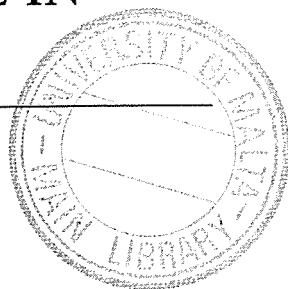

THE MINISTERS OF THE INQUISITION TRIBUNAL IN MALTA

Alexander Bonnici



THE first one hundred years of the medieval Inquisition in Malta (1462 – 1561) is considered to be the prehistory of this tribunal which had jurisdiction dealing with the detection and punishment of heretics and of all persons guilty of any offence against Catholic Orthodoxy.¹ On 21 October 1561, a new type of Tribunal, known in history as the *Roman Inquisition*, was established in Malta. Mgr. Domenico Cubelles, Bishop of Malta, and Mgr. Martin Royas, his successor, were the first two Inquisitors of Malta. But the Roman Inquisition was re-established in 1574. From then on, the Bishop of Malta was never again an Inquisitor. An independent tribunal, with its own palace at Birgu, became known as the Holy Inquisition or the Holy Office. But it was still the Roman Inquisition. It was a Tribunal that lasted up to the time of Napoleon's occupation of Malta in 1798. There was a series of 62 Inquisitors, from Pietro Dusina to Giulio Carpegna. Besides being Inquisitors, they were Apostolic Delegates; but, as Apostolic Delegates, these Prelates had a more limited authority.²

The present study is built on original and unprinted manuscripts most of which are jealously preserved in the Vatican Secret Archives. Few other documents of equal importance are found in the Archives of the Inquisition in Malta. Grand Masters and Inquisitors tried to

1. For the medieval Inquisition in Malta, G. F. Abela, *Della Descrizione di Malta* (Bonacota, Malta, 1647), 558 – 559; M. A. Coniglione, *La Provincia Dominicana di Sicilia* (Catania, 1937), 42 – 43, 47 – 50, 69 – 70, 295; G. Wettinger, *The Jews in Malta in the Late Middle Ages* (Midsea, Malta, 1985), 82 – 85, 90, 93, 99, 259 – 323.
2. For a critical judgement about most of the material that refers to the Inquisition Tribunal in Malta, A. Bonnici, "L'Inquisizione di Malta: 1561 – 1798: Riflessioni Critiche circa il materiale edito e inedito", *M(elita) H(istorica)*, V, 1(1968), 1 – 31.

oust each other. In most cases, they quarrelled about their jurisdiction over the inhabitants of Malta. The present research refers to ecclesiastics and laymen that depended on the Inquisitor; but each Grand Master would have preferred to have them subdued to him; hence conflicts resulted. Maltese History books often present the Grand Masters' views. This paper intends to put forward the Inquisitors' point of view.

THE RETINUE AND MINISTERS OF AN INQUISITOR

Each Inquisitor had his retinue, which was referred to as "*his family*". As a highly distinguished prelate, third in importance after the Grand Master and the Bishop, each Inquisitor needed a) a butler b) a secretary c) a chaplain d) a waiter e) some liveried footmen f) a cook g) and a young man that helped in the kitchen.³

While the Inquisitor's retinue played no particular role in Maltese society, the Officials and Ministers of the Inquisition Tribunal enjoyed some exemptions and privileges. They were the dependents of the Holy Tribunal. They were classified in five grades: officials, counsellors, cursors, administration ministers, and patentees.

The most important among the officials was the *Assessor*. His rank placed him over all the others because he shared the Inquisitor's position. In fact, he was also the *Vice-Inquisitor*. The Assessor, not only helped in collecting, examining, and presenting the evidence for the prosecution, but also substituted sometimes the Inquisitor himself. Through a delegation of the Inquisitor, the Assessor presided over the tribunal, declared the innocence of some persons, and also proclaimed definite sentences. Up to the time of Bellardito, no Inquisitor ever left Malta before the arrival of his successor. But then, in 1592, Mgr. Paul Bellardito died whilst Inquisitor in Malta. On account of that unexpected vacancy, Fr. Francesco Condulli was the first Assessor to be appointed to hold the office of *Pro-Inquisitor ad tempus*. This means that he took charge of the Tribunal as Acting-Inquisitor up to the arrival of the new one. From then on, it often happened that the Assessor was chosen as Acting-Inquisitor in a period of vacancy. In most cases, the Inquisitors, who were always Italian, appointed a Maltese diocesan priest as the Tribunal's Assessor.⁴

3. Bibl(ioteca) Naz(ionale) Roma, *Vitt(orio) Eman(tuele)*, 838, f.9r.

4. During the period of Mgr. Anthony Pignatelli, the Assessor of the Tribunal was Don Pietro Francesco Pontremoli. He enjoyed the highest esteem of the Inquisitor through all the term of Pignatelli. The Inquisitor could not pay him better than by entrusting him with several cases. Before leaving the island, Pignatelli confirmed his confidence in him by putting him in charge of the Tribunal as *Pro-Inquisitor*, up

Other officials were clerics or laymen.

