

Vol VII, 1944, 1947

PRELUDE TO RESTORATION OF RESPONSIBLE GOVERNMENT - THE NATIONAL ASSEMBLY 1945-47

Joseph M. Pirotta

During 1943 the Elected Members of the Council of Government had petitioned the Secretary of State for the Colonies to restore Self-Government to Malta. On 7 July 1943, the Colonial Secretary declared that upon the cessation of hostilities responsible government would be restored. He also promised that responsible Maltese opinion would be consulted on the form the new Constitution should take.

On 8 December 1943, the Elected Members of the Council of Government sent circulars to all the Constituted Bodies recognised by Government calling upon them to send two delegates each to a Congress which would take steps to convene a National Assembly whose purpose would be to draft a new Constitution for Malta. (1) Major Roger Strickland, who had succeeded Lord Gerald Strickland as leader of the Constitutionals upon the latter's death in 1940, said that the Congress had to be guided in its decisions by the necessity of presenting a united Maltese front for the Maltese. (2) The representatives of the political parties also decided that there should not be any formal representation on party lines so as to make it easier to retain the desired united front.

The Congress held its first meeting on 10 February 1944 at De La Salle Palace, Valletta. (3) During this meeting Contino Prof. L. Preziosi was elected President, (4) Prof. G. DeGiorgio was elected Secretary and Notary F. Frendo Randon was elected Assistant Secretary. A Committee, made up of these three officials as well as Major R. Strickland, Dr. G. Borg Olivier, Dr. P. Boffa and

1. *Times of Malta*, 11-2-44.

2. *Ibid.*

3. The Constituted Bodies represented in the Congress were: The Church; the Nobility; the Chamber of Advocates; the Medical Council; the Chamber of Commerce; the Trade Union Council; the Chamber of Architects; the Notarial Council; the Chamber of Chemists; the Chamber of Legal Procurators; the Society of Arts, Manufactures and Commerce; the Agrarian Society; the Malta Union of Teachers; and the Elected Members of the Council of Government.

4. Professor Preziosi had represented the Graduates in the Senate of 1927 and 1932. In this same year he was elected President of the Senate.

Prof. V. Caruana Galizia, was then elected in order 'to study and submit... the best means of calling a National Assembly which will be truly representative of the whole country and which will draft a new Constitution for Responsible Government.' (5) It was decided to invite all Constituted Bodies to send delegates to the National Assembly and to invite any organizations seeking representation to apply to have their case considered.

When the original list of Bodies and the number of delegates they were to send first became public, a row arose because the General Workers Union objected that Organised Labour and Mixed Unions were only allotted a total of 24 and 22 delegates respectively. At a Mass Meeting held at the Mile End, the G.W.U. protested that in spite of having 20,000 members it had only been allotted 2 delegates, while Band Clubs had been allotted a total of 158. (6) The Union was afraid that most Band Clubs would follow the tradition of picking prominent local people as delegates who would only be concerned with defending vested interests. These would be best served by, for example, denying the right of universal franchise in the new Constitution. (7) The Union's paper claimed that the National Assembly, as proposed by the Congress, would hand over 'majority influence in the shaping of our Constitution to musical organizations.' (8) When its claims were rejected the G.W.U. decided not to take part in the Assembly as it was proposed. (9) This would have seriously weakened the representative character of the Assembly.

In order to find a compromise solution it was suggested that the Union should be given 2 delegates for each of its Sections. This was first publicly suggested by *The Bulletin* (10) and the Union based its claim for such a procedure to be followed on the precedent set in the case of the Malta Chamber of Commerce which had been allowed 24 delegates. The Union's claim was accepted during the Congress sitting of the 7 October 1944. Congress met for the last time on 2 December and despite attempts to frustrate its object, by both the Chamber of Advocates — whose representative moved that 'the convocation of the National Assembly should be postponed until the defence regulations were repealed', (11) — and the Notarial Council — whose representative moved that the Assembly 'should not meet until 2 December

5. *Times of Malta*, 11-2-44.

6. *Ibid.*, 22-6-44.

7. *The Torch*, 22-7-44.

8. *Ibid.*

9. *Ibid.*

10. *The Bulletin*, 5-8-44.

11. *Times of Malta*, 4-12-44. This, in practice, would have meant until the end of the war.

1946' (12) — it in fact went on to fix the first meeting of the National Assembly for the 20 January 1945.

The attempts of these two Bodies was in keeping with the policy of the Nationalist Party. From his internment camp in Uganda, the Nationalist Party Leader, Dr. E. Mizzi, had criticised the summoning of the Assembly on the grounds that previous experience had shown, and the words of the Colonial Secretary had assured, that quite some time would have to pass after the end of the war before a liberal Constitution would be granted, and he therefore felt that the Assembly should only be summoned when all parties concerned would be able to give 'full and free expression of national feelings.' He also felt that there was the chance of prejudicing 'any greater rights which might be essentially acknowledged to our Island by the Peace Conference.' (13) However, all in all, the summoning of the National Assembly was well received by most shades of political opinion.

The Assembly met as expected on 20 January 1945, in the Hall of St. Michael and St. George in the Palace, Valletta. The Hall had been placed at the disposal of the Assembly by the Governor Sir Edmund Schreiber, a gesture which was very well received. The immediate business in hand was the election of a President and other officials who would conduct the sittings and carry out the organizational and procedural work involved. This apparently normal and innocuous procedure was more than just a matter of routine. In fact it could have easily turned out to be a treacherous shoal on which the Assembly's ship might have been wrecked as soon as it was launched.

In theory the Assembly was supposed to be above politics, because its job was to be the drafting of a Constitution which was to be passed on to His Britannic Majesty's Government; but in actual fact party politics permeated all its deliberations. The Elected Members of the Council of Government had been invited to attend but they were not expected to be there as official representatives of their respective Parties. This suggests political innocence rather than a grasp of reality, or a deliberate closing of both eyes to the truth. Moreover, everyone must have been very much aware that one immediate result of the promulgation of the new Constitution would be a General Election, with the result that the various shades of political opinion were hoping to use the Assembly as the main tool for putting their constitutional aspirations into practice.

On the one hand there was a newly resurgent workers' movement vociferously making it clear that it wanted to safeguard its rights and eradicate

12. *Ibid.*

13. *The Bulletin*, 29-6-46.

exploitation, while on the other were arrayed the representatives of the moneyed, capitalist and privileged classes warmly jealous of their interests. Both eyed each other with so much mistrust, that a simple thing, such as the election of the Assembly's President, was political dynamite. (14) To make things worse the G.W.U. had already passed through its battle for adequate representation. The Union, together with the Malta Labour Party formed what was to become known as the Labour Front. This had been formed on the initiative of the Union's General Secretary, Reggie Miller, and the Leader and General Secretary of the Labour Party, Dr. Boffa and Dom Mintoff respectively. Their sole intention was to use the combined strength of the two organizations to achieve their political aims. The Labour Front was further strengthened because many representatives of band clubs and other Societies were themselves Labour sympathisers or actively involved either with the Labour Party or with the G.W.U. (15)

One noteworthy example is that of young Mintoff, who gained a seat in the Assembly as one of the two delegates assigned to the Victory Club, Gzira, a locality with which he had little or no connection. The other club delegate was the Labour Party's Propaganda Secretary, Dr. A. F. Colombo. The main speakers for the Labour Front in the Assembly were Dr. Boffa, R. Miller, Moses Gatt, Indri Cilia, Leli Tabone, Nestu Laiviera, Guze Ellul Mercer and Dr. Colombo. Mintoff was rarely heard in the Assembly's debates.

