

**PRIVILEGIUM DOMUS DISCIPLINARUM:
THE ERECTION OF A CONFRATERNITY AT ATTARD IN 1499**

Joseph Busuttil and Stanley Fiorini

Nos Jaymus Dei et apostolicae Sedis gratia Episcopus Melitensis Universis et singulis in Christo fidelibus dioecesis nostrae nobis dilectis salutem in Domino sempiternam.^a

Notum fieri volumus quod in nostra praesentia comparuerunt

magister Bartholomeus Tabuni

magister Augustinus Attard

Laurentius Attard

Bartholomeus Attard

et multi alii habitatores eiusdem Casalis nominati Attard Dioecesis praedictae, Cupientes dare operam cuidam domui poenitentiae, seu disciplinarum, et facere eorum presentiam ut solent aliae domus privatarum agere, et in dicta domo, Confraternitatem, ut moris est, in toto Regno Siciliae peragere,^b et pro orandi causa habere Ecclesiam Sanctae Mariae de dicto Casali, et petierunt, ut dignaremur dictam Ecclesiam concedere, ac de dicta Confraternitate licentiam dare.

Nos vero respectum habentes ad salutem animarum, quibus totis viribus debemus, ut Pastor, dare veniam Salvatoris, et pascere oves nostras de [cibo]^c fructifero, auctoritate qua fungimur, et tamquam Praesul, damus licentiam et Concedimus dictam Ecclesiam,

et quod possint facere dictam Confraternitatem, et oratorium et domum poenitentiae, ut dictum est,

quae ecclesia [est]^d sub dicta Ecclesia Sanctae Mariae [de] Birchircara, quae est principalis Cappella dicti Casalis, et Concedimus quod possint facere festum dictae Confraternitatis de Ecclesia eis Concessa in Nativitate Virginis Mariae, Juribus tamen Cathedralis Ecclesiae nostrae semper salvis,

et omnibus illis fidelibus, qui in dictam Confraternitatem intervenerint, et

- a. Cf. Archbishop's Curia, Floriana, *Acta Civilia*, 1849-1854, f. 45. The text has been broken up into parts.
- b. The subject is about *domus poenitentiae* rather than *domus privatarum*. Was the original word *poenitentiae* or *disciplinarum*?
- c. After *de* the nineteenth-century copy has a blank space which probably contained some word like *cibo*.
- d. It looks obvious that some tiny verb like *est*, or perhaps *sit*, has not been expressed or at least reproduced. Similarly after *Mariae* one expects *de* or else a genitive.

elemosinam porrexerint de Omnipotentis Dei misericordia, et Beatorum Apostolorum Petri et Pauli auctoritate confisi, quadraginta dies de in[i]unctis eis poenitentis misericorditer in Domino relaxamus, presentibus, perpetuis et futuris temporibus duraturis;

In quorum omnium et singulorum testimonium has presentes fieri facimus nostrae manus subscriptione et communis sigilli impressione roboratas.

Date in Notabili Civitate Meliveti apud nostrum Episcopale Palatium anno domini M[CCCC] LXXX[XVIII] Die XIII februarii II Ind^{is}.

Jaymus Episcopus.^e

Reverendissimus Dominus Episcopus mandavit mihi Petro Pannusio eius notario.^f Visa omnia contenta in dicto Privilegio tamquam justa, et consona rationi, ideo confirmamus et volumus inviolabiliter observari. Addendo etiam gratiis, praerogativis et privilegiis, quibus gaudent domus disciplinarum cum hoc quod, non sit dampnum et praedudicium, nec interesse dictae Cappellae Birchirara.

Date in Episcopali Palatio XXVI mensis Juni[i] V Indictionis 1502.

Donnus Guglielmus
Vicarius = R.a^g

Die ultimo mensis Julii V Ind^{is} 1502 presentatum fuit et est presens privilegium domus disciplinarum per me magistrum notarium dictae Curiae Reverendissimi domini Episcopi Melivetani.

