

A CLERIC IS DISCIPLINED: GOZO, 1486-7

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On 2 September 1486 Petrus Saliba and Novellus Bacubac (Bakubac, Bacbac, Bacabac) appeared before Don Matheo Brunecto, the vicar of the bishop of Malta for the island of Gozo, and together they accused the Gozitan cleric Andreas de Bisconis of making a sexual assault on Jacoba, the daughter of the former and wife of the latter, while she knelt at prayer in the manner of all honest Christian women within the parish church of San Ġakbu at Rabat, Gozo. He had observed that she was alone; he therefore went up to her and told her, in the common tongue of Gozo, 'I have loved you for so long, and I [still] love you; why do you not give your consent...', suggesting that she should have sexual relations with him. He had also written on the wall of the church of San Tumas in the cemetery some defamatory writings against Jacoba. He must be punished. Both crimes had been committed within the previous two months.¹ On 9 September the accused denied the charges and explained that about two months previously or slightly more at about the hour of tierce or sexte when he entered the church of San Ġakbu he found a woman dressed in a skirt and covered with a mantle [rindellu]. She was kneeling and he did not know that she was Petru's daughter, the wife of Novellus Bakubac. He thought she was a prostitute with whom he was in the habit of speaking, whose name he declared to the court but was not recorded for the sake of propriety. He had walked up to her and spoken to her about sex; she rose up and turned her face towards him, showing him that she was not the one he had supposed her to be. He immediately stepped back, telling her, 'Good lady, forgive me, for God's sake! I took you for someone else. I thought you were another woman.' While she stood there, he rushed out of the church in great perturbation. He also denied that he had written anything on any wall against her.

However, on 7 September 1486 the full charges were presented to him by the cleric Petrus de Sahona. This time his words were given in a fuller form. He had told Jacoba, as she knelt devoutly before the Holy Crucifix in the church of San Ġakbu 'de la Nuxaha', San Ġakbu tan-Nixxiegha: 'Oh my jewel! this is the time for which I have been waiting to have you and to speak to you. I have wished you well for so long, but you did not consent to my will. Would you not now, pray, be

1. This, the opening move to the proceedings concerning this case, is in Cath. Arch., Mdina, CEM, AO, vol. 4, fol. 231. The proceedings continue until fol. 254.

accommodating for us to enjoy ourselves together and have sex together.' With these and similar words in the common tongue of the island and without any shame or fear of the crucifix or the saints or the Church, he tried to overcome her modesty, even proceeding from the atrocious words to the deed itself. All this he denied.² When Jacoba saw what he was doing and saying without any fear of God, justice or the Holy Church she began to scream and shout at him, 'What a scoundrel you are, and what presumption and rascality this is! ...that you should assault me while I am inside the church saying my prayers and the Holy Father!' With such words she rebuked and reproached him loudly. He denied it all again, sticking to his first version: she had merely turned her face towards him when he addressed her and said, 'To whom are you addressing these words, you unhappy scoundrel?' He then left the church after telling her of his error.³

On leaving the church, the accusation continued, he met Andrioceta de Benjamino standing outside of the door of the church and he told him how he had found the eldest daughter of Petru Saliba kneeling inside the church at prayer, how he had gone up to her and tempted her sexually as they were in love, but she began to yell. He asked that they should leave at once for him not to be discovered. Again he denied the charge.⁴ He was accused that in several places and before men and women he had confessed to his crime. In order to increase the infamy of Jacoba's husband, he had also written with a knife or other sort of iron implement on certain walls in the churches of San Tumas and San Bartilmew in the cemetery of San Pietru beyond the Walls, a verse or *carmina* or famous libel in these words: "Whoever wants to fall in love, let him love the elder [or eldest] daughter of Petru Saliba". These writings were written precisely in his handwriting, noted and recognized by capable experts who are familiar with his handwriting. He denied this charge too. The writings on the wall were examined before the charges were presented to the accused, lest they be removed.⁵ Jacoba herself was a virtuous and honest woman, of good and unblemished reputation, who lived in legitimate matrimony with her husband and it was never known or heard or seen that she had ever committed any shameless act, but she was always a virtuous and pious Christian and a frequenter of churches.⁶ Her husband was a man of good reputation, status, conversation, habits and life; he was virtuous and honest. The cleric Andreas confessed that he agreed to all this.⁷

On 10 September the witnesses produced by the plaintiff Novellus Bacabac were heard. Andreoceta, the son of notary Andreas Benjamin, was the first. He explained how one morning he and the accused were both sitting, around Corpus