We have therefore at the beginning of the Assembly's work two rival groups, one reflecting working class interests and opinions, the other made up of the traditionally more powerful political class. The former was made up of persons who were 'united, disciplined, full of revolutionary enthusiasm, determined to dominate the situation'; (16) the latter 'individualistic, lacking in enthusiasm, on the defensive. Although possessing a good majority many of its delegates did not attend the sittings while some of them would attend and leave early because they were over-concerned with their own comforts.' (17)

Mgr. C. Bonnici proposed Professor Preziosi as President. Since Preziosi had been a member of the Panzavecchian Party, and later when this merged with the Nationalist Party, a member of the latter as well, this respected

14. Some idea of this mistrust can be gained from perusal of an anonymous letter sent to Müller by one who claimed to be a Labour supporter warning him that his election to Secretary of the Assembly was a political trick to have him hemmed in between two political adepts, the President and the Vice-President and thus effectively muzzled. *Korrespondenza ta' l-Assemblea Nazzjonali, Libra 1522 1/2, ML.*

15. EC, and A.A., *Il-Qawmien tal-Haddiem Malti*, Vol. I, (Malta, 1971), p.101.

16. H. Ganado, *Rajt Malta Tinbidel*, Vol. III, (Malta, 1975), p.177.

17. *Ibid.*

eye specialist was publicly identified with the conservative interests in the Assembly. The proposal was seconded by Capt. A. Semini, representative of *The Bulletin*, and before the war a prominent supporter of Lord Strickland. Mr J. Ellul Mercer proposed Dr. Boffa. He was seconded, among others, by Dom Mintoff. Dr. Boffa proposed that until the election took place Prof. Preziosi should act as President. The latter accepted. (18)

A vote was taken to decide whether the election of the President should be by open vote or secret ballot. The Assembly, by 183 votes to 144, decided on the open-vote system. (19) This established an important precedent for the Assembly's later actions. Prof. Preziosi was elected President by 189 votes to Dr. Boffa's 142. Very commendably, Prof. DeGiorgio — also identified with Nationalist Party interests previous to the war — declined the post of Secretary. This left the way open to Mr R. Miller, who had been proposed as Secretary by Mr S. Cacciatolo and seconded by Mr I. Cilia. Prof. DeGiorgio was elected Vice President. (20) In this way the two most important offices were shared between the two political groups. The quorum was fixed at 100. (21) It was next decided to elect a Working Committee. (22)

At the following sitting on 17 February, Miller moved that the Committee's terms of reference should be to 'draw up the standing rules; to receive suggestions for the draft Constitution, collect and administer funds on behalf of the Assembly.' (23) This was carried after Moses Gatt added as an amendment, 'and undertake such other work as may be assigned to it by the Assembly in the future.' (24) The Working Committee was elected during the third sitting when the sealed ballot boxes in which the votes had been cast during the previous sitting were opened. (25)

18. *Minuti ta' l-Assemblea Nazzjonali*, 1st Sitting, 20-1-45, unfoliated manuscript, Libra 1526 1/3 ML.
19. *Ibid.*, 4th Sitting, 16-3-45.
20. *Ibid.*, 1st Sitting, 20-1-45.
21. The actual number of delegates present at the Assembly's inaugural sitting cannot be ascertained. The original Minutes of the Assembly do not give the number of delegates present as far as the first sitting is concerned. In a copy of a letter sent by the Secretary of the Assembly to Sir Harold MacMichael, the Constitutional Commissioner, in answer to his question, it is stated that 250 delegates attended the first sitting, but this is incorrect because 327 cast their vote to elect the President. Miller to Fletcher-Cooke, *Meetings of the Constitutional Committee of the National Assembly With Sir Harold MacMichael*, Libra 1528, ML.
22. *Minuti ta' l-Assemblea* ..., op.cit., 1st Sitting, 20-1-45.
23. *Ibid.*, 2nd Sitting, 17-2-45.
24. *Ibid.*
25. The Committee was elected as follows: Mr. M. Gatt; Rev. Mgr. C. Bonnici; Prof. V. Caruana Galizia; Prof. P.P. Debono; Not. G. Borg Olivier; Prof. J. Hyzler;

Before the Assembly had actually started to function the fifty delegates of the G.W.U. had held a meeting in order to work out a common policy. It was decided that they should aim at the inclusion of the following points in the draft Constitution: i. The Catholic Religion to be declared in the Constitution as the official Religion of the Maltese Islands; ii. the Maltese Language to be the official language of Parliament; iii. abolition of plural voting; iv. abolition of the Senate; v. the granting of special leave as needed to employees who wanted to contest elections and to help them carry out their Parliamentary duties if elected; vi. to obtain votes at 18 for both males and females. (26) It was a programme that was certain to arouse opposition from interested quarters. The first crossing of swords concerned the last point, or at least an element connected with it.

Although the Labour Front delegates were committed to giving women the vote, in actual fact women did not even have any representation in the Assembly. The National Council of Women had written to the Congress and requested that they should be allocated delegates but the Congress had decided that it was up to the Assembly to decide on the matter.

As a result of this, during the Assembly's third sitting, on 2 March, Mr J. Cassar, seconded by Dr. A. Colombo, moved that the National Council of Women should be allowed to send two delegates. Mr G. Attard Bezzina moved an amendment: 'that the admission of the delegates of this Association will mean the acceptance of the principle of equal rights for women in the political life of the Island including the right to vote in Parliamentary elections.' This amendment was passed by a show of hands and the main motion as amended was agreed to. (27) It seemed as if an important political victory for women had been easily secured. Most people would have expected greater opposition. After all the Church's paper, *Lehen is-Sewwa*, had come out against the granting of representation to the Council of Women on the grounds that they did not represent anyone except a few women whose heads were filled with these blessed 'equal rights'; and also because if this Association was admitted 'why should other women's associations not be?' (28) But all was not yet well.

the Most Noble Marquis Apap Bologna; Col. R. Strickland; Mr. P. Sciberras (President of the G.W.U.); Mr. J. Ellul Mercer; Mr. A. Cassar Torregiani; Not. V. Frendo Randon, as well as the President, Vice President and the Secretary of the Assembly. *Minuti ta' l-Assemblea... op.cit.*, 3rd Sitting, 2-3-45.

