THE MALTESE STATUTI E ORDINAMENTI OF 1533*

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The first code of laws enacted by the Order of St. John of Jerusalem for the new born state. An introduction with a translation and editorial notes.

The Order of St. John of Jerusalem, which had developed itself into a military power during the Crusades in the Near East, became once again master of the land or possessed the possibility to have similar power. Among its territories it had estates in the principality of Antioch and in the earldom of Tripoli. From the times of the Crusaders' states, no laws have been passed on to us that the Order issued for its domains.

A lot of reasons that are not going to be mentioned here speak in favour of the fact that no laws were made. Evidently only in the Order's state of Rhodes, which the Knights founded in the late Middle Ages and were able to hold till the early Modern Times did the Order engaged itself in enacting laws. We know also of similar activities that the Order did for parts of its provinces, where it was able to obtain relative rights and provincial jurisdiction.

Driven from Rhodes, the "Maltese" Order became the Ruler of Malta in 1530 when Charles V as King of Spain and a King of (the Two) Sicilies gave them the Maltese Islands as a fief. Here the Order undertook law-giving functions and within three years of taking power it proclaimed these *Statuti e Ordinamenti*. Before transcribing and translating the text one should mention some legal and historical observations concerning this law and its origin.

The Grand Master L'Isle Adam is not considered a great law giver in spite of this code of laws as for instance his successors Verdala, Lascaris, Manoel and De Rohan. Still two considerations appear worth mentioning, one is the fact that this was the first extensive law giving act of the new landlord that had introduced the end of Sicilian Law in Malta.

The other is the fact that this rather rudimentary law, which concerns principally the penal aspect remained remarkably long in force.

The following transcription proceeds from the so called Codice di Lascari the Pragmatichi of the Prince Grand Master Lascaris Castellar in 1640. There

* *Translated from the original text in German by Fr. John Sammut*

reference is made to the *Statuti e Ordinamenti* in the reproduction of the text and the confirmation of its continuing validity. Some time before the law of L'Isle Adam had been confirmed by the Grand Master Verdala in paragraph 120 of the Code of Verdala of 1598. Only in 1724, did the so called Code of Manoel, the great and the first to be printed Code of the Order in Malta, supercede the Code of L'Isle Adam. One must therefore concede that these six pregnant articles of the *Statuti e Ordinamenti* had a pillar-like function within the Old Maltese Law giving activity of the Order. In view of this they merit closer considerations. Up to now these have been mention by the (legal) historian de Bono (p.171 f), Pace (p.25-28), Viviani (p.141) and Waldstein-Wartenberg (p.203).

As mention before, the *Statuti e Ordinamenti* have been compiled in handwriting. This is no marvel because there were no printing press in Malta before 1642. The text of the laws was available only 118 years later in print. This had to do with the complicated press laws in Malta. The three supreme powers in the island, the Bishop, the Inquisitor and the Grand Master - of whom the Grand Master had presidence in the secular area but not exclusive supreme power - blocked each other for a long time regarding the printing privilege (censorship). Only the Papal protest in 1746 brought in a tolerable *modus vivendi* even if that, in no way, was a very practical arrangement. Therefore, - to shorten the procedure - printed material that was intended for Malta as a state of the Order was printed in Italy. For the publication of these Statutes,however, this possibility was not availed of.

In the preamble to the *Statuti e Ordinamenti* the law giver alludes to the striking brevity of the law which is really extraordinarily rudimentary. This could not be attributed to the lack of exercise in secular law-giving power on the part of the Order because it had collected experience, at the latest, with the capture of Rhodes (1306-1310). At the beginning of its rule there, the Order published the *Capitula Rodi* which had been passed on to us in fragmentary form and in 1509 the *Pragmatica Rhodiae* which are very wide ranging. Moreover the Order was active as law giver even outside its central states. Thus for instance in the Order's province of Aragon, published in 1319 the *Constitutions of Miravet* . These manifold experiences should have made it easy for the Order to compile in 1620 in Germany the so called *Heitersheimer Herrschaftsordnung.*