The *Fiscal* was a legal official, who had the function of a public prosecutor. Witnesses were afraid to present themselves in court on account of reprisals by friends or complices of the convicted persons. The Fiscal of the Tribunal officially gathered all denunciations, and presented them in the tribunal.⁵

All officials were meant to ensure the administration of justice. The presence of a *Public Notary* was indispensable.⁶ The accused part was taken by his *Advocate*. In case of poverty, the Tribunal itself handed the case to the *Advocate of the Poor*.⁷ A *Sub-Fiscal* helped the fiscal.⁸ A *Chancellor of the Tribunal* faithfully and diligently wrote down all the details of each case.⁹ An *Instructor* gathered all possible informations about each case.¹⁰

The Inquisitor made use of the other officials of minor importance: *interpreters* of diverse languages,¹¹ the *Captain of the Rod*, who was in charge of the execution of sentences,¹² a *Medical Doctor*,¹³ and a *Jailer*.¹⁴

The *Cursors* were the running messengers of the Holy Tribunal; they were not considered among the officials. These laymen formed, by themselves, a section of the Inquisition ministers.¹⁵

The *Counsellors* of the Holy Office were diocesan priests or friars, renowned for their knowledge in Theology or Canon Law.

to the arrival of the successor: N(ational) L(ibrary) M(alta), *Lib(rary)* 8, f.216r. Then, when *Mgr. Charles Cavalletti*, Pignatelli's successor, died in Malta in 1652, Pontremoli performed all the duties of an Inquisitor for about one year, up to the arrival of *Mgr. Frederick Borromeo*: *Ibid.*, ff. 216v. – 217v. His activity in the service of the Tribunal came to an end during this period, when he died in May 1654: *Ibid.*, f.218r. For Inquisitor Bellardito and Pro-Inquisitor Condulli, A(rchivum) S(ecretum) V(aticanum), *S(ecretaria) S(tatus) Malta*, 124 C, f.16v.

5. This and the subsequent notes refer to a list sent to Rome by Inquisitor Casanate at the beginning of 1659. For the fiscal, ASV, *S.S. Malta*, 186, f.379.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.* The name of several interpreters can be traced in various Inquisition proceedings. For instance, for Fr. Columbanus of St. Michael, a Discalced, Carmelite, A(rchivum) I(nquisitionis) M(elitensis), *Processi*, 61 A, nos. 35, 36, 8/2/1647, ff.195r – 197r.
12. ASV, *S.S. Malta*, 186, f.379r.
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*, f.379r-v.

Each Inquisitor availed himself of a certain number of them. Their term of office in Malta was life-long. If necessary, an Inquisitor appointed new ones. In normal cases, each new Inquisitor confirmed all those who had been previously chosen by his predecessors. Their duty was to give authoritative advice, based on their knowledge and experience. But they were just counsellors, and an Inquisitor was not bound to follow their advice.¹⁶

Other assistants of the Inquisition Tribunal were the *Administration Ministers (Ministri per l'Azienda)* and *Trustees (Depositari)*, who were ecclesiastics or laymen,¹⁷ and the *patantees* who, through patent letters granted, were to keep themselves ready for any request or demand of the Tribunal in the service of the Catholic Faith.¹⁸ Since the Inquisitor was also the Commissioner of St. Peter's *Fabrica*, he enjoyed the service of some other officials who helped him in the administration of this Tribunal.¹⁹

The Inquisitor was bound to pay a very great attention in the choice of all his ministers. Their way of life was expected to be exemplary for its integrity. The very same virtues that shone in the Inquisitor himself were to be admired in all the Ministers of the Holy Tribunal.²⁰ On account of this, all those whose commercial activity was not deemed honourable were not fit to stand among the Ministers of the Tribunal. From 1635 onwards, those who were engaged in trading slaves were not to be enrolled anymore as patentees of the Holy Office in Malta. Besides, those who were already serving the Tribunal were to be eliminated, if they failed to abstain from that dishonourable occupation.²¹

A FREE-HAND GRANT OF PATENTS

From the very beginning of the Holy Inquisition in Malta, each Inquisitor was free in the choice of his officials, ministers, and patentees. Patentees of the Order of St. John could become patentees of the Inquisitor as well. For instance, Fr. Francesco Condulli, while being a conventual chaplain of the Order of St. John, during the period of Inquisitor Paul Bellardito, in 1591 was elected as Fiscal and

16. *Ibid.*, f.379r. The name of some Counsellors can be traced through the Inquisition Proceedings. For Fr. Philip Cagliola, a learned Franciscan Conventual, AIM, *Processi*, '61 A,n.14, 15/1/1648, f.70r-v.

17. ASV, S.S. *Malta*, 186,f.379v.

18. *Ibid.*

19. *Ibid.*, f. 380r; Bibl(ioteca) Vat(icana), *Ottob(oniani) Lat(ino)*, 2206, p. II, ff.348v-349r.