26. *The Torch*, 23-12-44.

27. *Minuti ta' l-Assemblea... op. cit.*, 3rd Sitting, 2-3-45.

28. *Lehen is-Sewwa*, 21-2-45. The implication was to female branches of Catholic Action to be found in various localities.

During the sitting of 16 March the passing of the Minutes was held up for a long time because a heated controversy arose as to whether Mr Attard Bezzina's amendment had in fact been declared as passed by the President. The latter said that it had not been so declared since a vote had not been taken due to the lateness of the hour and the delegates' concern over transport. The Secretary, backed by J. Ellul Mercer, affirmed that the amendment had been taken as passed. (29) After acrimonious debate during which 'a most unseemly and certainly far from edifying display of unruliness on the part of the delegates' (30) was exhibited, Moses Gatt seconded by Alex Chetcuti, moved that the Minutes be approved and that the amendment be taken as passed. (31) This was done and the representatives of the National Council of Women then took their seats. These were Mrs Josephine Burns Debono, President, and Miss Helene Buhagiar, Secretary. The Hon. Miss Mabel Strickland was also admitted to the Assembly as the representative of the *Times of Malta*.

The Assembly next voted itself 'the power and right to be able to examine the economic position of these Islands, with the idea and intention that on finishing its work regarding the drafting of the Constitution it would inform the Imperial Government that the Constitution would be accepted by the Maltese people so long as the English Government was ready to solve the financial problems which are threatening the country so that the Constitution can be worked without any hindrance.' (32) This motion embodied the Labour Party's stand *vis-à-vis* the Island's economic situation, and what — together with the Nationalist Party — it considered Britain's "moral obligation" — to solve it. It was proposed by J. Ellul Mercer and seconded by A. Attard Flores. Its unanimous acceptance was a major victory for the Labour Front. Few delegates, however, seemed to be aware of this with the exception of Col. Roger Strickland who, at the following sitting on 20 April, angrily declared that he would have nothing to do with the proposed Finance Committee that was to be elected and to which he had been nominated on the grounds — among other things — that 'Sir Wilfred Woods has been appointed to carry out an economic examination and anyone interested will have the opportunity to express his views to him.' (33) The Committee was then elected. (34)

29. *Minuti ta' l-Assemblea... op.cit.*, 4th Sitting, 16-3-45.

30. *Times of Malta*, 17-3-45.

31. *Minuti ta' l-Assemblea... op.cit.*, 4th Sitting, 16-3-45.

32. *Ibid.*, 5th Sitting, 6-4-45.

33. *Times of Malta*, 28-4-45.

34. The following were elected: Mr A. Cassar Torregiani; Dr. P. Boffa; Prof. P.P. Debono; Mr R. Miller; Mr M. Gatt; Mgr. C. Bonnici; and Mr J. Ellul Mercer, as proposer. *Minuti ta' l-Assemblea... op.cit.*, 8th Sitting, 18-5-45.

Before the election of this Committee the Assembly had warmly debated whether its voting should be open or secret. It had finally decided by 137 votes to 130 in favour of Dr. Boffa's suggestion that no secret voting should be admitted except when it came to choosing people for committees. (35) This decision was later interpreted as a clear attempt to browbeat those who did not agree with the Labour Front. These accusations were orchestrated by the *Times of Malta*. In reality, however, it was simply an affirmation of the voting procedure adopted by the Assembly from the very beginning.

On 4 May Moses Gatt moved his motion that a procedure should be adopted in the following manner with regard to the drafting of a Constitution: the Working Committee should collect suggestions, present them for the Assembly's consideration, and afterwards a Commission would be chosen to draft the Constitution on the lines voted by the Assembly. The said Commission was to have the right to consult persons who might not necessarily be members of the Assembly. (36) Dr Boffa seconded the motion. It was passed on 18 May. A week later, before adjourning to give the Working Committee time to collect the suggestions, the Assembly passed a vote of censure moved by Prof. J. Hyzler, against the Elected Members in the Council of Government who had voted against Dr. E. Mizzi's motion that Government should amend the Press Law. Dr Mizzi had introduced the motion in the Council after the Assembly had called on the Council to do so. (37)

This was one of those instances in which the Assembly had in fact departed from its terms of reference. On 6 April, Capt. A. Semini, seconded by Prof. V. Caruana Galizia, had moved the motion:

'that the Assembly is of the opinion that the Press Law, Ordinance No. V of 1933 is in general less liberal than similar laws in other parts of the British Empire, and asks the Government to immediately amend this law so that it will be more liberal and thus, open and unhindered discussion of the Assembly's work in the preparation of the draft of the Constitution, could take place.'

It had been passed *nem. con.* (38) Dr. Mizzi moved a similar motion in the Council of Government but it was defeated as the Constitutional Party Members voted against it. In doing so they went directly against the wishes of the National Assembly.

35. *Ibid.*, 6th Sitting, 20-4-45.

36. *Ibid.*, 7th Sitting, 4-5-45.

37. *Ibid.*, 9th Sitting, 25-5-45.

38. *Ibid.*, 5th Sitting, 6-4-45.

The Assembly met again on the 20 July and started on its real work in earnest. Dr. Boffa presented his motion 'that there shall be only one vote for each male and female from 18 years of age upwards.' (39) He broke up his motion into three parts: that every elector should only be allowed one vote for the Lower House (seconded by Prof. J. Hyzler). This was approved by a large majority. That every male over the age of 18 should have the right to vote (seconded by A. Attard Flores). Dr. Boffa supported this part of the motion by pointing out that young men of 18 were fully subject to criminal law, as well as to conscription and that therefore they should not be discriminated against when it came to representation. Against this, Mr J. Olivieri Munro, Editor of *The Sunday Times of Malta*, stated that Britain and other even more constitutionally advanced countries did not give the vote to people of such an age. He also reminded the Assembly that young men in Malta could not sell immovable property or enter into contractual obligations until they were 21. He amended the proposed age limit to 21, and his amendment was passed by 145 votes to 137. It was to hold good for nearly thirty years.

The third part of the motion was that every female over the age of 18 should have the right to vote. After the result of the previous vote, this was doomed from the start. J. Olivieri Munro suggested the same type of amendment as in the case of males. This was agreed to after a strong debate in which Miss Helene Buhagiar stressed that since women paid the same taxes as men they should have equal rights in political life.

The sitting held on 27 July turned out to be extremely stormy. Dr Boffa put forward his motion 'that there shall be only one House elected by the people.' He was seconded by A. Attard Flores. Both sides had marshalled their forces for the coming battle. In fact if we exclude the Assembly's first sitting, at which the number of delegates present is unclear, on 27 July 1945, the Assembly recorded its highest attendance.

