

## **Non gode l'immunita ecclesiastica**

**(A translation of the article "Carsten Niebuhr - 1. Teil der Fortsetzung"  
written by Dieter Salto in the German-Maltese Circle Newsletter June 2001)**

Readers of the German-Maltese Circle Newsletter (April and June 2000) will remember the articles about Carsten Niebuhr, an explorer of Arabia, who stayed here in Malta for one week in 1761.

Since then I was lucky enough to take a look at one of the few existing copies of his first edition of a travelbook (1774), which is more detailed than the shortened version, to which I referred last year. Describing his excursion to St.Paul's Bay, the original text is as follows: "There is a chapel, about 55 feet long and 45 feet wide, which the inhabitants built in honour of St.Paul." Added to the text of 1774, there is also the following: "Above the door of this small and of many other churches in Malta there is a sign fixed as a warning to malefactors, with the following inscription: "Non Gode l'immunita' ecclesiastica".

At the Chapel in St.Paul's Bay, which was rebuilt in 1956, I did not find a similar sign. But I found many all over Malta, one of which is at the chapel at Hal-Millieri, on the outskirts of Zurrieq.

When Niebuhr was in Malta, laws and customs were based on the above mentioned inscription, and anybody breaking laws had the chance to flee for sanctuary into any church and hence could not be arrested by the authorities as long as one stayed inside. The crime rate in the mid-eighteenth century was quite high. Burglary and theft, deception and swindling, brawling and fighting were the order of the day. It was not only ordinary lower class men who came into conflict with the law by stealing cattle or by committing any other crime. In those days, even the Hospitaller Knights broke the law by brawling and fighting duels, although they were prohibited to engage in such activities. Even a respected priest, once, stole plenty of silver plates from the French Auberge. The threefold jurisdiction in Malta at that time, that of the Grand

Master, of the Bishop and of the Inquisitor, did not make it any easier to attempt to fight crime.

Following are some stories about people who took sanctuary in churches or ecclesiastical institutions around the time of Niebuhr's stay in Malta. Not all of these people were robbers or murderers.

In 1758 a 17-year old girl from Birgu, daughter of a high ranking officer at the Bishop's Curia, accepted an offer of a clandestine marriage to the housekeeper at the Inquisitor's palace, knowing her father would not agree. (Clandestine marriages at that time always gave cause for concern, especially with ecclesiastical institutions being involved). Inventing a ploy, the bride and the groom managed to lure the parish priest out of his house during the night and "happened" to meet him somewhere in the streets of Birgu. There and then they changed their marriage vows and made the priest a forced witness. The marriage, according to the law at that time, was consummated. Of course, the affair had repercussions. Hearing about the case, the Inquisitor fired his servant, who fled for sanctuary to St. Theresa in Bormla. The Bishop, being the bride's father superior, ordered the girl to be taken to a nunnery. However, the Judges declared the marriage valid. The matter became a case for the Curia in Rome. In the meantime, it is said, the love of the girl for her husband cooled down and her father made a settlement by paying a considerable sum to the husband, who after that compromise left the sanctuary. The Vatican agreed, and therefore the matter was solved.

Also in 1758, a Maltese from the countryside came out of the Court building in Valletta, and happened to meet a judge outside. Certainly still somewhat confused after his court hearing, the former did not notice the Nobleman and forgot to take off his cap. The judge shouted at him in rude words and the man – unfortunately – answered in the same way. When the judge ordered the man to be arrested, the latter ran to the Bishop's Curia for sanctuary. The Church authorities, noticing what had happened, ordered some officers from the Bishop's Curia to escort the countryman to his home village church for sanctuary there. In spite of many protests, even to the

Grand Master, the situation couldn't be altered. It was not just a matter of the crime involved, but a case of "l'immunita ecclesiastica".

In 1759 some thieves on the run, took sanctuary in the Qormi parish church. The Bishop wanted them to be sent to jail. When some of his officers approached the Church, the thieves answered by shooting at them, and one of the Bishop's officers was shot dead. Eventually some of the culprits were captured when they tried to get out of the church. Most of them were sentenced to death and were executed in a cruel manner by means of quartering, beheading or hanging. The Grand Master ordered the heads of the thieves to be stuck on poles in public. This, however, made the fellow thieves who were still in the church's sanctuary, furious. They managed to take the heads down from the poles and buried the remains of their colleagues in the church's cemetery. This was against all rules of decency and the Bishop reported the case to Rome. Only in this special case did the Pope intervene and lifted "l'immunita". The thieves were captured and sentenced for life on the galleys. The case was brought to an end just three months before Niebuhr arrived in Malta in 1761.