20. Bibl. Vat. *Borgia Lat(ino)*, 558, ff.89v-90r.

21. *Ibid.*, f.78r.

then Assessor of the Inquisition Tribunal. For his knowledge in theology and canon law, he continued to act as Assessor under various Inquisitors, even when simultaneously he became Vice-Chancellor of the Order. But a decree of Pope Clement VIII, dated 6 April 1600, prohibited the Inquisitor from granting patents to persons who were already patentees of the Order of St. John. In successive years, some problems were created in the grant of patents to ecclesiastics. Occasionally, for the fact that they had become patentees of the Inquisitor, some of them expected not to be obliged to submit themselves to the diocesan Bishop. As a result of this, after repeated solicitations from Bishop Balthasar Cagliares, in 1621 when Mgr. Anthony Tornielli presided over the Tribunal, all parish-priests were declared incapable to become patentees of the Inquisitor.²²

Numerous abuses abounded among laymen as well. Grand Master Lascaris, during the period of Inquisitor Frederick Borromeo (1653 – 1654), was eager to exclude from a complete dependence on the Inquisitor all those persons who earned their living as wholesale traders in edible products and those whose social activity was closely related to common welfare. The Grand Master's views were evident. Such persons, if allowed to be in the circle of the Inquisitor's patentees, would have abused of their exemptions and infringed the civil code. Appeals to the Roman Congregations were so frequent that the Pope was finally persuaded that the demands of the Grand Masters responded to equity and justice.²³

Although the Holy See granted the above faculty to the Order of St. John, the free-hand of the Inquisitor had to be respected. Inquisitor Borromeo received a direct and clear communication from Rome; but it was not sent in the usual way, that is, in a brief or despatch. Since it required a very delicate handling, it was communicated to him just orally. According to the Grand Master's request, from then on no patent letter could be granted to the above-mentioned persons. Besides, if a person who was already a patentee gave an evident proof of an abuse of his exemption, his name had to be erased from among the subjects of the Tribunal. At that time Borromeo himself felt alleviated because he judged it more convenient for the Inquisition Tribunal that the patentees enrolled bore witness to be quiet and well-off citizens.²⁴

22. ASV, *S.S. Malta*, 124c, f.16r-v.

23. F. Borromeo, "Relazione di Malta e suo Inquisitorato" (MS. at NLM), in *Malta Lett(eraria)*, s.II,v.II(1927), p. 187.

24. *Ibid.*, pp. 187 – 188.

The Inquisitor had the right to choose or change all his officials. But in case of choosing the Advocate, Fiscal, and Trustees (*depositari*), the Inquisitor had to consult the Supreme Congregation, and wait for a confirmation.²⁵ In rare cases, especially when abuses were feared, the Inquisitor's choice was not ratified. The Supreme Congregation listened also to the complaints of the diocesan Bishop. If a cleric happened to be, in some way or another, troublesome to his Bishop, notwithstanding the recommendations of Inquisitors, the Supreme Congregation insisted on its refusal of admitting him among the patentees.²⁶ Nevertheless, up to the end of the Tribunal in Malta, some priests still remained among the Inquisitor's patentees. During the pastoral visitations of the Bishops in the parishes of Malta, priests, who were patentees of the Holy Office, had their documents inspected by the Bishop, so as to keep him informed. At that time, while enjoying some special exemptions, such priests were not independent of the diocesan Bishop. When Raniero D'Elci presided over the Inquisition Tribunal (1711 – 1715) two priests of Senglea, Fr. James Flomotonito and Fr. John Baptist Salemi, on 28 January 1715, presented their documents to Bishop James Caraves to prove that they were patentees of the Holy Office in Malta.²⁷

THE NUMBER OF THE INQUISITOR'S DEPENDANTS

In 1600, the Supreme Congregation decreed that the number of the Inquisitor's patentees should be 20, and that of the officials, 12. The Inquisitor could not alter the number without the consent of Rome.²⁸ The number was not an excessive one. However, the Knights insisted that the Inquisitor could do at least without some of them. None the less, the Holy Office in Rome answered that the established number of 32 was a moderate one.²⁹

Inquisitor Honoratus Visconti, in 1624, ingratiated himself with Grand Master Antoine de Paule when he reduced the number of his patentees from 20 to 12. But the Supreme Congregation disapproved, and obliged him to appoint another 8, in order to return to the former number.³⁰

25. Bibl. Vat. *Borg. Lat.*, 558, f.73v; for an example of a confirmation of a fiscal, AIM, *Còrr(ispondenza)*, 8 (1642 – 1648), 16/3/1647, f.212r.

26. A(rchivum) A(rciepiscopale) M(elitense), *Lettere e Decreti delle Sacre Congregazioni, spedite in tempo di Mons. Mich. G. Balaguer, Vescovo di Malta*, v.II, f.561.

27. AAM, *V(isitatio) P(astoralis)*, Caraves, XXVII, f.515r-v.

28. Bibl. Vat., *Borg. Lat.*, 558, f.77r.

29. NLM, *Lib.*, 1074, f. 5r.

30. Bibl. Vat., *Borg. Lat.*, 558, f.77r.

Abuses sometimes crept in. The number of the patentees was not increased. But the patentees were expecting to extend their privileges to all their relatives. Again, a norm of the Holy Office in Rome, on 13 April 1600, clarified: “*The privileges of the Holy Office patentees are just personal. As a result of this, they cannot be extended to other members of their family*”.³¹

Later on, the norms were not clear enough. Little by little, the Inquisitors caused annoyance to the civil authority of Malta when they began to judge in their own tribunal all the relatives of their patentees. The initiative sprang up from the patentees themselves, because they preferred to be sued by the Inquisitor, rather than in a civil court. Consequently, due to ambiguity in the instructions given by Roman Authorities, Inquisitor Marescotti (1663–1666) complained with bitterness against the Grand Master for having derogated him from his alleged right of suing in the Inquisition Tribunal the relatives of the Holy Office patentees!³²

From above, it can be ascertained that an Inquisitor had other dependants. For instance, for a particular of all the dependants of the Inquisitor, one can give a glance to their number in 1659, in the period of Inquisitor Casanate.