The Labour Front was absolutely opposed to the idea of having a Senate because they felt that previous experience had shown that the Senate would be dominated by conservative interests and would probably present a serious obstacle to the introduction of social legislation to which they were committed. Moreover they maintained that the Senate was not democratic because it was mostly nominated. Capt. A. Semini suggested that although it was true that the 1921 Senate had been composed of the privileged and conservative elements, it should be reformed and not abolished. Prof. J. Hyzler stated that even in a democracy the minority had a right to protection and that if the Senate's right to vote money Bills was removed, the Senate was acceptable. Marquis

39. *Ibid.*, 10th Sitting, 20-7-45.

Apap Bologna moved an amendment calling for the establishment of a House of Review. Reggie Miller stated that he could easily gain a place in the Senate as a Trade Unionist but he was still opposed to it as the Senate represented the privileged class and worked against the interests of the working class. He also added, not very convincingly, that since some measure of Colonial Office control would remain anyway, there was no need of a House of Review as any such reviewing could easily be done by the Colonial Office, in the sense that the Law Officers of the Crown might make some aspects of a particular law clearer. Dr. E. Mizzi came out definitely against the Senate, saying that one House was enough for Malta and that there had been too many clashes between the two Houses in the past. Here, however, Dr. Mizzi was not voicing general Nationalist opinion.

When it came to the vote the President ordered the tellers to take down the names of all the delegates who voted, as well as the number of their identification card. All those not in possession of their identity card were to report to him and their votes would only be counted if they were identified as *bona fide* delegates. Dr. Boffa's motion was defeated by 165 votes to 160. (40) Pandemonium broke out. First, insults were exchanged, then blows and finally chairs were thrown. At least one delegate, Dr. J. Caruana Curran, was only slightly injured thanks to the physical intervention of Dr. Albert Hyzler. The sitting broke up in disorder. Afterwards everybody blamed everybody else.

The official Minutes of the Assembly give the impression that trouble broke out after the President had adjourned the sitting. The manuscript reads:

'The President adjourned to Friday 18 August. At that moment controversy arose as to the validity of those who had voted without possessing their identity cards. Mr Miller... mentioned that there were instances in which delegates had been met at the door of the Palace and sent away because they were not in possession of their identity card, by a person who had no authority from the National Assembly to do so. Before a decision could be taken on this point, many delegates continued to insist about the validity of the vote and the Sitting closed on this note of protest.' (41)

There can be little doubt that the rather amateurish way in which votes were taken had greatly contributed to the whole debacle. (42) As early as 16 March we find that a similar controversy, though concerning a minor

40. *Ibid.*, 11th Sitting, 27-7-45.

41. *Ibid.*

42. As to the method of voting the Assembly's *Rules of Procedure* (Approved Text),

issue, had arisen with regard to the validity of a vote that had just been taken. On that occasion the matter was rather unsatisfactorily settled. The Minutes of the 16 March read:

'On the part of those who were in favour of the amendment six delegates who were not in possession of their identity card were not allowed to pass through the door to vote and six others who were in favour of the amendment entered without their identity card. Through the other door, that is for those who were against the amendment, all delegates were allowed to pass without having their identity cards scrutinised. So the President, after consulting with the Vice President and the Secretary, added to the result of the vote twelve votes to the number registered in favour of the amendment.' (43)

Is it any wonder that confusion and dissatisfaction tended to arise?

'What is most to be condemned', said *Il-Berqa's* leader commenting on the uproar in the Assembly, 'is the behaviour of those delegates who... cannot take a defeat in good spirits... and created total hell in the Hall.' (44) B. Camilleri writing in the *Times of Malta* suggested that investigations should be started to determine whether the 'onslaught on a section of delegates had been previously organised by Communistic elements.' (45) The latter comment serves to illustrate how determined the Press representing interests hostile to the Labour Front was in taking any opportunity to misrepresent its exponents.

'The Assembly, after this Sitting, lost its moral and political authority,' wrote Herbert Ganado. 'The kind of Senate that the Assembly finally proposed under pressure of the violence it had witnessed, was so useless and weak that Sir Harold MacMichael... eliminated it from the Constitution.' (46) These were the kind of sentiments expressed by the Strickland House newspapers, *The Bulletin* and *Lehen is-Sewwa*, and they rested their arguments on what

Rule 24 says: '...The delegates in favour of the motion should stand up. Afterwards those against should stand up. The vote will always be open except when it involves the election of persons to Committees, Commissions etc. The President then decides how many are in favour and how many against and gives his decision. If there are no less than 20 delegates who do not agree with the President's decision he is to order those in favour of the motion to enter through one door on the right and those against through a door on his left'. *Mizzi Papers, Box File 'Assemblea Nazzjonal'*, 1945-47, I, made available by Rev. Fr. F. Mizzi.

43. *Minuti ta' l-Assemblea...*, *op.cit.* 4th Sitting, 16-3-45.

44. *Il-Berqa*, 30-7-45.

45. *Times of Malta*, 30-7-45.

46. H. Ganado, *op.cit.*, p.197.

they called the dwindling number of delegates who attended the following sittings. This is not, I think, a very solid argument because it rests on an incorrect interpretation of events. Since the second sitting of the Assembly, when 197 delegates absented themselves from the possible complement of 421, (47) the greatest attendance previous to the Senate vote had been 298. That was on 16 March. Moreover, as will be seen later, when it came to debating and voting upon the powers of the Senate, those in favour of the Senate lost the day through sheer ineptitude, lack of organization and of personal discipline.

But on what grounds did the 'Left' want to nullify the vote?

'We only know that of all those who voted in favour of the Senate there were *seventeen* delegates without identification cards, and another delegate with an identification card belonging to a *dead delegate*. These delegates were not supposed to have been admitted,' (48)

claimed *The Dawn*. Be that as it may the point remained, why had they not protested before the vote? And even if, as was claimed, Labour delegates were sorely provoked, no resort to violence can be condoned in a country's highest institution. It is probable that this defeat, central to Labour's vision of the new Constitution, helped to spark off an explosion of bad temper. The fuse was lit by the insulting exchanges that followed the vote as either side expressed triumph or impotent rage.

The Dawn's next editorial, 'WE WILL NEVER SURRENDER', sounded ominous. It insisted that, 'in the circumstances in which the sitting ended, and for which the Labour Front accepts no responsibility, the result of that election cannot be taken as final until a solution is found to the question as to who voted illegally.' (49) However, at the following sitting, after the President had made a statement explaining that there were no irregularities in the voting, the Labour Front refrained from insisting on the matter and seemed to have resigned itself to having a Senate. (50)

During the next sitting on 14 September, the Assembly with near unanimity passed Moses Gatt's motion 'that Imperial Government Employees in Malta should have the right to become Members of Parliament.' The only three votes cast against the motion were those of Dr. E. Mizzi, Notary Borg

47. The number includes the newly admitted delegates from organizations which had applied successfully for representation.

