisers did not 'show their heads', except from Rome.