Counsellors (diocesan priests or friars)	10
Officials (3 priests and 8 laymen)	11
Cursors (laymen)	8
Administration Ministers (2 priests and 5 laymen)	7
Patentees (laymen)	20
Officials of the Tribunal of the Reverenda Fabrica of St. Peter (2 priests and 5 laymen)	7 ³³

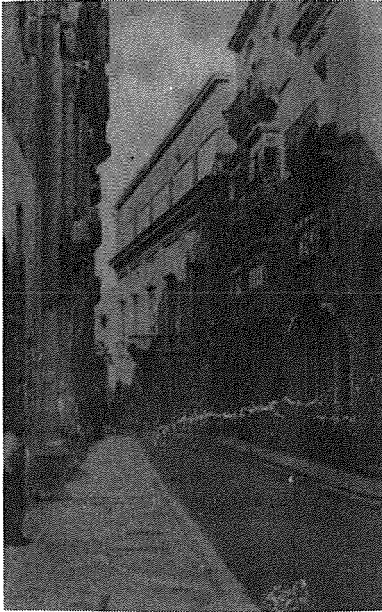
The Papal Secretary of State, after repeated hostile actions from the Grand Master, examined the situation in order to state whether the Inquisitor’s dependants were excessive in number. Inquisitor Casanate was requested to send the above given detailed list of all those who fell under his jurisdiction. Yet, the official answer was that the number was not excessive.³⁴ Thus, at that time, the total of all the dependents of the Inquisition Tribunal amounted to 63 persons. The average number of those that depended on the Tribunal varied between 60 and 70 persons.

31. *Ibid.*, f. 74v.

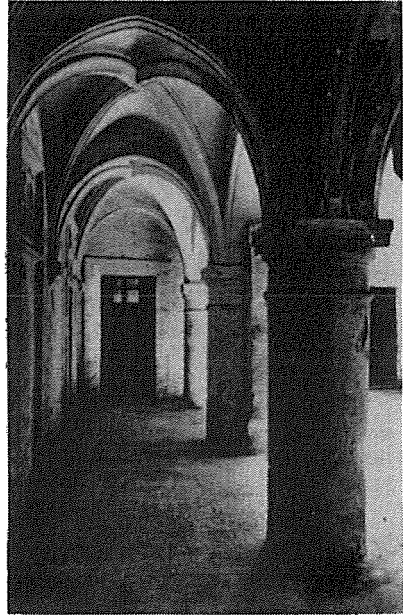
32. *Bibl. Vat., Ottob. Lat.*, 2206, p. II, f. 342v.

33. *ASV, S.S. Malta*, 186, ff. 379r–380r.

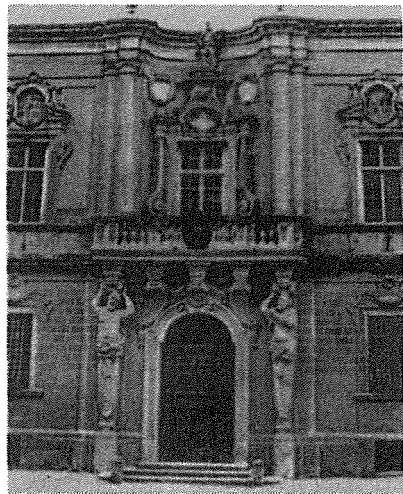
34. *Ibid.*, f. 380r.



The Inquisitor's Palace at Birgu: a sixteenth century building erected around the place where the Knights had their civil court, when they settled in Malta in 1530.



This Siculo-Norman Courtyard in, the Inquisitor's Palace is the unique construction that still reminds of the edifice built around the castellania of the Knights.



The old diocesan seminary at Mdina is today the site where original documents that refer to the Inquisition of Malta are preserved. As a public archive, it is open for consultation.

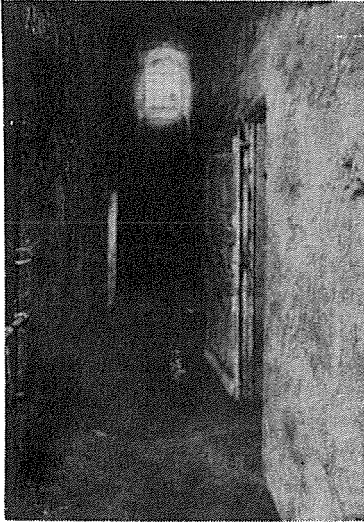
In most cases, each new Inquisitor added or substituted some officials or patentees. At times, individuals who served the Holy Office for years sought from the Supreme Congregation the privilege of being enrolled in the number of the Inquisitor's patentees. It may have happened that they had requested that privilege from the Inquisitor himself; but it was to no avail. On account of that, they asked for a recommendation from the Supreme Congregation of the Holy Office. During the period of Inquisitor Anthony Pignatelli (the future Pope Innocent XII), who served as Inquisitor between 1646 and 1649, John Mary Habela, in a declaration to the Supreme Congregation, stated that he had served as a physician in the Inquisition jail without ever expecting any stipend. As a recompense, he implored for a recommendation in order to be incorporated in the number of the Holy Office patentees.³⁵