48. *The Dawn*, 1-8-45. The italics are original.

49. *Ibid.*, 8-8-45.

50. *Minuti ta' l-Assemblea...*, *op.cit.*, 12th Sitting, 14-9-45.

Olivier and Dr. G. Schembri, all Nationalists. (51) This was probably due to the fact that such employees were considered to be predominantly Labour sympathisers. Afterwards, on a motion by Prof. Hyzler, the Assembly agreed to set up a Commission to draft the Constitution. (52) The latter also moved that 'the Senate should not have power to alter Money Bills approved by the Legislative Assembly,' but only make suggestions, the final word on the matter remaining with the Lower House. (53) A very lengthy debate followed. This took up the rest of the sitting and all of the next (held on 21 September), with the result that when time was pressing, and after a few delegates had already left, Mr Joseph Calleja's (54) amendment to the effect that 'if the Legislative Assembly passes a Bill and the Senate rejects it and amends it, if the amendments are not accepted by the Legislative Assembly, the Bill is passed,' was put to the House and immediately seconded by Dr. Boffa. He expressed his agreement with the amendment on the grounds that it further lessened the rights of the Senate. When put to the vote it was approved by 128 to 118, with 3 abstentions. (55) Labour had successfully emasculated the Senate rendering it merely decorous and absolutely helpless.

The *Times of Malta*, in a strongly worded and indignant editorial sought to question the validity of the decision on the grounds that political chicanery had been involved. It said:

'... Like a bolt from the blue, at the very end of the debate, came Mr J. Calleja's drastic amendment ... it took everyone by surprise. There was even more surprise when the Leader of the Labour Party dropped the amendment of his colleague in the Labour Party Executive Committee, Mr Moses Gatt, and adopted that of Mr Calleja indicating to his followers to follow suit... Mr Calleja's amendment was carried by 128 against 118, after some twenty delegates who clearly were *unaware* of Mr Calleja's projected amendment, had left the Hall... Such political manoeuvres are worthy of the author of *The Prince*.' (56)

This, however, was not quite correct. Mr Joseph Calleja's amendment had first been put forward at the previous week's sitting (57) the Minutes of which

51. *Ibid.*

52. *Ibid.*

53. *Ibid.*

54. Mr. Joseph Calleja was the delegate of the Nicolo Isouard Philharmonic Club, Mosta. He was a noted trade unionist.

55. *Minuti ta' l-Assemblea...*, *op.cit.*, 13th Sitting 21-9-45.

56. *Times of Malta*, 25-9-45. The italics are mine.

57. *Minuti ta' l-Assemblea...*, *op.cit.*, 12th Sitting, 14-9-45. Moreover since the *Rules of Procedure*, *op.cit.*, of the Assembly specifically said: 'Motions and amendments

had been read and approved at the beginning of that particular sitting in which the vote was taken. So the delegates *should* have been aware of it. Sixteen delegates had left early, but this surely, was no one's responsibility except their own; and if they had all been in favour of wider powers for the Senate, also the responsibility of the would-be leaders of those of like mind who should have organised their forces better. The irony of it all is that Dr. Boffa and his colleagues seem to have failed initially to grasp the full implications of Calleja's motion, but when they finally did, they acted quickly and decisively, leaving themselves open to the spurious accusation of Machiavelianism. When all this is seen in its true perspective we realise that there was no political trickery as alleged by the *Times of Malta* or any evidence of the delegates succumbing before threats of violence as claimed by Dr. H. Ganado.

During the two later sittings of the 26 October and the 2 November respectively, it was decided that the Senate should be nominated and not elected and should consist of two-thirds the number of members of the Lower House. However, no Senate was later included in the Constitution (although provision was made for the holding of a referendum in 10 years time should there be a popular wish for reinstating it) for it was considered that in its proposed form it would have been a useless luxury. (58) Herbert Ganado in his memoirs states that later events showed that a Senate is an absolute need in Malta. (59) I would suggest that in the light of the subsequent political, religious and social struggles that were to befall the Island, a Senate controlled as it would have apparently been by conservative interests would have added fuel to the fire and made things much worse than they were. 'In any case it is a fact that a Second Chamber proves of most value in countries with a federal system of government and Malta was not one.' (60)

On 5 October the Commission to draft the Constitution was elected and members were given fifteen days to hand in suggestions to it. (61)

The question of Language was next tackled. Following separate motions by Mr G. Camilleri and Mr W. Zahra, Maltese and English were confirmed

are to be in writing and signed by the mover. All motions have to be submitted in advance and require to be listed in the Agenda', the amendment could have been ruled out of order.

58. H. MacMichael, *Malta: Report of Constitutional Commissioner*, (London, H.M.S.O., 1947), p.19.
59. H. Ganado, *op.cit.*, p.197.
60. J.J. Cremona, *Outline of the Constitutional Development of Malta Under British Rule*, (Malta, 1963), p.41.
61. The members were: Mr. M. Gatt; Prof. V. Caruana Galizia; Mgr. C. Bonnici;

as the official languages of culture, education and administration in Malta; Maltese would be the language of the Law Courts as long as both litigants were Maltese, otherwise the Court was to decide as to the use of either English or Maltese. Both languages would be used as the medium of instruction in schools and either language could be used in Parliament. Dr. E. Mizzi tried to get the language motions postponed pending the appointment of a special Commission. He canvassed behind the scenes and managed to obtain the promise of support for his motion, and abstention on the motions mentioned above and supported by the Labour Front, from legal members of the Assembly and from members of the Clergy. The Chamber of Advocates supported his motion and he also won the backing of Mgr. Gonzi, although he had thought that the Archbishop considered the question of the Italian Language in Malta as dead. Mizzi noted that in a meeting he had in the company of Notary Borg Olivier with Mgr. C. Bonnici, the latter said that Gonzi had told him:

'Who has been telling Enrico Mizzi that according to me Italian in Malta is a dead language? Tell Dr. Mizzi that I do not consider the Italian language dead and that I am in its favour; but that I consider it inopportune to raise the language question at this time.' (62)

The overwhelming majority in the Assembly, however, felt that nothing should be done to resurrect the Language controversy, and Mizzi was heavily defeated. (63)

On 25 October, the British Prime Minister, Mr Atlee, answering a question in the House of Commons announced the 'intention of the British Government shortly to appoint a Commissioner to visit Malta to discuss and formulate detailed proposals regarding the new Constitution and any other matters bearing on the grant of Responsible Government.' (64) It was an indirect nudge to the Assembly to get on with its work with the least possible delay.

Mr. A. Alessandro; Mr. A. Cilia; Prof. P.P. Debono; and Mr Justice R.F. Ganado. The latter retired and was replaced by Mr S. Mallia. *Minuti ta' l-Assemblea...*, *op.cit.*, 14th Sitting, 5-10-45.