If in fact the Order did not set in force in its first years of sovrereignty in Malta any comprehensive law and issued only a very short one, then one must look for the background of all this. The situation was different in Rhodes because the Order took Malta as a regulated community life and confirmed the laws prevailing here. In doing so it resorted to the famous principle in the *Liber Augustalis* of Frederick II which is also known under the name of *Costitutions of Melfi* , the *Code of Frederick* or *the Suebian Code*. It remained in power in

the Kingdom of the Two Sicilies: in Naples till 1809 and in Sicily itself till 1819. It seems that the *Costitutions of Melfi* served longer in Malta as a subsidiary law. In fact Pace writes on page 16:

"In Nobile Formosa Montalto vs. Nobile Attard Montalto (1895) the Court held, that the Old Sicilian Laws continued to apply in so far as they were not revoked or changed by contrary legislation after the occupation of the Knights, since Malta was not conquered but donated ex munificentia.

It is to be observed that Malta constitutionally from the very beginning till the end of the Order's Sovereignty in 1798, was mostly a part of Sicily. So it is not astonishing when the Order following the *Constitutions of Melfi* set up its first Maltese Statutes in Latin and later changed over to Italian when it dropped the language of Provence. The Maltese people in general could not understand the language of the Kingdom of Sicily as the language spoken, then as now, is characterized by the Arab Magreb dialect. Only in these last fifty years has Maltese become an official language.

The Order therefore, took up the law then available and at first did not need to make out the legislative groundwork for its prosperous life in Malta. Even if these were not available to the given degree, a rudimentary Law for those times was not a penal "misfortune". A contemporary criminal code did not need to describe as fully as possible the objectionable criminal behaviour. The principle *nullum crimen sine lege* and *nulla poena sine lege* were known in content since ancient times in many places throughout the Middle Ages, but it was through Montesquieu and Feuerbach in the 18th and 19th centuries that these principles were given their full meaning. It was rather the principle - *ne crimina remanent impunita* - characterized by the theocratic spirit of the criminal law that held sway, independently whether the crime in concrete cases was conceived in the legal constitutive aspects of the secular law. Criminal Law was more the extension of the heavenly order. Whoever turned against it was to be punished, be it through the judge's decision or in consideration of the Roman Right, as for instance in the case of Article 129 the *Constitutions of Miravet*, where this is clearly expressed. A codification of the criminal law to constitute all the legal elements of an offence, was no concern of the lawgiver of the Middle Ages of of the Early Modern Times.

Several lines of thought are to be found in the recent German Law history, when in 1947 the Higher Regional Court of Cologne under the shock of the Nazi crimes and under the occupation forces formulated "from the nature of evil follows that it should receive its due in the area of civil punishment even without specifically codified punishments".

Once the reason is clear why the Grand Master L'Isle Adam did not address

his people with too many words one should now mention some peculiarities that accompany this law. Here one should not place these Rules in the context of a lawgiving Grandmaster of Rhodes or the jurisdiction of Malta before the Knights arrived here.

In the first paragraph the Order set up the Court of the Castellan in the Citadel (Borgo). Since the times when the Order was in Rhodes, the Castellan was the highest ranking person under the Grandmaster with responsabilities for the internal affairs of the Order as well as for the secular aspect of the Law in the Courts. There are many grounds for the fact that his competence was limited at first to the Borgo only. The Order had since its short lived exile in Cyprus at the turn of the 13th to the 14th century became a naval power and was interested principally for the great natural harbours around the Borgo in Malta. Here was its base, its fortress for attacking the Mohammedan world. The rest of the country had secondary importance. This is all the more so as the handing over of Malta to the Order offered highly polemical issues regarding its constitutional aspects (the priviliges of the Maltese people vis-a-vis the Sicilian Crown). There were corresponding reservations and considerations in view of a quick return to Rhodes where the Grandmaster had already prepared a putsch with the Regent of Rhodes against the Turkish overlords. So it is understandable that at first L'Isle Adam strove to have juridical power only in his direct surroundings and left untouched the other Maltese Institutions and their respective self management.