Those who depended on the Bishop of Malta were much more than the Holy Office patentees. On 17 June 1649, John Matthew Bonnici, Notary for the diocese of Malta, sent a complete list of all those that depended on the Bishop. From his report we know that in Malta there were 20 canons, 422 priests, 347 unmarried clerics, and 226 married clerics. They were 1015 in all. But Inquisitors repeatedly insisted with the Supreme Congregation that all those who formed the household of a non-cleric patentee should enjoy all the privileges of the patentee himself. Finally, on 4 March 1671, during the period of Inquisitor John Tempi, the Supreme Congregation gave its consent. The patentees' privileges were not extended to his relatives, but to those only who depended on him for their living and dwelled in his own house. Then, in 1713, when Mgr. Ranierius D'Elci presided over the Tribunal, Pope Clement XI confirmed those privileges. Thus, the Grand Masters lost their jurisdiction over at least another one hundred persons.³⁶

Inquisitors affirmed that the patents of the Holy Office were not requested for any venal gain. According to the Inquisitors, the burden of the civil authority was at times oppressive. On account of this, some Maltese freed themselves from the Grand Master's authority by asking to be enrolled as patentees of the Holy Office. While an Inquisitor had to be judicious in choosing his patentees, he was warned not to deprive them of their rights unless for very serious crimes. All Grand Masters were pleased in a punishment inflicted by the Inquisitor himself. Hence, Inquisitors were admonished not to

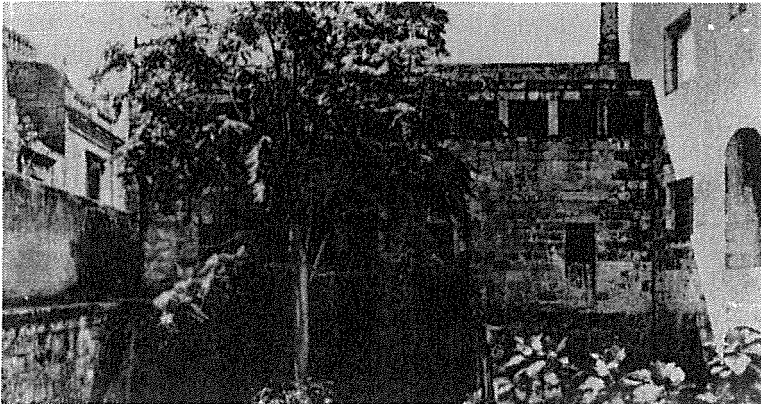
35. AIM, *Corr.*, 9 (1649–1654), 9/1/1649, ff.4r-7r.

36. ASV, *Vescovi*, 31, f.223r; S.S., *Malta*, 124c, f.12r-v.



The Prisons on the ground-floor of the Inquisitor's Palace, as reconstructed by Inquisitor John Baptist Gori Pannellini (1639–1646). a) The entrance and b) the corridor that leads to the cells.

The upper part of the Inquisitor's Palace, which was destined for the Inquisitor's private residence.



give that satisfaction to the head of the Knights. The fear of being some day excluded from among the patentees would have brought the unpleasant consequence that no one seeks anymore the patents of the Holy Office. The patentees had the right to be sure of the esteem and protection of the Inquisition Tribunal.³⁷

A praiseworthy Inquisitor defended strenuously all his patentees against the Order of St. John. Each Inquisitor kept in mind that a patentee, in being deprived of the patents of the Holy Office, was consequently placed again under the jurisdiction of the Grand Master. It meant that, unwillingly, a person became a possible victim of the Knights' anger for his previous exemption. The fears or even doubts of such consequences would have compelled the inhabitants of Malta to renounce to their patents spontaneously, rather than to live in the peril of being, someday, deprived of them.³⁸

In deterring the patentees, the Inquisition Tribunal would suffer serious consequences. The Inquisitor would have been deprived of the respect and service that he usually enjoyed. The Grand Master and the Knights would have been pleased to see the Inquisition Tribunal without its ministers. A Tribunal, without counsellors, officials, and patentees would have fallen in disgrace, for being deprived of its former prestige. Bereaved of its jurisdiction, the Inquisition Tribunal would have been depreciated, and perhaps annihilated.³⁹

THE BENEFITS OF EXEMPTIONS

Occasionally, both the Grand Master and the Bishop of Malta, not only did not facilitate the Inquisitor's labours, but they also seemed to create real obstacles. Due to this, all the Ministers of the Holy Office were fully exempt from any other Tribunal, and subjected to the Inquisitor alone. Relying on the benefits of this privilege, they could freely exercise their office without the fear of any other Tribunal and without ever being unduly molested.⁴⁰ While an Inquisitor in matters that regarded faith enjoyed a plenary faculty over all ranks of persons, without any exception in favour of the Knights of St. John,⁴¹ the Ministers of the Holy Office were subjected to his jurisdiction also