62. 'Sta bene, ma ieri Mons Vescovo me ha domandato: Chi e andato a dire ad Enrico Mizzi che secondo me la lingua italiana a Malta è morta? Dite all'avvocato Mizzi che io non considero morta la lingua Italiana e che sono favorevole ad assai; ma che ritengo inopportuno sollevare ora la questione linguistica'. *Mizzi Papers, op.cit.* The words are underlined in the original handwritten note.
63. *Minuti ta' l-Assemblea...*, *op.cit.*, 15th Sitting, 19-10-45.
64. As reported in the *Times of Malta*, 6-12-45.

During the Assembly's 18th sitting, (65) held on 16 November, it was decided that the Legislative Assembly should have 40 members to be elected from eight electoral divisions. They were to be elected on the proportional representation system. The life of the Legislature was fixed at four years. All these decisions were taken on motions moved by Dr. Boffa, with the exception of the one concerning the life of the legislature which was moved by Moses Gatt. Dr Mizzi had attempted to introduce an amendment calling for the British system of election, but he later withdrew it. Mrs J. Burns Debono successfully moved an amendment, seconded by Miss Helene Buhagiar, that women should have the right to stand for election to the Legislative Assembly. (66)

A week later when the Finance Committee was about to present its report, Dr E. Mizzi moved that since the Woods Report had not been published by the Imperial Government, and since the Colonial Secretary had promised to make a statement regarding the financial position of the Island, the time was not ripe for the reading of the Committee's report. This was seconded by Dr Boffa, amended by Dr. Colombo in the sense that the report would be presented after the Committee had met the Commissioner, who was coming to Malta, and after it had made any alterations considered necessary. (67)

The most important business of the sitting was, however, Capt A. Semini's motion that 'Malta should be under the Dominions Office and no appeal to the Privy Council shall be permissible in political cases.' (68) The first part of the motion echoed Nationalist aspirations consistently championed by Dr. Mizzi. The mover stated that the intention was that this should lead towards an insertion of a clause in the Letters Patent granting the Constitution that Malta had semi-Dominion Status, by which he meant, as full a measure of Dominion Status as was compatible with the fact that Malta was a fortress. He insisted that Malta had earned Dominion Status and equality with other Dominions. Dr. Mizzi agreed and said that Malta would be degrading herself were she to accept anything less than complete autonomy in political and administrative matters. Miller and Boffa, who had earlier opposed the motion, stated that after realising that Malta could still remain a Colony and enjoy Dominion Status, like Ceylon and Southern Rhodesia, they were ready to support the first part of the motion. This was eventually agreed to. (69)

The next difficult question to be tackled was that of the so called Re-

65. First of two subsequent meetings held at the Radio City, Hamrun.

66. *Minuti ta' l-Assemblea...*, *op.cit.*, 18th Sitting, 16-11-45.

67. *Ibid.*, 19th Sitting, 30-11-45.

68. *Ibid.*

69. *Ibid.*, 20th Sitting, 14-12-45.

served Matters, that is those matters which in the 1921 Constitution the Imperial Government had reserved to its jurisdiction alone. The reasons for having some matters reserved to the Crown can to some extent be considered reasonable when one remembered that Britain was responsible for the safety and security of the Island and that it also had Imperial interests to safeguard. On the other hand the Maltese were very much aware that Reserved Matters had in the past been stretched to include even matters which were vital to Malta's economy, such as foreign trade. Other matters, such as the control of the judiciary and the police, could not be denied to a people who were supposed to be exercising Responsible Government. Moses Gatt moved that all motions dealing with Reserved Matters should be studied and co-ordinated by the Drafting Committee. This being approved the Assembly adjourned its twenty-first sitting, held on 21 December, *sine die*, to give the Drafting Committee time to finish its work. (70)

When the Assembly met again nearly four months later, on 5 April 1946, it was informed that it was the Drafting Committee's wish that the Constitution should be granted by an Act of Parliament. (71) This had been originally moved by Dr. Boffa during the sitting of 14 December 1945. (72) There was general agreement on this suggestion. People still vividly remembered how the 1921 Constitution, which had been granted by Letters Patent had been first suspended and then revoked when the Colonial Secretary decided that a state of emergency existed in Malta. The Assembly's members felt that if this time the Constitution was granted by Act of Parliament, it could only be revoked by a majority decision of the House of Commons after a proper debate on the subject. This, would in turn ensure, that the Maltese side of things would at least be aired by members of His Majesty's Opposition.

Sir Harold MacMichael, the Constitutional Commissioner, arrived a month later. He addressed the National Assembly on 10 May 1946. He explained that his terms of reference were:

'to formulate detailed proposals, after consultation with the representatives of the Maltese people on the most appropriate means of implementing the declaration regarding constitutional reform made by the then Secretary of State for the Colonies in the House of Commons on 7 July 1943, and to discuss generally any matters, including questions of finance, that have a bearing on the restoration of Responsible Government.' (73)

70. *Ibid.*, 21st Sitting, 21-12-45.

71. *Ibid.*, 22nd Sitting, 5-4-46.

72. *Ibid.*, 20th Sitting, 14-12-45.

73. H. MacMichael, *op.cit.*, p.71.

MacMichael, however, dampened much enthusiasm when he bluntly warned that Responsible Government was understood by the British Government as being 'in the same sphere as between 1921 and 1933,' and that because 'of the magnitude of Imperial Interests' he was bound 'to suggest a certain number of modifications' to the Draft Constitution which had been handed over to him. (74) *The Torch* was equally blunt in its editorial comment: 'He would be a simpleton who would expect a great deal financially and politically. We have for quite some time been aware that the only interest of the Imperial Government and the political dilettantes whom it sends here, is to ensure, that as much as possible, Malta will not cost the British Exchequer too much, and that the services and work provided by Malta will be obtained as cheaply as possible.' (75)

On his first meeting with the Finance Committee after he had made the Woods Report available to them, MacMichael took the opportunity 'to refer members to paragraph 162 of the (Woods) Report, and in particular drew their attention to the following words:-

... but any such sum as £40,000,000 would seem to be far in excess of anything which His Majesty's Government could reasonably be asked either to meet by a single payment or to commit itself irrevocably to meeting by installments. (76)

In the Report which the Finance Committee presented to MacMichael they pointed out that 'an increase of £500,000' was the maximum that could be raised through new taxation and only 'through a very considerable effort;' that industrialization was difficult but not impossible if 'cheap electric power' was made possible and the land under irrigation increased. To this had to be added the encouragement of smaller industries. Malta's main invisible export on which she mostly depended to make up for its gaping balance of payments deficit was the salaries and wages earned by employees of the Services and therefore 'the establishment of unemployment insurance or social legislation prevalent in the United Kingdom should have the full co-operation of the Imperial Government.' They made clear their belief in the Island's inability to achieve economic independence as well as the Maltese people's concern about obtaining a 'guarantee of a tolerable national economic security in the coming years.' (77)

74. *Ibid.*

75. *The Torch*, 25-5-46.