2. Ibid., fol. 232^v.

3. Ibid., fol. 233.

4. Ibid., fol. 233.

5. Ibid., fol. 234.

6. Ibid., fol. 234^v.

7. Ibid.

Christi feastday, before the entrance to the church of San Ġakbu at Rabat, Gozo, the accused himself reading the Sacred Office, when Jacoba entered the church dressed in a skirt and covered by a mantle [? *rondello*]. Shortly afterwards, the accused also entered after her and immediately rushed out by the smaller door, all disturbed and pale, and while they both walked to notary Andreas's house at Rabat, he asked the accused what was wrong. For answer he pursed his lips and mouth in numb astonishment and did not answer his first enquiry at all. When he asked him again to tell him what it was, he at last said that he had mistaken Novello's wife for Stephanu Kirdak's daughter and she insulted him.⁸ The cleric Deonisius Vinicianus said that during the past summer when he was at the port of Gozo called Mujarru in charge of some vines that his father had brought from Malta, he had asked for the accused and Andreoceta Benjamin to come to him, when he noticed the accused so worried that he would not eat or drink. Andrioceta then told him that 'He was so worried because he had committed a terrible error having mistaken a woman for another.' Then the accused told him that 'Having finished saying the Divine Office, I entered the church of San Ġakbu in order to put the breviary behind the titular painting of the high altar. I then found a woman in the church dressed in a skirt and covered with her cloak (*rindellu*). Thinking she was Stephen Kirdak's daughter, I approached her and addressed her. She turned her face towards me and I then discovered that she was Novellu's wife!⁹ Paulus Antoni Farruge reported that Laurencius Gaduara had told him that Andrioceta Benjamin had related that when the incident happened and he could hear Jacoba, Novellu's young wife, shouting and insulting the accused, the latter suddenly rushed out of the said church all 'in a daze like a dead person or by similar words of that meaning in the common tongue of the town of Gozo.'¹⁰

Leonardus Apap said that some four years previous, his slave Zaccara came to his house running and in a hurry as if she was being pursued by someone; she was carrying some silver rings in her hand which she had to give to Angila, the daughter of Chancha, Cola Theuma's wife, on behalf of the accused and of Lanza, Tuchu Theuma's son. She had not been able to perform the task because she had found Angila accompanied by her mother and others who wanted to take the rings from her, so that she ran away. He got angry with her and with those who had sent her. The accused then came up and asked for the rings back. Thereupon the witness told the accused 'In good faith! I shall tell Don Arrigu all that you are doing.' But the accused begged him not to speak a word about it.¹¹ The cleric Lucianus Gaduara, after describing again what the accused himself had told him had happened, continued that some four months before he had seen inside the church of St. Thomas at the

8. Ibid., fol. 236.

9. Ibid., fol. 236^v.

10. Ibid., fol. 237.

11. Ibid., fol. 237^v.

cemetery a motto written on the church wall near the altar: 'Who wants to love the children of Petru Saliba, that is the elder (or eldest) one is a pretty lass', but he could not say who had written it.¹² His fellow cleric Paulus de Sansone described the inscription as 'Who wants to love the daughters of Petru Saliba, that is the elder, does well because she is the most pretty of (them) all', but he could not either tell who had written it.¹³ A year before, he had sometimes seen the accused singing in the streets at night-time. About four years previously the cleric Andreas, Johannes de Tillirixio's son, told him that the accused had confessed to him that he was in love of Jacoba, Novellu's wife.¹⁴ Fridericus Deyf, another cleric, said that the writing stated 'Who wants to love the elder daughter of Petru Saliba, she's lovely; and, if he wanted to see her, let him go there to the entrance of the church of San Ġakbu'. He could not tell whether the letters were in the handwriting of the accused. He then recalled that some two years previously he had come across Deonisius Vinicianu and Masium Mathei Grecu, both clerics, while they were speaking about Jacoba at the entrance to the church of San Ġakbu. Vinicianu on that occasion told him that the accused was in love with her but Masius said that, if the accused had said such a thing, he was lying.¹⁵

Don Antonius Mahanuc, taking the oath in the way priests did,¹⁶ said that, towards the end of the previous August, Petrus Saliba had taken him to the church of San Tumas at the cemetery of Rabat, Gozo, and shown him the letters scratched on the wall saying that whoever wanted to fall in love with the daughters of Petru Saliba, that is, the eldest (or elder) one, he does well because she is the prettiest of them all - where they could still be seen, but he could not tell who had written them. He had himself known Jacoba for the previous four years, and he knew her for a virtuous woman, one of the very best, an honest and pious Christian of good reputation, as was her husband.¹⁷ Don Angelus de Parnisi had also been taken by Petrus Saliba to see the lettering.¹⁸ He could not tell for sure whether they had been written by the accused but, having a copybook with the writing of the accused, he thought that some letters and strokes of the writing on the wall of the church did resemble the letters and strokes made by the accused in that copybook in his possession. The cleric Deonisius Vinicianu had told him that the accused himself had shown him the writings and drawn his attention to them, 'See what they are writing on the wall', from which he had reached the conclusion that the writings

were done in the handwriting of the accused himself, especially as he had seen writing in the same handwriting of the accused in several other churches. He had sometimes actually seen the accused singing loudly and reciting mundane *cantilenas* along the streets and was told by others that it was his habit to go about the streets at night-time singing with other youths.¹⁹