Die VII mensis Junii IV Ind^{is} 1516

- e. Only *M* and *LXXX* are faintly discernible, the folio being, unfortunately, torn. The second Indiction corresponded to 1499, the third (and the text has III), to the year 1500. In another *privilegium* the date is expressed as follows: *Dat[um] in terra azark [azari] apud residentiam nostram XIII Julii P Ind^{is} anno domini MCCCCLXXXVIII^o. Jaymus episcopus.*
- f. In a *privilegium* of 1495 Peter of Pannusio describes himself as *presbiter terrae asari et procurator generalis R.mi domini Jacobi de Valguarnera Episcopi Meliveti*. In 1498 in the *privilegium* quoted above he is spoken of as *Donni Petri de Pannusio vicarii nostri loco sui* (i.e. of the Bishop) and the closing clause of the charter runs as follows: *R.mus Dominus Episcopus mandavit mihi Petro Pannusio eius Vicario.*
- g. In another charter we read: *Ego donnus guglielmus Rainero canonicus siracusanus R.mi domini Antonii de Corsetto Vicarius et procurator generalis...1502. R^a stands, it seems, for rainero.*

Comments on the document 'Privilegium Domus Disciplinarum'

Stanley Fiorini

Early Confraternities in Malta to 1575

This document, which has survived in a nineteenth-century copy at the Archbishop's Archives, Floriana, is the deed of foundation of a confraternity in the village of Attard by Bishop Jaymus de Valguarnera; it is dated 14 February 1499 [II Indiction]. The date immediately highlights the interest of the document as it makes it the second oldest foundation deed, known to date, of a confraternity that has survived in Malta. The earliest that has come down to us is that of the Confraternity of the Blessed Virgin founded in the Birgu Annunciation Church by Bishop Senatore de Mello on 20 May 1445.¹ This was by no means the oldest known confraternity in the Maltese islands. One was certainly already in existence in Gozo in 1441.² This Gozitan confraternity may well have been the same as the Confraternity of the Annunciation mentioned there a few years later in 1452.³ There may have been in Malta an even earlier confraternity embracing the carpenters of Rabat, Malta, under the patronage of St Joseph claimed by Mgr Mifsud to have been already in existence in 1345.⁴ Uncharacteristically and unfortunately Mifsud adduces no archival reference in support of his assertion although he does quote from the document, describing how its members had the onus of accompanying the dead to their grave and the holy viaticum to the sick, *figuram gerebat Confraternitatis Sanctissimo Sacramento*. On the one hand, this description rings very authentic, tying the practice as it does precisely with what the Apostolic Visitor, Mgr Pietro Dusina, was to prescribe full two centuries later when founding a Confraternity of the Blessed Sacrament in each Maltese and Gozitan parish church that he visited, and elsewhere besides.⁵ The practice of similar acts of charity is also discernible among the

- Eighteenth-century copy in Cathedral Museum, Mdina [MCM], Archivum Cathedralis Melitae [ACM], Miscellanea 2, f. 57; published with errors in S. Guastella, *Senatore de Mello di Noto Vescovo di Malta*, Roma, 10-11 Doc. 2.
- Archbishop's Archives, Floriana, *Registrum Foundationum Beneficiorum Insulae Gaudisii*, f. 54, Will of Antonius de Rasputo, dated 15.xii.1441, in which there is the brief mention: *Item legavit confratrie.*
- Ibid.*, f. 38, Will of Matheus Mannara of Gozo, dated 15.iii.1452 [indiction XV]: *Voluit...prestar... Confratrie Sancte Marie Nuntiationis de Gaudisio rotulum unum de cera*. These same documents show that Gozo had yet another old confraternity, dedicated to St. Antoninus, occurring in the will of Clara Balistera of 19.viii.1510 (*ibid.*, f. 75).
- A. Mifsud, 'I nostri consoli e le arti ed i mestieri', *Archivum Melitense*, iii (1917) 38-82, esp. p. 38.
- G. Aquilina and S. Fiorini (eds.), *Documentary Sources of Maltese History, Pt. IV: Documents at the Vatican, No. 1: Archivio Segreto Vaticano, Congregazione Vescovi e Regolari, Malta: Visita Apostolica no. 51, Mgr Petrus Dusina, 1575*, University Press, Malta 2001 [Dusina].