76. Fletcher-Cooke to Miller, *Meetings of the Constitutional Commission...*, *op.cit.*

77. *Ibid.*

They stressed that 'nothing should take place to prejudice the present grants-in-aid, the subsidies, and the goodwill of the Colonial Welfare Fund until the time of launching self-government becomes appropriate, when rehabilitation in the widest sense and the extinction of deficits will already have taken place.' They carefully pointed out that in Malta's 'peculiar economic structure' progress was measured by the Island's ability to maintain 'full and well-paid employment, which primarily depends on the Imperial more than on the local Government.' They therefore suggested:

- a) That the Letters Patent should embody a proviso that War Expenditure as a consequence of War are to be met by funds from the United Kingdom.
- b) That a yearly contribution by the Imperial Government be made to Malta to such an extent as may become necessary, from time to time to enable Malta to introduce and maintain the same Social Welfare Legislation as may be prevalent in the United Kingdom.

They went on to warn that if financial assistance was not forthcoming it would render self-government 'so linked up with perpetual contention and disappointments that it may not be successful in an over-populated fortress like Malta.' (78)

It was the same old story. The Maltese consciousness of being British Subjects and therefore entitled to a standard of living approximating that of the British, especially after they had seen their Island devastated in defence of the Empire and the Free World, and British realization that this would mean the forking out of more money than they were ready to pay for the excellent service that Malta and the Maltese were rendering.

During their second meeting with MacMichael the Committee handed him a signed resolution which stressed that after the promise made to Malta in the House of Commons of full payment for the repair of all war damage, such a payment, 'whether it exceed or otherwise the suggested £28,000,000' — in addition to the original grant of £10,000,000 or not — should not form part of their discussion but 'should be treated as a settled affair independently of self-government, and in accordance with the relative legislation approved both by His Majesty's Government and the Government of Malta.' (79) MacMichael was finally asked to request the Colonial Secretary 'to indicate as soon as possible the extent of assistance that His Majesty's Government was

78. *Times of Malta*, 17-9-46.

79. *Meetings of the Constitutional Commission... op.cit.*, 2nd Meeting.

prepared to give to Malta apart from the reimbursement of War Damage.' (80) They also drew his attention to the following points:

- a) Dockyard discharges and the general question of employment.
- b) Continuance of the Note Security Fund.
- c) Continuance of food subsidies.
- d) Emigration. (81)

A Commission made up of Prof. Preziosi, Mr R. Miller, Prof. J. Hyzler, Dr. Boffa and Mgr. Bonnici, was elected to discuss Constitutional matters with MacMichael. (82) They met him twelve times in all, and the bone of contention, time and again, proved to be the Reserved Matters, even though the Commissioner's attitude 'had been cordial and conciliatory' (83) to use Prof. Hyzler's own words. The Commission was assured by MacMichael that the Colonial Secretary intended informing the Assembly about the final Draft of the Constitution before the Constitution was promulgated. (84)

In the field of Reserved Matters the following happened. The Commission was told that Civil Aviation would have to remain a reserved matter because the joint use of the airfield at Luqa required co-ordination and traffic between Colonies and admission of foreign aircraft should be regulated by the Imperial Government. He promised that the Local Government would receive recognition of its wishes. (85) This was accepted by the Assembly. He promised to recommend the exclusion of Foreign Trade provided local laws did not conflict with British Treaties with foreign countries. (86) Immigration and Postal and Telegraphic Censorship would be controlled by the Imperial Government. (87)

The Police and the Judiciary would no longer be a Reserved Matter but would be included under Special Matters. (88) However, in order to safeguard the independence of Judges, the Constitution would debar Maltese Ministers from removing any Judges once appointed, or to affect reductions in their

80. *Ibid.*, 3rd Meeting.

81. *Ibid.*

82. *Minuti ta' l-Assemblea...*, *op.cit.*, 27th Sitting, 7-6-46.

83. *Ibid.*, 28th Sitting, 30-8-46.

84. H. MacMichael, *op.cit.*, p.76. Lack of space makes it impossible to go into every detail discussed. Therefore everything of a purely technical nature has been omitted.

85. *Minuti ta' l-Assemblea...*, *op.cit.*, 28th Sitting, 30-8-46.

86. *Ibid.*, 29th Sitting, 6-9-46.

87. *Ibid.*

88. Special Matters were those which could not be altered by legislation passed by the Maltese Parliament.

salary. MacMichael also agreed that only the Prime Minister should be nominated by the Governor and except for stipulating that there should be Ministers responsible for Finance and Justice, the creation of other Ministries — five in number — was to be left to the Prime Minister. (89) Palaces and other buildings required for Defence purposes were to remain Reserved Matters. To this would be added the right to survey and acquire land by the Services. (90) The British Government was also not ready to agree to the limitation of the Sovereign's Right of Disallowance under which His Majesty could annul any law to which the Governor had given his consent, up to a period of one year from the date it was passed. (91)

On 2 November 1945, Dr. E. Mizzi had proposed the inclusion in the Constitution of a clause which was amended by Dr. Boffa to read: 'that the Religion of Malta is the Catholic Apostolic and Roman Religion.' (92) The motion had been adopted by acclamation. On 7 June the Assembly had passed an amendment to the Religious toleration clause of the 1921 Constitution, which was moved by Prof. Hyzler and seconded by Mr Miller, to the effect that 'persons who do not profess the Catholic, Apostolic and Roman Religion may be precluded from occupying posts in connection with public instruction and education.' (93) MacMichael disagreed with the inclusion of such clauses in the Constitution saying that these could be easily implemented by an Act of the local Parliament. He therefore recommended that the wording regarding this matter, in the 1921 Constitution should be retained. (94) Religious toleration would be included under Special Matters.

Maltese and English would be recognised as official languages and public documents and notices of public importance issued by the Government of Malta would be in these languages; all journals, entries and minutes and proceedings, excepting the text of speeches made in Maltese, of either House should be recorded in both languages. As far as other provisions were concerned there appeared 'to be no change of moment in the National Assembly's draft and he recommended their acceptance.' (95)

When it came to the very touchy matter regarding the manner in which the Constitution was to be granted, MacMichael disagreed with the Assembly's recommendation that it should be by Act of Parliament. He wrote:

89. H. MacMichael, *op.cit.*, p.38.

90. *Ibid.*, p.24.

91. *Minuti ta' l-Assemblea...*, *op.cit.*, 30th Sitting, 13-9-46.

92. *Ibid.*, 17th Sitting, 2-11-45.

93. *Ibid.*, 27th Sitting, 7-6-46.

94. H. MacMichael, *op.cit.*, p.31.

95. *Ibid.*

the Senate helpless, the *Times of Malta* repeatedly raised doubts as to whether the decisions of the Assembly really reflected the will of the people. The Nationalists did the same thing once they failed to carry weight with their call for Dominion Status and re-discussion of the Language question.

