

THE EDITOR* OF THE LAW JOURNAL DRITT INTENDS TO HAVE A NUMBER OF INTERVIEWS WITH PROMINENT FIGURES IN THE LEGAL FIELD. HEREUNDER, IS THE INTERVIEW HELD WITH HIS HONOUR CHIEF JUSTICE PROFESSOR HUGH W. HARDING, B.A., LL.D., F.R.Hist.S, F.S.A.

QUESTION: *Your Honour, your father, the late Judge William Harding, is considered a prominent figure in the legal field. In what way did he influence your choice to take up the legal profession?*

ANSWER: When my father became a judge I was only eight years old. Since I was the only son, it is natural that I was very close to him and that I was influenced by the fact that he was a legal man by profession.

As you are probably aware, my father was a judge for almost 30 years. Naturally, this influence lasted throughout my life. At one stage, however, my father did not wish me to join the legal profession because he used to point out to me that it was a very hard life. But things took their natural course and I found myself in the legal profession.

Q.: *How did he welcome the fact that you joined the legal profession?*

A.: I think that, in the long run, he was very pleased because, on the whole, I made a success of it.

Q.: *Is there anything in particular about the way your father exercised his profession which you have admired so much that you adopted yourself?*

A.: What I most admired in my father was that he was always prepared for his Court sittings. He knew his cases inside out and, therefore, everything moved like clockwork. All the cases on his list were heard, along with the witnesses, without their having to turn up again. Everything moved with the greatest precision.

In this, of course, he was helped by his vast legal knowledge and his great experience over the years. He was chairman of the Statute Law Revision Commission, set up in 1936, which was responsible for the six volumes of the *Laws of Malta* published in 1942 during the War years. That edition not only contained a translation of the original legislation in Italian into English, but also a translation of our laws into Maltese.

In other words, the Statute Law Revision Commission not only carried out a codification of our laws but also this massive work of translating them into two languages. As you will be aware when you exercise your profession, the task when translating a law is very difficult because one has to weigh each and every word in the light of the interpretation given by the several Court judgements over the years.

I would imagine that all this work contributed to my father's extensive legal knowledge which made it easier for him to direct a Court sitting to the satisfaction of the parties involved.

Q.: *What did you adopt from all this?*

A.: I learnt that it is necessary to prepare yourself for a Court sitting in this

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way, you can save a lot of time, avoid unnecessary adjournments and direct lawyers. Moreover, when they know that the judge is prepared, they have, in turn, to be more prepared themselves.

Q.: In 1949 you were called to the bar. This means you had to undergo the first part of your studies towards the end of the Second World War. Is there any particular experience which you would recall about his period?

A.: My studies began in 1942. This, of course, was a terrible period in Malta. There was one air raid after another and most lectures were interrupted. We used to rush down to what was then called a "shelter"; it was not really a shelter because it consisted of a corridor behind the main altar of the Jesuits' church in Valletta. It was thought that the thick walls would save us from the bombs. Events, however, proved that even walls that thick could not withstand a direct hit.

So, really, my memories of that period are the air raids and studies in between raids. Although we were studying under this strain, I think, being young, we could withstand it with the greatest of ease and we were always a happy group, very much bound to one another.

Q.: Nearly all graduates have some happy memories of University life. What are your memories? Was there any particular activity which you used to look forward to?

A.: The law course then was a very small one. Originally, there were only 18 of us, going down to 16 students. Naturally, the smallness of the course made us very close to one another. We got on very, very well. We used to organise hikes, picnics and other social activities and we have kept in touch throughout life, even to the present. Whenever there is some particular occasion, we make it a point to meet because we have learnt to respect one another over the years.

In those days, the students used to have a club in a building just opposite the University. Naturally, we used to rush there in between lectures. At that time I was particularly keen on table tennis and I also took an active part in the debates organised by the Għaqda tal-Malti. There was also an English Literary Society whose president was Professor O. Fogarty who was the soul and spirit of the University at that time. He inculcated in us quite a lot of good principles. Being young, in your teens, a lecture by such a professor was bound to leave its mark!

I remember I was the *Law Journal* editor in 1946 and 1947. We used to have a biography of a distinguished Chief Justice with a portrait in almost every issue. I myself remember that I had written the biography of Sir Michelangelo Refalo. There were others about Sir Ignazio Bonavita, Sir Adrian Dingli, Sir Antonio Micallef and Sir Giuseppe Carbone.

Q.: Besides your studies at the University of Malta and the University of London, you have also carried out research work in Palermo and Naples in Italy. What did this research consist of?

A.: After being appointed lecturer at the University, I was requested by the University to carry out research to establish what documents existed in Palermo and Naples which could affect the legal history of Malta.

Q.: How much time did you spend in Italy?

A.: About six months in all during which I found a lot of original material in Palermo and very little in Naples because most of the original documents, I have been told, had been destroyed during the war. In fact, the Archivio di Stato of Naples was being reconstructed with copies of the original documents.

As regards Palermo, there is a wealth of material dating before 1530. These documents are to be found in big volumes along with, of course, other documents relating to Sicily. These volumes belonged to the *Regia Cancelleria* and the *Protonotaro del Regno* and there I found the *Capitoli* which the *Universitas* of Malta, the *Universitas* of Gozo and the *Universitas* of the Jewish community in Malta used to send over for the Placet of the Sicilian king.

I am definitely of the opinion that, if anybody wants to write the history of Malta before 1530, he should examine thoroughly the documents which exist in the Archivio di Stato of Palermo because, unfortunately, in Malta we have very few documents relating to this period. I imagine this was due to the fact that we led here a hazardous existence, owing to the raids which we used to get from Corsairs.