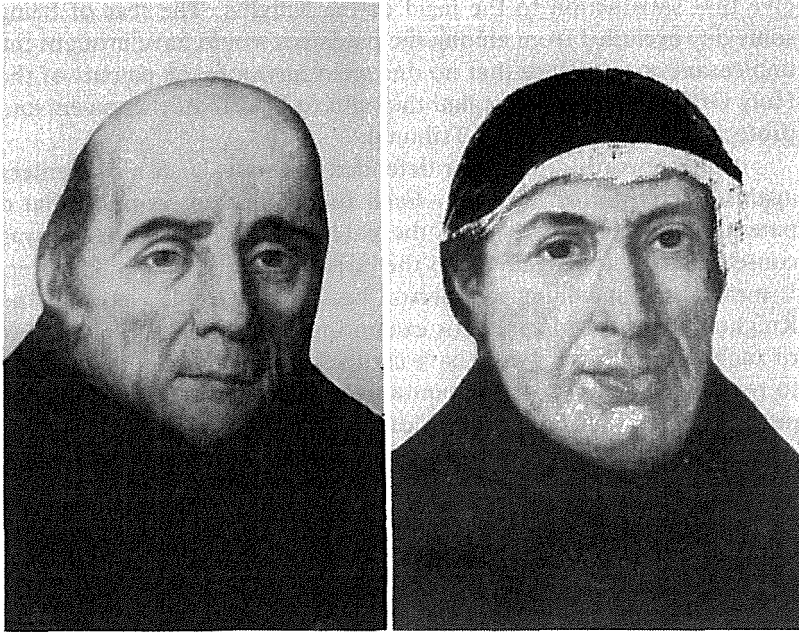
37. *Bibl. Vat., Ottob. Lat.*, 2206, p. II, f. 345r-v.

38. *Ibid.*, ff. 345v-346r.

39. *Ibid.*, ff. 345v-346r, 373r.

40. *ASV, S.S. Malta*, 186, f. 116v.

41. A. Bonnici, *Evoluzione Storico-Giuridica dei poteri dell'Inquisitore nei Processi in materia di Fede contro i Cavalieri del Sovrano Ordine di Malta* (Roma, O.S.M. de Malte, 1970), 52.



1–2: *Fr. Francis-Augustine Bonnici (1723–1802) and Fr. Bonaventure Chercop (1746–1802), two franciscans conventual friars, who were among the Inquisitor's Counsellors, during the last years of the Tribunal.*

in all their civil and criminal lawsuits.⁴² Although Knights and Bishops vehemently protested against these powers, Inquisition reports testify that the Inquisitor continued to summon before him all his subjects in any lawsuit.⁴³ This power, however, varied from time to time because it was revoked or annulled, and then conceded, and tolerated again.

Among his ministers, the assessor, the fiscal, and the notary assisted the Inquisitor in all congregations that referred to the negotiations of the tribunal. The Inquisitor used also to invite the Vicar of the diocesan Bishop, some counsellors, and two members of each Religious Order that had houses in Malta. Usually, however, except in cases of a public repudiation of a heretical belief or in an extremely important decision, just two members from Religious Institutes were invited: a Dominican and a Discalced Carmelite. The Inquisitor's

42. *Bibl. Vat., Ottob. Lat.*, 2206, p. II, f. 310r.

43. AIM, *Memorie Zondadari*, v.I (*Relazione Generale del sistema Politico di Malta*), 1777.

patentees or *familiares* were chosen from among the local inhabitants who, as much as possible, dwelled scattered across all the island of Malta. He was free to choose Maltese or foreigners; but most of them were of Maltese origin. This traditional usage helped to dispense the Inquisitor from having a bigger number of ministers of major importance. In fact, the patentees were bound to inform the Inquisitor about anything which, in their opinion, concerned the tribunal.⁴⁴

Many Maltese laymen depended on the Inquisitor as officials, cursors, administration ministers, or patentees. In Malta, all of them had the right to enjoy the privileges granted to ecclesiastics. Notwithstanding this, Grand Masters and Bishops disagreed. So many times, protests were raised, especially against what they deemed to be an exaggerated number of the Inquisitor's patentees.

The following were the main privileges of the Inquisitor's patentees, their particularities, and some of the problems that emerged.

1. The 'Privilegium Fori'

The *Privilegium Fori* is a favourable concession granted to some persons through which, in their civil and criminal lawsuits, they had to be brought into the ecclesiastical court, unless other provisions had been legitimately made. The *Privilegium Fori* in favour of the dependents of the Holy Office meant that, in their lawsuits, they could not be judged anywhere except in the Inquisition Tribunal.

Through all the seventeenth century, nothing was clearly and definitely established. Some particular aspects of this privilege underwent variations from time to time. At the end of the sixteenth century and the beginning of the seventeenth, the Inquisitor expected to judge in his tribunal all those who had grievously offended anyone of his subjects. In 1588, Inquisitor Paul Bellardito, with an intermediate agency of the Grand Master, examined and definitely concluded a law-suit against a knight who had injured the captain of the rod of the Holy Office.⁴⁵ Once again in 1601, Inquisitor Fabritius Verallo was instructed by the Supreme Congregation of the Holy Office about his duty in judging a certain individual who had wounded some patentees of the Holy Office.⁴⁶ In 1610, Inquisitor Evangelista Carbonese jailed and then set free with a warning a knight of St. John, for having wounded the feelings of the chaplain and two other dependents of the

44. Bibl. Vat., *Ottob. Lat.*, 2206, p. II, ff. 309v – 310r.

45. Bibl. Vat., *Borg. Lat.*, 558, f.76v.

46. *Ibid.*

Holy Office.⁴⁷ Up to then, however, the Inquisitor could not pride himself in having any concrete powers over those who committed a crime against his patentees.