Under the word Borgo one should not understand just a small fortified area. Rather it is the fortified place Birgu or Borgo as it was then called, the present day Vittoriosa with Fort St. Angelo that was later heavily improved upon. The Order made this place the centre of its life up to the time when La Vallette built Valletta as the Capital City. All along Città Notabile or Città Vecchia or Mdina as it was called - with the Bishop's residence and the palaces of the Maltese Nobility - remained the Island's Metropolitan City. Mdina lost its importance after the foundation of La Valletta. Since 1090 the term Castellano was an important concept for the Maltese. Even earlier, the jurisdiction of the Castellano (later Fort St. Angelo) and its surroundings fell under this juridical officer.

For the second paragraph two points are worth mentioning. Under the term *Procurator Fisci* one should not understand simply a financial officer. He had also the duty - compared to our present day Public Prosecutor - in the penal and civic areas. Besides the *Procurator Fisci*, according to the last sentence of this paragraph there were also judges active with police and prosecution powers.

It is important however, to indicate the assertions in the penal procedure of this paragraph. In accordance to it, a legal process and a legal punishment could take place without a plaintiff. The accusation principle (a penal process on the instigation of a private plaintiff) is ruled out. Even in the late Middle Ages penal cases took the form of Civil Law cases. According to the latest expositions -such as those by Kuhn, Rössner and Jung - these were able to carry them out again under different circumstances. After a sequence of changing views regarding the purpose of legal punishment in the Middle Ages the penal law became more and more a matter reserved for the State. This was expressed also in the principle of prosecution in the inquisitorial proceedings. In the fourth paragraph one meets the idiom "guilty of public crime". This confirms once again the public-legal chatacter of the Maltese penal law during the Order's domination.

In the third paragraph two particularities stand out. First there is the term "receivers of stolen property". The receiving of stolen goods in the context of this paragraph covered more than we understand today, more comprehensive than our term "turnover of stolen goods". In Malta also those who offered shelter to a culprit or who did not hand him over to the state's prosecutive powers for money or who helped him in any way, were to be punished as well. The relative's privilege, whereby one was allowed not to testify against a relative, as is now found in Art.258, IV CS and GB of the German Penal Code was expressedly ruled out.[1]

The punishment for those who assisted the criminal after the crime was regulated according to the gravity of the offence done by the principal perpetrator. Here the designation of the penalty is referred to in the law under which the principal perpetrator falls. Hence it is clear that the *Statuti e Ordinamenti* were not understood as the unique law of the recently founded state of the Order, but as a law that complimented or changed particular items in specified cases.

The determination of the punishment for the offence is designated with reference to exceptions envisaged for perpetrators coming from "a higher status". Hence a two tier penal code was instituted that was literally expressed in Maltese "Il-Ligi mhix ghal kulhadd xorta" (The law is not equal for all). A question however remains open whether this would favour those coming from higher social levels for in these cases no relationship to the crime was considered but the perpetrator was exiled *eo ipso* from the Maltese Archipelago for ten

1 Accessory after the fact
1. Whoever, acting intentionally or knowingly, obstructs, either alltogether or partially, the imposition of criminal punishment or a measure... for an unlawful act, shall be punished by up to five years' imprisonment or by a fine.
6. Nor shall punishment be imposed on anyone who committed the offence for benefiting a relative.

years for infamy. So it remains unclear whether the new lordship wanted to hit harder or to privilege the Maltese Nobility, which met him with outright reservations, so as to offset the tensions current at that time. Exil remained in Malta for a very long time a deep anchored punishment. The last great Muninipial Law of the Order, the *Codice di Rohan* which survived the Order's sovereignty in Malta for a long time and was commented in 1848 by Micalleff, threatened them as well. This punishment was still in use in Malta when it became an English Colony. Exile was particularly hard when it was executed in North Africa, as this was all the time an enemy's territory. The Knights were duty bound to fight an incessant war against Islam. This meant practically a continuous state of war with the North African states. Only in 1810 did the Maltese population successfully turn to Britain to repeal the law on enforced exile.