Q.: Between 1950 and 1980 you have delivered lectures in the History of Legislation at the University of Malta to Law students. Why this aspect of legal studies in particular?

A.: Since childhood, I was always interested in history and, when I became a lawyer in 1949, there was a vacancy in the Chair of History of Legislation which, at that time, was called "History of Legislation in England and in Malta", since the professor who occupied this chair, Professor Giuseppe Degiorgio, an excellent man, had been unfortunately killed in a car accident in London.

As soon as I got the Government Travelling Scholarship, since I was first in my course, I proceeded to London and, there, I carried out researches in Maltese Legal History, both in the British Museum as well as in the Public Record Office (PRO), mainly in the PRO, where one finds all the documents relating to the British Period of our history.

The researches I carried out in Legal History were under the supervision of a tutor, Professor T. Plucknett, who was then President of the Royal Historical Society of London, an authority in his field. He was the man who showed me how to carry out researches and how to make use of those researches because there is an art in reproducing the results of one's researches.

Besides carrying out this research, I attended lectures in Criminal Law by Professor Glanville Williams who, as you know, wrote an excellent book on Criminal Law. I also worked in Chambers in the Middle Temple, with English barristers who specialised in matters relating to the drafting of legislation.

Q.: In 1964 you were chosen as a Commissioner for the Independence referendum. What were your specific duties in that referendum?

A.: I was not only an Independence referendum commissioner, but also an Electoral Commissioner in 1962, 1966 and 1971. The duties which we had

to carry out are those laid down in great detail in the relative laws. I think you will agree with me that there is no need to mention all the duties once they are laid down in the law.

However, speaking generally, the duties were to conduct, together with my colleagues, the elections and the referendum. On the whole, the members of the Independence Referendum Commission were the same members of the 1962 Electoral Commission -- mostly lawyers. I believe there was Dr. Vincent Scerri, later Judge Scerri, Dr. George Vassallo and others.

Q.: Your Honour you have been in office since 1987. How do you approach your main responsibilities as Chief Justice?

A.: The Chief Justice presides over a number of Courts: the Court of Appeal, which has two branches; the Civil Hall; and the Commercial Hall. He presides also over the Court of Criminal Appeal and, last but not least, he presides over the Constitutional Court.

There is a tremendous backlog of work in these Courts due to many reasons which I don't think I need enter into here. My main aim is to strive, together with my colleagues, to reduce this backlog as much as possible.

Q.: In your opinion, what is required to facilitate the course of justice in our Courts? Some believe there should be other Courts, if necessary in a separate building. Do you agree?

A.: I am definitely against the idea of having other Courts in a separate building. The reason is that this will definitely produce procrastination in the administration of justice. Lawyers will be rushing from one area to another of Valletta, trying to cope with cases in both buildings. Parties will get confused about where to go and it will be difficult, for example, for a lawyer to get in touch with a fellow lawyer in order to appear before a judge and to avoid any clashes resulting from different cases in the different Courts.

Also, it might be difficult for a lawyer to find the legal procurator. As a result of all this, cases will be put off and further delayed. I am stressing this point of view because this is exactly what happened when we had two Courts in the Auberge d'Italie in Merchants Street, whereas the Courts of Magistrates and Judicial Police were housed in Old Bakery Street near the Auberge de Baviere. The result was lawyers rushing from one part of Valletta to another and judges waiting to hear cases or putting off cases. The closer the Courts are, the quicker will be the administration of justice.

Regarding the first part of your question, that is a million dollar question! I think that the solution is that everyone must pull his weight; not just the judges, magistrates and lawyers but also the civil servants concerned with the administration of the Courts.

Q.: Your Honour, you are a fellow of the Society of Antiquaries of London. What can you tell me about this society?

A.: The Society of Antiquaries is one of the leading societies in the world. It is a prestigious society and it has a very limited membership because, to join, you have to possess certain qualifications. The society dates back to Queen Elizabeth I and it is housed in a lovely building next to the British Academy. It publishes books and has been doing so for a very long time. It has a very good library in which there are also some documents relating in Malta.

One of your publications is entitled “Maltese Legal History Under British Rule (1801-1836)”. Do you intend to publish further studies that would go beyond 1836?

This publication was based on original documents which I came across during my researches in the Public Record Office. I have in my possession a lot of the documents relating to the same subject for the period 1836 up to the end of the last century. I have already started writing the second volume and I think I have arrived at Chapter Seven. I had to stop writing because judicial duties take up most of my time but I intend to take it up later on, if, God permitting. As you know, when you write something following a close examination of documents, you have got to dedicate a lot of time to decide how to present the result of your researches.

Your hobby is mainly reading. What do you enjoy reading most?

Unfortunately, I do not have many hobbies and, as you say, my only hobby is reading. What I read is mostly history. Of course, I like the occasional detective novel.

Any particular author?

Yes, definitely! I have my own pet author, Agatha Christie. I consider her books to be excellent.

Last question: what advice would you give to students of Law at the University about their future legal profession?

My advice is that Law students should endeavour to be honest, precise in their dealing not only with lawyers but with whoever they get in touch, and to be punctual and precise in their work.

Unfortunately, most lawyers are unpunctual by nature and this is something that should be eradicated because, when a person is punctual and respects appointments, things move along better.

But, of course, my main advice is that a lawyer should be honest in his dealings and that he should not forget that, in terms of the law, he is an officer of the Court and, therefore, he has a part to play to ensure that justice is administered.