Again in 1610, Inquisitor Carbonese asked the Supreme Congregation to grant him an indult to authorize him to handle all cases: civil, criminal, or mixed, active and passive, in which the officials and patentees of the Holy Office were involved. Pope Paul V replied that the Inquisitor could try to introduce such a practice, but prudently and without any fuss.⁴⁸ But, just a few months later, Grand Master Alof de Wignacourt complained against that practice. The Pope then instructed the Inquisitor to abstain from the exercise of that faculty.⁴⁹ Silently, the above granted faculty was therefore revoked. According to a declaration of the year 1635, in the period of Inquisitor Fabio Chigi (the future Pope Alexander VII), the patentees of the Holy Office were subject to the Inquisition tribunal just when they were sued by others. In suing another person, they could not have him judged by the Inquisition tribunal, without first consulting the Supreme Congregation of the Holy Office.⁵⁰ Those then who were ecclesiastics were bound to recognize the authority of the Bishop; in case of being unduly charged by the Bishop, the Supreme Congregation intervened in their favour.⁵¹

In 1659 Inquisitor Jerome Casanate vigorously defended this privilege for all his subjects. He insisted that there should be no wonder about such a privilege because in Malta it was enjoyed by all the Knights of St. John, all the patentees through a bull of the Pope, and by all the patentees of the artillery commander. Besides, it was just according to tradition that the patentees of the Holy Office be exempt from any other authority.⁵²

Shortly after the situation changed in favour of the Holy Office patentees. In 1666, Inquisitor Galeazzo Marescotti complained with Grand Master Nicolas Cotoner for not permitting him to judge those who were sued by his patentees.⁵³

2. The Privilege of carrying Arms

In Malta such privilege was enjoyed by all Ecclesiastics and Knights. None the less the patentees of the Holy Office, according to a

47. *Ibid.*

48. *Ibid.*

49. *Ibid.*

50. *Ibid.*, f. 75r-v.

51. *Ibid.*, f.75v.

52. ASV, S.S. *Malta*, 186, ff.117v, 119v – 120r.

53. *Bibl. Vat., Ottob. Lat.*, 2206, p. II, f. 342v.

declaration of Inquisitor Casanate in 1659, had the faculty to carry arms, only if they obtained the consent of the Inquisitor.⁵⁴

3. The Exemption from keeping a Horse

The Maltese were bound to keep an armed horse in order to give a hand in the security of the island in case of necessity. In the beginning of the seventeenth century, a declaration of the Holy Office in Rome had already considered the Inquisition Officials and patentees exempt from that law.⁵⁵ Inquisitor Casanate furnished comments about that exemption. He remarked that, bringing in mind the financial state of the island, the Knights, who had always enjoyed that exemption, had far major possibilities to keep a horse than any other rich Maltese individual. Besides, considering the poor social condition of those who were patentees of the Holy Office, undoubtedly, no less than two out of each three of them could not obey this law, without a considerable financial inconvenience.⁵⁶ Though this privilege was confirmed during Casanate's term of office, just a few years later it was revoked. In fact, Inquisitor Marescotti in 1666, complained of the fact that Grand Master Nicolas Cotoner had convinced the Supreme Congregation to oblige all the patentees of the Holy Office to keep an armed horse, as anyone else, for the defence of the island.⁵⁷

4. The Exemption from carrying a Sword

The ban that ordered the Maltese to possess a sword so that they might help in an occasional invasion of the island was promulgated by Grand Master De Redin in 1658. As a result of this, since the civil authorities of the island had let pass by so many years before compelling the Maltese to have a sword, it was judged evident that there was no real necessity. Besides, the officials and patentees of the Holy Office were not the only persons who enjoyed that exemption. Such exemption was granted to all the ecclesiastics, physicians, surgeons, hair-dressers, aromaticians, medicine-doctors, notaries, and also to those clerks employed in the chancery, treasury, and civil courts.⁵⁸

5. The Exemption from obliging their slaves to carry an iron ring round their ankles

This exemption was not an exception in favour of the Inquisitor's patentees. In a general way, the concession was granted in favour of the Catholic Faith to all those slaves who asked to be baptized.⁵⁹

54. ASV, *S.S. Malta*, 186, ff.117v, 120r.

55. Bibl. Vat., *Borg. Lat.*, 558, f.74v.

56. ASV, *S.S. Malta*, 186, ff.117v, 120r.

57. Bibl. Vat., *Ottob. Lat.*, 2206, p. II, f.342v.

58. ASV, *S.S. Malta*, 186, ff.117v, 120r-v.

59. *Ibid.*, f.120v.

On the other hand, considering the actual facts, the use of those iron rings was of no avail:

- a) The iron rings created no impediment in an attempt of a flight because they were very light in weight.⁶⁰
- b) They were not any particular sign of slavery on account of the too numerous exemptions. In fact, many slaves turned Christians.⁶¹
- c) They did not stand for a distinction between Christian and Muslim slaves. Christian slaves carried a normal hair-cut, while Muslim slaves had their head shaven, with the exception of a tail-like twist at the back of the head.⁶²
- d) The use of those rings was absurd because they were never fixed and permanent. They could be removed and put on, without the help of any other person.⁶³

The ban to carry on those rings was proclaimed in 1658; but, just the same, after its publication, non-Christian slaves continued to walk across the island without bothering about the iron rings. Besides, strange to say, while Grand Master De Redin insisted on the patentees of the Holy Office that their slaves should obey such a law, he never took any action to have the ban observed at least by his own slaves.⁶⁴

However, due to their insistence, the Grand Masters were granted a decree of the Supreme Congregation, through which they obliged the slaves of the Inquisitor's patentees to wear those useless rings around their legs!⁶⁵

6. The Exemption from sending their slaves during the night to the Public Prisons

"Safety had suggested the building of the slaves' prisons. There was a large number of them in Valletta in the service either of the Order or of private families and they were naturally the cause of great worry to the Government. Verdala constructed a large prison for them in Strada Cristoforo where he obliged them to spend the night"⁶⁶

The Grand Master's slaves were exempt of that law. Besides, the Supreme Congregation of the Holy Office. took a resolution that the Inquisitor should not send his slaves to the civil prisons by night, until the Grand Master stood firm in his decision not to send his own.⁶⁷

60. *Ibid.*

61. *Ibid.*

62. *Ibid.* See A. V. Laferla, *The Story of Man in Malta* (Aquilina, Malta, 3 ed., 1958), 79.