Another story spans over quite a long period, from 1756 till 1766. International complications were inevitably the order of the day with ships in the Grand Harbour from the four corners of the world. Not only England and France were at war with each other, but many other European countries during the Seven Years' War which started in 1756. There were several cases when either English or French ships took shelter from attacks on each other, in neutral Malta. The French had lots of friends in Malta, with the French Knights the most predominant of the Order's members. The English Langue of the Order was non-existent. But since 1756 there was an English Consul in Valletta by the name of John Dodsworth. This man, a merchant by profession, was an opportunist. He and his family however were accepted by everybody. He had rented many of the so called Pinto stores in the Grand harbour area. These were packed with all types of goods – even stolen goods. Years passed by, when in 1762 an English privateer sailing under a Prussian flag captured an Austrian ship in Maltese waters. Dodsworth stowed the booty in his stores. The

courts of Vienna and Berlin were consulted and the Grand Master decided, that because of Dodsworth's rather doubtful conduct, he (i.e. Dodsworth) had to deliver an inventory of all his belongings. Orders were given to arrest him in Fort St. Elmo. Immediately, Dodsworth's two sons ran for sanctuary into the Carmelite Convent. The Prior made it clear that he did not want to give them protection and the following night they crept away to find sanctuary at St. Roque's. Dodsworth's wife and two daughters and even his mother-in-law accompanied them. They all lived a carefree life there and whenever an English ship arrived in Grand Harbour, the captains or representatives used to pay them a visit. It was not rare for the Dodsworth family to give a party in St. Roque's sacristy. However the belongings of that unreliable man were expropriated and sold by public auction, but still left a lot of debts. He and his family left Malta for Spain in 1766.

Although a Papal Bull in 1764 abolished sanctuary in churches for anyone connected with murder, the people still stuck to traditional customs. When in 1766, early one morning, an advocate of the Bishop's Curia looked into the bedroom of his unmarried sister, he found her and the servant stabbed to death. Their 20 year old nephew, hid in a house next to a church which would give easy access for sanctuary. By his behaviour he aroused suspicion. His uncle however thought that a much safer place would be the Curia building, where he used to be on duty. Here with the help of some colleagues he planned the flight of his nephew from Malta. But in this case the Grand Master referring to the above mentioned Bull ignored all objections and the culprit was arrested when he tried to board a boat in order to flee.

Fugitives hiding for sanctuary in churches often were supplied with all necessities, such as foodstuff and clothing, by friends and relatives. Some of them were able to hide out for 30 to 40 years or even until they died.

Sanctuary was abolished in some monasteries earlier that century on the grounds that the monks could no more guarantee safety and order for criminals loafing around in great numbers. Grand Master Pinto had abolished, what he called 'antiquated' rules of sanctuary, for all employees in the Palace, the hospital and auberges in 1750.

The ecclesiastical laws about church sanctuary were not practised in Malta only. In the statutes of the Knights of St. John, one can read about sanctuary not only granted in their churches and hospitals, but also under special bridges, trees, and in some crossroads. Remarkable is the fact that these rules were already practised when the Knights lived in Rhodes. For Niebuhr this was evidently unknown and so he noted down in his diary that the words on the plaques near churches' doors should be understood as a "warning" and not as a "privilege". This could have been interpreted from an incorrect translation of "Non gode l'immunita' ecclesiastica". A possible translation/interpretation could have been: It is not God, who gives immunity from prosecution, but only the ecclesiastical building maintaining inviolable secrecy. The Church can grant asylum from secular prosecution.

What Niebuhr couldn't have known when he arrived in Malta was that Bishop Rull, by arrangement with Grand Master Pinto, two weeks before, i.e. on 31<sup>st</sup> May 1761, had ordered to be read from the pulpits all over Malta, that the right of sanctuary in churches was temporarily abolished and the church doors had to be closed. This was done in connection with the "Corona Ottomana" affair, the captured Turkish ship. In fact, everybody fit for military service, even thieves and other criminals, were called to arms. An attack of the Turks seemed to be unavoidable. The Great Siege, just 200 years before, had clearly not been forgotten.