The fourth paragraph with its reference to the public penal law has already been mentioned. The contents of the next paragraph, ie. the fifth paragraph, offers no special peculiarities. No eyelids will be raised that Malta, as a sea sailing nation, had slaves for rowing the galleys: these could not be obtained on a free willing basis. Slavery remained till the end of the Order's sovereignty in Malta. It was abolished by the retreating French occupation army in 1798. Under the subsequent British Rule, when the French decrees were repealed, this law would have been enforced again had not the English commander decided - as a precedent - to lift it up as it was an offence against human dignity.

For the sake of completeness one should now make reference to the meaning of the word *strappata*. De Bono (p.172) thought that its meaning was corporal punishment with a rope and referres to a parallel use of this term in *Bandi e Comandamenti* of the Grandmaster Claude de la Sengle in 1555:

"Che cosa fosse propriamente la strappata non consta; è probabile, però, che consistesse in battiture, dacchè posteriori costituzioni del de la Sengle si parla di *strappate* di corda".

This meaning however should not be given to the context here as it is still questionable. Through the syntactical connection with the participle *extensus* in the fifth paragraph one would rather think of a torture bank where the culprit is held bound perhaps by a rope. In the present day Italian *strappata* means a tearing apart or a jerk. Hence it indicates the punishment of being stretched rather than the blows from a rope.

The sixth paragraph deals with a whole complex of delinquencies in view of body injuries or attempts therefo. The concept of this crime was then still unknown. In those times one spoke e.g. of shooting or drawing swords against soneone else. Further items about self-defence are also set out in rudimentary form.

The terminology of this paragraph presents some puzzles. The term used is *telum* under which everything can be understood that could inflict harm to a person. As the choice of this term is rather arbitrary, it would comprehend objects which we today call firearms and other dangerous instruments as in Art 223a of the StGB.[2] In the Middle Ages another collective term was in use. This was *ferrum* , objects made of iron which use was considered so dangerous that an increased ammount of punishment was justified. In case of other objects for example a stone, though similarly dangerous, nothing of the sort was needed.

Under the impact of the *new* firing arms one could understand that the collective term *firearms* used here had replaced the collective term iron of the Middle Ages. But this could not be so uniquivocally asserted as in the last sentence the discourse is no longer about *"firearms"* but about "drawn swords".

So what is mentioned is just the drawing of a firearm or that of a sword but not always that of shooting a firearm or trusting a sword. What is sanctioned is the behaviour, what we today would define as an attempt to inflict dangerous bodily injuries. Here there is a connection between this lawgiver and the medieval case variations. He did not know how to express body injuries as a whole. The (specified) arms and the corresponding wound constituted each single crime. To protect in the best way the rule of law in general - which under the influence of the north Italian cities was considered the highest contribution of the law - its endangering must have acted as a counterthreat.

As an attempt could not necessarily be understood as a direct decision of the will to commit a crime, the lawgiver in this instance had to express the idea of an attempt at physical injuries in plastic popular vocabularly such as the drawing of an arm, the firearm or the sword. This form of an attempt may remind us today of the crimes that involve the endangering of others, particularly when the committed crime had preparatory actions beforehand in line with our present legal thinking. Today, as in the Middle Ages, an attempt at physical injury is comprehended apart. The Cuban penal code Art. 318 has this formulation regarding firearms: "the shooting of a firearm against a definite person will be punished with arrest, even when the victim is not injured".