Some have seen the work of the 1945-47 National Assembly as simply a slight extension of that achieved by its forerunner in 1919, but the important gains made, and listed above, were considerable. It failed in liberalising the Constitution in the sense of greatly widening the 'autonomy' granted to Malta, but its work is important and should be given the merit it rightfully deserves.

As far as the party political front is concerned the Assembly helped to crystallise the lines that the two opposing political forces were likely to take, as well as to suggest some idea of their relative strength and organizational powers. It made clear the new dynamic spirit that had imbued the Labour Party and underlined the importance in all spheres of Maltese life of the newly-formed G.W.U. The Labour Front had in fact achieved all its main aims except the acquisition of the vote for 18 year olds. This filled Labour's ranks with a feeling of exhilarating triumph which in turn extended the wave of enthusiasm that was so important in sweeping them to a landslide victory, in Malta's first post-war General Election. Labour won 24 out of a possible 40 seats.

On the other hand it became apparant that the more conservative elements on the Island which before had found expression in the Nationalist and Constitutional Parties, were now on the defensive and lacked the spirit of self-assurance, as well as the energy that had characterised them and made them vital political entities during the twenties and thirties. At the opening of the Assembly the Constitutional Party was moribond and by its conclusion it was dead. The Nationalist Party was also in disarray, and moreover its leader's insistence that the question of Malta's affinity with Italian language and culture should not be considered a thing of the past, caused many Nationalist sympathisers to come to the conclusion that the Nationalist Party would have no chance of beating Labour at the polls, and thus provided one of the reasons for the later formation of the Democratic Action Party, the majority of whose candidates had been, previous to the war, identified with the Nationalist Party.

The Assembly had also provided important individual platforms. Dr. P. Boffa enhanced his reputation as a politician and party leader, projecting himself as a possible leader of the country with a well-organised and well-disciplined party at his back. Dr. E. Mizzi, fresh from his internment and still under the stigma of disloyalty to the British Crown, was provided with a 'respectable' platform from which he could air his views and show that he

in such a way that the cost of living shall never be higher than 100%; in this way the Maltese Government will know where it stands in relation to wages;

- b) That the Imperial Government should do its utmost to help bring about full employment.

At the Assembly's last sitting on 7 March 1947 a Memorandum was approved for dispatch to the Colonial Office, in which the members of the Assembly confirmed 'with all possible vigour ... that the financial arrangements approved in the Malta Reconstruction Bill (98) be not considered final.' The two other most important points contained in it were that the salaries of the Imperial Government employees in the Diarchy should not be borne by the local Government, and that 'the Secretary of State for the Colonies should have the right to reduce or amend, "*ejusdem generis*", but not to increase the sections of Reserved Matters shown in the draft Constitution of the Assembly.' (99) None of these points were accepted by the Colonial Office.

The new Constitution, known as the MacMichael Constitution, was promulgated by Letters Patent issued on 5 September 1947. It closely followed the pattern of that of 1921. It too was diarchical in nature, but it provided for a unicameral Legislative Body, whose members had been increased from 32 to 40, and whose term of office had been increased from 3 to 4 years. The number of Ministers had been raised from 7 to 8, while the Police, the Judiciary and foreign trade were no longer Reserved Matters. The principle of universal suffrage was admitted and plural voting abolished.

The National Assembly had a difficult task, made even more difficult by the fact that it was widely representative of all shades of opinion in the Island. Ironically its representative quality was repeatedly questioned, first by one side and then by the other. At the beginning, when Labour and the G.W.U. were afraid that their voice would be swamped, they repeatedly raised doubts as to the Assembly's representative character. This persisted until they assured themselves that they need not fear the establishment of a powerful Senate which they viewed as a possible obstacle should the Labour Party gain power. Then following the votes which granted universal suffrage, and which rendered

98. This provided for the further payment of £20,000,000 in addition to the original £10,000,000 made available by the British Government as payment for War Damage and Reconstruction. As this was £14,000,000 less than the estimated sum needed, according to the British expert Sir Wilfred Woods, and as the British Government had promised to make good *all* War Damage, the Maltese considered this unilateral action as grossly unfair.

99. *Minuti ta' l-Assemblea*, *op.cit.*, 35th Sitting, 3-3-47.

'I recommend, that the new Constitution, having been initially granted by Letters Patent or Orders in Council (as may be decided) no power should be reserved to revoke the Constitution by Prerogative Instrument. This re-establishes the position as it was between 1921 and 1933, and indeed until 1936 when an Act of Parliament (the Malta *Letters Patent* Act 1936) restored to the Crown the power to revoke by Letters Patent of which it had divested itself in enacting the Constitution of 1921.'

But he also added that in order to safeguard against the possibility of the need to prompt action in an emergency, the Crown should retain the power 'to make such laws as may appear necessary for the defence of the Island or for securing and maintaining public safety and order and supplies and services.' (96) This he hoped would allay the Maltese fears about the possible suspension of the Constitution or its revocation.

MacMichael said that the request for Malta to pass under the Dominions Office could not be accepted. He said:

'I should perhaps, add some explanation of what in my view, the Maltese representatives have particularly in mind. This is not Dominion Status, for it is realised that a Diarchy and dominion status are incompatible. They assume, rather, that the Dominions Office must, *ex officio* so to speak, avoid any possible imputation of addressing its clientele *de haut en bas*... Malta, they contend may be a Colony, but it is not politically backward in the sense that many of the Colonies are, and the susceptibilities of the Maltese call for all the care and courtesy normally accorded to a nation of European stock.' (97)

On 20 January 1947, the Colonial Office published the MacMichael Report together with a White Paper laying down its 'Policy on Constitutional Reform', thus fulfilling the promise that had been made to the Assembly by the Secretary of State through MacMichael. This led to further discussions in the Assembly. After having adjourned *sine die* on 4 October 1946, following the report of the Drafting Commission and of the Finance Committee, the Assembly was re-convened on 28 February 1947.

During this its 34th sitting, the Assembly passed the following resolutions to be transmitted to the Colonial Secretary:

- a) That the subsidies should not be removed as yet but gradually lessened

96. *Ibid.*, p.32.

97. *Ibid.*, p.39.

was no political has-been fit only to be relegated to the dusty pages of the past. Prof. J. Hyzler gained a wider national reputation paving the way for his later choice as leader of the D.A.P. even though many considered him as just a front. Reggie Miller confirmed not only his capable leadership of the G.W.U. but also showed that his voice had to be reckoned with in future political decisions because he was certainly capable of influencing his Union's membership to adopt whatever lead he took.

But most of all the Assembly should be remembered for paving the way for the restoration of Responsible Government, as well as for changing the socio-political scene of the Island by its introduction of universal suffrage. This had, moreover, been achieved mostly through the medium of dignified, though often passionate, debate.