Don Petrus de Tillirixio said that he had seen the graffiti some twenty days previously and he considered that some of the letters and strokes were similar to those done by the accused in writing on paper that he had seen elsewhere.²⁰ Nicolaus, the son of notary Andreas de Benjamin said that once, accompanying the accused to the sea, he had asked him, 'Andrioceta, I've heard about that matter. How did it happen?' Andrioceta told him that it was true that he had spoken to Jacoba inside the church of San Ġakbu but only because he was under the impression that she was Stephen Kirdak's daughter.²¹

On 24 September the accused presented his defence pleas. He endeavoured to prove that he was a good, virtuous and honest person who had never practised or made use of any ribaldry.²² Two days later he presented witnesses in his defence. Antonius de Messana had known him for six years and had always considered him a virtuous, good and honest young man such that he was much astonished to hear of the accusation brought against him.²³ Don Antonius Mahanuc, Antonius de Tillirixio, the nobleman Antonius de Vagnolo and the priest Don Pinus de Sillato repeated the same sentiments, adding that they had known him for the whole of his life.²⁴ Johannes de Manuele, the nobleman Pinus de Peregrino, Georgius Albanisi and Petrus Mannara did not know him personally, but from what they could see they held him to be a person of good reputation.²⁵ The two noblemen Nicolaus Riera and Chanchius de Plathamone who knew him as a kinsman (*juveni de la chaza*) and had always considered him for the whole of his life as a virtuous and honest youth of good reputation.²⁶ Licterius de Episcopo had known him for the previous ten years as an honest and upright youth.²⁷ Novellus was given four days in which to reply.²⁸

12. *Ibid.*, fol. 237^v.

13. *Ibid.*

14. *Ibid.*, fol. 237^v-238.

15. *Ibid.*, fol. 238.

16. Priests took the oath by placing their hand on their breast: "Reverendus donnus Nicolaus Xara... juratus super eius conscientiam mopre sacerdotali posita eius manu super pec-tore...", 13 October 1546, Cath. Mus., Mdina, CEM, AO, vol. 26A, fol. 301.

17. *Ibid.*, vol. 4, fol. 238^v.

18. "in hiis verbis: 'Cui ama a la figla di Petru Saliba zo e la grande fa bonu illa è la più bella di tucti'": *Ibid.*

19. *Ibid.*, fols. 238^v - 239. Back in 1978 I drew attention to the singing of *cantilenas* by youths through the streets of Rabat, Gozo, as in this passage, and its relevance to the study of Petru Caxaru's *Cantilena*: G. Wettinger, 'Looking Back on the Cantilena of Peter Caxaro', *Journal of Maltese Studies*, 12 (1978), 88-105, especially p. 97. Undoubtedly, we are dealing here with popular songs in a mixed Arabic and Sicilian ambient rather than literary works with a classical Latin or Italian background.

20. *Ibid.*, fol. 239.

21. *Ibid.*, fol. 239^v.

22. *Ibid.*, fol. 242.

23. *Ibid.*, fol. 243.

24. *Ibid.*, fol. 243^v.

25. *Ibid.*

26. *Ibid.*, 243^v.

27. *Ibid.*, fol. 244^v.

28. *Ibid.*, 235^v.