As in the attempt clauses the lawgiver expressed case by case the notion of self-defence, which he was not able to express in the abstract, except for some modern exceptions, but through concrete cases. One can mention here the

2 Dangerous bodily harm
1. If bodily harm has been committed by means of a weapon, in particular a knife or another dangerous instrumentality, or by means of a sneak attack, or by several people acting in concert, or by a life endangering act, shall be punished by up to five years imprisonment or a fine shall be imposed.

Maltese period before the coming of the Knights. The *Constitutions of Melfi* were familiar with the right of self defence in general in the modern sense of the word (Lib. I, Tit. VIII, 2. Abs., Tit. XIV, 2. Abs.) But the lawgiver of those times was not familiar with abstract regulations that contradicted the scholastic-casuistic way of thinking and the corresponding way. In the above-mentioned constitutions the right to self-defence is mentioned as an addition with each single crime in the context of its respective legal elements that constitute the crime. This method of conceiving and expressing things is "physiologist" if one keeps in mind that "our capacity to think and speak has developed from single cases, particularly cases that shocked us". (Haft, p.45) The *Statuti e Ordinamenti* in this case fall quite in line with the legal tradition that the Middle Ages handed down but these did not improve upon the interest that the Sicillian rights had aroused.

Up to now only general observations regarding the points of view that strike the reader on his first contact with the *Statuti e Ordinamenti* have been published. But such a cursory view underestimates the importance that this first municipial law of L'Isle Adam had for Malta and for the Order of St. John. To weigh properly the achievement of this lawgiving exercise of the Order of St. John one must compare the *Statuti* with the *Pragmaticae Rhodiae* of 1509 already mentioned above. If one is to examine them with reference to the Maltese (Sicillian) legal tradition one has to fall on the *Constitutions of Melfi* of 1231. One has to keep in mind that in doubtful instances, one should not consider their date of origin as they were drawn up in a year's time by the Archbishop Jacobus of Capua and the Sicillian high court Judge Peter de Vinea. Their exceptionally quick compilation had as a consequence that very soon afterwards subsequent improvements were necessary and these were published as supplements by the Court of Foggia (1240) Grosseto (1244) and Barletto (1246). In 1247 a considerable number of amendments were published. After the death of Frederick II (1250) the Constitutions were given additonal supplements by other rulers. After 1268 ample annotations and commentaries were published. For a proper evaluation of the Maltese *Statuti* one has to bring into perspective the standards of lawgiving and law interpretation that were current in 1530 and/or 1533.

TEXT AND TRANSLATION OF THE STATUTI E ORDINAMENTI

The Statuti e Ordinamenti of Grandmaster de L'Isle Adam of 3.9.1533 are found in the Pragmatichi of the Prince Grandmaster Lascaris Castellar of 1.3.1640, pages 24-27 of the handwritten pagination (Folio 24v-26r of the stàmped folios).

The abbreviations which the writer has made recognisable through corresponding marks are the same rule for the abbreviations in this transcription. A solution is preposed in brackets wherever the writer has used no other abbreviation marks.

The punctuation and accents had been retained as the original so as to reproduce the flavour of the original.

The j and the i found with words and numbers have been transcribed as i whenever it was used as second last letter. The J and the i as initial characters are both reproduced as i

The translation is done consciously without any literary enbelishments so as to remain as close as possible to the Latin original.

(Statuti di MonSignore Lisleadamo siano osseruati Li statuti, et ordinationi della Castallania fatti dalla (...) di MonSignore Illustrissime Lisleadamo prima gran maestro di Malta son degni d'esser approuati, e confirmati si come l'approuiamo, e confermiamo, uolendo chesiano indifferente osseruati in tutti nosttri Tribunali, sicome fin adesso è stato nel presente uolume di parola in parola inserto.