members of the Birgu confraternity of 1445; among other activities, they bound themselves to have two Masses said on each feast of the Virgin, to give alms to the poor and to accompany the dead on their funeral. Worth noting is that the surviving copy of the 1445 foundation, apparently made from a copy of 1530, bears the signatures of three later Bishops of Malta who confirmed it, first among whom is precisely Jaymus Episcopus [Valguarnera (1495-1501)], the author of the document being published, Antonius Episcopus [Corsetto (1501-1503)] and Joannes Episcopus.⁶ On the other hand, the year 1345 is too early for a devotion to St Joseph given that no trace of his cult is otherwise discernible in the Maltese islands before 1500 and that a Confraternity of St Joseph is encountered for the first time in the documentation (together with another confraternity of St Paul at Rabat) on 13 November 1508,⁷ soon after the foundation of the Franciscans Observant Friary of S. Maria Jesu at Rabat, Malta.⁸

The existence of a Confraternity of the Blessed Virgin founded at Attard was already known although till now its foundation deed had gone unheeded. On 8 June 1575 the Vicar General Antonio Bartolo read out the sentence for a precedence litigation involving the members of this confraternity and of the Confraternity of the Holy Rosary established in the Dominican Church at Rabat: *In processionibus quae fiunt...infra parochiam Rabbati debeat dicta confraternitas Rosarii praecedere dictam confraternitatem Casalis Attardo sub titulo Sanctae Mariae, incedendo immediate post Confraternitatem Sancti Josephi et in processionibus que fiunt... extra parochiam Rabbati dicta Confraternitas Casalis Attardo praecedat....*⁹ Both Fr. George Scerri OFM, who publishes this document, and Mifsud, again without citing their sources accurately, also mention the years 1499 and 1498, respectively, as the foundation year of the Attard confraternity in connexion with this litigation.¹⁰ This adds weight to the antiquity of the St Joseph Confraternity as being anterior to 1499. It is entirely possible that the flourishing of the Confraternity of St Joseph in 1508 was a revival of the old confraternity which, over the years, may have diminished in vitality.

By contrast, the Attard confraternity was very vigorous indeed when Mgr Dusina visited the village. The proactive procurators presented the Apostolic Visitor with what they described as their foundation charter purportedly issued by Bishop Domenico Cubelles [1540-1566]; it must have been only a confirmation by Cubelles of the document being published here. These procurators were zealous enough to run the Church of the Assumption in the village themselves – *quae per confratres regitur* – and to herd the villagers in support of their successful plea to have their village raised to autonomous parish status independently of Birkirkara.¹¹

As stated, Dusina erected a Confraternity of the Blessed Sacrament in each active¹² parish church that he visited and in the three minor villages of Attard, Lija and Balzan. The function of these confraternities was explicitly stated to be the performing of specific acts of charity: to accompany with lanterns the Blessed Sacrament when taken processionally to the sick in their homes – *ad associandum Sanctissimum Corpus Christi cum luminariis accensis quando ad infirmos in processione defertur* –¹³ and to take part, wearing their white garb and carrying a crucifix, in the funerals of dead paupers – *pro mortuis sepelliendis ... cum sacchis tele albe et cum imagine crucifixi* – also providing them with a decent grave – *Dominus mandavit confratribus ad faciendum duas tumbas pro sepelliendis mortuis dicte confraternitatis et pauperibus quos pietatis causa...gratis sepelliri velint*;¹⁴ at times mention is also made of the endowment of indigent girls of marriageable age – *ad maritandum puellas nobiles*.¹⁵

The numbers of members varied but was, presumably, representative both of the parish population and of the zeal of the procurators; thus, for Attard the very high (more than double) correlation index is not very surprising! The following table correlates, for those localities for which statistics exist, the number of hearths in the parish and the number of confraternity members, also expressed as a percentage of the number of hearths:¹⁶

Village	Attard	Balzan	Lija	Siggiewi	Qormi	Żurrieq
Hearths	165	60	80	220	240	203
Members	42	6	9	21	15	16
%	25.5	10	11.25	9.54	6.25	7.88

11. Dusina, f. 39v and ff. 401v-2: *Dismembratio Casalis Attardi*.

12. Although Dingli was theoretically still a parish its population was so small as not to warrant an independent confraternity. The same can be said of the three parishes in Gozo other than the *Matrice*.

13. Dusina ff. 34rv.

14. *Ibid.*, ff. 55, 63v.

15. *Ibid.*, f. 63v.