63. ASV, *S.S. Malta*, 186, f.121r.

64. *Ibid.*

65. *Bibl. Vat., Ottob. Lat.*, 2206, p. II, f.342v.

66. Laferla, o.c., 78 – 79.

67. AIM, *Corr.*, 6 (1633 – 1636), 27/10/1635, f.182r., ASV, *S.S. Malta*, 186, f.121v.

Although the prisons were built at the end of the sixteenth century, no action was taken till the time of a new ban in 1658. Up to that year, each slave-master was free to send his slaves to the prisons or not. Even then, however, the insistence of the Grand Master was not enough to shake some indolent knights in order to obey the law. Other masters, as well, were not deterred by that new ban. Besides, those who were in charge of the slaves prisons did not keep any registers to note the absence of missing slaves.⁶⁸

Nevertheless, in the very same document through which the Inquisitor had been forbidden from sending his slaves to the prisons, the Supreme Congregation declared that the Inquisitor's patentees were not exempt from the law.⁶⁹ In fact, in 1659, when Inquisitor Casanate had it included among the privileges of his patentees, his unique argument was a very simple one. That law, according to the Inquisitor, was not binding because the slave-masters felt free from sending their slaves to the prisons. As a result of this, no such obligation could be imposed on the Inquisitor's patentees. But, to the Supreme Congregation, the Inquisitor's reasons were illogical.⁷⁰

Shortly after, in 1666 however, Inquisitor Marescotti, complained that the slaves of his patentees were kept enjailed at night, without any possibility to stroll around the city of Valletta.⁷¹

7. The Exemption from presenting themselves armed for Military Reviews

There was nothing strange or special about this privilege because it was already enjoyed by all those who were released from the obligation of carrying a sword.⁷²

8. The Exemption from watching as a Sentry

This privilege was also granted to those who were discharged from the obligations enumerated in nos. 4 and 7. Besides, the patentees of the Holy Office were explicitly exempt through a concession of the Supreme Congregation in 1599.⁷³

Some years after the privilege had been confirmed in 1659, the Grand Master obtained from the same Congregation permission to oblige also the patentees of the Holy Office to perform this duty.⁷⁴

9. The Exemption from paying a tax on contracts

This was a common exemption extended to all the Knights and

68. ASV, *S.S. Malta*, 186, f.121v.

69. *Ibid.*

70. *Ibid.*

71. *Bibl. Vat., Ottob. Lat.*, 2206, p.II, f.342v.

72. ASV, *S.S. Malta*, 186, f.121v.

73. *Ibid.*, ff.121v – 122r.

the patentees of the Holy Office through a papal bull. The patentees of the Holy Office were exempt through a declaration of the Supreme Congregation.⁷⁵ For instance, in 1664, a certain Matthew Habdilla was declared exempt from paying that tax because he was a patentee of the Holy Office.⁷⁶

10. The Exemption from paying a tax for the fortification of Malta

In Malta, this exemption too applied to all the Knights, the patentees of the Order of St. John, and to the Artillery Commander.⁷⁷

11. The Privilege not to be obliged to buy corn, rice, and barley, which were sometimes distributed to the population

This privilege was also granted to all the Knights of St. John. It was then guaranteed to the patentees of the Holy Office as well, through a decree of the Supreme Congregation.⁷⁸

These numerous privileges excited the hatred of the Grand Master against the patentees of the Holy Office. In fact the Knights used all their efforts to convince these patentees to give up their patents. They endeavoured to convince others not to accept to be among the Inquisitor's patentees. But it was to no avail. As a result of this struggle, the Holy Office patentees were deprived of many rights and offices in Malta. For instance, they were not admitted to bear witness in favour of anyone in court.⁷⁹

Hostile and bitter words were often uttered against all privileges of these patentees. As time passed, their privileges were confined within certain limits. In fact, according to Inquisitor Marescotti, nothing was left of their former rights. In 1666 their exemption from civil authority was reduced to a meaningless word.⁸⁰

While considering the above mentioned privileges, we notice that the patentees were endowed with the same privileges of the Knights of St. John. Notwithstanding this, while the Knights with all their might and ability were always on the alert to safeguard all their privileges, they themselves could not tolerate the privileges of the Inquisitor's patentees. According to the Inquisitors, the Knights aimed continuously to undermine, weaken, and eventually annihilate the privileges of anyone else on the Island.

75. ASV, *S.S. Malta*, 186, f.122r.

76. *Ibid.*

77. *Ibid.*

78. *Ibid.*, f.122r-v.

79. *Bibl. Vat., Ottob. Lat.*, 2206, p.II, f.342v.

80. *Ibid.*, ff.342v – 343r.