Incipiunt statuta quaedam, et ordinationes Reverendissimi et Illustrissimi Domini fratris Philippi de Wilers Sacrae Domun Hospitalis Sancti Ioannis Hierosolimitani Magni Magistri).

Frater Philippius de Viliers Lisleadam Dei prouidentia Hierosolimitani Hospitalis Magister

Fra Philippe de Villiers L'Isle Adam by the Grace of God Master of the Hospital of Jerusalem.

Ea semper fuit in Republica instituenda legum latorum et Principum mens, ut antiquitatis, atque courrupta uiuendi consuetudo peruirsique hominum mores in populum male inuexerant illi aequa pro iniquis iusta pro iniustis, recta pro prauis bene reponerent, legesque temporablibus accomodarent, etuitam legibus. Quod nos animaduertentes has modò constitutiones edidimus, et promulgandas curauimus. Euerbisque quidem non admodum multis, sed uti speramus magna populi utilitate, quam uos harum diligenti custodia, obseruationeque sentietis. Uolumus itaque, et mandamus ut omnifide, totaque sedulitate, qualem Vt uos decet, et de uobis expectamus has nostras ioussiones inuiolabiliter sententiis, ac iudiciis uestris omnibus obseruetis cuntis obseruandas publicé tradatis ut uniuersis, prescripto earum manifestius cognito, inhibita declinent, et que praemissa sint, et quae licita testentur. Datum in Ciuitate nostra Melitae prima die 7bris anno Domini Mdxxxiii

It was always the intention of Law givers and Prińces when establishing states to remedy injustices, once a loosing of discipline, corrupt customs and degenerated morals set in among the people. Thus they enact laws to correspond to the needs of the times and so redress injustice with justice, wrong with right. In view of this we have directed our attention to publish these statutes and took all pains to have them promulgated. Surely we did not do this in so many words, but - we hope - they will be carefully observed and be of great benefit to the people. Thus we want and ordain, that our commands be observed with all fidelity and alertness as it is fitting and as we expect from you. Thus after a thorough acknowledgement of the statutes you will abstain from what is prohibited and be confirmed in what is allowed.

Given in our Civic Community of Malta, the first day of September in the year of our Lord 1533.

De Iurisdictione Castellani, et Praefecti Ciuitatis Melitae

Qui Castellaniae Burgi praest, Ius dicere non debet extra territorium suum, quod dumtaxat nouis Burgimoenibus, continentibusque aedificiis determinamus, Reliquis Melitae Incolies ad Praefecti Ciuitatis Iurisdictionem pertinentibus, quod si qui se pacto aliquo subiacent alterutrius Iurisdictionis, et consentiant tunc protest eis, et aduersus eos Ius dici ab eo, cuius Tribunal communi consensu elegerint

Concerning the jurisdiction of the Castellan and the Prefect of the Civic Community in Malta.

He who presides over the Castellania of the Borgo should not administer

the law outside his sphere of office which we limit to the new fortress and its adjacent buildings. The rest of the inhabitants of Malta fall under the jurisdiction of the prefect of the community. Those who through some kind of contract subject themselves to another jurisdiction and consent to it, they could then be judged by the latter tribunal which they have chosen through mutual agreement.

Judex ex officio Delinquentes persequitir, et punit

Judicia omnia, in quibis delictum, et crimen uertitur publica esse uolumus, et ad nostri fisci Procuratoris solicitudinem, prosequtionemque pertinere, ut Maiestatis plagii peculatus iudicia, Item de Adulteriis, deSicariis, de Patricidiis, de ui publica, de ui priuata, quae omnia cum impunita esse maleficia non oporteat a Iudicibus nostris citra solemnia accusationum perpendi, damnarique legibus sine accusatore mandamus, sacri legos igitur latrones, plagiarios fures, malosque homines solliciti inquirant, et proùt quisque deliquit contra eum animaduertant

The judge shall prosecute and punish delinquents by the power of his own office.