16. Dusina, ff. 40rv (Attard), 47v-8 (Balzan), 49-50 (Lija), 54v-55 (Siggiewi), 70rv (Qormi), 95rv (Żurrieq).

6. There were three bishops of Malta named Joannes between 1503 and 1530: Joannes Card. de Castro (1503-1506), Joannes Pujades (1509-1512) and Joannes de Sepulveda (1512-1514) [K. Eubel et al., *Hierarchia Catholica*, iii, 243].

7. Notarial Archives, Valletta [NAV] Not. P. Bonello MS. 588, ff. 51v(10.xi.1508); *ibid.*, f. 61 (8.viii.1510).

8. G. Aquilina and S. Fiorini, *The Origin of Franciscanism in Late Medieval Malta*, Tau, Malta 1995, 25-26.

9. G. Scerri OFM, *Monografia storica dell'antichissima arciconfraternità del glorioso patriarca San Giuseppe...del Rabato*, Lux, Malta 1935, 7 fn. 2, quoting "MS. 'Notizie Diverse di Malta', T. III, f. 92, *archiv. della Catt.*" This document has not been traced; it is not what one would naturally go for: MCM ACM Misc. 3, f. 92. The sentence is in conformity with Dusina's norm regulating precedence among confraternities: Dusina, f. 396.

10. Mifsud, 40.

The enthusiasm at Attard must have influenced the decision about its neighbours, Balzan and Lija, which although not parishes were endowed with confraternities in contrast to comparable or even much larger non-parish centres, like Żabbar with 60 hearths, Gharghur with 80 and Mosta with 116 hearths which were treated like the much smaller Lamann (12 hearths), Burdi (17), Millieri (15), Manin (7) and Lew (22).

The female membership of the Birgu confraternity has been questioned.¹⁷ Although, admittedly, most members of the confraternities erected by Dusina were male there is worth noting in this regard one notable exception at Valletta's *Porto Salvo* parish where out of a total of 62 members no less than 20 were clearly women who had their own confraternity *priorissa*. Also questioned was the affinity of the work environment of members, suggestive of class consciousness. It is readily admitted that at this time the activities of confraternity members were strictly religious but, none the less, some confraternities already reflected a common social and work background of members which, with time, developed into collaborative work also in a social and work environment.¹⁸ Further to the already quoted example of carpenters at Rabat forming their own confraternity under their patron St Joseph, one can cite yet another example from Dusina's visitation report, namely the bombardier's confraternity founded at Valletta in the church of their patron St Barbara, close to *Porta Reale*, where it still stands today.¹⁹ This confraternity was not erected by Dusina but had probably been founded at Birgu before the siege and moved to Valletta with the Order in 1570. Dusina certainly found a confraternity of St Barbara in Birgu, established on the altar of St Bartholomew in the Dominican Church of the Annunciation;²⁰ this may well have been the progenitor of the Valletta confraternity of *bombardieri*.

Further to the ones already mentioned, Dusina found other confraternities already standing. These include the Candelora Confraternity at Birgu which developed from the Annunciation Confraternity of 1445,²¹ and a Confraternity of St Joseph at Birgu.²² At Rabat there were two already established, another Confraternity of St Joseph and a Confraternity of St Mark which the Apostolic Visitor merged into one;²³ the St Joseph Confraternity was probably the one already mentioned in 1508, which in turn, may have resurrected the fourteenth-century confraternity of St Joseph. No mention is made of the St Paul confraternity noted at Rabat in 1508.

17. C. Dalli, *Iż-Żmien Nofsani Malti*, PIN, Malta 2002, 142.

18. *Ibid.*

19. Dusina, f. 140v.

20. *Ibid.*, ff. 117v-8. This confraternity was already in existence on 13.viii.1555: M. Fsadni OP, *Id-Dumnikani fir-Rabat u fil-Birgu sa l-1620*, Stamperija Il-Hajja, Malta 1974, 96-7.

21. Dusina, ff. 117rv, 143, 242, 244. *Vide* Fsadni, 125-130, for details.

22. Dusina, ff. 120rv, 126.

23. *Ibid.*, f. 29v.

The *Privilegium Domus Disciplinarum*

Bishop Valguarnera accedes to a request made by four Attard villagers representing a large number of their neighbours – *multi alii habitatores* – (i) to establish a house of penance wherein to form a confraternity on the model of others commonly established in the Kingdom of Sicily, and (ii) to make use of the Church of the Assumption of the Virgin in the village for their common prayers. Furthermore, while acknowledging the rights of the parish church of *Sancta Maria* of Birkirkara over the village of Attard, he grants the members of the confraternity so established (1) the right to celebrate in the same church the feast of the Nativity of the Virgin as their patron saint without prejudice of the Cathedral Church, and (2) an indulgence of forty days from the penance of all confraternity members who give alms.