On 7 October Novellus Bacbac presented his 'replication' or answer to the defendant's pleas. He argued that Andrioceta's attempt to prove his good reputation did not mean anything once it had been proved that he had committed the crime of which he was accused.²⁹ His guilt was apparent from his own confession. Proof also existed on the 'famous verses' written or engraved on the walls of churches slandering Jacoba. The witnesses themselves produced by him testified not to the good reputation itself of the accused but merely to their own belief in his good reputation, which did not prove anything.³⁰ They thought he had a good reputation because they did not see his crimes, but other witnesses had actually seen them, as could be proved by the testimony of those produced by the plaintiffs.³¹ When persons on behalf of the accused asked others to testify to his good reputation, several refused to do so, answering in the common speech of Gozo,³² 'You want us to testify to the good reputation of Andria the deacon. Do not get us to give (testimony), because if we have to testify we shall say nothing in his favour, as we feel the very opposite about his affairs to what you say on his good reputation, since we hold him and find him to be a deacon of bad life and fame, and very unhappy.'³³ Even if he had mistaken her identity, he had certainly committed the crime of which he was accused.³⁴ The mistake itself was only a feigned one, as can be seen by the well-known graffiti he had scratched on the walls of churches. These show that the accused had long been thinking in his mind of Jacoba, the wife of the plaintiff. It was therefore presumed that he had willingly committed the crime of which he was accused.³⁵ The very words he used, according to his own confession, show that he was giving vent to his feelings and the frenzy of love, rather than greeting an old female friend: he had himself said that he wanted to start loving, and not that he wanted to continue an old affair.³⁶ The accused should be questioned under torture to find out the truth about whether he had really made such a mistake of identity.³⁷ There was also full proof of his being the author of the graffiti, failing which they could resort to an investigation under torture.³⁸

On 14 October 1486 the vicar's court of Gozo passed sentence on Andrioceta, finding him guilty both of the assault on Jacoba in the church of San Ġakbu and of the writing of the scurrilous words in the church of San Tumas in the cemetery of Rabat, condemning him to remain incarcerated for a whole year with irons on

29. *Ibid.*, fol. 245.

30. *Ibid.*, fol. 245^v.

31. *Ibid.*

32. "taliter per hec verba vel similia eundem sensum importancia in vulgari eloquio dicte insule...".

33. *Ibid.*, fols. 245^v - 246.

34. *Ibid.*, fol. 246^v.

35. *Ibid.*, fol. 246^v.

36. *Ibid.*, fol. 247.

37. *Ibid.*

38. *Ibid.*, fol. 248.

his feet in a jail indicated for the purpose, and that he should give security not to remove the irons nor escape; otherwise he should remain in the jail-pit near the church of San Lawrenz for the whole year in irons. The sentence was read out in public in front of the entrance to the principal church of Gozo, before the noblemen Nardus de Naso, Cathaldus de Rio, Nicolaus de Algaria, Johannes de Pontitremulo, Friderico de Pontitremulo and others who were there as witnesses.³⁹ On 24 October his father Guillelmus appealed on his behalf,⁴⁰ but on the next day the sentence was confirmed. He was laid under an obligation of fifty uncie of general money (a huge sum), which was guaranteed by Guillelmus de Biscone, Andreas de Bisconis and Johannes de Manuele nicknamed Mullica on a general hypothec of all their goods. The penalty if paid would go in three equal parts to the Cathedral of Malta, the principal church of Gozo and the bishop of Malta.⁴¹

The plaintiffs had also appealed against the sentence on 16 October, asking that the court should proceed to the interrogation of the accused under torture in order to convict him 'out of his own mouth'. Their witnesses were Don Franciscus Navarra, Antonius de Pontitremulo and Nicolaus Xiriha.⁴² Nothing else is recorded of their demand.

On 31 October Novellus Bacbac was placed in possession of a field-strip belonging to Andrioceta situated at Xac Targe in Gozo owing to the debt which Andrioceta owed him of eleven uncie, Gozo money, for court expenses.⁴³ A copy of the deed was given to Andrioceta on 2 November, but Novellus was confirmed in his possession on 15 January 1487 because Andrioceta neglected to redeem the field.⁴⁴

On 28 May 1494, Jacoba wrote a letter to the bishop of Malta, which is still to be found among the papers of these proceedings, in which she pointed out that the priest Andrioceta de Bisconi was then living in Malta after having been accused some seven years before that he had assaulted her and written scurrilous words about her. He had, she said, been condemned to imprisonment for a whole year with irons on his feet, though, she insisted he deserved a worse punishment, 'but as we were, and are, poor people and they are relatives of the judge himself, we could get little justice done then, and while he was in prison he used to get out at night-time removing his irons and going about the streets singing and joking as if to show that he little cared about me and justice.' As he was then in Malta, she asked for the bishop to keep him in custody until the papers of the proceedings arrived from Don Paulu Girbutinu who was originally the court notary or registrar.⁴⁵ There is, however, no evidence that the matter was reopened by the bishop.

39. *Ibid.*, fol. 235^v.

40. *Ibid.*

41. *Ibid.*

42. *Ibid.*

43. *Ibid.*, fol. 250. This provision was repeated on 15 January 1487: *ibid.*, fol. 252.

44. *Ibid.*, fol. 252^v.

45. *Ibid.*, fol. 237 bis. Jacoba stated in her letter that her husband Novellus Bacubac was then in Sicily.