We want that all juridical (cross-)examinations were a crime or a breach of law is dealt with, be conducted in public and dealt with by the *Procurator Fisci* who should bring to justice such crimes as lese majesty as well as trials concerning adultery, kidnapping and patricides. In order that crimes in the areas of public and private violence do not remain unpunished, we ordain that they be prosecuted and condemned by our judges without formal accusation (and this) on the grounds of the laws without accuser. The judges should also persue carefully reprobate thieves, kidnappers, burglars and the rabble and be punished in accordance to the evil committed.

Receptorum poenae

Quia receptatores non minùs delinquunt quam hi, qui sunt criminis obnocii in pari causa habendos bene uerum legibus sanctio est; plaquit itaque utqui sciens hominem facinorosum dolo malo etiam cognatum, uel affinem receptauerit, claeauerit, quoue alio modo iuuerit in ea causa sit, ac si lege, qua de tali delicto lata (....) est reus fuerit, Qui uerò delinquentem prendere potuerit et pecuniae, seù gratia ductus non appraehendit pro receptatore habeatur, his tamen casibus honestiori loco nati extra insulas nostrae dictionis decem annis cum infamia perpetua relegentur

The punishments of those who receive stolen goods.

As those who receive stolen goods are in no lesser fault than those who are guilty of infringing the law, the same punishment must be applied in similar cases in according to the terms of the law. Hence he who knowingly takes up, hides or helps a criminal - even if he is an acquaintance or relative - is guilty of the same crime and should be presecuted under the same law that considers such crimes. He who could have caught a criminal but on account of money or favours did not seize him, should also fall under this category. In the case of one born in the upper classes he should be banned from the islands under our jurisdiction for a term of 10 years and be under perpetual infamy.

Reus publici(s) criminis non est remittendus fideiussoribus

Qui ex legibus publicorum iudiciorum in ius uocatus est ex quibus Euro mors, aut exilium aut in corpus aliqua coercio, aut relegatio poena est ut membri mutilatio, fustigatio, uel quid simile quamius adsit, qui ius eeius sistendi fiat, partesque eius defendat priùs tamen nulla fide iussione, nullaue cautione dimittendus est, quam innocenti Rei legittimis purgetur argumentis

Those who are accused of public crimes should not be freed on pledge.

He who in the legal procedure is brought to court in view of laws concerning death, exile, bodily punishments, banishment, mutilation of the organs, flogging or whatever else is contemplated by way of punishment, should maintain his civil rights and defend his case. But he may not be released on bail or pledge until his innocence from the accusation is cleared by legitimate proofs.

Serui arma non ferant

Seruus, qui extra Domini comitatum pubes cum telo aut armis in publico fuerit depraehensus praeter usum prolixioris itineris, uenationis, aut nauigationis cum Domino, rerumque dominicarum gratia, terad malam mansionem extensus, quam strappatam uulgò uocant, seuera animaduersione castigari iubemus, qui rursus depraehensus, ad remos annis tribùs damnetur semper praefecto Ciuitatis armis uendiicandis

Slaves should not carry arms.

An adult slave who is not accompanied by his master and is caught in public carrying a gun or a weapon except for travelling, hunting or sailing purposes along with his master or for his master's needs, shall be chastisied with strict

punishment, he should namely be stretched three times on the torture bench, the *strappata*, as it is commonly known. If caught for a second time he shall be condemned for a three year service in the galleys. In both cases the weapons shall be confiscated by the Prefect of the Civic Community.

De his, qui telo feriunt, uel telo cuipiam minantur

Qui telum in alium strinxerit, nisi tutandae suae salutis gratia, et eo percusserit, uel alias quem uerberauerit uncias quatuor fisco inferat, alteram insùper Praefecto Ciuitatis, eiusque apparitoribus enumeret, nisi uulneris atrocitas seueriorem exsecutionem suaserit, quae publicam habeat animaduersionem saluis semper suis parti laese actionibus, telum hic accipimus quicquid est quò homines singuli nocere possunt uerberare etiam dicitur, qui pugnis alium ceciderit, qui uerò gladium tantum strinxerit in publico nec percusserit unciam unam fisco, unciae dimidium Praefecto Ciutatis eiusque Officiariis protinùs

Concerning those who strike with a gun or threaten someone with a gun.