The *poenitentiae* and *disciplinae* mentioned in this document probably refer to the penances incurred by the members and which, in view of their membership of the confraternity, get reduced by virtue of the indulgences earned on the strength of the charitable deeds they perform. Although in this charter only almsgiving is mentioned as a meritorious indulgence-earning practice, the scope for charitable work widened with the passage of time so that over a century or so by the time of Dusina's visitation the activities of the Attard confraternity became very similar to those of other confraternities alongside of them. This can be deduced from a remark in Dusina's report whereby the Apostolic Visitor forbade the confraternity to continue using the Church of the Assumption as a place for them to store their confraternity garb and a bier, presumably for their use in the carrying of corpses – *amoveant catalettum ab Ecclesia et saccos confratrum*.²⁴ This indicates that they accompanied the dead on their funerals and that they robed for the occasion. This scenario is confirmed by Dusina's other instructions to the confraternity members: *quod habeant pallium mortuorum saltem bombicinum cum cruce linea alba... [et] ...quod faciant fieri aliquas tumbas concameratas ad sepeliendum mortuos quos amplius non patiantur sepeliri humo revoluta*.

Some further comments

A few other points of interest are in order. (i) The use of the title *Notabile* for Mdina, the *Civitas*, is one of the earliest. It has been noted before how this title, although belonging originally to a document of 1428 – *jocale notabile corone regie* – was not used before the end of the fifteenth century and was first used in ecclesiastical documentation,²⁵ as the present document confirms. (ii) The high incidence of the surname Attard at the village of Attard – three of the four village

24. Dusina, f. 47.

25. M. Buhagiar and S. Fiorini, *Mdina – The Cathedral City of Malta*, 2 vols., Gutenberg, Malta 1996, 73-4, esp. fn. 95.

representatives are called Attard – as noted by Wettinger,²⁶ is no coincidence. Attard being a personal name – as in Attardo de Barba (1315) –²⁷ shows how this *rahal*, like most others in Malta,²⁸ derives its name by association with a person of that personal name or surname. (iii) Although Bishop Valguarnera habitually lived in his home town of Asari in Sicily, this document shows that he visited Malta at least twice, this time in 1499 when he signed the present *privilegium* at his Episcopal Palace in Notabile, and three years earlier when, according to the acts of Notary Giacomo Zabbara alone, he was party to several contracts related to important issues including the foundation of the *Abatia Nova* in the former Jewish synagogue of Mdina, the foundation of the *Sancta Maria Jesu* Friary at Rabat and the appointment of an organist at the Cathedral.²⁹ (iv) The 1490s must have been a decade of vitality for the village of Attard. This action of the church procurators in 1499 to have a confraternity erected in their village church needs to be seen in the context of other activity centred on this same church and, indeed, as the crowning achievement after the building anew and embellishment with paintings carried out just a few years earlier. The reader is reminded how the Attard procurators (also surnamed Attard), Magister Blasius Attard and Licterius Attard, commissioned the Maltese Carmelite friar Johannes Antonius Pulcella to decorate the apse (*tribuna*) of their recently built church of the Virgin taking as model the Mosta Church of the Virgin Ta' Wied iż-Żiri.³⁰

26. G. Wettinger, 'The Origin of "Maltese" Surnames', *Melita Historica*, xii/4 (1999) 336.

27. S. Fiorini (ed), *Documentary Sources of Maltese History, Pt. II: Documents at the State Archives, Palermo, No. 2: Real Cancellaria [1400-1459]*, University Press, Malta 2004, Doc. 535.

28. Cp. Balzan, Lija, Gharghur, Qormi, Dwin, Muxi, Mula, Dingli, Bisqallin, Gwann, Lamann, Lew etc.

29. S. Fiorini (ed.), *Documentary Sources of Maltese History, Pt. I: Notarial Documents, No. 1: Notary Giacomo Zabbara [1494-1497]*, University Press, Malta 1996, Docs. 260-1, 263, 272-4, 291-4.

30. *Ibid.*, Doc. 374 (19.x.1496).