

HISTORY OF THE MALTA POLICE

By M.M.T. PART 1

On his victorious return to Sicily from the Battle of the Nile British Admiral Nelson was asked by the representatives of the Maltese to come to their assistance as they were besieging the French garrison in Malta within Valletta. Nelson sent his allies the Portuguese but soon after directed Captain Alexander Ball to call at Malta and assume command of the allied troops. Later General Graham landed with two British regiments and soon afterwards the French capitulated. A period of political uncertainty followed because both the King of the Two Sicilies (Naples) and the Czar of Russia who was then Grand Master of the Order of St John claimed these Islands and France was bringing pressure on Britain to evacuate Malta. Hostilities between France and England were then resumed and these ended in the downfall of Napoleon. The taking of Malta under the protection and dominion of His Majesty suited the imperial interests of Britain and Sir Thomas Maitland known as King Tom was made Governor of these Islands with clear instructions to annex these Islands to the British Empire.

Maitland embarked on an era of reform in all spheres of Maltese life. The then shocking state of the so-called civic guards did not escape his attention and in 1814 he suppressed the various executive forces which were then responsible for the policing of these Islands. The several authorities which then exercised executive powers each having its own police force were The Castellano, The Capitano di Verga, The Criminal Judge, The Magistrate of Police, The Advocate Fiscal (Attorney General) and the Governor of Gozo. Maitland abolished the system and set up one Force known as 'The Executive and Judicial Police'. The Force was divided into two sections, The Executive Branch was under the command of the Magistrate of Police.

The entire management and control of the Executive Police

of the Island of Malta and its dependencies shall be under the immediate superintendance of the Inspector General of Police, who will receive his orders from His Excellency the Governor.

The Inspector General and the Officers of Police under his command shall have power and authority to suppress all common affrays, riots and breaches of the peace, and to apprehend and imprison, or cause to be apprehended and imprisoned, all persons guilty thereof, or guilty, or suspected to be guilty, of any crime or offence whatsoever against the public welfare, and all idle and disorderly persons, drunkards, rogues, and vagabonds, and all suspicious persons found wandering about at unseasonable hours of the night.

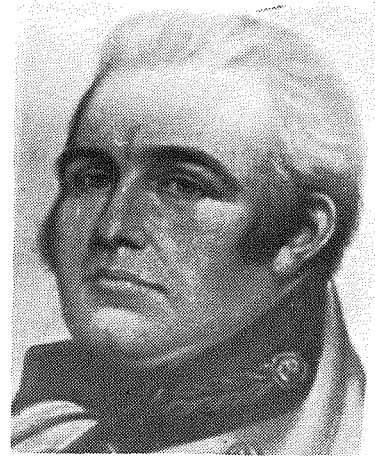
The Inspector General of Police shall likewise have power and authority to superintend and regulate all inn-holders, victuallers, publicans, keepers of coffee houses, wine houses, liquor shops, and other shops, and all persons who keep horses, calesses, carts or other carriages, or boats for hire, or who exercise the business of a porter or carrier.

He shall further have power and authority to superintend all foreigners coming in to the Island of Malta or its dependencies, and generally to cause to be put in execution all regulations now existing, or that may hereafter be made, for the maintenance of the Police of this Island and its dependencies.

In the exercise of those powers it is, however, to be understood, that they are given merely with a view to the establishment of a system of permanent good order and tranquillity on the one hand, and the speedy distribution of justice to all parties on the other.

Proclamation XXII of 1814 which remodelled the Police Establishment held that;

It shall be the duty of the Executive Police generally to arrest all persons guilty of any offence whatsoever against the



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public peace or welfare, or the regulations of Police, and the person so arrested shall, in every case where it may be practicable, be forthwith carried before the Magistrates of Judicial Police for examination; but shall in no case be detained by the Executive Police, for a longer period than two days, without being brought before the said magistrates.

When such prisoner shall be carried before the Magistrates of Judicial Police, as before mentioned, the Executive Police shall take care that all the information and evidence of every kind that can be collected, relative to the matter in question, be at the same time transmitted to the Magistrates.

The said Magistrates of Judicial Police, upon any prisoner being brought before them for examination, shall proceed therein with the least possible delay; but, when under the necessity of postponing the examination of a prisoner, or of re-committing him for further examination, they shall in no case possess the power of detention for a longer period than ten days from the day when the prisoner was first brought before them.

If the Magistrates of Judicial Police, upon the examination of the prisoner, shall find good reason to commit him for trial by the Superior Criminal Court, they shall within three days, transmit to the Advocate Fiscal the original examinations taken before them, together with all the documents produced; from the time of which transmission, the functions of the Advocate Fiscal, cont. p.17

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with a view to the trial of the prisoner before the Criminal Court, shall commence.

The Officers of the Executive Police are, therefore, hereby required, and directed, whenever any person whatsoever is apprehended, whatever may be the nature or extent of the crime with which he is charged, to bring the said person or persons, with the least possible delay, before the Magistrate or Magistrates of Judicial Police of the district wherein the offence was committed, to be by them either punished, or committed for trial by the Superior Criminal Court, or released and discharged; and it is clearly to be understood, that no person or persons shall be detained in custody by the Executive Police for a longer period than forty eight hours, from the time of his or their arrest, without being so brought up as aforesaid; and the sitting Magistrate or Magistrates of Judicial Police is and are hereby authorised and empowered to inquire into any complaint that may be made before him or them of any person or persons being detained in custody by the Inferior Officers of the Executive Police for a longer period than forty-eight hours, without being brought up for examination, as aforesaid, — and to punish the offenders.