Except in the case of defending one's health he who has fired a shot against another and wounded him with the gun shall pay the Treasury four *oncie* and another *oncia* to the Prefect of the civic community and the servants of the Court - unless the seriousness of the wound does not allow for a stricter fine - saving that of the injured party - which should be given public attention and persual. By a missile we mean that whereby damage could be inflicted to individuals. With a blow we mean that when someone has knocked down another with a knock of the fist. However, he who in public has drawn the sword only and did not wound anybody, should pay the Treasury and half an *oncia* to the Prefect and the officials.

Capitaneo Ciutatis Melitensis Omnibus officialibus

Placuit Illustrissimo ac Reuerendissimo Domino d(ic)ti Ordinis, et Melitiae Hierosolimitane Magistro utsuspectae constitutiones per Uos subditis, et Uassallis nostris omnibus solemni forma, ac solito modo promulgentur, ut Uniuersis prescripto earum manifestiùs cognito inhibita declinent, benè ualete. Datum in Ciuitate Melitensi tertio die septembris MD.xxxiii.

To the Captain of the Maltese Civic Community and to all the public officials.

The most illustrious and reverend gentlemen and the Master of the Order of Malta and Jerusalem would like that these decrees be promolgated through

you in a solemn form and in the usual manner to our subjects and vassals, so that they may know what is prescribed and avoid that which is forbidden.

Live well.

Given in the Civic Community of Malta, on the 3rd day of September, 1533.

De mandato Illustrissimi eiusdem ac Reverendissemi Domini Magni Magistri, Quintinius Auditore

Die tertio septembris vii indicationis 1533 fuerunt sup(radi)ctae constitutiones, et ordinationes promulgatae in locis publicis, debitis, et consuetis Ciuititatis Melitensi per Siluium Spataro secretarium(?) de mandato Illustrissimi, et Reverendissemi Domini Magni Magistri stantibus meis Officialibus pro Tripunali Hieronymus Cumbus!

(Drawn up) by the mandate of the most illustrious and reverend gentleman and Grandmaster to the auditor Quintinius.

On the 3rd day of September, on the 7th indication 1533 the above mentioned Constitutions were promolgated and the Statutes published in the prescribed usual places in the Civic Community of Malta. (Made) by the secretary, Silvius Spataro on the order of the most illustrious and reverend gentleman and Grandmaster, in the presence of my officials at the Palace of Justice. Jerome Cumbus.

(Notorial credentials - by another hand - for the present copy of the *Pragmatichi* of the Prince Grandmaster Lascaris at the end of the text of the Laws, p.161 of the handwritten pagination Folio 97r of the stamped pages.)

(Ex uolumine Pragmaticarum Magistralium publicatarum de anno 1640 regnante Serenissimo Domino fratre Johanne Paulo Lascaris Castellar in Curia Capitaneali (?) Notabilis Ciuitatis et Insulae Melitae extracta est praesens Copia per me Notarium Saluatorem Chetcuti Curiae praedictae(?) magistrum Notarium collatione facta (signature of the notary).

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Between 1973-1980 he studied Law in Münster (Westphalia), another six months in Malta and later on scientific librarianship in Hesse (1982-1984). He had several commitments in the libraries of Hesse (1985-1986). From 1986 he is a scientific Law librarian at the Federal Costitutional Court of Germany in Karlsruhe (Baden-Würtenberg). In 1988 he proceeded to a Doctor's degree by a legal historical thesis about the Order of St. John in Rhodes and in Malta.
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